

EDINBURGH

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 100638553-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Amanda"/>	Building Number:	<input type="text" value="76"/>
Last Name: *	<input type="text" value="Morrison"/>	Address 1 (Street): *	<input type="text" value="Grassmarket"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Apartment 2"/>
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="EH1 2JR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

1F2

Address 2:

76 GRASSMARKET

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2JR

Please identify/describe the location of the site or sites

Northing

673407

Easting

325444

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)

I would like to request the planning authority to review our case, via Notice of Review documentation, after a refused decision notice has been recently issued (Decision date: 24 May 2023) for an application for change of use to short term let (Application No: 22/06140/FULSTL).

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 separate document entitled 'Statement of Reasons for Seeking Review (9 pages)' in the Supporting Documents section.

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)

Statement of Reasons for Seeking Review (9 pages) Original Documentation: Location Plan Floor Plan Square Meterage Planning Statement Report of Handling Decision Notice New Documentation: Appendix A Appendix B Appendix C Appendix D Appendix E Appendix F Appendix G Appendix H Appendix I Appendix J Appendix K Appendix L Appendix M (x2) Appendix N

Application Details

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

22/06140/FULSTL

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

05/01/2023

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

24/05/2023

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

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 Amanda Morrison

Declaration Date: 22/08/2023

STATEMENT OF REASONS FOR SEEKING REVIEW

We are requesting a review of the recent decision notice for change of use to short term let, which has caused a great deal of stress, upset and worry since receiving. We can fully understand the concern in the noticeable rise of key lock boxes and the possible impact on communities relating to certain poorly managed Airbnb holiday rentals. We also agree some form of regulation is required moving forward in order to stabilize the current situation. In saying that, it would seem a proportion of badly run lets are enabling the entire industry to be given a bad reputation.

We would be extremely grateful and appreciate the opportunity to be assessed and reviewed on an independent basis, taking into consideration our business' individual merits.

A bit of our personal background... My husband and I permanently reside in a studio within the Old Town, which is located in a building consisting of a mixture of short term lets; long term lets; overseas owners and also other residents. As such, we are aware of what is expected to create a good balance for everyone to live cohesively regardless of the occupier(s) of each apartment. We purchased 76/2 Grassmarket in 2015... the apartment at that time was advertised with the solicitor as a highly rated holiday let. We have since continued and operated the short term let for over eight years, creating a boutique apartment offering a personalised service with an exceptional rating. The business is my sole income and our retirement plan as a couple for the future.

We would like to request the opinion for the Local Review Body to re-assess our application, considering the above, also as per the following points below and summary, which hopefully addresses matters raised within the Report of Handling.

The apartment was already an established, highly rated holiday let when purchased in 2015 (Appendix A – Property Schedule (page 2))

Previous owners owned the property for five years (Appendix B – Home Report (page 29))

Our short term let has been successfully operating for over 8 years, since 22 June 2015, without negative impact (Appendix C – Booking.com Listing)

It is now an established boutique apartment offering a personal, well managed professional service

The apartment is only advertised on the Booking.com website

No other marketing platforms such as Airbnb are used

Rated online as 'Exceptional' (Appendix D – Booking.com Rating)

Rated 9.7 guest review rating based on 120 reviews (Appendix D – Booking.com Rating)

Rated 4 star quality awarded by Booking.com based on factors including:

- Facilities
- Size
- Location
- Service provided (Appendix D – Booking.com Rating)

A search on Booking.com displays 721 holiday apartments within Edinburgh City Centre; a further filter on 4 star apartments in the Old Town with a rating of 9+

displays 63, upon further searching only 11 properties, which includes our rental, has a rating of 9.7 or above (Appendix E – Booking.com Apartment Search)

Our apartment has the most reviews, currently 120, within this category indicating our long term commitment (7 properties out of the ten other listings have under 5 reviews)

In comparison to Booking.com, Airbnb who we are not part of, advertise over 1,000 properties within the Old Town itself (Appendix F – Airbnb Apartment Search Old Town)

Non Domestic Business Rates were established after our purchase, liability started 1 April 2016 (Appendix G – Business Rates Liability)

Solely managing the short term let has generated my only income which is relied upon financially, both currently and for the long term future

We can fully understand and appreciate certain poorly run Airbnb's are contributing to giving the short term let industry a bad reputation

In the manner we run our individual business, we feel there is no unacceptable impact to the area

In contrast we strive to promote the neighbouring community

No hen or stag guests are tolerated, stated within The Fine Print online (Appendix C – Booking.com Listing)

Accommodation guest policy is limited to maximum 2 adults or families with a maximum 2 adults / 2 children aged under 18

Vast majority of bookings are couples only, travelling internally

Minimum stay is set at 4/5 nights April to October and 3 nights during the winter period in order to minimise varying guests and luggage traffic within the stairwell upon arrival and departure, many clients stay for a longer period

Guests are assisted in carrying luggage upstairs as part of the meet and greet service

If a baggage drop off is requested prior to check in, the luggage is always stored securely within the apartment

On occasions in which the luggage requires storage after departure we inform the guest of the storage service Fes) val Stores provide located just underneath the apartment

Linen is never stored in the communal stairwell as we undertake all the cleaning
Communal area for our guests is solely the stairwell to the first floor, please note there is no shared garden

Guest awareness of mindfulness and respect for residents expressed via signage, multiple emails and personal welcome message (Appendix H – Stairwell Signage)

Quiet hours policy between 11.00pm – 7.00am stated online within House Rules and also re-iterated to guests upon arrival (Appendix C – Booking.com Listing)

Guests are made aware of recycling bins opposite apartment entrance

Refundable client deposit is returned after departure to ensure appropriate behaviour and eliminate misconduct

A heavy metal self-closing security gate is situated at the communal entrance and can only be accessed by key or apartment door entry phone (Appendix I – Security Entrance)

There is also a sensor security light installed above the gate at the entrance (Appendix I – Security Entrance)

No Smoking signs are situated both at the security entrance and within the apartment (Appendix J – No Smoking Signage (3 pages))

There is a sign in the stairwell stating no access should be given to unauthorised persons and to ensure the security gate is closed at all times (Appendix H – Stairwell Signage)

Noise levels and respect for residents is also re-iterated on the sign (Appendix H – Stairwell Signage)

There is no key lock box for our apartment as all guests are met personally for key hand over

The apartment directly adjacent to our property on the first floor is owner occupied. Please note we get on well with our neighbour, have no issues and they have not raised any objections or comments regarding our application for change of use. We have a solid relationship with all owners within the building through good communication.

