

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 100648462-002

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

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Hugh"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="Newsam"/>	Address 1 (Street): *	<input type="text" value="30, Martingale Close"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Cambridge"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="CB4 3TA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Description of Proposal

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

Change of use of flat to short term holiday let or a flat.

## 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 have attached a more detailed statement. However, it is my firm view that my short term let will not impact local amenities and housing issues.

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)

Planning Application Additional Info May 2024.doc

## Application Details

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

23/06312/FULSTL

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

17/10/2023

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

10/05/2024

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

A keyholder has to be present

## 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 Hugh Newsam

Declaration Date: 23/05/2024

## Additional Notes for Planning Application

**Hugh Newsam 21<sup>st</sup> May 2024**

My planning application for short term let was rejected on 10<sup>th</sup> May 2024 This is additional information for a local review to continue as a short term let property for the following reasons. I would like to add the following additional information.

1. From talking to my friends in the legal profession the summary of judicial Review 1 and 2 is
  - JR1: Everyone in a share stair would have been refuse a licence, even with COL 10+
  - JR2: You do not need to apply for planning permission if an existing operator. However ultimately you may need to demonstrate there hasn't been a material change of use. You remain open to enforcement action if you do not apply for planning permission.
2. My flat has been an STL since 2017 so I do not see I have had a "material change of use". I also see in some recent cases material use for an STL has not been a factor.
3. My property contributes at least £40,000 from visitors alone to the economy of Scotland and provides, especially families, with low cost accommodation all year round. Please below for further details
4. My wife and I bought the property for our retirement in 3 years time. We intend to live there for 3-4 months a year from mid 2027. Again, see below for more details
5. The building does not have a factor but the residence group work well together and the only complaints about noise have come in the past from one flat that was long term rented to students.
6. I have a provisional STL licence (EH-70297-P) and my property is fully booked from May – end September 2024. I have been closed for bookings for months now but the desperate situation for short term accommodation eg. Hotels or STLs

### Further Additional Notes

While My wife and I currently live in Cambridge, England we regard 112a/8 West Bow as our home in Scotland. Both our children live in Scotland, one in Edinburgh having graduated from Heriot Watt University and works as a civil engineer our other has just finished his final year at the University of Glasgow and is moving to Edinburgh for work and will live with his brother. Both are committed to staying in Scotland. My family have strong connections to Edinburgh as my father was at school there and also went to Heriot Watt. My grandfather was a civil engineer living in Portobello

As I am not office based I often go up to see my kids and also have repairs performed or get items updated. My family and I typically stay for about a total of about 6 weeks each year. As noted elsewhere we hope to retire in 3 years and we intend to be in Edinburgh 3-4 months a year. Our current occupancy rate is very high. The most recent period, April 2023-April 2023 our flat was occupied by paying guests for 205 nights. So far in this from April 2024 – September 2024 163 nights booked. That's near 80% of the whole of last financial year. Surely this demonstrates that there is now a hotel/STL lack of availability. The rates for the flat are as follows

£105 a day, £650 a week, £380 minimum

High Season (1<sup>st</sup> August - 3<sup>rd</sup> September and 28<sup>th</sup> December -3<sup>rd</sup> January)

£180 a day, £1150 a week, £720 minimum

You won't find many single/double rooms available in the city centre for these prices. Then you will need to double the cost for a family with older children or more than 2 adults. In my flat our guests get a 2 bedroom suite for the price of a room. We have had nurses and academics staying in our flat for extended periods since we bought the place in Jan 2017.

At the new Virgin hotel that was built at the back of us a 2 bedroom suite is £1000-£2000 a night depending on time of year. How many groups / families will no longer visit Edinburgh because they simply won't be able to afford it? This will have an impact on tourism employment.

Moreover, as a supporter of the Edinburgh Fringe I want families to visit and not be charged the earth. We have taken our children multiple times to the Fringe and I am sure its one of the reasons why they both fell in love with Scotland. When our debt from buying the flat is paid off in 3 years, when we retire, my plan was to offer it at a highly discounted rate to new performers at the Fringe. As a part time magician and secretary of the Cambridge Pentacle Club and member of Equity and the Fringe Society with many of my pals who perform at the Fringe and I know how tough it can be to afford it. When I retire, I intend to perform my magic show as part of the free fringe, living in my flat for the month of August with other artists. Sadly, all of these ideas are now at risk.

It's worth pointing out that we don't make much money after tax from the flat. It wasn't bought as a high margin money making scheme, we wanted a home in Scotland but leaving it empty when others could use it when we were not there just seemed wrong. Each booking comes with a £78 cleaning and admin fee from my agent who also takes 25% of the booking fee. My monthly utility and insurance costs of £400-500 plus we put aside money for repairs. During the winter the water and electric bill can hit nearly £500.

