

# Notice of meeting and agenda

## Planning Local Review Body (Panel 1)

**10.00 am Wednesday, 12th October, 2022**

Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

### Contacts

Email: [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk)

Tel: 0131 529 4085

## **1. Appointment of Convener**

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- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

## **2. Order of Business**

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- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

## **3. Declaration of Interests**

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- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **4. Minutes**

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- 4.1 Minute of the Local Review Body (Panel 1) of 14 September 2022 – submitted for approval as a correct record. 9 - 22

## **5. Local Review Body - Procedure**

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- 5.1 Note of the outline procedure for consideration of all Requests for Review 23 - 26

## 6. Requests for Review

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- 6.1** 69 (2F) Madeira Street Edinburgh – Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels – application no. 22/02716/FUL. 27 - 78
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents, holding one or more hearing sessions on specific matters and a site inspection.
- 6.2** 1 Brand Place, Edinburgh – Change of use from residential to short-term lets use – application no 22/02680/FUL. 79 - 116
- (a) Notice of Review and Supporting Documents
- (b) Letters of Representation
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.3** 21/9 Maryfield, Edinburgh – Change of use from residential to short-term lets - application no. 22/02651/FUL. 117 - 164
- (a) Notice of Review and Supporting Documents
- (b) Letters of Representation
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.
- 6.4** 131 (1F1) Montgomery Street, Edinburgh – Change of use from residential to short-term lets – application no. 22/02681/FUL. 165 - 208
- (a) Notice of Review and Supporting Documents
- (b) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.5** 2 (Flat 6) Saunders Street, Edinburgh – Change of use from residential to short-term lets – application no. 22/02682/FUL. 209 - 242

(a) Notice of Review and Supporting Documents

(b) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

- 6.6** 2 (2F1) West Norton Place, Edinburgh – Change of use from residential to short-term lets – application no. 22/02643/FUL. 243 - 288

(a) Notice of Review and Supporting Documents

(b) Letters of Representation

Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

## **7. Extracts of Relevant Policies from the Edinburgh Local Development Plan**

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- 7.1** Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases 289 - 292

[Local Development Plan Online](#)

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)

Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

Edinburgh Local Development Plan Policy Tra 2 (Private Car



Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

## 8. Non-Statutory Guidance

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### 8.1 [Guidance for Householders](#)

[Listed Buildings and Conservation Areas](#)

[Guidance for Businesses](#)

[Leith Conservation Area Character Appraisal](#)

[The Relevant Scottish Planning Policy – Sustainable Development Principles](#)

[Managing Change in the Historic Environment: Roofs](#)

[Managing Change in the Historic Environment - Interiors](#)

**Note:** The above policy background papers are available to view on the Council's website [www.edinburgh.gov.uk](http://www.edinburgh.gov.uk) under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

### Nick Smith

Service Director, Legal and Assurance

## Membership Panel

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Councillor Lezley Marion Cameron, Councillor Neil Gardiner, Councillor Tim Jones, Councillor Kayleigh O'Neill and Councillor Hal Osler.

## Information about the Planning Local Review Body (Panel 1)

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The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

This meeting of the LRB is being held virtually by Microsoft Teams.

## Further information

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Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4085, email [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk).

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

## Webcasting of Council Meetings

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# Minutes

## The City of Edinburgh Planning Local Review Body (Panel 1)

**10.00 am, Wednesday 14 September 2022**

**Present:** Councillors Cameron, Gardiner (items 5-8), Jones and Osler.

### 1. Appointment of Convener

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Councillor Jones was appointed as Convener.

### 2. Minutes

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- 2.1** To approve the minute of the Local Review Body (LRB Panel 1) of 10 August 2022 as a correct record.

### 3. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 26 Barony Street, Edinburgh

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Details were submitted of a request for a review for retrospective change of use from residential to short-term let apartment (sui generis) at 26 Barony Street, Edinburgh.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 14 September 2022. Application no. 22/01089/FUL.

#### Assessment

At the meeting on 14 September 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01, Scheme 1 being the drawings shown under the application reference number 22/01089/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
  - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Local Development Plan Policy Env 1 (World Heritage Sites)
  - Local Development Plan Policy Env 3 (Listed Buildings – Setting)
  - Local Development Plan Policy – Env 4 (Listed Buildings - Alterations and Extensions)
  - Local Development Plan Policy -Env 6 (Conservation Areas – Development)
  - Local Development Plan Policy Tra 2 (Private Car Parking)
  - Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
  - Paragraph 29 of Scottish Planning Policy in terms of protecting the amenity of existing residents.
  - Guidance for Businesses
  - Guidance for Listed Building and Conservation Area
  - New Town Conservation Area Character Appraisal
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether the impact on amenity on neighbours was of an excessively detrimental nature. The proposals for retrospective change of use from residential to short-term let apartment were in relation to the back door and access to the garden of a one-bedroom property. As there were no physical alterations to the property, LDP Policy Hou 7 and the potential impact on neighbouring amenity were the main concerns.
- Consideration should be given to amenity and access to the communal garden. As this was a short term let it would allow people to use that garden space alongside residents in the block.
- The new information indicated that the applicant could brick up the door, but this did not form part of the original proposal. The applicant had not yet applied to block up the door, but that was a possibility for the future.
- The Panel confirmed that they were happy to accept the new information.

- Clarification was requested on the two levels of the property and how access would take place.
- Regarding the two levels, there would be access from the pavement into the ground floor, there was a staircase that went to the lower basement level. There was a back door that went out onto the garden. The garden at the rear was on a lower level. There would be direct access to the garden from the kitchen.
- There was sympathy for the applicant as they had acted correctly by applying for a change of use and indicated that they were mindful of the impact. However, the policies should be applied and the officer's recommendations should be upheld.
- The applicant could bring back an application that included proposals to prevent access to the back garden.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

The proposal was contrary to the Local Development Plan Policy Hou 7 in respect of inappropriate Uses in Residential Areas, as the existing rear access to communal garden had the potential to interfere with the amenity of other occupiers.

(References – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

## **5. Request for Review – Dalkeith Road (Phone Box by Royal Commonwealth Pool, Edinburgh)**

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Details were submitted of a request for a review of proposals to remove phone boxes and install street hub at Phone Box By Royal Commonwealth Pool Dalkeith Road Edinburgh. Application No. 22/01508/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 14 September 2022.

### **Assessment**

At the meeting on 14 September 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling, consultee response, post submission additional document and grounds for appeal.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/01508/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
  - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy Env 3 (Listed Buildings – Setting)
  - Edinburgh Local Development Plan Policy Tra 9 (Road Safety)
  - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
  - HES guidance Managing Change – Setting
  - The South Side Conservation Area Character Appraisal
  - Guidance on Advertisements, Sponsorship and City Dressing
  - Guidance on Listed Buildings and Conservation Areas
  - The Edinburgh Design Guidance
  - The Street Design Guidance.
  - Paragraph 29 of Scottish Planning Policy in terms of sustainable development
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- This was a complex application, there were 2 existing telephone boxes that should be removed that had been vandalised and contained advertising. However, BT were proposing to remove them and install a new slimline one in place. The issues were its size, illumination and that the advertising was not static.
- Clarification was sought regarding the difference in size between the telephone boxes and this proposed unit and how much pavement space would this take up



in comparison with the existing telephone boxes, considering there was advertising on those boxes.

- It was confirmed that this was digital advertising, which involved the erection of a double-sided digital advertising display unit with rotating content. The advert would be housed within a BT "InLink" unit. The image would change and it would be illuminated night and day. The present boxes were static even though they had advertising. The new one would be much taller and was narrower than the existing boxes. (a comparison with traffic lights was given). The existing and new telephone boxes were compared, the line of the road was north/ south and the new structure sat further out onto the pavement.
- One of the issues was the impact on a Grade A listed building, but it was not possible to see the impact on the building from the photos.
- It was the setting of the building that was the issue, because of the street hub's location outside the front of it and whether the Panel considered this as obtrusive in front of the A listed building.
- Clarification was sought as to how this would be fully accessible, in terms of imparting information to people and if this was to go ahead, would the old phone boxes be removed.
- It was confirmed that the digital sign sat on the site of the old phone boxes, so they would have to be removed. The applicant had indicated that it provided an accessible design, including hearing induction loops, braille embossed and TalkBack functionality.
- Regarding the listed building aspect, the Commonwealth Pool was built in the late 1960s/early 1970's. The City did not have many Grade A listed buildings of this era and this would be a rare example.
- It could not be confirmed how many 1970's listed buildings there were, but this was considered to be of sufficient importance to be listed Grade A category in 1996.
- Regarding the open space area in front of the building, this was an integral part of the design. The open space and the steps were an important part of the design concept.
- The advertising panel would sit in the public realm. The issue would be the impact of the proposals on the setting of the A listed building. It sat within the public realm of that listed building
- Clarification was requested on the example cited of exceptional circumstances of a case in London.
- It was confirmed that the appellant was citing a successful appeal that took place in London, and reference was given to the inspector's view regarding scale and setting.

- Clarification was requested about the setting and how long the Edinburgh Leisure signage had been on display, in front of the building.
- It could not be confirmed when this image was taken. The photo montage was part of the appellant's case. The structure referred to seemed to be of a permanent nature and one of the photos seemed to displaying railings.
- There were several issues with the phone boxes, which included anti-social behaviour. It was necessary to protect the historic element of the City and any buildings that were listed. It was the case that Edinburgh Leisure had some signs on display, but they were only of a temporary nature. This proposal would cause brightness and attract attention. This was a complex issue and the Panel should uphold the officer's decision as this proposal would have a worse impact on setting.
- The Panel should support this application, although this was a Category A listed building. There should be good WiFi for the City and the hub would provide this. It would be sustainable, there was no evidence of anti-social behaviour and the space was used mainly for people cycling and running. It was also welcome that the existing telephone boxes would be removed.
- The officer's report should be upheld. It was a good report, it took on board the importance of the building and the proposal would be detrimental to that setting with lit advertisements. Once the structure was in place, it would be in place permanently. The two aspects were not linked, BT could just remove the boxes, if they were no longer used. The setting of the building was important and it was rare for a building to be Category A Listed. The Commonwealth Pool was important nationally and internationally and was held in great affection. It was necessary to protect the City's heritage.
- The proposal was not obtrusive and it should be granted as there were exceptional circumstances.

Having taken all the above matters into consideration and although two of the members were in disagreement, the LRB determined that the proposals were not obtrusive, ensured sustainability and accessibility, did not detract from the conservation area and there were exceptional circumstances. Therefore, the proposals were not contrary to the Local Development Plan Policies Des1 Design - Quality and Context, Des 5 Development Design – Amenity, Env 6 in respect of Conservation Areas – Development and Non-statutory guidelines on Adverts and Sponsorship.

### **Motion**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design -

Amenity as it was likely to adversely impact on the amenity of neighbouring properties.

3. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it would have a detrimental impact on the character and appearance of the conservation area.
4. The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as - digital adverts are not supported on street furniture other than on bus shelters in appropriate locations.

- Moved by Councillor Osler, seconded by Councillor Gardiner.

### **Amendment**

To not uphold the decision by the Chief Planning Officer and to grant planning permission.

### **Reasons**

The proposals were not obtrusive, ensured sustainability and accessibility, did not detract from the conservation area and there were exceptional circumstances. Therefore, the proposals were not contrary to the Local Development Plan Policies Des1 Design - Quality and Context, Des 5 Development Design – Amenity, Env 6 in respect of Conservation Areas – Development and Non-statutory guidelines on Adverts and Sponsorship.

### **Condition**

1. Prior to commencement of the installation of the Street Hub, the existing telephone boxes should be removed.

### **Reason**

1. In the interests of visual amenity.

### **Informatives**

- Moved by Councillor Cameron, seconded by Councillor Jones.

### **Voting**

For the motion - 2 votes

For the amendment - 2 votes

(For the motion: Councillors Gardiner and Osler.)

(For the amendment: Councillors Cameron and Jones.)

### **Casting Vote**

As there were an equal number of votes for the Motion and Amendment, the Convener used his casting vote in favour of the Amendment.

### **Decision:**

To not uphold the decision by the Chief Planning Officer and to grant planning permission.

## Reasons

The proposals were not obtrusive, ensured sustainability and accessibility, did not detract from the conservation area and there were exceptional circumstances. Therefore, the proposals were not contrary to the Local Development Plan Policies Des1 Design - Quality and Context, Des 5 Development Design – Amenity, Env 6 in respect of Conservation Areas – Development and Non-statutory guidelines on Adverts and Sponsorship.

## Condition

1. Prior to commencement of the installation of the Street Hub, the existing telephone boxes shall be removed.

## Reason

- 1 In the interests of visual amenity.

## Informatives

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

(References – Decision Notice, Report of Handling, Notice of Review, supporting documents, consultee response, post submission additional document and grounds for appeal, submitted).

## 6. Request for Review – 59 Gilmore Place, Edinburgh

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Details were submitted of a request for a review for change of use from house to short stay visitor accommodation at 59 Gilmore Place Edinburgh. Application No. 21/06232/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 14 September 2022.

## Assessment

At the meeting on 14 September 2022, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-06, Scheme 1 being the drawings shown under the application reference number 21/06232/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
  - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Local Development Plan Policy Env 6 (Conservation Areas – Development)
  - Local Development Plan Policy Tra 2 (Private Car Parking)
  - Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Businesses
  - Guidance for Listed Building and Conservation Area
  - Marchmont, Meadows & Bruntsfield Conservation Area Character Appraisal.
  - Paragraph 29 of Scottish Planning Policy in terms of sustainable development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Despite the applicant's supporting statement, which indicated that the neighbouring residential property would not be adversely affected, if there was permission granted for a short term let, there was no way of enforcing the proposed management policy. Consent went with the property not the operator.
- It was stated that the property was recently used as an HMO, but the licence was only until 2014.
- The application was for change of use from house to short stay visitor accommodation, therefore, it was probably used for residential purposes from 2014.
- What was the fundamental reason for the application being refused?
- Although there would be no alterations to the premises, it was being refused on the grounds of LDP Policy Hou 7 and non-statutory guidelines on business use. It should also be considered if this was acceptable use in a residential area. The property had seven bedrooms and there would be access to the rear garden.

The proposed use would be detrimental to the amenity of local residents, especially with regard to outdoor space and noise.

- The applicant had no intention of providing access to the rear garden, but there was a conservatory that would give access. Therefore, the guest room, kitchen and dining room could access the conservatory and the rear garden. The guest room would probably have some sort of locked door.
- It was confirmed that the residents would have access to the kitchen, then the conservatory and the rear garden.
- There was no intended physical alteration to stop access to garden. As well as entry to the garden, consideration should also be given but also the number of potential guests, causing a potential disturbance.
- According to the guidance the Panel should consider the area, and size of the property, including the number of occupants.
- The Panel should uphold the officer's decision because of the rear garden issue, the size of the unit and that the number of people in transit which would be detrimental to the area.
- Although the officer's decision should be upheld, the Panel should commend the applicant for their intention to take measures to ensure good practice. However, it could not be ensured that this would be of a permanent nature. There could be noise issues and impact on neighbouring amenity.

Having taken all the above matters into consideration and although there was some sympathy to the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

#### **Decision:**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

#### **Reasons for Refusal:**

The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this large property as a short stay let would result in noise and disturbance which should have a materially detrimental effect on the living conditions and amenity of nearby residents.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **7. Request for Review – 21 Napier Road, Edinburgh**

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Details were submitted of a review for application to approve matters and specified in condition 1 of planning permission in principle 19/02753/PPP at 21 Napier Road Edinburgh. Application No. 21/04838/AMC.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 14 September 2022.

## Assessment

At the meeting on 14 September 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01b, 02b, 04c, 05a, 06b, 07, 08, 09, 10, 11, 12c, 13b, 14, Scheme 2 being the drawings shown under the application reference number 21/04838/AMC on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:
  - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)
  - Edinburgh Local Development Plan Policy Des 4 (Development Design- Impact on Setting)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
  - Edinburgh Local Development Plan Policy Env 12 (Trees)
  - Edinburgh Local Development Plan Policy Env 16 (Species Protection)
  - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Parking)
  - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
  - Edinburgh Local Development Plan Policy Tra 4 (Cycle parking)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance on Listed Buildings and Conservation Areas
  - The Edinburgh Design Guidance
  - The Merchiston and Greenhill Conservation Area Character Appraisal

- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- There was agreement with the recommendation in the officer's report. The principle had been agreed that the grounds of the existing house were large enough to hold the building, but the design could be improved.
- There were two elements to the proposal, which were the new chapel and priest accommodation in the grounds of the existing house. This seemed somewhat incongruous. A proposal which was more harmonious was required, therefore, the applicant should come back with an application with an improved design.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

## **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

## **Reasons for Refusal:**

1. The proposal did not comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it did not preserve or enhance the character of the conservation area.
2. The proposal was contrary to the adopted Local Development Plan Policy Env 6 in respect of Conservation Areas-Development, as it would not preserve or enhance the special character or appearance of the conservation area.
3. The proposal was contrary to the adopted Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the development was inappropriate design damaging to the character and appearance of the area around it.
4. The proposal was contrary to the adopted Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal would not have a positive impact on its surroundings, including the character of the wider townscape and landscape.
5. The proposal was contrary to Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as it had not been demonstrated that existing characteristics and features in the surrounding built environment had been identified and incorporated in the proposed buildings design.



(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## **8. Request for Review – 331 South Gyle Road, Edinburgh**

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Details were submitted of a request for a review for a proposed single storey extension to rear of existing end terraced villa at 331 South Gyle Road Edinburgh. Application No. 22/01608/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 14 September 2022.

### **Assessment**

At the meeting on 14 September 2022, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01-03, Scheme 1 being the drawings shown under the application reference number 22/01608/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan, principally:  
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.  
Guidance for Householders  
Paragraph 29 of Scottish Planning Policy in terms of sustainable development
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The officer's recommendation to refuse the application should be upheld because the works would result in an unreasonable further reduction in neighbouring amenity in terms of daylight and sunlight.

- The applicant could possibly submit a re-design, so that the roof would have less impact on the neighbouring garden and this might resolve the overshadowing issue.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

**Decision:**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

**Reasons for Refusal:**

The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would result in unreasonable loss of neighbouring amenity in respect of daylight and sunlight.

(References – Decision Notice, Report of Handling, Notice of Review and supporting documents, and Further Representations, submitted).

## City of Edinburgh Planning Local Review Body (the LRB)

### General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
  - further written submissions;
  - the holding of one or more hearing sessions; and/or
  - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

### **Considering the Request for Review**

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
  - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
  - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
  - take into account only those issues which are relevant planning considerations;
  - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
  - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
  - uphold the officer's determination;
  - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
  - grant planning permission, in full or in part;
  - impose conditions, or vary conditions imposed in the original determination;
  - determine the review in cases of non-determination.

### **Procedure after determination**

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

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Patience & Highmore Ltd.  
FAO: Keith Cameron  
Quadrant  
17 Bernard Street  
Edinburgh  
EH6 6PW

Mr Nigel Ellis.  
2F 69 Madeira Street  
Edinburgh  
EH6 4AX

**Decision date: 25 July 2022**

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

Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.  
At 2F 69 Madeira Street Edinburgh EH6 4AX

**Application No: 22/02716/FUL**

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 20 May 2022, 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;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal will not preserve nor enhance the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the materials proposed are inappropriate for the building. \*\*\*\*

3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal is inappropriate and out of keeping with the original building.

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:

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 Erin Gallagher directly at [erin.gallagher@edinburgh.gov.uk](mailto:erin.gallagher@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  
2F 69 Madeira Street, Edinburgh, EH6 4AX**

**Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.**

**Item – Local Delegated Decision  
Application Number – 22/02716/FUL  
Ward – B13 - Leith**

## **Recommendation**

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

## **Summary**

The proposal would have significant impact on the special historic or architectural interest of the listed building and be detrimental to the character and appearance of the conservation area. This is unacceptable with regards to Sections 59 and 64 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant LDP policies and Guidance.

## **SECTION A – Application Background**

### **Site Description**

The application refers to C listed building (LB27142) dated circa 1840. It is a three-storey, nine-bay terraced pair of tenements. Which features cream sandstone ashlar.

The site is located within the Leith Conservation Area.

### **Description Of The Proposal**

The proposal is for the conversion of the existing attic to a studio apartment which will include a new dormer, terrace, roof windows, solar panels and new stair within the common stair well.

### **Relevant Site History**

22/02721/LBC

2F 69 Madeira Street

Edinburgh

EH6 4AX

Convert existing attic space to studio apartment C.W. new dormer, terrace, roof windows and solar water heating /PV panels and new stair within common stair well.

Refused

22 July 2022

## **Other Relevant Site History**

## **Consultation Engagement**

No consultations.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 July 2022

**Date of Advertisement:** 10 June 2022

**Date of Site Notice:** 10 June 2022

**Number of Contributors:** 5

## **Section B - Assessment**

### **Determining Issues**

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

a) Is there a strong presumption against granting planning permission due to the proposals:

- (i) harming the listed building or its setting? or
- (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

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

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

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

- Managing Change - Interiors
- Managing Change - Roofs

The proposal is for a modern attic conversion to the rear of the building, with zinc clad dormer, terrace with glass balustrade panels and a composite timber decking. The proposal will also rebuild the reduced chimney and will fit new pots. The dormer is proposed to be 2.6m high and 2.63m in depth. It is also proposed five new roof windows to the front elevation of the building.

Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on 'Roofs' states that "the significance of a historic roof is derived from a number of factors including its age, functional performance, shape, pitch, profile, and the qualities of its supporting structure, covering materials and associated features". The retention of original structure, shape, pitch, and cladding is therefore of paramount importance.

The proposals would alter the original traditional roof through the excessive removal of original building fabric and the positioning of features incongruous to its simple aesthetic to undermine the integrity of the listed building and causing damage to its character and loss of original fabric.

The proposals would therefore adversely impact on the special architectural and historic interest of the listed building

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

The proposals are unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The proposed elements are excessive and detrimentally impact on the properties contribution to the Conservation Areas special character and appearance. The proposals would not preserve the special character or appearance of the Conservation Area.

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

The proposals are unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 4 and Env 6
- LDP Design Principle policy Des 12

The non-statutory 'Listed Buildings and Conservation Area' and 'For Householders' guidance are material considerations that are relevant when considering policies Env 4, Env 6 and Des 12.

#### Scale, form, design and neighbourhood character

The proposals fail to preserve the character and appearance of the listed building and conservation area, as detailed in section a) and b) of the assessment. Policy Des 12 supports applications which use materials that are compatible with the character of the existing building. The materials proposed are inappropriate for the building.

#### Neighbouring Amenity

With respect to privacy, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in the non-statutory 'Guidance for Householders'. The proposals will not result in any unreasonable loss to neighbouring amenity.

### **Conclusion in relation to the Development Plan**

The proposals are of an unacceptable scale, form and design and are not compatible with the existing dwelling and therefore will not preserve/enhance the special character and appearance of the conservation area.

Therefore, the proposals do not comply with LDP policies Env 4, Env 6 and Des 12 and the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal is contrary to SPP Principle 3 and 10.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little 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

Five objections have been received.

A summary of the representations is provided below:

##### *material considerations*

The design of the proposal is not inkeeping with the conservation area, the roof would unbalance the traditional roofscape and the proposals would change the buildings appearance, the roof fabric and finishes will be irreversibly altered, this has been addressed in sections a) and b).

##### *non-material considerations*

There were concerns for the possible short-term let usage of the property and comments raised the possible access issues the proposal would produce for the other residents of the tenement to the roof.

#### **Overall conclusion**

The proposal would have significant impact on the special historic or architectural interest of the listed building and be detrimental to the character and appearance of the conservation area. This is unacceptable with regards to Sections 59 and 64 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant LDP policies and Guidance.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reasons

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal will not preserve nor enhance the conservation area.
2. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the materials proposed are inappropriate for the building. \*\*\*\*
3. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal is inappropriate and out of keeping with the original building.

### Background Reading/External References

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

Further Information - [Local Development Plan](#)

**Date Registered: 20 May 2022**

### Drawing Numbers/Scheme

01-02

Scheme 1

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

Contact: Erin Gallagher, Student Planner  
E-mail:erin.gallagher@edinburgh.gov.uk

## Appendix 1

### **Consultations**

No consultations undertaken.



# Comments for Planning Application 22/02716/FUL

## Application Summary

Application Number: 22/02716/FUL

Address: 2F 69 Madeira Street Edinburgh EH6 4AX

Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.

Case Officer: Erin Gallagher

## Customer Details

Name: Ms Juliet Moleta

Address: 69/2 Madeira Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I am writing to object to the planning application as follows:

The studio flat and the terrace would not be in line with this conservation area. Both the extended staircase and exterior terrace specifically would be very visible on the building. It does seriously affect a listed property where even replacement windows have to be sash and case, therefore I am not understanding why a large exterior terrace with solar panels would be granted permission. There are no such terraces within the conservation area and this would set a precedent if permission is granted.

The noise and disturbance from an exterior terrace would be serious considering the proximity of the terrace and noise carrying from a few feet away from my kitchen window. This could continue into anti social hours and I have 2 school age children to consider.

At present my flat is very quiet at the back and I would want to keep it this way. I would also be concerned as to the main purpose of the flat. ie. air bnb or rentals. Previously the applicant's flat below has been rented which adjoins mine at the living /kitchen area. There have been several noisy incidents in the past - parties into the night and I have had to complain to the rental agents. Rottie for the tenants to be mindful of neighbours. All the residents in the tenement are owner occupiers and community minded. I would not want short term or holiday rentals to be encouraged in the block due to noise and disturbance. The said terrace would also overlook our gardens and interfere with privacy.

Often at this height things get really windy and I would not feel secure at possible furniture or objects accidentally being blown off the top. The rain can also be relentless creating noise just on the drainpipes therefore water run off from the terrace or flat could also create unnecessary noise. It could also. be used as an outside bbq area which again could be very noisy.

# Comments for Planning Application 22/02716/FUL

## Application Summary

Application Number: 22/02716/FUL

Address: 2F 69 Madeira Street Edinburgh EH6 4AX

Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.

Case Officer: Erin Gallagher

## Customer Details

Name: Mr Colin Wilson

Address: 1F, 69 Madeira Street, Edinburgh EH6 4AX

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

These comments cover both the renovation of flat 69/2 and the creation of a new housing unit in the roofspace of 69 Madeira Street.

Firstly, comments on development and addition of an entire new flat in the roof space at 69 Madeira Street:

We have significant concerns about the development of an additional house in the attic roof space as detailed below.

1. The dormer and roof terrace: The design creates a roof terrace to the rear of the property which will be very visible from surrounding streets. It seems entirely out of keeping with the character of the property, considering its category C listing and location in a conservation area.

The three adjacent properties that make up the character of Georgian north Madeira Street are North Leith Parish Church (Category A, 1816), 68 Madeira Street house (Category C, built 1830s), 63-69 Madeira Street tenement of 6 flats (Category C, built 1840s). These three properties were the first built in north Madeira Street and make up the key character of the area. The context of the property at 63-69 Madeira Street behind and adjacent to North Leith Parish Church is shown in the contemporary etching from about 1850 viewable on:

[http://www.leithlocalhistorysociety.org.uk/churches/north\\_leith\\_parish\\_church.htm](http://www.leithlocalhistorysociety.org.uk/churches/north_leith_parish_church.htm)

The rear elevation of 63-69 Madeira Street has retained the building's original character. A planning application (recently approved) for flat 63/1 to reinstate sash and case windows in place of aluminium being a good example of sympathetic restoration. In the recent two years all the windows at 69/1, front and rear, were returned to the six over six Georgian style. It would be wrong to encourage retention and reinstatement of the Georgian style features of the building yet allow a dormer roof with a glass roof terrace.

The Leith Conservation Area Character Appraisal notes the importance of retaining the Georgian character of buildings and roofs. "The Madeira area retains a largely Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragaled windows and doors with fanlights."

The proposed roof terrace will be clearly visible from Portland Street, with the spire of North Leith Parish Church behind. Changing the slated roof of this Georgian property is contrary to the objectives of the conservation area.

The addition of solar panels (whilst acknowledging the general benefit of renewable energy) creates a solar array along the entire roof line of half the property. This will be very visible from the street and seems out of keeping with the Georgian nature of the building, and the symmetry of the rear of the building.

We have general concerns about the rebuilding of the roof, steel framework for the dormer and the general complexity of the new roof design. This creates a maintenance complexity and risk from leaks etc, for which we become jointly responsible for maintaining and repairing.

Velux style windows sympathetically executed may be acceptable.

