

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS COMMITTEE – 18 August 2009**

Agenda Item	
Report No	

08/00341/FULCA – Demolition of furniture warehouse and garage, erection of two blocks totalling eighteen apartments, conversion of storage block to form six apartments and associated car parking at Brown Place, Wick (as amended)

Report by Area Planning and Building Standards Manager

SUMMARY

This report deals with an application submitted in respect of the former Mackenzie's furniture shop, Brown Place, Wick. The proposal is for two apartment blocks, each comprising nine flats to replace the existing furniture showroom and garage. The proposal also includes renovating and extending the adjacent store, to comprise six flats of affordable housing.

This application is being referred to Committee as eight letters of objection have been received.

The Recommendation is to GRANT planning permission subject to conditions

Ward Number 3 – Wick

Applicant – Mr Alan Mackenzie

1. PROPOSAL

- 1.1 The application seeks to obtain planning permission for the demolition of the former Mackenzie's furniture showroom and garage on Brown Place, Wick and replace it with two apartment blocks each comprising nine flats. It is also proposed to renovate and extend the adjacent store, to comprise six flats.
- 1.2 The original application sought to obtain consent for two apartment blocks each containing 10 flats, and the extension and renovation of the store to form six flats. The reduction in the number of flats from twenty six in total to twenty four was made following the applicant's consideration of representations made. Neighbour notification was carried out for a second time upon receipt by the Planning Authority of the revised scheme and it is this scheme that is reported to Committee.

2. PLANNING HISTORY

2.1 None.

3. PUBLIC PARTICIPATION

3.1 The original application for twenty six flats attracted eight letters of representation. All those making representation reside in Brown Place. The principal grounds of objection can be summarised as follows:

- Proposal is out of character with Brown Place, would be overpowering and have a negative impact on the street
- There are no four storey buildings in Wick and only two storey houses in Brown Place
- Loss of daylight to properties opposite and adjacent to the development
- Reduction in privacy from flats looking into properties across Brown Place
- Limited parking for the flats will lead to a saturation of parking on Brown Place
- Satellite TV signal may be disrupted
- Ownership concerns
- Current economic slump and concern that flats may lie empty and unused
- The current quiet street would become busy and congested and noisy if the flats attract young, single citizens
- Lack of amenity space in development
- The Local Plan policy for Brown Place is to safeguard the function and character of established residential areas and encourage appropriate development, and this proposal would have a negative impact on houses with significant heritage associated with them.

Some support has been expressed for the regeneration of the area, but in a different form. Support has also been expressed for the renovation of the stone built store.

3.2 Following submission of the revised scheme, seven letters of representation were received. Again, all those making representation reside in Brown Place. The principal grounds of objection can be summarised as follows:

- Loss of daylight to properties opposite and adjacent to the development
- Reduction in privacy from flats looking into properties across Brown Place
- Limited parking for the flats will lead to parking problems on Brown Place. The accesses into the flats cross the pavement, which will further reduce on-street parking and could be a danger to children
- The proposal does not meet the Local Plan design guidelines, and is not in character with the area
- The proposed apartment blocks are too high
- Increased noise and activity
- Lack of laundry facilities

3.3 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.

4. CONSULTATIONS

4.1 Wick Community Council

The application was sent to Wick Community Council for consultation in July 2008. From discussions with the chairwoman in October it became apparent the plans had not been put to the Community Council. The chairwoman provided comment that one or two of the Community Councillors felt four storeys was too high a building for the area, but it would be quite acceptable if one level was removed.

4.2 Upon receipt of the revised plans, the Community Council was consulted again. The plans have been returned to the office with no further comment.

4.3 Internal Consultees

TEC Services – No objections, subject to conditions. Visibility splays of 2.5 x 30 metres are required from each of the accesses. The access nearest to Macrae Street may need to be relocated to achieve this standard.

TECS have also provided detailed comment on the issues raised in the objection letters. These can be summarised as follows:

- A survey was undertaken by TECS from which it was ascertained that pre-development parking is sufficient to meet current demand.
- Guidelines state 1.4 spaces per dwelling including visitors' parking are required. The application is for 24 dwellings, so 34 spaces are required. This can include on and off street parking. The application includes 20 off street parking spaces, with 14 on street spaces. The on street spaces are assumed to be accommodated within Brown Place and the 30 metres of development frontage on Macrae Street. These frontages are adequate to provide a total of 18 car spaces. Consequently, there is sufficient parking in Brown Place and Macrae Street to accommodate existing and expected parking demand.