Moreover, one of the reasons for my planning refusal was national policy framework Policy 30(e). I firmly believe that my flat makes a very large contribution to the local economy. I employ an agency to look after the guests in my flat, a cleaning company as mentioned above at a cost of £78 per guest rent. When I visit the fringe, my budget is £1500 for a week to spend. I suspect that those who stay in my flat spend similar if not more. As noted before from April 23 – April 24 my flat has been occupied by paying guests for 205 nights. I suspect that will be an additional contribution to the local economy of at least £40,000. Given the current occupancy until September this year I suspect another £30-40000 to the local economy In addition to that I employ locally various electricians, plumbers and other trades people to look after the flat. It also states that my proposal is contrary to Planning Policy Hou 7. How can that be I take the lead on all repairs needed as we don't have a factor, we have no stag or hen parties, we mainly have foreign nationals staying in our flat. I dispute the logic the loss of residential is not outweigh by the benefits. This does not take into consideration that the council own estimates of 12-14,000 short term lets was way of the mark with as of time of writing just over 4000 licences being requested of which only 2000 being whole house / Secondary Letting. This means that out of the approx. 250,000 dwellings only 2000 are secondary let. The bulk of these are in tourist areas because that's where tourists want to stay, consequently they would be at the top end of rental prices. The bulk of the housing issue is for social housing, removing STLs will not help this at all.

So, I hope you can see that we regard this property as our home. As mentioned, we aim to retire in 4 years and spend much more time living in Edinburgh because we love the place plus to be near our children who are both committed to living in Scotland and living in Edinburgh as mentioned above. It seems such a waste for the flat to not be used when we are not there. While I support much of the rental rules in Scotland (even though they appear to have lowered the stock of rental properties) it does seem daft that folks like us who want to stay over 100 days a year in Edinburgh are forced to

either stay in a hotel (no chance, far too expensive) or leave our property empty as if we to rent it out we can only stay there in between rental period which could be for completely variable period of times.

For all the reasons above I hope you will consider that we are granted our STL planning application and the subsequent licence. I do hope you take all this into consideration.

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)

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Thank you for completing this application form:

ONLINE REFERENCE 100600839-003

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

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use of flat to short term holiday let or a flat (resubmission of 22/04934/FUL)

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

27/03/2017

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

We started holiday letting the property before the control area came into force.

## Applicant or Agent Details

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

Applicant  Agent



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Hugh"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="Newsam"/>	Address 1 (Street): *	<input type="text" value="30, Martingale Close"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Cambridge"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="CB4 3TA"/>
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="3F3"/>
Address 2:	<input type="text" value="112A WEST BOW"/>
Address 3:	<input type="text" value="OLD TOWN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH1 2HH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673440"/>	Easting	<input type="text" value="325529"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

68.75

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

My flat has been a self catering/short term let since March 2017. Planning permission was not a requirement then but with the advent of licensing and Edinburgh City being designated a control area planning permission is now required

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

As a tenement flat with shared facilities, the creation of a storage area is not possible. Waste bins are provided in the kitchen and other rooms. Cleaners attend to the property and remove waste after each guest visit. Guests may use the council waste bins provided if needed.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

68

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Short term holiday let

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Hugh Newsam

On behalf of:

Date: 17/10/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |   |
|--|------------------------------|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Hugh Newsam

Declaration Date: 17/10/2023

Mr Newsam.  
30 Martingale Close  
Cambridge  
CB4 3TA

**Decision date: 10 May 2024**

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

Change of use of flat to short term holiday let or a flat.  
At 3F3 112A West Bow Edinburgh EH1 2HH

**Application No:** 23/06312/FULSTL

**DECISION NOTICE**

With reference to your application for Planning Permission STL registered on 17 October 2023, 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 **Refused** 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;

**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 this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01 - 02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Benny Buckle directly at [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk).



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



## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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# Report of Handling

**Application for Planning Permission STL  
3F3 112A West Bow, Edinburgh, EH1 2HH**

**Proposal: Change of use of flat to short term holiday let or a flat.**

**Item – Local Delegated Decision  
Application Number – 23/06312/FULSTL  
Ward – B11 - City Centre**

## **Recommendation**

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

## **Summary**

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site relates to a third floor, two-bedroom flat. Access is gained via a shared stair and ground floor entrance, which are used by a further 11 residential properties. The main door entrance is pedestrian accessed, via Edmonstone's Close from West Bow.