2. We would have concerns that any new property created could be utilised for short term "Airbnb" type rental. The flat 69/2 has been used for rental for 20 years. We would like to see a restriction or control that any new flat could not be used for Airbnb style usage.

3. The addition of a new flight of stairs would require to be done in a manner sympathetic to the scheduled facade of the building. A modern steel design would be out of character. The proposed new flight of stairs will be visible through the large windows at the front of the building. The existing stairs can be seen through these windows. The existing stairs are stone and have reeded iron balusters with a hardwood handrail. Any new stair and design will be visible and comparable between the two windows. Given the category C listing this will affect the facade of the building and should be controlled in planning.

4. Communal roof access is currently made through a loft hatch at the top of the stairwell and

thence by a skylight onto the roof. Access is taken annually (and periodically as required) by residents of 69 and 67 (which is the ground floor flat) to conduct inspection, gutter cleaning, and general maintenance. The plan encloses this hatch and makes no provision for access by joint owners of the roof. This independent access should be maintained and without constraint of having to access another party's property. It is also not shown how the existing roof access skylight can be accessed from outside the property.

5. Windows to the front (Madeira St). Five Velux style windows are shown on the plan. There are currently no roof windows or skylights on this roof. The roof is clearly visible from the end of Madeira Street, where the whole building can be seen in its Georgian style. These new windows will be a change to the street facing elevation. The windows would only exist at one end of the building's roof, therefore changing the current symmetry of the roof between both ends of the building. We would suggest two Velux style windows, one for each room, might be acceptable if they were kept to a size similar to skylights of the period.

#### Comments on renovation of 69/2:

We are generally supportive of the renovation of 69/2. The design is similar to the one we adopted in 69/1 and makes the flat much more suited to modern life, whilst retaining the character of the property. The redesignation of rooms and creation of a modern kitchen and bathroom will improve the property.

# Comments for Planning Application 22/02716/FUL

## Application Summary

Application Number: 22/02716/FUL

Address: 2F 69 Madeira Street Edinburgh EH6 4AX

Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.

Case Officer: Erin Gallagher

## Customer Details

Name: Mr Ben Anderson

Address: 67 Madeira Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although it could be commended to utilize empty space in an exiting building, the size and scope of the proposed scheme raises some questions as outlined below.

- major change to the buildings appearance with regards to the classic roofscape of an Edinburgh tenement
- it creates access issues to the roof for the other owners / residents of the tenement
- legal responsibilities with regards to the repair and maintenance of a more complicated roof structure
- the increase of noise in the common stair and tenement due to the creation of another apartment which in all probability will be rented out in a similar manor as 69/2 which was an MHO for over fifteen years until the license was refused due to the above problems
- major disruption while works proceed on which in essence is a land grab for material gain as opposed to the increase of space for the sole use of the top flat done in a sympathetic way to the building and with consideration of the other owners in the tenement

# Comments for Planning Application 22/02716/FUL

## Application Summary

Application Number: 22/02716/FUL

Address: 2F 69 Madeira Street Edinburgh EH6 4AX

Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.

Case Officer: Erin Gallagher

## Customer Details

Name: Ms Fiona Stenke

Address: 63/1 Madeira Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to this proposal on the following grounds:

The proposed new property is within a listed building next to the A-listed North Leith Parish Church. It is in a conservation area, and due to the prominent corner location of the building the rear roof elevation is clearly visible from the surrounding streets, including Portland Street and the new Leith Fort housing development.

The proposed dormer, terrace and solar panels would therefore have a negative impact on the character of the listed building, the conservation area and the setting of the North Leith Parish Church.

It would unbalance the traditional roofscape of the listed building, which is formed of two matching blocks.

In addition, given the height and position of the terrace, significant overlooking into the four private gardens to the rear of the tenement would result in a loss of privacy. Noise could also become an issue for neighbours.

Finally, the drawings give no detail about the materials that would be used to rebuild the chimney - this should be reinstated in sandstone to match the neighbouring rear chimney.

# Comments for Planning Application 22/02716/FUL

## Application Summary

Application Number: 22/02716/FUL

Address: 2F 69 Madeira Street Edinburgh EH6 4AX

Proposal: Alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels.

Case Officer: Erin Gallagher

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth and Borders Cases Panel has examined the proposals and objects.

69 Madeira Street is a listed tenement of circa 1840, one of a pair of tenements which form part of the setting of North Leith Parish Church. The tenement also lies within Leith Conservation Area.

The proposed attic conversion with rooflights on the front roof slope, large new dormer with terrace to the rear and solar water heating / PV panels is inappropriate and out of keeping with the original building. The roof fabric and finishes will be irreversibly altered. The work will not preserve nor enhance the conservation area nor protect the architectural character or special interest of the building.

We recommend that this application is rejected as the proposals are not in line with Local Development Plan policies ENV 4 and ENV 6.

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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 100566827-003

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:	Patience and Highmore		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	Patience and Highmore, Quadrant
Last Name: *	Cameron	Building Number:	17
Telephone Number: *	0131 555 0644	Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH6 6PW
Email Address: *	mail@patienceandhighmore.com		

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="Nigel"/>	Building Number: <input type="text" value="69-2"/>
Last Name: *	<input type="text" value="Ellis"/>	Address 1 (Street): * <input type="text" value="Madeira Street"/>
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="EH64AX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## 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="2F"/>
Address 2:	<input type="text" value="69 MADEIRA STREET"/>
Address 3:	<input type="text" value="NEWHAVEN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH6 4AX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676574"/>	Easting	<input type="text" value="326247"/>
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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)

Convert existing attic space to studio apartment c.w. new dormer, terrace, roof windows and solar water heating / pv panels and new stair within common stair well.

## 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.

We feel that the proposal should be reviewed given the location of the proposal on the building, i.e. the rear informal elevation. We have a supporting document putting the case for a review and this is in the Supporting Documents section. Also, we received no consultation from Planning within the reporting process which could have enabled us to modify the proposal but received a straight refusal. We would hope to have the opportunity to have engagement within the review period.

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)

2009 appeal document with photographs, appeal responses and photomontage

## Application Details

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

22/02716/FUL &  
.....

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

19/05/2022

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

25/07/2022

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We would like the opportunity to be able to discuss the proposal and the review as there were no negotiations available during the application process, the application just went straight to refusal.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It would be useful to meet on site to see the locality and the impact of the proposal from street level.

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

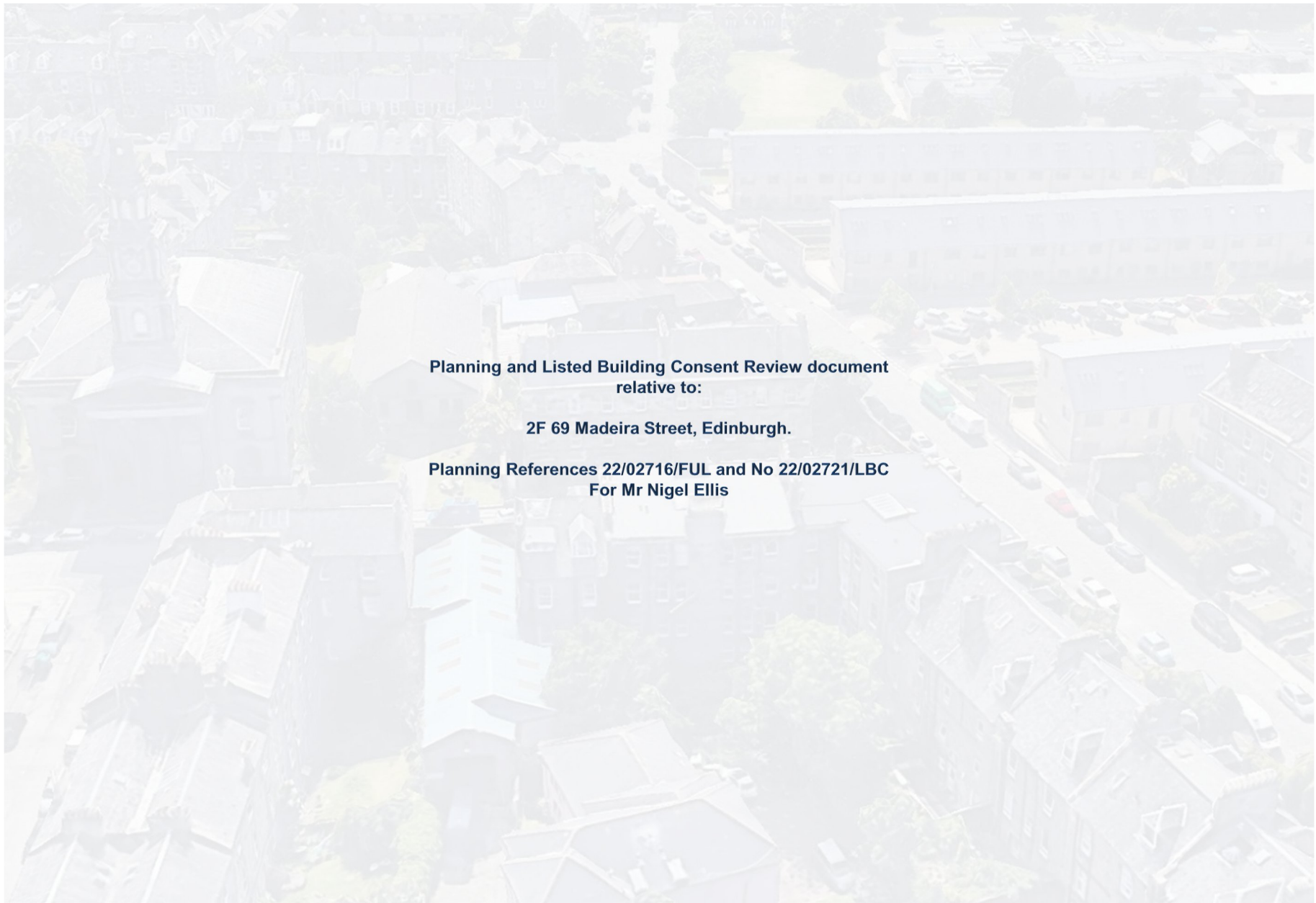
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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: Mr Keith Cameron

Declaration Date: 25/08/2022



**Planning and Listed Building Consent Review document  
relative to:**

**2F 69 Madeira Street, Edinburgh.**

**Planning References 22/02716/FUL and No 22/02721/LBC  
For Mr Nigel Ellis**

## 1.0: Context to application process

Applications for Planning and Listed Building Consent were lodged on 19th May 2022 for the proposed creation of a new studio flat within an existing attic space complete with new dormer, external terrace and solar PV/hot water panels. The applications were subsequently registered on 20th May 2022 and given the references 22/02716/FUL and No 22/02721/LBC respectively.

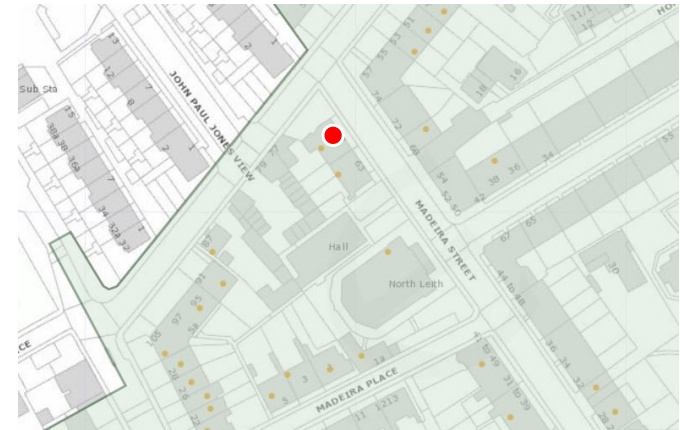
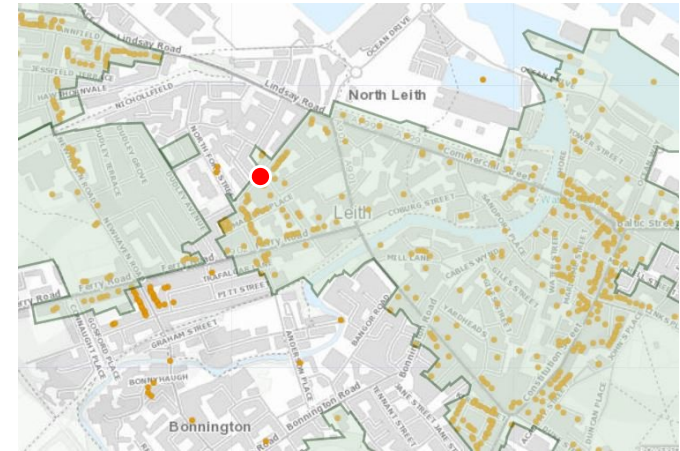
No consultations were made with the architect and the next communication from CEC was a Decision Notice to Refuse the applications on 25th July 2022. This decision was made by Local Delegated Decision



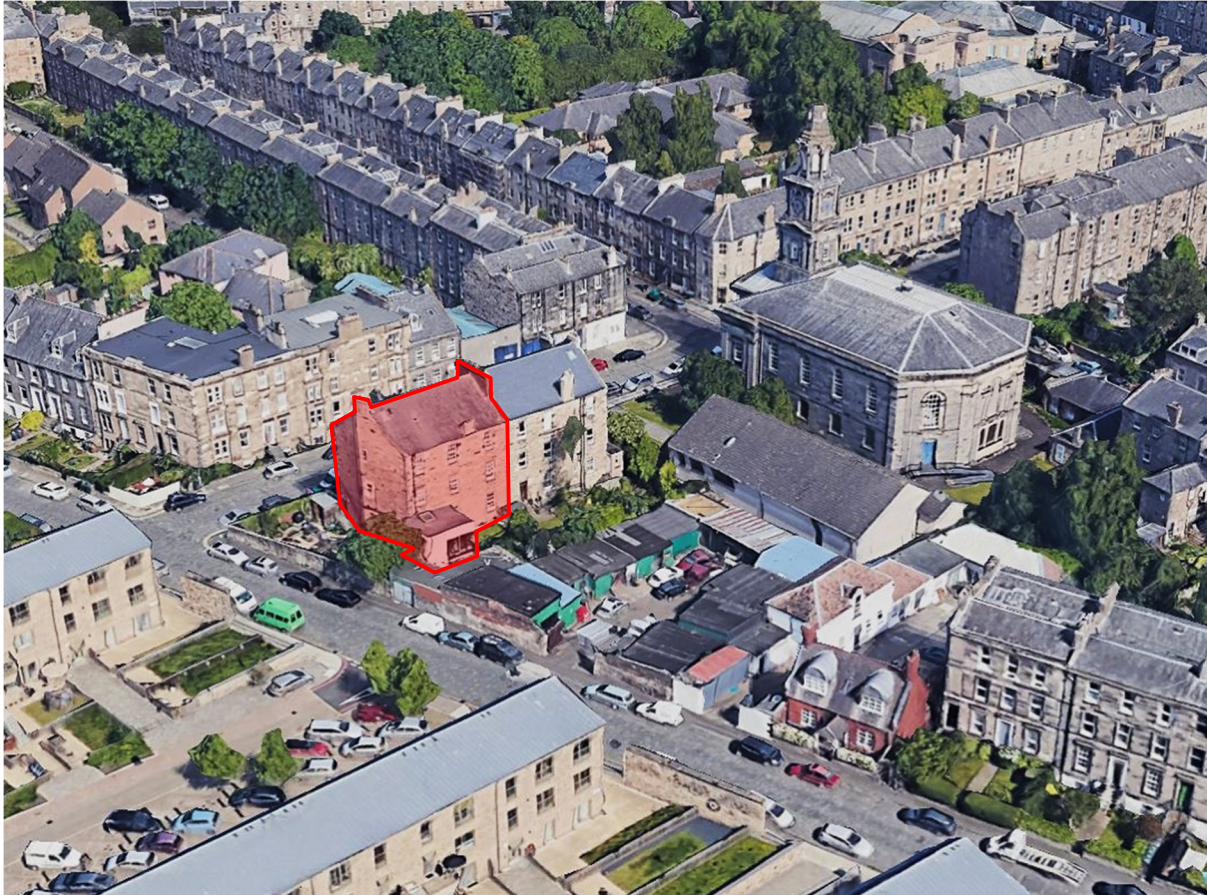
## 2.0: Building context



Madeira street is located in the northern area of Edinburgh. The property itself is on the outer limit of urban blocks of the north western boundary of the Leith Conservation Area. The next buildings to the west forming part of the street pattern are new build 3 storey townhouses.





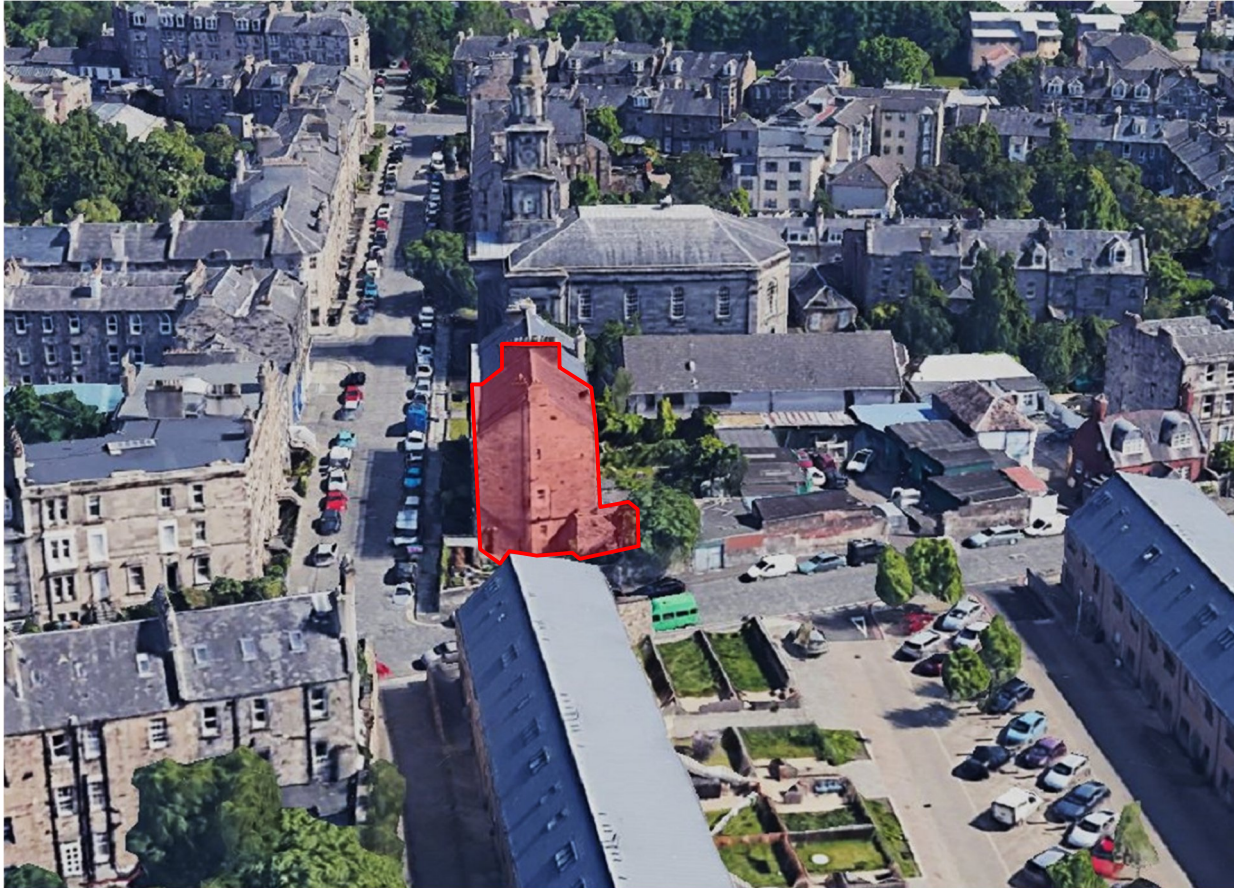


View showing the change in the urban block types to new build townhouses and also the poor quality environment to the rear of the 69 Madeira Street.

Note the differing condition of the roof finishes of 63-65 and 67-69 Madeira Street.

The modern ground floor rear extension to Nos 67-69 can also be seen





View showing the change in the urban block types to new build townhouses and also the poor quality environment to the rear of the 69 Madeira Street.



View showing the change in the urban block types to new build townhouses and the relationship to North Leith Parish Church.





View showing the change in the urban block types to new build townhouses and the relationship to North Leith Parish Church. The poor quality environment to the rear of the 63-69 Madeira Street can also be seen above the rooftops.



View showing the plain rear elevation of 63-69 Madeira street viewed from Portland Street looking over the poor quality buildings and street frontage walling that forms the adjacent vehicle maintenance garage.





Nos 63-69 Madeira Street comprise two blocks of tenemental properties with a front elevation of simple but regimented detailing of smooth ashlar stonework, string courses, wallhead parapet gutter and small porticos over the main doors. Windows are the less common narrow horizontal aspect astragal sash and case windows. The gable and rear elevations show rougher, more basic stonework, more standard vertical aspect sash and case windows, exposed rainwater gutters and a lowered chimney with gas flues. Roof finish of 63-65 has been replaced relatively recently compared with that of 67-69. The Building is Category C Listed.

Extract from Historic Environment listing:

*"Circa 1840. 3-storey, 9-bay terraced pair of tenements. Cream sandstone ashlar. Base course; cill courses; cornice and blocking course. Windows to all bays of each floor with slightly irregular spacing reflecting internal layout. Panelled doors (2 replaced) 3 with 4-pane fanlights to outer bays and 3rd and 7th bays; broad plain surrounds with chamfered reveals and cornices. Coursed rubble end elevations with tiny central stair windows. Timber sash and case windows, mostly plate glass but some 12-lying-pane. Grey slates; ashlar coped skews; brick apex stacks, some rendered. Statement of Special Interest: Forms part of setting for North Leith Parish Church."*





### 3.0: Application Proposals



Project: 2F 69 Madeira Street, Edinburgh.  
Client: Mr Nigel Ellis

Original Application Drawings

**P + H**  
PATIENCE and HIGHMORE architects

Originally submitted Design Statement:

The proposal is to create a modern intervention within the existing common stair void to create an access to a new studio apartment from the existing attic space.

A long simple weathered zinc clad dormer is used to add useable ceiling heights to the living spaces. The previously lowered rear elevation chimney would be raised back up and the gas type terminals replaced with more traditional chimney cans.

Glass balustrading would be used at the terrace level to reduce any potential effect of solidity at the building edge.

The intention is to make the new apartment as thermally and energy efficient as possible and to this end, solar pv / thermal water heating panels have been indicated to work along with a highly insulated building envelope.





View from Portland Street.

#### 4.0 Refusal Reasoning and Responses

## Refusal Reasons:

*"The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the materials proposed are inappropriate for the building." Note that this should be Des 11.*

### Policy Des 11 - Alterations and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

- In their design and form, choice of materials and positioning are compatible with the character of the existing building.
- Will not result in an unreasonable loss of privacy or natural light to neighbouring properties.
- Will not be detrimental to neighbourhood amenity and character.

3.29 Alterations and extensions to existing buildings generally raise similar design issues to those of new development. Every change to a building, a street or a space has the potential to enrich or, if poorly designed, impoverish a part of the public realm.

The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Particular attention will be paid to ensuring that such works to listed buildings and non-listed buildings in conservation areas do not damage their special character.

## Architect's Response:

Refer to responses below:

- The design and form is a contemporary take on the traditionally standard, and normally very poor, roof extension: the box dormer. The principal form is created by a dormer roof and sides clad in pre weathered zinc which is entirely compatible with the character and era of the building in material choice. The main form is set back 1.2m from the building face to further reduce its impact with glazed balustrade panels to the roof terrace to provide a non-solid boundary element.
- There is no increased loss of privacy to neighbouring properties as all are fully viewable from existing windows on the rear elevation. There is no loss of natural light either due to the location of the proposed extension above gutter level on the rear roof slope.
- It is our view that the proposal will not be detrimental to neighbourhood amenity and character and will in fact enhance it by bringing sympathetic, thoughtful additions to the rear roof slope of a tenement building. The main neighbourhood amenity in the vicinity of the building, is Madeira Street rather than the poor quality environment to the rear.
- The main public realm and principal elevation is to Madeira Street. The only changes proposed on this side of the building are the installation of conservation roof windows.
- The views of the proposal from other streets are limited to oblique views from Portland street to the west. The alterations are set back from the building edge, are above gutter line on the less important and much more basic rear elevation.
- The proposal enhances the special character and appearance of the area by bringing life to a blank space at the rear of the building.
- NB: The consented Planning Application 16/01931/FUL handling report for the ground floor extension No 67 Madeira Street, part of this same building, states the following: *"The form and design of the proposal will contrast in a positive manner with the existing listed building."* We feel that this fundamental argument also applies to the roof level extension. Policy Des 11 was one of the policies referenced in the assessment of this extension granted consent in 2016.

## Refusal Reasons:

*"The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal will not preserve nor enhance the conservation area."*

### Policy Env 6 - Conservation Areas - Development

Development within a conservation area will be permitted which:

- Preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.
- Preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and
- Demonstrates high standards of design and utilises materials appropriate to the historic environment.

Planning applications should be submitted in a sufficiently detailed form for the visual effect of the development proposal on the character of the area to be assessed.

## Architect's Response:

Refer to responses below:

- The proposal enhances the special character and appearance of the area by bringing life to a blank space at the rear of the building, whilst also utilising dead space within the attic to create a standalone new dwelling without any use of scarce and valuable land in Edinburgh. Note that this is in marked contrast to the ground floor extension to No 67 which uses amenity and garden ground albeit for one dwelling. The proposed roof level extension provides a stop end to the roof of the tenement and creates a link between the old and new of Madeira Street and the new housing immediately to the west
- The proposal has no impact on "trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area".
- While "high standards of design" is a subjective term and difficult to assess, we consider that this proposal provides a high quality, contemporary and sympathetic intervention to the rear roof slope of the building, reinstating the height of the lowered chimney in the process to match that of Nos 63-65 Madeira Street.
- NB: The consented Planning Application 16/01931/FUL handling report for the ground floor extension to No 67 Madeira Street, part of this same building, states the following: *"The form and design of the proposal will contrast in a positive manner with the existing listed building."* We feel that this fundamental argument also applies to the roof level extension
- The ground floor extension uses forms and materials that could not be considered appropriate to the historic environment yet it was granted consent. Policy Env 6 was one of the policies referenced in the assessment of this extension granted consent in 2016.



#### Refusal Reasons:

*"The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal is inappropriate and out of keeping with the original building."*

#### Policy Env 4 - Listed Buildings - Alterations and Extensions

Proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.

4.8 In determining applications for planning permission or listed building consent the Council is required to have special regard to the desirability of preserving the building, or its setting or any features of special interest that it possesses.



#### Architect's Response:

Refer to responses below:

- In terms of "...where any additions are in keeping with other parts of the building." we consider the main materials of the form of the proposal to be in keeping with other parts of the building and those in the vicinity with the use of pre-weathered zinc and timber cladding, both traditional materials.
- The proposal creates a new dwelling within the dead roof space without taking up valuable land or green space.
- The proposal does not diminish its interest as the key interest is the street frontage. We feel the proposal enhances the rear of the building.
- The ground floor extension to No67 Madeira Street [16/01931/FUL] uses forms and materials that could not be considered appropriate to the historic environment with panels of smooth white render and a flat roof yet this was granted consent in 2016. Policy Env 4 was one of the policies referenced in the assessment of this extension.
- Extract from Historic Environment listing: *"Statement of Special Interest: Forms part of setting for North Leith Parish Church."* The building does provide part of the setting for the church however it is the front of the building and it's massing as presented to the street, not the rear generally unseen roof slope, that is part of the key setting for the church. The setting has been slightly diminished by the more modern church hall added, albeit set back, within the grounds of the church between it and Nos 63-69 Madeira Street.



## Refusal Reasons: Relative to HES Sections 14 & 64

### a) The proposals harm the listed building or its setting?<sup>10</sup>

- The proposals would alter the original traditional roof form through the excessive removal of original building fabric and the positioning of features incongruous to its simple aesthetic. This undermines the integrity of the listed building, impacting upon its character. The proposals would therefore adversely impact on the special architectural and historic interest of the listed building.

#### Conclusion in relation to the listed building

The proposals are unacceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

- The proposed elements are excessive and will detrimentally impact on the properties contribution to the Conservation Areas special character and appearance. The proposals would not preserve the special character or appearance of the Conservation Area.

