

LOCAL REVIEW APPEAL STATEMENT FOR PLANNING APPLICATION 17/01062/P
FOR
ALTERATIONS, EXTENSION AND CHANGE OF USE OF FORMER BANK (CLASS 2
USE) TO FORM 1 RESTAURANT (CLASS 3 USE) AND 2 FLATS
AT
2 AYRES WYND, PRESTONPANS, EH32 9AB



20 APRIL 2018

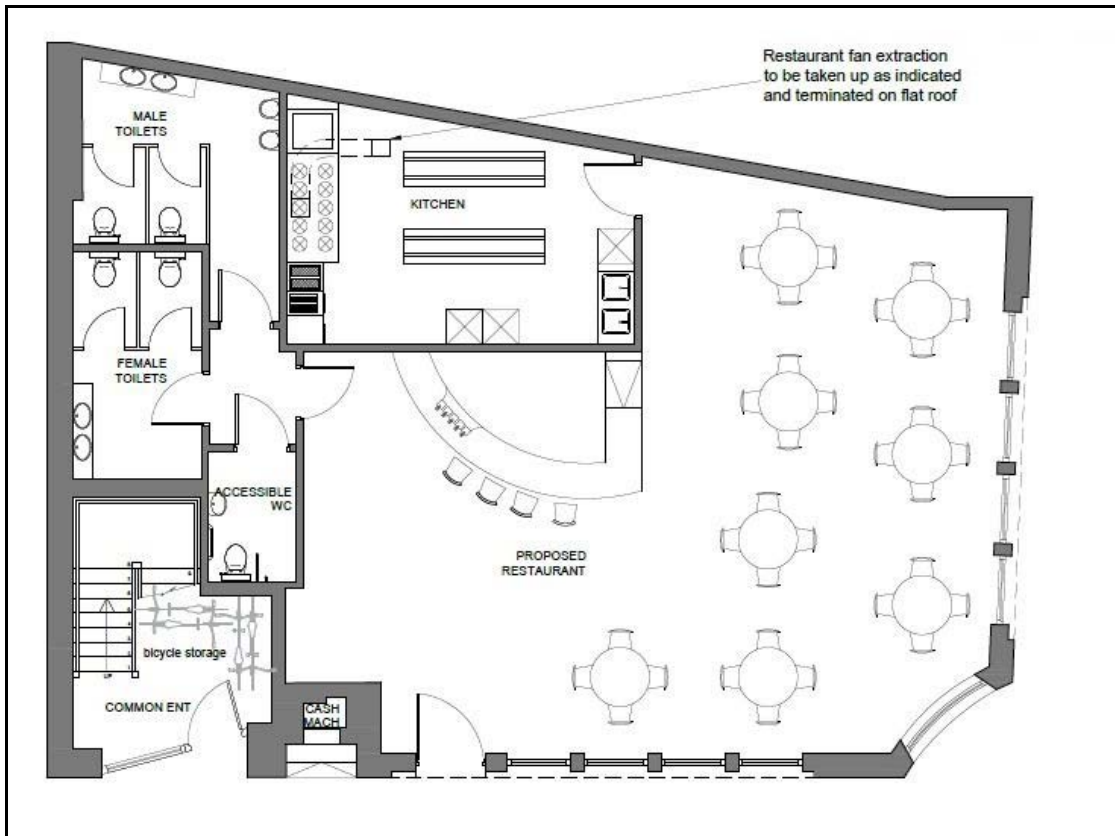
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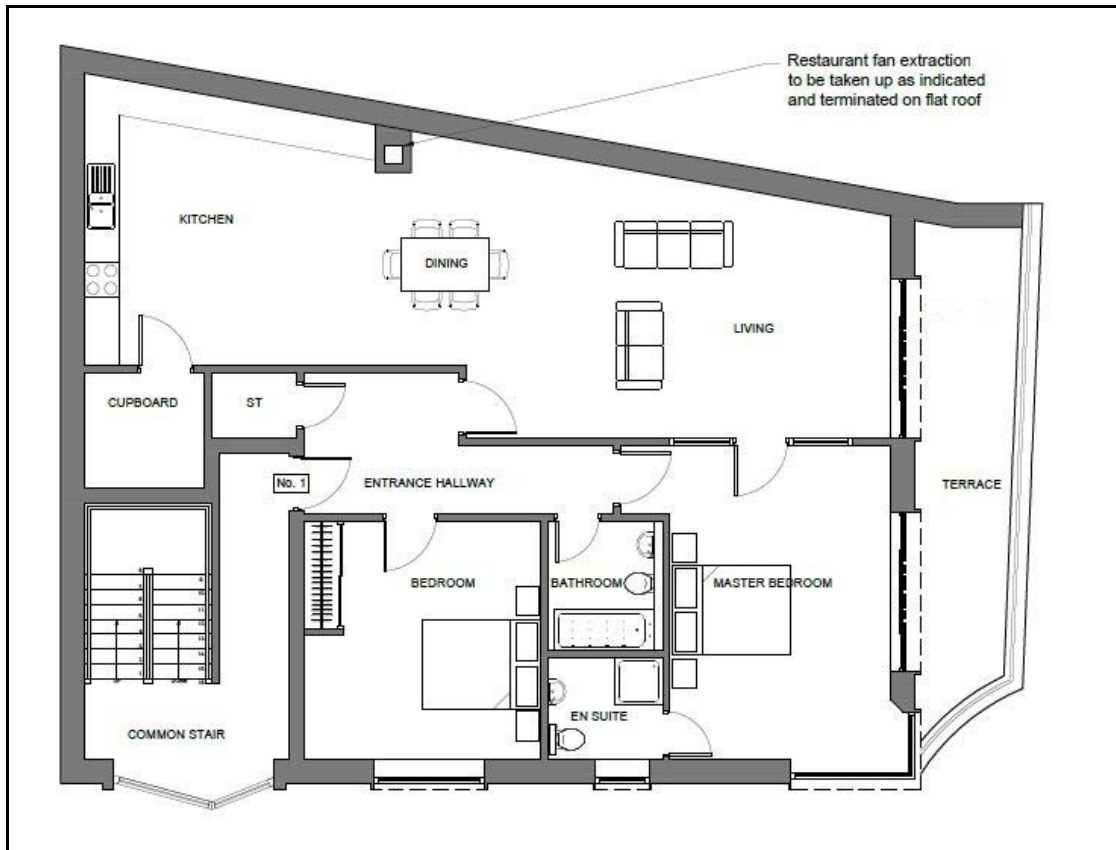
AYRES WYND ELEVATION



