

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 100603501-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="South View"/>
First Name: *	<input type="text" value="Luke"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Barnes"/>	Address 1 (Street): *	<input type="text" value="Ormiston Hall"/>
Company/Organisation	<input type="text" value="Dual Scan Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Ormiston"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH35 5NJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

405 WEBSTER'S LAND

Address 2:

TOLLCROSS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2RX

Please identify/describe the location of the site or sites

Northing

673276

Easting

325160

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 (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.

See attached 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 letter

Application Details

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

22/02967/FUL

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

02/06/2022

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

13/10/2022

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

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 Luke Barnes

Declaration Date: 20/10/2022

Appeal supporting statement for application number 22/02967/FUL

Following a review of the decision notice and report of handling associated with planning application number 22/02967/FUL, a number of points have been noted that warrant the submission of an appeal. The points are listed below and it is requested that they are reviewed as part of this appeal.

The primary ground for refusal is that, according to the planning officer, the proposal will have a materially detrimental impact on nearby residential amenity and is therefore contrary to Policy Hou 7 of the Local Development Plan. This opinion is based on the following statements taken from the report of handling:

- *'potential to introduce an increased frequency of movement to the flat and in the communal stairways at unsociable hours'.*

Guest movement has been shown to be similar to that of long-term residents during their stay and the layout of the building, with its predominantly external walkways help to minimize disturbance to residents as only a small portion of flats are passed and noise is not amplified as it is in a traditional tenement stairway. Arrival / departure times are typically mid-morning / afternoon with no late-night arrivals permitted.

An extract from enforcement report 19/00301/ESHORT reads *'the character of the development differs from traditional tenement style flats due to the scale of the development and nature of the external walkways. It is therefore likely that any noise and disturbance arising from the arrival and departure of guests will be less intense than that which may be experienced within an enclosed tenement block'.*

- *'use would enable two or more 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'.*

- *'no guarantee that guests would not come and go frequently throughout the day and night'.*

As highlighted in the original supporting statement, no more than two guests are permitted to stay at any one time.

The Air BnB 'house rule' system ensures that all guests are reminded of the importance of respecting their neighbours while staying at the property. No complaints have ever been received from neighbouring residents in relation to the frequency and timing of guest transit in the building, nor for any other matter relating to the current use and residential amenity.

The patterns of coming and going to the property by the guests are very similar to, if not indistinguishable from, permanent residents; the use of the property as a residential flat is not intensified as a result. Guests are either on holiday, or on a business trip and therefore spend the majority of the day out of the property, and not entering and exiting the building multiple times per day or night. It is also noted that the property is not occupied every day of the year, and is occupied less intensively than some properties occupied by long term residents.

- *'risk of a potential detrimental impact on the sense of community and less interest in maintaining and cleaning the stairwell due to temporary occupation'.*

It is argued that the sense of community in city centre locations like the old town of Edinburgh has been impacted more significantly by things like increased student numbers and general gentrification than the more recent rise in self-catering accommodation. It has been noticed that tourists are typically more amenable to exchange pleasantries and have conversation than many of the long-term residents in the building.

All communal areas in the building are regularly cleaned and maintained by Trinity Factoring services, ensuring that residential amenity is not negatively impacted. The factor has never reported an increase to cleaning / maintenance requirements as a result of the current use.

- *'use could bring additional noise and disturbance immediately outside the flat and in the shared stairwells'.*

The flat is located one floor above street level with the majority of the route located externally. The areas outside the flat and stairwells are used for transit only as the walkways are fairly narrow with no reason for people to congregate.

Furthermore, it could be argued that "normal" residential use involves activities which may cause disturbance to a building, which the property as a short-term let does not. Examples would include carers coming and going during the day and night, friends of a resident visiting (unlikely with the short term guests), parties and other gatherings, use of household appliances such as a washing machine (unlikely with short term guests given the brevity of their stays) or a television (unlikely with short term guests due to the purpose of their visit being touristic), and cooking noises/smells and associated waste (most guests will eat in local restaurants). "Normal" residents would also take shopping and bicycles up the stairs, creating noise not generated by the short-term guests.

Further points

The statements / reasons relating to the impact to residential amenity in the report of handling are all general speculations that do not take into account the type of people that stay in the property or the systems that are in place to control guest numbers, arrival times and encourage respectful behavior. It also does not consider that the use has been ongoing for the past 5 years with not one complaint received about noise or disturbance from fellow residents.

The report of handling does not make any mention of the covering letter that was attached to the application which raised many of the important points mentioned above.

Reference is only made to the public representations, two of which are from organizations that have no direct relationship with the building and are known to object to all applications of this nature. The third is from an individual who believes the change of use is only now about to start and clearly does not have any direct grievance with the property in question as they have been unaware that the use has been ongoing for 5 years.

Based on the points mentioned above, it is refuted that there has been any detrimental effect to neighbouring residential amenity and consider that the use of the property does not conflict with policy HOU 7.

The decision to refuse the application is effectively 'shutting down' a business that has been operating successfully and respectively for the past 5 years with zero complaints received. The owners take great pride in personally managing the bookings, liaising with guests and maintaining / cleaning the property. The personal impact of this decision cannot be overstated and although the council claim to judge each case on its own merits, the reasons / assumptions included in the report do not appear to support this statement.

The local review body is therefore invited to consider the above points and find that the use of the property for short-term residential lettings has not had a detrimental impact on residential amenity.