

Planning Committee

Auditorium, Shetland Museum and Archives, Hay's Dock, Lerwick

Tuesday 20 June 2017 at 10am

Present:

T Smith	S Coutts
E Macdonald	D Sandison
C Smith	G Smith

Apologies:

M Bell
A Manson (due to a conflict of interest)
D Simpson

In Attendance (Officers):

I McDiarmid, Executive Manager – Planning
J Holden, Team Leader – Development Management
D Stewart, Planning Officer – Development Management
A Tait, Solicitor
L Adamson, Committee Officer

Chair

Mr T Smith, Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

05/17 Minutes

The Committee confirmed the minutes of the meeting held on 14 March 2017 on the motion of Mr Sandison, seconded by Mr Coutts.

06/17 2016/387/LBC – To Increase Width of Existing First Floor Window, Hillswick Store, Hillswick by Mr Geoff Jukes.

The Committee considered a report by the Planning Officer – Development Management [RECORD Appendix 1] where a decision is required on a listed building application.

The Planning Officer gave a slide presentation, which illustrated the following:

- Location Plan
- Site Plan
- Existing & Proposed South Elevation
- Photomontage of how the building might look once developed
- Historic Photographs c.1900 and c.1930
- Panoramic Photograph

- Photograph of the building prior to any development works taking place in relation to the 2016 consents
- Photograph taken in March 2017
- Recent photograph of the building as it currently looks
- Key Issues

In terms of background to the application, the Planning Officer advised that planning permission (2016/069/PPF) and listed building consent (2016/081/LBC) were granted in April 2016 for proposals to provide for the change the use of the building from a store to a private studio/workshop on the ground floor and create a residential unit on the upper floor. The works also comprised refurbishment to replace the external windows and door, to completely re-roof the building, undertake structural repairs and create a new opening on the ground floor. Historic Environment Scotland were consulted on the proposed development and responded with no comments but advised that their decision not to provide comments and not to object should not be taken as support for the proposal, as it is the Planning Authority's responsibility as primary decision maker to undertake a formal assessment of the proposals against local and national historic environment policies and associated guidance.

The Planning Officer reported that Shetland Local Development Plan (2014) Policy HE1 stipulates that the Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, whilst Policy HE2 states that development affecting a listed building or its setting, should preserve the building, its setting and any features of special architectural or historic interest that it possesses. As such, the layout, design, materials, scale, siting and use of any development should be appropriate to the character and appearance of the listed building and its setting. The Planning Officer reported that one of Historic Environment Scotland's guidance documents entitled 'Managing Change in the Historic Environment' states: 'The windows in a historic building form an important element in defining its character'; thus 'the contribution of the windows in a historic building to its character, must be understood before considering alteration'. The Planning Officer added that it also states that 'windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places'. She advised that the size, shape and proportion of the openings are therefore significant factors which contribute to the character of a historic window, as does the overall form and design of the framing and glazing. In cases like this, 'where the buildings form part of a larger grouping, it may be necessary to consider the wider context of the group and the potential for a cumulative effect if similar work was undertaken on every building'. The Planning Officer informed the meeting that in essence this means that the design of any proposed new window for the building must take account of the size, proportion, material and detailing of surrounding or nearby windows to ensure that it does not have a detrimental impact on the character or integrity of the listed building and its setting, and does not detract from the visual quality of the area.

The supporting information that was submitted with this application stated that the increase in width of the timber window was required to improve daylight into and views from the living accommodation on the first floor of the building. However, the Planning Officer advised that 6 replacement rooflights on the east side of the roof (2 larger than was previously the case) and 5 replacement rooflights on the west side of the roof which were approved under the terms of the 2016 consents, is

considered to provide the converted first floor attic space with an acceptable level of daylight.

In referring to the earlier photographic images provided, the Planning Officer explained that the central window opening on the southern gable of this building was vertically emphasized which gave the building a definitive visual harmony and balance to the wider vertically boarded doors below. The new timber window that has been installed in accordance with the 2016 consents is similar in terms of its scale, spacing and proportion and is therefore reflective of the original window's style and form.

The Planning Officer advised that in terms of setting, this building will be visually read in association with the other listed buildings on site. The windows on the first floor of the Booth that is situated immediately to the west of the store are tall and slim, symmetrically balanced and also have a vertical emphasis.

