

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

1a

Fill in if you are applying as an individual:

Your full name James Westwood

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[REDACTED]

Postcode [REDACTED]

Tel. No. [REDACTED] Email address [REDACTED]

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

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

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

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

Yes No

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

Full name Craig Douglas

Date of birth [REDACTED]

Tel. No. [REDACTED] Email address craig@reserveapartments.co.uk

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

Joint Ownership

Is your property jointly owned? Yes No

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

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

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

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name _____

Limited company number (if applicable) _____

First name and surname _____

Registered or principal office address _____

Tel. No. _____ Email address _____

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

Full name	Personal address	Place of birth	Date of birth

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

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

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (existing operator*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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

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

Existing licence number _____

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

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

Yes No N/A

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

PART 3: PREMISES DETAILS

Premises Address St Aidans, Abbotsford Road, North Berwick, East Lothian

Postcode EH39 5DB

Unique Property Reference Number (if known) _____

EPC Rating* _____

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

Please select the type of premises:

- Detached House Semi-detached house
- Terraced House Flat
- Unconventional accommodation

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

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

Specify the number of rooms within the premises used as:

Bedrooms 6 Bed/Sitting rooms 0

Bathrooms 8 Kitchens 1

Lounges 2

Other (please specify) _____

Specify the maximum number of guests 14
(excluding children under 2 years of age)

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

Yes No

PART 4: CONVICTIONS

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

NAME	DATE	COURT	OFFENCE	SENTENCE



PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 06/10/23
Electrical Installation Condition Report	Valid to: 04/07/2026
Portable Appliance Testing Report	Valid to: 06/10/27
Fire Risk Assessment	X
Fire Service Safety Checklist	X
Legionella Risk Assessment	X
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: N/A
Floor plan	X
EPC Certificate (for premises which are dwellinghouses)	Valid to:
Public Liability Insurance	Valid to:
Proof of consent from owner (if applicable)	X
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	X

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

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

PART 6: DECLARATION

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

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

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

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

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

Signed



Print name

James Westwood

Date

30 / 09 / 2023

DATA PROTECTION ACT 2018

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

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

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

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

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

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

Further information can be obtained from:

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

Consultation responses

Antisocial Behaviour team – No objection

Parking team – No objection

Planning Authority – See response (27 Mar 24)

Environmental Services – No response

Police Scotland – No objection

SFRS – No response

Lindsay, Arlene (Licensing)

Sent 27/3/24

From: Millar, Neil
Sent: 27 March 2024 16:36
To: Short Term Lets
Subject: RE: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi Arlene,

Our Ref: DEV76395; Change of use of house to short term holiday let (Retrospective) at St Aidans, Abbotsford Road, North Berwick.

Thank you for your email below with attachment.

Please be advised that planning permission is required if there is a material change of use and, whether a change of use is material or not, is a question of the facts and circumstances of the individual situation.

Accordingly, in assessing whether the proposed change of use of this house (St Aidans, Abbotsford Road, North Berwick) for short term letting purposes is material or not, we must consider a range of factors that distinguish the intensity and scale of the use from what would reasonably be expected from typical residential use of a property of this size and type. These include but are not limited to the character of the property, periods and manner of lettings, frequency of arrivals and departures and the intensity of noise and disturbance.

Whilst I note that this property is a detached house and is capable of sleeping 14 guests this information is not, in itself, sufficient in order for us to establish whether or not there is a material change of use relating to this property operating as a short term holiday let. Accordingly, please can you advise the applicant that they will need to submit details of their proposal to environment@eastlothian.gov.uk in the first instance for our further review and consideration. The information we require is set out below:

- How long has the property been marketed/used for short term holiday lets?
- How often is the property used as a holiday let per year?
- What is the maximum occupancy of the property? (i.e. how many visitors can occupy the property in one booking)
- What is the minimum and maximum length of stay and what is the most common length of stay?
- How are stays managed for the check in/check out processes (i.e. are guests met at the property by the applicant, a letting company or is a key safe used etc.?)
- What type of guests does this property appeal to (e.g. singles, couples, families, holiday makers, stag/hen dos, people working in the area, family members etc.?)
- How is recycling/bins managed and is the property cleaned between each changeover before new guests arrive? Is this done by the applicant or an appointed cleaning company?)

Otherwise, please be advised that I have no records of planning permission having been sought nor granted for a change of use of this property for use as a short term holiday let. Neither does it benefit from a Certificate of Lawfulness.

Regards

Neil

From: Short Term Lets <stl@eastlothian.gov.uk>

Sent: Thursday, March 21, 2024 11:04 AM

To: Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and

Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk)

<lothianscotborderslicensingeastmid@scotland.pnn.police.uk>

Subject: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Good Morning,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks

Arlene Lindsay | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



BE NICE
RESPECT US AS WE RESPECT YOU



Lindsay, Arlene (Licensing)

From: Laura Cram [REDACTED]
Sent: 15 April 2024 08:50
To: Short Term Lets
Subject: Licensing inquiry Objection EL00429P

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

Dear Licensing Officer

Further to my earlier emails objecting to the short term letting of St Aidans in Abbotsford Road, North Berwick, EH39 5DB.