We personally organise stair cleaning, gutter cleaning and general maintenance (Appendix K – Stair Cleaning Frequency)

We contribute to communal repair works to maintain the historic building

Guests generally spend the majority of their time out sightseeing and exploring the city; taking part in various tours and experiences, therefore not much time is spent in the apartment and communal areas.

As the apartment is located on the first floor there are only a small number of steps before reaching the property, minimising stair well noise.

Noise reducing damper pads are installed on the apartment door/frame.

All persons residing within the apartment block, regardless of usage, would need to utilise the communal areas to access their property.

If the apartment was owner occupied or tenanted long term, high frequency of movement could be a possibility depending on individual's lifestyles.

Mindfulness and respect of residents is expressed to guests on multiple emails, addressed on the stairwell signage and re-iterated to guests during their welcome meeting (Appendix H – Stairwell Signage)

Majority of guests tend to dine at local restaurants creating less refuse/waste in comparison to long term tenants or residents.

It is only myself and on occasions my husband that undertake the cleaning and linen changes.

No additional service company personnel have access, therefore no additional noise within stairwell.

All cleaning and maintenance is co-ordinated within normal daily working hours.

Our short term let apartment is located within a mixed use zone, which includes multiple tourist attractions; tour buses; tour groups; arts and crafts markets; street entertainment; bars and restaurants; artisan stores; office space and as such is not solely residential

Grassmarket is a key thoroughfare benefiting from significant footfall, stated in the Site Description... 'There are a mix of uses on the street and in the surrounding area including residential, office, retail, restaurants, public houses and tourist attractions' Given the UNESCO World Heritage Site, Grassmarket attracts a vast amount of tourists

In general, the Grassmarket area is more associated with tourism rather than being renowned as a quiet residential location

Local businesses greatly benefit financially from tourist expenditure

We recommend and promote surrounding restaurants, bars and attractions to guests upon their welcome arrival meeting, or prior if requested

The likelihood is tourists are prone to spending more capital than local residents within neighbouring amenities on a daily basis due to being on holiday versus working

Enforcing the Grassmarket to be purely residential would have a higher negative impact on local businesses

Tourists generate vast economic income for the local community

It is recognised that there is an economic benefit to the city from the provision of tourist accommodation, as per Report of Handling

We strive to provide a personal, professional tailor made service to guests

We offer a quality, unique boutique apartment with facilities of very high standards

We provide accommodation to couples and young families who do not wish to stay in a hotel facility

We promote tourism within the Old Town of Edinburgh

Guests are encouraged to visit tourist attractions, restaurants, bars, markets and artisan stores via recommendations, thus creating income for many venues

The short term let is my sole income which is relied upon financially, at this time as well as the look ahead to the future

Long term rental is not an option as my elderly parents, and also our daughter, stay in the apartment when they visit, utilising the kitchen facilities and other amenities provided within our property

A full-time tenant would eliminate this possibility

Hotel stays are not a viable or affordable option for them

Property situated directly above public houses/restaurants are not suitable for mortgage purposes, as is our property

This produces a very limited purchaser's demographic

Fewer people are likely to be in the position to purchase a 'starter home' outright

Typically this drastically reduces the average local buyers market aiming to become home owners in such a location
Attracts a more diverse cash buyer from outwith the locality of Edinburgh
Possibility of overseas investors
Purchasing to let may increase the average cost of long term rentals which is already extremely high within the centre of Edinburgh
Creating unaffordable housing
Does not solve the city's internal residential housing requirement
External investors would be taking revenue out of Edinburgh and not contributing to the local community and economy

Regarding personal expenditure within the economy, many trades have been engaged, not only when the apartment rental was first created in 2015, but throughout the past eight years during various renovation processes
Furnishing the entire apartment to a high holiday let standard, regular maintenance, along with the upkeep of décor to ensure the property is kept in prime condition, all contribute to spend in the economy
Frequent purchases are made in order to maintain excellent standards for guests within the rental, such as bed linen; towels; complimentary toiletries; beverage sundries and quality cleaning products
Necessary additional expenses which solely relate to short term renting occur... commission to Booking.com and PayPal; holiday let liability insurance; business rates; accountant fees; stair cleaning; window cleaning; occasional concierge, cleaning company, laundry; annual safety certificates – gas, boiler, fire risk assessment, fire extinguisher, carbon monoxide, smoke alarms, heat detectors, electrical, PAT, EPC and legionella
All usual household expenses are also made... water, sewage, gas, electricity, TV licence, TV, broadband
Within the guest information book and during the welcome meet and greet we provide recommendations and promote nearby restaurants, bars, markets, artisan stores, hop on/off buses, surrounding attractions and tours generating and contributing to local business income

Listed below is the involvement on a daily basis to enable the smooth and successful operation of the short term let:

- Fully responsible for all aspects of rental
- Website listing content / photographs
- Booking spreadsheet
- Invoicing
- Receipt of payments
- Deep cleaning of apartment after guest departure
- Linen cleaning
- Purchase of supplies and sundries
- Maintenance
- Décor
- Documentation of invoices and receipts

- Preparation of annual financial spreadsheets for accountant to submit HMRC assessment
- Complete contact with guests from initial reservation to departure:
- Upon booking, guest is contacted via a welcome email
- Deposit is then requested via secure PayPal to secure dates
- Continuous communication with guest via Booking.com messaging service, answering queries regarding arrival, parking, tourist attractions, recommendations etc
- Four weeks prior to guest arrival remaining balance is invoiced
- Refundable security deposit is requested at this time to ensure acceptable behaviour of guests is maintained
- Welcome meeting arranged
- Keys personally handed to guest
- Full departure inspection
- Deposit refunded via secure PayPal; guest emailed Transaction ID number details
- Request guest to offer online review / feedback

Given the duration of running the short term let, together with the fact that the apartment was purchased as an established, highly rated holiday let for approximately five years, I looked into the Certificate of Lawfulness. I contacted Holiday Lets / Trip Advisor, the platform being used by the previous owners for marketing their short term let, to see if they could provide archived listings and reviews, however due to Data Protection Regulations this is not possible. I can however provide history of our Booking.com listings and reviews since June 2015.