Contaminated Land – The site was used as a “rope works”, and there is potential for land contamination at the site from this and any other industrial activities which may have taken place. The applicant has been asked to demonstrate that the site is suitable for the proposed use through site investigation. An appropriate condition should be attached to any consent issued to ensure the site investigation is carried out and remediation is undertaken if required, such that the site is suitable for use. *A Phase 1 Site Study has now been carried out and submitted to the Contaminated Land Unit.*

Housing – Would not expect the developer to provide affordable housing on site given the relatively high levels of need elsewhere and given that there are other opportunities for such provision in Wick.

4.4 External Consultees

Scottish Water – No objections.

Scottish Environment Protection Agency – No objections provided that the applicant can provide evidence to SEPA from Scottish Water confirming that the finalised surface water scheme is considered acceptable to them. *Scottish Water has confirmed to the applicant's engineer that the drainage proposals are acceptable.*

Highlands & Islands Fire & Rescue Service – No comment.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan

- G2 Design for Sustainability

Caithness Local Plan

- Wick Policy H “The Council will safeguard the function and character of established residential areas and will encourage appropriate development.”

5.2 The proposal requires to be assessed against the following relevant Scottish Planning Policies (SPP's), National Planning Policy Guidance (NPPG's) and Planning Advice Notes (PAN's).

- Scottish Planning Policy
- Planning Advice Note 74 Affordable Housing

6. PLANNING APPRAISAL

6.1 **Determining issues** – 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.

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

6.3 From Section 5 above, it is clear that the Council will support appropriate development in established residential areas in Wick. This application proposes to replace the former furniture showroom and garage with a residential development and to renovate the store for residential use. Therefore, the proposed development is considered to accord with the provisions of the Development Plan.

- 6.4 The renovation and extension of the stone store, situated on the corner of Brown Place and Macrae Street will remove a potential cause of dereliction from the area.
- 6.5 The original proposal received, in addition to the renovation of the stone store, was for two apartment blocks, each containing ten flats. These twenty flats were all two-bedroom. Both apartment blocks were four storeys in height, with the principal elevation of both fronting Brown Place with a higher “wing” to the rear.
- 6.6 Eight letters of objection were received in respect of this proposal. The main grounds of objection are summarised in Section 3.1. As a result of these objections, particularly the concerns raised over daylighting and privacy issues, the applicant amended the original proposal.
- 6.7 The revised scheme submitted has been reduced in size, with the two apartment blocks now three storey in height, rather than four, and the principal elevation fronting Brown Place reduced. There are a total of nine flats in each apartment block, rather than ten, whilst the proposal for the renovation of the stone store remains the same.
- 6.8 In response to the objections received regarding the size and prominence of the proposed development, it is accepted that the proposed new buildings are indeed three storeys in height, each containing nine flats. However, that is not necessarily a reason to merit refusal of the application. The properties in Brown Place, Macrae Street and Upper Dunbar Street are a mix of house styles with single and two storey dwellings, as well as three storey flats.
- 6.9 The applicant has amended the proposals to reduce the height and prominence of the development. In terms of privacy, the Council’s guideline for window to window distances is 18 metres. The revised scheme achieves a minimum of 15 metres window to window, which in this instance is considered acceptable given the screening and the presence of Brown Place. The proposed development is more sympathetic in scale and appearance than the original scheme.
- 6.10 The existing building is stone with a corrugated sheet roof. The conversion of this building to flats is considered to be acceptable. The proposed new blocks are a modern design with off-white smooth render and untreated larch timber cladding on the walls. The roof is to be finished in natural slate. The design of the new build is considered to be acceptable.
- 6.11 With respect to the objections received regarding access and road safety issues, the Area Roads and Community Works Manager has not objected to the proposal as submitted and has confirmed that the proposed access and parking arrangements are acceptable subject to appropriate conditions. He has raised an issue with respect to the visibility splay that can be achieved from the access nearest Macrae Street. Having sought clarification on this matter, TECS have confirmed that if the distance between the access and Macrae Street is less than 20 metres then he would advise that it be moved. If it is further away then the concerns would not be so acute. The distance is 20 metres.

6.12 Concerns over increased noise and activity are subjective. The most recent use of the premises was as a furniture showroom, and it is arguable as to whether a residential use would lead to increased levels of noise and activity. Brown Place is an established residential area and accordingly, this residential proposal accords with policy.

7. CONCLUSION

7.1 The proposal complies with Structure Plan Policy G2 and Caithness Local Plan Wick Policy H. The applicant has amended the proposal to reduce the impact of the development on adjacent properties.

RECOMMENDATION

Grant planning permission subject to conditions:

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall take place on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission has been submitted to and acknowledged by the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. Except as otherwise provided by the terms of this provision, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketted as relative hereto with no deviation therefrom unless otherwise agreed in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

5. Prior to the completion of development and in accordance with the Highland Council's "Road Guidelines for New Developments":-
 - a) The three points of access shall have 2.5m x 30 metre visibility splays in both directions which must be complied with, maintained and kept free of obstruction at all times.
 - b) The accesses shall be constructed to a hard finish for a minimum distance of 6 metres back from the edge of the carriageway.
 - c) The footway shall be lowered and constructed for vehicle access.
 - d) Drop and bullnose kerbing shall be provided.

