

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 100685094-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Contour Town Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Angus	Building Name:	
Last Name: *	Dodds	Building Number:	38
Telephone Number: *		Address 1 (Street): *	Harrison Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH11 1EQ
Email Address: *	angus@contourtownplanning.com		

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

Individual Organisation/Corporate entity

Applicant Details

Other
Allytta Property Consultants

3F2
112A
West Bow
Edinburgh
Scotland
EH1 2HH



Site Address Details

City of Edinburgh Council

3F2

112A WEST BOW

OLD TOWN

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EDINBURGH

EH1 2HH

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673440

325529

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)

Use of the Property at 3F2, 112A West Bow as Short-Term Let (STL)

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.

The applicant considers that the property is too small to support permanent residential occupation and by extension there is no need to justify the loss of residential accommodation as this would be sub-standard in scale based on the Council's own Design Guidance (January 2020). Further the Council has overstated what the likely impact of an STL here on living conditions will be, given the host area is on the Grassmarket; one of Scotland's noisiest, busiest and most commercial streets.

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)

Page 87 of the Council's Design Guidance (January 2020) is included as a Review production here. This document did not form part of the original submission pack, but was referenced at paragraph 10 of page 2 of the submitted Supporting Statement (please read from: "Edinburgh Council within their planning guidelines / policies have certain standards for various sizes of flats). In the circumstances, it is hoped that this document will be admissible for use in this Review.

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)

Location Plan Floor Plan Application Form Supporting Statement Report of Handling Decision Notice Page 87 extract from City of Edinburgh Council 'Design Guidance' (January 2020)

Application Details

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

23/05043/FULSTL

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

26/09/2023

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

12/06/2024

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access can be taken into the initial gated pend, but access to the stair itself would require the applicant to provide keys - which could be arranged

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 Angus Dodds

Declaration Date: 11/09/2024

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 100645600-001

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.

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)

Formalise the use as a Short Term Holiday Let

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

Planning and Building Design Ltd	
Keith	
Owens	24
	West Nicolson Street
	Edinburgh
	Midlothian
	EH8 9DD

Organisation/Corporate entity

Applicant Details

	3F2
	112A
	West Bow
Allytta Property Consultants	
	Edinburgh
	United Kingdom
	EH1 2HH

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

3F2

Address 2:

112A WEST BOW

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2HH

Please identify/describe the location of the site or sites

Northing

673440

Easting

325529

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

29.68

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)

Short Term Holiday Let

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?

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)? *

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

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)

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Ilker Zafer Altiparmak

Address:

3F2, 112A, West Bow, Edinburgh, Scotland, EH1 2HH

Date of Service of Notice: *

26/09/2023

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Keith Owens

On behalf of: Allytta Property Consultants

Date: 26/09/2023

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 Keith Owens

Declaration Date: 26/09/2023

Payment Details

Online payment: 6957330002686593204025;

Payment date: 26/09/2023 13:56:00

Created: 26/09/2023 13:56

SUPPORTING STATEMENT
FOR
PLANNING APPLICATION
TO FORMALISE THE USE AS A
SHORT TERM HOLIDAY LET
AT
112A (FLAT 7) WEST BOW
EDINBURGH
EH1 2HB

PLANNING & BUILDING DESIGN LTD.
24 WEST NICOLSON STREET
EDINBURGH
EH8 9DD

22ND SEPTEMBER 2023

Proposal

The application site is a Short Term Holiday Let within a block of flats located at 112A West Bow Edinburgh which is being used without the benefit of Planning Permission.

The unit is addressed as flat 7 within this block of flats and is located on the third floor and accessed from the common stairwell.

There are a further 11 residential units within this block of flats making 12 residential units in total.

The property is listed as Category B, lies within the Old Town Conservation Area and within the World Heritage Site.

The property is currently being used and has been for at least the last 10 years, with the exception of a 5 month period in 2021, when the property was not allowed to be used due to Government Covid Restrictions / Regulations, as a short term holiday let. This information was gained from Lothian Valuation Joint Board.

This planning application is to formalise the property's use as a short term holiday let in retrospect only, there are no physical alterations being carried out.

The property lies within the Grassmarket which is a thriving area for tourism, with hotels, restaurants, bars, nightclubs, shops, alfresco dining area and tourist attractions such as Edinburgh Castle, and tours such as Invisible Edinburgh Tour, Edinburgh Literary Pub Tour, Soul of Scotland Tours, The Celtic Tour.

