

TmC Planning And Property Development Ltd.
FAO: Philip Landa
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Glasgow
G2 1DP

Mr Siddique.
Flat 6 44 Learmonth Avenue
Edinburgh
EH4 1HT

Decision date: 2 October 2023

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

Change of use from flatted dwelling to short-term let, (in retrospect).
At Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Application No: 23/03725/FULSTL

DECISION NOTICE

With reference to your application for Planning Permission STL registered on 24 August 2023, 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 adverse impact on 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 - 04, 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 Short Term Let (STL) will have an adverse 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 or the loss of residential accommodation.

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.

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 Benny Buckle directly at benny.buckle@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.

Report of Handling

**Application for Planning Permission STL
Flat 6 44 Learmonth Avenue, Edinburgh, EH4 1HT**

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/03725/FULSTL
Ward – B05 - Inverleith**

Recommendation

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

Summary

The change of use of this property to a Short Term Let (STL) will have an adverse 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 or the loss of residential accommodation.

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.

SECTION A – Application Background

Site Description

The application property is a three-bedroom, second floor flat, situated within a modern four-storey flatted development at F6 44 Learmonth Avenue. Access to the dwelling is via a communal front door and stair that is used by seven further residential properties. The site forms part of a wider flatted residential development, located off Learmonth Avenue.

The character of the immediate area is residential with low levels of both vehicular and pedestrian traffic.

Description of the Proposal

The application is for the retrospective change of use from flatted dwelling to short-term let.

Supporting Information

- Supporting Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

The application site has received an enforcement enquiry for the alleged unauthorised change of use to short stay visitor accommodation (22/00681/ESHORT).

Consultation Engagement

No consultations.

Publicity and Public Engagement

Date of Neighbour Notification: 2 October 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 16

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' (2023) is a material consideration that is relevant when considering change of use applications.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. 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.

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let 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.

Amenity

The three bedroom flatted property is situated in a residential development with low levels of vehicle and pedestrian traffic, with a high standard of residential amenity. The flat is situated within the Laurelbank residential development, 40 - 46 Learmonth Avenue. Access to the dwelling is via a communal front door and shared stair that is used by seven further residential properties.

The use as a short term let would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home. The use as a short term let is not consistent with the existing neighbouring residential uses. The effect on nearby immediate residential properties is increased by the use of a communal stair.

The application received a number of objections based on the impact the short term let has had on neighbouring residents. These objections outlined a series of significant disturbances, and the detrimental effect to neighbouring residential amenity. Further to this, objections raised concerns relating to the diminishing levels of safety and security during the use of a short term let. With the high degree of turnovers and a lock box being implemented to transfer keys in clear sight of the property has caused a situation where neighbours are unaware of who is coming and going within their stair. Leading to neighbours feeling unsafe and anxious.

The proposed use would increase the ambient background noise levels beyond what residents would reasonably expect within the immediate and local area. The increase in frequency of movement to the property at unpredictable hours would damage the amenity of the immediate neighbours and adjacent properties.

A change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents and will have a significant 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 property will only be supported where the economic benefits of the proposals are outweighed by demonstrable local economic benefits.

The planning statement received states the use of the property is overall acceptable as it is within the urban area and within good public transport links. It comments that the use would support the tourist economy, support both the applicant and the local area economically. The statement further comments that if the change of use were to be refused it would put pressure upon the hotel industry and inflate accommodation prices within the city.

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.

However, having the property in residential use would also contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

The proposal would result in the loss of residential accommodation. There is a recognised need and demand for housing in Edinburgh, therefore, it is important to retain the existing supply where appropriate.

Parking Standards

There are no requirements for parking standards for STLs. Cycles could be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an 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 or the loss of residential accommodation. 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

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited 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.

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

The application received sixteen public comments. Fifteen were in objection and one received was a general comment. A summary of the representations is provided below:

Material consideration

- A series of objection relating to the effect that Short Term Let use would have on the neighbouring residential amenity. This has been discussed within section a).
- Objection that the Short Term Let use would result in the loss of residential accommodation. This has been discussed within section a).
- Objection to Short Term Let users parking in neighbouring residential properties parking spaces and damaging neighbouring cars. Parking standards has been discussed within section a).

