

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 1 JUNE 2010**

Agenda Item	
Report No	

**10/00041/FULCA : Cairn Housing Association Ltd.
7B Tom Matheson Court, Thurso KW14 8DB**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Change of use – convert a ground floor flat into an office.

Recommendation - GRANT

Ward : Ward 2 - Thurso

Development category : Local Development

Pre-determination hearing : N/A

Reason referred to Committee : Number of representations.

1. PROPOSED DEVELOPMENT

1.1 Tom Matheson Court is a sheltered housing complex accommodating an elderly population. The application seeks to convert a ground floor flat into an office to accommodate members of staff acting on behalf of the landlord, Cairn Housing Association Ltd.

Proposed external structural alterations would result in the formation of a new doorway with external canopy to replace the existing ground floor window in the north-east corner of flat 7B, adjacent to the principal entrance to the central courtyard area of Tom Matheson Court. Proposed internal alterations would result in the creation of two office spaces, one of which will act as a reception.

The development will result in the conversion of a wheelchair accessible single bedroom flat into a Disability Discrimination Act compliant office space.

1.2 Informal general discussion prior to application undertaken on 21 January 2010 between Mr Bob Robertson, Principal Planner and Mr Alan Gray of Pentarq, acting as architect/agent on behalf of the applicant, Cairn Housing Association Ltd.

1.3 No alteration of existing infrastructure is proposed.

1.4 Supporting documents include a letter from Cairn Housing Association Ltd. dated 7 April 2010 and a letter from their agent, Pentarq, reference 1776-Approvals.05/AG/AR.

1.5 No variations made to the application.

2. SITE DESCRIPTION

2.1 Tom Matheson Court is a sheltered housing complex, located between Robert Dick Place and Riverside Road, Thurso. The complex is secluded with a pleasant and relaxed atmosphere. Tom Matheson Court is designed with six residential blocks grouped around a central grassed courtyard. A further block, block seven, is distinct from this courtyard grouping and serves as a communal building which also offers a small office space and a larger apartment designed as a warden's house – unit 1. This function is now referred to as a Sheltered Housing Services Manager. Block seven is located to the north of the main complex and accommodates unit 1, adjacent to Robert Dick Place.

The main access to the complex is between block seven and the electricity sub-station, from Robert Dick Place. This access is in the form of a 'T' shaped cul-de-sac with parking provision. Block five is adjacent to block seven to the south with unit 2 of block five identified on plan reference 1776 A 00022, forming the northern boundary of the courtyard. Block four, which contains 7B Tom Matheson Court, forms the western boundary of the courtyard and is located adjacent to the main access and parking area opposite block seven, unit 1.

Flat 7B is the most apparent residence on gaining entry into the cul-de-sac as it is located to the front and right of the entry to the cul-de-sac. Flat 7B is located opposite the existing Wardens' Office. The window proposed for enlarging to form a doorway is located adjacent to the pedestrian entry to the courtyard area. The courtyard is not gated.

3. PLANNING HISTORY

3.1 The allied application to convert existing office space into two ground floor flats at 12-14 Dunnet Road on behalf of Cairn Housing Association Ltd. was granted with conditions on 7 May 2010, planning reference 10/01069/FUL. The office space lost as a result of this development is to be regained through the conversion of 7B Tom Matheson Court.

4. PUBLIC PARTICIPATION

4.1 Advertised : 26 February 2010 (Neighbour Notification)

Representation deadline : 12 March 2010

Timeous representations : Three letters/notes of objection with one petition of objection with seven signatures. Three duplicate objections between signatures on petition and individual letters/notes.

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Loss of a wheelchair accessible flat
- Loss of privacy owing to office visitors unconnected with Tom Matheson Court residents or operational needs of the complex

- Loss of amenity through the potential loss of car parking spaces, disruption in period of construction works and potential disruption to the use and enjoyment of communal spaces and facilities within the complex.

4.3 All letters of representation can be viewed at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Social Work Service:** Objection relating to the loss of a wheelchair accessible property within a sheltered housing complex. Objection removed if provision for wheelchair access to alternate flat is considered to ensure that there is no net loss of wheelchair accessible flats within complex.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2	Design for sustainability
G4	Community benefit and commitment
H4	Affordable housing

6.2 Caithness Local Plan

Policy H General Policy, Housing

Policy Thurso
12.11 In the Thurso residential area, residential uses are supported, all development must respect the residential character and amenity of the area.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

Planning Advice Note (PAN) 77 Designing Safer Places

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.

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.

8.3 Development Plan Policy Assessment

The proposed development conforms with Highland Council Structure Plan policies G2 Design for sustainability and G4 Community benefit and commitment as it makes use of an existing building whilst enhancing service provision for potentially vulnerable sheltered housing residents.

