

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: 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 100603608-002

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Walstone Muir"/>
First Name: *	<input type="text" value="Fiona"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Johnston"/>	Address 1 (Street): *	<input type="text" value="Nine Mile Burn"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Penicu k"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 9LR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

2F

Address 2:

2 ALBYN PLACE

Address 3:

NEW TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH2 4NG

Please identify/describe the location of the site or sites

Northing

674081

Easting

324796

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)

Planning Application Appeal - 22/03087/FUL Retrospective Change of Use from a residential apartment to a short term letting apartment in line with recent legislation (for an already established short term letting operation since 2018)

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.

Please refer to: Supporting Documents Section

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

Yes No

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

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

1. Planning Application Appeal Statement 2. Supporting Documentation as Attachments:- Attachment A - Residents Declarations that there is no objection Attachment B - External Photos Attachment C - Noise Survey Attachment D - Business Locator Listing of the Immediate Area Attachment E - Internal Photos Attachment F - Tourism Awards & Guest Reviews

Application Details

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

22/03087/FUL

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

14/06/2022

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

12/09/2022

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: Mrs Fiona Johnston

Declaration Date: 17/10/2022

Residents of 2 Albyn Place - Statements

Confirmation of Support for Applicants Planning Application to continue to operate a STL:

Email addresses removed below for privacy reasons. Originals available if required for inspection.

Allan Hackland – 2.1 Albyn Place

From: Allan Hackland < >
Subject: Re: Flat 2 Albyn Place
Date: 17 September 2022 at 14:36:19 BST
To: Fiona Johnston < >

Hi Fiona

I'm happy to offer whatever help I can and obviously support you continuing to rent out your flat.

Regards

Allan

Julian Rawel – 2.4 Albyn Place

From: Julian Rawel < >
Subject: Rental - 2 Albyn Place
Date: 13 September 2022 at 20:58:37 BST
To: "Fiona Johnston" < >

Dear Fiona

I am contacting you to confirm that I am very happy for you to continue to rent out your flat at 2 Albyn Place, Edinburgh, EH2 4NG.

The current arrangement appears to have worked very smoothly and with no inconvenience to myself.

Regards
Julian

Paul Padfield – 2.3 Albyn Place

From: padfield paul < >
Subject: Renting out flat at 2/2, Albyn Place, Edinburgh, EH2 4NG
Date: 22 September 2022 at 17:42:24 BST
To: "Fiona Johnston" < >

