

# Development Management Sub-Committee Report

**Wednesday 20 September 2023**

**Application for Planning Permission STL  
113A Grove Street, Edinburgh, EH3 8AB**

**Proposal: Change of use to short-term holiday let accommodation (in retrospect) for 3 months (June-August) of every calendar year. (Resubmission related to 23/01275/FULSTL).**

**Item – Local Delegated Decision  
Application Number – 23/03307/FULSTL  
Ward – B09 - Fountainbridge/Craiglockhart**

## **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the application has attracted a petition in support with more than 20 signatures. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

## **Recommendation**

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

## **Summary**

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 loss of residential accommodation. The proposal does not comply with NPF policy 30(e) (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **SECTION A – Application Background**

### **Site Description**

The application property is a three-bed flat on the ground floor of 113A Grove Street, Fountainbridge. It has its own main access door on to Grove Street and comprises three bedrooms, a kitchen/dining/ living area. The floor area is 110 square metres. There is a residential flat immediately above the property and there is no shared outdoor amenity space.

The surrounding area is mixed. There are residential properties on both sides of Grove Street. However, at this south end of Grove Street, there is also student accommodation, a late night pool hall and bar, a hotel and serviced apartments. Public transport is easily accessible from the site.

### **Description of the Proposal**

The application seeks permission to change the residential use to short term let visitor accommodation from June to August (inclusive) of every calendar year. No internal or external physical changes are proposed. The property is currently used as a private residential let between September and May and as an STL between June and August. This STL use has been operating since 2019 therefore this application is retrospective. This application is a re-submission of planning application reference 23/01275/FULSTL which was refused. The material difference in this application is that the proposed description specifically states that the STL use is requested for 3 months only from June to August (inclusive).

### **Supporting Information**

Planning Statement.

### **Relevant Site History**

14/02548/FUL  
113A Grove Street  
Edinburgh  
EH3 8AB  
Change of use from workshop to residential dwelling  
Granted  
1 September 2014

23/01275/FULSTL  
113A Grove Street  
Edinburgh  
EH3 8AB  
Change of use to short-term let (in retrospect).  
Refused  
23 June 2023

### **Other Relevant Site History**

No other relevant planning site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 31 July 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 2

## **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

To address these determining issues, it needs to be considered whether:

### a) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies support 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 NPF 4. The relevant policies to be considered are:

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' (2023) 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 (e) specifically relates to STL proposals.

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

The non-statutory Guidance for Businesses (2023) 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.

## *Amenity*

The application property has its own main door access directly on to Grove Street.

The applicant has submitted a planning statement which refers to the NPF 4 policies. In terms of amenity, the statement supports the assessment of the previous application 23/01275/FULSTL whereby it was assessed that the impact of this STL would not have a further detrimental impact on neighbouring residential amenity.

The application site is at the south end of Grove Street where there is student accommodation, hotels, a late night pool hall and bar and serviced apartments. This results in an amenity level that is below that which would be experienced in other, quieter locations within the city centre. There are some residential properties in Grove Street, including above the application property, however the impact of this STL use would not have a further detrimental impact on neighbouring residential amenity given the noise levels created by the uses and resultant activities that exist within the vicinity of the application property.

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

The proposal complies 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 accommodation, this will only be supported where the loss is 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's planning statement highlights that the property is only occupied by students for nine months of the year, and if not used as a short-term let for the other three months, it would be lying empty and not contributing to the local economy. The applicant lists the positive economic benefits arising from STL use, for three months only, as: -

- The applicant secures proportionally greater income from STL use from June to August, than if retained for student accommodation over the same period. This additional revenue can be fed back into the economy.
- STL guests staying from June to August will contribute more to the local economy than an empty student flat. Costs of servicing arrangements to the property will also contribute to the local economy rather than the property being vacant.

The applicant also submits extract reports from other planning authorities where demonstrable economic benefits are referred to.

The current lawful planning use of the property is for residential accommodation. The applicant states that the property is currently let to students. However, the distinction between whether this property is let to students, or any other tenant, does not alter the lawful residential use. The use of the property as an STL for a period of three months in the year would result in a material change of use of the property leading to a loss of residential accommodation. Given the recognised need and demand for housing in Edinburgh it is important to retain this, where appropriate.

Furthermore, 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.

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

### Car Parking

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no requirement for cycle parking for STLs. Cycles could be parked inside the property.

The proposals comply 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 is acceptable with regard to neighbouring amenity. However, 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 loss of residential accommodation. The proposal complies with NPF 4 policy 30(e) part (i) and LDP policy Hou 7 but does not comply with NPF 4 policy 30(e) (ii).

### **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. 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.

## Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

## Public representations

A summary of the representations is provided below:

Two contributors: One objection.  
One petition with 28 signatures in support of the application.

### *material considerations - objections*

- Negative impact on housing stock. Addressed in a) above.
- Does not comply with NPF 4 policy 30 (e) (ii). Addressed in a) above.

### *non-material considerations - objections*

- Overprovision of tourist accommodation in the area. This application has to be considered on its individual merits.

### *material considerations - in support*

- Provides economic benefits all year round. Addressed in a) above.
- Provides much-needed holiday accommodation. Addressed in a) above.
- Can contribute to the local economy during tourist season rather than lying empty. Addressed in a) above.

### *non-material considerations - in support*

- Is in the best interests of the proper planning and development of the area. This is not a material planning consideration.

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

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

## **Overall conclusion**

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 loss of residential accommodation. The proposal does not comply with NPF policy 30(e) (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;

### **Reason for Refusal: -**

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as 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: 28 July 2023**

### **Drawing Numbers/Scheme**

01, 02

Scheme 1

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

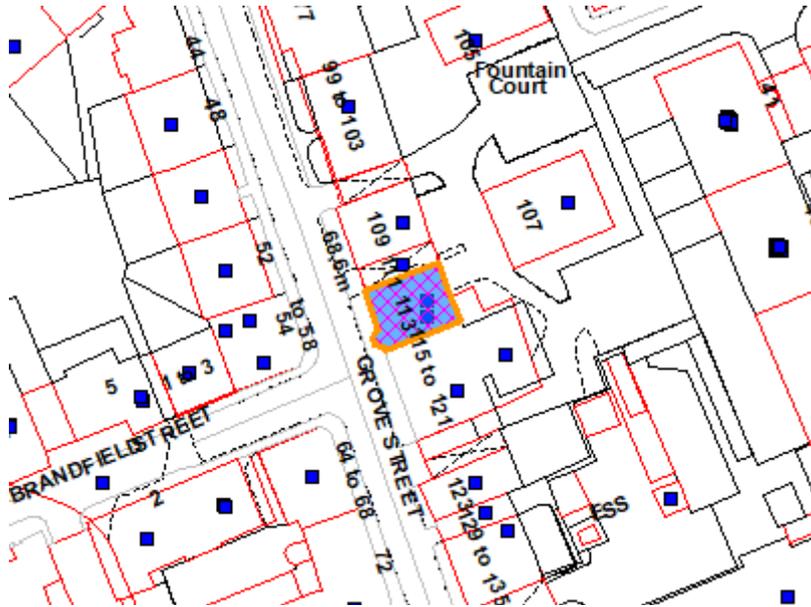
Contact: Lesley Porteous, Planning Officer  
E-mail:lesley.porteous@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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