

LOCAL REVIEW BODY

21 August 2025

Application No: 24/01290/P

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

Appointed Officer's Submission



## 24/01290/P – LRB AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works at 12 Westgate, North Berwick, EH39 4AF

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# OFFICER REPORT

**26th February 2025**

App No. **24/01290/P**

Application registered on **3rd December 2024**

Target Date **2nd February 2025**

Proposal	<b>Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works</b>	SDELL	Y/
		CDEL	N
Location	<b>12 Westgate North Berwick EH39 4AF</b>	Bad Neighbour Development	N

APPLICANT: **Dr and Mrs Sharp**

Is this application to be approved as a departure from structure/local plan? /N

**c/o Gray Planning & Development Ltd  
Per Neil Gray  
AYE House  
Admiralty Park  
Rosyth  
Dunfermline  
KY11 2YW**

DECISION TYPE:

**Application Refused**

## REPORT OF HANDLING

The property to which this application relates is part of the ground floor of the two storey stone building of 12 Westgate and its single storey flat roofed extension, which were last in use as a branch of the Royal Bank of Scotland. The eastern part of the two storey stone building is in residential use being the property of no. 12B Westgate. The site includes the front garden of the former bank. The application property is located on the north side of Westgate within North Berwick Town Centre and within the North Berwick Conservation Area. The original stone villa building which contains the eastern part of the application property and the neighbouring residential property of no.12B Westgate is listed as being of special architectural or historic interest (Category B). Historic Environment Scotland granted a direction to exclude the single storey flat roof banking hall extension from the listing of 10-12 Westgate in November 2020 as such that part of the building is no longer listed but remains attached to the part of the building which remains listed.

The application building and site are bound to the west by the two storey building of the former Blenheim House Hotel which is listed as being of special architectural or historic interest (Category B) and its curtilage. To the east by the two storey stone building which comprises the residential property of no.12B Westgate, to the north by the garden ground of the residential property no. 12B Westgate and to the south by the public road of Westgate, which is a one-way, west bound classified road (B1346).

## PLANNING HISTORY

Planning permission 18/00254/P and accompanying listed building consent 18/00255/LBC were granted in May 2018 for alterations to the building comprising the removal of the branding and signage associated with the use of the property as a bank as well as the removal of an ATM.

Planning application 19/00472/P for the alterations, extension and change of use of the bank building to form 1 house, the erection of an office (class 2) and the formation of a vehicular access and associated works and accompanying listed building consent application 19/00493/LBC for the part demolition, alterations and extension to building, alterations to boundary wall and associated works were refused planning permission and listed building consent respectively in July 2019. The reason for refusal for planning application 19/00472/P being:

1 The proposed scheme of development would result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

2 The proposed extension would by virtue of its size, scale, alignment and height not be subservient to the existing listed building and as such would be harmful to the architectural and historic character of the listed building and the character and appearance of the North Berwick Conservation Area contrary to Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

3 The proposed 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 CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

4 The proposed development would not be subservient to or complement the existing building and would result in an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight. Therefore the proposal is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

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

The reason for refusal of listed building consent application 19/00473/LBC were:

1 The proposed scheme of development would require the demolition of part of the listed building with no evidence that the building is no longer of special interest, incapable of repair or suitable for use, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018.

2 The proposed extension would by virtue of its size, scale, alignment and height not be subservient to the existing listed building and as such would be harmful to the architectural and historic character of the listed building and the setting of that listed building, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018.

3 The proposed removal of a section of the listed boundary wall, vehicular access and formation of hardstanding area would be intrusive and incongruous changes to the setting of the listed building, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018.

The refusal of both planning application 19/00472/P and accompanying listed building consent application 19/00493/LBC were appealed by the applicant.

The appeal against the refusal of planning application 19/00472/P went to the Local Review Body of East Lothian Council on 16 January 2020 which agreed by majority to uphold the decision and refuse the application for the reasons set out in the Decision Notice dated 12 July 2019. The appeal against the refusal of listed building consent 19/00493/LBC was refused by a Reporter of the Scottish Government Department of Environment and Appeals Division on 10 December 2019.

Planning application 20/00594/P for the alterations, extension and change of use of the bank building to form 1 house, erection of commercial building, widening of vehicular access and associated works was refused planning permission in August 2020. The reason for refusal for planning application 20/00594/P being:

1 The proposed scheme of development would result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

2 The proposed extension would by virtue of its size, scale, and alignment not be subservient to the existing listed building and as such would be harmful to the architectural and historic character of the listed building and the character and appearance of the North Berwick Conservation Area contrary to Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

3 The proposed widening of the vehicular access and the formation of the associated hardstanding area, with vehicle turntable, in the front garden ground of the former bank building would be intrusive and incongruous changes to the character and appearance of the streetscape of Westgate and of the North Berwick Conservation Area. Therefore the proposals would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

4 The proposed development would not be subservient to or complement the existing building and would result in an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight. Therefore the proposal is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

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

Following the refusal of planning application 19/00472/P and accompanying listed building consent application 19/00493/LBC the applicant applied to Historic Environment Scotland to have the banking hall removed from the listing of the property of 10-12 Westgate. No decision had been made by Historic Environment Scotland prior to the determination of planning application 20/00594/P. However, on the 11 November 2020, after the decision was made on application 20/00594/P, Historic Environment Scotland subsequently granted a direction to exclude the single storey flat roof banking hall extension from the listing of 10-12 Westgate.

The refusal of planning application 20/00594/P was appealed by the applicant and went to the Local Review Body of East Lothian Council on 19 November 2020. Members were made aware at the Local Review Body that Historic Environment Scotland had excluded the single storey flat roof banking hall extension from the listing of 10-12 Westgate since application 20/00594/P had been refused. Notwithstanding this the Local Review Body agreed unanimously to uphold the decision and refuse the application for the reasons set out in the Decision Notice dated 14 August 2020.

Planning application 22/00233/P for the alterations and change of use of bank to form 1 flat was refused planning permission in May 2022. The reason for refusal for planning application 20/00233/P being:

1 The proposed scheme of development would result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

2 The proposed scheme of development would result in a loss of residential amenity to the occupiers of the existing neighbouring residential property and would fail to provide the occupants of the proposed residential property with an acceptable level of residential amenity contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

The refusal of planning application 22/00233/P was appealed by the applicant and went to the Local Review Body of East Lothian Council on 6 October 2022. The Local Review Body agreed unanimously to uphold the decision and refuse the application for the reasons set out in the Decision Notice dated 6 May 2022.

Accompanying listed building consent application 22/00303/LBC was approved in May 2022. Listed building consent 22/00303/LBC has been partly implemented with internal

works having been undertaken to the building to remove internal fixtures and fittings of the former bank including a safe and kitchen area. No external works have been undertaken.

Planning permission 22/01299/P was granted in February 2023 for the alterations, extension and subdivision of building and part change of use to form 2 class 2 units and class 3 café. Planning permission 22/01299/P has not been implemented and remains extant.

Listed building consent 22/01300/LBC was granted in February for alterations to the building for works associated with planning permission 22/01299/P. Listed building consent 22/01300/LBC has not been implemented and remains extant.

Listed building consent application 24/01291/LBC for the part demolition, alterations and extension to the building, alterations to the boundary wall and associated works was refused on 11 February 2025.

The reason for refusal of listed building consent application 24/01291/LBC was:

1 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 Policies CH1 and CH2 of the adopted ELLDP 2018.

## PROPOSAL

Through this current planning application planning permission is again sought for the alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works. The alterations and extension to the building comprise of the following:

- i) the change of use of the ground floor part of the original stone listed building and single storey flat roof extension from a bank (class 1A) to residential;
- ii) the erection of a two storey extension with a lower basement level as a replacement for the existing single storey flat roofed part of the former bank building (class 1A) with the resulting building formed to be in entirely residential use;
- iii) the part removal of a section of boundary wall to widen an existing access to enable the formation of a vehicular access and parking area off Westgate.

## SUPPORTING STATEMENT

The applicant has submitted a design statement in support of the application which states:

'The proposal will make the most efficient use of a previously developed infill site which benefits from its accessible and sustainable location. Development would be respectful of the character and amenity of the residential area. The traditional form, features and elements are important to the existing streetscape and form an underlying design strategy.

The proposals seek to interpret these features in a contemporary manner that give cognisance to and complements the existing Victorian building that it joins onto.

Height, light and bright is what is achieved in this scheme along with an element of "wow" everywhere one looks creating a home that will be a delight to live in whilst respecting its environs and context in which it lies.'

The applicant has also submitted a planning statement in support of the application which states:

'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 cafe 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 dwelling house, 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.

It is a material consideration that the applicants have twice marketed the property. As the evidence submitted shows the property was advertised for a reasonable price with the benefit of it existing as a flexibly altered white box almost ready for a business to move in. The property also enjoys the commercial uses planning permission for three units with different use classes and a prime town centre location. We also emphasise that in the marketing periods of two years prices for property in the town have continued to increase.

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 an 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 does 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 country.

The results of the marketing campaign confirmed that three years further on, there remains no reasonable interest in the reuse of the property for commercial purposes. The applicants themselves wish to repurpose the property for residential use and to live in the newly adapted floor space which will fulfil their requirements for accessible and adaptable accommodation

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 works to an existing drawing room in the joining villa which is part attached and a listed building. The proposal will complement the historic character and seeks to enhance the visual appearance of the conservation area.

The proposed works include alterations to the single storey flat roofed extension to enable the property to be formed and used as a dwelling house. This would be formed over the existing footprint and extend beyond only slightly by a minor gable extrusion towards Westgate.

Proposals within consist of:

- i) removal and replacement of the existing front elevation;
- ii) retention of existing side walls and rear wall the rear wall to have last stone and coin detailing restored repainted and repaired;
- iii) removal of rear window;
- iv) internal alterations to remove all existing passageways and partitions and reconfiguration of floor layout to form habitable rooms;
- v) construction of a new upper level floor level (first floor) including installation of a lift;
- vi) formation of a lower ground floor level;
- vii) there will be a new landscape 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;
- viii) the existing low rise stone boundary wall to the front is to be retained;
- ix) a new permeable surface driveway with turntable would be formed in stand stone;
- x) 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;
- xi) bin stores would be created

These proposals seek to showcase local traditional architectural elements in a contemporary manner that recognise it is subservient to and complements the existing adjoining Victorian dwelling house with the main element for high quality stone the proposal will sit well within its surrounding residential context.'

## DEVELOPMENT PLAN

The development plan is the approved National Planning Framework 4 (NPF4) which was adopted by The Scottish Government on the 13th February 2023 and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Relevant to the determination of the application are policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 7 (Historic assets and places), 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 Minute Neighbourhoods), Policy 16 (Quality Homes) and 27 (City, town, local and commercial centres) of NPF4 and TC2 (Town and Local Centre), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden Ground development), T1 (Development locations and accessibility) and T2 (General Transport Impact) of the adopted ELLDP.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting the setting of a listed building and development within a conservation area given in the Historic Environment Policy for Scotland (HEPS): April 2019.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Also material to the determination of this application is the planning history of the site.

## REPRESENTATIONS

Fifteen letters of written representation to the application have been received. All fifteen letters of written representation object to the proposed scheme of development. The main grounds of objection are:

- i) Contrary to Policy TC2 loss of ground floor commercial use;
- ii) Contrary to Policy CH1 and CH2 detrimental impact on listed buildings and conservation area. Inappropriate development in a conservation area and adjacent to listed buildings;
- iii) Contrary to Policy CH3 the building is capable of beneficial use in its current location, physical form and state of repair;
- iv) Contrary to Policy DP2, DP5 and DP7 in terms of design and impact on privacy and amenity of neighbouring residential properties, overlooking, loss of daylight;
- v) This is the fifth planning application for this property and continues to follow the same pattern as the previous applications which have all been refused permission on multiple grounds, including at subsequent appeals, and contravene the Council's Local Development Plan for our town;
- vi) The property is set in an immediate context of adjacent and attached listed buildings on both sides. There is an unacceptable level of risk associated with the proposed excavations for the basement. The risk of destabilisation of these listed building has been pointed out previously in 2019 (Scottish Government Reporter);
- vii) Objector states 'the applicant's planning statement seeks to assert that there is no commercial appetite for the property despite an extensive marketing campaign. We (objector) would argue that the asking price stated in the marketing material was well above a sensible commercial rate, and on a "price per square foot" basis was more in line with premium residential property prices in the most expensive postcodes of the capital. It is not surprising therefore that parties with a commercial interest were not prepared to meet the asking price. The property has not been marketed at a reasonable commercial value and there is nothing in the current application which would justify a shift in the Planning Department's position on this point;
- viii) Has been marketed but reason it remains unsold is because the asking price is unrealistic for this commercial building;
- ix) The apparent failure to sell or rent the premises appears to stem from the owners' decision to seek an 'above market rate' for the property which is unrelated to its viability;
- x) The applicant set a price which anyone with an understanding of commercial property and the local market would realise was far higher than any comparable values and instead



with an asking price in excess of £595,000 was valuing their property as though it were already residential. The price being demanded is far greater than any other commercial property offered to the market in North Berwick in recent times;

xi) Property has failed to attract a tenant or buyer which appears to stem from the owners' decision to purchase the property for approximately £555,000—significantly above its market value (marketed by RBS for offers over £225,000)—suggesting poor due diligence or speculative expectations of change of use approval. The overvaluation of the property is not a valid basis for granting a change of use;

xii) The applicant has purchased, above market rate, a commercial premises which they intended to change into a residential development. The building is listed and within a Conservation people should check the situation before purchasing a property as to what you are allowed to do;

xiii) 12 Westgate is a business premise and was so when sold to the applicants. Clearly, they never had any intention to use it for that purpose and have repeatedly requested change of use. 12 Westgate is in the heart of North Berwick and is perfect for continued business use for local people;

xiv) It is common knowledge that the applicant was the successful bidder for the property when it was marketed for sale by GVA on behalf of the bank. The price the applicant paid for the property is available for anyone to see through the Land Registry being over twice the asking price. Naturally it is entirely up to a person to decide what they want to pay for a property and in this instance, given the planning history, it is abundantly clear that the applicant was looking to secure the property solely for residential use and not to retain it for a 'town centre use'. However, in purchasing a property at a certain price, this should not then influence any argument as to whether the property is viable or not in context of an application to change the use of the property;

xv) The former banking hall was a busy branch of RBS for several decades. It is untrue that it is not viable as a commercial premises like an office or shop. It is a sizeable, purpose-built office premises in a prime location just off the busy High Street. There are many long-standing shops and offices in Westgate;

xvi) Approval of this application would establish a dangerous precedent, potentially encouraging speculative developers to purchase shops and offices in North Berwick, allow them to fall into disrepair, and subsequently seek change of use to convert these properties into high-value residences. Such conversions would prioritise short-term financial gain, including high sale prices or rental incomes from platforms like Airbnb, at the expense of the town's commercial vibrancy and community character;

xvii) Building should remain in commercial use it is in a prime location which would accommodate a business and create local jobs;

xviii) North Berwick is a vibrant High Street with very few commercial premises lying empty so there is a clear requirement for commercial space;

xix) Plan is to squeeze in a modern house which is entirely out of character with the surrounding streetscape, inappropriate in design and materials;

xx) 12 Westgate is not in its entirety a standalone property being attached in some format on both its side boundaries despite what the submitted plans might show. The proposal will directly affect properties outside of the applicants' control and ownership;

xxi) The grounds/basis for all previous planning application refusals for change of use to form 1 house remain;

xxii) The neglected state of the garden reflects the owners' apparent attempt to diminish the property's condition, demonstrating an unfortunate disregard for the town, its neighbours, the High Street, and local community initiatives such as North Berwick in Bloom, which strive to enhance the area's appeal;

- xxiii) Over the years 12 Westgate has stood empty, the front garden has been poorly managed and now looks unkempt and untidy. The applicants have made little effort to secure any business offer to lease the property and have relied on hoping to eventually get the change of use approved. The potential for North Berwick to remain a thriving, local, niche small town relies on the success of the high street which has been described by many articles as a place that has bucked the trend of high street deterioration and closure of businesses;
- xxiv) The Design and Access statement, on page 13, states "The Applicants will be converting a property, historically designed and built as residential, back into this use in a sympathetic manner." This statement is misleading, indeed factually incorrect. The majority of the subject property was purposely built as a banking hall in 1983.
- xxv) Objector states that there have been refusals of planning permission for driveways off Westgate and this application is for a driveway and installation of a turntable which would result in the loss of on street parking. This would set a precedent;
- xxvi) sensitivity of the site which concerns a listed building, an unlisted building, an adjacent and abutting listed building and all are located in the North Berwick Conservation Area. In addition, the north and south elevations are exceptionally visible. Proposal building design and materials is visually dominant and awkward in this sensitive location in North Berwick. The fenestration is exceptionally poorly thought through being a random variety of window treatments. There is no consistency and the effect is therefore unsympathetic and inauthentic.
- xxvii) The daylight and sunlight report continues to assert full BRE compliance whilst ignoring the fact that its own calculations plainly state that three windows in the first-floor east elevation (Flat 14C) and a single window in the first-floor west elevation of 12B would all fail the Vertical Skylight Component (VSC) test. Visible sky is significant element in terms of residential amenity. The occupants of the rooms mentioned would be presented with a blank wall at close quarters directly opposite these windows adversely impacting their amenity.

Objections relating to works being undertaken which may damage neighbouring properties which are outwith the applicant's ownership are separate legal matters and are not material considerations in the determination of this listed building consent application.

This application stands to be determined on its own merits however as the planning history of a site is a material consideration in the determination of an application objections relating to the Reporters Decision Notice for application 19/00493/LBC which proposed a near identical physical scheme of development may raise matters which are also relevant to this current planning application.

## COMMUNITY COUNCIL COMMENTS

North Berwick Community Council as a consultee on the application state that both this planning application and accompanying listed building consent application 24/01291/LBC were discussed at the North Berwick Community Council meeting on 7 January 2025 and decided to object to it on grounds of loss of office space.

## PLANNING ASSESSMENT

The Council's Environmental Health Officer as a consultee on the application advises he has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

Scottish Water raise no objection to the planning application.

The application property and site are located within North Berwick Town Centre as defined by Policy TC2 of the adopted ELLDP.

Policy 27 of NPF4 states that with regards to town centre living:

- e) Development proposals for residential development within city/town centres will be supported, including:
  - i. New build residential development;
  - ii. The re-use of a vacant building within city/ town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area;
  - iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.
- f) 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'.

The principle purpose of Policy TC2 of the ELLDP is to ensure that expansions or changes of use within town and local centres will not compromise the centre's vibrancy, vitality and viability. Town centre uses that are acceptable in principle include retailing, business and office use, restaurants, leisure and entertainment and the principle of a change of use from one of these uses to another will be supported. Policy TC2 states that residential use may 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. New buildings within town or local centres will be expected to reflect the prevailing vertical mix of land uses by providing town centre uses on the ground floor and residential or other town centre use above where this would be appropriate in their context.

The application building comprising part of the ground floor of the Category B listed stone building together with the unlisted single storey extension on the west elevation were both last in commercial use as the North Berwick Branch of The Royal Bank of Scotland with a floor area of some 110 square metres. The application building has been lying vacant since the branch closed in 2018. As such the authorised planning use of the building remains as a bank, a commercial use which falls within class 1A of the Town and Country Planning (Use Classes) (Scotland) Order 1997). As such the application building could be used for any commercial class 1A use (Shops and financial, professional and other services) without the need for planning permission. The building may also be suitable for alternative town centre uses within use classes 3, 10 and 11 however planning permission for a change of use to such uses would be required and any planning application proposing a change of use of the building for such uses would require to be assessed and determined on its own merits.

Following the closure of The Royal Bank of Scotland the property was marketed for sale in 2018 as a commercial property with an asking price of over £225,000. The Council is aware that at that time a number of offers were made for the premises for commercial uses

including an offer submitted by East Lothian Land Limited, which was over the asking price, for the whole building for commercial purposes, which was unsuccessful. The applicant submitted an offer for the premises which was successful and they purchased the application property in 2018. Since then the building has been lying vacant.

Since the applicant purchased the property in 2018 they have sought planning permission for the change of use of the application property to residential on three separate occasions through three separate planning applications, (two of which included some form of small commercial element), namely applications 19/00472/P, 20/00594/P and 22/00233/P all of which have been refused. The applicant appealed the refusal of both application 19/00472/P and 20/00594/P both of which went to two separate Local Review Bodies where both Local Review Bodies upheld the decisions and refused the applications for the reasons set out in the Decision Notices

Most recently the applicant submitted a planning application, 22/01299/P, for the alterations, extension and subdivision of the building and part change of use to form 2 class 2 units and a class 3 café which was granted planning permission in February 2023. This planning permission has not been implemented and remains extant.

As stated in the applicants supporting Planning Statement evidence of the first marketing of the property was previously submitted in support of previous planning application 22/00233/P. Given the considerable difference in asking price of the applicant's marketing of the property at offers over £595,000 when compared to when the property was purchased by the applicant when it was marketed by The Royal Bank of Scotland in 2018 for offers over £225,000 and given the requirements of Policy TC2 as part of the determination process of planning application 22/00233/P East Lothian Council, as Local Planning Authority, sought the advice of the District Valuer to establish the value of the premises to establish whether the property had been marketed at a 'reasonable price'. The District Valuer provided a report at the time of the determination of previous application 22/00233/P which concluded that the property was being marketed at offers over £595,000 which the District Valuer stated was excessive and which did not reflect the current planning position of the premises nor did it account for conversion costs should a change of use be granted. As such it was reasonably concluded that at the time of the determination of previous application 22/00233/P that the asking price of offers over £595,000 for the Class 2 (now class 1A) property was not reasonable and as such the proposed change of use of the bank building to residential proposed through application 22/00233/P was contrary to Policy TC2 of the adopted ELLDP.

As was the case in the determination of previous planning applications, in relation to the assessment of this current planning application for the proposed change of use of the bank to residential the ELLDP states in relation to Policy TC2 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. 'Town centre uses' in the context of this policy will include uses within classes 1, 2, 3, 10, and 11, and any other uses with similar characteristics that generates significant footfall." (now use classes 1A, 3, 10 and 11).

As such in relation to the requirements of Policy TC2 what is relevant and a material consideration in the determination of this application, as indeed was the case in the determination of previous planning application 22/00233/P, is whether the existing commercial property has been marketed at a 'reasonable price'.

In support of the application a sales brochure from the selling agent Galbraith stamped 'Draft' stating that the building, as existing, has a ground floor size of some 123.93 square metres with an asking price of "Offers over £595,000 are invited for the Heritable interest. Only unconditional offers will be considered." was submitted with the application as evidence of the marketing of the property.

In this regard as part of the determination of this current application East Lothian Council, as Local Planning Authority, has again sought the advice of the District Valuer to establish the value of the premises and establish whether the commercial premises has been marketed at a reasonable price. The District Valuer has provided a report which states the subjects externally are in a reasonable state of repair, with no material defects noted. The internal accommodation is essentially in a poor condition with exposed brickwork and concrete flooring and the property could best be described as being in shell condition. The District Valuer states that their previous valuation (during the determination of previous application 22/00233/P when a site inspection was not undertaken) assumed a reasonable standard of repair, with minor upgrades and fit out required by a potential purchaser. However, on inspection for the current Valuation Report for the consideration of this application it was noted that WC facilities have been removed, and the former ATM opening has not been sealed and is only boarded up. The electrical unit is exposed and the windows appear to be in a poor state of repair requiring replacement. The front garden area was also overgrown at the time of inspection. As such the District Valuer states that works would therefore be required by a potential purchaser in order to bring the property to a reasonable standard. The District Valuer gives a capital value of £300,000 for the property in its existing use and condition with vacant possession prior to the consideration of any hope value. The District Valuer states that they have also considered whether planning permission for the first floor extension and proposed reconfiguration to provide two ground floor offices and a café over ground and first floors (planning permission 22/01299/P) would result in a higher value. The District Valuer states the proposal is fairly speculative, and they are not convinced that the proposed layout, particularly that associated with the café, would be viewed as attractive to potential purchasers such that any enhancement in value associated with this proposal would be outstripped by the costs to undertake the works. Should planning permission be granted in the future for residential the District Valuer concludes that the market value of the owner's heritable interest with vacant possession is £415,000, calculated assuming a floor area for a residential property similar to that proposed for the café and office scheme. The District Valuer states that a change of use is a possibility if commercial demand is proven to be non-existent. However, this can only be proved if the property is marketed at a price reflective of commercial value. In this regard the District Valuer states that they are aware that the property has been marketed at offers over £595,000 however the District Valuer is of the view that this figure is excessive, even for residential value, particularly given the internal condition of the property and of course lack of planning permission. The District Valuer concludes that in their view the property should be marketed at a figure closer to £300,000 to demonstrate whether there is any demand for commercial use at this location, with the applicant potentially expecting to realise offers in the region of £415,000 from potential purchasers factoring in hope value for residential use.

Therefore, given that the District Valuer states that the property should be marketed at a figure closer to £300,000 to demonstrate whether there is any demand for commercial use at this location and the applicant has marketed the property at offers over £595,000, almost double the District Valuer's value, it can reasonably be concluded that the current asking price of offers over £595,000 for the existing commercial Class 1A property is not reasonable.

The Council's Economic Development Service concurs with the view of the District Valuer, and would additionally note that demand for commercial premises within East Lothian and North Berwick Town Centre remains buoyant. The marketing of the building at the price quoted and in the manner presented in the particulars has not established that it is unsuitable as commercial space.

Accordingly The Council's Economic Development Service objects to the change of use proposal on the following grounds:

- i) The conversion of the current Class 1A commercial space to residential use represents an unacceptable loss of ground floor commercial floor space contrary to policy TC2 of the adopted East Lothian Local Development Plan 2018;
- ii) Whilst a further period of marketing has been undertaken by the current owner this has not established that the building is no longer suitable for commercial use. The Council's Economic Development Service note that the marketing particulars suggested that the building was suitable for conversion or demolition and re-build despite the previous refusals and dismissed appeals for change of use;
- iii) The applicant has provided an office use viability statement that suggests the payback period on the investment required to bring the property up to a good lettable standard would be 6.77 years (or 5.12 years if consequential costs are deducted), which The Council's Economic Development Service would consider reasonable;
- iv) The marketing of the building was at an 'offers over' price far in excess of a reasonable market value for the building as commercial space or as a prospect for conversion in this location.

The information stated in the submitted Planning statement advises that despite the excessive asking price of offers over £595,000 there has been considerable interest in the property with Galbraith having 'carried out some 80 viewings since September 2023'. If the property was marketed at a reasonable price, for the existing commercial premises and authorised planning use, as stated by the District Valuer, there may well be interest and offers for the continued commercial use of the building.

Accordingly, as 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, this proposal is contrary to Policy 27 of NPF4 and Policy TC2 of the ELLDP.

This current application is the fourth planning application the applicant has submitted in recent years seeking a change of use of the commercial premises to residential. Since purchasing the property the applicant has previously alleged that it is not the asking price of the property that is preventing her from selling it but in fact the planning history of the property. However, the recent planning history of the property is as a result of the applicant having purchased a commercial premises which was marketed by the Royal Bank of Scotland

for offers over £225,000 for which she intended to use for residential purposes and as such made a successful offer of £555,555 (more than double the commercial asking price). As a purchaser the applicant was obviously entitled to pay whatever she wished for the commercial property (at her own risk) and likewise the applicant as the current owner of the property is entitled to accept or reject any offer for the property however this does not demonstrate that the property is not viable as a commercial premises. What the applicant paid for the property or is willing to accept for the sale of the property is not a material consideration in the determination of this planning application and as such should not dictate the use of the property, it does not outweigh Development Plan Policies. Therefore the planning history of the building does not outweigh the fact that the change of use of it to residential 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, given that the property has not been marketed at a 'reasonable price', contrary to Policy 27 of NPF4 and Policy TC2 of the adopted ELLDP.

The existing single storey part of the former bank building has its rear elevation on the northern boundary of the application site where it delineates the boundary between the former bank premises and the garden ground of the neighbouring residential property of no. 12B Westgate which is located to the immediate north and east. A single window which served the kitchen area of the former bank building is located within the north elevation of the existing single storey part of the former bank along with a bay window within the rear elevation of the bank building, within the original Victorian building which served the bank office. The single storey part of the bank has its west elevation on the western boundary of the application site with the curtilage of the Category B listed former Blenheim House Hotel building, its front elevation in line with the building frontage of the entrance vestibule of the former bank which is located within the western part of the Category B listed stone building which is set back from the principal frontage of the main part of the listed building. The existing single storey flat roof part of the former bank building has a largely rectangular footprint and extends some 10 metres in width from the original west elevation of the original stone building of 12 Westgate to the west boundary wall of the application site and some 9 metres in depth.

Drawings submitted with the application indicate alterations and extensions to the existing building to facilitate its change of use to a house which would provide living accommodation over three levels. It is indicated that the existing main entrance door of the former bank and sidelight windows within the southern (front) elevation of the original listed stone villa would be retained as existing but that the door would be locked shut with the sidelight windows serving a proposed kitchen which would occupy the eastern part of the former bank building with the proposed kitchen and dining area of the proposed new house to be located within the western part of the ground floor of the original stone listed villa. The existing bay window within the north elevation of the western part of the ground floor of the original stone listed villa would be retained to serve the proposed dining area.

It is proposed that the existing single storey flat roofed section of the former bank building be removed and a new two storey extension with pitched roof and a basement be erected in its place. The proposed two storey extension would consist of two components.

