

MINUTE

A&B - Public

Planning Committee

Council Chamber, Lower Hillhead, Lerwick

Wednesday 25 October 2023 at 10am

Present:

C Hughson	M Robinson
D Sandison	C Smith
R W Thomson	A Wenger

Present via Remote Link

A Manson	R McGregor
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Apologies:

None

In Attendance (Officers):

I McDiarmid, Executive Manager – Planning
J Holden, Team Leader – Development Management
M Porter, Planning Officer
P Sutherland, Solicitor
L Malcolmson, Committee Officer
M Robertson, Committee Assistant
L Adamson, Committee Officer

Chair

Mr R McGregor, Chair of the Planning Committee, presided.

The Chair advised that the meeting is being webcast live, recorded, and will be published online for public access after the meeting.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

08/23 Minutes

The Committee confirmed the minutes of the meeting held on 16 August 2023 on the motion of Mr Smith, seconded by Mr Hughson.

09/23 Local Review Ref: 2022/276/PPF - LR46 – Proposed installation of photovoltaic (PV) panels and reharl exterior at Church of Scotland, Papa Stour, Shetland, ZE2 9PW

The Committee considered a report by the Team Leader - Development Management (2022/276/PPF – LR46) to review the decision on an application for planning permission for a local development that has been taken by an officer (the appointed person) under the Planning Scheme of Delegations in terms of Sections 43A(8) to (16) of the Town and Country Planning Scotland Act 1997 [Record Appendix 1].

In advising on the process to be followed, the Chair asked the Local Review Body (LRB) to consider whether there was sufficient information to proceed to a public hearing, or whether a site visit was required before proceeding further. The LRB considered there was sufficient information presented in order to proceed with a public hearing.

The Chair then advised on the format for the public hearing, and invited the Planning Officer (M Porter) to make a presentation on the matters to be considered.

The presentation illustrated the following:

- Aerial Photo of the site and the proposed site plan.
- Proposed Elevations - the panels would be located on the south elevation of the building.
- Site Photographs – showing the church viewed from roads and footpaths in the surrounding landscape. The panels would be located on the side of the roof which is visible in the photos.
- Photographs – showing the church once the previous harl had been removed and after the reharling and change to white finish. The change of finish was implemented despite permission being refused.
- Alternative PV Panel Options - alternative options including panels recessed within the roof surface or which replicate the appearance of natural slate were discussed during the application process. In officers view, although the recessed panels would have a less harmful impact, there would still be an unacceptable degree of harm. The use of replica slates would be acceptable however the applicants did not wish to pursue this option.

During her presentation, the Planning Officer advised on the key issues, as follows:
“The determining issue is whether the proposal complies with the Development Plan, or whether there are material considerations which would warrant the setting aside of Development Plan Policy. The Development Plan in Shetland now comprise the provisions of the Shetland Local Development Plan and National Planning Framework 4 (NPF4).

The previous external finish of the building comprised harled walls with a brown finish. It was proposed to re-harl the exterior in a slaister harl with a white finish. The proposed photovoltaic panels would be set in a black frame and have a black finish.

The church is of relatively small scale and its isolated location within a treeless landscape enhances its visual prominence and makes a significant contribution to its setting and significance. It is particularly prominent in views from the footpath leading from Kirk Sands.

Due to the small scale of the building the whole roof is visible from ground level in views towards the building, including within the churchyard.

The sleek modern appearance of the proposed PV panels would be out of keeping with the appearance of the listed building and its prominent setting within the historic

landscape of Papa Stour. They would therefore be an unsympathetic addition which would have a significant adverse impact on its special architectural and historic interest.

It is accepted that due to the scale of the building and the design of the roof there would be no alternative location for panels on the roof. Alternatives such as ground mounted panels or an air source heat pump were suggested however the applicant does not consider these a viable option as their ownership is limited to the building itself.

It is also proposed to reharl the exterior of the building with a white finish. In consideration of similar proposals elsewhere in Shetland the preferred approach has been to replicate the more subtle brown or stone colour of historic render unless there is evidence to suggest earlier use of alternative colours. In the absence of such evidence it is therefore considered that whilst the methodology of the reharling raises no concerns, the proposed white finish would not be in keeping with the historic appearance of the listed building.

The applicants agents have made reference to an application for the installation of PV panels on a listed church in a conservation area in St Andrews which was approved under delegated powers. However more recent appeal decisions made by the Planning and Environmental Appeals Division have emphasised that every case should be judged on its own merits and a decision made based on particular circumstances elsewhere does not set a precedent.

In the case of Papa Stour Church the proposed installation of a photovoltaic array is understandable with regard to reducing the running costs of the building.

However, their placement on the roof of this Category B listed building would introduce a prominent, incongruous, contemporary feature that would adversely impact the special architectural and historic interest of the building and its setting. While there is general support for renewable technologies within heritage contexts, they should be carefully and discretely located so as not to compromise the special architectural interest of the building.

