

Agenda Item	5.4
Report No	PLN/014/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6 March 2018

Report Title: 17/05519/FUL: James Traill House, Thurso Business Park, Thurso, KW14 7XW

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Applicant: Thurso Baptist Church

Description of development: Change of use of office to place of worship.

Recommendation: **REFUSE**

Ward: 02 - Thurso and North West Caithness

Category: Local Development

Reasons Referred to Committee: Local Member Request

2. Recommendation

2.2 Members are asked to agree the recommendation to refuse as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The proposal is for the change of use of an office (Use Class 4) to a place of public worship (Use Class 10). The building is a single storey modern block construction with vertical timber cladding and white render. The roof materials are natural slate on the mono pitch roof and the lean to roof is clad in natural slate with glazed panels. The building is in a well established business park and has approximately 199.37 square metres of accommodation comprising 2 x open plan offices, 3 x cellular offices, store, server room, kitchen, toilet facilities, and plant room. The last/current planning permission for the building is for office use. The proposal does not propose to make any external alterations to the building.

1.2 The site has its own car parking that is accessed from the main business park.

1.3 Pre Application Consultation: Informal pre-application advice was sought.

1.4 Supporting Information:

Detailed supporting Statement by agent on behalf of applicant; key points summarised:

- The church's existing premises on Millbank Road are not fit for purpose and a variety of options have been explored including extension and new build but these were not viable. Sharing a church facility was also explored and use of other existing buildings in the town. The supporting statement sets out the options in detail. No other existing buildings have been identified as having adequate floor space, reasonable access or as being affordable. The site search has undertaken a sequential approach and concludes that the application site is the favoured and only viable, deliverable option.
- The proposal building has been underutilised, it is currently vacant and is falling into disrepair. Very limited works would be required to change the building to the use proposed.
- The proposal would bring it back into use and be a significant improvement to the amenity of the area on a prominent site next to the NC500 route and entry to the town. This accords with Policies 28 (Sustainable Design) and 42 (Previously Used Land) of the adopted Highland wide Local Development Plan.
- The proposal will be of significant social, cultural and religious benefit to the local community, in accordance with Policy 28 of the adopted Highland wide Local Development Plan.
- The site is already accessible and well served by parking, in accordance with Policy 56 (Travel) of the adopted Highland wide Local Development Plan.
- The proposal will not create any additional flood or other water issues, in accordance with Policies 64 (Flood Risk) and Policy 65 (Waste Water Treatment) of the adopted Highland wide Local Development Plan.

- With regard to Policy 41 (Business and Industrial Land) of the adopted Highland wide Local Development Plan, there is no clear, demonstrable demand for office space of the type that the building offers, the building has been under utilised or vacant for long periods of time. The adjacent site, William Smith House has also lain vacant for an extended period of time.
- There are significant other small office spaces vacant within the town such as the Naver Business Centre, Clydesdale Bank and a number other privately owned properties in Traill Street and Sinclair Street, all of which offer floor space comparable to the proposed building and in a more attractive town centre location.
- The relocation of the applicant from their current site in Millbank Road will bring about the potential for that location to be freed up for brownfield commercial redevelopment. It is an attractive town centre location and as such, arguably, there is no actual loss to the town in terms of available serviceable development land.
- Policy 41 of the adopted Highland wide Local Development Plan is preventing a prominent vacant property which is falling into disrepair due to neglect, from regeneration through a reasonable alternative use that brings clear community benefit and planning gain.
- A precedent has been set for change of use within the business park. 13/00575/FUL - Change of Use to Class 10(g) of the Use Classes (Scotland) Order 1992 "for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body" (former SEPA building). The officer's report states "it (the change of use) will not affect the other businesses in the park etc". "The proposal is to bring back into use a building that has been underused for some time and as such it is a sustainable form of development". "The original consent for the industrial/business park limited the uses within the site to those of light industrial use ... etc. This proposed use does not conflict with that rationale". It is not considered that there has been a shift in policy since this permission was granted on 19.03.2013.

1.5 Variations: Amended Site Layout Plan submitted showing amended proposed car parking spaces as requested by Transport Planning.

2. SITE DESCRIPTION

2.1 The site is located at the most northerly and corner site entrance to the Thurso Business Park. The site is located on the western outskirts of Thurso and as such there are no residential neighbours in close proximity to the site. It lies to the southern side of the A836. The site is bounded to the north and west by mature trees and bushes.

