



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 100635490-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: Format Design

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Shona Building Name: Holyrood Business Park

Last Name: * Mackay Building Number: 146

Telephone Number: * Address 1 (Street): * Duddingston Road West

Extension Number: Address 2:

Mobile Number: Town/City: * Edinburgh

Fax Number: Country: * Scotland

Postcode: * EH16 4AP

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	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"/>	Building Number:	<input type="text" value="21B"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Strathearn Road"/>
Company/Organisation	<input type="text" value="Mclean Properties Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH9 2AB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="21B STRATHEARN ROAD"/>
Address 2:	<input type="text" value="MARCHMONT"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH9 2AB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671957"/>	Easting	<input type="text" value="325472"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Change of use from HMO to short-term let

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached appeal statement

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

Yes No

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

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

Appeal; statement

Application Details

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

22/05083/FULSTL

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

27/10/2022

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

14/04/2023

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)

To allow the members of the Local Review Body to view the application site and its environs

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Shona Mackay

Declaration Date: 12/07/2023

**LOCAL REVIEW APPEAL AGAINST REFUSAL OF PLANNING PERMISSION, 22/05083/FULSTL, FOR
CHANGE OF USE FROM HOUSE IN MULTIPLE OCCUPATION TO SHORT-TERM LETTING**

AT

21B STRATHEARN ROAD, EDINBURGH, EH9 2AB



13 JULY 2023

Format Design
Holyrood Business Park
146 Duddingston Road West
Edinburgh EH16 4AP
Tel: 0131 661 7666 Fax: 0131 659 6033
formatdesign@aol.com
www.formatbuildingdesign.com

Summary of conclusions

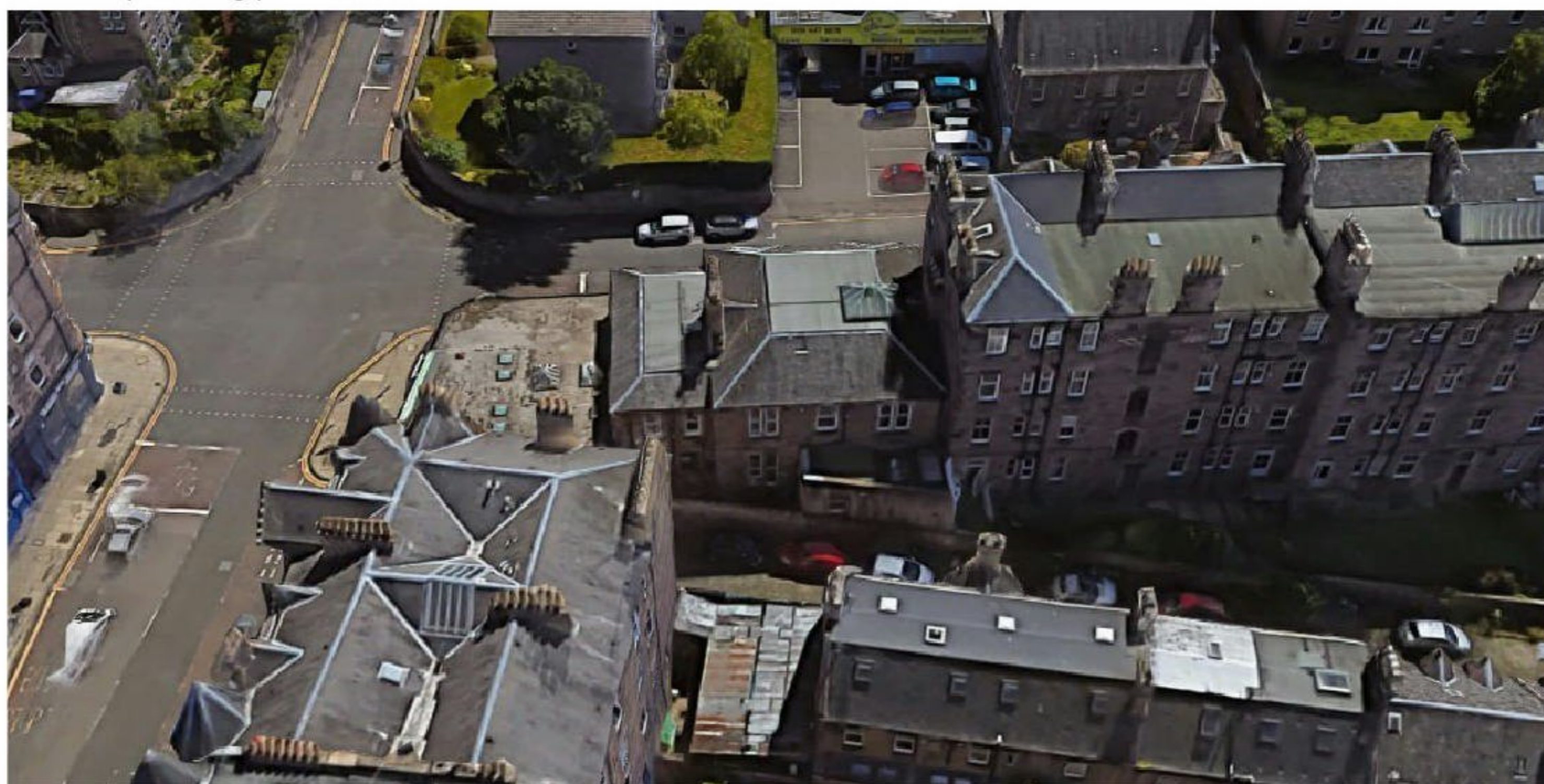
Due to the fact that this is a property within a local commercial centre, and is one that does not provide a very good level of residential amenity, it is presented here that the benefits of it operating as a commercial short term let significantly outweigh the loss of a residential property.

