

REPORT TO: Planning Committee

MEETING DATE: Tuesday 7 February 2017

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

***Note** - this application was called off the Scheme of Delegation List by Councillor Berry for the following reason: This application is for a building in a sensitive part of North Berwick conservation area and has aroused considerable public interest. I feel any decision should be taken by a full planning committee.*

Application No. **16/00832/P**

Proposal Alterations, extensions and change of use from a hotel (class 7) to form 4 flats (sui generis) and erection of garages and associated works

Location **Former Blenheim House Hotel
14 Westgate
North Berwick
East Lothian
EH39 4AF**

Applicant Mr Matthew Atton

Per LBA

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application relates to the former Blenheim House Hotel building and its grounds at 14 Westgate, North Berwick. The site is within North Berwick Town Centre, a mixed use area as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. The site is also within the North Berwick Conservation Area.

The hotel building and boundary walls are listed as being of special architectural or historic interest (Category B). The Historic Environment Scotland listing description notes that it is a 2 storey villa built around 1860 which originally had 3 bays with flanking single storey wings. The eastern wing was later raised (in 1895) to two storeys with another bay added. The stone frontage has been painted a light pink with the quoins and window and door surrounds painted a cream colour. A central feature of the original house is the tripartite classical style porch with pedestalled piers, cornice and balustrade. Modern additions were later added to the rear and west of the building. The interior of the building has been significantly altered for hotel purposes but it is noted

that many features remain, including the stone, dog-legged stair case with balustrade and the ornate corncing which remains in some rooms. From the 1960's to 2012 the building operated as a hotel and it has since fallen into a state of some disrepair.

The front of the building faces onto Westgate, which is a one-way, west bound, road. The car parking area serving the former hotel is located to the front (south) of the building. There is a stone built, flat roofed, modern garage to the front of the western wing of the building. A low stone wall runs along the southern boundary next to the footway, which has been partially painted white, and has a now established hedge behind it. There is evidence that there were railings along the top of this wall which have been removed. There is an existing vehicular access in the centre of the southern boundary and two pedestrian accesses, one on either side which have existing iron gates. The immediate area is characterised by a number of large, stone built, villa properties set within large grounds. Adjoining the site to the west is a 2 storey villa which is in residential use. This property, at 16 Westgate, is listed as being of special architectural or historic interest (Category C). The adjacent stone villa to the east is listed as being of special architectural or historic interest (Category B) and is currently occupied by a bank of the ground floor with residential use on the upper level. Most of the villas in the immediate area have been altered to some extent with various addition of extensions to the side and rear. The former hotel is set back from Westgate by approximately 15 metres, and this building line is maintained by the villas to the east and west. The north of the site is bounded by Beach Road, which is a one-way, eastbound, road. There is an existing vehicle access from Beach Road in the north west of the site with a timber gate. The ground slopes up from Beach Road with the building sitting on higher ground. There is a stone rubble wall approximately 2.6 metres high along the northern boundary and high stone and brick walls along the east and west sides of the site.

In 2013 planning permission (Ref: 13/00365/P) was granted for alterations and extensions to the building, erection of a garage and walls and formation of hard standing areas. The associated listed building consent (Ref: 13/00365/LBC) was also granted for internal and external alterations and extensions to the building and other works. These consents permitted the demolition of the sun lounge to the rear, the side (western) extension and the original single storey flanking wing, and the flat roofed residential accommodation to the rear of the building. Permission was given to erect a single storey rear extension and a 2 storey side which would have had rendered walls with large areas of glazing. A double garage was proposed in the rear garden with the parking retained at the front of the property. The internal layout was for use as a guesthouse and included residential accommodation for staff. The remainder of the building was divided up into 5 en-suite guest bedrooms, a guest dining room, drawing room and computer area. There was no change of use considered as part of this application with it remaining a class 7 use.

The applicant has stated that after the above permissions (Refs: 13/00365/P and 13/00365/LBC) were granted further advice was sought and market analysis carried out regarding their implementation. This led them to conclude that given the costs of refurbishment against the level of return that might be possible, the development would be commercially unviable 'as a business proposition or return on capital investment' and therefore, the applicant has not proceeded with these permissions. However, the consents have been implemented by the demolition of buildings on site, including the bungalow to the rear, with a notice of initiation of development submitted for the 21 April 2016. Subsequently the consents remain extant.

