

Agenda Item	6.5
Report No	PLN/057/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 10 August 2021

Report Title: 21/02119/FUL: Mr and Mrs I MacDonald
6 St Gilbert Street, Dornoch,

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Change of use from veterinary practice (Class 2) to house (Class 9) including external alterations.

Ward: 4 – East Sutherland And Edderton

Development category: Local

Reason referred to Committee: Objection from Dornoch Area Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to change the use of and make external alterations to a veterinary practice (Class 2) to a residential house (Class 9) at No. 6 St Gilbert Street, Dornoch. The building is a traditional end-terrace 1½ storey cottage and features: natural stone walls; a 45° pitched roof finished in natural slate; square-gable east elevation with chimney stack; 3 sash windows and a single rooflight on the principal elevation; and, a rear flat roofed extension featuring two rooflights and an entrance door on the east elevation. The proposed alterations include: replacement of the flat roof of the rear extension to from a catslide style roof finished in natural slate; replacement of the timber cladding on the east elevation of the existing extension with new Larch or Douglas Fir; replacement of the central window on the principal elevation with an Oak entrance door; repair of the existing sash windows and relocation of the central window to replace the existing east entrance door; installation of 7 Velux rooflights including replacement of the 3 existing rooflights; and, Caithness Slab or Buff Quarry Tile laid to link the new entrance door with the pavement and replacement of the existing hard surface to the rear.
- 1.2 In terms of existing infrastructure, the site is immediately adjacent to the public St Gilbert Street which facilitates on-street parking. The existing building already has connections to public water and wastewater drainage infrastructure.
- 1.3 No pre-application advice was sought in advance of this planning application.
- 1.4 The application is accompanied by a Covering Letter setting out:
- No. 6 St Gilbert Street was used continuously as a residence until the late 1970's.
 - The previous occupier used the premises as an ancillary location away from their main premises.
 - No. 6 St Gilbert Street clearly forms the end of a natural terrace of residential properties and once formed part of the adjoining No.5 as well as being as residence in its own right.
 - St Gilbert Street is predominantly residential, and this application seeks to restore the property to its original use and restore the original position of the entrance door; consequently, restoring and enhancing the appearance of the existing terrace.
- 1.5 Variations: Changes to and clarification of the external finishes in the interests of the Conservation Area.

2. SITE DESCRIPTION

- 2.1 The site lies on the northern side of St Gilbert Street within the Dornoch Conservation Area. The surrounding land use is a mix of residential and commercial properties with a strong traditional character. The boundary of the defined town centre of Dornoch runs along the south side of St Gilbert Street. A core path linking St Gilbert Street with Cnoc-An-Lobht runs along the east side of the site. The site consists solely of the existing building as the rear garden ground is attached to the neighbour property No. 5 Gilbert Street.

3. PLANNING HISTORY

3.1 No recent planning history.

4. PUBLIC PARTICIPATION

4.1 Advertised: Affect on a Conservation Area

Date Advertised: 21.05.2021

Representation deadline: 11.06.2021

Timeous representations: 3 Representations in Support (3 Households)

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Residential is a compatible land use
- b) The design of the alterations will be sympathetic to the building's character and the Conservation Area

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Dornoch Area Community Council:** Objection

No. 6 St Gilbert's Street has been used for commercial purposes for almost 50 years (at least), and although on the end of a row of small residential cottages, other properties along St. Gilbert Street are of mixed use including a supermarket, a restaurant, a garage and a beauty salon. There is an acute shortage of commercial/office space in Dornoch (as demonstrated by the very successful recent letting of the office space within in the new Dornoch Hub) and DACC members are concerned that another office space will be lost to the town at the very time we are engaged with agencies trying and increase the number of premises available.

5.2 **Historic Environment Team:** No objection

The proposed detailing and materials, on amended drawing 102 Rev C, are acceptable in terms of the Conservation Area.

