The Highland Council

North Area Planning Applications Committee 27 October 2015

Agenda Item	5.3
Report No	PLN/059/15

15/02637/FUL: Lochalsh and Skye Housing Association Former Mace Shop, Station Road, Kyle of Lochalsh

Report by Area Planning Manager

Summary

Description: Demolition of retail unit and erection of flatted development (comprising

12 flats) with 3 retail units to ground floor and formation of additional

parking accessed via Douglas Row

Recommendation - GRANT

Ward: 06 - Wester Ross, Strathpeffer And Lochalsh

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: Number of objections.

1. Proposed Development

- 1.1 This application seeks full planning permission for the erection of a building on Main Street in Kyle of Lochalsh providing 3 shop units at ground floor level, with 12 one bedroom flats on the two floors above. Twelve car parking spaces would be provided on a separate area of land at Douglas Row.
- 1.2 Extensive pre-application discussions were held with the applicant.
- 1.4 A Design Statement has been submitted in support of the application.
- 1.5 **Variations**: Revised drawings have been submitted which provide heights relative to Ordnance Datum and which revise the rear elevation and floor plans (drng nos. (Rt18)300 Rev.D, (Rt18)301 Rev.B, and (Rt18)100 Rev.A). In addition a revised perspective drawing (Rt18)302 Rev.A and revised car park layout and location plans (1465-001(1) Rev.B, 1465-001(2) Rev.B, 1465-001(3) Rev.C, 107263 have been submitted. In addition a photomontage (SP(Rt1)300 has been submitted as supporting information.

2. Site Description

2.1 The site comprises two separate parcels of land. The first of these accommodates the proposed building on a gap site and adjacent land currently occupied by an existing vacant shop. This is a prominent derelict site in the centre of Kyle which detracts from the amenity of the village. The second area of land is the existing Swimming Pool car park which lies some 125m to the north. This car park currently provides 35 spaces. The application proposes the reconfiguration of the existing layout to provide a further 12 spaces.

3. Planning History

3.1 Planning consent was granted by Committee in March 2004 for the redevelopment of the existing shop to provide a retail unit at ground floor level with a two bedroom flat above (ref. 04/00022/FULSL). Committee then granted a further consent on the adjacent gap site in August 2006 for the erection of a shop at ground floor level with 6 flats on two floors above (ref. 05/00569/FULSL). Although these consents have expired they do still represent important material considerations in the assessment of the current application.

4. Public Participation

4.1 Advertised: The application was advertised for a period of 14 days on the basis that the ownership of neighbouring land was not known.

Representation deadline: 28.08.2015

Timeous representations: 15 objections from 15 different businesses and

households and two general comments – one from the Community Council and one from the manager of

the Swimming Pool.

Late representations: Two supportive comments from two separate

organisations.

- 4.2 Material considerations raised are summarised as follows:
 - Additional parking at Swimming Pool may exacerbate an existing issue of patrons parking at Pool entrance.
 - Loss of light to northern elevation of adjacent Gateway building.
 - Height of building and architectural style not in keeping with properties on opposite side of Main Street and rural fishing village setting.
 - Tenants will seek to park closer than Douglas Row to the detriment of local businesses and existing residents.
 - Overdevelopment of site.
 - Loss of open aspect from Pioneer House.
 - Road safety issue arising from increase in vehicles turning right at junction of A87 and Main Street.
 - Submitted images underplay scale of development.
 - Loss of light at ground floor doorway to adjacent first floor shop in Hydro Electric building and to the upper floor of the Gateway building.

- Lack of service bay for proposed shops.
- Window to window distance between Gateway building and proposed flats below any reasonable standard of amenity.
- Commercial viability of Gateway upper floor and ground floor retail unit on north elevation would be compromised beyond acceptable limits.
- Existing right of access to Gateway building affected.
- Access concerns to existing Network Rail facilities, but accept that this could be safeguarded by condition.
- Neighbour Notification not provided to owner of Gateway building.
- Adverse impact on existing servicing of Gateway building.
- Proposal is a chance to bring about much needed positive change in the village.
- 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 **Transport Planning**: No objection, although query refuse collection arrangements
- 5.2 **Building Standards**: No response
- 5.3 **Housing**: No objection, supportive on basis of much needed affordable housing
- 5.4 **Transport Scotland**: No objection, subject to condition requiring a safe pedestrian route on trunk road footway to be maintained during construction
- 5.5 **Skye and Lochalsh Access Panel**: No objection, but various comments/recommendations regarding disabled access.
- 5.6 **Scottish Water**: No response
- 5.7 **Kyle Community Council**: No objection, but express concern that residents of new flats will seek to park in Main Street.

6. Development Plan Policy

28

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

20	Sustainable Design
29	Design Quality and Place-making
32	Affordable Housing
34	Settlement Development Areas

Sustainable Design

6.2 West Highlands and Islands Local Plan (as continued in force, 2012).

Policies 1 and 2. The site is within the Settlement Development Area and is allocated (MU2) for a mix of affordable housing, business and retail, with a high quality design and an off-site parking contribution required.

7. Other Material Considerations

7.1 **Draft Development Plan**

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

Not applicable

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 application site falls within the Kyle of Lochalsh Settlement Development Area, so Policy 1 of the West Highlands and Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands and Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

Policy 32 of the Highland Wide Local Development Plan states that all proposals involving four or more houses shall be expected to provide no less than 25% of the total provision as affordable housing.

