

THE HIGHLAND COUNCIL

**Caithness, Sutherland and Easter Ross PLANNING
APPLICATIONS COMMITTEE
02 August 2011**

Agenda Item	3.2
Report No	PLC/035/11

**11/00968/FUL : Mr and Mrs Smienk
Former Highland Council Offices, Main Street, Golspie, KW10 6RB**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Conversion of offices to 7 flats

**Recommendation - GRANT SUBJECT TO THE PRIOR CONCLUSION OF A
SECTION 75 AGREEMENT AND CONDITIONS**

Ward : 05. East Sutherland and Edderton

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 individual objections and objection from Golspie Community Council.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal consists of the conversion of a former office building to 4No. one bedroom flats and 3No. two bedroom flats. Amenity ground including a communal clothes drying area is to be provided to the rear of the property. A total of 15 car parking spaces and 10 cycle parking spaces are to be provided.
- 1.2 No pre-application consultation was required under The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Informal pre-application discussions with planning officers relating to the principle of conversion of offices to flats was undertaken by the applicant.
- 1.3 The site is accessed from Main Street. The site is to connect to the public water and waste water systems which are in place and served the former offices.
- 1.4 One supporting e-mail has been received detailing the measures which are to be put in place to mitigate the risk of flooding.
- 1.5 Since validation, a number of revisions have been made to the site layout regarding the proposed access arrangement, location of bin storage area, car parking and amenity area. The change to the access arrangement was seen as a material change therefore the application was re-advertised and neighbour

notification was undertaken again.

2. SITE DESCRIPTION

- 2.1 The site comprises of the former Highland Council Offices (which has had a one and a half storey extension to the south west elevation and a two storey flat roofed extension to the south east elevation) and existing car parking. The frontage of the building faces on to Main Street and the rear of the building faces the promenade along the sea front. Two mature trees are present within the site as shown on the plans.

3. PLANNING HISTORY

- 3.1 There is no recent planning history on the site. The building has recently been vacated by the Highland Council who used it as an administrative office.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbour Notification.

Representation deadline : 03/06/2011

Timeous representations : 21 representations from 19 households

Late representations : 1 late representation from 1 household.

In addition to the above a 67 signature petition has been submitted to the Planning Authority against the loss of the car parking on the site for public use.

- 4.2 Material considerations raised are summarised as follows:

- Overdevelopment;
- Traffic congestion;
- Design;
- Parking provision;
- Sustainability;
- Contrary to development plan;
- Lack of amenity space;
- Road safety;
- Location of refuse store;
- Privacy/Overlooking;
- Cumulative impact of satellite dishes;
- Affordable Housing.

- 4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

- 5.1 **TEC Services (Roads)** : No objection. The wall at the entrance to the site should be removed or reduced to 1m in height for 5m to improve visibility onto the lane. The property falls within the 1 in 200 year indicative flood risk area and therefore TEC Services recommend that measures are put in place to protect the property from flooding.
- 5.2 **Housing and Property** : No objection. To comply with the Council's affordable housing policy a Section 75 agreement should be entered into by the applicant that will require payment of a commuted sum should the properties be sold in excess of a benchmark figure.
- 5.3 **Golspie Community Council** : Object on the grounds of intensification of use, design, lack of outdoor communal space, location of the bin storage area, parking, road safety, ownership, traffic congestion, loss of public parking.
- 5.4 **Transport Scotland** : Objection withdrawn following removal of additional access to A9 trunk road. There is now no objection from Transport Scotland.
- 5.5 **Scottish Water** : No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- G1 Conformity with Strategy
- G2 Sustainable Design

6.2 Sutherland Local Plan

- 1 Settlement Development Areas
- 5 Affordable housing
- 7 Waste Water Treatment
- 9 Flood Risk
- 14 Surface Water Drainage
- 15 Developer Contributions
- 18 Design Quality and Place-Making

7. OTHER MATERIAL CONSIDERATIONS

- 7.1 **Highland wide Local Development Plan – Proposed Plan**
Policy 29 – Sustainable Design

Policy 30 – Design Quality and Place-Making

Policy 35 – Settlement Development Areas

Policy 65 – Flood Risk

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

Policy 75 – Green Networks

7.2 **Highland Council Supplementary Planning Policy Guidance**

Affordable Housing: Interim Supplementary Guidance

Sustainable Design Guide: Interim Supplementary Guidance

Open Space in New Residential Developments: Interim Supplementary Guidance

Green Networks: Interim Supplementary Guidance

Managing Waste in New Developments: Interim Supplementary Guidance

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

Designing Places

Designing Streets

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 proposed development is not covered by any particular allocation in the Sutherland Local Plan. The proposal accords with the general policies contained within the Sutherland Local Plan. The proposal accords with the policies contained within both the Highland Structure Plan and the Highland wide Local Development Plan – Proposed Plan.

8.4 **Material Considerations**

Overdevelopment

The buildings most recent use was as an office which housed a large number of staff and was frequented by visiting members of the public on a regular basis. The development of seven flats within this building is feasible and would generally accord with Building Standards. The use of the building as seven flats would have a maximum occupancy lower than that of the former office use and would not be an

over intensification of use.

Traffic congestion

Neither Transport Scotland nor TEC Services (Roads) have objected to this proposal on the grounds of an increase in congestion. As there will be traffic movements at peak times only (for example when people are going to work and coming home from work), rather than throughout the day, which would be the case if the building was to remain in office use, it is anticipated that traffic congestion would be reduced rather than increased.

