

Notice of Review Supporting Statement

The Abbey Church, High Street
Dunbar
East Lothian

Alterations to former church to form 1 house
and associated works

Ref. 14/00137/P and 14/00137/LBC

On behalf of

Mr Nikolai Rozholiova

JUNE 2014



Proposed Renovation & Conversion

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EXECUTIVE SUMMMARY

This request for 'Review' is submitted on behalf of Mr Nikolai Rozholiova c/o Mr Graeme Armet, The Breakfast Mission, 15 Old Fishmarket Close, Edinburgh, following the disappointing decision of East Lothian Council, under delegated powers to the Head of Planning, and based upon the Case Officer's singular recommendation, to refuse planning permission for what the Council's Planning Department termed "alterations to former church to form 1 house and associated works (application ref. 14/00137/P) at Abbey Church, Abbey Road, Dunbar, East Lothian, EH42 1JP", on 30th May and Historic Scotland's singular recommendation to refuse listed building consent (application ref. 14/00137/LBC) at the same address.

At the outset, the applicant contends that planning permission and list building consent has been refused by the East Lothian Council and Historic Scotland principally due to the preconceived notions of the planning officer and Historic Scotland as to how this building should be brought back to life in a purposeful and meaningful manner and refuse to take a balanced and realistic view of this application:

The planning case officer, under delegated powers, failed to adequately 'consult' and seek requisite architectural advice.

Historic Scotland failed adequately to "consult" and seek requisite specialist architectural advice.

There is no reference to the 2007 survey report and that the building is already derelict and to a meeting held on site in October 2013 where the planning officer and Historic Scotland Officer recognised that the interior of the building is beyond saving.

The Case Officer's misunderstanding of "the church being of special architectural or historic interest".

From a 'community good' perspective, there was insufficient consideration given to the significant potential benefits to revitalizing Dunbar High Street which suffers from the lack of any meaningful investment.

The Case Officer's application appraisal was therefore framed within the narrow confines of implementing Policy ENV1C and Policy ENV3 without the consideration of the actual well being of this building and the wider implications of this end of the High Street.

Without adequate review by Historic Scotland and the more rigorous peer review by a full planning committee, the Case Officer and her manager made a number of assertions which will be challenged within this statement as being either erroneous or factually wrong.

BACKGROUND TO THE APPLICATION

Summary

The Abbey Church, Dunbar lies at the northern end of Dunbar High Street and has acted as an effective full stop since its construction in the 1850's. Originally built to accommodate the overflow of church goers to the Parish Church close by. The church remained in use until 1966 when it was closed and in 1967 was sold by The Church of Scotland to a private owner. It has remained empty since then except for a small spell in the early 1980's when it was used as offices and visitor centre for the new nuclear power station being built at Torness. All fittings and furniture were removed and some partitions were erected for the purposes of the visitor centre. Since the opening of the power station the church have remained empty and neglected. It has been put up for sale on a number of occasions, however any meaningful attempts to bring this building back to life have as yet failed and without any intervention soon this building will become part of Dunbar's lost history.

The building is generally accounted to the architect Thomas Hamilton though there is some question to the extent of his involvement in the design; he did certainly have an input into the 2 spires which were later additions to the main elevation. Hamilton was an architect of some notoriety in the 19th century and being most famous for the Royal High School in Edinburgh. In the only publication on Hamilton the author Joe Rock does mention the Abbey Church in his chapter Free Churches.

Thomas Hamilton Architect 1788-1858, Published 1984 Joe Rock

"The church at Dunbar on the prime site at the end of the High Street suffers from the same polished façade but there is the added problem of a weak design. The pinnacle-cum spire fails to perform either of those functions well and there is a conflict between the horizontal emphasis and the vertical, a recurrent problem in Hamilton's church designs".

