

LRB-2024-13**22/01959/FLL - Mixed use development comprising alterations to church, relocation of memorial, erection of community centre with sport/education facilities, offices, community café, formation of replacement MUGA, landscaping, parking and associated works, land 30 metres west of St Columba's Episcopal Church, 19 Perth Road, Stanley****PAPERS SUBMITTED
BY THE
APPLICANT**

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Cairnsmore"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="The Square"/>
Company/Organisation	<input type="text" value="Stanley Development Trust"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Stanley"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH1 4LT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@pearsonplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Tennis Courts 21 Perth Road Stanley PH1 4NQ"/>
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Northing	<input type="text"/>	Easting	<input type="text"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Formation of Community Sports Centre, Landscaping and Associated Works.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please Read Reasons for Requesting Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

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Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01959/FUL

What date was the application submitted to the planning authority? *

03/11/2022

What date was the decision issued by the planning authority? *

08/12/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The Application Site is not in the ownership of the Applicant.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Euan Pearson

Declaration Date: 06/03/2024

Formation of Community Sports Centre, Landscaping and Associated Works

Perth Road, Stanley PH1 4NQ

Reasons for Requiring Review of Decision of Officer

The Local Review Body of Perth & Kinross Council is requested to review the decision of Officer John Williamson to refuse planning application 22/01959/FUL made by Stanley Development Trust.

Stanley Development Trust (the Trust) is a registered charity (No. SCO40980). An Objective, amongst others, is to provide “*facilities within the Community for recreation and other leisure time occupation available to the public at large*”. The Trust published its Stanley Community Action Plan 2010-2015 and its Theme 1, Priority 1 is to improve & develop community sports facilities. Perth & Kinross Council is a partner of the Trust and a contributor to the Trust’s income.

Consequently, to meet its Action Plan, the Trust submitted an application for planning permission for “*Formation of Community Sports Centre, Landscaping and Associated Works*”. The Application Site comprises land to the rear of St Columba’s Episcopal Church and Stanley War Memorial. Both of these are listed, Category C(s).

The proposed development, best illustrated on drawings AL(PL)04 Rev B & AL(PL)05 Rev B, will provide the village with a Centre with indoor sports hall, gymnasium, meeting rooms, café, office space, safe child play; as well as an outdoor multi-use games area (MUGA). Car parking for the disabled (3), a minibus space, and cycle parking will be provided within the curtilage of the Centre. A new pedestrian/vehicular access will be created directly onto Perth Road, between the Church and War Memorial.

In order to facilitate access, the pier and boundary wall of the War Memorial require to be altered. Listed building consent (Ref: 23/01473/LBC) was sought for this work but refused by Officers. That decision is now the subject of an Appeal (Ref: LBA-340-2029) to Scottish Ministers.

On the advice of Officers, listed building consent (Ref: 22/02244/LBC) was also sought to demolish the Hall, attached to St. Columba’s Episcopal Church. Consent was refused and that too is now the subject of an Appeal (Ref LBA-340-2030) to Scottish Ministers. The loss of the Hall is necessary to allow construction of the Centre.

There is a question over the status of the Hall, as it does not form part of the Name of the Building listed, and the Planning Officer did not consult Historic Environment Scotland on its demolition. This is required by Regulation 7(1)(b)(i).

The Local Review Body is invited to seek the views of HES, as a Further Procedure.

In undertaking this Review, the Local Review Body must have regard to the effect of the proposed works upon the category C(s) Church and War Memorial. This is the context of the duty imposed by section 14(2) of the Planning (Listed Buildings and Conservation Areas) Act 1997.

Therefore, it is considered appropriate that the Local Review Body await the outcome of Appeals LBA-340-2029 and LBA-340-2030, before coming to a determination.

Planning Officer, John Williamson, refused planning permission on the basis that He considers that:

“The proposed scale, mass and location of the community centre is considered to have a significant detrimental impact on the setting of the Category C Listed St Columba's Episcopal Church and the Category C Listed Stanley War Memorial and will form a prominent backdrop to key views of the listed structures from the street to their detriment.”

Citing the following provisions of the Development Plan:

- * policy 7(c) of National Planning Framework; and
- * policy 27B of Perth & Kinross Local Development Plan.

The Section 36(1) Report (“Report on Handling”) includes the following assessment:

“The proposed community centre is in very close proximity to the church and war memorial and would form a prominent backdrop to key views of the listed buildings from the east. The community centre is only 3.2m from the rear of the church at its closest point. The hall for the community centre is proposed to extend to 9 metres in height which is substantially higher than any building in the immediate vicinity. The church building is only 7m in height. The proposed hall for the community centre will therefore completely dominate the church building and the adjacent war memorial. The church and war memorial currently benefit of a natural backdrop containing trees and planting associated with the open space to the west. This would be entirely lost as a result of the proposal with the 30 metre length of the eastern elevation of the community centre becoming the backdrop to the listed buildings. Given the scale of this eastern elevation and the height of the hall, the building would become the dominant feature in this view. The adverse visual impact resulting from the loss of the church hall and the scale of the new development, would be significant.”

The Trust does not agree with the Planning Officer who is overstating the visual impact, portraying any change as negative, and who seems to be suggesting that:

- * the open space behind the Church and War Memorial should not be lost;
- * certainly not lost to a building that has a middle section of roof with a ridge height 200cm above that of the Church; and
- * that this makes the Centre domineering, so much so that it would significantly adversely (negatively) affect public views from Perth Road, of the Church and War Memorial.

The Application includes drawings AL(PL)06 Rev A and AL(PL)10 Rev A illustrating what the relationship would be between the Centre and the Church/War Memorial. These do not reflect nor resemble the harmful, hostile future setting depicted by Planning Officer, John Williamson.

The Application was accompanied by a Heritage Assessment produced by heritage & townscape specialists at Turley Associates Ltd. Consultants with University awarded qualifications in the fields of archaeology and other historic environment disciplines (rather than a more general Arts degree) and a wealth of practical experience to follow.

The Heritage Assessment (“HA”) recognises that the greatest degree of change is when viewing the Church and War Memorial from Perth Road. However, although the Centre would be visible behind the Church and War Memorial, the Centre would be readily distinguishable due to its Modern Era, lighter design (e.g. flat roofs) and different materials.

The HA, therefore, concludes that construction of the Centre would have no meaningful effect upon the ability to understand and appreciate both structures' special interest. That is the architectural interest of the Church and the historic interest of the Memorial.

The HA also concluded that:

*the Hall, which is disused and in a poor state of repair, is of limited architectural interest and does not contribute to the special interest of the listed Church. Ergo, removal of the Hall would cause no harm, indeed, it would result in some enhancement to the special interest of the listed Church, resulting from returning it to its original simple plan form"; and

*the alteration to the pier and boundary wall/railing would not result in any harm to the significance or setting of the War Memorial. The War Memorial would remain in its original position, within an immediate open area of simple formal surroundings, with a boundary wall, piers, gate and railings fronting Perth Road.

The professional judgement of Turley Associates Ltd remains unchanged following the decision of the Planning Officer to refuse planning permission (and the listed building applications). Indeed, further statements of evidence have been produced, for Appeals LBA-340-2029 & LBA-230-2030, by Catherine Kidd, Director of Heritage & Townscape. Those two evidential documents, rebut the Planning Officer's reasoning and are submitted to the Local Review Body for consideration.

Returning to the Development Plan, Planning Officer, John Williamson cited two non-compliances:

* policy 7(c) of National Planning Framework 2023; and

* policy 27B of Perth & Kinross Local Development Plan 2019.

NPF Policy 7(c) states:

"Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest"

This is part of a broader NPF policy that has the stated Policy Intent:

"To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places."

Providing a Community Sports Centre in Stanley is a positive for the village, in a period of change for the settlement, what with all the new proposed housing development, set out in the Settlement Summary on pgs. 315 to 319 in the Local Development Plan.

In fact, there is a specific reference to the proposal:

"...Trust are actively working towards developing a new Community Sports Hub."

In order to demonstrate compliance with Policy 7(c) it need only be demonstrated that the development would preserve both listed buildings' character, and each's special architectural or historic interest. That has been done.

The Council has been provided with evidence from heritage experts that explain how & why the proposed development would have no meaningful effect upon the ability to understand and appreciate both structures' special interest. That is the architectural interest of the Church and the historic interest of the War Memorial.

LDP Policy 28A relates to Conservation Areas. There are no Conservation Areas in Stanley.

Although not a reason for refusal, the Report on Handling makes reference to policy 27A of the LDP. That duplicates the approach taken in NPF policy 7(c).

In conclusion, although the decisions on the two listed building consent Appeals are for another place, the Local Review Body must make its own determination on those matters under the duty imposed on it by section 14(2) of the Planning (Listed Buildings and Conservation Areas) Act 1997. The Heritage Assessment and other expert evidence of Turley Associates Ltd justifies the development in this context.

Consequently, it has been demonstrated that the proposal complies with the Development Plan, specifically LDP policy 27A and policy 7(c) of the National Planning Framework. Therefore, if the Local Review Body considers that it has enough information, then it is invited to grant conditional planning permission.

*** End ***

Stanley Community Sports Hub, Stanley, Perthshire

Heritage Assessment

August 2023

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Client
Stanley Development Trust (Perth)

Our reference
LEEH3005

August 2023

1. Introduction

1.1 This (revised) Heritage Assessment report has been prepared by Turley (Heritage, Townscape and Landscape) on behalf of Stanley Development Trust in support of applications for planning permission and listed building consent for the redevelopment of an area to the west of Perth Road, Stanley ('the Site') (**Figure 1.1**). The applications (as revised in July 2023) propose the removal of the church hall to the rear of St Columba's Episcopal Church, and the erection of the Stanley Community Sports Hub which will comprise a single multi-use building, an outside multi-use games area (MUGA), and an associated pedestrian and vehicular access from Perth Road and small area of accessible car parking, along with associated adjustments to the landscaping in proximity to the war memorial ('the Proposed Development'). The Design and Access Statement (Lee Boyd Architects 2023) and proposals drawings provide a full description of the proposals.

Site Location and Description

1.2 The Site is located on the western side of Perth Road, Stanley, and comprises an irregular plan area of land which is bounded to the east by Perth Road, St Columba's Episcopal Church, and the Bowling Green, to the north by the private road known as West Park, and to the south by the grounds of Stanley Primary School, and to the west by the school playing field. Part of the north of the Site is currently occupied by a derelict area of tennis courts.



