

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 100658177-001

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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lady Stair Close
First Name: *	Lewis	Building Number:	2-8
Last Name: *	Reid	Address 1 (Street): *	2/8 Lady Stair Close
Company/Organisation	Reid Residential Ltd	Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH12PA
Fax Number:			
Email Address: *	reidresidential.ltd@gmail.com		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

/8

Address 2:

2 LADY STAIR'S CLOSE

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2PA

Please identify/describe the location of the site or sites

Northing

673586

Easting

325566

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 residential to short term let for 52 weeks in a calendar year.

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.

Add a supporting document

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)

Supporting planning statement

Application Details

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

23/04071/FULSTL

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

01/09/2023

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

26/10/2023

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 have attached a supporting document

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 Lewis Reid

Declaration Date: 21/01/2024

2/8 Lady Stair's Close

Edinburgh

EH1 2PA

Conversion of Residential Apartment for Short-Term Residential Letting

Planning Application to City of Edinburgh Council

Planning Statement

Reid Residential Ltd

25 September 2023

Contents

- **Background to the Application**
- **The Need for Planning Permission**
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This Planning Statement supports a planning application by **Reid Residential Ltd** to **City of Edinburgh Council** (*the Council*) seeking approval for the continuing use of the apartment **2/8 Lady Stair Close** for short-term letting (*'STL'*).

Background to the Application

1. The application property is a 3rd floor flat (apartment) accessible by Makars' Court. There is no garden associated with the apartment.

