

LOCAL REVIEW BODY

16th March 2023

Application No: 22/01161/P

**Flat 3, 8 Quality Street, North Berwick,
EH39 4HP**

Appointed Officer's Submission

22/01161/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Change of use of flat to short term holiday let (Retrospective) at Flat 3, 8 Quality Street, North Berwick.

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4. Copy of consultation responses from (i) ELC Road Services; (ii) ELC Anti-Social Behaviour Team; (iii) Police Scotland; and (North Berwick Community Council).
5. Copy of the two representations received to application 22/01161/P.
6. Copy of Policies RCA1 (Residential Character and Amenity), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.
7. Schedule of conditions.
8. Planning Officer's further submission in respect of Part E of Policy 30 within National Planning Framework 4

Neil Millar
Planner (Planning Delivery)

OFFICER REPORT

1

21st November 2022

App No. **22/01161/P**

Application registered on **18th October 2022**

Target Date **17th December 2022**

Proposal	Change of use of flat to short term holiday let (Retrospective)	SDELL	Y
		CDEL	N
Location	Flat 3 8 Quality Street North Berwick EH39 4HP	Bad Neighbour Development	N

APPLICANT: **Mr Stuart McLean**

Is this application to be approved as a departure from structure/local plan? N

**Flat 3
8 Quality Street
North Berwick
EH39 4HP**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a first floor flat within a three storey flatted building, with accommodation in its roof space, situated on the east side of Quality Street in North Berwick. The flatted building is located within the Town Centre of North Berwick as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018. It is also within North Berwick Conservation Area.

The flatted building is bounded to the north by a two storey building (serving an Italian restaurant on the ground floor level with residential properties above), to the east by a public car park, to the south by a public access way (serving the public car park beyond which there is a public toilet block) and to the west by the public road of Quality Street (beyond which there are commercial and residential units).

Planning permission is retrospectively sought for the change of use of the residential first floor flat of No.3, 8 Quality Street, as a one bedroom unit of short term self-catering holiday let accommodation.

No alterations have been undertaken to the flat, either internally or externally, to facilitate the retrospective change of use.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies RCA1 (Residential Character and Amenity), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish Government on the 8th November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

Also material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

REPRESENTATION

Two objections to this application have been received. The main grounds of objection are:

- (i) it is not appropriate to run a short term let business within a residential apartment block;
- (ii) the residential block has a shared communal entrance, stairwell and bin store and it is likely that noise and disturbance to neighbours will occur should planning permission be granted;

- (iii) there is expensive equipment (such as bikes) stored in the communal hallway and thus the proposal raises a number of security concerns given that multiple strangers would be entering and leaving the building at various times; and
- (iv) managing recycling and household waste in the communal building requires understanding and close attention to detail by all residents. This will become a problem with short stay visitors who do not understand this system.

COMMUNITY COUNCIL

North Berwick Community Council, as a consultee to this planning application, state that they object to the proposal. They state that it has been clearly established that flats with communal entrances are not suitable for holiday lets out of consideration for the neighbours sharing the flatted building.

PLANNING ASSESSMENT

The change of use of the residential flat to a holiday let provides holiday accommodation within North Berwick that attracts visitors and encourages them to stay in East Lothian. The adopted East Lothian Local Development Plan 2018 states that all leisure and tourism related development proposals, including visitor attractions, hotels and holiday accommodation, will be assessed against all relevant Local Development Plan policies.

The adopted East Lothian Local Development Plan 2018 does not contain a specific policy on the change of use of flats to holiday lets. However, Policy RCA1 (Residential Character and Amenity) of the adopted East Lothian Local Development plan states that the predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted.

The Council's Senior Environmental Health Officer advises that whilst the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short term holiday let can result in future guests misusing and abusing the property in a manner that is antisocial and can result in a significant impact upon amenity of neighbours. However, it is stated that the Council's Environmental Health Service cannot assume that antisocial behaviour issues will arise and thus cannot impose any enforceable conditions to protect the amenity of neighbours.

The Council's Antisocial Behaviour Team advise that there have been no complaints of antisocial behaviour at this address since 1st January 2020 and thus they raise no objection to this retrospective planning application.

