

Agenda Item	6.5
Report No	PLN/035/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 16 April 2024  
**Report Title:** 23/04985/FUL : Mr Sean Kennedy  
Glencathra, 21 Hill St, Dingwall  
**Report By:** Acting Head of Development Management

### Purpose/Executive Summary

**Description:** Change of use to 3no. flats

**Ward:** 08, Dingwall and Seaforth

**Development category:** Local

**Reason referred to Committee:** Applicant is Local Member

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 **APPROVE** the application as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to convert the existing derelict house in to 3 flats. The ground floor will be converted into a 3 bed roomed flat, with an entrance via the rear annex. The current front entrance will open into the hallway with a staircase to the upper floor. The upper landing will provide an access to a one bed roomed flat, and to a 2 bed roomed flat. There will be no access from the front entrance hallway into the ground floor flat.
- 1.2 The current rear garden will be used for car parking, bin storage, and includes the erection of a cycle parking shed. Native shrub planting will be carried out along the south side boundary and around the bin storage area on the north side boundary.
- 1.3 There is an existing shared access between Glencathra and the house to the north (20 Hill St), which will be utilised to provide access to the parking in the rear garden grounds.
- 1.4 Pre Application Consultation: None
- 1.5 Supporting Information: None
- 1.6 Variations: cycle parking, bin storage area, and planting added

## **2. SITE DESCRIPTION**

- 2.1 Glencathra is a 1 ¾ storey traditional stone and slate house, located on the east side of Hill Street, roughly opposite Fraser Butchers on the edge of Dingwall Town Centre. It is attached to a small 1 ¾ storey house to the south (1 MacDonald Court), and a shared access driveway separates it from a single storey house to the north.
- 2.2 The parking area associated with the former post office and sorting office on High St adjoins the site to the east, along with the garden grounds associated with the house at 1 Park St.
- 2.3 A detached garage for 20 Hill St lies on part of the north site boundary, and the parking courtyard for the attached house (1 MacDonald Court) and the pair of semi-detached houses at 2 and 3 MacDonald Court adjoins the site to the south.
- 2.4 The surrounding area is in mixed residential and commercial uses.

## **3. PLANNING HISTORY**

- 3.1 05/10/07                      07/00809/FULRC Conversion of house to 3 flats    Approved

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: unknown neighbour  
Date Advertised: 17/11/23  
Representation deadline: 01/12/23

Representations: none

## 5. CONSULTATIONS

5.1 **Corporate Address Gazetteer** comment that each property has a unique property reference number (UPRN), so when a property is divided, the original UPRN is made history and new UPRNs will need to be created for the new properties. Therefore, the applicant is requested to contact CAG when the alterations are complete so that the necessary changes can be made.

5.2 **Scottish Water** has no objection. There is currently capacity in the water treatment works. Further investigations may be required. Scottish Water is currently unable to confirm capacity in the waste water treatment works. Capacity can not be reserved.,

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 National Planning Framework 4 (NPF4) 2023

- 1 – Tackling the climate and nature crises
- 2 – climate mitigation and adaptation
- 3 – biodiversity
- 9 – brownfield, vacant and derelict land and empty buildings
- 15 – local living and 20 minute neighbourhoods
- 27 – city, town, local and commercial centres

### 6.3 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 58 - Protected Species
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### 6.4 Inner Moray Firth Local Development Plan 2015

Within Dingwall Town Centre; within Dingwall Settlement Development Area. No site specific policies apply.

### 6.5 Inner Moray Firth Proposed Local Development Plan

Within Dingwall Town Centre; within Dingwall Settlement Development Area. No site specific policies apply.

## 6.6 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (March 2018)  
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 None

## 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) Character of the area
- c) Residential amenity
- d) Local living and 20 minute neighbourhoods
- e) Town centre first
- f) Biodiversity
- g) Climate and nature crises
- h) Developer contributions
- i) any other material considerations

### **Development plan/other planning policy**

8.4 The site lies within the Settlement Development Area of Dingwall, and is on the edge of the town centre. It also lies adjacent to (but outwith) the Conservation Area. Policy 34 (HwLDP) therefore applies. This supports proposals if they meet the requirements of Policy 28 and all other relevant policies. It also judges proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any heritage feature.

- 8.5 Policy 28 (HwLDP) assesses development against a number of factors, including being compatible with public service provision, accessible by public transport, walking and cycling as well as by car; making use of existing buildings; impact on residential amenity; demonstrating sensitive siting and high quality design in keeping with local character and historic and natural environment, and making use of appropriate materials.

### **Character of the area**

- 8.6 The surrounding area is in mixed residential and commercial uses, and the proposed use for 3 flats therefore is appropriate in terms of reflecting the existing uses. Furthermore, the proposal is to convert the existing building, without any extensions. Externally, the existing stone work will be exposed to the ground floor, with timber cladding to the upper section of wall (which is currently lathe and render). This too is compatible with the streetscape and will integrate in a satisfactory manner with the surrounding buildings.
- 8.7 The rear garden grounds will be formed into car parking, and a cycle storage shed (footprint of 2m x 3m) with a monopitch roof sloping from approximately 1.7m down to 1.3m) added between the cycle parking and the rear annex. This area is hidden from public view by the existing house, and thus the character of the Conservation Area is not impacted by this change. Furthermore, the cycle parking shed is sufficiently small in scale to be seen as an ancillary building, and to not impact upon the character and appearance of the main house, nor its garden grounds.
- 8.8 The site lies adjacent to, but outwith, the Conservation Area. The proposed external alterations (exposing the existing stonework, and vertical timber boarding) are assessed as appropriate and will maintain the character and appearance of the area.