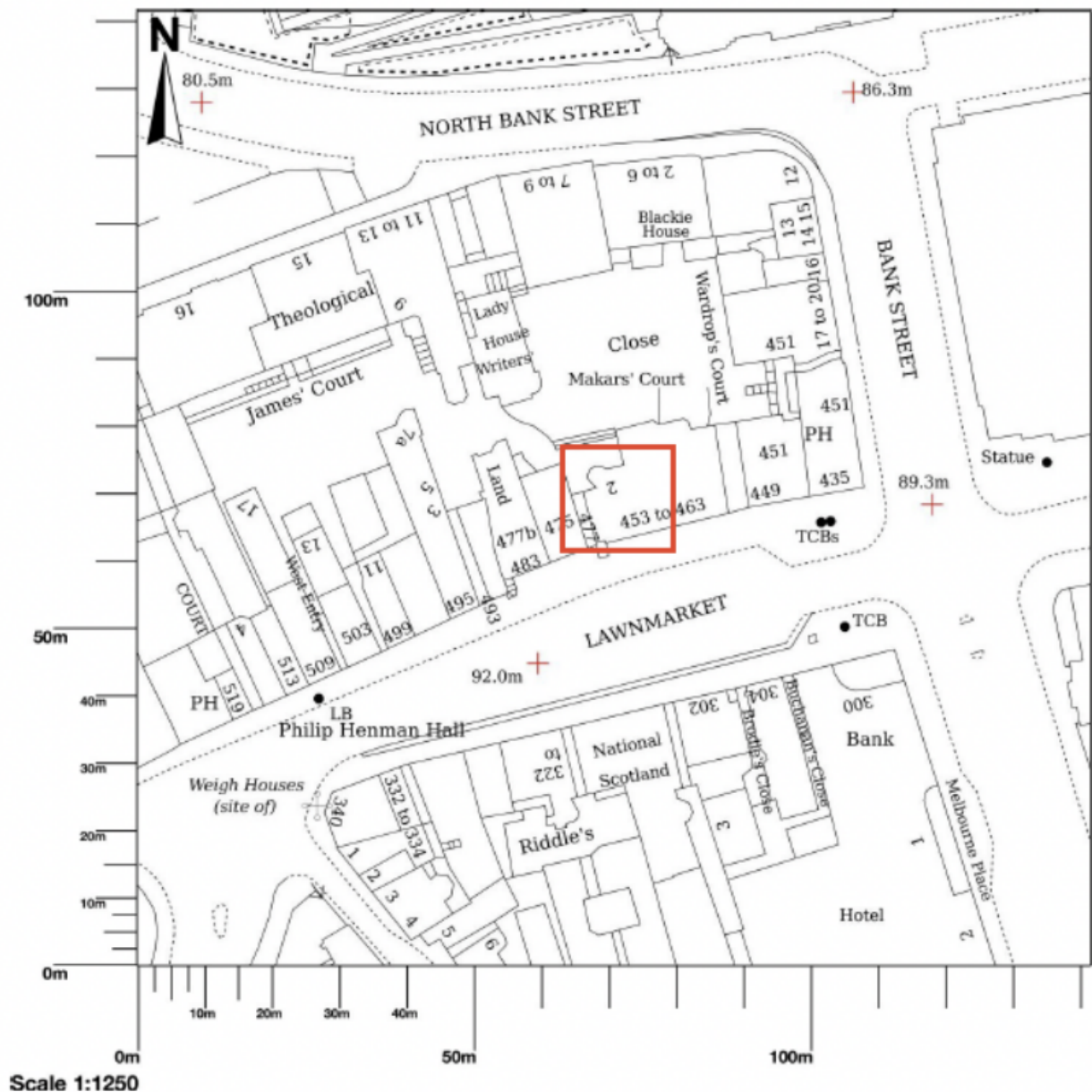


Fig 1 - Property Location

2. The apartment is located on Edinburgh's Royal Mile where local facilities and amenities are readily available. It is located in the heart of Edinburgh's tourist district facing directly onto the Royal Mile.

3. The apartment is wholly owned by Reid Residential Ltd (Directors Lewis Reid and John Reid).

4. The property has been let out to guests as a **short-term residential apartment** since December 2019 and has remained in that use ever since with a constant flow of global guests and positive feedback.

5. The property has a current rateable value of £8000 and has been registered for non-domestic rates since 2020 (REF: 132L0562/8).

The Need for Planning Permission

6. Following the recent introduction of legislation regarding the licensing of short-term lets ('STL') by the Scottish Parliament, all hosts and operators are now required to apply for an STL license, whose purpose is to ensure that STL properties are fit for purpose in compliance with health and safety standards. It is also a condition of the license application process to demonstrate that the planning status of the premises has been confirmed.

7. The City of Edinburgh Council administrative area was declared as a Short-Term Let Control Area ('STLCA') by the Scottish Government on 27 July 2022 in response to the Council's request in that regard. Under planning legislation it is understood that any STL within an STLCA is now subject to the need for planning permission, with short-term letting of a property now regarded as a 'sui generis' use distinct from use as a residential dwelling (Class 9). It is also understood that the planning regulations require existing STL's to be subject of a planning application submitted 'in retrospect'.

8. It is therefore the purpose of this planning application to formalise the planning status of 2/8 Lady Stair Close by seeking planning permission for change of use of the apartment to short term letting.

Use of the Apartment for Short-Term Letting

10. Stairs inside the entry door provide access to the accommodation on the third floor which comprises a lounge / kitchen, 1 bedroom and bathroom.