The Grassmarket, in short, is a hive of activity for tourism and this property is in an ideal location for visitors to Scotland and Edinburgh in particular to have a short term stay whilst they immerse themselves in the culture and history that Edinburgh has to offer.

The property itself is a small unit which is perfect given its location and size for a short term holiday let. The unit has an open plan living room / kitchen with a bed space and a separate shower room.

Edinburgh Council within their planning guidelines / policies have certain standards for various sizes of flats. For example a Studio Flat as a minimum is required to have an area of 36 sq.m., a One Bedroomed Flat as a minimum is required to have an area of 52 sq.m, a Two Bedroomed (3 persons) flat is required as a minimum to have an area of 66 sq.m.and a Two Bedroomed (4 Person flat) is required as a minimum to have an area of 81 sq.m.

This Unit in question only has a floor area of 29.68 sq.m. therefore in terms of minimum area required for a Studio Flat it falls well below the standard that Edinburgh Council require. Therefore, by the council's own standards this unit does not have sufficient amenity and is not suitable for a full time permanent principle residence, however it is actually ideal for a short term holiday let.

As mentioned above this unit is located within a block of flats and is accessed from a common stairwell. On a recent visit to the block it was established that there are no owner

occupiers staying in the block. There is a mix of flats, with owners from abroad, flats being used as short term holiday lets and student lets.

The unit has been used without Planning Permission as a Short Term Let for at least 10 years, however, our client has been very honest. In October 2013 the flat on the council tax list was designated as a self catering unit up until January 2021, then for 5 months between January and May 2021 the flat was redesignated as a residential unit during the covid lockdown. After these 5 months as the covid restrictions were eased the council tax list was changed back to a self catering unit and the unit has operated as a self catering unit to the present day.

If the covid pandemic had not occurred and as a consequence the Government had no need to bring in restrictions there would have been no 5 month break in the unit being used as a short term let.

So for the most part of 10 years the flat has been used as a self catering short term let. During these years no complaints have been made to the planning department regarding noise and disturbance that some people tend to associate with flats being used as short term holiday lets. If complaints had been received then the council would have been obliged to investigate and take enforcement action should it have been proved that the complaints were found to be true. No enforcement action was taken against this unit.

At present there are 2 elements of planning policy that planning applications for short term holiday lets should be considered against.

These policies are the existing Edinburgh Local Development Plan (LDP) and the new Revised Draft National Planning Framework 4 (NPF 4) in which Policy 30 (e) is pertinent.

Policy 30 (e) states :

e) Development proposals for the re-use of existing buildings for short term holiday letting will not be supported where the proposal will result in :

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

There are no physical external or internal alterations proposed. As such the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

There are no physical external or internal alterations proposed. The Formalisation of this Unit into a short term let will have no material impact on the character of the conservation area.

In terms of the property being located within the World Heritage Area, the proposal for the change of use does not affect the reasons for the inscription of the World Heritage Site.

The property is situated within a mixed use area with existing hotels, restaurants, bars, nightclubs, shops, alfresco dining area and tourist attractions such as Edinburgh Castle, and tours such as Invisible Edinburgh Tour, Edinburgh Literary Pub Tour, Soul of Scotland Tours, The Celtic Tour.

In recent times, within the immediate local planning permission was granted for the a mixed use development which included a hotel, bar, restaurant, café, retail and commercial uses at

1-6 India Buildings, 11-15 Victoria Street and 18-20 Cowgate. This development will add to the vibrancy of the area. Clearly this area and its immediate environs is eminently suitable for short term holiday lets as it has a general level of noise and activity that would not be expected in a predominantly residential area.

Edinburgh is a city which welcomes tourists and visitors.

Tourists visit the city all year round to see the attractions such as Edinburgh Castle, Camera Obscura, Holyrood Palace, Royal Mile, Dynamic Earth etc. and immerse themselves in the history, sometimes gruesome, that Edinburgh has to offer. In the month of August there is a massive influx of visitors coming here to take part in or witness the world renowned Edinburgh Festival and Fringe. At the end of the year Edinburgh puts on a massive Hogmanay Celebration, with ice rink, big wheel, street traders etc.

The visitors and revellers require accommodation. Without accommodation there would be significantly less visitors, which would result in less revenue being generated for the local economy.

