

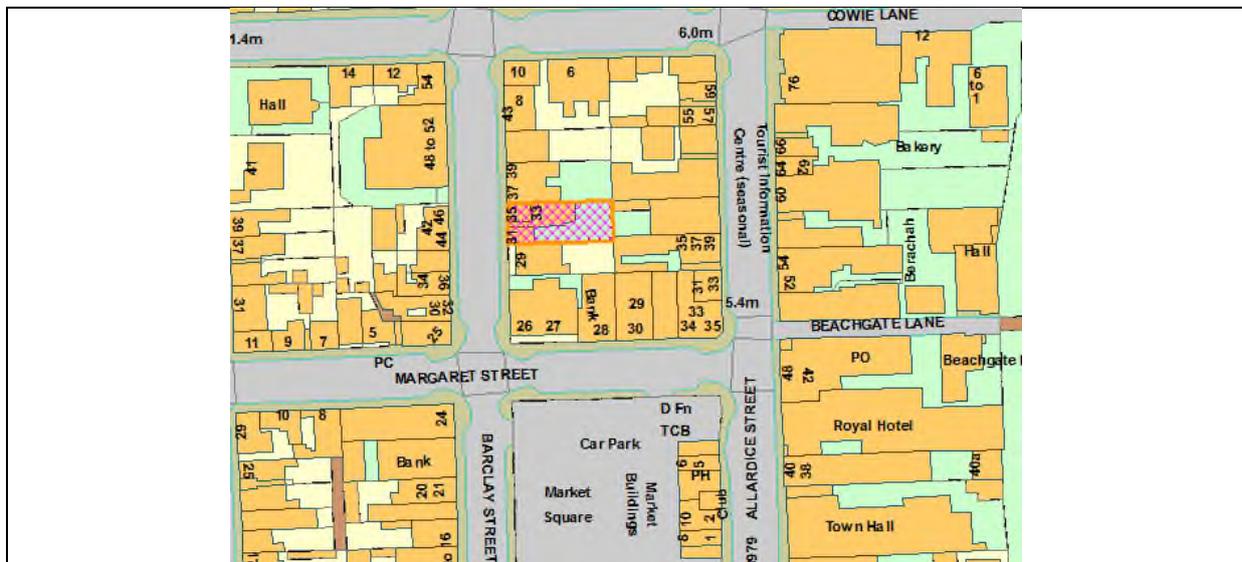
Kincardine & Mearns Area Committee Report 23 August 2022

Reference No: APP/2022/0898

Full Planning Permission For Installation of Replacement Windows and External Doors at The Flat, 33 Barclay Street, Stonehaven, Aberdeenshire, AB39 2AX

Applicant: Mr & Mrs Les and Penny Black, 33 Barclay Street, Stonehaven, Aberdeenshire, AB39 2AX
Agent: John Aitken, 2 Cameron Court, Stonehaven, AB39 2FH

Grid Ref: E:387389 N:785959
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations: None
Consultations: 1
Relevant Proposals: Aberdeenshire Local Development Plan
Map
Designations: Stonehaven Conservation Area
Complies with
Development Plans: No
Main Recommendation: Refuse



NOT TO SCALE

Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright and database rights. Ordnance Survey Licence Number 0100020767.

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 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

- Cllr Sarah Dickinson: 'The impact of the application on Policy HE2 merits further consideration at Area Committee'
- Cllr Wendy Agnew: 'Further discussion required in response of window type and material'

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 The application site is located in a prominent location within the Stonehaven Conservation Area. It comprises a traditional two storey sandstone and slate townhouse with two retail units on at street level. The first floor of the property has three, 1m wide x 2m high, timber sash and case windows with a very narrow frame and thin real astragals. The middle window lines up with the timber entrance door underneath. Two dormers of traditional proportions line up with the first-floor windows. Full planning permission for the replacement of the dormer windows with upvc sash and case units was granted in 2008.

