

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 100609611-002

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:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Isabella	Building Number:	49
Last Name: *	Chaussy	Address 1 (Street): *	West Nicolson Street
Company/Organisation	IC Dzine	Address 2:	Flat 3
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH8 9DB
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:

2F2

Address 2:

2 DRUMDRYAN STREET

Address 3:

TOLLCROSS

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 9LA

Please identify/describe the location of the site or sites

Northing

672873

Easting

324991

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)

Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis) (Please note that the appeal was submitted on time (6th February) but apparently to the wrong assessment body, despite the application/appeal form being the same - proof of submission provided in supporting documents - we therefore hope you will still be able and willing to accept this for review))

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 application has not been considered on its individual merits. The assessment and handling report appears to be based on a series of generalisations and the conclusion provides insufficient evidence to show non-compliance with LDP HOU 7. Lack of discerning evaluation criteria for each application and instead use of negative generalisations, which could also be applied to longterm residents, indicates an absence of consideration of any positive impacts of the proposal.

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)

The assessment criteria for the application was not previously known when the submission was made. Matters raised in this appeal directly respond to assumptions made during the determination of the original application

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)

All information from the original application including floor and location plan, application form and supporting statement as well as handling report and decision notice. Furthermore a full and comprehensive statement of appeal based on the assessment criteria used to determine the original application

Application Details

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

22/03667/FUL

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

19/07/2022

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

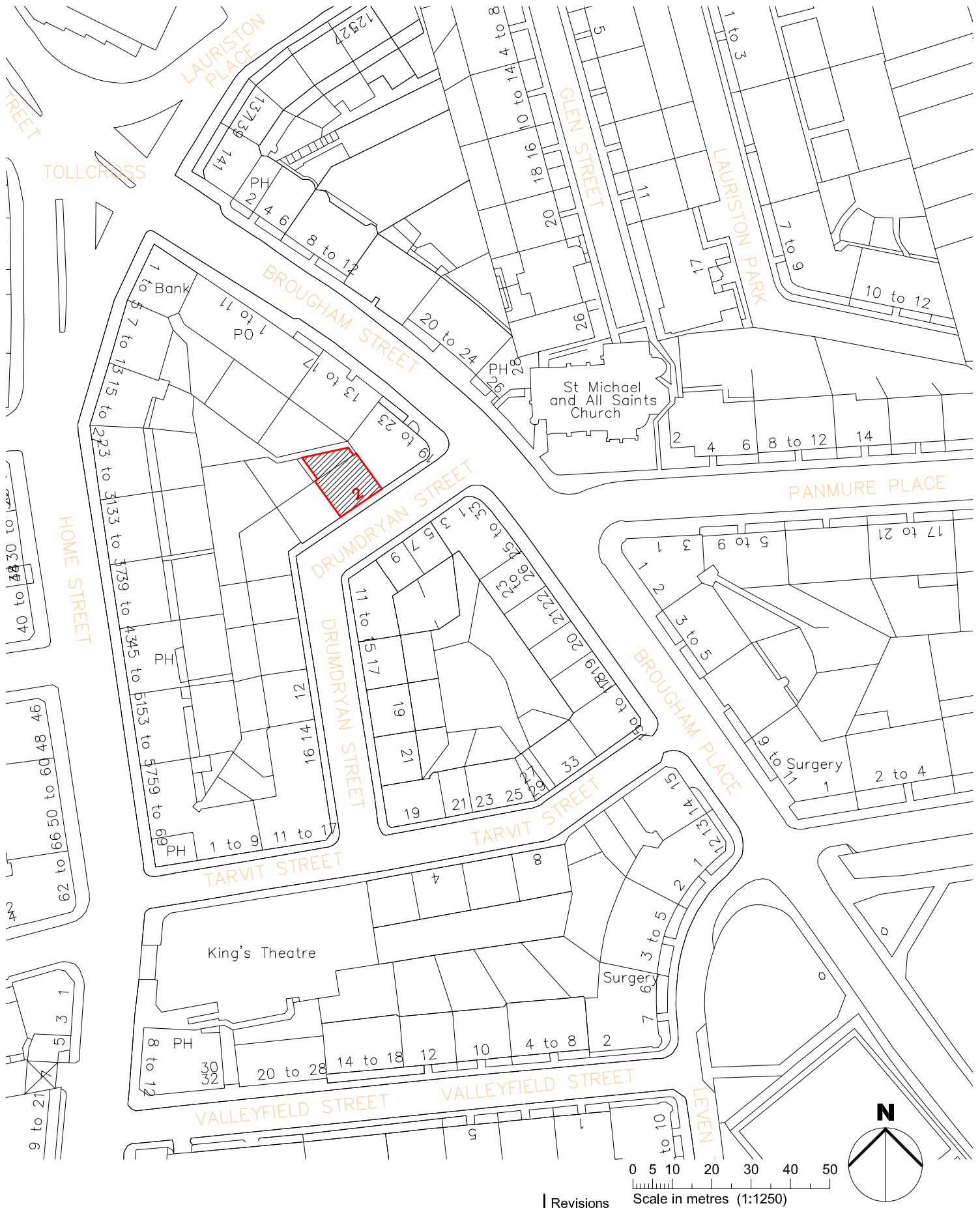
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

