

LOCAL REVIEW BODY

16th November 2023

Application No: 23/00455/P

1 Creel Court, North Berwick

Appointed Officer's Submission

23/00455/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISISON

Planning application review against decision (refusal): Change of use of flat to short term holiday let (Retrospective) at 1 Creel Court, North Berwick.

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OFFICER REPORT

15th August 2023

App No. **23/00455/P**

Application registered on **30th June 2023**

Target Date **29th August 2023**

Proposal	Change of use of flat to short term holiday let (Retrospective)	SDELL	Y
		CDEL	N
Location	1 Creel Court North Berwick East Lothian EH39 4LJ	Bad Neighbour Development	N

APPLICANT: **Mrs Sharon Clark**

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

**1 Creel Court
North Berwick
East Lothian
EH39 4LJ**

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 accessed via a communal entrance within the north elevation of the building. The property is located within the North Berwick Town Centre as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018. It is also situated within the North Berwick Conservation Area.

The building is bounded to the north by the road of Creel Court with associated residents parking and neighbouring residential properties, to the east by a neighbouring residential property, to the west by an access lane and beyond by a commercial property at ground floor with residential properties situated on the upper floors and to the south by the public road of High Street.

The applicant's property is a two bedroom flat located at first floor level within the three storey flatted building which contains a commercial business at ground floor level which fronts onto High Street. At ground floor level which fronts onto Creel Court there is a communal entrance

which provides access to an internal communal stair. The first and second floors of the flatted building each contain 3 flats.

Planning permission is sought retrospectively for the change of use of the residential first floor flat to a two 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 proposed change of use.

Subsequent to the registration of the application the applicant has confirmed in writing that

The application is made retrospectively and information has been submitted by the applicant confirming that (i) the property has been operating as a unit of short term self-catering holiday let accommodation for 9 years; (ii) it is stated that the minimum length of stay is 3 nights and that the maximum length of stay to date has been 2 weeks (with most guests staying for 1 week on average); (iii) the maximum occupancy is 4 people; (iv) the holiday company service the flat prior to each guest arriving and immediately after the departure of each guest; (v) stays are managed by a combination of a key safe and checking in with the holiday company who are based a few hundred yards away on the High Street; (vi) the short-term let is noted to be busy in the summer months of May - August but less so in other seasons however, the applicant notes that occupancy of the property has built up in the last few years, even during Covid (excluding lock down periods); (vii) the applicant notes they have forward bookings from 26/7 onwards for the year 23/24 and none at present for the year 24/25; (viii) the property is typically let to couples, families and family members; (ix) guests are noted to come from worldwide and it is noted that 25% of guests are repeat bookings; (x) the property is marketed on North Berwick Holiday Homes and there are also adverts on Booking.com and Air B and B; (xi) The applicant notes their holiday let support a privately owned holiday letting business, North Berwick Holiday Homes and guests contribute to the local community through restaurant and shop expenditure plus golf course fees; (xii) the applicant notes the income from the property covers largely the operating costs; (xiii) there are 6 flats situated within the block, with three properties are situated on the same floor as the applicants' property; (xiv) the applicants' property shares an entrance with the 6 flats within the block but notes their property is on the first floor and you do not have to pass any other residents door to arrive at the main door to the applicants' property; and (xv) there is shared private parking.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 7 (Historic assets and places) and 30 (Tourism) of NPF4 are relevant to the determination of this application. 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.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area in which the building is located.

REPRESENTATIONS

Three public letters of objection have been received in relation to the application. In summary these state:

- i) The property forms part of a block of flats which have a communal stairway and concern is raised for the safety and security of other residential within the block;
- ii) An objector notes the flat will likely be a non-smoking holiday let which will result in anyone staying congregating outside the communal front door or private car park to smoke. This would have an impact from the smell of smoke, additional noise and the lack of lighting in the car park may result in a safety issue;
- iii) The Council should inform HMRC of this property being used as a short term let;
- iv) The Council should double council tax for second home owners;
- v) There is no demonstrable evidence that short term let properties (STLs) in North Berwick provide a local economic benefit that outweighs the requirements for local housing;
- vi) STLs have a negative impact on the local economy because they reduce the local housing stock and therefore reduce the number of permanent residents, who have a greater positive impact on the local economy than do STLs;
- vii) Comments on previous applications for short term lets made by ELC Economic Development Services have been seriously flawed. They have been based on national tourist survey data that is out of date by four years and does not have a function to assess STLs accurately and apart from other forms of tourist bed stock;
- viii) This tourism survey data grossly overstated the positive impact of STLs while taking no account of the negative impact of the loss of housing and permanent residents
- ix) The objector makes reference to research regarding the positive economic impact of permanent local residents significantly outweighs the local economic impact of short term lets undertaken by City of Edinburgh Council and notes without ELC commissioning similar research there can be no demonstrable evidence that the economic case for STLs outweighs the requirement for local housing, which is a requirement of National Planning Framework 4 if the local housing need is to be over-riden by an economic case, and planning permission is to be granted;
- x) The owner of this STL does not reside in East Lothian and so most of the rental income cannot be considered as entering the local economy;

- xi) The character and amenity of the local area has been detrimentally altered by the overabundance of short term let properties in the locality;
- xii) The application is contrary to Policy RCA1 of the ELLDP;
- xiii) The STL sector has given rise to unwelcome impacts upon neighbours and has had a serious adverse and seemingly permanent effect upon the housing market. The housing stock for long term lets has been reduced and properties are increasingly being bought for investment purposes and to form businesses rather than as homes;
- xiv) There are specific concerns and issues about the removal of this property from the housing stock of the town;
- xv) The applicant does not have sole ownership of the communal areas of the building, and has not specified any details for the management of waste and of cleaning communal areas;
- xvi) This flat is located within a block with communal entrance and both internal and external communally owned areas, where disturbance, anxiety, annoyance, reduced security, and disruption will be caused by increased arrivals and departures of short stay visitors. There will be no on-site management in place; and
- xvii) Local experience makes clear that there will be issues of not adhering to recycling, food waste and household refuse management commonly associated with the operation of a STL.

The matters raised in the objections about the applicant not residing in East Lothian, of issues of visitors not adhering to recycling, food waste and household refuse management, the request that the council notify HMRC of the operation of this business and the request to double council tax for second homes are not material planning considerations relevant to the determination of this planning application.

PLANNING ASSESSMENT

As there are no external alterations to the flatted building to facilitate the change of use then the change of use does not impact on or harm the character and appearance of the North Berwick Conservation Area.

This application seeks retrospective planning permission for the change of use of a two bedroom, first floor flat to a two bedroom unit of holiday let accommodation. The holiday let comprises of an open plan living room and kitchen, two bedrooms, a bathroom and hallway. The flat is capable of accommodating/sleeping 4 people.

