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**Decision date: 7 November 2022**

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

Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).  
At 2F2 2 Drumdryan Street Edinburgh EH3 9LA

**Application No:** 22/03667/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 19 July 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:-**

**Reasons:-**

1. The proposal is contrary to LDP 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 01-02, 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 proposal 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. There are no material considerations that 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 Stephanie Fraser directly at [stephanie.fraser@edinburgh.gov.uk](mailto:stephanie.fraser@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.

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# Report of Handling

## **Application for Planning Permission 2F2, 2 Drumdryan Street, Edinburgh**

**Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).**

**Item – Local Delegated Decision  
Application Number – 22/03667/FUL  
Ward – B11 - City Centre**

### **Recommendation**

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

### **Summary**

The proposal 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. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application refers to a second floor flat within a 4 storey tenement. The property is accessed from a communal stairwell and comprises 2 bedrooms, a living room, kitchen and bathroom and a shared communal garden.

The property is located on a predominantly residential street in the mixed use area of Tollcross. There are a number of short term lets already operating on the street among the residential properties. The property is only a short distance from the amenities of Home Street, Earl Grey Street and Lauriston Place and is readily accessible by public transport. The surrounding area comprises a wide range of uses, including shops, cafes, restaurants, hotels and public houses, and it is a vibrant and bustling area.

### **Description Of The Proposal**

Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (STL) (sui generis).

## Supporting Information

A supporting statement has been provided.

### Relevant Site History

No relevant site history.

### Other Relevant Site History

## Consultation Engagement

No consultations.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 7 November 2022

**Date of Advertisement:** 5 August 2022

**Date of Site Notice:** 5 August 2022

**Number of Contributors:** 6

## 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 Delivering the Strategy Policy Del 2
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering Policy Hou 7.

### Principle of Development

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

The main policy that is applicable to the assessment of short term 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 sets out a number of criteria that are considered in an assessment of the materiality of a change of use of dwellings to a short term let:

- 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 accessed through a communal stair and is located on a predominantly residential street. The use of the property as a short term let would likely introduce an increased frequency of movement to the street and stairwell at unsociable hours. This will result in direct interaction between users of the short term letting accommodation and long term residents of the neighbouring residential properties. There is also a communal garden associated with the property which creates further opportunities for disturbance. The proposed two bedroom short stay use would enable four or more related or unrelated 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 property being within an enclosed stairwell creates a situation where such a use would instead bring additional noise and disturbance immediately outside the other properties in the

stair as well as in the residential street and the communal garden. This could also pose a risk to security for other residents.

Scottish Planning Policy encourages a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. The site lies within the City Centre and LDP Policy Del 2 reflects SPP by stating it supports a use or a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. However, the promotion of mixed uses has to be balanced with the need to ensure residential amenity is protected. In this case, there is likely to be a negative impact on residential amenity.

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 standards

There is no vehicle parking and no cycle parking associated with the property. This is acceptable in this location and there is no requirement for cycle parking for short term lets. Bicycles could be stored 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. There are no material considerations that outweigh this conclusion.

#### **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 all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore 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

Six objections have been received including one from the community council.

A summary of the representations is provided below:

#### *material considerations*

- Negative impact on residential amenity (noise, frequency of movement, disturbance, security). Addressed in a) above.
- Increased waste and refuse. A waste strategy should be agreed between applicant and CEC's Waste Services.
- Negative impact on local community. Addressed in a) above.
- Parking issues. Addressed in a) above.
- Overcrowding in the associated property. Addressed in a) above.

#### *non-material considerations*

- Encourages anti-social behaviour. This is a matter for Police Scotland.
- Poor attitude of users. Not a material planning consideration.
- Negative impact on mental health of neighbours. This is a public health issue and not a material planning consideration.
- House prices/rents will rise. This is a commercial consideration not covered by planning policy.
- Negative impact on fair housing accessibility and scarcity. 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.
- Over-concentration of STLs in Tollcross. Each application has to be considered on its individual merits.
- Maintenance concerns of shared front door. This is not a material planning consideration.
- Inordinate amounts of water usage (increased toilet flushing/shower and handbasin usage/laundry requirements). This is not a material planning consideration and is controlled by building standards.

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

These have been addressed.

### **Overall conclusion**

The proposal 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. There are no material considerations that outweigh this conclusion.

