

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 100573822-002

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: | ABC Architecture             |  |                |
| Ref. Number:          |                              | You must enter a Building Name or Number, or both: * |                |
| First Name: *         | Steven                       | Building Name:                                       |                |
| Last Name: *          | White                        | Building Number:                                     | 18A            |
| Telephone Number: *   | 01315108555                  | Address 1 (Street): *                                | Rothesay Place |
| Extension Number:     |                              | Address 2:   |                |
| Mobile Number:        |                              | Town/City: *   | Edinburgh      |
| Fax Number:           |                              | Country: *   | SCOTLAND       |
|                       |                              | Postcode: *  | EH3 7SQ        |
| Email Address: *      | steven@abcarchitecture.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="Other"/>               | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text" value="Mr &amp; Mrs"/>        | Building Name:                                       | <input type="text"/>                               |
| First Name: *        | <input type="text" value="Domas &amp; Gintare"/> | Building Number:                                     | <input type="text" value="35"/>                    |
| Last Name: *         | <input type="text" value="Teskeviciene"/>        | Address 1 (Street): *                                | <input type="text" value="Barnton Park Crescent"/> |
| 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="EH11 2AJ"/>              |
| 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="28 CALEDONIAN PLACE"/>       |
| Address 2:  | <input type="text" value="DALRY"/>                     |
| Address 3:  | <input type="text"/>                                   |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text" value="EDINBURGH"/>                 |
| Post Code:  | <input type="text" value="EH11 2AP"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="672872"/> | Easting | <input type="text" value="324052"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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)

Proposed change of use to form short term let.

## 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.

All matters outlined in the attached appeal 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)

Grounds of appeal statement.

## Application Details

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

22/03007/FUL

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

07/06/2022

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

14/09/2022

## 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 visit along with the opportunity for the applicant to represent their case would be beneficial for all parties.

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 Steven White

Declaration Date: 08/12/2022

## Grounds of Appeal Statement

### Appeals against the delegated refusal of planning permission for the proposed change of use (retrospective) to form short term lets

At 14 Caledonian Crescent and 28 Caledonian Place, Edinburgh

Planning Application References: 22/03007/FUL & 22/03008/FUL

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#### Introduction & Overview

1. This Grounds of Appeal Statement has been prepared by Chartered Town Planning Consultants, John Handley Associates Ltd on behalf of Domas Teskevicius and Gintare Teskeviciene the property owners, operators of the short term lets, and the applicants. This Statement is submitted in support of the applicants' appeals which have been lodged by ABC Architects.
2. For the reasons set out in this Statement and the accompanying Appeal Documents, we would urge the Local Review Body (the "LRB") to give full and proper consideration to the facts and evidence relating to these particular properties. This will allow the LRB to uphold both of these appeals and grant planning permission for the retrospective change of use of these properties.
3. This assessment and determination can be made in full accordance with the terms of Edinburgh Local Development Plan Policy HOU7 and Scottish Planning Policy paragraph 29.
4. In our opinion, there are no other material considerations which outweigh this conclusion. In fact, the other relevant material planning considerations provide further support for the continued use of these particular properties as short term lets.
5. The information provided below confirms why, based on a proper understanding and assessment of the relevant facts and evidence, that planning permission can, and should be granted.
6. We will establish in this Grounds of Appeal Statement that the Planning Officer has failed to take into consideration, and has therefore failed to give any weight to, a number of significant material considerations. These include:

**(1) the Planning Officer's failure to undertake any recognition or examination of the planning history of these particular properties;**

**(2) the Planning Officer's failure to give any weight to the fact that the applications are retrospective in nature; and**

**(3) the subsequent failure to acknowledge that the properties have been operating as short term lets, without any complaints or objections from any neighbouring residents, for over four years.**

7. In our opinion, these are significant shortcomings, and had the Planning Officer given proper weight and consideration to these key facts, a different and positive determination could have been made. We examine the consequences of these shortcomings throughout this Statement.

### **Requested Appeal Procedure**

8. As the applications are identical in nature and have been submitted by the same applicants at the same time, and refused for identical reasons by the Planning Officer, we would request that these appeals are co-joined and considered together.
9. This Statement therefore sets out the full grounds of appeal in response to the Planning Officer's refusal of both applications. We would therefore respectfully request that the LRB considers this Statement in support of both appeals.
10. In terms of the requested procedure for determining these appeals, we would request that these matters are considered by way of a Hearing and a Site Visit.
11. As we will demonstrate in this Statement (and the accompanying Appeal Documents) it is apparent that the Planning Officer has failed to consider the very clear, compelling and material planning considerations relevant to these proposals.
12. This failure to give any weight to these matters is significant and, for this reason, we consider that it would be prudent for the LRB to visit the properties and hear directly from the applicants, prior to determining these appeals.
13. By following this procedure, the LRB would have the opportunity to properly consider and assess the very clear evidence that allows these applications to be approved in accordance with the relevant policies of the adopted Development Plan and relevant Scottish Planning Policy.

### **Proposed Development**

14. The applications involve the retrospective change of use of two adjoining ground and basement floor flats for use as short term lets. This use has been operating for over 4.5 years.
15. There are no external or internal building works proposed as none are necessary as all works were undertaken when the properties were redeveloped and refurbished in 2018. This point was confirmed in the submitted application drawings (see Appeal Document **SD01**).

16. Unfortunately the Planning Officer's Reports of Handling for each application ("ROH") are completely silent on the planning history of the two properties, and in fact the ROH advise that there is "*no relevant site history*" (Appeal Documents **SD02** and **SD03**).
17. As we shall explain below, the information provided in the ROH is wrong, and is a significant shortcoming.
18. The planning history of the properties is important, but the Planning Officer has not taken this significant material consideration into account as part of her assessment of these applications.

### **Site Location**

19. The ROH does correctly explain that the two properties form the ground and basement floor of part of a four storey stone terraced tenement building located at the corner of Caledonian Place and Caledonian Crescent in the Dalry area of Edinburgh.
20. The ROH also confirms that both properties have their own, separate front doors which take access directly from the street.
21. The ROH also confirms that both properties have no front garden and no access to rear garden ground.
22. These are important distinctions of particular significance to these properties. It confirms that the properties do not share an access with the tenements above; and have no access to any communal or shared areas, either internally or externally. This is a significant point of particular interest, which we will discuss further below.
23. The ROH also explains that the street where the properties are located and surrounding streets are mainly residential in nature, but also confirms that "*there are some other uses [i.e. non-residential uses] such as shops and leisure facilities, with Dalry Swim Centre nearby*".
24. The ROH also confirms that "*Caledonian Place is off Dalry Road which is a busy thoroughfare on a high frequency bus route*".
25. The ROH therefore confirms that the application properties are located within a predominately residential area, but also within an area that contains a range of other mixed uses and one that is located in close proximity to the busy Dalry Road with its excellent public transport links and its wide range and mix of shops, offices, businesses, local amenities and facilities, and a number of cafés, restaurants, bars and hot food takeaways.
26. This is another significant point. It confirms that the properties are located in a highly accessible area that contains a wide mix and range of uses, including but not solely residential use.

27. This point can be evidenced on a site visit, and we would urge the LRB to undertake its own visit of the properties and the surrounding area, which will confirm that this is not a mono use area that contains housing and nothing else.
28. The range of uses in the local area include: a number of cafes, restaurants and shops which are less than 130 metres or 2 minutes walk from the properties; the Dalry Swimming Centre which is opposite the properties; a dental practice on the corner of the adjacent tenement block; and a large office building which is located in the yard area of the same tenement building as the application properties. This is an area that contains a mix of uses.

### **Planning History & Original Retail Use**

29. As discussed above, and set out quite clearly on the submitted application drawings (e.g. the Ground Floor Plan Layout which is submitted as Appeal Document **SD01**) the application properties were previously a shop, and had an established class 1 retail use prior to being converted to form two self-contained apartments in 2018.
30. The works which allowed the property to be converted from its original retail use were approved and implemented under **Planning Permission 15/05015/FUL** which was granted in March 2016. The application details can be accessed at:  
  
<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=summary&keyVal=NX316ZEWIXJ00>
31. The ROH for this previous application is submitted as Appeal Document **SD04**. It advises that: *“The property is located on the corner of Caledonian Crescent and Caledonian Place. It is a vacant ground floor and basement unit previously in retail use. Directly surrounding the unit is residential properties with a number of previous ground floor units having been converted to residential”*.
32. A copy of the marketing brochure for the property from November 2017 is also included as Appeal Document **SD06**. This confirms how the property (originally known as 14 - 16 Caledonian Crescent) was operated as a newsagent and licensed grocery store prior to its conversion in 2018.
33. It is also our understanding that the property had been in retail use since the original tenement building was erected in the 1890's, and was built to be operated as the “local corner shop”.
34. The property has therefore never been in a long term residential use. This is an important distinction, but is unfortunately a matter that the Planning Officer chose to ignore in her consideration and assessment of the current (2022) planning applications. As we have established above, the Planning Officer indicated that there is *“no relevant site history”*. This is quite clearly wrong and is a significant error on the part of the Planning Officer.

### **Existing Use & Operation of Properties as Short Term Lets**

35. The applicants purchased the property in June 2015 and obtained planning permission for the conversion of the former shop unit to form two self-contained apartments in March 2016 (Appeal Document **SD05**). Following a further two years to obtain the necessary building warrant approvals and carry out the alterations, the refurbishment works were completed in May 2018 and the properties have been used as short term lets since June 2018.
36. Neither of the properties have been let or occupied on a long-term residential basis and were converted from their original retail use for the sole purpose to be used as short term lets.
37. This point was confirmed in the submitted application forms and on the application drawings (Appeal Document **SD01**) which confirmed that: *“The application site has been used as an AirBnB for the last 4 years”*.
38. The retrospective nature of the change of use was also acknowledged in the Planning Officer’s ROH which advised that: *“The property is already being used for short term lets and, therefore, the application has been made retrospectively”*.
39. However, and despite this acknowledgment that the short term lets use was already operational, and the confirmation in the application documents that this use had taken place since June 2018, the Planning Officer took no account of this key point in her assessment and subsequent determination of the planning applications. The ROH is silent on this key issue.
40. This is a further significant failing on the part of the Planning Officer and, in our opinion, this point should have been discussed and considered as part of the assessment of these applications.

### **Soundproofing and Noise Control Measures**

41. The submitted drawings (Appeal Document **SD01**) also confirmed that: *“there have been no noise complaints by any neighbours, the property is also fitted with a noise monitoring system which all occupants are made aware of”*.
42. The Planning Officer also failed to take into account this key information in her assessment of the planning applications and there is no mention of the installed noise monitoring system in the Planning Officer’s ROH.
43. In this respect, we can also confirm that when the property was converted from its former retail use, the applicants installed additional soundproofing within the separating floor between the newly converted flats and the existing flats above. The separating floors were acoustically upgraded to ensure that there would be no noise issues for the neighbours above.

