

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 7 November 2017

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

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

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**Note** – the above application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: this application has attracted considerable public interest both for and against and I feel that for this reason it should be decided in Planning Committee.

Application No.           **17/00434/P**

Proposal                   Alterations and extensions to the Scottish Seabird Centre and adjacent sun lounge to form a national marine centre and associated works

Location                   **The Scottish Seabird Centre  
Victoria Road  
North Berwick  
East Lothian  
EH39 4SS**

Applicant                  Scottish Seabird Centre

Per                          Simpson and Brown Architects

RECOMMENDATION        Application Refused

#### PLANNING ASSESSMENT

#### BACKGROUND

This planning application pertains to the Scottish Seabird Centre, which is located towards the north end and on the eastern side of the harbour promontory between the east and west beaches at North Berwick. In such position the application site is to the north of North Berwick Town Centre. The site occupies a prominent location on the harbour promontory, being readily visible from the immediate areas of the historic harbour, the east and west beaches and Victoria Road/Melbourne Road and in longer range views from elsewhere in and around North Berwick.

The application site comprises the building of the Scottish Seabird Centre, which is positioned on the eastern side of the harbour promontory, the nearby sun-lounge building, which is located to the west of that building, the connecting underground tunnel which links the two buildings, an area of the 'Anchor Green' public open space

between and to the south of the two buildings. This includes a set of steps that link the Anchor Green to the harbour area and harbour esplanade and dinghy park to the north, and a small part of the southern end of the harbour esplanade that is located to the north of the two buildings.

The Scottish Seabird Centre is a tourist and visitor attraction, which contains an interactive wildlife exhibition in its Discovery Centre, a gift shop, and café. It also offers seasonal boat trips. The nearby sun-lounge building, which is part of the Scottish Seabird Centre, contains staff offices and education facilities. The Scottish Seabird Centre is a conservation and education charity, dedicated to inspiring people to care for wildlife and the natural environment. It is open all year round with the exception of Christmas Day. The organisation has won a variety of awards for its environmental focus.

The Scottish Seabird Centre building, which with the benefit of planning permission 96/00791/HIS\_P, was built around 2000 and replaced a former harbour pavilion building that was located in a similar position on the harbour promontory. It is a distinctive building within its setting, with an organic 'flowing' architectural form and a copper roof incorporating solar panels on its western face and a roughly centrally positioned recessed, glazed cupola. The building won the Scottish Design Awards Commendation 2001, Civic Trust Commendation 2001, and Regeneration Scotland 2000: Sir Robert Grieve Award. Its external walls are finished with a combination of natural whinstone and vertical timber cladding, and there are large areas of glazing to its elevations. The Scottish Seabird Centre building is accessed from the level of the Anchor Green, the ground level of which is some 2 metres above that of the harbour esplanade and dinghy park to the north, and consequently the Scottish Seabird Centre building sits above and looks down onto the harbour and dinghy park.

The sun-lounge building is a two storey building with a flat roof. Its external walls are finished with natural red stone and on its northwest side has a number of large window openings that have a uniform size and appearance. There are solar voltaic panel arrays positioned on its flat roof. Similar to the Scottish Seabird Centre building, the sun-lounge building is split level. It appears as a single storey building when approached from the Anchor Green but as a two storey building from the harbour esplanade area and dinghy park. The archways of its formerly open sided understory, at its northwest elevation, have been infilled with large windows to create additional internal accommodation.

The two buildings of the Scottish Seabird Centre building and the sun-lounge building appear externally as detached buildings, however, they are connected internally by an underground tunnel (passage), which is located below the Anchor Green.

The application site is located within the North Berwick Conservation Area. There are a number of listed buildings in the locality. Immediately to the west of and abutting the southwest end of the sun-lounge building is the 2-3 storey building of 38 - 40 Victoria Road, which is a former warehouse and fisherman's store that is listed as being of special architectural or historic interest, Category B. That building houses the East Lothian Yacht Club. The North Berwick harbour, located to the west of the application site and to the southwest of the esplanade and dinghy park, is also listed as being of special architectural or historic interest, Category B.

In addition, to the south of the application site and at the southern end of the Anchor Green is the scheduled ancient monument of St Andrews Church, which consists of the remains of the original parish church of North Berwick, thought to have been built in the 12th century.

Although not listed as being of special architectural or historic interest, the three and a half storey flatted building of Harbour Terrace (the former Old Granary) on the western side of the harbour promontory and the two-storey building of the Fisherman's Hall, located to the south of the Category B listed 38-40 Victoria Road and which is partly in residential use and partly used as the Harbour Masters Office, are also important features of the character of the harbour promontory and thus of this part of the North Berwick Conservation Area.

The harbour area is characterised by the Category B listed operational harbour to the northeast of which is the esplanade and dinghy park (formerly the location of the, now infilled, outdoor swimming pool). These two areas are separated by a raised walkway, below which is a former changing room building. Along the northwest and northeast sides of the harbour, esplanade and dinghy park are the rocky edges of the foreshore, including the public walkways, which themselves link to the recently improved harbour flood defence wall with walkways/seating areas at the northeast end of the esplanade and dinghy park.

The application site is within an area of North Berwick that is defined as being of mixed uses by Policy ENV2 (Town and Village Centres, Other Retail and Mixed Use Areas) of the adopted East Lothian Local Plan 2008.

There are views out from the harbour promontory to the islands of the Firth of Forth, including, amongst others, the Bass Rock, and Craigleith and Lamb Islands. There is also a formal viewing platform at the northern end of Anchor Green that is located to the west side of the Seabird Centre building and to the east side of the public steps that lead down to the level of the harbour esplanade and dinghy park. This viewpoint affords views across the harbour and dinghy park towards Craigleith Island and across the North Berwick Bay (West Beach).

The application site is bounded to the north by the harbour, esplanade and dinghy park beyond which is the rocky foreshore and the Firth of Forth, to the east by the rocky foreshore and Milsey Bay (east beach), to the west by the buildings of the east side of the northern end of Victoria Road, and to the south by a combination of the Anchor Green and the scheduled monument of St Andrews Church. Further to the south is the commercial restaurant and take-away of the Rocketeer, further land of Anchor Green including the Memorial Cross, and the public road of Melbourne Road.

To the north, east and west of the harbour promontory and thus immediately to the east of the application site is the Firth of Forth special protection area (SPA) and site of special scientific interest (SSSI).

Parts of the northern, western and eastern areas of the site, specifically at the lower level of the harbour esplanade and dinghy park, so affecting the lower ground floor levels of the Seabird Centre and sun-lounge buildings, are identified as being within the Coastal Flood Risk envelope of the Indicative River and Coastal Flood Map (Scotland) as defined by the Scottish Environmental Protection Agency.

East Lothian Council has an interest in the land and buildings of the application site as it is the owner of the Seabird Centre and sun-lounge buildings.

The nearest neighbouring residential buildings are located at 32 Victoria Road (Fisherman's Hall) on the east side of Victoria Road, the flats of the Old Granary at Harbour Terrace and the row of terraced properties of 17 to 45 Victoria Road (odd numbers only).

In 2004 with the benefit of planning permission 04/00357/FUL the Seabird Centre building was altered and extended to add a two storey extension (lower ground floor and ground floor) extension and café deck with handrails to its eastern side.

Also in 2004 with the benefit of planning permission 04/00593/FUL, the use of the sun-lounge building as part of the operation of the Seabird Centres was approved, including the formation of the underground tunnel linking the two buildings.

The solar panels and their associated framing and pipework were added to the western roof slope of the Seabird Centre building in 2011 with the benefit of planning permission 11/00049/P.

Through this application, planning permission is sought for the addition of extensions to the existing Scottish Seabird Centre and sun-lounge buildings, including an increase in the width of the underground tunnel below the Anchor Green that connects the two buildings and the provision of an above ground glazed linking extension that would extend between the two buildings across the northern end of Anchor Green and the steps leading to the harbour area, esplanade and dinghy park. As a consequence of the proposed extensions to the two buildings, planning permission is also sought for an alteration to the existing steps leading to the harbour area, esplanade and dinghy park. Planning permission is also sought for the formation of areas of hard standing.

The proposed extensions and alterations to the existing Seabird Centre building comprise the addition of a two-storey, pitched roofed extension to its northern and eastern sides (lower ground floor and ground floor levels) including the addition of a cantilevered deck at ground floor level. The roof of this proposed extension would be clad with copper and would be designed to match the roof of the Seabird Centre building. The external walls of the proposed extension would be finished with a combination of natural whinstone and vertical timber cladding, and there would be large amounts of glazing to these elevations. The deck would be supported on concrete walls clad with natural whinstone and concrete columns and would have a timber surface. A timber balustrade would enclose it and a new set of concrete steps would lead from the northern end of the proposed new decking down to the level of the harbour esplanade and dinghy park. Openings of the lower ground floor level would be fitted with hermetically sealed units or include an integral flood defence system.

It is proposed that a further extension would be attached to the west side of the existing Seabird Centre building. That proposed extension would be single storey in height with a part flat and part pitched roof. The pitched section of its roof would be clad with copper and would be designed to match the roof of the Seabird Centre building. The flat part of its roof would have a predominantly 'green' sedum finish with copper eaves. Its north, west and south elevation walls would be predominantly glazed. Its lower level north elevation wall would be finished with natural whinstone.

Attached to the west side of that proposed extension would be a further single storey extension that would have predominantly glazed external walls and a flat roof clad with copper. This proposed extension would form a linking bridge between the existing Seabird Centre building and the sun-lounge building at ground floor level and would extend over the existing public steps that link Anchor Green with the harbour esplanade and dinghy park.

New roof windows would be installed at the upper gutter level of the new sections of copper standing seam roof of the proposed extensions to the Seabird Centre building.

An existing inset dormer of the northwest elevation roof slope of the Seabird Centre

building would be removed and replaced with a new section of copper roofing to match the slope of this part of the existing roof. Existing roof flues of the east elevation roof slope would be relocated to new positions on that part of the roof of the building and new ventilation grilles would be installed in the east elevation roof slope of the new extension to serve a new kitchen.

The new windows and doors of the east elevation of the Seabird Centre building and the new main entrance door of its south elevation would be of timber framed construction.

The existing underground tunnel below Anchor Green that links the two buildings would be increased significantly in size both in a northerly and southerly direction and through the lowering of part of its floor level to form additional lower ground floor exhibition space.

The existing sun-lounge building would be extended upwards through the addition of a first floor over the majority of the length of its footprint and a further partial additional second floor which would form an observation tower. The proposed first floor extension would have a dual pitched roof clad with copper to reflect the roof covering of the existing Seabird Centre building. Solar laminate panels would be installed between the standing seams of the southeast facing roof slope of its new copper roof. The proposed observation tower component of the proposed sun-lounge building extensions would be octagonal in shape with an external viewing platform on its southwest side. Its northeast elevation walls would be a continuation upwards of the existing three-sided form of the northeast elevation walls of the sun-lounge building. The roof of the proposed observation tower would be partially flat and partially mono-pitched in form and would be clad with a combination of single ply roofing membrane (i.e. Sarnafil) and standing seam copper. The mono-pitched section of it would slope upwards in a northeast direction. The red sandstone parapet wall of the roof of the existing sun-lounge building would be raised in height by some 800mm on the northwest side of the building to form part of the northwest external wall of the proposed first floor extension. Otherwise the external walls of the proposed first floor and observation tower extensions to the sun-lounge building would be finished with a combination of vertical timber cladding, vertical timber louvered cladding and vertical timber louvres. The frames of the windows of the first floor extension to the sun-lounge building would be of metal framed construction.

It is proposed that a further extension would be added to the southeast side of the sun-lounge building. That proposed extension would be single storey in height with a flat roof. It would extend along the majority of the length of the southeast elevation of the building. It would have a predominantly 'green' sedum roof with copper eaves and its external walls would be finished with vertical timber cladding. There would be large areas of glazing in its southeast elevation wall.

A new access ramp with metal balustrade would be attached to the northwest elevation of the sun-lounge building. The surface of the proposed access ramp would be finished with concrete and the balustrade would match the existing balustrade to be replaced.

All of the existing windows and external doors of the northwest and northeast elevations of the sun-lounge building would be replaced with new metal framed windows and doors. Flood shutters or fixed glazed flood proof units would be installed at the lower ground floor windows and doors. The new windows of the proposed extensions to the sun-lounge building would be of metal framed construction.

Clear glazed curtain walling with a linear manifestation line is proposed to be used for the large areas of glazing of the proposed extensions and alterations to the Seabird Centre and sun-lounge buildings.

The proposed predominantly glazed linking bridge extension between the two buildings would extend over the location of the existing steps that provide public access from the north end of Anchor Green to the harbour esplanade and dinghy park to the north of the application site. It would result in the removal of the existing formal viewing platform that is at the northern end of Anchor Green, to the west side of the Seabird Centre building, and to the east side of the public steps that lead down to the level of the harbour esplanade and dinghy park. Those existing steps would be altered to reduce the length and thus also the height of the lower section of the steps, extend the length of the middle landing of the steps and reposition the upper section of the steps further to the south so that they would pass below the proposed glazed linking extension.