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

The recommendation is subject to the following;

### **Reasons**

1. The proposal is contrary to LDP 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: 19 July 2022**

### **Drawing Numbers/Scheme**

01-02

Scheme 1

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

Contact: Stephanie Fraser, Assistant Planning Officer  
E-mail: [stephanie.fraser@edinburgh.gov.uk](mailto:stephanie.fraser@edinburgh.gov.uk)



Appendix 1

## **Consultations**

No consultations undertaken.

# Comments for Planning Application 22/03667/FUL

## Application Summary

Application Number: 22/03667/FUL

Address: 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

Case Officer: Local1 Team

## Customer Details

Name: Mr J C

Address: 4/6 Drumdryan Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Strongly opposed to this application. Applications in an adjacent building have been rejected in the past for the below reasons and for the council to allow this application would be contradicting those preceding judgements. Aside from the issues surrounding fair housing accessibility and scarcity:

Impact on the neighbourhood amenity. This is already in use and the noise can be heard in the adjacent building during the stay of certain rowdy guests. Taxis early morning or late at evening slamming doors and multiple guests dragging suitcases up and down the stairs.

Accessibility to the property is via a shared stairway and main front door. The floor is shared by one flat opposite and two flats either side. The traffic of guests which are be heavier and more frequent than those in residential properties does cause distribution. A pattern of traffic which is not typical to the type of property or surroundings.

The maintenance concerns of the shared front door and stairways will need addressing due to the additional ware from heavy traffic and suitcases which is not common for a residential property.

Short term residents do not follow the correct refuse disposal policies often leaving rubbish by the bin, or the main door which then gets diffused by wildlife creating a littered street.

The frequency and intensity of use of the accommodation by guests and the disturbance is known and is disruptive.

# Comments for Planning Application 22/03667/FUL

## Application Summary

Application Number: 22/03667/FUL

Address: 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

Case Officer: Local1 Team

## Customer Details

Name: Mrs Antoinette Milne

Address: 8/3f1 Drumdryan Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We do not need anymore of these horrible places in our street. They are ruining the residents quality of life and are also ruining the local community. I have one in my stair and am sick of the mess, smell and noise. The people who own these places don't give a damn about the people who live next to them, all they care about is money, money, money.

# Comments for Planning Application 22/03667/FUL

## Application Summary

Application Number: 22/03667/FUL

Address: 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

Case Officer: Local1 Team

## Customer Details

Name: Mr Kenneth Curtis

Address: 3f3 13 Drumdryan Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although I appreciate the applicant's position in that they may need to let the property in order to help fund their other home, there is no reason why they should not do this via a long term let such as a PSL so that another family or homeless person can live in the city centre. There are already well over a dozen key safes in the street, three of which are in the same stair as the applicant. There is also evidence of graffiti outside a top floor flat adjacent caused during an air B and B let.

Whilst the applicant may be well meaning, there is nothing to stop them from selling on to another owner as a commercial opportunity who may not be so concerned about the property or the impact of short term letting on neighbours and the community in general.

I therefore object to the application on the above grounds.

Kenneth curtis

# Comments for Planning Application 22/03667/FUL

## Application Summary

Application Number: 22/03667/FUL

Address: 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

Case Officer: Local1 Team

## Customer Details

Name: Ms Fiona Allen

Address: 4a Lauriston Gardens Edinburgh

## Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My particular objections to this are as follows; 1) commercial STLs run the risk of using inordinate amounts of water (increased toilet flushing/shower and handbasin usage/laundry requirements) and the current/recent heatwave should demonstrate how damaging this can be. 2) I make a point of monitoring waste disposal in the immediate area and at least twice a month I post a complaint about overflowing bins/uncollected waste in Drumdryan Street. Naturally there is no likelihood that STL occupants are disposing of bedroom furniture but by the same token they have no particular locus in NOT leaving boxes of empty bottles/carrier bags full of papers and other debris/and other more personal items. All of which reduces the amenity for the regular citizens.

# Comments for Planning Application 22/03667/FUL

## Application Summary

Application Number: 22/03667/FUL

Address: 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

Case Officer: Local1 Team

## Customer Details

Name: Mrs Maryjane Mccoag

Address: 9/3 brougham street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am very unhappy for this property to be turned into an air b&b. Due to the fact that the people that come to these kinds of property's are there to have a party at all hours off the day and night, and are always in large groups they are not allowed to smoke in the property so this causes them to either use the communal back garden or open the windows of the property where they are screaming and shouting all night. They also have no respect for the people that live here with their family's and actually have to get up to go to work and school everyday. This is a residential area where people are just trying to have some peace and quiet when we are in our house. This property getting turned into an air b&b is stopping someone from being able to afford a property in this area because of the greed of the owners.

