

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS AND REVIEW COMMITTEE – 13 May 2008

Agenda Item	3.5
Report No	23/08

05/00421/OUTSU – Erection of 1½ storey dwelling at Plot 1 adjacent to Rispond, Main Street, Golspie

Report by Area Planning and Building Standards Manager

1. PROPOSAL

The proposal seeks to establish the principle of erecting a single house within the rear garden of Rispond in the centre of the village. Members may recollect consideration of the proposal at the Sutherland County Committee on 26 June 2006. A copy of this report is attached.

2 REVIEW AND UPDATE OF POSITION

TEC Services were consulted on the planning application and recommended refusal due to the poor visibility at the access onto a narrow lane (Hen Run) until the lane is blocked off at the Fountain Road end or made one-way (see section 3(d) of the attached report).

The Committee agreed that if a determination was sought by the applicant then the application would be refused for the reasons stated in the report. Members were only minded to approve the proposal on the **pre-condition** that a One-Way Traffic Order was progressed **and** in place for a one-way system off Fountain Road.

In the period since June 2006 TEC Services have pursued a Traffic Order. Following extensive consultation between TEC Services and Golspie Community Council, a report to the Sutherland County Committee on 20 November 2006 recommended the preparation of a draft Traffic Order to impose a one-way system on the U407 East Millicent Avenue-Fountain Road. After consideration of the report, Members agreed instead to pursue the option of a Stopping-Up Order to the section of the road, with lockable bollards being placed at the Fountain Road end, thereby creating a cul-de-sac.

The Order was advertised on 7 December 2007, attracting a number of representations. TEC Services have indicated that they have been unable to resolve the objections and, under the terms of the current guidelines, must now abandon the intention to stop up the road, or, alternately, request a determination of the Order by the Scottish Ministers. TEC Services consider that the level of 'risk' currently presented by the Hen Run / Fountain Road junction does not warrant intervention to this degree by Scottish Ministers, and have therefore decided not to proceed with the intention to stop-up the road.

In light of the procedure followed by TEC Services after instruction by Committee, and the current TEC Services assessment of the position, the application is now being brought back to Members for consideration.

3 RECOMMENDATION

TEC Services have confirmed that their original technical assessment of the planning application detailed in the attached report at section 3(d) has not changed, and they recommend that the application be refused for the reasons set out in that report.

I would advise Members that I do not consider that there has been any material change in the position since June 2006 and I would **recommend that the application is refused for the reasons set out in the original report.**

