

12 WESTGATE, NORTH BERWICK – REVIEW STATEMENT

This document accompanies planning application drawings and information for a development at 12 Westgate, North Berwick. It outlines the reasons for refusal of application 24/01290/P. It submits that these reasons for refusal should be dismissed and the application granted.

Refusal Reason 1

“The proposed scheme of development would result in the loss of a ground floor Class 1A commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policies 27 of NPF4 and TC2 of the adopted ELLDP.”

NPF4 Policy 27 states that;

“Development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:

- i. retain an attractive and appropriate frontage;*
- ii. not adversely affect the vitality and viability of a shopping area or the wider centre; and*
- iii. not result in an undesirable concentration of uses, or ‘dead frontages’.”*

ELLDP Policy TC2 echoes the above stating that;

“The Council seeks to ensure that expansions or changes of use within town centres and local centres will not compromise the centre’s vibrancy, vitality and viability. In principle, changes of use from one town centre use to another will normally be acceptable. Changes of use from a ground floor town centre use to residential use will be permitted only where there is evidence that the premises is no longer viable as a town centre use. In practice this will mean an applicant providing evidence of a formal marketing campaign for town centre uses at a reasonable price for a minimum of six months, including details of methods of marketing, relevant dates, copies of particulars, and details of all interest and offers received.”

As can be seen from the Marketing Report submitted with the application, the applicant extensively marketed the property for a period of more than six months

with a reputable agent. Galbraith advised on value, and showed the property at offers over £595,000. Their marketing report concludes that there was little interest in the property and that no requests for Heads of Terms on a purchase or leasehold basis were received (even after the "white box" works that the owners have carried out to the property, and with the benefit of planning permission for three commercial units on the site.) Orinsen, a leading commercial property consultant, were shown around the premises but showed no interest in the property as a commercial venture. Both the "white box" works and the approved commercial application were managed by the applicant to make the property more attractive to potential purchasers or tenants.

East Lothian Council (ELC) instructed the District Valuer (DV) to establish the value of the premises to determine whether the property had been marketed at a "reasonable price". The DV has advised that the market value of the owner's heritable interest with vacant possession is £415,000. Upon review of the DV's report the owners have found there to be incorrect findings and incorrect information within the report.

Accordingly, the owners have sought an opinion of market value of the property from Shepherds, a leading firm of Scottish Chartered Surveyors. In its Report, now produced, Shepherds value the vacant property as it stands at £500,000.

Secondly, Shepherds has valued a notional house, as per the current planning application proposals on the site, in the region of £1,000,000. Simpson & Marwick, a leading firm of property solicitors, active in North Berwick has provided the owners with a secondary market valuation of a house on the site in the region of £1,100,000 to £1,200,000. Further to this Shepherds also advise the value of a completed House based on the same footprint in terms of size as the plans showing three commercial units for which planning consent has been obtained at £850,000.

Using the same calculation method as the DV (see his section 4.1.2), and the revised figures, it is submitted as follows:

-£850,000 house value - £175,000 (cost for "horizontal and vertical extension of around 538 sq. ft and a comprehensive programme of refurbishment and fitout works including all services.") = £675,000 (this would be the end net value of a house on the site).

-Potential uplift value (residential use less £500,000 for commercial use) = £175,000

-Percentage of uplift to reflect the perceived risk associated with gaining or not



gaining the required planning permission (50%) = £87,500

-Overall market value is therefore £500,000 plus £87,500K = **£587,500**

The owners understand that the author of the DV report is a graduate valuer at the DV's office. It may be that inexperience accounts for the incorrect figures used.

The owners have followed ELDC's policy to the letter in that they have provided evidence of a formal and through marketing campaign for the property as a commercial premises for a reasonable price for a minimum of six months. There were 82 viewings, but no formal notes of interest either for purchase or leasing, and of course no offers.

Justifying the property's units lack of viability as a commercial premises, the DV noted within his report *"The property is located at the outskirts of the town centre and lies between two existing residential properties. Indeed, part of the property is located within the ground floor of the adjoining house, and this would suggest that a change of use is a possibility if commercial demand is proven to be non-existent. The property is also set back from the road which would potentially undermine its suitability for some commercial uses, most notably retail"*.

Shepherd also raised concern in the units compatibility as a commercial premises with a proportion of it being located underneath part of the first floor dwelling of the adjacent building and the fire and shared roof implications this brings with it.

Councillor Liz Allan, a member of East Lothian Council, also noted that she could *"see why it (12 Westgate) would be unlikely to work as a shop or café. It's set too far back from the road, in the middle of a residential area, and too small for anything that needs storage such as fridges."* The Planning Officer also acknowledges that the property *"does not form part of a shopping street and is set back from the public footway with a number of residential uses in the surrounding area."*, the previous statements are also verified by the figure ground diagram shown within the Design and Access statement at page 7.

A reasonably informed reader can conclude, in line with policy, that by carrying out a formal marketing campaign for a reasonable price with no offers received, that the property as a commercial premises is judged to be unviable. Taken with the evidence presented such premises will not compromise the Town Centre's (or wider areas) vibrancy, vitality and viability.

Accordingly, a change of use of the property to residential is a wholly appropriate use in the locality. Coupled with the acknowledged 'set back' nature of the



building, there would be no 'dead frontage'. The current building is an eyesore on Westgate. The proposed change would replace this with an attractive and appropriate frontage to the street. The change of use would bring a vacant building into use and provide a positive impact, enhancing the street's and the Town's visual amenity by introducing a new and more attractive building to add to the vitality of the area.

Refusal Reason 2

"The proposed extension by virtue of its size, scale, alignment and height would not be subservient to the existing listed building and as such would be harmful to the special architectural and historic interest of the listed building and would neither preserve nor enhance the character and appearance of this part of the North Berwick Conservation Area contrary to Policy 7 of NPF4 and Policies CH1 and CH2 of the adopted ELLDP."

Andrew Megginson Architecture (AMA) has carried out extensive research into the local area and streetscape along Westgate. The firm has proposed an informed development that is sympathetic to the area and subservient to the existing listed building, which it adjoins.

To the front where the proposed building adjoins the existing building, the proposed building line follows that of the existing listed building. The gable then extends towards Westgate following the design feature of the adjacent gable to the existing building, but is set back behind this and the adjacent Blenheim Hotel in subservience to both. The proposed stone gable is slimmer and lower in height than that of the adjacent gable, again reinforcing subservience by employing high-level windows, replicating the decorative eaves of other properties in the area. The windows sit lightly atop the stone with a slim profile roof above, is no higher than the adjacent buildings. Both proposed flat roofed areas are also subservient to the existing buildings on either side. To the rear, the gable is pulled back behind the building line of the existing buildings on either side, emphasising subservience.

To validate the design, the architect sought the opinion of AOC Archaeology, one of the most experienced heritage companies in Britain. They concluded;

"The revised proposals set the proposed extension further back from the Westgate frontage than those originally proposed and thus represent an improvement. With the proposed additional set back, the proposed



extension would have minimal impact upon the westward views along Westgate and towards the High Street, as the proposed extension would not sit forward of the adjacent Listed Buildings and would be unlikely to impede views of the Listed elements of No. 12 (LB38788) when seen in this view. The proposed extension would also be set back from Blenheim House (LB38789) thus largely retaining the existing building lines and appearing subservient to adjacent buildings. The height of the proposed extension would be in keeping with the surrounding Listed Building and the existing rear wall of 'Law Stone' and quoin detailing would be retained.

Whilst there would be a perceptible change to the setting of the Listed Buildings and the Conservation Area, this would not result in adverse impacts upon or loss of the special architectural and historic interest of the Listed Buildings or Conservation Area."

In addition, Historic Environment Scotland had no objections to the proposal and stated

"...the proposed pitched roof, chosen materials and language of the new extension somewhat work to minimize the visual impact on the listed building; the extension uses materials (slate and natural stone on the principal elevation) and a design language which matches and respects the historic building, yet can be clearly read as a modern extension."

As shown below, the red dashed lines over the earlier proposal represent the approved scheme of a former planning application (22/01299/P) for the development of three commercial units to the site. This was concluded by the planning officer to have been subservient and acceptable on the site. The current proposal is only marginally out with the built form extent of the earlier application and is simply part of a pitched roof area, and more sympathetic to the form of the streetscape, along with a widening of the of the first floor flat roofed area between the proposed gable and existing building. It does not result in a built form that is significantly increased in mass to that which has been approved previously.





Refusal Reason 3

“The proposed vehicular access and hardstanding area would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the North Berwick Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to Policy 7 of NPF4 and Policy CH2 of the adopted ELLDP.”

As is noted within the plans the existing site is two thirds of hard landscaping and one third of soft landscaping. The proposal changes the site to half soft and half hard landscaping, resulting in a clearly visible benefit. As can be seen in historic maps of the site, old photographs, Valuation Rolls (which note uses of the property as containing a ‘garage’ and a ‘stable’) and existing evidence (non-pedestrian wide access gates and the dropped kerb to the site), there has been a driveway/ non-pedestrian access into the site. To propose a driveway to the property would not be out of character with the area, because it simply reinstating what has previously been in place. In Westgate, next door at No 12 and opposite evidences vehicular access and hardstanding within the front curtilages of these properties. It is submitted that the proposals in this respect would not be alien to the street.

Once again the owners sought advice on this from AOC Archaeology who noted;

“The HIA considered that the original proposal would also result in the removal of a small portion of a retaining wall at the entrance gate to No. 12 resulting in very minor loss of historic fabric. It noted that this was not the first change to boundary walls associated with Nos 10 and 12, as changes had been made previously when the buildings had been sub-divided and when the 1980s banking extension had been added. The HIA indicated that



this had been undertaken sympathetically and had not resulted in an adverse impact upon the special interest of the Listed Building. The HIA further noted that slight widening of the current access point at No. 12 would not alter the location of the original entrance to the property as shown on the 1854 OS map and, provided the materials and style were in keeping with the existing walls and the work was undertaken in line with HES's guidance on boundaries (HES 2010, paragraph 5.6), would not adversely impact upon the special interest of the Listed Building.

The current proposals are to retain the existing boundary walls with some widening of the existing entrance, and it is maintained that this change would not adversely impact upon the special interest of the Listed Building. Similarly the HIA noted that the slight reconfiguration of the garden, in terms of areas of hardstanding and soft landscaping would result in minor but beneficial changes to the overall character of the garden, and would not adversely impact upon the understanding, appreciation and experience of the significance of the Listed Building; and this is maintained for the current proposal."

Historic Environment Scotland had no objections to the proposal.

Refusal Reason 4

"The proposed scheme of development would not be subservient to or complement the existing building and would result in an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight. Therefore the proposal is contrary to Policy 16 of NPF4 and Policy DP5 of the adopted ELLDP."

Please see the above response to reason for refusal 2 regarding subservience and complementing the existing building. This submission looks at each opening in turn and shows why there is no detrimental overlooking as below;

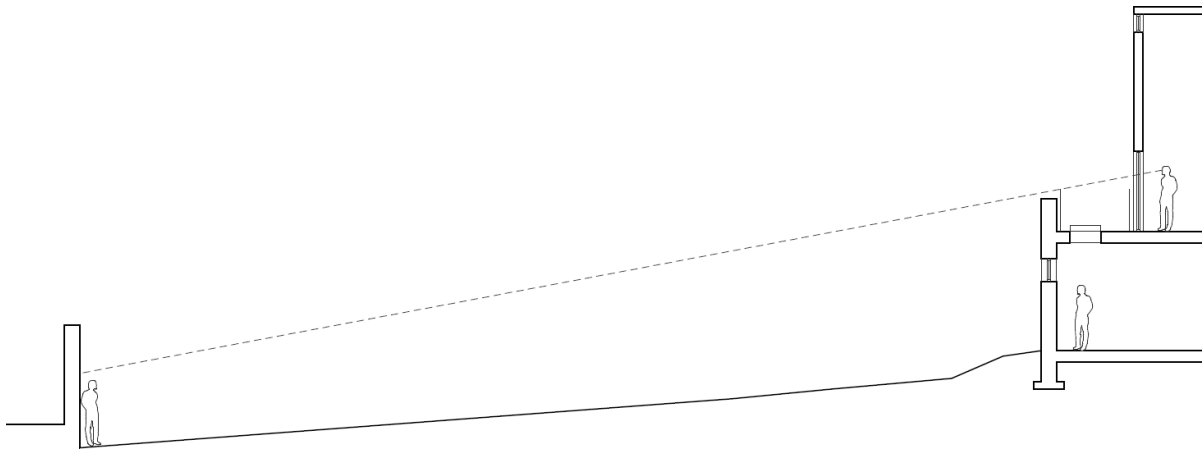
- GFL bedroom, as per the below section, the bedroom window has been located at high level to not allow horizontal views between the bedroom and the rear garden of 12B Westgate.
- GFL en suite, this window has opaque glazing allowing light, but no clear views in or out.
- GFL dining space, the lower panes of the windows to the bay window will be replaced with opaque glazing, resulting in no horizontal outlook in or out.
- FFL lounge, the planning officer notes within their report that there "would be



nothing to prevent occupants of the proposed house opening the five sliding doors and gaining access to the flat roof and utilising it as a first floor roof terrace which would enable direct overlooking of the neighbouring residential properties and gardens.”.

In this matter, it is clear that the planning officer has made a regrettable error and missed the note on the plans showing a ‘Juliet balcony’ and drawings (plans and section) clearly showing a balustrade outside the doors, thus not allowing access and no direct overlooking.

As per the section through the centre of the gable part of the house below, the stepped back nature of the first floor, parapet roof off the ground and the external opaque balustrade all work together to prevent any detrimental overlooking to the neighbour’s garden. To put the matter beyond doubt, there cannot be any direct overlooking.



Further to the above, the former Blenheim Hotel was allowed permission to be changed into residential use, although its bay window directly overlooks the garden of 12B Westgate. A terrace/balcony was also allowed permission which again permits overlooking of the rear garden of 12B Westgate. As is shown in the photos below with the properties in discussion being within a town centre location there will naturally be some overlooking. However these proposals seek to mitigate any overlooking by means of the design features proposed.





Terrace to former Blenheim House Hotel overlooking the garden of 12B Westgate





Overlooking bay windows and terrace of neighbouring former Blenheim House Hotel as taken from the garden of 12B Westgate





Large glazing of extension to a separate property to the east of 12B with direct views into the garden of 12B Westgate as taken from the garden of 12B Westgate

With regard to loss of daylight, the owners have had a daylight impact assessment carried out which concludes the following;

“The assessment concluded that the proposed development achieved full compliance with the BRE guide in respect of protecting daylight amenity and sunlight amenity to surrounding buildings.

This means that the proposed development would have a negligible effect on daylight and sunlight enjoyed by the neighbouring properties; and that the neighbours would not notice any loss of daylight and sunlight due to the proposed development.”

There can be no argument that daylight or sunlight are impeded.



Refusal Reason 5

“The occupants of the proposed house would not be afforded an acceptable level of privacy and amenity. Therefore the proposal is contrary to Policy DP7 of the adopted ELLDP.”

As submitted above in the response to refusal reason 4, the occupants of the house would in fact be able to enjoy an acceptable level of privacy. A kitchen does not require a window to meet specific criteria and all the internal spaces will be very bright and comfortable, considering the amount of glazing to them and space they afford. As for private garden space, many properties in North Berwick do not have private garden space, which is not an issue for town centre homes, as there is abundant external open space to be utilised for residents.

SUBMISSION

The building has been vacant and subject to dereliction for over 7 years now. We have tried over this period of time to engage positively with East Lothian Council to reach an acceptable development to the site. We even agreed to gain planning permission for the 3 unit commercial development under the guidance of East Lothian Council to make the building more attractive to potential buyers during our marketing campaign (along with carrying out significant works to the building to form it into a white box state) however as per the marketing report this did not elicit one offer, not even a low one. We have fully demonstrated that we are in line with planning policy for the change of use to residential with an appropriate development in the context of the local area put forward that shall bring viability and vitality to the area.

Each of the Reasons for Refusal has been adequately met and refuted within this Statement for Review. The owners respectfully ask the Local Review Body to overturn the refusal notice and to grant planning permission for this acceptable development.

AMArchitecture
May 2025



Valuation Report

shepherd.co.uk



12 Westgate, North Berwick, EH39 4AF

Client:

Pat & Nigel Sharp

Date of Valuation:

01 October 2023 and others

EXECUTIVE SUMMARY

PROPERTY ADDRESS	12 Westgate, North Berwick, EH39 4AF
TYPE OF PROPERTY	Former bank premises currently vacant.
PURPOSE OF VALUATION	Planning appeal purposes.
DATE OF INSPECTION	12 March 2025
DATE OF VALUATION	01 October 2023 and others
BASIS OF VALUE	Market Rent and Market Value assuming Vacant Possession.
LOCATION	Main street through North Berwick in a residential area a couple of hundred meters or so to the west of the main commercial/retail facilities of the town.
DESCRIPTION	Former bank premises currently vacant in a shell condition.
TENURE	Assumed Heritable (Scottish equivalent of English Freehold).
INTEREST VALUED	Owner occupiers/landlords' interest.
TENANCIES	Not applicable.

MARKET RENT(As existing)	As at 12 March 2025 - £30,000 per annum exclusive.
MARKET VALUE (Vacant Possession)	As commercial unit as at 01 October 2023 - £500,000 As commercial unit as at 12 March 2025 - £500,000
MARKET VALUE (Of Completed House based on plans provided subject to residential planning consent being obtained)	As at 12 March 2025 - £1,000,000
MARKET VALUE (Of Completed House based on the same footprint in terms of size as the plans showing three commercial units for which planning consent has been obtained)	As at 12 March 2025 - £850,000

SPECIAL VALUATION ASSUMPTIONS	<p>The market rents are assuming leases on a full repairing and insuring basis for negotiable terms subject to regular rent reviews.</p> <p>The market value is as existing or with the benefit of the existing planning consent and also on the basis that residential planning permission was to be granted based on the scheme for which plans have been provided and included in Appendix 7.</p>
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This summary is intended for quick reference purposes only and must be considered within the context of this entire report.

TABLE OF CONTENTS

1.0	Confirmation of Instructions
2.0	Type of Property
3.0	Date of Valuation
4.0	Location
5.0	Description
6.0	Areas
7.0	Services
8.0	State of Repair
9.0	Statutory Enquiries
10.0	Tenure
11.0	Occupational Leases
12.0	Trade Fixtures & Fittings
13.0	The Business
14.0	Environmental Considerations
15.0	Alternative Usage
16.0	Market Commentary
17.0	Methodology, Analysis and Comparable Evidence
18.0	Valuations
19.0	Special Valuation Assumptions
20.0	Limitation and Publication
Appendix 1	Terms and Conditions of Engagement
Appendix 2	Location Plan
Appendix 3	Photographs
Appendix 4	Definitions of Value
Appendix 5	Scope of Work and Valuation Assumptions
Appendix 6	Copy of Plans of Commercial Scheme for which Planning Consent has been granted
Appendix 7	Copy of Plans of Proposed Residential Unit

1. CONFIRMATION OF INSTRUCTIONS

1.1 Introduction

We refer to your instructions and to our Terms and Conditions of Engagement dated 02 April 2025 a copy of which is reproduced in Appendix 1.

In accordance with these instructions, an inspection of the property was undertaken by D. Niall Gunn BSc MRICS, Partner, acting as an external valuer, on 12 March 2025. The extent of the inspection carried out is as described in the attached Scope of Work and Valuation Assumptions and any specific limitations will be outlined within this report.

We can confirm D. Niall Gunn BSc MRICS, Partner (an RICS Registered Valuer) has the necessary knowledge and expertise to provide the advice required.

This report has been prepared in accordance with the RICS Valuation - Global Standards 2025 incorporating the IVSC International Valuation Standards.

1.2 Conflict of Interest

We are not aware of any conflict of interest that would preclude us from providing the valuation advice requested.

1.3 Professional Indemnity

J & E Shepherd maintain Professional Indemnity Insurance with Zurich Insurance plc and others with a limit of indemnity set at a level which is proportionate to the instruction as fully outlined within the Terms and conditions of Engagement previously provided and appended to this report.

1.4 Purpose of Valuation

This report is provided for planning appeal purposes.

Whilst this report may be suitable for secured lending purposes, any lender wishing to rely upon its contents should instruct this Firm to prepare a further report which addresses the lenders specific reporting assumptions and requirements.

1.5 Basis of Value

Our Valuation has been prepared to determine Market Rent and Market Value assuming vacant possession.

1.6 Sources of Information

For the purpose of this valuation we have considered and relied upon a range of information provided to us which we have assumed to be true and correct.

1.7 Scope of Work and Valuation Assumptions

The scope of work and valuation assumptions adopted for the purposes of this report are set out in Appendix 5.

1.8 Verification

Before any financial transaction is entered into the validity of the assumptions that we have adopted should be verified. Any variation should be referred to us immediately, as this could impact the valuation(s) reported.

2. TYPE OF PROPERTY

Former bank premises currently vacant in a shell condition.

3. DATE OF VALUATION

01 October 2023 and others.

4. LOCATION

4.1 Regional

North Berwick is situated on the south shores of the Firth of Forth, in the heart of East Lothian and one of the main centres of population within that district. This a popular commuter town for Edinburgh being on the main trainline into the city and is an attractive location to live in and for tourists.

Its main commercial facilities are centred around the High Street/Westgate where the subject premises are located. However, the subjects themselves are situated in a somewhat secondary position.

4.2 Local

The subjects are situated on the northside of Westgate a few hundred meters to the west of the main commercial retail facilities of the town, adjacent to a former a hotel which has been converted into residential units, a two-storey semi-detached house and generally speaking, a residential location although across Westgate is an office. The subjects are set back from the street.

The subjects do have spectacular views to the north over the sea.

The location of the property is shown on the appended Location Plan within Appendix 2. Also within Appendix 2, a copy of the site plan showing the property and the boundaries as we understand them, outlined in red.

5. DESCRIPTION

5.1 The Property

As existing, the property comprises a single storey, stone-built former bank premises under a flat felt roof together with garden ground to the front/south of the property with a single access point from Westgate. The subjects, it should be noted, are also partly contained within the adjoining semi-detached two-storey, stone-built dwelling house.

The accommodation which has been stripped out is currently in shell condition and has concrete floor, plasterboard and painted walls and ceiling, various windows to the north and south elevations and a single access point from the south.

5.2 Accommodation

The subjects are one big open area following the stripping out works which have been completed.

5.3 The Site

The site is as shown in the boundaries within Appendix 3. It should be noted that there is no external areas provided to the north of the building.

Photographs of the property can be found within Appendix 3.

6. AREAS

As existing, the property provides the following appropriate areas:-

DESCRIPTION	AREA (SQM)	AREA (SQ FT)
Ground Floor	124.11	1,336
TOTAL	124.11	1,336

The above areas, which have been calculated from on site measurements have been calculated on a Gross Internal area basis in line with the RICS Property Measurement Professional Statement (2nd Edition) and the RICS Code of Measuring Practice (6th Edition).

7. SERVICES

The property is understood and assumed to connect to mains supplies of water and electricity. Drainage is understood and assumed to be into the main public sewer.

It is not clear whether there is a gas supply to the subject premises.

None of the systems, circuits or services have been checked or tested for the purpose of this report.

8. STATE OF REPAIR

We have not been instructed to provide a detailed report upon the structure and fabric of the property however for the purposes of our valuation report a visual, non disruptive inspection of the property was undertaken in accordance with the limitations noted within the appendices of this report. A general comment on the condition of the property is noted below.

8.1 External

- No items of immediate repair were found at the time of our inspection.

8.2 Internal

- The subjects are currently in shell condition and as such, are a "white box" and available for any occupiers fit out works.

The above should not be considered as an exhaustive list. Unless otherwise stated, when arriving at our valuations we have assumed that there are no defects pertaining to the property that would impact on the values. Should detailed reports on the condition of the property be required or where specialist advice is recommended, our related Building Surveying Practice would be pleased to deal with this on receipt of further written instructions.

9. STATUTORY ENQUIRIES

9.1 Structure and Local Plan

The subjects are covered by the Structure Plan for the area and the North Berwick Local Development Plan. Within said plan the subjects are zoned as being within the town centre boundary.

9.2 Listed Building Status, Conservation Areas and Other Relevant Planning Matters

The subjects are partly contained within a listed building.

The subjects are located within a conservation area and is designated by the Planning Authority to preserve character. They require planning permission to be sought for a range of works that would otherwise be considered permitted development.

9.3 Current Planning Use/Consent(s)

The subjects were previously used as a bank although planning consent has now been granted for the conversion of the unit into 3 commercial units in accordance with the plans which have been provided. These plans are attached within Appendix 6. You'll note from these plans that 2 self-contained office suites are provided together with a two-storey café. We have assumed that all these uses have been approved, all in terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997. Should this prove not to be the case, then it is assumed that a Certificate of Established Use can be demonstrated or otherwise the values reported herein may be impacted.

9.4 Recent or Proposed Alterations

We presume that any consents required to convert the subject premises to their current layout have received the necessary local authority consents.

9.5 Licenses and Other Consents

Not applicable.

9.6 Roads

We assume that the roads which serve the subjects have been fully made up and adopted by the Local Highways Authority and that the subjects benefit from an unimpeded access onto same.

9.7 Fire (Scotland) Act 2005

The Fire (Scotland) Act introduces a fire safety regime for non-domestic properties in Scotland.

It has been assumed appropriate safety measures have been implemented and that a Fire Risk Assessment exists or will be put into place to periodically review these measures to ensure it complies with legislation.

9.8 Equality Act 2010

The Equality Act 2010 requires service providers to address physical features which make it impossible or unreasonably difficult for disabled persons to use their services and to make reasonable changes where required to improve services and ensure disabled persons are not at substantial disadvantage.

Our valuation assumes that there are no issues in relation to the legislation that would impact on our figures. Our related Building Surveying practice would be happy to provide necessary advice or arrange an access audit should this be required on receipt of further written instructions.

9.9 Rateable Value

£7,200 as existing.

The subjects would have to be re-assessed for rating purposes once converted into 3 commercial units.

The poundage rate for the financial year 2024/2025 is 49.8 pence for properties with a Rateable Value up to £51,000. For properties with a Rateable Value between £51,001 and £100,000 the rate is 54.5 pence and 55.9 for properties with a Rateable Value in excess of £100,001.

Fresh Start Relief continues to include all property types (other than if last used for payday lending purposes) which have been empty for six months and to provide relief of 100% for the first year of any new occupier (other than if to be used for payday lending purposes). The upper limit for eligibility for Fresh Start Relief is Rateable Value £100,000. To qualify, properties must have been empty and receiving Empty Property Relief for a minimum of 6 months immediately prior to being re-occupied.

Small Business Bonus Scheme relief continues to be available to qualifying ratepayers on properties with a Rateable Value up to £12,000. The upper Rateable Value threshold for individual properties to qualify for SBBS relief is £20,000. Relief tapers from 100% to 25% for properties with Rateable Values between £12,001 and £15,000; and from 25% to 0% for properties with Rateable Values between £15,001 and £20,000. The cumulative rules include the Rateable Value threshold of £35,000. Car parks, car spaces, advertisements and betting shops are will be excluded from eligibility for SBBS relief.

Small Business Bonus Scheme relief is subject to the operation of other reliefs including Empty Property Relief, Rural Rate Relief, Charitable Rate Relief, Disabled Persons Rate Relief, discretionary relief for not-for-profit recreational clubs and Fresh Start Relief, each of which may be available in certain circumstances. A Small Business Transitional Relief was been introduced on 1st April 2023 for those losing or seeing a reduction in Small Business Bonus Scheme Relief or Rural Rates Relief (including due to SBBS exclusions) from 1st April 2023. The maximum increase in the rates liability relative to 31st March 2023 will be capped at £1,200 in 2024-25 and £1,800 in 2025-26.

A Revaluation Transitional Relief has also been introduced from 1st April 2023 to cap increases in rates liabilities due to increases in Rateable Value at the 2023 Revaluation. The capped increases (in cash terms) in 2024-25 will be 40.6% for small properties (RV up to £20,000), 87.5% for medium-sized properties (RVs between £20,001 and £100,000) and 140.6% for large properties (RVs of £100,001 and above), rising in subsequent years.

Properties in receipt of Business Growth Accelerator (New and Improved Property) relief on 31 March 2023 will continue to be eligible for an equivalent percentage of relief on the new Rateable Value for the remaining duration of the relief.

It was announced that Enterprise Area relief will be extended to 31 March 2026.

Empty Property Relief has been devolved to local authorities as of 1st April 2023 with a concurrent transfer to local government. It is important to be aware that different Empty Property Relief policies may now apply in different council areas.

An additional transitional relief scheme was introduced on 1st April 2023 in respect of new entries on the Valuation Roll from 1st April 2023, including properties located within parks added to the Valuation Roll as a result of the Non-Domestic Rates (Scotland) Act 2020. This additional transitional relief scheme will cap bills at 33% of the gross liability on affected new entries in the Valuation Roll in 2024/25.

Shepherd can provide proprietors, tenants and occupiers with expert and experienced professional advice as required.

10. TENURE

Assumed Heritable (Scottish equivalent of English Freehold). We have not had sight of a report on title and assume that the title deeds contain no onerous or restrictive conditions and that the existing use complies fully with current planning law.

We have assumed that there are no unduly onerous terms, conditions or restrictions which would adversely affect our undernoted valuations however we reserve the right to amend said valuations on sight of any relevant information/further reports in due course.

11. OCCUPATIONAL LEASES

None.

12. TRADE FIXTURES AND FITTINGS

Not applicable.

13. THE BUSINESS

Not applicable.

14. ENVIRONMENTAL CONSIDERATIONS

14.1 Observed Use of Property and Surrounding Properties/Land

Previously bank premises within a mixed, but predominantly residential location.

14.2 Energy Performance Certificate (EPC)

It is a legal requirement for most commercial properties to have an EPC when constructed, modified or made available for sale/lease. We have not seen a copy of an EPC for this property however for the purposes of this report we assume the property has the necessary certification.

We would advise that due to a recent adjustment to the Government's assessment tool, energy ratings for commercial properties are, in some cases different to those previously achievable. While the existing EPC rating remains valid for the lifespan of the EPC, were the property to be reassessed a different rating may be obtained.

Section 63 of the Climate Change (Scotland) Act 2009 – The Assessment of Energy Performance of Non-domestic Buildings (Scotland) Regulations 2016 came into force on 1st September 2016. At this stage the regulations only apply to buildings over 1,000 sq.m. Those buildings which meet the 2002 Building Regulation Standards or those already improved via 'Green Deal' are exempt. There are also a number of other exemptions including temporary buildings, building types with low energy demands and transactions relating to the renewal of existing leases and 'short term' lettings.

