

Agenda Item	6.3
Report No	PLN/040/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 08 June 2021

Report Title: 21/00458/FUL : Mr Laurence Begg,
9 Market Street, Thurso, KW14 8BB

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Installation of external wall insulation

Ward: 02 – Thurso and North West Caithness

Development category: Local

Reason referred to Committee: Member referral

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for external the installation of Wetherby Epsicon 3 External Wall Insulation System to 9 Market Street, Thurso. The external cladding consists of polystyrene insulation board of unspecified thickness, attached to the walls of the house with insulation fixings, a glass fibre reinforcing mesh bedded in 4-6mm adhesive and finished with 8-10mm polymer dash receiver with aggregate dash finish of unspecified colour finish at this stage. The cladding and its finish will protrude from the building by up to approximately 110mm. No other changes are proposed with the application.
- 1.2 Pre Application Consultation: the applicant was informed through informal pre-planning application advice that planning permission is required for external cladding in Conservation Areas and that that it would not be supported because of its detrimental impact on the character of the historic environment due to poor design and detailing.
- 1.3 The following Supporting Information is included with the application:
- British Board of *Agrément: Construction Product Certification*
 - Project Specification – generic pamphlet detailing the installation method
 - Supporting Statement – outlines that E.ON Energy are part funding the external wall insulation and states a case for approving the application based on energy savings as well as there being Council owned properties in the Conservation Area with similar external cladding.
 - Technical Data Sheet
 - Site Notice
- 1.4 Variations: None.

2. SITE DESCRIPTION

- 2.1 The application site is an ex-Council semi-detached property occupying a corner position at the northern end of Market Street, within the Thurso Conservation Area, at its northern edge. The Salvation Army premises are opposite the site to the north. Both adjoined semi-detached houses are currently clad with grey rough-cast render, are roofed with a mix of slates, and have similar style timber windows and doors. A single-storey monopitch shed with matching render, and timber windows, was approved in 2016 (ref. 16/00091/FUL) and has subsequently been constructed. The site has a traditional Caithness flagstone-wall boundary treatment with gardens laid to lawn. There is a paved parking area to the front of the site, and traditional linear garage/workshop building to the south of the garden grounds.
- 2.2 The immediate surrounding area is predominantly residential although there is a mix of uses including shops, food and drink, business and light industry spread across the wider area, which is consistent with the application site also being within Thurso's Town Centre as defined in the CaSPlan. This part of the Conservation Area is characterised by a mix of high-density traditional and post-war terraced and semi-detached housing, along with some single-storey traditional cottages, that typify the distinctive local Caithness and Highland building traditions and

vernacular. Buildings are generally traditionally clad in stone or roughcast render of off-white or dark grey/brown colour finish, and roofed with various types of slate including Caithness and Ballachulish. While the streets are not laid out to a formal grid pattern as in other parts of the Conservation Area, the area has a distinctive pattern of development arranged according to strong urban design principles. These principles include housing that fronts or sides the public realm, well defined urban edges, and permeable streets, which has been reinforced through successive waves of development in the area.

3. PLANNING HISTORY

3.1	15/03713/FUL Erection of garden shed	CLOSED	N/A
3.2	16/00091/FUL Erection of shed	PERMISSION GRANTED	01 March 2016

4. PUBLIC PARTICIPATION

4.1 Advertised: Development Affecting the Setting of the Conservation Area.

Date Advertised: 12 February 2021

Representation deadline: 05 March 2021

Timeous representations: 1

Late representations: 0

4.2 The single representation in support of the application is from the adjoined neighbouring property. The representation states the owner's intention to install the same cladding should the application be successful. That application has since been submitted (ref. 21/01890/FUL) and is pending consideration.

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 **Historic Environment Team (Conservation)** object to the application on the grounds that the proposal is inappropriate development for a building within the Conservation Area due to the cladding's poor design and detailing. This is because the cladding would appear visually dissonant by virtue of protruding from the adjoining building, which it currently matches in terms of render and finish. And, because of poor detailing at external features such as eaves and house base, as well as window and door openings. A similar type of external insulation has been installed to a number of traditional buildings in Highlands with very visually poor results that should never be replicated in a Conservation Area.

5.2 The Council's Historic Environment Team Officer has also noted that it fully supports measures to reduce the carbon footprint of buildings in heritage contexts and would note that there are many other options available to homeowners; the

officer welcomes and encourages increased levels of internal (walls, roof, floor) insulation as a much less visually intrusive method of improving the energy efficiency of the building.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012 (HwLDP)

28 – Sustainable Design
29 – Design, Quality and Place Making
34 – Settlement Development Areas
57 – Natural, Built & Cultural Heritage

6.2 Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

The site is within Thurso's defined Town Centre however the Town Centres First Policy, which is for new development or changes in land use, is not relevant to the proposal, and there are no site-specific allocations.

