

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 100644831-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	b3a		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	john	Building Name:	
Last Name: *	bol	Building Number:	272
Telephone Number: *		Address 1 (Street): *	Bath Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	UK
		Postcode: *	G2 4JR
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Mrs
Henan
Sun

49
Badger Way
Edinburgh
UK
EH7 8XD

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Site Address Details

City of Edinburgh Council

29 TARVIT STREET

TOLLCROSS

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EDINBURGH

EH3 9JY

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672798

325036

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 dwelling to STL.

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.

Please refer to the attached statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

appeal statement

Application Details

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

23/04810/FULSTL

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

25/09/2023

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

25/04/2024

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

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)

to bring context to the position of the flat to surrounding commercial activities within the area

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 bol

Declaration Date: 23/07/2024

29 tarvit street

b3a

29 Tarvit Street, Edinburgh EH3 9JY
Proposed Change of Use

Planning Appeal Statement. _



This Appeal Statement has been prepared by b3a, on behalf of the owner, Mrs Henan Sun, in relation to a planning application which has been refused for the change of use of this property from a dwelling to a STL.

Reasons 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 property 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 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

Comments on refusal

- 1 The reason for refusal is that. “ *a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents*”

This comment is based upon the **assumption** that visitors using this facility will as quoted within the Report of Handling “ *The short term use would enable visitors to arrive and stay at the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. A transient visitor may also have less regard for neighbours’ amenity than individuals using the property as a principal home. Furthermore, the immediate proximity to neighbouring residential properties and the direct access to a communal outdoor amenity space creates an opportunity whereby STL users could have a further detrimental impact on neighbouring residential amenity.* “

The reasons given above are, it would have to be assumed, is on the basis of larger properties, as this property has been used as a STL for the last six years with no recorded complaints. As this is a two bedroom main door flat with, on average 4 occupants who are holidaying in Scotland and will therefor be out most of the day enjoying the sights and sounds of their holiday and not trailing back and forth to their property as insinuated in the statement. It must also be emphasised that there is an assumption within the Report of Handling that all the local residents do not engage in anti-social behaviour and that all holidaymakers will, which is not based on reality and gives a negative impression of tourists visiting the city. The vast majority of tourists act in a reasonable manner, but unfortunately the few who do misbehave get published in the local press and social media and is vastly misrepresented throughout the city.

The Report of Handling states that transient visitors “ **may** also have less regard for neighbours’ amenity than individuals using the property as a principal home “, again there is a presumption that tourists will be anti-social and residents not.

The applicant is prepared to restrict the use of this property to a minimum letting period of 7 days, the applicant is also prepared to insist that tourists arriving and departing do so between the hours of 8:00 - 21:00 to remove the possibility of disturbance overnight. Again within the report the assumption is that the guests will be irresponsible in their behaviour and that residents are not, this is again a generalisation which is unjustified, most tourists will act in a reasonable manner trying not to invade the privacy of residents as we do as a family when we have used similar facilities all over Europe making sure we do not effect the local community cohesion and safety . I am sure some residents work late shifts, arrive late home with friends etc.

The advantage of having a properly run licence regime is that should a property have consistent issues within the local community the licence can be revoked which is not so easily done in the rented or ownership sectors.

As each application is judged upon its own individual merits, this item of refusal goes against that principle as it is taking a generalisation as a reason for refusal

2 *“ the use of this property as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified “*

This two bedroom main door flat will not have any impact on the local amenities whatsoever, the local services and employment will all benefit from the tourists using these facilities and the guests will spend more over a year than would normally be attributed to a resident. In regard to the loss of a residential unit, this is on the assumption that someone working locally can afford the rent and council tax for this property which in most cases is unlikely and the root of the issue is the lack of affordable housing within the city. This property will not be coming back to the market as a rented property or for sale.

It should be noted that although the report of Handling does states that Tarvit Street is mixed use in character , retail, restaurants, pubs and the rear of the Kings Theatre, the emphasis has been directed at the property being in a mainly residential area, which is misleading and inaccurate.

Within the Report of Handling there is no mention that this property would have been until recently a commercial property as can be evidenced from the infilled street frontage and alleyway, so to state that there would be a loss of Residential Accommodation is overstating the facts. There is no evidence of a planning application for change of use within the Edinburgh City Council planning portal, so it is unclear if a planning application was ever submitted. The Report of Handling states “ the lawful use of the property is residential “ where is the evidence.

In relation to the loss of a residential unit , as the council have refused the vast majority of STL since the implementation of the licensing, it would have to be assumed this has already been re balanced.

It should also be noted that there are a number of holiday let properties in the immediate vicinity as can be evidenced from Google maps.

Comments

During the consultation period for the planning application there was one comments received from the public:

1 Objection from a local resident , not stated if he is the owner of the property

Standard objection from a neighbour with no evidence to back up his statements and does not share the entrance with this property and therefor will have no direct impact on his environment.

Comments from applicant :

This property has been operating as an Airbnb successfully for the past 6 years.

The flat is a traditional tenement property with high floor to ceiling heights and a traditional insulated floor which provides adequate insulation with no complaints from our neighbours regarding noise.

This property has its exclusive entrance from the street. The complainant is not our immediate neighbour and we do not share a stair or door with him and will not in any way disturb him personally.

The council recently moved the communal bin next to the entrance to our flat because it was an STI, we have coped with the devaluation of the renting value due to this. It is an unreasonable location because the door to our flat is effected by this bin, and therefor it would be difficult to rent out this flat for long term residency. We need to keep this flat as a STL or we will have to ask the council to relocate their bin.

Conclusion

This two bedroom main door flat will have minimal impact on the local community and as such will provide a good standard of accommodation for tourists and is already set up to comply with the licence and fire assessments and will not provide any disruption or disturbance to the neighbouring properties or residents any more than is already present.

Should approval not be forthcoming the property will be used for family members to utilise and it will not be available for rent or sale in the future, so this property has already been lost to the local market. As stated above if the council wish to provide affordable housing for their residents they need to invest in more social housing.

A balance has to be struck between residents and STL properties if the council wish to maintain the number of tourists who visit the city who cannot afford to stay in luxury hotels, otherwise the income produced by tourists will decline and will effect the local businesses and income for the council.

We would recommend you approve the use of this small flat for use as a STL to ensure the future viability of Edinburgh as major a tourist destination in which local residents and tourists can enjoy each others experiences.

The report of handling raises doubts on the evidence for this refusal, so it would be helpful for the planning officer to answer a few basic queries:

- 1 What evidence is there in regard to the insinuation that tourists are more ant-social than residents ?
- 2 What evidence is there relating to the lawful use as residential ?
- 3 Why should visitors be denied access to an outside amenity area ? And again what evidence do the planning authority have that use of an external area would “ *create an opportunity where users could have a further detrimental impact on neighbouring residential amenity* “
Do public houses, restaurants and theatres have a detrimental impact on residential properties also ?

Prepared by

john bol
for b3a