8.4 Material Considerations

Design

As noted above, this derelict site occupies a prominent position within the centre of Kyle. The design utilises a contemporary approach which seeks to exploit the key urban design opportunity provided by the junction of Main Street and the A87 through a curved corner feature. The building is 3 storey with three retail units on the ground floor and twelve, one bedroom flats on the two storeys above. The mass of the building has been broken up by the use of an indented frontage along Main Street and contrasting cladding materials of white and grey render as well as weatherboard panels in two different colours. It is considered that the proposed design greatly enhances the local streetscape and is a considerable improvement upon the previous consents granted on the site. While the design is contemporary, it is considered that it would not look out of place within its local context, which has a wide range of architectural styles.

Objectors question whether the height of the proposed building is appropriate in relation to neighbouring buildings, and also question the accuracy of the height information presented in the submitted drawings. Revised drawings have been submitted which relate the various existing and proposed heights relative to Ordnance Datum, rather than relative to street level as originally submitted. The height of the proposed building is lower than Pioneer House, and only slightly higher than the Bank of Scotland building – both of which are on the opposite side of Main Street. It should also be noted that the proposed building is very similar in height to the structure approved by application 05/00569/FULSL. It is therefore considered that the height of the building would be appropriate to its location.

Objectors also raise the issue of whether the proposals would represent overdevelopment of the Main Street site. The previous approvals would have provided two shop units at ground floor and a total of seven flats above, compared with the three shop units and 12 flats now being proposed. In common with this application, the previous approvals provided no on-site car parking (nor did they provide any additional off-site parking), but did provide a service bay - which the current scheme does not. In addition, the previous approvals presented blank elevations to the Gateway building, whereas this application has windows of 6 flats facing the Gateway.

The proposed flats have no amenity ground. However, this is not unusual for flats in urban situations. Within Kyle the flats in Pioneer House and those on the site of the former Doctors' Surgery also lack any amenity space.

The applicant was asked to explain why it is necessary to have 12 flats and has provided a letter which shows that the scheme depends on grant aid from the Scottish Government, and that a reduction in the number of flats would result in the scheme being too far in excess of the relevant grant threshold.

A reduction in the number of flats would produce a better scheme by allowing more scope to improve the amenity of the flats at the rear of the building which suffer from a lack of outlook – particularly those on the first floor. However, this must be balanced against the pressing need to regenerate this important site within the centre of the village, which has lain derelict for many years. In addition, the advice from Housing that there is a great need for new affordable housing provision in the local area is an important consideration. The applicant's evidence in respect of

viability should also be taken into account. It should also be noted that the rear elevation has been amended so that there is no longer a direct view between the bedrooms of the rear flats and the windows of the Gateway.

Neighbour Amenity

The agent has provided an analysis of the effect of the proposed building on the amount of sunlight and daylight reaching the windows of the Gateway building. This analysis concludes there would be no effect on the windows on the south elevation of the Gateway, but that the new building would shadow all but the two most southerly windows on this neighbouring building's northern aspect.

Objectors claim that the loss of sunlight/daylight to the northern aspect of the Gateway building would seriously compromise the viability of the upper floor restaurant and the retail unit on the ground floor of the northern elevation. A similar claim is made in relation to the shop on the upper floor of the Hydro-Electric building to the north of the site - although only the entrance door to this shop, rather than its windows, would be shadowed. However, many retail and restaurant operations operate successfully in situations where there is no natural light whatsoever - such as during the hours of darkness, as well as in shopping malls.

As noted in the report to Committee in respect of application 05/00569/FULSL there would undoubtedly be a significant impact on the Gateway building. However, the northern elevation of this building was not designed to take advantage of any frontage outlook. Although the Gateway has enjoyed uninterrupted views for many years - albeit across an unattractive gap site - there is no entitlement to these views. The same comment applies to the Pioneer House building on the opposite side of Main Street. It is acknowledged that the outlook from windows on the northern elevation of the Gateway building will be significantly diminished. However, the weight given to this issue is tempered by the fact that these windows are onto non-habitable rooms in association with a commercial use. As before, it is considered that the loss of amenity to the Gateway building is outweighed by the benefits of providing a building of appropriate scale and design on the application site.

Access and Parking

Transport Planning state that the Council, as Roads Authority, has agreed in principle that the parking strategy proposed can be supported - subject to it being clearly demonstrated that 12 additional parking bays will be provided at the existing Douglas Row car park. The car park drawings originally submitted showed a reconfiguration of the existing car park utilising additional land in the ownership of both the applicant and the Council. In response to concerns expressed by Transport Planning that the additional land in Council ownership is a steep bank below Main Street which would require a retaining structure to accommodate part of the proposed reconfiguration, revised drawings were submitted which avoid this bank. Transport Planning state that this revised arrangement is acceptable.

Any additional parking on the road adjacent to the Swimming Pool entrance would be a management issue for this facility.

Transport Planning query whether any agreement has been reached with Network Rail over the retention of the four spaces they lease from the Council in the reconfigured layout. However, it is clear that Network Rail are satisfied on this

point, subject to conditions which protect their existing access arrangements to the railway, and which require the agreement on the location and demarcation of their four parking spaces. Conditions to this effect can be applied.