HIGH STREET ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



LONG SECTION NORTH-SOUTH

LEGEND:

-  SITE OUTLINED IN RED
-  EXISTING STONE RETAINED
-  EXISTING SLATE RETAINED
-  ZINC CLADDING
-  OF BLACK COLOURED FRAMES AND WINDOW PROFILES - SEE IMAGES
-  GLAZING
-  WHITE LIMESTONE RENDER



 Boxed Out Zinc Clad Windows & Slate
Sample Photo

MATERIALS

1. Introduction

The matter for consideration is the proposed redevelopment of the vacant Royal Bank of Scotland premises on the corner of Ayres Wynd and Prestonpans High Street. This is a prominent “high street” location within the designated Town Centre. The proposal is for the redevelopment of the footprint of the site to create a class 3 restaurant at street level and for the addition of two storeys of residential accommodation above this.

2. The Decision

Planning permission for the redevelopment has been refused for the reasons that:

“1. The proposed extension would not be in keeping with the size, scale, form, massing, proportions and materials of the existing building, would be of a contemporary architectural style and design inappropriate to the existing building and would appear as an incongruous and unsympathetic addition to it. The proposed extension would not be appropriate to but instead would appear intrusive and incongruous within its surroundings and would be harmful to the character and appearance of the existing building and the wider area, all contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008”; and

“2. In the circumstance of this case, failure to comply with the required standard of provision for off street parking to serve the proposed restaurant and two flats is contrary to Policy DP22 of the adopted East Lothian Local Plan 2008”.

3. Response

The applicant is of the opinion that planning permission should have been granted, and that the proposal is acceptable with respect to current planning objectives, both national and local.

Three policies are quoted in the reasons for refusal, and the response is laid out below based upon these three policies. They are each quoted in full in the appendix to this report.

