

Sarah Forsyth

From: [REDACTED]
[REDACTED] 31 March 2023 19:52
To: Local Review Body
Cc: [REDACTED]
Subject: FW: Planning Application 22/04909/FUL

Follow Up Flag: Follow up
Flag Status: Flagged

To: localreviewbody@edinburgh.gov.uk

Subject: Planning Application 22/04909/FUL

Re. Planning Application 22/04909/FUL

Mr Stevenson
Flat 20- 89 Holyrood Road Edinburgh EH8 8BA
Change of use from private residential to short term commercial letting

Dear Local Review Body,

I would be very grateful if my objections (as stated below) to the above planning application appeal could be taken into account at the planned Local Review Body meeting on 3/5/23.

89 Holyrood Road is a residential building comprising 79 flats. There are 2 designated commercial properties attached to the building, (a dentist and a design company) but for the residential flats the Land Register Title deeds (MID15278) clearly state that "each dwellinghouse shall be used and occupied for PRIVATE residential purposes only " - section 4..1

Furthermore the title Deeds state " The proprietors of Dwellinghouses are expressly prohibited from carrying on therein or therefrom any trade, business or profession which involves the receipt or delivery of goods or persons visiting a Dwellinghouse. " - section 4.8.

When I purchased my flat in 2001; it was made very clear to me prior to purchase, that the flat could not be used for short-term letting as it was a residential property.

Unfortunately contrary to the stipulations mentioned above in the title Deeds, many properties have been used for short- term letting, and residents are becoming increasingly affected by noise and disturbances related to these short term lets. Some areas of the building now appear to be run as an unofficial apparthotel, with the extent that residents are being subject to continual noise and damage to the fabric of the building. Visitors of short term lets are generally unaware of refuse disposal and recycling facilities in the building to the extent that bagged rubbish is often left lying in communal areas, which has to be removed by residents.

Most flats have balcony areas which are increasingly used by occupiers of short term lets for drinking and partying often very late at night again creating noise and disturbance to residents.

In summary my objections to this application are

- 1) it is contrary to the Title Deeds for the property.
- 2) change of use will create loss of privacy for residents
- 3) residents will be subject to increased and further noise and disturbance if there is an additional short term letting property.

Kind regards

Neville Colegrove

89/17 Holyrood Road , Edinburgh .EH8 8BA

From: [REDACTED]
Sent: 05 April 2023 08:58
To: Local Review Body
Subject: Planning Application 22/04909/FUL

Sir/Madam,

Re. Planning Application 22/04909/FUL
Mr Stevenson
Flat 20- 89 Holyrood Road Edinburgh EH8 8BA
Change of use from private residential to short term commercial letting

This application concerns a property within a building known as The Park. I write as Chairman and at the request of the Park Owners Association Committee.

Please present the committee's unanimous objections (as stated below) to the Local Review Body meeting on 3/5/23

I refer to the reasons given for refusing the original application:-

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

I confirm this to be the case. with already observed examples from Short Term Lets being:-

1. Disturbance due to late night parties, particularly on balconies.
2. Loss of community due to the constantly changing neighbours.
3. Damage to common areas and floorings due to movement of heavy suitcases and general lack of care.
4. Rubbish being left in common areas as short term tenants are unaware of the correct disposal procedure.
5. Rubbish being dropped from balconies, particularly cigarette butts.
6. Reduced security due to keys being left in publicly accessible keysafes in the street.
7. Increased workload on our Concierges, distracting them from their proper duties.

2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and

the loss of a residential property has not been justified.

The impact on local amenity has already been demonstrated above. The Framework suggests that the only justification for granting such applications is where "the loss of residential accommodation" is "outweighed by local economic benefits". That is not the case here. In fact all the local economic effects are neutral or negative:-

1. Cost of additional cleaning and repairs.
2. Potential increase in block insurance premiums.
3. Visitors wishing to stay in this immediate areas can already do so using the Hotel in the building next door and several others nearby.

Other points to note are:-

1. The use properties at the Park for short term letting is expressly prohibited by the Deeds of Condition (Land Register Title deeds (MID15278)) which state "each dwellinghouse shall be used and occupied for PRIVATE residential purposes only " - section 4.1 and " The proprietors of Dwellinghouses are expressly prohibited from carrying on therein or therefrom any trade, business or profession which involves the receipt or delivery of goods or persons visiting a Dwellinghouse. " - section 4.8.
2. The Park is situated immediately adjacent to the Parliament building with many properties (although not this particular one) having balconies overlooking the Parliament Estate. Making such premises available for short term occupation must increase the opportunity for breaching the Parliament's security.

