

# Appendix 6

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## Further Representations

### Further Representation From

- ◆ Statement of Observations from Planning Officer on Applicant's Notice of Review



## **1.0 Planning Background**

- 1.1 Thomas Auld & Sons Ltd submitted a planning application (CL/17/0445) on 26<sup>th</sup> September 2017 to South Lanarkshire Council for shopfront alterations on 94-96 High Street, Lanark. The application was subsequently registered on 6<sup>th</sup> October 2017. After due consideration of the application in terms of the Development Plan and all other material planning considerations, the planning application was refused by the Council under delegated powers on 19<sup>th</sup> December 2017. The report of handling dated 18<sup>th</sup> December 2017 explains the decision and the reasons for refusal are listed in the decision notice. These documents are available elsewhere in the papers.

## **2.0 Assessment against the Development Plan and other relevant policies.**

- 2.1 Section 25 of the Town & Country Planning (Scotland) Act 1997, as amended, requires that an application for planning permission is determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 The development plan in this instance comprises the adopted South Lanarkshire Local Development Plan (2015) within which the site is identified as being located within a conservation area where Policy 15: Natural and Historic Environment and Policy NHE7 Conservation Area are relevant. Policy 15 seeks to protect and enhance the natural and historic environment and Policy NHE7 provides specific advice on conservation areas namely that proposals should preserve and enhance its character. Policy 4 Development Management and Placemaking is relevant to all proposals and seeks to ensure proposals integrate well with the surrounding area and, specifically, that there is no significant adverse impact upon the built heritage. Policy DM1 Design is relevant to this type of proposal and directs the reader, in this case, to the Council's Shopfront Design Guide providing principles and guidance for alterations to shopfronts across South Lanarkshire and specific guidance in conservation areas, where high quality design is expected.
- 2.3 Policy DM1 directs the reader, in this case, to the Council's Shopfront Design Guide. The Shopfront Design Guide details that there is a presumption in favour of retaining existing traditional frontages within conservation areas. The application proposes to alter a timber frontage which contains traditional features such as a curved fan light and shop window with attractive decorative turned wood detailing (*see Production 2-Photos 2-5*), therefore the frontage in question can be considered a traditional frontage. The Shopfront Design Guide details that the removal of a traditional frontage in conservation areas and its replacement is only permitted where 2 criteria can both be met, namely, where it is not feasible to adapt or retain the existing frontage and the Council is satisfied the design of the shopfront will not detract from the appearance of the building or surrounding area.
- 2.4 The applicant submitted information alongside the application detailing why they consider that the existing timber frontage cannot be retained and why a timber frontage cannot be used for the replacement. The reasoning is based on 4 points namely: shrinkage of timber causes pest ingress; time and cost to replace timber and large areas of glazing in the event of vandalism; deterioration of timber frontages; and the traditional frontage does not fit with modern image Aulds intend to rebrand with.

- 2.5 I am of the view the applicant's reasoning is insufficient to demonstrate that it is not feasible to retain or adapt the existing frontage. Firstly, it is possible to retain and adapt the existing timber frontage to solve issues of pest ingress such as using barrier below door or replacing existing timber with seasoned, weatherproofed timber reducing shrinkage. Secondly, I would consider vandalism unlikely to occur due to historic low incidences of this circumstance on Lanark High Street and that the unit sells low value perishable items which are unlikely to be an attraction for theft. It is not considered that a timber frontage would necessarily take longer to fix than aluminium for example a local joiner can easily repair timber compared to ordering up aluminium frames. Therefore, is not considered appropriate to compromise on seeking high quality design in conservation area on the basis of the low likelihood of vandalism.
- 2.6 Furthermore, regarding the deterioration and maintenance of timber frontages and designing them to fit with a modern brand image. It is possible to achieve a brand image whilst working with what is already there on site. The primary purpose of a shopfront is to attract the customer and creative signage, decorative paint finishes, inviting entrances and attractive window displays are all used to attract. 94-96 High Street already has decorative turned wooden features (*see Production 2*) which are relatively rare on Lanark High Street, as rural locations generally have less detail and decoration as a result of less competition between retailers. Thus, 94-96 High Street already has the unique elements creating an attractive window display and inviting entrance which will draw customers and allow the shop to compete. The modern brand image of Aulds can be shown via the choice of paint colours and the fascia, which has been successfully done by national and global brands in locations of historic importance across the world. There are recent examples of relocations of shops within Lanark High Street which have adapted their brand image to fit the within the conservation area successfully. Additionally, with proper maintenance timber frontages can remain looking good for long periods of time. It is important to retain traditional shopfronts for the wider good of the shopping area as detailed in the Historic Environment Scotland Traditional Shopfronts Guidance '*Conserving the historic features of shops enhances shopping districts and may, in turn, bring economic benefits to an area by encouraging tourism and improving footfall*'. The South Lanarkshire Council's Shopfront Design Guide concurs with this view and recognises the importance historic shopfronts bring. Therefore, in view of above the applicant has not provided sufficient reasoning as to why it is not feasible to retain or adapt the existing frontage. Thus, the proposal fails to meet first criterion of the Shopfront Guide.
- 2.7 The second criterion of the Shopfront Design Guide is whether the proposed frontage would detract from the building or surrounding area. Policy NHE7 provides specific advice on conservation areas namely that proposals should preserve and enhance its character. The following features (*see Production 2*): a curved fanlight and display window; with turned wood detailing at the tops; a setback entrance way which is tiled; a larger sized window display; and that historic maps indicate the building has been there since the late 1800's would indicate the shopfront is from the Victorian era. The Shopfront Design Guide requires: original features to be incorporated in any proposed design; stall risers to use materials sympathetic to the shop front; windows and doors to be of appropriate proportions to the building and those adjoining the street; where timber framed shop fronts are still predominant, timber should be used to reinstate the frontage. The proposed frontage is predominately aluminium with timber curved inserts to emulate original design and separate the existing window into 4, and the total height of stallriser is proposed to be tiled. Of the 69 properties on the High Street 74% are timber frontages or stone buildings with timber windows (*see*

