

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Mr Andrew Sim of 68a High Street, Dunbar against the failure of the Planning Authority to determine Planning Application within the prescribed time period.

Site Address: Cossars Wynd, Dunbar

Application Ref: 17/00244/P

Application Drawing(s): Drawings Nos:

01 and 01 Rev A (Location and Block Plan) ;02 and 02 Rev A (Roof Plan); 03 and 03 Rev A (Existing Lower Level Plan); 04 and 04 Rev A; (Existing Mid-level Plan); 05 and 05 Rev A (Existing Upper Level Plan); 06 and 06 Rev A (North Elevation to Cossars Wynd); 07 and 07 Rev A (South Elevation to Garden Ground and South Section); 08 and 08 Rev A (East Section Elevation); 09 and 09 Rev A (West section Elevation); 10 and 10 Rev A (South East General View of Demolitions); 11 and 11 Rev A (North West General View of Demolitions); 12 and 12 Rev A (North West - Coach House); 13 (Proposed Ground Floor Plan); Allan Brothers Dual Turn Windows Manufacturers Detail; 15 (Proposed Roof Plan); 16 (Proposed North and South Elevations); 17 (Proposed East and West Section Elevations); 18 (Proposed Gate and Step Details); 19 (Site Plan)

Date of Review Decision Notice: 21 December 2017

Decision

The ELLRB the decision to grant planning permission for the reasons given below and upheld the review.

This Notice constitutes the formal Decision Notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 16 November 2017. The Review Body was constituted by Councillor N. Hampshire (Chair), Councillor S. Currie, Councillor J. Findlay, and Councillor S. Kempson. All four members of the ELLRB had attended an accompanied site visit in respect of this application prior to the meeting.

1.2. The following persons were also present at the meeting of the ELLRB:-

Paul Zochowski, Planning Adviser
 Carlo Grilli, Legal Adviser
 Fiona Stewart, Clerk.

2. Proposal

2.1. The planning application is for the proposed change of use from former annex buildings to 67 High Street, Dunbar, Fairbairn's Furniture Stores, to form dwelling house accessed from Cossars Wynd, Dunbar.

2.2. The planning application was received on 22 March 2017 and validated on 14 April 2017. The application remained undetermined by the deadline of 13 June 2017. The notice of review is dated 21 August 2017.

3. Preliminaries

3.1. The ELLRB members were provided with copies of the following:-

1.	The drawings specified above
2.	The Application for planning permission
3.	The Appointed Officer's planning assessment
4.	Copies of Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008.
5.	Notice of Review dated 21 August 2017 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

4.1. The ELLRB confirmed that the application for a decision permitted them to consider the application and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available, including all drawings and copies of all representations and objections received in respect of the original application.

4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that the application site was within a Conservation Area and advised that the proposed buildings to be demolished were considered Listed Buildings by virtue of being attached to Listed Buildings. The applicant had been granted Listed Building Consent by the Department of Planning and Environmental Appeals (DPEA) on 8 November 2017 and today's application was for the site only.

He advised that the Case Officer has considered the impact that the proposals would have on the Conservation Area but concluded the effects were expected to be largely neutral. He also explained that the applicant's proposals had changed following a structural engineer's report which identified the poor state of the current building and advised that more downtakings of the building would be required.

- 4.3. Councillor N Hampshire (the Chair) stated that from the papers his understanding was that the reason for non-determination was that the revised application was for the walls to be reduced to a lower height, a height which the Case Officer considered to be demolition. This amendment to the planning application required the walls to be further reduced in height by one meter and the Case Officer considered this to be classed as demolition but he noted that the historical arches would be retained. The Chair stated that he would understand demolition as being the removal of the entire building but it was clear some of the original building would be retained.
- 4.4. Councillor Currie stated that the site visit had been helpful, allowing him to see the dilapidated condition of the building and to learn what was to be retained and why. The key issue was the description on the planning application form and Members had been re-assured that they could make a legal decision based on the original application form. In his view, the revised proposals would bring about a significant improvement to the site and considered that the present condition of the building was a matter of concern. He was therefore minded to approve the application.
- 4.5. Councillor Findlay agreed with his colleague. He was therefore minded to approve the application.
- 4.6. Councillor Kempson shared the views of her colleagues. She was therefore minded to approve the application.

Accordingly, the ELLRB decided unanimously that the Planning Permission should be granted in accordance with the Decision overleaf.

