

Miss Kornacka.
Flat 4 59 Hesperus Broadway
Edinburgh
EH5 1EW

Decision date: 16 May 2024

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

Change of use from residential property to self-catering unit.
At Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Application No: 24/01566/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 5 April 2024, 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 unacceptable impact of 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 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.

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. The proposal is unacceptable.

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 Sean Christie directly at sean.christie@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 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.

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
Flat 3 20 Hesperus Crossway, Edinburgh, EH5 1FX**

Proposal: Change of use from residential property to self-catering unit.

**Item – Local Delegated Decision
Application Number – 24/01566/FULSTL
Ward – B04 - Forth**

Recommendation

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

Summary

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.

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. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property comprises a two bedroom, ground floor flatted dwelling at Hesperus Crossway, Granton Harbour. There are other residential units located directly next to and above the application unit. Access to the property is via a shared stairwell.

The wider surrounding area has a mix of both commercial and residential uses, however, the immediate surrounding area is residential with the application property located in modern flatted development.

Description Of The Proposal

The application is for a change of use from residential to short term let (sui generis). No internal or external physical changes are proposed.

The applicant has applied for a proposed change of use. However, through viewing the property's online listing it has been established that the property has been operating as a STL since April 2024. No response was received after further details regarding the date that the change of use commenced were requested. Regardless, the use of the property as an STL commenced after 5 September 2022 and is therefore assessed against Section 26B of the Town and Country Planning (Scotland) Act 1997.

Relevant Site History

No relevant site history.

Other Relevant Site History

Planning Enforcement investigation 24/00206/ESHORT.

Two enquiries received regarding the unauthorised use of the property as an STL.

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 16 May 2024

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 29

Section B - Assessment

Determining Issues

This report will 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

a) 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 policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' (2024) is a material consideration that is relevant when considering change of use applications.

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development. 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 relates to STL proposals.

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

Amenity

The two bedroom property is accessed via a common stairwell. The immediate surrounding area is residential in character with low ambient noise levels. There is a limited degree of activity along Hesperus Causeway during both daytime and evening/night-time hours.

The use of this property as an STL would introduce an increased frequency of movement to the property and the shared stairwell. The proposed two bedroom STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity and the security of shared spaces than individuals using the property as a principal home.

The additional servicing that operating a property as a STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

Nonetheless, this would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly 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.

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.

The application property is a residential unit and the current established use of the property is for residential accommodation. Consequently, the use of the property as a STL would result in a loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

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

There is one car parking available at the property. This is acceptable and there is no requirement for cycle parking for STLs. The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

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. The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

b) 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.

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.

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.

Public representations

29 representations were received regarding this application. This includes 25 objections and 4 supporting comments. A summary of the representations is provided below:

material considerations

- Negative impact on residential amenity due to increased noise, disturbance and potential damages. Addressed in part a).
- Negative impact in terms of security for existing residents. Addressed in part a).
- Negative impact on the existing residential community. Addressed in part a).
- Negative impact from increased pressure for parking space. Addressed in part a).

- The STL use will lead to jobs and will benefit the local community. Addressed in part a).

non-material considerations

- The STL use is contrary to the title deeds of the property. Not a material consideration.
- The STL use will negatively affect the value of nearby properties. Not a material consideration.
- Positive effect in terms of providing alternative accommodation options in the area. Not a material consideration.
- Issues regarding waste management procedure. A waste management plan would require to be agreed with CEC waste services.

Support Comment

- Welcome Short Stay Let Accommodation with the community.

Material Consideration Conclusion

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 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.

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. The proposal is unacceptable.

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 unacceptable impact of 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: 5 April 2024

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@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: Sean Christie

Date: 14 May 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): Elaine Campbell

Date: 15 May 2024

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mrs Patricia McKenzie

Address: 20 Hesperus Crossway Flat 14 Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I totally object to this application.

This is our home. We do not want to have to deal with strangers coming and going at all hours off the day

Security just now is bad enough in our development at the moment. People have had strangers trying to get into their flats, stealing bikes etc and this is just going to add more trouble. I do not wish to put up with anti social behaviour, late night noise and our property being neglected or damaged. We will be the ones that will have to pay for it. Keys, fobs and security numbers handed out to anyone each time the property is rented out.