I note that on your public register it is now showing that an application (number (EL00429P) was submitted on 30 September 2023.

I have copied here the text of my original email of 6 October 2023, and the full email correspondence with your office appears beneath this email. No site notice was displayed (at least not anywhere that it could be seen, as we were looking out for it) and so we were not afforded the opportunity - as neighbours who have suffered horribly over the last few years as a result of large parties of noisy and intrusive visitors holidaying in this property - to object to the license application. My understanding is that display of a site notice is a legal requirement.

We live in [REDACTED] This is a beautiful peaceful spot in North Berwick.

We now however have a short term holiday let next door that has completely transformed our experience of living in this beautiful peaceful space.

The property, St Aidans, is regularly let out to very large groups. (14 max - though we have seen more there). It is advertised as being perfect for socialising and celebrating. <https://www.lettingsofdistinction.com/luxury-holiday-homes/145870-st-aidans> We have complained often to the owners who say that they won't let to party groups, but from our experience of living here, clearly they do. The owners live in Hong Kong.

Guests were allowed to come there during the CoVid lock down, we have had their guests come onto our property, we regularly have large groups of strangers looking in our windows and over our garden, we have had frequent large and noisy party groups wake us or keep us awake (even arriving with a drum to play in the garden). We are often woken by early morning screaming of large excited groups of children. We can't leave our windows open in the summer because of the noise in the garden.

Our privacy, sleep, property and general life quality should not be subject to whoever arrives on any given week. We should be able to sleep with our windows open and not have to dread what Thursdays (changeover) might bring.

Even non 'party' groups are on holiday and not living to normal schedules. Just by the nature of being enormous groups, often here for an excited celebration, they are way louder than normal households. Sometimes 4 families with children arrive, all hugely excited to be together. As you'd expect, the noise levels as adults start drinking and children run wild is just not in any way equivalent to living next to a family home with the normal toing and froing of family life with the expected occasional celebrations. This is a commercial undertaking in a residential area.

We understood that these properties required a license to let now, and expected to see a notice of application to which we planned to object. We have not though seen any notifications. We really cannot continue to live like this.

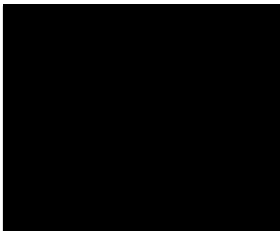
I'd appreciate if you could let me know how we can object and what controls the council has in place to protect residents from this type of disruption to their lives.

I would very much appreciate formal acknowledgement of our objection to the issuing of a short-term letting licence for this property and would welcome any information as to any further steps we can take to have our home life restored and undisturbed by this inappropriate large-scale letting operation in an otherwise extremely quiet residential street.

Thank you for your attention. I appreciate how challenging this process must be to manage.

Kind regards

Laura Cram



From: Short Term Lets <stl@eastlothian.gov.uk>
Subject: RE: Licensing inquiry
Date: 6 October 2023 at 10:32:40 BST
To: Laura Cram [redacted]

Hi

Yes you can object back to this email address.

Regards

Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

NHS Coronavirus Information

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

From: Laura Cram [redacted]
Sent: 06 October 2023 10:00
To: Short Term Lets <stl@eastlothian.gov.uk>
Subject: Licensing inquiry

We live in [redacted] This is a beautiful peaceful spot in North Berwick.

We now however have a short term holiday let next door that has completely transformed our experience of living in this beautiful peaceful space.

The property, St Aidans, is regularly let out to very large groups. (14 max - though we have seen more there). It is advertised as being perfect for socialising and celebrating. <https://www.lettingsofdistinction.com/luxury-holiday-homes/145870-st-aidans>
We have complained often to the owners who say that they won't let to party groups, but from our experience of living here, clearly they do. The owners live in Hong Kong.

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We understood that these properties required a license to let now, and expected to see a notice of application to which we planned to object. We have not though seen any notifications. We really cannot continue to live like this.

I'd appreciate if you could let me know how we can object and what controls the council has in place to protect residents from this type of disruption to their lives.

Kind regards

Laura Cram

From: Parking
Sent: 27 June 2024 09:42
To: Short Term Lets
Subject: RE: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi,
I have no objection to this application.

Kind Regards

Grant Talac
The Parking Team
East Lothian Council



From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Wednesday, June 26, 2024 10:57 AM
To: Parking <parking@eastlothian.gov.uk>
Subject: FW: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Hi, an update on this one please.

Thanks Arlene

From: Short Term Lets <stl@eastlothian.gov.uk>
Sent: Thursday, March 21, 2024 11:04 AM
To: Building Standards <buildingstandards@eastlothian.gov.uk>; Raselli, Gail <graselli@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>; Parking <parking@eastlothian.gov.uk>; Lothian and Borders Police (lothianscotborderslicensingeastmid@scotland.pnn.police.uk) <lothianscotborderslicensingeastmid@scotland.pnn.police.uk>
Subject: Short Term Let EL00429 St Aidans, Abbotsford Road, North Berwick EH39 5DB

Good Morning,

Please provide observations/comments regarding the application for a Short Term Let Licence for the above address. All responses should be returned within the 21 day consultation period.