44. To ensure the efficiency of this soundproofing, the applicants arranged for detailed sound tests to be undertaken after the renovation was finished and the report prepared by Robin Mackenzie Partnership, one of the UK's largest acoustic consultancies which is linked to Edinburgh Napier University is included as Appeal Document **SD07**.
45. This sound test report confirms that the application properties benefit from acoustically upgraded separating floors to minimise noise transfer between properties. This is a further key determining issue that was not discussed or considered in the Planning Officer's assessment of the applications.
46. As noted on the application drawings (and in addition to the upgraded acoustic floors/ceilings), a noise monitoring Minut device was installed in each of the properties which notifies the host if the noise reaches 75 db (which for comparison is equivalent to the noise from a vacuum cleaner). If the noise levels within the apartments exceed 75 db, a message is sent to the guest instantly asking them to lower the noise.
47. This is a further existing noise control measure which was not mentioned in the Planning Officer's ROH despite being highlighted as part of the application submission.
48. We can also advise that further noise control measures are implemented by the property owners before potential guests book the apartments. This includes a message which is sent to all potential guests which advises the following:

**- PARTIES ARE NOT ALLOWED!**

\*Other than the guests stated in your reservation, there are no outside guests allowed.

*\*\*\*We appreciate your courtesy and respect of the residents in the building and next door. We request that you maintain the peace, particularly during property PEACE HOURS from 11 pm to 7 am.\*\*\**

49. It is therefore clear that a range of noise reducing measures have been installed and are being operated by the property owners including upgraded soundproofing between the properties and the residential flats above; noise monitoring devices; and advice and guidance to potential guests prior to booking.
50. However, none of these specific measures of direct relevance to these particular properties were mentioned or considered by the Planning Officer in her assessment of these applications. Instead a general and uninformed view that short term lets can potentially be noisy and disruptive was taken. This approach is not appropriate or reasonable and does not reflect the factual situation relating to these particular properties.

### **High Quality Accommodation**

51. We can also confirm that in addition to the installation of specific soundproofing and noise attention measures, the applicants have refurbished the properties to an exceptionally high standard, and they are marketed as high quality accommodation for couples and families that are looking for accessible accommodation with its own kitchen and living area.
52. The majority of bookings are made by families and couples, and both properties have attracted 4.98 ratings out of 5 with over 300 reviews each. Examples of the quality of the properties and the reviews received are submitted as Appeal Document **SD08**. This confirms the high quality of the accommodation and the experience of recent guests. It is clear from this information that these properties are not operated as low budget, “party flats” for large groups. But rather, the properties are aimed at the high quality family or couples market.

### **Supporting Statements from Adjoining Residents**

53. Reflecting the high quality nature of the properties, and in the 4.5 years that they have been operating as short term lets, the applicants have not received any complaints about guest behaviour or noise from any adjoining neighbours or local residents.
54. In fact two of the neighbours that live, or have lived, in the flats above the properties have provided statements to the applicants confirming that they have never heard any noises from the apartments or had any issues with guests. These statements are submitted as Appeal Document **SD09** and confirm that there have been no noise or amenity issues arising from the use of the properties as short term lets over this extended period.
55. In this respect we would also add that none of the representations submitted in response to the notification of the applications raised any issues about existing noise or amenity issues from these properties.
56. If there had been existing noise or amenity issues as a result of the operation of the short term lets, this point would have been raised as an existing problem. There were no such comments.
57. This provides further confirmation that there have been no noise or amenity issues arising from the use of these properties as short term lets. This is a further significant point in support of the proposals, but was not acknowledged by the Planning Officer in her assessment.
58. The facts available therefore confirm that there have been no noise or amenity issues associated with the use of these properties as short term lets for a period in excess of 4.5 years.
59. This indicates that the longstanding use of the properties as short term lets has had no detrimental impact on the living conditions and amenity of any nearby residents. This conclusion is based on the facts and evidence specific to these properties and not general, broad based assumptions.

### **Need for Retrospective Change of Use to Short Term Lets**

60. Until Edinburgh's designation in September 2022 as a Short-term Let Control Area there was no requirement to obtain planning permission for this use. However, as a result of the newly designated Control Area, Section 26B of *The Town and Country Planning (Scotland) Act 1997* and *The Town and Country Planning (Short-Term Let Control Areas) (Scotland) Regulations 2021* now deems that the short-term let use of an entire dwelling that is not a principal home is a material change of use which requires planning permission.
61. *The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022* was passed by the Scottish Parliament on 19 January 2022 and came into force on 1 March 2022. This legislation has introduced a mandatory licensing scheme which requires all short-term lets in Scotland to be licensed by July 2024. One of the requirements for obtaining a licence is the need for planning permission in designated Short-term Let Control Areas.
62. It is for this reason that the applicants submitted these applications for the retrospective change of use to short term lets in June 2022, in anticipation of the introduction of the statutory designation, and the new mandatory licensing scheme. Planning Permission is needed to allow a licence to be obtained.

### **Review of Planning Officer's Assessment of Planning Applications**

63. Having established the context and background to the application properties, it is clear that the Planning Officer's assessment of the applications omitted a number of key facts which ultimately led to the incorrect determination of the applications.
64. Both applications were refused by the Planning Officer on 14 September 2022 under delegated powers.
65. It is not clear from the ROH if the Planning Officer visited the application sites. The Planning Officer did not request any additional information from the applicants on the existing use of the properties as short term lets prior to her refusal of the applications, and the Planning Officer did not request any clarification on the noise control or soundproofing measures and proceeded to issue the delegated refusals of both applications for the sole reason that:

*"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".*

66. The Planning Officer has therefore taken the view that the proposed use of the properties as short term lets will adversely affect the amenity of nearby residents. But as we have established above this conclusion is not supported by the relevant facts and evidence pertaining to these properties.

67. As confirmed above, these properties have been operating for 4.5 years with no complaints or objections from any neighbours or nearby residents.
68. Despite being operational for over four years, the use of the properties as short term lets has had no detrimental effect on the amenity of nearby residents. This is confirmed in the Supporting Statements received from adjoining residents (Appeal Document **SD09**) and the fact that none of the public representations submitted in response to the notification of the applications raised any concerns about the existing use of the properties.
69. The facts relevant to this case therefore confirm that there has been no detrimental effect on the living conditions or residential amenity as a result of this use. There is no reason to suspect that this situation will change in the future, and no evidence to support such an assumption or conclusion.
70. In fact, as a result of the introduction of the new short term let licensing scheme, it should be expected that all short term lets throughout Edinburgh will be managed and operated to ensure that no such impacts arise. This is, after all, one of the principle reasons for the introduction of the new licensing scheme – to control the operation of this type of visitor accommodation.
71. As we have explained above, the applicants have been operating their properties in an entirely appropriate and responsible manner, and this is evidenced by the highly favourable reviews; the supporting statements from residents; and the lack of any objection to the existing use of the properties as short term lets for a period in excess of four years.

#### **Planning Officer's Failure to Consider Key Material Considerations**

72. The Planning Officer's assessment of the applications has therefore omitted or failed to give appropriate weight to a number of significant material considerations which, in our opinion, allow the applications to be supported. This includes the following matters:
- The properties have their own, separate front doors which take access directly from the street.
  - The properties have no front garden and no access to any rear garden ground.
  - The properties do not share an access with the tenements above; and have no access to any communal or shared areas, either internally or externally.
  - The properties are located in a highly accessible area that contains a wide mix and range of uses, including but not solely residential use.
  - The properties were previously a shop, and had an established class 1 retail use prior to being converted to form two self-contained apartments in 2018.

- The properties have never been in long term residential use, and have been used as short term lets following the conversion of the former shop in 2018.
- Noise reducing measures have been installed in the properties including upgraded soundproofing between the properties and the residential flats above; the installation of noise monitoring devices; and advice and guidance to potential guests prior to booking.
- The properties have been refurbished to an exceptionally high standard, and are marketed as high quality, accessible visitor accommodation for couples and families.
- The properties are not operated as low budget, “party flats” for large groups.
- There have been no noise or amenity issues associated with the use of these properties as short term lets for a period in excess of 4.5 years.
- The applicants have received no complaints about guest behaviour or noise from any adjoining neighbours over this period.
- The supporting statements from residents living above the properties have confirmed that there have been no noise, disturbance or amenity issues arising from the use of the properties as short term lets over this extended period
- None of the public representations submitted in response to the applications raised any noise, amenity or disturbance issues as a result of the existing use of the properties.
- This evidence confirms that the longstanding use of the properties as short term lets has had no detrimental impact on the living conditions or amenity of any nearby residents.
- There is no reason to suspect that this situation will change in the future, and no evidence to support such a conclusion.

73. These are all significant points in support of the proposals, but were points that were either not acknowledged by the Planning Officer in her assessment of the applications, or given no weight by the Planning Officer.

74. These matters are clearly of direct relevance to these properties and should be given significant weight in the consideration of these applications. Instead the Planning Officer, in our opinion, took a general and uninformed view that short term lets could potentially be noisy and disruptive to residential amenity.

75. The Planning Officer clearly failed to take into account the specific facts of direct relevance to these properties. This is not an appropriate or reasonable approach and does not reflect the factual situation or evidence available.

76. We would also highlight that the introduction of the Edinburgh Short-term Let Control Area in September 2022 has not introduced a blanket ban on short term lets and each case must be assessed on its own merits, and against the material considerations relating to each application. These merits are listed above.

#### **Assessment Against LDP Policy Hou 7 Inappropriate Uses in Residential Areas**

77. For these reasons, and based on the relevant facts and evidence submitted, it is clear that the continued use of the application properties as short term lets would have no detrimental effect on the living conditions of nearby residents.
78. The application proposals can therefore be considered to comply with LDP Policy Hou 7 as the change of use of these properties to short-term visitor lets has already taken place and has been in use without any harm or detrimental effect on neighbouring amenity for a period in excess of 4.5 years.

#### **Assessment Against Paragraph 29 of Scottish Planning Policy**

79. In her ROH the Planning Officer advises that as the Edinburgh LDP is over 5 years old, it is out of date, and the Scottish Planning Policy (SPP) is a significant material consideration.
80. In such circumstances, the SPP at paragraph 28 operates a presumption in favour of development, and paragraph 29 outlines the thirteen principles which should be taken into account in guiding planning application decisions when development plans are out of date.
81. In her ROH the Planning Officer concludes that: *“the proposal does not comply with Paragraph 29 of SPP. It would not protect the amenity of existing development nor contribute to a sustainable community and, therefore, will not contribute to sustainable development”*.
82. The Planning Officer appears to have reached this conclusion on the basis that the development would not protect the amenity of existing development, but as we have clearly demonstrated above, this is not the case, as there has been no adverse impact on existing residential amenity as a result of the use of the properties as short term lets over a period of 4.5 years.
83. In relation to the relevant principles set out under paragraph 29 of the SPP (Appeal Document **SD10**) we consider that the application proposals can be assessed positively for the following reasons:
- The application proposals provide 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. Tourism is clearly a significant part of the local economy and is a key part of Edinburgh’s Economic Strategy. To operate successfully this sector requires a supply of different types and ranges of visitor accommodation. The application properties provide well located, accessible visitor accommodation which helps support Edinburgh’s tourism offer.

It therefore responds to economic issues, challenges and opportunities presented by the tourism sector. The required care, maintenance and upkeep of the properties also provides local job opportunities.

