

REPORT TO: Planning Committee

MEETING DATE: Tuesday 5 November 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reason: I would like this application to come before the planning committee so the members can consider the impact of solar panels on this development.

Application No. **19/00596/P**

Proposal Alterations, extensions to building and change of use of ground floor public house to hostel (class 7), with associated lounge, reception / café, managers self-contained flat, installation of external spiral escape stair and associated works

Location **The Dolphin Hotel
2 Queens Road
Dunbar
East Lothian
EH42 1JZ**

Applicant The Dolphin Inn (Dunbar) Ltd

Per David Paton Building Consultancy

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to the three storey building of The Dolphin Hotel at 2 Queens Road and its associated land, which occupies a prominent position at the junction of Queens Road with Church Street and High Street on the southeast approach into Dunbar Town Centre. The property is situated within the Dunbar Conservation Area and is towards the southeast extent of the defined Dunbar Town Centre. The building is currently vacant and unused but was formerly in use as a hotel and public house. It is an 'at risk' building on the Buildings at Risk Register (BARR).

The existing three storey building comprises of two distinct sections: the main eastern part of the building and a later addition attached to its southwest side. Each part of the building is arranged over three storeys. The original eastern part of the building sits on the lower northeast part of the site and the later extension is on the higher ground of the

southwest part of the site. The building sits with its frontage directly on to the public pavement. The three storey building has a dual pitched roof that is clad with natural slates. There are wall head dormers on its southeast and northwest elevations. A small gabled porch is attached to the southeast elevation of the original eastern part of the building at its main entrance door. Attached to the southwest side of the three storey later western addition to the building is a single storey flat roofed component with a castellated roof parapet. The external walls of the building are finished in a dark red/brown painted render with contrasting white painted window sills and the castellation of the single storey component is also painted white. On the southeast (front) elevation there are two paint colours applied to the external wall: a lighter red/brown colour at ground floor level and a darker red/brown colour over the upper floors. The windows of the building are predominantly white painted timber framed traditional sash and case windows, some of which have a plain glazed one-over-one glazing pattern, others have astragalled upper sashes and some are fully astragalled with a six-over-six glazing pattern. The southeast elevation of the building is the principle elevation with the entrances to the former bar and lounge both positioned on this elevation. To the southwest side of the building, and partly to the northwest side of it, is an area of overgrown and vacant land that is associated with the building. That area of land is open to the public footpaths of High Street and Queens Road. That land is bounded to the northwest in part by the southeast elevation wall of the building of 5 High Street and in part by a 2 metres high rubble stone wall with a rubble cope, and to the northeast by a 1.5 metres high rubble stone wall. The 1.5 metres high stone wall of the northeast boundary of the area of land encloses the boundary between the site and the rear garden of the flatted property of 4 and 6 Church Street to the northwest of the application site. The area of land to the northwest side of the building on the application site is some 2 metres higher than the ground level of the rear garden of the property of 4 and 6 Church Street to the northwest of the application site.

The application site is bounded to the southeast by the public road of Queens Road on the opposite side of which is a triangular landscaped island, on the northern and eastern sides of which are areas of car parking. Directly to the south on the opposite side of the junction of the public road is Dunbar Medical Centre. To the southwest is the public road of High Street on the opposite side of which is the Royal Macintosh Hotel, which fronts onto Station Road to its south. To the northwest are commercial and residential properties. The northwest elevation of the building of 2 Queens Road is attached to the southeast elevation of the two-storey flatted building of 4 and 6 Church Street. To the northeast is the public road of Church Street at its junction with East Links Road and Woodbush Brae, on the opposite side of which are residential properties. The adjoining and adjacent land uses consist of residential properties, hotel accommodation, a hot food takeaway and a medical centre.

By being within the defined Town Centre of Dunbar the building is within a mixed use area as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018.

On 18th August 2017, planning permission 17/00106/P was granted for alterations to and conversion of the hotel, bar and lounge to form 4 flats on the first and second floors, and 2 shops (Class 1 use) on the ground floor. Planning permission was also granted for the addition of an external staircase on the northwest elevation wall of the building, and the erection of a boundary wall. Scaffolding has been erected at the site and some works have commenced on the building. However, at this time those works appear to be internal works only, which would not require planning permission. Planning permission 17/00106/P remains extant at this time. At the time of writing this report no information has been submitted by the developer to address the requirements of the suspensive conditions of planning permission 17/00106/P.

Planning permission is now sought for the change of use of the ground floor public house and lounge use of the building to use as a hostel reception, café and guest lounge (a use within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997), for the formation of a self-contained managers flat at attic level (3rd floor), for the alterations and extensions to the building to facilitate the use of the building as a hostel. Planning permission is also sought for the addition of an external staircase on the northwest (rear) elevation of the building, the erection of boundary walls, the formation of hardstanding areas, the provision of two cycle storage units and the use of the associated land as outdoor space for use in association with the use and operation of the building as a hostel.

A new single storey extension would be attached to the northwest (rear) elevation of the existing single storey flat roofed component with castellated roof parapet that is itself attached to the southwest side of the three storey later western part of the building. That proposed extension would be some 2.8 metres in height above ground level and would have a very shallow mono-pitched roof. It would project some 2.9 metres away from the southwest (side) elevation of the western part of the building and would project some 4.0 metres away from the northwest (rear) elevation of the existing single storey component. Its external walls would be finished with a wet dash render to match the existing rendered finish of the walls of the building. Its roof would be clad with a single ply roofing membrane. There would be a timber pedestrian entrance door in its northwest (rear) elevation.

The alterations to the building comprise: (i) the re-roofing of the building; (ii) the re-painting of the rendered finish of the external walls of the building; (iii) the replacement of all of the existing windows of the southeast, southwest and northeast elevation walls of the building with new timber framed windows; (iv) the replacement of all of the existing windows of the northwest (rear) elevation wall of the building with new upvc framed windows; (v) the partial blocking up of a ground floor door opening of the northeast (side) gable elevation wall of the building and the installation in that smaller opening of a timber framed window; (vi) the formation of new window openings at first and second floor level on the southwest (side) gable elevation wall and the installation of new timber framed windows in those new openings; (vii) the replacement of the existing timber door of the southwest (side) gable elevation wall with a new timber and glazed door; (viii) the blocking up of three first floor window openings and one second floor window opening of the northwest (rear) elevation wall of the building and the formation of one first floor window opening and a first floor door opening and a second floor door opening on that elevation wall and the installation in those respective new openings of a upvc framed window and timber and glazed doors; (ix) the formation of a new external staircase on the northwest (rear) elevation of the building; (x) the installation of two new roof windows on the southeast (front) elevation roof slope of the building; (xi) the installation of eleven solar panels on the southeast (front) elevation roof slope of the building; (xii) the installation of a new roof window on the northwest (rear) elevation roof slope and the replacement of an existing roof window of the northwest (rear) elevation roof slope with a new roof window; (xiii) the formation of a cat-slide wall head dormer with roof window on the northwest (rear) elevation roof slope of the building; and (xiv) alterations to two existing wall-head dormers of the northwest (rear) elevation roof slope of the building to change them from flat roofed to cat-slide roofs.

Planning permission is also sought for the erection of a boundary wall and pedestrian gate to enclose the southwest boundary of the site, for the formation of hardstanding areas on the land to the southwest and northwest sides of the building, and for the installation of two bicycle storage units on the land to the southwest and northwest sides of the building.

No on-site car parking spaces would be provided for the proposed development.

The authorised existing use of the building is as a public house and lounge on the ground floor (a 'sui generis' use) and a hotel use on the first and second floors (a use within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997). The use of the first and second floors of the building as hostel rooms would also be a use within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Thus, there would be no change of use of the first and second floors of the building in their use as hostel bedrooms and therefore planning permission is not required for the change of the accommodation of the first and second floors of the building from hotel to hostel bedrooms.

A Design and Access Statement prepared by the Applicant's Agent, David Paton Building Consultancy, has been submitted with the application.

In the Statement it is explained that the building has declined through lack of maintenance with various areas of its first and second floors being subject to dry rot, and that it is highlighted in the Dunbar Conservation Area Management Plan as being a 'building at risk'. It is further explained that the bar and lounge of the Dolphin Hotel closed in 2013, when the building became entirely disused. The first and second floor hotel rooms not having been used for some 37 years. The statement goes on to purport that one possible reason for the cessation of use of the hotel rooms and lack of interest in retaining the use of the building as a hotel may be due to competition from other such hotels in the vicinity.