Design

A number of alterations are proposed to the exterior of the building including the removal of the current fire escape and installation/removal of windows. To ensure that the detail of these are, this will be controlled by condition.

Parking provision

The car park at present is a private car park but was available for use by the public given the former use of the building as Council offices. But conceivably could have been restricted. To ensure the availability of car parking for the residents/visitors to the flats the agent has suggested that this would be by lockable bollards on each space. A condition should also be attached to secure the parking provision as shown on the plans for both cars and bicycles.

TEC Services (Roads) have advised the level of parking proposed is acceptable. The wider car parking issue in Golpsie cannot be addressed through this application. Parking provision is to be provided in accordance with the Council standards. An additional two parking spaces are to be provided on the site which the applicant is seeking to rent to local businesses, one of these spaces is a disabled bay.

Sustainability

The proposed development demonstrates accordance with many of the overarching principles set out in the Sustainable Design Guide: Interim Supplementary Guidance.

Contrary to Development Plan

The Development Plan supports development within settlement development areas. The site lies in the centre of the village, where a mix of residential and commercial uses are to be expected. The Development Plan supports this existing mix. Further consideration of this point is included in section 8.3 of this report.

Lack of amenity space

Amenity space has been provided to the rear of the property which includes a drying area. This is considered to be sufficient for a development of this given the proximity and accessibility to a range of types of open space in the village. The type of accommodation is also a factor here, one and two bedroom flats are likely to have a lower demand for amenity space than larger units.

Road safety

TEC Services (Roads) have not objected to this application on the grounds of road safety. Transport Scotland had initially objected on these grounds given the "new" access onto the A9(T) for access to Unit 3, however as this has now been removed they have withdrawn their objection. To ensure that this access can not be used for vehicular access a condition is proposed.

Location of refuse store

The refuse store was originally located to the front of the site behind the bus shelter. Given the proximity to the main road and the entrance to the adjacent house it was appropriate that the refuse store be moved further away from the house and the bus shelter in the interests of amenity. It is necessary to ensure that the store remains accessible and adjacent to the public road for ease of access for refuse collection vehicles therefore it is considered that it is now located in the best possible location on the site.

Privacy/Overlooking

The only residential development around this proposal is to the south west. This house has a limited number of windows on the elevation facing the proposed development. Given their position, angle and degree of separation between it is considered sufficient as to not have an adverse impact on the amenity of the neighbouring property. In addition there are barriers to overlooking including a 1.5m high wall relative to ground floor windows and the tree canopy of the existing tree on the site offers further screening at first floor level to address concerns.

Satellite Dishes

A number of representations have raised the issue of visual intrusion of multiple satellite dishes related to this development. A condition is proposed to ensure a communal satellite or other method for the receiving of digital television/radio is provided prior to the occupation of the first flat. However it should be noted that flats do not have permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended) and as such any flat wishing to erect a individual satellite dish would require planning permission at which point the cumulative visual impact could be assessed.

Affordable housing

The proposal has been assessed against the Highland Council's Affordable Housing: Supplementary Guidance. The Housing and Property Service were consulted on the application and have judged that given the potential market value of the proposed flats all the flats would be considered "affordable". In order to ensure that these flats are sold as affordable units, Members are advised that it is appropriate in this instance to enter a Section 75 legal agreement. This would provide that a percentage of any sale value above a benchmark figure would be provided to The Highland Council to aid in the provision of affordable housing in the area.

8.5 Other Considerations – not material

Conflict of Interest

The office was sold by The Highland Council to the current owner just before submission of the planning application. The sale of the building was not subject to planning permission being granted and as such there is no conflict of interest.

Tenure

The tenure of the properties is not a planning consideration. The proposal fits with the Council's Affordable Housing: Supplementary Guidance.

8.6 Matters to be secured by Section 75 Agreement

Following consultation with Housing and Property Service, a commuted sum for the provision of affordable housing is to be secured through Section 75 Agreement if the flats are sold above a certain value. This benchmark value can not be disclosed as it is commercially sensitive.

9. CONCLUSION

- 9.1 The proposal accords with the policies of the adopted development plan and can demonstrate that the re-use of the existing building will have a positive affect on the village as a whole by providing affordable accommodation. There is a recognised need and demand for affordable housing across Highland but specifically in the smaller communities where there are limited opportunities to deliver this, this proposal offers a significant opportunity to help meet this need.

10. RECOMMENDATION

Action required before decision issued	Y
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED SUBJECT TO THE PRIOR CONCLUSION OF A SECTION 75 AGREEMENT AND CONDITIONS** and reasons / notes to applicant:

A Section 75 Agreement

The Section 75 Agreement to secure a commuted sum payment commuted sum should the completed properties be sold for a sum in excess of a benchmark figure on the following broad principles:

- The benchmark figure would be linked to inflation;
- The agreement would be operational for a 5 year period commencing with completion of the first property (as determined by issue of Completion Certificate under Building Warrant);
- The agreement will not apply to any onward sale which may occur after sale by the developer;
- The commuted sum would be the difference between the benchmark figure at the point of any sale and the settlement price (if a positive figure).

B Conditions

Parking and Access

1. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority before the occupation of any flat. For the avoidance of doubt the developer shall provide 15No. car parking spaces and covered parking for 10 bicycles as shown on the approved plan (P110 Rev. D) The car parking shall have lockable access bollards or other security feature, to maintain their use as private parking spaces, as may be agreed in writing by the Planning Authority.