The eastern part of the proposed extension would consist of a two storey flat roofed section some 4 metres wide with its frontage reinstated along the same building line as that of the existing single storey banking hall extension building. This section would consist of, at

ground floor level, a glazed pedestrian access door entrance into the ground floor of the proposed house with a glazed floor to ceiling window on the western side of the door. At first floor level it is proposed that a flat roofed glazed extension be formed measuring some 2.3 metres in width and some 8.2 metres in length from north to south elevations with a roof height of some 6 metres. The proposed first floor extension within the eastern part would be some 1.8 metres from the west elevation of the neighbouring residential property of 12B Westgate.

The second component of the proposed two storey extension being the western part of the proposed extension would be gable fronted onto Westgate and have a pitched roof clad in slate. The walls of the south elevation would be finished in stone while the walls of the north elevation would be clad in timber effect cement cladding coloured turquoise. This part of the proposed extension would have a ridge height of some 9 metres, being the same height as the ridge height of the adjoining listed building of no.12B Westgate and neighbouring listed building of no.14 Westgate, with the pitched roof measuring some 10.5 metres in length along the north to south roof slopes. The extension would have grey coloured aluminium framed windows and doors.

The western part of the south elevation would be some 5.6 metres wide and would be reinstated some two metres forward from the existing south elevation building line, with a projecting floor to ceiling glazed bay window some 2.8 metres in width projecting a further 0.5 metres further forward being some 2.5 metres forward from the existing south elevation building line. As proposed the ground floor would measure at most some 13 metres in length from its furthestmost points of the north and south elevations. The south elevation (frontage) of the first floor extension would have the same building line as the ground floor, with the exception of the projecting ground floor bay window which would project 0.5 metres forward, while the north elevation of the first floor extension would be set back at most some 2.5 metres and at its closest point some 1 metre from the ground floor north elevation as such the first floor extension would be some 10 metres in length.

The proposed scheme of development also proposes the formation of a third floor of accommodation which would be formed through excavation to form a lower ground floor level which would provide a recreation room, shower room, utility/plant room a store internal staircase and lift.

At first floor level the proposed extension would provide a bedroom with ensuite, lounge with kitchenette, a flat roof (inaccessible) and internal stair and lift with. While at ground floor level the proposed extension would accommodate an entrance hall, living room/library, bedroom with ensuite, w.c. together with the dining/kitchen which would be located in the western part of the original stone listed building.

The scheme of development the subject of this application has been slightly reduced in size when compared to the scheme of development the subject of previous applications 19/00493/LBC and 19/00472/P. As now proposed the western component of the proposed 2 storey extension including the projecting bay window would now project some 2.5 metres forward from the existing south elevation building line of the former banking hall building rather than the 4.5 metres proposed previously in the scheme of development and now would be slightly behind the south (front) elevations of both the adjoining listed building of no.12B Westgate and neighbouring listed building of no.14 Westgate. However, the proposed extension would still protrude some 2.5 metres forward of the existing main entrance door of



the former bank which is located within the western part of the adjacent listed building. The proposed extension at first floor level would now be a further 0.3 metres off the western elevation of the adjacent listed building of 12B Westgate being 1.8 metres off this elevation rather than the previously proposed 1.5 metres with the exception of these changes and changes to the north elevation ground floor windows the proposed scheme of development is largely unchanged. Therefore, the proposed scheme of development remains for a two storey gabled pitch roofed extension with a ridge height of some 9 metres and a front building line some 2.5 metres forward of the existing flat roof single storey building it is proposed to replace. It proposes a two storey extension which would be some 2 metres off the east boundary of the adjacent listed building of no.14 Westgate and some 1.8 metres off the west elevation of the adjoining listed building of no.12B Westgate.

The existing single storey former banking hall building is subservient to the adjoining and adjacent listed buildings in terms of its physical form, scale, massing, height and forward building lines.

The proposed scheme of development of a building with three differing roof levels (ground floor flat roof, first floor flat roof and first floor apex roof) would grow the scale, mass and prominence with distance from the adjoining listed building. This design is forced by the presence of the existing first floor side window within the west elevation of the adjoining listed building no.12B Westgate to the east. The proposed scheme of development would also result in a narrow gap (some 2 metres) between the first floor of the proposed building and the adjacent neighbouring listed building of no.14 Westgate located to the west. In terms of impact on the conservation area, this part of the North Berwick Conservation Area is characterised by buildings from the late 19th and early 20th century with subservient more recent extensions also present. The application site occupies a prominent location on Westgate within the North Berwick Conservation and the proposed scheme of development with the proposed two storey gabled pitched roof extension, window details and materials would make for a tight fitting, overly dominant and awkward addition to this part of the North Berwick Conservation Area, additionally the north (rear) elevation of the proposed building would be clearly visible in public views from various parts of Elcho Green and from the harbour when looking in its direction. As such the proposed scheme of development, by virtue of its height, scale and size, would neither preserve or enhance the special architectural or historic character or appearance of this part of the North Berwick Conservation Area contrary to Policies 7 and 14 of NPF4 and DP2 and CH2 of the adopted ELLDP.

The North Berwick Conservation Character statement states 'Glimpses of the sea between buildings are part of the seaside town's character'. However, in this case public views of the sea from Westgate are already obscured by the existing single storey extension. Consequently, there would be no loss of public views of the sea by the proposed development.

Within the north elevation of the proposed extension are a number of openings, at ground floor level two new high level rectangular window openings are proposed, one serving a bedroom and one serving an ensuite, the existing bay window within the original part of the building which previously served the office of the bank would serve the proposed open plan dining/kitchen of the proposed house.

Given that the north elevation of the application property is located on the mutual boundary with the residential garden of the neighbouring residential property of no. 12B Westgate it is

not possible to erect any boundary screening at ground floor level to prevent direct looking into the existing garden ground of the residential property of no. 12B Westgate which is located immediately outside the windows within the north elevation of the building.

As such the drawings submitted with the application indicate that the existing window within the north elevation of the building which served the kitchen of the former bank would be blocked up in stone to match the existing building. It is indicated that two new high level window openings would be formed at ground floor level within the north elevation, one serving a bedroom and one serving an ensuite. The submitted drawings also indicate that at first floor level within the north elevation five floor to ceiling doors which the drawings state would have a sliding opening mechanism would be formed to serve the proposed first floor lounge with kitchenette. The layout plan submitted with the application also indicates that an open plan dining/kitchen would be provided within the eastern part of the building at ground floor level which would be served by the existing bay window, which served the office of the former bank, within the north elevation of the building, the former bank main entrance door and two narrow sidelight windows on either side within the south elevation. In addition to the existing former bank main entrance door and two narrow sidelight windows the layout plan submitted with the application also indicates that a new three pane floor to ceiling projecting bay window would be formed in the south (front) elevation of the western part of the proposed two storey extension at ground floor level to serve a proposed living room/library and a new glazed entrance door with side glazed panel would be formed in the central part of the proposed new south (front) elevation to serve an entrance hall, while at first floor level a new 12 pane astragal window would serve a proposed bedroom and two floor to ceiling pane windows would serve the first floor hall within the flat roof element of the proposed two storey extension.

East Lothian Council Supplementary Planning Guidance 'Design Standards for New Housing Areas' whilst being produced in relation to new housing developments none the less provides relevant guidance in relation to privacy distances, overlooking and residential amenity for residential properties. It states that 'in designing new developments sensitive consideration requires to be given to maintaining the outlook and levels of privacy for both occupants of existing residential dwellings and new residential dwellings. New dwellings close to plots boundaries, in particular flats, can be intrusive when viewed from existing gardens or from within existing dwellings. In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority, to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.' While this application is not for the erection of a new housing area it is for the change of use and extension of a building to create a new residential dwelling which is not close to but actually positioned on the mutual boundary with an existing residential dwelling and as such the guidance for privacy distances, overlooking and residential amenity for residential properties is relevant to the determination of this application.

The physical relationship of the application property with the area of garden ground to the immediate north which is in separate ownership and use as the residential garden ground of the neighbouring residential property of no.12B Westgate would appear to be something that cannot be altered. As such the juxtaposition of the house proposed through this application

with its bay window on the boundary with the existing neighbouring residential property and its associated garden ground requires to be assessed with regards to the residential amenity of both the occupants of the existing neighbouring residential property of no. 12B Westgate and that of the occupants of the proposed residential property.

It is proposed that in an attempt to protect the residential amenity of the existing residential property of no. 12B Westgate the existing bay window in the north elevation which would serve the dining/kitchen of the proposed house would have its lower panes fitted with obscure glazing to prevent overlooking of the garden immediately outside this window. While the fitting of obscure glazing within the existing bay window may prevent overlooking it would also prevent the occupants of the proposed house from having any outlook from the proposed dining/kitchen to the north as such the only outlook from the proposed dining/kitchen would be the two narrow sidelight windows on either side of the existing former main entrance door within the south elevation fronting onto Westgate. Likewise, the two high level windows proposed to serve the bedroom and ensuite while they may prevent direct overlooking they would also prevent the occupants of the proposed house from having any outlook from either of these rooms particularly the bedroom. In this regard it is not unusual for bathrooms or ensuites to have no outlook and as such the ensuite having no outlook would not itself be unacceptable.

As was the case with previous refused applications 19/00472/P, 20/00594/P and 22/00233/P given that the proposed house would be formed through the proposed change of use of the existing building which has its north elevation on the boundary of the site with the residential property of no. 12B Westgate, the proposed house cannot be provided with any garden ground to the north. As such the ground floor windows within the north elevation including the two proposed high level windows, one serving a bedroom and one serving an ensuite and the bay window serving the dining/kitchen of the proposed house even with obscure glazing would not be private given the use of the land to the immediate north as the garden ground of the neighbouring residential property of no. 12B Westgate.

With the physical relationship of the existing bay window and proposed high level bedroom and ensuite windows on the mutual boundary and fronting immediately into the garden of the neighbouring residential property of no.12B Westgate there would be no separation distance provided between the existing occupants of the residential property of no.12B and the occupants of the proposed house. In such a close arrangement the occupants of the existing residential property of no.12B would experience a significant reduction in the residential amenity currently provided to them and the occupants of the proposed house would not be provided with an acceptable level of residential amenity given that the garden ground immediately in front of those windows would be in use by the occupants of a separate residential property. The existing occupants of the residential property of no.12B are entitled to use their garden ground however they chose, having a windows at ground floor level serving a separate residential property directly facing into their garden is likely to result in residential amenity issues for the occupants of both the existing residential property of no. 12B Westgate and the occupants of the proposed residential property.

The fact is that the garden to the immediate north of the proposed residential property is part of the private rear garden of the neighbouring residential property of no. 12B Westgate. While there is an existing window within the north elevation of the existing single storey part of the former bank building this served the kitchen of the former bank and both it and the existing north facing bay window in the main part of the stone building, which was last in use

as an office for the bank, were only used during the business hours of the bank. The building and the windows within it were not in use 24 hours a day seven days a week.

The submitted drawings also indicate that at first floor level within the north elevation five floor to ceiling doors which the drawings state would have a sliding opening mechanism would be formed to serve the proposed first floor lounge with kitchenette. A flat roof which is stated on the drawings as being inaccessible is proposed between the five floor to ceiling glazed doors within the north elevation of the first floor extension and north elevation ground floor wall, as such the first floor clear glazed doors would be set back at most some 2.5 metres and at their closest point some 1 metre from the ground floor north elevation (mutual boundary with the neighbouring residential property of no.12B Westgate) with an obscurely glazed parapet wall installed along the north elevation at first floor level in an attempt to prevent overlooking from the first floor glazed doors into the neighbouring residential gardens. While it is stated on the drawings that the flat roof would be inaccessible, given that the drawings detail five glazed floor to ceiling sliding doors 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.

While the planning history of a site is a material consideration in the determination of an application and the scheme of development approved through the grant of planning permission 22/01299/P did include windows at first floor level within the north elevation these, were not to serve a residential property but a rather a commercial use and comprised of four high level window panes with their bottom cills at a height of some 1.8m above the first floor finished floor level (FFL) and as such preventing direct views from these windows to the north and overlooking of the neighbouring residential properties and their garden grounds. The Officer Report on that application stated 'Given the close relationship of the proposed first floor extension and windows within this elevation to the northern boundary of the site, windows would not be supported should they be of a normal height which would enable views out to the north while occupants of the first floor were seated or standing as this would result in unacceptable overlooking and a reduction in residential amenity to the occupiers of the neighbouring residential properties. In the particular circumstances of this application the windows are only acceptable as they are now proposed to be high level such that the bottom cill of the windows would be set at a height of some 1.8 metres above the first floor finished floor level (FFL).' Additionally in the scheme of development the subject of planning permission 22/01299/P the proposed first floor extension together with its high level windows was set back at most some 3m from the ground floor north elevation building line and at its closest point some 2m from the northern boundary.

The proposed scheme of development with five floor to ceiling glazed doors set back at most some 2.5 metres and at their closest point some 1 metre from the ground floor north elevation (mutual boundary with the neighbouring residential property of no.12B Westgate) and enabling access onto a flat roof which could be used as a roof terrace even with an obscurely glazed low parapet wall installed would enable views out to the north while occupants of the first floor lounge with kitchenette were seated or standing and this would result in unacceptable overlooking and a reduction in residential amenity to the occupiers of the neighbouring residential properties. As such the proposal would be contrary to Policies 16 of NPF4 and DP5 and DP7 of the adopted ELLDP.

The submitted drawings indicate that the proposed two storey extension would be built on the west boundary of the former bank premises some 2 metres from the east elevation of the listed former Blenheim House Hotel Building and some 1.8 metres from the west elevation of the residential property of no. 12B Westgate. The former Blenheim House Hotel building is now in residential use as four flats. There are two windows at ground floor level within the east elevation of the former Blenheim House Hotel building one serving a utility and one serving a bathroom and three windows at first floor level one serving a bedroom, and the other two serving a living room. There would be no openings within the west elevation of the proposed extension. Given the height of the proposed extension with its ridge height of 9 metres and eaves height of some 6 metres, the occupants of the first floor residential property within the former Blenheim Hotel building would be presented with a blank wall some 2 metres from the windows which serve the rooms of that property, reducing the level of residential amenity to that property. A corner floor to ceiling window would be present within the east elevation of the first floor flat roofed element of the extension with the remainder of that elevation having no openings. Given this, the occupants of the residential property of no. 12B Westgate would be presented with a solid wall some 1.8 metres from the bedroom window which is positioned within the west elevation of that property reducing the level of residential amenity to that property.

The applicant has submitted in support of the application a 'Daylight and Sunlight Report' prepared by Malcolm Hollis dated 07 June 2019 together with an update assessment dated 01 June 2020. It is noted that the 'Daylight and Sunlight Report' dated 07 June 2019 is the identical report previously submitted for the scheme of development which was the subject of previous refused application 19/00472/P and that the update assessment dated 01 June 2020 is the identical report previously submitted for the scheme of development which was the subject of previous refused application 20/00594/P. In that the scheme of development which was the subject of refused application 20/00594/P was for a completely different physically form of development being a two storey flat roof extension the update assessment dated 01 June 2020 is of no relevance to the assessment of the current scheme of development the subject of this planning application.

However, the 'Daylight and Sunlight Report' dated 07 June 2019 previously submitted with refused application 19/00472/P given that the scheme of development in its physical form in height and massing for that refused application is near identical to the scheme of development the subject of this current application which is for a two storey pitched roof extension with ridge height of some 9 metres is relevant. This report demonstrates in Appendix D 'Daylight Study' that the proposed scheme of development would result in a significant reduction in daylight to the first floor windows of the residential property within no.14 Westgate, the former Blenheim Hotel building, indeed it shows that the amount of available daylight from the sky (Vertical Sky Component) received by the three windows on the east elevation as a result of the proposed development would be reduced such that it would fail to meet the BRE Compliant standard. Likewise the amount of daylight to the first floor window on the west elevation of the residential property of no.12B Westgate which serves a bedroom would also be reduced as a result of the proposed scheme of development to below the BRE Compliant standard. While the ground floor residential property within no.14 Westgate, the former Blenheim Hotel building, has a utility window and a bathroom window some 2 metres from the existing boundary wall the proposed two storey extension would by virtue of its increased, scale, height and massing have a detrimental impact on the residential amenity of this property. As such the proposal would be contrary to Policies 16 of NPF4 and DP5 and DP7 of the adopted ELLDP.

The proposed scheme of development indicates that grassed areas would be provided to serve as garden ground for the proposed house to the immediate south (front) of the proposed house. This area of garden ground fronting onto Westgate would not be private given the low level boundary walls which front Westgate. Given that the proposed extension would be built on the boundary of the site with the residential property of no. 12B Westgate, the proposed house cannot be provided with any garden ground to the north. As such the ground floor windows within the north elevation of the proposed extension serving the rooms of the proposed house, namely a bedroom, ensuite and dining/kitchen, would not be private given the use of the land to the immediate north as the garden ground of the neighbouring residential property of no. 12B Westgate. Given this the occupants of the proposed house would not be provided with a satisfactory level of privacy or amenity contrary to Policies 16 of NPF4 and DP7 of the adopted ELLDP.

The existing bank has a pedestrian access off the classified road (B1346) of Westgate. It is proposed that the existing access be widened to facilitate the formation of a vehicle access and driveway to serve the proposed house. The driveway would be formed through the hardsurfacing of the southern part of the area of land to the front of the property with flagstone paving and that a vehicle turntable would be provided within the area of hardsurfacing to allow access and egress from the site to be made in a forward gear. In addition two grassed areas are to be formed between the proposed driveway and the south (front) elevation of the proposed house. The proposed area of garden ground fronting onto Westgate would not be private given the low level boundary walls which front Westgate.

The Council's Standards for Development Roads states that a new access onto a classified road requires a turning space within the site to ensure vehicles can access/egress the public road in a forward gear. Rather than provide the required turning space it is proposed that a vehicle turntable would be provided.

The Council's Road Services advise that the proposed single off-street parking space is in line with ELC parking standards for a residential dwelling of this scale. Road Services state that while provision of the off-street space would potentially lead to a small loss of on-street parking, this would be accepted given availability elsewhere. Road Services state that they note that the existing pedestrian access would be widened to accommodate vehicular access, that inward opening gates would be installed, that the driveway would be surfaced with sandstone flag paving and that a vehicle turntable is proposed. Road Services advise that the proposal is acceptable subject to the following:

- (i) Driveway should be permeable to reduce water run-off, and any run-off should be directed away from the road;
  - (ii) The gradient of the driveway should be a maximum of 10%, and there should be an accessible path (maximum gradient 5%), from the driveway to an external door to the house;
  - (iii) The proposed vehicle turntable should be installed and operational prior to the driveway being brought into use and should be retained and maintained in full working order and be available for use at all times to enable vehicles to access/egress the site in a forward gear.
- These matters could be controlled through a condition of a grant of planning permission. As such subject to the aforementioned requirements the Council's Road Services raise no objection to the proposal being satisfied that it would not have an adverse impact on pedestrian or road safety. Accordingly the proposal would not be contrary to Policies 13 of NPF4 and T1 and T2 of the adopted ELLDP.

The former bank building occupies a prominent roadside position fronting onto the classified road (B1346) of Westgate to the south. Westgate is characterised on its north and south sides by buildings with front gardens of various sizes which are generally enclosed by low stone roadside boundary walls to their front. All of this significantly contributes to the character of the streetscape and of this part of the Conservation Area. Vehicle accesses and parking in the front gardens of buildings are not an established characteristic of this part of the Conservation Area.

The proposed vehicular access would be formed through the widening of the existing access. This would require the removal of sections of the listed low wall along the southern boundary of the site that encloses the roadside boundary of the building. While the existing area of ground to the south of the former bank building is surfaced with a mixture of gravel and paving slabs, it is proposed that with the exception of two areas of grass to the immediate south (front) elevation of the proposed building the southern part of the site between the proposed extension and grassed areas and the road frontage would be hard surfaced in sandstone flagstone paving. The proposed hardstanding with vehicle turntable and parking of a vehicle on it, would radically alter the character and appearance of the front garden of the building and the contribution it, in its relationship with the building and the existing low boundary wall, makes to the character of the streetscape of Westgate and of the Conservation Area. With the exception of the long established access and car park that serves the former Blenheim House Hotel building, there are no other vehicular accesses formed in the roadside boundaries of neighbouring residential properties and no associated hardstanding areas formed in their front gardens.

Due to the visual prominence of the application site, the proposed widening of the access and formation of the hardsurfaced area with vehicle turntable to facilitate the parking of a vehicle on site would be an intrusive and incongruous change to the character and appearance of the streetscape of Westgate and of this part 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 and would also have a detrimental impact on the setting of the Category B listed building contrary to Policies 7 of NPF4 and CH1 and CH2 of the adopted ELLDP.

The proposed house given its location within North Berwick town centre would be capable of being accessible by foot to local services as such it would not be contrary to Policy 15 of NPF4.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

Reasons for Refusal:

- 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.

- 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.
- 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.
- 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.
- 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.

## LETTERS FROM

[illegible]



27

App No. 24/01290/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Dr and Mrs Sharp  
c/o Gray Planning & Development Ltd  
Per Neil Gray  
AYE House  
Admiralty Park  
Rosyth  
Dunfermline  
KY11 2YW**

**APPLICANT: Dr and Mrs Sharp**

With reference to your application registered on 3rd December 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works  
at  
12 Westgate  
North Berwick  
EH39 4AF**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 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.

- 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.
- 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.
- 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.
- 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.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG 1	-	22.11.2024
1141-PL-02	-	22.11.2024
1141-PL-03	-	22.11.2024
1141-PL-04	-	22.11.2024
1141-PL-09	-	22.11.2024

DWG 2	-	02.12.2024
1141-PL-05	A	02.12.2024
1141-PL-06	A	02.12.2024
1141-PL-07	A	02.12.2024
1141-PL-08	A	02.12.2024
1141-PL-11	-	02.12.2024
1141-PL-12	-	02.12.2024
1141-PL-13	-	02.12.2024
1141-PL-01	A	03.12.2024
1141-PL-10	-	03.12.2024

**7th March 2025**



Keith Dingwall  
Service Manager - Planning  
(Chief Planning Officer)

## **NOTES**

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**From:** [Clark, Colin - EHO](#)  
**To:** [Environment Reception](#)  
**Cc:** [McLair, Julie](#)  
**Subject:** RE: 24/01290/P-Julie McLair - Planning Consultation  
**Date:** 11 December 2024 14:18:13

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[No comment to make re this proposal](#)

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**From:** Environmental Protection <envprot@eastlothian.gov.uk>

**Sent:** Wednesday, December 11, 2024 1:41 PM

**To:** [REDACTED]

**Subject:** Fw: 24/01290/P-Julie McLair - Planning Consultation

Sent from [Outlook for iOS](#)

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**From:** environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>

**Sent:** Wednesday, December 11, 2024 10:37:24 AM

**To:** Environmental Protection <envprot@eastlothian.gov.uk>

**Subject:** 24/01290/P-Julie McLair - Planning Consultation

Please see attached document in relation to the following application: Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works at 12 Westgate

North Berwick

EH39 4AF

[[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\\_Be\\_Nice\\_EMAIL\\_FOOTER\\_\\_zerotolerance\\_1.png&data=05%7C02%7Cenvprot%40eastlothian.gov.uk%7Ce7403d0d9ab543b2119808dd19cfcd02%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638695102789130438%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWTFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=t%2BnV1fls%2BsZxCdJ4wdPWYunYZUWd8eTHbwomRMpStc%3D&reserved=0](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Cenvprot%40eastlothian.gov.uk%7Ce7403d0d9ab543b2119808dd19cfcd02%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638695102789130438%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWTFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=t%2BnV1fls%2BsZxCdJ4wdPWYunYZUWd8eTHbwomRMpStc%3D&reserved=0)]

**From:** [Hunter, Liz](#)  
**To:** [Environment Reception](#); [McLair, Julie](#)  
**Cc:** [King, Ian](#)  
**Subject:** TRANSPORT PLANNING RESPONSE: 24/01290/P - Julie McLair - Planning Consultation  
**Date:** 13 December 2024 11:24:34

---

EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works at 12 Westgate North Berwick EH39 4AF

The proposed single off-street parking space is in line with ELC parking standards for a residential dwelling of this scale. While provision of the off-street space would potentially lead to a small loss of on-street parking, this would be accepted given availability elsewhere.

I note from the Proposed Site Plan, Drawing 1141-PL-01 Rev A that the existing pedestrian access would be widened to accommodate vehicular access, that inward opening gates would be installed, that the driveway would be surfaced with sandstone flag paving and that a vehicle turntable is proposed. These proposals are acceptable.

The proposal is acceptable subject to the following:

- Driveway should be permeable to reduce water run-off, and any run-off should be directed away from the road.
- The gradient of the driveway should be a maximum of 10%, and there should be an accessible path (maximum gradient 5%), from the driveway to an external door to the house.
- The proposed vehicle turntable should be installed and operational prior to the driveway being brought into use and should be retained and maintained in full working order and be available for use at all times to enable vehicles to access/egress the site in a forward gear.

Please advise the applicant that all works within or affecting the public road including works on the footway must be authorised in advance by the Council as Roads Authority.

Send on behalf of IAN KING

ROADS SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

[Liz Hunter](#)

Senior Roads Officer

East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

01620 827740



**From:** [Callow, Scott](#)  
**To:** [McLair, Julie](#)  
**Cc:** [Environment Reception; Clark, Colin - EHO](#)  
**Subject:** Planning Application : 24/01290/P (12 Westgate, North Berwick)  
**Date:** 18 December 2024 12:45:22

---

Hi Julie,

I would advise that the latest Radon Mapping data shows the site falling within a Radon Affected Area (Class 4: 5 to <10% of properties are at or above the radon action level). This means that the any new development may require basic radon protection measures to be installed. In this instance it would be advisable for the applicant to obtain a Site-Specific Radon Report to determine the actual radon potential of the site.

Considering the above I would recommend that the following advisory note be attached to any grant of consent:

***Advisory Note (Radon Risk Area) -***

*According to the latest Radon Mapping the proposed development lies within a Radon Affected Area meaning new build development may require radon protection measures to be installed in accordance with relevant Building Standards legislation and appropriate guidance.*

Cheers,

Scott

**Scott Callow | Senior Environmental Compliance Officer | Environmental Protection |  
Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA  
Tel. 01620 827256**

[Redacted signature]

Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)





## PLANNING APPLICATION RESPONSE

*The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee and on the basis of the information provided. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.*

**Planning application reference** – 24/01290/P

**Proposal** – Alterations, extensions and change of use of bank to form 1 house, formation of off-road parking, hardstanding areas and associated works.

**Location** – 12 Westgate, North Berwick, EH39 4AF

**Planning Officer** – Julie McLair

## ECONOMIC DEVELOPMENT POLICY BACKGROUND

The East Lothian Local Economy 2024-2034 was adopted by East Lothian Council on 23<sup>rd</sup> April 2024. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Local Economy Strategy 2024-2024 is a reflection of the priority placed on economic development and acts as a guiding framework for future activity and policy development. It sets out clear strategic direction and is the foundation of the vision set out in the East Lothian Plan of:

*Working in partnership to achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.*

To help achieve the vision, three strategic goals have been set:

1. To increase the number of businesses in East Lothian with growth and employment potential.
2. To reduce income inequality across East Lothian, and to improve access to employment in rural areas.
3. To increase the number of socially and environmentally responsible businesses, expand plural ownership of the economy, and grow community wealth.

The three strategic goals are underpinned by six objectives:

1. To be the destination of choice for innovative, socially, and environmentally responsible businesses to set up, grow, and succeed.
2. To provide high quality opportunities for people to learn, develop skills, and grow their potential.

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

3. To build on East Lothian's reputation as a great place to live, work, and learn by adopting a pro-business approach, seeking and supporting sustainable investment, and by empowering communities.
4. To capitalise on the economic opportunities of and take a leading role in the just transition to a net zero economy.
5. To maximise the opportunities of being a part of the Edinburgh and South-East Scotland City Region.
6. To promote a successful, accessible, and sustainable tourism sector that provides quality experiences and benefits our local communities.

### **Context**

Economic Development has been asked to comment on a proposal for change of use of the former banking office at 12 Westgate, North Berwick from Class 1A (Office / Financial / Professional) to residential (dwellinghouse).

Previous applications for change of use were refused by East Lothian Council, and subsequent appeals were dismissed by a Reporter and ELC Local Review Body. The basis of the refusal and dismissal included unacceptable loss of ground floor commercial floor space contrary to policy TC2 of the adopted East Lothian Local Development Plan 2018 within North Berwick Town Centre, the applicant not having established that the building was no longer suitable for commercial use.

The applicant's agent has submitted sales and marketing information and an office use viability statement in support of their view that the property is not viable as commercial premises.

Taking the sales and marketing information first, the sales particulars present the site as a development opportunity based on the secured planning permission for conversion:

"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".

In terms of the market offer the particulars note:

"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."

On this and previous occasions the applicant has not marketed the property to let in its current condition.

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

With regards the office use viability statement provided by the applicant, this states that “it would take over six and a half years (6.77) for the landlord to recoup the cost of the capital expenditure and consequential costs which would be incurred in bringing the premises up to a standard suitable for letting as a commercial office space”. We would consider this a reasonable period for the building to start producing a return. This calculation includes a number of consequential costs such as loss of rental income, NDR liability, and insurance premiums etc. totalling £25,960 in addition to the capital cost of £80,360. Given the length of time the applicant’s property has stood empty and unoccupied we can reasonably deduct the consequential costs from the calculation, giving a break-even period of just over 5 years (5.12). We would additionally observe that some 27% of the works budget are for the external envelope and primarily include building maintenance activities which if attended to by the applicant from point of purchase would likely not now be required.