Non-material consideration

- Concern relating to the opportunity of property being sublet.
- Concern a change of use would detriment the saleability of neighbouring properties.
- Short erm let use would go against the properties deeds which do not allow commercial uses within the development.
- Short term let users smoking outside neighbouring windows in public spaces.

Conclusion in relation to identified material considerations

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 an 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 or the loss of residential accommodation. 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 adverse impact on 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: 24 August 2023

Drawing Numbers/Scheme

01 - 04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@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: Benny Buckle

Date: 27 September 2023

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): Damian McAfee

Date: 29 September 2023

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mr Callum Melville

Address: Flat 6, 48 Learmonth Avenue, Stockbridge, Edinburgh EH4 1HT

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Sale ability of neighbouring flats will be undermined

2. Noise and disturbance from a constant turnover of people

3 Temptation to sub-let and for more people to occupy the flat than agreed by the owner.

4.Rowdy social events and noisy animals eg. barking dogs

5. Car park trespassing on other peoples spaces and difficult for emergency vehicles to find space near an incident.

6. Too many AirB&B places in this area already, pushing residents away from this area of the city.

7. Potential aggressive behaviour directed at neighbours who complain about noise, car spaces

etc....

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mrs L Hand

Address: 46/2 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a safe quiet location for varying age groups and families living their lives here, peacefully and safely in a Residential Property. We would lose our privacy and its identification, in this locality, if this property, any property here was allowed short lets.

Allowing 'short lets', (AIRBNB) to this location changes the character of many of our lives here, just like it indeed has, allowing short lets to ie Moray Place.

We are Residential, not a tourist block! Noise and disturbance at varying hours day and night , (Taxis at different times, loud voices, annoying trolleyed luggage along the tarmac or up the stairs.) People coming and going, various times. Outside smoking and talking loudly on mobile phones, English or their own language, or half dressed. I have already experienced these disturbances, as I am on the ground floor, unfortunately, in full view of block 44.

I should hate to live here with hardly any resident owners. It would be without character. The impact with 1 Airbnb, short lets company far more would wish to let their properties. It would change the image and ethos. It would change the locality. Its not ie London, or Newquay.

I believe the Deeds says we are not allowed to use our property for business purposes. Short lets / Airbnb is same as a business.

I am sorry to say but I strongly wish to Object to short lets business in any property here.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Dr Robin Blair

Address: Flat 1 42 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Laurelbank development at Learmonth Avenue is a complex of 44 flats occupied by mainly elderly residents. Not all residents have access to computers and hence the number of objectors may be underrepresented. Short term lets by their nature lead to noise and disturbance. The flats in this complex are poorly sound insulated and in the recent past there has been police involvement because of noisy music disturbing neighbours. Short term lets result in increased traffic in the parking area with cars and vans being parked in other owner's allocated spaces. The title deeds pertaining to flats in this complex state that "the property shall be used as a private dwelling house and for no other purpose. The property shall not be used in any way which may cause a nuisance or disturbance to other proprietors." In particular the title deed states that "The property cannot be used for the purposes of carrying out any trade, business or profession". Short term lets in our complex would lead to loss of privacy and the quiet enjoyment of our homes. Edinburgh already has too many short term lets which adversely affect traditional hospitality businesses and forces people away from the city.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mr Philip Cosgrove

Address: 46/6 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this proposed change of use from flatted dwelling to short-term let (in retrospect) for the following reasons:

1. The 5 blocks of flats which comprise the postcode area EH4 1HT are situated within a quiet residential area with a mix of families, professionals and retired owner-occupiers and long-term tenants. The short-term let property is completely out of character with the remaining properties.
2. Since the short-term let began accepting visitors there has been a significant increase in noise outside the flats caused by the paying guests (for example: raised voices, wheeled luggage, cars and taxis arriving and leaving) often late at night or early in the morning associated with late check-ins or early check-outs.
3. I have witnessed my parked car being damaged by guests staying at the short term let. My car is parked near to the entrance to No. 44 Learmonth Ave and the damage was caused by wheeled luggage being knocked and dragged along the side of the car. I have also witnessed another resident's car (parked next to the parking-space allocated to the short term let) being damaged in a similar way.
4. Guests staying at the property frequently abuse the parking arrangements within the carpark and park their cars in residents' parking spaces without permission.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Ms Valerie Higson

Address: 42 flat 8 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Laurelbank is a small established development with the majority of residents over 60 years of age.

