

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 100639838-003

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.

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:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Roderick"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Petrie"/>	Building Number:	<input type="text" value="36"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Bruntsfield Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH10 4HJ"/>
Email Address: *	<input type="text" value="rod@rbp-properties.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Mr

William

McColl

51

New Bridge Street

Witney

UK

OX28 1YA



Site Address Details

City of Edinburgh Council

2F1

37 GILLESPIE CRESCENT

BRUNTSFIELD

EDINBURGH

EH10 4HX

672539

324683

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)

Proposed change of use to short term let

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.

See attached appeal 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 and supporting documents

Application Details

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

23/05630/FULSTL

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

20/11/2023

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

04/07/2024

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 Roderick Petrie

Declaration Date: 02/10/2024

23/05630/FULSTL

Appeal Statement

We wish to appeal against the decision handed down on 4 July 2024 to refuse planning permission for the change of use of the property at 2F1 37 Gillespie Crescent, Edinburgh, EH10 4HX. The application was rejected on 2 grounds and we refute both.

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.

The policy referred to in the first point is set out below:

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance

A number of the neighbour comments on the original application cited the effects of noise to neighbouring properties. There are over 3,500 HMO licenses currently in issue in the Meadows/ Morningside ward according to records obtained from <https://www.edinburgh.gov.uk/downloads/download/13239/licensing-registers-civic> as of June 2024. We would expect that most of these properties would be let to students or young professionals who wish to live in the area due to the high density of amenities and proximity to the University and city centre and would suggest that these groups are more likely to generate unsociable levels of noise and disturbance late into the night as opposed to small groups of holidaymakers who may be staying in the property. Given that there were over 500 new HMO licenses approved according to the Council's own figures, we would argue that there would be a lack of consistency in the Council's application of this policy.

We would also argue that tenants in an HMO property (especially students) are more transitory in nature and therefore should really be considered as non-residential inhabitants.

Finally, we note that the flat immediately above our property (3F1 37 Gillespie Crescent) is currently used as a STL albeit with a licence granted for home-sharing. There are at least 2 rooms being let on a STL basis in this property alongside 2 further rooms rented on a long-term basis. The owner did not require to obtain planning permission for any of these operations as he also lives in the property. We fail to see how the 2 situations are

materially different from each other by virtue that one property is partially let as a STL and the other is fully available to guests.

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 that has not been justified.

The NPF Policy 30(e) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.*

We argue that the use of this property as a STL is entirely in keeping with the character of the neighbourhood which has long been established as a melting pot of residents and visitors to the city. Edinburgh thrives on its ability to share its history with tourists and visitors and there is no better way of doing this than by creating opportunities for them to stay in the centre of some of the most iconic areas of the city. As referred to above, the suggestion that all visitors who make their way to the property would be “enjoying themselves with socialising and music late” is more likely to be associated with the vast numbers of HMO properties in the area. Many of the guests who stay in this property are contributing to events such as the Edinburgh Festival or Hogmanay celebrations which enhance the character of the neighbourhood.

On the second point, evidence was given by the Edinburgh Festival Fringe Society regarding the impact of Covid-19 on the DCMS sector suggesting that the Edinburgh Fringe alone contributes between £200m-£1bn to Scotland and the UK. This would not be possible without the breadth of accommodation needed house performers, organisers and visitors for these events. This does not consider the large number of other events hosted by the city and just generally being able to welcome visitors to the city. The headlines generated recently as a result of Taylor Swift’s recent visit (<https://www.bbc.co.uk/news/articles/cd11em0e5e6o>) are a pertinent reminder that Edinburgh needs to have capacity for major events or could risk losing the opportunities to host these. It is clear that the economic benefits heavily outweigh the loss of the residential accommodation.