

Agenda Item	6.1
Report No	PLN/061/21

HIGHLAND COUNCIL

SUPPLEMENTARY REPORT – DEFERRED ITEM

Committee: North Planning Applications Committee

Date: 14 September 2021

Report Title: 21/01559/FUL: Caithness Klics
Playbox Playgroup Land, Macleod Road, Wick, KW1 4JQ

Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Alteration to entrance and boundary, erection of office building and siting of storage container

Ward: 3 – Wick and East Caithness

Development category: Local

Reason referred to Committee: More than 5 objections (deferred item from August NPAC)

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.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. BACKGROUND

- 1.1 Members will recall this planning application was presented at the North Planning Applications Committee in August 2021 where it was deferred as a result of the following motion:

Motion by Mr R Bremner seconded by Mr D Mackay to defer the application and request that, on the grounds of safety, that the plans are submitted to show the reinstatement of the gate in its original position.

2. UPDATED POSITION

- 2.1 Following the deferral of the application, the above request was discussed with the agent and applicant who have advised that they do not wish to alter the submitted plans. In doing so they have noted that they do not believe there is any planning or legal grounds for forcing the charity to move the gate back as requested in order to provide a turning head for anyone coming up Macleod Road. The agent further notes that if Highland Council Members believe a turning head is required on safety grounds then such a requirement is one for the Council to fulfil rather than requiring this on private ground. The Charity remain committed to providing a safe and secure environment for their cared for children and therefore confirm the submitted plans will not be amended.

- 2.2 As noted in the Committee Report to NPAC in August, the issue of whether the entrance to the Klics site formed part of the public road was examined during the assessment of the application with Transport Planning advising:

There is no clear evidence that the area forms part of the adopted road – it is not mentioned in the road description. Transport Planning, in consultation with the local Roads Operation Team, do not feel it appropriate to object as the area appears to be private land over which the Council as Roads Authority has no control.

- 2.3 Therefore, there is no legal basis in which Klics should be required to maintain turning space within its grounds. It should be noted that space for turning will continue to be available when the gate is open with the applicant having confirmed it will only be closed overnight. Furthermore, even in its revised position, there remains sufficient space for a car to comfortably turn and a larger vehicle albeit available space is reduced.

3. CONCLUSION

- 3.1 Given the above position, the recommendation remains to approve the planning application subject to the condition set out previously in order to allow an established charity to improve their facilities through the addition of an office and boundary alterations in order to facilitate parking of its mini bus as well as creating a safe drop off area for children within their care.

3.2 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.

Designation: Area Planning Manager North
Author: Gillian Pearson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan CK1
Plan 2 - Proposed Site Layout CK2
Plan 3 - Existing Site Layout CK2 - EX
Plan 4 - Elevation Plan (Office) CK3

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Committee: North Planning Applications Committee
Date: 14 September 2021
Report Title: 21/01559/FUL: Caithness Klics
Playbox Playgroup Land, Macleod Road, Wick KW1 4JQ
Report By: Area Planner Manager North

Purpose/Executive Summary

Description: Alteration to entrance and boundary, erection of office building and siting of storage container.

Ward: 3 – Wick and East Caithness

Development category: Local

Reason referred to Committee: More than 5 objections from separate addresses.

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.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report:

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks consent for the erection of an office building, siting of a storage container and ancillary access works within the grounds of the Caithness Klics site. Klics are a registered charity providing support for young people under the age of 18 who have a caring role at home. In particular, the works to the access would see the existing steel gate moved forward to line up with the existing pedestrian gate towards the north boundary of the site with a 1.5m high timber fence also erected at the north eastern boundary of the site, to contain an area which has been recently chipped. The proposed office building would be positioned centrally within the site and would be timber clad with a black rubber roof covering measuring a total of 6m x 3.2m with a height of 2.3m.
- 1.2 The site has an existing access and parking area and there is an existing portacabin type building within the grounds from which Klics are operating from. The storage container is already on site having been required for additional space during the COVID pandemic.
- 1.3 No pre-application advice was sought in advance of this planning application.
- 1.4 The application is supported by a series of photographs of the site.
- 1.5 There have been no variations to the application since it was lodged. An existing layout was however provided at the request of the Planning Authority in order to better understand the proposed alterations to the entrance.

2. SITE DESCRIPTION

- 2.1 The site currently comprises a section of the parking area associated with the Caithness Klics existing building. As noted above, the storage container is already on site to the south east of the main building. The site is accessed from Macleod Road and is bounded by existing block walls around the side perimeters.

