

PLANNING COMMITTEE

7 FEBRUARY 2017

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**MINUTES OF THE MEETING OF THE
PLANNING COMMITTEE**

TUESDAY 10 JANUARY 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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Committee Members Present:

Councillor N Hampshire (Convener)
Councillor D Berry
Provost L Broun-Lindsay
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor T Day
Councillor A Forrest
Councillor J Gillies
Councillor J Goodfellow
Councillor D Grant
Councillor P MacKenzie
Councillor K McLeod
Councillor J McMillan
Councillor J McNeil
Councillor T Trotter
Councillor J Williamson

Other Councillors Present:

Councillor M Veitch

Council Officials Present:

Ms M Ferguson, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Mr E Bean, Planner

Clerk:

Ms F Currie

Visitors Present:

Item 2 – Ms K Davison, Mr M Lloyd

Apologies:

Councillor W Innes

Declarations of Interest:

None

1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 6 DECEMBER 2016

The minutes of the meeting of the Planning Committee of 6 December 2016 were approved.

2. PLANNING APPLICATION NO. 16/00794/P: ALTERATIONS TO HOUSE AND ERECTION OF WALL AT 5 STANLEY PLACE, DUNBAR

A report was submitted in relation to Planning Application No.16/00794/P. Edward Bean, Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent.

In response to a question from Councillor Day, Ms Ferguson confirmed that matters relating to rights of access were not material to the Committee's consideration of the planning application.

Karen Davison, the applicant, outlined her case. She stated that her application was seeking to reinstate a boundary wall which had existed up to 2008 or later, and that the position of the wall to the rear of properties would not be readily visible from any public area. She added that the proposed construction would not be harmful to the character and appearance of the house or the conservation area and would be in keeping with the walls that already existed at other properties within Stanley Place and Rosebery Place.

Responding to a question from Councillor Goodfellow Mr McFarlane clarified the position regarding permitted development rights and how these related to applications within a conservation area.

Mike Lloyd spoke against the application. He stated that, in his view, the wall would change the character of the conservation area. It would be higher than any other wall in the surrounding gardens, would be readily visible from public areas and would transform the nature of the boundary blocking light from his garden and causing damp. He concluded that, if there must be a wall, he would prefer it to be of a lower height and topped with a trellis.

Mr Lloyd responded to a question from Councillor Day advising that the old boundary fence had blown down during a storm. He added that, following discussion and agreement with the previous owner of No. 5, the fence had been replaced with a beech hedge.

Local Member Councillor Veitch said that he had called in the application in response to local concerns about proposals for the wall. While he supported the majority of the application, he considered the proposed wall to be inappropriate and potentially detrimental to the amenity of the conservation area. He urged Members not to refuse the application but to seek, by conditions, a reduction in the wall height and a change to the building materials.

Councillor Day agreed that, in planning terms, the key issue was the impact on the conservation area. However, he considered the proposals for the wall to be acceptable and would be supporting the report recommendation.

Provost Broun-Lindsay commented that the existing beech hedge was already two metres high and, in his opinion, when fully mature would be no less pervious than a wall. For this reason he would be supporting the application.

Councillor Currie was satisfied that the planning officer had addressed all of the relevant planning considerations within his report and had concluded, on balance, that the application should be granted. He could find no reason to go against this advice and would be supporting the report recommendation.

Councillor McNeil noted that the key point of debate appeared to be the wall rather than the other aspects of the application. He thanked both parties for their presentations and said he would be supporting the report recommendation.

The Convener brought the discussion to a close. He reminded Members that issues around rights of access were not relevant to the Committee’s decision and, in his opinion; there were no planning grounds for refusal of the application. He would be supporting the recommendation to grant planning permission as set out in the report.

The Convener moved to the vote on the report recommendation to grant consent:

For: 16
Against: 1
Abstentions: 0

Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 The roof windows to be installed in the west facing roof slope elevation, the east facing roof slope elevation, and the north facing roof slope elevation of the rear projecting component of the building shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they will be installed and with minimum flashing.

Reason:
To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the Conservation Area.

- 2 The external timber frames of the replacement windows within the front and rear elevations of the house hereby approved shall have a white painted finish.

Reason:
To safeguard the character and appearance of the house and that of the Conservation Area.

- 3 The external timber frames of the glazed openings to be formed at attic level within the rear elevation of the house hereby approved shall have a white painted finish.

Reason:
To safeguard the character and appearance of the house and that of the Conservation Area.

- 4 Prior to the installation of the Juliet Balcony hereby approved a sample of the powdercoat finish to be applied to it shall be submitted to and approved in advance by the Planning Authority. The finish shall accord with the sample so approved.

Reason:
To safeguard the character and appearance of the house and that of the Conservation Area.

Signed

Councillor Norman Hampshire
Convener of the Planning Committee

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

2

Application No. **16/00633/AMM**

Proposal Approval of matters specified in conditions of planning permission in principle 12/00553/PPM - Erection of 78 houses, 12 flats and associated works

Location **Land Adjacent Beveridge Row
Belhaven
Dunbar
East Lothian**

Applicant CALA Management & Trustees Of D.V.Rennie & J.Rennie Trust

Per EMA Architecture & Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

Although this application is for the approval of matters specified in conditions of planning permission in principle 12/00553/PPM it has to be determined as a major development type application because the area of the application site is greater than 2 hectares and the number of dwellings detailed is greater than 50. Accordingly the application cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

This application relates to some 6.10 hectares of agricultural land located immediately to the west of Belhaven, Dunbar and some 220 metres to the east of West Barns. The site is roughly rectangular in shape. To the north of it is the row of houses of Edinburgh Road, Belhaven beyond which is the A1087 public road (Edinburgh Road) and the Belhaven Caravan Park and, further still, the coast. To the east of it is the row of houses of Beveridge Row, Belhaven, with Belhaven Brewery and Belhaven Hospital beyond. To the south of it is the East Coast Main Line railway with agricultural land beyond and to the west is agricultural land and three residential properties located within that countryside land. Further to the west is part of the eastern edge of West Barns.

In July 2012 planning permission in principle 12/00553/PPM was sought for a residential development of the application site. In January 2013 the applicants appealed to the Scottish Government's Directorate for Planning and Environmental Appeals against the failure of East Lothian Council to issue a decision on the planning permission in principle application within the prescribed period of 4 months. In April 2014 following the conclusion of a legal agreement to secure education, off site pedestrian links and affordable housing provisions, the appeal was allowed and planning permission in principle 12/00553/PPM was granted.

Approval of matters specified in conditions of planning permission in principle 12/00553/PPM is now sought for the erection of 78 houses, 12 flats and associated works on the application site.

Of the 78 houses, 67 would be detached and 11 would be terraced. In terms of size, 11 of the 78 proposed houses would contain 3 bedrooms, 18 would contain 4 bedrooms, 31 are described as having 4 bedrooms + 1 study, 3 would contain 5 bedrooms and 5 are described as having 5 bedrooms + 1 study. The 12 flats would each contain 2 bedrooms.

The submitted details also include for the internal access roads, garages, parking courts, boundary treatments, landscaped open space, a play area, SUDS and associated works.

Vehicular, pedestrian and cycle access to the 78 houses and 12 flats would be taken from Edinburgh Road by way of a new access junction to be formed near to the northwest corner of the site. A pedestrian and cycle access would also be formed between the southeast corner of the site with Beveridge Row. This access would also serve as an emergency vehicular access. A separate pedestrian and cycle path would be formed at a point further north along the eastern boundary of the site to allow access to Beveridge Row for pedestrians and cyclists.

The boundaries of the site would be landscaped with new hedge and tree planting and areas of open space formed along the full length of the western boundary of the site and the full length of the southern boundary of the site. A 'Village Green' area of open space would be formed close to the centre of the site and a smaller area of open space would be formed to the south of the 'Village Green'. A SUDS basin would be formed close to the western boundary of the site and would be grassed and planted with wildflowers. A pumping station would be formed to the north of the proposed SUDS basin. It is indicated that an equipped play would be formed to the south of the proposed SUDS basin although details of the proposed play equipment have not been submitted with this application.

The application is supported by a Design and Access Statement. The Statement sets out the design principles and concepts that have been applied to the development. It also sets out the non-statutory community consultation which the applicant undertook prior to submitting this application.

The application is also supported by a 'Report on Railway Sound' and an 'Archaeological Evaluation Data Structure Report'.

Subsequent to the registration of this application, further drawings have been submitted showing i) revised proposals for the layout of the houses and garages proposed on plots 1-3 of the development; (ii) an alternative house type for the houses proposed on plots 12 and 16 of the development; (iii) revised landscaping proposals and boundary treatment proposals; iv) additional sectional details through the site and

details on site levels and v) revised internal road and footpath details. Additionally a Flood Risk Assessment and further drainage information, a Tree Survey, a tree protection plan, a landscape maintenance specification and a statement on the size and mix of housing proposed have been submitted.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 3rd May 2012 the Council issued a formal screening opinion to the agent for the applicant. The screening opinion concludes that it is East Lothian Council's view that a housing development of the site is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed housing development to be the subject of an EIA.

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.

Relevant to the determination of the application is Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies H1 (Housing Quality and Design), DP1 (Landscape and Streetscape Character), DP2 (Design), DP12 (Trees on or Adjacent to Development Sites), DP15 (Sustainable Urban Drainage Systems), DP16 (Flooding), C1 (Minimum Open Space Standard for new General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development), T2 (General Transport Impact), DP20 (Pedestrians and Cyclists), DP22 (Private Parking) and DP24 (Home Zones) of the adopted East Lothian Local Plan 2008.

A material consideration is the supplementary planning guidance of "Design Standards for New Housing Areas" approved by the Council on 10th March 2008. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

Also material to the determination of this application is the Scottish Government Policy Statement entitled "Designing Streets". It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes.

Six written representations have been received in respect of this application, all of which raise objection to the proposed development.

A copy of the written representations is contained in a shared electronic folder to which all Members of the Committee have had access.

The main grounds of objection are summarised as follows:

- * The site is subject to flooding and the proposed development will potentially make this worse;
- * Increased traffic on Beveridge Row would be dangerous;
- * There is no indication on the plan as to whether the access road on the south-east corner of the site is completely closed off to cars. Use of this access would add to an already heavy traffic usage on a narrow dangerous road;
- * The application drawings do not accurately define the footprint of an objectors property on Beveridge Row;
- * This stretch of Edinburgh Road is susceptible to traffic accidents and this proposal, with the proposal for access on to Edinburgh Road will make this worse;
- * There are already problems with speeding traffic on this stretch of Edinburgh Road which makes it difficult for residents on Edinburgh Road to use their drives;
- * The proposed junction on to Edinburgh Road will add to traffic problems and instead a roundabout at this junction would make egress from the proposed development safer and would slow down the traffic on Edinburgh Road;
- * Traffic calming and a safe crossing should be provided on Edinburgh Road;
- * Proposals for surface water drainage will cause great disruption to traffic and inconvenience to residents;
- * Proposals for foul drainage are unacceptable and inadequate;
- * The proposed development will visually merge the village of Belhaven with West Barns;
- * Concerns that the area of housing has been extended westwards contrary to the original proposals indicated in the planning permission in principle application;
- * Concerns from a neighbouring resident that their private access drive may be used by contractor's vehicles if the site is to be developed; and
- * Impact on services and infrastructure within the area.