Where the regulations apply, and the building falls below the minimum 2002 Building Regulation Standards, the owner of the building must have an 'Action Plan' assessment carried out to define the measures to be completed to improve the energy performance of the building. The owner thereafter has a choice to 1) implement the works to improve the building within 42 months or 2) defer the works and record/report operational energy ratings yearly via a Display Energy Certificate (DEC) to be independently assessed each year.

While legislation relating to energy has been in force for some time, there is little, if any, clear evidence available to enable us to comment on the impact of the market value or rental value. We have, therefore, assumed that there are no issues regarding the EPC for the property which would adversely affect our valuation. It should be noted however that those properties with Action Plans will likely have cost implications to bring the property to an acceptable level and these costs may impact on property values.

Our team of specialist energy assessors and consultants offer full coverage throughout Scotland and can provide further advice and guidance on receipt of further written instructions.

14.3 Asbestos

The Control of Asbestos Regulations 2012 imposes an obligation upon those responsible for commercial properties to hold an Asbestos Register.

We have not had sight of any such Register and therefore for the purposes of our report we have assumed that there are no issues in this regard which would affect our undernoted valuations however we reserve the right to amend our said valuations on sight of any relevant reports in this regard.

14.4 Deleterious Materials

Testing of components or taking of samples will not be taken through our inspection. This includes but is not exhaustive to deleterious materials such as Reinforced Autoclaved Aerated Concrete (RAAC), High Alumina Cement (HAC) and the like. We have not had sight of any information in and for the purposes of our report we have assumed that there are no issues in this regard which would affect our undernoted valuations however we reserve the right to amend our said valuations on sight of any relevant reports in this regard.

14.5 Flooding

We have referred to the Scottish Environmental Protection Agency (SEPA) "Flood Map" which provides a general overview of potential risks of flooding in Scotland.

We have not carried out formal checks or received reports concerning flood risk however from our enquiries of SEPA's website it would appear the property is not at risk of flooding.

When arriving at our valuations we have assumed that there is no history of flooding, no flood issues that would impact on the property and that the property can obtain insurance. Should this not prove to be correct it may impact on the values reported herein and we would recommend further checks are made.

14.6 Radon Gas

When arriving at our undernoted valuations we have made no investigations with regard to Radon gas and assume that there are no issues in this regard. We do however reserve the right to amend our valuations on sight of further information.

14.7 Invasive Species

Unless otherwise specified elsewhere within this report, we have specifically assumed that there are no invasive species contained within the property/site or within the surroundings of the property/site including, but not exclusively, Japanese Knotweed. We reserve the right to amend our valuations on sight of further reports in this regard.

14.8 Coal Mining

The property is not thought to be within an area where coal mining has taken place. It would, however be prudent to obtain a written report from the Coal Authority on previous mine workings in the vicinity. The valuation is on the basis that this does not reveal that the property is at risk of movement from underground mine workings.

14.9 Summary and Recommendation

Based on the observed use of the property and surrounding properties we have assumed that there is no existence of contamination which would affect value.

Similarly we have assumed there are no EPC, asbestos, Radon gas, Japanese Knotweed, invasive species or flooding issues that would affect value. We reserve the right to amend our valuations on sight of any further information with regard to any of these items as noted herein and above.

15. ALTERNATIVE USAGE

From the plans which has been provided, we note that planning consent for 3 commercial units has been granted. These 3 commercial units are more fully described as follows: -

Unit 1 – Self-contained ground floor office extending to 617 sqft.

Unit 2 – Ground and first floor café premises with a ground floor of 253 sqft and a first floor of 438 sqft.

Unit 3 – Self-contained ground floor office extending to 418 sqft.

These are net areas and these 3 units are to be contained almost within the existing footprint of the building with a slight projection to the front and a central first floor new build area forming part of the café unit. The plans for this scheme are included in Appendix 6.

In addition, the subjects do have some scope for conversion/extension for residential development purposes subject to obtaining a satisfactory planning consent. We have been provided with plans for a proposed scheme (Copy in Appendix 7) from which we note that it is the intention to create a three-storey property mostly within the existing envelope of the existing building although slightly extended to the front and a new build first floor and dug out basement.

The plans showing the finished property comprising ground floor kitchen/dining room, living room, double bedroom with ensuite shower room, additional WC together with lift to the first floor which comprises drawing room and double bedroom with ensuite shower room while at lower ground floor level is utility room, shower room and storage accommodation.

We would estimate from the plans provided that the gross internal areas of this accommodation comprise the following: -

DESCRIPTION	GROSS INTERNAL AREA (SQ.M)
Ground Floor	145.23
First Floor	63.17
Basement	56.76
TOTAL	265.00

16. MARKET COMMENTARY

16.1 Economic Commentary

The Office for National Statistics (ONS) reports that the UK gross domestic product (GDP) is estimated to have risen by 0.5% in Q2 2024, following a rise of 0.7% in Q1 2024.

In terms of output in Q2 2024, the services sector grew by 0.6%, production fell by 0.3%, and construction output fell by 0.2%. These mixed results across sectors highlight the varying levels of recovery and growth within the economy.

The employment rate stood at 74.5% in Q2 2024, which is still below the pre-pandemic figure of 76.6% from February 2020. The unemployment rate for the same period slightly decreased from Q1 2024 to 4.2%. Labour disputes also continue to play a significant role in the provision of services in the economy.

The most recent inflation statistics showed that the Consumer Price Index (CPI) rose by 1.7% in the 12 months to September 2024, down from 2.2% in the 12 months to August. Core CPI which excludes volatile energy, food, alcohol and tobacco rose by 3.2% in the 12 months to September 2024, down from 3.6% in the 12 months to August.

At its most recent meeting, the Bank of England's Monetary Policy Committee (MPC) voted by a majority of 8-1 to maintain the base rate at 5.00%, following the previous months vote to implement the first cut to the base rate since the start of the pandemic in March 2020. The cut and subsequent hold may begin to provide confidence to investors and consumers that borrowing costs are likely to follow a downward trend in the short to medium term.

Globally, macroeconomic risks persist, including geopolitical tensions in the Middle East, the ongoing Russia-Ukraine war, shipping delays in the Red Sea and the upcoming presidential election in the USA. These factors continue to pose challenges to inflation and economic stability.

The UK recently held a general election and elected a new government. Changes in many key sectors can be expected with key focuses expected to be housebuilding, planning reform, the NHS, defence and public services. Financial markets generally reacted in a stable manner to the election of the new government indicating that they had largely anticipated and already priced in the election result.

Economic data in recent months has painted a more positive picture however significant challenges remain and as yet unforeseen risks may emerge which alter the outlook as we have seen in recent times.

16.2 Marketability

As at 01 October 2023 we consider that the subjects would have been relatively attractive if exposed for sale on the open market. We consider that they would be attractive to both commercial and residential developers/owner occupiers. As such, no longer than a 6-month marketing period would likely have been required to secure a purchaser for the property. If this was subject to a satisfactory planning consent being obtained, then a slightly longer marketing period may have been required due to time delays in conjunction with any planning application to the Council. At that time it would have been my professional opinion that there would have been interested parties wishing to offer for the subjects, subject to obtaining a satisfactory planning consent for residential use, as this would have been the most likely use for the property as that time.

As at 12 March 2025 if the property was simply to be marketed as existing as a commercial unit for lease we consider that a tenant could be found within a 3-6 month period. We consider that no longer than a 5-10 year lease would be achievable perhaps with a 3 month rent free period at the commencement of the lease. The consent which has now been granted doesn't improve their marketability.

17. METHODOLOGY, ANALYSIS AND COMPARABLE EVIDENCE

17.1 Valuation Methodology

Our Valuation uses the both the comparable method and the development appraisal/residual appraisal basis of valuation.

17.2 Comparable Evidence & Valuation Analysis

In line with RICS Red Book guidance, we remind the client that in undertaking any valuation exercise the degree of subjectivity involved varies significantly as will the degree of certainty (that is, the probability that the valuer's opinion would be the same as the price achieved by an actual sale at the valuation date). These variations are generally very minor with an accurate figure being produced through the use of comparables however variations can arise due to inherent features of the property, the market place, economy or the quality of comparable information available.

In the case of the subject property(ies), as at the date of valuation, transaction volumes, relevant evidence or other information are at an adequate level upon which to base an opinion of value. Accordingly our valuation is not reported as being subject to 'Material Valuation Uncertainty' as set out in VPS 3 and VPGA 10 of the RICS Valuation - Global Standards.

For the avoidance of doubt, the inclusion of this explanatory note (and where applicable) the 'Material Valuation Uncertainty' declaration above does not mean that the valuation(s) cannot be relied upon. Rather, the declaration has been included to ensure transparency and to provide further insight as to the market context under which the valuation opinion(s) was prepared.

We have set out below general information of recent sales and letting transactions in support of our valuation. These are taken from the immediately surrounding area and the wider locale with adjustments made as necessary to reflect the specific nature of the subjects. The information below should be considered as an illustration of the information utilised and not as an exhaustive list.

17.3 Leasing Comparables:

We are aware of the following leasing transactions: -

118-120 High Street – Let September 2024 at £33,000 per annum which on an area of 742 sqft equates to £44.47 per sqft, although this occupies a better position than the subject premises.

37 Westgate – this was on the market in July 2024 at £17,500 per annum which on an adjusted area of 485 sqft equates to £36.08 per sqft although this ended up being owner occupied.

39D Westgate – let in October 2022 at a stepped rent of years 1 & 2, £12,600 per annum and years 3-5, £13,200 per annum, equating to £36.10 per sqft.

Forth Street Lane – office let July 2020 at £11,500 per annum equating to £24.89 per sqft although quite historic.

2/2A Law Road – let February 2020 at £9,000 per annum which on an area of 498 sqft equates to £18.07 per sqft although poorer location.

As existing, despite the fact that the subjects are in shell condition, we consider that a market rent in the region of £25.00 per sqft might be achievable which would be a rent of £32,500 per annum although as there is no WC, the cost to install this, perhaps £10,000, would have to be rentalised reducing this figure to around £30,000 per annum exclusive.

17.4 Sales Comparables:

We are aware of the following commercial sales transactions:-

3 Forth Street Lane – August 2023 sale at £255,000 which on an area of 462 sqft equates to £551.95 per sqft capital.

41 High Street – former bank sold May 2022 for £605,000 which on an area of 998 sqft equates to £606.21 per sqft capital although better location.

41 Westgate – sold December 2024 for £544,500 which on an area of 2,115 sqft equates to £257.45 per sqft capital although poorer position.

3/5 Station Road – sold June 2023 for £302,000 which on an area of 1,053 sqft equates to £286.80 per sqft capital although poorer location.

27 Station Hill – sold May 2024 for £170,000 which on an area of 361 sqft equates to £470.91 per sqft capital.

21C Westgate – sold January 2019 for £465,000 which on an adjusted area of 1,124 sqft after allowing for a lock up garage which formed part of the subjects equates to £404.80 per sqft capital although now quite historic.

We would have thought that as existing as a commercial unit as at 01 October 2023 a rate of around £400 per sqft could be justified giving a market value then of £525,000 although we would adjust this to £500,000 to reflect the lack of WC facilities and being in shell condition. We would consider than as at 12 March 2025 the market value is probably at a similar level. We don't think that the current consent which has been granted for three commercial units doesn't add any value.

17.5 Sales Comparables for Residential Use:

We are aware of the following house sales:-

The Coach House, Windygates Road, North Berwick – 3 bedroom detached house sold May 2024 for £872,250 of 198.5 sqm equating to £4,394 per sqm – better location and with good garden and garage.

Inch Cottage, Dirleton Road, North Berwick – 5 bed detached bungalow with extensive gardens and garage sold Aug 2024 for £1,285,000 of 270 sqm equating to £4,759 per sqm.

2 Abbots Close, North Berwick – 5 bed detached house with large garden sold July 2024 for £948,750 – more desirable location.

Anchor House, Ware Road, North Berwick – 4 bed detached house with gardens and garage sold Dec 2022 for £1,226,000 – more desirable property and location.

11 Westerdunes Park, North Berwick – 5 bed detached architect designed house with garage and garden sold May 2024 for £1,400,000 of 286 sqm equating £4,895 per sqm – better location and large grounds and garage.

Based on the planned three storey residential house shown in the plans in Appendix 7 we would have thought that market value of completion of this house might be in the region of £1,000,000 as at 12 March 2025.

18. VALUATIONS

Our valuation(s) have been prepared in accordance with the Royal Institution of Chartered Surveyors (RICS) Valuation - Global Standards 2025 incorporating the IVSC International Valuation Standards. Any departures from this will be clearly stipulated within our report. All valuations will be carried out under the definitions of the various valuation bases set out by the RICS, which are appended.

18.1 Market Rent

We are of the opinion that the Market Rent for the property as existing, assuming a lease on a full repairing and insuring basis for a negotiable term subject to regular rent reviews as at 12 March 2025, may be fairly

stated as being in the sum of **£30,000 per annum (THIRTY THOUSAND POUNDS PER ANNUM)** exclusive.

18.2 Market Value (Vacant Possession as commercial unit)

We are of the opinion that the Market Value of the property as existing, assuming vacant possession as a commercial unit as at 01 October 2023, may be fairly stated as being in the sum of **£500,000 (FIVE HUNDRED THOUSAND POUNDS)**.

We are of the opinion that the Market Value of the property as existing, assuming vacant possession as a commercial unit as at 12 March 2025, may be fairly stated as being in the sum of **£500,000 (FIVE HUNDRED THOUSAND POUNDS)**.

18.3 Market Value (of Completed House based on plans provided subject to residential planning consent being obtained)

We are of the opinion that the Market Value of the completed residential house, if planning consent was to be obtained based on the scheme for which plans have been provided and included within Appendix 7, assuming vacant possession, and completed in accordance with those plans, as at 12 March 2025 may be fairly stated as being in the sum of **£1,000,000 (ONE MILLION POUNDS)**.

18.4 Market Value (of Completed House based on the same footprint in terms of size as the plans showing the three commercial units for which planning consent has been obtained)

We are of the opinion that the Market Value of the completed residential house, if planning consent was to be obtained based on the same footprint in terms of size as the plans showing the three commercial units for which planning consent has been obtained assuming vacant possession, as at 12 March 2025 may be fairly stated as being in the sum of **£850,000 (EIGHT HUNDRED & FIFTY THOUSAND POUNDS)**.

These valuations have been prepared gross that is prior to the deduction of a normal purchaser expenses.

The above-mentioned valuation figures make no allowance for any effect on value of the imposition of Value Added Tax on some property transactions.

19. SPECIAL VALUATION ASSUMPTIONS

The market rents are assuming leases on a full repairing and insuring basis for negotiable terms subject to regular rent reviews.

The market value is as existing or with the benefit of the existing planning consent and also on the basis that residential planning permission was to be granted based on the scheme for which plans have been provided and included in Appendix 7.

20. LIMITATION AND PUBLICATION

This valuation report is prepared solely for the use of the named client.

No responsibility is accepted to any other party for the whole or any part of its contents.

It may be disclosed to other professional advisors assisting in respect of the purpose for which the valuation is prepared.

Neither whole nor any part of this valuation report, nor any reference thereto may be included in any published document, without the valuer's written approval over the form and context which it may appear.

We trust that this report will be satisfactory for your present purposes.

Yours faithfully



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Inspected and Prepared By
D. Niall Gunn BSc MRICS, Partner
RICS Number: 0084826
For and on behalf of J & E Shepherd
Chartered Surveyors

02 May 2025



.....
Approved By
Ian F. Hannon, MRICS, Managing Partner
RICS Number: 0100101
For and on behalf of J & E Shepherd
Chartered Surveyors

02 May 2025

(DNG/BH)

ngunn@shepherd.co.uk
12 Atholl Crescent, Edinburgh, EH3 8HA
Tel. 0131 225 1234

APPENDIX 1 - TERMS AND CONDITIONS OF ENGAGEMENT

Commercial Valuation Report

Terms and Conditions of Engagement

J & E Shepherd, 12 Atholl Crescent, Edinburgh, EH3 8HA



To: Pat & Nigel Sharp

Date: 2 April 2025

Dear: Madam & Sir

We write to confirm your instructions to inspect and provide a report of the property at:-

PROPERTY TO BE VALUED: 12 Westgate, North Berwick

INTEREST TO BE VALUED: Heritable (Scottish equivalent of English Freehold) interest.

PURPOSE OF VALUATION: Planning appeal purposes.

The instruction is based on the following information and is subject to the undemoted Terms and Conditions of Engagement.

INSTRUCTING PARTY:	As above
CLIENT:	As above
PRICE QUOTED/AGREED:	Not applicable
CLASSIFICATION OF PROPERTY:	Former bank premises.
STATUS OF VALUER:	RICS Registered External Valuer
DATE OF VALUATION:	01 October 2023 and date of more recent inspection
SPECIAL ASSUMPTIONS:	Various
INFORMATION TO BE RELIED UPON:	Copy plans where appropriate.
REPORT TYPE:	Valuation report.
SURVEYOR:	D. Niall Gunn BSc, MRICS, Partner
ACCESS ARRANGEMENTS:	Clients

FEE £2,500 exclusive of VAT plus any agreed additional costs/fees associated with separate specialist investigations.

Unless otherwise agreed, the fee invoice will be made out in the name of the instructing party who will be liable for payment. It is expected that payment will be received within 14 days of issue.

In the event of our fee for the services provided in terms of this Contract, V.A.T. thereon and/or outlays incurred on your behalf in connection therewith not being settled within our standard settlement terms of 14 days, we reserve the right:-

1. To instruct Solicitors, Debt Collection Agents or other third parties to endeavour to collect said fees, V.A.T. and outlays for us. It is a specific condition of our accepting instructions from you that in the event of said Solicitors, Debt Collection Agents or third parties being instructed by us, you will be liable to reimburse us for the whole fees and other costs charged by them to us and thereby incurred in that connection; and
2. To exercise our statutory right under the Late Payment of Commercial Debts (Interest) Act, 1998 as amended by the Late Payment of Commercial Debts Regulations, 2002 and any subsequent legislation to claim interest and compensation for debt recovery costs under such legislation.

THE VALUER: J & E Shepherd, Chartered Surveyors at the address shown above.

Terms and Conditions of Engagement

We are not aware of any conflict of interest that would preclude us from providing the valuation advice requested. The Valuer shall inspect the property to be valued and shall provide a written report and valuation. Unless the property is to be valued as part of an operational entity the valuation shall not include trade fixtures and fittings, tenant's improvements, plant and machinery unless specifically agreed in writing.

Following discussion with the instructing party and/or client it is understood that the valuation is required for planning appeal purposes. On this understanding the Valuer will assess the valuation on the basis of market rent and market value. The valuation report is not suited for secured lending purposes and cannot be relied on for same.

The valuation will be undertaken in accordance with the RICS Valuation – Global Standards 2025 incorporating the IVSC International Valuation Standards and on the basis of our Scope of Work and Valuation Assumptions attached and appended to the report. Compliance with these standards and external inspection of the report may be required during investigation by the RICS for the purposes of administration of the institutions conduct and disciplinary regulations.

The report is prepared solely for the use of The Client. No responsibility is accepted to any other party for the whole or any part of its contents. It may be disclosed to another professional advisor assisting in respect of the purpose for which this assessment is prepared. Neither the whole nor any part of the Report, nor reference thereto may be included in any published document, without the Valuers written approval over the form and context in which it may appear.

Energy Performance Certificate

If you provide us with an EPC produced by anyone other than J & E Shepherd you agree we may treat it as having been prepared using best practice and accurate. Otherwise unless instructed to provide one, we will presume that there are no matters covered by an EPC which would affect the property's value.

Commercial Valuation Report

Terms and Conditions of Engagement

J & E Shepherd, 12 Atholl Crescent, Edinburgh, EH3 8HA



Consumer Contracts

If you are a consumer you have a right to cancel your contract with us under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 ("Regulations") if your contract with us is an off-premises or distance contract. Please read this information carefully.

You have the right to cancel an off-premises or distance contract with us without giving any reason. The cancellation period will expire at the end of 14 days after the day on which you receive these terms and conditions. To exercise the right to cancel, you must inform us of your decision to cancel this contract by a clear statement (e.g. a letter sent by post, fax or e-mail to us at the address on the letter enclosing these terms). To meet the cancellation deadline, it is sufficient for you to send your communication concerning your exercise of the right to cancel before the cancellation period has expired.

If you exercise your right to cancel, we will reimburse to you all payments received from you pursuant to this letter of engagement. We will make the reimbursement without undue delay, and not later than 14 days after the day on which we are informed about your decision to cancel the contract. We will make the reimbursement using the same means of payment as you used to make the payment to us, unless you have expressly agreed otherwise. In any event, you will not incur any fees as a result of the reimbursement.

If you requested us to begin the performance of services during the cancellation period (see below), you are liable to pay us an amount which is in proportion to what has been performed until you have communicated to us your cancellation of this contract, in comparison with the full coverage of the contract.

In terms of the Regulations, we cannot start to provide services to you under this letter of engagement during the cancellation period unless you expressly request us to do so. If you ask us to supply services during the cancellation period you will lose your right to cancel your contract with us if, having made the request, the services are fully performed during the cancellation period; and if you exercise your right to cancel during the cancellation period, and the services have been partly performed, you will be liable to pay us an amount which is in proportion to what has been performed until you have communicated to us your cancellation of this contract, in comparison with the full coverage of the contract.

Privacy Policy

In the course of providing services to you, we may collect or receive personal data or sensitive personal data relating to you and (where the client is a company) your employees, officers, and shareholders or (where the client is an individual) members of your family. In line with the new UK General Data Protection Regulation (UK GDPR) we have updated our Privacy Policy to provide detailed information on how we use and protect personal information and your rights in relation to this. The updated Privacy Policy can be viewed in full at www.shepherd.co.uk/information/privacy-policy. If you have any questions, queries or requests, please contact us at dataprotection@shepherd.co.uk and we will endeavour to respond to you as quickly as possible.

Money Laundering Regulations

We are obliged in certain circumstances to identify our clients in accordance with the requirements of the Money Laundering Regulations 2007. We are likely to request from you, and retain some information and documentation for these purposes and/or make searches of appropriate databases electronically. For the avoidance of doubt, searches may also be conducted on directors and "beneficial owners" of the client as is required by the legislation. If satisfactory evidence of your identity is not provided within a reasonable time, there may be circumstances in which we are not able to proceed with the instructions.

The provision of certain of our services is business in the regulated sector under the Proceeds of Crime Act 2002 and, as such, we may be required to comply with this legislation which includes provisions that may require us to make a money laundering disclosure in relation to information we obtain as part of our normal work. It is not our practice to inform you when such a disclosure is made or the reasons for it because of the restrictions imposed by the "tipping off" provisions of the legislation.

Limitation of Liability

Neither party will be liable for any loss of profit (other than in respect of our fees, costs or charges), loss of business or goodwill, or for any special, indirect or consequential loss or damage suffered by the other (including as a result of an action brought by a third party), save that nothing in these Terms of Engagement will exclude or restrict any liability which either party may have for death or personal injury arising out of negligence; fraudulent misrepresentation or any other liability which cannot be restricted or excluded by law. We will not be liable for any loss which may occur as a result of your reliance on a subsequent valuation in, among other things, any discharge of any loan or advance of further funds.

We will not be liable for any loss as a result of your receipt of any information, data or communications supplied or sent by us electronically, where through no fault of our own the relevant information, data or communication has been corrupted or otherwise modified as a result of it being supplied or sent electronically. You will be responsible for ensuring that any materials you provide or send us by any electronic medium and/or by computer disk are, and remain, virus free.

Subject to the above, our total liability in contract, including negligence or breach statutory duty, misrepresentation, restitution or otherwise, arising in connection with the performance or contemplated performance of this appointment or otherwise under the Terms of Engagement, unless otherwise agreed in writing, be on the basis of a liability cap set at a level which is proportionate to the instruction as follows:

Market Value of the Property as Existing	Liability Capped at:
£250,000 and below	£10,000
£250,001 to £500,000	£20,000
£500,001 to £1,000,000	£40,000
£1,000,000 or above	50% of any loss attributable to us after the application of the following provisions on just and equitable shares, up to a maximum of £500,000

Without prejudice to any other exclusion or limitation of liability, damages, loss, expense or costs our liability if any for any loss or damage (the "loss and damage") under this Appointment shall not exceed such sum as it would be just and equitable for us to pay having regard to the extent of our responsibility for the loss or damage and on the assumptions that:

- all other consultants, contractors, sub-contractors, project managers and advisers engaged in connection with the transaction have provided contractual undertakings on terms no less onerous than those set out here;
- there are no exclusions of or limitations of liability nor joint insurance or co-insurance provisions between you and any other party referred to in this clause and any such other party who is responsible to any extent for the loss and damage is contractually liable to you for the loss and damage; and

Commercial Valuation Report

Terms and Conditions of Engagement

J & E Shepherd, 12 Atholl Crescent, Edinburgh, EH3 8HA



- all the parties referred to in this clause have paid you such proportion of the loss and damage which it would be just and equitable for them to pay having regard to the extent of their responsibility for the loss and damage.

Claims shall be brought only against the firm of J&E Shepherd and no liability shall rest with any individual partner (save through J&E Shepherd), employee or agent of J & E Shepherd.

Should any part of this section be held to be unenforceable for any reason, the remainder of the agreement and this section shall remain in full force and effect.

Complaints Procedure

In accordance with the Royal Institution of Chartered Surveyors Rules of Conduct, J&E Shepherd, Chartered Surveyors operate a formal procedure to deal with complaints from clients and others. Our Complaints Handling Procedure is intended to:-

Provide certainty for both the company and individuals; Ensure a fair and transparent process is adhered to; Enable a written policy to be provided on request, to satisfy the expectations of externally consumers and the RICS.

Full details of our Complaints Handling Procedure are available from Complaints@shepherd.co.uk.

If you remain dissatisfied with any aspect of our handling of your complaint, then we will attempt to resolve this promptly through negotiations and otherwise agree to enter into mediation via the Surveyors Ombudsman Services-Property (OS-P), an independent service set up to adjudicate on disputes between Chartered Surveyor firms and consumers.

Governing law

This agreement shall be governed by and construed in accordance with the law of Scotland and is subject to the exclusive jurisdiction of the Scottish Courts.

Confirmation of instruction

Please check that the terms incorporate your instructions and sign below and return to us to confirm instructions. If we do not hear from you by return, we shall assume that all matters are in order and we will proceed with the instructions as detailed herein.

Signature:	Date:
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DEFINITION OF VALUE

The agreed basis of valuation is as noted on page one of these terms, which is defined in the RICS Valuation Standards and is reproduced below.

Market Rent

The estimated amount for which a property would be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's-length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

Market Value

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

Existing Use Value

The estimated amount for which an asset should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after proper marketing and where the parties had acted knowledgeably, prudently and without compulsion - assuming that the buyer is granted vacant possession of all parts of the asset required by the business, and disregarding potential alternative uses and any other characteristics of the asset that would cause its Market Value to differ from that needed to replace the remaining service potential at least cost.

Worth and Investment Value

The value of an asset to the owner or a prospective owner for individual investment or operational objectives.

Free Value

The estimated price for the transfer of an asset or a liability between identified knowledgeable and willing parties that reflects the respective interests of those parties.

SCOPE OF WORK AND VALUATION ASSUMPTIONS

The Valuer has inspected the property for the purpose of providing an opinion of Market Value and/or Market Rent as instructed. The Valuer has undertaken a visual inspection of so much of the exterior and interior of the property as was accessible safely and without undue difficulty. The inspection was carried out whilst standing at ground level within the boundaries of the site and adjacent public communal areas and whilst standing at the various floor levels.

REPAIR AND CONDITION

This report constitutes a valuation and not a building survey. The Valuer was under no duty to carry out a building survey or to inspect those parts of the property that are covered, unexposed or inaccessible or to raise boards, move any fixtures, fittings or contents or to arrange for the testing of heating or other services. It has been assumed that all services, and any associated controls or software, are in working order and free from defect. Roof voids and sub-floor areas were only inspected where readily accessible and safe access was available.

Comments, if any, on the physical condition of the foundations, walls, floors, ceilings, roof or roof voids, roof coverings, chimneys, gutters, drains, pipes, tanks and services etc. must be read in this context. If further information is required a separate survey with respect to these items or to other parts of the property related thereto must be specifically instructed in writing.

In undertaking the inspection, the general state of repair and condition of the property has been taken into account. The inspection was not a Building or Structural survey and this report is not intended to detail minor defects which do not materially affect value. If however, minor defects are mentioned in the report, they should be regarded as indicative and not an exhaustive list of defects. For the purposes of the Valuation, it is assumed that the property is in a reasonable repair, except for any defects specifically noted.

Woodwork or other parts of the property, which were covered, unexposed or inaccessible, have not been inspected and we are therefore unable to report that such parts of the property are free from rot, beetle or other defects.

STATUTORY ENQUIRIES

We have not secured a written planning history from the local authority nor have we made formal enquiries to other relevant bodies. The information contained within this report therefore represents our findings based on verbal enquiries with the relevant statutory bodies and investigations through appropriate means. Whilst the information provided is taken to be accurate, we have assumed that a full planning history and further formal enquiries will be conducted by your legal advisors. Any discrepancy should be immediately notified to ourselves in order that we may advise whether this may impact our valuation(s) reported.

Unless stated otherwise within this report and in the absence of any information to the contrary, we have assumed that:

all buildings have been erected either prior to planning control, or in accordance with planning permissions, and have the benefit of permanent planning consents or existing use rights for their current use;

the property is not adversely affected by town planning or road proposals;

all alterations, additions or extensions to the property have received all necessary Town Planning Consents, Building Authority Approvals (Building Warrants) and Completion Certificates;

the property complies with all relevant statutory and local authority requirements, including but not limited to Fire Regulations, The Equality Act, The Control of Asbestos Act, The Licensing Scotland Act, Health and Safety Regulations, Environmental Health Regulations and similar.

FIXTURES & FITTINGS

Unless otherwise specified the following items are excluded, except in the case of Trading Related valuations where they are specifically included, unless stated to the contrary:

All items of process plant and machinery, tooling and other equipment not primarily serving the building, cranes, hoists, conveyors, elevators, structures which were ancillary to, or form part of an item of process plant and machinery, sewageage plant primarily concerned with treating trade effluents, air conditioning forming part of a computer installation or primarily serving plant.