The Statement goes on to explain that, despite evidence of marketing, there has been insufficient interest for the use of the building as two shops and four flats, approved by the grant of planning permission 17/00106/P, and the Applicant now seeks to redevelop the building for use as a Hostel providing accommodation for visitors to Dunbar, (primarily) those who would take part in the large number of outdoor activities available within the area.

The Statement goes on to explain that the proposed use of the ground floor of the building would be as an informal reception and café area, including kitchen and guest lounge for the proposed hostel use of the building, and that the new single storey ground floor extension would provide a laundry facility for the hostel. The first and second floors would remain as bedroom accommodation but with improved sanitary facilities. The attic space (third floor) of the original eastern part of the building would be converted to create a live-in managers flat.

The Statement goes on to explain that the proposals would retain an active street frontage in the town centre and would provide a substantial improvement to the entrance of Dunbar from the east along Queens Road (A1087).

The Statement further explains that the proposed alterations to the building would seek to repair/replace fabric only where necessary and that existing floor layouts would be retained as much as possible. It is stated that in order to satisfy Building Regulations, an external escape staircase and escape doors onto this staircase are proposed to the rear of the building but that due to the lightweight form and contemporary style of staircase, along with its infrequent use, the escape staircase would cause minimum impact on the neighbouring properties.

It is further stated that the area of land associated with the building would be enclosed along its roadside boundaries by a new boundary wall and pedestrian gate, and would contain secure cycle storage and refuse containers, as well as having the potential for

the positioning of a table and chairs for use by the guests and staff.

The external alterations include the replacement of all of the windows of the building, and it is stated that rather than retain the mix of different styles, it is proposed to adopt a uniform style throughout of one-over-one, whilst retaining the proportions of the existing windows.

It is further stated that there is no land associated with the existing hotel and bar use of the building on which on-site parking is provided and therefore no on-site parking is proposed as part of the re-development of the site.

The Statement concludes that the proposals would bring this 'at risk' building back into use and in doing so would help to recreate an active street frontage in the town centre at this prominent location.

Also submitted in support of the application is a Vision Statement prepared by the applicant and a Photovoltaic Solar Panels Supporting Statement prepared by the Applicant's Agent, David Paton Building Consultancy.

In the Vision Statement it is explained that the proposed hostel use would offer accommodation aimed at a 'boutique budget market', and in particular to provide lower budget accommodation to suit an active visitor profile for visitors taking part in the many outdoor activities offered in and around Dunbar, including surfing, wake-boarding, walking and cycling.

It is further stated that the Applicant intends to focus on outdoor pursuits tourists ('active explorers'), and that they believe there may be a gap in the market for this that could be developed in the Dunbar area. The Statement notes a number of facilities (e.g. Coast to Coast Surf School, Foxlake Adventures, John Muir Way, etc) that are based or accessed from within the area, as well as golf courses.

The Statement goes on to explain that the application site is located close to public transport links (trains and buses) and that on-site secure cycle storage would be provided. Accommodation within the building would provide a flexible mix of single, double, family and bunk bed accommodation. It is further stated that the ground floor presents an opportunity to provide a reception area and a basic café offering drinks and small snacks only in the eastern part of the building and a residents lounge, kitchen facilities and adjacent laundry room in the western part of the building and the proposed extension.

The Statement goes on to explain that a key aspect of the business is to ensure it has environmental credentials, wherever possible, with enhanced insulation within the walls and roof space as well as solar panelling helping to deliver a low energy footprint. Within the building, low energy lighting, recycling and waste minimisation will be key to the sustainability of the business's operation.

In the Photovoltaic Solar Panels Supporting Statement it is stated that whilst the Applicant is sympathetic to the aesthetic issues with regard to the installation of solar pv panels they are committed to addressing their environmental responsibilities, and are mindful of the Scottish Government's Climate (Scotland) Act and accompanying Climate Change Plan, which introduces welcome and ambitious targets to reduce Scotland's emissions by at least 80% by 2050.

The Statement goes on to explain that core values of the proposed business would be investing in insulation, encouraging low carbon transport and positive waste

management and that by incorporating solar pv panels the Applicant can consolidate their ambitions to contribute towards climate change targets. The Statement acknowledges that the building on the application site sits in a prominent location in the town and on the periphery of the conservation area however it purports that the Applicant believes that this should be seen as an opportunity for East Lothian Council to positively promote its commitment to achieving climate change targets in a sympathetic fashion. The Statement explains that the proposed integral solar pv panels would be incorporated in the roof slope in order to reduce their visibility and that the size of the roof windows was selected to add to the conformity of the appearance of the roof. It is further stated that in the Applicant's opinion the solar pv panels would not be overly incongruous and intrusive in appearance since the building is of a significant height and the proposed refurbishment of the building will create a welcoming vista on entry from the east side of the town.

The application drawings also show internal alterations to the building. These internal alterations are not development requiring planning permission and therefore do not form part of the assessment and consideration of this application for planning permission. Nor is the building listed as being of special architectural or historic interest and therefore listed building consent is not required for the proposed internal alterations. The proposed alterations to the building, including the internal alterations, would however require a building warrant application and would be subject to consideration under that legislation.

Since the application was registered additional information has been provided to: (i) clarify the full extent of the alterations to the building and the proposed external finishes; (ii) clarify the use of the ground floor of the building and the area of land associated with the building; (iii) change the construction of the framing of the new and replacement windows of the northeast, southeast (front) and southwest elevations of the building from white upvc to white painted timber; and (iv) amend the proposed paint colour to be applied to the rendered finish of the external walls and the window cills and parapet detailing of the building. These changes are shown on amended application drawings that have been submitted by the applicant's agent.

DEVELOPMENT PLAN

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 Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Policies TOUR4 (Hotels and Guest Houses), TC2 (Town and Local Centres), CH2 (Development Affecting Conservation Areas), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

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

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

Also material to the determination of the application is the Dunbar Conservation Area Management Plan, which is a management plan for the enhancement and improvement of the Dunbar Conservation Area. Although no specific reference to the Dolphin Hotel is made in that Plan, it is noted that derelict and un-used buildings are likely to have a harmful impact on the character and vitality of the Town Centre and the Conservation Area.

Also material to the determination of the application is the guidance given on Replacement Windows in the Local Development Plan Cultural Heritage and The Built Environment Supplementary Planning Guidance 2018 (adopted 30th October 2018). The Guidance states that the replacement of a window in a building in a conservation area must preserve or enhance the area's special architectural or historic character, which will normally mean that the proportions of the window opening, the opening method, colour, construction material of frames and glazing pattern should be retained. The exceptions to this being: (1) multiple glazing where there is no visible difference between that proposed and the original style of window; (2) if the building itself does not contribute positively to the character of the Conservation Area and where a change in window design would have no impact on the character of the Conservation Area; and (3) if the window cannot be seen from a public place.

The Dunbar, Belhaven and West Bams Conservation Area Character Statement of the adopted East Lothian Local Development Plan 2018 states that the Dunbar Conservation Area covers the area of the medieval town with its recognisable urban form and is characterised by high density development. The statement goes on to explain that with the arrival of the railway and the towns development as a holiday resort in Victorian times new areas of housing and new hotels were developed in the Bayswell and Queens Road areas of the town. The Conservation Area Character Statement goes on to note that although many buildings in the town centre have been restored there remain many derelict and under-used buildings that require substantial repair, particularly in the High Street backland areas.

REPRESENTATIONS

Six public representations to the application have been received. All of the representations raise objection to the proposed development, and the grounds of objection, as summarised, are:

- (i) the proposals would directly overlook neighbouring houses and their garden ground;
- (ii) the proposed velux roof windows would have a detrimental visual impact, would be a careless and clumsy addition to the roof, and would be an over-development of the roof which could be accommodated on the rear roof slope;
- (iii) the use of upvc for the framing of the replacement windows is not appropriate, would be unattractive and unbreathing, and the replacement windows would not match the

existing windows, and would unify the appearance of the windows rather than accentuate the architecturally different appearance of the two parts of the building;

(iv) the building may not be listed but it is an important building in the Dunbar streetscape occupying a key position of the southern entrance to the old town, and the proposed alterations would not preserve or enhance the character of the building;

(v) the use of Spanish slate is at variance to an earlier planning condition and would be deleterious given the prominence and high visibility of the southeast elevation;

(vi) the solar panels would be incongruous and intrusive, regardless of how they are attached, arranged or designed, on this most visible and prominent elevation;

(vii) no on-site car parking would be provided, and the proposed conversion could cause a significant increase in vehicles parking in the area, especially overnight, in an area where there are already two hotels, a medical centre and railway station, and this additional parking demand can only be to the detriment of residents, most of whom have only on-street parking;

(viii) the proposals would result in a loss of sunlight and daylight, and privacy to neighbouring properties;

(ix) the use of the land associated with the building would result in noise nuisance to and overlooking of neighbouring residential properties; and

(x) the existing paint colour of the building is depressing and it should be painted a different, brighter, colour.