### **Residential Amenity**

- 8.9 The existing property was last used as a single house. The proposal is to convert it into 3 flats. This will intensify the existing use by increasing the number of households. On the upper floor, the area along the party wall with 1 MacDonald Court will be used as bedrooms, with the living area located in the rear annex. This will help minimise the potential for noise and disturbance to the adjacent household through the party wall.
- 8.10 No new fenestration is proposed. Therefore, the potential for overlooking will remain as existing.
- 8.11 The use of the rear garden grounds to provide 6 parking spaces, and to accommodate the cycle parking shed and bin storage area also gives rise to potential noise and disturbance. However, there is an existing detached garage on the boundary with 20 Hill St which will provide a buffer from some of the activity, and to the south boundary there is the existing parking courtyard associated with Macdonald Court. This, too, will help minimise the potential for noise and disturbance. Similarly, part of the rear boundary abuts the parking area associated with the post office sorting office and former post office. The remainder of the rear boundary adjoins the rear garden grounds of 1 Park St, a residential house. In view of the surrounding uses and the separation from the house at 1 Park St provided by

its sizeable garden grounds, the potential for noise and disturbance is assessed as slight.

### **Local Living and 20 minute neighbourhoods**

- 8.12 The site lies on a bus route, with a bus stop outside the Royal Hotel at the junction of Hill St and High St. The site is also a short walk from the railway station. Furthermore, its location within the town centre means that the facilities required for daily living are all within a short walk. Furthermore, a designated active travel route runs past both ends of Hill St.
- 8.13 Policy 15 (NPF4) requires proposals to contribute to local living, and promotes accessing local facilities by sustainable modes of transport, including local public transport and safe, high quality walking, wheeling and cycling networks. The proposal includes the provision of a cycle parking shed (footprint of 2m x 3m) to the rear of the building, and adjacent to the proposed car parking area. This is appropriate to support a choice of travel options. The submitted plans for the cycle parking shed do not include its layout, nor show the entrance doors. A condition should therefore be used to secure the full details for the cycle parking and ensure that it will operate in satisfactory manner with sufficient space to manoeuvre cycles in and out of parking stands and provide suitable locking points.

### **Town Centre First**

- 8.14 NPF4 Policy 27 recognises that town centres are vibrant, healthy, creative, enterprising, accessible and resilient places for people to live, learn, work, enjoy, and visit. Accordingly, proposals for residential development in town centres will generally be supported as long as the proposal adds to the viability and vitality of the area. Residential amenity also needs to be assessed, since some commercial uses (eg hot food premises, licenced premises) can be detrimental to residential amenity.
- 8.15 Given the location of the premises with domestic properties to both sides, the premises are assessed as providing sufficient amenity for future residents. Furthermore, the increased number of households through the conversion from a single house to 3 flats will help maintain the viability and vitality of the town centre. The proposal is appropriate for this location.

### **Biodiversity**

- 8.16 NPF4 Policy 3 requires that all proposals enhance biodiversity. The garden ground will be replaced by car parking, with potential for biodiversity loss. However, the garden is currently unkept, and it is proposed to plant native shrubs along the entire south side boundary, and also shrub planting around the area of the bin store on the north boundary. The provision of appropriate plants to replace the unkept garden provides the opportunity to mitigate for biodiversity loss and to enhance biodiversity if appropriate species are planted.
- 8.17 Policy 56 (HwLDP) requires that where there is good reason to believe that a protected species may be present or may be affected by a proposal, a survey is carried out. As with most buildings, there is also the potential for bats to roost in the roofspace. Given the roof is currently intact, this limits the potential access points for

bats and reduces the likelihood of their presence. Furthermore, application involves the refurbishment of the house without any alterations to the roofspace, and the potential for adversely impacting upon bats is therefore not sufficient to warrant requesting a bat survey. An informative note should, however, be added to advise on the potential for protected species to be present, and the appropriate action should protected species be encountered.

### **Climate and Nature crises**

- 8.18 Policies 1 and 2 of NPF4 require all proposals to give significant weight to the global climate and nature crises, and to be sited and designed to minimise lifecycle greenhouse gas emissions. In addition, Policy 9d (NPF4) offers general support to proposals for the reuse of existing buildings, with demolition regarded as the least preferred option.
- 8.19 The proposal will bring a vacant building back into use, and thus conserve the embodied energy in the structure. This both complies with Policy 9d and with Policies 1 and 2. The location is also such that alternatives to car based transport are readily available and supported by the proposal through the provision of cycle parking, thus further helping reduce greenhouse gas emissions.

### **Developer Contributions**

- 8.20 Policy 31 (HwLDP) requires that where proposals create a need for new or improved public services, facilities or infrastructure, a fair and reasonable contribution towards these additional costs or requirements is sought from the developer. In this instance, there is a need for improvements to Dingwall Primary School. A 1 bedroomed flat is exempt from contributions, since it should not be housing a family with school aged children. There is one house at the moment, so contributions should only be sought for the 2 bed flat (one additional family unit being provided). This equates to £1,638. The applicant has indicated a willingness to make an upfront payment, should the application be otherwise capable of support.