The application does not propose any dedicated servicing arrangement for the three shop units. However, none of the existing shops on Main Street have any dedicated service bays, and neither Transport Planning nor Transport Scotland have made any objection on this point. Additional traffic turning right from the A87 onto Main Street, as raised by an objector, has not been identified by either Transport Planning or Transport Scotland as a concern.

Following comments from Transport Planning a revised floor plan has been received which shows covered storage for 12 bicycles. This revised plan also shows covered storage provision for domestic and commercial refuse bins. Transport Planning note that large euro style bins are proposed in order to minimise disruption, but state that they are not clear how this arrangement will operate in practice. If necessary, space could be taken from shop units 1 and 2 to provide standard sized wheelie bins for the residents of the flats instead of the 6 larger euro bins proposed. A condition can therefore be applied requiring further details of refuse storage and collection arrangements.

The site is easily accessible by public transport given its proximity to the Kyle Railway Station (some 100m) and the Bus Stops for Glasgow, Inverness and local destinations (some 60m).

Transport Scotland have no objection, but ask for a condition which requires a safe pedestrian route on the trunk road footway to be maintained during construction. This is a matter which is controlled by other legislation, but a footnote pertaining to this matter can be applied instead.

Existing servicing arrangements across the gap site to the Gateway building would be affected, but as this site is not in the ownership of the Gateway this is something which could occur irrespective of the current proposals proceeding.

Affordable Housing

Policy 32 of the HwLDP states that proposals which include affordable housing should be carefully designed to fully integrate the affordable housing element as part of the overall development of the site. In this case all of the 12 flats are to be affordable units, and a condition can be applied to provide the necessary safeguards in this respect.

Neighbour Notification

A neighbour notification was sent to the Gateway building on 5th August. The building has been unoccupied for some time, and this perhaps explains why the owner did not receive the notification.

8.5 Other Considerations – not material

The location of existing wastewater / sewage pipes and the responsibility for reinstatement of a third party wall have been raised by objectors, but these are not material planning considerations and would represent a civil matter between the affected parties.

Objectors have also claimed that the gap site has been used for access to the rear of the Gateway for over 40 years and that this represents an established right of physical access which calls into question whether the development can ever be constructed. It is considered that this would be a civil matter which does not prevent the granting of planning consent.

8.6 Matters to be secured by Section 75 Agreement

Not applicable

9. Conclusion

- 9.1 The key issue in this case is considered to be whether the proposal represents overdevelopment of the site at the corner of Main Street and the A87. While there is some concern in this respect it is considered that, on balance, consent should be granted because of the overall benefit which would arise from the regeneration of a long neglected and derelict site within the heart of Kyle which would provide much needed affordable housing.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. Recommendation

Action required before decision issued N

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

- No development shall commence on site until a scheme for the provision of, or contribution towards, on-site affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing Supplementary Planning Guidance dated August 2008 (as amended, revoked or replaced; with or without modification)) as part of the development hereby approved has been submitted to, and approved in writing, by the Planning Authority. The scheme shall include:
 - the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 25% of the total number of housing units proposed within the application site;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the management of the affordable housing;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Thereafter, the affordable housing shall be provided in accordance with the approved scheme.

Reason: To ensure that affordable housing is provided as part of the development, in order to reflect the need for the affordable housing within the area, alongside market housing, which has been established through the Council's Affordable Housing Supplementary Planning Guidance.

2. No development shall commence until a scheme for the storage and emptying of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage and emptying of communal waste and recycling bins.

3. Network Rail's access to its site office, lineside access gate and leased car parking must be kept clear during and after any construction activities carried out in relation to the proposal, unless otherwise agreed in writing by the Planning Authority in consultation with Network Rail.

Reason: To protect Network Rail's access to railway infrastructure and site office.

4. The development shall not be occupied until the location of the four leased parking spaces has been agreed in writing by the Planning Authority in consultation with Network Rail.

Reason: To protect Network Rail's access to railway infrastructure and site office.

5. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider this matter in detail prior to the commencement of development; in the interests of amenity.

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.

Time Limits

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm

Mud and Debris on Road

Please note that it 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.

Maintenance of a Safe Pedestrian Footway

The existing footways along the northern side of Station road and the eastern side of Main Street must be retained and made safe for pedestrians during the construction phase of the development.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Graham Sharp

