



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 28<sup>th</sup> August 2017**

|                            |                                                               |
|----------------------------|---------------------------------------------------------------|
| <b>SUBMITTED BY:</b>       | <b>Head of Planning &amp; Rural Development</b>               |
| <b>APPLICATION NUMBER:</b> | <b>2017/0129/DET</b>                                          |
| <b>APPLICANT:</b>          | <b>Colin McCrae</b>                                           |
| <b>LOCATION:</b>           | <b>Land to rear of Tayview, Main Street, Killin, FK21 8UT</b> |
| <b>PROPOSAL:</b>           | <b>Erection of 1.5 storey dwellinghouse</b>                   |

|                                |                                                                                                                                                  |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NATIONAL PARK WARD:</b>     | <b>Trossachs and Teith Ward</b>                                                                                                                  |
| <b>COMMUNITY COUNCIL AREA:</b> | <b>Killin Community Council</b>                                                                                                                  |
| <b>CASE OFFICER:</b>           | Name: Sue Laverge<br>Tel: 01389 722628<br>E-mail: <a href="mailto:sue.laverge@lochlomond-trossachs.org">sue.laverge@lochlomond-trossachs.org</a> |

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This application is for erection of a house to the rear of 'Tayview', Main Street.
- 1.2 In accordance with the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as Stirling Council has objected on road safety grounds as the shared driveway onto Main Street falls below the minimum sightline requirements. This paper presents the officer's assessment of the planning application and the officer's recommendation.

**2 RECOMMENDATION**

**That Members:**

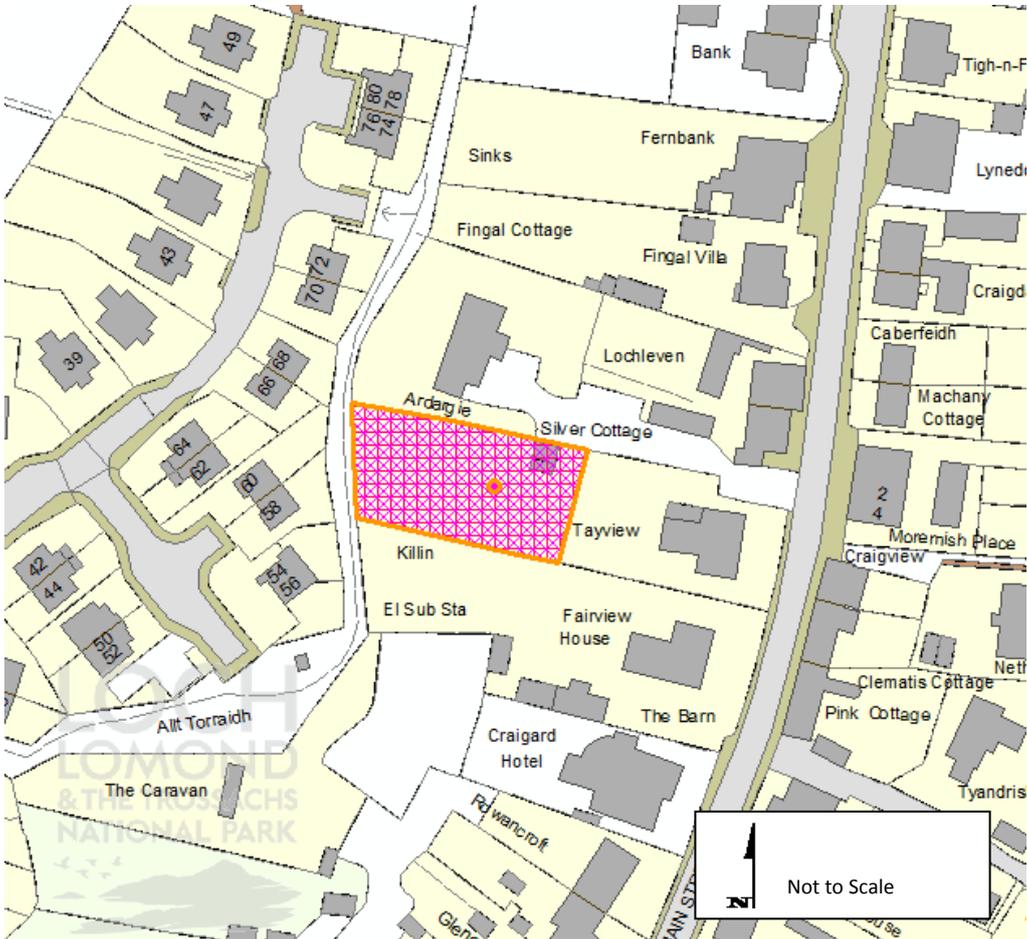
- 1. **APPROVE** the application subject to the conditions set out in Appendix 1.

