

LOCAL REVIEW BODY

25th January 2024

Application No: 23/00722/P

Flat 6, 139 New Street, Musselburgh

Appointed Officer's Submission

23/00722/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Change of use of flat to short term holiday let (Retrospective) at Flat 6, 139 New Street, Musselburgh.

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1. Statement of Case: Officer’s report for planning application 23/00722/P.
2. Copy of the Decision Notice (including reason for refusal) relating to planning application 23/00722/P.
3. Copy of consultation responses from (i) ELC Road Services; (ii) ELC Environmental Health; (iii) ELC Anti-Social Behaviour Team; (iv) Police Scotland; (v) ELC Economic Development; and (vi) ELC Housing Strategy & Development.
4. Copy of the five representations received to application 23/00722/P.
5. Copy of Part (e) of Policy 30 (Tourism) of National Planning Framework 4 and Policies RCA1 (Residential Character and Amenity), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.
6. Schedule of conditions.

21st November 2023

Neil Millar
Planner (Planning Delivery)

OFFICER REPORT

27th September 2023

App No. **23/00722/P**

Application registered on **21st August 2023**

Target Date **20th October 2023**

Proposal	Change of use of flat to short term holiday let and flat (Retrospective)	SDELL	Y
		CDEL	N
Location	Flat 6 139 New Street Musselburgh EH21 6DH	Bad Neighbour Development	N

APPLICANT: **KLE Property Ltd**

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

**c/o Houghton Planning Ltd
Per Paul Houghton MRTPI
Alloa Business Centre
Whins Road
Alloa
Clacks
FK10 3RF**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a top floor flat within a two and a half storey flatted building situated on the north side of, and at the western end of, New Street in Musselburgh. The flatted building is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

The flatted building is bounded to the north by a public car park with the Promenade and Fisherrow Sands beyond, to the east and west by neighbouring residential properties and to the south by a public car park.

Planning permission is retrospectively sought for the change of use of the residential top floor flat of Flat 6, 139 New Street, Musselburgh as a three bedroom unit of short term self-catering holiday let accommodation.

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

Subsequent to the registration of this application the applicant's agent has confirmed in writing that (i) the flat has been marketed/used for short term lets since December 2019; (ii) the minimum length of stay is 3 days and the most common length of stay is between 5-10 days; (iii) the maximum number of visitors in one booking is 5 guests; (iv) recycling and/or bins are emptied every week by ELC waste management services and the flat is cleaned after each stay by a cleaning company; (v) the property is managed by a letting agency who oversee the day-to-day management of the property; (vi) there is a key box provided for guests to collect and drop off keys; (vii) there are 6 flats within the building (2 flats per floor) and that the applicant's flat, the subject of this retrospective planning application, is accessed via a shared front and rear entrance door, a shared hallway and a communal stairwell; and (viii) the flat benefits from an allocated private underground car parking space and that there are also 42 shared parking spaces for visitors outside the apartment complex.

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 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), 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.

REPRESENTATION

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

- (i) there are a total of 6 flats within block 139 which all share a common entrance and stair;
- (ii) it appears as though holiday lets which share communal entrance doors, hallways or stairs with other residential properties are prohibited in East Lothian and this applies to this property;
- (iii) the holiday let has resulted in noise, nuisance, police incidents and anti-social behaviour in the internal common stair and within the car parking area which have been reported;
- (iv) guests staying at the property press the wrong buzzers, and sometimes try to gain entry into the wrong flats, late at night and early morning;
- (v) the applicant has been approached about the nuisance guests are causing by a neighbouring resident who claims that they were told they shouldn't live in a tenement building if they want peace and quiet;
- (vi) when guests are asked to respect a residential stair they respond with 'we are here to party and are on holiday';
- (vii) the flat has a balcony and music is occasionally played at night;
- (viii) people are coming and going at all times of the day and night and concerns are raised relating to security as it is claimed that permanent residents do not know the strangers entering the building and using the stair;

- (ix) some arrivals and departures of guests are at unsociable times and suitcases can be heard being trundled up and down the stairs, and outside on the tarmac, which disturbs sleeping residents;
- (x) there is irregular comings and goings by strangers which causes distress and disturbance to the elderly residents in the building and which impacts upon their amenity;
- (xi) the level of security, particularly within the stairwells of the building, is being compromised;
- (xii) there has been a number of cleaners and maintenance people arriving and departing on a regular basis as a consequence of short term lets within the apartment complex; and
- (xiii) guests have not been disposing rubbish correctly.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

This application seeks retrospective planning permission for the change of use of a three bedroom top floor flat to a three bedroom unit of holiday let accommodation. The holiday let comprises of three bedrooms (one of which has an en-suite), a bathroom and a large open plan living/kitchen area. The applicant's flat is capable of accommodating/sleeping 5 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 change of use of the residential flat to a holiday let provides holiday accommodation within Musselburgh 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 on the amenity of the existing residential properties contained within the residential flatted building to which the applicant's flat forms a part.