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

Relevant Plans: Plan 1 – Location Plan

Plan 2 – Location Plan 1465-001(1) Rev.B

Plan 3 – Site Layout Plan 1465-001(2) Rev.B

Plan 4 – Car Park Layout Plan 1465-001(3) Rev.C

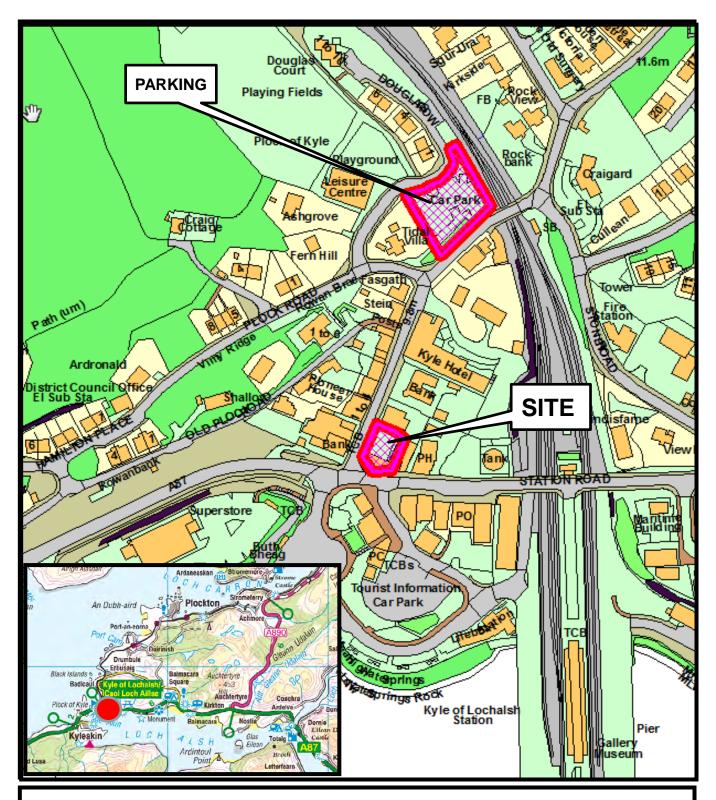
Plan 5 - Proposed Floor Plan (Rt18)100 Rev.A

Plan 6 - Proposed Elevation Plan (Rt18)300 Rev.D

Plan 7 - Proposed Elevation Plan (Rt18)301 Rev.B

Plan 8 – Perspective Drawing (Rt18)302 Rev.A

Plan 9 – Photo Montage SP(Rt1)300



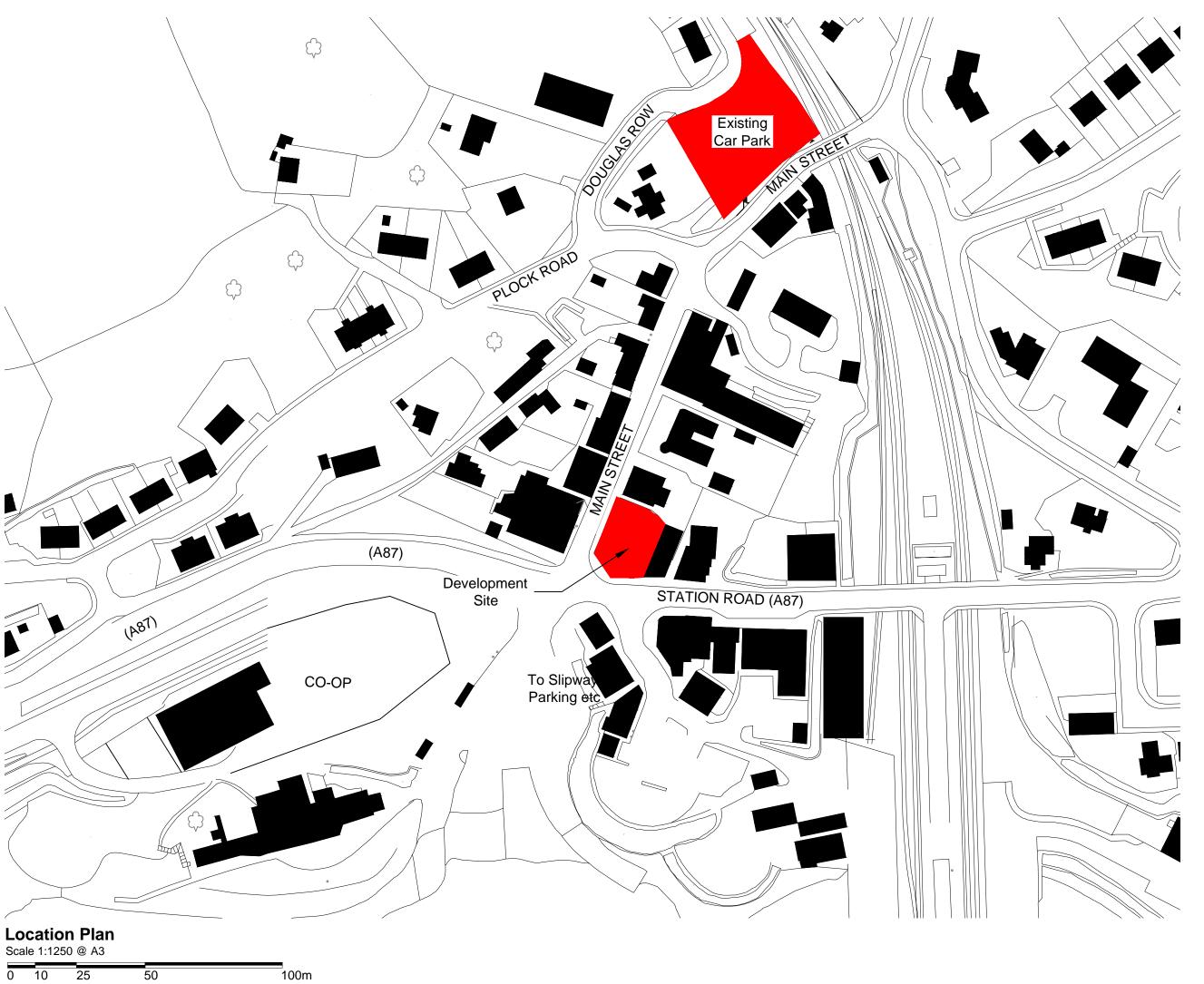


Planning & Development Service

15/02637/FUL

Erection of 12 flats and 3 retail units at Former Mace Shop, Station Road, Kyle









Lyle House, Fairways Business Park, Inverness IV2 6AA

T: 01463 712 288 W: www.colinarmstrong.com







Compass Building & Construction Services

Proposed Development Comprising 12No. Flats & 3No. Retail Units

Main Street, Kyle of Lochalsh

r roject number	1400
Drwg No.	001(1)

Location Plan

Project status	PLANNING
Date created	June '15

Drawn by			СР
Sheet	Scale	Rev.	