The concerns raised by a neighbouring resident relating to potential use of their private drive by contractors is a legal matter and not a material planning consideration in the determination of this planning application.

Dunbar Community Council, a consultee, have raised concerns relating to flooding and drainage issues (in particular that the site is prone to pluvial and coastal flooding, a number of the proposed houses are to be sited on the areas of the site most prone to flooding which could have implications for future residents obtaining property insurance, the SUDS pond proposed is not sufficient to allow the volume of water that may build up at the site to drain away naturally, the lack of information on pumping

stations, it is not known what affect changing landform will have on drainage, existing sewer provision is inadequate and may not have sufficient capacity to deal with the flow of waste from a further 90 properties and capacity concerns relating to Beltonford Water Treatment Plant); transport issues (concerns that the applicant has not submitted a Transport Assessment or Travel Plan and that the proposed access on to Edinburgh Road would be unsafe, there is a potential for increased traffic flow on Beveridge Row which would also be unsafe and there would be inadequate provision for pedestrians); concerns relation to lack of play provision for this size of development; the siting of the proposed affordable housing; pressures on infrastructure; the fact that a Habitat Survey has not been submitted and that vernacular design is not reflected in the proposals for the residential development.

West Barns Community Council have also been consulted on the detailed proposals and they have raised similar concerns to those raised by Dunbar Community Council. In summary their concerns relate to flooding and drainage, sewerage capacity, transportation concerns, the impact the proposals will have on West Barns Primary School and Dunbar Grammar, the design of the proposed houses and flats, the proposed development would lead to the loss of the West Barns community identity as it merges into Belhaven/Dunbar, limited provision for children's play at the site and impacts of health provision in the area.

Notwithstanding the concern raised in representations and by West Barns Community Council, by the grant of planning permission in principle 12/00553/PPM, approval has been given for the principle of the erection of 90 residential units on the application site. There can therefore be no objection in principle to the erection of the 90 residential units now proposed.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the siting, design and external appearance of the development, the landscaping of and means of access to the site and the means of any enclosure of the boundaries of the site. In this regard the detailed proposals have to be considered against relevant development plan policy and the illustrative masterplan and conditions attached to planning permission in principle 12/00553/PPM.

The proposed residential development would form an extension to the western edge of Dunbar and would not be out of keeping with the character of the settlement and local area.

Paragraph 2.6 of the "Design Standards for New Housing Areas", approved by the Council on 10th March 2008, states that new housing development must create a hierarchical, permeable and interconnected street layout that complements and should extend the surrounding street pattern. Such layouts spread vehicle traffic evenly through a site and to the surroundings, help prevent localised traffic congestion, and encourage walking and cycling. Proposed street layouts must maximise connections within the site and to surrounding streets, and ensure the movement requirements of the development strategy are met. By the design and arrangement of street types, street layouts must influence vehicle drivers preferred route choice to ensure the tertiary streets between residential blocks are less busy. In paragraph 2.9 it is stated that Home Zones must be introduced to new development as part of a hierarchical, permeable and interconnected street layout.

The houses, flats and associated areas of ground, in their proposed groupings, orientations, and layout would be consistent with the principles of 'Home Zones' as set out in the Council's Design Standards for New Housing Areas and with the Scottish Government Policy Statement entitled "Designing Streets". The proposed layout of

roads, pathways and parking spaces would also generally be consistent with those principles.

The details now submitted for approval are for a scheme of development comprising a mix of detached and terraced houses (13 types of residential units) and 12 flats, with all of the flats and houses being two storeys in height. The applicants have provided a statement detailing why they have chosen the range of house types proposed. They state the total number of units proposed accords with the planning permission in principle granted for the site and that the mix includes a range of sizes and types from 2 bed cottage flats to 5 bed family homes with 25% of the proposed houses on the site being 2 or 3 bed properties. Whilst there are a large proportion of detached houses, the layout reflects the surrounding area, which is generally characterised by detached houses set within relatively large gardens.

The houses and flats would be finished predominantly with rendered walls and smaller areas of reconstituted stone and their pitched roofs would be clad with concrete tiles (the colour(s) of which are unspecified in this application). A condition can be imposed to require the submission of a scheme of final finishes with a palette of colours for the houses and flats, which has due regard to the finishes of other residential properties in the locality. Subject to the imposition of this condition, the proposed houses and flats would not cause any incongruous change to the architectural harmony, integrity and character of this part of Belhaven, Dunbar.

The indicative details submitted with planning permission in principle application 12/00553/PPM didn't illustrate house types. The indicative details did illustrate two different options for the layout of the site. Both of these options illustrated a primary access into the site from Edinburgh Road with secondary or pedestrian accesses from Beveridge Row and both showed a primary street 'looping' round the site with secondary courtyard and cul-de-sac accesses off it. Both options illustrated landscaped open space to the south and west sides of the site although there were variations in the detail and extent of open space between the two options. The main difference between the two options was in the treatment of the north west corner and the western edge of the site with the first option illustrating the residential development extending up to the northern (Edinburgh Road) frontage of the site and the second option illustrating a SUDS pond instead of residential development at this northern end and a wider strip of open space along the western side of the site than indicated in the first option (which illustrated a narrower strip but included a central area of open space instead). Although other illustrative details docketed to planning permission in principle 12/00553/PPM detail only the second option, the planning permission in principle granted does not approve one concept over the other.

The detailed layout proposed through this approval of matters application follows more closely the first option illustrated in the planning permission in principle application, which is with residential development extending up to the northern part of the site, areas of open space along the western and southern sides of the site and a central area of open space. The proposed layout is therefore broadly consistent with the first layout shown in the concept masterplan option analysis docketed to planning permission in principle 12/00553/PPM. The proposed houses and flats, due to their positioning on the application site and by virtue of their height, size and scale, and architectural design would satisfactorily integrate into their surroundings and would not appear as prominent or intrusive features. In this respect, the layout of the three houses proposed for plots 1-3, those being the plots closest to the site access and closest to Edinburgh Road, have been amended following concerns raised by planning officers to ensure that they are brought closer to each other to create a curved terrace effect and to reposition the northernmost house back into the site further away from

Edinburgh Road and thereby increase the landscaping opportunities along this boundary in order to reduce the visual impact of these three houses and add visual interest to the development. The other components of the proposed development would not be harmful to the character and appearance of the area.

The proposed housing development would provide an attractive residential environment for future residents of the proposed houses and flats. With the exception of the houses to be positioned on house plots 12 and 16 the houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity. The houses to be positioned on house plots 12 and 16 would have first floor windows on their south and side elevations (serving bathrooms and a bedroom in each house) which could, if clear glazed, lead to harmful overlooking of either existing neighbouring properties or other proposed houses to be positioned to the south of them. A condition can be imposed on an approval of matters specified in conditions for the proposed housing development to ensure that these first floor windows are obscurely glazed.

The application site is capable of accommodating all of the houses and flats without being an overdevelopment of the site and without being incompatible with the density of existing housing development in the area.

Drainage and flooding matters were discussed at the hearing into planning permission in principle application 12/00553/PPM as part of the site is shown on the Scottish Environment Protection Agency's Indicative flood map to be liable to flooding. The Reporter in his determination of that application took account of the facts that SEPA didn't recommend refusal of the planning permission in principle application, that Scottish Water did not comment on the application and that flooding and drainage issues were not matters that the Council argued were a basis for refusal of that application. He agreed with the applicant's flooding engineers that there is no unmanageable flood risk and that foul and surface water drainage solutions are possible. He saw no reason why these matters should preclude development and he therefore concluded that these matters could be suitably dealt with subject to conditions being imposed on a grant of planning permission in principle for the residential development of the site to ensure that details of existing and proposed site levels and details of a SUDS scheme be submitted to and approved by the Planning Authority, following consultation with the Scottish Environment Protection Agency and Scottish Water. Details of a SUDS scheme have been submitted with this application.

Scottish Water have been consulted on this application but have not commented on it.

The Scottish Environment Protection Agency (SEPA) originally objected to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. In particular their objection related to the applicant's proposal to form an access and a number of properties in the lowest part of the site which is prone to flooding from surface water runoff. This area is the northernmost part of the site adjacent to Edinburgh Road which is identified in SEPA Flood Maps as being at a potential risk of flooding and which is prone to ponded water lying on it. SEPA raised concern that the applicant's proposals to erect houses and garages on this northernmost part of the site with minimum finished floor levels of 4.15mAOD for a house and 3.7mAOD for a garage would lead to this part of the development being at a significant risk of flooding and could increase the risk of flooding to adjacent property and to the A1087 public road. SEPA advised they would consider reviewing their objection to the proposed development if the site layout was

revised to remove built development and land raising from areas currently lying below 4.3m AOD, if minimum finished floor levels are to be set no lower than 4.74m AOD and if further consideration is given to the location of the SUDS basin and the use of cut-off drains to reduce the risk of surface waters from the development site discharging into the grounds of existing properties bounding the site.

In response to SEPA's objection to the application, the applicant's carried out a revised flood risk assessment and submitted a report to SEPA addressing their objections. Having reviewed the additional information submitted by the applicant, SEPA withdrew their objection to the proposed development with regard to flood risk provided the finished floor levels of the buildings to be erected on the site are set no lower than 4.74m AOD.

However, subsequent to SEPA withdrawing their objection the Council's Team Manager for Structures, Flooding & Street Lighting raised concerns that there was some evidence of a culvert located under the site which had not been investigated as part of the applicant's flood risk assessment. As SEPA had been unaware of this culvert when making their previous comments this new information was brought to their attention and as a result they re-instated their objection to the proposals due to a lack of information on flood risk and recommended that the applicant investigate and report on the risk from this culvert.

The applicant's subsequently provided additional information regarding the culvert that is located under the site. Information was also submitted on the location of the field drain network on the site. The applicant now proposes that the drainage pipe adjacent to the western boundary of the site is replaced on a like for like basis. A new field drain is proposed to be installed along the south boundary of the proposed development to intercept surface water entering the site from the south and this will link to the replacement pipe along the western edge of the development.

The Council's Team Manager for Structures, Flooding & Street Lighting also identified that a historic plan from August 1971 shows a culvert running through the site of the proposed development. This is identified as a 12 inch drain pipe conveying drainage water from the A1 trunk road. In light of this information the applicant's have advised that they will revise their flood risk assessment to include the findings of an investigation into this 300mm pipe under the site. They also advise that the pipe will be intercepted and will be re-routed if required to the west of the proposed built development. SEPA have confirmed that they are satisfied that the existing drain is to be the subject of further investigation and that this solution is achievable. They strongly advise that this drainage route should be kept outwith any house plots so that it does not become the responsibility of individual homeowners and will remain accessible with ease for future inspection and maintenance.

SEPA, having assessed all of the revised information submitted, have confirmed that they withdraw their previous objections to the proposals with regard to flood risk subject to the following conditions being attached to any consent granted.

- Finished floor levels should be set no lower than 4.74 m AOD.
- The existing 300mm culvert shall be further investigated and included in an updated Flood Risk Assessment.
- The 300 mm drain shall be replaced on a like for like basis and rerouted if required so that it is located to the west of the proposed housing and is outwith all house plots, and
- A new drain shall be installed to the south of the proposed built development which will link to a replacement drain along the western edge of the application site as

indicated on drawing FIELD01 "Existing and proposed field drain layout".

