

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 100612527-004

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:

Andrew Megginson Architecture

Ref. Number:

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

First Name: *

Andrew

Building Name:

Andrew Megginson Architecture

Last Name: *

Megginson

Building Number:

Telephone Number: *

Address 1 (Street): *

128 Dundas Street

Extension Number:

Address 2:

New Town

Mobile Number:

Town/City: *

Edinburgh

Fax Number:

Country: *

Scotland

Postcode: *

EH3 5DQ

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="17"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Fowler Terrace"/>
Company/Organisation	<input type="text" value="V7 Business 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="EH11 1DD"/>
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="17 FOWLER TERRACE"/>
Address 2:	<input type="text" value="POLWARTH"/>
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="EH11 1DD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="672478"/>	Easting	<input type="text" value="323874"/>
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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 office 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 review statement (not to be confused with 'statement' or NPF4 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)

Application form, decision notice/ letter, location plan, plans, statements, review statement and acoustician letter.

Application Details

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

23/00087/FULSTL

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

10/01/2023

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

24/08/2023

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: Mr Andrew Megginson

Declaration Date: 17/10/2023

Review Statement

Firstly we would like to point out that this application was submitted on 10th January 23, validated on the 16th January 23 and the decision was given more than 7 months after the validation date which is frustrating.

Upon receiving the refusal notice we discussed the reasons for refusal with two separate acoustic consultants and the feedback is as below;

RMP noted that they could model the effects of break-in noise from noisy people in common areas/ outside but this would say nothing about it's likelihood/ risk of occurring.

DB Acoustics noted that they did not see a major issue in relation to noise from people coming and going at all hours to the property as it has it's own main door. Furthermore, they also noted that there are no standards or assessment criteria that could be applied in this case.

We engaged DB Acoustics to specifically look into the planning application and reasons for refusal and submit a letter from them which puts forward several conditions that could be applied to a planning permission to protect the amenity of neighbouring residents.

We direct the Local Review Body to applications 19/01191/FUL and 20/01540/FUL for office to short term let applications in similar residential locations. 19/01191/FUL concluded below;

*"As the property is **accessed directly via the main street**, there will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties. Additionally, given the property will provide accommodation for 3 bedrooms, the development is not of a scale which is likely to diminish the quality of the residential environment. **Given its small scale nature, it can be concluded that it will not generate any issues with noise, disturbance and parking demand.**"*

20/01540/FUL concluded the following;

*"There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). Appeal decisions such as 20 Pirniefield Grove (CLUD-230-2003) have also indicated that the use of residential properties for short stay letting does not always constitute a change of use. **These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas***

*The application site has **direct access from the street** There will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties."*

Recently 22/01636/FUL allowed a commercial building to become 20 short term stay apartments in a residential area. 22/01636/FUL concluded the following;

"The application site is in a busy city centre street with a mix of uses as well as much residential use...

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



We also direct the Local Review Body to the numerous bed and breakfasts, guest houses, hotels and other short term lets which can be found city wide which are integrated within residential areas.

We feel the issue of noise being raised for this application is simply subjective and a negative blanket style opinion of a short term let business. We believe with appropriate conditions applied to a planning permission as per the letter from DB Acoustics that this proposal can operate without any detrimental effect to neighbouring residents.

-The application property is individually/ directly accessed from the main street through a door on the corner with the closest entrance door to a residential property being over 15m away from this. This will result in no direct interaction between the users of the short term letting accommodation and long term residents of the surrounding area.

-The application property will provide accommodation for 2 bedrooms, the development is not of a scale which is likely to diminish the quality of the residential environment.

-The application property will not have access to the rear shared garden area so will not affect any amenity here.

-There are public transport connections to the rest of the city nearby. So the development will not detrimentally affect parking demand especially with the property only offering two bedrooms for guests to stay in.

We respectfully request that the Local Review Body overturn the planning officers decision and grant full planning permission with the following conditions attached;

-Physical modifications to be carried out to the property in order to minimise noise impact on neighbours such as installing door closers to prevent doors being slammed along with replacing wood floors with carpeted or vinyl flooring.

-Installation of noise monitoring equipment within and directly out with the premises to log noise and notify the owner of any noise above a certain specified dB limit. Limits can be specified based on the time of day, with lower limits overnight.

-Prohibition on guests checking in and checking out from the short term let within a defined time period to minimise noise impact during the night. This would normally be between 11pm and 7am and can be advised to guests as part of their booking terms and conditions. Furthermore a minimum 2 night stay should be applied.

As noted within application 22/01636/FUL, anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts. The noise monitoring equipment along with a management company for the short term let will be very helpful to this regard in order to secure adequate amenity to neighbouring residents.

I trust the above is in order, should you require any further information, please do not hesitate to contact us.

