

## Kincardine & Mearns Area Committee Report 22 August 2017

Reference No: APP/2017/0560

**Full Planning Permission for Installation of Replacement Windows at 9B Market Square, Stonehaven, Aberdeenshire, AB39 2BT**

Reference No: APP/2017/0561

**Listed Building Consent for Installation of Replacement Windows at 9B Market Square, Stonehaven, Aberdeenshire, AB39 2BT**

**Applicant:** Mr D Scorgie, 9B Market Square, Stonehaven  
**Agent:** John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline

**Grid Ref:** E:387399 N:785843  
**Ward No. and Name:** W18 Stonehaven And Lower Deeside  
**Application Type:** Full Planning Permission & Listed Building Consent  
**Representations:** 0  
**Consultations:** 1  
**Relevant Proposals:** Aberdeenshire Local Development Plan  
**Map:**  
**Designations:** Aberdeen Housing Market Area  
**Complies with:** No  
**Development Plans:**  
**Main Recommendation:** Refuse



**NOT TO SCALE**

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## 1. Reason for Report

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Councillor Agnew – I wish to have this application put before the Area Committee as I feel that there should be more discussion in respect of windows in Conservation Areas
- Councillor Clark – The condition of the windows in the Market Square is important. Some look unsightly, possibly because of the access problems for maintenance. Like for like uPVC replacements are maintenance free. I would like this application to be discussed at committee.

1.2 This application was deferred at the last meeting of the Kincardine and Mearns Area Committee on 13 June 2017 to allow the submission of further information on the materials to be used for the replacement windows.

1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

2.1 Full Planning Permission (APP/2017/0560) and Listed Building Consent (APP/2017/0561) is sought for the replacement of four windows to a flatted property; three windows on the front elevation and one on the rear. The property is located within the Stonehaven Conservation Area and is also category C listed. The existing windows are white painted timber sash and case units. The window on the rear elevation also has astragals. The proposed replacement windows would be double glazed white UPVC sash and case units and the same as those on the above flat.

2.2 The property in which the application relates is a first floor flat within a terrace row located on the south side of Market Square in Stonehaven. Market Square is located within Stonehaven town centre where ground floor premises are generally occupied by commercial properties and the upper storeys are generally residential. The building is two and a half storeys high and is of traditional style. It has a blockwork finish and a pitched slate roof. All windows on the first floor level are timber sash and case units. On the second floor, one property has timber sash and case windows and one has UPVC sash and case windows. The ground floor commercial premises have timber windows and doors.

- 2.3 Full planning permission and listed building consent (application references APP/2015/3409 and APP/2015/3300) granted for 9C Market Square (second floor flat). Approved at Kincardine and Mearns Area Committee on 9<sup>th</sup> February 2016.
- 2.4 No further details of the proposed materials of the windows have been submitted as per the request by Members at the Kincardine and Mearns Area Committee Meeting of 13 June 2017 , however the agent has confirmed that the windows will be the same as those on the property 9C Market Square.

### **3. Representations**

- 3.1 No valid letters of representation have been received.

### **4. Consultations**

#### *Internal*

- 4.1 **Infrastructure Services (Environment)** were consulted on the application and state that the windows are most likely the original sash and case timber windows and add significantly to not only the character if the building itself but also the wider streetscape and historic environment of Market Square. There is one pair of UPVC windows in place and this clearly demonstrates the negative impact on the character of both the building and the streetscape and should not be used as justification, nor endorsement that further erosion of the historic environment is acceptable. Infrastructure Services (Environment) cannot support the application in its current form, and as a bare minimum the application should contain supporting information including a condition survey of the existing windows. If replacement is proved to be the more economical solution as opposed to repair, like-for-like replacements could be considered.

### **5. Relevant Planning Policies**

#### **5.1 Scottish Planning Policy**

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning

system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

## 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

## 5.3 Aberdeenshire Local Development Plan 2017

Policy P3: Infill and householder developments within settlements (including home and work proposals)

Policy HE1 Protecting historic buildings, sites and monuments

Policy HE2 Protecting historic and cultural areas

## 5.4 Other Material Considerations

### Managing Change in the Historic Environment: Windows

Windows are an important element to the overall character of listed buildings and contribute to their interest. Any window alterations to a listed building must protect this character, and be of full consideration in planning decisions. In relation to proposed double-glazing this guidance states that double-glazing may be acceptable either where the existing windows are beyond repair and the new windows will match the original joinery, or where it can be incorporated within the original joinery.