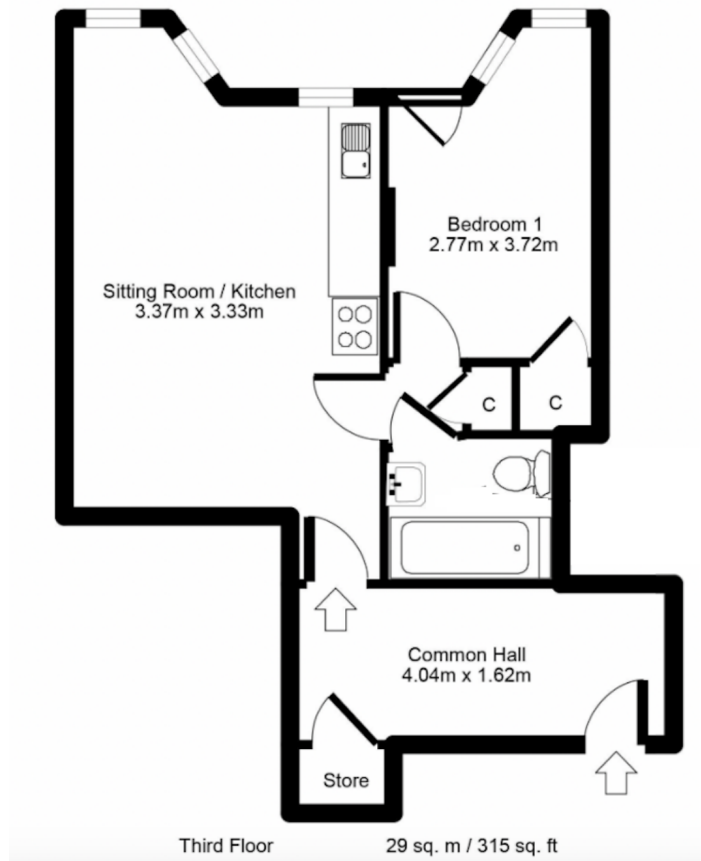


Fig 2 - Floor Plan

11. The letting of the apartment for short-term accommodation since December 2019 and has had a regular flow of guests from that time up to the current day.

12. The property is marketed to prospective STL guests through the booking portal **Airbnb** at the following link. These include photographs of the rooms and interior of the apartment, the surrounding area, and comments recorded by guests reviewing their stay.

https://www.airbnb.co.uk/rooms/40749866?source_impression_id=p3_1636892993_0kBWIM9r74upYpFJ

13. The use of the apartment for short-term letting for over the past 45 months provides empirical evidence by which to assess its acceptability in the neighbourhood. It should be noted there have been no complaints made by any neighbours regarding its operation as an STL and no instances of any disturbance caused by STL guests. The reviews made by guests of how the property has been managed have also been wholly positive.

Property Setting

15. The property is located in one of the most touristic areas of Edinburgh, next to the castle and writers museum, is operated as a family-run short-term let. The operation of our property is a testament to our commitment to the local community. This locality experiences a constant influx of visitors and exhibits a vibrant, bustling atmosphere throughout the day and night. The noise and activity levels in this area are characteristic of a vibrant tourism hub, making it less suitable for traditional long-term residential living. Therefore, the proposed change of use to short-term letting is consistent with the existing character of the neighborhood.

16. The property overlooks the Royal Mile and is at the heart of Edinburgh tourism. It's accessible from Lady Stair Close or Makars' Court next to the Writers Museum. There is an abundance of tourist shops and activities next to the apartment, several tourist attractions including the Writers Museum and other popular city tours.

Planning Policy Assessment

18. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that: 'Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'

19. The Development Plan effective for this application comprises two parts:

1. i) National Planning Framework 4 ('NPF4') - approved by the Scottish Parliament in January 2023 and adopted by Scottish Ministers with effect from 13 February 2023. NPF4 is the national spatial strategy for Scotland and sets out the Scottish Government's spatial principles, regional priorities, national developments and national planning policy.

2. ii) Edinburgh Local Development Plan ('the LDP') - adopted in 2016, this sets out policies and proposals to guide development across the city.

20. Both documents must be taken into account, with Section 24(3)(i) of the Town and Country Planning (Scotland) 1997 Act stating that 'in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail'.

21. In providing a planning assessment I therefore give primary consideration to NPF4 as it was most recently approved, with subsidiary consideration given to the LDP.

NPF4 - Policy 1 'Sustainable Places'

22. The intent of Policy 1 is 'to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.'

23. I consider the property is in a highly sustainable location in terms of its accessibility by different modes of transport. It will also reduce the need for further construction of hotels and aparthotels in an area with an already extremely high concentration (The Royal Mile).

24. The continued use of 2/8 Lady Stair Close as a short-term let will therefore satisfy the principles of sustainability and cause no adverse impact on the global climate and nature crises.

NPF4 - Policy 13 'Sustainable Transport'

25. The intent of Policy 13 is 'to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel use and reduce the need to travel unsustainably.'

26. I actively discourage the use of the motor car on the listing, and when communicating with prospective guests alert them to the fact there is no immediate parking near the flat. I always advise them to take public transport.

27. The property is in a highly sustainable location being accessible via a choice of modes of transport including on foot, by cycle and by public transport. This includes the National Cycle path (City Centre WestEast Link), bus, train and (in particular) the tram route. It is ideally placed for the purposes of STL guests.

NPF4 - Policy 30 'Tourism'

28. The stated intention of the Scottish Government for Policy 30 is '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'.