Andrew Megginson Architecture



Statement

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

The planning guidelines, "Guidance for Businesses" advises, in relation to the consideration of proposals for the establishment of short term commercial visitor accommodation, regard will be had 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 number of occupants, the period of use, issues of noise, disturbance and parking demand, and
- the nature and character of any services provided.

As the property is accessed directly via the main street, there will be no direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties. Additionally, given the property will provide accommodation for 2 bedrooms, the development is not of a scale which is likely to diminish the quality of the residential environment. Given its small scale nature, it may be concluded that it will not generate any issues with noise, disturbance and parking demand. There are also public transport connections to the rest of the city nearby.

Similarly to applications 19/01191/FUL and 20/01540/FUL in similar locations we believe this proposal is acceptable and we respectfully request that The City of Edinburgh Council support this application.



DB Acoustics & Environmental Services
22 Norfolk Court
Glasgow
G5 9AQ
info@dbsound.co.uk

17th September 2023

Prepared for;

Andrew Megginson Architecture,
128 Dundas Street,
Edinburgh,
EH3 5DQ

RE: Application for proposed change of use from office to short term let at 17 Fowler Tarrace, Edinburgh (Application 23/00087/FULSTL)

dB Acoustic & Environmental Services have been approached by Andrew Megginson of Andrew Megginson Architecture to comment on the noted planning application to convert an existing office into a short term let.

The application was refused on 24th August 2023 with the reasons for refusal both being related to the potential unacceptable impact on local amenity, contrary to Local Development Plan Policy Hou 7 and National Planning Framework 4 Policy 30(e)(i).

The report of handling for the application dated 23rd August 2023 goes into more detail on the specific impacts on amenity that might be presented and relate primarily to noise caused by the increased movements associated with the property and the times of day these might occur. These are summarised as follows;

Increased frequency of movement to the dwelling at unsociable hours.

Visitors arriving and staying at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents.

No guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbour's amenity than individuals using the property as a principal home.

Increase in disturbance from the additional servicing that operating the property as a short term let might involve, however it is noted this would be of lesser impact as it is likely servicing would be conducted during the daytime.

The Scottish Government released guidance in June 2021 in relation to the licensing scheme for short term lets in Scotland, this is aimed to help licensing authorities implement a licensing scheme for short term lets. Although there are differences and additional requirements applicable to licensing as opposed to obtaining planning permission, there is crossover in several areas (such as noise) whereby conditions can be implemented on any subsequent planning permission/license to help authorities to deal with local challenges, concerns and issues specific to short-term letting.

In relation to noise specifically, the following conditions are suggested which can be imposed to minimise noise impact on neighbouring properties to short-term lets;

- I. Physical modifications to the property in order to minimise noise impact on neighbours such as installing door closers to prevent doors being slammed (this would act to reduce the noise associated with movements to/from the property).
- II. Installation of noise monitoring equipment within the premises to log noise and notify the owner of any noise above a certain specified dB limit. Limits can be specified based on the time of day, with lower limits overnight.
- III. Prohibition on guests checking in and checking out from the short term let within a defined time period to minimise noise impact during the night. This would normally be between 11pm and 7am and can be advised to guests as part of their booking terms and conditions.

Implementation of these or similar conditions could significantly reduce the impact from noise on local amenity.

Typically, noise from commercial premises would be assessed using a recognised standard such as BS4142 "Methods for rating and assessing industrial and commercial sound". In this case however there would be difficulties associated with accurately measuring such noise associated with operating a short term let. Additionally, BS4142 is only suitable for determining noise at outdoor locations and is not intended to rate or assess noise from people (and their associated movements). I am not familiar with any other standards that could be applied in this case to appropriately assess such noise.

Regards,



Allan Barbour (BSc PgDip AMIOA)
Acoustic Consultant



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

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Thank you for completing this application form:

ONLINE REFERENCE 100612527-002

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

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use from office accommodation to short term letting accommodation

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Yes No

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

- No
- Yes – Started
- Yes - Completed

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *		Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *			

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	17
Last Name: *		Address 1 (Street): *	Fowler Terrace
Company/Organisation	V7 Business Ltd	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH11 1DD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

17 FOWLER TERRACE

Address 2:

POLWARTH

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH11 1DD

Please identify/describe the location of the site or sites

Northing

672478

Easting

323874

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

99.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Office

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Provision as existing

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: V7 Business Ltd

Date: 12/01/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

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

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 10/01/2023



Good afternoon,

Thank you for this.

ii - There will be no loss of residential accommodation so this is not material.

On the other point and as per our statement we respond as follows;

-The application property is individually/ directly accessed from the main street through a door on the corner with the closest entrance door to a residential property being over 15m away from this. This will result in no direct interaction between the users of the short term letting accommodation and long term residents of the surrounding area.

