

Banff & Buchan Area Committee Report - 18 August 2020

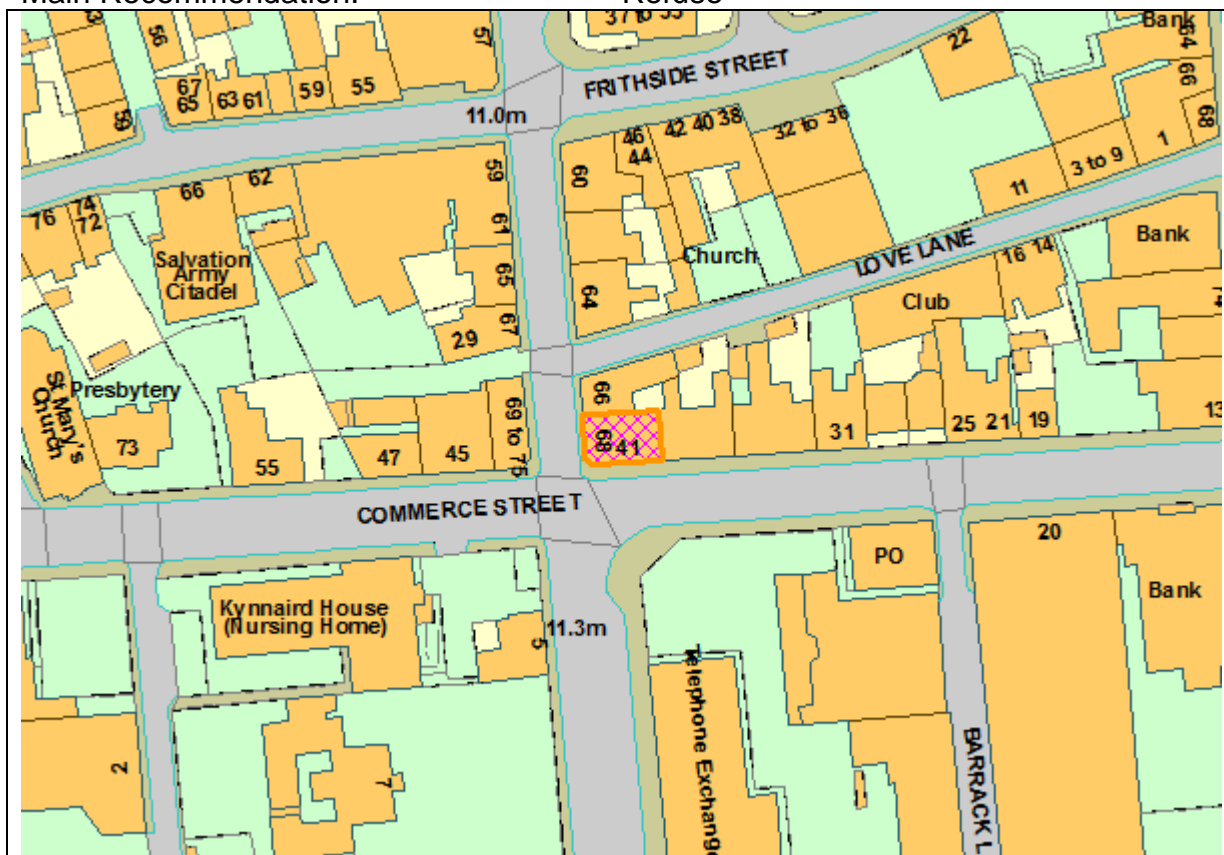
Reference No: APP/2020/0257

Full Planning Permission for Installation of Flue Pipe and Re-Rendering of Building (Retrospective) at 68 Cross Street, Fraserburgh, Aberdeenshire, AB43 9EL

Applicant:
Agent:

Mr I Findlay
Joan Harper

Grid Ref:	E:399705 N:866836
Ward No. and Name:	W03 - Fraserburgh And District
Application Type:	Full Planning Permission
Representations:	27
Consultations:	2
Relevant Proposals Map Designations:	Aberdeenshire Local Development Plan
Complies with Development Plans:	No
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.8.1 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 Doreen Mair: *To allow discussion on the design of the proposal and its impact on the landscape*

Councillor Brian Topping: *50 letters of support/I would like to look closely at reasons for refusal, and this building being on very edge of conservation area, wondered what effect it may have to the surrounding area, and to see if applicant would be willing to have more sympathetic materials which may make application more acceptable*