*Production 1*); as such the street is predominately timber and the guide requires any replacement shopfront to be timber. It has been established earlier there is no substantive reasoning as to why this shopfront cannot remain timber. If timber was used the decorative turned timber features, which are original features lost in proposed design, could be incorporated. The Shopfront Design Guide details that frontages should be finished in predominately one material, in this proposal the main frame and door is aluminium with timber curved features and timber clad mullions; it is considered the mix of materials would not achieve a coherent and unified frontage. The proposed tiled stallriser is not an acceptable replacement for the existing detailed panelled timber stallriser with only one tile depth at pavement and does not reflect other stallrisers within the street which are mainly timber or rendered stone. In addition, the consistent approach in the High Street is a set back entrance door with a single display window and many of the shops have a similar sized display window as the existing Aulds unit has. The proposal seeks to divide this display window in 4 which would result in an anomaly within the streetscape and fail to respect original design features. Therefore the proposal, through the loss of traditional and original features of the existing shopfront together with the use of inappropriate materials for the stallriser and frontage and inappropriate proportions of window design, would detract from the surrounding area and fails on the second criterion within the Shopfront Design Guide. Consequently, the proposal fails to preserve the existing attractive features in the conservation area and proposes to replace with features and materials which do not enhance the area. Therefore, the proposal does not meet the Shopfront Design Guide and is contrary to Policy DM1 and NHE7.

- 2.8 Policy 15 and 4 seek to protect natural and historic environment and the built heritage, respectively. Policy 15 terms the conservation area as a Category 3 designation where proposals shall only be permitted where after mitigation measures there would be no significant adverse impact. It has been established above there is a significant adverse impact upon the conservation area and there are no mitigation measures which would negate that impact therefore the proposal is contrary to Policy 15. Policy 4 requires specifically, that there is no significant adverse impact upon the built heritage. It has been established above that there is a significant adverse impact on the conservation area which is built heritage. Therefore, the proposal fails to meet Policy 4.
- 2.9 The proposed development would have an adverse impact upon the conservation area by the way it fails to incorporate original materials, design features and proportions and would result in the loss of a unique and relatively rare shop frontage within Lanark High Street. Additionally, there are no other materials considerations or relevant justification which would have warranted a departure from the Local Development Plan. Therefore, the proposal is not consistent with the Local Development Plan.
- 2.10 In view of all of the above I remain convinced that the proposal is contrary to the policies contained in the Local Development Plan and in particular raises concern over the loss of traditional shopfronts, the character and visual amenity in Lanark High Street, a conservation area.

### **3.0 Other material considerations**

- 3.1 There are no other material considerations which are relevant in the assessment of this application.

### **4.0 Observations on applicant's 'Notice of Review'**

4.1 The applicant has submitted a statement to support the review. The grounds are summarised below:

**(a) Aulds is updating corporate identity and as a result is committing considerable investment in new shopfronts, which is contributing to quality of High Streets.**

**Response:** As detailed in officer's report and above the proposed frontage is not considered an appropriate replacement for the current shopfront. The investment could be directed to maintaining or refreshing the existing frontage which would enhance the quality of the High Street and conservation area and retain original features.