The East Lothian Council Planning Service has obtained a valuation / opinion from the District Valuer Service:

“I am aware that the property has been marketed at offers over £595,000, however, in my view this figure is excessive, even for residential value, particularly given the internal condition of the property and of course the lack of planning permission. In my view, the property should be marketed at a figure closer to £300,000 to demonstrate whether there is any demand for commercial use at this location with the applicant potentially expecting to realise offers in the region of £415,000 from potential purchasers factoring in hope value for residential use.”

The Economic Development Service concurs with the view and rates put forward by the Valuer, and would additionally note that demand for commercial premises within East Lothian and North Berwick Town Centre remains buoyant. The marketing of the building at the price quoted and in the manner presented in the particulars has not established that it is unsuitable as commercial space.

### **Economic Development Recommendation**

The Economic Development Service OBJECTS to the change of use proposal set out in the above noted application.

Reason(s):

- The conversion of the current Class 1A commercial space to residential use represents an unacceptable loss of ground floor commercial floor space contrary to policy TC2 of the adopted East Lothian Local Development Plan 2018.
- Whilst a further period of marketing has been undertaken by the current owner this has not established that the building is no longer suitable for commercial use, especially in its current form.
- The applicant has provided an office use viability statement that suggests the payback period on the investment required to bring the property up to a good lettable

## **EAST LoTHIAN COUNCIL ECONOMIC DEVELOPMENT AND REGENERATION**

standard would be 6.77 years (or 5.12 years if consequential costs are deducted), which we would consider reasonable.

- The marketing of the building was at an 'offers over' price far in excess of a reasonable market value for the building as commercial space.

**Response author:** Jamie Baker, Service Manager, Economic Development **Date:** 26<sup>th</sup> Jan 2025

Wednesday, 18 December 2024



Local Planner  
Planning and Building Standards  
East Lothian Council  
Haddington  
EH41 3HA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

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

**Planning Ref: 24/01290/P**

**Our Ref: DSCAS-0123582-PY4**

**Proposal: Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd
  - Tel: 0333 123 1223
  - Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - [www.sisplan.co.uk](http://www.sisplan.co.uk)
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

**From:** [REDACTED]  
**To:** [Environment Reception](#)  
**Cc:** [REDACTED]  
**Subject:** 24/01291/LBC 24/01290/P 12 Westgate  
**Date:** 08 January 2025 16:12:46

---

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Madam/Sir,

In our meeting on 7 January 2025, North Berwick Community Council discussed the above application and decided to object to it on grounds of loss of office space.

There is a distinct shortage of office space on North Berwick, demand for which has increased with the decrease of commuting since the pandemic. The previously approved application 22/01299/P has demonstrated that it is very well possible to convert the current building to useful multiple office space, while even including additional commercial amenities.

Yours sincerely

[REDACTED]

North Berwick Community Council





Valuation Office  
Agency

**DVS** Property Specialists  
for the Public Sector

## Valuation Report for 12 Westgate, North Berwick, EH39 4AF



Report for:  
Julie McLair  
East Lothian Council

Prepared by:  
Robyn Shepherd MRICS  
Senior Surveyor  
RICS Registered Valuer  
DVS

Tel: 03000 502 821

Case Number: 1858320

Client Reference: 24/01290/P

Date: 18<sup>th</sup> February 2025

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## 1. Introduction

I refer to your instructions dated 11<sup>th</sup> December 2024 and my Terms of Engagement dated 8<sup>th</sup> January 2025, updated as at 31<sup>st</sup> January 2025.

I have inspected the property, and I am pleased to report to you as follows.

## 2. Valuation Parameters

### 2.1 Identification of Client

This valuation has been undertaken on behalf of East Lothian Council (ELC).

### 2.2 Purpose of Valuation

A Market Rent and Market Value of the property are required to assist in decision making regarding an ongoing planning application concerning the subjects.

### 2.3 Subject of the Valuation

The subject is the former bank premises at 12 Westgate, North Berwick EH39 4AF.

### 2.4 Date of Valuation

The date of valuation is 18<sup>th</sup> February 2025.

Please note that values change over time and that a valuation given on a particular date may not be valid on an earlier or later date.

### 2.5 Confirmation of Standards

The valuation has been prepared in accordance with the professional standards of the Royal Institution of Chartered Surveyors: RICS Valuation – Global Standards and RICS UK National Supplement, commonly known together as the Red Book.

Compliance with the RICS professional standards and valuation practice statements gives assurance also of compliance with the International Valuations Standards (IVS).

Measurements will be in accordance with the 'RICS Professional Statement **'RICS Property Measurement' (2<sup>nd</sup> Edition)** which is effective from 1 May 2018 and, where relevant, the **RICS Code of Measuring Practice (6<sup>th</sup> Edition)**.

You have specifically requested that the property is reported using the traditional measurement standards rather than IPMS, specifically Net Internal Area (NIA) and therefore the measurements are an agreed departure from 'RICS Property Measurement (2nd Edition)'.

2.6 Agreed Departures from the RICS Professional Standards

As specifically requested by you, and as captured within the explanation above, the property has been reported upon using a measurement standard other than IPMS.

2.7 Basis of Value

The bases of value adopted is Market Value and Market Rent which are defined at VPS 2, para 4 and VPS 2, para 5 respectively as stated below:

**Market Value (MV)** - *'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.'*

**Market Rent (MR)** - *'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.'*

It should be noted that the Market Rent basis of value would normally be used to indicate the amount for which a vacant property may be let, or for which a let property may re-let when the existing lease terminates. Market Rent is not a suitable basis for settling the amount of rent payable under a rent review provision in a lease, where the actual definitions and assumptions have to be used in the assessment.

2.8 Special Assumptions

There are no special assumptions.

2.9 Nature and Source of Information Relied Upon

In addition to relying upon VOA held records and information, I have assumed that all information provided by, or on behalf of you, in connection with this instruction is correct without further verification – for example, details of tenure, tenancies, planning consents, etc.

My advice is dependent upon the accuracy of this information and should it prove to be incorrect or inadequate, the accuracy of my valuation may be affected.

You have provided information regarding previous and ongoing planning applications for the subject property.

I have had regard to external property databases such as CoStar and Rightmove in carrying out my valuations.

2.10 Date of Inspection

The property was inspected on 15<sup>th</sup> January 2025 by Robyn Shepherd MRICS, Senior Surveyor and [REDACTED], Graduate Surveyor. Weather conditions were dry and bright at the time of inspection.

## 2.11 Extent of Investigations, Survey Restrictions and Assumptions

An assumption in this context is a limitation on the extent of the investigations or enquiries undertaken by the valuer. The following agreed assumptions have been applied in respect of your instruction, reflecting restrictions to the extent of our investigations.

- Such inspection of the property and investigations as the Valuer considered professionally adequate and possible in the particular circumstance was undertaken. This comprised undertaking an internal inspection of the property.
- No detailed site survey, building survey or inspection of covered, unexposed or inaccessible parts of the property was undertaken. The Valuer has had regard to the apparent state of repair and condition and assumed that inspection of those parts not inspected would neither reveal defects nor cause material alteration to the valuation, unless aware of indication to the contrary. The building services have not been tested and it is assumed that they are in working order and free from defect. No responsibility can therefore be accepted for identification or notification of property or services' defects that would only be apparent following such a detailed survey, testing or inspection.
- The valuation does not constitute an ESG risk assessment or ESG rating.
- It has been assumed that good title can be shown, and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoings.
- It has been assumed that the property and its value are unaffected by any statutory notice or proposal or by any matters that would be revealed by a local search and replies to the usual enquiries, and that neither the construction of the property nor its condition, use or intended use was, is or will be unlawful or in breach of any covenant.
- Valuations include that plant that is usually considered to be an integral part of the building or structure and essential for its effective use (for example building services installations) but exclude all machinery and business assets that comprise process plant, machinery and equipment unless otherwise stated and required.
- It has been assumed that no deleterious or hazardous materials or techniques were used in the construction of the property or have since been incorporated. However, where an inspection was made and obvious signs of such materials or techniques were observed, this will be drawn to your attention and captured in this report.
- With regard to Reinforced Autoclaved Aerated Concrete (RAAC), you have not advised us that you are aware of the presence of RAAC and we have assumed that none is present.
- No access audit has been undertaken to ascertain compliance with the Equality Act 2010 and it has been assumed that the premises are compliant unless stated otherwise in this report.

- No environmental assessment of the property (including its site) and neighbouring properties has been provided to or by the VOA, nor is the VOA instructed to arrange consultants to investigate any matters with regard to flooding, contamination or the presence of radon gas or other hazardous substances. No search of contaminated land registers has been made.

However, where an inspection was made and obvious signs of contamination or other adverse environmental impact were visible this will have been advised to you, further instructions requested, and the observations captured in the report. Where such signs were not evident during any inspection made, it has been assumed that the property (including its site) and neighbouring properties are not contaminated and are free of radon gas, hazardous substances and other adverse environmental impacts.

Where a risk of flooding is identified during any inspection made, or from knowledge of the locality, this will be reported to you. The absence of any such indication should not be taken as implying a guarantee that flooding can never occur.

### **3. Property Information**

#### **3.1 Location**

The subjects are located in North Berwick, a seaside town in East Lothian on the south shore of the Firth of Forth. It is approximately 25 miles northeast of Edinburgh, around 45 minutes by car via the A1 or 30 minutes taking a direct train to Edinburgh (Waverley) station. The town is popular both with commuters and holidaymakers, with its attractive beaches, golf courses and good range of amenities and leisure facilities.

The subjects are situated on the north side of Westgate, just to the east of North Berwick town centre. Westgate is essentially an extension to the High Street, beginning at the intersection with Church Road, approximately 100 metres to the east. The character of the surrounding area is mixed use, with residential properties, offices, and retail units all close by. The train station is a five-minute walk from the property, and the area is also well served by local buses. To the north of the property is Beach Road, beyond which runs West Bay Beach.

Access to the property is via Westgate and parking is on-street only.

#### **3.2 Description**

The subjects comprise part of the ground floor of a listed, two storey 1840s sandstone villa together with a 1980s single storey side extension housing the majority of the accommodation. The premises was formerly used as a bank, however, the bank fittings including a safe room have been completely stripped out so that the property is presented in a predominantly open plan albeit shell condition.

Externally there is garden ground to the front of the property with access from Westgate, however, none of the garden ground to the rear is associated with the subjects.

### 3.3 Use

Under The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), the subjects have a permitted use as Class 1A (Shops and financial, professional and other services). There would be permitted change to Class 4 (Business), but a change to Class 3 (Food and Drink) would require planning permission due to the subject's proximity to a residential dwelling.

### 3.4 Tenure

Owner's heritable interest with vacant possession.

### 3.5 Title Restrictions

I have not had sight of a Report on Title, however, for the purposes of this report, I assume that there are no onerous burdens or restrictions associated with the subjects.

### 3.6 Site Area

Using the Valuation Office Agency's Ordnance Survey based Digital Mapping Application, I calculate a site area of 395 sq. m (4,252 sq. ft.) or thereby.

### 3.7 Floor Area

The Gross Internal Area as stated in the supplied Marketing Brochure extends to 123.93 sqm (1,334 sq ft).

Measurements were taken during inspection to check the areas and I am satisfied they can be adopted in the valuation.

### 3.8 Accommodation

The accommodation has been stripped of the original fixture and fittings and now comprises a large open plan area with a secondary area where the former ancillary services were situated. See sections 6.1 and 6.2 for further details.

### 3.9 Defects and Repair

The subjects externally are in a reasonable state of repair, with no material defects noted. The internal accommodation is essentially in a poor condition with exposed brickwork and concrete flooring and the property could best be described as being in shell condition. The previous valuation assumed a reasonable standard of repair, with minor upgrades and fit out required by a potential purchaser. On inspection it was noted that WC facilities have been removed, and the former ATM opening has not been sealed and is only boarded up. The electrical unit is exposed, and the windows appear to be in a poor state of repair requiring replacement. The front garden area

was also overgrown at the time of inspection. Works would therefore be required by a potential purchaser in order to bring the property to a reasonable standard.

### 3.10 Services

Although not checked with the relevant utilities it is understood that the property is connected to the usual mains services of gas, water, drainage and electricity.

### 3.11 Access and Highways

I understand that Westgate is an adopted road, and therefore East Lothian Council are responsible for the maintenance of Westgate and the immediate surrounding roads of the subjects.

### 3.12 Energy Performance Certificate

The subject has a recorded Energy Performance Certificate (EPC) rating, from 24 July 2018, of E76. The subjects have a potential rating of D60 upon completion of the recommended improvement works.

The relevant Energy Performance Certificate is attached to the rear of this report (Section 6.3).

### 3.13 Planning

I have made informal enquiries of the Planning Authority as to the planning status and potential of the property.

The subject is a former Royal Bank of Scotland premises, which was purchased by Mr & Mrs Sharp in 2018 for £555,556. There have since been several applications submitted for planning permission and listed building consent to allow the owners to convert the premises into residential accommodation - see 19/00472/P, 19/00493/LBC and 20/00594/P. These applications set out plans for partial demolition of the extension and the erection of a two-storey residential dwelling with basement accommodation, all of which have been refused and appeals dismissed. A further application (22/00233/P) includes plans for a residential dwelling of a more modest size than previous applications, with drawings showing a two-bedroom single storey property, set within the envelope of the existing building. This application was also refused.

A further application has been submitted for the conversion of the subject to form three separate commercial units (22/01299/P). The proposed plan outlines two offices either side of a café. One of the office units benefits from a proposed extension to the front left elevation extending to approximately 10m<sup>2</sup> and the café benefits from a roof extension of approximately 44m<sup>2</sup>. The proposed accommodation is as summarised in the table below.



Unit	Position	Area sq ft	Area sq m
Extended office	Ground floor left	566	52.58
Café	Ground floor centre and first floor	635	58.99
Office	Ground floor right	420	39.02
Total		1,621	150.59

Additionally, a new application (24/01290/P) has been submitted to convert the subject to form a two-storey semi-detached house with ground and first floor areas comprised within the same areas outlined above, together with a basement.

The subjects are located within the North Berwick Town Centre and as a result are subject to Policy TC2 of the adopted East Lothian Local Development Plan 2018, which states: Within a town or local centre, uses that will be acceptable in principle include retailing, business and office use, restaurants, leisure and entertainment, and the principle of a change of use from one of these uses to another will be supported. 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. New buildings within a town or local centre will be expected to reflect the prevailing vertical mix of land uses in the area by providing town or local centre uses at the ground floor where appropriate in their context. Proposals that would have a significant environmental impact, particularly on housing, will not be permitted.

Further guidance is provided in the Local Development Plan where it states: 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. 'Town centre uses' in the context of this policy will include uses within classes 1, 2, 3, 10, and 11, and any other uses with similar characteristics that generates significant footfall.

Finally, I understand that while the listing has been removed for the single storey extension, the original 1840s house remains category B listed and is within North Berwick's conservation area.

### 3.14 Equality Act 2010

Whilst I have had regard to the provisions of the Equality Act 2010 in making this report, I have not undertaken an access audit nor been provided with such a report. It is recommended that you commission an access audit to be undertaken by an appropriate specialist in order to determine the likely extent and cost of any alterations that might be required to be made to the premises or to your working practices in relation to the premises in order to comply with the Act.

3.15 Mineral Stability

The property is not in an underground mining area and a Mining Subsidence Report has not been obtained.

3.16 Environmental Factors Observed or Identified

Informal enquiries were made using the Scottish Environmental Protection Agency's (SEPA) flood maps. These concluded that the subjects were at no specific risk of surface water, river or coastal flooding.

The current owner informed us that asbestos was discovered within the building however this has now been removed.

3.17 Rateable Value

The subjects are entered into the Valuation Roll with a Rateable Value of £7,200, effective from 1 April 2023. The subjects are entered under the address of 12A Westgate, North Berwick, EH39 4AF. Further enquiries should be directed to the Assessor for Lothian.

**4. Valuation**

4.1 Valuation Methodology/Approach and Reasoning

You have requested both a Market Rent and Market Value of the subjects.

The property has been granted planning permission for conversion from a single unit to form two smaller office units on the ground floor and a café over ground and first floor. A second application has been submitted seeking a change of use from commercial to residential use. In accordance with the requirements of policy TC2, the applicants have submitted evidence showing that the property has been subject to a formal marketing campaign which demonstrates that there is no demand for the property in its current commercial use and that planning permission should be granted for a change of use to residential. On this basis, I understand that my valuations are required to assist ELC in determining whether the marketing of the property was at a 'reasonable price'.

**4.1.1. Market Rent**

In my opinion, the premises are not lettable in their current condition. While it is reasonable to assume a tenant would carry out their own fit out of the premises to suit their needs, it is not reasonable to assume that any tenant would undertake the required works to seal up the ATM opening, reinstate WC facilities, install new windows, repair wall and ceiling finishes etc. I would estimate remedial works upwards of £30,000 would be required to bring the premises up to a lettable standard. Therefore, the estimate of Market Rent below is contingent on the undertaking of these works.

In determining the Market Rent, I have considered a range of comparable evidence (see section 4.2.1). The comparable evidence, dating from 2022 to 2024, suggests

rents in the range of c.£8.75 to £27 per sq. ft. [REDACTED] is of a similar size to that of the subjects but is an older, B listed building and is in a reasonable internal finish. [REDACTED] is of a smaller size but similar location to the subjects, with a basic internal finish and has large on street window frontage. [REDACTED] is of a smaller size but similar location and pitch to the subjects, with a common door access and new internal fit out.

Taking account of this evidence, and the position of the subjects, which is set back from the road and footpath, I have applied a rental rate of £17.50 per sq. ft, which equates to a Market Rent of £23,500 per annum on the assumption that the property is reinstated to a reasonable letting condition. Under current market conditions, I would expect that prospective tenants would agree to no more than a five year lease term, on a full repairing and insuring (FRI) basis. Additionally, many occupiers may seek a break option in year 3 as well as a rent-free incentive of 1 to 3 months for fitout purposes.

#### **4.1.2. Market Value**

In determining the Market Value of the property, I have first considered the value of the property as it currently exists, before considering any additional value potentially arising from a successful planning application granting an upwards extension and change of use to residential accommodation.

If a tenant could be found for the property at the above Market Rent, the Market Value of the property could be found by capitalising the rent at the appropriate investment yield. In my opinion the property would likely appeal to local businesses and the choice of investment yield would reflect the lack of covenant. Comparable investment evidence is thin on the ground, however, a yield of 8% (or multiplier of 12.50) would result in a capital value of £295,000, say £300,000.

Alternatively, in my opinion the property could be sold with vacant possession to an owner occupier at an enhanced value. I have considered a range of commercial evidence within the surrounding area. Comparable capital rates analysed from sales taking place in 2023 and 2024, reflect a wide range from c.£66 per sq. ft to £577 per sq. ft. [REDACTED] (£541 psf) reflects a similar sized office unit to that which is proposed under the planning application and is situated in a similar location to that of the subjects. [REDACTED] (£229 psf) reflects a similarly sized property in a similar location to that of the subjects, being just off the High Street, albeit in another town. [REDACTED] (£577 psf) is a retail unit in shell condition, with significant frontage. [REDACTED] (£249 psf) reflects a similar location to that of the subjects but offers a larger area. This property has a sizeable street frontage and is partly fitted out for a café. [REDACTED] and [REDACTED] (£66 and £90 psf respectively) reflect sales or asking prices of former bank branches in similar condition to the previous internal condition of the subjects before it was stripped out. Both of these properties still had the former safe room in place at the time of sale.

I assume that the property could be sold in its current condition albeit at a reduced capital rate reflective of the remedial works required to be undertaken. I have therefore adopted a capital rate of £225 per sq. ft. to produce a capital value of £300,000 for the property in its existing use and condition with vacant possession, prior to the consideration of any hope value.

I have also considered whether planning permission for the first floor extension and proposed reconfiguration to provide two ground floor offices and a café over ground and first floors would result in a higher value. The proposal is fairly speculative, and I am not convinced that the proposed layout, particularly that associated with the café, would be viewed as attractive to potential purchasers such that any enhancement in value associated with this proposal would be outstripped by the costs to undertake the works.

Given that the property has been vacant for several years and lies between existing residential properties, I am of the opinion that many potential purchasers would consider an enhanced bid to reflect the potential for a change of use to residential.

Given that previous residential applications have been refused, I think any reflection of hope value for a change of use to residential would have to reflect a modest layout with sympathetic upwards extension, potentially similar to that set out in the most recent residential conversion application which could provide a dwelling with two to three bedrooms. I have considered a range of evidence within the surrounding area in forming my opinion of value. Comparable sales in 2024 reflect values in the range of c.£485,000-£872,000. [REDACTED] (£680,000) is a semi-detached house of a similar size to that proposed under the planning application and is in modern condition. The property does not benefit from onsite parking but has its own garden ground.

[REDACTED] (£745,000) is a modern bungalow of a smaller size to that envisaged under the proposed planning application. The property is in a similar location to the subjects with sea views but does not benefit from exclusive parking or gardens.

[REDACTED] (£872,250) is a detached house of similar size as envisaged at the subject property, located 0.8 miles to the southwest. The property is in a reasonable condition and benefits from an integral garage and extensive garden space to the rear.

[REDACTED] (£485,000) is ground floor, separate access flat in a similar location to the subjects. The property is smaller than that envisaged at the subject property and is in a dated and unmodernised condition, albeit with its own garden.

Therefore, with regard to the comparable evidence, I am of the opinion that a Market Value for the completed house could be in the region of £700,000 dependent upon the exact layout and specification. To achieve this value, the property requires a horizontal and vertical extension of around 538 sq. ft and a comprehensive programme of refurbishment and fitout works including all services. Having had reference to the RICS Build Cost Information Service (BCIS) I am of the opinion that works could cost in the region of at least £175,000. Deducting this from the end value suggests a current value of £525,000 assuming planning permission for residential conversion has been granted.

In valuations where potential development value is to be assumed, *Spirerose v TFL (2008)* determined that the valuation should be a figure between the existing use value and the full value with planning permission in place for the alternative use proposed. The above end values give a potential uplift in value of c.£225,000 (that is



£525,000 for residential use less £300,000 for commercial use), and it is common practice to adopt a percentage of the uplift to reflect the perceived risk associated with gaining or not gaining the required planning permission. In this instance, I would adopt no more than 50% of the potential uplift in value to reflect hope value for a residential change of use. On this basis, my opinion of Market Value is £300,000 plus £112,500 = £412,500, but say £415,000. This has been calculated assuming a floor area for the residential property similar to that proposed for the café and office scheme. The value may be different should an alternative planning proposal be granted or assumed by a potential purchaser.

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 notable retail, however, this can only be proved if the property is marketed at a price reflective of commercial value. I am aware that the property has been marketed at offers over £595,000, however, in my view this figure is excessive, even for residential value, particularly given the internal condition of the property and of course the lack of planning permission. In my view, the property should be marketed at a figure closer to £300,000 to demonstrate whether there is any demand for commercial use at this location with the applicant potentially expecting to realise offers in the region of £415,000 from potential purchasers factoring in hope value for residential use.

## 4.2 Comparable Evidence

### 4.2.1. Market Rent

Address	NIA	Transaction Date	Rent	Comments
	GF 1,030 sq. ft (96 sq. m)	Q2 2024	£9,000 pa £8.73 per sq. ft	B -Listed property, of reasonable internal finish, no allocated parking.  Two month FRI lease, rolling thereafter with a rent review May 2027.
	GF 311 sq. ft (29 sq. m)	Q2 2024	£5,496 pa £17.67 per sq. ft	Similar location – Just off the High Street, streetside with large windows but basic condition and no allocated parking.  Two month FRI lease, rolling thereafter with a rent review February 2027.
	GF 359 sq. ft (33 sq. m)	Q4 2022	£12,960 pa. (aggregate) £36.10 per sq. ft (achieved) £27.08 per sq. ft (effective)	Same location and similar building to the subjects, benefits from a new common door. Good internal condition but no parking.  Staggered rent (Y1-2: £12,600, Y3-5 £13,200). 3 months rent free. 10 year FRI lease with break option at Y3, Y5, and Y8.  5 year rent review.

#### 4.2.2. Market Value

Commercial with Vacant Possession				
Address	NIA	Transaction Date	Price	Comments
[REDACTED]	Office 471 sq. ft (44 sq. m)	Q3 2023	£255,000 £541 per sq. ft	Similar location – just off the High Street. In excellent condition but with very small parking provision.
[REDACTED]	Office 1,269 sq. ft (118 sq. m)	Q2 2023	£290,000 £229 per sq. ft	Older building in basic/outdated condition offering cellular space. No parking provision – street bays similar to subjects.
[REDACTED]	Retail 742 sq. ft (92 sq. m)	Q2 2024	£428,100 £577 per sq. ft	High Street location – end, near the subjects. Large frontage but in shell condition.
[REDACTED]	Retail 2,188 sq. ft (203 sq. m)	Q4 2024	£544,500 £249 per sq. ft	Same location as the subjects, streetside with sizeable window frontage. No parking provision. Partial fit out for a café.
[REDACTED]	[REDACTED] 2,269 sq. ft (211 sq. m)	Q1 2024	£150,100 £66 per sq. ft	High Street location. Similar previous use – still has strong room to remove.
[REDACTED]	[REDACTED] 2,202 sq. ft (205 sq. m)	Under offer	£200,000-£220,000 £91-£100 per sq. ft	High Street location. Similar previous use – still has strongroom to remove. No parking provision.



Residential				
Address	GIA	Transaction Date	Price	Comments
	Semi-detached House  3 bed + 3 receptions  161.92 sq. m (1,743 sq. ft)	May 2024	£680,000	Similar location, in close proximity to the train station. Good period finish with modern kitchen and bathroom. Similar in size to proposed application for subjects. Extra reception room No driveway Garden
	Detached House  3 bed + 3 receptions  198.50 sq. m (2,137 sq. ft)	May 2024	£872,250	Further from sea Reasonable finish – modern garden room Similar in size to proposed – extra reception room Integral garage with driveway Extensive garden grounds
	Bungalow  3 bed + 2 receptions  c. 142 sq. m (1,528 sq. ft)	Sep 2024	£745,000	Just south – good view of bass rock Modern finish Smaller than proposed application for subjects. Shared parking provision – no exclusive Garden
	GF Flat  3 bed + 2 receptions  125.40 sq. m (1,350 sq. ft)	Nov 2024	£485,584	Similar location In outdated condition Smaller in size to proposed application for subjects – only 1 bathroom No driveway Garden

#### 4.3 Opinion of Value

I am of the opinion that the Market Rent of the subjects in the existing layout is **£23,500 per annum (Twenty-Three Thousand Five Hundred Pounds Per Annum)** as at 18<sup>th</sup> February 2025.

I am of the opinion that the Market Value of the owner's heritable interest with vacant possession is **£415,000 (Four Hundred and Fifteen Thousand Pounds)** as at 18<sup>th</sup> February 2025.

#### 4.4 Currency

All prices or values are stated in pounds sterling.

#### 4.5 VAT

I understand that VAT does not apply to this transaction and my opinion of value reflects this. In the event that my understanding is found to be inaccurate, my valuation should be referred back for reconsideration.

#### 4.6 Costs of Sale or Acquisition and Taxation

I have assumed that each party to any proposed transaction would bear their own proper legal costs and surveyor's fees.

No allowance has been made for liability for taxation, whether actual or notional, that may arise on disposal.

#### 4.7 Market Commentary

The office market within East Lothian continues to see regular activity with majority of transactions coming from leasing activity. Within the leasing market there is a particular demand for small floor plates, due to the fact that occupiers in this region tend to be smaller businesses. Currently, available space is for larger floor plates of 1,000-4,000 sq. ft. Musselburgh remains the most popular location within the County due to its proximity to Edinburgh but is followed closely by Haddington due to its proximity to the A1. Within the sales market, the majority of office sales are for owner occupation with some investment sales typically occurring in Musselburgh or Haddington.

The retail market within East Lothian has seen increased activity for the last two years following the outcome of pandemic. This transaction activity includes a mix of traditional retail uses as well as hospitality venues. Musselburgh remains the most popular location in the County, again due to its proximity to Edinburgh and its population size but is followed closely by North Berwick and Dunbar due to their seaside, tourist appeal. Current market listings for lease indicate a typical size of 300-1,200 sq. ft, with some larger units being offered. Within the sales market, there is strong investment activity typically consisting of established supermarkets or well-known, high-street names.

Within North Berwick, there has been range of transaction activity on the High Street and the peripheral area within the last 18 months. This activity primarily consists of retail lettings to local businesses with some office lettings of small accommodations and occupational sales. The former [REDACTED] has now been re-let [REDACTED], and [REDACTED] is currently on the market as an investment, now under offer. Vacancy rates for the High Street are low, with three units currently vacant and one unit soon opening as a barber. Furthermore, [REDACTED] has been split into smaller units and is currently under refurbishment. Upon visiting the town, a high saturation of estate agencies was noted as well as a large quantity of cafes.

Due to the increased emphasis on the transition to online banking, we are continuing to see many high street banks reduce their property holdings in towns and cities across the country. Many of these assets either remain as mixture of commercial or community uses or are converted to residential.



## **5. General Information**

### **5.1 Status of Valuer**

It is confirmed that the valuation has been carried out by [REDACTED], a Graduate Surveyor, acting in the capacity of an external valuer, under the supervision of Robyn Shepherd MRICS who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

All valuations, as well as this report, have been reviewed by [REDACTED], BArch DipSurv MRICS, Principal Surveyor and RICS Registered Valuer.

### **5.2 Conflict of Interest**

Checks have been undertaken in accordance with the requirements of the RICS standards and have revealed no conflict of interest.

