

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 September 2023

BY: Head of Corporate Support

SUBJECT: Civic Government (Scotland) Act 1982 (the 1982 Act)
(Licensing of Short-Term Lets) Order 2023
Application for Grant of a Licence to operate a Short-Term
Let (STL) at 25 Balfour Street, North Berwick, EH39 4JY

4A

1 PURPOSE

- 1.1 A licence application (Appendix 1) for the grant of an STL licence has been received from Lisa Esther Hall-Baillie, to allow them to operate the property at 25 Balfour Street, North Berwick, EH39 4JY as a Short-Term Let (STL).
- 1.2 Objections (Appendices 4 to 11) have been received from eight neighbours between 7 and 9 July 2023. Relevant representations and objections require to be considered prior to the council taking a decision on the licence application, and it is therefore a requirement that this application is determined by the Licensing Sub-Committee and not through delegated powers.
- 1.3 The sub-committee is required to focus on the suitability of the property as an STL and to establish that the applicant is a fit and proper person to hold an STL licence (Schedule 1, Paragraph 5(3)(a)(ii)).

2 RECOMMENDATIONS

- 2.1 The Licensing sub-committee is asked to consider the application and the objections, and to determine whether the STL licence application for 25 Balfour Street, North Berwick, EH39 4JY is to be granted; granted subject to conditions; or refused.
- 2.2 If the STL licence is granted, the sub-committee is asked to decide the period of the licence; the duration of the licence will be 3 years unless determined otherwise by the sub-committee.

2.3 If the STL licence is granted, the sub-committee is asked to agree that this be granted subject to the conditions and standards outlined in Appendices 2 and 3.

3 BACKGROUND

3.1 The Licensing of Short-Term Lets Order 2023 requires that where residential accommodation is provided by a host in the course of business to a guest, the accommodation is required to be licensed.

3.2 The STL application was received on 19 June 2023, and was dated 19 June 2023. Notices, under Paragraph 2 of Schedule 1 to the 1982 Act, were displayed at and around the property on 19 June 2023, and remained in place for the statutory minimum 21 days. These notices inform local residents of the licence application and give information regarding their right to submit objections and/or make representations in relation to the application.

Representations/Objections Received

3.3 The council has received eight objections from neighbours of the property in question. The objections concern:

- Decline in community spirit
- Anti-social behaviour / excessive noise
- Increased and poorly disposed of waste / lack of waste management
- Poor management of lets / guests
- Lack of parking for residents
- Short-term economic benefits v Long-term economic impact

3.4 No objections have been received from consultees.

Matters to be considered by the sub-committee

3.5 In determining the application, the sub-committee must restrict itself to grounds of refusal specified in the 1982 Act. This states that an application shall be refused if:

- The applicant and/or any agent specified by the applicant are, in the opinion of the sub-committee, not fit and proper to be authorised to permit persons to occupy any living accommodation as an STL (Schedule 1, (3))
- The applicant and/or any agent specified by the applicant are disqualified by an order of a Court from holding an STL Licence. (Schedule 1, (5), (3))
- The Sub-committee determines that the property is not suitable for occupation as an STL, or cannot be made suitable by including conditions on the STL Licence (Schedule 1, (5), (3)(c))
- In determining whether any property is, or can be made to be, suitable for occupation as an STL the sub-committee must consider:

- The location, character or condition of the premises or the character or condition of the vehicle or vessel;
- The nature and extent of the proposed activity;
- The kind of persons likely to be in the premises, vehicle or vessel;
- The possibility of undue public nuisance;
- Public order or public safety; or
- Any other good reason for refusing the application

Terms of an STL Licence

3.6 An STL licence may include such conditions as the sub-committee thinks fit.

3.7 Any condition included in a STL licence may specify a date from which that condition is to have effect.

Grant of Licence and Conditions

3.8 The duration of the licence will be 3 years (maximum) unless determined otherwise by the sub-committee.

4 POLICY IMPLICATIONS

4.1 Licensing of Short-Term Lets is a statutory obligation for East Lothian Council. This report is based upon Legislation and Scottish Government guidance for licensing STLs.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – none.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 Scottish Government Guidance published in March 2022 – Short Term Lets in Scotland Licensing Scheme, Part 2 Supplementary Guidance for Licensing Authorities, Letting Agencies and Platforms.

- Appendix 1 Application Form
- Appendix 2 Mandatory conditions
- Appendix 3 Additional conditions
- Appendix 4 Objection (Clark)
- Appendix 5 Objection (Colvin)
- Appendix 6 Objection (Gollan)
- Appendix 7 Objection (McIlwraith)
- Appendix 8 Objection (Pereira)
- Appendix 9 Objection (Stewart)
- Appendix 10 Objection (Stobie)
- Appendix 11 Objection (Surfleet)

AUTHOR'S NAME	Sheila Fitzpatrick
DESIGNATION	Team Leader – Licensing and Landlord Registration
CONTACT INFO	01620 820623
DATE	2 August 2023



East Lothian Council

E.L.C.
Customer Services

19 JUN 2023

RECEIVED

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU


Are you applying as an individual or corporate entity?


