

10th of September, 2024

Dear Licensing Officer
stl@eastlothian.gov.uk

We would like to thank you for the opportunity to submit further information prior the Licensing Sub-Committee meeting.

My name is Calum McCann. My wife and I are the owners of 14 Harbour View.

A bit of background first and why we bought 14 Harbour View. Although we now live in Norway, I am a local and still have a large family in Musselburgh. To be specific, two brothers a sister and our 91-year-old mother who live in the town. I also have a brother who lives on Skye and another brother who lives in West Lothian. Along with numerous nieces and nephews and the wider family around Scotland we often meet up in Musselburgh for the likes of Christmas, Easter, weddings etc. We have owned the flat for over 7 years now.

We bought the flat to spend more time with the family and our long-term aim is to semi retire in Musselburgh. We feel Harbour View would be an ideal place to retire as we love going for walks on the beach and being so close to the harbour. I celebrated my 60th this year so not so long to go now. We visit the flat 3-4 times a year and our families in Norway and Scotland also make use of the flat. It is by no means only used by short-term letting guests. We found short-term letting was the only way we could keep the flat on financially, while ourselves and our family could still make use of it.

In our guestbook we find that our guests are not only golfers and tourists. There are many who have family relations in Musselburgh and need a place to stay while visiting them. We receive very good feedback from our guests, and many use the local amenities during their stay.

We find our flat is still in good condition with very little wear and tear. This shows us that our guests take care of the flat, furniture and property in general.

My wife and I feel we have a good relationship with the neighbours in our stair. We do understand some of the objections and we try our best to keep disruption to a minimum. We use a local well respected East Lothian management company to deal with the daily running of the short term let. Communication is important to us. The few issues that have arisen in the last 6 years we feel have been dealt with quickly and in a professional manner.

It wasn't our intention to let our flat out quite as much as it has been recently. The high demand for the flat, especially the last two years, indicates the need for short-term letting in the town. If the biggest issue for our neighbours is frequency, then we could certainly look at this with a view to cutting occupancy.

We would like to comment on some of the objections.

Firstly, the date we submitted our STL Application. Our Short Term Let application was handed in to the ELC Brunton Hall office in Musselburgh on 28th September 2023. This was accepted and paid for. This is also stated on the STL Application Public Register.

One of the objections was the Public Notice of Application for short term lets license. This was not on the STL application checklist. We were not aware of this until we called ELC asking for confirmation

that they had received our STL application on the 19th of October. We immediately arranged for the Public Notice to be hung up at Harbour View. This was on display between 19.10.23 – 08.11.23.

Although my wife and I currently live in Norway we are very much available. When anybody contacts us, we respond immediately. The residential property factoring company Hacking and Paterson have our phone number and email address. The resident committee also have our email address. Our closest neighbour has our details and we have been in communication with him on several occasions. My brother lives on North High Street which is a two-minute walk away. One of my brothers also attended and represented us at the residents AGM held on 27th February 2024 at the Yacht Club on New Street.

Security. I take security very seriously and it is part of my role with the Norwegian Post Office. All our guests are checked by our management company on booking confirmation for satisfactory guest history in their guest reviews in Airbnb. Verified guests only on Airbnb. Government ID is requested on confirmed bookings and a security deposit is required. All guests are shared YouTube video guide of how to check in safely, minimizes any neighbour interruption and gives a smooth process for guests.

Front door left open. Some time ago we were contacted by our nearest neighbour about the front door being left open. We immediately contacted our management company who added this information to our house rules. Of course, we accept things may go wrong but this would be an exception to the rule. However, we have not heard that this has been an issue with our guests after communicating this to our guests. We spent 11 days at Harbour View in August this year. During this time, we found the door open 4 times. On one occasion we suspected the postman had left it open as he had just made a delivery. We do not know if he has a key.

Services Rubbish Collection. As far as we are aware we are the only short term let in the development. We have a maximum of 4 guests at any time.

Car Park. The car park at Harbour View is well marked with numbered spaces, including ours. With 20 flats there are lots of comings and goings. The residents often mention to us there is a problem with non-residents using the car park on warm summer days while they visit the beach. Drivers must always show caution.

Covid. Our management company (HAT) followed Scottish Government Guidelines during Covid. We had some key workers and health care employees as guests during the Covid crisis. We were in communication with our neighbours and our property factoring company Hacking and Paterson during this difficult time. Due to concerned neighbours we closed our property for bookings from December 2020 to the beginning of February 2021.

