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Edinburgh  
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McLean Properties Ltd.  
151 Buccleuch Street  
Edinburgh  
EH8 9NE

**Decision date: 27 March 2023**

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

Proposed change of use from flatted dwelling house to short-term let.  
At 151 Buccleuch Street Edinburgh EH8 9NE

**Application No: 22/05126/FULSTL**

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 11 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;

**Reason for Refusal:-**

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) part (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in the unjustified loss of a residential property.

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 complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an STL will result in a loss of the residential accommodation. 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 loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

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](mailto: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](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission STL  
151 Buccleuch Street, Edinburgh, EH8 9NE**

**Proposal: Proposed change of use from flatted dwelling house to short-term let.**

**Item – Local Delegated Decision  
Application Number – 22/05126/FULSTL  
Ward – B15 - Southside/Newington**

## **Recommendation**

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

## **Summary**

The proposal complies with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an STL will result in a loss of the residential accommodation. 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 loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **SECTION A – Application Background**

### **Site description**

The application site is a ground floor three bedroom flat located within a tenemental building on the corner of Buccleuch Street and Buccleuch Terrace. The property has its own access to the street.

Buccleuch Street is of mixed character with a mix of different uses including residences, restaurants, and cafes. Public transport links are easily accessible from the site.

The application site is in the Southside Conservation Area.

## **Description of the proposal**

The application is for a change of use from residential to short term let (sui-generis) (STL). No internal or external physical changes are proposed.

## **Supporting Information**

- Planning Statement

## **Relevant Site History**

04/01156/FUL  
151 Buccleuch Street  
Edinburgh  
EH8 9NE  
Conversion of shop/retail premises to a dwelling  
Granted

8 July 2004

02/04048/FUL  
151 Buccleuch Street  
Edinburgh  
EH8 9NE  
Change of use to office premises (Class 2)  
Granted

12 December 2002

## **Other Relevant Site History**

No other relevant site history was identified.

## **Consultation Engagement**

No consultations.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 March 2023

**Date of Advertisement:** 28 October 2022

**Date of Site Notice:** 28 October 2022

**Number of Contributors:** 1

## **Section B - Assessment**

### **Determining Issues**

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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 harm the character or appearance of the conservation area?**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Southside Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

## **Conclusion in relation to the conservation area**

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**b) 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 Policies 1 and 7.
- 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.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF 4 Policy 7.

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 an area of mixed character. There is a moderate to high degree of activity in the immediate vicinity of the property at any time, contributing to high ambient noise levels in the street during the day and at night.

There are a number of residential properties in proximity to the application site, however due to the character of the area being busy and of a mixed nature, the STL use will not have a detrimental impact on neighbouring amenity or the character of the area.

The proposal complies with NPF 4 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 which does not seek to demonstrate economic benefits that might be associated with the proposal, however it does outline the applicant's position that the loss of residential accommodation is mitigated by the lack of sunlight and outlook available to the basement bedroom, and the property's lack of access to private amenity space.

It is important to recognise that residential occupation of the property 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.

The use of the property 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. The lack of sunlight and outlook available to the basement bedroom, and the property's lack of access to private amenity space does not make the property unsuitable for residential use.



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 no motor vehicle or 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 result in an unjustified loss of residential accommodation. 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 loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii).

### **c) 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. No impacts have been identified.

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

#### Public representations

A summary of the representations is provided below:

1 objection  
0 in support  
0 neutral

#### *material considerations in objection*

- Loss of residential accommodation. Addressed in section B.
- Impact on residential amenity. Addressed in section B.
- Impact on refuse and recycling facilities. Suitable refuse and recycling facilities are provided.

- Impact on the local community. Addressed in section B.

*non-material considerations*

- Other suggested uses for the property.

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

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

### **Overall conclusion**

The change of use of this property to an STL will result in a loss of the residential accommodation. 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 loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) part (ii). 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;

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) part (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in the unjustified loss of a residential property.

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

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

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

**Date Registered:** 11 October 2022

### **Drawing Numbers/Scheme**

01, 02

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

Contact: James Armstrong, Assistant Planning Officer  
E-mail: [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: James Armstrong

Date: 23 March 2023

#### **Authorising Officer**

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 27 March 2023

# Comments for Planning Application 22/05126/FULSTL

## Application Summary

Application Number: 22/05126/FULSTL

Address: 151 Buccleuch Street Edinburgh EH8 9NE

Proposal: Proposed change of use from flatted dwelling house to short-term let.

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: 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 students). Short Term Lets exacerbating this by removing properties from the private rental market or diverting them from being sold on. Even if, as in this case, an application is retrospective and a location has already been operating as an STL, it would be preferable to return flats to normal residential use. This property. With 3 bedrooms, for example, could work as a flat for a small family. It is in a relatively central location with good transport connections, very convenient for working in many parts of the city, which could be perfect for young people who have just started working.

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. 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.

A lack of long term residents also undermines the sense of a local community. 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. 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.