* Like many modern houses the sound insulation is not good, sound travels, and therefore harmony depends on neighbours being quiet and considerate of each other. As has already been experienced, the Airbnb has brought months of noise and nuisance.

* Each resident has an allocated parking space and there are no free spaces for guests. Already there has been a problem with visitors and cleaners parking in other people's private parking spaces.

* As an older resident group we are wary of strangers and the constant comings and goings of guests has led to heightened levels of anxiety and not feeling safe.

* In the title deeds of our flats it states that, the property cannot be used for a trade or business. This application is in contravention to the deeds.

For all of the above reasons, I object to the granting of this planning application for change of use to short term lets.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mr Duncan Murray

Address: 40/3 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Your Comment:

My view is that this application is inappropriate for the following reasons:

1. Laurelbank (40-48 Learmonth Avenue) is a small communally factored 100% residential estate. A large proportion of the residents are people of retirement age or families with young children
2. Previous experience of the type of short term let proposed (pre-application) is of incidences of unacceptable noise and disruption. As the flats are only c30yrs old, their sound insulation due to relatively modern construction (v's surrounding properties) is not good and sound travels.
3. The estate uniquely enjoys allocated private residential parking. Previous experience of this type of short-term let is of incidences of disruption caused by a continuous flow of cars (belonging to short-term lease holders, cleaners & maintenance) using "unallocated" as well as the actual space allocated. This has resulted in residents returning home to find they are blocked out of their own private space.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Ms Veronica Leadbeater

Address: 46/5 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Short term let has caused considerable distress to the residence of Laurelbank in the frequent turn over strangers staying as neighbour. Miss parking of cars in my parking space and I have had to leave a note to the car owner that flats have allocated parking spaces.

2.Lauralbank is a residential area of owed or long term lets. There are a number of single households and by knowing your nieghbours there is a sense of security. The keys to this short term let are attached to the railing at the bottom of the steps at the top of the road. I am concerned who knows this and who can enter the stair well using them when they wish. Note key boxes for carers are within the buildings, if required, and people are aware of carers visiting a flat as the owner or a relative/friend inform the residence of this activity.

3. The short term let has meant in the last year increase noise levels in Lauralbank with people arriving with cases on wheels and leaving early in the morning. The short term stayers have not always been as careful pulling suit cases and knocking cars in the car park. All this is wear and tear on the fabric of the estate and peoples belongings as well as extra noise, as up to 6 people can be going in and out of the stair at once as they come and leave.

4. I appreciate the Deeds are not taken into consideration but these flats are meant to be for residential use of a family, not for multiple use or to run a business from.

5.Some short stay tenants smoke in the car park and drop cigarettes etc. I imagine the flat is not for smoking in.

6. We have had approximately a year or so of a short term let and much of the above has happened more than once.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mrs Karen Shek

Address: 40/8 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:40-46 Learmonth Avenue (Laurelbank development) is a small development and comprises mainly elderly residents and families. The change to Air b and b at flat 44/6 would bring noise and disturbance to the area as different a b and b tenants would come and go and increased traffic in the car park as there are also daily cleaners who come and park in the spaces of other residents. This has been the case as the flat has also been renting out as short term let without permission and neighbours already experiencing noise and nuisance from the flat.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mr Keith Willox

Address: 40/2 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object due to the likely disruption to the residents, parking issues and change of character of the development.

The majority of residents in the development are elderly and the peace and quiet helps their wellbeing and undisturbed sleep. Whilst there are long term rental flats in the area the tenants typically do not cause any disturbance. The short term lets however are different with people not being part of the community, on holiday, excited and not likely to be concerned about noise when they return at all hours, especially during the long Edinburgh festival periods. Although this is a relatively modern development the sound insulation is poor.