Thanks

Arlene Lindsay | Licensing Officer | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827664 | E. licensing@eastlothian.gov.uk

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

East Lothian Council
Licensing
26 SEP 2023
Received

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual Corporate Entity

Fill in if you are applying as an individual:

1b

Your full name MRS LUCY A. DEELEY

Date of birth [REDACTED]

Place of birth [REDACTED]

Home Address [REDACTED]

[REDACTED]

Postcode [REDACTED]

Tel. No. [REDACTED]

Email address [REDACTED]

Joint Ownership

Is your property jointly owned? Yes No

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

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

	Full name	Date of birth	Addresses (last 5 years)	Email	Tel. No.
1)	MR DAVID RODGER				
2)	MR PAUL RODGER (APRIL 2023)				
	MR PAUL RODGER (as above) (2017-2023)				

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name _____

Limited company number (if applicable) _____

First name and surname _____

Registered or principal office address _____

Tel. No. _____ Email address _____

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

Full name	Personal address	Place of birth	Date of birth

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

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

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (existing operator*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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

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

Existing licence number ELO - 1255704-23 (IN-PROGRESS)

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

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

Yes No N/A

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

PART 3: PREMISES DETAILS

Premises Address 2E, EAST ROAD, NORTH BERWICK

Postcode EH39 4MN

Unique Property Reference Number (if known) 138002136

EPC Rating* BAND D

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

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input checked="" type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

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

Self-catering	<input checked="" type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input type="checkbox"/>		

Specify the number of rooms within the premises used as:

Bedrooms 3 Bed/Sitting rooms 1

Bathrooms 2 Kitchens 1

Lounges 1

Other (please specify) GROUND FLOOR OFFICE ROOM (NOT LET)

Specify the maximum number of guests 7 guests
(excluding children under 2 years of age)

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

Yes No

PART 4: CONVICTIONS

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

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))	
Correct application fee	See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)	Valid to: 27/9/2028
Electrical Installation Condition Report	Valid to: 16/9/2028
Portable Appliance Testing Report	Valid to: 16/9/2028
Fire Risk Assessment	✓
Fire Service Safety Checklist	✓
Legionella Risk Assessment	✓
Planning permission (for premises within a control area or where requested by the licensing authority)	Planning application reference number: —
Floor plan	✓
EPC Certificate (for premises which are dwellinghouses)	Valid to: 10/11/2030
Public Liability Insurance	Valid to: 20/4/2024
Proof of consent from owner (if applicable)	N/A.
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)	✓

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

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

PART 6: DECLARATION

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

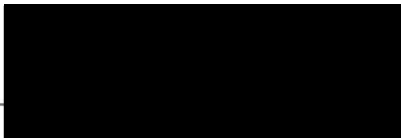
Anyone who gives false information on this form, or fails to provide the information required by this form, is committing an offence which could lead to prosecution.

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

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

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

Signed



Print name

NUL7 DEELE1

Date

SEPT 2023

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

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

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

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

Further information can be obtained from:

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

Consultation responses

Antisocial Behaviour team – No objection

Parking team – No response

Planning Authority – See application 23/01214/P decision notice

Environmental Services – No response

Police Scotland – No objection

SFRS – No response

App No. 23/01214/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

Mrs Lucy Deeley



APPLICANT: Mrs Lucy Deeley

With reference to your application registered on 29th January 2024 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
2E East Road
North Berwick
East Lothian
EH39 4HN**

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 2 East Road 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. No material planning considerations outweigh this conflict with the Development Plan.

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>
PR24.005.P.001	-	29.01.2024
PR24.005.P.002	-	29.01.2024

22nd March 2024



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.

ELOOZSIP

Rafferty, Alison (Licensing)

From: Jane Thomas [REDACTED]
Sent: 09 October 2023 14:48
To: Short Term Lets
Subject: Short term let complaint 2E East Road, North Berwick

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

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

Hello

I am writing to object to the application for the use of this property as a short term let. As a neighbour in the [REDACTED] block, I am negatively impacted by the continual disruption of the shared space in front of The Lodge being used for access to the short term let.

>

> I am attaching photographs to illustrate the problem with dangerous car parking in the public area.

>

> As you can see, this car (which was parked for several hours on 9 September, it wasn't simply dropping off) was obscured to people walking down from the gardens through the archway, it was very dangerous because it was a busy day in terms of pedestrians and the car was able to reverse without being able to see who was walking through the archway. The driver also left the gates open for several hours.

>

> While occasional deliveries of large items are made through this gate, they are always shut immediately which is vital because the public with small children and dogs are used to having a safe boundary here to make sure they can accompany them safely across the road beyond. This issue has been raised on several occasions with the owner of 2E who insists that the cars are only dropping off but they do not live locally and therefore cannot see that this is not the case.

I am also objecting on the basis that it is not appropriate to have a short term let accessed from a shared stair. The communal responsibilities of a shared access are not properly maintained under this arrangement.

Finally, this property was previously leased as a long term let. The young family occupying it were made homeless when the owner insisted they leave so that the flat could be used as a short term let. There is a crisis of long term let availability in North Berwick and this property is better suited to a long term rather than short term let.

