



THE CITY OF EDINBURGH COUNCIL

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 100628211-001

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)

[X] Applicant [] Agent

Applicant Details

Please enter Applicant details

Form fields for Applicant Details including Title, Name, Address, and Contact Information.

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 8

Address 2:

27 CASTLE TERRACE

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2EL

Please identify/describe the location of the site or sites

Northing

673336

Easting

324972

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)

Proposal to use the property for short term lets

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The refusal fails to take account of the applicant's planning statement set out in his letter dated 8 February 2023 (a further copy submitted as a Supporting Document). Specifically, the area in which the property is located and its amenity cannot be said to be residential even though there are some residential properties in it. It is profoundly commercial. It is believed the decision to refuse the application is based in political considerations as distinct from planning considerations.

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)

I attach a copy of my planning statement set out in a letter dated 8 February 2023.

Application Details

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

22/04560/FUL

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

09/09/2022

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

29/03/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

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

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

The decision that the application should be refused does not appear to have taken into consideration the self-evident nature of the neighborhood and its amenity being fundamentally commercial in nature. A site inspection would render this obvious.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Ferguson

Declaration Date: 11/05/2023

**Planning Officer
PLACE, Planning & Building Standards
The City of Edinburgh Council
Waverley Court
4 East Market Street,
Edinburgh EH8 8BG**

8 February 2023

Dear Sir,

**Flat 8, 27 Castle Terrace, Edinburgh EH1 2EL
Town and Country Planning (Scotland) Act 1997 (as amended)
Reference number 22/04560/FUL
Planning statement re Revised draft National Planning Framework 4: Policy 30(e)**

Thank you for your letter dated 1 February 2023. From your letter we note that, Policy 30(e) (NPF4) states as follows:

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - (i) an unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - (ii) the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

We respond to your request for evidence as to how the proposal complies with the above policy and for that purpose adopt the above numbering as follows:

- (i) Why the proposal will not result in “unacceptable impact on the local amenity or the character of the neighbourhood or area.”**

As regards the impact on local amenity or character of the neighbourhood or area, the property is surrounded by many commercial (or at least non-residential buildings). There are shops, offices, restaurants, theatres and concert halls in close proximity to the property, not least the enormous Saltire Court which occupies about one-third of Castle Terrace and houses various large firms of solicitors and accountants (see table). Other professionals (such as architects and planning advisors) are housed in the ground floor flats all along Castle Terrace, and the large administrative building at the junction of Castle Terrace and Johnson Terrace which formally housed the Department of Health and Social Security, and it now occupied by CodeBase. There are shops and restaurants on Castle Terrace such as the Castle Terrace Restaurant Terra Marique and Wagamama and the street affords access to

the Traverse Theatre, the Usher Hall and Lyceum Theatre. (A table of such businesses is set out below.)

The Castle which looms high above Castle Terrace on Castle Rock is arguably (if not actually) the most commercial building in Scotland attracting numerous tourists, the Tattoo and the staging of various public concerts and events.

Opposite the property and below the Castle is the enormous NCP carpark. The area cannot be described as residential: it is either commercial or mixed. The property is within a building which was once a nurses home (a commercial use), having relatively recently been converted into flats. Indeed the Queens Nursing Institute (Scotland) still occupies part of the building at 31 Castle Terrace.

Every Saturday morning the few residents that remain in Castle Terrace are inconvenienced by the weekly Farmer's Market, the construction of which results in unacceptably loud intrusive noise from about 5.00 am to about 7.00 am. If this is not a nuisance to residents, it is unclear what would be. However it is a far greater loss to the amenity of a residential area, than the continued use of the property for short lets would be.

There are no schools, doctors' practices or similar characteristics of the area which would support the notion of the area being 'residential'. There is a critical shortage of on-street car parking and what parking there is very expensive.

The NCP (public carpark) occupying one full side of Castle Terrace (exacerbated by rumours that Edinburgh City Council wants to acquire the site for a massive hotel development) obviates the notion of the Terrace being 'residential', and if it is not residential, it is difficult to see that the continued use of the property for short lets could be said to result in an "unacceptable impact on the local amenity or the character of the neighborhood". If there is a residential amenity to the area, it is nominal at best. If the implementation of the proposal were to change the amenity, the change would be nominal at best.