One of the key entitlements is for people to live in peace and quiet in their homes.

Similarly there has been issues with the visitors and the cleaners parking in the wrong private parking spaces causing disruption and occasional heated exchanges. This typically only happens with the short term let.

We also believe the Title Deeds prohibit this use and as legal documents must bear some weight in the decision.

Granting this application could set a precedent, with other short term lets being approved in the other buildings totally changing the character of the small development.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Andrew Ross

Address: 46/4 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a quiet residential complex which is not needing one of these. There are enough hotels in Edinburgh to accommodate tourists. When people arrive they are often just malingering about waiting for entry sometimes causing a nuisance to parking spaces. If we don't put a stop to this where will it end let's for once put a stop on these before it gets out of hand and instead of one taxi now and again it's a coach dropping people off maybe a bit dramatic but it does happen.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mrs Jacqueline Dormand

Address: Flat 12, 48 Learmonth Avenue, Stockbridge, Edinburgh EH4 1HT

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The flats on this development were built in the 90's as residential apartments. The sound proofing is poor and each flat has a single parking place. Most of the flats are owner occupied and represent the main residence for most living there. Allowing any of them to be used as short-term lets puts the safety, comfort and well-being of residents at risk. Poor soundproofing means that misuse of flats (with parties, etc) causes a major disturbance to residents. With an expected frequent turnover of people using a short-term let, security becomes an issue. Large numbers of complete strangers will have regular access to the buildings. Damage to communal hallways and staircases could become problematic and costs for these areas are shared by all residents of a particular block of flats and not borne purely by the person who is making a financial gain from each short-term let. With only one allocated parking space per flat, people in the short-term lets will park anywhere, including other residents spaces. The financial gain for one individual should not be at the expense of the security, comfort and well-being of other residents, many of whom are retired and have lived here for a significant number of years.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Ms Tania Chrzanowski

Address: 46/3 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing to formally object to the introduction of Airbnb or any short-term let arrangements in our block of flats. With this short-term let operating for over a year now, the frequent guest turnover has led to neighbour instability and increased noise (especially at anti-social hours), disturbances, and safety concerns for permanent residents.

I urge you to consider the potential adverse impacts of allowing short-term lets on our community. I respectfully ask that the council carefully evaluates this matter and prioritises the interests and concerns of permanent residents.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mrs Gillian Sams

Address: 40/1 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I wish to raise a safety issue for the owners of each of the Flats in Block 44 Learmonth Avenue. If short term lets take place, there is a risk that the key to the block entrance may be duplicated or not returned to the owner upon leaving. Surely the owner needs to clarify and address this safety issue.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Ms Sandra Watson

Address: 46/1 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There have been noise disturbances in the early hours of the morning and late at night from taxis drawing up and people getting out.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Mr peter atkinson

Address: 42/2 learmonth avenue edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Age Profile

Laurelbank is a small Development in a residential area of Edinburgh. The majority of residents in Laurelbank are over the age of 60 and have moved here because it offers good amenities including a pleasant garden area, a designated parking space (each flat owns it's own space), and a door entry system in each building. Many residents are single women for whom the above amenities and security are extremely important. Each of the 5 buildings in Laurelbank (Nos. 40,42,44,46 and 48 Learmonth Avenue) has at least one flat with a long term tenant. These tenants have fitted in very well; caring and respecting their neighbours. All of these tenants either work in the local area or send their children to the local schools. The short term let at 44/6 does not fit in with the Development's profile.

Well -being.