3 BACKGROUND

**Site Description:**

3.1 The application site was formerly part of the rear garden ground of Tayview (east), a traditional villa on Main Street in central Killin. The site sits between two houses: i) Ardargie to the north, a bungalow built in the early 1990s behind Lochleven and Silver Cottage which are both traditional roadside properties; and ii) a relatively new 1.5 storey house to the south built behind Fairview House (it does not show in the O/S location plan below but can be seen in Photograph 3. below). To the rear (west) is housing on Fingal Road.

Access to the site would be shared with Lochleven, Silver Cottage, on the roadside, and Ardargie behind. The existing access junction is between Tayview and Silver Cottage. The Killin Conservation Area includes the traditional roadside properties but not the application site and neighbouring modern housing.



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**Figure 1. Location Plan**

**Planning Background and Planning History:**

3.2 Permission for a two storey house on the site was first approved in outline in October

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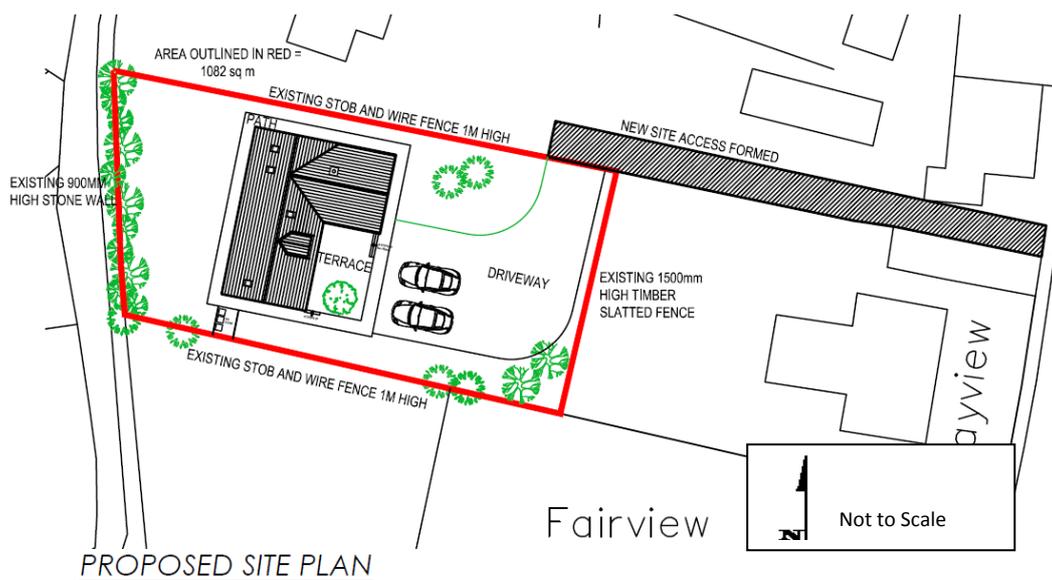
2007 followed by detailed permission in May 2008 (ref. 2008/0063/DET), later renewed in July 2013 (2013/0067/DET). The roads authority was not consulted at the time of the earlier applications and the permissions expired in July 2016 without development having started on site.

### ***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. In this particular instance it has been determined that an EIA is not required as the proposal is not identified within Schedule 2 of the Regulations.

### ***Description of Proposal:***

- 3.4 The proposal is for a 1.5 storey 3 bedroom detached house. Figure 2 shows the layout and shared access (hatched) alongside the shorter access (clear) to Tayview. There is no physical separation between the two accesses.



