

REPORT TO: Planning Committee

MEETING DATE: 30 March 2021

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: I would like this application brought before the planning committee to consider the parking situation on Church Street and the alterations to this Historic Building in Dunbar.

Application No. **20/01413/P**

Proposal Alterations and conversion of building into 4 flats

Location **Assembly Rooms
Church Street
Dunbar
East Lothian
EH42 1HA**

Applicant Mr Alexander Williamson

Per Architecturejfltd

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

Planning permission is sought through this application for the conversion of the ground floor and attic space of the Assembly Rooms building to form 3 flats and for alterations to that building to facilitate its conversion into flats. The building is situated on the eastern side of Church Street in Dunbar and is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The building is also within Dunbar Conservation area and it is listed as being of special architectural or historic interest (Category B).

The building fronts onto and is bounded by Church Street to the west with residential properties beyond. To the east of the building is the land that would have originally served the Assembly Rooms but which has been divided up and is now in part the garden ground for the basement flats with the remainder being in separate ownership. To

the north of the building is a building in residential use and to the south of the building is an area of undeveloped land of the Coastguard site.

Other than 3 flats within the basement of the building, it has been vacant for some 30 years. Consequently the building has been on the Buildings at Risk register for Scotland since 1992.

The Assembly Rooms building along with the adjacent Coastguard site were allocated for residential development through Proposal DN1 of the adopted East Lothian Local Plan 2000 and Proposal HN1 of the adopted East Lothian Local Plan 2008. It is therefore listed within the Dunbar Cluster Established Housing supply table DR1 of the adopted East Lothian Local Development Plan 2018 with the capacity to accommodate 8 residential units within it. Sites within the Established Housing supply table including the Assembly Rooms building are covered by Policy HOU1 (Established Housing Supply) of the adopted East Lothian Local Development Plan 2018. Policy HOU1: Established Housing Land Supply states that The Council continues to support the principle of appropriate residential development on sites of the established land supply as set out in the Housing Land Audit 2017. Proposal HN1 of the adopted East Lothian Local Plan 2008 states that parking for the Assembly Room flats is to be provided on the land of the adjacent Coastguard site.

The land immediately to the rear (east of the building) is divided between and is in use as garden ground for each of the 3 basement flats. One of those basement flats and the garden ground adjacent to it are within the ownership of the applicant. However, there is an area of unmaintained ground between that garden and Lamer Street that is in different ownership. All the other ground is in different ownership to the applicant. Consequently, there is no land within the ownership of the applicant on which to provide off street parking or garden ground for the building. Therefore none of the 4 flats would have either individual or communal amenity space nor would any of the flats have any dedicated parking spaces. Neither is there space to form a bin store.

In July 1994, planning permission (Ref: P/0003/94) was granted for the change of use of and alterations to the Assembly Rooms to form 9 flats and for the erection of 12 flats on the adjacent Coastguard site. At the same time listed building consent (Ref: L/0003/94) was granted for alterations to the Assembly Rooms in association with its change of use to 9 flats. Development of the approved scheme has not commenced and planning permission P/0003/94 and listed building consent L/0003/94 both lapsed in July 1999.

In January 2008, planning permission (Ref: 08/00053/FUL) was sought for the formation of 8 car parking spaces on part of the land of the Coastguard site. Those spaces were promoted to serve the flats proposed through planning application 06/00349/FUL. That application was withdrawn prior to determination in July 2015.

In December 2015, planning application 15/00478/P was sought, by the same applicant as for this application, for the erection on the adjacent Coastguard site of a flatted building containing nine flats, and for associated works on the site. The associated works included an area of car parking which included parking for the 8 flats to be formed within the Assembly Rooms building the subject of planning application 06/00349/FUL. However, planning application 15/00478/P was withdrawn prior to determination in August 2020 and therefore the provision of the 8 parking spaces was no longer proposed to facilitate the 8 flats proposed through application 06/00349/FUL.

In March 2019, planning permission 19/00978/PCL was refused for the change of use of the adjacent Coastguard site to a public car park.