### **Other material considerations**

- 8.21 The site lies in close proximity to, but outwith, an area which is identified as potentially being susceptible to flood risk. Both SEPA and Flood Risk Management have therefore confirmed that a Flood Risk Assessment is not required.
- 8.22 Scottish Water have not objected to the application, but have not been able to confirm capacity in the waste water treatment works. The capacity of the sewer and waste water treatment works to accommodate foul waste from 3 flats instead of 1 house will need to be resolved separately with Scottish Water.
- 8.23 A permeable surface will be required to the car parking area in order to facilitate surface water drainage within the site. This can be covered by condition.

There are no other material considerations.

## **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.24 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) payment of developer contributions (£1,638) towards mitigating the deficiencies at Dingwall Primary School.

## **9. CONCLUSION**

- 9.1 The proposal will bring a vacant property back into use. The proposed scheme meets the requirements of HwLDP Policies 28, 31, and 34, and with NPF4 Policies 1,2,3,9, 15, and 27 and accordingly is recommended for approval subject to conditions.
- 9.2 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.

## **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** Y

Upfront payment of developer contributions Y

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above actions**, it is recommended to

**APPROVE** the application subject to the following conditions and reasons :

1. 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.



**Reason:** In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development shall commence until full details of the covered and secure communal cycle parking has been submitted to and approved in writing by the Planning Authority. Thereafter, the cycle parking building shall be erected in accordance with these approved details prior to the first occupation of the development hereby approved.

**Reason:** In order to facilitate the use of a variety of modes of transport.

3. The rear parking and turning area shall be constructed and finished using permeable materials prior to first occupation of the development.

**Reason :** In order to ensure the satisfactory drainage of surface water within the site; in order to protect the water environment and reduce risk of flooding.

4. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site, in the interests of biodiversity gain.

5. No stain, colour, or other finish shall be applied to the timber boarding unless details have first been submitted to and approved in writing by the Planning Authority. Thereafter development shall be completed in accordance with the approved details.

**Reason:** In order to retain and/or protect important elements of the existing character and amenity of the site.

6. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. AATI/03 rev B shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the parking and turning of cars, so they do not have to park within or reverse onto the public road.

## **REASON FOR DECISION**

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.

## **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.

### **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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and 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](mailto:env.health@highland.gov.uk) for more information.

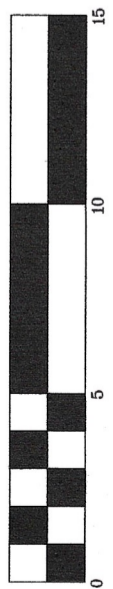
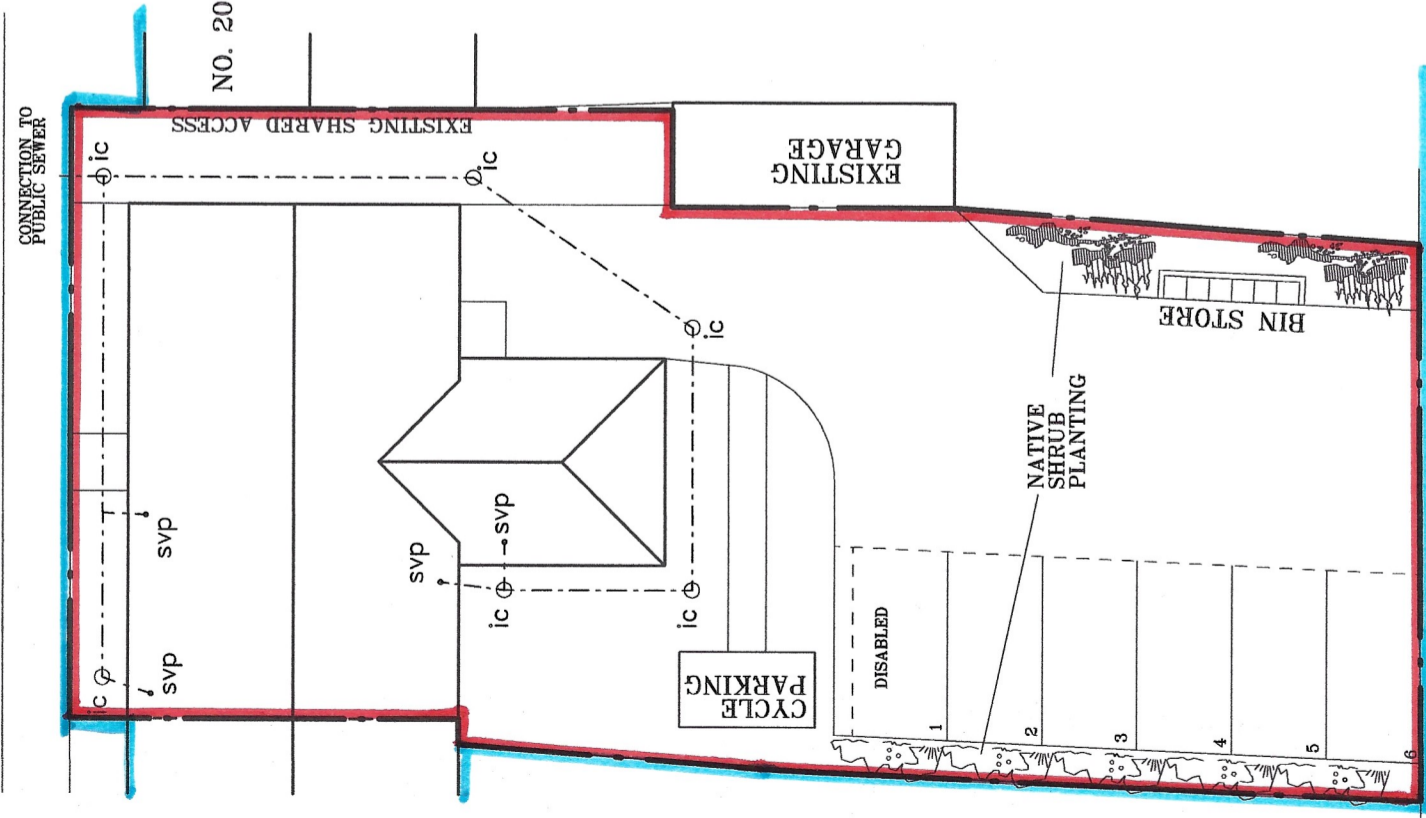
### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

