

Ms Brown
178 Pleasance
Edinburgh
EH8 9RT

Decision date: 15 March 2023

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

Change of use from residential to short-term holiday accommodation.
At 178 Pleasance Edinburgh EH8 9RT

Application No: 22/05431/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 27 October 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. No conditions are attached to this consent.

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

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

Drawings 01A, 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:

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 James Armstrong directly at james.armstrong@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 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.

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 STL
178 Pleasance, Edinburgh, EH8 9RT**

Proposal: Change of use from residential to short-term holiday accommodation.

**Item – Local Delegated Decision
Application Number – 22/05431/FULSTL
Ward – B15 - Southside/Newington**

Recommendation

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

Summary

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact on residential amenity.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a one bedroom, ground floor flat located off a cul de sac to the Eastern side of Pleasance. The property has its own main door access.

The section of Pleasance where the application site is located is of predominantly residential character. The surrounding area is more mixed, with the adjoining section of Pleasance containing a medical centre and a hot food takeaway. Bus links are relatively accessible from the site.

Description Of The Proposal

The application is for a change of use from Residential to Short Term Let (STL) (sui-generis). No internal or external physical changes are proposed.

Supporting Information

- Planning Statement
- Planning Statement regarding NPF4

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history was identified.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 15 March 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 7

Section B - Assessment

Determining Issues

This report will 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

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 NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering change of use applications.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (b) and (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to a short term let 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.

In connection to short term lets it states, "The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest".

Amenity

The application property has its own main door access and is located within a predominantly residential area. There is a low to moderate degree of activity in the immediate vicinity of the property at any time.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed two bedroom STL use would enable 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 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 individuals using the property as a principal home.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential property this will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant has provided a planning statement outlining the location of the property as popular with tourists, and as being of benefit to local shops, restaurants tourist attractions and the wider local economy. The applicant also notes that should the application be refused they would choose to keep the property as a second home rather than letting it on a long term basis, meaning that there would be no loss of residential accommodation arising from the application.

However, the choice of the applicant to retain the property as a second home is not material as to whether the proposed development is acceptable, the use of which as an STL would result in the loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Furthermore, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by local economic benefits arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

There is one vehicle parking space and no cycle parking. This is acceptable as there are no parking requirements for STLs.

The proposal complies with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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. Public representations have raised a potential impact on a person with a protected characteristic. The impact on the person with a protected characteristic is as a result of the nature of the STL use impacting on amenity. This has been considered as under section (a) of this assessment.

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.

Conclusion in relation to other material considerations

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

Public representations

A summary of the representations is provided below:

7 objections

0 in support
0 neutral

material considerations in objection

- Inappropriate use in this location. Addressed in section A.
- Impact on residential amenity. Addressed in section A.
- Loss of residential accommodation. Addressed in section A.
- Impact on the local community. The change of use of one property to an STL will not have a significant impact on the local community.
- Impact on waste and recycling. The properties contain suitable refuse and recycling facilities for their proposed use.
- Impact on a person with a protected characteristic. Addressed in section B.

non-material considerations

- Impact on a Conservation Area.
- Amenity impacts from building works to the property.
- Illegal waste disposal as part of building works to the property.
- Drainage access.
- Relationship between the applicant and neighbours.
- Allegations of the applicant parking illegally and behaving in an anti-social way.
- The applicant's motives.

Overall conclusion

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No conditions are attached to this consent.

Reasons

Reason for Refusal

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this

dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 27 October 2022

Drawing Numbers/Scheme

01A, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Dr Alison Whyte

Address: 15 Roseneath Place Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed use as short term let accommodation does not comply with the residential nature of tenement buildings.

The high turnover of visitors will cause extreme disturbance and the transient visitors will have an adverse effect on long standing residents, amenities and resident safety and privacy. This is particularly important for the more elderly and vulnerable members of this area.

The current housing crisis is also not helped by STL properties, and they have already had a devastating effect on our communities and housing stock, with absolutely no need for this to be allowed in an already over saturated market.

This proposal should be objected immediately to help preserve our community, conservation area and resident safety.

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: CC Stephen Rodger Benson

Address: 41 Clerk Street 1F2 Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing on behalf of the Southside Community Council:

We at the Southside Community Council object to this application.

Edinburgh's housing is already under significant pressure, with demand being quite high, driving up both rental and purchase prices for residents, and making it harder to find suitable accommodation in the first place (including for students). Short Term Lets exacerbate this by removing properties from the private rental market or diverting them from being sold on. This is an application to convert from residential use, and we feel should be rejected on those grounds alone. This small ground floor flat with good shopping provision in pretty easy walk would work well for an older person or couple living on their own, or a young couple or person living on their own, given its relatively convenient location for working in many parts of the city.

Short term lets also put extra pressure on local services. With the new groups of visitors arriving and departing, sometimes in rapid succession after each other, this often produces notably extra rubbish as things are cleared out after each group, sometimes contributing to overflowing bins, particularly in high density residential areas such as where this flat is.

STLs often cause disruption for neighbours. The arrivals and departures of visitors with their luggage, sometimes at anti-social hours, can be disturbing for neighbours. Visitors are sometimes less careful about being considerate for neighbours, and given the turnover in visitors it increases the chance of this happening eventually, and any resolution of a problem has no guarantee of lasting beyond an individual stay. While this is most pronounced in shared stairways, it is not eliminated with main door flats.

A lack of long term residents also undermines the sense of a local community. Communal stairs exist where many, or even most, the flats are STL. People find it harder to find accommodation in their local area, and can even feel forced out by the disruption or the isolation of having STL around them. Even main door flats, like this one, play into this, as residents who live in main door flats are often many of the most visible members of a local community. This is particularly the case where, like this, the flat is among other main door flats and has a garden space and it would leave residents with fewer neighbours. As the Community Council, we are aware that the Southside already has difficulties with community involvement as a result of the comparatively transient population, and this trend should not be reinforced by approving more Short Term Lets.