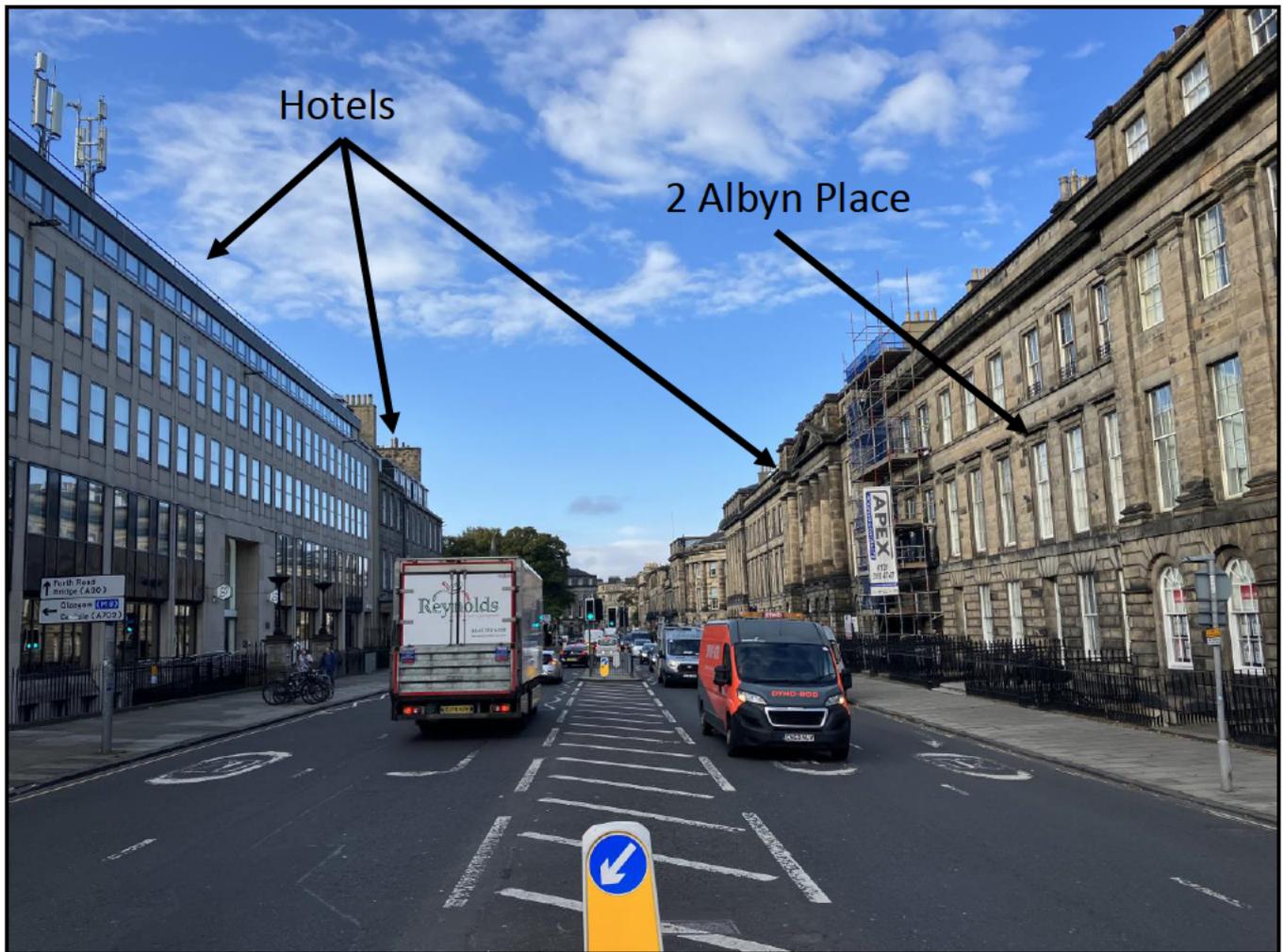
Dear Fiona,

I understand that you are looking for support for the ongoing rental of your flat.

We are happy to give you this support on the understanding that things continue as they have been over the last two years. We have rarely been aware of tenants in your flat (we are, as you know, in the flat above) and have no issues with this.

Best Wishes,

Paul



View of flat Location on Queen St



View of Queen St outside flat



View of Queen St outside flat



View of Queen St and Hotel from Flat Window



View of Queen St and Hotel from Front Door

EXTERIOR Noise Monitoring

(Recorded dBA just outside flat door)

DAY	TIME	AVERAGE READING	HIGHEST READING
Monday	0800	71	95
	1200	75	95
	1700	74	91
Tuesday	0800	68	93
	1200	74	97
	1700	73	93
Wednesday	0800	73	98
	1200	77	100
	1700	73	95
Thursday	0800	68	101
	1200	71	97
	1700	74	98
Friday	0800	65	97
	1200	78	94
	1700	70	90
Saturday	0800	60	94
	1200	78	90
	1700	64	91
Sunday	0800	58	71
	1200	70	89
	1700	63	75

INTERIOR Noise Monitoring

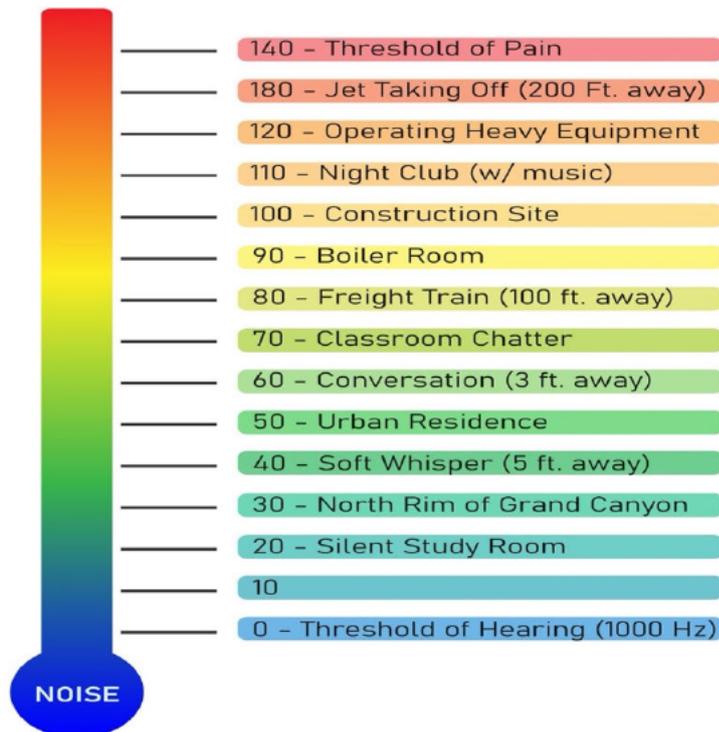
(Recorded dBA inside flat)