In the case of trading related valuations, all items of trade equipment and fittings currently present within the property that are necessary for the continued operation of the business are assumed to be owned outright (unless otherwise stated) and included with the sale of the business. No tests have been undertaken to establish the operation of the trade fixtures and fittings which are assumed to be in good working order.

INFORMATION SOURCES

All information provided to the valuer by the client and/or the client's professional advisors or any other party is assumed to be complete and correct.

TITLE, TENURE AND EASEMENTS

It is assumed that there are no encumbrances or unduly onerous restrictions, easements, servitudes, outgoings, conditions or other burdens that would have an adverse effect upon the value of the property and that a good and marketable title is held.

We do not personally have access to all leases, title deeds, or other legal documents relating to the property.

Any information recorded in this report represents our understanding of the relevant documents provided. We should emphasise that the interpretation of the documents of title (including relevant deeds, leases and planning consents), is the responsibility of your legal advisor.

Unless otherwise stated and in the absence of any information to the contrary, we have assumed that:

a. There are no tenant's improvements that will materially affect our opinion of the rent that would be obtained at rent review or lease renewal.

b. The tenants will meet their obligations under their leases and are responsible for insuring the property or reimbursing the cost of insurance to the landlords, payment of business rates, and all repairs, whether directly or by means of a service charge.

c. There are no user restrictions or other restrictive covenants in leases which would adversely affect value.

d. Where appropriate, permission to assign the interest being valued would not be withheld by the landlord.

e. Vacant possession can be secured for all accommodation let on a temporary basis, serviced occupancy etc.

Where we have not conducted credit enquiries on the financial status of any of the tenants, we have, reflected our general understanding of the likely reputation of the tenants in the marketplace. Accordingly, purchasers should satisfy themselves of the financial strength of the tenants prior to purchase.

GROUND AND ENVIRONMENTAL INVESTIGATIONS

We will not carry out or commission a site investigation or geophysical or geophysical survey. We will, therefore, not be able to give any opinion or assurance or guarantee that the ground has sufficient load bearing strength to support any of the existing constructions or any other constructions that may be erected in the future. We also cannot give any opinion or assurance or guarantee that there are no underground mineral or other workings beneath the site or in its vicinity nor that there is no fault or disability underground that might affect the property or any construction thereon. We have, unless otherwise stated, assumed that there are no abnormal site or ground conditions, nor archaeological remains present which might adversely affect the current or future occupation, development or value of the property.

We will not undertake or commission an environmental assessment to establish whether contamination exists or may exist. We will not carry out any detailed investigation into past or present uses, either of the property or of any neighbouring land, to establish whether there is any contamination or potential for contamination of the subject property from these uses or properties.

Therefore, for the purposes of our Valuation Report, unless definitive information to the contrary is made available to us, we will normally assume that no contamination exists in relation to the property which would affect value.

Should it be established subsequently that contamination exists at the property or on any neighbouring land, or that the premises have been or are being put to a contaminative use, this might reduce the value(s) set out in the report. You should therefore inform us of this immediately and we will reconsider our opinion of value accordingly.

Similarly we have assumed there are no EPC, asbestos, Radon gas, Japanese Knotweed, invasive species or flooding issues that would affect value. We reserve the right to amend our valuations on sight of any further information with regard to any of these items as noted herein and above.

No tests have been carried out to determine whether or not any deleterious or hazardous building materials including (but not limited to) asbestos, composite paneling and flammable insulation have been incorporated in the construction or subsequent alterations of the premises. We have, unless otherwise stated, assumed that there are no deleterious or hazardous materials within the property which might adversely affect the current or future occupation, development or value of the property. Specifically the Valuer has not carried out an Asbestos Inspection and has not acted as an Asbestos Inspector in completing the valuation inspection of the Property that may fall within the current control of Asbestos at Work Regulations. No enquiry has been made with the Duty Holder, as defined in the Control of Asbestos in the Workplace Regulations, of the existence of an Asbestos Register, or of any Plan for the Management of Asbestos.

TAXATION

We have not been advised whether the property is elected for Value Added Tax (VAT). For the avoidance of doubt, all values stated in this report are exclusive of VAT and take no account of any liability for it or any other form of taxation that may arise upon the disposal or acquisition of the property.

SITE BOUNDARIES

Markings highlighted on any appended plans indicate the approximate extent of the site inspected as understood or as indicated to us during our visit to the property. No guarantee can be given as to whether this corresponds to that over which the title is held. It remains the responsibility of your legal advisor to confirm the legal boundaries and title applying to the property.

Should any of the assumptions or any additional stated assumptions prove to be incorrect (or inappropriate), we reserve the right to revise our opinion(s) of value accordingly.

The foregoing Instruction Acknowledgement and Conditions of Engagement sets out the basis upon which we are to prepare our report and valuation of the property at the Property To Be Valued noted herein.

Please check that these incorporate your instructions and if we do not hear from you by return, we shall assume that all matters are in order and we will proceed with the instructions as outlined herein.

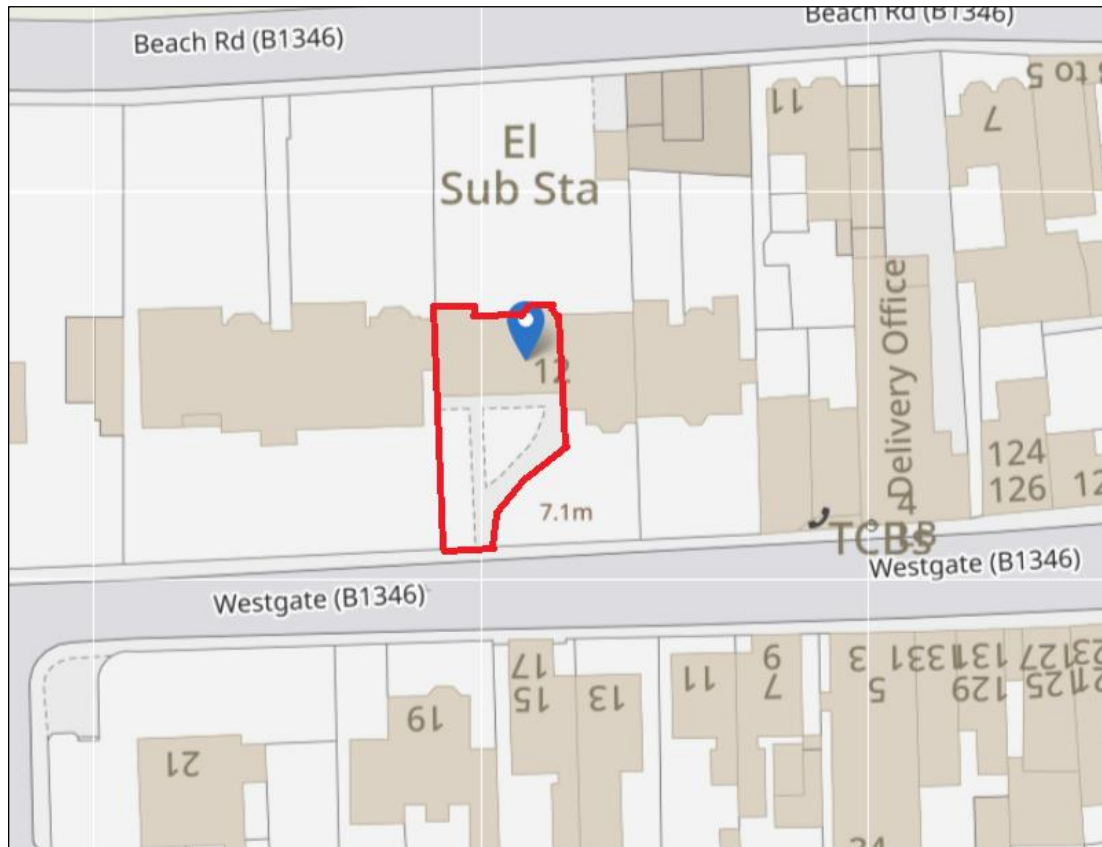
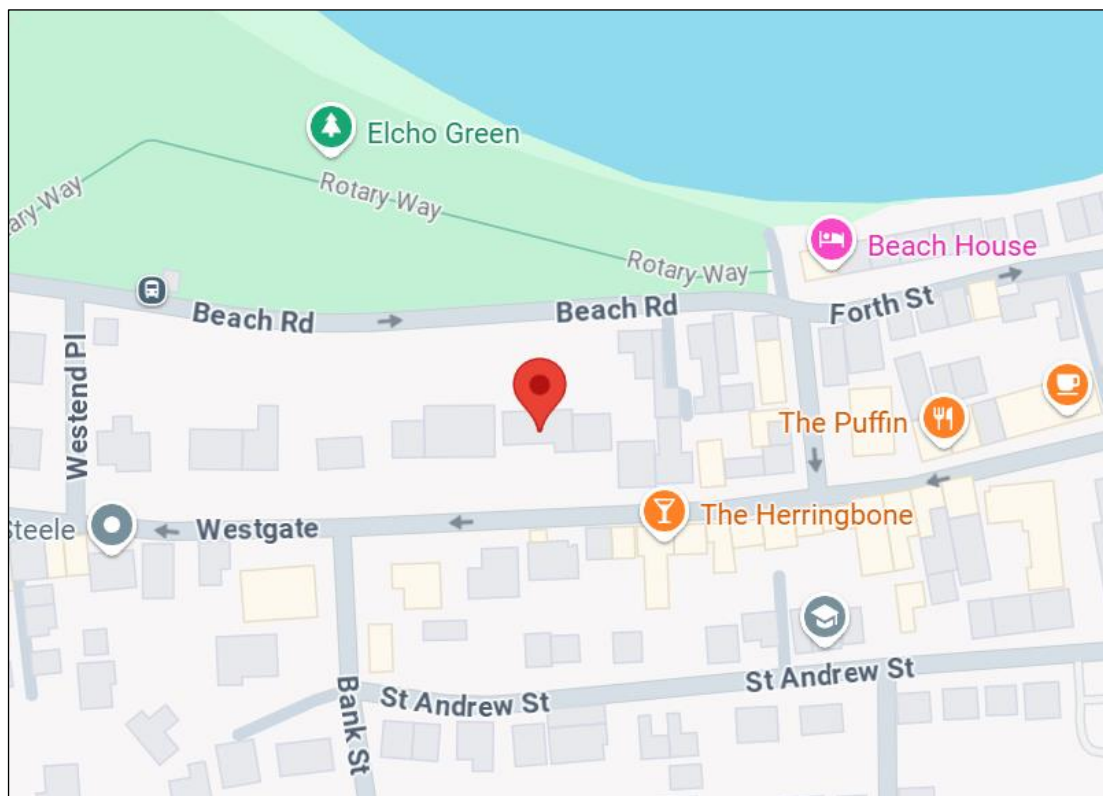
If appropriate, please pass a copy of this Instruction Acknowledgement and Conditions of Engagement to your client.

Yours faithfully

J & E Shepherd

J & E Shepherd

APPENDIX 2 - LOCATION PLAN



12 Westgate, North Berwick, EH39 4AF

APPENDIX 3 - PHOTOGRAPHS



APPENDIX 4 - DEFINITIONS OF VALUE

Market Rent

The estimated amount for which an interest in real property should be leased on the valuation date, between a willing lessor and a willing lessee on appropriate lease terms in an arm's-length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

Market Value

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

Existing Use Value

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction, after proper marketing and where the parties had acted knowledgeably, prudently and without compulsion - assuming that the buyer is granted vacant possession of all parts of the asset required by the business, and disregarding potential alternative uses and any other characteristics of the asset that would cause its Market Value to differ from that needed to replace the remaining service potential at least cost.

Worth and Investment Value

The value of an asset to the owner or a prospective owner for individual investment or operational objectives.

Fair Value

The estimated price for the transfer of an asset or a liability between identified knowledgeable and willing parties that reflect the respective interests of those parties.

APPENDIX 5 – SCOPE OF WORK AND VALUATION ASSUMPTIONS

General

The Valuer has inspected the property for the purpose of providing an opinion of Market Value and/or Market Rental as instructed. The Valuer has undertaken a visual inspection of so much of the exterior and interior of the property as was accessible safely and without undue difficulty. The inspection was carried out whilst standing at ground level within the boundaries of the site and adjacent public/communal areas and whilst standing at the various floor levels.

Repair and Condition

This report constitutes a valuation and not a building survey. The Valuer was under no duty to carry out a building survey or to inspect those parts of the property that are covered, unexposed or inaccessible or to raise boards, move any fixtures, fittings or contents or to arrange for the testing of heating or other services. It has been assumed that all services, and any associated controls or software, are in working order and free from defect. Roof voids and sub-floor areas were only inspected where readily available and safe access was available.

Comments, if any, on the physical condition of the foundations, walls, floors, ceilings, roof or roof voids, roof coverings, chimneys, gutters, drains, pipes, tanks and services etc., must be read in this context. If further information is required a separate survey with respect to these items or to other parts of the property related thereto must be specifically instructed in writing.

In undertaking the inspection, the general state of repair and condition of the property has been taken into account. The inspection was not a Building or Structural survey and this report is not intended to detail minor defects which do not materially affect value. If however, minor defects are mentioned in the report, they should be regarded as indicative and not an exhaustive list of defects. For the purposes of the Valuation, it is assumed that the property is in good repair, except for any defects specially noted.

Woodwork or other parts of the property, which were covered, unexposed or inaccessible, have not been inspected and we are therefore unable to report that such parts of the property are free from rot, beetle or other defects.

Statutory Enquiries

We have not secured a written planning history from the local authority nor have we made formal enquiries to other relevant bodies. The information contained within this report therefore represents our findings based on verbal enquiries with the relevant statutory bodies and investigations thought appropriate. Whilst the information provided is taken to be accurate, we have assumed that a full planning history and further formal enquiries will be conducted by your legal advisors. Any discrepancy should be immediately notified to ourselves in order that we may advise whether this may impact our valuation(s) reported.

Unless stated otherwise within this report and in the absence of any information to the contrary, we have assumed that:

- (a) all buildings have been erected either prior to planning control, or in accordance with planning permissions, and have the benefit of permanent planning consents or existing use rights for their current use;
- (b) the property is not adversely affected by town planning or road proposals.
- (c) all alterations, additions or extension to the property have received all necessary Town Planning Consents, Building Authority Approvals (Building Warrants) and Completion Certificates.
- (d) the property complies with all relevant statutory and local authority requirements, including but not limited to Fire Regulations, The Equality Act, The Control of Asbestos Act, The Licensing Scotland Act, Health and Safety Regulations, Environmental Health Regulations and similar.

Fixtures and Fittings

Unless otherwise specified the following items are excluded, except in the case of Trading Related valuations where they are specifically included, unless stated to the contrary:

All items of process plant and machinery, tooling and other equipment not primarily serving the building, cranes, hoists, conveyors, elevators, structures which were ancillary to, or form part of an item of process plant and machinery, sewerage plant primarily concerned with treating trade effluents, air conditioning forming part of a computer installation or primarily serving plant.

In the case of trading related valuations, all items of trade equipment and fittings currently present within the property that are necessary for the continued operation of the business are assumed to be owned outright (unless otherwise stated) and included with the sale of the business. No tests have been undertaken to establish the operation of the trade fixtures and fittings which are assumed to be in good working order.

Information Sources

All information provided to the valuer by the client and/or the client's professional advisors or any other party is assumed to be complete and correct.

Title, Tenure and Tenancies

It is assumed that there are no encumbrances or unduly onerous restrictions, easements, servitudes, outgoing, conditions or other burdens that would have an adverse effect upon the value of the property and that a good and marketable title is held.

We do not generally have access to all leases, title deeds, or other legal documents relating to the property.

Any information recorded in this report represents our understanding of the relevant documents provided. We should emphasise that the interpretation of the documents of title (including relevant deeds, leases and planning consents), is the responsibility of your legal advisor.

Unless otherwise stated and in the absence of any information to the contrary, we have assumed that:

- a) There are no tenant's improvements that will materially affect our opinion of the rent that would be obtained at rent review or lease renewal.
- b) The tenants will meet their obligations under their leases and are responsible for insuring the property or reimbursing the cost of insurance to the landlords, payment of business rates, and all repairs, whether directly or by means of a service charge.
- c) There are no user restrictions or other restrictive covenants in leases which would adversely affect value.
- d) Where appropriate, permission to assign the interest being valued would not be withheld by the landlord.
- e) Vacant possession can be secured for all accommodation let on a temporary basis, serviced occupancy etc.

Where we have not conducted credit enquiries on the financial status of any of the tenants, we have, reflected our general understanding of the likely perception of the tenants in the marketplace. Accordingly, purchasers should satisfy themselves of the financial strength of the tenants prior to purchase.

Ground and Environmental Investigations

We will not carry out or commission a site investigation or geographical or geophysical survey. We will, therefore, not be able to give any opinion or assurance or guarantee that the ground has sufficient load bearing strength to support any of the existing constructions or any other constructions that may be erected in the future. We also cannot give any opinion or assurance or guarantee that there are no underground mineral or other workings beneath the site or in its vicinity nor that there is no fault or disability underground that might affect the property or any construction thereon. We have, unless otherwise stated, assumed that there are no abnormal site or ground conditions, nor archaeological remains present which might adversely affect the current or future occupation, development or value of the property.

We will not undertake or commission an environmental assessment to establish whether contamination exists or may exist. We will not carry out any detailed investigation into past or present uses, either of the property or of any neighbouring land, to establish whether there is any contamination or potential for contamination of the subject property from these uses or properties.

Therefore, for the purposes of our Valuation Report, unless definitive information to the contrary is made available to us, we will normally assume that no contamination exists in relation to the property which would affect value.

Should it be established subsequently that contamination exists at the property or on any neighbouring land, or that the premises have been or are being put to a contaminative use, this might reduce the value(s) set out in the report. You should therefore inform us of this immediately and we will reconsider our opinion of value accordingly.

Similarly we have assumed there are no EPC, asbestos, Radon gas, Japanese Knotweed, invasive species or flooding issues that would affect value. We reserve the right to amend our valuations on sight of any further information with regard to any of these items as noted herein and above.

No tests have been carried out to determine whether or not any deleterious or hazardous building materials including (but not limited to) asbestos, composite panelling and flammable insulation have been incorporated in the construction or subsequent alterations of the premises. We have, unless otherwise stated, assumed that there are no deleterious or hazardous materials within the property which might adversely affect the current or future occupation, development or value of the property. Specifically the Valuer has not carried out an Asbestos Inspection and has not acted as an Asbestos Inspector in completing the valuation inspection of the Property that may fall within the current control of Asbestos at Work Regulations. No enquiry has been made with the Duty Holder, as defined in the Control of Asbestos in the Workplace Regulations, of the existence of an Asbestos Register, or of any Plan for the Management of Asbestos.

Reinstatement Cost Assessment

Any reinstatement figure indicated within this report is provided for guidance purposes only, as a formal estimate for insurance purposes can only be given by a Quantity Surveyor or other person with sufficient current experience of replacement costs.

Unless otherwise stated, the calculation is based upon the building in its present form including the cost of demolition, site clearance and professional fees but excluding:

- a) VAT
- b) Loss of rent or turnover
- c) Cost of alternative accommodation for the reinstatement period.
- d) Any other consequential loss.

Taxation

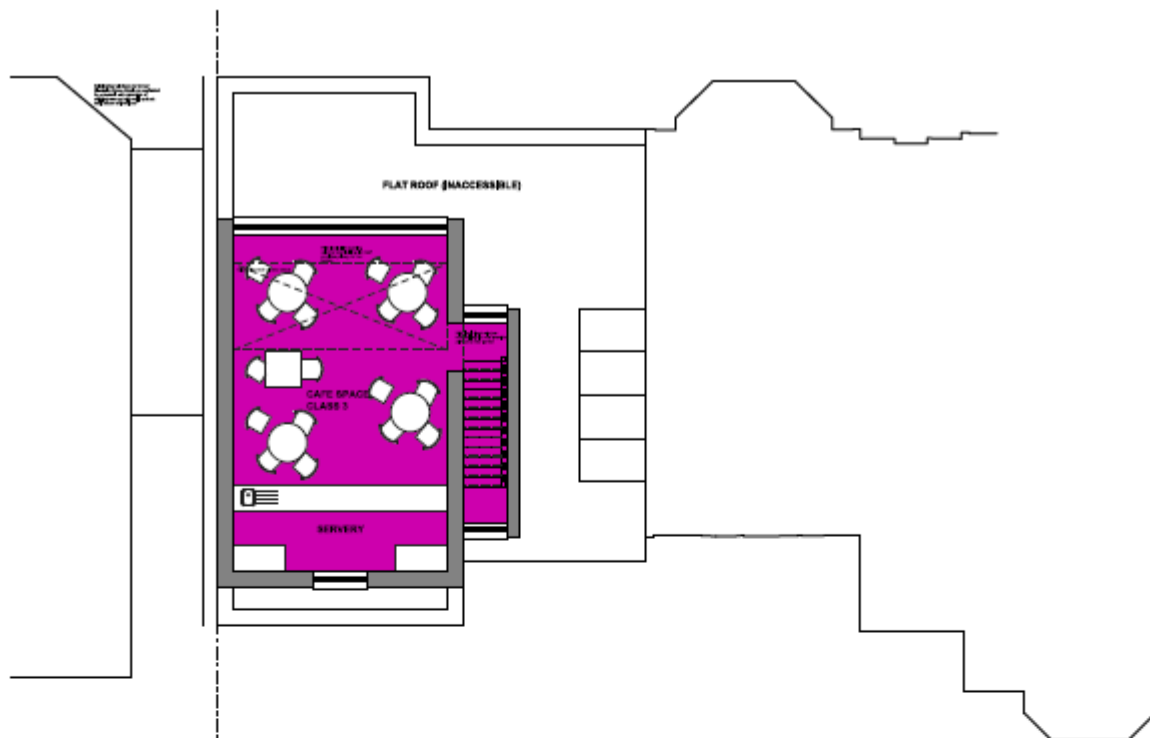
We have not been advised whether the property is elected for Value Added Tax (VAT). For the avoidance of doubt, all values stated in this report are exclusive of VAT and take no account of any liability for it or any other form of taxation that may arise upon the disposal or acquisition of the property.

Site Boundaries

Markings highlighted on any appended plans indicate the approximate extent of the site inspected as understood or as indicated to us during our visit to the property. No guarantee can be given as to whether this corresponds to that over which the title is held. It remains the responsibility of your legal advisor to confirm the legal boundaries and title applying to the property.

Should any of the assumptions or any additional stated assumptions prove to be incorrect (or inappropriate); we reserve the right to revise our opinion(s) of value accordingly.

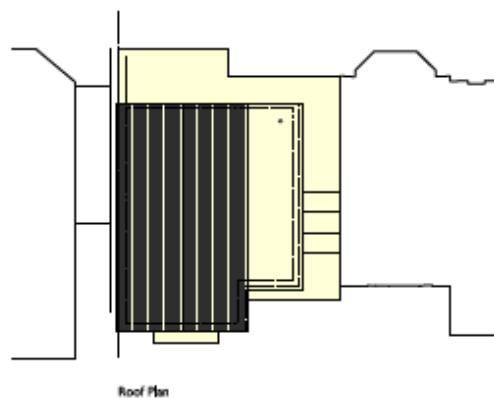
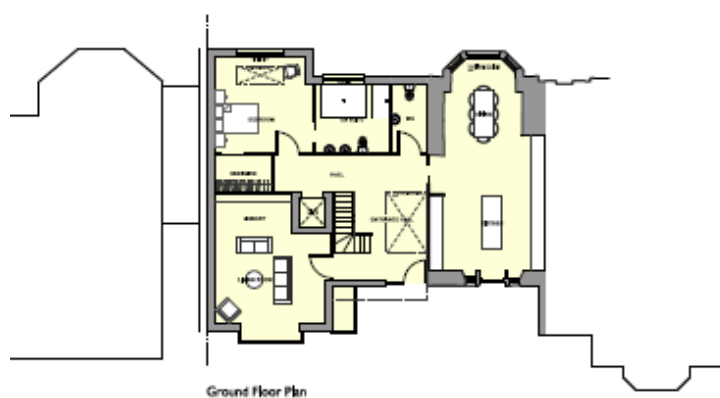
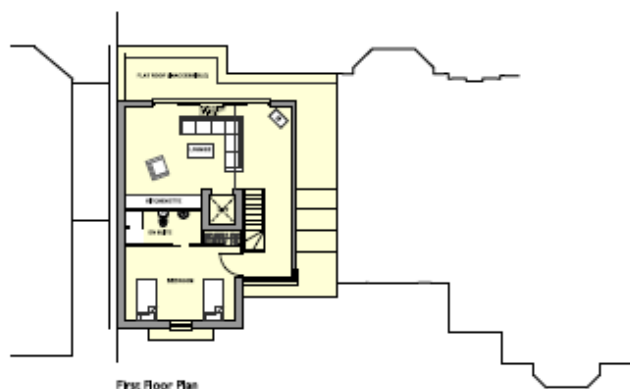
APPENDIX 6 – COPY OF PLANS OF PROPOSED DEVELOPMENT FOR WHICH PLANNING CONSENT HAS BEEN GRANTED

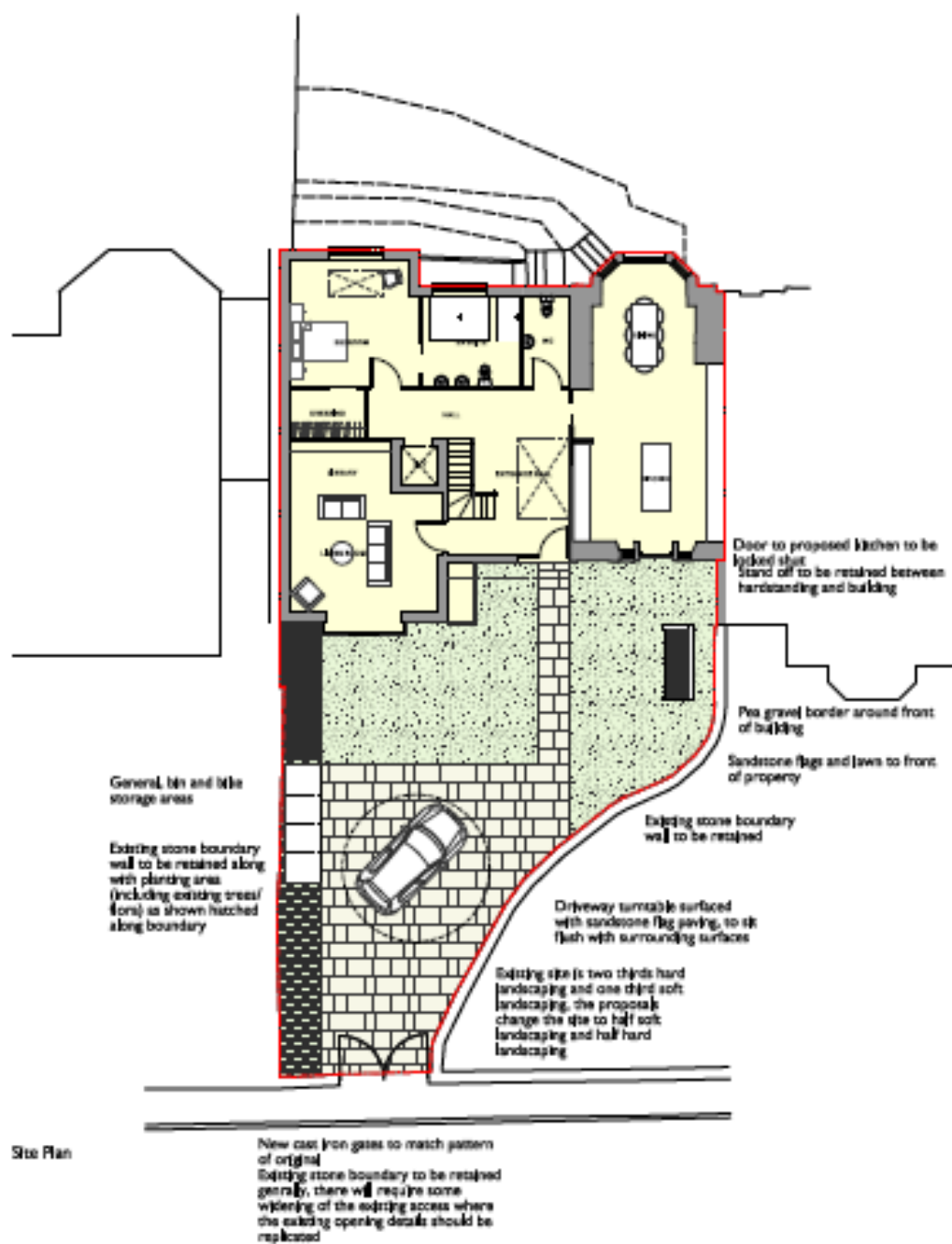


First Floor Plan



APPENDIX 7 – COPY OF PLANS OF PROPOSED RESIDENTIAL UNIT





Julie McLair
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian
EH41 3HA

AOC Reference: 25032
19th of March 2025

Dear Ms McLair,

12 Westgate, North Berwick

AOC Archaeology Group understand that revised proposals for the demolition of the 1980s extension at No.12 Westgate, North Berwick followed by the construction of a new extension have been submitted to East Lothian Council.

AOC undertook a Heritage Impact Assessment with regard to the original proposal in September 2019. The 2019 Heritage Impact Assessment concluded that:

'The importance of the setting of the Listed Buildings along Westgate and indeed the character of the Conservation Area relate to the ability to understand the buildings and the character area as Victorian and later expansion of the town of North Berwick. This is understood through the architectural styles employed and the location of the buildings set back from the street frontage in contrast to the character of the older High Street to the east with its narrowness and buildings fronting directly onto the street. The proposed extension is set back in line with the projecting central element of the 1840s villa now making up the property at No. 12b and the access and garden area to the front of No. 12 would be maintained. A minor impact upon a single view of the Listed Building from the west, along Westgate, is predicted which would result from the proposed extension being seen in front of the current No. 12 in this view. However, overall the proposed extension and the changes to the front garden and access arrangements would not result in adverse impacts upon the integrity of the setting of the Listed Building such that the special interest afforded by this criteria would be harmed or the ability to understand, appreciate and experience the building or Conservation Area would be reduced.'