**Figure 2. Site Plan**

- 3.5 Figure 3 gives the proposed elevations and Figure 4 gives sections of the proposed house in situ. The first section shows the house would be lower than the new 1.5 storey house to the south and higher than the next door bungalow Ardargie (1993) to the north. The second section shows the intervening distance and relative ridge height between the proposed house and Tayview (east) - the original property. As the ground slopes down gradually from west to east and from south to north, some cut and fill is needed to embed the house into the slope.

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**Figure 3. Proposed elevations**



**Figure 4. Sections showing the house in relation to adjacent properties**

3.6 The photographs below show the context of the site and the proposed access i.e. the existing shared access.

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**Photograph 1.** View east towards Tayview (original house) and Main Street.



**Photograph 2.** View west (rear) towards Fingal Road with the gable of the adjacent bungalow Ardargie (north) on the right.

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**Photograph 3.** Site entrance from shared access with neighbouring new house (south) in the background.



**Photograph 4.** View from shared access with bungalow Ardargie ahead and application site entrance to left (Fingal Road houses at the rear).

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**Photograph 5.** View east down shared access to Main Street with Tayview (right) & Silver Cottage & outbuildings (left).



**Photograph 6.** Opposing view from Main Street with Tayview entrance (parked van) alongside shared access (on right). The two accesses appears as one.

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**Photograph 7.** Looking south along Main Street from the junction with Tayview front garden on the right (note: railings atop boundary stone wall).



**Photograph 8.** Looking north towards the shared access between the Tayview's railings and Silver Cottage (white building ahead).

## 4 CONSULTATIONS AND REPRESENTATIONS

### ***Summary of Responses to Consultations***

*(Note: Full responses are available on the National Park Authority's Public Access Website.)*

#### 4.1 Stirling Council, Transport Development

**Objection.** Vehicular and pedestrian access to the site is proposed via an existing shared driveway which currently serves the dwellings: Tayview, Ardargie, Silver Cottage and Lochleven. Although the access geometry (> 7.5 metres wide) is adequate for the increased movements, the visibility splays do not meet the requirements at 2.4m x 43m with no obstruction to visibility above 1.05m. Stirling Council do not hold speed counts for this section of Main Street so the posted speed limit (30mph) applies although actual vehicle speeds might be lower. Therefore recommends the application be refused as increased movements generated at this substandard access as a result of the development proposal are considered to be detrimental to road safety.

#### 4.2 Scottish Water

**No objection.**

## 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 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 Development Plan (Adopted 2016):

##### *Relevant Policies:*

- OVERARCHING POLICY 1: Strategic Principles
- OVERARCHING POLICY 2: Development Requirements
- HOUSING POLICY 1: Providing a diverse range of housing

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- HOUSING POLICY 2: Location and types of new housing required  
(a) Towns and Villages – in appropriate gap and infill sites to a density in keeping, or where appropriate a higher density, to its surroundings
- TRANSPORT POLICY 2 and 3: promotion of sustainable travel and impact assessment and design standards of new development: 2) Design Specifications and Standards, (c) proposals shall be serviced by roads infrastructure to the specification of and in consultation with the Roads authorities
- NATURAL ENVIRONMENT POLICY: Surface Water and Waste Water Management – if possible, development must connect to the public network
- HISTORIC ENVIRONMENT POLICY 2: Conservation Areas – development should not impact on the character and appearance of, and views from / into, the conservation area
- WASTE MANAGEMENT POLICY 1: Waste Management Requirement for New Developments – suitable on-site recycling storage provision

Full details of the policies can be viewed online - [link](#):

### ***Other Material Considerations:***

Supplementary Guidance  
(Draft Housing Guidance)

#### 5.4 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

- RD Policy 2: Spatial Development Strategy
- RD Policy 7: Sustainable Design and Construction

## 6 SUMMARY OF SUPPORTING INFORMATION

- 6.1 The agent submitted a visibility splay plan, Figure 5 showing 2m x 16.5m south and 2m x 26.3m north. Roads require 2.4m x 43m for a 30mph speed limit.



**Figure 5. Access visibility splay plan**

## **7 PLANNING ASSESSMENT**

- 7.1 The key issues to consider are:
- the principle of the development
  - townscape impact: siting and design
  - road access

The report will now address these in turn.