**(b) Reason for refusal is set out in the decision notice as follows 'The proposal fails to comply with Policy 4, 5, DM1 and NHE7 in that there is insufficient reasoning as to why the initial frontage cannot be retained and the proposal would have an adverse impact upon the conservation area and built heritage'.**

**Response:** The notice of review submitted is referring to the reason for decision, there are 4 reasons for refusal which detail that the proposal: fails to demonstrate why it would not be feasible to retain existing frontage; and the proposed frontage would lead to loss of attractive decorative features and fails to preserve or enhance character of conservation area and; due to the impact upon the conservation area the proposal consequently fails to meet Policies 4 and 15. These reasons are detailed in the decision notice and officer's report and above.

**(c) Argue our proposal has no significant impact on surrounding area and built heritage and contend that the High Street contains predominately timber shop frontages – there is a large number of aluminium shop frontages in very close proximity to the Aulds Unit and request the proposed alterations are viewed in that context.**

**Response:** Planning decisions are taken in the context of the surrounding area and planning policies. There are some of the units within the proximity of Aulds with aluminium frontages, however over the 69 units on the High Street counted a total of 74% of frontages are timber frontages or are stone buildings with timber windows (see *Production 1*). Therefore, the High Street does contain predominately timber shop frontages and this is the context within which the proposal was considered. The policies in this regard have a presumption in favour of retaining traditional frontages as it is recognised good design contributes to the overall area. As detailed in the assessment against the development plan policy requires reasoning for a loss of a traditional frontage, which is not considered to have been provided in this case. The surrounding area is predominately timber frontages, however few properties have the decorative timber turned wood which 94-96 High Street has; this should be retained to contribute to the surrounding area. Due to the loss of decorative unique features on a traditional frontage to be replaced by a proposed frontage with an inappropriate mix of materials and design features failing to reflect original features it is considered the proposal would have a significant adverse impact on the conservation area.

**(d) The change of a modest nature and little consequence is being lost to the streetscape.**

**Response:** The following features would be lost from the existing frontage turned wood detailing the tops of the window and fanlight, the timber panelled stallriser and the proportion of the window design and use of a traditional material of timber (see *Production 2*). These features together show the history of the shopfront and surrounding area and indicate this is a shopfront from the Victorian era. The decorative detailing is relatively rare in Lanark High Street, possibly due to the rural

nature where competition historically is lower and the shopfront required to be less detailed to attract customers. Therefore, the change is not of a modest nature as several elements of the traditional frontage are lost. In addition, this loss has not been properly justified or reflected in the proposed design.

**(e) Many of the large national retail outlets located on High Street including Santander, Holland and Barrett, Costa, Poundland and Ladbrokes have aluminium shopfronts which reflect their corporate branding and are at substantially variance to the Shopfront Guide.**

**Response:** There are 20 properties which could be described as large national retail outlets on Lanark High Street including RBS, Nationwide, Boots, Card Factory, Greggs. Of these national retail outlets, 76% of the properties are in timber units or a stone building with timber windows (*see Production 1*). This is a similar percentage as across the whole High Street taking into account local retailers. Therefore it does follow that aluminium shopfronts are required to reflect corporate branding or compete with modern retail outlets.

**(g) The applicant made clear their requirements for change to the shopfront when submitted to the Planning Officer on 4<sup>th</sup> December 2017**

**Response:** These requirements were taken into account during the processing of the application and have been responded to within the Officers Report of Handling but were deemed to constitute insufficient reasoning for justifying why a timber frontage is not feasible to retain.

**(h) The consistency in materials and detailing assumed by the Shopfront Guide is no way reflected in this streetscape.**

**Response:** The Shopfront Design Guide is not a description of Lanark High Street but is a guide for decision making for shopfront alterations across all shopping areas within South Lanarkshire and represents best practice to ensure attractive and original features are retained and good designs proposed. The Guide allows for the incorporation of modern frontages under certain circumstances, i.e. where it is not feasible to retain the original frontage and reflects the surrounding area. As has been detailed, there is insufficient evidence to demonstrate that this is applicable in this case.

**(i) The inability of the applicant to upgrade the shopfront in a modern manner compromises the ability of Aulds to compete within modern shopfronts on the High Street**

**Response:** An aluminium frontage is not considered necessary for competition between retailers. Competition between retailers is not a valid planning matter however, there is evidence that attractive traditional shopfronts will draw customers, increase footfall and in return provide economic benefit for all retailers. The investment intended for a replacement of the frontage in aluminium could be redirected to retaining, renewing and refreshing the existing frontage which is unique in nature. The modern branding can still be shown through colours of paint and the fascia board.