5.3 **Access Officer:** No objection

The core path is not detailed in the planning red line boundary. It shall not be blocked or obstructed at any time during the construction or occupation of the development, including by the use of the area for the parking of a vehicle.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
34 - Settlement Development Areas
57 - Natural, Built and Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Caithness and Sutherland Local Development Plan 2018

Dornoch Settlement Development Area and Dornoch Conservation Area

6.5 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2018)
Highland Historic Environment Strategy (Jan 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) affect on the conservation area
- c) any other material considerations

Development plan/other planning policy

- 8.4 The site is located within the Dornoch Settlement Development Area however it is outwith any allocated site. Therefore, the proposal requires to be primarily assessed against Policy 34 of the HwLDP. This outlines that proposals will be judged on their compatibility with existing and approved adjacent land uses; the existing pattern of development and landscape character and the effect on natural, built and cultural heritage. The proposal also requires the placemaking priorities of the SDA and the requirements of Policy 28 to be taken into account.
- 8.5 The proposal is located in the Dornoch Conservation Area and includes exterior alterations thus consideration must be given to Policy 57 of the HwLDP which outlines that proposals shall be assessed taking into account the level of importance of, and type of, heritage features and any impact on features and their setting.
- 8.6 The council has a presumption in favour of retaining commercial premises through Policy 1: Town Centre First of the CaSPlan however the site lies outwith the defined town centre of Dornoch thus the proposal must primarily be considered against Policy 34 of the HwLDP. Therefore, subject to the proposal having no significant detrimental impact on adjacent land uses, the existing pattern of development, and the Conservation Area the proposal would comply with the development plan.

Change of Use

- 8.7 A change of use to residential will be compatible with surrounding land uses as the north side of St Gilberts Street is mainly residential and the building forms the end of an otherwise residential terrace. The proposal site would have a lower impact on residential amenity as a permanent residence for a single family than as veterinary practice due to lower footfall, traffic, noise, and intrusiveness to neighbours in comparison. The building does not overlook neighbouring houses and the footprint will remain unchanged so there will be no additional overshadowing than present thus there will be no detrimental impact on residential amenity. Furthermore, the proposal does not conflict with any of the place making priorities for the Dornoch SDA.
- 8.8 The veterinary practice occupies the end of a row of traditional terraced cottages and was originally a residential building. Consequently, it is considered that the change of use to a house will be in-keeping with the residential character of the terrace and the locale and will not pose any detrimental impact on the existing pattern of development or sense of place. However, the proposed alterations need to be considered against Policy 57 as detailed in Section 8.10 of the report.

As noted in paragraph 8.6, the site's position outwith the defined Town Centre boundary means that in policy terms there is no requirement for the premises to be safeguarded for commercial purposes. The Planning Authority appreciate and acknowledge the limited availability of existing buildings for such purposes within the town as highlighted by the Community Council however the policy assessment must be considered solely in terms of Policies 34 and 57 of the Highland-wide Local

Development Plan. It is further noted that the Caithness and Sutherland Local Development Plan does allocate land for business purposes within the Business Park and also in Dornoch South should demand occur.

Natural, Built, and Cultural Heritage

- 8.9 Some unsympathetic external finishes were originally proposed which the Applicant was asked to amend after consultation with the Historic Environment Team. This was actioned on 18th June 2021 on Floor/Elevation/Roof/Section Plan Ref. 102 Rev C and are considered below.
- 8.10 External finishes will now be sympathetic to the character of the conservation area and the historic setting of the building through the repair of existing features where appropriate and through use of high-quality traditional materials. In particular the original wood sash windows will be repaired; the east door will be replaced with one of the original windows; the new entrance door is formed of solid oak; natural slate tiles will be added to the roof of the extension; cast iron gutters will be used on public facing elevations; timber cladding on the extension will be replaced with native Larch or Douglas Fir; roof lights will be fitted with recessing flashing kits; and, new and existing hard surfaces will be finished with local Caithness Slab or similarly appropriate Buff Quarry Tiles. Consequently, the proposal will not have any adverse impact on natural, built or cultural heritage features of their setting thus is in accordance with Policy 57 of the HwLDP.

Access and Parking

- 8.11 A change of use to residential requires that access and parking arrangements are provided in line with the Council's Access to Single Houses and Small Housing Developments Supplementary Guidance which normally requires the provision of 2 parking spaces for a 1- to 3-bedroom house. Due to the site's constrained size it is not possible to accommodate any private parking spaces however the site is located on a minor residential street where on-street parking is the norm and is well served by public transport and is in active travel distance to local services. Therefore, it is considered that the existing parking provision and access arrangements can support the change of use to residential.

Drainage

- 8.12 The building is already serviced from the public water system and connected to public wastewater drainage therefore complies with Policies 28, 65 and 66 of the HwLDP.

Developer Contributions

- 8.13 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. The site lies within the catchment areas of Dornoch Primary School and Dornoch Academy. There are currently no identified infrastructure upgrades required for either and therefore no developer contribution is sought.