### **Principle of Development**

- 7.2 Permission for a two storey house on the site was first approved in outline in October 2007 with detailed permission in May 2008 (ref. 2008/0063/DET). This was extended in July 2013 (2013/0067/DET) for three years and permission expired shortly before submission of the current application. The relevant planning policies re. the principle of development are essentially unchanged and, as before, the proposal accords with the overarching, housing and waste management policies as it would be a medium sized detached house with ample garden ground in an established residential area that would not deprive the host property 'Tayview' of appropriate amenity space or privacy. Scottish Water has confirmed there is capacity in the local treatment works. The site layout is in keeping with the adjacent houses and construction works would be straightforward as the site is gently sloping former garden ground.

### **Townscape Impact: Siting and Design**

- 7.3 The scale, form and design of the house are appropriate for the site and would not impact on the conservation area as it would be screened by the older properties on the main road. The two previous approvals were for a larger, 2 storey house and this proposal is more in keeping with the rear location and adjacent modern houses. The site is fully enclosed by a mix of fencing and old stone wall. The house finish would be white rendered walls with coursed stone walling to base and stone clade front gable, grey concrete tiles with a modest front dormer, and a range of window sizes. These contemporary finishes are appropriate and the proposal accords with the overarching policy and Partnership Plan design objectives and with the draft 'Design and Placemaking' guidance.

### **Road Access**

- 7.4 Access is proposed via a shared driveway serving three adjacent properties, Ardargie, Lochleven and Silver Cottage – see Figure 1. Unfortunately the roads authority was not consulted on either of the two planning approvals for a house on the site. This was an oversight as this is normal procedure. While the roads authority is satisfied with the access width (geometry) the visibility splays don't meet the specifications for the posted 30mph speed limit. The visibility splays (Figure 5 above) are 2m x 16.5m south & 26.3m north whereas Roads require 2.4m x 43m in both directions.
- 7.5 This issue was discussed at a joint site meeting with the agent and council roads officer, Stephen Boyle. The agent pointed out other accesses nearby which do not accord with the sightline specifications: i) the converted former Tigh Na Brauch Hotel (80 metres south) and ii) access to two new houses at Laggan (50 metres south on the opposite side of the road). In the latter case, it was agreed that a build-out at the junction together with road markings (hatching) would deter vehicle parking close to the junction on its northern side and would achieve an 'appropriate balance between

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highway safety and enabling development'. Both the agent and roads officer are of the view that car speed at this location is slower than the 30mph limit however the agent later advised his client isn't willing to commission a survey because a larger house has twice been approved on the site and because a family member had improved the access in 1993 in line with the Central Regional Council specifications for permission for the bungalow 'Ardargie'. The agent noted that at 15mph speed the access would meet the standards but not above 18mph. Roads do not hold records for this section of Main Street so it remains reliant on the posted speed limit and its objection stands.

7.6 The local development plan transport policies promote sustainable travel and expect development to be serviced by roads infrastructure to the specification of and in consultation with the roads authorities. The proposal, being located within a town centre, is sustainably located and the junction is wide enough to allow for safe passage of two vehicles but the visibility is less than the specifications for the posted speed limit of 30mph, particularly to the south - mainly due to the decorative railings on Ashfield's front boundary stone wall – see photographs 7 & 8. There would be ample on-site parking so the outstanding issue is whether there are material factors that outweigh the shortfall in visibility to justify approval of the application. Considerations in this regard include:

- i) the likelihood that speeds are lower at this location than the maximum posted;
- ii) the 'no parking' in this location on either side of the proposed access;
- iii) the existing shared access was agreed (with widening) in 1993 to meet the then roads requirements; and
- iv) the previous planning permissions for a house on the site.

*The question is whether approval of the application would be appropriate and reasonable based on a pragmatic assessment of the above considerations.*

Looking at each in turn, travel speeds in this location are likely to be less than 30mph when cars are parked across the road in front of shops because the road is too narrow for two lanes of traffic - see Google streetscape extract below. Note the no-parking yellow line on either side of the access which helps ensure no further detriment to the visibility splays from cars parked on the same side of the road.



