

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 100676157-001

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

<p>Title:</p> <input type="text" value="Mr"/>	<p>Other Title:</p> <input type="text"/>	<p>You must enter a Building Name or Number, or both: *</p>	
<p>First Name: *</p> <input type="text" value="John"/>	<p>Last Name: *</p> <input type="text" value="Noon"/>	<p>Building Name:</p> <input type="text" value="Wreagreen"/>	<p>Building Number:</p> <input type="text" value="175"/>
<p>Company/Organisation</p> <input type="text"/>	<p>Telephone Number: *</p> <input type="text" value="REDACTED"/>	<p>Address 1 (Street): *</p> <input type="text" value="Middle Road"/>	<p>Address 2:</p> <input type="text"/>
<p>Extension Number:</p> <input type="text"/>	<p>Mobile Number:</p> <input type="text"/>	<p>Town/City: *</p> <input type="text" value="Southampton Parish"/>	<p>Country: *</p> <input type="text" value="Bermuda"/>
<p>Fax Number:</p> <input type="text"/>	<p>Email Address: *</p> <input type="text" value="REDACTED"/>	<p>Postcode: *</p> <input type="text" value="SN 02"/>	

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

13B CLARENCE STREET

Address 2:

STOCKBRIDGE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH3 5AE

Please identify/describe the location of the site or sites

Northing

674698

Easting

324816

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)

Review of refusal decision for STL application (23/04687/FULSTL) @13B Clarence Street, Edinburgh EH3 5AE

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 am seeking a review of the Planning Authority's decision for the refusal of a Short Term Letting (STL) license for 13b Clarence Street, Edinburgh. Further information has been provided, see documents in the "Supporting Documents" section of the online form, for consideration by the review body.

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)

The new matter is being raised to support the application for a STL application. The matter was not raised with the appointed officer as the criteria for the Planning refusal was not fully understood at the time of the application submission. The support information should now be considered as it may be helpful to the review body in their final determination.

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. STL Review 13B Clarence Street - John Noon 2. Annex A - Clarence invoice 3. Annex B - Disturbance 15 May 2022 4. Annex C - STL objection

Application Details

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

23/04687/FULSTL

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

10/10/2023

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

22/04/2024

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

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 John Noon

Declaration Date: 19/07/2024

John Boland Noon
"Wreagreen"
175 Middle Road
Southampton
Bermuda SN02
19th July 2024

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

Reference: Review of Short Term Let (STL) refusal for 13B Clarence Street, Stockbridge, Edinburgh. EH3 5AE.

I acknowledge that there is the need for licencing for Short Term Lets. However, as each property is considered for a licence on an individual basis, I hope that the additional information provided below demonstrates that the subject property can operate as an STL, as it has done so for the last 6 years, with minimal impact on the amenities of the neighbourhood and have a significant benefit to the local economy which can outweigh the loss of residential accommodation.

The reasons for the refusal of the use of the subject property as a STL are as follows:

1. Detrimental effect on the living conditions and amenity of nearby residents.
2. Loss of residential property.
3. Economic benefit of providing tourist accommodation does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

Please find the following information relating to items 1-3 above for consideration:

1. Detrimental effect on the living conditions and amenity of nearby residents.

a) Private entrance.

The subject property is a 2-bedroom basement flat in a tenement building.

The flat has its own private entrance separate from the main tenement door servicing the upper flats.

There are steps from the flat door up to Clarence Street and the distance to the Public Road is approximately 5 metres.

Comment:

Due to the private entrance, there is minimal impact for local residents from the STL clients accessing the property from the Public Road.

b) Private garden

The property has a private garden to the rear of the flat which is surrounded by high walls.

The high walls provide privacy from the neighbouring properties.

Comment:

STL clients are advised, when using the garden amenity area, to respect the neighbouring property owners and not to make loud noise after dark.

c) Street parking on Clarence Street.

Comment:

STL clients are advised that there is no vehicle parking in the vicinity of Clarence Street and are advised of official private parking areas at specific locations in the city.

d) STL Property Management.

The flat has been a STL since we bought the property in 2018.

The previous owners let the property out as an STL during the time of their ownership from 2015-18.

The flat is managed by The Flat Company Limited, Edinburgh. (Contacts: Matthew Wilcken and Jill Vasey). Matthew lives close to Clarence Street and can address any issues at the property promptly by email, telephone or in person.

The Tenants Association and residents for the block of flats surrounding 13B have contact details for the Flat Company, Matthew and myself.

The Flat Company and I would not permit parties and rowdy behaviour of any kind at the flat.