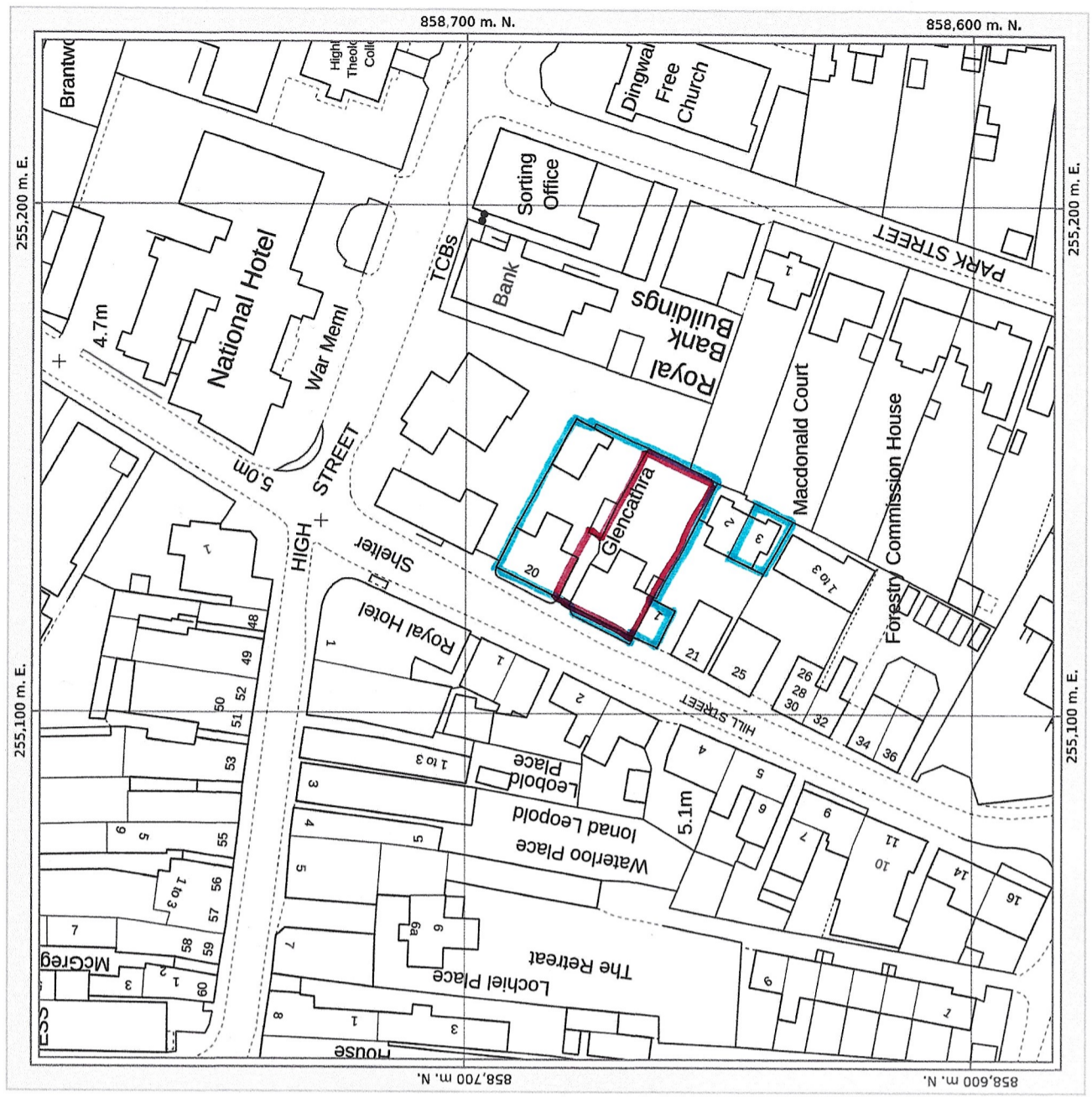
Signature: Dafydd Jones  
Designation: Acting Head of Development Management  
Author: Susan Hadfield  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - AATI/03 rev B - Site layout plan  
Plan 2 - AATI/02 rev B - Elevations  
Plan 3 - AATI/01 rev B – Proposed floor plans

Appendix 1 – Letters of Representation

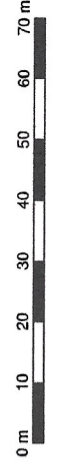
None



SITE LAYOUT



LOCATION PLAN 1/1250



DO NOT SCALE  
Use written sizes only.

