

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100656096-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Planning Services UK		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	The Circle
Last Name: *	Landa	Building Number:	
Telephone Number: *	01412666666	Address 1 (Street): *	Westerwood Business Park
Extension Number:		Address 2:	69-71 Aberdalgie Road
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	United Kingdom
		Postcode: *	G34 9HJ
Email Address: *	planning-applications@planning-services.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Abdul Rashid"/>	Building Number: <input type="text" value="6"/>
Last Name: *	<input type="text" value="Siddique"/>	Address 1 (Street): * <input type="text" value="44 Learmonth Avenue"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH4 1HT"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 6"/>
Address 2:	<input type="text" value="44 LEARMONTH AVENUE"/>
Address 3:	<input type="text" value="STOCKBRIDGE"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH4 1HT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674453"/>	Easting	<input type="text" value="323772"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Appeal statement

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

refer to attached

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

1. Decision Notice 2. Report of handling 3. Neighbours Notified 4. Location Plan 5. Site Plan 6. Floor Plan 7. Front Elevation 8. Planning Statement 9. Appeal Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/03725/FULSTL

What date was the application submitted to the planning authority? \*

15/08/2023

What date was the decision issued by the planning authority? \*

02/10/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name:           The Thomas Cochrane

Declaration Date:           22/12/2023



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

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Thank you for completing this application form:

ONLINE REFERENCE 100639413-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

### Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

PLANNING STATEMENT FOR CHANGE OF USE FROM FLATTED DWELLING TO SHORT-TERM LET On behalf of Mr Abdul Rashid Siddique, Flat 6, 44 Learmonth Avenue, Edinburgh, EH4 1HT

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  Yes  No  
(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*  
 No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \* 01/07/2022

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)  

Need run the business for support their income

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)  Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	TmC Planning and Property Development Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Philip	Building Name:	Clyde Offices 2nd Floor
Last Name: *	Landa	Building Number:	48
Telephone Number: *	0141 266 6666	Address 1 (Street): *	West George Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G2 1DP
Email Address: *	planning-applications@tmclanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Abdul Rashid	Building Number:	6
Last Name: *	Siddique	Address 1 (Street): *	44 Learmonth Avenue
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Edinburgh
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	Eh4 1HT
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

FLAT 6

Address 2:

44 LEARMONTH AVENUE

Address 3:

STOCKBRIDGE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH4 1HT

Please identify/describe the location of the site or sites

Northing

674453

Easting

323772

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

1026.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Flat (Residential)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*    ≤ Yes **T** No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?   

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*   

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*    ≤ Yes **T** No

Do your proposals make provision for sustainable drainage of surface water?? \*    ≤ Yes **T** No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

**T** Yes

≤ No, using a private water supply

≤ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*    ≤ Yes **T** No ≤ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*    ≤ Yes **T** No ≤ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*    ≤ Yes **T** No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*    **T** Yes ≤ No

If Yes or No, please provide further details: \* (Max 500 characters)

provided on site

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*  Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

Are you able to identify and give appropriate notice to ALL the other owners? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: \*

15/08/2023

Name:

Mr David J Stevenson

Address:

44, 5 Learmonth Avenue, Edinburgh, Scotland, EH4 1HT

Date of Service of Notice: \*

15/08/2023

Name:

Mr Nicholas C Blair

Address:

44, 1 Learmonth Avenue, Edinburgh, Scotland, EH4 1HT

Date of Service of Notice: \*

15/08/2023

Name:

Mr David Dooley

Address:

44, 8 Learmonth Avenue, Edinburgh, Scotland, EH4 1HT

Date of Service of Notice: \*

15/08/2023

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Philip Landa  
On behalf of: Mr Abdul Rashid Siddique  
Date: 15/08/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

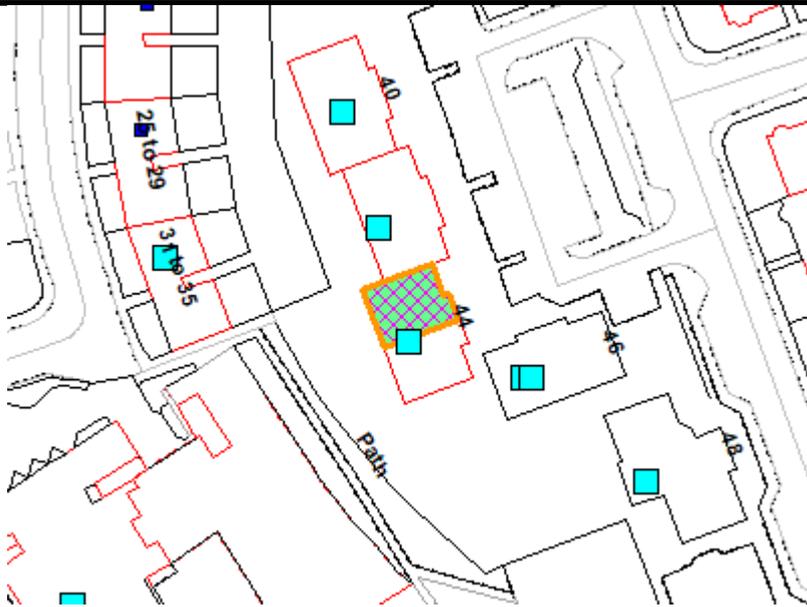
## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Thomas Cochrane

Declaration Date: 15/08/2023

# Neighbours Notified for 23/03725/FULSTL Date 25 August 2023



## Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office  
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Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence  
Number 100023420 The City of Edinburgh Council 2012.

