

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto: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 100549837-003

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:	Crossings House Design Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steve	Building Name:	The Old Dairy
Last Name: *	Runciman	Building Number:	54
Telephone Number: *	07920067411	Address 1 (Street): *	Comrie Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Crieff
Fax Number:		Country: *	Scotland
		Postcode: *	PH7 4AX
Email Address: *	steve@crossingshouse.co.uk		

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

Individual  Organisation/Corporate entity

## 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="2F1"/>
First Name: *	<input type="text" value="Calum"/>	Building Number:	<input type="text" value="4"/>
Last Name: *	<input type="text" value="Pretsell"/>	Address 1 (Street): *	<input type="text" value="Abbey Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH7 5SJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2F1"/>
Address 2:	<input type="text" value="4 ABBEY STREET"/>
Address 3:	<input type="text" value="ABBAYHILL"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH7 5SJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674372"/>	Easting	<input type="text" value="327067"/>
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## 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 of existing flat from residential to short term holiday let use.

## 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.

Please refer supporting statement.

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)

17-001(PL)001 rev A 2F1 4 Abbey St Edin Floor Plans Notice of Review 071222 A2 - floor plans 22\_01649\_FUL 2F1 4 Abbey Street St Planning Appeal Ltr 071222 - supporting statement

## Application Details

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

22/01649/FUL

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

31/03/2022

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

08/09/2022

## 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

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 \*

By means of inspection of the land to which the review relates

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)

A site inspection was required for two recent previous applications submitted and appealed by the applicant of a similar nature, ie change of existing residential property to short term holiday let. The reporter to the opportunity to visit the sites and consider the issues first hand.

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 Steve Runciman

Declaration Date: 07/12/2022

Crossings House Design Ltd.  
The Old Dairy  
54 Comrie Street  
Crieff  
Perth & Kinross  
PH7 4AX  
07920 067411  
steve@crossingshouse.co.uk

**EMAIL**

07th December 2022

Your Ref: 22/01649/FUL  
Our Ref: 17-001 2F1 4 Abbey Street, Edinburgh

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

Dear Sir/Madam,

**22/01649/FUL 2F1 4 Abbey Street, Edinburgh: Refusal for Change of Use Residential to Short Term Holiday Let Use – NOTICE OF REVIEW.**

We hereby request a review of the decision to refuse the above change of use planning application. To quote from the refusal document:

*“Reasons:-*

*1. The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.*

Looking at the aforementioned Local Development Plan Policy Hou 7:

*Policy Hou 7 Inappropriate Uses in Residential Areas:  
Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.*

*234 The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance.*

The application has been refused primarily on the grounds of ‘loss of amenity’:

*“as it would have a detrimental effect on the living conditions of nearby residents by virtue of increased noise and disturbance to the detriment of residential amenity.”*

This blanket assessment must be challenged, and it is interrogated below. However, it is important to first state some of the relevant factors relating to the letting of this property.

Cont/.

Cont/.

#### 1. Existing condition:

The applicant/landlord has operated this flat successfully as a short-term let since early 2018. There are no recorded complaints to date from any neighbours in the stairwell or locality.

This is reinforced by the fact that the planning application drew only **1** objection out of the **93** neighbour notifications.

#### 2. Period of occupation:

The flat operates a 3 night minimum stay. Records show the average length of stay over the past 12 months is 4 days. **It is therefore generally empty for 3 days a week, or more.** This is significantly less than the other flats in the stairwell. This is important, as it undermines any argument that the renting of the flat increases the 'load' or 'traffic' on the stairwell and locality, with a subsequent potential loss in the neighbour's amenity.

#### 3. Occupancy factor:

The flat is a two bed. The applicant/landlord restricts the occupation to a maximum of 2 adults, plus any children. Records show it is mostly rented by couples on weekend breaks. If the flat was owner occupied, or on a long-term rental, then the occupancy factor would be no different.

#### 4. Nature of guest:

The applicant/landlord can attest that the over whelming majority of his guests visit Edinburgh for pleasure, rather than business. They generally arrive by plane or train and seldom use a car. They therefore do not increase the parking demand on Abbey Street and the local area. More importantly, they do not increase the parking demand on weekdays when business related parking is at a premium. Most bring a backpack/rucksack suitable for overhead luggage on a plane or train. In this respect it is no different to residents bringing bags of shopping into the stairwell and certainly less impactful than residents manoeuvring bikes or prams up the stairwell.