- 1.2 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 This application seeks full planning permission for the retrospective installation of a flue pipe and associated re-rendering of the building.
- 2.2 This application relates to a 2 and a half storey, Category C-listed building, situated within Fraserburgh Town Centre Conservation Area and defined town centre, consisting of a takeaway and cafe on the ground floor. The surrounding area consists of retail units, residential properties and a residential care home. The property sits on the north-east corner of a cross-roads, incorporating Commerce Street and Cross Street.
- 2.3 The building has a slate, pitched roof, with dormer windows and originally had a red brick chimney on the west elevation of the building. The chimney has recently been removed without planning or listed building consent, causing damage to the west elevation's harled wall finish and is currently therefore a cement scratch-coat in preparation for render. The south elevation has a harled finish with stone chips as existing.

Proposal

- 2.4 The proposed flue services the ground floor takeaway, which protrudes from the west-facing roof elevation, and extends upwards the full elevation of the west facing roof, parallel to the pitch and rises vertically above the ridge height, resulting in an approximate full length of the proposed flue of 3.5m, protruding approximately 0.7m above the ridge of the slate roof. This retrospective development removed the red brick chimney (mentioned above),

which was located where the flue has now been positioned. The site of the removed chimney structure was made good with slates to match the roof finish. The flue has been painted cement grey in an attempt to mitigate the appearance of the flue.

- 2.5 The proposal includes the re-rendering of the west elevation due to associated damage from the removal of the chimney. The proposed finish would be harling with stone chips to match that of the south elevation.
- 2.6 A tandem listed building consent application under the reference APP/2020/0315 has also been submitted.

Planning History

- 2.7 ENQ/2014/2286: Replacement signage - Permitted development enquiry was received, enquiring if planning permission was required for the replacement of signage. A response was given advising that no consent was required for this proposal.

Variation and Amendments

- 2.8 Amended plans were received due to the original drawings not showing the true extent of the development.
- 2.9 Further amended plans for the re-rendering works were received, as initially plans showed re-rendering works taking place on the full building. However, following discussion with the agent it was brought to light that this was an error and that only the west elevation would be re-rendered due to this elevation sustaining damage when the previous chimney was removed. Therefore, there is no essential requirement to re-render the south elevation of the building and this is not included under the proposal. Various drawings were provided by the agent in order to obtain a suitable render finish, including plans showing a finish of a traditional lime mortar, however after discussions with Infrastructure Services (Environment – Built Heritage) it was established that the more suitable option would be for a harled render with stone chips to match that of the south elevation of the building.

3. Representations

- 3.1 A total of 27 valid representations (27 support) have been received as defined in the Scheme of Governance. This does not include multiple representations from the same household which equate to 27 letters in total. All issues raised have been considered. (The letters can be viewed online on our website.) The letters raise the following material issues:
- *No adverse visual impact of the flue and re-rendering on the local area*
 - *No adverse visual impact on the building*
 - *Support for establishments such as this*
 - *A necessary piece of equipment for the safe running of the business*

4. Consultations

- 4.1 **Infrastructure Services (Environment – Built Heritage)** have advised that the unauthorised metal flue, which serves the takeaway not only undermines the appearance and character of the listed building but has a detrimental impact on the wider character of the Conservation Area. As the large flue is located in such a readily visible location, on the front of the building, the proposal is not considered to be appropriately designed and sited and therefore does not comply with the policies of the Aberdeenshire Local Development Plan 2017. This service states that in order to be acceptable, the reinstatement of the rendered masonry chimney with its dressed stone detailing would be required.

With regard to the wall re-rendering, as initial plans showed the full building to be re-rendered, Infrastructure Services (Environment – Built Heritage) initially advised that this aspect of the proposal would replace a modern dry dash finish and would therefore be a welcome change, providing that the finish would be a traditional lime mortar, rather than a cement mortar. Discussion took place between the Planning Service and the agent in order to establish a suitable finish and the applicant agreed to this alteration and submitted plans showing a lime mortar finish. However, it then came to light that only the west elevation of the building was to be re-rendered, therefore a lime mortar finish would look out of place against the rest of the building.

Following this, this service then advised that it is unfortunate that the unauthorised removal of the masonry chimney resulted in damage to the western elevation of the historic property. However, the existing render found on the building was not original, but a post-war cement based finish of no architectural or historic merit. While it would have been desirable to have the building reharled in a traditional lime render, the use of a dry dash treatment could be conceded to retain the uniform appearance of the listed building.