The publication was produced in conjunction with an exhibition in Edinburgh to mark the bicentenary of the birth of Hamilton in 1984. (Appendix 1)

A survey carried out in 2007 revealed extensive dry and wet rot, the dry rot being prevalent in the elegant timber structure. The report was included in the planning application but not mentioned in the planning officers report. (Appendix 2)

The Development Proposal

The proposal, as elaborated upon within the extensive application supporting documentation clearly sets out the intention of the application to implement a programme of removing the decay and deterioration of the interior of the church which is in a derelict state and introducing delicately a contemporary 2 story, 1 bedroom dwelling at the rear of the existing building without destroying or harming the quality of what can be saved of the original stone building.

GROUNDNS FOR REVIEW OF THE PLANNING DECISION

Context

The Case Officer's 'Report' provides a detailed response to the application albeit based upon an inadequate consultation exercise which shall be addressed below. Notwithstanding, the Case Officer highlights one key issue; in this regard, it is noted that a positive response to the proposals is generally forthcoming but the key reason for refusal is that development "is contrary to Policy ENV3".

The Case Officer is obliged under SSP and SHEP to protect and enhance the historic landscape. Yet the Case Officer does not seem to explicitly recognise this duty nor fully understand the duties on the council under the under noted enactments from SSP and SHEP:

Scottish Planning Policy (SPP, Para.110) - "Planning authorities can help to safeguard historic assets through development plans and development management decisions. The Scottish Government's policy on the historic environment and guidance on relevant legislation is set out in the Scottish Historic Environment Policy (SHEP). This SPP, the SHEP and the Managing Change in the Historic Environment guidance note series published by Historic Scotland should be taken into account by planning authorities when preparing development plans and determining applications for listing building consent, conservation area consent or planning permission for development which may affect the historic environment."

SPP Para. 111 - "the historic environment can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character"

Scottish Historic Environment Policy (SHEP, Historic Scotland) - "no historic asset should be lost or radically changed without adequate consideration of its significance and of all means available to manage and conserve it" (Section 1.14, b) and, "the remains of the past can act as a powerful catalyst and a stimulus to high quality new design and development, leading to successful regeneration and community-building. We believe that the historic environment should be valued as an asset, rather than thought of as a barrier to development. It reinforces the identity of communities, and can add value, provided that value is recognised at the outset and it becomes an integral part of any development or regeneration project." (Paragraph 1.7), and, "the protection of the historic environment is not about preventing change....change in this dynamic environment should be managed intelligently and with understanding....such decisions often have to recognise economic realities".

SHEP's three key outcomes for Scotland's historic environment, being:-

1.That the historic environment is cared for, protected and enhanced for the benefit of our own and future generations.

2.To secure greater economic benefits from the historic environment.

3.The people of Scotland and visitors to our country value, understand and enjoy the historic environment.

The Abbey Church is part of the recognised historic landscape of Dunbar and East Lothian Council, through the planning system, have a duty to protect and enhance it. Unfortunately in this case, the Case Officer fails to neither recognise nor understand that without imaginative, financially viable solutions the building cannot be "managed".

She states 'the proposed extension of a contemporary architectural style to form a two storey house would not preserve or enhance but instead would be harmful to the special architectural or historic interest of this listed building'. With respect, this opinion is incorrect and as describe is not harmful to the building. The proposal is a light intervention into the existing shell and the only elements being removed are the interior which has been accepted to be derelict and beyond salvage. (Appendix 3)

It is also stated on numerous occasions within the report that the Abbey Church is 'a building of special architectural or historic interest'.

The building is old however this does not make it historically interesting. It was once a church now it is not. As demonstrated the building has little architectural quality beyond the fact that it was once a church and was built with the exception of the main facade using the cheapest materials available at that time. (Appendix 1) The planning officer and her senior management team have been asked on several occasions to explain what the special architectural interest is but have never responded to this request.

The most significant statement in the report is 'since the limited glimpses from the public places of the High Street to the north east of the proposed 2 storey extension would betray a structure in marked contrast to the architectural remains of the building, such effect would not preserve or enhance but would be harmful to the character and appearance of the Conservation Area'

It is clear that:

The use of the derelict church as a dwelling is recognised as being acceptable.