You have been made aware of the connection between [REDACTED] and you are also aware that the VOA have previously undertaken a similar valuation of the subjects on behalf of East Lothian Council.

### **5.3 Restrictions on Disclosure and Publication**

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 7A to the Local Government (Scotland) Act 1973 (see section 2 and Part II of Schedule 1 to the Local Government (Access to Information Act 1985) and your Council can treat it accordingly.

### **5.4 Limits or Exclusions of Liability**

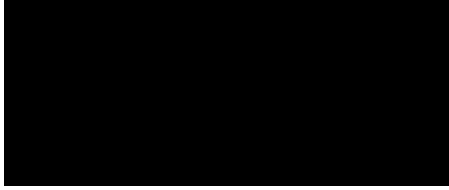
Our valuation is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our valuation may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our valuation report. If we do provide written consent to a third party relying on our valuation, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

### **5.5 Validity**

This report remains valid for six months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

I trust that the above report is satisfactory for your purposes. However, should you require clarification of any point do not hesitate to contact me further.



Robyn Shepherd MRICS  
Senior Surveyor  
RICS Registered Valuer  
DVS



## 6. Appendices

### 6.1 Photographs



Main floor



Main floor



Former safe

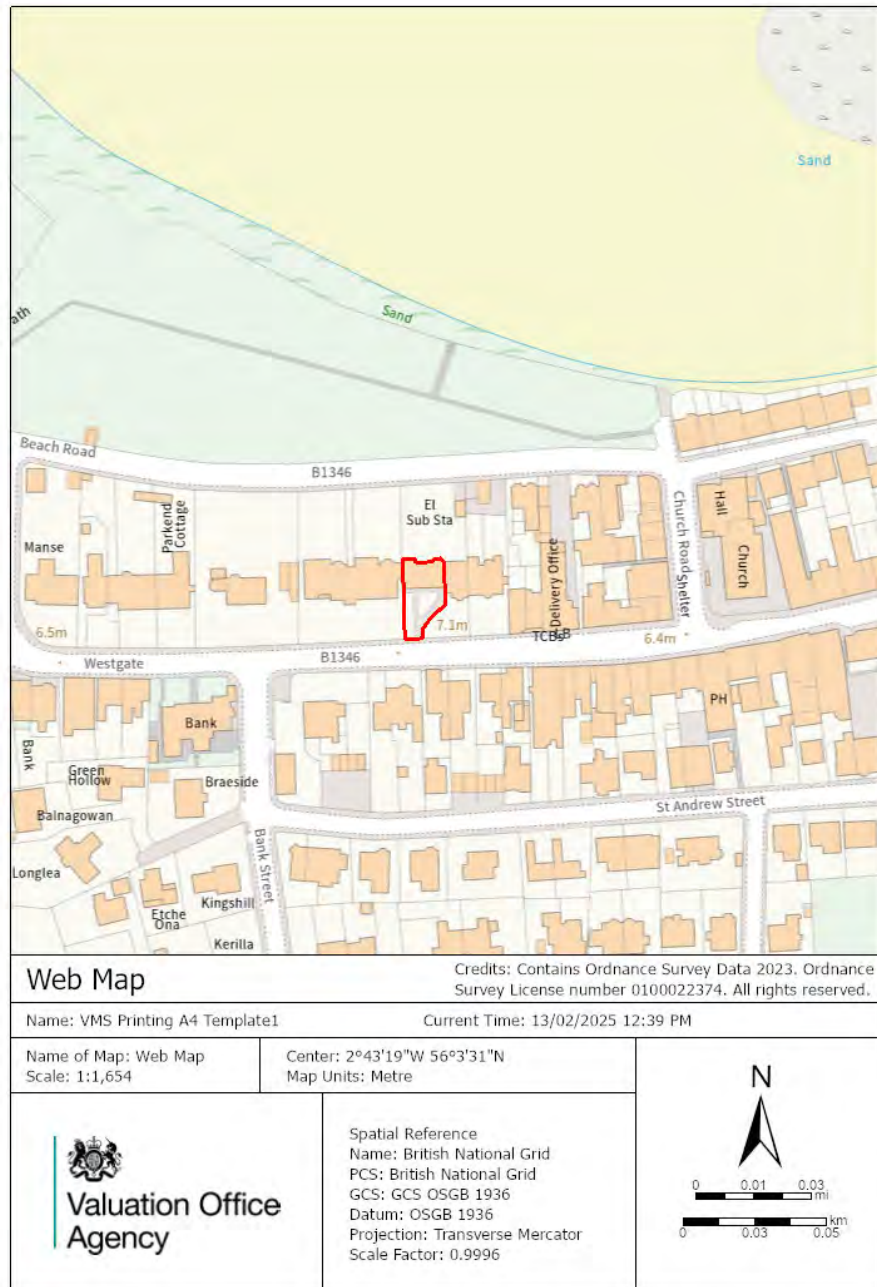


Former office area



Former ancillary area

## 6.2 Plans





### 6.3 Energy Performance Certificate

Energy Performance Certificate		Scotland	
Non-Domestic buildings and buildings other than dwellings			
<b>12 Westgate, North Berwick EH39 4AF</b>			
Date of assessment:	20 July 2018	Reference Number:	0230-1912-6308-2000-5000
Date of certificate:	24 July 2018	Building type:	Retail/Financial
Total conditioned area:	118.7m <sup>2</sup>	Assessment Software:	EPCgen, v5.3.a.0
Primary energy indicator:	445 kWh/m <sup>2</sup> /yr	Approved Organisation:	Elmhurst Energy Systems
Building Energy Performance Rating			
Excellent			
<div> <div>A+</div> <div>Net Zero Carbon or better</div> </div>			
<div> <div>(0-15)</div> <div>A</div> </div>			
<div> <div>(16-30)</div> <div>B</div> </div>			
<div> <div>(31-45)</div> <div>C</div> </div>			
<div> <div>(46-60)</div> <div>D</div> </div>			
<div> <div>(61-80)</div> <div>E</div> </div>			
<div> <div>(81-100)</div> <div>F</div> </div>			
<div> <div>(100+)</div> <div>G</div> </div>			
Very Poor			
Approximate Energy Use:		207 kWh per m <sup>2</sup> per year	
Approximate Carbon Dioxide Emissions:		76.28 kgCO <sub>2</sub> per m <sup>2</sup> per year	
<p>The building energy performance rating is a measure of the effect of a building on the environment in terms of carbon dioxide (CO<sub>2</sub>) emissions. The better the rating, the less impact on the environment. The current rating is based upon an assessor's survey of the building. The potential rating shows the effect of undertaking all of the recommended measures listed below. The Recommendations Report which accompanies this certificate explains how this rating is calculated and gives further information on the performance of this building and how to improve it.</p>			
Benchmark			
A building of this type built to current building regulations at the date of issue of this certificate would have a building energy performance rating of:			<div> <div>28</div> <div>B</div> </div>
Recommendations for the cost-effective improvement of energy performance			
<ol style="list-style-type: none"> <li>1. Consider replacing T8 lamps with retrofit T5 conversion kit.</li> <li>2. Some glazing is poorly insulated. Replace/improve glazing and/or frames.</li> </ol> <p>There are additional improvement measures applicable to this building. Refer to the Recommendations Report.</p>			
<p>THIS PAGE IS THE ENERGY PERFORMANCE CERTIFICATE WHICH MUST BE AFFIXED TO THE BUILDING AND NOT BE REMOVED UNLESS REPLACED WITH AN UPDATED CERTIFICATE.</p>			

Source: Scottish EPC Register, 2025

# Comments for Planning Application 24/01290/P

## Application Summary

Application Number: 24/01290/P

Address: 12 Westgate North Berwick EH39 4AF

Proposal: Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works

Case Officer: Julie McLair

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We feel very strongly that this property should remain commercial.

We know that it has been on the market and not sold. But that is because of the asking price is unrealistic. It would appear that sole intent is to get residential planning on the site.

# Comments for Planning Application 24/01290/P

## Application Summary

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Address: 12 Westgate North Berwick EH39 4AF

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Case Officer: Julie McLair

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 12 Westgate is in a prime location as a business premise. It has always operated as a business premise and is a viable building to continue in this use. It is critical that North Berwick maintains business premises to accommodate local businesses and create local jobs for the community. There are similar buildings in the near vicinity that applied for change of use to residential which were rejected and have since been developed as viable business premises. The plans are to squeeze in a small modern house which is out of keeping with the historic appearance of this end of Westgate. As this area is designated a conservation area, it would seem inappropriate to allow such a development as this would damage the appearance along the road which historically has had natural breaks between buildings. I am aware that there have been several previous applications for this building which have been rightly rejected by the planning department. The area has a strong group of local residents all of whom have objected to previous applications and no doubt will have objected to this current application. The planning department states that the views of local residents are important and I would therefore urge the council to consider the strong views there are regarding this and previous applications.



# Comments for Planning Application 24/01290/P

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Case Officer: Julie McLair

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: North Berwick is fortunate to have a vibrant High Street and as far as I can see there are very few commercial premises lying empty so there is clearly a requirement for more office/retail spaces so I think it would be a real shame to see this change of use to be allowed.

I also think losing more parking spaces by the formation of off-road parking at this location on this busy street would do harm to the local businesses.

# Comments for Planning Application 24/01290/P

## Application Summary

Application Number: 24/01290/P

Address: 12 Westgate North Berwick EH39 4AF

Proposal: Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works

Case Officer: Julie McLair

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application was turned down 2 years ago, and now it has resurface

My main objection to this proposal is the run in for a vehicle.

There would be a loss of at least one parking space, and as we all know in North Berwick parking is at a premium.

I do not drive, but am a pedestrian, and it is difficult enough negotiating Westgate and the High Street on the pavements because of the amount of traffic.

It would also change the look of the wall of this property and the adjoining properties.

This is also a conservation area, and people should check the situation before purchasing a property, as to what you are allowed to do.

The Blenheim building next to this property has always had parking, so this should not be used as an excuse to have a run in built at 12 Westgate.

I do hope that the planners refuse this application again



18 December, 2024

Service Manager  
Planning, East Lothian Council  
John Muir House,  
Haddington  
East Lothian EH41 3HA



Dear Sir/Madam

**Planning Application No. 24/01290/P**

We enclose a copy of our Objections to the above Planning Application and trust that they will be taken into consideration by the Planning Officer involved. As you will be aware, the applicant has applied several times to convert this commercial building into a residential property and failed on each occasion. Although the house design has changed the reasons for refusing permission have not.

Yours faithfully



**Objections to Planning Application No 24/01290/P**  
**12 Westgate, North Berwick**

1. In 2015 we submitted a planning application for an extension to our property at [REDACTED] which included a bay window to the north. This was to make the extension sympathetic with the bay windows [REDACTED]. The application was **rejected** by the Planning Department due to the 'overlooking' which would occur in respect of the west facing part of the bay and thus would impinge on the privacy of [REDACTED]. The proposed new residential property completely overlooks the garden of [REDACTED] and so would cause extreme impingement to the privacy of those living there. As we had to change our building application to comply with the ruling of the Planning Department, I trust the same criteria will be applied to this application.  
**We therefore object to this planning application on the grounds of the loss of privacy and amenity to [REDACTED] and which East Lothian Planning Department applied so rigorously in our own case.**

2. When we bought our residence [REDACTED] 2001 we discussed the possibility of applying for creating a drive into the property. However, East Lothian planners told us then and on other occasions since that this would not be allowed under any circumstances due to the loss of a parking space and setting a precedent for other premises which have to endure on street parking. Included in the above application is a proposal for off street parking with a driveway and installation of a turntable, which would necessarily result in the loss of on street parking and set a precedent. Two applications for turntable drive-ins in Westgate have already been denied. Therefore we have not applied for a driveway, even though we would not need a turntable.  
**However, should the application [REDACTED] be successful, we would certainly make an application and expect it to be granted permission as a precedent would have been established.**

3. In previous planning applications [which have all been refused by the Planning Department], the Change of Use of No 12 from commercial to residential has been a major factor of the rejection. I realise that this new application tries to show that a change from residential to commercial was made in the last century, but this was when the whole property was owned by one resident and therefore there were no overlooking difficulties. Since the division, maintaining No 12 as a commercial office means the impact of the loss of privacy and amenity to [REDACTED] is minimal.  
**We therefore object to this planning application for Change of Use and urge the Planning Department to continue supporting the present commercial listing.**

**IN VIEW OF ALL THE ABOVE, WE WHOLEHEARTEDLY OBJECT TO THIS PLANNING APPLICATION**

Speaking for  
Scotland's Buildings  
AHSS East Lothian Cases Panel,



Planning and Environment  
East Lothian Council  
John Muir House  
Brewery Park  
Haddington  
East Lothian EH41 3HA  
f.a.o Julie McLair

Our Ref **25. EH39 4AF**

by email: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)

10 January 2025

Dear Ms McLair

**12 Westgate North Berwick EH39 4AF** : Part demolition, alterations and extension to building, alterations to boundary wall and associated works  
**Planning Application : 24/01291/LBC |**

Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works  
**Planning Application : 24/01290/P**

The AHSS wish to register an OBJECTION to this proposal.

Although the building is not listed it is adjacent and attached to listed buildings. It lies within the North Berwick Conservation Area. Buildings along the Westgate mark North Berwick's transition from a fishing village to a seaside resort typified by Victorian villas. Therefore, on these counts the design and materials of any proposal need to meet adopted ELC policies.

The house's design will appear as an anomaly, breaking the relatively unified appearance of the streetscape. The new design will harm the setting of adjacent listed buildings.

The proposed treatment of the north façade of the building is inappropriate in terms of colour and fabric. It will create a strong visual focus totally unsuited to its context, because the turquoise colour will intrude as seen against, and will compete with, the adjacent masonry facades of the listed buildings, which are of a traditional, modest design. Presentation of the proposed rear façade is somewhat disingenuous as only plan 1141-PL-01, specifies the "turquoise timber effect fibre cement" render; this is not mentioned in the Architect's Design statement, Planning Statement or the Heritage Impact Assessment. A somewhat serious omission.

It is also not explained what the treatment of the lower rear façade is, where the retained, existing stone wall is to be 'sympathetically altered where required', as per elevation drawing (which gives no further detail; nor is this defined in the three reports mentioned above)..

Chairman: Martin Robertson

**AHSS Cases Panels | National Office** | 15 Rutland Square, Edinburgh EH1 2BE  
0131 557 0019 | [nationaloffice@ahss.org.uk](mailto:nationaloffice@ahss.org.uk) | [www.ahss.org.uk](http://www.ahss.org.uk)

After several revisions, the outline and character of the proposed development makes some attempt to respect the distinction of the adjacent buildings and the character of the conservation area. In detail however, it falls well short of the standards required by policies **CH1, CH2, CH3 and DP5**. The proposed sandstone cladding of the main south elevation is incongruous and its fenestration unmannerly, lowering the standard set at this important transitional point in the street scene (a historically and architecturally critical point, in fact). The design should respect the listed building to which it is attached and derive its standards from it. There has been no attempt to achieve this. Obvious objections include the fact that the main, south facing window is clumsy, inept and the first floor glazed block on the east side of the building hangs incongruously when seen in its context. Where so many policies converge, a more thoughtful approach to conservation is needed.

The AHSS consider that the current proposal does not enhance the character or appearance of the North Berwick Conservation Area – contrary to **Policies CH1 and CH2, together with CH3 and DP5** of the adopted East Lothian Local Development Plan 2018, The Historic Environment Policy for Scotland (2019) and Scottish Planning Policy: June 2014.

Yours faithfully,

**The AHSS East Lothian Cases Panel**

c.c. Historic Environment Scotland [REDACTED]  
AHSS National Office [REDACTED]



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1<sup>st</sup> January 2025

FAO: Julie McLair  
Planning  
East Lothian Council  
John Muir House  
Haddington  
EH41 3HA

By email only to: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)

**Planning Application Reference: 24/0129/LBC**

**12 Westgate North Berwick East Lothian EH39 4AF**

**Alterations, extension and change of use of bank building to form 1 house, formation of off road parking, hardstanding areas and associated works**

I write in respect to the above application reference 24/0129/LBC and to submit my **objection** to the application.

I have reviewed the applicant's full submission in detail and other than some relatively minor design tweaks, I am struggling to see what has changed relative application 19/00472/P (and in parts in applications 20/00594/P & 22/00303).

Although this may not be considered a material objection, this most recent application, which in essence is a regurgitation of application reference 19/00472/P submitted shortly after the applicant acquired the property, further supports the applicants one and only intention when submitting their highest offer to acquire the former bank - to create a house. In my opinion, all references to attempts to demonstrate that ongoing commercial use is not viable are, quite frankly, unbelievable and manufactured to support the applicants sole desire – residential use.

The above is my interpretation and opinion, albeit helpfully supported by a very clear planning history for the property since 2019.

The above aside, I set out the principle reasons for my objection to application 24/0129/LBC, are as follows;-

**Policy TC1 (Town Centre First Principle)**

**Policy TC2 (Town and Local Centres)**

The viability report prepared by Hollis, which we must remember has been commissioned by the applicant and based on a brief given to the author by the applicant, suggests some not insignificant costs to refurbish the property, which is arguably compounded by the fact the property has lay vacant for approximately 6 years since the applicant acquired it. In addition

and based on comparable rents in Loanhead, Penicuik, Haddington, Musselburgh and Ormiston, the report suggests a 6.5 year payback on investment.

At page 2 of their report, Hollis state:

*"We would also highlight that all commentary in regard to rental rates and the rental market has been derived from the data obtained from various online resources and is based on our basic knowledge as building surveyors."*

I am firmly of the view that an application as significant and potentially impacting as this, which is to be determined against specific policy that requests supporting evidence on viability, cannot be determined based using data on the rental rates and market gleaned from online searches only and the authors '*basic knowledge as building surveyors*'. This concern is further highlighted by the use of comparable evidence in locations that bear very little resemblance to that of the subject property. Furthermore, the report by Hollis is dated 25 September 2019, with the comparable evidence used dating from 2018 and 2019!

This poor level of attention to detail and quality is simply not good enough. Why has the applicant not engaged a specialist commercial property agency, of which there are many in Scotland with knowledge of the North Berwick property market. Alternatively, the applicant could have asked Galbraith, who are also experienced agents in the field of commercial property, to produce a report on rental rates and market, to support the applicants claim of a lack of viability.

As for the payback period of 6.5 years, this is a building that has already been in commercial use for approximately 40 years and after the level of investment as proposed in the report by Hollis (which we must remember will also reflect additional issues resulting from the property sitting vacant and unoccupied for approximately 6 years), might be suitable for a further 40 years of use, likely more. If so, then a payback of 6.5 years to reflect modernisation might not be considered unreasonable. It would not put me off as an investor! Again, this is something an independent commercial property expert might be better placed to comment on.

All I can see from Galbraith within the application is a brief email confirming the marketing campaign undertaken to date. It is very light on detail, given this is key evidence to support the applicants challenge to policy. To expand on this aspect, as far as I am aware there has been only one closing date for offers, on 20<sup>th</sup> August 2021 (one month after marketing first started for the property). [REDACTED] a bid of £465,700 [REDACTED] was unsuccessful. This was based on the property being retained in commercial use.

As for the relaunch to the market in September 2023, as far as I could see at that time, the brochures was tweaked only slightly to reference the recently consented mixed commercial use and the addition of To Let. The onsite sale board was erected only for a short period, before being removed. I am sure East Lothian Council will have on its files, copies of the original marketing details from 2021 and the revised version from 2023 and can draw their own comparisons and conclusions.

There are many points to raise on the information submitted relating to the marketing campaign but I would highlight the following for consideration:

- 1) The marketing brochure states a price of '*Offers over £595,000*'. The question here is if this is '*at a reasonable price*' and I would suggest this is the more challenging policy requirement to answer. It may be that East Lothian Council should consider taking independent advice on this but for what it is worth, in my opinion this asking price is not reasonable.



The brief email from Galbraith and the Planning Statement prepared by Gray Planning & Development (dated November 2024) are both strangely silent on the subject of '*reasonable price*'. In fact there is no reference anywhere in the application / associated reports, on market values.

It is common knowledge that the applicant was the successful bidder for the property when it was marketed for sale by GVA on behalf of the bank. At that time the asking price was over £250,000. The price the applicant paid for the property is available for anyone to see through the Land Registry and we know it was over twice the asking price of £250,000.

Naturally it is entirely up to a person to decide what they want to pay for a property and in this instance, given the planning history, it is abundantly clear that the applicant was looking to secure the property solely for residential use and not to retain it for a 'town centre use'. This is after all the fourth application, by the same applicant, for a change of use to residential since the property was sold by RBS at the end of 2018, in addition to one successful application for change of commercial use and additions to the existing building. We also know that at no point since the applicant purchased the property, has the property been occupied or made available to occupy in a commercial use. However, in purchasing a property at a certain price, this should not then influence any argument as to whether the property is viable or not in context of an application to change the use of the property. This is surely why the policy includes the word '*reasonable*'.

It is of course a property owners' choice not to accept the highest or indeed, any offer, however in doing so, this does not constitute clear evidence that there is no one interested in the property, or it is unviable. It comes down to price expectations versus what the market will pay.

- It is highly unlikely that anyone will show interest in renting a property for commercial use or will progress their interest if the use they might be interested in is consented but not yet available within the property i.e. the consent reference 22/01299/P has yet to be physically implemented. It is highly unlikely that an operator at this scale and type will commit to a let so far in advance of the property being available to occupy. This is assuming of course the applicant would be undertaking the works to create the space as approved by application reference 22/01299/P. Neither the marketing brochure, or the supporting information submitted with his application, is clear on the applicants intention in this regard. It would be helpful to hear the thoughts of an third party commercial property expert on this aspect in context of the suitability of the marketing campaign undertaken by Galbraith's. Personally, I would say the marketing of the building For Sale or To Let in the manner as evidenced in this application, would purposely generate very little interest from commercial operators.
- Only unconditional offers were invited for the property. The cover page of the marketing brochure references '*1A Use Class*'. Under the heading Recent Planning Permission Granted, the brochure states "*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.*"

In clearly stating the current and consented use classes only and then requesting unconditional offers only, this again does not comply with the policy requirements. The applicant must demonstrate that the property is '*no longer viable for town centre uses*'. The policy clarifies this by stating '*Town centre uses*' in the context of this policy will include uses within classes 1, 2, 3, 10, and 11, and any other uses with similar characteristics that generates significant footfall.

In clearly marketing the property For Sale only and referencing use classes 1A, 2 and 3 only and restricting interested parties from the ability to explore another acceptable 'town centre use' as part of their purchase, the applicant has not I believe fully proven that a 'town centre use' is not viable. The marketing specifically excludes the ability for interested parties to progress with any other acceptable 'town centre use', other than at their own risk, post purchase.

- A condition of any sale is a 10% non refundable deposit on conclusion of missives. In my opinion, this is an unusual and somewhat restrictive requirement in the sale of a commercial property. Furthermore, a deposit is less relevant when unconditional offers only are being asked for. As before, the property owner can do what they wish in marketing their property for sale, but in context of providing the necessary supporting evidence required to persuade East Lothian Council to deviate away from policy, I would suggest that the inclusion of onerous and abnormal conditions on interested parties is serving only to frustrate the marketing process to the applicants benefit, rather than demonstrate a lack of viability through a clear and transparent marketing process, as is intended with the policy wording.
- There is very little detailed analysis and evidence of the remainder of the marketing campaign(s), which I personally find very strange. If interest in a property in a prime location such as North Berwick is as limited as is being suggested, then it should be very easy to back this up with a detailed report and analysis of the marketing and interest received, including any offers submitted and some explanation as to why they were not accepted, e.g. conditionality, price.
- I would question the credibility of the report by Hollis, specifically their analysis of the rental rates and market. This is based on their own confession that their analysis is "...based on our basic knowledge as building surveyors."
- The document '**North Berwick Town Centre Strategy 2019 (Supplementary Guidance to the East Lothian Local Development Plan 2018)**' forms part of the adopted ELLDP 2018.

At 1.3 of the document it states: -

*In addition to the LDP and its supporting documents, the North Berwick Town Centre Strategy draws on the work done by the North Berwick Town Centre Charrette in 2017 and takes account of the Council's approved Local Transport Strategy as well as relevant parts of the North Berwick Coastal Area Partnership Area Plan.*

It continues, in the same paragraph, to say: -

*It is a material consideration in the determination of planning applications that affect the town centre*

At 2.2, the document further supports the intentions of policies TC1 and TC2 by saying: -

*'To further support town centres and to minimise the length of time commercial premises lie vacant the principle of a change of use between retail, business, office, restaurant leisure and entertainment is supported. As town centres evolve there could be pressure to change uses to residential; this may be acceptable in non-ground floor or backland locations but will only be acceptable in a ground floor location where there is evidence that it is no longer viable as a town or local centre use.'*

The document goes on to set out the findings of an analysis of the town centre and in general finds the town centre to be well used, vibrant and popular.

At paragraph 6.2, and perhaps most importantly, the document says: -

*'The town centre is performing well in terms of having few vacancies, the average vacancy rate over the last few years is circa 3%, well below the East Lothian and Scottish average.'*

This along with the remainder of the document supports the importance of retaining the limited commercial space within the town centre to support the increasing full time population, as well as seasonal visitors. It also further highlights the lack of credibility of the comparable evidence on rent rates and market provided by Hollis.

I would therefore suggest that the application as currently proposed also does not comply with this Strategy document. The evidence submitted has been carefully managed to try to depict a property that is not longer viable for commercial; use but in reality the evidence is both weak and inconsistent and I am certain would not stand up to professional scrutiny.

- Paragraph 2.8 of the Planning Statement suggest the applicant has sought to maximise the chance of identifying commercial tenants through strip out of previous fixtures and fittings. It suggests that this work was *'part of preparing the property for marketing to commercial buyers - following the a previous grant of planning permission for a change of use to a café and 2 office units.'* It goes on to say *'..demonstrates the applicants' efforts to seek to implement the commercial use planning permission.'*

Paragraph 5.8 of the Planning Statement states *'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.'*

If the marketing brochure by Galbraith is to go by, which includes the only photos I can see in the application showing the internals of the subject property, in my opinion I would say the property is far from a 'whitebox' that would be usually be considered acceptable in the market place. Nor does the work undertaken in any way reflect the consented layout, as suggested in the Planning Statement. This is obvious as the works as approved by consent reference 22/01299/P have not been physically implemented. As I have suggested elsewhere in this report, it is highly unlikely that a commercial tenant will express interest in space that is say 12-18 months from being delivered (allowing for grant of building, tender, construction, completion of legals and handover).

Finally, the Design and Access statement, on page 13, states *"The Applicants will be converting a property, historically designed and built as residential, back into this use in a sympathetic manner."* This statement is misleading, indeed factually incorrect. The majority of the subject property was purposely built as a banking hall in 1983. Furthermore, the proposal is not to convert but to demolish and rebuild with limited reference to the existing structure, other than where they have to retain walls to due to title constraints.

## Policy CH1 (Listed Buildings)

In regard to the adjoining properties, both 12b Westgate (Bank House) and 14 Westgate (former Blenheim House Hotel), I can see no justification in the applicant's submission as to the scale and massing of the proposed development in context of the immediately adjoining listed buildings. The proposed development, which in essence removes a subservient extension to an existing listed building and replaces it with a substantial new build two storey property, is not development that respects a listed building but instead dominates an existing listed building.

In the applicants Design and Access Statement, on page 5, it starts by saying:

*"Built in the 19<sup>th</sup> century as what would have been a home initially, forming part of a 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 was recently closed and marketed for sale."*

This statement is ambiguous at best and in my opinion, seeks to try and mislead anyone reading the document into thinking that the subject site is perhaps being returned into its original use.

The property relevant to this application is the single storey building known as 12 Westgate, as detailed in the drawings submitted and indeed the marketing brochure prepared by GVA. The subject property to this application (which excludes the adjoining 12a Westgate) was built specifically as a bank and therefore for commercial use and its link to the adjoining villa is simply because the villa was owned by the Bank and therefore they extended to the west (not the east as well) to create the banking hall. The subject property has therefore been built specifically for commercial use and has no historic link to residential use.

Finally, and whilst I accept this is possibly more of a legal matter between neighbouring / adjoining landowners (which I have no doubt will be addressed separately with the applicant if planning is granted), the listing highlights a key feature of the existing bank building which the applicant has seemingly overlooked, both in text or indeed in any of the plans submitted. The listing states "..... Flat roofed single storey extension to W, 1983, absorbing section of former boundary wall...."

The gable of the bank building was built in place of the rubble wall that divided 12 and 14 Westgate. Ownership issues aside, as can be seen from the application(s) submitted in respect to 14 Westgate, a section of it has historically and continues to adjoin the gable of the bank. The former beer store of 14 Westgate, which has subsequently been converted into a study and a store as part of the redevelopment of 14 Westgate, all as consented by ELC, is built on to the bank gable wall. The removal of the listed bank building will therefore have a significant impact on 14 Westgate.

It is worth noting that the proposed Site and Floor plans submitted with this application are inaccurate, as they suggest the subject property and 14A Westgate are not attached. This is not the case.

## Policy CH2 (Development Affecting Conservation Areas)

I cannot see how the proposal submitted accords with the size, proportions, alignment, density and boundary treatment of nearby buildings. The proposals seek to substantially infill an area that in its current form, largely aligns with the tone of the immediately surrounding area, in that the original large villas have smaller, low level construction to one or both sides, thereby respecting the original villas and therefore the original design of the street. The

proposed infill with a substantial 2 storey (above ground) development, tight to the boundary of 14 Westgate and a small drop in height between 12a Westgate, does not align with any form of development seen on Westgate in the past 120 years. The proposals I would suggest therefore have a substantially negative impact on the character of the conservation area.