Individual

Corporate Entity

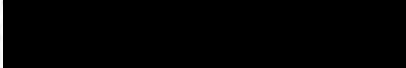
Fill in if you are applying as an individual:

Your full name WISA ESTHER HALL-BAILLIE

Date of birth 

Place of birth 

Home Address 



Postcode 

Tel. No. 

Email address 

Please provide your **home address history for the last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm the dates you resided at these properties (continue on a separate sheet if necessary):

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Agent(s) & Day to Day Manager(s)

Do you have or intend to appoint an agent or day-to day manager?

Yes No

If you answered yes, please provide details for your agent(s) or day to day manager(s).

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

Addresses (last 5 years)	Postcode	Date from (mm/yy)	Date to (mm/yy)

Joint Ownership

Is your property jointly owned? Yes No

If you answered yes, please provide details for all joint owners.

Joint owner(s) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
LISA ESTHER HALL-BAILLIE				
STEVEN ALEXANDER BAILLIE				

Individuals, please go to Part 2.

Corporate entities

Corporate entities, please complete the relevant sections on the following pages. Fill in if you are applying as a corporate entity (e.g. company, partnership, trust or charity)

Corporate entity name _____

Limited company number (if applicable) _____

First name and surname _____

Registered or principal office address _____

Tel. No. _____ Email address _____

Names and private addresses and dates and places of birth of its directors, partners or other persons responsible for its management, including trustees in the case of charities (continue on a separate sheet if necessary).

Full name	Personal address	Place of birth	Date of birth

Please complete for all other named persons on the licence (e.g. any agent or day-to-day manager) (continue on a separate sheet if necessary):

Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

First application (existing operator*)

First application (new operator)

New application (where property has been used as licensed STL previously)

Renewal

Change to existing licence

**This option is only available for applications made on or before 1 April 2023 by existing operators (ie those operating the premises in which a licence is being applied for as a short-term let on or before 1 October 2022).*

If you are applying to renew or alter your licence, please complete the following fields. If submitting a new application where the property has never been used as a licensed short-term let before, please proceed to '**The Type of Short Term Licence you require**' (below).

Existing licence number _____

Existing licence expiry date _____

If you are submitting a new application where the property has been used as a licensed short-term let before, please complete the following fields.

Previous licence number _____

Previous licence expiry date _____

Please select the type of short-term let licence you require:

Home sharing

Home letting

Home sharing & home letting

Secondary letting

If you do not own the property which is the subject of this licence application, do you have proof of permission from the owner(s):

Yes No N/A

If you are applying for a change to your existing licence, please indicate the reason for your request (e.g. a change of agent, changes to the property – e.g. an extension to increase maximum occupancy).

PART 3: PREMISES DETAILS

Premises Address 25 BALFOUR STREET, NORTH BERWICK

Postcode EH39 4JY

Unique Property Reference Number (if known) 138042845

EPC Rating* D

** (if applicable – not required for home sharing or unconventional accommodation)*

Please select the type of premises:

Detached House Semi-detached house
Terraced House Flat
Unconventional accommodation

From the following options, please select the description that best describes your short-term let:

Self-catering B&B
Guest house Other form of home sharing
Home letting

Specify the number of rooms within the premises used as:

Bedrooms 2. Bed/Sitting rooms 0

Bathrooms 1. Kitchens 1

Lounges 1.

Other (please specify) 2 Internal Rooms (Box Rooms).
1 Laundry / Utility Room.

Specify the maximum number of guests 4.
(excluding children under 2 years of age)

Advise if you operated this premise as a short-term let prior to 1 October 2022

Yes

No

PART 4: CONVICTIONS

NO.

Has anybody named on the application been convicted of any offence? Please include details of any unspent convictions in the table below:

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

Note – this check list must be fully completed in order to submit your application

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 07/06/2024.
Electrical Installation Condition Report	Valid to: 15/06/2028.
Portable Appliance Testing Report	Valid to: 15/06/2024.
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: 23/00407/P
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: 19/04/2032
Public Liability Insurance	Valid to: 16/12/2023
Proof of consent from owner (if applicable)	N/A
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	N/A.

I have: (please tick to confirm (or enter N/A))	
Identified the owners and those involved in the day-to-day management of my premises	✓
Ensured that to the best of my knowledge all those named on my application are fit and proper persons	✓
Prepared information that will be available to guests at the premises including: (a) a certified copy of the licence and the licence conditions, (b) fire, gas and electrical safety information, (c) details of how to summon the assistance of emergency services, (d) a copy of the gas safety report, (e) a copy of the Electrical Installation Condition Report, and (f) a copy of the Portable Appliance Testing Report.	✓ ✓ ✓ ✓ ✓ ✓
Applied for planning permission (if required).	Rec'd 2 June 2023
Noted the requirement to display my licence number and EPC rating on listings for my premises	✓
Proof that furniture and furnishings/the furniture and furnishings guests have access to, comply with fire safety regulations	✓
Read and understood the mandatory conditions that will apply to my licence	✓
Read and understood the additional conditions that will apply to my licence	✓

My premises (please tick to confirm (or enter N/A))	
Meets current statutory guidance for provision of fire, smoke and heat detection	✓
Meets statutory guidance for carbon monoxide alarms	✓
Meets the required regulations for private water supplies (for premises with a private water supply i.e not provided by Scottish Water)	✓
Meets obligations with regard to the Tolerable and Repairing standard (applicable to dwellinghouses)	✓

PART 6: DECLARATION

East Lothian Council, as licensing authority, will use information it holds about you to determine whether you are a fit and proper person to operate a short-term let. In addition, licensing authorities to which you apply may share relevant information they hold about you with one another to help those authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with Police Scotland and, if appropriate, other relevant authorities.

