

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
23 October 2007

Agenda Item	4.7
Report No	30/07

07/00364/FULSU Conversion of church to form 5 dwellings (Amended proposal to previous permission Ref: 05/00120/FULSU) at Old St John's Parish Church Stafford Street Helmsdale

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is in detail for the conversion of the church to 5 flats. The application is being reported to Committee due to an objection from Helmsdale Community Council.

The recommendation is to GRANT planning permission.

Ward Number 5 – East Sutherland and Edderton

Applicant – Mr Lewis J Philip

1. PROPOSAL

- 1.1 The application is in outline for the conversion of the existing but disused church into 5 flats with associated car parking and amenity space. The building is not listed but does occupy a prominent site in the centre of the village to the west side of the A9(T).
- 1.2 The existing vehicular access to the public road is to be changed by altering the existing stone wall and gate pillars to provide a bellmouth to modern standards. Part of the wall is also to be lowered. The existing vehicular access through the wall is to be built up. The main changes to the building are internal and comprise:
 - 4 flats within the main body of the church over 3 floors, with 3 bedrooms. This space is to be divided up transversely, rather than longitudinally.
 - 1 flat to the north side of the main body of the church on 2 floors, with a single bedroom
- 1.3 Externally, additional windows and doors are required for each of the units. These are to be mainly on the north elevation, although four rooflights will be on the southern elevation. Car parking for 10 vehicles is provided on the north side of the church. There are trees around the boundary of the garden area.

2. PLANNING HISTORY

- 2.1 05/00120/FULSU - Refurbishment and change of use from ecclesiastical to domestic to form 4 No. private dwellings. Improvement / upgrade of existing access to A9(T) Inverness/Thurso road. Reported to the Sutherland County Committee on 21 November 2005. Approved 25.11.2005.

3. PUBLIC PARTICIPATION

- 3.1 No representations have been received on the application.

4. CONSULTATIONS

- 4.1 **Helmsdale Community Council have objected to the application**, highlighting their concerns over the proposed access to the A9(T), noting the proximity of the site to a bad corner. Additionally, they have objected to the loss of a right of way from Rutherford Terrace to the A9(T).

Internal Consultees – Access Officer - Council records do not show a route here but these records are not complete. Rights of Way form through use by linking two public places and can be shown to have had continued use by the public for a period of twenty years. As well as the protection of Rights of Way, The Highland Council has a statutory duty to uphold and protect access rights. Given the comments made to the planning authority it is recommended that a right of access through the site is kept as part of the development. The layout of the car parking and private gardens does allow, with minimal change, a route to be constructed from the gate on the west side of the site, along the south elevation of the church, to the car park and new access onto the A9. The route should be surfaced with stone, paving, tarmac or gravel and the line agreed with the planning authority prior to works on the site commencing.

4.2 External Consultees

Scottish Water – No response received.
Trunk Road Network Manager – No objections.

5. POLICY

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

Highland Structure Plan:

- G2 Design for Sustainability

South and East Sutherland Local Plan

General Settlement Policy S2 Housing – 2(f) Housing
General Environment Policy ENV2

- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidance (NPPG); and Planning Advice Notes (PAN).
- 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 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 site is considered to accord with the provisions of the South and East Sutherland Local Plan which highlights the potential of converting the church and adjacent land to residential use with a capacity of between 4 and 7 units. Also, Structure Plan Policy G2 encourages the reuse of existing buildings. Furthermore, the Policy also requires that proposals demonstrate sensitive siting and high quality design in keeping with local character and historic environment and in making use of appropriate materials. The proposal accords with these aspects of both the Structure and Local Plan policies.
- 6.4 Representations from the Community Council relate to access and servicing issues.
- 6.5 There is an existing vehicle access onto the A9(T). Following discussions with the Trunk Roads Authority, the Agent has revised his proposals to provide a new access (and stopping up the old access) approximately 10m to the north. Whilst bringing the access closer to the bend at the top of the A9(T) (Stafford Street), this relocation allows a better visibility splay to the south, less intervention to the existing wall bounding the A9(T) and the provision of the required 10 parking spaces. The Trunk Road Network Manager has indicated that the proposal conforms to the standards required and I would advise Members that the proposal accords with the road servicing requirements of Structure Plan Policy G2 Design for Sustainability.
- 6.6 Members will note that the Trunk Road Network Manager has confirmed that the proposal is acceptable from a technical perspective. In my assessment, the proposal can be adequately serviced as required by Policy G2.
- 6.7 The Access Officer has advised that Council records do not show a route here but these records are not complete. Rights of Way form through use by linking two public places and can be shown to have had continued use by the public for a

period of twenty years. The agent has indicated that his client is agreeable to retaining the access through the church grounds, although notes that it will have to be stopped up during the construction works for health and safety reasons.