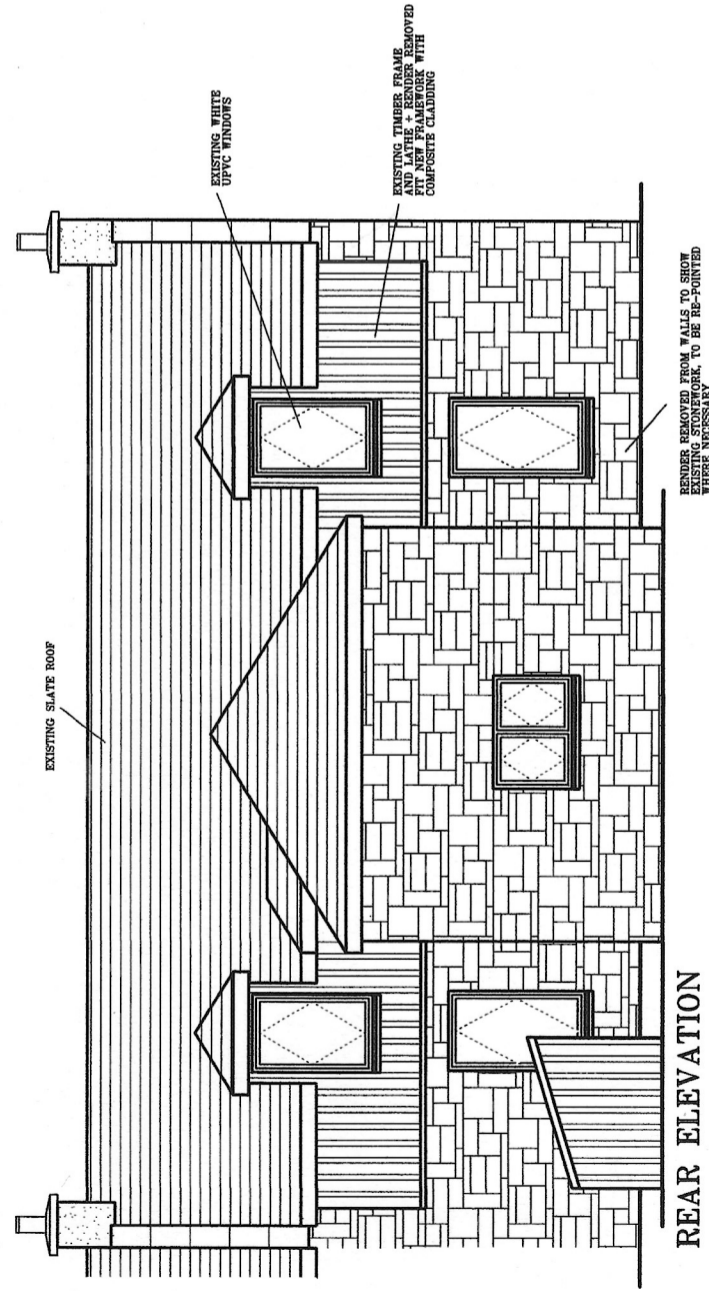
Client  
MR S. KENNEDY

Project at:  
GLENCAETHRA, HILL STREET  
DINGWALL

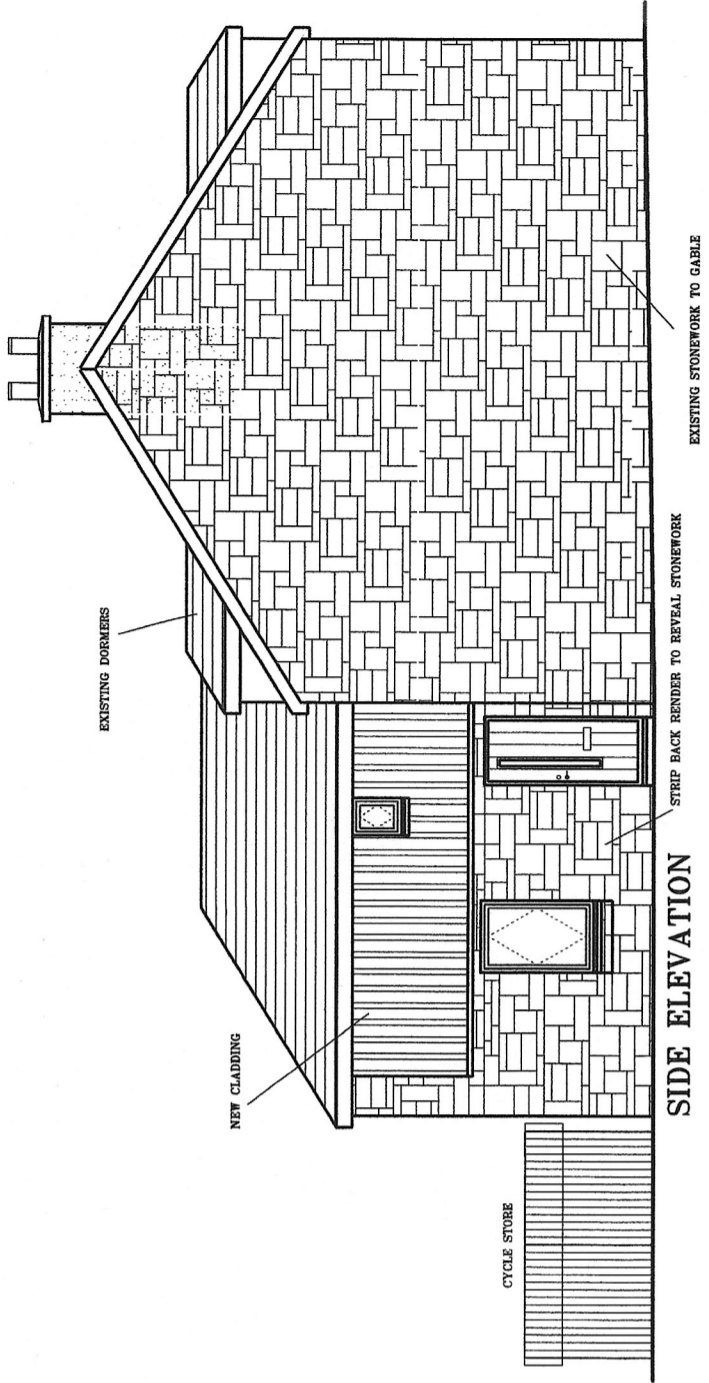
revision  
A REVISED LOCATION PLAN TO 1/1250 SCALE  
B BIKE STORE AND PLANTING ADDED

