

LOCAL REVIEW BODY

19 September 2024

Application No: 23/01214/P

2E East Road, North Berwick, EH39 4HN

Appointed Officer's Submission

Planning Application no. 23/01214/P: Change of use of flat to short term holiday let (Retrospective), 2E East Road, North Berwick, EH39 4HN.

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1. Officer's report for planning application 23/01214/P.
2. Copy of the Decision Notice (including reason for refusal) relating to planning application 23/01214/P.
3. Copy of consultation responses from (i) ELC Road Services; (ii) ELC Environmental Health; (iii) ELC Anti-Social Behaviour Team; (iv) Police Scotland; (v) ELC Economic Development; and (vi) ELC Housing Strategy & Development.
4. Representations: 6x Objections;
5. 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), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH6 (Gardens and Designed Landscape), 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.
6. Schedule of conditions.
7. Stamped Refused Drawings - *can be viewed in the LRB Applications shared folder*

OFFICER REPORT

14th March 2024

App No. **23/01214/P**

Application registered on **29th January 2024**

Target Date **28th March 2024**

Proposal	Change of use of flat to short term holiday let (Retrospective)	SDELL	Y
		CDEL	N
Location	2E East Road North Berwick East Lothian EH39 4HN	Bad Neighbour Development	N

APPLICANT: **Mrs Lucy Deeley**

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

**The Lodge
2E East Road
North Berwick
East Lothian
EH39 4HN**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

The application property is 2e East Road, a flat located on the first floor of a 3-storey flatted building - The Lodge - which sits within the 'Lodge Grounds' within North Berwick. The flatted building is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 and is located within the North Berwick Conservation Area.

The Lodge is a building listed as being of special architectural or historic interest (Category B). The Lodge Grounds is designated as a Local Gardens and Designed Landscape.

The applicant's flat is 1 of 3 flats within the immediate building which is accessed via a shared entrance door and an internal communal stairwell.

The Lodge is bounded to the north by the Lodge Gardens and then the public road of East Road. It's bounded to the east by residential flatted dwellings, the lodge grounds and a private car park beyond. It's bound to the south by the Lodge Gardens and to the west by the private access into Kirk Ports (where parking associated with the flat is provided).

The first floor flat comprises of three bedrooms (one of which has an en-suite), a separate bathroom, a kitchen and a lounge. The flat also has its own allocated private parking garage, suitable for one car. In addition, the flat benefits from communal garden ground and a basement area.

The applicant has confirmed that the basement area of the property is not subject to this application as it is solely for their own personal use.

Planning permission is sought retrospectively for the change of use of the three bedroomed residential flat at 2E East Road, North Berwick to a three -bedroom unit of short-term self-catering holiday let accommodation.

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

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

- i. The flat has been marketed/used for short term lets since July 2021;
- ii. The average length of stay 4 nights;
- iii. The maximum number of visitors in one booking is 6 adults and 1 child;
- iv. Bins/recycling are managed by a commercial cleaning company;
- v. The property is advertised on Airbnb and on the applicant's own website;
- vi. Guests use the key safe box provided;
- vii. The first floor flat, the subject of this application, shares a communal entrance and stairwell; and,
- viii. The applicant's flat does benefit from a designated parking garage.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH6 (Gardens and Designed Landscape), 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 are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

REPRESENTATIONS

A total of six objections have been received in respect of this application. The main grounds of objection are:

- i. The housing stock for long term lets has been reduced and properties are increasingly being bought for investment purposes to form businesses rather than homes, causing serious harm to local housing markets.
- ii. House prices of small-town centre properties have increased making it difficult for locals (young or on low income) to purchase property with short-term lets extending beyond town centre locations in recent times.
- iii. The housing market has become less diverse as a result of short-term holiday lets, leading to the reduction of affordable letting properties specifically for employment sectors.
- iv. North Berwick is less buoyant out of season with streets partially unoccupied.
- v. The objector is not convinced that alleged benefits of short term lets outweigh their harm to towns.
- vi. East Lothian Council through the development management process need to fully and carefully consider the wider adverse effects of this business use and associated activity on both immediate residential neighbours and the wider community.
- vii. Objectors state that through the use of this property as a short-term holiday let, they have endured problems with damage to the property, noise, maintenance issues and leaks (on 8 separate occasions), pressure to spend large amounts of money on unnecessary communal works for the benefit of creating an upmarket short-term rental flat, drunken and disorientated guests knocking on their door and constant misuse of refuse and recycling arrangements.
- viii. Objectors express distress and dismay at the abundance of short term lets in this part of the town, leading to their own social isolation.
- ix. Objectors state that this flat is used as a second home and is often left empty and unrented, meaning it won't be available full time for holiday accommodation, so cannot significantly contribute to the local economy.
- x. It would be a loss of a three-bedroom residential home, if this application is granted, which would not be acceptable in the current housing crisis.
- xi. The garage as advertised for guest parking is too small for most cars these days, leaving guests parking cars outside the garage which blocks access to other garages.
- xii. Frequently changing guests' impact upon the security of the building which causes discomfort to others within the stairwell given they are not familiar with guests.
- xiii. There is no nominated agent in North Berwick who can be contacted in emergencies or when difficulties occur.
- xiv. The use of this property as a short-term holiday let contributes to dangerous parking within a public area.
- xv. One objector does not think businesses should be run from homes within conservation areas.
- xvi. The flat is not suitable for disabled users due to the flights of stairs.
- xvii. Planning permission was never sought initially, and this flat has been used as an AirBnB or holiday let for a long time.
- xviii. The flats were restored as part of the National Trust for Scotland's Little Houses Improvement Scheme and were not meant for use as businesses in accordance with the Feudal system in place.

Matters (i) to (xiii) will be addressed within the main body of this report. Matters (xiv) to (xviii) will be addressed below:

Any dangerously, or inappropriately parked vehicles should be reported to either Police Scotland on 101, or ELC's Parking Team.

There are instances where businesses can be run from home within conservation areas without being in breach of planning control. This is where a) the operation of a business from a residential premises does not constitute as a material change of use or b) Where planning permission has been obtained.

Unfortunately, the flat, whether in use as a short-term holiday let, or as a residential property, would not be suitable for wheelchair / or mobility impaired users unless the property was retrofitted with stair lifts and ramps. However, this does not prevent the submission of a planning application for the use of the property as a short term let.

The Town and Country Planning (Scotland) Act 1997 (as amended) allows for the submission of retrospective applications for planning permission. As the property has not been operating as a short-term holiday let for a continuous period of 10 years or more, the submission of an application for retrospective planning permission would be the correct route to pursue in attempting to regularise this breach of planning control.

The matter of breaches of Title Deeds or previous feudal systems is not a matter in which the Planning Authority could enforce. Breaches of title deeds would be a civil matter between the applicant and other residents to whom the deeds of condition concern. Any recourse as a result of a breach or breaches of title deeds should be raised through the legal system. This is not a matter relevant to the determination of this planning application.

PLANNING ASSESSMENT

This application seeks retrospective planning permission for the change of use of a three-bedroomed flatted dwelling to a three bedroomed unit of holiday let accommodation. The holiday let sleeps a total of 6 adults and 1 child.

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 ELLDP 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 this residential flat to a short-term holiday let would provide accommodation within the area of North Berwick which attracts visitors and encourages them to stay in East Lothian. This in turn supports existing long-established businesses and benefits the wider economy of East Lothian.

The adopted ELLDP 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 ELLDP states that the predominantly residential character and amenity of existing or proposed housing areas will be safeguarded from the adverse impacts of uses other than housing. Development incompatible with the residential character and amenity of an area will not be permitted.

In the determination of this application, it is necessary to assess the impact of the change of use of the application property to form 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 anti-social 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) in association with the use of this property as a short-term holiday let and thus, they raise no objection to this retrospective planning application.

The Council's Road Services were consulted as part of this application but raised no objections in respect of proposals. The flatted dwelling has a parking garage for one car and furthermore, there is free carparking and private car parking within close proximity to the application site. The short-term holiday let use does not have a materially different parking demand to that generated by residential use of the same property. Accordingly, the proposals do not conflict with Policy 13 of NPF4 or with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

No alterations have been undertaken to the flat, either internally or externally, to facilitate the retrospective change of use and none are proposed through this application.