Figure 1.1: Site Plan. The location of St Columba's Episcopal Church and the Stanley War Memorial are also marked.

Heritage Context

- 1.3 The Site is situated adjacent to two Category C listed buildings. **Figure 1.1** shows the location of the Site, and of the two proximate listed buildings.
- 1.4 Listed buildings are designated as buildings of special historic or architectural interest under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the Act). Section 1 (4) of the Act provides further definition to the meaning of the extent of a 'listed building' as:
- “a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and, for the purposes of this Act, the following shall be treated as part of the building –*
- (a) any object or structure fixed to the building, and*
- (b) any object or structure within the curtilage of the building which, though not fixed to the building, forms part of the land and has done so since before 1st July 1948”*
- 1.5 Section 14 (2) of the Act requires that in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The same requirements are provided in Section 59 (1) of the Act when considering whether to grant planning permission for development which affects a listed building or its setting.
- 1.6 St Columba’s Episcopal Church, situated to the immediate south and east of the Site is designated as a Category C Listed Building ([LB48626](#)). The building, dating from 1898, comprises a rectangular plan timber church, built in English half-timbered style. A later church hall dating from 1907 is attached to the rear of the church and is therefore part of the listing. The Proposed Development involves the removal of the church hall; listed building consent (LBC) will be required for these works.
- 1.7 Stanley War Memorial including boundary walls, gatepiers, gates and railings, Perth Road, Stanley is also designated as a Category C Listed Building ([LB48627](#))¹. The memorial dates from 1924 and comprises a 3-stage plinth topped by a statue of a kilted soldier leaning against a rock. The designation also covers the boundary walls, gatepiers, gates and railings associated with the war memorial. The war memorial is located within the north-eastern corner of the Site. The application proposes the retention of the war memorial, but with some slight adjustments to the immediate landscaped surroundings to provide space for a shared route to accessible parking in front of the proposed hub building. Minor adjustment of the layout of the paths, lawns and hedges would allow the symmetrical, cruciform landscaping associated with the war memorial to be retained along with the new shared route. The southernmost pier in the boundary wall would be taken down and rebuilt in a new location slightly further

¹ <http://portal.historicenvironment.scot/designation/LB48627>

to the north in order to accommodate the new shared route. Listed building consent (LBC) will be required for this work to the pier in the boundary wall.

Purpose and Structure of the Report

- 1.8 This assessment considers the Proposed Development against the relevant legislation, national and local policy and guidance to aid decision making in determining the planning and LBC applications, and in relation to the heritage matters referred to above. Specifically, the assessment considers:
- the likely effects upon the special interest of St Columba’s Episcopal Church (Category C listed building) resulting from the removal of the adjacent church hall building and the changes to its setting resulting from the Proposed Development, and
 - the likely effects upon the special interest of Stanley War Memorial (Category C listed building) as a result of the work to relocate the southernmost pier in the boundary wall, and the changes to its setting resulting from the Proposed Development.
- 1.9 This Heritage Assessment has been prepared following desk-based research, consideration of the proposed development, and a site visit carried out on 12 March 2020.
- 1.10 The report contains the following sections:
- Section 2 sets out the historic context of the Site, describing the historic development of the area including the Site, concluding with a description of its current baseline condition.
 - Section 3 identifies the heritage assets of relevance to the applications, and describes their significance, including consideration of the contribution of setting, and of the Site, to their significance.
 - Section 4 provides an assessment of the impact of the Proposed Development upon heritage assets.
 - Section 5 provides a summary of the conclusions and recommendations of the assessment.
- 1.11 A full summary of relevant legislation, planning policy and guidance is provided in **Appendix 1**.

2. Historic Context

- 2.1 Stanley was named after Lady Amelia Stanley, daughter of James Stanley, 7th Earl of Derby. During the 17th century this area around the village formed part of the Atholl estate near Inchbervis Castle. In 1659, the castle was renamed Stanley House to commemorate the marriage of Lady Stanley to John Murray, 1st Marquess of Atholl. The village was constructed in the 18th century, taking the name of Stanley after the nearby former castle, following the erection of a cotton mill on the River Tay by John Murray, the 4th Duke of Atholl. Richard Arkwright, notable inventor of cotton-spinning machinery, was convinced by local M.P., George Dempster, to supervise a new mill in Stanley which opened in 1787. After one decade, the mill employed over 350 people. The village of Stanley was built to house the workers of the mill. Work on the village began in 1784. The village expanded into the 19th century, with approximately 2,000 people living here by 1831, of which half were employed at the mill. A railway station was opened at the north of the village in 1848, which was later remodelled into a junction station, positioned on a branch line to Forfar that intersected from the Highland Main Line.
- 2.2 In the 1860s (**Figure 2.1**), the Site consisted of an undeveloped area of land on the west side of Perth Road and south-east of Alma Cottage. Detached cottages set in gardens are shown adjacent to the north on the 1863-1864 OS Map (**Figure 2.1**), backed by the railway line. Duke Square the central square within the village is shown to the south, with rows of terraced housing on the eastern side of Perth Road, along roads named Percy Street and King Street.



Figure 2.1: OS Map Extract, Perth and Clackmannanshire LXXIV.13 (Combined) Survey date: 1863 to 1864. Publication date: 1898 ©NLS. The approximate location of the site is marked in red.

2.3 The 1899-1901 OS Map (**Figure 2.2**) shows the newly built St Columba's Episcopal Church (Category C listed), as well as a new school building to the south outside the Site at the western end of Duke Square; the school building replaced some earlier cottages or dwelling houses. Aside from the church, the Site remains empty of development at this time. Some limited expansion of the village, further to the west along Duchess Street, is also shown on the plan.



Figure 2.2: OS Map extract, Perth and Clackmannanshire LXXIV.13 Revised: 1899, Published: 1901 ©NLS. The approximate location of the Site is marked in red.

2.4 In the early 20th century, new houses were built on formerly empty land on the east side of Perth Road opposite the Site (**Figure 2.3**). A church hall was built attached to the west elevation of St Columba's Episcopal Church in 1907, its date of erection included on a date stone. The Stanley War Memorial (Category C listed) was erected in 1924 just to the north of the Church, set within a small garden with railings and enclosed by boundary hedges and fencing.



Figure 2.3: OS Map extract, NO13SW - A Surveyed / Revised: Pre-1930 to 1958, Published: 1959. The approximate location of the site is marked in red.

- 2.5 Since the 1950s, the village has undergone further expansion, particularly towards the railway to the south-west and River Tay to the south. In the vicinity of the Site changes have included the creation of the bowling green (to the immediate west of the Site), and the erection of tennis courts (now derelict) within the north-western part of the Site. A new private road, known as West Park, has been established to the north of the Site and three late 20th century detached houses within large plots enclosed by mature vegetation and trees, are situated on the northern side of the road. Modern single storey housing has also been added to the immediate south of the Church, on the western side of Perth Road.



Figure 2.4: Google Earth Imagery, 2018. The Site boundary is marked in red

3. Heritage Assets

Listed Buildings

- 3.1 Development of the Site including removal of the church hall, and alteration of the surroundings of the War Memorial to provide access, has the potential to affect the special interest of St Columba's Episcopal Church (LB48626) and Stanley War Memorial including boundary walls, gatepiers, gates and railings, Perth Road, Stanley ([LB48627](#)) the significance of these listed buildings is assessed below.

St Columba's Episcopal Church (Category C listed Building, LB48626)



Figure 3.1: St Columba's Episcopal Church viewed from Perth Road. The entrance to the Church Hall and part of its roof can be seen beyond the Church at the left-hand side of the image. This addition disrupts the intended simple appearance of the building.

Architectural and Historic Interest

- 3.2 St Columba's Episcopal Church was built in 1898 by Speirs & Company, a Glasgow-based firm providing partly prefabricated timber framed buildings, notable for their work with the Scottish Episcopal Church at this time². The timber church is of architectural interest by virtue of its design, consisting of a four-bay nave with a steeply-pitched roof arranged in an English half-timbered style. Its simple form contributes to its special interest. The church features cusped timber-mullioned windows shaped in various decorative patterns and weatherboarding covering lower

² http://www.scottisharchitects.org.uk/architect_full.php?id=203716

sections. The original 1898 design is well-preserved, evidencing traditional religious use patterns associated with the Scottish Episcopal Church.

- 3.3 The interior of the church includes original detailing including an impressive open-timbered roof and traditional fittings (**Figure 3.2**), but is known to have undergone some changes, including the installation of a new organ in the 1960s. A fleche tower to the church roof has been lost at an uncertain date in the past, but its base remains in position (**Figure 3.5**). The building is of special architectural interest as a good example of a late 19th century partly prefabricated church building designed for the Episcopal Church, which has undergone limited alteration and which remains in use for its original purpose.
- 3.4 A church hall of plain rubble stone construction is attached to the west side (rear) of the church building. This was a later addition, built in 1907, as marked by a date stone (**Figure 3.3**). The church hall fell into disuse before 1970 and now exists in a disused state.
- 3.5 The church was built to accommodate the rising number of mill workers living in Stanley by the late-19th century, many of whom came from England. Mandatory church attendance on Sundays was a requirement of their employment, and this accelerated demands for a new church that could serve their denomination. This connection between the establishment of the church and the history of the village as whole means it is of some local social historical interest.



Figure 3.2: Interior of St Columba's Church

Contribution of Church Hall to Special Interest of the Listed Building

- 3.6 The church hall, attached to the rear of St Columba's Episcopal Church, was built in 1907 and is therefore part of the listing.

- 3.7 The church hall is a simple building of plain rubble construction, with little architectural detailing (**Figures 3.3 – 3.5**), and is not mentioned in the listing description prepared by HES in 2002. The hall was built at a later date from the church. The church hall is architecturally distinct in both its style and building materials (**Figure 3.5**). No original fittings of interest are preserved within its interior (**Figure 3.4**). The addition of the church hall disrupts the intended simple form and appearance of the church building.
- 3.8 The church hall is of limited architectural interest, containing few architectural details and surviving in poor disused condition. As such it is concluded that the hall does not contribute to the special interest of the adjacent church, which is of special interest as a good example of a late 19th century partly prefabricated church building designed for the Episcopal Church, which has undergone limited alterations, and remains in use as a church.