- The refurbishment of the properties has been undertaken to a very high standard of design, and the applicants have provided a development that is distinctive; safe and pleasant; welcoming; adaptable; resource efficient; and easy to move around and beyond.
- By utilising a former shop unit the proposed development has made efficient use of an existing property in an area that has excellent accessibility in a location close to the Dalry local centre which contains a variety of shops and local services.
- The application proposals have delivered accessible visitor accommodation in a former retail unit. There has been no loss of housing as a result of the development as the property has never been in long term residential use.
- The application proposals have had no impact on existing infrastructure, and are not located in a flood risk area.
- The application proposals support the leisure industry by providing high quality visitor accommodation in an accessible location which is within easy walking distance of the bus, tram and rail network as well as the national cycle network and the Union Canal.
- The Land Use Strategy is not relevant to these applications.
- The proposed development has had no impact on any cultural heritage or natural heritage assets or green infrastructure.
- The proposed development complies with local and national standards for minimising the production of waste and encouraging recycling.
- The proposals involve the use of existing properties which were converted in 2018. As such no new development is proposed and we have established above that there has been no impact on the amenity of existing development arising from their use as short term lets over the past 4.5 years. There have also been no adverse impacts on water, air or soil quality.

84. This review of the principles set out under paragraph 29 of the SPP therefore confirms that the application proposals can be assessed positively and should be granted planning permission. This is a further significant material consideration that supports the application proposals.

### **Emerging Policy Context**

85. In her ROH the Planning Officer advises that the Draft National Planning Framework 4 (NPF4) has not yet been adopted and little weight can be attached to it as a material consideration in the determination of these applications. We would agree with this view, but would also reserve the right to make an additional statement if the NPF4 is adopted prior to the determination of these appeals.
86. The Planning Officer also acknowledges in the ROH that while City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination and therefore little weight can be attached to it as a material consideration in the determination of these applications.
87. Again, we share this view but would also note that Proposed City Plan *Policy Hou 7 Loss of Housing* is not relevant to these applications as the properties have never been used for long term residential use and were formerly a retail unit prior to their conversion and use as short term lets.
88. Similarly Proposed City Plan *Policy Hou 8 Inappropriate Uses in Residential Areas* is a repeat of current LDP Policy Hou 7 and we have established above that the application proposals comply with this policy on the basis that the use of the properties as short term lets over the past 4.5 years has not led to any materially detrimental effect on the living conditions of nearby residents.

### **Non-Statutory Guidance for Businesses**

89. The Planning Officer also refers to the Council's non-statutory Guidance for Businesses in her ROH and explains that this states that an assessment of a change of use from a residential property to a short term let will have regard to: The character of the new use and of the wider area; The size of the property; The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and the nature and character of any services provided.
90. However, and as we have confirmed above, the application properties have never been in residential use and have always been used as short term lets since their conversion from the former retail use in 2018.
91. We have also demonstrated above how the particular circumstances of the application properties (i.e. their own front door entrances; the lack of access to any external or internal communal areas; their accessible location within a mixed use area; the former use as a shop unit; the installation of soundproofing and noise monitoring devices; the small number of occupants and target market) ensure that there has been no adverse impact on adjoining residential amenity over the past 4.5 years that the properties have been in use as short term lets.

### **Other Legislative Controls**

92. As we have noted above, as a result of the introduction of the new short term let licensing scheme, all short term lets throughout Edinburgh will require to be managed and operated to ensure that no adverse amenity impacts arise. One of the principle reasons for the introduction of the new licensing scheme is to control the operation of this type of visitor accommodation.
93. In addition, and as noted by the Planning Officer in her ROH, any anti-social behaviour such as noise disturbance can be appropriately dealt with through other more relevant legislation, such as by Police Scotland or the Environmental Health Acts.
94. In this respect it is well established that the planning system should not be used to secure objectives or control matters that are more properly achieved under other legislation.

### **Summary & Conclusion**

95. For the reasons set out in this Statement and the accompanying Documents we have clearly established that both properties have never been in long term residential use and have been operating as short term lets without any complaints or noise or amenity issues since June 2018, a period in excess of 4.5 years.
96. We have also demonstrated that the Planning Officer failed to give any weight to the particular circumstances of the application properties which includes their own front door entrances; the lack of access to any external or internal communal areas; their accessible location within a mixed use area; their former use as a shop unit; the installation of soundproofing and noise monitoring devices; and the small number of occupants and target market. These specific features of these particular properties has helped to ensure that there has been no adverse impact on adjoining residential amenity over the past 4.5 years that the properties have been in use as short term lets.
97. These significant material considerations were not considered or assessed in the Planning Officer's assessment of these applications.
98. Taking this information properly into account, we have re-assessed the applications against LDP Policy Hou 7, and based on the relevant facts and evidence submitted, it is clear that the continued use of the application properties as short term lets would have no detrimental effect on the living conditions of nearby residents.
99. The application proposals can therefore be considered to comply fully with LDP Policy Hou 7 as the change of use of these properties to short-term visitor lets has already taken place and has been in use without any harm or detrimental effect on neighbouring amenity for a period in excess of 4.5 years.

100. As the Edinburgh LDP is out-of-date we have also re-assessed the applications against paragraph 29 of Scottish Planning Policy. This confirms that the application proposals can be assessed positively and should be granted planning permission. This is a further significant material consideration that provides further support for the application proposals.

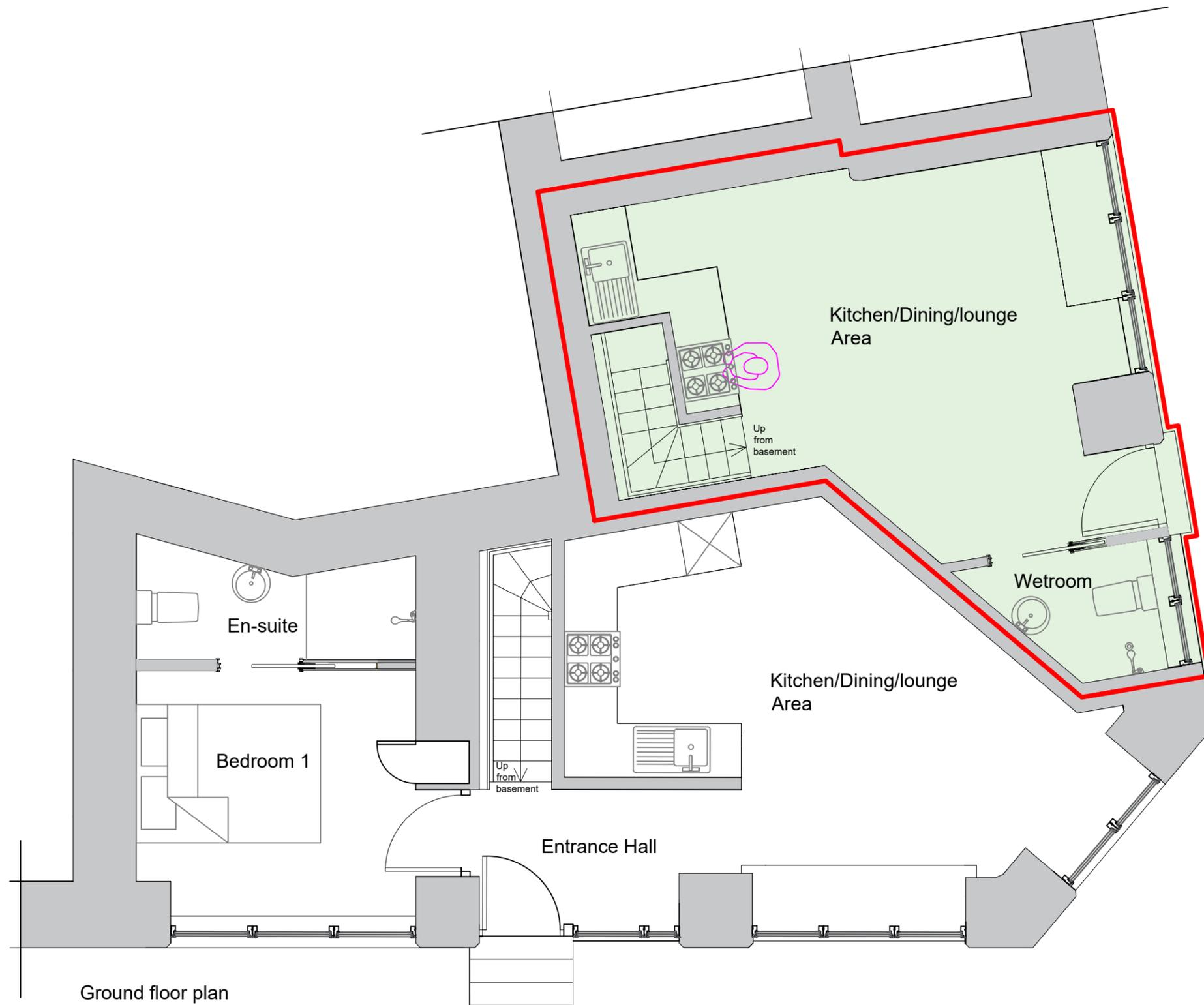
101. We have also established that the introduction of the new short term let licensing scheme will require all short term lets throughout Edinburgh to be managed and operated to ensure no adverse amenity impacts. The new licensing scheme will therefore control the operation of this type of visitor accommodation, and it is not the role of the planning system to secure objectives or control matters that are more properly achieved under other legislation.

102. We would therefore respectfully request on behalf of the applicants that the LRB reviews these decisions, upholds these appeals and grants planning permission to allow both properties to continue to be used as short term lets.

#### **List of Appeal Documents:**

- SD01:** Submitted Layout Plan which has been highlighted to show relevant information regarding former retail use; use as STLs and noise control measures.
- SD02:** Planning Officer's Report of Handling for Application 22/03007/FUL with relevant sections highlighted.
- SD03:** Planning Officer's Report of Handling for Application 22/03008/FUL with relevant sections highlighted.
- SD04:** Planning Officer's Report of Handling for Planning Permission 15/05015/FUL with relevant sections highlighted.
- SD05:** Planning Permission 15/05015/FUL.
- SD06:** Copy of marketing brochure (dated November 201) confirming former retail use of the property.
- SD07:** Sound Test Report by Robin Mackenzie Partnership confirming soundproofing measures installed in properties.
- SD08:** Copies of Guest Reviews of properties.
- SD09:** Supporting Statements from Adjoining Residents.
- SD10:** Paragraph 29 of the Scottish Planning Policy.