## TOLLCROSS COMMUNITY COUNCIL

16 August 2022

Head of Planning  
Department of City Development  
City Development – Planning & Strategy  
Waverley Court  
4 East Market Street  
Edinburgh EH8 8BG

**Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis). at 2F2 2 Drumdryan Street Edinburgh EH3 9LA**

**22/03667/FUL**

**Case Officer Local1 Team   [planning.local1@edinburgh.gov.uk](mailto:planning.local1@edinburgh.gov.uk)**

Tollcross Community Council would like to object to this application for a short term let in a flat in a tenement with a shared entrance. We object for the following reasons, many of which have been conveyed to us by local residents.

1. Nuisance caused to other residents of the stair:
  - a) **Disturbance and noise** - short-term lets bring an increased level of noise and disturbance. The groups occupying the property on a short-term basis are almost always on holiday with the associated holiday mindset seven days a week. Most properties in Scotland do not have carpeted entrances and hallways as hotels do, so the banging of suitcases at all hours and the excited chatter of customers echoes at entrances and in hallways. There is additional noise and disturbance as groups bring their belongings in and out of properties, including dragging suitcases and banging them off walls and doors, damaging the paintwork. Cleaners and greeters attend to turn over each property between every short-term let, which can mean banging and vacuuming past midnight. Cleaners and laundry companies may leave trip hazards in shared areas such as large laundry bags. Some letting agencies offer “luggage drop off” services where suitcases are then left in common stairs to be retrieved by customers later.

- b) **Anti-social behaviour** - Neighbours of short-term lets are almost guaranteed to experience anti-social behaviour from customers. Alcohol is a regular contributing factor which makes these situations particularly unpredictable and intimidating to deal with. Regular complaints have been made relating to waste disposal, parking issues, noise, people returning late at night or arriving early in the morning, customers ringing.
- c) **Security** - The security of communal spaces is completely lost. Neighbours cannot tell who is supposed to be in the property and who is not, or who has keys to shared areas. The insecurity of a shared building is advertised by key safes which are installed without permission from neighbours or listed building consent. One doorway in this area has nine key boxes on the doorframe. There is evidence that short-term let customers are more likely to leave shared entrance doors open, which has resulted in residents coming home to unknown people using drugs, and engaging in other antisocial or threatening activities in their mutual shared areas. Residents of flats or properties with shared gardens are forced to share communal but still private areas of their homes with fee-paying strangers who they have never met before and are unlikely to meet again.
- d) **Overcrowding** Short-term rentals often bring more than the advertised number of customers. Groups will also often invite their friends to visit and enjoy their short-term let bringing additional disturbance. Short-term let businesses often advertise for far more customers to stay than would normally reside in a property in relation to its size. In some instances, STLs have been used as party flats.
- e) **Waste disposal** - Recycling is rarely carried out. Communal bins are often used and permanent residents are expected to manage putting out and collecting bins on behalf of the absent owners. Rubbish bags are often left out in communal stairs. Cleaners usually clean inside the short-term let properties but do not usually clean any shared areas. This leaves the residents to clear up after the customers or live in a poorer quality environment.
- f) **Mental health impacts** - Residents draw huge comfort from a home which has a basic level of familiarity, stability and security. The regular intrusion of transient pleasure-seeking strangers is deeply unsettling. Neighbours of short-term lets regularly describe feeling acute stress, anxiety and other mental

health impacts. This disproportionately impacts on disabled people, people with long term health conditions, people who live alone, children and young people.

2. An over-concentration of STLs in the Tollcross area and its consequences.

The very high concentration of STLs (coupled with increasing student residences) in central Edinburgh has consequences for the nature of the area and its demography. Parts of the centre are no longer part of a living city and have lost a large proportion of long-term residents. Some residents are being driven out of the city. Far too many tenements now have a majority of flats used as STLs. Furthermore, this causes a loss of facilities and shops that long-term residents rely upon and their replacement with facilities and shops that support tourists but not residents. This was a major reason given by residents moving out of Amsterdam.

The use of so many properties as STLs has an effect on property prices and rent levels with many residents on modest incomes no longer able to live in Edinburgh which we all acknowledge has a serious housing crisis.

It is for these reasons that we object to this application for a change of use and we hope that you will consider our objection favourably in your determination.

Yours faithfully,

Paul Beswick for Tollcross Community Council