Figure 3.3: Church hall south-east entrance with 1907 date stone lintel



Figure 3.4: Church hall interior, currently disused



Figure 3.5: North elevations of St Columba's Episcopal Church (left) and church hall (right) showing the contrast in building materials, style and level of architectural detailing. The base for the now missing fleche on the church roof can be clearly seen in this image.

Setting

3.9 St Columba's Episcopal Church is located close to the centre of the village of Stanley, just to the north of the centre of the village, which is focussed around The Square. The church sits within an enclosed plot surrounded by hedges on its north and east sides

and fencing to the south and is set back from Perth Road. A cast iron gate on the eastern boundary, facing Perth Road, aligns with the main entrance to the church.

- 3.10 The church was intentionally positioned in close proximity to the village centre, so that it could serve the growing population of the village (rapidly expanding with new employees for Stanley Mill). The design of the partially pre-fabricated church building was not specifically designed for this location, or in relation to any other buildings within the immediate context or wider village. The church, which is set back from Perth Road, has limited prominence within the village. The fleche tower, now lost, would originally have given the church building a greater prominence within the village centre.
- 3.11 Since the construction of the church, its setting has been changed by a series of changes including:
- Construction of the church hall in 1907
 - Construction of the war memorial and enclosing garden to the immediate north of the church in 1924
 - Construction of additional modern housing to the south of the church building, and to the east of the church on the opposite side of Perth Road.
 - Creation of private road known as West Park to the north of the war memorial. Three detached houses have also been built on the northern side of this road but are visually separated from the church building.
 - Construction of an area of tennis courts to the west of the war memorial and associated plot. These tennis courts are now in derelict condition.
- 3.12 As discussed above, the church hall, added at the rear of the church building makes little contribution to the architectural and historic interest of the listed church building, and is built using different materials and in simpler style with few architectural details. In views from Perth Road, the hall seen beyond the church, disrupts views of the church and has a slight negative effect upon the ability to appreciate the original design, plan form and architectural detailing of the church building, and disrupting its intended simple appearance.
- 3.13 The war memorial, situated to the immediate north of the church, within a separate enclosed area of grounds forms a localised group of community buildings in combination with the church (**Figure 3.6**). The listing entry for the war memorial notes that a large donation for the construction of the war memorial was made by the congregation of St Columba's Episcopal Church, as well as contributions from other members of the local community, and as such there is some historical connection between the two buildings. The war memorial, which is set back from the road, can only meaningfully be seen in combination with the church building when approaching from the north along Perth Road, or from locations in immediate proximity to the church.



Figure 3.6: View from Perth Road, looking south-east and showing the spatial relationship between St Columba’s Episcopal Church and the war memorial, which are situated within adjacent, but separate plots. Modern single storey residential buildings are visible beyond the church detracting from its intended local prominence.

- 3.14 Modern residential buildings to the south of the church are of single storey height and situated closer to Perth Road than the church building, which is set back from the road. This arrangement means that when approaching from the south the church is largely screened from view until locations in immediate proximity. When approaching from the north, these buildings are seen directly beyond the church building detracting from its intended local prominence (**Figure 3.6**).
- 3.15 When approaching from the north, a thick group of trees north of West Park obscure views of the church, again meaning that the church is largely screened from view until reaching locations in close proximity. This means that the best locations to appreciate St Columba’s Episcopal Church include locations within the plot associated with the church, within the adjacent plot containing the war memorial, and from locations immediately adjacent on Perth Road.
- 3.16 An area of derelict tennis courts to the rear (west) of the church have a low-level negative effect upon the setting of the church, primarily due to their disused derelict condition.
- 3.17 Overall, it is concluded that the key elements of the setting of the church which contribute to its special interest are its location within its own grounds, and its

situation within the wider village and community of Stanley. The war memorial and its enclosing garden, situated to the immediate north of the plot within which the church is located, are seen in combination for a short distance when approaching from the north along Perth Road, and provides a sense of this area being a central location within the community.

Stanley War Memorial including boundary walls, gatepiers, gates and railings, Perth Road, Stanley (Category C listed building LB48627)



Figure 1: The Stanley War Memorial, situated centrally within a small square plan area of enclosed grounds, with simple symmetrical layout.



Figure 2: The Stanley War Memorial, as seen from Perth Road, and showing the low boundary wall, topped with railings, and the small area of symmetrically arranged grounds within which the memorial is located.

Architectural and Historic Interest

3.18 Stanley War Memorial, constructed in 1924, is an example of a local community war memorial, erected by the local community who raised funds for its construction. Such memorials can be found in villages, towns and cities across Scotland. Initially built to commemorate those members of the community who died serving in the First World War, the Stanley War Memorial had an additional plaque added to commemorate those who died serving during the Second World War, and continues to form the focus for the village's Remembrance Sunday commemorations. The memorial is of historic interest to the village community, providing a connection to the significant historic events of the two World Wars. This is the primary reason for the War Memorial being of special interest.

3.19 The designer of the war memorial and the stone mason responsible for the statue of the kilted soldier which sits atop the memorial are unknown. There is no evidence to suggest that there have been any notable changes to the memorial since its original construction, other than the addition of a further plaque following the Second World War. The war memorial is of some local architectural interest, incorporating a well-executed statue of a kilted soldier. The concrete harled boundary wall and gatepiers, and the associated railings are of simple design and little architectural interest. They make only a limited contribution to the significance of the war memorial as associated elements which are not known to have been subject to change since their construction.

Setting

3.20 The War Memorial is situated centrally within a small square-plan area of grounds to the north of St Columba's Episcopal Church, at a location close to the centre of the

village of Stanley. The surrounding area of grounds has a simple symmetrical layout with gravel footpaths, mown grass and two small bushes and a tree at its western end. This immediate setting provides simple but formal immediate surroundings for the memorial, and means that the monument has some localised prominence when seen from nearby locations on Perth Road, in particular when approaching from the north.

- 3.21 The war memorial, which is set back from the road, is seen in combination with St Columba's Church when approaching from the north along Perth Road and from a small number of locations in the immediate vicinity. The position for the war memorial appears to have been chosen simply to accommodate it at a location in proximity to the village, in order to serve the local community; No specific connection between the adjacent church building and war memorial exists other than due to the fact that they are both local community buildings. It is understood that the congregation of St Columba's Episcopal Church were among those who made donations to fund the erection of the war memorial³.
- 3.22 The element of the setting of the War Memorial which contributes the most to its special interest is its location in relation to the surrounding village of Stanley. The monument commemorates soldiers from the village who died during the First and Second World Wars, and it is this associative connection with the village community which contributes most to the special interest of the listed building. The simple surrounding grounds, including the boundary wall, gatepiers and railings make some limited contribution to the setting of the monument providing an immediate open area of simple, formal surroundings.

³ <https://portal.historicenvironment.scot/designation/LB48627>

4. Assessment of Impacts

4.1 The following heritage impact assessment considers the impact of the development on the significance and special interest of St Columba's Episcopal Church and Stanley War Memorial including boundary walls, gatepiers, gates and railings in accordance and with reference to legislation, national and local policy and guidance. These are referred to below, with further details and description of the relevant legislative and policy context provided in Appendix 1. The relevant legislation, national and local planning policy and guidance referred to below and in Appendix 1 are:

- Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
- National Planning Framework 4 (NPF4), Policy 7 Historic Assets and Places (2023)
-
- Historic Environment Policy for Scotland (HEPS) (2019) and
 - Interim Guidance on the Principles of Listed Building Consent (2019)
- Historic Environment Scotland. Managing Change Guidance
 - Setting (2016)
- Perth and Kinross Local Development Plan 2 (Adopted November 2019)

Description of Development

4.2 The Proposed Development comprises the construction of the Stanley Community Sports Hub which will comprise a single multi-use building, an outside multi-use games area (MUGA), and an associated shared pedestrian and vehicular access to an area of accessible parking. The 1907 church hall which adjoins the rear of the Category C Listed Building of St Columba's Episcopal Church ([LB48626](#)) would be removed as part of the Proposed Development. The landscaping in proximity to the Stanley War Memorial would be adjusted to accommodate the shared access.

4.3 The Proposed Development is described in detail in the Design and Access Statement, plans and elevations which accompany the applications for planning and listed building consent. The following documents as prepared by Lee Boyd Architects have been referred to in the preparation of this assessment:

- Stanley Community Sports Hub. Design Statement (Lee Boyd Architects 2023)
- 1517-AL(PL)01-Location-Plan, (no revision number)
- 1517-AL(PL)02-Existing-Plan-Site, (no revision number)
- 1517-AL(PL)03-Removals, (no revision number)
- 1517-AL(PL)04-Proposed-Site-Plan, Revision B

- 1517-AL(PL)05-Proposed-Floor-Plan, Revision B
- 1517-AL(PL)06-Proposed-Front-Elevation, Revision A
- 1517-AL(PL)07-Proposed-Elevation, (no revision number)
- 1517-AL(PL)08-Proposed-Rear Elevation, (no revision number)
- 1517-AL(PL)09-Proposed-Section, (no revision number)

1517-AL(PL)10-Proposed Visual, Revision A

Assessment of Impacts

4.4 The Interim Guidance on the Principles of Listed Building Consent states that:

“Knowing what is important about a building is central to an understanding of how to protect its special interest. Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified.” (Para 10)

4.5 The guidance provides advice on situations where listed building consent should be granted, this includes:

- Where the application proposes to enhance or protect the special interest of a building (para 13)
- Where the application for alteration or adaptation seeks to sustain or enhance the beneficial use of a building and does not adversely affect its special interest (para 14).

4.6 Where applications for listed building consent will be detrimental to special interest there are four main criteria against which the application will be determined. These include the relative importance of the listed building, the scale and impact of proposals on the special interest, and whether there are other options which would allow ongoing use of the listed building with less impact on its special interest. The policy also states that a significant benefit for the wider community would justify a departure from the assumption against works that adversely affect the special interest of a listed building. (para 15) The assessment below therefore considers the level and types of impact upon the the listed buildings of St Columba’s Episcopal Church and Stanley War Memorial including boundary walls, gatepiers, gates and railings to help inform decision making.

Assessment of Impacts on St Columba’s Episcopal Church

Removal of Church Hall to Immediate Rear of St Columba’s Episcopal Church

4.7 The Proposed Development requires the removal of the church hall attached to the rear of the Category C listed St Columba’s Episcopal Church which forms part of the listing.