3. PLANNING HISTORY

3.1 10.03.1997 CA/1997/18 – Office and Industrial Granted Development (Use Class 4) (Outline)

3.2 13.02.1998 CA/1997/411 – Erection of Office Building for training purposes. Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour/Potential Departure from the Local Development Plan

Date Advertised: 08.12.2017

Representation deadline: 22.12.2017

Timeous representations: 3 objections

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Does not accord with Policy 41 of the adopted Highland wide Local Development Plan
- b) James Traill House is considered to be good quality office accommodation
- c) Office accommodation of this type for small businesses is scarce in Thurso and should therefore be protected
- d) There is a shortage of suitable office space in the Thurso area for small business use and current empty properties in the town centre are mainly retail units which would require extensive conversion and parking facilities in the town centre are not suitable
- e) With a focus on diversification from Dounreay, it would be short sighted to convert a prime office unit in the business park to a non commercial use. Whilst there are vacant large call centre premises located in the business park, these are not suitable for small business use. Disagree with the agent/applicant that there is no clear demonstrable demand for office space of this type, which was shown by the high level of interest from local small businesses in James Traill House when it was recently marketed resulting in it going to a closing date for offers within 1 month of advertising.

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 Transport Planning – No objection

Car Parking - The Council's car parking standards state that the maximum car parking levels for churches are 1 space per 5 seats. The applicant has confirmed that the congregation is currently 70 people. Therefore for a church of this size we would expect to see 14 car parking spaces. The current car parking provision is undersized and the applicant has stated that adjacent sites will absorb any overspill parking. Before we can support this application we require the applicant to confirm that they have permission from the adjacent land owners to use their car park.

Cycle Parking - One cycle parking space per 8 car parking spaces is required for churches. We require the applicant to show the location of cycle parking which should be as close to the main entrance as possible.

Following receipt of additional information (Dwg no.03 Rev B) Transport Planning advised they have no objection to this application based on the proposals within the proposed layout. The car parking spaces are sized to meet the Council guidelines and there are more than the required 14 spaces. The cycle parking stands are also sufficient to meet Council requirements.

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 & Place-making
- 41 - Business and Industrial Land
- 42 - Previously Used Land
- 51 - Trees and Development
- 66 - Surface Water Drainage

6.2 Caithness Local Plan 2002 (as continued in force 2012)

The site is allocated for 'Business' uses with opportunities for light industrial uses (site '20') within the Caithness Local Plan (2002) (as continued in force 2012). It is stated that the Council will favour the servicing of additional land to the south east of the business park for business/conferencing/training facilities and 'possibly supporting residential accommodation'. As this expansion land has not been opened up the amount of existing business property space available is limited.

6.3 Caithness and Sutherland Local Development Plan (Modified Proposed 2017)

6.4 Following consideration by the Local Committee in February 2017 the Modified Proposed Caithness and Sutherland Local Development Plan (CaSPlan) was submitted to Scottish Government in April 2017 for Examination, which is ongoing. The Modified Proposed Plan is a material consideration in the determination of planning applications. Though not subject of a specific allocation in the Modified Proposed CaSPlan, Thurso Business Park is within the Settlement Development Area.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Managing Waste in New Developments (March 2013)

7.2 **Scottish Government Planning Policy and Guidance**

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) any other material considerations.

Development plan/other planning policy

8.4 The principle of the proposal requires to be assessed in terms to the development plan. The Highland-wide Local Development Plan (HwLDP) (2012) sets out the general policies which any planning application will be assessed against. Policy 41 Business and Industrial Land identifies Thurso Business Park as a "Strategic Business and Industrial location" and states that the Council will safeguard it from other competing uses unless the area development plan concludes that the site is no longer required or suitable for business and industrial purposes.

8.5 The site is allocated for 'Business' uses with opportunities for light industrial uses (site '20') within the Caithness Local Plan (2002) (as continued in force 2012). It is noted that the Council will favour the servicing of additional land to the south east of the business park for business/conferencing/training facilities and 'possibly supporting residential accommodation'. As this expansion land has not been opened up the amount of existing business space available is limited.

8.6 As noted above, the CaSPlan (Proposed Modified 2017) in its current form and status is a material planning consideration. The Business allocation at Thurso Business Park was not carried forward into Proposed Modified CaSPlan as many of the larger plots have now been built out and it has become a well established business centre. The Business Park is positioned to the west of Thurso within an area identified in both the adopted Caithness Local Plan (2002) and CaSPlan for the strategic expansion of the town. Though not subject of a specific allocation in the Modified Proposed CaSPlan, Thurso Business Park is within the Settlement Development Area. Furthermore it is clear from the Modified Proposed CaSPlan that the Council expects that Thurso Business Park (and any extension of it such as the business land proposals forming part of Site TS04 Thurso West) will play an

increasingly important role in supporting existing businesses to expand and attracting investment to the area, including companies involved in renewable energy schemes.

