

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100621709-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	178
First Name: *	Stacey	Building Number:	
Last Name: *	Brown	Address 1 (Street): *	Pleasance
Company/Organisation		Address 2:	
Telephone Number: *	[REDACTED]	Town/City: *	Edinburgh
Extension Number:		Country: *	City of Edinburgh
Mobile Number:		Postcode: *	EH8 9RT
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

178 PLEASANCE

Address 2:

NEWINGTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH8 9RT

Please identify/describe the location of the site or sites

Northing

673053

Easting

326345

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use, application: 22/05431/FULSTL

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.

Incorrect information in the report of handling which has been used to base this decision on. Assumptions used in the report of handling which has been used to base this decision on. Council failure to decide this case in a timely manner and inform the applicant of non-determination process resulting in additional regulatory standards needing met [NPF 4 policy 30 (e) part (ii)] which has been used as a reason for refusal.

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)

See report of handling response from the applicant.

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)

1. Supporting statement- 27 October 2022 2. Supporting statement- 12 February 2023 3. Decision notice 4. Report of handling 5. Report of handling- applicants response 6. Map of property

Application Details

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

22/05431/FULSTL

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

27/10/2022

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

15/03/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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: Ms Stacey Brown

Declaration Date: 17/03/2023

12 February 2023

Planning statement in response to National Planning Framework 4 (NPF 4) Policy 30(e) for 178 Pleasance:

In response to e) i and ii.

1. The owner wishes to respond to the policy note but would highlight that the determination date for a decision to be made on this application was 23 December 2022. Had the Council provided a decision within the required timescale this would not have been a material consideration in the determination of this case.

2. Policy 30(e) is just one sub-policy of the NPF4 and NPF4 needs to be considered as a whole when applying it to this case. Further, The NPF4 Explanatory Report: November 2022 recognises that limited guidance is provided on minimising the adverse impacts of short-term lets and that proposals are to be considered on a local level. As such, the applicant submits that particular weight should continue to be given to local policies such as the Edinburgh Local Development Plan (LDP) and Edinburgh's City Centre Transformation Plan (referenced in the NPF4) and guidance which provides further detail on minimising adverse impacts, such as the Planning Guidance for Hosts and Operators issued by the Scottish Government (referenced in the original supporting statement for this application).

3. In terms of the NPF4, the owner would note that the following policies are also directly applicable:

Policy 30(b)

Proposals for tourism related development will take into account:

i. The contribution made to the local economy;

ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;

4. Considering Policy 30(b)(i), the property is located in Edinburgh City Centre and is surrounded by shopping, leisure, cultural, arts and other tourist facilities. As such, it is ideally located to bring tourists into the city, who will contribute to the local economy and support the jobs of over 31,000 people employed in the tourism sector in Edinburgh (as at the date of the LDP). The city centre is identified within the LDP as being the preferred location for most visitors and given that the majority of tourist destinations are within walking distance from the property, it will also align with Edinburgh's City Centre Transformation Plan. The property is also within walking distance of Waverly train station and a key element of this plan is to deliver a walkable city centre with a pedestrian priority zone and a network of connected, high-quality, car-free streets.

5. Turning to Policy 30(b)(iv), the development proposal is in line with this policy given that it is highly unlikely to increase the number of cars in the area or have any impact on parking. It should also be noted that this policy should be given particular weight, given

that it aligns with Edinburgh's City Centre Transformation Plan which seeks to significantly reduce on-street parking, giving greater priority to residents and blue badge parking. As noted in the original application, the public thoroughway street leading to the property has metered parking only with a maximum stay of up to 4 hours. As guests are not eligible for resident parking, no loss of parking for neighbours will result where the application is approved. The majority of guests to this area would be expected to arrive by public transport. Promoting the use of Waverley station is a key part of Edinburgh's City Centre Transformation Plan and the close proximity of the property to Waverley would clearly encourage tourists to use the train. This promotes sustainable travel and access to the rest of Scotland by train and thus, is in line with both Policy 30(b)(iv) and the overarching policy intent of NPF Policy 30 to promote sustainable tourism development across Scotland.

6. NPF4 Policy 30(b)(ii) is highlighted as of particular importance. There is a balance to be achieved between encouraging, promoting and facilitating sustainable tourism and minimising the impact on residential accommodation and the applicant submits that Policy 30(b)(ii) is a key factor to consider in determining whether this balance has been met. This is supported by a number of recent planning appeals, which should also be taken into account as a material consideration. The respective Reports of Handling have all noted that the reasoning set out in the appeals are relevant in helping to assess whether short stay letting is acceptable or not (see points 11 to 14 for further detail on appeals which are considered relevant for this case). The Reports of Handling in each case have referred to the main determining issues as comprising the following matters which are considered individually below:

The location of the property and in particular whether it is part of a common stair shared by residents. Typically appeals are successful where the property has its own access;

The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally the smaller the flat the less likelihood of disturbance to neighbours;

The impact on the character of the neighbourhood. Again this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long- term tenant;

The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/disturbance;

These appeals have also found that short-stay visitor accommodation units can be acceptable in predominantly residential areas.

It is submitted that the above issues provide guidance as to how Policy 30(b)(ii) of NPF4 should be applied in practice.

7. The property at 178 Pleasance enjoys its own private access and does not rely on any communal areas.

8. The property at 178 Pleasance is small in scale and only has 1 bedroom which is comfortable for 2 people. This is not considered an unusual overall quantum of people to be using a property of this type. The specific movements of a couple renting the property are difficult to anticipate but would be expected to be mostly characterised by more

frequent movements during office hours when shops, services and attractions are open, while in the evening, the abundance of places to eat and drink in the local area might result in many guests leaving the property for the whole evening and returning only to sleep.