DAY	TIME	AVERAGE READING	HIGHEST READING
Monday	0800	59	74
	1200	64	71
	1700	68	75
Tuesday	0800	61	71
	1200	67	75
	1700	65	70
Wednesday	0800	61	73
	1200	63	73
	1700	64	71
Thursday	0800	58	70
	1200	68	73
	1700	63	72
Friday	0800	66	72
	1200	67	76
	1700	60	69
Saturday	0800	56	62
	1200	60	76
	1700	61	70
Sunday	0800	54	65
	1200	62	69
	1700	59	68

Location Outside Front door at 2 Albyn Place,
Date of test: September 20-26, 2020

Location Front Room at 2 Albyn Place, EH2 4NG
Date of test: September 20-26, 2020

Typical Sound Levels (dBA)



Known Commercial Organisations in the Immediate vicinity of 2 Albyn Place

(Confined to a distance under 100m from 2 Albyn Place. Many share a main door entrance with residences)

Type/Name	Description	Distance from Applicant's Property	Address	Total
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Hotels				
Yotel Hotel	280 Room Hotel (Directly opposite)	25m	68 Queen St	1
Native Edinburgh Apart Hotel	82 Room STL Apartment-Hotel	35m	74-78 Queen St	2
Stewart Apart Hotel	37 Room STL Apartment Hotel	60m	10 Young St	3
Mitchells Residences	4 Room Commercial STL	80m	13 Young St	4
Commercial STL Planning Application	20 room STL Apartment-Hotel	20m	8-9 Albyn Pl	5

Estate Agents				
DJ Alexander	Sales & Rentals	10m	1 Wemyss Pl	1
Savills	Sales & Rentals	10m	8 Wemyss Pl	2
Rettie & Co	Sales & Rentals	50m	11 Wemyss Pl	3
Knights Frank	Sales & Rentals	50m	80 Queen St	4
Lovatt	Property Management	80m	21 Young St	5
South Side Property Management	Rentals	10m	2B Albyn Place	6
TFC The Flat Co	Rentals	60m	61a Queen St	7
Saltouns	Property Management	60m	61a Queen St	8
Murray & Currie	Sales & Rentals	50m	60 Queen St	9
Milards	Sales & Rentals	20m	5 Wemyss Pl	10

Shops				
Stock Exchange	Retail	80m	5 Young St	1
Stewart Christie & Co	Tailor	40m	63 Queen St	2

Café's and Restaurants				
Lola's Sandwich Bar	Café	50m	6 N Charlotte st	1
Fortuna Coffee bar	Coffee Bar	30m	77 Queen St	2
Panda & Sons	Bar	30m	79 Queen St	3
Counter Edinburgh	Canteen	30m	77 Queen St	4
The Chaumer	Café	30m	61 Queen St	5
Rico's	Restaurant	50m	58 N Castle St	6
Waka Café	Cafe	100m	N Castle St	7
Oxford Bar	Pub	80m	Young St	8
Cambridge Bar	Pub	80m	Young St	9
Milk & Honey	Café	30m	78 Queen St	10

Educational Institutions/Schools				
Basil Paterson	Language School	30m	66 Queen St	1
Kaplan Institute	Language School	20m	9 Albyn Pl	2
The Educational institute	College	40m	46 Moray Pl	3
ECS Scotland	Language School	80m	17 Young St	4
Busy Bees	Nursery	50m	4 Forres St	5

Other				
First Church of Christ Scientist	Church	80m	11 Young st	1
Spanish Consulate	Diplomatic	100m	N Castle St	2
NASUWT	Union	70m	35 Young St	3