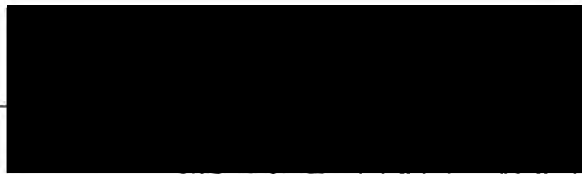
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

I declare that I have read and understood the mandatory conditions that apply to short-term let licences and East Lothian Council's additional conditions

I will comply with the requirement to display a site notice in accordance with paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act 1982

I declare that the information given in this application is correct to the best of my knowledge

Signed _____



Print name _____

WISA ESTHER HALL-BAILLIE

Date _____

19 June 2023

DATA PROTECTION ACT 2018

Please note that the information given on this form may be stored electronically by this Authority for the purpose of licensing.

The Identity of the Data Controller under the Data Protection Act 2018 ("the Act").

East Lothian Council, John Muir House, Haddington, East Lothian EH41 3HA ("the Council")

The purpose or purposes for which the data are intended to be processed.

The Data will be processed in order for East Lothian Council to fulfil its statutory duty under the Civic Government (Scotland) Act 1982 in receiving, registering, determining and granting applications for licenses under the said Act. The Data will be shared with public bodies who require to be consulted about the application, such as the Police. It will also be shared with internal East Lothian Council services, particularly within the Environment Department who give advice to the Council as Licensing Authority, in respect of the application.

East Lothian Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information can be obtained from:

Data Protection Officer
Licensing, Administration and Democratic Services
John Muir House
Haddington
dpo@eastlothian.gov.uk

SHORT-TERM LETS

MANDATORY LICENCE CONDITIONS

Agents

1. Only those named as a holder of the licence can carry out the day to day management of the short-term let of the premises.

Type of licence

2. The holder of the licence may only offer the type of short-term let for which the licence has been granted.

Fire safety

3. The holder of the licence must ensure the premises has satisfactory equipment installed for detecting, and for giving warning of—
 - (a) fire or suspected fire, and
 - (b) the presence of carbon monoxide in a concentration that is hazardous to health.
4. The holder of the licence must keep records showing that all upholstered furnishings and mattresses within the parts of the premises which are for guest use, or to which the guests are otherwise permitted to have access, comply with the Furniture and Furnishings (Fire Safety) Regulations 1988(a).

Gas safety

5. Where the premises has a gas supply—
 - (a) the holder of the licence must arrange for an annual gas safety inspection of all gas pipes, flues and appliances in the premises,
 - (b) if, after an annual inspection, any appliance does not meet the required safety standard, the holder of the licence must not allow a short-term let of the premises until the works necessary to bring the appliance to the required safety standard have been carried out.

Electrical safety

6. Where there are electrical fittings or items within the parts of the premises which are for guest use, or to which the guests are permitted to have access, the holder of the licence must—
 - (a) ensure that any electrical fittings and items are in—
 - (i) a reasonable state of repair, and
 - (ii) proper and safe working order,
 - (b) arrange for an electrical safety inspection to be carried out by a competent person at least every five years or more frequently if directed by the competent person,
 - (c) ensure that, following an electrical safety inspection, the competent person produces an Electrical Installation Condition Report on any fixed installations,
 - (d) arrange for a competent person to—
 - (i) produce a Portable Appliance Testing Report on moveable appliances to which a guest has access, and
 - (ii) date label and sign all moveable appliances which have been inspected.
7. In determining who is competent, the holder of the licence must have regard to guidance issued by the Scottish Ministers under section 19B(4) of the Housing (Scotland) Act 2006(a).

Water safety: private water supplies

8. Where the premises are served by a private water supply, the licence holder must comply with the requirements on the owners of private dwellings set out in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(b).

Water safety: legionella

9. The holder of the licence must assess the risk from exposure to legionella within the premises, whether or not the premises are served by a private water supply.

Safety & repair standards

- 10.** (1) The holder of the licence must take all reasonable steps to ensure the premises are safe for residential use.
- (2) Where the premises are subject to the requirements of Chapter 4 of Part 1 of the Housing (Scotland) Act 2006, the holder of the licence must ensure that the premises meet the repairing standard.

Maximum Occupancy

- 11.** The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence.

Information to be displayed

- 12.** The holder of the licence must make the following information available within the premises in a place where it is accessible to all guests—
- (a) a certified copy of the licence and the licence conditions,
 - (b) fire, gas and electrical safety information,
 - (c) details of how to summon the assistance of emergency services,
 - (d) a copy of the gas safety report,
 - (e) a copy of the Electrical Installation Condition Report, and
 - (f) a copy of the Portable Appliance Testing Report.