Regards

Richard Enoch

Chairman, Park Owners Association

9 The Park, 89 Holyrood Road, Edinburgh, EH8 8BA



Sarah Forsyth

From: [REDACTED]
Sent: 31 March 2023 16:36
To: Local Review Body
Cc: [REDACTED]
[REDACTED] Application 22/04909/FUL

Follow Up Flag: Follow up
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Re. Planning Application 22/04909/FUL

Mr Stevenson
Flat 20 89 Holyrood Road Edinburgh EH8 8BA
Change of use from private residential to short term commercial letting

Dear Local Review Body,

I would be very grateful if my objections (as stated below) to the above planning application appeal could be taken into account at the planned Local Review Body meeting on 3/5/23.

89 Holyrood Road is a residential building comprising 79 flats. There are 2 designated commercial properties attached to the building, but for the residential flats the Land Register Title deeds (MID15278) clearly state that "each dwellinghouse shall be used and occupied for PRIVATE residential purposes only " - section 4..1

Furthermore the title Deeds state " The proprietors of Dwellinghouses are expressly prohibited from carrying on therein or therefrom any trade, business or profession which involves the receipt or delivery of goods or persons visiting a Dwellinghouse. " - section 4.8.

When I purchased my flat in 2014; it was made very clear to me prior to purchase, that the flat could not be used for short term letting as it was a residential property.

Unfortunately contrary to the stipulations mentioned above in the title Deeds, many properties have been used for short term letting, and residents are becoming increasingly affected by noise and disturbances related to these short term lets. Some areas of the building now appear to be run as an unofficial apparthotel, with the extent that residents are being subject to continual noise and damage to the fabric of the building. Occupiers of short term lets are generally unaware of refuse disposal and recycling facilities in the building to the extent that bagged rubbish is often left lying in communal areas, which has to be removed by residents.

Most flats have balcony areas which are increasingly used by occupiers of short term lets for drinking and partying often very late at night again creating noise and disturbance to residents.

In summary my objections to this application are

- 1) it is contrary to the Title Deeds for the property.
- 2) change of use will create loss of privacy for residents
- 3) residents will be subject to increased and further noise and disturbance if there is an additional short term letting property.

Kind regards

Graeme Abel

Sarah Forsyth

From: [REDACTED]
02 April 2023 15:40
To: Local Review Body
Cc: [REDACTED]
Subject: RE: Planning Application 22/04909/FUL
Follow Up Flag: Follow up
Flag Status: Flagged

Sir/Madam,

Re. Planning Application 22/04909/FUL
Mr Stevenson
Flat 20- 89 Holyrood Road Edinburgh EH8 8BA
Change of use from private residential to short term commercial letting

I would be very grateful if my objections (as stated below) to the above planning application appeal could be taken into account at the planned Local Review Body meeting on 3/5/23

I refer to the reasons for refusing this application:-

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

I confirm this to be the case with examples being:-

- Disturbance due to late night parties, particularly on balconies.
- Loss of community due to the constantly changing neighbours.
- Damage to common areas and floorings due to movement of heavy suitcases and general lack of care.
- Rubbish being left in common areas as short term tenants are unaware of the correct disposal procedure.
- Rubbish being dropped from balconies, particularly cigarette butts.
- Reduced security due to keys being left in publicly accessible keysafes in the street.

2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

The impact on local amenity has already been demonstrated above.

The Framework suggests that the only justification for granting such applications is where “the loss of residential accommodation” is “outweighed by local economic benefits”. That is not the case here. In fact all the local economic effect are neutral or negative:-

- Cost of additional cleaning and repairs.
- Potential increase in block insurance premiums.
- Visitors wishing to stay in this immediate areas can already do so using the Hotel in the building next door.

In addition I would mention the security issue as this block of flats is immediately adjacent to the Parliament building with many properties (although not this particular one) having balconies overlooking the Parliament Estate.

Finally, I would also endorse all the points already made by my neighbours, which are copied below:-

89 Holyrood Road is a residential building comprising 79 flats. There are 2 designated commercial properties attached to the building, (a dentist and a design company) but for the residential flats the Land Register Title deeds (MID15278) clearly state that "each dwellinghouse shall be used and occupied for PRIVATE residential purposes only " - section 4..1

Furthermore the title Deeds state " The proprietors of Dwellinghouses are expressly prohibited from carrying on therein or therefrom any trade, business or profession which involves the receipt or delivery of goods or persons visiting a Dwellinghouse. " - section 4.8.