The proposed development is therefore considered to be contrary to SLDP Policies GP1, GP2, HE1, HE2 and RE1 and NPF4 Policies 7 and 11. It is therefore recommended that the appeal is dismissed.”

The Chair thanked the Planning Officer for the presentation.

The Chair referred to the photographs of the site included within the presentation, and suggested that the proposed PV panels may only be seen from certain locations. The Planning Officer advised that it would be possible to see the PV panels when standing in the Churchyard and from the footpaths and roads surrounding the church. She further clarified that the photographs that form part of the presentation were taken by her at ground level, rather than from an elevated position.

In referring to the walls of the building being reharled to a white finish, the Chair questioned whether, in time, the walls might weather to a more “Shetland like” appearance. The Planning Officer said that while she anticipated there would be some weathering, it was likely the walls would retain a noticeable white finish.

The Chair referred to the reason given for not installing an air source heat pump, as an alternative to the PV panels, due to the Papa Stour Community and History Group (the Group) only owning the building and not the surrounding land, and he questioned whether an air source heat pump could be installed on the outside of the building. In suggesting that the question should possibly be directed to the applicant or their representatives, the Planning Officer however advised on her understanding that there would be an issue with anything projecting from the building into the graveyard. She also advised that she was uncertain as to what discussion has been held on the possibility of installing an air source heat pump as an alternative to the PV panels.

During the discussion, comment was made that the building qualifies for ecclesiastical exemption from listed building consent. It was however queried whether the building was therefore classed as a community building or still as a historical or listed building. It was further commented that should the building continue to be classed as a historical or listed building such an exemption was pointless. The Planning Officer said that the ecclesiastical exemption system is not the most straightforward to understand. She went on to explain that a listed building being in ecclesiastical use would be exempt from listed building consent for certain works, however the building would not be exempt from the requirement for planning permission for certain works and therefore a planning application would still be required to consider the impacts on a listed building. The Planning Officer added that the requirements are as set out in legislation covering Listed Buildings and Conservation Areas.

There were no further questions to the Planning Officer.

The Chair invited any persons present entitled to make representation to the LRB.

Mrs J Puckey advised that she is a member of the Sandness and Walls Community Council, representing the community of Papa Stour.

Mrs Puckey advised the LRB that for over 200 years the Papa Stour kirk has been of significant importance to the community, being used for a variety of events, including Sunday worship, weddings, christenings and funerals. The Group take great pride in the kirk and want to maintain the building in as good a condition as is possible for future generations. The aim of the Group is to continue to use the building as a kirk but also as a visitor centre and community hub.

Mrs Puckey advised that the Group purchased the building from the Church of Scotland and had made the building wind and water-tight and were now looking to make the interior useable again and for there to be a viable eco-friendly and cost effective power supply. A planning application was submitted in November 2022 for Solar Panels to be fitted on the south facing elevation of the kirk, which she said would allow for a low cost electricity supply bearing in mind the high cost of power provided through the grid and the very limited financial resources of the Group. This would lead to greater sustainable use of the kirk and the proposals would also fulfil policies to produce renewable green energy in a sustainable way in the climate crisis currently being faced. Mrs Puckey referred also to the power supply to Papa Stour, which is by a sub-sea cable across the Sound, that had already proved unreliable.

Mr Puckey advised that the PV panels would be on the south facing elevation of the roof of building and would in no way adversely affect the historic environment of the area. She said that the PV panels would not be seen on the approach from the north, and only seen at a glimpse from the west due to the topography of the land. The

south elevation faces seawards and therefore the panels would only be seen by looking through binoculars across from Sandness.

During her address, Mrs Puckey advised that neither the Sandness and Walls Community Council nor HES objected to the installation of the panels. She then referred to a particular case in St Andrews, where permission had been granted to install 22 solar panels that would be highly visible on a church roof. She went on to suggest that begs the question of why PV panels that would not be too visible on the Papa Stour kirk has been refused.

Mrs Puckey advised the LRB that the planning application submitted in November 2022 made no mention of the external harling. The harling was included by the Planning Service in their defence to refuse the original application for the solar panels. However to mitigate the concerns of the Planning Service regarding the colour of the external harling, the Group have instructed the contractor to bring the colour up to that of the original. She advised on the work undertaken and on the harling specification, which she said is entirely appropriate for an historic building and approved by HES. She went on to say that the colour of the building is now the same as the base colour of the original harling and the walls have been covered in pigmented limewash to satisfy the planning requirements.

In concluding, Mrs Puckey referred to the letter of support from the Shetland MSP, the Archaeologist and Architects and said that together with the external harling having been brought up to requirements of planning, she would urge the Planning Committee members to reverse the decision to refuse permission to install the solar panels on the south facing elevation of the kirk without any further hindrance.

The Chair thanked Mrs Puckey for her presentation and invited any questions from the LRB.

While it was noted that the Group only own the building and the Council own the land surrounding the church, it was questioned whether there had been any dialogue with the Council on the potential use of the land for provision of an alternative renewable energy system. In responding, Mr Bardell, representing the Group, advised that there had been no dialogue with the Council, as the Group own only the footprint of the building and no land. He advised that there are unmarked graves around the kirk and therefore it would not be appropriate to install a ground mounted frame with solar panels.

