

Holder Planning Ltd.  
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Mr Cran  
18 Spring Gardens  
Edinburgh  
EH8 8HX

**Decision date: 30 August 2022**

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

Change of use from house to short stay commercial visitor accommodation.  
At 18 Spring Gardens Edinburgh EH8 8HX

**Application No:** 22/03161/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 16 June 2022, 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;

**Conditions:-**

1. The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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:

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 Lesley Porteous directly at [lesley.porteous@edinburgh.gov.uk](mailto:lesley.porteous@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](http://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](mailto: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.

# Report of Handling

**Application for Planning Permission**  
**18 Spring Gardens, Edinburgh, EH8 8HX**

**Proposal: Change of use from house to short stay commercial visitor accommodation.**

**Item – Local Delegated Decision**  
**Application Number – 22/03161/FUL**  
**Ward – B14 - Craigentinny/Duddingston**

## **Recommendation**

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

## **Summary**

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a four-storey townhouse on an end terrace plot at 18 Spring Gardens, Abbeyhill. The property has its own main front door, private back garden and integral garage. There is a shared courtyard to the front of the property.

Spring Gardens is the central section of a main road which connects Abbey Mount in the west to Queens Park in the east. The application property is located around a 15 minute walk from the main shopping centre at Abbeyhill / London Road. The property is in a predominantly residential area some distance from the city centre. Public transport links are available on London Road. Abbeyhill/Meadowbank is the nearest area where there are mixed uses including cafes, shops, restaurants and hospitality venues.

### **Description Of The Proposal**

The application is for a change of use from a house to short stay visitor accommodation (sui-generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used for short term let since 2016.

The property is the subject of an enforcement notice served by the Council stating that the property breaches planning legislation through use of the dwelling as a short term let. The notice states that the applicant should submit a planning application for change of use from residential to short term let. The applicant appealed the notice to the Scottish Government, who has agreed to sist the appeal until the outcome of any planning application is known. This sets out the context for this planning application.

### **Supporting Information**

Planning statement.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

22/00045/ENFORC  
21/00596/ESHORT  
19/00476/ESHORT  
18/00584/ECOU

21/01541/FUL.

### **Consultation Engagement**

No consultations.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 28 June 2022

**Date of Advertisement:** Not Applicable

**Date of Site Notice:** Not Applicable

**Number of Contributors:** 15

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;

- equalities and human rights;
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Housing policy Hou 7.
- LDP Transport policies Tra 2 and Tra 3.

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP policy Hou 7.

### Proposed use/Principle of Development

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP).

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- The nature and character of any services provided.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration.

The application property is a four storey townhouse which has a main door, a private garden to the rear and a shared courtyard to the front. The supporting statement confirms that the property to which the application relates has been used for the purposes of short term lets since 2016. Although the property has its own main door, there is a shared courtyard to the front which is used by the residents of the other four townhouses in the terrace. This will result in direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The property is located on Spring Gardens which is a predominantly residential street. The use of the property as a short term let would likely introduce an increased frequency of movement to the house at unsociable hours. The proposed four bedroom short stay use would enable eight or more related or unrelated 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. Any restriction on the number of people residing at the property at any one time is not enforceable through planning legislation. There is also 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 than long standing residents. This would be significantly different from the ambient background noise that residents might reasonably expect. The proposed change of use could also bring additional noise and disturbance into the shared courtyard area. This could also pose a risk to security for other residents. One objector has listed a number of specific incidents relating to excessive noise and disturbance from the property.

Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as Police Scotland or Environmental Health Acts.

The property is the subject of an enforcement notice served by the Council stating that the property breaches planning legislation through use of the dwelling as a short term visitor use. The notice states that the applicant should submit a planning application for change of use from residential to short term let. The applicant appealed the notice to the Scottish Government, who has agreed to sist the appeal until the outcome of any planning application is known.

The applicant states that they would be willing to accept a consent which is subject to the following conditions relating to short term use:-

- a personal permission;;
- maximum of 120 nights per year, and
- for three years only.

A personal consent would not be appropriate in the case of a short term let, The suggested condition restricting the number of days it could be used is unenforceable.

Scottish Planning Policy encourages a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening. This property is in neither a town centre nor a local centre, although it is not too far from local services and amenities on London Road.

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7.