As part of the alterations to the steps an existing length of natural rubble retaining wall on the east side of the steps would be lowered in height. A further continuation of that wall, which fronts the harbour esplanade and dinghy park would also be lowered in height. An existing historic boat yard gate pier would be retained at the northeast end of this length of wall. New openings would be formed in an existing length of natural stone retaining wall that is to the north side of the existing Seabird Centre building, and a new length of natural stone retaining wall would be added to the northeast end of that existing length of wall in a finish to match the existing length of wall.

New areas of hardstanding in the form of footpaths, entrance ramps and steps are proposed to be formed between the Seabird Centre and sun-lounge buildings as they are proposed to be extended and to the northwest side of the Seabird Centre building. The proposed hardstanding areas would be surfaced either with tarmac or brick setts. The proposed entrance ramps and steps would be of concrete construction.

An area of grass-crete surfacing would be laid at the grassed area of land immediately to the south of the Seabird Centre building and new bicycle storage racks would be installed at this location.

Parts of the existing Seabird Centre and sun-lounge buildings would be demolished in order to facilitate the proposed alterations and extensions. These proposed down-takings comprise the removal of:

- o the two storey extension and café deck of the eastern side of the building;
- o internal walls and staircases of both of the buildings;
- o the walls of the underground tunnel that connects the two buildings;
- o part of the external walls of the northwest and northeast sides of the Seabird Centre building;
- o the existing entrance platt at the northwest lower ground floor entrance to the sun-lounge building; and
- o existing steps and boundary walls between the esplanade and Anchor Green.

As these proposed down-takings would not amount to the substantial demolition of the existing buildings or whole lengths of boundary wall they do not require conservation area consent.

Since the application was registered amendments have been made to:

- o reduce the size of the application site to exclude from it an area of timber

decking to the east (rear) of the East Lothian Yacht Club building of 38-40 Victoria Road;

- o reduce the height of the proposed observatory tower by some 1.6 metres and alter the form of its roof from a conical roof form to a mono-pitched roof;
- o increase the amount of fenestration of the upper floors of the proposed extension to the sun-lounge building, including the proposed observatory tower;
- o provide additional elevations of the proposed development from the southeast (Anchor Green) and northwest (harbour esplanade and dinghy park);
- o clarify the external finishes of parts of the proposed development;
- o remove an area of proposed fencing enclosing an area below the northern end of the proposed deck of the Seabird Centre building; and
- o correct annotation errors on the drawings.

These changes have been shown on amended and additional drawings submitted by the applicant's agent.

In addition to these amended drawings, a Planning Statement (September 2017) prepared by Muir Smith Evans, an Economic Impact Assessment of the National Marine Centre prepared by EKOS (September 2017), and a Summary Business Plan for the National Marine Centre (September 2017) have been submitted.

Also provided by the applicant's agent, but on a confidential basis are an Outline Construction Management Plan (September 2017) prepared by Currie & Brown, a National Marine Centre Business Plan (June 2017), and supplementary Business Plan information (received September 2017).

The Design and Access Statement and Heritage Impact Assessment submitted with the application have been amended to take account of the changes to the design of the proposed development. The EKOS "National Marine Centre - Economic Impact Assessment" (September 2017) and the Planning Statement (September 2017) have been amended to correct errors in their text. At the request of Scottish Natural Heritage the Habitats Regulations Assessment (HRA) (May 2017) submitted with the application has been amended to take account of their comments.

The amendments to the application drawings and the submission of the additional and amended reports do not result in a substantial change to the description of the development. Moreover, the changes to the proposed scheme of development are not material changes to the application. However, they were received after the statutory period to make representation to the application ended on 23rd June 2017. In light of the volume of public interest in the application, and to ensure transparency, the Council decided to allow a further period of 14 days for the public to make comments on these amended drawings and additional documents. That second period to make representation to the application commenced on Friday 22nd September 2017 and ended on 8th October 2017.

All of the proposed alterations, extensions and associated works together are proposed to facilitate the Scottish Seabird Centre in their proposals to create a 'National Marine Centre' in the altered and extended buildings of the Seabird Centre and sun-lounge. Through internal alterations and the proposed extensions to the two buildings, the exhibition space would be extended and a new 'visitor flow' through the ground floor and lower ground floor exhibition space of the altered buildings would be created, culminating in the observatory tower and exiting through the shop and café of the ground floor of the altered Seabird Centre building.

The ground floor of the extended Seabird Centre building would provide additional

introductory exhibition space and an extended shop, café and kitchen along with altered W.C. facilities and office space. The extended lower ground floor of that building would continue to provide the majority of the exhibition space for the proposed National Marine Centre. The lower ground floor of the altered sun-lounge building would continue to be used for education, exhibition and boat trip booking office purposes. The majority of the ground floor of the extended sun-lounge building would become an education centre with a refreshment preparation area and W.C. facilities, and with its northeast end incorporating part of the exhibition space, stairs and a lift and giving access to the proposed linking bridge between the two buildings. The new first floor of the altered sun-lounge building would comprise primarily of office space and staff facilities with its northeast end incorporating W.C.'s, a lift and stairs to the proposed observation tower. The proposed observation tower would form the culmination of the 'visitor flow' through the exhibition space and would provide 360 degree views as well as information and interpretation exhibits about key points of interest. The proposed observation tower has been designed to allow for clear views over the existing Seabird Centre building towards the islands of the Firth of Forth, including the Bass Rock and south towards North Berwick Law.

The following supporting statements has been submitted with the application:

- o Design and Access Statement (Revision B);
  - o A Heritage Impact Assessment (Issue 11);
  - o Habitats Regulations Assessment (HRA) (June 2017);
  - o National Marine Centre Green Travel Plan (May 2017);
  - o A Planning Statement (22nd September 2017);
  - o A Summary Business Plan for the 'National Marine Centre' (September 2017);
- and
- o EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017).

Also submitted with the application but on a commercially confidential basis, are:

- o 'National Marine Centre' Business Plan (June 2017);
- o EKOS 'National Marine Centre' - Economic Impact Assessment (July 2017), subsequently superseded by the EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017);
- o Supplementary Business Plan information (received September 2017);
- o An outline Construction Management Plan (September 2017);
- o Nicol Economic Report;
- o National Marine Centre Business Plan 2020 - 2025; and
- o Financial Information Transition Year 1 and Year 2.

The Design and Access Statement states that the Scottish Seabird Centre (SSC), like many charities, relies on donations, fundraising, and income generated through the café and shop to support its conservation and education activities and that it has been aware for some time of a need for major investment in the Centre to ensure the organisation can meet changing visitor expectations, achieve more of its charitable objectives and, importantly, remain viable in the future. It is stated that the proposals for the 'National Marine Centre' are a vision for the future of the SSC and will build on the success of the current Centre. It is further stated that their vision is that the proposed 'National Marine Centre' would "become a leading marine science visitor attraction, creating a hub for marine education, conservation and research activities" and would be "a sustainable, popular and fun visitor attraction that has positive impacts both locally and nationally"..."exciting people about Scotland's seas and wildlife, providing learning and engagement opportunities for people of all ages and inspire



them to take action".

The Design and Access Statement sets out the background to the proposed 'National Marine Centre' (NMC) project with details of how this design and project vision has evolved and how the final proposals been reached, how the project will in part be funded, how the NMC visitor offer would be expanded to offer wider and more diverse exhibitions, activities and educational programmes in order to encourage return visits from customers, how the education space would be doubled and the current education provision increased, and how the visitor experience would be improved. It is stated that the applicant's desire is that the NMC will continue to enhance the positive impact that the SSC has on both the harbour area and the local economy.

The Statement goes on to explain how in its present operational form the future viability of the SSC is at risk and that to protect its future the 'landmark' building must be adapted to accommodate current and future needs. The Statement informs of the success of the original SSC, which is narrated as having exceeded expectations, but that the existing layout cannot now meet demands, resulting in dwindling conversion rates into the exhibition and problems accommodating the demand for educational activities. It is stated that if the new 'National Marine Centre' is to be a success it will need to make an impression on the surrounding area and build on the existing iconic appearance to attract visitors.

The Planning Statement (22nd September 2017) prepared by Muir Smith Evans sets out the ethos behind the proposed 'National Marine Centre' and what it seeks to deliver. The Statement goes on to set out, in the view of its authors, the planning policy context in which the proposed development should be considered and how they consider the proposals to address that policy context. The Statement refers to the construction process and associated impacts on the surrounding area and businesses as being managed through an appropriate Construction Management Plan.

In the Design and Access Statement and the Planning Statement it is stated that the proposed extensions have been designed to respect the existing buildings, be sympathetic to local surroundings and to minimise impact. The proposals aim to link the two buildings visually with a form that is held to sit comfortably between the very different architectural forms of the two buildings, and that the observatory height is necessary to allow views over the existing SSC building so that it would afford complete panoramic views. In terms of the design of the proposals these documents contend that there would be a minimal impact on the character of the Conservation Area as a whole and the listed buildings and that there would be no material affect directly or on the immediate setting of the St Andrews Church scheduled monument and that the proposals would incorporate additional interpretation of that heritage asset.

The Heritage Impact Assessment (Issue 11) sets out the history of the heritage assets and avers that the proposed development in terms of its design would result in limited and minimal harm to the adjacent listed buildings of the former warehouse at 38-40 Victoria Road and the Harbour, that there would be no material affect directly or on the immediate setting of the scheduled monument, and that the overall effects on the character of the Conservation Area as a whole would be beneficial. The statement further states that the understanding of these heritage assets could be improved through the incorporation of additional interpretation of them in the design proposals and the improved views of these assets that would be available from the proposed development.

The Habitats Regulations Assessment concludes that the proposed development would have likely significant effects on the relevant Natura sites but that through the

use of mitigation measures and strategies there would be no adverse impacts on the integrity of those sites.

On 13 April 2017 the Council issued a formal screening opinion to the applicant. It is the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an Environmental Impact Assessment.

Although stated to be a draft plan, the Green Travel Plan (May 2017) sets out how the 'National Marine Centre' would continue to apply the good practice and promotion of sustainable transport use that the existing Scottish Seabird Centre applies.

The Summary Business Plan for the 'National Marine Centre' (September 2017) is largely a promotional document, which sets out what the Scottish Seabird Centre has achieved to date and the wider aspirations of the NMC and includes information relating to visitor numbers and core activities focusing on education and conservation. The statement stresses the importance of understanding the marine environment and improving that knowledge and understanding in order to conserve and protect, and how this information is disseminated across society.

The EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017) provides an economic impact assessment of the existing Scottish Seabird Centre and its proposed redevelopment into the 'National Marine Centre'.

The confidentially submitted 'National Marine Centre' Business Plan (June 2017), Supplementary Business Plan information (received September 2017), Nicol Economic Report, National Marine Centre Business Plan 2020 - 2025; and Financial Information Transition Year 1 and Year 2 provide more detailed financial information. The outline Construction Management Plan (September 2017) sets out in draft form only how it is envisaged that the construction process would be managed, including vehicle and pedestrian movements, signage, and hours of operation.

## PLANNING POLICY

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 (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas), ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), NH1a (Internationally Protected Areas), NH1b (Sites of Special Scientific Interest), C3 (Protection of Open Space), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP8 (Replacement Windows), DP16 (Flooding), DP17 (Artworks- Per Cent for Art), DP18 (Transport Assessments and Travel Plans), DP22 (Private Parking), T1 (Development Location and Accessibility) and T2 (General Transport Impact) 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 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.

Also material is Scottish Government's policy on development affecting archaeological sites and monuments. 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.

## REPRESENTATIONS

Also material to the determination of the application are the written representations received to it.

A total of 568 public representations to the application have been received. Of those 332 were received during the original statutory period to make representation to the application which ended on 23rd June 2017.

Of those 332 representations, 211 raised objections to the proposed development and 121 were in support of the proposals.

The remaining 236 public representations were received during the second period to make representation to the application, which ended on 8th October 2017.

Of those 236 representations, 142 raised objections to the proposed development and 94 were in support of the proposals.

Of the total of 568 public representations received during those two periods to make representation to the application, a total of 353 raise objection to the proposed development and 215 are in support of it.

Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

1. the proposed development, even as it has been amended, would be too large, an over-development of harbour area, overly dominant, an eye-sore, out of scale and proportion, out of character, excessive, and would be imposing and dominate the skyline;
2. would not fit with historic nature or heritage of the area, lack visual sensitivity, would be an over-development in a conservation area and site of historic interest and would change the character of the area irrevocably, and not for the better;
3. would have a harmful and unacceptable impact on the adjacent listed buildings and scheduled ancient monument and other archaeological remains in the area and would ruin forever the historical integrity of this ancient site;
4. the proposed extension to the sun-lounge building is too high and would dominate the historic harbour and detract from views of The Law and Harbour area;
5. North Berwick and its harbour area retain high regard nationally due to its historic character with only small discreet pockets of modernity, this structure is anything but discreet and will be so imposing visually that it will destroy the charms of the area;
6. the observatory tower is unnecessary and would loom over the harbour area and block the view of the sea from Anchor Green, irretrievably damaging the unique character and charm of these important public spaces;
7. materials would not be in keeping with the historic buildings and area;
8. the existing SSC is an eyesore please don't allow another ugly building that would be out of keeping with the harbour and other buildings to be built at this location;
9. the glass walkway is not in keeping with the area and will cut across one of the best viewpoints to view Fidra from the harbour;
10. the loss of the historic open grassed area (Anchor Green) with views to sea and Craigeith island is unacceptable;
11. detrimental to the physical openness of Anchor Green;
12. would block views from the Yacht Club;
13. connecting the existing buildings together will restrict public use and access and may be off putting to users of the area;
14. although the public steps between Anchor Green and the harbour esplanade would be retained it is likely they will be lost from use due to being obliterated by the extension/glass bridge;
15. North Berwick is already a very busy town and it is questionable whether the local infrastructure can cope with the increased traffic movements, parking demand and footfall associated with a development of this proposed size, which would exacerbate existing parking and traffic problems in the town;
16. these proposals to increase footfall at the Seabird Centre don't seem to be integrated into wider management of parking/green transport that is emerging in the

town through the Area Partnership;

17. the Green Travel Plan is inadequate and does not adequately or realistically address the problem of access and parking in North Berwick as a whole, which would be exacerbated by the proposals;

18. the resulting local congestion will change the character of the harbour area and the proposed centre would only increase congestion in general around the town as no additional parking provision is proposed to be provided;

19. there would be significant and unacceptable disruption, including access, to other harbour users and operations during the construction period, which would have a detrimental impact on those businesses and operations which themselves contribute to the local economy and community;

20. no transport impact assessment has been submitted with the application;

21. concerns for the safety of harbour users, including pedestrians during construction;

22. there has been no structural assessment of the impact of construction traffic on the listed harbour walls and other listed buildings in the vicinity;

23. the harbour area is an asset for the enjoyment of the variety of users/visitors, not just the Scottish Seabird Centre, and should not be allowed to be overdeveloped and ruined by one organisation solely for its own benefit;

24. the harbour area is vital to the vibrancy of the town and visitors and residents are drawn to it for a host of reasons, the proposals would be detrimental to the harbour area and subsequently the town as a whole;

25. the Scottish Seabird Centre dominates the area in many ways to the detriment of other harbour users and this would be exacerbated through the proposed development;

26. detrimental impact on other businesses in North Berwick;

27. would obstruct the only elevated views at the north end of Anchor Green that are accessible to disabled and less mobile people;

28. if the current Seabird Centre is not viable (their own words) why will a new larger centre be more successful, and if this proposal is granted and does not result in a viable 'National Marine Centre' the town would be left with an eyesore;

29. perhaps the management of the Seabird Centre and its current layout and focus on the café and shop should be looked into before proposing a large extension;

30. office space could be located elsewhere doesn't have to be in this form;

31. what is the demonstrable benefit to wider area/community that may outweigh local detrimental effects to historic harbour and users;

32. no demonstration that the proposed new centre would be financially sustainable or that it would bring more visitors and revenue to the area;

33. no local requirement to develop this facility in this location, no need for sea water access, should be relocated to another site elsewhere in North Berwick or elsewhere in

East Lothian;

34. the existing centre could make better use of its existing buildings, with uses rationalised by relocating the existing offices and education centre elsewhere and refreshing the exhibition without the need for an excessive extension;

35. the Seabird Centre is a great tourist attraction and does a great job educating children but they should find a different way to increase their facility and classrooms;

36. would have an harmful environmental impact;

37. lack of understanding of the purpose of the proposed 'National Marine Centre', if it is for scientific purposes perhaps it would be better located in the Marine Biology departments of St Andrews or Dundee university;

38. tourism should not be considered above the wellbeing of the local community;

39. support in principle for the idea of encouraging and developing a centre for excellence to inform about marine life but this is the wrong site and the wrong form of development;

40. contrary to policy C3 of the ELLP 2008 and EMP2 of the proposed LDP;

41. North Berwick renowned around the world for its golf courses and this proposal would impact on the views and scenery that surround the golf courses;

42. lack of consultation with local residents and other harbour users and lack of information on how the construction phase would be managed so as to maintain access for businesses, leisure users and tourists;

43. the application site should include the wider harbour area that would be affected by construction and therefore the application should not have been registered;

44. Harbour Trust were not notified as a land owner when they have a long term lease and vested interest in the area;

45. concerns about the neutrality of the Council to determine this application as it is also the landlord of the site;

46. the red application site outline should include areas for construction compounds and access and the proposals cannot be fully assessed without this matter being considered as well;

47. people and organisations that hold long term leases should be considered as owners of parts of the site;

48. none of the drawings show a northwest elevation the direction from which the proposed development of the sun-lounge building would be most prominent;

49. the proposals would result in the loss of the public toilets;

50. the alterations made to the design of the proposed extensions are insufficient to outweigh the negative impacts on the conservation area and character of the Anchor Green and Harbour; and

51. no credible evidence that the Centre's plans are viable, beyond enlarging the café and shop;
52. given the predicted increase in visitor numbers a full traffic impact assessment should be carried out;
53. it is very revealing that the predicted visitor numbers of 43,400 per annum in 2024 is just two-thirds of the target of the original smaller Centre when it was built;
54. there are many other ways that the SSC could repurpose its existing exhibition, education and office space or utilise existing space elsewhere in the town (i.e. empty shop units, Coast Communities Museum, etc) to improve and expand its tourist offer and accommodation;
55. the proposals do not reflect the aims, aspirations and needs of the community as evidence in the North Berwick Charette Report;
56. schools don't visit the existing Centre due to the cost involved, not specifically the accommodation;
57. there appear to be discrepancies between the figures provided in the submitted business plan and economic reports; and
58. the figures and information provided in the EKOS Economic Impact Assessment (September 2017) and the Planning Statement (September 2017) are challenged.

It is not necessary for the application site of a proposed development to include the area of any proposed construction site compound. In this case, the site and the surrounding land of the harbour promontory is within the North Berwick Conservation Area where an Article 4 Direction removing permitted development rights relative to Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1981 applies. The terms of Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1981 are sufficiently similar to those of Part 4-Temporary Buildings of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Therefore, in this case any proposed construction site compound would require a further application for planning permission.

Article 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires that the applicant gives notice to any person other than the applicant who at the beginning of the prescribed period 21 days prior to the submission of an application is the owner of any land to which the application relates. This requirement does not pertain to leaseholders however long their lease may be. The applicant notified the relevant land owners of the application and removed from the application site the area of decked land to the rear of the East Lothian Yacht Club building of 38-40 Victoria Road, which they incorrectly believed to be still in the ownership of H Dalrymple. Therefore, the application was correctly notified to other land owners.

In respect of the Council's neutrality to determine the application, it is not uncommon for a Council to be the decision maker on a planning application as well as to have some other interest in the proposed development, whether as the developer or owner of the land. This in itself is not unreasonable, rather it is quite normal and occurs with regularity. As with the determination of all applications for planning permission, the planning authority must ensure that any conflict of interest does not have an undue

influence on its planning assessment, and probity should be scrupulously observed. In short, planning legislation allows for the Council to determine applications for planning permission where it has an interest in the development proposals or the land of the application site.

However, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and Circular 3/2009: Notification of Planning Applications set out the instances where the Council as Planning Authority must, as a matter of routine, notify Scottish Ministers where they propose to grant planning permission. One such instance in which the Council as Planning Authority must notify Scottish Ministers, is where the Planning Authority has some interest in a development proceeding, and where the proposal involves a significant departure from the authority's own development plan. Circular 3/2009 states that the Scottish Government considers it reasonable for planning authorities to make decisions which do not depart to any significant scale from their development plans. So the notification requirement relating to applications where the authority has an interest is limited to those occasions where the development would involve a significant departure from the development plan.

Both the northwest and north elevations of the proposed development are included in the application drawings.

The public toilets that are presently located within the sun-lounge building would not be lost but rather would be retained in that building in their current form.

The main grounds of support for the application can be summarised as follows:

1. the proposal can only serve to reinvigorate and improve the existing centre and will be a real bonus to North Berwick, and would enhance the area and provide a place of interest to locals as well as visitors to the area;
2. would be a fantastic addition to education, learning and knowledge of seabirds and the marine environment, ideally placed for this type of development;
3. existing education facilities are presently too small this will allow an improved education offer;
4. an important research and education resource that will help to ensure the safeguarding of the marine environment;
5. the existing centre is a major contributor to regenerating and transforming the harbour area and town, and it is essential to provide additional offerings to increased visitors and inhabitants of the town giving a quality tourist attraction that draws people to the town and county, this is a logical extension to the existing facility;
6. the new facility is likely to offer employment opportunities through construction and in the long-term through the expanded centre, would further increase businesses in the environs of the Harbour and is certain to attract more and much needed visitors to the area in a sustainable way;
7. the Seabird Centre is a reliable and sustainable business that is an asset to the economy and it can be assumed that the new facility will be similarly run;
8. the Seabird Centre arose from a community initiative and has since played a major part therein and the new facility will continue to be a cornerstone of the community;



9. the new facility would offer the opportunity for the transfer of knowledge on the unique and remarkable unspoiled coastal landscape and species rich waters;

10. the proposals have been designed as sympathetic extensions to the existing buildings that would not dominate the neighbouring buildings and would be finished in similar materials, would only have a marginally larger footprint than the existing facility, the glass tunnel is an elegant solution to ensuring the vista from Anchor Green to the harbour beyond it not obscured, an attractive and sympathetic addition to the harbour area;

11. the harbour area has changed over time with facilities now available that were objected to at the time of their inception, now all generally viewed as value added to the area;

12. the proposals would enhance the views of the harbour area, linking the new with the historic past and provide a stunning enlarged visitor attraction and conservation centre in North Berwick for the benefit of locals, tourist, scientific research and providing employment for local people;

13. amazing opportunity for the local economy and education to expand the facilities on offer at the SSC;

14. the proposal would result in an improved centre that would build on solid foundations and good work of the existing SSC and increase the research capabilities and provide a platform to share research on marine life through a public programme of activities for all ages;

15. good consultation with locals and consideration of views given;

16. traffic management issues can and will be surmounted;

17. the existing centre is highly regarded and is a centre piece on which a thriving community has been built, and the proposed 'National Marine Centre' will encompass greater interpretation and will attract more visitors from around the country and world all year round;

18. the chance for North Berwick to become a centre of excellence for teaching and research in the field of marine conservation should be endorsed; and

19. the revisions to the original plans take on board comments raised by the community.

After the close of the statutory period to make representation to the application on 23rd June 2017 a further 12 written representations were received, however their content cannot be taken into consideration in the determination of this application. It can however, be noted that of those 12 representations, 4 object to the proposed development and 8 support it.

After the close of the second period to make representation to the application on 8th October 2017, a total of a further 11 written representations were received, however their content cannot be taken into consideration in the determination of this application. It can however, be noted that of those 11 representations, 8 object to the proposed development and 3 support it.

Additionally, Members should be aware that after the close of the second period to

make representation to the application on 8th October 2017, a petition, with both on-line and paper submission, containing some 2897 signatures has been received by the Council. The petition makes objection to the proposed development.

## NORTH BERWICK COMMUNITY COUNCIL

North Berwick Community Council, as a consultee on the application, objects to the proposed development and advises that their main concerns regarding the proposed development relate to the categories of:

### 1. Visual Impact:

- o The proposed development would be overlarge in terms of size and scale with a resulting harmful dominant visual effect on the views of and from the harbour, of, from and across Anchor Green, from the east (Milsey Bay) and from seaward;
- o Would be higher than existing buildings, changing the roof scape of the area;
- o Would unacceptably visually enclose an existing open area and its important sea views, an identified essential element of the character of North Berwick;
- o There is much praise for the existing building and recognition of its architectural significance however it is felt that whilst the wrap-around element of the proposed extension could be regarded as enhancing the existing building, creating a visible physical link to the sun-lounge as it stands now or in its extended form, would harm the views and form of the original building;
- o There is little doubt that the development would have a significant impact on the listed buildings and harbour area and it is difficult to see how this impact will be an enhancement of the sensitive, historic conservation area.

### 2. Effects of Construction:

- o Construction traffic, storage of materials and equipment would result in significant access issues for harbour users, residents and visitors;
- o The harbour area is thriving with numerous visitors attracted to the various commercial and leisure operations/businesses there and there is significant concern about the continued operation of these businesses during construction, both in terms of falling visitor numbers and the inevitable limited access. The Community Council would not wish to see the work of the Harbour Trust in making the area more attractive for visitors and businesses undermined;
- o The length of the construction period is not clear but is assumed to be not less than 18 months, this is a significant amount of time for small businesses to have their income reduced or stopped due to access and reduced attractiveness of the area;
- o Construction traffic, materials and waste will need to be transported into and out of the area along already congested roads and a one-way system, and concerns are raised about the impact on residents in nearby streets and how this traffic will be managed in the wider area.