The East Lothian Economic Development Strategy 2012-22 identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future and the adopted East Lothian Local Development Plan 2018 states that a range of hotel, guest house and other accommodation attracts visitors and encourages them to stay and benefit the economy of 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 retrospective 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, which supports the existing long established business and benefits the wider economy of East Lothian.

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, 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.

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.

In the determination of this application it is necessary to assess the impact of the change of use of the application property to a unit of holiday let accommodation upon the amenity of the existing neighbouring residential properties.

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 they have had no records of any incidents relating to antisocial behaviour matters at this address and thus they raise no objection to this retrospective planning application.

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

The Council's Road Services raise no objection to this retrospective planning application. Accordingly, the proposal does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The applicant's property is a two bedroom flat located at first floor level within a three storey flatted building which contains a commercial business at ground floor level which fronts onto

High Street. At ground floor level which fronts onto Creel Court there is a communal entrance which provides access to an internal communal stair. The first and second floors of the flatted building each contain 3 flats. Whilst the applicant notes that guests do not have to walk past the door of any other residential flat within the building the entrance to the communal stair is shared nonetheless.

The use of the application property as a holiday let enables 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 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 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, despite guests not having to walk past the doors to other residential properties within the building. This is harmful to the amenity of the occupants of the residential properties within the residential flatted building. 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 is also an additional level of activity not only at the application property but also within the communal entrance and hallway as a result of people regularly accessing both the main building and the application property itself to service/clean it and remove waste and recycling material after each guests stay. This level of additional activity is 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.

Moreover, allowing frequently changing guests unfettered access to otherwise secure shared areas 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 named, which contains a number of permanent/long term residences which share a communal entrance, internal stair and hallway, the retrospective change of use of the applicant's first floor flat as a two bedroom unit of short term self-catering holiday let accommodation is incompatible with and harmful to the amenity of the occupiers of the properties within the residential building named. By having an unacceptable impact on local amenity, the proposal is contrary to part e) of Policy 30 of NPF4 and with Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

It is now necessary to assess the impact of the change of use on the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits as is stated in part e) of Policy 30 of NPF4.

The Council's Housing Strategy & Development Service advise that they do not object to this retrospective application as the short term let is considered long term established and the property is not considered to be adaptable.

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) visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021 and the majority of visitors to East Lothian are repeat visitors; (iv) non-serviced accommodation (short term holiday lets) contributes positively to the local economy (£279m in 2019), the applicant's flat accounts for 4 bed spaces and a potential annual economic impact of £89,000 and 2FTE jobs; (v) 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. Therefore, the Council's Economic Development Service Manger supports the this 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 two bedroom unit of short term self-catering holiday let accommodation does not outweigh the unacceptable impact on local amenity. Therefore, 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 1 Creel Court, 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 three months.



REASON FOR REFUSAL:

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of Creel Court, 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.

LETTERS FROM



15th August 2023

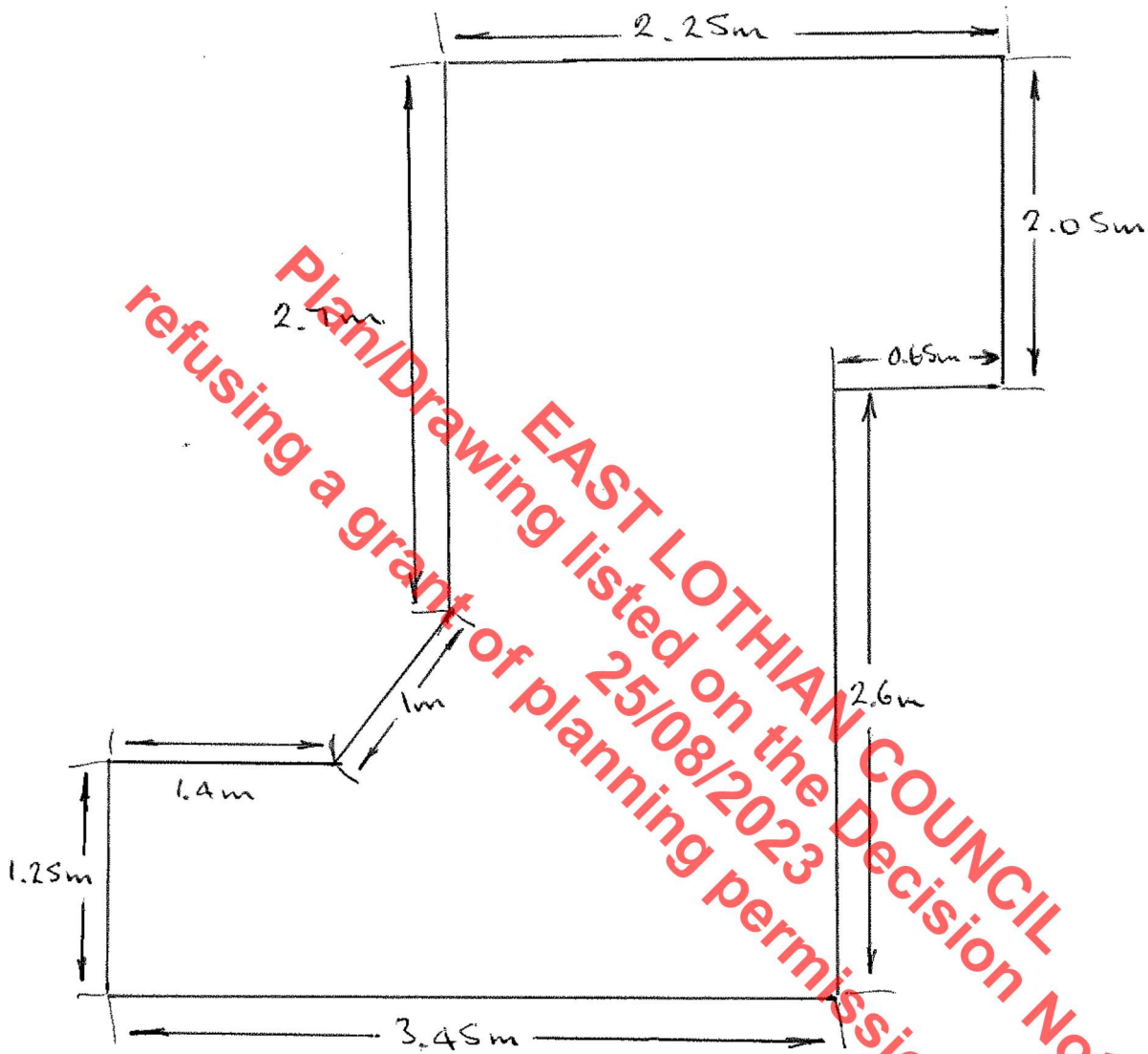
 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	3135 2/10/2019	ELN1
 ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m	
	Survey Scale	
NT5585	1/2500	