Accordingly, the use of the flat as a short term let does not harm the character and appearance of this part of the North Berwick Conservation Area or have an appreciable impact on the special architectural or historic interest of the listed building. Nor does the use have an impact on the character or appearance of the Gardens and Designed Landscape in which it is situated within. Therefore the use of the flat as a short term let does not conflict with Policy 7 of NPF4 or Policies CH1, CH2 or CH6 of the adopted East Lothian Local Development Plan 2018.

The flatted building of 2E East Road, to which the applicant's flat is contained within can be accessed from the northern elevation. The building has a stepped entrance and upon entrance to the entry hall, a staircase provides access to the applicant's first floor flat. There is one flat on each of the three storeys within the block (GF - 2nd floor).

The use of the application property as a holiday let enables it to be let out for short duration stays, resulting in a turnover of people over short time periods with a significant proportion of occupants likely to be holiday related visitors. Such a regular turnover of users/occupants would change the nature of comings and goings not only to the application property itself but also within the communal entrances, stairwell, garden ground and parking areas of the residential building and associated curtilage. Most users/occupants of the holiday let would have a degree of luggage or other property to take through the communal entrance 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 residential flatted building of 2 East Road, North Berwick. Whilst it is accepted that permanent residents may also make noise, this would not be on the same frequency as regularly changing guests who arrive and depart sometimes at unsociable hours, and this differs from typical residential circumstances.

Along with the extra comings and goings of users of the holiday let at check in/check out there is also an additional level of activity not only at the application property but also within the curtilage of the flatted dwelling inclusive of parking areas, the entrance and communal garden. This would be in addition to movement associated with the servicing, cleaning and removal of waste from the property after each stay.

This level of additional activity is evidently different to that expected with the permanent/long term use of the flat as a private residence again which is harmful to the amenity of the existing occupants of the residential properties within the residential flatted building of 2 East Road, North Berwick.

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

As a retrospective application, flat 2E East Road is currently in operation and has been for a number of years. Whilst no complaints have been logged by either Police Scotland or ELC's Anti-Social Behaviour Team, objectors have raised concerns regarding noise and disruption to the residential environment in which the holiday let is currently in operation in.

Given the specific circumstances and location of the application property within the residential building of 2 East Road, North Berwick which contains a number of permanent/long term residences and which share a communal entrance, stairwell, parking area and garden with others, the retrospective change of use of the applicant's first floor flat as a three bedroom unit of short term self-catering holiday let accommodation is incompatible with and harmful to the amenity of the occupiers of the residential properties within the residential building of 2 East

Road, North Berwick. 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.

In assessing the impact of the change of use of a flatted dwelling to form a short-term holiday let, part e) of Policy 30 of NPF4 states that the loss of residential accommodation must be outweighed by demonstrable local economic benefits to be compliant in policy terms.

The Council's Housing Strategy & Development Service state that the change of use of this property from a long term residential dwelling to a short term let is considered a significant loss to residential housing stock because (i) the property is located within North Berwick where there is already a high percentage of short term lets; and (ii) the proposed short term holiday let is not an established short term having not operated for more than 5 years.

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 terms lets as 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 6 bedspaces and a potential annual economic impact of £136,362 and 3 FTE jobs.
- (v) The proposal provides high-quality tourist accommodation attracting visitors to North Berwick and 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 Manger 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 first 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 and the loss of residential accommodation combined. 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 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 1 Station Road and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018. No material planning considerations outweigh this conflict with the Development Plan.

The application property of 2E East Road, North Berwick as a holiday let is unauthorised and a breach of planning control. Enforcement action will be taken to ensure the cessation of the holiday let use with the period for compliance with the enforcement notice being three months.

REASON FOR REFUSAL:

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 1 Station Road and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018. No material planning considerations outweigh this conflict with the Development Plan.