### Parking Standards

LDP policy Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

LDP policy Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance.

The property has an integral garage. One objector has commented that there are often visitors to this property parking on the street. The site is a 15 minute walk from key public transport routes. There is no cycle parking standards for SCVA's. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

### **Conclusion in relation to the Development Plan**

The proposal does not comply with LDP Policy Hou 7 as the change of use of this property to a short-term visitor let would materially harm neighbouring amenity. There are no material considerations that outweigh this conclusion.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

##### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal does not comply with all thirteen principles outlined within Paragraph 29 of the SPP as it would not protect the amenity of existing development. The proposal will therefore not contribute to sustainable development.

##### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

##### 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.

##### Public representations

A summary of the representations is provided below:

##### *material objections*

- Negative impact on residential amenity (noise, safety, security, privacy).Addressed in a) above.
- Negative economic impact. Addressed in a) above.
- Increase waste levels. A waste strategy should be agreed between applicant and CEC's Waste Services.
- Results in displacement of community. Addressed in a) above.
- Does not comply with LDP policy Hou 7. Addressed in a) above.
- There are existing issues with parking. Addressed in a) above.

#### *non-material objections*

- House prices/rents will rise. This is a commercial consideration not covered by planning policy.
- Encourages anti-social behaviour. This is a matter for Police Scotland.
- Negative impact on mental health of neighbours. This is a public health issue and not a material planning consideration.
- Poor attitude of users. Not a material consideration.
- Negative impact on insurance. This is not material planning consideration.
- Impact on traditional guest houses. This is not a material planning consideration.

#### *material letters of support*

- Will have no negative impact on residential amenity. Addressed in a) above.
- Neighbour has not experienced noise issues from this property. Addressed in a) above.
- Edinburgh needs tourists. Addressed in a) above.

#### *non-material letters of support*

- Happy to support application. Too general.
- No objection. Too general.
- Applicants have put together rigorous policies to alleviate concerns. Not specific.

### **Conclusion in relation to identified material considerations**

The proposal does not raise any other material considerations.

#### **Overall conclusion**

The proposal will have a materially detrimental effect on the living conditions and amenity of nearby residents. It does not comply with LDP policy Hou 7 or with the objectives of SPP, as it will not contribute towards sustainable development. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

1. The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let

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

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information** - [Local Development Plan](#)

**Date Registered: 16 June 2022**

### **Drawing Numbers/Scheme**

01.02

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Lesley Porteous, Planning Officer  
E-mail: [lesley.porteous@edinburgh.gov.uk](mailto:lesley.porteous@edinburgh.gov.uk)

Appendix 1

## **Consultations**

No consultations undertaken.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs julie laroche

Address: 20/3 spring gardens edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:we are happy to support this application - thank you

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Steve Fisher

Address: 16 Spring Gardens Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As immediate neighbours we are happy to support the application as outlined.

We have never had issues with the visiting guests at No 18 and whilst 'the past is never a guarantee of the future', given the precautions that we know are taken by the owners (Mike and Cheryl) we do not expect there to be any in issues in future that would not be dealt with by appropriate remedial action and common sense measures being taken.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Margaret Saunders

Address: Flat 7 20 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I wish to register my support for the above application. I have read and understood the terms of the application and am confident that it will no way be detrimental to the peace, sobriety or security of the development. I have every confidence in the goodwill and responsibility of the individuals making the application and have faith that they do so with due care and respect for all their neighbours.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Sarah Yaxley

Address: Flat 6 20 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The applicants have put together rigorous policies to alleviate concerns regarding short term lets. There are many others on the same street who have not had to do this. We support the owners in their application.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Hie Cho Ling

Address: Flat 5 20 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: No objection

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Katherine Chisholm

Address: 16 Carlyle Place Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Tenement type properties on all floors are unsuitable for commercial short-term letting due to the high level of disturbance brought and the impact on the safety and security of neighbouring families. This is supported by scores of planning DPEA decisions and the testimony of neighbours.

The unsuitability of flats for short-term letting incentivises main door properties for this use. This will have an impact on the availability of accessible homes if they are not protected. All main door or Colony/Mews type properties should not be used for short-term letting for all the reasons contained within.

Edinburgh is recognised as a city of high housing costs, so affordable homes need extra protection to support our businesses and services by ensuring that lower paid workers can afford to live in the city.