- 4.2 **Infrastructure Services (Environmental Health)** considered the proposal with regard to noise, air quality and odour and advised that they have no objections to the proposal, in that the proposal should not cause a nuisance in terms of The Environmental Protection Act 1990. However, the applicant is reminded that any grant of planning permission would not prevent the Council from subsequently investigating complaints concerning activities arising from the development that could amount to a statutory nuisance as defined in section 79(1) of the Environmental Protection Act 1990.

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 went 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.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design

Policy B2: Town centres and office development

Policy HE1: Protecting historic buildings, sites and monuments

Policy HE2: Protecting historic and cultural areas

5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. As the Proposed LDP is yet to be subject to public scrutiny and subsequent Examination by an independent Reporter, it is considered that the level of weight that should be applied to the Proposed LDP 2020 is not significant. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

5.5 Other Material Considerations

Equalities

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Interim Guidance on the Principles of Listed Building Consent

Guidance notes produced by Historic Environment Scotland (2019) on listed building consent advises that where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:

- a. the relative importance of the special interest of the building; and
- b. the scale of the impact of the proposals on that special interest; and
- c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and
- d. whether there are significant benefits for economic growth or the wider community which justify a departure

6. **Discussion**

- 6.1 Full planning permission is sought for the retrospective installation of a flue and the proposed re-rendering of the west elevation of the building. The main issues to be addressed in the determination of the application includes the principle of development and the impact the proposal will have on the town centre and the historic environment.

Principle of Development

- 6.2 Policy P1 seeks to ensure that all new developments are appropriately designed, scaled and sited, with no adverse impacts on the character and amenity of the area. Policy B2 (Town centres and office development) seeks to preserve and enhance the functionality of town centres and avoid development which would adversely impact on their viability.
- 6.3 While not the preferred material finish for a listed building, the proposed harled finish of the proposed re-rendering works is considered to be appropriately designed, on balance, using a compatible material finish for the building to match that of the south elevation of the building. These works would not impact upon the vitality of the town centre, in that they are standard maintenance works that would have a neutral impact on the town centre and existing building. This aspect of the proposal is considered to comply with Policies P1 and B2, in that it would not negatively impact upon the town centre or cause any adverse impacts on the character or amenity of the area.
- 6.4 The agent has advised in correspondence received that flue is proposed to support additional takeaway services. While the takeaway business remains compatible with the surrounding uses and preserves the functionality of the town centre, the appearance, scale and style of the flue, is not considered to be sympathetic to the character of the building and surrounding area.
- 6.5 27 letters of support were received in relation to the development, which made comments regarding the necessity of the equipment and the limited visual impact imposed on the building and local area as a result of the development. While it is understood that the proposal may assist in the running of the business in line with Policy B2, and Infrastructure Services (Environmental Health) raise no objections to the proposal, in that the proposal should not cause a nuisance in terms of The Environmental Protection Act 1990, a replacement chimney would be a more discrete and suitably designed option in terms of material choice, design and scale, which would not impact upon the visual appearance of the building and wider area amenity. The siting of the flue on the street facing elevation of the building is not considered appropriate, and a less obtrusive designed flue should be sought. Therefore, the development does not comply with Policy P1 in terms of design, scale, siting and material choice of the flue and cannot be supported.

Historic Environment

- 6.6 Historic environment policies contained within the Aberdeenshire Local Development Plan 2017 seek to preserve and enhance the character, setting and integrity of both listed buildings and conservation areas. Policy HE1 advises that alterations to listed buildings will only be permitted if they are of the highest quality, and respect the original structure in terms of setting, scale, design and materials. Policy HE2 advises that the design, scale, layout, siting and materials used in development within a conservation area must be of the

highest quality and respect the individual characteristics for which the conservation area was designated.

