

Agenda Item	6.4
Report No	PLN/061/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 10 August 2022
Report Title: 21/04517/FUL: L & M Lynch
6 Janet Street, Thurso, KW14 7AR
Report By: Area Manager North

Purpose/Executive Summary

Description: Part change of use to restaurant (retrospective). Installation of external staircase and flue. Addition of 3 guest bedrooms

Ward: 02 – Thurso and North West Caithness

Development category: Local

Reason referred to Committee: more than 5 objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application is for the part change of use of the Manor House Guest House a Category C Listed Building at 6 Janet Street, Thurso, to allow for ground floor restaurant provision with an ancillary bar (as amended), along with internal alterations to install three first floor ensuite bedrooms. The applicant has previously operated a restaurant and bar from the premises. Accordingly the restaurant and ancillary bar component of the application is retrospective. Externally, the application includes the installation of a first floor fire escape over a flat roof extension with staircase, which includes the construction of a first floor dormer doorway, installation of 3no conservation rooflights and reinstatement of a first floor gable end window. A ventilation shaft is also proposed above the side extension housing the kitchen (to be screened by 1 metre vertical timber panels stained anthracite grey), as well as replacement doors and profile metal sheeting to the rear outbuilding that fronts Brabster Street. The applicant has advised that food preparation would take place during breakfast (07:00 - 09:00), lunch (12:00 – 14:00), and evening meal (17:00 – 22:00) sittings, with approximately 150 covers per day.
- 1.2 The application follows 2no 2019 approvals for planning permission (ref. 18/05935/FUL) and Listed building Consent (ref. 18/05933/LBC) to allow for the change of the building's use, from a private members, Thurso Club, for use as a guest house following the club's closure in 2015. The use of rooms to the rear of the ground floor for private residential use (for the use of the proprietors) was also included with that permission.
- 1.3 Consequently the applicant seeks retrospective permission to regularise other internal changes made since the previous consents, which are assessed through the associated application for Listed Building Consent (ref. 21/04515/LBC), although it is noted that under the previous approvals the bar area was to be removed.
- 1.4 The applicant submitted pre-planning application enquiry (ref. 21/02121/PREAPP) for the part change of use to allow for a sui-generis public bar as well as the provisions included with the current application. The applicant was advised that a restaurant facility with ancillary bar lounge area would be more appropriate to the residential character of Janet street as being a lower impact development than a public bar as a main function due to likely impacts on the character of the residential street and neighbouring residential amenity.
- 1.5 The application is supported by a Supporting Statement, a Noise Impact Assessment and its associated addendum, as well as specifications and information of the proposed ventilation system including details of the absorption index and carbon filters.
- 1.6 During the course of the assessment, the application has been amended to remove reference to the premises hosting events, as has the proposal to regularise signage installed to the principal elevation on Janet Street. The design of the kitchen ventilation system has also been amended prior to settling on the design as described in paragraph 1.1.

2. SITE DESCRIPTION

- 2.1 6 Janet Street is a Category C Listed Building that was formally a private club but has recently been refurbished and opened as a Guest House. The building was previously extended with a single storey flat roof extension to the side and rear into the garden

ground to provide extra facilities for the now defunct private club. The extension was approved as a private dwelling for the owner operator of the business in 2019, which is its current use. There is a smaller flat roof extension on the north elevation that accommodates the kitchen. In addition to the listing, the site is also within Thurso's defined Town Centre, and the Conservation Area, whereby Janet Street is noted for its particularly fine Victorian domestic buildings that face the Thurso River and adhere to a strong building line along its north west side. Despite its Town Centre location, Janet Street is largely residential with commercial activities limited to a small number of private businesses providing tourist accommodation.

3. PLANNING HISTORY

3.1	27 2019	February	18/05935/FUL: Change of use of private club to form guest house and family accommodation with the provision of eleven bedrooms with ensembles, part replacement & repair of windows, external repairs, minor internal fabric alterations.	PERMISSION GRANTED
3.2	27 2019	February	18/05933/LBC: Change of use of private club to form guest house and family accommodation with the provision of eleven bedrooms with ensembles; Part replacement & repair of windows; External repairs; Minor internal fabric alterations	PERMISSION GRANTED
3.3	N/A		21/04515/LBC: Alterations to internal partitions. Installation of flue. Existing blocked up door and window openings reinstated. Replacement external door to existing outbuilding. Reinstatement of loft accommodation to form 3 bedrooms. Reinstatement of roof windows plus one new roof window. Installation of escape stair and walkway.	RECOMMENDED FOR APPROVAL AT AUGUST NPAC IN TANDEM WITH THIS APPLICATION

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Bad Neighbour Development & Unknown Neighbour

Date Advertised: 08 October 2021

Representation deadline: 29 October 2021

4.2 Timeous representations: 5 objections from 5no representatives

4.3 Late representations: 1no general comment

4.4 Material considerations raised are summarised as follows:

- a) Concerns with the accuracy of the application's initial description;
- b) Siting concerns; specifically, the impacts of a restaurant and bar at the application site on the character of the residential street, as well as its proximity to a school and play park;

- c) Visual impacts and impacts on the character of the Listed Building and Conservation area resulting from the ventilation system, fire escape, and replacement doors to Brabster Street;
- d) Impacts on neighbouring residential amenity due to:
 - i. noise emanating from functions and the outdoor smoking area;
 - ii. nuisance, particularly from patrons leaving the establishment at closing time;
 - iii. noise from the proposed ventilation system;
 - iv. potential overlooking from the fire escape leading to loss of privacy in neighbouring properties;
 - v. differences in site management and operational practices between the previous private members club and proposed public restaurant with bar provision;
- e) Concerns that the business has been operating a public bar and running functions without the necessary permissions;
- f) Road safety concerns.