Flat 8 48 Learmonth Avenue Stockbridge Edinburgh

Flat 12 48 Learmonth Avenue Stockbridge Edinburgh

Flat 5 48 Learmonth Avenue Stockbridge Edinburgh

Flat 3 48 Learmonth Avenue Stockbridge Edinburgh

Flat 11 48 Learmonth Avenue Stockbridge Edinburgh

Flat 9 48 Learmonth Avenue Stockbridge Edinburgh

Flat 7 48 Learmonth Avenue Stockbridge Edinburgh

Flat 6 48 Learmonth Avenue Stockbridge Edinburgh

Flat 4 48 Learmonth Avenue Stockbridge Edinburgh

Flat 2 48 Learmonth Avenue Stockbridge Edinburgh

Flat 10 48 Learmonth Avenue Stockbridge Edinburgh

Flat 1 48 Learmonth Avenue Stockbridge Edinburgh

35 Learmonth Gardens StockbridgeEdinburghEH4 1HA

10 Orchard Brae StockbridgeEdinburghEH4 1PF

Flat 3 40 Learmonth AvenueStockbridgeEdinburgh

Flat 8 40 Learmonth AvenueStockbridgeEdinburgh

Flat 5 40 Learmonth AvenueStockbridgeEdinburgh

Flat 2 40 Learmonth AvenueStockbridgeEdinburgh

Flat 7 40 Learmonth AvenueStockbridgeEdinburgh

Flat 6 40 Learmonth AvenueStockbridgeEdinburgh

Flat 4 40 Learmonth AvenueStockbridgeEdinburgh

Flat 1 40 Learmonth AvenueStockbridgeEdinburgh

31 Learmonth Crescent StockbridgeEdinburghEH4 1DD

1F2 33 Learmonth CrescentStockbridgeEdinburgh

2F1 33 Learmonth CrescentStockbridgeEdinburgh

35 Learmonth Crescent StockbridgeEdinburghEH4 1DD

2F2 33 Learmonth CrescentStockbridgeEdinburgh

1F1 33 Learmonth CrescentStockbridgeEdinburgh

Flat 7 46 Learmonth AvenueStockbridgeEdinburgh

Flat 5 46 Learmonth AvenueStockbridgeEdinburgh

Flat 4 46 Learmonth AvenueStockbridgeEdinburgh

Flat 7 44 Learmonth AvenueStockbridgeEdinburgh

Flat 3 44 Learmonth AvenueStockbridgeEdinburgh

Flat 8 42 Learmonth AvenueStockbridgeEdinburgh

Flat 7 42 Learmonth AvenueStockbridgeEdinburgh

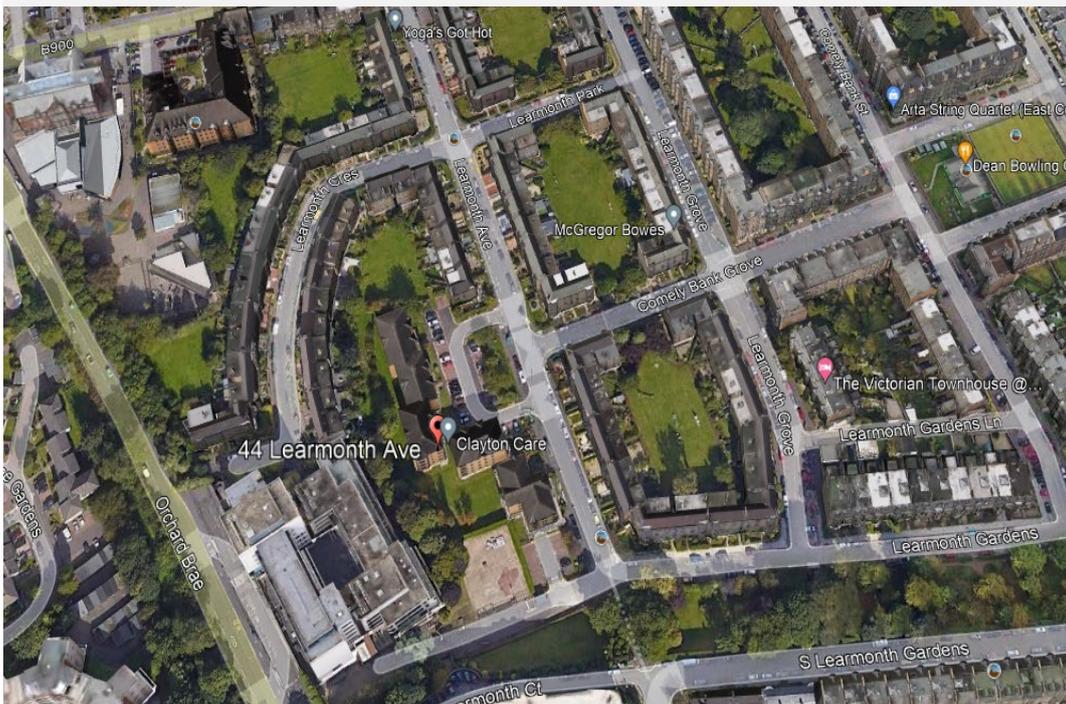
Flat 4 42 Learmonth AvenueStockbridgeEdinburgh

Flat 1 44 Learmonth AvenueStockbridgeEdinburgh

Flat 3 46 Learmonth Avenue Stockbridge Edinburgh  
Flat 8 44 Learmonth Avenue Stockbridge Edinburgh  
Flat 5 44 Learmonth Avenue Stockbridge Edinburgh  
Flat 6 42 Learmonth Avenue Stockbridge Edinburgh  
Flat 1 42 Learmonth Avenue Stockbridge Edinburgh  
Flat 8 46 Learmonth Avenue Stockbridge Edinburgh  
Flat 6 46 Learmonth Avenue Stockbridge Edinburgh  
Flat 2 46 Learmonth Avenue Stockbridge Edinburgh  
Flat 1 46 Learmonth Avenue Stockbridge Edinburgh  
Flat 4 44 Learmonth Avenue Stockbridge Edinburgh  
Flat 2 44 Learmonth Avenue Stockbridge Edinburgh  
Flat 5 42 Learmonth Avenue Stockbridge Edinburgh  
Flat 3 42 Learmonth Avenue Stockbridge Edinburgh  
Flat 2 42 Learmonth Avenue Stockbridge Edinburgh

# PLANNING STATEMENT FOR CHANGE OF USE FROM FLATTED DWELLING TO SHORT-TERM LET

On behalf of Mr Abdul Rashid Siddique, Flat  
6, 44 Learmonth Avenue, Edinburgh, EH4 1HT



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## 1.0 INTRODUCTION

- i. TmC Planning and Development Ltd. has been asked to provide a statement supporting the planning application for the change of use of a flatted dwelling to a short-term let providing visitor accommodation at Flat 6, 44 Learmonth Avenue, Edinburgh EH4 1HT.
- ii. The City of Edinburgh Council hereby gives Notice, under Regulation 9 of The Town and Country Planning (STL Control Areas) (Scotland) Regulations 2021, that the whole of the City of Edinburgh Council area is to be designated as a Short-Term Let Control Area for the purposes of Section 26B of the Town and Country Planning (Scotland) Act 1997.
- iii. The proposed visitor accommodation is considered a sui generis use, different from the current sui generis use as a residential flat. However, the recent Town and Country Planning (Short-term let control areas) (Scotland) Regulations 2021 confirms that planning permission will be required for such a change in use in certain areas.
- iv. This Planning Statement provides a comprehensive summary of all the critical information about the development and assessment concerning the guidance in The National Planning Framework 4, Adopted Local Development Plan, Supplementary Guidance, and relevant policies.

## 2.0 SITE BACKGROUND

### 2.1 Location of site

The site is Flat 6, 44 Learmonth Avenue, Edinburgh EH4 1HT. The red line on the below figure indicates the site boundary of the flat and is listed as a residential (flat) building on ScotLIS.