Reference was made to the photograph which had illustrated the building prior to any work starting, which showed that the building looked dilapidated and in a poor state of repair. In that regard, it was questioned what the future of the building would be without the works being carried out. Mr Bardell advised that before renovations started the roof had been leaking badly and due to water ingress parts of the floor and roof were rotten. He said that slates had been coming off the roof and concerns had been raised by SIC Estates Service to the Group. Mr Bardell said that if action had not been taken to renovate the building, the roof would eventually have come off the building. He referred to the advice from SIC Estates in that scenario, that the building would have to be taken down to two metres in height. Mr Bardell stated that the building has now been made safe, the action of the Group has saved the building and the Group want to continue that process.

In response to questions regarding alternative options to the PV panels, Mr Bardell advised that panels recessed into the roof had been suggested by the Planning Officer

and had been discussed in detail with their architects who were strongly of the opinion that due to the exposed nature of the kirk and the severe weather it was not appropriate to use the tiles as there is less experience of them. The architect was also of the view that a completely tile covered roof was needed, with panels fixed onto that afterwards, to ensure the longevity of the roof. Mr Bardell advised the LRB that there had been no consideration given to erecting the panels onto the stone wall that surrounds the churchyard.

In referring to the report, the intention to save as much of the original roof slates for re-use was noted, and it was questioned how much slates had been saved. Mr Bardell advised that all slates had been stripped from the roof and sorted, and 50% of the slates had been retained and reused on the south elevation of the building. He added that the north elevation had new roof slates installed.

In response to a question from the Chair, Mr Bardell advised on his satisfaction that the Group have been given the opportunity to present their case. Mr Bardell also thanked Mrs Puckey for her competent presentation to the LRB.

Moving into debate, comment was made regarding the factors that had to be taken into consideration, including the Local Development Plan (LDP) and the NPF4. In that regard, reference was made to a letter from the Chief Planner, which states “the NPF4 should be a significant material consideration” to sit alongside the LDP and there is also a need to take a balanced approach on various subjects, including a very strong positive view regarding renewables, insulation and to make buildings fit for the future. It was noted that the Group had taken advice from a very highly qualified conservation architect in terms of what would be appropriate for the building and they had followed that advice. It was commented that the panels would have very limited visual impact, compared to an air source heat pump on the building, which it was suggested would be fairly intrusive in comparison. Comment was made that the colour of the walls now corresponds to the underlying colour that was there when the existing harl was removed, which shows that over a prolonged period of time the colour has changed significantly to what would have been expected.

It was stated that the Papa Stour community was not a large community, however a huge amount of work and research has been done to get the church back into community use. Reference was made to the amount of funding into the project, which it was suggested was not easy to source and in that regard the Group should be commended and allowed to install the solar panels. It was suggested that the panels were not unsightly and would mainly be seen from the seaward view. It was also noted that the project was re-using 50% of the original roof slates.

In speaking in support of the project, comment was made that what the small community was achieving was amazing, having taken on a severely deteriorated building to create a very useable community asset in the long-term, and for the project to be a success it had to be sustainable. It was commented that solar panels are not particularly unsightly on a building and there are other Class 2 Listed Buildings that have panels installed. It was stated that without that vision, the kirk would become a listed building that could no longer survive as it was so deteriorated. It was stated however that the building now has a future for the community and for the wider community in Shetland and beyond, and the Group had to be applauded and the project was to be encouraged. In that regard, Mr Robinson confirmed his support for the project.

The Chair commented positively regarding the developments at the church in Papa Stour, compared to the derelict church in Quarff, and on the conservation achievements that had been achieved by the very small island community.

In terms of the comments made in support of the application and on the decision to be made by the LRB, it was acknowledged that the planning officers have to work closely with current planning regulations.

Further comment was made on the difficulty of interpreting LDP policies, and in that regard reference was made to the appeal documents and the challenges made to the points raised. The influence of the NPF4 was referred to in terms of the significant emphasis on climate sustainability and net zero credentials to be applied to planning policy, which was a developing area with new technologies. It was also commented that there was a need for a balance to be struck regarding the sustainability factors, not only around energy but in terms of the sustainability of the community areas, particularly on how to support the small islands. It was however suggested there was sufficient evidence to show that the impact of the panels would not be severe, and in referring to the credentials to sustain the old building as proposed, it was suggested the recommendation for refusal should be reversed. On the motion of Mr Sandison, seconded by Mrs Hughson, the LRB agreed to uphold the appeal and support the application.

Decision

The LRB reviewed the decision on the application for planning permission for a local development that has been taken by an officer (the appointed person) under the Planning Scheme of Delegations in terms of Sections 43A(8) to (16) of the Town and Country Planning Scotland Act 1997 (as amended), and in so doing agreed to uphold the appeal and approve the application.

The meeting concluded at 10.45am.

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Chair