Planning permission is now sought for the change of use of the hotel to form four flats with associated works, extensions and alterations to the building.

The proposal includes the following:

- 1) The change of use of the hotel to form 4 flats;
- 2) The repainting of the front of the building in a cream colour (RAL 9001);
- 3) The erection of a single storey rear extension with a roof terrace above with glass balustrade which would be accessed from the proposed eastern, first floor flat;
- 4) The lowering of a first floor window cill on the rear elevation to allow access to the proposed terrace;
- 5) The erection of a 2 storey, flat roofed extension on the west elevation. The ground floor walls would be clad in seared timber and the first floor walls would be clad in light grey fibre cement cladding;
- 6) Removal of the white paint from the low wall along the southern boundary of the site and the erection of railings along the top of the existing wall;
- 7) The formation of a new flat roof over the pend to the east of the main building to form part of the ground floor flat;
- 8) Ground works to change levels to the rear (north) to accommodate a double garage with a green roof, the side walls of which would be clad in seared timber;
- 9) Erection of a bicycle store to accommodate 6 bikes in the rear garden area;
- 10) Erection of timber bin store in the south west of the site, approximately 1.8 metres in height;
- 11) Installation of a rooflight in the flat roofed section of the existing building;
- 12) Laying of permeable paving to form paths and patio area in the rear garden; and
- 13) Laying of permeable paving to the front and formation of 6 parking spaces

Amended drawings have been submitted subsequent to the registration of the application proposing some changes to the design of the proposed alterations and extensions.

The 2 second floor flats would be accessed from the existing front entrance and main central staircase. The western ground floor flat, which would predominantly be within the proposed extension, would be accessed from a new aluminium framed glazed door on the front (south) elevation. The eastern ground floor flat would be accessed through an existing doorway on the side (east) elevation. The area to the front of the property and to the side of the proposed parking area would be landscaped. The existing pedestrian wrought iron gates would be retained and a new electric, timber gate is proposed across the vehicle access utilising the existing iron gate posts on Westgate.

A Design Statement, Planning statement, Viability Study, Marketing Report, Marketing Report Update, Refurbishment Cost Report and a Building Survey Report have been submitted in support of the application.

Listed building consent (Ref: 16/00832/LBC) is separately sought for alterations and extensions to the building, erection of outbuildings, railings, gates, formation of steps, hardstanding areas and demolition of outbuildings. A report on that application is at this time presented on the Council's Committee Expedited List.

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

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

Policy 1B of South East Scotland Strategic Development Plan (SESplan) and Policies TOUR4 (Hotels), ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas),

ENV3 (Listed Buildings) ENV4 (Development within Conservation Areas), DP2 (Design), DP6 (Extensions & Alterations to Existing Buildings), DP8 (Replacement Windows), ENV7 (Scheduled Monuments and Archaeological Sites), DP22 (Private Parking), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists) and DP23 (Waste Minimisation, Separation, Collection and Recycling) of the East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy: June 2014 and Historic Environment Scotland Policy Statement June 2016 and Historic Environment Scotland's guidance, 'Managing Change in the Historic Environment: Extensions' (October 2010).

Scottish Planning Policy and Historic Environment Scotland Policy Statement June 2016 echo the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

The planning history of the site is also a material consideration in the determination of this planning application.

56 written representations have been received. Of those, 24 object to the proposed development, 31 are supportive of it, and the remaining one does not state whether they object to or support the proposal.

The main grounds of objection are as follows:

- * North Berwick is in need of more quality hotel rooms and not housing. There is extensive house building going on elsewhere around North Berwick. There is no need for more expensive/ luxury flats;
- * There is a shortage of small hotel accommodation in the North Berwick areas;
- * It would be better if holiday flats were proposed to keep it as tourism accommodation;
- * The availability of a bar and further social space is needed;
- * The building and garden are a considerable community asset which would be lost if it became private flats;
- * If it is not viable as a hotel then it should be considered as a community facility;
- * It is unlikely that ELC can be satisfied beyond doubt that the applicant has done everything possible to develop the property as a hotel;
- * The viability assessment submitted is too narrow, looking only at a 3 star hotel. Other accommodation options should have been considered;
- * When the building was put up for sale it was clearly stated that it must remain a hotel;