The potential conflict with Policy H4 Affordable housing, regarding adequate supply of social housing, due to the loss of Flat 7B through conversion to an office should be considered in relation to the restructuring of Cairn Housing Association Ltd office accommodation in Thurso as a whole. The closure of the office at 12-14 Dunnet Road to relocate the office accommodation to Flat 7B Tom Matheson Court will lead to the creation of two ground floor flats as per planning reference 10/01069/FUL granted 7 May 2010. This is to be achieved through the conversion of the former office into two, one-bedroom flats. In addition the existing Sheltered Housing Services Manager's property, which is a three-bedroom apartment in the Tom Matheson Court complex may also become available owing to this restructuring exercise. The net result of this restructuring exercise in terms of affordable housing provision is the net gain of one, one-bedroom flat with the possibility of a three-bedroom apartment also becoming available in the future.

Caithness Local Plan, 2002, settlement policy H, states that "the Council will safeguard the function and character of established residential areas and will encourage appropriate development". This is reinforced by detailed settlement policy Thurso 12.11:

'In the residential areas of the town centre the Council will:

- Protect and enhance their settled character and amenity;
- Favour refurbishment, extension or redevelopment of properties for residential purposes;
- Presume against the introduction of further non-residential uses, notably office development, and have regard to the impact of any such uses proposed for adjoining land.'

The proposed development is in part contrary to the above owing to the potential impacts upon character and amenity and the change of use of Flat 7B to office accommodation.

Statements within supporting information supplied by both applicant and agent as noted in 1.4 demonstrate a high awareness and sensitivity to the character and amenity of the Tom Matheson Court complex as a whole.

The allied conversion of the existing Cairn Housing Association Ltd office at 12-14 Dunnet Road planning reference 10/01069/FUL granted 7 May 2010, from office accommodation into two, one-bedroom flats, and the potential release of the three-bedroom Sheltered Housing Services Manager's accommodation should be considered in terms of the wider gains of redevelopment of properties for residential purposes.

8.4 **Material Considerations**

In considering Tom Matheson Court as a whole the original design of the complex indicates that only two of a total of twenty five apartments, including the warden's accommodation, were designed specifically for wheelchair use – apartments 7A and 7B respectively. The design of the complex, circa 1987, was prior to current disability discrimination and building standards legislation. This clearly indicates that the potential loss of one of only two wheelchair accessible apartments in the complex as a whole has strategic significance in consideration of the Tom Matheson Court complex as a whole.

The potential loss of a wheelchair accessible apartment within a sheltered accommodation complex, populated by elderly residents was noted as a primary concern and cited as a universal point of objection by correspondents. In addition this was cited as a cause for objection by the Council's Social Work Services.

The strategic rationale for retention of a wheelchair accessible property is negated owing to the operational reality of the use and allocation of accommodation within the Tom Morton Court sheltered housing complex. Confirmation from the agent states that "Cairn Housing Association have determined that catering for disability is best accommodated by tailored alterations of existing tenants' properties to their specific needs as determined by the Social Work Services' Occupational Therapist". Thus, if a specific need arises, Cairn Housing Association Ltd. would pursue alteration to a given tenant's dwelling rather than relocation to a bespoke property. It is notable that the current tenant of 7B is not a wheelchair user and that the property has not been available as a wheelchair resource, owing to sitting tenants, for seventeen years.

Current demand, as indicated by Cairn Housing Ltd, notes that a waiting list of one wheelchair user and two walking frame users have declined a property in Thurso – even had the property been vacant and subject to re-letting.

In addition to the above the proposed new office may release the Sheltered Housing Service Manager's accommodation, located opposite 7B, as a possible multi-apartment let via the Highland Housing Register. Therefore there would be no net loss of accommodation through the potential gain of one three-bedroom unit at No. 1 Tom Matheson Court with the loss of the one-bedroom unit at 7B.

The applicant notes that following review of the Waiting List of the Highland Housing Register for Thurso there were 169 applicants that may be considered suitable for a property of this size.

The objection relating to loss of privacy, safety and security owing to the proposed use of flat 7B as a public office has been refuted by the applicant as follows:

- There will be greater staff presence on site during the week.
- Reduced likelihood of office closure due to staffing shortages.
- The proposed access to the new office is outside the central court area.
- The proposed new office would not impact on the use and enjoyment of existing communal areas.
- The suggested use of the existing Sheltered Housing Service Manager's accommodation, using the downstairs guest bedroom, at number 1 would have led to greater disruption to communal space as visitors would have had to pass the residents' lounge to gain access to an office in this unit.
- The expected visitor numbers to the proposed new office are anticipated to be very low. Based on an audit of callers the applicant has stated that the average number of visitors per week was twenty with an average of four per day based on figures gathered between week ending 29 January and 26 March 2010.
- The provision of the new porch to the exterior doorway of the proposed office will clearly identify the office location and entry point to visitors and reduce accidental access to the residents' courtyard. The applicant notes that a gate to the courtyard may be considered although this will be subject to further discussion with residents.
- The proposed location of the new office has a good degree of 'natural surveillance' being overlooked by properties, in accordance with PAN 77 Designing Safer Places.

8.5 Other Considerations – not material

Objection letter from resident of 3A Tom Matheson Court in part citing lack of consultation and dialogue between Cairn Housing Association and residents of Tom Matheson Court. This is refuted by Cairn Housing Association Ltd.