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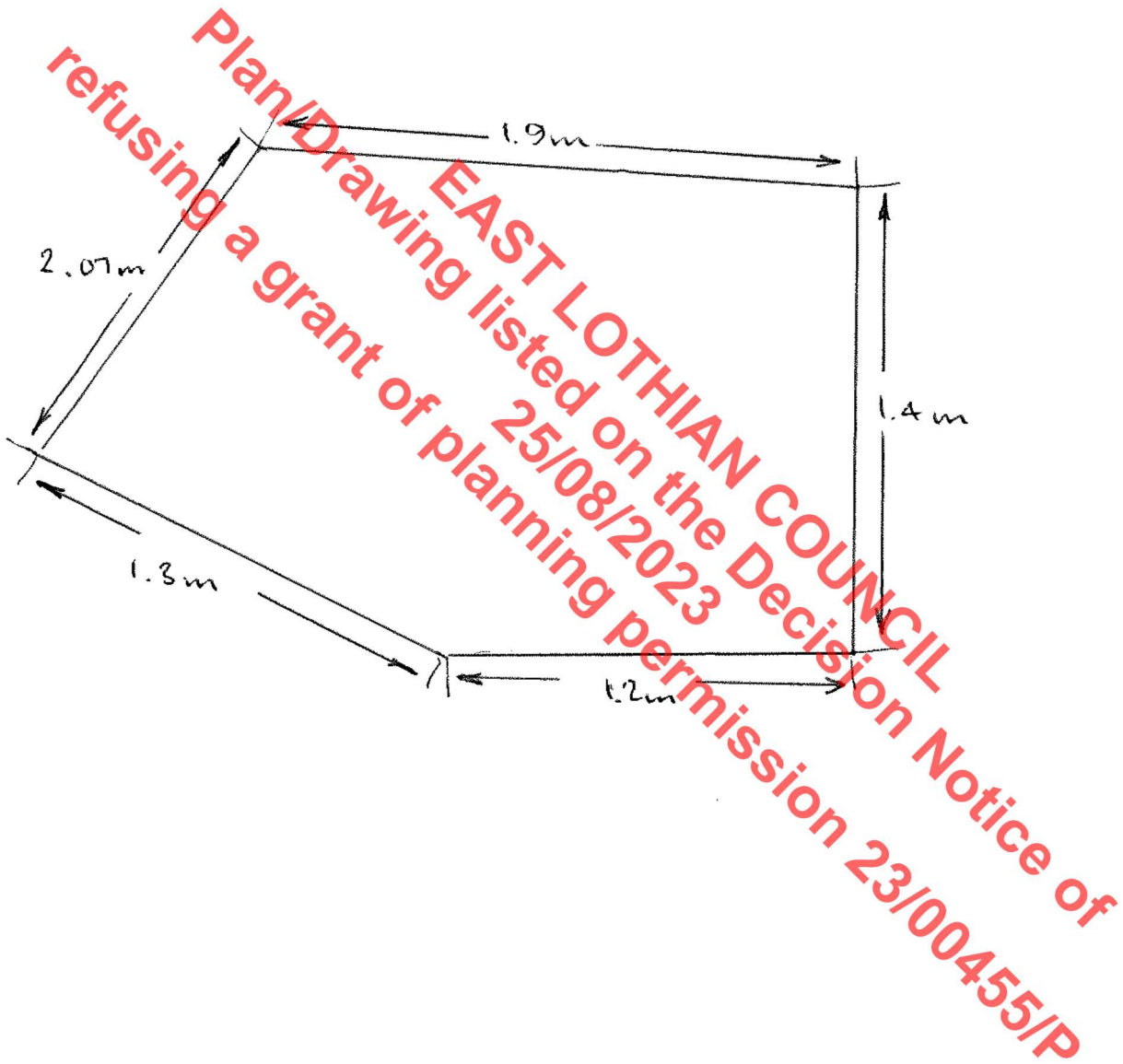
Plan/Drawing EAS 1017
 refusing a grant of Planning Permission Notice of 100455/P

HALL



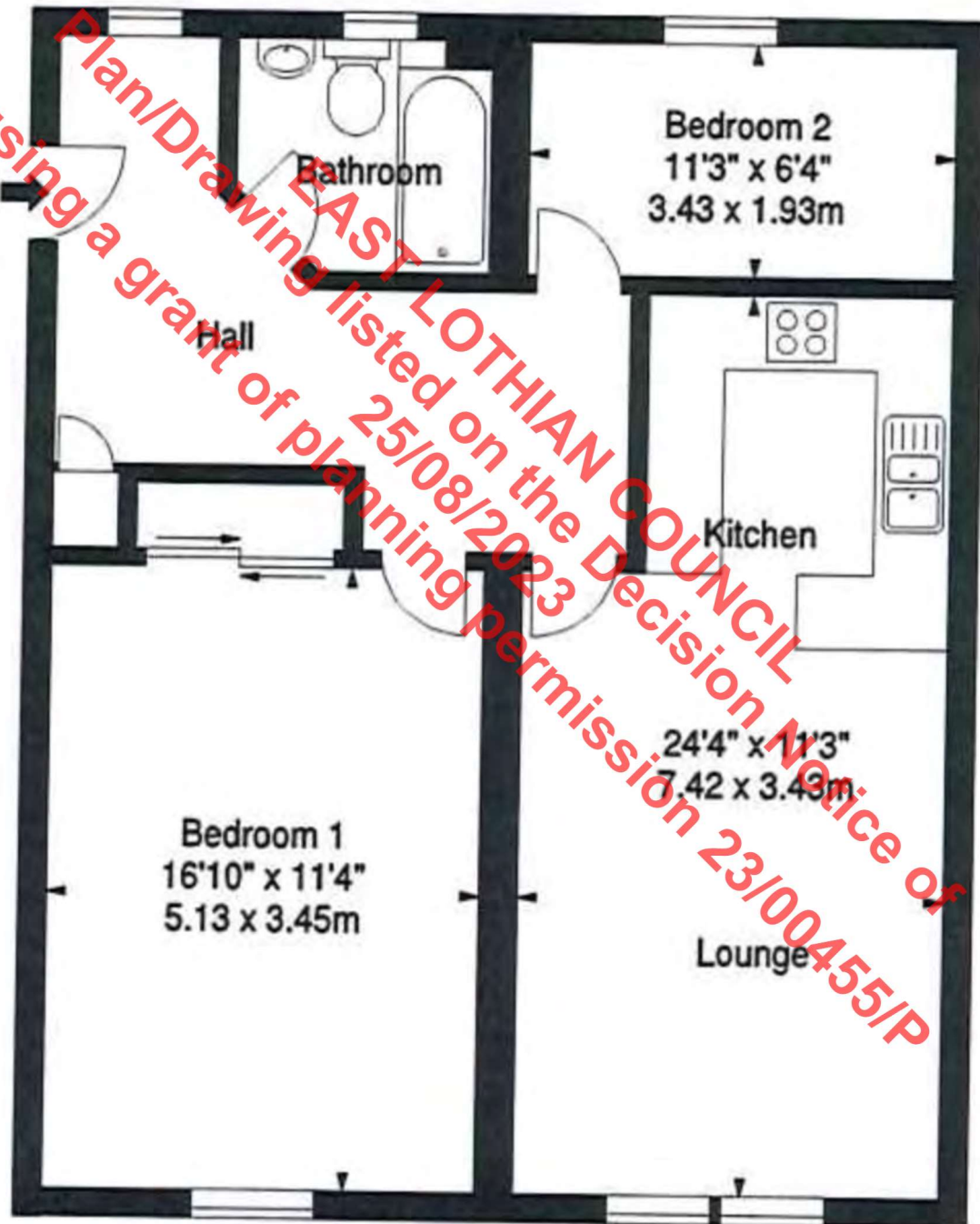
Plan/Drawing listed on the Decision Notice of refusing a grant of planning permission 23/00455/P
EAST LoTHIAN COUNCIL
25/08/2023