4.5 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 **Thurso Community Council** did not respond to the consultation request.

5.2 **Environmental Health** does not object to the application but advises of noise complaints it has received due to amplified music and patrons using the outdoor smoking area. It advises that conditions should be attached to any permission to limit noise including to background music only, closing the outdoor smoking area at 23h, and bottle collection times. EH has considered the proposed ventilation system's specifications and requires that odour abatement is supplied and fitted prior to the first use of the restaurant.

5.3 **Historic Environment Team (Conservation)** does not object and advises on specific details of the proposal, which are considered in the Planning Appraisal section of this report and in the Listed Building Consent.

5.4 **Transport Planning** does not object and is content with patrons of the facility using existing on- and off-street parking available nearby.

5.5 **Scottish Water** does not object and advises that no new connections will be permitted to the public network and that any additional surface water will discharge to the existing infrastructure within the property's boundary.

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 & Place-making
- 34 - Settlement Development Areas
- 43 - Tourism

- 44 - Tourist Accommodation
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 **Caithness and Sutherland Local Development Plan 2018 (CaSPlan)**

Policy 1 – Town Centres First

6.3 **Highland Council Supplementary Planning Policy Guidance**

- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

- Scottish Planning Policy (June 2014)
- National Planning Framework 3 & Draft National Planning Framework 4
- PAN 1/2011 Planning and Noise
- Historic Environment Scotland Policy Statement (June 2016)
- Historic Environment Circular 1 (June 2016)
- 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.

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 site is within Thurso's defined Town Centre so the application is, in the first instance, assessed against Policy 1 of the Caithness and Sutherland Local Development Plan (CaSPlan), Town Centres First. The policy seeks to protect and enhance the viability and vitality of town centres by requiring developments that are

likely to result in significant footfall to firstly be directed to Town Centre Locations, or where this is not possible, to locations at the edge of town centres following a sequential approach. Additionally, the policy provides guidance on the circumstances where the conversion of town centre buildings to residential use may be supported.

- 8.5 As such, the Town Centre First policy does not provide for tacit acceptance of all town centre land uses at all locations within defined town centres. While it is acknowledged that hotels, restaurants, and public houses, are footfall generating developments, and appropriate town centre land uses, the activities at the application site require to be carefully judged according to their impact on the residential character of Janet Street, and according to their compatibility with approved adjacent land uses, as required under Policies 34 (Settlement Development Areas) and 28 (Sustainable Design) of the Highland-wide Local Development Plan (HwLDP). Therefore the impacts of the part change of use on the character of Janet Street and wider area, as well as the established residential amenity of surrounding properties, are key determining factors.
- 8.6 Works to the listed building require Listed Building Consent and are principally assessed against Policy 57 of the Highland-wide Local Development Plan (HwLDP), which reflects the Council's statutory duty to safeguard the natural, built and cultural heritage of the Highlands pursuant to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 at s59. The Act states that Councils will have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". As such, the Council will support developments that do not have an unsatisfactory effect on, or compromise, the heritage resource, either singularly or cumulatively. On that basis, the design components of the proposal are fully assessed in the associated Listed Building application (ref. 21/04515/LBC).
- 8.7 The proposal's compliance with the above policy considerations is assessed below.

8.8 Siting - Impacts on the Residential Character of Janet Street

The use of the property as a guest house with some residential use has been established under the previous permission (ref 18/05935/FUL), whereby those land uses were considered compatible with the residential character of Janet Street. The guest house reinforces the existing commercial activities along the street, which are limited to a small number of private businesses also providing tourist accommodation and on that consideration there are no issues with the formation of 3no additional guest rooms. The change of use approved in 2019, however, has established the baseline characteristics of the site and surrounding area that the current application is assessed against, meaning that the historical use of the property as the Thurso Club is not a material consideration for an assessment of future land uses at the site.

- 8.9 The applicant's motivation to expand the commercial offerings of the business in support of the long term viability of the guest house are acknowledged and understood. On that basis, the applicant was advised prior to the application being lodged (ref. 21/02121/PREAPP) that while nearby hotels within the town centre do have public bars, these are generally on streets with a larger mix of commercial offerings as well as residential uses, giving them a 'high street' character. Therefore, the applicant was advised that a *sui generis* public bar at 6 Janet Street would introduce a new land use at the location, at a distance from the town's main high streets and similar existing businesses, that would intensify activity at the site. Accordingly, as a consequence of

siting a public bar (and by extension offering events and functions in the building) the property would likely become a destination and focal point of behaviours associated with drinking alcohol, whereby patrons of the bar will access the business passing several residential and noise sensitive properties along a relatively quiet town centre street.

8.10 With the above in mind, the applicant was advised that a well-managed restaurant at the location would allow the business to expand its commercial offerings while representing a smaller and acceptable change in the character of the site and surrounding area. Subsequently, the applicant was informed that a bar lounge facility ancillary to the restaurant function, keeping the part change of use wholly within Class 3 (Food and Drink), would be an acceptable complimentary land use.

8.11 It is regrettable then that the applicant has opened and subsequently operated a restaurant and bar while holding events and functions since the guest house opened. Moreover, these activities occurred prior to a full assessment of the implications of these activities and prior to establishing the terms that the business may operate on. It has taken some time to establish the scale and scope of the current applications, which initially sought to regularise the public restaurant, public bar and the hosting of events. However, following discussions, the applicant has agreed to proceed with the application in accordance with the amended description and details as described under paragraphs 1.1 - 1.6 above, that is for the part change of use to allow the premises to operate a restaurant facility with a bar lounge function that is ancillary to the restaurant only, and which specifically excludes the business offering events and functions. Removing the proposal to convert the rear flat-roof extension, (currently used as the applicant's private residence) to restaurant floor space was also discussed with the applicant, however the applicant has advised of a business requirement for the additional floor space, which is accepted. The projected daily food servings of 150 for would be spread between guests of the hotel as well as external visitors over breakfast, lunch, and evening sittings, which is not considered excessive for the facility. As such, the principle of the siting of a public restaurant at the guest house, with a bar functionality that is ancillary to the restaurant, is considered acceptable subject to appropriate controls to protect the residential amenity of neighbouring properties, as discussed below.