The current occupant of Flat 7B has agreed to move to Flat 5A to which ramped access has been offered. If this ramped access is undertaken this will additionally provide ramped access to Flat 5B, thereby improving accessibility to two properties.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 This proposal complies with Structure Plan policies G2 and G4 as it makes use of an existing building whilst enhancing service provision for potentially vulnerable sheltered housing residents. The office will be Disability Discrimination Act compliant and provide greater staff presence to the advantage of residents of Tom Matheson Court during the week.

The loss of a one-bedroom wheelchair accessible flat through conversion to an office could be considered as contrary to Structure Plan policy H4 in addition to Caithness Local Plan policies H and Thurso 12.11. To recommend refusal on this basis would however discount the wider strategic gain of two one-bedroom flats through the conversion of the existing Cairn Housing Association Ltd. office at 12-14 Dunnet Road. In addition the re-letting of the three-bedroom Sheltered Housing Services Manager's accommodation at Tom Matheson Court would be an additional affordable housing gain.

The loss of the single bedroom, wheelchair accessible flat at 7B is initially concerning for housing stock provision of this nature in Thurso as highlighted by the consultation response from Highland Council Social Work Services. This is tempered by the fact that the current tenant is not a wheelchair user, that the flat has not been available for re-letting for the past 17 years owing to the sitting tenant and that the low number of suitable recipients (3) on the waiting list of the Highland Housing Register have declined this accommodation – were it to be made available. The sitting tenant has been offered and has accepted alternative accommodation within Tom Matheson Court. Cairn Housing Association Ltd. undertake to tailor alterations of existing tenants' properties to their specific needs rather than transferring tenants between properties which are built to specific standards.

Objections raised universally note the loss of a wheelchair accessible flat as discussed above with additional comment regarding loss of residential character, amenity and possibly security. There will be an element of disruption with a corresponding loss of amenity as the development is initiated and progressed. Post-development, the choice of flat 7B otherwise minimises disruption to the Tom Matheson Court complex as a whole with the new access to be formed for the office negating the need for visitors to progress into the main courtyard or communal areas.

The additional information supplied by both the applicant and the agent demonstrates that Cairn Housing Association Ltd. is mindful of the potential impacts upon the character and amenity of the Tom Matheson Court complex. In consideration of the proposed changes, Cairn Housing Association Ltd. have undertaken consultations with residents, clarified the rationale for choice of property for conversion and have indicated the potential gain of additional staff coverage for the complex whilst releasing additional affordable housing for Thurso as a whole.

In consideration of the above the recommendation is to grant permission subject to the conditions below.

10. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

Subject to the above, it is recommended the application be **GRANTED** subject to the following conditions and reasons / notes to applicant:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission/approval of matters has been submitted to and acknowledged by the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. Unless otherwise approved in writing by the Planning Authority, construction activity on the site shall be restricted to Monday to Friday 9 a.m. to 5 p.m.

Reason : In the interests of residential amenity and in order to avoid disturbance and nuisance.

5. The sound insulation properties and sound transmission characteristics of the structures and finishes shall be such that no noise from normal operations taking place within the premises shall be audible in adjoining properties.

Reason : In the interests of residential amenity and in order to avoid disturbance and nuisance.

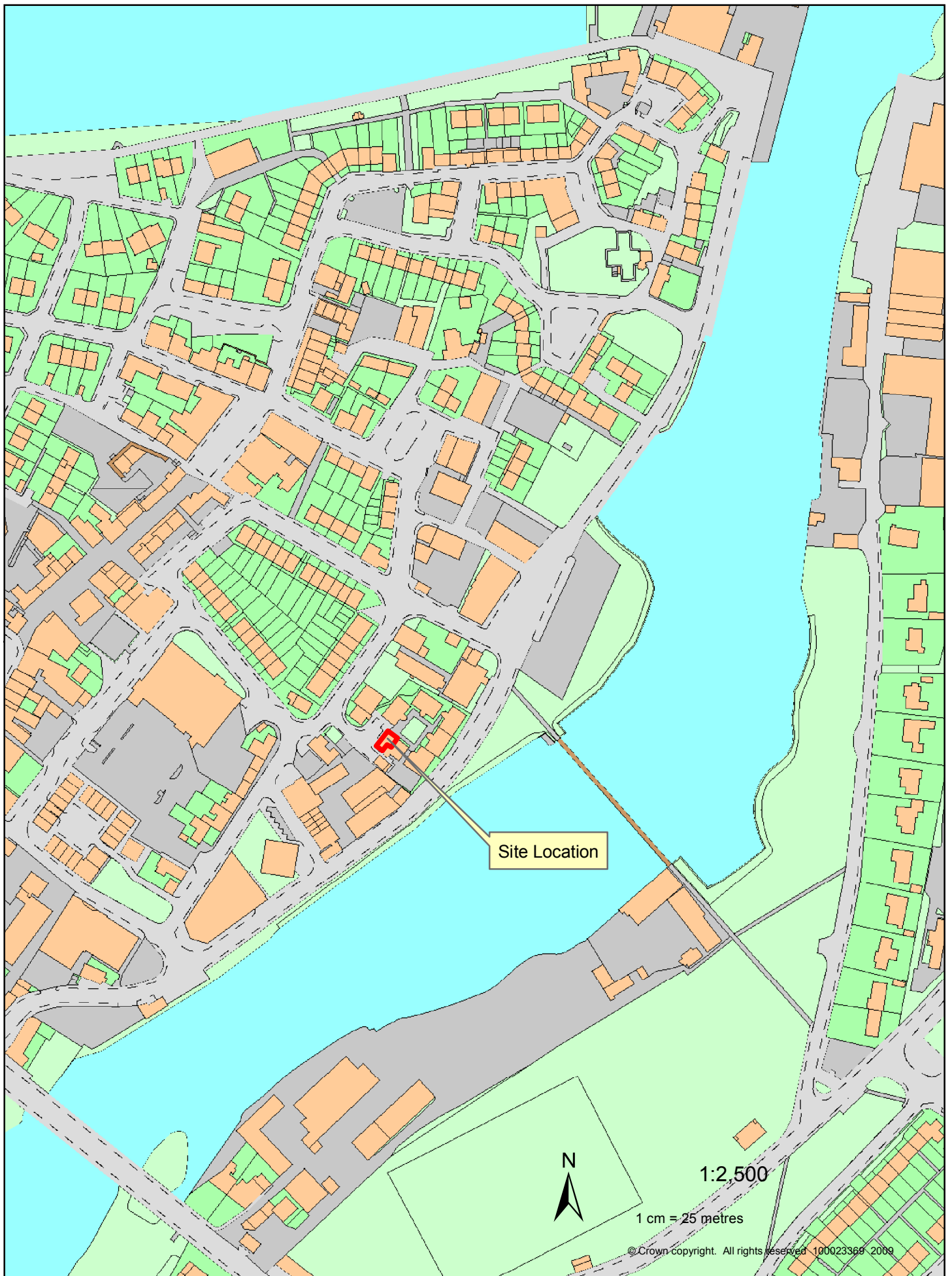
6. Unless otherwise approved in writing by the Planning Authority, the approved office shall only be open to visitors between the hours of 9 a.m. and 5 p.m.

