
Local Review

LRB Ref 43

Planning Application Reference 10/02046/APP Demolish existing building and erect flatted development (8 units) and associated infrastructure works at Castle Inn, 29 Caroline Street, Forres

Response from Transportation, Moray Council

1. This document is in response to the Notice of Review and the Statement of Case submitted by CM Design and sets out observations by Transportation on the application and the grounds for seeking a review.
2. Transportation notes the new information presented concerning option appraisal and costs [3 town houses; reopening the public bar; demolition; House in Multi-Occupancy (HMO)]. Transportation was not consulted on the HMO applications. Transportation notes that the public bar and HMO were deemed 'unsafe for public use' in early 2007, the building has remained empty since then.
3. This review concerns planning application 10/02046/APP for the demolition of the Castle Inn at 29 Caroline Street, Forres and the erection of a flatted development of 8 units with associated infrastructure. This is a re-development of the site of a former commercial building to provide residential accommodation.
4. Transportation received the first consultation for development at this site on 17 January 2011. A copy of the consultation response is attached (TMC01) and presented reasons for refusal including footway, visibility splay and parking.
5. Subsequently a further consultation was received on 26 July 2011 when a revised layout was submitted. The revised layout addressed the requirements for footway and visibility splay. A copy of the consultation response is attached (TMC02) and presented the reasons for recommending refusal on the grounds of Moray Local Plan Policy T5: Parking Standards.
6. The parking standards used at the time of this application set out a requirement for flatted development of 1.5 spaces per flat. A copy of the relevant section is attached (TMC03). For the avoidance of doubt the requirement for this type and scale of development is 12 spaces.
7. New Parking Standards were approved at the Economic Development & Infrastructure Committee on 6 September 2011 and also the Planning & Regulatory Services Committee on 18 October 2011. It is noted that a copy of the Parking Standards have been submitted (CMD022). This was not available via the LRB Case web page at the time of drafting this submission. An extract from the new Parking Standards is submitted (TMC04) and the full document is available via the following web link <http://www.moray.gov.uk/downloads/file76177.pdf>
8. The grounds for seeking this review concerning the aspect of parking are based on a flawed argument that the previous uses as a public house and House in Multi Occupancy (HMO) should be included in the Parking Requirement Assessment. Both of the previous uses have ceased (2007).

Local Review

LRB Ref 43

Planning Application Reference 10/02046/APP Demolish existing building and erect flatted development (8 units) and associated infrastructure works at Castle Inn, 29 Caroline Street, Forres

9. In addition this is not a case of re-use or refurbishment of the existing building. Renovation and change of use is positively supported through the Town Centre Zero Parking provision in the new Parking Standards. In certain circumstances proposals for the change of use from a commercial use to another commercial use (e.g. from retail to office) and the provision of residential units over existing commercial properties ('living over the shop') can take account of the prevailing use and the associated parking. This is a new residential development consisting of 8 flats. The proposed development does not meet the criteria for the zero parking provision.
10. In paragraph 12 of the Moray Council Parking Standards (2011) the approach to parking provision where a derelict building is to be demolished is clearly set out: *"In the case of town centre developments involving the demolition of certain derelict buildings every effort should be made to provide parking at the level required for comparable new development to form off-road parking areas."*
11. In September 2011 Transportation confirmed that the revisions to the parking layout demonstrated that 5 parking spaces could be accommodated within the site. However, the requirement for 12 parking spaces was confirmed again. Transportation sought information from the applicant regarding circumstances particular to this development and any proposed legal and tenure arrangements to manage and mitigate the limited number of parking spaces that might form a case for a departure from the Parking Standards. No information has been received prior to the Notice of Review. A copy of the email setting out these points is attached (TMC05).
12. Transportation acknowledge that this site is constrained (a site area of 400m² is stated on the application form) and is within the defined Forres Town Centre area. Until now Transportation did not have any information on the options investigated by the developer.
13. Transportation draws the attention of the Moray Local Review Board to another residential development on Caroline Street, Forres (06/02564/FUL) for a 6 flat development. The parking requirement of 9 spaces was dealt with through the provision of 6 parking spaces and Transportation accepted the shortfall of 3 parking spaces to be dealt with by way of a developer contribution. This alternative approach has not been considered by Transportation for the 10/02046/APP application due to the difficulties of achieving a minimum provision of 1 space per flat (8 spaces) within the development site.
14. In addition to the shortcomings of the parking provision there is restricted space provided for a vehicle turning area adjacent to the parking bays. This area does not meet the normal requirement of an area no less than 7.6m x 7.6m. This situation increases the possibility of vehicles entering the site, unable to use a parking bay to turn, and having to reverse out of the site on to the public road. The turning area requirement is shown on sketch TMC06.

Local Review

LRB Ref 43

Planning Application Reference 10/02046/APP Demolish existing building and erect flatted development (8 units) and associated infrastructure works at Castle Inn, 29 Caroline Street, Forres

15. Paragraph 8 of The Moray Council Parking Standards (TMC03) sets out an important approach for parking in Moray, which is very relevant to this application:

“In general, adequate parking should be provided as part of all new developments to ensure that vehicles are not parked on the carriageway of a road where they may impede traffic flow and constitute a safety hazard. The possibility of putting too much pressure on to limited on-street parking could have an adverse effect on the historic built environment, the living environment of town residents, the attractiveness of towns to tourists, and the safety environment for pedestrians and cyclists.”

16. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T5: Parking Standards is not satisfied.

Transportation

20 January 2012

Documents

TMC01	Transportation Consultation Response dated 26 January 2011
TMC02	Transportation Consultation Response dated 28 July 2011
TMC03	Moray Council Parking Standards (Pre-September 2011)
TMC04	Moray Council Parking Standards (September 2011)
TMC05	Email to CM Design dated 9 September 2011
TMC06	Site Layout Plan showing turning area requirement