Planning Permission

- 13.** Where the premises is in a short-term let control area for the purposes of section 26B of the Town and Country Planning (Scotland) Act 1997(c) (“the 1997 Act”), the holder of the licence must, where the use of the premises for a short-term let requires planning permission under the 1997 Act, ensure that either—
- (a) an application has been made for planning permission under the 1997 Act and has not yet been determined, or
 - (b) planning permission under the 1997 Act is in force.

Listings

- 14.** (1) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises includes—
- (a) the licence number, and
 - (b) a valid Energy Performance Certificate rating if an Energy Performance Certificate is required for the premises, in accordance with the Energy Performance of Buildings (Scotland) Regulations 2008(a).
- (2) The holder of the licence must ensure that any listing or advert (whether electronic or otherwise) for the short-term let of the premises is consistent with the terms of the short-term let licence.

Insurance

- 15.** The holder of the licence must ensure that there is in place for the premises—
- (a) valid buildings insurance for the duration of the licence, and
 - (b) valid public liability insurance for the duration of each short-term let agreement.

Payment of fees

- 16.** The holder of the licence must pay any fees due to the licensing authority in respect of the licence on demand.

False or misleading information

- 17.** The holder of the licence must not provide any false or misleading information to the licensing authority.

Interpretation

- 18.** In this schedule—

“Electrical Installation Condition Report”
means a report containing the following information—

- (a) the date on which the inspection was carried out,
- (b) the address of the premises inspected,
- (c) the name, address and relevant qualifications of the person who carried out the inspection,

- (d) a description, and the location, of each installation, fixture, fitting and appliance inspected,
- (e) any defect identified,
- (f) any action taken to remedy a defect,

"Energy Performance Certificate"

means a certificate which complies with regulation 6 of the Energy Performance of Buildings (Scotland) Regulations 2008(b),

"Gas safety report"

means a report containing the following information—

- (a) the date on which the appliance or flue was checked,
- (b) the address of the premises at which the appliance or flue is installed,
- (c) a description of and the location of each appliance or flue checked,
- (d) any safety defect identified,
- (e) any remedial action taken,
- (f) confirmation that the check undertaken complies with the requirements of an examination of—
 - (i) the effectiveness of any flue,
 - (ii) the supply of combustion air,
 - (iii) subject to head (iv), its operating pressure or heat input or, where necessary, both,
 - (iv) if it is not reasonably practicable to examine its operating pressure or heat input (or, where necessary, both), its combustion performance,
 - (v) its operation so as to ensure its safe functioning,
- (g) the name and signature of the individual carrying out the check, and
- (h) the registration number with which that individual, or that individual's employer, is registered with a body approved by the Health and Safety Executive for the purposes of regulation 3(3) of the Gas Safety (Installation and Use) Regulations 1998(a),

"holder of the licence"

means any person to whom a short-term let licence has been granted or jointly granted,

"home letting"

means a short-term let consisting of the entering into of an agreement for the use, while the host is absent, of accommodation which is, or is part of, the host's only or principal home,

"home sharing"

means a short-term let consisting of the entering into of an agreement for the use, while the host is present, of accommodation which is, or is part of, the host's only or principal home,

"premises"

means the accommodation which is the subject of an application for a short-term licence or the subject of a short-term licence,

"repairing standard"

means the steps which the holder of the licence is required to take to comply with the obligations placed on the holder by Chapter 4 of Part 1 of the Housing (Scotland) Act 2006(b),

"secondary letting"

means a short-term let consisting of the entering into of an agreement for the use of accommodation which is not, or is not part of, the licence holder's only or principal home,

"short-term let"

has the same meaning as in article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022,

"short-term let licence"

means a licence for a short-term let, and

"type of short-term let"

means one of the following purposes—

- (a) secondary letting,
- (b) home letting,
- (c) home sharing, or
- (d) home letting and home sharing.

SHORT-TERM LETS

ADDITIONAL LICENCE CONDITIONS

- 1.** If there is a material change of circumstance affecting the Licensee or the operation of the Short-term Let, the Licensee must inform the licensing authority as soon as possible. No alteration must be made to the property without the prior written consent of the authority.
- 2.** The licence holder must take steps to ensure that the property, fittings and furniture, including fire precautions, plumbing, gas and electrical installations, are maintained throughout the period of the licence to the standard required. The licence holder should hold all necessary certificates.
- 3.** To ensure an adequate electricity supply is maintained to the installed Fire Detection system, where credit card meters are in use, the Licensee will be responsible for ensuring that the meters remain in credit when the premises are unoccupied for any period exceeding 48 consecutive hours.
- 4.** The Licensee shall allow access to the premises at any reasonable time to the following officials for licensing purposes:
 - Any officer of East Lothian Council
 - Any officer of the Scottish Fire & Rescue Service
 - Any officer of Police Scotland
- 5.** The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.
- 6.** Liquefied Petroleum Gas (LPG) shall not be used or stored on the premises.
- 7.** The licence holder shall comply with the current regulations regarding maximum re-sale prices of gas and electricity supplied, as appropriate.
- 8.** The licence holder should ensure that let rooms are fitted with a lever latch and secured with a suitable lock and thumb turn mechanism or other appropriate locking mechanism.