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 lets 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 Fisherrow car park, which is nearby, is a locus of anti-social behaviour. However, they advise that there are no records of any incidents relating to any 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 (having checked their records from 2020 onwards) and thus they raise no objection to this retrospective planning application.

The Council's Road Services raise no objection to this retrospective application and note that the supporting statement submitted with this application confirms that no internal changes are proposed. They state that whilst there may be some increase in the number of vehicles during the peak tourist season compared to residential use, this increase is likely to even out throughout the year resulting in no noticeable difference in overall car parking demand. Accordingly, the proposals do not conflict with Policy 13 of NPF4 or with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The applicant's property is a three bedroom flat located at third floor level within the three storey residential flatted building of 139 New Street which contains a total of 6 residential properties (2 flats per floor). The property the subject of this retrospective application shares a communal front and rear entrance door with five other residential properties within the flatted building and an internal communal stair with three other residential properties within the flatted building. The existing hallway serving the applicant's third floor flat also serves one other top floor flat within the building.

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 entrances, internal stair and hallway of the residential building. Most users/occupants of the holiday let would have a degree of luggage or other property to take through the communal entrances, stair and hallway which in itself would lead to a level of disturbance and nuisance not associated with the permanent/long term residential use of the property. This is harmful to the amenity of the occupants of the residential properties within the residential flatted building of 139 New Street, Musselburgh. 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 entrances, stair and hallway as a result of people regularly accessing both the main building of 139 New Street 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 of 139 New Street, Musselburgh.

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

Given the specific circumstances and location of the application property within the residential building of 139 New Street, Musselburgh which contains a number of permanent/long term residences and which shares a communal front and rear entrance, stair and hallway, the retrospective change of use of the applicant's third floor flat as a three bedroom unit of short term self-catering holiday let accommodation is incompatible with and harmful to the amenity of the occupiers of the residential properties within the residential building of 139 New Street, Musselburgh. 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 state that the change in use of this property from a long term residential dwelling to a short term let is considered a significant loss because (i) Musselburgh is part of a constrained housing system and the housing need outstrips the supply; (ii) there is an existing concentration of short term lets within the area; and (iii) the property is not an established short term let. Accordingly, the Council's Housing Strategy & Development Service object to this retrospective planning application.

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 Musselburgh 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) non-serviced accommodation (short term holiday lets) contributes positively to the local economy (£279m in 2019) and the applicant's flat accounts for 5 bedspaces and a potential annual economic impact of £113,635 and 2.5FTE jobs; (iv) there is an increasing number of overnight stays in East Lothian for work purposes (which is expected to increase over the next 10-15 years) such that the loss of short term accommodation is likely to have a significant negative impact on the local tourist economy in monetary and reputational terms. Therefore, the Council's Economic Development Service Manger supports 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.

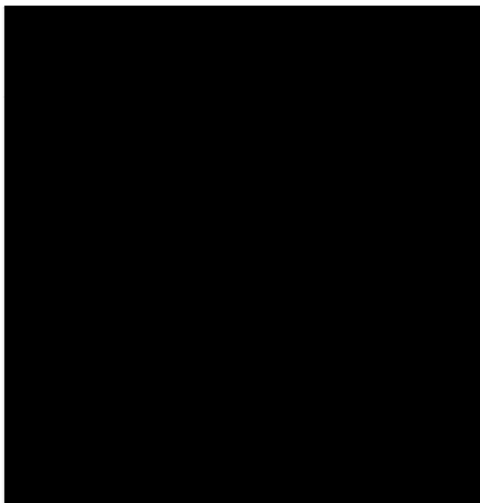
However the local economic benefits associated with the use of the applicant's flat operating as a three bedroom unit of short term self-catering holiday let accommodation does not outweigh the unacceptable impact on local amenity. Therefore, the change of use is not in accordance with the Development 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 Flat 6, 139 New Street, Musselburgh 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 139 New Street 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





27th September 2023

App No. 23/00722/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**KLE Property Ltd
c/o Houghton Planning Ltd
Per Paul Houghton MRTPI
Alloa Business Centre
Whins Road
Alloa
Clacks
FK10 3RF**

APPLICANT: KLE Property Ltd

With reference to your application registered on 21st August 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 and flat (Retrospective)
at
Flat 6
139 New Street
Musselburgh
EH21 6DH**

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 139 New Street 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>
NS-MUSS-01	-	29.06.2023
DWG 01	-	23.08.2023

6th October 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.