Police Scotland advise that there have been no police incidents at this address since 1st January 2020 and thus they raise no objection to this retrospective planning application.

The Council's Road Services raise no objection to this retrospective application advising that the required number of parking spaces remains unchanged. Accordingly, the proposals do not conflict with Policies T1 and T2 of the adopted East Lothian Local development Plan 2018. The applicant's property is a one bedroom flat located at first floor level of the residential flatted building of 8 Quality Street which contains a total of 11 residential properties (2 flats at ground floor and 3 flats on each of the first, second and third floor levels within the building).

The property the subject of this retrospective application shares a communal entrance, an internal communal stair and a communal hall with other residential properties within the building. The existing hallway serving the applicant's first floor flat (number 3) also serves two other first flats within the building (numbers 4 and 5).

In the particular circumstances of this application, the principle determining factor is the impact of the retrospective change of use of the application property to a holiday let accommodation on the amenity of the existing residential properties contained within the residential flatted building of 8 Quality Street.

The application property is a one bedroomed flat comprising a double bedroom, living room and separate kitchen and bathroom. The use of the application property as a holiday let would enable it to be let out for short stays resulting in a turnover of people over short time periods with a significant proportion of occupants likely to be visitors. Such a regular turnover of users/occupants would change the nature of comings and goings not only to the application property itself but also within the communal entrance, internal stair and hallway of the residential building. Most users/occupants of the holiday let would have a degree of luggage or other property to take through the communal external entrance, internal stair and hallway which in itself would lead to a level of disturbance and nuisance not associated with the permanent/long term residential use of the property which is harmful to the amenity of the occupants of the residential properties within the residential flatted building of 8 Quality Street. It is accepted that permanent residents may also make noise but they tend to keep their luggage in their homes and do not move them with the same frequency as regularly changing guests who arrive and depart sometimes at unsociable hours, and this differs from typical residential circumstances.

Along with the extra comings and goings of users of the holiday let at check in/check out there would also be an additional level of activity not only at the application property but also within the communal entrance, internal stair and hallway as a result of people regularly accessing both the main building of 8 Quality Street and the application property itself to service/clean it and remove waste and recycling material. This level of additional activity would be evidently different to that expected with the permanent/long term use of the flat as a private residence again which is harmful to the amenity of the occupants of the residential properties within the residential flatted building of 8 Quality Street.

Moreover, allowing frequently changing guests unfettered access to otherwise secure shared areas and facilities changes the actual and perceived level of security for permanent residents. Whilst permanent residents are likely to have visitors of their own from time to time, those permanent residents would remain in control of security to communal areas. The introduction of frequently changing guests regularly into these secure areas, independent of the owner, would therefore differ from typical residential circumstances.

Given the specific circumstances and location of the application property within the residential building of 8 Quality Street, which contains a number of permanent/long term residences which share a communal entrance, internal stair and hallway, the change of use of the existing first floor flatted property to a holiday let is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 8 Quality Street and as such is contrary to Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

In conclusion the change of use is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the change of use is not in accordance with the Development Plan.

The application property of Flat 3, 8 Quality Street, North Berwick as a holiday let is unauthorised and a breach of planning control. Enforcement action will be taken to ensure the cessation of the holiday let use with the period for compliance with the enforcement notice being one month.



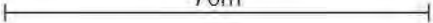
REASON FOR REFUSAL:

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 8 Quality Street, North Berwick and as such is contrary to Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

21st November 2022

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	2550 19/1/2006	ELN10713
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
	NT5585	Survey Scale 1/2500

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Refused a grant of planning permission 22/01/2022
 Plan Drawing FAST OTHIAN COUNCIL
 Decision Notice of 22/01/16/1P

Approx. Gross Internal Area
630 Sq Ft - 58.53 Sq M

Store

Approx. Gross Internal Area
33 Sq Ft - 3.07 Sq M

For identification only. Not to scale.

