



PLANNING AND ACCESS COMMITTEE

MEETING: NPAPC/PC/01/2015

DATE: 26th January 2015

REPORT No.	NPAPC/01/2015/03
SUBMITTED BY:	Head of Planning & Rural Development
APPLICATION NUMBER:	2014/0235/DET
APPLICANT:	Stephen and Karen Gorman
LOCATION:	Craigmore Centre, Aberfoyle
PROPOSAL:	Change of use from Class 10 (Non Residential Institutions) to dwellinghouse Class 9 (Houses)

NATIONAL PARK WARD:	Ward 2 (Northern (Central) Area)
COMMUNITY COUNCIL AREA:	Strathard Community Council
CASE OFFICER:	Name: Martin Brown Tel: 01389 722638 E-mail: martin.brown@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This application is for the change of use from a Class 10 (Non Residential Institution) to a Class 9 dwellinghouse, and the formation of a single off street parking space adjacent to the pedestrian footpath.
- 1.2 This application is being presented to the Planning and Access Committee as a result of a formal objection submitted by Strathard Community Council. The Scheme of Delegation requires all such applications to come before the Committee for determination.

2 RECOMMENDATION

That Members:

- 1. **APPROVE** the application subject to the imposition of the conditions set out in Appendix 1 of the report.

3 BACKGROUND

Site Description:

- 3.1 The application site is located to the north of Lochard Road, Aberfoyle. It is directly adjacent to Aberfoyle Parish Church (to the west) and the Primary School (to the east). To the north (rear) of the site is woodland, with open field on the opposite side of Lochard Road. Refer to **Figure 1** below for the site location plan.
- 3.2 The building is single storey with timber clad walls and a corrugated roof finish. The last use of the building was as an out of school care club. This use ceased in June 2011 and the building has lain vacant since that time.