In regard to both policies CH1 and CH2, I would refer you to the comments made by the Local Review Body in their decision on the appeal to application reference 20/00594/P, which stated *"The proposed extension would by virtue of its size, scale, alignment and height not be subservient to the existing listed building and as such would be harmful to the architectural and historic character of the listed building and the character and appearance of the North Berwick Conservation Area be contrary to Policies CH1 and CH2 of the ..."*

I cannot see what has changed with this current application.

The refusal by the Local Review Body goes on to state *"The proposed vehicular access and hard standing 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 CH2 of the ..."*

Again I would ask what has changed in this current application.

The Reporter, in decision dated 10<sup>th</sup> December 2019 setting out his dismissal of the appeal to application reference 19/00493/LBC, made several references to the importance of any development on the site being subservient.

The applicant has sought to reference the new build extension to 14 Westgate however is entirely unjustified in doing so. The new build extension to 14 Westgate is subservient, with the ground floor extension, in replacing an existing single storey structure, being both narrower than the original extension and now set back from the boundary wall to 16 Westgate, and shallower than the original extension and indeed more importantly, the main building to which it is attached. Furthermore, the first floor extension is both lower in height than the main building and narrower in width than the ground floor area, therefore creating the effect of a stepped extension and by its very nature, subservient to the existing listed main building. This was a specific requirement of the Local Authority, with consultation from Historic Environment Scotland, at the time of the redevelopment of 14 Westgate and in regard to 12 Westgate, this effect simply cannot be achieved due to the interrelationship between 12b and 12 Westgate, the window on the gable of 12b Westgate which overlooks the flat roof of the former bank and the proximity of 14 Westgate to the western boundary. Therefore, the applicant's claim of a subservient proposal are incorrect, but instead it is a new build two storey property which has to be stepped away from 12b Westgate, the property from which it should take its reference, due to the existence of a window on the western elevation of 12b, which the applicant does not control.

The final issue which is clearly raised in the Reporters dismissal but not addressed and is of grave concern is the impact that the proposals will have on the adjoining listed buildings, not just aesthetically, privacy etc, but also structurally. At point 16 of his summary, the Reporter states *"The narrow side extension (west) of number 14 is built onto the listed wall between it and number 12. The proposed demolition of the 1980's extension could destabilise that extension to number 14. There is no evidence either way regarding potential destabilisation of the adjoining or adjacent listed buildings from proposed demolition or from excavations for the proposed basement. Were this to arise it would represent an unacceptable risk to either listed building...."*

As I see it, this application does not seek to address this or indeed any of the other clearly made points in the Reporters dismissal dated 10<sup>th</sup> December 2019.

### **Policy DP2 (Design)**

The proposals put forwards represent a substantial 3 storey (2 storey above ground) new build property on the footprint of an existing single storey structure. The submitted drawings are light on detail but assuming that all existing structures can be removed without having a detrimental impact on the structural integrity of 12b and 14 Westgate, are removed, the proposed structure would be 3 to 4 times larger than the existing structure. It is also two storey across a greater depth than the existing single storey structure. The proportion and scale are inappropriate to the site and indeed in context of the neighbouring properties and the general tone of the street. The proportions and scale of the proposals and the material proposed, particularly to the Westgate elevations, will not complement the existing built form of Westgate. The materials and in particular colours proposed for the North elevation (Beach Road), do not complement its surroundings when seen as a standalone new build house and it is unclear how a coloured cladding can complement anything else seen in North Berwick, let alone Westgate. The use of contemporary or contrasting material is I believe a well-used and indeed supported method for construction for subservient extensions i.e. smaller than those to which they are attached. These proposals are certainly not that and are entirely out of context for this part of North Berwick.

As regards sunlight and daylight, the proposals will have a detrimental impact on both neighbouring properties. For example, 14 Westgate currently benefits from sunlight and daylight to the eastern elevation, which contains windows on the eastern elevation to a master bedroom and to a living room.

In respect to overlooking, the proposed extent of glazing to the north elevation will create for all intents and purposes, a terrace and a viewing area over the rear of the property with direct open views into the gardens of 12b Westgate and the four flats created in 14 Westgate. This cannot be acceptable and indeed in the officer's decision in refusing application reference 19/00472/P, they quoted the importance of privacy not only for the garden of 12b Westgate, which immediately adjoins the northern boundary of the subject property, but vice versa. It is quite simply overdevelopment and an intrusion that will have an immediate and detrimental impact to many others.

The applicant, in their Design and Access Statement, seeks to cross reference their design to that delivered at 14 Westgate. However, whilst the glazing to the north elevation at 14A Westgate (ground floor) looks onto its own private garden, the window proposed in 12 Westgate will look onto the neighbours garden. The planning officer will be able to revisit the details of the application for 14 Westgate and why in that instance they officers were able to approve the terrace.

### **DP5 (Extensions and Alterations to Existing Buildings)**

As mentioned in reference to policy DP2, the proposals represent a very significant threat to the existing residential amenity for the neighbouring properties, namely 12A Westgate and 14C & 14D Westgate, and to a lesser extent, 14B Westgate. The loss of privacy, as well as sunlight and daylight, will be dramatic. Particularly in regard to 14A & 14C Westgate, which has 2 windows at ground floor and 4 windows at first floor level respectively on the eastern elevation, these will be severely impacted by the proposals. The first floor windows (14C) in particular provide the only direct sunlight into a living room and additional sunlight to the master bedroom.

As referred to previously, the former bank (12 Westgate) must be looked at as an extension to Bank House (12b Westgate). The Bank was built when the whole property was under

single ownership and in its current form, represents a subservient extension to the traditional villa. Although the two properties are now in separate ownership, I feel strongly that architecturally they must be looked at as one and as with the consent for 14 Westgate, and indeed many other examples in North Berwick and in line with policy, any extension should be subservient in nature to the existing. The proposals are far from subservient, and I would estimate the proposed property to be approximately 3 - 4 times larger than the former Bank.

On the basis that I feel the property does not meet the tests set out in points 1 to 3 of the policy and in the absence of any other positive planning and design benefits, I cannot see how the proposed development can meet policy.

In regard to policy DP5, I would refer you to the comments made by the Local Review Body in their decision on the appeal to the application reference 20/00594/P, which stated *"The proposed development would not be subservient to or complement the existing building and would result in an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight. Therefore, the proposal is contrary to Policy DP5 of the..."*

I would suggest that the current proposals do nothing to change these findings.

### **DP7 (Infill, Backland and Garden Ground Development)**

As before, the proposals fail in regard to the tests set out in this policy. I have previously addressed the loss of privacy and amenity for neighbouring properties. I have also previously addressed scale, density and design of the proposed development, all of which I feel are inappropriate to the surrounding area and neighbouring properties.

As regards boundary features, the boundary wall between 14 and 12 Westgate is listed. When the Bank was constructed, a short section of the boundary wall was removed and in its place, the gable of the Bank was formed. In allowing demolition of the Bank building, this will remove a section of boundary wall that is supporting a structure forming part of the consented development at 14 Westgate. I accept that this is possibly more of a legal issue between respective owners, however I do feel it is important for ELC to understand the position on the ground and the implications of any decision any approval for demolition may have on the neighbouring properties. I strongly suspect similar issues exist with the adjoining / interconnecting nature of the Bank to 12b Westgate.

In regard to landscaping, the addition of a turning circle for a car and the impact this will have on the current landscaping as well as the ability to provide usable garden ground will, I suspect, result in insufficient amenity land for the type and scale of built form and accommodation proposed.

The comments of the Local Review Body and the Reporter set out above all touch on issues relevant to policy DP7 and my comments above.

### **T2 (General Transport Impact)**

The property, when constructed as a Bank and based on historic data available, has never benefitted from a vehicular access from / onto Westgate. For this reason alone, I cannot see how it can be justified to create a new vehicular access across an already very busy foot path and on to an already busy public highway. For this reason, the existing dropped kerb has no relevance to any proposed new vehicular access.

An access onto Westgate will have a detrimental impact on the safety of pedestrians. The footpaths and roads of North Berwick, which are already very busy.

The Design and Access Statement states at page 13, heading Policy tc2, "*At present the building use requires 3 parking spaces which are provided on street. The proposed dwelling shall only require 1 parking space.....*" This is misleading and factually incorrect. The current on-street parking is public parking only, not allocated in any way to the various uses of the buildings that surround the street. It is however factually correct to say that the negative impact on the existing roads infrastructure of North Berwick will be compounded by the loss of at least two, possibly three on street parking spaces to accommodate the creation of a vehicular access. The on-street spaces will be lost by the need to leave enough clear space on either side of that new gateway to allow a splay for a vehicle to safely pull out and to leave enough space to enter the one-way flow of traffic. I am unclear how the loss of even one space let alone 2, possibly three on-street parking spaces to make way for one space for private use only is acceptable.

I would, in light of the above, as well as the clear summaries reached in the all previous applications, as well as taking into account all material planning considerations and the feedback provided to the applicant in the pre-application enquiry (as referred to in paragraphs 2.13 and 2.14 of the Planning Statement), ask that you recommend this application for refusal.

I would please ask that you acknowledge valid receipt of this letter of objection and that you keep me updated on the progress of this application, including any proposed date for any committee meeting, if relevant.

Yours faithfully





Response to planning application: 24/01290/P

12 Westgate, North Berwick, EH39 4AF

I am writing to appose the planning application listed above. We have been round several planning applications before all of which have been not approved by East Lothian Council Planning Department.

The reason for not being approved was mainly [REDACTED] 12 Westgate is a business premise and was so when sold to Dr and Mrs Sharp. Clearly, they never had any intention to use it for that purpose and have repeatedly requested change of use. 12 Westgate is in the heart of North Berwick and is perfect for continued business use for local people. The change in working patterns after Covid mean that many people are desperate for local business spaces to either work out of or run their businesses from. 12 Westgate is in an excellent location for such an opportunity, and I do not agree that such a venture would be non-viable from a business finance viewpoint. The building could also be used for many other types of businesses, such as a café, gallery, bar/restaurant, etc.

When Dr and Mrs Sharp acquired the property, they did so by paying over the price and so were successful in out-bidding other businesses which made offers on the property. Some of these businesses must have gone elsewhere, out of North Berwick and with that, taken local job opportunities with them. This is unacceptable and has a knock-on effect on other local businesses along the high street.

Over the years 12 Westgate has stood empty, the front garden has been poorly managed and now looks unkempt and untidy. Dr and Mrs Sharp have made little effort to secure any business offer to lease the property and have relied on hoping to eventually get the change of use approved. The potential for North Berwick to remain a thriving, local, niche small town relies on the success of the high street which has been described by many articles as a place that has bucked the trend of high street deterioration and closure of businesses. I would urge the planning department to uphold the business tradition of North Berwick and refuse the current application for change of use. Similar applications for change of use to other buildings nearby have been refused and subsequently such buildings have become thriving and successful local business spaces. 12 Westgate should not be an exception to previous planning decisions.

I am aware that neighbours of properties surrounding 12 Westgate have been united in opposing the change of use for this building. Its history goes back many years, its place has a secure foundation along Westgate and its position is enviable and much sort after.

Please refuse this current application.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Service Manager – Planning (Chief Planning Officer)  
East Lothian Council  
John Muir House  
Haddington  
East Lothian  
EH41 3HA

29<sup>th</sup> December 2024  
(email to [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk))

Dear Sir

**Re: Planning Application reference number 24/01290/P and Listed Building Consent application reference number 24/01291/LBC**

We object to the above applications for the reasons outlined below.

1. Part demolition of the former bank hall
2. Inappropriate development in a conservation area and adjacent to attached listed buildings
3. Loss of privacy and residential amenity
4. Change of use and loss of ground floor commercial office space
5. Detrimental change to the streetscape

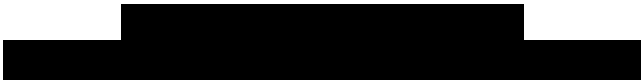
Our objections are made with reference to East Lothian Council Local Development Plan 2018:

- Policy TC2: Town and Local Centres
- Policy CH1: Listed Buildings
- Policy CH2: Development Affecting Conservation Areas
- Policy CH3: Demolition of an unlisted building in a conservation area
- Policy DP5: Extensions and Alterations to Existing Buildings
- Policy DP7: Infill, Backland and Garden Ground Development

This is the fifth planning application for this property, and continues to follow the same pattern as the previous applications which have all been refused permission on multiple grounds, including at subsequent appeals, and contravene the Council's Local Development Plan for our town.

The Council Officer's Reports dated 26<sup>th</sup> January 2023, regarding previous application 22/01299/P, and 26<sup>th</sup> April 2022, regarding previous application 22/00233/P, provide a detailed overview of the previous applications and outcomes. The objections listed above remain valid with regard to the current applications, 24/01290/P and 24/01291/LBC.

We have listed our specific objections below and touch on what we feel is a straightforward solution to how this property can continue to be used, within its current footprint.



## 1. Part demolition of the former bank hall

### *Non-compliance with Policy CH3*

There are **no valid grounds for the part demolition** of the former bank hall. The plans do not comply with Policy CH3 which applies. The building is **capable of beneficial use in its current location, physical form and state of repair**. Previous application 22/00233/P confirms that the condition of the building can be adapted without material loss to its character. Scottish Government Appeal Decision Notice LBA-210-2010 (relating to planning application 19/00472/P) concluded that the current building **positively contributes** to the character or appearance of the conservation area, and that **removal or replacement of the building would not preserve or enhance the character and appearance of the conservation area**.

## 2. Inappropriate development in a conservation area and adjacent to listed buildings

### *Non-compliance with Policies CH1, CH2, CH3, DP5 and DP7*

The property is set in an immediate context of adjacent and attached listed buildings on both sides. There is an **unacceptable level of risk associated with the proposed excavations for the basement**. The risk of destabilisation of these listed building has been pointed out previously in 2019 (Scottish Government Reporter).

The proposals for the new development constitute an infill development bordered on both sides by listed buildings and set in the North Berwick Conservation Area. It sits at the western end of a row of listed buildings, the character of which would be significantly impacted by these proposals. The proposed development would by virtue of its size, scale, massing and material be **overbearing and incongruous**, and not subservient to the adjacent listed buildings.

Moreover, the proposed first floor elevation and roof would **distort the streetscape**, seen from both the north and south aspects, i.e. from Westgate and from Elcho Green. This part of North Berwick Conservation Area is characterised by openness and open views of sky and sea. The current building balances the “drop down” space to the west of 14 Westgate, making for a visual balance, **which would be disrupted** by this inappropriate development. The feeling of seaside experience is important to local residents and visitors and was confirmed in the recent Charette report.

Finally, 14 Westgate, the former Blenheim, with its Italianate design is unique along the high street. The proposed development would join it up to nearby Victorian villas, making for an **incongruous streetscape**.

On multiple grounds, the proposed plans do not comply with policies CH1, CH2, CH3, DP5 and DP7. As we point out further on in our letter, and have done in our previous representations, **it is entirely feasible for the property to be used within its existing footprint** and avoid any inappropriate extensions or development.



### 3. Loss of privacy and residential amenity

#### *Non-compliance with Policies DP5 and DP7*

The proposed plans would result in an **unacceptable loss of residential amenity** in terms of being overlooked and loss of daylight. Both of the neighbouring properties at 12B and 14 Westgate would be impacted, as would the occupants of the proposed house.

The plans included glass panelling and a new balcony on the first floor, all of which would result in the **loss of privacy** in the garden of 12B. The daylight report indicates that the residents of the neighbouring properties (12B and 14) would suffer a **loss of visible sky**, looking onto walls in close proximity, where there is currently no intervening structure. The proposed plans do not comply with Policies DP5 and DP7.

### 4. Change of use and loss of ground floor commercial office space

#### *Non-compliance with Policy TC2*

Previous applications seeking a change of use for this property (19/00472/P, 20/00594/P, 22/00233/P) have been refused with the first **reason for the rejection of each being the loss of ground floor office space** within the centre of North Berwick, detracting from its vitality and vibrance. Despite this, the proposed plans once again seek to change use, with no valid justification. There is **no evidence that the property is no longer suitable to be used for local or town use**. It is **incorrect to state that there is no interest from potential commercial buyers**. In fact, potential commercial buyers have been deterred through both the massive over-inflation of the asking price, which is totally out of sync with competitive market rates, as well as other factors such as poor presentation and setting pre-conditions on any expressions of interest. The proposed plans do not comply with Policy TC2.

### 5. Detrimental change to the streetscape (parking spaces)

#### *Non-compliance with Policies CH1 and CH2*

The proposed plans include widening the access from Westgate onto the property, forming a hardstanding area and building a vehicle turntable. The applicant would in effect be privatising at least two parking spaces, at a loss of two spaces to the community, which is already under significant pressure in this regard. Furthermore, the change would make for an incongruous change to the streetscape of Westgate and the setting of the neighbouring listed buildings.

### Conclusion

The applicant continues to submit plans which clearly do not comply and yet there is a **straightforward solution** to how the property can be used, **within its current footprint** (not requiring any building extensions or demolition), and which has been **evident from the outset** when the property first came up for sale. The property is, has for a very long time been, and continues to be suitable for a specific purpose, namely as an office (Class 2 use). This is the basis on which the property has been occupied for decades, and is **the basis on which the property was offered for sale**. Indeed, the applicant claims to have modernised the property to offer improved facilities to

[REDACTED]

continue to function in this capacity (although the marketing material only provided “CGI-generated images”).

However, **there has not been a genuine attempt to market the property** as the asking price has been inflated considerably beyond reasonable market value and potential buyers have effectively been deterred. It could be argued that the applicant seeks to “engineer” the process in an attempt to “demonstrate” that there is no commercial interest in this property as a Class 2 office and then (re-)submit plans to demolish it and build a large residential property for themselves in its place. The contrary is the case and **many organisations are actively looking for exactly such a location as this one** as they adopt hub-and-spoke models for their staff, moving away from large city centre locations and towards smaller locally based facilities, or to what has been called “hyper-local coworking”. There is a great deal of background material that illustrates this point. See for instance, the Knight & Frank article “What’s a Hub and Spoke Model? Will it Shape Our Offices?” (<https://www.knightfrank.co.uk/office-space/insights/culture-and-space/hub-and-spoke/>). There is **no imperative whatsoever for extensive alterations** and such a development can easily be accommodated within the existing footprint of the building. **We are confident that this property can be retained as an asset for our town**, offering much-needed office space and contributing to the vitality and vibrancy of our community.

## Summary

The applicant has purchased, above market rate, a commercial premises which they intended to change into a residential development. They now seek to maximise their return on investment. Rather than continually seeking change of use, demolition, change of footprint, the clear solution for these premises is to upgrade and enhance the interior of the current structure to continue to provide Class 2 Office space for our community and offer it to the market at a competitive rate in a sincere attempt to attract a genuine buyer.


These proposals do not comply with the East Lothian Council Local Development Plan and should be rejected for the following reasons:

- There is no justification for the part demolition of the existing building.
- The proposed alternative development will be detrimental to the character of this part of the North Berwick Conservation area and the setting of adjacent attached listed buildings.
- The redevelopment plans will result in a loss of privacy and residential amenity for the adjacent properties at 12B and 14 Westgate.
- The proposed development will result in the loss of ground floor commercial office space, and there is no evidence that the property is no longer suitable for local or town use.

We ask East Lothian Council Planning committee to take these points into consideration when making a decision on this application.

Yours faithfully,

[REDACTED]

From:   
Subject: [Environment Reception](#)  
Date: PLANNING APPLICATION 24/01290/P 12 WESTGATE, NORTH BERWICK  
18 December 2024 22:17:22

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**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**APPLICATION 24/01290/P | Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works | 12 Westgate North Berwick EH39 4AF**

North Berwick Environment and Heritage Trust (NBEHT) **OBJECTS** to the above application.

NBEHT has no view on the matter of the change of use other than to point out that the applicant's inability to sell the property is a consequence of the purchase at an inflated price and a failure to establish whether a residential use was acceptable in planning terms. Previous schemes have largely been found unsatisfactory with the exception of the scheme for commercial use. The commercial scheme unfortunately introduced some very peculiar and unjustified design elements. It is unfortunate that some of these design elements have been retained in this current proposal and other even more jarring design details introduced.

NBEHT considers that the starting point in considering the current proposal is the sensitivity of the site. It concerns a listed building, an unlisted buildings, an adjacent and abutting listed building and all are located in the North Berwick Conservation Area. In addition, the north and south elevations are exceptionally visible. The very highest of standards of architecture and design should be employed.

NBEHT considers the drawings to be inaccurate or misleading. At least two inconsistency have been found. . The upper floor (west side) appears to include a vertical window. This does not appear on the layout. The north Elevation indicates a roof vent rising vertically from the flat roof extension while it is missing from the south elevation.

NBEHT welcomes the use of the pitched roof section for an upper floor. The overall form and proportions work well. However the adjoining flat roof element is visually away, its proportions are wrong, being too bulky and intrusive. It could be modified. The use of a timber effect fibre cement horizontal boarding in turquoise is more than a step too far and should be changed to something less visually dominant and awkward in this sensitive location In North Berwick. NBEHT hopes that this proposed material and colour may be a draughting error but it may not be. Whether an error or deliberate the use of pseudo turquoise horizontal boarding has no place in a scheme in this location in a Conservation Area and between listed buildings. A grey single ply membrane or natural sandstone would be acceptable alternatives.

The fenestration is exceptionally poorly thought through being a random variety of window treatments. There is no consistency and the effect is therefore unsympathetic and inauthentic. Particularly jarring is the window to the south elevation with pseudo astragals set within the pitched roof element. A simpler approach is desirable.

NBEHT considers that - if the use is found acceptable by ELC - then the design of the proposed alterations could and should be amended to resolve the inherent design difficulties and planning issues outlined above. In the meantime NBEHT **OBJECTS** to the current scheme and considers the proposal to conflict with Policies CH1 and CH2, NPF4 and to HES advice.



NBEHT Trustee



Service Manager - Planning

East Lothian Council

John Muir House

Brewery Park

Haddington

East Lothian

EH41 3AH

23 December 2024

Dear Sir/Madam

We write to register our **objections** both to **Planning Application Ref: 24/01290/P | Alterations, extensions and change of use of bank to form 1 house, formation of off-road parking, hardstanding areas and associated works. | 12 Westgate North Berwick East Lothian EH39 4AF,** and **Listed Building Consent Application Ref: 24/01291/LBC | Part demolition, alterations, and extension to building, alterations to boundary wall and associated works | 12 Westgate North Berwick EH39 4AF.**

These applications are the latest in a series of similar applications, all of which have been refused at initial submission and/or subsequent appeal, and are essentially a further presentation of the previously rejected design elements. The relevant guidelines, regulations and policies have not changed in the interim and the current proposals continue to fail to comply with them as follows:

### **Policy TC2**

The proposed scheme of development would result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre where there is no evidence that the premises is no longer viable as a town or local centre use, contrary to Policy TC2 of the adopted East Lothian Local Development Plan 2018.

The applicant's planning statement seeks to assert that there is no commercial appetite for the property despite an extensive marketing campaign.



We would argue that the asking price stated in the marketing material was well above a sensible commercial rate, and on a “price per square foot” basis was more in line with premium residential property prices in the most expensive postcodes of the capital. It is not surprising therefore that parties with a commercial interest were not prepared to meet the asking price.

The property has not been marketed at a reasonable commercial value and there is nothing in the current application which would justify a shift in the Planning Department’s position on this point.

### **Policy CH1 & CH2**

The proposed widening of the access and formation of the hardstanding area with vehicle turntable would be an intrusive and incongruous change to the streetscape of Westgate and this part of the North Berwick Conservation Area, contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018. It would also have a detrimental impact on the setting of the adjacent Category B listed element of the building contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018.

### **Policy CH1 (Listed Buildings).**

Regardless of the removal of the banking hall’s Category B listed status by HES, this building is nevertheless physically attached to and is intimately contextually associated with listed buildings to either side. The West wall of the bank building is only 1750mm from the East gable wall of the adjacent listed building at number 14, and can be deduced to be even closer to its settled foundations. Potential destabilisation of the adjoining and adjacent listed buildings arising from the proposed excavations for the basement extension would represent an unacceptable risk to either listed building as pointed out by the Reporter appointed by the Scottish Ministers in November 2019. The Reporter would have imposed conditions requiring a demolition and excavation plan to be approved in advance by the planning authority had consent been granted.

### **Policy CH1 & CH2**

The proposed extension would by virtue of its size, scale, massing, and materiality be overbearing and incongruous, and not subservient to the adjacent listed buildings which define its setting, and as such would be harmful to the character and appearance of these buildings, and to the appearance and character of the North Berwick Conservation area contrary to policies CH1 & CH2.

### **Policies DP5 & DP7**

The proposal contravenes Policy DP5 by causing an unacceptable loss of residential amenity to the occupiers of neighbouring residential properties by virtue of direct overlooking and loss of daylight.

The extensive glazed elements and Juliet balcony proposed at first floor level would introduce a new direct overlooking of the private garden ground of 12B Westgate.

The proposal contravenes Policy DP7 in that the occupants of the proposed house would not be afforded an acceptable level of privacy and amenity due to windows in the north elevation boundary wall being directly adjacent to the private garden ground of 12B.

An established decking/seating area in the garden of 12B immediately adjacent to the wall of the bank extension is directly below the proposed new openings for ground floor windows into a

bedroom and bathroom. Users of this garden space and the occupants of the proposed new rooms alike would not be afforded an acceptable level of privacy.

The daylight and sunlight report continues to assert full BRE compliance whilst ignoring the fact that its own calculations plainly state that three windows in the first-floor east elevation ( [REDACTED] ) and a single window in the first-floor west elevation of [REDACTED] would all fail the Vertical Skylight Component (VSC) test. Visible sky is significant element in terms of residential amenity. The occupants of the rooms mentioned would be presented with a blank wall at close quarters directly opposite these windows adversely impacting their amenity.

Please confirm valid receipt of this objection and keep us abreast of the progress of these applications.

Yours faithfully,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

FAO: Case Officer Julie McLair  
Planning Department  
John Muir House Haddington

30<sup>th</sup> December 2024

I am writing to voice my **OBJECTION** to planning Application **Ref: 24/01290/P | Alterations, extensions and change of use to form one house, formation of road parking hardstanding areas and associated works 12 Westgate, North Berwick AND 24/01291/LBC Part Demolition, alterations and extensions to building, alterations to boundary wall and associated works | 12 Westgate North Berwick** – These applications are **contrary** to development plan policy and there are **no** material planning justifications to depart from that policy.

In assessing the application and the associated plans and design statements, there are a number of points which I do not believe have been adequately addressed including **Policy TC1 The Town Centre First Principle, Policy CH1 covering Listed Buildings, Policy CH2 & CH3 covering development in a Conservation Area and Policy DP5 relating to extensions and alterations to existing properties.**

Additionally, the "Location and Site Plans" which have been submitted by the applicant do not accurately represent the existing reality and fail to show that the Bank Building and Blenheim House (14 Westgate) are attached. Any demolition of the current Bank Building at 12 Westgate would therefore need to seriously reflect and give consideration to the impact that this would have on the neighbouring property. 12 Westgate is not in its entirety a standalone property being attached in some format on both its side boundaries despite what the submitted plans might show. The proposal will directly affect a property outside of the applicants' control and ownership.

Having followed the recent history of planning applications at 12 Westgate I understand that the applicant has successfully managed to have part of the property delisted, however regardless of this the fact remains that part of the property remains a Listed Building as are the neighbouring and attached buildings of 10, 12 & 14 Westgate. I therefore believe that the implications of Listing and the associated planning policy CH1, must be taken into account when considering this application. With that regard, I should like to refer to Historic Environment Scotland's listing of 10-12 Westgate, which categorises these properties and retaining walls as **B Listed on 26th May 1988 (Designation Ref LB38788)** and to 14 Westgate, Blenheim House with Boundary Walls (**Designation Ref LB38789**) The listing description directly makes reference to the listed boundary walls between 12 & 14 Westgate "Flat roofed single storey extension to W, 1983, absorbing section of former boundary wall at N" As a result of the flat roof extension to 12 Westgate the gable wall of said extension replaced the shared boundary wall and therefore **any** demolition of the building demolishes a section of shared ownership which has not been addressed.

**Policy CH2** relates to development proposals within a **Conservation Area** which is relevant to this application, and clearly states that new development should accord with the size, proportions, orientation, alignment, density, materials and boundary treatment of nearby buildings and public and private spaces. Planning decisions must ensure that the character or appearance of the Conservation area is preserved or enhanced. The scale, size, alignment and proportions of the proposed extension simply do not accord with those of nearby buildings and spaces nor do they represent the character statements for this area. Height, massing and urban grain/rhythm of the streetscape are important in the Conservation Area. The general solid to void pattern along the street is characterised by spaces between fairly large free-standing buildings - this proposal would bridge such a gap and block the glimpsed views to the sea which are part of the character of the street and the conservation area. The proposal would not preserve or enhance the conservation area and fails to meet policy and legislative requirements.

I understand that the loss of a view is not a material consideration however I also note that the character statements for North Berwick states that views from the centre to North Berwick Law are important. Referencing once more **6.41** under **Development Affecting Listed Buildings** the statement "the setting of a listed building can be affected by new development proposed within its curtilage, adjacent to it or visible from it and development proposals should not interrupt key views of, from or to a listed building....". I believe that the new two-story gable wall forming the boundary between 12 & 14 Westgate will not only result in loss of sunlight and daylight to key rooms namely the sitting room, kitchen and master bedroom where windows in [REDACTED] gable wall will be blocked by the very close proximity, in place less than 140 cm, of the new extensions gable wall, but it will also completely remove the existing uninterrupted views from this Listed Building to North Berwick Law.