date drawn by  
01/11/2023  
18/12/2023

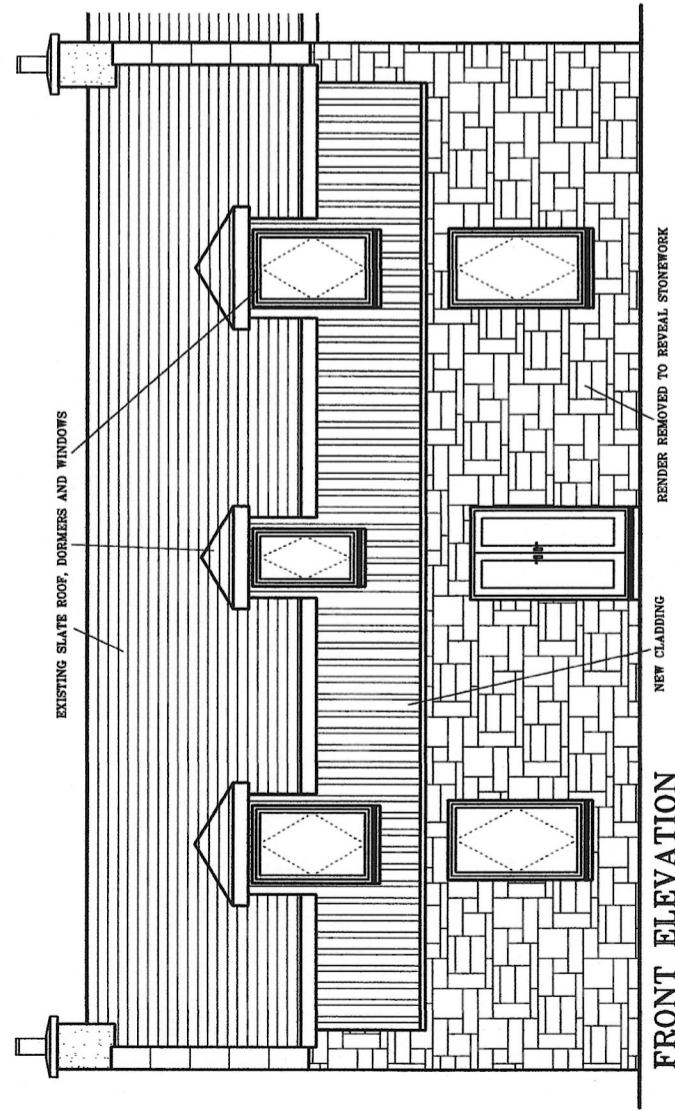
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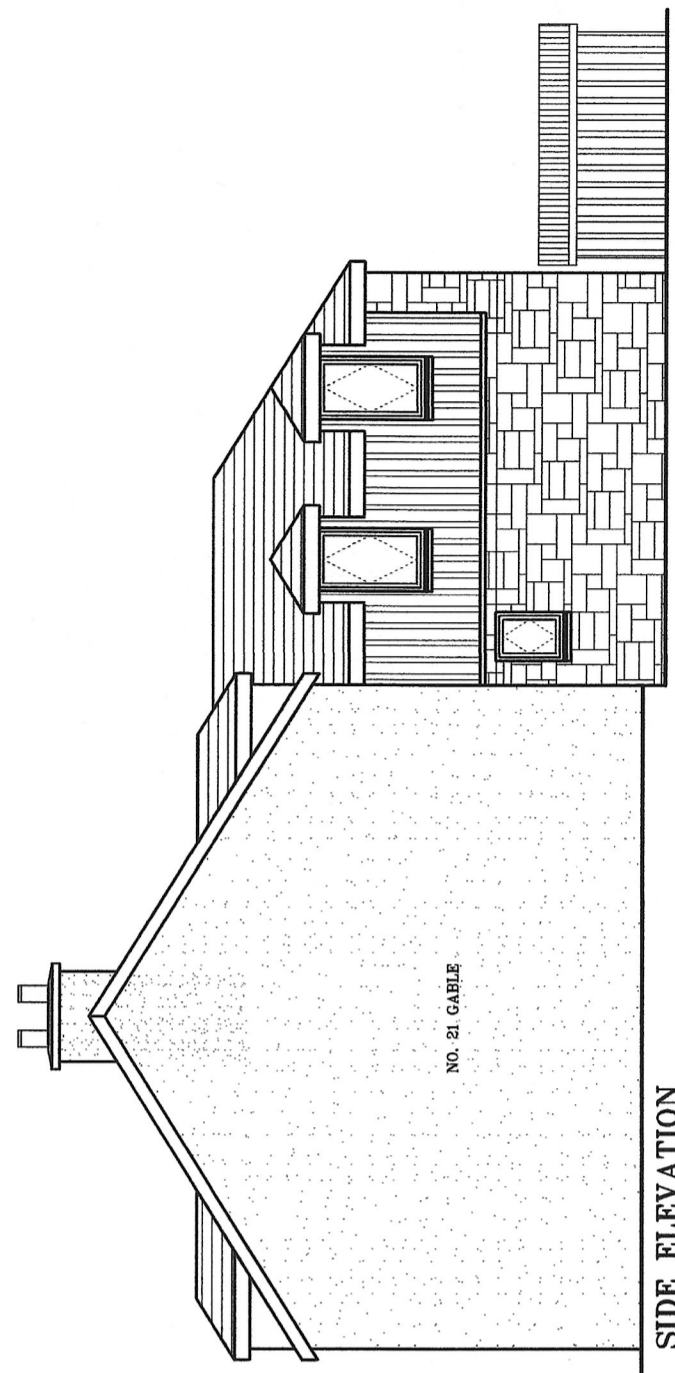
REAR ELEVATION



