

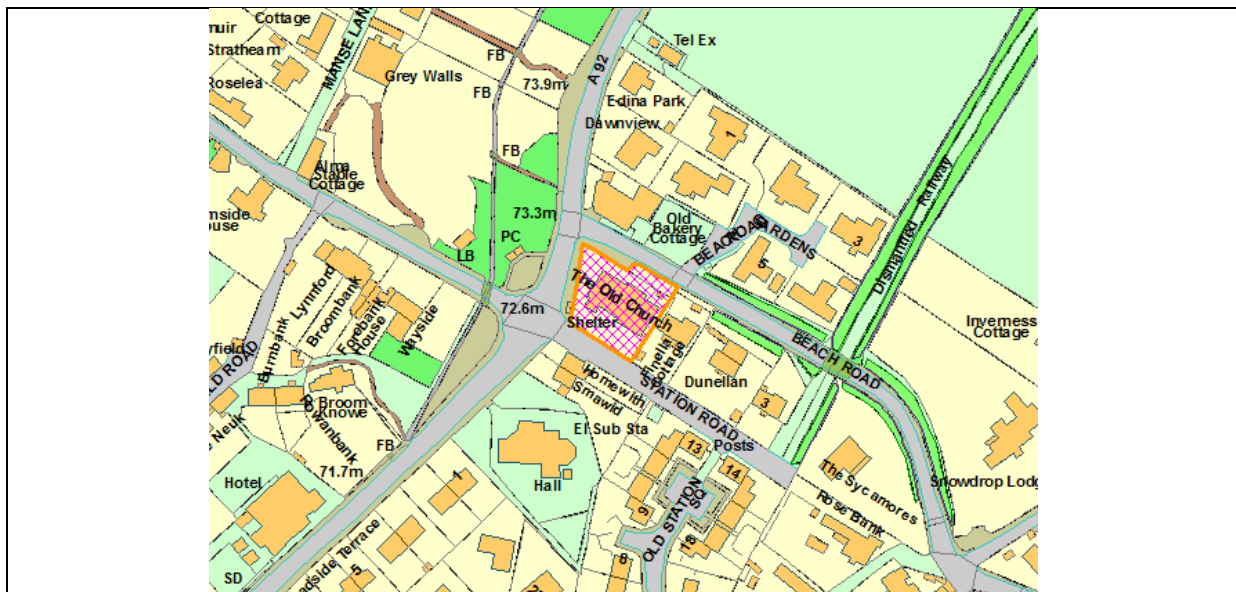
Kincardine & Mearns Area Committee Report

Reference No: APP/2022/1448 & APP/2022/1449

Full Planning Permission For Alterations to Dwellinghouse and Formation of Ancillary Accommodation and Listed Building Consent for Internal and External Alterations at The Old Church, Station Road, St Cyrus, Montrose, DD10 0BQ

Applicant: Miss D Beveridge & Miss D Millar, C/o Agent
Agent: Brunton Design, 95 Dundee Street, Carnoustie, DD7 7EW

Grid Ref: E:374739 N:764927
Ward No. and Name: W19 - Mearns
Application Type: Full Planning Permission and Listed Building Consent
Representations: None
Consultations: 1
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Within Settlement
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.8.1 of Part 2A List of Committee Powers and Section C.3.1f 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 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 Applications APP/2022/1448 and APP/2022/1449 concern the alterations to dwellinghouse and formation of ancillary accommodation at Old Church, St Cyrus.
- 2.2 The former church located within the settlement boundary of St Cyrus is category 'C' listed. Permission was granted in 2004 (APP/2004/0460) for the change of use to a dwellinghouse, with a subsequent application approved in 2008 for alterations and extension to dwellinghouse. Works to convert the church have begun but have not been completed, with parts of the property still under construction. Further details on planning history of the site are noted below in paragraph 2.8.
- 2.3 The site is bound by roads to the north, west and south and a neighbouring residential property to the east. Existing boundary treatments are a mixture of 1.8m high stone walls and lower stone walls with railings on the western boundary. The garden ground at the rear is at a lower level than the pavement and road to the north.
- 2.4 Full planning permission is sought under APP/2022/1448 for alterations to the building including the formation of ancillary accommodation whilst APP/2022/1449 seeks listed building consent for internal and external alterations. Both applications seek minor alterations to what was originally approved under APP/2008/0448 and APP/2008/0449..
- 2.5 Accommodating the eastern part of the property, the ancillary accommodation will consist of two bedrooms, kitchen/lounge and toilet over two floors. The ancillary accommodation will have its own entrance off the south elevation but there will also be a connection into the main house via the lobby at the north of the property. To create the ancillary accommodation, a reconfiguration of the internal layout is proposed including the formation of new partition walls and the installation of a staircase. In addition, a new flat roof will be created for more floor area, finishing below the existing ridge height. Single ply roofing or similar will be used to finish this.
- 2.6 Aside from the above, proposed alterations to the property consist of the following:

- Formation of new rooms through the erection of partition walls. New rooms include utility, laundry, double height lounge, w/c and attic;
- Installation of feature staircase in lounge allowing access to first floor;
- Installation of staircase on first floor allowing access to second floor/attic;
- Installation of staircase within tower;
- Formation of doorway on north and south elevations from existing window openings;
- Installation of canopy on south elevation;
- Installation of flue on north elevation;
- Installation of 5 solar panels on south elevation;
- Installation of 5 solar panels on east elevation;
- Erection of 1.2m high timber fence and gate to east of house to create dog run; and
- Stonework to be repointed in lime mortar.

2.7 All works will protect historical features including roof trusses which will remain a feature in triple height space within lounge. Several windows are to be replaced on the west elevation with timber, double glazed units to match the existing with conservation rooflights to be installed on the south elevation. In addition, within the tower, inner panes will be installed into existing windows.

2.8 The building has been subject to considerable planning history; details of all applications are listed below.

- APP/2018/0371 – Full Planning Permission Granted for the Erection of Shed/Outbuilding (Amendment to Previously Approved APP/2017/2754)
- APP/2017/2754 – Full Planning Permission Granted for the Erection of a 1.8m High Boundary Wall and Erection of Garden Shed/Outbuilding.
- APP/2017/2752 – Listed Building Consent for the Erection of a 1.8m High Boundary Wall and Erection of Garden Shed/Outbuilding. Application Returned
- APP/2008/0449 – Listed Building Consent Granted for Alterations and Extension to Dwellinghouse
- APP/2008/0448 - Full Planning Permission Granted for Alterations and Extension to Dwellinghouse
- APP/2006/1202 – Listed Building Consent Granted for Repositioning of Boundary Enclosure
- APP/2006/1200 – Full Planning Permission Granted for Erection of Boundary Wall and Change of Use of Land from Amenity Ground to Class 9 (Domestic Ground)
- APP/2004/0460 – Listed Building Consent Approved for Alterations
- APP/2004/0368 – Full Planning Permission Granted for Change of Use and Alterations to Church to Form Dwellinghouse and Formation of Vehicular Access.

2.9 A Design and Access Statement has been submitted which attempts to justify the development and how it complies with planning policy. The report concludes that following approval of applications APP/2008/0448 and

APP/2008/0449 works had begun but due to a combination of circumstance and budget, the project to convert the house stopped. Whilst much of the original design will remain unchanged, there are several variations proposed. These will be done in a sensitive manner in respect of the character of the building with roof timbers exposed and timber wainscoting and timber skirtings used internally.

- 2.10 Following discussions through the application, amended elevations have been submitted to remove the external canopy and formation of door on north elevation.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Environment and Infrastructure Services (Environment Team – Built Heritage)** object to the proposal. Concerns are had with regards to the installation of solar panels on the main church roof (south elevation) as these would adversely affect the character of the building. It is suggested that alternative locations should be explored for the panels including on outbuildings or ground mounted panels. Solar panels on the south east and east elevation of the single storey extension are however acceptable. Concerns are also had with the alteration of the window on the south elevation to form a doorway as this would have a negative impact on the historic fabric of the building.

Aside from the above, conditions should be attached requesting details of the flue finish, single ply roofing, lime mortar and window details.

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 P3: Infill and Householder Developments within Settlements (including home and work proposals)

Policy HE1: Protecting Historic Buildings, Sites and Monuments

Policy C2: Renewable Energy

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

Historic Environment Scotland - Managing Change in the Historic Environment: Interiors (February 2020)

Historic Environment Scotland – Managing Change in the Historic Environment: Micro-Renewables (February 2020)

Historic Environment Scotland – Managing Change in the Historic Environment: Windows (February 2020)

6. **Discussion**

Introduction

- 6.1 In this instance, the principal considerations are the principle of development, and the appropriateness of the works and materials on protecting and enhancing the character of the listed building.

Principle of Development

- 6.2 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.