Decision

The ELLRB unanimously agreed to grant planning permission to the application, subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.
The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:
 - a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
 - b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
 - c. the ridge height of the proposed house shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 No development shall take place on the site until the developer, has through the employment of an archaeologist or historic buildings specialist, secured the implementation of a programme of archaeological work (Enhanced level Historic Building Recording) on the former 'coach house' building to be demolished, in accordance with a written scheme of investigation which the applicant shall submit to and have approved in advance by the Planning Authority.

Reason:

To record upstanding historical archaeological remains.

- 3 The support columns and arches of the east elevation of the existing former 'coach house' building and the lower part of its north (roadside) elevation wall shall be retained in situ in accordance with the details shown for their retention on the application drawings docketed to this grant of planning permission, unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interest of safeguarding the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 4 Other than for the lowering in height of parts of the north (roadside) boundary wall and of the length of wall between the southwest corner of the former 'coach house' building and the west boundary of the site, as detailed for them on the drawings docketed to this grant of planning permission, the boundary walls of the site shall be retained in situ at their present height unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interest of safeguarding the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 5 Details and a sample of the natural red clay pantiles to be used to clad the roof of the house hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development, and thereafter the natural red clay pantiles used to clad the roof of the house shall accord with the details and sample so approved.

Reason:

In the interest of securing an appropriate external finish for the house hereby approved in order to safeguard the character and appearance of the Conservation Area.

- 6 Details, including its colour, and a sample of the lime render to be used for the finish of the external walls of the house hereby approved shall be submitted to and approved in writing by the Planning Authority prior to its use in the development, and thereafter the lime rendered finish of the external walls of the house shall accord with the details and sample so approved.

Reason:

In the interest of securing an appropriate external finish for the house hereby approved in order to safeguard the character and appearance of the Conservation Area.

- 7 Notwithstanding that which is shown on the application drawings docketed to this grant of planning permission, the glazing units of the windows and external doors of the house hereby approved, including those of the lean-to addition on its east side, shall be slim-lite glazing units in accordance with details of such glazing to be submitted to and approved in advance in writing by the Planning Authority and thereafter the slim-lite glazing units used for the windows and external doors of the house shall accord with the details so approved unless otherwise agreed in writing with the Planning Authority.

Reason:

In the interest of safeguarding the character and appearance of the Conservation Area.

- 8 Details, including its colour, of the paint, stain or timber preservative to be applied to the outer surface of the frames of the windows and external doors of the house and the timber parts of the external doors shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development, and thereafter the paint, stain or timber preservative used shall accord with the details so approved.

Reason:

In the interest of safeguarding the character and appearance of the Conservation Area.

- 9 The natural stone to be used in the repair, infill and copes of the existing boundary walls and in the new lengths of wall hereby approved shall be a natural stone that shall match as closely as possible the natural stone of the existing boundary walls in its coursing, texture, and colour in accordance with details and a sample of the new stone to be used that shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter the natural stone used shall accord with the details and sample so approved.

The mortar to be used to repoint the existing boundary walls and to point the new lengths of boundary wall hereby approved shall be a lime mortar unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of safeguarding the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 10 Details and a sample of the paving to be used for the surface finish of the hardstanding areas hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development and thereafter the paving used shall accord with the details so approved.

Reason:

In the interest of safeguarding the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

- 11 Roof and wall vents/flues are to be installed in accordance with details of them to be submitted to and approved in advance in writing by the Planning Authority prior to their installation in the development and thereafter the roof and wall vents/flues shall accord with the details so approved.

Reason:

In the interest of safeguarding the character and appearance of the Conservation Area.

- 12 Prior to the occupation of the house hereby approved the windows of the north elevation of single storey lean-to component of its east elevation shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved in advance in writing by the Planning Authority prior to its use on the house. The obscure glazing of the windows shall accord with the sample so approved. Thereafter the windows of the north elevation of single storey lean-to component of the east elevation of the house shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

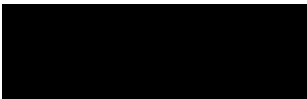
To safeguard the privacy and amenity of the neighbouring residential property of 1 to 4 Church Place to the north.

- 13 Prior to the occupation of the house hereby approved, on-site secure cycle parking / storage shall be provided in accordance with details of such cycle parking / storage to be submitted to and approved in writing in advance by the Planning Authority prior to its provision on the site, and thereafter the cycle parking / storage facilities shall accord with the details so approved and shall be retained for such use unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure provision of adequate on-site cycle parking / storage.

21 December 2017



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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