## Negative impacts

Economic costs - The Economic Policy Institute finds that the economic costs imposed by short-term letting likely outweigh the benefits. Property owners may benefit but the beneficiaries are disproportionately high-wealth individuals who can own more than one property. Claimed increases in economic activity are often vastly overstated because the spending would have occurred anyway by travellers staying in other accommodations. The Economic Policy Institute finds that there is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travellers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Furthermore, the

shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities[1]. Scottish Government figures report that there has been no significant increase in income from tourism since 2011. In fact, 2018 had the second lowest total tourist spend since 2011.[2]

Privacy - Residents of flats or properties with shared gardens are forced to share communal but still private areas of their homes with fee-paying strangers who they have never met before and are unlikely to meet again. This had been found unacceptable in planning and civil law. Colony type housing is particularly subject to horrific impacts of private gardens being directly outside lower doors bedrooms/sittingrooms. This is not acceptable.

Security - The security of communal spaces and gardens/outdoor area is completely lost. Neighbours cannot tell who is supposed to be in the property and who is not, or who has keys to shared areas. The insecurity of a shared building is advertised by key safes which are installed without permission from neighbours or listed building consent. Anecdotally there is evidence that short-term let customers are more likely to leave shared entrance doors open, which has resulted in residents coming home to unknown people using drugs, and engaging in other antisocial or threatening activities in their mutual shared areas.

Anti-social behaviour - Neighbours of short-term lets are almost guaranteed to experience anti-social behaviour from customers. Alcohol is a regular contributing factor which makes these situations particularly unpredictable and intimidating to deal with. Have first hand issues relating to waste disposal, parking issues, noise, people returning late at night or arriving early in the morning, customers ringing the wrong doorbells or trying to enter the wrong doors, banging on doors, setting off fire alarms, barking dogs when animals are not allowed, friends of "guests" attending the property, parties, over-occupation, verbal abuse, damage to property, intoxication, intrusion into private space, drinking and smoking in communal spaces, and tampering with residents' property.

Disturbance and noise - It is well established through planning and civil law that short-term lets bring an increased level of noise and disturbance. The groups occupying the property on a short-term basis are almost always on holiday with the associated holiday mindset seven days a week. Due to there being no personal belongings in short-term let businesses there is nothing to soak up sound resulting in an echo chamber being created where previously there would have been no noise pollution to neighbours, every scrape of a chair and conversation can be heard. Likewise, most properties in Scotland do not have carpeted entrances and hallways as hotels do, so the banging of suitcases at all hours and the excited chatter of customers echoes at entrances and in hallways. There is additional noise and disturbance as groups bring their belongings in and out of properties, including dragging suitcases and banging them off walls and doors, damaging the paintwork. Cleaners and greeters attend to turn over each property between every short-term let, which can mean banging and vacuuming past midnight. Cleaners and laundry companies may leave trip hazards in shared areas such as large laundry bags. Some letting agencies offer "luggage drop off" services where suitcases are then left in common stairs to be retrieved by

customers later.

Mental health impacts - Residents draw huge comfort from a home which has a basic level of familiarity, stability and security. The regular intrusion of transient pleasure-seeking strangers is deeply unsettling. Neighbours of short-term lets regularly describe feeling stress, anxiety and other mental health impacts. This disproportionately impacts on disabled people, people with long term health conditions, people who live alone, children and young people. During the pandemic neighbours of short-term lets found themselves in ghost towns, with no neighbours to rely on or have any connection with. As so many of the short-term let properties use key boxes for picking up the keys that mean that there is no one to complain to for the neighbours. Having key boxes attached to shared buildings also adds to a feeling of a loss of control of a person's home environment. In addition, the uncertainty that a stream of customers that are in charge of utilities, that they may not understand, creates additional risk that is not a risk in hotels or B&Bs. This may impact on a neighbour's mental health.

Attitudes of customers - Although most customers are not ill-intentioned, they simply have their own priorities and expectations about how they can use their "short-term let". They have paid handsomely to occupy the space and understandably wish to use it to maximise their enjoyment. The payment of money to what appears to be a reputable company seems to banish any conscience with regard to the invasion of privacy of any neighbours. They have no awareness of their impact or that of the scores of groups who have preceded and will follow them. Indeed their behaviour is encouraged by the advertisements of profiteering websites and absentee hosts, who beseech them to "live like a local" and "belong anywhere" without any of the responsibilities that brings.