#### Conclusion in relation to the conservation area

The proposals are unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### Overall conclusion

- The proposals would alter the character of the traditional roof through the excessive removal of original building fabric and the positioning of features incongruous to its simple aesthetic to undermine the integrity of the listed building and not preserve the special character or appearance of the Conservation Area. The proposals are not acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

## Architect's Response:

- The proposed solid panels of the extension are set back from the main building edge to reduce it's impact and also helps to bury the bulk of the form into the roof space. By largely glazing the main face of the extension the solidity of it is reduced. Box dormers are often incorporate into roofs of Listed Buildings which inevitably alter the structure of the roof and are much more solid in appearance. The Roof does not appear anywhere near the ridge line and is not visible anywhere on or from Madeira Street, the principal public realm street that this block sits on. The proposal sits behind a rebuilt chimney, reinstated to it's original height with traditional chimney cans providing an element of planning gain.

- The proposed extension is to the rear and the Conservation Area's special character in this particular area is slightly questionable given that it on the limit of the Conservation Area faced by simply designed modern housing and in the vicinity of run down garage units and very poorly maintained and built brick and stone perimeter walling. We feel that this proposal is a positive and well designed contribution to the backlands of this urban block. Again, being on the rear elevation, the key urban realm is unaffected. The proposal is on the more informal less regimented, rear elevation of the building group of the urban block to the rear has a variety of building heights and types with traditional tenements, townhouses, flat roofed workshop units and the church with very large modern church hall. This results in a variety of roof heights and roof elements with spires and dormers. The existing gable of the property presents a utilitarian elevation to Portland Street with numerous soil and rainwater pipes.

- We would agree that the proposal clearly alters the character of the building fabric but whether or not this character alteration is a positive or negative change is open to interpretation in our opinion. Positioning of features being incongruous is again difficult to qualify and also goes against the approach taken by CEC Planners relative to two of our precedent examples namely: "The form and design of the proposal will contrast in a positive manner with the existing listed building." and "would be an appropriate modern intervention." Again in both of these examples it is difficult to see how the wording of "positive" and "appropriate" are anything other than subjective assessments. We are of the opinion that this is a well designed contemporary intervention to the rear of this building.



In 2016, Planning and Listed Building Consent was granted for a ground floor extension to No 67 Madeira Street in the ground below the roof level proposal of the building this application applies to. Planning Reference was 16/01931/FUL.

- The consented Planning Application handling report for the ground floor extension, part of this same building, states the following: *"The form and design of the proposal will contrast in a positive manner with the existing listed building."* We feel that this fundamental argument also applies to the roof level extension proposed although it will use a more appropriate material palette.
- The ground floor extension uses forms and materials that could not be considered appropriate to the historic environment yet it was granted consent, presumably because it too, is to the rear of the building. Although it is not visible at ground level, it is visible from upper floor windows of surrounding properties to the rear
- Policies Env 4 and Env 6 as well as Policy Des 11 were the same policies referenced in the assessment of this extension granted consent in 2016 as the policies referred to in the reasons for refusal of the current proposal.

Reasons for use a precedent:

Attached to same building as proposal.

Same Planning policies were used as part of the assessment.







Contained in the same urban block as the proposal, this large and ungainly box dormer is a double box, spanning over the roof presenting windows to the front and rear of the building. Although it uses traditional materials it is always a very incongruous solution to extending attic space, and this is a classic example of that approach.

Reasons for use a precedent:  
In same locality.  
Within same Conservation Area.  
Same Category C listing.







Granted Planning and Listed Building Consent in 2016, with Consent Varied in 2022 this development includes a rooftop extension formed on a Category A Listed Building, within the New Town Conservation Area which in itself is also a UNESCO world Heritage Site.

A key extract from the Handling Report is:

*"The reinforced glazed entrance platt at basement level would have limited visibility and would be an appropriate modern intervention. The re-configuration and re-cladding of the rear elevation would result in the removal of the existing incongruous elevation treatment, with an appropriately designed modern and contrasting treatment. The form of the windows and projecting elements would reflect the appearance of the adjacent buildings. The glazed pod would set back from the principal façade and would have limited visibility from the surrounding area."*

Reasons for use a precedent:

Rooftop extension, historic structure altered to enable this and the other roof elements on this building to be created. [See HES policy on roofs].

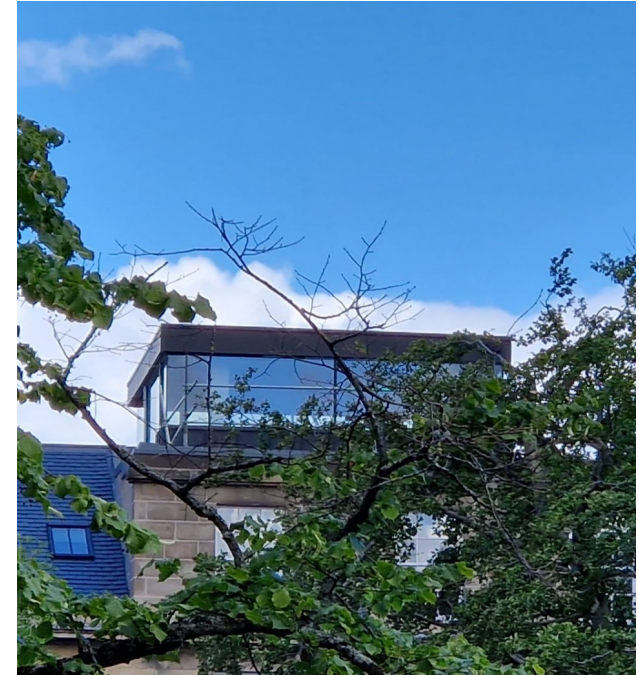
Conservation roof windows in principal roof slope visible from main street.

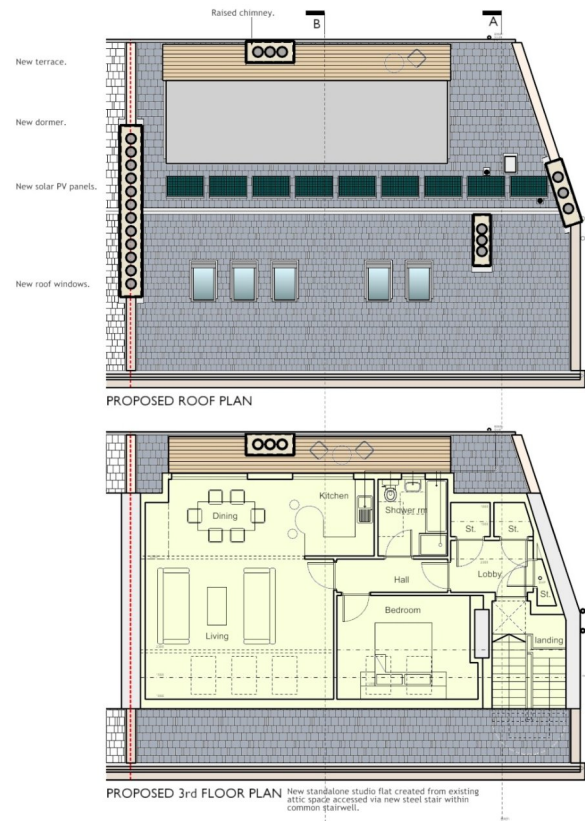
Visible from important viewpoints as well as from adjacent streets and buildings.

Much higher Listing Category than proposal.

Within more architecturally significant Conservation Area and World heritage Site.

Current Variation applications lodged this year making it an up to date consent process.





It is not clear from the decision notice if the solar panels and solar water heating are also refused permission.

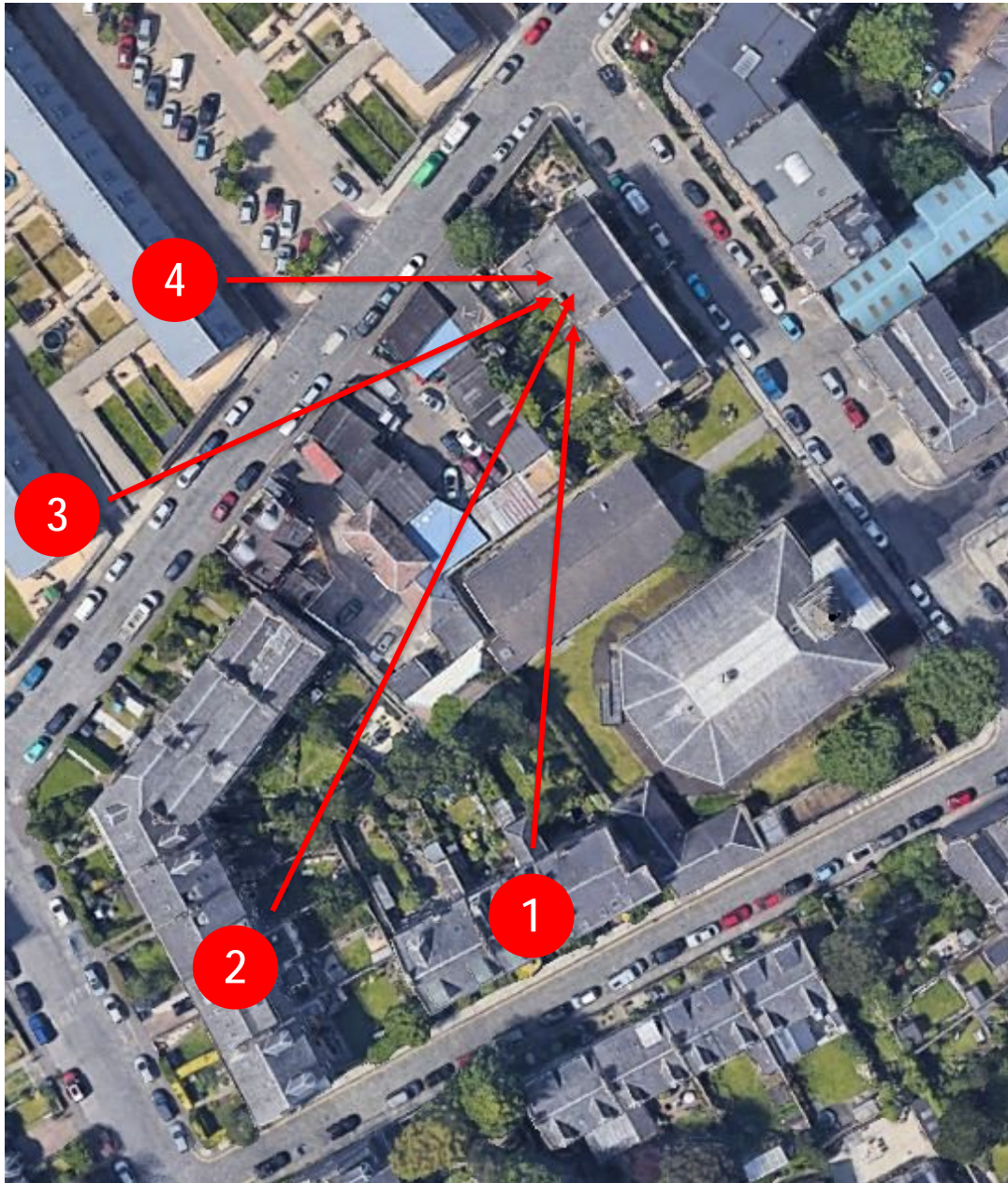
From the outset, the client wanted to have as sustainable a dwelling as possible and to this end the project was to incorporate solar PV panels, solar water heating as well as maximizing controlled solar gain.

There is a legally binding commitment by the Scottish Government to deliver 50% of "all energy consumption" from renewable sources by 2030 and the banning of gas boilers as a heat source by April 2024 for "new builds".

Further fundamental sustainability is achieved by making use of the dead attic space not just to simply enlarge an existing but to create an entire new one bedroom dwelling without any land take.







Views of the proposed roof level extension are generally limited in number which is surprising considering the location.

View 1: Views from this block oblique views and are generally only possible from the upper levels due to the lower window views being blocked by the modern church hall and established trees.

View 2: Views from this block are long views and are only available from half of the block as the angled return onto Portland street presents a blank gable.

Views 3 & 4 are oblique views from new properties outwith the Conservation area.





The view from Portland Street is the only public street view that the proposal can be viewed from. The rear elevation of 63-69 Madeira Street is the typical less formal, less important elevation on this block as is the gable elevation. All the formal detailing and architectural ordering were reserved for the front elevation addressing Madeira Street itself.

Any views from Portland Street that take in the proposed roof level extension will be over the run down perimeter walling and buildings that form the vehicle garage workshop premises.





View from Portland Street showing the proposed roof level extension sitting behind the gutter line and behind the rebuilt/reinstated chimney. The transparent edge of the proposal is evident in this view with the glass balustrading. Note the environment of the garage workshop premises.



## 6.0: Summary arguments / conclusion



Abercromby Place precedent.



We consider the proposal to be a well considered and well designed intervention to the rear informal elevation of the building and creates what we would describe as being in line with the Planners' views on two of the precedent examples quoted previously i.e. "The form and design of the proposal will contrast in a positive manner with the existing listed building" and "would be an appropriate modern intervention."

No part of the new extension will be visible from the key urban realm that is Madeira Street and therefore also does not disturb the setting for the adjacent North Leith Parish Church.

Conservation roof windows are proposed for the roof slope onto Madeira Street but there are many precedent examples of this all over the city and one of the precedent example projects at 16 Abercromby Place has these windows fitted on the principal roof slope onto the main street, a street in the UNESCO World Heritage Site of the New Town of Edinburgh.

The proposal also creates an entirely new standalone dwelling without any land take.





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 100596710-001

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

## 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" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

1 BRAND PLACE

Address 2:

ABBEYHILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH8 8EF

Please identify/describe the location of the site or sites

Northing

674275

Easting

327087

## 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)

Change of use from residential to short-term lets use

## 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.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

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)

220717\_Brand Place\_Appeal\_Statement, 220512\_BRAND PLACE\_CHANGE OF USE\_BASE PLANS, 220512\_BRAND PLACE\_CHANGE OF USE\_STATEMENT

## Application Details

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

100566447-001

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

17/05/2022

## 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: Mr Scott Garcia

Declaration Date: 29/08/2022

## **PLANNING APPLICATION**

### **1 BRAND PLACE, EH8 8EF**

**Change of use from residential to short-term lettings use**

**11<sup>th</sup> May 2022**

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### Introduction

This application relates to the proposal to change the use of a two bedroom tenement flat into a short-term let use.

### Location of site

The property is on the ground floor of a five storey late Victorian tenement building amid the elevated railways structures emerging from Edinburgh Waverley Station a short distance to the west of Brand Place. The tenements are arranged in pairs on each floor. This property is situated on the ground floor of the building and has the advantage of private amenity space on two sides. The side space is used for the parking of a vehicle, accessed via locked double gates for the sole use of this property. To the rear of the property is a primary school and playground, which stands on higher ground than this property. The tenement building is very close to an elevated railway track, which dominates the residential amenity in this street.

The property has a main door entry onto Brand Place and is entirely separated from the access for the other flats in the building. This property does not share a communal stairwell.

### Brand Place

Brand Place is a section of the street known as Abbey Hill, which runs from the Scottish Parliament to Abbey Lane, and is a busy traffic route. Abbey Hill is not a residential street, with commercial uses on land and railway viaducts. The Brand Place building is a complete residential outlier and it is in no sense a quiet residential street. A recent large-scale development of student accommodation increases the sense of isolation for Brand Place.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a two bedroom flat adjacent to Abbey Hill and accessible to public transport. The flat could accommodate from one to four people. The busy mixed-use environment and its heightened ambient noise is very close to the property. This location is not a quiet residential street.

The property enjoys main door access, which is not shared by other occupants of the building. The property also has private parking for up to two vehicles on a private, gated drive adjacent to the property. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat.'

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (between one and four) would have less regard for neighbours in this location. There are no complaints



regarding the noise regarding the ongoing use of the flat as a short-term let. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 4 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within this scale of living environment.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

**PLANNING APPLICATION APPEAL**

**Against the Non-Determination by City of Edinburgh Council in respect of Planning Application 22/02680/FUL**

**1 BRAND PLACE, EH8 8EF**

**Description of development; Change of use from residential to short stay lettings use**

**Application received by CEC 18<sup>th</sup> May 2022  
Determination deadline 15<sup>th</sup> July 2022**

**Statement of Appeal**

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

**Description of development**

This application relates to the proposal to change the use of a 2-bedroom tenement flat into a short lets use.

**Location of site**

The property is on the ground floor of a five storey late Victorian tenement building amid the elevated railways structures emerging from Edinburgh Waverley Station a short distance to the west of Brand Place. The tenements are arranged in pairs on each floor. This property is situated on the ground floor of the building and has the advantage of private amenity space on two sides. The side space is used for the parking of a vehicle, accessed via locked double gates for the sole use of this property. To the rear of the property is a primary school and playground, which stands on higher ground than this

property. The tenement building is very close to an elevated railway track, which dominates the residential amenity in this street.

The property has a main door entry onto Brand Place and is entirely separated from the access for the other flats in the building. This property does not share a communal stairwell.

#### Brand Place

Brand Place is a section of the street known as Abbey Hill, which runs from the Scottish Parliament to Abbey Lane, and is a busy traffic route. Abbey Hill is not a residential street, with commercial uses on land and railway viaducts. The Brand Place building is a complete residential outlier and it is in no sense a quiet residential street. A recent large-scale development of student accommodation increases the sense of isolation for Brand Place.

#### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a two bedroom flat adjacent to Abbey Hill and accessible to public transport. The flat could accommodate from one to four people. The busy mixed-use environment and its heightened ambient noise is very close to the property. This location is not a quiet residential street.

The property enjoys main door access, which is not shared by other occupants of the building. The property also has private parking for up to two vehicles on

a private, gated drive adjacent to the property. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat.'

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (between one and four) would have less regard for neighbours in this location. There are no complaints regarding the noise regarding the ongoing use of the flat as a short-term let. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 4 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within this scale of living environment.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Neighbour Comments and Representations

Total consulted 19      Comments received 18

Objections 2              Support 16

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website.

Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses

Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

16<sup>th</sup> July 2022



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 100566447-001

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)

Change of use from residential to short-term lets use.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Bellspool Coach House
First Name: *	Scott	Building Number:	
Last Name: *	Garcia	Address 1 (Street): *	Bellspool Coach House
Company/Organisation		Address 2:	Dawyck, ,
Telephone Number: *	01274 666 12	Town/City: *	Scottish Borders
Extension Number:		Country: *	United Kingdom
Mobile Number: -	07800 000000	Postcode: *	EH45 9JU
Fax Number:			
Email Address: *	s.garcia@bellspool.co.uk		

## Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	1 BRAND PLACE
Address 2:	ABBEYHILL
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH8 8EF

Please identify/describe the location of the site or sites

--	--

Northing	674275	Easting	327087
----------	--------	---------	--------

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

71.00

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)

Short-term lets.

## 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 ☒ 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?

0

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)? \*

0

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 ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

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? \*

- ☐ 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 ☒ 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 ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ 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)? \*

☐ Yes ☒ No

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

On-street refuse and recycling provision.

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Mr Scott Garcia

On behalf of:

Date: 17/05/2022

☒ 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 ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ 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 Scott Garcia

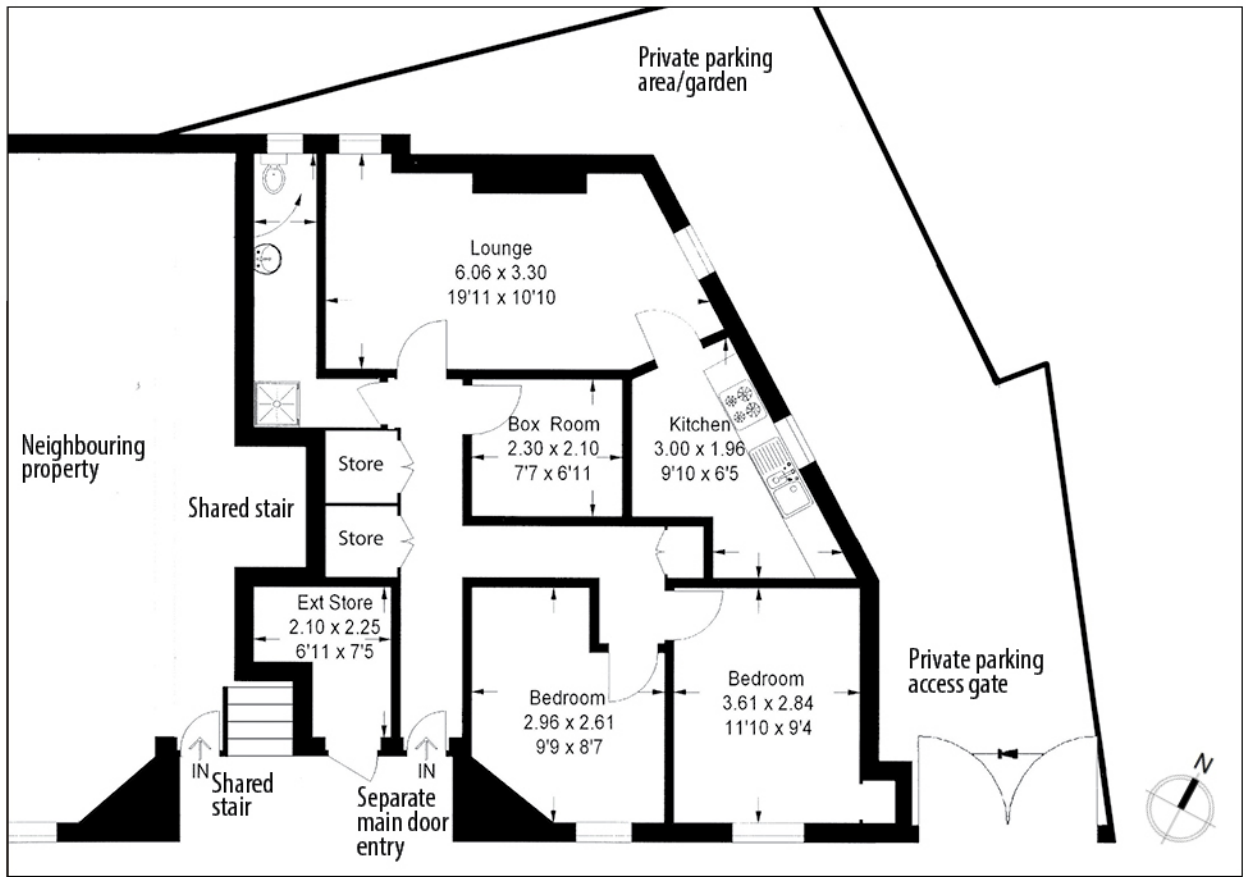
Declaration Date: 17/05/2022

## Payment Details

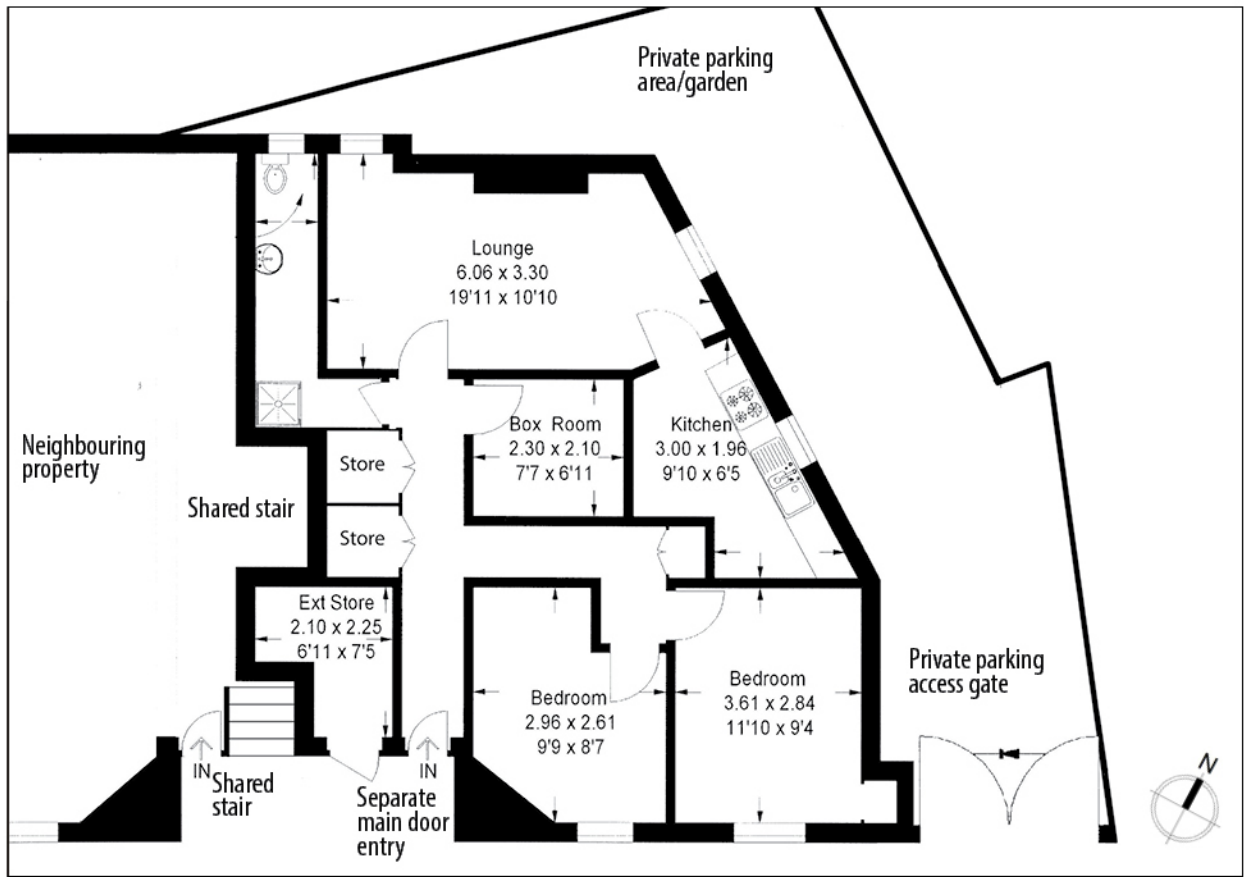
Online payment: [REDACTED]

Payment date: [REDACTED]

Created: 17/07/2022 21:04



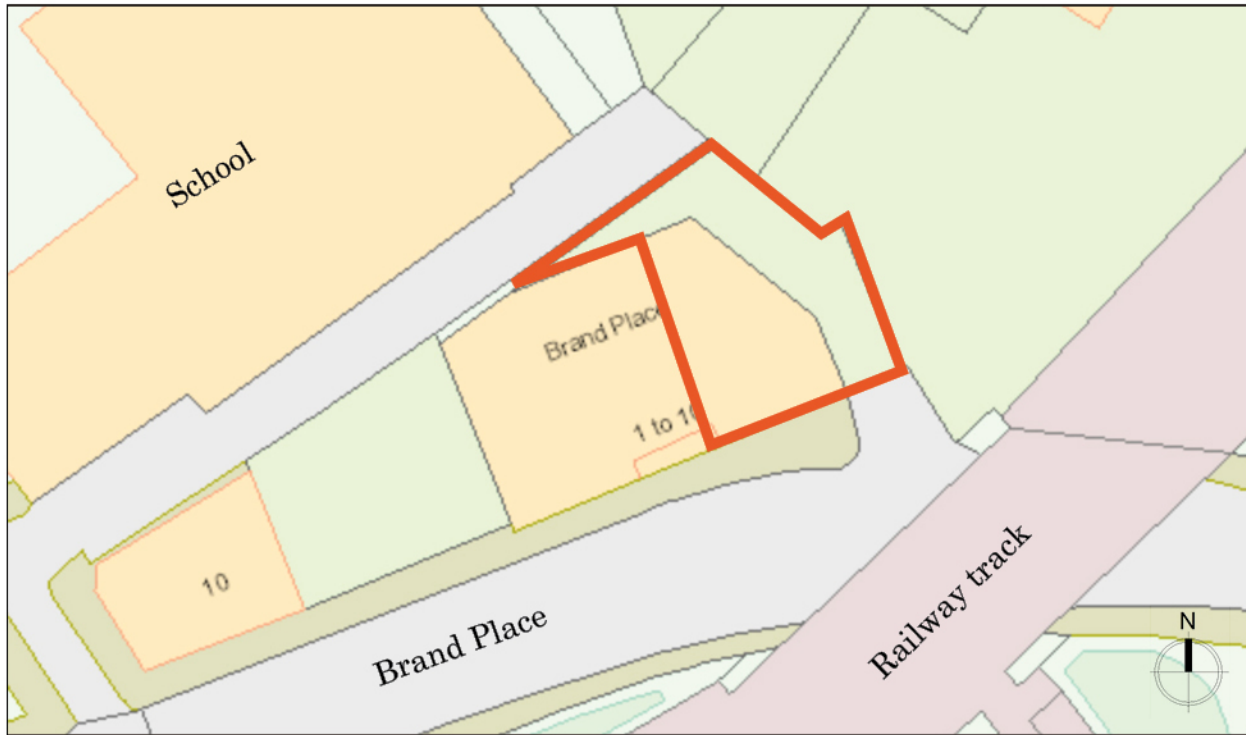
Existing Floor Plan (Residential Use) 0 1 2 3 4 5 6 meters



Proposed Floor Plan (Short-Term Let) 0 1 2 3 4 5 6 meters



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

- Notes:
- This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.
  - One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.
  - All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.
  - All discrepancies to be notified to the Architect.
  - This drawing is not to be scaled.

