

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 DECEMBER 2021

LISTED BUILDING CONSENT APPLICATION – FORMER TEALING PARISH CHURCH,
KIRKTON OF TEALING, TEALING, DD4 0RD

GRID REF: 340353 : 737944

REPORT BY SERVICE LEAD - PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with listed building consent application No. [20/00448/LBC](#) by Mr Gilbert Nicoll for alterations to a building to facilitate its use as a dwellinghouse at the former Tealing Parish Church, Kirkton Of Tealing, Tealing. This application is recommended for approval subject to conditions.

1. RECOMMENDATION

It is recommended that the application be approved subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

- 3.1 The applicant seeks listed building consent for the alterations to a disused church to facilitate its use as a house. The application site incorporates the former church building, hearse house and pathways around the site. The church is designated as a category A listed building and the hearse house is a category B listed building. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application proposes internal and external alterations to the existing church building. External alterations would include replacement of existing windows; black cast iron gutters to be repaired and replaced; and walls to be repointed in lime mortar. On the east elevation the existing harling would be removed, and the wall repointed with lime mortar. An air source heat pump is proposed adjacent to the southwest elevation. The former hearse shed is included in the application site, but no works are proposed to this building.
- 3.3 Internally, the existing space within the building would be subdivided at ground and first floor level. The ground floor area would largely remain open plan retaining its existing form, with partitions added to create a bathroom. Existing internal memorials would be retained and left exposed. The existing pulpit would be retained. Existing floor slabs would be numbered, lifted in sequence and re-laid following the installation of underfloor heating. At upper floor level, the gallery would be subdivided to form new rooms, but an open area containing pews would be retained.

- 3.4 The application was advertised in the press as required by legislation.
- 3.5 This application requires determination by the committee as it involves land in the council's ownership.

4. RELEVANT PLANNING HISTORY

- 4.1 Listed Building Consent application [17/00031/LBC](#) for the erection of an internal steel beam supporting structure, reinstatement of first floor and associated alterations was approved subject to conditions on 2 November 2017. Works associated with that permission have been implemented.
- 4.2 Planning application [20/00449/FULL](#) for the conversion of the disused church to a dwellinghouse and associated works is subject of Report 387/21.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:

- Conservation Plan
- Design Statement
- A site investigation Report and Engineers letters for Drainage
- Window Condition Reports and Photographs

- 5.2 The supporting information is available to view on the council's [Public Access](#) website and the supporting information is summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Scottish Water** – no objection.
- 6.2 **Community Council** – no response was received.
- 6.3 **Angus Council – Roads (Traffic)** – no objection.
- 6.4 **Historic Environment Scotland (HES)** – has offered no objection and states that Tealing Church is A-listed and highly significant due to the survival of sculpted stones within its fabric. While the majority of pews appear to have been removed in the 1980s, the original pulpit and timber detailing to the gallery survive, as do the important wall-memorials. HES welcome the retention of these features. HES comments that the partitioning of the interior – with bedrooms located upon the gallery and bathroom on the ground floor (beneath the gallery) – would allow the greater part of the interior to remain open, which is a positive approach. HES states that the church building has been vacant for some considerable time and welcomes these proposals which it indicates can be undertaken without resulting in significant impacts.
- 6.5 **Aberdeenshire Council Archaeology** – no objection and welcomes proposals to bring a vacant historic building back into use. However further information is requested, and conditions are proposed.

7. REPRESENTATIONS

- 7.1 Two letters of representation have been submitted and raise objection to the proposal. The letters are provided at Appendix 3 and can be viewed on the council's [Public Access](#) website.
- 7.2 The issues raised in the representations relate to the acceptability of the use of the building as a house as proposed by the planning application. This application deals solely with the acceptability of the proposed physical alterations to the building and

issues regarding the acceptability of the proposed use are not relevant to the consideration of an application for listed building consent. The issues are considered in the determination of the corresponding planning application [20/00449/FULL](#).