8.12 Impact on Residential Amenity - Noise

The premature operation of the restaurant and bar, along with events and functions held at the guest house, resulted in both the Planning and Environmental Health services receiving complaints, as reflected in the representations made to the application. Furthermore, noise complaints have been made to the Council's Licensing service, and on occasion to the Police. It is noted here that the business has now obtained temporary licences for the sale of alcohol on the premises, and that the Police, whose interest is in enforcing the licensing conditions rather than land use matters, advised there were no breaches of the licence conditions and noted the co-operation of the owners following a site visit.

8.13 Nevertheless, these complaints and incidences have confirmed the Council's concerns that a *sui generis* public bar and events venue at the location would represent too large a change in the character of the site and have unacceptable impacts on the established residential amenity of neighbouring properties. Additionally, the Noise Report submitted

with the application states that the premises is not suitable to provide amplified entertainment, while the calculated sound levels appear consistent with the experiences of neighbours during these events at the site.

- 8.14 It is appropriate, therefore, to limit the land use to a restaurant with ancillary bar function (Class 3) to the exclusion of the venue holding events at this time. It is also appropriate to control the opening times of the restaurant to ensure noise levels emanating from the site are within acceptable limits to protect residential amenity. These limits are consistent with the Council's position and advice provided to the applicant since the PREAPP advice request was submitted.
- 8.15 Controlling nuisance and dealing with noise complaints is covered by Part III of the Environmental Protection Act 1990 and the nuisance provisions of the Public Health etc (Scotland) Act 2008. As such, Environmental Health has advised that only background music should be permitted in the restaurant and that the outdoor smoking area should be closed by 23:00. The applicant has advised that the smoking area would be closed by 22:00, which is desirable and would be consistent with the outdoor alcohol licence. However, because the aforementioned legislation controlling noise sets the threshold at 23:00, closing the smoking section before this time, while encouraged, would be at the discretion of the owners. No patrons should be allowed within the restaurant and bar areas after midnight, which provides some time to stagger people leaving the premises and minimise flash points of excessive numbers leaving the restaurant.
- 8.16 There is no mechanism within the Licensing (Scotland) Act 2005 for the Council's Licensing Service to impose opening hour restrictions other than to 01:00, because that act gives the same status to all licensed premises except night clubs. Consequently the above restrictions are required to be secured by planning condition, and in this particular instance such conditions are considered reasonable and justified on the grounds of protecting the established residential amenity of neighbouring properties.
- 8.17 Impact on Residential Amenity - Odours

In addition to the above, the restaurant's kitchen has the potential to negatively impact residential amenity due to noise and odours, which has been highlighted in representations made to the application, as has the location of the ventilation system above the kitchen roof on the northwest elevation close to a neighbouring property. It has taken some time to agree on sachem which both addresses both Environmental Health and Conservation concerns. To that end, the applicant has proposed an internal filtration system with odours discharging through an external stack reaching 1m above the adjoining eaves to be screened by vertical timber panels painted a recessive colour. The applicant has provided specifications of the ventilation system as well as a programme for its maintenance that show that the kitchen will be operated in line with the EMAQ Guidance "Control of Odour and Noise from Commercial Kitchen Exhaust Systems", which has been approved by Environmental Health. The height and position of the amended stack is sufficient to disperse odours away from windows of occupied rooms at the guest house subject to a condition to ensure that no cowls are fitted to the stack unless the cowl is an accelerator cowl that increases the upward discharge exit velocity. A standard condition to control noise levels emanating from plant equipment at sensitive properties is also suggested to secure amenity impacts from this component are within acceptable limits. Additionally, all odour abatement measures must be fitted

to the ventilation system prior to the restaurant's first opening, which should also be secured by condition.

8.18 Issues with the design of the chimney in relation to its impacts on the Listed Building are considered in the Listed Building Consent (which includes a condition to remove external ducting and screening in the event it is no longer required), however, in land use terms there are no concerns with the principle of installing a ventilation system to allow the restaurant to function.

8.19 External Lighting

A condition is suggested for details of external lighting within the site along its boundaries, accesses, and fire escape routes to ensure lighting is appropriate for the development's residential location, in the interests of residential amenity.

Other material considerations

8.20 Access, parking, as well as water and drainage arrangements will remain as extant as confirmed by Transport Planning and Scottish Water, and therefore do not require further consideration under the current application. The development is not considered to result in a net loss of road safety at the location. As mentioned, the design issues of the proposal have appropriately been considered through the assessment for the Listed Building Consent by virtue of their impact on the character and qualities of the heritage resource. To summarise, the current submission contains elements of the 2019 permissions that have not been completed as part of that consent, most significantly the removal of the bar. Nevertheless, the applicant has completed the works to a very high and commendable standard, of particular note are the windows on the principal elevation including the dormers.

Non-material considerations

8.21 Non-material considerations raised are summarised as follows:

- Concerns that the descriptor 'part change of use' does not adequately convey the significance that the change of land use would occasion for neighbours (the term refers to an additional new land use within the property, which currently has permission to operate as a guest house and family home only);
- Public health as this is covered by separate legislation;
- Preventing crime and disorder is not within the competence of the Planning Authority;
- The proper use of a fire escape to escape fire is not assessed for amenity impacts on neighbouring properties such as overlooking and loss of privacy;
- The potential for patrons under the influence of alcohol to cause traffic accidents is not a land use matter;
- The specific number, make-up / profile, and length of residency of the occupants of neighbouring residential properties is not material to the assessment;
- The mental health of neighbours is not a consideration material to a planning assessment.