The Flat Company only allows STL clients of good character who have been vetted by Airbnb.

Comment:

The STL property is managed in a responsible manner and every consideration is given to maintaining good relations with the owners of the adjacent properties who can contact the property managers or myself at any time if they have a concern.

2. Loss of residential property.

With regard to the residential loss of a Long Term Let (LTL), due to the use of the subject property as a STL, it is commonly assumed that the property is solely used for tourist accommodation. However, the STL has in the past, catered not only to tourist accommodation needs but also for:

- Local residents who are renovating their own apartments or houses and need short term accommodation close to their own property.
- Families visiting relatives who are studying or working in Edinburgh.
- Corporate people working in Edinburgh for short periods.
- Edinburgh Festival event persons requiring short term accommodation.
- A place of solace, particularly with the outdoor garden amenity, during health pandemics.

Comment:

The items listed above, especially in the off-peak tourism months, can help support the local community welfare as well as providing economic benefits to offset the residential property loss.

3. Economic benefit of providing tourist accommodation does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

Unlike the majority of STL owners who manage the property themselves, the property is managed by The Flat Company who employ 4 members of staff to run the STL.

The maintenance of the property is entirely conducted by local private contractors for the cleaning, repairs and gardening.

The outgoing charges to the local contractors including management fees approximates 1500 pounds a month.

I have attached a typical monthly statement for your review. (Annex A).

The STL clients also benefit the local business and community of Stockbridge and Edinburgh by using the shops, restaurants and amenities.

Comment:

Although the property is small, the economic benefit to the local community of this STL is significantly more than that of a Long Term Let with only minimal effect on the residential amenities.

4. Objection Letters

Considering the objection letters from neighbours, please note the following:

Total number of properties notified regarding the subject property STL is 68.

11 objections were received and 57 owners did not submit an objection.

The primary objections received are as follows:

a) Owners stating agreement with Edinburgh City Policy on STL licenses.

b) Increased foot traffic.

Comment:

The STL clients have only a short distance from the main door of the subject property to the Public Road. This is a private entrance with steps up to the road. The impact to the neighbours of this small journey is minimal.

c) Overcrowding of the subject property.

Comment:

This is simply not true. Overcrowding would not be tolerated. The property has never had more than the maximum of 4 people staying at any one time.

This can be verified by the managers of the property, The Flat Company.

d) Complaints stating noise concerns include parties, anti social hours and behaviour causing stress to neighbours, dogs barking, gate to subject property requiring oiling and wheeled trolleys causing disturbance.

Comment:

Since 2018, the only complaints that have been received directly to myself and the Flat Company have involved:

- **A disturbance on weekend of the 15 March 2022 at Clarence Street, which was found not to be caused by the subject property clients at that time. I have attached an email regarding this issue. (Annex B).**
- **A dog barking issue which has been resolved as pets are no longer welcome at the subject property.**

With regard to the noise issues, I value and respect the comments of the objectors. We will therefore endeavour to reduce stress to the neighbours by advising clients not to make noise in the garden area after dark or on the Public Street.

I have attached the objection (Annex C) from 13 Clarence Street which is the flat directly above the subject property which only mentions "occasional issues" affecting No. 13. I believe that the "occasional issues" are a true reflection of the minimal effect of the subject property STL on the amenities of the area.

5. Personal

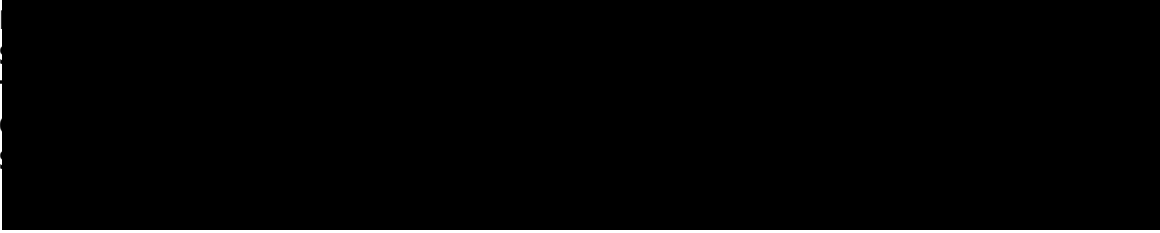
My wife and I live abroad.

We own 2 properties in Edinburgh. Our other property is a long term let (LTL) and has been since 1994, thus helping to alleviate the accommodation crisis in Edinburgh during this period.

