

Stuart Hannah Architectural Services.  
9 Bonaly Brae  
Edinburgh  
EH13 0QF

Mr Shamim Rahman.  
25 Cluny Gardens  
Edinburgh  
EH10 6BH

**Decision date: 30 January 2024**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Change of use from residential to residential (ground floor) and guest house (1st and 2nd floors).

At 59 Gilmore Place Tollcross Edinburgh EH3 9NT

**Application No:** 23/04664/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 4 October 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Reason for Refusal:-**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have an unacceptable impact on amenity by virtue of the conflict of the B□B use and residents.
2. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal fails to comply with other policies contained within the LDP.
3. The proposal is contrary to NPF4 Policy 16 by virtue of its detrimental impact on amenity.

4. The proposal is contrary to NPF4 Policy 27 by virtue of its detrimental impact on amenity.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-05, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The application is unacceptable and is contrary to the LDP and NPF4 by virtue of its detrimental impact on amenity. There are no material considerations which outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly at [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk).



**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission  
59 Gilmore Place, Tollcross, Edinburgh**

**Proposal: Change of use from residential to residential (ground floor) and guest house (1st and 2nd floors).**

**Item – Local Delegated Decision  
Application Number – 23/04664/FUL  
Ward – B11 - City Centre**

## **Recommendation**

It is recommended that this application be **Refused** subject to the details below.

## **Summary**

The application is unacceptable and is contrary to the LDP and NPF4 by virtue of its detrimental impact on amenity. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a mid-terrace town house.

### **Description Of The Proposal**

The proposal is for the change of use from a fully residential property to a residential unit at ground floor level and a guest house at first and second floor levels.

### **Relevant Site History**

21/06232/FUL  
59 Gilmore Place  
Edinburgh  
EH3 9NT  
Change of use from house to short stay visitor accommodation.  
Refused

1 April 2022

22/05703/FULSTL

59 Gilmore Place

Edinburgh

EH3 9NT

Change of use from house to short term visitors accommodation. (Resubmission relating to 21/06232/FUL).  
withdrawn

5 May 2023

### **Other Relevant Site History**

No relevant history.

### **Consultation Engagement**

Environmental Protection

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 6 October 2023

**Date of Advertisement:** 13 October 2023

**Date of Site Notice:** 13 October 2023

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the character or appearance of the conservation area?**

The following HES guidance is relevant in the determination of this application:

- Managing Change - Conservation Areas.

The application does not propose any physical alterations to the exterior of the property and therefore the scheme would have a neutral impact on the conservation area.

## **Conclusion in relation to the conservation area**

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **a) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Policies 1, 16 and 27.
- LDP Housing Policies Hou 1 and Hou 7.

## Principle

The mixed-use principle of the proposal would be unacceptable, as an adequate level of amenity for future residential occupiers could not be provided.. Please see the amenity section for more detail.

In terms of NPF4 1, the proposal would have a neutral impact.

This is contrary to NPF4 Policy 16 and LDP Policy Hou 1.

### Amenity

In terms of amenity, the mixed use would not provide an adequate level of amenity for future residential occupiers; the close relationship between the two uses would have the potential for noise and disturbance from B&B guests to have an adverse effect on the levels of amenity enjoyed by the occupiers of the residential property.

By virtue of the potential conflict between guests of the B&B and residents of the property, the proposal would not create a satisfactory living environment for residents.

Environmental Protection was consulted in relation to the proposal and object to it due to its impact on neighbouring residential amenity, specifically the impact on adjacent neighbours. Please see the consultations section for more detail.

This would be contrary to NPF4 Policies 16 and 27 and LDP Policies Hou 1 and Hou 7 in terms of amenity.

### **Conclusion in relation to the Development Plan**

This is contrary to NPF4 Policies 16 and 27 and LDP Policies Hou 1 and Hou 7.

### **c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

No comments were received.

### **Conclusion in relation to identified material considerations**

These have been addressed above.

### **Overall conclusion**

The application is unacceptable and is contrary to the LDP and NPF4 by virtue of its detrimental impact on amenity. There are no material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reason for Refusal**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have an unacceptable impact on amenity by virtue of the conflict of the B□B use and residents.
2. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal fails to comply with other policies contained within the LDP.
3. The proposal is contrary to NPF4 Policy 16 by virtue of its detrimental impact on amenity.
4. The proposal is contrary to NPF4 Policy 27 by virtue of its detrimental impact on amenity.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 4 October 2023**

### **Drawing Numbers/Scheme**

01-05

Scheme 1



**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Conor MacGreevy, Planning Officer  
E-mail: [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

NAME: Environmental Protection

COMMENT: Environmental Protection object to the proposal due to its impact on neighbouring residential amenity.