The nature of the immediate vicinity is mixed use, with retail and hospitality uses occupying the ground floor premises with residential uses above. The area has high levels of tourist activity. Although West Bow is a busy mixed-use area the neighbouring

residential properties within the shared residential stair can expect a high level of residential amenity.

The application property is located within a 'B' listed building (29910), listed on 14/12/1970. The property is also located within the Old Town Conservation Area and World Heritage Site.

There are further STL uses within the communal stair, however, at the time of determination the lawful use of these properties is residential.

### **Description of the Proposal**

The application is for retrospective change of use from residential to STL.

### **Supporting Information**

- Supporting Statement

### **Relevant Site History**

22/04934/FUL  
3F3 112A West Bow  
Edinburgh  
EH1 2HH  
Change of use of flat to short term holiday let or a flat.  
Refused

5 May 2023

### **Other Relevant Site History**

23/06456/CLESTL  
Use of property as a short-term let at 3F2, 112A West Bow  
Not yet determined

23/05044/FULSTL  
Change of Use of a residential flat to form an STL at 2F3, 112A West Bow  
Refused - 26.4.24.

23/05043/FULSTL  
Formalise use as a STL at 3F2, 112A West Bow.  
Not yet determined.

23/04563/CLESTL  
STL use since 2018 at 1F1, 112A West Bow  
Not yet determined.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 10 May 2024

**Date of Advertisement:** 1 December 2023

**Date of Site Notice:** 1 December 2023

**Number of Contributors:** 2

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
- (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

### Assessment

The application is in retrospect. The application form stated that the proposed operation of the property as a short term let commenced in March 2017. This is prior to 5

September 2022, when the Edinburgh STL control area came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial STL is a material change of use.

The effect of granting planning permission would be to change the use from a residential flat to STL. The use of the property as STL, as a result of the granting of planning permission, would constitute a material change in the use of the property under section 26 of the Town and Country Planning (Scotland) Act 1997, given the associated characteristics of STL use of this property type (third floor flat, sharing a main door access with other residential properties).

**a) The proposals harm the listed building or its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

**Conclusion in relation to the listed building**

The proposal does not harm either the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

**b) The proposals harm the character or appearance of the conservation area?**

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises *"the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the*

*importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community. "*

There are no external changes proposed. The change of use from a residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).

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

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

#### Listed Buildings, Conservation Area and Edinburgh World Heritage Site

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above which concluded that this would be preserved.

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places.

The proposal complies with NPF 4 Policy 7.

#### Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relate to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

### *Amenity*

The use as a STL would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. Transient visitors may also have less regard for neighbours' amenity than individuals using the property as a principal home.

Despite the property being within a busy, commercial location, neighbouring residential flats can expect a good standard of residential amenity within the stair. The shared access with residential properties creates an opportunity whereby STL users could have a detrimental impact on the internal neighbouring residential amenity. The use as a STL is not consistent with the existing neighbouring residential uses.

The application received an objection which commented that general STL use would increase disturbances and weaken security. The objection further stated that STL users could leave the main door accesses open and conversely also lock residents out of their homes by dead locking the main door.

A change of use to STL would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents and will have a significant detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The applicant provides a supporting statement which details the STL's local economic benefit. It is asserted by the applicant that the STL use contributes an annual economic benefit of at least £40,000 pounds to the local economy. In addition to the annual economic benefit the property gives employment to local trade persons.

The proposed change of use to an STL would result in a loss of residential accommodation. As there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply where appropriate.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

### Parking Standards

Permit and paid on street parking is available on Grassmarket in close proximity to the property. These parking provisions are acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

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

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of tourist accommodation in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

#### Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

#### Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to



Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited 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

The application received two public objections. These were received by the Old Town Association and The Grassmarket Residents' Association (GRASS).

A summary of the representations is provided below:

#### *material considerations in objection*

- The proposed change of use would result in loss of Edinburgh's housing stock. Assessed in section c).
- The proposed change of use would have a negative impact to neighbouring residential amenity. Assessed in section c).
- The proposed change of use would decrease security within the shared stair. This has been assessed in section c).

#### *non-material considerations in objection*

- The STL use would increase litter within the stair and incorrect use of recycling bins.
- STL users flooding neighbouring properties.

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

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

### **Overall conclusion**

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion.

## **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 this dwelling as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an adverse impact on local amenity and the loss of a residential property has not been justified.