John Handley  
BSc (Hons), MRTPI  
Director  
John Handley Associates Ltd  
Chartered Town Planning Consultants  
Edinburgh



Ground floor plan

## Planning Statement

The proposal put forward by the applicant is for the change of use of No.28 Caledonian Place to form a short term let. The existing comprises a 1 bedroom flat with accommodation located at ground floor and basement levels, kitchen/lounge and shower room located at ground floor along with a further bedroom and en-suite bathroom at basement level. The total occupancy capacity of the property is 3 persons. The location of the property is located close to Dalry Road a busy arterial link between Gorgie and the West End. Close by there are a number of bars, restaurants and shops. The property would be ideally suited for a change of use as it is a main door flat accessed from the main street which will limit any disruption to all neighbouring properties above/adjacent. No physical external alterations are proposed. The change of use will not therefore have any impact on the appearance or character of the local area. The property was previously a shop prior to being converted to domestic use in 2016 (15/05015/FUL) so there is no loss of historic housing stock here by giving approval for the change of use to a STL. All safety mechanisms and regulatory checks will be in place from the outset to comply in advance with the expected future licensing requirements. The property will be listed for a maximum of 3 people and any application beyond this number will be rejected. All applications to stay there will be personally vetted by the owner prior to acceptance. Any bookings that would appear to be potentially unsuitable or with unsatisfactory previous host references will be declined. House Rules will explicitly forbid the use of the property for parties or for pets. Guests are required to formally sign up to these rules when any booking is made and provide ID. The owners of the business are highly experienced short term let operators and have a couple of other premises in the city. The property is rated at 4.99 out of 5, placing it at an extremely high level of quality for a short term let and rated one the best experiences in the city. The application site has been used as an AirBnB for the last 4 years and there have been no noise complaints by any neighbours, the property is also fitted with a noise monitoring system which all occupants are made aware of. The vast majority of visitors are expected to arrive by public transport during the daytime, check times are from 3pm. The property is located just a short distance from the tram line at Haymarket station for links to the airport, or from Haymarket station itself as a rail link. Bus stops are close by along Dalry Road. No parking will be provided.

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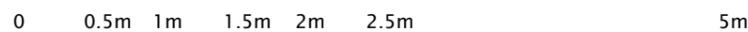
Project  
28 Caledonian Place Edinburgh.  
Drawing Title  
Ground floor plan layout (existing and proposed).

| Project ref. | Drawing No. | Issue status |
|--------------|-------------|--------------|
| REF No.473   | 01          | PLANNING     |
| Scale        | Print       | Date         |
| 1:50         | A3          | 25/05/22     |
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|              |             | XXX          |

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Drawings to be read & fully understood before work commences. **IF IN DOUBT ASK.** Use figured dimensions only.

All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to ABC Ltd



SCALE BAR 1-50



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# Report of Handling

## Application for Planning Permission

28 Caledonian Place, Edinburgh, EH11 2AP

**Proposal:** Proposed change of use to form short term let.

## Item – Local Delegated Decision

Application Number – 22/03007/FUL

Ward – B07 - Sighthill/Gorgie

## Recommendation

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

## Summary

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use is unacceptable.

## SECTION A – Application Background

### Site Description

The application site is a ground floor and basement flat in a four storey stone terraced tenement located at the corner of Caledonian Place and Caledonian Crescent. The front door takes access directly from the street with no front garden and no access to rear garden ground.

The street and surrounding streets are residential in nature although there are some other uses such as shops and leisure facilities, with Dalry Swim Centre nearby. Caledonian Place is off Dalry Road which is a busy thoroughfare on a high frequency bus route.

### Description Of The Proposal

The proposal seeks a change of use from residential to short term let in retrospect.

### Supporting Information

- Planning Statement (included in the drawings).

**Relevant Site History**

No relevant site history.

**Other Relevant Site History**

None.

**Consultation Engagement**

No consultations.

**Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 4

**Section B - Assessment****Determining Issues**

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

**Assessment**

To address these determining issues, it needs to be considered whether:

**a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Housing policy Hou 7
- LDP Transport policies Tra 2 and Tra 3.

The non-statutory Guidance for Business is a material consideration that is relevant when considering policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering policies Tra 2 and Tra 3.

### Proposed Use/Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP) 2016.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The property is a one bedroom ground and basement flat accessed via a main door directly opening from the heel of the pavement. It is in a residential street in a residential area formed mainly of tenements.

The use of the property as a short term let would have the potential to introduce an increased frequency of movement to the flat and in the street at unsociable hours. The proposed one bedroom short stay 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. There is also 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 long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect.

The location of the flat, being on a prominent corner site, surrounded by a high number of residential units, creates a situation where such a use would instead bring additional noise and disturbance immediately outside the flat in the residential street.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP policy Hou 7.

### Parking

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is no off street car parking available within the site however there is a limited amount of metered on street parking available nearby. The site is highly accessible by public transport. There is no cycle parking standards for SCVAs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP. It would not protect the amenity of existing development nor contribute to a sustainable community and, therefore, will not contribute to sustainable development.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### 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

A summary of the representations is provided below:

#### *material considerations*

- noise and disturbance. Addressed in a) under heading Proposed Use/Principle of Development.
- parking. Addressed in a) under heading Parking.

#### *non-material considerations*

- Too many short term lets. There is no LDP policy for controlling the number of short term lets. A Short Term Let Control Area for the city became effective on 5 September 2022.
- Not enough housing/ local housing need. This is not a material consideration under the current LDP. While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to -Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.
- Litter. This is not a material planning consideration.
- Dangerous parking. The Roads Authority or Police Scotland are responsible for dealing with dangerous parking.
- Anti-social behaviour. Planning is unable to take action on anti-social behaviour. Other legislation is responsible for dealing with anti-social behaviour e.g. Police Scotland, Environmental Protection. legislation.

### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

### **Overall conclusion**

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use is unacceptable.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

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.

### **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)

**Date Registered:** 7 June 2022

### **Drawing Numbers/Scheme**

01-05.

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

# Report of Handling

## Application for Planning Permission

14 Caledonian Crescent, Edinburgh, EH11 2AJ

**Proposal: Proposed change of use to form short term let.**

## Item – Local Delegated Decision

Application Number – 22/03008/FUL

Ward – B07 - Sighthill/Gorgie

## Recommendation

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

## Summary

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use is unacceptable.

## SECTION A – Application Background

### Site Description

The application site is a main door flat on the corner of Caledonian Crescent and Caledonian Place. It forms part of a four storey terraced stone tenement. There are two bedrooms, one on the ground floor and one in the basement, and an open plan living/dining/kitchen area. There is no garden area and no access to communal garden ground.

The street and surrounding streets are residential in nature although there are some other uses nearby such as shops and leisure facilities e.g. Dalry Swim Centre.

### Description Of The Proposal

The application seeks a change of use from residential to a short term let. The property is already being used for short term lets and, therefore, the application has been made retrospectively.

### Supporting Information

- Planning Statement (included in the drawings).

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

None.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 2

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations; and
- any other identified material considerations.

### **Assessment**

To address these determining issues, it needs to be considered whether:

#### **a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Housing policy Hou 7

- LDP Transport policies Tra 2 and Tra 3

The non-statutory Guidance for Business is a material consideration that is relevant when considering policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering policies Tra 2 and Tra 3.

#### Proposed Use/Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP) 2016.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The property is a ground floor and basement flat accessed by a main door directly from the heel of the pavement. It is a two bedroom flat. The property is in a residential street in a residential area formed mainly of tenements.

The use of the property as a short term let would have the potential to introduce an increased frequency of movement to the flat and in the street at unsociable hours. The proposed two bedroom short stay use would enable four 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. There is also 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 long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect.

The location of the flat being on a prominent corner site, surrounded by a high number of residential units, creates a situation where such a use would bring additional noise and disturbance immediately outside the flat in the residential street.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. Therefore, it does not comply with LDP policy Hou 7.

### Parking

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

There is no off street car parking available within the site however there is a limited amount of metered on street parking available nearby. The site is highly accessible by public transport. There is no cycle parking standards for SCVAs. Bikes could be parked within the property if required.

The proposals comply with policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with Paragraph 29 of SPP. It would not protect the amenity of existing development nor contribute to a sustainable community and, therefore, will not contribute to sustainable development.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### 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

A summary of the representations is provided below:

##### *material considerations*

- noise. Addressed in section a).
- disturbance and anti-social behaviour. Addressed in a).

##### *non-material considerations*

- litter. This is not a material planning consideration.
- suggestions - allow homeless people to live in the flat or sell the flat. This is not a material planning consideration.

#### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

#### **Overall conclusion**

The proposal does not comply with the development plan as it does not comply with LDP policy Hou7. It will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development and a sustainable community. There are no material considerations that outweigh this conclusion. The proposed change of use 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 the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

## **Background Reading/External References**

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

**Further Information** - [Local Development Plan](#)

**Date Registered:** 7 June 2022

## **Drawing Numbers/Scheme**

01-05.

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

Appendix 1

**Consultations**

No consultations undertaken.

# Report of Handling

**Application for Planning Permission 15/05015/FUL  
At 14 - 16 Caledonian Crescent, Edinburgh, EH11 2AJ  
Change of use and conversion shop into two flats.**

|                           |                          |
|---------------------------|--------------------------|
| <b>Item</b>               | Local Delegated Decision |
| <b>Application number</b> | 15/05015/FUL             |
| <b>Wards</b>              | A07 - Sighthill/Gorgie   |

## Summary

---

The proposals comply with the development plan and the non statutory guidelines. The principle of residential is acceptable and the scale, form and design is acceptable. The proposal will not result in an unreasonable loss to neighbouring amenity and the existing occupiers will be afforded an acceptable level of amenity. There are no material considerations that outweigh this conclusion and approval is recommended.

## Links

---

|   |                                 |
|---|---------------------------------|
| <a href="#"><u>Policies and guidance for this application</u></a> | LPC, CITH5, CITD12, NSG, NSBUS, |
|---|---------------------------------|

# Report of handling

## Recommendations

---

1.1 It is recommended that this application be Granted subject to the details below.

## Background

---

### 2.1 Site description

The property is located on the corner of Caledonian Crescent and Caledonian Place. It is a vacant ground floor and basement unit previously in retail use. Directly surrounding the unit is residential properties with a number of previous ground floor units having been converted to residential.

The property is not a listed building.

### 2.2 Site History

09/04/2014 - Certificate of Lawfulness proposed for taking the current chimney down and rebuilding to part height (as the chimney is slender and no longer a functioning flue). The partial rebuild of the chimney will maintain the flues, copes and vents for future use. (14/00473/CLP)

## Main report

---

### 3.1 Description Of The Proposal

The application proposes a change of use from shop to form two residential maisonette flats. Flat 1 has a floor area of 63.9 square metres and the accommodation comprises a living/kitchen/dining, bedroom with en suite at ground floor level with a bedroom and bathroom at basement level. Flat 2 is 45.6 square metres with living/kitchen/dining at ground floor level with bedroom and bathroom at basement level. Both properties will be accessed direct from street level.

The external alterations include painting the existing stonework, Upvc windows and insulated Upvc cladding.

#### Scheme 1

The proposal was for two dwellings, one to be formed at the ground floor level and one at the basement level.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the

development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, it needs to be considered whether:

- (a) the principle of the proposals is acceptable in this location;
- (b) the proposed scale, form, design and materials are acceptable;
- (c) the proposals will result in an unreasonable loss of neighbouring amenity;
- (d) the proposals provided sufficient amenity for the future occupiers of the development;
- (e) the proposals affect road safety;
- (f) the proposals have any equalities or human rights impacts; and
- (g) representations raised have been addressed.

#### a) Principle

The unit does not lie within a protected shopping area and is located within an urban area as identified within the Edinburgh City Local Plan. Housing development is supported in these areas provided it accords with other local plan policies.

#### b) Scale, form and design

The existing shop front has little architectural merit with the external alterations proposing a simple contemporary design using good quality materials.