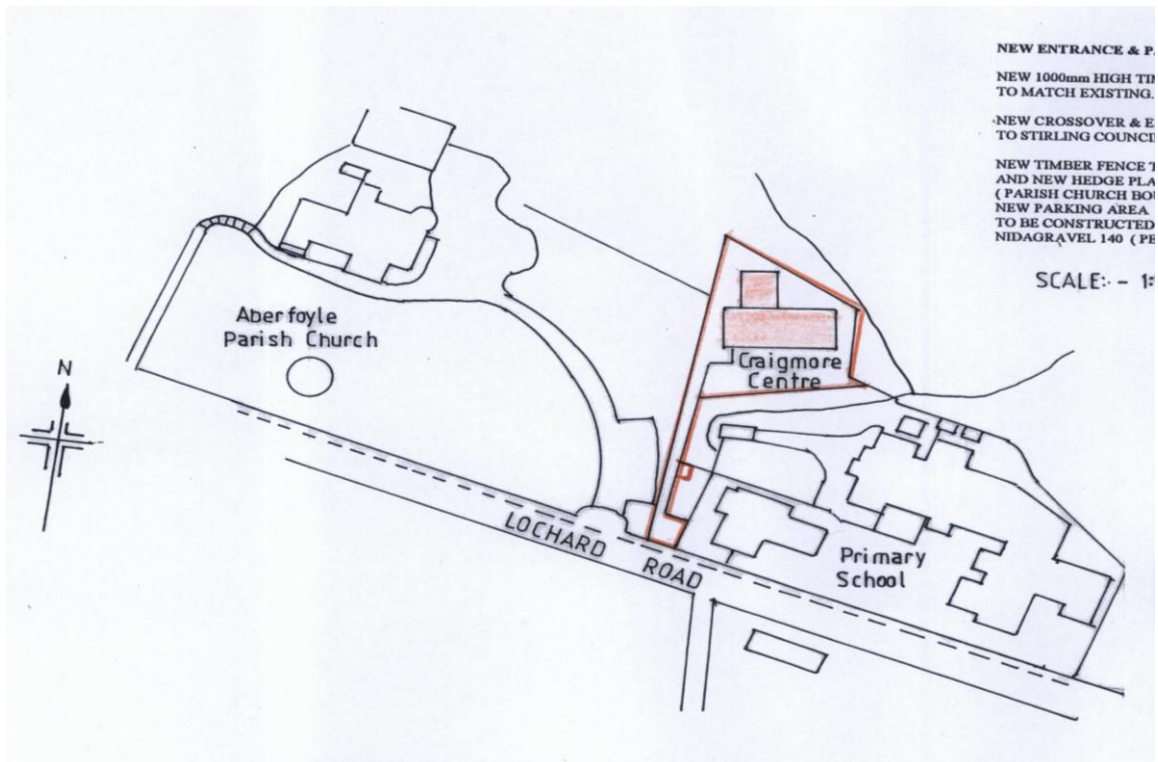


Fig. 1: Site Location Plan

Environmental Impact Assessment (EIA):

- 3.3 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process. The proposal does not fall under any of the Schedules within the Regulations so it does not require to be screened for an EIA.

Description of Proposal:

- 3.4 The development proposed is for the change of use from Class 10 (non residential

Agenda Item 5

institution) to a Class 9 dwellinghouse. The proposal would also include the formation of a single off street parking space located immediately adjacent to the public footpath as can be seen on the Block Plan under **Appendix 2**. There is an existing pedestrian access through the site as delineated along the eastern boundary as highlighted on the aforementioned Block Plan. The existing building would remain substantially unaltered. The only alterations proposed would see the replacement of the existing windows and doors including slight variation to their location. Additionally, the existing door on the south elevation would be relocated further along this elevation with a consequent relocation of the associated stairs and small decked area. In order to facilitate the off street parking provision, it is proposed to change the use of part of the adjacent nursery garden within the primary school ground to become part of the residential curtilage

Planning History:

- 3.5 There is no relevant planning history associated with the site.

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

- 4.1 Stirling Council Roads: No objection subject to conditions

States that the Roads Department has been involved in a number of consultations regarding the sale of the Craigmore Centre, and have commented on a number of access suggestions. Confirm that the parking layout as shown on the Block Plan (see **Appendix 2**) is acceptable in this instance.

- 4.2 Strathard Community Council: Objection to proposal on following grounds;

- There is a long established access path to the forest trail which links into David Marshall Lodge. The path is on publicly owned ground and is thought to have been used by local people for the last 40 years. Currently, with guidance on requirements from the National Park Access Officer and Scotways, we are in the process of issuing more formal submission documents to collect evidence of Right of Way usage – a considerable number of people have indicated that they will complete these forms. Any Planning approval should make provision for this Right of Way to be continued.
- The creation of a parking space and road access at the school and nursery raises serious issues of pedestrian safety for school children. The response received from the Council as the Roads Authority did not take adequate regard for pedestrian safety.
- The road location is subject to flooding, with the location of the proposed parking space affected. Any disruption or change of use of the land in this area should be subject to specific consultations with the Council and SEPA. Local advice on flooding was ignored previously when the nursery was built with the result that the overall situation has worsened.

Agenda Item 5

Representations Received:

- 4.3 At the time of writing this report, a total of 4No. representations had been received from local residents/groups. These raise a range of concerns with the main issues summarised below:
- Proposal would result in increase vehicular movement onto an already busy road.
 - Proposed access for parking does not include a turning area which has been required for other similar proposals within the area.
 - Increased risk to the safety of children attending the school as a result of the new access.
 - Limited visibility exists for the proposed vehicular access.
 - The footpath leading up to the building is a public footpath used by locals to access the woods to the rear of the site for education and recreational purposes.
 - Concerns that construction of the parking bay may block access to drains and exacerbate any potential future flooding issues.
 - Potential for increased car emission fumes from any car parked within the space given the proximity to the nursery garden.
 - Proposal would set a precedent for similar proposed change of use of other buildings from non residential to residential.