In September 2020, planning permission 06/00349/FUL was refused for alterations and conversion of the Assembly Rooms building into 8 flats for the reason being that, 'As there is insufficient space within the curtilage of the application site to provide the 8 parking spaces required by East Lothian Council's Road Services to meet East Lothian Transportation Standards, the proposal would cause parking and congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018'.

In November 2020, listed building consent (Ref: 06/00349/LBC) was granted for alterations to building including heightening of roof. Listed building consent 06/00349/LBC has not been implemented but remains extant until 27th November 2023.

The proposed scheme of conversion now proposed is to form 4 flats within the Assembly Rooms building. As shown for them in the submitted 'Proposed Floor Plan' drawing, each of the 4 flats would contain three bedrooms (one with en-suite), a kitchen/living room and a bathroom. Three of the flats would also have a dining room. One of them would occupy the north end of the building - a duplex flat comprising part of the ground floor and first floor level of the building. The remaining three flats would occupy the ground floor, first floor and attic space of the building.

The proposed external alterations to the building to facilitate its change of use and conversion to flats are the same as those granted listed building consent by listed building consent 06/00349/LBC and also proposed through the previously refused planning permission 06/00349/FUL and include:

- (i) the replacement of the shallow pitched hipped roof of the building with a hipped roof with a steeper pitch, the top of which would be some 1.4 metres higher than the top of the existing roof. The replacement roof would have six roof windows, seven slate vents and two vent pipes installed within its front (west) facing roof slope and three hipped and pitched roofed dormers formed on its rear (east) facing roof slope;
- (ii) the installation of timber framed and astragalged windows within the existing openings on the front (west) elevation of the building;
- (iii) Blocking up the existing openings on the rear (east) elevation and the formation of seven new window openings in each of the ground and first floor levels of the building and the installation within those new openings of timber framed double glazed window;
- (iv) the installation of a timber door with glazed fanlight within the existing entrance on the ground floor of the front (west) elevation of the building;
- (v) the installation of two wall vents and a new length of cast iron downpipe on the rear (east) elevation of the building; and
- (vi) the rendering of the rear (east) elevation of the building with painted wet dash render.

All the proposed replacement windows would be timber framed and astragalged double glazed windows.

Subsequent to the registration of this application the applicant's agent has provided revised drawings to show (i) the removal of one roof window within the front (west) facing pitched roof slope of the building, and (ii) cycle storage at ground level within the hallway of the building.

It is also proposed to provide storage for the bins of each of the flats within the communal hallway of the building.

The applicant has also provided a transportation/travel plan as requested by the Council's Road Services department.

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 Southeast Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved Southeast Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Policies CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), HOU1 (Established Housing Land Supply), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DEL1 (Infrastructure and Facilities Provision) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application are Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building and within a conservation area given in Scottish Planning Policy: Revised December 2020.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018 and it provides policy guidance on works to buildings which are in a conservation area and/or buildings which are listed as being of special architectural or historic interest.

REPRESENTATIONS

Three written objections and two representations have been received to this application. The main grounds of objection are:

- (i) the proposed alterations to the roof pitch, which is readily visible, would change the character and appearance of the building. It is too large and will look disproportionate;
- (ii) the west facade will see new sashes inserted. It is unclear whether these are faithful

to the originals;

(iii) the east elevation treatment is unwelcome and would result in an unimaginative clutter of fenestration;

(iv) the interventions and treatments proposed do not extend to the sunken tenement properties and therefore cannot be said to adequately integrate, improve or complement the building as a whole;

(v) the proposals will impact the amenity of neighbouring properties;

(vi) the photographs submitted in the Design Statement do not reflect, or portray, the parking problems that exist within Church Street. They must have been taken during full lockdown or when the High Street had no parking restrictions; and

(vii) the proposed 4 flats would have no parking, garden space or outdoor amenity.

The two representations received to this application raise some support and some concerns. In support of the proposal it states that the development of this listed building is warmly welcomed and long overdue. It states that the reduction in flat numbers and the accommodation of bins within the building is welcomed.

