

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 19 JUNE 2007**

Agenda Item	2.2
Report No	2/07

07/00045/OUTCA - Change of use from disused church to house, installation of septic tank and soakaway, upgrade of vehicular access and temporary siting of residential caravan (As Amended)

Report by Area Planning and Building Standards Manager

SUMMARY: The proposal is in detail for the change of use from disused church to house, installation of septic tank and soakaway, upgrade of vehicular access and temporary siting of residential caravan (As Amended) at The Old Church Bruan Mid Clyth Ulbster Lybster.

Ward Number 4 - Caithness Landward

The recommendation is to GRANT planning permission subject to satisfactory referral to Scottish Ministers.

1. PROPOSAL

- 1.1 The proposal is to convert the disused former church to a single house, with the temporary siting of a caravan for the duration of construction works. The application has been amended from the original submission with the deletion of a 15m high wind turbine to the north of the church.
- 1.2 The site is located to the west side of and above the A99(T). The building is in a prominent position with open aspects to the north, east and south. To the south west is Bruan Church and to the north a derelict single storey house. Around the site is a traditional stone dyke. Vehicular access is provided by means of an existing access serving the site from the A99(T).

2. PLANNING HISTORY

- 2.1 CA/1996/280 – Alterations and change of use to dwellinghouse at The Old Church Bruan. Approved following report to Committee on 16 December 1996.
- 2.2 Committee considered that it was unlikely that the proposal would significantly increase the use of the access such as to warrant the refusal of the application and that the benefits of bringing this building back into use and its refurbishment outweighed any residual concern about the access.

3. PUBLIC PARTICIPATION

- 3.1 **Representations** – One representation has been received relating to the potential of shadow flicker and noise from the proposed 15m wind turbine. Following discussion with the applicant, the turbine has now been deleted from the development and the representation withdrawn.
- 3.2 The letter of representation is available in the Area office and will be available at the Committee meeting.

4. CONSULTATIONS

4.1 Internal Consultees

Environmental Health – Conditions required relating to wind turbine.
Archaeology – An Archaeological condition (ARC1) is required.
Contaminated Land Unit – An assessment of potentially contaminative issues is required and can be addressed by a condition.

4.2 External Consultees

Scottish Executive Trunk Road Network Manager – Unable to support the proposal due to the severe visibility restrictions at the existing access. The current visibility splay is 80m to the west and 90m to the east, significantly below the required splay of 215m. An access to the west of the site may provide an alternative entry/exit point.
Civil Aviation Authority – No objections
National Air Traffic Services – No objections
Highlands and Islands Airports – No objections
Defence Estates – No objections

5. POLICY

- 5.1 The following policies are relevant to the assessment of the proposal:

Highland Structure Plan:

1. G2 Design for Sustainability

Caithness Local Plan:

1. Policy PP1 encourages development subject to detailed site factors, with a spacing requirement of 100m between houses in the area.
2. Policy SP8 Housing Conversion / Restoration favours proposals for the conversion, restoration and improvement of redundant traditional buildings subject to:

- satisfactory access and servicing arrangements
- the buildings being substantially complete
- maintenance of the original proportions and character of the buildings
- the character and setting of the building being respected in proposals for the layout of the site, including treatment of boundaries and accesses and the design of any ancillary buildings, including garages.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), NPPG, and Planning Advice Notes and other material guidance.

- SPP1 – The Planning System

6. PLANNING APPRAISAL

6.1 **Determining issues** - 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.

6.2 The proposal requires to be assessed against both the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 The building is large, measuring approximately 23m x 13.5m x 11.5m and is constructed from stone with a slate roof. It is essentially a shell with no internal fixtures or fittings. Some of the windows have original window frames which indicate the style of new windows that would be appropriate. The proposed development would include an upper floor, with lighting to this by means of 10 No. rooflights. Solar panels are also proposed running along the roof above the rooflights. A temporary caravan is proposed to be sited within the site for the duration of the construction period.

6.4 The proposal is considered to be a welcome re-use of the dilapidated church and accords with Policies G2, PP1 and SP8 in this regard.