There are no limited glimpses of the new intervention and there is no betrayal of the existing structure. (Appendix 4)

In order to manage and conserve this building requires a thoughtful and imaginative proposal.

This is not a demolition; it is the removal of all the building fabric that is beyond repair. Over and above this however Historic Scotland, applies four tests to demolition requests in order to ascertain whether demolition is appropriate. These are:

the building is not of special interest; or

the building is incapable of repair; or

the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or

the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

The Case Officers Only 'test':

The only element considered by the Case Officer in her interpretation of whether the proposed development is an 'appropriate' approach for the conversion of the church into a dwelling.

The applicant has gone to considerable time and expense to obtain a survey of the existing building, previously issued in 2007. It is now however clear to all including the planning officer and Historic Scotland officer that the interior of the building is beyond saving. IT IS DERELICT.

The applicant has considered in great detail the visual impact to both the church and its surroundings which are minimal in the urban context of the conservation area, this is the 4th proposal presented to East Lothian Council, Planning Department. (Appendix 4)

Private funding options include a wealthy benefactor, private investor, debt funding or funds generated by supporting development. There is no wealthy benefactor in the equation (the applicant has absorbed pre-development costs to the limit of

their viable involvement at this stage) nor is there any supporting development. To restore the building to its original state as part of a privately funded family dwelling is not financially viable and the value of the completed property would be significantly less than the construction costs particularly in the current financial market. The property has been put up for sale but there is no interest in the building.

The planning officer has stated 'No financial case has been demonstrated that it is not economically viable to repair the church building'.

It is nonsense to suggest that this building will ever be repaired as there are no interested parties prepared to spend millions on repairing this building and for what purpose? Dunbar currently has too many community buildings. With regard to the cost of any repairs a comparison can be made to the town hall which cost £5,000,000 to repair and breathe new life into.

The planning officer has stated 'No timescale has been given as a measure for the deterioration of the building to such an extent that it would result in it falling down'.

The statement does not make sense however since the visit to the site in October of last year when the planning office and Historic Scotland recognised the interior was derelict the eastern balcony has collapsed. (Appendix 3)

The planning officer has stated 'There is not sufficient information to safely conclude that the proposal is the only reasonable practical option'.

Again this is nonsense and is the planning officers opinion. Since 2007 there have been 4 proposals presented, all of which have received negative responses from the planning office and Historic Scotland.

Insufficient Use of Expert Opinion

Both the planning officer and Historic Scotland have visited the property now on 3 separate occasions. They recognised that the building fabric was deteriorating at an alarming rate. It was noted by the officer from HS that since he had last been inside the building he could see the extent of dilapidation within the 2 year period. He also noted that the speed of deterioration usually accelerates within derelict property and on the 11th October 2014 accepted that the whole interior will need to be removed. This is also evident in the recent collapse of the eastern balcony. (Appendix 03)