DATE: 15 January 2024

The full consultation response can be viewed on the Planning & Building Standards Portal.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Conor MacGreevy

Date: 16 January 2024

#### **Authorising Officer**

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Alan Moonie

Date: 30 January 2024

**From:** Eden Anderson <Eden.Anderson@edinburgh.gov.uk>  
**Sent:** 15 Jan 2024 11:42:32  
**To:** myemails.dms@edinburgh.gov.uk  
**Cc:**  
**Subject:** FW: 23/04664/FUL - 59 Gilmore Place  
**Attachments:**

---

**From:** Conor MacGreevy <Conor.MacGreevy@edinburgh.gov.uk>  
**Sent:** Monday, January 15, 2024 11:35 AM  
**To:** Planning Support <Planning.Support@edinburgh.gov.uk>  
**Subject:** FW: 23/04664/FUL - 59 Gilmore Place

Hi,

Can I get this uploaded as EP CONS – SENSITIVE.

Thanks,

Conor MacGreevy | Town Planning Officer | Locals - City Wide | Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG  
[Conor.macgreevy@edinburgh.gov.uk](mailto:Conor.macgreevy@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

 Please consider the environment before printing this email

Please be advised that our target response time for responding to e mail enquiries is 10 working days.

---

**From:** Andrew Campbell <[Andrew.Campbell@edinburgh.gov.uk](mailto:Andrew.Campbell@edinburgh.gov.uk)>  
**Sent:** Tuesday, November 14, 2023 1:35 PM  
**To:** Conor MacGreevy <[Conor.MacGreevy@edinburgh.gov.uk](mailto:Conor.MacGreevy@edinburgh.gov.uk)>  
**Subject:** RE: 23/04664/FUL - 59 Gilmore Place

Dear Conor,

Understand, we recommend the application is refused due to the likely adverse impact it will have on the neighbouring residential amenity.

Kind regards

Andrew Campbell | Environmental Health Officer | Environmental Protection | Housing and Regulatory Services | Directorate of Place | The City of Edinburgh Council | East Neighbourhood Centre 2.03, 101 Niddrie Mains Road, Edinburgh, EH16 4DS | 0131 469 5160 | 0777 0582 997 | [andrew.campbell@edinburgh.gov.uk](mailto:andrew.campbell@edinburgh.gov.uk)

**Certified Carbon Literate**



REHIS  
Chartered Environmental Health Officer  
2023

---

**From:** Conor MacGreevy <[Conor.MacGreevy@edinburgh.gov.uk](mailto:Conor.MacGreevy@edinburgh.gov.uk)>  
**Sent:** Thursday, November 9, 2023 12:52 PM  
**To:** Andrew Campbell <[Andrew.Campbell@edinburgh.gov.uk](mailto:Andrew.Campbell@edinburgh.gov.uk)>  
**Subject:** RE: 23/04664/FUL - 59 Gilmore Place

Afternoon Andrew,

Thanks for the update.

I'm unsure if we would seek to control human behaviour in terms of people smoking and/or playing music if you get me?

Thanks,

Conor MacGreevy | Town Planning Officer | Locals - City Wide | Planning & Building Standards | Sustainable Development | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:2, 4 East Market Street, Edinburgh, EH8 8BG  
[Conor.macgreevy@edinburgh.gov.uk](mailto:Conor.macgreevy@edinburgh.gov.uk) | [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk)

 Please consider the environment before printing this email

Please be advised that our target response time for responding to e mail enquiries is 10 working days.

**From:** Andrew Campbell <[Andrew.Campbell@edinburgh.gov.uk](mailto:Andrew.Campbell@edinburgh.gov.uk)>  
**Sent:** Wednesday, November 8, 2023 5:26 PM  
**To:** Conor MacGreevy <[Conor.MacGreevy@edinburgh.gov.uk](mailto:Conor.MacGreevy@edinburgh.gov.uk)>  
**Subject:** 23/04664/FUL - 59 Gilmore Place

Dear Conor,

We have made comments on similar proposal for this property in the past such as a change of use from house to short stay visitor accommodation. Please see our previous comments below which are still valid;

There are several existing guest houses located next to the property although one neighbouring is a residential unit. The applicant's property is accessed via a private main door that is accessed from the busy Gilmore Place. The impacts this would have on neighbouring amenity would be limited as there is only one neighbouring residential property through the wall from the applicant's property. Guests will also have access to the garden areas that could be used for smoking or playing music. This could adversely impact the residential amenity of this neighbouring property therefore Environmental Protection recommends that the application is refused

Kind regards

Andrew Campbell | Environmental Health Officer | Environmental Protection | Housing and Regulatory Services | Directorate of Place | The City of Edinburgh Council | East Neighbourhood Centre 2.03, 101 Niddrie Mains Road, Edinburgh, EH16 4DS | 0131 469 5160 | 0777 0582 997 | [andrew.campbell@edinburgh.gov.uk](mailto:andrew.campbell@edinburgh.gov.uk)