9. CONCLUSION

- 9.1 The proposal can be considered compatible with existing land uses, development pattern, and landscape character and does not affect any natural, built and cultural heritage features including the Conservation Area. Furthermore, a change of use to residential does not conflict with any of the placemaking priorities for the Dornoch SDA and the site can be adequately serviced. Therefore, whilst the concerns of the Community Council are recognised, the proposal is compliant with Policy 34 therefore the change of use can be supported.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application without conditions.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or

destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Acting Head of Development Management
Author: Mark Ripley
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan: Ref. 000001
Plan 2 - Site Layout Plan: Ref. 000002
Plan 3 - Floor/Elevation/Roof/Section Plan: Ref. 102 Rev C

6 St. Gilbert Street Dornoch Sutherland IV25 3SL



Promap

LANDMARK INFORMATION

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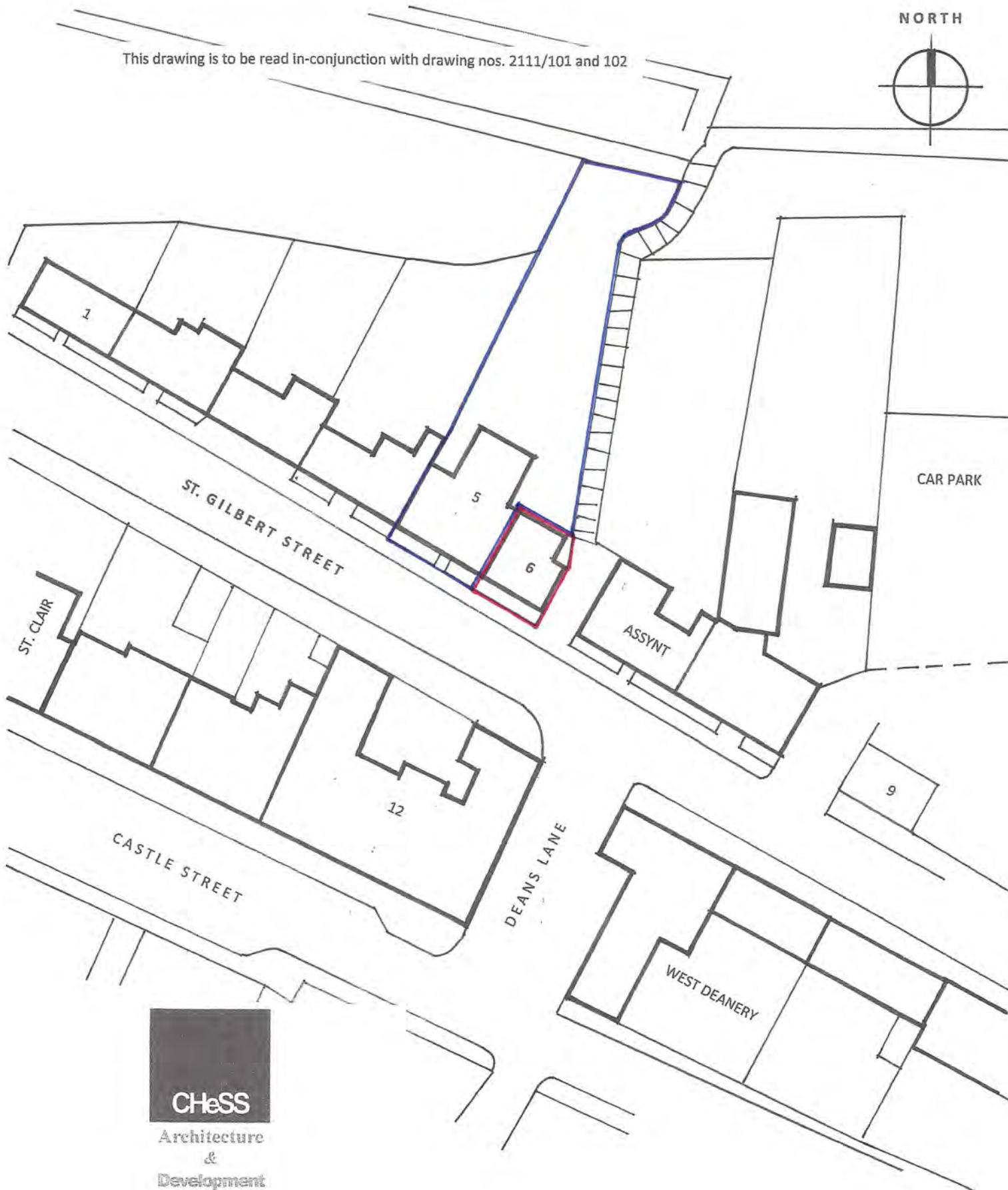
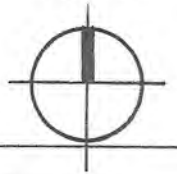
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CH SS
Architecture
&
Development

