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**Decision date: 3 May 2024**

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

Change to short term let from residential (in retrospect).  
At 6 Alva Place Edinburgh EH7 5AZ

**Application No:** 23/04587/FULSTL

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 20 October 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, 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

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

The change of use of this property to a short term let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact James Armstrong directly at [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@edinburgh.gov.uk).



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

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

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

# Report of Handling

**Application for Planning Permission STL  
6 Alva Place, Edinburgh, EH7 5AZ**

**Proposal: Change to short term let from residential (in retrospect).**

**Item – Local Delegated Decision  
Application Number – 23/04587/FULSTL  
Ward – B12 - Leith Walk**

## **Recommendation**

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

## **Summary**

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

The change of use of this property to a short term let (STL) will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

## **SECTION A – Application Background**

### **Site Description**

The application site is a one bedroom ground floor Colony flat located on the eastern side of Alva Place. The property has its own access to the street and has a garden area.

Alva Place is of predominantly residential character, featuring a low degree of activity during the day and at night. Public transport links are accessible from the site.

The application property is in the Abbeyhill Colonies Conservation Area.

### **Description Of The Proposal**

The application is for the retrospective change of use of the property from a flatted dwelling to short term let (sui generis) (STL). No internal or external physical changes are proposed. The application form states that the operation of the property as a short term let commenced on 01 April 2018.

### **Supplementary information**

OS extract of property location  
Title extract

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant site history was identified.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 3 May 2024

**Date of Advertisement:** 3 November 2023

**Date of Site Notice:** 3 November 2023

**Number of Contributors:** 3

## **Section B - Assessment**

### **Determining Issues**

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

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

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

The application has been submitted in retrospect. The applicant has confirmed on the application form that the operation of the property as a short term let commenced on 1 April 2018. This is prior to 5 September 2022, which is when the Edinburgh short term let control area designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short term let is a material change of use.

On the basis of the application form, the description of development, drawings and supporting information it is considered that the proposals constitute a material change of use under Section 26 of the Town and Country Planning (Scotland) Act 1997.

### **a) The proposals harm the character or appearance of the conservation area?**

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

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

The Abbeyhill Colonies Conservation Areas Character Appraisal emphasise the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area.

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

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

#### Conservation Area

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 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 relate to STL proposals.

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

#### *Amenity*

The use of this property as an STL would introduce an increased frequency of movement to the property enabling visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go

frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

The proposed use would have an unacceptable impact on residents that are living in the surrounding area. The noise generated by the proposed use would be significantly different from the ambient background noise that neighbouring residents living within the building might reasonably expect, and consequently will have a significant detrimental effect on their living conditions and amenity. Whilst the amenity impacts of the proposed use are to a degree reduced by the property's one bedroom size, the access to a garden area would likely increase the amenity impacts of the proposal. There could also be a negative impact on community cohesion and residents' safety.

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

On balance, the proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

#### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result the loss of this residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

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

#### Parking Standards

No parking is proposed. This is acceptable as it is in compliance with the Edinburgh Design Guidance.

The proposals comply with LDP Policies Tra 2 and Tra 3.



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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. Public representations have raised the issue of an impact to the available supply of houses with main doors which are particularly suitable for individuals with accessibility issues. On balance the impact of the proposal to the available supply of housing with main doors is not considered significant.

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

Two representations were received objecting to the proposal, as well as one comment in support. A summary of the issues raised includes:

### *Material Considerations*

- Loss of residential accommodation. Assessed in Section b).
- Negative impact to the local community. Assessed in Section b).
- Will reduce the availability of houses with a main door entrance with consequent equalities impacts. Assessed in Section c).
- Positive impact to the Scottish economy. Assessed in Section b).

### *Non-material Considerations*

- Visitors to the city should be accommodated in hotels.
- Will be an affordable alternative for visitors to the city when compared with staying in a hotel.

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

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

The change of use of this property to a short term let will result in a loss of the residential accommodation and a negative impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan 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: 20 October 2023**

### **Drawing Numbers/Scheme**

01, 02

Scheme 1

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

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

Appendix 1

**Consultations**

No consultations undertaken.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

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

Case Officer: James Armstrong

Date: 28 March 2024

#### **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: 3 May 2024

# Comments for Planning Application 23/04587/FULSTL

## Application Summary

Application Number: 23/04587/FULSTL

Address: 6 Alva Place Edinburgh EH7 5AZ

Proposal: Change to short term let from residential (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Mrs Gill Penfold

Address: 73 Hawk Crescent Dalkeith

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I believe that Edinburgh self catering options for people wishing to visit the city are limited. The cost of hotels in Edinburgh City are expensive and unaffordable to many people. These types of properties provide an affordable option to people, even more so in a cost of living crisis. These types of accommodation can add to the Scottish economy.

# Comments for Planning Application 23/04587/FULSTL

## Application Summary

Application Number: 23/04587/FULSTL

Address: 6 Alva Place Edinburgh EH7 5AZ

Proposal: Change to short term let from residential (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Mrs Sabine Savelsberg

Address: 4 Maryfield Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear reader,

The Abbeyhill colonies have a reputation for their neighbourhood community and engagement. It is not an anonymes quarter like others where people living door to door are not talking to each other but are in a lively interaction. A great place to live for families and all generations. This spirit is not created by short term stays but by the people who live here and support this community. Places like this need to be affordable and available for people who want to live and work in Edinburgh. There is a solution for short term stays called hotels. Hotels with employees and vendors depending on this industry. Thank you for considering my comment.

# Comments for Planning Application 23/04587/FULSTL

## Application Summary

Application Number: 23/04587/FULSTL

Address: 6 Alva Place Edinburgh EH7 5AZ

Proposal: Change to short term let from residential (in retrospect).

Case Officer: Improvement Team

## Customer Details

Name: Mr Thomas Solleveld

Address: 40 Lady Menzies Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed STL licence application for 6 Alva Place on the following grounds:

Edinburgh already has an oversubscribed rental market and converting a potential long-term let to a short-term let only aggravates this problem.

The Abbeyhill area, like many areas of Edinburgh, is a proudly close-knit community, with the colonies at its centre. Most residents in the local area are owner-occupiers or long-term renters who have created a supportive community. I feel that this property would be much better used to provide housing to someone who wants to live in the area rather than as a short-term let designed to profit from the effort the local community has made in making the area a desirable place to live.

Furthermore, the demand for main-door housing in Edinburgh is so great, that incentivising any main-door housing for short-term holiday lets is contrary to Scottish Planning Policy on "supporting delivery of accessible housing".