- 6.7 The proposed re-rendering works are not considered to negatively impact upon the original structure of the listed building or the wider conservation area to warrant a refusal in this instance, as the proposed finish would have a neutral impact on the historic building and wider conservation area. Infrastructure Services (Environment – Built Heritage) initially advised that re-rendering works would replace modern dry dash and would be welcomed in the historic environment providing that a suitable lime mortar finish was achieved. However, discussions with the agent uncovered that the proposal would only re-render the west elevation of the building and the existing scratch coat render would not allow for a lime mortar to suitably take, therefore Built Heritage advised that while a disappointing finish, a dry dash re-render to match that of the south elevation would be acceptable in this instance, and result in a neutral impact upon the historic building and setting as it would match the remainder of the building. Therefore, this aspect of the proposal is considered acceptable and complies with the relevant historic Policies HE1 and HE2.
- 6.8 The flue has been installed on the front corner facing elevation of the building. These elevations are especially valuable in retaining the historic character of the building and its surroundings. Developments should therefore be restricted to inconspicuous locations of the building to avoid any adverse visual impacts and loss of historical or architectural merit belonging to the building.
- 6.9 The large flue has been painted in an attempt to address the visual concerns of the proposal, however, this does not mitigate the adverse visual impact of the flue on the front facing elevation of the listed building arising due to its position, design and scale. Furthermore, Infrastructure Services (Environment – Built Heritage) do not find this aspect of the proposal acceptable and commented that as the large flue is located in such a prominent location, on the front of the building, the proposed flue is not considered to be appropriately designed and sited. It must also be noted that Listed Building Consent was not sought for the removal of the red brick chimney, which the Planning Service would have recommended repairs to rather than its removal. Therefore, the material choice of a contemporary, metal flue is not considered acceptable in the historic environment and a masonry chimney would have been the preferred choice to uphold the traditional style. The listed building is situated in a prominent location within the Fraserburgh Town Centre Conservation Area and it is considered that the proposed flue would have a significant adverse impact on the appearance and character of Conservation Area and listed building, in that the siting, materials and design would not be sympathetic to the historic setting and can therefore not be supported under policies HE1 and HE2.
- 6.10 Overall, despite general support for the development as outlined in letters of representation received, it is the opinion of the Planning Service that the proposed flue would negatively impact upon the traditional appearance of the

listed building and result in an adverse visual impact on the streetscene, thus failing to comply with the aforementioned policies. Regrettably, the original chimney structure was removed, and together with the installation of the obtrusive flue and its unsympathetic design reduces the quality of the listed building and conservation area.

Conclusion

- 6.11 In conclusion, the planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. While the proposed re-rendering of the building would have a neutral impact on the character of the building and wider area, the proposed flue is considered to be contrary to Policies Policy P1: Layout, siting and design; Policy HE1: Protecting historic buildings, sites and monuments; and Policy HE2: Protecting historic and cultural areas as contained in the Aberdeenshire Local Development Plan 2017. The proposal is not considered acceptable in terms of design, scale, siting and material choice, as positioning a large, modern, metal finish flue on the street-facing elevation of the historic building is not considered appropriate. This would negatively impact upon the character of the listed building and wider Conservation Area and is 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. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those 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

Policy P1: Layout, siting and design

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 Full Planning Permission for the following reasons:-

01. The proposed flue is considered to be inappropriately designed, finished in a modern and unsympathetic material incompatible with the traditional building, and is unsuitably scaled and positioned on a prominent elevation resulting in an adverse visual impact on the streetscene and reducing the historic and traditional merit of the Category C-listed building, contrary to Policies HE1: Protecting historic buildings, sites and monuments and HE2: Protecting historic and cultural areas as contained in the Aberdeenshire Local Development Plan 2017. This would negatively impact upon the character of the building and wider Conservation Area, undermining the positive contribution the principal elevation of a building would have and undermines the integrity of the Listed Building and Conservation Area designations.

02. The proposed flue is contrary to Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan 2017 as the flue is of an inappropriate design and scale, in that its material finish and position is unsympathetic and does not reflect the character of the existing building and it would be visually obtrusive due to its siting on the street facing elevation, resulting in a negative impact on the streetscene.