- 6.8 Members will note that there is an alternative diversionary route around the site using Old Caithness Road and the A9(T), which does provide a reasonable alternative route for pedestrians.
- 6.9 The provision of four flats was previously agreed by the Sutherland County Committee (see section 2.1). Whilst the current proposal is for an additional flat, I do not consider that this will have any significant impact on the amenity of the area and in my view accords with policy.

7. CONCLUSION

- 7.1 The proposal accords with Development Plan Policy and would reuse an existing and long vacant old building within the centre of the village. The scheme is to be welcomed and will result in the building being given a new lease of life.
- 7.2 Approval is recommended.

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 docquetted 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 access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, and in accordance with the Schedule attaching to this permission, prior to occupation of the houses.

Reason: In the interests of road safety.

- 3 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.

- 4 Prior to the commencement of development, the developer shall identify and mark the trees to be removed on plan and site for the inspection and agreement in writing of the Planning Authority.

Reason: In the interests of residential amenity, in order to protect the trees on site and for the avoidance of doubt.

- 5 Prior to the commencement of development, full details of the proposed protection measures for the existing trees shall be provided for the agreement in writing of the Planning Authority.

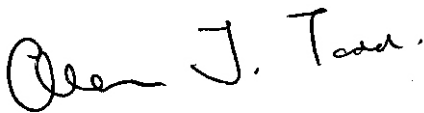
Reason: In the interests of residential amenity, in order to protect the trees on site and for the avoidance of doubt.

- 6 Prior to the commencement of development, a detailed landscaping scheme for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority, having particular regard to infill planting to the north and south of the Church. All planting thereby approved shall be undertaken in the first planting season following completion of the development and shall thereafter be maintained in accordance with the scheme of maintenance. Any plants which, within a period of five years from the completion of the development die, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened

- 7 Prior to the commencement of development the developer shall provide written and plan details of an alternative footpath access through the site from Rutherford Terrace to the A9(T) for the approval in writing of the Planning Authority. The alternative access shall be in place prior to first occupation of the development.