Figure 1: Site Location

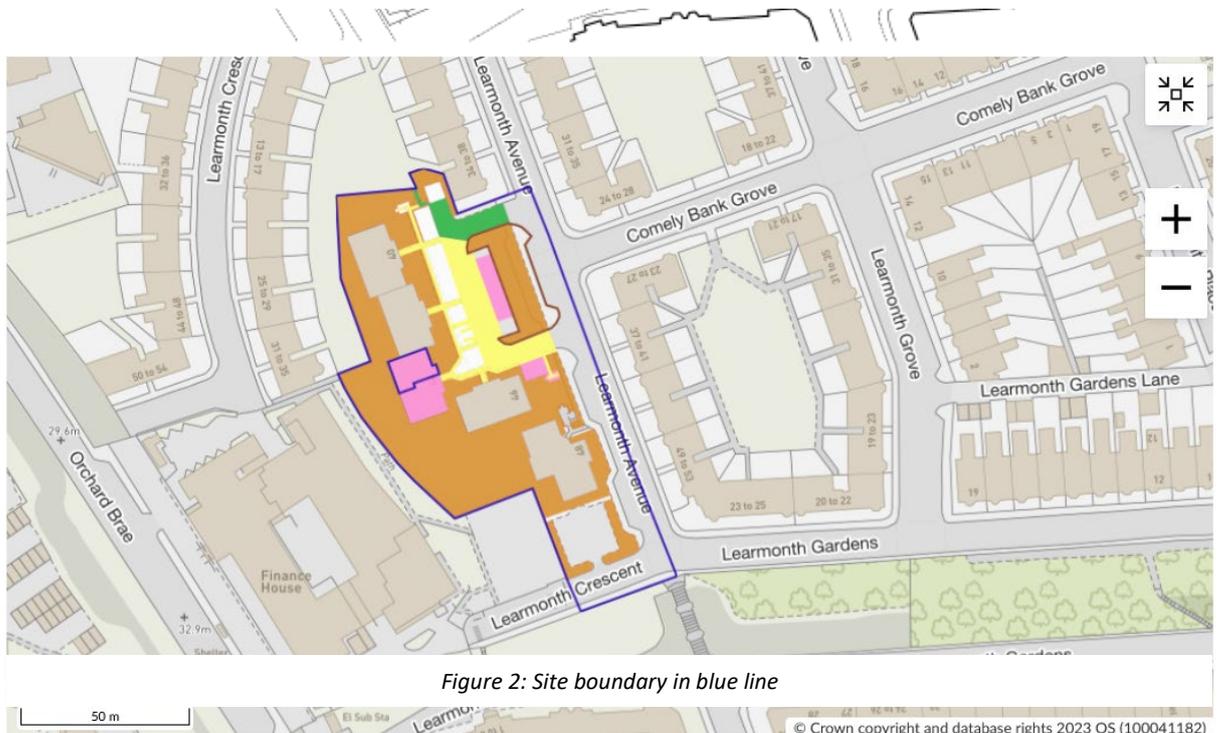


Figure 2: Site boundary in blue line

Learmonth Avenue is one of Edinburgh's most sought-after residential areas near the West End. The cosmopolitan district of Stockbridge is only a short walk away, offering a superb choice of independent speciality shops, a range of bars and quaint coffee shops, exciting restaurants, unique delicatessens and boutiques, and a choice of supermarkets.

Waverley and Haymarket railway stations are also easily accessible, as are several major bus routes into town. The city by-pass, Edinburgh International Airport, the Forth Road Bridge, and Scotland's motorway networks are all reached via the nearby Queensferry Road. Many of Edinburgh's renowned private schools are nearby, including The Edinburgh Academy, Fettes College, Stewart's Melville College, Mary Erskine School, and St George's School for Girls.

## 2.2 Current Use

The current use of the application property is a flatted dwelling for residential usage. Below are a few photographs of the flat from the road view. The gross floor is **96.3 sqm**.



*Figure 3: property from the street*



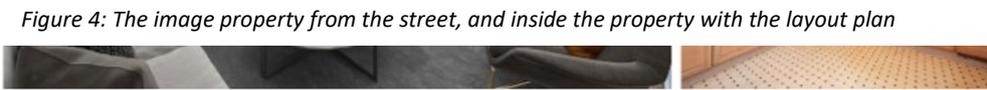


Figure 4: The image property from the street, and inside the property with the layout plan

### 2.3 Existing floor plan

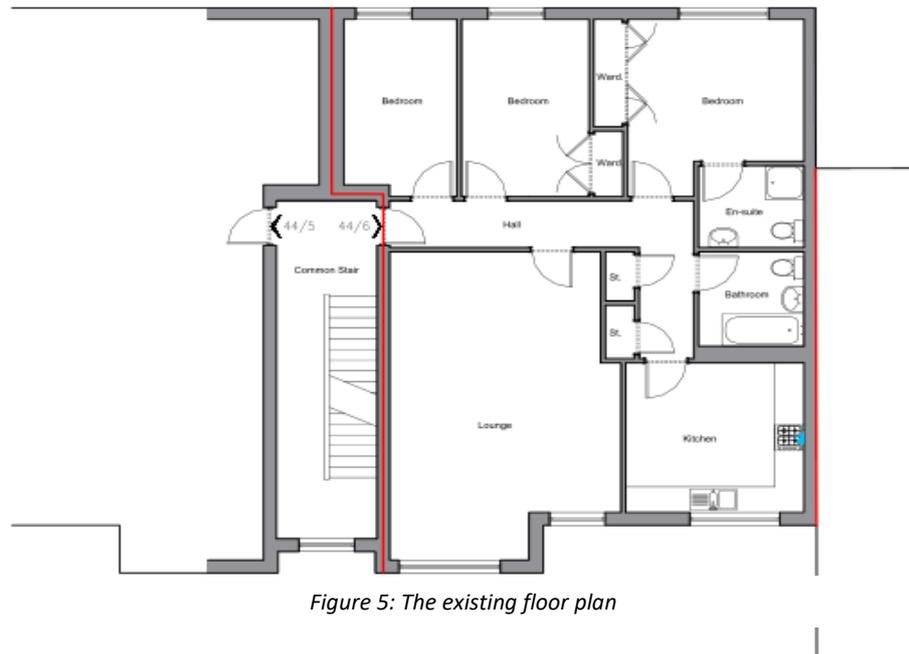
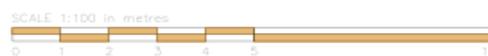


Figure 5: The existing floor plan

## 01 Floor Plan

Scale 1:100 @ A3



## 2.4 Street parking



Figure 6: Parking Street



## 2.5 Public Transport and Facilities

Listed here are the ten closest railway stations and tram stops to Learmonth Avenue, Edinburgh, Scotland, EH4 1DA. The nearest railway station is Haymarket, approximately 0.8 miles away.



Name	Approximate Distance*
Haymarket	0.8 miles
Edinburgh	1.4 miles
Slateford	2.3 miles
Kingsknowe	3.2 miles
South Gyle	3.4 miles
Wester Hailes	3.9 miles
Edinburgh Park	3.9 miles
Edinburgh Gateway	4 miles
Brunstane	4.8 miles
Newcraighall	5.2 miles



Figure 7: Public Transport surrounding area.

