



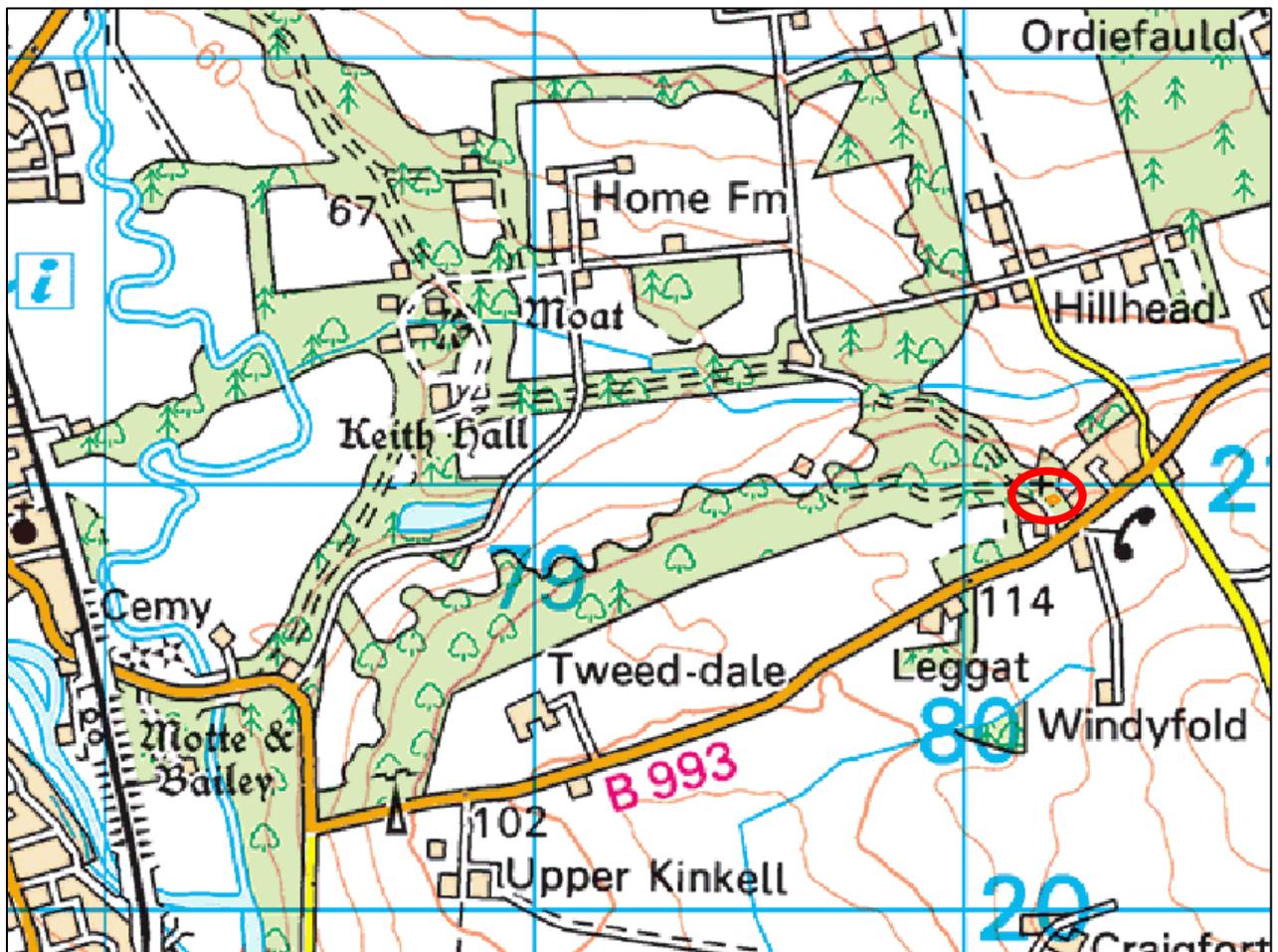
Garioch Area Committee Report – 25 June 2019

Reference No: APP/2019/0292

Description: Listed Building Consent for Removal of Stained Glass Window, Metal Mesh Screen and Brass Plaque and Installation of Replacement Window at Keithhall Church, Keithhall, Inverurie

