

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
21 February 2017

Agenda Item	7.12
Report No	PLN/023/17

16/05054/FUL: Lee-Mac Properties Ltd
Bank Buildings, Main Street, Golspie

Report by Area Planning Manager

SUMMARY

Description: Conversion of offices to domestic flats on two floors at first and second storey with entry at ground floor

Recommendation - GRANT

Ward : 05 - East Sutherland And Edderton

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee: Five objections from five addresses.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission to convert the former Northern Times offices, located above the Bank of Scotland on Main Street Golspie to 8.No residential units. The site includes car parking spaces to the rear. There are commercial, residential and leisure uses surrounding the site.
- 1.2 Pre Application Advice was sought in respect of the application (16/02814/PREAPP) – which was supportive subject to consideration of Developer Contributions and parking.
- 1.3 There is existing vehicular access into the site from the north, and additional pedestrian access from Main Street to the south. The applicant has a number of parking spaces to the rear of the site within their ownership. Drainage and foul water is to connect to the existing public network.
- 1.4
 - Design Statement

1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is located to the eastern end of Golspie village. The unit is currently commercial for office space which was formally utilised by the Northern Times situated above the Bank of Scotland. This has lain empty for in excess of one year. The A9 (Main Street) runs along the front of the property and the industrial

estate is to the rear. There is parking associated with the site located within the industrial estate. A dentist and Golspie Gallery are also located adjacent to the site.

3. PLANNING HISTORY

3.1 A number of Advertisement Consents have been permitted in respect of the bank, there is no planning history relating to the upper floor.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour, Expiry Date 30.12.2016

Representation deadline : 30.12.2016

Timeous representations : 15

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The area is subject to parking issues. The parking associated with this development is already in use.
- Potential loss of business to the commercial units due to a potential lack of parking.
- There are limited opportunities for commercial office space in the area, the proposal would remove any opportunity for office based business within the village boundary.
- Random and dangerous parking and disturbance to deliveries may occur due to the loss of parking.
- Access to the NW and W elevations for maintenance purposes of the industrial units is difficult – residents will be required to co-operate in future, there is a risk dilapidation will occur if not.
- Potential for safety issues for people walking from the parking area to the building through an industrial area.
- Will gated parking allow continued public access to the tennis courts and Golspie Gala Building
- Proposal would generate additional traffic restricting access to industrial units
- Where will contractors park when works are being undertaken.
- No disabled access
- No external areas for washing etc or open space provision
- Style of building does not lend itself to being a visually attractive residential development.
- 24/7 overlooking from the flats to the properties on Main Street (opposite side of the A9) and to the garden area of the property to the west of the building (on the opposite side of the lane).

- Eight flats is too large a number for the available space, with insufficient space within the individual dwellings.
- Inappropriate for individual bins to be provided – communal bin storage should be provided to the rear of the building.
- One tree to the front of the property blocking light from the windows will likely be required to be cut back.
- Potential for parking on the A9, causing congestion.
- It is likely residents will park closer to the building than the car park, impinging access to units.
- Fire/emergency escape may be an issue.
- While further loss of commercial premises may be a blow to Golspie, if it has been demonstrated that there is no commercial demand it is better to have the building put to use than standing empty.

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Development Plans:** (Comments summarised) – Generally supportive of the principle of residential uses on upper floors while retaining commercial uses on the ground floor. Also commented in relation to developer contributions. It was deemed that contributions would not be sought in respect of Green Infrastructure, Community Infrastructure, Public Art and Education, but there may be scope for Housing and Transportation contributions.

5.2 **Housing Officer:** (Comments summarised) – The Housing Office determined that based on valuations for the properties, the figures fell below the Council's benchmark as such no Commuted Sum in respect of housing was sought. (A percentage is sought where the value of the properties is in excess of the Council's 'benchmark' as outlined in the Developer Contributions Supplementary Guidance).

5.3 **Transport Planning:** (Comments summarised) – Generally satisfied with the proposals subject to the following:

- Individual spaces within the designated car park shall be clearly delineated
- The provision of a safe route for pedestrians between the car park and the application site – this should include the following works – extension of the existing footway fronting the car park, provision of a clearly delineated area for pedestrians – between the end of the existing footway fronting the commercial units and lane along the NW boundary of the site. Delineation of the pedestrian area shall be by means of suitable textured surfacing and/or road markings – all to the satisfaction of the Local Roads Authority.
- To enhance public transport provision the developer shall provide a 2-bay enclosed shelter at the existing northbound bus stop closest to the application site, to the Council's standard specification.

The above can all be controlled by condition and the bus shelter shall be secured by agreement or other mechanism.