- 8.7 Discussions that the Development Plans Team has had with Highlands and Islands Enterprise (HIE) have highlighted the current lack of serviced business sites in the town. They express concerns about the implications which a decline in the amount of available business land may have on supporting existing businesses to grow and attracting new businesses to the area.
- 8.8 Whilst the Planning Service acknowledges the site selection and option appraisals carried out by the agent/applicant, and recognises that this property would lend itself to a change of use to a church, the proposal is considered to be contrary to Policy 41 of the adopted Highland wide Local Development Plan, which aims to protect business and industrial land from being redeveloped for other uses. This is particularly important for Thurso Business Park which is one of the prime established business locations in the town. In this regard, the importance of appropriate employment opportunities must be recognised and the Planning Authority must ensure that appropriate locations for employment are safeguarded from competing uses.

The agent has been advised of the conflict with Policy 41; the supporting information submitted seeks to address this.

- 8.9 Policy 1: Town Centre First Policy of the Modified Proposed CaSPlan aims to protect the vitality and viability of town centres by directing significant footfall generating uses, including community facilities, towards town centres in the first instance. As the proposed development would be considered as a use which could generate significant amounts of footfall this policy would apply. Given that Thurso Business Park is not located within the Thurso Town Centre Boundary as identified in the CaSPlan, the applicant is required to demonstrate, through a sequential approach, that all opportunities within the town centre for regeneration through reuse and redevelopment of existing sites/buildings have been fully explored.
- 8.10 Within the applicant's Supporting Statement the sequential approach has been addressed through an assessment of alternative sites in Thurso, including both allocated and non- allocated sites within the CaSPlan. The site appraisals are of a high level nature and it would be unreasonable to expect a full viability study for each potential site; the assessment submitted is appropriate to the proposal. From an initial search of properties advertised for sale or to let in Thurso, it appears that the range of sites considered by the applicant is reasonably comprehensive and the conclusions, though based on limited evidence, seem fair.

Material Considerations

- 8.11 Policy 28 of the adopted Highland wide Local Development Plan (Sustainable Design) seeks to ensure that developments promote and enhance the social, economic and environmental wellbeing of the people of Highland. The associated Sustainable Design Guide Supplementary Guidance also sets out a checklist for sustainable design which includes ensuring the layout, scale, materials,

construction and finishing of development is visually appropriate and complements the local character. It is acknowledged that the siting and design of James Traill House appears compatible with community uses such as a modestly sized church and that this use could help promote social and community wellbeing. It is a detached building which is sited at the entrance of the Business Park and has distinctive features including a dual-mono pitch roof with one side of the roof being slightly concave and larger than the other with a vaulted ceiling, and floor to ceiling windows. Nevertheless, the site is clearly within the boundaries of the Business Park and the principle of the proposal conflicts with Policy 41 of the adopted Highland wide Local Plan.

The building was marketed for sale by Allied Surveyors Scotland on behalf of the Joint Administrators of the previous occupant, Dental Plan Ltd. The Planning Service contacted Allied Surveyors Scotland in order to ascertain what interest there was in the building when it was being marketed. The marketing agent has advised:

- The property was put to market in September 2017 and to a closing date at the end of October. 2 formal offers were received.
- During the 2 months the property was on the market, no enquiries were received about availability of the property to let and only 2 separate organisations viewed the property.
- The property was marketed on 5 separate websites, an agency board on site, and a mail shot of all solicitors/agents etc was carried out
- The marketing agent has researched Costar which shows there is just under 13,000sq ft of offices available in the Thurso area to let, namely at the business park and at Traill Street. This research has found a total of approximately 25,000sq ft is for sale, split between 5 properties ranging from circa 500sq ft up to just under 9,000 sq ft. The marketing agents are not at the current time seeing significant levels of demand for offices in this area.

8.12 As noted above, HIE, through discussions with the Development Plans Team have highlighted the current lack of serviced business sites in the town and concerns about a decline in the amount of available business land.

8.13 The perspectives provided by the marketing agent and HIE are useful in understating current market conditions and demand. The application does however require to be determined in accordance with the Development Plan and other relevant material considerations. Policy 41 of the Highland wide Local Development Plan sets a fairly rigid approach for safeguarding business and industrial allocations.