One of the representations suggests that there is currently for sale a much more suitable building for a hostel at the north end of the High Street; a nicer building in a better location with access to adjacent roadside parking and several nearby car parks, and closer to the amenities of the High Street.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council, as a consultee to this planning application, state that they welcome the opportunity for this building to be regenerated after lying empty for many years as it has fallen into disrepair. They comment that the proposed backpacker accommodation, close to the railway station, would be likely to benefit the town as a type of accommodation between hotel and camping, and will be useful for those travelling on the John Muir Way. However, the Community Council expresses concerns that the new fire escape staircase may result in a loss of daylight afforded to neighbouring properties of Church Street.

PLANNING ASSESSMENT

To facilitate the proposed use of the building external alterations are proposed to be carried out. The building lends itself to a sensitive conversion in the manner proposed.

The proposed single storey extension would be attached to the northwest (rear) elevation of the existing single storey flat roofed component with castellated roof parapet that is itself attached to the southwest side of the three storey western part of the building. It would project some 2.9 metres away from the southwest (side) elevation of the western part of the building and would project some 4.0 metres away from the northwest (rear) elevation of the existing single storey component.

In its proposed position attached to the southwest (side) elevation of the western part of

the building and to the northwest (rear) elevation of the existing single storey flat roofed component, the proposed single storey extension would be positioned on the land to the southwest (side) of the building. In such position, it would be visible in public views from High Street and Queens Road to the west/southwest of the site and from Station Road further to the west. Such views of the proposed extension would be limited short duration views for the duration of the distance between the northwest (rear) elevation of the building and the southeast (side) elevation of the neighbouring two-storey building of 5 High Street.

At some 2.8 metres in height, the proposed single storey extension would be of a lower height than the existing single storey flat roofed component with castellated roof parapet. Furthermore, the proposed extension would be largely screened from public views by the 1.8 metres high boundary wall that is proposed to enclose the southwest roadside boundary of the land associated with the building along its boundary with High Street and Queens Road. As a result of the proposed roadside boundary wall, only the upper third of the external walls of the proposed extension and its shallow mono-pitched roof would be readily visible in public views. By virtue of its height, size, scale, massing, proportions and architectural form, appearance, and external finishes, and its positioning, and in the short duration limited public views there would be of it within this part of the Dunbar Conservation Area, the proposed single storey extension would be seen against the backdrop of the greater bulk and massing of the existing building and the neighbouring buildings to the northwest and southwest, and consequently would not appear as a harmfully dominant or intrusive addition to the building. Its palette of external finishes of dark red (BS 04 C 39) painted render for its walls, a grey coloured single ply roofing membrane for its roof, and 'champagne' (BS 08 B 17) coloured timber pedestrian door would be in keeping with the palette of finishes and colours of the existing building. The building as so extended would not appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The new external escape staircase that would be attached to the northwest (rear) elevation of the building would be a spiral staircase with a small landing platt at first floor and second floor levels and would be of a metal construction with a glazed balustrade. It is proposed as a 'fire escape' staircase for the hostel use of the building, which would otherwise have its main access via the ground floor entrance doors of the southeast (front) elevation of the building. The proposed external escape staircase would be of the same size, form and appearance, and would be in the same position attached to the northwest (rear) elevation of the building as an external escape staircase approved for installation by the grant of planning permission 17/00106/P.

In its position attached to the northwest (rear) elevation of the building the proposed escape staircase would be positioned on the land to the northwest (rear) of the building and would only be visible in public views from High Street to the west/southwest of the application site and from Station Road further to the west. Such views would be limited short duration views for the duration of the distance between the northwest (rear) elevation of the building and the southeast (side) elevation of the neighbouring two-storey building of 5 High Street. Although it would be of a contemporary metal and glazed construction, the proposed escape staircase, due to its light-weight form and appearance, and in the short duration limited public views there would be of it within this part of the Dunbar Conservation Area, would be seen against the backdrop of the greater bulk and massing of the existing building and the neighbouring buildings of 4 & 6 Church Street to the northeast and 5 High Street to the northwest, and consequently would not appear as a harmfully dominant or intrusive addition to the building. Its metal and glazed finishes would contrast harmoniously with the render and natural slate finishes of the existing building and the predominantly rendered and natural stone and slate and pantile

finishes of neighbouring buildings. In this context the proposed escape staircase would be a contrasting but subservient and sympathetic addition to the building, which would not be harmful to the character and appearance of the building and would not cause the building to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

It is proposed to strip off the existing roof slates of the northwest (rear) and southeast (front) roof slopes of the building and to re-roof the building using 'CUPA Heavy 3' natural roof slates.

The re-roofing of the northwest (rear) and southeast (front) roof slopes of the building is approved by the grant of planning permission 17/00106/P. However, condition 4 of planning permission 17/00106/P requires that prior to works commencing a detailed specification for the re-slating of the roof be submitted for the prior approval of the Planning Authority and that where possible, the existing natural Scottish slates should be re-used on the southeast (front) elevation roof slope of the building and that otherwise the replacement natural slates to be used should match as closely as possible the existing natural slates on the roof of the building.

The building of the application site occupies a prominent location in the Conservation Area at the southeastern approach to Dunbar Town Centre and thus its southeast roof slope is readily visible in public views. Due to the surrounding buildings and its position at the junction of Queens Road with High Street and Church Street, the northwest (rear) elevation roof slope of the building is less readily visible in public views.

The supporting Design and Access Statement explains that the proposed 'CUPA Heavy 3' slate is a natural Spanish slate, with a dark grey colour and a slightly gritty texture, which at a thickness of 7-8mm gives it strength to withstand the high wind speeds and driving rain common throughout Scotland, and is ideally suited to the Scottish market due to its close similarity to the traditional highland slate from Ballachullish that is no longer produced; both have a dark grey colour with the presence of pyrite crystals and are of a similar thickness.

In support of this, the applicant's agent advises in an email that the applicant has had the roof surveyed and has been advised that few existing slates are of good enough quality to re-use but would where possible be set aside for re-instatement.

The proposed CUPA Heavy 3' natural slate is of a similar colouring and texture to natural Scottish slates, and at a thickness of 7-8mm would be likely to be a suitable replacement natural slate. It is a material that has been approved for use in other Conservation Areas in East Lothian. If only a few existing slates are likely to be of good enough quality to re-use, it may be difficult to exactly match the colour of a replacement roof slate with the existing natural Scottish slates of the roof of the building across a roof slope of the building. Therefore in order to minimise the visual impact of the re-roofing of the building, it would be prudent to allow the re-roofing of both the northwest and southeast roof slopes with CUPA Heavy 3' natural slate. This would ensure a uniform finish, appearance and colour to both of these roof slopes of the building. The existing Scottish slates of the roof could be salvaged for re-use elsewhere.

Subject to a sample of the proposed CUPA Heavy 3' natural slate, including its thickness, being submitted for the prior approval of the Planning Authority, the proposed re-roofing of the building would be a sympathetic alteration to the building that would not be harmful to the character and appearance of the building or of this part of the Dunbar Conservation Area.

It is proposed that the existing wet dash rendered finish of the external walls of the building, which is presently painted a dark red/brown colour would be re-painted. The southeast (front) and northeast (side) elevation walls of the eastern part of the building would be painted 'Champagne' (BS 08 B 17) with the existing entrance porch and the window cills of those elevations being painted a dark red colour (BS 04 C 39). The southeast (front), southwest (side) and northwest (rear) elevation walls of the western part of the building, including the existing single storey component, and the northwest (rear) elevation wall of the eastern part of the building would be painted dark red (BS 04 C 39) with the window cills of those elevations and the castellated up-stand of the existing single storey component of the building being painted 'Champagne' (BS 08 B 17).