6.5 **The proposal is being reported to Committee due to an objection from the Trunk Road Network Manger in relation to the suitability of the existing access point onto the Trunk Road.** The Trunk Road Network Manger has indicated that the minimum visibility splays of 215m cannot be met and that the existing access is substandard. Access to the A99(T) is achieved from a long service bay / old section of the main road. This gives two alternative points of access onto the A99(T) from the service bay / old section of road and accordingly provides better distinct accesses to both the north (to

Wick) and south (to Lybster) than is suggested by the Trunk Road Network Manager.

- 6.6 Members will note that proposals are assessed as to their compatibility with the road servicing requirements of Policy G2.
- 6.7 During my site inspection I noted that the existing splay is below the current minimum required standard. The splay standard required on the 60mph stretch of Trunk Road is 215m. The horizontal alignment of the road limits traffic speeds here to 40-45mph and accordingly I would suggest that a lower splay standard is required.
- 6.8 Whilst it is accepted that the formation of a new access, or the significant increase in use of the existing access, at this point on what is recognised to be a bad bend would normally be entirely unacceptable, Section 2.1 notes the previous planning permission for the conversion of the church to a house. I do not consider that there has been any material change in the site since this previous decision.
- 6.9 The access exists and currently serves the Old Church and Bruan Church. Bruan Church is not actively used. Members must consider whether or not the proposed use would increase traffic entering and leaving the access to such an extent as to warrant refusal on the grounds that it would pose a significantly greater risk to other users of the highway. In addition, Members must consider the benefits to be gained from the bringing back into beneficial use of an important and prominent building of particular character.
- 6.10 In my view, it is unlikely that the proposal would so significantly increase the use of the access as to warrant the refusal of planning permission and the benefits of bringing this building back into use and its refurbishment outweigh any residual concern about the access.

7. CONCLUSION

- 7.1 The proposal is considered to be acceptable and accords with the Development Plan.
- 7.2 **If Members are minded to approve the proposal, then I would remind them that the application must be referred to Scottish Ministers to allow them the opportunity to call in the application for consideration.**

RECOMMENDATION

Grant planning permission subject to conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketed as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

2. All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, Scottish Water and the Building Standards Authority.

Reason: In the interests of amenity and public health.

3. Prior to the first occupation of the converted Church, the first 5m of the access road, measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or similar material.

Reason: In the interests of road safety.

4. Prior to the commencement of development, the application shall provide by way of a preliminary investigation information on potential land contamination issues affecting the site and its proposed use (potentially asbestos contained within soils associated with the building behind Church). Such an assessment should be consistent with the approach to land contamination contained within the new contaminated land regime as reflected in PAN33 as the British Standard for site investigation of potentially contaminated sites BS10175. As part of the development works, all asbestos contained within the building fabric shall be removed by an appropriately licensed contractor to a waste facility licensed to accept asbestos waste. A copy of the Waste Transfer Note recording that this has occurred shall be submitted to the Planning Authority prior to completion of the development, and before the building is occupied for residential use.

Reason: In order to ensure that contamination within the site is adequately assessed and remediated such that the site is fit for purpose.

5. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: In order to ensure the protection of the archaeological interest of the site.

6. Prior to the commencement of development, the developer shall provide full written and plan details of the proposed windows and external door finishes for the approval in writing of the Planning Authority. For the avoidance of doubt, the windows and external doors shall be made of timber and shall reflect the design, style and opening mechanism of the existing windows.

Reason: In the interests of amenity, as no details have been provided and for the avoidance of doubt.

7. The residential caravan shall be connected into the foul sewage system of the converted Church and shall be occupied by a person who is actually converting the Church; shall only remain on the site whilst the Church is being converted; and, notwithstanding progress in the conversion of the Church, shall not be present on the site for more than one calendar year.

Reason: In the interests of amenity and in order to retain effective control.

8. The roof of the converted Church shall be finished in slate.

Reason: In the interests of amenity, as no details have been provided and for the avoidance of doubt.