LETTERS FROM

[REDACTED]

14th March 2024

App No. 23/01214/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mrs Lucy Deeley
The Lodge
2E East Road
North Berwick
East Lothian
EH39 4HN**

APPLICANT: Mrs Lucy Deeley

With reference to your application registered on 29th January 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

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

**at
2E East Road
North Berwick
East Lothian
EH39 4HN**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The holiday let use of the flatted property is incompatible with and harmful to the amenity of the occupants of other flatted properties used as residential dwellings within the residential building of 2 East Road and as such is contrary to part e) of Policy 30 of National Planning Framework 4 and Policy RCA1 of the adopted East Lothian Local Development Plan 2018. No material planning considerations outweigh this conflict with the Development Plan.

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

Details of the following are given in the application report:

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

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
PR24.005.P.001	-	29.01.2024
PR24.005.P.002	-	29.01.2024

22nd March 2024



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Currie, Fiona

From: Hussain, Aizaz
Sent: 12 March 2024 23:28
To: Smith, Amelia
Cc: [REDACTED] Environment Reception
Subject: TRANSPORT PLANNING RESPONSE: 23/01214/P- Planning Consultation

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

Proposal: Change of use of flat to short term holiday let (Retrospective) at 2E East Road North Berwick East Lothian EH39 4HN

This planning application is for the retrospective change of use of flat to a short-term holiday let located at 2E East Road in North Berwick. The applicant has confirmed that this property has on-site car parking, which allows for 1 vehicle to park and is considered appropriate for this property.

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.

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

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

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

If telephoning, please ask for:
Aiz

Aizaz Hussain
Transportation Planning Officer
[REDACTED]

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



Currie, Fiona

From: Clark, Colin - EHO
Sent: 16 February 2024 12:03
To: Environment Reception
Cc: Smith, Amelia
Subject: RE: 23/01214/P-Amelia Smith - Planning Consultation

I refer to your consultation request of 15th February 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

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: Thursday, February 15, 2024 11:54 AM
To: [REDACTED]
Subject: FW: 23/01214/P-Amelia Smith - Planning Consultation

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: Thursday, February 15, 2024 10:02 AM
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 23/01214/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 2E East Road North Berwick East Lothian EH39 4HN

[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%7Ccclark1%40eastlothian.gov.uk%7C4d998824b7874420b66e08dc2e1cdbab%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638435948812938194%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikh1haWwiLCJ]

XVCI6Mn0%3D%7C0%7C%7C%7C&sdata=HSGyZDv6LIR3wvuMoZoXD%2Fta8rcOxo9pfTqQdMYRZOQ%3D&re
served=0]

Currie, Fiona

From: Raselli, Gail
Sent: 16 February 2024 09:42
To: Environment Reception
Subject: FW: 23/01214/P-Amelia Smith - Planning Consultation
Attachments: [REDACTED]

To whom it may concern,

There is nothing on the ASB register for this address.

Thanks,
Gail

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

From: Black, Kenneth [REDACTED]
Sent: Thursday, February 15, 2024 10:51 AM
To: Raselli, Gail [REDACTED]
Subject: FW: 23/01214/P-Amelia Smith - Planning Consultation

Hi Gail
Can you process.
Thanks
Kenny

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: Thursday, February 15, 2024 10:02 AM
To: [REDACTED]
Subject: 23/01214/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 2E East Road North Berwick East Lothian EH39 4HN

[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%7Cenvironment%40eastlothian.gov.uk%7C6526adde9b6e4aac108a08dc2ed3787f%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638436733110454313%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=pPnOlqi54RjKlqzVbH84m8Y3VTKaKcgPCGrO2%2Fm5LoE%3D&reserved=0]

Currie, Fiona

From: Baird, Elaine [REDACTED]@scotland.police.uk>
Sent: 19 February 2024 10:57
To: Environment Reception
Subject: RE: 23/01214/P-Amelia Smith - Planning Consultation [OFFICIAL]

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

OFFICIAL

Good morning

Address checked over the last 3 years and no ASB incidents reported from the property.

Of note in 2021 there were 4 incidents reported to police by the owner/tenant, whereby unknown persons have thrown stones/eggs at windows of the property. No further incidents have been reported since this itme.