Historic photographs of the building indicate that it was once painted a pale colour. In its prominent position at the junction of Queens Road with High Street and Church Street the building, by virtue of its height, size and the dark red/brown colour of its external walls, is a significant structure in the streetscape at the southeastern approach to the Town Centre. In views from the southeast along Queens Road it is flanked to either side by the natural stone finish of the two-storey and attic buildings of the Hillside Hotel and the house of Rockmount to the southeast, the white rendered gable of the two-storey building of 1 and 1A Church Street with its quoins and window surrounds painted a darker colour to the north, the white rendered southeast elevation of the two-storey building of 5 High Street to the northwest, and the natural stone and white rendered south elevation of the Royal Macintosh Hotel to the west. The contrasting colours proposed for the building would be applied respectively to the two main component parts of the building, with the reverse colour palette applied to the other part of the building. This would serve to emphasise the two main parts of the building. The two colours would contrast harmoniously with each other, and would ensure that the building retains its significant presence at this prominent approach into the Town Centre. Subject to samples of the paint colours to be applied to the existing wet dash render of the external walls, including those of the proposed extension, the window cills of the building and the castellated up-stand of the existing single storey component of the building being submitted for the prior approval of the Planning Authority, a detail that can be controlled by a condition attached to a grant of planning permission, the proposed re-painting of the external walls of the building, including the re-painting of the window cills and the castellated up-stand of the existing single storey component of the building, would be a sympathetic alteration to the building and the re-painted building would sit harmoniously alongside the other colours and finishes of the neighbouring buildings and would retain its presence in the streetscape. Accordingly, the building, as re-painted, would not be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The proposed new cat-slide wall-head dormer with roof window would be formed on the northwest (rear) elevation roof slope of the building. Its cheeks and fascia would be clad with slates and its sloping roof would be finished with a single ply roofing membrane. It would facilitate the provision of a staircase to the proposed managers flat on the attic (third) floor level of the building. A conservation style velux window would be installed in its sloping 'cat-slide' roof.

The roofs of the two existing flat roofed wall-head dormers of the northwest (rear) elevation roof slope of the building would be altered to 'cat-slide' roofs. Their new sloping roofs would be finished with a single ply roofing membrane. Otherwise the dimensions of the two existing dormers would remain unchanged.

In their positions on the northwest (rear) elevation roof slope of the building the proposed new cat-slide wall-head dormer and the two altered existing wall-head dormers would be visible in public views from High Street to the west/southwest of the application site and

from Station Road further to the west. The proposed new cat-slide wall-head dormer would also be visible from Church Street to the northeast of the site. Such views of the proposed new cat-slide wall-head dormer and the two altered existing wall-head dormers would be limited short duration views and would be constrained by the narrow width of the streets and the gaps between the neighbouring buildings. In such limited short duration public views, the proposed new cat-slide wall-head dormer and the two altered existing wall-head dormers would be seen against the backdrop of the greater bulk and massing of the existing building and the neighbouring buildings of 4 and 6 Church Street and 5 High Street to the northwest, and consequently would not appear as harmfully dominant or intrusive additions to the rear roof slope of the building. The palette of external finishes of the proposed new cat-slide wall-head dormer and the two altered existing wall-head dormers would harmonise with the proposed natural slate finish of the northwest (rear) elevation roof slope of the building. In this context the proposed new cat-slide wall-head dormer and the two altered existing wall-head dormers would be subservient and sympathetic additions to the building, which would not be harmful to the character and appearance of the building and would not cause the building to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The existing windows of the building are predominantly of a traditional sash and case opening method but have different glazing patterns. Some have a one-over-one glazing pattern with a centrally positioned sash. Some have a centrally positioned sash with a six-over-six astragalled glazing pattern and others have a smaller upper section that is astragalled with either four or six panes. The windows are either positioned individually or in pairs. In all of this the appearance of the fenestration of the building varies, however there are similarities in each of the two main parts of the building with a uniformity to the fenestration of the southeast (front) elevations of the original eastern part of the building and of the later western addition. The exceptions to this being the northwest (rear) elevation and the northeast (side) elevation, which have differing fenestration patterns that in general do not reflect the fenestration patterns of the respective southeast (front) elevations of the original eastern part of the building and of the later western addition. There are no existing windows on the southwest (side) elevation.

All of the new and replacement windows to be installed in the building would be of a traditional sash and case opening method with double glazed units and they would all have a one-over-one glazing pattern. Those of the original eastern part of the building would have a centrally positioned sash, and would regularise the fenestration of that part of the building to be in keeping with the existing pattern of fenestration of the southeast (front) elevation of that part of the building. Those on the later western part of the building would also have a one-over-one glazing pattern but would have a smaller upper section with a 40/60 split that would reflect the existing proportions of the windows of that part of the building. The frames of all of the new and replacement windows of the southeast (front), northeast (side) and southwest (side) elevations would have white painted timber frames. The frames of the new and replacement windows of the northwest (rear) elevation would be of white upvc construction.

The new window openings to be formed in the northeast, southwest and northwest elevations of the building would be of a similar size and proportion to the existing window openings of the building. The new timber framed windows installed in each of the new window openings of the northeast, southwest and northwest elevations of the building would be of a size, form, proportion and opening method in keeping with the windows of the existing building and with the character and appearance of the building. Where areas of the external wall would be altered to facilitate the formation of new window openings, the new areas of external wall would be finished to match the rendered finish of the existing walls of the building.

Presently, the mismatched appearance of the windows of the building does not contribute positively to the character of this part of the Dunbar Conservation Area. Although the proposed new and replacement windows would change the existing pattern of fenestration of the windows of the different parts of the building, they would, overall, regularise the many different patterns of fenestration of the windows of the two main parts of the building, whilst still acknowledging, through the proportions of the opening parts of the windows, the different character of the two main parts of the building. All new windows would be of a size, form and proportion in keeping with the existing window openings of the building and would be of a traditional sash and case opening method. All of the new and replacement windows would be sympathetic and appropriate alterations to the building. As sympathetic alterations to the building they would not be harmful to the character and appearance of the building and would not cause the building, as altered, to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The use of upvc as the construction material for the frames of new and replacement windows of the northwest (rear) elevation of the building is not usually supported in a conservation area. However, the northwest (rear) elevation of the building faces onto the land to the rear of the building, and in its positioning is at an oblique angle relative to High Street to the west/southwest. In such positioning, it is only visible for limited short duration views from High Street to the west/southwest in the gap between it and the southeast (side) elevation of the building of 5 High Street. Such limited duration views as there are of the northwest (rear) elevation of the building from High Street are further constrained by the narrow width of the street and the gaps between the neighbouring buildings. Furthermore, the proposed 1.8 metres high roadside boundary wall that would be erected to enclose the roadside boundary of the land associated with the building with High Street and Queens Road would provide further screening of the ground floor level of the northwest (rear) elevation of the building. In these particular circumstances, the use of upvc framing for the new and replacement windows of the northwest (rear) elevation of the building would not be readily visible in public views, would not be harmful to the character and appearance of the building and would not have an appreciable impact on the character and appearance of this part of the Dunbar Conservation Area.

Accordingly, by virtue of their size, form, appearance, proportions and external finishes, all of the new and replacement windows would be of a size, form, proportion, and opening method in keeping with the existing windows of the building and their external finish would be appropriate to their location. They would compliment the character and appearance of the building and would not cause the building as altered to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

A new door opening is proposed to be formed at first floor and second floor levels of the northwest (rear) elevation of the building. A new timber framed, half-glazed timber door would be installed in each of the new door openings. A replacement door is also proposed to be fitted in an existing ground floor door opening of the southwest (side) elevation of the building. The new door would be a timber framed, half-glazed timber door. The replacement ground floor door of the southwest (side) elevation would provide entrance to the guest lounge of the hostel. The first floor and second floor doors would be fire escape doors giving access onto the proposed escape staircase. The existing ground floor double-leaf timber entrance doors of the southeast (front) elevation would be repainted. The existing pair of doors of the original eastern part of the building would be painted a dark red colour (BS 04 C 39) and those of the later western part of the building would be painted a champagne colour (BS 08 B 17). The new and replacement door openings and their respective doors would be of a size, proportion, form and

appearance appropriate to and in keeping with the building. The repainted existing doors would be of a colour appropriate to the building that would harmoniously contrast with the paint colours to be applied to the rendered finish of the external walls of the building. As sympathetic alterations to the building they would not be harmful to the character and appearance of the building and would not cause the building, as altered, to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The two new roof windows proposed to be installed on the southeast (front) elevation roof slope of the original eastern part of the building would measure some 780mm in width by some 1600mm in length. The new roof window proposed to be installed on the northwest (rear) elevation roof slope would measure some 550mm in width by some 980mm in length. An existing roof window of the northwest (rear) elevation roof slope would be replaced with a similar sized roof window. All of the proposed new and replacement roof windows would be conservation style roof windows with a centrally positioned vertical transom bar. Each of the proposed new roof windows of the southeast (front) elevation roof slope would be positioned an equal distance away from the chimneys at either end of that part of the roof slope in which they would be installed. Although the southeast elevation roof slope of the building is presently an unbroken slated roof, the building does have wall-head and false dormers on its southeast (front) elevation. Furthermore, many of the nearby buildings have either dormers or roof windows on their front (roadside) elevations. In this context, the two proposed roof windows of the southeast (front) elevation roof slope and the new roof window and replacement roof window of the northwest (rear) elevation roof slope would be of a size, proportion, form and appearance appropriate to and in keeping with the building. They would not individually or together dominate the roof slope on which they would be installed and would be seen in the context of the greater massing of those roof slopes. As sympathetic alterations to the building they would not be harmful to the character and appearance of the building and would not cause the building, as altered, to appear harmfully prominent or intrusive within the streetscape or to be harmful to the character and appearance of this part of the Dunbar Conservation Area.