5 POLICY CONTEXT

National Park Aims:

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
 - (b) to promote sustainable use of the natural resources of the area;
 - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
 - (d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

Development Plan:

5.3 National Park Local Plan (Adopted 2011)

Relevant Policies:

- Policy COM2 Change of Use of Community Facilities
- Policy TRAN3 Impact of New Development on the Road Network

Agenda Item 5

- Policy TRAN6 Parking Provision
- Policy TRAN7 Encouraging Outdoor Access

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan/menu-id-904.html>

Other Material Considerations:

5.4 National Park Partnership Plan (2012-2017)

Relevant Policies:

- VE Policy 3: Recreation and Access
- RD Policy 2: Spatial Development Strategy

6 SUMMARY OF SUPPORTING INFORMATION

6.1 The applicant has submitted a supporting statement (22 September 2014) which sets out the following;

- History of the building – This gives a brief history of the building from its original use as a bunkhouse, its change to an out of care school facility in 1996 and subsequent closure in 2011. The information also gives a brief background as to the marketing and interest in the property since placed on the market for sale in November 2011.
- Information in support of the single off street parking provision proposed as part of the application.
- Information on the proposed removal of a total of 3no. trees within the site.

6.2 **Bat Survey (Dated 18 July 2014)** – Survey concludes that while there is suitable foraging and commuting habitat surrounding the building, and features within the building capable of supporting roosting bats, no bat roosts were recorded during the dusk and dawn surveys. Additionally, very low levels of bat activity were recorded during these surveys.

It was recommended that a bat licence is not required for the proposed refurbishment works to take place. Although no roosts were recorded during the survey, any contractors should be made aware of the risks of finding bats and what to do if signs of bats are found during any works.

6.3 **Stirling Council** (Received 01.12.2014) – Information regarding the proposal including the history of the site, marketing of the site and background relating to the proposed off street parking provision. The statement also indicates that, through various meetings, the Community Council, School Parent Council and the Church of Scotland have been fully kept informed regarding the issues surrounding the Craigmore Centre. Refer to **Appendix 3** for Stirling Council's comments in full.

7 PLANNING ASSESSMENT

7.1 The application site is located along Lochard Road, Aberfoyle, and comprises the former Craigmore Centre as described in more detail in Section 3

7.2 In determining this application the key considerations are as follows;

- Background and principle of development taking into account Local Plan Policy;
- Traffic, access and road safety
- The continued provision of a local access to the wooded area to the rear of the site

7.3 **Background: Craigmore Centre**

Stirling Council submitted supporting information which sets out the history of the building. The building was originally used as a bunkhouse known as 'Craigmore Outdoor Centre', which the Council closed in 1996. It was then refurbished and converted into an out of school care facility. However, as a result of sustained dropping numbers and the business operating at a loss, it was considered unsustainable and subsequently closed in June 2011. The building was declared surplus to requirements by the Councils Education Service and placed on the market for sale. Stirling Council then held discussions with the community on their interest in reusing the property, however they were unable to progress with the proposal.

7.4 Stirling Council submitted a pre-application enquiry to the National Park for the proposed change of use of the building to a dwellinghouse in 2011. It was concluded at that time that the proposal was acceptable in principle when assessed against Policy COM2 of the Adopted Local Plan, however support would be subject to the Council as the Roads Authority accepting the design and layout of any new access onto the adjacent road.

Principle of Development

7.5 The relevant policy of the National Park Local Plan encourages the retention of existing community facilities. Policy COM2 states that the change of use of a community facility to another use will generally not be supported unless it can be demonstrated beyond reasonable doubt that it is not viable to continue operating as a community facility by;

- a) remaining vacant for a minimum of 12 months; and*
- b) demonstrating in a marketing plan that the existing use has been marketed at an appropriate price for 12 months.*

7.6 As the property has been vacant now since the summer of 2011, it would satisfy the requirements of part a) above. Looking at part b), supporting information has been submitted confirming that Stirling Council had ongoing discussion with the local community regarding their interest in reusing the property as a community facility. The community were, however, unable to progress with a proposal and as such Stirling Council took the view that alternative uses would be sought for the property.