>

> All the best

>

> Jane

>

>

>



>
>
>



>
>
>



>

Rafferty, Alison (Licensing)

objections.

From: Licensing
Sent: 17 October 2023 14:52
To: Short Term Lets
Subject: FW: Application for Short Term Let Licence for Flat E the Lodge. North Berwick
Attachments: FFlat E Licence.docx

From: William F L Bigwood [REDACTED]
Sent: 17 October 2023 14:33
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Application for Short Term Let Licence for Flat E the Lodge. North Berwick

You don't often get email from [REDACTED] [Learn why this is important](#)

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.

Attached are the representations made by William F L Bigwood and Anne R Bigwood of Flat [REDACTED] concerning the application made by Lucy Deely, 22 Dovecote Road Edinburgh for a Short Term Let Licence.

William F L Bigwood

DRAFT

The Planning Officer
East Lothian Council

Dear Sir

Licence for Sort term lets in Flat B The Lodge, 2 East Road, North Berwick

My wife and I, the owners of Flat ■■■ which is one of three flats in the ■■■■■ understand that Mrs Lucy Deeley, who is either owner or one of the owners of the above flat, will shortly be applying or has applied for a licence to continue using the above property to provide short term lets.

We oppose the granting of such a licence for the following reasons:

- 1) The title deeds of our Flat ■■■ and we believe that these apply to all flats in the Lodge complex, expressly forbid the use of these flats for the running of any business, and we believe that Mrs Deeley is running Flat E as a business (and in fact has expressly said so to us). We understand that these title deeds were imposed as the result of an agreement made in 1962 between the National Trust for Scotland and North Berwick Town Council when the National Trust bought the property from the Council.
- 2) Flat E is on the first floor and shares an entrance to both the other flats and a common stair with Flat A above it. It also shares a common area on the ground floor which contains storerooms for all three flats and also for the Coach House at 1 Kirk Ports. The waste bins and recycling boxes for all three flats are also kept there. We believe that there is a security risk in giving access to this space to short term tenants.
- 3) Because this building is in a public park we have had difficulties in the past with strangers coming into the building thinking that it is a public place, if outer doors are left open. Short term tenants often leave doors open not realising the problem.
- 4) For reasons that we do not fully understand, over the past 27 years that we have owned Flat ■■■ we have had a history of flooding from Flat E into Flat ■■■ and the storage area. Serious damage can be prevented if there is a long-term tenant or owner resident in Flat E. With short term tenants the situation can be more difficult, particularly as the present owners of Flat E do not live in North Berwick. Such difficulties have occurred twice in the last twelve months.
- 5) There is also a problem with short term tenants over disposal of waste and materials for recycling. Understandably, these tenants do not know the rules for disposal of the various categories, which can sometimes mean that everything is consigned to the green bin and this can go unemptied for 4 weeks.

Rafferty, Alison (Licensing)

From: Licensing
Sent: 12 October 2023 16:01
To: Short Term Lets
Subject: FW: Short term lets

251
ELOO 215 P

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

From: Alan Hanratty [REDACTED]
Sent: 12 October 2023 15:36
To: Licensing <licensing@eastlothian.gov.uk>
Subject: Re: Short term lets

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.

Hi
The full postal address of the apartment I wish to object to is:

2E the lodge
East road
North Berwick
Eh394hn

Alan

> On Oct 12, 2023, at 2:19 PM, Licensing <licensing@eastlothian.gov.uk> wrote:
>
> Further to your email below
> We would require the full postal address of the property you are wishing to object to.
>
> Licensing Team

> -----Original Message-----

> **From:** Alan Hanratty [REDACTED]
> **Sent:** 12 October 2023 13:46
> **To:** Licensing <licensing@eastlothian.gov.uk>
> **Subject:** Short term lets

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

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

> I wish to complain about the application for a short term let at 2E
> east road North Berwick Eh394hn, the middle apartment of this 3
> apartment block

> I reside in [REDACTED] the apartment [REDACTED] 2E

> This grade B listed building has a communal stairwell shared by 3

> apartments

>

> The occupants of the lower apartment are 90 years old, I am 75 years old It is very disconcerting to see people on the stairwell and have no idea who they are.

>

> Alan

>

> *****

> *****

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> received this email in error please notify the sender and ensure it is

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> amended without the knowledge of the sender. East Lothian Council do

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> interrupted or defective transmission.

> *****

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

APPLICATION FOR GRANT / RENEWAL OF SHORT-TERM LET LICENCE

1c

PART 1: ABOUT YOU

Are you applying as an individual or corporate entity?

Individual

Corporate Entity

Fill in if you are applying as an individual:

Your full name _____

Date of birth _____

Place of birth _____

Home Address _____

Postcode _____

Tel. No. _____ Email address _____

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

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

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

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

Yes No

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

Full name _____

Date of birth _____

Tel. No. _____ Email address _____

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

Joint Ownership

Is your property jointly owned? Yes No

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

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

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

Individuals, please go to Part 2.

