

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 100640372-002

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.

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:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	
Last Name: *	bol	Building Number:	272
Telephone Number: *		Address 1 (Street): *	Bath Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G2 4JR
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" 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="Sirin"/>	Building Number:	<input type="text" value="16"/>
Last Name: *	<input type="text" value="Zurub"/>	Address 1 (Street): *	<input type="text" value="Abbeyhill Crescent"/>
Company/Organisation	<input type="text"/>	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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH8 8DZ"/>
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="16 ABBEYHILL CRESCENT"/>
Address 2:	<input type="text" value="ABBEYHILL"/>
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="EH8 8DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674074"/>	Easting	<input type="text" value="326727"/>
----------	-------------------------------------	---------	-------------------------------------

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 Dwelling 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 refer to the attached statement

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

Yes No

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

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

Appeal statement

Application Details

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

23/03871/FULSTL

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

23/08/2023

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

05/10/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

To enable the member's to fully understand the the statement issue within the refusal

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 john bol

Declaration Date: 30/10/2023

16 Abbeyhill Crescent, Edinburgh EH8 8DZ Proposed Change of Use

Planning Appeal Statement. _



This Appeal Statement has been prepared by b3a, on behalf of the owner, Mrs Sirin Zurab, in relation to a planning application which has been refused for the change of use of this property from a dwelling to a STL.

Please note that within the Report of Handling the site description is quoted as 30 Abbeyhill Crescent.

Reasons 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) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Comments on refusal

- 1 The reason for refusal is that. “ *a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents*”

This comment is based upon the **assumption** that visitors using this facility will as quoted within the Report of Handling “ *use of this property as a short term let would have the **potential** to introduce an increased frequency of movement to the flat and shared footpath at **unsociable hours**. The proposed one bedroom short term use would enable visitors to arrive and stay at the premises for short periods 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. This could also have a negative effect on community cohesion and safety.* “

The reasons given above are, it would have to be assumed, is on the basis of larger properties, as this property has not been used as a STL previously, as this is a one bedroom main door flat with, on average 2 occupants who are holidaying in Scotland and will therefore be out most of the day enjoying the sights and sounds of their holiday and not trailing back and forth to their property as insinuated in the statement. It must also be emphasised that there is an assumption within the Report of Handling that all the local residents do not engage in anti-social behaviour and that all holidaymakers will, which is not based on reality and gives a negative impression of tourists visiting the city. The vast majority of tourists act in a reasonable manner, but unfortunately the few who do misbehave get published in the local press and social media and is vastly misrepresented throughout the city.

The Report of Handling states that an *“ increased frequency of movement to the flat and shared footpath at unsociable hours “*, again there is a presumption that tourists will be anti-social and residents not, do residents not make a noise, have parties, have deliveries of take aways, parcels and supermarket shopping at unsociable hours ?

It also states *“ The proposed one bedroom short term use would enable visitors to arrive and stay at the premises for short periods 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. This could also have a negative effect on community cohesion and safety. “*

As stated within the planning statement the minimum term for staying at this premises is 7 days, the applicant is also prepared to insist that tourists arriving and departing do so between the hours of 8:00 - 21:00 to remove the possibility of disturbance overnight. Again within the report the assumption is that the guests will be irresponsible in their behaviour and that residents are not, this is again a generalisation which is unjustified, most tourists will act in a reasonable manner trying not to invade the privacy of residents as we do as a family when we have used similar facilities all over Europe making sure we do not effect the local community cohesion and safety . I am sure some residents work late shifts, arrive late home with friends etc.

The advantage of having a properly run licence regime is that should a property have consistent issues within the local community the licence can be revoked which is not so easily done in the rented or ownership sectors.

As each application is judged upon its own individual merits, this item of refusal goes against that principle as it is taking a generalisation as a reason for refusal

2 *“ the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified “*

This one bedroom main door flat will not have any impact on the local amenities whatsoever, the local services and employment will all benefit from the tourists using these facilities and the guests will spend more over a year than would normally be attributed to a resident. In regard to the loss of a residential unit, this is on the assumption that someone working locally can afford the rent and council tax for this property which in most cases is unlikely and the root of the issue is the lack of affordable housing within the city. This property will not be coming back to the market as a rented property or for sale as the owners will, if not granted approval, use it for family members from Israel to escape the conflict over the spring and summer months.

Comments

During the consultation period for the planning application there were nine comments received from the public:

1 Objection from the Old Town Association

We assume this is a standard objection which they issue for every STL application, quoted directly from the Report of Handling and unfortunately not investigating the individual applications as they have quoted “ with heavy luggage being dragged up and down stairs “ which is not feasible in this application.