The revised proposals set the proposed extension further back from the Westgate frontage than those originally proposed and thus represent an improvement. With the proposed additional set back, the proposed extension would have minimal impact upon the westward views along Westgate

and towards the High Street, as the proposed extension would not sit forward of the adjacent Listed Buildings and would be unlikely to impede views of the Listed elements of No. 12 (LB38788) when seen in this view. The proposed extension would also be set back from Blenheim House (LB38789) thus largely retaining the existing building lines and appearing subservient to adjacent buildings. The height of the proposed extension would be in keeping with the surrounding Listed Building and the existing rear wall of 'Law Stone' and quoin detailing would be retained.

Whilst there would be a perceptible change to the setting of the Listed Buildings and the Conservation Area, this would not result in adverse impacts upon or loss of the special architectural and historic interest of the Listed Buildings or Conservation Area.

The HIA considered that the original proposal would also result in the removal of a small portion of a retaining wall at the entrance gate to No. 12 resulting in very minor loss of historic fabric. It noted that this was not the first change to boundary walls associated with Nos 10 and 12, as changes had been made previously when the buildings had been sub-divided and when the 1980s banking extension had been added. The HIA indicated that this had been undertaken sympathetically and had not resulted in an adverse impact upon the special interest of the Listed Building. The HIA further noted that slight widening of the current access point at No. 12 would not alter the location of the original entrance to the property as shown on the 1854 OS map and, provided the materials and style were in keeping with the existing walls and the work was undertaken in line with HES's guidance on boundaries (HES 2010, Paragraph 5.6), would not adversely impact upon the special interest of the Listed Building.

The current proposals are to retain the existing boundary walls with some widening of the existing entrance and it is maintained that this change would not adversely impact upon the special interest of the Listed Building.

Similarly the HIA noted that the slight reconfiguration of the garden, in terms of areas of hardstanding and soft landscaping, would not result in material changes to the overall character of the garden and would not adversely impact upon the understanding, appreciation and experience of the significance of the Listed Building; and this is maintained for the current proposal.

Yours sincerely,



Victoria Oleksy
Associate Director

DR AND MRS SHARP

PLANNING STATEMENT

**ALTERATIONS AND CHANGE OF USE FROM BANKING
HALL (CLASS 1A) (FORMERLY CLASS 2)
TO ERECT NEW DWELLINGHOUSE (CLASS 9)
LANDSCAPING AND ALTERATIONS TO BOUNDARY WALL
AND ACCESS**

**LISTED BUILDING CONSENT FOR
ALTERATIONS TO BANKING HALL**

**12 WESTGATE
NORTH BERWICK
EAST LoTHIAN
EH39 4AF**

November 2024

W: www.grayplanning.co.uk

Contents

1	INTRODUCTION	2
2	BACKGROUND AND EXISTING SITE DESCRIPTION	4
3	THE PROPOSED DEVELOPMENT	9
4	PLANNING ASSESSMENT	10
5	MATERIAL CONSIDERATIONS	18
6	CONCLUSIONS	19

1 INTRODUCTION

PLANNING STATEMENT PURPOSE

- 1.1 This Planning Statement has been prepared by Gray Planning & Development Ltd, on behalf of the applicants Dr and Mrs Sharp. The Statement supports the proposals and demonstrates compliance with the development plan and other material considerations. A clear description of the proposal being submitted for the approval of East Lothian Council is given and sets out the facts relating to the site's identification. It describes the content of the proposals; planning history, and an assessment of the relevant development plan policies; and any other material considerations relevant to the application.
- 1.2 A detailed planning application along with a related Listed Building Consent application has been submitted to East Lothian Council for:
- “Alterations and change of use from banking hall (Class 1A) (formerly Class 2) to erect new dwellinghouse (Class 9), landscaping and alterations to boundary wall and access”*
- Along with:
- Listed Building Consent for alterations to banking hall”.*
- At 12 Westgate, North Berwick East Lothian EH39 4AF.
- 1.3 The proposed development seeks to create a new high-quality, low-carbon dwelling within the North Berwick Conservation Area. The proposal will partially reuse a single storey flat-roofed extension of a long vacant banking hall. The proposal includes work to an existing drawing room in the adjoining villa which is part-attached and a listed building. The property is located close to town centre amenities. The proposal will reuse infrastructure and recycle materials where possible, resulting in a greater offset of carbon. The proposal will complement the historic character and seeks to enhance the visual appearance of the Conservation Area. The proposal will offer new adaptable living accommodation for the applicants, whose changing living needs and requirements can be met, whilst enabling them to remain in the town.
- 1.4 These matters will be demonstrated in this Statement to comply with the Development Plan being National Planning Framework 4 (NPF4) and the East Lothian Local Development Plan (LDP), along with legislative compliance with the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.
- 1.5 The Planning Statement supports the submitted drawings and Design and Access Statement prepared by Andrew Megginson Architects (AMA) and supporting information including sales and marketing information, office use viability statement, daylight and sunlight assessment, and a historical site analysis.



Extract from AMA Design and Access Statement proposals Map with site outlined in red.

2 BACKGROUND AND EXISTING SITE DESCRIPTION

- 2.1 The planning application site is located within North Berwick's town centre, which is also located within the North Berwick Conservation Area. Although the banking hall itself is not a Listed Building, the proposed works to a drawing room in the adjoining villa means the development is attached to a Listed Building (in residential use) on its eastern flank, and is surrounded by other Listed Buildings comprising both residential and commercial land uses (see table below).
- 2.2 Historic Environment Scotland granted a direction to exclude the existing single storey flat-roofed extension from the Listing of 10-12 Westgate North Berwick in November 2020. As such the application site does not concern a Listed Building but it is attached to the part of the building which is Listed.
- 2.3 Listed Buildings which are located within a 100-metre radius of the proposed site are as follows:

Listed Building:	Reference:	Category Listing:	Approximate distance (site curtilage to Listed Building curtilage):	Occupancy:
10, 10A, 12 and 12A Westgate with retaining walls	LB38788	B	0m East	Residential
14 Westgate, Blenheim House Hotel with Boundary Walls	LB38789	B	0m West	Residential
4 Westgate, Post Office with Gateway	LB38787	B	34m East	Commercial
29 Westgate, Well Cottage	LB38783	B	100m West	Residential
16 Westgate, Normanhurst	LB38790	C	0m West	Residential
125-127 High Street	LB38741	C	54m East	Commercial
27 Westgate	LB38782	C	90m West	Residential

- 2.4 Facing south, the application property is formed over one level (ground floor), which was only created as an extension of the original dwellinghouse; when use commenced as a banking hall (formerly Class 2, now Class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1992. This use has ceased operation. The original dwelling house was built in the 19th

century and is in residential use. However the extension has been used as a banking hall only, and is a much later addition, which materialised when the banking land use came into being. More detail of the property's history can be found in the Design and Access Statement at page 5.

- 2.5 The application property is constructed from stone and has a flat roof. There is no access to the rear of the property. Therefore the private garden space is to the front of the principal elevation and is bounded by a low stone wall with pedestrian access from the south (Westgate). Three trees are located on the west boundary of the site.
- 2.6 Structures have been documented on the proposed site since the 1890's when it was host to part of the neighbouring large dwellinghouse. Various alterations over decades and centuries have resulted in the splitting of the large property and changes in occupational uses. A key material aspect of this proposal is a dropped kerb at the entrance to the curtilage where the bank allowed disabled customers to drive into the curtilage. An established vehicular access therefore already exists. This observation is supported by the photographs and the findings of the Heritage Impact Assessment.
- 2.7 The banking hall is of unremarkable architectural form in terms of its design, presumably driven by its commercial function as a banking hall. Its layout is purposeful for its previous use, but it is not suitable for adaptation for the proposed new residential use owing to substandard floor level changes, narrow corridors and door openings. The alteration plans for the former banking hall support this, with the intention to restore and reuse parts of the building to its rear, and to re-design and build a new frontage as part of the new dwellinghouse proposal.
- 2.8 It is appropriate to explain how the property owner and applicant has invested resources into renovating the former banking hall through strip-out and removal of fixtures and fittings in order to enable the creation of a 'seamless' unit. This work has made the floor plan more open for flexibility and allows a full sense of the space to be understood. This approach has also been carried out as part of preparing the property for marketing to commercial buyers – following a previous grant of planning permission for a change of use to a café and 2 office units ('commercial use'). The evidence submitted in the marketing report and sales particulars (by Galbraith) demonstrates the applicants' efforts to seek to implement the commercial use planning permission. Therefore, this effort clearly shows that the applicants commitment to sale of the property over several years but with no success. More detail of these events and evidence to demonstrate the non-viability of a future commercial use occupier is presented later in this Statement.
- 2.9 Further detail of the site, its surroundings and context, and a site analysis is found in the submitted Design and Access Statement and accompanying site appraisal, existing site photographs and a Daylight Sunlight Assessment and Heritage Impact Assessment.

PLANNING HISTORY

- 2.10 A search of East Lothian Council's planning database indicates previous planning history associated with the proposal site. This is a material consideration in the planning decision making process.

The planning history demonstrates that, multiple alterations and improvements have been approved by the planning authority but there have been more recent refusals of permission for a change of use to residential or flatted use.

The most recent approval, 22/01299/P and associated Listed Building Consent 22/01300/LBC (February 2023) allowed for the change of use to form a Class 3 café and Class 2 business within the application site (the single storey flat-roofed extension) of the banking hall.

The evidence presented in this Statement will demonstrate that despite enjoying this consent, the result of a significant marketing campaign has concluded that there is no interest in acquiring the property and operating a class 3 café from it. The new change of land use proposed, to a dwellinghouse, is argued in this Statement to be the most viable option for its continued use, and for protecting the character and appearance of the conservation area.

Despite the history of refusals noted below for earlier proposals to change the use to a dwelling, the evidence presented to date demonstrates that no commercial land use operator is interested in the property. On the other hand, the applicants are intending to develop the site for one dwellinghouse for their own use and enjoyment.

Application Reference:	Proposal:	Date of Application:	Decision:	Date of Decision:
22/01300/LBC	Alterations and extension to building	24 November 2022	Approved	10 February 2023
22/01299/P	Alterations, extension and subdivision of building and part change of use to form 2 Class 2 units and Class 3 Cafe	24 November 2022	Approved	10 February 2023
22/00303/LBC	Alterations to Building	11 March 2022	Approved	6 May 2022
22/00233/P	Alterations and change of use of bank to form 1 flat	24 February 2022	Refused	6 May 2022
20/00594/P	Alterations, extension and change of use of bank building to form 1 house, erection of commercial building, widening of vehicular access and associated works	10 June 2020	Refused	14 August 2020
19/00493/LBC	Part demolition, alterations and extension to building, alterations to boundary wall and associated works	16 May 2019	Refused	12 July 2019
19/00472/P	Alterations, extension and change of use of bank building to form 1 house, erection of office (Class 2), formation	9 May 2019	Refused	12 July 2019

	of vehicular access and associated works			
18/00255/LBC	Alterations to building	9 March 2018	Approved	11 May 2018
18/00254/P	Alterations to Building	9 March 2018	Approved	11 May 2018
15/00241/ADV	Display of advertisement	24 March 2015	Approved	6 July 2015
15/00231/LBC	Erection of signage	20 March 2015	Approved	5 August 2015
07/00551/LBC	Erection of signage	18 May 2007	Approved	2 August 2007
07/00550/ADV	Display of illuminated and non-illuminated advertisements	18 May 2007	Approved	19 July 2007
07/00311/LBC	Erection of signage (Retrospective)	19 March 2007	Withdrawn	23 July 2007
07/00224/ADV	Display of illuminated and non-illuminated advertisements (Retrospective)	27 February 2007	Withdrawn	23 July 2007
04/00946/LBC	Alterations to building including the lowering of ATM machine	5 August 2004	Approved	4 November 2004
04/00946/FUL	Alterations to building including the lowering of ATM machine	5 August 2004	Approved	11 October 2004
04/00132/LBC	Installation of light and regrading of section of paving area	10 February 2004	Approved	27 May 2004
04/00132/FUL	Installation of light and regrading of section of paving area	10 February 2004	Approved	5 April 2004
97/00608/HIS_L	Installation of satellite dish	25 June 1997	Not Available	27 November 1998
97/00608/HIS_P	Installation of satellite dish	25 June 1997	Not Available	27 November 1998
92/00468/HIS_L	Erection of boundary wall and formation of new pedestrian access	28 May 1992	Not Available	6 October 1992
92/00407/HIS_P	Erection of boundary wall and formation of front pedestrian access	11 May 1992	Not Available	6 October 1992

2.11 This new planning application is materially different to the other refused residential schemes in terms of:

- Deletion of different commercial land uses and will solely be for Class 9 use (dwelling house)
- Altered height and massing of new building to be in keeping with surrounding buildings

- Retention of the same or similar materials to what is existing (including much of the original single storey flat roofed extension to its rear)

2.12 This approach has allowed the applicant to propose a house to suit their needs, whilst assuring the Conservation Area is preserved and enhanced in character and appearance.

PRE-APPLICATION ENQUIRY

2.13 A pre-application enquiry for the proposed development reference 24/00042/PREAPP was responded to by East Lothian Council on 8th May 2024. The Planning Officer was asked to comment on the submitted proposals as described in this planning application. In reply the Planning Officer referred the applicant to the planning history associated with the site, particularly to recent proposals for change of use to residential flat and to subsequent reasons for refusal for the residential land use proposals. The Planning Officer also referred to the approval of planning permission for the change of use to retain commercial uses at the site. She indicated that the planning authority would not be supportive of the proposals for the reasons documented in the planning history reasons for refusal.

2.14 Earlier pre-application engagement under the same reference was also undertaken following an initial feedback to the submitted information at that time. The agents attempted to seek feedback on the marketing campaign aspect that was submitted as part of that enquiry as they felt this brought new material considerations/ weight to the proposal with the requirement for marketing evidence being in line with the planning authority's planning policies. However following several attempts to gain feedback the agents were unable to engage further with the planning authority on this aspect as a request for a meeting was disappointingly declined.

3 THE PROPOSED DEVELOPMENT

- 3.1 The proposal involves the partial-demolition and change of use of the former banking hall (Class 1A formerly Class 2) (existing single storey flat-roofed extension) and its replacement with a dwellinghouse (Class 9) at 12 Westgate, North Berwick. The proposal is to re-purpose the property from a former banking hall (Class 1A) to a 2-bedroomed dwellinghouse (Class 9). The applicants are supporting the proposed land use change with evidence of having marketed the property for commercial use. Please refer to submitted details of the marketing campaign (a report on the campaign and the sales particulars).
- 3.3 The marketing occurred following the grant of planning permission 22/01299/P and associated Listed Building Consent 22/01300/LBC (February 2023) which allowed for the change of use to form a Class 3 café and 2no. Class 1A units within the application site (the single storey flat-roofed extension) of the banking hall and its adjoining property. The marketing evidence comprises:
- A marketing report prepared by Galbraith, who were appointed agents to market the property first in 2021, then again in 2023. Their brief is stated in the evidence as being a building on the “*market on a ‘For Sale / To Let’ basis in early September 2023 on a commercial basis*” this offered 3 units – two Class 1A units and a Class 3 café unit with a first-floor extension.
 - Since Galbraith re-launched the property in September 2023:
 - Details have been sent to 83 commercial agents in Edinburgh and the Lothians.
 - Details have been sent to 33 targeted occupiers.
 - They carried out about 80 viewings since September 2023.
 - They had no requests for Heads of Terms on a heritable or leasehold basis.
 - Overall, the marketing agents had little commercial interest since the re-launch.
- 3.4 In addition to the above recent marketing campaign, the applicants have previously marketed the site for sale or let, and this evidence was previously submitted to the planning authority as part of previous planning applications. For clarity that marketing campaign occurred in 2021, which adds to the further prolonged period of time the applicants have been seeking buyer for the property without success.
- 3.5 In the Planning Officer’s Report of Handling for determination of planning application 22/01299/P it was reported that the agent submitted a Schedule of Enquiries provided by the selling agent Galbraith in relation to the interest in the commercial property between the period of 6 July 2021 and 28 March 2022. This schedule showed a total of 70 enquiries had been made during this period and details sent out, 50 between the period of 6 July 2021 and 9 December 2021 and a further 20 between the period of 16 July 2021 and 28 March 2022. Of these 70 enquiries 13 were for commercial interest, 3 for commercial/residential interest, 1 for residential conversion and 53 for residential development. The evidence above indicates that two prolonged periods of marketing at different stages in this prolonged re-development project have occurred with much the same results of limited to no interest in commercial use of the property and high but unfulfilled aspirations for residential development.
- 3.6 The applicants intend to occupy the new dwellinghouse. Dr Sharp has an illness which requires adapted mobility and accessibility needs. The opportunity to reconfigure and layout a new living

accommodation which caters for these needs is a material consideration. The change of land use is therefore considered to be the most practical and reasonable solution to returning the property into use again, and to effect changes to the property which will both protect and enhance the character and visual appearance of the conservation area. The practical living needs of the future occupants will also be fulfilled. This in turn would release existing residential property to the market thus contributing a sustainable supply of new home to the market at a time of housing need in Scotland.

- 3.7 The proposal will make the most efficient and compatible use of a previously developed infill site which benefits from an accessible and sustainable location in the town centre. The development would be respectful of the local character and amenity as well as the traditional architectural forms and building features of the Conservation Area.

PROPOSED BUILDING WORKS

- 3.8 Alterations to the single storey flat roofed extension are proposed to enable the property to be formed and used as a dwellinghouse. This would be formed over the existing footprint and extend beyond only slightly by a minor gable extrusion towards Westgate. Proposals would consist of:
- Removal and replacement of the existing front elevation;
 - Retention of existing side walls and rear wall; The rear wall to have Law Stone and coin detailing restored repointed and repaired.
 - Removal of rear window;
 - Internal alterations to remove all existing passageways and partitions and re-configuration of floor layout to form habitable rooms
 - Construction of a new upper level floor level (first floor) including installation of a lift
 - Formation of a lower ground floor level
 - There will be a new landscaped garden formed to the front, including use of sandstone flagstone and lawn. This will result in a change to 50%:50% hard and soft landscaping proposed compared to 67%:33% existing.
 - The existing low rise stone boundary wall to the front is to be retained
 - A new permeable surfaced driveway (with turntable) would be formed in sandstone
 - At the front entrance new cast iron gates to match pattern of original existing stone boundary to be retained. This will require modest widening of the existing access
 - Bin stores would be created.
- 3.9 These proposals seek to showcase local traditional architectural elements in a contemporary manner that recognises it is subservient to and compliments the existing adjoining Victorian dwellinghouse. With the main element from high quality stone, the proposal will sit well within its surrounding residential context.
- 3.10 The proposal will create a new upper floor level which will match the form and architecture of other upper floors of residential properties, i.e. pitched roof, feature windows, use of sandstone, and slate roof. There is a modern use of single pane windows, and a flat roof at the first floor

level. The ground floor level architecture will retain the shape and form of the existing extension with windows arranged in the same pattern.

- 3.11 The roof will be in keeping with neighbouring slate roofs and is designed to sit above the sandstone elevations to form a clerestory-like window. This clerestory window is a contemporary interpretation of the decorative eaves seen on gables elsewhere in the town, namely the adjacent property and properties on Dirleton Avenue. Roof lights will also provide light to internal spaces. The roof also allows the main stone element of the proposal to seamlessly tie in with the adjoining element between the new main house and existing Victorian property.
- 3.12 To the rear, high level glazing is proposed for the ground floor bedroom and en-suite. This allows light in and preserves occupant privacy from the neighbouring rear garden to the north. On the first floor, there is glazing to the lounge through a Juliet Balcony where the privacy to the neighbouring rear garden is again safeguarded by the stepped back nature of the first floor at the rear and the opaque glazing/ parapet wall.
- 3.13 The first applicant has specific accessibility needs, therefore resulting in a design which accommodates his personal needs as well as the requirement to safeguard the surrounding heritage and character.
- 3.14 Renewable energy technology will heat the house and provide hot water – the applicant is considering options for instance use of a borehole heat pump.
- 3.15 As will be discussed and examined in Section 4, the proposed development demonstrates through form, scale, layout, detailing, siting, design, materials, and landscape treatment, how the development will make a positive contribution to the Conservation Area and East Lothian's and the country's climate change planning policies.

4 PLANNING ASSESSMENT

DEVELOPMENT PLAN

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006, requires that determination of a planning application must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special regard to the desirability of preserving or enhancing the character or appearance of the North Berwick Conservation Area.
- 4.3 The Development Plan for this planning application comprises National Planning Framework 4 (NPF4) (2023) and incorporated by law into the East Lothian Local Development Plan (LDP) adopted 2018. Special attention has been paid to the proposal's setting within the North Berwick Conservation Area.
- 4.4 Other relevant planning guidance is also the Cultural Heritage and the Built Environment Supplementary Planning Guidance 2018. The Historic Environment Scotland's Managing Change series is also relevant see "New Design in Historic Settings" (2010).
- 4.5 The National Planning Framework 4 seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place.

NPF 4

- 4.6 Specific policies and compliance relating to this proposal are summarised and expanded upon within the planning assessment discussion. Those relevant to the planning application in summary are:
- 4.7 **Policy 7 – Historic Assets and Places** - The planning application is accompanied by an assessment to be found in the Design and Access Statement and supported by visuals and drawings. These all form a basis from which to understand the cultural significance of this historic place. The architect's assessment identifies the likely visual and physical fit and compatibility that this proposal will have within the surrounding built heritage and Conservation Area. This planning assessment relates to the following points within NPF4 Policy 7:
 - a) "Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing

change in the historic environment, and information held within Historic Environment Records.

- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced. Relevant considerations include the:
 - i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in Conservation Areas will ensure that existing natural and built features which contribute to the character of the Conservation Area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.”

4.8 The new proposal will have limited effects on the setting of the nearby listed buildings and through careful design and form, whereby specific materials and forms have influenced the design whilst still preserving the character and special architectural and historic interests in the area.

4.9 The supporting information (Design and Access Statement, drawings and visuals) presents strong evidence for understanding the character and appearance of the North Berwick Conservation Area. The proposal respects its setting and contributes to its continued preservation and enhancement of the Conservation Area. The supporting documents demonstrate that the architects undertook extensive considerations for the design of this proposal which includes:

- 1. Architectural and historic character of the area
- 2. Existing density, built form and layout;
- 3. Context and siting, quality of design and suitable materials

4.10 Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings –

- a) “Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.”

- 4.11 The accompanying suite of documents, as well as this Statement, have outlined the existing property as a vacant unit with no realistic prospect of being re-established as a bank or any other commercial unit. The marketing evidence demonstrates that to be the case. Therefore, this development proposal is considered to comply with Policy 9 of NPF4.
- 4.12 **Policy 12 – Zero Waste** – This planning application complies with Policy 12, part b) “Development proposals will be supported where they (iii) minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life”.
- 4.13 This development proposal utilises the footprint of land of the existing single storey extension – which is vacant– resulting in reducing pressure on virgin land as well as employing the existing infrastructure such as gas, water and transport links for example.
- 4.14 **Policy 13 - Sustainable Transport** - b) “Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where they (part i) Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation”.
- 4.15 As this proposal is within a town centre location that is well served by sustainable modes of transport, the existing infrastructure for walking and wheeling to the town centre is already considered sufficient.
- 4.16 **Policy 14 – Design, Quality and Place** – is encouraging development to be designed to improve the quality of an area. The submitted Design and Access Statement expands on the suitability of design in light of Policy 14.
- 4.17 **Policy 15 - Local Living and 20-Minute Neighbourhoods** – This development proposal contributes to local living. The site is within close walking and wheeling distance to shops, places for work, and open green and blue spaces in the town centre.
- 4.18 **Policy 16 - Quality Homes** – Part (g) states: “Householder developer proposals will be supported where they:
- i. do not have detrimental impact on the character or the environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking”.
- 4.19 The applicants have designed a new 2-bedroom home in close consultation with architects and have reflected on the perceived short-comings of previous designs.
- 4.20 **Design Quality** – the response to the above main issues include contemporary design and effective scaling and massing, as well as utilising effective of materials and finishes that complement the surrounding building architecture and Conservation Areas (NPF4 Policy 14 and Policy 16).

EAST LOTHIAN LDP 2018

POLICY TC1 – TOWN CENTRE FIRST PRINCIPLE

- 4.21 Policy TC1 of the Adopted LDP (2018) states that “in all cases the scale of development proposed should be appropriate to the scale of settlement and the role and function of the centre where it is proposed. Large scale developments will not normally be appropriate in local centres. In determining whether it is appropriate to apply the sequential approach to a particular proposal, the Council will have regard to the scale of development and its intended catchment area as well as to other planning objectives”.
- 4.22 The new proposal will have limited effects on the setting of the town centre and commercial units as the previous use was for a bank; a facility that is closing down across the country. If the property were to be retained as commercial premises, significant alterations to the ‘shop front’ would need to be devised and approved. Arguably, this could impact the surrounding built heritage and Conservation Area merits significantly when compared to the proposed design which incorporates heritage elements into the building and preserves and enhances the character of the Conservation Area.
- 4.23 The overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

POLICY TC2 – TOWN AND LOCAL CENTRES

- 4.24 “Residential use may also be acceptable, particularly in a backland or above ground floor location. However, changes of use from a ground floor town or local centre use to residential use will only be permitted where there is evidence that the premises is no longer viable as a town or local centre use”.
- 4.25 It has been shown in this Statement and within the accompanying Design and Access Statement the proposed new dwelling would not significantly impact the local town of North Berwick. The site is in a prime location to be developed into a residential property due to the existing infrastructure, access, and being within a residential area.
- 4.26 In previous planning application determinations, the planning authority has stated that it has considered under Policy TC2 the question of “*whether the commercial property has been marketed at a 'reasonable price'*”. The applicants have provided the planning authority with detailed breakdown of the marketing background and strategy and this has also been detailed in this Planning Statement at section 3.2 to 3.5. The submitted evidence in the form of a marketing report, sales particulars and the previous details as stated in Section 3.2 to 3.5 are considered to support the applicants position that a prolonged and reasonable marketing campaign has been conducted without successful transaction for a commercial operator, with the majority of interested parties willing to consider residential use of the property. The residential use proposal is for the use and enjoyment of the applicants to enable adaptation to their changed health circumstances (the new floor layout would assist with mobility and accessibility of the occupants) and allow them to remain in the town and close to its services and amenities.

POLICY CH1 – LISTED BUILDINGS

- 4.27 “Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building”.
- 4.28 This property is no longer considered a Listed Building. It has been delisted, but one room (drawing room) retains within the listing of No 12 Westgate., It is sited between two Category B Listed Buildings; one of which is directly attached to the former Banking Hall. The proposed development is also sited between two Category B Listed Buildings. Limited internal alterations will therefore be made to the attached Listed Building.

POLICY CH2 – DEVELOPMENT AFFECTING CONSERVATION AREAS

- 4.29 “All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council’s adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety”.
- 4.30 The applicant’s Design and Access Statement explains the approach taken to site appraisal and analysis at the early stage of design. This design-led approach has resulted in a proposed development which both fulfils the applicants’ accessibility needs and includes a contemporary approach to the heritage elements of the surrounding Listed Buildings and streetscape.
- 4.31 In combination all the above matters demonstrate the proposal meets requirements and tests of Policy CH2.

POLICY DP2 – DESIGN

- 4.32 “The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:
1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site’s context, and create a sense of identity within the development;
 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
 4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for

all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;

5. Clearly distinguish public space from private space using appropriate boundary treatments;

6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;

7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;

8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts”.

4.33 This proposal has considered and acted upon the previous refusal reasons whereby this application reflects the scale, massing, and architectural features of adjacent houses to create a more coherent and complimentary streetscape.

4.34 The proposals therefore fully meet the requirements of Policy PD2.

POLICY DP5 – EXTENSIONS AND ALTERATIONS TO EXISTING BUILDINGS

4.35 “All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;

2. For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;

3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;

Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated”.

4.36 The applicant’s Design and Access Statement explains the approach taken to site appraisal and analysis at the early stage of design. This design led approach has resulted in a proposed development which is complimentary to the surrounding architectural heritage as well as being practical for the applicant’s accessibility needs.

POLICY DP7 – INFILL, BACKLAND AND GAREDN GROUND DEVELOPMENT

- 4.37 “Outwith greenbelt and countryside and coastal locations, the principle of development within infill and backland locations including the subdivision of garden ground will be supported where:
1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
 2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
 3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and
 4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features”.
- 4.38 The proposal will make the most efficient use of this infill site which benefits from its accessible and sustainable location. The development is respectful of the character and amenity of the existing residential area; traditional form; features; and elements of the existing streetscape.
- 4.39 It is proposed that the existing access will be made adequate to accommodate a vehicle coming into the site so that access to the house thereafter is as easy as possible given the access needs of the applicant. The existing access will be increased to 3m wide with new gates designed in line with the original gates to the property being proposed and installed and will also accommodate a turntable to allow a car to access Westgate in a forward gear across the already existing dropped kerb.

POLICY NH10 – SUSTAINABLE DRAINAGE SYSTEMS

- 4.40 “All development proposals must demonstrate that appropriate provision for Sustainable Drainage Systems (SuDS) has been made at the time of submitting a planning application, except for single dwellings or developments in coastal locations that discharge directly to coastal waters where there is no or a low risk to designated bathing sites and identified Shellfish Waters. Sufficient space for proposed SuDS provision, including the level and type of treatment appropriate to the scheme of proposed development, must be safeguarded in site layouts. Provision must also be made for appropriate long-term maintenance arrangements to the satisfaction of the Council”.
- 4.41 Assessing the site’s flooding risk on the SEPA flood maps, it has been noted that the site is not susceptible to flooding and it will not be at risk at this location. Page 14 of the Desing and Access Statement shows a section of the proposed development and also outlines the sloping gradient to the north (away from the property). The proposed development complies with Policy NH10.

POLICY NH13 – NOISE

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- 4.42 “The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.”
- 4.43 The proposal itself will have no more of an impact on noise, light or odour than any other dwellinghouse once it is occupied. There may be temporary noise disturbances to neighbouring properties during the construction phase of the development. The applicants will inform neighbours when works is to commence.

5 OTHER MATERIAL CONSIDERATIONS

- 5.1 Section 4 has demonstrated the extensive development planning policy compliance of the proposals. They meet the relevant NPF4 and LDP requirements. Notwithstanding, if there is any reason the planning authority consider that the proposal is not in full compliance with the development plan, then the following material considerations should be considered in the planning balance.
- 5.2 It is also relevant, and a material consideration, that planning permission had been granted in 2022, for a nearby property (8 West Bay Road – Council Reference: 22/00678/P) which proposed an additional storey with the extensive use of glass to the rear of the third floor, in turn creating substantial overlooking into neighbouring gardens. This case was approved, however this case demonstrates there is overlooking from the existing neighbouring property into the rear garden of the application site, as demonstrated in the submitted Design and Access Statement. This case illustrates the overlooking from the nearest neighbours on either side, particularly from the terrace to the former Blenheim hotel and the large expanse of glazing to the extension to number 10.

