

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 SEPTEMBER 2023

LISTED BUILDING CONSENT APPLICATION – ST RULES PARISH CHURCH, 4
CHURCH STREET, MONIFIETH
GRID REF: 349525 : 732348

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with listed building consent [23/00234/LBC](#) by Mrs Gillian Noble for internal and external alterations to church building to allow for an alternative use at St Rules Parish Church, 4 Church Street, Monifieth, Dundee. This application is recommended for conditional approval.

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 internal and external alterations to the church building to allow for an alternative use at St Rules Parish Church, 4 Church Street, Monifieth, Dundee. The church is designated as 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. External alterations include the installation of flues serving the proposed kitchen area, solar PV panels on the south facing roof plane, replacement of windows on the existing flat roof extension of the main church building, external painting of existing windows on the traditional section of the church building (charcoal/ black) and the installation of small vents on the existing extension. Some existing vents are to be infilled to improve acoustic performance. Internally, alterations are proposed to floor levels within the building to create level surfaces, a new internal entrance doorway and new partitions are proposed to subdivide the larger space to provide a meeting room, kitchen, toilets and storage spaces.

3.3 The plans have been amended to increase the height of a flue proposed on the north elevation and some other minor amendments and clarifications have been provided to address the HES and archaeology service comments.

3.4 The application has been advertised in the press and a site notice was posted as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Parallel planning application [23/00235/FULL](#) for 'Change of Use and Alterations to Church Building to Form a Mixed Use Licensed Cafe, Exhibition Space, Meeting Rooms and Event Space' is also being considered by this committee and is subject of Report no. 252/23.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application: -
- A Bat Survey
 - Odour Assessment
 - Noise Impact Assessment
 - Supporting Statement
 - Various technical information sheets relating to cooking equipment, ventilation and extractors
- 5.2 The information submitted in support of the application is available to view on the [Public Access](#) and is summarised at Appendix 2.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads (Traffic)** – no objection.
- 6.2 **Historic Environment Scotland (HES)** – no objection and welcomes the reuse of the building.
- 6.3 **Aberdeenshire Council Archaeology** – no objection subject to conditions.

7. REPRESENTATIONS

- 7.1 54 letters of representation have been received. 11 raise objection and 43 offer support. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#). In summary terms the following issues are raised: -
- 7.2 The following matters have been raised as objections: -
- Proposal is incompatible with neighbouring uses
 - Concern regarding scale of the proposal, late evening opening, alcohol license, use for private functions and subsequent potential amenity impacts including noise, antisocial behaviour and general activity in the area
 - Concern regarding impacts upon access, parking (including lack of disabled parking bays), road traffic and pedestrian safety, including impacts from deliveries and illegal parking, particularly given absence of on site parking and nature of surrounding streets
 - Similar proposal at an alternative location near the waterfront is better
 - Inadequate neighbour notification
 - Business experience of applicant/ economic viability of proposal
- 7.3 The following matters have been raised in support: -
- Reuse of a redundant and listed building
 - Wide community benefits, including providing local artists a platform to showcase their work, where there is a lack/need for this type of facility
 - Attract visitors to the area
 - No noise impacts
 - Create jobs
 - Sustainable proposal

- Accessible location
- Respectful, sympathetic and honest developers

7.4 Many of the objections raised relate to the acceptability of the use of the building. The specific nature of the new use and its acceptability is not a relevant matter for determination of the listed building consent application. This application deals solely with the acceptability of the proposed physical alterations to the building and the consideration of this application is limited to issues relating to the impact of those alterations on the character and special interest of the building. Matters regarding the acceptability of the proposed use are considered in the parallel planning application [23/00235/FULL](#). Other matters of support where relevant have been taken into account in preparing this report.

7.5 The following matters are addressed below;

- Inadequate neighbour notification – *There is no legislative requirement to carry out neighbour notification for an application for listed building consent. The appropriate publicity and consultation has been carried out, including press advertisement and a site notice has been posted. Neighbour notification was carried out as part of the processing of the parallel application for planning permission (ref: 23/00235/FULL), which is also being considered by this committee.*
- Business experience and identity of the applicant- *the business experience or matters relating to the character of the applicant are not material planning considerations.*
- Economic viability of proposal – *the relevant consideration for this application is to establish whether the works are consistent with the statutory duty to preserve the listed building and its special interest.*

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 Building 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 National Planning Framework 4 (NPF4) Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places and is relevant to the determination of this application. Part (c) of the policy indicates that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.

8.3 Angus Local Development Plan (ALDP) Policy PV8 indicates that development proposals affecting listed buildings 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.

8.4 Historic Environment Scotland (HES) Managing Change in the Historic Environment guidance is relevant to the consideration of this proposal. Guidance on the use and adaptation of listed buildings indicates that for a building to stay in use over the long term, change will be necessary. It states that this should always be considered carefully and avoid harming the building's special interest; and acknowledges that a building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.