The Council's Team Manager for Structures, Flooding & Street Lighting also confirms he no longer objects to the proposals subject to the conditions recommended by SEPA being imposed.

The above recommended conditions can reasonably be imposed on the approval of matters specified in conditions for the proposed housing development.

This application also details provision of a pumping station to the north of the proposed SUDS but no details of the cabinets or other equipment to be formed within this area have been submitted. The prior approval of the details of the equipment to be installed can be controlled through a condition imposed on a grant of planning permission for the proposed development.

The raising of land levels and finished floor levels of the houses to ensure finished floor levels should be set no lower than 4.74mAOD will only apply to the northernmost part of the site which sits at a lower level than the remainder of the site. Overall this would not involve a significant change in levels over the site as a whole and would apply to only a small number of the total number of houses to be built on the site. It would not result in the houses and other built development on this northern most part of the site appearing as overly prominent or intrusive in their setting or appearing harmful to the character and appearance of the area.

The proposed development has been amended in light of comments received from the Council's Landscape Project Officer. The revised proposals have:

- * Provided more detail on both existing and proposed levels throughout the site and details of sections through the site;
- *Amended the boundary treatments to front garden areas to include more hedges;
- *Amended details on the siting of tree planting throughout the site;
- * Provided a detailed method statement for the proposed seeding and maintenance of landscaped areas; and
- * Provided a tree survey and arboricultural constraints plan to address the treatment of trees growing in the south west corner of the site;

The Landscape Project Officer does not object to the details of the development now proposed, but she does require that conditions be imposed on a grant of planning permission to ensure that full site setting out details, tree maintenance, landscaping, tree protection measures and arboricultural monitoring are submitted to and approved by the planning authority. These measures can be secured by the imposition of conditions on the approval of matters specified in conditions for the proposed housing development.

Network Rail raises no objection to the details of the proposed residential development. They offer advisory comments on matters of drainage, security fencing, planting and proximity of building and engineering works to the East Coast Main Line railway. These comments have been forwarded to the applicant and they are aware of Network Rail's requirements. The applicants have amended their landscaping proposals in line with Network Rail's planting recommendations to ensure that where trees/shrubs are to be planted adjacent to the railway boundary these should be

positioned at a minimum distance from the boundary which is greater than their predicted mature height in order to prevent leaf fall on the railway.

The matter of potential rail traffic noise affecting residents of the proposed development was considered in the determination of the planning permission in principle application 12/00553/PPM. Condition 4 of that planning permission in principle requires that a noise consultants report to include an assessment of (i) noise from the use of the main east coast rail line and of any impact of such noise on the housing development of the site; and (ii) any mitigation measures considered necessary to achieve satisfactory internal and external noise levels for the occupiers of a residential development of the site should be submitted to and approved by the Planning Authority prior to the commencement of development. The required noise consultants report has been submitted with this planning application and having considered that report the Council's Environmental Health Officer confirms he agrees with the findings of the report which are that the railway sound levels will not have a harmful impact on the amenity of the residents of the proposed residential development and that no mitigation measures are required. The Council's Environmental Health Manager therefore raises no objection to the proposed development, being satisfied that the occupants of the proposed residential units would benefit from a satisfactory level of privacy and residential amenity.

On all of these foregoing findings on matters of design, layout, landscaping and amenity, and subject to the imposition of conditions, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies H1, DP1, DP2 and DP24 of the adopted East Lothian Local Plan 2008, the Council's Design Standards for New Housing Areas and the Scottish Government Policy Statement entitled "Designing Streets".

As previously detailed, the proposed site layout includes areas of open space along the western and southern sides of the site and two more centrally located areas of open space. The area of open space proposed along the western side of the site would include space for an equipped play area. The Council's Principle Amenity Officer has not commented on this application. Notwithstanding this, the size and locations of the areas of open space proposed are consistent with the first option illustrated in the concept masterplan docketed to planning permission in principle application 12/00553/PPM and are consistent with Policy C1 of the adopted East Lothian Local Plan 2008.

The details submitted with this application show that the area of open space to be formed along the western side of the site would contain an equipped play area although the details of the equipment proposed to be installed in this play area have not been included in this application. A condition can be imposed on the approval of matters specified in conditions for the proposed housing development to ensure that details of the equipment to be installed in the play area are to be agreed by the planning authority in advance of any development of the site. Subject to such planning control the proposed development is consistent with Policy C2 of the adopted East Lothian Local Plan 2008.

In the consideration of planning permission in principle application 12/00553/PPM the Council's Biodiversity Officer raised no objection to the principle of housing development of the application site. Both he and the Reporter appointed by the Scottish Ministers to determine the planning permission in principle application were satisfied that the site has limited wildlife value, with no habitats on site. Neither of them required a Habitat Survey to be carried out nor did they consider any conditions relating to biodiversity to be necessary on a grant of planning permission in principle for

the residential development of the site. The Council's Biodiversity Officer has made no comments on this application for the approval of matters specified in the conditions of planning permission in principle 12/00553/PPM.

Condition 5 of planning permission in principle 12/00553/PPM requires that no residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The applicant has submitted sketch details of a proposed sculpture incorporating wave shapes and fish to be provided on the site but final details including dimensions, materials and location of the sculpture have not been submitted with this application for the approval of matters. This condition therefore still applies and this matter cannot therefore be approved through the determination of this application for the approval of matters specified in conditions.

The principles of the means of accessing the proposed residential development are already decided by the grant of planning permission in principle 12/00553/PPM. These are that vehicular and pedestrian access to the site should be taken from Edinburgh Road via a new access to be formed near to the northwest corner of the site with emergency access/secondary pedestrian links being formed between the site and Beveridge Row. The mechanism of a financial contribution for off site pedestrian links has already been secured through the grant of planning permission in principle 12/00553/PPM.

The submitted details for accessing the proposed 90 residential units are in accordance with these principles established by the grant of planning permission in principle 12/00553/PPM. In this regard, it is worth noting that the Reporter appointed to determine the appeal did not consider that it was necessary for the site access with Edinburgh Road to include a physical traffic calming measure, such as a roundabout or traffic lights nor did he consider the proposal would lead to unacceptable congestion outside West Barns Primary School or consider that the use of Beveridge Row and the lane that continues from it to be an attractive alternative route to most facilities.

The Council's Road Services raise no objection to the submitted details, being satisfied that the proposed development would not result in unacceptable traffic congestion, including on Edinburgh Road. They advise that the proposed means of access and amount and location of parking within the site are all acceptable, although they do make recommendations on the standards of provision.

They recommend that:

1. The proposed accesses junction onto the A1087 shall be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6. Details to be submitted for approval;
2. An independent road safety audit shall be undertaken for the proposed access junction onto the A1087. Details to be submitted for approval;
3. Raised tables shall be constructed at all road junctions within the site as illustrated on drawings submitted with this application;
4. A swept path analysis of the internal road layout should be completed to ensure that refuse and delivery vehicles can manoeuvre safely within the development;
5. Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10

metres to enable adequate two way movement of vehicles.

6. Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

7. Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

8. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

Condition 1(g) of planning permission in principle 12/00553/PPM requires the provision of a continuous footpath link along the south side of the A1087 to connect to the existing pedestrian network at West Barns. Consistent with the requirements of condition 1(g), the Council's Road Services also recommend that:

1. A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in West Barns. Details to be submitted for approval;

2. A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in Dunbar. This shall include the site frontage and also along the Southern verge of the A1087 between Beveridge Row and Brewery Lane. Details to be submitted for approval;

3. The emergency access / pedestrian cycle link should be extended to tie into the existing footway that leads under the East Coast Mainline on Beveridge Row. Details to be submitted for approval;

4. The footpath that access and egresses onto Beveridge Row between the 2 existing houses does not link into an existing footway. Pedestrian safety barriers shall therefore be installed at the Beveridge Row end of the footpath to stop pedestrians walking or cycling directly onto a live carriageway. Details to be submitted for approval ;

5. The Bus stop to the west of the new access road on the A1087 shall need to be relocated to allow the new footway to West Barns to be constructed. If a relocation is not possible then the stop may need changed to a cantilever style stop. Details to be submitted for approval;

6. A dropped kerb crossing shall be required over the A1087 so that pedestrians using buggies etc can cross the road to get access to bus stops and walking to beach. There is an existing hole in the wall on the North Side of the A1087 and it could be placed in close proximity to this. Details to be submitted for approval;

Additionally the Council's Road Services recommend that:

1. No part of the development shall be occupied until a Green Travel Plan (GTP) has been submitted and approved by the planning authority in consultation with the

Transportation Division. The GTP shall have particular regard to provision for walking, cycling and public transport access to the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

2. A Construction Method Statement to minimise the impact of construction activity on the public road network 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 construction traffic and shall include hours of construction work.

3. Wheel washing facilities are provided during the construction phase of the housing development.

All of these requirements can reasonably be made conditions of the approval of matters specified in conditions for the proposed housing development.

Another condition should be imposed on the approval requiring that the emergency access shown on the docketed site layout drawings shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access should be retained in place unless otherwise approved by the Planning Authority. This would prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and Beveridge Row.

A swept path analysis of the internal road layout has been submitted by the applicant to demonstrate that refuse vehicles can manoeuvre safely within the development. The Council's Waste Services Manager raises no objection to the details of the 90 residential units now proposed, advising that all individual containers should be presented by the residents of the development on to the main access roads throughout the development as the Council's Waste Service Vehicles will not reverse into the smaller cul-de-sac areas within the development. A copy of his consultation response has been forwarded onto the applicant's agent along with the Council's Planning Guidance on Waste. There is therefore no requirement to impose a condition requiring a swept path analysis to be submitted.

On these foregoing transportation and other access considerations the proposed residential development is consistent with Policies T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

Condition 6 of planning permission in principle 12/00553/PPM requires that no development shall take place on the site until a scheme of archaeological evaluation has been submitted to and approved in writing by the planning authority and that the approved scheme shall be implemented unless otherwise agreed in writing by the planning authority. The applicant has submitted with this application an Archaeological Investigation Data Structure Report and the Council's Heritage Officer having assessed the findings of the report confirms that the requirements of condition 6 of planning permission in principle 12/00553/PPM have been satisfied that and that no further archaeological conditions are required to be imposed.

In his determination of planning permission in principle application 12/00553/PPM the Reporter appointed by The Scottish Ministers advised that he would be surprised if a residential development of up to 90 houses would have a significant impact on the

provision of essential services in the town the size of Dunbar. He advised that it is the responsibility of service providers to meet the needs of the local population and he was not aware of any objections from such providers. Neither have there been any objections from such providers to this current application for the approval of matters specified in the grant of planning permission in principle application 12/00553/PPM.

The mechanism of a financial contribution towards additional educational provision at Dunbar Grammar School and West Barns Primary School for a housing development of 90 residential units has already been secured through the grant of planning permission in principle 12/00553/PPM.

The mechanism of the provision within the residential development of 25% affordable housing units (i.e. 23 units of the proposed 90 units) is already secured through the grant of planning permission in principle 12/00553/PPM.