#### c) Neighbouring amenity

The surrounding uses are residential. The proposals will not have a detrimental impact on the existing neighbouring residential amenity.

#### d) Amenity of Future Occupiers

The internal floor space is approximately 63.9 square metres for flat 1 and 45.6 for flat 2. Flat 2 falls short of the required 66 square metres by 2.1 square metres. A relaxation is justified in this instance given the unit provides a good level of accommodation over two floors. Flat 1 complies with the standards in the non-statutory Guidance for Businesses.

In terms of daylight both properties have windows to the main living areas at ground floor level and these rooms will receive adequate daylight. The daylight to the bedrooms at the basement level is likely to be poor but given this is not a main living

area and forms part of a larger unit at the ground floor level a relaxation can be justified in this instance.

Accordingly, the proposal meets the provisions of policy Hou 5, and which would represent an acceptable level of accommodation in this instance.

e) Road Safety

The proposal will not provide any off street parking with the two units. The unit is located close to the City Centre and is accessible to good public transport links and is acceptable in this location.

f) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

g) Public comments

The material points raised were;

loss of commercial use - this is addressed in section 3.3a.

**Community Council**

- no comments were received.

Conclusion

The principle of residential is acceptable and the scale, form and design is acceptable. The proposal will not result in an unreasonable loss to neighbouring amenity and the existing occupiers will be afforded an acceptable level of amenity. There are no material considerations that outweigh this conclusion.

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

**3.4 Conditions/reasons/informatives**

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build).

## APPEAL DOCUMENT SD05

Robert Chalmers Architect.  
14 Wardie Square  
Edinburgh  
EH5 1EU

Ms Gintare Teskeviciene  
46B Cramond Road North  
Edinburgh  
EH4 6JA

Decision date: **23 March 2016**

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

Change of use and conversion shop into two flats.  
At 14 - 16 Caledonian Crescent Edinburgh EH11 2AJ

Application No: **15/05015/FUL**

#### DECISION NOTICE

With reference to your application for Planning Permission registered on 31 October 2015, 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 **Granted** 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;

#### Conditions:-

#### Informatives:-

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category D - New Build).

Please see the guidance notes

# APPEAL DOCUMENT SD06

https://www.novaloca.com/retail-premises/for-sale/edinburgh/14-16-caledonian-crescent/105977

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## **14-16 Caledonian Crescent, Edinburgh, EH11 2AJ**

1,175 Sq Ft / Retail / General Retail

Sold - Last updated: 07 November 2017

- Corner retail premises with basement storage
- Suitable for alternative uses subject to consent
- Prominent trading position in residential area
- Large display frontage
- New Fixed Price £XXX

### **Location**

The property is located on the corner of Caledonian Place and Caledonian Crescent within the Dalry/Haymarket area of the City of Edinburgh. The location is a small hub of high density housing within traditional accommodation.

The City of Edinburgh is the capital city of Scotland and is the second largest city with a population of circa 450,000 people.

The city is home to the Scottish Parliament and benefits from a substantial catchment area. The city is situated on the East Coast of Scotland.

### **Accommodation**

The accommodation has been measured in accordance with RICS Code of Measuring Practice - 6th Edition and the net internal floor areas have been calculated as being approximately as follows:

Ground Floor: 56.9 m<sup>2</sup> (610 ft<sup>2</sup>)

Basement: 52.5 m<sup>2</sup> (565 ft<sup>2</sup>)

### **Specification**

The subjects comprise retail premises arranged over the ground and basement floors of a corner located four storey and basement tenement property.

The retail and return frontage comprises a recessed timber framed/glazed entrance door with an outer metal security shutter.

The property benefits from several large timber framed and glazed display windows.

Internally the property is arranged to provide the main open plan sales area, with a further 2 store rooms situated off including a WC.

A hatch at basement level provides access to the basement which is used for basic storage purposes.





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[www.rmp.biz](http://www.rmp.biz)

#### BRIEF FOR CONSULTANCY:

To measure the level of sound insulation of the new build separating wall construction and to provide comment on the separating floor performance.

## Sound Insulation Testing 14 Caledonian Crescent / 28 Caledonian Place, Edinburgh, EH11

Technical Report No. R-8201-CL1-RGM  
25 June 2018

ANC Tester Accreditation No. 119  
ANC Registered Task No. 55265

#### PREPARED FOR:

Robert Chalmers  
Robert Chalmers Architect  
14 Wardie Square  
Edinburgh  
EH5 1EU



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## Notice to Building Control Officer

### Certification of Test Results

ANC operates an online, secure, paperless certification system for sound insulation tests.

The online verification (certification) system means that Building Control Bodies will need to follow the steps below to verify the results quoted in the relevant test report:

1. Go to the ANC secure server at [www.theanc.co.uk](http://www.theanc.co.uk)
2. Navigate to the [ADvANCE](#) page which links to the ANC site available for use by BCOs.
3. Enter the following in the spaces provided:  
  
Task Number: **55265**      Task Password: **AANEL2**
4. Select role "Building Control Officer" and press "Login"
5. You will then see a summary list of results of all the Tests undertaken to date for this project (Task) as held on the secure primary server and you can print this table for your records.



## 1.0 Introduction

- 1.1 We were instructed by Robert Chalmers of behalf of Robert Chalmers Architect on behalf of Mrs Gintare Teskeviciene to undertake sound insulation testing of the new build separating wall construction between newly converted adjoining duplex flats located at 14 Caledonian Crescent, Edinburgh, EH11 2AJ and 28 Caledonian Place, Edinburgh, EH11 2AP.
- 1.2 An opinion on the separating floor construction performance is also provided.
- 1.3 The measurements were carried out on 15<sup>th</sup> June 2018 by Clement Luciani, BEng (Hons), MSc, MIOA.
- 1.4 This site is ANC-registered with the unique registration number No. 55265.

## 2.0 Acoustic Design Requirements

- 2.1 The sound insulation performance requirements for the development are detailed in Section 5.1.2 of the Domestic Technical Handbook to the Building (Scotland) Regulation 2004. They are, as reproduced in Table 1, provided as the design performance standards for the control of sound through separating floors and walls. Since the building is a traditional pre-1919 construction, the traditional conversion targets are applicable.

| <b>Table 1. Sound Insulation Requirements – Domestic Technical Handbook 5.1.2</b>  |  |
|--|--|
|  | New build and conversions not including traditional buildings (dB) |
| <u>Minimum</u> airborne sound Insulation, $D_{nT,w}$ – separating walls and floors | 53   |
| <u>Maximum</u> impact sound Transmission $L'_{nT,w}$ – separating floors           | 58   |



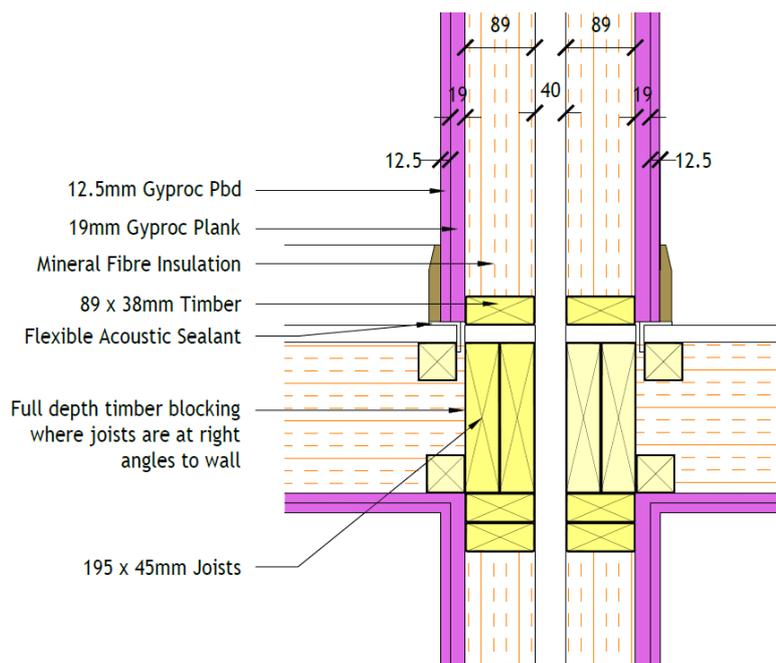
### 3.0 Wall specification

3.1 Sound insulation measurements were performed across two sections of separating wall, as detailed in Table 2.

| Table 2. Sound insulation test locations - separating wall |                           |   |                           |
|--|---------------------------|---|---------------------------|
| Source room  | ~Volume (m <sup>3</sup> ) | Receiving room                              | ~Volume (m <sup>3</sup> ) |
| No 28 living/kitchen, G <sup>nd</sup> floor                | 50                        | No 14 living/kitchen, G <sup>nd</sup> floor | 50                        |
| No 14 bedroom, basement floor                              | 33                        | No 28 bedroom, basement floor               | 29                        |

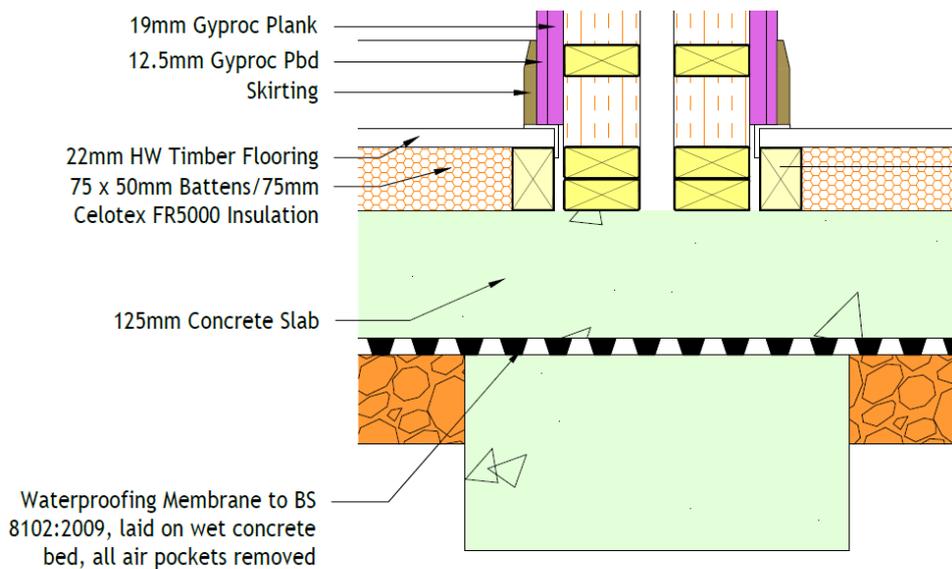
3.2 The construction details for the separating wall between dwellings are understood to be as follows: two identical timber stud leafs separated by a 40 mm clear cavity. Each leaf comprised 89 mm timber studs filled with mineral fibre insulation and finished on the room side with 19 mm *Gyproc Plank* and 12.5 m *Gyproc Wallboard*.

3.3 The separating wall was continuous through the intermediate floor of the duplex flats as shown on Drawing Detail G reproduced below.