### Preliminary

This drawing is issued for the above purpose only and must not be used for any other purpose without the express permission of One A Ltd

### Notes

Revisions

### Job Title

Change of Use from Residential to Short-Term Letting:  
1 Brand Place, Edinburgh EH8 8EF

### Client

Mr Scott Garcia

### Dwg Title

Existing & Proposed Ground Floor Plans & Location Plans

### Scale

scale varies @A3

### Date

09/05/2022

### Drawn by

ec

### Checked by

ac

### Drawing No.

SG\_BPL\_09/05/2022

**OneA**  
Planning & Landscape

Bellspool Coach House  
Dawyck  
Peebles EH45 9JU  
Tel 01721 760 312

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# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Eli Sheppard

Address: 25/8 Maryfield Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish for this application to be approved.

Edinburgh already has an over priced and over subscribed rental market. Converting a long term let to a short term let only aggravates this problem.

Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering. The Abbey Hill area is a close knit community with the colony of artists at its centre. I feel that this property would be much better used to provide housing to someone who wants to live in the area and engage in the community rather than by a greedy landlord to extort profits from the community.

I hope you will consider my comments seriously and deny this application.

Sincerely,

Dr. Eli Sheppard

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Sophie Hoult

Address: 3/13 Salmond Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal.

1). This proposal is contrary to the Scottish Government Housing policy on more homes - "everyone has a quality home that they can afford and that meets their needs"

2). This proposal is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

3). This proposal would have unacceptable impacts on neighbourhood amenity.

The Abbeyhill area is a thriving close-knit community, centred around the wonderful Colony of Artists. This community is what makes this area such a great place to live and this proposal would have a detrimental impact on that. Short term lets have significant impacts on neighbours including increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Edinburgh also has a housing crisis, particularly when it comes to accessible housing. This property would be better used to provide long-term housing for someone who actually wants to live in the area and engage with the community, rather than contributing to a ghost town of Airbnbs.

Please do not approve this application.



# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Ernestina Doku (Business owner)

Address: Dazzelustrous 32 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Our customers are between 30% and 50% tourists depending on the season. One of the only ways that tourists come to find Easter road is through Airbnb's. A thriving area needs balance and local air bnbs are relied upon in the Easter Road neighbourhood for local businesses.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Simon (Business owner) Illingworth

Address: The Safari Lounge 21 Cadzow Place Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Tourists coming to this area mostly via short-term lets make up a big part of our customer base at the Safari Lounge. Our lunch and dinner custom would take a big drop in numbers without short-term lets.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Emma Nolan

Address: 69/3 Montgomery Street EDINBURGH

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Fiona Kelly

Address: 131/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia as my direct next door neighbour in a block with 9 other flats. Scott and his wife are both absolutely wonderful neighbours. Scott regularly does repairs around the stairwell and communal garden, eg, changing bulbs, repairing the entry phone system and maintaining the garden. They are lovely people, offering any help needed to me and my family. Since renting out their apartment to Air BNB 5 years ago, I can honestly say there has never been an issue with their guests and I live directly next door sharing 2 walls so I would know. Further, they have always made it clear that if there are any issues, to contact them straight away and they would deal with it.

If I can be of any further help, please do not hesitate contact me

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Can Misirlioglu (Business owner)

Address: Écosse Éclair 88 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Airbnb's in the area definitely help our business survive. We have many tourist customers and would 100% struggle to stay open without the extra footfall Airbnb's create for the top of Easter Road.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Chris Denmark

Address: 2F2, 2 West Norton Place Edinburgh EH7 5AW Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott for 11 years. His property shares its lounge wall directly with my bedroom and I have never had any problems with noise etc, over the 6 years he has hosted Airbnb guests. I have found him to be a reliable and responsible owner of the property. He set up our stair committee with another owner which has been invaluable in facilitating our ongoing building improvements. Contact me on 07917 653 586 if you require any further information  
Chris Denmark

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am the applicant's sister and help him with the running of his short-term lets since he relocated with his family to Peebles a year and a half ago. I do not help with the day to day running but act as a local contact for guests if they have any problems during their stay. I live just 5 mins walk away from most of the properties. Having lived in many of the flats myself over the years I know the specifics of each property and can generally quickly help guests with any occasional problems they might have, either in person or over the phone if Scott is unavailable. Scott tries to be the best host he can be and does more than his share in the communal areas, changing broken lights and financing small repairs.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Roy Buchanan

Address: 131 (2F3) Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Ellie and Scott are my direct downstairs Neighbours. In the years that they have been renting their property out there's never been any problems with their guests but occasional general stair and building problems crop up where Scott is very quick at responding and helping out. Scott has given me his phone number in case of any issues. Both Scott and his partner Ellie are a delight to talk to while passing in the stair. They are always positive minded and enthusiastic about life.

Roy



# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Rachel Stockton

Address: 6 (PF1) Bothwell Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Garcias have been friends and neighbours for around 5 years.

In that time Scott has worked hard to restore and maintain flats that had seen better days - this includes improving communal areas to the benefit of everybody in the stair.

Scott and his partner actively encourage their guests to support local business.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Susik

Address: Sapphire Shine Ltd. (Property Maintenance) 7/14 Lochend Park View Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I helped Mr Garcia with property management at this short-term lets in Edinburgh. My company employs 22 people and calls in tradesmen, laundry services and other staff sub-contracted to deal with any specific maintenance issues if required. The loss of good Airbnb and short-term let hosts would put an end to a huge amount of economic activity in the area and would have a huge negative effect on my business and the businesses of the people I work with. We take great care to work harmoniously with the other residents in the stairs and discuss this with all staff. Staff are instructed to be polite to other residents, work as quietly as possible and to generally be respectful of the peaceful stair environment. Any material issues in the stair are reported back to the owner by the cleaners and generally addressed promptly and often at the owners expense. Our cleaners sweep up any litter found in the communal stairs when they visit. Under normal circumstances staff would generally only need to access properties 10 times per month to clean between guests. Access inside the properties is generally only between the 11am check-out and 4pm check-in times of guests. I find Mr Garcia to be a very conscientious and considerate owner who routinely puts care for residents before his own convenience.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Grant McNeil (Business owner)

Address: The Mash Tun Pub 154 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Mash Tun was here before Airbnb's and we can remember a huge uplift in custom post-Airbnb. Around 50% of our lunch time trade is from tourists who only get to this area because they stay in Airbnb's nearby. It's a worry what we'll do if it stops.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Jackie Oudney

Address: 27/4 Edina Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was a direct downstairs neighbour of Scott's for 5 years while he ran his Airbnb from the property and in this time I have seen him be instrumental in much of the stair maintenance either repairing himself or often funding and managing the repairs personally. I find him to be a very personable, conscientious Airbnb host - ensuring there are never any issues that would effect his neighbours, whilst maintaining his position as a responsible property owner.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Andrew Buchan

Address: 1/23 Saunders Street Edinburgh Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I moved to Edinburgh 11 years ago and met Scott Garcia shortly after. He is a perfectly decent and dependable individual and goes the extra mile for his tenants and has always helped with matters relating to the communal building including the installation of a full new security system last year which has greatly improved the stair environment. I am a trustee of the Saunders Streets residents association that takes care of matters concerning the block and I am more than happy to recommend him as a landlord and a host.

Best Wishes

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Tarnowska (Business owner)

Address: C team Cleaning 35 Moredunvale Way Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have worked with Scott Garcia and his wife as their co-host and cleaner for their short-term lets for over 5 years. I have always found Scott to be a pleasure to work with. I manage a cleaning team of up to 10 people and without work from Airbnb and short-term lets my business would probably close. My cleaning business is our principle source of income. I clean Scott's properties between guest stays. Any issues in the communal stairs are either addressed directly or reported to Scott and he manages the repairs personally. I instruct my staff to always be respectful of the stair environment and to be friendly to the people who live there. My cleaners try to be as quiet as possible when cleaning the flats and only work between 11am and 4pm to keep noise and disturbance to a minimum. We don't need to carry anything other than 1 bag of laundry to and from the property as vacuum and cleaning products stay permanently at the property. On average we would visit each property 10 times per month between guest stays as most stays are between 3 and 4 nights.

# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Mariusz Wrazka (Business owner)

Address: Happy Bean Café 14 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Short-term lets defiantly help my business. The only reason so many cafes can survive on Easter Road is because of the Airbnb's here. There can be a place for short-term lets in a neighbourhood away from the city centre which wouldn't get the main tourism footfall without airbnb



# Comments for Planning Application 22/02680/FUL

## Application Summary

Application Number: 22/02680/FUL

Address: 1 Brand Place Edinburgh EH8 8EF

Proposal: Change of use from residential to short-term lets use.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Asif Awan

Address: 2 (GF3) West Norton Place, Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having being a resident and now a landlord in the Abbeyhill area for over 6 years, I have to admit I'm very indebted to the support Scott has provided the flat stair committee. From small maintenance changes to helping start the stair committee resulting in countless improvements in full repaint, damp proofing and renovation of the stair. Scott has hosted Air bnb guests at his property for over 7 years but they have never been a problem to me or, I believe, anyone in the stair.



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 100596719-001

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

## 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" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2F1

Address 2:

21 MARYFIELD

Address 3:

ABBHEYHILL

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 5AR

Please identify/describe the location of the site or sites

Northing

674520

Easting

326979

## 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)

Change of use from residential to short-term lets

## 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.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

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)

220717\_Maryfield\_Appeal\_Statement, 220512\_MARYFIELD\_CHANGE OF USE\_STATEMENT, 220512\_MARYFIELD\_CHANGE OF USE\_BASE PLANS,

## Application Details

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

100566323-001

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

16/05/2022

## 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: Mr Scott Garcia

Declaration Date: 29/08/2022

## **PLANNING APPLICATION**

**21/9 MARYFIELD, EH7 5AR**

**Change of use from residential to short-term lettings use**

**11<sup>th</sup> May 2022**

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### Introduction

This application relates to the proposal to change the use of a one bedroom tenement flat into a short-term let use.

### Location of site

The property is on the second floor of a typical 4 floor late Victorian tenement building in the Abbeyhill area.

Pedestrian access to the tenement building is via a communal door on Maryfield. Maryfield lies outside the City of Edinburgh Council controlled Parking Zones

### Maryfield

The street carries two-way traffic with kerbside parking on both sides. Maryfield is cul-de-sac from London Road linking to Rossie Place via a pedestrian stair. On the opposite side of the street to this property are a terraced row of two-storey Edinburgh Colonies.

The street is residential street within a congested urban area.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have

materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small one bedroom flat close to Easter Road and London Road and highly accessible to public transport. The flat could accommodate two people.

The common access stairwell serves 16 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 15 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to two) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 16 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.



### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

## **PLANNING APPLICATION APPEAL**

**Against the Non-Determination by City of Edinburgh Council in respect of Planning Application 22/02651/FUL**

**2F1 21 Maryfield  
EH7 5EP**

**Description of development: Change of use from residential to short stay lettings use**

**Application received by CEC 18<sup>th</sup> May 2022  
Determination deadline 15<sup>th</sup> July 2022**

### **Statement of Appeal**

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

### **Location of site**

The property is on the second floor of a typical 4 floor late Victorian tenement building in the Abbeyhill area.

Pedestrian access to the tenement building is via a communal door on Maryfield. Maryfield lies outside the City of Edinburgh Council controlled Parking Zones

### **Maryfield**

The street carries two-way traffic with kerbside parking on both sides. Maryfield is cul-de-sac from London Road linking to Rossie Place via a

pedestrian stair. On the opposite side of the street to this property are a terraced row of two-storey Edinburgh Colonies.

The street is residential street within a congested urban area.

#### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small one bedroom flat close to Easter Road and London Road and highly accessible to public transport. The flat could accommodate two people.

The common access stairwell serves 16 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 15 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to two) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its

comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 16 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Neighbour Comments and Representations

Total consulted 86      Comments received 19

Objections 3.              Support 16

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website.

Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses

#### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

16<sup>th</sup> July 2022



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 100566323-001

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)

Change of use from residential to short-term lets

Is this a temporary permission? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name: Bellspool Coach House
First Name: *	Scott	Building Number:
Last Name: *	Garcia	Address 1 (Street): * Dawyck
Company/Organisation		Address 2:
Telephone Number: *	01463 440035	Town/City: * Peebles
Extension Number:		Country: * Scotland
Mobile Number:	07830 333335	Postcode: * EH459JU
Fax Number:		
Email Address: *	s.garcia@bellspool.co.uk	

## Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	2F1
Address 2:	21 MARYFIELD
Address 3:	ABBEYHILL
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH7 5AR

Please identify/describe the location of the site or sites

--	--

Northing	674520	Easting	326979
----------	--------	---------	--------

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

46.00

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)

Short-term lets

## 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 ☒ 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?

0

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)? \*

0

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 ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

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? \*

- ☐ 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 ☒ 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 ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ 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)? \*

☐ Yes ☒ No

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

On-street refuse and recycling collection is available.

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Mr Scott Garcia

On behalf of:

Date: 16/05/2022

☒ 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 ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ 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 Scott Garcia

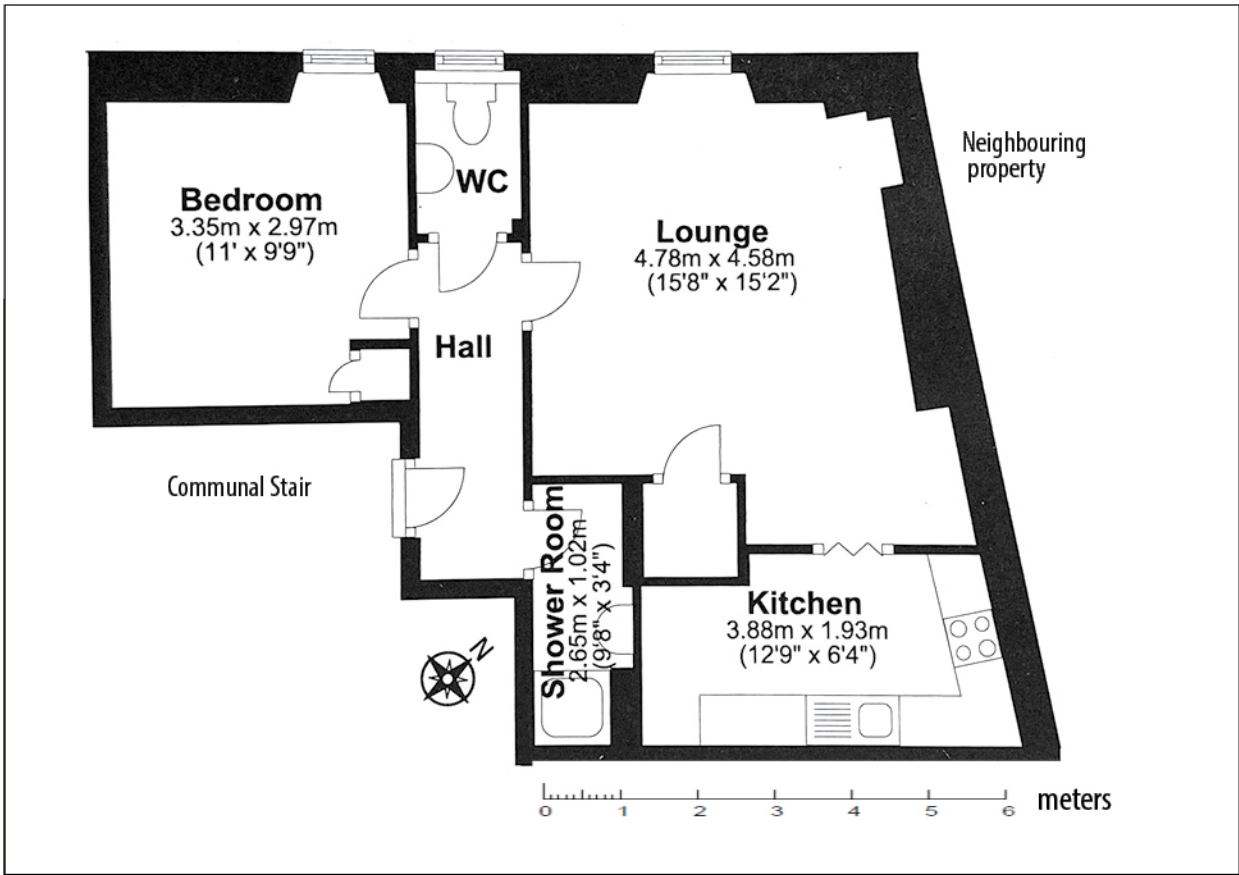
Declaration Date: 16/05/2022

## Payment Details

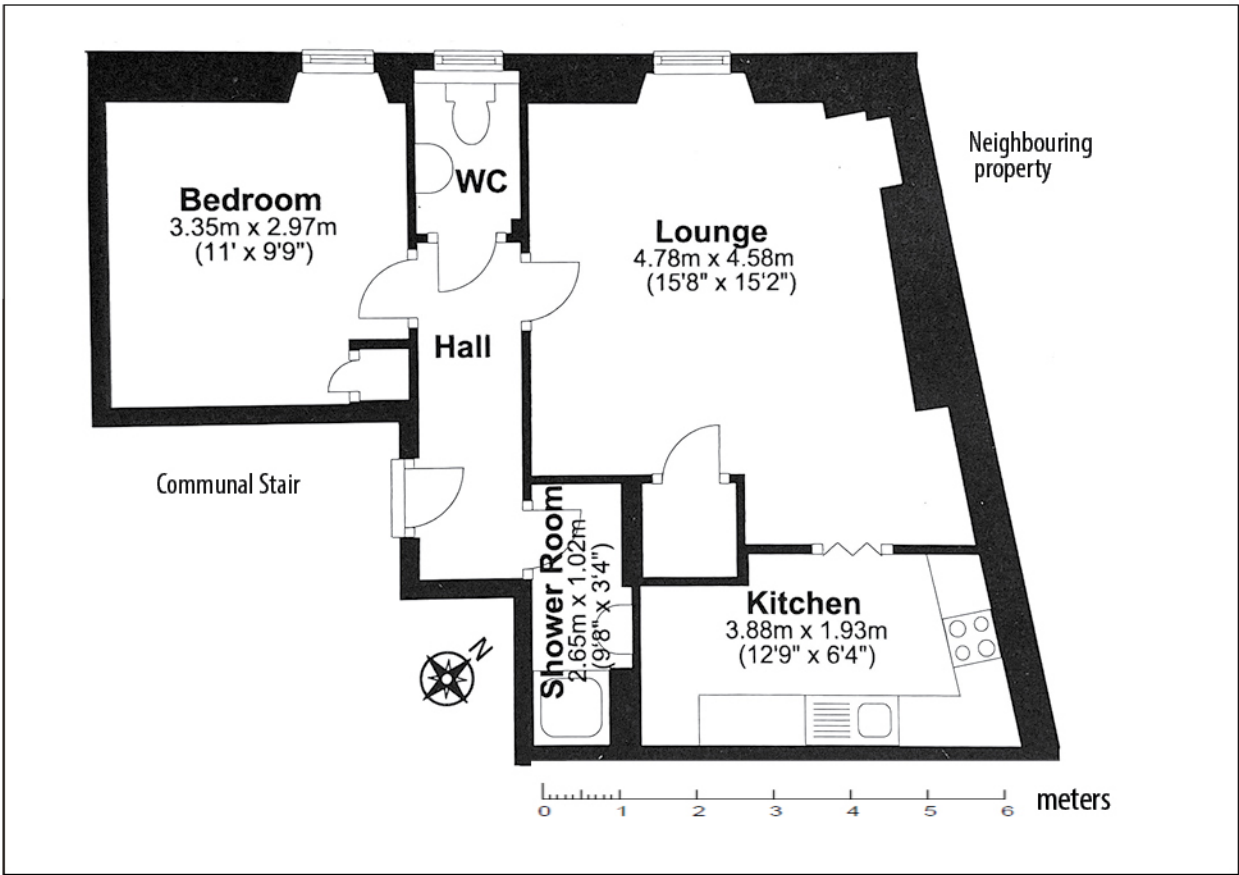
Online payment: [REDACTED]

Payment date: [REDACTED]

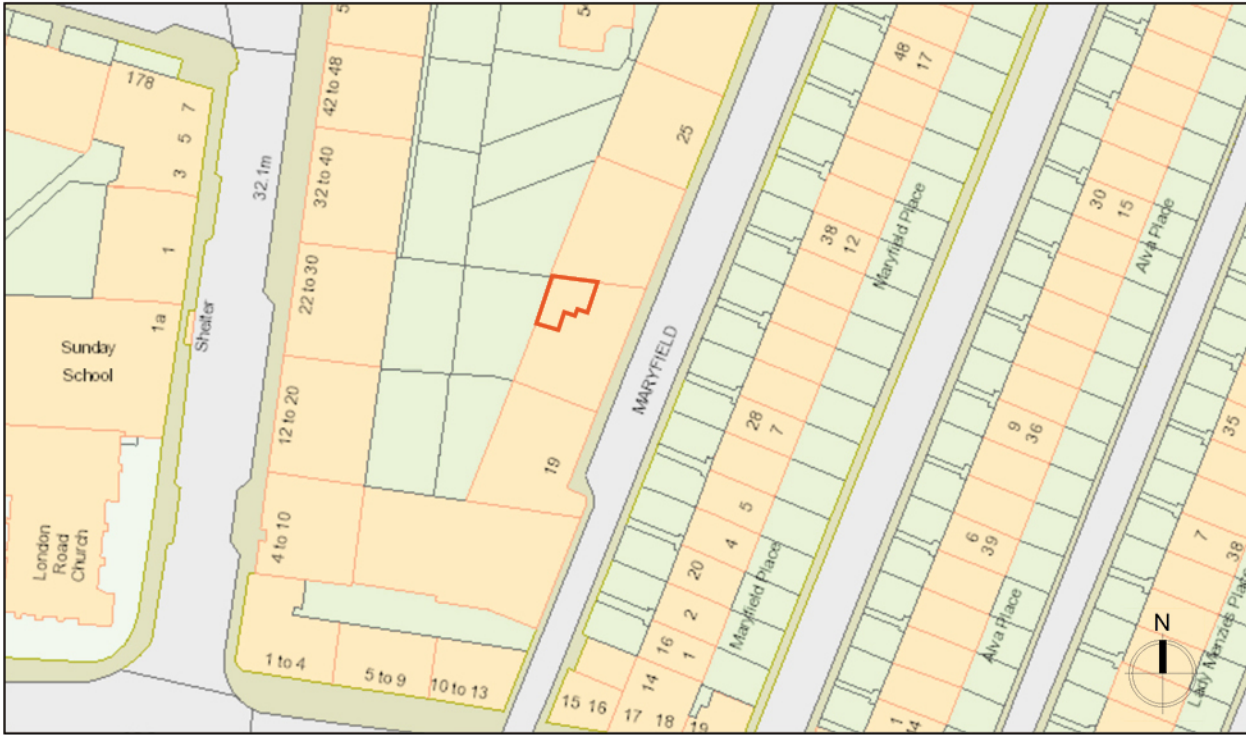
Created: 17/05/2022 14:02



Existing Floor Plan (Residential Use)



Proposed Floor Plan (Short-Term Let)



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

**Notes:**

- This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.
- One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.
- All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.
- All discrepancies to be notified to the Architect.
- This drawing is not to be scaled.

**Preliminary**

This drawing is issued for the above purpose only and must not be used for any other purpose without the express permission of One A Ltd

**Notes**

Revisions

**Job Title**

Change of Use from Residential to Short-Term Letting:  
21/9 Maryfield, Edinburgh EH7 5RR

**Client**

Mr Scott Garcia

**Dwg Title**

Existing & Proposed Second Floor Plans & Location Plans

<b>Scale</b> scale varies @A3	<b>Date</b> 09/05/2022	<b>Drawn by</b> ec	<b>Checked by</b> ac
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**Drawing No.**  
SG\_MF\_09/05/2022

**OneA**

Planning & Landscape

Bellscoil Coach House  
Dawyck  
Peebles EH45 9JU  
Tel 01721 760 312

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Marco Martin Camon

Address: Maryfield 19/7 Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have enough God-awful airbnb in this street and also at number 21 specifically. I live now in number 19 but I used to live at the ground floor on number 21 and one of the reasons to leave was the increasing number of airbnbs. This people arrive and leave every two days, they constantly party, play super loud music, come in and out making incredible noise with the suitcases late at night and basically don't give a damn that they are in a residential building and not a hotel. We actually had to call the police constantly. It is becoming a reason to move away from the neighbourhood and should be limited, not promoted. Also some of the people coming to the airbnbs in this area have been problematic with their drug use, alcoholism and some time intimidatory and violent. Please don't allow this change to happen, it's ruining the neighbourhood

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Eli Sheppard

Address: 25/8 Maryfield Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish for this application to be approved.

Edinburgh already has an over priced and over subscribed rental market. Converting a long term let to a short term let only aggravates this problem.

Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering. The Abbey Hill area is a close knit community with the colony of artists at its centre. I feel that this property would be much better used to provide housing to someone who wants to live in the area and engage in the community rather than by a greedy landlord to extort profits from the community.

I hope you will consider my comments seriously and deny this application.

Sincerely,

Dr. Eli Sheppard

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Miss Emma Chee

Address: 81/2 Brunswick Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is evidence for a lack of long term housing in this area and as it's a close community, adding short term accommodation does not benefit the community in anyway.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Cameron Golledge

Address: 31/3 Nelson Street Edinburgh Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish for this application to be approved.

Edinburgh already has an over priced and over subscribed rental market. Converting a long term let to a short term let only aggravates this problem.

Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering. The Abbey Hill area is a close knit community with the colony of artists at its centre. I feel that this property would be much better used to provide housing to someone who wants to live in the area and engage in the community rather than by a greedy landlord to extort profits from the community.

I hope you will consider my comments seriously and deny this application.



# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Ian Gilhooley

Address: 25/5 Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: STLs are typically noisy and disruptive in communal buildings in my experience, I would not wish for more of this in my neighbourhood

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Lauren Hatwell

Address: Albion Gardens Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish this application to be approved.

Edinburgh's housing and rental markets are oversubscribed. This type of property (a 1 bed tenement) is highly sought after by both renters and first time buyers. It should not be taken out of the residential housing stock for the financial benefit of one individual.

There is wide provision for tourist accommodation across the city, including a number of private hotels and B&Bs in the various streets off Hillside Crescent, less than 10 mins walk from this property.

The property is accessed via a communal stairwell which serves 16 flats, and is on the 2nd floor. As such, the noise of STL visitors arriving and departing with luggage and suitcases will inevitably disturb residents. This is especially true when they arrive and depart at anti-social hours, either due to being out late to enjoy the city, or due to flight/travel times. Even considerate visitors are inadvertently noisy and disturb residents e.g. trying to access keyboxes, ringing other flats when they can't work out the door lock, navigating an unfamiliar stairwell, and occasionally even causing alarm by accidentally trying to access the wrong flat.

A STL adds absolutely nothing of value to the other 15 households within the stair. As this is a residential building in a residential area, the quality of residents' lives should be placed above the profits of the property owner. The Abbeyhill area features community projects like the colony of artists - this home should be available to somebody who wants to join this community and contribute to it.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr James Millar

Address: 21/1/ Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel I have to object as I feel that the security of having different people coming and going may be compromised, the access/stair doors glass has been damaged twice, having different strangers in the stair at given times does not help with the security of my property,

I have been broken into 2 times and contrary to what the application states there has been noise and late night goings on within the stair and the smell of smoking in the stair that I can only assume comes from the let house as the smell comes and goes, presumably because some letted "tenants" do not smoke.

And contrary to what is in the application there has been increased noise, parties, in these rentals, people coming in drunk and singing and swearing in the common stair

I feel very strongly in that the common stair should be kept as residential or long term lets and not these short term let holiday homes.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Sophie Hoult

Address: 3/13 Salmond Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal.