The Council's Economic Development and Strategic Investment service raise no objection to the details of the 23 affordable housing units now proposed.

RECOMMENDATION

That approval of matters specified in conditions for the proposed housing development be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

The above mentioned details shall show the finished floor levels of the houses, flats and garages to be erected on the site to be set at a minimum of 4.74m AOD and such levels shall be maintained unless otherwise approved by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area and in the interest of the prevention of flood risk.

- 2 No development shall take place on the site unless and until the following details have been submitted to and approved by the Planning Authority in consultation with the Scottish Environment Protection Agency:

- o Details of an investigation into the existing 300mm culvert located under the site to be included within an updated Flood Risk Assessment.
- o Details of replacement of the existing 300 mm drain, which shall include for it being replaced on a like for like basis and rerouted if required so that it is located to the west of the proposed housing and is outwith all house plots
- o Provision of a new drain to be installed to the south of the proposed built development which will link to a replacement drain along the western edge of the application site as indicated on drawing FIELD01 "Existing and proposed field drain layout" docketed to this approval of matters specified in conditions.

Development shall thereafter be carried out in full accordance with the details so approved, unless

otherwise approved in writing by the Planning Authority.

Reason:

In the interest of the prevention of flood risk.

- 3 No development shall take place on the site unless and until details of the play equipment, the surfacing and the enclosures of the play area to be provided on the site and a timetable for their implementation are submitted to and approved in advance by the Planning Authority and the play area shall be installed in accordance with the details so approved

Reason:

To ensure the provision of adequate play provision within the development.

- 4 The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 5 Notwithstanding the drawings docketed to this approval, the first floor windows/glazed doors to be installed in the east side elevation and in the southernmost elevation of the house to be erected on plot 16 of the development hereby approved and the first floor windows/glazed doors to be installed in the west side elevation and in the southernmost elevation of the house to be erected on plot 12 of the development hereby approved shall all be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on these houses. The obscure glazing of those windows/glazed doors shall accord with the sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of adjoining residential properties.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than those hereby approved which are to be obscurely glazed in accordance with the condition above shall be formed at first floor level within the east side elevation or the southernmost elevation of the house to be erected on plot 16 of the development hereby approved or at first floor level within the west side elevation or the southernmost elevation of the house to be erected on plot 12 of the development hereby approved unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the adjoining residential properties.

- 7 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the occupation of the final residential unit approved for erection on the site.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 8 No development shall take place on the pumping station unless and until details of all structures, equipment and enclosures to be erected in and around it have been submitted to and approved by the Planning Authority. Development shall thereafter be carried out in strict accordance with the details so approved.

Reason:

To ensure the pumping station is a satisfactory appearance in the interest of the amenity of the locality.

- 9 Notwithstanding that shown on the drawings docketed to this approval, the boundary enclosures for the front garden areas of the houses and flats hereby approved and for the enclosure of communal area shall be as detailed on drawing no. 12-01d 'Landscape Proposals' and the rear gardens of the houses shall be enclosed by 1.8 metre high enclosures in accordance with details, including timescales for their provision, which shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area and to safeguard the privacy and amenity of residential properties nearby.

- 10 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 11 Prior to the commencement of development a construction method statement shall be submitted to and approved in writing by the planning authority. This shall recommend mitigation measures to control construction traffic and shall include hours of construction work.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that the method of construction is designed to take account the interests of road safety.

- 12 Prior to the occupation of any residential unit a Green Travel Plan (GTP) shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority. The GTP shall have particular regard to provision for walking, cycling and public transport access to the site, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

The GTP shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the residential development.

- 13 Prior to the commencement of development, details showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) The proposed accesses junction onto the A1087 shall be a priority junction designed in accordance with the Design Manual for Roads and Bridges, Volume 6. Details to be submitted for approval;

(ii) An independent road safety audit shall be undertaken for the proposed access junction onto the A1087. Details to be submitted for approval;

(iii) Raised tables shall be constructed at all road junctions within the site as Illustrated on Drawing No: 16104(PL)001D;

(iv) Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles.

(v) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface.

(vi) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings.

(vii) Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

The residential development shall thereafter be carried out in accordance with the details so approved.

Reasons:

In the interests of road and pedestrian safety.

14 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in West Barns.

(ii) A continuous 2 metre wide footway shall be provided along the southern verge of the A1087 to connect into the existing footway network in Dunbar. This shall include the site frontage and also along the Southern verge of the A1087 between Beveridge Row and Brewery Lane.

(iii) The emergency access / pedestrian cycle link should be extended to tie into the existing footway that leads under the East Coast Mainline on Beveridge Row.

(iv) Pedestrian safety barriers shall be installed at the Beveridge Row end of the footpath between the 2 existing houses as indicated on drawings docketed to this approval of matters specified in conditions to stop pedestrians walking or cycling directly onto a live carriageway.

(v) The Bus stop to the west of the new access road on the A1087 shall be relocated to allow the new footway to West Barns to be constructed. If a relocation is not possible then the bus stop shall be changed to a cantilever style stop with details to be submitted for approval;

(vi) A dropped kerb crossing shall be required over the A1087 so that pedestrians using buggies etc can cross the road to get access to bus stops and walking to beach. There is an existing hole in the wall on the North Side of the A1087 and it could be placed in close proximity to this.

Reason:

In the interests of road and pedestrian safety.

15 Notwithstanding the landscaping details hereby approved, no development shall take place until there has been submitted to and approved in writing by the Planning Authority a comprehensive scheme of landscaping which shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting shall be submitted. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development, proposals for additional planting of native or naturalised species in informal clusters. It shall include for some large scale landscape trees planted at approximately 10 metre intervals along the western boundary of the site.

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 buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five 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.

- 16 The maintenance of all communal landscape areas shall be adopted by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved. The following details shall also be submitted to and approved by the Planning Authority prior to the occupation of any residential unit hereby approved:

A detailed landscape specification and a revised communal landscape plan clearly detailing all communal areas to be maintained by a Factor or Residents Association.

Thereafter, all landscaping approved for the communal areas shall be retained and shall not be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and maintenance of communal landscaping on the site in the interest of amenity.

- 17 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and as detailed in a revised Tree Protection Plan to be submitted to and approved in advance by the Planning Authority has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in situ, erected prior to site start and retained on site and intact through to completion of development.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention of existing trees, in the interests of the visual amenity of the area.

- 18 The emergency access shown on the docketed site layout drawings shall, at the time of its completion, have installed across it a means of allowing for its use by emergency vehicles but not by any other vehicles in accordance with details of such means to be submitted to and approved in advance by the Planning Authority. Thereafter the means of such restricted vehicle access shall be retained in place unless otherwise approved by the Planning Authority.

Reason:

To prevent the emergency access being used as a through route by other vehicles between the housing development hereby approved and Beveridge Row.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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

3a

***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 corncicing 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 in 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 towns 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.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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

3b

***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/LBC**

Proposal Alterations, extensions to building, erection of outbuildings, railings, gates, formation of steps, hardstanding areas and demolition of outbuildings

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 corncicing 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 modern, flat roofed 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 of the site is listed as being of special architectural or historic interest (Category B) and is currently occupied by a bank on the ground floor with residential use on the upper level. The majority of the villas in the area have been altered to some extent with the 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, which has a timber gate across it. 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 September 2013 listed building consent (Ref: 13/00365/LBC) was granted for internal and external alterations and extensions to the building, demolitions and other works. In August 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 listed building consent 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 extension to the west with rendered walls and large areas of glazing. A double garage was approved in the rear garden with the parking retained at the front of the property. It was proposed that the building as it was approved to be altered and extended would be used 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 (Hotels and hostels) use.

The applicant has stated that after the above permissions (Refs: 13/00365/P and 13/00365/LBC) were granted they sought further advice and carried out market analysis 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.

Listed building consent is now sought for alterations and extensions to the building,

erection of outbuildings, railings, gates, formation of steps, hardstanding areas and demolition of buildings.

The proposal includes the following:

- 1) The demolition of the garage to the front of the property and the demolition of side and rear extensions;
- 2) Internal alterations to the layout of the building including the removal of existing walls, the erection of new walls and the blocking up of existing openings;
- 3) The repainting of the front of the building in a cream colour (RAL 9001);
- 4) The erection of a single storey rear extension with a roof terrace with glazed balustrade above which would be accessed from the proposed eastern, first floor flat;
- 5) The lowering of a first floor window cill on the rear elevation to allow access to the proposed terrace;
- 6) The erection of a 2 storey, flat roofed side extension on the west elevation. The ground floor walls would be clad in seared timber and the first floor walls would be finished in light grey fibre cement cladding;
- 7) 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;
- 8) 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;
- 9) Formation of external steps in the rear garden;
- 10) Removal of uPVC windows on the rear ground floor elevation;
- 11) Installation of a rooflight on 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 is predominantly within the proposed extension, would be accessed from a new door on the front (south) elevation. The eastern ground floor flat would be accessed through an existing door on the side (east) elevation. The front of the property would be landscaped around the proposed parking area.

Planning permission (Ref: 16/00832/P) is separately sought for the change of use of the hotel to form 4 flats and for alterations and extensions to the building. A report on that application is at this time on the Council's Scheme of Delegation 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 Policy ENV3 (Listed Buildings) of the East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application is Sections 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish

Government's policy on development affecting a listed building given in the Historic Environment Scotland Policy Statement: June 2016, Scottish Planning Policy: June 2014 and Historic Environment Scotland's guidance, Managing Change in the Historic Environment: Extensions' (October 2010).

The Historic Environment Scotland Policy Statement 2016 and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

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

14 written representations have been received to the application. Of these, 13 make objection to the proposal and the other 1 does not state whether they object to or support the proposed development.

The main grounds of representation are as follows:

- * The interior of the listed building is as important as the exterior;
- * Existing sash and case should be repaired where possible and replaced as a last resort;
- * 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, it 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 proposal could be reduced to 3 flats which could be accommodated within the existing building;
- * 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; and
- * The bin store would be better to the rear.

North Berwick Community Council do not object to the proposed alterations to the building. Although they noted that 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 and feeling of community ownership of the building and its future.

The building of 14 Westgate was originally built as a two storey building with a single storey wing attached to each of its east and west elevations. However the single storey wing attached to the east elevation of the building has previously been extended upwards and is now two storeys in height. Furthermore the remaining single storey wing has also itself been extended by the addition of a single storey extension to its west side elevation and to its rear (north) elevation. Therefore, due to those extensions, any symmetry created by the two single storey wings has already been lost. Therefore the demolition of the remaining single storey wing and the extensions that are attached to it, which are themselves secondary components of the listed building, would not harm the integrity of the listed building.

The flat roofed sun lounge that is attached to the rear (north) elevation of the building is also a secondary component of the listed building. It does not contribute to the special architectural or historic interest of the listed building. Therefore its demolition would not be harmful to the listed building. The demolition of the garage building to the front of the hotel would not be harmful to the architectural or historic interest of the listed building.

It is also a significant material consideration that an extant consent (Ref: 13/00365/LBC) exists to remove these elements.

The alteration originally proposed to the window above the main entrance has been omitted and the original window will be retained.

The proposals include a 2 storey extension to the side (west) of the property and a single storey extension to the rear with 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.