Corporate entities

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

Corporate entity name Caddyshacks Ltd

Limited company number (if applicable) Sc696406

First name and surname JOSEPH AVENT

Registered or principal office address 


Tel. No.  Email address 

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

Full name	Personal address	Place of birth	Date of birth
JOSEPH WALTER AVENT			
ROBERT SWORD AVENT			
STUART MURRAY NIGEL HADDOW			

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

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

PART 2: APPLICATION AND LICENCE TYPE

(to be completed by all applicants)

Please select the application type:

- First application (existing operator*)
- First application (new operator)
- New application (where property has been used as licensed STL previously)
- Renewal
- Change to existing licence

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

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

Existing licence number _____

Existing licence expiry date _____

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

Previous licence number _____

Previous licence expiry date _____

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

- Home sharing
- Home letting
- Home sharing & home letting
- Secondary letting

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

Yes No N/A

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

N/A

PART 3: PREMISES DETAILS

Premises Address 23 BRIGHTON TERRACE, GULLANE

EAST LOTHIAN Postcode EH31 2AE

Unique Property Reference Number (if known) _____

EPC Rating* C

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

Please select the type of premises:

Detached House	<input type="checkbox"/>	Semi-detached house	<input type="checkbox"/>
Terraced House	<input type="checkbox"/>	Flat	<input checked="" type="checkbox"/>
Unconventional accommodation	<input type="checkbox"/>		

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

Self-catering	<input checked="" type="checkbox"/>	B&B	<input type="checkbox"/>
Guest house	<input type="checkbox"/>	Other form of home sharing	<input type="checkbox"/>
Home letting	<input type="checkbox"/>		

Specify the number of rooms within the premises used as:

Bedrooms 4 Bed/Sitting rooms 0

Bathrooms 4 Kitchens 1

Lounges 1

Other (please specify) UTILITY ROOM

Specify the maximum number of guests 8
(excluding children under 2 years of age)

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

Yes

No

PART 4: CONVICTIONS

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

NAME	DATE	COURT	OFFENCE	SENTENCE

PART 5: APPLICATION CHECKLIST

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

I have enclosed the following (please tick to confirm (or enter N/A))		
Correct application fee		See East Lothian Council website – Civic Licence Fees
Annual gas certificate (for premises with a gas supply)		Valid to: 04/09/2024
Electrical Installation Condition Report	✓	Valid to: 06/06/2027
Portable Appliance Testing Report	✓	Valid to: 25/01/2024
Fire Risk Assessment		✓
Fire Service Safety Checklist		✓
Legionella Risk Assessment		✓
Planning permission (for premises within a control area or where requested by the licensing authority)		Planning application reference number:
Floor plan		✓
EPC Certificate (for premises which are dwellinghouses)	✓	Valid to: 22/12/2032
Public Liability Insurance	✓	Valid to: 31/08/2024
Proof of consent from owner (if applicable)	✓	N/A
Evidence of operation as a short-term let on or before 1 October 2022 (for existing hosts applying during transitional period)		✓

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

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

PART 6: DECLARATION

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

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

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

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

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

Signed



Print name

JOSEPH AVENT

Date

25 | 09 | 23

DATA PROTECTION ACT 2018

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

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

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

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

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

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

Consultation responses

Antisocial Behaviour team – No objection

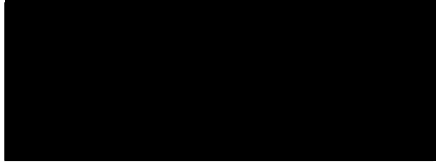
Parking team – No response

Planning Authority – See explanation of current situation

Environmental Services – No response

Police Scotland – No objection

SFRS – No objection



Sheila Fitzpatrick
Team Leader – Licensing and Landlord Registration
East Lothian Council
John Muir House
Brewery Park,
Haddington
East Lothian EH41 3HA

19 May 2024

PRIVATE & CONFIDENTIAL

Dear Sheila

Objection To Short Term Let License for 2B Brighton Terrace reference EL00221P by Caddyshacks Limited

Thank you for your email of 9 May 2024 regarding the above.

Further to my correspondence by email of 5 October 2023 objecting to the proposed short term let license, new situations have come to light since then. I would therefore like to add these new circumstances as objections and for them to be taken into account when you consider the above application.

1. Licensing Application Does Not Meet East Lothian STL Council Rules And Has Been Deemed Not Lawful By East Lothian Council.

On 8 April 2024 Caddyshacks Limited was been rejected for a CLUD, which it seemingly applied for to avoid having to apply for planning permission.

The short term let regulation was common knowledge and indeed published widely on 20th March 2020. This conversion and change of use of 2B Brighton Terrace was carried out during the period in from July 2021 to June 2022 in full knowledge of the requirements but without an intent to apply for a material change of use or any other planning permission.

The East Lothian Council website states:

https://www.eastlothian.gov.uk/info/210571/licensing/12730/short-term_lets_licensing

If you apply for a STL licence and you do not have the required Planning Permissions or CLUD (Certificate of Lawful Use or Development), East Lothian Council will refuse to consider your application. You will then have three months from the date of your application for a STL licence, to lodge an application for Planning Permission or a CLUD. In the event Planning Permission or a CLUD is not granted, the licence application fee will not be refunded.

The property at 2B was not operating as a short term let business when I purchased my property at 2A, so they applied for a CLUD knowing that they did not have 10 years' use as a short term let as they only bought it in 2021.