This is actually a business that they will be running and our deeds quite clearly states that PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

PLEASE STOP THIS FROM HAPPENING

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mrs Patricia McKenzie

Address: Flat 14, 20 Hesperus Crossway, Edinburgh EH5 1FX

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I totally object to this application.

This is our home. We do not want to have to deal with strangers coming and going at all hours off the day

Security just now is bad enough in our development at the moment. People have had strangers trying to get into their flats, stealing bikes etc and this is just going to add more trouble. I do not wish to put up with anti social behaviour, late night noise and our property being neglected or damaged. We will be the ones that will have to pay for it. Keys, fobs and security numbers handed out to anyone each time the property is rented out.

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PLEASE STOP THIS FROM HAPPENING

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Edward McKenzie

Address: 20 Hesperus Crossway Flat 14 Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I totally object to this application.

This is our home. We do not want to have to deal with strangers coming and going at all hours off the day

Security just now is bad enough in our development at the moment. People have had strangers trying to get into their flats, stealing bikes etc and this is just going to add more trouble. I do not wish to put up with anti social behaviour, late night noise and our property being neglected or damaged. We will be the ones that will have to pay for it. Keys, fobs and security numbers handed out to anyone each time the property is rented out.

This is actually a business that they will be running and our deeds quite clearly states that PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

PLEASE STOP THIS FROM HAPPENING

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Gregor Donaldson

Address: Flat 12, 59 Hesperus Broadway EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Not only is this against the title deeds, there is a concern for safety and security of the neighbours.

I object.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Stuart Swannie

Address: 57/13 Hesperus Broadway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Should not even have made it through considerations. All title deeds at this estate have written these residential properties are not allowed to be converted to Commercial or for business purposes. It isn't fair on the residents / owners who live here to have to put up with a commercial or business running out of a residential property. I strongly object.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Ms Kerry Farrington

Address: Flat 13, 57 Hesperus Broadway, Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a residential area, with ridiculous parking as it is. There are double yellow lines on all roads so how many spaces will they take up loading and unloading food stuffs. Which will cause an unwanted smell in a residential area and attract rats.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Thomas Anderson

Address: Flat 11, 20 Hesperus Crossway 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application for the following reasons. When we purchased our flat our deeds stated the following:

PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

The application is being placed in order to use the dwelling as a holiday rental and therefore a business. This business can be reasonably inferred that it will cause a nuisance and occasion a disturbance to other properties. The reason for this being that the holiday rental would attract people arriving by trains and flights potentially arriving during unsociable hours.

Due to the increase in people arriving and causing a noise disturbance during unsociable hours, over and above what could be expected from private owners, I believe this application would be at the detriment of all other owners.

I also would like to point out that the increase in short term lets would create more refuse and therefore put pressure on the already limited refuse collection facilities.

We have had security issues with people within our communal areas in the past who have gained access nefariously. This application I believe would potentially increase the risk of that situation occurring more frequently.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Alastair Brockie

Address: 59/15 Hesperus Broadway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is against the conditions of the deeds to operate a business from the property.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mrs Karolina Sinkarukaite

Address: Flat 9 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We live in this building with small kids and don't want any self catering units to be on ground floor with strangers walking in.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Miss Oliwia Jasinska

Address: 20/11 chestnut Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I'm supporting short let , is good for community,

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mrs Gillian Coyle

Address: Flat 5 59 Hesperus Broadway Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is in direct breach of our Title Deeds, which expressly PROHIBIT businesses from being run from these RESIDENTIAL properties.

The owners of this property should be well aware of this, as they already own a property in the development, which they now live in, after neighbours told them of the clause in the Deeds, yet they went ahead and bought another property knowing full well running it as an Airbnb/self-catering property would be illegal.

Now only do these illegal let's cause increased noise, and anti-social behaviour, they also place an increased burden on shared communal areas like doors and lifts, with residents picking up increased bills as a result.

I would object in the strongest of terms to the intended purpose of this residential development being undermined by use as self-catering accommodation.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Konrad Matysiak

Address: 59/4 Hesperus Broadway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I'm supporting short term let and small biznes I think that will be very good for me I can let apartment for my family and they can stay close to me when they visit.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Algirdas Kitovas

Address: 20/4 hesperus crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Object

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Mark A. Coyle

Address: 59 Hesperus Broadway Flat 5 Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object in the strongest of terms to the above application to turn this residential property into short term self-catering accommodation.