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

2. The existing access to the east side of the building shall have been permanently stopped up for vehicle movement prior to the occupation of the first flat. For the avoidance of doubt the developer shall provide written and plan details of the means of stopping up of the access prior to the commencement of development. The approved details shall be implemented by the developer and maintained in perpetuity at their expense.

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

Design and Amenity

3. No flat shall be occupied until the amenity area to the rear of the building as shown on the Site Plan (Drawing No. P110 Rev D) has been completed to the satisfaction of the Planning Authority.

Reason : In the interests of amenity and for the avoidance of doubt.

4. No development on the site shall take place before details of the materials, finishes and colours of the alterations to the existing building, including samples where required, have been submitted to and approved in writing by the Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason : In the interests of amenity.

5. Hours of construction in relation to any works audible at the site boundary shall be limited to 8.00am - 6.00pm Monday - Friday, 8.00am - 1.00pm Saturday, and not at all on Sunday.

Reason : In order to safeguard the established residential amenity of adjoining properties.

6. No flat shall be occupied until flood barriers or other suitable flood prevention measure have been installed on all external doors and any other opening at ground floor level to the satisfaction of the Planning Authority. Once implemented these shall be maintained in perpetuity.

Reason : In the interests of flood prevention.

7. No development shall commence until the developer has submitted written and plan detail of a communal satellite dish or other suitable communal digital television/radio reception measures for the flats for the written approval of the Planning Authority. The approved details shall be implemented by the developer prior to the occupation of any flat. For the avoidance of doubt there shall be no individual satellite dishes or television/radio aerials attached to the external walls or roof of the building.

Reason : In the interests of visual amenity.

C **Informatives**

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred-to are attached to this consent for your convenience.

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

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 (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Signature:

Designation: Area Planning & Building Standards Manager North

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Site Plan (P110 Rev D)

Plan 2 – Downtakings (P106)

Plan 3 – Elevations (Proposed) (P105)

Plan 4- Ground Floor Plan Proposed (P103 Rev C)

Plan 5 – First Floor Plans (P104)

Appendix – Letters of Representation

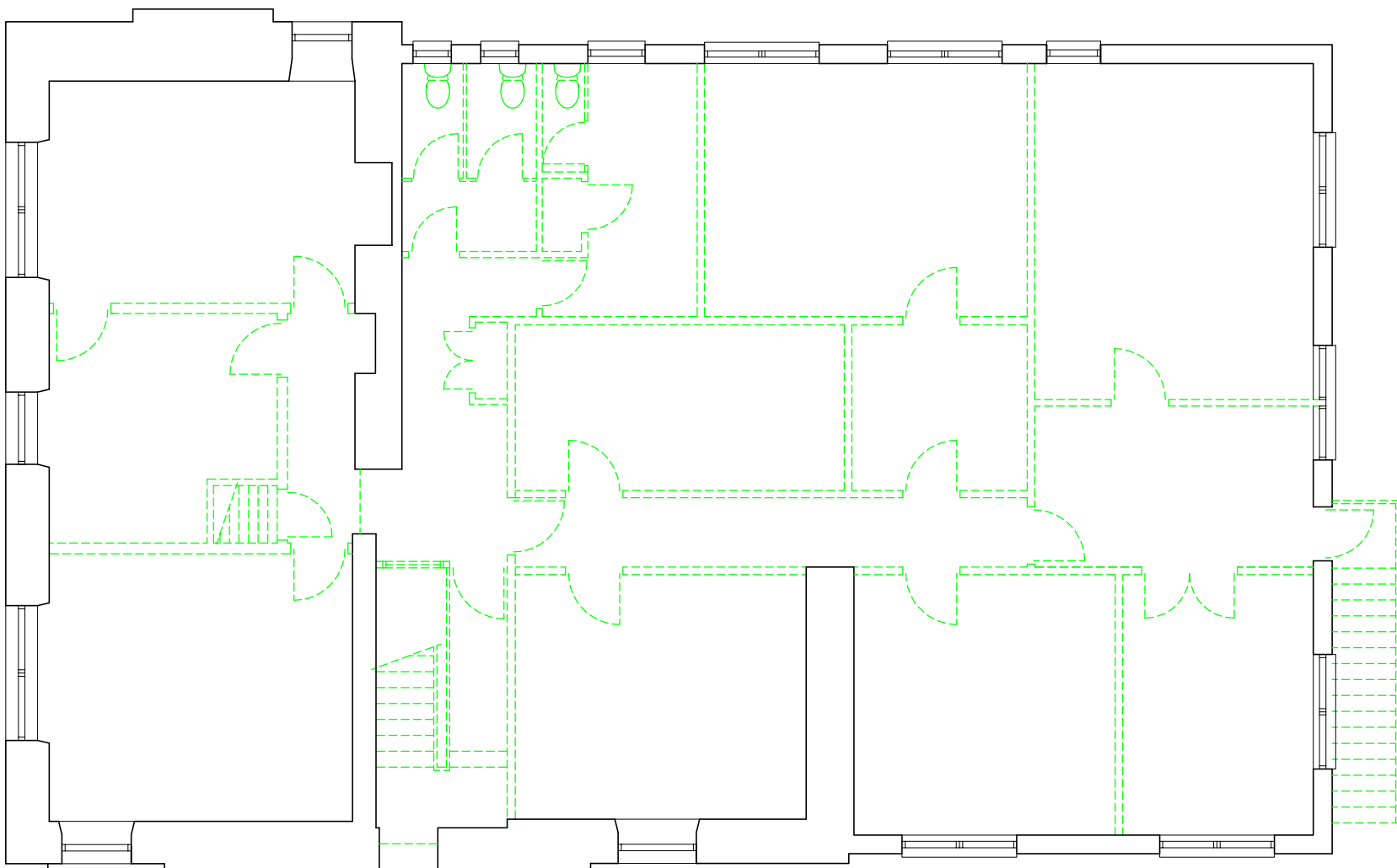
Name	Address	Date Received	For/Against
Mr John Mackay	17 Seaforth Road, Golspie, KW10 6TJ	11/05/2011	For
Mr & Mrs I & K Miller	Seaview , Main Street ,Golspie , KW10 6RA	03/06/2011	Against
Mrs I MacDonald	Rosedene , Main Street , Golspie , KW10 6RA	18/04/2011	Against
Ken Melville	New House , Next To Seaview , Main Street , Golspie	03/06/2011	Against
Mr Munro MacLeod	Burn Cottage , Main Street , Golspie , KW10 6RA	02/06/2011	Against
J C And V E Melville	Morven , Main Street, Golspie, KW10 6RH	15/04/2011	Against
Mrs Juna Sutherland	4 Alastair Road, Golspie, KW10 6SW	16/04/2011	Against
Mr George Beaton	c/o Miller, Seaview Main Street, Golspie, KW10 6RA	13/04/2011	Against
L Sutherland	3 Kinghorn Court, Golspie, KW10 6SJ	05/05/2011	Against
Mr Michael Baddon	Lindsay & Co, Main Street, Golspie,Sutherland, KW10 6RA	15/04/2011	Against
Mr C Ritchie	Bank House, Main Street, Golspie, Sutherland, KW10 6RA	15/04/2011	Against
Mr & Mrs I Melville	Seacrest, Main Street, Golspie, Sutherland, KW10 6RA	03/06/2011	Against
Mr & Mrs D Jack	Haven, Main Street, Golspie, Sutherland, KW10 6RA	03/06/2011	Against
Mr & Mrs J MacLeod	Nexden, Back Road, Golspie, Sutherland, KW10 6TU	03/06/2011	Against
Mr A Keating	Helensville, Main Street, Golspie, Sutherland, KW10 6RA	02/06/2011	Against
Miss Alison Cameron	Northern Times, Main Street, Golspie, KW10 6RA	16/05/2011	Against
Mr & Mrs J Melville	5 Seaforth Road, Golspie, KW10 6TJ	16/04/2011	Against
Mr & Mrs AG Melville	Golspie Tower, Golspie, KW10 6SE	16/04/2011	Against
Mr Kenneth Melville	Per Keppie Design, 160 West Regent Street, Glasgow, G2 4RL	14/04/2011	Against
Mr & Mrs Brian & Coleen Sutherland	Kilbreck, Main Street, Golspie, KW10 6RA	01/06/2011	Against