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

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

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

**Date Registered:** 17 October 2023

### **Drawing Numbers/Scheme**

01 - 02

Scheme 1

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

Contact: Benny Buckle, Assistant Planning Officer  
E-mail: [benny.buckle@edinburgh.gov.uk](mailto:benny.buckle@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

## Appendix 2

### **Application Certification Record**

#### **Case Officer**

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Benny Buckle

Date: 29 April 2024

#### **Authorising Officer**

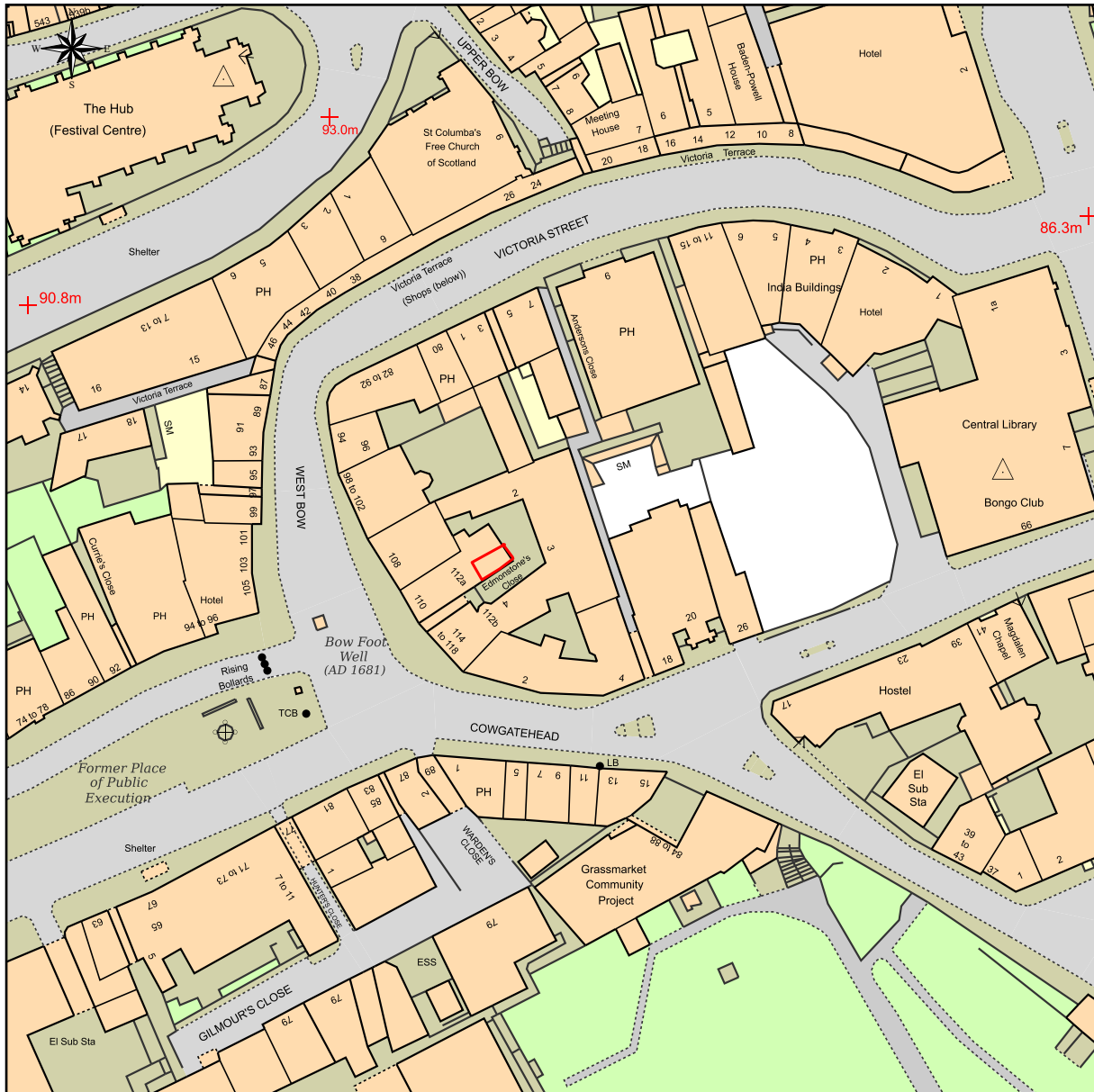
To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Lesley Porteous