BATHROOM



Creel Court, EH39 4LJ

Approx. Gross Internal Area
736 Sq Ft - 68.37 Sq M
For identification only. Not to scale.
© Square Foot Media 2013



First Floor

App No. 23/00455/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mrs Sharon Clark
1 Creel Court
North Berwick
East Lothian
EH39 4LJ**

APPLICANT: Mrs Sharon Clark

With reference to your application registered on 30th June 2023 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
1 Creel Court
North Berwick
East Lothian
EH39 4LJ**

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 occupants of other flatted properties used as residential dwellings within the residential building of Creel Court, 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.

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	-	27.04.2023
DWG 02	-	28.06.2023
DWG 03	-	28.06.2023
DWG 04	-	30.06.2023

25th August 2023



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.

Dear Keith Dingwall,

1 Creel Court, North Berwick, East Lothian, EH39 4LJ – 23/00455/P

I would like to make comment on the above planning application for change of use of flat to short term holiday let (retrospective).

Firstly, this flat is part of a block of flats which has a communal stairway and my concern is for the safety and security of the other residents within this block of flats with lots of different people coming and going.

Also, this flat will likely to be a non- smoking holiday let which will result in any persons staying there who are smokers congregating either outside the communal front door or within the private car parking area to smoke. This have an impact on the people who live here from the smell of people smoking and extra noise along with the private car parking not having lighting so when it is dark there is a safety issues of who you may meet.

Yours sincerely

██████████

Objection to Planning Application 23/00455/P Flat 1 Creel Court, North Berwick EH39 4LJ.

National Planning Framework 4 requires that if planning permission is to be granted for the change of use of this two-bedroom flat from residential accommodation to short term let business use (STL) then there must be a demonstrable economic benefit to the local economy which outweighs the need for housing in North Berwick. There are currently 708 households on the ELC list waiting for a home in North Berwick. There is a demonstrable and pressing need for homes in North Berwick, and particularly for two bedroomed homes which are at the lower end of the budget scale, as this property is.

There is no demonstrable evidence that STLs in North Berwick provide a local economic benefit that outweighs the requirements for local housing. In fact, recent research carried out by MKA Economics for Edinburgh City Council, an area that suffers a similar high concentration of STLs as in North Berwick, points to the opposite effect – that STLs have a negative impact on the local economy because they reduce the local housing stock and therefore reduce the number of permanent residents, who have a greater positive impact on the local economy and resilience of the local community than do sporadic STL visitors.

Comments on previous applications for short term lets made by ELC Economic Development Services have been seriously flawed. They have been based on national tourist survey data that is out of date by four years and does not have a function to assess STLs accurately and apart from other forms of tourist bedstock. This tourism survey data grossly overstated the positive impact of STLs while taking no account of the negative impact of the loss of housing and permanent residents. However, recent research carried out for Edinburgh City Council, and based on actual usage data for all STL properties in the area, as well as many other economic statistics, shows that the positive economic impact of permanent local residents significantly outweighs the local economic impact of short term lets.

Without ELC commissioning similarly balanced independent research for North Berwick there can be no demonstrable evidence that the economic case for STLs outweighs the requirement for local housing, which is a requirement of National Planning Framework 4 if the local housing need is to be over-ridden by an economic case, and planning permission is to be granted.

The rental income from Flat 1 Creel Court goes straight into the private pocket of an absentee owner who does not reside in East Lothian. Therefore, most of the rental income cannot be considered as benefitting the local economy in any way. It cannot be right that the Local Authority prioritise the accumulation of private wealth through property over the well-being and economic health of the local community of North Berwick and East Lothian.

The character and amenity of North Berwick has been detrimentally altered by the overabundance of short term let properties in the town, which now amount to around 336 actively advertised STL holiday properties, and according to ELC statistics accounts for 66.6% of all STLs in East Lothian. Well over ten percent of properties are no longer primary residences, and an equivalent proportion of the local population has been displaced, mostly from smaller more affordable homes. The STL sector has given rise to unwelcome impacts upon neighbours and has had a serious adverse and seemingly permanent effect upon the housing market. The housing stock for long term lets has been reduced and properties are increasingly being bought for investment purposes and to form businesses rather than as homes. Out of season it is obvious that the town is less buoyant with certain streets partially unoccupied. House prices of small town-centre properties have increased making it very hard for lower income locals, especially the young, to afford property in the town. The housing market has become less and less diverse. The reduction of affordable letting premises is a considerable problem within certain employment sectors and for temporary staff. Predicted school rolls have not been met

resulting in schools having delayed provision of essential sports facilities and teachers struggling to deliver adequate PE lessons due to inadequate space. There is no evidence that economic benefits of short term lets outweigh the permanent harm to the town and the costs to ELC of addressing a crisis in key workers and critical housing in the area.

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 requires to be upheld by planning permission being denied for a STL business in this location. The removal of a home from the town will damage the local economy and will further fracture and reduce the resilience of the struggling remaining local community in the town centre, and more widely in North Berwick where there is now a critically short supply of homes.

In this particular case, application reference 23/00455/P, there are specific concerns and issues about the removal of a one bedroomed property from the housing stock of the town. This flat is located within a block with communal entrance and both internal and external communally owned areas, where disturbance, anxiety, annoyance, reduced security, and disruption will be caused by increased arrivals and departures of short stay visitors. There will be no on-site management in place.