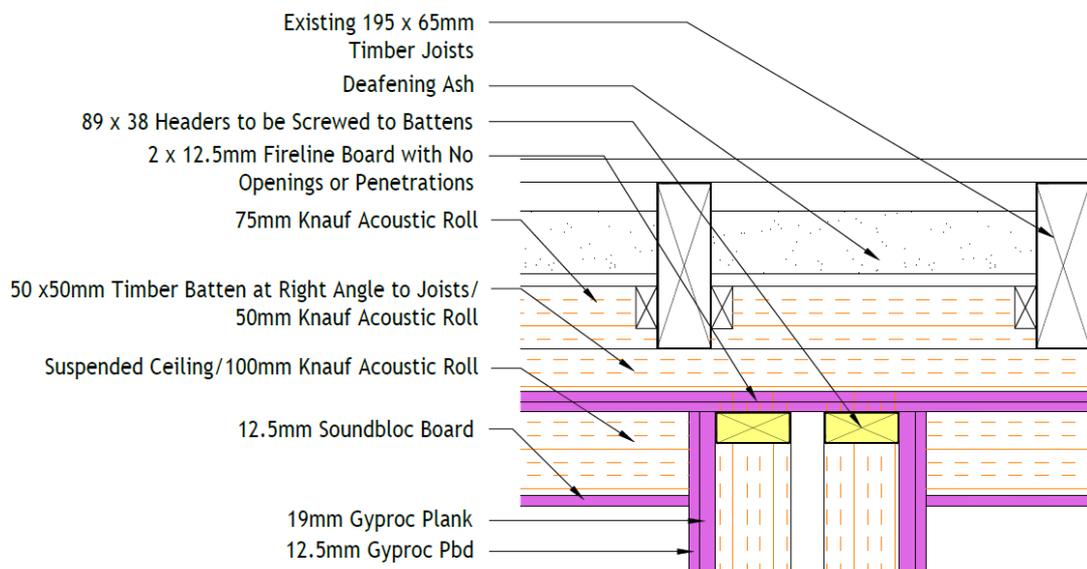
Party Wall Intermediate Floor Detail G 1:10

3.4 At basement level the floor slab was continuous past the new separating wall with raised flooring on either sides. This is shown in Drawing Detail H reproduced below.



**Basement Floor Detail H 1:10**

3.5 At the separating wall junction with the separating floor to the 1<sup>st</sup> floor flat above, the separating wall interrupted the newly installed ceiling. This is shown on Drawing Detail F reproduced below.



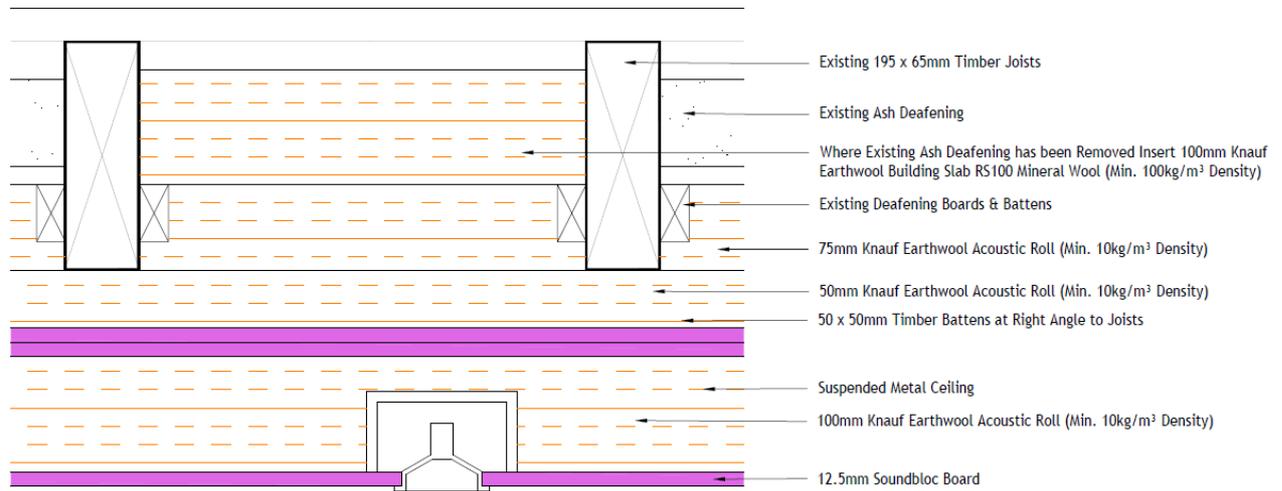
**Party Wall/Separating Floor Detail F 1:10**

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## 4.0 Floor Specification

- 4.1 The separating floor between the newly converted flats and the existing flat above at first floor level has been acoustically upgraded from below.
- 4.2 It was not tested for sound insulation as access was not possible to the flat above, but we understand that Building Control have requested instead that the upgrade works are reviewed against the applicable regulatory targets by means of a desktop assessment.
- 4.3 We understand that the original lath and plaster ceiling was taken down, exposing the underside of the original deafening boards. Where deafening boards and deafening were missing, 100 mm mineral fibre insulation batts (100 kg/m<sup>3</sup>) were fitted in the cavity between the joists. The cavity below the deafening boards and the bottom of the timber joists was filled with 75 mm mineral fibre insulation, then 50 mm timber branders cross-fixed to the underside of the joists, filled with mineral fibre insulation and sheeted with two layers of 12.5 mm *Gyproc Fireline* boards.
- 4.4 A secondary suspended metal frame ceiling was thereafter installed, supported by *Gypframe GAH* acoustic hangers fixed to the timber branders through the *Gyproc FireLine* boards. The ceiling cavity incorporated 100 mm mineral fibre insulation, was approximately 120 mm deep and finished with a single layer of 12.5 m *Gyproc Soundbloc* board.
- 4.5 Downlighters were fitted to the new secondary ceiling in the kitchen/living of Flat 14 Caledonian Crescent. There were four downlighters in the kitchen area and four further downlighters in the living area, near the external wall. All downlighters were tightly fitted and less than 100 mm in diameter. We also understand that all downlighters were fitted with fire/acoustic hoods.
- 4.6 At 28 Caledonian Place, ceiling lights were all surface mounted.

4.7 The converted separating floor construction details described above are shown in the Party Floor Ceiling Detail reproduced overleaf.



Party Floor Ceiling Detail 1:5



## 5.0 Equipment used

5.1 The equipment used conformed to the requirements of BS EN ISO 140 Measurement of sound insulation in buildings and of building elements *Part 4: Field measurements of airborne sound insulation between rooms* (1998).

5.2 The following items of equipment were used during the measurement:

| Equipment (date used)  | Serial No.    | Calibration expiry | Calibration certificate |
|--|---------------|--------------------|-------------------------|
| Brüel & Kjær Modular Precision Sound Level Meter Type 2260 running Brüel & Kjær Building Acoustics Software BZ7204 Version 2.7 and Brüel & Kjær Enhanced Sound Analysis 20 kHz Software BZ7206 | 1772256       | 29/07/18           | 22260                   |
| Brüel & Kjær Prepolarised Condenser Microphone type 4189   | 2502954       | 29/07/18           | 22259                   |
| Brüel & Kjær Pre-amplifier ZC 0026   | 3975          | 29/07/18           | 22259                   |
| Brüel & Kjær Calibrator type 4231  | 1807698       | 29/07/18           | 22258                   |
| JBL EON 515 XT Active Sound Source   | 150056221367  | N/A                | N/A                     |
| JBL EON 515 XT Active Sound Source   | VTP1124-19017 | N/A                | N/A                     |
| SanDisk MP3 Player   | BI1733CPKK    | N/A                | N/A                     |

---

## 6.0 Measurement procedure

- 6.1 The tests detailed in this report were carried out in full accordance with aforementioned Part 4 (1998) of BS EN ISO 140 and to the requirements of the Building (Scotland) Regulations 2004.
- 6.2 The sound level meter was calibrated before and after the measurements at the calibration level of 93.9 dB re  $2 \times 10^{-5}$  Pa at 1000 Hz. The deviation between calibration levels was insignificant and within the tolerance for Class 1 sound level meters.
- 6.3 The method used was attended source and receiver room measurements, using moving microphone positions (spatially averaged by means of a hand-held circular traverse on a plane not parallel to any room boundary) and a two-speaker (uncorrelated) sound source set up (as defined in ISO 140-4:1998 Sections 6.3.2 & 6.3.3).
- 6.4 The following airborne sound insulation measurement procedures were followed:
- L<sub>1</sub> 1 spatially averaged 30 second source room SPL measurement
  - L<sub>2</sub> 1 spatially averaged 30 second receiver room SPL measurement
  - T<sub>2</sub> 6 receiver room reverberation time measurements using impulsive pink noise (two source positions)
  - B<sub>2</sub> 1 spatially averaged 30 second receiver room background noise measurement
- 6.5 During the measurements, the background noise was dominated by road traffic. For one of the tests, the background noise levels adversely affected some of the high frequency measurement results, which will therefore present an underestimate of the actual performance. However the single figure result was unaffected.



## 7.0 Results

### 7.1 Test results for separating wall construction

The full sound insulation results for the tested separating wall constructions are appended as Figures 1 & 2.

7.2 The single figure sound insulation ratings calculated in accordance with BS EN ISO 717:2013 *Acoustics-Rating of sound insulation in building and of building elements Part 1: Airborne sound insulation* are shown, together with associated ANC registration numbers, in Table 3 relative to the requirements of Section 5 to the Building (Scotland) Regulations 2004.

| <b>Table 3. Airborne sound insulation results of separating wall construction</b> |                     |                                   |           |                         |
|---|---------------------|-----------------------------------|-----------|-------------------------|
|   | Regulation criteria | Measured Airborne $D_{nT,w}$ (dB) | Pass/Fail | ANC registration number |
| Test Partition  | min $D_{nT,w}$ (dB) |                                   |           |                         |
| No 28 living/kitchen to No 14 living/kitchen, G <sup>nd</sup> floor               | 53                  | 71                                | Pass      | 1195526501              |
| No 14 bedroom to No 28 bedroom, basement floor                                    | 53                  | 68                                | Pass      | 1195526502              |

7.3 The results given in Table 3 indicate that the sound insulation performance of the tested separating wall construction has complied with the requirement of Section 5 of the aforementioned Regulations.

### 7.4 Opinion on separating floor construction

Based on our experience of traditional timber joist floor upgrades and assuming the same level of workmanship as for the tested separating wall, the acoustic upgrade to the ceiling of the separating floor to the first floor flat above is anticipated to achieve the performance levels shown in Table 4.



| <b>Table 4. Anticipated sound insulation performance of separating floor construction</b> |                       |                         |           |
|---|-----------------------|-------------------------|-----------|
| Test Partition  | Regulation criteria   | Anticipated performance | Pass/Fail |
| Flats No 28 & No 14 to Flat above   | min $D_{nT,w}$ 53 dB  | $D_{nT,w}$ 55-60 dB     | Pass      |
| Flat above to Flats No 28 & No 14   | max $L'_{nT,w}$ 58 dB | $L'_{nT,w}$ 57-52 dB    | Pass      |

7.5 Table 4 indicates that the separated floor construction should achieve the applicable airborne and impact regulatory targets.