(Appendix C – Booking.com Listings) (Appendix L – Booking.com Reviews pages 1-12)

We feel that we operate a unique, personal and professional short term let to limited guests, alongside maintaining good relationships with local businesses and all owners within the building to preserve the historic site. A number of policies, house rules, limitations on number of guests are in place, along with a security deposit and additional signage to alert guests to the requirement of respectable behaviour.

As both Scottish residents and owners of a singular short term let apartment within the Old Town; we support local markets, restaurants, bars and stores personally and actively promote to clients, enhancing the income and economic growth of the neighbouring community.

The Grassmarket is situated within a UNESCO World Heritage Site and as such attracts many tourists. Given that directly opposite the apartment is the hop on/hop off bus stop for various different city tour companies, along with our building being the subject for many tour guides; whereby large groups congregate taking photographs; we feel it is fair to say that our apartment is located within a buzzy tourist area of the city. As stated in the Report of Handling, Section A Site Description, Grassmarket is classed as a mixed use zone inclusive of tourist attractions and it is also recognised there is an economic benefit to the city from tourist accommodation within the Summary. Many tourists prefer the home from home comfort, space and facilities of a private apartment versus a hotel. This is re-iterated within

our guest reviews frequently, displaying there is a requirement for a short term apartment let market accommodation visitors to Edinburgh.

I have always been proactive in communicating with The City of Edinburgh Council advising that we are operating a short term let. Back in 2015, after our purchase, Non Domestic Business Rates were registered, with liability starting on 1 April 2016. On the matter of applying for our short term let licence, I contacted Edinburgh Council on several occasions, dating back to February 2021, querying the process in which to obtain our licence. Chris McKee, Regulatory Team Leader and Lindsay Robertson, Senior Planning Officer have both been very helpful providing updated information whenever contacted.

(Appendix M – City of Edinburgh Council Email Correspondence 1 (6 pages)) (Appendix M – City of Edinburgh Council Email Correspondence 2 (2 pages))

With regards to our planning permission application comments, the objections which have been made are all from various community groups. It would appear that the general consensus from these groups is to recommend that all lets collectively are denied the permission to change their use to a short term let. As much as we understand there is a need for solutions to be created in order to regulate the market, it seems grossly unfair and derogatory to make widespread judgements with no prior knowledge of the individual and the nature of how we are running our small business. We constantly strive to operate a professional short term let with complete respect to the local community. Please note that no individual Edinburgh residents or any of our neighbours raised an objection.

When we purchased the already established, fully operational holiday let the reason was to safeguard our future. It has taken years of continual effort and work to establish our well-respected small business which has very high values and standards. In applying for our planning permission, in preparation for our short term let licence, we were full of confidence in our business approach that we would be granted change of use. There has been enormous stress and tears following the recent decision, as we operate in an extremely professional manner and in our eyes have not generated any negative impact to our local community. We have successfully managed to create and maintain harmony with owners within the tenement building and vicinity. Long term rental or selling of the apartment is not an option for family reasons. As local residents contributing to the economy, we are very much dependent on our small business.

We fully support the new legislation to obtain both change of use permission and short term let licencing in order to regulate holiday lets and provide licence numbers for marketing platforms. Upon looking at the City of Edinburgh Council Development Portal for Planning Permission STL applications, using the research filters 'City Centre, Old Town, over the past 10 years 18 Aug 13 – 18 Aug 23' it displayed only 19 applications for change of use. 13 of which have been refused, inclusive of ours; 4 withdrawn; 1 awaiting assessment and 1 office space granted.

(Appendix N – Planning Permission STL (pages 1-4))

This seems to be an incredibly small number of applications for planning, given that a Booking.com search displays 330 apartments within the Old Town and Airbnb over 1000 apartment lets in the same area. This alone raises the question on how many operators are

actually proceeding with applications. My understanding is that the change of use planning permission is a pre-requisite to applying for a short term let licence. Surely the new legislation of requiring planning approval, together with the short term let licence in order to operate, should apply to the entirety of all holiday lets at the same time, within the same application deadline date and be assessed on an individual basis once capturing all holiday lets that are currently running. Given the fact that only one application has been granted, which was for an office space, I really hope that the influx of badly managed lets is not damaging the reputation of the entire short term let industry overall. And these poorly run businesses in turn do not have an impact on determining our personal application decision.

Given our long time period operating, regular communication with Edinburgh Council regarding the new legislation, registered under non-domestic business rates, the professionalism we strive to offer and as contributors to enhancing the local economy... could we please ask that our application is reviewed and assessed on an individual basis, taking into careful consideration all of the above comments and our personal dilemma issues regarding our future.

We would hugely appreciate the opportunity to be granted permission to continue operating our small business and to enable us to move forward with applying for our short term let licence prior to 1 October 2023.