- 9.** The building should be maintained in a reasonable state of repair, having regard to its age, type and location. Garden and environmental areas should also be adequately maintained.
- 10.** Where a Short-term Let is in a shared building the licence holder must co-operate and participate in the general repair and maintenance of the building and the cleaning of common parts. Where the guests fail to participate in the cleaning of common areas or environmental areas, the licence holder will be expected to carry out the work.
- 11.** Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental property they must be clearly identified by flat or property address. The licensee must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable).

Licensing, East Lothian Council, John Muir House, Haddington, EH41 3HA

Ref EL00081N: 25 Balfour Street, North Berwick, EH39 4JY

I object to a license being granted to run a short term let at 25 Balfour Street North Berwick on the following grounds:

The applicant has not identified who the day-to-day manager of the property will be. There is therefore no person identified as being in charge of the daily operation of this business.

The applicant does not have a commercial waste contract in place and has stated in their planning application that communal domestic areas will be used for commercial waste management.

Permissions for commercial waste storage at this location has not been provided by other owners of the site. Household refuse, kitchen food waste, and recycling will be stored on communal shared ground, in communal shared bins, in the jointly owned shared garden area.

The communal garden and domestic bin storage area is readily accessible by paying guests at 25 Balfour Street directly from the kitchen. There is no agreement in place from other owners of the shared garden and bin storage area that their shared garden property can be used for commercial letting, and there is no way to guarantee that paying guests at 25 Balfour Street do not access the shared garden from the flat.

Based on multiple previous experiences of short term lets in Balfour Street there is a certainty that noise and environmental health issues will have a detrimental impact on neighbours.

I make representation for the following reasons:

The owner has stated in their planning application that if the property is not permitted to run as a short term let business then it will be rented as a long term let home for a permanent tenant.

The case for granting planning permission was made on economic evidence that was inaccurate and misleading, being based solely on out of date tourist survey data with no balanced economic analysis that included the local economic impact of permanent residents in the flat. The evidence presented does not represent demonstrable local economic benefit that outweighs the loss of much needed residential accommodation in the town and is therefore not in line with the requirements of National Planning Framework 4.

The character and amenity of the local area has been detrimentally altered by the overabundance of short term let properties in Balfour Street and the surrounding streets. The street can no longer be considered as residential, with over half the properties now run as non-primary residences and short term let businesses. Policy RCA1 (Residential Character and Amenity) of the adopted East Lothian Local Development Plan 2018 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. This policy has erroneously not been upheld in the planning decision. The removal of a home from the town will further fracture and reduce the resilience of the struggling remaining local community in Balfour Street.

Alison Clark, [REDACTED]
7 July 2023

From: [REDACTED]
To: [Licensing](#)
Subject: 25 Balfour Street
Date: 08 July 2023 11:49:03

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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 Sir/Madam

I am writing to object to the plan for 25 Balfour Street, North Berwick to be a holiday rental.

I live across the road at [REDACTED] and have two holiday let's next door already.

Since I moved with my family to our current address two years ago I have witnessed several homes turned into holiday lets and there had been a noticeable decline in community spirit.

The holiday lets are often noisy and myself and our permanent neighbours regularly have to ask holiday makers to reduce their noise levels during the working week. Adding yet another short term rental directly opposite will add to this annoyance.

Finally the holiday let's make a lot of mess on the street. It is not uncommon to have used disposable bbqs and other rubbish just left lying on the pavement.

Please don't allow yet another home be turned into a money making scheme that only benefits the flat owner, and causes the permanent residents more pain.

Thank you
Steve Colvin

[REDACTED]

Sent from my iPhone

Objection to Licensing of 25 Balfour Street, North Berwick EH39 as a short-term let.

To whom it may concern.

Planning Ref. No: 23/00407/P

We live very close to 25 Balfour Street as our property at [REDACTED] is [REDACTED] to the east from the north end of Balfour Street and exits into Quadrant Lane which adjoins Balfour Street. We are gravely concerned to see that No.25 has been passed by Planning as yet another Short-Let and wish to register our strongest objection at this stage in the Licensing process. The area of Balfour Street, Melbourne Road, Quadrant used to be almost exclusively populated by families, couples and individuals at different stages of life, bar a couple of guest houses and there was a thriving, neighbourly, social aspect which contributed to the health and wellbeing of adult residents but especially children. With every Short-Let approved, that sense of a caring, child-friendly community has gradually been eroded to the point where there are more Short-Lets and rarely used second homes than resident owners or long-term renters. This has had a devastating impact on those of us who live here permanently because most second home/short let owners and their visitors simply do not care about protecting their neighbours from excess noise, anti-social behaviour, careless dumping of refuse and recycling in private and public litter bins on the public highway. Crucially, residents in Balfour Street and surrounds are living with an ever-changing, transient set of short-term neighbours whose names they don't know and whose behaviour is unpredictable at best.