Macleod Road consists of two storey terraced housing with one street parking/some layby parking and leads to the former Hillhead school grounds/janitors house (east of the site). The site is adjoined by housing on Willowbank to the south and a large play area to the north.

3. PLANNING HISTORY

- 3.1 18.06.2009 09/00057/FULCA: Demolition of existing building, erection of new premises and ancillary carparking. Permission Granted (not implemented)

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 14.05.2021
Representation deadline: 28.05.2021

Timeous representations: 7 per 7 households (6 objections, 1 general comment)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- All representations state that the site has traditionally been used as a turning area for vehicles on MacLeod Road and concern is expressed about the loss/reduction of this area for this purpose

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.

5. CONSULTATIONS

5.1 **Transport Planning:** No objections. The access to the property was previously open and has been used for turning. Macleod Road is a public road (the U3594). There is no clear evidence that the area forms part of the adopted road – it is not mentioned in the road description. The Council's Waste Collection Team have confirmed that the bin wagon does not use it for turning (they stated that they previously used the school area but now turn at an earlier point and reverse along this length). It is regrettable that the area currently used for turning by neighbours is proposed to be lost. However, given the lack of evidence that this area, which is owned by the applicant, forms part of the public road Transport Planning, in consultation with the local Roads Operation Team, do not feel it appropriate to object as the area appears to be private land over which the Council as Roads Authority has no control.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

34 - Settlement Development Areas

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 Caithness and Sutherland Local Development Plan 2018

No site-specific policies however the site lies within the Wick Settlement Development Area boundary.

6.5 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

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.

Determining Issues

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.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) any other material considerations

Development plan/other planning policy

8.4 As an application for development ancillary to an existing charitable operation, the application requires to be judged against the general policies of the Highland-wide Local Development Plan principally Policy 34 (Settlement Development Areas) and 28 (Sustainable Design). Both policies are supportive of development which is compatible with adjoining land uses therefore the principle of additional buildings in support of an existing function is acceptable subject to assessment against applicable considerations as detailed below. In this instance the proposal has raised a number of objections all citing the loss or reduction of turning space as a result of the proposed access alterations and this is also considered below.

Siting and Design

8.5 The office building would be sited towards the rear boundary of the site however maintains a suitable separation distance of 10m from the houses on Willowbank which overlook the site whilst also ensuring the loss of parking is minimised. The proposed timber cladding is considered to be acceptable as a high-quality finish for the new building.

8.6 The application also seeks to retain the storage container which has been on site as a result of the need for more space due to social distancing requirements during the COVID outbreak. The container is finished in a dark grey colour and does not appear overly intrusive or out of character with the wider area particular in relation to the existing Klics building which is a large grey portacabin type structure. As such, its permanent siting can be considered acceptable in this instance.

Access and Parking

- 8.7 As noted above, the site is accessed via existing arrangements on Macleod Road however the application proposes to relocate the existing steel gate further towards the northern (roadside) boundary so that it aligns with the pedestrian gate creating further space within the site itself; the agent has clarified that this is to more comfortably accommodate the Klics minibus. It is understood that this area has historically been informally used for turning of vehicles therefore the relocated gate, when closed, will reduce the space available for turning. The issue is somewhat exacerbated by the adjacent former Hillhead school site now being under private ownership which has also resulted in a loss of a historic informal turning area. There are no restrictions on parking on this section of Macleod Road.
- 8.8 The objections received in relation to the application relate solely to this loss of turning space. The ground referred to is now privately owned and within the grounds of the Caithness Klics site. Transport Planning have considered the reduction in turning space available, whilst land can be transferred into private ownership, should the turning area form part of an adopted road it would require to be maintained as such irrespective of the wider site being privately owned. In this instance, the adopted road information does not specifically refer to this area being within the boundary of adoption. The revised position of the gate would be 4.7m from the immediate side of the carriageway and 10.6m from the other side which would allow space for a vehicle to turn without having to enter the Klics car parking area. The Council's Waste Management Team have confirmed that the bin collection vehicle would not be impacted as it does not use this area for turning. Whilst the retention of the gate in its current position is desirable it cannot be insisted upon on road safety grounds in this instance.
- 8.9 The proposed office building will result in a small loss of parking space within the existing car parking area however sufficient spaces will remain around the perimeter with additional space created on the chipped area.

Drainage

- 8.10 No foul water drainage is required and there are existing arrangements for the management of surface water.