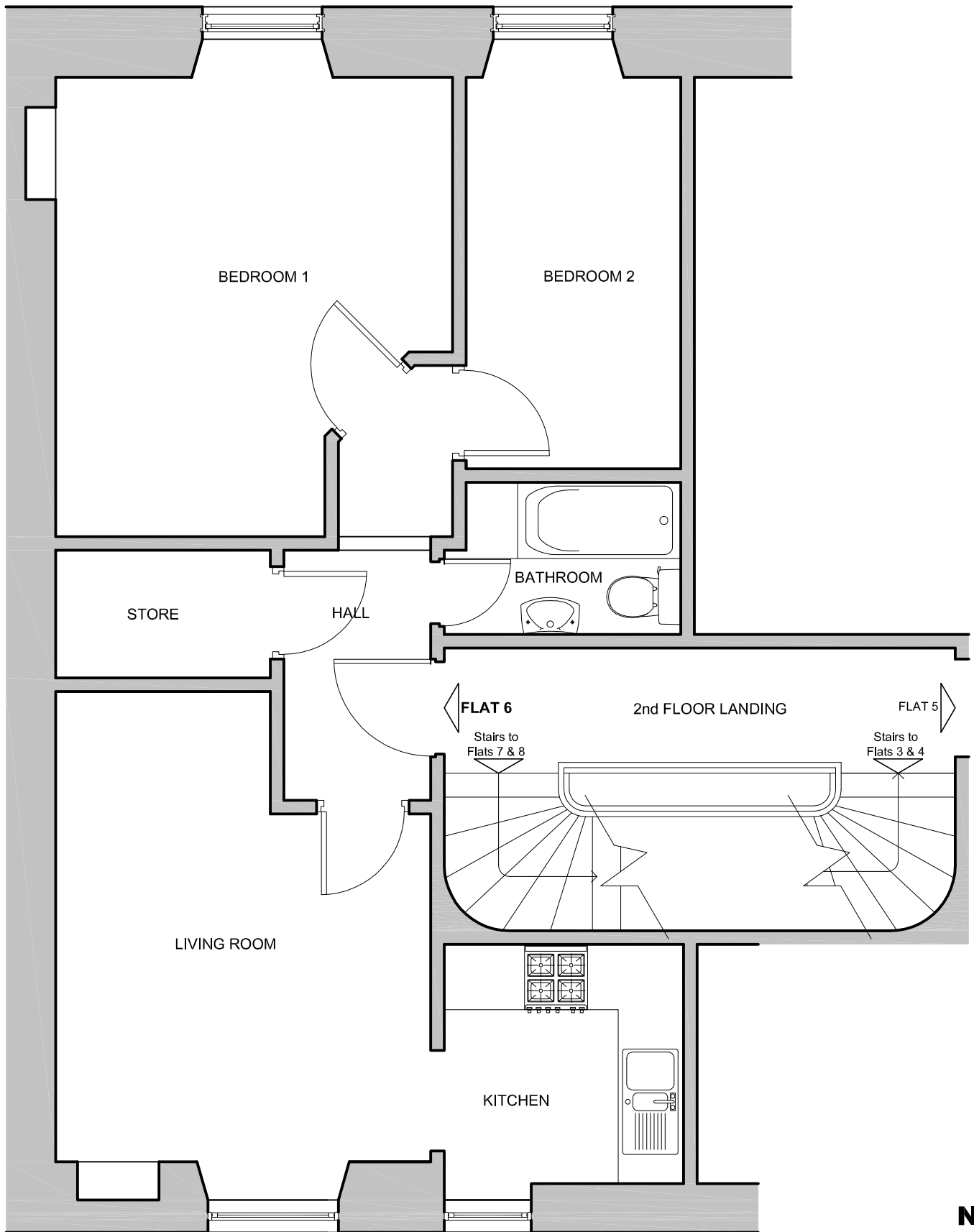
Declaration Date: 08/02/2023



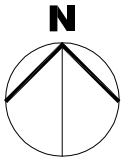
Revisions

Scale in metres (1:1250)