Matters to be secured by Legal Agreement / Upfront Payment

8.22 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

a) None

9. CONCLUSION

9.1 The applicant's motivation to expand the commercial offerings of the business in support of the long-term viability of the guest house are acknowledged and understood. However, the impact of new land uses on the character of the site and surrounding area, as well as the residential amenity enjoyed at neighbouring properties, must be within acceptable limits. A restaurant with ancillary bar facility that keeps the part change of land use wholly within Use Class 3 (Food and Drink), would represent an acceptable change in the character of the site and surrounding residential streets. Furthermore, the proposal is not considered to have an adverse impact on the established amenity enjoyed at neighbouring properties. Subject to conditions to exclude the venue hosting events at this time, and conditions to restrict opening times in line with Environmental Health legislation, it is considered that the amended part change of land use at the site is an acceptable complimentary land use for the guest house business that would appropriately contribute to the viability of the wider Town Centre.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the amended proposal has brought the development's impacts on the character and amenity of Janet Street and surrounding streets and properties to within acceptable limits, such that it accords with the principles and policies contained within the Development Plan, and, is acceptable in terms of all other 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 issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. Planning permission is hereby granted for the part change of use to a public restaurant with ancillary bar only (Class 3 Food and Drink). This permission shall apply for the ground floor areas demarked as Dining Area, Bar Servery, Lounge/Lounge Bar on the approved Proposed Floor Plan drawing ref. 19 REV B only. Prior to the first use of the of the kitchen hereby approved, the ventilation unit and all odour abatement measures shall be installed in full and functioning in accordance with the manufacturers' operating instructions. The operator shall at all times maintain a written schedule of monitoring and maintenance of the equipment including cleaning and servicing, which shall be produced and scheduled in accordance with the manufacturer's operating instructions and made available to the Council for inspection at the Council's request.

Reason: For the avoidance of doubt; to ensure that the site is operated in compliance with applicable standards in order to ensure safeguard the character and amenity of the surrounding area and the occupants of neighbouring properties.

2. The restaurant and ancillary bar hereby approved shall not be open to customers, and no customer shall be allowed on the premises, outwith the hours of:
 - i. 06:00 to 00:00 Monday to Sunday inclusive.

For the avoidance of doubt, the restaurant shall cease serving to customers, all background music shall cease, and external areas shall be closed to restaurant patrons at 23:00 Monday to Sunday.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

3. Within three months of the date of this permission and prior to the first use of the restaurant hereby approved, full details of any external lighting to be used within the site and/or along its boundaries, and/or accesses, and fire escape routes shall be submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage out with the site boundary. Thereafter only the approved details shall be implemented.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

5. Any noise originating from the operation of the premises, including any music, singing, speech, electronic video games or other amusement machines shall

be inaudible within any noise sensitive premises. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

6. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

7. The ventilation stack hereby approved shall be fitted with an accelerator cowl only if required, no other type of cowl that would otherwise impede the upward air flow is permitted.

Reason: in order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the amended proposal has brought the development's impacts on the character and amenity of Janet Street and surrounding streets to within acceptable limits, such that it accords with the principles and policies contained within the Development Plan, and, is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and their respective conditions must be read, and complied with, in tandem.

Food Hygiene

The premises will require to comply with food safety and food hygiene legislation. You are advised to contact the Council's Environmental Health Officer for further advice:

Environmental Health Office Wick
Caithness House
Market Square
Wick
KW1 4AB

Email: Environmental.Health@highland.gov.uk

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Dafydd Jones
Designation: Acting Head of Development
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 15 REV A LOCATION/SITE LAYOUT PLAN
Plan 2 - 19 REV B PROPOSED FLOOR PLAN
Plan 3 - 18 REV D PROPOSED ELEVATION PLAN

4. Within three months of the date of this permission, and prior to the first use of the restaurant hereby approved, the applicant shall submit the following to satisfaction of the Planning Authority in consultation with Environmental Health:

- A Restaurant Business Plan, detailing:
 - The anticipated number of meals to be served per day.
 - The method(s) of preparation and cooking.
 - The types of meal served, e.g. fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc.
 - The proposed hours of operation of the business and any ventilation plant.
- Details of the kitchen ventilation system including flue design and any additional techniques to reduce odours such as increased efflux velocity, and additional filters. For the avoidance of doubt, the final discharge shall be vertically upwards and unimpeded by flue terminals, the number of bends in the ducting shall be minimised and the ducting shall have a smooth internal surface. Details shall include:
 - . Details of the kitchen ventilation operation system, including:
 - Extract rate in cubic metres per second.
 - Kitchen volume.
 - Efflux velocity.

Note/ the system performance is dependent upon the extract rate of the air. Where the rate can be adjusted by the use of dampers or a variable speed fan, the conditions that the extract rate can be achieved shall be described.

- Details of grease filters and pre-filters, including:
 - Manufacturer's name.
 - Filter name and Product.
 - Dimensions of the pre-filter.
 - Manufacturer's recommendations on the frequency and type of maintenance of the pre-filter having regard to the conditions that it will be used under.

For the avoidance of doubt, primary grease filters must be of the baffle variety. Mesh grease filters can only be used as secondary grease filtration.