Reason: In the interests of road safety.

6. Prior to the development commencing, the applicant shall provide, by way of an assessment of potential contamination issues, evidence that the site is suitable for its proposed use. Such an assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33, and with the British Standard for investigation of potentially contaminated sites (BS10175:2001). Should contamination be found, the applicant shall submit a written remediation strategy and effect remediation in consultation with TEC Services, such that the site is suitable for use.

Reason: To protect the health of future site residents and protect the environment.

7. Prior to the commencement of development, details of the materials, finishes and colours of the building, including samples where required, shall be submitted to and require the approval in writing of the Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of amenity.

8. Prior to the commencement of development, a fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following completion of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity.

9. Noise arising from the erection, construction, alteration or repair of buildings, structures or roads, in connection with this planning permission, shall be inaudible within any noise sensitive premises between 2000 hours and 0700 hours on the following day. For the avoidance of doubt, there shall be no Sunday working unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity and in order to avoid disturbance and nuisance.

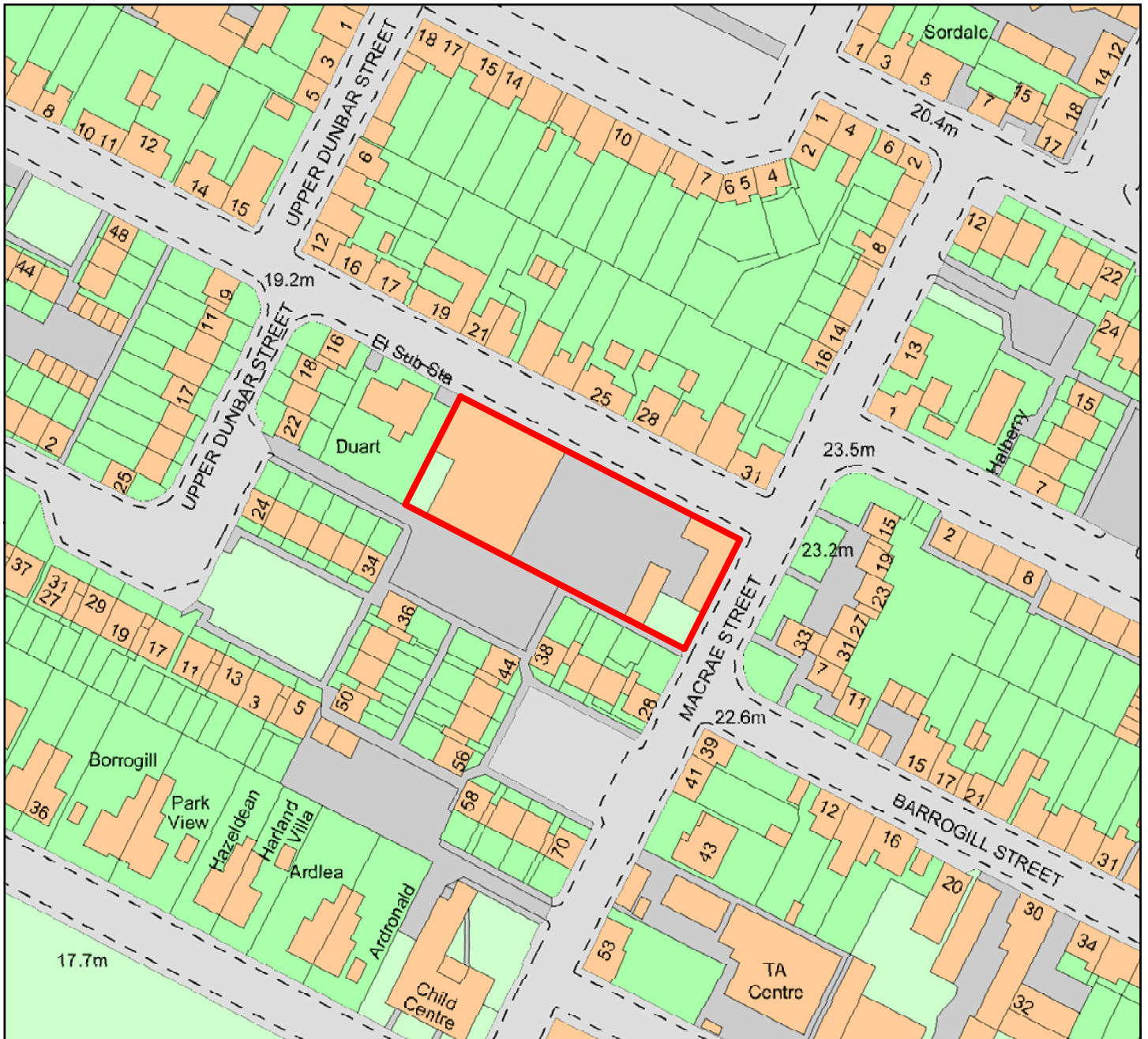
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Morag Goodfellow 01955 607754

