

# Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,  
ABERDEEN 15 April 2025

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 23 APRIL 2025 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website.  
<https://aberdeen.public-i.tv/core/portal/home>

ALAN THOMSON  
INTERIM CHIEF OFFICER – GOVERNANCE

## **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

### **MOTION AGAINST OFFICER RECOMMENDATION**

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

### **DETERMINATION OF URGENT BUSINESS**

- 2.1. Determination of Urgent Business

### **DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS**

- 3.1. Members are requested to intimate any declarations of interest or connections

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1. Minute of Meeting of the Planning Development Management Committee of 13 March 2025 - for approval (Pages 7 - 20)

## **COMMITTEE PLANNER AND PLANNING APPEAL DIGEST**

- 5.1. Committee Business Planner (Pages 21 - 24)
- 5.2. Planning Appeal Digest (Pages 25 - 28)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 6.1. Listed Building Consent for internal alterations to provide renewed services and welfare facilities at West Kirk/Drum Isle/Tower including removal of partitions and doors; removal/relocation of boxed pews; removal of roof lantern; installation of flues and extract; installation of signage with associated works - West Church of St Nicholas, Back Wynd, Aberdeen (Pages 29 - 46)

Planning Reference – 250148

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

## **DATE OF NEXT MEETING**

- 7.1. Date of Next Meeting - Tuesday 20 May 2025 10am

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)

To access the Service Updates for this Committee please click [here](#)

Website Address: [aberdeencity.gov.uk](http://aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 067344 or email [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk)

This page is intentionally left blank

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

This page is intentionally left blank

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 13 March 2025. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse, Blake (as substitute for Councillor Boulton), Clark, Cooke (as substitute for Councillor Copland), Farquhar, Lawrence and Macdonald.

The agenda and reports associated with this minute can be located [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DECLARATIONS OF INTEREST OR CONNECTIONS

1. Councillor Macdonald advised that in relation to item 6.2 on the agenda, Land at Greenferns Landward (OP 22), Newhills, Aberdeen, that she was a Board member on Aberdeen Heat and Power Network but did not feel that the connection would prevent her from remaining in the meeting during consideration and determination of the application.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 13 FEBRUARY 2025

2. The Committee had before it the minute of the previous meeting of 13 February 2025, for approval.

#### **The Committee resolved:-**

to approve the minute as a correct record.

### COMMITTEE BUSINESS PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

#### **The Committee resolved:-**

to note the committee business planner.

### PLANNING APPEAL DIGEST

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

The report informed Members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

### **The Committee resolved:-**

to note the information contained in the planning appeal digest.

### **THE WORKS, THE BUSH ABERDEEN - 241112**

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for Replacement of workshop building (in Class 5 use) and associated works at the Works, the Bush, Aberdeen, be approved subject to the following conditions:-

### **Conditions**

#### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

#### **(02) INFRASTRUCTURE PROVISION**

That the proposed building shall not be brought into use unless the car parking layout, bin and cycle stores and drainage infrastructure have been implemented in accordance with the detailed approved plans (Ref: P03 REV C) or alternative details of this provision agreed in writing by the planning authority.

Reason - To ensure that the development has sufficient infrastructure.

#### **(03) TREE PROTECTION – CELLULAR CONFINEMENT SYSTEM**

That no development shall take place unless finalised details of the cellular confinement system to protect trees, or other tree protection measures, have been submitted to, and approved in writing by the planning authority. Thereafter, the approved building shall not be brought into use unless this cellular confinement system has been installed in its entirety.



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

Reason – To protect existing trees, in the interests of biodiversity and visual amenity.

### (04) TREE PROTECTION DURING DEMOLITION AND CONSTRUCTION

That no development pursuant to this permission shall take place unless the tree protection fencing has been installed in full accordance with the approved Tree Protection Plan and Tree Report (Ref: BPC-2501-TP A and REV A), or another scheme of tree protection agreed by the planning authority. Thereafter, the tree protection fencing shall remain in place until the development has been completed.

Reason – To protect existing trees, in the interests of biodiversity and visual amenity.

### (05) COLOUR OF FINISHING MATERIALS

That the external finishing materials of the approved buildings shall be painted 'juniper green', in accordance with the approved plans (Ref: P04 REV B) unless a variation has been agreed by the planning authority.

Reason – In the interests of the character and appearance of the surrounding area.

### (06) BIODIVERSITY ENHANCEMENT

That the development hereby approved shall not be occupied unless the 'dead hedge' has been installed in accordance with the approved plans (Ref: P03 REV C) and at least one bat box has been installed on the site, evidence of which has been submitted to the planning authority, unless a variation to the biodiversity enhancement measures is agreed by the planning authority.

Reason – In the interests of enhancing biodiversity.

The Committee heard from Roy Brown, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee then heard from Bill Duncan, who objected to the proposed planning application.

The Committee then heard from Ally Steel, agent, who spoke in support of the application.

### **The Committee resolved:-**

to approve the application conditionally with an extra condition added which reads:-

### (7) HOURS OF OPERATION

That the building shall not be occupied unless no noise generating activities take place that are audible outwith the site boundary outside the following hours:

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

- Monday to Friday 0700 hours to 1900 hours
- Saturday 0800 hours to 1300 hours

Reason: In the interests of residential amenity.

It was also noted that the following sentence would be deleted from the reasons for recommendation contained in the committee report. *A condition was to be applied requiring a scheme of water efficiency measures to be agreed and implemented, in order for the development to comply with Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) of the ALDP.*

### 33 HOPETOUN COURT ABERDEEN - 241488

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the extension of existing garage to rear at 33 Hopetoun Court Aberdeen, be approved subject to the following condition:-

#### **Condition**

##### (01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

The Committee heard from Jan Frontzek, Planning Trainee, who spoke in furtherance of the application and answered questions from Members.

#### **The Committee resolved:-**

to approve the application conditionally.

### LAND AT GREENFERNS LANDWARD (OP 22), TO THE SOUTH OF KEPPELHILLS ROAD, NEWHILLS, ABERDEEN - 240216

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Planning Permission in Principle for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure at

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

land at Greenferns Lanwards, Newhills Aberdeen be approved subject to the following conditions and subject to a legal agreement:-

### **Conditions**

#### 1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 7 years beginning with the date of this notice. If development has not begun at the expiration of the 7-year period, the planning permission in principle lapses.

Reason - in accordance with section 59 (planning permission in principle) of the 1997 act.

#### 2) PHASING PLAN

That prior to the commencement of development, an application for the approval of matters specified in conditions comprising a detailed phasing plan, setting out the details of the phasing of the development, shall be submitted to, and approved in writing by the Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved Phasing Plan, unless otherwise agreed through the submission of a further matters specified in conditions application for an alternative phasing programme.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

#### 3) MATTERS REQUIRING FURTHER APPROVAL

That application(s) for approval of matters specified in condition containing details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

No development within or outwith any individual phase shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings, open space and any other structures for that particular phase has been submitted to and approved in writing by the Planning Authority. The application(s) shall comprise:

- a) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant block/ phase of development;
- b) full details of the connection to the existing Scottish Water foul water drainage network for the relevant block of development;