6.5 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)
House Extensions and Other Residential Alterations (2015)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014 updated December 2020)
Historic Environment Policy for Scotland (2019)
Historic Environment Scotland - Managing Change in the Historic Environment

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 Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that Conservation areas "are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

Determining Issues

8.3 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

8.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) impact on the Conservation Area.
- c) any other material considerations.

Development plan/other planning policy

8.5 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance.

8.6 Highland-wide Local Development Plan (HwLDP)

With no site-specific allocations or policies within the CaSPlan at the application location and relevant to the proposal, the development is principally assessed against the general policies of the HwLDP, and principally Policy 57 for Natural, Built and Cultural Heritage. The policy states that development's that have an unacceptable impact on protected amenity and heritage resources are not suitable and therefore cannot be supported. The Council's position is further reinforced by HwLDP Policies 28, 29, and 34, which seek to improve the design, architectural, and visual quality of our public realm, stating that all development proposals must conserve and enhance the character of the Highland area and use appropriate materials.

8.7 Caithness and Sutherland Local Development Plan (CaSPlan)

The area plan covering the application site is the CaSPlan (2018), which focuses mainly on regional and settlement strategies and identifying specific site allocations as well as defined Settlement Development Areas. The CaSPlan describes Thurso as the principal market, service, and social centre for west and central Caithness, and recognises the settlement's important heritage value to its surrounding wider area as well as its historic built environment as a major asset. While there are no site-specific allocations or policies for the application site, the CaSPlan does provide specific Placemaking Priorities for Thurso, which includes the promotion and enhancement of the town's built heritage.

8.8 Highland Historic Environment Strategy

Highland Council's adopted Historic Environment Strategy is statement of the Council's intention to preserve and promote the Highland's built heritage as a valuable tourist, recreational, and educational resource wherever possible. The strategy states that "A Conservation Area is an area of special historic or architectural interest, the character and appearance of which it is desirable to preserve or enhance", and that, "careful and controlled management of Conservation Areas is essential to ensure that the special character is protected and the historic value and quality of the area is not lost or eroded by inappropriate alteration to the existing heritage asset or the introduction of poor quality, aesthetically damaging new development".

8.9 **Scottish Planning Policy**

Scottish Planning Policy 2014 (updated in 2020) (A Successful, Sustainable Place) sets out the Scottish Executive's position that the historic environment is a key cultural and economic asset that should be viewed as integral to the creation of successful places. The policy recognises the important role land use planning has in maintaining and enhancing distinctive and high-quality historic places that contribute to our sense of identity. Specifically, Section 137 states that the planning system should promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. Change should therefore be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

8.10 As is clear from the review above, there is strong objective alignment of both national and Highland policy and guidance to preserve and enhance the historic environment. The application is considered against this policy context below:

8.11 **Impact on the Conservation Area**

As has been established, the application site is within the Thurso Conservation Area. Conservation Areas are designated areas with enhanced protections in planning legislation and policy designed to protect the special qualities of their character and setting from inappropriate development (paragraphs 10.1 - 10.10). In this instance, the special qualities of the Conservation Area in the application site's surroundings relate to its historic urban design principles as reflected through its street layout and building arrangements, as well as the mix of traditional buildings that reflect local building traditions over the time the Conservation Area has developed (paragraph 4.2). These building traditions are conveyed through the majority of buildings in the area, which are mostly of an appropriate colour and local stone or render material finish.

8.12 The proposed external insulating cladding would materially change the appearance of the property in a manner that is considered inappropriate development for a building within the Conservation Area due to the cladding's poor design and detailing. This is because the cladding would appear visually dissonant by virtue of its poor polymer dash receiver with aggregate dash material finish, which not only adversely affects the character and appearance of the building itself, but is materially and visually incompatible with the character and setting of the historic Conservation Area. The cladding would protrude from the adjoining semi-detached property, which currently matches the application site in terms of render and finish, in addition to having poor detailing in design terms, specifically at external features such as the eaves and house base, as well as window and door openings. As described, the proposed cladding would result in a development with a visually poor outcome and contribute to the erosion of the Conservation Area's character and setting. The proposal does not, therefore, satisfy the statutory test set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to preserve or enhance the character and appearance of the CA.