#### 5. Property ownership in stairwell:

The remainder of the flats in the stairwell (13 number) are predominantly rented, with less than 20% owner occupied. The lack of owner occupied flats has a strong effect on the dynamic of the stairwell, particularly with regard to the maintenance and repairs of the common areas. It is a fact of life that the majority of tenants are less concerned about the condition of their rental property than owner occupiers and perhaps take a less than proactive stance with regard to its upkeep. This is wholly understandable. With such a high percentage of renters it would be easy for the maintenance of the stairwell and common areas to become an issue.

The applicant/landlord has not allowed this to occur. **He has been the proactive member of the stairwell and has taken on the responsibility for the upkeep of the common areas.** He organises the necessary repairs to the main entrance door, stairwell lighting, stairwell cleaning, felling and removal of dangerous trees in the common garden, removal of debris in common areas etc etc. It is a fact that without the applicant/landlord's input, the common areas of 4 Abbey Street would be less pleasant spaces.

The benefit of the applicant/landlord's rental flat to all parties in the stair is obvious. The rental will only be successful if the flat and stairwell are well maintained, and this will only be achieved if the applicant/landlord makes a significant effort to do so. The neighbours thereby benefit, with an improvement in their amenity, rather than a loss.

#### 6. Rental history:

The applicant/landlord has rented other properties successfully in Edinburgh for many years. He has always been active in maintaining good relations with neighbours and helped to maintain good standards of maintenance and repair in the stairwell/locality.

He has also been invited on to the AirBnB board of ambassadors, which assists hosts in improving the quality of their rentals. Needless to say, this invitation is only open to those operating a high quality rental and receiving high quality reviews. It should be obvious that the reviews would not be so high if the applicant/landlord did not pay the requisite attention to the condition of both the flat and its stairwell.

Cont/.

Cont/.

7. Profession:

The applicant/landlord is a contractor/developer by trade and has the knowledge, contacts and equipment necessary to facilitate repairs and maintenance as required.

Given the above, we must look at the potential loss of amenity. In planning terms 'amenity' is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.

I have tried below to ascertain what these individual elements are:

1. Overlooking – this is not applicable.
2. Overshadowing – this is not applicable.
3. Loss of daylight – this is not applicable.
4. Loss of privacy – this is not applicable.
5. Smells – this is not applicable.
6. Vibration – this is not applicable.
7. Dust – this is not applicable.
8. Noise – I would invite anyone to discuss this issue with any members of the stairwell to number 4 Abbey Street. As noted above, there are no recorded complaints with regards to the rental of flat 2F1.
9. Anti-social behaviour – as above.
10. Anti-social hours – as above.

Given the above, we would argue strongly that the applicant/landlord has made a positive contribution to improving the amenity of his neighbours. If the decision to refuse the application is upheld, then the applicant/landlord will likely sell the property. Whether another member of the stairwell will then accept the mantle of responsibility for its repair and maintenance is a matter of debate.

We would also like to highlight the fact that the applicant successfully appealed 2 planning applications of a similar nature for short term holiday let conversions on Albert Street Edinburgh in 2021:

21/01109/FUL 2F4 3 Albert Street  
21/01108/FUL 2F1 5 Albert Street

In both cases the reporter found that there was no obvious loss of amenity to the nearby residents and sided with the applicant. We fail to see any difference in this case.