Amanda and Gary Morrison

DOCUMENTATION INCLUDED IN REVIEW APPLICATION

- Statement of Reasons for Seeking Review (9 pages)

- Original Documentation – Location Plan
- Original Documentation – Floor Plan
- Original Documentation – Square Meterage
- Original Documentation – Planning Statement 22/06140/FULSTL (2 pages)
- Original Documentation – Report of Handling (10 pages)
- Original Documentation – Decision Notice (3 pages)

- Appendix A – Property Schedule (page 2)
- Appendix B – Home Report (page 29)
- Appendix C – Booking.com Listing
- Appendix D – Booking.com Rating
- Appendix E – Booking.com Apartment Search
- Appendix F – Airbnb Apartment Search Old Town
- Appendix G – Business Rates Liability
- Appendix H – Stairwell Signage
- Appendix I – Security Entrance
- Appendix J – No Smoking Signage (3 pages)
- Appendix K – Stair Cleaning Frequency
- Appendix L – Booking.com Reviews (pages 1-12) 12 separate documents
- Appendix M – City of Edinburgh Council Email Correspondence 1 (6 pages)
- Appendix M – City of Edinburgh Council Email Correspondence 2 (2 pages)
- Appendix N – Planning Permission STL (pages 1-4)



Begin forwarded message:

Hi Amanda,

Thanks for your email. Hope you are well, too.

With regard to submitting an application, the key dates remain the same as I set out in my email of 13 August 2021. The licensing scheme for short term lets will open on 1 October 2021 to applications. Existing operators such as yourselves, will have until 1 April 2023 to submit an application for a licence. At present, we are holding a public consultation on what the Council's short term lets licensing policy should cover. You can view the proposed licensing policy and give us your thoughts at the link below:

<https://consultationhub.edinburgh.gov.uk/sfc/short-term-lets-2022-consultation-2/>

We have yet to publish our application forms, fees etc. You can sign up for email updates in relation to short term lets from the Licensing Service where we will receive information as to when and how to apply for a licence, and the information you will be expected to provide. If interested, sign up at the link below.

<https://www.edinburgh.gov.uk/licences-permits/licences-permits-applications/9?documentId=12524&categoryId=20023>

If you have any further queries, please do not hesitate to contact me.

Kind regards

Chris

Chris McKee | Regulatory Team Leader | Directorate of Place | The City of Edinburgh Council | City Chambers Business Centre G.3 | 249 High Street - Edinburgh - EH1 1YJ | Email: christopher.mckee@edinburgh.gov.uk | 0131 529 4845 |

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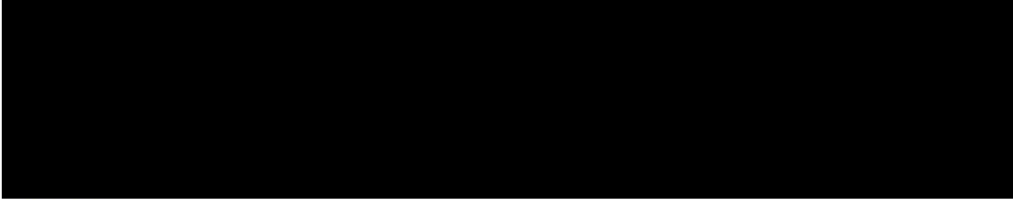
We would like to hear your views on Short Term Lets ahead of a licensing scheme commencing in October. – Click below to view the consultation let us know what you think. The consultation closes on 5 September 2022.

<https://consultationhub.edinburgh.gov.uk/sfc/short-term-lets-2022-consultation-2/>

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Hi Chris

Hope you are well.

Please see below previous email correspondence / details regarding our apartment advertised on [Booking.com](https://www.booking.com) since 2015...

With regards to the latest news regarding short term let control, could you please advise on how I can apply for a licence, many thanks in advance.

I look forward to hearing from you.

Kind Regards
Amanda Morrison

On 13 Aug 2021, at 13:40, Christopher Mckee
<Christopher.Mckee@edinburgh.gov.uk> wrote:

Hi Amanda,

Thanks for your email and hope you are well too.

At this stage there is no requirement to apply for a Short Term Lets Licence as the legislation that will mean you need to apply for a licence is still being consulted on by the Scottish Government and is yet to pass through Parliament. As things stand, new operators will not be required to apply for a licence until October 2022 at the earliest. Those who already operate premises as a 'short term let' will be given until April 2023 to apply for a licence, under current proposals.

As the legislation progresses and in the lead up to the requirement to apply for a licence coming into force, we will be updating the Council's website and social media. I would encourage you to follow our twitter account at the link below.

[@Edin_Licensing](#)

As ever if you have any further queries, please do not hesitate to contact me.

Kind regards

Chris

Chris McKee | Regulatory Officer | Directorate of Place | The City of Edinburgh Council | City Chambers Business Centre G.3 | 249 High Street - Edinburgh - EH1 1YJ | Email: christopher.mckee@edinburgh.gov.uk | 0131 529 4845 |

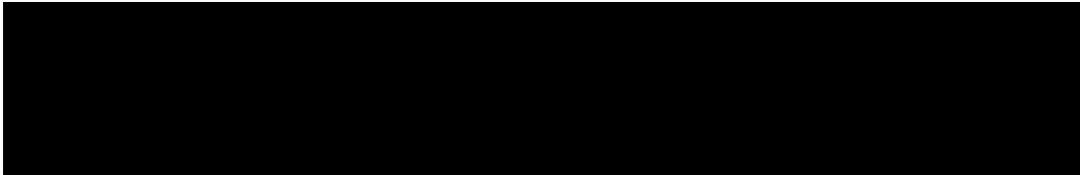
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<image001.png>



Good Morning Chris

Hope you are well.

With regards to our earlier contact in February you mentioned the Parliament was set to revisit the Short Term Licensing Scheme in June.

I have noticed a couple of articles in the news recently...

Could you please advise on the outcome and if I should now be applying for a licence.

Many thanks in advance for your advice (I have attached my original email if that helps).

Look forward to hearing from you.

Kind Regards
Amanda Morrison

Original Email:

Good Morning

Upon reading recent articles regarding holiday accommodation within

Edinburgh, I would like to enquire on how to obtain a Short Term Lets licence.