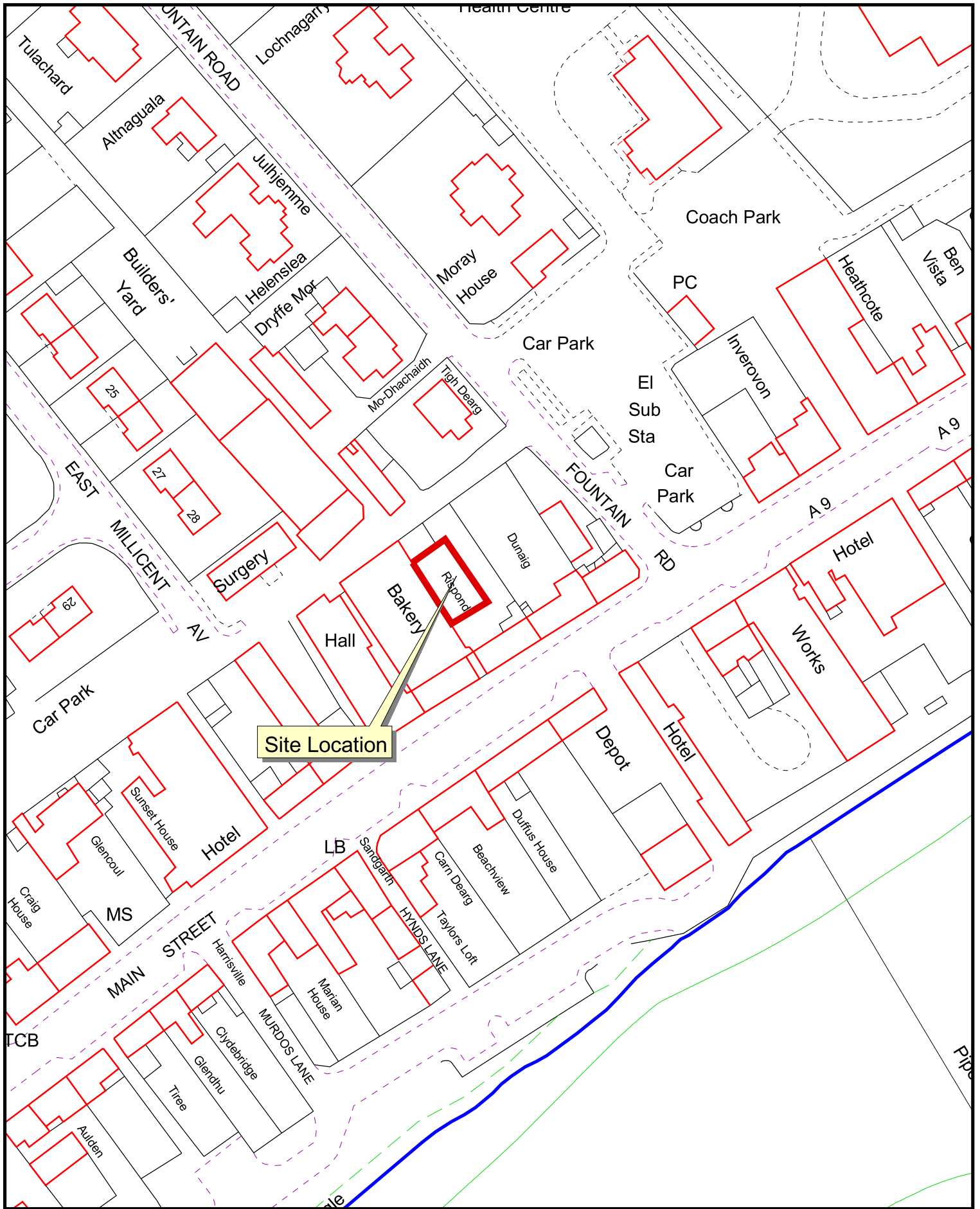
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the reports above and attached to the rear, and case file reference number 05/00421/OUTSU

Date: 30 April 2008



Site Location



05/00421/OUTSU
Erection of 1.5 storey dwelling at Land to rear of Rispind
Main Street, Golspie.