## 2.6 Location of the site in relation to the surrounding area

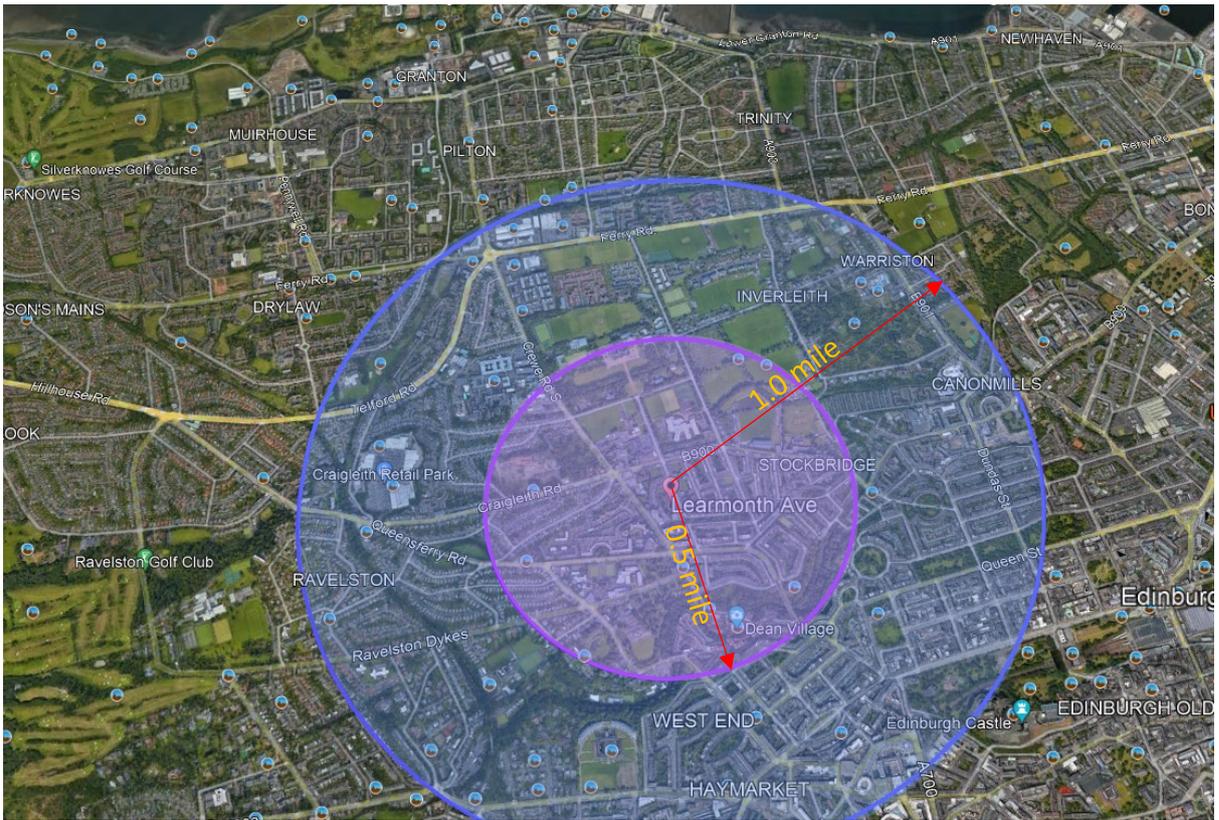
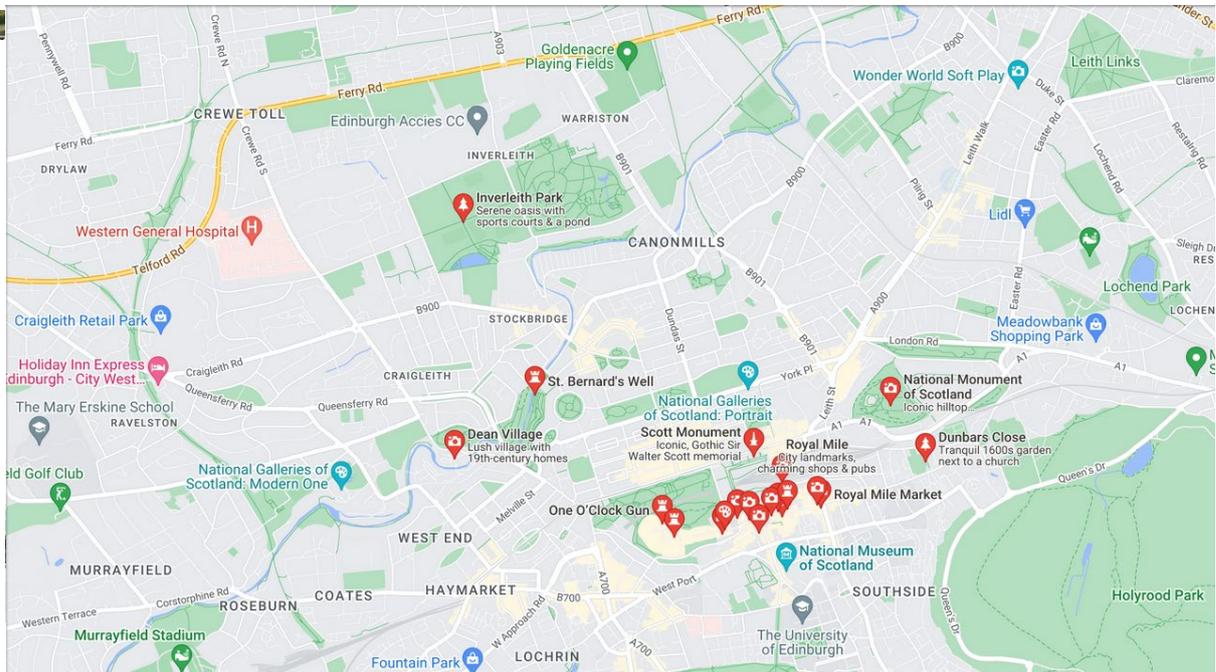


Figure 8: Tourist attractions in radius 0.5 mile and 1.0 mile from the property



## 2.7 Short-Term Let in the location.

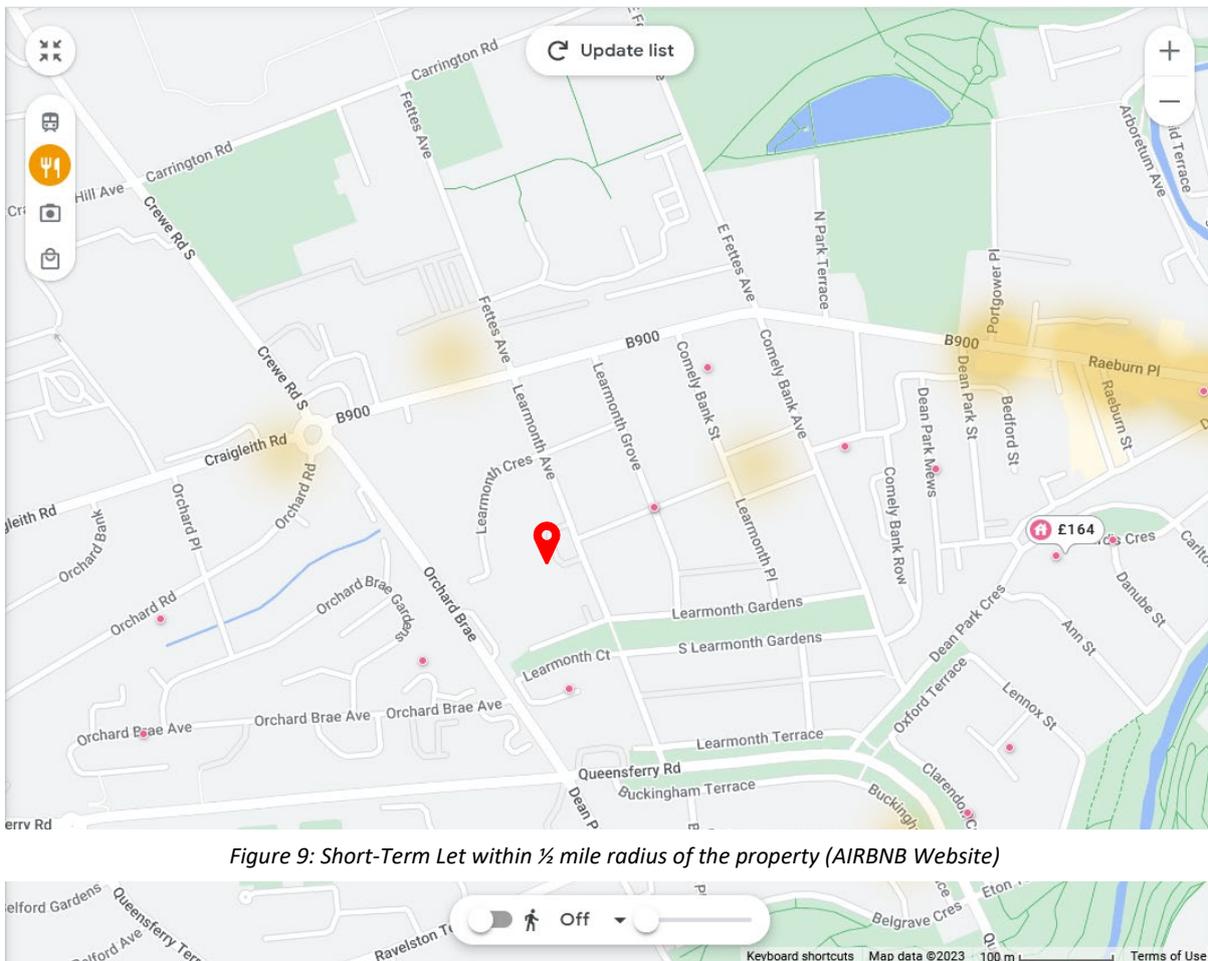


Figure 9: Short-Term Let within 1/2 mile radius of the property (AIRBNB Website)

## 2.8 Surrounding Area



Figure 10: The surrounding area

## 2.9 Local Living and 20-Minute Neighbourhoods

The concept is rooted in a compact city approach that encourages the development of local areas with short walking distances from residents' homes to access public transport, public open space, and good destination accessibility to facilities and services for daily living.