Thanks

Elaine

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

From: environment@eastlothian.gov.uk [<mailto:environment@eastlothian.gov.uk>]
Sent: 15 February 2024 10:02
To: [REDACTED]
Subject: 23/01214/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Change of use of flat to short term holiday let (Retrospective) at 2E East Road North Berwick East Lothian EH39 4HN

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[REDACTED]
8dc2e0d28cc%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638435881583945014%7CUnknown%7CTWFpbGZsb3d8eyJWlJoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEkaWwWwLjXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=xO5QJTIwV07J1E%2Bdcjr4ZXnomBAD9jYalfaabxmtXg%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 – 23/01214/P

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

Location – 2E East Road, North Berwick, EH39 4HN

Planning Officer – Amelia Smith

ECONOMIC DEVELOPMENT POLICY BACKGROUND

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

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

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

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

The two strategic goals are underpinned by five key objectives:

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

Short Term Holiday Lets in East Lothian

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

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

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

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

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

2019	Total Accommodation	Total Excluding Shared Access NSA	Impact of Removing Shared Access NSA
Number of NSA Establishments	203	114	-89
Number of NSA Bedspaces	6,111	5,495	-616
NSA Visitor Numbers	130k	110k	-20k
NSA Visitor Days	853k	721k	-132k
Direct Economic Impact	£210m	£200m	-£10m

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

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

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

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

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

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

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

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

Context

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

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. This information is summarised below.

The property in question is a 3 bedroom / 6 bedspace first floor flat located in North Berwick. The property has been in use as a Short Term Let since July 2021. The applicant notes that the property is busiest during the summer season and Easter, October week, and May bank holidays, min 150 days rental, max 210 days rental (average 180 days). They currently have 21 bookings for 2024/25. The applicant has indicated that the income from the property covers fees and maintenance.

The applicant has provided information in relation to the economic benefit of the STL:

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

“Through holiday makers coming to stay in North Berwick they are spending in the town, restaurants, ice cream shops, providing tourist accommodation that would otherwise be in short demand”.

The applicant has noted that should change of use not be granted they would most likely sell the property or consider long term letting.

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 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.

EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION

- 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 6 bedspaces and a potential annual economic impact of £136,362 and 3 FTE jobs. This is borne out by the information provided by the applicant.
- 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):

- 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:** 11/03/2024

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

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

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

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

The private rented sector's contribution to reducing homelessness is important and cannot be understated. The LHS 2018-2023 introduced new policies supporting homeless applicants to find accommodation within the PRS. Recent reforms to the Private Residential Tenancy give 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 the wards of Musselburgh, Tranent/Wallyford/Macmerry and Preston/Seton/Gosford; and/or
- Where the property is deemed as adaptable¹: level access properties; ground floor properties; no internal steps; potential of wet floor shower adaptation; and/or
- Where the property is located within the North Berwick Coastal ward; and/or
- In cases of tenancy eviction; where meeting the Private Housing (Tenancies) (Scotland) Act 2016 has not been demonstrated.

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

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

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

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

HOUSING STRATEGY & DEVELOPMENT RESPONSE

Planning application reference – 23/01214/P

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

Location – 2E East Road, North Berwick, East Lothian, EH39 4HN

Planning Officer – Amelia Smith

Housing Strategy has been asked to comment on the approval of the change of use of 2E East Road, North Berwick, East Lothian, EH39 4HN 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 as a short term let since July 2021. The three-bedroom property is located on the first floor and shares a communal entrance and staircase. The flat has been let for 180 days per annum on average with a maximum of 210 days and a minimum of 150 days. The flat is not considered adaptable.

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 Coastal ward.
- The proposed short term let is not an established short-term secondary let property.

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: Craig Entwistle

Date: 22/02/2024

Currie, Fiona

From: [REDACTED]
[REDACTED] 08 February 2024 05:46
To: Environment Reception
Subject: Planning application 23/01214/P 2e east road North Berwick

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Dear Sir/ Madam,

I am commenting on this retrospective planning application, because:

1. planning was never sought initially and it has been an air b and b for some considerable time. This shows a lack of communication and consideration to neighbours who would have objected from the start.