- 5.4 **Transport Scotland:** The Director does not proposed to advise against the granting of permission.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-making
31	Developer Contributions
32	Affordable Housing
34	Settlement Development Areas
56	Travel

6.2 Sutherland Local Plan (adopted 2010)(as continued in force)

Located within Golspie Settlement Development Area

Located within the designated Golspie Town Centre

7. OTHER MATERIAL CONSIDERATIONS

7.1 Proposed Caithness and Sutherland Local Development Plan (2016)

Policy 1 – Located within Golspie Town Centre

7.2 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

7.4 Other

Roads and Transport Guidelines for New Developments (May 2013)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The site sits within Golspie Settlement Development Area as defined in the adopted Sutherland Local Plan and Proposed Caithness and Sutherland Local Development Plan, as such Policy 34 – Settlement Development Areas is of relevance to this proposal. The policy outlines a presumption for development within such areas where they comply with all other relevant policies of the Highland-wide Local Development Plan.

8.4 All applications are assessed against policy 28 – Sustainable Design which includes a list of criteria against which developments are assessed. Of relevance to this proposal is the extent to which the development is compatible with public service provision, including water and sewerage, drainage, roads, schools and electricity). Accessibility by public transport, cycling and walking as well as car; use of an existing building, impact upon individual and community residential amenity; demonstration of sensitive siting and high quality design which is in keeping with local character and historic and natural environment in making use of appropriate materials and the contribution to economic and social development of the community.

8.5 As the proposal is for the redevelopment of the office space to form 8.No residential units policy 31 – Developer Contributions and policy 32 Affordable Housing require to be assessed. These state that where development proposal create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. In addition where there are 4 or more units proposed, it is expected that 25% of them will be affordable.

8.6 **Principle of Development**

The proposal utilises an existing building which is currently unoccupied within a Settlement Development Area - policy 34 states there is a presumption for development within such areas, and policy 28 supports the principle of re-use of existing buildings - as such subject to the resolution of other technical issues the principle of conversion is supported. It is considered that the principle of development in itself is acceptable and the number of units proposed is compatible with the size, scale and location of the building.

8.7 **Siting and Design**

With regard to the design, there are few proposed changes to the building externally. To the front facing Main Street new windows are proposed to the roof space which are to be cut into the profile cladding, these will reflect the windows on the floor below. No changes are proposed to the rear elevation. To the north-east elevation there are three additional roof light windows proposed to the roof of the building, and to the south west seven windows are proposed to the roof with two windows being removed from the first floor and infilled to match the existing external walls of the building. A bin storage area and additional entrance door is

also proposed on this elevation. The proposed changes to the building are not considered to detrimentally impact upon the aesthetic qualities and nature of the area as such the design is supported. A condition will be placed on any permission which secures the re-painting of the whole building in a colour to be agreed in writing by the Planning Authority in order to ensure that the infilled areas match the rest of the building in the interest of visual amenity.

8.8 Residential Amenity

Concern has been raised in representations with regard to overlooking which could impact upon residential amenity. The building is located on Main Street in the centre of Golspie with the frontage overlooking the A9, there are houses opposite at street level which are already open to public view as such it is not considered that the proposed change of use will cause any unacceptable overlooking across the trunk road and street. To the rear of the building is the industrial area and associated car parking with the leisure centre located beyond. The garden area associated with the old bank of Scotland is located to the east.

Burn Cottage is located to the immediate west with a distance of approx. 7m between the bank building and the edge of the defined curtilage of the house, separated by a public lane which runs between them allowing access to Back Road beyond. The rear curtilage is bounded by a wall and fence which affords a degree of seclusion at ground level. It is accepted that there may be a degree of overlooking in this instance from the first and second floor windows over the garden and windows of Burn Cottage on it's eastern gable, however, on the western elevation the majority of these windows are bedroom or stairwell windows and are not the primary habitable rooms, as such it is considered that there will not be a high degree of occupancy within the rooms facing Burn Cottage over what is currently permitted through the commercial office use and therefore the impact of the development is not considered to be significantly detrimental to the amenity of the property. There are living rooms at either end of the building however those situated on the south western corner nearest Main Street have two windows facing directly onto a blank gable whilst the others face onto Main Street. Those on the north western corner living room have two windows on each elevation, two facing southwards across the lane and the others to the rear towards the industrial estate. The new windows to be installed in the living room above on the second floor are orientated in such a way that they will not be flush with the gable and directly facing on to the land and adjacent garden, the windows will be of a roof light style.

Whilst it is accepted that there will be a degree of overlooking it is not considered that the impact upon residential amenity is significantly detrimental, over what is currently permitted, which would warrant refusal of the application.

