

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 5 JANUARY 2017

PLANNING APPLICATION – DUNNICHEN PARISH CHURCH, DUNNICHEN, FORFAR, DD8 2NX

GRID REF: 350953 : 748788

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with listed building consent application No 16/00047/LBC for the Internal Alterations to Building to form a Dwellinghouse (Retrospective in Part) for Mr Chris Garrigan at Dunnichen Parish Church, Dunnichen, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in 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 communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 The applicant seeks retrospective listed building consent for internal alterations to the building to form a dwellinghouse (retrospective) at Dunnichen Parish Church.

3.2 The application property is the former Dunnichen Parish Church which is a small oblong gothic building of stone and slate construction which dates from 1802 and is a category B listed building. It is located within a graveyard that encompasses an area of 2100sqm. Access to the property is via the access to the graveyard which is located at its west boundary wall. The applicant only has a right of access to the property through the graveyard which is maintained by Angus Council. The closest residential properties to the application property are located 79m to the south east (Kirkside) and south west (Linn Garan). The application property is located within the Dunnichen Conservation Area. The ecclesiastical use of the building ceased in 2011 with services rationalised at Letham Church.

3.3 The application seeks listed building consent for internal alterations to building that would allow it to be used as a dwellinghouse. Some of the works have already been undertaken therefore the application is partially retrospective. The internal alterations to the ground floor include the installation of full length glazed screens and doors to enclose the area underneath the first floor gallery between the access stairs located at the north east and north west corners of the ground floor, the erection of 3 partition walls behind the glazed screens to subdivide the area to allow the formation of 2 bedrooms and 2 en-suite bathrooms and the installation of a fitted kitchen in the south west corner of the ground floor. At first floor level an oak wooden frame would be formed around the 3 sides of the first floor gallery between the top of the guardrail and the ceiling which would accommodate double glazed sealed units to allow for the formation of the upper floor accommodation. Within the enclosed space 7 partition walls would be erected to allow for the formation of 4 bedrooms and 2 en-suite bathrooms. The floor level of the gallery would be reduced by 0.365m to provide a level floor. Secondary glazing of timber framed single paned hermetically sealed units would be installed

in the existing window openings. The existing pulpit and plaques within the building would remain in situ. There would be no external alterations to the building.

- 3.4 The application has not been subject of variation.
- 3.5 The application has been advertised as required by legislation.
- 3.6 This application is being reported to the Development Standards Committee as it is directly related to planning application 16/00046/FULL which requires to be determined by the Development Standards Committee due to the recommendation for approval and the number of objections.

4. RELEVANT PLANNING HISTORY

- 4.1 An observation was received by the Planning Service in November 2013 that works were being undertaken inside the listed building without the necessary consents. At that time it was identified that the previous owner of the building had removed pews and a number of other features.
- 4.2 A further observation was submitted to the Planning Service in October 2014 that internal works to convert the building to a dwellinghouse were being undertaken. At that time it was identified that internal works had been undertaken which involved the erection of partition walls, installation of full length glazed screens and the installation of a fitted kitchen. The applicant ceased works and an application for planning permission and a retrospective application for listed building consent were validated on 25 January 2016 (refs: 16/00046/FULL and 16/00047/LBC refer). An earlier application for listed building consent (ref: 15/00311/LBC) was submitted however this application could not be validated as it did not contain a sufficient level of detail.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted a response to points contained within the consultation responses as well as some of the points of objection. This indicates that the existing windows are to remain in situ and a secondary glazed system of timber framed single paned hermetically sealed units would be installed in the window openings. A passive ventilation system is to be provided which utilises the existing roof ventilation cowl. The pews were removed by the previous owners however the applicant will retain all other fixtures/fittings i.e. pulpit, internal joinery and wall plaques. The retention of these features has been discussed with Historic Environment Scotland in the context of its consultation response. The requirements of the Archaeological Service are noted and will be fully complied with.
- 5.2 The supporting information is available to view on the Council's Public Access system.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads (traffic)** – has not objected to the proposal.
- 6.2 **Historic Environment Scotland** – has offered no objection to the proposal and has indicated the scheme appears to give the unused building a sustainable future however additional information should be sought to ensure that the alterations do not have unacceptable impacts on the fabric, character and appearance, character and setting of the listed building.
- 6.3 **Aberdeenshire Council Archaeological Service** – has offered no objection to the proposal but has indicated if the application is approved conditions should be attached
- 6.4 **Letham & District Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

- 7.1 Four letters of objection have been received. The letters will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.
- 7.2 The following matters have been raised as objections to the application and are discussed under Planning Considerations below: -

- Is a dwellinghouse an appropriate use for the building;
- Impacts on archaeological features;
- Impacts on listed features that the building possesses;
- Works have already been carried out to the building.

In addition the following issues have been raised: -

- **Can the building provide a satisfactory residential amenity for its occupants** – this matter is not relevant to the determination of an application for listed building consent;
- **The area of ground which is subject of the change of use could be within the ownership of Dunnichen House** – this is not a relevant matter in the consideration of an application for listed building consent. Issues regarding land ownership are addressed in the report on the accompanying application for planning permission;
- **The applicant has undertaken works within the graveyard** – the erection of a post box and the planting of trees does not require listed building consent;
- **The graveyard is now no longer an attractive place to visit** – there have been instances when materials have been stored out with the building however the Council's Parks & Burial Grounds Service has discussed this directly with the applicant. The applicant has confirmed that any building materials would be stored within the building or on the ground that is to be used as domestic garden ground.