We own a property within Grassmarket which is currently marketed solely with the [Booking.com](https://www.booking.com) website, with a consistent customer rating of between 9.4 to 9.8.

Our one bedroomed apartment, which sleeps maximum four guests, has been listed for holiday visitor accommodation since June 2015... during Hogmanay and Rugby events our policy is strictly families only.

The property is managed personally with direct client contact alongside a professional concierge service who meet and greet each client.

Safety checks are regularly conducted for gas, carbon monoxide, smoke alarms, electricity and portable devices.

Looking towards the future re-opening of hospitality in the coming months we would like to be organised in advance.

In order to maintain our high standards and keep within the regulation guidelines, could you please advise on the process of gaining a Short Term Let Licence.

I look forward to receiving your guidance, many thanks in advance.

*Kind Regards
Amada Morrison*

On 19 Feb 2021, at 14:42, Christopher Mckee
<Christopher.Mckee@edinburgh.gov.uk> wrote:

Dear Amanda,

I refer to your recent enquiry with regards to obtaining a Short Term Lets Licence for your property in the Grassmarket. Your enquiry has been passed to me in order to respond.

At present, the draft legislation, which would allow the Council to introduce a licensing scheme for short term lets, has been withdrawn from Parliament by the Scottish Government. It is anticipated that this will be revisited in June, subject to the outcome of the Scottish Parliamentary elections. As such, the Council is not directly involved at this stage and no licensing system for short term lets is in place at this time.

If the draft legislation is approved in its current form by

If the draft legislation is approved in its current form by Parliament, it would mean that all short term lets in Scotland would require a licence from their respective Council. However, it is also expected that local authorities would have some discretion with regards to any licensing system along with applying any additional conditions to meet local needs. Accordingly, the Council would conduct a public consultation on any proposed licensing scheme in order to gather the views of residents and businesses within the city and take these into account when any licensing scheme is designed. As a licensing system may affect you property, I would encourage you to respond to our consultation, when it takes place.

You may find it helpful to follow the Licensing Service Twitter account where we will provide any relevant updates in relation to a licensing scheme for short term lets. You can follow the account by clicking the link at the bottom of my email. If you have any further queries, please do not hesitate to contact me.

Kind regards

Chris

Chris McKee | Regulatory Officer | Directorate of Place | The City of Edinburgh Council | City Chambers Business Centre G.3 | 249 High Street - Edinburgh - EH1 1YJ |

Email: christopher.mckee@edinburgh.gov.uk | 0131 529 4845 |

Follow us on Twitter [@Edin_Licensing](#) |

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<image001.png>

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Dear Amanda,

The Council have approved the designation of the whole council area as a short-term control area. This now requires the approval of Scottish Ministers before it can be implemented. Should this be approved notice will be given and a period of 28 days will be provided before the control area would be implemented. Once the designation comes into effect you will require planning permission to use an entire property that is not your principal home as a short-term let.

A separate licensing scheme is being established and will be consulted on during summer 2022, with the licensing scheme in place by October 2022.

You can find out more about the control area on our web page

[Proposal to designate a Short-Term Let Control Area – The City of Edinburgh Council](#)

To keep up to date on the control area and planning matters you can subscribe to our blog.

[Planning Edinburgh](#)

Kind regards

Lindsay Robertson | Senior Planning Officer (Development Plan) | Planning
| Sustainable Development | Place Directorate | The City of Edinburgh Council
www.edinburgh.gov.uk

Work days: Monday, Tuesday, Wednesday am, Friday.

Have you signed up to the [Planning Blog](#)? We will be using the [Planning Blog](#) to communicate and consult on important changes and improvements to the Planning service in 2021. Please sign up to the [Planning Blog](#) to make sure you are up-to-date.

Thank you for your support as we adapt our planning service to help deliver a swift renewal and a positive future for the city. Our office is still closed and we are working from our homes using email and other online communications. You can access our services at www.edinburgh.gov.uk/planning-building and follow the [Planning Edinburgh](#) blog for updates on our service.



Coronavirus
Covid-19

For latest updates on council services visit

www.edinburgh.gov.uk/coronavirus





Good Afternoon

We own an apartment which has been operating as a short term let, advertised on [Booking.com](https://www.booking.com) since June 2015.

With the recent change in legislation could you please advise on how to apply for the licence to continue, many thanks in advance.

Kind Regards
Amanda and Gary Morrison
]
76/2 Grassmarket
Edinburgh
EH1 1JR

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Change of use from dwelling (flat) to short term let (flat).



2F1 5 Greyfriars Place Edinburgh EH1 2QQ

Ref. No: 23/03553/FULSTL | Received: Mon 07 Aug 2023 | Validated: Mon 07 Aug 2023 | Status: Awaiting Assessment

Change of use to short term let (in retrospect).

Flat 4 4 Tron Square Edinburgh EH1 1RR

Ref. No: 23/01949/FULSTL | Received: Wed 03 May 2023 | Validated: Wed 10 May 2023 | Status: Application Refused

Change of use to short term lets (in retrospect).

Flat 6 9 Tron Square Edinburgh EH1 1RR

Ref. No: 23/01951/FULSTL | Received: Wed 03 May 2023 | Validated: Wed 10 May 2023 | Status: Application Refused

Change of use to short term let (in retrospect).

Flat 6 11 Old Fishmarket Close 190 High Street Edinburgh EH1 1RW

Ref. No: 23/01952/FULSTL | Received: Wed 03 May 2023 | Validated: Wed 10 May 2023 | Status: Application Refused

Change of use to short term let.

2F1 35 George Iv Bridge Edinburgh EH1 1EL

Ref. No: 23/01953/FULSTL | Received: Wed 03 May 2023 | Validated: Wed 10 May 2023 | Status: Application Refused

Change of use from residential to short term let (in retrospect).

2F3 46 Cockburn Street Edinburgh EH1 1PB

Ref. No: 23/01450/FULSTL | Received: Fri 31 Mar 2023 | Validated: Wed 05 Apr 2023 | Status: Application Refused

Conversion of existing language school to 7 no. serviced apartments to be operated and managed as one business. Removal of non-load bearing internal partitions and new internal fit-out.