<p>Project</p> <p>CHANGE OF USE 2/6 DRUMDRYAN STREET EDINBURGH, EH3 9LA Mr & Mrs Ross</p>	<p>IC DZINE Isabella Chaussy</p> <p>49/3 West Nicolson Street Edinburgh, EH8 9DB</p> <p>Tel: 07712 585 345 E-mail: icdzine@googlemail.com</p>		
<p>Drawing</p> <p>LOCATION PLAN</p>	<p>Scale</p> <p>1:1250 @ A4</p>	<p>Date</p> <p>JUN '22</p>	<p>By</p> <p>ILC</p>
	<p>Job No</p> <p>22-001</p>	<p>Drawing No</p> <p>01</p>	<p>Rev</p> <p>-</p>



0 0.5 1.0 1.5 2 2.5 3.0
Scale in metres (1:50)



Project	CHANGE OF USE 2/6 DRUMDRYAN STREET EDINBURGH, EH3 9LA Mr & Mrs Ross		IC DZINE Isabella Chaussy	
			49/3 West Nicolson Street Edinburgh, EH8 9DB	Tel: 07712 585 345 E-mail: icdzine@googlemail.com
Drawing	FLOORPLAN EXISTING AND PROPOSED		Scale	By
			1: 50 @ A4	JUN '22
		Job No	Drawing No	Rev
		22-001	02	-

Appeal 100609611-001 Received

noreply@scot.gov.uk <noreply@scot.gov.uk>
Reply-To: noreply@scot.gov.uk
To: icdzine@googlemail.com

7 February 2023 at 07:15



Appeal 100609611-001 Received

ePlanning Scotland Reference: 100609611-001

Dear [REDACTED]

Your appeal has been received by the Directorate for Planning and Environmental Appeals (DPEA). They will now carry out a check to ensure that the information submitted is in accordance with the statutory regulations. Once the checks are complete the DPEA will confirm that they are satisfied and issue you with further instructions. After you have received this confirmation you will be able to track the progress of your appeal via the DPEA website -- <http://www.dpea.scotland.gov.uk/Default.aspx>

You do not need to contact the DPEA at this stage, but if you do have any queries regarding your application please contact them directly.

This email has been sent from the ePlanning.scot Applications and Appeals System. This e-mail and any attachments are private and confidential. If you are not the intended recipient of this e-mail, any disclosure, copying, distribution or use of its contents is strictly prohibited. Please contact the eDevelopment Support Desk on 0131 244 1450 immediately and then delete it (including any attachments) from your system. All emails and attachments are virus scanned. It is your responsibility to ensure that any onward transmission, opening or use of this message and any attachments will not adversely affect your or the onward recipients' systems or data. Please carry out such virus and other such checks as you consider appropriate.

P04 – STATEMENT OF APPEAL

SITE: 2/6 DRUMDRYAN STREET, EDINBURGH, EH3 9LA

Original application ref.: 22/03667/FUL

This statement of appeal is laid out in two parts:

- I. OTHER MATTERS THAT SHOULD BE TAKEN INTO ACCOUNT WHEN CONSIDERING THE INDIVIDUAL MERITS OF THIS APPLICATION
- II. A REBUTTAL OF THE CONCLUSION SET OUT ON PAGE 4 OF THE REPORT OF HANDLING