9. In terms of shopping and using local services, the domestic scale of the property makes it likely that guests will use this largely in the same way as long-term residents. As noted previously in the original supporting statement, there is a well-provisioned supermarket a short-distance away on Nicolson Street that it seems likely many guests would use to undertake convenience food shopping. It is considered quite unlikely here that guests would order a large online food delivery to the property. The presence of so many restaurants nearby also means that the likelihood of hot food being delivered to the property must be considered as being no greater than with any other residential properties in the area (and potentially less, given that tourists will want to experience the atmosphere of the wide range of restaurants and bars that Edinburgh city centre has to offer).

10. As explained previously in the original supporting statement, the surrounding wider neighbourhood is a busy and dynamic area, and the property itself is located around 200 yards from Nicolson Street, a key shopping street and bus-route recognised in the Adopted Local Development Plan as providing the Southside of the city with a 'town centre' function. 178 Pleasance sits directly opposite the University of Edinburgh self-catered student halls, Deaconess House. Deaconess House hosts over 300 students. Students are transient in nature in line with term dates, holidays and the academic year therefore current local residents would be used to a general level of movement and noise. A bin store for these students and a 24-hour Amazon Locker which is open to the public also sit opposite the property. Footfall within this area is considerable 24 hours per day because of this.



Image 10a- Property (in red) in relation to bin store (in green) and Amazon locker (in blue) located outside student halls of residence

Image 10b- 24 hour Amazon Locker



11. Also considered specifically relevant to this application are the recent appeal decisions at 7A and 7B Jamaica Street Lane (references PPA-230-2358 and PPA-230-2359) where the DPEA Reporter offered commentary on a number of matters that would also seem material to the determination of this application at 178 Pleasance. Of particular relevance the Reporter noted the following in that case:

“the property has its own front door, and as discussed above, I consider adverse impacts on residential amenity would be minimal. The separate statement in the guidance that changes of use of flats will be acceptable where there is a private access from the street would appear to offer support for the proposal”.

14. The recent appeal decision under reference PPA-230-2367 overturned the refusal of planning application 21/04512/FUL at 1B Fingal Place, Sciennes. Describing the general ambience of the Meadows area – a short distance from the current proposal’s site - the Reporter noted the following:

“I consider that the normal background noise would be midway between what one would experience in an inner-city environment and a suburban environment. I would not characterise the area as a quiet residential area as the council has done in the report of handling”.

15. Further, in the successful recent appeal decision for 4/4A Dewar Place Lane (reference PPA-230-2328), the DPEA Reporter noted the following; which is also considered to be comparable to the situation at 178 Pleasance:

“In this case I would observe that any resident of Dewar Place Lane already lives in an area subject to a considerable degree of transient activity associated with the comings and goings of visitors to the city, and other activity”.

16. It is significant that in the recent Committee Report to the successful planning application at 13 Dewar Place Lane (21/03890/FUL), it was noted that these observations from the DPEA Reporter to the appeal at 4/4A Dewar Place Lane were ‘*material to the determination of the current application*’. It is considered that they should also apply to this application at 178 Pleasance as reflecting the level of activity that acting reasonably, one might expect to experience in an area such as this.

17. In summary, when assessing appeals for Change of Use applications such as this, the Directorate of Planning and Environmental Appeals has identified a number of key tests and considerations that should be material to the determination process. These are all associated with assessing compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors (and hence, provide detailed guidance as to how NPF Policy 30(b)(ii) is to be applied in practice). They also provide practical guidance that the NPF4 itself recognises is lacking on how adverse impacts of short-term lets can be mitigated and the considerations that are particularly relevant to Edinburgh and have been recognised by City of Edinburgh Council Planning Officers. Importantly, when assessed against these tests and considerations, it is contended that the proposed use of this property for short-term letting should be considered acceptable.

18. As for Policy 30(e) itself, the acceptability of short-term lets in predominantly residential areas is noted. In this case the host area is residential but with a large and important mixed-use area within the city with significant footfall at day and night. It is considered that this proximity to such activity has traditionally and continues to largely inform the character of this particular residential area which is considered to be in no way suburban or sedentary in nature.

19. The owner of the property paid additional LBTT on the property at the time of purchase, as 178 Pleasance is a second home for the owner. The property has been used for short-term rentals since this purchase but it has never been used and there has never been any intention to use it as a long-term let. As the owner works in Edinburgh and has her main residence in Tayside, this enables her to use the property flexibly to stay in Edinburgh for work when she requires. This works well alongside use as a short-term rental (which has the significant, additional benefit of promoting tourism in the area), whilst a long-term tenant in situ would not work with the owner's requirements. Should the short-term planning application be unsuccessful, the applicant will continue to use the property as a second home for personal use only. Given that a long-term tenant is unsuitable for the owner's requirements, there is no loss of residential accommodation should the application be approved. Local economic benefits for example by short-term visitor spending in local supermarkets, tourist attractions and public transport will be greater in the case where the application is approved.

20. In conclusion, although NPF4 Policy 30(e) is a material consideration, it should be judged alongside the other determining factors of this case and not in silo to the other policies. The applicant contends that support can be found for the application in NPF4 Policy 30(b)(i), (ii) and (iv), Edinburgh's City Centre Transformation Plan, the Planning Guidance for Hosts and Operators issued by the Scottish Government and local planning appeals. Given that there is no loss of residential accommodation (as the owner would exclusively use the property as a second home in the event that the planning application is unsuccessful) and the local economic benefits are substantial and in line with the City Centre Transformation Plan, the local economic benefits clearly outweigh the residential accommodation considerations in this case.