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

- c) a site specific Drainage Impact Assessment;
- d) details of all cut and fill operations in the relevant phase of the development;
- e) the details of the layout and finish of roads, visibility splays, footpaths, pedestrian connections, bus stops, cycle routes, and a residential travel pack including the identification of safe routes to school from the development;
- f) the details of all vehicular and motorcycle parking, short and long term secure cycle parking, electrical vehicle charging spaces and facilities, and storage and collection for waste and recyclables;
- g) details of any boundary enclosures; details of any play zones and play equipment;
- h) full details of the layout, siting, design and external finishing materials of all residential properties;
- i) details of public open space and core path improvement works; and
- j) full details of the layout, siting, design and finish of all non-residential properties throughout the phase where relevant. This shall include but is not limited to; the energy centre and associated infrastructure.
- k) Through an appropriate noise impact assessment, details in regard to internal noise levels within residential properties, such that ensures that internal and external noise levels are met, as set out within the approved Noise Impact Assessment. The required assessment should include potential options including closed-window attenuation with appropriate alternative ventilation strategy and incorporation of good acoustic design practices within the final layout.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

### 4) FUTHER DETAILS – JUNCTION IMPROVEMENT WORKS (EXTERNAL TO SITE)

No development shall commence on any individual phase, of the development hereby approved until (i) detailed road junction analysis of the impact of the traffic generated by that phase and (ii) a scheme for any related mitigation which may be required as a result of the development, on the following road junctions where relevant:

- (i) A96 / Inverurie Road Left-In / Left-Out (East end);
- (ii) A96 / Slattie Park / Bankhead Avenue Roundabout;
- (iii) Haudagain Roundabout;
- (iv) A92 North Anderson Drive / Rosehill Drive / Provost Rust Drive Roundabout;
- (v) A96 Great Northern Road / Haudagain Bypass / A96 Auchmill Road;
- (vi) Haudagain Bypass / Manor Avenue / Bus Turning Circle.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

has been submitted to and agreed in writing by way of a Matters Specified in Conditions application by, the planning authority and (ii) the provision of such mitigation works has been secured and agreed in writing by the planning authority. Once agreed, any necessary mitigation works shall be undertaken in complete accordance with the scheme as so agreed, prior to the occupation of any part of that particular development phase.

Reason - in order to ensure there is no net detriment to the surrounding local roads network, and to assist the free flow of traffic.

### 5) ACCESS – INTERNAL AND EXTERNAL ROAD NETWORK

No development shall take place within any individual phase of development unless a matters specified in conditions application comprising a detailed scheme showing the precise location, layout, design and construction method of the proposed access junctions to the development site including layouts, capacity, distribution, operational flow and detailed cross-sections has been submitted to and approved in writing by the Planning Authority; no individual residential property or commercial unit shall be occupied or brought into use unless the relevant scheme is fully implemented in accordance with the approved plans, unless the Planning Authority has given written approval for a variation.

Reason: in the interests of road safety.

### 6) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase (as agreed within the Phasing Plan submitted and agreed by condition 2 of this Planning Permission in Principle) shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address:

- i. surface water management;
- ii. site waste management;
- iii. watercourse engineering;
- iv. pollution prevention including dust management plan;
- v. management of wetland environment to increase its biodiversity value; and
- vi. the protection of the wetland should any major oil spills occur in the area feeding it.

Thereafter development shall be undertaken in accordance with the approved Construction Environment Management Plan.

Reason - in order to minimise the impacts of necessary demolition / construction works on the environment.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

### 7) LANDSCAPING SCHEME

No development within any particular phase, as agreed by the Phasing Plan approved as condition 2 of this Planning Permission in Principle shall take place unless a matters specified in conditions application comprising a scheme of hard and soft landscaping works for that particular phase, has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved detail.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features)
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard-landscaping works including (walls, fences, gates, street furniture and play equipment)
- (v) An indication of existing trees, shrubs, and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.
- (vii) Details of additional tree planting

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

### 8) HEIGHT, LAYOUT, FORM AND MATERIALS – ABERDEEN AIRPORT

No development shall commence until the location, height, layout, form and materials of buildings and structures within the proposed development have been submitted to and approved in writing by the planning authority in consultation with Aberdeen Airport.

Reason: Buildings/structures in the proposed development may penetrate the obstacle Limitation Surface (OLS) surrounding Aberdeen Airport and could endanger aircraft movements and the safe operation of the aerodrome; and: buildings/structures in the proposed development may interfere with communication, navigation aids and surveillance equipment and could endanger aircraft movements and the safe operation of the aerodrome.

### 9) LANDSCAPING – ABERDEEN INTERNATIONAL AIRPORT

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. Details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp) ). These details shall include:

- Any earthworks;
- Grassed areas;
- Details of any water features;
- The species, number and spacing of trees and shrubs; and
- Drainage details including SUDS – Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp) ).

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

### 10) BIRD HAZARD MANAGEMENT PLAN

Development shall not commence on any particular phase of development until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

The submitted plan shall include details of:

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

- Management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and “loafing” birds. The management plan shall comply with Advice Note 8 ‘Potential Bird Hazards from Building Design’

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority in consultation with Aberdeen Airport.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Aberdeen Airport.

### 11) FLOOD RISK ASSESSMENT/ FURTHER DETAILS - SEPA

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Councils Flooding & Coastal Protection Team. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

For avoidance of doubt, the assessment should include:

- a) Detailed site plans should be demonstrating no development or land raising within the flood extents shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- b) Site plans should demonstrate a minimum of 600 mm freeboard above modelled flood levels in accordance with the recommendations in the FRA has been applied to finished floor levels for any proposed dwellings on the site.
- c) Topographic drawings should be provided demonstrating existing ground levels (without SUDs or any other proposed site development) overlaid with the modelled flood extents produced for the 1 in 200 year plus climate change and 75% blockage scenario as shown in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024).
- d) Details and dimensions of all new and replacement channel structures including relief culverts should be provided to demonstrate they will convey the modelled peak flows with suitable freeboard;
- e) Where only the Phase 1 Partial Realignment is being carried out as part of the proposed development, development should be restricted to land outside of the flow pathway originating from the potential blockage of



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

culvert NT02 as identified in Figure A-7 of the Flood Risk Addendum: North Tributary Realignment & Restoration document (document number 144215/GL/W02, dated 16/10/2024). Avoid land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum prior to construction of the proposed channel re-alignment;

- f) Limit land raising / ground reprofiling within the existing 1 in 200 year +CC flood plain and appropriately manage flows during the construction of the proposed channel re-alignment; and
- g) Avoid land raising / ground reprofiling within the proposed 1 in 200 year +CC flood plain indicated on the submitted FRA and Addendum following construction and operation of the proposed channel re-alignment.
- h) If new temporary crossings prior or during the construction of the proposed re alignment are required, then these should be designed and built in a way that overflows from the burn will flow back to the channel immediately downstream.
- i) If any of the above cannot be avoided, then mitigation measures should be applied to make sure that flood risk at Newhills Avenue is not increased during the construction phase Note, *“Existing/diverted length of culverts located within the proposed roads will not be supported, however new crossings are unavoidable, therefore acceptable.”*

Reason – to ensure that each phase of development would not increase floor risk within the site or in the surrounding area.

### 12) TREE SURVEY AND PROTECTION PLAN

No development within any relevant phase shall take place unless a matters specified in conditions application comprising a tree survey including tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

### 13) BIODIVERSITY NET GAIN REPORT

No development within any particular phase shall take place unless a matters specified in condition application comprising a statement in relation to Biodiversity Net Gain, with associated measures has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – to ensure that the development proposals will contribute to the enhancement of biodiversity.

### 14) BIRD, BAT SURVEY AND SITE-SPECIFIC HABITAT AND SPECIES PROTECTION PLAN

No development within any particular phase shall take place unless a matters specified in conditions application comprising a phase specific:

- a) Bird Survey
- b) Bat Survey; and
- c) Site Specific Habitat and Species Protection Plan

has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in full accordance with the details and recommendations of the assessment.

Reason – in order to mitigate any potential impact on protected species.