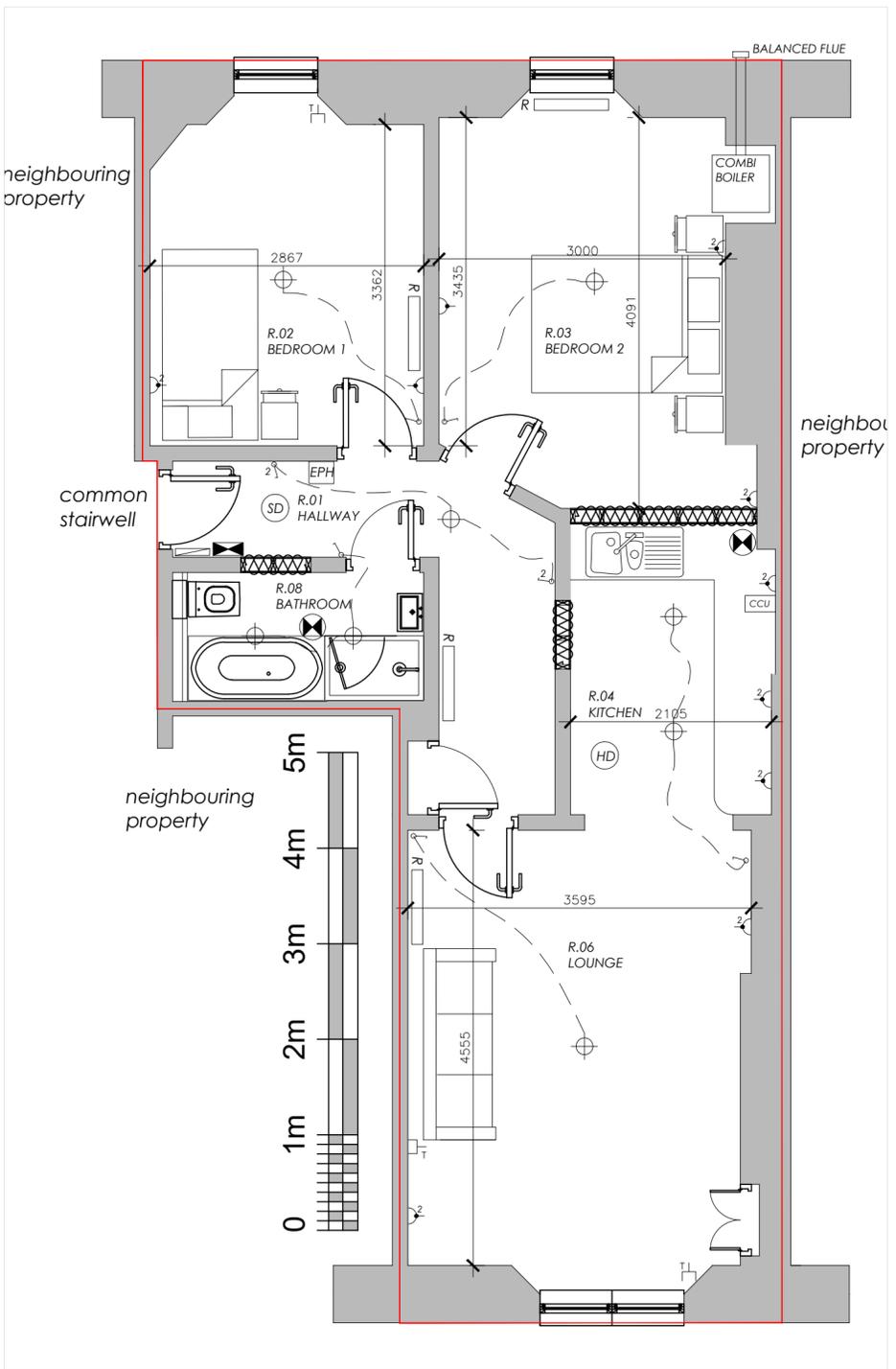
As an aside (albeit a very important one), we would argue that using a single bedroom flat as a short term let would not constitute a material change of use and hence does not require planning permission.

We look forward to hearing from you in due course.