There are numerous commercial premises on Lady Lawson Street including the massive office premises of Argyle House.

Some years ago we let the property to students and registered the property for compliance under the HMO regime as required by the new rules as they came in. There was a tendency for the students to upset our neighbours with noise in the stairwell, late night parties and loud music. Latterly (over the last five or six years) we have let the property through AirBNB on the basis of short term lets. We have enjoyed whole-hearted support from our neighbours for that change. It is believed that some flats within the building, are let on the basis of short lets. Other flats are let to students, and we disagree that such occupation is within the meaning of 'residential accommodation' as intended by NPF4.

In conclusion, the proposal to continue using the property for short term holiday letting will not result in an unacceptable impact on local amenity or the character of a neighbourhood or area, because there is no (or minimal) residential character and no (or minimal) change to the amenity.

(ii) Why demonstrable local economic benefits will significantly outweigh the loss of any residential accommodation

Actually, there will be no loss of residential accommodation in the sense that the property has not been used for five to six years for residential purposes and residential use will not resume if the proposal is declined. The reason for this is the measures recently adopted in Scotland which permit private tenants to determine the length of their tenancies and concomitant rent controls. This loss of landlord control has proved to be generically unacceptable to Scottish private landlords and the policy has backfired with private tenants suffering the highest rental costs for decades. If the proposal were to be declined the applicant would retain the property and occupy it from time to time as holiday accommodation and/or provide the property to the market otherwise than on a basis which would offend against formal regulation for short lets or residential tenancies.

Moreover, as far as local economic benefits are concerned, these can be readily demonstrated as follows:

Short-let guests come from all over the world and they love the property. If permitted to continue, we expect many more high net worth guests, who will massively support tourist spending in Edinburgh. Many of such tourists prefer to stay in short lets' style accommodation, and the area in which the property sits, is well supported by local restaurants, shops, entertainment and, of course, access to the High Street of Edinburgh, the Castle and surrounding environs. They rarely bring cars, arriving mainly by train or by air.

Assuming an occupancy rate of five persons per night for 300 days per year and an average tourist spend (other than hosting fees) of say £60 per tourist per day, the contribution of our guests to the Tourist industry in Edinburgh is close to £100,000 per annum, which directly benefits the local economy. In addition, our direct spend in the local economy for the purpose of managing the short lets business, paying for cleaning laundry repairs and improvements exceeds our receipt in hosting fees, but without which the same would not be possible. As regards improvements we are presently engaged in repairing the antiquated plumbing and heating system and extending the bathroom (see building warrant 22/01343/WARR). Last year we installed an electric boiler.

The evidence seems compelling to support the notion that there is (and will be) no loss of residential accommodation, and the property's annual contribution (the aggregate of our spend and tourist spend) to the local economy has been about £150,000. If the proposal is declined, much of that expenditure will not occur in the future to the loss of the local economy.

In conclusion, it seems obvious to us that the local economic benefits significantly outweigh the 'loss' of residential accommodation, were the proposal to be granted.

We think it is self-evident that the proposals are compliant with NPF4 Policy 30(e) but should you require any further information, or evidence of what is written in this letter, please do not hesitate to request it. The same will be provided without delay.

Yours faithfully

Craig Ferguson Jayne Anderton

List of businesses on Castle Terrace

| Number | Business name |
|--------|---|
| 1 | Wagamama restaurant |
| 2 | ERG Broadbridge Page Group Frank Knight |
| 3 | Scotia UK plc |
| 4 | Scotia UK plc |
| 4A | Hearts & Minds |
| 5 | Aitken Turnbull Architects JRW Chartered Accountants |
| 7 | Cox & Co planning consultants |
| 8 | St Mark's Unitarian Church |
| 12 | Spanish Academy |
| 13 | Cambridge House |
| 13A | Unlet self-contained office |
| 20 | Saltire Court Deloitte LLPCMS Cameron McKenna Quilter Cheviot KPMG Chartered Accountants Shoosmiths Martin Currie Traverse Dine |
| 25 | Jeffrey Crawford & Co Chartered Accountants |
| 31 | Queens Nursing Institute (Scotland) |
| 32 | Castle Terrace Restaurant |
| 36 | Terra Marique Italian Restaurant |