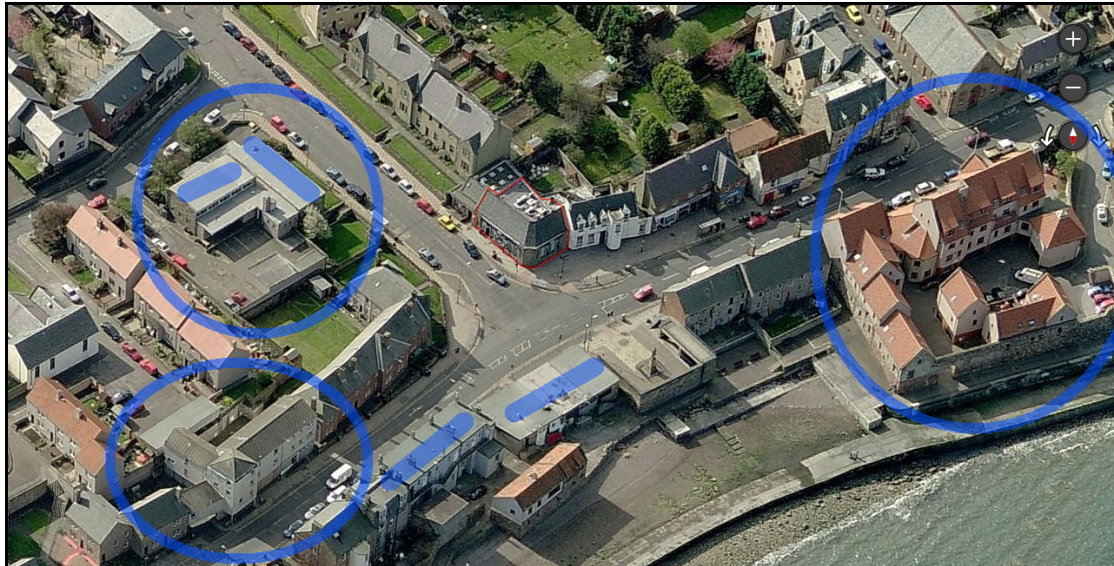
1. Policy 1B of the approved South East Scotland Strategic Development Plan

This sets out the broad principles for bringing development forward. It is intended as a spatial planning guide on a strategic level and informs the local policy makers. It is highly unusual for a strategic policy to be used as a reason for refusal on a local scale development such as the redevelopment of a high street bank. It is not appropriate in the context of this proposed redevelopment.

2. Policy DP6 of the adopted East Lothian Local Plan 2008

The opening paragraph in the proposal section of the planning statement advises that this *“is for the redevelopment of the footprint of the site to create a class 3 restaurant at street level and for the addition of two storeys of residential accommodation above this”*. It is therefore unclear as to why a reason for refusal is quoting a policy which is designed for extensions and alterations to a building. This policy was specifically not quoted in the planning statement as it was not relevant. Policies DP1 and DP2 were considered to be more relevant to a redevelopment proposal. In the East Lothian Courier it was correctly reported as *“The proposal would see the current building there demolished and a taller building constructed in its place”*, so the reason for this lack of understanding is not clear.

Aside from this technical error, the reason for refusal includes subjective remarks on the suitability of the design in this location which differ from those of the applicant and their advisors, and which is clearly presented in the planning statement. This is a prominent corner site in a town centre location and it is worthy of a more prominent building. There are many landmark corner buildings in the Lothians which could be described as “*a dominant, obtrusive and incongruous addition to the street*” and yet they create an important landmark feature and contribute very positively to the urban character, they ‘stand out’, which is a positive attribute. There is already a significantly varied architecture in close proximity to the site, and there is also a variety in building heights and roof styles.



The figure above shows the site in red and circled in blue are three larger nearby developments. Also lined in blue are several flat roofed buildings near to the site.



The proposed design is contemporary, but it proposes the use of high quality materials incorporating stone, render and slate. There is a variety of architectural styles in the vicinity of the site. There is also a mix of roof forms including pitched and flat roofs. There are two large flatted residential developments nearby which rise to three storeys, and one has a small four storey element. It is therefore considered that the proposed development is of an appropriate scale and design, and it will create a high quality feature on a prominent town centre location. The two upper floor flats will have views out to the Firth of Forth providing the occupants with a high level of amenity and adding very positively to the available housing stock in the town centre. The scale and form of the building reflect the prominence and importance of the corner location and as can be seen from the street sections, one of which is on the conclusions page (5), the scale and height of the building is not excessive and sits comfortably within the surrounding built form. The existing bank building is too low and provides no distinction to this prominent town centre location.

An added advantage of creating a higher building in this location is that it affords the opportunity to vent the restaurant kitchen at an appropriate height without the need for prominent flues, and to ensure that there is minimum risk to the amenity of neighbouring occupiers.

It is further presented that the reasons for refusal are based upon this being an extension to an existing building, which it is not (the ground floor has been designed to replicate what is already in existence at street level) therefore the design should not be compared to what exists, and rather should be considered as a new development within its surrounding context.

