

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 March 2018

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 Findlay for the following reason: there is a question of economic development and the provision of office space in the centre of North Berwick that needs to be considered.

Application No. **17/00866/P**

Proposal Extension to existing shop (class 1 use) and professional services building (class 2 use)

Location **2 Law Road
North Berwick
East Lothian
EH39 4PL**

Applicant Zest Capital Management Ltd

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

PLANNING ASSESSMENT

The property to which this application relates is the two storey building of 2 Law Road, North Berwick. It is located within North Berwick Town Centre and is also within the North Berwick Conservation Area. The building, together with the adjoining stone wall, is listed as being of special architectural or historic interest (Category C). The building adjoins the building of 59-61 High Street, and has a frontage onto the northern end of Law Road.

The ground floor of the building is currently in use as a retail unit (Class 1) whilst the first floor is in use as a professional services unit (Class 2). Immediately to the south of the building is an area of open ground, that is currently used as a storage area. That open area of land, which forms the southern part of the application site, is separated from Law Road by a high natural stone wall.

The property is bounded to the north by the adjoining commercial and residential properties of 59 and 61 High Street, to the west by the adjoining commercial and residential properties of 63 and 65 High Street, to the south by a residential garage

building, and to the east by the public thoroughfare of Law Road with an area of car parking beyond.

Planning permission is sought for the addition of a pitched roof two-storey gable extension onto the south gable of the building. The ground floor of the proposed extension would serve as an extension to the ground floor retail use of the existing building. The first floor of the proposed extension would be used as a new Class 2 unit. Class 2 is defined as being use for the provision of financial services, professional services, or any other services (including use as a betting office), which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

Listed building consent is sought separately through application 17/00867/LBC for the addition of the two storey gable extension onto the south gable of the building, the removal of the existing concrete steps and iron railings attached to the southern elevation of the existing building, and for alterations to the existing stone wall attached to the south elevation of the building, also listed in association with the building. No decision has yet been made on this application.

The proposed gable extension would be roughly rectangular in shape and would project a maximum of some 5.4 metres along and some 7.62 metres out from the south gable elevation of the existing building, reaching a height of some 6.7 metres to the eaves of its pitched roof. The west elevation would butt up against the west boundary wall of the curtilage of the applicant's property, whilst its south elevation would butt up against the existing garage building to the south. The ground floor of the east elevation would butt up against the existing listed wall. The east elevation of the first floor of the proposed extension would be set back approximately 1.0 metres from the ground floor of the east elevation of the proposed extension. The east elevation of the extension would be finished in a scraped textured render coloured off-white, as would the south gable elevation. The roof slope elevations would be finished in a natural black-blue slate. It is also proposed to form a grey single ply membrane flat roof section

Subsequent to the registration of this application, the applicant's agent has submitted amended drawings which show amended fenestration detailing for the proposed extension.

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 Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV2 (Town and Village Centres, other retail or mixed use areas), ENV3 (Listed Buildings), ENV4 (Development Within Conservation Areas), DP6 (Extensions and Alterations to Existing Buildings) and DP22 of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's Scottish Planning Policy: June 2014.

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.

One letter of objection has been received. The letter of objection considers that the proposals will damage the character, appearance, and setting of the listed high stone boundary wall along the site frontage with Law Road, further destroying its visible continuity. The letter suggests several options to promote the conservation of the wall as well as the need for an archaeological investigation for any works.

Policy ENV2 applies to North Berwick Town Centre, an area defined as being of mixed uses and one in which uses appropriate to a town centre area will be acceptable in principle. These uses include retailing, business and office use, restaurants, and leisure and entertainment. The ground floor of the proposed extension would be used as additional floor space for the well established existing retail use that operates in the ground floor of the host building. The proposed Class 2 unit to be formed within the first floor of the proposed extension would in principle be an appropriate use within North Berwick Town Centre.

On the consideration of the principal of the proposed use, the proposed development is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

On matters of privacy and amenity, the glazed openings to be formed within the front (east) elevation of the proposed extension would face over the public thoroughfare of Law Road with an area of car parking beyond and thus would not allow for harmful overlooking of any neighbouring residential property in that direction.

Owing to its size, form and positioning the proposed extension would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties.

The Council's Environmental Health Manager raises no objection to the proposals.

On these considerations of privacy and amenity, the proposals do not conflict with Policies ENV2 or DP6 of the adopted East Lothian Local Plan 2008.

The Council's Road Services raises no objection to the application, advising that the effect on parking within the town centre from the proposed development will be minimal. On this consideration, the proposed development is not contrary to Policy DP22 of the adopted East Lothian Local Plan 2008.

The Councils Archaeological Service raises no objection to the application and is content that any remains which may be present will not be impacted upon by the proposals. On these considerations of archaeology, the proposals do not conflict with Policy ENV7 of the adopted East Lothian Local Plan 2008.

The principal consideration in the determination of this application is whether or not the visual impact of the proposed development would preserve the architectural or historic character of the listed building and the character and appearance of the Conservation Area, and if not, whether there are any other material considerations that outweigh this policy conflict.

The two storey building of 2 Law Road in its built form with its stone gable wall, pantiled roof, timber framed sash and case windows and other architectural features has, as a listed building, its own special architectural or historic interest. Both it, and the adjoining stone boundary wall make a positive contribution to the character of the Conservation Area. The premises occupies a prominent street frontage location at the northern end of Law Road within the North Berwick Conservation Area, readily visible in public views of it.

In its position, the proposed two storey extension would almost completely obscure the stone gable wall of the existing building, a feature that contributes positively to both the architectural or historic character of the listed building and the character and appearance of the Conservation Area. Moreover, in its position and due to its design, fenestration detailing, materials, and height, the proposed extension would be a harmfully dominant, imposing and obtrusive addition onto the south side elevation of the listed building. Furthermore, the proposed demolition of 3 sections of the existing stone boundary wall and the installation in those openings with glazed openings would radically alter, and harmfully disrupt the unbroken stretch of stone roadside boundary wall. In all of this the proposed extension, in being an incongruous and harmful addition to the category C listed building, would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the building and be harmful to the character and appearance of the Conservation Area, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

The proposed development would have some limited economic benefit in terms of the proposed extension of the existing retail use and the creation of a new Class 2 unit. This could include some new employment, although the number of potential new jobs has not been specified by the applicant. The limited economic benefit does not outweigh the adverse impact of the proposed extension on the architectural or historic character of the listed building or on the character and appearance of the Conservation Area.

REASON FOR REFUSAL:

- 1 The proposed extension would be a prominent, obtrusive and incongruous addition to the listed building. It would not serve to preserve or enhance, but instead would harm the character, integrity and appearance of the listed building and would be harmful to the character and appearance of the Conservation Area. Accordingly, it is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.