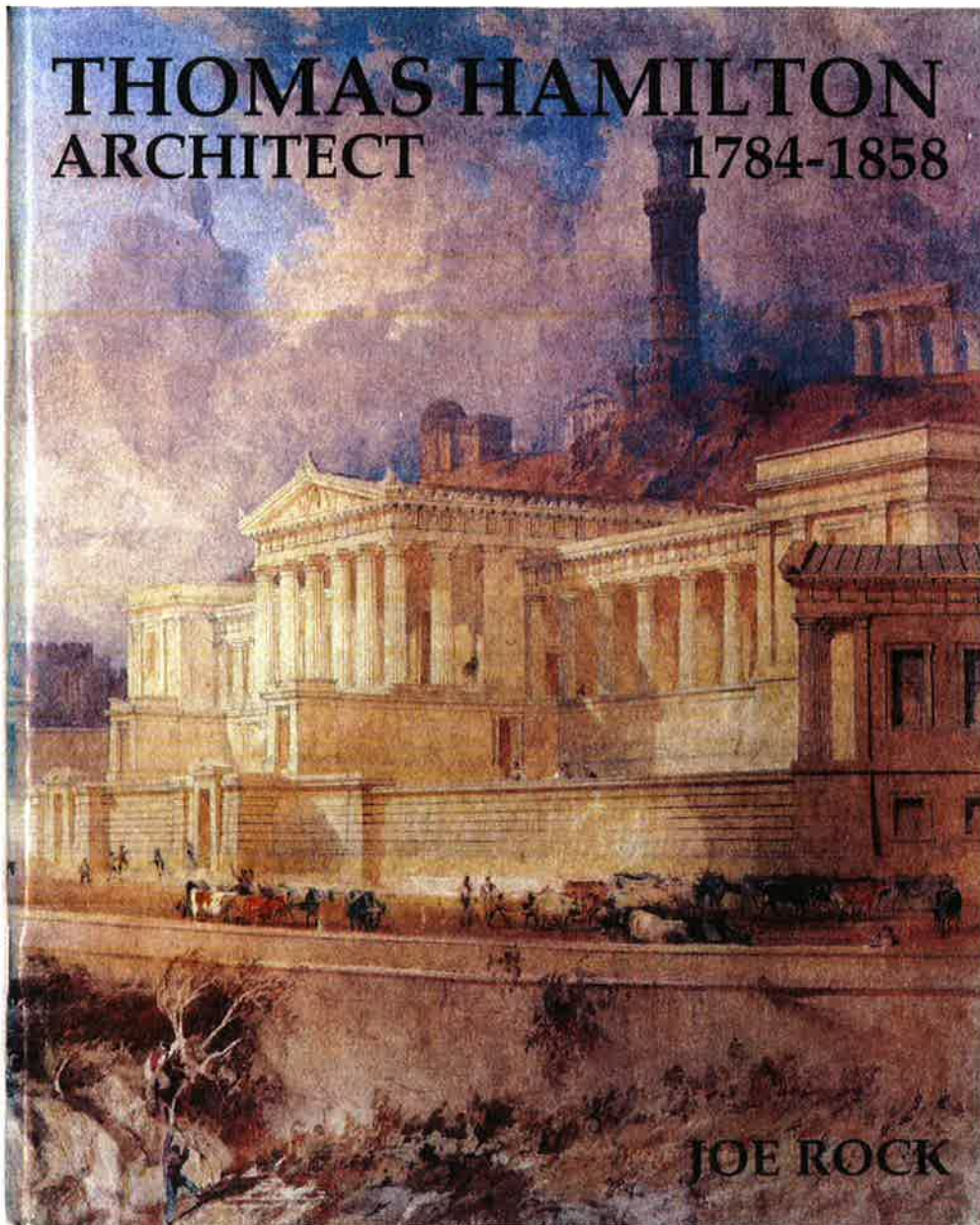
Further to this he also recognised that the cost of heating and maintaining such a vast space was for most people unaffordable to pay for when compared to the previous proposal for this building and understood what was being attempted.

The problem with both the planning officer and Historic Scotland is that those making the decisions have not visited the property nor did they attend meetings arranged at the property.

Conclusion

On the basis of the foregoing, it is respectfully requested that the submitted planning application be assessed by means of a Hearing, which would allow for the main principles involved to be openly discussed and their merits properly and openly evaluated with deference to statutory and internal consultees. This is deemed particularly relevant in so far as it is considered the Council did not fully assess the application as a restoration of an historic property that has little prospects of survival and one of the reasons that it is on the buildings at risk register.





Front Cover of Catalogue

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Appendix 1



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Photos taken 14.06.14



Photos taken 14.06.14



Existing Building



Proposed Renovation



Existing Building



Proposed Renovation



View From Dunbar High Street



Existing Building



Proposed Renovation