1). This proposal is contrary to the Scottish Government Housing policy on more homes - "everyone has a quality home that they can afford and that meets their needs"

2). This proposal is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

3). This proposal would have unacceptable impacts on neighbourhood amenity.

The Abbeyhill area is a thriving close-knit community, centred around the wonderful Colony of Artists. This community is what makes this area such a great place to live and this proposal would have a detrimental impact on that. Short term lets have significant impacts on neighbours including increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Edinburgh also has a housing crisis, particularly when it comes to accessible housing. This property would be better used to provide long-term housing for someone who actually wants to live in the area and engage with the community, rather than contributing to a ghost town of Airbnbs.

Please do not approve this application.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Sarah Peacocke

Address: 23/11 Maryfield EDINBURGH

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Short term lets reduce the rental stock in the area, driving up rent rates. It raises the house/rental insurance of other residents in the stair as there is more risk of damage.

They cause disruption in the street through traffic of people and noise, with no consideration for the residents around them.

The residents in the stair feel unsafe as they don't know who's supposed to be there.

Short term lets destroy the feeling of community and social responsibility for where we live as they won't be there for long and don't care.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Jonny Reynolds

Address: 1F2, 36 Easter Road 36 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Too many short term lets in the area we need long term lets and purchases to build a community

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Katherine Chisholm

Address: 16 Carlyle Place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The demand for housing in Edinburgh is so great that housing should always be prioritized as a home. In exceptional circumstances where the property would not be suitable as a home, commercial short-term lets should only be allowed in detached properties that do not have close neighbors due to the impact on neighbouring homes in terms of security, disturbance and community cohesion.

Tenement type properties on all floors are unsuitable for commercial short-term letting due to the high level of disturbance brought and the impact on the safety and security of neighbouring families. This is supported by scores of planning DPEA decisions and the testimony of neighbours.

The unsuitability of flats for short-term letting incentivises main door properties for this use. This will have an impact on the availability of accessible homes if they are not protected. All main door or Colony/Mews type properties should not be used for short-term letting for all the reasons contained within.

Edinburgh is recognised as a city of high housing costs, so affordable homes need extra protection to support our businesses and services by ensuring that lower paid workers can afford to live in the city.

## Negative impacts

Economic costs - The Economic Policy Institute finds that the economic costs imposed by short-term letting likely outweigh the benefits. Property owners may benefit but the beneficiaries are disproportionately high-wealth individuals who can own more than one property. Claimed increases in economic activity are often vastly overstated because the spending would have

occurred anyway by travellers staying in other accommodations. The Economic Policy Institute finds that there is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travellers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Furthermore, the shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities[1]. Scottish Government figures report that there has been no significant increase in income from tourism since 2011. In fact, 2018 had the second lowest total tourist spend since 2011.[2]

**Privacy** - Residents of flats or properties with shared gardens are forced to share communal but still private areas of their homes with fee-paying strangers who they have never met before and are unlikely to meet again. This had been found unacceptable in planning and civil law. Colony type housing is particularly subject to horrific impacts of private gardens being directly outside lower doors bedrooms/sittingrooms. This is not acceptable.

**Security** - The security of communal spaces and gardens/outdoor area is completely lost. Neighbours cannot tell who is supposed to be in the property and who is not, or who has keys to shared areas. The insecurity of a shared building is advertised by key safes which are installed without permission from neighbours or listed building consent. Anecdotally there is evidence that short-term let customers are more likely to leave shared entrance doors open, which has resulted in residents coming home to unknown people using drugs, and engaging in other antisocial or threatening activities in their mutual shared areas.

**Anti-social behaviour** - Neighbours of short-term lets are almost guaranteed to experience anti-social behaviour from customers. Alcohol is a regular contributing factor which makes these situations particularly unpredictable and intimidating to deal with. Have first hand issues relating to waste disposal, parking issues, noise, people returning late at night or arriving early in the morning, customers ringing the wrong doorbells or trying to enter the wrong doors, banging on doors, setting off fire alarms, barking dogs when animals are not allowed, friends of "guests" attending the property, parties, over-occupation, verbal abuse, damage to property, intoxication, intrusion into private space, drinking and smoking in communal spaces, and tampering with residents' property.

**Disturbance and noise** - It is well established through planning and civil law that short-term lets bring an increased level of noise and disturbance. The groups occupying the property on a short-term basis are almost always on holiday with the associated holiday mindset seven days a week. Due to there being no personal belongings in short-term let businesses there is nothing to soak up sound resulting in an echo chamber being created where previously there would have been no noise pollution to neighbours, every scrape of a chair and conversation can be heard. Likewise, most properties in Scotland do not have carpeted entrances and hallways as hotels do, so the banging of suitcases at all hours and the excited chatter of customers echoes at entrances and in hallways. There is additional noise and disturbance as groups bring their belongings in and out of properties, including dragging suitcases and banging them off walls and doors, damaging the



paintwork. Cleaners and greeters attend to turn over each property between every short-term let, which can mean banging and vacuuming past midnight. Cleaners and laundry companies may leave trip hazards in shared areas such as large laundry bags. Some letting agencies offer "luggage drop off" services where suitcases are then left in common stairs to be retrieved by customers later.

Mental health impacts - Residents draw huge comfort from a home which has a basic level of familiarity, stability and security. The regular intrusion of transient pleasure-seeking strangers is deeply unsettling. Neighbours of short-term lets regularly describe feeling stress, anxiety and other mental health impacts. This disproportionately impacts on disabled people, people with long term health conditions, people who live alone, children and young people. During the pandemic neighbours of short-term lets found themselves in ghost towns, with no neighbours to rely on or have any connection with. As so many of the short-term let properties use key boxes for picking up the keys that mean that there is no one to complain to for the neighbours. Having key boxes attached to shared buildings also adds to a feeling of a loss of control of a person's home environment. In addition, the uncertainty that a stream of customers that are in charge of utilities, that they may not understand, creates additional risk that is not a risk in hotels or B&Bs. This may impact on a neighbour's mental health.

Attitudes of customers - Although most customers are not ill-intentioned, they simply have their own priorities and expectations about how they can use their "short-term let". They have paid handsomely to occupy the space and understandably wish to use it to maximise their enjoyment. The payment of money to what appears to be a reputable company seems to banish any conscience with regard to the invasion of privacy of any neighbours. They have no awareness of their impact or that of the scores of groups who have preceded and will follow them. Indeed their behaviour is encouraged by the advertisements of profiteering websites and absentee hosts, who beseech them to "live like a local" and "belong anywhere" without any of the responsibilities that brings.

Overcrowding - Short-term rentals often bring more than the advertised number of customers. Groups will also often invite their friends to visit and enjoy their short-term let bringing additional disturbance. Short-term let businesses often advertise for far more customers to stay than would normally reside in a property in relation to its size.

Waste disposal - Recycling is rarely carried out. Communal bins are often used and permanent residents are expected to manage putting out and collecting bins on behalf of the absent owners. Rubbish bags are often left out in communal stairs. Cleaners usually clean inside the short-term let properties but do not usually clean any shared areas. Sometimes, the cleaners drag the refuse bags down the stairs, they rip open, and leave a mess. This leaves the residents to clear up after the customers or live in a poorer quality environment. More waste can be created in short-term lets as they buy food that cannot be eaten in the time of their stay, unlike permanent residents.

Effect of multiple lets - Where multiple lets are operating, the issues are multiplied similarly and the burdens are shouldered by even fewer residents. This effect is most intense during July and August - a time when families most wish to enjoy the peace and privacy of their homes and gardens.

Displacement of community - Our places need to be inhabited to stay habitable. As more and more dwellings are turned into short-term lets, an area loses its community. The burden of reporting issues with antisocial behaviour, disturbance or noise falls to fewer and fewer people who eventually give up and move on. The long term impact is to see no one noticing or addressing the maintenance of the fabric of the building.

Displacement of workers - There is high levels of concern about stifling economic development due to lack of labour caused by housing shortages.

Safety - There is no requirement for any safety checks putting visitors and neighbouring properties at risk.

Insurances - Short-term letting requires specialist insurance which many do not have, especially where title deeds prohibit commercial usage. The voiding of communal insurances has been the matter of a court case in London.

Impact on rents and housing prices - A property which is used solely for short-term letting is no longer part of the housing stock. Dwindling numbers of properties will obviously impact housing availability, house prices and rents. It is suggested by Shelter that this forces people into accommodation that they cannot afford, leading to homelessness and people living in unsuitable housing. For every commercial short-term let that is changed from being a home, another household is displaced to live in hotels and other temporary accommodation, or pushed into poverty. The social and economic impacts of this are likely to cost public services more in the long term. There appears to be a growing pattern of previously long term rented accommodation being changed to student lets for Oct-May and for the remainder of the year being short-term let businesses. This provides owners with short-term letting opportunities over all the holiday periods while making it harder for students to develop long term relationships with their neighbours. Four months of intensive holiday letting over the summer will certainly have unlawful impacts on amenity for close neighbours.

Impact on traditional guest houses, bed and breakfasts and other lawful accommodation providers - There is evidence that traditional accommodation providers are being significantly disadvantaged by the proliferation of unlawful short-term letting businesses. Lawful accommodation providers struggle to compete with unlawful lets who can often offer lower prices by avoiding the costs of compliance.

Reduced spending by tourists - Research commonly finds that visitors staying in properties with

self-catering facilities spend a third less than those in hotel-type accommodation, often buying supermarket meals rather than using local cafes and restaurants. We do not believe that tourism should be limited to high-wealth individuals, however, where residential accommodation is being repurposed for holiday lets under the auspices of boosting tourism, a clear knowledge of the true benefits and costs is essential.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Miss Emma Nolan

Address: 69/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Mariusz (Business owner) Wrazka

Address: Happy Bean Café 14 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Short-term lets defiantly help my business. The only reason so many cafes can survive on Easter Road is because of the Airbnb's here. There can be a place for short-term lets in a neighbourhood away from the city centre which wouldn't get the main tourism footfall without air bnb

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Simon Illingworth (Business owner) Illingworth

Address: The Safari Lounge 21 Cadzow Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Tourists coming to the Abbey Hill area mostly via short-term lets make up a big part of our customer base at the Safari Lounge. Our lunch and dinner custom would take a big drop in numbers without short-term lets.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Jackie Oudney

Address: 27/4 Edina Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was a direct downstairs neighbour of Scott's for 5 years while he ran his Airbnb from his property and in this time I have seen him be instrumental in much of the stair maintenance either repairing himself or often funding and managing the repairs personally. I find him to be a very personable, conscientious Airbnb host - ensuring there are never any issues that would effect his neighbours, whilst maintaining his position as a responsible property owner.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Ernestina (Business owner) Doku

Address: Dazzelustrous 32 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Our customers are between 30% and 50% tourists depending on the season. One of the only ways that tourists come to find Easter road is through Airbnb's. A thriving area needs balance and local air bnbs are relied upon in the Easter Road neighbourhood for local businesses.



# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna (Business owner) Tarnowska

Address: C team Cleaning 35 Moredunvale Way Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have worked with Scott Garcia and his wife as their co-host and cleaner for their short-term lets for over 5 years. I have always found Scott to be a pleasure to work with. I manage a cleaning team of up to 10 people and without work from Airbnb and short-term lets my business would probably close. My cleaning business is our principle source of income. I clean Scott's properties between guest stays. Any issues in the communal stairs are either addressed directly or reported to Scott and he manages the repairs personally. I instruct my staff to always be respectful of the stair environment and to be friendly to the people who live there. My cleaners try to be as quiet as possible when cleaning the flats and only work between 11am and 4pm to keep noise and disturbance to a minimum. We don't need to carry anything other than 1 bag of laundry to and from the property as vacuum and cleaning products stay permanently at the property. On average we would visit each property 10 times per month between guest stays as most stays are between 3 and 4 nights.

Best wishes

Joanna

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am the applicant's sister and help him with the running of his short-term lets since he relocated with his family to Peebles a year and a half ago. I do not help with the day to day running but act as a local contact for guests if they have any problems during their stay. I live just 5 mins walk away from most of the properties. Having lived in many of the flats myself over the years I know the specifics of each property and can generally quickly help guests with any occasional problems they might have, either in person or over the phone if Scott is unavailable. Scott tries to be the best host he can be and does more than his share in the communal areas, changing broken lights and financing small repairs.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Rachel Stockton

Address: 6 (PF1) Bothwell Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Garcias have been friends and neighbours for around 5 years.

In that time Scott has worked hard to restore and maintain flats that had seen better days - this includes improving communal areas to the benefit of everybody in the stair.

Scott and his partner actively encourage their guests to support local business.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Can Misirlioglu

Address: Écosse Éclair 88 Easter Road Edinburgh Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Airbnb's in the area definitely help our business survive. We have many tourist customers and would 100% struggle to stay open without the extra footfall Airbnb's create for the top of Easter Road.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Andrew Buchan

Address: 1/23 Saunders Street Edinburgh Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I moved to Edinburgh 11 years ago and met Scott Garcia shortly after. He is a perfectly decent and dependable individual and goes the extra mile for his tenants and has always helped with matters relating to the communal building including the installation of a full new security system last year which has greatly improved the stair environment. I am a trustee of the Saunders Streets residents association that takes care of matters concerning the block and I am more than happy to recommend him as a landlord and a host.

Best Wishes

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Asif Awan

Address: 2 (GF3) West Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having being a resident and now a landlord in the Abbeyhill neighbourhood for over 6 years, I have to admit I'm very indebted to the support Scott has provided the flat stair committee. From small maintenance changes to helping start the stair committee resulting in countless improvements in full repaint, damp proofing and renovation of the stair. Scott has hosted Air bnb guests at his property for over 7 years but they have never been a problem to me or, I believe, anyone in the stair.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Susik

Address: Sapphire Shine Ltd. (Property Maintenance) 7/14 Lochend Park View Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I helped Mr Garcia with property management at this short-term lets in Edinburgh. My company employs 22 people and calls in tradesmen, laundry services and other staff sub-contracted to deal with any specific maintenance issues if required. The loss of good Airbnb and short-term let hosts would put an end to a huge amount of economic activity in the area and would have a huge negative effect on my business and the businesses of the people I work with. We take great care to work harmoniously with the other residents in the stairs and discuss this with all staff. Staff are instructed to be polite to other residents, work as quietly as possible and to generally be respectful of the peaceful stair environment. Any material issues in the stair are reported back to the owner by the cleaners and generally addressed promptly and often at the owners expense. Our cleaners sweep up any litter found in the communal stairs when they visit. Under normal circumstances staff would generally only need to access properties 10 times per month to clean between guests. Access inside the properties is generally only between the 11am check-out and 4pm check-in times of guests. I find Mr Garcia to be a very conscientious and considerate owner who routinely puts care for residents before his own convenience.

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Grant McNeil

Address: (Business owner) The Mash Tun Pub 154 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Mash Tun was here before Airbnb's and we can remember a huge uplift in custom post-Airbnb. Around 50% of our lunch time trade is from tourists who only get to this area because they stay in Airbnb's nearby. It's a worry what we'll do if it stops.



# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Chris Chris Denmark -

Address: 2F2, 2 West Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott for 11 years. One of his property shares its lounge wall directly with my bedroom and I have never had any problems with noise etc, over the 6 years he has hosted Airbnb guests. I have found him to be a reliable and responsible owner of the property. He set up our stair committee with another owner which has been invaluable in facilitating our ongoing building improvements. Contact me if you require any further information

Chris Denmark

# Comments for Planning Application 22/02651/FUL

## Application Summary

Application Number: 22/02651/FUL

Address: 2F1 21 Maryfield Edinburgh EH7 5AR

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr John Warburton

Address: 16/9 Easter Rd Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live on noisy Easter Rd and retire to rear of flat when I want quiet, especially when sleeping. Short-term let on the other side of our back green, implying holiday visitors, means greater likelihood of noise at rear of my flat. However, that's just a worrying possibility. The real reason for my complaint is the increasing number of flats in Edinburgh tenements being unavailable for long-term renters and owner occupiers - people who live and work in the city - because of the unsustainable growth of landlords letting in an air bnb way to visitors who have no interest in the essential communality of a well-functioning stair, and the landlords themselves, who from my experience take no responsibility for the consequence to the neighbouring flats of their money-making short-let in the stair. The Old Town has been hollowed out by the proliferation of short-term lets and now the cancer is fast spreading to peripheral areas. The Council should encourage tourism by supporting hotels and apartment hotels but not allowing communities of residents to be undermined by supporting the spread of short-term lets in residential areas.



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 100596732-001

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

## 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" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

1F2

Address 2:

131 MONTGOMERY STREET

Address 3:

HILLSIDE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 5EP

Please identify/describe the location of the site or sites

Northing

674596

Easting

326917

## 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)

Change of use from residential to short-term lets

## 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.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

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)

220717\_Montgomery Street\_Appeal\_Statement, 220512\_MONTGOMERY STREET\_CHANGE OF USE\_LOCATION PLANS, 220512\_MONTGOMERY STREET\_CHANGE OF USE\_STATEMENT

## Application Details

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

100566419-001

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

16/05/2022

## 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: Mr Scott Garcia

Declaration Date: 29/08/2022

## **PLANNING APPLICATION**

### **FLAT 131/2 MONTGOMERY STREET EH7 5EP**

#### **Change of use from residential to short term-lettings use**

**11<sup>th</sup> May 2022**

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### Introduction

This application relates to the proposal to change the use of a two bedroom tenement flat into a short-term let use.

### Location of site

The property is on the first floor a typical 4 floor late Victorian tenement building in the far eastern end of the Edinburgh New Town. The flat is situated above a ground floor office use, which is currently used as a solicitor and estate agent's office. There is no residential use below the application property.

Pedestrian access to the tenement building is via a communal door on Montgomery Street. The office use on the ground floor is accessed by a door on the corner of Montgomery Street and Easter Road. The flat, the subject of this application wraps around the corner of the building and has a feature corner bay window which affords long views up Easter Road and along Montgomery Street.

### Easter Road

This road is subjected to very heavy and noisy traffic through most of the day, forming a principal link between Edinburgh and Leith to the north. For the last few years and more years to come, Easter Road forms the main link to Leith as Leith Walk is semi closed due to ongoing tram works. The road is a very busy bus route. The buses going south towards Edinburgh are quite often held in a queue, adjacent to this property, before negotiating the nearby junction of Easter Road and London Road at the top of the hill. This fact together with very heavy other traffic using Easter Road means that the noise, disturbance and the high levels of air pollution distract from the amenity of the residential neighbourhood.

On the more positive side this top end of Easter Road has numerous former retail units which are now independent bakers, coffee bars, restaurants, wine merchant, green grocer, supermarkets, ATMs etc which are an asset to residents and visitors alike.

Easter Road lies outside the Controlled Parking Zones of Edinburgh but is subject to parking restrictions.

### Montgomery Street

This residential street is also quite heavily trafficked by cars and commercial vehicle finding alternate routes to Leith and Edinburgh between Leith Walk and Easter Road. Outside the property in question are a number of 'end on' parking bays, which are available for non-residents subject to weekday pay and display. The whole of Montgomery Street lies within the City of Edinburgh Controlled Parking Zone N1.

Outside the main door of 131 Montgomery Street is a paved 'environmental area' with refuse bins and two telephone boxes. This area has suffered from noise and disturbance from misuse, as Edinburgh Police can testify.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a two bedroom flat adjacent to Easter Road and highly accessible to public transport. The flat could accommodate one to four people. The busy mixed-use environment and its heightened ambient noise is close to the property. This location is not a quiet residential street.

The common access stairwell serves 9 flats. Parking and communal bins are available on street. The council have intimated recently in decisions that the use of short-term accommodation is not acceptable 'in principle' in similar locations. Yet there is no policy basis in the development plan for such an 'in principle' constraint.



The size of the flat would not indicate 'party flat' and the scale of the movement amongst 9 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to four) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 4 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 9 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would prevent a grant of planning consent.

**PLANNING APPLICATION APPEAL**

**Against the Non-Determination by City of Edinburgh Council in respect of  
Planning Application 22/02681/FUL**

**131/2 MONTGOMERY STREET EH7 5EP**

**Description of development: Change of use from residential to short stay  
lettings use**

**Application received by CEC 18<sup>th</sup> May 2022  
Determination deadline 15<sup>th</sup> July 2022**

**Statement of Appeal**

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

**Description of development**

This application relates to the proposal to change the use of a 2-bedroom tenement flat into a short let residential use.

**Location of site**

The property is on the first floor a typical 4 floor late Victorian tenement building in the far eastern end of the Edinburgh New Town. The flat is situated above a ground floor office use, which is currently used as a solicitor and estate agent's office. There is no residential use below the application property.

Pedestrian access to the tenement building is via a communal door on Montgomery Street. The office use on the ground floor is accessed by a door on the corner of Montgomery Street and Easter Road. The flat, the subject of this

application wraps around the corner of the building and has a feature corner bay window which affords long views up Easter Road and along Montgomery Street.

### Easter Road

This road is subjected to very heavy and noisy traffic through most of the day, forming a principal link between Edinburgh and Leith to the north. For the last few years and more years to come, Easter Road forms the main link to Leith as Leith Walk is semi closed due to ongoing tram works. The road is a very busy bus route. The buses going south towards Edinburgh are quite often held in a queue, adjacent to this property, before negotiating the nearby junction of Easter Road and London Road at the top of the hill. This fact together with very heavy other traffic using Easter Road means that the noise, disturbance and the high levels of air pollution distract from the amenity of the residential neighbourhood.

On the more positive side this top end of Easter Road has numerous former retail units which are now independent bakers, coffee bars, restaurants, wine merchant, green grocer, supermarkets, ATMs etc which are an asset to residents and visitors alike.

Easter Road lies outside the Controlled Parking Zones of Edinburgh but is subject to parking restrictions.

### Montgomery Street

This residential street is also quite heavily trafficked by cars and commercial vehicle finding alternate routes to Leith and Edinburgh between Leith Walk and Easter Road. Outside the property in question are a number of 'end on' parking bays, which are available for non-residents subject to weekday pay and display. The whole of Montgomery Street lies within the City of Edinburgh Controlled Parking Zone N1.

Outside the main door of 131 Montgomery Street is a paved 'environmental area' with refuse bins and two telephone boxes. This area has suffered from noise and disturbance from misuse, as Edinburgh Police can testify.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially

detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a two bedroom flat adjacent to Easter Road and highly accessible to public transport. The flat could accommodate one to four people. The busy mixed-use environment and its heightened ambient noise is close to the property. This location is not a quiet residential street.

The common access stairwell serves 9 flats. Parking and communal bins are available on street. The council have intimated recently in decisions that the use of short-term accommodation is not acceptable 'in principle' in similar locations. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 9 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (one to four) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 4 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 9 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

### Neighbour Comments and Representations

Total consulted 86      Comments received 19

Objections 3.              Support 16

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website. Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses

### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

17<sup>th</sup> July 2022



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 100566419-001

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)

Change of use from residential to short-term lets.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Bellspool Coach House
First Name: *	Scott	Building Number:	
Last Name: *	Garcia	Address 1 (Street): *	Dawyck
Company/Organisation		Address 2:	
Telephone Number: *	0151 700 0111	Town/City: *	Peebles
Extension Number:		Country: *	Scotland
Mobile Number:	07800 000000	Postcode: *	EH459JU
Fax Number:			
Email Address: *	[REDACTED]		

## Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	1F1
Address 2:	131 MONTGOMERY STREET
Address 3:	HILLSIDE
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH7 5EP

Please identify/describe the location of the site or sites

[REDACTED]	
------------	--

Northing	674596	Easting	326917
----------	--------	---------	--------

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

68.00

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)

Short-term lets

## 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 ☒ 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?

0

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)? \*

0

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 ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

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? \*

- ☐ 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 ☒ 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 ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ 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)? \*

☐ Yes ☒ No

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

On-street refuse and recycling provision.

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Mr Scott Garcia

On behalf of:

Date: 16/05/2022

☒ 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 ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ 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 Scott Garcia

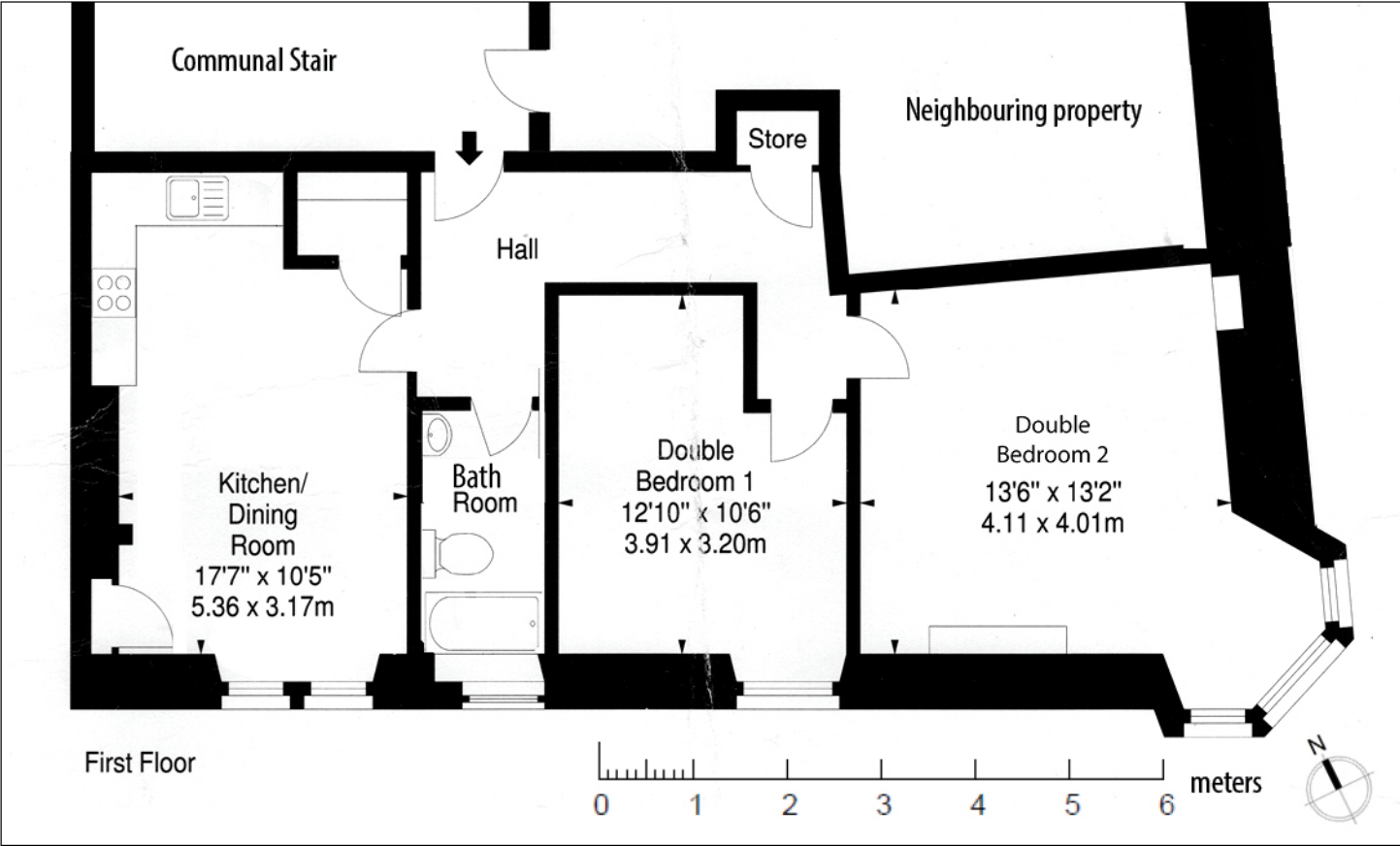
Declaration Date: 17/05/2022

## Payment Details

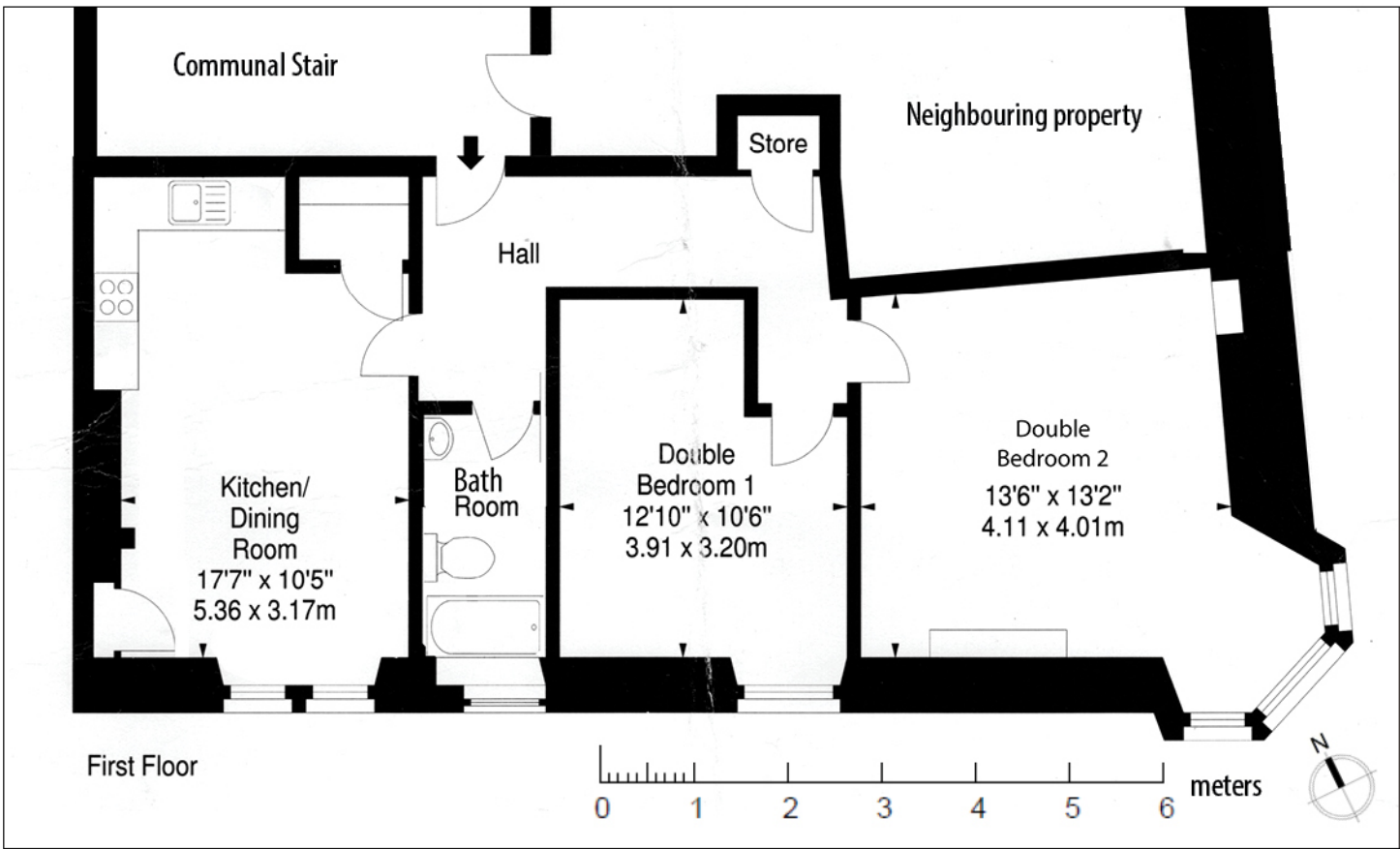
Online payment: [REDACTED]