Where a residential property becomes that of a commercial operation by a Limited Company then this is a material change of use. In the CLUD decision East Lothian Council Planning they confirmed that there had been a material change of use and that their "use of the flat as a short term holiday let has not been proven to be lawful".

Our Ref: 24/00125/CLU
Ask For: Neil Millar
Tel: 0162082 7383
Your Ref:
Date: 8th April 2024

Mr Joe Avent
c/o STL Solutions
Per Craig Douglas
Halo Building
Hill Street
Kilmarnock
East Ayrshire
KA1 3HY

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SECTION 150
DECISION ON APPLICATION FOR CERTIFICATE OF LAWFULNESS OF USE
OR DEVELOPMENT**

PROPOSAL: qCertificate of lawfulness for an existing use - short term holiday let
LOCATION: 2B Brighton Terrace East Links Road Gullane EH31 2AE

I refer to your application for a Certificate of Lawfulness of Use or Development under the Town and Country Planning (Scotland) Act 1997 Section 150, reference no 24/00125/CLU

I write to advise you that the Council has decided, on the basis of the facts presented in the application, to refuse a Certificate of Lawfulness for the proposed use or development.

The reasons for the Council's decision are as follows:

It has not been demonstrated that the use of the flat as a short term holiday let is not a material change of use that does not require planning permission or that the flat has been in use as a short term holiday let for a continuous period of 10 years or more.

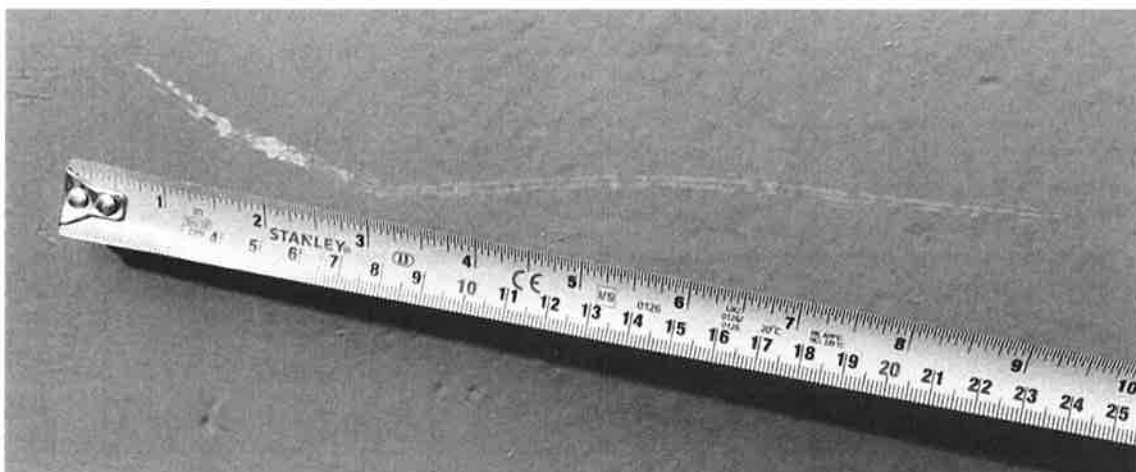
The existing use of the applicant's flat as a short term holiday let has not been proven to be lawful under Section 150 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, this application should therefore be refused and a Certificate of Lawfulness should not be issued.

The Applicants also had a statutory obligation to advertise display a notice of application stating that an application for a short-term let licence has been made. To my knowledge this has not been done, unless they can provide photographic proof that it was. I was first aware of the STL application through the East Lothian Council website.

Therefore their license application should be declined as they have not met any of the requirements specified on the East Lothian council website and have clearly operated in a manner that they never intended to do so.

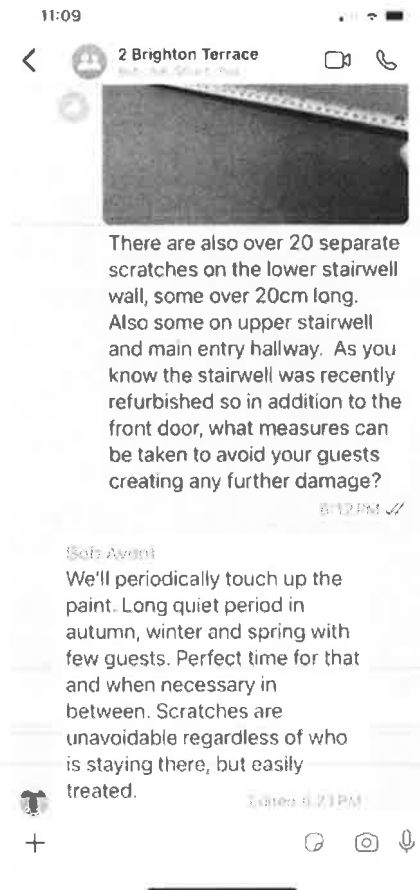
2. Damage To Stairwell & Door

On 30 April 2024 the guests staying at 2B broke the fascia board on the stairwell entrance door where the lock box is located and then scraped bags along the recently refurbished stairwell, creating over 20 scratches of up to 20cm long.