### 15) HEAT AND POWER PLAN

No development within any particular phase shall be occupied unless the following works have been provided:

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

- (a) Evidence of connection to an existing heat network has been provided where available; or
- (b) Provision has been provided within the site of an independent heating/cooling network and plant capable of connecting to the network at a later date; or
- (c) where it can be proven that connection to an existing network and the provision of an independent heat network are financially unviable, a network of soft routes will be provided through the development for the future provision of a heat network. In such cases an agreed network design will be required.

Reason: to ensure that the development is properly and efficiently heated and ensure compliance with Policy 19 (Heating and Cooling) of National Planning Framework 4.

### 16) NOISE – ENERGY CENTRE

No development in relation to the proposed energy centre, as shown in the south-west corner of the masterplan document, shall take place unless a matters specified in conditions application for that proposal that includes a Noise Impact Assessment has been submitted to, and approved in writing, by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

For avoidance of doubt, the Noise Impact Assessment shall be undertaken in accordance with BS4142 (or any future British Standard which supersedes this guidance) with the noise rating level not to exceed pre-development background levels at all noise sensitive residential properties.

Reason – in the interests of residential amenity.

### 17) PROGRAMME OF ARCHAEOLOGICAL WORKS

No development within any particular phase shall take place unless where appropriate, a matters specified in conditions application comprising an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority 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

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2025

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 safeguard and record the archaeological potential of the area.

### 18) PROTECTIVE FENCING DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the historic environment features to be protected during construction works; and
- b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment, in this specific instance March Stone No 41 and No 42, and their associated marker stones (HER Ref No NJ80NE0019, NJ80NE0020 and NJ80NE0243).

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from Members.

#### **The Committee resolved:-**

to approve the application conditionally and subject to a legal agreement.

- **COUNCILLOR CIARAN MCRAE, Convener**

	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			23 April 2025						
4	West Church of St Nicholas and the new Vestry, Back Wynd	To approve or refuse the application for Internal alterations to provide renewed services and welfare facilities at West Kirk/Drum Isle/Tower including removal of partitions and doors; removal/relocation of boxed pews; removal of roof lantern; installation of flues and extract; installation of signage with associated works		Alex Ferguson	Strategic Place Planning	Place	1		
5			20 May 2025						
6	Enforcement Report	To provide annual report on enforcement activity		Dineke Brasier	Strategic Place Planning	Place			
7			19 June 2025						
8	Draft Aberdeen Guidance - Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5		
9	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Placing Planning	Place	5	D	Delayed consultation start due to begin early May. Will report back after this is completed.
10			21 August 2025						
11			25 September 2025						
12			06 November 2025						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2	Annual Effectiveness Report	To report on the annual effectiveness of the committee		Lynsey McBain	Governance	Corporate Services	GD 8.7		
13			04 December 2025						
14			Future applications to PDMC (date of meeting yet to be finalised).						
15									
16	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1		
17	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1		
18	Former AECC - 240850	To approve or refuse the application for MSC		Lucy Greene	Strategic Place Planning	Place	1		
19	James Hutton Institute - 241146	To approve or refuse the application for formation of car park		Roy Brown	Strategic Place Planning	Place	1	R	At this stage, the application will likely be determined under delegated powers.
20	Stoneywood House - 241406	To approve or refuse the application for change of use to form 5 residential apartments, erection of single storey side extension and the erection of 8 dwelling houses with associated access, landscaping and works		Roy Brown	Strategic Place Planning	Place	1	R	At this stage, the application will likely be determined under delegated powers.
21	490 King Street - 241451	To approve or refuse the application for extension to form 21 Student Flats		Robert Forbes	Strategic Place Planning	Place	1		
22	The Quad (formerly Craigievar House) Howe Moss Avenue - 250108	To approve or refuse the application for proposed business and industrial development, comprising c7,500 sqm of class 5 and 6 uses with ancillary class 4 use with associated yard areas, boundary treatments, roads, parking, landscaping and other associated works		Gavin Clark	Strategic Place Planning	Place	1		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
23	Former John Lewis Building, George Street - 250030	To approve or refuse the application for change of Use from Class 1A (Shops, Financial, Professional and Other Services) to Class 11 (Assembly and Leisure) and use for motor vehicle recreation with associated retail (Class 1A), cafes and restaurants (Class 3) and public house use		Gavin Clark	Strategic Place Planning	Place	1		
24	27 Rubislaw Den North - 241426	To approve or refuse the application for change of use from offices to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces with glass balustrade and roof extension; installation of roof lights, alterations to door and window openings blocking up door opening to form windows, opening up windows opening; erection of ancillary garages with ancillary workspace, formation of car parking and erection of single dwelling house with associated landscaping and infrastructure works		Dineke Brasier	Strategic Place Planning	Place	1		
25	27 Rubislaw Den North - 241427/LBC	To approve or refuse the application for alterations to former office building to form 7no residential flats and two dwellinghouses including alterations to windows, formation of Juliet balconies, roof terraces and roof extension; installation of roof lights, alterations to door and window openings; erection of garages with ancillary space, formation of car parking and erection of single dwelling house with associated landscaping, infrastructure works and internal alterations		Dineke Brasier	Strategic Place Planning	Place	1		
26	92 Crown Street - 250180	To approve or refuse the application for change of use from motorcycle garage and showroom to class 10 mosque (non-residential institution) and class 1A (shops and financial, professional and other services) to ground floor; formation of new windows, external stair, lift shafts and lobby, build up doorways and all associated works		Roy Brown	Strategic Place Planning	Place	1		
27	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 2024, it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.		Donna Laing	Strategic Place Planning	Place	5		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
28	National Planning Improvement Framework	At the meeting on 13 February 2025, it was agreed to note that the Development Manager would report to this committee at a future meeting, with the information which was to be submitted to the Scottish Government as part of the National Planning Improvement Framework;		Daniel Lewis	Strategic Place Planning	Place			
29	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.		David Dunne	Strategic Place Planning	Place	5		



## Planning Development Management Committee

23 April 2025

### Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

#### Appeals Decided

Type of appeal	Planning Permission	Application Reference	240614/DPP
Address	Land at Newton of Pitfodels		
Description	Installation Of A Grid Battery Energy Storage Facility (Up To 40Mw)		
History	Refused by the Planning Development Management Committee on 19 September 2024		
DPEA Decision	<p>Appeal allowed. Planning permission granted conditionally.</p> <p>The proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission</p>		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber,		
Description	<p>Variation Of Condition 3 (Scale Of Development - Residential) Of Application Reference 200535/PPP To Increase The Maximum Number Of Residential Units From 80 To 99</p>		

History	Refused by Planning Development Management Committee of 25 June 2024
DPEA Decision	<p>Appeal allowed and consent granted</p> <p>This is an allocated site and the principle of development is well established. The increase in the number of units on the site would be supported by NPF4 policies 1, 3, 13, 14, 15, 16 and 18 and also policies D1, D2, H1, H2, H3, H4, H5, and I1 of the LDP 2023. There are no material considerations which would lead to the conclusion that planning permission should not be granted</p> <p>The reporter also decided that the Council has acted in an unreasonable manner resulting in a liability for expenses</p> <p>More specifically, the reporter found that the site is allocated. The application was seeking to increase the number of units on the site. The lack of capacity in the schools was the only reason for refusal. Had the council properly assessed the application against the development plan including its supplementary guidance, there would have been no reason to refuse the application. With that in mind the reporter was satisfied that the council's unreasonable behaviour caused the matter to come before the Scottish Ministers and the relevant tests set out in circular 6/1990 were met. The reporter found that the council liable to the appellant in respect of the expenses of the appeal.</p>
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>

