

OESIS LTD.
FAO Kodippili Parakramawansha
305 Easter Road
Edinburgh
EH6 8LH

Decision date: 10 January 2023

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

Change of Use from residential to short-term let
At 305 Easter Road Edinburgh EH6 8LH

Application No: 22/04410/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 27 September 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;

Reason for Refusal:-

1. The proposal is contrary to Policy Hou 7 of the adopted Edinburgh Local Development Plan, in respect of Inappropriate Uses in Residential Areas. 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. 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 Benny Buckle directly at benny.buckle@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.

Report of Handling

**Application for Planning Permission
305 Easter Road, Edinburgh, EH6 8LH**

Proposal: Change of Use from residential to short-term let

**Item – Local Delegated Decision
Application Number – 22/04410/FUL
Ward – B12 - Leith Walk**

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. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to a two-bedroom flat at 305 Easter Road. Fronting Easter Road on the second floor. Access is gained via a private main door from Easter Road. The property has access to a communal garden via a secondary access through the neighbouring tenement at 303 Easter Road.

Description Of The Proposal

The application is for retrospective planning permission for the change of use from residential to short term let.

Supporting Information

Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 28 September 2022

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 3

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:

- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3
- Local Development Plan Delivering the Strategy Policy Del 2

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

Principle of development

The application site is situated in the Urban Area, as defined in the 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 seeks to protect residential amenity.

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

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

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

The application property is located on Easter Road. The character of the immediate area is predominately residential. Access to the property is gained via a private entrance from Easter Road. The property has access to a communal garden that is gained via the communal access of the neighbouring tenement. This access to the communal garden and shared stair well increases the effects that guests could have on the immediate residential amenity.

The use of the property as a STL would introduce an increased frequency of movement to the flat. The proposed short stay 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.

The immediate proximity to neighbouring residential flats, creates a situation where such a use would bring additional noise and disturbance beyond what would be acceptable within a residential area.

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 off street car parking available within the site and no immediate on street parking available nearby. The site is accessible by public transport via tram, train and bus.

The proposals comply with the LDP 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.

d) 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 complies with all thirteen principles outlined within paragraph 29 of the SPP. The proposal will therefore contribute to sustainable development.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

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

Equalities and human rights

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

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

Public representations

The application received three objections. A summary of the representations is provided below:

material considerations

- The use is not in accordance with the Local Development Plan as the proposal would detrimentally affect the residential amenity of the immediate residents within the communal square. This has been discussed within section 'A'
- Concern that the property has access to a communal stairwell and garden. This has been discussed within section 'A'

non-material considerations

- A change of use to short term let would remove a residential property from housing market. There currently is no policy against loss of housing.

Overall conclusion

The proposal does not comply with the relevant policy of the development plan as it would have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

1. The proposal is contrary to Policy Hou 7 of the adopted Edinburgh Local Development Plan, in respect of Inappropriate Uses in Residential Areas. 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: 27 September 2022

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Comments for Planning Application 22/04410/FUL

Application Summary

Application Number: 22/04410/FUL

Address: 305 Easter Road Edinburgh EH6 8LH

Proposal: Change of Use from residential to short-term let

Case Officer: Local1 Team

Customer Details

Name: Abi Lewis

Address: 315 Easter road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Edinburgh already has too many air bnb short term type lets and these push out and price out the local community.

Comments for Planning Application 22/04410/FUL

Application Summary

Application Number: 22/04410/FUL

Address: 305 Easter Road Edinburgh EH6 8LH

Proposal: Change of Use from residential to short-term let

Case Officer: Local1 Team

Customer Details

Name: Ms Morven Crumlish

Address: 338/4 Easter Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objecting on the basis that Easter Road is a residential area and permanent holiday lets are detrimental to the area as they limit the number and type of residential properties for people who live here or wish to live here.

Comments for Planning Application 22/04410/FUL

Application Summary

Application Number: 22/04410/FUL

Address: 305 Easter Road Edinburgh EH6 8LH

Proposal: Change of Use from residential to short-term let

Case Officer: Local1 Team

Customer Details

Name: Mr Andrew Hay

Address: 301 Easter Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing this comment today to object to the planning application to change the use of 305 Easter Road from a residential property to a short-term let. My reasons are set out below.

1. Safety - I am deeply concerned about the potential rise in anti-social behaviour and noise that this change of use may bring. Whilst my ground floor home does not share a stair with the concerned property, it does neighbour their communal back garden, only separated by a wall half a metre high. I am concerned that guests, who do not live in the area and may not have any sense of responsibility or attachment to it, unwittingly disturb current residents by making noise in what is currently a quiet and relaxing space.. The applicant is currently advertising the use of the garden on their listing at -

https://www.airbnb.co.uk/rooms/653180953855867610?_set_bev_on_new_domain=1665592575_NjczNWRiOWRjZjdhd&source_impression_id=p3_1666199846_dWAjGBIPc%2F35E5Pr and this has concerned me of late.

2. Shared door access to the stair- Although the property's main entrance is on the street, the property currently has access to the stair through a door in the residence to give it access to the garden, which the applicant is advertising the use of. There have been numerous reports in the last few years of the disturbances that can be caused by short-term guests having access to the stair and it concerns me that this may lead to tension within the local community due a risk of increasing anti-social behaviour.

3. Property type/area - I believe the change of use to a short-term let is completely inappropriate when the local area and community is taken in to consideration. One the strategic aims of the Edinburgh Local Development Plan is to "help create strong, sustainable and healthier communities, enabling all residents to enjoy a high quality of life." The residents of the properties

305 Easter Road surrounds is largely made up of working professionals and families and a strong, friendly sense of community is already in place here. A short-term let seriously risks the cohesion of this and the change of use would ultimately worsen the quality of life of the community.

I earnestly implore you to reject this application for a Change of Use.

Many thanks

Andrew Hay