- 4.8 Paragraph 13 of the Interim Guidance on the Principles of Listed Building Consent⁴ states that applications for LBC should be granted where the application proposes to enhance or protect the special interest of a listed building.
- 4.9 As discussed above (Paras 3.6- 3.8), the church hall, which is disused and in a poor state of repair, is of limited architectural interest and does not contribute towards the special architectural interest of the listed church which is of special interest as a good example of a late 19th century partly prefabricated church building designed for the Episcopal Church, which has undergone limited alteration and remains in use as a church building. The church hall disrupts the intended simple form and appearance of the church, and its removal would return the church building to its original form and appearance. As such, the removal of the church hall would enhance the significance of the listed building or its special interest.

Construction of the New Community Sports Hub

- 4.10 The Site is located immediately adjacent to the Category C Listed Building of St Columba’s Episcopal Church, with development components to the west, north-west and north of the building, as shown in **Figure 4.1**.



Figure 4.1: Extract from the Proposed Site Plan (Lee Boyd Architects, 2023) showing the location of the components of the Proposed Development in relation to St Columba’s Episcopal Church.

- 4.11 The main element of the Proposed Development, the building for the Stanley Community Sports Hub, would be positioned to the rear of the church (to its west and

⁴ Historic Environment Scotland (2019) *Interim Guidance on the Principles of Listed Building Consent*

north-west). The derelict tennis courts to the north-west of the church building and the church hall to the rear of the church would be removed to allow the construction of the new building.

- 4.12 The proposed building would be primarily of single storey height, with a central two storey hall element. The building of lightweight contemporary design would be comprised of a series of regularly spaced vertical masonry/concrete elements with intervening panels, a combination of glass panels and smooth or grooved panels of a cement fibre. The upper storey of the central hall element of the proposed building, which rises above the parapet of the remainder of the building, will have opaque glazing to its northern and southern elevations and reflective metal panelling to its eastern and western elevations. The building has been designed with flat roofs to minimise its visual impact and mindful of its position in relation to the listed church building.
- 4.13 To the north of the church building adjustments would be made to the planting to allow creation of a shared vehicular and pedestrian route to accessible parking in front of the hub building. The hedge boundary to the immediate north of the church would be removed, and a single pier (the southernmost) in the war memorial boundary wall would be relocated slightly further to the north, in order to create space for the shared route. The edging of paths and lawns associated with the war memorial (to the north of the church) would be adjusted so that the symmetrical cruciform landscape layout in relation to the memorial remains. The tree and large shrubs at the western edge of the grounds would be retained but some of the lower wild shrubbery and the palisade fence would be removed. The trees would provide a verdant backdrop to the war memorial and would partially screen views of the new hub building, particularly during summer months when vegetation is thicker.
- 4.14 The Proposed Development would also add a new multi-use games area (MUGA) further to the south-west of the church, to the west of the existing bowling green. The MUGA would not be visible in the same views as the church and would have no effect upon its setting.



Figure 4.2: Existing view of St Columba's Episcopal Church from Perth Road, looking west.



ELEVATION FROM PERTH ROAD - EASTERN ELEVATION

Figure 4.3: Elevation from Perth Road, showing the Proposed Development in relation to the Category C listed building of St Columba's Episcopal Church, visible at the left hand of the image, and the war memorial, visible at the right hand of the image (Lee Boyd Architects, 2023)

4.15 As discussed above (Paragraphs 3.9 – 3.17) St Columba's Episcopal Church was positioned primarily for pragmatic reasons in an available central location within the village of Stanley to serve the growing population of the village in the late 19th century. The Proposed Development would have no effect upon the ability to experience,

understand and appreciate this relationship, which is expressed by the building's situation close to the centre of the village and on the western side of Perth Road which forms the key route through the village.

- 4.16 The greatest degree of change would be experienced when viewing the church from Perth Road, in particular when looking west across Perth Road directly towards the church. **Figure 4.2** shows the existing view in this direction, and **Figure 4.3** shows the elevation of the Proposed Development, in combination with St Columba's Church from a similar location. The building of the Proposed Development would be seen beyond the church, with the southern part of the building occupying a similar location as the church hall but being of lesser height due to its flat roofed design. The new building would be readily distinguishable from the listed church building due to its modern lightweight design and use of different materials, and its addition would have no meaningful effect upon the ability to understand and appreciate the features of the building which mean that it is of architectural interest.
- 4.17 It will remain possible to view the war memorial in combination with the church building, when approaching from the north along Perth Road forming a localised group of community buildings. The sense of the church being part of a central location within the community would remain with the addition of the new building.
- 4.18 Overall, it is concluded that the Proposed Development, whilst changing the surroundings of St Columba's Church, would not have a substantive effect upon the ability to experience, understand or appreciate those elements of the building's setting which contribute to its significance and special interest. The location of the church in relation to the wider village would remain readily understandable, and its position within its own grounds and in proximity to the war memorial would be unaffected. The removal of the adjoining (later) church hall will return the church, to its original simple form and appearance enhancing the ability to understand its simple architectural design and features.

Assessment of Impacts on Stanley War Memorial including boundary walls, gatepiers, gates and railings

- 4.19 The Proposed Development would retain the Stanley War Memorial including its boundary walls, gatepiers, gates and railings *in situ*. In order to accommodate a shared vehicular and pedestrian route to accessible parking in front of the proposed hub building, the southernmost pier in the war memorial boundary wall would be relocated slightly further to the north in order to create space for the shared route. Changes to some of the planting and landscaping in proximity to the war memorial would also be made, including the removal of the hedge boundary between the church and war memorial, and the removal of lower wild shrubbery and palisade fence to the rear (west) of the war memorial. The overall design intention of the landscaping associated with the war memorial would be respected, the edging of paths and lawns associated with the memorial would be adjusted so that the symmetrical cruciform landscape layout would remain, and trees and larger shrubs to the rear (west) of the memorial would be retained, meaning that a verdant backdrop to the memorial would remain. These changes would allow the shared access to be created whilst the immediate setting of the war memorial within its simple symmetrically arranged area of grounds would be maintained.

- 4.20 The building of the Proposed Development would be situated to the west of the war memorial and would be seen beyond it in views from Perth Road. This would alter the backdrop of views to the war memorial from Perth Road from a backdrop of vegetation and open sky to one of built form and vegetation. Figure 4.3 shows the elevation of the Proposed Development in combination with the war memorial. In this view, the building of the Proposed Development would be partially screened from view by trees and planting associated with the war memorial. Its modern lightweight design and use of different materials means that it would be readily understood as an addition to the area, of more modern date than either the war memorial or the adjacent listed church building. In views from Perth Road looking west to the war memorial there would be a slight adverse effect on the setting of the war memorial, as the backdrop against which it is seen would be altered.
- 4.21 The war memorial, which is set back from the road, is seen in combination with St Columba's Church when approaching from the north along Perth Road and from a small number of locations in the immediate vicinity. It will remain possible to view the war memorial in combination with the church building, when approaching from the north along Perth Road, and the sense of this being a localised group of community buildings would be retained and enhanced by the additional community uses in the vicinity resulting from the Proposed Development.
- 4.22 The Proposed Development has been designed to allow the War Memorial to be retained in its original location. The location of the War Memorial in relation to the surrounding village of Stanley, which is the element of the memorial's setting which contributes most to its special interest, would not be affected by the Proposed Development. The simple, formal immediate surroundings of the war memorial would also be retained, including retention of the boundary walls, gatepiers, gates and railings, with only a minor adjustment to a single pier to allow creation of the shared access route.
- 4.23 Overall it is concluded that the Proposed Development, whilst causing some change within the wider surroundings of the War Memorial, would not have a substantive effect upon the ability to experience, understand or appreciate those elements of the memorial's setting which contribute to its significance and special interest. The location of the memorial in relation to the wider village would remain readily understandable, as would its position within its small area of simple formal grounds. The position of the war memorial adjacent to St Columba's Episcopal Church would also remain understandable.

Summary of Impacts

- 4.24 The assessment presented above has considered the effects of the Proposed Development upon the special interest of the Category C Listed Buildings of St Columba's Episcopal Church, and Stanley War Memorial including boundary walls, gatepiers, gates and railings in accordance with relevant legislation, policy and guidance as set out in detail in Appendix 1. The Proposed Development would not harm the significance or setting of the Category C listed church, and the removal of the adjoining (later) church hall will return the church building to its original simple form and appearance, enhancing the listed building's special architectural and historic interest. The Proposed Development would alter the backdrop against which the war

memorial is seen in views looking west from Perth Road, causing a slight adverse effect. Overall, the Proposed Development would not harm the significance or setting of the Category C listed war memorial, which will remain in its original location, within an immediate open area of simple formal surroundings, with a boundary wall, gatepiers, gate and railings to Perth Road.

5. Conclusions

- 5.1 This Heritage Assessment report has been prepared by Turley (Heritage, Townscape and Landscape) on behalf of Stanley Development Trust. The report has been prepared to accompany applications for Planning and Listed Building Consent (LBC) for redevelopment of an area to the west of Perth Road, Stanley. The Proposed Development would involve the removal of the church hall to the rear of St Columba's Episcopal Church, and the erection of the Stanley Community Sports Hub which will comprise a single multi-use building, an outside multi-use games area (MUGA), and an associated pedestrian and vehicular access from Perth Road and small area of accessible car parking, along with associated adjustments to the landscaping in proximity to the war memorial which would remain in situ.
- 5.2 The Heritage Assessment examines the Proposed Development against the relevant legislation, national and local policy and guidance to aid decision making in determining the planning and listed building consent applications.
- 5.3 St Columba's Episcopal Church situated to the immediate south and east of the Site is designated as a Category C Listed Building (LB48626)⁵. The building, dating from 1898, comprises a rectangular plan timber church, built in English half-timbered style. To the immediate rear of the church is a later church hall dating from 1907.
- 5.4 Stanley War Memorial including boundary walls, gatepiers, gates and railings is situated within the north-eastern part of the Site and is designated as a Category C Listed Building (LB48627). The memorial dates from 1924 and comprises a 3-stage plinth topped by a statue of a kilted soldier leaning against a rock. The designation also covers the boundary walls, gatepiers, gates and railings associated with the war memorial.
- 5.5 Designation as a listed building seeks to protect these buildings from development which may cause harm to their special historic or architectural interest.
- 5.6 The Proposed Development would be situated adjacent to the west, north-west and north of the listed church. The church hall attached to the rear (west) of the church, and forming part of the listed building, would be removed as part of the proposals, and LBC would be required for its removal. The assessment as presented above has concluded that the church hall, which is disused and in a poor state of repair, is of limited architectural interest and does not contribute to the special interest of the listed church building as a good example of a late 19th century partly prefabricated church building designed for the Episcopal Church, which has undergone limited alteration and remains in use as a church building. As such, the assessment concludes that the removal of the church hall would not harm the significance of the listed building or its special interest, and some enhancement to the special interest of the listed building would result from returning it to its original simple plan form.
- 5.7 The assessment also considers the effects of the Proposed Development upon the special interest of the listed building through changes in its setting. The assessment

⁵ <http://portal.historicenvironment.scot/designation/LB48626>

concludes that, whilst the Proposed Development would change the surroundings of St Columba's Church, it would not have a substantive effect upon the ability to experience, understand or appreciate those elements of the building's setting which contribute to its significance and special interest. The location of the church in relation to the wider village would remain readily understandable, and its position within its own grounds and in proximity to the war memorial, and the ability to understand its architectural design and features would be unaffected.