2 Objections from Eight neighbours

In basic terms the local residents who have complained have stated that they are aware of 4/7 STL properties already operating within the street, of which it seems that they are all three bedroom properties which are housing up to 10 guests, (this property is a single bedroom property housing 2/3 people) and due to the high numbers this will cause disruption, where this property is much smaller in scale and will have minimal impact on the local community.

Looking at the planning portal only two of these 4/7 properties have applied for planning approval and it has to be assumed they will also be refused permission with the remaining properties, we assume, will be closed down by the council. Therefore if this property is approved due its minimal impact on the local facilities then the number of STL units within this street will be very small proportionally.

Comments from applicant :

Noise:

The property manager would be Sirin, and she has the time available to take care of the reservations because she is not in full time employment, Sirin will meet the guests at the property, and explain to them the need to be quiet and respectful and to apply penalties (if we can) if the neighbours have a justifiable complaint. Also, we have expended a lot to upgrade the property to a high standard and to ensure only high-quality guests will be used, and we will only accept guests with high ratings. In addition, the property has never been used as a short-term let, and the neighbours can't assume it will be noisy. In addition, we have a private door and we do not share stairs with anyone.

In addition, all the reservations that we will accept would be one couple or a couple with a baby, as the property is small and has only one bed, and this is the best option to reduce any noise and to keep the neighbourhood quiet and calm.

Conclusion

This one bedroom main door flat will have minimal impact on the local community and as such will provide a good standard of accommodation for tourists and is already set up to comply with the licence and fire assessments and will not provide any disruption or disturbance to the neighbouring properties or residents any more than is already present.

Should approval not be forthcoming the property will be used for family members to utilise and it will not be available for rent or sale in the future, so this property has already been lost to the local market. As stated above if the council wish to provide affordable housing for their residents they need to invest in more social housing.

A balance has to be struck between residents and STL properties if the council wish to maintain the number of tourists who visit the city who cannot afford to stay in luxury hotels, otherwise the income produced by tourists will decline and will effect the local businesses and income for the council.

We would recommend you approve the use of this small flat for use as a STL to ensure the future viability of Edinburgh as major a tourist destination in which local residents and tourists can enjoy each others experiences.

Prepared by

john bol
for b3a

B3A.
FAO: John Bol
272 Bath Street
Glasgow
G2 4JR

Mrs Zurub
16 Abbeyhill Crescent
Edinburgh
EH8 8DZ

Decision date: 5 October 2023

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

Change of use from dwelling to short term let.
At 16 Abbeyhill Crescent Edinburgh EH8 8DZ

Application No: 23/03871/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 23 August 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) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term 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, 02, 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 is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve 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.

16 Abbeyhill Crescent, Edinburgh EH8 8DZ
Proposed Change of Use

Supporting Planning, Design + Access Statement



This Supporting Planning, Design and Access Statement has been prepared by b3a, on behalf of the owner, Mrs Sirin Zurab . It accompanies a planning application for the Change of Use from a Dwelling to a Short Term Let for Secondary letting purposes.

The Site and Surrounding Area

The Location

2.1. The application site is situated within the Edinburgh City Council boundary. The location of the site is at 16 Abbeyhill Crescent Edinburgh EH8 8DZ, and is situated between the Calton Road and Abbeyhill adjacent to the East end of the Royal Mile in Edinburgh.

2.2. The site is well located for public transport with local bus links within Edinburgh and trains from Edinburgh Railway Station for transport links to locations throughout the UK. Access to Edinburgh Airport is via bus or tram links. The property is situated very close to Holyrood Palace and the Scottish Parliament and is within walking distance to most tourist attractions within Edinburgh.

2.3. The existing site comprises of a 1 bedroom , main door ground floor flat which is situated within the old town conservation area.

2.4. There are similar types of accommodation located within the area.

2.5. The flat is currently used as a dwelling.

2.6. The surrounding buildings are of a typical local vernacular to this area with a mixture of uses.

2.7. Access to the flat is via Abbeyhill Crescent with a stepped approach.

3. Planning Justification

3.1. The proposed scheme has not been the subject of a pre-planning application.



3.2. The overall principle of change of use should be welcomed by the local authority to aid with the ever increasing burden of providing affordable holiday accommodation for the ever increasing number of tourists visiting the city.

3.3. The property has one car parking space in an adjacent car park. car parking is not an issue as the flat has not changed in

3.4. A Flood Risk Assessment is not applicable for this site.

3.5. Within NPF4 Policy 30 (Tourism) states that development for the reuse of existing buildings for STL, should not have a detrimental effect on the local amenity or character of the neighbourhood or area and any loss of residential accommodation is outweighed by local benefits.