Overcrowding - Short-term rentals often bring more than the advertised number of customers. Groups will also often invite their friends to visit and enjoy their short-term let bringing additional disturbance. Short-term let businesses often advertise for far more customers to stay than would normally reside in a property in relation to its size.

Waste disposal - Recycling is rarely carried out. Communal bins are often used and permanent residents are expected to manage putting out and collecting bins on behalf of the absent owners. Rubbish bags are often left out in communal stairs. Cleaners usually clean inside the short-term let properties but do not usually clean any shared areas. Sometimes, the cleaners drag the refuse bags down the stairs, they rip open, and leave a mess. This leaves the residents to clear up after the customers or live in a poorer quality environment. More waste can be created in short-term lets as they buy food that cannot be eaten in the time of their stay, unlike permanent residents.

Effect of multiple lets - Where multiple lets are operating, the issues are multiplied similarly and the burdens are shouldered by even fewer residents. This effect is most intense during July and August - a time when families most wish to enjoy the peace and privacy of their homes and gardens.

Displacement of community - Our places need to be inhabited to stay habitable. As more and more dwellings are turned into short-term lets, an area loses its community. The burden of reporting issues with antisocial behaviour, disturbance or noise falls to fewer and fewer people who eventually give up and move on. The long term impact is to see no one noticing or addressing the maintenance of the fabric of the building.

Displacement of workers - There is high levels of concern about stifling economic development due to lack of labour caused by housing shortages.

Safety - There is no requirement for any safety checks putting visitors and neighbouring properties at risk.

Insurances - Short-term letting requires specialist insurance which many do not have, especially where title deeds prohibit commercial usage. The voiding of communal insurances has been the matter of a court case in London.

Impact on rents and housing prices - A property which is used solely for short-term letting is no longer part of the housing stock. Dwindling numbers of properties will obviously impact housing availability, house prices and rents. It is suggested by Shelter that this forces people into accommodation that they cannot afford, leading to homelessness and people living in unsuitable housing. For every commercial short-term let that is changed from being a home, another household is displaced to live in hotels and other temporary accommodation, or pushed into poverty. The social and economic impacts of this are likely to cost public services more in the long term. There appears to be a growing pattern of previously long term rented accommodation being changed to student lets for Oct-May and for the remainder of the year being short-term let businesses. This provides owners with short-term letting opportunities over all the holiday periods while making it harder for students to develop long term relationships with their neighbours. Four months of intensive holiday letting over the summer will certainly have unlawful impacts on amenity for close neighbours.

Impact on traditional guest houses, bed and breakfasts and other lawful accommodation providers - There is evidence that traditional accommodation providers are being significantly disadvantaged by the proliferation of unlawful short-term letting businesses. Lawful accommodation providers struggle to compete with unlawful lets who can often offer lower prices by avoiding the costs of compliance.

Reduced spending by tourists - Research commonly finds that visitors staying in properties with self-catering facilities spend a third less than those in hotel-type accommodation, often buying supermarket meals rather than using local cafes and restaurants. We do not believe that tourism should be limited to high-wealth individuals, however, where residential accommodation is being repurposed for holiday lets under the auspices of boosting tourism, a clear knowledge of the true

benefits and costs is essential.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms Susan Gow

Address: 24 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Spring Gardens has been my home for 12 years. I see undesirable change over these years. This is due to short term residences that surround my home. Parking is a significant issue due to daily movements of vehicles belonging to people who do not live here. To have another property at 18 to continue as a short stay commercial visitor accommodation compounds the constant changeover of vehicles. While the property has a small parking space and garage, visitors there regularly park on the street to the front of my home. In addition, the frequent coming and going of diesel engined taxis cause disturbance very regularly. The application is for a large family home. It attracts varied groups and ages which are not monitored. They may not actually be causing disturbance intentionally but a large vehicle dropping off 8 people with lots of luggage, including noisy wheelie cases inevitably causes noise and disturbance. The nature of short-term letting results in a constancy of disturbance from not only those arriving and departing but also, at each change over the vehicle with cleaners also visit between lets. I would like to think planning also takes account of the community demographic. 21 and 23 Spring Gardens also house a constant turnover of residents who almost daily require intervention from police and ambulance services. This is always a concern but I recognise the need for vulnerable people to be housed temporarily. To learn of 18 to be a short stay commercial visitor accommodation adds nothing beneficial to the community here. Most flats around here are let by their owners so hopefully a better balance can be created by rejecting this application.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr Richard Blades