Wallace College 12 George IV Bridge Edinburgh EH1 1EE

Ref. No: 23/01036/FULSTL | Received: Thu 09 Mar 2023 | Validated: Tue 14 Mar 2023 | Status: Awaiting decision

Change of use to short term let (in retrospect)

Flat 1 50 North Bridge Edinburgh EH1 1QN

Ref. No: 22/06415/FULSTL | Received: Wed 21 Dec 2022 | Validated: Thu 02 Feb 2023 | Status: Withdrawn

Application for change of use to short term let (in retrospect).

1F2 76 Grassmarket Edinburgh EH1 2JR

Ref. No: 22/06140/FULSTL | Received: Mon 05 Dec 2022 | Validated: Thu 05 Jan 2023 | Status: Application Refused

Short term let planning permission (in retrospect).

3F3 8 Jeffrey Street Edinburgh EH1 1DT

Ref. No: 22/06123/FULSTL | Received: Mon 05 Dec 2022 | Validated: Mon 19 Dec 2022 | Status: Application Refused

Change of use from permanent residence to a short term let.

Flat 2 255 Canongate Edinburgh EH8 8BQ

Ref. No: 22/05919/FULSTL | Received: Wed 23 Nov 2022 | Validated: Wed 23 Nov 2022 | Status: Application Refused

Change of use of residential apartment to short-term let.

13 Old Fishmarket Close 190 High Street Edinburgh EH1 1RW

Ref. No: 22/05528/FULSTL | Received: Wed 02 Nov 2022 | Validated: Wed 09 Nov 2022 | Status: Withdrawn

Change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street.

Flats 1 - 9 31A Chambers Street Edinburgh EH1 1HU

Ref. No: 22/05381/FULSTL | Received: Tue 25 Oct 2022 | Validated: Tue 25 Oct 2022 | Status: Application Refused

Retrospective change of use from Residential to Short Term Let (sui-generis).

Flat 8 58 Grassmarket Edinburgh EH1 2LJ

Ref. No: 22/05332/FULSTL | Received: Fri 21 Oct 2022 | Validated: Thu 03 Nov 2022 | Status: Application Refused

Change of Use from residential to short term let (retrospective 2018)

1F1 4 Upper Bow Edinburgh EH1 2JN

Ref. No: 22/05288/FULSTL | Received: Wed 19 Oct 2022 | Validated: Wed 09 Nov 2022 | Status: Application Refused

Application for change of use for this one-bedroom property to continue to be used as a short term let.

Flat 18 1B Grassmarket Edinburgh EH1 2HY

Ref. No: 22/O5283/FULSTL | Received: Wed 19 Oct 2022 | Validated: Wed 19 Oct 2022 | Status: Withdrawn

Change use of flat from tenanted to Air BnB.

Flat 2 38 Niddry Street Edinburgh EH1 1LG

Ref. No: 22/O5239/FULSTL | Received: Mon 17 Oct 2022 | Validated: Mon 17 Oct 2022 | Status: Application Refused

Alterations and change of use of second and third floors, currently office space, of 5 storey listed building, to form 3 No. short term let apartments.

2F - 3F 57 - 59 High Street Edinburgh EH1 1SR

Ref. No: 22/O5144/FULSTL | Received: Tue 11 Oct 2022 | Validated: Thu 10 Nov 2022 | Status: Application Granted

Change of use from residential to short term let (retrospective)

1F2 4 Upper Bow Edinburgh EH1 2JN

Ref. No: 22/O5057/FULSTL | Received: Fri 07 Oct 2022 | Validated: Fri 07 Oct 2022 | Status: Application Refused

Change of use to short term let.

Flat 11 Advocate's Close 357 High Street Edinburgh EH1 1PQ

Ref. No: 22/O4954/FULSTL | Received: Mon 03 Oct 2022 | Validated: Mon 03 Oct 2022 | Status: Withdrawn

Mrs Morrison
1F2 76 Grassmarket
Edinburgh
EH1 2JR

Decision date: 24 May 2023

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

Application for change of use to short term let (in retrospect).
At 1F2 76 Grassmarket Edinburgh EH1 2JR

Application No: 22/06140/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 5 January 2023, 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;

Reason for Refusal:-

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 property 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 4 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.

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

Drawings 01, 03, 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 complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) 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 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.

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 Lesley Porteous directly at lesley.porteous@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.

PLANNING STATEMENT FOR SHORT TERM LET 22/06140/FULSTL – 1 March 2023

My husband and I operate a short term let property within the Grassmarket. We have owned the apartment and been accepting guest bookings since 2015; the previous owners we purchased from also ran the property as a short term let.

Regarding the physical apartment, it is approximately 43 square meters, located on the first floor and has one bedroom. Annual safety checks are carried out to cover electricity, smoke alarms, heat detectors, carbon monoxide, fire extinguishers, legionella and gas. Regular maintenance is done ourselves within the apartment to ensure the property is kept in prime condition. I organise the communal stair clean for the building and keep in regular contact with the other owners; as does my husband with regards to maintenance and repairs of communal areas of the building.

Our apartment is extremely well maintained; managed entirely by ourselves and is solely advertised through the Booking.com website platform; no other channels. As far as booking reservations, we only offer accommodation for single persons, couples or families. We have a sofa bed in the living room for families booking a maximum of two children; no bookings of three or four adults are allowed. This is strictly maintained and is part of our Booking.com policies; therefore the apartment does not display availability online for guests over two adults which eliminates possibility of disruptive behaviour or misconduct. The vast majority of our bookings are international couples travelling from overseas. Our current minimum night stay is four nights, although many reservations are for a longer duration. The apartment is located on the first floor which minimises stair noise traffic when guests are arriving and departing with luggage.