Currie, Fiona

From: Hussain, Aizaz
Sent: 01 September 2023 12:57
To: Millar, Neil
Cc: [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 23/00722/P- Planning Consultation

EAST LoTHIAN COUNCIL ROAD SERVICES
From: Asset & Regulatory Manager
To: Service Manager, Planning

Proposal: Change of use of flat to short term holiday let and flat (Retrospective) at Flat 6 139 New Street Musselburgh East Lothian EH21 6DH

This planning application is for a retrospective change of use of flat to a short-term holiday let, located at 139/6, New Street in Musselburgh.

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 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.

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

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

If telephoning, please ask for:

Aiz

Aizaz Hussain
Transportation Planning Officer
[REDACTED]

East Lothian Council
Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

Currie, Fiona

From: Clark, Colin - EHO
Sent: 01 September 2023 16:01
To: Environment Reception
Cc: Millar, Neil
Subject: RE: 23/00722/P-Neil Millar - Planning Consultation

I refer to your consultation request of 29th August 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 <ehts@eastlothian.gov.uk>

Sent: 29 August 2023 14:27

To: [REDACTED]

Subject: FW: 23/00722/P-Neil Millar - Planning Consultation

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

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

Sent: 29 August 2023 13:34

To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>

Subject: 23/00722/P-Neil Millar - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let and flat (Retrospective) at Flat 6
139 New Street
Musselburgh
EH21 6DH

Currie, Fiona

From: Raselli, Gail
Sent: 05 September 2023 22:01
To: Environment Reception
Subject: FW: 23/00722/P-Neil Millar - Planning Consultation
Attachments: [REDACTED]

The Fisherrow car park which is nearby is a locus of ASB.
Nothing specific to 139 on the ASB register.

Regards
Gail

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

From: Black, Kenneth [REDACTED]
Sent: 29 August 2023 13:40
To: Raselli, Gail [REDACTED]
Subject: FW: 23/00722/P-Neil Millar - Planning Consultation

GR
Can you oblige.
KB

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 29 August 2023 13:34
To: Black, Kenneth [REDACTED]
Subject: 23/00722/P-Neil Millar - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let and flat (Retrospective) at Flat 6
139 New Street
Musselburgh
EH21 6DH

Currie, Fiona

From: Baird, Elaine [REDACTED]
Sent: 29 August 2023 13:55
To: Environment Reception
Subject: RE: 23/00722/P-Neil Millar - 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

Good afternoon

Address checked over the past 3 years and no ASB reports from the property.

Many thanks

Elaine

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

From: environment@eastlothian.gov.uk [<mailto:environment@eastlothian.gov.uk>]
Sent: 29 August 2023 13:34
To: [REDACTED]
Subject: 23/00722/P-Neil Millar - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let and flat (Retrospective) at Flat 6
139 New Street
Musselburgh
EH21 6DH

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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 – 23/00565/P

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

Location – Flat 6 139 New Street Musselburgh EH21 6DH

Planning Officer – Neil Millar

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 around £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 a third floor 5 bedspace flat located within the Fisherrow area of Musselburgh. The applicant has indicated that the property has been used as a holiday let since December 2019 and contributes their business' income. The property is registered for Non Domestic Rates and operates as a business. The applicant has provided information on the benefits to the local economy, noting that they use other local businesses to service the property and that visitors shop, eat out, and visit local attractions in the area.

The applicant has indicated that since 2020 they have achieved an occupancy of around 66%, with all but January, February, and March usually fully booked. The most common length of stay being 5 to 10 days, with busy periods linked to local sporting events and festivals.

Musselburgh is a popular historic market town known as 'The Honest Toun' and famed for golf and its racecourse. It has the oldest golf course in the world; Musselburgh Links dating from 1672. The Links, which is a former venue of golf's Open Championship, is the oldest continuously played golf course in the world and is now located in the middle of Musselburgh Racecourse. Musselburgh is the largest town in East Lothian and is next door to Edinburgh. It has a long High Street with a mixture of both local and well-known stores.

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 to short term holiday let.