8. PLANNING CONSIDERATIONS

8.1 Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that, in considering whether to grant listed building consent for any works to the building, special regard should be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Development Plan (Adopted 2016)

8.3 As the application is not of strategic importance the policies of TAYplan are not referred to in this report. The relevant policies of the Angus Local Development Plan are reproduced at Appendix 2.

8.4 As a proposal that seeks to alter a listed building, Policy PV8 is relevant to the consideration of the proposal. Policy PV8 states that development proposal which affect a listed building will only be supported where the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated; any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and appropriate measures are provided to mitigate any identified adverse impacts. Historic Environment Scotland Policy Statement (HESPS) June 2016 sets out Scottish Ministers' policy on the management of the historic environment and is a material consideration in the determination of applications that involve works to listed buildings. HESPS indicates that where a proposal involves alteration or adaption which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted.

8.5 In support of HESPS Historic Environment Scotland has also produced technical advice in the form of Managing Change in the Historic Environment documents on topic areas including interiors and windows. The advice relating to interiors indicates the interior of a listed building makes a substantial contribution to the special architectural or historic interest of a building. Its style, detailing and the use of materials help us to understand when and how the building was constructed and adapted, its social and cultural significance, what it was used for and how this has been influenced by advances in technology and changes in fashion. Internal alterations to a historic building must protect its character. The contribution of the interior to that character must therefore be fully understood before considering how to alter the building. The advice relating to windows indicates that carefully designed internal secondary glazing can improve the energy efficiency of a listed building.

- 8.6 The alterations to the building are proposed to enable its conversion to a six bedroom dwellinghouse. In terms of the condition of the building its fabric is generally sound even though its use as a church eased in 2011. There would be no external alterations required to facilitate the conversion of the building therefore the external appearance of the building would remain unaltered.
- 8.7 In terms of the internal works, the proposal would involve significant alterations to the building although the basic form would be retained with the internal layout incorporating and making use of the 3 sided gallery that runs around the perimeter of the building. Such an approach results in the retention of the double-height worship space and open character of the ground floor. The form of the gallery and the presence of the access stairs at either end of the worship space allows for the formation of accommodation space underneath the gallery and the use of full length glazed screens and doors instead of solid partition walls to define this enclosed area seeks to promote the illusion of openness. Works are also proposed to the first floor which comprises the gallery. This includes alteration to provide a level floor, the subdivision of the space to form separate rooms and the provision of glazed screens. I am satisfied that the works take account of the character the building and do not adversely affect its special interest as a listed building.
- 8.8 It is understood that some of the internal features including the pews were removed in 2013 by the Church of Scotland. The remaining features within the building such as the pulpit and 5 wall plaques within the former worship space would be retained with the ground floor layout taking account of the location of these features. The internal joinery features such as wood panelling are also to be retained along with the light fixtures. It is noted that some internal walls have been re-plastered which has resulted in small sections of cornicing being removed. The cornicing contributes to the character of the building therefore a condition is proposed requiring the re-instatement of this feature. The submitted information indicates the existing windows would remain in situ and a secondary glazed system of timber framed single paned hermetically sealed units would be installed in the window openings. No details have been provided of the secondary glazing therefore a condition is attached to deal with this matter.
- 8.9 The Archaeological Service of Aberdeenshire Council has been consulted on the proposal and has indicated the development proposal affects an archaeological site where there is high potential for buried human remains. Although the works associated with the proposal are limited to the building the archaeological service has recommended that conditions are attached requiring a Programme of Archaeological Works and a Level 1 Standing Building Survey to be undertaken. Conditions are therefore proposed to deal with these matters.
- 8.10 In terms of potential for protected species, the proposal does not involve any external alterations to the building and therefore the risk of adversely impacting on protected species is low. On that basis, I am satisfied that it is proportionate to determine the application without a protected species survey.
- 8.11 In conclusion the proposal involves alterations to the listed building that affect its character. However, the proposal would secure a beneficial use for the currently vacant building and this will help retain its long-term future. The proposal is considered to be in compliance with the provisions of the development plan as well as the published policy and guidance of Historic Environment Scotland who have been consulted on and offered no objections to the application. The proposal would not have a significant adverse impact on the special interest of the listed building and there are no material considerations that would justify refusal of the application.

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 the application be approved subject to the following condition(s):

Conditions:

1. That no further works shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

2. That no further works shall take place until a Level 1 archaeological standing building survey of the existing structure has been submitted to and approved in writing by the Planning Authority. The developer shall agree the archaeological organisation and the scope of the archaeological standing building survey with Aberdeenshire Council Archaeology Service on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: To record features of the historic environment of the structure. Please note an archaeological organisation is required to undertake this work.

3. That before any further works are undertaken the following shall be submitted to and approved in writing by the Planning Authority:
 - (a) Full details of the secondary glazing to be installed in the building. The submitted details shall include cross sections for each window, method of fixing within each window opening, dimensions of any astragals, specification of glazing, and final paint colour of the units. Thereafter the secondary glazing shall be installed in accordance with the approved details.
 - (b) A scheme for the repair of the decorative plaster cornicing within the building. For the avoidance of doubt the cornicing shall be retained and repaired on a like for like basis. Thereafter the cornicing shall be repaired in accordance with the approved scheme.
 - (c) Details of any services, infrastructure or equipment to be installed on or in the building. Thereafter the works shall be carried out in accordance with the approved details.

Reason: In order that the planning authority may verify the acceptability of the proposed details in the interests of safeguarding the fabric, character and appearance 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.

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: DEVELOPMENT PLAN POLICIES

Appendix 1: Location Plan

Appendix 2 – Development Plan Policies

Angus Local Development Plan

Policy PV5: Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV8: Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.