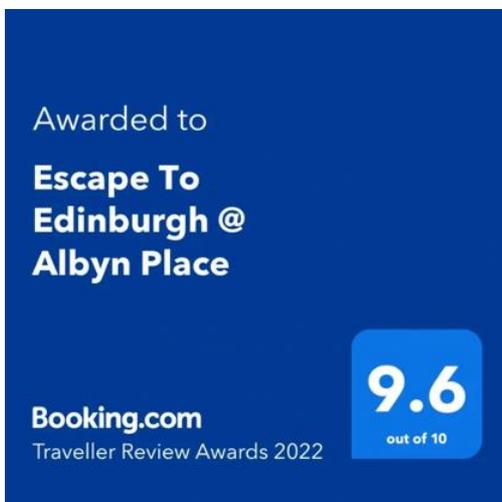
Distances approximate

Type/Name	Description	Distance from Applicant's Property	Address	Total
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Other Commercial Organisations				
Opus 2	Software Company	10m	3 Wemyss Pl	1
Ipsos	Market research	10m	4 Wemyss Pl	2
Signature Group	Pubs	10m	6 Albyn Pl	3
Abbot Consultants	Insurance	15m	11 Albyn Pl	4
Stevenson Associates	Consultants	20m	2 Albyn Pl	5
Millard Laird	Architects	60m	5 Forres St	6
Reiech & Hall	Architects	80m	8 Darnaway St	7
Rankinfraser	Architects	80m	8 Darnaway St	8
Ash Studios	Hairdresser	100m	8 Darnaway St	9
Chai Counselling	Psychotherapy	60m	1 St Colme	10
Colin Buchanan	Taxi Company	60m	4 St Colme	11
Geoghans Associates	Accountants	60m	6 St Colme	12
McLeod Aitken	Chartered Surveyors	80m	14 Young St	13
Nexus Business Centre	Business Centre	80m	16 Young St	14
Qmile Group	Property Development	20m	4 Wemyss Pl	15
Moray & CO	Legal Services	20m	5 Wemyss Pl	16
Maptek	Software Company	50m	3 Darnaway St	17
Rossie House Management	Investments	50m	50 Moray Pl	18
D2	Chartered Surveyors	100m	10 St Colme St	19
Thomson Bethune	Property Development	30m	6 Forres St	20
Walter Scott	Investments	100m	N. Charlotte St	21
Morris & Steadman	Architects	70m	38 Young St	22
Robertson & Eadie	Construction	50m	6 N Charlotte	23
George Goldsmith	Experience and Rentals	100m	48 N Castle St	24
North Capital Management	Investments	100m	58 N Castle St	25
Edinburgh Film Co	Film	80m	3 Young St	26
Clear Taxation	Accountancy	80m	18 Young St	27
Hazelant Ltd	Finance	70m	21 Young St	28
Multi Busienss Media	Media	80m	18 Young St	29
Simply Blue Management	Marine	80m	21 Young St	30
Hunger Hydraulics	Machinery	80m	21 Young St	31
Lothian Broadband Net	Communications	80m	21 Young St	32
JM Architects	Architects	40m	64 Queen St	33
Callidus Wealth Management	Investments	80m	21 Young St	34
OK Positive Ltd	Health Services	80m	21 Young St	35
PGMBM (Scotland	Legal Services	80m	21 Young St	36
City & Wharf	Estate Management	80m	21 Young St	37
GEO Solutions Ltd	Engineering	80m	22 Young St	38
AI Explorations	Environmental	80m	22 Young St	39
Cullross Holdings	House Builders	80m	22 Young St	40
Hampden Agencies	Finance	80m	22 Young St	41
Surface Beauth Aesthetics	Beauty	30m	78a Queen St	42
Embark Group	Investments	10m	4 Albyn Place	43
Laura McNaught	Psychotherapy	80m	21 Young St	44
Highland Experience	Tour Operator	60m	6 St Colme	45
Calibre	Business Centre	60m	1 St Colme	46

Total Number of Commercial Organisations within 100m of 2 Albyn Place, EH2 4NG: **82**





