



THE CITY OF EDINBURGH COUNCIL

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 100604055-007

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)

[X] Applicant [] Agent

Applicant Details

Please enter Applicant details

Form fields for Applicant Details including Title, Name, Address, and Contact Information.

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

FLAT 8

Address 2:

58 GRASSMARKET

Address 3:

OLD TOWN

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH1 2LJ

Please identify/describe the location of the site or sites

Northing

673391

Easting

325400

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)

Retrospective change of use from Residential to Short Term Let (sui-generis). At Flat 8 58 Grassmarket Edinburgh EH1 2LJ
Application No: 22/05332/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.

I believe the wrong decision has been made due to the location of the property and the evident I have provided to confirm that no loss of hosing will occur and the benefit from obtaining the license A. The building is located in one of the most centre, busy commercial street in Edinburgh B. The flat is located on the first floor, under the flat there is a laundry room and concierge office. C. On the other side and surrounding the building, there are commercial restaurants, café and pubs

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)

Appeal Statement Pictures and Images to confirm backup the appeal statement Emails from Edinburgh University confirming the appeal statements

Application Details

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

22/05332/FULSTL

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

01/11/2022

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

14/04/2023

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

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)

With all due respect the application is for short let license, I believe a visit to the site will confirm and backup the Appeal statement, it is a commercial street and the flat located in a commercial building, the visit will clearly confirm the decision for refusal is not appropriate

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 Fouad Alkhamisi

Declaration Date: 29/05/2023

Mr Fouad Alkhamisi.
Flat 4 31 Easter Drylaw Place
Edinburgh
EH4 2QJ

Dear Sir/ Madam

Appeal Statement.

Retrospective change of use from Residential to Short Term Let (sui-generis).
At Flat 8 58 Grassmarket Edinburgh EH1 2LJ

Application No: 22/05332/FULSTL

Please accept this as a formal appeal against the council decision of not granting me short let permit, based on

1. the use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The unacceptable impact on local amenity and the loss of a residential property has not been justified.

To address the first objection, reason for the council refusal

The use of this dwelling as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

Please note the following

- A. The building is located in one of the most centre, busy commercial street in Edinburgh
- B. The flat is located on the first floor, under the flat there is a laundry room and concierge office.
- C. On the other side and surrounding the building, there are commercial restaurants, café and pubs and club
- D. Start of 2021 to June 2022, the flat was rented for long term, where I ended having to evict the resident because of the noise and parties they were having, since I started short term let, I had no issues whatsoever, the flat mostly used for short term staying by academic people who visit Edinburgh to attend conference and higher educational activity, full evidence was provided to the council and the agreement with Edinburgh university was provided as part of the application submitted. Please note the attached emails from Edinburgh University to confirm this.
- E. Surrounding area of the property are hotels, clubs, commercial cafes, and restaurants and 90% of the flats are short term let in the area.

F. The area is the heart of then night life of Edinburgh, just in the shadow of Edinburgh Castel, if this location is not suitable for short term let, I fail see where else can be.

To address the second objection, reason for the council refusal

The unacceptable impact on local amenity and the loss of a residential property has not been justified.

Please note the following

1. There will be no loss of accommodation, the flat is currently rented by PHD student, the flat will be used as short term let when he is away which can be around 5 to 6 months a year, this will go over the 90 days' allowance and therefore I need the permission just be legal.

Again I have provided evident of this to the council when the application was submitted.

Finally, right now the rent is not even covering the mortgage and insurance cost of the property, with short term let, this will allow me to keep the current tenant and use the extra that will ern to pay for the cost, the current tenant is the one who has asked for this, and introduce me to the Edinburgh University short term letting departments to accommodate their schoolers.

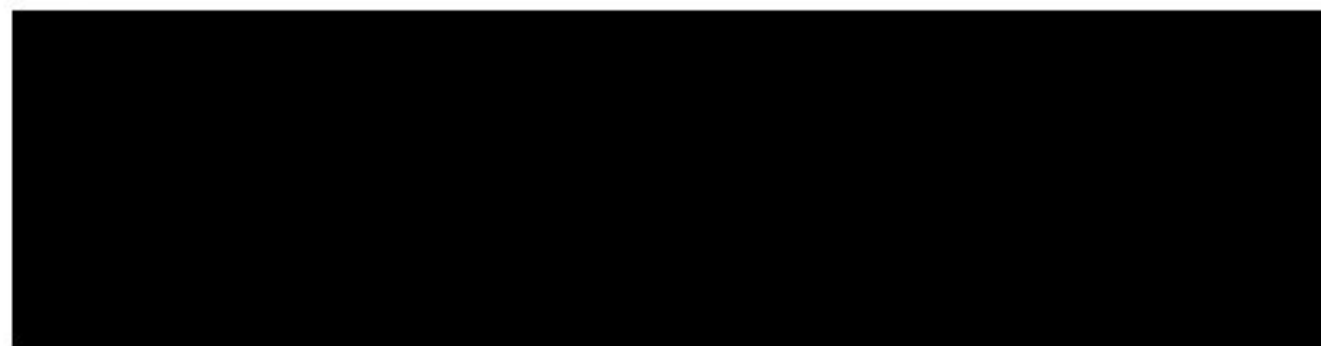
To confirm the above statement, I would kindly ask you to check the attached images/ pictures that were taken on the May 2023