No details of any new wall or roof mounted vents and flues to be installed on the existing building or proposed extension have been submitted with the application. By virtue of the site being within the Dunbar Conservation Area such features could impact on the character and appearance of the building and therefore it would be prudent for the Council as Planning Authority to require details of such vents and flues to be submitted for the approval of the Planning Authority prior to their installation on the building. This matter could be controlled by a condition attached to a grant of planning permission.

It is proposed that eleven solar panels would be installed on the southeast (front) elevation roof slope of the building. The proposed solar panels would be integrally fitted into the roof slope on which they would be installed. The proposed solar panels would be a source of electricity generation for the proposed hostel use. In a statement submitted with the application by the applicant's agent, it is stated that investing in insulation, encouraging low carbon transport and positive waste management will be core values adopted by the Dolphin Inn and the applicant feels strongly that by incorporating solar pv panels they can consolidate their ambitions to contribute towards climate change targets.

The proposed solar panels are not of a form or material traditional to Dunbar Conservation Area. Six of the proposed eleven solar panels, along with the proposed two roof windows, would extend in a straight line across almost the full width of the roof of the original eastern part of the building. The remaining five proposed solar panels would extend in a straight line across almost the full width of the roof of the later western part of

the building. The proposed solar panels would have the appearance of 'tram-lines' across the roof of the building.

The building occupies a prominent location on the southeast approach in to Dunbar Town Centre, and in their position on the southeast (front) elevation roof slope of the building, the proposed solar panels would be readily visible in public views. Although they would be integrally fitted and their dark grey colouring would be seen against the backdrop of the dark grey surface of the proposed CUPA Heavy 3 slates to be used to re-roof the building, nonetheless by their shiny reflective finish and their number and their positioning, extending as they would in two lines across the roofs of the two main parts of the building, the proposed solar panels would appear as an overdevelopment of the southeast (front) roof slope of the building that would appear as dominant and intrusive features on that roof slope. As unsympathetic features on the southeast (front) roof slope of the building the proposed solar panels would be inappropriate additions to the building that would be harmful to the character and appearance of the building and would cause the building, as altered, to appear harmfully prominent and intrusive within the streetscape and thus would detract from and be harmful to the character and appearance of this part of the Dunbar Conservation Area. Accordingly, the proposed solar panels would be contrary to Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018 and guidance given in Scottish Planning Policy: June 2014 on development within a conservation area.

At its meeting on Tuesday 27th August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on all applications for planning permission except Section 42 applications, householder applications, design changes, changes of use, non-householder alterations and extensions, or where it is not considered reasonable by the Planning Officer. As this application is, primarily, for the change of use of an existing building, such a condition is not required.

The Planning Officer approached the applicant's agent to enquire whether the proposed solar panels could be installed on the northwest (rear) elevation roof slope instead, where they would be less visible and given the existing dormers and roof windows and the proposed dormer and roof windows, they would be a less intrusive addition to the roof slope and where there would be only limited views of them, and as such they would not be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The applicant's agent has responded to advise that the number of proposed solar panels are required to in order to make them viable, and "crucially must be installed to face south" in terms of their efficiency.

The Planning Officer also enquired whether an alternative means of renewable technology could be utilised (e.g. air source heat pump) to help the applicant consolidate their ambitions to contribute towards climate change targets. There are other forms of renewable technology available that may be suitable and would be less visually obtrusive within the Conservation Area however, the applicant has informally advised that these may not be cost effective for this development proposal.

The applicant has also highlighted another building within the Dunbar Conservation Area that has solar panels on its front elevation roof slope. That building is located further away to the west of the application site on Station Road and has solar panels on its front

elevation roof slope facing towards the road. Those solar panels do not benefit from planning permission and thus are not authorised. Moreover, that building occupies a different position relative to the public road, being set back some 16.5 metres from the public road with intervening garden and a high roadside boundary wall, and set back further than the frontage of Macdonald Hotel which bounds it to the east, whereas the building of 2 Queens Road immediately abuts the public footpath and occupies a very prominent position within this part of the Dunbar Conservation Area.

In conclusion, on balance the bringing back into use of this prominent building within this part of the Conservation Area and the benefits of the use of renewable technologies do not override the very visible harm to this part of the Dunbar Conservation Area that would result from the proposed solar panels in their position on the southeast (front) elevation roof slope of the building. It should, therefore, be made a condition of the grant of planning permission for the alterations to the building that planning permission is not granted for the proposed solar panels on the southeast (front) elevation roof slope.

To grant planning permission for the proposed solar panels would be likely to set a precedent for allowing solar panels on the front elevation roof slopes of other buildings of Dunbar Town Centre to the greater harm of the character and appearance of the Dunbar Conservation Area.

It is proposed that the southwest boundary of the site, from the west corner of the existing single storey component attached to the southwest side of the building to the southeast elevation wall of the neighbouring building of 5 High Street, would be enclosed by 1.8 metres high walling with a pedestrian gate positioned towards its northwest end. The proposed wall would have a wet dash rendered finish that would be painted a dark red colour (BS 04 C 39) to match the colour proposed for use on the rendered finish of the external walls of the later western part of the building. The proposed wall would have a concrete cope. The pedestrian gate would be of black painted wrought iron vertical bar construction. Historic photographs submitted with planning permission 17/00106/P indicate that this boundary of the site was once enclosed by stone and rendered walling. The proposed wall and gate would be readily visible in public views from High Street, from the north end of Queens Road and from the east end of Station Road. However, they would be subservient additions to the site and in such views they would be seen against the backdrop of and in the context of the greater bulk and massing of the existing building, the proposed single storey extension that is proposed to be attached to its southwest side, and the other neighbouring buildings. Subject to samples of the colour of rendered finish to be used for the external finish of the wall and the concrete cope being submitted for the prior approval of the Planning Authority, a detail that can be controlled by a condition attached to a grant of planning permission for the proposed development, the proposed wall and a gate would not be harmful to the character and appearance of the building and would not appear harmfully prominent within the streetscape or be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The area of land to the northwest and southwest sides of the building that would be enclosed by the proposed 1.8 metres high boundary wall would be used as an amenity space for the use and operation of the proposed hostel. Parts of it would be hard surfaced. The proposed hardstanding areas would comprise footpaths and paved areas and would be surfaced with paving slabs. An area of artificial grass ('Astro-turf') would also be laid.

In their immediate context within the curtilage of the building the proposed hardstanding areas, enclosed as they would be by the proposed wall and gate to the southwest and otherwise by the existing buildings and their associated boundary walls to the northwest,

northeast and southeast, would not be readily visible in public views. They would not be uncharacteristic features within the curtilage of the building. By virtue of their ground level positioning, size, form and surface finish, the proposed hardstanding areas would not be harmful to the character and appearance of the building and would not appear harmfully prominent or intrusive within the streetscape or be harmful to the character and appearance of this part of the Dunbar Conservation Area.

The proposed two bicycle storage units would each measure some 1.14 metres in height by some 2.06 metres in length by some 1.043 metres in depth and would be of dark green coloured metal construction. When they are opened they would have a height of some 1.96 metres. They would each be of a size to accommodate four bikes. The proposed two bike storage units would be positioned immediately adjacent to the northeast boundary wall of the area of curtilage land of the building with the garden of the flatted building of 4 and 6 Church Street, and when closed they would be some 0.35 of a metre lower than that wall.

In their immediate context within the curtilage of the building the proposed two bicycle storage units, screened as they would be by the proposed wall and gate to the southwest and otherwise contained by the existing buildings and their associated boundary walls to the northwest, northeast and southeast, would not be readily visible in public views. They would not be uncharacteristic features within the curtilage of the building. By virtue of their contained positioning on the area of land, their size, form and external finish and colour, the proposed two bicycle storage units would not be harmful to the character and appearance of the building and would not appear harmfully prominent or intrusive within the streetscape or be harmful to the character and appearance of this part of the Dunbar Conservation Area.

