

LOCAL REVIEW BODY

22 August 2024

Application No: 24/00016/P

**Flat 3, Rosebery Place, 8 Main Street, Gullane,  
EH31 2AN**

Appointed Officer's Submission



## **24/00016/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION**

Planning Application Review Against Decision (Refusal): Change of use of flat to short term holiday let (Retrospective) at Flat 3, Rosebery Place, 8 Main Street, Gullane.

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2. Copy of the Decision Notice (including reason for refusal) relating to planning application 24/00016/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; (vi) ELC Housing Strategy & Development; and (vii) Gullane Area Community Council.
4. Copy of the two representations received to application 24/00016/P.
5. Copy of Policies 7 (Historic assets and places), 13 (Sustainable transport) and part (e) of Policy 30 (Tourism) of National Planning Framework 4 and Policies RCA1 (Residential Character and Amenity), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.
6. Schedule of conditions.

12<sup>th</sup> June 2024

Neil Millar  
Planner (Planning Delivery)

# OFFICER REPORT

**27th February 2024**

App No. **24/00016/P**

Application registered on **26th January 2024**

Target Date **25th March 2024**

Proposal	<b>Change of use of flat to short term holiday let (Retrospective)</b>	SDELL	Y
		CDEL	N
Location	<b>Flat 3 Rosebery Place 8 Main Street Gullane East Lothian EH31 2AN</b>	Bad Neighbour Development	N

APPLICANT: **Mr Norman Gray**

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

**54 Geraghty Street  
Bulli  
Australia  
2516**

DECISION TYPE:

**Application Refused**

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a second floor flat within a two storey mid-terrace flatted building, with accommodation in its roof space, situated on the south side of Rosebery Place in Gullane. The ground floor component of the building contains a shop which is served by its own separate entrance door. The flatted building is within the Local Centre of Gullane as defined by Policy TC1 of the adopted East Lothian Local Development Plan 2018. It is also within Gullane Conservation Area.

The flatted building is bounded to the east and west by commercial premises at ground floor level and residential properties at upper floor levels, to the north by the public road of Rosebery Place and to the south by a communal garden area beyond which there are neighbouring residential properties.

Planning permission is retrospectively sought for the change of use of the residential second

floor flat of Flat 3, 8 Main Street, Gullane 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.

The applicant has submitted supporting documents with this application which confirms that (i) the flat has been marketed/used for short term lets since May 2021; (ii) the most common length of stay by guests is 7 nights; (iii) the maximum number of visitors in one booking is 5 guests; (iv) North Berwick Holiday Homes (the appointed letting agency) manages guest arrivals and departures for the check in/check out process; (v) the property is cleaned after each guest stay by an appointed cleaner and that a local person is employed to manage recycling and waste bins for collection days; (vi) there are a total of four flats within the building - two at first floor level and two at second floor level; and (vii) all four residential flats within the building share a communal entrance door and internal stairwell with one another.

## DEVELOPMENT PLAN

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

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

Policies 7 (Historic assets and places), 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies RCA1 (Residential Character and Amenity), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

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

## REPRESENTATION

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

- (i) the use of the applicant's flat as a short term holiday let has caused major problems in the past;
- (ii) the letting company who manage the property is very dilatory, especially regarding recycling and refuse collection which affects the people who live here sharing the communal garden;
- (iii) the atmosphere is changing as more properties in this block are allowed to operate as short term lets;

- (iv) there is a communal front door, hallway and stairwell leading to the property and the use of the communal stair by visitors is not fair or appropriate and noise levels, especially late at night, can be high;
- (v) unknown people are coming and going which poses a security issue;
- (vi) last year people were using the flat without the knowledge of the owner or the letting agency which is not conducive to confidence that the property is being well managed; and
- (vii) short term lets kill the community and should not be allowed.

## COMMUNITY COUNCIL COMMENTS

Gullane Area Community Council, as a consultee to this application, note that the property is used for short term lets and, due to the shortage of small properties available for permanent residence, view this proposal as unfortunate. They state that there is no available parking at the property and that the general location is very busy where there is a shortage of available parking. They state that the provision of space for up to 5 guests creates the potential for there to be multiple vehicles needing to park. They also state that the property shares an entry with a number of other flats, creating the potential for disturbance. Accordingly, Gullane Area Community Council advise that they do not support this retrospective planning application.