Fire Safety. We included the following documentation with our application.

- Electrical Installation Report
- Portable Appliance Testing report
- Fire Risk Assessment
- Annual Gas Certificate
- Smoke detectors and Co2 detectors.

Noise in the stair. There are 6 apartments in our stair. The stairs are carpeted and there is a glass partition with door on each landing separating the stair and front doors on each landing. Automated

14 Harbour View, 204 New Street

messages are sent regarding noise levels: 'Please be aware of neighbours and keep noise to a minimum.'

The stairs are cleaned once a week. We do not know the last time they were painted.

2 Attachments:

Photos with comments

Information from our management company.

Yours sincerely,
Calum McCann

PHOTOS

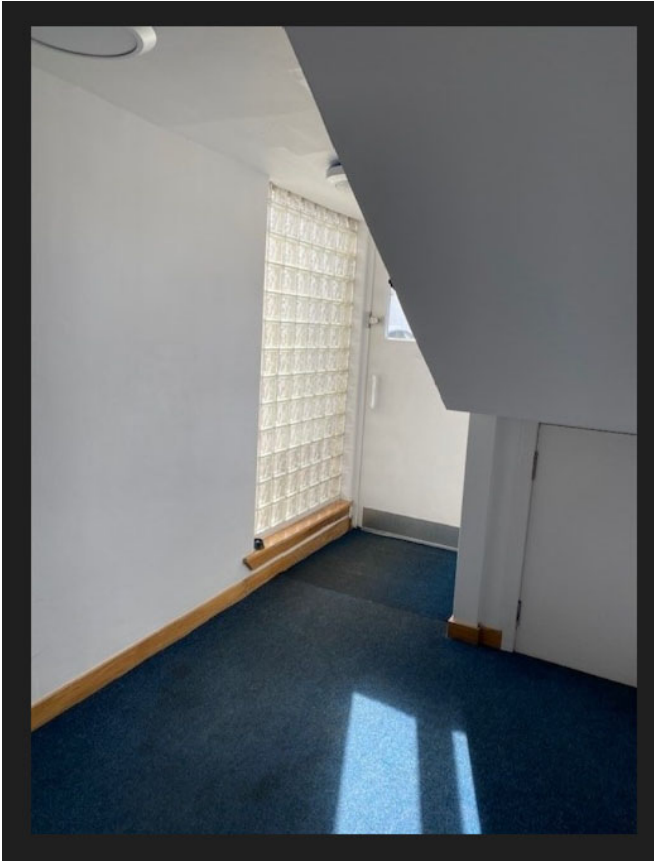
- 1. Main entrance from car park (white door on the right)
4 large waste containers



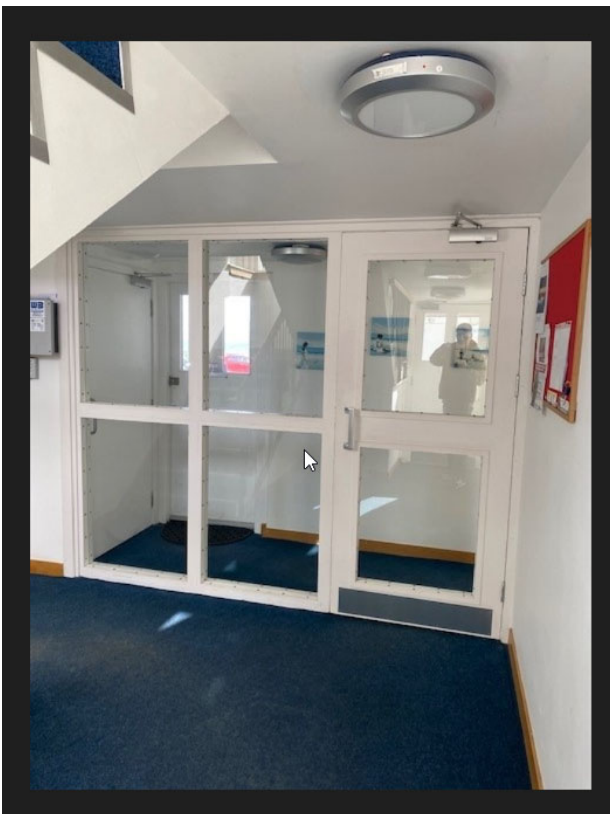
- 2. Harbour View car park. Each flat has a dedicated parking space.