**Google Extract showing road narrowed to one lane at the access location.**

The historical character of the town centre with many properties built close to the pavement, the prevalence of stone roadside boundary walls and the relatively narrow

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streets will likewise have a slowing (psychological) effect on drivers - see Google streetscape extract below. Note there are several roadside buildings in close proximity to the access affected.



**Google Extract showing buildings close to road near the access location.**

While less relevant it is noted that there are other accesses in the locale that do not meet the visibility standards for the posted speed limit – see examples below.



**Example 1 – nearby the access location**

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**Example 2 – nearby the access location**



**Example 3 – short distance south from access location**

In the above example (3) planning permission was granted in June 2017 for erection of two dwellings (2015/0406/DET) subject, *inter alia*, to a condition requiring a built out feature with splay kerbs designed to extend the private access lane to protrude slightly out onto Main Street. This arrangement, to improve visibility splays and narrow the road slightly to reduce vehicle speed, was designed by ECS Transport Planning Ltd and agreed by Parsons Brinckerhoff on behalf of Stirling Council Roads Department. See below an extract of the application site and the approved access arrangement.

In the case of the current application there is no parking permitted on Main Street on the north side (same side as the access affected) and as seen in the first Google streetscape extract above, the shop front parking across the road, when occupied, narrows the roadway to one lane.

The other considerations include that the existing access was approved in 1993 to serve three properties and Roads have confirmed the access is wide enough for multiple properties however the visibility splays are substandard. The final consideration is that planning permission for a two-storey 4/5 bedroom dwelling was approved in 2008 and 2013 and if the permission had not expired the approved house could lawfully have been built. The applicant is now proposing a smaller 3 bedroom

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dwelling and is not unreasonably concerned that refusal of planning permission would be unfair in the circumstances.

- 7.7 On balance, it is considered that this is an exceptional case and that it would be reasonable and pragmatic to recommend approval of the proposal notwithstanding the fact that the visibility splays are substandard because there are considerations that mitigate against the objection by the Council roads authority. In particular, the combination of factors at the access location notably on one hand, the 'no-parking permitted' alongside the access and, on the other, the shop front parking immediately across the road, as well as the historical character of the townscape with many roadside buildings close by, which together means that traffic speeds are likely to be lower than the maximum permitted. While slower speeds would not necessarily mean the visibility splays would meet any adjustment to the standards required, it does mean the difference is less than it initially appears. Taken together with the fact that other similar historical shared accesses are typical of Killin, as with other older settlements, and that planning permission was recently approved for a larger house on the site and there are no other material considerations or planning policy issues arising, it is not considered reasonable to refuse the application solely on the basis of the visibility splays not meeting the appropriate standard.

## 8 CONCLUSION

- 8.1 The principle and detail of the proposed development complies with the relevant Local Development Plan policies except TRANSPORT POLICY 2. 2) (c) where there is an objection from the council roads authority on the basis that the visibility splays do not meet the standards for the posted speed limit. Roads note the requirements might be less than stated but as they do not hold speed counts for this section of Main Street, they are applying the 30mph speed limit.

On the basis of the above assessment of a number of exceptional mitigating factors including previous permissions for development of the site and the particular circumstances at the location of the access junction with Main Street, it is considered pragmatic and reasonable to over-ride the objection on road safety grounds and to grant planning permission. Accordingly it is recommended that planning permission be granted.

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

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria: '2017/0129/DET'*

**Appendices:** *Appendix 1 Informatives and List of Plans*

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### **Appendix 1**

#### **Informatives**

1 Duration of permission - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.

2 Notification of Initiation of Development - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3 Notification of Completion of Development - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

#### **List of Plans**

| <b>Title</b>                       | <b>Reference</b> | <b>Date Received</b> |
|------------------------------------|------------------|----------------------|
| Location Plan                      | 94-001           | 19/04/2017           |
| Existing & Proposed Site Plan      | 94-002           | 19/04/2017           |
| Proposed Floor and Elevation Plans | 94-003           | 19/04/2017           |
| Proposed Site Sections             | 94-004           | 04/07/2017           |
| Visibility Splay Plan              | 07-19-002        | 12/06/2017           |