## PLANNING ASSESSMENT

This application seeks retrospective planning permission for the change of use of a three bedroom second floor flat to a three bedroom unit of holiday let accommodation. The holiday let comprises of three bedrooms, a kitchen/dining room and a bathroom. The second floor 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 Gullane 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 (retrospective) of the application property to a unit of short term holiday let accommodation on the amenity of the existing neighbouring residential properties.

The Council's Senior Environmental Health Officer advises that whilst the normal use of a property would not result in loss of amenity to neighbours, the use of properties for short term holiday 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 they have had 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 over the last three years) and thus they raise no objection to this retrospective planning application.

The Council's Road Services raise no objection to this application and note that the property has no private parking such that residents/visitors are required to park on the street, which is considered appropriate for this property. They also 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 proposal does not conflict with Policy 13 of NPF4 or with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

As set out above, no alterations have been undertaken to the property, either internally or externally, to facilitate the retrospective change of use and none are proposed through this application. Accordingly, the proposal does not have a detrimental impact on the character and appearance of this part of the Gullane Conservation Area. On this consideration, the proposal does not conflict with Policy 7 of NPF4 or with Policy CH2 of the adopted East Lothian Local Development Plan 2018 on matters relating to development within Conservation Areas.

The applicant's property is a three bedroom flat located at second floor level within a two storey flatted building with accommodation in its roof space. The flatted building contains a total of 4 residential properties, two at first floor level and two at second floor level. The applicant's second floor flat, the subject of this application, shares a communal front entrance door and stairwell with three other residential properties within the flatted 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 entrance and internal stairwell of the residential flatted building. Most users/occupants of the holiday let would have a degree of luggage or other property to take through the communal entrances and stair 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 flatted building of 8 Main Street. It is accepted that permanent residents may also make noise but they tend to keep their luggage in their homes and do not move them with the same frequency as regularly changing guests who arrive and depart sometimes at unsociable hours, and this differs from typical residential circumstances.

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

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

Given the specific circumstances and location of the application property within the residential flatted building of 8 Main Street, Gullane which contains a number of permanent/long term residences which share a communal entrance and stairwell, the retrospective change of use of the applicant's second 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 properties within the residential flatted building. 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) the property is located within the North Berwick ward (where there is already a high percentage of short term lets); and (ii) the property has not been in use as a short term let for more than 5 years. 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 aggregate economic benefit from short term holiday lets as a vital element in the supply of visitor bedstock within the County and the provision of a sustainable and resilient supply of overnight holiday accommodation is key to delivering the Council's strategic priority of being "Scotland's leading coastal, leisure and food & drink destination"; (ii) based on primary research commissioned by the Council there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian with the tourism sector contribution £155m to the local economy in 2021 and supporting 10% of the workforce; (iii) visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021 and the majority of visitors to East Lothian are repeat visitors; (iv) non-serviced accommodation (short term holiday lets) contributes positively to the local economy (£279m in 2019) and the applicant's flat accounts for 5 bedspaces and a potential annual economic impact of £113,635 and 2.5 FTE jobs; (v) the proposal provides high-quality tourist accommodation attracting visitors to the surrounding area providing economic benefit; and (vi) 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 Manager supports this retrospective planning application stating that the change of use of the flat to short term holiday let accommodation supports the strategic goals and objectives of the Economic Development Strategy 2012-2022 and the intent and outcomes of part e) of Policy 30 of NPF4.

However the local economic benefits associated with the use of the applicant's second floor 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 3, 8 Main Street, Gullane 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 8 Main Street, Gullane 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

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████████████████████  
████████████████████

27th February 2024

App No. 24/00016/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Mr Norman Gray  
54 Geraghty Street  
Bulli  
Australia  
2516**

**APPLICANT: Mr Norman Gray**

With reference to your application registered on 26th 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  
Flat 3  
Rosebery Place  
8 Main Street  
Gullane**

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 8 Main Street, Gullane and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

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

Details of the following are given in the application report:

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

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG 01	-	05.01.2024
DWG 02	-	26.01.2024