29. As the applicant, I consider that the provision of high quality, well managed and easily accessible premises for short-term letting such as 2/8 Lady Stair's Close contributes directly to encouraging and promoting tourism, and to inspiring people to visit Scotland. 2/8 Lady stair's close was voted 1st in the top 10 airbnbs in Edinburgh (see link below)

<https://www.theworldbucketlist.com/top-10-best-airbnbs-in-edinburgh-you-need-to-book-right-now/>

30. LDP Policy Del 2 'City Centre' has an overarching narrative which supports development that contributes to Edinburgh's role as a capital city. Tourism and the provision of accommodation for visitors to the city centre is a fundamental part of this role and, in my opinion, the contribution made to this objective by my STL property gives added weight to the approval of this planning application.

31. One of the principle benefits of short-term lets in contributing to the city's tourism offer is by providing specialist accommodation for visitors as an alternative to hotels and other conventional types of accommodation, which may not be suitable for many visitors.

32. It is evident that the introduction of the current STL licensing regime, and the associated use of planning controls, reflects an appetite from the Scottish Government and the Council for greater regulation of the short-term letting sector which is resulting in the amount of short term letting accommodation in Edinburgh being significantly reduced.

33. I therefore submit that due recognition should be given to the important contribution to the tourism sector that will be made by the limited number of remaining STL properties that comply with planning and licensing regulations, including my apartment at 2/8 Lady Stair's Close.

NPF4 - Policy 30 clause e) - Short Term Letting

34. Of specific relevance to short-term letting, clause e) of Policy 30 states that: 'Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

1. i) An unacceptable impact on local amenity or the character of a neighbourhood or area;
or
2. ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.'

35. Policy 30 e) i) - "The reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in an unacceptable impact on local amenity or the character of a neighbourhood or area"

36. Clause e) i) of Policy 30 requires consideration of two criteria, a) as to whether the STL use at 2/8 Lady Stair's Close is compatible with the character of the area and b) will have a detrimental impact on local amenity.

37. These matters are further informed by criteria within the Council's LDP Policy Hou 7 and the Council's non-statutory '*Guidance for Businesses*' (*the Guidance*).

38. In consideration of other STL applications the Council has consistently regarded the nature of occupancy by STL guests as different to that of permanent residents.

39. The properties on Lady Stair Close are largely non-residential with one other STL operator in the building.

40. The application property is part of a mixed use, touristic and bustling area, with which I consider the STL use of 2/8 Lady Stair's Close is wholly compatible.

41. The subtext to Hou7 at para 234 of the LDP confirms that the intention of the policy is i) to preclude non-residential uses incompatible with predominantly residential areas and ii) to prevent deterioration of living conditions in more mixed-use areas which have important residential functions.

42. The area is not 'predominantly residential' and instead has a 'mixed-use' character, so the second of these criteria is relevant to this application, informed by criteria in the Council's Guidance.

43. The Guidance states that 'in mixed-use areas (residential / commercial) regard will be had to the nature of surrounding uses and the proximity of the site to residential properties, also taking into account ambient noise levels'. In this context I now consider any impact from the STL use on local amenities.

44. **i) Managed Personally** – It's a family run business, I am the owner and full-time manager. I am responsible for advertising the property, handling all bookings and providing the point of contact for guests.

45. Guests are sent an airguide in advance of arrival detailing apartment rules that no noise or disturbance should be caused to neighbours.

46. **ii) No Complaints & Positive Reviews** - As the use of the apartment is already established this provides empirical evidence on which to make an assessment against Hou7. The record of occupancy by guests at the apartment is shown in the Register of Lettings from September 2022 which is submitted with the application. This demonstrates a consistent and regular flow of guests.

47. Many guests leave comments regarding their stay on the Airbnb websites. These have been exclusively positive, and reflect strong customer satisfaction with the quality and management of the property, currently a rating of 4.8 and a super host. This reflects the quality of the offering which reflects well in turn on the tourist industry of the city. The property was significantly refurbished in 2019 and was completed to the highest of standards. As highlighted above, it was voted 1st in "top 10 airbnbs in Edinburgh" on theworldbucklist.com.

48. Of particular note there have been no complaints made by any neighbours regarding the operation of the STL at 2/8 Lady Stair's Close at any time since we began trading in December 2019.