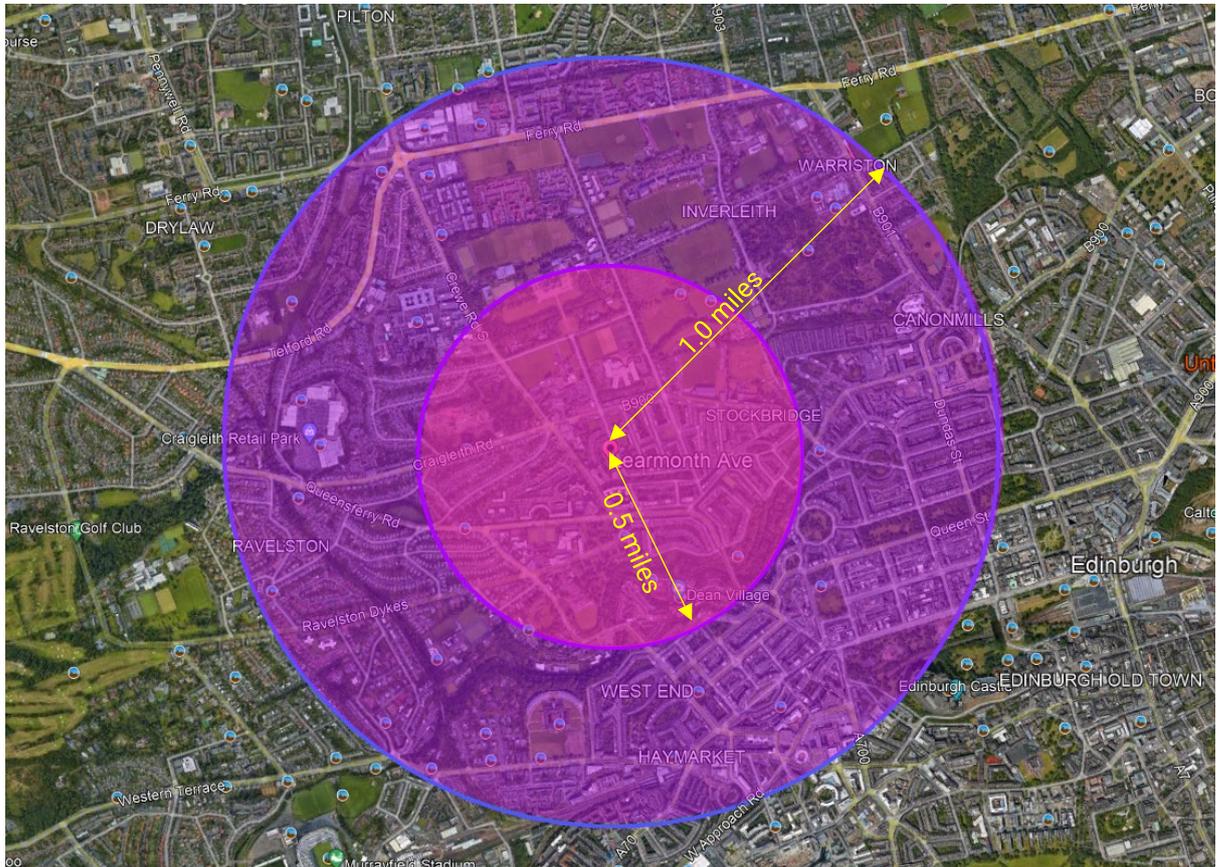


Figure 11: 20-minute neighbourhoods

Although access to services and facilities in these instances might not be achievable within a 20-minute walk, the principles of creating connected, attractive places where the environment supports a high quality of life are still relevant. Whatever the context, 20 Minute Neighbourhoods is an opportunity to rethink how housing, services, City, town, or village centres can support new ways of working, homeworking, and community hubs, reducing demand for motorised travel, and getting more people walking, wheeling, and cycling. This is also good for

supporting tourism, as it shows what is available within walking distance.

A 20-minute neighbourhood is not a tick-box exercise; no formula or rigid requirements exist. However, there are specific characteristics that help embed the 20-minute neighbourhood approach.

### 3.0 PLANNING HISTORY

There have been several applications submitted.

No	Application Ref	Title	Status
1.	09/02417/FUL	Two timber bicycle shelters to be constructed for communal use 40, 42, 44, 46, 48 Learmonth Avenue Edinburgh EH4 1HT	Granted
2.	22/00681/SHORT	Without planning permission, the material change of use of the property from residential dwelling to short-stay commercial visitor accommodation	Enforcement Notice

### 4.0 PROPOSAL

#### 4.1 Proposal

The applicant wishes to change the use from residential to short-term let concerning Flat 6, 44 Learmonth Avenue, Edinburgh EH4 1HT.

The proposal is for planning consent to convert the residential flat to short-term let accommodation. Short-term letting accommodation and Flatted dwellings are not categorised in Town and Country Planning (Use Classes) (Scotland) Order 1997 and are categorised as sui generis. This translates to a class of their own.

Due to the size of the flat, accommodating a maximum of four people, the development is small in scale and will not change the residential character and amenities of the area or cause a disturbance,

#### 4.2 Justification

Short-term letting accommodations are very flexible and have various benefits for landlords, guests, and tourists. They are commonly used and most popular as accommodations for tourists during busy peaks in the year. These accommodations also cater to workers looking for short-term accommodation or give insight for people looking to move to the area.

#### 4.3 Visit Scotland Tourism Aims

The Scottish Tourism Alliance has recently published the '[Scotland's Outlook for 2030](#)' outlining how the country can contribute and benefit from growing its tourist industry.

In the document, the alliance emphasises the importance of growing the tourist industry to attract investment and job creation and giving visitors a 'shop window' to view the opportunities available here, which can generate further investment into local towns.

Supporting tourist development also provides employment. The sector currently **employs over 8%** of our population.

How Many People Visit Scotland every year?

[Visit Scotland's](#) most recent findings conclude:

- ✓ In 2019 alone, there were over 150 million visits to Scotland from around the world.
- ✓ Almost 6 million of those visits were from England (1 in 10 people).
- ✓ There were around 10.8 million total overnight stays in 2019 across the Glasgow and Clyde Valley region.
- ✓ From the USA alone, there were around 534,000 visits to the Edinburgh and Lothian region.

Figure 11: Statistics of Scotland tourism (Visit Scotland)

#### 4.4 Edinburgh 2020: The Edinburgh Tourism Strategy

As a tourism destination, Edinburgh has an outstanding track record of success. Over the past 20 years, both the volume and the value of tourism have increased dramatically:

- Visitor spending has increased from £250m in 1990 to more than £1 billion per annum in 2010 - the highest tourism spending in any UK city after London.
- It punches significantly above its weight – arrivals, spending, and bed spaces per capita are above its UK peers. It attracts higher proportions and numbers (per capita) of discretionary holiday visitors. Business visits per capita are also above average. Its market is also characterised by a high proportion of overseas visitors.
- Average annual hotel room occupancy has grown from 57% in 1990 to 77% in 2010 - Edinburgh has outperformed most of its European peer cities. The average achieved daily rate and revenue per available room is around the median for European cities - reasonable but still competitive throughout the year.
- Tourism-related employment accounts for approximately 12% of the workforce, increasing from 12,000 to 32,000 full-time job equivalents in the last 20 years.
- Edinburgh Airport, now Scotland's largest, had flights serving 120 destinations in 2010, up from 40 in 1991, and handled a record of nearly 10m passengers in 2011, up from 2.34m in 1991. The growth in the number of destinations has been due predominantly to the advent of budget airlines, which has been highly beneficial for tourism in Edinburgh.
- Edinburgh Festivals continue to grow yearly – the economic impact has increased from £184 million in 2005 to £261 million in 2010.

