

**PLANNING COMMITTEE**

**5 NOVEMBER 2019**

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**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 1 OCTOBER 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor F O'Donnell

**Other Councillors Present:**

Councillor S Currie  
Councillor A Forrest  
Councillor C Hoy

**Council Officials Present:**

Mr K Dingwall, Team Manager – Planning Delivery  
Mr K Graham, Solicitor  
Mr G McLeod, Transportation Planning Officer  
Ms J McLair, Planner  
Ms S McQueen, Planner  
Ms J Allen, Communications Adviser

**Clerk:**

Ms A Smith

**Visitors Present/Addressing the Committee:**

Item 2 – Mr K Henderson  
Item 3 – Mrs J Jemmett

**Apologies:**

Councillor W Innes  
Councillor J Williamson

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 3 SEPTEMBER 019**

The minutes of the meeting of the Planning Committee of 3 September 2019 were approved.

**2. PLANNING APPLICATION NO. 18/00685/P: ALTERATIONS TO BUILDING TO FORM 1 HOUSE AND ASSOCIATED WORKS AT LAND TO REAR OF 17-18 CARLYLE PLACE, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 18/00685/P. Stephanie McQueen, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Ms McQueen responded to questions from Members. She clarified the situation as regards overlooking, explaining that the proposed house would have privacy in terms of overlooking from other windows but the garden ground would be overlooked. She confirmed that the proposal was classed as alterations to the building as opposed to a new building. The footprint would not be larger than the existing building. Regarding the definition of *crammed*, as stated in the first refusal reason, she indicated there was no set criteria for this definition; each application was assessed on its merits. Ms McQueen clarified that pre-application correspondence had taken place with the applicant. Responding to further questions, she advised that at the time of the previous application, the applicant had been told that a proposal for a house would not be acceptable. The applicant wanted to retain the building and it had been a domestic storage unit since then.

Keith Henderson of Capital Draughting Consultants Ltd, agent for the applicant, informed the Committee that this proposal was the final piece in the re-development of this area. The house would be done to the same standard as the three flats. Regarding overlooking he said that all the gardens were overlooked as all the flats were accessed from the rear. If planning permission was refused, he was unsure what else could be done with the site. He acknowledged the lack of parking facilities but stated that as membership of the bowling club had decreased there would be less traffic using the road. He stressed that this proposal would enhance the area not detract from it.

Mr Henderson, responding to questions, clarified that the bowling green would be closed between October to April but the social club would remain open throughout the year.

Local Member Councillor Currie, not a member of the Planning Committee, stated he did not regard this as a cramped infill development. This proposal would add to the amenity of the area; if not converted to housing he queried what would happen to this site. Regarding the lack of parking provision he said that in any area without enough parking spaces access to public transport was crucial and this was readily accessible; promoting the use of public transport was key. He referred to previous applications in Musselburgh that had been granted where there had been issues around parking provision and stressed the need to apply a similar logic. This was a worthwhile development, he hoped it would be supported.

Local Member Councillor Forrest, also not a member of the Planning Committee, agreed with Councillor Currie. The developers had worked closely with the bowling club. He also did not think this was cramped infill development, he felt it was acceptable. He added that there should be a review as regards parking provision.

Local Member Councillor Mackie noted this was a densely populated area. She remarked that parking was quite an emotional issue for some people. She agreed with Councillor Forrest that a review on parking should be carried out.

Councillor McLeod agreed with Councillor Currie about promoting the use of public transport. He noted that the bowling club would be quieter over the winter period. If this proposal was not granted the building would just remain empty. He would be supporting the application.

Councillor McMillan remarked that he had been swayed by Councillor Currie's comments. Promoting the use of public transport and discouraging parking was important in terms of sustainability and for improving the amenity of town centres. On balance, he would be supporting the application.

Councillor Gilbert felt that the proposal to form a house was acceptable. Regarding parking spaces, he remarked that there were many residential properties in Musselburgh without parking spaces and those residents managed by either using public transport or parking elsewhere. He would be supporting the application.

The Convener closed the discussion. He stressed that if the Committee took the decision to go against the Council's policies this would make it difficult to deal with other applications in the future. He would be supporting the report recommendation.

He moved to the vote on the report recommendation (for refusal):

For: 6

Against: 4

Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission for the following reasons:

- 1 By its contained backland position, the proposed house would be a cramped form of infill housing development, not appropriate to its place and harmfully at odds with the characteristic pattern of the layout of the houses, flatted buildings and gardens of Hercus Loan and surrounding vicinity. As development harmful to the characteristic pattern of the layout of the houses and buildings of this part of Musselburgh, the proposals would be an overdevelopment of the site and would be harmful to the character of this part of the Musselburgh Conservation Area. Consequently, the proposed development would be contrary to Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Ministers' policy on development within a conservation area given in Scottish Planning Policy: June 2014.
- 2 As no on-site parking provision would be provided for the proposed house and nor is there any land on which such parking could be provided, and that due to the narrow constrained nature of the road of Carlyle Place, and the existing on-going use of the bowling green, there is no on-street capacity to accommodate the parking demand associated with the proposed house, the proposed development would be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.
3. **PLANNING APPLICATION NO. 19/00691/P: ERECTION OF 1 HOUSE, DOUBLE GARAGE AND ASSOCIATED WORKS AT GROUND TO THE WEST OF KILORAN, ORMISTON**

A report was submitted in relation to Planning Application No. 19/00691/P. Julie McLair, Planner, presented the report, summarising the key points. The proposed decision set out in the report was for refusal of the application.

Ms McLair responded to questions. She clarified what discussions had taken place with the applicant and agent following refusal of the previous application. She further clarified that the previous application had been assessed under the 2008 East Lothian Local Development Plan but added that there had been no change in the material planning considerations.

The applicant Janet Jemmett, informed Members that they had lived at the property for many years and her husband wished to stay in his home. She expanded on the reasons for the

application, providing details of her husband's medical conditions and his care requirements. She drew attention to the history of the area and the number of properties that used to be on site. She said they had complied with all the Council's recommendations following refusal of the earlier application. She hoped Members would support the application.