8.9 Access and Servicing

The site will gain vehicular access from the Back Road which passes the leisure centre and through the industrial estate, leading to an area of car parking to the rear of the building which is within the applicants' ownership. The additional vehicular movement is not considered to have a detrimental impact upon the area and Transport Planning have no objections to the proposals.

8.10 Pedestrian access can be gained from Main Street and Back Road, representations outline that there may be issues with safe pedestrian access from the associated parking area to the proposed flats. Transport Planning have recommended that the existing footway is extended and the footway delineated in order to differentiate from the road and footway. This will be conditioned to secure in the interest of road safety.

8.11 All other services currently exist on site including water, foul drainage and electricity, however it is noted that new connections will have to be made in order to accommodate the development. This is dealt with separate from the Planning process through the service providers and is supported.

8.12 **Parking**

The site has an area of parking associated with the building which is within the applicant's ownership. This is located approximately 100m of walking distance to the north east of the proposed flats and is adjacent to the rear of the industrial units. The tennis court is located to immediately adjacent on the eastern side. There are a total of 20 spaces, this includes 12 to be used by the proposed flats and 8 for the existing bank which occupies the ground floor, this includes 2 disabled parking spaces. Given commercial use of the upper floors of the building has ceased for a little while the parking area has been utilised by the general public in order to access services within the industrial estate and wider village. Whilst it is acknowledged that access to some parking will be lost, given this is privately owned it cannot be safeguarded for wider use.

8.13 While it can be sympathised that parking will be lost within the immediate local area, the area of land is within the control of the applicant, while the use of it is not prohibited at present, there would be nothing to prevent prohibition of its use as it is within private ownership, the use of the car parking area at present is unauthorised. There is alternative parking around the village and the leisure centre has a public car park. It is acknowledged that the Leisure Centre car park can get busy at the end of the day; however generally, during normal working hours it is relatively quiet. In addition to this, when on site, it has been noted that existing parking spaces within other areas of the industrial estate are not necessarily being utilised for their intended purpose with equipment and materials taking up spaces. Responsible parking cannot be controlled by the Planning Authority and it is up to individuals to ensure that they are not parking in a disruptive or unsafe manner.

8.14 **Developer Contributions**

As noted above due to the number of flats proposed developer contributions were sought. Following consultation with the relevant Council services, it was clarified that no Commuted Sum or Affordable Housing was necessary in this particular instance. It was deemed that contributions would not be sought in respect of Green Infrastructure, Community Infrastructure, Public Art and Education. There is however scope for a Transportation contribution, the need for a bus shelter on the northbound carriageway has been identified.

A contribution towards a bus shelter is due in respect of this development and shall be secured by agreement or other appropriate mechanism.

8.15 Other Material Considerations

- There are limited opportunities for commercial office space in the area, the proposal would remove any opportunity for office based business within the village boundary.

Planning Comment – it is outlined that the property has been on the market seeking a new tenant for in excess of a year. The local market determines demand for types of development; it would appear in this case that the applicant has determined that there is a need for flatted accommodation within the village, the success of this will also be dependant on market demand. There is a site for commercial development allocated within Golspie Business Park.

- Access to the NW and W elevations for maintenance purposes of the industrial units is difficult – residents will be required to co-operate in future, there is a risk dilapidation will occur if not.

Planning Comment – Access to different parts of the building for different owners is a civil matter to be agreed between the relevant parties and cannot be controlled by the Planning Authority.

- Will gated parking allow continued public access to the tennis courts and Golspie Gala Building?

Planning Comment – A controlled gate across the car parking area will not prevent either vehicular or pedestrian access to the building or to the tennis courts. This is located on the western edge of the car park across the entrance only and will only restrict access to the car park as is intended.

- Where will contractors park when works are being undertaken?

Planning Comment – It will be the responsibility of the contractor to park in an appropriate location without restricting any access to and from existing business. This is not something which can be controlled by the Planning Authority.

- No disabled access.

Planning Comment - It should be noted that the building is existing and there is no current disabled access to the upper floors. The issue of accessibility is further addressed under Building Regulations and will be assessed as part of a Building Warrant application. In terms of accessibility to the building this has been addressed above and controlled by condition.

- No external areas for washing etc. or open space provision

Planning Comment – It is acknowledged that there are no private external areas, however the building is existing. There is ample public open space including the playing field and play park nearby in order to provide open space, with regard to external drying areas, this would be further assessed at Building Warrant stage.

- Style of building does not lend itself to being a visually attractive residential development.

Planning Comment – The proposal is for the conversion of an existing building. Its appearance does not form the basis under which its proposed use is assessed.

- Eight flats is too large a number for the available space, with insufficient space within the individual dwellings.