On all of these foregoing design considerations, and subject to the recommended conditions relating to materials and finishes, and the refusal by condition of the proposed solar panels, the proposed alterations to the building, the erection of the length of boundary wall, the formation of the hardstanding areas, and the installation of the bicycle storage units, by virtue of their respective size, height, form, appearance, materials and positioning, would be appropriate to their place and in keeping with their surroundings. They would not be harmful to the character and appearance of the building or to the character and appearance of this part of the Dunbar Conservation Area. Accordingly, the proposed development is not contrary to Policies CH2, DP2 and DP5, of the adopted East Lothian Local Development Plan 2018, Local Development Plan Cultural Heritage and The Built Environment Supplementary Planning Guidance 2018 (adopted 30th October 2018), and Scottish Planning Policy: June 2014.

On the matter of the impact of the proposed extension to the building on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

By virtue of its height, positioning and distance away from neighbouring residential properties, the proposed single storey extension would not, in accordance with the Guide, give rise to harmful loss of daylight or sunlight to any neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of them.

Due to the open framework form of the proposed escape stairs, their positioning on the site and that they would be on the northwest side of the building, with its greater height and massing, they would not result in change to the existing impact of the building on daylight or sunlight received by neighbouring residential properties.

In that the proposed bicycle storage units when closed would be lower than the existing northeast boundary wall of the site with the garden of the flatted building of 4 and 6 Church Street, and that the proposed bicycle storage units would only be likely to be opened when bicycles were being taken out of them or stored in them, they would not result in change to the existing impact of the boundary wall on daylight or sunlight received by neighbouring residential properties of 4 and 6 Church Street and the garden of that flatted building.

Notwithstanding the existing windows of the building and their relationships with neighbouring residential buildings and garden ground it would not be unreasonable to apply the 9 and 18 metres overlooking test to the new windows and doors that are proposed to be formed on the northeast (side), southwest (side) and northwest (rear) elevations of the building and the new roof windows to be installed in the southeast (front) and northwest (rear) elevation roof slopes.

In this regard the new ground floor window of the northeast (side) elevation would face towards the junction of the public roads of Church Street, East Links Road and Woodbush Brae. It would not be directly within 9 metres of the garden ground of any neighbouring residential property or within 18 metres of any directly facing windows of any neighbouring house to the northeast.

The proposed two roof windows of the southeast (front) elevation would face towards the public road of Queens Road and the triangular landscaped island and parking to the southeast of the site. They would not be directly within 9 metres of the garden ground of any neighbouring residential property or within 18 metres of any directly facing windows of any neighbouring house to the southeast.

The new first floor and second floor windows of the southwest (side) elevation of the building would not be within 9 metres of the garden ground of any neighbouring residential property or within 18 metres of any directly facing windows of any neighbouring house to the southwest.

The new first floor window of the northwest (rear) elevation is a replacement for two existing windows that are in roughly the same position on that elevation. Thus there would be no change to the existing situation. The new first floor and second floor doors proposed for the northwest (rear) elevation of the building are half-glazed timber doors. These doors would provide access to the proposed escape staircase from a circulation space of the building and would be fire exit doors for use in emergency only. The new fire exit doors are each a replacement for an existing window that is in roughly the same position on that elevation. Thus, there would be no change to the existing situation. The application drawings show that these two doors would be fitted with obscure glazing to their upper halves. Subject to such obscure glazing they would not allow for harmful overlooking of the neighbouring properties of 5 and 5a High Street to the northwest. Nor would they intensify overlooking of the garden ground of the neighbouring property of 4 Church Street to the northeast. It can be made a condition of a grant of planning permission that the upper glazed half of the first and second floor fire exit doors be retained as obscurely glazed.

The applicant's agent has confirmed that the external fire escape staircase would be of use in emergencies only and that the primary access to and from the proposed hostel would be via the existing entrance doors of the southeast (front) elevation of the building.

Moreover the hostel use proposed for the building would not exacerbate or intensify the existing relationship between the existing building, which as an authorised use as a public house and lounge bar on its ground floor and as a hotel on its first and second

floors, and the neighbouring properties of 5 High Street to the northwest and 5A High Street to the north and 4 and 6 Church Street to the northwest.

The existing ground floor, first floor and second floor windows of the northwest (rear) elevation of the original eastern part of the building are proposed to be replaced by windows in the same position and of the same size. These three windows presently directly overlook the rear garden of the flatted building of 4 and 6 Church Street. That area of garden is used by the flat of 4 Church Street but is already directly overlooked by the first floor flat of 6 Church Street. The existing ground floor window of the northwest (rear) elevation of the original eastern part of the building is obscurely glazed and in the present layout of the building it serves a bathroom/W.C. The existing first and second floor windows above it are clear glazed and presently serve bedrooms. These three windows would all serve bathrooms of the proposed hostel. The application drawings show that the replacement ground floor window would be obscurely glazed. In order to ensure that the existing relationship between that ground floor window and the neighbouring residential property of 4 Church Street is not changed it could be made conditional of a grant of planning permission that the replacement ground floor window also be obscurely glazed in accordance with the detail shown for it on the application drawings.

The application drawings also show that the lower half of the first and second floor windows of the northwest (rear) elevation of the original eastern part of the building as being obscurely glazed. These windows would serve bathrooms of the proposed hostel use. Whilst the obscure glazing of their lower halves would not meet the Council's guidance on such matters, these two windows are existing windows of the building and thus the use of them would not change the existing situation. However, the proposed obscure glazing of their lower halves would mitigate towards any perceived additional overlooking of neighbouring properties that may be perceived through this long un-used building being brought back into use. The requirement for the obscure glazing of the lower half of each of the first and second floor windows of the northwest (rear) elevation of the original eastern part of the building could be made conditional of a grant of planning permission.

The new and replacement roof windows of the northwest (rear) elevation of the building would respectively serve a bathroom and a staircase and landing and a second floor hallway. Due to the positioning of the second floor hallway roof window, close to the apex of the roof, and the position and angle of the staircase and landing roof window relative to the part of the building that roof window would serve, these two roof windows would not allow for harmful overlooking of any neighbouring residential house/flat or garden. Furthermore, although the bottom sill of the bathroom roof window would only be some 1.55 metres above the finished floor level of the bathroom it would serve, the line of sight for an average person (1.8 metres in height) standing in that room would not be within 9 metres of the garden of any neighbouring property or within 18 metres of any directly facing windows, and thus that roof window would not allow for harmful overlooking of any neighbouring residential house/flat or garden.

The new ground floor door of the northwest elevation of the proposed extension would provide access from the proposed hostel to the land associated with the building. That door would be a solid timber door. The area of land associated with the building is enclosed on its northwest side in part by the southeast elevation wall of the building of 5 High Street and in part by a 2.0 metres high boundary wall of the garden of the property of 5A High Street. Although the new ground floor door would be less than 9 metres away from the garden of the property of 5A High Street, due to the 2.0 height of the existing boundary wall it would not allow for harmful overlooking of the garden of that property. Nor would it allow for harmful overlooking of the property of 5 High Street as there are no

ground floor windows in the southeast elevation of that building.

The proposed external staircase to be attached to the northwest (rear) elevation of the building is intended as an escape staircase and would have small landing plats. In the context of its infrequent intended use as an escape staircase and due to the small size of its landing plats, the proposed escape staircase would not allow for harmful overlooking of the neighbouring residential properties.

Due to the application site being within the Dunbar Conservation Area, no additional windows, doors or other glazed openings other than those proposed in this application could be formed in the building without the need for a further application for planning permission.

The Council's Environmental Health and Trading Standards Manager has no comment to make on matters of overshadowing or overlooking.

On these considerations of overshadowing and overlooking the proposed development is consistent with Policies DP2 and DP5 of the adopted East Lothian Local Development Plan 2018.

The area of land associated with the building is presently overgrown and open to the public road and footpath on its southwest/west boundary. It is proposed that it would be enclosed along its southwest/west boundary by the proposed 1.8 metres high wall and that it would be used as an amenity space for the use and operation of the proposed hostel, including by staff and guests as outdoor amenity space.

