

# Minutes

## The City of Edinburgh Planning Local Review Body (Panel 2)

10.00 am, Wednesday 22 March 2023

**Present:** Councillors Beal, Booth, Hyslop, McNeese-Mechan (items 5-9) and Mowat.

### 1. Appointment of Convener

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Councillor Mowat was appointed as Convener for item 4.

Councillor Hyslop was appointed as Convener for items 5 – 9.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 3. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 22 February 2023 as a correct record.

### 4. Request for Review – 18 Spring Gardens, Edinburgh

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Details were submitted of a request for a review for the change of use from house to short stay commercial visitor accommodation at 18 Spring Gardens, Edinburgh.  
Application Number. 22/03161/FUL.

At the meeting of 18 January 2023, the Panel agreed to continue consideration of the application for further written submissions both from the appellant/applicant and the planning officer with regards to NPF4 Policy 30 Tourism.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 22 March 2023.

#### Assessment

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling, further information and NPF4 Policy 30 comments.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,02, Scheme 1 being the drawings shown under the application reference number 22/03161/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
  - NPF4 Policy 30 Tourism
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
  - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Businesses
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was confirmed that the supporting information from the DPEA was in page 88 of the papers,
- Clarification was sought as to whether this being a retrospective application had a bearing on the deliberations of the Panel. It was explained that the premises had already been operating as short term let but the new licencing regime meant that applicant now required planning permission in order to obtain a licence. However, this should not influence the deliberations of the Panel.

- In respect of NPF4 Policy 30 and the supposed economic benefits that proposals would bring, clarification was sought as to whether the applicant had confirmed the economic benefits of the proposed use. It was advised that the applicant had indicated that there would be economic benefits, however it would be difficult to demonstrate what these would be. There would be paying guests who would bring benefits to the local economy and through the use of local facilities.
- This assumption was based on the applicant not leaving the property empty.
- Whether there were any precedents for potential economic benefits. It was confirmed but there were no studies available, but it could be assumed but people living in the property would also be contributing to the local economy.
- As the appeal to the DPEA concluded that was known material change of use, clarification was sought as to why the applicant needed planning permission. It was explained that it was the need for a licence that drove this application., To get a licence for a short term let, it was necessary to get planning permission.
- Clarification was sought as to the actual numbers of letters of objections and support for the proposals. It was confirmed that only those who made comment on the initial application, were permitted, in accordance with legislation, to comment on the Review. There might have been correspondence outwith that. In response to the Review, there were five letters in support and two letters of objection.
- It was explained but the number of days that the applicant would spend in residence was outlined in page 83 of the report. Additionally, the applicant intended to reside in the property, approximately 5 days to 2 weeks a month.
- One member had issues with the use of NPF4 Policy 30 as a reason for refusal, as the applicant claimed there was no loss of residential accommodation, as the applicant would be in residence when not letting out the property.
- As to there being any mechanism for Licencing or Planning to stop the property being used as full-time short-term accommodation, it was explained that if the applicant received permission for a short term let, then the premises could be used continually throughout the year. It was not possible for the Panel to limit the number of nights the premises could be used as short term let.
- The submission from the applicant asked if the Panel would consider three conditions for the short-term use, which were that this would be a personal permission, a maximum of 120 nights per year, and the consent would be for three years only. The Report of Handling indicated that personal consent would not be appropriate, and was it not the case that the planning system seemed to be reluctant to grant personal permission?
- It was confirmed that for planning permission went with the land not with the person. Applying a personal consent was complicated. Additionally, Scottish

Government legislation was moving away from personal consent. It would be possible for the Panel to impose conditions, but it was necessary to ensure that they would meet the statutory tests, that they would be enforceable, reasonable and appropriate.

- As the second condition was not enforceable, clarification was sought as to whether there was any other way the applicant could comply with that and was the three-year condition enforceable. It was explained that the number of nights for people in residence would be difficult to monitor, as would be the number of people. Regarding the three-year time limit, that was for Panel to consider if it was appropriate. The property had been operating for period of time already as a short term let.
- It was thought this case was finely balanced. There would be a negative impact on residential amenity. Shared space was a consideration and NPF4 Policy 30 was relevant. The possible economic benefits might not be particularly high, as the premises would not be used continually.
- It was difficult to see how that NPF4 policy 30 was relevant as there did not seem to be a loss of residential accommodation. If the Panel was to approve the application and the owner was to sell the property, then there might be a loss of residential accommodation. It might be possible to consider a personal consent. The key issues would be residential amenity and LDP Policy Hou 7. Some of the neighbours approved of the application and some were opposed to it.
- Personal consent was an option. Did this mean a loss of residential accommodation? If the panel was to agree that it did not, then it would be agreeing with the applicant. They would be taking a building in residential use and changing it to a short-term let, which was a change of use. If they were to sell the property this might have unforeseen consequences. This was quite a complex application, the arguments put forward by the applicant were more subtle, but the issues were black and white regarding the licencing and a planning regime.
- There was agreement with some of the previous statements. It was felt that this was a dual-purpose use and that if this was not the case, then there would be a loss of residential housing. Even if this was a case, it met the economic test and there was an inclination to take the applicant's case at face value as they had involved a professional body who compiled the statement. If people were living in the property, then there would be economic benefit. According to LDP Policy Hou 7, it was probably not the case that there was a loss of residential amenity. In this instance, the use of the property was acceptable.
- If this was a primary residence, a personal permission might be a possible solution, because when people were using the properties in a dual way, there should be some flexibility permitted. However, there should be a condition