Mrs L MacGruer
per Mr P Harrison
Hill Cottage
Golspie

Date: 01 May 2008

SUPPLIED BY THE HIGHLAND COUNCIL



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A sea

Rispond

ex. mh

PARKING

GARDEN GROUND

PARKING

LIVING ROOM
4000 x 4000

PORCH

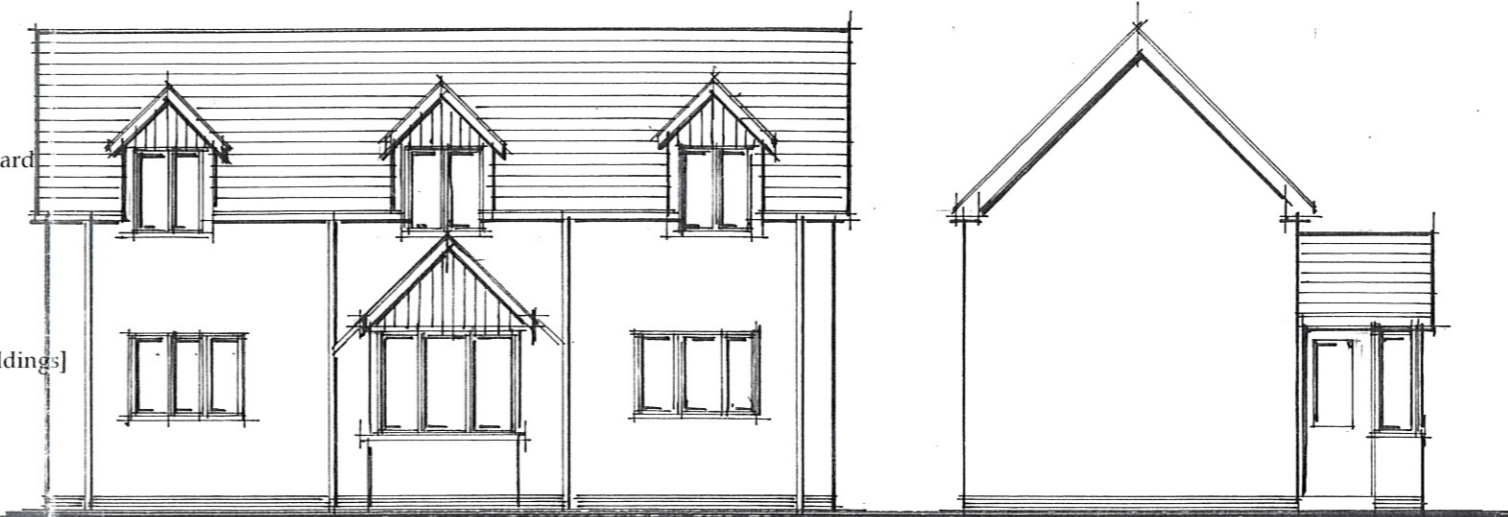
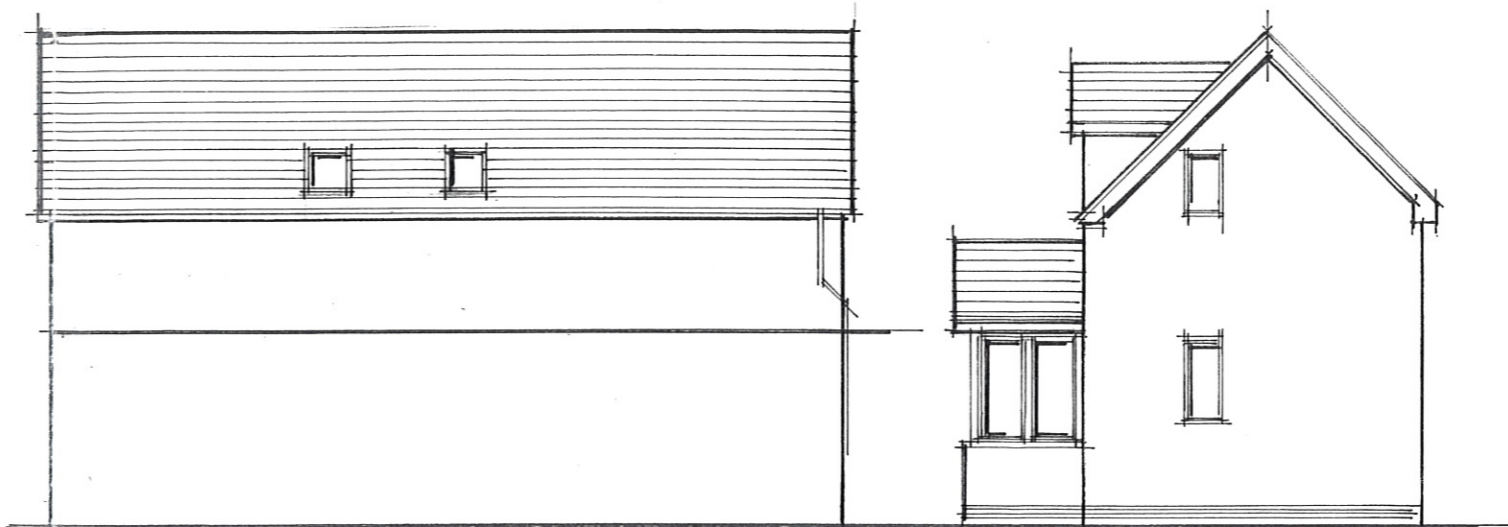
HALL

