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**Decision date: 14 September 2022**

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

Proposed change of use to form short term let.  
At 28 Caledonian Place Edinburgh EH11 2AP

**Application No:** 22/03007/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 7 June 2022, 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;

**Conditions:-**

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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:

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 Jackie McInnes directly at [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@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**  
**28 Caledonian Place, Edinburgh, EH11 2AP**

**Proposal: Proposed change of use to form short term let.**

**Item – Local Delegated Decision**  
**Application Number – 22/03007/FUL**  
**Ward – B07 - Sighthill/Gorgie**

## **Recommendation**

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

## **Summary**

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use is unacceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a ground floor and basement flat in a four storey stone terraced tenement located at the corner of Caledonian Place and Caledonian Crescent. The front door takes access directly from the street with no front garden and no access to rear garden ground.

The street and surrounding streets are residential in nature although there are some other uses such as shops and leisure facilities, with Dalry Swim Centre nearby. Caledonian Place is off Dalry Road which is a busy thoroughfare on a high frequency bus route.

### **Description Of The Proposal**

The proposal seeks a change of use from residential to short term let in retrospect.

### **Supporting Information**

- Planning Statement (included in the drawings).

**Relevant Site History**

No relevant site history.

**Other Relevant Site History**

None.

**Consultation Engagement**

No consultations.

**Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 4

**Section B - Assessment****Determining Issues**

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

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- 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 comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Housing policy Hou 7
- LDP Transport policies Tra 2 and Tra 3.

The non-statutory Guidance for Business is a material consideration that is relevant when considering policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering policies Tra 2 and Tra 3.

### Proposed Use/Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP) 2016.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The property is a one bedroom ground and basement flat accessed via a main door directly opening from the heel of the pavement. It is in a residential street in a residential area formed mainly of tenements.

The use of the property as a short term let would have the potential to introduce an increased frequency of movement to the flat and in the street at unsociable hours. The proposed one bedroom short stay use would enable two or more visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect.

The location of the flat, being on a prominent corner site, surrounded by a high number of residential units, creates a situation where such a use would instead bring additional noise and disturbance immediately outside the flat in the residential street.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP policy Hou 7.

### Parking

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is no off street car parking available within the site however there is a limited amount of metered on street parking available nearby. The site is highly accessible by public transport. There is no cycle parking standards for SCVAs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

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

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP. It would not protect the amenity of existing development nor contribute to a sustainable community and, therefore, will not contribute to sustainable development.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, 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

A summary of the representations is provided below:

#### *material considerations*

- noise and disturbance. Addressed in a) under heading Proposed Use/Principle of Development.
- parking. Addressed in a) under heading Parking.

#### *non-material considerations*

- Too many short term lets. There is no LDP policy for controlling the number of short term lets. A Short Term Let Control Area for the city became effective on 5 September 2022.
- Not enough housing/ local housing need. This is not a material consideration under the current LDP. While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to -Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.
- Litter. This is not a material planning consideration.
- Dangerous parking. The Roads Authority or Police Scotland are responsible for dealing with dangerous parking.
- Anti-social behaviour. Planning is unable to take action on anti-social behaviour. Other legislation is responsible for dealing with anti-social behaviour e.g. Police Scotland, Environmental Protection. legislation.

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

The proposals do not raise any issues in relation to other material considerations identified.

### **Overall conclusion**

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use is unacceptable.

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

The recommendation is subject to the following;

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

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

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

**Date Registered:** 7 June 2022

### **Drawing Numbers/Scheme**

01-05.

Scheme 1

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

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

# Comments for Planning Application 22/03007/FUL

## Application Summary

Application Number: 22/03007/FUL

Address: 28 Caledonian Place Edinburgh EH11 2AP

Proposal: Proposed change of use to form short term let.

Case Officer: Jackie McInnes

## Customer Details

Name: Mr Liam Waldie

Address: 20/11 Caledonian Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Already too many short term lets. Would potentially cause further disruption to fairly quiet residential area

# Comments for Planning Application 22/03007/FUL

## Application Summary

Application Number: 22/03007/FUL

Address: 28 Caledonian Place Edinburgh EH11 2AP

Proposal: Proposed change of use to form short term let.

Case Officer: Jackie McInnes

## Customer Details

Name: Mr Fraser MacKinnon

Address: 20/2 Caledonian PI Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This should be objected we do not have enough local housing these flats should be for working people and family's to live in this is a residential area and the increased noise and litter will be shocking as this area already has far too many short term let's and has a litter problem I want this.

And will cause parking issues with people who being able park and will park dangerously.

We need houses and flats for people in this local area not short term let's

# Comments for Planning Application 22/03007/FUL

## Application Summary

Application Number: 22/03007/FUL

Address: 28 Caledonian Place Edinburgh EH11 2AP

Proposal: Proposed change of use to form short term let.

Case Officer: Jackie McInnes

## Customer Details

Name: Mr Mark Hamilton

Address: 21 Caledonian Crescent EDINBURGH

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the basis of an increase of neighbour disturbance, 92% of the dwellings in the area are working households, and everyone knows that its very common with short term lets, such as Air B&B, that groups of Stag & Hen parties, club together and rent a dwelling for say 3 days over weekend, causing misery to surrounding neighbours playing loud music, partying until dawn and making noise throughout.

May I suggest if the applicant doesn't want to stay in No 28 Caledonian Crescent, there's plenty homeless Edinburgh residents that would. they should also consider selling.

# Comments for Planning Application 22/03007/FUL

## Application Summary

Application Number: 22/03007/FUL

Address: 28 Caledonian Place Edinburgh EH11 2AP

Proposal: Proposed change of use to form short term let.

Case Officer: Jackie McInnes

## Customer Details

Name: Miss Angela Smith

Address: 15/7 Caledonian Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Short term lets should not be allowed in residential streets, they increase anti social behaviour, they cause increase litter and disturbance to normal working residents