The National Planning Framework (NPF3) advises that further increasing the density of development, particularly in the centre of towns and cities and in key locations which are well-served by public transport, could accommodate much of the required growth in housing supply. Denser towns with less dependence on cars is what is now required. Basically the criteria which lead to the formation of towns in the first place (i.e. before the car became commonplace). The Scottish Planning Policy (SPP) reiterates this advising that we must consider “the re-use or re-development of brownfield land before new development takes place on greenfield sites” and that “using land within settlements for a mix of uses will also support the creation of more compact, higher density, accessible and more vibrant cores”.

3. Policy DP22 of the adopted East Lothian Local Plan 2008

It was considered that the more flexible approach taken under the proposed Local Development Plan (PLDP) was more in line with current national planning advice and that the requirements of DP22 were now out of line with the SPP. The PLDP aims to allow choice of means of travel to encourage the use of sustainable transport modes. The Council’s policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car - public transport, cycling and walking.

Further to this an element of logic has to be applied. The site is a town centre location, and it is the redevelopment of an existing high street use which occupies the full footprint of the site. There is no scope to provide parking on site. Also, in order to maintain the viability of town centres there needs to be greater flexibility between accepted town centre uses, namely classes 1, 2 and 3. If a change from one to another is tested on parking standards then this will stagnate some sites and also it will fail to permit a movement away from dependence upon the private car. As the SPP states, “*Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres*”.

The SPP also advises that we must consider opportunities for promoting residential use within town centres where this fits with local need and demand. The vertical mix proposed is in keeping with the town centre and it provides a valuable addition to the housing supply. There is no scope for on site parking but this should not be a reason for refusal.

This site is highly accessible, both in terms of the availability of public transport, and the availability of local services which reduce the need to travel. The provision of flats in this location reduces the need to travel, and that is supported by the SPP. The SPP also advocates maximum parking standards and it advises that where an area is well served by sustainable transport modes parking provision can be further restricted, i.e. reduced.

4. Conclusion

The two policies quoted in reason 1 are either not correct or are not appropriate. Furthermore, it is not appropriate to refuse a development for being of a contemporary design. The scale and the materials are considered to be appropriate for this type of location.

The replacement of the bank (class 2) use at street level with a restaurant (class 3) use is appropriate and it supports the continued vitality and viability of the town centre. The opportunity to create two flatted dwellings above is an appropriate vertical mix of uses in a town centre and by placing homes in this location it reduces the dependence upon the need for private car use and encourages the use of public transport, freely available nearby, and other sustainable transport modes (walking and cycling). The lack of parking for the redevelopment of an enclosed town centre site should not be used as a reason for refusal. Reason 2 is therefore also considered to be inappropriate in this instance.

This is a positive development for the town centre of Prestonpans, it provides an active town centre use at street level, it adds two excellent amenity residential properties to improve the local housing mix/supply and it makes excellent economic and environmental sense to support its approval.

The loss of bank premises within town centres is an ongoing problem and this redevelopment is a positive step towards redressing this and creating something positive to what might otherwise be a long term vacant site in a prominent location. It is a matter that was reported in the East Lothian Courier recently, on 6th January (Both the former TSB branch in Tranent and the Royal Bank of Scotland branch in Prestonpans), and in which the proposed redevelopment was presented in a positive tone, stating that “The closures have been condemned by politicians from all parties, but now there could be a new use for two of the old bank branch locations”.



Appendix

SESplan Strategic Development Plan June 2013

Policy 1B - The Spatial Strategy: Development Principles

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in the Inventory of Gardens and Designed Landscapes;
- Have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live;
- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

East Lothian Local Plan 2008

Policy DP6: Extensions and Alterations to Existing Buildings - All alterations and extensions must be well integrated into their surroundings and be in keeping with the original building.

Accordingly, such development must satisfy all of the following criteria:

- (1) it must not result in a loss of amenity with neighbouring uses or adversely affect existing residential amenity
- (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 it must be subservient to and in keeping with the existing building;
- (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 that building;
- (4) it must be finished externally in materials with colours and textures which complement existing buildings in the locality and the original building;
- (5) there must be no significant loss of privacy and amenity for the occupants of existing neighbouring development and occupants of any new development must also enjoy privacy and amenity
- (6) it must retain physical or natural features, which are important to the amenity of the area or provide adequate replacements.

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 DP22: Private Parking - Car parking provision must conform with the Council's adopted parking standards. It should be sited and designed to minimise its visual impact and effect on neighbouring properties and to take account of community safety through effective lighting and layout.

In conservation areas, a reduced or zero parking provision may be acceptable in exceptional circumstances provided that there are demonstrable townscape and/or amenity benefits and that road safety in the locality is not compromised. Planning applications for major non-residential development must include proposals for minimising parking through promotion of a Travel Plan.