Firstly, this application is expressly prohibited by our Title Deeds, which state clearly that the property cannot be used to run a business.

Residents here already have their work cut out dealing with illegal lets which result in excessive noise and anti-social behaviour throughout the year, from both inside and outside these properties. Multiple changeovers and the coming and going of strangers in what should be secure areas is a constant problem, not only bringing safety concerns for residents, but also additional wear and tear on communal areas and facilities such as lifts.

Residents have also been exposed to large groups of single sex travellers on stag weekends, found wandering about lost and frequently intoxicated, buzzing entryphones of sleeping residents when they forget the flat number they are staying in.

There is no justifiable reason for running Airbnb/self catering lets in properties purpose built for residential use, and this practice should, I believe, be refused by the city council.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Ms Kirsty Brannagan

Address: Flat 11, 20 Hesperus Crossway 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application for the following reasons. When we purchased our flat our deeds stated the following:

PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

The application is being placed in order to use the dwelling as a holiday rental and therefore a business. This business can be reasonably inferred that it will cause a nuisance and occasion a disturbance to other properties. The reason for this being that the holiday rental would attract people arriving by trains and flights potentially arriving during unsociable hours.

Due to the increase in people arriving and causing a noise disturbance during unsociable hours, over and above what could be expected from private owners, I believe this application would be at the detriment of all other owners.

I also would like to point out that the increase in short term lets would create more refuse and therefore put pressure on the already limited refuse collection facilities.

We have had security issues with people within our communal areas in the past who have gained access nefariously. This application I believe would potentially increase the risk of that situation occurring more frequently.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr David GILCHRIST

Address: 22 flat 17 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No business allowed in these buildings

In deeds

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Miss Nadia Iqbal

Address: 20/6 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed application for self catering downstairs, as I am directly above the flat I am worried about anti social behaviour. Also the safety aspect worries me being a single parent I'm not comfortable with the coming and going of strangers. We also pay a lot of money for our factors and if any mess is made we will be the ones having to fork out for this. I strongly object.

Thank you

Nadia

Comments for Planning Application 24/01566/FULSTL

Application Summary

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Address: Flat 3 20 Hesperus Crossway Granton Edinburgh EH5 1FX

Proposal: Change of use from residential property to self catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Rami Sawalha

Address: 59/2 Hesperus Broadway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I do not see any harm to residents. I think it supports the local economy and help in creating jobs for locals. It also helps areas outside the city centre to get more business.

I also believe that the councils or government should help locals with their businesses instead of trying to solve the shortage in housing by targeting property owners.

Hope you approve the application.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Improvement Team

Customer Details

Name: Mr Cameron McMichael

Address: Flat 15 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This block of flats is a residential property and I believe it is not allowed in the deeds to be anything other than this. As for the planning application it poses a security risk to us as it will mean our main door is potentially left open with many people coming and going and it will cause traffic issues for residents.

Also there is the noise issue also because of this business.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mr Steven Bremner

Address: FLAT 2 20 HESPERUS CROSSWAY Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Against title deeds of property to do so.

Not happy with having a continuous string of random people having access to the building.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mrs Olga Johns

Address: Flat 9 57 Hesperus Bradway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support this application as I see no harm to us as neighbours

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Ms Wendy Murray

Address: Flat 2 22 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We had had problems with noise and the area not being taken care of before, because air b and b. More than acceptable numbers staying. This is an extremely quiet residential area and so party noise in the evening can be heard very clearly.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mr Kenneth Partridge

Address: Flat 17 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be denied.

A self catering unit is a business. Such usage within this development is prohibited in our title deeds:

PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

This flat occupies a ground floor position and shares an entrance door and internal stair with several other residential flats within the building. In comparison to long term letting or owner occupier usage, allowing the change of use will:

- [] Compromise the security of other residents
- [] Create a higher likelihood of noise and disturbance
- [] Cause a higher potential of damage to the building foyer and outside doors
- [] a cost other residents would undoubtedly have to bear

This is because any short term tenants are less likely to think of other residents and take care with their actions.

The applicant has already caused outside damage to the building by fitting a key safe which they had to remove following complaint and notification by the council.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mrs Shona Partridge

Address: Flat 17 20 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be denied.