Attachment F - Recent Guest Comments and Feedback

"We have no words to describe this amazing place. This is the best apartment we've stayed at. There are details in every corner that makes this home look like a palace! We really appreciate the effort that Fiona has put into this apartment to make it extra comfortable and beautiful for guests. Why would you need a hotel when you can stay at this fabulous house? 5 stars for location! We were able to walk everywhere we wanted to go. And last but not least, you will find this home sparkling clean upon your arrival." (Wendy, USA, 2022)

"We couldn't have chosen a more luxurious apartment for our stay in Edinburgh. Albyn Place was stunning and staying here completed our fantastic trip around Scotland. Very comfortable and situated right in the center of the city - it had everything we needed. We didn't want to go home!" (John, Canada, 2022)

"Your dream trip to Edinburgh starts here, with Fiona's flat. I have stayed in Edinburgh several times and this apartment by far exceeded my every wish and expectation. Decorated with period furnishings and decorative arts but with a nod toward the contemporary, this apartment with its central location, exquisite amenities and modern comfort made my stay in the city truly memorable. From my first communication with Fiona, I knew I had found the right place for my homebase during a trip to Edinburgh. Fiona is kind and quick to respond and answered all of my questions promptly. I can't describe how exquisite this apartment is, Edinburgh is truly right outside the front door yet at night you feel like you're in your own world in this peaceful location. I will never stay in another location when I visit Edinburgh, I have found my home away from home." (Elizabeth, USA, 2022)

"WOW! Beyond gorgeous. This is hands-down the most beautiful, luxurious apartment my husband and I have ever stayed in. Never before have we been so impressed by a listing only to find that the place itself is even better in person! What the photos don't capture are the super high ceilings that made me feel like a queen on our honeymoon. This apartment felt like a home - it is so well designed with the comfiest furniture. I loved reading in the big comfy armchair with a cup of tea; there were some days we didn't even go out and enjoyed this little palace instead! The location is great as well- we've never stayed in this part of town before and I wasn't sure how easy it would be to get to attractions, but it was just perfect! Less hilly than Old Town so it was even easier to get around in foot, and I LOVED all of the designer shopping close by. Fiona was a super helpful and communicative host as well, warmly meeting us at check in and going over specific things we might need. This is the best experience we've had yet, and will definitely be our go-to whenever we come to Edinburgh. 11/10, highly recommend!" (Kat, USA, 2022)

"Stunning apartment in a lovely location. We couldn't recommend Fiona's apartment more and would go out of our way to return to Edinburgh just to stay there again. Fiona was so welcoming and friendly. Thank you for such a wonderful stay." (Olivia, UK, 2022)

"Quite simply the best apartment we've ever rented anywhere, and we're serial city breakers. It's even better than the photos. It's like staying in a suite in a 5 star hotel but with an excellent, spacious and well equipped kitchen. Add to that some nice welcome provisions and it's pretty perfect. Edinburgh is a beautiful city and the apartment is well located and feels very secure. Excellent!" (Derek, UK, 2022)

"If you are in Edinburgh, 2 Albyn Place should be your address! What a beautiful apartment - spotless, welcoming, comfortable and in a great location. Fiona has such attention to every detail-we felt so at home there. The apartment is more beautiful than the photos-convenient to all you might want to see and do in Edinburgh-we had the BEST time!" (Stephen, Canada, 2022)

"Book now. Here are some reasons: The property is beautiful. Fiona's property is well cared for and thoughtfully curated. It's a beautiful home filled with Scottish history that properly welcomes you to Edinburgh. It truly provided a sense of place for us. Fiona is a wonderful host. Fiona greeted us at the door and gave us a tour of the property. She also accommodated us with check in because my partner was a nursing mom. Additionally, we found thoughtful touches throughout the property that made us feel truly welcomed in the home. The location is fantastic. The property is a short 13 minute walk to Stockbridge, where we found wonderful shops, dining, and coffee. It takes around the same time to get to the Castle, Dean Village, and maybe 4-5 min more to Calton Hill." (Laurence, US, 2022)

PLANNING APPLICATION APPEAL

STATEMENT

Planning Application Reference: **22/03087/FUL**

Change of use from a residential apartment to short term letting apartment in line with recent legislation (for an already established short term let operating since 2018)

Address: **2F, 2 Albyn Place EH2 4NG**

Applicant: **Fiona Johnston, EscapeToEdinburgh.com**

PLANNING APPLICATION LINK:

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/caseDetails.do?action=dispatch&keyVal=RDGN6PEWJGT00&caseType=Application>