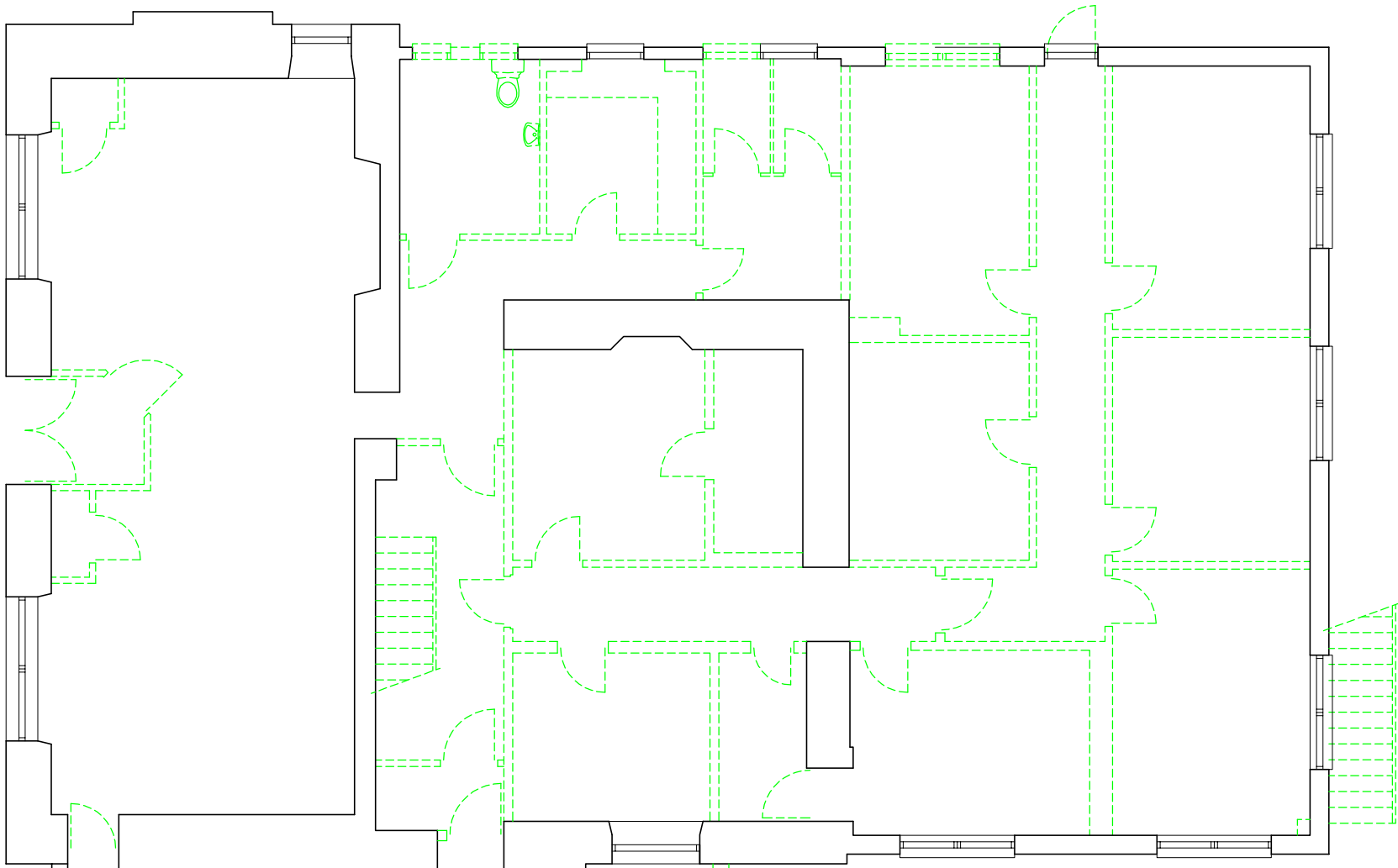
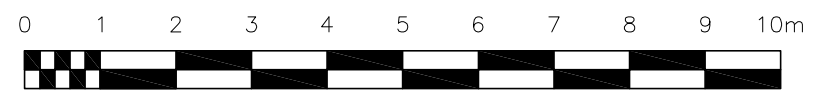
11/00968/FUL
 Conversion of offices to 7 no flats at
 Highland Council Offices, Mian Street, Golspie.