8.14 A previous application (16/04955/FUL) for a Change of use of William Smith House to a conference centre with some accommodation, (located immediately to the south of the current application site) was refused planning permission under delegated powers in May 2016 for the following reasons:

1. The proposal does not accord with the Council's Development Plan. The Highland Wide Local Development Plan Policy 41 aims to protect business and industrial land from being redeveloped to other uses. This is particularly important for Thurso Business Park which is one of the prime established business locations in the town. Although the building may be currently vacant it is one of the few office

buildings available to rent within the town. No market information has been submitted in support of the application to demonstrate compliance with Policy 41.

2. The proposal is contrary to the allocation identified for the site by the Caithness Local Plan (2002) (as continued in force 2012). The site is allocated for 'Business' uses with opportunities for light industrial uses (site '20')). It is noted that the Council will favour the servicing of additional land to the south east of the business park for business/conferencing/training facilities and 'possibly supporting residential accommodation'. This is in reference to expansion of the business park and use of new properties rather than existing. As this expansion land has not been opened up the amount of existing business space available within the business park remains limited.

3. The proposal is contrary to Policy 1: Town Centre First Policy of the Modified Proposed Caithness and Sutherland Local Development Plan (Modified Proposed Plan 2016) which aims to protect the vitality and viability of town centres by directing all significant footfall generating uses towards town centres in the first instance. As the proposed development would be considered as a use which would generate significant amounts of footfall this policy would apply. Given that Thurso Business Park is not located within the Thurso Town Centre Boundary as identified in Caithness and Sutherland Local Development Plan the applicant is required to demonstrate that all opportunities within the town centre for regeneration through reuse and redevelopment of existing sites/buildings have been fully explored. No information has been submitted to demonstrate compliance with Policy 1.

Non-material considerations

8.15 There are no non-material considerations.

9. CONCLUSION

9.1 Overall the proposal to convert James Traill House at Thurso Business Park to a church use does not accord with the Council's HwLDP Policy 41 which aims to protect business and industrial land from being redeveloped to other uses. This is a particularly important concern for Thurso Business Park which is one of the prime established business locations in the town. With regard to Policy 1 of the CaSPlan, the applicant has submitted a sequential assessment which demonstrates that all opportunities for town centre sites have been fully explored. However, the importance of protecting business space in Thurso, which is clearly set out by Policy 41, is fundamental, and the loss of such space to other uses would be of considerable concern with regard to Policy 41. The Planning Authority fully acknowledges the detailed supporting information submitted by the agent/applicant and the perspectives of current market conditions provided by the marketing agent and by HIE. Regrettably, however, it is considered that, on balance, the primacy position of Policy 41 for safeguarding land for commercial and economic employment opportunities outweighs any support for the proposal.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The proposal does not accord with the Council's Development Plan. The Highland Wide Local Development Plan Policy 41 aims to protect business and industrial land from being redeveloped to other uses. This is particularly important for Thurso Business Park which is one of the prime established business locations in the town.
2.	The proposal is contrary to the allocation identified for the site by the adopted Caithness Local Plan (2002) (as continued in force 2012). The site is allocated for 'Business' uses with opportunities for light industrial uses (site '20'). It is noted that the Council will favour the servicing of additional land to the south east of the business park for business/conferencing/training facilities and 'possibly supporting residential accommodation'. This is in reference to expansion of the business park and use of new properties rather than existing. As this expansion land has not been opened up the amount of existing business space available within the business park remains limited.