- * The applicant knew it was a hotel when they bought it, paid too much for the hotel and has since not looked after it and let it fall into disrepair;
- * The applicant has refused offers from those who would restore it as a hotel and the price being sought is above market value;
- * The applicant has only marketed it for a short time and has not seriously tried to sell it as a hotel;
- * The applicant he has failed to safeguard his asset/ has allowed the premises to fall into a state of disrepair / has removed fittings and plumbing/heating in order to circumvent the planning limitations;
- * The owner is a property developer who understood the risk he took in buying the property and the public interest should not be jeopardised because of this;
- * The application is just to increase the value of the property for future sale by the applicant;
- * The Planning Authority has not done enough to prevent the building becoming an eyesore;
- * The proposed change from a timber window above the door to a metal frame window should not be allowed as it would greatly harm the character of the listed building;
- * The extension is wholly out of character with the architecture in the vicinity and the general open character of the north side of the street. It is an 'industrial monstrosity' that residents and visitors should not be subjected to looking at which is proposed to bolt on to the building;
- * New development should accord with the size, proportions, orientation, positioning, materials and boundary treatment of nearby building;
- * The materials are not appropriate, for the building and the area. The use of black timber and metal appears incongruous;
- * The North Berwick Conservation Area Character Statement requires that, colours should be chosen to harmonise with the whole building;
- * The extension is too bulky, too dark, it jars with the existing building and has an agricultural feel;
- * The extension adds little, is not needed and has a significant detrimental impact on the conservation area. It is visually dominant and will draw attention from the building. It does not respect the existing building and the mass and bulk inappropriate;
- * The extension is not appropriate for the listed building, a more sympathetic solution should be found. It diminishes the setting of the building;
- * An extension to replicate the eastern extension would be more appropriate;
- * The Conservation Character Statement for North Berwick states, 'views of the sea between buildings are part of the seaside town character' and that views from the higher ground to the south are important characteristic of the town. The proposed extension will greatly reduce views of the sea and lead to an enclosed feeling on Westgate and block views from ground to the south, particularly Bank Street, St Andrews Street and Marmion Road. The extension should be single storey;
- * An extension to the side is not needed as there is room to the rear, where the bungalow previously was;
- * The extension is too large, the current extension is single storey and this is typical for other extensions on properties in the area. The previous 2 storey extension was smaller;
- * The extension is too close to the boundary and will have a detrimental impact on residential amenity and privacy;
- * Although contemporary extensions have worked elsewhere in North Berwick, it does not work here; the design is not good just because it is contemporary;
- * The proposal is contrary to policies ENV3, ENV4, DP6 and various sections in the local plan and SPP; and
- * The bin store would be better to the rear.

The 31 representations that support the proposed development do so on the grounds that:

- * The building is in a poor condition, it is an eyesore in a prominent part of North Berwick, is spoiling the appearance of the area and the redevelopment would be welcomed;
- * The change of use would enhance the area. It is in the town's best interest to allow the conversion rather than allow further dilapidation;
- * Return to hotel use seems unlikely as it was never viable as a hotel. The tourism trade has changed a lot since the fifties and sixties when there were many small hotels and boarding houses in the area, visitors are more interested in self-catering;
- * There has been a lack of investment over a number of years and it was not been a very attractive hotel when in operation;
- * The circumstance is similar to the Templar Lodge and Queens hotel in Gullane which has been a successful conversion, and these other applications should set a precedent;
- * Even assuming the most optimistic projections of occupancy and charges due to the extensive renovation costs that no prospective hotelier would purchase it;
- * The applicant has submitted sufficient supporting information to demonstrate it is not a viable use;
- * Policy TOUR4 is not prohibitive and allows for change of use
- * The building was originally a house and it would be nice and appropriate for it to be returned to a residential use, there are other residential uses in the area; and
- * The flats in town will provide accommodation for people looking to downsize

North Berwick Community Council objects to the proposed change of use but does not object to the proposed alterations to the building. The Community Council agrees that the Blenheim Hotel is currently a significant detraction from the character of the Conservation Area and this should be addressed. They note that although they were aware of public opposition to the proposed 2 storey extension the Community Council voted to support this aspect of the proposal. They also noted the strong interest in the application and the future of the building and the feeling of community ownership of the site.