Developer Contributions

- 8.11 The proposed development, as ancillary office space, does not require to be assessed against the Developer Contributions Supplementary Guidance.

9. CONCLUSION

- 9.1 The application is a relatively straightforward proposal to allow additional floorspace to be provided for an existing charity and raises no concern in terms of overall local or residential amenity impact. The objections which have been raised are understood however, as referred to in this report, cannot be addressed as part of this planning application.

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. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

1. For the avoidance of doubt, the alterations to the access shall be undertaken in accordance with approved plan ref: CK2 with the steel gate installed no closer than 4.7m to the edge of the carriageway. The access shall provide and maintain visibility splays of X= 2.5 metres by Y= 30 metres in both directions. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In the interests of road safety

REASON FOR DECISION

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.

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.

INFORMATIVES

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.

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 (paragraph 259), 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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

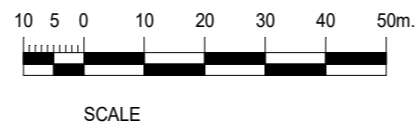
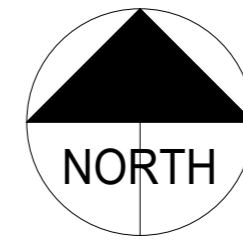
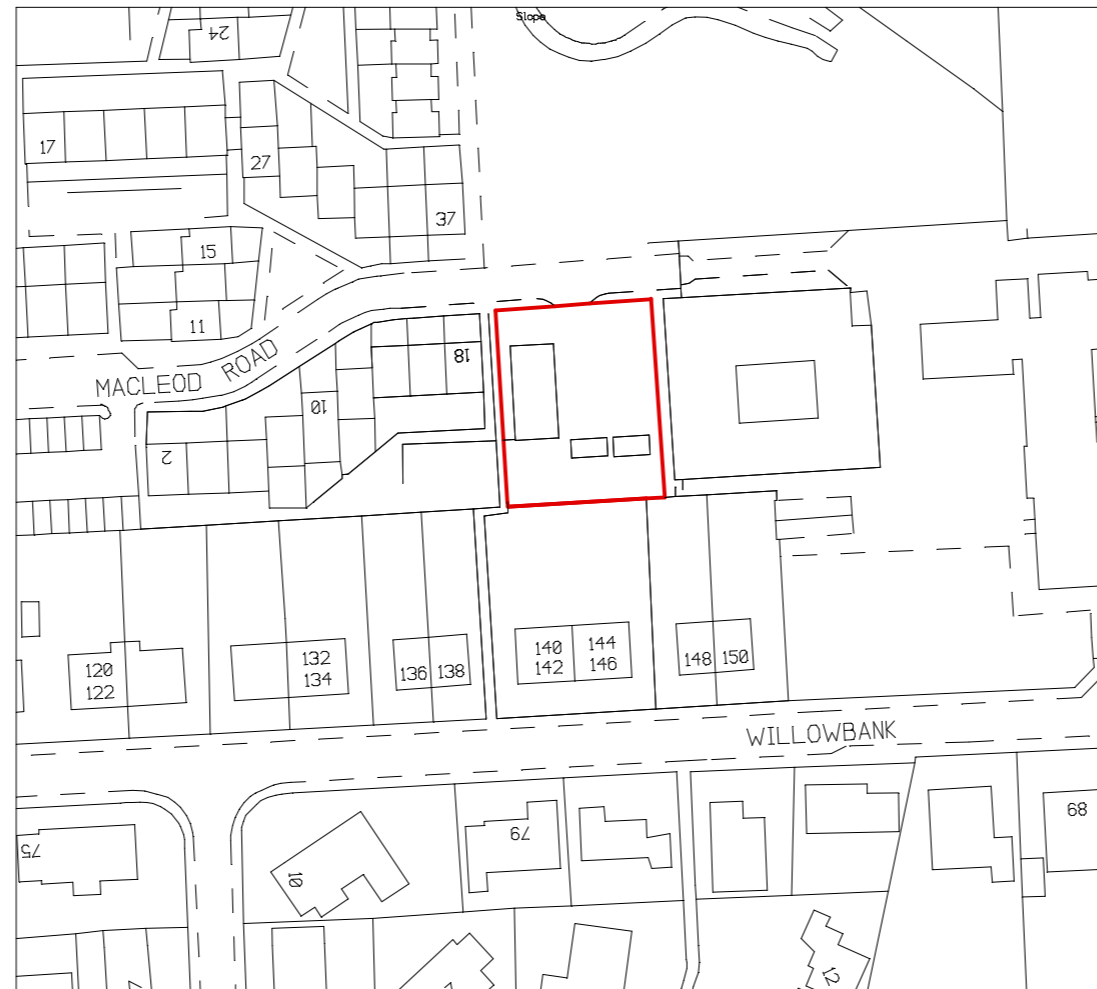
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or

destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Area Planning Manager
Author: Gillian Pearson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan CK1
Plan 2 - Proposed Site Layout CK2
Plan 3 - Existing Site Layout CK2 - EX
Plan 4 - Elevation Plan (Office) CK3