I reported this to Caddyshacks Limited as the applicant does not personally check guests out. Whilst there was no apology for the damage caused by their guests, the fascia board has since been repaired as they need it for the lockbox.

However their response to the stairwell damage was that this is part and parcel of operating commercially at 6-8 guests per visit. Their position is that this is 'unavoidable' and comes with the territory of running a commercial business with this volume of people in the stairwell. They agree to remedy this, but only in 6 months' time once all the other expected damage from the 250+ people they are hosting this year have been through.



They seem to accept that further damage will occur and that the shared resident of the stairwell will just have to accept this state of affairs.

This level of damage may be acceptable in a commercial environment, but is not acceptable in a residential building over any time frame. Nor is it acceptable that the resident who arranged the refurbishment and shared the cost will have to put up with all this damage for 6 months before any action is taken.

This is the clearest example why operating an unlicensed and unlawful commercial business is incompatible with a residential building and why the short term let license application should be declined.

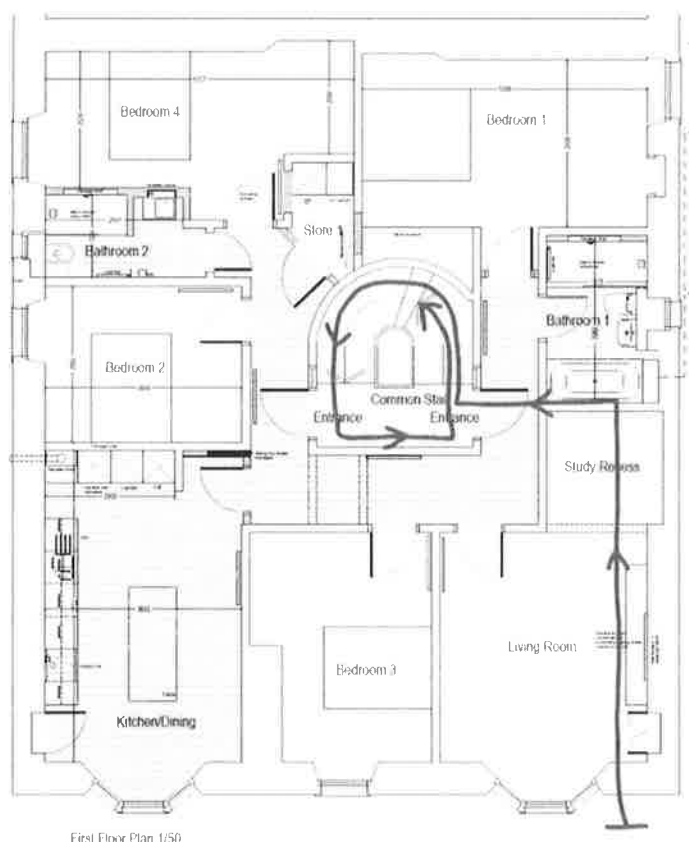
3. Continued Disturbances In The Property

The STL was brought into place to protect those in a shared residential stairway from such noise and upset that can result from short term lets. To date none of the measures that this commercial developer has put in place has alleviated the problem from inside the flat and in the stairwell. This will always be an issue as 2B is a residential property for 1 to 4 people that was not designed to be a commercial property to host 6 to 8 people.

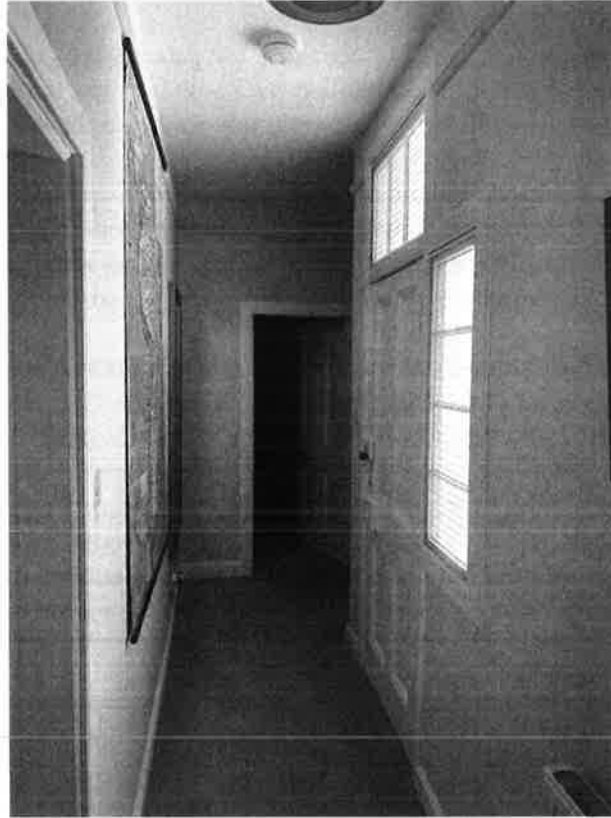
At no point in the booking, checking in or checking out process are guests met face to face by a representative of Caddyshacks Ltd to establish their suitability or to remind them of their obligations to neighbours. Everything is done remotely as the applicant does not live in the local area.