Payment date: [REDACTED]

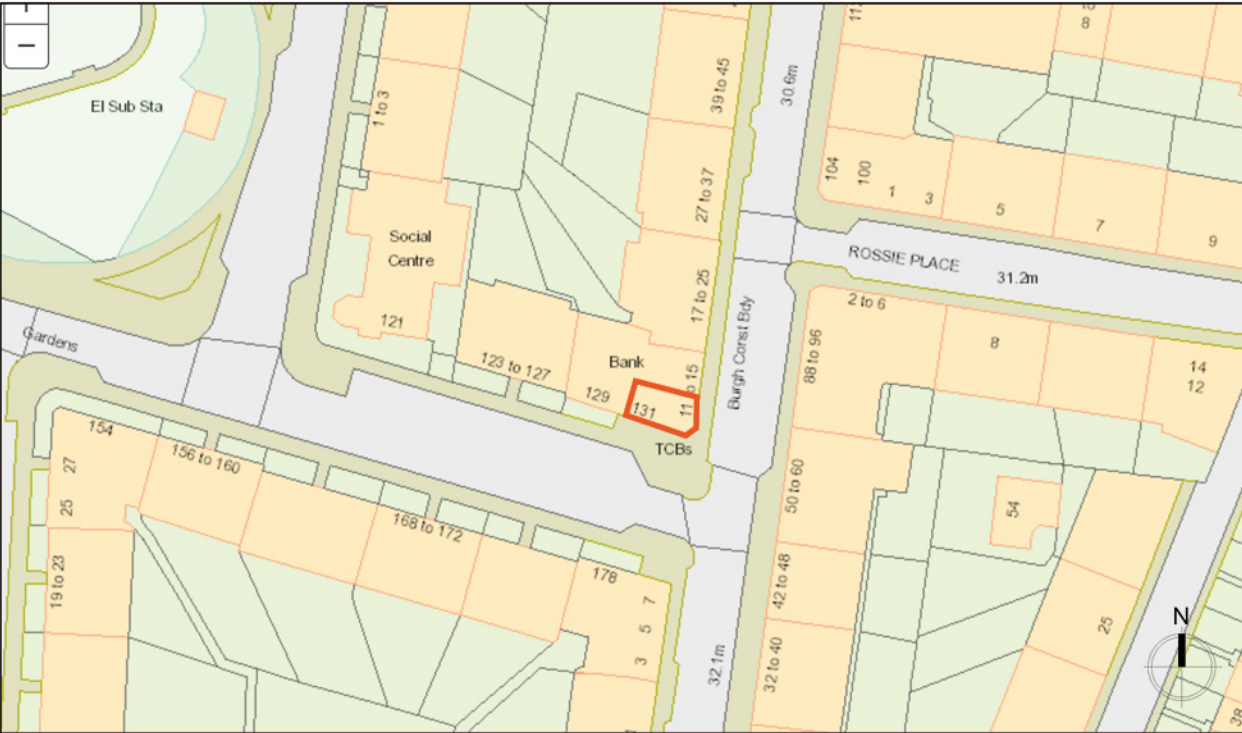
[REDACTED]



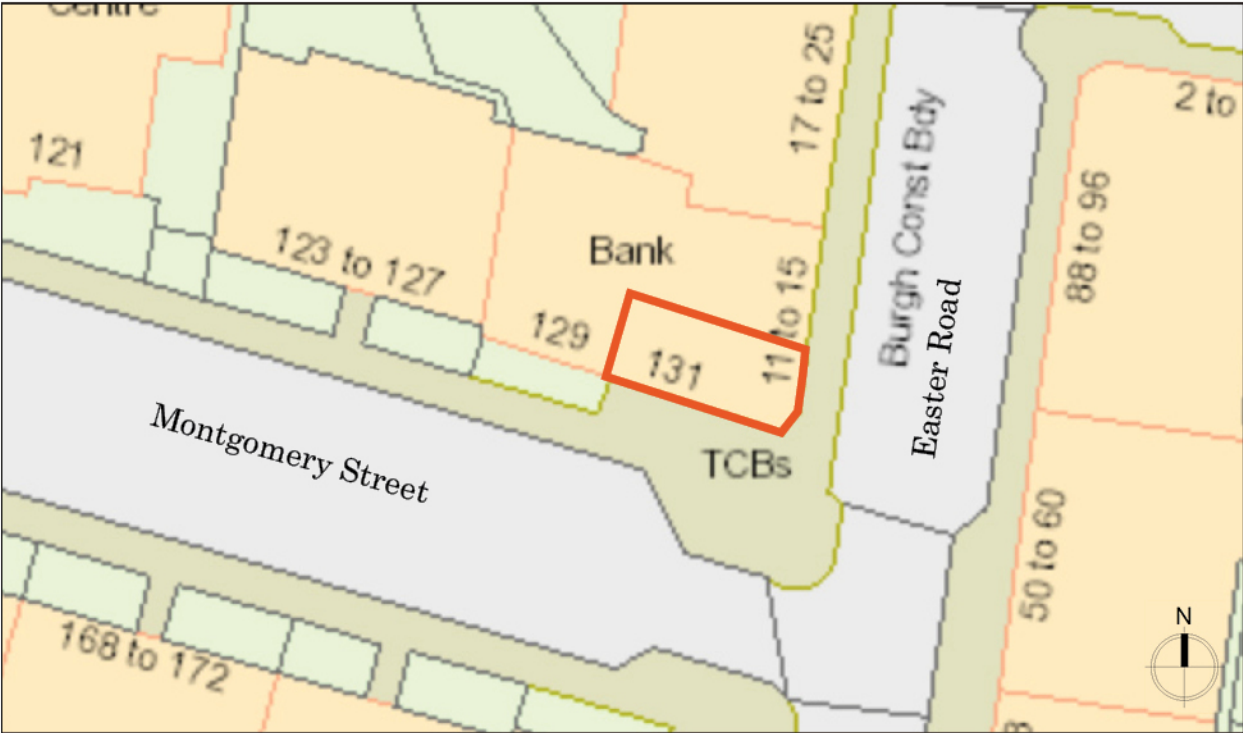
Existing Floor Plan (Residential Use)



Proposed Floor Plan (Short-Term Let)



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

**Notes:**

- This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.
- One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.
- All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.
- All discrepancies to be notified to the Architect.
- This drawing is not to be scaled.

**Preliminary**

This drawing is issued for the above purpose only and must not be used for any other purpose without the express permission of One A Ltd

**Notes**

Revisions

**Job Title**

Change of Use from Residential to Short-Term Letting:  
131/2 Montgomery Street, Edinburgh EH7 5EP

**Client**

Mr Scott Garcia

**Dwg Title**

Existing & Proposed First Floor Plans & Location Plans

<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	<b>Checked by</b>
scale varies @A3	09/05/2022	ec	ac

**Drawing No.**

SG\_MG\_09/05/2022

**OneA**

Planning & Landscape

Bellspool Coach House  
Dawyck  
Peebles EH45 9JU  
Tel 01721 760 312

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# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Eli Sheppard

Address: 25/8 Maryfield Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish for this application to be approved.

Edinburgh already has an over priced and over subscribed rental market. Converting a long term let to a short term let only aggravates this problem.

Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering. The Abbey Hill area is a close knit community with the colony of artists at its centre. I feel that this property would be much better used to provide housing to someone who wants to live in the area and engage in the community rather than by a greedy landlord to extort profits from the community.

I hope you will consider my comments seriously and deny this application.

Sincerely,

Dr. Eli Sheppard

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Sophie Hoult

Address: 3/13 Salmond Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal.

1). This proposal is contrary to the Scottish Government Housing policy on more homes - "everyone has a quality home that they can afford and that meets their needs"

2). This proposal is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

3). This proposal would have unacceptable impacts on neighbourhood amenity.

The Abbeyhill area is a thriving close-knit community, centred around the wonderful Colony of Artists. This community is what makes this area such a great place to live and this proposal would have a detrimental impact on that. Short term lets have significant impacts on neighbours including increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Edinburgh also has a housing crisis, particularly when it comes to accessible housing. This property would be better used to provide long-term housing for someone who actually wants to live in the area and engage with the community, rather than contributing to a ghost town of Airbnbs.

Please do not approve this application.



# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Katherine Chisholm

Address: 16 Carlyle Place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The demand for housing in Edinburgh is so great that housing should always be prioritized as a home. In exceptional circumstances where the property would not be suitable as a home, commercial short-term lets should only be allowed in detached properties that do not have close neighbors due to the impact on neighbouring homes in terms of security, disturbance and community cohesion.

Tenement type properties on all floors are unsuitable for commercial short-term letting due to the high level of disturbance brought and the impact on the safety and security of neighbouring families. This is supported by scores of planning DPEA decisions and the testimony of neighbours.

The unsuitability of flats for short-term letting incentivises main door properties for this use. This will have an impact on the availability of accessible homes if they are not protected. All main door or Colony/Mews type properties should not be used for short-term letting for all the reasons contained within.

Edinburgh is recognised as a city of high housing costs, so affordable homes need extra protection to support our businesses and services by ensuring that lower paid workers can afford to live in the city.

## Negative impacts

Economic costs - The Economic Policy Institute finds that the economic costs imposed by short-term letting likely outweigh the benefits. Property owners may benefit but the beneficiaries are disproportionately high-wealth individuals who can own more than one property. Claimed increases in economic activity are often vastly overstated because the spending would have

occurred anyway by travellers staying in other accommodations. The Economic Policy Institute finds that there is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travellers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Furthermore, the shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities[1]. Scottish Government figures report that there has been no significant increase in income from tourism since 2011. In fact, 2018 had the second lowest total tourist spend since 2011.[2]

**Privacy** - Residents of flats or properties with shared gardens are forced to share communal but still private areas of their homes with fee-paying strangers who they have never met before and are unlikely to meet again. This had been found unacceptable in planning and civil law. Colony type housing is particularly subject to horrific impacts of private gardens being directly outside lower doors bedrooms/sittingrooms. This is not acceptable.

**Security** - The security of communal spaces and gardens/outdoor area is completely lost. Neighbours cannot tell who is supposed to be in the property and who is not, or who has keys to shared areas. The insecurity of a shared building is advertised by key safes which are installed without permission from neighbours or listed building consent. Anecdotally there is evidence that short-term let customers are more likely to leave shared entrance doors open, which has resulted in residents coming home to unknown people using drugs, and engaging in other antisocial or threatening activities in their mutual shared areas.

**Anti-social behaviour** - Neighbours of short-term lets are almost guaranteed to experience anti-social behaviour from customers. Alcohol is a regular contributing factor which makes these situations particularly unpredictable and intimidating to deal with. Have first hand issues relating to waste disposal, parking issues, noise, people returning late at night or arriving early in the morning, customers ringing the wrong doorbells or trying to enter the wrong doors, banging on doors, setting off fire alarms, barking dogs when animals are not allowed, friends of "guests" attending the property, parties, over-occupation, verbal abuse, damage to property, intoxication, intrusion into private space, drinking and smoking in communal spaces, and tampering with residents' property.

**Disturbance and noise** - It is well established through planning and civil law that short-term lets bring an increased level of noise and disturbance. The groups occupying the property on a short-term basis are almost always on holiday with the associated holiday mindset seven days a week. Due to there being no personal belongings in short-term let businesses there is nothing to soak up sound resulting in an echo chamber being created where previously there would have been no noise pollution to neighbours, every scrape of a chair and conversation can be heard. Likewise, most properties in Scotland do not have carpeted entrances and hallways as hotels do, so the banging of suitcases at all hours and the excited chatter of customers echoes at entrances and in hallways. There is additional noise and disturbance as groups bring their belongings in and out of properties, including dragging suitcases and banging them off walls and doors, damaging the

paintwork. Cleaners and greeters attend to turn over each property between every short-term let, which can mean banging and vacuuming past midnight. Cleaners and laundry companies may leave trip hazards in shared areas such as large laundry bags. Some letting agencies offer "luggage drop off" services where suitcases are then left in common stairs to be retrieved by customers later.

Mental health impacts - Residents draw huge comfort from a home which has a basic level of familiarity, stability and security. The regular intrusion of transient pleasure-seeking strangers is deeply unsettling. Neighbours of short-term lets regularly describe feeling stress, anxiety and other mental health impacts. This disproportionately impacts on disabled people, people with long term health conditions, people who live alone, children and young people. During the pandemic neighbours of short-term lets found themselves in ghost towns, with no neighbours to rely on or have any connection with. As so many of the short-term let properties use key boxes for picking up the keys that mean that there is no one to complain to for the neighbours. Having key boxes attached to shared buildings also adds to a feeling of a loss of control of a person's home environment. In addition, the uncertainty that a stream of customers that are in charge of utilities, that they may not understand, creates additional risk that is not a risk in hotels or B&Bs. This may impact on a neighbour's mental health.

Attitudes of customers - Although most customers are not ill-intentioned, they simply have their own priorities and expectations about how they can use their "short-term let". They have paid handsomely to occupy the space and understandably wish to use it to maximise their enjoyment. The payment of money to what appears to be a reputable company seems to banish any conscience with regard to the invasion of privacy of any neighbours. They have no awareness of their impact or that of the scores of groups who have preceded and will follow them. Indeed their behaviour is encouraged by the advertisements of profiteering websites and absentee hosts, who beseech them to "live like a local" and "belong anywhere" without any of the responsibilities that brings.

Overcrowding - Short-term rentals often bring more than the advertised number of customers. Groups will also often invite their friends to visit and enjoy their short-term let bringing additional disturbance. Short-term let businesses often advertise for far more customers to stay than would normally reside in a property in relation to its size.

Waste disposal - Recycling is rarely carried out. Communal bins are often used and permanent residents are expected to manage putting out and collecting bins on behalf of the absent owners. Rubbish bags are often left out in communal stairs. Cleaners usually clean inside the short-term let properties but do not usually clean any shared areas. Sometimes, the cleaners drag the refuse bags down the stairs, they rip open, and leave a mess. This leaves the residents to clear up after the customers or live in a poorer quality environment. More waste can be created in short-term lets as they buy food that cannot be eaten in the time of their stay, unlike permanent residents.

Effect of multiple lets - Where multiple lets are operating, the issues are multiplied similarly and the burdens are shouldered by even fewer residents. This effect is most intense during July and August - a time when families most wish to enjoy the peace and privacy of their homes and gardens.

Displacement of community - Our places need to be inhabited to stay habitable. As more and more dwellings are turned into short-term lets, an area loses its community. The burden of reporting issues with antisocial behaviour, disturbance or noise falls to fewer and fewer people who eventually give up and move on. The long term impact is to see no one noticing or addressing the maintenance of the fabric of the building.

Displacement of workers - There is high levels of concern about stifling economic development due to lack of labour caused by housing shortages.

Safety - There is no requirement for any safety checks putting visitors and neighbouring properties at risk.

Insurances - Short-term letting requires specialist insurance which many do not have, especially where title deeds prohibit commercial usage. The voiding of communal insurances has been the matter of a court case in London.

Impact on rents and housing prices - A property which is used solely for short-term letting is no longer part of the housing stock. Dwindling numbers of properties will obviously impact housing availability, house prices and rents. It is suggested by Shelter that this forces people into accommodation that they cannot afford, leading to homelessness and people living in unsuitable housing. For every commercial short-term let that is changed from being a home, another household is displaced to live in hotels and other temporary accommodation, or pushed into poverty. The social and economic impacts of this are likely to cost public services more in the long term. There appears to be a growing pattern of previously long term rented accommodation being changed to student lets for Oct-May and for the remainder of the year being short-term let businesses. This provides owners with short-term letting opportunities over all the holiday periods while making it harder for students to develop long term relationships with their neighbours. Four months of intensive holiday letting over the summer will certainly have unlawful impacts on amenity for close neighbours.

Impact on traditional guest houses, bed and breakfasts and other lawful accommodation providers - There is evidence that traditional accommodation providers are being significantly disadvantaged by the proliferation of unlawful short-term letting businesses. Lawful accommodation providers struggle to compete with unlawful lets who can often offer lower prices by avoiding the costs of compliance.

Reduced spending by tourists - Research commonly finds that visitors staying in properties with

self-catering facilities spend a third less than those in hotel-type accommodation, often buying supermarket meals rather than using local cafes and restaurants. We do not believe that tourism should be limited to high-wealth individuals, however, where residential accommodation is being repurposed for holiday lets under the auspices of boosting tourism, a clear knowledge of the true benefits and costs is essential.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Jackie Oudney

Address: 27/4 Edina Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was a direct downstairs neighbour of Scott's for 5 years at this address in Montgomery Street while he ran his Airbnb from the property and in this time I have seen him be instrumental in much of the stair maintenance either repairing himself or often funding and managing the repairs personally. I find him to be a very personable, conscientious Airbnb host - ensuring there are never any issues that would effect his neighbours, whilst maintaining his position as a responsible property owner.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Can (Business owner) Misirlioglu

Address: Écosse Éclair 88 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Airbnb's in the area definitely help our business survive. We have many tourist customers and would 100% struggle to stay open without the extra footfall Airbnb's create for the top of Easter Road.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Fiona Kelly

Address: 131/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia as my direct next door neighbour in a block with 9 other flats. Scott and his wife are both absolutely wonderful neighbours. Scott regularly does repairs around the stairwell and communal garden, eg, changing bulbs, repairing the entry phone system and maintaining the garden. They are lovely people, offering any help needed to me and my family. Since renting out their apartment to Air BNB 5 years ago, I can honestly say there has never been an issue with their guests and I live directly next door sharing 2 walls so I would know. Further, they have always made it clear that if there are any issues, to contact them straight away and they would deal with it.

If I can be of any further help, please do not hesitate contact me on my mobile, 07951836663.

Kind regards, Fiona Kelly



# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Tarnowska (Business owner)

Address: C team Cleaning 35 Moredunvale Way Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have worked with Scott Garcia and his wife as their co-host and cleaner for their short-term lets for over 5 years. I have always found Scott to be a pleasure to work with. I manage a cleaning team of up to 10 people and without work from Airbnb and short-term lets my business would probably close. My cleaning business is our principle source of income. I clean Scott's properties between guest stays. Any issues in the communal stairs are either addressed directly or reported to Scott and he manages the repairs personally. I instruct my staff to always be respectful of the stair environment and to be friendly to the people who live there. My cleaners try to be as quiet as possible when cleaning the flats and only work between 11am and 4pm to keep noise and disturbance to a minimum. We don't need to carry anything other than 1 bag of laundry to and from the property as vacuum and cleaning products stay permanently at the property. On average we would visit each property 10 times per month between guest stays as most stays are between 3 and 4 nights.

Best wishes

Joanna

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Ernestina Doku (Business owner)

Address: Dazzelustrous 32 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Our customers are between 30% and 50% tourists depending on the season. One of the only ways that tourists come to find Easter road is through Airbnb's. A thriving area needs balance and local air bnbs are relied upon in the Easter Road neighbourhood for local businesses.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Susik

Address: Sapphire Shine Ltd. (Property Maintenance) 7/14 Lochend Park View Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

I helped Mr Garcia with property management at this short-term lets in Edinburgh. My company employs 22 people and calls in tradesmen, laundry services and other staff sub-contracted to deal with any specific maintenance issues if required. The loss of good Airbnb and short-term let hosts would put an end to a huge amount of economic activity in the area and would have a huge negative effect on my business and the businesses of the people I work with. We take great care to work harmoniously with the other residents in the stairs and discuss this with all staff. Staff are instructed to be polite to other residents, work as quietly as possible and to generally be respectful of the peaceful stair environment. Any material issues in the stair are reported back to the owner by the cleaners and generally addressed promptly and often at the owners expense. Our cleaners sweep up any litter found in the communal stairs when they visit. Under normal circumstances staff would generally only need to access properties 10 times per month to clean between guests. Access inside the properties is generally only between the 11am check-out and 4pm check-in times of guests. I find Mr Garcia to be a very conscientious and considerate owner who routinely puts care for residents before his own convenience.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Mariusz Wrazka

Address: (Business owner) Happy Bean Café 14 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Short-term lets definitely help my business. The only reason so many cafes can survive on Easter Road is because of the Airbnb's here. There can be a place for short-term lets in a neighbourhood away from the city centre which wouldn't get the main tourism footfall without airbnb

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Andrew Buchan

Address: 1/23 Saunders Street EH3 6TQ Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Scott Garcia is a perfectly decent and dependable individual and goes the extra mile for his tenants and has always helped with matters relating to the communal building including the installation of a full new security system last year which has greatly improved the stair environment. I am a trustee of the Saunders Streets residents association that takes care of matters concerning the block and I am more than happy to recommend him as a landlord and a host.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Emma Nolan

Address: 69/3 Montgomery Street, Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Simon Illingworth (Business owner)

Address: The Safari Lounge 21 Cadzow Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Tourists coming to this area mostly via short-term lets make up a big part of our customer base at the Safari Lounge. Our lunch and dinner custom would take a big drop in numbers without short-term lets.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Rachel Stockton 6 (PF1) Bothwell Street EH7 5PR

Address: 6 (PF1) Bothwell Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Garcias have been friends and neighbours for around 5 years.

In that time Scott has worked hard to restore and maintain flats that had seen better days - this includes improving communal areas to the benefit of everybody in the stair.

Scott and his partner actively encourage their guests to support local business.



# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am Scott Garcia (the applicant's sister) and help him with the running of his short-term lets since he relocated with his family to Peebles a year and a half ago. I do not help with the day to day running but act as a local contact for guests if they have any problems during their stay. I live just 5 mins walk away from most of the properties. Having lived in many of the flats myself over the years I know the specifics of each property and can generally quickly help guests with any occasional problems they might have, either in person or over the phone if Scott is unavailable. Scott tries to be the best host he can be and does more than his share in the communal areas, changing broken lights and financing small repairs.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Grant McNeil

Address: (Business owner) The Mash Tun Pub 154 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Mash Tun was here before Airbnb's and we can remember a huge uplift in custom post-Airbnb. Around 50% of our lunch time trade is from tourists who only get to this area because they stay in Airbnb's nearby. It's a worry what we'll do if it stops.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Roy Buchanan

Address: 131 (2F3) Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Ellie and Scott have been my direct downstairs Neighbours in Edinburgh. In the years that they have been renting their property out there's never been any problems with their guests but occasional general stair and building problems crop up where Scott is very quick at responding and helping out. Scott has given me his phone number in case of any issues. Both Scott and his partner Ellie are a delight to talk to while passing in the stair. They are always positive minded and enthusiastic about life.

Roy

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Asif Awan

Address: 2 (GF3) West Norton Place, Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having being a resident and now a landlord in the Easter Road neighbourhood for over 6 years, I have to admit I'm very indebted to the support Scott has provided the flat stair committee. From small maintenance changes to helping start the stair committee resulting in countless improvements in full repaint, damp proofing and renovation of the stair. Scott has hosted Air bnb guests at his property for over 7 years but they have never been a problem to me or, I believe, anyone in the stair.

# Comments for Planning Application 22/02681/FUL

## Application Summary

Application Number: 22/02681/FUL

Address: 1F1 131 Montgomery Street Edinburgh EH7 5EP

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Chris Denmark

Address: 2F2, 2 West Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I live in the Easter Road neighbourhood and have known Scott for 11 years. His property shares its lounge wall directly with my bedroom and I have never had any problems with noise etc, over the 6 years he has hosted Airbnb guests. I have found him to be a reliable and responsible owner of the property. He set up our stair committee with another owner which has been invaluable in facilitating our ongoing building improvements. Contact me on if you require any further information

Chris Denmark

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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 100596735-001

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

## 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" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## 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:

2 SAUNDERS STREET

Address 3:

STOCKBRIDGE

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 6TQ

Please identify/describe the location of the site or sites

Northing

674451

Easting

324663

## 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)

Change of use from residential to short-term lets.

## 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.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

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)

220717\_Saunders Street\_Appeal\_Statement, 220512\_SAUNDERS STREET\_CHANGE OF USE, 220512\_SAUNDERS STREET\_STATEMENT

## Application Details

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

100566455-001

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

17/05/2022

## 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: Mr Scott Garcia

Declaration Date: 29/08/2022

## **PLANNING APPLICATION**

**2/6 SAUNDERS STREET, EH3 6TQ**

**Change of use from residential to short-term lettings use**

**11<sup>th</sup> May 2022**

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### Introduction

This application relates to the proposal to change the use of a two bedroom modern flat into short-term let use.

### Location of site

The property is on the first floor of a 5 storey modern building in the western end of the Edinburgh New Town, in the district of Stockbridge. The flats are built as part of four blocks built at right angle to the Water of Leith River.

Pedestrian access to the flat block building, which is the most northern block of the development, is via a communal door on India Place. Adjacent to this block on Kerr Street is a green space which plays host to a specialist market at weekends, which is an important attraction to local people and visitors. Kerr Street has numerous retail and food and drink outlets. Kerr Street leads across the river to Raeburn Place and the numerous attractions of Stockbridge.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The common access stairwell serves 45 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The flat can accommodate between one and four people. The size of the flat would not indicate 'party flat' and the scale of the movement amongst 44 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (between one and four) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 45 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses including the weekend Stockbridge market. It is recognised that tourism is a significant source of economic activity in Edinburgh.

Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

## **PLANNING APPLICATION APPEAL**

**Against the Non-Determination by City of Edinburgh Council in respect of Planning Application 22/02682/FUL**

**Flat 6 2 SAUNDERS STREET EH3 6TQ**

**Description of development: Change of use from residential to short stay lettings use**

**Application received by CEC 18<sup>th</sup> May 2022**

**Determination deadline 15<sup>th</sup> July 2022**

### **Statement of Appeal**

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

### **Description of development**

This application relates to the proposal to change the use of a 2-bedroom modern flat into a short lets use.