WC

KITCHEN
4000 x 3100

Neighbouring Property

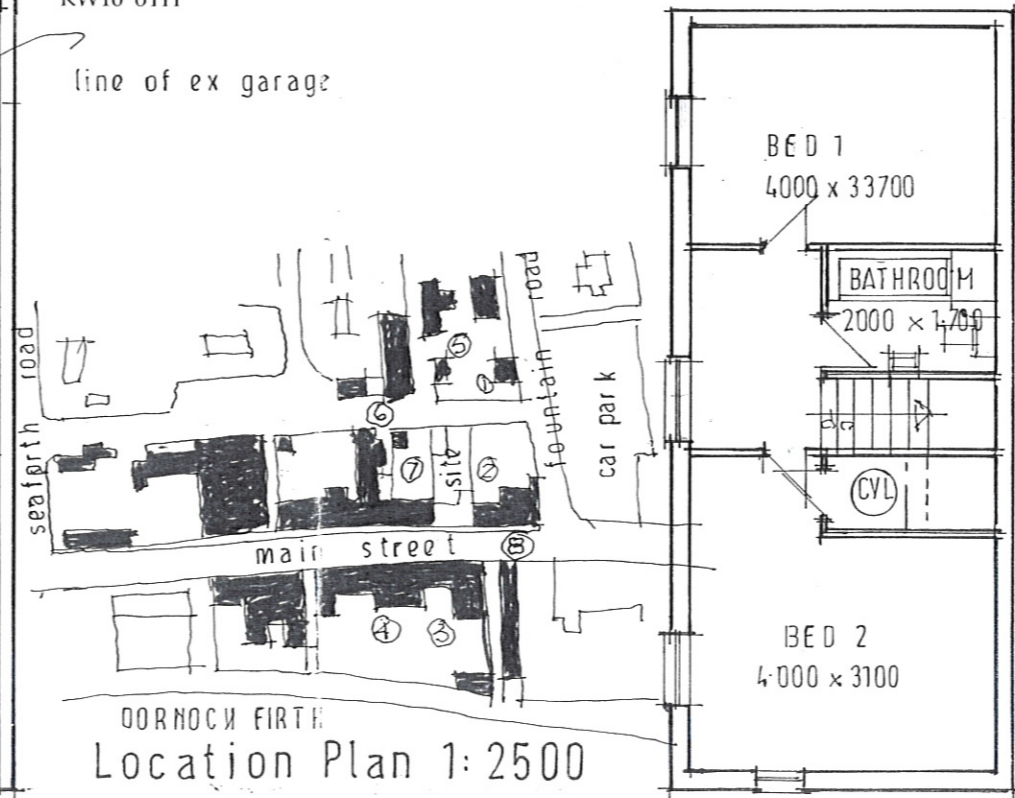
- 1 Mr. B. Field
The Old Manse
Fountain Road
Golspie
KW10 6TH
- 2 Mr. C. Morrison
Dunaig
Main Street
Golspie
KW10 6TG
- 3 Mr. G. Mitchell
Melford House
Main Street
Golspie
KW10 6RA
- 4 Mrs. L. Sawyers
Raemoir
Main Street
Golspie
KW10 6TG
- 5 J. & J. Nicol
Fountain Road
Golspie
KW10 6TH
- 6 Highland N.H.S. Board
Headquarters
Beechwood Park
Inverness
IV2 3HG
- 7 Mr. W. MacBeath
[Former Bakery Buildings]
1 Ross Street
Golspie
KW10 6SA
- 8 The Owner
Chinese Take Away
Main Street
Golspie
KW10 6TH



line of ex garage

SHARED ACCESS

GARDEN GROUND



DORNOCH FIRTH
Location Plan 1:2500

BED 1
4000 x 33700

BATHROOM
2000 x 1700

BED 2
4000 x 3100

Proposed House Site to
Rear of Rispond, Main Street
Golspie KW10 6TG for
Mrs. L. Mac Gruer
Scale 1:100