HISTORIC ENVIRONMENT SCOTLAND MANAGING CHANGE SERIES

- 5.3 Design advice from Historic Environment Scotland: “*New Design in Historic Settings*” (2010) suggests two valid approaches to new developments in Conservation Areas - historicist faithful matching in design detail, materials and methods, or a respectful and subsidiary contemporary design in high quality contextual materials. Of relevance to consider in this application is that new development is expected to respond to:
- Urban grain and scale - New design should consider the surrounding scale, hierarchy and massing of the existing built form.
 - Materials and detailing - the sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary, is also important. Their use and detailing is crucial in making a development stand out or blend in.
 - Views and landmarks - In some instances new designs might create dynamic juxtapositions of old and new, so adding texture and variety to the townscape.
 - Historical development - Layers of history and associated development generate patterns within an area. An understanding of the historic evolution of a place is essential in determining whether a historic setting needs enhancement or whether lost elements should be restored. New designs should consider and respond to these layers of history - the 'narrative' of the place.
- 5.4 The proposal is a respectful and subsidiary contemporary design. It is of the highest quality in terms of design detail, and contextual materials. The architects have explained in the Design and Access Statement how the urban grain and scale has worked. The use of materials and detailing means that the building does not “stand out” and instead blends well into its conservation context. The elevations (Design and Access Statement p.10) demonstrate that the streetscape will be unharmed because of the use of massing, scale, and choice of materials.
- 5.5 The design-led approach to the development has considered the significance of the heritage assets, creating a sleek modern development. The proposed sustainability measures ensure that the development is long-lasting and adaptable to future changes in climate and the use of

the dwellings by occupants. The proposed layout of the development provides an enhancement to the current denuded site, which in turn promotes the significance of the asset for North Berwick and provides a visual improvement to the character and significance of the area.

- 5.6 To support previous planning applications, a Heritage Impact Assessment by AOC Archaeology is relevant (submitted with this application). The assessment was carried out upon the initial designs. These designs share a similar form to that of the submitted design of the dwellinghouse. Overall, the Heritage Impact Assessment found the design to be suitable. The experts commented on the design of the front elevation being positioned too far forward which had a minor impact on the built heritage. The submitted design however retracts the front elevational form, as a result of the Heritage Impact Assessment advice and mitigation on built heritage. This approach is entirely in line with Historic Environment Scotland's comments on the previous proposals. This document also disregards the single storey part as being of any special architectural interest. Therefore although the Heritage Impact Assessment was for an earlier design its findings and recommendations to mitigate built heritage impacts have been taken on in the new submitted design form which is considered to offer a further positive response to the nature and character of the built heritage.

MARKETING OF PROPERTY

- 5.7 It is a material consideration that the applicants have twice marketed the property (during 2021) which was recorded in the previous planning application and has been presented in section 3.2 to 3.5 of this statement.
- 5.8 As the evidence submitted shows, the property was advertised for a reasonable price with the benefit of it existing as a flexibly altered 'whitebox' almost ready for a business to move in. The property also enjoys the commercial uses planning permission for three units with different use classes in a prime town centre location. We also emphasise that in the marketing period of 2 years, prices for property in the town have continued to increase.
- 5.9 The evidence shows that few interest was given to purchasing a commercial property with the benefit of the commercial land use consent. The evidence also shows that there was not a "low offer" submitted by any opportunistic developer or investor as has often been the case with property transactions in the past in the Lothians. This evidence suggests that there is no interest in a commercial use for the property. It is evidential that only East Lothian Council speculates that commercial use of the property is required and the market and the landowner evidence presents clear facts on the contrary.
- 5.10 The results of the marketing campaign confirm that three years further on, there remains no reasonable interest in the re-use of the property for commercial purposes. The applicants themselves wish to repurpose the property for residential use and to live in the new adapted floor space which will fulfil their requirements for accessible and adaptable accommodation.

OFFICE LAND USE VIABILITY REPORT BY HOLLIS

5.11 The applicants first had an office viability report undertaken for previous proposals for residential use in 2019 which was subsequently updated in 2020. Both versions of the viability report are submitted as their advice and conclusions remain valid for this new proposal. The viability reports found a number of key conclusions which are material considerations in this case as follows:

- A budget cost plan for the building works necessary to leave the property in a suitable state of repair for letting was prepared. The works and consequential costs total circa £68,900. It is anticipated that the property could achieve a rent of circa £15,750 per annum, that it could take up to nine months to -free period.
- Their assessment concludes that it would take at least six years and ten months for this property to break even as a commercial property investment. Only beyond this point would the property begin to provide a return on capital employed.
- The property requires a significant amount of building works undertaken to make it suitable for continued use as an office. Given the likely payback period, the property does not present as a realistic opportunity for commercial office investment. The UK economy continues to be negatively affected by post pandemic (cost of living, energy prices, commodities prices and global market uncertainties owing to climate change, war and government changes both UK, US and in Europe. This will in turn create uncertainty in the office rental market and suppress demand in the medium term. It is likely that numerous businesses will cease trading; leading to an increased supply of space as these firms relinquish their leased premises.

DAYLIGHT SUNLIGHT REPORT BY HOLLIS

5.12 An original version (2019) and an updated version (2020) have been submitted to support this new planning application. The Daylight Sunlight reports confirm that the new design will not have a detrimental impact on the shadowing or privacy of gardens or other living spaces in neighbouring properties.

6 CONCLUSIONS

6.1 Key Determining Factors for this planning application are:

- The principle of development
- The impact of development on the Conservation Area and built heritage
- The use of vacant land and empty buildings
- Active Travel and 20-minute neighbourhoods
- Planning history and design review process

PRINCIPLE OF DEVELOPMENT

6.2 Policy DP2, Part 2, of the Adopted LDP (2018), and NPF4 Policy 14 both stipulate that the principle of development will be supported if it is consistent with the qualities of the character of the area. The site is within an existing established residential area of North Berwick, within the town boundary, and within the North Berwick Conservation Area. The principle of building within these designations is broadly supported in preference for example, to building on green field or out of centre locations.

6.3 The change of use from commercial (Class 1A) to residential (Class 9) would not impact on the vitality or viability of the town centre and would not be contrary to LDP Policy TC2. Residential use is a compatible and desirable land use recognised policy in NPF4 as it would result in the return to use of a vacant site, and would sustain living in the town centre. The perceived loss of a commercial land use itself will not harm the vitality of the town centre as the marketing evidence shows that there is little to no interest in such a use, nor does the loss of this use make any significant impact on the town centre's offer or attractiveness for other commercial uses to be maintained or attracted into there.

6.4 The proposal supports the applicant's desire to create a modern home, yet in keeping with the character of the area. The new home would be resilient to climate change and would positively contribute to low carbon development. The proposal also enables optimistic change for regeneration within an historic environment without adversely impacting the area's character and appearance thus respecting the historic built environment, as well as utilising previously developed land.

6.5 The applicant has designed a sympathetic development of architectural merit by combining the various requirements of these policies and has resulted in a modern, high-quality home with distinct references to the surrounding architecture. The inclusion of low-carbon technologies improves the resilience of the proposals and delivers a biodiversity net gain.

IMPACT OF THE DEVELOPMENT ON THE CONSERVATION AREA AND BUILT HERITAGE

6.6 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Scotland (HES) Policy Statement (June 2016), Managing Change in the Historic Environment (2010) and New Design in Historic Settings (2010), Policy 7 of NPF 4 (Historic Assets and Places), and Policies CH1 and CH2 of the LDP (2018) all apply.

- 6.7 As noted in the Design and Access Statement, the property was built in the 19th century initially as a home, forming part of the residential development of large villas to the North of Westgate and at the edge of the original town centre. The house has since been extended both to the east and west. Most recently being used as a bank building, where the original house was split into different uses. It has recently closed and marketed for sale.
- 6.8 The context in which the building is located involves a mix of gables, bay windows, dormers and the like in which the buildings are of a general domestic character. The immediate context is of a traditional order with larger glazed elements to the ground floor and lesser glazing above. The proposed design looks to incorporate these traditional elements whilst creating a modern structure and a low-carbon home which will enhance the character of the streetscape. The development of the existing building would not negatively affect the streetscape or any nearby buildings of specific architectural or historical interest.
- 6.9 With regard to NPF4 Policy 7, part d) and part e) are concerned with the proposed development imposing negative effects on a Conservation Areas – which this proposal is not, and the proposal largely repeats the pattern sought in the HES Managing Change in the Historic Environment series “Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent”.
- 6.10 The submitted Design and Access Statement by AMA provides detailed commentary and analysis of compliance with NPF4 Policy 7 part d) which requires new proposals to understand the character and appearance of the Conservation Areas and its setting is preserved or enhanced. The Statement considerations include the: i. Architectural and historic character of the area; ii. Existing density, built form and layout; and iii. Context and siting, quality of design and suitable materials. These matters are adequately covered and summarised below.
- 6.11 The principal of the proposed house are twofold; to continue the pattern of the built form within the streetscape; and to use well considered and appropriate historic materials.
- 6.12 As such the proposed development accords with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Adopted LDP (2018), and the relevant ‘Managing Change’ in the Historic Environment: Setting guidance.
- 6.13 Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application, the Planning Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. The design and materials which will affect the North Berwick Conservation Area are considered appropriate to both the character and appearance of the building, area, and its setting.
- 6.14 The proposal is appropriate in scale and character for the location and has been carefully considered in terms of the surrounding built heritage. The height of the proposal reinforces the built character of the surrounding heritage assets. The subtle modern design, with thoughtful high-quality materials and detailing, ensures no adverse impact on the wider setting of the site. The proposal is proportionate in scale and appropriate in its material choices, meaning that the character and appearance of the North Berwick Conservation Area and nearby Listed Buildings will be preserved. The proposal meets all necessary policy and conservation objectives and

prevents the deterioration of a heritage asset through sensitive and thoughtful redevelopment, ensuring there is no adverse impact. The proposal, will result in no harm to the significance of any designated or non-designated heritage asset.

THE USE OF VACANT LAND AND EMPTY BUILDINGS

- 6.15 As outlined above, the site is vacant and within an appropriate location for a residential development. The redevelopment of vacant and derelict land is supported in principle provided that the proposal is compatible with other policies of the Local Development Plan. Where it is suspected by the council that a development site may be contaminated, the developer will be required to undertake a site investigation, to the satisfaction of the council.
- 6.16 The proposals will result in an improvement to the quality of the surrounding residential area by regenerating a vacant brownfield site as well as producing a more energy efficient and lower carbon footprint home – which complies with NPF4's other relevant policy areas including Policy 11 Energy part a) - through use of on-site renewable energy technology.

ACTIVE TRAVEL AND 20-MINUTE NEIGHBOURHOODS

- 6.17 The applicants have also referred in their submissions to the close proximity of the appeal site to all amenities found in the town centre, which is in immediate walking distance of the site. The highly accessible location on foot or cycle or wheel demonstrates compliance with NPF4 Policy 13 with reference to promotion of Active Travel and reduction in motor vehicle reliance in parts b) and e) of Policy 13. The same approach described would count towards contributing to NPF4 Policy 15 on 20-minute neighbourhoods where encouragement is given to improve local living in a way that contributes to local circumstances and engenders active lifestyle and health and well-being.

PLANNING HISTORY AND DESIGN REVIEW PROCESS

- 6.18 The Design and Access Statement clearly explains the iterative and collaborative process that has been undertaken to adapt to any concerns raised at that previous planning application stages. This has resulted in a compromise in design which balances the needs and aspirations of neighbours, with the needs and future requirements of the applicants if this is to be their new home.
- 6.19 The fact this proposal has in recent times been subject of other planning applications to replace the existing low-quality buildings with new higher-quality building demonstrates that there is a market demand for living in this historic location, but in some circumstances like this, not in buildings lacking in architectural merit or quality and where renewal is the best option.
- 6.20 In summary, the Planning Statement has found that the proposal fully complies with NPF4 policies along with LDP Policies and the associated guidance.
- 6.21 We would therefore respectfully ask East Lothian Council to support and grant this planning application and the associated Listed Building Consent application.



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: planning@eastlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100691001-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

ALTERATIONS AND CHANGE OF USE FROM BANKING HALL (CLASS 1A) (FORMERLY CLASS 2) TO ERECT NEW DWELLINGHOUSE (CLASS 9), LANDSCAPING AND ALTERATIONS TO BOUNDARY WALL AND ACCESS

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * ☐ Yes ☒ No

Has the work already been started and/or completed? *

☐ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Gray Planning & Development Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	AYE House
Last Name: *	Gray	Building Number:	
Telephone Number: *		Address 1 (Street): *	Admiralty Park
Extension Number:		Address 2:	Rosyth
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	UK
		Postcode: *	KY11 2YW
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="radio"/> Individual <input type="radio"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Dr	Building Name:	
First Name: *	and Mrs	Building Number:	57A
Last Name: *	Sharp	Address 1 (Street): *	Westgate
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	North Berwick
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH39 4AQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

12 WESTGATE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

NORTH BERWICK

Post Code:

EH39 4AF

Please identify/describe the location of the site or sites

Northing

685286

Easting

355045

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☒ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Advised of previous planning history and the planning authority's position in that regard. No further advice offered.

Title:

Other title:

First Name:

Julie

Last Name:

McLair

Correspondence Reference
Number:

24/00042/PREAPP

Date (dd/mm/yyyy):

08/05/2024

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

335.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Banking hall (Class 1A) (formerly Class 2)

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☒ Yes ☐ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

≤ Yes **T** No ≤ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

≤ Yes **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

T Yes ≤ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

T Yes ≤ No

If Yes or No, please provide further details: * (Max 500 characters)

Bin storage to be located at the front of the property

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

T Yes ≤ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

≤ Yes **T** No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

≤ Yes **T** No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes **T** No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Neil Gray

On behalf of: Dr and Mrs Sharp

Date: 21/11/2024

☐ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☒ Yes ☐ No ☐ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☒ Yes ☐ No ☐ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☒ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☒ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☒ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * ☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. * ☒ Yes ☐ N/A

A Flood Risk Assessment. * ☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * ☐ Yes ☒ N/A

Drainage/SUDS layout. * ☐ Yes ☒ N/A

A Transport Assessment or Travel Plan ☐ Yes ☒ N/A

Contaminated Land Assessment. * ☐ Yes ☒ N/A

Habitat Survey. * ☐ Yes ☒ N/A

A Processing Agreement. * ☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement Sales and marketing evidence Daylight Sunlight report Heritage Impact Assessment Development viability

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Neil Gray

Declaration Date: 21/11/2024

Payment Details



Created: 21/11/2024 20:19

12 WESTGATE 'PARK HOUSE', NORTH BERWICK – A BRIEF HISTORY AND ANALYSIS



12 Westgate 'Park House', North Berwick.

This document will discuss the history of 12 Westgate as far back as it can be traced. It uses valuation rolls as early as 1855 as well as historical maps and images. The current proposals will also be discussed against comments from HES on a former similar proposal.

At present the current owners are Nigel and Pat Sharp. They bought the property from Royal Bank of Scotland (RBS) after the branch Bank was closed on 25th June 2018. Currently the property comprises a ground floor area of the historically built villa, a banking hall which was added to the West of the property by RBS circa 1984 and some external ground to the front of the property.

RBS bought the property from a John Crombie. At this point, whilst the bank had ownership of the property, it was classed as a "Bank, house and garden" and was also known as 'Park House'. Below is an extract from the RBS archive at this time, which also talks about some evolution whilst the property was in the Bank's ownership.

"Commercial Bank of Scotland, founded in Edinburgh in 1810, was actively pursuing a policy of geographical expansion in the aftermath of the First World War when it decided to open a branch at North Berwick. Suitable branch premises were sought and in October 1923 Park House (now known as 12 Westgate), built in around 1840, was purchased from Dr John



Crombie for £3,500. A survey carried out prior to the bank purchasing the building reported 'with regard to its suitability as a bank, we consider that with certain alterations to the consulting and waiting rooms it would make admirable premises and without fatally damaging the amenity of the villa, it would be possible to build out to the street next to the shops if desired.' The new office finally opened on the 7 November, under the agency of Robert Scroggie, once the new premises had been suitably fitted out. Competition was fierce, since both the British Linen Bank and the Clydesdale Bank had representation in the town. From the outset Commercial Bank's new branch performed well. In 1953 the branch underwent a decorative refurbishment and three years later a new garage and entrance was added to the property.

In 1959 Commercial Bank of Scotland merged with National Bank of Scotland to form a new company, National Commercial Bank of Scotland. National Bank of Scotland had opened a branch in North Berwick in 1947 on the same street as the Commercial Bank of Scotland branch. In 1960 the two branches merged and all business was thereafter carried on from the Park House premises. In 1969, amid a climate of bank mergers, National Commercial Bank of Scotland amalgamated with RBS. The North Berwick branch was renamed accordingly and continued to flourish. By the early 1980s it was recognised that accommodation at the branch was inadequate and it was agreed to expand the existing premises. A temporary Portakabin was erected in front of the branch whilst the improvements, which took almost a year to complete, were undertaken. When the branch re-opened in 1984 a new Cashline machine had also been installed. In 1988 the adjacent house with the added branch Bank was listed as a building of architectural significance. On 25 June 2018, when it was located at 12 Westgate, the branch closed."

The earlier parts of ownership are very limited in information other than what is contained in the valuation rolls. Below is a timeline which can be traced along with the description of the property at each time.

Dr. John Crombie owned the property prior to the Commercial Bank of Scotland Ltd and at this point the property was classed as "House, offices and garden".

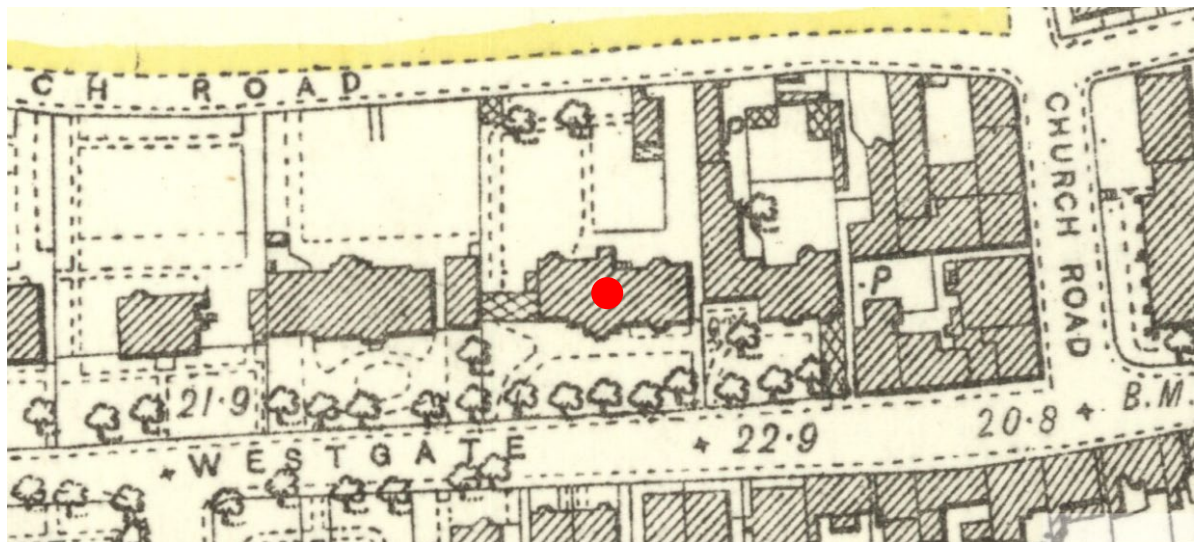
Prior to John Crombie owning the property we can see that an Ann Dall had ownership of the property and at this point it was classed "House and Garden".

Earlier on in the 1876-77 valuation roll we can see that Ann Dall still had ownership of the property but at this point it was classed as a "House, garden and stable".

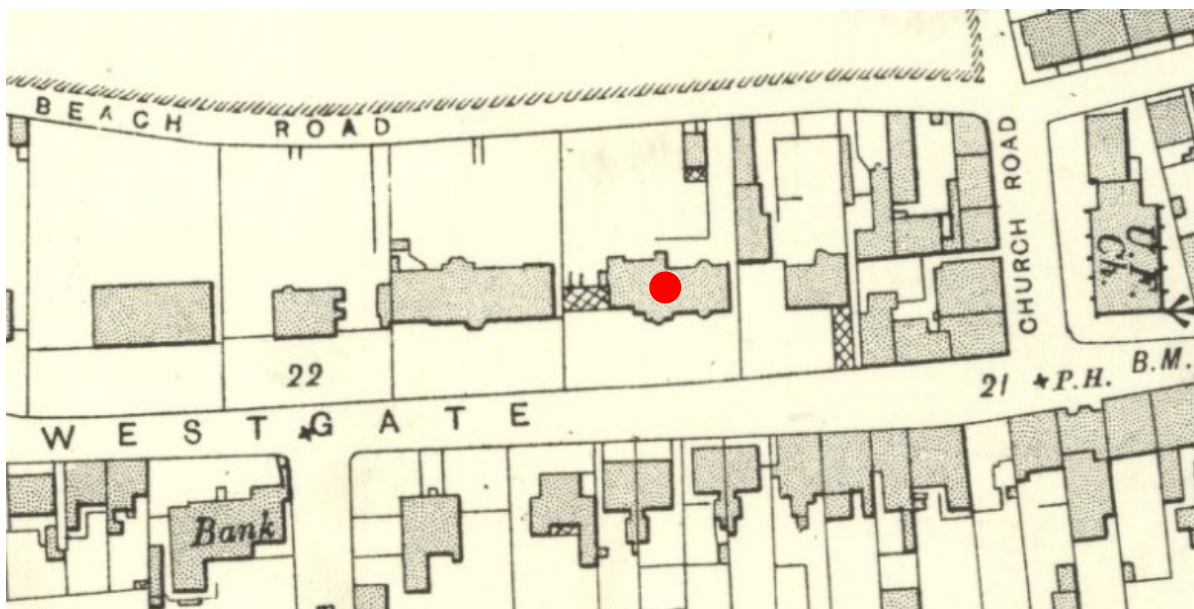
Prior to Ann Dall having ownership of the property we can see that a James Dall had ownership of the property all the way until the start of the valuation rolls (1855). It can be seen in the valuation rolls before where the property is classed as a "House and Garden".

We can conclude that prior to James Dall having ownership the property would have been in residential use, with the property combining 10-12 Westgate today forming a single villa historically from when it was built about 1810. It is only later when the Bank took ownership of the original single villa that it began to be sub-divided.

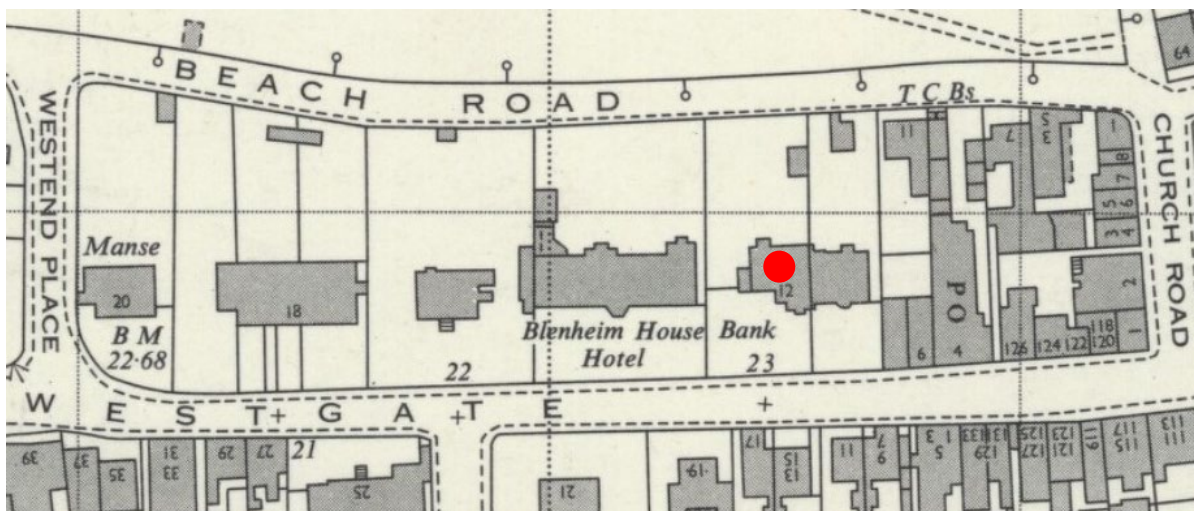




Publication date: 1894 Revised: 1893



Publication date: 1907 Revised: 1906



Publication date: 1945 Revised: 1938



In relation to the previous similar proposals to this application **Historic Environment Scotland (HES)** commented as follows;

"This application refers to the above property, part of a B-listed former bank manager's house, which was later extended and subdivided. 12 Westgate (now with its modern single storey extension) was part of the original L-plan Tudor style house of c.1840, also extended to the east in the later 19th century.

The proposal intends to replace the 1983 single-storey flat-roofed extension to the west, with a two-storey pitched-roof extension (including class 2 office space).

*Generally, when an extension is built beside the principal elevation of a listed building, it is good practice that it is lower in height and subservient to the main façade. **In this case, however, we consider that the proposed pitched roof, chosen materials and language of the new extension work to minimise the visual impact on the listed building; the extension uses materials (slate and natural stone on the principal elevation) and a design language which matches and respects the historic building, yet can be clearly read as a modern extension. The detail in execution will be key.***

Subject to any concerns over scale, if the principle of a two-storey extension is accepted, we would suggest that the new building is set back behind the listed building's front (south) elevation - similarly to the 80's extension - so that it appears less dominant to the visible frontage (south elevation). The additional massing, which is now shown extending to the front elevation (accommodating office space at ground floor), can be gained instead by extending a bit further out on the rear (north) elevation, as can be also seen on other villas and buildings facing Beach Road.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance."

It can be seen that HES had some generally positive comments towards the previous similar proposals. The only aspect in which they express a slight difference in assertion is the extension of the front façade of the proposals towards the road (Westgate). They have stated that more space can be gained by extending further out to the rear (this is not possible as the applicant does not own any land to the rear). In this application we have pulled the front façade back behind the adjacent existing listed buildings front elevation. There is also no longer an office space proposed which mitigates the comment about 'additional massing'.



As per the above text, valuation roll extracts, at the end of this document, and historical maps, we can see that the property has been classed or has had the following uses as part of it;

House,

Garden,

Glasshouse,

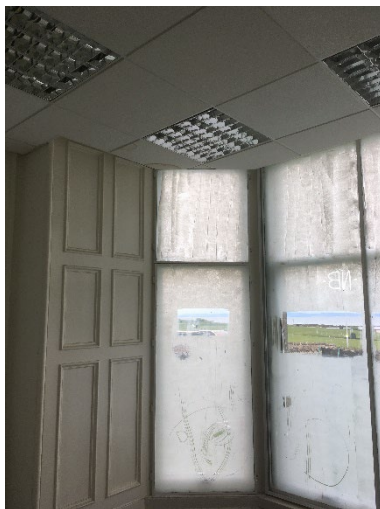
Stable,

Garage,

Offices,

Bank.

It can be seen that the original main villa has remained the same since it was built to the present day. The changes in use will have generally occurred where the side extension of the Banking Hall is currently located, which can be evidenced on the historical maps. With Andrew Megginson Architecture's (AMA) design utilising a largely glazed link along with a style that has analogies to a coach house/ stable, an architectural story/ collage can be easily read and expressed so as to see how the site has developed over time. The fact that we are largely restoring this building back to its original use sympathetically should be taken into account, as the Bank have destroyed, harmed or removed any original features which have existed previously.



Images of the current property (from left to right), The rear bay window unsympathetically altered, Front door where the openings are decaying, Inside the main Banking Hall showing no architectural merit.





Historical aerial image showing a side extension previous to the Banking Hall and a driveway accessing the site.



Historical image showing a conservatory and driveway existing to 'Park House' historically.

East Lothian Council do acknowledge that the property "does not form part of a shopping street and is set back from the public footway with a number of residential uses in the



As can also be seen and understood, there has been non-pedestrian access (horses, carriages and cars) into the site before which explains the dropped kerb. The fact that other properties in the area also have car access/ driveways, some of which where the listed boundaries have been altered (evidenced in 14 Westgate's listed building consent referenced 18/01106/LBC), show that driveways can be incorporated into these properties comfortably without affecting the setting. The new driveway and landscaping will be designed to incorporate high quality materiality replicating that of the existing, where applicable in terms of the new opening being formed, and will positively contribute to the setting of the listed building. It should be noted that HES have not raised any objection to the driveway, proposed landscaping or modification of the boundary wall/ gates in the previous application.

664.	Bank, house and garden 6. "Park House".	do.	Commercial Bank of Scotland, Ltd..
------	--------------------------------------------	-----	---------------------------------------

House, offices and garden. "Park House."	6, Westgate.	prombie: John Frank, M.D., Beech House, The Mount, York.
---------------------------------------------	--------------	----------------------------------------------------------------

2	House	Park House	Westgate	Mrs Ann Dall, North
3	Garden		"	Berwick for J McFulloch
				North Berwick

52 New Garden, N. H. Wm. Dall

Daylight and Sunlight Report for the Proposed Development at 12 Westgate, North Berwick EH39 4AF

Prepared for **Mr & Mrs N Sharp**
c/o Andrew Megginson Architecture
Prepared by **Lloyd Anderson BSc (Hons) MRICS**
Date **07 June 2019**
Reference **79042/BTM/LRa**

Contents	Page
1. Executive Summary	2
1.1 Scope	2
1.2 Summary of Analysis - Surrounding Buildings	2
2. Introduction	3
2.1 Scope	3
2.2 Assessment Criteria.....	3
2.3 Documentation Reviewed & Data Sources	5
3. Assessment & Results – Surrounding Buildings	6
3.1 Daylight	6
3.2 Sunlight.....	8
Appendix A Assessments to be Applied	
Appendix B Context Drawings	
Appendix C Window/Room Reference Drawings	
Appendix D Daylight Study	
Appendix E Sunlight Study	

1. Executive Summary

1.1 Scope

- 1.1.1 We have been instructed by Andrew Megginson Architecture, on behalf of Mr & Mrs N Sharp, to undertake a daylight and sunlight amenity assessment of the proposed redevelopment of 12 Westgate, North Berwick EH39 4AF.
- 1.1.2 The objective of the assessment is to determine the impact of the development on the daylight and sunlight amenity of the existing surrounding buildings.

