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Decision date: 27 September 2023

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

Change of use from residential (Class 9) to short term let (Sui Generis) (in retrospect).
At 1 Duke's Walk Edinburgh EH8 7AT

Application No: 23/02733/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 3 July 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 National Planning Framework Policy 30(e) in respect of Loss of Residential Accommodation. The loss of a residential property has not been justified.

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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a short term let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

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 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 Sean Christie directly at sean.christie@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 STL
1 Duke's Walk, Edinburgh, EH8 7AT**

Proposal: Change of use from residential (Class 9) to short term let (Sui Generis) (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/02733/FULSTL
Ward – B14 - Craigentinny/Duddingston**

Recommendation

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

Summary

The proposal complies with sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a short term let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

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 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 property comprises a detached, two-bedroom dwelling known as Meadowbank Lodge, located within Holyrood Park. The property has private access via Duke's Walk and is bordered by woodland and open parkland.

The site is located at the northern boundary of Holyrood Park, south of the Duke's Walk/Meadowbank junction. The surrounding area is predominantly residential with limited commercial units located nearby. The nearest properties are tenement buildings on Queens Park Avenue, approximately 40m to the east.

Meadowbank Lodge is under the ownership of Historic Environment Scotland, and is one of two lodges within Holyrood Park. The other (Duddingston Lodge) is located to the south-east of the park at 32 Old Church Lane. The proposed change of use of this lodge to a short term let was refused planning permission on 16/08/23 (Planning Ref: 23/02726/FULSTL)

The application property is a Category C listed building Holyrood Park, Meadowbank Lodge, LB49513, 07/10/2003.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external changes are proposed.

Supporting Information

- NPF4 Supporting Planning Statement
- Supporting Statement - Economic Benefit

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

Transport Planning

Publicity and Public Engagement

Date of Neighbour Notification: 5 July 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- 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 listed building and its setting?

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

- Managing Change in the Historic Environment: Guidance on the principles of listed buildings
- 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.

There are no external or internal alterations proposed. As such, the proposal 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 does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 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 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 Building

There are no external or internal works proposed 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

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, 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 comprises a detached dwelling located within Holyrood Park. The property has private main door and vehicle access. There is a medium to low level of activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that there will be limited impact on local residential amenity due to the detached nature of the property and the private access arrangements.

Although located within a primarily residential area, the application property has its own main door and vehicle access and is situated within Holyrood Park. Considerable separation distance (approximately 40m) exists between the property and the nearest residential units (tenement buildings along Queen's Park Avenue). These factors help to reduce the potential impact of the proposed STL use on local residential amenity. The use of the property for STL purposes is therefore considered acceptable with regard to neighbouring amenity and the character of the area. The proposal is considered to 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 property this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The applicant's supporting planning statement asserts that the use of the property for STL purposes would benefit local business through visitor spend and help grow the wider visitor economy. It is also stated that any profit generated through this use would be reinvested in the upkeep of the property itself and in the wider management of Holyrood Park. Revenue will also support Historic Environment Scotland's wider investment program to the benefit of Scotland's tourist sector. No reference is made to the specific income generated from the STL use of this property.

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.

However, the change of use of this property would result in a direct loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

Residential occupation of the property also 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 applicant's supporting statement does state that if refused, the property will likely remain vacant due to its status as a publicly owned historic asset and therefore, will provide no economic benefit to local area. However, as previously stated, the change of use would result in the direct loss of residential accommodation and this loss is not outweighed by evidence of local economic benefit.

In this instance it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable 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 are no parking requirements 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

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

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.

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

None.

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 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a STL will not have an unacceptable impact on neighbouring amenity. The proposal is considered to comply with NPF4 30(e) part (i) and LDP Policy Hou 7.

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 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;

Reason for Refusal

1. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Loss of Residential Accommodation. 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: 3 July 2023

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Transport Planning

COMMENT: No objections

DATE: 6 July 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: Sean Christie

Date: 21 September 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): Damian McAfee

Date: 22 September 2023

MEMORANDUM

To: Planning Officer
Improvement Team

From: Transport
Kofi Appiah

Our Ref: 23/02733/FULSTL

**23/02733/FULSTL
1 DUKE'S WALK
EDINBURGH
EH8 7AT**

TRANSPORT CONSULTATION RESPONSE

Summary Response

No objections to the application

Full Response

Kofi Appiah

**TRANSPORT
Kofi Appiah
Transport Officer**