In response to questions, Mrs Jemmett outlined the practical difference it would make to have her daughter and son in law living beside them.

Local Member Councillor Hoy, not a member of the Planning Committee, noted that since the previous application some of the grounds of objection had been addressed. Referring to policies DC1 and DC4, he drew attention to Councillor Akhtar's reasons for bringing this application to Committee and her comment that there may be an issue as regards demographics, care and wellbeing, which may highlight a gap in policy. He appreciated the difficulties in asking Members to disregard these policies but felt that enabling someone to remain in their own home with the necessary care provision was a point of differentiation.

Local Member Councillor McMillan referred to the dilemma as regards need and wider issues regarding care provision in rural areas. He respected the need for Policy DC1; it protected against indiscriminate development in the countryside. However, considering Mrs Jemmett's comments, he felt there were occasions when a person's needs outweighed policy. He would be supporting the application.

Councillor McLeod agreed; he would also be supporting the application. He asked if a condition could be put on a grant of planning permission restricting the occupation of the new house to family members for a set time. Keith Dingwall, Team Manager – Planning Delivery, stated that this was not possible; the Scottish Government was not supportive of this type of condition.

Councillor Bruce appreciated the issue of precedence but felt that given the circumstances outlined it would be more compassionate to grant the application thereby allowing the care and support to be provided by family members. He would be supporting the application.

Councillor Currie noted that the application was contrary to Policy DC1. The Council had been quite resolute in adhering to this policy for good reasons. However, on this occasion individual circumstances may incline Members to view this application differently. Policies DC1 and DC4 were quite clear but may require a review in the future.

Councillor Gilbert supported comments expressed by his colleagues; there were occasions where people took priority over policy. He would be supporting the application.

The Convener closed the discussion. He stressed that Policy DC1 was the Council's most important policy. If the Committee went against this policy then the Council would have an influx of applications for development across the East Lothian countryside. He had every sympathy for the family but felt they had other options such as extending the current house. He would be supporting the recommendation as set out in the report.

The Convener moved to the vote on the report recommendation (for refusal):

For: 6  
Against: 4  
Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission for the following reasons:

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

DRAFT

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee





**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

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*Note - this application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: there has been much concern in this Conservation Area over this infill development and its impact on the village that I believe it would be beneficial for the Planning Committee to look at this application and to determine the outcome.*

Application No. **19/00781/P**

Proposal                      Erection of 1 house and associated works

Location                     **Land East of Whitekirk Village Hall  
Whitekirk  
North Berwick  
East Lothian**

Applicant                    G Tuer and Sons

Per                             Wardell Armstrong LLP

**RECOMMENDATION**        Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to a 318 square metre area of land located to the east of Whitekirk village hall. The application is located within the Settlement boundary of the village of Whitekirk as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The site is bound to the immediate west by Whitekirk Village Hall and its associated ground, to the south partly by a rock outcrop with the gardens of the single storey residential properties of nos. 4 and 6 Whitekirk Cottages beyond and partly by a rock outcrop with undeveloped land beyond. To the north the application site is bound by the vehicle access track which serves the residential property of Tithe Barn which is located to the east of the application site. Tithe Barn is listed as being a building of special architectural or historic interest (Category A) and is located within the Scheduled Ancient Monument of the Whitekirk remains of Pilgrims' House. The application site is located within Whitekirk Conservation Area but not within the Scheduled monument.

Planning application 19/00069/P seeking planning permission for a two storey detached house on the application site was withdrawn prior to determination in July 2019.

Through this current application planning permission is now sought for the erection of a detached single storey house with living accommodation within the roofspace and associated works on the application site being the area of unmanaged self-seeded ground to the east of Whitekirk Village Hall and the same application site as that which was the subject of planning application 19/00069/P.

The application site would be accessed off the existing vehicular access which serves Tithe Barn off the Whitekirk public road. The proposed new house would occupy a central position within the application site. The proposed house would have a rectangular shaped footprint measuring some 12 metres in length by some 6.7 metres wide. The proposed house would be single storey in height with living accommodation within the roofspace and a ridge height of some 6.5 metres. Private garden ground would be provided to the south, east and north east of the house with parking for two cars being provided within the northwest corner of the application site accessed off the existing vehicle access which runs along the north boundary of the application site. An area of paving is proposed immediately to the north east of the proposed house. A new timber fence and gate some 1.3 metres high would be erected along the western boundary of the application site to delineate the boundary between the application site and the neighbouring land of the Whitekirk Village Hall. The existing stone wall which delineates the eastern boundary of the application site would be retained.

#### **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 relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies RCA1 (Residential Character and Amenity), CH1 (Listed Buildings), CH2 (Development Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape Character), DP2 (Design), DP7 (Infill, Backland and Garden ground Development), NH8 (Trees and Development), 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 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 policy on development affecting the setting of a listed building and development within a conservation area given in 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 and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Act 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 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 Scottish Government's guidance on housing design and quality given in Planning Advice Note 67: Housing Quality.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

## **REPRESENTATIONS**

Twenty five letters of written representation to the application have been received. The main grounds of representation and objections are:

- i) Proposal would compromise the integrity of the conservation area and the ancient monument of the Pilgrim houses and the Listed Tithe Barn;
- ii) High ground on the site would result in the existing row of cottages being overlooked affecting their privacy;
- iii) Proposal contradicts Policies DP1, DP2, DP7 and DP9;
- iv) Proposed 3 bedroom house is crammed into the site;
- v) Road safety concerns over parking and access;
- vi) Will be visible from the Listed Tithe Barn and Scheduled Monument;
- vii) No archaeology assessment accompanied the application;
- viii) Objects in terms of Policies CH1, CH2 and CH4;
- ix) Contrary to Policy DC1 and DC4 ;
- x) Proposal is not needed nor wanted and will bring nothing positive to the village and will probably indeed detract from many aspects of the village;
- xi) Loss of trees contrary to NH8;
- xii) Proposed 1.5 storey house is not in keeping with area;
- xiii) Misleading /inaccurate information/levels are not accurate;
- xiv) Will have a negative impact on the Village Hall and its holding functions;
- xv) Development would set a negative precedent for development within a conservation area, within an area of protected countryside;
- xvi) Area around the village hall has been a place for play for local children;
- xvii) Completely inappropriate site for any house to be built;
- xviii) Would destroy the character of the old quarry site;

The application is within the settlement boundary of the village of Whitekirk as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 and not within the countryside. As such policies DC1 and DC4 are not relevant to the determination of

this application.