### **Appeals Lodged**

Type of appeal	Enforcement Notice	Application Reference	ENF240138
Address	27 Cromwell Road		
Description	Development Works To The Front Curtilage Being Unauthorised As These Are Not In Accordance With The Approved Planning Permission For The Formation Of A Driveway And Alterations To Boundary Wall (230946/DPP)		
History	<p>Enforcement Notice served by planning authority on 27 February 2025.</p> <p>Appeal lodged with DPEA on 23 March 2025.</p> <p>Allocated to a Reporter</p>		

### **Appeals still Pending**

Type of appeal	Listed Building Consent	Application Reference	241415/LBC
Address	36 Albyn Place		
Description	Reconstruction Of Existing Garages To Form Triple Garage Building		
History	Appeal is against non-determination of the application within the statutory time period of 2 months.		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

This page is intentionally left blank

	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date:</b> 23 April 2025

<b>Site Address:</b>	West Church of St Nicholas and the New Vestry, Back Wynd, Aberdeen AB10 1JZ
<b>Application Description:</b>	Internal alterations to provide renewed services and welfare facilities at West Kirk/Drum Isle/Tower including removal of partitions and doors; removal/relocation of boxed pews; removal of roof lantern; installation of flues and extract; installation of signage with associated works
<b>Application Ref:</b>	250148/LBC
<b>Application Type</b>	Listed Building Consent
<b>Application Date:</b>	14 February 2025
<b>Applicant:</b>	Edinburgh Palette
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	City Centre



© Crown Copyright. Aberdeen City Council. Licence Number: 100023401 – 2024

## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises the western and central sections, including the tower, of the category 'A' listed Kirk of St Nicholas. The West Kirk dates from the mid-18<sup>th</sup> Century (having replaced a much earlier church building on the same site) whilst the central tower and steeple date from the late 19<sup>th</sup> Century. The East Kirk, completed in 1837, does not form part of the application site.

The West Kirk is a classical rectangular-plan former church (the congregation ceased to function in December 2020) with pedimented entrance elevation to west with channelled rustication to doorpiece. The building has round-arched window openings with moulded architraves. Internally the building is a rare survival of a predominantly unaltered 18<sup>th</sup> century interior, with oak panelling, decorative pulpit and communion table, and a significant number of pine boxed pews, arranged in square-plan at both ground and first-floor (gallery) levels. A large organ sits prominently at the eastern end of the first floor gallery.

The building's north and south transepts form a central space, respectively named the Collison and Drum Aisles. St John's Chapel in the north transept was adapted in 1989-90 to become the Oilman's Chapel, in dedication to 25 years of the North Sea oil industry. It features bespoke woodwork comprising a screen, high-backed chairs, a table and a lectern, which are made from laminations of different coloured hardwoods.

### **Relevant Planning History**

**P150831 & P150832** – Listed building consent and planning permission were granted, respectively, for the construction of an external ramp and the replacement of an external door set on the northern elevation of the West Kirk in 2015.

**P160474** – Consent was granted for the removal of Condition 1 (implementation of a programme of archaeological work in accordance with a written scheme of investigation) of planning permission P150832 in 2016.

**P160475** – Listed building consent was granted in 2016 for the construction of an external ramp and replacement of external door set on the northern elevation of the West Kirk (partially retrospective, as an alteration of permission P150831) in 2016.

**240988/ADV** – Advertisement consent was granted in October 2024 for the installation of new external signage (that also forms part of this listed building consent application).

**240987/LBC** – A listed building consent application for; internal alterations to layouts to provide community hub with renewed services and welfare facilities including formation of tea prep area alterations floors, partitions and doors, installation of fire suppression system, vents; external lighting and signage replacement with associated works, was submitted in August 2024 and withdrawn by the applicant in February 2025.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Listed building consent is sought for various internal works to the building, as well as for the installation of new external signage, in order to facilitate its new use by the applicant, Edinburgh Palette (soon to be rebranded as 'ScotArt') as a multi-purpose non-residential institution, providing a flexible and supportive environment for the local community and associated charitable bodies. The types of activities anticipated for the new use of the building include the following:

- Incubator hubs where individuals can share workspaces, interact, collaborate and exchange ideas (e.g. for the local creative arts community);
- Studio, office and workspace;
- Exhibitions and market stalls;
- Foodbanks and community welfare services;
- Workshops and skills development; and
- Concerts, services, performances, graduations and other local community / organisation events.

In order to facilitate the proposed new use of the building, the following physical works are proposed:

- Removal of a portion of the original pitch pine boxed pews, with pews to be removed from the easternmost portion of the nave and from the northern aisle at ground floor level, along with associated sections of raised timber flooring;
- Replacement of an existing partition wall and door at the eastern end of the nave with a new partition wall and pocket doors, along with the alteration and re-use of associated pews and bible shelves – to form a back-of-house tea preparation area;
- Installation of new heating equipment, with some new radiators in the West Kirk and new wall-mounted infrared heating panels to be installed below the cornices in the Drum Aisle;
- Installation of new lighting in the Drum Aisle, with multiple buff-coloured up-and-down lighters to be affixed to the walls below the cornices;
- Installation of a 'Halo' chandelier to be suspended from the ceiling in the crossing space between St John's Chapel and the Drum Aisle, to provide both heating and lighting;
- Installation of new CCTV cameras in the West Kirk, northern extension, St John's Chapel and Drum Aisle. The cameras would be small-scale, mounted at a high-level and their casings coloured buff to match the existing stonework;
- Subdivision and refurbishment of the non-original, single-storey flat-roofed 'new vestry' northern extension (containing the vestry and a kitchenette), to create new toilets and a kitchen;
- Fire suppression upgrades to existing doors (smoke seals, draught proofing and fire resistant varnish) and the installation of an 'i-Mist' fire suppression system within the tower;
- Installation of new external signage, comprising three small-scale timber sign boards to be affixed adjacent to doorways on the southern and western elevations; and
- Removal of a rooflight and the installation of boiler flues and extract vents on the flat roof of the new vestry extension.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Details of the proposed boiler flues on the New Vestry roof were provided;
- Amended plans submitted with reference to the stair tower omitted; and
- Amended plans submitted confirming the Mary Jameson tapestries are to be retained in situ.

## Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SRO11CBZG4O00>

- Heritage Statement
- Proposed Services Statement
- Photographic survey photosheets
- Existing artefacts photosheets

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six or more timeous representations have been received containing material considerations that express objection or raise concern about the proposals.

## CONSULTATIONS

**Archaeology Service (Aberdeenshire Council)** – No objection. Welcome the carefully considered approach to retaining, maintaining and promoting the vast majority of the historical fabric and artefacts of the church. The removal and relocation of some of the box pews to Robert Gordon's College is considered to be acceptable, both as a means of allowing the building to be adapted into a sustainable new use with minimal loss, and as a solution given the long-standing historical connection between the college and the church.

It is noted that the Mary Jameson tapestries (artefacts 14, 15, 16 and 17) are marked as green on the submitted 'Proposed Downtaking Plans'. Clarification is sought as to whether the intention is to remove these tapestries and relocate them elsewhere, or if they are to be retained in situ. If to be removed then a methodology and conservation plan will be required.

Given the likelihood of burials immediately below the existing floor level, the intention to use existing service ducting where possible is welcomed, although it cannot be ruled out that some groundworks may be required. As such, it is recommended that two conditions are applied to any grant of consent, requiring the submission of written schemes of investigation (WSI) informing how an appropriate programme of archaeological mitigation will be carried out for any ground-breaking works, and also informing how an appropriate programme of archaeological recording will be carried out on the pews that are to be removed, prior to the removal. The survey shall focus, in particular, on the historic graffiti carved on the pews. Further details of the recommended conditions are set out below.