- 5.8 The assessment also considers the effects of the Proposed Development on the special interest of the War Memorial. The Proposed Development has been designed to allow the War Memorial to be retained in its original location. The only change required to the listed building is the relocation of the southernmost pier in the war memorial boundary wall slightly further to the north in order to create space for the shared vehicular and pedestrian route to the accessible parking in front of the proposed hub building. The assessment concludes that there would be a slight adverse effect on the setting of the War Memorial as the Proposed Development would alter the backdrop against which it is seen in views looking west from Perth Road. Overall, it concludes that whilst the Proposed Development would cause some change within the wider surroundings of the War Memorial, it would not have a substantive effect upon the ability to experience, understand or appreciate the location of the memorial in relation to the wider village and to St Columba's Episcopal Church. The war memorial would remain in its original location, within an immediate open area of simple formal surroundings, with a boundary wall, gatepiers, gate and railings to Perth Road.
- 5.9 The design process has been informed by an understanding of the significance of the two adjacent listed buildings. A series of options have been appraised to consider the best location for the Proposed Development, and a number of options for how to treat the listed buildings have been considered. During the design process steps have been taken to minimise and mitigate effects on the significance of the listed buildings.
- 5.10 In the event that the Council consider that the Proposed Development would have significant adverse effects on the special interest of either of the listed buildings, paragraph 15 of the Interim Guidance on the Principles of Listed Building Consent would apply. This paragraph sets out criteria which the planning authority should take into account in reaching decisions, and notes that significant benefit for the wider community would justify a departure from the assumption against works that have a significant adverse effect on the special interest of a listed building. The Proposed Development will create a community sports hub which will provide a focus for community life at the centre of the town, resulting in wider community benefits.
- 5.11 The Proposed Development is therefore considered to accord with the statutory duties of local planning authorities as set out in Sections 14 (2) and 59 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and is considered to be in accordance with Policy 7 of NPF4, the Interim Guidance on the Principles of Listed Building Consent, HEPS and Policy 27A of the Perth and Kinross Local Development Plan 2.

Appendix 1: Relevant Legislation, Planning Policy and Guidance

The following legislation, planning policy and guidance are relevant to this Site:

- Town and Country Planning (Scotland) Act 1997 (1997 Planning Scotland Act)
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (1997 Act)
- National Planning Framework 4 (NPF4) (2023)
- Historic Environment Policy for Scotland (HEPS)
 - Interim Guidance on the Principles of Listed Building Consent (2019)
- Historic Environment Scotland, Designation Policy and Selection Guidance (2019)
- Historic Environment Scotland, Managing Change Guidance (MCG)
 - Use and Adaptation of Listed Buildings (2019)
 - Setting (2016)
- Perth and Kinross Local Development Plan 2 (Adopted November 2019)

Primary Legislation

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997 ('the Act') is the primary legislation relating to the built heritage in Scotland.

The Act requires Scottish Ministers (function now carried out by Historic Environment Scotland (HES)) to compile and maintain a list of buildings considered to be of special historic or architectural interest. These buildings are known as listed buildings. Section 1 (4) (a) of the Act states that any object or structure fixed to the building and any object or structure within the curtilage of the building which, though not fixed to the building, forms part of the land and has done so since before 1st July 1948 shall for the purposes of this act, be treated as part of the building.

Under the provisions of the Act any works that will affect a listed buildings' special interest, such as alteration, extension or demolition, must be authorised by the planning authority, a process known as listed building consent (LBC). Section 14(2) of the Act requires that in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The same requirements are provided in Section 59 (1) of the Act when considering whether to grant planning permission for development which affects a listed building or its setting.

National Planning Policy

National Planning Framework 4 (NPF4) (February 2023)

The National Planning Framework 4 establishes the national planning requirements for Scotland.. The framework sets out the Scottish Government’s national planning policy requirements encouraging sustainable development. Policy 7 relates to Heritage Assets and Places. The overarching aim of the policy is:

“To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.”

The policy outcomes are described as:

- *“The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.*
- *Redundant or neglected historic buildings are brought back into sustainable and productive uses.*
- *Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.”*

The following elements of Policy 7 are of relevance in relation to the proposed development

“a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.”

Historic Environment Policy for Scotland (HEPS) (April 2019, adopted May 2019)

The Historic Environment Policy for Scotland (HEPS) establishes the national policy with regards to the care of the historic environment. It establishes an approach, principles and policies at a national level to guide decision making with regards to the historic environment in the Scottish planning system. The HEPS is underpinned by a number of supporting guidance documents, including Managing Change Guidance and Interim Guidance.

HEPS sets out in policies underpinned by core principles for understanding the historic environment and managing change.

HEP 1 states that Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

The policies and principles relating to managing change, relevant to development proposals and how they affect the historic environment and its cultural significance are set out in HEP 2, HEP 3 and HEP 4. The core principles on managing change recognise that:

- some change is inevitable and can be necessary for places to thrive.
- good decisions make sure that nothing is lost without first considering its value first and exploring options for avoiding its loss, and,
- to manage change in a sustainable way the cultural significance of a place and its elements within it have to be understood

The HEPS establishes that if a place has cultural significance then this is a material consideration in the planning system (page 15). It also sets out principles for making decisions about impact, including avoiding negative impacts where possible, minimising impacts which cannot be avoided, minimising interventions and ensuring that changes made to a site or place are proportionate to its cultural significance.

The most relevant policy in HEP relating to the Proposed Development is HEPS 4, this relates to specific assets, including listed buildings:

HEP 4- Changes to specific assets and their contexts should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate

The policy continues to advise on circumstances where detrimental impacts are unavoidable.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

Historic Environment Scotland Guidance

The HEPS is underpinned by a series of guidance documents relating to works that affect listed buildings. Those relevant to the proposed development include:

- Interim Guidance on the Principles of Listed Building Consent (Historic Environment Scotland April 2019a)
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (Historic Environment Scotland, April 2019c)
- Managing Change in the Historic Environment: Setting (Historic Environment Scotland, 2016a)

The **Interim Guidance on the Principles of Listed Building Consent** is the most relevant to decision making related to this Site. This guidance sets out the guiding principles that HES recommends are applied in implementing the requirements of national planning policy and in relation to the statutory duties of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The interim guidance is extracted from the former Historic Environment Scotland Policy Statement (HESPS) (Historic Environment Scotland, June 2016). The guidance states that:

“Knowing what is important about a building is central to an understanding of how to protect its special interest. Applications should demonstrate that in arriving at a strategy for intervention, the importance of the building has been clearly understood and those features which contribute to its special interest have been identified.” (Para 10)

The guidance provides advice on situations where applications for listed building consent should be granted; this includes proposals:

- Where the application proposes to enhance or protect the special interest of a building (para 13)
- Where the application for alteration or adaptation seeks to sustain or enhance the beneficial use of a building and does not adversely affect its special interest (para 14).

Where applications for listed building consent will be detrimental to special interest there are four main criteria against which the application will be determined. These include the relative importance of the listed building, the scale and impact of proposals on the special interest, and whether there are other options which would allow ongoing use of the listed building with less impact on its special interest. The policy also states that a significant benefit for the wider community would justify a departure from the assumption against works that adversely affect the special interest of a listed building. (para 15).

Managing Change in the Historic Environment: Setting (2016)

Setting is defined in Historic Environment Scotland’s Managing Change in the Historic Environment: Setting guidance as “the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced”. The guidance states that “the setting of a historic asset comprises both of our present understanding and appreciation of its current surroundings and what (if anything) survives of its historic surroundings combined with subsequent historic changes”. Where development is proposed within the setting of historic assets, the guidance recommends a three stage approach to assessment:

- Identify the historic assets which might be affected by the Proposed Development;
- Define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced; and,
- Evaluate the potential impact of the proposed changes on setting and the extent to which any negative impacts can be mitigated.

Local Planning Policy

Perth and Kinross Local Development Plan 2, Adopted November 2019

Policy 27A: Listed Buildings states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special architectural or historic interest.

"The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting."

Turley Office

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Edinburgh
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28 February 2024
Delivered by email

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Ref: LEEH3005

Dear Sir / Madam,

**REBUTTAL OF REASONS FOR REFUSAL – LISTED BUILDING CONSENT APPLICATION REFERENCE
22/02244/LBC**

I am writing with reference to the listed building consent application for *Alterations and part demolition St Columba's Episcopal Church, 19 Perth Road, Stanley, Perth PH1 4NQ* which was refused consent by the planning authority on 8 December 2023. This letter relates to the submitted appeal against the refusal of the application for listed building consent by Perth and Kinross Council and has been prepared specifically to rebut the single reason for refusal of the application for listed building consent.

The single Reason for Refusal as noted on the Decision Notice, is as follows:

"The proposal would result in the loss of part of a category C listed building. This is not fully justified in accordance with the requirements set out national policy and guidance. Approval would therefore be contrary to Sections 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; Policy 7(b) of National Planning Framework 4 and Policy 27B of the Perth & Kinross Local Development Plan 2."