The application site is not an area of public open space or play area as defined by Policy OS1 of the adopted East Lothian Local Development Plan 2018.

There is no development brief for the application site and as such Policy DP9 of the adopted East Lothian Local Development Plan 2018 is not relevant to the determination of the application.

The application site is located adjacent to and not within the site of the existing Whitekirk Village Hall and as such would not restrict the functioning or operating of the existing Village Hall.

### **PLANNING ASSESSMENT**

The application site is within the village of Whitekirk settlement boundary 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. However Policy RCA1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The land of the application site is an area of unmanaged ground within the confines of the predominantly residential area of the village of Whitekirk. Accordingly, the development of the site for the erection of a house on it can be defined as being infill housing development. The principle of such development is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Thereafter the determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations, the size, form, design and architectural appearance of the now proposed development are acceptable in terms of the potential impact of the development on the character and amenity of the area, including the impact on the character and appearance of the Whitekirk Conservation Area, the setting of the listed Tithe Barn and Scheduled Monument and neighbouring residential amenity, and whether the proposed development would be provided with a satisfactory means of vehicular access and a sufficient standard of on-site parking provision.

The applicant has submitted a Design Statement in support of the application which states that the current application and 'revised design of the proposed house seeks to address previous concerns regarding the scale and materials proposed and the position of the site in relation to the Category A listed Tithe Barn and its location within the boundary of Whitekirk Conservation Area. The scale of the proposed dwelling has been reduced to 1 and a half storeys. The revised scale sits more comfortably within the context of the diminutive terraced and semi-detached cottages present along the main street and which add to the character of the Conservation Area. This reduction in scale and overall height allows the proposed dwelling to sit more quietly and discreetly within the natural hollow of the former quarry area without protruding incongruously above the quarry ridge. Reducing the scale also responds to an understanding of key views of the Tithe Barn from within the Conservation Area. These views which are from the east, south east and south present the Tithe Barn as the prominent feature and focal point of the view where the openness and isolation of the building against the backdrop of Whitekirk Hill enhances its historical and aesthetic values. These views also add to the sense of place of the Conservation Area. The proposals would not infringe on these

views. The external materials have sought to replicate characteristic finishes present within the Conservation Area with slate roof, painted timber windows and doors and cast-iron rainwater goods. The external finish to the walls has been amended to render. This finish matches finishes present in the Conservation Area and is honest to the modern construction of the proposed dwelling. The positioning of the building close to the rear of Whitekirk Village Hall and its north south orientation through the site, along with the reduction in height responds better to the site constraints and has sought to reduce the visibility of the dwelling in views south from Whitekirk Hill, where the gable end will now be presented. It is deemed that the proposed house sits comfortably within its setting and does not have any unacceptable adverse impacts on the Whitekirk Conservation Area or neighbouring scheduled monuments and Listed Buildings.'

It is proposed that the new house would occupy a central position within the application site which is located to the east of the existing Whitekirk Village Hall. The proposed house to be erected on the application site would have a rectangular shaped footprint measuring some 12 metres in length by some 6.7 metres wide. The proposed house would be single storey in height with living accommodation within the roofspace and a ridge height of some 6.5 metres. The proposed house would accommodate at ground floor level an entrance hall, open plan kitchen living area, two bedrooms, a bathroom and utility room and within the upper floor a further bedroom and lounge. The walls of the proposed house would be finished in render, with stone window and door sills, stone lintels and creamwhite painted timber frame casement windows, black painted timber framed doors, cast iron rainwater goods, black coated aluminium the pitched roof would be clad in slate. The proposed house would have a north south orientation, with the front elevation of the house facing north east. The gable southeast elevation would have one window opening at ground floor level serving a bedroom, while the northwest gable elevation would have three window openings, one at ground floor level serving the kitchen and two on the upper floor serving the lounge. The northeast (front) elevation would have a number of openings comprising a double window, entrance door opening and patio door opening at ground floor level with a dormer window serving a bedroom and triple window serving the lounge.

It is proposed that the existing vehicle access that runs along the north boundary of the application site and serves the existing residential property of Tithe Barn located to the east of the application site be retained and used as the access for the proposed house with a hardcore parking area for two cars provided within the northern part of the application site. It is proposed that a new garden path to serve the proposed house be formed within the garden which is to be provided to the east and north of the house and along the west boundary of the application site. An area of paving is proposed immediately to the north east of the proposed house off the proposed path. A new timber fence and gate some 1.3 metres high would be erected along the western boundary of the application site to delineate the boundary between the application site and the neighbouring land of the Whitekirk Village Hall while the existing stone wall which delineates the eastern boundary of the application site would be retained.

The application site is located to the east of the existing single storey building of Whitekirk Village Hall which itself is set back from the road frontage. A number of mature trees and planting are located along the road frontage and to the immediate south of the existing Village Hall. Likewise the area of land to the north of the existing vehicle access which runs along the north boundary of the application site is currently an area of unmanaged planting including mature trees while the application site is also currently an area of unmanaged ground which has self-seeded over the years and has a number of trees located within it. The application site sits in the hollow below the existing rock ridge within what was a former quarry to the rear of the existing Village Hall. The rock ridge which lies along the south boundary of the application site is also covered with

unmanaged planting.

The application site is located in the hollow to the north of the existing rockridge and to the immediate east of the existing Whitekirk Village Hall. In its proposed location the proposed house would be, at its closest point, some 7.5 metres from the rear elevation of the existing Village Hall which is a single storey timber building with a pitched roof with a ridge height of some 5 metres. In its proposed location to the rear of the existing village hall which itself is set back from the road frontage the proposed house would be well contained and not readily visible from public roads outwith the site.

