

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 03 OCTOBER 2017

LISTED BUILDING CONSENT APPLICATION – PANBRIDE HOUSE, PANBRIDE, CARNOUSTIE

GRID REF: 357866 : 735328

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract:

This report deals with listed building consent application No 17/00591/LBC for alterations and extension to existing house and alterations to other buildings at Panbride House, Panbride, Carnoustie, DD7 6JR by Mr B. Boyd & Mr M. Sothern. 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 application seeks listed building consent for alterations and extension to Panbride House and alterations to other buildings within the curtilage of the building.

3.2 The application site comprises Panbride House near Carnoustie and the associated listed buildings that lie within its curtilage. The existing fitness centre is located to the northeast of the site and existing residential properties are located to the north. The remaining policies of Panbride bound the application site to the north and south and the site is accessed from a track adjacent to the existing gate lodge. A location plan is provided at Appendix 1 below.

3.3 A planning application (17/00590/FULL) has been submitted which seeks planning permission for the change of use of a physiotherapy suite and alterations to that building to form a dwelling, subdivision and alterations to Panbride House to form 2 additional dwelling units as well as other works within the curtilage of the listed building. Alterations are proposed to the listed building in order to facilitate that development. As a result of this works to the listed buildings and structures are proposed. Minor internal alterations are proposed to Panbride House itself including formation of new partitions. A small lean-to extension would be provided on the east elevation to provide a utility room. Other alterations to the main house include formation of a new door on the single storey extension to the north, painting and replacing doors and windows, and minor alterations to the roof (including provision of rooflights). The building that accommodates the physiotherapy suite would be altered through removal of a single storey modern link between this building and the existing fitness suite building. Other minor alterations would be undertaken to this building including replacement of UPVC windows. A 3 bay lean-to garage is proposed to be built of a listed wall within this courtyard area. A new section of wall would be added to the walled garden. Other alterations would include removal of previously installed UPVC windows and replacement with more appropriate timber windows.

- 3.4 The proposal has been amended to revise window details and to alter the external finish colour of the proposed lean-to extension to the main House. The revised colour reflects comments provided by Historic Environment Scotland in relation to the associated application for listed building consent. The application has also been amended to revise the extent of the site and to limit it to those areas where physical development is proposed or where land is required in association with the new residential units. Amended cottage - proposed plans & elevations (drawing no. 2055_D_003B) and Gate Lodge - proposed plans and elevations (drawing no. 2055_D_002B) submitted on 05/09/17; Amended location plan (drawing no. 2055_S_013B) and site plan (drawing no. 2055_D_001C) submitted on 20/09/17 refer.
- 3.5 The application was advertised as required by legislation and a site notice posted.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning Application 17/00590/FULL for change of use of physiotherapy suite and alterations to existing house to form 3 additional dwelling units, erection of a greenhouse and garage, and alterations to buildings is currently being considered alongside the current application.
- 4.2 Planning permissions and listed building consents were granted in January 1999 and September 2002. Those provided for the change of use of an existing dwelling to a fitness suite and erection of a link corridor, and alterations and extension to the dwellinghouse respectively.

5. APPLICANT'S CASE

- 5.1 A bat survey was submitted. This concluded that no signs of bats were found during the building inspection and a dawn re-entry survey was carried out. No bats were seen entering the building and the proposed works are therefore unlikely to have any significant impacts on bats.
- 5.2 An access statement was submitted. This provided a background to the site and detailed history. It highlights that the proposals have adopted a sensitive and considered design approach in order to re-instate the historic character of Panbride House. It clarifies the works proposed and indicates that the proposed alterations do not significantly impact access to the buildings. The existing levels of accessibility are to remain unaltered with the addition of the accessible dwelling being formed in Apartment 1. The document suggests that the proposals primarily aim to preserve and enhance the distinct historic character and design of the existing buildings and their context.
- 5.3 The submitted information can be viewed on the Council's [Public Access](#) website.

6. CONSULTATIONS

- 6.1 **Angus Council Roads** – has been consulted on the application and has offered no objections.
- 6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – No objections raised by the Community Council. Some desire to see the building brought back into productive use but keen to see the fundamental integrity of the building retained and for the renovation and development to be in keeping with the criteria on which the listed building status is based.
- 6.4 **Aberdeenshire Council Archaeology Service** – No objections but requested a photographic survey condition be attached.
- 6.5 **Historic Environment Scotland** – No objection to the principle of the extension but suggested that white painted cladding would detract from the overall character of the building and advocated a darker more recessive colour in this instance. *The proposal has been amended to reflect that advice.*

7. REPRESENTATIONS

No letters of representation have been submitted.