1:1250



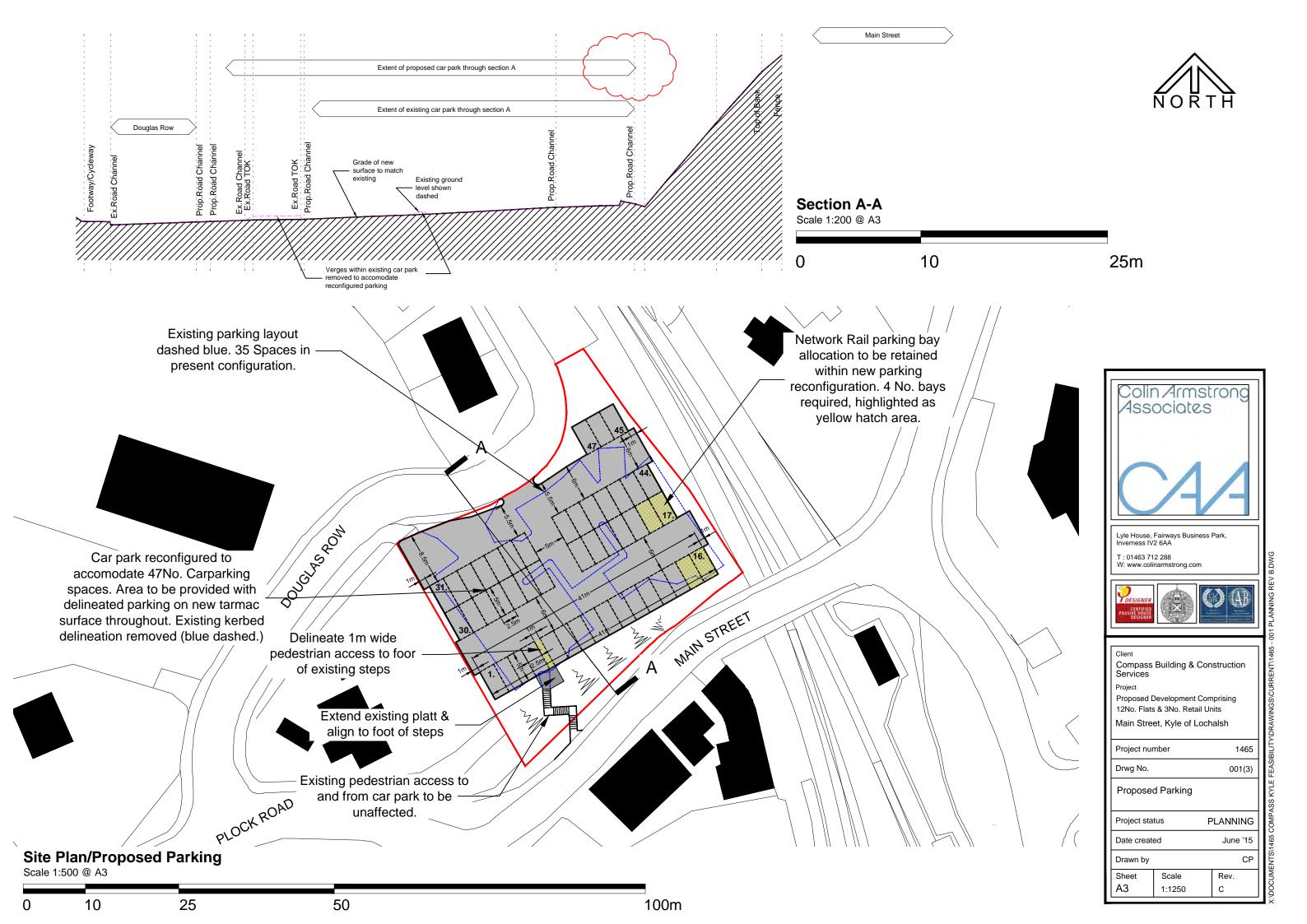
NORTH

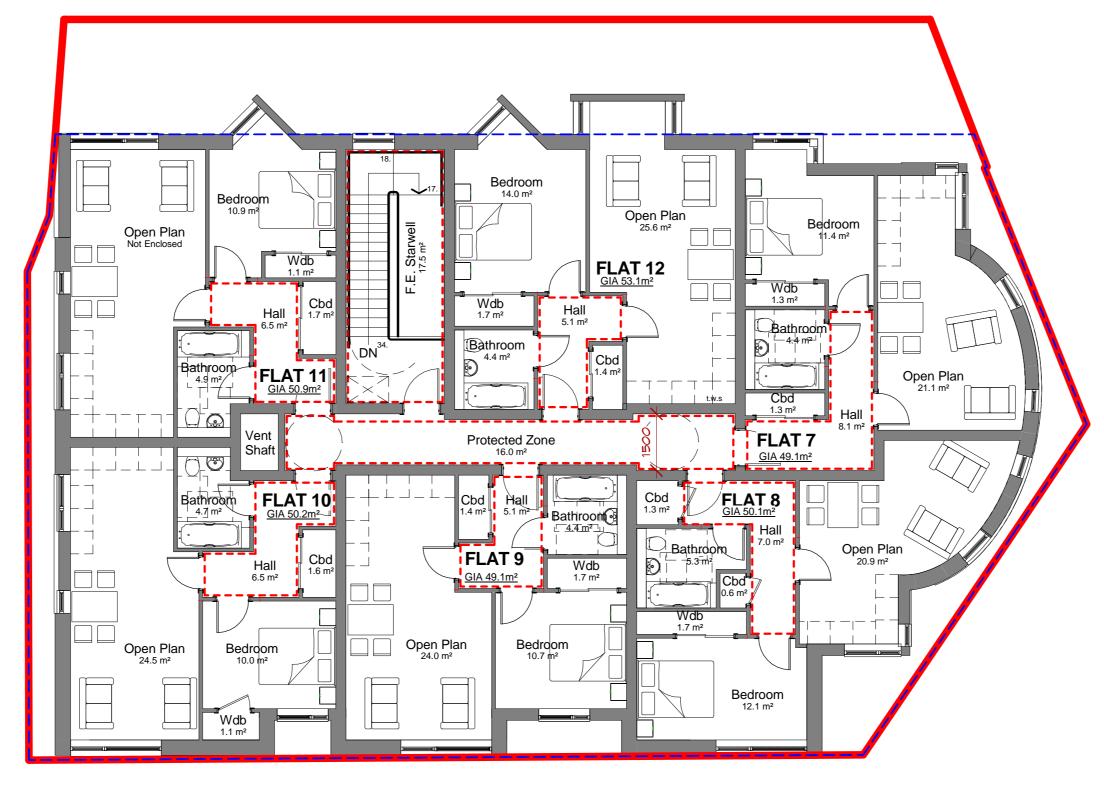
PLOCKROAD

STATION ROAD (A87)



