



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 100606259-001

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="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=""/>	Town/City: *	<input type="text" value="Penicuik"/>
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=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 1

Address 2:

21B ABERCROMBY PLACE

Address 3:

NEW TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 6QE

Please identify/describe the location of the site or sites

Northing

674388

Easting

325386

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 - 2/03087/FUL: Retrospective 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) Please See Statement of Appeal

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 see Planning Application Appeal Statement

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)

Planning Application Appeal Statement Attachment A - Business Locator Listing of the Immediate Area Attachment B - Internal & External Photographs Attachment C - Tourism Awards and Guest Reviews Attachment D - Resident Declaration that there is no objection

Application Details

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

22/03088/FUL

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

14/06/2022

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

07/11/2022

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: 08/11/2022

PLANNING APPLICATION APPEAL

STATEMENT

Planning Application Reference: **22/03088/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: **Flat 1 21B Abercromby Place, Edinburgh EH3 6QE**

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

PLANNING APPLICATION LINK:

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=summary&keyVal=RDGN6UEWJGW00>

APPLICANT WEBSITE:

<https://escapetoedinburgh.com>

Submission Date:	14 June 2022
Determination Date:	12 August 2022
Notification Date:	7 November 2022
Decision:	Refusal
Reason:	LDP Policy Hou 7

Appeal Submission Date:	9 November 2022
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GROUNDS FOR APPEALING THE DECISION

Response to Comments made in the Report of Handling:

1. **The assertion that the proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.**

Whilst there are clearly other residences in the general vicinity of the Applicant's flat it is also true that there are a 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 Shorty Term Let (STL).

The Applicant's STL is located at the same address as an existing B&B Business which has a licence to operate. It is also a basement flat below a company operating in the same building which occupies the two floors above the Applicant's STL. There are no immediate residential neighbours and Queen Street Gardens, rather than residences, occupies one side of Abercromby Place in its entirety.

The Applicant's STL which is in the city centre is in close proximity to many other businesses, hotels, restaurants and cafes. An analysis of the number of commercial organisations that are operating and present within approximately 100m of the Applicant's flat, including the two companies operating currently at the same address comes to a total of **51** businesses (see **Attachment A**).

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 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 STL is the highest guest rated holiday let in Edinburgh. The Applicant's business has also received a number of tourism industry accolades and awards demonstrating the positive contribution they are making to Edinburgh's local economy and more widely Scotland's tourism (see **Attachment C**).

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

There is only one other resident who shares the same main door entrance with the Applicant. The other resident was invited to submit comments by the Council and chose not to do so.

The other resident runs a *very* busy and successful B&B Business from the same address. He has done so for many years. Currently the shared door and entrance way is used by his business and there are frequent visitors using this same entrance as the Applicant.

The B&B Business that shares the same doorway with the Applicant is significantly busier than the Applicant's business - with at least 3 to 4 times the number of bookings over a 12 month period. This results in a number of visitors using the same entrance on an ongoing basis throughout the year.

There are also separate entrance ways from the street to the property for each residence - one for the B&B Business and one for the Applicant's STL (see **Attachment B**). The responsibility for the shared courtyard is equally met by the Applicant and the B&B Owner. The courtyard is often remarked on and photographed by local residents for its beauty.

Disruption to other residents by operating this STL has not been a problem at any time in the past. The Applicant has never received any complaints from anyone. All visitors are personally met, without exception 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.

The Applicant has maintained a good relationship with the other resident who operates a B&B Business and has consulted with him on the planning application process. The Applicant and the Neighbour who operates the B&B have no issues sharing the same entrance for both our businesses (see **Attachment D**). The Applicant also maintains and cares for the communal hallway.

It seems incongruous, therefore, that the Applicant cannot operate a similar holiday business at this location when there is already a shared entrance way with a B&B Business which is permitted to operate and undertaking the same activity. It would be impossible to imagine the Applicant's property being used as a residence when it shares the same entrance door and entrance way with an already existing and very busy B&B Business.

Directly above the Applicant's STL is a company, not a residence, that operates on the two floors above.

3. 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.

Abercromby is a busy road for traffic. There are also several businesses that operate in the vicinity of the Applicant's STL.

The level of noise from traffic using Abercromby Place is significant. 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.

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

The Report asserts that it may be possible for 6 or more visitors to stay at the premises.

This is not possible as all bookings are managed to strict occupancy requirements (maximum 6 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.

5. 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 40 residents were contacted in the neighbourhood

giving residents in a very wide area an opportunity to object. An extensive neighbour consultation process was undertaken.

6. Neighbour Objections

Of the 40 neighbours contacted, only 3 objections were received in total which are believed to be of limited or no relevance to the application. Two objections arise from neighbours who do not live on Abercromby Place and the third one comes as a general objection from the Heritage Society out with the area consulted.

The first neighbour's objection is not flat specific and is general in nature. It references the general 'litter problem in the New Town', which he asserts is due to short term lets. There is absolutely no evidence to suggest any litter is caused by the Applicant's STL. In fact the communal bin sits right outside the entrance way to the Applicant's flat. The Applicant more than anyone else has to endure the litter overflowing from this bin and it is the Applicant who regularly cleans up the mess outside her Apartment entrance in order that her Visitors are not negatively impacted by this. She is frequently thanked by other residents for doing this on behalf of the community. Most of the rubbish deposited in and around the street bin directly outside her flat is made by residents and trades.

The second neighbour objection is also not flat specific and is general in nature. This references the litter issue again which is directed at all residences on Abercromby Place who the neighbour believes should not be using the street bin that sits on Nelson Street - which is the only bin available to all residents on Abercromby Place. Again there is no evidence of the Applicant's STL having any impact upon this concern. All litter arising from visitor stays is personally removed by the Applicant.

The Applicant has a **Waste Strategy** in place which involves recycling of any waste left by visitors and minimising rubbish which has to go to landfill. This is clearly outlined to all visitors in our terms and conditions and all waste is managed and removed directly by the owner personally.

The third 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.

7. The assertion that the proposal does not comply with *all* 13 principle outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development:

As the Applicant's STL will not be materially altered by the proposal many of the SPP principles do not apply. There is no development taking place which would negatively impact the amenity of the existing area.

In relation to those principles that may have relevance, the operation of a high end STL contributes towards the economic development and opportunities in Edinburgh. The nature of the Proposal is in alignment with supporting the delivery of accessible business opportunities and employment and the Applicant operates a Sustainability policy which invites visitors to offset their carbon footprint in relation to their stay in Edinburgh.

The Applicant, therefore, believes that the Proposal, where it applies, does contribute positively and constructively to sustainable development.

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 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 shares the same entrance way and main door with only one other resident - who runs a very busy B&B Business and has done so for over 20 years. The Applicant's STL also sits in the basement below a two story commercial operation in the same building. So in effect, a B&B Business in the same common hallway and entrance that can legally operate and a Commercial business on the two floors directly above it.

As outlined above there is no impact from increased waste from operating this STL on the local waste management services. The Applicant operates a waste management and recycling policy and takes personal responsibility to ensure that no litter arises from her STL. The Applicant has a Waste Management Strategy in place. The local environment and any waste is managed in accordance with appropriate environmental considerations such as recycling.

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 almost **six months after making the application**. It is not clear why this application decision was delayed for such an extensive period of time.
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.
5. At the time of making the Planning Application and this subsequent Planning Appeal, neither the draft **National Planning Framework 4** nor the **City Plan 2030** have yet been implemented and therefore, as per the Report of Handling, should not be used as a material consideration in the determination of this particular Appeal.

Attachments

- A. Business Locator Listing of the Immediate Area
- B. Internal and External photos
- C. Tourism Awards and Guest Reviews
- D. Resident Declaration that there is no Objection

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

Known Commercial Organisations in the Immediate vicinity of 21 Abercromby Place

(Confined to a distance of approx. 100m from 21 Abercromby Place. Many share a main door entrance with residences)

Type/Name	Description	Approx Distance from Applicant's Property	Address	Total
GeraldsPlace	B&B Business	1m	21 Abercromby Place	1
Edinburgh Proprety Consultants	Property Consultant	1m	21 Abercromby Place	1
Open Eye Gallery	Gallery	90m	34 Abercromby Place	1
Private holiday rental	Holiday rental	18m	34A Abercromby Place	1
Royal Scots Club and Hotel	Hotel/Club	29m	29 Abercromby Place	1
Holiday rental	Holiday rental	27m	24 Abercromby Place	1
B&B Business	B&B Business	17m	25 Abercromby Place	1
Apartment Hotel	Hotel	48m	16 Abercromby Place	1
Lewis Sutton Property Consultants	Property Consultant	47m	13 Abercro,mbly Place	1
Karen's Unicorn	Chinese restaurant	79m	3 Abercromby Place	1
Dunpark Property Consultants	Property Consultant	90m	1 Abercromby Place	1
Total Health Consultants	Health Consultant	100m	1A Abercromby Place	1
Little White Pig	Pub	100m	8 Abercromby Place	1
Nine Nelson	Hotel	10m	9 Nelson Street	1
Private holiday rental	Holiday rental	15m	7 Nelson Street	1
Frozen Frog	Interior Design	39m	3 Nelson Street	1
Guest Room	Holiday rental	49m	31A Nelson Street	1
Lollia Design	Interior Design	51m	36 Nelson Street	1
Starbar	Pub	40m	1 Northumberland Street	1
Canonmills Church	Church	50m	1 Northumberland Street	1
Apex Roofing	Roofing Contractors	30m	8 Northumberland Street	1
Wally Dug	Pub	100m	32 Northumberland Street	1
Art Supplies Inc	Art Supplier	50m	13 Northumberland Street	1
Kwellin	Chinese restaurant	100m	19 Dundas Street	1
No 1 Apartment Hotel	Holiday rental	90m	15 Dundas Street	1
Dickens	Holiday let Agency	90m	17 Dundas Street	1
Arusha Gallery	Art gallery	91m	13A Dundas Street	1
Brass Hair Studio	Hairdresser	87m	9 Dundas Street	1
Sturrock Estates	Estate Agency	85m	7 Dundas Street	1
Herriot Gallery	Art gallery	100m	20 Dundas Street	1
Greyfriars Art Shop	Art Supplier	100m	20 Dundas Street	1
Vekta Group Consultants	Consultants	95m	7 Dundas Street	1
The Table	Restaurant	90m	3A Dundas Street	1
& Gallery	Art gallery	90m	3 Dundas Street	1
New Town Fox	Café	90m	2 Dundas Street	1
Detasola	B&B Business	90m	1 Dundas Street	1
Harvey & Woodd	Art gallery	89m	4 Dundas Street	1
Dundas St Gallery	Art gallery	89m	6 Dundas Street	1
St Andrews Property Centre	Property Management	90m	19 Dundas Street	1
Scottish Gallery	Art gallery	88m	16 Dundas Street	1
Ariana's Worshop Art Centre	Art School	50m	2 Dublin Meuse	1
The Magnum	Pub	100m	Dublin Street	1
Stac Poly	Restaurant	100m	29 Dublin Street	1
Linzi Crawford	Retail	100m	27 Dublin Street	1
g Moir	Bar	100m	Dublin Street	1
Number 19	Apartments	100m	19 Dublin Street	1
Fallon & Mann	Hairdresser	89m	Dublin Street	1
J Thomson	Printers	75m	2A Dublin Meuse	1
Kingsford Business Centre	Business Centre	100m	Dublin Street	1
Par Equity investments	Investments	80m	3A Dublin meuse	1
Sonder Royal Garden	Hotel	100m	Queen Street South	1
City Apartments	Hotel	100m	Queen Street South	1

Total Number of Commercial Organisations within approximately 100m of 21 Abercromby Place: **51**