In addition, the city delivers a product that meets visitor demand:

- In domestic markets, it is the UK's preferred city break destination and the winner of many accolades, such as 2010 'Favourite UK City' as voted by Conde Nast Readers' Travel Awards, 2009 Best Destination Cruise Port as voted by Cruise Critic, and 2010 'Favourite UK City' in the Guardian & Observer Travel Awards for the eleventh consecutive year.
- Approximately 50% of our leisure tourism consists of repeat visits.
- Edinburgh is the UK's most popular City for international association meetings outside London.

## 5.0 RELEVANT POLICIES

*Sui generis* is Latin for 'of its own kind'. It is a term to categorise buildings that do not fall within any particular use class for the purposes of planning permission.

### 5.1 National Planning Framework 4

#### Local Living and 20 minute neighbourhoods

##### Policy Principles

###### Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

###### Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

###### Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

###### Policy 15

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

###### Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

###### Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Community wealth building](#)
- [City, town, local and commercial centres](#)
- [Retail](#)

## Tourism

### Policy Principles

#### Policy Intent:

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.

#### Policy Outcomes:

- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

#### Local Development Plans:

LDPs should support the recovery, growth and long-term resilience of the tourism sector. The spatial strategy should identify suitable locations which reflect opportunities for tourism development by taking full account of the needs of communities, visitors, the industry and the environment. Relevant national and local sector driven tourism strategies should also be taken into account.

The spatial strategy should also identify areas of pressure where existing tourism provision is having adverse impacts on the environment or the quality of life and health and wellbeing of local communities, and where further development is not appropriate.

#### Policy 30

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
  - i. The contribution made to the local economy;
  - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.

- d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.
- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
  - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
  - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

At the time of writing, the status of the property is as a residential property. However, commentary on the policy context for the Change of Use of residential accommodation to short-term let visitor accommodation is presented below.

- Edinburgh's national and local planning policies typically deal with tourism rather than focussing on such changes of use. However, separate non-statutory guidance on change of use for business has also been produced. Therefore, policies and guidance are examined in this section of the planning statement.
- The proposal is to change the use of a flatted dwelling to short-term letting accommodation. Short-term letting accommodation and flatted dwellings are covered under the Town and Country Planning (Use Classes) (Scotland) Order 1997 as *sui generis*.
- The term short-term let has been outlined in the Town and Country Planning (Short-term Let Control Areas) (Scotland) Regulations 2021. It states the following:

2.– (1) For the purposes of section 26B of the Act, and subject to section 26B (3) of the Act, a short-term let is provided where all the following criteria are met:

- a. sleeping accommodation is provided to one or more persons for one or more nights for commercial consideration,
- b. no person to whom sleeping accommodation is provided is an immediate family member of the person by whom the accommodation is being provided,
- c. the accommodation is not provided for the principal purpose of facilitating the provision of work or services to

- the person by whom the accommodation is being provided or to another member of that person's household,
- d. the accommodation is not provided by an employer to an employee in terms of a contract of employment or for the better performance of the employee's duties.
  - e. the accommodation is not excluded accommodation.

**Policy Hou 7** – the use would not have a materially detrimental effect on nearby residents in this busy urban location.

## 6.0 SUMMARIES

In the Scottish context, Edinburgh occupies a unique position in terms of its attractions to ever-growing numbers of tourists. Evidence from the last decade suggests that an additional supply of tourist accommodation across the city is quickly taken up by increased demand, meaning a wide range of visitor accommodation providers can maintain healthy occupancy rates.

According to Visit Scotland, there were around **19.2 million** visitor nights in Edinburgh in 2019 from domestic and international overnight visitors, with a total spending of **£1.87 billion**.

Regarding Edinburgh by Numbers 2021, 7 of the top 10 most visited attractions in Scotland in 2019 are based in Edinburgh. Most visitors arrived in Edinburgh during the defined summer period in 2019, especially overseas visitors with **41%** arriving from July to September. While the traditional peak season increased by **42% from 568,000 to 804,000** visits between 2013 and 2019, the increase in the off-season period of October to March was more significant (**Jan-Mar up by 113% and Oct-Dec up by 143%**).

Edinburgh's eleven major festivals take place throughout the year, bringing cultural, social, employment, and economic benefit to the citizens of the city and region. The major festivals, like the international children's Festival, Edinburgh Festival Fringe, international book festival, International Art Festival, Jazz, and blue festival, etc. are within 5 miles of the proposed property.

The proposal represents a sustainable and efficient use of the site, has due regard to the characteristics of the existing and surrounding area, and makes an essential contribution to the economy of the Edinburgh City Council area.

The proposed development accords overall with the relevant provisions of the development plan.

The proposal should be permitted as it is within the urban area with good public transport access to the city centre.

## **7.0 CONCLUSIONS**

This change of use application is in accordance with Edinburgh City Council Local Development Plan policy. Therefore, the proposal complies with the terms and advice given regarding the strategic planning policy objectives within that area.

Should this and other changes of use for short term lets be refused, this will put a strain on the Edinburgh Hotel market and will drive up prices, making the City an unachievable destination for people who have a modest income. It will also impact workers visiting the city for employment purposes who cannot afford city-centre hotel prices, adding to the City's carbon footprint as they will need to commute to

the city from the outskirts. This opposes NPF 4 Policy 1, which states, "When considering all development proposals, significant weight will be given to the global climate and nature crises". We would ask the planning authority to consider this policy when determining this application.

This development application is of suitable scale and design, which is compatible with the location and will *not have a detrimental impact on visual or residential amenities or detrimental impact on the character* of the surrounding buildings.

The proposals have minimal impact on the visual impact of the existing building. In addition, neighbours will have minimal impacts.

To avoid doubt, the change of use proposed under this application will result in no physical changes to the interiors or exteriors of this building, necessitating planning permission.

No proposed work will diminish this with all additions deemed to be in keeping with other parts of the street.

The proposed change of use from flatted dwelling residence to a short-term let *will improve the applicant's economy and provide the need for accommodation* for the tourists of Edinburgh which reflects the economy of the city.

The government of Scotland states that "the tourism industry is a cornerstone of the Scottish Economy and vital to the economic performance of towns, cities, and regions across Scotland". The tourism sector earns nearly *£16 billion of GDP, 5% of the total*.

This application will enhance and create a more economically sustainable area, and therefore we look forward to receiving a grant for planning for the proposal above.

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Edinburgh  
EH4 1HT

**Decision date: 2 October 2023**

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

Change of use from flatted dwelling to short-term let, (in retrospect).  
At Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

**Application No:** 23/03725/FULSTL

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 24 August 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 dwelling 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and 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 - 04, 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 change of use of this property to a Short Term Let (STL) will have an adverse impact on neighbouring amenity. 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 residential amenity or the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and 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](mailto: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](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  
Flat 6 44 Learmonth Avenue, Edinburgh, EH4 1HT**

**Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).**

**Item – Local Delegated Decision  
Application Number – 23/03725/FULSTL  
Ward – B05 - Inverleith**

## **Recommendation**

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

## **Summary**

The change of use of this property to a Short Term Let (STL) will have an adverse impact on neighbouring amenity. 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 residential amenity or the loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application property is a three-bedroom, second floor flat, situated within a modern four-storey flatted development at F6 44 Learmonth Avenue. Access to the dwelling is via a communal front door and stair that is used by seven further residential properties. The site forms part of a wider flatted residential development, located off Learmonth Avenue.