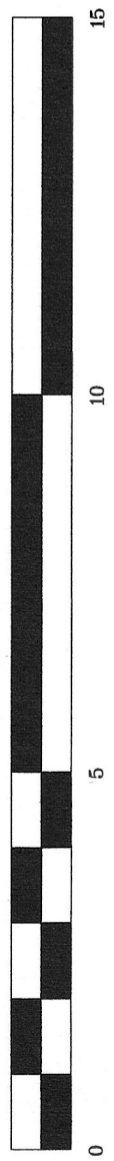
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



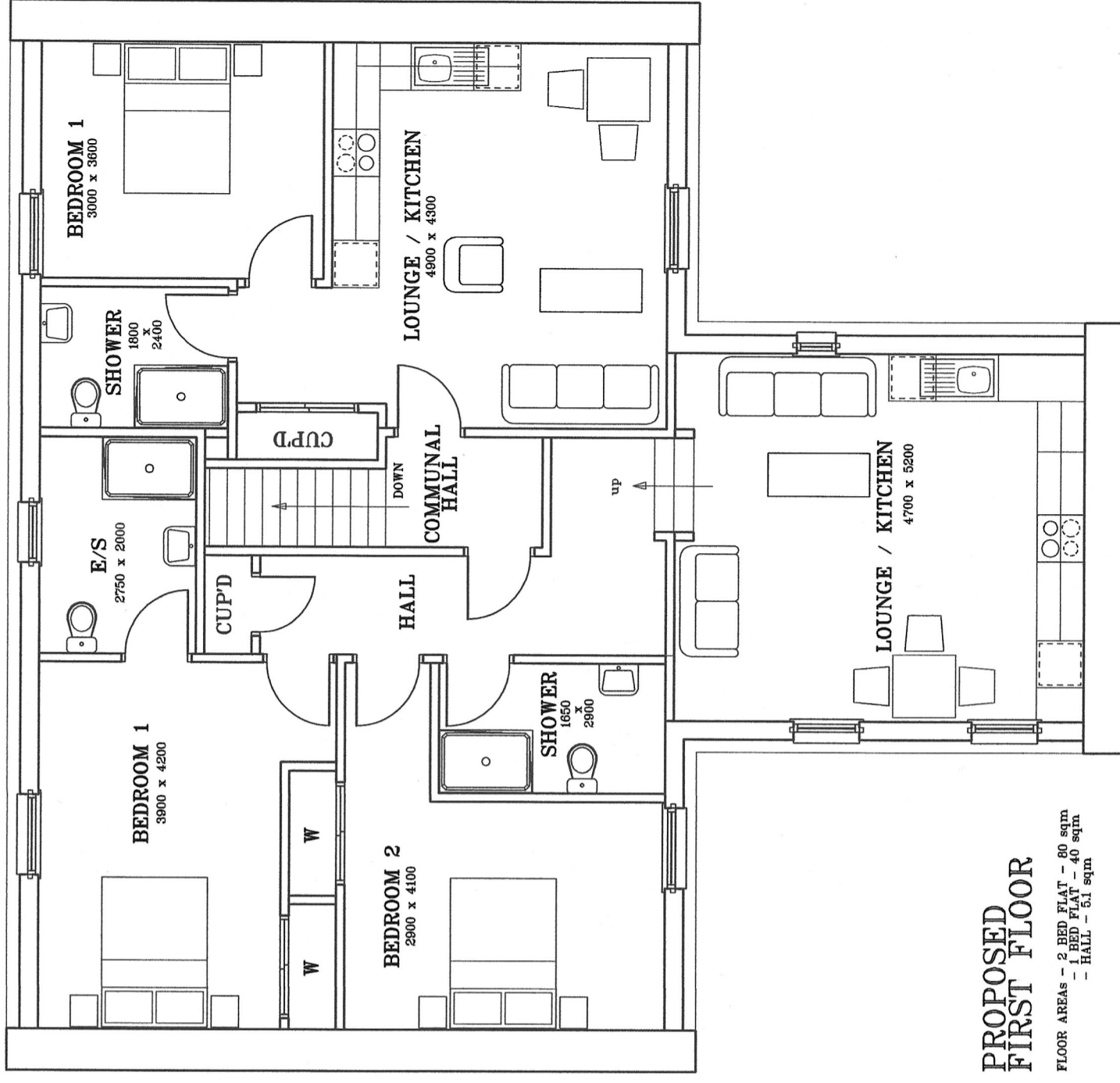
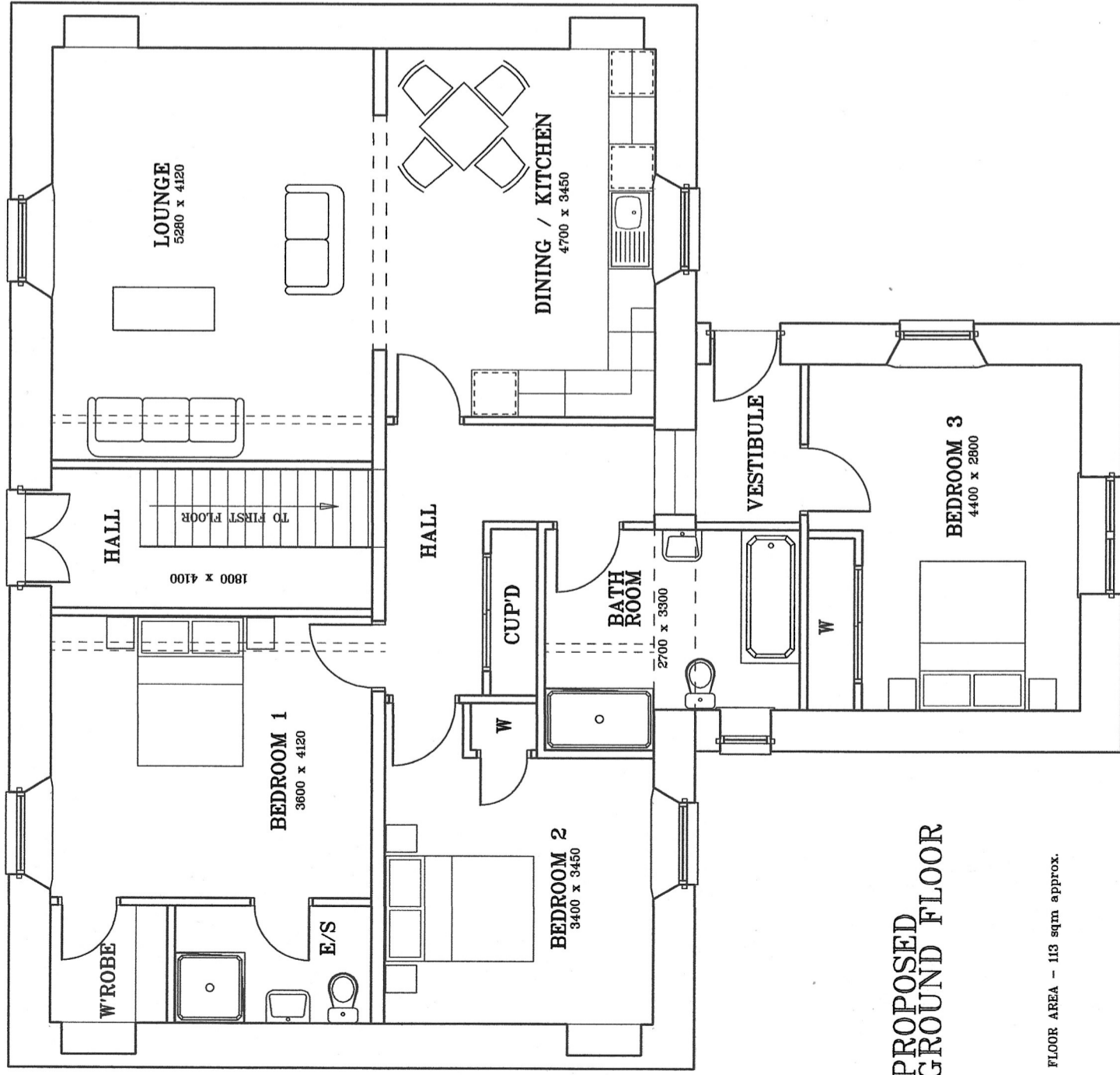
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Client  
MR S. KENNEDY  
Project at:  
GLENCAITHRA, HILL STREET  
DINGWALL

revision  
A FINISHES TO WALLS, ROOF ETC NOTED, SCALE BAR ADDED.  
B SIDE ELEVATION ADDED, CYCLE STORE ADDED.

date drawn by  
01/11/2023  
18/12/2023

Drg.No. AATI / 02B  
scale 1:100  
date 17/10/2023  
drawn



<p><b>Client</b> MR S. KENNEDY</p> <p><b>Project at:</b> GLENCAITHRA, HILL STREET DINGWALL</p>	<p><b>DO NOT SCALE</b> Use written sizes only.</p>	<p>revision A REVISED LAYOUTS TO GIVE 12+3 BED APARTMENTS. B SCALE BAR ADDED.</p>	<p>date drawn by 15/09/2023 01/11/2023</p>	<p><b>Drq.No.</b> AATI / O1B</p>
			<p>scale 1:75 date 16/06/2023</p>	<p>drawn</p>