Reason : In the interests of residential amenity and in order to avoid disturbance and nuisance.

7. Prior to the commencement of development, details of external lighting, advisory and directional signage and car parking designation in the immediate vicinity of the development shall be submitted to and require the approval in writing of the Planning Authority. Such works shall be undertaken to safeguard the security, character and privacy of the tenants of Tom Matheson Court. The approved details shall thereafter be implemented prior to any part of the development being brought into use.

Reason : In the interests of amenity.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: David Barclay
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan (1776 A 00022)
Plan 2 – Proposed Elevations (1776 A 00021)
Plan 3 – Existing Elevations (1776 A 00010)
Plan 4 – Proposed Floor Plan (1776 A 00020)
Plan 5 – Existing Floor Plan (1776 A 00001)
Plan 6 – Column Footing Detail (1776 A 00030)

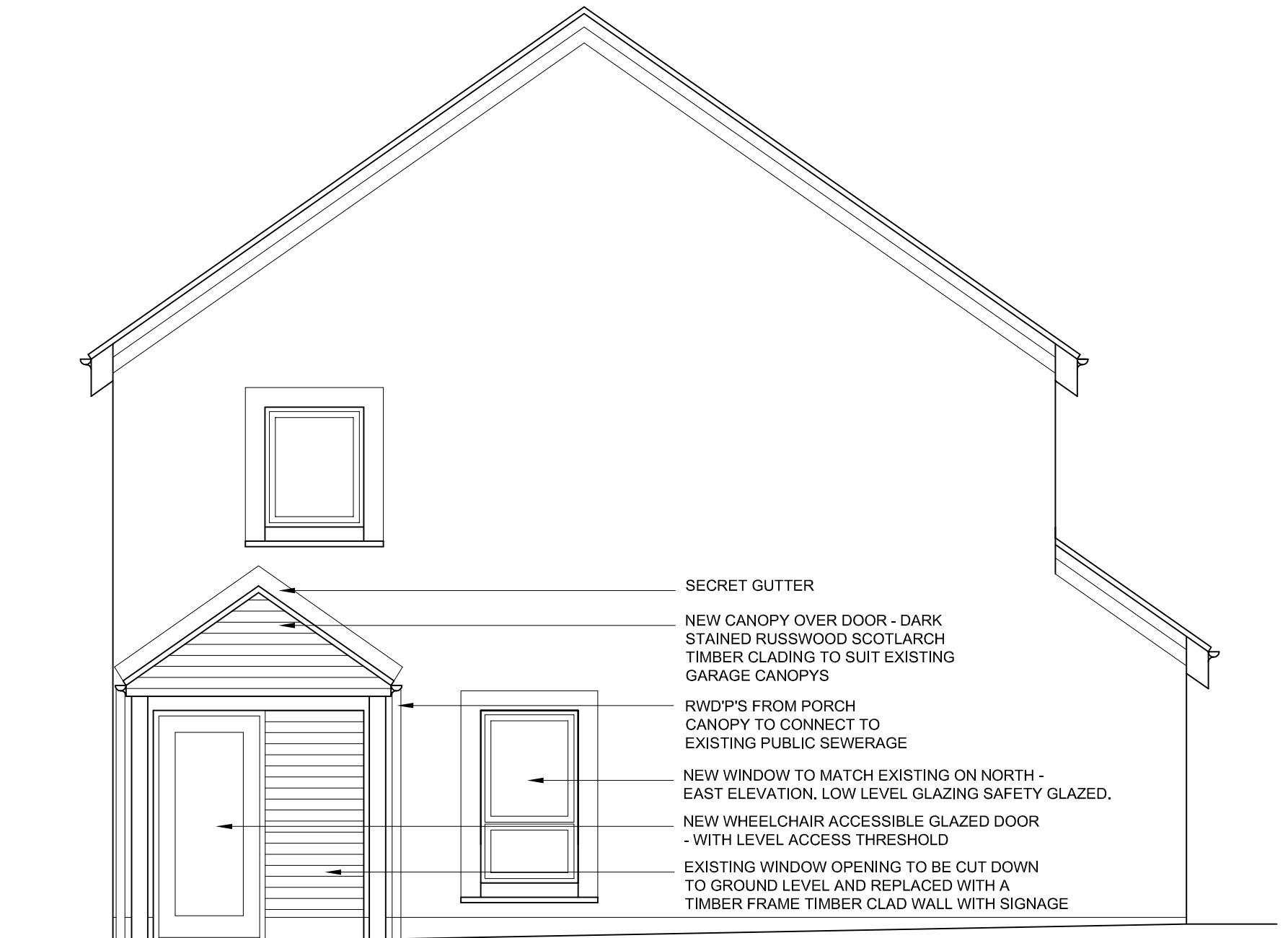


10/00041/FULCA
Change of use - convert a ground floor flat into an office at
7B Tom Matheson Court, Thurso.

Cairn Housing Association Ltd.
per Mr A Gray
PENTARQ
41 Traill Street
Thurso



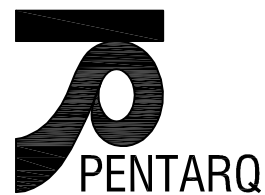
NORTH-EAST ELEVATION



NORTH-WEST ELEVATION

- SECRET GUTTER
- NEW CANOPY OVER DOOR - DARK STAINED RUSSWOOD SCOTLARCH TIMBER CLADING TO SUIT EXISTING GARAGE CANOPYS
- RWD'P'S FROM PORCH CANOPY TO CONNECT TO EXISTING PUBLIC SEWERAGE
- NEW WINDOW TO MATCH EXISTING ON NORTH - EAST ELEVATION. LOW LEVEL GLAZING SAFETY GLAZED.
- NEW WHEELCHAIR ACCESSIBLE GLAZED DOOR - WITH LEVEL ACCESS THRESHOLD
- EXISTING WINDOW OPENING TO BE CUT DOWN TO GROUND LEVEL AND REPLACED WITH A TIMBER FRAME TIMBER CLAD WALL WITH SIGNAGE

REV. A: 05.02.10 - AM - SECRET GUTTER ADDED



41 Traill Street, Thurso, Caithness, KW14 8EG
Tel: 01847 893212 Fax: 01847 894494

33 Albert Street, Kirkwall, Orkney, KW15 1HL
Tel: 01856 872022 Fax: 01856 874381

Cairn Housing Association

Project:

Conversion of Flat 7b
Tom Matheson Court, Thurso

Drawing

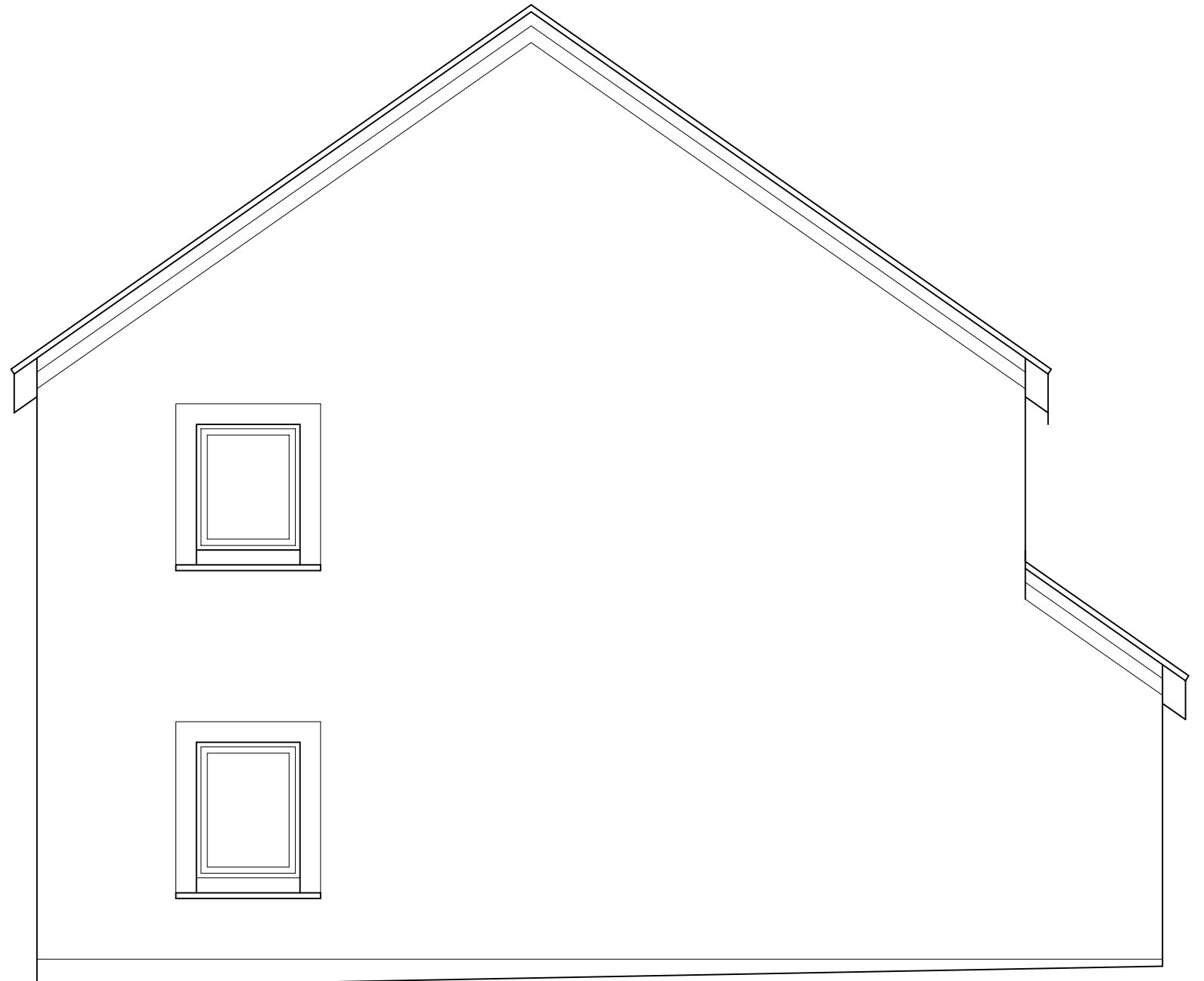
Proposed Elevations

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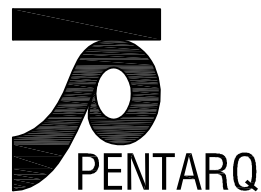
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NORTH-EAST ELEVATION



NORTH-WEST ELEVATION