The site is within a mixed use area as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. This policy generally supports a mix of business and leisure uses and states that housing may be acceptable in certain circumstances. The policy does state that changes of use to residential, other than from retail, will only be allowed where the Council is satisfied that the premises have been suitably marketed for all other uses acceptable in principle within such an area and that no reasonable offers have been received. This approach is intended to ensure that vibrant and active ground floor and street frontages are maintained and the town centre character of an area is not lost. However, in this case the building does not form part of a shopping street and is set back from the public footway with a number of residential uses in the surrounding area. It would not be reasonable to insist that a building of this nature was marketed for retail or all other uses and the current proposal must be considered on its own merits. Instead, the principal determining policy in terms of the proposed change of use is Policy TOUR4 of the adopted East Lothian Local Plan 2008, which specifically applies to the proposed change of use of hotels.

Policy TOUR4 seeks to retain existing hotels in use where possible to provide accommodation for visitors and encourage overnight stays which benefit the local economy. It states that "proposals for the change of use of hotels will be resisted unless it can be clearly demonstrated that all reasonable efforts have been made to retain the property in use as a hotel, including evidence that it has been marketed as

such and no reasonable offers received". The preamble to the policy states that, "proposals that will result in the loss of hotel accommodation will be resisted unless it can be clearly demonstrated that the continued use of the building as a hotel is not practical".

In their submission the applicant has claimed that the continued use of the hotel is not economically viable and that they have marketed it unsuccessfully as a hotel. They have stated that solicitors were instructed in 2013 to approach potential buyers for the property as a hotel. No positive interest was noted and the property was publically marketed for sale in December 2013, for hotel use only, for 18 months. They state it was advertised in national newspapers and trade magazines, through on site sale boards, solicitor's websites and through targeted marketing to existing businesses. The applicant has stated that although the building is in a prime location and viewings took place, feedback from prospective buyers was that the level of capital expenditure required to create a standard of accommodation in keeping with the current market demands would be far too high for the potential revenue stream. They have stated that of the offers which were received after a closing date was set in December 2014 none were for hotel operations but were from developers or individuals offering to buy subject to gaining planning permission for other uses.

The applicant has also stated that they have considered refurbishing the building for use as a hotel. A building survey has been submitted with the application which includes projected costs to bring the hotel back into use. A viability study, which assumes that the property is refurbished to a 3 star hotel standard with 8 rooms, was also submitted with the application.

To ensure that the information submitted regarding the hotel's viability was independently and expertly scrutinised the Council as Planning Authority engaged The District Valuer to assess the applicant's claim and produce a viability appraisal. All the information submitted with the application was made available to the DVS consultant. They considered this and produced a report submitted to the Council on 16th December 2016. In addition to looking at the applicant's calculations assuming a 3 star hotel, their consultant also made a number of adjustments to consider if a higher value could be derived from a 4-star quality hotel. This assumed reconfiguration to provide 8 letting rooms at or in excess of the modern standard.

The District Valuer concludes that taking all the information available into account, the total development costs to bring it back into use as a hotel would be in excess of £1.7 million. It is noted that the location and setting is highly desirable and it is likely that a hotel could trade successfully on the site. However, due to the poor state of repair of the building and the need for extensive refurbishment to bring it up to modern standards, the costs would be significantly more than the potential value of a 4 or 3 star hotel. Therefore, the District Valuer have concluded that the continued use of the property as a hotel is not viable. Taking this and the evidence of marketing into consideration it is accepted that the principle of the proposed change of use to a hotel in this case is complies with the requirements of Policy TOUR4. The detail of the proposal must now be considered against other relevant policies.

The proposals include a 2 storey extension to the side (west) of the building and a single storey extension to the rear with a first floor terrace above. Both extensions would have flat roofs.

The Blenheim Hotel is category B listed for its special architectural or historic interest. Policy ENV3 of the East Lothian Local Plan 2008 presumes against development which would have a detrimental impact on the character of a listed buildings or its

setting. Policy DP6 of the East Lothian Local Plan 2008 states that extensions must be of a, 'size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit, be in keeping with that building' and 'must be finished externally in materials with colours and textures which complement existing buildings in the locality and the original building'.

Historic Environment Scotland's guidance regarding extensions on historic buildings states that they:

- 1) must protect the character and appearance of the building;
- 2) should be subordinate in scale and form;
- 3) should be located on a secondary elevation;
- 4) must be designed in a high quality manner using appropriate materials.

