



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 19 NOVEMBER 2020
VIA THE DIGITAL MEETINGS SYSTEM**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor S Kempson
Councillor J Williamson

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr L Taylor, Planning Adviser to the LRB
Ms J Squires,

Other Officers present:

Mrs P Gray, Communications Officer

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser invited nominations to chair the meeting and Councillors Kempson and Williamson proposed and seconded Councillor Hampshire. It was therefore agreed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

The Legal Adviser asked Members to confirm that they had received all of the information relating to the application: the applicant and Council submission and copies of the additional representations submitted. He then outlined the procedure for the meeting and the options available to the Local Review Body in reaching a decision on the planning application.

The Chair asked Members to confirm whether, on the basis of the information that they had received and the site visit undertaken earlier in the day, they were content to proceed. They confirmed that this to be the case.

1. PLANNING APPLICATION NO. 20/00594/P: ALTERATIONS, EXTENSION, CHANGE OF USE OF BANK BUILDING TO FORM 1 HOUSE, ERECTION OF COMMERCIAL BUILDING, WIDENING OF VEHICULAR ACCESS AND ASSOCIATED WORKS, 12 WESTGATE, NORTH BERWICK EH39 4AF

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detailed proposals contained in planning application no. 20/00594/P which related to alterations, extension and change of use of a bank building to form 1 house; and the erection of a commercial building, widening of vehicular access and associated works at 12 Westgate; a Category B listed building situated within the North Berwick Conservation Area and part of a grouping of listed buildings at no's 10-12 Westgate. The application was registered on 18th June 2020 and determined on 14th August 2020.

Members were reminded that since the decision on the planning application was made, part of the building (the 1980s side extension) had been excluded from the listing of 10-12 Westgate following a recent decision by Historic Environment Scotland.

The Planning Adviser summarised the relevant policies of the East Lothian Local Development Plan 2018, as set out in the planning case officer's report. These were: TC2 (Town and Local Centres); CH1 (Development Affecting Listed Buildings); CH2 (Development Affecting Conservation Areas); DP5 (Extensions and Alterations to Existing Buildings); DP7 (Infill, Backland and Garden Ground Development); and T2 (General Transport Impact). Also of relevance was Scottish Planning Policy including guidance on development affecting listed buildings and conservation areas, and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The Planning Adviser then summarised the planning case officer's assessment of the application. The officer had noted the planning history of the site including a previously refused planning application for change of use to residential, and a previously refused listed building consent application. The officer had also looked at other material considerations, in particular policy TC2. This policy supported some changes of use in town centres, and in relation to residential use, only where it could be demonstrated that commercial buildings were no longer viable for a range of commercial uses. The

proposal was noted as being a change of use from commercial (class 2) to residential with a small office/studio space provided to the side. The planning officer considered the proposal to be contrary to policy TC2 as it would result in the loss of commercial space in the town centre, with no evidence to demonstrate that it had been marketed as required or that it was no longer viable as a commercial town centre use.

The planning officer had also noted the need for Local Authorities to have special regard to preserving and enhancing the character and appearance of listed buildings. The officer had concluded that the proposed extension to the side would result in detrimental impact to the setting of the Category B listed building itself and to the North Berwick conservation area. Furthermore, the alterations to the access to provide in curtilage vehicular parking would also be detrimental to the streetscape and the character of the conservation area. The officer had also concluded that the proposed alterations to the site would result in occupants not having sufficient level of amenity including privacy, daylight or sunlight, together with impacts on the amenity of neighbouring properties at no.12b Westgate and Blenheim House (no. 14).

The Planning Adviser concluded that planning permission had been refused for the reasons set out in the planning officer's report, which he briefly summarised for the Members.

The Chair thanked the Planning Adviser for his summary.

The Planning Adviser responded to questions from Members providing clarification of points including: the demolition of the side extension; the proposed windows to the rear and their impact on the privacy and overlooking of the garden and neighbouring property; the impact that de-listing of the extension would have on the need for future planning consents; and the minimum length of time specified in planning policy for marketing of the property for commercial use and other evidence required to show that the property was no longer viable in this regard.

The Chair asked his colleagues to confirm if they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Kempson said that the site visit had been most valuable in putting the application in context. She noted that there were tall buildings on the other side of the road but with large light-filled gaps between them; whereas this proposal would block the light and dramatically change the streetscape on the north side of the road within the conservation area, as well as severely affecting the amenity of the neighbouring properties. She considered the entrance from Westgate and turning space to be narrow and unsuitable for larger family vehicles. She also felt that the lack of garden ground to the rear would result in a lack of amenity for any residents of the property, with no room for washing lines, sheds or other external facilities. In conclusion, she fully supported the officer's recommendation to refuse planning permission adding that, in her opinion, the property was not suitable for development as a residence but could be developed as a commercial enterprise.

Councillor Williamson commented that the property had previously been used for commercial purposes; had been sold for commercial use and with that expectation; and that no evidence had been provided to show it was no longer viable for commercial purposes. He also stated that the proposed extension, although smaller than the previous proposal, was still of a size and scale that would cause unacceptable infill of

the site and result in a lack of amenity. Adding to this his concerns about the access onto Westgate, he would be supporting the officer's recommendation to refuse planning permission.

The Chair noted the continued demand for office space in North Berwick town centre and observed that having a commercial property at this site would increase footfall. He said that the loss of the bank had had a significant impact and therefore preserving office space at this location would be important for the town centre. He also commented that any future proposal for a residential home within this site would be difficult to justify given the lack of available garden ground and the proximity to the neighbouring property's garden. For these reasons, he agreed with the officer's recommendation.

The Legal Adviser sought confirmation of the decision via a roll call vote:

Councillor Kempson	Planning permission refused
Councillor Williamson	Planning permission refused
Councillor Hampshire	Planning permission refused

A Decision Notice would be issued shortly confirming that planning permission had been refused for the reasons outlined in the planning officer's report.

Decision

The ELLRB agreed unanimously to uphold the decision of the Planning Case Officer and to refuse planning permission for the following reasons:

- 1 The proposed scheme of development would result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed extension would by virtue of its size, scale, and alignment not be subservient to the existing listed building and as such would be harmful to the architectural and historic character of the listed building and the character and appearance of the North Berwick Conservation Area contrary to Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.
- 3 The proposed widening of the vehicular access and the formation of the associated hardstanding area, with vehicle turntable, in the front garden ground of the former bank building would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the North Berwick Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.
- 4 The proposed development would not be subservient to or complement the existing building and would result in an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight. Therefore the proposal is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

- 5 The occupants of the proposed house would not be afforded an acceptable level of privacy and amenity. Therefore the proposal is contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)