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33 Albert Street, Kirkwall, Orkney, KW15 1HL
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Project:

Conversion of Flat 7B
Tom Matheson Court, Thurso

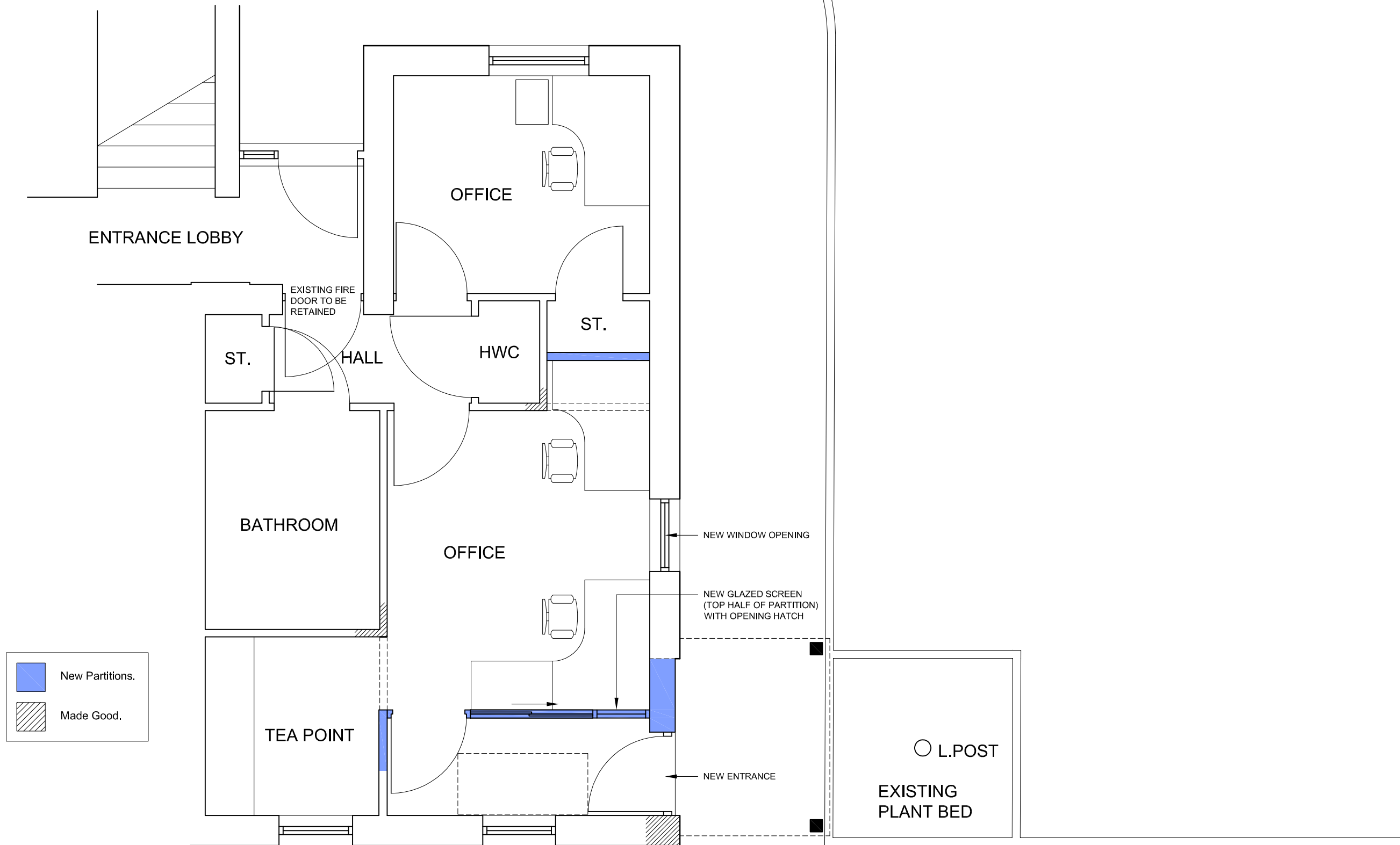
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Existing Elevations