- 8.13 However, it is acknowledged that there are some buildings that have had similar cladding installed, including those owned by the Highland Council and managed by the Council's Housing Service. And, indeed, the applicant has forwarded the use of external insulating cladding on these properties as justification for the current proposal. The Council owned properties within the Conservation Area in question are nos. 1 and 4 Miller Terrace, nos. 3 and 7 Couper Street, nos. 17, 18, and 19 Miller Lane.
- 8.14 On review of the planning and development history of these sites, it has been established and confirmed that these works were undertaken by the Housing Department in 2004 under Class 33(c) of the Town and Country Planning (General Permitted Development Order) (Scotland) 1992. Under the terms of the Order, Council services are not required to apply for planning permission to carry out such works if they are below a set financial threshold. There is no qualification under Class 33 of the Order that prohibits Local Authorities to undertake works to Listed Buildings or within Conservation Areas without prior approval from the Planning Authority. As such, no planning application was submitted in relation to the external insulating cladding on those properties, although a Building Warrant was issued on completion of the works (Building Warrant ref. 04/00499/ALTCA).
- 8.15 It is regrettable that in 2004, the Council's Housing Service proceeded with works impacting the character and setting of the Conservation Area under the above permitted development exception without consulting the Planning Authority or the Historic Environment Team for guidance and advice first. Having reviewed Highland Council applications for Building Warrants in Thurso, we are not aware of any further similar works undertaken by the Highland Council within the Thurso Conservation Area since that time, while we continue to work with our colleagues across the Highland Council to ensure new developments are appropriate for their context.
- 8.16 It is acknowledged that the permitted development exception has allowed inappropriate development within the Conservation Area. However the Planning Authority's policy and guidance position with regard protecting the historic environment, requires that we must still ensure that its character and setting are not further eroded by the continued proliferation of poorly designed and detailed external insulation cladding. Indeed, the above properties are clear demonstrations that the external cladding is an inappropriate product for the historically sensitive environment.

Other material considerations

8.18 Potential Future Changes to the Conservation Area Boundary

The applicant has also forwarded that the Council has mooted a potential change to the Conservation Area boundaries as a justification for the proposed development. Indeed, the Council has acknowledged that it is currently initiating work on a draft Thurso Conservation Area document, the main purpose of which is to review and re-assess, in practical terms, Thurso's Conservation Area boundary, which has not been done for many years. In other words, the review will assess whether the character and setting of sections of the Conservation Area remain worthy of continued enhanced protection.

- 8.19 There is a long standing desire to review the boundaries of all conservation areas in Highland including Thurso. Whilst some work has been undertaken on this, for the Thurso conservation area review any determination in advance of its completion would be premature.
- 8.20 Irrespective of whether the application site would or would not be included within an amended boundary of the Conservation Area however, the application site currently forms a part of the designated historic environment, which requires protection whether designated or non-designated, as recognised in Scottish Planning Policy (paragraph 10.9), and HwLDP Policies 57, 28, 29, and 34. In this instance there is no scope to support the proposal as being in an area with enhanced protection, whereas impacts on the historic environment in areas that are subject to general considerations would be assessed on a case by case basis where permitted development rights do not apply.

Non-material considerations

- 8.21 None.

9 CONCLUSION

- 9.1 The Planning Authority understands and acknowledges the applicant's desire to install external insulating cladding. However, it is considered that the cladding will have a detrimental impact on the designated historic environment. Examples of similar types of external insulation installed to traditional properties within Thurso's Conservation Area are described above. In these examples, the cladding has materially changed the appearance of those properties with very visually poor results due to poor design and detailing. As a consequence, the special qualities of the character and setting of Thurso's Conservation Area have been degraded. Further examples exist across the Highland area in designated and non-designated historic environments on individual buildings always with poor visual results. While due to Permitted Development Rights the Planning Authority may not prevent its use on non-designated resources, the cladding remains an inappropriate form of development for a building within the Conservation Area, and its proliferation within the historic environment is not supported in HwLDP Policies 57, 28, 29, and 34.
- 9.2 As set out above it is considered that the proposal fails to accord with a number of Development Plan policies and is accordingly recommended for refusal.
- 9.3 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

Action required before decision N issued

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **Refused**, subject to the following:

Reasons for Refusal

1. The proposal would result in unacceptable impacts on Thurso Conservation Area due to the cladding's poor design and detailing. The polymer dash receiver with aggregate dash material finish of the proposed external insulation cladding is materially incompatible with the character and setting of the historic Conservation Area. The cladding would step the semi-detached property forward from its current footprint resulting in it projecting from the adjoining building. The treatment around the existing features, most notably the eaves and house base, but also the window and door openings, is poorly detailed. Therefore, the proposal would appear visually dissonant due to poor design and material finish specification. Visually and materially the proposal will neither preserve nor enhance the character or appearance of the Conservation Area. In this regard the proposal fails to accord with the adopted Highland wide Local Development Plan Policy 28 (Sustainable Design) as it does not demonstrate high quality design in keeping with local character and historic environment, as defined by the Thurso Conservation Area. The proposal also fails to accord with Policy 29 (Design Quality and Place Making) of the adopted Highland wide Local Development Plan in that it does not make a positive contribution to the architectural and visual quality of the Thurso Conservation Area. The proposal does not accord with the Highland Wide Local Development Plan policy 57 (Natural, Built and Cultural Heritage) as it has not been demonstrated that it will not have an unacceptable impact on the amenity and heritage resource of the Tain Conservation Area. Consequently, the proposal fails to accord with Highland-wide Local Development Plan Policy 34 as it does not demonstrate that that it will not be significantly detrimental to the Thurso Conservation Area built and cultural heritage feature.