**Historic Environment Scotland (HES)** – No objection. HES welcome, in principle, the repurposing of the West Kirk and Drum Aisle Tower as a community hub and are pleased to see the proposals which have the potential to provide a sustainable use for the kirk. HES also welcome the revisions to the application (from the previous, withdrawn application), in relation to the tea-preparation area and more details around the suspended heating and service upgrades, which would be more sensitive to the character and special interest of the building.

HES's decision not to object should not be taken as their support for the proposals, which should be assessed in accordance with national and local policy on listed building consent, together with



related policy guidance.

In their comments on the previous, withdrawn application (240987/LBC), HES noted that whilst the 18-century box pews make an important contribution to the interior's character, removing the selected examples is a practical way to obtain the required space for the intended new use. HES also noted that the retention of the pews along the central aisle in the ground floor nave, to the west of the pulpit and elders seating, would maintain a clear and immediate appreciation of the building's original ecclesiastic use.

The removal of the rest of the ground floor pews would provide the open floor space needed to give the building a meaningful and sustainable future, whilst doing the least possible harm to the special interest of the interior, which would retain other significant fixtures, including the remaining pews, pulpit and organ.

**City Centre Community Council** – No comments received.

## **REPRESENTATIONS**

Eleven representations have been received; eight objecting to the application and three in support. Those objecting include the Architectural Heritage Society of Scotland and members of the Open Space Trust, whilst those commenting in support of the application include the UK Oil and Gas Chaplaincy and members of the Aberdeen and District Organists' Association. The matters raised can be summarised as follows –

### **Concerns**

- 1) The West Kirk is one of Aberdeen's most historically significant buildings and its interior is one of the few examples of a substantially unaltered 18<sup>th</sup> century church interior in Scotland. The removal of a large proportion of the ground floor box pews, which are the most significant in the building, form part of a unique arrangement and have been used by the citizens of Aberdeen for centuries, would destroy / significantly harm the special character, architectural and historic interest of the building, contrary to Historic Environment Policy for Scotland and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan, which state a presumption in favour of the retention of historic fabric;
- 2) It is not clear how the new, opened spaces would be used by the applicant, it is hard to judge how many pews, and which ones, require to be removed to allow the new use to function. Alternative solutions which require the removal of fewer pews, with less harm, should be explored (for example, using the south aisle storage rooms) and further investigations are required of the quality, history and uses of the fittings. If any pews are to be removed, the Architectural Heritage Society of Scotland agree that those in the north aisle would be appropriate for relocation.
- 3) The applicant incorrectly claimed ownership of the boiler house in the previous, withdrawn application. They now acknowledge that claim to be incorrect, but still show ownership in elements of the current application. This matter is significant as the Open Space Trust plan to demolish the boiler house in future. It is also unfortunate that the applicant are claiming ownership of the stairs that lead from the Drum Aisle to the tower. These are owned by the Open Space Trust, with access provided to ScotArt and the Council, and this inaccuracy should be corrected;

- 4) New boilers for the West Kirk are shown to be located within the new vestry, but no indication has been provided of the visual impact on the building that would be caused by venting the boilers out through the roof of the vestry;
- 5) The Open Space Trust did not receive a notification of the previous listed building consent application, nor was one received for the current application, thus the planning authority have contravened its own regulations;
- 6) The Aberdeen volume of the Buildings of Scotland series of books notes that “in 1508 John Fendour contracted for the choir stalls” and it is queried whether they are still in situ and if so, if they are to be removed. It is also queried whether the Provost’s Pew, designed by William Crystall in 1724 and carrying the arms of Aberdeen, is to be removed.

#### Comments in support

- 7) St Nicholas Kirk is arguably the most significant historic building in Aberdeen and it is in danger of falling into rapid decay and dereliction. Given the alternative of allowing the building to fall into ruin, the proposal is consistent with Policies D1 (Quality Placemaking), D6 (Historic Environment), CF1 (Existing Community Sites and Facilities) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023;
- 8) The retention of all of the box pews seems impractical if the space is to be repurposed for its new use. The vast majority of the original pews would be retained, removing only those of secondary importance, which would not significantly alter the character of the building;
- 9) The UK Oil and Gas Chaplaincy utilise the Kirk for their annual service of remembrance, at the Oil Chapel, located within the Drum Aisle. The Chaplaincy are entirely supportive of the plans submitted and believe that these are necessary for the building to be utilised more widely in the future;
- 10) The members of the Aberdeen and District Organists’ Association support the proposed plans, aiming to encourage greater use of the historic building, transform it into a vibrant hub for cultural events and attract more people into the space. Furthermore, exposing the original flagstones by removing some pews could help to improve the acoustics of the church, which would be beneficial for musical performances, organ concerts and hymn singing;
- 11) The kirkyard at St Nicholas Kirk is blighted by anti-social behaviour and the proposed new use may help to combat this;
- 12) The Architectural Heritage Society of Scotland (AHSS) appreciates the efforts made by the applicant to address some of the observations made by the AHSS on various aspects of the previous, withdrawn application.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **Development Plan**

### National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D6 (Historic Environment)

## **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)
- Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment (MCHE):
  - Asset Management
  - Interiors
  - Shopfronts and Signs
  - Use and Adaptation of Listed Buildings

## **Other Material Considerations**

- City Centre Masterplan (CCMP)
- City Centre Conservation Area Character Appraisal

## **EVALUATION**

### **Key determining factors**

The key determining factors in the assessment of this application are whether the proposed works

would either preserve or enhance the special architectural or historic interest of the listed building, and the character and appearance of the conservation area.

## Impact on the special character of the listed building

### Policy context

Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan all incorporate the high-level aim of ensuring that new development either preserves or enhances the character, special architectural or historic interest, and setting of listed buildings, which aligns with the requirements of planning authorities in determining applications for listed building consent, as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

However, whilst there is a presumption against development that would harm the special architectural or historic interest of a listed building, Policies HEP3 and HEP4 of HEPS note that there may be instances where some detrimental impacts on the historic environment are unavoidable. In such instances, steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. Policy HEP5 requires decisions affecting the historic environment to contribute to the sustainable development of communities and places, and Policy HEP6 states that decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities.

Whilst seeking to preserve and enhance the historic environment, Policy 7 of NPF4 acknowledges that change will sometimes be required and is supportive, in principle, of bringing redundant or neglected buildings back into sustainable and productive uses.

Historic Environment Scotland's (HES) 'Managing Change in the Historic Environment' (MCHE) guidance on Use and Adaptation of Listed Buildings notes in its 'key messages':

4. *For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. 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.*
5. *Alterations to a building, even if they are extensive, will be better than losing the building entirely. If the only way to save a building is a radical intervention, we have to avoid being too cautious when we look at the options. If a building might be totally lost, we should be open to all the options to save it.*
6. *Keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community. They can influence proposals for new development, and inspire positive change. They teach us about what people value in the places they live, work, and spend time in, and so they help us to build successful places.*

Paragraph 15 of HES's Interim Guidance on the Principles of Listed Building Consent also notes the following:

*'Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions*

should consider carefully:

- a. *the relative importance of the special interest of the building; and*
- b. *the scale of the impact of the proposals on that special interest; and*
- c. *whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*
- d. *whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 8.'*

It is thus apparent that although national and local policy and guidance requires the character and special architectural and historic interest of listed buildings to be preserved or enhanced, there is an acknowledgement that change is often necessary to ensure that such buildings are either kept in, or brought back into, a sustainable use which benefits the historic environment and the wider community in the long term. Where change is proposed that would cause some harm, however, it must be demonstrated that the changes sought have been carefully considered and would cause the least harm possible.