THE HIGHLAND COUNCIL
PLAN ... OF ... OF APPLICATION REFERENCE
05/00421/00250
RECEIVED 21/11/05

Agenda Item	
Report No	

**Erection of 1½ storey dwelling
at
Plot 1, Adjacent to ‘Rispond’, Main Street, Golspie
(05/00421/OUTSU)**

Report by Area Planning and Building Standards Manager

SUMMARY

This report provides the background to consideration of the above application. It sets out the relevant Development Plan provisions, publicity and consultation procedures involved, and the views of the applicant, if any, prior to an appraisal of those issues material to determination. There is a **RECOMMENDATION** to **REFUSE**.

1.0 PROPOSALS

- (a) **DEVELOPMENT** Erection of 1½ storey dwelling
- (b) **LOCATION** Plot 1, Adjacent to ‘Rispond’, Main Street, Golspie
- (c) **APPLICANT** Mrs L Macgruer
- (d) **GRID REF** 283201 899979
- (e) **RECEIVED** 21 November 2005
-

2.0 SITE DETAILS

- (a) **DESCRIPTION** The site is located in the centre of Golspie. It is formed from the rear garden of Rispond on Main Street. To the rear of the garden lies the access road (the ‘Hen Run’) running from Fountain Road to Seaforth Road parallel to the Main Street. The immediate area is characterised by a mix of commercial, business and residential uses, with a variety of building types. Neighbouring properties on Main Street are traditional in form, with buildings hard against the pavement edge. These properties are characterised by generous large gardens extending to a depth of approximately 25m.
- (b) **PREVIOUS DECISIONS** None known for the site.

Pre-application advice provided in October 2005. This advice noted that the existing parking and access arrangements from the lane to the rear of the existing houses are difficult and not up to current standards, and that the provision of an extra residential unit would only compound these problems, particularly in the junction area towards Fountain Road. The advice also highlighted the expected spacing standards for plot layouts and buildings with respect to subdivision and advised that it would be extremely difficult for these to be successfully achieved on the site. The enquirer was advised that it would be unlikely that the Planning Authority would be able to support an application for the provision of a house on the site. The former bakery to the west of the site was subject of a planning application (02/00220/FULSU) for renovation and alteration to form retail / office accommodation and 2 flats on first floor; conversion of existing store to house. This was approved by Committee in October 2002.

3.0 **PUBLICITY, REPRESENTATIONS AND CONSULTATIONS**

- (a) **ADVERT** Section 34 – 14 days (b) **EXPIRY DATE** 10.01.06
(period for representations extended due to the Christmas holidays)
- (c) **REPRESENTATIONS** The following letters of representation have been received:
- 1 H M Field, Tigh Dearg, Fountain Road, Golspie, KW10 6TH
- Representations relate to the following matters:
- i) No objections to the proposal. As the proposal will mean in effect a further access onto the lane, serious consideration should be given to its closure to vehicular traffic at the junction with Fountain Road, particularly as the lane is a school access.
- (d) **CONSULTATIONS** **Scottish Water** – No objections. Scottish Water’s sewer network assets have adequate capacity to accommodate this development at the present time. However, connection to the public sewer network system is dependent on spare capacity at the time of application for a sewer connection. Scottish Water’s water network infrastructure is not affected by this proposal at this time. However a supply from the public water network is dependent on the spare capacity at the time of application for a water connection.

Area Roads and Community Services Manager

16 February 2006 – Recommend refusal due to poor visibility at access onto a narrow lane, until the lane is blocked at Fountain Road end or made one way.