Date: 10 May 2024

# Location Plan for 3F3 112/8a West Bow, EH1 2HH



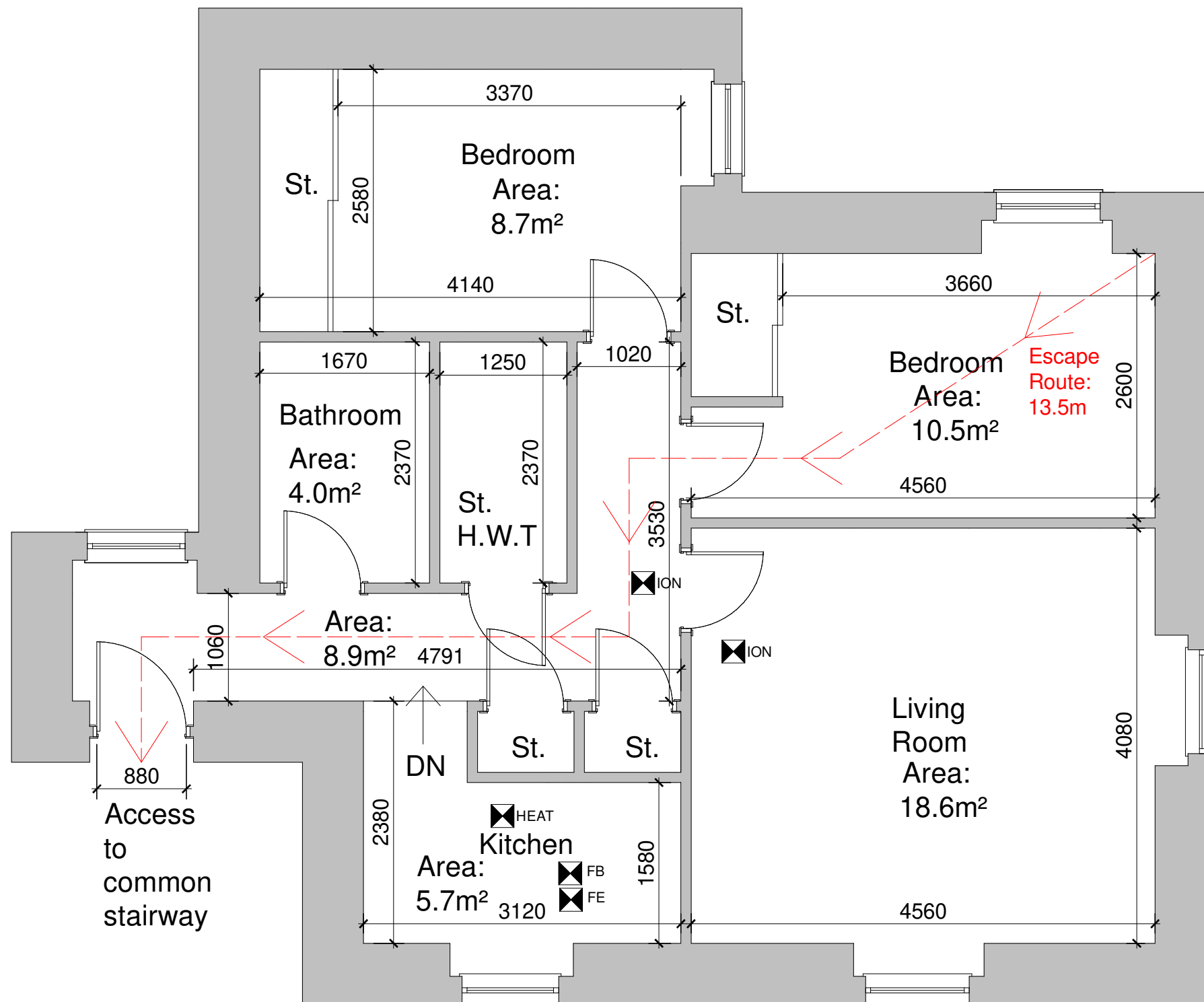
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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4



Key:  
 Heat = Heat detector  
 ION = Smoke detector  
 CO = Carbon Monoxide detector  
 FE = Fire Extinguisher  
 FB = Fire Blanket  
 All dimensions in mm



Third Floor Plan at Scale 1:50

Total Internal Floor Area = 66.7m<sup>2</sup>

REV:	DESC.	BY:	DATE:
ISSUE: Licensing			
 <small>CHARTERED SURVEYORS</small> 27 Canmore Street, Dunfermline 01383 621 262 architecture@dmhall.co.uk			
PROJECT ADDRESS:			
112A/8 West Bow Edinburgh EH1 2HH			
DRAWING TITLE:			
Licensing Plan Third Floor Plan			
We hereby certify that this is the plan referred to in the foregoing application for Local Authority consent			
LA REF - N/A			
Drawing remains property of DM Hall LLP			
FILE No.	PAGE SIZE:		
PP-23-00108	A3		
DATE:	DRAWN:	SCALE:	DRAWING NO. REV:
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