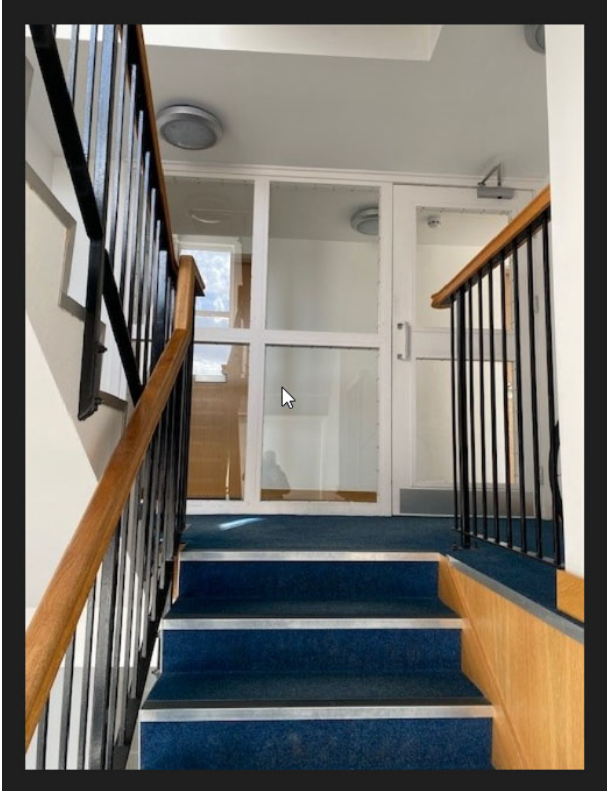
3. Main entrance ground floor from inside