Prepared by:

Approved by:

---

**Clement Luciani**  
BEng (Hons), MSc, MIOA

---

**Richard Mackenzie**  
BSc, FIOA, MInst SCE

**Figure 1: Standardised level difference according to BS EN ISO 140-4:1998**  
**Field measurements of Airborne sound insulation between rooms**

|                                  |   |
|----------------------------------|---|
| Client: Mrs Gintare Teskeviciene | Source room: No 28 living/kitchen, Gnd floor    |
| Site: 14 Caledonian Crescent     | Source room volume: ~ 50 m <sup>3</sup>         |
| Edinburgh                        | Receiving room: No 14 living/kitchen, Gnd floor |
| Test Date: 15/06/18              | Receiving room volume: ~ 50 m <sup>3</sup>      |
| Test Partition: Wall             | Area of test element: ~ 13 m <sup>2</sup>       |

|  |  |
|--|--|
| Construction:<br>The construction details for the separating wall between dwellings are understood to be as follows: two identical timber stud leafs separated by a 40 mm clear cavity. Each leaf comprised 89 mm timber studs filled with mineral fibre insulation and finished on the room side with 19 mm Gyproc Plank and 12.5 m Gyproc Wallboard. | Notes:<br>The background noise levels adversely affected some of the high frequency measurement results, which will therefore present an underestimate of the actual performance. However the single figure result was unaffected. |
|--|--|

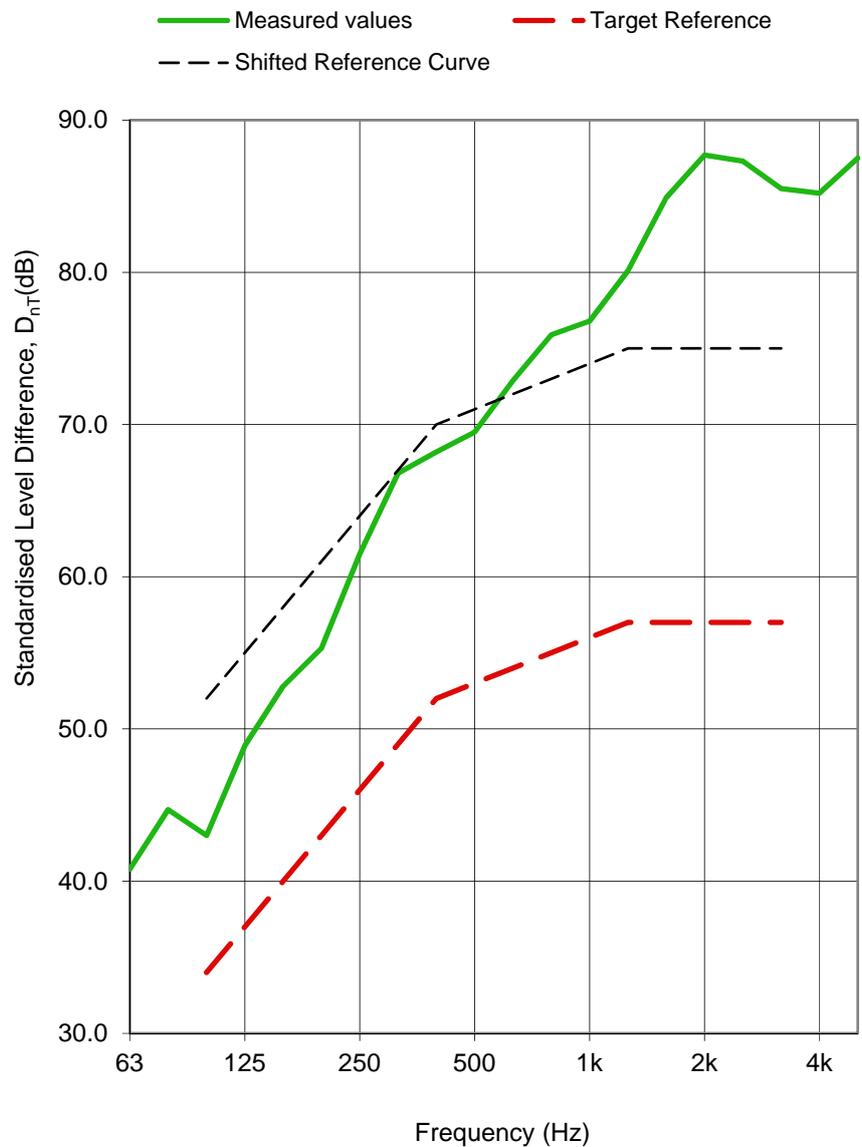
ANC certificate No: 1195526501

|              |       |
|--------------|-------|
| Reference    | $T_0$ |
| Reverb. Time | 0.5 s |

| Frequency (Hz) | $D_{nT}$ (dB) |
|----------------|---------------|
| 50             | 34.1          |
| 63             | 40.8          |
| 80             | 44.7          |
| 100            | 43.0          |
| 125            | 48.9          |
| 160            | 52.8          |
| 200            | 55.3          |
| 250            | 61.5          |
| 315            | 66.8          |
| 400            | 68.2          |
| 500            | 69.5          |
| 630            | 72.9          |
| 800            | 75.9          |
| 1k             | 76.8          |
| 1.25k          | 80.1          |
| 1.6k           | 84.9          |
| 2k             | 87.7          |
| 2.5k           | 87.3          |
| 3.15k          | 85.5          |
| 4k             | 85.2          |
| 5k             | 87.5          |

b  
B  
B  
B  
B  
B  
B

b - Background noise influence.  
 B - Background noise limiting result; result >= that presented.



**$D_{nT,W} (C_1; C_{tr})$  71 (-4; -10) dB**

Rating Calculated According to BS EN ISO 717:2013  
 Evaluation based on one-third octave band field measurement results.

|                        |   |
|------------------------|---|
| Report: R-8201-CL1-RGM | Test Institute: Robin Mackenzie Partnership |
| Date: 25/06/18         | Signature:                                  |

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 www.rmp.biz

**Figure 2: Standardised level difference according to BS EN ISO 140-4:1998**  
**Field measurements of Airborne sound insulation between rooms**

|                                  |   |
|----------------------------------|---|
| Client: Mrs Gintare Teskeviciene | Source room: No 14 bedroom, basement floor    |
| Site: 14 Caledonian Crescent     | Source room volume: ~ 33 m <sup>3</sup>       |
| Edinburgh                        | Receiving room: No 28 bedroom, basement floor |
| Test Date: 15/06/18              | Receiving room volume: ~ 29 m <sup>3</sup>    |
| Test Partition: Wall             | Area of test element: ~ 8 m <sup>2</sup>      |

**Construction:**  
 The construction details for the separating wall between dwellings are understood to be as follows: two identical timber stud leafs separated by a 40 mm clear cavity. Each leaf comprised 89 mm timber studs filled with mineral fibre insulation and finished on the room side with 19 mm Gyproc Plank and 12.5 m Gyproc Wallboard.

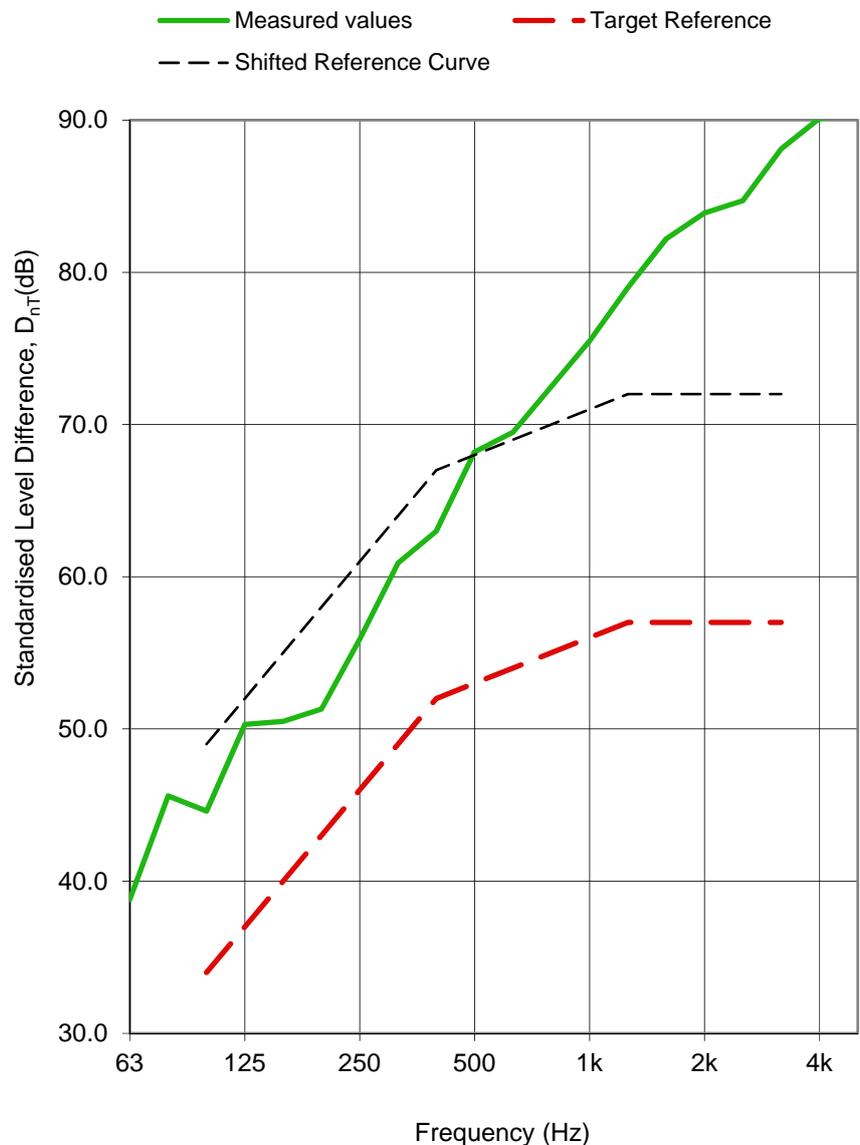
**Notes:**  
  
 ANC certificate No: 1195526502

|              |       |
|--------------|-------|
| Reference    | $T_0$ |
| Reverb. Time | 0.5 s |

| Frequency (Hz) | $D_{nT}$ (dB) |
|----------------|---------------|
| 50             | 26.4          |
| 63             | 38.8          |
| 80             | 45.6          |
| 100            | 44.6          |
| 125            | 50.3          |
| 160            | 50.5          |
| 200            | 51.3          |
| 250            | 55.9          |
| 315            | 60.9          |
| 400            | 63.0          |
| 500            | 68.2          |
| 630            | 69.5          |
| 800            | 72.5          |
| 1k             | 75.5          |
| 1.25k          | 79.0          |
| 1.6k           | 82.2          |
| 2k             | 83.9          |
| 2.5k           | 84.7          |
| 3.15k          | 88.1          |
| 4k             | 90.1          |
| 5k             | 90.4          |

b  
B  
B

b - Background noise influence.  
 B - Background noise limiting result; result >= that presented.