#### **Policy DP2 (Design)**

The proposals put forward represent a substantial 3 storey (2 storey above ground) new build property on the footprint of an existing single storey structure. The proposed structure is approximately 4 times larger than the existing structure. The proportion and scale are inappropriate to the site and indeed in context of the neighbouring properties and the general tone of the street. The proportions and scale of the proposals and the material proposed, particularly to the Westgate elevations, will not complement the existing built form of Westgate. The materials and in particular colours proposed for the North elevation (Beach Road), do not complement its surroundings – it is unclear how **turquoise cladding** can complement anything else seen in North Berwick, let alone Westgate.

**Policy DP5** relates to extensions and alterations to existing buildings and states that all alterations and extensions must be well integrated into their surroundings, in keeping with the original building or complementary to its character and appearance. Its size, scale and proportions must be appropriate to the existing building and **MUST** be subservient to the existing property. This application does not meet the requirements of **DP5** by virtue of the height, size, scale and massing being proposed which is wholly inappropriate and disproportionate to the plot, its location and the impact it will have on the neighbouring

properties. The applicants proposal is seeking to replace a single storey, subservient extension with a 2-storey building plus lower basement thereby essentially a three storey property, the ground floor foot print of which is predominately forward of the existing build line and substantially increasing the size of the existing property.

DP5 additionally states that there must not be any loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of daylight or sunlight. As explained above there will be substantial loss of daylight and sunlight in key habitable rooms, namely the sitting room, kitchen and master bedroom [REDACTED] The sitting room and kitchen are north facing and the only direct sunlight into these rooms come from the gable windows all of which will be blocked by the two-storey extension which extends into the current boundary wall and will be less than 140 cm from these windows.

The extent of glazing to the north elevation of the development will result in a loss of privacy to the rear garden of both 12 & 14 Westgate and no amount of architects' drawings trying to draw a sightline beyond the rear garden boundary wall can take away from the negative impact that a ceiling to floor glazed second storey would have on the neighbouring and attached residential properties and the serious issues of loss of privacy and overlooking.

#### **DP7 (Infill, Backland and Garden Ground Development)**

As before, the proposals fail in regard to the tests set out in this policy. I have previously addressed the loss of privacy and amenity for neighbouring properties. I have also previously addressed scale, density and design of the proposed development, all of which I feel are inappropriate to the surrounding area and neighbouring properties.

As regards boundary features, the boundary wall between 14 and 12 Westgate is listed. When the Bank was constructed, a short section of the boundary wall was removed and in its place, the gable of the Bank was formed. In allowing demolition of the Bank building, this will remove a section of boundary wall that is supporting a structure forming part of the consented development at 14 Westgate. [REDACTED] I accept that this is possibly more of a legal issue, [REDACTED], however I do feel it is important for ELC to understand the position on the ground and the implications of any decision any approval for demolition may have on the neighbouring properties. I strongly suspect similar issues exist with the adjoining / interconnecting nature of the Bank to [REDACTED] Westgate.

In regard to landscaping, the addition of a turning circle for a car and the impact this will have on the current landscaping as well as the ability to provide usable garden ground will I suspect result in insufficient amenity land that is required by policy for the type and scale of development proposed.

#### **T2 (General Transport Impact)**

The property, from construction as Bank and based on historic data, has never benefitted from a vehicular access from / onto Westgate. For this reason alone, I cannot see how it can

be justified to create a new vehicular access across an already very busy foot path and on to an already busy public highway.

An access onto Westgate will have a detrimental impact on the safety of pedestrians. The footpaths and roads of North Berwick are already very busy.

The impact on the existing roads infrastructure of North Berwick will be compounded by the loss of what in reality will be at least two, possibly three on street parking spaces to accommodate the creation of a vehicular access (which is very different to the widening of the existing gates). The on-street spaces will be lost by the need to leave enough clear space either side of that new gateway to allow a splay for a vehicle to safely pull out and to leave enough space to enter the one way flow of traffic. I am unclear how the loss of even one space let alone 2, possibly three on street parking spaces to make way for one space for private use only is acceptable.

### **Policy TC1**

The adopted LDP 2018 for East Lothian and the Supplementary Guidance in the North Berwick Town Centre Strategy Document clearly demonstrates the importance of a sustainable strategy for the future of the town centre and a desire to encourage employment generating development in existing business sites. The LDP introduces new planning policies which adopts the Town Centre First Principle (Policy TC1) a strategy designed to support town centres in the long-term ensuring they are vibrant and sustainable.

Policy allows for a change of use between some different Commercial Use Classes, but specifically mentions that whilst there may be a pressure to change use to residential, it may be acceptable in non-ground floor or backland locations but will only be acceptable in a ground floor location where there is evidence that it is no longer viable as a town or local centre use.

The policy demands that there is evidence provided that the existing premises are no longer viable as town centre use. Evidence must include details of a formal marketing campaign for town centre uses at a reasonable price for a minimum of 6 months, including details of method of marketing, relevant dates, copies of particulars and details of all interested parties and offers received.

The property is not in a dilapidated state which may preclude continuing use in this use class due to financial viability, there are no fundamental works required to ensure they can be used in their current use class.

The property, a branch of the Royal Bank of Scotland came to the market due to the decision of the owner/occupier RBS to close the branch, it was marketed for sale by GVA under its current use class. It attracted substantial interest from potential buyers, whilst specific details have not been given by GVA, there were a good number of offers received at closing date including ones for use in its current class.

It may not be unreasonable to conclude that the sole intention of the applicant may have been residential throughout. They have submitted a number of applications to council for this building and this application is almost identical to the very first planning application they submitted, and which was refused. At that time, they failed to address the issues relating to change of use and even with a “viability” report added at this stage, plus some sales marketing at an above market price, this surely cannot be seen as a meaningful attempt to prove that this current property is not viable. As an individual who made an offer to buy the property when marketed by Galbraiths and who submitted an above market valuation offer at the closing date but had my offer rejected I simply do not accept that the owners despite the marketing of the property were ever committed to selling the building.

**Policy CH1** relates to development, alterations or extensions to **Listed Buildings** and although part of the application is no longer listed, I believe that it is relevant to this application by virtue of the fact that the attached and neighbouring properties are listed and that part of the applicants property remains listed.

Policy states that proposed work to listed buildings should ensure that the value of the building is not lost, or its character undermined by insensitive changes. Additionally, policy seeks to protect against the loss of any listed building unless it has been demonstrated beyond reasonable doubt that every effort has been made to find practical ways of keeping it. Policy states that demolition will not be permitted unless the building is no longer of special interest, is incapable of repair **OR** there are overriding environmental or economic reasons for demolition. It must in addition be demonstrated that every effort has been made to continue the present use or to find a suitable new use.

Should a property become delisted then **Policy CH3** will apply. This policy seeks to protect the demolition of non-listed buildings within a Conservation area in a similar manner as that of CH1.

The application in no way addresses or meets any of the above criteria and therefore does not comply with policy.

**Policy CH1** also states that the setting of a listed building can be affected by new development proposed within its curtilage, adjacent to it or visible from it and development proposals should not interrupt key views of, from or to a listed building and should ensure it does not dominate or detract from the listed building in anyway. The proposals being made in this application will by virtue of their extent (height/scale/massing) substantially dominate and detract from the surrounding and existing listed buildings.

Not only is the scale of the proposal in terms of total area greater than anything which might legitimately be seen as reasonable, the plot size is limited, with no land ownership or access to the rear of the building, meaning the scale and massing of the proposal is significantly inappropriate and disproportionate to the plot.

This application follows a previous similar application to redevelop this plot which was refused both by East Lothian Planning and again at appeal. The Reporter who refused LBC at appeal made the following statements which I believe remain prevalent to this application and again support why this application should be refused: (Policy CH3 seeking to protect

demolition of non-listed buildings within a Conservation area in a similar manner as that of CH1.)

- The evidence does not suggest that demolition is required to enable continued and safe use of this extension
- There would be a comparatively narrow gap between the appeal proposal and the adjacent listed building (number 14), giving the impression of a tightly crammed replacement building.
- The 1980s extension is subservient to the adjoining and adjacent listed buildings in terms of height and forward build line .. the proposal being identical or forward of the existing building line would counter the principle of subservience
- The scale, massing and prominence of the appeal proposal would be overly dominant to the detriment of the adjoining listed building and its setting, and to the setting of number 14
- The appeal proposal would therefore demolish an existing subservient element.
- It would replace these with an overly dominant building that is not subservient to the adjoining or adjacent listed buildings
- The narrow side extension of Number 14 is built onto the listed wall between it and number 12. The proposed demolition of the 1980s extension could destabilise that extension to number 14. Were it to arise it would represent an unacceptable risk to either listed building.

(Extract from Appeal Decision Notice 10th December 2019 Nick Smith Reporter)

In summary the planning application is contrary to development plan policy and there are no material justifications to depart from that policy, the proposal does not comply, and I would therefore urge the planning department to once again refuse this application. This application is virtually identical, including the turquoise cladding, to an application already submitted and refused by ELC, whilst the applicant may feel that they have adequately addressed the change of use requirements this time, many would argue that they have paid mere lip service to those requirements and that the property was only ever purchased with the sole intention of creating a home.

[REDACTED]



**From:** [REDACTED]  
**To:** [Environment Reception](#)  
**Subject:** Objection to App 24/01290/P  
**Date:** 31 December 2024 17:01:12

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

I am writing to **OBJECT** to the above planning application at 12 Westgate, North Berwick 24/01290/P | 'Alterations, extensions and change of use of bank to form 1 house, formation of off road parking, hardstanding areas and associated works | 12 Westgate North Berwick EH39 4AF'. The application fails to meet planning policy and as such should not be granted.

I am aware that this is at least the fourth time I have written objections in relation to this property with additional submissions made to the Reporter when the applicant appealed the decision to refuse permission. As I had suspected and documented in previous objections, following multiple rejected applications for change of use of the bank building to a residential dwelling, the consent granted by East Lothian Council to application 22/01299/P in 2023, has led to this further application for a significantly larger scale residential development and once again change of use to form 1 house. The consent granted to 22/01299/P specifically related to commercial use with 'alterations, extension and subdivision of building and part change of use to form 2 Class 2 units and Class 3 Cafe', as there is a genuine need for additional office accommodation in the thriving town of North Berwick.

This ground floor single storey flat roofed extension to the residential property of no.12B Westgate, when purchased by the applicants, was last in use as a branch of the Royal Bank of Scotland. Following purchase, their initial planning application in 2019 19/00472/P was for change of use of this bank building to form 1 house, which was rejected and upheld on numerous occasions. The basis for all previous refusals for change of use to form 1 house should be upheld.

This latest application includes two additional floors to the original ground floor building, including a lower ground floor and a first floor. The proposed partial-demolition and extensive excavation required to construct the lower ground floor and car turntable in the front garden is a matter of particular concern for the adjacent building foundations on the property lines. These include 10-12B Westgate and Blenheim House at 14 Westgate, which are listed as being of special architectural or historic interest (Category B). The potential risk of undermining the foundations of these properties from vibration and or other factors associated with the heavy machinery required during complex construction activities are legitimate. The sandy ground conditions and close proximity to the sea, and associated potential water table issues are matters of understandable anxiety for the integrity of neighbouring properties and their boundary walls.

Westgate is the only available access to the proposed development and even with the widening of the vehicular access there remains insufficient space for large construction vehicles to either enter the site or turn within the grounds. This will necessitate multiple heavy goods vehicles either parking on Westgate for prolonged periods or reversing in and out of the primary west bound access route out of North Berwick solely for the purpose of accessing the development. By virtue of its size, scale and alignment, the proposed development leads to unacceptable loss of convenient access to neighbouring residential

properties during the extensive construction requirements. The one-way direction of Westgate requires unrestricted traffic flow to allow the integrity of the major bus route from North Berwick High Street to be maintained.

The proposed scheme of development would still result in the loss of a ground floor Class 2 commercial premises within North Berwick Town Centre. This application does not adhere to policy which seeks to protect commercial use class within town centres. Policy TC1 is a strategy designed to support town centres in the long term ensuring they are vibrant and sustainable. Policy allows for a change of use from commercial to residential but only where there is evidence that it is no longer viable as a town or local centre use.

The applicant put the property on the market in mid July 2021 and due to a high level of interest set a closing date just a few weeks later being 20th August 2021. I understand that several offers, including ones for use within its current class were received but that none of the offers made were accepted by the applicant. Whilst I accept that an owner is quite within their rights not to accept any offers, policy says that in order for a commercial property to be classified as unviable no reasonable offers are received. The applicant set a price which anyone with an understanding of commercial property and the local market would realise was far higher than any comparable values and instead with an asking price in excess of £595,000 was valuing their property as though it were already residential. The price being demanded is far greater than any other commercial property offered to the market in North Berwick in recent times, including [REDACTED], which recently sold.

It is also my understanding that whilst a sale board remained outside the property, following the closing date in August 2021, the property had NOT been actively marketed, viewings had not been taking place and it seemed an unusual coincidence that virtually 6 months to the day that marketing commenced, and despite great interest and offers, the applicant submitted another application for change of use to form 1 house. Some might say this whole process has been a sham and a tactic employed by the applicant, after numerous failed planning attempts.

This mediocre marketing exercise does not prove that the property is unviable and that change of use should be granted. It has failed to adequately address planning policy, may lead to irreparable damage to neighbouring listed properties, unacceptable level of disruption to neighbouring properties, traffic flow out of North Berwick and pedestrian safety concerns on Westgate during construction period. I would therefore urge the planning department to reject this application.

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Service Manager - Planning

East Lothian Council

John Muir House

Brewery Park

Haddington

East Lothian

EH41 3AH

29 December 2024

Dear Sir/Madam

We write to register our objections both to **Planning Application Ref: 24/01290/P | Alterations, extensions and change of use of bank to form 1 house, formation of off-road parking, hardstanding areas and associated works. | 12 Westgate North Berwick East Lothian EH39 4AF,**

and **Listed Building Consent Application Ref: 24/01291/LBC | Part demolition, alterations, and extension to building, alterations to boundary wall and associated works | 12 Westgate North Berwick EH39 4AF.**

We [REDACTED] have an interest in any development meeting the minimum standards as it will [REDACTED] impact our everyday lives. Similarly, we wish that the commercial premises be re-opened and return to a thriving business as it was under previous ownership.

We have reviewed the planning applications. We note that the plans fail to comply with planning guidelines in many and various ways, including the following:

#### **Part 1: Formal Objection to Planning Application: Preservation of Unique Commercial Property in North Berwick**

We formally object to the proposed change of use of a prominent and sizeable ground-floor commercial property in North Berwick Town Centre, citing the following reasons:

#### **Non-Compliance with East Lothian Council's TC2 Policy**

- The proposed change contravenes East Lothian Council's TC2 Policy, which aims to protect town centre commercial premises.

#### **The Property's Commercial Viability**

- The former banking hall is a modern, purpose-built commercial property in an area with high footfall. Previously a busy bank branch, it has clear potential to continue serving the community by providing employment and economic opportunities. Claims that the property is no longer viable for commercial use are unsubstantiated.

#### **Responsibility for Lack of Rental or Sale Success**

- Despite being located on a high street with no shop vacancies, the property has failed to attract a tenant or buyer. This failure appears to stem from the owners' decision to purchase the property for approximately £555,000—significantly above its market value of £230,000—suggesting poor due diligence or speculative expectations of change of use approval. The overvaluation of the property is not a valid basis for granting a change of use.

#### **Manufactured Claims of Non-Viability**

- Assertions that the property is unsuitable for commercial purposes appear unfounded and self-serving, aligning with the applicants' repeated attempts to secure change of use to residential for private financial gain. Notably, the applicants have obtained planning permission for commercial premises in the past but have not acted on it, further undermining their claims.

#### **Dangerous Precedent for the Town Centre**

- Approving this change would set a harmful precedent, encouraging developers to purchase commercial properties with the intent of converting them to high-value residential dwellings. This could erode the town's commercial fabric and undermine its economic vitality.

#### **Lack of Transparency in Marketing Efforts**

- The property has been taken off the market for extended periods and has never been offered for rental. This strategic removal denies the town a valuable commercial space in a prime location and misrepresents the true demand for such premises.

#### **Privacy Concerns for Adjacent Properties**

- Conversion to residential use would alter the character of the property, introducing privacy concerns for neighbouring businesses and properties due to continuous occupation, unlike the limited hours of operation associated with commercial use.



### **Tactics of neglect highlight self-serving strategy**

- The neglected state of the garden reflects the owners' apparent attempt to diminish the property's condition, demonstrating an unfortunate disregard for the town, its neighbours, the High Street, and local community initiatives such as North Berwick in Bloom, which strive to enhance the area's appeal. However, this does not alter the fundamental fact that the property remains a viable, purpose-built commercial premises of unique size and in a prime location.

We urge the Council to uphold the integrity of its town centre policies and deny the application to ensure that North Berwick retains its vibrant and thriving commercial core.

### **Part 2: Formal Objection to Planning Application: Concerns Regarding Privacy, Amenity, and Compliance**

We formally object to the proposed development, citing the following critical concerns to [REDACTED] privacy, amenity, safety, and adherence to planning policies.

#### **2.1 Impact on Privacy and Amenity**

##### **Security Risk from Proposed Upper Floor**

- The addition of an upper floor introduces security concerns. No matter what the current intention, the proposed Juliet balcony design is insufficient to prevent access to the roof area, now or in the future.
- [REDACTED] We are deeply concerned about security risks and [REDACTED] lose the ability to safely open [REDACTED] windows. Child protection, or the safeguarding of existing residents, must limit the development as proposed or safeguarding measures be introduced.
- If the applicants genuinely aim to restrict access to the balcony area, stringent measures, such as non-removable solid barriers, or non-operable windows, should be enforced.

##### **Non-Compliance with Boundary Privacy Standards**

- The proposed upper-floor development does not meet East Lothian Council's **Supplementary Planning Guidance** for privacy and overlooking standards.
- Specifically, the required 9-meter separation distance between windows and garden boundaries, and 18 meters between directly facing windows, has not been adhered to.

- To comply, upper-floor windows would require a minimum cill height of 1.8m, the use of frosted glass, or substantial redesign to reduce window area.
- The applicants' repeated failure to address these guidelines (as highlighted on 26 January 2023 to Mr & Mrs Sharp in the "Officer Report" for application 22/01299/P) is unacceptable.

### **Ground Floor Toilet & Bedroom Windows inserted in Boundary Wall**

- Two ground-floor windows (bedroom and ensuite) are proposed on the north wall, which forms a boundary [REDACTED] and sits above an existing decked seating area.
- This positioning is intrusive and fails to respect the privacy [REDACTED] and ignores the fact this is a boundary wall. The loss of amenity and discomfort this would create in normal use of [REDACTED] garden is unacceptable.
- Skylights or other non-intrusive solutions should be considered instead.

### **Loss of Daylight and Sunlight**

- The conclusion in the submitted daylight and sunlight report is misleading. The report actually details that three windows on the east elevation of [REDACTED] and one window on the west elevation of our property ([REDACTED]) fail the **Vertical Skylight Component (VSC)** test.
- This failure highlights the unacceptable loss of natural light and amenity, requiring an alternative design.

### **North-Facing Bay Window Overlooking Private Garden**

- The proposed change from an office to a dining area within the north-facing bay window creates a direct line of sight to [REDACTED] private garden. This means there is no privacy for the owners of the new property. We suggest means of permanently opaque glass to eight of 1.8m above the floor as a minimum to ensure privacy for both parties.
- As a commercial premises with limited opening hours, [REDACTED] was manageable. However, as a residential property, the loss of privacy would be intolerable for both [REDACTED] occupants.
- This element contravenes policies **DP5** and **DP7** of the East Lothian Local Development Plan 2018, which safeguard residential amenity and privacy.

## **2.2 Design and Compatibility Concerns**

### **Incongruous Design and Materials**

- The proposed structure is out of scale and character with the surrounding Grade 2 listed buildings.
- The design uses materials such as purple cladding and grey aluminum doors, which are entirely incongruous with the stone-built Victorian architecture of neighbouring properties.
- The massing, odd shape, and sliding doors fail to harmonize with the historical and architectural context of the North Berwick Conservation Area, contravening policies **CH1** and **CH2**.

### **Exceptional Prominence of the Site in Protected Conservation Area**

- The site occupies a uniquely prominent and visible position within the Conservation Area, overlooking key public spaces such as Westgate, Beach Road, the Golf Course, and the West Beach. Also visitor attractions like the Putting Green, Rotary Walk on Elcho Green, the Seabird Centre and the Lobster shack, the harbour ... and many more.
- Any development of this location must meet the highest design standards, but the proposal fails to respect this prominence, threatening the town's character and appearance.

### **Parking and Turntable Concerns**

- The proposed parking turntable was previously rejected and remains non-compliant with existing planning standards.
- It poses significant safety risks to pedestrians due to restricted views caused by the height of the boundary wall. The reduced visibility means a blind exit. This is particularly concerning as [REDACTED] it's a very busy pedestrian walkway.
- North Berwick already faces parking shortages. Removing viable on-street parking to accommodate private off-street parking would harm the town's economy and set a dangerous precedent.

### **For Background Information: Contradiction of Legal Burdens in Title**

- While not a planning consideration, we note that the Title prohibits any change of use from office/commercial premises and specifically forbids the addition of a first floor and legally instructs the owners to maintain the property.

### **Summary of Objections**

We object to the proposal on the grounds that it:

- Violates policies **DP5**, **DP7**, **CH1**, and **CH2** of the East Lothian Local Development Plan 2018.
- Ignores East Lothian Council's Supplementary Planning Guidance regarding privacy, overlooking, and residential amenity.

•

- Fails to respect the historical and architectural character of the Conservation Area.
- Presents safety hazards and economic harm due to parking changes.

We respectfully request that these applications be refused until a compliant and respectful proposal is presented. Thank you for considering our objections, and we look forward to your acknowledgment.

Yours sincerely,

[Redacted Signature]



[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Service Manager - Planning

East Lothian Council

John Muir House

Brewery Park

Haddington

East Lothian

EH41 3AH

29 December 2024

Dear Sir/Madam

**Planning Application Ref: 24/01290/P | Alterations, extensions and change of use of bank to form 1 house, formation of off-road parking, hardstanding areas and associated works. | 12 Westgate North Berwick East Lothian EH39 4AF,**

**and Listed Building Consent Application Ref: 24/01291/LBC | Part demolition, alterations, and extension to building, alterations to boundary wall and associated works | 12 Westgate North Berwick EH39 4AF.**

I wish to OBJECT to the above applications on the following reasons:

1. The former banking hall was a busy branch of RBS for several decades. It is untrue that it is not viable as a commercial premises like an office or shop. It is a sizeable, purpose-built office premises in a prime location just off the busy High Street. There are many long-standing shops and offices in Westgate.
2. The apparent failure to sell or rent the premises appears to stem from the owners' decision to seek an 'above market rate' for the property which is unrelated to its viability.
3. Approval of this application would establish a dangerous precedent, potentially encouraging speculative developers to purchase shops and offices in North Berwick, allow them to fall into disrepair, and subsequently seek change of use to convert these properties into high-value residences. Such conversions would prioritise short-term financial gain,

including high sale prices or rental incomes from platforms like Airbnb, at the expense of the town's commercial vibrancy and community character.

4. The proposed building is entirely out of character with the surrounding streetscape. Adjacent and opposite the site are many beautiful Victorian listed buildings, and the design of the proposed development is both unsympathetic and incongruous with this historic context.
5. Situated in a highly prominent location within a Conservation Area, this site demands a sensitive and cohesive design that respects its surroundings. Allowing such an incongruous development undermines the area's architectural integrity but also set an undesirable precedent for future developments, eroding the heritage and character that the Conservation Area is meant to protect.
6. The proposed development creates direct and active overlooking of neighboring properties - at Bank House and the former Blenheim Hotel - which will compromise their privacy. This intrusion is unacceptable and fails to respect the rights and amenity of adjoining residents.
7. The substantial mass of the proposed upper floor significantly obstructs natural light to windows in neighboring properties, adversely impacting the amenity and quality of life for adjacent residents.
8. The proposed turntable for parking would be dangerous to pedestrians on a busy street. It would also mean a loss of parking spaces on the High Street/Westgate, exacerbating the problem of limited parking in the area.

### **In conclusion**

The former bank was a thriving economic asset, providing substantial employment opportunities in the highly skilled financial sector and contributing significantly to the local economy. Given its scale, prominent position, and potential, this site is ideally suited for use by a local, national, or international company; it was an RBS branch for decades.

As a local resident, it is deeply frustrating to see this potential wasted. The site should not be sacrificed to facilitate an incongruous development driven by the owners' desire to maximize personal profit, especially when such a development would harm the character and economy of the town centre and severely impacts the amenity of neighbours who would suffer overlooking and loss of daylight.

Please can you acknowledge receipt? I look forward to hearing the outcome.

Yours sincerely,





**Policy 1 (Tackling the climate and nature crises);**

**Tackling the climate and nature crises**

**Policy Principles**

**Policy Intent:**

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

**Policy Outcomes:**

- Zero carbon, nature positive places.

**Local Development Plans:**

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

**Policy 1**

When considering all development proposals significant weight will be given to the global climate and nature crises.

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

All other policies.

## Policy 3 (Biodiversity);

### Biodiversity

#### Policy Principles

##### Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

##### Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

##### Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

#### Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
  - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
  - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

## Policy 7 (Historic Assets and Places):

### Historic assets and places

#### Policy Principles

##### Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

##### Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

#### Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

#### 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.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
  - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
  - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
  - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 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.



- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
  - i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or
  - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
  - i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
  - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
  - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

## Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)

### Brownfield, vacant and derelict land and empty buildings

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

##### Policy Outcomes:

- Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.
- The contribution of brownfield land to nature recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.
- Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.

#### Local Development Plans:

LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

#### Policy 9

- 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.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 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.

#### Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development

#### Key policy connections:

[Tackling the climate and nature crises](#)  
[Climate mitigation and adaptation](#)  
[Historic assets and places](#)  
[Zero waste](#)  
[Design, quality and place](#)  
[Local Living and 20 minute neighbourhoods](#)  
[Infrastructure first](#)  
[Quality homes](#)  
[Rural homes](#)  
[Blue and green infrastructure](#)  
[Play, recreation and sport](#)  
[Health and safety](#)  
[Business and industry](#)  
[City, town, local and commercial centres](#)  
[Rural development](#)  
[Culture and creativity](#)

## Policy 13 (Sustainable Transport)

### Sustainable transport

#### Policy Principles

##### Policy intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

##### Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

#### Local Development Plans:

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

#### Policy 13

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy;
  - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery;
  - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- 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 appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles.



- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

#### **Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

#### **Key policy connections:**

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)

## Policy 14 (Design, quality and place)

### Design, quality and place

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

##### Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

##### Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the six qualities of successful places. LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

#### Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

**Healthy:** Supporting the prioritisation of women's safety and improving physical and mental health.

**Pleasant:** Supporting attractive natural and built spaces.

**Connected:** Supporting well connected networks that make moving around easy and reduce car dependency

**Distinctive:** Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

**Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

**Adaptable:** Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.



## Policy 15 (Local Living and 20 Minute Neighbourhoods)

### Local Living and 20 minute neighbourhoods

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

##### Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

##### Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

##### Policy 15

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

##### Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

##### Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Community wealth building](#)
- [City, town, local and commercial centres](#)
- [Retail](#)

## Policy 16 (Quality Homes)

### Quality homes

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

##### Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

##### Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year Minimum All-Tenure Housing Land Requirement (MATHLR) set out in Annex E.

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned; it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

#### Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
  - i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.



- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - the proposal is consistent with policy on rural homes; or
    - the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

## Policy 27 (City, town, local and commercial centres)

### City, town, local and commercial centres

#### Policy Principles

##### Policy Intent:

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

##### Policy Outcomes:

- Centres are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy and visit.
- Development is directed to the most sustainable locations that are accessible by a range of sustainable transport modes and provide communities with easy access to the goods, services and recreational opportunities they need.

##### Local Development Plans:

LDPs should support sustainable futures for city, town and local centres, in particular opportunities to enhance city and town centres. They should, where relevant, also support proposals for improving the sustainability of existing commercial centres where appropriate.

LDPs should identify a network of centres that reflect the principles of 20 minute neighbourhoods and the town centre vision.

LDPs should be informed by evidence on where clustering of non-retail uses may be adversely impacting on the wellbeing of communities. They should also consider, and if appropriate, identify any areas where drive-through facilities may be acceptable where they would not negatively impact on the principles of local living or sustainable travel.

LDPs should provide a proportion of their Local Housing Land Requirements in city and town centres and be proactive in identifying opportunities to support residential development.

##### Policy 27

- a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.
- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
  - i. will be supported in existing city, town and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

### **Town Centre First Assessment**

For development proposals which are out of city/town centre and which will generate significant footfall a Town Centre First Assessment will be provided. Applicants should agree the data required with the planning authority before undertaking the assessment, and should present information on areas of dispute in a succinct and comparable form.

The town centre first assessment should:

- identify the potential relationship of the proposed development with the network of centres identified in the LDP;
- demonstrate the potential economic impact of the development and any possible displacement effects, including the net impact on jobs; and
- consider supply chains and whether local suppliers and workers will be a viable option; and
- the environmental impact of transporting goods and of staff and visitors travelling to the location.

The town centre first assessment should be applied flexibly and realistically for community, education, health and social care and sport and leisure facilities so that they are easily accessible to the communities they are intended to serve.

