

REVIEW DECISION NOTICE

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

Application for Review by Ms Judy Oxley of Dunbar Coast Guard Station, Lamer Street, Dunbar EH42 1HD, for refusal of Planning Permission for the conversion of former coastguard station to form 1 house, at Coastguard Station, Lamer Street, Dunbar EH42 1HD

Site Address: Coastguard Station, Lamer Street, Dunbar EH42 1HD

Application Ref: 20/00137/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 29 July 2020

Decision

The ELLRB unanimously agreed that the Review should be upheld and to grant planning permission subject to conditions for the reasons set out below.

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

1. Introduction

The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 16 July 2020. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor N Gilbert, and Councillor S Kempson. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms F. Currie, Clerk.

2. Proposal

2.1. The planning application is for refusal of Planning Permission for the conversion of former coast guard station to form 1 house.

2.2. The planning application was registered on 17 February 2020 and the decision notice refusing the application is dated 24 April 2020.

2.3. The notice for review is dated 30 April 2020.

3. Preliminaries

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

i.	The drawings prepared by Sutherland & Co and specified as follows: 1957 (LP) 001 1957 (P) 001 Rev E 1957 (00) 001 1957 (P) 002
ii.	The Application for planning permission registered on 17 February 2020
iii.	The Appointed Officer's Submission
iv.	Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application: - Policy CH2: Development Affecting Conservation Areas - Policy DP5: Extensions and Alterations to Existing Buildings - Policy DP7: Infill, Backland and Garden Ground Development - Policy RCA1: Residential Character and Amenity - Policy T2: General Transport Impact Also relevant is Cultural Heritage and the Built Environment Supplementary Planning Guidance and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
v.	Notice of Review dated 30 April 2020 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

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

- The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that this matter was to review the decision for the refusal of planning permission for application ref. 20/00137/P relating to the conversion of the former coastguard station at Lamer Street Dunbar to form a single dwelling outlined the background and detail of planning application no. 20/00137/P. He then advised that the Application Site contains the unlisted former coastguard station located to the west of Lamer Street and Woodbush in the Dunbar Conservation Area and looked to confirm the setting in which the former coastguard station is located. As part of the summary the Planning Advisor confirmed that to the north and north west exists the property at no.4 Lamer Street and it's garden which is adjacent to the rear of the coastguard station separated by a low boundary wall; to the south and west are predominantly residential properties and car parking spaces; and boundary treatments vary in height including low and high stone walls, with low wall and tall brick pillars on the eastern side. He continued further that the application sought permission to make various alterations to the building internally and externally. The ground floor would comprise of a living room, kitchen and wet room, with main entrance door and obscurely glazed window on the northern elevation. On the southern elevation, a window would be repositioned and an area

for a bin store created. On the eastern elevation, the roller shutter door would be removed and new glazed façade created set back to allow space for a driveway. On the first floor there would be a bedroom and store with balcony and glass balustrade that would partially overhang the driveway and parking space below. There would also be an obscurely glazed roof light added on the northern elevation. Other alterations include the addition of extractor fan vents and the removal of boundary wall and pillars on the eastern side.

He then confirmed that relevant to the determination of this proposal are Scottish Planning Policy including the statement on development within conservation areas, East Lothian Local Development Plan policies RCA1 (Residential Character and Amenity), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden Ground Development), CH2 (Development Affecting Conservation Areas) and T2 (General Transport Impact). In addition to this is the Local Development Plan 2018 Cultural Heritage and the Built Environment Supplementary Planning Guidance and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

During the application process consultee comments were received from a number of East Lothian Council Services and external agencies. The East Lothian Council Roads Department ("ELC Roads") initially objected on road safety grounds, but amendments to the proposal were made by the Applicant that demonstrated a driveway could be created allowing a car to be parked on site and this aspect was acceptable to ELC Roads. They then confirmed that their objection would be removed subject to confirmation that the wall and pillars along the eastern side were removed to allow for visibility and safe exiting onto the public road