In addition to the aforementioned policies applicable to the historic environment, Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 is also relevant in this instance. Policy 9(a) states: *'Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.'*

#### Identifying the building's character and special architectural and historic interest

Before assessing whether the proposed works would cause any harm to the character, special architectural and historic interest of the building, it is first necessary to identify the elements that contribute towards that character and interest.

The Kirk of St Nicholas is category 'A' listed – a building of national historic significance – and lies at the heart of Aberdeen City Centre. The largely unaltered, original 18th Century interior of the West Kirk contributes significantly towards the building's special character and historic interest. One of the interior features which contributes towards that character and interest are the many rows of dark-brown stained, pitch pine boxed pews which dominate the floorspace of the ground and first-floor levels of the West Kirk and are understood to be original, dating from the Kirk's construction in the mid-18th Century. Another feature that contributes towards the building's special character is the grand main organ positioned at first-floor level, behind the Lord Provost's Corinthian columned decorative canopy, as well as a number of stained glass windows, dating from the late 19<sup>th</sup> to mid-20<sup>th</sup> centuries. The north and south transepts form a central space, respectively named the Collison and Drum Aisles. St John's Chapel in the north transept was adapted in 1989-90 to become the Oilman's Chapel, in dedication to 25 years of the North Sea oil industry.

Externally, the light grey granite walled, lead roofed building incorporates a central steeple which occupies a prominent position in Aberdeen's skyline, at the heart of the city centre.

The impacts of the proposed works on the special character of the building are assessed, in turn, as follows:

#### Removal of original boxed pews

The boxed pews that line either side of the central nave on the ground floor level, as well as the northern and southern galleries at first floor level, are understood to be predominantly original, dating to the mid-18<sup>th</sup> century. They are constructed of pitch pine, stained a dark brown, and a significant

number of them incorporate hand-carved graffiti, some of which is historic, dating back to the 18<sup>th</sup> century, although the majority of carved graffiti is found on the first floor level gallery pews. The pews not only contribute towards the special character and historic interest of the building in terms of their age, and use, integral to the former ecclesiastic use for over 200 years, but they also form a very strong focal point architecturally inside the building, taking up much of the ground-floor floor space in the West Kirk. Their removal, in their entirety, would significantly alter the way in which the Kirk's interior would be read, understood and appreciated by users of the building.

As part of the intended new use of the building (excluding the East Kirk, which is under separate ownership) as a multi-purpose non-residential institution, it is proposed to remove a number of the pews is required in order to free up some floor space for alternative, flexible uses, such as providing incubator hubs for individuals and small businesses, display space for exhibitions and other events, and for the provision of community support, including foodbank distribution points.

29 rows of boxed pews are proposed to be removed, all from the northern aisle of the ground floor and the eastern end of the nave, behind the slightly off-centre pulpit and elders' seating. There are approximately 90 rows of boxed pews on the ground floor level and a further c. 60 rows on the first floor level galleries. As such, the number of pews to be removed would comprise approximately one third of the total at ground floor level, and just one fifth of the total number of pews across both floors – representing a minority of the pews overall.

Due care and attention has also been paid by the applicant, ensuring that the pews proposed for removal would maximise the useability of the building for the new use whilst minimising harm to the special character and interest of the building, as far as is practicable. The pews to be removed would all be at ground floor level, which would be the most obviously useable, and accessible, place for the new functions, events and services to be provided. Although the interventions would be located at ground floor level, the pews lining either side of the nave between the main entrance (at the western end of the building) and the pulpit, arguably the most important, would be retained. This would ensure that the building's original ecclesiastic use would still be clearly read and understood by users upon entering the building and moving along the nave.

The pews to be removed would be taken from the slightly less prominent and significant areas of the ground floor in terms of how the building's interior is used and appreciated but nevertheless, it is acknowledged that the removal of the pews would cause some harm to the special character and interest of the building. However, when taking into consideration the need for the building, which ceased to operate as a church in 2020 apart from occasional services, to be adapted in order to allow it to function viably in a new, sustainable use, it is considered that the removal of the pews identified is acceptable, on balance.

The proposed new use of the building would not only retain a significant portion of the original pews in situ, but it would also provide flexible spaces and services for use by the wider community, and thus complies with Paragraph 15(d) of HES's Interim Guidance on the Principles of Listed Building Consent which allows planning authorities, in assessing alterations or adaptations which will have an adverse impact on the special interest of a listed building, to consider whether there would be significant benefits for economic growth or the wider community.

In relation to criterion (c) of Paragraph 15 of HES's Interim Guidance on the Principles of Listed Building Consent, which requires consideration to be given to: '*whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest*', the applicant has submitted, as part of their supporting Heritage Statement, a letter from the General Trustees of the Church of Scotland, who have confirmed that there was no significant alternative viable owners or use for the building other than the applicant and now owner, Edinburgh Palette. The Planning Service acknowledges that given the building ceased to function as a regular

place of worship in 2020 and there has been no viable proposal for the re-use of the building for that purpose since, it is clear that some level of intervention will be required to allow some larger areas of flexible, useable floor space. The retention of all of the existing boxed pews, which take up the vast majority of the ground floor area, as well as the first floor level galleries, is thus not considered to be compatible with the proposed new use, nor likely with any other future viable use for the building.

Additionally, the applicant has also advised in their Heritage Statement that the pews, once removed from the building, would not be disposed of but rather there is an agreement in place with the nearby Robert Gordon's College (which has historic links to the Kirk) that would see the pews relocated to their MacRobert Hall building, as part of a planned refurbishment. As such, rather than being destroyed, the pews would find a sustainable new use in an appropriate setting elsewhere within the city centre of Aberdeen and their re-use nearby would allow the potential for their reinstatement to the West Kirk in future, if desired. The applicant also advises that some pews could potentially be relocated and repurposed elsewhere in the building, for example as display units for showcasing artwork in the Drum Aisle.

As part of the removal of the pews, it is also proposed to remove sections of non-original built-up timber raised floor underneath the pews, following which the original flagstone floor finish below would be revealed. These works would not harm the special character or interest of the building, although a condition is required in order to secure a methodology for these works, to ensure that the original floor would not be damaged or disturbed during the course of the works. The removal of the built-up timber sections of raised flooring would also help to provide more level floorspace which would make the building's ground floor more accessible and DDA compliant.

#### Tea-preparation area

It is proposed to form a new back-of-house tea-preparation area in a room that is currently used for storage at the eastern end of the nave. As part of the works required to facilitate its conversion to a tea-prep area, it is proposed to remove the existing partition wall, door and shelving, and to erect a new partition wall slightly further forward, with a new central set of double timber panelled pocket doors, with Douglas fir architraves, to match existing. The sliding pocket double doors would enable accessibility to and from the tea-prep area whilst also providing an appropriate termination for important views along the nave, with the doors of a traditional panelled design and able to be closed at times when the tea-prep area is not in use. The new partition wall would also be of an appropriate design, with panelling to match existing, and incorporating the retention and slight modification of the existing front pews and bible shelves to fit the western side of the wall, facing the nave.

The applicant's need for the proposed replacement of the existing partition wall and door at the eastern end of the nave is understood and due care has been taken in the amended proposals to ensuring that any harm caused to the special character and interest of the building resulting from the works would not be significant.