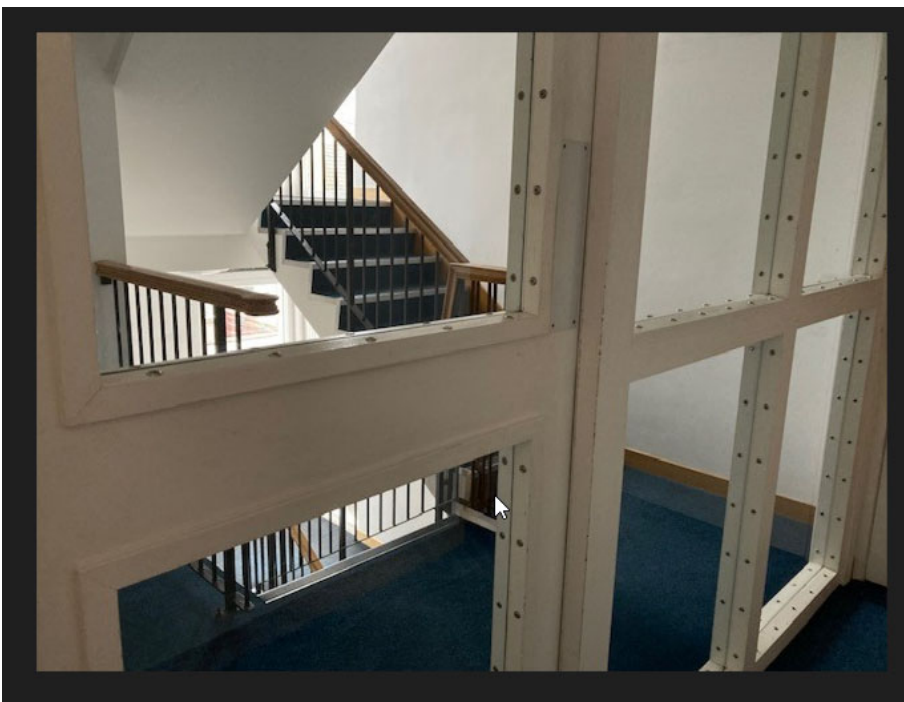
4. Ground floor



5. Carpeted Stairway



6. View from number our flat into stairway, through the glass door and partition.



6. Door to our flat on the right (No. 14)



Information from our management company

- Maximum booking duration – 30 days
- Minimum booking duration – 2 days
- Average booking duration – 3 days
- How are potential guests screened or vetted before booking?
 - Guests must be over 25 years old.
 - Verified Guests only on Airbnb.
 - We request government ID on confirmed booking.
 - Guests checked by our guest comm team on booking confirmation for satisfactory guest history in their guest reviews (Airbnb)
 - Security deposit required of all guests (Airbnb)
 - No One night stays accepted.
 - No sofa beds or over occupancy of the apartment.
 - No third-party bookings.
 - Dedicated in-house guest comm team that ensure the right guests stay.
 - Open communication with Neighbours, owners, and neighbourhood associations (as relevant).
 - For longer stay guests (7 days or more), we arrange a mid-stay clean to ensure the property is being checked.
- What is the property's house rules, and how are they enforced to manage guest behaviour?
 - No Parties or events
 - No over occupancy of property, maximum guests strictly adhered too.
 - No sofa beds, or guests sleeping on sofas/inflatable bedding.
 - Strictly No Smoking
 - No Pets
 - Request that guests are always respectful of neighbours.
 - Request guests to advise us of any out of hours check ins, to minimums disruption to neighbours.
 - Our Guest Comm team ensure guests have arrived safely, minimising any disruption to neighbours.
 - All guests are shared YouTube video guide of how to check in safely, minimises any neighbour interruption and gives a smooth process for guests.
 - Automated messages are sent regarding noise levels: **'Please be aware of neighbours and keep noise to a minimum.'**
- Do you use any devices to monitor use (for example, noise monitoring, video doorbells, electronic locks)?
 - None, however, Hotel Around Town Channel Management Software, integration ready for noise awareness devices, smart locks and video entry.
- What arrangements are made for parking, bag storage, or other guest needs?
 - We always send details of local parking, and the restrictions and the costs to pay to the guests.
 - Housekeeping Manager looks to check in guests ahead of the check in time wherever possible, to minimise late check-ins.
 - Online guidebook, shared with all guests to ensure a pleasant stay and promoting local independent business.
 - Dedicated team of local guest communication experts on hand to help guest during their stay.
 - We use an excellent independent local laundry company to ensure the guests have lovely clean bedding.

- We provide apartment basics for the guest needs to ensure they have amenities for their stays.
- We try to attract families to the apartments, and every property has a travel cot.
- We have a team of local professional cleaners who prepare the property for each guest stay.
- How are cleaning and maintenance of the property scheduled and performed?
 - Cleaning is performed between 10-4pm daily.
 - The cleaning is scheduled 1 week in advance.
 - 1-2 cleaners clean each property.
 - We are presented with a cleaning report after each clean, detailing photographic evidence and checklists and times of clean.
- How do you ensure minimal disruption to guests and neighbours during cleaning and maintenance activities?
 - Cleaning and Maintenance typical takes place between the hours of 10am and 4pm (check out/Check-in times), where a guest checks out early, our team will start at 8am and finish no later than 6pm.
 - For any out of hours maintenance, our trusted tradesmen have access to emergency keys.
 - Hoovers and mops are stored within the property to minimise disruption.
 - Routine Maintenance takes place Monday to Friday during business hours.

Correspondence with East Lothian Council

TIMELINE

- 28th of September 2023 STL application submitted.

- 26nd of February 2024
jallan1@eastlothian.gov.uk/environment@eastlothian.gov.uk /stl@eastlothian.gov.uk asking for Additional information (attached)

- 27th of February 2024 Email Short Term Lets stl@eastlothian.gov.uk (attached)

The application for your Short Term Let License will now be placed on hold for up to 3 months with the Licensing Team to allow you time to address this matter.

- 24th of May 2024 Answer sent environment@eastlothian.gov.uk and jallan1@eastlothian.gov.uk/environment@eastlothian.gov.uk (attached)

- 24th of May 2024 Col submitted by Stl Solution on our behalf.

- 4th of June 2024 our management company forwarded us the Planning Contravention Notice sent to 14 Harbour View , dated 22nd of May 2024

- 6th of June 2024 we reply to Enforcement Planner Amelia Smith in the Environment department (attached)

- 15th of June 2024 STL Solution informed us COL had been refused and informed us we were in our right to appeal the decision to the DPEA. Deadline 14th of October 2024. While the appeal process is running, we can continue to trade as a short-term let.