DRAWN DRS	DATE March 2021	SCALE 1/1250	© THIS DRWG. IS THE COPYRIGHT OF D Sutherland BSc(Hons), MSc, MCIAT, MRICS
Caithness Klics Macleod Road Wick			
TITLE Caithness Klics Location Plan			
REV. /		DRW.NO. CK-1	
DATE /			

A3

Macleod Road

pavement

18

footpath

open area

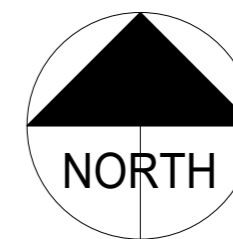
Klics Centre

16.1 m

Parking

existing block wall

Janitors House



Steel container

office

existing block wall

13.5 m

existing block wall

16.8 m

26.6 m

5.9 m
3.3 m

3.4 m pavement

1.5m high vertical
slat timber fence

chipped area
11.2 m

3.8 m
Galvanised
Steel Gate

2.5 m

1.3 m

existing
block wall



DRAWN DRS	DATE March 2021	SCALE 1/200	© THIS DRWG. IS THE COPYRIGHT OF D Sutherland BSc(Hons), MSc, MCIAT, MRICS
Caithness Klics Macleod Road Wick			
TITLE Caithness Klics Site Plan			
REV. /		DRW.NO.	CK-2
DATE /			

A3

Macleod Road

pavement

open area

pavement

chipped area

Steel Gate

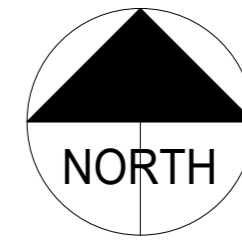
18

Klics Centre

Parking

existing block wall

Janitors House

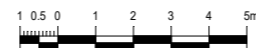


footpath

Steel container

existing block wall

existing block wall



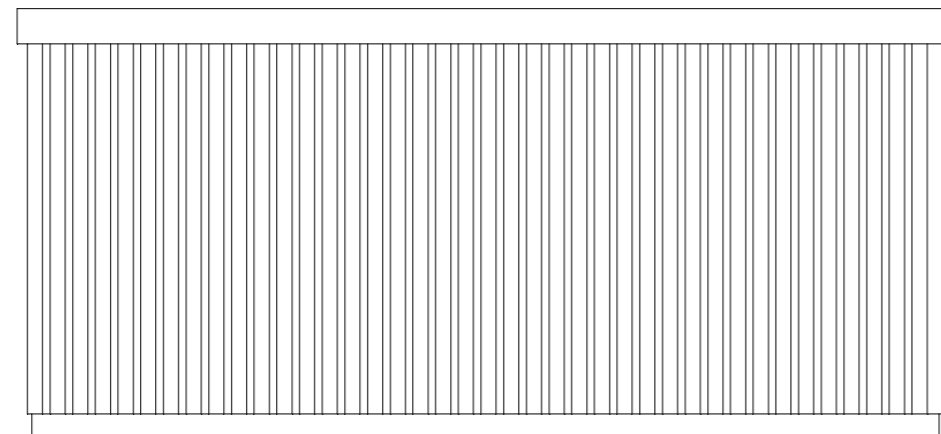
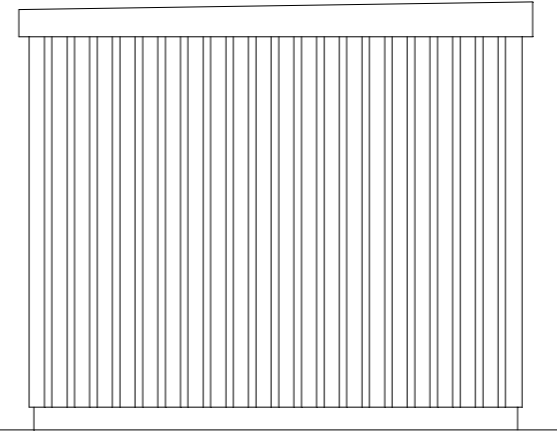
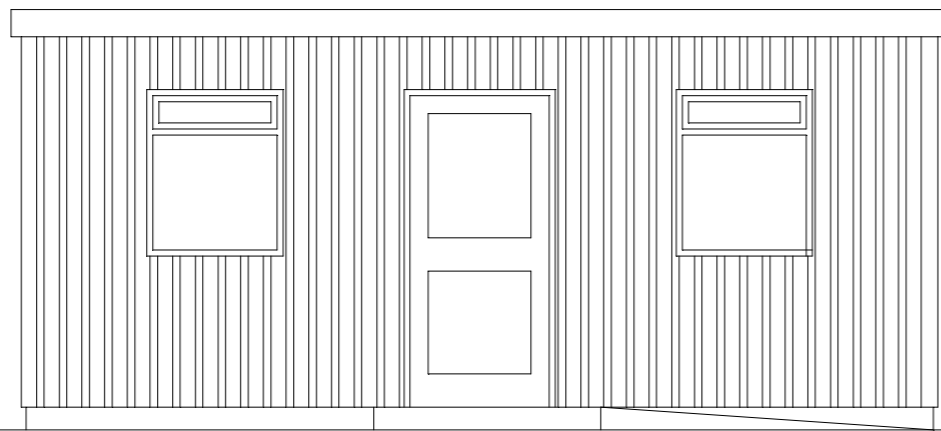
SCALE