#### Installation of new heating, lighting and CCTV

It is proposed to upgrade the heating and lighting systems in the building, particularly in the Drum Aisle where there is no heating at present. It is proposed to install multiple infrared heating panels to the walls on either side of the Drum Aisle at high level, below the stonework cornices, as well as up-and-down lighters to provide enhanced lighting. Whilst relatively utilitarian in their appearance, the heating and lighting fixtures would be relatively small-scale and discreetly sited at high level, without being affixed to, or obscuring, any features of special architectural or historic interest.

A 'Halo' chandelier is proposed to be suspended centrally from the ceiling within the crossing space between St John's Chapel and the Drum Aisle. The chandelier would be of a traditional form, albeit of a contemporary design, and would provide both heating and lighting for the crossing, with minimal fixtures and fixings to the walls and ceiling. The chandelier would be removeable and the works reversible if required in future, and the works would not cause any significant harm to the special character or interest of the building.

The existing heating and lighting (via ceiling-mounted suspended panels) in St John's Chapel is proposed to be repaired, with no alterations or additions proposed in that area.

At present the West Kirk is heated via radiators and under-pew pipes fed hot water from boilers located in a boiler house extension on the northern elevation of the adjoining North and East Kirk of St Nicholas (owned by the Open Space Trust). In order to provide a division between these services, it is proposed to install new boilers within the proposed kitchen area in the vestry extension. No alterations are proposed to the existing boiler house extension.

Five CCTV cameras are proposed to be installed throughout the building, with two in the West Kirk at ground floor level, one in the northern extension and one each to be installed in St John's Chapel and the Drum Aisle respectively. The cameras would all be installed at a relatively high-level, would be small-scale and their casings would be painted a buff colour to match the surrounding stonework to which they would be affixed. A condition is required in order to ensure that any associated cabling for the CCTV cameras (and the aforementioned heating and lighting fixtures) would be routed and coloured as discreetly as possible but subject to confirmation of those details, the proposed new heating, lighting and CCTV camera fixtures would be of an appropriate design, scale and siting that would ensure the works would not have any significant impact on the special character, architectural and historic interest of the building.

#### Fire suppression upgrades

It is proposed to upgrade the three existing sets of timber double doors that connect St John's Chapel and the Drum Aisle with the East Kirk next door, owned by the Open Space Trust. The proposed upgrades include the installation of smoke seals, draft proofing measures and the application of a clear varnish to upgrade the doors to provide a 60-minute fire rating in the event of a fire. These works would not alter the appearance of the existing doors and would thus not affect, and would therefore preserve, the special character and interest of the building.

It is also proposed to install an 'i-Mist' fire suppression system (comprising multiple ceiling-mounted nozzles that spray a high pressure water mist in the event of a fire) on the upper floor level within the tower, due to the increased potential for a fire in this location arising from the planned installation of various items of telecommunications equipment (already consented separately). The area of the tower where the i-Mist suppression system is proposed to be installed does not incorporate any features of special architectural or historic significance and these works would therefore preserve the special character and interest of the building.

#### Alterations to the northern (vestry) extension

A small, single storey extension to the northern elevation of the building contains the vestry, a kitchenette and a toilet at present. The extension was added to the building in the mid-20<sup>th</sup> century and it does not contain any features of significant architectural or historic interest. The applicant proposes to remove the existing partition walls within it, in order to form a new kitchen and unisex toilets, and to install the new aforementioned boilers. Aside from the removal of an existing, non-original roof lantern and the making good of the flat roof, including the installation of roof-mounted flues for the new boilers and extract vents, and the replacement of an external light above the



entrance door, no other external alterations are proposed to the extension. The proposed boiler flues would not project significantly above the parapet walls of the flat roof and would not be prominently visible. Subject to further details of their appearance to be submitted via condition, the works to the extension, both internal and external, would preserve the special character and interest of the building.

### External Signage

The three signs proposed to be affixed to the exterior of the building, adjacent to entrances on the southern and western elevations, would all be small-scale and relatively discreetly sited, whilst taking into consideration their purpose to advertise the new use of the building and their need to be visible. The signs would all be formed from 20mm thick timber frames, with 2mm thick acrylic inlays providing the logos and wayfinding directions to the nearest accessible entrance. The signs would be coloured dark blue with white text and logos, and they would utilise existing fixing points where possible, or otherwise be fixed into mortar joints, thus minimising damage to the historic stonework. The signs would be of an appropriate design, scale and siting such that they would preserve the special character and interest of the building.

### Summary

To summarise, whilst the removal of a portion of the original boxed pews would cause some harm to the special character, architectural and historic interest of the building, the works are required in order to facilitate the conversion of the building for its new use, which would see the building brought back into a sustainable use with benefits for the wider community. Additionally, due care has been taken by the applicant to both minimise the number of pews proposed to be removed (whilst enabling the resultant space to function for their needs) and to ensure that the pews to be removed would largely be from areas of secondary importance to how the interior of the building and its original ecclesiastic use are understood and appreciated. The Planning Service is therefore satisfied that, on balance, although the removal of a portion of the original pews would cause some harm to the special character, architectural and historic interest of the building, that harm would be minimised as far as is practicable and is outweighed by the positive benefits to both the building and the community that would be derived from the new use by the applicant.

The remainder of the works proposed to the building have all been carefully considered and would be of an appropriate design, scale and siting such that they would not adversely affect, and would thus preserve, the special character, architectural and historic interest of the listed building – in accordance with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of National Planning Framework 4 and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan 2023. The proposed works are also generally compliant with the technical advice set out in Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance.

### **Impact on the character and appearance of the conservation area**

As well as being listed, the application site also lies at the heart of the City Centre Conservation Area. HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

The only works proposed to the exterior of the building comprise the three small-scale signs that would be affixed to the walls adjacent to the entrance doorways on the southern and western elevations, along with minor alterations to the 'new vestry' extension (boiler flues and lighting). As

noted above, the proposed signage and new vestry alterations would be small-scale, appropriately sited and would use acceptable materials and colours for the context of the building. The signage would not be prominently visible from outwith the surrounding kirkyard, and the external works would all preserve the character and appearance of the conservation area, in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP.

### **Archaeology Service comments**

No ground-breaking works are proposed within the building, with only some of the boxed pews and the raised timber structures on which they sit to be removed, with the flagstones beneath to remain in situ. Nevertheless, should any groundworks be required then appropriate conditions are attached, as requested by the Council's Archaeology Service, requiring the submission of further information and methodologies for such works and their agreement with the Council, prior to such works taking place. The Council's Archaeology Service also requested confirmation in their comments that the Mary Jameson tapestries are to remain in situ, at the western end of the nave. Amended plans were subsequently submitted confirming that they are to be retained in situ.

### **Historic Environment Scotland comments**

Historic Environment Scotland (HES) do not object to the application and welcome, in principle, the proposed conversion of the West Kirk, St John's Chapel and Drum Aisle to create a new flexible space for the community, managed and operated by the applicant. HES accepted in their comments on the previous, withdrawn application, that removing some of the box pews from the side aisles and nave is a practical way to create the required floorspace for the new use whilst doing the least harm possible to the special interest of the interior and retaining other significant fixtures, including the remaining pews, pulpit and organ. HES also noted that the retention of the pews along the central aisle in the ground floor nave, to the west of the pulpit and elders seating, would maintain a clear and immediate appreciation of the building's original ecclesiastic use.

In their comments on the current application, HES welcome the amendments made to the design of the proposed tea-preparation area from the proposals originally submitted in the previous application, in relation to which they raised concerns about the impact an opening at the eastern end of the nave would have on the special character of the building. HES also welcome the additional information submitted by the applicant in relation to the proposed suspended heating in the Drum Aisle and other service upgrades, which they feel are more sensitive to the character and special interest of the building.