This drawing is to be read in-conjunction with drawing nos. 2111/101 and 102

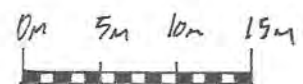
NORTH



Architecture
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Development
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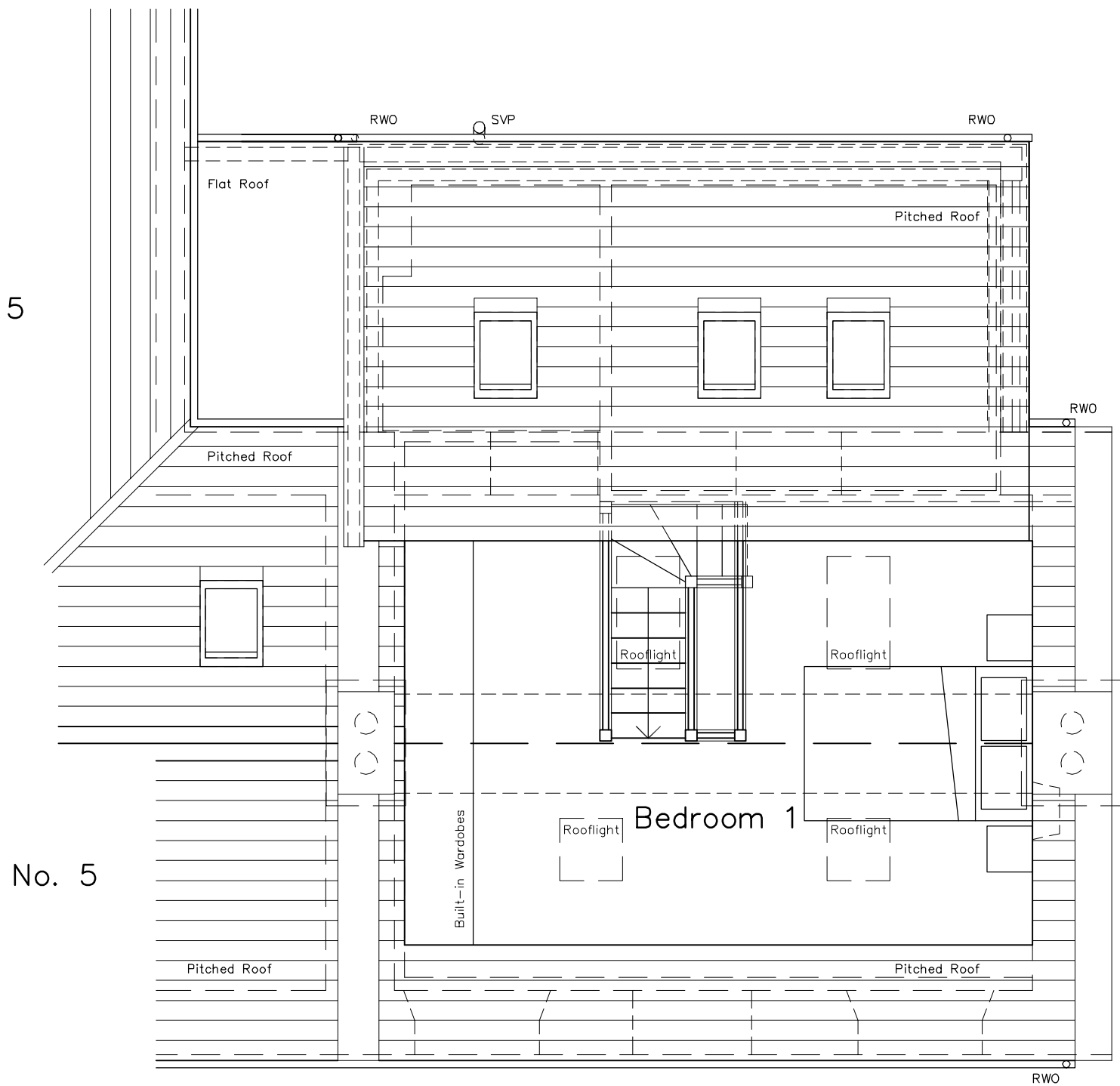
**6 St. Gilbert Street
Dornoch IV25 3SL**