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

Dato: 27. februar 2024 kl. 12:15:28 CET

Til: [REDACTED]

Emne: FW: DEV75990 - 14 Harbour View/204 New Street, Musselburgh

Good Morning,

We sent out your application for consultation for the above address, the Planning Team have come back to us with the information below.

You should now contact the Planning Technicians on the email address provided below to discuss your proposal. **PLEASE DO NOT CONTACT LICENSING.**

The application for your Short Term Let Licence will now be placed on hold for up to 3 months with the Licensing Team to allow you time to address this matter.

Thanks

Licensing Team

East Lothian Council

Fra: [REDACTED]

Sendt: fredag 24. mai 2024 17:03

Til: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>; jallan1@eastlothian.gov.uk <jallan1@eastlothian.gov.uk>

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

Emne: Re: DEV75990 - 14 Harbour View/204 New Street, Musselburgh ELC Ref.No: 24/00525/CLU

Hi

Certificate of Lawfulness for 14 Harbour View/204 New Street has been submitted by STL Solutions today 24th May 2024. Scottish Government Reference Number: **100672804-001**. Council Reference Number: **24/00525/CLU**

James Allan at East Lothian Council asked us to submit more details for our STL license application before the 27th of May. I have answered the questions below and also attached floor and location plans along with more photographs of the communal areas.

Attached additional documents and photos as required.

- Is the property already marketed/used for short term holiday lets and, if so, for how long?

Yes, since 20.04.2018.

- How often is the property used as a holiday let per year?

The property is let out around 70% of the year.

- What would be the maximum occupancy of the property? (i.e. how many visitors can occupy the property in one booking)

The maximum occupancy is 4 guests.

- What would be the minimum and maximum length of stay and what is the most common length of stay?

Maximum booking duration is 30 days. Minimum is 2 days. Average booking is 3 days.

- 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.?)

The verified guests use a key safe. All guests are shared YouTube video guide of how to check in safely, minimises any neighbour interruption and gives a smooth process for guests.

Hotel Around Town's guest Comm team ensure guests have arrived safely, minimising any disruption to neighbours.

- 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.?)

Guests are checked by Hotel Around Towns on booking confirmation for satisfactory guest history in their reviews (Airbnb, this is the preferred channel).

Security deposit required of all guests (Airbnb). No one night stays accepted. No sofa beds or over occupancy of the apartment. No third-party bookings.

Our guests are a good mix of couples, families, tourists, golfers, people working in the area and family members. All of whom spend money locally, for example The Ship Inn, Ravelston House Hotel and the East Coast Restaurant.

- How are recycling/bins managed and is the property to be cleaned between each changeover before new guests arrive? Is this done by the applicant or an appointed cleaning company?

Recycling and bin management is carried out by Hotel Around Towns own professional cleaners. They also clean the apartment between each changeover.

- Location Plan (scale 1:1250)

Attached.

- Floor Plan (as existing layout) (scale 1:50/1:100)

Attached.

- Coloured Photographs of all communal areas (if applicable) and any garden ground

Attached.

- Payment Receipt

Attached.

Regards

Calum McCann

Mobile: [REDACTED]

Email: [REDACTED]

From: Allan, James <jallan1@eastlothian.gov.uk>

Sent: Monday, February 26, 2024 2:37 PM

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

Subject: DEV75990 - 14 Harbour View/204 New Street, Musselburgh

Good afternoon

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.

Under the provisions of Town and Country Planning (Use Classes) (Scotland) Order 1997, a flat is a sui generis use (i.e. it doesn't fall within any use class). A change of use from a sui generis use to any other use is a change of use of the property. Accordingly, consideration must be given as to whether that change is material or not. In assessing whether the proposed change of use of this flat (14 Harbour View/204 New Street, Musselburgh) 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.

Where planning permission is required for short term let use of flats we have found that the flats availability on a holiday rental platform, coupled with the frequency of the arrival and departures of guests at all times and the movements associated with the changeovers and the resultant noise impact on the other flats, would lead to a different movement pattern which is incomparable with long-term residential use. In those cases we have found that the use of the flat for short-term accommodation constitutes a material change which requires planning permission.

Based on the limited information available please be advised that we are unable 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:

- Is the property already marketed/used for short term holiday lets and, if so, for how long?
- How often is the property used as a holiday let per year?
- What would be the maximum occupancy of the property? (i.e. how many visitors can occupy the property in one booking)
- What would be 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 are recycling/bins managed and is the property to be cleaned between each changeover before new guests arrive? Is this done by the applicant or an appointed cleaning company?
- Location Plan (scale 1:1250)
- Floor Plan (as existing layout) (scale 1:50/1:100)
- Coloured Photographs of all communal areas (if applicable) and any garden ground

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.