49. **iii) Small Apartment, Few Guests, Low Activity** - The STL apartment is relatively small with 39 sqm living floor area and only one bedroom with maximum occupancy of 2 people. It is not conducive for large gatherings and is certainly not a 'party flat'. Its small size makes it unlikely that guests would generate noise sufficient to cause disturbance.

52. **iv) No Communal Facilities** - There are no shared facilities with any residential neighbours. I arrange for the cleaning of the apartment, disposal of rubbish and any maintenance of the property to be carried out by private contractors. The latter are all local residents whose livelihood is exclusively dependent on this work, and work for other STLs.

53. **v) No External Areas** - The apartment has no external areas or gardens in which guests might gather. Consequently any guest activity will be confined to inside the apartment, which has the effect of 'insulating' any activity within the apartment.

54. All of these factors reduce the likelihood of noise being caused, and certainly not at levels that might disturb the living conditions of residents in the nearest flats or apartments.

55. **Conclusion** - I submit that all of the above demonstrates compliance with NPF4 Policy 30 e) i) and presumes in favour of planning permission being granted.

56. Policy 30 e) ii) - 'The reuse of existing buildings for short-term holiday letting will not be supported where the proposal will result in the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.'

57. NPF4 - Policy 30 clause b) - Local Economic Benefit

58. Clause b) of Policy 30 states that:

'Proposals for tourism related development will take into account:

i) The contribution made to the local economy.....'

59. The use of 2/8 Lady Stair's Close for short-term letting will make a positive contribution to the local economy from all of the following:

1. Accommodation fees paid by guests generates income for a locally run business.

2. Guests will visit the city's tourist attractions and frequent local bars, restaurants and shops providing increased income for these businesses. We attract visitors from all over the world.

3. Business is generating income for local cleaning and maintenance staff.

60. The Council commissioned a study by MKA Economics to compare the economic benefit of short-term letting against the permanent residential use of property in Edinburgh, and their report (May 2023) is now being taken into consideration by the Council as one source of information when considering STL planning applications.

61. At a macro level, the Association of Scotland's Self Caterers (ASSC) commissioned an economic study which has been submitted as evidence to the Scottish Parliament. This calculated that in a typical year short-term letting accommodation in Scotland generates £876m expenditure by guests (of which £91m is in Lothian region), GVA impact of £489m (£59m in Lothian) and nearly 24,000 FTE jobs (over 2500 jobs in Lothian).

62. The short-term letting of 2/8 Lady Stair's Close results in direct and positive benefits to the Edinburgh economy, and this is reinforced by the wider regional and national evidence available.

63. The cleaning contractors make their exclusive living from this and other STL.

64. Consideration of Policy 30b) presumes in favour of planning permission being granted.

Conclusions

65. The apartment, limited to two guests, is in a setting which is wholly compatible with neighbouring uses that are largely commercial in character. Yet guests are within the heart of the Royal Mile, with all the transport links, tourist attractions, cafes, bars and restaurants which visitors to Edinburgh love to visit.

66. As an apartment in the heart of the tourist district, in a mixed-use area, (predominantly commercial) its relationship with adjacent buildings means that no one is affected by the comings and goings of STL guests. No detrimental impact is caused to local amenity and this is evident from the absence of any complaints since trading started in December 2019.

67. It is therefore difficult to conceive of circumstances more appropriate for an STL to fulfil relevant planning criteria, notwithstanding the Council's current strict approach to short-term letting.

68. The granting of planning permission for STL use of the apartment at 2/8 Lady Stair's Close is merited in accordance with the development plan on grounds that it:

- makes a positive contribution to the provision of visitor accommodation in the city
- is compatible with the character of the area
- causes no undue detriment to neighbours, and
- generates local economic benefit

69. The proposal fulfils in all regards the Scottish Government's stated intention for NPF4 Policy 30 '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'.

70. STL use at 2/8 Lady Stair's Close contributes to achieving the policy principles of NPF4 by providing discrete short term let accommodation for guests who wish to stay in the heart of the city centre, generating business for local enterprises, achieving a positive purpose for an under-used building, being compatible with the mixed-use area, whilst protecting and respecting local amenity.