**8th 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.

**From:** [REDACTED]  
**To:** [Millar, Neil](#)  
**Cc:** [REDACTED] [Environment Reception](#)  
**Subject:** TRANSPORT PLANNING RESPONSE: 24/00016/P- Planning Consultation  
**Date:** 05 February 2024 11:17:06

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EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

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Proposal: Change of use of flat to short term holiday let (Retrospective) at Flat 3 Rosebery Place  
8 Main Street Gullane East Lothian EH31 2AN

This planning application is for a retrospective change of use of flat to a short-term holiday let at Flat 3 Rosebery Place 8 Main Street in Gullane. This property has no private parking and therefore residents/visitors are required to park on the street.

We have reviewed the documents submitted by the applicant in support of this planning application, which confirm that no internal changes are proposed. Hence, we conclude that there would be no changes in the likely parking demands. In general, we would note that whilst there may be some increase in the number of vehicles parking on the street 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



**From:** [REDACTED]  
**To:** [Environment Reception](#)  
**Cc:** [Millar, Neil](#)  
**Subject:** RE: 24/00016/P-Neil Millar - Planning Consultation  
**Date:** 02 February 2024 10:00:36

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I refer to your consultation request of 31<sup>st</sup> January 2024 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 or [REDACTED] | Visit our website at  
[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
Sent: Wednesday, January 31, 2024 1:54 PM  
To: [REDACTED]  
Subject: FW: 24/00016/P-Neil Millar - Planning Consultation

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>  
Sent: 31 January 2024 08:29  
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>  
Subject: 24/00016/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 (Retrospective) at Flat 3 Rosebery Place

8 Main Street  
Gullane  
East Lothian  
EH31 2AN

[[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\\_Be\\_Nice\\_EMAIL\\_FOOTER\\_zerotolerance\\_1.png&data=05%7C02%7Cccclark1%40eastlothian.gov.uk%7Cb6ea4f9db53849b7261708dc226407fa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638423060351693287%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IkhhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=7Uf0SKZ7uWVK1JAbu%2BoIR%2BILP7oQ6rYEC3nULccmo9Y%3D&reserved=0](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER_zerotolerance_1.png&data=05%7C02%7Cccclark1%40eastlothian.gov.uk%7Cb6ea4f9db53849b7261708dc226407fa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638423060351693287%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IkhhaWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=7Uf0SKZ7uWVK1JAbu%2BoIR%2BILP7oQ6rYEC3nULccmo9Y%3D&reserved=0)]







## 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** – 24/00016/P

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

**Location** – Flat 3 Rosebery Place, 8 Main Street, Gullane, East Lothian EH31 2AN

**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 9<sup>th</sup> 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.

<b>2019</b>	<b>Total Accommodation</b>	<b>Total Excluding Shared Access NSA</b>	<b>Impact of Removing Shared Access NSA</b>
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
<b>Total Economic Impact</b>	<b>£279m</b>	<b>£265m</b>	<b>-£14m</b>
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.

Part a) of the policy introduces a presumption of support for new or extended tourist facilities or accommodation in locations identified within local development plans. Part b) sets out the consideration to be taken into account (e.g. contribution to the local economy, impact on communities e.g. hindering provisions of homes), and part e) instances in which proposals for change of use will not be supported.

Specifically, part e) of gives regard to "development proposals for the reuse of existing buildings for short term holiday letting", noting that these 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.

Part e) should be read in conjunction with parts a) and b) of the policy, and in terms of part ii), which we address within this response, it should be considered at an area rather than individual property basis. The test set out in part ii) does not suggest that the relative economic benefit of long term lets or owner occupation should be set against that of use as a short term let within the tourist sector, rather that there should be an area based assessment that sets housing loss (hindering of the provision of homes e.g. though over provision of short term lets in an area) against the economic benefit of short term lets as contributor to the local economy.

Operators making an application for change of use are asked to supply additional information in respect of the operation or proposed operation of their property as a short term let, e.g. length of time in operation, average number of nights occupied, what the local economic benefit is, and what they intend to do with the property if a change of use is not granted etc. The applicant declined to provide this information, but did supply a supporting statement to this application and a further representation in respect of 23/00075/Preapp, this information is summarised below.