### 3. Effects on Community:

- o It is assumed that the 'National Marine Centre' will attract many more visitors and this will affect any traffic management and parking strategies currently under development for North Berwick, and for which the North Berwick Community, including representatives from the Seabird Centre, have just engaged in an expensive charrette process for. It is disappointing that even before the charrette report and recommendations are published it may already be out of date with regards to the harbour area and town centre parking;
- o There is assumption in the application that more visitors to the new Centre will have a spin-off effect on the High Street and the local economy, again with no projected visitor numbers or analysis, any economic benefit must remain aspirational;
- o It is recognised that the Seabird Centre plays an important role in conservation

education with many schools organising visits and that the existing arrangements limit the capacity of the Centre to accommodate more education trips, and development therefore appears justifiable;

- o Increasing the number of school visits will have no economic benefit to North Berwick;

- o It is estimated that building the 'National Marine Centre' will result in a further 9 FTE jobs being created;

- o One of the attractions of the harbour area is being able to enjoy its atmosphere and surroundings and Anchor Green is used in a similar way by those with accessibility issues, and the proposed development will change the area including the part of Anchor Green that overlooks the harbour making this view only available to those who pay for it.

#### 4. Effects on heritage:

- o The proposed development will have a significantly harmful effect on the heritage assets on Anchor Green, with the potential to damage or destroy important archaeology including the disturbance of human remains in the cemetery;

- o The Heritage Statement acknowledges the harmful effect of the proposals but justifies them by stating that the proposed development is the minimum required to ensure the Centre's continuing viability. There is no evidence in the application on why this has been settled on as the minimum requirement or how it will ensure viability. In the absence of any such evidence the harm caused by the proposals is unacceptable;

- o Sustainability is not only concerned with environmental issues but also economic and social ones. There is no evidence that the proposals will make the Centre economically sustainable, nor that it has considered the short, medium and long term impact on the North Berwick community, therefore it is the Community Council's opinion that the proposed development is not sustainable.

#### 5. General Comments:

- o Whilst the Community Council in principle wish to support the Seabird Centre in its work this particular proposal has raised too many concerns. There is no doubt that the proposal has its supporters but the experience of the Community Council is that they are greatly outweighed by those who have concerns.

- o On the public consultation process carried out by the Seabird Centre and its staff, whilst there is an appreciation of the work put into the meeting by staff, there was a lack of information at these events about projections, planning specifics, etc, and that there were significant changes between what was shown at these events and the eventual planning application. The Community Council would like it to be noted that displaying possible plans in not public consultation.

North Berwick Community Council provided additional comments at the time of the second period of public representation to the application, which ended on 8th October 2017. Their comments at that time were:

- o That the proposed design alterations do not result in there being any significant differences to the proposed building, which would still be of a large scale, out of keeping with the other buildings around it and an over-development of a sensitive site;

- o The amended design would still have an adverse impact on the nearby heritage assets on Anchor Green, as well as on the harbour area and its users and visitors;

- o The financial information is an interesting read but does not reveal the underlying assumptions and how they have been derived, and the Community Council is not convinced that the increased employment will be of sufficient size and value to have any real impact on the local economy, multiplier effect, etc. Furthermore there is no information provided on procurement from local businesses or on displacement from local businesses;

- o The Community Council question the projected visitor numbers, which seem to be unsubstantiated;
- o The Green Travel Plan that highlights the provision and intention to encourage greater use of public transport is not sufficiently detailed to persuade us that this issue has been taken seriously by the Seabird Centre;
- o The projected increase equates to a need for an additional 200 parking places in a town that is already under extreme pressure for parking spaces especially during peak summer months;
- o No construction plan has been provided and there are no details of how this would be accomplished with minimum disruption to existing businesses and the potential for future new businesses in the harbour area; and
- o As far as the Community Council is aware no discussions have been held with residents, which does not reflect well on the Seabird Centre's commitment to community involvement.

## LOCAL DEVELOPMENT PLAN

The East Lothian Local Plan 2008 is the current adopted Local Plan for the East Lothian area. However, the applicant's Planning Statement and some of the public representations rightly identify that the policies of the proposed Local Development Plan are also relevant to the proposed development of the application site. Policies EMP2 (Operational Harbours), OS1 (Protection of Open Space), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) of the proposed Local Development Plan are relevant to the proposed development.

The proposed Local Development Plan was published for representation in 2016 and is presently at examination stage with the Scottish Government. Thus it cannot be accorded the same weight as an adopted plan. The adopted plan is the East Lothian Local Plan 2008.. Notwithstanding the consideration of the status of the emerging plan, the policy presumptions of Policies OS1, T1, T2, NH1, NH2, NH11, CH1, CH2, CH4, DP2 and DP5 of the proposed Local Development Plan are largely similar to the equivalent relevant policies of the adopted East Lothian Local Plan 2008. The exception to this is Policy EMP2 (Operational Harbours), which is a new policy provision for the area of the application site.

Proposed Policy EMP2 states that within harbour areas preference will be given to uses that relate to fishing or other industry connected to the harbour and that the Council will consider other uses provided they do not prejudice these uses.

In this case, although the whole site is within the area of coverage of proposed Policy EMP2, the majority of the land of the application site is not part of the operational working harbour area, rather the majority of the proposed development is proposed on land that is presently in use as public open space (i.e. Anchor Green) or would be an upward extension of an existing building. Only a small part of the proposed development, being that part of the extension and decking on the north side of the existing Seabird Centre building, would extend onto the harbour esplanade and dinghy park. As the area of the harbour esplanade and dinghy park that would be affected by the proposals would be small in size, it would not prejudice the principal operational harbour use of the harbour esplanade and dinghy park. Accordingly, the proposed development would not be contrary to proposed Policy EMP2 of the proposed Local

Development Plan.

## PROPOSED USE

The application site is within an area of mixed uses defined by Policy ENV2 of the Local Plan. Policy ENV2 states that uses appropriate to a town centre will be acceptable in principle. These uses include retail, business and office use, restaurants, leisure and entertainment. Policy ENV2 does not favour any one of these uses over another. Proposals that would have a significant environmental impact, particularly on existing housing, will not be permitted.

Although the application site is part of the mixed use area of the harbour/beach location of the town. This part of North Berwick is a 'hub' area for tourists and visitors, with attractions including the east and west beaches, the harbour, the Scottish Seabird Centre and other occasional events held on parts of Anchor Green and the harbour esplanade. The existing Scottish Seabird Centre is one of the attractions of this harbour/beach location. The proposed extension to that existing tourist attraction to create the proposed National Marine Centre, which would be a similar tourist attraction would in principle complement the existing facilities available to tourists and visitors who are already attracted to this part of North Berwick. By being a use appropriate to this mixed use area, the proposed extension to the existing Scottish Seabird Centre to create the proposed 'National Marine Centre' would in principle not conflict with Policy ENV2 of the adopted East Lothian Local Plan 2008.

## SCOTTISH WATER AND FLOOD RISK

Scottish Water has been consulted on the application and advise that they have no objection to the proposed development. A copy of its response has been forwarded to the applicant's agent for their information.

Parts of the northern, western and eastern areas of the application site, specifically at the lower level of the harbour esplanade and dinghy park, are identified as being within the Coastal Flood Risk envelope of the Indicative River and Coastal Flood Map (Scotland) as defined by the Scottish Environmental Protection Agency.

SEPA advises that the application site is within an area that is at risk from flooding, however, it refers to Scottish Planning Policy: June 2014, which states that the precautionary approach to flood risk does not apply to alterations and small scale extensions to existing buildings provided that they would not have a significant effect on the storage capacity of the functional flood plain or local flooding problems. SEPA comments that the proposed development is for the alteration and extension of an existing building and subject to the Council's Flood Prevention Officers being satisfied that the proposed development would not have a significant effect on the storage capacity of the functional flood plain or local flooding problems, it raises no objection to the proposed development on flood risk grounds.

SEPA does however recommend that flood resistant and resilient materials are used in any construction works. It supports the use of hermetically sealed doors within the proposed development and recommends that electrical cabling should not be placed under the ground floor but instead should be suspended around walls and from ceilings, electrical sockets should be raised above skirting boards and any internal plaster boards should be laid horizontally.

The Council's Structures, Flooding and Street Lighting Team Manager advises that he concurs with SEPA's recommendations relating to flood resistant and resilient materials

being used in any construction works, the use of hermetically sealed doors and the locational positioning of electrical cabling and electrical sockets, and the horizontal laying of internal plaster boards. He notes that the application drawings propose some flood resistant and resilient measures, and recommends that the requirement for the use of flood resistant and resilient measures to be used in any construction should be controlled by a condition attached to any grant of planning permission for the proposed development.

Subject to this control SEPA and the Council's Structures, Flooding and Street Lighting Team Manager raise no objection to the proposed development on flood risk grounds. Accordingly, the proposed development does not conflict with Policy DP16 of the adopted East Lothian Local Plan 2008 and Scottish Government guidance on flood risk given in Scottish Planning Policy: June 2014.

SEPA also notes that the proposed development would be a business risk to the applicant and suggest the applicant may wish to consider insurance premium costs associated with the buildings. SEPA also recommends that the applicant give consideration to putting in place an evacuation plan for the building and a plan to close it to the public when significant storm surge tides are expected. These matters are not within the remit of planning legislation but rather are for the applicant to consider in terms of ensuring its buildings are adequately insured and in terms of its public safety responsibilities.

## ARCHAEOLOGY

With regard to archaeological sites and monuments, Scottish Planning Policy: June 2014 states that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by Planning Authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 2/2011: Planning and Archaeology advises similarly.

The application site is in close proximity to the scheduled monument of St Andrews Church, and as such Historic Environment Scotland has been consulted on the application. Historic Environment Scotland advises that it does not have any comments to make on the proposed development.

Although Historic Environment Scotland has no comments to make on the proposed development it recommends that the Council's Archaeology Officer is consulted on the proposals.

A Heritage Impact Assessment (September 2017) has been submitted with the application. After considering that document, the Council's Archaeology Officer advises that he is of the opinion that the potential impacts on buried archaeological remains and upstanding heritage assets set out in the Heritage Impact Assessment (September 2017) have been underestimated.

In terms of the direct impacts of the proposed development on the buried archaeology of the area, the Archaeology Officer advises that the site is in close proximity to the scheduled monument of St Andrews Church and in an area known to contain

significant buried archaeological remains. He recommends that an Archaeological Programme of Works (Full Archaeological Excavation), to mitigate the direct impacts of the proposed development upon the Historic Environment is required. This could be secured through a condition attached to any grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy ENV7 of the adopted East Lothian Local Plan 2008.

## HABITAT IMPACT

Due to the application site being immediately adjacent to the Firth of Forth special protection area (SPA) and site of special scientific interest (SSSI), Scottish Natural Heritage (SNH) have been consulted on the application.

A Habitat Regulations Assessment (HRA) has been submitted with the application. SNH and the Council's Biodiversity Officer have carefully considered that document.

SNH advises that the proposed development would have a likely significant effect on several Natura Sites, including the Firth of Forth Special Protection Area, the Forth Islands Special Protection Area, the Outer Firth of Forth, St Andrews Bay Complex SPA and the Firth of Forth SSSI, which are internationally important natural heritage sites, through potential disturbance or displacement of birds during construction or alteration at the site, and has the potential to impact upon marine mammals through piling works during construction. The impacts of the proposed development could be through construction disturbance (noise and visual), including underwater noise and vibration, and displacement, operational disturbance (noise and visual) and displacement and operational lighting. SNH further advises that appropriate mitigation could allow the proposals to be progressed.

Thus, SNH raises objection to the proposed development unless the mitigation measures set out in section 6 of the submitted Habitat Regulations Assessment (HRA), as set out below, are secured through planning controls:

- o Construction works on the eastern side of the proposal, which directly abuts the coastal SPA, should be restricted to the summer months only (May to August inclusive) to avoid peak times when the qualifying interests are present (e.g. overwintering and breeding bird populations);
- o Screening of the construction area on the eastern side of the proposal should be undertaken;
- o Use of 'soft start' techniques for any piling and rock breaking activity to avoid sudden unexpected disturbance;
- o Construction and operational lighting should be designed to minimise the location and number of lights, intensity, etc.;
- o Control of lighting, including sources, directions and timings, etc.;
- o Measures to reduce light spill; and
- o Control of opening hours to minimise any noise disruption.

These matters could be controlled by conditions attached to any grant of planning permission for the proposed development.

SNH also advises that the coastal bedrock around North Berwick includes exposed igneous (volcanic) rocks dating to the Carboniferous - Permian periods. However, after further consideration of the proposals, including the application drawings, SNH advises that there should be no impacts from the proposals upon the geological feature.

In conclusion, SNH advises that subject to securing the earlier seven mitigation points, and alongside consideration of the parameters of the proposals, which help to mitigate impacts, it is satisfied that the proposals would not have an adverse effect upon the integrity of the earlier listed Natura Sites.

The Council's Biodiversity Officer has undertaken an appropriate assessment of the proposed development to determine whether displacement or disturbance will affect the integrity of the SPA. The SPA has been designated because of its importance to over-wintering waders and wildfowl. The boundary extends between the high and low water mark from the Fife coast, upstream to Stirlingshire and back down the Lothian coast, ending at Dunbar. The proposal is identified as having the potential to impact on the SPA through disturbance and displacement of species caused by noise or visual impacts during construction work, underwater disturbance or displacement of species caused by noise and vibration during construction work and through noise, and visual and lighting disturbance of species during operation of the new centre. The appropriate assessment concludes that the proposed development would not cause a loss of habitat from the SPA, that there is an existing level of disturbance caused by people and dogs walking on the beach, which is long established and will extend into the future. Thus, it is anticipated that birds relevant to the SPA will not be observed in this area in any great number. Any disturbance by construction and operation of the proposal can be reduced by following the measures defined in section 4.4 of the appropriate assessment, which should be secured by planning controls. Subject to the recommended controls, which are the same as those recommended by SNH, the proposals will not affect the integrity of the SPA, either in isolation or in combination with other neighbouring proposals.