My understanding is that as a conservation area, there were to be no businesses to be run from the houses.

2. I believe parking is advertised, when there is no parking available, leading to inconvenience outside my garage and difficulty for others to manoeuvre cars.

The garage is too small to fit most sizes of cars these days, leading to lodgers parking their cars outside the garages, which is a no parking zone. I have often had to confront people to move their car, as they are oblivious to this. It is not always met with delight!

3. the use of the short term use of the flat, leads to inconsistencies of tenant occupation. I believe the owners live some distance away, leaving problems of tenants for the local neighbours to sort out.

4. as I live alone. It gives me some discomfort that there are people coming and going, that I do not know.

5. my elderly neighbours have been most distressed by the various tenants, due to leaks, uncertainty of tenure etc.

[REDACTED]

Kind regards

[REDACTED]

Sent from my iPad

Currie, Fiona

From: [REDACTED]
Sent: 18 February 2024 20:48
To: Environment Reception
Subject: Planning application

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Hi
I wish to complain about the planning application 23/01214/p The flat at 2E east road north Berwick is served by a communal stairway

[REDACTED]

[REDACTED]

Currie, Fiona

From: Smith, Amelia
Sent: 05 February 2024 16:46
To: Environment Reception
Subject: Re: Application 23/01214/P

Can this be logged as an AKO against 23/01214/P?

Thanks,

Amelia

Sent: Monday, February 5, 2024 4:32 PM
To: Smith, Amelia <[redacted]>
Subject: Re: Application 23/01214/P

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Hi Amelia

Thanks for replying, I'm objecting to the change of use to short term rental so unless representation has any greater weight then as an objection I suppose?

Best wishes

[redacted]

On 5 Feb 2024, at 15:24, Smith, Amelia <[redacted]> wrote:

[redacted]

Thanks for your email below.

Can I just confirm with you – would you like your email to be treated as a representation, or an objection against application 23/01214/P?

Kind regards,

Amelia Louise Smith

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

Sent: 01 February 2024 16:37

To: Environment Reception <environment@eastlothian.gov.uk>
Subject: Re: Application 23/01214/P

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

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Thanks for your reply Laura, here is the complaint I sent in previously in response to the notice posted at the property in question, I mistakenly thought this would be added to the file so I'd be very grateful if you could make sure it gets to the right place.

As well as the issue over dangerous parking caused by the property's use as a short term let, I would also like to object on the basis that the flat is on a shared stair and the disruption caused to the elderly residents of the other flats is unacceptable.

Using this as a holiday let takes yet another property out of the residential market, the analysis by North Berwick Environment and Heritage Society conclusively proves that the centre of the town is being hollowed out by the ever increasing volume of holiday let applications that are being granted.

Yours sincerely

[REDACTED]

Begin forwarded message:

[REDACTED]

Date: 28 September 2023 at 11:21:30 BST
To: Amelia Smith [REDACTED]
Subject: Short term let complaint 2E East Road, North Berwick

Morning Amelia

I thought it might be useful to illustrate the issue over dangerous car parking in the public area in front of the Lodge which I previously raised with you.

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

While occasional deliveries of large items are made through this gate, they are always shut immediately which is vital because the public with small children and dogs are used to having a safe boundary here to make sure they can accompany them safely across the road beyond.

All the best

[REDACTED]