- c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas. These uses include:
- i. Hot food takeaways, including permanently sited vans;
  - ii. Betting offices; and
  - iii. High interest money lending premises.

- d) Drive-through developments will only be supported where they are specifically supported in the LDP.

### **Town centre living**

- e) Development proposals for residential development within city/town centres will be supported, including:
- i. New build residential development.
  - ii. The re-use of a vacant building within city/town centres where it can be demonstrated that the existing use is no longer viable and the proposed change of use adds to viability and vitality of the area.
  - iii. The conversion, or reuse of vacant upper floors of properties within city/town centres for residential.
- f) 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'.
- g) Development proposals for city or town centre living will take into account the residential amenity of the proposal. This must be clearly demonstrated where the proposed development is in the same built structure as:
- i. a hot food premises, live music venue, amusement arcade/centre, casino or licensed premises (with the exception of hotels, restaurants, cafés or off licences); and/or
  - ii. there is a common or shared access with licenced premises or other use likely to be detrimental to residential amenity.



Policy TC2 : Town and Local Centres

*Changes of use in town and local centres*

- 3.10 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. 'Town centre uses' in the context of this policy will include uses within classes 1, 2, 3, 10, and 11, and any other uses with similar characteristics that generates significant footfall.

- 3.11 New buildings within town or local centres will be expected to reflect the prevailing vertical mix of land uses by providing town centre uses on the ground floor and residential or other town centre use above where this would be appropriate in their context.

**Policy TC2: Town and Local Centres**

Within a town or local centre, uses that will be acceptable in principle include retailing, business and office use, restaurants, leisure and entertainment, and the principle of a change of use from one of these uses to another will be supported.

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.

New buildings within a town or local centre will be expected to reflect the prevailing vertical mix of land uses in the area by providing town or local centre uses at the ground floor where appropriate in their context.

Proposals that would have a significant environmental impact, particularly on housing, will not be permitted.

*Protection of Local Facilities*

- 3.12 To maintain resilient and vibrant communities the Council will seek to protect shops and public houses in smaller villages. These perform an important role within communities and contribute significantly to their ongoing sustainability.
- 3.13 Changes of use of such facilities will only be permitted where there is evidence that the premises are no longer viable. In practice this will mean an applicant providing evidence of a formal marketing campaign at a reasonable price for a minimum of a year, including details of methods of marketing, relevant dates, copies of particulars, and details of all interest and offers received.



## Policy CH1: Listed Buildings

### **Policy CH1: Listed Buildings**

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.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

## Policy CH2: Development Affecting Conservation Areas

### **Policy CH2: Development Affecting Conservation Areas**

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.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

## Policy DP5: Extensions and Alterations to Existing Buildings

### **Policy DP5: Extensions and Alterations to Existing Buildings**

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.

#### Policy T1: Development Location and Accessibility

##### **Policy T1: Development Location and Accessibility**

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

#### Policy T2 : General Transport Impact

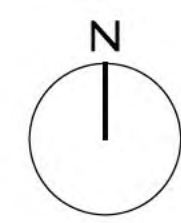
##### **Policy T2 : General Transport Impact**

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.





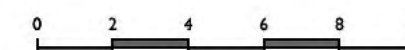
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Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/01290/P  
07/03/2025  
EAST LoTHIAN COUNCIL

7.1m

B1346



CLIENT	Dr & Mrs N Sharp										
PROJECT	Proposed Dwelling to 12 Westgate, North Berwick										
DRAWING	Existing Site Plan (Roof Level)										
STATUS	PLANNING										
DRAWN	AM	DATE	MAR 23	DRG NO	1141-PL-02	JOB	1141	REV	/	SCALE	1:200 @ A2

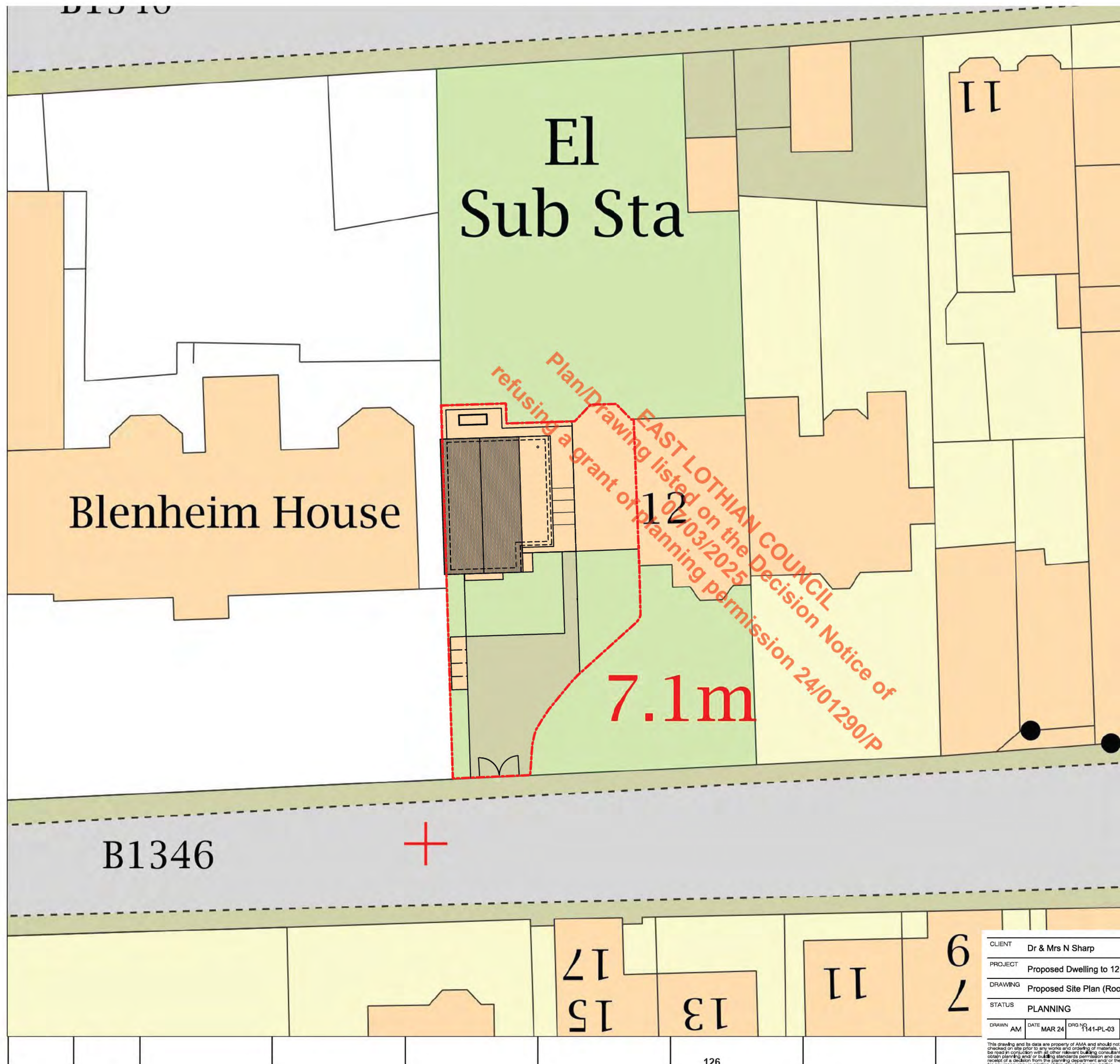
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ANDREWMEGGINSONARCHITECTURE





CLIENT	Dr & Mrs N Sharp										
PROJECT	Proposed Dwelling to 12 Westgate, North Berwick										
DRAWING	Proposed Site Plan (Roof Level)										
STATUS	PLANNING										
DRAWN	AM	DATE	MAR 24	DRG NO	1141-PL-03	JOB	1141	REV	/	SCALE	1:200 @ A2

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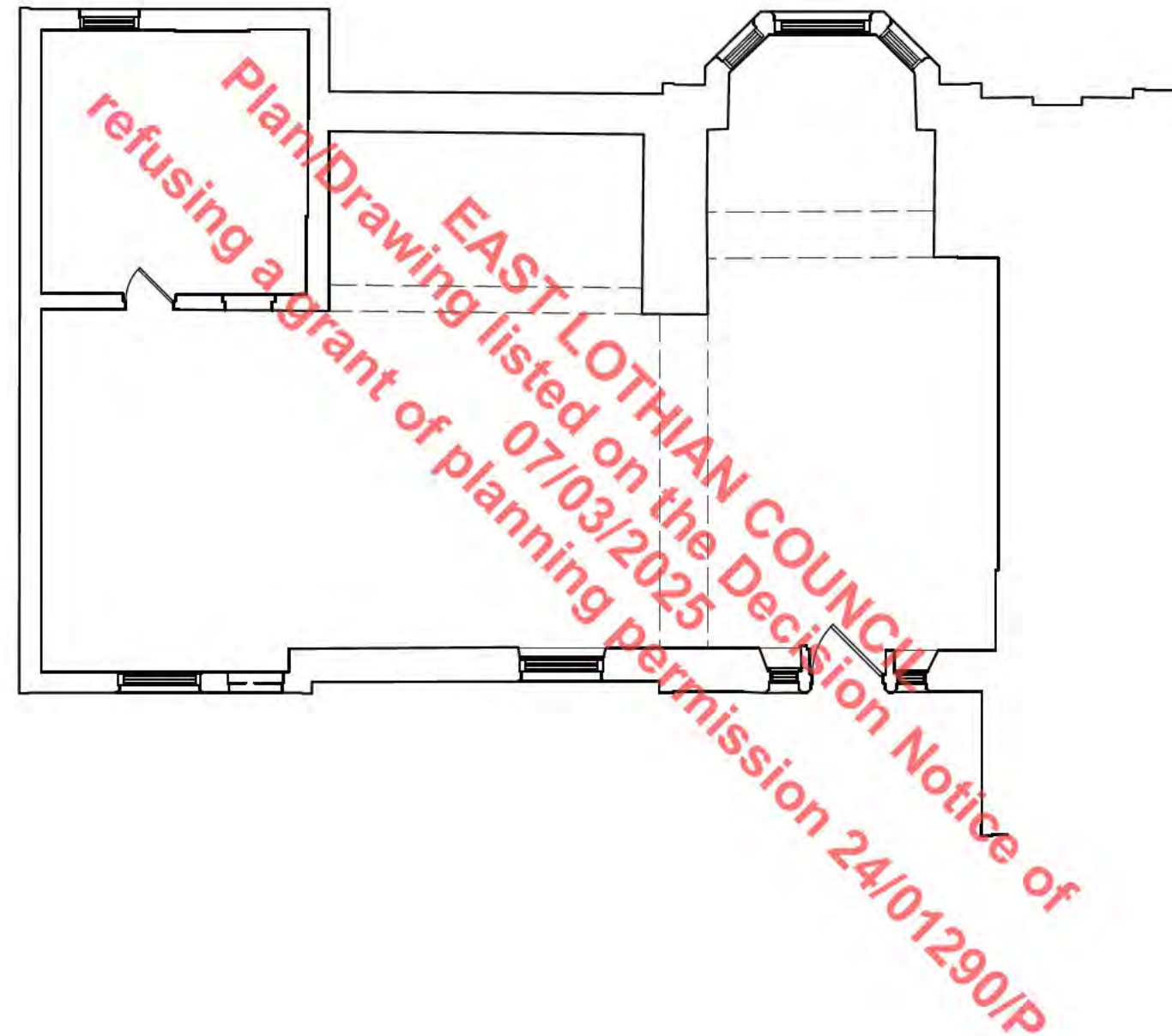


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CLIENT		Dr & Mrs N Sharp					
PROJECT		Proposed Dwelling to 12 Westgate, North Berwick					
DRAWING		Existing Plan					
STATUS		PLANNING					
DRAWN	AM	DATE	MAR 23	DRG NO	1141-PL-09	JOB	1141
		REV	/	SCALE		1:100 @ A0	

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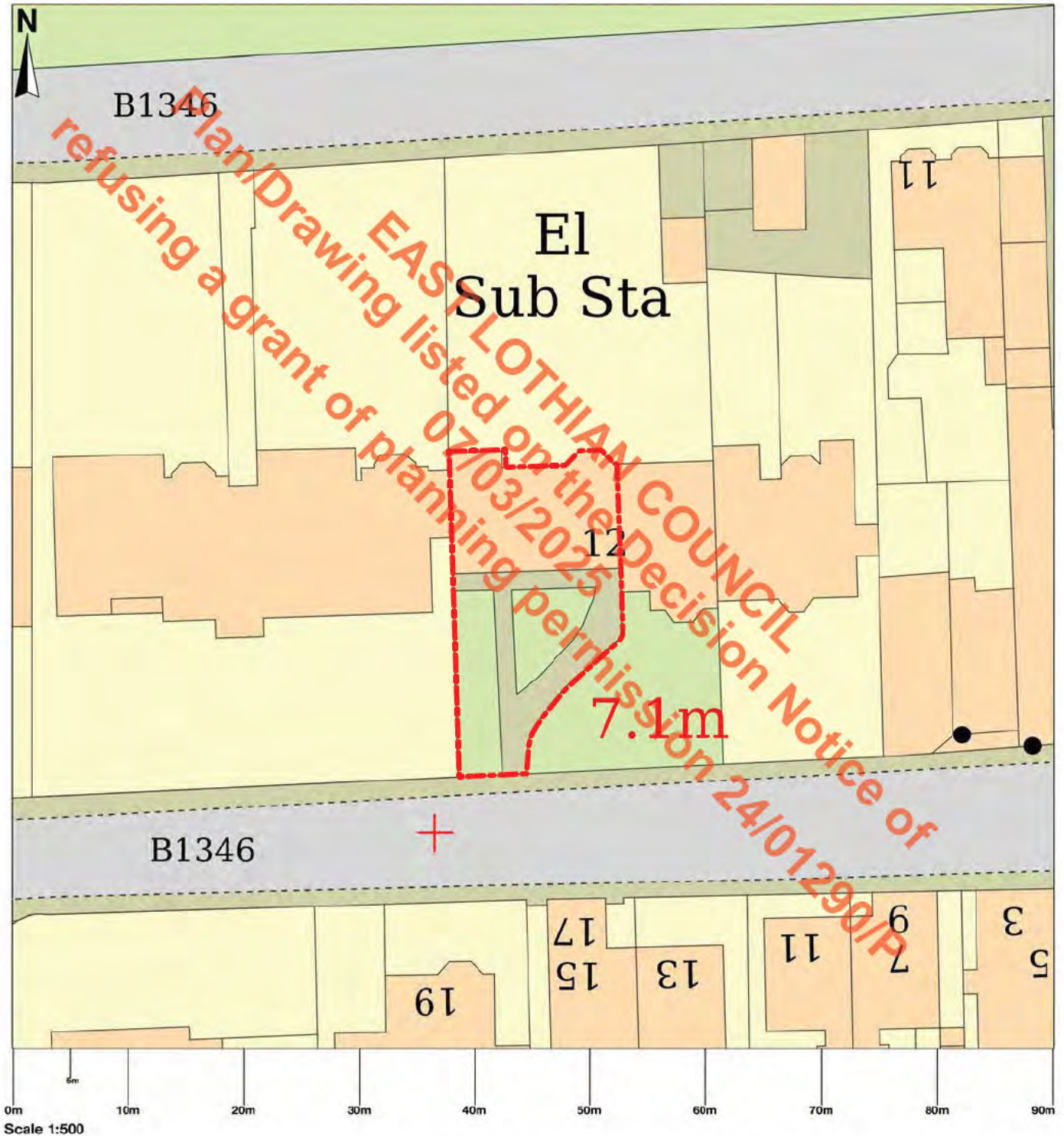
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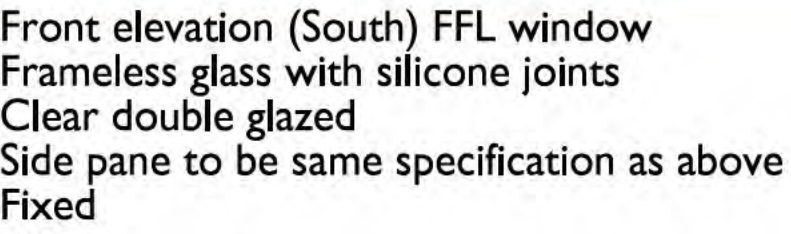
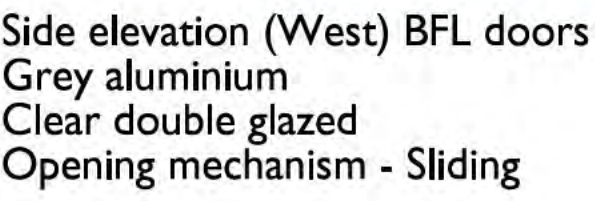
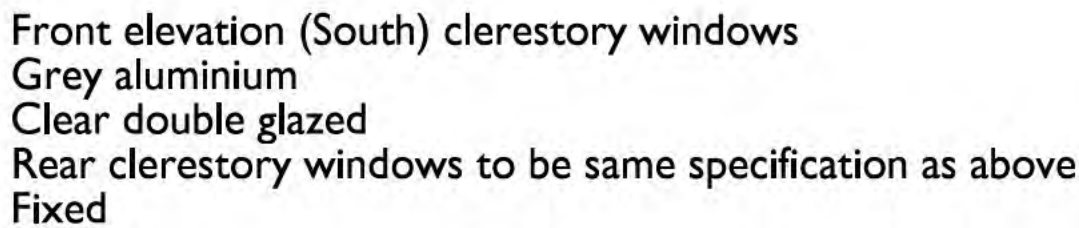
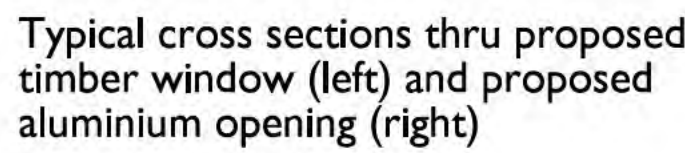
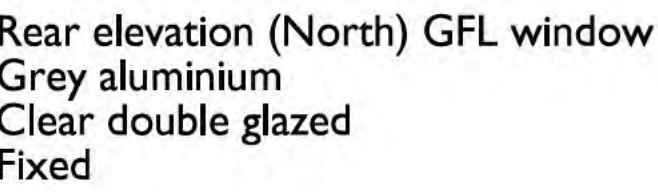
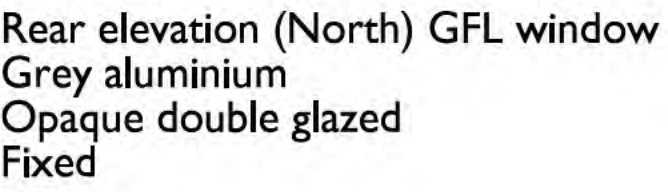
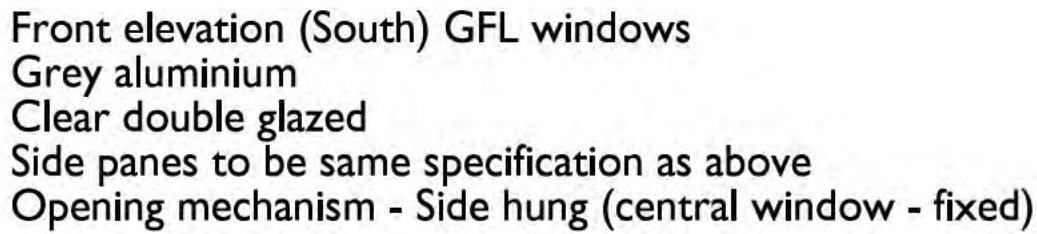
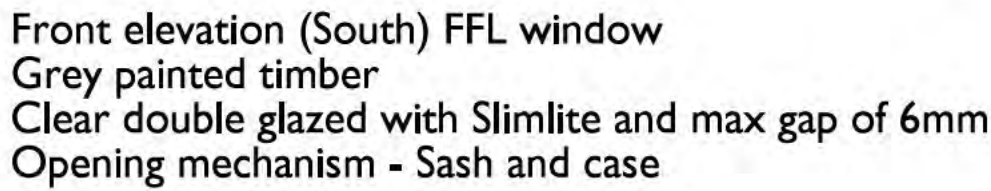


12 Westgate, North Berwick, EH39 4AF



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**EAST LoTHIAN COUNCIL**  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/012902P  
07/03/2025

CLIENT	Mr & Mrs M Sharp		<div> <div>Rev A</div> <div>Rev B</div> <div>Rev C</div> <div>Rev D</div> </div> <div> <div>10/11/24</div> <div>10/11/24</div> <div>10/11/24</div> <div>10/11/24</div> </div>		Drawings generated following revit's linker
	PROJECT		Andrew Megginson Architecture 12 Dundas Street New Town Edinburgh EH3 3QD Tel 0131 557 9129 Email info@andrewmegginsonarchitecture.com		
DRAWING	Proposed Dwelling to 12 Westgate, North Berwick				
	Proposed Windows/ Doors				
STATUS	PLANNING				
DRAWING AM	DATE	14/03/24	BY	1/12/24	AS





Rear elevation (North) FFL doors  
Grey aluminium  
Clear double glazed  
Opening mechanism - Sliding

Rev	Drawn	Date	Revisions
Rev A	AM	29/11/24	Drawings amended following Invalid letter

CLIENT	Dr & Mrs N Sharp										
PROJECT	Proposed Dwelling to 12 Westgate, North Berwick										
DRAWING	Proposed Windows/ Doors										
STATUS	PLANNING										
DRAWN	AM	DATE	MAR 24	DRG NO	1141-PL-06	JOB	1141	REV	A	SCALE	1:10 @ A2

Do not scale from this drawing

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Email: info@andrew  
megginsonarchitecture.com







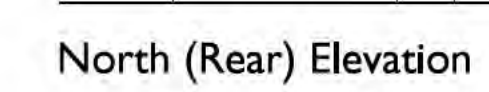
Proposed

New cast iron gates painted black to match existing  
Widened opening wall treatment to match existing



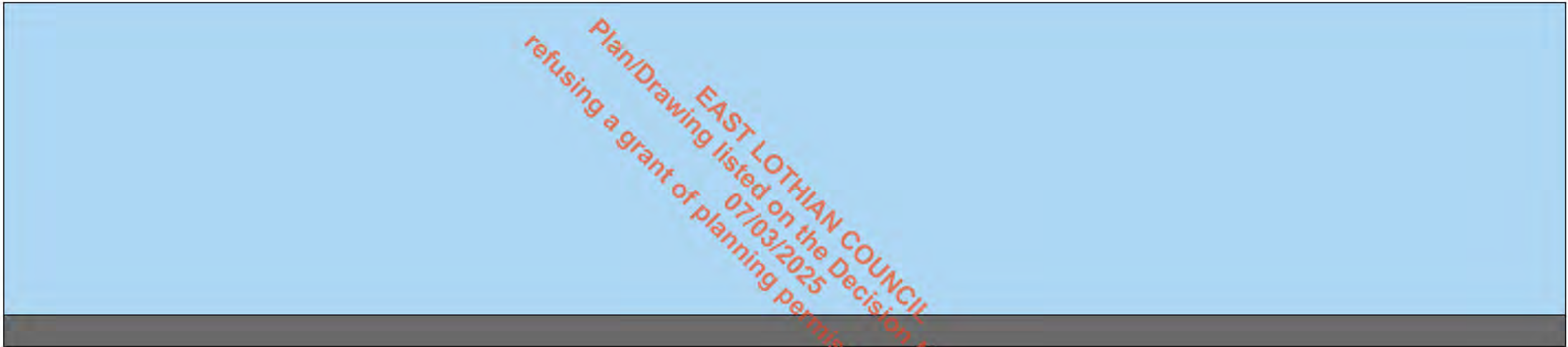


**EAST LOTHIAN COUNCIL**  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/01290/P  
07/03/2025





Juliet balcony clear glazing fixed to flat roof area with grey aluminium channel

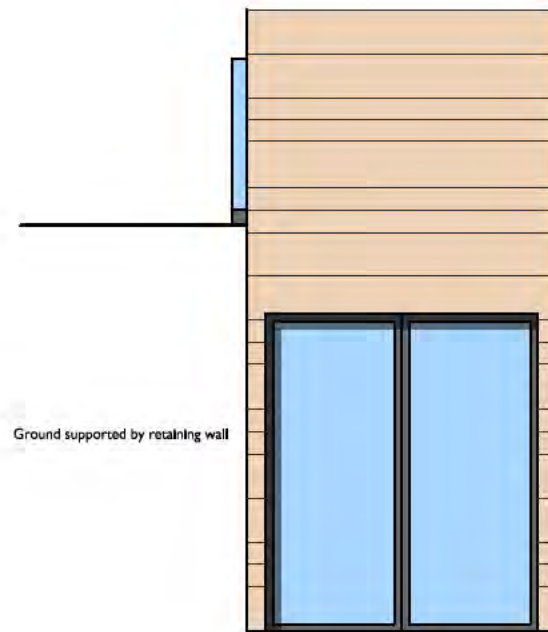


EAST LoTHIAN COUNCIL  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/01290/P  
07/03/2025

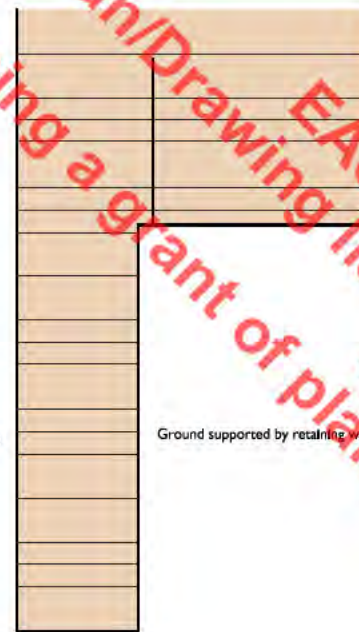
CLIENT Dr & Mrs N Sharp				
PROJECT Proposed Dwelling to 12 Westgate, North Berwick				
DRAWING Juliet Balcony				
STATUS PLANNING				
DRAWN AM	CHECKT MAR 24	DESIGNED T1414PL11	DATE 11/41	SCALE 1:10 @ A0

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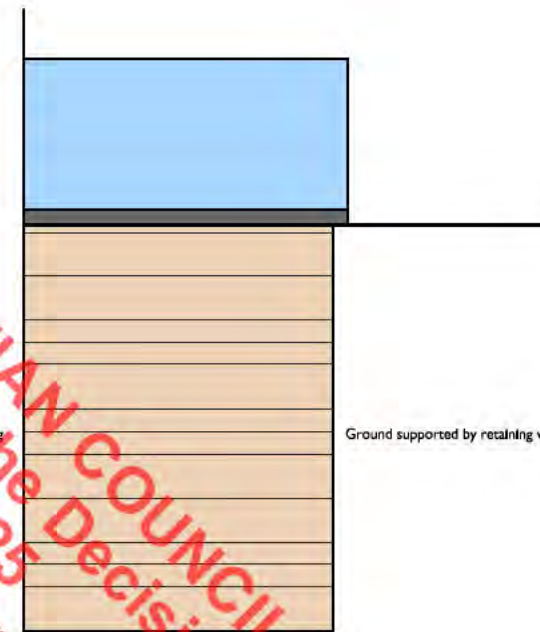




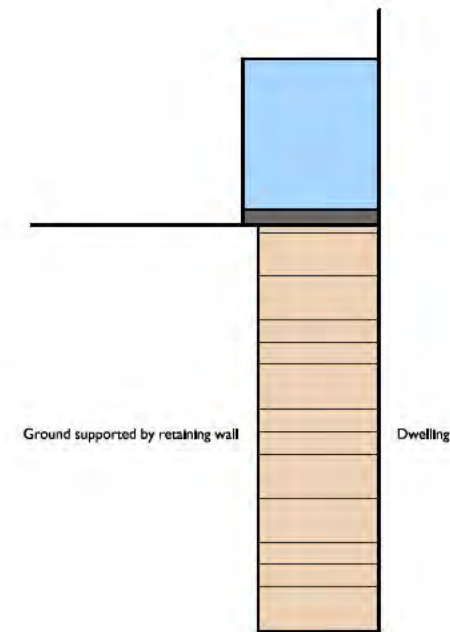
West Elevation



South Elevation



East Elevation



North Elevation

EAST LoTHIAN COUNCIL  
refusing a grant of planning permission 24/01290/P  
Plan/Drawing listed on the Decision Notice of 07/03/2025

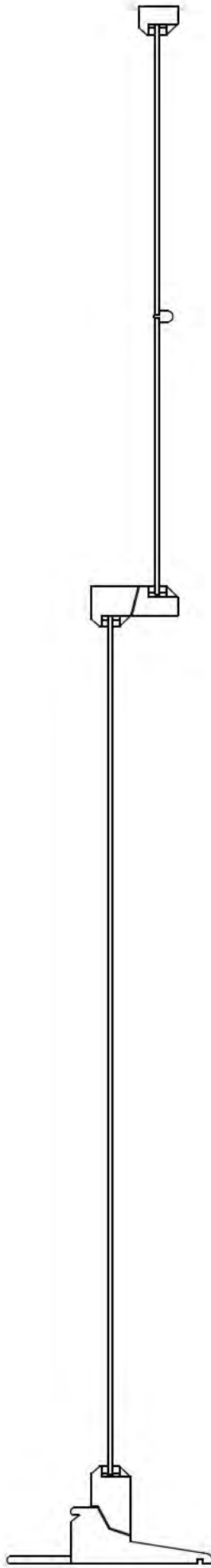
CLIENT	Dr & Mrs N Sharp					
PROJECT	Proposed Dwelling to 12 Westgate, North Berwick					
DRAWING	Lightwell Information					
STATUS	PLANNING					
DRAWN	AM	DATE	MAR 24	DRG NO	1141-PL-12	JOB
						1141
				REV	/	SCALE
						1:50 @ A3

