

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 JANUARY 2015

LISTED BUILDING CONSENT APPLICATION – 9 CASTLE STREET, FORFAR, DD8 3AE

GRID REF: 345582 : 750632

REPORT BY THE HEAD OF PLANNING AND PLACE

Abstract:

This report deals with listed building consent application No. 14/00879/LBC for the Internal and External Alterations to Form Six Flats and Retention of Office to Rear of First Floor for Caledonia Property Co Ltd at 9 Castle Street, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that this listed building consent application is approved for the reasons and subject to the conditions detailed at Section 10 of this report.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/ CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks listed building consent for the internal and external alterations to form six flats at 9 Castle Street, Forfar.

3.2 The application property is located to the west of Castle Street some 14 metres north of its junction with West High Street. The category B listed three storey application property dates from circa 1800 and was formerly The County Hotel. The property contains a fanlight doorpiece at the ground floor entrance with cill, lintel and moulded eaves courses located on the front of the property. A pend to the north of the ground floor provides access from Castle Street to the rear of the building. The application property is located in a mixed use area where the ground floors contain a mixture of town centre uses with the upper floors generally consisting of residential uses. The application property is located within the Forfar core retail area as defined by the Angus Local Plan Review and Forfar Conservation Area. It should be noted that the ground floor shop units are in separate ownership and do not form part of the application site.

3.3 The application involves internal and external alteration of the property in order to facilitate a change of use to form six flats and retention of an office as detailed in planning application ref: 14/00878/FULL which accompanies the application. Minimal intervention would be required. Externally the front façade and horizontal banding would be repainted; the stonework at the rear elevation would be repointed as necessary; 11 extract fans are to be installed on the property; the existing sash and case windows would be retained and repaired as necessary; the roofs would be repaired and renewed as necessary; the chimneys would be repointed and repaired as necessary and capped off. The external fire escape at the rear of the property would be removed with the doorway providing access from the second floor converted to a window. Internally the existing room layout within the property would largely be utilised for the proposed flats with some existing non-original partition walls removed. Plasterboard on timber framing would be installed on the internal walls and the internal staircase in order to comply with Building Standards requirements in respect of sound proofing and fire regulations. The

plans do not contain any detail in respect of the false ceilings and how this would affect cornicing in the proposed flats.

- 3.4 The application has not been subject of variation.
- 3.5 The proposal has been advertised in the press as required by legislation and site notices have been posted.
- 3.6 This application requires to be determined by the Development Standards Committee due to the recommendation for approval whilst being subject to an objection from the Community Council.

4. RELEVANT PLANNING HISTORY

There is no planning history that has any bearing on the determination of this application.

5. APPLICANT'S CASE

No information has been submitted in support of the application.

6. CONSULTATIONS

- 6.1 The Roads Service has not objected to the proposal in respect of traffic safety.
- 6.2 Scottish Water has indicated no objections to the proposal.
- 6.3 Aberdeenshire Council Archaeological Service provides advice to Angus Council on archaeology as part of a Service Level Agreement and has indicated a photographic survey and watching brief conditions should be attached if the application is approved.
- 6.4 Forfar Community Council has objected to the proposal with their concerns relating to the removal of the external fire escape, the use of the roofspace for a flat, bin storage, lack of parking, access and egress from the building and sound proofing between the flats. *'The full consultation response from the community council will be circulated to members of the Development Standards Committee and copies are available to view in the local library or on the council's Public Access website'*.

7. LETTERS OF REPRESENTATION

No objections have been received.

8. PLANNING CONSIDERATIONS

- 8.1 In considering whether to grant listed building consent, the Council is required in terms of Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.2 The development plan contains policies which enable an assessment of the impact on the buildings and their setting. In this case the development plan comprises:-
 - TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 8.3 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP(June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an

independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.