The concerns relate to the lack of car parking provision, the proposed alterations to the roof of the building (which will change the proportions and character of the listed building) and the external treatment/fenestration to the east elevation. One of the representors also states that 4 new flats, each of which would have 3 bedrooms, are likely to result in more than four cars being displaced on Church Street which is already congested.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council, as a consultee to this planning application, state that they are aware of the long history of proposals to convert this listed building and are concerned by its deterioration over time. Accordingly, they welcome a sympathetic conversion to bring the building back into use, one which will create fewer dwellings and also proposes storage of waste and recycling bins.

However, concerns are raised relating to the non-provision of resident parking. However, they remain hopeful that some innovative solution might be realised. They state that there is a large plot of unused garden ground at the rear of the property which is accessed from Lammer Street and is in multiple ownership but complicated by an absent owner. However they state that negotiations over the use of that garden ground for parking would be preferable to the parking area refused at the adjacent Coastguard site. They also raise concerns relating to the raising of the roof of the building and the changes to its fenestration.

PLANNING ASSESSMENT

The building is within the historic core of the settlement of Dunbar and within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing.

Through its inclusion within the Dunbar Cluster Established Housing Supply of the East Lothian Local Development Plan (ELLDP 2018), the Council supports the principle of the conversion of the Assembly Room building to flats. Furthermore, Policy HOU1: Established Housing Land Supply of the ELLDP 2018 states that the Council continues to support the principle of appropriate residential development on sites of the established land supply as set out in the Housing Land Audit 2017.

Therefore the principle of the conversion of the building to flats is consistent with Policies RCA1 and HOU1 of the adopted East Lothian Local Development Plan 2018.

Thereafter, the principal determining factors in this case are whether, having regard to national, strategic and local planning policy and guidance and other material considerations the alterations and the works associated with it are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties and their impact on the special architectural or historic interest of the listed building and the character and appearance of Dunbar Conservation Area, and whether or not there would be sufficient infrastructure, including car parking, to serve the proposed flats.

The Assembly Rooms is a two storey and basement building. Its principal front (west) elevation faces onto Church Street with access into the building via a gantry which crosses over the void containing the access to the basement flats of the building. This principal elevation of the building is largely unaltered. It has a stone frontage, and notwithstanding that they are blocked up, retains its original window and door openings. Due to differing ground levels to the rear of the building the basement flats are below Church Street and are level with, and open out onto, the rear garden ground adjacent to the rear of the building.

The rear (east) elevation of the building has undergone previous alterations. It has a rendered finish and has had alterations to its openings including the enlargement of some openings and the infilling of others, all of which are currently boarded up.

Other than the 3 flats in the basement, the building has been vacant for some 30 years. Its last known use was as a furniture shop back in 1978. The uses of it since then are unclear. This lack of use has resulted in a gradual decline in the condition of the fabric of the building. Consequently, it is a building that is on Scotland's Buildings at Risk register.

Therefore whilst this is a building that is of historic interest its current state of disrepair is compromising its special architectural and historic interest and detracts from and does not preserve nor enhance the character and appearance of the historic core of the Dunbar Conservation Area.

The proposed external alterations proposed for the conversion of the building, which is listed as being of special architectural or historic interest, are the same as those previously refused planning permission 06/00349/FUL. However, through the determination of that application those external alterations were not deemed unacceptable.

Those external alterations included the replacement of the shallow hipped pitched roof with a slated roof with a steeper pitched hipped roof, with three dormers on its rear (east) elevation and six roof windows within its front (west) elevation. It is also proposed to install new timber framed and astragalled double glazed windows doors and a new door within the existing openings within the front elevation of the building. The rear (east) elevation of the building will be overhauled and existing openings will be either partially or fully blocked up and new window openings formed at both levels.