Address: 8 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Application for the change of use for this property is objected to for the following reasons:

Spring Gardens is a quiet residential street and the change of use of 18 Spring Gardens from a residential dwelling to short - stay commercial visitor accommodation already has a materially detrimental impact on the living conditions of nearby residents due to its Inappropriate Use in a Residential Area. It historically and currently has a negative effect on the living conditions of nearby residents by virtue of increased traffic, noise and disturbance to the detriment of residential amenity.

The letting of this property is managed directly by the owners who live a considerable distance and are absent. There is no local on-site management, agent, concierge to uphold or police 'house rules' or attend to problems.

The proposal is contrary to adopted Edinburgh Local Development Plan and Policy Hou 7.

This property currently has an enforcement notice served.

Impact on loss of amenity of neighbouring residents is listed but not limited to the following examples:

Location and proximity. The main entrance to No.18 Spring Gardens is within meters of the main frontage of our property at No.8 Spring Gardens. Our main front door, primary reception rooms, two bedrooms of which one is for a child are all faced onto the shared courtyard and the increase of noise and disruption due to the uncharacteristic movements which occur due to No.18 being

used in this manner creates a loss of amenity. The quantity and frequency of visitors to the property for short-term visitor accommodation has an impact on our privacy.

In terms of scale of the operation. Always at, or approaching capacity, of the number of people this property sleeps, i.e 8 people and not always all from same household. It is more often than not, large groups who book the property, it would be unusual and unlikely for 1-2 people to book a property of this capacity using platforms such as AirBnB/Vrbo which means the property regularly attracts the maximum capacity.

Turnover of guests can be up-to three times per week and many service visits in between. Total number of visitors combined with the numerous cleaning and service visits is vastly different from the standard comings and goings of the property than if it had permanent residents. A log for 2022 is available and is of similar pattern to all previous years out-with the restrictions of the Covid-19 pandemic.

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Parking and multiple vehicles attending. On occasion when visitors attend the property they will arrive in multiple vehicles which creates an increase in traffic and on-street parking demand. Some groups of visitors have arrived in mini-bus vehicles. Some arrive in multiple taxis which can all arrive at the same time. Some examples of these situations are available.

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Although there has been mention of 'House Rules' for visiting guests. There is no on-site presence from anyone who manages the letting or the owners to uphold any rules.

Specific incidents.

There have been a number of specific incidences which have occurred. There was a situation with a guest who arrived just before 6PM on a Friday evening and urinated within the courtyard. There have been numerous situations when guests have arrived they have blocked access to the courtyard with their vehicles and has been required to ask them to move vehicles to allow entry. This can be unsettling when coming home from work and not knowing whether there is access or not. There was a situation when a large group with significant amount of luggage stacked near the entry/exit to the courtyard awaiting taxis to collect them which then required a request to be made

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There is no differentiation between types of bookings. The applicants proposal suggest not allowing bookings for particular events. Whether attendees to the property are visiting for any particular local event is irrelevant as it is the fact that large groups are attending that is the problem. None of the aforementioned issues causing loss of amenity can directly be correlated to whether visitors are there for sporting events, music concerts, etc.

The applicant's statement suggests since all properties have double glazing windows that noise should not be an issue, however it is unreasonable to expect other residents within the development to not open their windows to gain fresh-air within their own property.

Police Scotland calls. There have been situations which have required Police Scotland to be involved. The most notable being a visitor who urinated within the courtyard. It transpired this individual may have had a medical condition which everyone can show empathy toward, however this kind of unpleasant and unacceptable occurrence arises only as a result of individuals attending this property for short term visitor accommodation.

Environment team. No specific commercial refuse waste uplift arrangements are in place and if instated adds to traffic, noise, etc. There were previous communications with the littering and environmental team with complaint regarding cigarette ends being discarded from visitors to the property. 'House Rules' state that smoking is not permitted within the property or the grounds of the property this then requires smokers to exit onto the public pathway and the shared courtyard, to smoke which in turn creates noise and smoke pollution in our home. Discarded cigarette ends are then left on the road or pathway.