Local experience makes clear that there will be issues of not adhering to cleaning of communal areas and stairs, of recycling, food waste and household refuse management all commonly associated with the operation of a STL. No commercial waste management contract appears to be in place and even if it was the pro-rata payment for a commercial waste management contract with ELC does not ensure proper waste management by the day-to-day operator of the property. Disruption is bound to occur without on-site management of guests to ensure proper use of communal bin storage, food waste, household refuse and recycling areas, and to avoid drinking and partying with associated noise.

The applicant does not have sole ownership of the communal areas of the building and has not specified any details for the management of waste and of cleaning communal areas.

On the basis of the issues and reasons set out above I wish to **OBJECT** to planning application 23/00455/P, flat 1 Creel Court, North Berwick EH39 4LJ on behalf of North Berwick Environment and Heritage Trust.

Comments for Planning Application 23/00455/P

Application Summary

Application Number: 23/00455/P

Address: 1 Creel Court North Berwick East Lothian EH39 4LJ

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

Case Officer: James Allan

Customer Details

Name: [REDACTED]

Address: [REDACTED]
[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

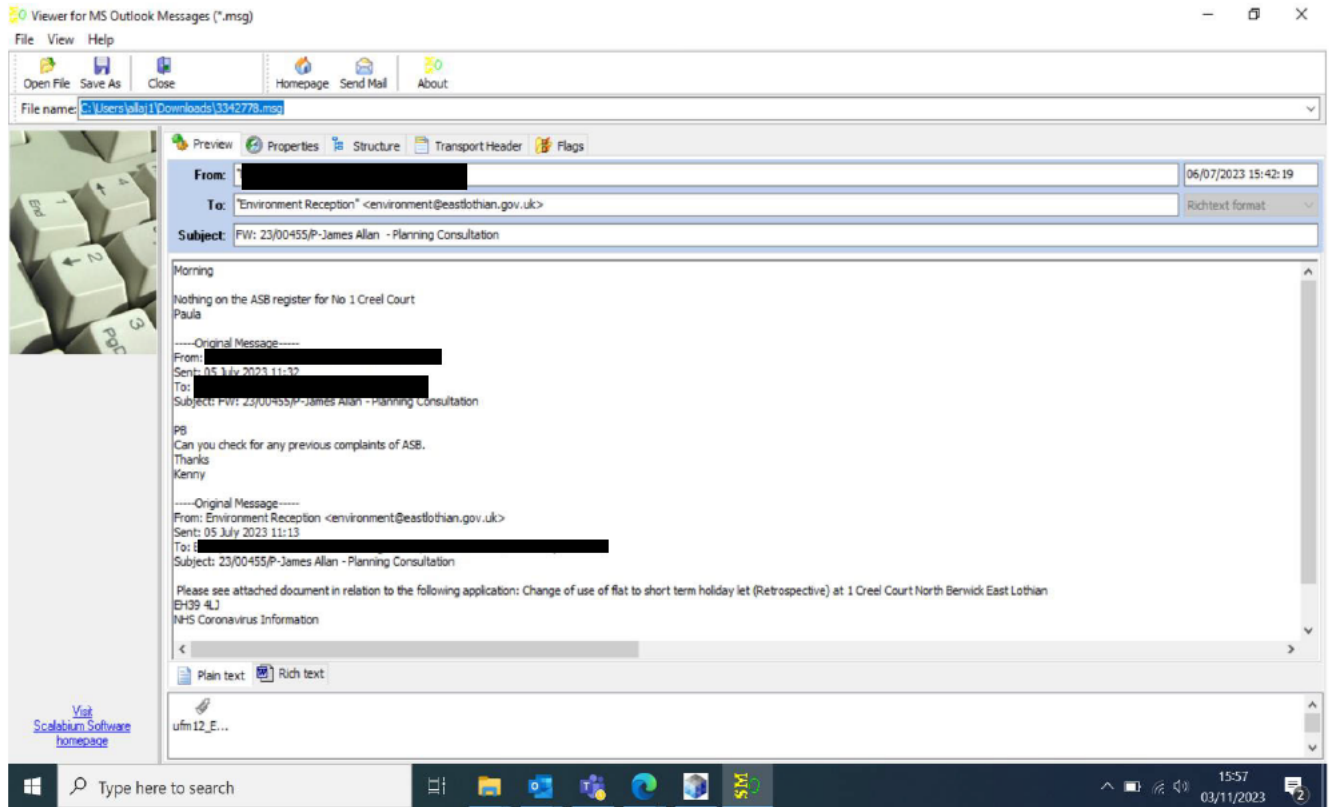
Comment Reasons:

Comment: Yet another short term holiday let.

The Council should be legally obliged to inform HMRC

It shows the number of second homes unoccupied in North Berwick.

Council short of funds then double council tax for second home owners.



Viewer for MS Outlook Messages (*.msg)

File View Help

Open File Save As Close Homepage Send Mail About

File name: C:\Users\elala\Downloads\13242368 (2).msg

Preview Properties Structure Transport Header Flags

From: [REDACTED] 05/07/2023 16:04:54
To: "Environment Reception" <environment@eastlothian.gov.uk> HTML format
Subject: RE: 23/00455/P-James Allan - Planning Consultation [OFFICIAL]

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.

OFFICIAL

No police incidents reported at the address - checked the past 3 years.

Thanks

Elaine

-----Original Message-----
From: environment@eastlothian.gov.uk [mailto:environment@eastlothian.gov.uk]
Sent: 05 July 2023 11:16
To: [REDACTED]
Subject: 23/00455/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 1 Creel Court North Berwick East Lothian EH39 4LJ

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File name: C:\Users\jals1\Downloads\934538.msg

Preview Properties Structure Transport Header Flags

From: "Clark, Colin - EHO" [REDACTED] 13/07/2023 14:09:05
To: "Environment Reception" <environment@eastlothian.gov.uk> HTML format
Subject: RE: 23/00455/P-James Allan - Planning Consultation

I refer to your consultation request of 05th July 2023 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 would suggest that you also consult with the Safer Communities Team in the event they may wish to comment further.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443 [REDACTED] Visit our website at www.eastlothian.gov.uk

-----Original Message-----
From: Environmental Health/Trading Standards <ehs@eastlothian.gov.uk>
Sent: 05 July 2023 11:38
[REDACTED]
Subject: F W: 23/00455/P-James Allan - Planning Consultation

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From: Hussain, Aizaz <[REDACTED]> 10/07/2023 16:24:11
To: "Environment Reception" <environment@eastlothian.gov.uk> HTML format
Subject: TRANSPORT PLANNING RESPONSE: 23/00455P- 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 1 Creel Court North Berwick East Lothian EH39 4LJ

This planning application is for a retrospective change of use of flat to short-term holiday let at 1 Creel Court in North Berwick.