We have lived at our address for 22 years and have experienced innumerable day today issues during the holiday let seasons which cannot be promptly and adequately addressed as defined in ELC's Additional and Mandatory Conditions for Short term lets:

Specifically and Additional that: *The Licensee will be responsible for the day to day running of the premises, and for ensuring that guests comply with the terms of their Lease and in particular to deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let.*

Related and Mandatory: *The licence holder must ensure that the number of guests residing on the premises does not exceed the number specified in the licence. How does any owner ensure this?*

It is disingenuous to imply that all neighbours who need to contact the owner can do so and that the owner would promptly deal effectively with anti-social behaviour. Only last week (w/b 3/7/23), in another short-term let, a top flat at No 15 Balfour Street was occupied by a seemingly excessive number of rowdy American golfers who were throwing things out of the window onto the street and parked cars below. Music was blaring out of windows thrown open all day and many of us suffered disturbed evenings. I have no idea who owns that particular flat and the owner certainly did not "deal effectively with any anti-social behaviour by guests to anyone else in the locality of the Short-term Let."

Additional condition: *Adequate and suitable facilities must be provided for the storage and disposal of refuse. Where bins are provided to terraced and tenemental properties they must be clearly identified by*

flat or property address. The licensee must ensure that the guests utilise the bins provided and ensure that refuse or bins are placed out on collection day and that bins are returned to the bin storage area following collection (where applicable)

This is a running sore for residents in the area described. Balfour Street is very narrow and the pavements even narrower and thus refuse bins are a hazard unless removed and stored off street. The result is that numberless green bins line up along Quadrant Lane and the Lane is used as a public dump for holidaymakers' rubbish. When a let ends, we can often be faced with excessive amounts of rubbish and recycling in bin bags dumped anonymously and carelessly in communal back garden spaces, accessible to seagulls and rodents. No holiday let owner has ever cleaned up. These commercial premises are profiting at our expense as there is evidently no manager nor any commercially designated waste management in place, which surely means permission should not be granted on those grounds alone.

If ELC approves the Licensing of 25 Balfour Street, which is set within the tenement terrace, it would be another blow to the remaining tiny community who choose to live here permanently. The economic benefits which allegedly accrue to the town are fanciful as these holiday flats are mostly empty in the off-season and self-catering properties in the holiday season benefit Tesco and other supermarkets that deliver as we observe from the number of delivery vans circling and trying to find a parking place.

The current Planning and Licensing policy of approving an excessive number of short-term let properties in the 'old' town of North Berwick is having a seriously detrimental effect. As permanent residents find themselves increasingly without any neighbours and surrounded by empty flats and houses in the winter or disturbed once or twice a week and inconvenienced by inconsiderate visitors, what should we do? The dreaded 'doughnut effect' on the town has already begun and unless ELC Planning and Licensing urgently work with us, it may be too late to stop it. But those of us who are privileged to live in the 'old' part can't just sit back and watch as local people who love this town are driven out or prevented from buying 'first homes' by absentee second homeowners who only want to profit from our attractive town but invest nothing in terms of social capital. Hence the reason for this objection and a plea that the committee listens and supports the residents of this area by rejecting the application.

Yours faithfully,

Christine and Graeme Gollan



From: [REDACTED]
To: [Licensing](#); [Licensing](#)
Subject: Fwd: 25 Balfour Street Planning Application objection
Date: 07 July 2023 17:47:26

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Sent from [Outlook for Android](#)

From: Finlay McIlwraith
Sent: Friday, June 30, 2023 10:28:22 PM
To: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Subject: 25 Balfour Street Planning Application objection

As residents of Balfour Street we are deeply concerned over plans for the use of 25 Balfour Street as yet another short term let in the street.

While we recognize that the location of Balfour Street makes it an attractive destination for holiday-makers, there is a lack of understanding for how living in a street where many of the properties have no permanent occupancy present a range of problems.

experienced In our block of flats we have experienced food waste being placed without covering into our food bins, causing a huge number of maggots to circulate within said bin.

As the only occupants of a shared stairwell we bear the brunt of the noise, irregular sleeping hours and lack of consideration for neighbours and upkeep of stairs which often emanates from holiday makers.

The street in many ways no longer feels like a residential street and more a backdrop for other peoples holidays, this also makes it incredibly difficult to park on the street during peak season.

We are concerned that too much concern is being given to short term economic benefits for lets while failing to take into consideration their social impact. We also believed the longer term economic impacts of permanent occupancy should be given more consideration, participation in local groups, long term business for local shops, and they take up work or business which could contribute to the local economy.

We are also concerned by the severe lack of ability for younger people to move into the area.

Ultimately we hope this application is rejected as we feel the cohesion of the street and area could be much better represented by allowing longer term occupancy instead.