Reason: In the interests of amenity and as no details have been provided



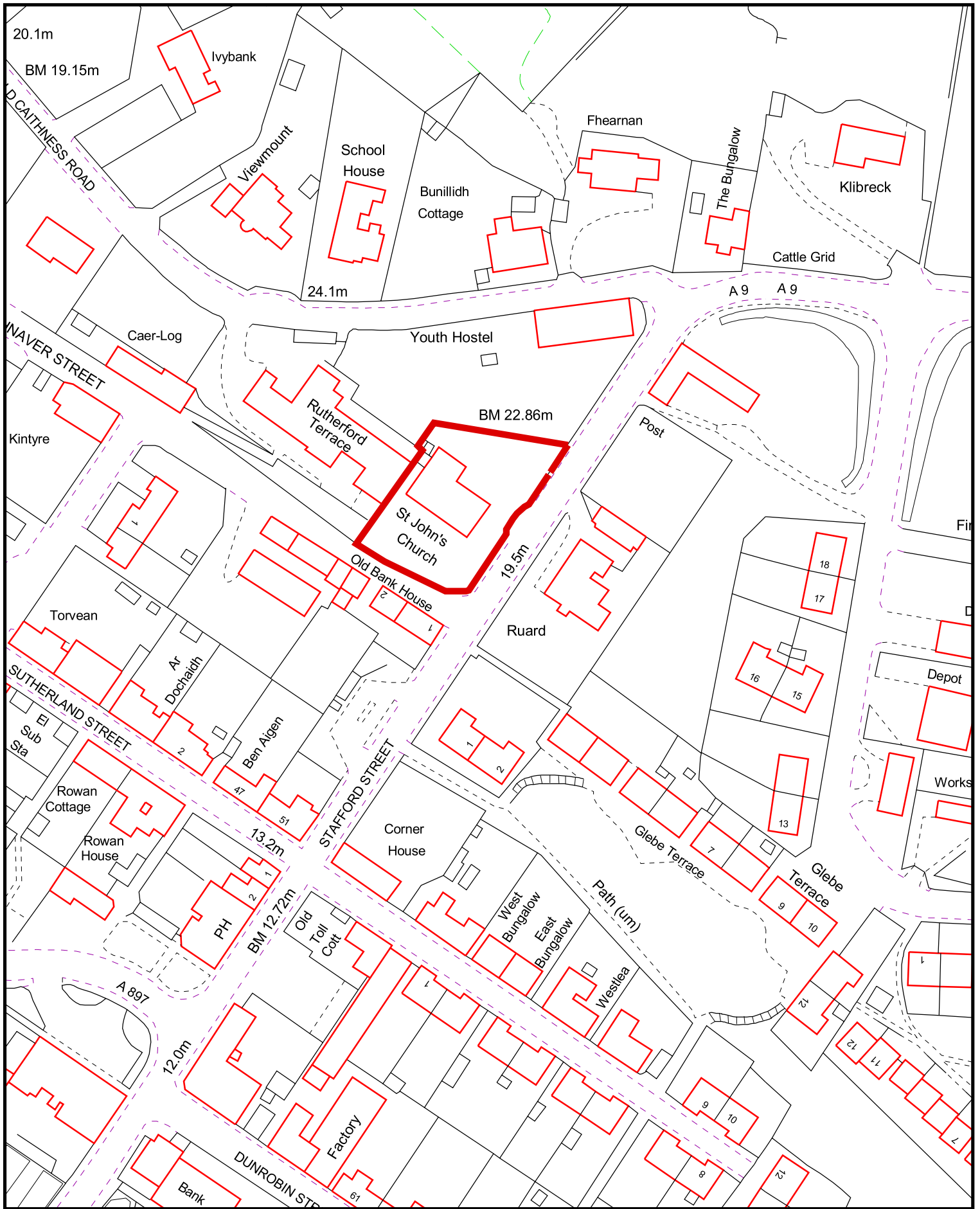
Signature:

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01862 812044

Background Papers: As referred to in the report above and case file reference number 07/00364/FULSU

Date: 5 October 2007



07/00364/FULSU
 Conversion of church to form 5 dwellings
 (Amended proposal to previous permission Ref: 05/00120/FULSU)
 at Old St John's Parish Church, Stafford Street, Helmsdale