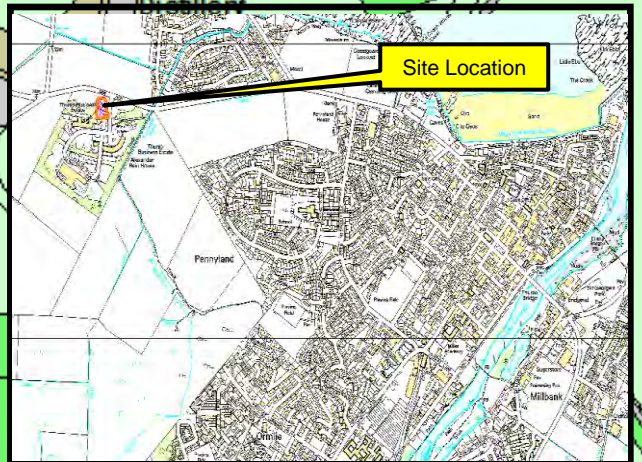
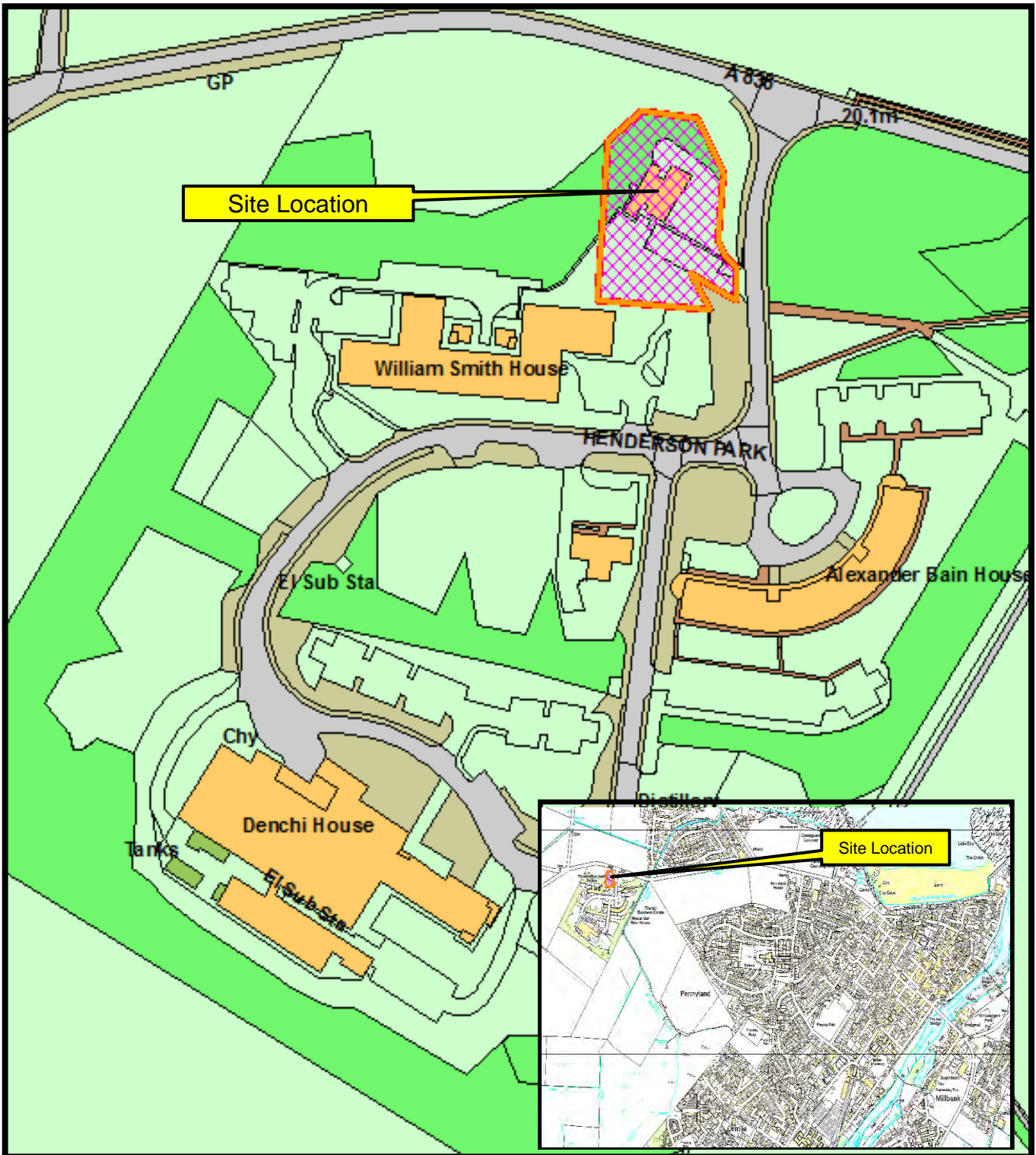
Signature: Bob Robertson

Designation: Team Leader

Author: Emma Forbes

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - 01 – location plan
Plan 2 - 02 – proposed floor plan
Plan 3 - 03 B – site/parking layout