The guidance also notes that appropriate contrasting extensions can be effective while retaining a buildings special interest.

The proposed rear extension does not project any further than the line of the existing rear sun lounge, which it is proposed to demolish. It would be approximately 4 metres in height and would be clearly subservient to the main building, which would still be dominated by the two storey bays on either side. The majority of the rear (north) elevation would be glazed with fixed aluminium framed windows and sliding doors opening into the rear garden. The balustrade on its roof, which would form a small terrace, would be formed from glass and would be lightweight and minimally visible. The simple form of the proposed extension would be of a contrasting design to the existing rear elevation. However, this would result in an obviously new section allowing the original building to be understood without competing with it. The timber cladding material proposed would weather over time and would not conflict with the stone elevation of the walls. The removal of the existing unsympathetic sun lounge and ground floor uPVC windows would also improve the external appearance of this elevation. The alteration of the first floor window to form a door onto the terrace is the only such alteration to a window proposed on the building, would not affect a particularly sensitive feature and would be acceptable on this secondary elevation without detrimentally impacting on the character of the listed building.

The proposed side extension on the west would be located in the position of an existing single storey flanking section and later ground floor extension which projects to the side boundary. The proposed flat roof extension would be 2 storeys in height; with the first storey approximately 6.8 metres to eaves and the ground floor section 4 metres high. The ground floor section would extend from the west side of the main building by approximately 9.5 metres, with just over 1 metre to the existing stone boundary wall. The first floor would extend approximately 7.2 metres from the west side of the building, and would be stepped back from the front and rear of the main building elevations. The width and depth of the first floor section of the extension have been reduced slightly from that shown on the original application drawings. The walls of the ground floor of the two storey extension would be finished with vertical timber cladding, which would be heat treated to emphasise the grain and preserve the material. The majority of the walls of the first floor of the two storey extension would be clad in a light grey fibre cement cladding, laid in vertical strips. The finishing materials have been altered from those originally proposed, which were darker, with burnt timber and a dark grey metal cladding, after concerns were raised that this would not complement the building. The proposed materials are lighter and should give a softer finish which would reference the stone of the neighbouring buildings, the side of the hotel and the grey of slate and zinc also used in the area. The materials, particularly the timber, would age over time to give additional texture and interest. This would be a modern addition and,

as with the rear extension, would be clearly visually different to the main building, allowing the older sections of the building to be clearly seen. It would be lower in height than the main building, would be stepped back from the frontage and would be secondary to the main building. Flat roofed extensions are a feature of a number of the villas in the area, existing on the single storey west flank and is seen on the existing single storey extension and garage to the front. Although the materials proposed are not traditional, the simple form would not be obtrusive or incongruous and would not detract from the predominance of the main building. A small part of the front, ground floor glazing would be covered in louvered timber cladding which would serve to give privacy to residents and add further movement and interest to that wall. In all of this, the proposed two storey extension would preserve the architectural and historic interest of the listed building.

Historic Environment Scotland raise no objection to the proposal. They comment that they support in principle the proposal that will enable a sustainable use of the building. They did recommend that the location of the photovoltaic modules on the roof were revised, and these have since been removed from the proposal. They also advised that the main door and associated details should be preserved and the proposal to reconfigure the window directly above it with an aluminium door frame giving access to the decorative balustrade should be strongly resisted due its adverse impact to character and historic fabric. This alteration has also been omitted with the original window now retained.

In terms of the proposed two storey side extension, they commented that it “expresses itself in a modern and contemporary language, offering a contrast to the appearance and special interest of the villa. Overall its impact and contribution as a design intervention to the listed building is self-effacing and a back-drop to the listed building. We would, however, recommend that the rear 1st floor is moved back from the elevation, allowing the villa to retain its hierarchal prominence, and a reduction in the size of the first floor element generally would be welcomed”. The first floor has been stepped back from the rear elevation in response to this and the ground and first floor would be set back from the front elevation. The width of the first floor section has been reduced by approximately 50cm slightly reducing the massing of this element.

Overall the proposed extensions would be acceptable additions to the listed building which would allow it to retain its special character while providing additional accommodations in a contrasting yet acceptable manner.