Accordingly, subject to the aforementioned planning controls the proposed development would not have an adverse effect on the conservation interests of the SPA or the objectives of designation of the SSSI and does not therefore conflict with Policies NH1a and NH1b of the adopted East Lothian Local Plan 2008.

## NOISE IMPACT

Local Plan Policy ENV2 requires that the proposed development should not have a significant environmental impact, particularly on existing housing.

The Council's Environmental Protection Service advises that it has concerns that noise associated with the operation of any plant and equipment in the operational use of the proposed development could result in a loss of amenity to the occupiers of neighbouring residential properties. In order to mitigate for this, the Environmental Protection Service recommend that plant and equipment should be selected, designed and located so that noise associated with their operational use not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300 - 0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700 - 2300 within any residential property (all measurements to be made with windows open at least 50mm). These controls could be secured by a condition attached to any grant of planning permission for the proposed development. Subject to this control the Council's Environmental Protection Service is satisfied that the operation of the proposed development would not have a harmful impact on the amenity of the area, including the amenity of the nearby residential properties in the locality.

The applicant's agent has disputed this conditional control and proposed a different wording which they feel is more appropriate given that the proposals are an extension of the existing Seabird Centre. Their proposed wording seeks to limit noise emanating



from plant and equipment associated with the proposed development to the existing noise rating curve level between the hours of 2300 - 0700 and to not exceed 65dBA at a distance of more than 3 metres from the plant between the hours of 0700 - 2300.

The Council's Environmental Protection Service advises that the NR criteria proposed in his recommended condition would offer sufficient protection of the amenity of nearby residential properties, but that the proposed 65dBA criteria suggested by the applicant's agent does not take account of tonal elements that may be associated with plant/equipment and would therefore not sufficiently protect the amenity of nearby residential properties. It would therefore be prudent to impose the controls recommended by the Council's Environmental Protection Service, rather than those recommended by the applicant.

## TRANSPORT

There are no off-street car parking spaces on the application site and none can be provided as there is no available land there sufficient to accommodate them.

The proposed development is, however, within reasonable walking distances from the North Berwick railway station and town centre bus stops. Thus, it would be capable of being conveniently and safely accessed by public transport, on foot and by cycle, as well as by private car.

The Council's Road Services comments that the existing Seabird Centre currently attracts a substantial amount of visitors to the area, and that the proposed development to create a 'National Marine Centre' through the extension and alteration of the existing Seabird Centre and sun-lounge buildings is predicted to result in a significant increase in the number of visitors to the area, which would place pressure on the existing town infrastructure in terms of parking. Road Services further comments that as there is no space on the site on which to provide off-street parking, it is important that the Seabird Centre address this through promoting sustainable travel options to its visitors.

A Green Travel Plan (GTP) has been submitted with the application and Road Services have considered that document. Road Services advises that the GTP actively looks to promote the use of sustainable travel via the Seabird Centre website and leaflets and that visitors are given a 20% discount if they show a valid sustainable travel ticket on entry to the Centre.

Furthermore, Road Services advises that the reintroduction of Parking Attendants in North Berwick and elsewhere in East Lothian ensures that visitors to the Seabird Centre and other parts of North Berwick who arrive by car cannot now park in the Town Centre all day due to the 90 minute waiting restrictions, the result being that visitors arriving by car who intend to stay longer than 90 minutes must now seek alternative long-term parking further afield in areas of unrestricted parking (e.g. the rugby club car park).

In respect of the arrival of visitors by private coach/bus, Road Services advises that there are no bus parking bays in the vicinity of the application site and, as is the present situation, buses would have to drop off their passengers and then seek to find an alternative location to park (e.g. the rugby club car park, which has space to accommodate these large vehicles). Buses could return to collect their passengers at an allotted time by a phone-call from the trip organiser.

In conclusion, given the development of the Green Travel Plan with good sustainable initiatives, and the Seabird Centres willingness not only to develop the GTP but to

monitor and improve sustainability of the development, and given the existing parking controls in the vicinity of the proposed development and the Town Centre, Road Services raises no objection to the fact that no off street parking spaces are to be provided. In this, they are satisfied that the parking demand associated with the proposed development would not be harmful to road and pedestrian safety. Road Services do however recommend that the following matters are made conditions of any grant of planning permission:

- o The Green Travel Plan, which encourages the use of alternative modes of transport such as trains, buses, cycling and walking, shall be adopted and shall be monitored on a yearly basis with the reports submitted to ELC Road Services for review in order to establish if any further mitigation or measures are required to be developed moving forward; and

- o Prior to the commencement of development on the site, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to / from the site) and shall include hours of construction work.

Accordingly, and subject to the aforementioned controls, the proposed development is not inconsistent with Policies T1, T2, DP18 and DP22 of the adopted East Lothian Local Plan 2008.

Through the findings of the above transportation and environmental considerations and the controls recommended by the Council's Environmental Protection Service and Road Services the proposed development does not conflict with Policy ENV2 of the adopted East Lothian Local Plan 2008.

#### PRIVACY AND AMENITY

The nearest neighbouring residential properties are 32 Victoria Road (Fisherman's Hall) on the east side of Victoria Road and the row of terraced properties of 17 to 45 Victoria Road (odd numbers only) and the flats of the Old Granary at Harbour Terrace, respectively, on the west side of Victoria Road and the harbour.

Local Plan Policies ENV2, DP2 and DP6 require amongst other considerations that the proposed development should not have a significant environmental impact on existing housing and should not have a harmful impact on privacy and amenity of neighbouring residential properties through a loss of sunlight, daylight or through overlooking.

By virtue of their size, form, height, positioning and orientation to neighbouring properties, the proposed extensions to the existing Seabird Centre and sun-lounge buildings would not result in a harmful loss of sunlight or daylight to any neighbouring property.

Nor due to its positioning and orientation to the nearest neighbouring residential properties, would the proposed development have any windows within 9 metres of the private garden of any residential property or within 18 metres of any directly facing windows of any neighbouring residential property.

At their closest, the windows of the southwest elevation of the proposed first floor extension to be added to the sun-lounge building would be some 3.5 metres away from the second floor windows and attic level dormers of the northeast elevation of the East

Lothian Yacht Club building of 38-40 Victoria Road. It is understood that those windows serve storage, kitchen and meeting room space. The southwest extent of the proposed roof terrace of the proposed observation tower extension to the sun-lounge building would be some 13.5 metres away from the windows of the northeast elevation of the East Lothian Yacht Club building. As such the roof terrace and the windows of the southwest elevation of the first floor extension to be added to the sun-lounge building would be less than 18 metres away from those windows. However, the windows and roof terrace of the proposed development would be facing the windows of another charity / business property (i.e. the East Lothian Yacht Club building) which is not afforded the same privacy requirements as would be the private garden or accommodation of a residential property. Thus, the proposed development would not allow for harmful overlooking of any neighbouring property.

Accordingly, on these matters of privacy and amenity, the proposed development would not conflict with Policies ENV2, DP2 and DP6 of the adopted East Lothian Local Plan 2008.

## ARTWORK

Given the scale of the proposed development and its prominent public location, if planning permission were to be granted it would be appropriate for artwork to be incorporated either as an integral part of the overall design of it or as a related commission to be located on the site or in an approved alternative location. This could be achieved by means of a condition on a grant of planning permission, subject to which the proposals would be consistent with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008.

## VISUAL IMPACT

It is now necessary to assess the impact of the proposed development on the visual amenity of the area, including the character and appearance of the Conservation Area, and on the setting of nearby listed buildings and on that of the scheduled monument of St Andrews Church.

North Berwick is a popular tourist destination in East Lothian with attractions including its beaches, the natural beauty and wildlife of the surrounding coastline, as well as the leisure facilities of the golf courses of the area, and commercial attractions of the town, including shops, cafes, restaurants and the existing Scottish Seabird Centre. The harbour area as a whole, including Anchor Green, is one of the main attractions of the town and contributes to the popularity of North Berwick as a tourist destination.

The North Berwick Conservation Area Character Statement of the adopted East Lothian Local Plan 2008 identifies the oldest areas of the present town as being around the harbour area, Quality Street and High Street, where buildings are tightly packed and streets are narrow. The Character Statement goes on to explain that the relationship of the height of the buildings to the width of the streets of the earlier parts of the town form intimate, human scale spaces with the built form reflecting North Berwick's windy, coastal position. Of the harbour promontory, the Character Statement states that this part of the town retains many of its distinctive former warehouses and stores, some of which have been adapted to new uses and that most houses in the approaches to the harbour are small scale. The statement identifies the Scottish Seabird Centre building as a good example of a modern building that manages to harmonise both with its shore location and existing buildings of this part of the Conservation Area, and which is a landmark building standing alone in an open position.

The Conservation Area Character Statement further explains that glimpses of the sea between the buildings are part of the seaside town's character, as are the views of the harbour promontory from North Berwick Bay (to the west), where the harbour buildings and sky are reflected in the sea. The Character Statement further identifies that views across the Conservation Area from the East Links and the higher ground to the south are also distinctive, showing the old town nestled around Milsey Bay (to the east) in its setting of sea and farmland.

The harbour area is characterised by the dominant presence of the former granary and storage buildings and the harbour walls. The harbour-side buildings are of a variety of ages, architectural forms, designs and heights. The building at 38-40 Victoria Road (occupied by the East Lothian Yacht Club (ELYC)), a former granary building, makes a strong contribution to the group of harbour-side buildings in which it sits.

The two and a half storey ELYC building at 38-40 Victoria Road is listed as being of special architectural or historic interest, Category B. Principal views of this listed building are from the harbour to the northwest and northeast, with additional views from Anchor Green to the southeast and in approaches from the southwest along Victoria Road. It is presently one of the dominant buildings of the harbour and is a focus of its setting.

The Harbour itself is also listed as being of special architectural or historic interest, Category B.

Another dominant building is the three and a half storey building of Harbour Terrace, which is a former granary building that is now in residential use.

This juxtaposition of different scales and forms of buildings around the harbour is part of what gives it its distinct character, identity and atmosphere.

Anchor Green is also part of the harbour promontory and is located between Melbourne Road and the harbour esplanade. It is a historic area of open space adjacent to the harbour and the remains of the scheduled ancient monument of St Andrews Church. It is an attractive green space between the Seabird Centre and sun-lounge buildings with a formal viewing platform at its northern end to the east of the top of the public steps that lead down to the harbour esplanade and dinghy park. Part of the character of Anchor Green is derived from its openness and the views from it to the east beach, to the north towards the harbour esplanade and beyond to the rocks of the foreshore and the Firth of Forth and its islands beyond, and the views that it affords south from the harbour, between the existing Seabird Centre and sun-lounge buildings. The link and vistas between Anchor Green and the Category B listed harbour is part of the character of this part of the North Berwick Conservation Area. Anchor Green also provides the open setting within which the existing Seabird Centre building sits (as noted in the North Berwick Conservation Area Character Statement).

Although of a modern and distinctive architectural form and character, the existing Scottish Seabird Centre building sits comfortably in its setting alongside the existing historic buildings and within the openness of Anchor Green and does not detract from the character of this part of the North Berwick Conservation Area. In its position and by virtue of its size and scale, the Scottish Seabird building allows for the retention of views from around Anchor Green, towards the Firth of Forth and foreshore and south towards the town and North Berwick Law.

Local Plan Policy ENV3 states that new development that harms the setting of a listed building will not be permitted.

Policy ENV4 states that all new development in Conservation Areas must be located and designed to preserve or enhance their special architectural or historic character and appearance, and that new development should accord with the size, proportions, orientation, positioning, density, materials and boundary treatment of nearby building and public and private spaces.

Policy ENV7 states that development that would harm a site of archaeological interest or its setting, particularly a scheduled ancient monument will not be permitted, with the exception of a situation where archaeological advice concludes that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations, including the benefits of the proposed development.

Policies DP2 and DP6 require that, amongst other considerations, new development should be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale, and use a limited palette of materials and colours that complement its surroundings and in the case of extensions to existing buildings be in keeping with that building. Furthermore, that new development must retain physical or natural features, which are important to the amenity of the area or provide adequate replacements.

Policy C3 seeks to ensure that recreational, leisure and amenity open space and facilities, which make a significant contribution to the recreational needs of the community or the amenity or landscape setting of an area will be retained in use as such. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and: (i) the loss of the a part of the land would not affect its recreation, amenity or landscape potential or (ii) alternative provision of equal community benefit and accessibility would be made available or (iii) provision is clearly in excess of existing and predicted requirements.