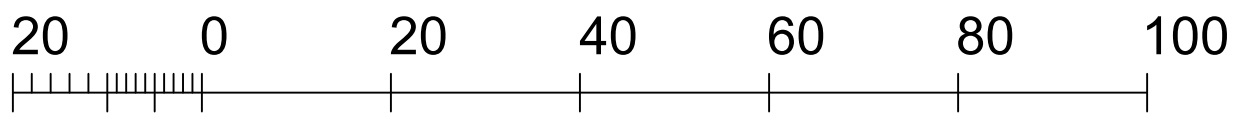
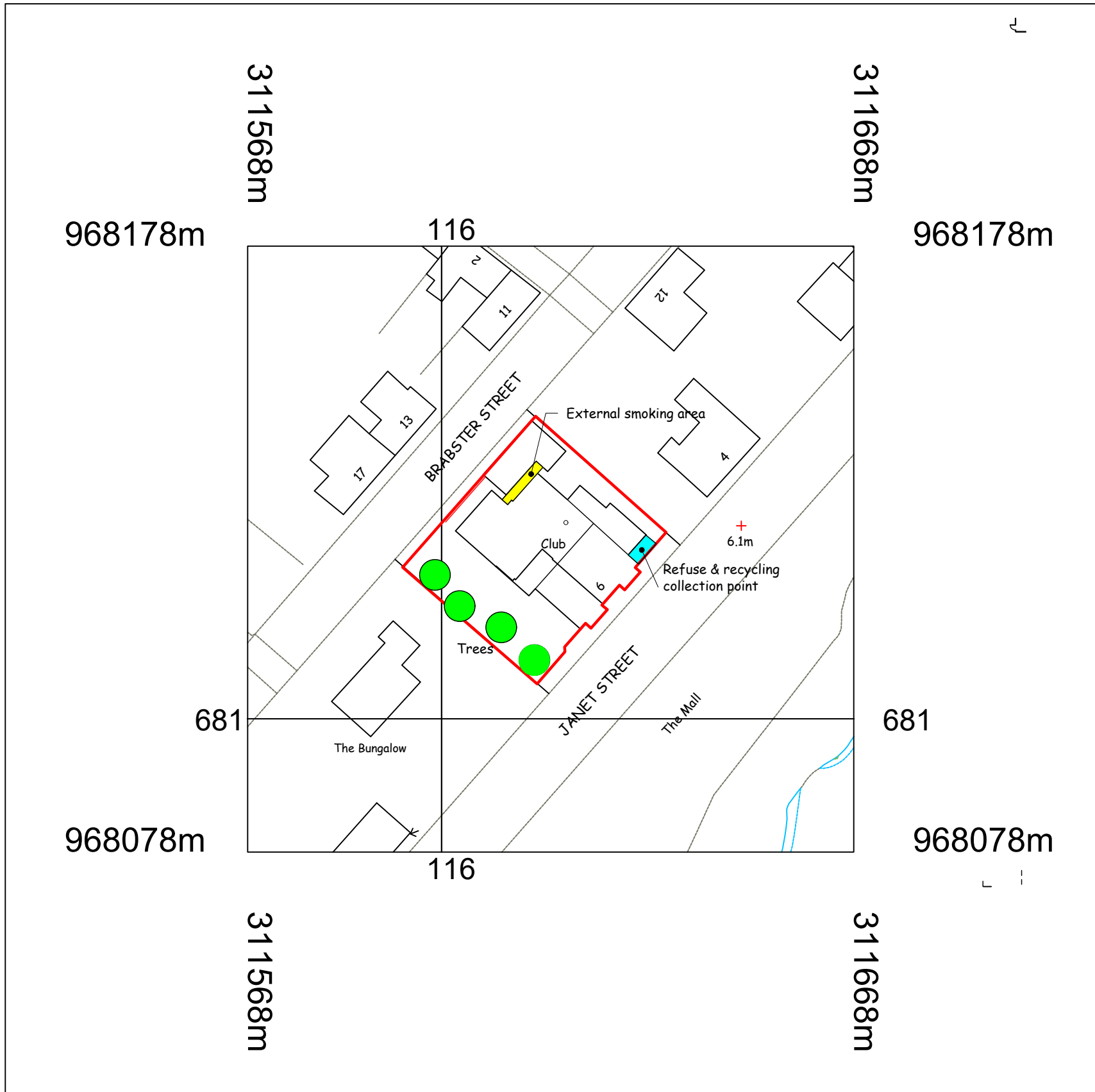
- Details of electrostatic precipitators (where proposed), including the manufacturer's product data sheet clearly showing:
 - Manufacturer's name.
 - ESP name and product code.
 - Dimensions of the ESP.
 - Flow rate rating.
 - Manufacturer's recommendation on the frequency and type of maintenance of the ESP having regard to the conditions that it will be used under.
- Details of carbon filter units, including the manufacturer's product data sheet clearly showing:
 - Manufacturer's name.
 - Filter name and product code.
 - Dimensions of the filter panel.
 - The total number of filter panels in the filter bed.
 - The nature of the carbon including product type.
 - Manufacturer's recommendations on the frequency of replacement of carbon units, and type of maintenance required.

- Total volume of carbon in cubic metres.
- Total mass of carbon in kilograms.
- Total surface area of the filter panels exposed to the exhausted air.
- Dwell time of gases in the filter compartment and the control setting at which this achieved, with the calculations clearly stated including any assumptions, and the air change rate
- Details of odour counteractant or neutralising system (where proposed), including the manufacturer's product data sheet clearly showing:
 - Manufacturer's name.
 - Name of delivery system and product code.
 - Counteractant or neutralising chemical to be used.
 - COSHH data sheets for chemical to be used.
 - Anticipated counteractant or neutralising delivery rate.
- Details of the cooker hood, including:
 - The length that the hood overhangs appliances.
 - Face velocity at the cooker hood in meters per second.
 - Dimensions of the opening of the cooker hood.
 - The method and route for permitting sufficient air into the premises to replace extracted air. For the avoidance of doubt, the route of the air into the premises shall avoid potential contamination.
- Elevations of the buildings showing the dimensions and route of the ductwork in relation to the building, with:
 - The location of all filters and the fan clearly marked.
 - The type of filter clearly identified and cross-referenced to the detailed product specification.