The Reason for Refusal is not valid, for a number of reasons, which can be summarised as follows:

- The Reason for Refusal demonstrates that the wrong statutory decision-making framework has been applied in considering this application. Applications for listed building consent should be determined in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ('the Act') and associated Historic Environment Scotland guidance. National and local planning policy (the national and local development plan) are not of relevance to decision-making in the listed building consent process.
- The Reason for Refusal demonstrates that the listed building consent application has been assessed in relation to National Planning Framework 4 ('NPF4') and Perth and Kinross Local Development Plan 2 ('LDP') - policies which relate to total or substantial demolition of a listed building. The listed building consent application should have been considered as alteration of a listed building as set out in the Act, and

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in accordance with definitions and considerations set out in associated Historic Environment Scotland guidance.

- The decision to refuse the application for listed building consent is not reasonable or proportionate taking into account the nature and level of the proposed change, the relative importance of the listed building (as a category C listed building), and the relative significance of the church hall as part of that category of designation.

The Report of Handling (Dated 6 December 2023) states that under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Report of Handling then notes that Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses¹. The Policy Appraisal within the Report of Handling assesses the listed building consent application against Policy 7b of the National Planning Framework 4 (NPF4) and Policy 27B of the Perth and Kinross Council Local Development Plan 2019 (LDP), these planning policies relate to proposals to demolish a listed building within the planning process. As we set out in an earlier letter, submitted to the planning officer following receipt of comments from the Council's conservation officer (Letter from C Kidd, Turley, dated 31 May 2023), we believe that these policies (and the related decision made to assess the application as demolition of a listed building) have been incorrectly applied to this application. The listed building consent application should be considered as an alteration of a listed building, and therefore assessed with regard to Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act, the Interim Guidance on the Principles of Listed Building Consent (April 2019) only. Policy 7c of NPF4 and Policy 27A of the LDP would apply to consideration of the concurrent planning application.

Background to Application for Listed Building Consent and Details of Supporting Documentation

The listed building consent was sought in relation to a concurrent planning application seeking consent for the erection of a community centre with sport / education facilities, offices, community café, formation and replacement MUGA, landscaping, parking and associated works (22/01959/FLL) ('the Proposed Development'). A second application for listed building consent for alterations to the pier and boundary wall of the War Memorial, Stanley (23/01473/LBC) was also associated with the planning application.

Full details of the Proposed Development and the background to the proposals are set out in the documents submitted with the application in particular within the Design Statement and its associated appendices. This appeal should be read in conjunction with these application documents.

A Heritage Assessment is included in the application documents for the listed building consent applications and the application for planning permission. This document considers the Proposed Development against the relevant legislation, national and local policy and guidance to aid decision making in determining the planning and LBC applications. In addition, a letter (Letter from C Kidd, Turley, dated 31 May 2023) was submitted to the planning officer following receipt of comments from the Council's conservation officer. This letter sets out in detail how the relevant legislation, policy and guidance were applied in assessing the effects of the removal of the church hall within the Heritage Assessment. The letter explains why the removal of the church hall should be considered as 'selective demolition', and would therefore be an alteration to a listed building. It also explains why Historic Environment Scotland's 'Managing Change: Demolitions' guidance is not applicable to these proposals, and why it is therefore not appropriate to consider the proposals against the stringent criteria set out therein (which are reiterated in policy 7b of NPF4).

¹ An erroneous reference to Section 64(1) of the Act is also made. This section of the Act relates to conservation areas, but the application site and the listed building under consideration does not lie within a conservation area.

Relevant Legislation and Guidance

Listed Buildings are designated under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ('the Act') on account of their special historic or architectural interest. Designation seeks to protect listed buildings from development which may cause harm to their special historic or architectural interest, whether through direct works such as alteration or demolition, and/or through development in their setting.

Section 14 (2) of the Act requires that in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The same requirements are provided in Section 59 (1) of the Act when considering whether to grant planning permission for development which affects a listed building or its setting. Section 14 (2) is the relevant part of the Act in this case, matters of setting are considered as part of the planning application.

Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent sets out the guiding principles that HES recommends should be applied when making decisions on applications for listed building consent. It recommends that listed building consent should be granted in cases:

- Where the application proposes to enhance or protect the special interest of a listed building (para 13)
- Where the application for alteration or adaptation seeks to sustain or enhance the beneficial use of a building and does not adversely affect its special interest (para 14).

Where applications for listed building consent will be detrimental to special interest there are four main considerations set out to aid determination of listed building consent applications for which adverse impact(s) to special interest have been identified. These considerations include the relative importance of the building and its special interest; the level of impact on special interest; whether there are other options that could bring about a beneficial use but with a lesser impact on the special interest; and whether the alterations are necessary to bring about wider economic or public benefits (para 15).

Policy 7c of NPF4 and Policy 27A of the LDP would apply to consideration of the concurrent planning application.

Rebuttal of Reasons for Refusal

The single reason for refusal of the listed building consent states that the removal of part of the listed building (the church hall) has not been fully justified. It states that the removal should be justified in relation to Policy 7b of NPF4 and Policy 27B of the LDP, these comprise the national and local planning policies in relation to total or substantial demolition of a listed building. No reference is made to Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent or the Managing Change guidance in relation to demolition or use and adaptation of listed buildings, which provide guidance on how to reach decisions on listed building consent applications.

Demolition is clearly defined in the national guidance as "*the total or substantial loss of a listed building*" (Page 4, Managing Change in the Historic Environment: Demolition of Listed Buildings, Historic Environment Scotland April 2019). The guidance document goes on to set out a series of considerations that should be taken into account where (total or substantial) demolition of a listed building is being explored. These stringent considerations were developed mindful of the presumption against (total or substantial) demolition resulting in the total loss of special interest of a listed building as set out in Section 14 (2) of the Act. The decision to demolish a listed building is a last resort and the criteria set out therefore set a high bar against which proposals for (total or substantial) demolition of a listed building must be justified. Policy 7b of NPF4 reiterates these criteria and would be of relevance in consideration of the concurrent planning application.

The Proposed Development would involve the removal of the church hall to the rear of St Columba's Episcopal Church (a Category C listed building LB48626). In accordance with the requirements of Historic Environment Policy for Scotland (HEPS) (and Policy 7a of NPF4 as relevant to the concurrent planning application), Section 2 of the Heritage Assessment submitted with the listed building consent application assesses the architectural and historic interest (significance) of the listed building of St Columba's Episcopal Church. The assessment concludes that the church is of special interest as "*a good example of a late 19th century partly prefabricated church building designed for the Episcopal Church, which has undergone limited alterations, and remains in use as a church*". The church hall is concluded to be "*of limited architectural interest, containing few architectural details and surviving in poor disused condition*". As such it is concluded that the hall does not contribute to the special interest of the adjacent church.

The proposed removal of the hall does not result in the total or substantial loss of the listed building, as the principal building - the Church - would remain and the special interest of the listed building would be sustained. The removal of the hall, a subsidiary building to the Church, should not be considered as demolition of a listed building. The removal of the church hall is an example of selective demolition involving the removal of part of a listed building, enabling its most significant parts to be retained. A consultation response from the Council (email dated Monday 27 March 23) agreed with this, noting that "*The proposed development is to the west of the category C listed St Columba's Episcopal Church, requiring its partial demolition*". Similarly, the Report of Handling describes the Proposed Development as involving "*the alteration and part demolition of St Columba's Episcopal Church*" (Page 1, Para 2), and states that "*The hall is part of the listed church and therefore listed building consent is required for the proposed partial demolition*" (Page 1, Para 3). Furthermore, it is noted that if the proposed alterations were being considered as a demolition of a listed building, then Historic Environment Scotland should have been consulted by the local authority. There is no evidence available on the Perth and Kinross Council Planning Portal that HES were consulted for either the listed building consent application or the concurrent planning application.

The Heritage Assessment submitted with the applications assesses the effects of the removal of the church hall upon the special interest of St Columba's Episcopal Church. The assessment concludes that the removal of the church hall would not harm the special interest of the listed building, and that there would be some enhancement to the special interest of the listed building resulting from returning it to its original simple plan form. The removal of the church hall is therefore considered to accord with the statutory duties as set out in Sections 14 (2) of the Act, and the Interim Guidance on the Principles of Listed Building Consent. The church building, which is the principal reason for the designation having been made, would be retained.

In relation to the consideration of the concurrent planning application, National Planning Framework 4 (NPF4) was adopted in February 2023, after submission of the planning application and associated documentation, including the Heritage Statement. Policy 7c of NPF4 reiterates the requirements of the Act and the associated HES guidance. As such, the removal of the church hall is considered to be in accordance with the requirements of NPF4 with regard to effects on the special interest of St Columba's Episcopal Church. Policy 27A of Perth and Kinross Local Development Plan similarly reiterates the requirements of the Act and associated guidance, requiring that any proposed alterations to a listed building "*should not adversely affect its special architectural or historic interest*". As such, the removal of the church hall is considered to be in accordance with Policy 27A of the Local Development Plan. The church building would be retained as part of the proposals, and its special interest, for which it was designated as a listed building would be preserved.

For these reasons, it is argued, that the application for listed building consent should be granted as the special interest of the listed building would be protected, and the use of the church would be sustained without adverse impact to its special interest.

In the event that decision makers assess that the removal of the church hall would have some adverse impact on the special interest of the listed building, paragraph 15 of the Interim Guidance on the Principles of Listed Building

Consent would apply. This paragraph sets out four main considerations which the decision maker should take into account in reaching decisions.