In relation to the general arrangement of the site and the amenity for future occupants of the building, the Planning Officer noted that: the amount of internal space to use as living accommodation would be limited; there are no windows or proposed windows at the rear of the building that would provide outlook for occupants; there would be poor outlook from the other proposed ground floor windows due to the proximity of the building to the boundary and need for obscure glazing; the glazed east facing façade would have most of the outlook obscured at ground floor due to a vehicle being parked on the site that itself takes up the majority of space in the front garden; there is only a small strip of land at the back and to the sides of the building for use by occupants; and the proposed balcony would be in public view and would not provide private space. In conclusion, the Planning Officer determined that there would not be sufficient amenity in terms of private space, garden ground or outlook for future occupants of the building if converted to a residential dwelling accordingly Planning permission was refused on the 24th April 2020 on the basis that the proposal was contrary to Policy DP7 of the LDP 2018

- 4.2. The Members then raised a few questions pertinent to the application which the planning advisor responded to. In particular the Chair looked for clarification as to whether or not the proposed use was acceptable in terms of planning policy, which the planning advisor confirmed.
- 4.3. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.4. Councillor Kempson stated that it is important that this building has a use and does not fall into disrepair. The amenity of the building does not necessarily worry her as not everyone wishes to have a garden. However, she felt it was important that there was a high fence where there was no stone wall. Accordingly she was minded to go against the Planning Officer's decision and uphold the appeal subject to conditions.

4.5. Councillor Gilbert agreed with Councillor Kempson and stated that the building needed a new purpose. As it is desirable to retain the building, the alterations are acceptable in planning policy terms he was minded to go against the Planning Officer's decision and uphold the appeal subject to conditions.

4.6. The Chair said that he had been aware of the building and its previous use. In order to preserve the building and keep it from being in a state of disrepair the use needs to change to either commercial or residential. In his opinion residential use would provide a long term future for the building keeping it in a good state of repair. He also stated that there was a need for a 1.8 metre fence where there was no stone wall to protect privacy. Accordingly he confirmed he would go against the Planning Officer's decision and uphold the appeal subject to conditions

Accordingly, the ELLRB decided unanimously that the Review should be upheld and Planning Permission granted subject to the following conditions:

1. Parking

Prior to the occupation of any of the house hereby approved, the following shall be formed and made available for use:

1. The parking area as shown on stamped approved drawing '1957 (P) 001 Revision E *'Proposed Plans, Section & Elevations'*, docketed to this permission.

Reason:

To ensure that sufficient off street parking is provided for the development in the interests of road safety.

2. Opaque Glazing

Prior to any use being made of the house hereby approved the window on the northwest side elevation of the building and the roofwindow installed on the northwest side roof slope 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 their use.

The obscure glazing of those windows shall accord with the sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of the adjoining residential property of 4 Lamer Street.

3. Materials

Prior to their use on site details (including samples if requested) of the materials to be used to externally finish the new house hereby approved and finish all external hard surfaced areas, shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the materials shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and in the interest of protecting the setting of the listed buildings and the character of the conservation area.

4. Boundary Enclosure

Prior to the occupation of the house hereby approved, a 1.8 meter high close boarded fence shall be erected on the southwest boundary between the strip of land to the rear of the proposed house and the garden of the neighbouring residential property as shown on the drawings docketed to this permission.

Reason:

To safeguard the privacy and amenity of the residential property to the southwest and of the proposed new house.

Planning Permission is accordingly granted.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)

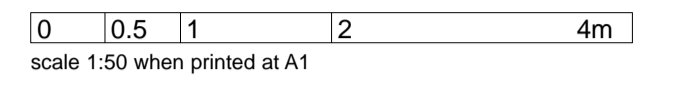
Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