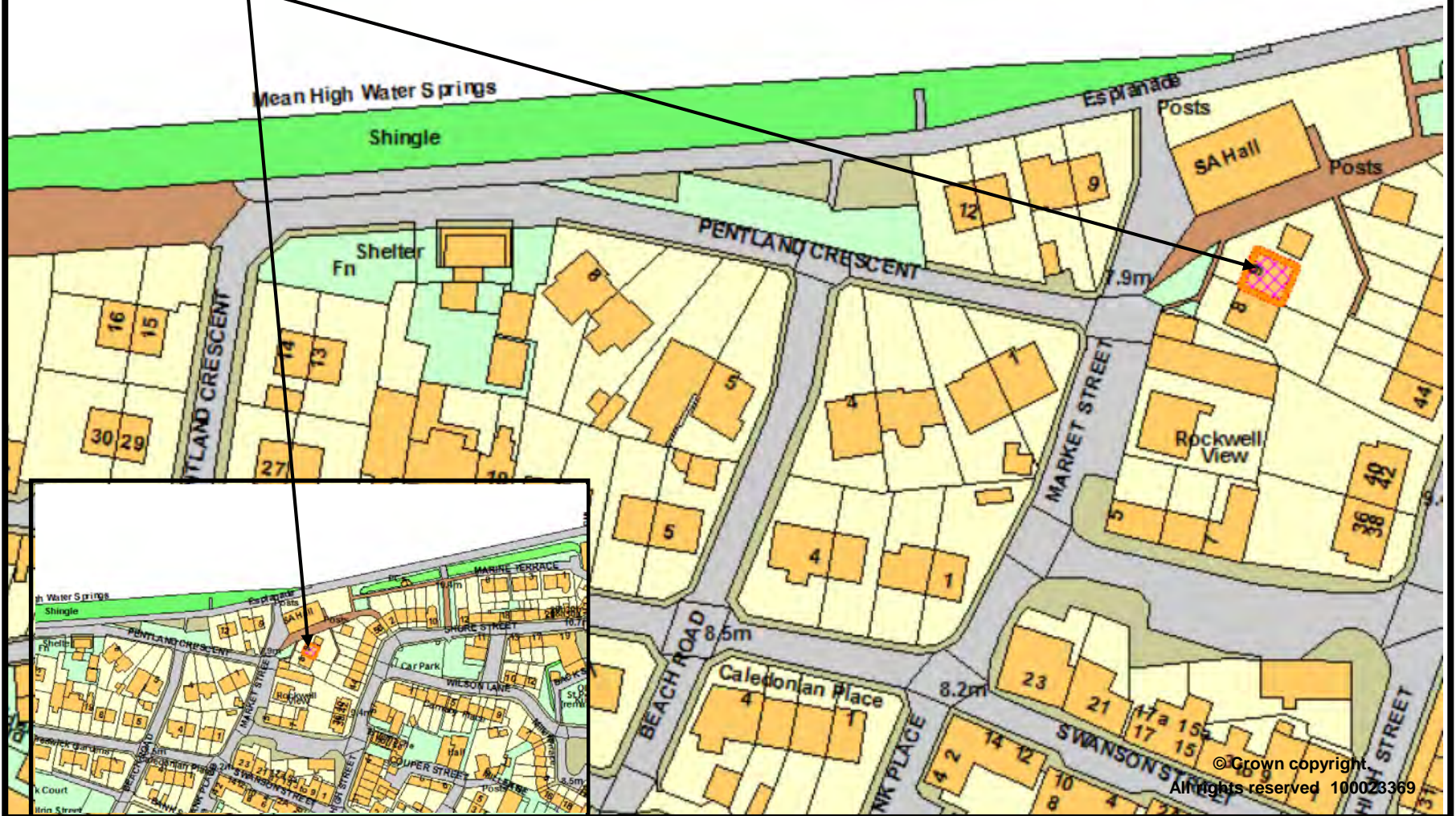
Designation: Acting Head of Development Management – Highland

Author: Mark Fitzpatrick

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

Relevant Plans: Plan 1 - LBOC-001 Site Layout & Location Plan
Plan 2 - 000001 Front Elevation
Plan 3 - 000002 Rear Elevation
Plan 4 - 000003 Side Elevation
Plan 5 - External Cladding Detail
Plan 6 - External Cladding Detail