7.7 In their supporting information, Stirling Council confirm the property was placed on the market after closing in June 2011, with a subsequent closing date for sale set as 31 August 2012. In addition to this, information is provided on the suggested purchase price of the property that would suggest that it was marketed at an appropriate price. While this information may not be in the form of a 'marketing plan', it is considered sufficient and appropriate in order to evidence the proposal satisfies the requirement of part b)

Agenda Item 5

above.

- 7.8 In conclusion, it is accepted that the supporting information demonstrates beyond reasonable doubt that the property is no longer viable to operate as a community facility, and that the proposal would therefore be consistent with the aims of Policy COM2.

Traffic, Access and Road Safety

- 7.9 Policy TRAN3 of the National Park Adopted Local Plan seeks to ensure that new development provides for safe access, and that traffic flow on the existing road network is not adversely affected. Additionally, Policy TRAN6 states that development proposals will normally be expected to provide sufficient parking to current standards, as determined in consultation with the Roads Authority.
- 7.10 The consultation response from Stirling Council as the Roads Authority confirmed that the Service had been involved in a number of consultations regarding the sale of the property, and had commented on a number of access suggestions. This included options such as a right of access with the adjacent church, sharing the existing church access, to provide access to the site. This was agreed in principle, however the Church of Scotland reconsidered their position when the proposal was for a change of use to residential.
- 7.11 In addition to this, consultation was undertaken between Stirling Council, the School Parent Council and a representative from the Community Council, with the suggestion of creating a small car park in the field opposite the school in order to alleviate the existing parking/traffic problems raised by the community throughout this process. Stirling Council confirms that this proposal was subsequently rejected by the community.
- 7.12 Stirling Council as the Roads Authority have confirmed that the proposed parking, comprising a single off-street parking space as shown on the Block Plan in **Appendix 2**, is acceptable to the Service in this instance. Further clarification was received from the Council in support of this decision stating the following;
- 7.13 *'Whilst a turning area would have been preferable, it cannot be accommodated in this instance and the proposed solution of a single parking space is a compromise that provides the best solution available. The arrangement whereby vehicles should reverse into the driveway from the public road is no different to other driveways throughout the Council area and it is considered best to get the vehicle off the road given its close proximity to the school/nursery. The lack of on-road parking space and demand for it is the reason why an in-curtilage space has been suggested. If no space is provided then the vehicle associated with this property would be parked on the public road at all times. It is felt it is better to try and keep the road clear out with the peak periods.'*
- 7.14 While the representations received and objection from the Community Council have raised concerns associated with the proposed off street parking provision, it is considered that, as the parking standard has been accepted by the Roads Authority, the proposal would be consistent with the aims of Policy TRAN6 subject to planning conditions ensuring adequate visibility provision. It should be recognised that in terms of traffic/parking demand and pressure, the proposed residential use of the premises would represent a less intensive use than previous, i.e. bunkhouse and after school care. Consequently, this is a consideration in accepting that the off street parking proposed is a reasonable compromise in the circumstances.

Agenda Item 5

- 7.15 With regards to the issue of the proposed parking space exacerbating flooding, removal of the existing paving stones and their replacement with a 'nidagravel' permeable paving system would allow the surface water to filter downwards and assist the existing surface water draining issues. It is accepted that this element of the proposal would not exacerbate current flood issues. Additionally, the Council's Roads Authority has advised that, given the distance between the parking space and the nearby culvert, there would be no risk to the culvert as a result of construction works associated with this element of the proposal.
- 7.16 In conclusion, Stirling Council as the Roads Authority has advised that the proposed parking layout represents the best solution in this instance, particularly given the existing on-road parking pressures during peak times. They are satisfied that the provision of a single off-street parking space would not result in any significant adverse impact on the traffic flow or road safety of the adjacent road, or that of pedestrian safety. On this basis it is therefore considers that the proposal is consistent with the aims of Policy TRAN3 and TRAN6.