Site Plan / Block Plan
Drawing No: 2111/103
Scale: 1:500 @A4 Date: April '21

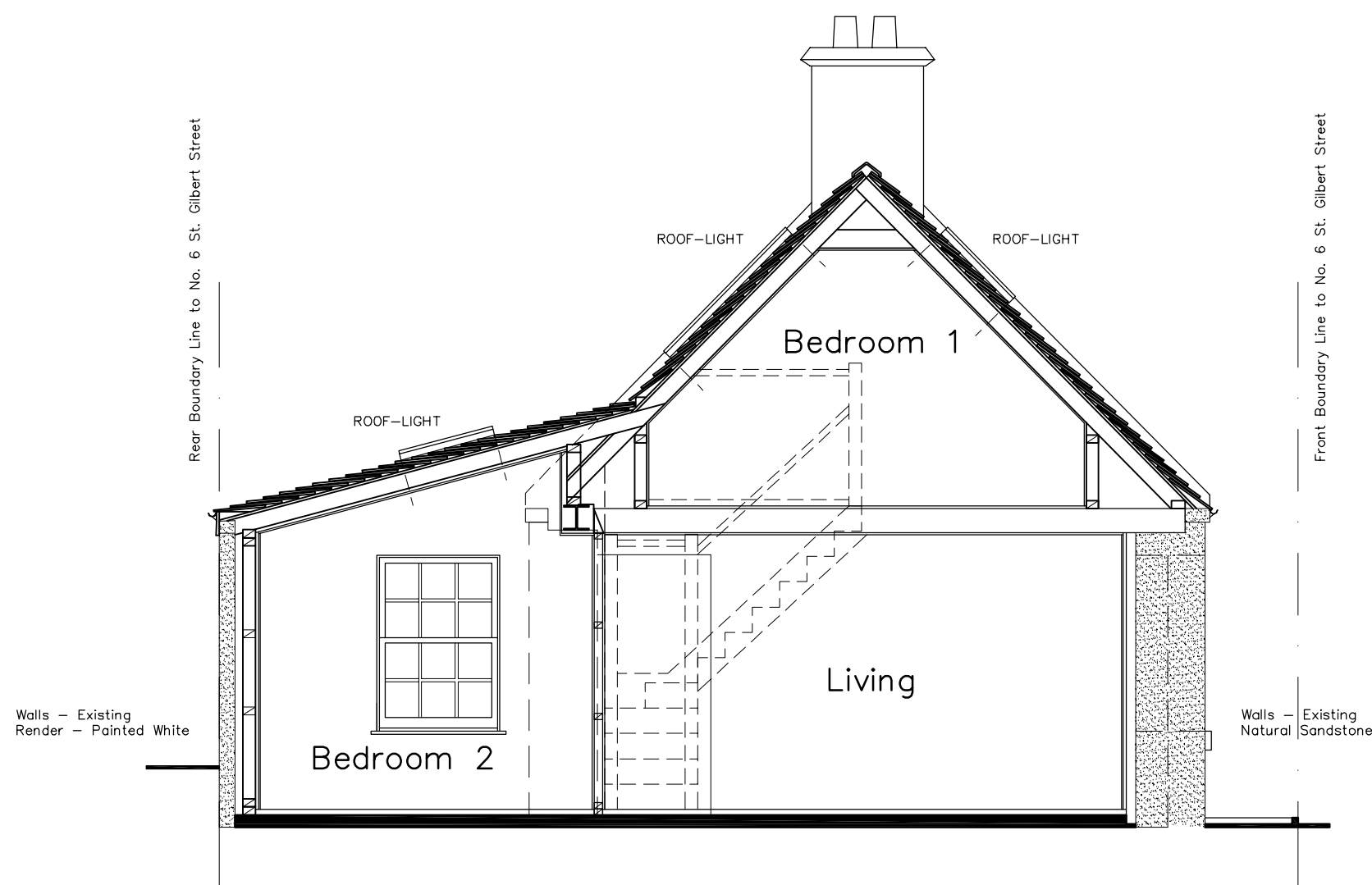