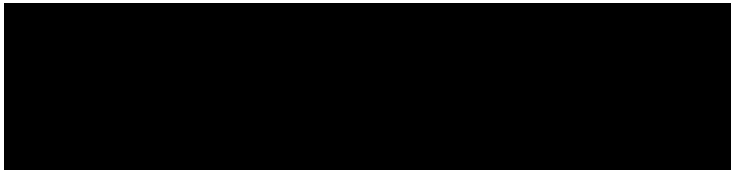
My wife and I purchased Clarence Street in 2018. The current short term let scenario is ideal for us both as we can return to Clarence Street for short periods and spend more time with family as we move towards retirement and a permanent relocation home.

I hope the Local Review Body will look favourably on the information presented concerning the STL refusal and thank you in advance for your time and consideration in reviewing this document.

John B. Noon



Begin forwarded message:



Hi Jill

Thanks for getting back to me.
I checked the reviews as well and they are very good.
Please let me know what the cleaners say regarding the state of the flat.

If one of the neighbouring properties has, as suggested, been broken into then the police will be involved.

I agree with you that if there is a disturbance then the police should be called and will advise the neighbours accordingly.

I will wait to hear back from you before replying to Heather.

Thanks for your help.

John



Hello John,

Thanks for bringing this to our attention.

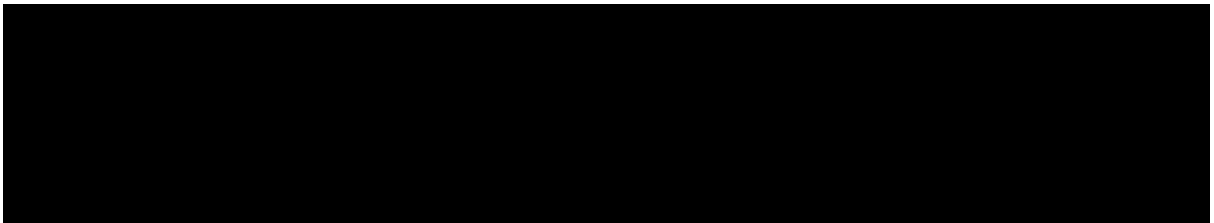
I am not positive the people causing the disturbance were your guests; they left Sunday morning so it cannot have been them having the party last night.

They are a family and have 10 excellent reviews from other hosts so I would be very disappointed if they were causing these sorts of problems.

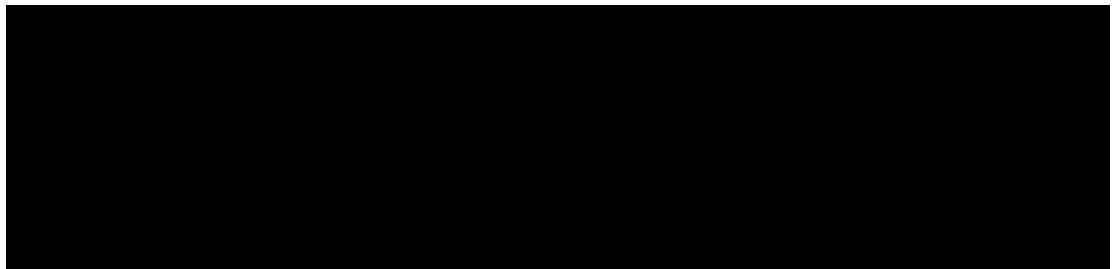
What a horrible experience for your neighbours and I would advise that they do call the police if anything like this does happen again.

I will check with the cleaning team on the condition of the property after these guests left, it is usually very obvious if a party of sorts has been held.

Best wishes
Jill



Hi Jill and Matthew
Heather (see below), and other neighbours, has advised that there has been a party and unruly behaviour at the flat this weekend.
This is something that we cannot accept and need to act to make sure this does not happen again.
Please let me know what the policies are with Airbnb and if we need to advise the police.
Look forward to hearing from you in the morning.
John