APPLICANT WEBSITE:

<https://escapetoedinburgh.com>

Submission Date:	14 June 2022
Determination Date:	12 August 2022
Notification Date:	12 Sept 2022
Decision:	Refusal
Reason:	LDP Policy Hou 7
Appeal Submission Date:	17 October 2022

GROUNDS FOR APPEALING THE DECISION

Response to Comments made in the Report of Handling:

1. The assertion that disruption to other residents using the same shared hallway and main door entrance would occur

There are 3 residents who share the same building, hallway and main door entrance with the Applicant. All were invited to submit comments by the Council and none chose to do so.

The Applicant has maintained a good relationship with the other residents and has consulted with them on the planning application process. All residents received invitations to comment on the planning application and no objections were submitted.

The other occupying residents have also stated that they do not object to the operation of a Short Term Let by the Applicant and have made written declarations to that effect. (see **Attachment A**).

The Applicant has taken on the responsibility for maintaining the upkeep of the common areas (including organising a recent £14,000 course of works in the common areas) which is in keeping with the historical heritage and character of the building.

Visitors who stay at the Applicant's flat have no access to any other areas of the building. There is no access to any communal gardens, greens or other common or shared areas. Additionally, no parking facilities - shared or otherwise - are provided.

Disruption to other residents by operating this STL has not been a problem at any time in the past. All visitors are personally met and informed of the requirement to be sensitive to all neighbours and all visitors are made fully aware of the Applicant's noise and disturbance policies. Arrival and departure times are strictly managed to minimise any possible disruption.

2. The assertion that residents would be used to a low level of ambient noise

The nature of the Applicant's STL is that it is a high end, premium luxury holiday rental and the nature of the visitor profile is one where they are more likely to appreciate, value and respect acceptable noise levels.

The Applicant's STL is located on one of Edinburgh's busiest roads (Queen Street) which has a consistently high level of ambient noise for significant and extended periods of both the day and night.

Edinburgh Council have proposed plans to introduce a Low Emission Zone (LEZ) in the central area of Edinburgh with the intention of significantly reducing noise and pollution levels.

Queen Street was deliberately excluded from the LEZ area in order to facilitate East-West movement across the city and has already seen significant rises in traffic and noise levels since the planned introduction of the LEZ and further increased levels of noise will be expected once the LEZ is formally implemented. A 21% increase in levels of traffic is expected as a result (source: *Edinburgh Low Emission Zone, Revised Composition, Transport Modelling Report, Edinburgh City Council, 2021*).

Other businesses at this location, in particular the 280 room hotel and 82 room apart-hotel directly opposite the Applicant's STL, contribute significantly to existing noise levels with guests arriving and departing at all times of the day and night currently.

Additionally, the level of noise from traffic using Queen Street is significant and incessant. The traffic is constant throughout the day and night – and the noise levels from goods vehicles, buses, tourist buses and regular traffic using this main Edinburgh city road is very high. External photographs are provided to show the flat location in relation to busy Queen Street. (see **Attachment B**)

The assertion that the operation of a STL will increase the level of noise and frequency beyond that which residents currently endure is not correct. A noise survey commissioned by the applicant demonstrates that there is already a high level of background noise in the area now - both inside and outside the flat (see **Attachment C**). All other residents are used to a high level of ambient noise and have regularly remarked at not hearing any noise emanating from the Applicant's flat.

3. The assertion that Multiple Occupants could be able to stay

The Report asserts that despite being a one-bedroom flat (only one bed present) that it would be possible for more than two people – up to four – could stay at the premises.

This is not possible as all bookings are managed to strict occupancy requirements (maximum 2 people) and all visitors are met personally on arrival and contact is maintained throughout visitor stays.

Additionally, the planned Licencing Scheme for STL's is likely to legislate the number of permitted occupants that would be allowed to stay.

4. Neighbour Consultation

The Planning Regulations define "neighbouring land" as "an area or plot of land (other than land forming part of a road) which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed." This provides some flexibility in determining the appropriate levels for neighbour consultation.

However, it does appear as if the neighbour notification has gone further than the definition in relation to this application. Some 38 residents were contacted in the neighbourhood giving residents in a very wide area an opportunity to object. An extensive neighbour consultation process was undertaken.