PART I OTHER MATTERS THAT SHOULD BE TAKEN INTO ACCOUNT WHEN CONSIDERING THE INDIVIDUAL MERITS OF THIS APPLICATION

- The property has operated as a short term rental for the last 5 years yet no objections have been raised by any of the residents living in the tenement.
- There have never been any complaints raised to Environmental Health and/or Police Scotland as a result of the behaviour of any guest allowed to stay in the property
- It is the only property to operate as a short term let in the building so there is no oversaturation. This is the only property owned and operated by the applicant unlike other landlords owning and operating multiple properties across the city
- The number of objections presented in the Report (six) is completely immaterial in terms of the number of properties and residents in the area, suggesting that the majority of the population affected by the proposal do not see any material threat to the residential amenity.
- Many of the statements made regarding the possibly anti-social behaviour and disregard of amenities by short term visitors do not appear to give any consideration to the fact that guests are reviewed following their stay and any rule breaks or disrespectful behaviour are made public and therefore directly affect their ability to make bookings in the future. It is therefore in the guests own interest to treat the property, private and communal areas, as if it were their own; which to date has always been the case. Should a guest ever cause inconvenience to any of the neighbours, removal from the premises at short notice would be possible, which would not be the case for long term tenants misbehaving.
Every visitors, who is given permission to book and stay at the property, is expected to meet certain criteria, such as length of membership on accommodation site, number of verifications for members identity and most of all reviews by fellow hosts, to minimise any risk of nuisance behaviour.
- The accommodation offered by the applicant is very much in demand (offering property diversity and an economically important alternative to hotel accommodation). It constitutes a viable business that can also be seen to be of material benefit to the long term residents in terms of the custodian role played in managing and maintaining the property and the tenement as a whole

together with the ethos of remaining a good neighbour with the utmost regard to the general wellbeing of all the residents.

- The business model actively supports other local businesses with the property providing a higher ratio per property of expenditure in cafes, theatres, independent food retailers etc. Supporting this economic activity benefits all residents and protects against fundamental changes to the neighbourhood and the potential loss of businesses that contribute to the overall enjoyment of the area and during the current period of economic uncertainty.
- Lastly ,while it is accepted that there is an argument that respectful operation and management of the property as a rental cannot be guaranteed in perpetuity, as the property could be sold to someone with less respect towards the local community. However, this could be addressed with the introduction of, as part of the ongoing changes in governance for short term rentals, something like a non-transferable clause, similar to alcohol license holders, which would see the property revert back to residential upon sale of the property and requiring a new application to be made to resume operations as a rental.

PART II A REBUTTAL OF THE CONCLUSION SET OUT ON PAGE 4 OF THE REPORT OF HANDLING

The conclusion stated on page 4 states:

“The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion. “

Pages 3 -4 of the Report of Handling (the Report) makes the following statements in support of the claim that the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. The use of the words “could” and “may” should be noted. Comments by the applicant are noted in italics immediately below each piece of text extracted from pages 3 – 4.

1. “There is also a communal garden associated with the property which creates further opportunities for disturbance.”
No evidence (actual or potential) of disturbance in the communal garden is presented. To date no issues have been raised by any of the occupants of the tenement or their neighbours relating to disturbance in the communal garden. The current garden was renovated by the applicant, after moving out of the property and using it as a short term letting business, turning a decades old dumping ground into an area that can be, and is frequently, used by all residents and benefits neighbours by the removal of an eyesore clearly visible from their rear windows.
2. “The proposed two bedroom short stay use would enable four or more related or unrelated visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents.”
No evidence is provided to establish a material dissimilarity between the arrivals and stays of short term visitors and permanent residents. Shift workers, students, extended families, fast food (and other) deliveries etc will

exhibit a variety of patterns in arrivals and visits to the shared stair. Short term visitors in this size of property will be unlikely to be entertaining and will be more likely to spend more time out of the property using restaurants attending events and entertainments.

3. "There is also no guarantee that guests would not come and go frequently throughout the day and night"

*No evidence is provided to establish a **material** dissimilarity between the comings and goings of short term visitors and permanent residents (see above).*

4. "transient visitors **may** have less regard for neighbours' amenity than long standing residents"

No evidence is provided to restrict or place greater emphasis on the possibility of low regard for neighbours' amenity from transient visitors. Sadly the state of the refuse and overflowing communal bins on the street, graffiti and seriously neglected communal gardens suggest a high level of disregard for neighbours' amenity displayed by a not insignificant number of permanent residents. In contrast there is a strong business reason for the applicant to respond quickly to any issues relating to the amenity and to ensure that all communal areas/facilities are maintained to a standard higher than would necessarily be expected of permanent residents whether home owners or landlords.

Issues that arise with short term visitors can be dealt with very quickly when the letting takes place in the context of a well-established business model the success of which depends on creating a high quality visitor experience. In this case the applicant uses professional property managers who are constantly available. The applicant maintains very good and active relationships with the residents and lives within walking distance of the property. The applicant has ensured that essential repairs have been carried on the common stairwell.