Alan J. Tovey

Signature:

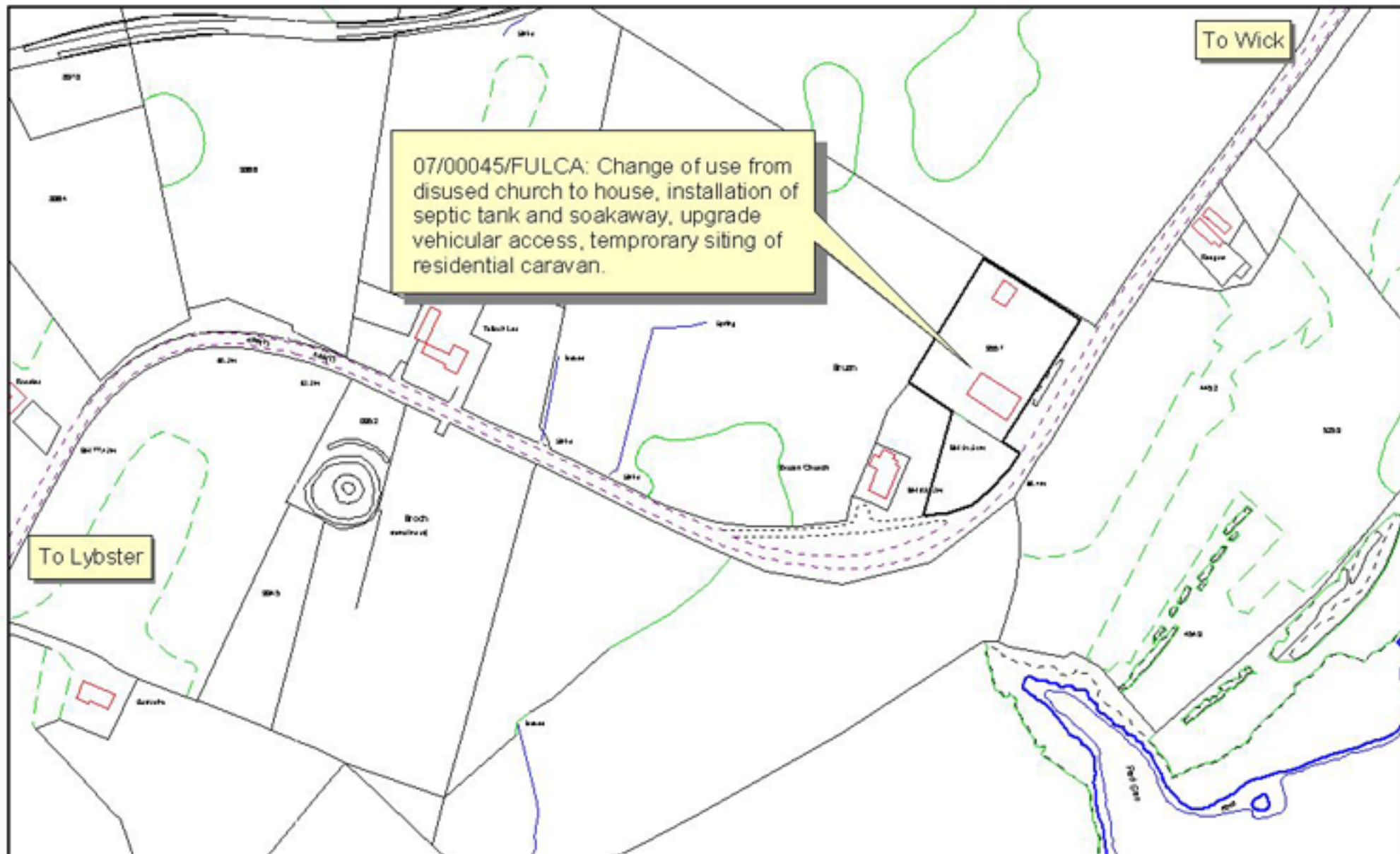


Designation: Area Planning and Building Standards Manager

Author: Bob Robertson 01862 812044

Background Papers: As referred to in the report above and case file reference number 07/00045/FULCA

Date: 7 June 2007



30 0 30 60 90 120 150 180 210 Meters



The Old Church Bruan, Ulbster, Lybster. CAITHNESS.