5. Neighbour Objections

Of the 38 neighbours contacted, only 2 objections were received in total which are believed to be of limited or no relevance to the application. Only one objection arises from a neighbour who received a Notification and the second comes as a general objection from the Heritage Society outwith the area consulted.

The neighbour's objection is not flat specific and is general in nature. It references the noise coming from 'potential student flats or parties' which is evidently not related to the residence owned by the Applicant.

The second objection received is of a general nature from the AHSS and there is no evidence, that this STL application will negatively impact the World Heritage site.

AHSS states that, *'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 dismissed by the increase of short-term occupants.'* The Applicant refutes the assertion made by the AHSS that the use of the property as a STL would be a detriment to the maintenance of the communal areas of the building. On the contrary there is a greater incentive to maintain and preserve the building as stated in Section 1 above of the Appeal.

6. The assertion that the location is a residential neighbourhood and therefore not conducive to a STL

Whilst there are clearly other residences in the general vicinity of the Applicant's flat it is also true that there are also a significant number of businesses in the area. For this reason it is hard to conclude that the neighbourhood is purely residential in nature and, therefore, not conducive to a STL.

The flat is located on arguably the busiest road in downtown Edinburgh - Queen Street; which has incessant traffic running almost 24 hours per day – commercial, public, private and emergency vehicles.

The Applicant's STL sits directly opposite both a 280 room Hotel and an 82 room Apart-Hotel. It is also in close proximity to many other businesses, restaurants and cafes. An analysis of the number of commercial organisations that are operating and present *within 100m* of the Applicant's flat comes to a total of 82 businesses (see **Attachment D**). Included in this number are 5 separate hotels or apartment-hotels with over 423 guest rooms in total – all within 100m of the Applicant's flat.

It is difficult to see how this area can be described as 'residential and not conducive to a STL'.

Furthermore, the Edinburgh Local Development Plan 2016, **Policy Emp 10 Hotel Accommodation**, states that *'Tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Maintaining and developing this key sector in the city's economy relies upon sufficient provision of high quality tourist accommodation.'*

As can be seen from the internal and external photographs (see **Attachment E and B**), the Applicant provides premium accommodation in an elegant and historic context aimed at a high end clientele. Furthermore the Applicant is providing low impact accommodation in a city centre location highly accessible by public transport and is, therefore, ideally suitable for the location.

The Applicant's business has also received a number of tourism industry accolades and awards demonstrating the contribution they are making to Edinburgh's local economy and more widely Scotland's tourism (see **Attachment F**).

Conclusion

The Applicant believes that the proposed change (retrospective planning approval) would not cause a materially detrimental effect on any residents and, therefore, is not contrary to LDP Policy Hou 7.

The use of the flat as a STL in this case will not result in any increased risk of antisocial behaviour (such as it being a 'party flat') nor an increase in the level of disturbance arising from arrivals and departures. There will also be no loss of a sense of community and no detriment to the immediate location.

The flat is sited at an extremely noisy and busy location and there will be no increase in noise levels experienced by other residents in the neighbourhood. The use of this particular property as a STL would be far less noticeable to local residents than similar properties located in more residential areas might otherwise be.

On the basis of the evidence provided the Applicant believes that the application for a change of use (in retrospect) from residential to short term let should be **granted**.

Additional Concerns Arising During the Application Process

1. There was limited guidance available in the Application Planning process as to what information is required for STL applications and it is left up to the Applicant to determine what criteria may be applied for review and also what information may be required for any application. Consequently, information may have been missed or information provided which may not be relevant.
2. If the application for planning permission has been determined under the statutory scheme of delegation, there is an entitlement to seek a review of the decision by the City of Edinburgh Planning Local Review Body.
3. A review of the planning application was not determined within the 2-month time period for a decision. Whilst understanding the level of applications currently being managed, the decision in this Applicant's case was received three months after making the application.
4. The Planning Application Assessment was conducted with no site visit nor discussion or engagement directly with the Applicant to understand the Application's merits, unique circumstances, etc. This may have provided valuable insights.

Attachments

- A. Residents Declarations that there is no Objection
- B. External Photos
- C. Noise Survey
- D. Business Locator Listing of the Immediate Area
- E. Internal photos
- F. Tourism Awards and Guest Reviews

See also documents submitted in the Planning Application (link above)