All of the proposed extensions to the existing Seabird Centre and sun-lounge buildings would be readily visible in public views, in a variety of long and short range views from the harbour, esplanade and dinghy park to the north, the east beach and Melbourne Road to the east, Anchor Green, Victoria Road and Melbourne Road to the south and the west beach and Beach Road to the west. They would also be visible in long range views from further to the east and west, and from higher vantage points, including North Berwick Law to the south.

The two-storey (lower ground and ground floor) extension, including the external deck, to be added to the north and east sides of the existing Seabird Centre building would be of an architectural form, height, size and proportion in keeping with that existing building and would, in itself, be a subservient addition to the existing building. The copper cladding of its roof and otherwise the palette of finishes of its external walls, including its windows and doors, and the external deck at ground floor level would be in keeping, respectively, with the roof form of the existing building and the palette of external finishes of the existing building.

Although the proposed two storey extension would alter the distinct form of the existing Seabird Centre building, by virtue of its similar roof form and architectural detailing, and its height, size, scale, proportion and positioning, and subject to controls requiring specific samples of the materials to be used for its external finishes being submitted for the approval of the Planning Authority, a detail that could be controlled by a condition attached to a grant of planning permission, it would nonetheless complement that existing building and would not detract from its distinct character and appearance. As a subservient and sympathetic addition to the existing Seabird Centre building the

proposed two-storey extension to be added to its north and east elevations would not have a detrimental impact on the character and appearance of the building and would not cause the building to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed alterations to the existing roof of the existing Seabird Centre building to remove an existing inset dormer of the northwest part of its the roof and to relocate two existing roof flues of its east elevation roof slope would be relatively minor in nature. The new areas of roofing would be of the same form and profile as the existing roof of the building and would be finished with copper cladding to match the copper of the existing roof of the building. The two proposed roof flues would be located some 2 metres to the south of the position of the existing two flues and would be of a similar form and appearance as those existing flues. The proposed new entrance door of the south elevation of the existing building would be of timber and glazed construction. The new door would be similar in form and appearance to the existing main entrance door of the building that it would replace. By virtue of their size, form, appearance, finishes and positioning the proposed alterations to the roof of the existing Seabird Centre building and the proposed new entrance door would be in keeping with that existing building and would be sympathetic alterations to that existing building. They would not have a detrimental impact on the character and appearance of the building and would not cause the building to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed lower ground floor extension that would be formed beneath Anchor Green, once completed, would not be readily visible in public views. Only its north elevation and the hard landscaping and retaining walls associated with it would be visible from the harbour esplanade and dinghy park to the north. Those parts of it would be finished in a palette of materials, including whinstone and timber, to match the existing finishes of the lower ground floor north elevation walls of the existing Seabird Centre building. Due to its predominantly underground positioning and its appropriate palette of external finishes for the parts of it that would be visible, and by virtue of its size, form and appearance, the proposed lower ground floor extension would not have a detrimental impact on the character and appearance of the building and would not cause it to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed single storey extension to be added to the southeast elevation of the sun-lounge building would extend across the majority of that elevation of the building. It would be of a contemporary flat roofed form with a sedum roof with copper eaves. By virtue of its size, height, scale, proportion and its positioning, the proposed single storey extension would be a subservient addition to the existing building. Although it would be of a significantly different architectural form and appearance to the existing sun-lounge building its contemporary architectural form and appearance would contrast harmoniously with the more traditional solid architectural form and character of the sun-lounge building in a manner that would not harmfully detract from the character and appearance of that existing building.

Its palette of external finishes of vertical timber cladding for its external walls and copper and sedum for its roof would harmoniously contrast with the natural red sandstone finish of the existing building, and would be reflective of the external finishes of the existing Seabird Centre building on the opposite (east) side of Anchor Green. The large areas of glazing of its walls and the grey painted metal framing of its window and sliding doors would be in keeping with the contemporary architectural design and character of the proposed single storey extension. As a subservient and sympathetically contrasting addition to the existing sun-lounge building the proposed

single storey extension to be added to its southeast elevation would not have a detrimental impact on the character and appearance of that building and would not cause it to appear harmfully dominant and intrusive within the streetscape or the area.

The proposed new entrance ramp to be formed on the northwest side of the building would be of a similar form and appearance to the existing entrance of the building and would not in itself be harmful to the character and appearance of the existing sun-lounge building.

As appropriate, sympathetic and complementary additions to the existing Seabird Centre and sun-lounge buildings, the two storey (lower ground and ground floor) extension to be added to the north and east sides of the existing Seabird Centre building, including its external deck, the proposed lower ground floor extension to the west of the existing Seabird Centre, the alterations to the existing Seabird Centre building, the proposed single storey extension to be added to the southeast elevation of the existing sun-lounge building and the proposed entrance ramp to be added to the northwest elevation of the sun-lounge building would not cause those buildings to appear harmfully dominant and intrusive within the streetscape. By virtue of their positioning on the respective buildings, these specific extensions and alterations would not, of themselves or together, cause the buildings to appear harmfully dominant and intrusive in the streetscape.

Although the proposed single storey extension to be added to the southeast elevation of the sun-lounge building would extend onto the public open space that is Anchor Green, it would not block any existing views between the buildings or enclose the northern end of Anchor Green. Moreover, it would result in the loss of only a small part of that area of public open space, which would otherwise for its major part be retained for its continuing use as an area of public open space. Due to their size, height and form and their positioning on the existing buildings these proposed extensions and alterations would not detract from the openness of the northern end of Anchor Green and otherwise would not be harmful to the character and appearance of this part of the North Berwick Conservation Area.

Due to their size, height, form and positioning, including where relevant the intervening larger form of the existing Seabird Centre building, and the minor nature of the alterations to the roof and main entrance of the existing Seabird Centre building, the proposed two storey extension to be added to the north and east elevations of the existing Seabird Centre building, the proposed minor alterations to the roof and entrance of that building, the proposed lower ground floor extension to the west of the existing Seabird Centre, the proposed single storey extension to be added to the southeast elevation of the existing sun-lounge building and the proposed entrance ramp to be added to the northwest elevation of that building would not have a harmful impact on the setting of the Category B listed buildings of the Harbour and the East Lothian Yacht Club building at 38-40 Victoria Road. Nor would they be harmful to the setting of the scheduled ancient monument of St Andrews Church.

These specific elements of the proposed development would not in themselves or together have a detrimental impact on the character of this part of the North Berwick Conservation Area or the setting of the heritage assets of the Category B listed harbour and the building of 38-40 Victoria Road and the scheduled ancient monument of St Andrews Church.

However, when combined with the other elements of the proposed development, specifically the single storey extension to be added to the west elevation of the existing Seabird Centre building, the single storey linking bridge extension, and the first and

second storey additions and the alterations to the existing sun-lounge building, the overall proposals would have a significantly greater and adverse impact on these features of the locality and on this part of the North Berwick Conservation Area.

The Council's Archaeology Officer has considered the Heritage Impact Assessment submitted with the application along with the application drawings. He advises that, whilst in general the methodology used for the Heritage Impact Assessment is acceptable, he disagrees with the conclusions of it and is of the opinion that the indirect impacts of the proposed development on the heritage assets would be greater than the report suggests. The Archaeology Officer advises that in respect of the scheduled ancient monument of St Andrews Church, the proposed development would adversely affect the openness of the area of the scheduled monument by effectively enclosing the northern end of Anchor Green. He explains that the relationship between the scheduled monument and the sea and sky is a critical part of the understanding and sense of place of the scheduled monument, and that notwithstanding the use of glazing in the proposed extension to be added to the west side of the existing Seabird Centre building, and the proposed linking bridge extension, the proposed development would have a significant impact on the appreciation and understanding of the scheduled monument.

The Archaeology Officer advises that due to its massing and height the proposed first and second floor extensions to the existing sun-lounge building would exert a dominance over the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club building). He further advises that due to its massing and height, the proposed observation tower would magnify the enclosure of the northern end of the scheduled monument (Anchor Green), and would be visually dominant over the neighbouring listed building and the harbour area as a whole.

The Council's Landscape Projects Officer also raises concerns regarding the massing and height of the proposed first and second floor extensions to be added to the existing sun-lounge building, which he advises would be very obtrusive and would detract from the architectural form and appearance of the existing Seabird Centre building within its harbour setting.

The Council's Archaeology Officer provided further comments on the proposed development following the amendments to it which reduced the height of the proposed observation tower by some 1.6 metres, altered the roof form of the proposed tower from pitched roof to a flat and mono-pitched form, increased the amount of fenestration of the northeast end of the existing sun-lounge building and of its proposed first floor extension altered the cladding of the external walls of the northeast end of the proposed sun-lounge building upward extension, and altered the form and appearance of the balustrade of the proposed observation tower.

In respect of the amended proposal, the Archaeology Officer advises that it, and the proposed observation tower in particular, would still have an unacceptable impact on the scheduled monument of St Andrews Church, the listed buildings of the Harbour and the ELYC building and on the Conservation Area, and would detract from the setting and character of those assets and the Conservation Area.

The Archaeology Officer further advises that, whilst the existing Seabird Centre building works well with the character of the Conservation Area, the massing and scale of the proposed development and the use of modern materials and different levels would alter what was an interesting counterpoint of a modern structure within a clearly historic area into a modern structure which would dominate the area, contrary to Scottish Planning Policy and Local Development Plan policies in that the listed



structures of the harbour and Yacht Club building would be seen as subservient to the new structure.

Furthermore, the Archaeology Officer advises that the perceptual enclosing of Anchor Green by the proposals would be a significant detrimental impact upon the scheduled monument of St Andrews Church as its relationship with its surroundings would be greatly reduced and the ability to appreciate the scheduled monument and its place in the landscape would be adversely affected, again counter to Scottish Planning Policy and Local Development Plan policies.

He concludes that although the modifications made to the proposals have slightly reduced the impact on the historic environment, the proposed development would still result in unacceptable harm to the historic environment, and unless there were radical changes to the proposals it seems unlikely that the impacts could be reduced to an acceptable level. The Archaeology Officer notes that the applicant is of the view that significant changes, which may have the potential to bring the proposals to an acceptable level of impacts on the Historic Environment, are likely to make the project unviable.

The proposed single storey extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be of a contemporary but contrasting flat roofed form and thus would in themselves be of an architectural form and appearance different to that of the existing Seabird Centre and sun-lounge buildings.

It is noted that the west elevation of the proposed single storey extension to be added to the west elevation of the existing Seabird Centre building would be positioned roughly on a similar alignment as the west elevation of the former pavilion building that was on the site of the existing Seabird Centre building prior to the Seabird Centre's construction. However, that former building was positioned at the lower ground level of the harbour esplanade and dinghy park and not at the higher ground level of Anchor Green, and as such, and as can be seen in the historic photographs submitted with the application, the former pavilion building did not result in the enclosure of the northern end of Anchor Green and so did not block the views between the harbour area and Anchor Green or disrupt that historic relationship.

The proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be single storey in height and thus would be subservient in height, form and massing to that existing building. However, these proposed extensions would extend across the full width of the gap between the two existing buildings at the northern end of Anchor Green, over the top of the existing steps that provide access to the harbour area and dinghy park and would link the existing Seabird Centre building with the sun-lounge building. Such form of proposed extension would result in the removal of the existing formal public viewing platform that is located to the east of the top of those existing steps. Whilst the public steps would still remain in their proposed altered form, the physical built form of the proposed extensions would effectively result in the enclosure of the presently open northern end of Anchor Green resulting in the loss of the public views between the harbour and Anchor Green, which are a characteristic feature of this part of the Conservation Area.

In this, it is worth noting that the character of Anchor Green and its relationship with the harbour area is an intrinsic element of the character of this part of the North Berwick Conservation Area. Anchor Green is a sheltered green space that is in direct contrast to the surrounding harbour and beach environment. The Conservation Area Character

Statement identifies the glimpses of the sea between buildings as part of the seaside town's character as are the views of the harbour promontory from the bays to either side of it. One of those views is presently taken between the Seabird Centre and sun-lounge buildings. Furthermore it has a direct relationship with the Category B listed Harbour to the north and northwest and the Category B listed building of the East Lothian Yacht Club building at 38-40 Victoria Road to the west.

The proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be to the detriment of the open character of Anchor Green and would be harmful to the character and appearance of the Conservation Area.

Moreover, by blocking the established open public views between the harbour area and Anchor Green, which are a characteristic feature of the setting of the Category B listed Harbour and of the East Lothian Yacht Club building at 38-40 Victoria Road to the southwest, the proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would be harmful to the setting of those listed buildings.

The loss of the visual connection between Anchor Green and the harbour area would also have a detrimental impact on the appreciation and understanding of the scheduled ancient monument of St Andrews Church and the harbour. The route from the scheduled monument of St Andrews Church to the harbour was the route that pilgrims took on their journey to St Andrews in Fife, and is an important part of appreciation and understanding of the scheduled monument. Although the route itself would not be lost as the altered public steps would continue to provide access between Anchor Green and the harbour area, there would nonetheless be a physical disruption of the route and a physical loss of the open space between the existing Seabird Centre and sun-lounge buildings to the detriment of the setting of the scheduled monument.