- 6.3 This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.
- 6.4 At the outset, Policy P3 permits householder developments within settlements provided that the works respect the design, scale and character of the property and surrounding area. Therefore, the general principle can be accepted.
- 6.5 With regards to the formation of ancillary accommodation, this is considered acceptable. Although the ancillary accommodation is self-sufficient, it is internally connected to the house and shares the garden ground. Therefore, it is still reliant on the house. To ensure that the accommodation remains ancillary in perpetuity, a condition will be attached.

Internal alterations

- 6.6 Turning to Policy HE1 Protecting historic buildings, sites and monuments is specific in identifying that “We will not allow development that would have a negative effect on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites. 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.”
- 6.7 Internal works to a listed building should protect/enhance the traditional character of the property. Whilst it is acknowledged that listed buildings need to adapt and change to sustain their use into the future, it is important that works do not have an adverse impact on the character and understanding of the building.
- 6.8 With regards to the installation of staircases, there is no concern, as it is understood that such features are required to make the property habitable. The staircases have been appropriately positioned to conserve and expose roof timbers, which is welcomed.
- 6.9 Similarly, it is understood that partition walls will be required to make full use of the property as a dwellinghouse. The supporting statement details that all works will be carried out in a sensitive manner to respect the character of the building with timber wainscoting and deep timber skirtings used. Compared to the previous approvals (APP/2008/0448 and APP/2008/0449) the level of partition walls proposed is similar. It is the opinion of the Planning Service, that the application proposes a high quality of works which will conserve and enhance the building. The proposed alterations to the layout are considered to secure the best viable use of the building for modern day living by creating an improved visually and functional layout without undermining the building’s architectural and historical character.

External Alterations

- 6.10 Several window replacements are proposed on the north elevation with conservation rooflights to be installed on the south elevation. No concerns are had with this, as the new/replacements will conserve the traditional character of the property. Finer details of the windows will however be secured through condition to ensure their proportions and colour are respectful to the property.
- 6.11 On the south elevation, a window is proposed to be converted into a door. A similar alteration was initially proposed on the north elevation, but this has been removed. Environment and Infrastructure Services (Environment Team – Built Heritage) object to this element stating that it would affect the traditional character of the property. Whilst the impact of the enlarged opening is acknowledged, the Planning Service, do not consider the change to have a significant detrimental impact on the character of the property since the existing window will form part of the doorway, allowing the history of the opening to be readable, thus protecting the character of the listed building in line with Policy HE1. The proposed doorway will further facilitate the new use of the building as a dwellinghouse and adaptations to the building such as proposed are generally expected when converting former church buildings.
- 6.12 The roof alteration concerning the formation of a flat roof between the main church building and the attached wing, required to allow for additional floor space within the proposed ancillary accommodation is considered acceptable. Given the works affect the attached wing and will be unseen from any elevation no adverse impact on the character of the listed building is envisaged to occur. To ensure that proposed roofing materials are appropriate, a condition will be attached requesting full details of the roofing membrane to be used. As the property is in good condition with no slipped slates, there is unlikely to be bat roosting within the property and therefore no bat survey was considered necessary. However, an informative will be attached to the decision notice advising the applicant of the processes to follow should bats be encountered during the roof works.
- 6.13 Other external elements including the installation of flue and erection of timber fence are considered acceptable, with these minor developments not considered to have an adverse impact on the character of the listed building. To minimise the visual impact, however, the flue should be a dark, matt colour; this requirement will be secure via condition. In addition, the repointing of the building is welcomed, protecting the longevity of the building fabric and visually enhancing the property. Full details of the lime mortar however will be secured through condition.

Solar panels

- 6.14 Micro renewables, specifically solar panels, are welcomed through Policy C2 provided they are sited appropriately and are well designed. The installation of solar panels on the east and south elevations of the extension are acceptable with the installation not considered to have an adverse impact on the character of the listed building.

- 6.15 Environment and Infrastructure Services (Environment Team – Built Heritage) object to the installation of three solar panels on the south of the main building given that this elevation forms the main part of the property, with the panels considered to adversely affect the character of the listed building. Alternative locations for these panels have been explored however have been dismissed. The installation of panels on the outbuilding is not viable since there is limited solar gain on the north side of the house. In addition, ground mounted solar panels are not an option due to limited space within the curtilage. Anyway, these would not be supported by the Planning Service as they would have a greater adverse impact on the character of the listed building. The agent advises that with no more capacity for panels on the east elevation and with five panels having limited productivity, the proposed solar scheme would not be worth investing in if the panels on the south elevation were not supported.
- 6.16 Notwithstanding the above, the Planning Service, on balance, do not agree with the concerns expressed by Built Heritage in this instance. Although the south elevation does form a main part of the building, it is not the principal elevation. The installation of panels here would not significantly detract from the overall character of the building as they would sit well alongside the rooflights, which are of a similar scale. Solar panels have been approved and installed on other listed buildings without having an adverse impact on their character, and in this case the installation of solar panels will do likewise. The adaptation of the listed building to a dwellinghouse which can provide appropriate green energy is welcomed, thus meeting the requirements of policies C2, P3 and HE1.