### Historic Environment Scotland Policy Statement 2016

Historic Environment Scotland Policy Statement June 2016 sets out Scottish Ministers' policy on the management of the historic environment and is a material consideration in the consideration of planning applications that involve works on listed buildings. Paragraph 141 of Scottish Planning Policy confirms that change to a listed building should be managed to protect its special interest while enabling it to remain in active use.

## 6. Discussion

- 6.1 Full Planning Permission and Listed Building Consent is sought for the installation of replacement windows on the front and rear elevations of a flat located on the first floor level of a category C listed building located within the Stonehaven Conservation Area. The main issues in the determination of this application are the acceptability in principle of the proposed replacement windows and the potential impact on the character and appearance of the listed building located within the Stonehaven Conservation Area.
- 6.2 Policy HE1 Protecting historic buildings, sites and monuments and Policy HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017 are the main determining policies in this case. These policies state that new development will not be accepted where it would have a negative effect on the character, integrity or setting of a listed building. Alterations to a listed building will only be permitted where they are of the highest quality and respect the original structure in terms of setting, scale, design and materials. Furthermore, development within a Conservation Area will not be allowed if it does not preserve or enhance the character or appearance of the Conservation Area. The design and materials must be of high quality and respect the characteristics for which the Conservation Area was designated. Policy P3 Infill and householder developments within settlements (including home and work proposals) reiterates the aforementioned policies.
- 6.3 The proposal seeks to replace four timber sliding sash and case windows with sash and case white UPVC units on a flatted property within a category C listed building. The majority of windows on the building are timber, with the exception of a flat on the second floor level (two windows on the principal elevation and three on the rear) which has white UPVC sash and case windows. The proposal cannot be supported by the Planning Service as the proposed replacement UPVC units are not considered to be appropriate in terms of material for a listed building or location within the Stonehaven Conservation Area and the installation of non-traditional windows is considered to have a negative impact on the character and appearance of the listed building and the wider area.
- 6.4 Furthermore, although UPVC windows are present within the area, the majority of the windows openings which form part of the building are still timber sash and case units and the installation of additional UPVC windows would further erode the traditional character of the building. Therefore, the proposed windows would not be in keeping with the character or appearance of the building and would impact upon the integrity of the historic structure a traditional materials which contribute to the important status of this building.
- 6.5 Although the window to be replaced on the rear would be well contained, the proposed design and materials would be inauthentic to the building and would not respect the original structure. Following consultation with Infrastructure Services (Environment), they commented that the existing one pair of UPVC windows clearly demonstrates the negative impact on the character of both

the building and streetscape and should not be used for justification, nor endorsement that further erosion of the historic environment is acceptable.

- 6.6 The agent was informed that the proposal in its current form could not be supported and would be recommended for refusal. It was also requested that a conditions survey of the existing windows was submitted to attempt to justify replacement windows. No further information was submitted and the agent confirmed that the application and associated full planning permission application were to proceed in their current form.
- 6.7 Following comments from Members at Area Committee on 13 June 2017, further details were requested on the proposed windows. No samples or details have been submitted but the agent has stated that the proposed windows will be the same as those on the flat above – 9C Market Square. As the proposed windows remain to be UPVC, this is still not considered appropriate and there would be an unacceptable impact on the listed building and the conservation area. The proposal remains contrary to the aims of Policy HE1 Protecting historic buildings, sites and monuments and Policy HE2 Protecting historic and cultural areas.
- 6.8 As such, for the reasons outlined above, the proposed applications do not comply with Policy HE1 Protecting historic buildings, sites and monuments, Policy HE2 Protecting historic and cultural areas and Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 and therefore the applications continue to be recommended for refusal.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Equalities, Staffing and Financial Implications**

- 8.1 An equality impact assessment is not required because the proposed development is not considered to have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.

## **9. Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 10. Departures, Notifications and Referrals

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

Policy P3 Infill and householder developments within settlements (including home and work proposals)

Policy HE1 Protecting historic buildings, sites and monuments

Policy HE2 Protecting historic and cultural areas

10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

### 11.1 **REFUSE for the following reason:-**

01. The proposed UPVC windows would not be appropriate replacements to the existing timber sash and case windows of the Category C listed building. The proposed windows would not respect the original windows or the historic character and integrity of the building in terms of design and materials. The proposal therefore does not comply with Policy HE1 Protecting historic buildings, sites and monuments of the Aberdeenshire Local Development Plan 2017.

Stephen Archer  
Director of Infrastructure Services  
Author of Report: Jenny Ash  
Report Date: 4 August 2017