placed on it for permission for three years only. The owners were planning to retire to this house and this case was unique to the owners of this house.

- As a residential area, any loss of this would definitely impact on the residential area. If the panel were to place conditions on this application, it would not be possible to enforce them. It had to be assumed this would be used as a short term let.
- It should be possible to take the applicant at their word that they would be increasingly spending more time in the house and the short term let usage would decrease.
- It was necessary to have an extant planning permission, so if there was a 3-year limit on it, the owners could not get it licenced at the end of three years, therefore, that would double enforce that three-year time limit.
- There was some sympathy with that line of argument, but within that three years the short term let permission could operate throughout the year.
- The panel should grant the application as there would be no loss of residential accommodation or negative impact on amenity, which would be contrary to LDP Policy Hou 7 or NPF4 Policy 30. There should also be a condition imposed that the consent permission should be personal to the applicant and for three years only.

Having taken all the above matters into consideration, and although one of the members was in disagreement, the LRB determined to overturn the decision of the Chief Planning Officer and granted planning permission, subject to conditions, for the reasons that the proposal was not contrary to:

- 1) 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 would not have a materially detrimental effect on the living conditions and amenity of nearby residents.
- 2) NPF 4 Policy 30 on Tourism, as the proposed use would not result in the loss of a residential unit.

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission, subject to conditions.

### **Reasons:**

The proposals were not contrary to Local Development Plan Policies:

- 1) 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 would not have a materially detrimental effect on the living conditions and amenity of nearby residents.

- 2) Policy 30 of NPF4 on Tourism, as the proposed use would not result in the loss of a residential unit.

**Condition:**

1. Planning permission was granted on a personal basis for use by the applicant, Mr Michael Cran, only, and for a temporary period of 3 years from the date of this consent.

**Reason:**

1. In order to protect residential amenity and to ensure there was no unacceptable loss of residential accommodation.

(References – Planning Local Review Body (LRB) of Wednesday 18 January 2023 (item 8); Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted).

**Dissent**

Councillor Beal requested that his dissent be recorded in respect of the decision for the above item.

## **5. Request for Review – 22 Coillesdene Crescent, Edinburgh**

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Details were submitted for a request to replace existing roof to form mansard, form storey-and-a-half extension to rear, build garden studio at 22 Coillesdene Crescent, Edinburgh. Application Number. 22/05269/FUL.

**Assessment**

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-05, Scheme 1 being the drawings shown under the application reference number 22/05269/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:  
NPF4 Policy 16 Quality Homes

## Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

### 2) Relevant Non-Statutory Guidelines.

#### Guidance for Householders

### 3) The procedure used to determine the application.

### 4) The reasons for refusal and the arguments put forward in the request for a review.

## Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was thought that the proposed solar roof panels seemed to be upright.
- It was confirmed that they were in fact sloping. They were on an angle, but they would be visible from the street.
- How much percentage of the land would be covered by this building?
- It was explained that the footprint was quite similar to what was there at present. There was the proposed addition of an ancillary building with flue and an addition of hardstanding for ancillary building proposed, but there were already some ancillary buildings in the garden.
- It was thought that this application should be granted, it was in keeping with the character of the neighbourhood and it would re-purpose the building to modern living. The solar panels would also be a useful addition.
- The key issue was the impact on the surrounding neighbourhood. This proposal included the replacement of the roof at a 50-degree pitch, which would have a significant impact. The officer's decision was robust and the proposed solar panels were not relevant to the appeal.
- There was agreement with the above point of view as the proposed replacement of existing roof to form a mansard roof and form a storey-and-a half extension to rear, would change the height and appearance of the building. Therefore, the Panel should uphold the officer's decision.
- There was a degree of subjectivity to this case. There was sympathy with owner's wanting to improve their property. However, the proposals would have a significant impact on the character of the area and it would be possible for the applicant to install insulation, regardless of the works proposed in the application. Therefore, the officer's recommendations should be upheld.
- There was sympathy with the applicant trying to modernise a property. However, considering the buildings in the street, this was not the general pattern of development. It was not possible to agree with the applicant's comments. If

they were to change the pitch and increase the height of the roof, that would have a significant impact on the character of the area.