Photomontages provided in the supporting documents give the impression that, due to their predominantly glazed form, the proposed single storey extension to be added to the west side of the existing Seabird Centre building and the linking bridge extension, would be visually permeable, and thus would allow views through them between Anchor Green and the harbour area. It is stated in the Design & Access Statement that the introductory exhibition that would be housed in that proposed part of the building would be intended to attract visitors into the exhibition but would be designed to ensure that this area retains a sense of openness to minimise the impact on the views through the building. However, it seems unlikely that this area would remain free of exhibition materials but rather that it would inevitably contain exhibition materials that would to some extent fill this space and block the views through it.

Moreover, it should be noted that if planning permission were to be granted for the proposed development, the Planning Authority would have no control over the positioning or quantity of such internal layout and display.

It is noted that the palette of external finishes of the proposed extension to be added to the west side of the existing Seabird Centre building and the proposed linking bridge extension would incorporate materials that reflect the finishes of the existing Seabird Centre building, including the re-use of the natural whinstone from the down-takings of part of the existing elevation walls of the existing Seabird Centre building and its associated retaining walls. However, this in itself is not sufficient to outweigh the negative impacts of the proposals on the character of this part of the North Berwick Conservation Area, the setting of the listed buildings of the Harbour and the East Lothian Yacht Club building at 38-40 Victoria Road and on the setting and appreciation

of the scheduled ancient monument of St Andrews Church.

The existing sun-lounge building is some 7.0 metres in height above the ground level of the harbour esplanade. At present it sits comfortably and unobtrusively in its relationship with the other buildings of the harbour area. By its height and form it does not intrude harmfully on the setting of the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) or the Category B listed Harbour. Nor does it impose itself on the setting of the scheduled ancient monument of St Andrews Church or the openness of Anchor Green. The existing sun-lounge building has a distinct character and appearance reflecting its former use within the harbour area and is a long-standing part of the Conservation Area.

The proposed alterations and extensions to the sun-lounge building would radically alter the appearance of the existing building.

As part of the alterations to the existing sun-lounge building it is proposed to replace all of the existing windows and doors of its northwest and northeast elevations. The majority of the windows and doors would be replaced with grey painted metal framed windows of different fenestration patterns and opening proportions. In the case of the ground floor windows of the northeast end of the building, the areas of stone between these windows would be removed and new glazed curtain walling is proposed to wrap around the northeast end of the ground floor. Vertical timber cladding is proposed to be used to infill parts of some of the ground floor window openings.

The existing windows of the northwest and northeast elevations of the sun-lounge building are timber framed casement windows with timber mullions. Although there are differences between the lower ground floor and ground floor windows of those elevations of the sun-lounge building, there is nonetheless a uniformity of design to those two groups of windows. It is in this context that the proposed metal framed windows must be viewed.

The appearance of the existing windows and doors of the northwest and northeast elevations of the existing sun-lounge building is part of the architectural character of that building and although their appearance differs between the lower ground and ground floors, there is nonetheless a uniformity of appearance to the windows and doors of those elevations. The proposed new windows and doors would not replicate the pattern of glazing of the existing windows and doors but would be of a more plain glazed pattern with fewer horizontal transoms and vertical mullions. In this although they propose their own uniformity on the lower ground and ground floors, they are distinctly different to the appearance of the existing windows and doors and thus distinctly change the appearance of the existing building in a manner harmful to the character and appearance of that building. Moreover, the proposed windows and doors would be of metal framed construction rather than the painted timber construction of the existing windows and doors. The use of metal framing as a replacement for timber framed window would not usually be supported where such windows and doors would be visible in a Conservation Area. The proposed replacement windows of the windows and doors of its northwest and northeast elevations not be in keeping with and appropriate to the existing building and thus would be harmful to the character and appearance of this part of the Conservation Area.

The proposed upward extension to the existing sun-lounge building would add a first floor and second floor to the existing building, which presently comprises ground floor and lower ground floor levels. The proposed first floor extension would comprise predominantly of office accommodation and the proposed second floor extension would

comprise the observatory level of the new exhibition space. The proposed extension would be of a contemporary contrasting architectural form to that of the existing sun-lounge building. The roof of the proposed first floor would be dual pitched and would be clad with standing seam copper. In contrast, the roof of the proposed second floor observatory tower would be part flat and part mono-pitched and would be clad with a combination of single ply roofing membrane and standing seam copper. The parapet wall of the northwest elevation of the existing sun-lounge building would be increased in height by some 600mm in natural red sand stone to match the existing stone finish of the walls of the building. With a palette of external finishes of vertical timber cladding for its external walls and standing seam copper, single ply roofing membrane and sedum green roof system for its roofs, the proposed extension would be of a contemporary and contrasting architectural form and appearance, distinctly different to that of the existing sun-lounge building.

The proposed upward extension of the existing sun-lounge building would be readily visible in views from around the harbour area and from further afield across the bays to each side of the harbour promontory and from higher vantage points to the south, including North Berwick Law.

Although the maximum height of the proposed extension to form additional floor levels on the existing sun-lounge building has been reduced by some 1.6 metres, that proposed extension would nonetheless increase the height of that existing building by a maximum of some 6.2 metres, a significant increase in the height of the existing building. The roof ridge height of the proposed first extension would be only some 0.165 of a metre lower than the roof ridge height of the existing adjoining Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) and the roof ridge height of the proposed second floor (observatory) would be some 2.49 metres higher than that adjoining building.

By its nature, as an upward extension to the existing building, it would not be a subservient addition to the existing sun-lounge building. Rather by virtue of its size, form, proportions, massing, scale and its positioning, it would be a large addition to the building. The amended alterations to its northeast end to increase its fenestration does to a limited extent help to reduce the appearance of the massing of the altered and extended sun-lounge building. However, notwithstanding this and the reduction in height, the proposed upward extension to the existing sun-lounge building, by virtue of its size, form, proportions, massing, scale and its positioning would appear as an overly dominant addition to the building. Moreover, its architectural form would contrast starkly with both the organic form of the existing Seabird Centre building to the east and the traditional architectural form and appearance of the former warehouse building of 38-40 Victoria Road, which is Category B listed, to the southwest. As such, the altered and extended sun-lounge building would not be appropriate to its place nor in keeping with the architectural form of the existing building and its surroundings.

Undoubtedly, some may view the proposed extensions and alterations to the existing sun-lounge building to be an improvement to the existing building. However, the existing building has a distinct character and appearance of its own, reflective of its former use within the harbour area and is a long-standing part of the Conservation Area that sits comfortably alongside the other buildings of the harbour promontory. What is proposed would be in distinct contrast to that existing building and the surrounding buildings of the harbour promontory and would be an overly dominant addition to the existing building that would be harmful to the character and appearance of it. As an unsympathetic addition to the existing sun-lounge building, it would cause the altered and extended sun-lounge building to appear harmfully dominant and intrusive within its landscape setting and would be harmful to the character and

appearance of this part of the North Berwick Conservation Area.

By virtue of its significantly increased height, the sun-lounge building as it is proposed to be extended, would be readily visible in long range views from the south, east and west and from the Firth of Forth to the north. In such long range views, more specifically from higher vantage points to the south, the proposed upward extension of the existing sun-lounge building would, to some extent, be likely to be absorbed by the surrounding built form and land mass of the rocks of the foreshore and harbour edge. Although in its proposed extended and altered form the sun-lounge building would appear to be of a similar height as the existing flatted building (former granary building) of Harbour Terrace and would not obscure views of the existing harbour buildings, it would be noticeably higher than the adjoining listed building of 38-40 Victoria Road and would rise above the existing buildings, thus dominating the skyline. In the majority of those views, particularly from the bays to the east and west, the altered and extended sun-lounge building, by virtue of its height, size, scale, bulk, massing and its positioning, would appear as a very prominent disruption to the skyline views of the harbour promontory and of this historic part of the North Berwick Conservation Area.

In closer range views from the immediacy of the harbour promontory, from the east and west beaches, and from the southern end of Anchor Green and Melbourne Road to the south, the sun-lounge building as it is proposed to be upwardly extended would also be readily visible. In these views, by virtue of its height, size, scale, bulk and massing, it would appear as an overly dominant and intrusive addition to the existing building that would have a negative and overbearing impact on the harbour area by its overly dominant presence.

By virtue of its height, size, scale, bulk and massing, its distinctly different contemporary architectural form and external finishes and its positioning, the proposed alterations and upwards extension to the existing sun-lounge building would cause that building to appear harmfully dominant, intrusive and overbearing within its landscape setting. Furthermore when combined with the extension to the west side of the Seabird Centre building and the proposed linking bridge extension, it would also serve to further reinforce the feeling of enclosure of the north end of Anchor Green and thereby also reinforcing its dominant and overbearing appearance within this part of the North Berwick Conservation Area.

Whilst undoubtedly the views from the proposed observation tower would be impressive for visitors to the proposed National Marine Centre, this is not sufficient to outweigh the harmful visual impact that this proposed extension would have on the harbour promontory and on this part of the North Berwick Conservation Area.

The existing sun-lounge building is positioned to the northeast of the Category B listed building of 38-40 Victoria Road (East Lothian Yacht Club) and to the east of the Category B listed Harbour. In such position it is located to the rearward side of the listed building of 38-40 Victoria Road. However notwithstanding this, due to its angled position to the northeast side of the listed building, the existing sun-lounge building is nonetheless readily visible in views of the west facing principle front elevation of that listed building and thus forms an immediate part of the setting of that listed building. The existing sun-lounge building also forms part of the immediate setting of the east side of the listed Harbour.

The proposed first floor extension of the existing sun-lounge building has been set away from the Category B listed building of 38-40 Victoria Road by a minimum of some 1.45 metres. The proposed second floor observatory extension would be some 11.5 metres minimum away from the Category B listed building of 38-40 Victoria Road. In

views of it as part of the harbour area, the proposed altered and extended sun-lounge building would not obscure views of the existing harbour buildings. However, even with the reduction in its height by some 1.6 metres and the set back positioning of it, the proposed upward extensions of the existing sun-lounge building would rise above the height of the listed building of 38-40 Victoria Road, and thus also the listed Harbour. The proposed additional floors of the sun-lounge building, by virtue of their significant height, their size, scale, bulk, massing, distinctly different contemporary architectural form and external finishes and positioning, would dominate and overwhelm the existing Category B listed former warehouse building of 38-40 Victoria Road and the nearby listed Harbour. It would impose itself on the setting of those listed buildings and in so doing the proposed extended sun-lounge building would draw focus away from those listed buildings and thus detract from the setting of them.

By their encroachment over the northern end of Anchor Green the proposed extensions to the west side of the existing Seabird Centre building, including the proposed linking bridge and the proposed extension to the southeast side of the existing sun-lounge building would lead to the loss of a significant part of this area of public open space. This area of public open space is utilised by locals and visitors to the harbour promontory and is a popular area for people to sit and appreciate the natural beauty of the nearby beaches and the historic built form and character of the harbour area. The proposed development would result in the loss of a significant part of this area of public open space, which makes a significant contribution to the amenity and landscape setting of the harbour promontory and this part of North Berwick.

When taken together as a whole, all of the proposed extensions and alterations to the existing Seabird Centre and sun-lounge buildings would be readily visible in long and short range public views from the surrounding area. In long-range views some of the proposed extensions, specifically the extensions to the east and north sides of the existing Seabird Centre building, the alterations to that building and the extension to the southeast side of the existing sun-lounge building, would be seen against the backdrop of the surrounding buildings and rocks of the foreshore and harbour edge and would be likely to be absorbed by the surrounding built form and land mass, thus not disrupting views of this historic part of the North Berwick Conservation Area. However, on balance, when combined with the other alterations and extensions to the existing Seabird Centre and sun-lounge buildings, the proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting and out of keeping with its surroundings. It would be disruptive in views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green by enclosing the northern end of Anchor Green and blocking the vistas between that area of open space and the harbour, and would be harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church.

Accordingly, the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

## OTHER MATERIAL CONSIDERATIONS

It must now be considered whether there are any other material considerations that outweigh the proposal's conflict with the development plan as set out above.

Of consideration is whether the proposed National Marine Centre would result in sufficient wider benefits, including economic benefits, to the area that would outweigh the detrimental visual impact that the proposed development would have on historic environment and heritage interests in this part of North Berwick.

As set out above, North Berwick is a popular tourist destination in East Lothian. In the EKOS Economic Impact Assessment submitted with the application, the existing Scottish Seabird Centre is ranked as the second most popular visitor attraction in East Lothian.

However, whilst the Scottish Seabird Centre is undoubtedly an important attraction within the harbour area and North Berwick as a whole, it is only one of a number of reasons that tourists are likely to visit the area.

The Design and Access Statement and the Planning Statement submitted with the application explain that the proposed 'National Marine Centre' would provide an improved exhibition area with wider content coverage, including temporary exhibitions, all with an aspiration to improve the conversion rate of visitors into the exhibition and to spread visitors numbers across a larger portion of the calendar year and encourage repeat visits. It is also explained that the new facility would provide an improved and expanded education and outreach programme, including on-line learning and research opportunities, an outreach programme, and a platform for scientists/conservationists to present/promote their research findings. The statement goes on to state that the proposals also include improved staff accommodation and an improved and expanded café/shop area. Through all of this, it is predicted that the proposed National Marine Centre would become a leading hub for marine education, conservation and research.