- 8.5 HES guidance on micro-renewables indicates that installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources. It indicates that the installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. It suggests that if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields.
- 8.6 St Rules Parish Church is a category B listed building constructed in 1812-1813 and is described in the list description as a gothic church, rectangular plan with square tower at west end. The church is understood to have recently become vacant following the construction of a new parish church on High Street. The internal and external alterations proposed to the church are required to enable its reuse as a commercial operation and the proposed new use is considered in the parallel application for planning permission (Report No. 252/23).
- 8.7 The works proposed to the listed building involve both internal and external alterations. The most significant external alterations proposed involve the installation of flues and extraction equipment on the north elevation, and the installation of solar panels on the south facing roof slope.
- 8.8 The installation of new flues serving the proposed kitchen area on a small lean-to extension on the north elevation of the building would be the most significant alteration in that area. The largest flue would project around 5m from the roof of the small lean to, extending just above the wallhead height of the rear church wall. The other flue is located on the same lean-to, but has a much smaller roof projection of around 1m. While those interventions (particularly the larger flue) are reasonably significant, they are located on an extension on a secondary elevation of the building and the flue being sited adjacent to the north elevation wall reduces its prominence in views towards the church. The flues are necessary to facilitate the proposed new use and on balance it is considered that they can be accommodated without unacceptable impacts on the character or setting of the listed building.
- 8.9 The proposal also involves the installation of solar panels on the south elevation roof slope. The proposed panels would cover around 25% of that roof slope and would be positioned centrally in two rows between the two projecting roof vents. HES guidance referenced above indicates that such installations should be planned carefully, and cautions against the installation of solar panels on the principal elevation. It suggests that if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels; and in those circumstances encourages exploration of alternative solutions such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields. In this case the principal elevation of the church is considered to be the west elevation which faces Church Street, contains the church tower and main building entrance. While the south elevation is a reasonably prominent and important elevation of the building, it is considered that the panels could be accommodated in this location without causing a significant or unacceptable impact on the character of the listed building. There is little scope to accommodate free standing panels within the grounds of the church due to its ongoing use as a graveyard, and siting panels on the north facing roof slope would not maximise solar gain. On balance, and noting that the panels cover only around 25% of the roof slope and would be positioned in a manner which would not visually unbalance the south elevation of the building, it is considered that the proposed solar panels would not unacceptably impact on the character of the listed building, and it is desirable to incorporate renewable energy technology to support the proposed new use.

- 8.10 The other external alterations proposed are relatively insignificant. The repainting of the external window frames, infilling existing vents on the main building and replacing windows and installing small vents in a non-original extension is acceptable. These works would not significantly affect the character or special interest of the listed building.
- 8.11 The proposed internal works include the removal of much of the ecclesiastical furniture (including the removal of pews) and require changes in floor levels to create usable level surfaces, primarily on the first-floor balcony. Some subdivision of the internal space is also required to create a separate kitchen, meeting rooms, toilets and storage space. While those works would have a reasonably significant impact on the character of the internal space, the proposal would retain the double height space in the south-central part of the church which is surrounded by the first-floor balcony. This area, which looks towards large retained stained-glass windows, would remain largely open ensuring the volume of that space could continue to be appreciated. Some alteration to the internal space is inevitable to facilitate the new use of the building but it is considered that the nature of the proposed alterations would not unacceptably impact on the character of the building subject to the proposed conditions which would secure additional detail of the proposed interventions.
- 8.12 Historic Environment Scotland (HES) and the archaeology service have been consulted on the application and has welcomed the proposal to secure a new use for a vacant listed building. They have provided some comment on the detail of the proposal and the applicant has provided additional clarification and some amendment to the scheme to address the matters they raise. The archaeology service has requested a planning condition requiring the carrying out of a programme of archaeological works.
- 8.13 Legislation also requires consideration of potential impacts on European protected species, and the parish church is a type of building which has the potential to contain bat roosts. A bat survey was submitted which found no evidence of bats roosting in the building, and very little bat activity in the area surrounding the church. The information suggests that no mitigation is required and there is no evidence to suggest that the proposal would adversely impact on bats or bat roosts.
- 8.14 Third party representations have been submitted in relation to the application. Letters submitted in support of the proposal suggest there would be benefits of securing a new use for the vacant church building. The likely benefits afforded to preserving the listed building by securing a new use have been taken into account in the assessment of the proposal and have been addressed above. As indicated under Section 7 of this report, matters raised regarding the nature or operation of the proposed new use for the building are not relevant to determination of an application for listed building consent. The acceptability of the proposed use is considered in the corresponding planning application (report no. 252/23 refers).
- 8.15 In conclusion, the works proposed to facilitate the reuse of the vacant listed building are considered to be consistent with the statutory duty to preserve the building and its special interest. The proposal is also 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, 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.

10. CONCLUSION

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

Conditions:

1. Prior to the commencement of any of the works hereby approved the following shall be submitted to and approved in writing by the planning authority;
 - a. an archaeological written scheme of investigation (WSI). Thereafter a programme of archaeological works shall be 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 brought into use 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.
 - b. precise details of all proposed new windows (including materials, glazing specification and configuration, method of opening, and final colour) and the precise paint colour for all existing windows to be repainted. Thereafter the window works shall be undertaken in accordance with the approved details.
 - c. precise details of all solar panels (including projection above roof plane and precise details of method of fixing to the roof), vents, flues, pipework and cable runs. Thereafter the works shall be undertaken in accordance with the approved details.
 - d. detailed plans for all internal works. These plans shall identify all features of note within the building and the measures for their protection and retention. Thereafter the features shall be retained and protected in accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area and 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: 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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DATE: 5 SEPTEMBER 2023

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES