

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 100680049-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Planning Solutions Edinburgh		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nicholas	Building Name:	Midlothian Innovation Centre
Last Name: *	Morris	Building Number:	
Telephone Number: *		Address 1 (Street): *	Pentlandfield Business Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Roslin
Fax Number:		Country: *	Midlothian
		Postcode: *	EH25 9RE
Email Address: *	nicholaspse@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Mr	
Colin	219
Stone	Earls Court Road
Mansley Serviced Apartments	
	London
	United Kingdom
	SW5 9BN

Site Address Details

City of Edinburgh Council
FLAT 4
7 HIGH RIGGS
TOLLCROSS
EDINBURGH
EH3 9BW

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673142

325024

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 the apartment from residential 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 documents

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 document

Application Details

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

23/05296/FULSTL

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

28/09/2023

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

02/05/2024

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

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 Nicholas Morris

Declaration Date: 31/07/2024



PLANNING SOLUTIONS EDINBURGH (PSE)

PLANNING APPEAL

APPEAL AGAINST THE DECISION OF THE CITY OF EDINBURGH COUNCIL NOT TO GRANT PLANNING PERMISSION FOR A CHANGE OF USE FROM RESIDENTIAL TO SHORT TERM LET (STL) UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Proposal: Change of use from residential to short term let (in retrospect) Ref 23/05296/FULSTL.

Address: Flat 4, 7 High Riggs Edinburgh

Applicant: Mansley Serviced Apartments

www.planningsolutionsedinburgh.co.uk Midlothian Innovation Centre, Pentlandfield, Roslin EH25 9RE email nicholaspse@gmail.com Tel 0131-441-7891 Mob 07960020354

Introduction

We write on behalf of Mansley Serviced Apartments, registered office at 1 The Mansions 219 Earls Court Road London. This report provides the grounds of appeal against the decision not to grant retrospective planning permission for the change of use of a residential property to a short term let.

Reason for Refusal

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.

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 dwelling 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.

Site Description

The application property is a two-bedroom flat on the second floor of a modern tenement block on the south side of High Riggs. It shares its access to the street with the eight other residential properties in the block via a common stairwell. This block forms part of a larger development; six adjoining blocks comprising sixty-six residential flats and a further building of twenty flats which faces onto Lauriston Street and has been operated as an apart hotel by the applicant since its construction. There are three other applications for reviews submitted for **Flat 1 23/05275/FULSTL**, **Flat 2 23/05277/FULSTL** and **flat 7 23/05301/FULSTL** for their change of use to short term lets.

There have also been applications for Certificates of Lawfulness (Existing) for Flats **5 23/05270/CLESTL**, **8 23/05271/CLESTL** and **9 23/05273/CLESTL** for their use as short term lets.

There will also be a resubmission of two previous planning applications for changes of use to short term lets for flats 3 and 6, 7 High Riggs. One retrospective and the other a new application.

Grounds for appeal

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 stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

The property is located within an apartment block where all the other apartments are used as short term lets or serviced apartments. Therefore, there are no long-term residents living within the block. Each of the flats are accessed from a secure main door at ground level from the rear of the building where there is a centralised and dedicated reception area for the guests of the serviced apartments. This minimises the disturbance to other residents ensuring there is no detriment to the living conditions of the local community.

There are also a significant number of other short term lets in the adjacent apartment blocks several of which are managed by Mansley Serviced Apartments. Therefore, this particular property was purchased by the Company with the view of fully managing the whole block as serviced apartments.

Additionally, tourism plays a crucial role in the economy of Edinburgh and the wider area. During peak periods, particularly during the Edinburgh Festival, city centre accommodation can be very scarce. Therefore, it is important that there are affordable alternatives to traditional hotels where tourists can enjoy their own private self-contained accommodation.

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 dwelling 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.

Overall, the property lies in an area of the city in which commercial and footfall generating uses are already well established (including short term lets and hotels). The area is not considered to be predominantly residential, and the proposal is compatible with the existing uses in the area. The location of the site is ideal for visitor accommodation as the city centre hosts numerous existing visitor attractions. Therefore, the property operating as a short-term let and a serviced apartment would not diminish the quality of the residential environment in terms of noise generation, disturbance, and parking demand – the context of the area is pre-existing, and the result of the vibrant urban environment already established.

The cobbled street directly outside the property is regularly driven over by city traffic and so any concerns regarding potential loss of amenity due to noise disturbance from wheeled suitcases on this surface would be considered negligible in comparison. Noise which could arise at the start and end of visitors' stays would cause only a brief and occasional disturbance and no worse than the normal background noise of such a vibrant location. The transitional commercial character of the location (in particular the close proximity of three nightclubs and other public houses, including a sports bar) supports the case that existing levels of background noise in the area are high.

Conclusion

The proposed change of use (in retrospect) would not cause a materially detrimental effect on any residents and, therefore, is not contrary to LDP Policy Hou 7. This is because the property is located in an already busy mixed-use area where the use of a carefully managed STL/serviced apartment would not have a detrimental impact on the amenity of the residents or the surrounding area.

Furthermore, the is located within a busy mixed-use area with many comings and goings at various times throughout the day and night. For this reason, the client does not believe that the property is suitable for anything other than short term accommodation and is therefore, not in breach of **National Planning Framework 4 policy 30(e) in respect of local Amenity and Loss of Residential Accommodation**. Moreover, there will also be no loss of a sense of community and no detriment to the amenity of the immediate location. Therefore, we would respectfully request that the application should be **granted** planning permission.