The character of the immediate area is residential with low levels of both vehicular and pedestrian traffic.

### **Description of the Proposal**

The application is for the retrospective change of use from flatted dwelling to short-term let.

### **Supporting Information**

- Supporting Statement

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

The application site has received an enforcement enquiry for the alleged unauthorised change of use to short stay visitor accommodation (22/00681/ESHORT).

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 October 2023

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 16

## **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**

## 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 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 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 three bedroom flatted property is situated in a residential development with low levels of vehicle and pedestrian traffic, with a high standard of residential amenity. The flat is situated within the Laurelbank residential development, 40 - 46 Learmonth Avenue. Access to the dwelling is via a communal front door and shared stair that is used by seven further residential properties.

The use as a short term let would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home. The use as a short term let is not consistent with the existing neighbouring residential uses. The effect on nearby immediate residential properties is increased by the use of a communal stair.

The application received a number of objections based on the impact the short term let has had on neighbouring residents. These objections outlined a series of significant disturbances, and the detrimental effect to neighbouring residential amenity. Further to this, objections raised concerns relating to the diminishing levels of safety and security during the use of a short term let. With the high degree of turnovers and a lock box being implemented to transfer keys in clear sight of the property has caused a situation where neighbours are unaware of who is coming and going within their stair. Leading to neighbours feeling unsafe and anxious.

The proposed use would increase the ambient background noise levels beyond what residents would reasonably expect within the immediate and local area. The increase in frequency of movement to the property at unpredictable hours would damage the amenity of the immediate neighbours and adjacent properties.

A change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents and will have a significant 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 property will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

The planning statement received states the use of the property is overall acceptable as it is within the urban area and within good public transport links. It comments that the use would support the tourist economy, support both the applicant and the local area economically. The statement further comments that if the change of use were to be refused it would put pressure upon the hotel industry and inflate accommodation prices within the city.

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, having the property in residential use would also contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

The proposal would result in the loss of residential accommodation. There is a recognised need and demand for housing in Edinburgh, therefore, it is important to retain the existing supply where appropriate.

### Parking Standards

There are no requirements for parking standards 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 will have an unacceptable impact on neighbouring amenity. 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 residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

### **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

The application received sixteen public comments. Fifteen were in objection and one received was a general comment. A summary of the representations is provided below:

### Material consideration

- A series of objection relating to the effect that Short Term Let use would have on the neighbouring residential amenity. This has been discussed within section a).
- Objection that the Short Term Let use would result in the loss of residential accommodation. This has been discussed within section a).
- Objection to Short Term Let users parking in neighbouring residential properties parking spaces and damaging neighbouring cars. Parking standards has been discussed within section a).

### Non-material consideration

- Concern relating to the opportunity of property being sublet.
- Concern a change of use would detriment the saleability of neighbouring properties.
- Short erm let use would go against the properties deeds which do not allow commercial uses within the development.
- Short term let users smoking outside neighbouring windows in public spaces.

### **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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. 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 residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) 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 dwelling 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and 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:** 24 August 2023

## **Drawing Numbers/Scheme**

01 - 04

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](mailto:benny.buckle@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: Benny Buckle

Date: 27 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: 29 September 2023

Notes:

1. Do not scale off this drawing.
2. If in doubt about dimensions contact designer.
3. All dimensions shown on any drawing to be checked and verified on site by the contractor before any work commences. Contractor to ensure that all elements of the proposals will marry through with any existing levels where required.
4. All works to be carried out to The Building (Scotland) Regulations 2004 (as amended) and all relevant British Standards and Codes of Practice contained therein.
5. All drainage works to comply with The Building (Scotland) Regulations 2004 (as amended) and BS EN 12056 and to the satisfaction of the Local Authority Building Standards Officers/Inspectors.
6. This drawing is to be read in conjunction with all relevant structural/civil engineers and manufacturers drawings and specifications.



REV:	DESCRIPTION:	BY:	DATE:

REVISIONS



Planning Services Scotland  
 37 Dyfrig Street, Shotts, ML7 4DQ  
 Tel: 07450 939889  
 Email: admin@planning-services.scot  
 www.planning-services.scot

CLIENT: Mr Abdulrashid Siddique  
 DESIGNER: TmC Planning & Property Development Ltd

SITE: 44/6 Learmonth Avenue, Edinburgh, EH4 1HT

PROPOSED: Change of Use

TITLE: Front Elevation

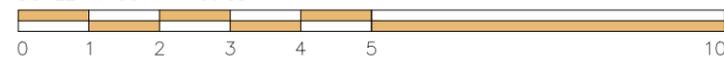
# PLANNING

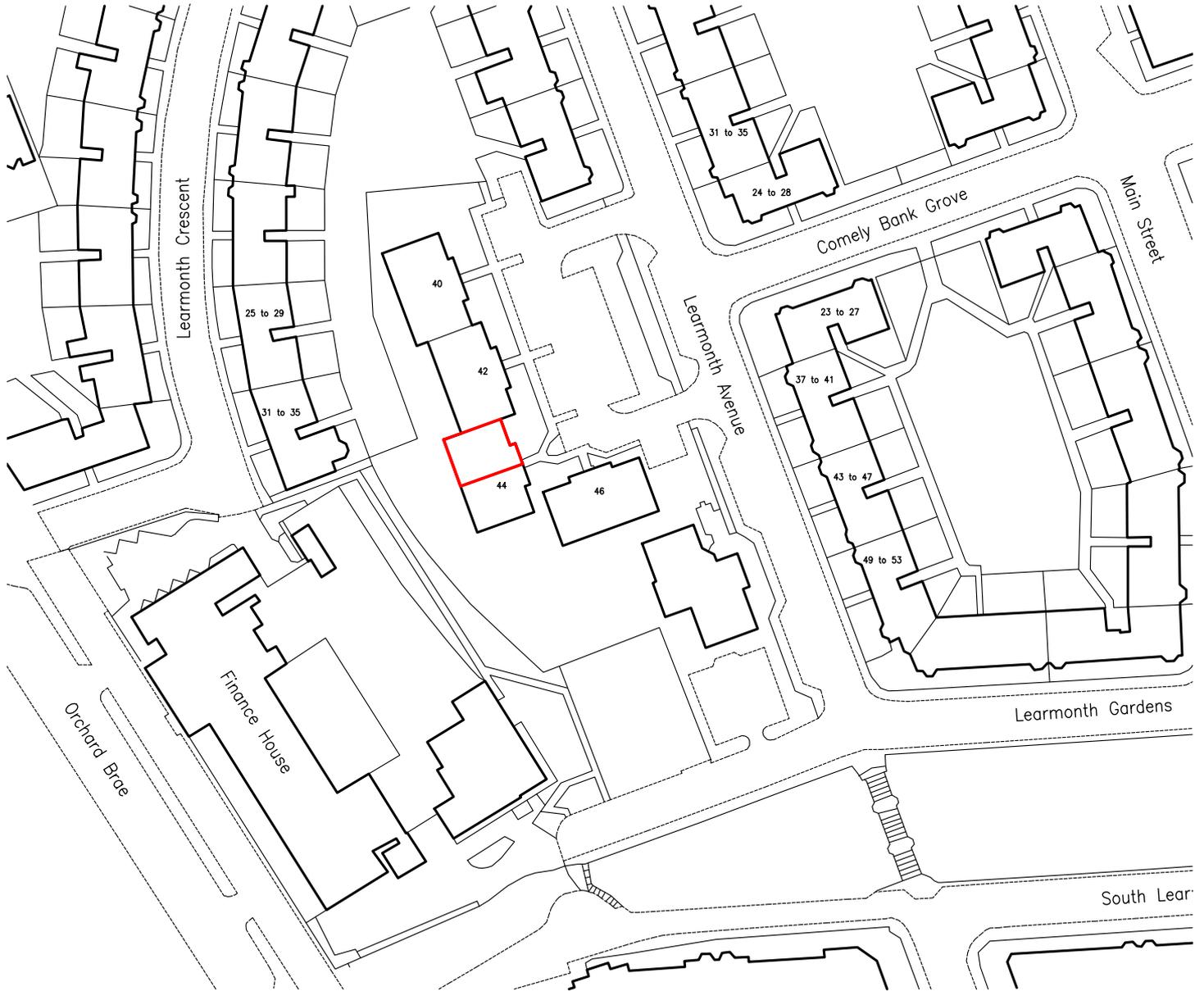
SCALE: nts @ A3	DATE: 15/05/2023	DRAWN BY: AKN	CHECKED: -
PROJECT REFERENCE: 23-P002	DRAWING NUMBER: PL-LAY-03	REVISION: -	