External

Courtyard and Entrance



Shared Front door for
B&B Business and STL

Private Gate Entrance
To STL Only

Common Hallway



Entrance to B&B

Entrance to STL

Courtyard and Entrance



Private Gate Entrance
To STL Only

Street and Entrance



Private Gate Entrance
to STL Only

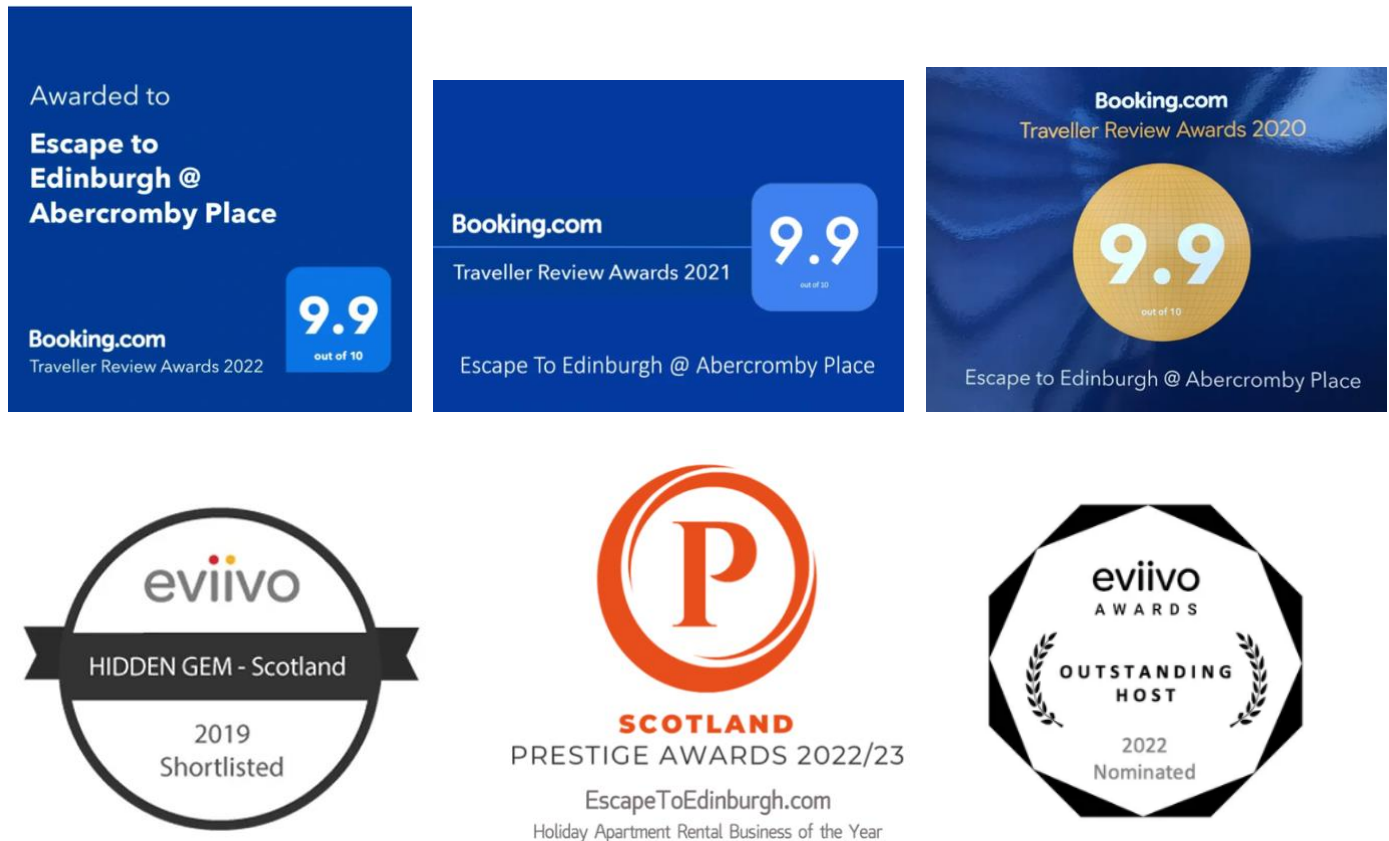
Nelson Street Bin directly
Outside Applicant STL

Applicant's STL
Window

Internal



Escape To Edinburgh is the Highest Rated Holiday Let in all of Edinburgh.



"Abercromby Place is a stunning luxury apartment in an ideal central city location and I honestly couldn't recommend it enough. I visited as part of a party of 6 and the apartment was immaculate, spacious and offered amenities exceeding expectation. It genuinely was a luxurious experience and felt incredibly homely. From the moment we arrived, our host went above and beyond to ensure we had a comfortable and enjoyable stay. Location wise, the apartment is very central and most attractions, restaurants and shops etc are all within walking distance. The apartment is close to Princes Street, where there is a tram stop and fantastic views of the castle. If you're looking for luxury in the heart of Edinburgh, look no further. I will definitely be returning in future." (Carly, UK, 2022)

"I would highly recommend this luxurious apartment. It is equipped to an extremely high standard with absolutely everything you would need. Brand new furnishings. It is like walking into a 5-star hotel. It is a 5-minute walk to Princess Street and the shops and then across to the Old Town." (Fiona, Switzerland, 2021)

"An escape to Abercromby Place is truly an escape to paradise! The accommodation was absolutely superb! So clean and the beds were so comfortable! The location was wonderful, a very short walk to the centre. The host was so kind and we would stay here again in a heartbeat - it was absolutely perfect for our weekend away." (Monica, UK, 2022)

"This apartment is even more impressive than the photos. A beautiful place, perfect location and the property has everything you may need. Would definitely stay here again when in Edinburgh. Comfortable and very warm and very well centred for all places of interest." (Jonny, UK, 2022)

"A perfect location for the tram, train station, shops and restaurants. The property was perfect for our stay, immaculate condition and everything you could need was provided. Brilliant!" (Rob, UK, 2022)

"We had a wonderful stay in your beautiful apartment. Everything we needed was at hand. Conveniently located in the centre of Edinburgh. Thank you!" (Stuart, UK, 2022)

Email from Neighbour who lives at the same address who operates a very successful and busy B&B Business

From: "Geraldspplace" <email hidden >
Subject: **Running your Business from your Flat at 21 Abercromby Place, Edinburgh EH3 6QE**
Date: 7 November 2022 at 15:37:47 GMT
To: Fiona Johnston <email hidden >

To whom it may concern

I am the owner of 21B Abercromby Place, Edinburgh. EH3 6QE

Fiona Johnston, owner of 21A Abercromby Place, Edinburgh, EH3 6QE is my neighbour

Fiona runs a small business, exceptionally well organised and administered

It is a peaceful environment: if there are people staying, they are never heard and rarely seen

And if seen, they are appreciative of the accommodation and charming to meet

We owners are of a kind - ambassadors of Edinburgh City