-The application property will provide accommodation for 2 bedrooms, the development is not of a scale which is likely to diminish the quality of the residential environment.

-The application property will not have access to the rear shared garden area so will not affect any amenity here.

-There are public transport connections to the rest of the city nearby. So the development will not detrimentally affect parking demand especially with the property only offering two bedrooms for guests to stay in.

With the above in mind, there will be no unacceptable impact on local amenity or the character of a neighbourhood. Given its location, access arrangements and small scale nature, it is concluded that the development will not generate any issues with noise, disturbance and parking demand.

Kind regards,
Andrew Megginson BSc, MArch
Director
Andrew Megginson Architecture



-----Original Message-----

From: planning.improvement@edinburgh.gov.uk <planning.improvement@edinburgh.gov.uk>

Sent: Thursday, March 30, 2023 1:18 PM



Dear Applicant,

Please see attached correspondence.

Kind regards,
Planning Improvement and Short Term Let Team

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

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

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Andrew Megginson Architecture.
128 Dundas Street
Edinburgh
EH3 5DQ

V7 Business Ltd.
17 Fowler Terrace
Edinburgh
EH11 1DD

Decision date: 24 August 2023

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

Change of use from office to short term let.
At 17 Fowler Terrace Edinburgh EH11 1DD

Application No: 23/00087/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 16 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 term 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)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

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

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

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

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. 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)(i) 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.

Report of Handling

**Application for Planning Permission STL
17 Fowler Terrace, Edinburgh, EH11 1DD**

Proposal: Change of use from office to short term let.

**Item – Local Delegated Decision
Application Number – 23/00087/FULSTL
Ward – B09 - Fountainbridge/Craiglockhart**

Recommendation

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

Summary

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity. 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)(i) 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 on the ground floor of a four storey tenement at 17 Fowler Terrace. The property is at the corner of Fowler Terrace and Bryson Road and is currently a commercial office. It has its own access off the main street. The change of use will create two bedrooms, a lounge/dining room, kitchen, auxiliary room, shower room and WC. There is a basement level which is currently used for office storage and this will be used for linen storage. There is access to a shared rear garden.

The immediate surrounding area is predominantly four storey residential. There is a general grocer's store at the opposite corner of Fowler Terrace. There are two commercial offices at the corner of Fowler Terrace and Watson Crescent.

Description Of The Proposal

The application is for a change of use from office to short term let (sui-generis). No internal or external physical changes are proposed.

Supporting Information

National Planning Framework 4 - Planning Statement.

Relevant Site History

05/03337/FUL
17 Fowler Terrace
Edinburgh
EH11 1DD

Alterations and change of use of existing shop to form two 1 bedroom flats
Refused

7 November 2006

07/02803/FUL
17 Fowler Terrace
Edinburgh
EH11 1DD

Change of use from shop to office
Granted

2 August 2007

Other Relevant Site History

No other relevant planning site history.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 17 January 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 9

Section B - Assessment

Determining Issues

This report will 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 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 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

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

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. 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 relates to STL proposals.

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

The non-statutory Guidance for Businesses 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

The application property has its own main door access off Fowler Terrace. The character of the surrounding area is predominantly residential with a grocer's shop opposite and two offices at the south end of Fowler Terrace.

The applicant has provided a planning statement highlighting that the STL use will not impact on the amenity of the area as it has its own main door entrance, only has two bedrooms so will not attract large groups, and there will be no access provided to the rear shared garden. The statement also offers that there is a good bus service accessible from the site so there will be no impact on parking in the street.

As the area is primarily residential there is a fairly low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area. Although it has its own main door access, the use of this property as a short term let would have the potential to introduce an increased frequency of movement to the dwelling at unsociable hours. The proposed two bedroom short stay 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.

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 described above 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.

The property is currently a commercial office, therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Parking standards

There is no allocated car parking at the application property. The site is accessible by public transport within a 5-minute walk. There is no cycle parking standards for STLs. 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. There is no loss of residential accommodation. 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) (i) and LDP policy Hou 7.

b) 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 a) above.
- Negative impact on the character of the area. Addressed in a) above.
- Destroys sense of community and threatens security. Addressed in a) above.
- Negative impact on parking. Addressed in a) above.

non-material considerations

- Negative impact on housing stock. There is no loss of housing with this application.
- Bins are already overflowing. A waste strategy should be agreed with CEC Waste services.
- No mention of trees on the plan. The application is assessed on the information included on the plans.

- The basement is prone to flooding. This is not a material planning consideration as the application is for change of use.
- There are too many short term lets in the area. The application must be assessed on its individual merits.
- There are plenty hotels in the city. This is not a material planning consideration.

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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. 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)(i) 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;

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 term 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)(i) in respect of Local Amenity as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 16 January 2023

Drawing Numbers/Scheme

01, 02

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.