Mr & Mrs J Smeink
 Per Colin Armstrong Associates
 Lyle House
 Pavillion 1
 Fairways Business Park
 Inverness
 IV2 6AA

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FIRST FLOOR PLAN (DOWNTAKINGS)



GROUND FLOOR PLAN (DOWNTAKINGS)

Client Mr + Mrs. J. Smienk	Drawing Title DOWNTAKINGS (GF+FF)		
Project Former Highland Council Regional Building Main Street, Golspie.	Scale 1:100@A3	Date MAR'11	CAD File No. .
	Job Number 1172	Drwg. No. P106	Revision

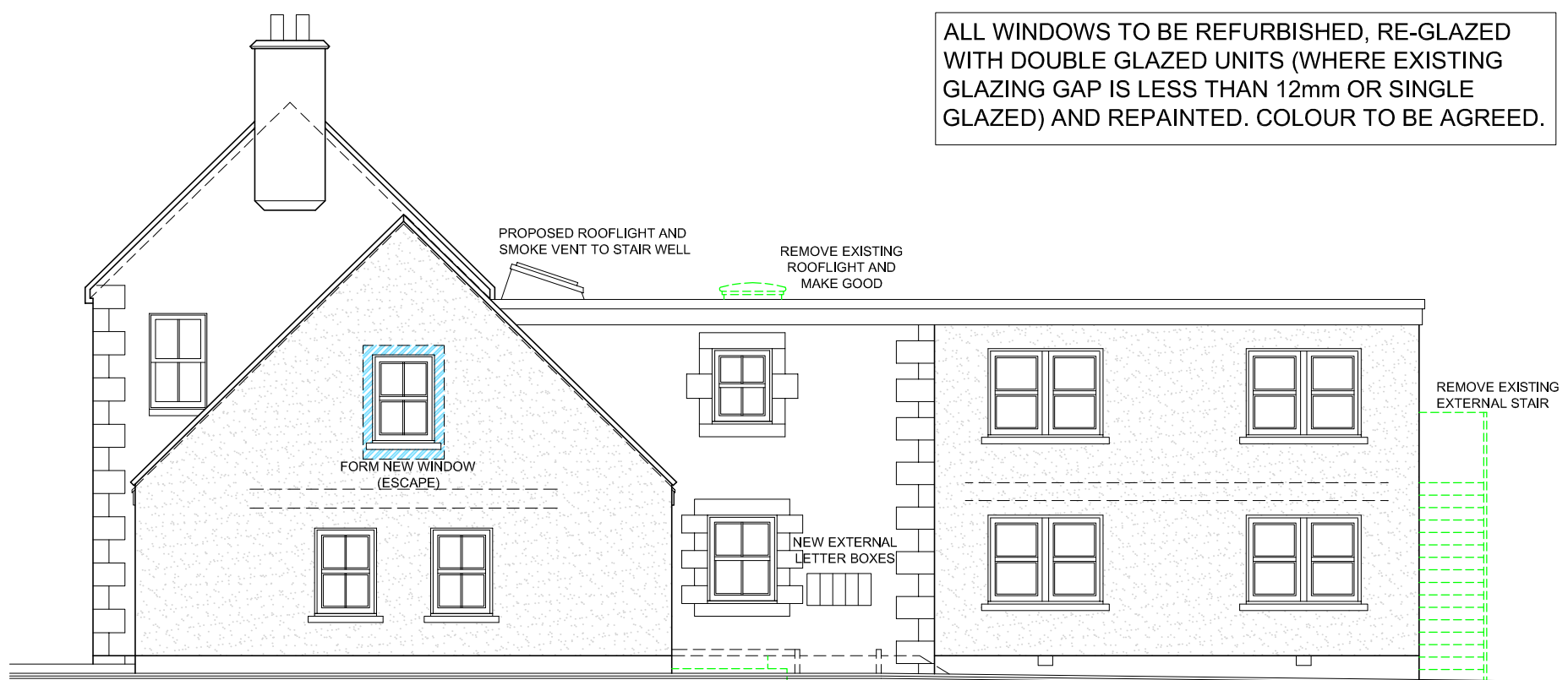
COLIN ARMSTRONG ASSOCIATES
Chartered Architects



NORTH-WEST ELEVATION

EXISTING ROOFLIGHTS REFURBISHED
 NEW DOOR WITH LETTER BOX AND SIDELIGHTS IN EXISTING OPENING (TOUGHENED GLASS)

ALL WINDOWS TO BE REFURBISHED, RE-GLAZED WITH DOUBLE GLAZED UNITS (WHERE EXISTING GLAZING GAP IS LESS THAN 12mm OR SINGLE GLAZED) AND REPAINTED. COLOUR TO BE AGREED.