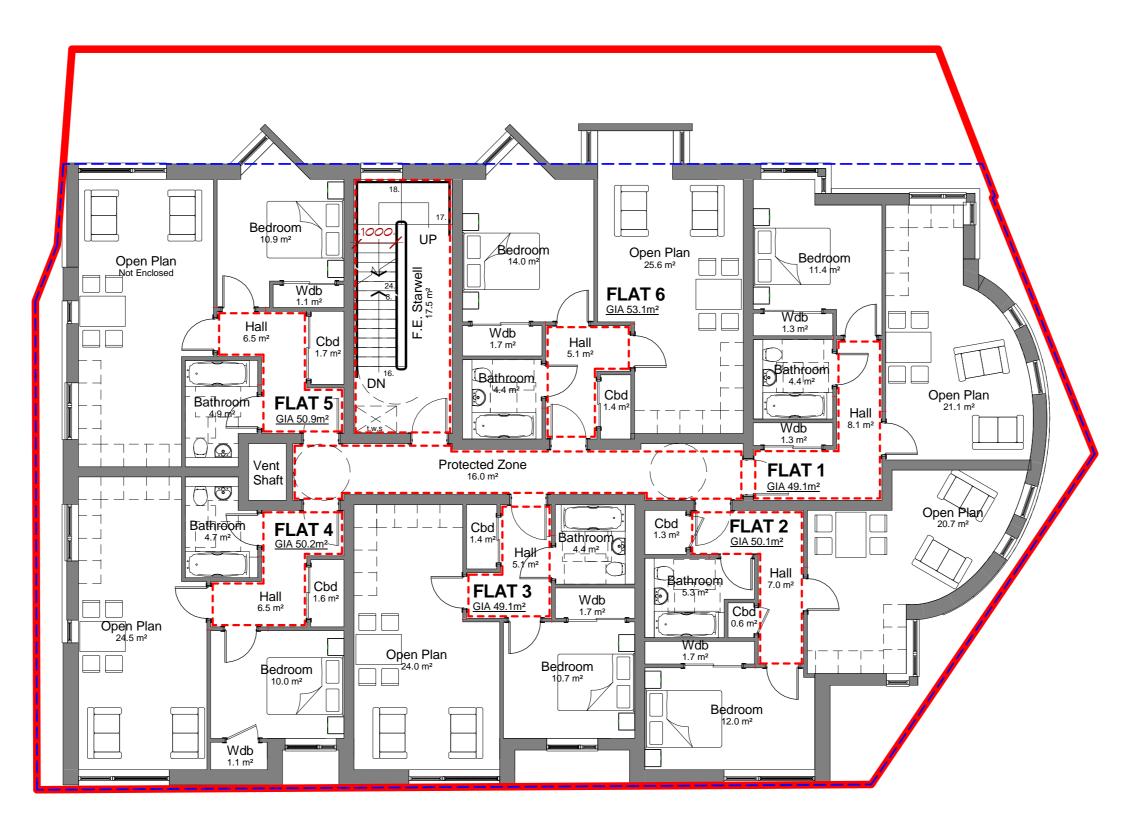






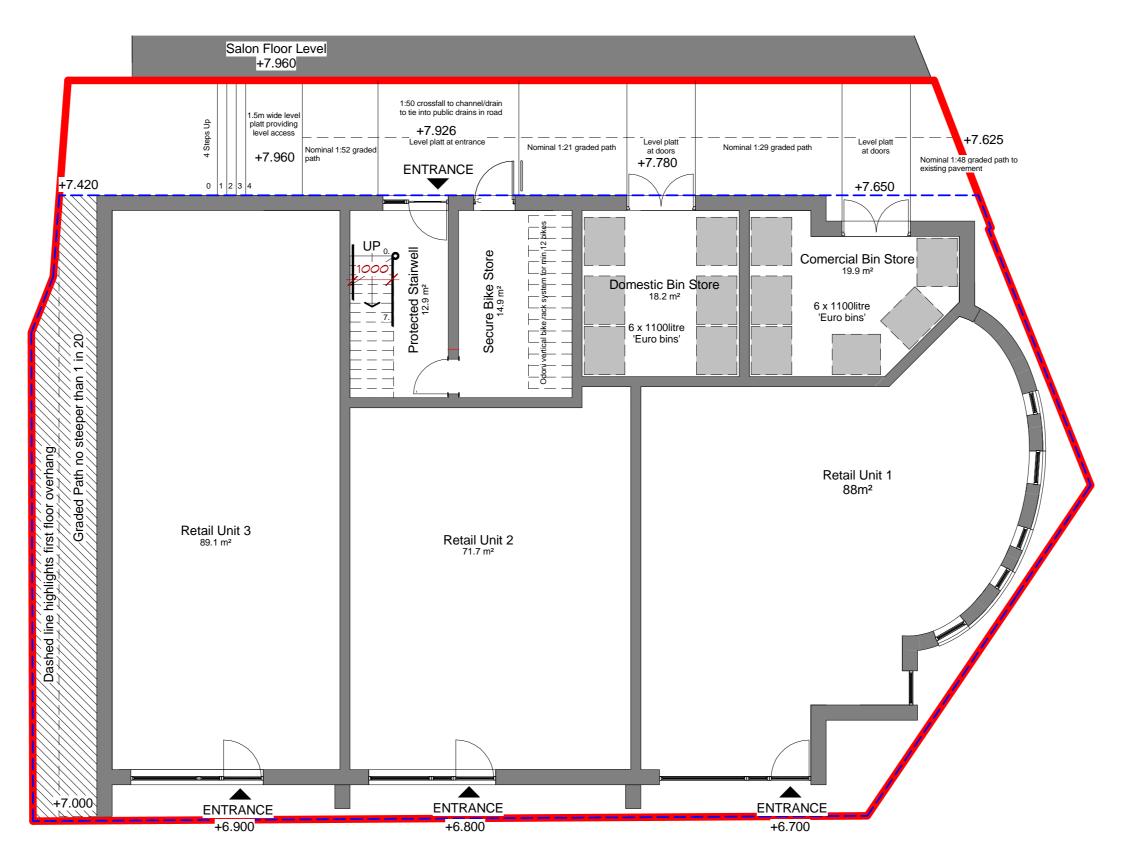
Second Floor Plan

1:100



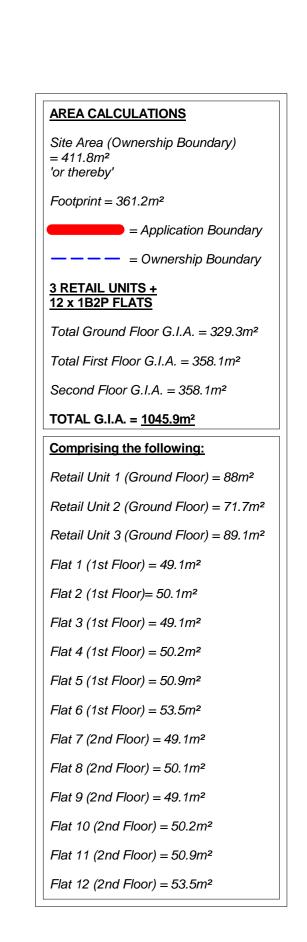
First Floor Plan

1:100



Ground Floor Plan

1:100





Drwg No. (Rt18)100

Proposed Floor Plans

Project status Planning

Date created May '15

Drawn by CP

Rev. Scale A Sheet A1

Project number



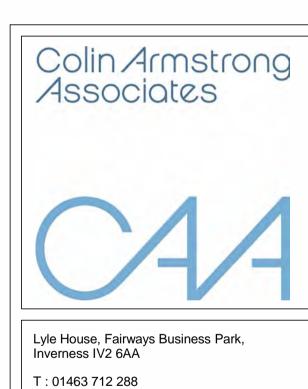




RH Side Elevation (Facing Station Road)

1 : 100

PLEASE NOTE:
HEIGHTS SHOWN ARE HEIGHTS ABOVE
ORDNANCE SURVEY DATUM





W: www.colinarmstrong.com

Project Proposed Developme

Project number

Proposed Development Comprising 12No. Flats & 3No. Retail Units Main Street, Kyle of Lochalsh

Drwg No.	(Rt18)3
Proposed Elevations (S	HEET 1)

Project status		lanning	
Date created		May '15	
Drawn by		СР	
Rev. D	Scale 1:100	Sheet A1	

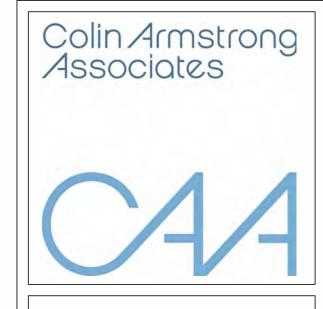
LH Side Elevation (Facing Hydro Building)