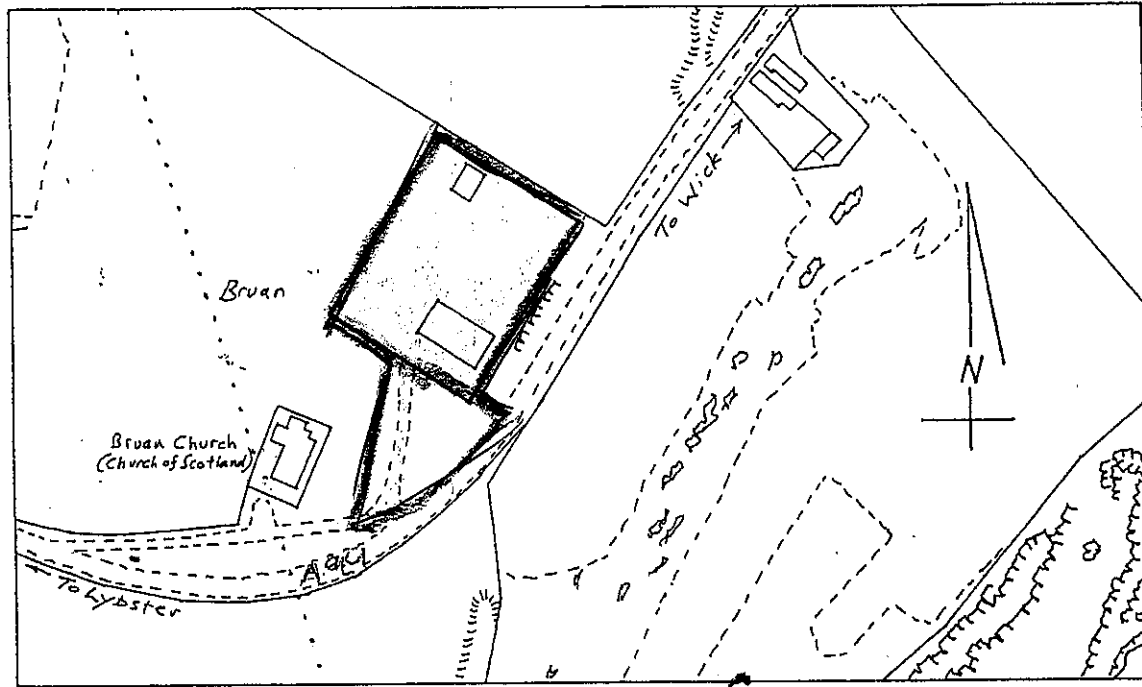
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scale
1:2500

PLAN REFERRED TO

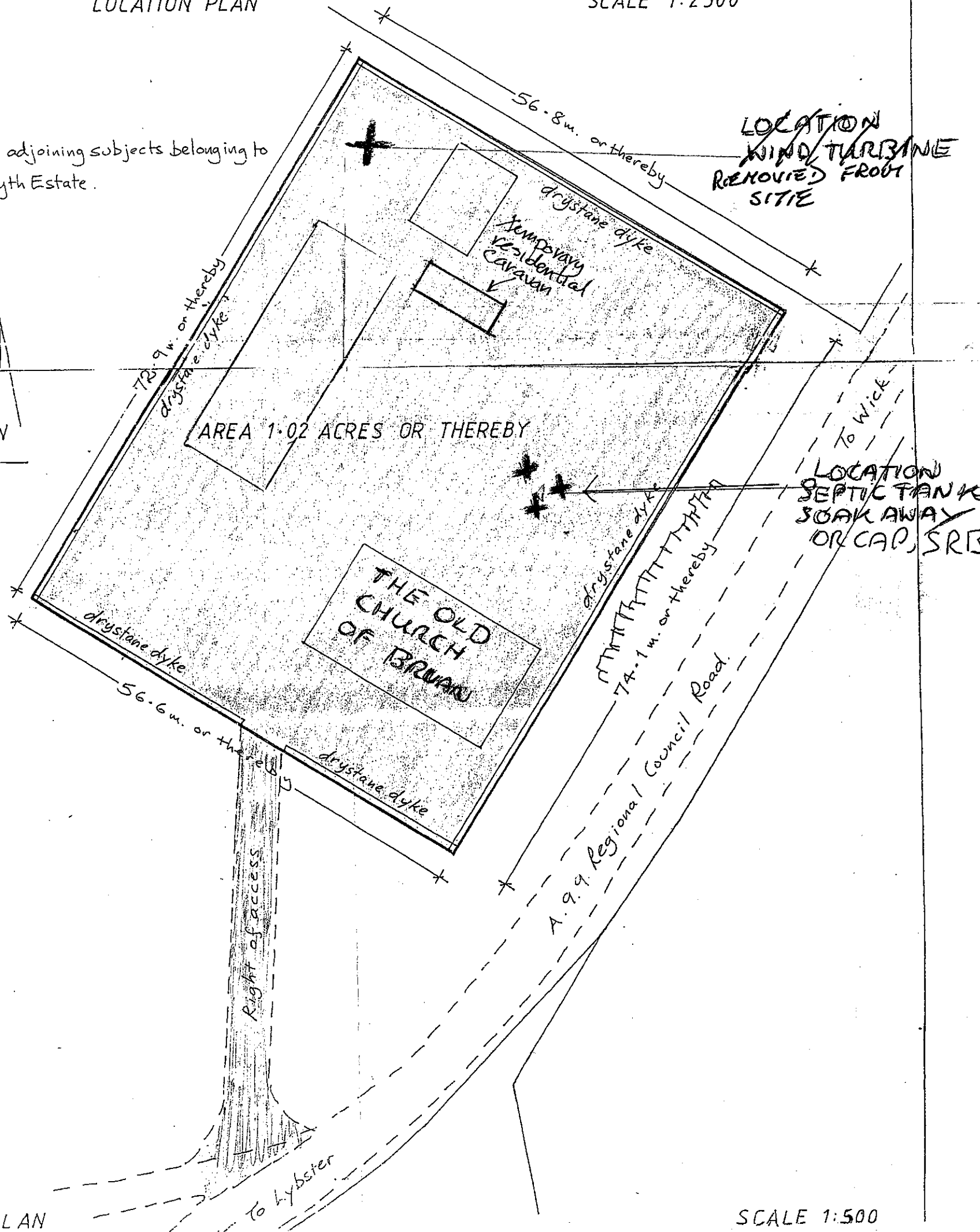
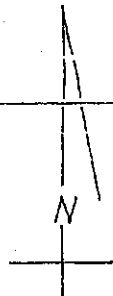