Applicant: Keithhall Church
Agent: Mrs Pat Lawie

Grid Ref:	E:380208 N:820965
Ward No. and Name:	W11 - Inverurie And District
Application Type:	Listed Building Consent
Representations:	3
Consultations:	3
Relevant Proposals Map	Settlement
Designations:	
Complies with Development Plans:	Yes
Main Recommendation:	Grant



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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 The application relates to Keithhall Church, a Category 'B' listed building within the settlement of Keithhall. The church contains a World War One memorial in the form of a stained glass window and a brass plaque commemorating the men of Keithhall Parish who lost their lives in the war. The church is now closed and no longer in ecclesiastical use and is likely to be put on the open market by the Church of Scotland. As such, there can be no guarantee that the building will remain in religious use or accessible to the public. It is therefore proposed to remove both the window and plaque and relocate them within Fintray Church, approximately 4 miles away.
- 2.2 The stained glass window, which measures 0.9m by 1.9m, is located on the southern elevation of the building behind a metal mesh screen. It would be removed from its frame and placed in a purpose-made light box cabinet, which would then be fixed to one of the interior walls of Fintray Church. The brass plaque would simply be unscrewed and fixed to one of the interior walls of Fintray Church, in close proximity to the stained glass window. Fintray Church is still in ecclesiastical use and listed building consent is therefore not required to place the memorial inside that building.
- 2.3 The applicant has submitted additional information clarifying that, while the existing metal mesh screen would also be removed, the existing window frame would be retained and a new sash window of traditional design and construction would be placed within the existing rebate. The window would incorporate mortice and tenon joints, reproduction antique glass and suitable glazing bars and would be constructed from white painted, hardwood timber.

3. Representations

- 3.1 A total of 3 valid representations (3 objections) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:
 - The memorial was erected to commemorate the fallen of Keithhall and is part of the community not the church. The memorial has no connection with Fintray and should remain in the parish of Keithhall.

4. Consultations

- 4.1 **Infrastructure Services (Built Environment)** has no objections to the proposal. The design and materials are of an acceptable quality to comply with Policy HE1 and the methodology for the removal and reinstatement in to Fintray Church is acceptable.
- 4.2 **Historic Environment Scotland** has no objection in principle to the removal of the stained glass memorial provided a suitable replacement window is agreed and installed at the same time as the removal.
- 4.3 **Inverurie Community Council** requests that any permission to remove the war memorial should be withheld until various aspects of the matter (such as the ownership of the memorial and its relocation outwith the parish) are clarified. Please refer to Appendix 1.

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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

5.3 Aberdeenshire Local Development Plan 2017

Policy HE1: Protecting historic buildings, sites, and monuments

5.4 Historic Environment Policy for Scotland

The Historic Environment Policy for Scotland is a policy statement produced by Historic Environment Scotland that is a material consideration for proposals that may affect the historic environment. The policy advises that, wherever possible, special characteristics should be protected, conserved or enhanced and in making decisions, the focus should be on avoiding or minimising adverse impact. Intervention should be kept to the minimum; changes to a site or place should be proportionate to its cultural significance; less detrimental alternatives should be considered if they can deliver the same objectives and opportunities for mitigation should be identified. The historic environment has to be managed in a sustainable way by taking different interests and needs into account. Decision-makers may need to manage conflicting needs but if there is no way of being confident about what the impact of an action will be, the only way to be certain that there will be no damage is to avoid the action.

6. Discussion

- 6.1 Listed Building Consent is sought to remove the brass plaque, stained glass window and metal mesh screen. In terms of their physical impact on the character of the listed building, the works to remove the brass plaque, stained glass window and metal mesh screen from Keithhall Church and the installation of suitable replacement glazing would be acceptable and would comply with Policy HE1 of the Aberdeenshire Local Plan 2017. Historic Environment Scotland has no objection in principle to the removal of the memorial and the replacement glazing is also considered to be appropriate in principle subject to a condition requiring the full details of the replacement window to be agreed before works commence. The Planning Service is satisfied that the person proposed to be engaged to carry out the removal of the stained glass window and its replacement has the necessary experience and expertise to carry out the works.