The property in question is a 3 bedroom / 5 bedspace second floor flat located in Gullane. The property has been in use as a Short Term Let since 2021. The applicant notes that "the property is the applicants' sole home and is a mix of family use and commercial letting. The property caters for incoming tourists to the area, incoming temporary workers, family and friends visiting, locals carrying out home renovations, and people and people moving to the area". The applicant represent that they temporarily work overseas and in 2023

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

accommodated 6-8 weeks of their own use and 210 nights of lettings, which ranged in duration from 4 to 65 consecutive nights. They note that “at the peak times of July and August, during the Golf Open, Fringe by the Sea, Edinburgh Fringe and coinciding with the school holidays, there is one booking per week. Outwith this period, there is one booked visit every 2/3 weeks”.

The applicant has provided information in relation to the economic benefit of the STL: The property attracts golfers being ideally situated on the Golf Coast, 21 courses within 30 miles of the EL coastline. The economic value of golf tourism to EL is more than £20m and supports more than 600 jobs. (Source: Visit Scotland). Golf tourism is worth an estimated £300m each year to Scotland’s economy. (Source: The Scotsman, July 2022). The direct economic impact of the industry occurs at the location of the golf facilities, in this case Gullane and the broader NB Coastal Ward; manufacturers and retailers of golf equipment; firms dealing with the broadcasting, marketing and running of golf tournaments; transport facilities, accommodation and hospitality used by golf tourists. (Source: The Value of Golf to Scotland’s Economy, KMPG). For further context, the property is located within Gullane Local Centre. The property is situated above 9 commercial units along the length of Rosebery Place, Main Street. These include, a Co-operative Convenience Store, The Super Fry fast food outlet, the Main Course (Italian restaurant), an ice cream parlour and a chemist. [The operation of the STL] contribute directly to the local economy by purchasing services and goods in the Local Centre...the property offers mixed use. It provides local residents the opportunity to remain in the Community when, for example, renovations are taking place to their own property; locals and new residents are awaiting house purchases to complete; relatives are visiting family locally; for temporary employees for example, hospitality workers during the Scottish Open...It is not our intention to over promote the property as this is our sole owned property and it is let while we are working overseas until July 2027. We feel the property being used is more beneficial to the local economy. There is no economic benefit to the community as an unused ‘residential’ 3 bed flat located in the top 3 most visited places in East Lothian either in generating income in the locality or supporting local employment”.

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

### **Economic Development Recommendation**

It is the view of the Economic Development Service that in terms of National Planning Framework 4 Policy 30 part e) ii. there are demonstrable local economic benefits delivered by all types of short term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected, and supported where there is no demonstrable and unacceptable impact on local amenity, the character of the area, or loss of residential

## EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

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 aggregate economic benefit from short terms lets as vital element in the supply of visitor bedstock within the County. Provision of a sustainable and resilient supply of overnight holiday accommodation within the County is key to delivering the Council's strategic priority of being "Scotland's leading coastal, leisure and food & drink destination".
- Based on primary research commissioned by the Council, there is a demonstrable economic benefit to having a wide range of accommodation types in East Lothian, with the tourism sector contributing £155m to the local economy in 2021 and supporting 10% of the workforce. Visitors staying overnight in non-serviced accommodation contributed £60.1m to the local economy in 2021, a figure which has been rising year on year. The majority of visitors to East Lothian are repeat visitors, 81%, and rely on good availability of high quality accommodation year on year to facilitate this.
- Non- serviced accommodation (short term holiday lets) contribute positively to the local economy (£279m in 2019). Using the sampling outlined above, this property accounts for 5 bedspaces and a potential annual economic impact of £113,635 and 2.5 FTE jobs. This is borne out by the information provided by the applicant, with which we concur.
- The operation of short-term holiday letting is a bonafide business activity that contributes to employment and economic benefit in East Lothian. The proposal provides high-quality tourist accommodation attracting visitors to the town and wider area providing economic benefit.
- 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):

## **EAST LOTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

- 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 and 2024/25 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:** 14/02/2024



# 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.

<b>Short Term Lets (STLs) by Area Partnership, Snapshot October 2022.</b>			
<b>Area Partnership</b>	<b>PRS</b>	<b>Number of STLs</b>	<b>% of STLs</b>
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%
<b>Total</b>	<b>5960</b>	<b>387</b>	<b>100%</b>

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 adaptable<sup>1</sup>: 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 6months 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.