ND 313
 395
 KW2 6AA

LOCATION PLAN

SCALE 1:2500

All adjoining subjects belonging to Clyth Estate.



AREA 1.02 ACRES OR THEREBY

THE OLD CHURCH OF BRUAN

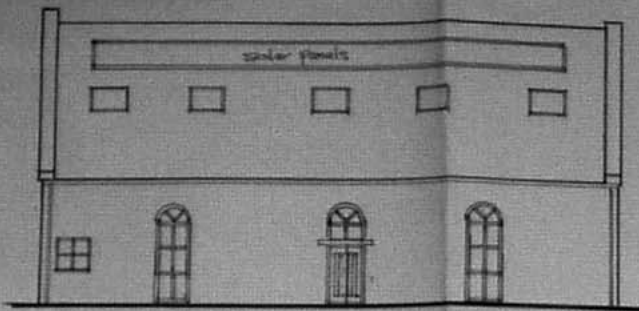
LOCATION WIND TURBINE REMOVED FROM SITE

LOCATION SEPTIC TANK SOAK AWAY OR CAP, SRB

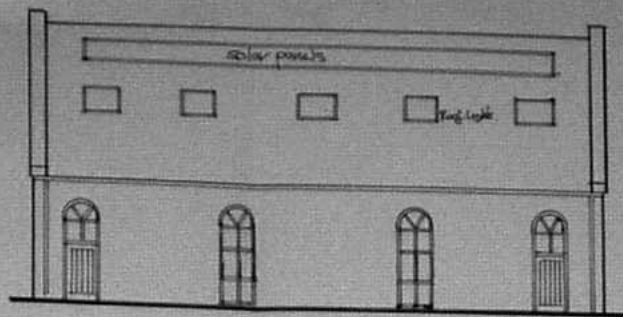
PLAN

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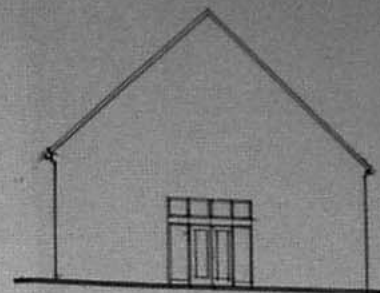
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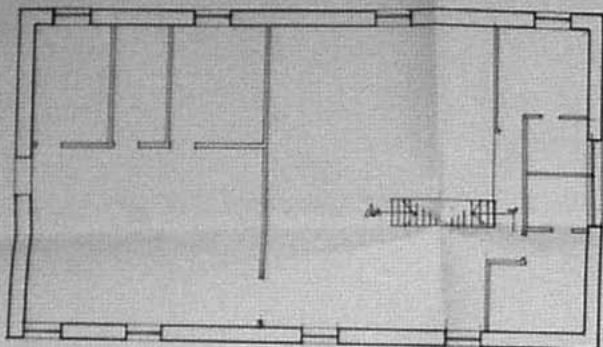
south west elevation



