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**Decision date: 25 August 2023**

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

Change of use from office to apartment hotel unit, new exhaust vents.  
At 4 Wemyss Place Mews Edinburgh EH3 6DN

**Application No:** 23/01733/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 3 May 2023, 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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term 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)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

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 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an short-term let (STL) will have an unacceptable impact on neighbouring amenity. 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)(i) and LDP policy Hou 7. 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 Lesley Porteous directly at [lesley.porteous@edinburgh.gov.uk](mailto:lesley.porteous@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  
4 Wemyss Place Mews, Edinburgh, EH3 6DN**

**Proposal: Change of use from office to apartment hotel unit, new exhaust vents.**

**Item – Local Delegated Decision  
Application Number – 23/01733/FUL  
Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an short-term let (STL) will have an unacceptable impact on neighbouring amenity. 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)(i) 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 two-storey mews building at 4, Wemyss Place Mews near the West End. A wet room/shower room is proposed on the ground floor. The first floor will accommodate a new en-suite bedroom, kitchen/dining room, lounge and WC. The property has its own main door entrance and there is no shared or private amenity space.

The surrounding area is an enclave of mews buildings just off Wemyss Place. Public transport can be reached within a 5-minute walk.

The application property is an A listed building (LB 28234, 14/12/1970). It is located in the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

### **Description Of The Proposal**

The application seeks permission to change the use of the property from commercial office/library use to an apartment hotel unit, with new exhaust vents. It also proposes minor alterations to the modern interior plus the addition of vents in the upper roof pitch.

Although reference is made in the description of development to the change of use to an apartment hotel unit, the layout of the unit and the services to be provided are more accurately reflected as the provision of a short term let/ serviced apartment; whilst the definition of aparthotel varies and is subject to some degree of flexibility, the proposal has no services or communal facilities that would be routinely found in an hotel. Therefore, the application will be assessed as a short term let/ serviced apartment.

### **Supporting Information**

National Planning Framework 4 Planning Statement.

### **Relevant Site History**

23/01732/LBC

4 Wemyss Place Mews

Edinburgh

EH3 6DN

Change of use from office to apartment hotel unit, new exhaust vents.

Granted

21 June 2023

### **Other Relevant Site History**

### **Consultation Engagement**

Historic Environment Scotland

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 August 2023

**Date of Advertisement:** 19 May 2023

**Date of Site Notice:** 19 May 2023

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) 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

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

#### a) **The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

The proposed alterations to the property are minor and will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

### **Conclusion in relation to the listed building**

The proposal harms neither the listed building, its setting or the conservation area. It is therefore acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

### **b) 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 New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The external alterations to the property are minor. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

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

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **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 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 NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 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' (2023) is a material consideration that is relevant when considering change of use applications.

### Listed Buildings, Conservation Area and Edinburgh World Heritage Site

The external and internal works proposed are minor and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

### Proposed Use

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposal will have a neutral impact in terms of NPF 4 Policy 1.

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 relate 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 property is a two storey mews building located on a quiet residential street at the edge of the Georgian New Town. The property is part of a terrace of mews buildings and has its own main door entrance on to the street.

The applicant submitted a planning statement in response to the NPF 4 policies. The statement highlights that the application property is located within a small mews



courtyard and will have minimal impact on local amenity. It asserts that it is a small one-bedroom unit controlled by a high-end bar restaurant and hotel group.

As the area is predominantly residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed one bedroom 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.

The potential for noise described above 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 accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The property is currently a commercial office/ library, therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

#### *Parking standards*

There is no allocated car parking at the application property. The site is accessible by public transport within a 5-minute walk. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with 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. There is no loss of residential accommodation. 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) (i) and LDP policy Hou 7.

#### **d) 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:

#### *material considerations*

-Negative impact on residential amenity. Addressed in c) above.

### **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 proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. 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)(i) 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;

### **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 property as a short term 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)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

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

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

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

**Date Registered: 3 May 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](mailto:lesley.porteous@edinburgh.gov.uk)

## Appendix 1

### **Consultations**

NAME: Historic Environment Scotland

COMMENT: No comments.

DATE: 21 June 2023

The full consultation response can be viewed on the Planning & Building Standards Portal.

## 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: Lesley Porteous

Date: 23 August 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: 23 August 2023

# Comments for Planning Application 23/01733/FUL

## Application Summary

Application Number: 23/01733/FUL

Address: 4 Wemyss Place Mews Edinburgh EH3 6DN

Proposal: Change of use from office to apartment hotel unit, new exhaust vents.

Case Officer: Local1 Team

## Customer Details

Name: Mr Eric Hughes

Address: 3 Wemyss Place Mews Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam,

I am writing to formally object to the proposed planning application for the conversion of 4 Wemyss Place Mews into an apartment hotel unit. While I understand the need for development and progress in our community, I believe that the proposed use as an apartment hotel raises significant concerns regarding noise disturbance and the overall impact on the neighborhood's tranquility.

My objection is not against redevelopment as a whole but specifically against the intended use of the premises as an apartment hotel. As a direct neighbour to the proposed development, I have serious reservations about the potential consequences of accommodating short-term tenants and guests in the area.

It is a well-known fact that short-term tenants and guests tend to generate more noise compared to long-term tenants. The transient nature of their stay often leads to a lack of accountability and disregard for the local community's peace and quiet. Increased noise levels would undoubtedly disrupt the existing harmony enjoyed by residents here.

The proposed apartment hotel unit, with its revolving door of occupants, raises concerns about the potential for an influx of guests who may not share the same level of responsibility and consideration as long-term residents. The constant turnover and lack of familiarity with the area could result in amplified noise levels, disturbances during late hours, and potential conflicts with the local residents.

I would note that I believe there is an existing short term rental unit nearby. The current operation

of this rental property serves as a stark example of the potential consequences associated with short-term accommodations. The noise disruptions experienced by nearby residents due to frequent turnover and lack of accountability from the occupants have had a detrimental impact with frequent noise disturbances especially in the Summer. Approving another short-term rental in close proximity would only exacerbate the existing noise issues.

As an advocate for the preservation of a peaceful living environment, I kindly request that the planning authority considers the potential negative impacts on the surrounding residential community before approving this application. I would encourage alternative uses that align more closely with the existing character of the mews and promote long-term tenancy, which fosters a stronger sense of community and stability.

I trust that the planning authority will take into account the concerns raised by myself and other affected residents in reaching a fair and balanced decision regarding this application.

Thank you for your attention to this matter.

Yours faithfully,

Eric



**By email to:**  
**lesley.porteous@edinburgh.gov.uk**

City of Edinburgh Council  
Planning and Strategy  
4 Waverley Court  
East Market Street  
Edinburgh  
EH8 8BG

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our case ID: 300065707  
Your ref: 23/01733/FUL  
20 June 2023

Dear City of Edinburgh Council

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
4 Wemyss Place Mews Edinburgh EH3 6DN - Change of use from office to apartment  
hotel unit, new exhaust vents.

Thank you for your consultation which we received on 08 June 2023. We have assessed it for our historic environment interests and consider that the proposals affect the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
LB28234	1-11 (INCLUSIVE NOS) ALBYN PLACE, INCLUDING RAILINGS, WITH 2-4 (INCLUSIVE NOS) WEMYSS PLACE MEWS	Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

### **Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.





HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

## Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

Yours faithfully

**Historic Environment Scotland**