It would be seen in views from approaches to the adjacent Village Hall, from the existing vehicle access to Tithe Barn and from the residential property of Tithe Barn itself. However given the intervening landform, distance between the properties and the fact that the proposed house would be seen in relation to the existing Village Hall it would not be an obtrusive or sporadic form of development. The loss of a private view is not a material planning consideration.

While the roof of the proposed house would be seen in short views from over the rock outcrop from the south and north-east, from the village it would not have a detrimental impact on the Conservation Area as the roof of the proposed house would be clad in natural slate, consistent with the roof finish of many of the other buildings within the Conservation Area.

The proposed house would be of a design, proportion and finish in keeping with the character of the Conservation Area with its pitched roof clad in slate and its walls rendered. The height of the proposed house has been reduced to that of a single storey house with living accommodation within the roofspace, more in keeping with the largely single storey and single storey within living accommodation within the roofspace buildings which are located in the locality. In all of this, the proposed house and other associated development would preserve the character and appearance of the Conservation Area, consistent with Policies CH2 and DP2 of the adopted East Lothian Local Development Plan 2018.

The proposed house would be visible from the private vehicle access which is proposed to serve the proposed house and currently serves the Tithe Barn, however it would be seen in relation to the existing village hall building and would not appear as a sporadic form of development. The proposed house would be located at its closest point, some 108 metres from the Listed Tithe Barn which is situated to the east of the application site with the land gently undulating between the application site and the Tithe Barn with the ground level sloping downwards to the east of the application site before rising upwards to the Tithe Barn which has a similar ground level to that of the application site. The Tithe Barn has a ridge height of some 10 metres some 3.5 metres higher than that of the proposed house. Given the area of intervening land between the proposed house and the Tithe Barn and the position, location, height and design of the proposed house the proposed scheme of development would not have a detrimental impact on the setting of the listed Tithe Barn nor the Scheduled Ancient Monument of the Whitekirk remains of Pilgrims' House. Likewise the proposed house would also be located some 155 metres to the North West of the Listed St Mary's Parish Church and similarly given the area of intervening land between the proposed house and the Church it will not have a significant detrimental impact on the setting of the listed Church. Accordingly the proposed scheme of development would not be contrary to Policies CH1, CH2 or CH4 of the adopted East Lothian Local Development Plan 2018.

**Historic Environment Scotland** have been consulted on the application and advise that they have no comment to make on the application.

The proposed house would be positioned, at its closest point, some 29 metres from the rear elevation of the closest residential properties of nos. 4 and 6 Whitekirk Cottages which are located to the south west of the application site and front onto Whitekirk. The rock outcrop to the south of the application site including an unmanaged self-seeded area of ground with mature planting, shrubs and trees is located between the application site and the rear curtilage boundaries of the residential properties of nos. 4 and 6 Whitekirk Cottages. Given this arrangement and the fact that the proposed house is to be orientated north-south, the south west gable of the proposed house would be orientated towards the rear boundaries of these properties however there is only one window opening at ground floor level within this elevation serving a ground floor bedroom.

As such due to the position of the neighbouring residential properties and the orientation and gradient of the site, the proposed development would not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through the loss of privacy from overlooking, or from loss of sunlight or daylight. As such the proposed scheme of development is consistent with Policy DP5 of the adopted East Lothian Local Development Plan 2018. The occupants of the new house would benefit from sufficient amenity.

The proposed new house is of a design which responds to the constraints of the site and the materials to be used on the proposed new house are of an appropriate quality for the Conservation Area.

**Scottish Water** raise no objection to this planning application.

**The Council's Environmental Protection Manager** has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

**The Council's Contaminated Land Officer** has advised that the application site is currently unused ground located immediately adjacent to a former quarry. The nature of the infill material within this quarry is unknown so there is the possibility that localised deposits of made ground may exist both on and in close proximity to the site. Given the nature of the proposed development, the Council's Contaminated Land Officer recommends that further information will be required to determine the ground conditions and potential contamination issues impacting on the site with the minimum of a Phase I Geo-environmental Assessment (Desk Study) being carried out. Investigation and mitigation to ensure that a suitable geo-environmental assessment of the site is carried out prior to the development of the site could be controlled by conditions of a grant of planning permission.

**The Council's Road Services** advise that as the property will be accessed via a private road they raise no objection to the proposal being satisfied that it would not have an adverse impact on pedestrian or road safety. Accordingly the proposal is consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

Policy NH8 of the adopted East Lothian Local Development Plan 2018 requires that trees which make a significant contribution to the setting and amenity of the area should be retained and incorporated into a development. The applicant has submitted a tree survey in support of the application indicating trees which are to be removed and trees which are to be retained. Three trees within the application site are indicated as being removed to accommodate the proposed house, while a further four trees outwith the application site, to the north of the existing vehicle access, are to be retained. The three trees to be removed are young trees which have self-seeded. **The Council's Landscape Officer** raises no objection to the removal of the three trees proposed

however does not concur with the submitted report in particular with regards to the matter of the trees outwith the application site to the north of the existing vehicle access being retained. It is The Council's Landscape Officer's opinion that the manoeuvring of vehicles into the proposed 2 car parking spaces would most probably result in incursions into the root protection area of these trees. The Council's Landscape Officer also does not support the removal of part of the rock ridge to accommodate the proposed house and states that the proposed house is too high with the roof of the proposed building being seen above the ridgeline.

In response to the Council's Landscape Officer's comments the applicant's agent has confirmed that the existing rock ridge between the proposed house and the Tithe Barn and wider village is being retained in its entirety. What is proposed is a slight cut exercise to the north of the rock ridge to accommodate the house on land north of the ridge. The small cut does not impact on the rock ridge and therefore does not impact views of the proposed house. The applicant's agent has submitted a further section drawing detailing this in support of the application. The trees located outwith the application site are located to the north of the existing vehicle access road and as such vehicles currently drive over the area of ground within the root protection area given this it would be unreasonable to recommend refusal of the application on this matter.