Kind regards

James Allan

Fra: Smith, Amelia <asmith7@eastlothian.gov.uk>

Sendt: onsdag 12. juni 2024 13:30

Til: [REDACTED]

Emne: RE: Your Ref: 23/00181/COM (14 Harbour View, 204 New Street, Musselburgh)

Hi Calum,

I can confirm that I have received your email below.

Kind regards,

Amelia

From: [REDACTED]

Sent: Wednesday, June 12, 2024 10:21 AM

To: Smith, Amelia <asmith7@eastlothian.gov.uk>

Subject: Your Ref: 23/00181/COM (14 Harbour View, 204 New Street, Musselburgh)

Hi Amelia,

Appreciate if you could confirm that you received our email sent to you on Friday 7th of June.

Look forward to hearing back from you.

Kind Regards

Calum McCann

Mobile: [REDACTED]

Email: [REDACTED]

Fra: [REDACTED]

Sendt: fredag 7. juni 2024 15:15

Til: Smith, Amelia <asmith7@eastlothian.gov.uk>

Emne: Sv: Your Ref: 23/00181/COM (14 Harbour View, 204 New Street, Musselburgh)

Good afternoon Amelia,

To answer section 4, a COL was submitted to ELC on the 24th May 2024. Therefore this is our response to our interest in the land. All relevant information you may need is in the COL.

Regrettably, your correspondence last summer did not reach us. While visiting in the end of September, we submitted an application for Short-term letting. We were contacted by James Allan and stl@eastlothian.gov.uk asking for additional information and documents in the end of February 2024. Attached a copy of our corresponding email sent

to environment@eastlothian.gov.uk and have also attached a copy of the COL submitted by STL Solution."

Kind Regards
Calum McCann

Mobile: [REDACTED]

Email: [REDACTED]

Fra: Smith, Amelia <asmith7@eastlothian.gov.uk>

Sendt: torsdag 6. juni 2024 14:10

Til: [REDACTED]

Emne: RE: Your Ref: 23/00181/COM (14 Harbour View, 204 New Street, Musselburgh)

Hi Calum,

Many thanks for your email.

The above case was opened last year and correspondence was issued to the above address in June 2023. No response was received. As no response was received, a PCN was issued on 22/05/2024. No applications were received at this point.

In relation to the PCN as served, I would kindly request that you respond to the points raised within Section 4 of the notice.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House
| Haddington | EH41 3HA | T: 01620 827686 | E: environment@eastlothian.gov.uk

From: [REDACTED]

Sent: Thursday, June 6, 2024 10:18 AM

To: Smith, Amelia <asmith7@eastlothian.gov.uk>

Subject: Your Ref: 23/00181/COM (14 Harbour View, 204 New Street, Musselburgh)

Hi Amelia Louise,

We have just received the PCN from you.

We applied for a STL License last September and are currently on the public ELC list awaiting an answer. We have also been in dialog with the environment department and James Allen at ELC regarding more information they needed. This being floor and site plans along with more photographs of the public areas in the premises.

A Certificate of Lawfulness for 14 Harbour View/204 New Street has been submitted by STL Solutions on the 24th May 2024. Scottish Government Reference Number: **100672804-001**. Council Reference Number: **24/00525/CLU**.

We were under the impression we have been following all the right procedures regarding our application for an STL License. The PCN came as something of a surprise. Please let me know if I have supplied you with a satisfactory reply.

Look forward to hearing from you.

Kind Regards,
Calum McCann
Tel. [REDACTED]

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

Dato: 27. februar 2024 kl. 12:15:28 CET

Til: [REDACTED]

Emne: FW: DEV75990 - 14 Harbour View/204 New Street, Musselburgh

Good Morning,

We sent out your application for consultation for the above address, the Planning Team have come back to us with the information below.

You should now contact the Planning Technicians on the email address provided below to discuss your proposal. **PLEASE DO NOT CONTACT LICENSING.**

The application for your Short Term Let Licence will now be placed on hold for up to 3 months with the Licensing Team to allow you time to address this matter.

Thanks

Licensing Team

East Lothian Council