I therefore now have to remind almost every set of guests to moderate the noise they are creating in the stairwell and from slamming doors as any notices and noise monitoring equipment installed by these commercial developers is simply not working.

This is especially true of the shared stairwell because the unique design of 2 Brighton Terrace sees the stairwell in the centre of the building around which the flats are located. Therefore guests do not simply 'pass' the first floor door along a single corridor. Instead, you hear the front door open as they come in under the lounge and then climb the stairs in a circular motion through the centre of the entire flat and go past BOTH entry doors into the first floor flat (see red line on image below). The noise of up to 8 people entering and leaving the premises is heard throughout the flat because the stairwell is bounded on every side by the first floor flat and it acts as an echo chamber. There is no noise monitor in the stairwell.



There is also significant light disturbance throughout the property from the stairwell lights after the hours of darkness through the fanlights around the doors, despite the presence of privacy screens to minimise this. The pattern of entry and exit to the short term let at 2B is markedly different to residential use. The picture below was taken with every other light off at 11pm to illustrate the degree to which a pitch-black hallway is illuminated up by guests using the internal stairwell.



The continued disruption affects the amenity of the property that would not exist if the upstairs flat was occupied by a resident who operated on a normal residential timescale and would understand how to live in a shared tenement.

In terms of the legal requirements for a short term let, who is responsible for fire risk of the shared stairwell if a commercial license is granted? Should this be granted can we assume the council take responsibility given we would be permitting the current developer to waive the requirements that all other short-term tenancies adhere to including that of fire risk assessments in a block of residential flats?

4. Reduced Access To Parking

In Brighton Terrace there is space for 11 cars, in addition to the 3 on road spaces for the shop and the church use. This is shared between the 6 properties that have access to the street so less than 2 spaces each. With 6 to 8 guests for each stay at 2B Brighton Terrace there are regularly 3 to 4 cars using these spaces which means that the permanent residents cannot park outside their own properties.

5. Lack Of Community

I moved to Gullane 2 years ago to be part of the community and due to a shortage of suitable accommodation it took almost a year to find the property at [REDACTED] I was happy to share a building with a fellow residential tenant and be part of that community. The neighbours who share the adjacent properties form a small community who get along and look out for each other. They are also impacted by some of the points that I raise here.

The short term let guests contribute nothing towards this community and reduce the available housing stock for permanent residents. Myself and all the neighbours frequently have to intervene with short term let guests who are not familiar with tenement life in a shared building, especially those from overseas. The permanent residents support the local community, shops and businesses for 12 months of the year, rather than for short period in the summer and build a better village community for the future.

I would be willing to discuss any of the points above in more detail if required.

Yours sincerely

[REDACTED]

Martin Hopley

Rafferty, Alison (Licensing)

From: Martin Hopley [REDACTED]
Sent: 05 October 2023 16:16
To: Short Term Lets
Cc: Licensing
Subject: Short Term Lets License Objection

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.

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

5 October 2023

Dear Sir/Madam

I am writing to object to an application for a Short Term Let license by Flat B, 2 Brighton Terrace, Gullane, EH31 2AE.

Flat B is the second floor flat [REDACTED] and we share a circular communal stairwell in the centre of the building that our flats go around on all sides, a bit like the shape of a doughnut.

My objection is based on the detrimental effect short term letting business has on the amenity of the residential building due to the following reasons:

- I live alone and am approaching retirement and the constant presence of 250-300 random strangers a year in a private stairwell is unnerving and on occasions I have been concerned for my safety. The owners run their short term let business remotely using lock boxes and wireless locks and there is no in-person vetting or meeting of clients. On occasion clients have knocked on my door in the evening when they have been unable to gain access to Flat B which is disruptive and stressful. Some have been under the influence of various stimulants at the time which does little to alleviate these feelings.
- Due to the nature of the people staying there, there are regular patterns of noise outside of normal waking hours. This includes clients returning at 10.30-12pm making noise in the central stairwell and slamming the main door and flat doors. It also includes 5-6am noise as they exit to make early flights from Edinburgh airport, both from the flat and in the stairwell as flight bags are bounced down the stone stairs. This pattern of out of hours noise happens most nights, most weeks of the year, particularly in the summer and it is affecting the amenity and quality of life in the building.
- There have been multiple occasions where noise consisting of music, TV, singing and shouting has continued past the hours of midnight. Each year I am concerned with what might happen during the peak holiday and festive season and am getting to the stage where I wonder if I have to move out over New Year to ensure security and peace.
- Clients may bring pets and there have been instances of dogs barking whenever I used the stairwell, which is not only disruptive but also a safety concern.
- Despite notices for clients to the contrary, washing machines and tumble dryers are run overnight which can be heard throughout the building.

- Other neighbours in the next door building have mentioned clients knocking on their main door as they incorrectly return to the wrong address.

The ongoing disruption and noise from the business of short term letting is inconsistent with the shared nature of a residential building and has a detrimental effect on the amenity for those of us who are permanent residents in Gullane village and that is why I am writing to oppose the granting of a Short Term Let licence for Flat B.

If you could confirm the safe receipt of this email I would appreciate it. Thank you

Yours faithfully

Martin Hopley