It has been estimated that there are circa 12,000 short term holiday let properties currently in use in Edinburgh. These properties are an integral and important part of servicing the tourist sector. The more expansive the festivals become the more accommodation is required.

It should be understood that these short term holiday lets make a significant contribution to the economy of Edinburgh by virtue of the fact that people staying in these holiday lets spend a significant amount of money, much more than local residents, in Restaurants, Bars, Shops, Clubs, Tourist Attractions not to mention Sporting events etc.

Edinburgh to stay vibrant and busy requires short term holiday lets, however they have to be located in suitable areas. It is understood that properties within predominantly residential areas out-with the hubbub and vibrancy of the city centre are not suitable for short term holiday lets, however it is vitally important that the council grant permission for short term holiday lets within the hubbub and vibrancy of the city centre close to major tourist attractions.

This flat is located within the city centre and is located very close to major tourist attractions and is in an area that has a general noise level well above what would be expected in a predominantly residential area. Without flats like this one, which is well kept and managed, and can be used as a short term holiday let without compromising the amenity of local residents, Edinburgh cannot fulfil its potential as a City of Tourism and Culture.

The unit in question does not meet the criteria that the council deem is the minimum required in terms of its area for a Studio Flat for someone to use as their main residence, therefore the loss of this unit as a residential property is by far outweighed by the demonstrable local economic benefits.

Given the property is situated within a mixed use area with existing hotels, restaurants, bars, nightclubs, shops, alfresco dining area and tourist attractions such as Edinburgh Castle, and tours such as Invisible Edinburgh Tour, Edinburgh Literary Pub Tour, Soul of Scotland Tours, The Celtic Tour and that in recent times, within the immediate local, planning permission was granted for the a mixed use development which included a hotel, bar, restaurant, café, retail and commercial uses at 1-6 India Buildings, 11-15 Victoria Street and 18-20 Cowgate. This

demonstrates that a use such as short term holiday lets is eminently suitable for the area and that there would be no unacceptable impact on local amenity or the character of the neighbourhood area.

Furthermore, there are no owner occupiers staying in the block. There is a mix of flats, with owners from abroad, flats being used as short term holiday lets and student lets.

The unit's size dictates that it is only suitable for a single person or a couple, in no shape or form can this unit be described as a "party flat" which would create excessive noise and disturbance, if this were the case over the past 10 years the Council would have taken enforcement action, therefore there is no unacceptable impact on local amenity or the character of the neighbourhood area.

In short this property passes the test of policy 30 (e) and planning permission should be granted.

Report of Handling

**Application for Planning Permission STL
3F2 112A West Bow, Edinburgh, EH1 2HH**

Proposal: Formalise the use as a short term holiday let.

**Item – Local Delegated Decision
Application Number – 23/05043/FULSTL
Ward – B11 - City Centre**

Recommendation

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

Summary

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and an unacceptable impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property comprises a studio style third floor flat within a traditional tenement building, with a kitchen area, living/sleeping space and shower room. The property is accessed from a communal ground floor front door and stair shared with other residential dwellings within the building. The main door entrance is pedestrian accessed, via Edmonstone's Close from West Bow.

The surrounding area is of a mixed character, with a high volume of retail and hospitality uses at street level with tenement flats above. There are high levels of tourist

activity and pedestrian traffic. Despite the busy, mixed-use nature of West Bow, the neighbouring residential properties within the shared stair can expect a high level of residential amenity especially due to the fact that the property's entrance is accessed from a small close off the main street.

The premises is within a Category B listed building (LB29910, 14/12/1970) and is part of the Old Town Conservation Area and the Edinburgh Old and New Towns World Heritage Site.

There are further STL uses within the shared stair, however at the time of determination of this application the lawful use of these properties is residential.

Description Of The Proposal

The proposal is for the change of use from a private residential dwelling to a short term let (STL) in retrospect.

Supporting Information

A supporting statement has been provided.

Relevant Site History

23/06456/CLESTL
3F2 112A West Bow
Edinburgh
EH1 2HH
Use of the property as a short-term holiday let.