### **Matters raised in representations**

The concerns raised in the representations received in relation to the removal of a portion of the original boxed pews (issue 1 raised in representations) are addressed above in the foregoing evaluation. The remaining concerns raised (issues 2-6) are addressed as follows:

- 2) *It is not clear how the new, opened spaces would be used by the applicant, it is hard to judge how many pews, and which ones, require to be removed to allow the new use to function. Alternative solutions which require the removal of fewer pews, with less harm, should be explored (for example, using the south aisle storage rooms) and further investigations are*

*required of the quality, history and uses of the fittings. If any pews are to be removed, the Architectural Heritage Society of Scotland agree that those in the north aisle would be appropriate for relocation.*

Response: The applicant has advised that the pews proposed for removal require to be removed in order to provide sufficient (and level) floor space within the building that can be used for all of the various different services they intend to provide. The flexible nature of the intended use, with a variety of different uses and services proposed, make the provision of permanent proposed floor plans impracticable. Furthermore, the applicant advises that the south aisle storage rooms would be needed for storage associated to the new use, and for other uses where privacy may be required, in addition to the flexible floor areas to be created following the removal of the pews in question.

- 3) *The applicant incorrectly claimed ownership of the boiler house in the previous, withdrawn application. They now acknowledge that claim to be incorrect, but still show ownership in elements of the current application. This matter is significant as the Open Space Trust plan to demolish the boiler house in future. It is also unfortunate that the applicant are claiming ownership of the stairs that lead from the Drum Aisle to the tower. These are owned by the Open Space Trust, with access provided to ScotArt and the Council, and this inaccuracy should be corrected*

Response: The applicant acknowledged that the Open Space Trust (owners of the East Kirk) own the boiler house, therefore it was omitted from the location plan for the current application. Amended plans were subsequently submitted removing all reference to any claims of ownership by the applicant over the boiler house and the stair tower. For the avoidance of doubt, the applicant does not claim ownership of the stair tower nor the boiler house, nor are any works proposed to either of those parts of the building.

- 4) *New boilers for the West Kirk are shown to be located within the new vestry, but no indication has been provided of the visual impact on the building that would be caused by venting the boilers out through the roof of the vestry;*

Response: Amended proposed elevation drawings were submitted by the applicant which include the two flues for the new boilers, to project through and above the flat roof of the new vestry. The flues would be relatively small and affixed to a modern extension to the building. Subject to further details of their design and finish via condition, they would not have any significant adverse impact on either the special character and interest of the building, or the character and appearance of the conservation area.

- 5) *The Open Space Trust did not receive a notification of the previous listed building consent application, nor was one received for the current application, thus the planning authority have contravened its own regulations*

Response: The onus is on the applicant to serve notice on any parties other than the applicant who own land falling within the application site, prior to the submission of a listed building consent application. Due to misunderstandings in the extent of the land owned by the applicant, they did not serve notice on the other owners of land within the application site (Aberdeen City Council and the Open Space Trust) for the previous, withdrawn application.

The applicant served notice on Aberdeen City Council as a part-owner of some of the land within the application site, prior to the submission of the new, current application. However, the red line boundary on the submitted location plan was reduced from the previous application to omit the boiler house extension, which is in the Open Space Trust's ownership.

As such, the Council's Planning Service understands that no land within the application site is owned by the Open Space Trust, therefore the applicant was not required to serve notice on the Open Space Trust prior to the submission of the current application.

Unlike planning applications, there is no statutory requirement for the Council, as planning authority, to notify neighbouring properties of the submission of listed building consent applications. Instead, as statutorily required, public advertisements were placed in both the Evening Express and the Edinburgh Evening News. The planning service is thus satisfied that the correct statutory notification and public advertisement procedures have been followed by both the applicant and the planning authority for the current application.

- 6) *The Aberdeen volume of the Buildings of Scotland series of books notes that "in 1508 John Fendour contracted for the choir stalls" and it is queried whether they are still in situ and if so, if they are to be removed. It is also queried whether the Provost's Pew, designed by William Crystall in 1724 and carrying the arms of Aberdeen, is to be removed.*

Response: The pews proposed for removal date from the 18<sup>th</sup> century. The 16<sup>th</sup> century John Fendour choir stalls are understood to not remain within the building. The Lord Provost's loft, with Corinthian columned canopy, at first floor level, is to remain in situ.

## **DECISION**

Approve Conditionally

## **REASON FOR DECISION**

Although the removal of a portion of the original boxed pews would cause some harm to the special character, architectural and historic interest of the building, the works are required in order to facilitate the conversion of the building for its new use, which would see the building brought back into a sustainable use with benefits for the wider community. Additionally, due care has been taken by the applicant to both minimise the number of pews proposed to be removed (whilst enabling the resultant space to function for their needs) and to ensure that the pews to be removed would largely be from areas of secondary importance to how the interior of the building and its original ecclesiastic use are understood and appreciated. Therefore, on balance, any harm caused would be minimised as far as is practicable and outweighed by the positive benefits derived from both securing a long-term viable use for the building and by enabling a new use that would have benefits for the wider community, in accordance with the criteria set out in Paragraph 15 of Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent, as well as Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) and Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on 'Use and Adaptation of Listed Buildings' and 'Interiors'.

The remainder of the works proposed to the building have all been carefully considered and would be of an appropriate design, scale and siting such that they would not adversely affect, and would thus preserve, the special character, architectural and historic interest of the listed building and the character and appearance of the conservation area – in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the Aberdeen Local Development Plan 2023. The proposed works are also generally compliant with the technical advice set out in Historic Environment Scotland's Managing Change in the Historic Environment guidance on Interiors.

## **CONDITIONS**

### **(1) BUILDING SURVEY**

Prior to any of the hereby approved works taking place, all areas of the building where works are proposed shall be surveyed and a detailed, photographic survey accompanied by floor plans recording the existing state of the building prior to alteration shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to accurately survey the building prior to the works taking place, to provide a detailed record of its historic fabric and internal layout for future generations.

### **(2) HEATING, LIGHTING AND CCTV DETAILS**

Prior to the hereby approved heating (including external flues), lighting and CCTV camera fixture installation works taking place, precise details of the specification and sitings of all such fixtures, as well as details of any associated cable routing, shall be submitted to, and agreed in writing by, the Council as planning authority. Thereafter the works shall take place in accordance with the agreed details.

Reason: In order to preserve the special character, architectural and historic interest of the building.

### **(3) PEW AND RAISED TIMBER FLOOR REMOVAL METHODOLOGY**

Prior to any works taking place to remove the pews and raised timber floor panels hereby approved for removal, as shown on approved drawing (01)200 Revision C (Proposed Downtaking Floor Plans), and any associated works to make good the flooring once the pews have been removed, a detailed methodology for those works shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to minimise the risk of damage to the original flagstones beneath, and to preserve the special character, architectural and historic interest of the building.

### **(4) PROGRAMME OF ARCHAEOLOGICAL WORKS**

No ground-breaking works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority informing how an appropriate programme of archaeological mitigation will be carried out for the ground-breaking works. 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.

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

### **(5) ARCHAEOLOGICAL SURVEY**

No works in connection to the box pews, including alteration, cleaning or removal, shall commence

unless an archaeological written scheme of investigation (WSI) has been submitted to, and approved in writing by, the planning authority informing how an appropriate programme of archaeological recording will be carried out on the pews which are to be removed, focusing in particular on the historic graffiti carved on them. The survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format.

Reason: To ensure that a historic record of the pews is made for inclusion in the National Record for the Historic Environment for Scotland and in the local Historic Environment Record.