**The Council's Archaeology Services** advise that they have no comment to make on the application as the proposed development site lies within an old quarry and the proposed development will be in a low lying location and behind the existing ridgeline. As such there will be minimal indirect and direct impacts and no archaeological condition is required.

In conclusion, given all of the above and subject to the aforementioned conditions the proposed development is not contrary to Policies RCA1, CH1, CH2, CH4, DP2, DP7, NH8, T1 and T2 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Samples of the materials to be used in the external finishes of the development hereby approved will be submitted to the Planning Authority for its prior approval, prior to their use in the development. Only those materials approved by the Planning Authority will be used in the external finishes of the development hereby approved.



Reason:

To ensure that the external finishes are appropriate in the interest of protecting the amenity and character of the Whitekirk Conservation Area.

- 3 No trees, shrubs or hedgerows which are to be retained on the site, other than the 3 trees within the application site illustrated in drawing no.1847/1 dated December 2018, in submitted report titled; Tree Survey and Arboricultural Implication Assessment, dated December 2018, written and prepared by Arboricultural consultants, Donald Rodger Associates Ltd, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

All tree management works required to enable the development shall be carried out under the supervision of an appointed Arboricultural Consultant in compliance with British Standard 3998: 2010 "Tree work ~ Recommendations" Section 7, Pruning and related work and Figure 2 - Positions of final cuts; leaving an overall balanced tree shape on completion of the works.

Reason:

To ensure the retention and protection of the visual amenity of trees on the site which are an important landscape feature of the Whitekirk Conservation area.

- 4 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

(i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);

(ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;

(iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the building approved.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage further investigative works and risk assessments may have to be carried out to determine if any additional remedial measures are required. Should further remedial measures be required, then these will be carried out and validated prior to any development recommencing on the site.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use of the building approved.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*

**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

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**3a**

*Note - this application was called off the Scheme of Delegation List by Councillor Hoy for the following reason: to give the applicant the opportunity to explain the issues which have arisen in respect of achieving the alterations and extension under application 18/00748/P and to give the full committee an opportunity to examine the application to demolish the existing structure to deliver a new structure which matches the design already approved.*

Application No. **19/00543/P**

Proposal                      Erection of 1 house, garage/workshop and associated works

Location                      **Good Fortune  
Athelstaneford  
North Berwick  
East Lothian  
EH39 5BE**

Applicant                      Mr and Mrs Peter and Johanna Allan

Per                                Somner Macdonald Architects

**RECOMMENDATION**                      Application Refused

## **REPORT OF HANDLING**

### **PROPOSAL**

The property to which this application relates is a single-storey, detached house located to the north of Main Street, Athelstaneford, and immediately to the west of Athelstaneford Village Hall. Other surrounding uses include residential properties to the west and south, a community hall to the east, and agricultural land to the north. The property is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The property is also within the Athelstaneford Conservation Area.

By way of planning history, planning permission (Ref: 18/00748/P) was granted in September 2018 for alterations and extension of the property to include a first floor extension, a rear ground floor extension and a new front porch. A new garage/ workshop was also approved, to replace the existing garage. The approved scheme of development also involved the removal of an existing front extension that adjoins the north east end of the house. Planning permission 18/00748/P has not yet been

implemented but could be at any time up until 21 September 2021.

Conservation Area Consent (Ref: 18/00125/CAC) was also sought for the demolition of fences and gates and the existing garage building. That application is pending consideration and no decision has been taken on it.

Planning permission is now sought for the erection of a house on the application site. To facilitate the new house, the existing house would be demolished. The applicant states that the built form of the new house would be the same as the house as it was approved to be altered and extended by planning permission 18/00748/P. A new garage/workshop is also proposed, to replace the existing garage.

Conservation Area Consent (19/00545/CAC) is separately sought for the demolition of the existing house, garage, wall and gate. A separate report on application 19/00545/CAC is at this time on the Council's Committee Expedited List.

The proposed house would have an identical footprint and arrangement of window and door openings to the house as it was approved to be altered and extended by planning permission 18/00748/P. The elevation drawings specify that the external walls of the new house would be finished in 'natural stone to match existing where shown, or wet dash render where shown'. The walls of the new garage would be finished in natural stone to match existing south elevation with a wet dash render finish for the other elevations. The roof of the house would be finished in terracotta pantiles and natural slate. The frames of the glazed screens and windows of the new house would be constructed of white coloured UPVC. The external doors would be timber stained. Photovoltaic cell slates would be located on the south facing roof slope of the single storey component of the new house. New fascias and doors would be of timber construction while rainwater goods would be cast iron.

The garage would measure metres 16 metres in length and 6.8 metres in width and have a height of 2.7 metres at the eaves and an overall height of 5.3 metres. It would be positioned in the same location as the existing garage, which would be demolished.

## **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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), CH2 (Development affecting Conservation Areas), CH3 (Demolition of an Unlisted Building within a Conservation Area), RCA1 (Residential Character and Amenity), NH8 (Trees and Development), T1 and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this planning 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 area 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.

## **REPRESENTATIONS**

Two letters of support have been received in respect of the application highlighting the proposals potential to improve this property which it is said is in a poor state of repair and stating that the proposal would result in the creation of a building which is safe and would meet modern building standards. It is also mentioned that the proposed building would be more attractive than the existing.

One letter of representation has also been received stating the proposed development would bring the property back up to a good standard and will make both the house and garage much more attractive and have environmental benefits in terms of energy use and insulation.

Four objections have been received to the application, one of which is from an amenity group. Objections are on the grounds of the walls of the reconstructed dwelling losing their random, rubble built pattern and character which cannot be easily replicated. As such this would result in the loss of the traditional vernacular character of the building and any attempt to recreate it would look too contrived. Objection is also raised with regards to their being no justification for the demolition of an unlisted building within the Conservation Area. Objection is also raised to the turret feature and that the granting of planning permission for the alteration and extension of the existing house should not be seen as justification for the current development. The issue of the proposed demolition setting an undesirable precedent for similar works has also been raised which would be detrimental to the character and appearance of the conservation area.