From: [REDACTED]
To: [Planning \(NOT FOR PUBLIC ENQUIRIES\); Licensing](#)
Subject: Objection to Short-term lets Ref. No: 23/00407/P
Date: 07 July 2023 17:27:10

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Ref EL00081N
25 Balfour St

Good day,

I would like to object to the decision to grant the change of use of 25 Balfour Street. I understand that Short Term lets bring in a considerable amount of income to the community but in a town where there is little to no housing available to permanent residents it is a shame that permission has been granted to another holiday let. I would argue that over time a long term let would give the opportunity for a greater more positive impact on the community, the ongoing use of the local amenities, shops, services, and Council Tax etc and the much needed sense of community. Being a ground floor flat number 25 would be the perfect resident for a family or a person with mobility needs.

I am a permanent resident of Balfour Street and we have to constantly face parties of anti-social holiday makers, not to mention the issue of waste management or the lack thereof. We are in a flat [REDACTED] to number 25 and although we are not on the same level we are worried that the noise and comings and goings of visitors will add to the growing disruptions on our street. We have a young child and anti-social behaviour and noise can have a negative impact on our daily life. Also having more long term lets increases the council tax and benefits the wider community.

I am concerned that this consent is going to form a pattern that greatly impacts the permanence and continuity that we greatly need in our neighbourhood as well as the need for permanent housing. We would like to have our objection noted for this and other short term holiday let licences going forward.

Natalie Pereira
[REDACTED]

From: [Planning \(NOT FOR PUBLIC ENQUIRIES\)](#)
To: [Licensing](#)
Subject: FW: 25 Balfour St - license application
Date: 07 July 2023 16:12:14

Hi

Please see email below.

Thanks
Kirsty

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

From: Anne Stewart [REDACTED]
 Sent: 07 July 2023 14:44
 To: Planning (NOT FOR PUBLIC ENQUIRIES) [REDACTED]
 Subject: 25 Balfour St - license application

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Email from:
Anne Stewart

[REDACTED]

I am very disappointed to see that the flat [REDACTED] to me (25 Balfour Street) is displaying a notice that an application has been made for a license for its use as a short-term let.

It's very sad what has been happening to Balfour Street in recent years. Increasingly, flats have been purchased and then are let as short-term holiday rentals.

It's a fabulous street, Balfour Street, with great neighbours. We've gathered together for Christmas carols and social gatherings, celebrated the arrival of new babies and we keep an eye on those around us who are in poorer health. During covid we clapped on our doorsteps, called out to check on each other and sang Scottish songs from our doorsteps while one neighbour played the guitar. More generally, we often gather at the sea wall for a catch-up and a cuppa.

This community we have in Balfour Street is very precious to me. When I feel alone I go over and sit on the sea wall with a cup of tea and others magically arrive and it makes life good again. It's like a precious ecosystem that if damaged will have ripple effects - locals unable to find homes, less support for our wonderful library, less support for each other.

Unfortunately, the progressive ownership of flats for use as short-term lets is impacting negatively on our Balfour Street community. In summertime, our Street is full of an ever-changing parade of strangers and traffic increases exponentially as rentals services firms seek to access the numerous rental flats to clean before they are handed over to the next guests. Parking becomes even more fraught and I often end up with a rental guest's big SUV parked outside my front gate or window. I don't feel comfortable sitting outside my own front door to have a cuppa and read my book with all the strangers going up and down. There is no privacy from them as they pass.

And then there's the noise they make in our usually quiet street. Drunken renters in the balconies opposite late at night - sometimes shouting down to people in Balfour Street below. Or younger renters playing music loudly and drunkenly hanging out at the sea wall. They can be rude - or intimidating- when politely asked to be quieter. They think they can behave however they like because they are on holiday.

In short, the whole atmosphere in Balfour Street changes when we are invaded by the stream of renters. It's risks creating a downward spiral for our Balfour street and local community. Please don't let that happen.

Please draw a line in the sand by saying there will be no more short-term rental licenses granted in Balfour Street. Please start by saying NO to the license application from 25 Balfour Street. Please help us preserve our community.

Kind regards,

Anne Stewart

Sent from my iPhone
NHS Coronavirus Information

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

From: [REDACTED]
To: [Licensing](#)
Cc: [REDACTED]
Subject: Fwd: Short-term lets and impact on local residents Ref. No: 23/00407/P
Date: 07 July 2023 11:19:05
Attachments: [C Stobie objection to number 25 3.7.23.docx](#)

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Ref EL00081N
25 Balfour St

We are forwarding this letter, expressing our concerns re Number 25 Balfour At and the recently granted Planning Permission, to you as they are now at Licensing Application stage and we strongly object to this too.

These premises use communal waste and recycling at the back of the building and as far as we understand there is no manager nor any commercially designated waste management in place, which means permission should not be granted on those grounds alone.

We would like you to read our other concerns below and to respond to this email as soon as convenient. This week, we have lost several nights' sleep owing to adjacent holiday flat occupants' anti-social behaviour.

Please take all this into account when granting licenses in future.

Yours sincerely
Carol Stobie, [REDACTED]

3 July

Dear Mr Dingwall

Planning decisions on short-term let applications in North Berwick: Ref. No: 23/00407/P

As a permanent local resident of Balfour St (surrounded by holiday lets), I attach a letter outlining our serious continuing concerns about planning decisions on short-term lets in North Berwick.

I look forward to hearing from you.