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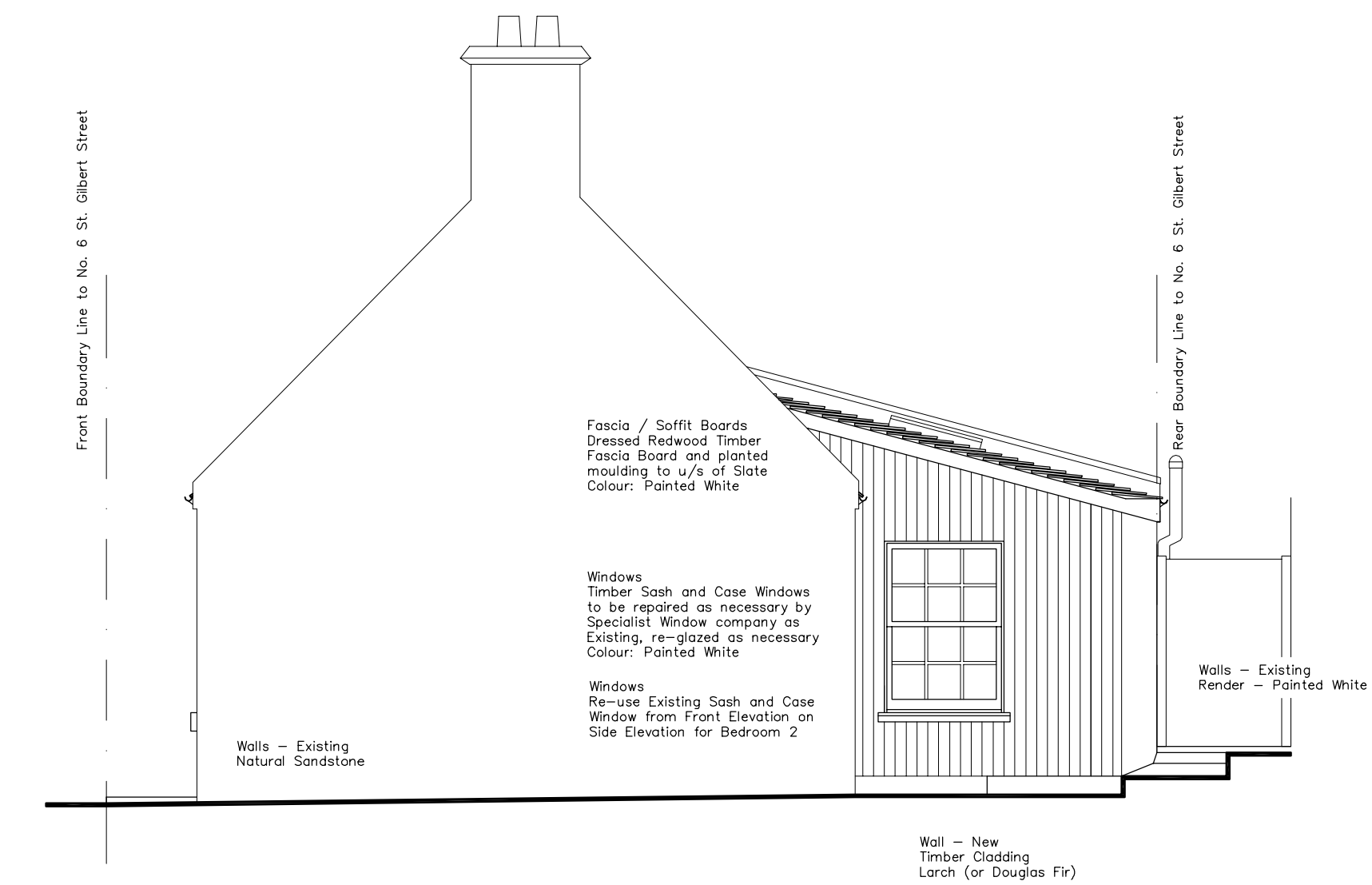
No. 5