The Highland Council
Comhairle na Gàidhealtachd

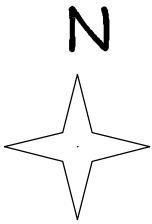
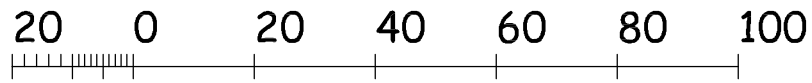
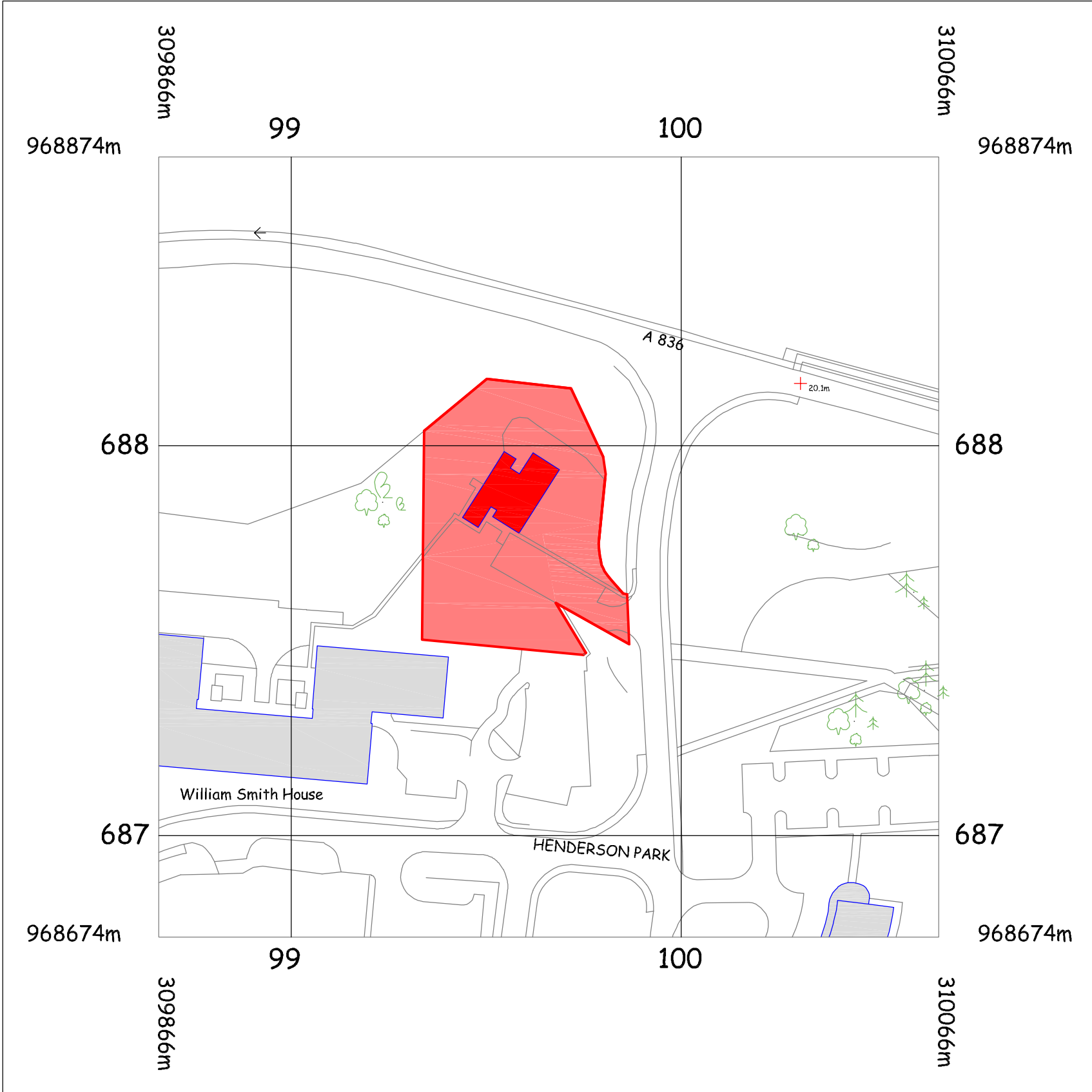
Development & Infrastructure Service

17/05519/FUL

Change of use of office to place of public worship at James Traill House, Thurso Business Park, Thurso.