The Planning Officer said that whilst a proposal to increase the width of this window would provide the building's occupants with a wider aspect and more of a link to the outdoor environment at first floor level, it is considered that by doing so, the symmetry of this prominent gable end of the Hillswick Store will upset the visual balance and create a significant change in the overall appearance of the property and surrounding built heritage. Referring to the photomontage in the slide presentation, the Planning Officer stated that in visual terms, the result would be that the building would look more like a domestic property rather than being viewed with regard to its historic function and importance to the area

In conclusion, the Planning Officer said that it is considered that the proposed increase in the width of the window aperture on the first floor of this prominent south gable end of the building would upset the balance and symmetry that currently exists, which would have an adverse affect on the buildings visual appearance and appeal which would result in a loss of its character, integrity and functionality as an integral part of this historic group of buildings. As such, the Planning Officer stated that the proposal is contrary to Shetland Local Development Plan (2014) Policies HE1 and HE2 and was therefore recommended for refusal.

The Chair thanked the Planning Officer for the comprehensive report.

In response to questions, the Planning Officer advised that application 2016/387/LCB – to increase the width of an existing window, was submitted after the original approval had been granted, but before works commenced to re-roof the building, add a flue, patio doors and replace windows. The Planning Officer said that the patio doors are a replacement for the original door, which was in a poor state of repair, where to salvage and make use of the building it was considered acceptable, and the replacement windows are similar to the originals, and the Planning Officer said that she considered that they look quite good.

Reference was made to Page 4 of the report, to the statement from Historic Environment Scotland's guidance document "Managing Change in the Historic Environment: Windows", namely, "Their style, detailing and materials help us to understand when a building was constructed or altered, its function and advances in related technology". In that regard, comment was made that there would be different requirements associated with the change of use of the building to a studio/living accommodation to have a view and more daylight. However the intention of Policy is in the context of further developments in the area or in terms of

cumulative impacts. The Planning Officer said that with the store being a category listed building, it is important to maintain the detailing of the existing window. She added that by increasing the width of the window as proposed the building would look more like a domestic property.

In response to comments relating to the different approaches to Policy HE2 in determining the earlier applications and the proposals in this application, the Planning Officer advised on the grounds for approval of the initial applications, being to try to create a habitable and more modern use of the building to fit within the context of a listed building, where it was considered that the proposals submitted had not detracted from the original building. The Executive Manager – Planning said that whilst listed buildings are protected for their architectural factors the Planning Service has to work with developers to find alternative uses for such buildings and there has to be an element of compromise. However, in this instance, it is considered that to set aside Council Policy to increase the width of the first floor window to allow for a better view from upstairs is a step too far. The Executive Manager – Planning said that there was no justification for losing a key characteristic of the building. He stated that had this larger window formed part of the earlier application the probability was that the development would have been refused. He added that it is the interpretation of the Planning Service that the new replaced window sits well in the building, the new development has been welcomed and it is a satisfactory conclusion within the listed building setting.

In response to a question, the Planning Officer confirmed that the replacement window is very similar to the previous window in terms of width, and reflects those in other buildings, being tall and narrow.

In response to a suggestion for the Committee to come up with options for the window that could be acceptable, it was advised that the Committee was to consider the proposals in the application as presented. However, the Executive Manager – Planning said that if Members were so minded, one option would be to refuse the application, but to indicate to the developer alternative proposals that would warrant further investigation, for a future decision. The Executive Manager – Planning clarified however, that the developer would have to be made aware that there was no guarantee that the amended proposals for the window would be granted permission.

In response to a question, the Planning Officer advised that there had been no objections from within the community to the proposed change to the width of the window. The Executive Manager – Planning confirmed however that as this is an application for listed building consent there had been no requirement to notify neighbours.

During the discussion, clarity was provided on the number of rooflights in the Store building and the neighbouring property.

During debate, the Planning Officer was commended on the very good report, which helped in the understanding of the Policies. Mr Sandison said that while he had some reservation in terms of the decision made within listed building consent, to change a store to a totally different use that includes living accommodation, he acknowledged that people's needs are now different in terms of natural light and a better view. There is also a need to balance Policy to keep the distinct features of a development, while at the same time to encourage people to develop listed buildings. Mr Sandison said however that he considered that to increase the width

of the window would be out of character within this group of buildings. Mr Sandison moved that the Committee accept the recommendation in the report, to refuse the application. Mr G Smith seconded.

Decision:

The Committee **REFUSED** the application.

The meeting concluded at 10.35am.

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Chair