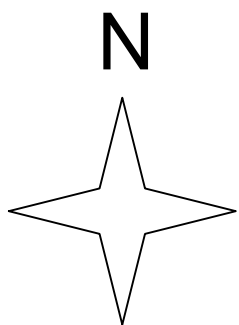
For the avoidance of doubt, all filters shall be positioned in an accessible location to enable ease of cleaning, replacement and maintenance.

- A Schedule of Maintenance, with:
 - Cleaning of washable grease filters.
 - Frequency of inspection and replacement of all filters (grease, pre-filters, and carbon filters where proposed).
 - Inspection and servicing of fans.
 - Justification of the schedule if not based on the manufacturers' recommendations.
 - Access point to permit adequate cleaning of all ductwork.

Prior to the first use of the restaurant and ancillary bar, the applicant shall confirm in writing to the Planning Authority that all odour abatement measures have been installed in the extraction system and made ready for use. Thereafter, the ventilation system shall be operated and maintained with odour abatement in perpetuity.



Metres



No surrounding land or buildings are owned by the Applicant therefore no blue line requirement.

Rev A 01 December 21 NM
 1. External smoking area noted

KNIGHT & McDONALD ARCHITECTS			
"Grianan", 14 Beinn Ratha Court, Reay, Caithness, KW14 7RH			
Tel: 01847 893811			
E-mail: admin@knightandmcdonald.co.uk			
Project: 6 Janet Street, Thurso			
Client: Mr & Mrs Lynch			
Drawing Title: SITE & LOCATION PLAN			
Scale	Date	Drawn	Checked
1:800	15.10.18		
Job No	Code	Draw No	Rev
17369	AL(0)	15	A

7. Escape route formed partially over the flat roof and taken to existing landing at Brabster Street. External galvanised steel escape stair finished in anthracite grey.

7. Existing timber doors removed & replaced with new timber doorset. Painted in heritage blue to match existing doors.

UTILITY/STORE

5. Previously existing door opening reinstated.

12. Designated external parking area with framed, braced and vertically lined timber gates for security.

Temporary partitions removed

6. Existing door replaced.

DINING AREA 77m²

The public dining area and lounge bar will have a designed occupant capacity not exceeding 100 people.

Existing WC provision schedule:
Unisex accessible wc - 1
Gents wc - 2
Gents urinals - 4
Gents whb - 3
Ladies wc - 2 (plus Unisex wc)
Ladies whb - 2 (plus Unisex whb)

DINING AREA 43m²

Temporary partition removed

4. Proposed kitchen extract to flat roof mounted plant and vertical discharge

3. Existing wall removed. New partitions (shaded pink) fitted to form kitchen storage within previous plant room space.

BAR SERVERY

BAR SERVERY

1. Bar servery replaced with new fitting

UNISEX ACCESS WC

2. Gents wc formed & existing wc upgraded to accessible requirements

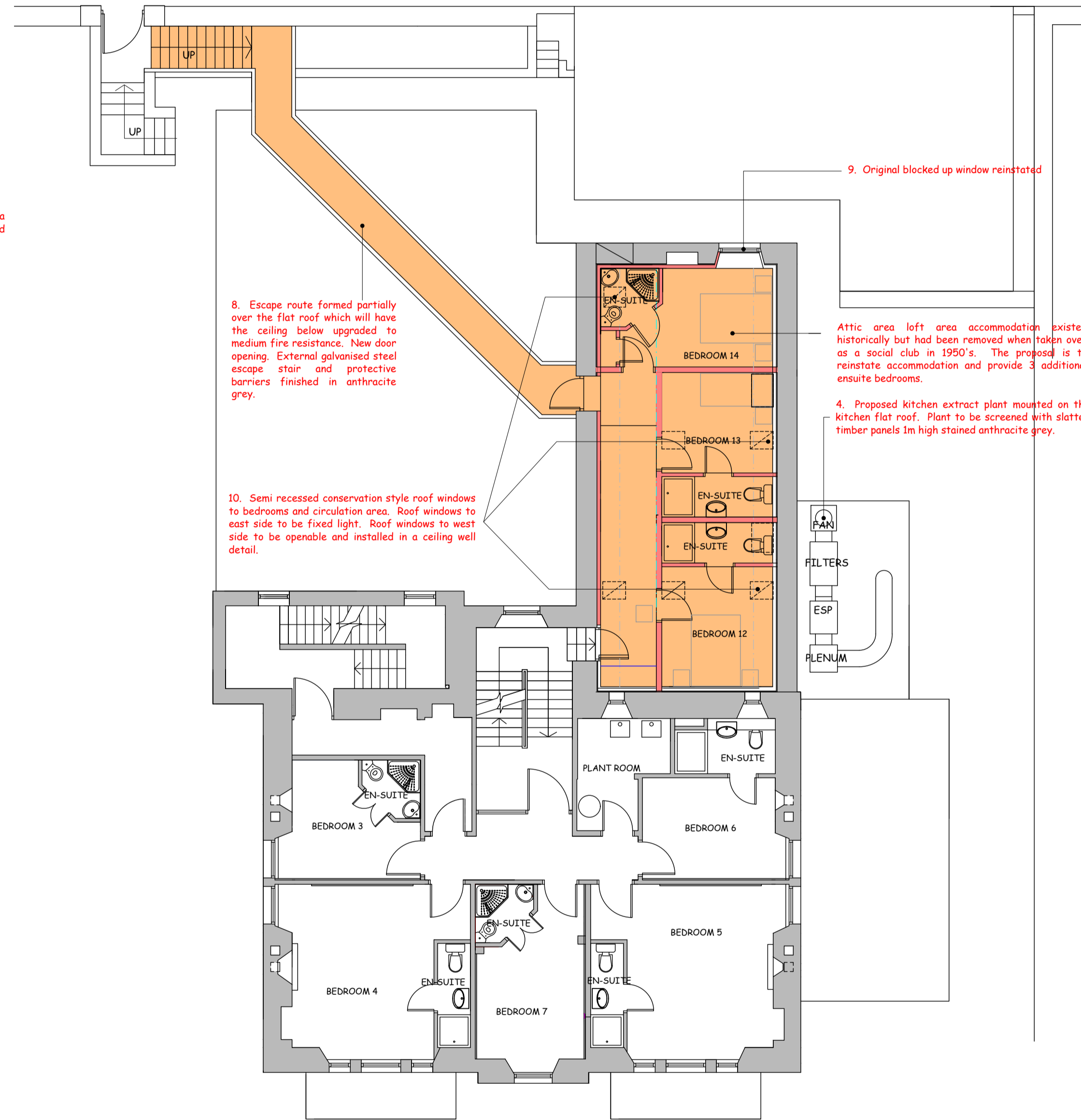
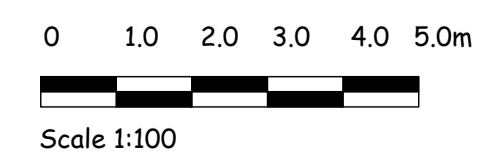
LOUNGE/LOUNGE BAR 30m²