The removal of the existing roof and its replacement with a new higher roof of a different form, would be noticeably different to, and would detract from the special architectural interest of the listed building. Notwithstanding this, the other proposed alterations would generally be sympathetic and acceptable changes to the building. On the principal elevation of the building all existing window openings would be retained and restored and

the proposed replacement windows to be installed within them would be white painted timber framed sliding sash and case style windows. Whilst not faithfully replicating the glazing pattern of the original windows they would not be so dissimilar to the windows that may previously have existed to appear out of keeping with the building. The alterations to the rear of the building would be more significant. However, by having been previously altered and due to its poor state of repair, that rear elevation of the building is not of the same special architectural or historic interest as its front principal elevation. Therefore the proposed alterations to it whilst changing the appearance would not cause the loss of any features of special architectural or historic interest. Those alterations to the rear elevation of the building would result in the overall improvement in its appearance. Conditions could be imposed on any grant of planning permission that replacement windows and doors are appropriate for use on a listed building and that roof windows are flush fitting with the upper surface of the roof.

The **Council's Policy & Projects Manager** states the principle of conversion of the building to residential use is supported by Policy HOU1 of the adopted East Lothian Local Development Plan 2018. He states that whilst the proposed conversion of the building would improve the appearance of the building and therefore enhance the character and appearance of the Dunbar Conservation Area, the design of the building could be more sympathetic.

Whilst this is a proposed scheme of development that would not faithfully restore the building to its original appearance, on balance, the benefits of the proposed scheme of development, including improving the appearance of the building, securing the future of a building that is on Scotland's Buildings at Risk register, and enhancing the character and appearance of the Conservation Area achieving positive townscape benefits within its historic core, would outweigh the harmful impact of the new proposed roof. Therefore, and subject to the imposition of planning controls, the proposed alterations to the building would not be inconsistent with Policies CH1, CH2 and DP5 of the adopted East Lothian Local Development Plan 2018, with Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018 or with Government policy guidance given in Scottish Planning Policy: Revised December 2020.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separating distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separating distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Due to the positioning of the Assembly Rooms building within Church Street the window and door openings within its west elevation are within 18 metres of windows of the flatted buildings on the opposite side of Church Street to the west. Those existing windows and door openings are to be retained and new windows installed within them. The windows on the ground floor of the houses and flats opposite are, due to their positioning on Church Street already overlooked by anyone walking or driving along Church Street. Whilst the first floor windows of the Assembly Rooms are currently blocked up, any new use of the building would result in the unblocking of those windows. Therefore whilst these windows do not meet the Council's normal standards any new use of the building would require the opening up of those windows and would allow for overlooking that does not meet the Council's Standards. Therefore, as an existing situation and as the proposed conversion of the building to 4 flats would safeguard and secure the future of this historic building, and bring with it significant townscape improvement, the proposed

intention to open up of those windows is not unacceptable.

The proposed roof windows to be installed in the front (west) facing pitched roof slope of the new raised roof would be within 18 metres of the flatted buildings on the opposite side of Church Street. The roof windows to be installed to the north of the entrance door would not directly face any windows or other glazed openings on the flatted building opposite and would not allow for harmful overlooking. However the four roof windows to be installed to the south of the entrance door would directly face and be within 18 metres of the two dormer windows on the roof of the flatted building opposite. Consequently they would allow for overlooking that would be new and would not be a historic situation. Those roof windows would serve bedrooms and a kitchen. To mitigate this overlooking it could be made a condition of any grant of planning permission that all four roof windows to the south to the entrance door be obscure glazed. Whilst it would be the normal practice of the Council to ensure that the occupants of those flats would have some outlook from a bedroom or kitchen, the benefits of the proposed conversion would outweigh the reduced amenity level of the future occupants of those flats.

The occupants of the other flats would also benefit from amenity. There is no requirement in terms of the adopted East Lothian Local Development Plan 2018 for the 4 flats to be served by private garden ground.

All the new and altered window openings on the rear (east) elevation of the building would face over the garden ground to the rear of the building. Whilst the outlook from the new openings would allow a view onto the gardens of the basement flats within the building, this same view would occur with any new use of the building. Therefore and due to the significant townscape benefits the conversion of this building would bring the opening up of those windows is acceptable.

The proposed heightening of the roof by some 1.4 metres would not cause overshadowing of any windows of neighbouring residential properties that would be significantly different to that already occurring from the existing building.