5. "This would be significantly different from the ambient background noise that residents might reasonably expect"

Details are not provided of what the ambient background noise that residents might reasonably expect would consist of and no studies are quoted to support a claim of significantly different ambient noise created by short term let visitors. The property is not situated in a quiet residential area. It is surrounded by numerous late night entertainment venues and is bordered by very busy roads. The permanent residents consist of a very diverse group many of whom will themselves be transient (eg students). Key workers with varying shift patterns, young children and babies, while contributing to a vibrant neighbourhood, will also contribute to diverse patterns of ambient background noise.

6. "The location of the property being within an enclosed stairwell creates a situation where such a use would instead bring additional noise and disturbance immediately outside the other properties in the stair as well as in the residential street and the communal garden."

No specific evidence or studies are presented to substantiate this assertion and it is not clear how short term let visitors would create a material additional noise in addition to that already present in the environment of an inner city tenement building supporting a very diverse resident base.

7. "This could also pose a risk to security to other residents"

No specific details are provided to support the potential increased risk. It is not clear how short term let visitors would create a material additional security risk in addition to that already present in the environment of an inner city tenement building supporting a very diverse resident base.

8. "Scottish Planning Policy encourages a mix of uses in town centres.....However, the promotion of mixed uses has to be balanced with the need to ensure residential amenity is protected. In this case, there is likely to be a negative impact on residential amenity."

No specifics are provided here and the assumption is that this is covered by the arguments listed above. No firm evidence of a negative impact on residential amenity has been provided

To summarise the rebuttal of the arguments set out in pages 3-4 of the Report, all of the factors stated as material considerations for refusing the application can and should be applied to the challenges arising from a very diverse demographic living in a densely populated inner city area.

There is a strong business reason for the applicant to deal with matters swiftly which can be in sharp contrast to the issues that long term residents can encounter with absentee landlords or property owners when issues arise or when long term residents demonstrate a less than optimal, regard for neighbours' amenities. In short this is a clear case of a balanced mixed use of the property providing significant benefits to the residential amenity with a small commercial component (one out of eight flats) actively supporting and fostering good relationships with its neighbours. It is easier for a business which has resources and skill sets beyond that of many residents to maintain high standards and step in and sort out problems which is greatly to the advantage of the residents as well as the business.

100609611-001 has been received

noreply@scot.gov.uk <noreply@scot.gov.uk>
Reply-To: noreply@scot.gov.uk
To: [REDACTED]

6 February 2023 at 21:45



100609611-001 has been received

ePlanning Scotland Reference: 100609611-001

Dear Isabella Chaussy,

Your appeal has been successfully submitted by means of the ePlanning Scotland Site. Your online reference number is 100609611-001, which you should keep safe for your records. Your appeal will now be sent to the Directorate for Planning and Environmental Appeals who is responsible for processing your appeal. You will receive a confirmation email once it has been received.

If you do not receive this confirmation email within the next four days, please contact the Planning Authority directly using the contact details below.

Your application will be deleted from our database, not the councils, 90 days after submission so you may wish to save a copy for your own records.

General Data Protection Regulation states in Article 5(1)(e) that "Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation')".

Submission Details

Online Reference **100609611-001**

Title **Appeal to CoU for Short Term Let**

Authority Name **Planning and Environmental Appeals Division**

Authority Address **Hadrian House Callendar Business Park FALKIRK Stirlingshire FK1 1XR**

Authority Telephone **0300 244 6668**

Authority Fax **0131 244 8990**

Authority Email Address **DPEA@gov.scot**

Agent Name

Applicant Name **Isabella Ross**

Location **2F2, 2 DRUMDRYAN STREET, TOLLCROSS, EDINBURGH, EH3 9LA**

Date Submitted **06/02/2023**

Attachments

Name Type Size

22_03667_FUL_Original Supporting Statement	Attached	35.2 Kb
22_03667_FUL_Original Application Form	Attached	97.2 Kb
22_03667_FUL_Handling Report	Attached	87.8 Kb
22_03667_FUL_Decision Notice	Attached	87.0 Kb
22_03667_FUL_02__Floorplan	Attached	87.2 Kb
22_03667_FUL_01__Location Plan	Attached	104.9 Kb
Statement of Appeal	Attached	83.0 Kb

Fees

There was no fee for this submission.