© SquareFoot 2020



First Floor



Ground Floor

LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	2550 19/1/2006	ELN10713
ORDNANCE SURVEY NATIONAL GRID REFERENCE		70m
NT5585		Survey Scale 1/2500

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**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Mr Stuart McLean
Flat 3
8 Quality Street
North Berwick
EH39 4HP**

APPLICANT: Mr Stuart McLean

With reference to your application registered on 18th October 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Change of use of flat to short term holiday let (Retrospective)

**at
Flat 3
8 Quality Street
North Berwick
EH39 4HP**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 8 Quality Street, North Berwick and as such is contrary to Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

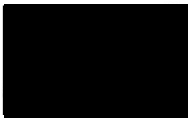
Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG 01	-	18.10.2022
DWG 02	-	18.10.2022
DWG 03	-	18.10.2022

2nd December 2022



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, 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 from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

From: Haddow, Morag
Sent: 19 October 2022 13:57
To: Millar, Neil
Cc: Environment Reception; [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 22/01161/P- Planning Consultation

EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: Change of use of flat to short term holiday let (Retrospective) at Flat 3, 8 Quality Street

The required number of parking spaces is unchanged and therefore I have no objection to this application

Please advise the applicant that all works within or affecting the public road including works on the footway or verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of IAN LENNOCK
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

Morag Haddow
Senior Roads Officer | East Lothian Council | [REDACTED] | mhaddow@eastlothian.gov.uk

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Millar, Neil

From: Black, Kenneth
Sent: 19 October 2022 15:35
To: Environment Reception
Cc: [REDACTED]
Subject: FW: 22/01161/P- Planning Consultation
Attachments: ufm4_E-Consultation_Letter_-_No_Reason.pdf

Dear Planning Team

We have no comment to make on the application.

There have been no complaints of antisocial behaviour made to this address since 1/1/20.

Thanks

Kenny

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 18 October 2022 16:15

To: Black, Kenneth <kblack@eastlothian.gov.uk>; [REDACTED]

Subject: 22/01161/P- Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at Flat 3

8 Quality Street

North Berwick

EH39 4HP

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Millar, Neil

From: Clark, Colin - EHO
Sent: 25 October 2022 14:17
To: Environment Reception
Cc: Millar, Neil
Subject: RE: 22/01161/P- Planning Consultation

I refer to your consultation request of 18th October 2022 in connection with the above and would advise as follows.

While the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short-term holiday let can result in future guests in the accommodation misusing and abusing the property in a manner that is antisocial and can result in significant impact upon amenity of neighbours. Environmental Health cannot assume such ASB will arise however, and cannot impose any enforceable conditions to protect amenity of neighbours.

East Lothian Council will have to determine whether or not any such future proposals are acceptable having regard to existing planning policy which may need to be revised to address this situation. I have copied in the ASB Team in the event they may wish to comment further. Happy to discuss on how such applications could be better controlled via any conditions that may be attached to any subsequent consents.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. [REDACTED] | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

[REDACTED]

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 18 October 2022 16:15
To: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Subject: 22/01161/P- Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at Flat 3
8 Quality Street
North Berwick
EH39 4HP

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Millar, Neil

From: Baird, Elaine [REDACTED]
Sent: 24 October 2022 13:49
To: Environment Reception
Subject: FW: 22/01161/P- Planning Consultation [OFFICIAL]
Attachments: ufm4_E-Consultation_Letter_-_No_Reason.pdf

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OFFICIAL

Good afternoon

I have checked the address from 01/01/2020 and there have been no police incidents.

Many thanks

Elaine

-----Original Message-----

From: Black, Kenneth [<mailto:kblack@eastlothian.gov.uk>]
Sent: 18 October 2022 16:19
To: [REDACTED]
Subject: FW: 22/01161/P- Planning Consultation

Gail / Elaine

Can you check this address for ASB calls and revert.
Thanks
Kenny

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 18 October 2022 16:15
To: [REDACTED]
Subject: 22/01161/P- Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at Flat 3
8 Quality Street
North Berwick
EH39 4HP
NHS Coronavirus Information

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintranet.eastlothian.gov.uk%2Fmultimedia%2F1624%2F1624_250x83.jpg&data=05%7C01%7CElaine.Baird%40scotland.police.uk%7Ce611876158b34ea0627108dab11c1cc4%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638017031544287002%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&data=Hs6pbrf2Po53X42SC3i5tjx%2F82Zxd0QkuuFRFpNA2Nc%3D&reserved=0]

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Millar, Neil

From: [REDACTED]
Sent: 01 November 2022 21:32
To: Environment Reception
Cc: NB Community Council (secretary@northberwickcommunitycouncil.org.uk)
Subject: 22/01161/P Change of use of flat to short term holiday let (Retrospective)

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Madam/Sir,

In our on-line meeting on 1 November, North Berwick Community Council discussed the above application and decided that we object to the proposal. It should by now be well established that flats in houses with communal entrances are not suitable for holiday lets out of consideration for the neighbours sharing the house.