We have reviewed the documents submitted by the applicant in support of this planning application, which confirm that no internal changes are proposed, hence we conclude that there would be no changes in the likely parking demands. In general, we would note that whilst there may be some increase in the number of vehicles parking at the property during the peak tourist season compared to residential use, this increase would likely even out throughout the year, resulting in no noticeable difference in overall car parking demand.

Therefore, we confirm that we do not have any objections to this planning application.

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

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16:00 03/11/2023

PLANNING APPLICATION RESPONSE – SHORT TERM HOLIDAY LETS

The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.

Planning application reference – 23/00455/P

Proposal – Change of use of flat to short term holiday let (retrospective)

Location – 1 Creel Court, North Berwick, East Lothian, EH39 4LJ

Planning Officer – James Allan

ECONOMIC DEVELOPMENT POLICY BACKGROUND

The East Lothian Community Planning Economic Development Strategy 2012-22 was adopted by East Lothian Council on 9th October 2012 and the mid-term refresh was concluded December 2018. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities. The Strategy is being reviewed and renewed during 2023 and continues to be in effect during that process. It sets out clear strategic direction and is the foundation of the vision set out in the East Lothian Plan of:

Working in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.

To help achieve the vision, *two major strategic goals* have been set:

- To increase the proportion of East Lothian residents working in and contributing to East Lothian's economy.
- To increase the number of businesses in East Lothian with growth potential.

The two strategic goals are underpinned by five key objectives:

- To be the best place in Scotland to set up and grow an innovative business.
- To be Scotland's leading coastal, leisure and food & drink destination.
- To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.
- To provide high quality employment pathways for East Lothian's workforce.
- To become Scotland's most sustainable and digitally-connected local economy.

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

Short Term Holiday Lets in East Lothian

Tourism is a mainstay of the East Lothian economy employing 10% of the workforce (3,075 FTE jobs). Overnight visitors contributed a total of £155m to the local economy in 2021, of that £60.1m was by visitors staying in local non-serviced accommodation. The majority of visitors to East Lothian are repeat visitors, 81%. The 2021 figures show significant negative impact following COVID-19 and taken in isolation are not representative of the value of tourism to the East Lothian economy in 'normal' times. Below we have used the figures from 2019 which was the last pre-COVID-19 year for the sector.

Short term holiday lets, whether flats or houses, are classed as non-serviced accommodation. Stays in this type of accommodation have become increasingly popular in recent years. In 2003, 6% of visitors stayed in a rented house or flat, rising to 30% in 2021. Other forms of accommodation have shown a fall in popularity over the same period, e.g. caravan parks, B&B/ guest houses, serviced apartments, and staying with friends / relatives. Most operators of short term holiday lets in East Lothian are small or micro businesses. Hotel stays during this period have also risen, although there was drop from 20% of stays to 19% between 2018 and 2021 representing a switch to non-serviced accommodation over the COVID-19 period. It remains to be seen if this is a developing trend. Hotel accommodation, and especially accommodation in larger hotels, is limited in East Lothian, promotion to overnight visitors is therefore focused on independent travellers, and not on-group travel.

Accommodation available to visitors does not operate in isolation. It forms a crucial part in the overall experience and destination offer. It is also the case that an increasing number of those staying in East Lothian's serviced and non-serviced accommodation are in the area for work. Significant numbers of workers visit the area regularly in association with the operation and maintenance of Torness Power Station and the Viridor Energy Recovery Facility as well as major sporting events e.g. golf tournaments. Over the next 10-15 years significant new projects to develop electricity grid connections for renewable energy and the decommissioning of Torness are anticipated to place high demand on local accommodation, and there is a risk that this may reduce the number of overnight stays by tourists to the area due to a shortage of beds. Any loss of bed stocks will negatively impact on many sectors that rely on the visitor economy including food and drink, retail, attractions, and activities.

Analysis commissioned by the Economic Development Service of the economic impact of non-serviced accommodation in East Lothian is detailed below. This is based on analysis of economic data from 2019, the last year not to have been impacted by COVID-19.

2019	Total Accommodation	Total Excluding Shared Access NSA	Impact of Removing Shared Access NSA
Number of NSA Establishments	203	114	-89
Number of NSA Bedspaces	6,111	5,495	-616
NSA Visitor Numbers	130k	110k	-20k
NSA Visitor Days	853k	721k	-132k

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

Direct Economic Impact	£210m	£200m	-£10m
Indirect Economic Impact	£69m	£65m	-£4m
Total Economic Impact	£279m	£265m	-£14m
VAT Revenue	£35m	£33.4m	-£1.6m
NSA Direct Employment (FTEs)	1,007	740	-267
Total Employment (FTEs)	4,434	4,104	-330

There are 89 NSA units in the data set that contribute 616 bedspaces of local accommodation. The total annual economic impact of those as short term holiday lets is £14m, or £140m over the next ten years (at 2019 rates). Those 89 short term lets support 330FTE jobs in East Lothian. Each bedspace in an NSA short term let provides £22,727 of annual economic benefit and supports 0.5FTE jobs in East Lothian.

The impact of removing flats, studio flats, and apartments from non-serviced accommodation bedstock is evident. Fewer staying visitors would be able to stay within the area; the estimated drop in staying visitor numbers is 20,000 with a corresponding drop of 132,000 visitor days. Visitor days take into account those visitors who stay at any destination for more than a day. For example, if a family of five stay three nights, they will not only account for five visitors, but also fifteen visitor days.

The drop in staying visitors would have a corresponding effect on the economic impact of visitors to the area, reducing direct expenditure related to NSA by £10m, and by conservatively taking the wider supply chain into consideration, an overall total economic reduction of £14m to the visitor economy. The negative economic impact would further result in a reduction in VAT revenue of £1.6m. In 2019, the average NSA generated c£86k towards the local visitor economy, buoyed up by the use of the sector by golfers, especially during major golfing competitions.

The above reductions in bedstock and estimated staying visitor numbers would not only impact visitor expenditure and total economic impact, but also employment related to servicing and maintaining 89 properties if removed from accommodation bedstock. Should that happen, there is an estimated direct loss of 267 FTE jobs. Conservatively taking into account the supply chain and indirect employment, there is an estimated total loss of employment of 330FTE jobs within the wider tourism sector.

The needs of those seeking NSA are largely based on length of stay, and for staying visitors to East Lothian the current average length of stay in NSA 6.7 days, which suggests a high level of week-long rentals. It is therefore unlikely this segment of the visitor population would consider serviced accommodation for this length of stay due to cost and difference in amenities and independence, and would therefore seek accommodation out-with East Lothian, with the subsequent loss to the local visitor economy. The economic impact of visitors staying in the area for a week in NSA, far outweighs that of visiting the area as a day tripper- the average spend per person of those staying in NSA in 2019 was £97.44 per day, and £643.13 per stay; the average spend per day tripper was £52.52.