In this case the proposal will not have any impact on the local area as there have been no alterations to the property and is accessed by a common footpath and will have no impact on adjacent buildings or occupants as the tenure for each sort term let will be, in most cases, a minimum of seven days and the impact locally will be negligible. The owner will meet with each new visitor to ensure they are welcomed and will provide a welcome pack which will include emergency numbers.



The loss of a one bedroom flat within the immediate vicinity of Abbeyhill Crescent, here we believe there are no other STL properties in use, will have minimal effect on the general housing needs within the City of Edinburgh, and will have added benefits namely that this property, if granted a STL License, will be maintained to a high standard especially in regard to fire assessment and electrical and gas certification which will be upgrade annually and will provided additional financial benefits to the city in providing a good quality of tourist accommodation which will encourage more tourists to attend added to the financial implications that tourism brings to the city and Scotland as a whole. It will also provide tourists the opportunity to stay within a local community rather than large hotel complexes which will provide benefits for the visitors and the local community by providing a cultural stimulus.

4. Use

4.1. The existing site comprises of a 1 bedroom flat, main door ground floor flat which is situated within the old town conservation area and consist of Living room, Kitchen, shower room and 1 double bedroom.

4.2. The proposal is to change the use to a 1 bedroom Short Term Let..

5. Amount

5.1. The flat is 49 sq.m in area.

6. Layout

6.1. The layout is unchanged apart from upgrades to the fire regulations, electrical and gas installations.

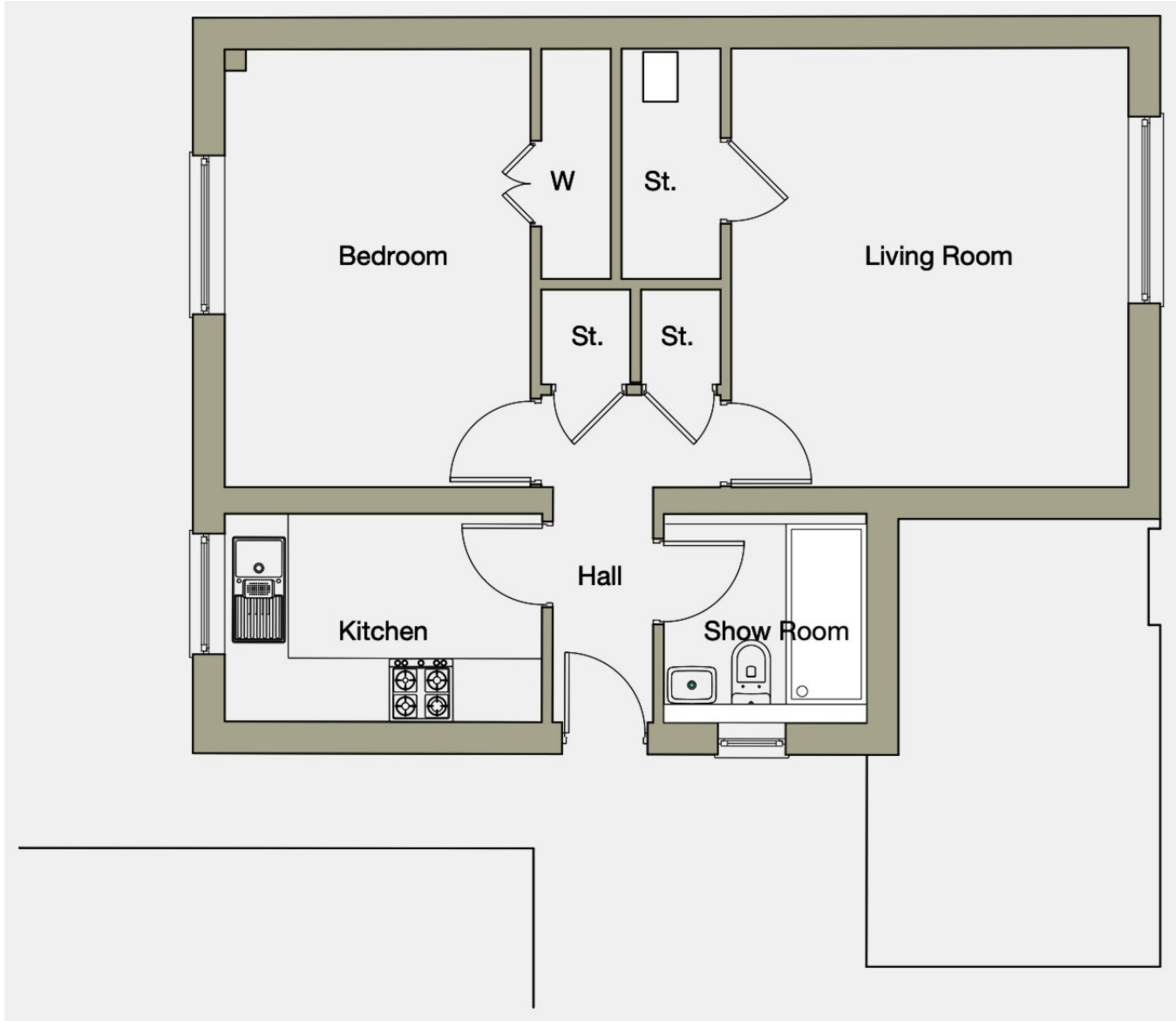
10. Access

10.1. Access to the flat is unchanged from the original.

11. Conclusions

11.1. The proposed change of use from a dwelling to a Short Term Let is in line with local communities and tourist facilities within the city and complies fully with NPF4.





FLOOR PLAN



1 car space provided within this car park

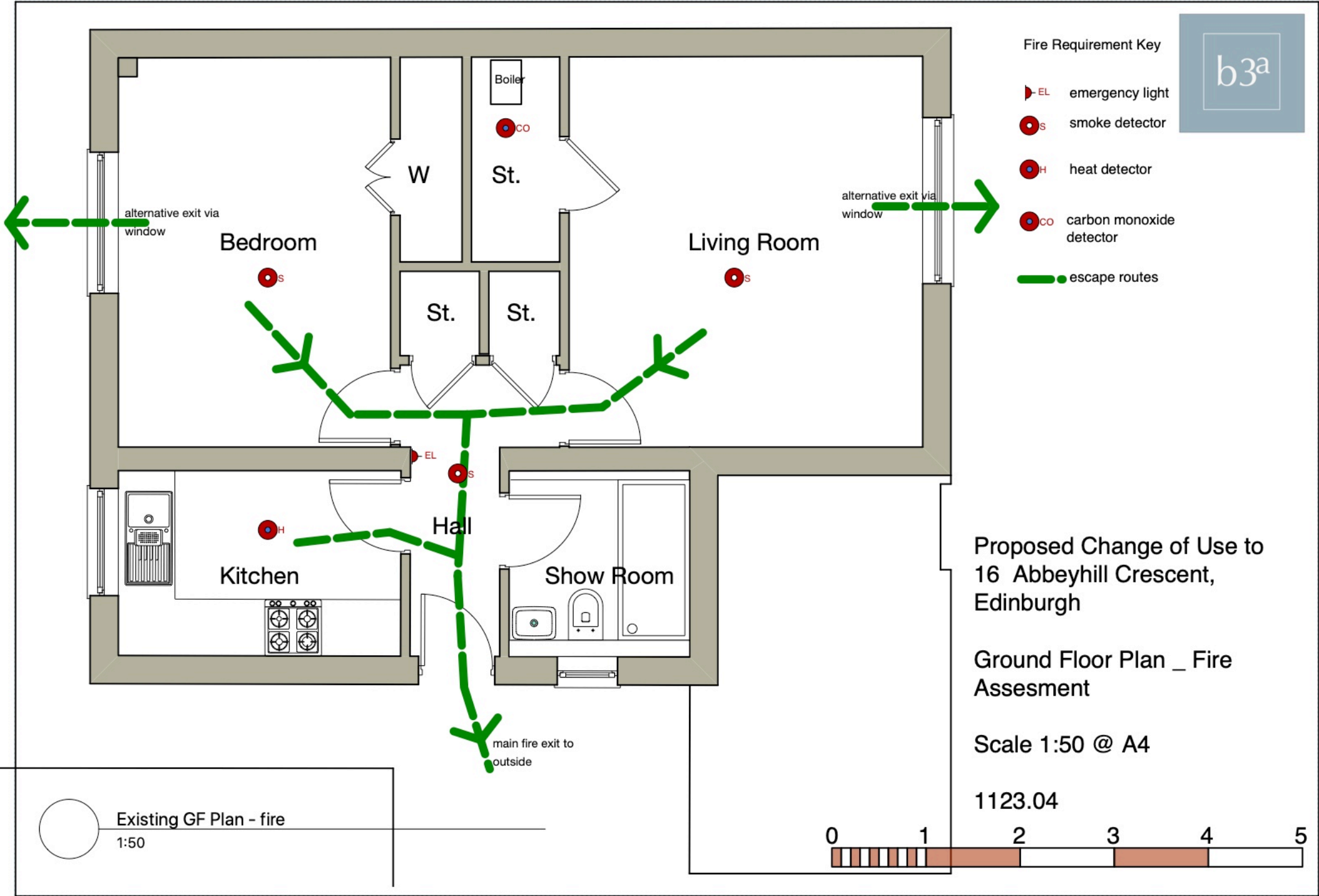
Proposed Change of Use to 16 Abbeyhill Crescent, Edinburgh