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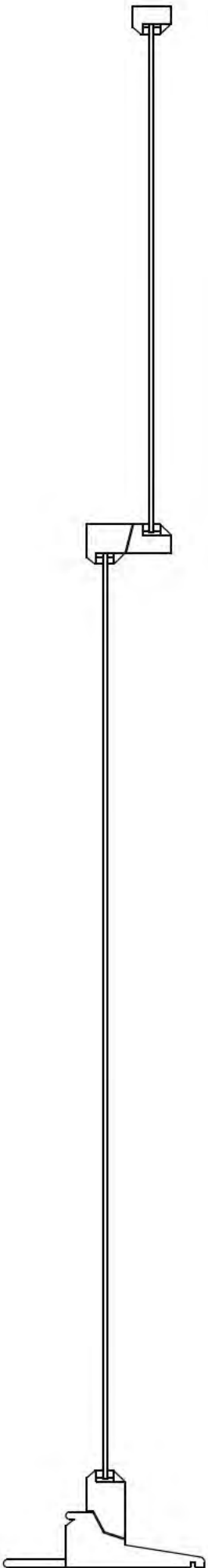
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ANDREWMEGGINSONARCHITECTURE



Front Elevation Window (Side Lights to Original Door)



Rear Elevation Window (Bay Window)

EAST LoTHIAN COUNCIL  
Plan/Drawing listed on the Decision Notice of  
07/03/2025  
refusing a grant of planning permission 24/01290/P

CLIENT		Dr & Mrs N Sharp					
PROJECT		Proposed Dwelling to 12 Westgate, North Berwick					
DRAWING		Existing Window Cross Sections (No Works)					
STATUS		PLANNING					
DRAWN	AM	DATE	MAR 24	DRG NO	1141-PL-13	JOB	1141
		REV	/	SCALE		1:10 @ A2	

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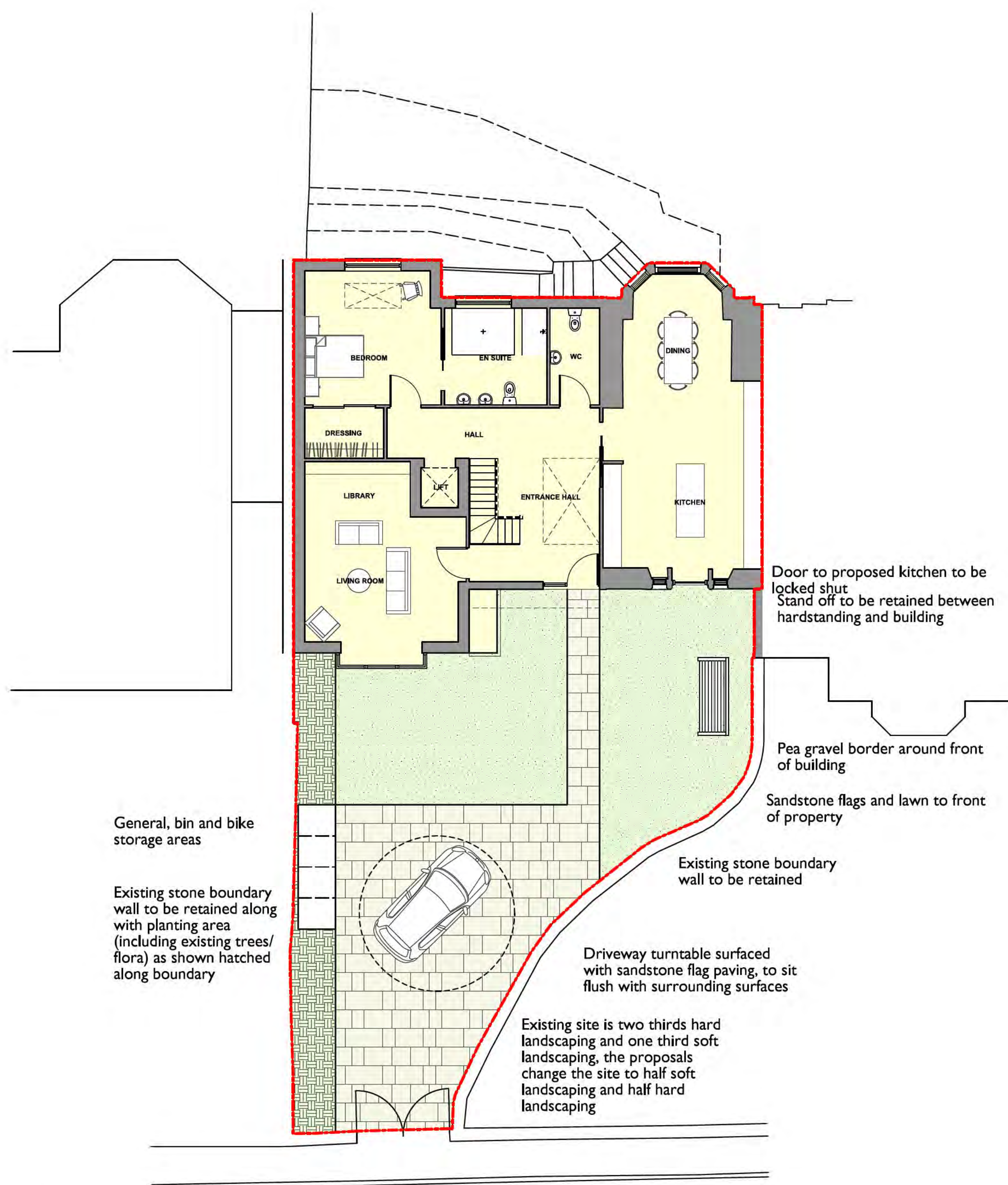
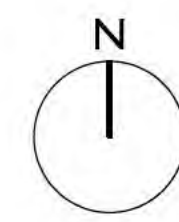


12 Westgate, North Berwick, EH39 4AF

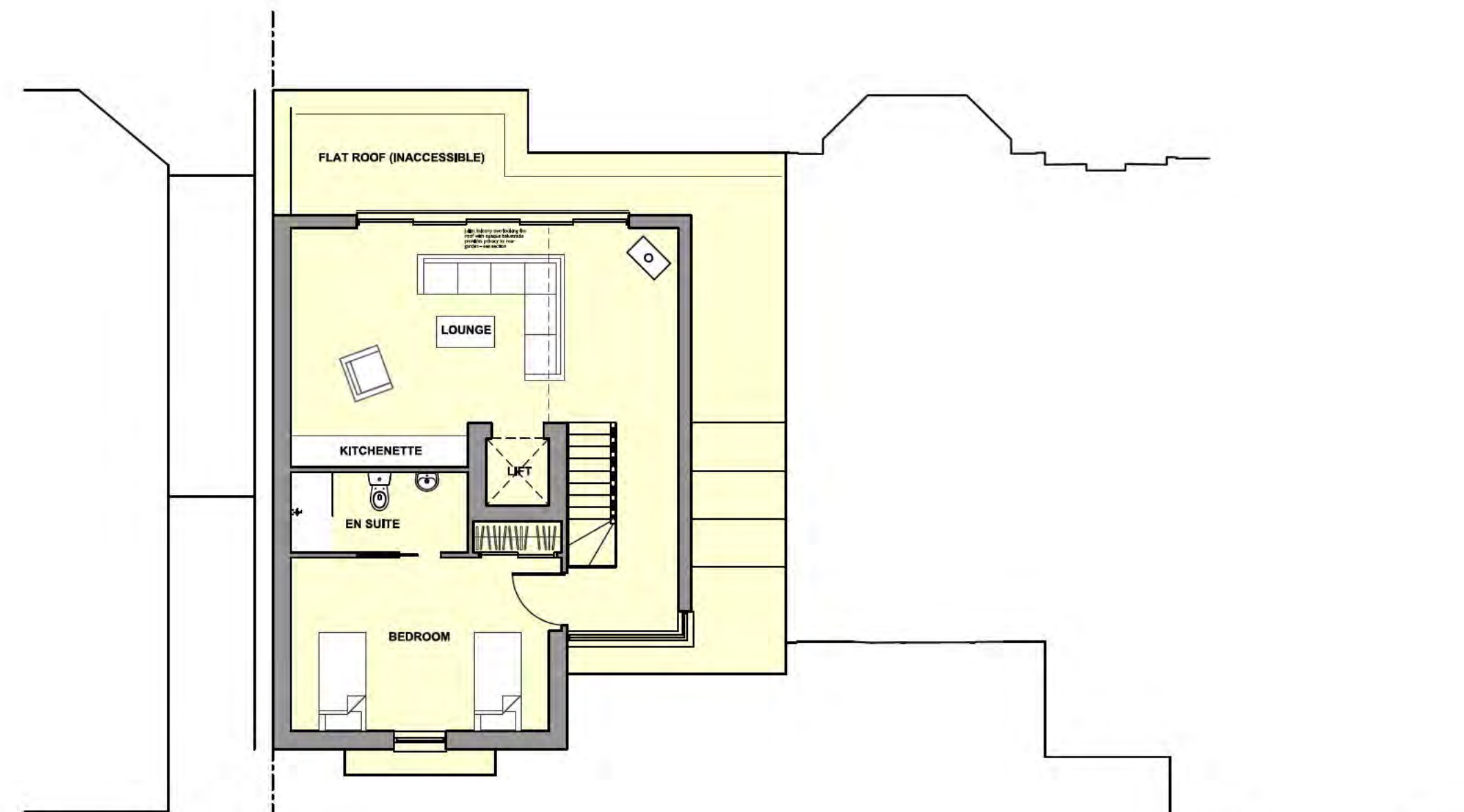


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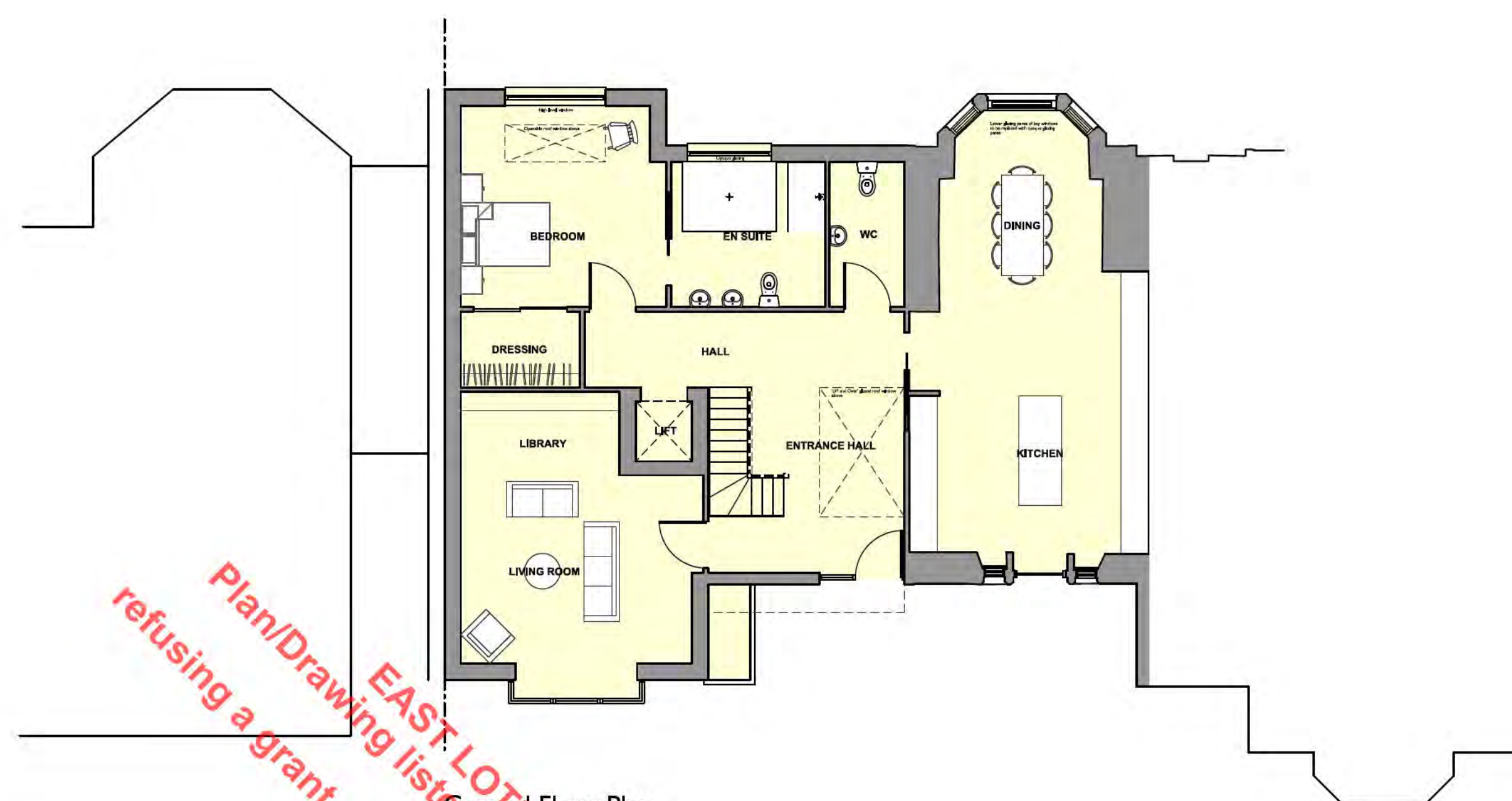
Site Plan



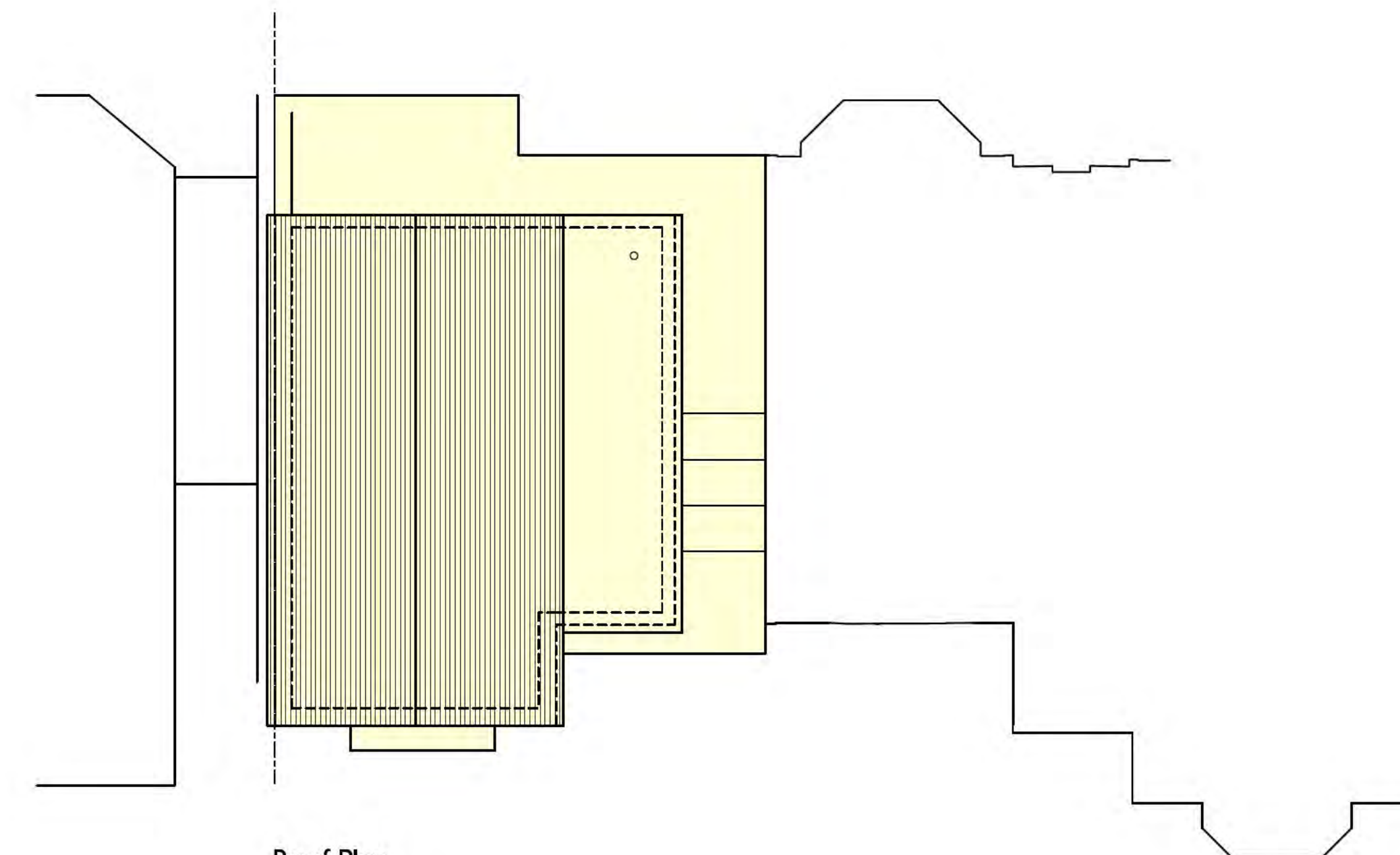
First Floor Plan



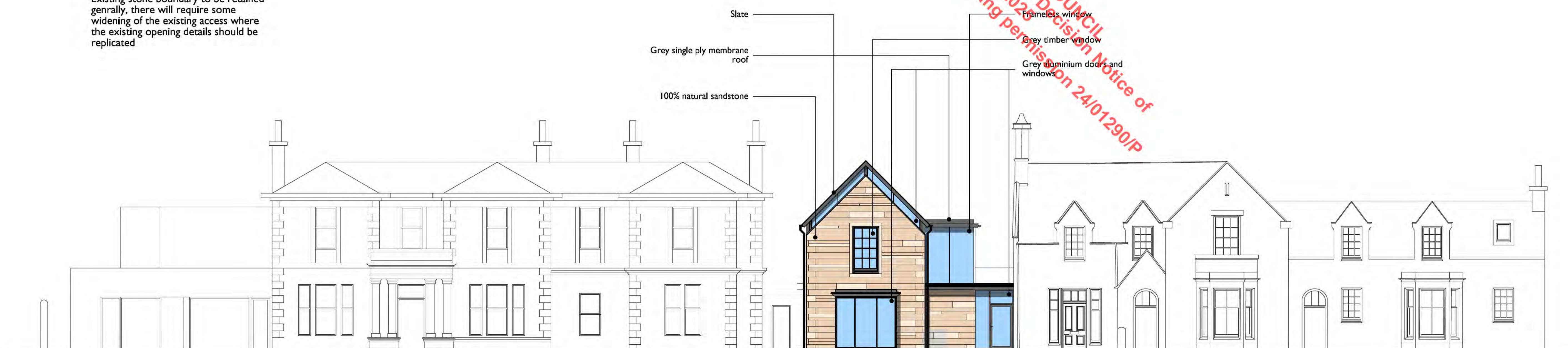
Lower Ground Floor Plan



Ground Floor Plan



Roof Plan



Proposed South (Front) Elevation



Proposed East (Side) Elevation



Proposed North (Rear) Elevation



Proposed West (Side) Elevation

- Denotes low mixed planting where existing is retained and enhanced (site plan)
- Denotes sandstone flags (site plan)
- Denotes lawn (site plan)

0 1 2 3 4 5

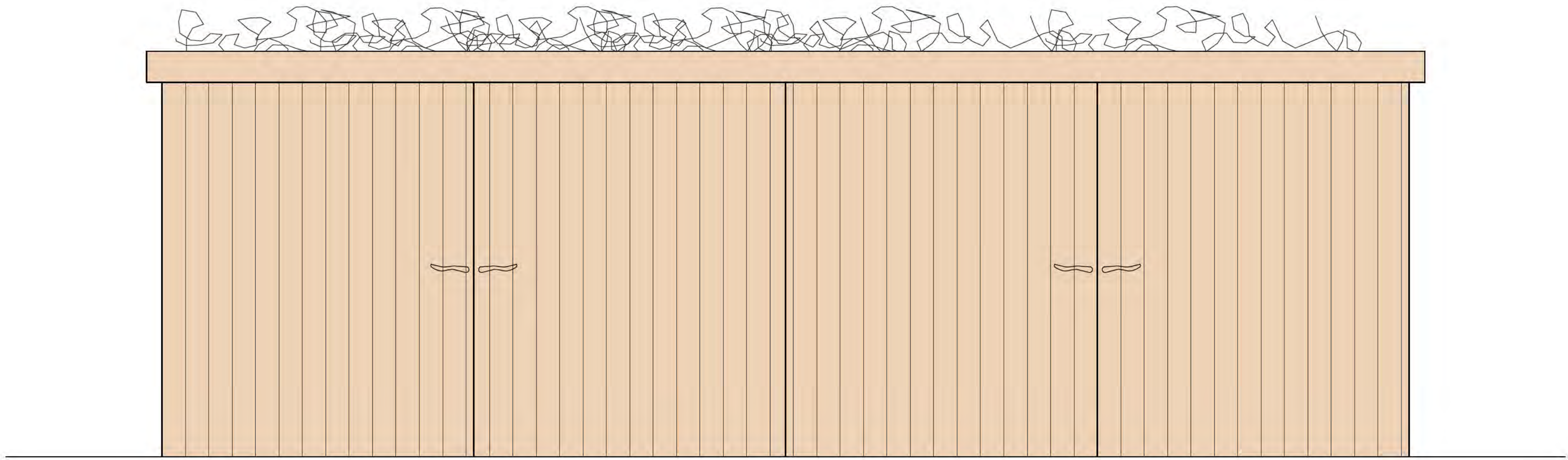
CLIENT	Dr & Mrs N Sharp
PROJECT	Proposed Dwelling to 12 Westgate, North Berwick
DRAWING	Proposed Plans
STATUS	PLANNING
DATE	04/11/23
BY	AM
CHECKED	AM
SCALE	1:100 @ A0

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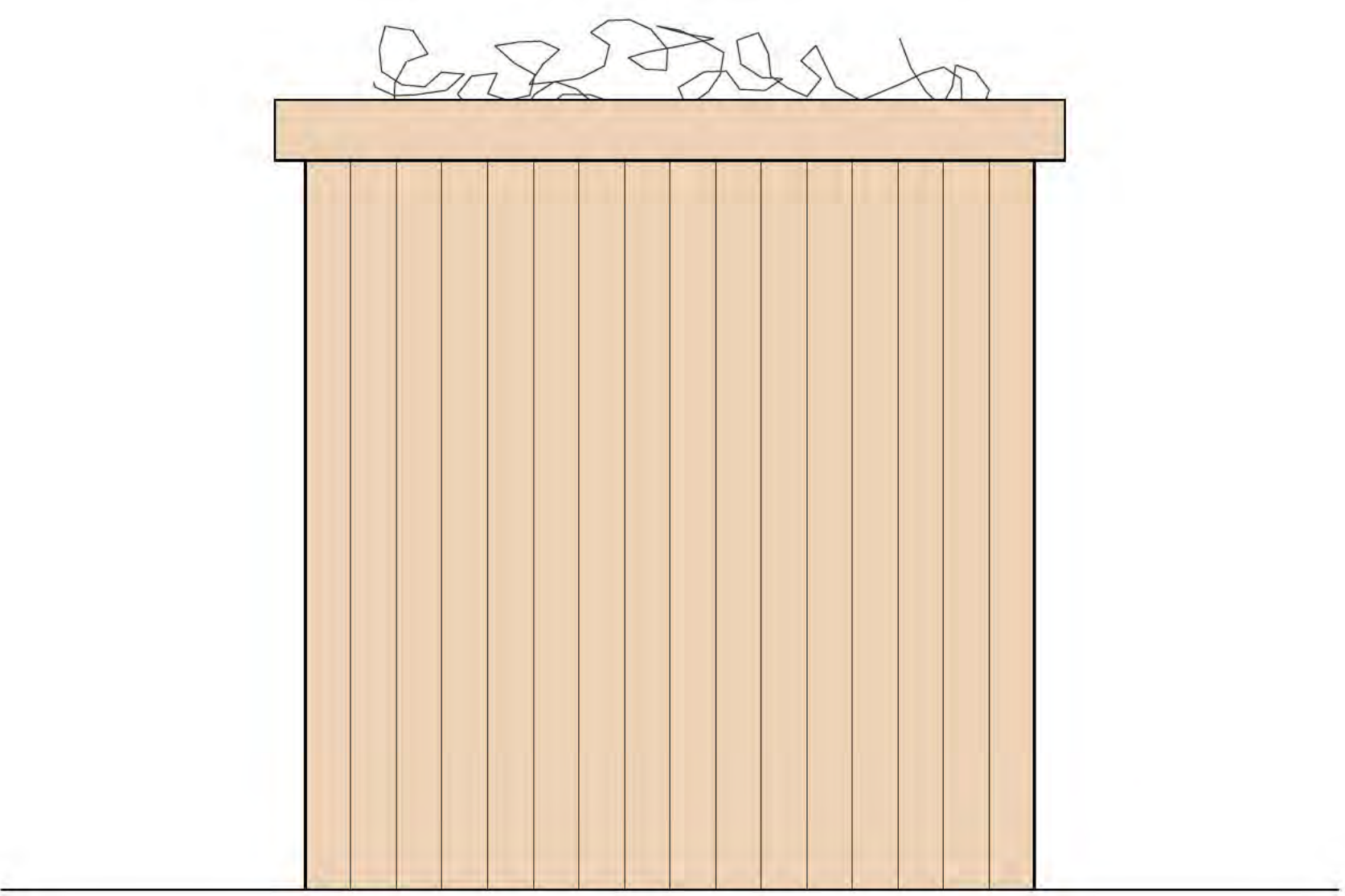
ANDREW MEGGINSON ARCHITECTURE



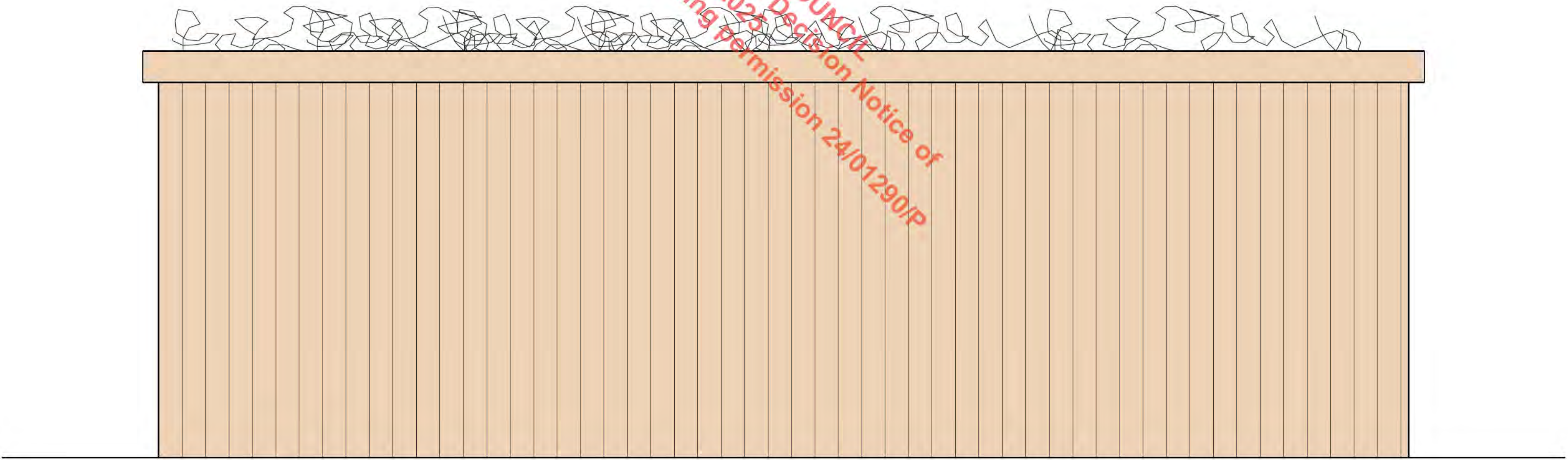
Bin/ bike store to be cedar timber clad (finish to remain natural) with green roof



Front Elevation



Side Elevations



Rear Elevations

EAST LoTHIAN COUNCIL  
07/03/2023  
Plan/Drawing listed on the Decision Notice of  
refusing a grant of planning permission 24/01290/P



- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

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

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

Reason:

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

- 3 A schedule and/or samples of all of the external finishing materials and finishing colours to be used in the external finishes of the scheme of development hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. Thereafter, the external finishing materials and colours used shall accord with the schedule and/or samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the area.

- 4 Prior to the occupation of the house hereby approved the vehicular access, turning table and parking arrangements shall be laid out and made available for use, as shown in docketed drawing 'Proposed Plans' Drawing No. 1141-PL-01 Revision A, and thereafter the access, turning table and parking areas shall be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the provision of an acceptable standard of vehicular access, turning and parking in the interests of road safety.

- 5 Notwithstanding that shown on the docketed drawings the first floor north elevation of the house hereby approved shall not have glazed doors but shall have high level windows such that the bottom cill of the windows would be set at a height of some 1.8m above the first floor finished floor level (FFL). Prior to the commencement of development detailed drawings indicating this elevational treatment shall be submitted to the Planning Authority for approval.

Reason:

In the interests of safeguarding the privacy and amenity of the occupiers of neighbouring residential properties.

- 6 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 7 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in advance in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for

implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 8 Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the buildings hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.