On these matters of overlooking and overshadowing the proposals are consistent with Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Scottish Water raise no objection to this application and advise that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and that the proposed development would be serviced by Dunbar Waste Water Treatment Works.

The **Council's Environmental Health Officer** raises no objection to this planning application.

The **Council's Waste Services** confirm that unlike the previously refused planning application, there is adequate bin storage space provided within each of the four store areas at ground floor level within the building for a domestic waste bin, recycling boxes and a food caddy. Therefore Council's Waste Services raise no objection to this planning application but advise that residents would be responsible for presenting containers at the kerbside on the appropriate day for collection and then removing them from the kerbside once collections were complete.

There is no off street parking proposed for the 4 flats. Therefore **Roads Services** have stated that they cannot support this application as it does not accord with Council Parking Standards. However Roads Services acknowledge that this is an existing building that is close to Dunbar Town centre which is well served by public transport.

Therefore the future occupants of the 4 flats would have reasonable and viable alternatives to using a private car and ownership of a car would not be essential for those living in the flats.

Furthermore Roads Services acknowledge that Policy CH2 of the adopted East Lothian Local Development Plan 2018 allows for a reduced level of parking for sites within Conservation Areas (which in exceptional circumstances could be no parking provision) if it can be demonstrated that a reduced level of parking will achieve positive townscape benefits without compromising road safety.

In the determination of previously refused planning application 06/00249/FUL it was accepted by Roads Services that due to the positive benefits associated with that proposal a reduced parking demand would be accepted and that instead of 1.5 spaces per flat being required that 1 space per flat would be acceptable. However in the determination of that application due to the number of flats (8) that were proposed and due to the demand for parking on Church Street the positive townscape benefits that could be achieved from the conversion of the building were outweighed by the fact that road safety would be compromised if that planning application was approved. For that reason planning application 06/00349/FUL was refused planning permission for the reason "there is insufficient space within the curtilage of the application site to provide the 8 parking spaces required by East Lothian Council's Road Services to meet East Lothian Transportation Standards, the proposal would cause parking and congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018."

What is now proposed is the conversion of this existing redundant listed building into 4 flats. This is a smaller scale of development than that proposed in the previously refused planning application 06/00349/FUL. Whilst the 4 proposed flats may be larger than the previously proposed 8 flats, the parking requirement that comes with this proposed scheme of development is for only 4 parking spaces. This is significantly less than the 8 spaces required through the previously refused planning application. Therefore and as this is a scheme of development that would bring with it such significant positive townscape benefits for the historic core of Dunbar Conservation Area without compromising Road Safety then it is consistent with Policy CH2 of the adopted East Lothian Local Development Plan 2018. However, for avoidance of doubt given the parking pressures on Church Street it is unlikely that any revised scheme of development that proposed to increase the number of flats to more than 4 could be supported as the risk to road safety would outweigh the positive townscape benefits that could be achieved.

In conclusion as this is a scale of development that would bring with it significant positive townscape benefits that would not compromise road safety it is a scheme of development that is consistent with Policy CH2 of the adopted East Lothian Local Development Plan 2018.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Prior to its use on the building a sample of the slate to be used on the new roof and details of the pattern of its laying shall be submitted to and approved by the Planning Authority. Thereafter the slate used shall accord with and shall be laid in the pattern so approved unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 2 Prior to their installation within the building the details of the windows proposed for installation within the openings of the building shall be submitted to and approved by the Planning Authority. Thereafter the windows installed shall accord with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 3 The roof windows hereby approved shall be fitted such that, as far as possible, their upper surfaces are flush fitting with the upper surfaces of the roof into which they would be installed and with minimum flashing. Details of the roof windows shall be submitted to and approved by the Planning Authority and those fitted shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Dunbar Conservation Area.

- 4 The four roof windows to be installed within the south end of the front (west) facing pitched roof slope of the new raised roof hereby approved, which would serve bedroom 2, bedroom 3 and a kitchen at second floor level, shall all be obscurely glazed 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 neighbouring residential property to the south.