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<sup>1</sup> 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 – 24/00016/P**

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

**Location – Flat 3, Rosebery Place, Main Street, Gullane, EH31 2AN**

**Planning Officer – Neil Millar**

Housing Strategy has been asked to comment on the approval of the change of use of Flat 3, Rosebery Place, Main Street, Gullane, EH31 2AN East Lothian to a short term holiday let. The proposal is a first application for planning permission for short-term letting of a fully furnished property. The property has been let on a short term basis since 2021. It is used as a second home for 6-8 weeks of the year. The property has been let to transient household previously. The applicant claims to be moving back into the property in 2027.

The Housing Strategy & Development Service object to the proposal set out in the above noted 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:

- The property is located in the North Berwick ward; and
- The property has not been a short term let for more than 5 years.

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

**Response author: Anne Kripler**

**Date: 12/02/2024**



**Gullane Area Community Council**  
Serving the communities of Gullane, Aberlady,  
Dirleton, Drem and surrounding rural areas



[www.gaddabout.org.uk](http://www.gaddabout.org.uk)

3 February 2024

Environment  
East Lothian Council  
John Muir House  
Brewery Park  
Haddington  
EH41 3HA

Email [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)

Dear Sirs

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

Flat 3 Rosebery Place 8 Main Street Gullane East Lothian EH31 2AN  
Ref. No: 24/00016/P

The Gullane Area Community Council submits the following response to the above application for planning permission. The subjects lie wholly within our community council area.

We note that the property is regularly going to be used for short term holiday lets. Given the shortage of small properties available for permanent residence we see this as unfortunate. There is no available parking at the property. The general location is very busy and short of available parking. The provision of space for up to 5 people creates the potential for there being multiple vehicles needing to park. The property shares an entry with a number of other flats, creating the potential for disturbance.

We believe that we should not be giving permission for such use. We ask the Council to reject the application.

Martin White  
Community Councillor and Planning Spokesperson  
For and on behalf of Gullane Area Community Council



[REDACTED]  
[REDACTED]  
[REDACTED]

1 February 2024

Dear Sir/Madam

PLANNING APPLICATION NUMBER 24/00016/P

I am writing regarding the above application in relation to 8/3 Rosebery Place, Gullane.

I thoroughly object to the change of use for the flat to a short term holiday let. This has caused major problems in the past, with the same owner who is out of the country. The company who is meant to look after the property is very dilatory, especially regarding recycling and refuse collection which affects the people who live here sharing the communal garden.

The atmosphere is changing as more properties in this block are allowed to become short lets. In a shared stair this does not seem fair or appropriate - noise levels, especially late at night, can be high; unknown people coming and going through the garden are a security issue. Last year it turned out people were using the flat without the knowledge of the owner or letting agency which is not conducive to confidence that the property is being well managed. This sort of short term let kills the community and should not be allowed.

Thank you for your consideration of these points.

Yours sincerely

[REDACTED]



4 February 2024

Application Number 24/00016/P  
Flat 3 Rosebery Place 8 Main Street

Dear Sir,

Let me assure you that the above property is not suitable for short term holiday let.

There is a communal front door, a hallway and a communal staircase leading to the property. It is rather disquieting to meet, on a regular basis, complete strangers on the staircase.

I spoke to a member of the cleaning team about the household rubbish overflowing the green bin (health - safety).

She said she would report the matter, "Well  
no one is in the flat this week." I had to  
tell her that the property was occupied,  
I met the man on the staircase and  
had heard his footsteps. [REDACTED]

After that perhaps the lock (o) was  
changed.

I trust that you will treat this  
representation seriously -

Yours sincerely,

[REDACTED]



## **National Planning Framework 4**

### **Policy 7 (Historic assets and places)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **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.

### **CH2 (Development Affecting Conservation Areas)**

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

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

### **Policy T1: Development Location and Accessibility**

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

## **Policy T2: General Transport Impact**

New development must have no significant adverse impact on:

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

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

**SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING APPLICATION BY THE LOCAL REVIEW BODY – 24/00016/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.