Planning Comment – The floor plans demonstrate that there is sufficient space for 8 flats to be accommodated within the building. The market will determine whether flats of this size can be sold or rented; in addition to this the available space internally will also be further assessed against the Building Regulations at a Building Warrant stage.

- Inappropriate for individual bins to be provided – communal bin storage should be provided to the rear of the building.

Planning Comment – The developer has provided an internal covered bin storage area so that there are no bins, communal or private located within the public realm, in the interest of visual amenity, this is considered acceptable. It will be the responsibility of householders to maintain and be responsible for their bins and storage area which is a civil matter which cannot be controlled by the Planning Authority. It should be noted that Transport Planning and Transport Scotland have no objections to the proposal with regard to servicing the site.

- One tree to the front of the property blocking light from the windows will likely be required to be cut back.

Planning Comment – The developer confirms that the tree will remain in situ and will be unaffected by the works, it is not owned by the developer and is out with the site of application.

- Fire/emergency escape may be an issue.

Planning Comment – The building is existing and has existing escape routes, again this will be further assessed and scrutinised against Building Regulations at the Building Warrant stage.

- While further loss of commercial premises may be a blow to Golspie, if it has been demonstrated that there is no commercial demand it is better to have the building put to use than standing empty.

Planning Comment – It is acknowledged that the commercial premises will be lost, and as stated previously the market determines demand. It is considered that re-use of the building for residential purposes is an appropriate change within the village which ensures the building is utilised and maintained which is the preferred option over the potential for falling into a state of disrepair and becoming a detriment to the Main Street.

8.16 **Other Considerations – not material**

- The industrial units are not accurately outlined on the ground floor plan, plans do not clearly illustrate neighbouring land and buildings.

Planning Comment – The industrial units do not form part of the planning application, as such full detail of these is not necessary; in addition the surrounding area can be seen on the Site Plan which has been submitted to a scale which is in accordance with Scottish Government Development Management Regulations (2013).

- Elevational drawings are incorrect.

Planning Comment – The elevations were mis-labelled, this has been addressed through the re-submission of amended drawings.

- The applicant does not hold full title to full areas shown.

Planning Comment – While this may, or may not be the case, any person can apply for planning permission on any land regardless of ownership, they must however notify landowners. It has been confirmed that the developer owns the land within the site of application including the building and exclusive use of the 20 car parking spaces. The application includes a landownership certificate. Whether works can commence on land which is not owned by an applicant, permission is of course required by the owner which is a civil matter.

8.17 **Matters to be secured by Section 75 Agreement or Appropriate Mechanism**

Provision of 1.No bus shelter to Council standard on the nearest bus stop on the northbound carriageway.

9. **CONCLUSION**

- 9.1 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. **RECOMMENDATION**

Action required before decision issued N

Conclusion of Section 75 Agreement Y

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the occupation of any flat. For the avoidance of doubt the developer shall provide 12.No car parking spaces including 2.No disabled car parking spaces. All spaces shall be clearly delineated by appropriate road markings. The car parking area shall have a lockable access gate or other security feature as may be agreed in writing by the Planning Authority, to maintain their use as private parking spaces in perpetuity.

Reason: In the interests of road safety and for the avoidance of doubt.

2. No development shall commence until the existing footway fronting the car park has been extended to the south east and south west joining with the existing footway which is located to the north west boundary of the commercial units. For the avoidance of doubt the developer shall provide plan details of the works prior to the commencement of development. The works shall be approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In order to provide a safe route for pedestrians between the car park and accommodation hereby approved in the interest of road safety.

3. No other development shall commence until a delineated area between the end of the existing footway fronting the commercial units and the lane along the north west boundary of the site of application has been provided. For the avoidance of doubt, delineation of the pedestrian area shall be means of suitable textured surfacing and road makings which shall be shown on plan, to be agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In order to provide a safe route for pedestrians between the car park and accommodation hereby approved in the interest of road safety.

4. No development or work shall commence until details of all external paint finishes (incl. manufacturer product codes) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details. For the avoidance of doubt all elevations of the building shall be painted.

Reason: In order to ensure that the infilled areas of windows match that of the entire building in the interest of visual amenity within the main village thoroughfare.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

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.

FOOTNOTE TO APPLICANT

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.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 (p.198), 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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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_or_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.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Laura Stewart
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan - 000001 Plan 2 – Site Layout Plan – AM/857/10 Plan 3 – Proposed Elevations - AM/857/07 REV A Plan 4 - Proposed Elevations - AM/857/08 Plan 5 – Proposed First Floor Plan – AM/857/05 Plan 6 – Proposed Second Floor Plan – AM/857/06