- 6.2 Inverurie Community Council has raised concerns about the proposals and three letters of representation have been received objecting to the relocation of the memorial. The applicant has provided information in support of the application explaining the reasoning behind the proposed relocation of the memorial and setting out the decision-making process in respect of the relocation.
- 6.3 The applicant advises that Keithhall Church became a union with Fintry Kinellar Church of Scotland in 2006 and there is one Kirk Session consisting of elders from all three churches. The Kirk Session are the trustees who make the decisions regarding all three places of worship. The World War One memorial consists of the brass plaque and the stained glass window, which have to be treated as a single item and have to stay together if moved. The memorial is owned by the church.
- 6.4 Following advice in May 2017 from the Church of Scotland General Trustees that Keithhall Church was not viable to be left for use only occasionally, various meetings of the Kirk Session and congregational meetings were held and Gordon Presbytery agreed on 1 July 2018 to close Keithhall Church. A detailed timeline has been provided by the applicant setting out the dates of the various meetings and votes leading to the decision to close the church. Given the impending closure and likely sale of the church, an alternative location for the war memorial needed to be found. Following an advertisement in the press, the Keithhall Hall Committee held a public meeting at which the options for the relocation of the memorial were discussed but the people attending the meeting rejected the relocation of the memorial to the Keithhall Public Hall and the primary school.
- 6.5 In the absence of any public agreement in respect of a suitable relocation of the memorial and given the closure of the church (and therefore public access to the memorial) the Kirk Session voted to place the plaque and window within Fintray Church. It is hoped to rededicate the memorial in November 2019, the centenary year of the original dedication in Keithhall Church in 1919.
- 6.6 The War Memorials Trust considers that public access to war memorials is desirable and by moving the memorial to Fintray Church public access would be maintained. Both the Church of Scotland General Trustees and the Churches' Committee on Church Art and Architecture (CARTA) have advised the applicant that if no satisfactory arrangement can be made with the village hall then the memorial should be relocated to Fintray Church.
- 6.7 It is considered that the applicant has provided sufficient information to justify the removal and relocation of the World War One memorial from Keithhall Church. The applicant has also provided details of a satisfactory replacement window and a satisfactory procedure in respect of the removal, restoration and refitting of the stained glass window.
- 6.8 In conclusion, the Planning Service is satisfied that the proposed works would not detract from the character of the listed building and would comply with HEPS and Policy HE1 of the Aberdeenshire Local Development Plan 2017. There are no material considerations which indicate that consent should be refused and the application is therefore recommended for approval.

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. Implications and Risk

- 8.1 Aberdeenshire Council is aware of its duties under the Equality Act 2010 and in particular the Public Sector Equality Duty. An Equality Impact Assessment is not required because it is considered that the proposed development would not have an adverse differential impact on people with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

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

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 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 GRANT Listed Building Consent subject to the following conditions:-

01. No works in connection with the listed building consent hereby granted shall commence unless full details of the proposed replacement window have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale to show the proposed new window detailing; dimensions, glazing patterns, ventilation and opening methods. Thereafter, the window shall be installed in accordance with the approved details.

Reason: In order to safeguard the special architectural character and historic interest of this listed building.

02. The works hereby approved shall be carried out in strict accordance with the Procedure of Work set out by Mr Brian Innes dated 12 June 2019 for the removal, restoration and refitting of the stained glass window as submitted and agreed as part of this application for listed building consent. Unless otherwise agreed in writing by the Planning Authority, the removal of the stained glass window and the installation of the replacement window shall be carried out in accordance with the approved details within a period of 24 hours in a single operation.

Reason: In order to safeguard the special architectural character and historic interest of this listed building.

03. The works to place the stained glass window and brass plaque within Fintray Church shall be carried out in strict accordance with the details set out in the Relocation Methodology submitted and agreed as part of this application for listed building consent.

Reason: To ensure the appropriate re-use of original traditional building fabric in the interests of the character and appearance of the built environment.

11.2 Reason for Decision

01. The proposed works would have no adverse impact on the character of the listed building and would comply both with HEPS and Policy HE1 of the Aberdeenshire Local Development Plan 2017. There are no material considerations which indicate that consent should be refused.

Stephen Archer
Director of Infrastructure Services
Author: Bob Peacock (Planner)
Date: 12 June 2019

[REDACTED]
To: Planning Online
Subject: Fwd: Keithhall War Memorial
Date: 24 May 2019 14:45:27
Attachments: ICC letter re Keithhall War Memorial.doc

----- Original message -----

From: "archie.peebles"
Date: 24/05/2019 14:44 (GMT+00:00)
To: planning@aberdeenshire.gov.uk
Subject: Fwd: Keithhall War Memorial

----- Original message -----

From: Archie Peebles
Date: 24/05/2019 12:51 (GMT+00:00)

[REDACTED]
Subject: Keithhall War Memorial

Hi All,

Please find attached letter.

