

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	TUL/18/1
Forename	Brian	Forename	Ken
Surname	Tulloch	Surname	Glass
Company Name		Company Name	Gilson Gray LLP
Building No./Name	19	Building No./Name	2
Address Line 1	Grierson Crescent	Address Line 1	Marketgait
Address Line 2		Address Line 2	
Town/City	Edinburgh	Town/City	Dundee
Postcode	EH5 2AY	Postcode	DD1 1QN
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	The City of Edinburgh Council		
Planning authority's application reference number	23/03814/FULSTL		
Site address	Flat 2 10 Boat Green Edinburgh EH3 5LL		
Description of proposed development	Change of use of property to a short term let property		

Date of application

24/08/2023

Date of decision (if any)

27/09/2023

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

The statement of reasons gives no factual basis for the decision and simply repeats or paraphrases the policies relied upon. Proper factual basis requires to be given with an opportunity for the applicant to respond and provide additional detail as necessary

7. Site inspection

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

Can the site be viewed entirely from public land?

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Reference is made to the numbering in the decision letter of 27/09/2023:-

1. There is no factual basis stated or existing for the assessment that the use of the property as a STL will have a materially detrimental effect on living conditions of nearby residents. The property has been let out for several years by the applicant without complaint coming from local residents either formal or informal. There are no facts to support this ground of refusal.

2. The impact on local amenity from the use of this particular property as a STL is negligible. The use as an STL does not meet the threshold of 'unacceptable'. Again there is no factual basis stated or existing to support such an assessment. As regards the loss of residential accommodation the impact here is minimal and is easily outweighed by the benefit to the neighbourhood from visitors frequenting local shops, tourist attractions and events.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

n/a

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

TO BE DELIVERED

City of Edinburgh Planning Local Review Body
G.2 Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Date: 19 December 2023

Our ref: KG/RW/TUL/18/1

Your ref:

Please reply to: Edinburgh Office

Tel no: +44 (0)131 516 5354

Fax no: +44 (0)131 516 5378

Email: kglass@gilsongray.co.uk

Dear Sirs

Brian Tulloch
Flat 2, 10 Boat Green, Edinburgh EH3 5LL
Application Number: 23/03814/FULSTL

We refer to the above and to the Decision letter of 27 September 2023. We now enclose Application for Review. Please be kind enough to acknowledge receipt.

Yours faithfully


Ken Glass
Legal Director
GILSON GRAY LLP

URGENT - BY

Taxi,
~~COURIER~~

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