

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 100649671-001

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="Other"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text" value="Dr"/> | Building Name: | <input type="text"/> |
| First Name: * | <input type="text" value="Margaret"/> | Building Number: | <input type="text" value="1"/> |
| Last Name: * | <input type="text" value="Ferguson"/> | Address 1 (Street): * | <input type="text" value="Eden Avenue"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text" value="1 Eden Avenue"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Swansea"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="United Kingdom"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="Sa2 0ps"/> |
| 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:

FLAT 1

Address 2:

61 HOPETOON STREET

Address 3:

BROUGHTON

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH7 4NG

Please identify/describe the location of the site or sites

Northing

674944

Easting

326105

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)

Application to continue to use the property for short term letting as well as accommodation for the owners and their family.

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.

Supporting document appended

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. Letter from Trinity factors Letter from Mr Jean Ferguson Letter from Guest Ready letting agency

Application Details

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

23/03582/FULSTL

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

08/08/2023

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

11/10/2023

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 *

Holding one or more hearing sessions on specific matters

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)

I believe that a hearing will give a better opportunity for the review committee to be aware of all the circumstances surrounding the application.

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: Dr Margaret Ferguson

Declaration Date: 01/11/2023

Dear Sir/Madam,

Our application 23/03582/FULSTL for planning permission has been declined on the basis of :

1. LDP Policy Hou 7
2. National Planning Framework 4 policy 30 (e)

Regarding 1. LDP Hou 7:

Firstly we would point out that LDP Policy Hou7 specifically relates to the conversion of residential property to a House in Multiple Occupation.

It does not relate to short term letting to individuals and families. In terms of the Housing (Scotland) Act 2006 a license for a House in Multiple Occupation is required for premises where there are three or more persons living together, who are not all members of either the same family or of one or other of two families. This does not relate to the letting of our two bedroom flat.

In our application we explained that the property has now been used for short term letting for nearly 10 years. It was already being let when we bought the property. All recommended safety certification and maintenance have been assiduously undertaken during this period to the highest standards. During this period of nearly 10 years there has not been one complaint from any source. Nor has there been any objection from any ODF our neighbours during the public consultation period.

This provides clear evidence that short term letting of the property, with its high standard of management, has not had any detrimental effect on the living conditions or amenities of nearby residents. Indeed, instead the property is cleaned, maintained and inspected every 2-3 days when let and few of our guests require car parking permits. The Guest-ready management team provide 24 hour contact for any problems and this ensures that all residents, as well as our guests, have the means to identify, and act on, any problems that could potentially arise.

In addition, the layout of the flats mean that our guests can enter our ground floor flat without passing another flat entrance, minimising any disruption from noise on entry. The only complaint about noise has actually been from several of our guests who mention noise from the other long term residents above. In the advertised description of the property the quiet peaceful nature of the development is made clear and this has been respected and enjoyed by all our guests. This is substantiated by feedback from our guests and from discussion with our neighbours in the property.

Our maintenance of the property has improved the safety for the other residents of the building. In our recent electrical and gas inspections, a serious electrical problem, relating to earthing of the electrical circuitry of the building was found, necessitating an emergency repair from Scottish power who attended within an hour. Without this standard of inspection, the fault may not have been found and all residents of the building left at significant risk.

Our residents are not allowed to smoke in the property, and with the regular PAT electrical testing, together with smoke/ carbon monoxide and heat alarms our guests pose less risk of fire than flats occupied by long term residents, who do not have these imposed standards.

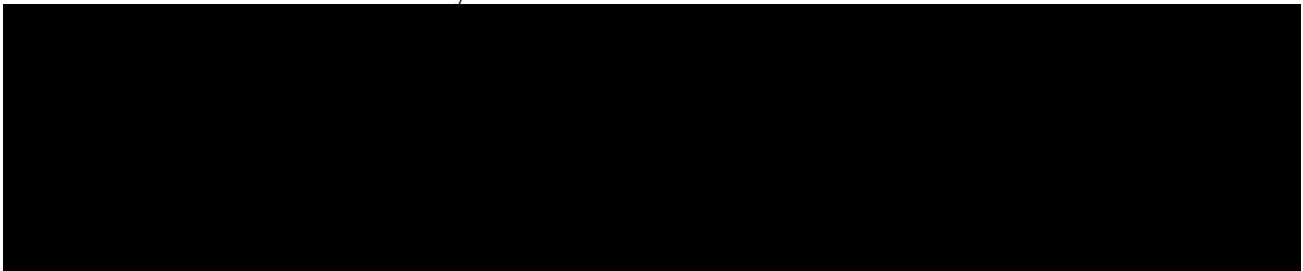
If we cannot continue with Short term letting, then the property will lie empty for long periods. (see below for explanation of this). This reduction in regular inspection and habitation will in fact increase risk to other residents, and pose security risk when it is noticeably lying empty.

Whilst the concerns, itemised as potential detrimental effects on nearby residents in the LDP, clearly have to be considered in a prospective planning application, the fact that short term use in this

property has proven not to cause problems to other residents over a near 10 year period, demonstrates, that in retrospect, these concerns are unjustified.

2. Regards national Plan Framework 4, 30 (e)

We explained in our application that we have particular circumstances that have influenced our purchase of the flat and our decision to use it for part of the year for short term lets. Since then further complications have occurred that reinforce our requirement to have 2 separate bases. My husband and I are both Scottish, but due to the nature of our training and careers as doctors, we moved to England, and then Wales. We always intended to return to Scotland on our retirement, where we still have a core of family and friends.



For these reasons, we have not been able to realise our desire to move permanently back to Scotland, but on retirement we were fortunate to have the capital to fund the purchase of the flat in Edinburgh.