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

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

Notes

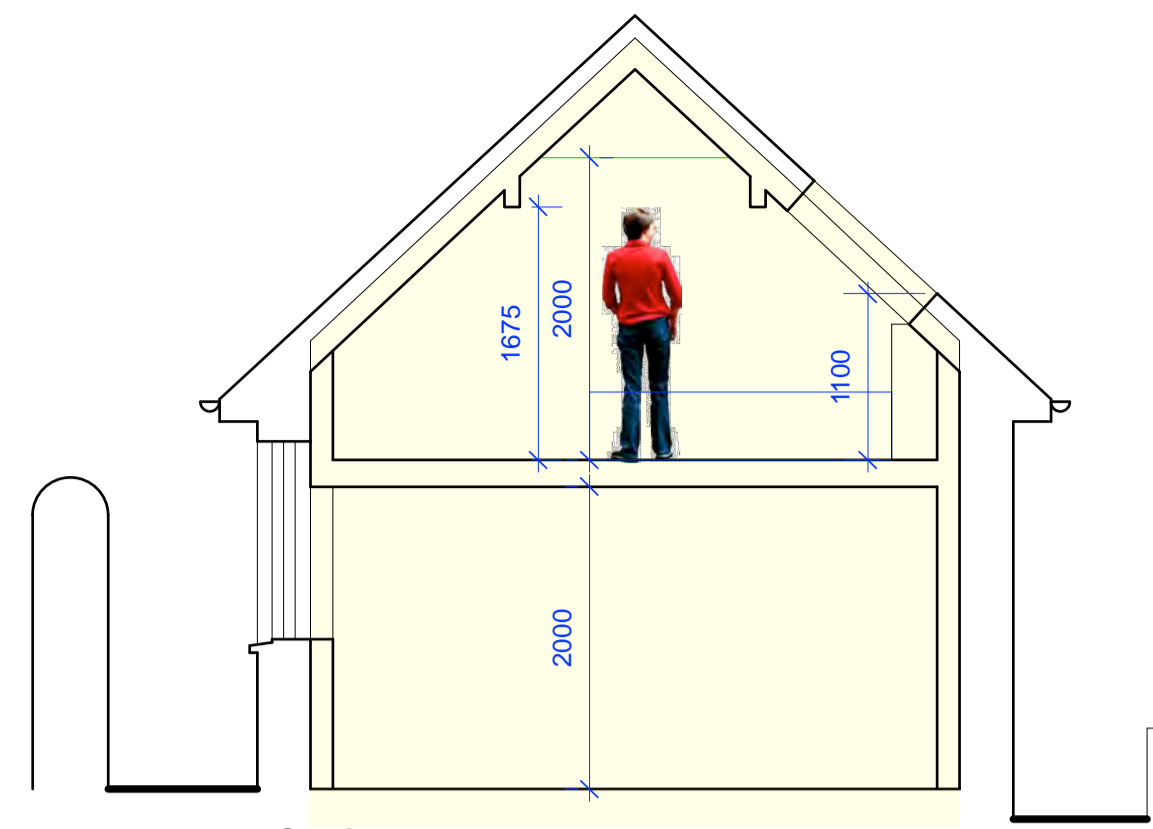
This drawing has been prepared for the sole purpose of applying for Planning permission. No liability will be accepted for any omission should the information contained herein be used for any other purpose.