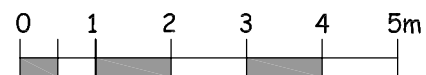
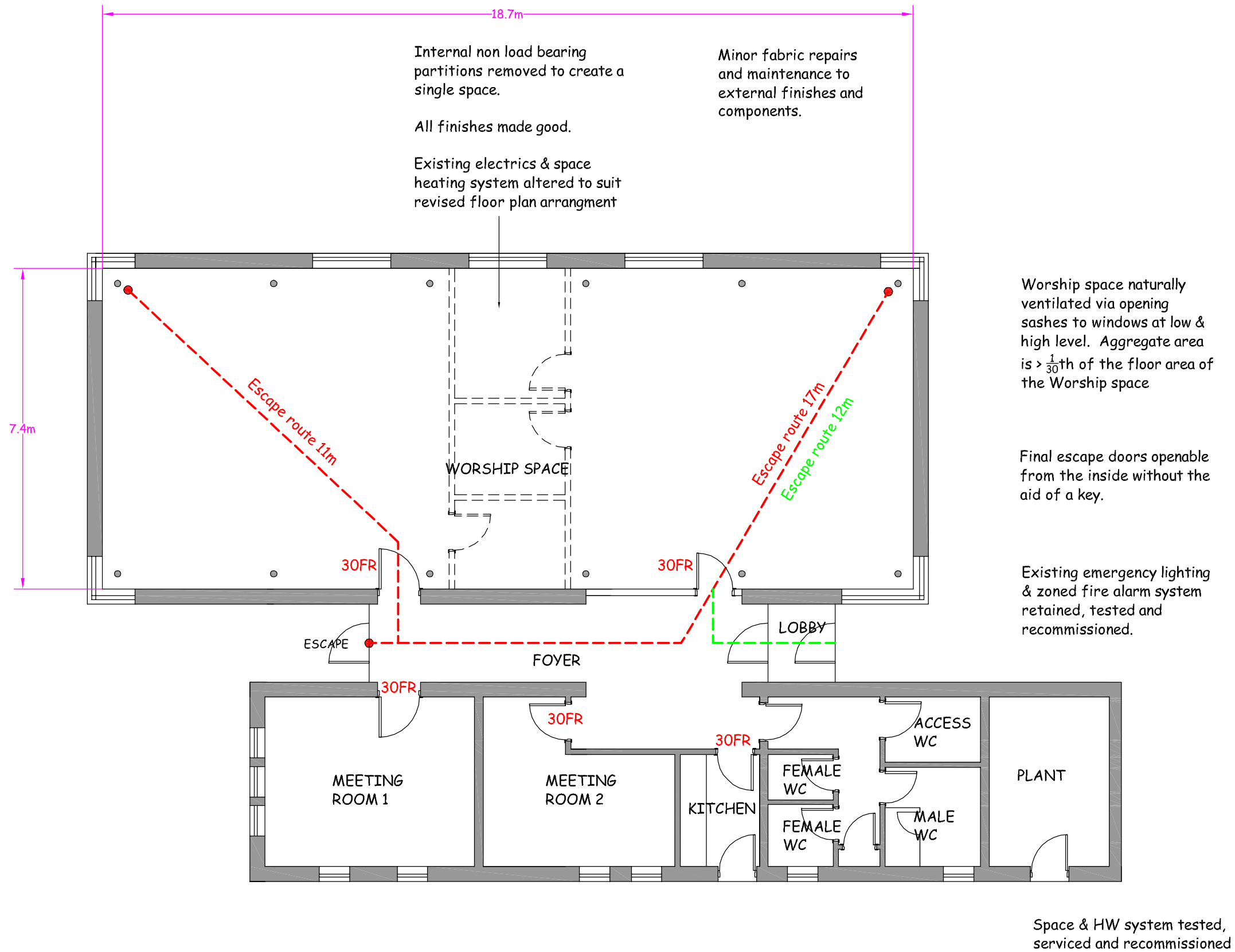
February 2018