**$D_{nT,W} (C_1; C_{tr})$  68 (-2; -8) dB**

Rating Calculated According to BS EN ISO 717:2013  
 Evaluation based on one-third octave band field measurement results.

|                        |   |
|------------------------|---|
| Report: R-8201-CL1-RGM | Test Institute: Robin Mackenzie Partnership |
| Date: 25/06/18         | Signature:                                  |

  
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**Construction technologies  
for tomorrow's communities**

Our primary research and innovation support centres include:

Building Performance Centre

Centre for Geotechnics

Centre for Offsite Construction and Innovative Structures

Robin Mackenzie Partnership

Scottish Energy Centre

Centre for Sustainable Communities

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# APPEAL DOCUMENT SD08



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## Chic Designer Apartment with Original Stone Walls

★ 4.98 · 354 reviews · Superhost · Edinburgh, Scotland, United Kingdom

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### Entire rental unit hosted by Gintare

4 guests · 2 bedrooms · 3 beds · 2 bathrooms



Add dates for prices

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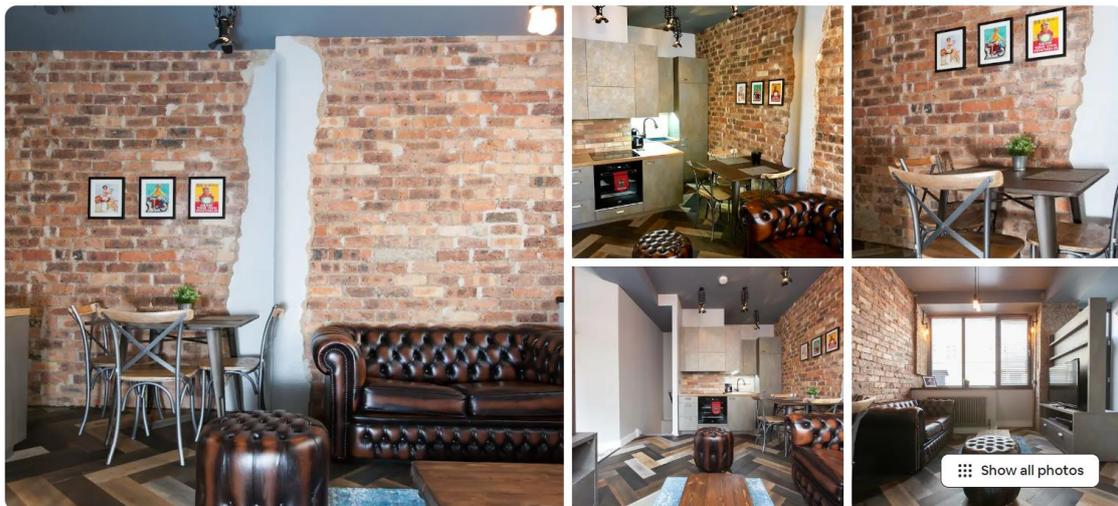
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## Industrial design 1 bed apartment in West End

★ 4.98 · 420 reviews · Superhost · Edinburgh, Scotland, United Kingdom

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### Entire rental unit hosted by Gintare





**Laura Sercombe**

November 2022

Brilliant stay! So clean and nicely designed space, great closeness to Haymarket and there's tons of nice eateries in that area! So easy to get to all the cities highlights from



**Darcy**

October 2022

Amazing apartment, we were blown away by the decor and layout. So clean and spotless, not one single complaint can be given. Amazing location with the train station just around the corner, plenty of bus routes into the city centre, and lots of cafés, bakery's and restaurants in the area.



**Andy**

October 2022

A lovely apartment with everything needed for my stay. It was warm, comfortable and the waterfall type shower was super!



**Iain**

November 2022

Perfection isn't a good enough word for our stay in Gintares beautiful apartment!! The pictures don't do the place justice!! From start to finish there was nothing else we could have needed to make our stay any better. To top it off, it will forever hold a special place in our hearts, as the setting to our engagement! We felt so at home that we couldn't have made a better memory 😊

Be prepared for an annual booking from us!! Thank you for sharing your space with us.  
10 out of 5 stars!! 🌟🔒👍



**Laura**

November 2022

Great location, lovely little flat.



**Callum**

November 2022

The apartment was perfect, had everything we needed for our short stay in Edinburgh. The cleanliness was spot on, no issues at all. It was located on a nice quiet road so we didn't have to worry about cars or loud noises throughout the night. I would recommend this place to anyone thinking of staying in Edinburgh.



**KellyLouise**

October 2022

the apartment was clean and warm. instructions were clear and easy. fresh towels, linens and extra blankets provided as well as the basics for kitchen. Location is close to tram line so easy to airport and city centre. felt like our little home for the weekend.  
thank you 😊



**Dustin**



**Shetira**

October 2022

This stunningly decorated flat is located on a quiet street in the very heart of the city within the West End/Haymarket area. Edinburgh Castle, Edinburgh International Conference Centre, and all major sights are within walking distance as well as some of the city's top rated restaurants (be sure to make reservations if possible as most restaurants tend to remain busy through the day). The flat's 1 bedroom is cozy and comfortable as is the living room and dining area. Though we did not have a chance to cook, the fully equipped kitchen would have accommodated us perfectly had we decided to do so. I really appreciated the upstairs half bath just within the flat entrance. This made it super convenient to hang our coats, kick off our shoes, refresh on the way in or out, or quickly dry off from the rain. The bathroom was also beautifully refurbished. The tile and fixtures gave me ideas for my own home. You can tell no expense was spared and every inch of the space was carefully planned to maximize comfort and style.

There is a public indoor pool just across the street. Bring your swimsuits! In addition to all that, Gintare provides essentials such as linen, towels, Wi-Fi, hairdryer, shampoo and soap. The one and only wish we had during our stay was a true dryer as the one in the flat is an eco version that is part of the washer, which means it mostly just spins as much water out of your clothing as possible and you must hang items to fully dry. Our October stay meant that we experienced the rainiest month in Scotland and a proper dryer would have been great. Still not at all a deal breaker and I would absolutely stay at Gintare's place again as it was absolutely perfect!



**Nadia**

October 2022

Easily the most beautiful house in West End. Located in walking distance to restaurants and a grocery store, and an easy uber ride to the main attractions in Edinburgh. Gintare communicates promptly and left great instructions in the kitchen.



**James**

June 2022

This is an absolutely fabulous place to stay while in Edinburgh. It is so clean and well designed that we hated to leave. Very good location near Haymarket train ( and Airport tram) station- maybe a five minute walk from the station. Everything was as described and more. Just wish all B&B's kept these high standards.



**Francesca**

November 2022

Immaculate apartment, all appliances and fixtures and fittings were high end. Host thought of absolutely everything, nice little touches like shampoo, conditioner and kitchen essentials. Beds were so comfortable and the shower hot and powerful. Host was quick to respond and was kept well informed for check in etc.

Good location for restaurants, convenient stores and superb travel options, tram, bus, airport links and train.

Can't wait to visit again. Highly recommend the apartment 5 stars 🌟



**Kajal**

October 2022

We stayed in Gintare's place for a half term break in the city, 2 adults and 2 children and each and every one of us loved the place. The level of comfort is top notch, the location is great (easy access to airport, city, trams, lots of places to eat, shops, things to do), the apartment had all mod cons, high standards throughout and wonderful comfortable beds, sofa's and bathrooms. Communication was effortless. We'd love to stay here again.



**Jason**

October 2022

Fantastic place to stay within walking distance to all the main attractions. Recommend Car park in distillery lane for the stay. Lovely rooms and beds, great shower. Thank you Gintare.



**Sammy**

September 2022

Perfect accomadation for City Centre. Close to Haymarket for Trams. Highly recommend. Would stay again. Thank you!



**Peter**

September 2022

A great stay in Edinburgh. Gintare's place worked perfectly for our young family. Great host and excellent communication. Hope to be back soon!



**Emily**

September 2022

Great location if you're looking to be walking distance from all the main tourist attractions (Edinburgh Castle, Royal Mile, etc). Only 20 minutes from the airport and a 20-30 minute walk to the before mentioned areas and it's right by tons of excellent, affordable restaurants. We didn't have one bad meal while staying there. The apartment was very clean and their washer/dryer worked well and was easy to use. Gintare was extremely quick at responding if any questions came up, so definitely recommend this Airbnb to anyone looking for a comfortable, convenient stay.



**Stephanie**

September 2022

Highly recommended. The apartment was very stylish and comfortable, and in a great location. Gintare's communication was excellent too. She went out of her way to help me when I contacted her. We would definitely come back to stay here if we visited Edinburgh again.



**Sandra**

September 2022

This place exceeded our expectations

# APPEAL DOCUMENT SD09

Appeals against the delegated refusal of planning permission for the proposed change of use (retrospective) to form short term lets

At 14 Caledonian Crescent and 28 Caledonian Place, Edinburgh

Planning Application References: 22/03007/FUL & 22/03008/FUL

## Supporting Statements from Adjoining Residents

Domas Jaksonas <te.domas@gmail.com>  
skirta Magda ▾

11-09, tr 12:28 (prieš 12 dienų) ☆ ↶

Hi Magda,

I hope you're well.

Always wanted to ask about the property downstairs. During nearly 5 years of it being short term let- did you experience any problems with the people who stayed there?

Noise, rubbish, loud music, etc?

Regards,

Domas

\*\*\*

Magda Widera

skirta aš ▾

11-09, tr 13:45 (prieš 12 dienų) ☆ ↶

🌐 anglų ▾ > lietuvių ▾ Išversti pranešimą

Išjungti šiai kalbai: anglų

Hi Domas,

We had no issues at all with the short lets you own under our flat. Everyone who stayed there was always clean, quiet and generally a good neighbour :)

Take care

Magda

----- Forwarded message -----

Nuo: **Steven Meiklejohn** <[stevenmeiklejohn@gmail.com](mailto:stevenmeiklejohn@gmail.com)>

Date: 2022-11-30, tr, 16:11

Subject: Holiday lets

To: [te.domas@gmail.com](mailto:te.domas@gmail.com)

To whom it may concern my name is Steven meiklejohn and lived at 26/2 Caledonian place eh11 2ap for over ten years I have recently move but was well aware that domas xhanged the shop below me into holiday let's and me a my disabled partner never had any cause to complain about any of his clients, never any loud music antisocial behaviour or littering. To be honest we didnt even know if it was let out or not. Please feel free to phone me on 07520464700 if you have any further questions



APPEAL DOCUMENT SD10

# Scottish Planning Policy

# Principal Policies

## Sustainability

### NPF and wider policy context

**24.** The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

**25.** The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

**26.** The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

**27.** The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

### Policy Principles

**This SPP introduces a presumption in favour of development that contributes to sustainable development.**

**28.** The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

**29.** This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## Key Documents

- [National Planning Framework](#)<sup>17</sup>
- [Government Economic Strategy](#)<sup>18</sup>
- [Planning Reform: Next Steps](#)<sup>19</sup>
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>20</sup>
- [UK's Shared Framework for Sustainable Development](#)<sup>21</sup>

## Delivery

### Development Planning

#### 30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

<sup>17</sup> [www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework](http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework)

<sup>18</sup> [www.scotland.gov.uk/Publications/2011/09/13091128/0](http://www.scotland.gov.uk/Publications/2011/09/13091128/0)

<sup>19</sup> [www.scotland.gov.uk/Publications/2012/03/3467](http://www.scotland.gov.uk/Publications/2012/03/3467)

<sup>20</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)

<sup>21</sup> <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>