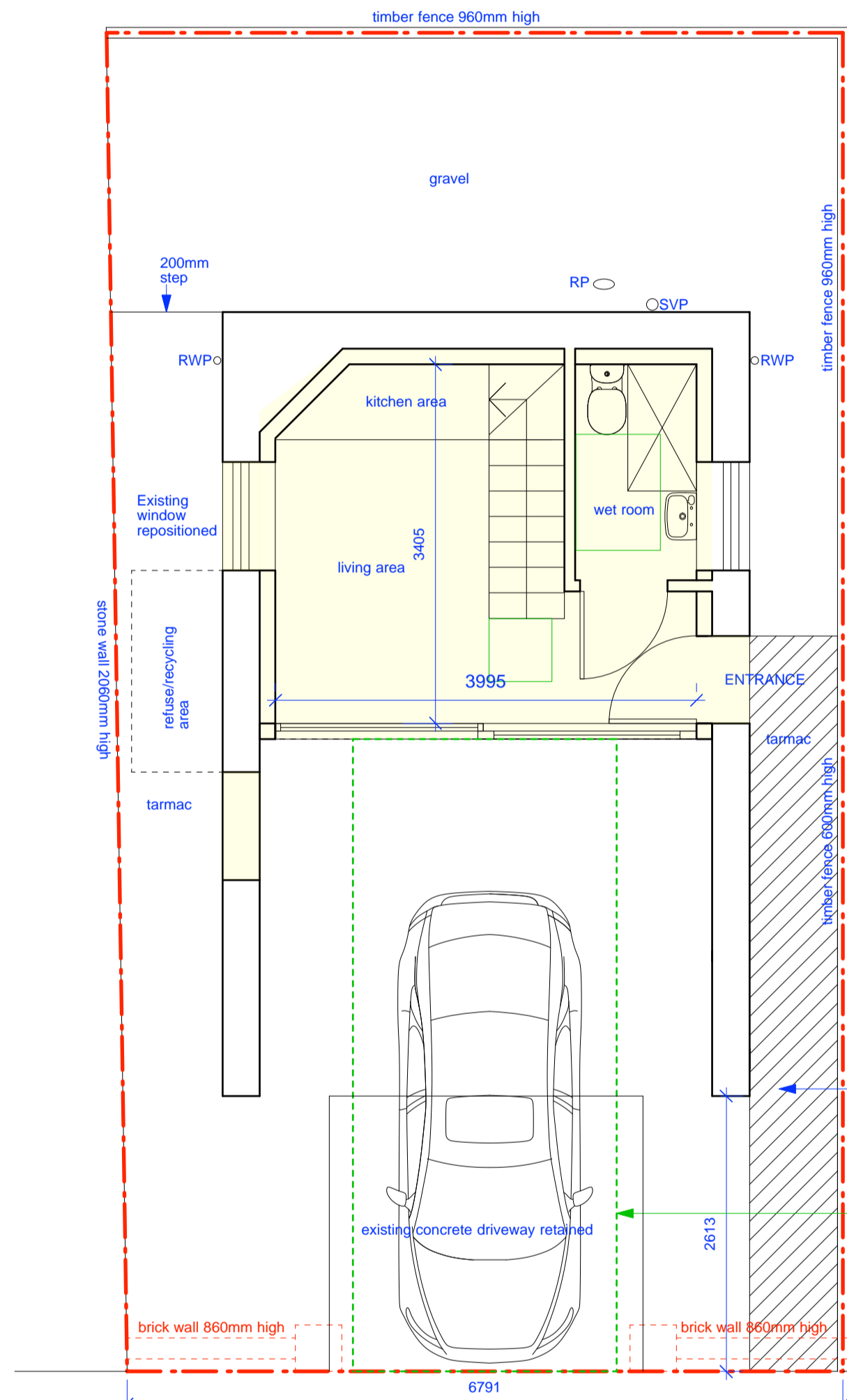
Proposed works

Issue / revision

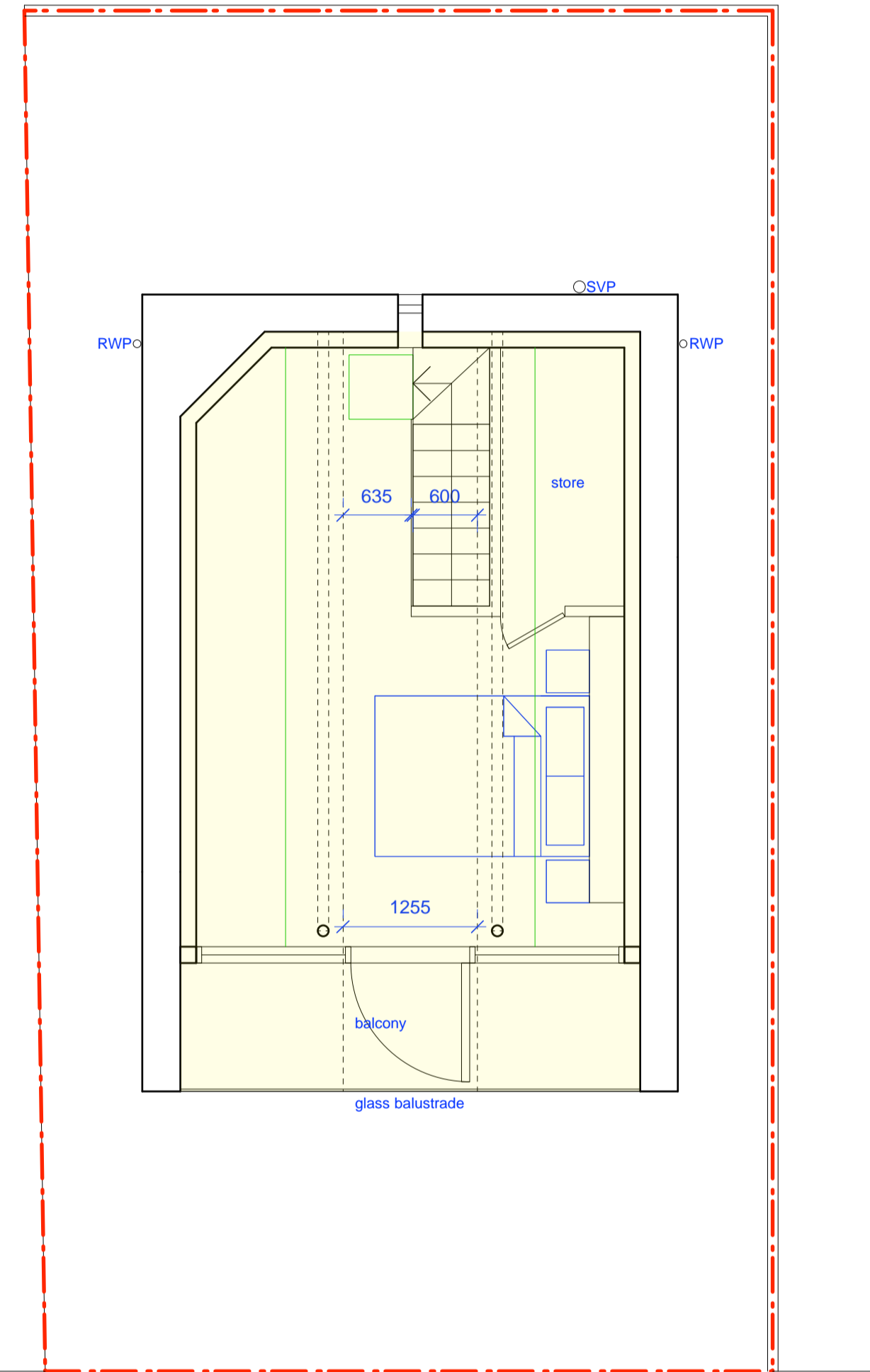
B	13.03.20	Driveway amended
C	13.03.20	Saloon car tracking added.
D	16.03.20	Lay by parking added.
E	16.03.20	ELC driveway added.