2.2 Full planning permission is sought for the replacement of all windows located in the property with upvc sliding sash and case units. It is also proposed to replace the existing timber door with a composite door.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Environment and Infrastructure Services (Built Heritage)** has commented that in conservation areas, the aim should be to preserve and enhance the character of traditional buildings and that each application should be considered on its own merits. The proposed replacement of the timber sliding sash and case window with white upvc units would neither preserve nor enhance the character of this traditional building which should always be sought in conservation areas. The application should therefore consider timber windows as this is the most appropriate material for the period of

construction of the property. Similarly, the replacement of a timber door with a composite door would be a retrograde step.

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 2020

The Strategic Development Plan (SDP) was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

5.3 Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design
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 2022 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. The Reporter’s report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase “settled view of the Council” can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporters’ Report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter’s Report should be given overwhelming significant weight when it is most advantageous to the applicant’s proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council’s “settled view”.

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

On the 18 April with reference to the legislation the LDP 2017 becomes technically ‘out of date’. Notwithstanding the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted. Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – ‘Influences of the Plan’. In summary, when a development plan is more than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

5.5 Other Material Considerations

None

6. **Discussion**

6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

6.2 The key issues relating to the proposed development are:

- Development principle and
- Impact on built heritage

Development principle

6.3 The application site is located within the Stonehaven settlement boundary where alterations to existing building notably replacement windows are supported. However, in accordance with Policy HE2 Protecting historic and cultural areas, there is an expectation that any alterations should not detract from the character of the building and surrounding area especially when the site is located in a conservation area.

Impact on built heritage

6.4 Windows and doors make a highly significant contribution to the appearance and character of a building. The front elevation of the property displays three large sash and case timber windows, which occupy a significant proportion of that elevation. Although there is a significant proportion of upvc doors and windows on properties along the street, most were replaced several years ago or without the required authorisations and as such cannot be used as a precedent to justify the proposal. Since then, there has been an increased emphasis in the preservation and incremental enhancement of traditional buildings located within conservation areas. Although planning permission was granted for upvc dormer windows several years ago, unlike the proposed windows, these do not occupy such a prominent position on the elevation being located at significantly higher level and subservient to the roof space. The timber front door is a key element of the elevation and its replacement with a composite door would also have a significant impact on the appearance of the building.

6.5 The proposed replacement windows and door would neither preserve nor enhance the character of the building and as such fail to comply with Policy HE2 Protecting historic and cultural areas. Although the character of the Stonehaven Conservation Area has been diluted over the years through

inappropriate development, new applications should be seen as an opportunity to enhance the conservation area by preserving and improving the appearance of traditional buildings that are an intrinsic part of its character. There is clear evidence that modern timber windows have similar u-values and performance standards as their upvc counterparts. In addition, they can be factory finished giving the paintwork a significantly longer lifespan than a traditional hand painted finish.

- 6.6 The windows located to the rear of the property are not visible from public views thus having a negligible impact on the character of the conservation area. As such, the Planning Service would have no objections to their replacement with upvc units and the agent was advised accordingly.

Conclusion

- 6.7 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.8 The proposed materials pertaining to this development under policies Policy HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017 would create an unacceptable visual impact on the character of the building and conservation area. These adverse impacts carry significant material weight lending itself to refusal of this application.
- 6.9 The proposed windows and door would be out of keeping with the age and character of this traditional building and would neither preserve nor enhance its contribution to the character of Stonehaven Conservation Area. As such, the proposal fails to comply with Policy HE2 Protecting historic and cultural areas

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.

8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy HE2 Protecting historic and cultural areas

9.3 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.

9.4 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.

9.5 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.

10. Recommendation

10.1 **REFUSE for the following reason(s):-**

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017 . The proposed windows and door would be out of keeping with the age and character of this traditional building and would neither preserve nor enhance its contribution to the character of Stonehaven Conservation Area. As such, the proposal fails to comply with Policy HE2 Protecting historic and cultural areas.

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Aude Chaiban
Report Date: 14 July 2022