DRAWN DRS	DATE July 2021	SCALE 1/200	© THIS DRWG. IS THE COPYRIGHT OF D Sutherland BSc(Hons), MSc, MCIAT, MRICS
Caithness Klics Macleod Road Wick			
TITLE Caithness Klics Existing Site Plan			
REV. /		DRW.NO. CK-2-EX	
DATE /			

White UPVC Windows double glazed
1.6 max U Value
all windows to be fitted with
trickle vents with area of 11000mm²
per apartment at least 1.75m above ffl

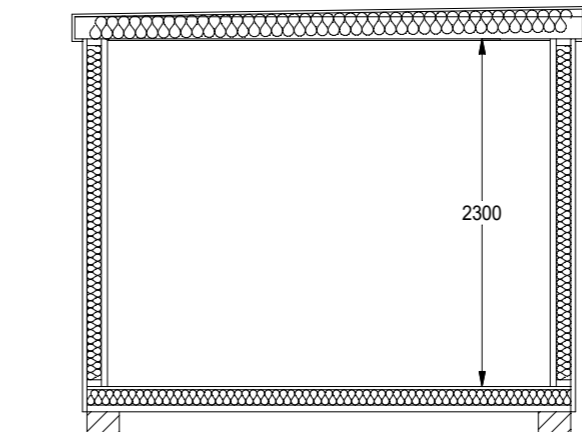
All window glazing below 800mm above
FFL to be toughened
All other Glazing below 1500mm above
FFL to be toughened
Doors and Windows to comply with
BS PAS 24: 2007 for doorsets
or BS 7950: 1997 for windows and in addition
material used should meet product standard
of BS 7412: 2007, for PVCu units
Windows fitted with restricted to prevent collision
max 100mm into areas of circulation
All doors and windows secured by design
A Manual controls to windows to be no higher than
1.7m above FFL

All windows and doors secured by design
fixing of all doorset or windows should be in accordance with
the recommendations given in section 8 of BS 8213-4: 2007



Roof
EPDM RubberCover laid on
18mmPlywood To BS EN 636, section 7
(plywood for use in humid conditions) laid with 3mm gap

95mm-0mm trimmer laid over 145 x 45 Ceiling Joist
installed @600mm centres
150mm Quintherm Insulation Laid between trimmers



EXTERNAL WALLS

Timber framed panels manufacture and erection to follow recommendations of TRADA publication Timber Frame Construction (2nd Ed'n)

Structural timber

All structural timber to be pressure impregnated against rot and fungal attack. All permanent exterior timber to be pre treated prior to delivery.

External Wall Panels

Structural External Panels
47 x 95mm softwood framing at 600mm centres (2 No 47 x 145mm lintols to door and window openings. Ends supported on cripple studs.