- 8.4 TAYplan Policy 3 indicates that historic buildings should be safeguarded and suggests that development will be allowed where it does not adversely impact upon or where it enhances these assets. The Angus Local Plan Review indicates that the Council will seek to ensure that development proposals respect and sustain the character and quality of listed buildings and their settings. Policy ER15 of the local plan relates to change of use, alterations and extensions to listed buildings and indicates that changes will only be permitted where they are in keeping with fabric, character or appearance of the building or its setting.
- 8.5 The **Scottish Planning Policy** (SPP, June 2014) represents a statement of government policy on land use planning. In relation to the historic environment and listed buildings, paragraph 141 indicates *'where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.*
- 8.6 Scottish Historic Environment Policy (SHEP) is material to the consideration of the application. The policy states that where a proposal involves the alteration or adaption which will sustain or enhance the beneficial use of the building and such alteration or adaption does not adversely affect the special interest of the building, consent should normally be granted.
- 8.7 In support of SHEP, Historic Scotland has also produced technical advice in the form of Managing Change in the Historic Environment documents on topic areas including external walls, interiors, roofs, windows and doorways.
- 8.8 The proposed external alterations are minimal with the most significant works to the property being the removal of the external fire escape at the rear of the property and the conversion of the associated doorway opening to a window. This feature would not have been original to the building and its removal is supported by national and local policy. The removal of the fire escape results in the creation of an additional area for bin storage which would complement the existing storage area that serves the property. The timber sash and case windows are generally in reasonable condition which means they can be retained subject to minor repairs. The existing rooflight arrangement in the roofspace lends itself to the formation of a flat without having to insert any new openings. The painting of the external walls of the property would further enhance its external appearance and it is proposed to deal with this matter through the use of a condition as the specific colours have not been identified and a similar approach is required in relation to the details of the extract fans to be installed on the façade of the property. Given that there are minimal external alterations required in order to facilitate the change of use this results in the proposals being in line with the approaches advocated by the technical advice produced by Historic Scotland.
- 8.9 In terms of the impact of the proposal on the internal fabric of the building, the existing layout within the property lends itself to a straightforward conversion in that the proposal would retain the significant internal features within the building. No details are provided as to how the works would affect the internal cornicing which was evident in some of the rooms during an inspection of the building. The applicant has indicated an intention to utilise false ceilings and some additional plaster boarding which would sit below existing cornicing but not affect it which may be acceptable subject to full details being provided. The entrance arrangements at the ground floor would remain as existing which allows the fanlight doorpiece and corridor cornicing to be retained and unaffected by the proposals.

- 8.10 Taking all of the above into account, it is considered that the proposals make provision for the redevelopment of the building in a way that is respectful to its original character and appearance and which would see the vast majority of its original features retained.
- 8.11 While there will be some minor intervention required to facilitate the new use, the proposed alterations are not considered to be so significant that they would amount to an unacceptable amenity or heritage impact. The proposal is in compliance with the provisions of the development plan as well as the published policy and guidance of Historic Scotland and would not unacceptably adversely affect the special interest of the listed building. There are no material considerations that would justify refusal.
- 8.12 The application has been discussed with the Conservation Officer in relation to Removal of Duty to Notify (RDN). It was agreed that the proposal would not adversely affect the fabric, character and appearance of the building and its setting. The scope of works associated with the proposal are such that the application could be approved through RDN with no requirement to refer the application Historic Scotland.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that application be approved subject to the following conditions:

Conditions:

1. That the windows in the application property shall remain as the original sash and case windows as detailed on Drawing Number PJW/CPC/006 Proposed Flats at 9 Castle Street, Forfar, Angus, Elevations and Site Plan.
Reason: In the interests of the character of the listed building and for the avoidance of doubt and possible misunderstanding.
2. That no development in connection with the listed building consent hereby approved shall take place unless the following is submitted to and approved in writing by the planning authority: -
 - Samples of the proposed external wall paint finish. Thereafter the building shall be painted in accordance with the approved colours.
 - A scheme for the retention of the decorative plaster corning within the building. Thereafter the works shall be carried out in accordance with the approved details.
 - A scheme for the building up of the door opening on the rear elevation. Thereafter the opening shall be built up in accordance with the approved details.*Reason: In order that the council may verify the acceptability of the proposed details and selected materials in the interests of maintaining the architectural character of the listed building.*

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&P/IM/RK

E-Mail: PLANNING@angus.gov.uk

Date: 15.12.2014

Appendix 1: Relevant Development Plan Policies

APPENDIX 1 – RELEVANT DEVELOPMENT PLAN POLICIES

TAYPLAN (2012)

DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

TAYplan Strategic Development plan

Policy 3D : Natural and Historic Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

Angus Local Plan Review 2009

Policy ER15 : Change of Use, Alterations and Extensions to Listed Buildings

Change of use, or alterations and extensions to a listed building will only be permitted where they are in keeping with the fabric, character and appearance of the building or its setting.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.