Reason(s):

- The operation of short-term holiday letting is a bonafide business activity that contributes to employment and economic benefit in East Lothian. The proposal

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

provides high-quality tourist accommodation attracting visitors to Musselburgh 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) contributes positively to the local economy (£279m in 2019), this property accounts for 4 bedspaces and a potential annual economic impact of £113,635 and 2.5FTE jobs. This is borne out by the supporting information provided by the applicant.
- 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:** 22/09/2023

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 – 23/00722/P

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

Location – Flat 6 139 New Street, Musselburgh, East Lothian, EH21 6DH

Planning Officer – Neil Millar

Housing Strategy has been asked to comment on the approval of the change of Flat 6 139 New Street, Musselburgh, East Lothian, EH21 6DH to a short term holiday let. The proposal is a first application for planning permission for short-term letting. Flat 6 139 New Street was purchased in July 2019 and has been used as a short term let since. The three bedroom property is accessed via a communal staircase.

Notably, planning application for change of use to short term holiday let (retrospective) for Flat 3 133 New Street (planning application 23/00824/P). This points towards a potential concentration of short term lets within this area.

The applicant suggests that according to a recent study from Edinburgh Council STL bring in £20,000 GVA annually. The independent study carried out by MKA Economics Ltd for [Edinburgh Council's Planning Service](#) compared the GVA of short term lets to residential properties. In terms of 3 bedroom properties located in the Edinburgh Eastern constituency, short term lets bring in an annual GVA of £8,861 compared to £15,833 of long term residential properties.

The Housing Strategy & Development Service 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 considered a significant loss because:

- Musselburgh is part of a constrained housing system, and the housing need outstrips the supply.
- There is an existing concentration of short term lets within this area.
- The property is not an established short-term let.

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 – Housing Strategy Officer

Date: 05/09/2023

Currie, Fiona

From: [REDACTED]
Sent: 31 August 2023 14:40
To: Environment Reception
Subject: Ref: 23/0722/P - Objection

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To whom it may concern,

I wish to object to the above planning permission.

The holiday let has resulted in police incidents and anti social behaviour in the common stair; which I have reported.

I also note there is existing case law in East Lothian where holiday lets are prohibited in common stairs; which is where this flat is located.

Please acknowledge my objection.

Your faithfully.

[REDACTED]

From: [REDACTED]
To: [Environment Reception](#)
Cc: [REDACTED]
Subject: FLAT 6 139 NEW STREET MUSSELBURGH APPLICATION NO 23/00722/P
Date: 06 September 2023 08:49:26
Attachments: [REDACTED]

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[REDACTED]

FLAT 6 139 NEW STREET MUSSELBURGH APPLICATION NO 23/00722/P
CHANGE OF USE OF FLAT TO SHORT TERM HOLIDAY LET (RETROSPECTIVE)

I wish to object to the application above.

My name is [REDACTED] and I am resident at [REDACTED]. The communal stair is shared with 6 flats including [REDACTED] on the second floor which has a retrospective application in for the same change of use. My experience of [REDACTED] I feel is reflective of the reasons not to grant permission for the use of flat 6 in no 139 New Street, a few stairs along from me. I understand from neighbors in [REDACTED] they are experiencing similar disruption as I am in [REDACTED].

I am very aware of [REDACTED] having a lot of traffic coming and going at various times of the day. This has resulted in increased noise. There have been several occasions where my door has been buzzed in error and knocks to my front door. I am an elderly lady and strangers coming and going are disturbing and distressing. My daughter is a frequent visitor and has had to open the door to guests for [REDACTED] and she is concerned that as a vulnerable person I may open the door to strangers.

The main door has been left open once suit cases have been dragged upstairs at all different times of the day and night. Also a number of cleaners and maintenance people arrive and depart on a regular basis.

Parking is also an issue with guests having mobile homes. One recently blocked the pathway with overhanging bike rack and then left bikes at the foot of the communal stair causing obstruction. [REDACTED]

I have noticed rubbish being dumped inappropriately from the flat.

Like me some of my neighbours are elderly (6 flats only in stair). It is comforting to know your neighbours.

As a short term let to to have multiple strangers causing noise on the stair and in the flat, the subsequent disruption and distress is not acceptable and is having and significant impact on the amenity. I also feel it is having detrimental impact on my health.

Yours sincerely

[REDACTED]



Comments for Planning Application 23/00722/P

Application Summary

Application Number: 23/00722/P

Address: Flat 6 139 New Street Musselburgh EH21 6DH

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

Case Officer: Neil Millar

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to submit my objection to this retrospective application (23/00722/P) on several grounds.