Yours

Fouad Alkhamisi

Fouad Alkhamisi

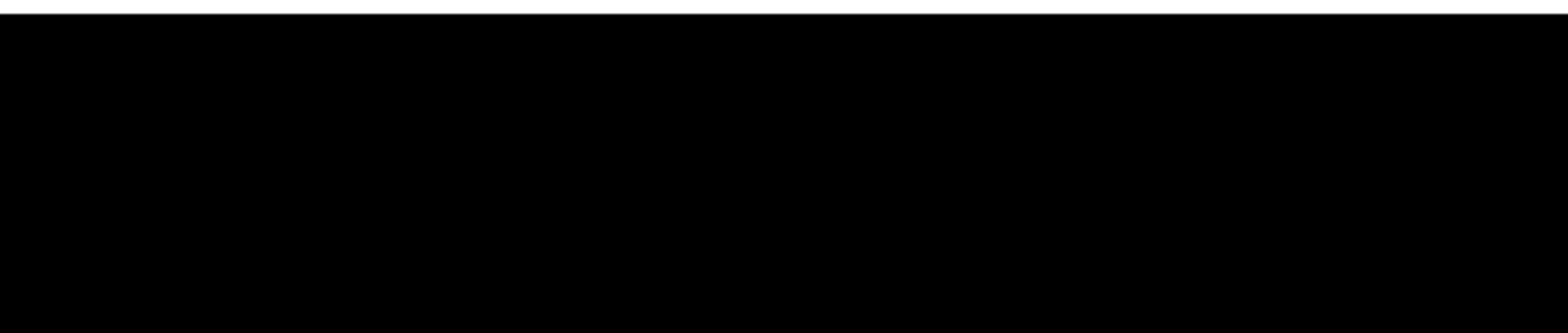
From:
Sent:
To:
Subject:



Hi Fouad – received!

Just wondering – do you ever rent out rooms? It's for Visiting Fellows who are coming on their own and may have short visits.

Thanks!
Pauline



Hi Fouad – apologies for the delay in responding! There will be a payment run this Wednesday so you will receive it this week.

All the best!
Pauline

Fouad Alkhamisi

From:
Sent:
To:
Cc:
Subject:



Follow Up Flag: Follow up
Flag Status: Flagged

Dear Fouad,

I hope you're well - Javad and Melika have settled in very well to Edinburgh, so many thanks for your kindness in letting the flat to them.

I think you may have been in touch with Pauline about another flat for two more staff members here, but she's away until 30 March, so I'm just following up. She mentioned you were buying another property - are you in a position to rent it? Two of our former Fellows, Shatha and Saber, are currently working for the university and seeking accommodation. Do let me know if anything's available.

Best,

Ben

Dr Ben Fletcher-Watson
Administrative Manager
He/him

Institute for Advanced Studies in the Humanities, University of Edinburgh, Hope Park Square, Edinburgh, EH8 9NW

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Order *The Art of Being Dangerous* (Leuven University Press 2021), our unique and kaleidoscopic collection of feminist visual and literary art: <https://lup.be/products/172125>

Pledge now to support our forthcoming book, *Dangerous Women* (Unbound 2022):
<https://unbound.com/books/dangerous-women/>

Fouad Alkhamisi

From:
Sent:
To:
Subject:



Dear Fouad – thanks for your speedy response!

Can you tell me where the flat is and if it will be around the same rental rate that we pay for Javad?

Thanks again,
Pauline

From: Fouad Alkhamisi <Fouad.alkhamisi@sky-heating.co.uk>
Sent: 16 February 2022 19:03
To: CLARK Pauline <Pauline.Clark@ed.ac.uk>
Subject: RE: Enquiry about accommodation

This email was sent to you by someone outside the University.

You should only click on links or attachments if you are certain that the email is genuine and the content is safe.

Hi Pauline

I hope this message finds you well and safe,

I think I will have one of the flats empty by mid-March if this any good

Kind Regards

Fouad



Hello Fouad – I hope you are well!

I just wondered if you might have another 1-bed flat to let – either now or coming up in the next month or so? It's for a married couple who were Visiting Fellows with us until November last year. I'm happy to give you more information later.

Many thanks,
Pauline

Pauline Clark
Institute Administrator

Institute for Advanced Studies in the Humanities, The University of Edinburgh, Hope Park Square, Edinburgh, EH8 9NW

Web: <https://www.iash.ed.ac.uk/>

Phone: 0131 650 4391

Twitter: @iash_edinburgh

Fouad Alkhamisi

From:
Sent:
To:
Subject:



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