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

Context

Economic Development has been asked to comment on the above application for change of use from a flat to a short term holiday let in the context of National Planning Framework 4 Policy 30 (Tourism) Part e) development proposals for the reuse of existing buildings for short term holiday letting. The intent of Policy 30 is to encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland. The intended outcomes of Policy 30 are for communities and places to enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

The proposed short term let in question is located within North Berwick at first floor level within a block of 6 flats. The applicant has indicated that it has operated as a short term let for circa 9 years, welcoming guests from around the world 25% of whom are repeat visitors. The applicant has provided a statement in relation to the economic benefit and types of visitors that use the property, including frequenting restaurants, shops, and golf courses. The applicant has noted that if permission were not granted they would retain the property as a private holiday home. The applicant has indicated that there are 10 forward bookings confirmed for the remainder of 2023/24.

The most visited location in East Lothian by some measure is North Berwick, with 64% of all visitors. North Berwick has attracted travellers and tourists for hundreds of years and has been an established holiday resort since the C19th, being referred to as the "Biarritz of the North". The Town's strong tourist economy supports a very high quality offering of local shops, cafes, restaurants, and attractions, which are enjoyed by locals and visitors alike. The town is a popular destination for golfers, hosts the Scottish Seabird Centre, and the Fringe by the Sea festival, all of which rely on tourist visitors and high quality flexible tourist accommodation in order to remain viable. North Berwick is well situated for access to the rest of East Lothian by car and public transport.

Economic Development Recommendation

It is the view of the Economic Development Service that in terms of National Planning Framework 4 Policy 30 part e) ii. 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 and unacceptable impact on local amenity, the character of the area, or loss of residential accommodation. Furthermore, new applications for short term lets should be supported and encouraged in order that East Lothian continues to expand its capacity to host overnight visitors.

In the above noted case the Economic Development Service supports the proposal for change of use from a flat to short term holiday let.

Reason(s):

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

- The operation of short-term holiday letting is a bonafide business activity that contributes to employment and economic benefit in East Lothian. The property provides high-quality tourist accommodation attracting visitors to North Berwick and the surrounding area providing economic benefit.
- There is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high quality accommodation year on year to facilitate this.
- Non- serviced accommodation (short term holiday lets) contribute positively to the local economy (£279m in 2019), this property accounts for 4 bedspaces and a potential annual economic impact of £89,000 and 2 FTE jobs.
- An increasing number of overnight stays in East Lothian are for work purposes, e.g. major events, servicing major infrastructure. This is expected to increase over the next 10-15 years as more nationally significant infrastructure is developed or decommissioned in East Lothian. In this context, the loss short term accommodation is likely to have significant negative impact on the local tourist economy in monetary and reputational terms.

This proposal supports the following strategic goals and objectives of the Economic Development Strategy 2012-2022:

- To be Scotland's leading coastal, leisure and food & drink destination.
- To explore and develop regional opportunities to support economic development and to encourage study, work and spend in East Lothian.

The proposal supports the intent and outcomes of National Planning Framework 4, Policy 30 (Tourism):

- To encourage, promote and facilitate sustainable tourism development that benefits local people, is consistent with [Scotland's] net zero and nature commitments, and inspires people to visit Scotland.
- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

Additional recommendation(s)

- That should the application be refused all bookings for 2023/24 should be allowed to be honoured by the applicant, subject to any requirement to obtain a short term let licence.

Response author: Jamie Baker, Service Manager, Economic Development **Date:** 27/07/2023

EAST LoTHIAN COUNCIL: HOUSING STRATEGY & DEVELOPMENT

PLANNING APPLICATION RESPONSE

POLICY BACKGROUND

East Lothian Council's Housing Strategy and Development Service are consulted on planning applications to assess the loss in residential accommodation relating to the change of use from long term residential accommodation to short term holiday lettings.

In accordance with Policy 30 (Tourism) of the National Planning Framework 4:

'e) 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.'*

The Housing (Scotland) Act 2001 requires local authorities to prepare a Local Housing Strategy (LHS) for their area, supported by an assessment of housing need and demand. The Local Housing Strategy is the sole strategic document for East Lothian which brings together a wide range of housing priorities. The current priorities of the LHS 2018-2023 relevant to the change of use to short term lettings are:

- Priority 1: Sustainable and vibrant communities are created and maintained
- Priority 2: The supply of housing is increased and access to housing improved
- Priority 3: Homelessness is prevented as far as possible [...]

Housing to 2040 (H2040) is Scotland's long-term national housing strategy and has also been taken into account as part of this assessment. H2040 recognises that local authorities should be empowered

'to strike a better balance between local housing need and the concerns of residents with that of the tourism industry, both of which are crucial to support thriving communities.'

LOCAL HOUSING CONTEXT

When considering a balanced approach between housing and tourism, the property types facing significant pressure in East Lothian and local housing demand by ward were analysed.

An affordable housing supply target of 189 units per annum (36%) and a market housing supply target of 330 (64%) were determined for East Lothian, according to the LHS 2018-2023.

East Lothian's housing stock is predominantly made up of private sector housing, with a substantial owner occupied sector. Owner-occupied homes account for 65.3%, private rented sector 11% and social housing accounts for 23.7% of all stock.

Almost a quarter (24%) of housing list applicants for social housing in East Lothian are made by households currently living in the PRS. There is a need for an increased supply in long term rental properties, particularly in the East of the county. PRS tenants seeking social rented housing in East Lothian are concentrated in North Berwick Coastal (36%), Haddington and Lammermuir (31%) and Dunbar and East Linton (27%).

Current available data shows that there is significant pressure on the supply of 1 and 2 bed properties in both the private and social sector:

- 1) 2 bed properties account for only 2.3% of new build homes in the private sector, compared to 3 and 4 bed homes which account for 40% respectively.

- 2) There is a projected increase of single and two adult households at 14.3% and 13.2% respectively compared to households with children which lies at 5%.
- 3) 80% of homelessness applications are single person households.
- 4) Single households are most affected by Unsuitable Accommodation Breaches.
- 5) Highest demand for 1-2 bed properties are in wards Musselburgh, Tranent/Wallyford/Macmerry and Preston/Seton/Gosford

East Lothian has an estimated unmet need of 430 wheelchair accessible homes and couple households had the biggest need of adaptable homes in 2020. In terms of population increase, those aged 75+ are expected to have the largest increase in population, at 32% and people aged 65 to 74 will also have a significant increase of 23.2%. This highlights East Lothian’s ageing population who will most likely require smaller, accessible homes.