First, 133-141 New Street, Musselburgh forms a block of residential flats that were not intended for use as short-term holiday let accommodation. Each stairwell has a single point of access to several residential flats. As an owner-occupier of over ten years, I have seen an increasing number of unknown people entering the flats, to the point that I no longer know whether someone is a neighbour or not. I have even had a stranger approach me asking where the key box is for their flat, as if I should know. As a result, I feel less secure with an increasing number of strangers coming in and out of these flats, giving access to anyone they want.

Second, the increasing use of short-term holiday let accommodation brings in people who do not care about the local residents, which includes older people and families, or the properties themselves. Short-term guests staying in the development have been known to return to the flats very late at night, or the early hours of the morning, often in a drunken state, shouting loudly, banging on door entrances, damaging fences, shrubbery and even fighting in the car park. This causes a disturbance to long-term residents, and even ends up with the police in attendance. I have been regularly awoken from my sleep when these things happen.

Third, short-term holiday letting may have been a possible factor in a concerning situation earlier this year, when a group of strange men were seen acting suspiciously, hanging around the flat and garage entrances, questioning residents about a car owner. They were told that the car and owner was unknown to residents, but did not leave until told that the police had been informed.

These reasons on their own may not sound much, but combine to show a changing attitude to the

well-being of the residential development, as well as the safety and security of the local full-time owner-residents.

Finally, I would add that this is now the second retrospective application within this development, with further applications anticipated in the future. I would, therefore, urge you to send a message that short-term letting in residential flatted developments is not allowed, by refusing this application.

Thank you.



12 Aug 2023

Representation on Application 23/00722/P

This is an objection to the "retrospective" change of use of flat to short term Holiday Let. This appears to be the same Agent as the previous application (23/00824), what is going on?

The whole block of flats comprise 26 individual homes, spread over 5 separate stairwells and entrances. All of the stairwells have a property which is let out, some long term others short term so everyone in the development has experienced some disturbances as people come and go. The use of this flat, 139/6, has already highlighted issues when used as a short term let.

- Shared entrance, 6 flats in this end of the block 139, is disruptive to owner occupiers
- It is not clear whether the short term renters are aware it is NOT a holiday block
- There are 5 owner occupiers in that block
- Irregular coming and goings by strangers is distressing to the elderly owner occupiers
- The level of security is compromised as access to the stairwells is 24/7 to strangers
- Long term rental residents would generally have more respect for the other occupants
- The guttering at the balcony side of the flat (North) was knocked off when the flat was being refurbished
- The replacement was charged to all residents and after a long dispute the owners accepted responsibility and paid for the repair
- There were disturbances and noise late at night by the renters and the wooden fence was damaged
- These flats are accessed on arrival and departure at random times
- Some arrivals and departures are during anti social hours
- Suitcases being trundled up and down the stairs, disturbing sleeping residents

In summary it is basically resulting in unnecessary stress and worry, in particular for the owner occupiers who are elderly, and for neighbours, of which I am one, regularly seeing multiple strangers in and around the car park outside our property.

Retrospective change of use should not be approved and if it is to be let, long term occupants would be preferable.



Currie, Fiona

From: [REDACTED]
Sent: 03 September 2023 11:17
To: Environment Reception
Subject: Application for short term holiday let @ 139/6 New Street Musselburgh EH21 6DH

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Objections:

1. Mariners Quay is a residential development with secured entry.
2. Since the start of short term let the quality of our life has been degraded by noise and nuisance.
3. There have been police incidents in relation to guests at flat 6.
4. Wrong buzzers are pushed to gain access late at night and early morning. Also guests trying to gain entry to wrong flats.
5. Flat has balcony and occasionally music is played at night.
6. Guests asked to respect a residential stair respond "they are here to party and are holiday!".
7. The applicant has been approached about the nuisance guests cause and I was told "I shouldn't live in a tenement building if I want peace and quiet !"

National Planning Framework 4

Policy 13 (Sustainable transport)

(a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals: i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy; ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery; iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

(b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; ii. Will be accessible by public transport, ideally supporting the use of existing services; iii. Integrate transport modes; iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and viii. Adequately mitigate any impact on local public access routes.

(c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

(d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

(e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

(f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

(g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational

performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

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.

Policy T1: Development Location and Accessibility

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

Policy T2: General Transport Impact

New development must have no significant adverse impact on:

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

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

SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING APPLICATION BY THE LOCAL REVIEW BODY – 23/00722/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 five 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.