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Any personal data that you have provided in using the eDevelopment.scot service will be processed in accordance with Data Protection legislation. Further information is available in our [Privacy Notice](#)



Telephone: 01312448263

E-mail: [REDACTED]

Ms I Ross
IC Dzine
49 West Nicolson Street
Flat 3
Edinburgh
EH8 9DB

Our ref: PPA-230-2406
Planning Authority ref:22/03667/FUL

8 February 2023

Dear Ms Ross

**PLANNING PERMISSION APPEAL: 2F2 2 DRUMDRYAN STREET EDINBURGH EH3
9LA**

Thank you for the appeal form and supporting information that was received in this office on 6 February 2023. The appeal has now been checked in line with The Town and Country Planning (Appeals) (Scotland) Regulations 2013, and I must inform you that it should have been sent to a Local Review Body.

The planning authority should have advised you which is the appropriate route to challenge in relation to your planning application. On this occasion you should have lodged your appeal with the Local Review Body.

Further information on seeking a local review can be found in Circular 5/2013 <http://www.gov.scot/Publications/2013/12/8902/0>, or alternatively contact City of Edinburgh Council, the planning authority who dealt with your original application.

We collect information if you take part in the planning process, use DPEA websites, send correspondence to DPEA or attend a webcast. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/) - <https://beta.gov.scot/publications/planning-and-environmental-appeals-division-privacy-notice/>.

A copy of this letter will be sent to the planning authority, for information.

I trust this explains the position.

Yours Sincerely

[REDACTED]

REBECCA DAVIDSON
Case Officer
Planning And Environmental Appeals Division

Follow @DPEAScotland

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 100588557-001

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)

Application for Change of Use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis)

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/04/2018

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The property has been operating as a short term let for a few years. Change of Use is now being sought due to the recent changes in legislation

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="Ms"/>	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="Isabella"/>	Building Number:	<input type="text" value="49"/>
Last Name: *	<input type="text" value="Chaussy"/>	Address 1 (Street): *	<input type="text" value="West Nicolson Street"/>
Company/Organisation	<input type="text" value="IC Dzine"/>	Address 2:	<input type="text" value="Flat 3"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH8 9DB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

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="2F2"/>
Address 2:	<input type="text" value="2 DRUMDRYAN STREET"/>
Address 3:	<input type="text" value="TOLLCROSS"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH3 9LA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672873"/>	Easting	<input type="text" value="324991"/>
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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:

51.00

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)

The property is currently already used as a short term let but it's use classification is still residential domestic at the moment. The application seeks to formally designate the property as short term let (sui generis)

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)

Provisions for collection of waste and recycling are as existing (on street) and the application does not propose to make any changes to the existing set up

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: Ms Isabella Chaussy

On behalf of:

Date: 25/07/2022

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 principal 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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Ms Isabella Chaussy

Declaration Date: 25/07/2022

IC Dzine.
FAO: Ms Isabella Chaussy
49 West Nicolson Street
Flat 3
Edinburgh
United Kingdom
EH8 9DB

Decision date: 7 November 2022

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

Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).
At 2F2 2 Drumdryan Street Edinburgh EH3 9LA

Application No: 22/03667/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 19 July 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 LDP 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.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Stephanie Fraser directly at stephanie.fraser@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

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

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

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Report of Handling

Application for Planning Permission 2F2, 2 Drumdryan Street, Edinburgh

Proposal: Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (sui generis).

**Item – Local Delegated Decision
Application Number – 22/03667/FUL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application refers to a second floor flat within a 4 storey tenement. The property is accessed from a communal stairwell and comprises 2 bedrooms, a living room, kitchen and bathroom and a shared communal garden.

The property is located on a predominantly residential street in the mixed use area of Tollcross. There are a number of short term lets already operating on the street among the residential properties. The property is only a short distance from the amenities of Home Street, Earl Grey Street and Lauriston Place and is readily accessible by public transport. The surrounding area comprises a wide range of uses, including shops, cafes, restaurants, hotels and public houses, and it is a vibrant and bustling area.

Description Of The Proposal

Application for change of use (retrospective) from residential domestic to residential commercial to operate as short term let (STL) (sui generis).

Supporting Information

A supporting statement has been provided.

Relevant Site History

No relevant site history.