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.

The proposed internal alterations would not compromise any features of special architectural or historic interest that exist within the building. Accordingly, they would not harmful to the special architectural or historic interest of the listed building. Although the internal alterations would not be inherently damaging to the special interest of the building, it would be preferable to allow previous door openings to be read within the building. A condition can be attached requiring the submission of full sectional details prior to works commencing to allow the treatments of these door openings to be fully considered.

The majority of the main internal wall structures would be retained with some new partition walls erected. Potentially the most significant change to the original layout would be a new opening proposed between the proposed livingroom and kitchen of the first floor eastern flat. This would not extend to the ceiling and the original wall could still be read. Overall the size and character of the rooms would be retained and restored. All ceiling cornicing features, the bay windows and the long, arched window to the rear would be retained. One of the key features of the building is the stone staircase within the central entrance hall which would be retained and restored. The staircase in the eastern part of the building would be removed, however, this is a secondary stair with timber balustrade and not a key special feature and its removal would not have an unacceptable impact on the character of the building.

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), Policy ENV3 of the adopted East Lothian Local Plan 2008, and with Scottish Planning Policy 2014 and HES guidance.

RECOMMENDATION

That listed building consent be granted subject to the following conditions:

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

Reason:

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

- 2 Prior to the commencement of development, full details shall be submitted to and approved in writing by the Planning Authority of all existing internal door openings which are to be blocked up as shown on approved plans 16040(PL)201A and 16040(PL)200A. This shall include sections and details of the material to be used.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of protecting the character of the listed building.

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

Thereafter, development shall be carried out in accordance with the details so approved.

Reason:

To allow the consideration of details yet to be submitted and in the interest of the architectural and historic interest of the listed building.

- 4 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 conservation area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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

4a

***Note** - this application was called off the Scheme of Delegation List by Councillor Day for the following reason: This application has generated significant public discussion and debate within the local community, and I therefore think it is appropriate that Elected members have an opportunity to consider the application(s) at committee.*

Application No. **16/00962/P**

Proposal Erection of freestanding removable canopy

Location **The Harbour
Victoria Road
North Berwick
East Lothian**

Applicant Mr Stirling Stewart

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

This application relates to an area of land of North Berwick harbour. The land is on the northwest side of the harbour. It has an irregular shape and has an area of some 50 square metres. It is hard surfaced. It is bounded to the northwest by the harbour wall and to the northeast, southeast and southwest by other hard surfaced parts of the harbour. There is an existing timber shed to the northeast of the site and there are a number of benches and litter bins sited on the parts of the harbour to the southwest and northeast.

The harbour is within a mixed-use area, defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is within the North Berwick Conservation Area. North Berwick harbour and thus also the land of the application site is listed as being of special architectural or historic interest (Category B).

By being in this harbour location the application site is within an area that is identified by the Scottish Environment Protection Agency (SEPA) as being at risk from coastal flooding.

On 13th April 2012 planning permission (Ref: 11/00786/P) was retrospectively granted for the siting on the land of the majority of this current application (Ref: 16/00962/P) of a snack bar, external seating area and a storage cage for gas cylinders for a temporary period of five years and, for each calendar year, only between the months of April to October (inclusive). Outwith those months of each year the snack bar and associated items have to be entirely removed from the land.

On 9th May 2012 listed building consent (Ref: 11/00786/LBC) was retrospectively granted for the siting of the snack bar, the storage cage and for the erection of signage.

On 15th May 2012 advertisement consent (Ref: 11/00787/ADV) was retrospectively granted for the display of signage on the snack bar and in the form of barriers placed around the seating area.

On 3rd August 2012 planning permission (Ref: 12/00419/P) was granted for the siting on the southwest part of the land of the site of the snack bar of a freestanding retractable removable canopy on steel posts and for its associated fixings. Planning permission 12/00419/P was granted part retrospectively as the two base plates onto which the steel posts of the canopy would be attached had already been sunk into the surface of the harbour land. The canopy would be positioned to the southwest side of the snack bar approved by the grant of planning permission 11/00786/P.

Planning permission 12/00419/P granted approval for the erection of the freestanding retractable removable canopy and its supporting posts for a temporary period of time only until the 31st October 2017, after which time no parts of them shall be located within the application site. Planning permission 12/00419/P was also granted subject to a condition requiring that the retractable canopy and its supporting posts only be sited on the application site for the months of April to October, inclusive, each calendar year of the duration of the temporary period of the planning permission granted for them. Outwith those months of each year the retractable canopy and its supporting posts have to be entirely removed from the land.

On 9th August 2012 listed building consent (Ref: 12/00419/LBC) was granted for the erection of the freestanding retractable removable canopy, its steel posts and its associated fixings. Listed building consent 12/00419/LBC was also granted subject to a condition requiring that the retractable canopy and its supporting posts only be sited on the application site for the months of April to October, inclusive, each calendar year of the duration of the temporary period of the planning listed building consent for them. Outwith those months of each year the retractable canopy and its supporting posts have to be entirely removed from the land.

At the time of this application (Ref: 16/00962/P) the retractable canopy and its support posts approved by the grant of planning permission 12/00419/P is not in situ at the application site, this being the part of the calendar year when the canopy and its support posts are required to be removed from the site in accordance with condition 2 of planning permission 12/00419/P.

Planning permission is now sought for the erection of a different form of freestanding removable canopy and its associated framework and fixings.

The proposed canopy would be positioned to the southwest side of the snack bar approved by the grant of planning permission 11/00786/P. It would measure some 6.9 metres in length by some 4.0 metres in width. The proposed canopy would be positioned over the footprint of the temporary retractable canopy approved by the grant of planning permission 12/00419/P. The now proposed canopy would be rectangular

in shape with a mono-pitched roof that would be some 2.7 metres high at its highest point and some 2.26 metres high at its lowest point.

The proposed canopy would comprise of flexible plastic sheet panels supported on metal channels attached to a galvanised steel post framework that would be attached by fixing bolts to steel base plates that would be sunk into the surface of the harbour land. The upright posts and framework of the canopy would comprise circular 100mm diameter posts on its northwest side, circular 30mm diameters posts on its northeast, southeast and southwest sides and circular 30mm diameters crossbars forming its roof structure. The existing support posts of the canopy approved by the grant of planning permission 12/00419/P would be utilised in the construction of the now proposed canopy. The flexible plastic sheet panels would enclose the roof and the northwest, southwest and southeast sides of the proposed canopy. Its northeast side would not be enclosed and would remain open.

Since the application was registered an amended drawing has been submitted by the applicant's agent to clarify the dimensions and form of the proposed canopy and to show details of the method of fixing the proposed canopy into the harbour land and of the fixing of the plastic sheets to the framework of the proposed canopy.

Through separate application 16/00963/LBC listed building consent is sought for the erection of the proposed canopy, its steel posts and its associated fixings. A separate report on application 16/00963/LBC is, at this time, on the Committee Expedited List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application for planning permission 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 (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas) and DP2 (Design) of the adopted 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 and the Scottish Government's policy on development affecting the setting of a listed building and development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes 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 and enhancing the building, its setting and 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. Planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

One public representation to the application has been received. In its objection to the proposed development is raised on the grounds that the proposed rectangular framework, in the angled position proposed for it alongside the harbour wall and the snack bar would dangerously narrow the quayside at this location, and observation is made that a rounded or hexagonal plan shape would be more appropriate at this place and be less of a hazard to passersby.

North Berwick Community Council, as a statutory consultee to the application, expresses their support for the proposals in principle subject to the proviso that the structure is removed completely at the end of the summer season.

The Council's Road Services has no comment to make on the proposed development.

The Council's Environmental Protection service has no comments to make on the proposed development.

Historic Environment Scotland has no comments to make on the canopy, supporting framework and base plates or on the positioning of them on the Category B listed harbour.

By being in the harbour location the application site is within an area that is identified by the Scottish Environment Protection Agency (SEPA) as being at risk from coastal flooding. SEPA advises that because the proposed canopy would not increase the footprint of the existing snack bar and its seating area and would not result in a change of use to a more vulnerable use they raise no objection to the proposed development.

The Council's Structures, Flooding and Street Lighting Team Manager advises that he concurs with SEPA's comments and thus raises no objection to the proposed development.

By its size, height, form, positioning and orientation and distance away from nearby residential properties the proposed canopy would not result in any harmful loss of sunlight or daylight to, or result in any harmful overlooking of any neighbouring residential property.

In an email submitted with the application, the applicant's agent confirms that the proposed canopy would be erected in time for the opening of the snack bar, which in 2017 would be 1st April, and that it would be removed by the end of October.

The purpose of the proposed canopy is to provide shelter for users of the tables and chairs of the seating area of the snack bar approved by the grant of planning permission 11/00786/P.

The proposed canopy would be supported by twelve support posts, and thus there would be twelve base plates embedded into the harbour land. Five of the twelve base plates would be positioned immediately to the southeast side of the harbour wall. There would be one support post and therefore one base plate supporting each of the northeast and southwest sides of the proposed canopy and a further five support posts and base plates supporting the southeast side of the proposed canopy. The proposed

base plates would be made of steel and would measure some 200mm by 200mm and would have a projecting section measuring some 300mm that would be embedded into the harbour land using concrete. The steel support posts of the proposed canopy would be attached to the base plates. The proposed canopy would have a mono-pitched roofed form that would be some 2.7 metres high at its highest point (its northwest side) and some 2.26 metres high at its lowest point (its southeast side).

Due to their form and fixing to the harbour the base plates for the posts of the proposed canopy could not easily be removed once installed. They would have to remain in place during the months of the year when the snack bar and seating area would not be in place. However, due to their small size and low surface profile and the already somewhat uneven surface of the harbour area they would only be visible in close up views. In those limited public views of them they would be seen in the context of the mix of stone and concrete surface finishes of this part of the harbour and in the context of nearby metal railings, steps and benches. They would not in their setting appear harmfully prominent, intrusive or exposed in the functional setting of this operational harbour. They would not be harmful to the special architectural or historic interest of the listed harbour.

The canopy, including its supporting posts, approved by the grant of planning permission 12/00419/P, is a maximum of some 2.7 metres in height. It is small in size and comprises a retractable fabric canopy enclosed in a metal casing supported on two metal posts. When extended, the fabric canopy would be some 5.4 metres by 2.3 metres in extent.

The now proposed canopy would measure some 6.9 metres in length by some 4.0 metres in width and would be positioned to the southwest side of the snack bar approved by the grant of planning permission 11/00786/P. It would be positioned over the footprint of the temporary retractable canopy approved by the grant of planning permission 12/00419/P. In this it is assumed that it is proposed as a replacement for that temporary retractable canopy.

At a maximum of some 2.7 metres in height the proposed canopy would be of the same maximum height as the canopy and support posts approved by the grant of planning permission 12/00419/P. At such height it would be some 1.3 metres higher than the harbour wall to the northwest of its position and some 0.3 of a metre lower than the height of the snack bar it would be used in association with.

The application site is a prominent location as part of the Category B listed harbour area and this part of the Conservation Area. In its position on the northwest side of the harbour the proposed canopy would be readily visible in public views from around the harbour and in approaches from the south from Victoria Road, which terminates at the harbour. There are also long range views from the west beach and Beach Road to the southwest.