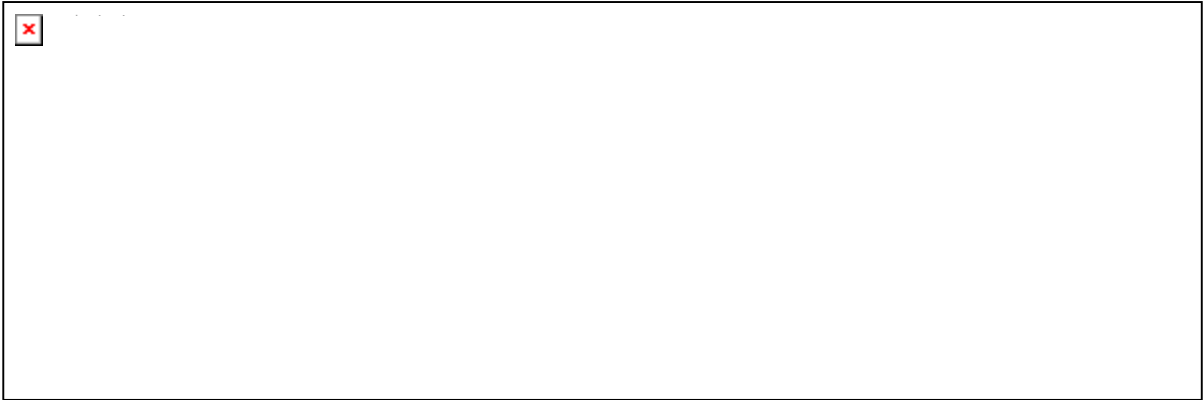




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Currie, Fiona

From:

05 February 2024 21:35

To:

Environment Reception

Subject:

PLANNING APPLICATION 23/01214/P 2E THE LODGE, EAST ROAD, NORTH BERWICK.
OBJECTION

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

The North Berwick Environment and Heritage Trust (NBEHT) has significant concerns about the effects of short-term holiday lets in the town. This sector has given rise to unwelcome impacts upon neighbours and has had a serious adverse and seemingly permanent effect upon the housing market. The housing stock for long term lets has been reduced and properties are increasingly being bought for investment purposes and to form businesses rather than as homes. Out of season it is obvious that the town is less buoyant with certain streets partially unoccupied. House prices of small town centre properties have increased making it very hard for lower income locals, especially the young, to afford property in the town. The housing market has become less and less diverse. The reduction of affordable letting premises is a considerable problem within certain employment sectors and for temporary staff. The NBEHT is not convinced that the alleged benefits outweigh the permanent harm to the town.

Scottish Government legislation now enables Local Planning Authorities to address the social and other problems that result from the proliferation of short-term holiday lets. The NBEHT urges East Lothian Council through the development management process to fully and carefully consider the wider adverse effects of this business use and associated activity on both immediate residential neighbours and the wider community.

In this particular case, application reference 23/01214/P there are specific concerns and issues about the change of use from residential to business in this locality. The remaining residents in The Lodge are VERY concerned by this particular applicant running a short term let business in the building. They have endured problems with damage to property, maintenance issues and leaks, pressure to spend large amounts of money on unnecessary communal works for the benefit of creating an upmarket short term rental flat, drunken and disorientated guests knocking on their door, constant misuse of refuse and recycling arrangements, and no emergency contact in place for the owners of 2E. NBEHT has had several communications from residents and has already contacted ELC Planning and arranged a site visit to this property to discuss the above issues. Furthermore, residents in The Lodge express distress and dismay at the over abundance of STLs in this part of town, and their own social isolation and insecurity in a flatted property with no other permanent residents.

The applicant has stated that the property is also a second home for themselves, and indeed the flat has often been left empty and unrented over recent years. This means it will not be available as full time holiday accommodation, and as such it cannot contribute significantly to the local economy. It must be considered as unreliable tourist accommodation, which is not a satisfactory situation when the tourist industry is considered as a cornerstone of the local community. The local economy would be better served by a long term resident in this flat. To grant this application for change of use would mean the loss of a three bedroomed family home from the town. This is not acceptable in the current housing crisis faced in East Lothian.

On the basis of the issues and reasons set out above NBEHT wishes to **OBJECT** to the planning application.

Signed

A solid black rectangular box used to redact the signature of the trustee.

Trustee, North Berwick Environment and Heritage Trust.

Comments for Planning Application 23/01214/P

Application Summary

Application Number: 23/01214/P

Address: 2E East Road North Berwick East Lothian EH39 4HN

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

Case Officer: Amelia Smith

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to 23/01214/P because this STL has had a negative impact on neighbours. There have been issues with maintenance and leaks, causing damage and distress, not least because the owners are not local or 'hands on' and made themselves hard to contact. Recycling and refuse is routinely mismanaged. Disturbance from drunken guests within the building knocking on the wrong door has caused alarm and annoyance and concern about security. There has also been unacceptable pressure to spend large amounts of money on unnecessary communal works for the benefit of creating an 'upmarket' STR flat.