Yours faithfully

[REDACTED]

North Berwick Community Council

From: [REDACTED]
Sent: 17 November 2022 15:52
To: Environment Reception
Subject: Planning application 22/01161/P (Flat 3, 8 Quality Street, North Berwick)

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Dear Planning Dept

With reference to the above application, as a proprietor ([REDACTED] at the same address, I object to this application to turn this residence into a short-term holiday let business. This is a residential block with shared communal entrance, stairwell and bin store. Expensive equipment (such as bikes) is stored in the communal hallway. Security in terms of safeguarding possessions, as well as strangers entering and leaving the building, is a major concern. Noise and disturbance and a lack of consideration for surrounding residents will also be a likely result of this application being approved. Managing recycling and household waste in this communal building requires understanding and close attention to detail by all residents. This will undoubtedly become a problem with short-stay visitors who do not understand this system. For the above reasons, I ask that East Lothian Council refuse this application to run a business in a residential block of flats.

Yours faithfully

[REDACTED]
[REDACTED]

Millar, Neil

From: [REDACTED]
Sent: 17 November 2022 16:26
To: Environment Reception
Subject: planning application number 22/01161/P

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Service Manager,

In respect of planning application 22/01161/P to change the use of flat 3, Imperial Appartments, Quality Street, North Berwick from residential use to a short term let business I wish to lodge an objection as a owner of another flat in the same block. This is a residential appartement block and it is not appropriate to run a short term let business from the premissis. I have concerns about security for valuable items such as bikes that are stored in the communal entrance hall. Also concerns about general security from multiple strangers entering and leaving the building with no proper understanding of security or consideration for residents in terms of noise etc. There are shared recycling and refuse facilities which require close attention to detail and proper management including putting bins and boxes out for collection at the appointed times. This should be a shared responsibility amongst all residents, and experience elsewhere indicates this is unlikely to happen with short stay holiday makers.

I ask that this application be turned down.

Yours faithfully

[REDACTED]

Policy RCA1 (Residential Character and Amenity)

The predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted. Proposals for new development will be assessed against appropriate local plan policies. In the case of infill, backland and garden ground development, this will include assessment against Policy DP7.

Policy CH2 (Development Affecting Conservation Areas)

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2: General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING APPLICATION BY THE LOCAL REVIEW BODY – 22/01161/P

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Should the Local Review Body be minded to uphold the review it is respectfully requested that planning permission be granted subject to the following conditions:

1. The property shall be let for overnight occupation by a maximum of two persons at any one time.

Reason:

To ensure that the terms of the lets protect occupants of nearby residential properties from noise/disturbance.

2. A register of the date and number of occupants for each let shall be maintained for the property by the owner/letting agent and shall be available at all reasonable times for inspection, on request, by the Planning Authority.

Reason:

To ensure compliance with condition 1.

22/01161/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S FUTURE SUBMISSION IN RESPECT OF PART E) OF POLICY 30 OF NATIONAL PLANNING FRAMEWORK 4

When planning application 22/01161/P was determined on 2nd December 2022 it was assessed against Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires the application be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the determination of planning application 22/01161/P, National Planning Framework 4 (NPF4) was approved by the Scottish Government on 11th January 2023 and adopted on 13th February 2023. NPF4 is now part of the development plan and is a material consideration in the assessment of this application. In light of the above, I have been asked to assess planning application 22/01161/P against part e) of Policy 30 (Tourism).

Part e) of Policy 30 (Tourism) of NPF4 states that:

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

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

A material consideration in the determination of this application is whether or not the loss of residential accommodation is outweighed by demonstrable local economic benefits.