Although at a maximum height of 2.7 metres above ground level the now proposed canopy would be no higher than the retractable canopy approved by the grant of planning permission 12/00419/P, with an area of coverage of some 27.6 metres it would be more than twice the size of the area of coverage of the previous canopy, and thus would be significantly larger in its footprint as well as its bulk and massing than the previously approved canopy.

Its large rectangular form, bare galvanised metal framework and plastic sheeted finish would differ significantly from the lightweight retractable form of the canopy and support posts approved by the grant of planning permission 12/00419/P. Furthermore,

the proposed canopy would be significantly larger than the snack bar it would be positioned alongside. It would not be of a scale and proportion appropriate to its setting. Although the plastic finish of its external walls would give the proposed canopy a lightweight appearance, due to its three sided rectangular form and galvanised steel framework, it would have a more permanent presence than does the already approved retractable canopy and thus it would have a greater bulk and massing than that retractable canopy, which when opened still retains a lightweight and open appearance. Rather the proposed canopy would dominate its surroundings in a manner harmful to the character and appearance of the area. Moreover, its bare galvanised metal framework together with the flexible plastic sheeted finish of its roof and walls would have an unfinished appearance that would have more of the appearance of a sheeted area of scaffolding than a canopy shelter, and would cause the proposed canopy to have a detrimental impact on the character and appearance of the area. In such circumstances the proposed canopy would appear wholly inappropriate in its surroundings and would be harmfully intrusive and incongruous in its setting.

By virtue of its size, scale, architectural form and appearance, external finishes and its positioning the proposed canopy would not be of a proportion and scale appropriate to its surroundings, but rather it would be a prominent and inappropriate addition to the locality that would be harmful to the visual amenity of the area. As an unsympathetic addition to the harbour area the proposed canopy would appear harmfully dominant and incongruous within its setting, and consequently would not preserve or enhance the character and appearance of this part of the North Berwick Conservation Area. It would harmfully dominate its setting, drawing focus away from the special architectural or historic interest of the listed harbour, and as such would be harmful setting of the Category B listed harbour.

Moreover, even as a temporary feature removed as it is proposed it would be outwith the operating season of the snack bar it would be used in association with, the proposed canopy would be of a temporary form, unsatisfactory for being a permanent feature on the harbour and would be a harmful visual intrusion to this part of the Conservation Area and to the setting of the Category B listed harbour.

There is no evidence to demonstrate that the business would fail without the additional canopy in place.

Accordingly, the proposed canopy, steel framework and base plates are contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP2 of the adopted East Lothian Local Plan 2008, and Scottish Ministers' policy on development affecting a listed building or its setting and development within a conservation area as given in Scottish Planning Policy: June 2014.

REASON FOR REFUSAL:

- 1 The proposed canopy, including its associated framework and fixings, by virtue of its size, scale, form, architectural appearance, external finishes and positioning, would appear harmfully dominant, incongruous and intrusive in its position on the northwest side of the harbour and would not be of a proportion and scale appropriate to its surroundings. As such it would be harmful to the special architectural or historic interest of the Category B listed harbour and would not preserve or enhance the character and appearance of this part of the North Berwick Conservation Area, all contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV3, ENV4 and DP2 of the adopted East Lothian Local Plan 2008, and Scottish Ministers' policy on development affecting a listed building or its setting and development within a conservation area as given in Scottish Planning Policy: June 2014.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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

4b

Note - this application was called off the Scheme of Delegation List by Councillor Day for the following reason: This application has generated significant public discussion and debate within the local community, and I therefore think it is appropriate that Elected members have an opportunity to consider the application(s) at committee.

Application No. **16/00963/LBC**
Proposal Erection of freestanding removable canopy
Location **The Harbour
Victoria Road
North Berwick
East Lothian**
Applicant Mr Stirling Stewart
Per Somner Macdonald Architects
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

This application relates to a small irregular shaped area of land, measuring some 50 square metres that is part of the northwest side of North Berwick Harbour.

North Berwick Harbour is listed as being of special architectural or historic interest (Category B).

The part of the harbour that is the application site is hard surfaced. It is bounded to the northwest by the harbour wall, to the northeast, southeast and southwest by other hard surfaced parts of the harbour. There is an existing timber shed to the northeast of the site and there are a number of benches and litter bins sited on the parts of the harbour to the southwest and northeast.

On 13th April 2012 planning permission (Ref: 11/00786/P) was retrospectively granted for the siting on the land of the majority of this current application (Ref: 16/00962/P) of a snack bar, external seating area and a storage cage for gas cylinders for a temporary period of five years and, for each calendar year, only between the months of April to October (inclusive). Outwith those months of each year the snack bar and associated

items have to be entirely removed from the land.

On 9th May 2012 listed building consent (Ref: 11/00786/LBC) was retrospectively granted for the siting of the snack bar, the storage cage and for the erection of signage.

On 15th May 2012 advertisement consent (Ref: 11/00787/ADV) was retrospectively granted for the display of signage on the snack bar and in the form of barriers placed around the seating area.

On 3rd August 2012 planning permission (Ref: 12/00419/P) was granted for the siting on the southwest part of the land of the site of the snack bar of a freestanding retractable removable canopy on steel posts and for its associated fixings. Planning permission 12/00419/P was granted part retrospectively, as the two base plates onto which the steel posts of the canopy would be attached had already been sunk into the surface of the harbour land. The canopy would be positioned to the southwest side of the snack bar approved by the grant of planning permission 11/00786/P.

On 9th August 2012 listed building consent 12/00419/LBC was granted for the erection of the retractable canopy, its support posts and fixings.

Planning permission 12/00419/P and listed building consent 12/00419/LBC grant approval for the erection of the freestanding retractable removable canopy and its supporting posts for a temporary period of time only until the 31st October 2017, after which time no parts of them shall be located within the application site. Planning permission 12/00419/P and listed building consent 12/00419/LBC were also granted subject to a condition requiring that the retractable canopy and its supporting posts only be sited on the application site for the months of April to October, inclusive, each calendar year for the duration of the temporary period of the planning permission granted for them. Outwith those months of each year the retractable canopy and its supporting posts have to be entirely removed from the land.

At the time of this application the retractable canopy, including its support posts, approved by the grants of planning permission 12/00419/P and listed building consent 12/00419/LBC is not in situ on the harbour land.

Listed building consent is now sought for the erection of a different form of freestanding removable canopy, its supporting framework and associated fixings.

The proposed canopy would be positioned to the southwest side of the snack bar approved by the grants of planning permission 11/00786/P and listed building consent 11/00786/LBC.

The proposed canopy would measure some 6.9 metres in length by some 4.0 metres in width. It would be positioned over the footprint of the temporary retractable canopy approved by the grant of listed building consent 12/00419/LBC. The now proposed canopy would be rectangular in shape with a mono-pitched roof that would be some 2.7 metres high at its highest point and some 2.26 metres high at its lowest point.

The proposed canopy would comprise of flexible plastic sheet panels supported on metal channels attached to a galvanised steel post framework that would be attached by fixing bolts to steel base plates that would be sunk into the surface of the harbour land. The upright posts and framework of the canopy would comprise circular 100mm diameter posts on its northwest side, circular 30mm diameters posts on its northeast, southeast and southwest sides and circular 30mm diameters crossbars forming its roof structure. The flexible plastic sheet panels would enclose the roof and the northwest,

southwest and southeast sides of the proposed canopy. Its northeast side would not be enclosed and would remain open.

Since the application was registered an amended drawing has been submitted by the applicant's agent to clarify the dimensions and form of the proposed canopy and to show details of the method of fixing the proposed canopy into the harbour land and of the fixing of the plastic sheets to the framework of the proposed canopy.

Through separate application 16/00962/P planning permission is sought for the erection of the proposed canopy, its steel posts and its associated fixings. A separate report on application 16/00962/P is, at this time, on the Scheme of Delegation List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application for listed building consent 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 (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 (Listed Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

The Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving and enhancing the building or any features of special architectural or historic interest which it possesses.

One public representation to the application has been received. In it objection to the proposed development is raised on the grounds that the proposed rectangular framework, in the angled position proposed for it alongside the harbour wall and the snack bar would dangerously narrow the quayside at this location, and observation is made that a rounded or hexagonal plan shape would be more appropriate at this place and be less of a hazard to passersby.

In an email submitted with the application, the applicant's agent confirms that the proposed canopy would be erected in time for the opening of the snack bar it is proposed to be used in association with, which in 2017 would be 1st April, and that it would be removed by the end of October.

The purpose of the proposed canopy is to provide shelter for users of the tables and chairs of the seating area of the snack bar approved by the grant of planning permission 11/00786/P.

Historic Environment Scotland has no comments to make on the canopy, supporting framework and base plates or on the positioning of them on the Category B listed

harbour.

The proposed canopy would be supported by twelve support posts, and thus there would be twelve base plates embedded into the harbour land. Five of the twelve base plates would be positioned immediately to the southeast side of the harbour wall. There would be one support post and therefore one base plate supporting each of the northeast and southwest sides of the proposed canopy and a further five support posts and base plates supporting the southeast side of the proposed canopy. The proposed base plates would be made of steel and would measure some 200mm by 200mm and would have a projecting section measuring some 300mm that would be embedded into the harbour land using concrete. The steel support posts of the proposed canopy would be attached to the base plates. The proposed canopy would have a mono-pitched roofed form that would be some 2.7 metres high at its highest point (its northwest side) and some 2.26 metres high at its lowest point (its southeast side).

Due to their form and fixing to the harbour the base plates for the posts of the proposed canopy could not easily be removed once installed. They would have to remain in place during the months of the year when the snack bar and seating area would not be in place. However, due to their small size and low surface profile and the already somewhat uneven surface of the harbour area they would only be visible in close up views. In those limited public views of them they would be seen in the context of the mix of stone and concrete surface finishes of this part of the harbour and in the context of nearby metal railings, steps and benches. They would not, in their setting, appear harmfully prominent, intrusive or exposed in the functional setting of this operational harbour. They would not be harmful to the special architectural or historic interest of the listed harbour.

The canopy, including its supporting posts, approved by the grant of listed building consent 12/00419/LBC, is a maximum of some 2.7 metres in height. It is small in size and comprises a retractable fabric canopy enclosed in a metal casing supported on two metal posts. When extended, the fabric canopy would be some 5.4 metres by 2.3 metres in extent.

The now proposed canopy would measure some 6.9 metres in length by some 4.0 metres in width and would be positioned to the southwest side of the snack bar approved by the grant of planning permission 11/00786/P. It would be positioned over the footprint of the temporary retractable canopy approved by the grant of listed building consent 12/00419/LBC. In this it is assumed that it is proposed as a replacement for that temporary retractable canopy.

At a maximum of some 2.7 metres in height the proposed canopy would be some 1.3 metres higher than the harbour wall to the northwest of its position and some 0.3 of a metre lower than the height of the snack bar it would be used in association with.

Although at a maximum height of 2.7 metres above ground level the now proposed canopy would be no higher than the retractable canopy approved by the grant of listed building consent 12/00419/LBC, it would, due to its proposed footprint size, be more than twice the size of the retractable canopy approved by the grant of listed building consent 12/00419/LBC.