8. PLANNING CONSIDERATIONS

8.1 In considering whether to grant listed building consent for the present application, 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 In this case the development plan represents a material planning consideration. It comprises:-

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

The application is not of strategic significance and the policies of TAYplan are not referenced. The relevant policies from the ALDP are reproduced at Appendix 2.

8.3 Scottish Planning Policy (SPP), Historic Environment Scotland Policy Statement (HESPS) and the associated 'Managing Change in the Historic Environment' guidance notes provide relevant national guidance for listed buildings and are material considerations in the determination of the application.

8.4 The list description of the house indicates that it is a 'Small Jacobean styled mansion house, two-storey with single-storey wings. Rubble and slate. Interesting interiors.' The architectural detailing and form of the building along with its woodland policies contribute to the special interest of the building. In terms of the main house itself, the proposed internal works are minor and would not affect its overall special interest. No features of special interest would be affected by the internal alterations proposed. Externally, the most significant alteration is the provision of a small extension on the east elevation. That extension would be painted in a recessive colour as suggested by Historic Environment Scotland and would have little impact on the external appearance or character of the building. Similarly the proposed new and altered openings on the north wing of the building are minor and would have no significant impact on the listed building or its setting. An existing modern sun room extension on the south elevation would be painted white to be in keeping with the proposals for the main windows. Overall the works to the main Panbride House building are acceptable as they do not significantly affect any features of special interest or the overall composition and character of the building.

8.5 The former physiotherapy suite building to the north is listed as it lies within the curtilage of Panbride House and its associated stables. It has been significantly altered in the past in order to make it suitable for its previous use. The removal of the modern link building that is attached to this will return it to its previous basic form. The other alterations, including replacement of UPVC windows and installation of a small flue will have little impact on the special interest of the building. This cottage is seen in the context of the converted listed steading buildings to the north which have been altered over time. Specific details of the proposed replacement windows have not been provided and a condition is proposed that requires further details to be submitted and approved.

8.6 The proposed lean-to garage would be located in a discreet location that does not impact on the principal elevation of the main listed building. It would be built off an existing boundary wall at a relatively low height with little impact on the special interest of the listed buildings. Other aspects proposed include the addition of a new section to the walled garden. In principle this is acceptable but specific details on the design and height have not been provided and a condition is proposed to address this. The gate lodge currently has UPVC windows. The proposed drawings include for removal of these inappropriate windows and a door and for their replacement with timber sash and case windows and a new hardwood door. These changes are acceptable and represent an improvement to the building. A condition is proposed to ensure specific details of the door and windows are agreed prior to installation.

8.7 The listed buildings have been subject of some unsympathetic alteration in the past. This application also involves alterations to the listed buildings and this will have some impact on their fabric. However, the proposals do not involve development that would significantly adversely affect the special interest of the buildings. Indeed they have lain vacant for some time and this proposal provides opportunity to secure their long-term future. Historic Environment Scotland has indicated it has no objection to the application.

8.8 A bat survey has been submitted and this indicates that the proposed works should not have any significant impacts on bats.

- 8.9 In conclusion, the application provides for works to the listed buildings in a manner that does not adversely affect their special interest and that is compatible with development plan policy and relevant guidance. Historic Environment Scotland has offered no objection to the application. There are no material considerations that justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of listed building 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 recommendation 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 for the following reason and subject to the following conditions:

Reason(s) for Approval:

The proposed works do not have a significant adverse impact on the special interest of the listed building and comply with the relevant policies of the development plan subject to the stated conditions. There are no material considerations that justify refusal of the application.

Conditions:

1. That specific details of the proposed new section of wall to be formed adjoining the walled garden shall be submitted to and approved in writing by the Planning Authority prior to works commencing on this aspect of the proposal. Thereafter the new section of wall shall be constructed in accordance with the approved details.

Reason: In order to ensure that the proposed details are acceptable and that the works do not adversely affect the special interest of the listed building.

2. That full details of the proposed new windows and doors on the Gate Lodge and Cottage (including materials, glazing configuration, method of opening and final paint colour) shall be submitted to and approved in writing by the Planning Authority prior to installation. Thereafter the windows shall be installed in accordance with the approved details.

Reason: In order to ensure that the windows are appropriate for the listed buildings and do not adversely affect their special interest.

3. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the Planning Authority. All elevations, both external and internal (where it is safe to access the building), together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital files (jpeg, tiff, pdf) submitted by email, on CD or via online file sharing services, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited with the Archaeology Service for addition into the local Sites and Monuments Record.

Reason: To ensure a historic record of the building.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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 a material extent in preparing the above report.

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DATE: 22 SEPTEMBER 2017

Appendix 1 : Location Plan
Appendix 2 : Relevant Development Plan Policies

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Appendix 2 : Relevant 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.