Background papers: As referred to in the report above and case file reference number
08/00341/FULCA

Date: 6 August 2009



COMMITTEE MAP

Application Ref: 08/00341/FULCA

ADDRESS
Brown Place
Wick
KW1 5QQ



1:1,475

1 cm = 14.7 metres

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BROWN PLACE

28

A

B

C

5

5

5

5

AMENDED

ACACAE STREET



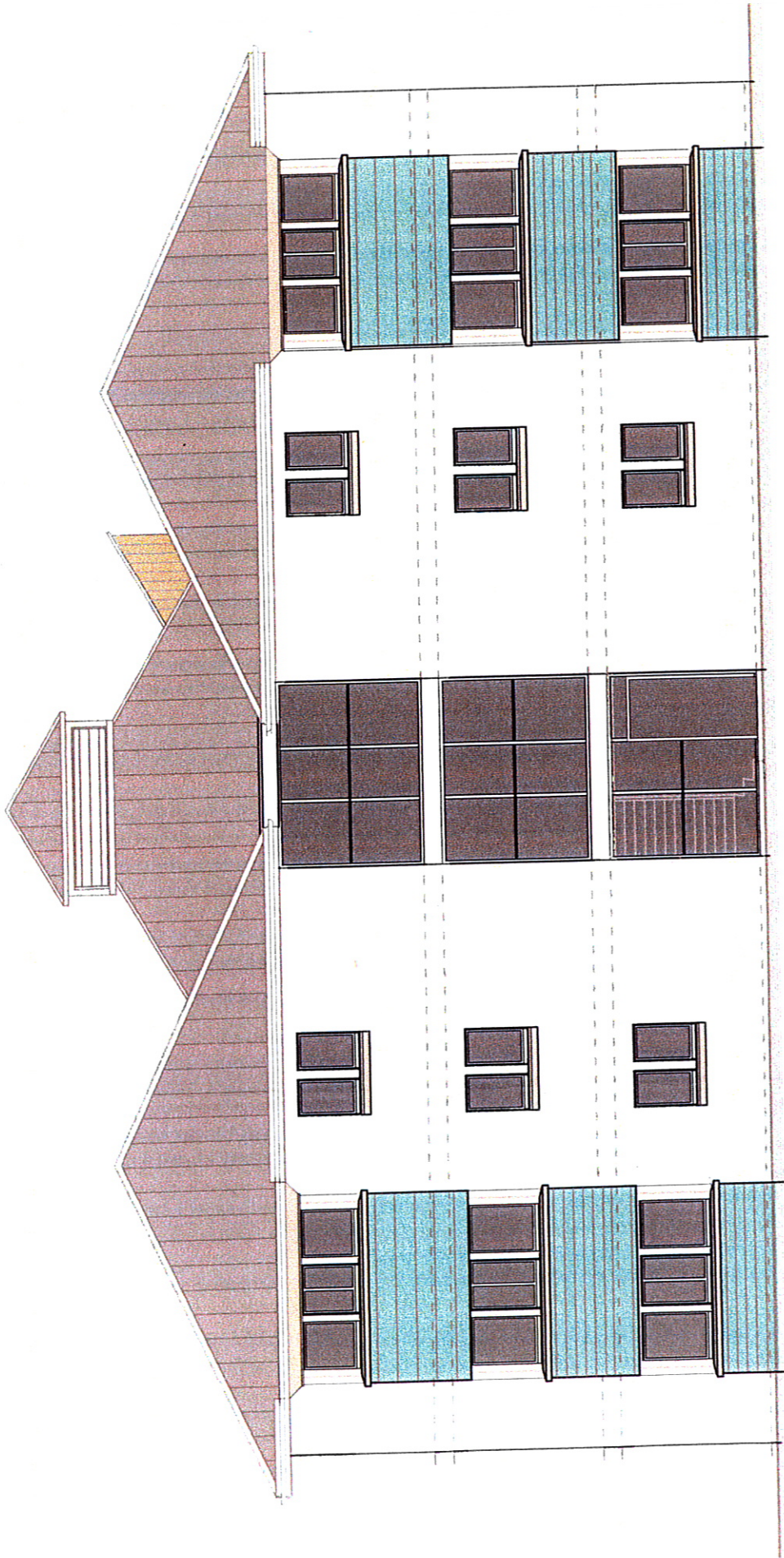


North West



ELEVATION TO BROWN PLACE

North Elevation



South Elevation