Its large rectangular form, bare galvanised metal framework and plastic sheeted finish would differ significantly from the lightweight and open retractable form of the canopy and support posts approved by the grant of planning permission 12/00419/P. Furthermore, the proposed canopy would be significantly larger than the snack bar it would be positioned alongside. It would not be of a scale and proportion appropriate to

its setting. Although the plastic finish of its external walls would give the proposed canopy a lightweight appearance, due to its three sided rectangular form and galvanised steel framework, it would have a more permanent presence than does the already approved retractable canopy and thus it would have a greater bulk and massing than that retractable canopy, which when opened still retains a lightweight and open appearance. Rather the proposed canopy would dominate its surroundings in a manner harmful to the special architectural or historic interest of the listed harbour. Moreover, its bare galvanised metal framework together with the flexible plastic sheeted finish of its roof and walls would have an unfinished appearance that would have more of the appearance of a sheeted area of scaffolding than a canopy shelter, and would cause the proposed canopy to have a detrimental impact on the special architectural or historic interest of the listed harbour.

In these circumstances the proposed canopy, by virtue of its size, scale, form, architectural appearance, external finishes and its positioning would appear harmfully dominant, incongruous and intrusive in its position on the northwest side of the listed harbour. It would not be of a proportion and scale appropriate to its setting, rather the proposed canopy would harmfully dominate its setting, drawing focus away from the Category B listed harbour, and as such would be harmful to the special architectural or historic interest of the listed harbour.

Moreover the proposed canopy and its supporting posts would be of a temporary form, unsatisfactory for being a permanent feature on the listed harbour.

On the foregoing considerations the proposed canopy including its supporting framework and associated fixings are contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, Scottish Ministers' policy on development affecting a listed building given in Scottish Planning Policy: June 2014 and the Historic Environment Scotland Policy Statement June 2016.

REASON FOR REFUSAL:

- 1 The proposed canopy, including its supporting framework and fixings, by virtue of its size, scale, form, architectural appearance and external finishes would appear harmfully dominant, incongruous and intrusive in its position on the northwest side of the harbour and would not be of a proportion and scale appropriate to its surroundings. As such it would be harmful to the special architectural or historic interest of the Category B listed harbour, all contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, and Scottish Ministers' policy on development affecting a listed building as given in Scottish Planning Policy: June 2014 and the Historic Environment Scotland Policy Statement June 2016.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)

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

5

Note - this application was called off the Scheme of Delegation List by Councillor Day for the following reason: Given the significant levels of public interest and debate this application has generated, I feel that members should have an opportunity to consider the issues at committee.

Application No. **16/00860/P**
Proposal Erection of additional canopies
Location **26 Victoria Road
North Berwick
East Lothian
EH39 4JL**
Applicant Messrs Stirling Stewart and Craig Cockburn
Per Somner Macdonald Architects
RECOMMENDATION Application Refused

PLANNING ASSESSMENT

This application relates to the building and land of the former coastguard station at 26 Victoria Road, which are on the east side of Victoria Road, close to the junction of Victoria Road with Melbourne Road. The building is detached and is single storey in height. A narrow strip of land surrounds it on each of its four sides. That area of land is enclosed by a rubble stone wall and on the opposite sides of the wall is a footpath. A pedestrian gate in the length of wall on the west boundary provides access to the property from the adjacent length of footpath. That length of footpath is accessed from the adjacent part of the public road of Victoria Road.

The property is bounded to the south and east by part of an area of public open space known as Anchor Green. On the part of Anchor Green to the south is a memorial cross. To the north is the scheduled monument of St Andrews Church, including the Old Parish Church Porch. Also to the north are residential properties, the harbourmasters office and the buildings of the Scottish Seabird Centre. To the west is the public road of Victoria Road, on the opposite side of which are residential properties.

The application site is in an area of mixed use as defined by Policy ENV2 of the adopted East Lothian Local Plan 2008. It is also within North Berwick Conservation Area.

On 11th January 2012 planning permission 11/00064/P was granted for: (i) the change of use of the former coastguard station building to use as a restaurant and takeaway with an external decked seating area; (ii) the installation of vents and a flue on the building; and (iii) the addition of a bin store onto the north elevation wall of the building. The use of the building as a restaurant and takeaway that is named 'The Rocketeer' has commenced therefore, planning permission 11/00064/P has been implemented.

On 6th November 2012 planning permission 12/00410/P was retrospectively granted for alterations and additions to the building comprising: (i) the addition of a painted timber bin store and maitre d station onto the west elevation wall of the building; (ii) the installation of a rectangular aluminium vent grille in west elevation wall of the building; (iii) the removal of the white rendered finish of the north and south elevation walls of the building and the cleaning of the resultantly exposed stonework of those elevation walls; (iv) the re-rendering of the east elevation wall of the building with a buff/brown coloured render; (v) the provision of a circular glass window in the entrance door of the south elevation wall of the building; (vi) the installation of two wall mounted lights (Type B), one to each side of the entrance door in the south elevation wall of the building; (vii) the installation of two wall mounted lights (Type A) on each of the north, east and south elevation walls of the building; and (viii) the installation of a dark green coloured gas meter housing cabinet in a position low down on the north elevation wall of the building. Planning permission 12/00410/P was also retrospectively granted for the formation of Indian sandstone slabs that had been laid around the building; between the building and the rubble stone boundary wall, and for the 1.3 metres wide, black painted metal open railing type gate that had been erected across the pedestrian entrance in the west boundary wall.

Planning permission 12/00410/P did not grant approval for two wall mounted heaters with associated wiring boxes that had been installed on each of the north, east and south elevation walls of the building, or for a retractable awning that had been installed on each of the south and east elevation walls of the building, as also retrospectively applied for. These elements of unauthorised development carried out at the premises were refused by conditions of planning permission 12/00410/P. The refusal was on the grounds that: (1) they were each harmfully obtrusive additions to the building that give a cluttered affect to the building, all harmful to its architectural character and appearance and as such cause the building to appear intrusive and incongruous within its setting and cause the building to have a harmful affect on the character and appearance of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church and the Category B listed Old Parish Church Porch; and (2) accordingly, the wall heaters, wiring boxes, awning housings, awnings and respective brackets are all contrary to Policies ENV1C, ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV3, ENV4, ENV7, DP2 and DP6 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: February 2010 and the Scottish Historic Environment Policy: December 2011.

The decision to refuse by condition of planning permission 12/00410/P the installation of the retractable awnings was subsequently appealed to the Scottish Ministers (Scottish Executive Ref: PPA/210/2032). That appeal was dismissed on 28th March 2013.

The Reporter's reasons for refusal were that the building is in a prominent position with a simple architectural form, all of which is important in terms of the wider characteristics of the conservation area and the building's relationship with the adjacent Category B listed Old Parish Church Porch and the scheduled monument of St Andrews Church, both to the north of the site. In those circumstances the appeal was dismissed on the grounds that: (1) the awning brackets are a visually unfortunate addition to the building; (2) when open the awnings by their size and colour are unduly prominent and conspicuous; (3) the visual prominence of both awnings adversely affects the setting of the adjacent listed building and scheduled monument; and (4) the two awnings, their housings and brackets are not sensitive alterations and do not respect the particular context of the building.

The Reporter went on to comment that there was no evidence that the awnings were opened infrequently or exceptionally and that when open the visual impact was significant and detrimental. He also commented that there was no evidence to demonstrate that the business would fail without the awnings in place. He concluded that in his opinion he had no reason to believe that it is not possible for an alternative design approach to reconcile the need for shelter against the visual impacts.

The decision to refuse by condition of planning permission 12/00410/P the installation of the wall mounted heaters and their associated wiring boxes was not appealed to the Scottish Ministers.

Planning application 13/00065/P was registered in March 2013 for the erection of a glazed extension to the former coastguard station building, which is now operating as the restaurant and takeaway that is named 'The Rocketeer'. Following discussions between the Applicant, his Agent and the Planning Officer, that application was withdrawn whilst the Applicant considers the specifics of the design of the extension proposed.

On 16th May 2014 planning permission 14/00185/P was granted for the temporary siting for a period of two years of five foldaway gazebos on the areas of land to the south and east sides of the former building, between the building and the rubble stone boundary wall. Two of the gazebos would be sited on the area of land to the south of the building and three would be sited on the area of land to the east of the building. Planning permission 14/00185/P has now lapsed.

On 6th March 2015 planning permission 14/00980/P was granted for the addition of two canopies to be attached to the former coastguard station building, which is now operating as the restaurant and takeaway that is named 'The Rocketeer'. One canopy would be attached to the south elevation wall of the building and one would be attached to the east elevation wall of the building. Planning permission 14/00980/P also granted approval for the addition of windbreaks to the south, east and north boundary walls that enclose the narrow strips of land on each side of the four sides of the building. Planning permission 14/00980/P has been implemented and the windbreaks have been installed and the framework of the two canopies has been built.

The docketed drawings for planning permission 14/00980/P show each of the canopies respectively approved to be attached to the east and south elevations of the building as having a simple framework comprising single circular upright poles supporting a canopy comprising of single circular horizontal crossbars at top and bottom with single circular connecting support bars.

The framework of the canopies as built differs from the form approved by the grant of planning permission 14/00980/P in that it incorporates additional horizontal circular

crossbars below the approved canopy structure.

The matter of the canopies as they have been built not according with the drawings docketed to planning permission 14/00980/P is not a material consideration in the assessment of this application for planning permission for additional canopies. This matter has been referred to the Council's Planning Enforcement service for investigation.

Planning permission is now sought the addition of further canopies to the former coastguard station building, which is operating as the restaurant and takeaway that is named 'The Rocketeer'.

It is now proposed to attach a canopy to the north elevation of the building. That proposed canopy would extend across the full length of the north elevation of the building. It would project out away from the building as far as the north boundary wall that surrounds the building. The proposed canopy would also project an additional 3 metres out from its eastern end as far as the east boundary wall surrounding the building so that it would wrap around the northeast corner of the building to connect with the canopy approved to be attached to the east elevation of the building by the grant of planning permission 14/00980/P.

A further additional canopy would be attached to the southeast corner of the building. That canopy would project out away from the building as far as the south and east boundary walls that surround the building, and would connect the canopy approved to be attached to the east elevation of the building by the grant of planning permission 14/00980/P with the canopy approved to be attached to the south elevation of the building by that grant of planning permission.

Each of the proposed canopies would comprise of transparent Perspex panels supported on galvanised steel frames and would be attached to the building and the surrounding boundary walls using brackets and fixing bolts. The framework of the proposed canopies would comprise of single circular upright poles supporting a canopy comprising of single circular horizontal crossbars at top and bottom with single circular connecting support bars and with additional horizontal circular crossbars below the canopy structure.

The proposed canopies would provide some additional shelter from the weather for customers using the outside seating area of the restaurant and takeaway operating from the building.

Since the application was registered the details of the appearance of the proposed canopy structure has been amended to show that it is proposed to be built with the same form of framework structure as the two canopies that have been attached to the south and east elevations of the building. This information is shown on an amended application drawing. An amended location plan drawing has also been provided to correct errors in the scaling of that drawing.