The Council’s Housing Strategy & Development Service state that the holiday let use of the flatted property is incompatible with, and thus harmful to, the amenity of the occupiers of the properties within the residential building of 8 Quality Street, North Berwick and is therefore contrary to Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Moreover, it is also stated that the density of short term lets in North Berwick combined with the constrained housing market, particularly for 1 and 2 bedroom properties, suggests that this property would best used as a long term let to meet the needs of the local population. Accordingly, the Council’s Housing Strategy & Development Service advise that they do not support this application and that the applicants appeal be dismissed.

The Council’s Economic Development Service Manager advises that there are demonstrable local economic benefits delivered by all types of short term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected and supported where there is no demonstrable impact on local amenity, the character of the area or loss of residential accommodation. In the particular circumstances of this case it is stated that (i) the property will provide high-quality tourist accommodation attracting visitors to North Berwick and the surrounding area providing economic benefit; (ii) there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian with the tourism sector contribution £155m to the local economy in 2021 and supporting 10% of the workforce; (iii) short term holiday let accommodation flats with shared access contribute positively to the local economy (£14m in 2019) and 8/3 Quality Street accounts for 4 bedspaces and a potential annual economic impact of £89,000

and 2FTE jobs. Any reduction in the number of bedspaces available in East Lothian will have a negative economic impact on the tourist and associated sectors; (iv) there is an increasing number of overnight stays in East Lothian for work purposes (which is expected to increase over the next 10-15 years) such that the loss of short term accommodation is likely to have a significant negative impact on the local tourist economy in monetary and reputational terms; (v) whilst the applicant has only let the property out between August and December 2022 it is claimed that the property previously operated as a short term holiday let since 2005 and thus there is no potential loss of residential accommodation; (vi) it is unlikely that the use of the property as a short term holiday let in this location will result in unacceptable levels of noise, smells, traffic movement or other adverse environmental impacts; (vii) the short term letting capacity of the property is not at odds with its size and facilities and there is no evidence presented that short term letting of this property would lead to any increase in local disturbance over an alternative longer term let; (viii) the average stay is cited as 4-5 days which, averaged over the year and taking account of vacant periods, is likely to mean a changeover frequency of once a week or less. There is no evidence that this level or type of occupancy would increase the level of noise and/or disruption over that expected from longer forms of letting; (ix) there is no evidence that this level or type of occupancy will change the actual or perceived level of security within the building. Shared common stairs and landings are regularly accessed by a range of persons not immediately associated with the building (e.g. delivery persons, cleaners, tradespeople, and dog walkers etc.). It is therefore stated that it cannot be assumed that tourists staying in a short term holiday let would be a greater risk to the security of the resident than any other visitor; (x) approval of this retrospective application is unlikely to impact on the character of the area as the property is located within the town centre of North Berwick where there is already a high number of non-residential uses within the immediate vicinity of the property; (xi) in terms of amenity, the location of the building in the heart of a busy commercial part of the town centre will mean that the local residents are used to the level of ambient noise associated with the day and night time economies, including deliveries, pedestrians and vehicle movement; (xii) no public objection to this retrospective application has been received and no objections are raised by consultees; and (xiii) the applicant lives locally and manages the property in terms of cleaning and managing refuse and, during the 2022 season, achieved recognition as a good host and an average of 5 stars in visitor reviews. Therefore, and for the reasons set out above, the Council's Economic Development Service Manager advise that they support this retrospective planning application stating that the change of use of the flat to short term holiday let accommodation supports the strategic goals and objectives of the Economic Development Strategy 2012-2022 and the intent and outcomes of part e) of Policy 30 of NPF4.

However the local economic benefits associated with the use of the applicant's first floor flat operating as a one bedroom unit of short term self-catering holiday let accommodation do not outweigh the unacceptable impact on local amenity for the reasons set out in the officer report relating to the refusal of planning application 22/01161/P. In conclusion, this does not alter the previous decision to refuse planning application 22/01161/P and it is therefore respectfully requested that the appeal against the Council's decision to refuse planning permission be dismissed for the following reason:

The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building of 8 Quality Street, North Berwick and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018.