1:100



Rear Elevation (Facing Former Gateway Building)
1:100

PLEASE NOTE: HEIGHTS SHOWN ARE HEIGHTS ABOVE ORDNANCE SURVEY DATUM



Lyle House, Fairways Business Park, Inverness IV2 6AA

T: 01463 712 288 W: www.colinarmstrong.com







Compass Building & Construction Services

Project

Proposed Development Comprising 12No. Flats & 3No. Retail Units Main Street, Kyle of Lochalsh

1465 Project number (Rt18)301 Drwg No.

Proposed Elevations (SHEET 2)

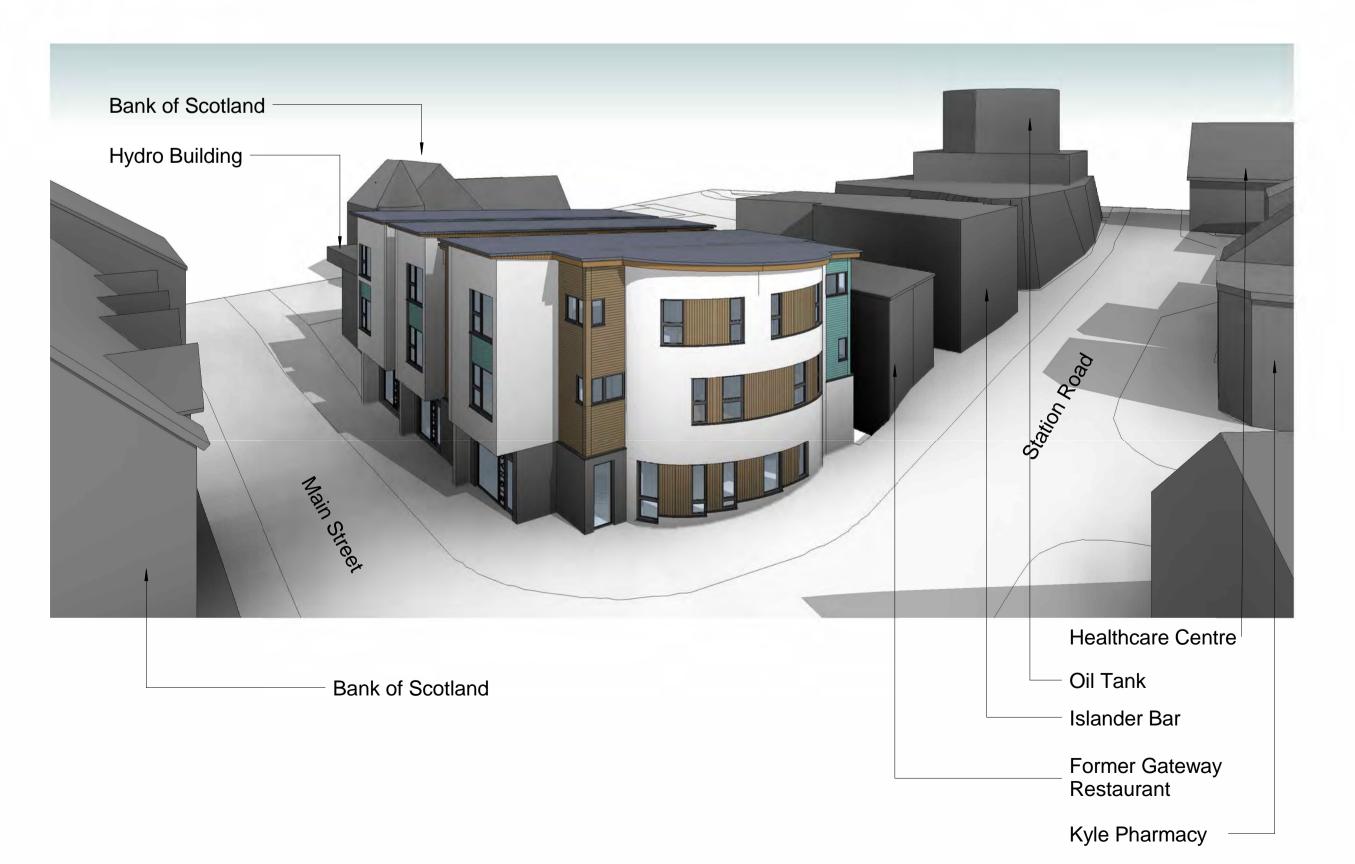
Planning Project status Date created May '15

Drawn by Rev.

Scale Sheet A2 1:100















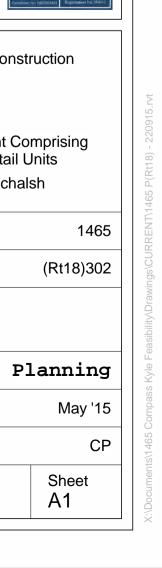
Project status

Date created

Scale

Drawn by

Rev.





PHOTOMONTAGE As Viewed from steps leading to Co-op





ORIGINAL PHOTOGRAPH As Viewed from steps leading to Co-op



Lyle House, Fairways Business Park, Inverness IV2 6AA

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Client Compass Building & Construction Services

Project

Proposed Development Comprising 12No. Flats & 3No. Retail Units Main Street, Kyle of Lochalsh

1465 Project number SP(Rt1)300 Drwg No. Photo Montage

Project status Planning Sept '15 Date created Drawn by

Sheet A1 1:1000