## **PLANNING ASSESSMENT**

The application site is not allocated for residential development in the adopted East Lothian Local Development Plan 2018 or in the proposed East Lothian Local Development Plan. All of it is part of a larger area covered by Local Plan Policy RCA1. The principal purpose of Policy RCA1 is to ensure that the predominantly residential use of its area of coverage is safeguarded against the impacts of other land uses. Policy RCA1 does not actively promote the development of land for new build residential development. Policy RCA1 does state that infill and backland development will be assessed against Policy DP7.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 states that such development should, amongst other principles of development, be of a scale, design and density sympathetic to its surroundings and not be an overdevelopment of the site. This is in line with the requirements of Scottish Planning Policy: June 2014 that planning authorities should ensure that where infill sites are assessed as suitable for development, proposals respect the scale, form and density of the surroundings and enhances the character and amenity of the community.

The proposed new house would not harmfully impact on the privacy or amenity of any

neighbouring property through overlooking or loss of sunlight or daylight.

On overlooking, the Council normally regards a distance of 18 metres between directly facing windows and 9 metres between a window and a garden boundary as a sufficient separation distance to prevent harmful overlooking of neighbouring residential properties. In this regard, no new windows would be sited within 9 metres of the boundary of the site with another residential property or within 18 metres of any directly facing windows to the north, east or south elevations. New windows would however be inserted within the turret stairwell which would be approximately 6.5 metres from the west boundary of the site. This boundary is however characterised by tall trees enclosing the host site and as such these would mitigate against any overlooking towards this garden to the west at Oaklea. As such, the proposal would not lead to the loss of amenity by way of overlooking of any surrounding residential properties.

Given the nature of the site in its contained position and the orientation of the proposed extensions and garage, the proposal would not lead to a harmful loss of daylight or sunlight received by neighbouring residential properties. This is especially relevant with regards to the property to the west at Oaklea which is screened from the host property by way of tall trees along the boundary of the site.

**The Council's Environmental Protection Officer** has no comment to make on the proposal.

**The Council's Road Services** has stated that the proposed house layout, parking and access arrangements are as those previously approved in planning application 18/00748/P. As such they have no objection to the proposal.

The principal determining factor in this case is whether or not the demolition of the existing house and its replacement with the proposed house would preserve or enhance the character and appearance of the Conservation Area.

On this consideration, Policy CH3 of the East Lothian Local Development Plan 2018 states that proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Athelstaneford Conservation Area encompasses the whole village and the surrounding countryside which provides its landscape setting. The Character Statement for the Conservation Area states that in the late 1780's, the landowner, Sir David Kinloch, created a model village around the parish church at Athelstaneford, a classic example of the scale of rural development occurring in 18th century Scotland. Much of this original village survives today. Athelstaneford has a distinctive character of rubble built single storey pantiled cottages in a meandering linear form alongside the main road, with some larger two storey properties located behind the single storey cottages that form the street frontage. There are also parts of the village, such as Rowan House and the former Schoolmaster's House, where two storey buildings are located immediately adjacent to single storey buildings. This juxtaposition forms part of the character of the Conservation Area.

With its random rubble stone walls, pantiled roof and arrangement of traditional window and door openings, the existing building is one of a number of stone buildings that add significantly to both the character and appearance of the Conservation Area. Whilst it contains a backland position behind the terrace of cottages on Mains Street, it is still readily visible from public views of the site, which are from both Main Street and from the adjacent public hall.

Whilst the applicant has attempted to replace the house on a similar basis to the house as it was previously approved to be altered and extended, the new house would in practice be materially different from the existing house. The traditional construction methods and materials of the remaining house would be lost, and the new house would not be an appropriate replacement.

On this matter, the application also proposes new fenestration to be UPVC framed. UPVC windows are not normally permitted within Conservation Areas within East Lothian. While it is accepted that the site is relatively enclosed by planting and by a high boundary wall, the upper floor windows within the east elevation would still be visible from the public realm. As such, they would detract from the historic character of the Athelstaneford Conservation Area and would set an undesirable precedent for similar UPVC windows elsewhere within the Conservation Area.

In this case, the building to be demolished is capable of beneficial use as a house. In their submissions the applicant advises that as part of their examination of the existing building fabric, their engineers established that the external and internal walls had no foundations other than large boulders at ground level. The applicants have since appointed SMA Construction, who argue that there is a justifiable argument that given the condition of the existing walls and the extent of works proposed (that were approved by planning permission 18/00748/P), that a better quality of result, and visual appearance, would result from demolishing the existing house and erecting a new house in its place. SMA have further strongly expressed a health and safety concern in regard to being able to ensure the continued stability of the external walls during the works.

On the latter matter, it is not unusual for construction workers to be involved in works to historic properties, often with walls that do not have foundations constructed to modern standards. No justification has been given in this case why, subject to complying with relevant health and safety standards, the house could not be safely altered and extended in accordance with planning permission 18/00748/P. In this regard however, health and safety concerns is controlled by legislation outwith Planning Legislation and the primary concern of the Local Planning Authority in this instance is the preservation of the character or appearance of the Athelstaneford Conservation Area.

However in the Site Investigation Report prepared by Christie Gillespie Consulting Engineers Ltd, submitted as part of the application documentation the conclusion has been made that "given the works and likely solutions, there existing property is suitable for the proposed alterations and extensions". The report also states that the existing farm cottage building is in generally good condition given its age.

There are therefore no structural or health and safety considerations, and no other material consideration to justify the demolition of the existing house and its replacement with a new house. The proposal would neither preserve or enhance the character or appearance of the Athelstaneford Conservation Area.

**The Council's Heritage Officer** raises concerns regarding the proposed demolition of this historic building within the Conservation Area. She does however recommend that should planning permission be granted then a high level of historic building recording be

undertaken prior to any demolition works taking place on site.