- *The relative importance of the listed building and its special interest.* – St Columba’s Episcopal Church is a category C listed building, this is the lowest category of listing designations used for buildings which are “representative examples of a period, style or building type”². (In contrast, category A listed buildings are defined as “outstanding examples”, and category B listed buildings as “major examples”). The HES Designations Policy and Selection Guidance (2019) states that the category of listing affects how a building is managed in the planning system³, and assessment of the changes to St Columba’s Episcopal Church should be mindful of the fact that it is designated at the lowest category of listing.
- *The scale and the impact of the proposals on that special interest* – As set out in the Heritage Assessment, St Columba’s Episcopal Church is of special interest as an example of a late 19th century partly prefabricated church building designed for the Episcopal Church and which has undergone limited alteration and remains in use as a church building. The church hall is not considered to contribute to that special interest. Even if decision makers consider the church hall to make some contribution to the listed building’s special interest, it should be recognised that the special interest of the listed building results primarily from the church building, with the church hall (a later addition) making a very limited contribution to the listed building’s special architectural and historic interest.
- *Whether there are other options that could bring about a beneficial use but with a lesser impact on the special interest* – the Design Statement which accompanies the planning application (Lee Boyd Architects 2022) sets out full details of the project background, including the rationale for the choice of this location for the Proposed Development. In addition, the Quinquennial Condition Report for St Columba’s Episcopal Church (Hardies, February 2016) and a Structural Condition Report (Harley Haddow, May 2023) included with the listed building and planning consent applications demonstrate the poor structural condition of the church hall and the high estimated costs to bring it back into use. The church hall cannot be meaningfully incorporated within the development proposals, and is not suitable for re-use as part of the Proposed Development. Essential repairs to prevent deterioration of the church hall were estimated in 2016 to cost £70,000 an estimate which will now be considerably greater due both to ongoing deterioration in the property and inflation in costs. Therefore it has been deemed by the design team that it is not feasible to retain the church hall as part of the Proposed Development, its form is not appropriate for the functions which are to be accommodated within the new community hub, and the costs of repair and upgrades to the building would render the whole project unviable.
- *Whether the alterations are necessary to bring about wider economic or public benefits.* The removal of the Church Hall is required as part of a wider proposal to allow the creation of a community sports hub which will provide a focus for community life at the centre of the town, resulting in wider community benefits. If the demolition is not permitted, then the Proposed Development and associated wider community benefits could not be realised. The level of community support is evident from the 207 support comments submitted in response to the concurrent planning application. The Report of Handling for the concurrent planning application also acknowledges that “the community benefit of the development is considered to be significant” (Page 12).

² Definition as taken from Historic Environment Scotland (2019) *Designation Policy and Selection Guidance*. Page 13.

³ *Ibid.*

Summary and Conclusions

We believe that the listed building consent application should be considered as a case of alteration to a listed building, and have set out in this letter our reasoning for this understanding.

The Reason for Refusal of the listed building consent refers to the lack of justification for the removal of the church hall. It incorrectly applies national and local planning policies which relate to the total demolition of a listed building to this listed building consent application. These policies are taken from the wrong statutory decision making framework for consideration of a listed building consent. In addition, these policies relate to total or substantial demolition of a listed building. The stringent level of justification which is suggested to be required should not be applied in this cases which is clearly an example of alteration to a listed building.

If the Proposed Development were to go ahead, the special architectural and historic interest and reason for the designation of the listed building would be preserved and protected. It is therefore concluded that the Proposed Development accords with the statutory duties of local planning authorities as set out in Sections 14 (2) and 59 (1) of the Act. It is also considered to be in accordance with the Interim Guidance on the Principles of Listed Building Consent, HEPS, and the relevant Managing Change guidance in relation to the use and adaptation of listed buildings.

The Proposed Development is also considered to be in accordance with Policy 7 of NPF4, and Policy 27A of the Perth and Kinross Local Development Plan 2 which are of relevance in considering the associated planning application.

Yours sincerely



Catharine Kidd
Director, Heritage & Townscape



List of Buildings of Special Architectural or Historic Interest

COUNCIL:

PERTH AND KINROSS

PARISH:

REDGORTON

MAP REF	ITEM	NAME OF BUILDING	DESCRIPTION	REFERENCES	CAT	NOTES
NO 1072 3302	38	STANLEY, PERTH ROAD, ST COLUMBA'S EPISCOPAL CHURCH	<p>Speirs & Company, Glasgow, 1898. Small, rectangular-plan, aisless timber church with 4-bay nave and steeply-pitched roof, in English half-timbered style. Boarded timber. Cusped, timber-mullioned windows.</p> <p>S (ENTRANCE) ELEVATION: gabled porch to outer left with 2-leaf, trefoil-headed timber door and decorative ironwork door furniture, narrow flanking lights and tripartite window to each return; 4-light windows to 2 centre bays and further bipartite to outer right.</p>	<p>N Haynes PERTH & KINROSS (2000), p145. Lynn Kendal ST COLUMBA'S EPISCOPAL CHURCH STANLEY 1898-1998 (1998).</p>	C(S)	<p>Ecclesiastical building in use as such. Haynes mentions a 'tall flèche' but only the base remains. During the late 19th century an influx of mill workers from England, all of whom were required to attend church on Sundays in order to retain their employment at the Stanley Mills, escalated the need for an Episcopalian Church. The building of St Columba's commenced in 1897, at</p>

**STANLEY,
PERTH ROAD,
ST COLUMBA'S
EPISCOPAL
CHURCH (CONT'D)**

E ELEVATION: broad gabled elevation with stepped 5-light window and timber cross-finial.

N ELEVATION: outer left bay with gabled projection with tripartite window and timber door on right return, 4-light windows to 2 centre bays and bipartite to outer right abutting small lean-to timber projection.

W ELEVATION: part-blocked 3-light window to gabled elevation abutting rectangular-plan, rubble church hall (see Notes).

Multi-pane leaded glazing pattern, some coloured and margined. Graded grey slates. Coped ashlar stack; overhanging eaves and plain bargeboarding.

INTERIOR: original interior with open-timbered roof, boarded dadoes and raised chancel with altar rails. Fine canopied rector's chair; altar with Dossal reredos; octagonal stone font.

which time services were held in the Temperance Hall in East Brougham Street, and the church was opened on 7th July, 1898 by the Rev G H Wilkinson, Bishop of the United Diocese. A dedication service took place on 17th August, 1898. A new organ, funded by Mrs Esme Burges, was installed during the 1960s. At the time of listing (2002) the church hall, sited to the rear at right angles, built 1907 and closed before 1970, is in a poor state of repair.

28 February 2024
Delivered by email

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Ref: LEEH3005

Dear Sir / Madam,

REBUTTAL OF REASONS FOR REFUSAL – LISTED BUILDING CONSENT APPLICATION REFERENCE 23/01473/LBC

I am writing with reference to the listed building consent application for *Alterations to the pier and boundary wall of the War Memorial, Stanley* which was refused consent by the Planning Authority on 8 December 2023. This letter relates to the submitted appeal against the refusal of the application for listed building consent by Perth and Kinross Council and has been prepared specifically to rebut the single reason for refusal of the application for listed building consent.

The single Reason for Refusal as noted on the Decision Notice, is as follows:

“The formal landscaping and fencing around the war memorial is a fundamental part of its special interest, creating a small, symmetrical, fully enclosed garden setting. The proposed development would have an adverse visual impact on both listed buildings and their setting, presenting a visual intrusion between the two buildings and affecting the symmetry and sense of enclosure of the existing garden arrangement around the memorial. There is also a lack of justification for the demolition of the boundaries. Approval would therefore be contrary to Sections 14 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; Policy 7(b) of National Planning Framework 4 and Policy 27B of the Perth & Kinross Local Development Plan 2.”

The Reason for Refusal is not valid, for a number of reasons, which can be summarised as follows:

- The Reason for Refusal demonstrates that the wrong statutory decision-making framework has been applied in considering this application. Applications for listed building consent should be determined in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ('the Act') and associated Historic Environment Scotland guidance. National and local planning policy (the national and local development plan) are not of relevance to decision-making in the listed building consent process.

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- The Reason for Refusal states that the listed building consent application has been found to be contrary to Policy 7b of the National Planning Framework 4 ('NPF4') and Policy 27B of the Perth and Kinross Local Development Plan 2 (LDP). These policies relate to total or substantial demolition of a listed building. This listed building consent application should have been considered as alteration of a listed building as set out in the Act and in accordance with definitions and considerations set out in associated Historic Environment Scotland Guidance.
- The decision to refuse the application for listed building consent is not reasonable or proportionate taking into account the nature and level of the proposed change, the relative importance of the listed building (as a category C listed building), and the relative importance of the boundary pier and wall as part of that designation.

The Report of Handling (Dated 6 December 2023) states that under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Report of Handling then notes that Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses¹. The Policy Appraisal within the Report of Handling assesses the listed building consent application against Policy 7 of NPF4 (without specifying a clause) and Policy 27A of the Perth and Kinross Council Local Development Plan 2019 (LDP). It is unclear why having considered the application against these policies, the Reason for Refusal then refers to Policy 27B of the LDP, which relates to the demolition of listed buildings.

Background to Application for Listed Building Consent and Details of Supporting Documentation

The listed building consent was sought in relation to a concurrent planning application seeking consent for the erection of a community centre with sport / education facilities, offices, community café, formation and replacement MUGA, landscaping, parking and associated works (22/01959/FLL) ('the Proposed Development'). A second application for listed building consent for alteration including part demolition of St Columba's Episcopal Church was also submitted (22/02244/LBC) and is also associated with this planning application.

Full details of the Proposed Development and the background to the proposals are set out in the documents submitted with the application in particular within the Design Statement. This appeal should be read in conjunction with these application documents. A Heritage Assessment is included in the application documents accompanying the listed building consent applications and application for planning permission. This document considers the Proposed Development against the relevant legislation, national and local policy and guidance to aid decision making in determining the planning and LBC applications.

Relevant Legislation and Guidance

Listed Buildings are designated under the terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ('the Act') on account of their special historic or architectural interest. Designation seeks to protect listed buildings from development which may cause harm to their special historic or architectural interest, whether through works such as alteration or demolition, and/or development within their setting

Section 14 (2) of the Act requires that in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

¹ An erroneous reference to Section 64(1) of the Act is also made. This section of the Act relates to conservation areas, but the application site and the listed building under consideration does not lie within a conservation area.

The same requirements are provided in Section 59 (1) of the Act when considering whether to grant planning permission for development which affects a listed building or its setting.

Setting is defined in Historic Environment Scotland's Managing Change in the Historic Environment: Setting guidance as *"the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced"*.

Policy 7c of NPF4 and Policy 27A of the LDP would apply to consideration of the concurrent planning application.

Rebuttal of Reasons for Refusal

Paragraphs 3.18 – 3.19 of the Heritage Assessment which accompanied the application for listed building consent provide a description of the special architectural and historic interest of the Stanley War Memorial (Category C listed building LB48627) and of its associated boundary wall and gatepiers. Paragraphs 3.20 -3.22 describe how the setting of the war memorial contributes to its special interest.

Applicant's Response

Justification for minor works to the boundaries of the War Memorial

In order to accommodate a shared vehicular and pedestrian route to accessible parking in front of the proposed new hub building, the southernmost pier of the war memorial boundary wall would be relocated slightly (1200mm) further to the north. This is the subject of the listed building consent application. Other changes would affect the southern boundary of the enclosed area associated with the war memorial, which is enclosed by a low hedge (which as a natural rather than built feature does not form part of the listed building designation). The application for listed building consent, therefore relates only to the minor works to the boundary wall.