Regards
Archie Peebles
Chairman
Inverurie Community Council
[REDACTED]

Dear All,

Keithhall War Memorial Ref APP/2019/0292

It has come to the attention of Inverurie Community Council that a listed building consent application has been lodged concerning the removal of the Keithhall War Memorial, currently located in Keithhall Parish Church.

While we are aware of councils' statutory responsibilities for War Memorials, we are unclear of ownership and other details in this case, particularly regarding the possibility of a relocation outwith the parish for this historic community asset.

As you are the only statutory body with any kind of known responsibility, we should be pleased to hear your views from the different perspectives. Given the sensitive nature of the plaque & window(s), we also ask that any permission sought would be withheld temporarily until the various aspects of the matter are clarified,

Yours faithfully,

Archie Peebles
Chairman
Inverurie Community Council

Sent to:

HAMP (Aberdeenshire's Historic Asset Management Project) hamp@aberdeenshire.gov.uk

Garioch Area Manager margaret-jane.cardno@aberdeenshire.gov.uk

Bob Peacock (Planner handling application) 

Ian Welsh (Landscape Officer i/c War Memorials) [by hand delivered post](#)

4 local councillors

cllr.n.bailey@aberdeenshire.gov.uk

cllr.l.berry@aberdeenshire.gov.uk

cllr.m.ewenson@aberdeenshire.gov.uk

cllr.j.whyte@aberdeenshire.gov.uk,

Comments for Planning Application APP/2019/0292

Application Summary

Application Number: APP/2019/0292
Address: Keithhall Church Keithhall Inverurie
Proposal: Alterations to Former Church
Case Officer: Bob Peacock

Customer Details

Name: Mrs Margaret Robb
Address: Chrislouan Keithhall Inverurie

Comment Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Comment Reasons:

Comment: I strongly object to the removal from Keithhall of the War memorial. It is part of the community not the Church and although I do not object to the window and the plaque being moved somewhere else in the Parish of Keithhall, it is totally unsuitable to move it to Fintray. It is a memorial for the men from Keithhall only with no connection to Fintray at all. It would be of no interest to the people of Fintray but very important to the residents of Keithhall. No one in Keithhall knew anything about this plan until recently. I myself only discovered this afternoon and I am shocked that anyone could go behind the backs of the residents here with no consultation. I do hope you take these remarks when you are making your decision

Comments for Planning Application APP/2019/0292

Application Summary

Application Number: APP/2019/0292

Address: Keithhall Church, Keithhall, Inverurie

Proposal: Alterations to Former Church

Case Officer: Bob Peacock

Customer Details

Name: Mr Patrick Donald

Address: Newton, Keithhall, Inverurie, AB51 0NB

Comment Date: 15.05.2019

Comment Details

Comment: I wish to object to this planning application as I feel that it disrespects the memories of those lost in WW1 by removing the plaque and stained glass window from the parish. At a recent meeting at Keithhall to discuss this issue, the unanimous feeling was that the parishioners wanted these memorials to remain within the parish and not be moved to Fintray.

APP/2019/0292



Upper Crimond
Keithhall
Inverurie
Aberdeenshire
AB51 0LQ
23rd May 2019

[Redacted]
Planning and Building Standards
Gordon, Flaise
Blackhall Road
Inverurie
Aberdeenshire AB51 3WA.

Dear Sir

Removal of War Memorial Plaque and Stain Glass Window from inside Keithhall Church.

I strongly object to the removal of the War Memorial Plaque and the Stain Glass Window from Keithhall Parish Church.

The War Memorial Plaque was erected to commemorate the men of Keithhall who lost their lives in the First World War for their King and Country. Many of them were born in the Parish of Keithhall and I think it is only fitting that the War Memorial Plaque should remain in Keithhall Church in honour of them.

The Stain Glass Windows were erected by the people of Keithhall in memory of late Ministers and Elders of Keithhall Church and one in memory of the Fallen in World War One by the People of Keithhall.

To Remove the War Memorial Plaque and the Stain Glass Windows would be sacrilege in the eyes of the good people of Keithhall and therefore should remain where they are. I therefore object to Mrs Pat Lawrie plan to remove them.

Yours sincerely,
[Redacted]