SOUTH-WEST ELEVATION

PROPOSED COMMUNAL ACCESS RAMP AND PLATT

ALL WINDOWS ON N.E. ELEVATION REPLACED WITH TIMBER FRAMED DOUBLE GLAZED UNITS

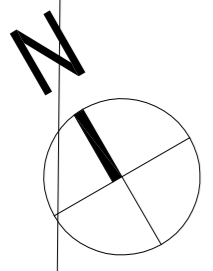


NORTH-EAST ELEVATION

Client Mr + Mrs. J. Smienk
Project Former Highland Council Regional Building Main Street, Golspie.

COLIN ARMSTRONG ASSOCIATES
 Chartered Architects

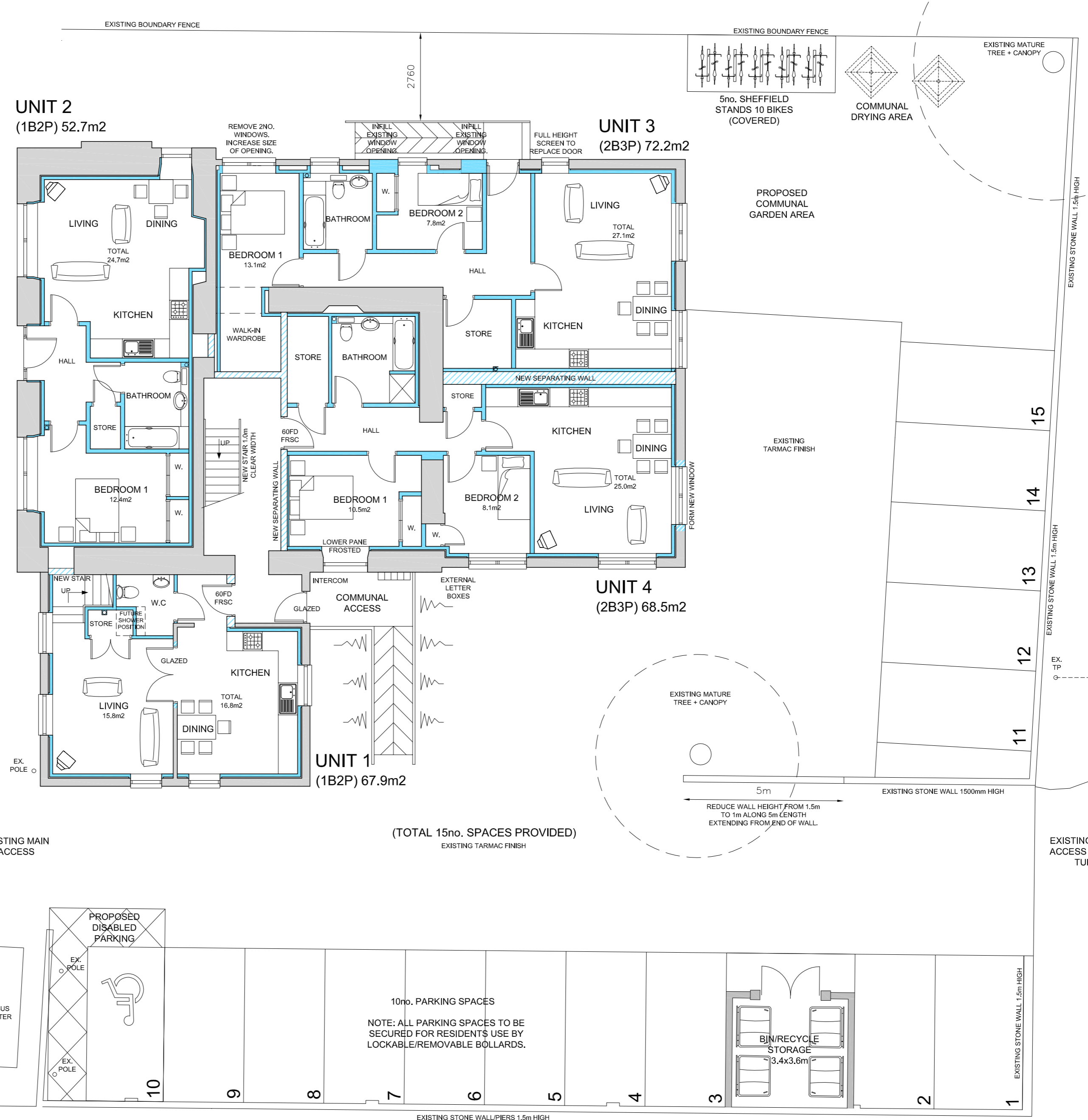
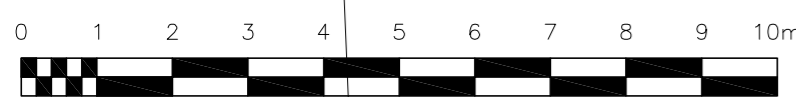
Drawing Title ELEVATIONS (PROPOSED)		
Scale 1:100@A3	Date FEB'11	CAD File No.
Job Number 1172	Drwg. No. P105	Revision



TO BRORA

MAIN STREET (A9)

TO DORNOCH



(TOTAL 15no. SPACES PROVIDED)
EXISTING TARMAc FINISH

10no. PARKING SPACES
NOTE: ALL PARKING SPACES TO BE SECURED FOR RESIDENTS USE BY LOCKABLE/REMOVABLE BOLLARDS.