9mm O.S.B. (sterling board) cladding.
100x20mm vertical cedar boarding (25mm lap)
on 45mm x 25mm horizontal runners
on 45 x 13mm counterbattens at 600mm centres

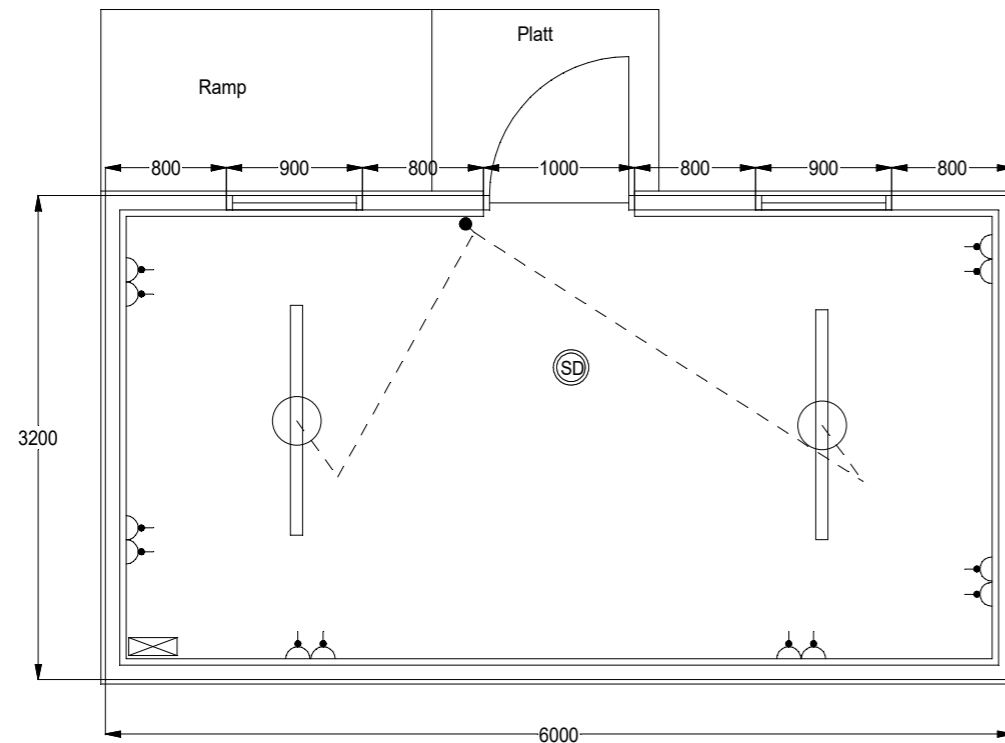
Cill Plates 22 x 95mm - random lengths
Head Binder 47 x 95mm - random lengths
Reflectashield TF breather membrane
should be fixed to frames with austentic stainless steel nails or staples at centres not more than 500mm.
On areas where sheets are required to be lapped, the following dimensions must be adhered to:
Vertical Laps - not less than 150mm
Horizontal laps - not less than 100mm
Ensure integrity of Reflectashield TF by overlapping upper layers over lower layers and staggering vertical joints.
Protect timber at wall plate level and mark stud positions for wall tie fixings.

100 Knauf Earthwool Frametherm 35
12.5mm foil backed plasterboard over
25mm Quintherm Insulation

Timber wall panels held down with proprietary galv. m.s. holding down straps (1200 x 30 x 2.5) at 1200 c/c fixed to studs.

GROUND FLOOR/FOUNDATIONS

2 strip founds with 215 x 140mm block laid on flat DPC over block
147 x 45 C24 treated joists @ 600mm centres
22mm moisture resitant chipboard flooring
100mm Quintherm between joists



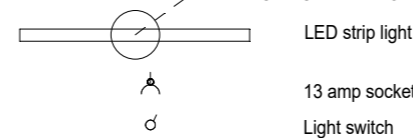
Extension to be wired to 17 edition IEE regulations
Power supply 2.5mm T&E
Light Circuit 1.5mm T&E
wiring taken bak to existing consumer unit

Cables to be protected where required especially in vertical drops where insulation may be present

Outlets and controls of electrical fixtures and systems should be positioned atleast 350 mm from any internal corner

light switches should be positioned at a height of between 900 mm and 1.1 m above floor level.
standard switched or unswitched socket outlets and outlets for other services such as telephone or television should be positioned at least 400mm above floor level.
Above an obstruction, such as a worktop, fixtures should be at least 150 mm above the projecting surface.

ELECTRICAL SYMBOLS



Smoke detector wired in to lighting circuit
smoke alarms should conform to BS EN 14604: 2005

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Caithness Klics Macleod Road Wick						
TITLE Caithness Klics Proposed Office						
REV.	/					DRW.NO.
DATE	/					CK-3