When I purchased my flat in 2001; it was made very clear to me prior to purchase, that the flat could not be used for short-term letting as it was a residential property.

Unfortunately contrary to the stipulations mentioned above in the title Deeds, many properties have been used for short- term letting, and residents are becoming increasingly affected by noise and disturbances related to these short term lets. Some areas of the building now appear to be run as an unofficial apparthotel, with the extent that residents are being subject to continual noise and damage to the fabric of the building. Visitors of short term lets are generally unaware of refuse disposal and recycling facilities in the building to the extent that bagged rubbish is often left lying in communal areas, which has to be removed by residents.

Most flats have balcony areas which are increasingly used by occupiers of short term lets for drinking and partying often very late at night again creating noise and disturbance to residents.

In summary my objections to this application are

- 1) it is contrary to the Title Deeds for the property.
 - 2) change of use will create loss of privacy for residents
 - 3) residents will be subject to increased and further noise and disturbance if there is an additional short term letting property.
-

Regards

Richard Enoch

9 The Park, 89 Holyrood Road, Edinburgh, EH8 8BA



[REDACTED]

Sent: 17 April 2023 20:26
To: Local Review Body
Subject: Re: Local Review Further Representations for Application No 22/04909/FUL

Hi Gina,

Thanks for forwarding those to me. My comments on these are as below:

It would look like the objections to the change of use are worded in the same format with the same points listed. They even refer to the other objections, so it is obvious that this is a coordinated campaign to halt the planning permission on this flat rather than representative of individual flat owners, there are over 100 flats in this development and so a coordinated response from 4 other flats owner (only 1 being in the vicinity of mine) is very much in the minority.

As to the points they list, I appreciate the concern about parties and loudness from people visiting the airbnb (this can also be the case with residents) - however, the management company for the property (passthekeys.co.uk) vet guests thoroughly and do not allow large groups or younger people who have parties - there is no instant book option on it (thus the lack of any complaints in 4 years as mentioned below). There is insurance in place with guardhog if there was damage to the property or communal areas - there have been 0 issues with this to date.

Furthermore, there seems to be an assumption that this is for a new short term let property, when in fact this property has been a short-term rental since September 2019 and listed as a FHL during that time (apart from a short period during the Pandemic). In that time I, nor the management company have received 0 complaints from neighbours. If there had been complaints and the rental of this flat was an issue then I would have expected to hear about that before now. I am assuming that the objections are based upon other properties that have been rented without due concern for neighbours and mine is being painted with the same brush. For example, there is no security issue with lock boxes as keys are picked up directly with the concierge, the flat is on the 1st floor and has access by a lift - so there are no heavy bags being dragged up stairs or causing damage. There is no balcony in the flat for people to hang out on and cause noise (different flats do have balconies). The flat isn't overlooking the parliament building, it is overlooking the car-park at the back of the development. There is 24 hour security and concierge at the property. The guest manual tells them directly where to place rubbish bags - but during short term stays mostly it is the cleaners who deal with the garbage. IT does provide accommodation WITH parking for those visiting the parliament a lot cheaper than any neighbouring hotels, it is in the heart of a prime tourist location - how will the fringe festival and other events cope with the loss of short-term accommodation?

Regarding the clause in the title deeds, I specifically raised this point with the solicitors when purchasing this flat as the intention was to use it as an airbnb - I was assured at the time that it did not refer to short term rentals and was more directed at running a trade business with customers. That is the specific reason I chose to go ahead with the purchase and you can see that almost immediately it has been run as a short-term rental ever since. It is my understanding and my solicitors at the time that having this as a short-term rental is not contrary to the title deeds.

In summary, I understand the concerns about noise and anti-social behaviour - however, I feel these are based on other properties that have not been managed properly and in fact most of it is from balconies which my flat does not possess - it is at the very back on the development and not facing into communal areas, the management company vets guests, there are no security issues with key boxes, and there have been 0 complaints to myself or them during 4 years of renting this property as a short-term let.

I hope this will be taken into consideration so my specific proposal isn't denied due to bad experiences from less responsible property owners. If granted I would ensure to maintain the relations with the neighbours and deal with

any issues arising immediately, making sure all licenses are in place and being a responsible host with a reputable managing company. This company has a 24/7 guest support line and I would be happy to pass this number to any neighbours with concerns so they can contact them immediately if any issue should arise.

Best Regards,

James Stevenson

On Mon, 17 Apr 2023 at 06:35, <localreviewbody@edinburgh.gov.uk> wrote:

Please See Attachedletter attached from Edinburgh City Council with regard to the local review body ref number 23/00041/REVREF.

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

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