Other Relevant Site History

23/05044/FULSTL
Change of Use of a residential flat to form an STL at 2F3, 112A West Bow
Refused

26 April 2024

22/04934/FUL
Change of Use of flat to STL at 3F3, 112A West Bow.
Refused

5 May 2023

On 11 October 2023 the Local Review Body (LRB) upheld the decision as there was a shared stairwell and this would have a negative impact on residential amenity so the proposal was contrary to LDP Policy Hou 7 and NPF 4 Policy 30(e) (i). The loss of residential accommodation was not justified so the proposal was contrary to NPF Policy 30(e) (ii) (23/00126/REVREF).

23/06312/FULSTL.

Change of Use of flat to STL at 3F3, 112A West Bow.
Refused

10 May 2024

23/04563/CLESTL

STL use since 2018 at 1F1, 112A West Bow
Not yet determined

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 12 June 2024

Date of Advertisement: 10 November 2023

Date of Site Notice: 10 November 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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

The application is in retrospect. The application form states that the proposed operation of the property as a short term let commenced in 2013. This is prior to 5 September 2022, when the Edinburgh STL control area came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a STL is a material change of use.

Granting planning permission would change the use from a residential dwelling to STL. The use of the property as a STL, as a result of the granting of planning permission, would constitute a material change in the use of the property under section 26 of the Town and Country Planning (Scotland) Act 1997, given the associated characteristics of STL use in this location and property type.

a) The proposals harm the listed building or its setting?

The following HES guidance is relevant in determining this application:

- Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area. Therefore, the proposal does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) 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 Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Building, Conservation Area and Edinburgh World Heritage Site

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a).

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places.

The proposal complies with NPF 4 Policy 7.

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 relate to STL proposals.

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

Amenity

The location of the property, in the heart of Edinburgh's Old Town and immediately adjacent to the Grassmarket, where there is a higher degree of activity area within this area. Consequently, the introduction of an STL use in this location will have no further deterioration in the amenity of the surrounding area. However, the use of this property as an STL would introduce an increased frequency of movement to the property and through the shared stair, enabling 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.

Despite the location of the site being close to a busy mixed-use environment, the immediate location of the property within the shared stair it is predominantly residential. The proposed STL use would be significantly different from the amenity found that neighbouring residents within the communal stair might reasonably expect, and consequently will have a significantly detrimental effect on their living conditions and amenity. There could also be a negative impact on community cohesion and residents' safety.

The applicant has indicated that other flats in the tenement are also operating as STLs. However, a search of planning register details that no certificates of lawfulness or

planning permissions have been granted for this address. In the absence of this, the planning status of other properties in the stair is as residential dwellings and their amenity needs to be judged as such.

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.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would result in the loss of this residential accommodation, which given the recognised need and demand for housing in Edinburgh it is important to retain, where appropriate.

Further, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services, resultant employment, and by making contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Transport

No parking is proposed. This is acceptable as there are no parking requirements for STLs. The change of use of one property to a short term let will not result in a significant impact to traffic congestion in the local area.

The proposals comply with LDP 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. 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 visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

The application attracted one representation in objection. A summary is provided below:

material considerations in objection

- The proposal will lead to a loss of residential accommodation. Assessed in section c).
- The proposal will lead to a loss residential amenity in terms of noise and safety. Assessed in section c).

non-material considerations in objection

- The proposal could lead to guests misusing domestic appliances and causing flooding or other nuisance.
- The proposal could lead to guests incorrectly using refuse and recycling facilities.

Conclusion in relation to identified material considerations

The 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 proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and an unacceptable impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan 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 dwelling 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 6 November 2023

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer

PLACE
The City of Edinburgh Council

Contact: Lizzi Smyth, Assistant Planning Officer
E-mail: lizzi.smyth@edinburgh.gov.uk

Appendix 1

Consultations

No consultations undertaken.

Appendix 2

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: Lizzi Smyth

Date: 28 May 2024

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): Lynsey Townsend

Date: 12 June 2024

Planning & Building Design Ltd.
FAO: Keith Owens
24 West Nicolson Street
Edinburgh
EH8 9DA

Allytta Property Consultants.
3F2 112A West Bow
Edinburgh
EH1 2HH

Decision date: 12 June 2024

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

Formalise the use as a short term holiday let.
At 3F2 112A West Bow Edinburgh EH1 2HH

Application No: 23/05043/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 6 November 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 dwelling 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 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse 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, 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 complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use of this property to a Short Term Let (STL) will result in a loss of the residential accommodation and an unacceptable impact to neighbouring amenity. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the impact to neighbouring amenity. The proposal does not comply with Development Plan policy NPF4 policy 30(e) and LDP plan 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 Lizzi Smyth directly at lizzi.smyth@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

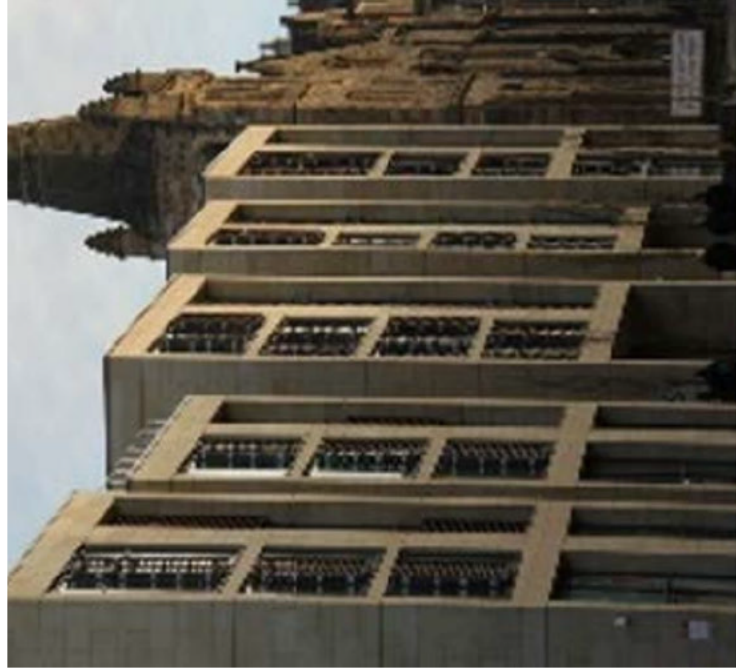
1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the 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.

Student housing

Student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students.

Student accommodation is a primary place of residence and therefore it is critical that design is of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles and quality of life. The provision of daylight, sunlight, privacy and outlook is of particular importance (see section 2.10). Where development cannot reasonably accord with the minimum standards required, development will not be supported.



Student Housing - St Leonards Street

More guidance is provided in the City of **Edinburgh Council's Student Housing guidance (Feb 2016)**.

The long term adaptability of new student housing should also be taken into account- considering how easily the buildings could be converted into mainstream housing with satisfactory level of amenity should the demand for student housing decline.

Designing housing for older people and those with disabilities

Lifetime Homes is a concept developed by housing specialists to ensure that homes are accessible and inclusive. The Living Homes standard sets out 16 design criteria which allow houses to accommodate change in people's requirements throughout their lives. The design principles include:

- The approach to all entrances should preferably be level or gently sloping;
- All entrances should be illuminated and have level access over the threshold;
- Enable convenient movement in hallways and through doorways
- Enable convenient movement in rooms for as many people as possible
- Provide an accessible bathroom that has ease of access to its facilities from the outset and potential for simple adaptation to provide for different needs in the future
- Enable people to have a reasonable line of sight from a seated position in the living room and to use at least one window for ventilation in each room

More detailed design information and guidance can be found in:

Building standards technical handbook: domestic Best Practice Guidance for wheelchair accessible housing - Greater London Authority 2007