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Ms Suzanne Felix

Address: 14/9 South Carron Wynd Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I used to live on 180 and know yet another short-term let will be detrimental to the neighbourhood. It increases noise and nuisance levels and it also means less affordable housing for local people.

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Mr Morris Sinclair

Address: 3/2 Walkers Rigg Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have family living there who are adversely affected by these proposed changes;

Residents MUST come first !!

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Mr Kevin McColl

Address: 48 Carnegie Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed use of this property as a holiday let accommodation & the high turnover of visitors this will bring will cause extreme disturbance not only to the direct neighbours but the entire Carnegie Court community which is slowly but surely turning into a HOTEL block!

Not knowing who is coming and going is also a security risk for those of us who are in the elderly & vulnerable.

There are already several short term tenancies within our block as it is, some of those are running as airbnbs or for let via booking.com.

The current housing crisis is also not helped by these Short term let properties, and this is having a devastating effect on our shrinking community, and it seems long term residents are treated as non entities by the council who are approving these applications without considering the impact these holiday let's are having on our mental health and well-being.

The applicant has also shown a lack of respect to any of us living in the block by dumping building materials in our bins and in the adjoining Palladin bin to the 1st block on more than one occasion.

I therefore object to this application being granted to preserve our community.

RESIDENTS must come before TOURISTS.

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Mr David Whitecross

Address: 180 Pleasance Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1/The applicant property is adjoined to others (180 Pleasance (Nextdoor) & 43 Carnegie Court (Upper)) which will lead to noise and disruption for residents in these properties, People often behave differently in holiday homes than they would at home. Holiday homes can also often be used for parties or social events when more noise could be expected, especially during Christmas/New Year & during the Festival! Frequent changeovers of guests would also mean more coming and going than would be normal in mainstream houses, which could be in the early hours for guests to catch flights etc. Consequently, the proximity of the holiday homes to numbers 43 Carnegie Court & 180 Pleasance could well lead to a reduction in residential amenity for residents in these homes.

2/There would also be an additional level of activity at the property as a result of people accessing the property to clean it. This level of activity would be intensified during periods where guests stay for short periods.

3/The applicant property does not share an internal access stair with other flats. BUT the communal path used for its access passes very close(20ft) to noise-sensitive parts of other residential properties(the bedrooms are situated to the front of the property). I believe that on balance it would not accord with policy Hou 7 of the Edinburgh Local Development Plan (2016). This says that changes of use which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.

4/ The presence of so many strangers could introduce concerns over security which, even if not well founded, would inevitably detract from the amenity of the occupants of the other 7 homes within this section of the block. This would be materially different to what would be the case if the flat's occupants remained the same for months or even years, as one could reasonably expect if it

were occupied in accordance with its planning permission. There is also the fact that 180 Pleasance has already had incidents occur due to STL's not being pinpointed properly on a map with guests just walking in to their home and becoming aggressive! [REDACTED]

[REDACTED]

[REDACTED]

5/ The long term building works, using the common access thoroughfare as a skip/building materials storage area, dumping their building materials in the Palladian bin every week and the applicant currently refusing access to the drain that services other properties in the block, is causing an increase in conflict between the applicant and the permanent residents and this is BEFORE their STL application has been granted. They have had no respect for the other neighbours since day one, not even apologising for the length of the works (almost a year!), turning up at 7am and using power tools and on a Sunday too! The Police have been called to the applicants workmen and father and also an email with the incident number sent to Scott Robertson, Edinburgh Council, who didn't even give us the decency of a response! [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Taking all of these matters together, despite the size and ground floor location of property, I consider that the number and nature of arrivals and departures to and from the flat, the likelihood of increased noisy activity for neighbouring properties (including late in the evening), and increased activity as a result of cleaning, maintenance etc, would all be at increased levels compared to what would be expected were the property in long term use by a single household.

Therefore we have no alternative but to OBJECT to this application

Comments for Planning Application 22/05431/FULSTL

Application Summary

Application Number: 22/05431/FULSTL

Address: 178 Pleasance Edinburgh EH8 9RT

Proposal: Change of use from residential to short-term holiday accommodation.

Case Officer: Improvement Team

Customer Details

Name: Ms Catherine Cameron

Address: 182 Pleasance Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed use as short term let accommodation & its high turnover of visitors will cause extreme disturbance and the transient visitors will have an adverse effect on the long standing residents, including their safety and privacy.

This is particularly important for the more elderly and vulnerable members of this area such as myself.

I have had people banging on my doors in the past looking for nearby airbnbs at all hours which as an elderly lady living alone is frightening enough.

The current housing crisis is also not helped by these STL properties, and they are having a devastating effect on our shrinking communities and housing stock, with absolutely no need for this to be allowed in an already over saturated market.

In this block of 8 there are only 3 long term residents (180, 182 and 40 Carnegie Court) the rest being short term tenancies or holiday lets, and that isn't taking into consideration the rest of Carnegie Court, with its several airbnbs and high turnover of tenants in the short term tenancies. Then comes the disturbance for almost a year and the upheaval and dumping materials outside our gates and of course the downright rudeness from the applicants father and his employed workers towards the long term residents here with no respect given whatsoever. They repeatedly parked alongside my vehicle on the yellow lines so that I couldn't get into it and refused to move their van when asked on my behalf by my neighbour in 180, replying with expletives. [REDACTED]

They have come in and swooped on this flat for the purpose of making money ONLY. And do not care about anyone other than themselves.

This proposal should be objected immediately to help preserve our community, and to prioritise current residents safety.