Having taken all the above matters into consideration, and although one of the members was in disagreement, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

1. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the proposed bungalow roof development would not be compatible with the bungalow property and would have a detrimental impact on the surrounding bungalow neighbourhood character.
2. The proposals were contrary to the non-statutory Guidance for Householders as the proposed bungalow roof development did not respect the original character of the bungalow or its original roof design.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

### **Dissent**

Councillor McNeese-Mechan requested that her dissent be recorded in respect of the decision for the above item.

## **6. Request for Review – 1A Cambridge Street, Edinburgh**

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Details were submitted for a request for a review for retrospective planning application for change of use from flat (sui generis) to short term let (sui generis) at 1A Cambridge Street, Edinburgh. Application Number. 22/01652/FUL.

### **Assessment**

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02, Scheme 1 being the drawings shown under the application reference number 22/01652/FUL on the Council's Planning and Building Standards Online Services.



The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) Relevant legislation, namely:  
Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act  
Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):
- 2) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:  
NPF4 Policy 30, part e): Tourism  
Edinburgh Local Development Plan Policy Del 2 (City Centre)  
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)  
Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)  
Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 3) Relevant Non-Statutory Guidelines.  
Guidance for Businesses  
Listed Buildings & Conservation Areas  
Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent  
Managing Change in the Historic Environment – Setting  
West End Conservation Area Character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- There was support for the officer's recommendations to refuse the application as the proposal to change the residential use to a short term let apartment was contrary to LDP Policy Hou 7 and NPF4 Policy 30 E.

- There was agreement with this as there was concern that this change of use to a short term let apartment might lead to people potentially enjoying a party atmosphere, which could cause noise.
- There was further agreement to uphold the officer's recommendations as the proposed development was in a quiet, residential area. This was quite a finely balanced case, but the proposed development could cause noise for the residents and loss of accommodation. It was contrary to NPF4 30 E.
- In the planning statement, it clearly stated that this was bought as a short term let property investment. What might have been of consideration was that it was once an office and then it became a flat. However, it was unclear whether it was used as traditional residential, long term or short long-term letting or if it was owned.
- It was clear in the supporting documentation that this was bought as an investment property and it was therefore a loss of residential property. This was not a particularly big flat and the courtyard would possibly not be a great outdoor space. From the supporting documentation, the proposal did not comply with NPF4 30 E.
- If the Panel was to add NPF4 30 E as a reason for refusal, would they be required to go back to the applicant?
- It was confirmed that this would not be necessary and it would be competent to add NPF4 30 E.
- It was agreed that the Panel should refuse the application and add NPF4 Policy 30 (part e) as an additional reason for refusal.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

The proposal was contrary to the development plan, specifically NPF4 Policy 30-part e in respect of Tourism, and LDP Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short-term let would result in the loss of residential accommodation not outweighed by demonstrable economic benefits and would have an unacceptable impact on the living conditions and amenity of nearby residents.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## 7. Request for Review – 13 Farrer Grove, Edinburgh

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Details were submitted of a request for a review for loft conversion to include dormer and velux at 13 Farrer Grove, Edinburgh. Application Number. 22/03718/FUL.

### Assessment

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02, Scheme 1 being the drawings shown under the application reference number 22/03718/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
  - NPF4 Policy 16 Quality Homes
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Householders
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

### Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether this was an end-terrace property?
- It was explained that the site of the property was an end-terraced property, located north of Fishwives Causeway and adjacent the train tracks. The section on the other side of the stone wall was public access.
- The guidance on dormers was clear, and stated that a dormer should not exceed one third of the roof plane and the proposal was significantly more than this. There were no mitigating circumstances. The location of the property meant that the property's primary elevation would be visible from public views,

particularly along Fishwives Causeway, which ran adjacent to the train tracks. Therefore, there were no reasons not to uphold the officer's recommendations.

- There was some sympathy for the applicant, due to the property's location, but it was visible for the railway. Fishwives Causeway was used as a footpath. Sometimes it was possible to allow some leeway with the guidance, but not on this occasion.
- That this was in clear breach of guidance as the dormer was significantly over the one third scale, detailed in the non-statutory Guidance for Householders, encompassing over 80% of the existing roofscape. The fact that the proposal would overlook a pedestrian area, Fishwives Causeway, was not relevant to determining the application. The proposals were contrary to NPF4 and LDP Policy Des 12 and the Panel should refuse the application.