I am fully responsible for our apartment vacation rental and this is my only source of income, which is relied upon financially. My husband commutes to Aberdeen for work midweek and assists in the maintenance and welcome meetings whilst in Edinburgh at weekends. I personally look after every aspect of the business and have complete contact with the guests from the moment of booking to their departure. Upon reservation I contact the guest via a welcome email, a deposit is made at this time to secure their booking. All request of payments are generated by me using secure PayPal invoicing. The guest remains in full contact using the Booking.com messaging service if they have any questions regarding arrival, tourist attractions, recommendations, parking etc. One month prior to the guest arrival I request the remaining balance payment along with a security deposit. This deposit is to ensure acceptable behaviour of guests is maintained, that they are mindful and respectful of the residents within the building and look after our apartment to a high standard.

Policies of the apartment are stated within our guest book which include quiet hours; respect for residents throughout the building; ensuring the security entrance is properly closed at all times; no smoking in the apartment or communal stairwell; where to dispose of recycling rubbish etc. Respectfulness of the building residents and quiet hours is also reiterated upon the initial reservation contact email along with the guest's arrival meet and greet.

Each guest reservation has a welcome meeting arranged in advance, in order to hand over keys personally. If in the occasional occurrence in which we cannot attend a welcome meeting personally, we have a long term agreement with a concierge company in Edinburgh who have keys to our apartment, ensuring no key box entry is required. During the meet and greet we explain the apartment facilities, emphasize the importance of security and promote the surrounding local attractions, offer recommendations for restaurants, local markets, speciality stores, established tour guides etc. We also have a guest information book within the apartment listing useful contact numbers, interesting facts on Edinburgh and it also includes our up to date safety certifications.

Upon departure a full inspection and cleaning of the property is carried out by myself; the guest deposit is then refunded via PayPal and an email sent to the guest with the transaction number details. At this stage we also ask for any feedback on their stay and if they would like to offer a review of the property on Booking.com.

Our current review score and rating is 9.7 out of 10 and has been maintained in the high nines during the eight years of operating. This number is generated by Booking.com on an annual basis based on guest reviews and covers aspects of comfort; staff; facilities; location; cleanliness; value for money; wifi; room view and bed rating.

We also have four stars awarded on the Booking.com website, which represent quality ratings based on factors including facilities; size; location and service.

In summary, we believe we offer a well established, professionally managed, boutique short term holiday let. Operating every aspect ourselves ensures the property is maintained to a very high standard and also allows guests to have contact during their stay if required. Our feedback from guests is extremely rewarding and our relationship between other owners within the building solid. We promote local Edinburgh businesses to all our guests with our recommendations at their welcome meeting and our aim is to continue offering a unique, personalised, quality service in the long term future.

Amanda Morrison
76/2 Grassmarket, Edinburgh

Report of Handling

**Application for Planning Permission STL
1F2 76 Grassmarket, Edinburgh, EH1 2JR**

Proposal: Application for change of use to short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 22/06140/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) 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 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.

SECTION A – Application Background

Site Description

The application site is a one bedroom flat on the first floor at 76 (1F2), Grassmarket. The property shares its access to the street via a communal stair with five other properties.

Grassmarket is a key thoroughfare in the city centre benefiting from significant footfall. There are a mix of uses on the street and in the surrounding area including residential,

office, retail, restaurants, public houses and tourist attractions. Public transport links are easily accessible from the site.

The application property is a category B listed building, LB28942, 14/12/1970.

The application site is in the Old and New Towns of Edinburgh World Heritage Site and the Old Town Conservation area.

Description Of The Proposal

The application is for a change of use from residential to short term let (STL) (sui-generis). No internal or external physical changes are proposed. The applicant advises that the short term let use has been in operation since 2015. Therefore the application is retrospective.

Supporting Information

National Planning Framework 4 Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 24 May 2023

Date of Advertisement: 13 January 2023

Date of Site Notice: 13 January 2023

Number of Contributors: 7

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Listed Buildings, Conservation Area and Edinburgh World Heritage Site

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 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. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

- 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.

Amenity

This one-bedroom property shares the main entrance door and stairwell with five other properties.

The applicant submitted a planning statement to address the NPF 4 policies. The statement confirms that the applicant organises communal staircleaning and repair and has a solid relationship with other residents in the stair. A deposit is taken from all guests to ensure acceptable behaviour and to encourage guests to be mindful of the other residents in the building.

There is a mix of uses in the Grassmarket and as such there is a fairly high ambient noise level. Consequently, the introduction of an STL use in this location will have no further deterioration in the amenity of the surrounding area. However, the use of this property as an STL would introduce an increased frequency of movement to the property and shared stairwell. The proposed one bedroom STL use would enable 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 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 individuals using the property as a principal home. There could also be a negative impact on community cohesion and residents' security.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further

impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise to be generated as described would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant's planning statement sets out how the short term let has been successfully managed and how the applicants promote local businesses to all guests and recommend local restaurants, markets and bars.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Car Parking

There is no off street car parking available within the site. As the site is in the heart of the Old Town car use is discouraged. The site is accessible to public transport. There is no cycle parking standards for SCVA's. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL 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. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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

A summary of the representations is provided below:

material considerations

- Negative impact on residential amenity. Addressed in c) above.
- Contradicts LDP Policy Hou 7. Addressed in c) above.
- Negative impact on city's housing stock. Addressed in c) above.
- Threatens World Heritage Site. Addressed in c) above.
- Threatens residents' security and destroys communities. Addressed in c) above.
- Increases waste. The applicant should agree a waste strategy with CEC's Waste Services.

non-material considerations

- Encourages anti-social behaviour. This is a matter for Police Scotland.
- Flats can be overcrowded. This is controlled through CEC's licensing scheme.
- Negative impact on mental health. This is not a material planning consideration.
- Over-concentration of STLs in the area. Each application is assessed on its individual merits.
- Contradicts LDP Policies Env 4, Des 1 and Des 5. These are not relevant LDP policies.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to an STL 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 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.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal

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 property 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 4 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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 January 2023

Drawing Numbers/Scheme

01, 03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

1. Information and scope of inspection

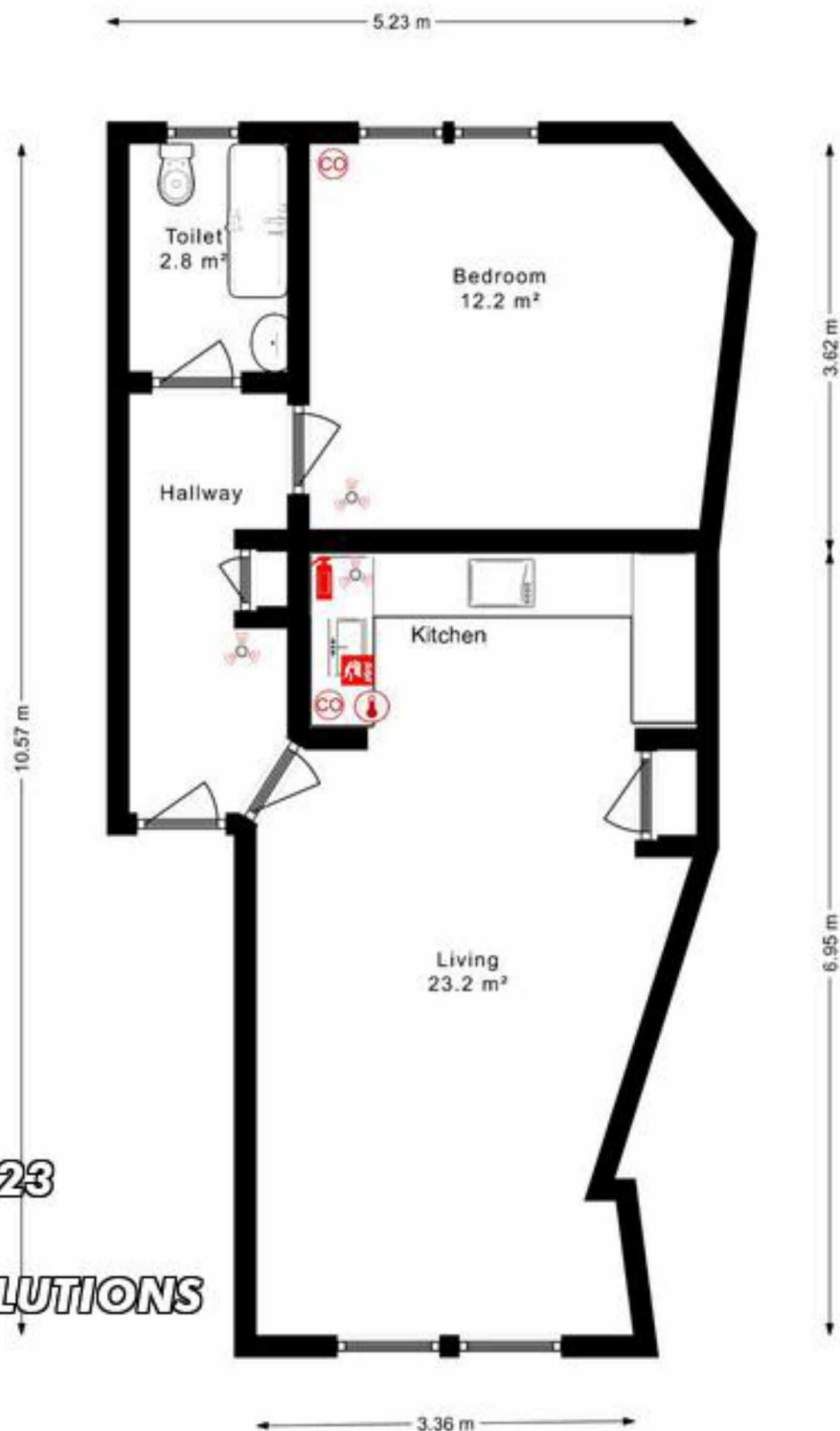
This section tells you about the type, accommodation, neighbourhood, age and construction of the property. It also tells you about the extent of the inspection and highlights anything that the surveyor could not inspect.

All references to visual inspection refer to an inspection from within the property without moving any obstructions and externally from ground level within the site and adjoining public areas. Any references to left or right in a description of the exterior of the property refer to the view of someone standing facing that part of the property from the outside.

The inspection is carried out without causing damage to the building or its contents and without endangering the occupiers or the surveyor. Heavy furniture, stored items and insulation are not moved. Unless identified in the report the surveyor will assume that no harmful or hazardous materials or techniques have been used in the construction. The presence or possible consequences of any site contamination will not be researched.

Services such as TV/cable connection, internet connection, swimming pools and other leisure facilities etc. will not be inspected or reported on.

Description	Purpose built tenement flat.
Accommodation	First Floor - Entrance Hallway, Living Room with Kitchen off, Bedroom and Bathroom
Gross internal floor area (m²)	43m ² or thereby.
Neighbourhood and location	The subjects are located in the Grassmarket area of the City Centre in a tenement containing public house premises to the ground floor (directly below the subject property). The subjects are convenient for all amenities.
Age	Originally constructed in 1634
Weather	Cloudy
Chimney stacks	Visually inspected with the aid of binoculars where appropriate. Stone construction.
Roofing including roof space	Sloping roofs were visually inspected with the aid of binoculars where appropriate. Flat roofs were visually inspected from vantage points within the property and where safe and reasonable to do so from a 3m ladder externally. Roof spaces were visually inspected and were entered where there was safe and reasonable access, normally defined as being from a 3m ladder within the property. If this is not possible, then physical access to the roof space may be taken by other means if the Surveyor deems it safe and reasonable to do so.



- Smoke detector 
- Heat detector 
- Fire extinguisher 
- Carbon monoxide 
- Fire blanket 

27th January 2023
Job #13090
EPC ENERGY SOLUTIONS