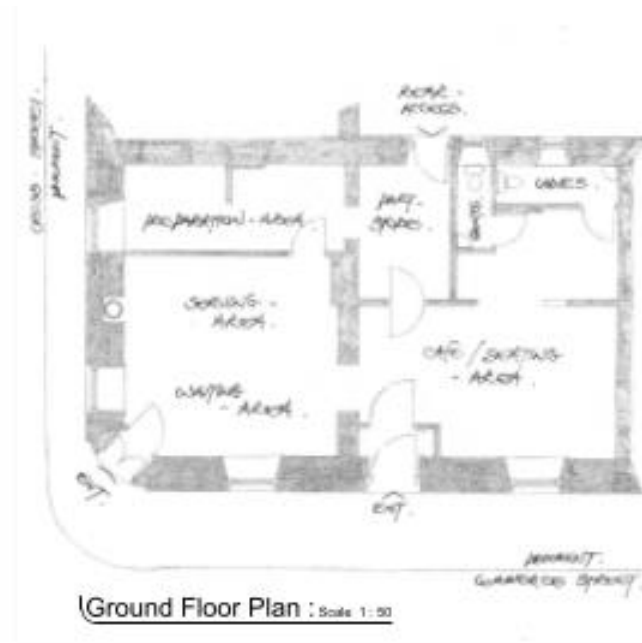
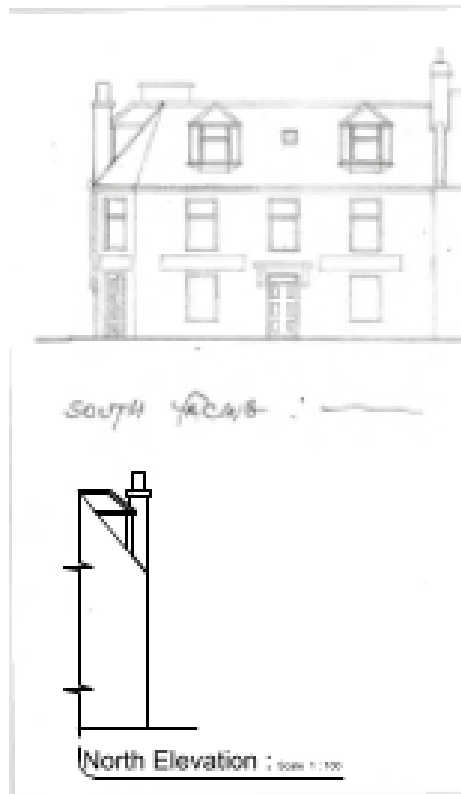
Stephen Archer
Director of Infrastructure Services
Author of Report: Marie Higgins
Report Date: 17 July 2020

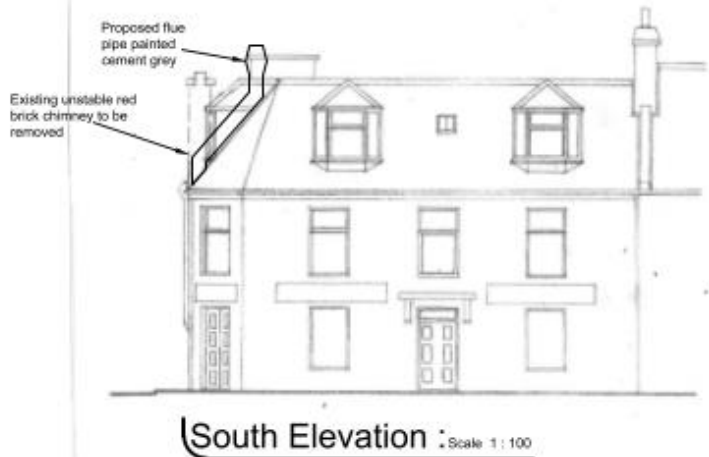
Appendix 1 Location and Site Plan



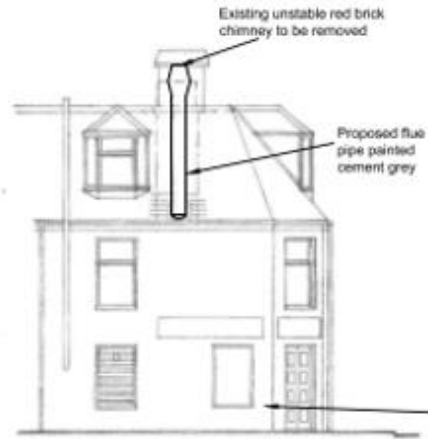
Block Plan : Scale 1 : 200



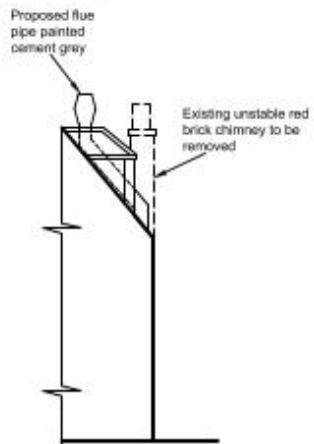




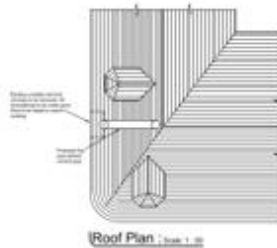
South Elevation : Scale 1 : 100



West Elevation : Scale 1 : 100



North Elevation : Scale 1 : 100



APPENDIX 3
Proposed Elevations and
Floor Plan