The proposed development is contrary to Policies DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), CH2 (Development within Conservation Areas), CH3 (RCA1 (Residential Character and Amenity), T1 and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.

### **RECOMMENDATION**

That planning permission be refused for the following reason:

- 1 The replacement of the existing house with the new house would detrimentally harm the character and appearance of the Athelstaneford Conservation Area, contrary to policies RCA1, DP7, CH2 and CH3 of the East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.



*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*



**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

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**3b**

Application No. **19/00545/CAC**

Proposal Demolition of buildings, wall and gate

Location **Good Fortune  
Athelstaneford  
North Berwick  
East Lothian  
EH39 5BE**

Applicant Mr and Mrs Peter and Johanna Allan

Per Somner Macdonald Architects

**RECOMMENDATION** Application Refused

## **REPORT OF HANDLING**

### **PROPOSAL**

The property to which this application relates is a single-storey, detached house located to the north of Main Street, Athelstaneford, and immediately to the west of Athelstaneford Village Hall. Surrounding uses include residential properties to the west and south, and agricultural land to the north. The property is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The property is also within the Athelstaneford Conservation Area but is not listed.

By way of planning history, planning permission (Ref: 18/00748/P) was granted in September 2018 for alterations and extension of the property to include a first floor extension, a rear ground floor extension and a new front porch. A new garage/ workshop was also approved, to replace the existing garage. The approved scheme of development also involved the removal of an existing front extension that adjoins the north east end of the house. Planning permission 18/00748/P has not yet been implemented but could be at any time up until 21 September 2021.

Conservation Area Consent (Ref: 18/00125/CAC) was also sought for the demolition of fences and gates and the existing garage building. That application is pending consideration and no decision has been taken on it.

Planning permission is now sought for the erection of a house on the application site. To facilitate the new house, the existing house would be demolished. The applicant states that the built form of the new house would be the same as the house as it was approved to be altered and extended by planning permission 18/00748/P. A new garage/workshop is also proposed, to replace the existing garage. A separate report on application 19/00545/CAC is at this time on the Council's Committee Expedited List.

Conservation Area Consent is now sought for the demolition of the existing house, garage, wall and gate.

Planning permission is separately sought for the erection of a house on the application site. To facilitate the new house, the existing house would be demolished. The applicant states that the built form of the new house would be the same as the house as it was approved to be altered and extended by planning permission 18/00748/P. A new garage/workshop is also proposed, to replace the existing garage. A separate report on application 19/00543/P is at this time on the Council's Scheme of Delegation List.

### **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this listed building consent application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

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

Policy CH3 (Demolition of an Unlisted Building in a Conservation Areas) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of this planning application.

Material to the determination of the application are Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Scottish Historic Environment Policy and Scottish Planning Policy: June 2014.

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that a planning authority, in exercising its responsibilities under planning legislation must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This statutory duty should always be borne in mind in the determination of an application for conservation area consent to demolish an unlisted building in a conservation area. As is stated in the Scottish Historic Environment Policy and also in Scottish Planning Policy: June 2014 a planning authority, in deciding whether or not conservation area consent should be granted should take account of the merits of the building to the character or appearance of the conservation area and of proposals for the future of the cleared site. The general presumption should be in favour of retaining buildings that make a positive contribution to the conservation area, particularly where it can be demonstrated that the building is able to support a new viable use. Where demolition is considered acceptable careful consideration should be given to a replacement scheme of new development in terms of its design and quality.

### **REPRESENTATIONS**

Three letters of support have been received in respect of the application highlighting the proposals potential to improve this property which it is said is in a poor state of repair and

stating that the proposal would result in the creation of a building which is safe and would meet modern building standards. It is also mentioned that the proposed building would be more attractive than the existing.

One letter of representation has also been received stating the proposed development would bring the property back up to a good standard and will make both the house and garage much more attractive and have environmental benefits in terms of energy use and insulation.

Four objections have been received to the application, one of which is from an amenity group. Objections are on the grounds of the walls of the reconstructed dwelling losing their random, rubble built pattern and character which cannot be easily replicated. As such this would result in the loss of the traditional vernacular character of the building and any attempt to recreate it would look too contrived. Objection is also raised with regards to their being no justification for the demolition of an unlisted building within the Conservation Area. Objection is also raised to the turret feature and that the granting of planning permission for the alteration and extension of the existing house should not be seen as justification for the current development. The issue of the proposed demolition setting an undesirable precedent for similar works has also been raised which would be detrimental to the character and appearance of the conservation area. Objections also mention that the loss of this artisan style cottage would also involve the loss of its north wall which is believed to have formed part of the north boundary of the earlier village. Concern is also raised with regards to allowing such a change within the central part of the village and that the proposed replacement dwelling would alter the view of the village from the north and would challenge the pre-eminence of the church.

#### **PLANNING ASSESSMENT**

The house on the site is an established features within this part of the Athelstaneford Conservation Area and is of particular architectural or historic merit. In principle the replacement house scheme of redevelopment of the site indicated in accompanying planning application 19/00543/P is not considered acceptable. Given this and the particular architectural or historic merit of the existing house, then the demolition of it would neither preserve nor enhance the character and appearance of the Athelstaneford Conservation Area. Accordingly the proposal is contrary to Policy CH3 of the adopted East Lothian Local Development Plan 2018, the Scottish Historic Environment Policy and with Scottish Planning Policy: June 2014 with respect to the effect of it on the Conservation Area.

#### **RECOMMENDATION**

That conservation area consent be refused for the following reason:

- 1 The demolition of the existing house would in itself neither preserve nor enhance the character and appearance of the Athelstaneford Conservation Area. Accordingly the proposal is contrary to Policy CH3 of the East Lothian Local Development Plan 2018, Scottish Historic Environment Policy and with Scottish Planning Policy: June 2014 with respect to the effect of it on the Conservation Area.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*

**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

4

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*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 Barns 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.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*

**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

**5**

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*Note - this application was called off the Scheme of Delegation List by Councillor Kempson for the following reason: this application has resulted in a number of representations from the community council and constituents and as a result I believe the full Planning Committee would benefit from hearing the case and making the determination.*

Application No. **19/00744/P**

Proposal Siting of mobile snack bar

Location **Shore Road Car Park  
Back Road  
Belhaven  
Dunbar  
East Lothian**

Applicant Mrs Angela Cairney

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

The application site forms part of an existing public carpark which is located to the west of the public non-classified Shore Road in Belhaven, Dunbar.