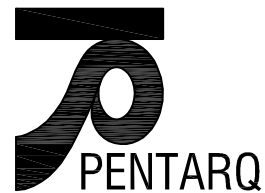
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GROUND FLOOR PLAN



REV. B: 21.01.10 - GDB - Proposed alterations shown.
 REV. A: 16.12.09 - AM - Porch added, amendments made



41 Traill Street, Thurso, Caithness, KW14 8EG
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33 Albert Street, Kirkwall, Orkney, KW15 1HL
 Tel: 01856 872022 Fax: 01856 874381

Cairn Housing Association

Project:

Conversion of Flat 7B
Tom Matheson Court, Thurso

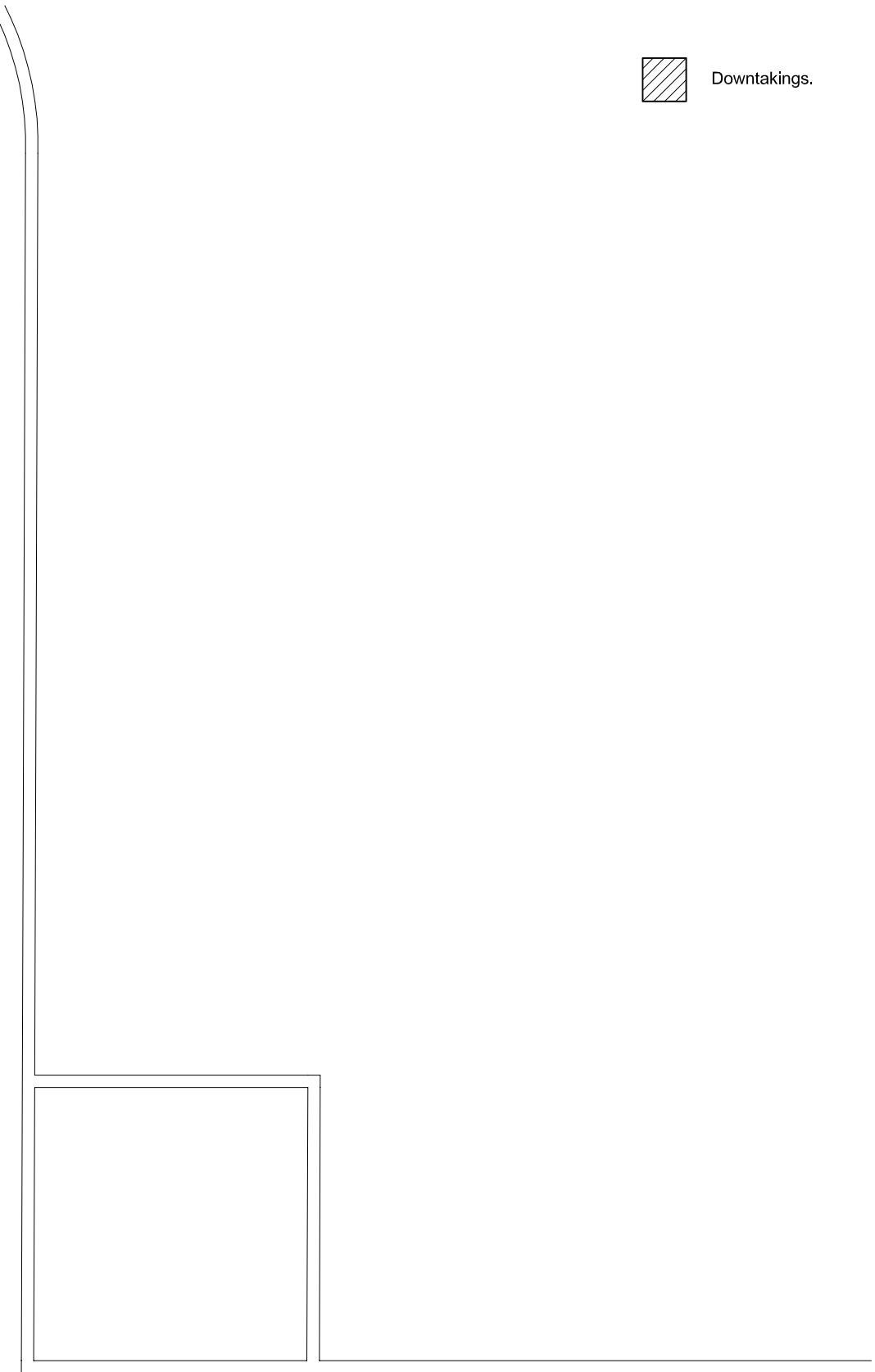
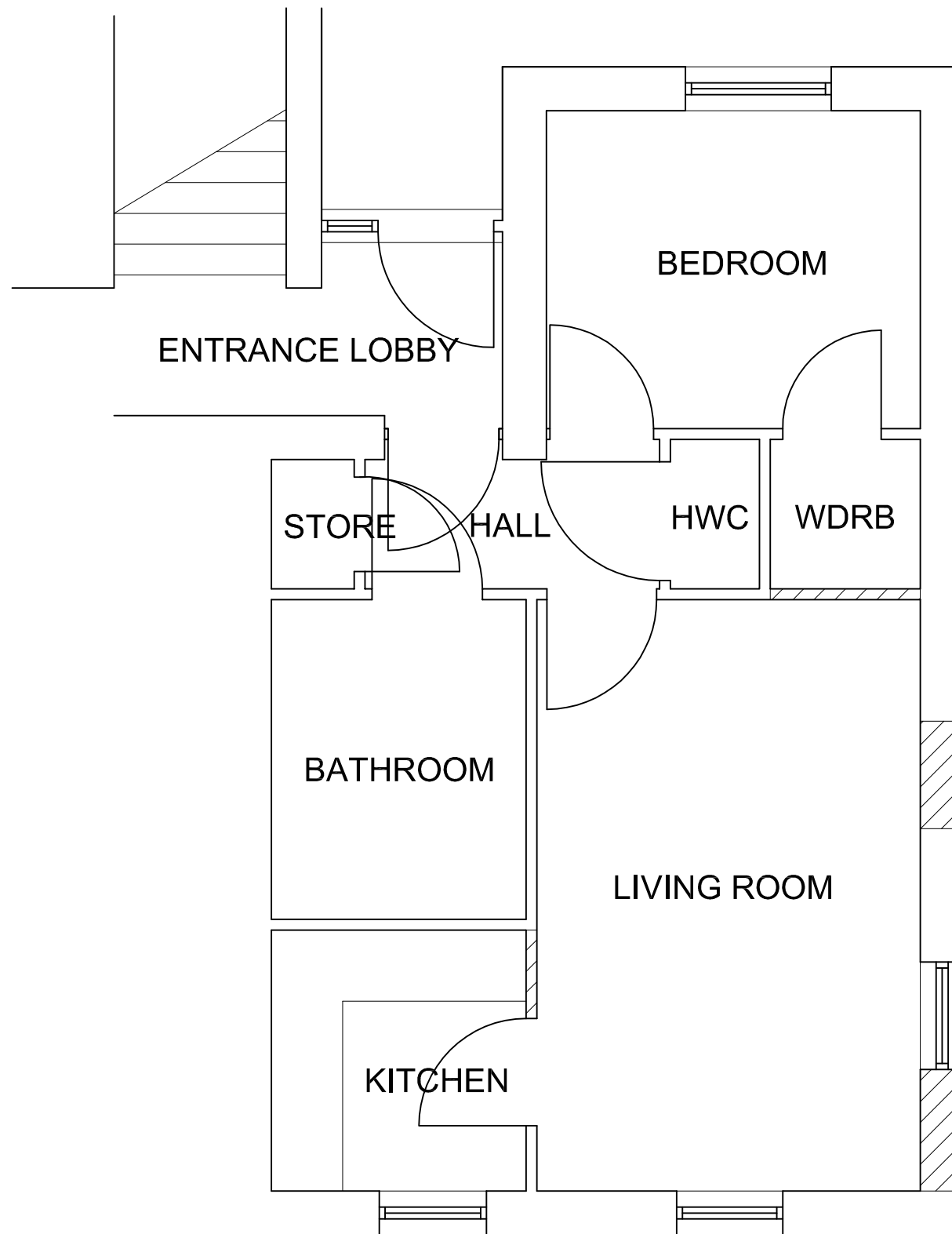
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Proposed Plan

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 Downtakings.



Amendments: a. 21.01.10 - GDB - Downtakings shown.



41 Traill Street, Thurso, Caithness, KW14 8EG
 Tel: 01847 893212 Fax: 01847 894494
 33 Albert Street, Kirkwall, Orkney, KW15 1HL
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Cairn Housing Association
 Project:
Conversion of Flat 7B
 Tom Matheson Court, Thurso

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Existing Plan						
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