COLIN ARMSTRONG ASSOCIATES
Chartered Architects

Drawing Title
GROUND FLOOR PLAN (PROPOSED)

Scale 1:100@A2	Date FEB'11	CAD File No.
Job Number 1172	Drwg. No. P103	Revision C

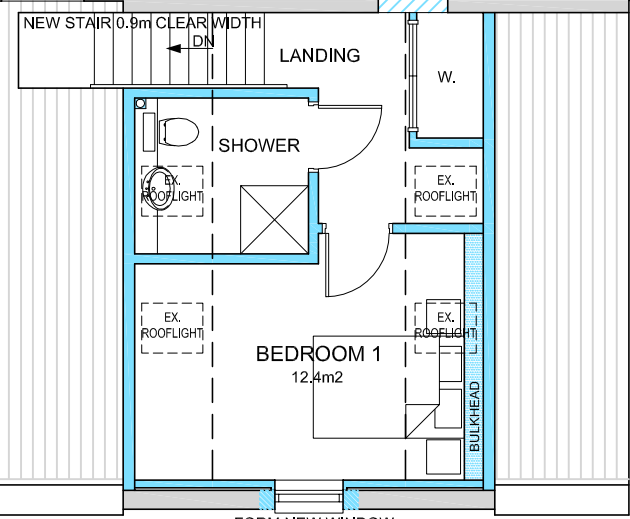
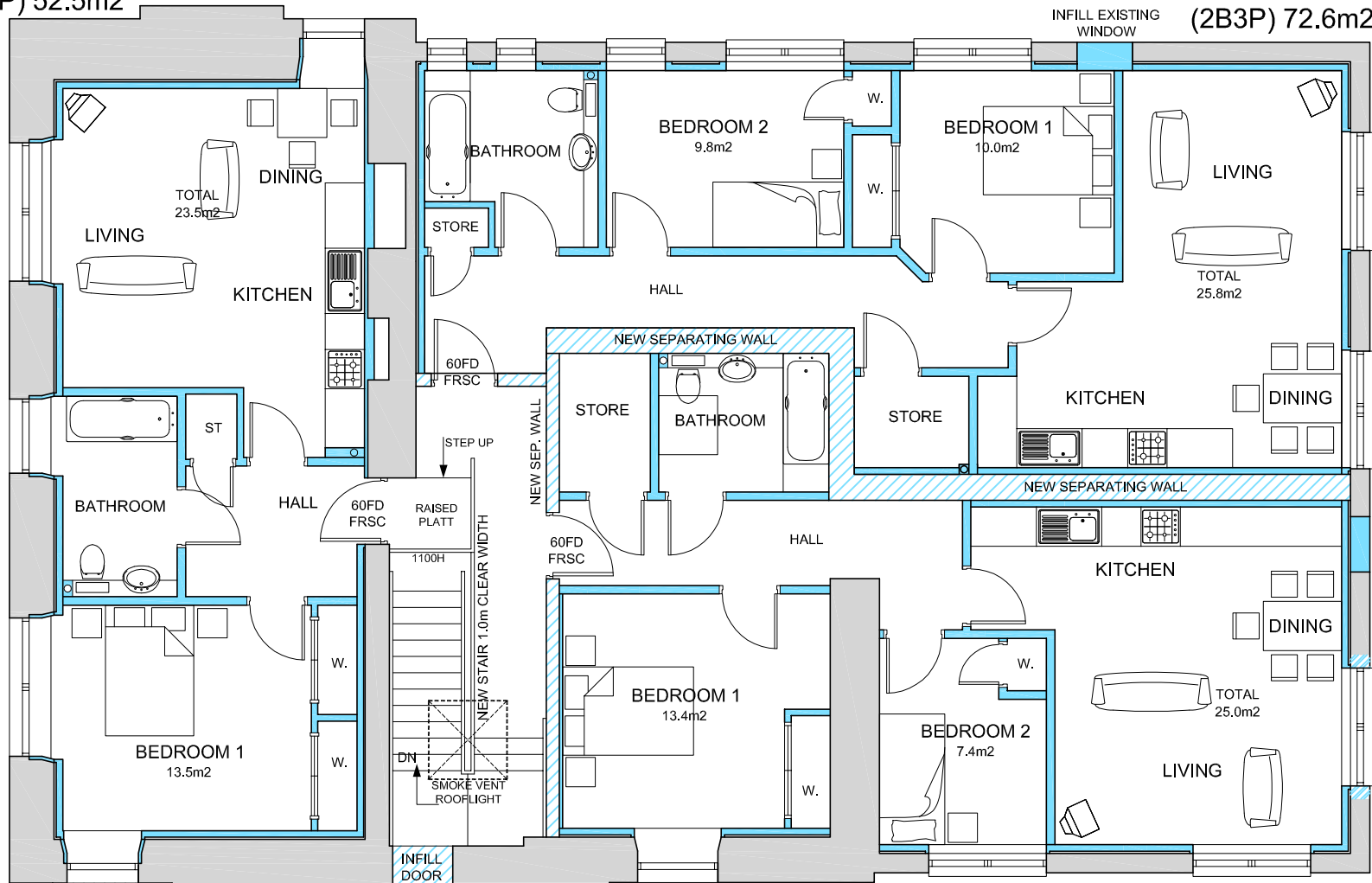
REV A: ALTS TO SATISFY PLANNING 11.05.11
REV B: GARDEN AREA REQUEST: PLANNING 17.05.11
REV C: ALTERATIONS TO PARKING/BINS 08.07.11