The Council's Environmental Health and Trading Standards Manager advises that the use of the outdoor space as amenity space may have potential to have a detrimental impact on the amenity of neighbouring residential properties to the northwest and northeast of it due to noise. On this basis, the Environmental Health and Trading Standards Manager advises that it would be prudent to limit the use of the outdoor space as amenity space in the following way:

i) Other than to access the laundry and bicycle storage, the outdoor space to the northwest and southwest sides of the building shall only be used between 0700 hours and 2300 hours on any day of the week for a period not exceeding one calendar year from the date of the grant of planning permission and thereafter the outdoor space shall only be used between 0900 hours and 2000 on any day of the week unless otherwise approved in writing by the Planning Authority.

This requirement could be made conditional of a grant of planning permission.

As part of the proposals for the hostel use of the building, it is proposed to create a residential flat at attic (third) floor level in the original eastern part of the building. In the supporting Design and Access Statement, it is explained that the proposed flat would be used as a managers flat in association with the proposed hostel use and is required for the operation and management of the proposed hostel. The proposed flat would not have a separate entrance but rather would be accessed internally through the hostel. In such juxtaposition with the proposed hostel, the proposed flat could not be used and accessed without disturbance from the proposed hostel in the form of noise. Therefore, in order to ensure the compatibility of the uses contained within the building, the occupation of the attic (third) floor residential flat should be restricted to a person or persons engaged in the operation of the proposed hostel and their dependents. This can be controlled by a condition attached to a grant of planning permission. The applicant's agent has confirmed the applicant's agreement to this control.

The proposals are for change of use of the ground floor of the existing building from public house bar and lounge to use as a hostel reception, including café and guest lounge (a use within Class 7 (Hotels and Hostels) of the Town and Country Planning (Use Classes) (Scotland) Order 1997), and for the use of the land associated with the building as amenity space for use by hostel guests and by staff in the use and operation of the hostel. The existing authorised use of the first and second floors of the building are as a hotel (a use within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997). The use of the first and second floors of the building as hostel accommodation rooms would also be a use within Class 7 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Planning permission is also sought for the formation of a managers flat in the attic level of the original eastern part of the building. That proposed residential flat would be ancillary to the use of the hostel.

The building is currently vacant and it is stated that it has not been used as a hotel for a considerable period of time and ceased trading as a bar in 2013.

Local Plan Policy TOUR4 states that proposals for the change of use of hotels will be resisted unless it can be clearly demonstrated that all reasonable efforts have been made to retain the property in use as a hotel, including evidence that it has been marketed as such and no reasonable offers received.

At the time of the grant of planning permission 17/00106/P, it was stated that in October 2011 only the ground floor bar area of the building was operating and that at that time the two upper floors of the building were vacant. It was further stated that the bar ceased operation in 2013. It was also stated that September 2014 the property was marketed as a hotel with bar/lounge and that the property continued to be marketed in this manner until at least April 2015, and that during this period of marketing, no interest was received in purchasing the building for its on-going use as a hotel. In their consultation response to planning permission 17/00106/P, **the Council's Economic Development Manager** comments that it is their understanding that the hotel operation ceased at some time during the 1990s. They advise that the property was marketed with a reputable company and are satisfied that the marketing activity is sufficient. Thus, they accept that reasonable efforts have been made to market the property as a hotel, and that there is no evidence to the contrary that no reasonable offers for the purchase of the property as a hotel were received.

Although through the proposed development, the building would not be operated as a hotel, it would be operated as a hostel, both of these uses are uses within Class 7 (Hotels and Hostels) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Thus, there would be no change of use of the first and second floors of the building from their authorised Class 7 use. As such there is no requirement for marketing information.

The Council's Economic Development Manager comments that the proposed development is for a 'boutique hostel' designed to accommodate 'active explorers', a key sector of the East Lothian tourism market. They further comment that such type of accommodation provision is new to East Lothian and so would not displace existing accommodation but rather would provide the opportunity to attract a new type of visitor. They acknowledge that the applicant has undertaken research on East Lothian visitors and their profile, and has identified a number of local businesses targeting such visitors, and plans to engage with these to encourage overnight stays in the town so benefiting more Dunbar businesses. The Economic Development Manager expresses support for the proposed development as it would bring a neglected and prominently sited building back in to commercial use and would complement and enhance the existing accommodation provision in the area.

Accordingly, the proposed development does not conflict with Policy TOUR4 of the adopted East Lothian Local Development Plan 2018.

By being within Dunbar Town Centre the application site is part of a mixed use area as defined by Policy TC2 of the adopted East Lothian Local Development Plan 2018. Policy TC2 states that uses associated with a town centre will, in principle, be acceptable there. These uses include retailing, business and office use, restaurants, leisure and entertainment. Policy TC2 does not favour any one of these uses over another. Housing may also be acceptable, particularly in a backland or above ground floor location, providing it does not result in the loss of any existing ground floor town or local centre use unless the Council is satisfied that any such town or local centre use is no longer viable. Policy TC2 does not presume against the change of use of all or part of the public house use of the ground floor of the premises. Proposals that would have a significant environmental impact, particularly on existing housing, will not be permitted.

Policy TC2 also states that new town centre developments should have a vertical mix of uses (retail/commercial on the ground floor and residential above).

The intent of Policy TC2 is to maintain the viability and vitality of town centres, by ensuring a traditional mix of land uses and in particular to prevent a 'creeping' loss of retail and commercial uses to residential use. The aims of Policy TC2 are achieved by applying its controls to ground floor properties that front onto a town centre street.

The application site is located towards the eastern extent of Dunbar Town Centre, and at present the building is unoccupied. The public house bar and lounge use of its ground floor has been closed up for over 5 years and the hotel use of its upper floors ceased over 35 years ago.

Although not as active a frontage as a retail unit would be likely to be, the proposed hostel use of the ground floor of the building along with the continuing Class 7 (Hotel and Hostel) use of the first and second floors of the building are a business use that would be likely to be found within a mixed use town centre area and would be a use appropriate to a town centre location. The building is located towards the eastern extent of Dunbar Town Centre with residential properties to the northwest of it on Church Street and commercial and retail properties to the west on High Street. However, those adjacent commercial/retail uses do not form part of the main commercial and retail uses of the Town Centre. They are themselves somewhat detached from the main commercial and retail uses of the Town Centre by intervening wholly residential properties on the east side of High Street. In this regard the application site is somewhat detached from the main commercial and retail uses of the High Street. In this particular case, and moreover because the proposed hostel use would be a commercial use appropriate to a town centre, the proposed change of use of the ground floor of the building from a public house bar and lounge to a hostel reception, lounge and café would be appropriate to this town centre location and would contribute to the vitality and vibrancy of this part of Dunbar Town Centre and would reinvigorate the street frontage in this location where it has become inactive in recent years due to the decline of the operation of the hotel, bar and lounge. The proposals would involve the re-use of a vacant/disused existing building in the Conservation area that is falling into disrepair, and which, as assessed earlier in this report with the exception of the proposed solar panels on the southeast (front) elevation, would be sympathetically altered and, subject to aforementioned conditions relating to the use of the managers flat and the outdoor space associated with the building, would not result in any harmful amenity impact on neighbouring properties. Thus, the proposal is not contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

In its operation as a hotel, bar and lounge the existing building would have the potential for deliveries to the premises and for the movement of customers throughout the day and into the night-time hours. Furthermore the application site is in close proximity to other such similar uses at the Hillside Hotel and the Royal Macintosh Hotel. The movements associated with the proposed use of the building as a hostel reception, guest lounge and café at ground floor level, hostel bedroom accommodation at first and second floor level, and managers flat at attic (third) floor level, as appropriate town centre uses, when considered in the context of the existing authorised use of the building would not exacerbate that existing situation and thus would not have a harmful impact on the amenity of neighbouring residential properties.

The use of the associated land in part as outdoor space associated with the use and operation of the hostel and as amenity space for use by guests of the hostel would be well enclosed by the surrounding buildings and the proposed southwest boundary wall. Accordingly, use of the land in this proposed manner would not be harmful to the vibrancy and vitality of the town centre.

Accordingly, on these matters of the environmental impact of the proposals on existing residential uses and on proposed residential uses the proposals are not contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

There is little ground associated with the building of the application site, and there are no existing off-street parking spaces dedicated to the existing authorised use of the building as a hotel with 13 bedrooms and a bar and lounge. At present any parking demand generated by the existing authorised use of the building as a hotel, bar and lounge has to be met on-street. The application site is within the Town Centre of Dunbar where the demand for parking from shoppers is predominantly during the day and that for residents would be likely to be predominantly during the evenings.