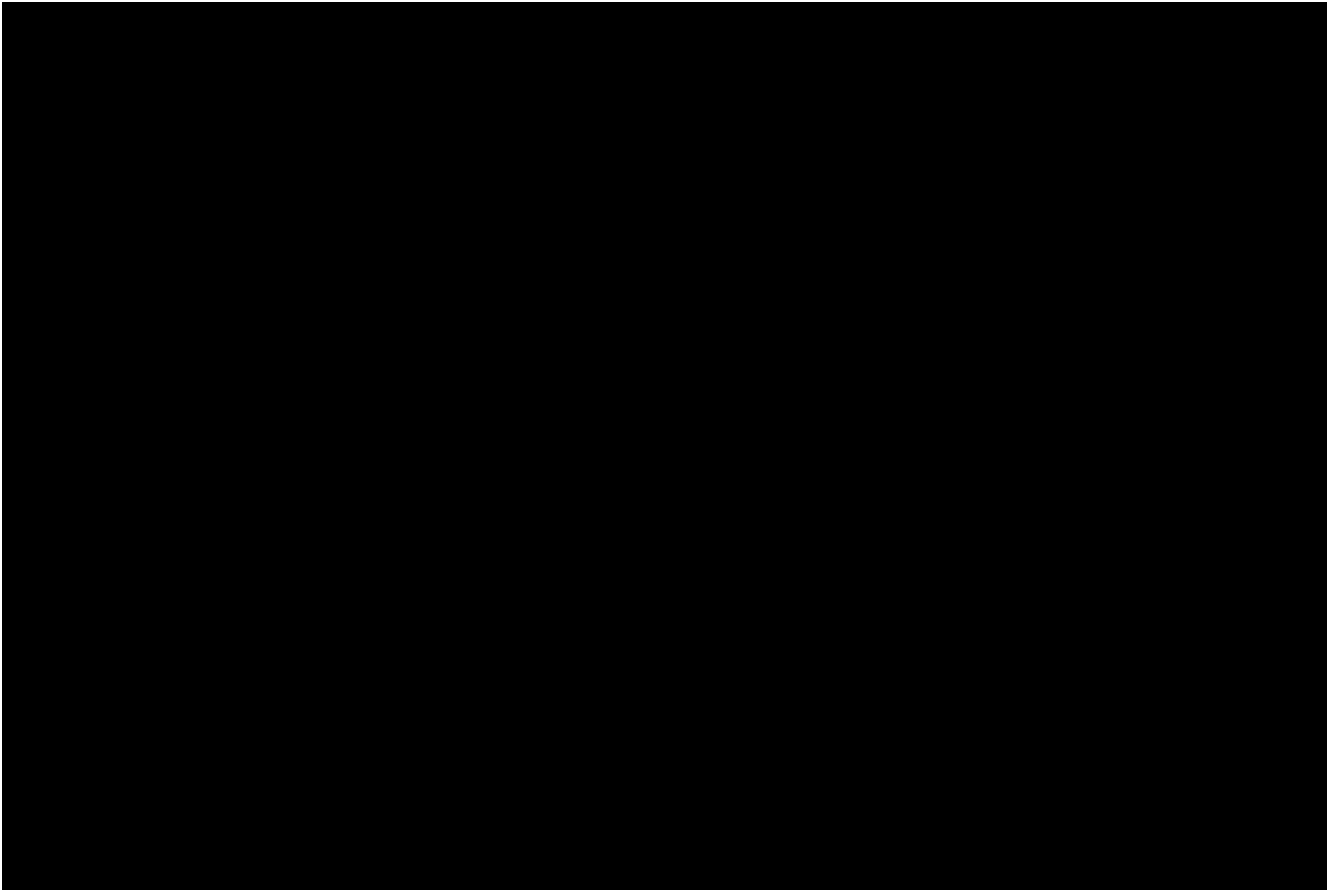


Hi John
Are you the owner of the Air B and B , 13B in Clarence Street. I live in number 11 and need to inform you about the disturbance this weekend. On Saturday night I was woken at 3.30am with a man screaming for about a half hour. I saw a man walking along my garden wall at 3.30am. I do not know if he was entering the Air B and B but we do know one of the flats was broken into. Jo and Victoria can tell you more on this.
Last night (Sunday) , there was a massive amount of noise from a party at the B and B, this woke me up again in the early hours of the morning. We need to do something to address this breach of

the peace, let me know if you can address this with the agency or the appropriate means to ensure it does not happen again. I'm assuming the people are vetted by an agency?
If we cannot improve it , I'll need to call the police next time it happens.

thanks
Heather

Jill Vasey
Client Account Manager



Comments for Planning Application 23/04687/FULSTL

Application Summary

Application Number: 23/04687/FULSTL

Address: 13B Clarence Street Stockbridge Edinburgh EH3 5AE

Proposal: Change of use from residential to short term let apartment.

Case Officer: Improvement Team

Customer Details

Name: Mr Tony Griffin

Address: 13 Clarence Street Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As with any short term let there is an increased amount of foot traffic in and out of the property, which on occasion can be at anti social hours. The property appears to have been operated as a dog friendly ABB which also on occasion can be problematic as the owners have left the dogs unattended effecting the adjoining properties with prolonged period of dogs barking. Whilst these occasions are not often, there is no one local to contact or manage these situations when they occur.