1.2 Summary of Analysis - Surrounding Buildings

Daylight

- 1.2.1 The impact of the development on two surrounding buildings was assessed.
- 1.2.2 The proposed development achieves full compliance with the BRE guide in respect of protecting daylight amenity to surrounding buildings.

Sunlight

- 1.2.3 The impact of the development on two surrounding buildings was assessed.
- 1.2.4 The proposed development achieves full compliance with the BRE guide in respect of protecting sunlight amenity to surrounding buildings.

2. Introduction

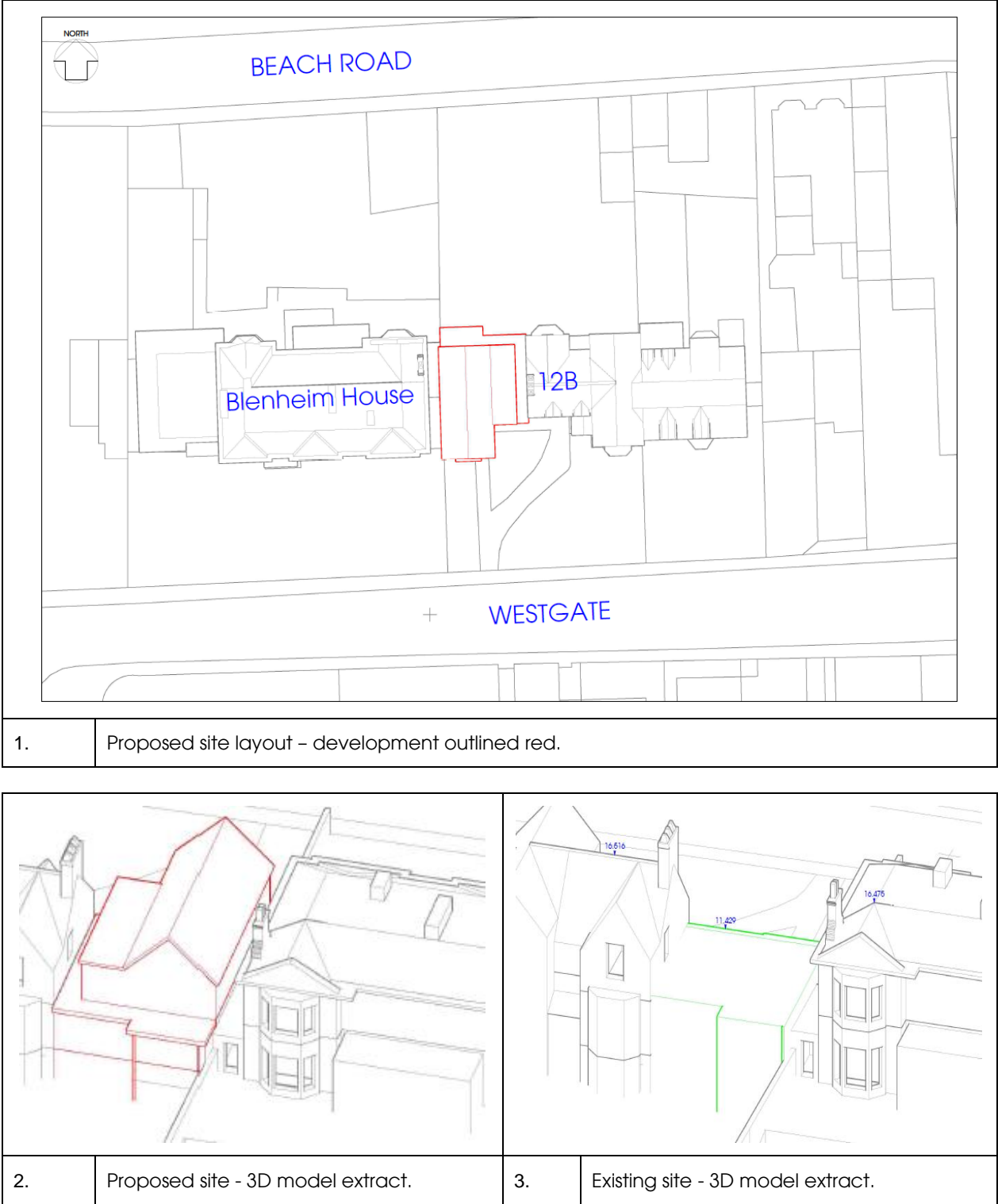
2.1 Scope

- 2.1.1 We have been instructed by Andrew Megginson Architecture, on behalf of Mr & Mrs N Sharp, to undertake a daylight and sunlight amenity assessment of the proposed redevelopment of 12 Westgate, North Berwick EH39 4AF.
- 2.1.2 The objective of the assessment is to determine the impact of the development on the daylight and sunlight amenity of the existing surrounding buildings.

2.2 Assessment Criteria

- 2.2.1 To ensure that this assessment can be appropriately evaluated against East Lothian Council's planning policy; daylight and sunlight calculations have been undertaken in accordance with following documents, which are the accepted standards for assessing daylight and sunlight:
- Building Research Establishment (BRE) Report "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011" ("the BRE guide").
 - BS8206 – Part 2: 2008 Code of Practice for Daylighting.
- 2.2.2 The standards and tests applied are briefly described in **Appendix A**.
- 2.2.3 The existing buildings adjacent to the proposed development site are shown on the Site Plan (see below and at **Appendix B**) and comprise:

Name/Address of Building	Assumed Use	Position in Relation to the Development
Blenheim House	Residential	West
12B Westgate	Residential	East



2.3 Documentation Reviewed & Data Sources

2.3.1 Our assessment is based on the scheme drawings provided by Andrew Megginson Architecture as listed below:

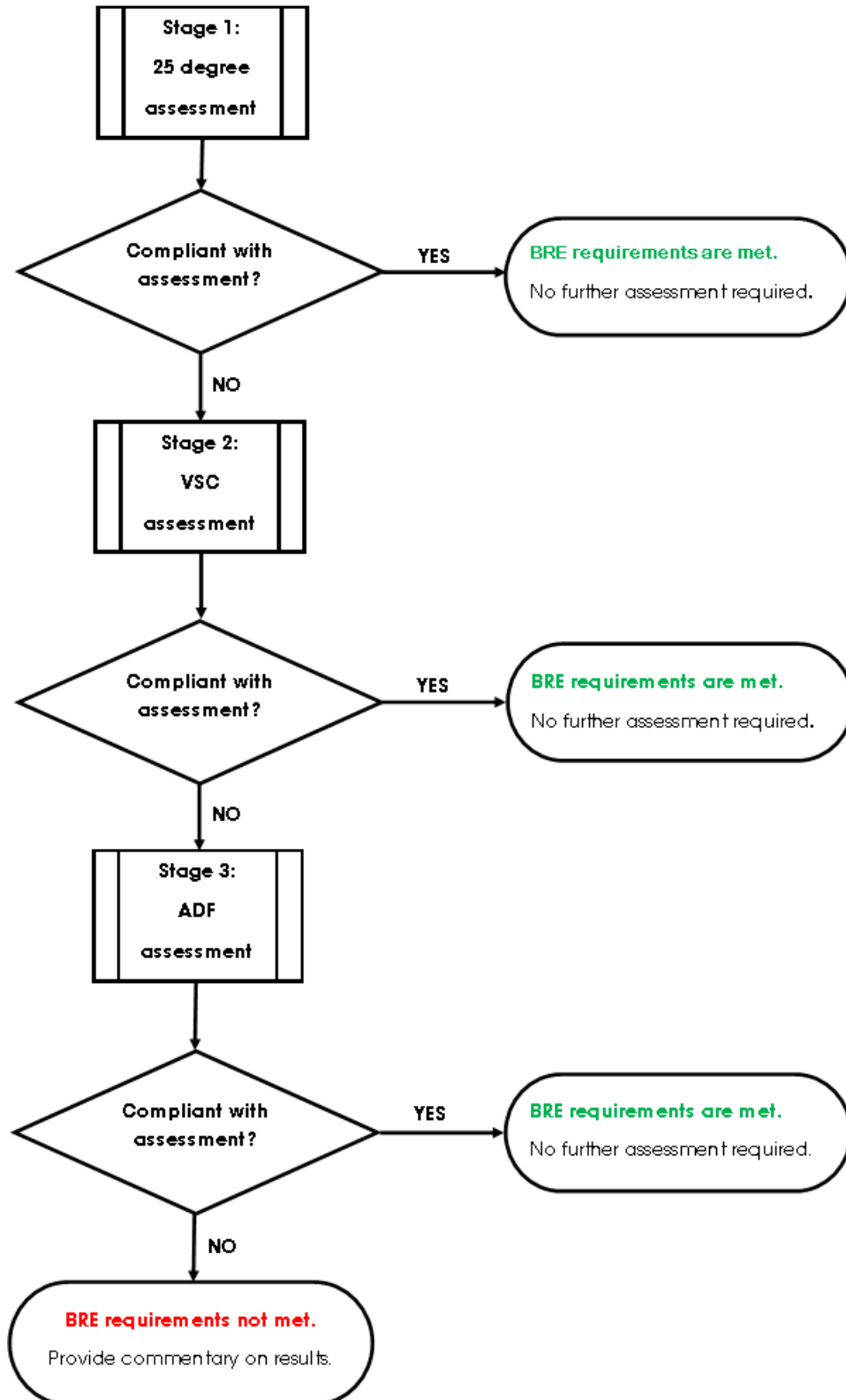
- 164cc683-9d50-43bf-a05c-2e239bf60d13.
- 18-683-01_RBS, North Berwick – Topo_2D.
- 18-683-02_RBS, North Berwick – Elevations.
- 18-683-03_RBS, North Berwick – Ground Floor Plan.
- 1141-PL-01.
- 1141-PL-02.
- Proposed Plans.
- Context Plans.
- Proposed_Elevations_-_A1-2452688.
- 12B Neighbouring Property Plans.

2.3.2 Topographical data has been provided to set appropriate datum for all levels and elevations. Elevation drawings were made available for the relevant surrounding properties. A site inspection was undertaken to verify the drawings and record any additional topographical and elevation information required.

3. Assessment & Results – Surrounding Buildings

3.1 Daylight

3.1.1 In accordance with the BRE guide a staged approach for assessing whether reasonable daylight is maintained to existing buildings as a result of new development has been followed. The process is detailed in the flowchart below.



- 3.1.2 In accordance with the BRE guide and our site inspection the following buildings required assessment:
- Blenheim House.
 - 12B Westgate.
- 3.1.3 Other surrounding residential buildings to the south of the site are at such a distance from the proposed development as to pass the 'Three times height' and '25 degree' assessments (see **Appendix A**). Therefore, pursuant to the BRE guide, they do not require assessment for daylight or sunlight availability.
- 3.1.4 In line with the methodology detailed above, a Vertical Sky Component (VSC) analysis has been undertaken to assess daylight received to the relevant surrounding properties. In addition, an Average Daylight Factor (ADF) analysis has been undertaken to the rooms served by the windows which were not compliant with the VSC assessment.
- 3.1.5 To pass the ADF assessment, a threshold is set dependent on room use (see **Appendix A**). Daylight is deemed to be adversely affected if the ADF % is less than the threshold for room type and less than 0.8 times its former value.
- 3.1.6 The results of our VSC and ADF analyses are shown in full in **Appendix D**. The tables below present a summary of our findings. Reference drawings identifying the windows and rooms assessed are provided at **Appendix C**.

Vertical Sky Component (VSC) Assessment				
Building Address	No. of Windows Analysed	BRE Compliant		Total % BRE Compliant
		Yes	No	
Blenheim House	11	8	3	73
12B Westgate	3	2	1	67
Totals	14	10	4	71%
Average Daylight Factor (ADF) Assessment				
Building Address	No. of Rooms Analysed	BRE Compliant		Total % BRE Compliant
		Yes	No	
Blenheim House	4	4	0	100
12B Westgate	2	2	0	100
Totals	6	6	0	100%

- 3.1.7 The results indicate that with the proposed development in place the majority of the rooms surrounding the site will continue meet the VSC target criteria as defined by the BRE guidance.
- 3.1.8 There were four windows that did not meet the VSC target criteria. These correspond to 2 rooms (some windows serving the same room) and these rooms were subject to ADF assessment. The results indicate that with the proposed development in place the remaining four windows/two rooms meet the ADF target criteria as defined by the BRE.
- 3.1.9 Overall the results indicate full compliance with the BRE guide in respect of protecting daylight amenity to surrounding buildings.

3.2 Sunlight

3.2.1 In accordance with the BRE guide and our site inspection the following buildings required assessment:

- Blenheim House.
- 12B Westgate.

3.2.2 Where Annual Probable Sunlight Hours (APSH) analysis is required, compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months); or
- At least 0.8 times its former sunlight hours during either period; or
- A reduction of no more than 4% APSH over the year.

3.2.3 All windows within 90 degrees of due south (i.e. with a reasonable expectation of receiving sunlight) were assessed. The results of our APSH analysis are shown in full in **Appendix E**. The tables below present a summary of our findings.

Building Address	No. of Windows Analysed	BRE Compliant		Total % BRE Compliant
		Yes	No	
Blenheim House	1	1	0	100
12B Westgate	2	2	0	100
Totals	3	3	0	100

3.2.4 The results indicate that with the proposed development in place all of the relevant windows surrounding the site will continue meet the APSH target criteria as defined by the BRE guidance.

Appendix A

Assessments to be Applied



Introduction

The main purpose of the guidelines in the Building Research Establishment Report "Site Layout Planning for Daylight and Sunlight – a guide to good practice 2011, 2nd Edition" ("the BRE guide") is to assist in the consideration of the relationship of new and existing buildings to ensure that each retains a potential to achieve good daylighting and sunlighting levels. That is, by following and satisfying the tests contained in the guidelines, new and existing buildings should be sufficiently spaced apart in relation to their relative heights so that both have the potential to achieve good levels of daylight and sunlight. The guidelines have been drafted primarily for use with low density suburban developments and should therefore be used flexibly when dealing with dense urban sites and extensions to existing buildings, a fact recognised by the BRE Report's author in the Introduction where Dr Paul Littlefair says:

'The Guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design..... In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.....'

In many cases in low-rise housing, meeting the criteria for daylight and sunlight may mean that the BRE criteria for other amenity considerations such as *privacy* and *sense of enclosure* are also satisfied.

The BRE guide states that recommended minimum privacy distances (in cases where windows of habitable rooms face each other in low-rise residential property), as defined by each individual Local Authority's policies, vary widely, from 18-35m¹. For two-storey properties a spacing within this range would almost certainly also satisfy the BRE guide's daylighting requirements as it complies with the 25⁰ rule and will almost certainly satisfy the 'Three times height' test too (as discussed more fully below). However, the specific context of each development will be taken into account and Local Authorities may relax the stated minimum, for instance, in built-up areas where this would lead to an inefficient use of land. Conversely, greater distances may be required between higher buildings, in order to satisfy daylighting and sunlighting requirements. It is important to recognize also that privacy can also be achieved by other means: design, orientation and screening can all play a key role and may also contribute towards reducing the theoretical 'minimum' distance.

A sense of enclosure is also important as the perceived quality of an outdoor space may be reduced if it is too large in the context of the surrounding buildings. In urban settings the BRE guide suggests a spacing-to-height ratio of 2.5:1 would provide a comfortable environment, whilst not obstructing too much natural light: this ratio also approximates the 25⁰ rule.

¹ The commonest minimum privacy distance is 21m (Householder Development Consents Review: Implementation of Recommendations – Department for Communities and Local Government – May 2007)

Daylight

The criteria for protecting daylight to existing buildings are contained in Section 2.2 and Appendix C of the BRE guide. There are various methods of measuring and assessing daylight and the choice of test depends on the circumstances of each particular window. For example, greater protection should be afforded to windows which serve habitable dwellings and, in particular, those serving living rooms and family kitchens, with a lower requirement required for bedrooms. The BRE guide states that circulation spaces and bathrooms need not be tested as they are not considered to require good levels of daylight. In addition, for rooms with more than one window, secondary windows do not require assessment if it is established that the room is already sufficiently lit through the principal window.

The tests should also be applied to non-domestic uses such as offices and workplaces where such uses will ordinarily have a reasonable expectation of daylight and where the areas may be considered a principal workplace.

The BRE has developed a series of tests to determine whether daylighting levels within new developments and rooms within existing buildings surrounding new developments will satisfy or continue to satisfy a range of daylighting criteria

Note: Not every single window is assessed separately, only a representative sample, from which conclusions may be drawn regarding other nearby dwellings.

Daylighting Tests

'Three times height' test - If the distance of each part of the new development from the existing windows is three or more times its height above the centre of the existing window then loss of light to the existing windows need not be analysed. If the proposed development is taller or closer than this then the 25° test will need to be carried out.

25° test - a very simple test that should only be used where the proposed development is of a reasonably uniform profile and is directly opposite the existing building. Its use is most appropriate for low density well-spaced developments such as new sub-urban housing schemes and often it is not a particularly useful tool for assessing urban and in-fill sites. In brief, where the new development subtends to an angle of less than 25° to the centre of the lowest window of an existing neighbouring building, it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. Equally, the new development itself is also likely to have the potential for good daylighting. If the angle is more than 25° then more detailed tests are required, as outlined below.

VSC Test - the VSC is a unit of measurement that represents the amount of available daylight from the sky, received at a particular window. It is measured on the outside face of the window. The 'unit' is expressed as a percentage as it is the ratio between the amount of sky visible at the given reference point compared to the amount of light that would be available from a totally unobstructed hemisphere of sky. To put this unit of measurement into perspective, the maximum percentage value for a window with a completely unobstructed outlook (i.e. with a totally unobstructed view through 90° in every direction) is 40%.

The target figure for VSC recommended by the BRE is 27%. A VSC of 27% is a relatively good level of daylight and the level we would expect to find for habitable rooms with windows on principal elevations. However, this level is often difficult to achieve on secondary elevations and in built-up urban environments. For comparison, a window receiving 27% VSC is approximately equivalent to a window that would have a continuous obstruction opposite it which subtends an angle of 25° (i.e. the same results as would be found utilising the 25° Test).

Where tests show that the new development itself meets the 27% VSC target this is a good indication that the development will enjoy good daylighting and further tests can then be carried out to corroborate this (see under).

Through research the BRE have determined that in existing buildings daylight (and sunlight levels) can be reduced by approximately 20% of their original value before the loss is materially noticeable. It is for this reason that they consider that a 20% reduction is permissible in circumstances where the existing VSC value is below the 27% threshold. For existing buildings once this has been established it is then necessary to determine whether the distribution of daylight inside each room meets the required standards (see under).

Daylight Distribution (DD) Test – This test looks at the position of the “No-Sky Line” (NSL) – that is, the line that divides the points on the working plane (0.7m from floor level in offices and 0.85m in dwellings and industrial spaces) which can and cannot see the sky. The BRE guide suggests that areas beyond the NSL may look dark and gloomy compared with the rest of the room and BS8206 states that electric lighting is likely to be needed if a significant part of the working plane (normally no more than 20%) lies beyond it.

In new developments no more than 20% of a room’s area should be beyond the NSL. For existing buildings the BRE guide states that if, following the construction of a new development, the NSL moves so that the area beyond the NSL increases by more than 20%, then daylighting is likely to be seriously affected.

The guide suggests that in houses, living rooms, dining rooms and kitchens should be tested: bedrooms are deemed less important, although should nevertheless be analysed. In other buildings each main room where daylight is expected should be investigated.

ADF Test –The ADF (Average Daylight Factor) test takes account of the interior dimensions and surface reflectance within the room being tested as well as the amount of sky visible from the window. For this reason, it is considered a more detailed and representative measure of the adequacy of light. The minimum ADF values recommended in BS8206 Part 2 are: 2% for family kitchens (and rooms containing kitchens); 1.5% for living rooms; and 1% for bedrooms. This is a test used in assessing new developments, although, in certain circumstances, it may be used as a supplementary test in the assessment of daylighting in existing buildings, particularly where more than one window serves a room.

Room depth ratio test - This is a test for new developments looking at the relative dimensions of each room (principally its depth) and its window(s) to ensure that the rear half of a room will receive sufficient daylight so as not to appear gloomy.

Sunlight

Sunlight is an important ‘amenity’ in both domestic and non-domestic settings. The way in which a building’s windows are orientated and the overall position of a building on a site will have an impact on the sunlight it receives but, importantly, will also have an effect on the sunlight neighbouring buildings receive. Unlike daylight, which is non-directional and assumes that light from the sky is uniform, the availability of sunlight is dependent on direction. That is, as the United Kingdom is in the northern hemisphere, we receive virtually all of our sunlight from the south. The availability of sunlight is therefore dependent on the orientation of the window or area of ground being assessed relative to the position of due south.

In new developments the BRE guide suggests that dwellings should aim to have at least one main living room which faces the southern or western parts of the sky so as to ensure that it receives a reasonable amount of sunlight. Where groups of dwellings are planned the Guide states that site layout design should aim to maximise the number of dwellings with a main living room that meet sunlight criteria. Where a window wall faces within 90° of due south and no obstruction subtends to angle of more than 25° to the horizontal or where the window wall faces within 20° of due south and the reference point has a VSC of at least 27% then sunlighting will meet the required standards: failing that the Annual Probable Sunlight Hours (APSH) need to be analysed. APSH means the total number of hours in the year that the sun is expected to shine on unobstructed ground, allowing for average levels of cloud for the location in question. If the APSH tests reveal that the new development will receive at least one quarter of the available APSH, including at least 5% of APSH during the winter months (from 21 September to 21 March), then the requirements are satisfied. It should be noted that if a room has two windows on opposite walls, the APSH due to each can be added together.

The availability of sunlight is also an important factor when looking at the impact of a proposed development on the existing surrounding buildings. APSH tests will be required where one or more of the following are true:

- The 'Three times height' test is failed (see 'Daylight' above);
- The proposed development is situated within 90° of due south of an existing building's main window wall and the new building subtends to angle of more than 25° to the horizontal;
- The window wall faces within 20° of due south and a point at the centre of the window on the outside face of the window wall (the reference point) has a VSC of less than 27%.

Where APSH testing is required it is similar to the test for the proposed development. That is to say that compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

The Guide stresses that the target values it gives are purely advisory, especially in circumstances such as: the presence of balconies (which can overhang windows, obstructing light); when an existing building stands unusually close to the common boundary with the new development and; where the new development needs to match the height and proportion of existing nearby buildings. In circumstances like these a larger reduction in sunlight may be necessary.

The sunlight criteria in the BRE guide primarily apply to windows serving living rooms of an existing dwelling. This is in contrast to the daylight criteria which apply to kitchens and bedrooms as well as living rooms. Having said that, the guide goes on to say that care should be taken not to block too much sun from kitchens and bedrooms. Non-domestic buildings which are deemed to have a requirement for sunlight should also be checked.

Sunlight - Gardens and Open Spaces

As well as ensuring buildings receive a good level of sunlight to their interior spaces, it is also important to ensure that the open spaces between buildings are suitably lit. The recommendations as set out in the BRE guide are meant to ensure that spaces between buildings are not permanently in shade for a large part of the year. Trees and fences over 1.5m tall are also factored into the calculations.

The BRE guidelines state that:

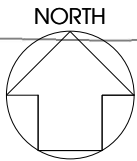
- For a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on 21 March;
- In addition, if, as result of new development, an existing garden or amenity area does not reach the area target above and the area which can receive two hours of direct sunlight on 21 March is reduced by more than 20% this loss is likely to be noticeable.

Appendix G of the BRE guidelines describes a methodology for calculating sunlight availability for amenity spaces.



Appendix B
Context Drawings





BEACH ROAD

Blenheim House

12B

+ WESTGATE

SOURCES OF INFORMATION:
ANDREW MEGGINSON ARCHITECTS
18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
164cc683-9d50-43bf-a05c-2e239bf60d13.dwg
Context Plans.dwg
Proposed Plans.dwg
Received 28 May 2019

Rev.	Date	Amendments	Initial
MALCOLM HOLLIS SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES. ALL DIMENSIONS ARE IN MILLIMETERS ONLY			

TITLE
Existing Site Plan

CLIENT
Andrew Megginson Architecture

PROJECT
**12 Westgate,
North Berwick,
EH39 4AF**

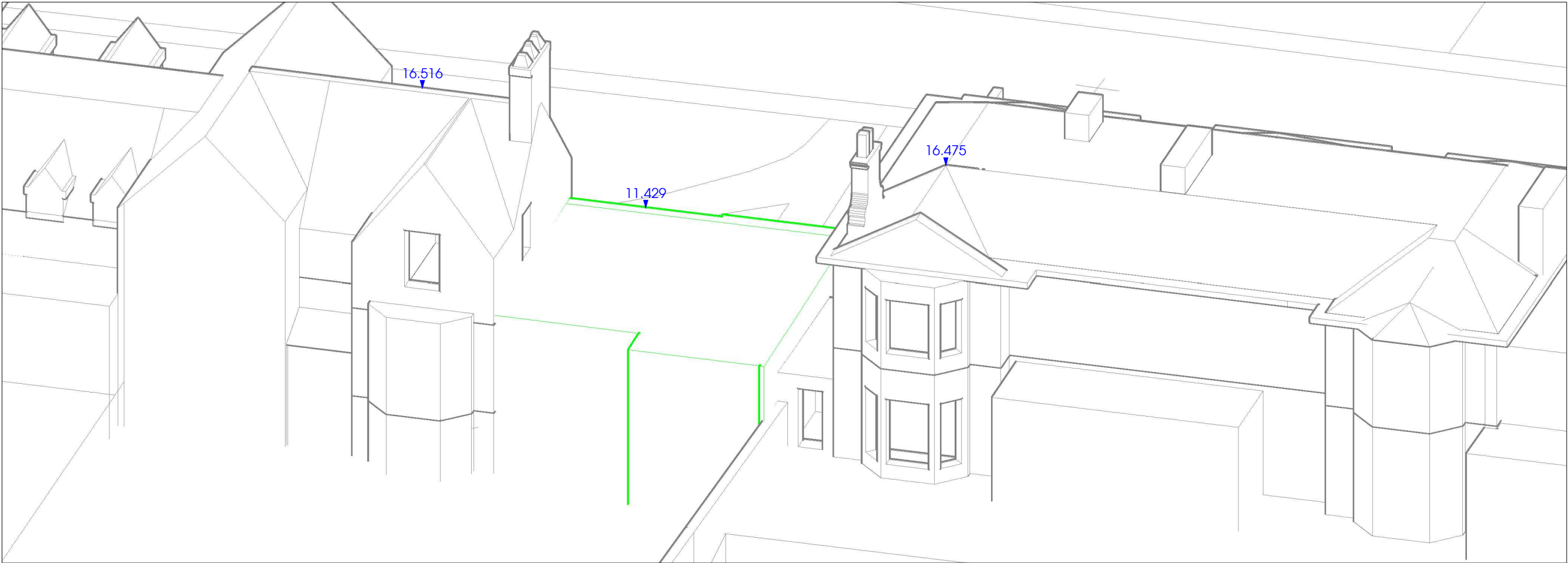
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SL	BM

SCALE	DATE
NTS@A3	June 2019

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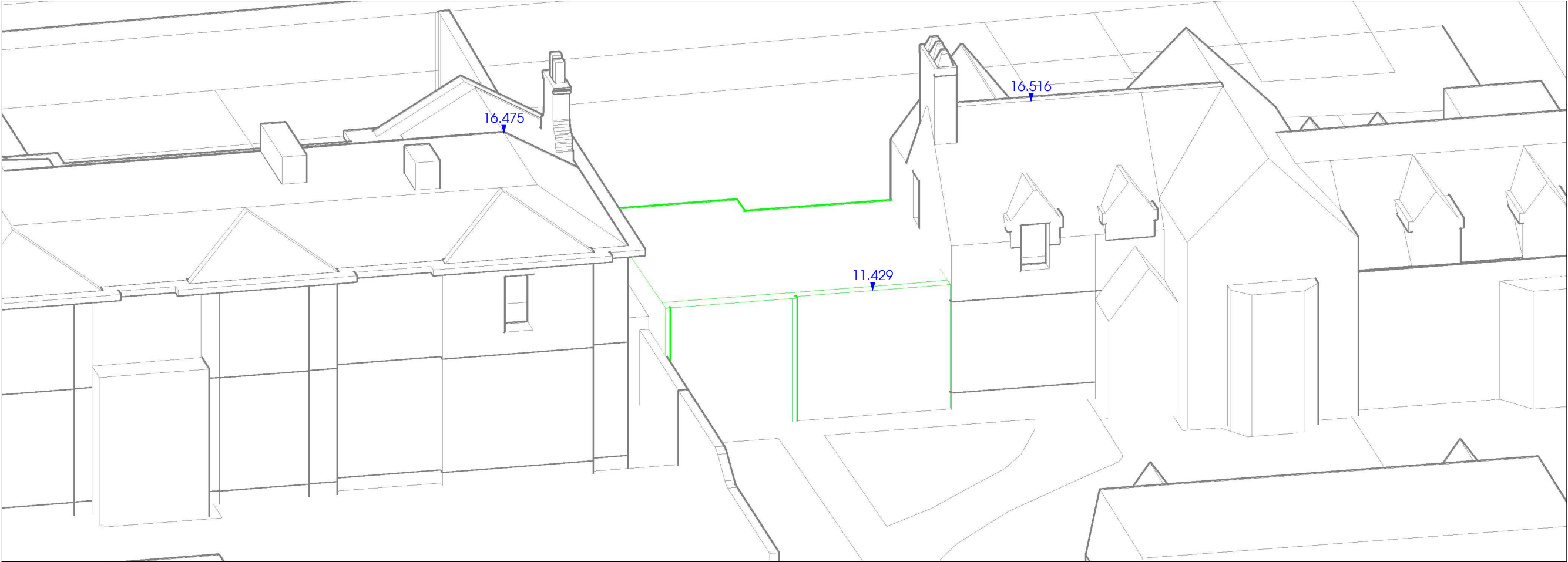
DRAWING NO. 79042_CTXT_01	RELEASE NO. 1
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3D Context View - View from North West (Existing)

SOURCES OF INFORMATION:
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18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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Context Plans.dwg
Proposed Plans.dwg
Received 28 May 2019

ALL HEIGHTS IN METERS AOD



3D Context View - View from South (Existing)

