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Decision date: 6 May 2024

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

Propose a change of use to the property from residential to a short term let.
At 1F1 15 West Crosscauseway Edinburgh EH8 9JW

Application No: 23/04221/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 10 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 is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (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 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.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

Report of Handling

**Application for Planning Permission STL
1F1 15 West Crosscauseway, Edinburgh, EH8 9JW**

Proposal: Propose a change of use to the property from residential to a short term let.

**Item – Local Delegated Decision
Application Number – 23/04221/FULSTL
Ward – B15 - Southside/Newington**

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to a short-term let (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 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 one-bedroom, first floor flat, situated within a four-storey tenement on the south side of West Crosscauseway. The flat is accessed via a shared main door access that is used by further residential properties. The main door is situated between two commercial properties. The property has access to a rear communal garden.

The surrounding area is mixed use in character with commercial uses occurring at ground level and residential uses above. Although the exterior context of the site is

mixed use, the internal nature of the tenement is residential. Neighbouring internal residential properties can expect a high level of residential amenity within the tenement.

The property is located within the Southside Conservation Area.

Description Of The Proposal

The proposal is for the retrospective change of use from residential to STL.

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 6 May 2024

Date of Advertisement: 27 October 2023

Date of Site Notice: 27 October 2023

Number of Contributors: 5

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 is in retrospect. The application form states that the proposed operation of the property as a short term let commenced 01 July 2018. This is prior to 5 September 2022, when the Edinburgh short term let control area 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 STL is a material change of use.

The effect of granting planning permission would be to change the use from a residential flat to STL. The use of the property as STL, as a result of the granting of planning permission, would constitute a material change in the use of the property under section 26 of the Town and Country Planning (Scotland) Act 1997, given the associated characteristics in STL use in this location (residential on upper floors) and property type (first floor property sharing a main door access and stairwell).

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 South Side Conservation Area Character Appraisal "*emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.*"

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals are acceptable with regards to 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 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 the property as a STL 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.

Although the property is situated within a mixed-use area with commercial activity located at ground floor level, the location of the property is within a residential stair with

a communal access and in close proximity to neighbouring residential properties. This further increases the likelihood that STL users could have a detrimental impact on neighbouring residential amenity. The use as a STL is not consistent with the internal residential neighbours and would have a detrimental effect on their residential amenity.

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 accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The proposed change of use to an STL would result in a loss of residential accommodation. As there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply where appropriate.

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.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term 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

There is no parking available at the property. This is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

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. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The application received five public representations, three objections and two supporting. An objection was received from the South Side Community Council.

A summary of the representations is provided below:

material considerations in objection

- The proposed change of use would remove existing available residential accommodation in Edinburgh. Assessed in section b).
- The proposed change of use would have a negative impact on neighbouring amenity. Assessed in section b).
- Concern that the STL users would not contribute to the local community in the same manner as long-term residents. Assessed in section b).

material considerations in support

- The retrospective STL use has not caused disruption to neighbouring residential properties. The effect of STL use on neighbouring residential amenity have been discussed in section b).

non-material considerations

- Concern that local services would be under extra pressure.

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 a 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 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 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: 10 October 2023

Drawing Numbers/Scheme

01 - 02

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

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: 25 April 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): Lesley Porteous

Date: 6 May 2024

Comments for Planning Application 23/04221/FULSTL

Application Summary

Application Number: 23/04221/FULSTL

Address: 1F1 15 West Crosscauseway Edinburgh EH8 9JW

Proposal: Propose a change of use to the property from residential to a short term let. This is an additional property so comes under the secondary letting category.

Case Officer: Improvement Team

Customer Details

Name: Miss Lucia Santana

Address: 15/8 West Crosscauseway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I lived in this building (3f2) for over 2 years now and have had no issues with any noise or rowdy guests as a result of the Airbnb in the first floor. I live on the 3rd floor so I always pass it and have never heard loud music or seen too much movement.