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Lesley Porteous

Date: 11 August 2023

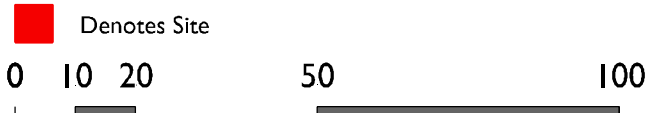
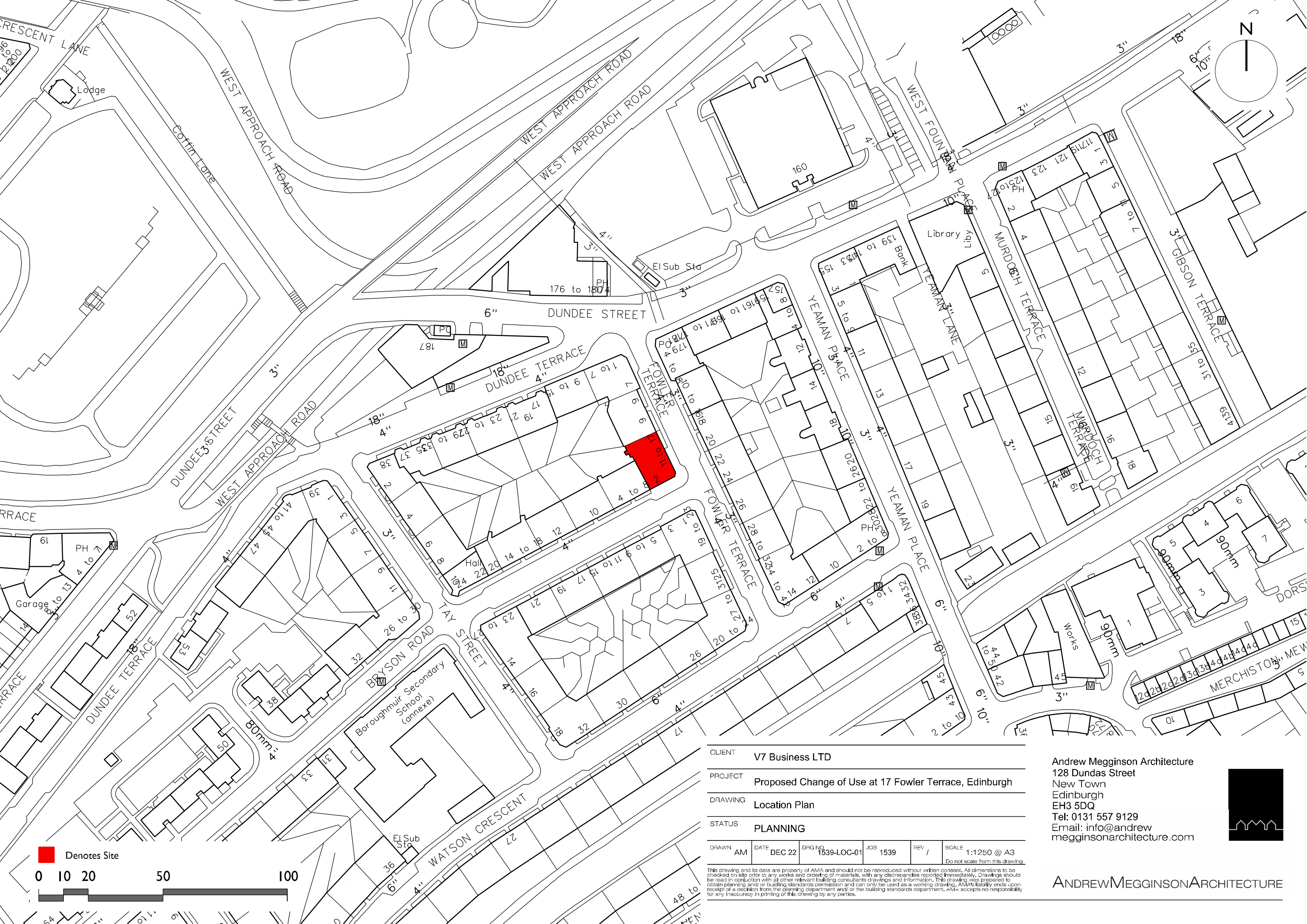
Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Elizabeth McCarroll

Date: 23 August 2023



Denotes Site

CLIENT	V7 Business LTD										
PROJECT	Proposed Change of Use at 17 Fowler Terrace, Edinburgh										
DRAWING	Location Plan										
STATUS	PLANNING										
DRAWN	AM	DATE	DEC 22	DRG NO	1539-LOC-01	JOB	1539	REV	/	SCALE	1:1250 @ A3
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