25 May 2006 – A survey has been carried out which shows that the majority of vehicles exit East Millicent Avenue on to Fountain Road. This however is the most dangerous manoeuvre of the access and egress options. Propose to consult with the Community Council and to suggest that the road be made one way which would allow vehicles to access East Millicent Avenue from Fountain Road only. There is however no guarantee that an Order to achieve this would be successful as objections may be forthcoming. Even were this road to be made one way then my advice would remain one of refusal due to the inadequate visibility for vehicles egressing the site.

Community Council – No formal response received on the Planning application consultation. However, letters dated 24 March and 10 May 2006 from the Community Council to TEC Services, copied to the Planning Service by the Agent:

24 March – Members raised their concern over vehicular access from the ‘Hen Run’ onto Fountain Road. This matter was raised with your department in our letter dated 10 May 2005.

10 May - Community Council members discussed their concerns over the continued viability of vehicular access from the ‘Hen Run’ onto Fountain Road. Various suggestions were offered; among them were the possibility of erecting bollards at the Fountain Road end thus closing off the present access in total and also the possibility of making the ‘Hen Run’ a one way system only, with access into the ‘Hen Run’ from Fountain Road.

(e) **VIEWS OF APPLICANT**

Letter dated 17 April, 25 May, 31 May 2006 from the Agent.

17 April – Appears that the matter may not have been taken forward by those objecting to the application. It would seem that the matter was first raised in May of last year and from the correspondence received by the Community Council from TEC Services it would appear that a survey was to be carried out. I would be pleased if you would arrange for a copy of the results to be forwarded to me as obviously this will determine the possible effect of traffic flow on the proposed access if we need to go to Appeal. Would ask that the application be put to the next Planning and Building Control Committee.

25 May – Given that request (to report matter to next Planning Committee) has been ignored and that pre-application correspondence was initially made on 20 July 2005 I feel that I have no alternative but to consider lodging an Appeal as due to the length of time I consider that the application is a deemed refusal. I also intend to apply to the Local Authority Ombudsman as I believe that this application has been the subject of maladministration.

31 May – Ask that the application is put to Committee on 26 June as I see no point in protracting this application any further given the response from TEC Services. I approached TEC Services before submitting this application and had received verbal confirmation that there would be no opposition from them so this change of view by them has caused the problem.

4.0 PLANNING POLICY

4.1 The Highland Structure Plan March 2001 and Policy G2 Design for Sustainability in particular requires that developments will be assessed on the extent to which they, amongst other factors:

- are compatible with service provision, including water and sewerage, drainage and roads
- impact on individual and community residential amenity
- demonstrate sensitive siting and high quality design in keeping with local character

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.

4.2 The South and East Sutherland Local Plan General Settlement policy S1 Town/Village Centre and Environment policy ENV2 apply to the site.

4.3 Policy S1 notes that the Council will give favourable consideration to town centre uses. Policy ENV2 notes that the Council will favour development unless this would significantly affect important local features.

5.0 PLANNING APPRAISAL

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications are determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

5.2 The proposal is in Outline and seeks to subdivide the large rear garden of an existing house, 'Rispond', to provide a new house site backing onto the lane, the 'Hen Run', to the rear and parallel to Main Street. This lane links Fountain Road with Seaforth Road and is of varying width. At the Fountain Road end the lane is single carriageway width and ends with a very tight T-junction exit onto Fountain Road. The lane is not constructed to modern access standards. The site lies approximately 25m from the junction of the lane with Fountain Road.

5.3 The Agent has provided an indicative site layout and design of building for the subdivided area. This envisages the building gable end onto the lane, with a shared vehicle access being provided to serve both 'Rispond' and the new house. Individual garden and parking areas would be provided for both the existing and new house. Members should note that there is no private off street parking within the curtilage of 'Rispond' at present.