The Reason for Refusal states that there is a *"lack of justification for the demolition of the boundaries"* associated with the war memorial. The Reason for Refusal states that the listed building consent application has been assessed in relation to Policy 7b of NPF4 and Policy 27B of the LDP, these comprise the national and local planning policies in relation to total or substantial demolition of a listed building and which are not relevant within the statutory framework for considering listed building consent applications. The reference to these policies is also inconsistent with the rest of the Report of Handling, which refers to policy 27A of the LDP.

Demolition is clearly defined in the national guidance as *"the total or substantial loss of a listed building"* (Page 4, Managing Change in the Historic Environment: Demolition of Listed Buildings, Historic Environment Scotland April 2019). The proposed minor adjustment to the boundary does not match the definition of demolition and should not be considered using guidance in relation to demolition of listed buildings. The acceptability of the minor adjustment to the boundary through the relocation of one pier of the wall should be considered in relation to the requirements of Section 14 (2) of the Act which requires that in considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Heritage Assessment assesses that the concrete harled boundary wall and gatepiers and the associated railings are of simple design and little architectural interest. Although included within the listed building designation, they make only a limited contribution to the significance of the war memorial, due to being associated elements which are not known to have been subject to change since their construction. The war memorial itself is the principal element of the category C listed building, and the reason for the category C listed building designation.

The Proposed Development would retain the Stanley War Memorial including its boundary walls, gatepiers, gates and railings *in situ*. The southernmost pier of the war memorial boundary wall would be moved slightly to the north (moving it 1200mm and requiring the removal of 700m of the low wall as a result). This change is required in

order to accommodate a new shared vehicular and pedestrian route to accessible parking in front of the proposed hub building, whilst also allowing the War Memorial to remain *in situ*. The minor changes to the boundary wall would not have a substantive effect upon the special interest of the listed building. All elements of the listed building would be retained, with only a minor adjustment to the southernmost pier of the boundary wall. The special interest of the War Memorial, which derives primarily from its historic interest to the village community, as a means of providing a connection to the significant historic events of the two World Wars, would be preserved.

For the reasons above, we argue that the works to the listed building should be granted as the special interest of the war memorial would be preserved whilst also enabling access to a new community facility, and encourage greater use of the war memorial itself due to increased awareness and activity within its surroundings.

Effects on the setting of the War Memorial

The reason for refusal states that the Proposed Development would have an adverse visual impact on the setting of the listed building, and refers specifically to the Proposed Development “presenting a visual intrusion between” the war memorial and the nearby St Columba’s Episcopal Church (also a listed building). The two listed buildings are seen in combination when approaching from the north along Perth Road and from a small number of locations in the immediate vicinity of the war memorial.

The hub building of the Proposed Development would be set back, behind the Episcopal Church and at a distance of 27.8m to the rear of the War Memorial. There are no locations where the proposed building would lie between the two listed buildings, and the assertion that it would form a visual intrusion between the two buildings is untrue. The ability to appreciate the two buildings in combination, in views from Perth Road would be unaffected.

The reason for refusal also states that the Proposed Development would affect “*the symmetry and sense of enclosure of the existing garden arrangements around the war memorial*”. The Proposed Development requires relocation of the southernmost pier of the war memorial boundary wall slightly to the north (moving it 1200mm and requiring the removal of 700m of the low wall as a result). This change is required in order to accommodate a new shared vehicular and pedestrian route to accessible parking in front of the proposed hub building. The planting and landscaping adjacent to the war memorial would then be adjusted, respecting the symmetrical cruciform landscape and the style of planting which is currently present. All elements of the area around the war memorial would remain, but would simply be subject to minor adjustment to allow creation of the shared access route. The immediate setting of the war memorial within a simple symmetrically arranged area of grounds would therefore be maintained, and all of the enclosing elements (boundary walls, gatepiers, gates and railings) would remain, resulting in no obvious change to the sense of enclosure following implementation of the works.

Conclusion

We believe that the listed building consent application should be considered as a case of alteration to a listed building. It relates to minor changes to the boundaries of the designated asset to enable access to a new community facility adjacent. We have set out in this letter our reasoning for this understanding.

The Reason for Refusal of the listed building consent refers to the lack of justification for the demolition of the boundary wall. Although the rationale cannot be clearly followed due to inconsistency in policies referenced within the Report of Handling and the Reason for Refusal, the Reason for Refusal incorrectly applies national and local planning policies which relate to the total demolition of a listed building to this application. These policies are taken from the wrong statutory decision making framework for consideration of a listed building consent. In addition, these policies relate to total or substantial demolition of a listed building. The stringent level of justification which is suggested to be required should not be applied in this case which is clearly an example of minor alteration to a listed building.

The Heritage Assessment which accompanies the application for listed building consent considers the Proposed Development against the relevant legislation, national and local policy and guidance to aid decision making in determining the planning and LBC applications. With regard to the Stanley War Memorial, it concludes that:

Overall, the Proposed Development would not harm the significance or setting of the Category C listed war memorial, which will remain in its original location, within an immediate open area of simple formal surroundings, with a boundary wall, gatepiers, gate and railings to Perth Road.

If the Proposed Development were to go ahead, the special architectural and historic interest and reason for the designation of the listed building would be preserved and protected. It is therefore concluded that the Proposed Development accords with the statutory duties of local planning authorities as set out in Sections 14 (2) and 59 (1) of the Act. It is also considered to be in accordance with the Interim Guidance on the Principles of Listed Building Consent, HEPS, and the relevant Managing Change guidance on Setting.

The proposed development is also considered to be in accordance with Policy 7 of NPF4, and Policy 27A of the Perth and Kinross Local Development Plan 2 which are of relevance in considering the associated planning application.

Yours sincerely



Catharine Kidd
Director, Heritage & Townscape



List of Buildings of Special Architectural or Historic Interest

COUNCIL:

PERTH AND KINROSS

PARISH:

REDGORTON

MAP REF	ITEM	NAME OF BUILDING	DESCRIPTION	REFERENCES	CAT	NOTES
NO 1072 3303	39	STANLEY, PERTH ROAD, WAR MEMORIAL INCLUDING BOUNDARY WALLS, GATEPIERS, GATES AND RAILINGS	<p>1924. First World War memorial. 3-stage plinth surmounted by pedestrian soldier. Second World War roll-of-honour added. Ashlar. 3 reducing steps surmounted by swept rectangular-plan 1st stage plinth giving way to uncut stone 2nd stage bearing bronze plaques; battered 3rd stage also with bronze plaques, that to E inscribed 'TO THE GLORY OF GOD AND IN MEMORY OF OUR BELOVED DEAD' and surmounted by kilted soldier leaning against rock.</p> <p>BOUNDARY WALLS, GATEPIERS, GATES AND RAILINGS: low ashlar boundary walls with inset railings; square-</p>	Lynn Kendal ST COLUMBA'S EPISCOPAL CHURCH, STANLEY 1898-1998 (1998).	C(S)	Sited in enclosed area next to St Columba's Church. In 1922 ex-servicemen from Stanley with Captain W Elliott of the Church Army decided to raise a memorial to the fallen of World War I. Funds were raised, with a large donation from the nearby St Columba's Episcopal Church. The memorial was unveiled in 1924 by Dr Laura Sandeman of Aberdeen, eldest

**STANLEY,
PERTH ROAD,
WAR MEMORIAL
INCLUDING
BOUNDARY WALLS,
GATEPIERS, GATES
AND RAILINGS
(CONT'D)**

plan gatepiers and 2-leaf ironwork
gates.

daughter of Colonel
Frank Stewart
Sandeman, former
owner of Stanley Mill.
A World War II
commemorative plaque
was added on 24 April
1949 and unveiled by
Sir Thomas Riddell
Webster then President
of British Legion
Scotland.

**Planning and Environmental Appeals Division
(DPEA)**

Telephone: 01312448364

E-mail: Claire.Seidel@gov.scot

Mr E Pearson
Pearson Planning, Chartered Surveyors
Sent by email

Our ref: LBA-340-2029
Planning Authority ref:23/01473/LBC

5 March 2024

Dear Mr Pearson,

**LISTED BUILDING CONSENT APPEAL: WAR MEMORIAL WEST PARK STANLEY PH1
4NQ**

Thank you for your appeal that was received in this office on 4 March 2024.

I am pleased to inform you that your appeal has been checked and is ready to move to the next stage of the appeal process.

Next Steps

Perth and Kinross Council, the planning authority that dealt with your original application has 21 days from when they received your appeal to provide a response, along with any relevant documents or information. You will receive a copy of this and then have 14 days to comment.

On completion of this process, a reporter appointed by Scottish Ministers will consider your case and move towards reaching a decision.

The reporter might have enough information to make a decision and in this instance you will be informed that no further procedures are necessary, prior to the decision being issued. Alternatively the reporter might decide to carry-out a site visit before making a decision and/or decide that additional information is required. In either of these instances I will write and keep you informed.

Further Information

Further information can be found on the appeal process, which includes using the appeal website ([Appeal Website](#)), the DPEA complaints procedure and guidance on claims for an award of expenses - [Taking Part in Planning Appeals and Other Cases](#).

I trust this explains the position.

Yours sincerely,

Claire Seidel

**CLAIRE SEIDEL
Case Officer
Planning And Environmental Appeals Division**

**Planning and Environmental Appeals Division
(DPEA)**

Telephone: 01312448364

E-mail: Claire.Seidel@gov.scot

Mr E Pearson
Pearson Planning, Chartered Surveyors
Sent by email

Our ref: LBA-340-2030
Planning Authority ref:22/02244/LBC

6 March 2024

Dear Mr Pearson,

LISTED BUILDING CONSENT APPEAL: ST COLUMBA'S EPISCOPAL CHURCH 19 PERTH ROAD STANLEY PH1 4NQ

Thank you for your appeal that was received in this office on 5 March 2024.

I am pleased to inform you that your appeal has been checked and is ready to move to the next stage of the appeal process.

Next Steps

Perth and Kinross Council, the planning authority that dealt with your original application has 21 days from when they received your appeal to provide a response, along with any relevant documents or information. You will receive a copy of this and then have 14 days to comment.

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I trust this explains the position.

Yours sincerely,

Claire Seidel

**CLAIRE SEIDEL
Case Officer
Planning And Environmental Appeals Division**