Application site



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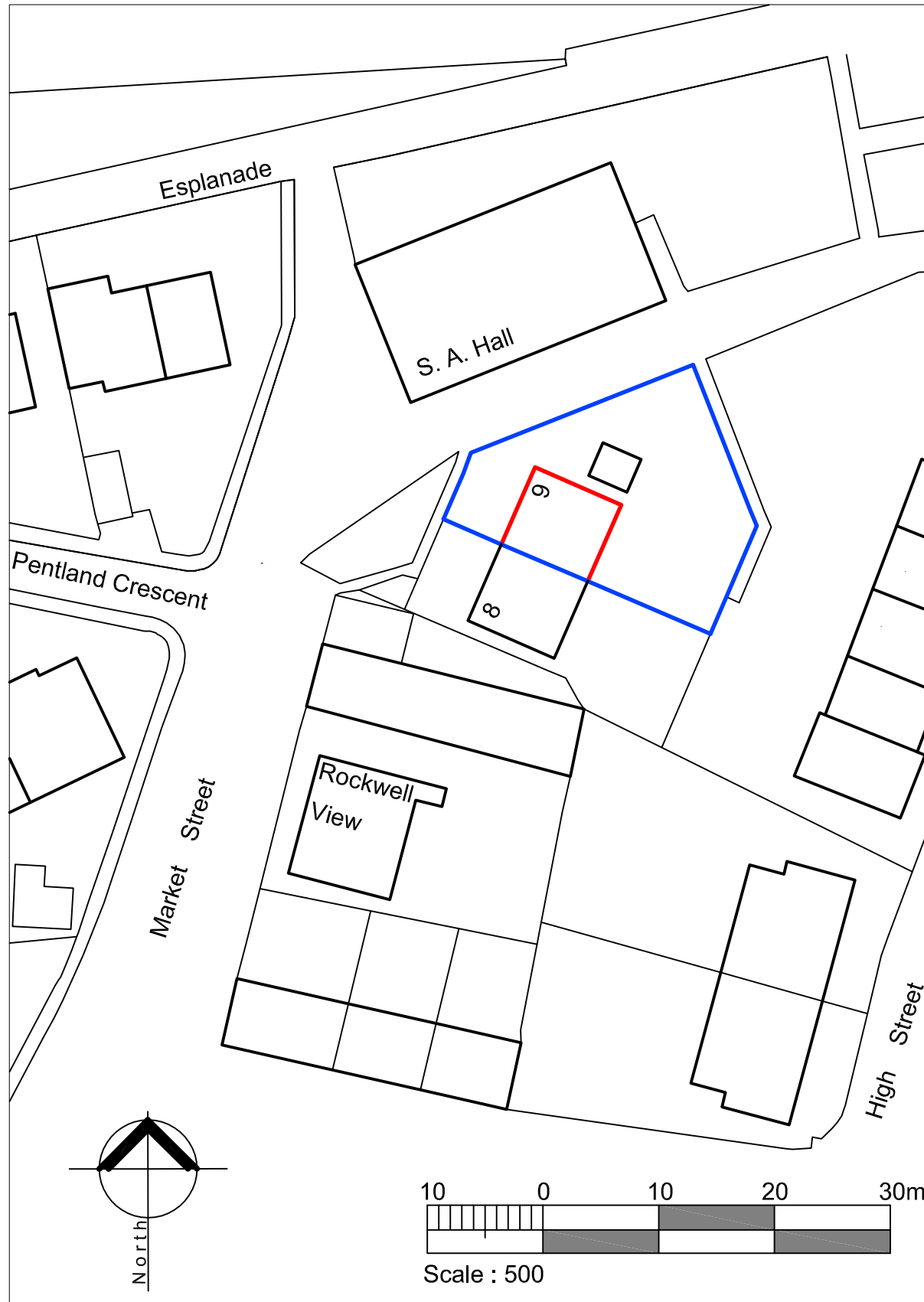


The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

21/00458/FUL
Installation of external wall insulation
9 Market Street, Thurso

Scale:



Notes:

Amendments:

Client:

Mr. L. Begg

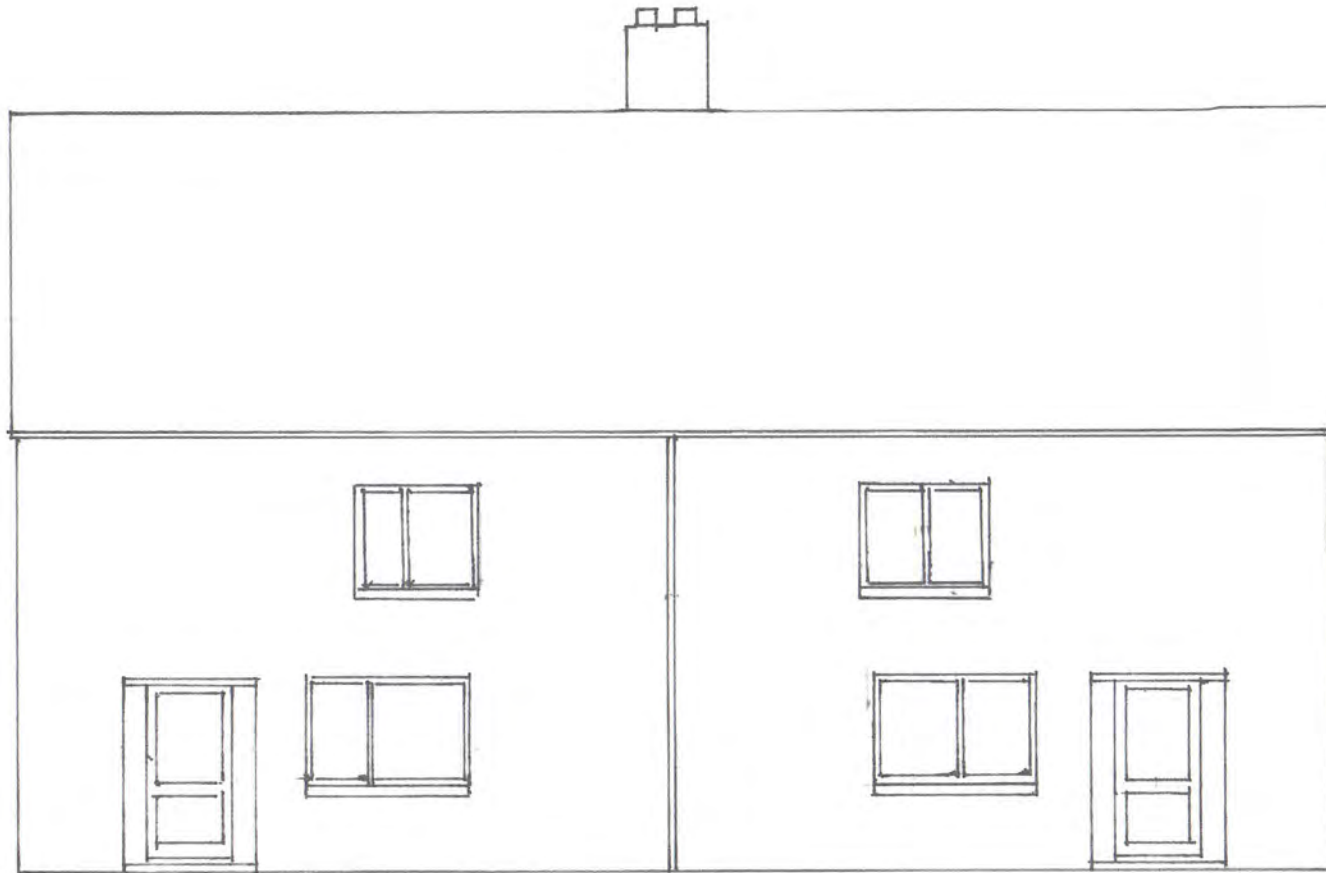
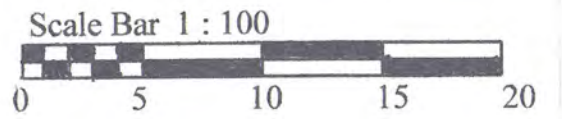
Project:
Proposed overcladding of
external walls at
No. 9 Market Street, Thurso