We decided to proceed with this when my husband's father died, necessitating the sale of the family home, where we had frequently stayed to support his elderly mother. She continued to require increasing support and moved into a 1 bedroomed sheltered flat.

We need to have somewhere to stay when we visit to be able to provide this support.

Hence the decision to buy the flat for us, and other family members, to use and she greatly appreciates her extended family's visits.

The short term let potential gave us the opportunity to use the property flexibly when we need to visit, whilst ensuring that it is maintained and secure in our absence.

In addition, the income generated has made the maintenance of both properties financially viable since we are now reliant on our pensions for income. We have not undertaken this primarily as a business, but as a means of allowing us to fulfil our complex dual site family responsibilities. It has proven to be successful in this regard.

Our needs will not change in the near future, although we hope to relocate back to Edinburgh if circumstances change. Hence, we will not sell the property as we will continue to visit as often as possible.

The property will not become available for long term letting as it would then not fulfil our needs to use it.

Also we have no intention of participating in the inflated private letting market, we would much prefer to provide affordable accommodation for those visiting Edinburgh for business, work and cultural reasons. Several of our guests come to Edinburgh for reasons of work [several have come to work at the Playhouse theatre, university, banking, hospital and GP locums] These visitors wish to stay in home like situations with privacy and the ability to self cater during their stay.

Our guests also include tourists who come to spend in the local shops, restaurants, bars and theatres. A loss of their expenditure will have a significant and detrimental effect on the local amenities, that depend on this custom.

The flat as a STL contributes to the local economy in terms of providing work for local people servicing the flat, cleaners, plumbers, electricians, letting agents etc., plus the money that our guests spend within the local economy.

Therefore refusal of planning permission on grounds of NPF4 30(e) will not return the property to a wider residential market, nor add availability to the housing market. It will also be detrimental to the local economy.

For reasons given above, the property lying empty will do nothing to improve local amenities, nor welfare of nearby residents.

Instead, it will reduce the availability for much needed access for those needing to visit Edinburgh, when hotel accommodation is not suitable.

We understand the need for more housing and the requirement to regulate the letting market.

However the block refusal of all short term lets cannot be the answer to these complex problems.

There is a continuing need for some properties, outwith the greater hospitality industry, to provide short term stays for work and personal needs.

We request that our particular complex family needs are considered in this review and are happy to attend for further discussion if required.

Regarding the specifics of the policy as stated in National Plan Framework 4, 30 (e)

1 There will be no impact on the local amenity or character of the neighbourhood. An impact implies a change. There will be no change in the use of 61/1 Hopetoun Street as it has been let for many years and there have been no complaints from the local community.

2 There will be no loss of residential accommodation, nor will the flat become further available as residential accommodation.

There will be a clear adverse effect on the local economy as the flat will be empty for significant periods of time, and the expenditure associated with its habitation will be lost.



20th July 2023

Subject: Flat 1, 61 Hopetoun Street EH7 4NG

To whom it may concern,

This letter is in reference to the short-term licence application for the above property.

As the management company in place for this property, it is our opinion that the property can continue to operate in harmony with the existing community while adhering to the regulations for short-term lets.

The property is well-maintained and the layout, being suitable for up to four guests, means that the majority of bookings are for families to enjoy the local area. It has an impressive track record on Airbnb, with an average rating of 4.49 based on 49 reviews. Such a positive rating speaks volumes about the property's comfort, amenities and the enjoyable experience that guests have had during their stay.

The reviews on the Airbnb listing also highlight several positive aspects of the property, including its cleanliness, convenient location and amenities. These attributes contribute not only to the property's success but also to the overall positive impression it leaves on the guests of the property owners and the wider community.

We have no recorded complaints from neighbours regarding this property. It should be noted that a proactive approach has been taken to address potential concerns regarding disruptive behaviour to neighbours. By explicitly forbidding parties and antisocial behaviour, and implementing policies to handle any such issues promptly, there is a clear demonstration of the commitment to maintaining a peaceful and respectful environment for the neighbourhood.

If you require any further information or have any questions, please reach out to us.

The GuestReady team

To Edinburgh Council Planning Department.

I am writing in support of my son and daughter in law regarding the planning application for their flat, 61/1 Hopetoun Street, EH7 4NG.

I took the decision some while ago that I could no longer continue fully independent living. As a consequence I moved into assisted living accommodation at a McCarthy Stone development.

Previously my family members would regularly visit me and stay for periods of time at the old family home. However this would no longer be possible for them. It was therefore a good idea for my son Colin and his wife, Margaret to buy a flat in Edinburgh.

This has meant that they, and my other son and the various grand children who live elsewhere have accommodation to stay in when they come to visit.

It also means that they can see their own friends and associates in Edinburgh which will encourage them to be here more often.

As one gets older, family links become increasingly important. Were Colin and Margaret be unable to let their flat when it is not in use by the family, they would be unable to continue with it. This would be a great shame from my perspective and it would materially affect my well being.

Yours sincerely,

Mrs Jean Ferguson



FACTORING | LETTING | INSURANCE

Dr Margaret McArthur Ferguson
1 Eden Avenue
Swansea
SA2 0PS

19/07/2023

Client Reference No: 11101513
Property Address: Flat 1 61 Hopetoun Street
Development Name: HOPETOUN VILLAGE

Dear Dr Ferguson

61/1 Hopetoun Street

I have personally been the factor of Hopetoun village for 10 years , I can confirm that over the last ten years I have not receive any complaints from residents within the block, or the wider community in regards to the occasional short term let of the above property .

Yours sincerely

[Redacted signature]

Gillian Reekie
Property Manager

[Redacted contact information]

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