Client
Mr + Mrs. J. Smienk

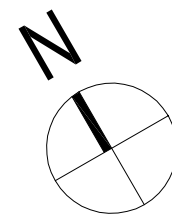
Project
**Former Highland Council Regional Building
Main Street, Golspie.**

UNIT 5
(1B2P) 52.5m²

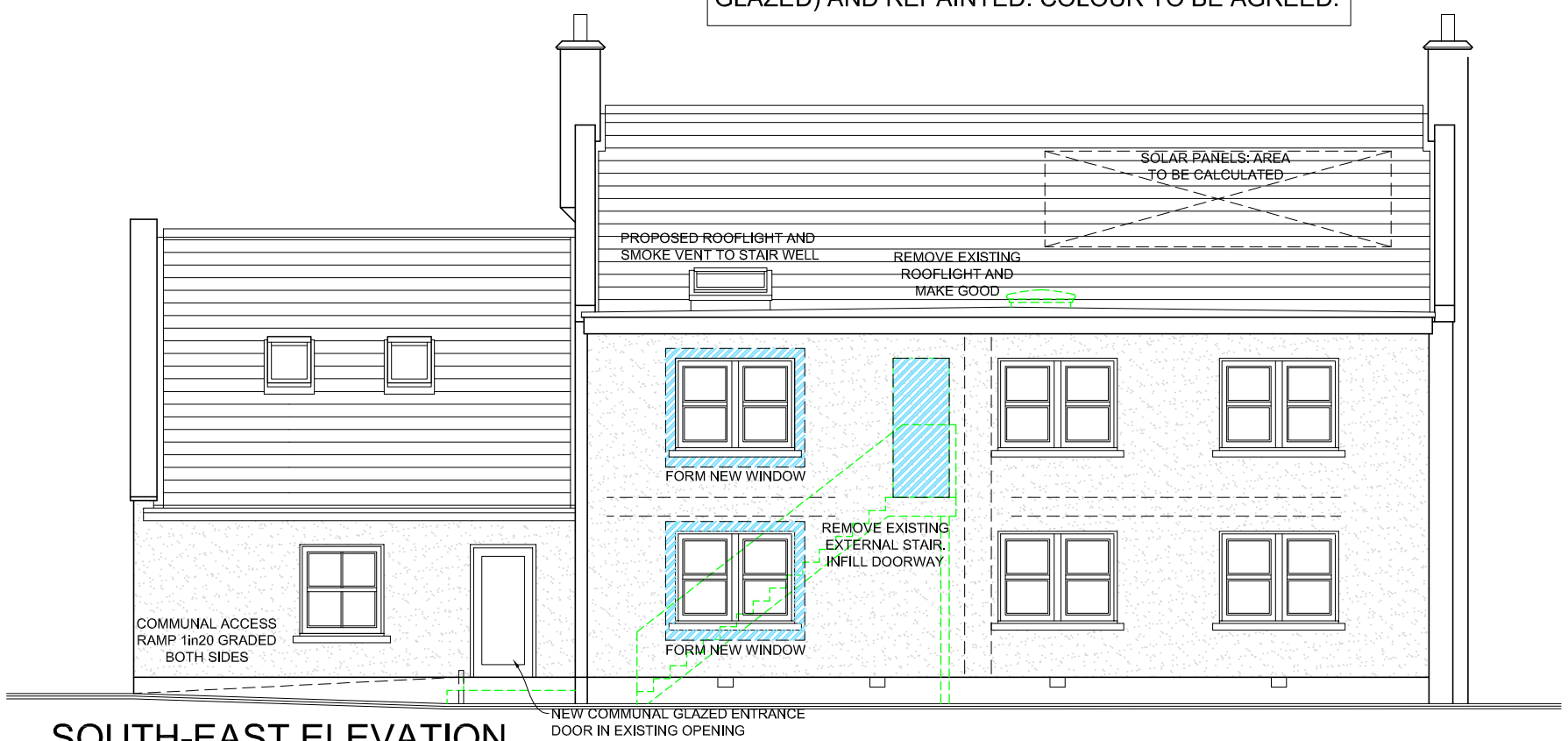
UNIT 6
(2B3P) 72.6m²



UNIT 1
(1B2P) 67.9m²



ALL WINDOWS TO BE REFURBISHED, RE-GLAZED WITH DOUBLE GLAZED UNITS (WHERE EXISTING GLAZING GAP IS LESS THAN 12mm OR SINGLE GLAZED) AND REPAINTED. COLOUR TO BE AGREED.



SOUTH-EAST ELEVATION

Client
Mr + Mrs. J. Smienk

Project
**Former Highland Council Regional Building
Main Street, Golspie.**

COLIN ARMSTRONG ASSOCIATES
Chartered Architects

Drawing Title FIRST FLOOR (PROPOSED)		
Scale 1:100@A3	Date FEB'11	CAD File No.
Job Number 1172	Drwg. No. P104	Revision