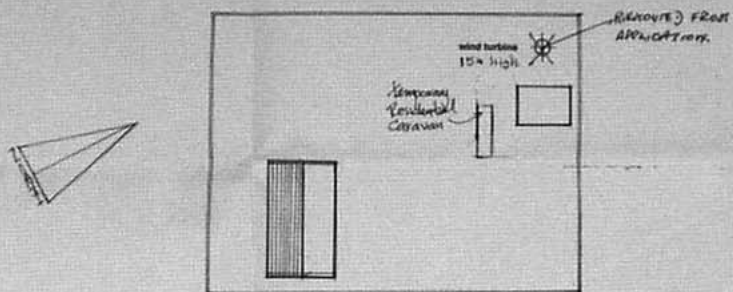
north east elevation



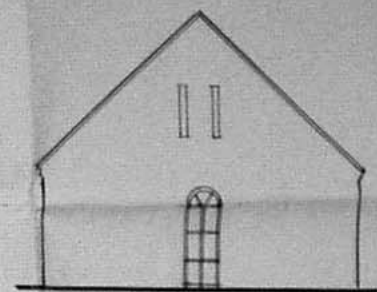
south east elevation



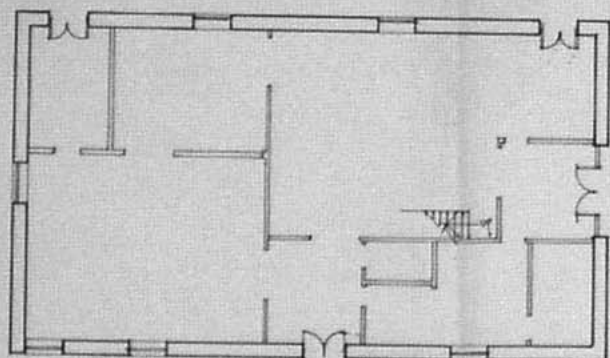
first floor plan



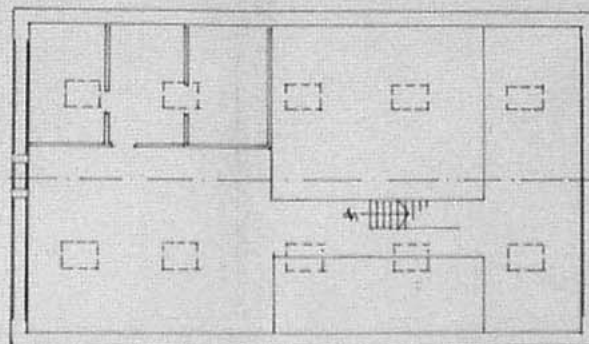
site plan 1:500



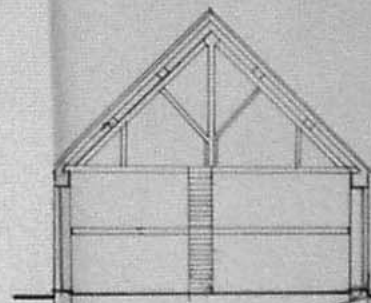
north west elevation



ground floor plan



second floor plan



cross section

RECEIVED
 PLANNING DEPARTMENT
 07/145
 213807

PROJECT: PROPOSED REPAIRMENT & CHANGE OF USE OF
 CHURCH BUILDING TOGETHER WITH NEW WALKWAY, DRIVEWAY & ROAD
 ACCESS & TEMPORARY RESIDENTIAL CARAVAN
 ADDRESS: THE OLD CHURCHYARD BRICKS, 800 CLYDE, EASTHAM
 TITLE: PROPOSED FLOOR PLAN, ELEVATIONS & SITE PLAN
 Project No: 2012/12 Scale: 1:100
 Date: January 2012

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