Drawing:
Site Location & Block Plans

Scale: As stated

Date: Jan.2021

Drawing No.: LBOC/001



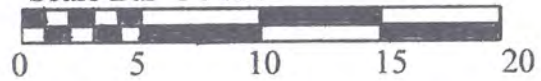
9 Market Street

8 Market Street

Proposed external cladding at
9 Market Street, Thurso
KW 14 8 BB

Front Elevation
Scale as shown
Date. January 2021

Scale Bar 1 : 100

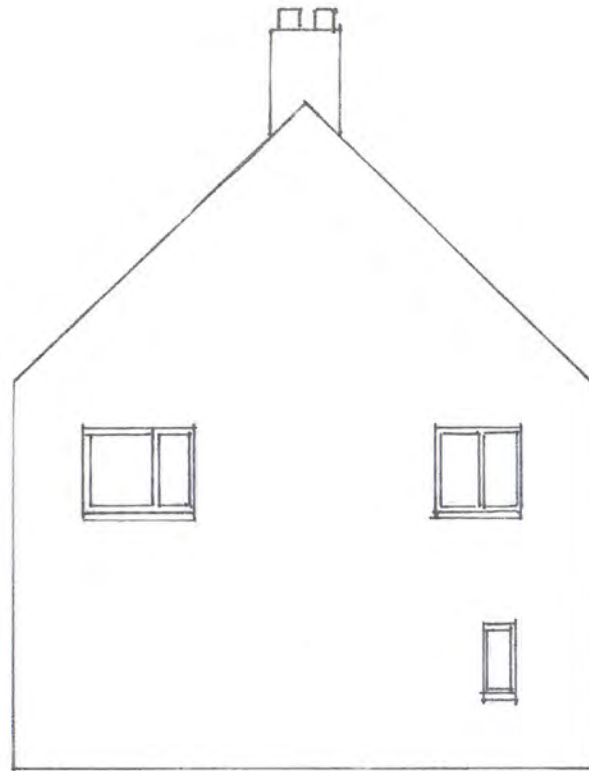
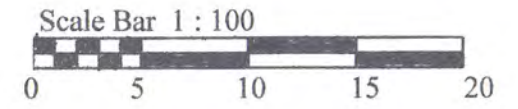


8 Market Street

9 Market Street

Proposed external cladding at
9 Market Street, Thurso
KW 14 8 BB

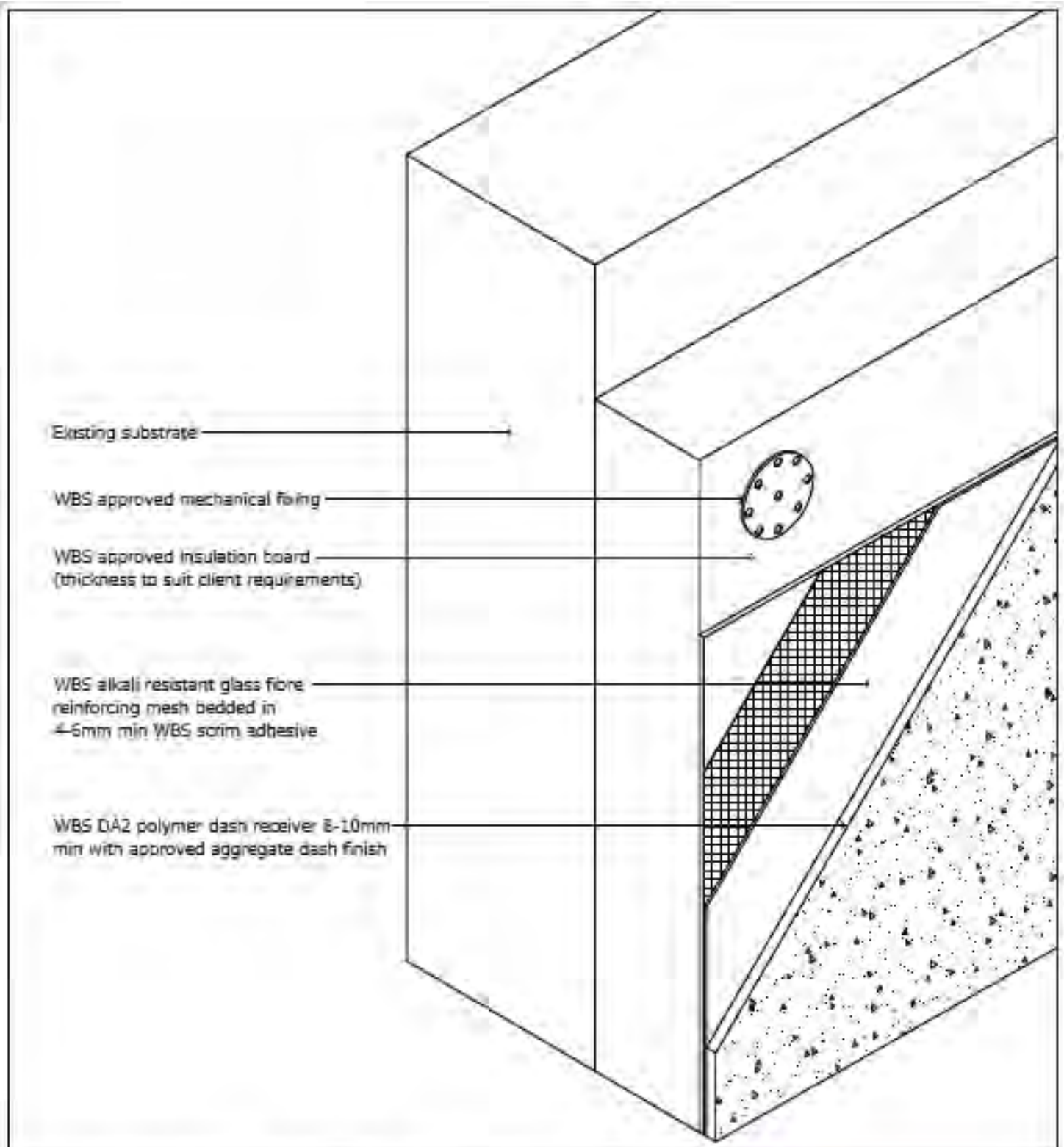
Rear Elevation
Scale as shown
Date. January 2021