A Design Statement has been submitted with the application. In the Design Statement the planning history for the site is explained. In the Statement it is stated that it is the Applicant's view that some form of shelter for customers in inclement weather is a vital part in ensuring the viability of the business operating as 'The Rocketeer', and that the canopies and windbreaks approved by the grant of planning permission 14/00980/P have been successful to an extent in allowing the much needed trading during inclement weather. The Statement goes on to explain that the Applicant now seeks to extend the canopies to include the southeast and north east corners and the north

elevation in order to enhance the degree of shelter available for customers. The Statement goes on to reiterate statements made by the Applicant that: (i) without some form of heating and protection from the rain his business is not viable and that in economic terms the business has created substantial employment for a number of local people in the long term as well as the injection to the local economy during the construction period; (ii) tourism is a vital part of North Berwick and East Lothian's economic future and the business has proved to be hugely popular; and (iii) the success story of the business has been achieved in hugely difficult and challenging economic times.

The Statement goes on to state that the now proposed canopies would extend and repeat the form of construction approved under the grant of planning permission 14/00980/P and that the natural galvanised finished of the canopy framework would weather gracefully to become an unobtrusive element in the overall setting. The Statement purports that the proposed canopies would be appropriate in the context of the design of the building and its location in the Conservation Area and would not envelop or diminish the finite form of the building, and that by their minimal structural form and attaching in a minimal way to the existing building the canopies would allow the solid form of the building to remain dominant in its setting.

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.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), DP2 (Design) and DP6 (Extensions & Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

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. Planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

Also material to the determination of the application are the Historic Environment Scotland Policy Statement: June 2016 and Scottish Planning Policy: June 2014 with regard to development on or within the setting of a scheduled monument.

It is stated in the Historic Environment Scotland Policy Statement: June 2016 and Scottish Planning Policy: June 2014 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

With regard to archaeological sites and monuments Scottish Planning Policy states that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

Six public representations to the application have been received. Of those six representations, five of them raise objection to the proposed development and as summarised the grounds of objection are:

1. the reflective surface of the Perspex roofing of the canopies would become more prominent given the larger area of the canopies, would be harmful to the setting of the adjacent scheduled monument and would fail to preserve or enhance the special character and amenity of the conservation area;
2. the proposed canopies would be erected over the one remaining untouched elevation of the building and the only elevation of the building with a window which comprises the chief architectural ornament of the building;
3. it is not clear whether the framework of the proposed canopies would be painted or left as a galvanised steel finish;
4. the proposed canopies comprising Perspex and steel support posts would not safeguard the character and appearance of the building but rather would add to what is already an unsightly eyesore in what is supposed to be a conservation area;
5. the proposals refer to the proposed canopies being removable but gives no information about when they would be removed;
6. the proposals would have a negative visual impact on the setting of the scheduled ancient monument of St Andrews old kirk;
7. the framework of the canopies already approved looks like scaffolding poles and make the building look like a disused bus shelter, and this is not attractive and diminishes the historic area and the existing building;
8. despite the restaurant being closed for the winter there are tables and chairs and signage stacked within the boundary walls of the building, and the Reporter specifically wrote that the building should be left in its original state when the business was closed;
9. the applicant has ignored conditions of the previous permissions;
10. the proposal should be refused as the site is a precious asset to the town and should not be squandered for commercial greed;

11. soon the iconic former Coastguard building will be hidden behind poles and plastic and this is not what visitors to the area want to see;

12. woodwork of the building has been painted without being given permission;

13. there are food safety concerns about the business with food being delivered in the back of a pick-up and that same pick-up taking away waste from the building, which is not very hygienic;

14. the proposal would further erode the already compromised conservation of this historic building;

15. the proposal would be ugly and would be wholly incompatible with the Conservation Area, scheduled monument and listed buildings;

16. the design statement accompanying planning permission 14/00980/P stated "by only attaching to 2 walls of the building the canopies do not envelop or diminish the finite form of the existing building", this clearly implies that canopies attaching to more than 2 walls would diminish the form of the existing building and would not be respectful of it;

17. if planning permission is to be approved there should at least be a condition requiring the complete removal of the whole structure between 1 October and 31 March to allow the original building 'relief' for at least part of the year; and

18. the proposed canopies would mean that the structure would be fully visible from the harbour area and there would be no unspoilt views of the original building.

The remaining representation expresses support for the application, stating that the proposal is an excellent idea that will bring more all weather visitors to the harbour and vary the choice available.

The matters raised by objectors that the applicant has ignored planning conditions, painting parts of the building without being given permission, and regarding the storing of table and chairs and signage within the boundary walls of the building are not material considerations in the determination of this application for planning permission but rather are matters that are being investigated by the Council's Planning Enforcement service.

The matter raised by objectors that there are food safety concerns about the business is not a material consideration in the determination of this application for planning permission but rather is a matter for the Council's Environmental Health Service.

North Berwick Community Council, as a statutory consultee to the application, express their great concern about the historic building being completely enveloped in further awnings, which would further detract from the building and have a harmful impact on the character and appearance of the Conservation Area. They advise that in their opinion the proposed awnings would be unduly prominent and conspicuous, that the visual prominence of the awnings would adversely affect the setting of the adjacent listed building and scheduled monument, and that they do not consider that the additional awnings, their housings and brackets would be sensitive alterations as they do not respect the particular context of the building.

Planning permission 11/00064/P approves the use of the building and surrounding ground as a restaurant and takeaway. In the determination of this application that approval is not for re-consideration. In the determination of this application the

considerations must be restricted to those of the merits or otherwise of the proposed canopies.

Although the application drawings refer to the proposed canopies as removable there is no inherent intention in the proposal that they would be removed from the building on a regular basis. Otherwise the removable nature of the proposed canopies could be viewed as their potential ease in being unbolted from the building.

Planning permission 11/00064/P does not restrict the operating season of the restaurant and takeaway business to specific months in any calendar year but rather allows the operation of the business throughout the whole year with only restrictions on the hours of operation of the business on any day. Therefore, there is no planning control in respect of an operating season for the restaurant and takeaway.

Therefore the assessment of the proposals should be on the basis that they would be perceived as permanent additions to the building. Whether the Applicant chose to otherwise remove them during parts of the year would be personal choice.

The Council's Environmental Protection service, including the Food and Safety Section, has no comments to make on the application.

Historic Environment Scotland have no comment to make on the proposals.

In that the proposed canopies would not require foundations as their framework would be attached to the internal face of the boundary walls that surround the building and to the existing building itself, they would not have any impact on the archaeological interest of the area.

By their size, height, form, positioning and orientation and distance away from nearby residential properties the proposed canopies would not result in any harmful loss of sunlight or daylight to any neighbouring residential property.

The proposed canopies would attach to the north elevation and the northeast and southeast corners of the building. At their highest point they would be some 2.65 metres above ground level and some 2.1 metres in height at their lowest point. The proposed canopies themselves would comprise of galvanised metal framed structures supporting Perspex sheets. The supporting framework would be some 50mm in diameter.

The proposed canopies would attach to the north elevation and the northeast and southeast corners of the building. Combined with the canopies approved by the grant of planning permission 14/00980/P, which are attached to the east and south elevations of the building there would be canopies along three full sides of the building. Along the fourth (west) side of the building are the painted timber storage structures of the bin store and maitre d station approved by the grant of planning permission 12/00410/P.

"The Rocketeer" occupies a prominent position in the streetscape on the west side of Victoria Road and close to the junction of Victoria Road with Melbourne Road. The building from which the business of 'The Rocketeer' operates is of a simple rectangular architectural form and is of a traditional vernacular design with a simple vertical timber boarded door to its south elevation and a traditional sash and case window with a six-over-six glazing pattern to its north elevation. The north elevation of the building is largely unaltered with the exception of small lighting fixtures and a gas meter housing. All of which is important in terms of the wider characteristics of the conservation area

and the building's relationship with the adjacent scheduled monument of St Andrews Church, including the Old Parish Church Porch. The building contributes to the special character and appearance of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church.

At their height and by their size and positioning the proposed canopies would be clearly visible on the building. Thus, they would be readily visible in public views from Victoria Road to the west, from Anchor Green, and from Melbourne Road to the south of Anchor Green.

The proposed canopies would be of the same height and scale as the canopies approved by the grant of planning permission 14/00980/P and would be of a similar form to those canopies. However, when combined with the already approved canopies of the south and east elevations of the building, the existing bin store and maitre d station of the west elevation of the building and the windbreaks of the four boundary walls that surround the building, and notwithstanding that the already approved canopies and windbreaks are of predominantly Perspex construction, the proposed canopies and the already approved canopies, windbreaks and storage structures would result in all four of the walls of the building being significantly obscured from view with the resulting effect that the building would be enveloped by canopies and structures so that its simple traditional form and vernacular design would be overwhelmed and obscured, all to detriment of its character and appearance.

The combined effect of the proposed canopies with the canopies approved by the grant of planning permission 14/00980/P would be a canopy structure along three full sides of the building and wrapping around the northeast and southeast corners of the building, that by virtue of its size and form, would not be subservient to or in keeping with the existing building. It would not allow the simple traditional rectangular form and vernacular appearance of the building to remain visible in public views from Victoria Road, Melbourne Road and Anchor Green.

Contrary to that which is purported in the supporting Design Statement submitted with the application, the proposed galvanised metal finished of the canopy framework would not 'weather gracefully to become an unobtrusive element in the overall setting' but rather the galvanised metal finish of the framework of the proposed canopies would have an unfinished appearance that would detract and diminish the vernacular character of the existing building.

Accordingly, in their positioning and by their galvanised metal finish, and combined as they would be with the canopies approved by the grant of planning permission 14/00980/P, the proposed canopies would not be of a proportion and scale appropriate to the existing building and would not be appropriate to their surroundings. Rather they would dominate the building in a manner harmful to its character and appearance. As unsympathetic additions to the building the proposed canopies would appear as unduly harmfully obtrusive additions to the building and together with the canopies approved by the grant of planning permission 14/00980/P and the timber storage structures approved by the grant of planning permission 12/00410/P, they would give a cluttered and overwhelmed appearance to the building.

Thus, by virtue of their size, number, form, proportions, scale, positioning and external finishes the proposed canopies would cause the building to appear harmfully dominant and incongruous within its setting, and consequently would cause the building to have a harmful affect on the character and appearance of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church, including Old Parish Church Porch.

There is no evidence to demonstrate that the business would fail without the additional canopies in place.

Accordingly, the proposed canopies are contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4, ENV7, DP2 and DP6 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and the Historic Environment Scotland Policy Statement: June 2016.

REASON FOR REFUSAL:

- 1 By virtue of their size, number, form, proportions, scale, positioning and external finishes the proposed canopies, combined as they would be with the canopies approved by the grant of planning permission 14/00980/P, would dominate the building in a manner harmful to its character and appearance and would appear as unduly harmfully obtrusive additions to the building that would not be sympathetic to the building but rather would be harmful to the character and appearance of the building and would cause the building to appear harmfully dominant and incongruous within its setting, and consequently would cause the building to have a harmful affect on the character and appearance of the Conservation Area and the setting of Anchor Green and of the scheduled monument of St Andrews Church, including Old Parish Church Porch, all contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4, ENV7, DP2 and DP6 of the adopted East Lothian Local Plan 2008, Scottish Planning Policy: June 2014 and the Historic Environment Scotland Policy Statement: June 2016.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)