- 5.4 The indicative building footprint depicts a building of only 10m x 5m of 1 ¾ storey construction. The parking and garden space would be to the south east and north of this respectively. Overall, the plot envisaged measures approximately 14m x 11m, excluding the shared vehicle access from the lane. At present, the boundary onto the lane is formed by a stone wall, approximately 1.8-2m in height.
- 5.5 This is a very limited plot size for a house, despite the very modest proportions of the building proposed.
- 5.6 Structure Plan policy G2 requires that proposed developments are compatible with service provision, including roads. Members will note that there have been protracted discussions between TEC Services and the Community Council with regards to the existing access difficulties in the lane. These discussions have been augmented by the recent involvement of the Agent and Applicant.
- 5.7 A traffic survey has been undertaken by TEC Services and this confirms that the majority of vehicles exit East Millicent Avenue (to the rear of the site) towards Fountain Road. The TEC Services Manager has advised that he is consulting with the Community Council regarding making the lane one way thus allowing vehicles to access East Millicent Avenue from Fountain Road only. However, this consultation is still ongoing. Members should note that even if this did confirm that there was a desire for a one way system, there is no guarantee that such a Traffic Order would be successful. In any event, this is a separate process independent from the Planning application being considered here.
- 5.8 Notwithstanding this, in response to the Planning consultations, TEC Services have advised that they would not be able to support the proposal due to the inadequate visibility. Indeed, even if the lane was to be made one way, TEC Services have advised that they would still recommend refusal due to the inadequate visibility for vehicles egressing the site onto the lane.
- 5.9 Accordingly I would advise Members that the proposal does not accord with the roads servicing requirements of Policy G2.
- 5.10 Policy G2 also requires that proposals demonstrate sensitive siting in keeping with local character. The proposal constitutes backland development. There are other developments within the rear curtilage of properties along this part of Main Street. Members will note that planning permission was granted for the re-development of the adjacent site to the south (02/0020/FULSU). Whilst parallels could be drawn with this development, I would point out that this included the conversion of an *existing* store at the rear to a house, and not the construction of a *new* house. The current proposal would, in my assessment, result in a considerable over-development of the site and accordingly would not demonstrate sensitive siting. Furthermore, this over-development would have a detrimental impact on individual and community residential amenity.
- 5.11 The South and East Sutherland Local Plan General Settlement policy S1 applies. I would advise Members that the proposal generally accords with this policy.
- 5.12 Local Policy ENV2 favours development in the area unless this would significantly affect important local features. I am of the view that the proposal will significantly affect the character of the immediate area by both providing further backland development and also

adding to the congestion in the area. Accordingly, I do not consider that the proposal accords with the policy.

5.13 Members should also note that if the proposal were approved then this would set an unwelcome precedent for unplanned developments on similar sites elsewhere within the village.

5.14 Refusal is recommended.

6.0 RECOMMENDATION

Refuse Outline planning permission for the following reasons:

- 1 The proposal does not accord with Structure Plan Policy G2 Design for Sustainability insofar as it is incompatible with road service provision in that it does not meet the minimum visibility requirements. Furthermore, the proposal would result in an increase and intensification of traffic movements on a dangerous section of the lane between Fountain Road and Seaforth Road.
- 2 The proposal does not accord with Structure Plan Policy G2 Design for Sustainability insofar as it does not demonstrate sensitive siting in keeping with local character.
- 3 The proposal does not accord with Structure Plan Policy G2 Design for Sustainability insofar as it would have a detrimental impact on individual and community residential amenity.
- 4 The proposal does not accord with the South and East Sutherland Local Plan Policy ENV2 as it would significantly affect the character of the immediate area by providing further unplanned backland development.
- 5 Approval of the proposal would set a dangerous precedent making it difficult to refuse similar departures from approved policy and contrary to the interest of road safety.

Signature:

Designation: Area Planning and Building Standards Manager

Date: 8 June 2006

BACKGROUND INFORMATION

As referred to in the report above and case file reference number 05/00421/OUTSU

Author: B Robertson