Yours sincerely

3 July 2023

Dear Mr Dingwall

Regarding: Ref. No: 23/00407/P

As residents of Balfour Street for 20 years, I am profoundly concerned over plans for the use of 25 Balfour Street as yet another short-term let in the street. We were on holiday at the time the initial decision was made; we regret we did not realise the opportunity to object had passed, and deeply disagree with the decision.

When we and other Balfour St neighbours were consulted last September about the preponderance of holiday lettings here, thanks to the North Berwick Environment and Heritage Trust, we gained the impression that our views would be taken into consideration. This decision contradicts that impression.

We are deeply disappointed at the enormous spread of holiday rentals in this area. When we first moved in, there were far fewer in the street overall. There was much more sense of community and, at that time, a number of families bringing up children here, like us. It is unrecognisable now. While we recognise that the location of Balfour Street makes it an attractive destination for holiday-makers, perhaps there is a lack of understanding of how living in a street where many of the properties have no permanent occupancy presents a range of problems, and has profoundly affected the quality of life here.

As an example, in No. 15, the sole permanent residents have borne the brunt of the noise, irregular sleeping hours, lack of consideration for neighbours and impact on cleanliness which is often caused by holiday-makers in the other three flats (15A, 15C, 15D).

Even where the flat is main-door entry, nearby neighbours are affected by holiday occupants using the back gardens for smoking and late-night, loud conversations or returning at unsociable hours. This disrupts the sleep of adjacent permanent residents - who may be families trying to get small children to sleep, working people who have to get up early in the morning, or even vulnerable elderly occupants frightened by the disturbance.

We realise that Number 25 is a main-door flat, but many of the issues above still arise for adjacent neighbours, from recycling to noise pollution. We have nearly lost the whole sense of a permanent community in this street.

We know that supposed "economic benefits" from holiday lets are cited in support of granting permission for short-term lets – these take place generally in holiday seasons, so most of the flats lie empty the rest of the year, which is equally undesirable and an appalling waste of much-needed accommodation. We have seen no clearcut evidence that these lets contribute more to the local economy than day visitors or hotel guests (who are more likely to eat out, for example), nor that this outweighs the long-term benefits of prioritising permanent residence. There has to be a limit on the spread of holiday lets - surely we have far more than enough in the town now.

Granting these permissions fail to take into consideration their consequent social impact. We also believe the longer-term economic impacts of permanent occupancy should be given more consideration, such as neighbourly mutual support, participation in local groups, long term consistent business for local shops, improved potential take-up of hard-to-fill vacancies or even generating new business which could contribute to the local economy.

We are also worried about the severe lack of available accommodation for younger people in the area, as holiday flats proliferate across the town and drive up overall property costs. A ground-floor flat such as Number 25 could also have been invaluable for a new resident with mobility issues. Where is the justification for these homes lying empty for most of the year, denied to prospective local residents? They generate income almost exclusively for their owners, most of whom live well outwith the town and do not pay council tax here, yet expect to use council waste management services for free and profit from the discomfort of the few remaining local residents.

We have had enough of this deeply depressing situation in Balfour St and hope this application and other new STLs in this street are firmly rejected. We feel the cohesion of the street and area, plus overall local well-being and indeed local economic benefit could be much better addressed by prioritising longer-term occupancy instead.

Please let us know how you will take these views into consideration, as we believe was promised.

Yours sincerely

Carol Stobie

Balfour St, North Berwick

From: [Planning \(NOT FOR PUBLIC ENQUIRIES\)](#)
To: [Licensing](#)
Subject: FW: Planning application
Date: 10 July 2023 10:14:53

Hi

Please see below objection. This just come to our mailbox last night. Apologies if I have re sent previous ones.

Thanks
Kirsty

Planning Admin Team
East Lothian Council , John Muir House, Haddington EH41 3HA
Tel No 01620 82 7216
Email environment@eastlothian.gov.uk

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

From: Joyce Surfleet [REDACTED]
Sent: 09 July 2023 19:12
To: Planning (NOT FOR PUBLIC ENQUIRIES) [REDACTED]
Subject: Planning application

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I have just been informed by a neighbour that a planning application has been submitted for a licence for a short term let at 25 Balfour Street North Berwick.

I find this incredibly disappointing for the reasons listed below:

- A large number of holiday homes and rentals already exist in Balfour Street and the Quadrant.
- My TEN nearest neighbours are holiday homes or rentals.
- This takes the heart out of our local community and has an impact on people being able to buy homes in their local area.
- There is often anti social behaviour associated with these rentals and just this week a group of young male golfers in a top floor flat had wide open windows for the length of their stay and were extremely noisy. Heard by the whole street but even more disturbing for the residents living below. They also threw items out of the windows and had to be asked to desist. This is just one example of numerous incidents.
- Many of these flats leave their green bins in Quadrant Lane (often overflowing) leaving residents to clear up the mess and taking up much needed parking spaces.

Although I live in the Quadrant my back gate opens into Balfour St and we are directly affected by the points listed above.

I would appreciate if the above is taken into consideration when considering the application.

Joyce Surfleet
[REDACTED]