### **Location of site**

The property is on the first floor of a 5 storey modern building in the western end of the Edinburgh New Town, in the district of Stockbridge. The flats are built as part of four blocks built at right angle to the Water of Leith River.

Pedestrian access to the flat block building, which is the most northern block of the development, is via a communal door on India Place. Adjacent to this block on Kerr Street is a green space which plays host to a specialist market at weekends, which is an important attraction to local people and visitors. Kerr

Street has numerous retail and food and drink outlets. Kerr Street leads across the river to Raeburn Place and the numerous attractions of Stockbridge.

#### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The common access stairwell serves 45 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions in similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The flat can accommodate between one and four people. The size of the flat would not indicate 'party flat' and the scale of the movement amongst 44 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors (between one and four) would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 6 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a two bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 45 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses including the weekend Stockbridge market. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Neighbour Comments and Representations

Total consulted 47      Comments received 15

Objections 2              Support 13

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website.

Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses

#### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

16<sup>th</sup> July 2022





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 100566455-001

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)

Change of use from residential to short-term lets.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name: Bellspool Coach House
First Name: *	Scott	Building Number: 1
Last Name: *	Garcia	Address 1 (Street): * Dawyck
Company/Organisation		Address 2:
Telephone Number: *		Town/City: * Peebles
Extension Number:		Country: * Scotland
Mobile Number:		Postcode: * EH459JU
Fax Number:		
Email Address: *		

## 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:	2 SAUNDERS STREET
Address 3:	STOCKBRIDGE
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH3 6TQ

Please identify/describe the location of the site or sites

--	--

Northing	674451	Easting	324663
----------	--------	---------	--------

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

68.00

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)

Short-term lets use.

## 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 ☒ 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?

0

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)? \*

0

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 ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

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? \*

- ☐ 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 ☒ 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 ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ 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)? \*

☐ Yes ☒ No

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

On-street refuse and recycling provision.

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Mr Scott Garcia

On behalf of:

Date: 17/05/2022

☒ 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 ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ 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 Scott Garcia

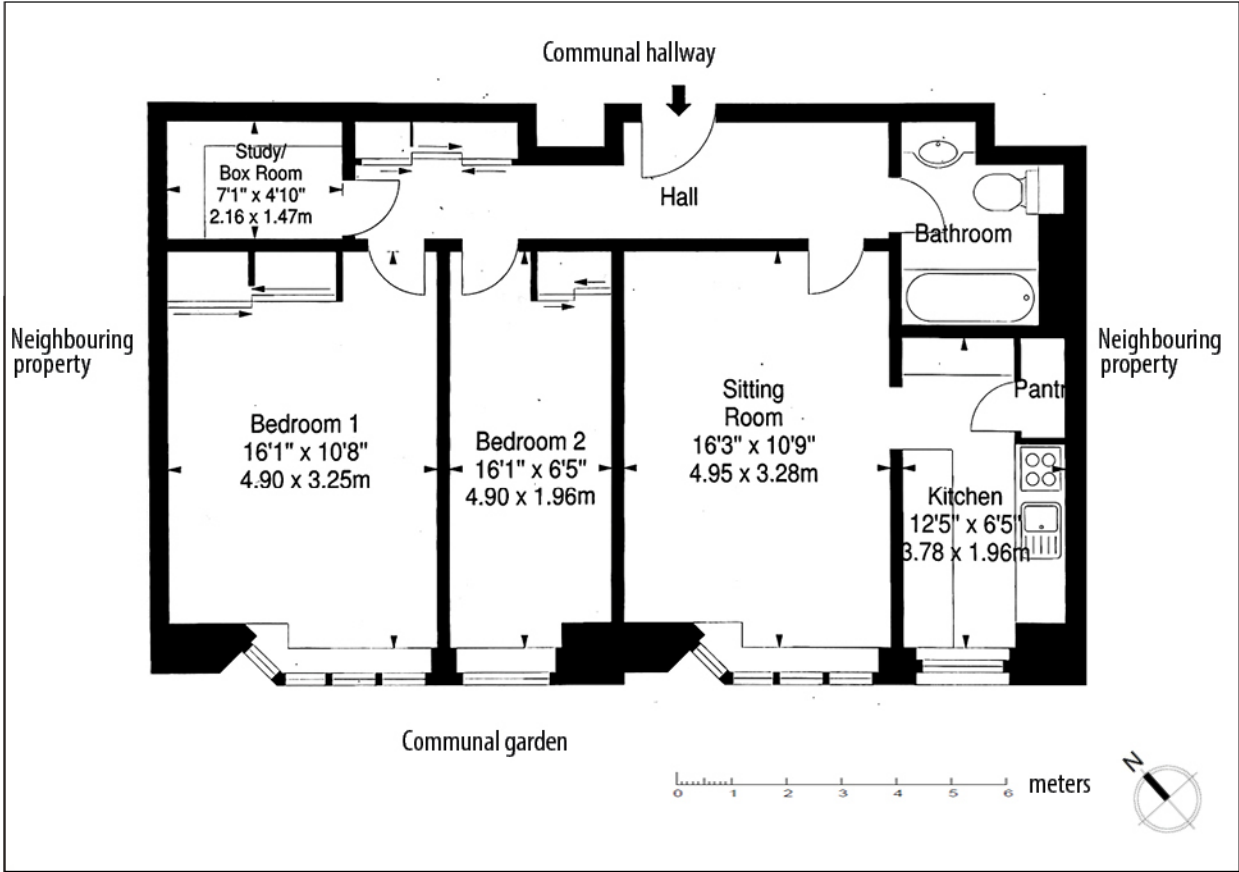
Declaration Date: 17/05/2022

## Payment Details

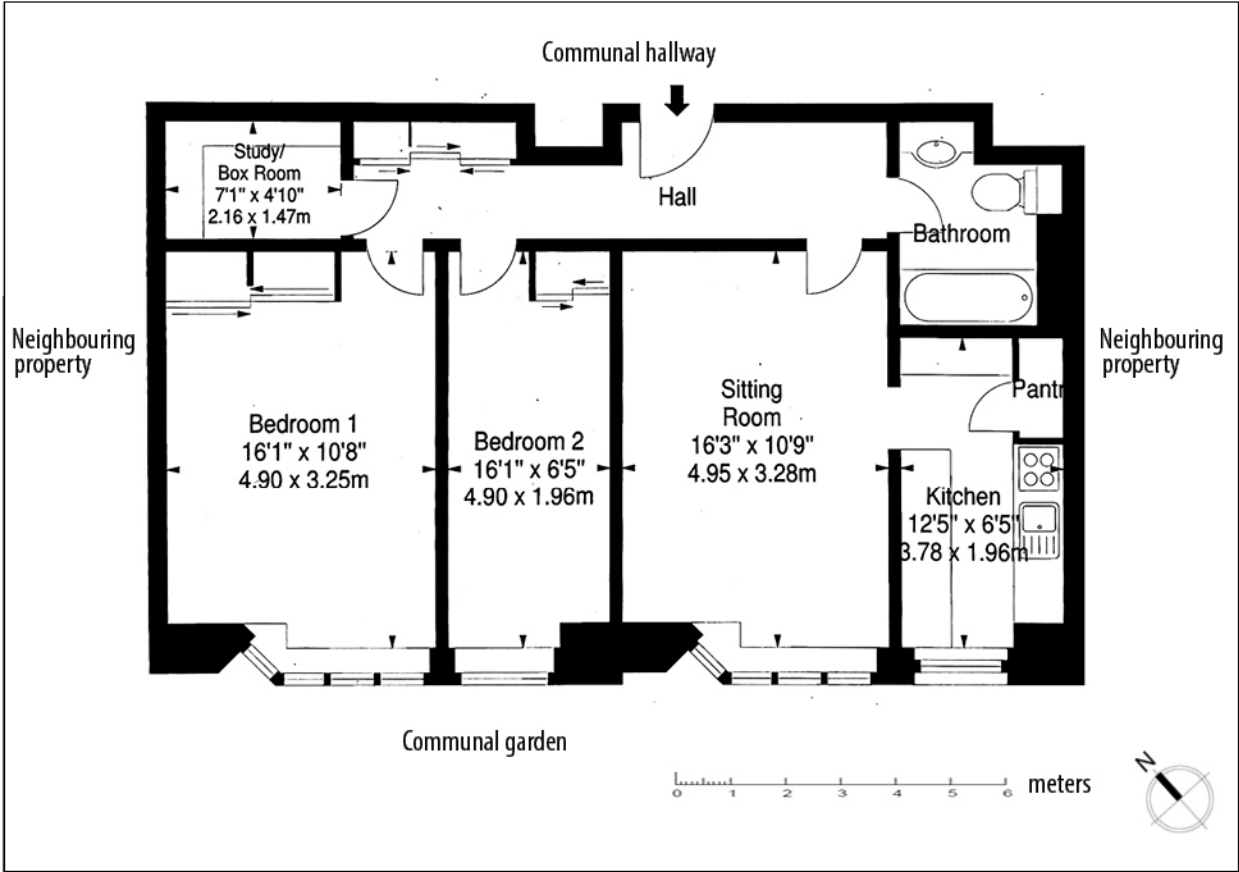
Online payment: [REDACTED]

Payment date: [REDACTED]

[REDACTED] 08



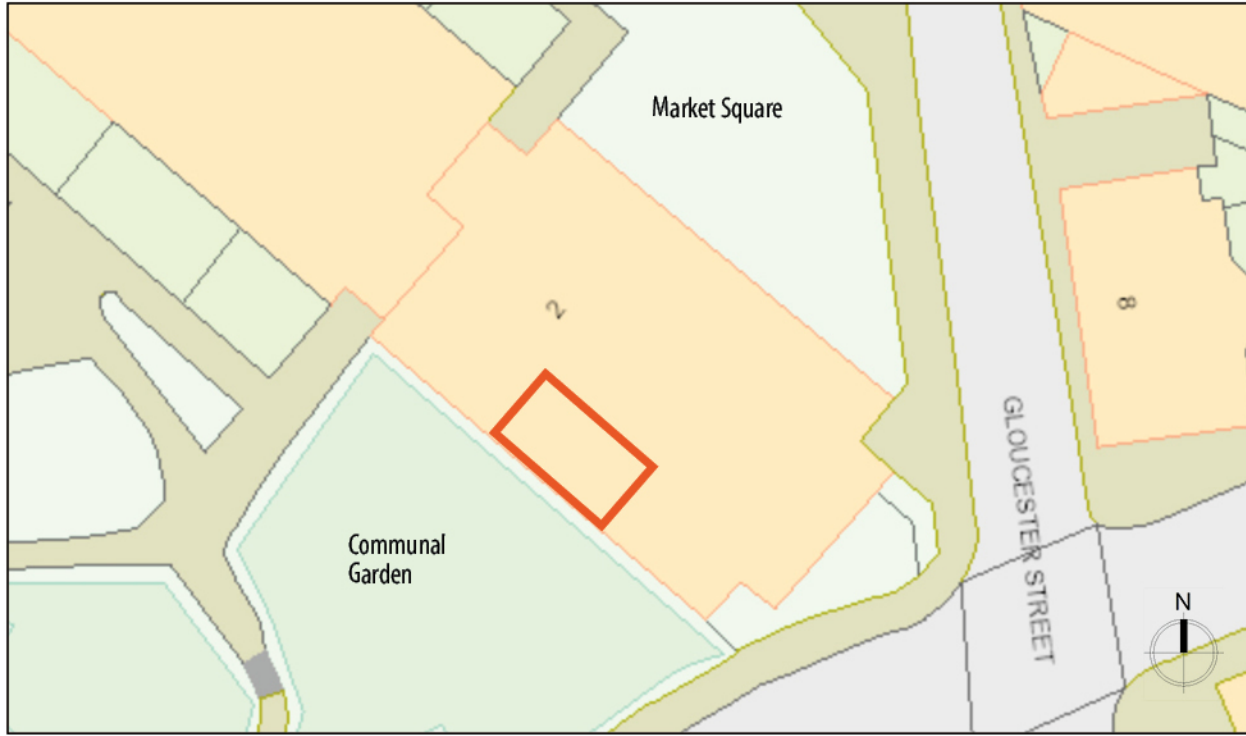
Existing Floor Plan (Residential Use)



Proposed Floor Plan (Short-Term Let)



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

<p><b>Notes:</b></p> <ul style="list-style-type: none"><li>This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.</li><li>One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.</li><li>All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.</li><li>All discrepancies to be notified to the Architect.</li><li>This drawing is not to be scaled.</li></ul>	<p><b>Notes</b></p> <p>Revisions</p>	<p><b>Job Title</b></p> <p>Change of Use from Residential to Short-Term Letting: 2/6 Saunders Street, Edinburgh EH3 6TQ</p> <p><b>Client</b></p> <p>Mr Scott Garcia</p>	<p><b>Dwg Title</b></p> <p>Existing &amp; Proposed First Floor Plans &amp; Location Plans</p> <table border="1"><tr><td><b>Scale</b></td><td><b>Date</b></td><td><b>Drawn by</b></td><td><b>Checked by</b></td></tr><tr><td>scale varies @A3</td><td>09/05/2022</td><td>ec</td><td>ac</td></tr></table> <p><b>Drawing No.</b></p> <p>SG_SS_09/05/2022</p>	<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	<b>Checked by</b>	scale varies @A3	09/05/2022	ec	ac	<p><b>OneA</b></p> <p>Planning &amp; Landscape</p> <p>Bellspool Coach House Dawyck Peebles EH45 9JU Tel 01721 760 312</p>
<b>Scale</b>	<b>Date</b>	<b>Drawn by</b>	<b>Checked by</b>									
scale varies @A3	09/05/2022	ec	ac									



# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Andrew Buchan

Address: 1/23 Saunders Street Edinburgh

## Comment Details

Commenter Type: Residents Association

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I moved into 1/23 Saunders Street 11 years ago and met Scott Garcia shortly after. He is a perfectly decent and dependable individual and goes the extra mile for his tenants and has always helped with matters relating to the communal building including the installation of a full new security system last year which has greatly improved the stair environment. I am a trustee of the Saunders Streets residents association that takes care of matters concerning the block and I am more than happy to recommend him as a landlord and a host.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna (Business owner) Tarnowska

Address: C team Cleaning 35 Moredunvale Way Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have worked with Scott Garcia and his wife as their co-host and cleaner for their short-term lets for over 5 years. I have always found Scott to be a pleasure to work with. I manage a cleaning team of up to 10 people and without work from Airbnb and short-term lets my business would probably close. My cleaning business is our principle source of income. I clean Scott's properties between guest stays. Any issues in the communal stairs are either addressed directly or reported to Scott and he manages the repairs personally. I instruct my staff to always be respectful of the stair environment and to be friendly to the people who live there. My cleaners try to be as quiet as possible when cleaning the flats and only work between 11am and 4pm to keep noise and disturbance to a minimum. We don't need to carry anything other than 1 bag of laundry to and from the property as vacuum and cleaning products stay permanently at the property. On average we would visit each property 10 times per month between guest stays as most stays are between 3 and 4 nights.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Emma Nolan

Address: 69/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Simon Illingworth (Business owner)

Address: The Safari Lounge 21 Cadzow Place EDINBURGH

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Tourists coming to the area mostly via short-term lets make up a big part of our customer base. Our lunch and dinner custom would take a big drop in numbers without short-term lets.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Rachel Stockton

Address: 6 (PF1) Bothwell Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

The Garcias have been friends and neighbours for around 5 years.

In that time Scott has worked hard to restore and maintain flats that had seen better days - this includes improving communal areas to the benefit of everybody in the stair.

Scott and his partner actively encourage their guests to support local business.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

I am the applicant's sister and help him with the running of his short-term lets since he relocated with his family to Peebles a year and a half ago. I do not help with the day to day running but act as a local contact for guests if they have any problems during their stay. I live just 5 mins walk away from most of the properties. Having lived in many of the flats myself over the years I know the specifics of each property and can generally quickly help guests with any occasional problems they might have, either in person or over the phone if Scott is unavailable. Scott tries to be the best host he can be and does more than his share in the communal areas, changing broken lights and financing small repairs.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Jackie Oudney

Address: 27/4 Edina Place Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

I was a direct downstairs neighbour of Scott's for 5 years while he ran his Airbnb from the property and in this time I have seen him be instrumental in much of the stair maintenance either repairing himself or often funding and managing the repairs personally. I find him to be a very personable, conscientious Airbnb host - ensuring there are never any issues that would effect his neighbours, whilst maintaining his position as a responsible property owner.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Fiona Kelly -

Address: 131/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia as my direct next door neighbour in a block with 9 other flats. Scott and his wife are both absolutely wonderful neighbours. Scott regularly does repairs around the stairwell and communal garden, eg, changing bulbs, repairing the entry phone system and maintaining the garden. They are lovely people, offering any help needed to me and my family. Since renting out their apartment to Air BNB 5 years ago, I can honestly say there has never been an issue with their guests and I live directly next door sharing 2 walls so I would know. Further, they have always made it clear that if there are any issues, to contact them straight away and they would deal with it.

If I can be of any further help, please do not hesitate contact me



# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Roy Buchanan

Address: 131 (2F3) Montgomery Street Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:Ellie and Scott have been my direct downstairs Neighbours in one of their properties . In the years that they have been renting their property out there's never been any problems with their guests but occasional general stair and building problems crop up where Scott is very quick at responding and helping out. Scott has given me his phone number in case of any issues. Both Scott and his partner Ellie are a delight to talk to while passing in the stair. They are always positive minded and enthusiastic about life.

Roy

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Chris Denmark

Address: 2F2, 2 West Norton Place Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott for 11 years. His property shares its lounge wall directly with my bedroom and I have never had any problems with noise etc, over the 6 years he has hosted Airbnb guests. I have found him to be a reliable and responsible owner of the property. He set up our stair committee with another owner which has been invaluable in facilitating our ongoing building improvements. Contact me on 07917 653 586 if you require any further information  
Chris Denmark

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Grant McNeil (Business owner)

Address: The Mash Tun Pub 154 Easter Road Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Mash Tun was here before Airbnb's and we can remember a huge uplift in custom post-Airbnb. Around 50% of our lunch time trade is from tourists who only get to the areas outside the city centre because they stay in Airbnb's nearby. It's a worry what we'll do if it stops.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Susik

Address: Sapphire Shine Ltd. (Property Maintenance) 7/14 Lochend Park View Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I helped Mr Garcia with property management at this short-term lets in Edinburgh. My company employs 22 people and calls in tradesmen, laundry services and other staff sub-contracted to deal with any specific maintenance issues if required. The loss of good Airbnb and short-term let hosts would put an end to a huge amount of economic activity in the area and would have a huge negative effect on my business and the businesses of the people I work with. We take great care to work harmoniously with the other residents in the stairs and discuss this with all staff. Staff are instructed to be polite to other residents, work as quietly as possible and to generally be respectful of the peaceful stair environment. Any material issues in the stair are reported back to the owner by the cleaners and generally addressed promptly and often at the owners expense. Our cleaners sweep up any litter found in the communal stairs when they visit. Under normal circumstances staff would generally only need to access properties 10 times per month to clean between guests. Access inside the properties is generally only between the 11am check-out and 4pm check-in times of guests. I find Mr Garcia to be a very conscientious and considerate owner who routinely puts care for residents before his own convenience.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Asif Awan

Address: 2 (GF3) West Norton Place, Edinburgh

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having being a resident and now a landlord in Edinburgh for over 6 years, I have to admit I'm very indebted to the support Scott has provided the flat stair committee. From small maintenance changes to helping start the stair committee resulting in countless improvements in full repaint, damp proofing and renovation of the stair. Scott has hosted Air bnb guests at his property for over 7 years but they have never been a problem to me or, I believe, anyone in the stair.

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Lord Cockburn Association

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is our view that in this residential shared access context the proposed change of use is not in accordance with Policy Housing 7 'Inappropriate Uses in Residential Areas' as it would have a materially detrimental effect on the living conditions of other residents sharing common external spaces and access areas , and so should not be permitted.

In addition, the proposed change of use is not supportive of either Scottish Government Housing policy on More homes - "everyone has a quality home that they can afford and that meets their needs" or Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

# Comments for Planning Application 22/02682/FUL

## Application Summary

Application Number: 22/02682/FUL

Address: Flat 6 2 Saunders Street Edinburgh EH3 6TQ

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the proposals for the change of use to short-term let within the New Town Conservation Area, and objects.

- 1) The proposals only relate to one property within the tenement, which is accessed from a shared stair. This would have a detrimental impact on the residential amenity of neighbouring properties, and limits the future of the flats not included within the application.
- 2) The change of use would contribute to the unsustainable growth of the short term let (STL) sector in Edinburgh. The economic benefits of tourism for Edinburgh are clear, and we celebrate the role that our architectural heritage plays in this sector. However, the current rising rate of STLs threatens the sense of place and community which are part of the city's attraction, and this is especially acute in the World Heritage Site.
- 3) Scottish Government Research has highlighted the links between STLs and the negative impacts of reduced availability of affordable housing, congestion and reduced quality of life through noise and disturbance (People, Communities and Places, October 2019, pp. iv-v)
- 4) With particular reference to architectural heritage the responsibility for the care and maintenance of communal areas and aspects of joint responsibility in listed buildings and conservation areas is diminished by the increase of short-term occupants.

The change of use does not respect the special characteristics of history and place reflected in the building's designation and location in the World Heritage Site, and would increase the negative impacts caused by the growth of STLs in Edinburgh.

The proposals contradict Edinburgh Council's Local Development Plan policies DES1 (Sense of place), DES5 (amenity of neighbours/refuse and recycling facilities), and HOU7 (Materially detrimental effect on the living conditions of nearby residents). We therefore object to the

application.





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 100596695-001

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

## 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" value="Bellspool Coach House"/>
First Name: *	<input type="text" value="Scott"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Garcia"/>	Address 1 (Street): *	<input type="text" value="Dawyck"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Peebles"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH459JU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2F1

Address 2:

2 WEST NORTON PLACE

Address 3:

ABBEYHILL

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 5AW

Please identify/describe the location of the site or sites

Northing

674426

Easting

326931

## 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)

Change of use from residential to short-term let use.

## 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.

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed by Edinburgh Planning since the application was received by them.

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)

220717\_West Norton Place\_Appeal\_Statement[30832] 220512\_WEST NORTON\_CHANGE OF USE\_LOCATION PLANS  
220512\_West\_Norton\_Statement

## Application Details

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

100566366-001

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

16/05/2022

## 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: Mr Scott Garcia

Declaration Date: 29/08/2022

## **PLANNING APPLICATION**

**2/7 WEST NORTON PLACE, EH7 5AW**

**Change of use from residential to short-term lettings use**

**12<sup>th</sup> May 2022**

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### Introduction

This application relates to the proposal to change the use of a one bedroom tenement flat into a short-term lets use.

### Location of site

The property is on the first floor a typical 4 floor late Victorian tenement building in the far eastern end of the Edinburgh New Town.

Pedestrian access to the tenement building is via a communal door on West Norton Place. The flat, subject of this application is dual aspect and has a window, which looks out West Norton Place, across the busy Easter Road to London Road gardens.

### West Norton Place

This is a short cobbled cul-de-sac, which extends from the corner of Easter Road/ London Road to pedestrian steps to Montrose Terrace. The cu-de-sac has limited parking and is within the City of Edinburgh Controlled Parking Zones. The street is a very busy pedestrian route between Edinburgh city centre and arears to the north in the direction of Leith and east along London Road.

### Easter Road

This is a principal traffic route in central Edinburgh. Cars, buses, commercial vehicles are in low gear heading south to Abbey Hill and on to the Old Town. Traffic is also heading towards Regent Road/ Princes Street and on to central and west Edinburgh. The south end of Easter Road leading to Abbey Mount is a

short section of road and is subject to stationary traffic conditions during the busiest periods of the day. Records show that the London Road/Easter Road/Abbey Mount interchange area, including West Norton Place is an air pollution hotspot. This location is not one of quiet residential streets but a hazardous and polluted one not suited to a long-term living environment.

On the more positive side, this location benefits from the facilities offered at the top end of Easter Road where numerous former retail units are now to be found e.g. independent bakers, coffee bars, restaurants, wine merchant, green grocer, supermarkets, ATMs etc. These are considered to be assets to residents and visitors alike.

#### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small 1-bedroom flat adjacent to London Road and highly accessible to public transport. The flat could accommodate up to two people. The busy mixed-use environment and its heightened ambient noise is very close to the property. This location is not a quiet residential street.

The common access stairwell serves 12 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions related to similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 11 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's

amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors up to two would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 7 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 12 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

#### Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

## **PLANNING APPLICATION APPEAL**

**Against the Non-Determination by City of Edinburgh Council in respect of Planning Application 22/02643/FUL**

**2F1 2 WEST NORTON PLACE EH7 5AW**

**Description of development: Change of use from residential to short stay lettings use**

**Application received by CEC 18<sup>th</sup> May 2022  
Determination deadline 15<sup>th</sup> July 2022**

### Statement of Appeal

The reasons for the appeal are related to the non-determination of the planning application within the agreed time limits. The original application was supported by a planning, design and access statement, which is attached. This accompanying document forms the basis of this statement of appeal. There have been no requests for further information regarding the application and no views expressed either formally or informally by Edinburgh Planning since the application was received by them.

### Description of development

This application relates to the proposal to change the use of a 1-bedroom tenement flat into a short lets use

### Location of site

The property is on the first floor a typical 4 floor late Victorian tenement building in the far eastern end of the Edinburgh New Town.

Pedestrian access to the tenement building is via a communal door on West Norton Place. The flat, subject of this application is dual aspect and has a window, which looks out West Norton Place, across the busy Easter Road to London Road gardens.



### West Norton Place

This is a short cobbled cul-de-sac, which extends from the corner of Easter Road/ London Road to pedestrian steps to Montrose Terrace. The cu-de-sac has limited parking and is within the City of Edinburgh Controlled Parking Zones. The street is a very busy pedestrian route between Edinburgh city centre and arears to the north in the direction of Leith and east along London Road.

### Easter Road

This is a principal traffic route in central Edinburgh. Cars, buses, commercial vehicles are in low gear heading south to Abbey Hill and on to the Old Town. Traffic is also heading towards Regent Road/ Princes Street and on to central and west Edinburgh. The south end of Easter Road leading to Abbey Mount is a short section of road and is subject to stationary traffic conditions during the busiest periods of the day. Records show that the London Road/Easter Road/ Abbey Mount interchange area, including West Norton Place is an air pollution hotspot. This location is not one of quiet residential streets but a hazardous and polluted one not suited to a long-term living environment.

On the more positive side, this location benefits from the facilities offered at the top end of Easter Road where numerous former retail units are now to be found e.g. independent bakers, coffee bars, restaurants, wine merchant, green grocer, supermarkets, ATMs etc. These are considered to be assets to residents and visitors alike.

### Development Plan

The development plan consists of the 2013 Strategic Development Plan and the 2016 Edinburgh Local Development Plan. The most relevant local development plan policy is Hou 7 which safeguards against inappropriate development, including changes of use, in residential areas which would have materially detrimental effects on the living conditions of residents. The intention of Policy Hou 7, set out in paragraph 234 of the local development plan, is to safeguard against incompatible non-residential uses.

The property is a small 1-bedroom flat adjacent to London Road and highly accessible to public transport. The flat could accommodate up to two people.

The busy mixed-use environment and its heightened ambient noise is very close to the property. This location is not a quiet residential street.

The common access stairwell serves 12 flats. Parking and communal bins are available on street. The council have intimated recently in planning decisions related to similar locations that the use of short-term accommodation is not acceptable 'in principle'. Yet there is no policy basis in the development plan for such an 'in principle' constraint.

The size of the flat would not indicate 'party flat' and the scale of the movement amongst 11 other flats would not go beyond what could be expected within a shared stairwell environment.

Concern has been expressed elsewhere that people letting the property would come and go frequently at night, and may have less regard for neighbour's amenity thus generating unacceptable noise. However, there is little evidence to suggest that such a limited number of visitors up to two would have less regard for neighbours in this location. There are no complaints regarding noise or any other issues from the ongoing use of the flat during the past 7 years that it has been operating as a short-term let. There has been no evidence of harm since the operation of the short-term let started. There is no reason to assume that the scale of disturbance from a one bedroom property and its comings and goings and servicing would clearly disturb neighbours any more than would be expected from time to time within the dense communal living environment of 12 properties. There is no reason why the nature of communal living within the stairwell would change.

In summary, the proposed use for short-term lets would not be contrary to Policy Hou 7, since the use would not have a materially detrimental effect on nearby residents in this busy urban location.

#### Tourism in Edinburgh

The applicant wishes to point out the proposed use is seen as adding to the mixed use of the building and to enhance the neighbourhood, bring tourists out of the city centre and supporting local businesses that have grown reliant on tourist revenue from short-term lets. It is recognised that tourism is a significant source of economic activity in Edinburgh.