9 Market Street

Proposed external cladding at
9 Market Street, Thurso
KW 14 8 BB

Side Elevation
Scale as shown
Date. January 2021



drawing: **Isometric - System build up**

date: Jan 2020

revision: - R1

drawn by: BS

scale: NTS

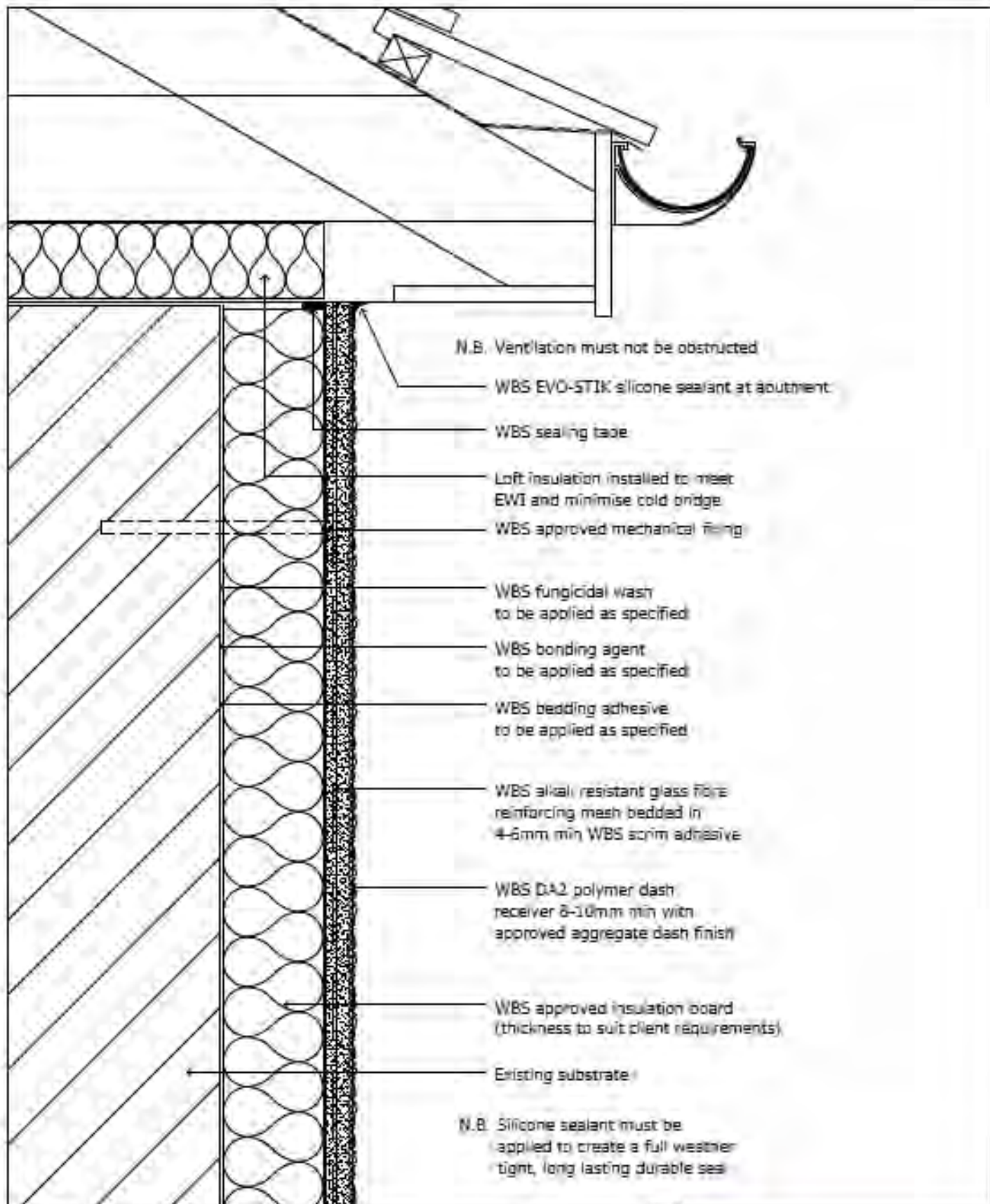
project ref: **Highlands EES - Year 1**

drawing no: **PAS2017-EWI-DASH-01**



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drawing: **Roof abutment detail (1 of 2)**

date: Jan 2020

revision: - R1

drawn by: BS

scale: NTS

project ref: **Highlands EES - Year 1**

drawing no: **PAS2017-EWI-DASH-09A**



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