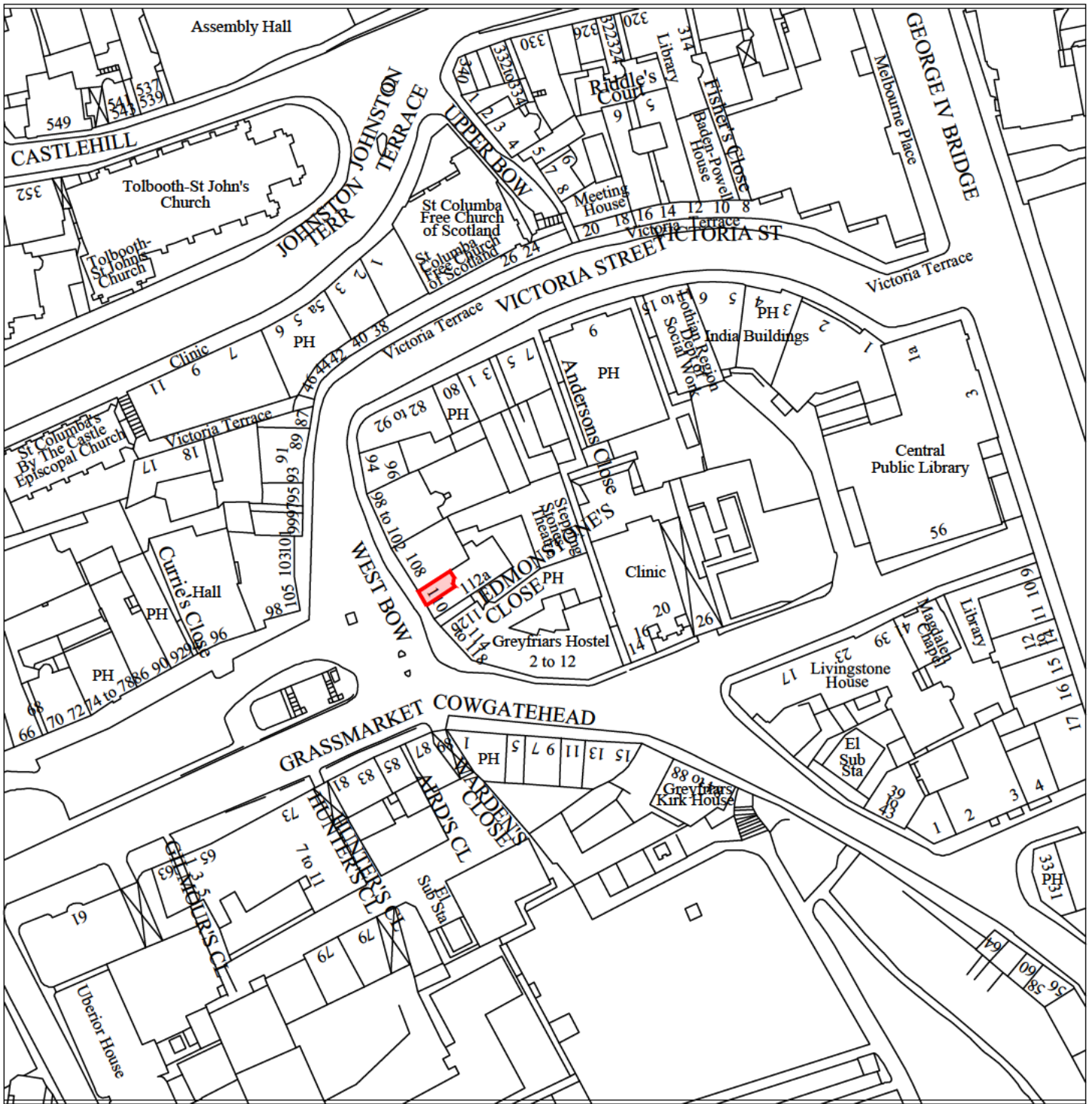
Improving the design of houses to assist people with dementia - this guidance sets out some key principles that can help people with dementia to manage within their own homes.

Housing mix

In schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, have good levels of storage, have direct access to private gardens (for example via patios or private external stairs) or safe play areas for children, and have a minimum internal floor area of 91m².

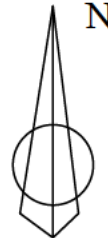
In order to ensure satisfactory amenity, dwellings should not fall below the following minimum internal floor areas:

- 36m² Studio dwelling;
- 52m² One bedroom dwelling;
- 66m² Two bedroom dwelling;
- 81m² Three bedroom dwelling; and
- 91m² Three bedrooms or more with enhanced storage designed for growing families.