The Design and Access Statement avers that it is important that the existing Seabird Centre and sun-lounge buildings are linked so that they appear as one facility and that such a facility would need to make an impression on the surrounding area and build on the existing "iconic appearance" of the Seabird Centre to attract visitors.

The supporting documents (Planning Statement, Design and Access Statement, Summary Business Plan, and EKOS Economic Impact Assessment) set out figures for existing and proposed visitor numbers and the estimated expenditure impacts the proposals would bring to North Berwick and East Lothian and to Scotland.

The figures stated in these documents are that the existing Scottish Seabird Centre currently attracts some 273,000 visits per annum and that the proposed new National Marine Centre facility is projected to attract some 344,000 visitors, an increase of some 71,000 visitors or 26%. It is stated that these figures are a conservative projection and thus are robust for assessing economic impacts of the proposed development.

It is further predicted that the proposed new facility would bring direct expenditure benefits to East Lothian and Scotland and would result in employment of 53.6 FTEs in East Lothian (13.5 on site and 40 off site) and 22.7 FTEs to Scotland, and that there would also be a one-off construction impact equating to 15.9 persons employed in the construction activity for a full year (Source: Planning Statement, 22nd September 2017.)

The EKOS Economic Impact Assessment predicts exhibition visitor numbers to be some 43,000 of a total number of 344,000 visitors to the National Marine Centre site, some 12.5% of the total number of predicted visitors.

The supporting documents also state that whilst the existing Scottish Seabird Centre exceeded initial expectations when it opened in 2000 it is no longer performing well, with dwindling conversion rates into the exhibition area and unsatisfactory accommodation for educational activities. The figures stated are that of the 273,000 visitors to the Centre only some 17,000 pay to enter the exhibition.

It should be noted that there is some conflict on this figure in the supporting documents with the number of paying visits to the exhibition varying between 17,000 and 25,000. Discrepancy aside, this is a figure of less than 10% of the total visitors to the Centre.

The figures and information provided in the supporting documents indicate that without the proposed development (i.e. a 'do nothing' scenario) the number of visitors to the existing Scottish Seabird Centre would continue to fall with the likely result that the sustainability of the Seabird Centre operation would be at risk of failing.

The continuing operation of the Scottish Seabird Centre, including the jobs associated with it and its tourism offer, is a material consideration in the determination of this application. However, this potential outcome in itself is only one material consideration in the determination of this application and consideration of support has to be weighed against the significant harmful impact on the character and appearance of this part of the North Berwick Conservation Area, the setting of the Category B listed buildings of the Harbour and 38-40 Victoria Road, and the setting of the scheduled ancient monument of St Andrews Church.

Many of those objecting to the proposed development express doubt about the long term viability of the proposed National Marine Centre, in light of the poor performance of the existing Scottish Seabird Centre in converting visitor numbers to its exhibition, rather than them being visits to its shop, café and toilet facilities.

In light of this, through the Council's Economic Development & Strategic Investment Service, MKA Economics (MKA) was commissioned to provide an independent appraisal of whether or not the proposed 'National Marine Centre' was likely to be a viable business operation and what the level of economic benefits would be, in order that these considerations can be weighed against the significant heritage impacts of the proposal.

The MKA report on the proposed development was informed by review of the following documents submitted by the applicant:

- o 'National Marine Centre' Business Plan (June 2017);
- o Supplementary Business Plan information (received September 2017);
- o EKOS 'National Marine Centre' - Economic Impact Assessment (July 2017) and the subsequent EKOS 'National Marine Centre' - Economic Impact Assessment (September 2017);
- o Nicol Economic Report;
- o National Marine Centre Business Plan 2020 - 2025; and
- o Financial Information Transition Year 1 and Year 2.

MKA notes that the Scottish Seabird Centre has encountered trading losses over the last five years, although these have improved between 2012 and 2016. Overall group trading income has fallen in real terms over this period and the applicant's Business



Plan does state that there are low reserves and cashflow remains a risk to the future sustainability of the Centre. MKA advises that the attraction has hit maturity and its reinvigoration is required, doing nothing risks the long term sustainability of the attraction. MKA further advises that there is an argument to suggest that the current Centre's economic impact could fall up to 10% per annum if an investment is not made to reinvigorate the attraction and develop a National Marine Centre.

MKA does advise that the Scottish Seabird Centre is well resourced and has a track record of running a visitor centre of national renown. It further advises that the Seabird Centre plays a valuable economic role in attracting (and sustaining) visitors to North Berwick and East Lothian.

MKA notes that the rationale for the reinvigoration of the Centre into the National Marine Centre is well presented and the background to the development process has been evidenced in the business case and in supporting information. MKA advises that it is apparent that the preferred scheme has been subjected to the required scrutiny to stand up to external and robust interrogation and challenge. In all of this, MKA does not consider that the National Marine Centre would not be viable.

On the consideration of viability, the Council's Economic Development & Strategic Investment Service concurs with the financial projections of the proposed National Marine Centre that are set out in the applicant's Business Plan. On this basis the Economic Development & Strategic Investment Service is satisfied that the proposed 'National Marine Centre' would be likely to be a viable business operation.

The Economic Development & Strategic Investment Service further advises that the Scottish Seabird Centre is a Scottish Enterprise account-managed business having been provided with extensive business support and guidance for some time and that this proposal has been subject to extensive scrutiny by the Heritage Lottery Fund and other funders.

Having regard to the findings of the MKA report and with regard to the advice of the Economic Development team, it can be concluded that there is a reasonable prospect that the proposed National Marine Centre could be operated on an economically viable footing.

MKA was also commissioned to assess the net economic benefits and dis-benefits of the proposals before and during construction and once established, including those impacts for other harbour users and for North Berwick businesses, and on balance to give an informed view on whether the net economic benefits outweighed the dis-benefits.

MKA considers that the predicted growth in turnover is ambitious and that more detailed sensitivity assessment or financial stretch tests would have provided a better understanding of the impact of key performance targets not being met. MKA further notes that the impacts predicted in the supporting figures do contain optimism bias as they are based on the expenditure of both paying and non-paying visitors, some of whom are likely to have been in the area anyway. MKA therefore comments that there is an argument to suggest that up to half of the benefits may accrue in the local area in the absence of the Scottish Seabird Centre, resulting in a Gross Value Added (GVA) impact of some £313k in 2016 and an employment impact of 15 FTEs. MKA notes that no economic options have been considered (i.e. 'do nothing' scenario), which would have provided a more accurate baseline to measure the 'difference' in developing the proposed National Marine Centre.

MKA advises that in its view the 'difference' in economic impact terms is over-stated in the applicant's economic impact assessment by some £141k GVA and some 4 Full Time Equivalent (FTE) jobs. The Scottish Seabird Centre projects GVA of £612k and 24 FTE jobs by 2024, however MKA projects £471k GVA and 20 FTE jobs by 2024. MKA concludes that when compared to a 'do nothing' scenario, which may see a continual decline of the existing Scottish Seabird Centre, the economic impact 'difference' is beneficial at the local level, and suggests the investment would have a positive net economic benefit for the local area.

MKA advises that there would however be dis-benefits and one of the major challenges would be the construction phase of the proposed development, which would result in clear risks to other businesses and activities in the location of the site. It is noted that the construction benefits are likely to extend out to non-local businesses and therefore there are expected to be more economic costs than benefits at this phase. MKA further states that the negative impacts of this phase have potential to be significant if this aspect of the proposed development is not well planned and conducted, however it is known that the harbour has faced challenges in the past and is suitably positioned to handle a temporary construction period.

MKA further comments that a major omission of the business plan and economic impact assessment is understanding the role of the Scottish Seabird Centre and the proposed National Marine Centre play and would play in supporting other local businesses, attractions and activities as this would allow for a clearer assessment of the benefits that may accrue.

MKA advises that there will be construction related impacts, although these impacts are expected to benefit businesses outside the local area. Similarly, during the period of construction there is a risk of economic losses for the SSC and neighbour businesses. These would be temporary in nature and would be subject to mitigation measures to ensure businesses can operate as normal as possible, to minimise impacts.

In summary, MKA's assessment is that the 'difference' in economic impact terms is overstated in the applicant's economic impact assessment. However, when accounting for attribution against a 'Do Nothing' scenario, MKA considers that the economic impact 'difference' is significantly beneficial at the local level and that this along with potential construction benefits to local businesses would outweigh the risk of economic dis-benefits to local businesses affected during any construction process and which should be minimised through appropriate mitigation.

The Council's Economic Development & Strategic Development Service comments that the Scottish Seabird Centre has been operating at a deficit over the period 2002 - 2015 with a reliance on income from the cafe, retail shop and boat trip operations and that paid visitor numbers into the exhibition have been falling since 2004. The Council's Economic Development & Strategic Development Service concurs with the findings of MKA that the applicant's reports do not duly consider that a percentage of visitors would be coming to North Berwick anyway, and are not specifically attracted by the presence of the Scottish Seabird Centre, which results in the presented figures having an optimism bias and the 'difference' in economic impact terms thus being over-stated.

In relation to construction impacts the Council's Economic Development and Strategic Development Service again concurs with the findings of MKA and comments that the adverse effects from construction on businesses in the harbour area would be short term but may not be balanced by local construction related benefits as positive construction related opportunities would also be open to non-local businesses.

The Council's Economic Development & Strategic Investment Service concludes that there would be economic benefit from the proposed development, however no information has been provided on the option appraisal process, other than this having been undertaken, and so a comparison of GVA and FTE job growth for this particular project against other options cannot be made.

It is noted that the financial figures submitted with the application indicate that without investment the operation of the Scottish Seabird Centre would be unlikely to be a viable on-going concern.

It is impossible to satisfactorily define the economic benefits that this proposed development may accrue to the local economy however there would doubtlessly be a certain amount of beneficial local economic spin-off. Having regard to the findings of the MKA Economics report and the comments received from the Council's Economic Development service, it can be concluded that the proposed development would result in some modest economic benefits through GVA and FTE job creation to the local area as well as to the Scottish Seabird Centre, even if the predicted figures are less than has been promoted by the applicant (i.e. £471k GVA and 20 FTE jobs up to 2024 rather than the £612k GVA and 24 FTE jobs).

It is also clear from the information provided that the café and shop would continue to be a significant source of income for the Scottish Seabird Centre. Indeed these areas of the business operation would be expanded and improved as part of the proposals and would continue to occupy a prominent position within the ground floor area of the proposed National Marine Centre.

On this matter, the economic advice is that the proposed larger café and shop could result in 'displacement' of business from other similar businesses elsewhere in North Berwick and that the assumption calculations of the Economic Impact Assessment are overly optimistic.

There is also a lack of information on the options appraisal. The Supplementary Business Plan Information submitted with the application states that in developing the plans for the proposed National Marine Centre an assessment of options was carried out, which included:

1. Do nothing;
2. Make improvements within the existing building shell;
3. Extend and enhance the building and the offer; and
4. Develop a new site.

However, no details of this option appraisal, other than it being stated that it was carried out, have been provided. Thus, it has not been satisfactorily quantified that the applicant has considered different schemes of extending the existing Centre, including a more modest scale of extension, which might not impact harmfully on the landscape character of the area and the heritage assets of the North Berwick Conservation Area, Category B listed buildings of the Harbour and 38-40 Victoria Road and the scheduled ancient monument of St Andrews Church. Moreover, a comparison of GVA and FTE job growth for the proposed development against other options cannot be made.

## CONCLUSION

On balance, the benefits of the proposal, including ensuring the retention of a tourist facility at this location and the limited economic benefits in GVA and FTEs over the 8 year period until 2024, does not justify setting aside of the adverse visual impacts that

the proposed development would have on the historic character and assets of this part of North Berwick. The economic benefits are therefore not sufficient to outweigh the significant detrimental visual impact that the proposed development would have on the character of the North Berwick Conservation Area, the setting of the Category B listed buildings of the Harbour and 38-40 Victoria Road and of the scheduled ancient monument of St Andrews Church.

Accordingly, there is no material consideration to justify exceptional approval and the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.

#### REASON FOR REFUSAL:

- 1 The proposed development, by virtue of its height, size, scale, bulk, massing, architectural form and external finishes and its positioning, would be an overdevelopment of the site that would appear harmfully overbearing, dominant, intrusive and exposed within its landscape setting, out of keeping with its surroundings, disruptive to views of the harbour promontory and harmful to this historic part of the North Berwick Conservation Area. As an unacceptable, dominant and overbearing form of development, it would be harmful to the character of this part of the North Berwick Conservation Area, including the open setting of Anchor Green through the blocking of the vistas between that area of open space and the harbour, and harmful to the settings of the Category B listed buildings of 38-40 Victoria Road and the Harbour, and the setting and understanding of the scheduled ancient monument of St Andrews Church. Accordingly the proposed development is contrary to Policies ENV3, ENV4, ENV7, DP2, DP6, DP8 and C3 of the adopted East Lothian Local Plan 2008, Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), and Scottish Government guidance on development within a conservation area, on development affecting the setting of a listed building, and on development affecting a scheduled ancient monument given in Scottish Planning Policy: June 2014.