The site is a grassed area adjacent to a hardsurfaced public carparking area. To the north, south and west of the site are areas of open green space. To the east is Shore Road and beyond that a junction with the public non-classified Back Road. The site is outwith, but immediately adjacent to, the Belhaven Conservation Area.

Planning permission is sought for the siting of a mobile snack bar on the application site. The proposed mobile snack bar would be in the form of a trailer with a large opening service hatch on one side. It would be approximately 4.8 metres long and 2.4 metres wide. The trailer proposed by the applicant is predominantly white with silver trim around the upper, lower and side sections of the snack bar.

### **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 relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies TC4 (Hot Food Outlets), CH2 (Development affecting Conservation Areas) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

## **REPRESENTATIONS**

A total of five public objections to the siting of the proposed mobile snack bar have been received.

The main grounds of objection are:

1. the siting of a mobile snack van on the proposed site would generate unacceptable levels of additional vehicular traffic thereby creating a road safety hazard;
2. the siting of a mobile snack van will have a negative visual impact on the proposed location and the wider area, and generate unacceptable levels of litter;
3. cooking odours and noise from the mobile snack van will harm the residential amenity of nearby residential properties; and
4. food choices offered by the mobile snack van are detrimental to public health.

## **COMMUNITY COUNCIL COMMENTS**

Dunbar Community Council has submitted an objection to this application on the grounds of: loss of visual amenity of the proposed location; cooking smells and noise; litter; loss of residential amenity to nearby dwellinghouses; and the food choices offered by the mobile snack van.

The choice of food offered by the mobile snack van is not a material consideration in the determination of this application for planning permission.

Policy TC4 of the adopted East Lothian Local Development Plan 2018 supports proposals for hot food takeaways provided there are no significant impacts on the character and appearance of the area, and that proposals are consistent with other relevant Plan policies, including Policy T2 in relation to road safety and residential amenity.

The application site is separated from the residential properties to the east by Shore Road, and this would provide a buffer between the proposed use and those residential properties.

## **PLANNING ASSESSMENT**

**The Council's Environmental Health Manager** raises no objection to the proposal, being satisfied that there would not be unacceptable odour emissions or noise disturbance.

To minimise visual and landscape impacts it can reasonably and competently be made a condition of the grant of planning permission that the hours and days of operation of the

proposed mobile snack bar be restricted to those applied for and that the mobile snack bar be removed from the site at the close of business each day and not be brought back onto the site until the commencement time of the next day of business.

Further safeguards can be implemented through a requirement that litter bins be provided outside the mobile snack bar at all times whilst trading takes place, and that the area around the van be kept free of litter and any other waste or refuse at all times during trading and at cessation of trading each day.

Subject to the aforementioned planning controls, the proposed snack bar would be contained within the existing carpark and its operation would not have an unacceptable impact on either the residential amenity of nearby residential properties or on the amenity of any other nearby land use.

However, the mobile snack bar, by its nature, is not satisfactory as a permanent use at the site. Therefore, it would be prudent for the Council, as Planning Authority, to allow its use only on a temporary basis. A temporary permission for 1 year would allow the Council the opportunity to continue to review this use at this location in the interests of safeguarding the character and amenity of the area.

**The Council's Road Services** raise no objection to the proposed use of the application site for the operation of a mobile snack bar, being satisfied that use of it would not result in a hazard to road safety.

Making the planning permission personal to the applicant, controlling the operating hours and restricting the positioning and duration of the mobile snack bar on the application site, would further safeguard against an over-commercialisation of the area.

Subject to planning control, the proposal does not conflict with Policy TC4 and Policy T2 of the adopted East Lothian Local Development Plan 2018, subject to conditions to be attached to any planning permission granted.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1 Permission is granted for a maximum temporary period of one year beginning from the date of the grant of this planning permission and after that time, unless further permission is granted by the Planning Authority, the mobile snack bar shall at no time be located within the site and all trading from the site shall cease.

Reason:

To enable the Planning Authority to review the use of the site in the interests of the character and amenity of the area.

- 2 This permission is made personal to the applicant, Mrs Angela Cairney, and shall not be capable of being taken up by any other party.

Reason:

To prevent an over-commercialisation of the site in the interests of safeguarding the character and amenity of the area.

- 3 No more than one mobile snack bar shall trade from the site at any one time, and the mobile snack bar shall only operate from the position shown for it in the drawings docketed to this planning permission.

Reason:

To prevent an over-commercialisation of the carpark in the interests of safeguarding the amenity of the area, and without detriment to the principle of the use of the carpark for the parking of vehicles and the safe accessing and manoeuvring of those vehicles.

- 4 No trading whatsoever shall take place from the site outwith the hours of 0800-1800 Monday to Friday, inclusive, 0800-1400 on Saturdays and at no time on Sundays. At the close of business each day the mobile snack bar shall be removed from the site. It shall not be brought back onto the site until the commencement time of the next day of business.

Reason:

To safeguard the amenity of the area.

- 5 The mobile snack bar shall be the type shown in the copy photographs docketed to this planning permission.

Reason:

For the avoidance of doubt, in the interests of preserving the visual amenity of the area.

- 6 The mobile snack bar shall at all times be maintained in good condition and appearance to the satisfaction of the Planning Authority.

Reason:

In the interests of safeguarding the appearance and visual amenity of the area.

- 7 Litter bins shall be provided outside the mobile snack bar at all times whilst trading takes place, and the area around it shall at all times during trading and at cessation of trading each day, be kept free of litter and any other waste or refuse.

Reason:

In the interests of safeguarding the amenity of the area.

*Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)*