

REPORT TO: Planning Committee

MEETING DATE: 4 March 2025

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

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***Note:** This application has been called off the Scheme of Delegation List by Councillor McFarlane for the following reason: Due to the condition of the building, I think the Committee should consider this application.*

Application No. **24/01051/CAC**

Proposal Demolition of building

Location **34 Dirleton Avenue
North Berwick
EH39 4BH**

Applicant Caledonian Heritable Ltd

Per Baseline Developments Ltd

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

This application relates to the former Golf Hotel which is a two storey with attic and a lower ground level, detached building. The applicant notes the building has been vacant for some 4 years. The building is situated on the north side of Dirleton Avenue and occupies a prominent corner plot between Dirleton Avenue and Hamilton Road. The building is situated within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The building is also situated within the North Berwick Conservation Area. The building is not listed as being of special architectural or historic interest.

Through this application Conservation Area Consent is sought for the demolition of the existing building.

The submitted drawings also show the intention to demolish the existing single storey, pitched roof garage which is situated to the north of the building as well as sections of retaining walls and gates.

Through separate application 24/01050/P planning permission is sought for the erection of 14 flats and associated works. That application stands to be determined on its own merits.

LEGISLATION AND GUIDANCE

Under the duty imposed by section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Planning Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Therefore, the determining issue in this appeal is the effect of the proposed demolition works on the character and appearance of the North Berwick Conservation Area.

Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) sets out considerations to take into account when assessing proposals for the demolition of an unlisted building within a conservation area. These include establishing the importance of the building to the character or appearance of any part of the conservation area and proposals for the future of the cleared site. Where demolition is to be followed by redevelopment the guidance advises that consent to demolish should generally only be given where there are acceptable proposals for the redevelopment of the site.

DEVELOPMENT PLAN

National Planning Framework 4 (NPF4) policy 7 (historic assets and places) and policy CH3 (demolition of an unlisted building in a conservation area) whilst not part of the statutory test for conservation area consent, are relevant considerations in the determination of this application.

Policy 7(f) of NPF4 in respect of the demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. Reasonable efforts have been made to retain, repair and reuse the building;
- ii. The building is of little townscape value;
- iii. The structural condition of the building prevents its retention at a reasonable cost ; or
- iv. The form or location of the building makes it reuse extremely difficult.

Policy CH3 (Demolition of an Unlisted Building in a Conservation Area) of the adopted East Lothian Local Development Plan 2018 states that support will be given for the demolition of buildings within Conservation Areas provided 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.

REPRESENTATIONS

A total of 27 objections have been received in relation to this application. In summary the main grounds of objection are as follows:

i) The building has architectural merit and original features and thus should be retained and restored;

ii) The existing building should be submitted for consideration for listing as there has been no reassessment by HES in years;

iii) The building occupies a prominent location within North Berwick and the Conservation Area and is in-keeping with the surrounding buildings;

iv) The existing building contributes positively to the North Berwick Conservation Area;

v) The building is a 'one-off' and represents the foundation of Victorian and Edwardian architecture within North Berwick;

vi) The demolition of the building would negatively impact the historic environment and would be a material change to the character of the town;

vii) No evidence submitted to note why redevelopment of existing building isn't possible;

viii) No methodology provided for removal of asbestos which is likely to be present;

ix) The demolition of the building would be environmentally damaging;

x) The proposed building is too large for the site and would be taller than existing;

xi) The proposed building would dominate the surrounding;

xii) The proposed building would overshadow neighbouring properties causing a loss of sunlight and daylight;

xiii) Proposed parking provision is insufficient;

- xiv) It will be difficult to contain all building equipment within the site;
- xv) No CGI is provided to show the proposed building;
- xvi) The building should contain renewable energy and the heating system should be entirely carbon neutral;
- xvii) The proposed building should be of a form that respects the style and setting of the location and first with the North Berwick Conservation Area;
- xviii) The works to demolish the building will cause disruption for pedestrians and traffic in nearby streets;
- xix) An objector queries what provision is made for occupiers of the proposed flats to enter and exit the building;
- xx) An objector notes the public notice at the application site contained an incorrect date;
- xxi) Objectors requests the building be protected and listed by Historic Environment Scotland;
- xxii) The proposal is likely to result in the loss of mature trees within the grounds of the building;
- xxiii) The proposed flats will be luxury high end flats and will not alleviate the housing issues within the county;
- xxiv) The building is set back from the frontages of Dirleton Avenue and Hamilton Road and thus the existing building has been designed for its surroundings;
- xxv) Objectors note the proposal is contrary to Policy CH3 of ELLDP, Policy 7 of NPF4 and PAN 67;
- xxvi) All of the proposed elevations are substantially wider than the elevations of the current building and the proposed buildings footprint is larger than the existing building; and
- xxvii) An objector raises query with the applicants' intent to develop the site.

There is no planning requirement to provide information relating to the potential presence and removal of asbestos within the building the subject of this planning application.

Furthermore, there is no requirement for the submission of CGI images of the proposed flattened building.

The site notice with the incorrect dates was replaced with a new site notice with the correct dates and the period of representation was extended accordingly.

The following matters raised in representation to the application are not material considerations in the determination of this application for Conservation Area Consent.

- o the potential loss of mature trees within the application site;
- o the intent of the developer with regards to the application site and the proposed development including the form and appearance of the proposed building;
- o disruption caused by any works to demolish this building;
- o the existing building should be considered by Historic Environment Scotland for listing.