Rev.	Date	Amendments	Initial
MALCOLM HOLLIS SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES. ALL DIMENSIONS ARE IN MILLIMETERS ONLY			

TITLE
**3D Views
Existing Site**

CLIENT
Andrew Megginson Architecture

PROJECT
**12 Westgate,
North Berwick,
EH39 4AF**

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SCALE
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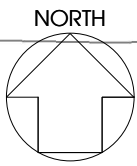
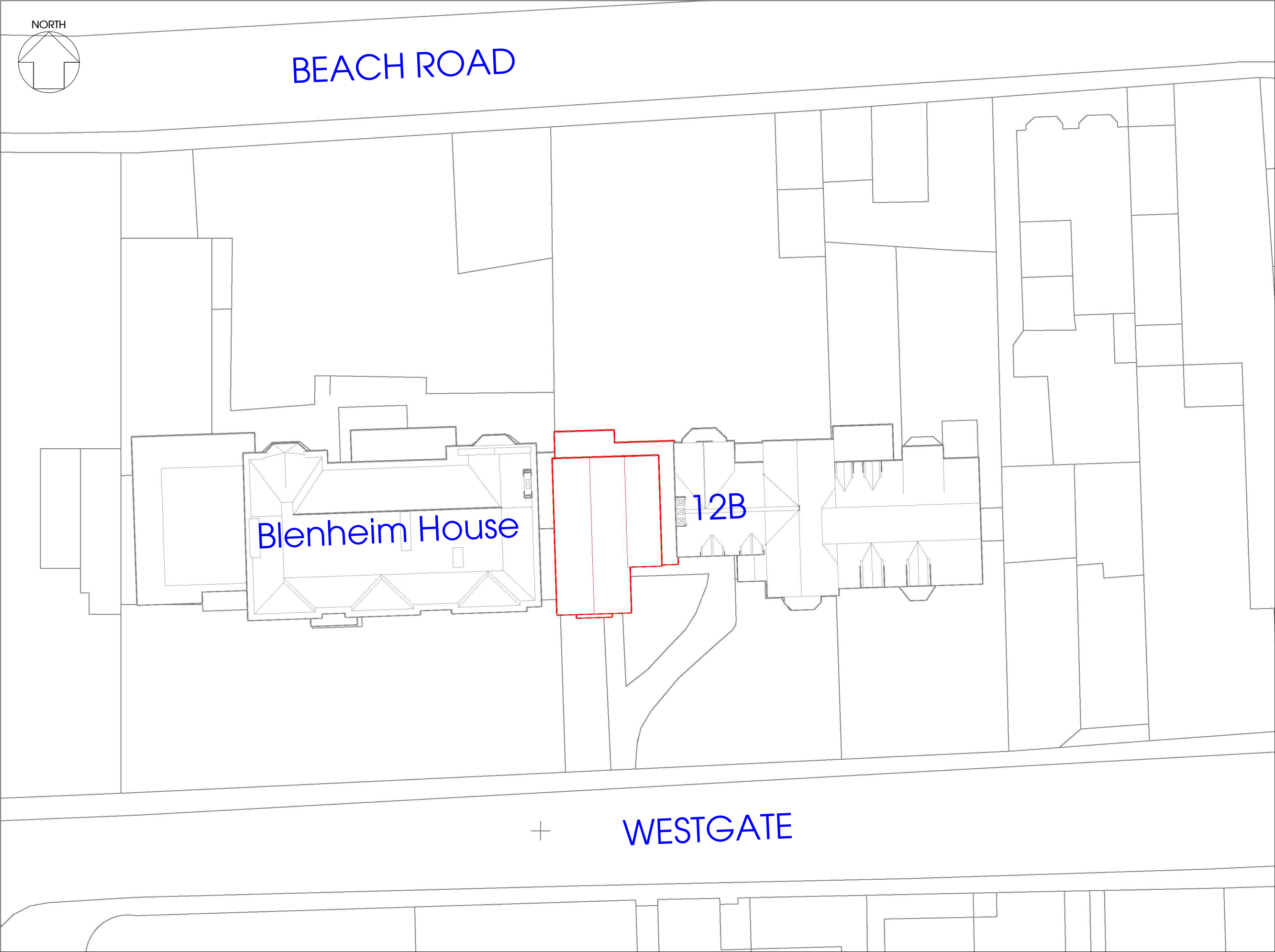
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BEACH ROAD

Blenheim House

12B

WESTGATE

SOURCES OF INFORMATION:
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18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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Context Plans.dwg
Proposed Plans.dwg
Received 28 May 2019

Rev.	Date	Amendments	Initial
MALCOLM HOLLIS SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES. ALL DIMENSIONS ARE IN MILLIMETERS ONLY			

TITLE
Proposed Site Plan

CLIENT
Andrew Megginson Architecture

PROJECT
12 Westgate,
North Berwick,
EH39 4AF

DRAWN BY	CHECKED
SL	BM

SCALE	DATE
NTS@A3	June 2019

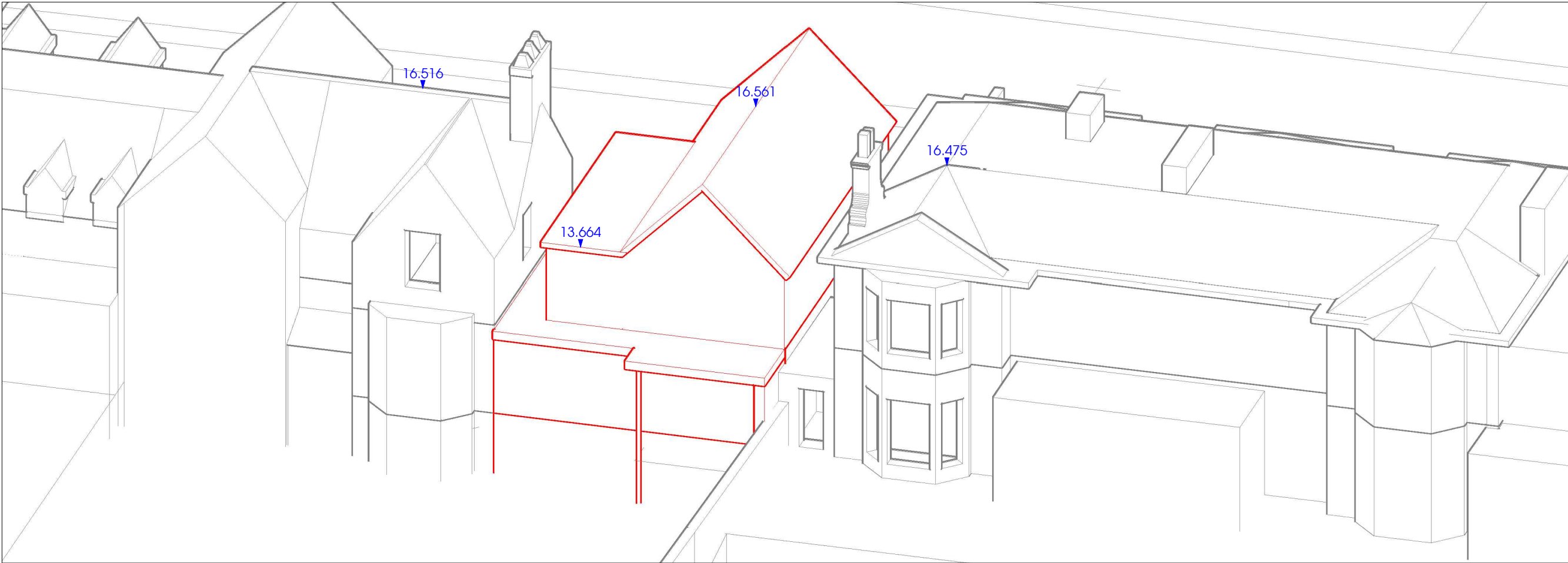


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London
SW8 3HE

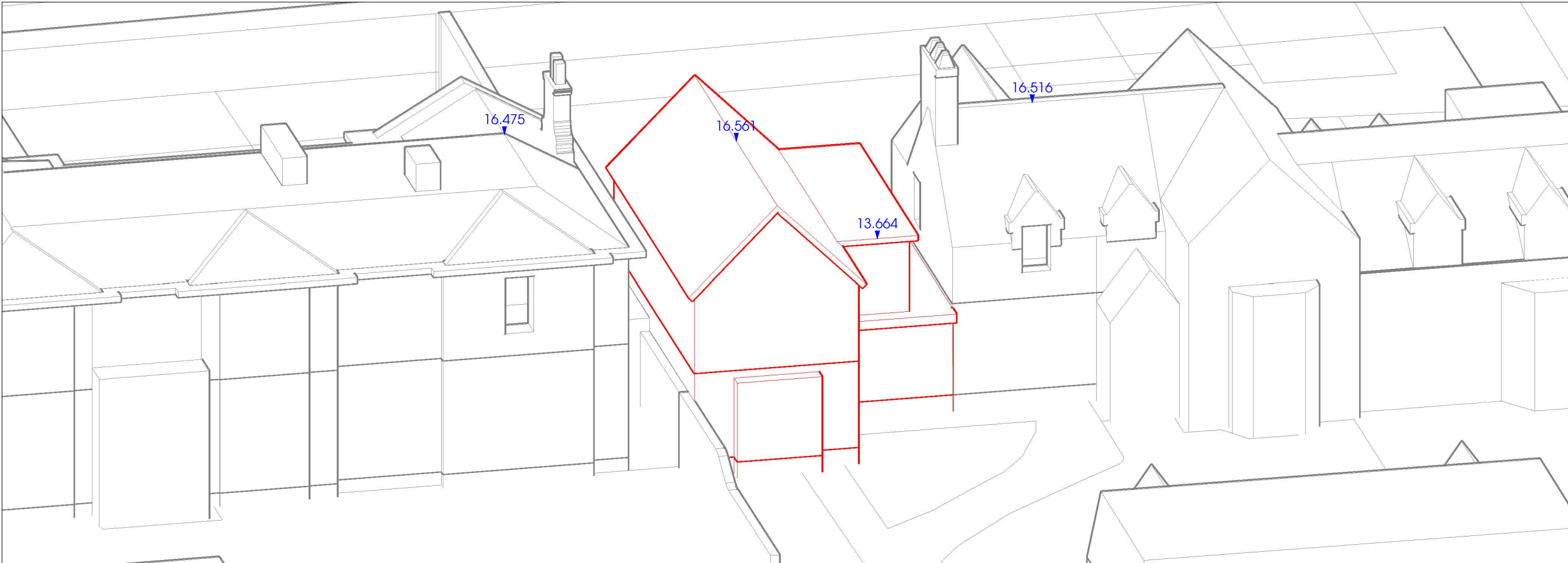
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DRAWING NO. 79042_CTXT_03	RELEASE NO. 1
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Proposed Site Plan



3D Context View - View from North West (Proposed)



3D Context View - View from South (Proposed)

SOURCES OF INFORMATION:
ANDREW MEGGINSON ARCHITECTS
18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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Context Plans.dwg
Proposed Plans.dwg
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TITLE
**3D Views
Proposed Site**

CLIENT
Andrew Megginson Architecture

PROJECT
**12 Westgate,
North Berwick,
EH39 4AF**

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SL	BM

SCALE	DATE
NTS@A3	June 2019



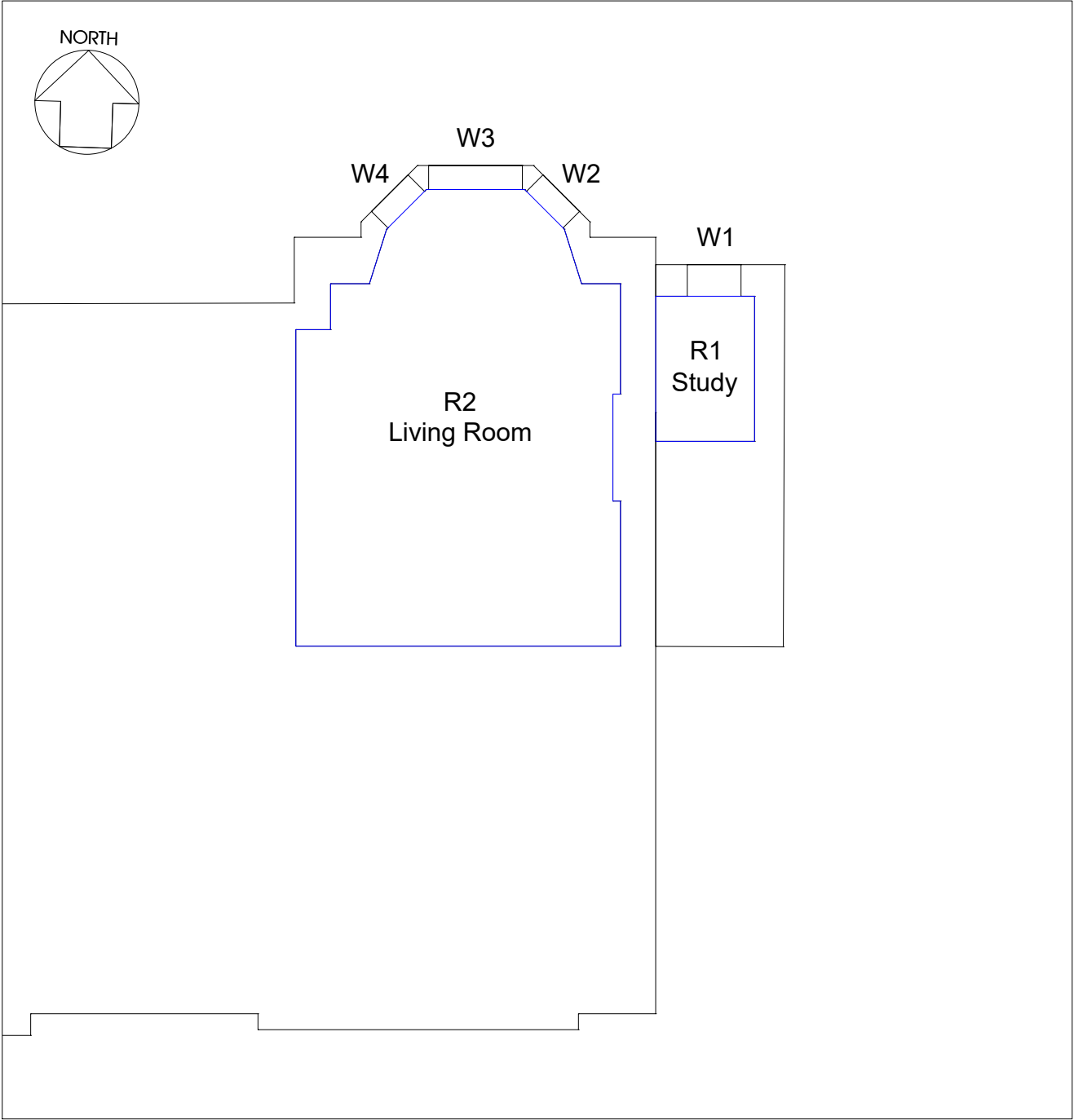
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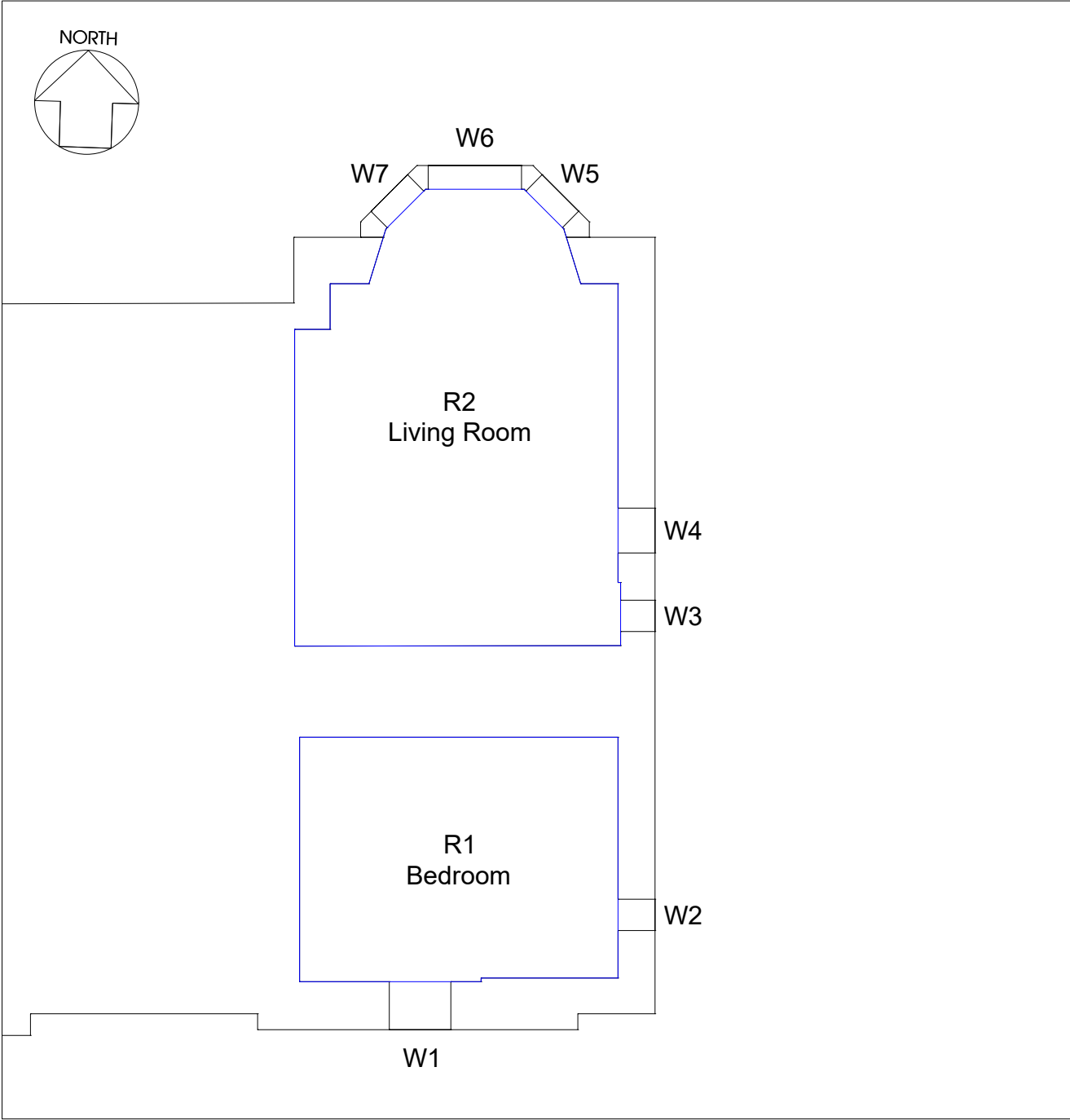
Appendix C

Window/Room Reference Drawings

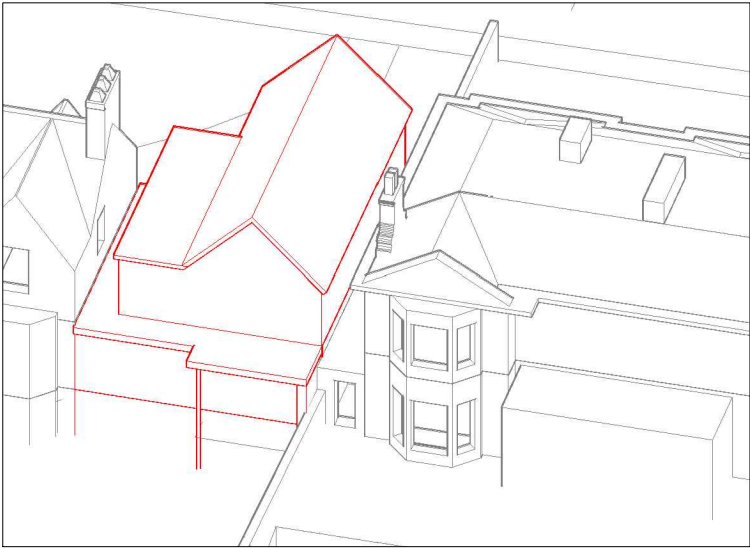




Blenheim House - Ground Floor

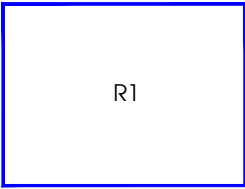


Blenheim House - First Floor

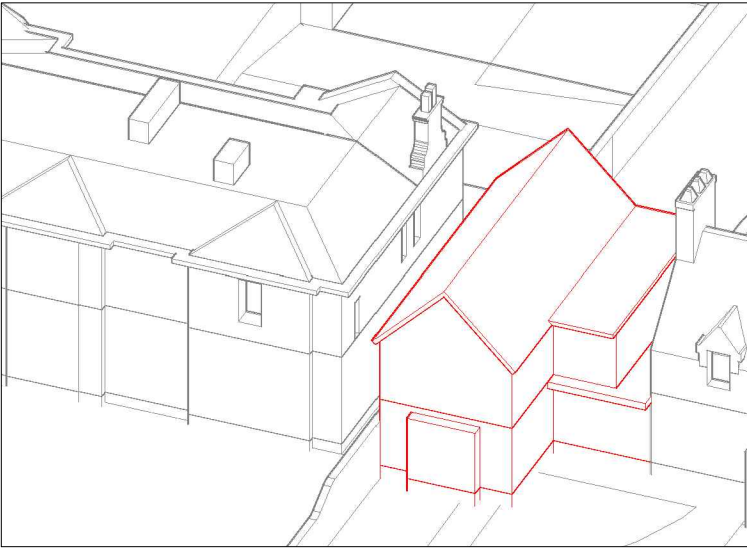


3D Context View - North West

KEY



Subject room



3D Context View - South East

SOURCES OF INFORMATION:
ANDREW MEGGINSON ARCHITECTS
18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
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TITLE

Room Reference Plans
Contours/Referencing Plans
Blenheim House

CLIENT

Andrew Megginson Architecture

PROJECT

12 Westgate,
North Berwick,
EH39 4AF

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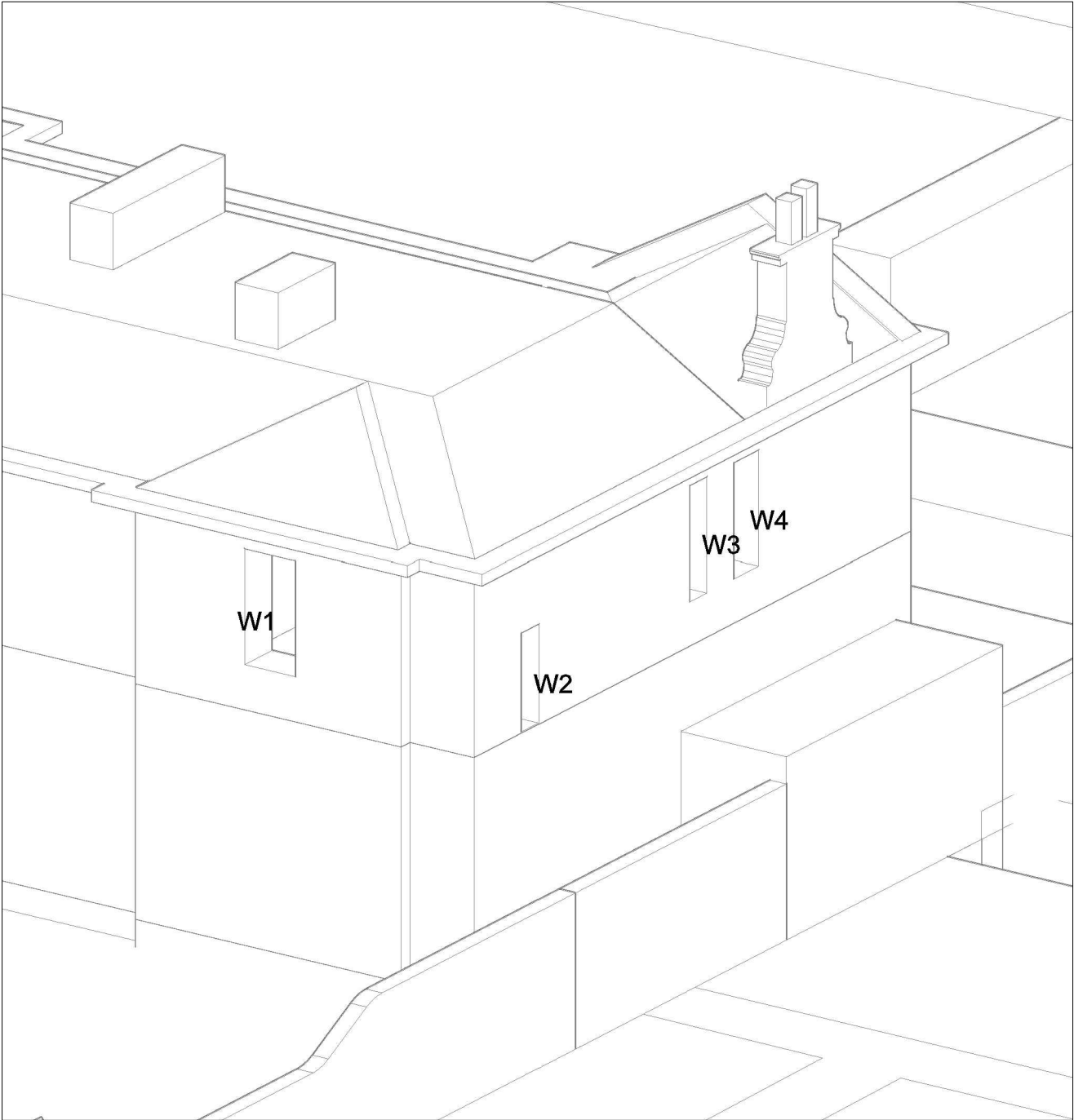
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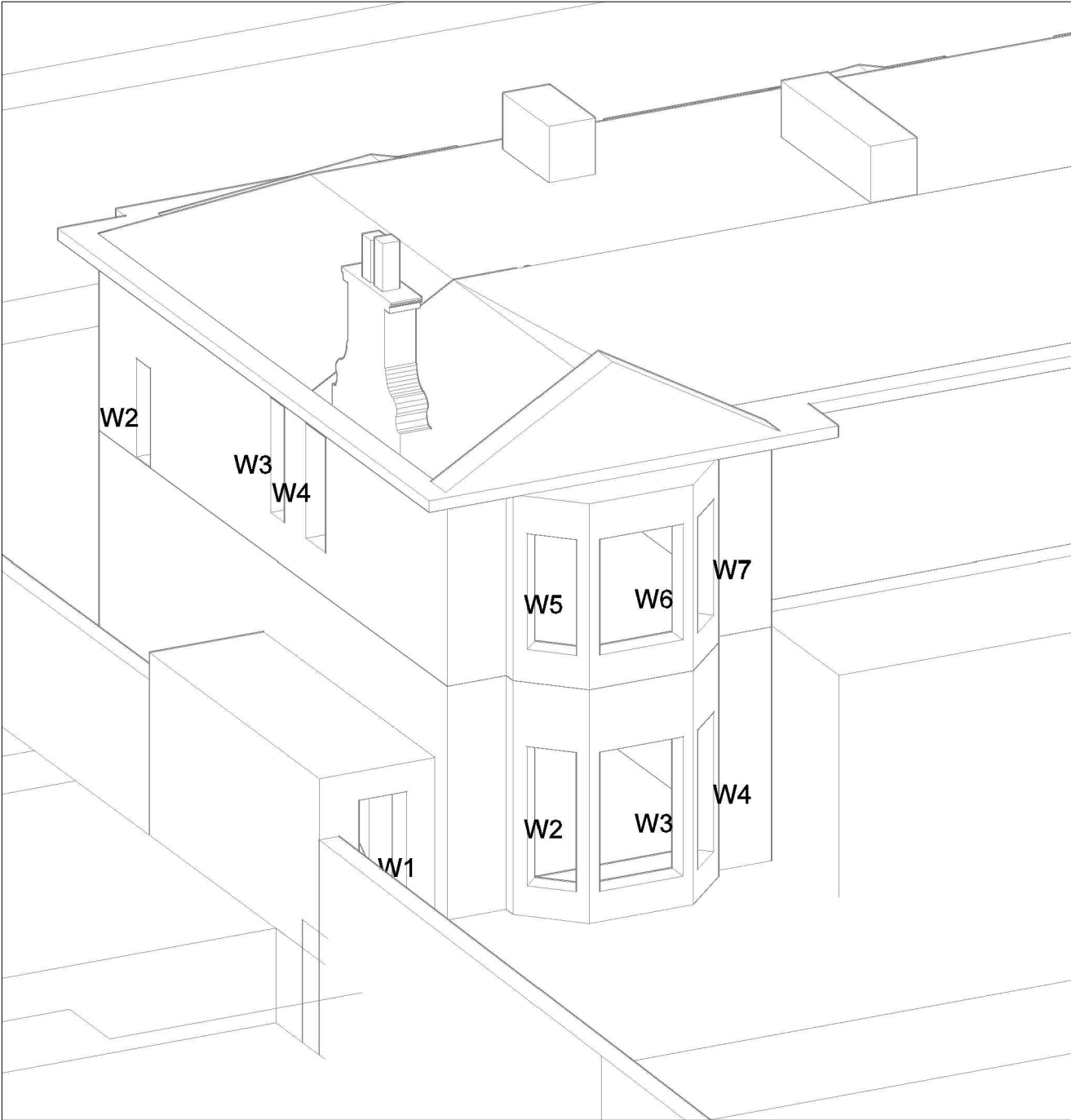
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Blenheim House



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18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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TITLE
**Window Referencing Diagrams
Blenheim House**

CLIENT
Andrew Megginson Architecture

PROJECT
**12 Westgate,
North Berwick,
EH39 4AF**

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DATE
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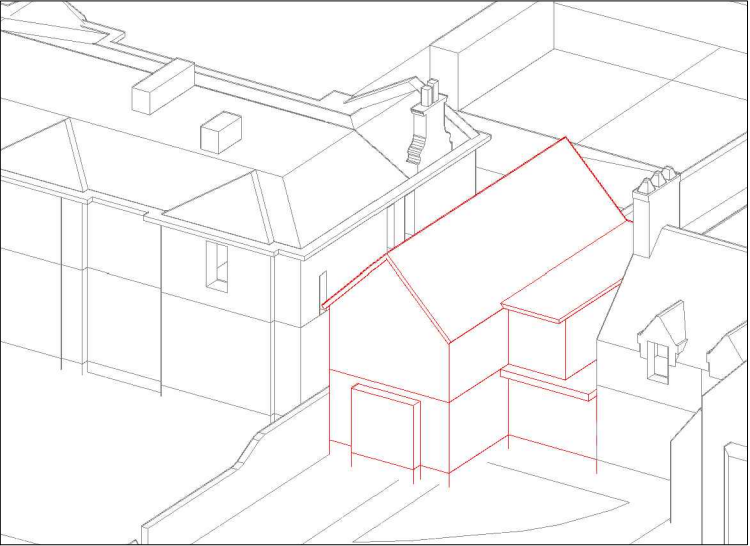
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79042_WR_01