Short Term Lets in East Lothian

The now relatively out-of-date Census 2011 estimated that about 2% of all household spaces in East Lothian are second homes or holiday lets. However, when considering ‘flat, maisonette or apartment in converted or shared house’, it is estimated that 9% of those residential types are second residence/holiday lets. The LHS 2018-23 estimated that in 2017, 120 properties in East Lothian were short term lets, at which point short-term let properties were not considered problematic.

In 2022, Housing Strategy & Development commissioned Arneil Johnston to undertake research into the Private Rented Sector in East Lothian. This included an insight into the extent to which the PRS in East Lothian has been affected by the growth of Short Term Lets (STLs).

By taking a snapshot of available properties in October 2022, 387 STL vacancies were identified and analysed, with a focus on properties which could only be residential dwellings. This is a 222.5% increase from 2017.

The highest proportion of STL snapshot vacancies were in North Berwick Coastal area partnership (58%), followed by 19% in Dunbar & East Linton. Musselburgh had the lowest proportion of STLs (2%) along with Fa’side and Preston Seton Gosford (3.4%). The study shows that North Berwick Coastal has been impacted the most in terms of properties being taken out of the residential market, with 22% of the properties that could be long term residential, now functioning as STLs.

Short Term Lets (STLs) by Area Partnership, Snapshot October 2022.			
Area Partnership	PRS	Number of STLs	% of STLs
Dunbar & East Linton	914	76	20%
Fa’side	995	13	3%
Haddington & Lammermuir	1735	32	8%
Musselburgh	844	25	7%
North Berwick Coastal	836	225	58%
Preston Seton Gosford	636	13	3%
Total	5960	387	100%

Source: Arneil Johnston (2022) Research into the PRS in East Lothian

The increase in STLs can lead to a decrease in properties in the long-term rental market as landlords opt for STLs instead. This puts further pressure on an already stretched housing system, increasing long term rents as demand outstrips supply. Rents across East Lothian are already high with an average PRS rent of £1,041 per calendar month with rents in North Berwick (£1,162) being the highest in the region. Tourism often relies on low paid seasonal workers, if there is insufficient affordable housing for these employees there will not be a workforce to sustain the industry.

The private rented sector's contribution to reducing homelessness is important and cannot be understated. The LHS 2018-2023 introduced new policies supporting homeless applicants to find accommodation within the PRS. Recent reforms to the Private Residential Tenancy gives a series of rights to renters about when a landlord can evict a household. Where an individual wishes to convert an existing long term rented residential dwelling into a short term let, **the owners must clearly evidence** that the previous tenant

- has been evicted in accordance with the Private Housing (Tenancies) (Scotland) Act 2016; **and**
- was not made homeless as a result.

POLICY APPROACH

When considering the evidence above, East Lothian has a high housing need and there is already a limited supply of residential rental properties. Therefore even a small number of dwellings converted to STLs could have a disproportionate impact on meeting housing need. This is contrary to the LHS 2018-2023 priorities which seek to create sustainable communities, improve the supply of housing and prevent homelessness.

Housing Strategy & Development Service **will not** favour planning applications::

- Where the property consists of a one bed or two bedroom; as originally built; particularly when located in wards Musselburgh, Tranent/Wallyford/Macmerry and Preston/Seton/Gosford; and/or
- Where the property is deemed as adaptable¹: level access properties; ground floor properties; no internal steps; potential of wet floor shower adaptation; and/or
- Where the property is located within the North Berwick Coastal ward; and/or
- In cases of tenancy eviction; where meeting the Private Housing (Tenancies) (Scotland) Act 2016 has not been demonstrated.

Housing Strategy & Development **will** favour applications where:

- The proposed short term let is the host's principal home; and/or
- The proposed short term let is deemed as an established short-term secondary let property e.g. has been let for over 5 years from date of application; and/or
- The annual occupancy rate of the property is 6 months or more; and/or
- Where the property is advertised to seasonal workers and other persons who would use the property as their principal home for a short term period.
- Where the property has been long term vacant prior to being used as a short term let.

Each case will be assessed based on its own merit and the interconnection of the different criterion mentioned will be weighted in each case.

¹ A property is defined by East Lothian Council as being adapted or adaptable where it has a ground floor bedroom (or a room that can be used as a bedroom) and ground floor bathroom (or space to provide a bathroom within the existing footprint of the property) and can be ramped to provide level access.)

HOUSING STRATEGY & DEVELOPMENT RESPONSE

Planning application reference – 23/00455/P

Proposal – Change of use to short term holiday let

Location – 1 Creel Court North Berwick East Lothian EH39 4LJ

Planning Officer – James Allan

Housing Strategy has been asked to comment on the approval of the change of use of 1 Creel Court, North Berwick, East Lothian, EH39 4LJ to a short term holiday let. The proposal is a first application for planning permission for short-term letting of a fully furnished property. 1 Creel Court has been marketed as a holiday let for 9 years. Access to the property is through a shared communal entrance and is located on the first floor. The property is primarily occupied from May – August, and is also used as a second home. The property would remain a second home, should permission not be granted.

The Housing Strategy & Development Service do not object the proposal set out in the above note application.

Reason(s):

The change in use of this property from a long term residential dwelling to a short term let is not considered a significant loss because:

- The short term let is considered long term established.
- The property is not considered adaptable.

Please advise the applicant that, should planning permission be granted, then the letting of the property to seasonal workers is strongly recommended. Should planning permission not be granted, then the long term letting of the property would be a significant contribution to the housing system.

Response author: Anne Kripler

Date: 27/07/2023

National Planning Framework 4

Policy 7 (Historic assets and places)

(a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

(b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the: i. building is no longer of special interest; ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report; iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

(c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

(d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the: i. architectural and historic character of the area; ii. existing density, built form and layout; and iii. context and siting, quality of design and suitable materials.

(e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

(f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that: i. reasonable efforts have been made to retain, repair and reuse the building; ii. the building is of little townscape value; iii. the structural condition of the building prevents its retention at a reasonable cost; or iv. the form or location of the building makes its reuse extremely difficult.

(g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

(h) Development proposals affecting scheduled monuments will only be supported where: i. direct impacts on the scheduled monument are avoided; ii. significant adverse impacts on the integrity of

the setting of a scheduled monument are avoided; or iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

(i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

(j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

(k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

(l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

(m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

(n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is: i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

(o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Part (e) of Policy 30 (Tourism)

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.

Adopted East Lothian Local Development Plan 2018

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.

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 SCHEUDLE OF CONDITIONS – REVIEW AGAINST REFUSAL OF PLANNING APPLICATION
BY THE LOCAL REVIEW BODY – 23/00455/P**

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 four 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.