Having taken all the above matters into consideration, and although there was some sympathy for the proposals, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not an acceptable scale, form, or design; and was detrimental to the character of the neighbourhood.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **8. Request for Review – 44 Jordan Lane, Edinburgh**

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Details were submitted of a request for a review for a Change of Use from a Flat (*sui generis*) to Short-term Let (*sui generis*) ( in retrospect) at 44 Jordan Lane, Edinburgh. Application Number. 22/02875/FUL.

### **Assessment**

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-02, Scheme 1 being the drawings shown under the application reference number 22/02875/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) Relevant development in Conservation Areas legislation, namely:  
Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act)
- 2) The development plan, including the relevant policies of National Planning Framework 4 and Edinburgh Local Development Plan, principally:  
NPF 4 Policy 7 – Management of historic environment  
NPF4 Policy 30 (part e) - Tourism  
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)  
Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)  
Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 3) Relevant Non-Statutory Guidelines.  
The Relevant Scottish Planning Policy – Sustainable Development Principles  
Listed Buildings and Conservation Areas  
Guidance for Businesses  
The Morningside Conservation Area Character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- It was confirmed that the surface of Jordan Lane was tarmacked and that the pavement outside the property was slabbed.
- It was thought that the officer's position to refuse the application was sound as it was contrary to NPF4 Policy 30.

- There was agreement for this as the property was in a predominantly residential area. It was within the ground floor of a four-storey Victorian tenement and it should be refused as it was contrary to LDP Policy Hou 7 and NPF4 Policy 30.
- There was concern that as a neighbourhood flat, it was valuable residential accommodation and allowed people access who could not use stairs, as it was within the ground floor. The proposed development did not involve sharing stairs but would be sharing a common garden. Also, the locked door may have implications for use as a fire escape in terms of building standards. It was an intrusion onto people's space, which should be private space; it would also impact on residential amenity and would cause disturbance, therefore, it was contrary to LDP Policy Hou 7 and NPF4 Policy 30.
- It was agreed that the Panel should refuse the application as it was contrary to LDP Policy Hou 7 and NPF 4 Policy 30.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

The proposal was contrary to the development plan, specifically NPF4 Policy 30 (part e) in respect of Tourism, and LDP Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short-term let would result in the loss of residential accommodation not outweighed by demonstrable economic benefits and would have an unacceptable impact on the living conditions and amenity of nearby residents.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **9. Request for Review – 9 (1F1) Sciennes House Place, Edinburgh**

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Details were submitted of a request for a review to change residential one bedroom property into a self-catering outlet (in retrospect) at 1F1 9 Sciennes House Place, Edinburgh. Application Number. 22/03018/FUL.

### **Assessment**

At the meeting on 22 March 2023, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/03018/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) Relevant legislation, including on development in Conservation Areas, namely:  
Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
  
Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act)
- 2) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:  
  
NPF4, Policy 30, (part e): Tourism  
  
Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)  
  
Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)  
  
Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 3) Relevant Non-Statutory Guidelines.  
  
The Relevant Scottish Planning Policy – Sustainable Development Principles  
  
Listed Buildings and Conservation Areas  
  
Guidance for Businesses  
  
The South Side Conservation Area Character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The proposed development was to change a residential one-bedroom property into a self-catering outlet (in retrospect) in a first floor flat within a 4-storey tenement, accessed through a shared communal stair.
- This was a small property and the decisions which have been taken by the officer and the reporter had been clear. Its location within a stair meant that it had an impact on residential amenity and there had been objections from

neighbours who said that this was a problem. So, there were no grounds to overturn the officer's decision. It was clear both on LDP Policy Hou 7 and NPF4 Policy 30 that there would be a loss of residential accommodation, so the Panel should uphold the officer's decision.

- There was agreement with the view stated. There was some sympathy with the applicant as they had tried to grow their business and intended to be a good neighbour. But the application had to be determined on planning grounds, which stated that this was a shared stair. Additionally, it would be contrary to LDP Policy Hou 7. Also, Policy 30 of NPF4 was clear on this.
- This would affect all the other people in the block. If the Panel gave planning permission for this, then it could be used for any sort of short-term let. It would probably not be acceptable to the people in the block who might have to contend with possible disturbance.
- It was agreed to uphold the officer's decision to refuse planning permission based on LDP Policy Hou 7 and NPF4 Policy 30.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

The proposal was contrary to the development plan, specifically NPF4 Policy 30 (part e) in respect of Tourism, and LDP Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short-term let would result in the loss of residential accommodation not outweighed by demonstrable economic benefits and will have an unacceptable impact on the living conditions and amenity of nearby residents.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).