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Tel: 01847 893811			
E-mail: admin@knightandmcdonald.co.uk			
Project: CHANGE OF USE OF JAMES TRAILL HOUSE, THURSO			
FROM OFFICE TO PLACE OF WORSHIP			
Client: THE THURSO BAPTIST CHURCH			
Drawing Title: LOCATION PLAN			
Scale	Date	Drawn	Checked
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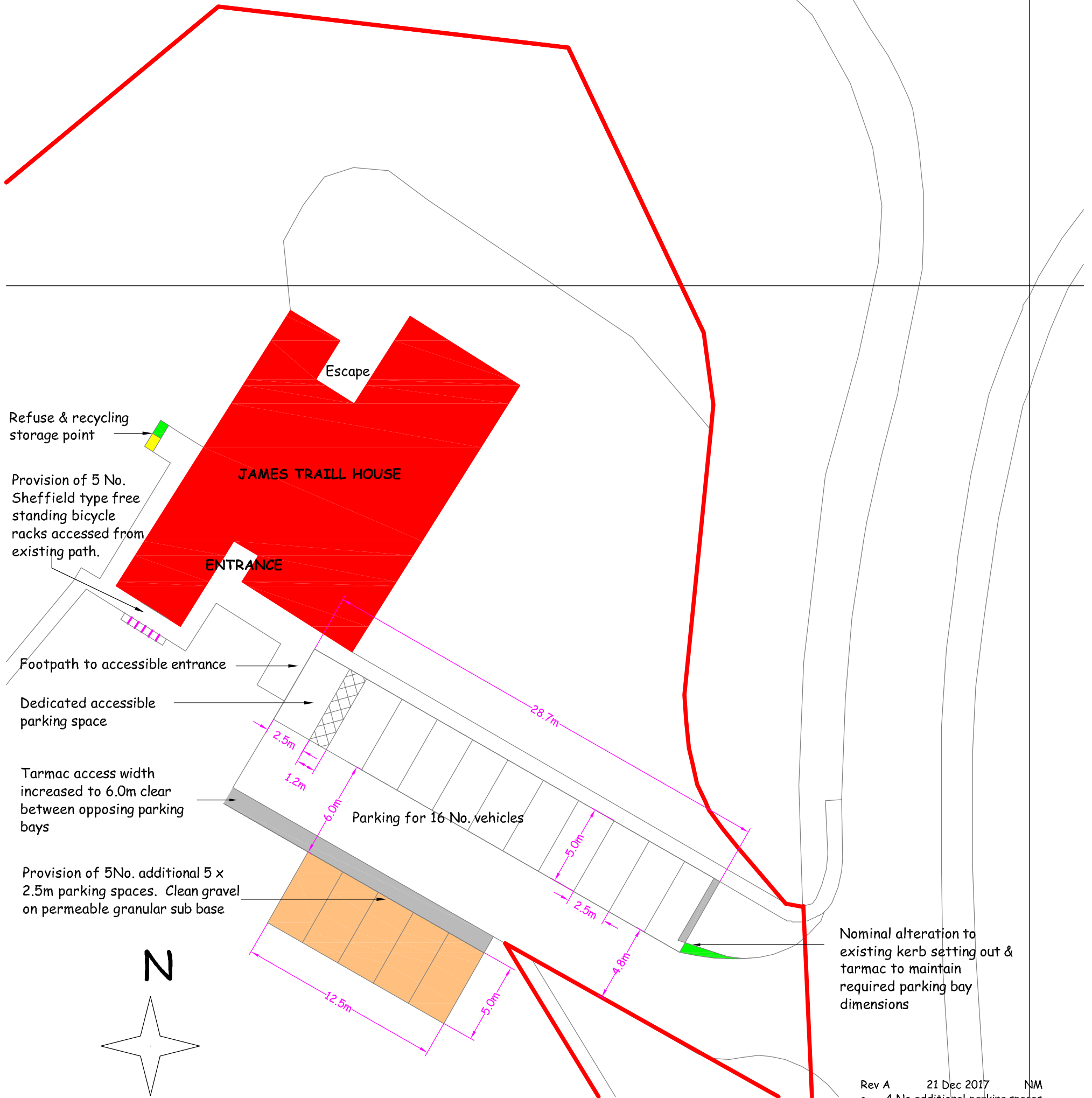


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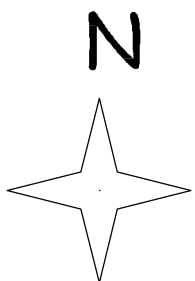
Project: CHANGE OF USE OF JAMES TRAILL HOUSE, THURSO
 FROM OFFICE TO PLACE OF WORSHIP
 Client: THE THURSO BAPTIST CHURCH
 Drawing Title: PROPOSED FLOOR PLAN

Scale: 1:100	Date: Nov 17	Drawn: NMcD	Checked:
Job No: 17327	Code: SKD	Drw No: 01	Rev:

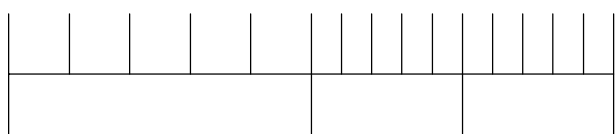
A 836



- Refuse & recycling storage point
- Provision of 5 No. Sheffield type free standing bicycle racks accessed from existing path.
- Footpath to accessible entrance
- Dedicated accessible parking space
- Tarmac access width increased to 6.0m clear between opposing parking bays
- Provision of 5 No. additional 5 x 2.5m parking spaces. Clean gravel on permeable granular sub base



20 10 5 0 metres



- Rev A 21 Dec 2017 NM
- 4 No additional parking spaces
- 5 No wall mounted bicycle racks added
- Rev B 17 Jan 2018 NM
- Parking provision setting out amended
- Bicycle racks amended to Sheffield type

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Project: CHANGE OF USE OF JAMES TRAILL HOUSE, THURSO FROM OFFICE TO PLACE OF WORSHIP			
Client: THE THURSO BAPTIST CHURCH			
Drawing Title: SITE PLAN			
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Tab No	Code	Eng No	Rev
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