Neighbour Comments and Representations

Total consulted 54      Comments received 25

Objections 7              Support 18

It has not been possible to read the contents of these representations, as they are not made publicly available on the planning applications website.

Presumably these will be made available to the Government appeal service on request. We do know, however, that numerous letters of support for the change of use have been received from near neighbours and local businesses.

Planning Balance

In all the circumstances, the proposed development accords overall with the relevant provisions of the development plan. There are no material considerations which should inhibit a grant of planning consent.

17<sup>th</sup> July 2022



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 100566366-001

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)

Change of use from residential to short-term lets.

Is this a temporary permission? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## 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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name: Bellspool Coach House
First Name: *	Scott	Building Number:
Last Name: *	Garcia	Address 1 (Street): * Dawyck
Company/Organisation		Address 2:
Telephone Number: *	0131 42	Town/City: * Peebles
Extension Number:		Country: * Scotland
Mobile Number:	07535	Postcode: * EH459JU
Fax Number:		
Email Address: *	s.garcia@bellspool.co.uk	

## Site Address Details

Planning Authority:	City of Edinburgh Council
Full postal address of the site (including postcode where available):	
Address 1:	2F1
Address 2:	2 WEST NORTON PLACE
Address 3:	ABBEYHILL
Address 4:	
Address 5:	
Town/City/Settlement:	EDINBURGH
Post Code:	EH7 5AW

Please identify/describe the location of the site or sites

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Northing	674426	Easting	326931
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## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

39.00

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)

Short-term lets

## 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 ☒ 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?

0

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)? \*

0

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 ☒ No

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

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? \*

- ☐ 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 ☒ 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 ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ 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)? \*

☐ Yes ☒ No

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

On-street refuse and recycling provision.

## 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

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Mr Scott Garcia

On behalf of:

Date: 16/05/2022

☒ 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 ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ 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 Scott Garcia

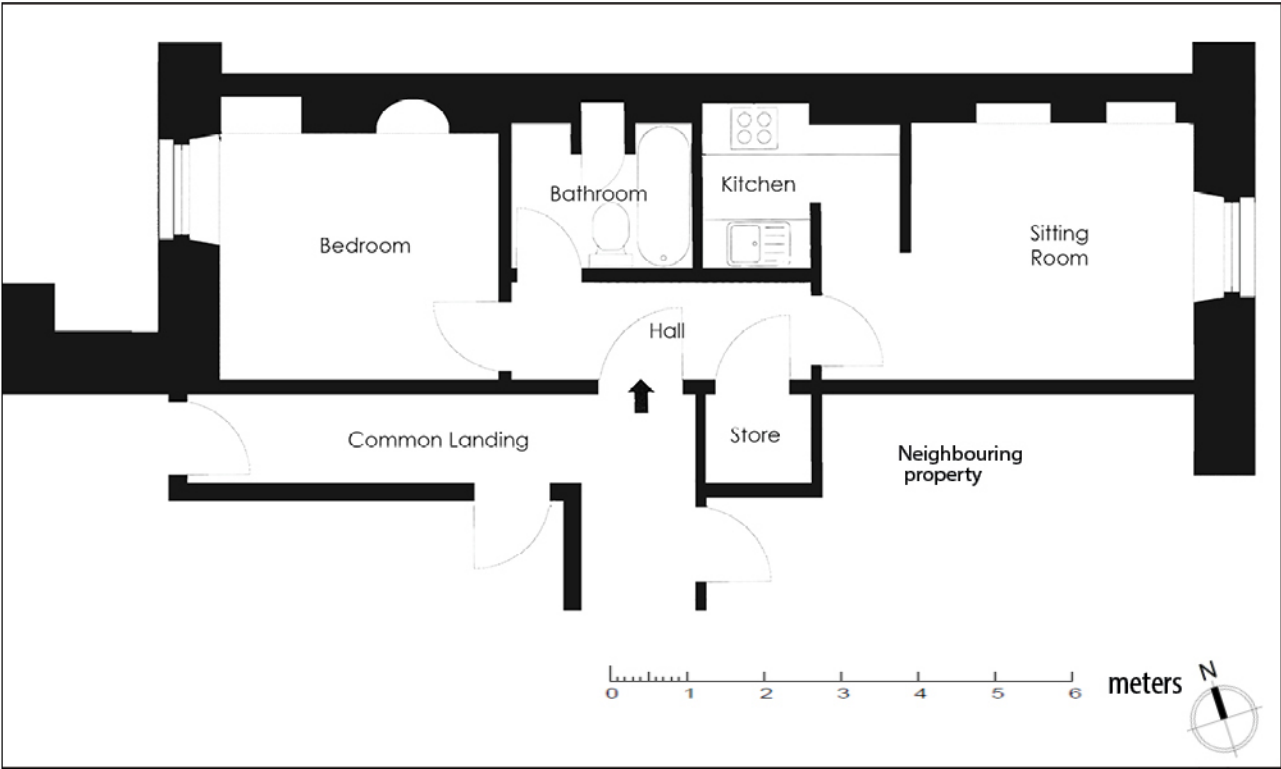
Declaration Date: 16/05/2022

## Payment Details

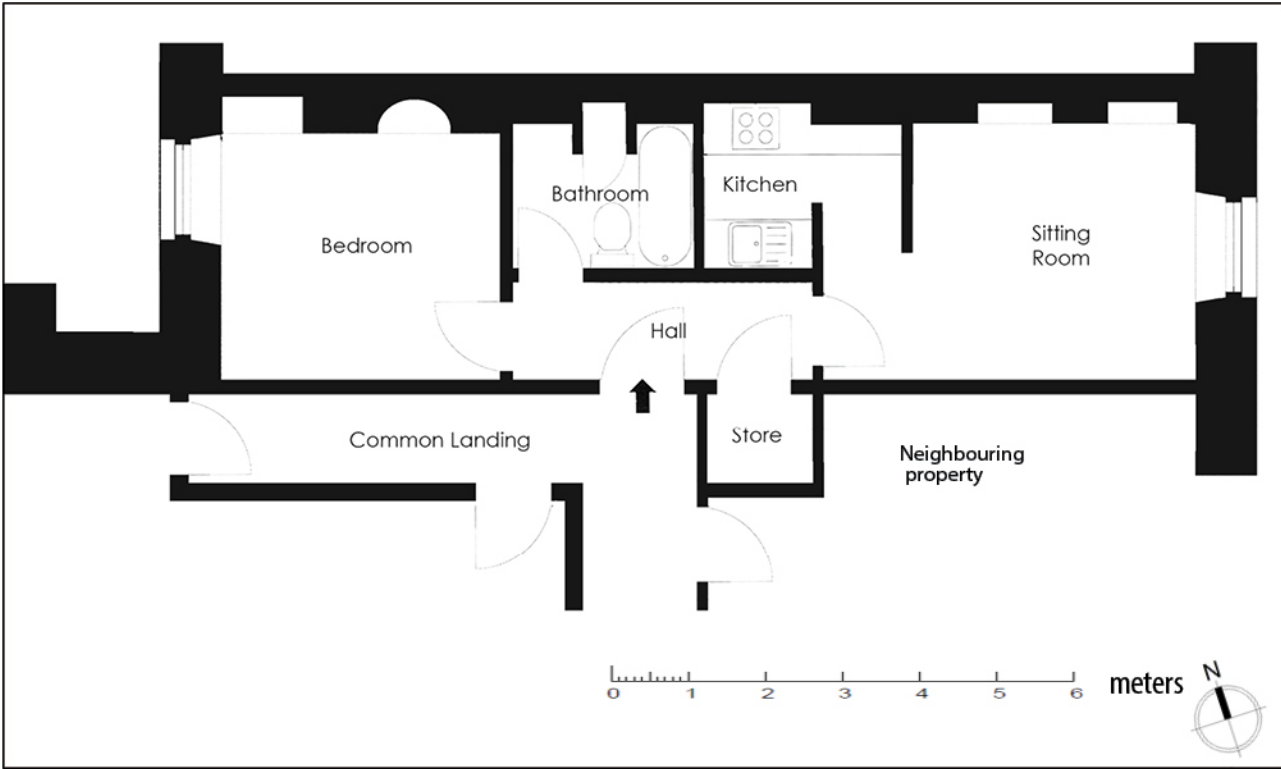
Online payment: [REDACTED]

Payment date: 16/05/2022

[REDACTED]



Existing Floor Plan (Residential Use)



Proposed Floor Plan (Short-Term Let)



Location Plan 1:1250 @A3



Location Plan 1:500 @A3

**Notes:**

- This drawing is copyright and remains the property of One A Ltd unless otherwise agreed.
- One A Ltd accept no responsibility for any unauthorised amendments to the drawing and do not permit unauthorised copying of the drawing.
- All work and material based on these drawings to be in accordance with current applicable Statutory Legislation and to comply with all relevant Codes of Practice and British Standards.
- All discrepancies to be notified to the Architect.
- This drawing is not to be scaled.

**Preliminary**

This drawing is issued for the above purpose only and must not be used for any other purpose without the express permission of One A Ltd

**Notes**

Revisions

**Job Title**

Change of Use from Residential to Short-Term Letting:  
2/7 West Norton Place, Edinburgh EH7 5AW

**Client**

Mr Scott Garcia

**Dwg Title**

Existing & Proposed Second Floor Plans & Location Plans

<b>Scale</b> scale varies @A3	<b>Date</b> 09/05/2022	<b>Drawn by</b> ec	<b>Checked by</b> ac
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**Drawing No.**

SG\_WNP\_09/05/2022

**OneA**

Planning & Landscape

Bellspool Coach House  
Dawyck  
Peebles EH45 9JU  
Tel 01721 760 312

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# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Miss Hannah Fisher

Address: 24/1 East Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Short term lets are killing the rental market and driving up rent prices when they are already extortionate.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Alasdair Reilly

Address: 24/1 East Norton place East Norton Place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Residential area ther really needs no more short term letted properties when Edinburgh residents are unable to find long term accommodation

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Eli Sheppard

Address: 25/8 Maryfield Maryfield Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not wish for this application to be approved.

Edinburgh already has an over priced and over subscribed rental market. Converting a long term let to a short term let only aggravates this problem.

Further more, it has been my experience that people staying in short term lets are often antisocial, causing noise and littering. The Abbey Hill area is a close knit community with the colony of artists at its centre. I feel that this property would be much better used to provide housing to someone who wants to live in the area and engage in the community rather than by a greedy landlord to extort profits from the community.

I hope you will consider my comments seriously and deny this application.

Sincerely,

Dr. Eli Sheppard

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Sophie Hoult

Address: 3/13 Salmond Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposal.

1). This proposal is contrary to the Scottish Government Housing policy on more homes - "everyone has a quality home that they can afford and that meets their needs"

2). This proposal is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

3). This proposal would have unacceptable impacts on neighbourhood amenity.

The Abbeyhill area is a thriving close-knit community, centred around the wonderful Colony of Artists. This community is what makes this area such a great place to live and this proposal would have a detrimental impact on that. Short term lets have significant impacts on neighbours including increased antisocial behaviour, noise, disruption, intrusion by a frequent turnover of strangers, loss of community, loss of security and impacts on bins and parking.

Edinburgh also has a housing crisis, particularly when it comes to accessible housing. This property would be better used to provide long-term housing for someone who actually wants to live in the area and engage with the community, rather than contributing to a ghost town of Airbnbs.

Please do not approve this application.



# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Tarnowska

Address: 35 Moredunvale Way Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have worked with Scott Garcia and his wife as their co-host and cleaner for their short-term lets for over 5 years. I have always found Scott to be a pleasure to work with. I manage a cleaning team of up to 10 people and without work from Airbnb and short-term lets my business would probably close. My cleaning business is our principle source of income. I clean Scott's properties between guest stays. Any issues in the communal stairs are either addressed directly or reported to Scott and he manages the repairs personally. I instruct my staff to always be respectful of the stair environment and to be friendly to the people who live there. My cleaners try to be as quiet as possible when cleaning the flats and only work between 11am and 4pm to keep noise and disturbance to a minimum. We don't need to carry anything other than 1 bag of laundry to and from the property as vacuum and cleaning products stay permanently at the property. On average we would visit each property 10 times per month between guest stays as most stays are between 3 and 4 nights.

Best wishes

Joanna

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Mariusz Wrazka (Business owner) Wrazka

Address: Happy Bean Café 14 Easter Road EDINBURGH

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Short-term lets defiantly help my business. The only reason so many cafes can survive on Easter Road is because of the Airbnb's here. There can be a place for short-term lets in a neighbourhood away from the city centre which wouldn't get the main tourism footfall without short term lets.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Fiona Kelly

Address: 131/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia as my direct next door neighbour in a block with 9 other flats. Scott and his wife are both absolutely wonderful neighbours. Scott regularly does repairs around the stairwell and communal garden, eg, changing bulbs, repairing the entry phone system and maintaining the garden. They are lovely people, offering any help needed to me and my family. Since renting out their apartment to Air BNB 5 years ago, I can honestly say there has never been an issue with their guests and I live directly next door sharing 2 walls so I would know. Further, they have always made it clear that if there are any issues, to contact them straight away and they would deal with it.

If I can be of any further help, please do not hesitate contact me on my mobile, 07951836663.

Kind regards, Fiona Kelly

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Miss Lucy Wood

Address: 24/3 East Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Most importantly the development is contrary to the Scottish Government Housing policy on More homes - "everyone has a quality home that they can afford and that meets their needs" and is contrary to Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

Finally, the development would have unacceptable impacts on neighbourhood amenity.

Personally, I live in a neighbouring stairwell and the quality of life has improved significantly since two flats in the building were converted to long term lets. In the short period post-lockdown before they were converted to long term lets I had to call the police twice due to parties and these were also not flats that could be called party flats based on the size. Having lived in the area for three years I fundamentally disagree that the area is not suited to long term living. Noise concerns aside - the street in question is very run down so needs longer term residents who will care more about rubbish, for example, rather than visitors who are more likely inconsiderately pile waste next to bins. While there are some great facilities in the area these are generally used by locals rather than tourists who will typically spend most of their money in the Old or New Town rather than locally.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Asif Awan

Address: 2 (GF3) West Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having being a resident and now a landlord at 2 West Norton Place for over 6 years, I have to admit I'm very indebted to the support Scott has provided the flat stair committee. From small maintenance changes to helping start the stair committee resulting in countless improvements in full repaint, damp proofing and renovation of the stair. Scott has hosted Air bnb guests at his property for over 7 years but they have never been a problem to me or, I believe, anyone in the stair.

All the best

Asif Awan

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Jackie Oudney

Address: 27/4 Edina Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I was a direct downstairs neighbour of Scott's for 5 years while he ran his Airbnb from the property and in this time I have seen him be instrumental in much of the stair maintenance either repairing himself or often funding and managing the repairs personally. I find him to be a very personable, conscientious Airbnb host - ensuring there are never any issues that would effect his neighbours, whilst maintaining his position as a responsible property owner.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Emma Nolan

Address: 69/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Grant McNeil (Business owner)

Address: The Mash Tun Pub 154 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Mash Tun was here before Airbnb's and we can remember a huge uplift in custom post-Airbnb. Around 50% of our lunch time trade is from tourists who only get to this area because they stay in Airbnb's nearby. It's a worry what we'll do if it stops.



# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Ernestina (Business owner) Doku

Address: Dazzelustrous 32 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Our customers are between 30% and 50% tourists depending on the season. One of the only ways that tourists come to find Easter road is through Airbnb's. A thriving area needs balance and local air bnbs are relied upon in the Easter Road neighbourhood for local businesses.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Simon (Business owner) Illingworth

Address: The Safari Lounge 21 Cadzow Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Tourists coming to this area mostly via short-term lets make up a big part of our customer base at the Safari Lounge. Our lunch and dinner custom would take a big drop in numbers without short-term lets.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Chris Denmark

Address: 2 (2F2) West Norton Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I live at flat 2f2, 2 West Norton Place and have known Scott for 11 years. His property shares its lounge wall directly with my bedroom and I have never had any problems with noise etc, over the 6 years he has hosted Airbnb guests. I have found him to be a reliable and responsible owner of the property. He set up our stair committee with another owner which has been invaluable in facilitating our ongoing building improvements. Contact me on 07917 653 586 if you require any further information

Chris Denmark

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Emma Nolan

Address: 69/3 Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have known Scott Garcia and his wife since 2014, first as their yoga teacher, as their friend, as godmother to their son and as now as co-trustee with Scott for our yoga charity. I have always known him to be a responsible, thoughtful and caring person and have witnessed first-hand the care he takes in hosting guests in his home and properties over the last 7 years, providing a clean, safe and welcoming space and facilities for guests to enjoy some time away from their own homes. I have also seen how much care he takes in maintaining good relations with neighbours, keeping them informed with group communications and creating stair Whatsapp groups, being considerate of their peace and privacy and asking their guests to be considerate too, as well as helping to maintain cleanliness and good condition of common property areas for the benefit of all the residents.

Regards

Emma Nolan

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Can Misirlioglu (Local Business owner) Misirlioglu

Address: Écosse Éclair 88 Easter Road Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Airbnb's in the area definitely help our business survive. We have many tourist customers and would 100% struggle to stay open without the extra footfall Airbnb's create for the top of Easter Road.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Joanna Susik

Address: Sapphire Shine Ltd. (Property Maintenance) 7/14 Lochend Park View Edinburgh

## Comment Details

Commenter Type: Neighbour-Commercial

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I helped Mr Garcia with property management at this short-term lets in Edinburgh. My company employs 22 people and calls in tradesmen, laundry services and other staff sub-contracted to deal with any specific maintenance issues if required. The loss of good Airbnb and short-term let hosts would put an end to a huge amount of economic activity in the area and would have a huge negative effect on my business and the businesses of the people I work with. We take great care to work harmoniously with the other residents in the stairs and discuss this with all staff. Staff are instructed to be polite to other residents, work as quietly as possible and to generally be respectful of the peaceful stair environment. Any material issues in the stair are reported back to the owner by the cleaners and generally addressed promptly and often at the owners expense. Our cleaners sweep up any litter found in the communal stairs when they visit. Under normal circumstances staff would generally only need to access properties 10 times per month to clean between guests. Access inside the properties is generally only between the 11am check-out and 4pm check-in times of guests. I find Mr Garcia to be a very conscientious and considerate owner who routinely puts care for residents before his own convenience.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Rachel Stockton

Address: 6 (PF1) Bothwell Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Garcias have been friends and neighbours for around 5 years.

In that time Scott has worked hard to restore and maintain flats that had seen better days - this includes improving communal areas to the benefit of everybody in the stair.

Scott and his partner actively encourage their guests to support local business.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Roy Buchanan

Address: 131 (2F3) Montgomery Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Ellie and Scott are my direct downstairs Neighbours at 131 Montgomery Street. In the years that they have been renting their property out there's never been any problems with their guests but occasional general stair and building problems crop up where Scott is very quick at responding and helping out. Scott has given me his phone number in case of any issues. Both Scott and his partner Ellie are a delight to talk to while passing in the stair. They are always positive minded and enthusiastic about life.

Roy



# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Scott Garcia

Address: Bellspool Coach House Dawyck Peebles

## Comment Details

Commenter Type: Other

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Can we please have access to view the comments on the application, none of them are visible to the public so far?

Many thanks in advance

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Andrew Buchan

Address: 1/23 Saunders Street Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I moved to Edinburgh 11 years ago and met Scott Garcia shortly after. He is a perfectly decent and dependable individual and goes the extra mile for his tenants and has always helped with matters relating to the communal building including the installation of a full new security system last year which has greatly improved the stair environment. I am a trustee of the Saunders Streets residents association that takes care of matters concerning the block and I am more than happy to recommend him as a landlord and a host.

Best Wishes

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am Scott Garcia's sister and help him with the running of his short-term lets since he relocated with his family to Peebles a year and a half ago. I do not help with the day to day running but act as a local contact for guests if they have any problems during their stay. I live just 5 mins walk away from most of the properties. Having lived in many of the flats myself over the years I know the specifics of each property and can generally quickly help guests with any occasional problems they might have, either in person or over the phone if Scott is unavailable. Scott tries to be the best host he can be and does more than his share in the communal areas, changing broken lights and financing small repairs.

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Lord Cockburn Association

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is our view that in this residential shared stair context the proposed change of use is not in accordance with Policy Housing 7 'Inappropriate Uses in Residential Areas' as it would have a materially detrimental effect on the living conditions of other residents of the main door accessed residential stair, and so should not be permitted.

In addition, the proposed change of use is not supportive of either Scottish Government Housing policy on More homes - "everyone has a quality home that they can afford and that meets their needs" or Scottish Planning Policy on "socially sustainable places" and "supporting delivery of accessible housing".

# Comments for Planning Application 22/02643/FUL

## Application Summary

Application Number: 22/02643/FUL

Address: 2F1 2 West Norton Place Edinburgh EH7 5AW

Proposal: Change of use from residential to short-term lets.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the proposals for the change of use to short-term let within the New Town Conservation Area, and objects.

- 1) The proposals only relate to one property within the tenement, which is accessed from a shared stair. This would have a detrimental impact on the residential amenity of neighbouring properties, and limits the future of the flats not included within the application.
- 2) The change of use would contribute to the unsustainable growth of the short term let (STL) sector in Edinburgh. The economic benefits of tourism for Edinburgh are clear, and we celebrate the role that our architectural heritage plays in this sector. However, the current rising rate of STLs threatens the sense of place and community which are part of the city's attraction, and this is especially acute in the World Heritage Site.
- 3) Scottish Government Research has highlighted the links between STLs and the negative impacts of reduced availability of affordable housing, congestion and reduced quality of life through noise and disturbance (People, Communities and Places, October 2019, pp. iv-v)
- 4) With particular reference to architectural heritage the responsibility for the care and maintenance of communal areas and aspects of joint responsibility in listed buildings and conservation areas is diminished by the increase of short-term occupants.

The change of use does not respect the special characteristics of history and place reflected in the building's designation and location in the World Heritage Site, and would increase the negative impacts caused by the growth of STLs in Edinburgh.

The proposals contradict Edinburgh Council's Local Development Plan policies DES1 (Sense of place), DES5 (amenity of neighbours/refuse and recycling facilities), and HOU7 (Materially detrimental effect on the living conditions of nearby residents). We therefore object to the

application.

### Policy Des 11 Tall Buildings – Skyline and Key Views

Planning permission will only be granted for development which rises above the building height prevailing generally in the surrounding area where:

- a) a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use
- b) the scale of the building is appropriate in its context
- c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.

166 Proposals for development that would be conspicuous in iconic views of the city will be subject to special scrutiny. This is necessary to protect some of the city's most striking visual characteristics, the views available from many vantage points within the city and beyond, of landmark buildings, the city's historic skyline, undeveloped hillsides within the urban area and the hills, open countryside and the Firth of Forth which create a unique landscape setting for the city. In addition, the height of new buildings may need to be suppressed where necessary so that the city's topography and valley features continue to be reflected in roofscapes. This policy will play an important role in protecting the setting of the World Heritage Sites.

167 A study undertaken for the Council identifies key public viewpoints and is used in assessing proposals for high buildings. Further advice is provided in Council guidance.

### Policy Des 12 Alterations and Extensions

Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character

168 Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

### Policy Des 13 Shopfronts

Planning permission will be granted for alterations to shopfronts which are improvements on what already exists and relate sensitively and harmoniously to the building as a whole. Particular care will be taken over proposals for the installation of illuminated advertising panels and projecting signs, blinds, canopies, security grills and shutters to avoid harm to the visual amenity of shopping streets or the character of historic environments.

169 Shopfront design, shop designs and shopfront advertising play an important role in the visual environment of the city. Important traditional or original features on older buildings, such as stall risers, fascias and structural framing of entrances and shop windows, should be retained and incorporated into the design. In conservation areas and on listed buildings, design and materials used will be expected to be of a high standard, and not damaging to existing fabric of buildings or wider character. Detailed advice on shopfronts is provided in Council guidance.

### 3 Caring for the Environment

170 Protection of the historic and natural environment for the benefit of future generations is an important role of the planning system. The purpose and context of Edinburgh's most important environmental designations including the World Heritage Site, Conservation Areas and Green Belt are explained in Part 1 of the plan. Policies Env 1 – Env 22 will be used in assessing planning applications to meet the following objectives;

#### Objectives

- To ensure that the unique qualities of the city, its historic environment and the character of its urban areas are safeguarded for the future
- To protect important landscape and natural features of the environment, including the city's Green Belt setting
- To protect and enhance the nature conservation and biodiversity interest of the city
- To protect natural resources



#### The Historic Environment

171 Policies Env 1 – Env 6 will be used to assess proposals affecting Edinburgh's world heritage sites, conservation areas and listed buildings. The Council's guidance on Conservation Areas and Listed Buildings provide further advice. Policy Env 7 relates to historic landscapes and policies Env 8 and 9 cover archaeological resources.

#### Policy Env 1 World Heritage Sites

Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted.

172 This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city.

#### Policy Env 2 Listed Buildings - Demolition

Proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account:

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use
- b) the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- c) the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.



### Policy Env 3 Listed Buildings - Setting

Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

### Policy Env 4 Listed Buildings – Alterations and Extensions

Proposals to alter or extend a listed building will be permitted where

- a) those alterations or extensions are justified;
- b) there will be no unnecessary damage to historic structures or diminution of its interest; and
- c) where any additions are in keeping with other parts of the building.

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<sup>173</sup> In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. Applications for the demolition or substantial alteration of a listed building must be accompanied by a thorough structural condition report demonstrating that the proposals are necessary or justified. Information must be provided on the proposed replacement building; these should be of comparable quality in terms of construction and design. The loss of a listed building will only be justified in exceptional circumstances. Scottish Historic Environment Policy (SHEP) and Council guidance provide further advice for applications relating to Listed Buildings.

### Policy Env 5 Conservation Areas – Demolition of Buildings

Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account the considerations set out in Policy Env 2 above.

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

### Policy Env 6 Conservation Areas - Development

Development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

Planning applications should be submitted in a sufficiently detailed form for the effect of the development proposal on the character and appearance of the area to be assessed.

<sup>174</sup> The purpose of the above policies is to protect and, where possible, enhance the character and appearance of Edinburgh's many conservation areas. By controlling the demolition of buildings and ensuring new development is of appropriate design and quality, their aim is to protect the City's heritage for future generations.

<sup>175</sup> Applications for demolition will be permitted only where this does not erode the character and appearance of the conservation area. The general presumption will be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use, or might be capable of such in the future. Conservation Area Consent may be subject to conditions or a legal agreement to link demolition works to the

provision of the proposed replacement building or, in exceptional circumstances, to require temporary landscaping.

- 176 Design statements are required for new developments in a conservation area. This statement should include reference to the relevant Conservation Area Character Appraisal and Council guidance on Conservation Areas and Listed Buildings and show how these have informed the proposed design.

### Policy Env 7 Historic Gardens and Designed Landscapes

Development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value. Elsewhere, adverse effects on historic landscape features should be minimised. Restoration of Inventory sites and other historic landscape features is encouraged.

- 177 This policy aims to protect sites included in the national Inventory of Gardens and Designed Landscapes (shown on the Proposals Map) and other historic landscape features elsewhere across the Council area. An understanding of how the landscape has evolved can help inform a development proposal. A historical landscape appraisal may be requested from applicants to allow full assessment of the implications of development and identify restoration opportunities.

### Policy Env 8 Protection of Important Remains

Development will not be permitted which would:

- a) adversely affect a scheduled monument or other nationally important archaeological remains, or the integrity of their setting
- b) damage or destroy non-designated archaeological remains which the Council considers should be preserved in situ.

### Policy Env 9 Development of Sites of Archaeological Significance

Planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and, if requested by the Council, a field evaluation, that either:

- a) no significant archaeological features are likely to be affected by the development or
- b) any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation or
- c) the benefits of allowing the proposed development outweigh the importance of preserving the remains in situ. The applicant will then be required to make provision for archaeological excavation, recording, and analysis, and publication of the results before development starts, all to be in accordance with a programme of works agreed with the Council.

- 178 The objective of the above policies is to protect and enhance archaeological remains, where possible by preservation in situ in an appropriate setting. In some cases, depending on the nature of the remains and character of the site, the Council may require provision for public access and interpretation as part of the proposed development. When preservation in situ is not possible, recording and/or excavation followed by analysis and publication of the results will be required.

- 179 Developers should seek early advice from the Council's Archaeologist for sites where historic remains are known or thought likely to exist. Where a development may affect a scheduled monument or its setting, early contact should be made with Historic Environment Scotland.