The flat is the first flat you come to in the stair so it means there's no passing of any other flats when guests arrive so that is another positive point. I support therefore the petition.

Comments for Planning Application 23/04221/FULSTL

Application Summary

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Proposal: Propose a change of use to the property from residential to a short term let. This is an additional property so comes under the secondary letting category.

Case Officer: Improvement Team

Customer Details

Name: Miss Rebecca N. Hart

Address: 3F3 15 West Crosscauseway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I saw this application on display just outside my property and I would be in support of it. I've not long moved into the area but I don't see there being any issues with this since the flat proposed for this work is the first one that you come to, therefore, no-one would be passing my door. I don't think this poses any issues at all for me as a neighbour.

Comments for Planning Application 23/04221/FULSTL

Application Summary

Application Number: 23/04221/FULSTL

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Proposal: Propose a change of use to the property from residential to a short term let. This is an additional property so comes under the secondary letting category.

Case Officer: Improvement Team

Customer Details

Name: CC Stephen Rodger Benson

Address: 41 Clerk Street 1F2 Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We at the Southside Community Council object to this application.

Edinburgh's housing is already under significant pressure, with demand being quite high, driving up both rental and purchase prices for residents, and making it harder to find suitable accommodation in the first place (including students). Short Term Lets exacerbate this by removing properties from the private rental market or diverting them from being sold on. Even a retrospective application like this one would be preferable to return to normal residential use. This property, while small, could serve well for a single person or couple and is quite convenient for working or studying in many parts of the city.

Short term lets also put extra pressure on local services. With the new groups of visitors arriving and departing, sometimes in rapid succession after each other, this often produces notably extra rubbish as things are cleared out after each group, sometimes contributing to overflowing bins, particularly in high density residential areas such as where this flat is.

STLs often cause disruption for neighbours. The arrivals and departures of visitors with their luggage, sometimes at anti-social hours, can be disturbing for neighbours. Some STLs are even marketed specifically as "party flats", but even if they are not, visitors are sometimes less careful about being considerate for neighbours and given the turnover in visitors it increases the chance of this happening eventually, and any resolution of a problem has no guarantee of lasting beyond an individual stay. This is heightened with STLs on communal stairs, like this application, due to the proximity of flats to each other, people clattering up and down stairs, and adding complications such as visitors buzzing neighbours to let them in when they first arrive or if they forget their keys, whether accidentally or deliberately. It is our understanding that it is against planning policy to

approve STLs in communal stairs.

A lack of long-term residents also undermines the sense of a local community. Communal stairs exist where many, or even most, the flats are STL. This makes it harder to get to know and cooperate with residents on the stair, and at extreme levels can even be actively isolating. People find it harder to find accommodation in their local area, and can even feel forced out by the disruption or the isolation of having STL around them. As the Community Council, we are aware that the Southside already has difficulties with community involvement as a result of the comparatively transient population, and this trend should not be reinforced by approving more Short Term Lets

Comments for Planning Application 23/04221/FULSTL

Application Summary

Application Number: 23/04221/FULSTL

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Proposal: Propose a change of use to the property, from residential to a short term let. This is an additional property so comes under the secondary letting category.

Case Officer: Improvement Team

Customer Details

Name: Mr Velin Yordanov

Address: 38/1 West Crosscauseway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm very against short term let flats. People I know struggling to find a place to live just because flats are turned into airbnb. Also that's ruined communities. We don't know our neighbours anymore. I don't feel safe

Comments for Planning Application 23/04221/FULSTL

Application Summary

Application Number: 23/04221/FULSTL

Address: 1F1 15 West Crosscauseway Edinburgh EH8 9JW

Proposal: Propose a change of use to the property, from residential to a short term let. This is an additional property so comes under the secondary letting category.

Case Officer: Improvement Team

Customer Details

Name: Mr Robert Motyka

Address: 38/1 West Crosscauseway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to turning another property in our neighbourhood into a short-term let. We already struggle with noise, strangers in the staircase, and filthy staircase, as short-term lets agents don't contribute to cleaning shared spaces.