Public Access

- 7.17 The National Park Access Officer has advised on this application as follows;
- The access to the property is along a path which the community claim to be a Public Right of Way (PRoW). This path links the Lochard Road footway and the path network within the forest to the north of the site in question. This path network links the buildings along Lochard Road and also links north to join the Duke's Pass.
 - The path appears to be currently well used and the community are currently collecting questionnaires to evidence that the route is a Public Right of Way.
 - The proposals shows no intention to prevent public access however the confined nature of the path immediately adjacent to the building will create a sub-conscious barrier to access, consequently we would advise that any proposals should include some defining features which clearly delineate a privacy area for the property and allow the public to continue to use the path with confidence.
 - Should the proposal be accepted it is essential that any public access rights along the claimed PRoW are fully considered. Small amendments would help "define" public and privacy areas. Appropriate signage could be considered.

Assessment

- 7.18 In the objection received from the Community Council it was indicated that there is a historic public access through the site leading to the path network within the woodland area to the rear. It has been suggested that this has been used by local residents for approximately 40 years. The path appears to be well used, and as a result of this application the Community Council are currently collecting questionnaires required in order to evidence the route as a formal Public Right of Way. This is a separate process to this planning application. The path is not a designated core path.
- 7.19 It must be borne in mind, however, that if permission is granted for a private residential use, it could subsequently be argued that public access rights would no longer exist under Land Reform (Scotland) Act 2003 (due to the private residence being entitled to reasonable privacy). However, if the path is recorded as a Public Right of Way then public access rights would remain on the path under the Countryside (Scotland) Act 1967.
- 7.20 While the applicant has indicated no intention to prevent any public access, appropriate site design/layout could delineate the private garden curtilage for the dwellinghouse as

Agenda Item 5

distinct from the public path route, which would safeguard occupants of the dwelling's reasonable privacy while allowing the public to continue to use the path with confidence. This could be achieved through fencing, hedging and/or appropriate signage. These details would be controlled and agreed through a planning condition. This approach is also consistent with the provisions of the current Scottish Planning Policy (SPP) which states that '*Planning authorities should consider access issues and should protect core and other important routes and access rights when preparing development plans and making decisions on planning applications*' (Paragraph 150).

- 7.21 In conclusion, by safeguarding the use of the access path by members of the public, the proposal would be generally in keeping with the aims of Policy TRAN7 (Encouraging Outdoor Access). The access route as highlighted on the Block Plan (see **Appendix 2**) will remain unaltered in order to retain access to the wooded area to the rear of the site. This will be secured through a planning condition. The process of establishing and recording whether the access becomes a formal Public Right of Way is subject to a process independent of this planning application.

8 CONCLUSION

- 8.1 In conclusion, it is accepted that the proposed use of the former outdoor centre/day nursery as a residential dwellinghouse accords with the requirements of Policy COM2. Furthermore, it is considered that achieving an alternative use for the vacant unit and thereby preventing its ongoing deterioration would outweigh any potential disbenefit associated with the loss of the former Class 10 use of the building.
- 8.2 As a result of the consultation response from Stirling Council as Roads Authority, it is accepted that the proposed off street car parking is adequate and that the proposal would not result in any adverse impact on the traffic flow of the adjacent road, and no significant road/pedestrian safety issues would arise.
- 8.3 While evidence shows that the path leading from the footpath towards the building has been used as public access to the woodland to the rear of the site for recreation and education purposes, the proposal does not intend to prevent this apparent historic access route. It is considered that the continuation of the route has value as public access for recreation and enjoyment of the area. Conditions are proposed to secure the continuance of the route subject to it becoming a recognised public Right of Way. The process to establish whether this path becomes a formal Public Right of Way will run independent of this application.
- 8.4 It is recommended that planning permission is approved subject to conditions ensuring road safety and in relation to the existing access route.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: **Click on view applications, accept the terms and conditions then enter the search criteria as 2014/0235/DET**

List of **Appendix 1 Conditions and Informatives**

Appendices: **Appendix 2 Block Plan**

Appendix 3 Comments from Stirling Council