Other Relevant Site History

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 7 November 2022

Date of Advertisement: 5 August 2022

Date of Site Notice: 5 August 2022

Number of Contributors: 6

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- 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 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 Delivering the Strategy Policy Del 2
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory 'Guidance for Businesses' is a material consideration that is relevant when considering Policy Hou 7.

Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short term lets is LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses sets out a number of criteria that are considered in an assessment of the materiality of a change of use of dwellings to a short term let:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The property is accessed through a communal stair and is located on a predominantly residential street. The use of the property as a short term let would likely introduce an increased frequency of movement to the street and stairwell at unsociable hours. This will result in direct interaction between users of the short term letting accommodation and long term residents of the neighbouring residential properties. There is also a communal garden associated with the property which creates further opportunities for disturbance. The proposed two bedroom short stay use would enable four or more related or unrelated visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents.

There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect. The location of the property being within an enclosed stairwell creates a situation where such a use would instead bring additional noise and disturbance immediately outside the other properties in the

stair as well as in the residential street and the communal garden. This could also pose a risk to security for other residents.

Scottish Planning Policy encourages a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. The site lies within the City Centre and LDP Policy Del 2 reflects SPP by stating it supports a use or a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. However, the promotion of mixed uses has to be balanced with the need to ensure residential amenity is protected. In this case, there is likely to be a negative impact on residential amenity.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP Policy Hou 7.

Parking standards

There is no vehicle parking and no cycle parking associated with the property. This is acceptable in this location and there is no requirement for cycle parking for short term lets. Bicycles could be stored within the property if required.

The proposals comply with Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion.

b) 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 does not comply with all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development.

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

Six objections have been received including one from the community council.

A summary of the representations is provided below:

material considerations

- Negative impact on residential amenity (noise, frequency of movement, disturbance, security). Addressed in a) above.
- Increased waste and refuse. A waste strategy should be agreed between applicant and CEC's Waste Services.
- Negative impact on local community. Addressed in a) above.
- Parking issues. Addressed in a) above.
- Overcrowding in the associated property. Addressed in a) above.

non-material considerations

- Encourages anti-social behaviour. This is a matter for Police Scotland.
- Poor attitude of users. Not a material planning consideration.
- Negative impact on mental health of neighbours. This is a public health issue and not a material planning consideration.
- House prices/rents will rise. This is a commercial consideration not covered by planning policy.
- Negative impact on fair housing accessibility and scarcity. This is not a material consideration under the current LDP. 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.
- Over-concentration of STLs in Tollcross. Each application has to be considered on its individual merits.
- Maintenance concerns of shared front door. This is not a material planning consideration.
- Inordinate amounts of water usage (increased toilet flushing/shower and handbasin usage/laundry requirements). This is not a material planning consideration and is controlled by building standards.

Conclusion in relation to identified material considerations

These have been addressed.

Overall conclusion

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP Policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to LDP 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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 19 July 2022

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephanie Fraser, Assistant Planning Officer
E-mail: stephanie.fraser@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

P03 - SUPPORTING STATEMENT

SITE: 2/6 DRUMDRYAN STREET, EDINBURGH, EH3 9LA

This application is to change the use of the application property from domestic - residential to domestic commercial occupation.

The property is located on the second floor of a three storey building accessed from a communal stairwell. The building is not listed and it is not located in any Conservation Area. This application proposes no changes to the existing internal layout or facades of the property.

We are a young family who has lived in the property for more than 10 years before having to move to accommodate our growing family. Both of us being self-employed, we've been extremely lucky to have been able to hold on to this property following our move, especially as the income generated from letting it has been, and continues to be, invaluable in supporting us during long period of reduced income following Covid, the birth of our child and now the ever increasing cost of living.

We're always very selective of the guests we allow to stay in the property and we're in good contact with the other property owners in the building, in particular the ones directly above and below us, to promptly deal with any concerns they might have, either during or after a guest's stay, or should any maintenance issues arise! We are very invested in the property and we continue to play an active part in the upkeep and improvement of not just the property but the building itself. We have organised and set up a landlord committee and bank account for any shared repairs or maintenance works and we have recently invested our time and money doing up the garden for use by all tenants after it had been used as a dumping ground and left to go wild for a long time.

To date we have successfully made, and will continue to make, every effort to ensure there is no or minimal inconvenience to the tenants or property owner whilst providing convenient and affordable accommodation for visitors exploring the city and contribute to its economy.