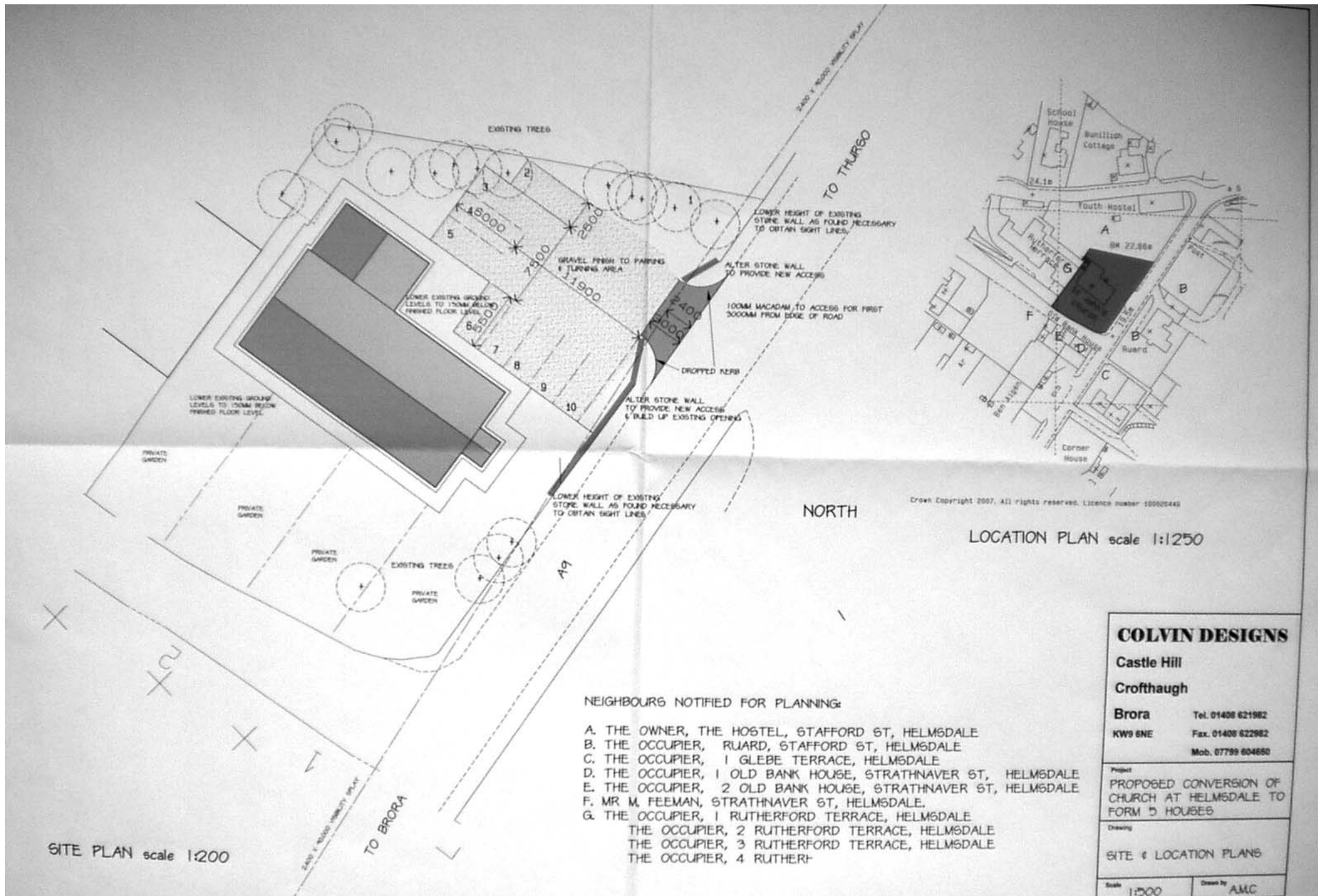
Mr L J J Philip
 per Colvin Designs
 Castle Hill
 Brora

Date: 08 October 2007

SUPPLIED BY THE HIGHLAND COUNCIL



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SITE PLAN scale 1:200

LOCATION PLAN scale 1:1250

NEIGHBOURS NOTIFIED FOR PLANNING:

- A. THE OWNER, THE HOSTEL, STAFFORD ST, HELMSDALE
- B. THE OCCUPIER, RUARD, STAFFORD ST, HELMSDALE
- C. THE OCCUPIER, 1 GLEBE TERRACE, HELMSDALE
- D. THE OCCUPIER, 1 OLD BANK HOUSE, STRATHNAVER ST, HELMSDALE
- E. THE OCCUPIER, 2 OLD BANK HOUSE, STRATHNAVER ST, HELMSDALE
- F. MR M. FEEMAN, STRATHNAVER ST, HELMSDALE
- G. THE OCCUPIER, 1 RUTHERFORD TERRACE, HELMSDALE
- THE OCCUPIER, 2 RUTHERFORD TERRACE, HELMSDALE
- THE OCCUPIER, 3 RUTHERFORD TERRACE, HELMSDALE
- THE OCCUPIER, 4 RUTHERFORD TERRACE, HELMSDALE

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Project
 PROPOSED CONVERSION OF
 CHURCH AT HELMSDALE TO
 FORM 5 HOUSES

Drawing
 SITE & LOCATION PLANS

Scale 1:200 Drawn by AMC

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Project:
PROPOSED CONVERSION OF
CHURCH AT HELMSDALE TO
FORM 5 HOUSES

Drawn:
ELEVATIONS

Scale: 1:50	Drawn by: AMC
Date: 31/8/07	Issue: 29/07/08



SOUTH ELEVATION

EAST ELEVATION



WEST ELEVATION

NORTH ELEVATION

THE IRISHLANDS BOARD
PLAN ... OF ... OF APPLICATION REFERENCE
RECEIVED