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 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.3 In this case the development plan comprises:-
- [TAYplan](#)
 - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.4 The application is not of strategic significance and the policies of TAYplan are not referred to in this report. The ALDP forms the main basis for the consideration of the proposal and the relevant policies are reproduced at Appendix 4.
- 8.5 Scottish Planning Policy (SPP), Historic Environment Scotland Policy Statement (HESPS) and the associated 'Managing Change in the Historic Environment' guidance notes provide relevant national policy and guidance for listed buildings and are relevant to the determination of the application. Government policy guidance indicates that the planning system should promote the care and protection of designated historic environment assets. It indicates that change to a listed building should be managed to protect its special interest while enabling it to remain in active use.
- 8.6 This existing church building is Category A listed and the hearse house Category B Listed. No physical works are proposed to the hearse house. Category A listed buildings are identified as being outstanding examples of a particular period, style or building type. Category B listed buildings are identified as major examples of a particular period, style or building type.
- 8.7 Available information suggests that the existing church building dates from around 1806 and was altered in 1895 and again in the 1980s. The building is described as being 'severely plain', but it is identified as being of great interest on account of the various sculpted stones incorporated within the fabric, the prime factor for its Category A listing.
- 8.8 The church has been vacant and largely unused for a period in the region of 35 years and it is identified on the Buildings at Risk Register for Scotland. Its condition has deteriorated during the period that it has been unused. This proposal would convert the building without any significant alteration to its external appearance. In this respect the proposal would ensure preservation of the building.
- 8.9 External alteration to the building would be limited and the nature of the alterations would not adversely affect its special interest. Supporting information indicates that repointing work would be undertaken with lime mortar. Information also indicates that existing windows are in poor condition and would generally require replacement. A condition is proposed that requires precise details of replacement windows and doors to be subject of further approval. An air source heat pump is proposed but this would have minimal impact on the building or its setting given its size and position. A

condition is proposed that requires precise detail of the heat pump before it is installed.

- 8.10 Internal alterations are more pronounced and the internal subdivision of the building necessary to convert the building from a place of worship to a house would alter the buildings character significantly. However, the existing internal spatial arrangement does not readily lend itself to alternative use and some alteration to internal spaces is necessary to accommodate a new use. HES has confirmed that the approach proposed is positive as it allows for the greater part of the interior to remain open. Significantly, the proposal makes provision for the retention and protection of the important features that merit the category A listed status of the building. The original pulpit and timber detailing to the gallery would also be retained. The council's archaeological advisor offered no objection to the application subject to a proposed planning condition. In addition, a small section of pews is indicated for retention within the gallery area. That proposal is acceptable but additional information is required and that matter is addressed by a proposed condition.
- 8.11 Overall the proposed works are consistent with relevant built heritage policies and legislative requirements. The proposal would preserve the building and would not have a significant detrimental effect on its special interest as a listed building.
- 8.12 In relation to material considerations, two representations have been submitted in relation to the application. However, as indicated above those representations raise concern regarding the use of the building as a house. Those representations are relevant to the determination of the application that seeks planning permission for the use of the building, but issues regarding the use of the building are not relevant to determination of an application for listed building consent. Works to install the proposed underground drainage system do not require listed building consent.
- 8.13 In conclusion, the proposed works would not have a significant adverse impact on the special interest of the listed building or its setting. The proposal is compatible with relevant development plan policy and government guidance. 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 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.

10. CONCLUSION

It is recommended that the application be approved subject to the following condition(s):

Conditions:

1. That no works 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:-

- a) an updated window condition report and details of all proposed new windows and doors (including materials, glazing specification and configuration, method of opening, and final colour). Thereafter the works shall be undertaken in accordance with the approved window condition report and only the approved windows and doors shall be installed in the building.
- b) precise details of the proposed air source heat pump, including details of location and colour. Thereafter the air source heat pump shall be installed only in accordance with the approved details.
- c) precise details, including location and external colour, of all vents, flues, pipework, and cable runs required for or to provide services and facilities. Thereafter the works shall be undertaken only in accordance with the approved details.
- d) a specification and method statement for all external stone repair work. Thereafter the works shall be undertaken only in accordance with the approved details.
- e) specific details of the works proposed to allow for the retention of the pews within the gallery. Thereafter the works shall be undertaken only in accordance with the approved details.
- f) an archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details

Reason: To allow the planning authority to verify the acceptability of the required details in the interests of preserving the special interest of the listed building.

Note for decision notice:

Human Remains (Right of Sepulchre)

The Right of Sepulchre under Scots Law means it is a criminal offence to disturb human remains without lawful authority. All development works should cease in the event that human remains are identified and the Police/Procurator Fiscal informed immediately as well as the Council's Parks and Archaeology Services. The finding of human remains may not prohibit any proposed development works continuing but could cause delay while the remains were investigated and lawful authority to disinter obtained if necessary.

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.

REPORT AUTHOR: JILL PATERSON
EMAIL DETAILS: planning@angus.gov.uk

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: RELEVANT DEVELOPMENT PLAN POLICIES