It is also very clear that there should be no cause to conclude that the use would be detrimental to neighbouring residential properties.

The property has operated as a commercial let for a long time now, albeit as a HMO rather than STL.

Edinburgh needs short term let properties, and the current trend is likely to see this severely disabled by the restrictive STL policies. These uses should be permitted where they can be successfully accommodated, and the characteristics of this property is such a case.

It is therefore hoped that the Local Review Body will reconsider this decision and grant planning permission.



Birds eye to rear showing lack of amenity space

There now follows the assessment that leads us to the above conclusion. This can be read in conjunction with the planning statement.

The Site

The property is in the Marchmont area of Edinburgh, a traditional tenemental residential area to the south side of the city centre, and directly south of Bruntsfield Links and The Meadows.

The property, which was a HMO, has its own direct entrance, very near to the junction of Marchmont Road and Strathearn Road.

The site is a first floor flat within a two-storey property which abuts a four storey tenement at the east end of Strathearn Road (see birds eye image below).



The decision

The reasons for refusal are:-

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.”***
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.”***

This report of handling summary states: -

“The change of use of this property to a Short Term Let will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation in this case it does not outweigh the

adverse impact on residential amenity or the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable."



The view from the street showing the main door entrance and adjacent takeaway

The appeal review response

Since the decision to refuse the application, it is of note that the recent court case relating to the licensing policy for short term lets gives significant cause to reconsider the planning policy also. In summary, *"The court found that the City of Edinburgh Council's short-term let licensing policy was unlawful at common law and in breach of The Provision of Services Regulations 2009 for a number of different reasons. Most strikingly they found that it was not for the council, as licencing authority, to decide that a licence should not be granted just because a property is in a tenement."*

This particular case relates to a main door flat above commercial property, and with no property located above. It is NOT within a tenement. Also, it already was operating as a House in Multiple Occupation. It is located within the Marchmont South Local Centre, with commercial uses at street level, including class 3 and a takeaway (see figure above).

It is of significant note that planning permission was granted previously for change of use from dwelling to house in multiple occupancy. Whilst that is still a form of residential accommodation, it is a commercial let, and one likely to be more in keeping with the character of a short term let.

Strathearn Road is a busy thoroughfare and bus route. Likewise Marchmont Road/Kilgraston Road is the same. The area around this junction is very active.



Aerial view centred on the road junction, with the property on the NW corner of the junction

The main reason for refusal is founded upon **Policy 30** of the National Planning Framework **NPF4**, on **Tourism**. This policy has the intent to “*encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland*”. It also advises at part e) that “*Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in;* -

either

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.”

Residential Amenity and Character

The property is neither above or below other residential property. It has its own main door entrance. It shares no external amenity space. It is adjacent to a residential tenement, however there is a thick stone structural wall separating the properties. The property is on a busy commercial frontage where amenity is already affected by a high ambient background noise level.

It is concluded that the change of use should give no cause for concern for the amenity of neighbouring dwellings.

The use will have no impact on the character of the area as it is a local commercial centre, and consent was previously granted as a HMO.

Loss of Residential Accommodation

The property does not offer a high quality of amenity for family accommodation due to the existing high ambient noise levels and more particularly, the lack of any external amenity space. It is a property far more suited to commercial letting, and one of the reasons a change of use to HMO was previously sought.

It is therefore argued that the loss of the residential unit is not an appropriate reason for refusal. The change of use is justified.

Also, the NPF4 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. This site is very accessible being on a cycle route and bus route. It is very well located for local services and facilities, being within a local centre, and is close to the historic heart of Edinburgh, ideal for tourists who will bring revenue to the local economy.

Residential amenity of neighbours will not be adversely affected, as concluded above. It is a mixed use area, being designated a local centre.