Conclusion

- 6.17 In conclusion, the proposal to alter this Category C Listed Building, respects the character of the original building. Despite the objection from Environment and Infrastructure Services (Environment Team – Built Heritage) it is the opinion of the Planning Service, that the methods indicated together with the materials proposed pay close regard to the qualities of the building, and the special features of architectural interest which it possesses. The proposals are therefore considered to comply with Policies P3 and HE1 of the Aberdeenshire Local Development Plan (2017), together with the Historic Environment Policy for Scotland.
- 6.18 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. The proposal supports good design and the six qualities of successful places and therefore contributes towards sustainable development. In assessing the proposed development against the wider policies of SPP & the LDP 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal. As such, the application is 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 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

None

- 9.3 The application is not a Departure from the Local Development Plan and Strategic Development Plan and no departure procedures apply.
- 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 **GRANT Full Planning Permission in relation to Planning Reference: APP/2022/1448 subject to the following conditions:-**

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No works in connection with the development hereby approved shall commence unless details including a sample of the roofing material to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

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

3. No windows hereby approved shall be installed unless full details of the proposed windows have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale e.g. 1:5/1:10/1:20 to show the proposed new window detailing; dimensions, glazing patterns, finishing, ventilation and opening methods. Thereafter, the windows 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.

4. No works in connection with the proposed repointing of the building hereby approved shall commence unless a detailed analysis of the existing lime mortar used on the existing building has been submitted to and approved in writing by the planning authority. The analysis shall provide sufficient details so that it can be used to provide advice on a match for any new lime mortar specification to be used in the proposal and should include lime strength, lime/aggregate mix ratio and aggregate grading and characterisation.

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

5. The flue hereby approved shall not be installed until details of the external finish of the flue have been submitted and approved in writing by the Planning Authority. For the avoidance of doubt the flue shall be a dark colour in a matt finish. The flue shall not be brought into use unless the external finish has been applied in accordance with the approved details.

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

6. The residential annex hereby approved shall be used only for purposes incidental to the enjoyment of The Old Church as a dwellinghouse. No

separate curtilage shall be formed and the residential annex shall at no time be used as an independent dwellinghouse without the express grant of planning permission from the planning authority.

Reason: The relationship between the residential annex and the main dwellinghouse within the site is such that the residential amenities of the occupants of both would be adversely affected by the creation of an independent residential unit in addition to the main dwellinghouse.

10.2 GRANT Listed Building Consent in relation to Planning Reference: APP/2022/1449 subject to the following conditions:-

1. No works in connection with the development hereby approved shall commence unless details including a sample of the roofing material to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

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

2. No windows hereby approved shall be installed unless full details of the proposed windows have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale eg 1:5/1:10/1:20 to show the proposed new window detailing; dimensions, glazing patterns, finishing, ventilation and opening methods. Thereafter, the windows 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

3. No works in connection with the proposed repointing of the building hereby approved shall commence unless a detailed analysis of the existing lime mortar used on the existing building has been submitted to and approved in writing by the planning authority. The analysis shall provide sufficient details so that it can be used to provide advice on a match for any new lime mortar specification to be used in the proposal and should include lime strength, lime/aggregate mix ratio and aggregate grading and characterisation.

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

4. The flue hereby approved shall not be installed until details of the external finish of the flue have been submitted and approved in writing by the Planning Authority. For the avoidance of doubt the flue shall be a dark colour in a matt finish. The flue shall not be brought into use unless the external finish has been applied in accordance with the approved details.

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

10.3 Reason for Decision

APP/2022/1448 and APP/1449 - The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017 and Scottish Planning Policy. The layout, siting and design is considered acceptable without impacting on the character or integrity of the listed building in line with Policy P3: Infill and Householder Developments within Settlements (including home and work proposals) and Policy HE1: Protecting Historic Buildings, Sites and Monuments.

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 accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Ruth Cuthbert
Report Date: 14/11/2022