

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 6 October 2015

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **15/00563/CAC**

Proposal Demolition of building

Location **21 Westgate  
North Berwick  
East Lothian  
EH39 4AE**

Applicant Melrose and Porteous

Per Somner Macdonald Architects

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

This application relates to the site of Melrose & Porteous Solicitors, which occupies a prominent corner location on the east side of the junction of Bank Street with St Andrew Street, and on the north side of Westgate, North Berwick. The application site comprises of a single storey detached office building on the southwestern part of the site and associated land on the north, east and south sides of the building, parking areas for the office building and a single storey garage building on the east side of the site which is the westernmost of a row of garages. The site is within North Berwick Conservation Area.

This application seeks conservation area consent for the demolition of the single storey detached office building on the southwestern part of the site.

The demolition of the single storey detached office building is proposed in association with a proposal in accompanying planning application 15/00563/P to erect a flatted building and associated works on the site. A report on planning application 15/00563/P is presented on the Scheme of Delegation List.

The single storey detached office building has a rectangular shaped footprint. Its external walls are constructed in rubble stone and it has a central flat roof which is pitched down to eaves height where it is clad in natural slate. Its west elevation wall forms part of the west boundary enclosure of the site.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) addresses the need to control development within conservation areas but is silent on the matter of the demolition of buildings and structures. Thus it is not relevant to the determination of this application.

Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008 addresses the need to control development within conservation areas, including the demolition of buildings and thus is relevant to the determination of this application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: June 2014.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy: December 2011 and also in Scottish Planning Policy: June 2014 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

A total of 53 written objections have been received to the application. The main grounds of objection can be summarised as follows:

- (i) the building should not be demolished;
- (ii) the building is part of the history, fabric and heritage of North Berwick and is architecturally distinctive;
- (iii) the demolition would not preserve or enhance the Conservation Area and would detrimental to the town;
- (iv) the building is a former Victorian coach house and is a distinctive and attractive historical building;
- (v) the building won a Civic Trust Award in 1975;
- (vi) it would be the demolition of a listed building;
- (vii) there is an existing lack of commercial property in North Berwick;
- (viii) a new building would lead to overlooking; and

(ix) a parking and access layout would be dangerous.

Contrary to what is stated in one of the written objections the building is not listed as being of special architectural or historic interest.

The redevelopment of the site does not form part of this application and therefore the written objections with regard to overlooking and parking and access layout are not material considerations in its determination.

North Berwick Community Council advises that although this property is not listed it is viewed by many in the town to be a pleasantly different business property in charming red sandstone in an unusually open setting. It is commonly viewed as a surprising oasis glimpse on the entry and exit from the town. Although not marked with having any listing it forms part of a special Conservation townscape and highlights a part of the town history, unusual in that it has survived and is clearly visible. Prior to its sympathetic restoration in 1975 it was a disused coach house. The restoration architect received an award presented by the Queen for his design. The coach house tag is not unusual as there are others in the town that have been adapted into houses, but unlike this property are not visible or identifiable as such. The Community Council continue that while the proposed redevelopment would mean gaining an additional two town centre flats which would normally be welcomed, it would also mean losing a prime central business property, a loss that most certainly would not be welcomed and would not prove to be an improvement to this part of the Conservation area. The demolition of such a building of historic interest in a prime area which from the main street provides the opportunity of a glimpse to a quaint, conserved, historic, open area would be a sad loss to the street scene.

In summary the Community Council could not see this proposal providing any enhancement to the town and are unable to support the application.

Although the existing single storey detached office building is of some historic interest and of some architectural merit, which makes a positive contribution to the character and appearance of the Conservation Area, it is not listed as being of special architectural or historic interest. Thus in the circumstances of an approved scheme of development of the application site that would be an acceptable replacement for the office building and thus which would justify the demolition of it, its removal would not harm the established character and appearance of the Conservation Area.

The planning assessment given in associate planning application 15/00563/P concludes that the erection of the flatted building and for the associated works on the site would be a form of development that would be appropriate to and would not harm the character and appearance of the Conservation Area. To facilitate such acceptable development on the site the proposed demolition of the existing single storey detached office building is justified. Thus in the circumstances of an approved scheme of development on the application site that would justify the demolition of the existing building, its removal would not harm the established character and appearance of the Conservation Area.

The demolition of the existing building is consistent with Policy ENV4 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy: December 2011 and with Scottish Planning Policy: June 2014 with respect to the affect of it on the Conservation Area.

## RECOMMENDATION

That conservation area consent be granted subject to the following conditions:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

- 2 No works for the demolition of the building shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 15/00563/P, or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to safeguard the character and appearance of the Conservation Area.