## **5.0 Conclusions**

5.1 In summary the proposal would result in the loss of unique and decorative features within the conservation area and Lanark town centre resulting in a significant adverse impact upon the conservation area. It is therefore respectfully suggested that the decision be upheld.

List of productions

Production 1 – Type of Shopfronts on Lanark High Street

Production 2 – Site Information Photos



Production1 – Type of Shopfronts on Lanark High Street					
North Side of High St (East to West)		Type of Shopfront	South Side of High St (West to East)		Type of Shopfront
1	Ladbrokes*	Timber	37	Clydesdale	Stone & Timber
2	Subway*	Timber	38	Remax*	Timber
3	Scotzone	Timber	39	Tolbooth	Timber
4	Canton House	Timber	40	Sweet Occasions	Timber
5	Chillies	Aluminium	41	The Tool Shop	Timber
6	Debra	Aluminium	42	Ladbrokes*	Aluminium
7	Holland and Barratt *	Aluminium	43	Empty Unit	Timber
8	WHS Smith*	Aluminium	44	Empty Unit	Timber
9	St Andrews Hospice	Timber	45	Specsavers*	Timber
10	Capital House	Aluminium	46	Empty Unit	Timber
11	Card Factory*	Timber	47	Greggs*	Timber
12	Boots*	Timber	48	Savers*	Timber
13	Nationwide*	Timber	49	Thomas Cook*	Timber
14	More Choice	Timber & Aluminium	50	Horse and Jockey	Stone and Timber
15	Costa*	Timber	51	Poundland*	Aluminium
16	Clarks Bakers	Timber	52	Marie Curie	Aluminium
17	M&Co*	Timber	53	Smail and Ewart	Aluminium
18	Morrison & Smith	Aluminium	54	Dentists	Stone
19	SAC	Stone and Timber	55	Hugh Blacks	Stone and Timber
20	Lanarkshire Printhouse	Stone and Timber	56	Smoke Max	Timber
21	Flower of Scotland	Timber	57	Lloyds Pharmacy*	Timber
22	Empty Unit - McKellars	Aluminium	58	Empty Unit	Timber
23	Taj Mahal	Timber	59	Alfies	Timber
24	Empty Unit	Timber	60	RBS*	Stone and Timber
25	Brooks Men's	Timber	61	Ebis	Timber
26	Brooks Shoes	Timber	62	Aulds*	Timber
27	Brooks Ladies	Timber	63	Sweeti-licious	Aluminium
28	Florists	Timber	64	Timpson*	Timber
29	Hair Chair	Timber	65	Empty Unit	Timber
30	Millar Blinds	Aluminium	66	Bits and PCs	Aluminium
31	Empty Unit	Timber	67	Santander *	Aluminium
32	Clothes Unit	Timber	68	Fringes	Aluminium
33	Directors Box	Timber	69	Port Vaults	Stone and Timber
34	Rug and Flooring	Timber	* denotes Large National Retail Outlet		
35	Prego	Timber & Aluminium			
36	Bridal	Timber			
<b>Total Units</b>		<b>69</b>	<b>Total Large National Retail Outlets</b>		<b>21</b>
Total Timber Shopfronts		43	62%	Timber Shopfronts	15
Total Aluminium Shopfronts		16	23%	Aluminium Shopfronts	5
Total Stone & Timber Shops		8	12%	Stone & Timber Shops	1
Total Timber & Aluminium Shops		2	3%		



Photo 1 - Aulds Shopfront ( taken 12/10/2017)



Photo 2 – Curved fanlight above door( taken 12/10/2017)



Photo 3 - Curved fanlight and window details with turned wood detailing.( taken 8/03/2018)





Photo 4 – Curved window detail ( taken 12/10/2017)



Photo 5 – Curved window detail ( taken 12/10/2017)



Photo 6 - Tiled entranceway, timber door with kickboard and timber paneled stallriser ( taken 12/10/2017)





Photo 7 - Timber paneled stallriser ( taken 12/10/2017)





Photo 8 - Timber paneled stallriser ( taken 12/10/2017)



Photo 9 – Fascia board ( taken 12/10/2017)





Photo 10 - Fascia board ( taken 12/10/2017)



Photo 11 – Looking west down High Street towards shop front, taken from north side of street. ( taken 8/3/2018)





Photo 12 - Looking west down High Street towards shop front, taken from south side of street. ( taken 8/3/2018)



Photo 13 - Looking east up High Street towards shop front, taken from south side of street ( taken 8/3/2018)