The Air Bnb at 44/6 has been operating since last summer. There has been constant traffic of cars and other vehicles each week, often parking in spaces other than their designated one, or in between 2 spaces. Within the car park of the Laurelbank Development each flat owns 1 designated and numbered car parking space. Our flat is on the ground floor and our sitting-room window faces the car park. On numerous occasions we have had to go out and ask the guests to move their car and or to tell them that the second car which they have with them (often there are 4 or 6 people involved) must be parked on the road and not in another resident's private space and not at our bin store area which has a clearly marked sign saying NO PARKING. This is very disruptive for us and other residents who have had to speak with them. If permission is granted this will be a constant problem as residents not living in Block 44, we have also had to deal with litter and cigarette ends being left around the car park, either picking them up ourselves or

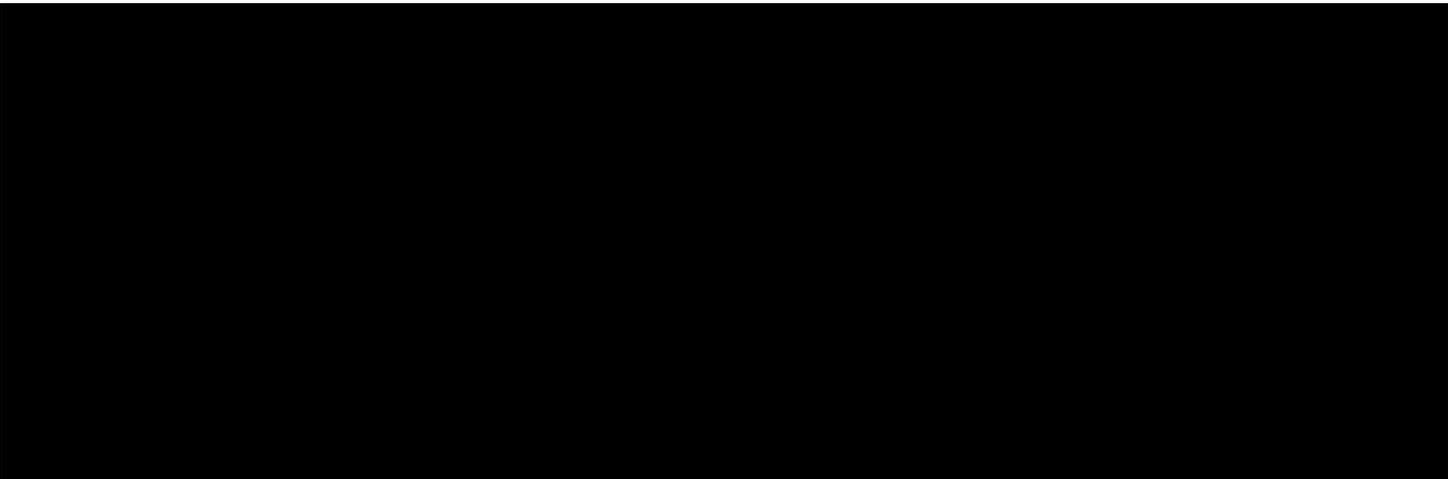
speaking with the person concerned(often an unpleasant experience).

Noise

In the Applicant's Planning Statement Paragraph 4.1 of the Proposal it states there will be a maximum of 4 guests at any one time. This statement contradicts the Applicant's rental website which states that the flat sleeps up to 6 people. We regularly observe 6 guests, we have also witnessed them carrying in large quantities of alcohol and party type food, and have heard loud noises coming from the flat quite often late in the evening. They have also been very noisy coming and going by foot in the car park. Noise insulation within the buildings is not good, any sudden loud noise can be heard throughout the building. Full time residents are aware of this and behave accordingly.

Noisy behaviour from the guests in the Air Bnb has been very worrying and upsetting, particularly for older residents such as ourselves, who are constantly on edge. Laurelbank is a small community set within it's own private grounds and car park, not a tenement on the main road with street parking.

Conclusion



For the reasons stated above it is requested that the Application for Short Term Let is refused.

Comments for Planning Application 23/03725/FULSTL

Application Summary

Application Number: 23/03725/FULSTL

Address: Flat 6 44 Learmonth Avenue Edinburgh EH4 1HT

Proposal: Change of use from flatted dwelling to short-term let, (in retrospect).

Case Officer: Benny Buckle

Customer Details

Name: Ms Lynn Hutchison

Address: 44/3 Learmonth Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please accept this as my objection to the short-term let in number 44/6 Learmonth Avenue, EH4 1HT. There will be two other objections from 44/4 and 44/8. Of the 4 other flats in the block, one owner is over 80 years old, 2 are long term rentals and the other one is a new owner who has just moved in.