As was the case for planning permission 17/00106/P for the change of use of the building to two ground floor retail units and four residential flats over its first and second floors, **the Council's Road Services** advises that, taking into consideration the parking demand associated with the existing authorised use of the building as a hotel with 13 bedrooms and a bar and lounge, and that the application site is located within the Dunbar Town Centre where there is an existing supply of general purpose parking, both on-street and within public car parks, intended to provide for town centre commercial activities, it is accepted that the use of the building as a hostel with reception, guest lounge and café, 11 bedrooms and a managers flat would be unlikely to result in increased on-street parking demand within the locality and that there would be likely to be sufficient on-street parking capacity during the day, evenings and overnight to accommodate the parking demand associated with the proposed development.

Notwithstanding this, Road Services recommend that a condition be imposed requiring the submission and approval of a travel plan to minimise car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking prior to works commencing on the building and the operation of the hostel commencing. The travel plan should include details of the measures to be provided, the methods of management, monitoring review, reporting and duration of the plan.

Taking all of this into consideration, and subject to the imposition of a condition requiring the submission and approval of a travel plan, Road Services advise that the use of the building as a hostel with reception, guest lounge and café, 11 bedrooms and a managers flat would be unlikely to result in any significant additional pressure on the demand for existing parking provision in the locality. Thus, Road Services raises no objection to the proposed use of the building as a hostel with reception, guest lounge and café, 11

bedrooms and a managers flat. Accordingly the proposed development does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

As was the case with the grant of planning permission 17/00106/P, in order to ensure that the impact of construction traffic would not cause a hazard to road or pedestrian safety due to the limited access to the site in its location at the junction of Queens Road with High Street and Church Street a construction traffic method statement should be submitted for the prior approval of the Planning Authority. This can be controlled by a condition attached to a grant of planning permission.

Scottish Water has been consulted on the application and raises no objection to the proposed development.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Planning permission is not hereby granted for the eleven solar panels proposed to be installed on the southeast (front) elevation roof slope of the building.

Reason:

By virtue of their shiny reflective finish, their number and their positioning, extending as they would in two lines across the roofs of the two main parts of the building, the proposed solar panels would appear as an overdevelopment of the southeast (front) roof slope of the building that would appear as dominant and intrusive features on that roof slope, and would be unsympathetic features on the southeast (front) roof slope of the building that would be harmful to the character and appearance of the building and would cause the building, as altered, to appear harmfully prominent or intrusive within the streetscape and thus would detract from and be harmful to the character and appearance of this part of the Dunbar Conservation Area, contrary to Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

- 2 A Construction Traffic Method Statement designed to minimise the impact of the movements of construction traffic to and from the application site shall be submitted to and approved by the Planning Authority prior to the commencement of development on the site and shall include hours of construction work and any recommended mitigation measures for the control of construction traffic, which shall, as may be applicable, be implemented prior to the commencement of development and during the period of development works being carried out on the application site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality.

- 3 Prior to the commencement of development on the site, a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority. Additionally, the Travel Plan shall be very clear on how active travel and public transport information will be promoted to employees and visitors of the hostel and shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

The approved Green Travel Plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the hostel hereby approved.

- 4 Details, including a sample of the replacement natural slates to be used in the re-cladding of the roof shall be submitted to and approved in advance by the Planning Authority prior to their use in the development hereby approved, and thereafter the natural slates used shall accord with the details and sample so approved.

Those replacement natural slates shall match as closely as possible the existing natural slates on the roof of the building.

The existing natural Scottish slates of the roof of the building shall, where possible, be carefully removed and set aside for re-use / salvage.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area, the character and appearance of the building, and the character and appearance of the Conservation Area.

- 5 Details and a sample of the paint colours to be applied to the rendered finish of the external walls of the building, the window cills of the building, the castellated up-stand of the existing single storey part of the building, and to the external walls of the extension hereby approved shall be submitted to and approved in writing by the Planning Authority prior to its use within the development and thereafter the paint colours used shall accord with the samples so approved.

The window cills of the building and the castellated up-stand of the existing single storey part of the building shall be painted a contrasting colour to the colour applied to the render of the walls of the building, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure a satisfactory standard of external finish to the walls of the building in the interests of preserving the character and appearance of the building and the character and appearance of the Conservation Area.

- 6 The frames of the new and replacement windows of the southeast (front) and northeast and southwest (side) elevations of the building shall be of timber construction and shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

- 7 A schedule and samples of the external finishing materials to be used for the external walls and roof of the alterations to the building and the new extension hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details and samples approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area, the character and appearance of the building, and the character and appearance of the Conservation Area.

- 8 The frames of the new external doors shall be of timber construction and the new external doors shall also be of timber or timber and glazed construction, unless otherwise approved in writing by the Planning Authority and the outer surface of the framing and timber of the new external doors shall be painted, stained or treated with a timber preservative, in accordance with details of that paint, stain or timber preservative to be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development. Thereafter, the paint, stain or timber preservative applied to the outer surface of the framing and timber of the new external doors shall accord with the details so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 9 The roof windows hereby approved shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which it would be installed and with minimal flashing, in accordance with 1:10 or 1:20 scale section drawings showing the size, appearance and flush positioning of the roof windows to be submitted to and approved in advance in writing by the Planning Authority prior to their installation.

Reason:

In the interests of safeguarding the visual amenity of the area and the character and appearance of the Conservation Area.

- 10 Details of any new wall or roof mounted vents and flues to be installed on the existing building shall be submitted to and approved in advance by the Planning Authority. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design and numbers of the proposed wall or

roof mounted vents and flues to be concealed as much as possible and for visible parts to match as closely as possible the colour and materials for the part of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character and appearance of the building and the character and appearance of the Conservation Area.

- 11 Details and a sample of the rendered finish, including its colour, to be used for the external finish of the new boundary wall to be erected along the southwest boundary of the site, and the concrete cope of that wall shall be submitted to and approved in writing by the Planning Authority prior to its use in the development, and thereafter the rendered finish, including its colour, of the new boundary wall and its concrete cope shall accord with the details so approved.

Reason:

To ensure a satisfactory standard of external finish for the boundary wall in the interests of preserving the character and appearance of the building and the character and appearance of the Conservation Area.

- 12 If the metal framework, steps and balustrade handrail of the escape staircase hereby approved to be attached to the northwest (rear) elevation wall of the building are to be painted or finished in a colour, a sample of that paint or colour finish shall be submitted to and approved in advance in writing by the Planning Authority, and the colour of the paint or finish applied to the metal framework, steps and balustrade handrail of the escape staircase shall accord with the sample so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the building and of the Conservation Area.

- 13 A sample(s) of the materials to be used to surface the hardstanding areas hereby approved shall be provided for the inspection and approval of the Planning Authority prior to the use of such ground surfacing within the development, and thereafter the surface materials used shall accord with the samples so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colour to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area and the character and appearance of the Conservation Area.

- 14 Prior to the commencement of use of the hostel hereby approved, the upper glazed halves of the new external doors hereby approved for the first and second floors of the northwest (rear) elevation of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the development. The obscure glazing of the upper halves of the two external doors shall accord with the sample so approved. Thereafter the two external doors of the northwest (rear) elevation of the building shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties of 5A High Street and 4 and 6 Church Street to the northwest and northeast respectively.

- 15 The replacement ground floor window of the northwest (rear) elevation of the eastern part of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the window shall accord with the sample so approved. Thereafter the ground floor window on the northwest (rear) elevation of the eastern part of the building 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 to the northwest.

- 16 The lower sashes of each of the replacement first floor and second floor windows of the northwest (rear) elevation of the eastern part of the building shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the building. The obscure glazing of the lower sashes of each of the replacement first floor and second floor windows shall accord with the sample so approved. Thereafter the lower sashes of each of the replacement first floor and second floor windows of the

northwest (rear) elevation of the eastern part of the building 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 to the northwest.

- 17 Other than to access the laundry, bicycle storage, and waste storage, the outdoor space to the northwest and southwest sides of the building shall only be used between 0700 hours and 2300 hours on any day of the week for a period not exceeding one calendar year from the date of the grant of planning permission and thereafter other than to access the laundry, bicycle storage and waste storage, the outdoor space shall only be used between 0900 hours and 2000 on any day of the week unless otherwise approved in writing by the Planning Authority.

Reason:

To restrict use of the outdoor space in the interests of safeguard the amenity of the neighbouring residential properties to the northeast and northwest.

- 18 The residential flat on the attic (third) floor of the building of 2 Queens Road shall be occupied only by a person or persons engaged in the operation of the hostel, including its reception, cafe and guest lounge, use hereby approved and any dependent of such person or persons, and at no time shall it be occupied as an independent dwelling.

Reason:

To ensure the compatibility of use of all parts of the building.