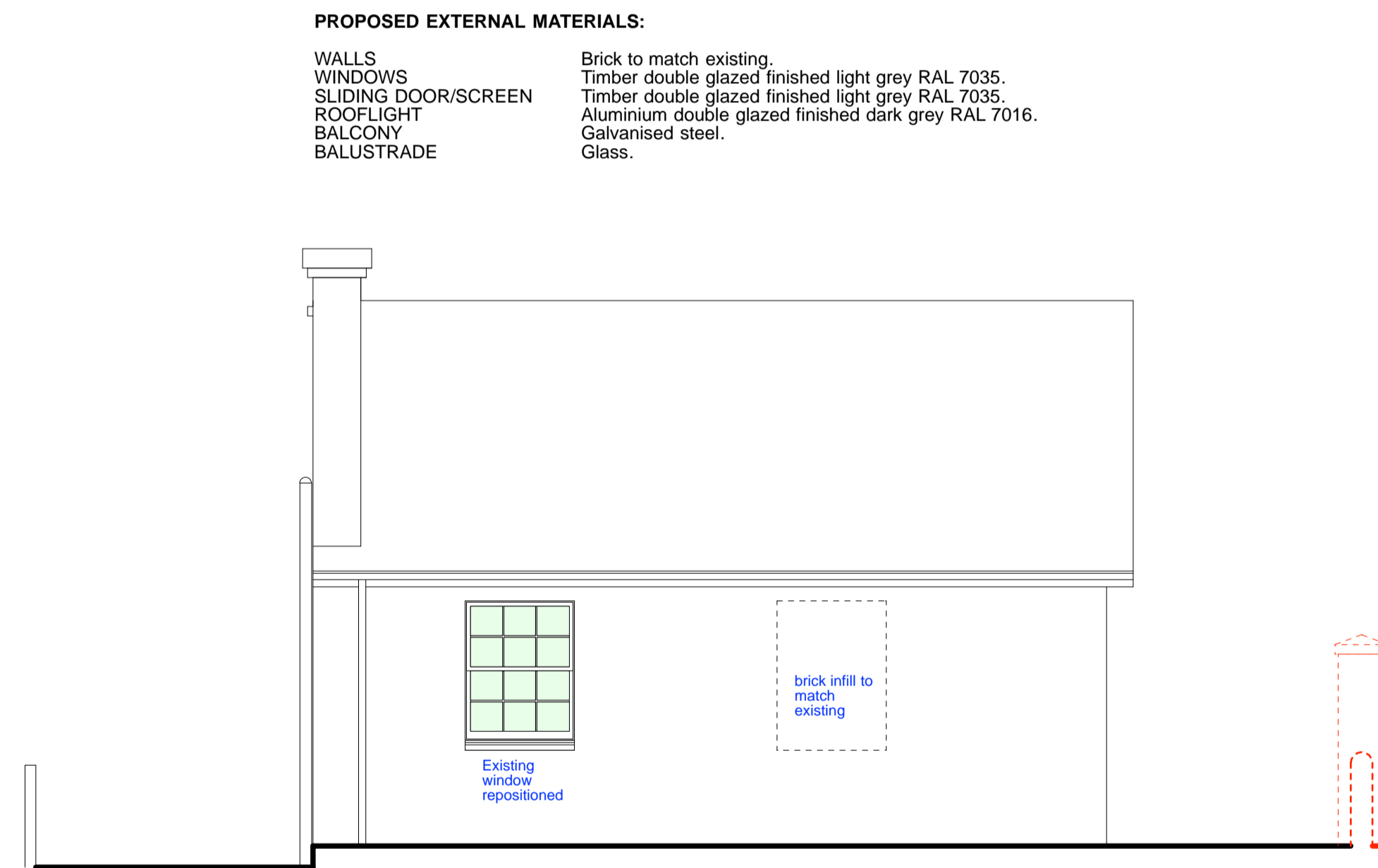
Proposed Section
Scale 1:50



Proposed Ground Floor Plan
Scale 1:50

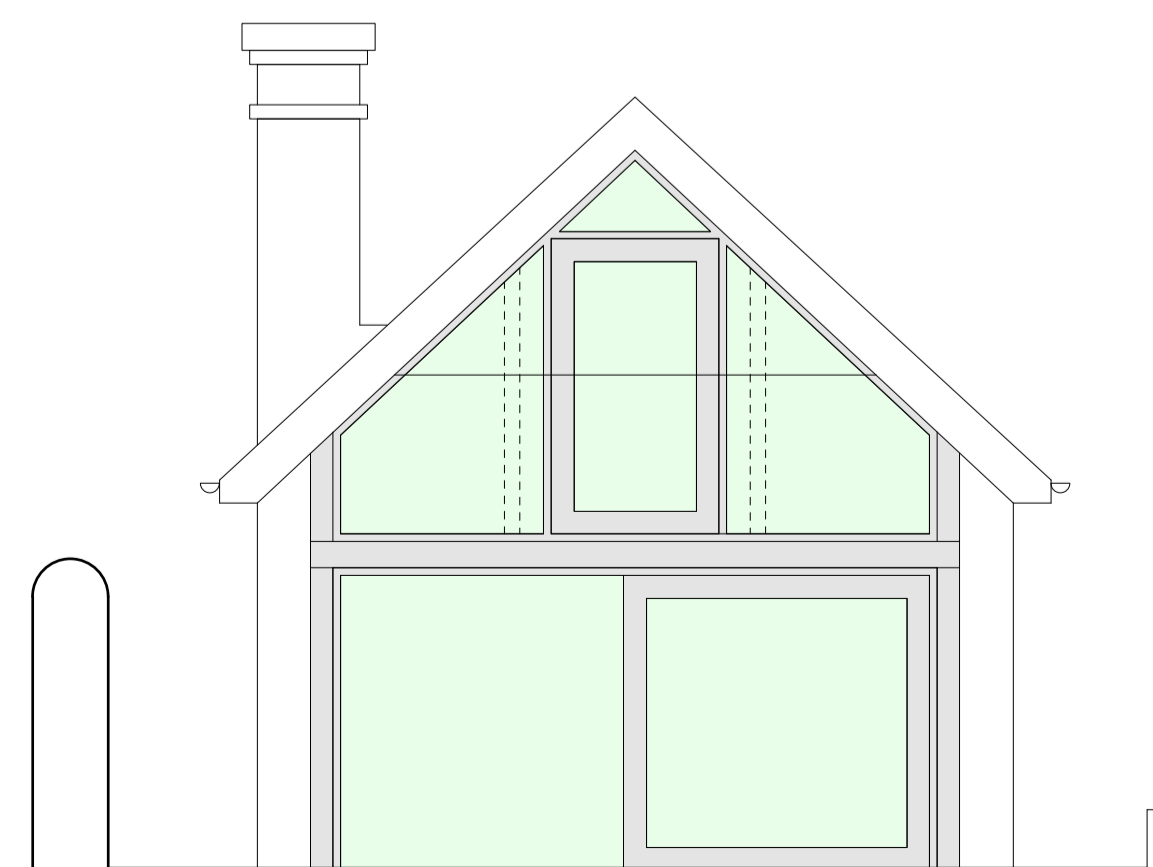


Proposed First Floor Plan
Scale 1:50

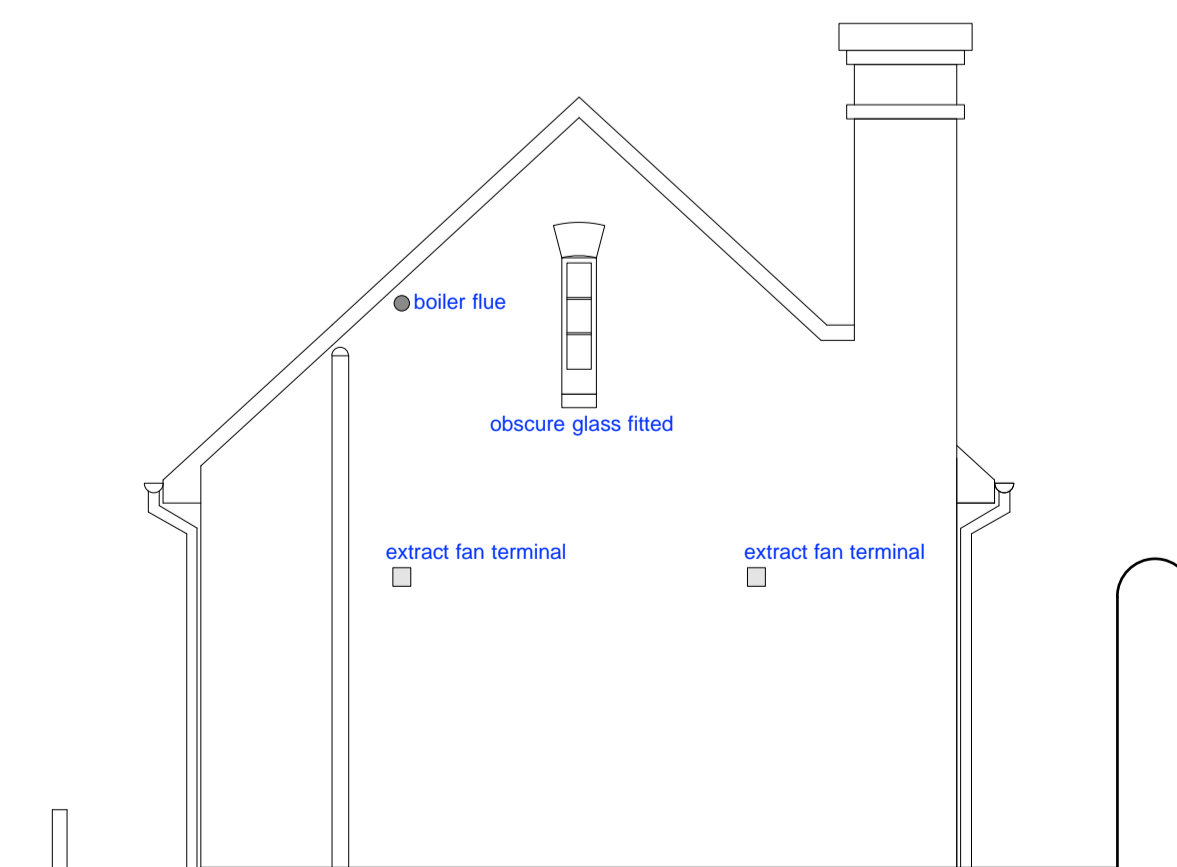


Proposed SE Elevation
Scale 1:50

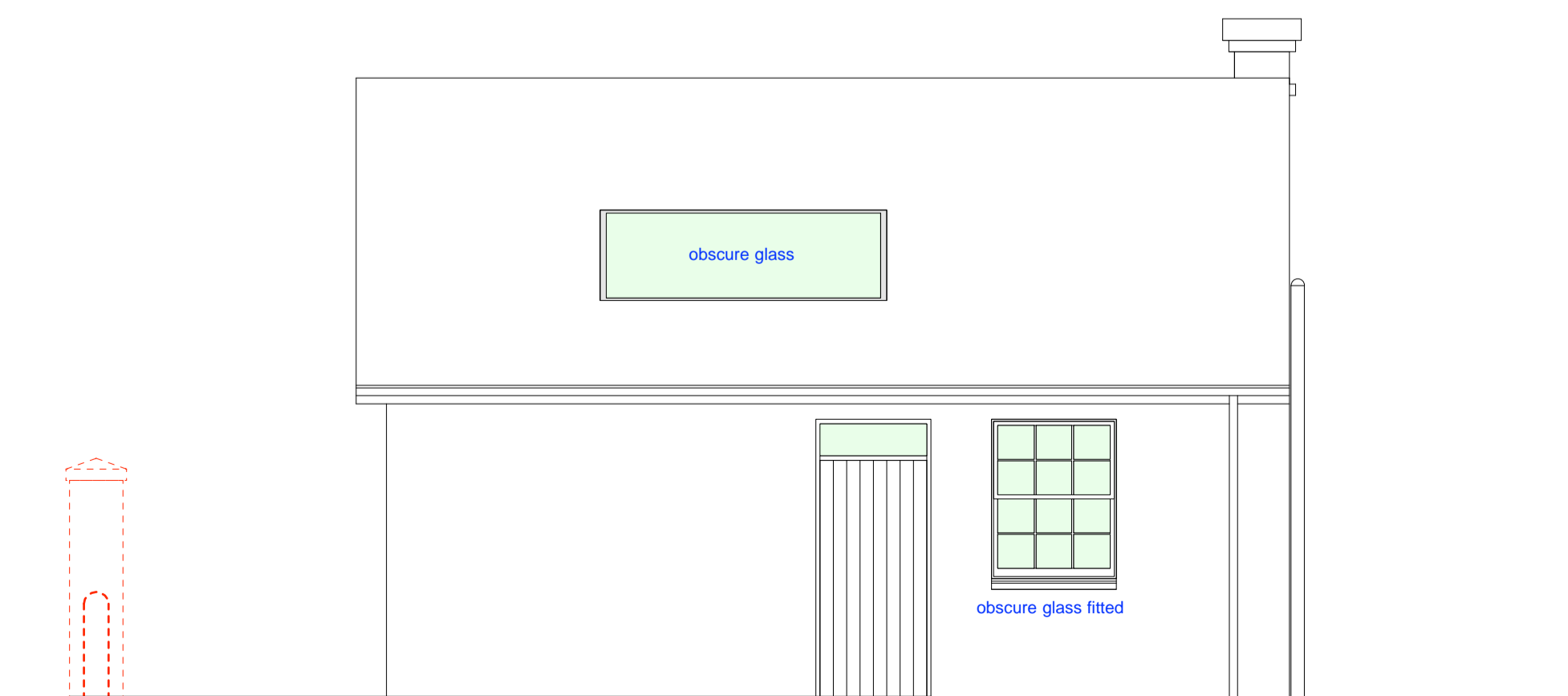
PROPOSED EXTERNAL MATERIALS:
 WALLS: Brick to match existing.
 WINDOWS: Timber double glazed finished light grey RAL 7035.
 SLIDING DOOR/SCREEN: Timber double glazed finished light grey RAL 7035.
 ROOFLIGHT: Aluminium double glazed finished dark grey RAL 7016.
 BALCONY: Galvanised steel.
 BALUSTRADE: Glass.



Proposed NE Elevation
Scale 1:50



Proposed SW Elevation
Scale 1:50



Proposed NW Elevation
Scale 1:50

Sutherland & Co.
Chartered architects

t 01620 248180
e info@sutherland.co.uk
www.sutherland.co.uk

Job Title
Former Coast Guard Station, Dunbar

Drawing Title
Proposed Plans, Section & Elevations

Drawing Status
PLANNING

Drawing Number
1957 (P) 001

Scale
1:50@A1

Date
Feb 20

Drawn
MR

Revision
E

Checked
-