#### Maintenance/service visits

There can be up-to four individual attendances by commercial cleaning teams to the property in between turnovers which can be up to three turnovers of guests per week.

The title deeds for the properties which are combined with the entire development state the properties are for private residential use only and for no other purpose and therefore a change of use would then subsequently be against the terms of the title deed.

In relation to comments made as part of the related DPEA appeal, I wish to highlight that living within a challenging situation caused by the short term letting at No 18 has on occasion created highly emotive situations.

The applicant's proposal has stated that they would consider being content with the permission to

be given to the individuals and not the property and to be capped at a maximum time-frame. This has no bearing to the historic, current and future loss of amenity occurring as a result of the operation of the property as short term visitor accommodation.

There may be some employment generated to trades for the turnover of 'guests' and maintenance required to the property (which in itself generates traffic and noise). This should not be of consequence when consideration is being given to the application as this has little significance when balanced against the negative impact of quality of living for residents who live within the vicinity. It is important that the residential nature of the area is maintained and in particular as it is within close proximity to Holyrood Park.

There are other properties within the development which are not owner occupied and offer more traditional longer term letting. There has been no noted issues with this manner of letting that I am aware of. Longer term letting or full time residency may bring benefit as a longer term resident will show more desire to maintain the area in which they live whereas a transient visitor will not. There is a probability that some of the other letters of support are from owner(s) who are not full-time resident.

The granting of this application will have an unacceptable impact on the neighbourhood amenity and could open avenues for more properties within the development or area in general to commence short-term visitor accommodation.

Had we known there was a commercial visitor accommodation operating within meters when purchasing our home then our consideration to choose Spring Gardens for the location to raise our family may have differed.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Org PLACE Edinburgh

Address: n/a n/a

## Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Planning Committee and Planning Department,

18 Spring Gardens - objection to (retrospective) change of use from house to SSCVA

We are writing to lend weight to the objections raised by neighbours of the property at 18 Spring Gardens where a retrospective planning application has been submitted.

You may not be aware that 18 Spring Gardens has already been subject to an enforcement notice (ENA-230-2217) due to the negative impacts on neighbours amenity due to increased noise levels, increased traffic, and security concerns. The owner has appealed to the DPEA to have this decision overturned and this planning application forms part of that appeal.

In addition, until recently, 17 Spring Gardens was also running a short-term let without planning authorisation. A retrospective planning application was also refused (21/01541/FUL) due to the detrimental impacts on neighbours and the short-term let was sold. A family now lives there.

Given that the negative impacts on neighbours have already been demonstrated by the existing enforcement notice and refused planning application, and that those negative impacts have already been assessed and found material by the planning department we hope this application will be rejected and the peace and community of this area will be protected.

In addition, we hope the commitment to resisting the loss of housing to short-term rentals set out in the Edinburgh City Plan 2030 (Hou 7 Loss of Housing) and in the new National Planning Framework can also form a material planning consideration. Proposed development plans are listed as a material consideration in Planning Circular 3/2013: Development management

procedures.

Many thanks,

PLACE

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Martin Bishop

Address: 22 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Edinburgh presents itself as a festival City, with all that implies for welcoming visitors, and has a long tradition of short term lets for visitors to the Festival and other events.

This application simply seeks to continue that well established pattern of alternating domestic and guest use. I suspect it is a pattern the Architects of the New Town would have recognised and valued.

Regarding noise and nuisance, this seems little more than a red herring - in my time, No 22's amenity has never been affected by lettings at No 18 or any other nearby property. The street hubbub of passing revellers is the most noticable intrusion at Spring Gardens - as it is in much of Edinburgh, save the most genteel parts.

This planning application is strongly supported, without reservation.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mr David Keegan

Address: 20 /4 Spring gardens Edinburgh, scotland Edinburgh, scotland

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have no objection to the above action

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Mrs Rebecca McFarland

Address: 6 Spring Gardens Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support the Cran's application for planning permission. The guests visiting number 18 have never caused a disturbance to us. I walk in the park twice a day and have never witnessed any noise or disturbance in the garden or coming from the house. As the house is desirable and not a cheap to rent flat, I strongly suspect the guests are responsible and respectable - the lifeblood of Edinburgh is tourism and the city needs its visitors, especially those who will spend money.