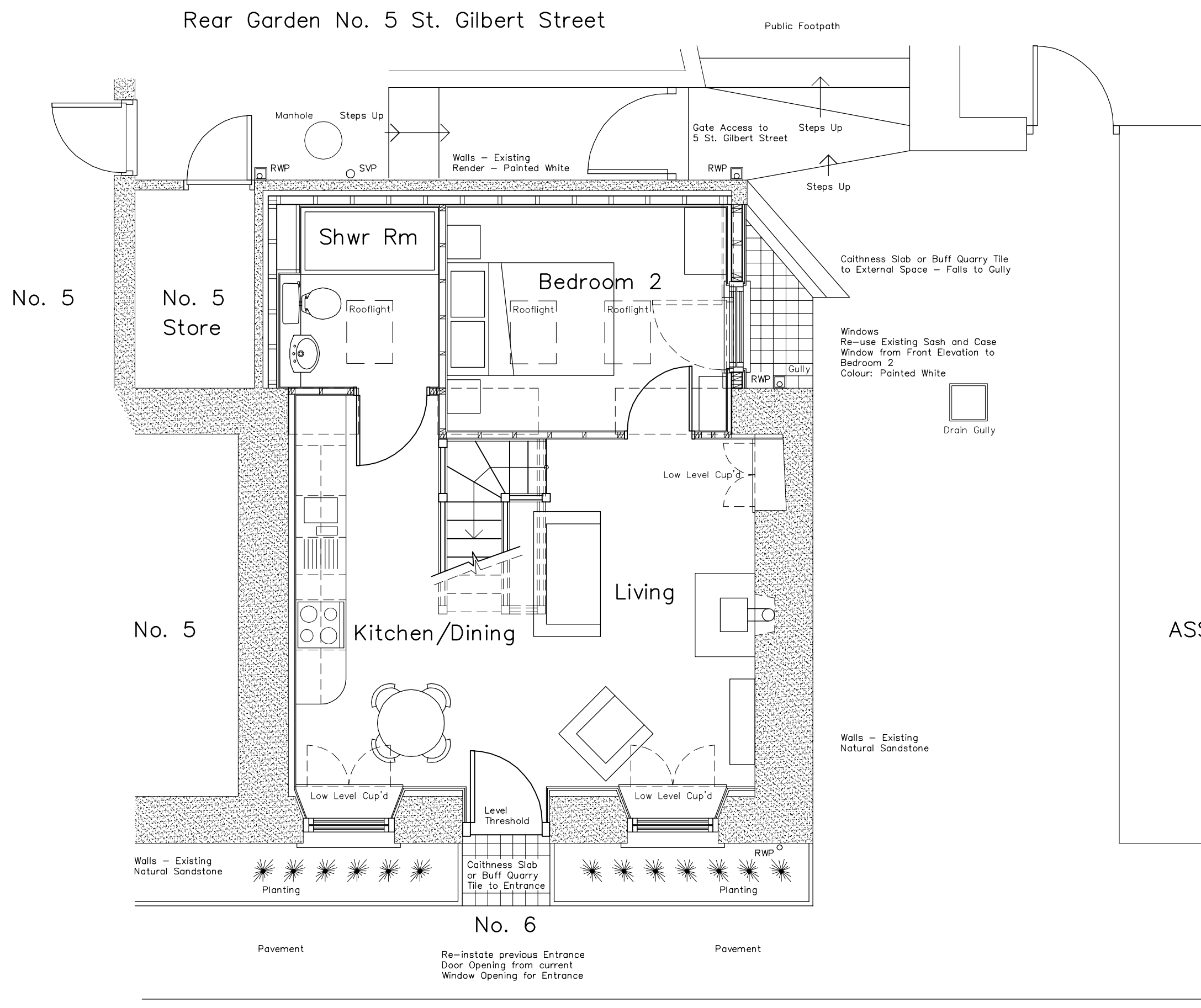
– Proposed Loft Floor / Roof Plan –



– Proposed Typical Section –



– Proposed Side Elevation –



– Proposed Ground Floor Plan –



– Proposed Front Elevation –



– Proposed Rear Elevation –

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NOTES AND SCHEDULES

This drawing is to be read inconjunction with
the CHeSS A&D general arrangement drawings
2111/101 and 103.

C	Drawing Issue – Window annotation and External Materials updated inline to comments received from Planning Officer.	03/06/21
B	Drawing Issue – Updated.	27/04/21
A	Drawing Issue – Updated.	20/04/21

Letter	Revisions	Date
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CHeSS

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Mr. and Mrs. Macdonald

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Title
As Proposed
6 St. Gilbert Street
Dornoch IV25 3SL

Scale
1:50
Date
April '21

Drawn
MM
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CAD FILE:- m:\drawings\2111\2111-102.dwg

Job No.
2111
Sheet No.
102 C