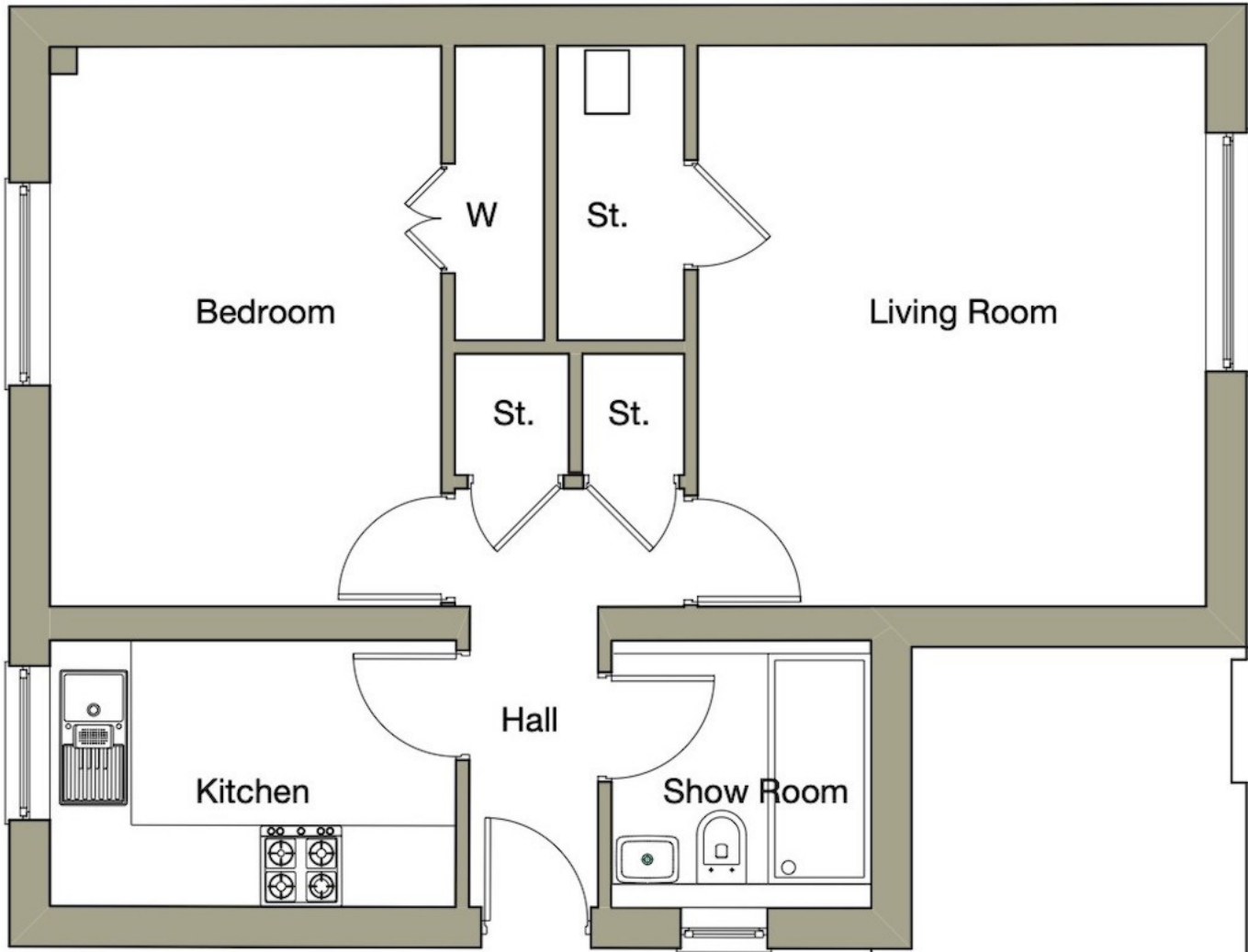
Block Plan

Scale 1:500 @ A4

1123.03

 Block Plan
1:500





Proposed Change of Use to
16 Abbeyhill Crescent,
Edinburgh

Ground Floor Plan

Scale 1:50 @ A4

1123.01

002 Existing GF Plan
1:50