I have no issue with planning permission being granted.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Dr Amy McNeese-Mechan

Address: City Chambers 249 High Street Edinburgh

## Comment Details

Commenter Type: Ward Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It is not a suitable use for this residential area and would negatively impact on amenities.

# Comments for Planning Application 22/03161/FUL

## Application Summary

Application Number: 22/03161/FUL

Address: 18 Spring Gardens Edinburgh EH8 8HX

Proposal: Change of use from house to short stay commercial visitor accommodation.

Case Officer: Lesley Porteous

## Customer Details

Name: Ms OLD TOWN ASSOCIATION

Address: 1 Trunks Close, 55 High Street, Edinburgh EH1 1SR

## Comment Details

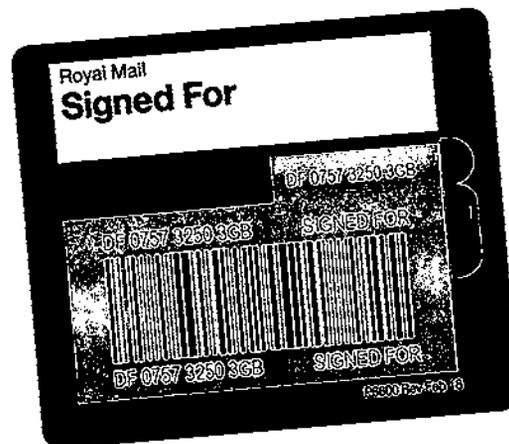
Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application should be refused as the use of a residential house for short-term letting means loss of residential accommodation. Short-term lets result in noise and other disturbance for the neighbours. Short-term lets as a whole destroy communities and lead to a sense of insecurity amongst remaining residents.

CHIEF PLANNING OFFICER  
PLACE  
CITY OF EDINBURGH COUNCIL  
WAVELLEY COURT  
4 EAST MARKET STREET  
EDINBURGH  
EH8 8BG



8 Spring Gardens  
Edinburgh  
EH8 8HX

Chief Planning Office/Planning Committee  
City of Edinburgh Council  
Waverly Court  
4 East Market Street  
Edinburgh  
EH8 8BG

14<sup>th</sup> July 2022

Ref: 22/03161/FUL (18 Spring Gardens, Edinburgh EH8 8HX)

To whom it may concern

Application for the change of use for this property is objected to for the following reasons:

Spring Gardens is a quiet residential street and the change of use of 18 Spring Gardens from a residential dwelling to short - stay commercial visitor accommodation already has a materially detrimental impact on the living conditions of nearby residents due to its Inappropriate Use in a Residential Area. It historically and currently has a negative effect on the living conditions of nearby residents by virtue of increased traffic, noise and disturbance to the detriment of residential amenity.

The letting of this property is managed directly by the owners who live a considerable distance and are absent. There is no local on-site management, agent, concierge to uphold or police 'house rules' or attend to problems.

The proposal is contrary to adopted Edinburgh Local Development Plan and Policy Hou 7.

This property currently has an enforcement notice served.

Impact on loss of amenity of neighbouring residents is listed but not limited to the following examples:

Location and proximity. The main entrance to No.18 Spring Gardens is within meters of the main frontage of our property at No.8 Spring Gardens. Our main front door, primary

reception rooms, two bedrooms of which one is for a child are all faced onto the shared courtyard and the increase of noise and disruption due to the uncharacteristic movements which occur due to No.18 being used in this manner creates a loss of amenity. The quantity and frequency of visitors to the property for short-term visitor accommodation has an impact on our privacy.

In terms of scale of the operation. Always at, or approaching capacity, of the number of people this property sleeps, i.e 8 people and not always all from same household. It is more often than not, large groups who book the property, it would be unusual and unlikely for 1-2 people to book a property of this capacity using platforms such as AirBnB/Vrbo which means the property regularly attracts the maximum capacity.

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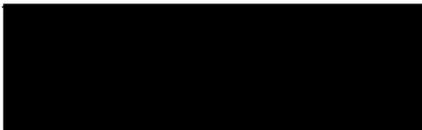
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Had we known there was a commercial visitor accommodation operating within meters when purchasing our home then our consideration to choose Spring Gardens for the location to raise our family may have differed.

Your sincerely

A solid black rectangular box used to redact the signature of the sender.

Richard Blades