The short-term let has been up and running for over a year now and has caused considerable distress to the residents of Laurelbank and in particular to block 44. There has been intrusion due to frequent turnover of strangers, loss of safety and security and impacts on parking with damage to various residents' cars (we have our own off-street car park with allocated spaces).

Frequent Turnover of Strangers:

There are approximately 16 residents in number 44 however the short-term rental sleeps 6, which increases the number of residents in our block by nearly 40%. Per the Enforcement Notice from Apr-23, it states there could be up to 91 changeovers per year. Using an average of 5 commercial guests per rental this equals 455 strangers in our block and within Laurelbank per year. This is a massive turnover of strangers in one small block and development - even at a lower occupancy rate the number of strangers is still substantial. This is vastly different from how the property would be used if it was owned or rented out by a single person or family.

(The planning statement submitted by the owner of 44/6 states the short-term let is for a maximum of 4 people when on the Airbnb website it states up to 6 people. There are also comments on Airbnb website detailing over 4 people having stayed there and I have also seen over 4 people using the rental.)

Age Profile of Laurelbank:

Laurelbank is a residential area made up of 5 different blocks of flats; 4 of these blocks are in an 'L' shape set back from the street and share one off-street car-park. It is a close-knit community and has long standing owners (10 years plus) and renters, who help and support each other. Due to this, short-term rentals have an impact not just on number 44 but for all the residents in Laurelbank. The type of development at Laurelbank does not sit well with short-term rentals as many older people have always bought flats in Laurelbank as it is known as a small quiet development. Currently, the majority of residents are over 60 years old and this has been the age profile since it was built in 1993. Also, there are a large number of single female residents - in block 44 alone, there are 3 flats with single female residents. These residents rely on the security provided by the flats to feel safe in their homes.

Impact to Quality of Life: Safety & Security:

I bought my flat in 2006 for the safety and security it offered me (being a single resident). My flat was my sanctuary and I felt safe with the double security the block offered (main entrance door before my own door). I no longer have the safety and security I purchased my flat for due to constant turnover of strangers within our block who pass directly by my inner flat door. This is impacting my mental health due to the anxiety of wondering who is staying in number 6 and I am always on the look-out to see what car is in their parking space (and if it has changed from the day before). Additionally, the keys to 44/6 outer and inner doors are kept in a lockbox on the railings at the bottom of Learmonth Garden steps in sight of all who use these steps, which adds to the concern about safety of our block.

Impact on Number 44/4 - noise and security:

The flat directly below the short-term let has been severely impacted by the constant turnover of strangers and the volume of noise they cause.

The noise issues will continue for whoever the new owner is for number 44/4.

Noise & Damages:

As mentioned, the flats do not have good sound insulation and noise levels travel in the hallway

and between the flats. The outer block door is heavy and if left to shut on its own, creates a loud noise. My bedroom is next to the outer hallway and over the outer door so I can hear lots of comings and goings from the short-term let, particularly at night time and this has awoken me on frequent occasions (including during the week). Guests have previously left rubbish outside in the storage bins rather than the street bins and have left cigarette butts around our front door.

Laurelbank and number 44 is not equipped for the massive turnover of commercial guests and their suitcases. We have a carpeted stairwell which has had significant wear and tear in the last year due to this along with cleaners coming after each visit. Each flat is jointly responsible for any wear and tear.

In the car park, damage has also been caused to numerous cars from lack of care when short-term renters pass by with their luggage. The short-term renters park in residents' spaces (we each have one allocated space) causing hassle to residents.

Rentals in Edinburgh:

AirBnB / short-term rentals are leaving a limited number of rental options in the City Centre and those that are available are becoming unaffordable with rent increasing by around 40% in Laurelbank in the last few years. There are 2 long term rented flats in block 44 so if 44/6 is approved as a short-term rental property, this will take away a flat that could potentially be used for residential accommodation. The increase in long term rental prices is driving people outside of Edinburgh which is impacting our community and the hospitality industry.