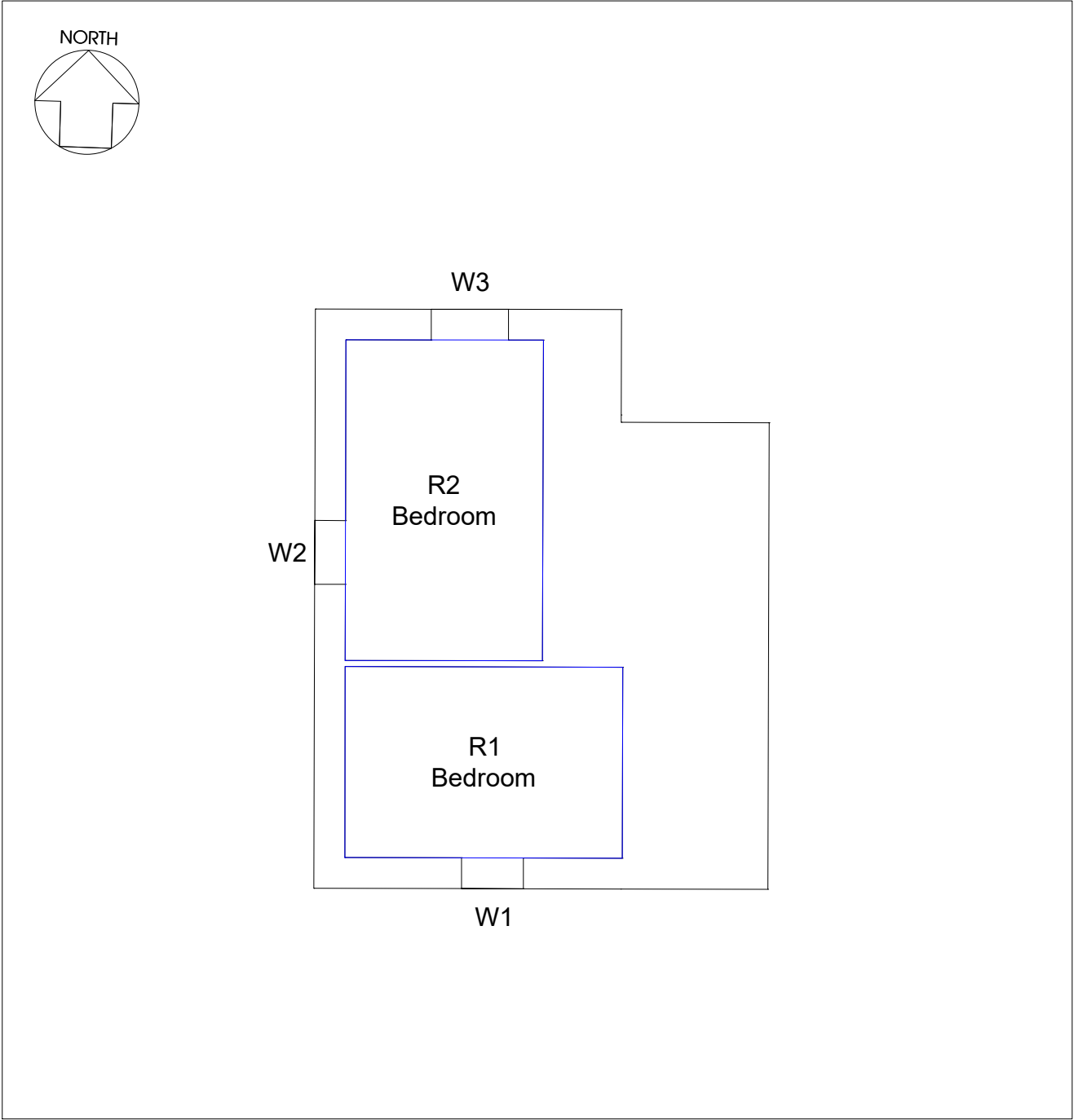
RELEASE NO.
1



3D Context View - North East



3D Context View - South East

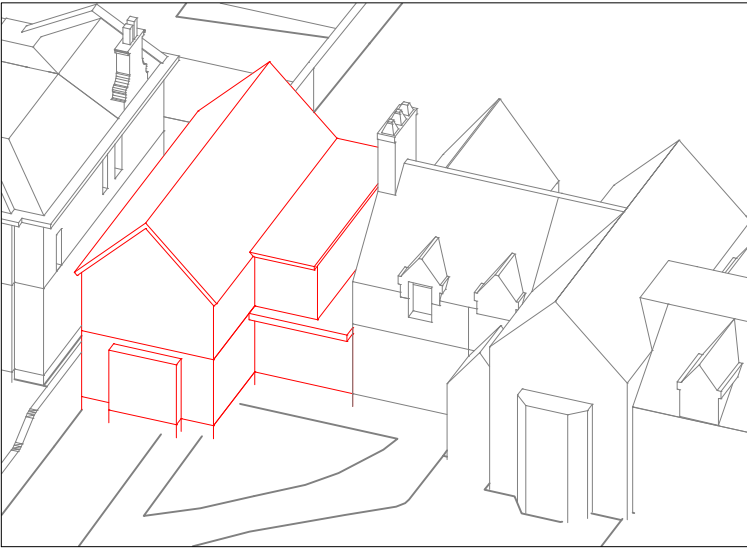
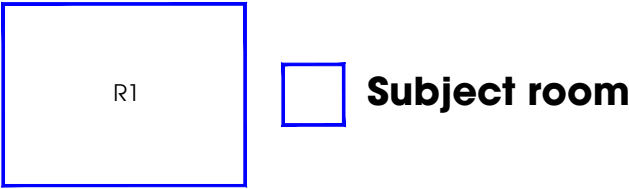


12B Westgate - First Floor



3D Context View - North West

KEY



3D Context View - South East

SOURCES OF INFORMATION:
ANDREW MEGGINSON ARCHITECTS

18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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TITLE

Room Reference Plans
Contours/Referencing Plans
12B Westgate

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PROJECT

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North Berwick,
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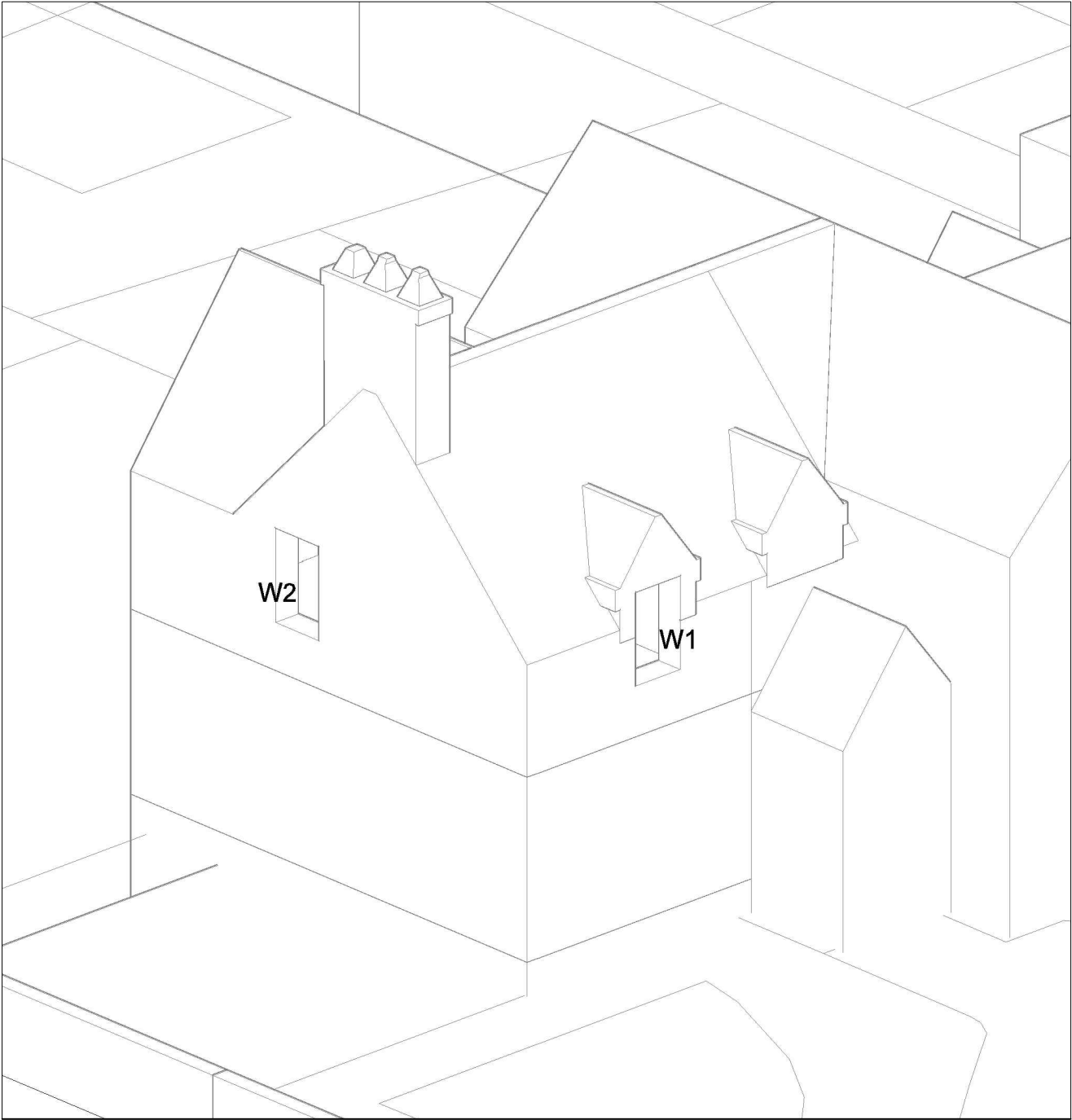
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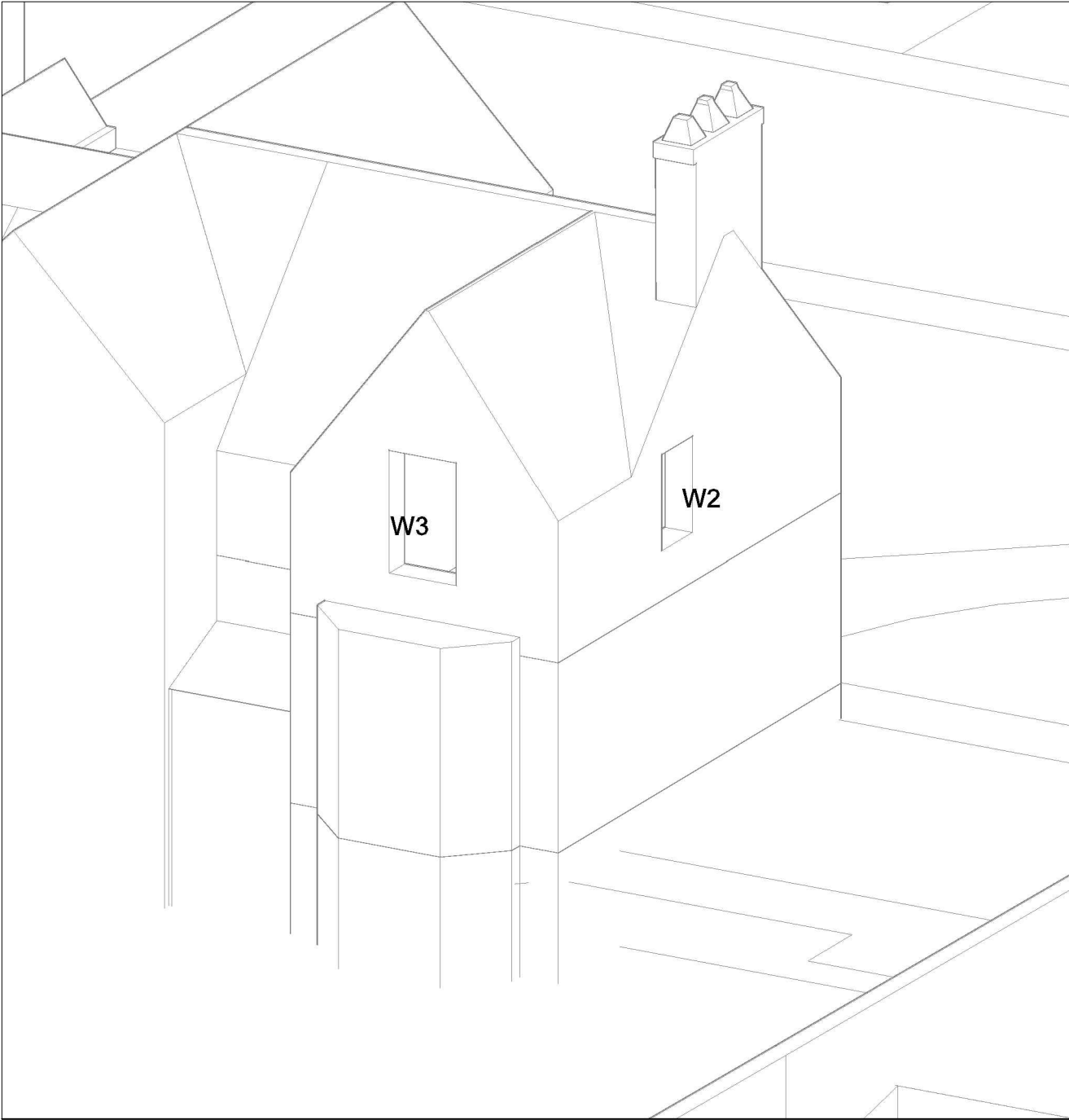
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12B Westgate



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18-683-01_RBS, North Berwick - Topo_2D.dwg
18-683-02_RBS, North Berwick - Elevations.dwg
18-683-03_RBS, North Berwick - Ground Floor Plan.dwg
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Context Plans.dwg
Proposed Plans.dwg
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TITLE
**Window Referencing Diagrams
12B Westgate**

CLIENT
Andrew Megginson Architecture

PROJECT
**12 Westgate,
North Berwick,
EH39 4AF**

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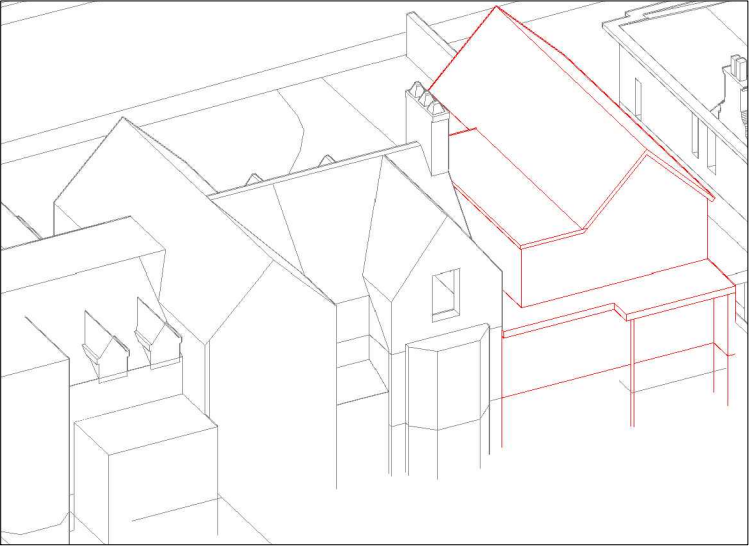
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NTS@A3

DATE
June 2019

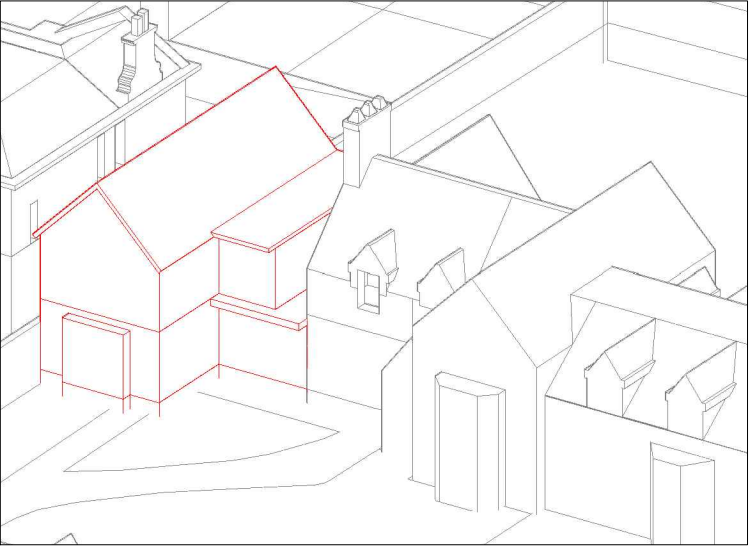


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3D Context View - North East



3D Context View - South East

Appendix D
Daylight Study



Vertical Sky Component (VSC) Analysis - Existing Buildings

Floor Ref.	Window Ref.	Existing VSC	Proposed VSC	Times Former Value	BRE Compliant
Blenheim House					
Ground	W1	27.66	28.00	1.01	Yes
Ground	W2	35.34	35.02	0.99	Yes
Ground	W3	39.31	39.31	1.00	Yes
Ground	W4	26.66	26.66	1.00	Yes
First	W1	33.88	33.82	1.00	Yes
First	W2	34.61	18.24	0.53	No
First	W3	33.20	19.84	0.60	No
First	W4	33.23	20.23	0.61	No
First	W5	37.14	36.75	0.99	Yes
First	W6	39.62	39.62	1.00	Yes
First	W7	36.55	36.55	1.00	Yes
12B Westgate					
First	W1	36.00	35.24	0.98	Yes
First	W2	35.14	19.45	0.55	No
First	W3	39.61	39.61	1.00	Yes

Average Daylight Factor (ADF) Analysis – Existing Buildings

Floor Ref.	Room Ref.	Room Use	Window Ref	Existing ADF	Proposed ADF	Times Former Value	Meets BRE Criteria
Blenheim House							
Ground	R1	Study	W1-U	1.47	1.49	1.01	
Total				1.47	1.49	1.01	YES
Ground	R2	Living Room	W2-L	0.01	0.01	1.00	
Ground	R2	Living Room	W2-U	0.56	0.56	1.00	
Ground	R2	Living Room	W3-L	0.03	0.03	1.00	
Ground	R2	Living Room	W3-U	1.16	1.16	1.00	
Ground	R2	Living Room	W4-L	0.01	0.01	1.00	
Ground	R2	Living Room	W4-U	0.46	0.46	1.00	
Total				2.23	2.23	1.00	YES
First	R1	Bedroom	W1-L	0.00	0.00	0.93	
First	R1	Bedroom	W1-U	0.84	0.84	0.93	
First	R1	Bedroom	W2-L	0.02	0.01	0.93	
First	R1	Bedroom	W2-U	0.16	0.10	0.93	
Total				1.02	0.95	0.93	YES
First	R2	Living Room	W3-L	0.00	0.00	0.92	
First	R2	Living Room	W3-U	0.24	0.16	0.92	
First	R2	Living Room	W4-L	0.00	0.00	0.92	
First	R2	Living Room	W4-U	0.38	0.26	0.92	
First	R2	Living Room	W5-L	0.01	0.01	0.92	
First	R2	Living Room	W5-U	0.48	0.48	0.92	
First	R2	Living Room	W6-L	0.02	0.02	0.92	
First	R2	Living Room	W6-U	0.95	0.95	0.92	
First	R2	Living Room	W7-L	0.01	0.01	0.92	
First	R2	Living Room	W7-U	0.47	0.47	0.92	
Total				2.56	2.36	0.92	YES
12B Westgate							
First	R1	Bedroom	W1	1.02	1.02	0.99	
Total				1.02	1.02	1.00	YES
First	R2	Bedroom	W2	0.89	0.62	0.89	
First	R2	Bedroom	W3	1.59	1.59	0.89	
Total				2.48	2.21	0.89	YES

Appendix E
Sunlight Study



Annual Probable Sunlight Hours (APSH) Analysis - Existing Buildings

Floor Ref.	Window Ref.	Existing		Proposed		Winter Times Former Value	Annual Times Former Value	BRE Compliant
		Winter %	Annual %	Winter %	Annual %			
Blenheim House								
First	W1	31	81	31	81	1.00	1.00	YES
12B Westgate								
First	W1	28	82	26	78	0.93	0.95	YES
First	W2	14	45	8	26	0.57	0.58	YES

Dear Pat,

12 WESTGATE, NORTH BERWICK, EH39 4AF

Further to our conversation, please find below an update of the marketing for 12 Westgate, North Berwick.

We first launched the property to the market in July 2021 on a 'For Sale' basis and a significant number of viewings were carried out but the large majority of interests were for residential use.

We re-launched the building to the market on a 'For Sale / To Let' basis in early September 2023 on a commercial basis. A new marketing board was erected and it has been widely marketed and listed on our website, Rightmove, LoopNet and Costar (a Commercial Agents Database). Prior to re-launching the property, the brochure was significantly updated to include the existing floor plan with CGI's while highlighting the potential for alternative commercial uses. It also includes plans of the recently granted planning permission forming 3 units – two Class 1A units and a Class 3 café unit with a first-floor extension.

Since we re-launched the property in September 2023, I can confirm the following:

1. Details have been sent to 83 commercial agents in Edinburgh and the Lothians.
2. Details have been sent to 33 targeted occupiers.
3. We have carried out 4 viewings since September.
4. We have had no requests for Heads of Terms on a heritable or leasehold basis.

Overall, we have had little commercial interest since the re-launch.

I hope this helps and let me know if I can assist further.

Kind regards
Lucy

Lucy Yates MSc MRICS

For Galbraith | 4th Floor, 18 George Street, Edinburgh, EH2 2PF
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FOR SALE/TO LET

1,334 SQ FT (123.93 SQ M)

12 WESTGATE

NORTH BERWICK

EH39 4AF

- 1A USE CLASS
- PROMINENT TOWN CENTRE LOCATION
- ATTRACTIVE FRONT WALKWAY / GARDEN

**COMMERCIAL
PREMISES**

galbraithgroup.com

LOCATION

North Berwick is an affluent coastal town in East Lothian, approximately 20 miles east of Edinburgh. The town is popular with commuters and easily accessed via the East Coast train line and the A1. It is renowned for being a charming seaside town and former royal burgh in East Lothian, situated on the south shore of the Firth of Forth. The town is a popular holiday destination, particularly in the summer months, with visitors attracted by the beaches, golf courses and thriving town centre.

The subject property occupies a highly prominent position on Westgate, the western extension of the High Street. The town's High Street offers a vibrant mix of national and independent retailers together with residential premises, restaurants, bars, cafés, hairdressers, solicitors and estate agents.



VIEW FROM REAR WINDOW



DESCRIPTION

The property comprises the ground floor unit only and is physically connected to a semi-detached two storey residential villa. The entrance is within the original villa which leads to a predominantly open floor area with a separate room to the rear of the building. The property is in shell condition with services capped to the rear of the property.

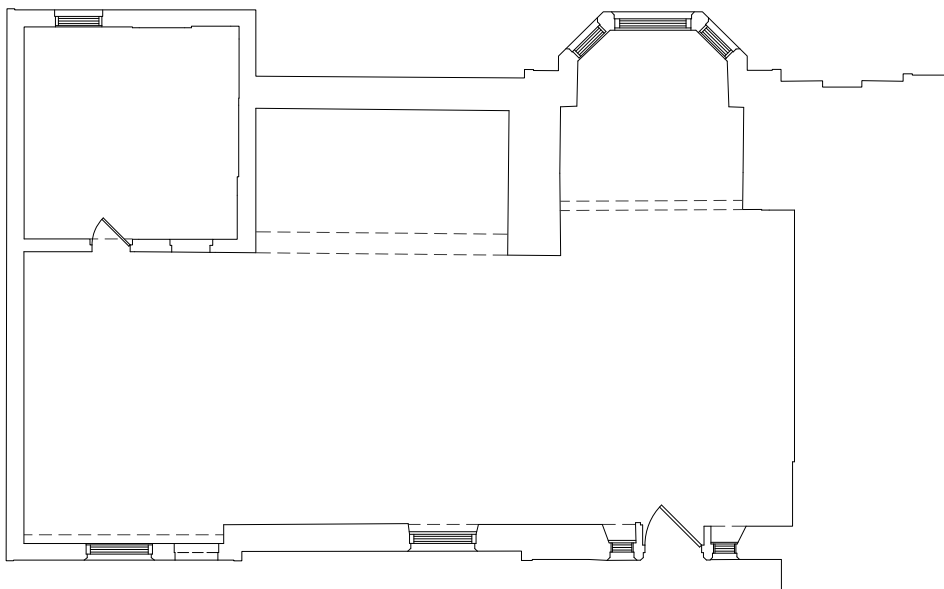
Until recently the property was used as a bank, set back from the main street, with the benefit of an attractive original thistle design cast iron double gated access into the front garden.

ACCOMMODATION

The property has been measured in accordance with the RICS Code of Measuring Practice (6th Edition) and provides the following gross internal areas:

	Size (sq ft)	Size (sq.m)
Ground	1,334	123.93
Total	1,334	123.93

EXISTING FLOORPLAN



EXISTING PLANNING CONSENT

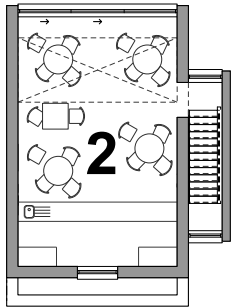
We understand the property has Class 1A Planning Use (shops and financial, professional and other services). Suitable occupiers may include:

- retailers
- estate agents
- lawyers office
- supermarket
- chemist
- health centre
- doctors'
- dentists'
- vets' surgery
- beautician and other therapies

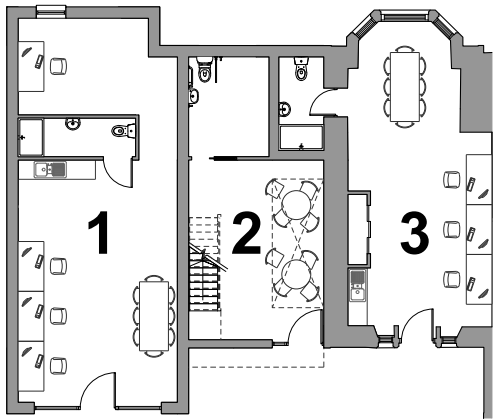
RECENT PLANNING PERMISSION GRANTED

Planning permission has recently been granted for the alteration, extension and subdivision of the building to form 2 ground floor Class 2 Units (now 1A) and a Class 3 Café Unit with a first-floor extension. The application and plans can be viewed on the East Lothian Council website under reference 22/01299/P. The unit sizes are as follows:

Unit 1 USE CLASS 1A	Size sq ft	Size sq m	Unit 2 USE CLASS 3	Size sq ft	Size sq m	Unit USE CLASS 1A	Size sq ft	Size sq m
Ground Floor	548	51	Ground Floor	344	32	Ground Floor	462	43
TOTAL	548	51	First Floor	430	40	TOTAL	462	43
			TOTAL	774	72			



FIRST FLOOR



GROUND FLOOR

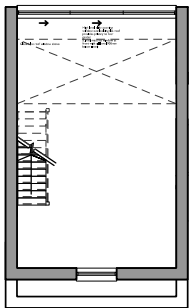
POTENTIAL FOR FURTHER ALTERATIONS

We believe there may be further scope vary the existing footprint of the building to form an entirely open plan floor plate, with an increased floor area pulling forward part of the front elevation and by forming a 1 first floor extension (first-floor), as highlighted in the below plan.

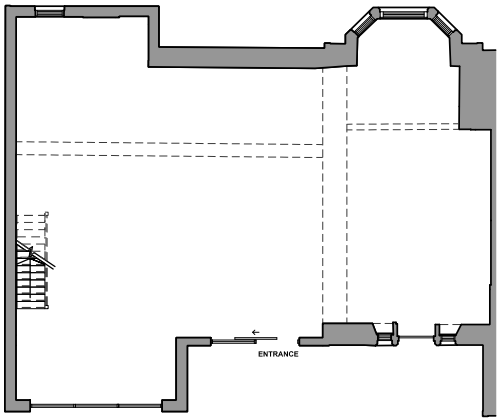
This is in proportion with the build line, form, scale and overall proposals of the approved drawings (application numbers 22/01299/P and 22/01300/LBC), however further queries should be made with East Lothian Council.

This would increase the overall floor area to approximately:

	Size (sq ft)	Size (sq m)
Ground Floor	1,506	139.91
First Floor	430	39.94
Total	1,936	179.85



FIRST FLOOR



GROUND FLOOR

RATING

The property is entered into the current Lothian Valuation Roll at a rateable value of £7,200 per annum.

ENERGY PERFORMANCE CERTIFICATE

The property has an EPC rating of E. A copy of the energy performance certificate is available upon request.

VAT

We understand the property is not elected for VAT and therefore VAT will not be applicable.

PRICE

Offers over £595,000 are invited for the Heritable interest. Only unconditional offers will be considered. Interested parties are advised to note their interest with the selling agent as soon as possible to ensure they are notified of any closing date. The seller will require proof of funding and a 10% non-refundable deposit will be required on exchange of missives.

LEASE DETAILS

The landlord may consider leasing the building and interested parties are recommended to contact the sole agent for further information.

ANTI-MONEYLAUNDERING REGULATIONS

Under both HMRC and RICS guidance as property agents we are obliged to undertake AML diligence on any transaction. As such, personal and or detailed financial and/or corporate information will be required before any terms are agreed or any transaction can be concluded.

LEGAL COSTS

In the normal manner, each party will be responsible for their own legal costs incurred. The purchaser will be responsible for any LBTT due.

FURTHER INFORMATION

Interested parties are advised to note interest with the sole letting agents. Viewings are by appointment only. For additional information please contact:

Lucy Yates

0131 240 6970

0782 484 8097

lucy.yates@galbraithgroup.com

Pamela Gray

0131 240 6963

07766 508960

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4th Floor
18 George Street
Edinburgh
EH2 2PF

T: 0131 240 6960

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Galbraith

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Date of publication: September 2023

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