APPLICATION ASSESSMENT

In accordance with Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) the first consideration in the determination of this application is to establish whether the building makes a positive contribution to the character or appearance of the North Berwick Conservation Area.

The building of 34 Dirleton Avenue is a large, two storey and attic detached villa which is located on a prominent corner site at the junction of Dirleton Avenue with Hamilton Road and is therefore readily visible from within this part of the North Berwick Conservation Area.

Historic Environment Scotland note in their consultation response that "34 Dirleton Avenue is an architecturally significant building, built c1900, and highly visible on the main street that leads into the town, in the western part of the conservation area. It is a large, two storeys plus attic, sandstone detached villa with slated gambrel roof containing dormer windows. The exterior stonework is a mix of blonde and red sandstone and contains many architectural details from this period, such as bay windows, stone balustraded parapets, chimney stacks, porch and a circular corner turret or bow designed to address the corner crossroads. This last point is mentioned in the recent Buildings of Scotland for Lothian (2024) with 'two prominent stone villas where Hamilton and South Hamilton Road cross, both with circular bows at their corners'".

Whilst some alterations and additions to the building have taken place, the main part of the building still retains most of its traditional vernacular form, proportions, features and details and is on a highly visible corner site within this part of the conservation area.

The attached outbuildings at the rear appear to be later additions to the building. These elements are less visually prominent and are mainly in a poor state of repair. Given their design and poor condition they do not contribute significantly to the appearance or character of the conservation area.

Overall, the original building is of historic and architectural interest and despite being vacant, contributes positively to the townscape and therefore to the character and appearance of the conservation area. This aligns with the view of HES who

object to the demolition of the building.

As the building is of townscape value and contributes positively to the conservation area, then it must be established whether any of the other considerations set out in the HES guidance can be met to support the proposed demolition.

Have reasonable efforts been made to retain, repair and reuse the building?

In this instance no evidence has been submitted by the applicant or agent to demonstrate that efforts have been made to retain, repair or reuse the building. Prior to the submission of this application the applicant and agent did engage with the Council via the submission of two separate pre-application enquiries that related to the alterations and extensions to the building. However, the applicant decided not to pursue that proposal and instead submitted this conservation area consent application to demolish the existing building along with an associated planning application to erect a new flatted building on the site. In addition, no evidence that the property has been unsuccessfully marketed for alternative uses has been provided. Therefore, there is no evidence before the Council that demonstrates that reasonable efforts have been made to retain, repair and reuse the existing building.

Does the structural condition of the building prevent its retention at reasonable cost?

In this instance the agent has not submitted a structural survey report or any other reports or assessments that concludes that the structural condition of the building would prevent its retention at reasonable cost. The design and access statement submitted with this application does make reference to the pre-application process and engagement with the Council during the pre-application enquiries made, and notes that the alterations and extensions to the building would require the existing building fabric to be brought up to modern standards of insulation and energy efficiency making them, in the applicants' opinion, an uneconomically viable option. However, no reports or calculations have been provided to support this or to make comparison with the costs of demolition and the construction of a new building on the site. Therefore, it has not been demonstrated that the structural condition of the building prevents its retention at reasonable cost.

Does the form or location of the building make its reuse extremely difficult?

The application site occupies a prominent roadside position within the North Berwick Conservation Area and is readily visible from public views. There is no apparent reason that the location of the building would impact adversely on its reuse. The existing building sits comfortably within the grounds of the application site and the property has historically been extended. If those later, unsympathetic, extensions were to be removed and replaced with extensions that were deemed to be of an appropriate size, form, material and positioning then the building would be capable of being reused. Given these considerations it can reasonably be concluded that the form and location of the property does not present a significant challenge to its reuse.

Is there an acceptable replacement development proposal?

As noted above in this report, through separate application 24/01050/P planning permission is sought for the erection of 14 flats and associated works. The Report of Handling for that application has been placed on the weekly scheme of delegation list alongside this report. The report for the associated planning application recommends refusal of the proposed replacement building for the reasons set out in that report. Therefore, it can be concluded that the proposal to demolish the existing property fails to meet the requirements of the guidance which advises that generally consent should only be granted where acceptable proposals are in place.

Historic Environment Scotland have been consulted on this application and advise they object to this application as the information presented within the application does not justify the loss of this unlisted building in the Conservation Area which is contrary to relevant national policy and guidance.

Given all of the above considerations, the proposal to demolish the existing property at 34 Dirleton Avenue, North Berwick is contrary to Policy 7 of NPF4, Policy CH3 of the adopted East Lothian Local Development Plan 2018 and HES Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

In all of the above considerations, the proposed demolition works would fail to preserve or enhance the character or appearance of the North Berwick Conservation Area. Therefore, this application for conservation area consent should be refused.

REASON FOR REFUSAL:

- 1 Given the particular architectural and historic interest of the existing building, and that the building is of townscape value and contributes positively to the conservation area, the demolition of it would neither preserve nor enhance the character and appearance of the North Berwick Conservation Area. Furthermore, insufficient evidence has been submitted to demonstrate that the building is not capable of being reused or that the structural condition of the building prevents its retention at reasonable cost. Accordingly, the proposal is contrary to Policy 7 of NPF4 and Policy CH3 of the adopted East Lothian Local Development Plan 2018, and HES Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