LOCATION PLAN

1:1250



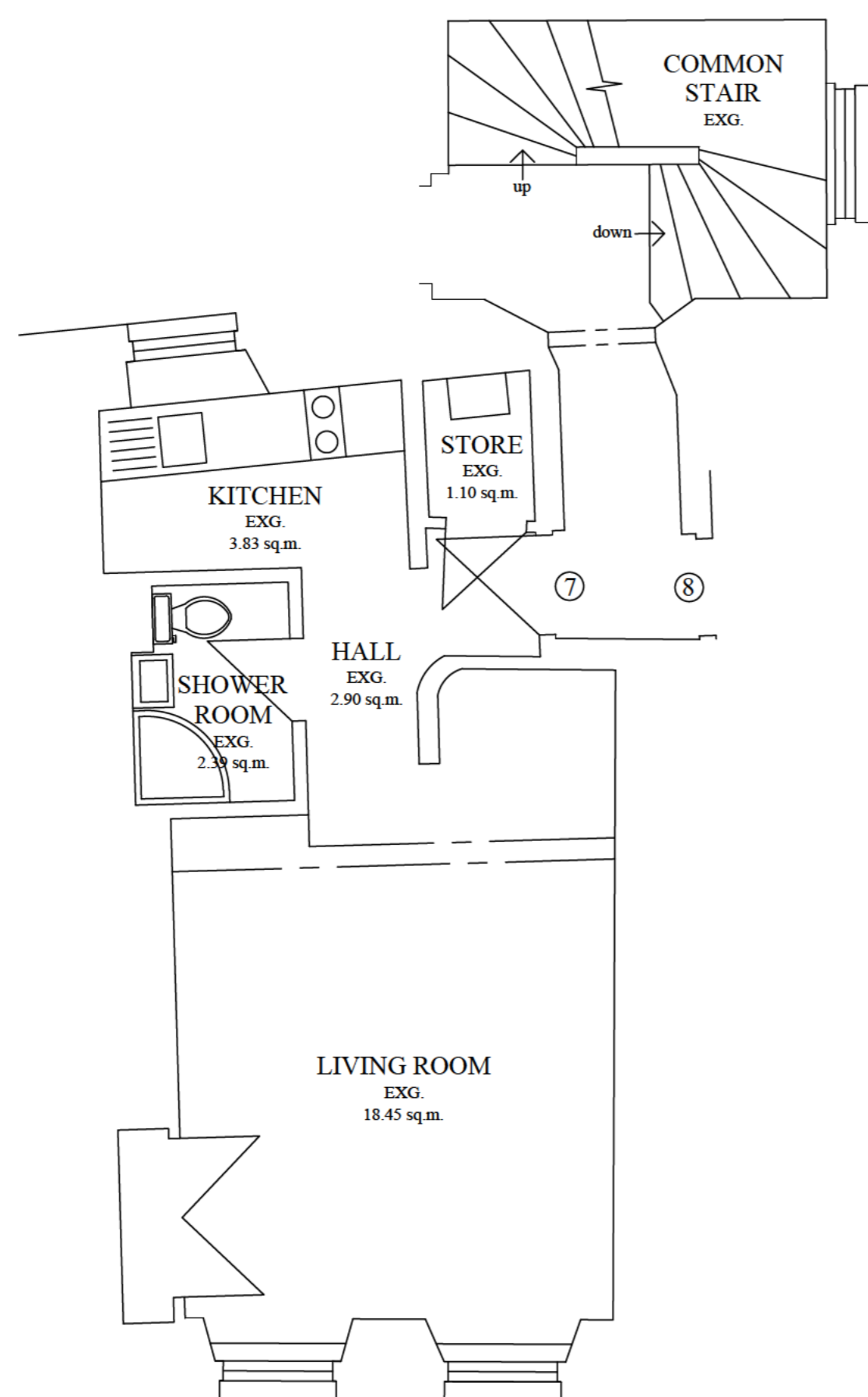
Project FORMALISE USE AS A SHORT TERM
HOLIDAY LET AT - 112 'A' / 7 WEST BOW
EDINBURGH, EH1 2HB

Client ALLYTTA PROPERTY CONSULTANTS

PLANNING & BUILDING DESIGN LTD.
24 WEST NICOLSON STREET
EDINBURGH
EH8 9DA

Date SEPT '23 Scale 1 : 1250 Drg.Num. 3342 / 02

Tel 0131 662 8430
Fax 0131 662 8431



THIRD FLOOR PLAN AS EXISTING

THIRD FLOOR PLAN AS EXISTING

TOTAL FLOOR AREA OF PROPERTY = 29.68 sq.m.

Project		
FORMALISE THE USE AS A SHORT TERM HOLIDAY LET AT 112 'A' / 7 WEST BOW EDINBURGH EH1 2HB		
Client		
ALLYTTA PROPERTY CONSULTANTS		
Date	Scale	Drg.Num.
SEPT '23	1 : 50	3342 / 01
Planning & Building Design Ltd.		
24 West Nicolson Street Edinburgh EH8 9DA		
Tel. 0131 662 8430 Fax. 0131 662 8431		