The original windows to the front and rear are to be retained and refurbished, apart from one to the rear which would be altered to form a door. Therefore, this important feature of the listed building would be preserved. The re-painting of the building frontage in a cream colour would be a sympathetic alteration. The proposed railings to the front would be of a simple design but would not conflict with the design and style of the listed building. This would re-introduce railings along this location which would create a sympathetic, open but formal boundary treatment to the street. Minimal changes are proposed to the main sections of the existing building and the proposed extensions and alterations would be sympathetic to the building and would not detract from it, preserving its overall character and key features of special interest. Therefore, the proposal complies with Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy and HES guidance.

The site is within the North Berwick Conservation Area. Policy ENV4 of the East Lothian Local Plan reflects Scottish Planning Policy and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it seeks to preserve or enhance the character of conservation areas.

Appendix 7 of the East Lothian Local Plan 2008 includes the North Berwick Conservation Area Character Statement. This notes the historic expansion of the town to the west as its popularity as a sea side resort grew with Victorian, Edwardian and Georgian housing in a variety of styles evident. In comments applying to the whole of the conservation area it notes that, 'Glimpses of the sea between buildings are part of the seaside town's character, as are the views of the harbour promontory from North Berwick Bay'. Although the hotel and adjacent villas sit well within their grounds and have significant gaps between them, the opportunity for views of the sea from street level are largely obstructed by boundary treatment, landscaping and single storey extensions in this part of the Conservation Area. The application site currently has a ground floor extension to the west and an existing garage to the front, which it is proposed to remove. The proposed 2 storey extension would not have a significant impact on glimpsed sea views from Westgate.

The former Blenheim House Hotel is a prominent and unique building within the North Berwick Conservation Area. The modern extensions proposed would be different from the traditional materials of the other buildings in this part of the Conservation Area, which mainly consist of stone walls with pitched roofs clad with natural slate. However, the size and design of the extensions would be such that they would not detract or compete with the main building but would be subservient and secondary to it. In addition, the proposed side extension would be set back from the public footway by approximately 15 metres and then stepped back from the main frontage of the building. It would not dominate the street scene, and the existing largely stone and slate clad buildings would continue to remain the main characteristic architecture in the immediate area. Both extensions would be visible from Beach Road to the north, in addition to a proposed double garage accessed from Beach Road. This northern view of the villas is clearly seen as the rear with a number of garages, conservatories, extensions and other alterations seen when viewed from Beach Road. This gives a very different feel to the building from this side compared to the more formal and public facing frontages onto Westgate. Therefore, although the impact on the surrounding Conservation Area is a key consideration when viewed from the north, this elevation is more able to accommodate the additional rear extension and garage building. The garage has been designed to utilise the changing levels on the site, with the flat roof forming a grassed area which would further reduce its visual impact. The fact that planning permission (Ref: 13/00365/P) remains extant for a rear elevation and garage on the north side of the site is a significant material consideration.

The proposal includes the reduction in the amount of car parking to the front of the building with additional landscaping to the front and rear. In addition to the painting of the frontage and the general refurbishment of the building, this would contribute positively the character and appearance of the Conservation Area. Therefore, taken as a whole, the proposed development would not have a detrimental impact on the character or appearance of the North Berwick Conservation Area and would comply with Policy ENV4 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy 2014.

There are no additional windows proposed at first floor level facing east or west and the views that would be available onto neighbouring properties would not be significantly greater than those that exist. A small terrace is proposed on the rear elevation which would be accessed from the kitchen of one of the first floor flats. Taking into account the size of the terrace (approximately 4 metres wide by 3 metres), the distance to the site boundaries (approximately 8 metres at the closest point to the eastern boundary) and the partial screening that is afforded by the bays projecting to the east and west, the use of the terrace would not result in unacceptable loss of privacy for neighbouring

residents.

Owing to its size, form, and positioning the proposed extension would not give rise to a harmful loss of sunlight or daylight received by the neighbouring residential properties.

The use of the building for four flats would not result in significantly greater activity or noise than were it to continue in use as a hotel. Consequently, the proposed four flats would not have an unacceptable detrimental impact on the amenity of neighbouring uses.