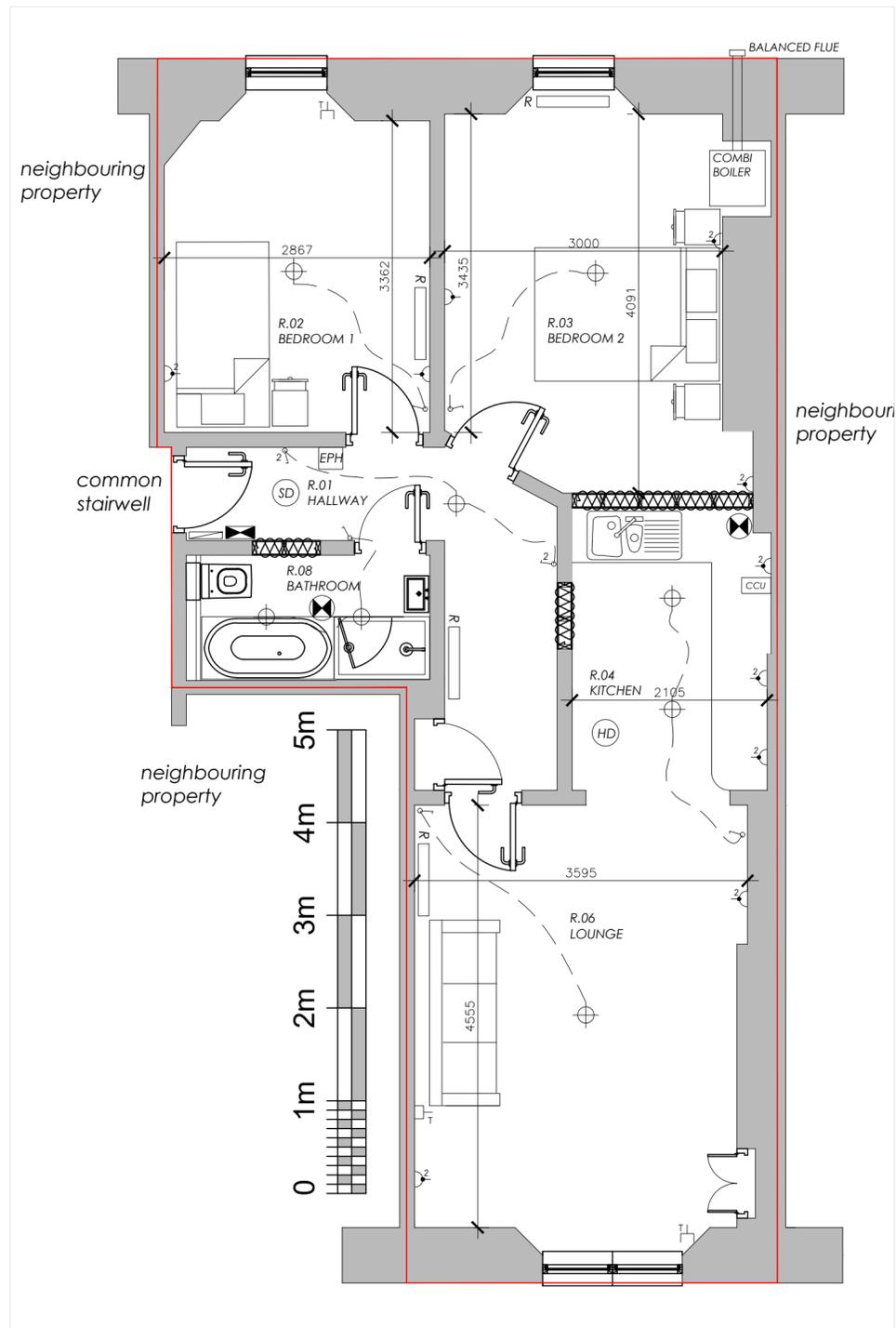
Yours sincerely,

Steve Runciman  
Crossings House Design Ltd.

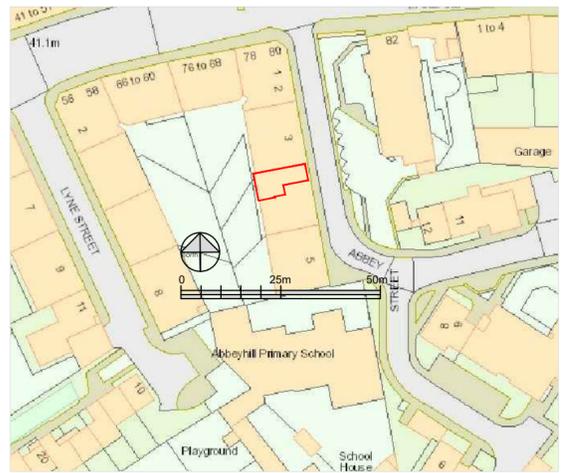
Cc Calum Pretsell



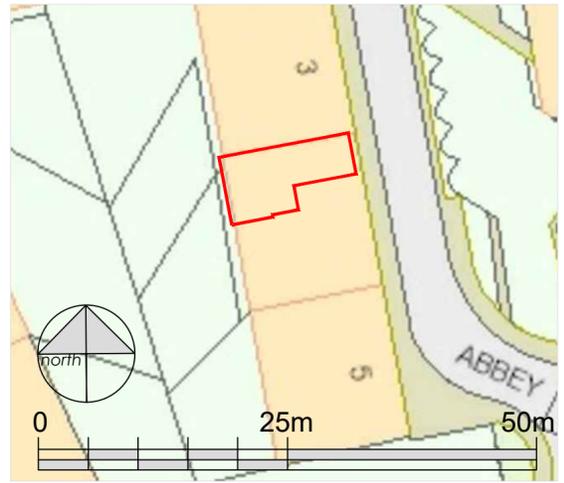
existing floor plan 1:50 @ A3  
 (residential use)



proposed floor plan 1:50 @ A3  
 (Air B'n'B use)



location plan 1:1250 @ A2



location plan 1:500 @ A2

original @ A2 size

SUPPORTING NOTES REMOVED - REFER SEPARATE DOCUMENT 071222

Revisions		
Crossings House Design Ltd. The Old Dairy, 54 Comrie Street Crieff, Perth & Kinross PH7 4AX tel: 07920 067411 steve@crossingshouse.co.uk		
CLIENT: Calum Pretsell		
PROJECT: Change of Use from Residential to AirBnB: 2F1, 4 Abbey Street, Edinburgh, EH7 5SJ		
DRAWING: Existing & Proposed Floor Plans & Location Plans		
SCALE: as noted@A2	DATE: Mar 2022	DRAWN: sgr
JOB NO: 17-001	DWG NO: (PL)001	REV: A