A self catering unit is a business. Such usage within this development is prohibited in our title deeds:

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Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Miss Katrina McBrierty

Address: 20/5 Hesperus Crossway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am concerned with the change in status for property Flat 3 in my block 20 Hesperus Crossway to a self catering facility as I feel this has an impact on the safety of our block and the people living it. There is no control with who comes in goes within the property and no repercussions for damage that may be caused to the block, which in turn we all have to pay for.

I also believe that our title deeds for our property clearly states that we are not allowed to conduct business from our properties so in turn running a self catering business breaches this.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mr Ian Wood

Address: Flat 4, 57 Hesperus Broadway, Granton, Edinburgh EH5 1FT

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Deeds for this estate specifically exclude residential proprietors from using these flats for business or commercial use.

This owner is known to have already let out this property on a short-term basis - without a licence - and has paying guest currently in residence.

They are also currently advertising this property on at least 3 different websites - without a licence and in breach of our deeds.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Mrs Marie Wood

Address: Flat 4, 57 Hesperus Broadway, Granton, Edinburgh EH5 1FT

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These properties are covered by our deeds that state no residential owner can change use for commercial or business use.

This property is also currently being advertised as available online - even while this application is being considered - and in clear breach of our deeds and the licence process.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Org I.J. Wood

Address: Flat 4, 57 Hesperus Broadway, Granton, Edinburgh EH5 1FT

Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The deeds for these properties specifically exclude business or commercial use.

Specifically that - (2.3.5) 'The Proprietors are expressly prohibited from carrying on in the Development any trade, business or profession or from selling goods or wares'

2. The owner is currently advertising this property online for short-term rentals , without a licence having been granted - and in breach of our deeds

3. The owner has 5 people currently staying at this location on a short term rental basic - without a licence and, again, in breach of the deeds

4. A neighbour challenged the key holder who was handing over keys to these new renters last week - asking how it was being rented out without a licence, while the application was at consultation.

They were told it had already been 'approved' by the council and were provided with 'evidence' in the form of a piece of undated paper, in the council's name. that appears to have been mocked up for this purpose.

This clearly indicates the owner is ignoring the licence process

Supporting information has been forwarded to the planning office.

Comments for Planning Application 24/01566/FULSTL

Application Summary

Application Number: 24/01566/FULSTL

Address: Flat 3 20 Hesperus Crossway Edinburgh EH5 1FX

Proposal: Change of use from residential property to self-catering unit.

Case Officer: Sean Christie

Customer Details

Name: Tatiana Jagus

Address: 20/1 hesperus crossway Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application.

Firstly, our title deeds clearly state that PROPRIETORS ARE EXPRESSLY PROHIBITED FROM CARRYING ON IN THE DEVELOPMENT ANY TRADE, BUSINESS OR PROFESSION AND GENERALLY FROM DOING ANYTHING WHICH MAY BE DEEMED A NUISANCE OR MAY OCCASION A DISTURBANCE TO OTHER PROPERTIES.

Our deeds exclude the use of these flats for business, and using the flat exclusively as a short term let property would make it a business.

Secondly, I believe it would have a detrimental effect on the block and quality of living for long term residents currently occupying the block.

Likelihood of disturbance to neighbours is significantly higher than with long term lets.

I have lived in the ground floor flat of the block for over 10 years now, there are 3 flats on our floor. It is a small block with one staircase, one short term let could have significant impact on all residents.

Most of neighbours are long term residents and we know each other well.

We take pride in our neighbourhood, we care about communal areas, staircase, lawn, parking, rubbish disposal, we are vigilant about security issues.

We pay high factoring fees to maintain the area in good condition.

We have been active and vocal about issues such as bad parking, antisocial behaviour, crime etc.

With short term let property in our small block the worsening security, noise, and damage to shared spaces is a concern. We had cctv installed because of bike, car and parcel theft.

We do not need to add to the problem.

Allowing the flat to become a short term let where strangers come and go round the clock does not add anything positive to our block, development and community.

Keys and codes to staircase and underground parking where the bins are located are shared with strangers. Noisy strangers cannot be ruled out. Damage to staircase, locks etc is more likely if there is turnover of people.

This property is not located in tourist area of town. The need for accomodation for tourists can be addressed when the hotel is built by the harbour, short term lets are not the answer this neighbourhood needs nor wants.

Finally, I believe having a short term let next door in such a small block may potentially lower the value of our property. It breaks up community and is of no benefit to anyone currently living here.

For the above reasons I ask you to reject this planning application.