## 01 Front Elevation

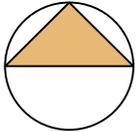
Scale nts @ A3

SCALE 1:100 in metres





NORTH



SCALE 1:1250 in metres




Planning Services Scotland  
 37 Dyfrig Street, Shotts, ML7 4DQ  
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 Email: [admin@planning-services.scot](mailto:admin@planning-services.scot)  
[www.planning-services.scot](http://www.planning-services.scot)

**CLIENT:** Mr Abdulrashid Siddique

**DESIGNER:** TmC Planning & Property Development Ltd

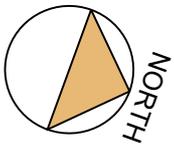
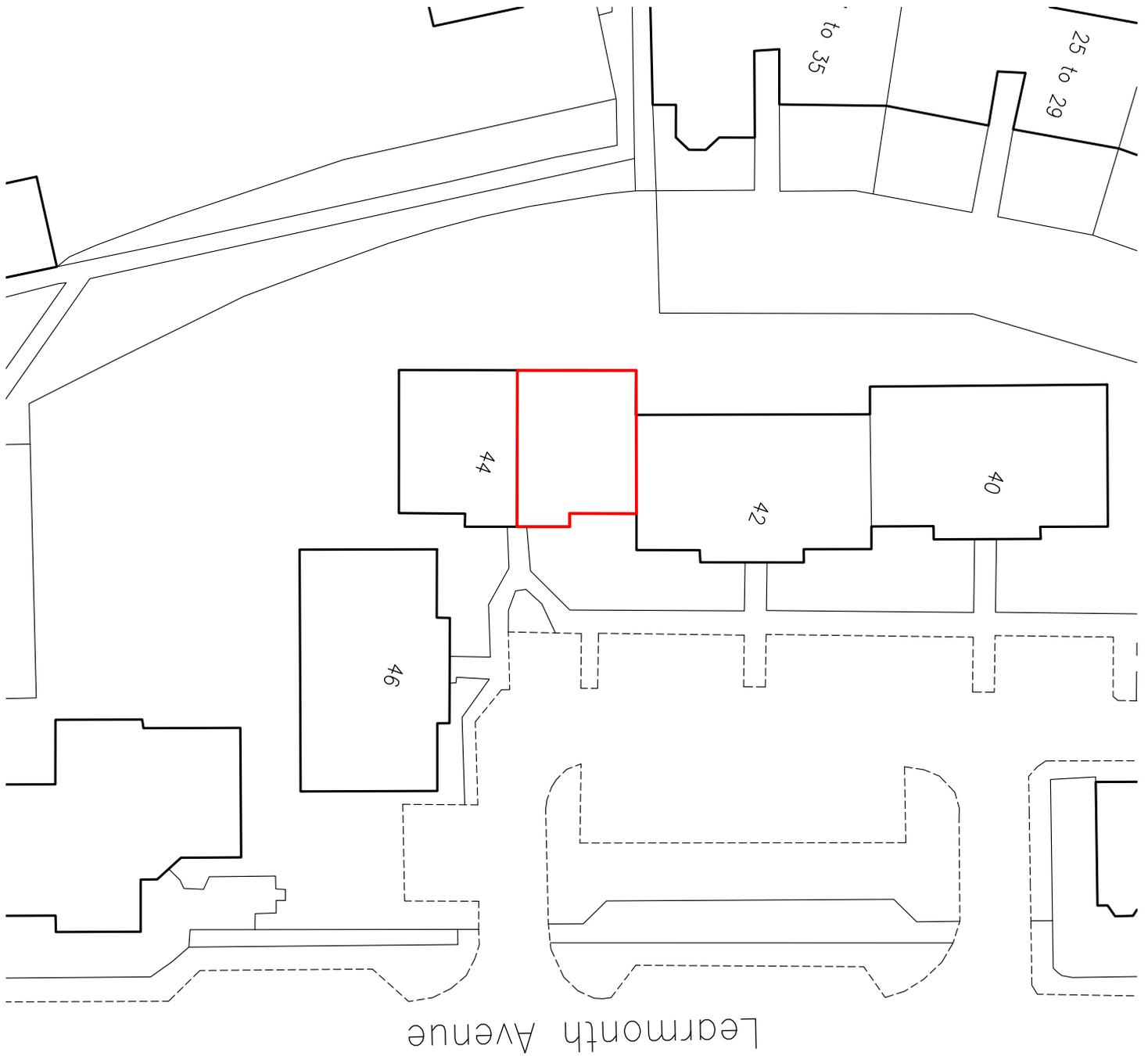
**SITE:** 44/6 Learnmonth Avenue, Edinburgh, EH4 1HT

**PROPOSED:** Change of Use

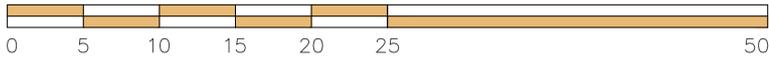
**TITLE:** Location Plan

# PLANNING

<b>SCALE:</b> 1:1250 @ A4	<b>DATE:</b> 12/05/2023	<b>DRAWN BY:</b> AKN	<b>CHECKED:</b> -
<b>PROJECT REFERENCE:</b> 23-P002	<b>DRAWING NUMBER:</b> PL-LOC-01		<b>REVISION:</b> -



SCALE 1:500 in metres




 Planning Services Scotland  
 37 Dyfrig Street, Shotts, ML7 4DQ  
 Tel: 07450 939889  
 Email: admin@planning-services.scot  
 www.planning-services.scot

**CLIENT:** Mr Abdulrashid Siddique

**DESIGNER:** TmC Planning & Property Development Ltd

**SITE:** 44/6 Learmonth Avenue, Edinburgh, EH4 1HT

**PROPOSED:** Change of Use

**TITLE:** Site Plan

# PLANNING

<b>SCALE:</b> 1:500 @ A4	<b>DATE:</b> 12/05/2023	<b>DRAWN BY:</b> AKN	<b>CHECKED:</b> -
<b>PROJECT REFERENCE:</b> 23-P002	<b>DRAWING NUMBER:</b> PL-LAY-01		<b>REVISION:</b> -