There is an over abundance of STLs in this part of town, which increases social isolation and decreases community resilience. Moreover, the lack of permanent residents has a negative economic impact on local businesses through loss of regular weekly spend. The applicant has stated this property will not be available to rent for several months of the year. It therefore will not contribute to the local economy and must be considered as unreliable tourist accommodation. The local economy is better served by long term residents. To grant this application would mean the loss of a three bedroomed family home. This is not acceptable in the current economic and housing crises faced in East Lothian.



10 February 2024

Service Manager - Planning
East Lothian Council
John Muir House
Haddington EH41 3HA

Planning Application 23/01214/P by Mrs Lucy Deeley

Dear Sir

As the owner of one of the [redacted] Flats in the Walltower House in North Berwick, of which Flat E in question is one, I am responding to the Planning Application by Mrs Lucy Deeley for a change of use of Flat E in the building to short term holiday let.

I submit:

- 1) that Flat E is unsuitable for short term lets because it shares its single access door with two other flats in the building, Flat [redacted] and Flat [redacted]
- 2) that there is a special security concern about entrance to this building which makes it unsuitable for let to constantly changing groups of people who are short term tenants: As can be seen from the photograph supplied by the applicant, disregarding the steps leading to Flat [redacted] only, entrance is through a passage which appears to be a break in the building. This passage was originally the space between two buildings with different alignments which were incorporated when the whole present house was created in the 1750s. This passage has two doors in it, neither of which are visible from the yard in front of the house which is part of the public park (the Lodge Grounds). One, on the east side, is the door of the house, which leads into a common hall which has a door to Flat [redacted] and a stair to the other two flats on the upper floors; the other, on the west side, gives access to an area which contains storerooms belonging to all three flats and also to the Coach House, which is another building. Because the passage has a roof, it regularly provides shelter for members of the public coming into the park: picknickers caught by the rain and school children at lunch time as well more undesirable people such as late night drinkers, smokers of cigarettes and other substances and the occasional rough sleeper. There have been many instances in the past when strangers have been found in one or other of these areas. In this situation both doors must always be kept locked - something which we are very well aware is not always heeded by short term tenants who not only need to use the main door but also to have access to bins and recycling boxes through the opposite door;
- 3) that during our 27 years [redacted] we have had 8 occasions when our flat or storerooms have been affected by water damage from Flat E, including two in the last two years. In every case the matter has been 'solved' but in our view this has implications for its suitability for short term lets;

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- 4) that because of its internal and external flights of stairs the flat is not suitable for disabled people ;
- 5) that the owner, who lives in Edinburgh, has no nominated agent in North Berwick who can be contacted in emergencies which has made for difficulties when an emergency has occurred;
- 6) that in the 1960s the Walltower House and the neighbouring Lodge were acquired from North Berwick Town Council by the National Trust for Scotland as part of its 'Little Houses Improvement Scheme' to be turned into flats. On December 15 1972, when the work had been completed, conditions of ownership of the property were agreed between the Royal Burgh of North Berwick and the National Trust, which included a ban on ownership for any business or 'anything which may be deemed a nuisance to any of the neighbouring proprietors'. Although the feudal system of tenure has now been abolished and it is in the hands of East Lothian Council to allow a change of use, could it perhaps be argued in this case that the intention of the National Trust was to provide flats for normal family use and that this intention should be respected?

Yours faithfully.

A large black rectangular redaction box covering the signature and name of the sender.

5. 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), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH6 (Gardens and Designed Landscape), 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.

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.

Policy CH1 (Listed Buildings)

Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

Policy 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 CH6: Gardens and Designed Landscapes Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.

Policy T1: Development Location and Accessibility

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

Policy T2: General Transport Impact

New development must have no significant adverse impact on:

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

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

SUGGESTED SCHEDULE OF CONDITIONS - REVIEW AGAINST REFUSAL OF PLANNING

APPLICATION BY THE LOCAL REVIEW BODY – 23/01214/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 six 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.