GENTS WC

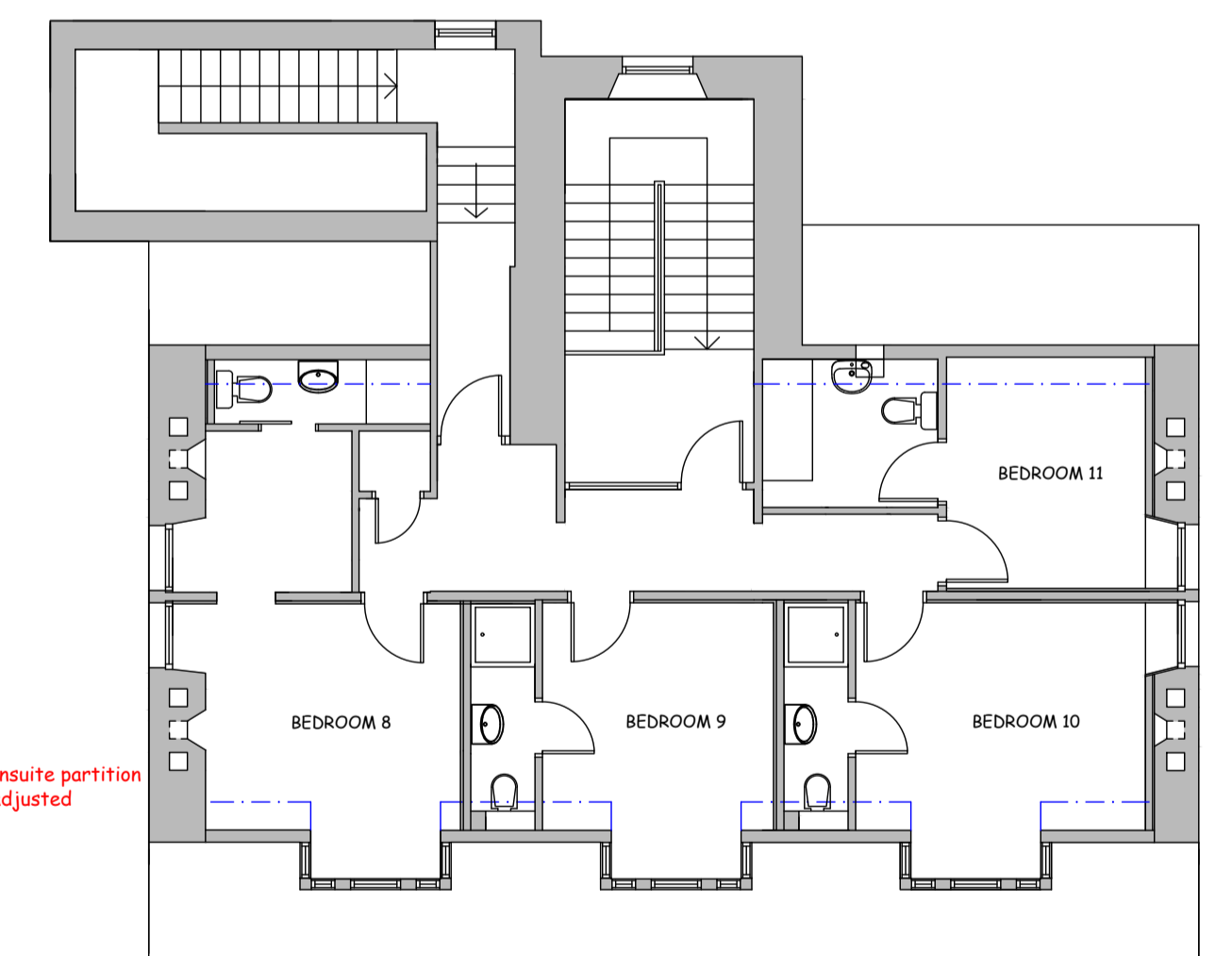
STORE

STORE

GROUND FLOOR PLAN



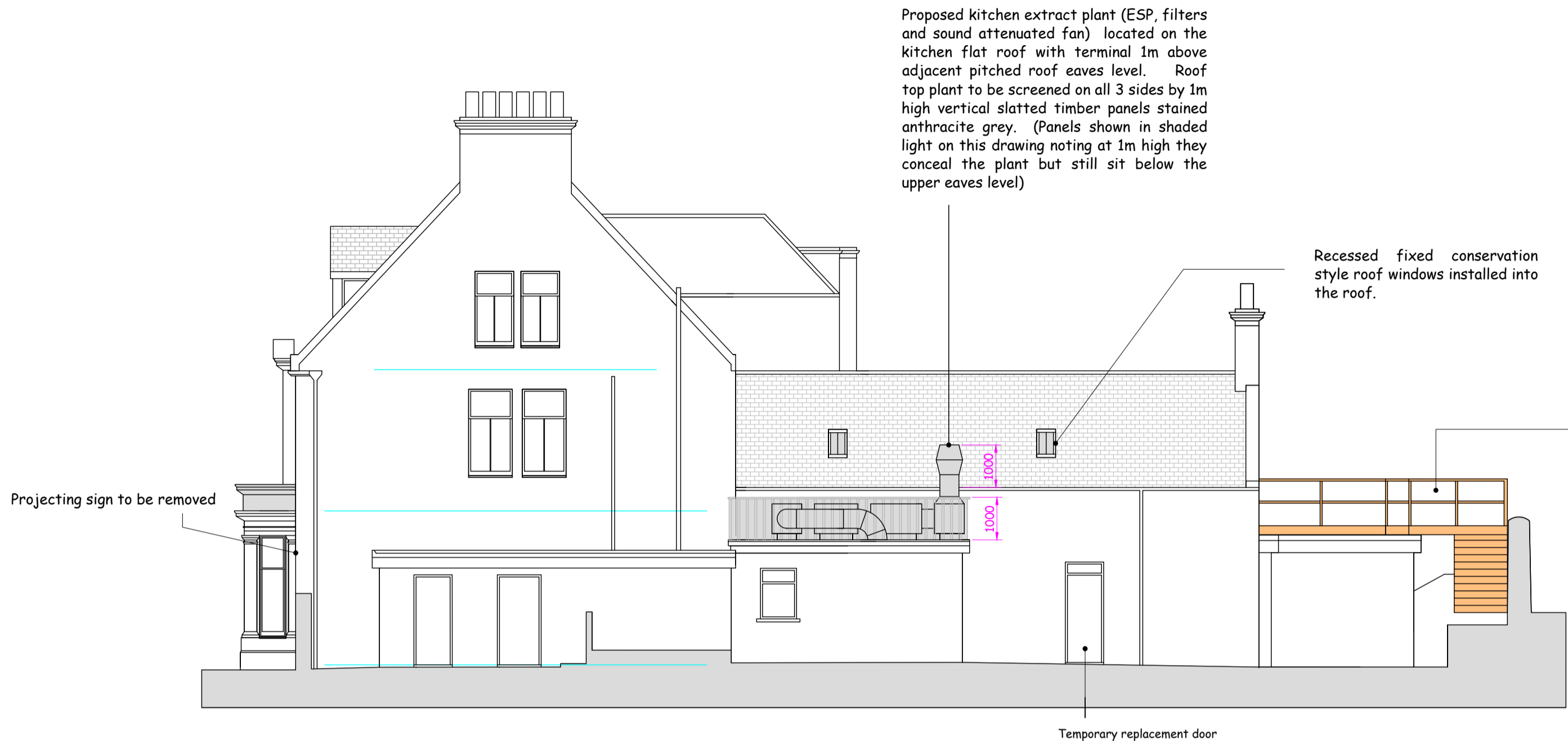
FIRST FLOOR PLAN



SECOND FLOOR PLAN

- Rev A 19 Nov 21 NM
- 1. Note references revised.
- Rev B 13 May 22 NM
- 1. Kitchen ventilation design revised
- Rev C 30 May 22 NM
- 1. Kitchen ventilation design revised

KNIGHT & McDONALD ARCHITECTS			
"GIRARDI", 24 Betham Road Court, Ray, Gathness, KW14 7RH			
Tel: 01247 898211			
E-mail: admin@knightandmcdonald.co.uk			
Project: 6 Janet Street, Thurso			
Client: Mr & Mrs Lynch			
Drawing Title: PROPOSED FLOOR PLANS			
Scale: 1:100	Date: 02.04.21	Drawn: NM	Checked: NM
17369	AL(O)	19	B



NORTH EAST ELEVATION



SOUTH EAST GARDEN ELEVATION



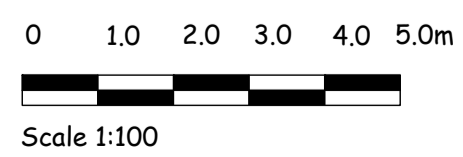
SOUTH EAST JANET STREET ELEVATION



NORTH WEST ELEVATION WITHIN SITE



BRABSTER STREET ELEVATION



- Rev A 19 Nov 21 NM
- 1. Kitchen extract route revised to internal
- 2. NE & NW external doors are temporary
- Rev B 31 Mar 22 NM
- 1. Kitchen extract design revised
- Rev C 12 May 22 NM
- 1. Kitchen extract design revised
- Rev D 30 May 22 NM
- 1. Kitchen extract design revised

KNIGHT & McDONALD ARCHITECTS			
"Girton", 14 Beinn Ratha Court, Reay, Caithness, KW14 7RH			
Tel: 02847 898812			
E-mail: admin@knightandmcdonald.co.uk			
Project: 6 Janet Street, Thurso			
Client: Mr & Mrs Lynch			
Drawing Title: PROPOSED ELEVATIONS			
Scale:	Date:	Drawn:	Checked:
1:100	02.04.21	AL	AW
17369	AL(0)	18	b