The Council's Road Service raise no objection to the proposed development, being satisfied that the site could be safely accessed and sufficient parking could be provided to serve the four flats. They do however recommend that sufficient sightlines are maintained from the vehicular access onto Westgate and that a construction method statement is submitted prior to works taking place. Conditions can be attached to address these issues. The proposed development is consistent with Policies DP22, T2 and DP20 of the adopted East Lothian Local Plan 2008.

A timber clad bin store is proposed to the south west of the site, which would be partially screened by the existing and proposed hedging. Waste Services have discussed the design of the store with the applicant to ensure sufficient space is provided for waste and recycling receptacles for each flat and confirmed that the proposed design is acceptable. The store would be vertically clad in seared timber which would provide a high quality finish, ensure the bins are screened and kept tidy in this prominent location and would be in keeping with other elements of the development. The proposal therefore complies with DP23 of the adopted East Lothian Local Plan 2008.

The Council's landscape officer raises no objection to the proposal. They advise that they support the retention of the existing hedge and the inclusion of new hedging to match the existing as shown on the proposed layout plan. They advise that the proposed development would benefit from specimen tree planting to provide a setting for the building, particularly along Westgate, where the trees would be seen with other trees along the street. A landscape plan has not been submitted at this stage but a condition can be attached requiring the submission of one prior to works commencing and for its implementation. As noted above, the additional landscaping indicated would add significantly to the setting of the listed building and improve the general street scene.

The Council's Archaeology and Heritage Officer raises no objection to the proposal, subject to the imposition of a condition requiring a basic historic building recording is carried out. This is required as the proposed demolition works would remove one of the original wings of the 1860's villa, as well as later extensions and due to the age and regional importance of the building involved, some level of recording of the building prior to demolition is important. This requirement would comply with Policy ENV7 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy and Historic Environment Scotland Policy Statement.

Taking all of the above into account, and subject to appropriate conditions, the proposal would comply with Policy 1B of South East Scotland Strategic Development Plan (SESplan) and Policy TOUR4 (Hotels), ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas), ENV3 (Listed Buildings) ENV4 (Development within Conservation Areas), DP2 (Design), DP6 (Extensions & Alterations to Existing Buildings), DP8 (Replacement Windows), ENV7 (Scheduled Monuments and Archaeological Sites), DP22 (Private Parking), T2 (General Transport Impact), DP20

(Pedestrians and Cyclists), DP23 (Waste Minimisation, Separation, Collection and Recycling) of the East Lothian Local Plan 2008 and Scottish Planning Policy 2014.

CONDITIONS:

- 1 Prior to the commencement of development a scheme of landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be felled, and measures for the protection during the course of development of the trees and hedgerows that are to be retained.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the first flat.

Any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 2 A Construction Method Statement (CMS) shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work.

Thereafter, the approved CMS shall be complied with as approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure controls are in place to minimise the impact of construction activity on the safety and amenity of the area.

- 3 Prior to the commencement of development, a schedule and samples of the materials to be used to externally clad the proposed extensions, bin store, bicycle store and garage shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interest of visual amenity, the character of the conservation area and the listed building.

- 4 Prior to the occupation of any of the flats hereby approved the parking as shown on approved plan 16040(PL)200 Rev.B shall be constructed and made available for use by residents.

Reason:

To ensure that there is sufficient parking provided onsite for residents in the interests of the safety and amenity of the area.

- 5 When measured from a point 2 metres back from the footway on the centreline of the vehicular access from Westgate to a point 2 metres to the east and 2 metres to the west on the rear of the footway there shall be no obstruction to visibility greater than the height of the existing southern boundary wall. For the avoidance of doubt, hedging and soft landscaping above the height of the wall in this area is not permitted.

Reason:

To ensure that there is sufficient visibility for drivers of vehicles exiting the site onto Westgate and crossing the public footpath, in the interests of road safety.

- 6 Prior to the commencement of development full details of the materials to be used to form external hard surfacing, including the steps to the west of the proposed garage and the permeable paving, shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of the setting of the listed buildings and the North Berwick Conservation Area.

- 7 Prior to the commencement of development on site a written scheme of investigation shall be submitted to and approved in writing by the Planning Authority.

Thereafter, a programme of archaeological work (Historic Building Recording) shall be undertaken and reported upon in accordance the approved written scheme of investigation.

Reason:

To ensure that features of potential archaeological interest that may be disturbed by the development of a building of this age and regional importance are investigated and appropriately recorded.