

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
18 June 2013**

Agenda Item	6.6
Report No	PLN/063/13

**13/00890/FUL : The Highland Council
Land to North East of Kirkton Gardens, Lochcarron**

Report by Area Planning Manager

SUMMARY

Description : Erection of four flats and two semi-detached houses

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : N/A

Reason referred to Committee : Council Interest.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a two storey building which contains four flats, and two one and a half storey semi-detached houses
- 1.2 Pre-application advice was sought and provided to the effect that the site lies within the defined Settlement Development Area of Lochcarron, and is also within an area covered by the Kirkton Development Brief. This document sets out various design parameters for new housing developments, and the applicant was advised that any subsequent application for planning permission should achieve compliance with these parameters.
- 1.3 The site is bounded to the south by an existing adopted road, off which parking and turning areas would be formed. The development would connect to existing mains drainage.
- 1.4 A Planning Statement has been submitted in support of the application which seeks to reconcile the design with the Kirkton Development Brief's design parameters, although the scheme has been revised since the submission of this document.
- 1.5 **Variations:** The design of the flats building has been revised twice since the application was submitted in order to address officer concerns regarding design. The design of the semi-detached houses has not altered.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of generally flat, open land within the residential area of Kirkton at the eastern end of Lochcarron village. This area was first developed for housing in the mid 1970's in order to accommodate managers employed at the Kishorn oil platform yard.

3. PLANNING HISTORY

- 3.1 10/01314/PIP. Erection of house. Withdrawn 27.09.2011
11/02737/PIP. Erection of house. Granted 13.10.2011
11/02738/PIP. Erection of house. Granted 23.09.2011
12/01184/PIP. Erection of house (Amendment to site boundary of planning permission 11/02737/PIP). Granted 08.06.2011.
12/01185/PIP. Erection of house (Amendment to site boundary of planning permission 11/02738/PIP). Granted 08.06.2011.
12/04820/PREAPP – Response as outlined under section 1.2 above.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days, expiry of advert 05.04.2013
Representation deadline : 05.04.2013
Timeous representations : 0
Late representations : 0

5. CONSULTATIONS

- 5.1 **TECS Roads:** No objection, but concerns regarding lack of turning areas within site, proximity to an existing junction and visibility splays.
- 5.2 **Forestry Officer:** No objection, subject to conditions relating to minimum separation distances from existing trees and protection of exiting trees during construction.
- 5.3 **Scottish Water:** No objection.

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 |
| 32 | Affordable Housing |
| 34 | Settlement Development Areas |

51 Trees and Development

6.2 Wester Ross Local Plan 2006

1 Settlement Development Areas

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/A

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (June 2011)

Trees, Woodland and Development (September 2011)

Kirkton Development Brief (September 2007)

7.3 Scottish Government Planning Policy and Guidance

N/A

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 a defined Settlement Development Area, so Policy 1 of the Wester Ross Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The Wester Ross 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. For the reasons set out below the scheme is considered to meet these policy requirements and to be acceptable in principle.

Two consents for Planning in Principle for two single dwelling houses have been issued on this site (12/01184/PIP & 12/01185/PIP). The area of land relating to

these consents is contiguous, and covers almost the full extent of the site, apart from a very small triangle of land at the south eastern portion of this site which extends beyond the area covered by consent 12/01185/PIP. The principle of housing development on the site is therefore established.

8.4 Material Considerations

Design, Layout & Landscape Impact

As noted above, the design of the flats has been amended on two occasions in response to officer concerns. The initial design was not considered to fit well with the existing domestic architecture in the vicinity, in that its design appeared to be more commercial in nature. The current revision has pitched roofs, and the apparent depth of the building has been reduced by adjusting the roof design which draws the eye to the gable of the building, rather than to the full extent of the building's depth. The final design is considered to respect the local architectural context and landscape setting in terms of its layout and form. Similarly, the proposed cladding materials of natural slate on the roofs and white render with some details picked out in grey render are considered to accord with the local vernacular. No details have been submitted in respect of landscaping, but this can be dealt with by condition.

The site lies within the Kirkton area of Lochcarron, where various sites are allocated for housing development. In order to help deliver these sites the Council produced the Lochcarron Kirkton Development Brief in 2007. While this site is not actually one of those specifically identified in this document, given that the stated purpose of the Brief is to set out a framework for a comprehensive and cohesive approach to development, and given that the relationship of housing on this site with the existing housing at a lower level on the opposite side of Kirkton Gardens needs to be carefully considered, regard should be had to the following key design principles set out on page 9 of the Brief:

- Minimum of 20m clearance from tall trees at the rear of the site
- Maximum 6.0m depth of houses
- 6-10m front garden depth
- Minimum 60% plot width for primary frontage
- Selective planting to front of site
- Shelter planting to reinforce boundaries
- Parking within site curtilage
- Garages to sit towards rear of buildings
- 40-45 degree pitched roof
- One and a half storey height
- Post and wire or wooden fencing to boundaries
- White or off-white wall materials
- Site excavations close to buildings to minimise visual impact

- Minimal fill to front of buildings

The design of the semi-detached houses accords with all of these parameters, other than the maximum 6.0m house depth, which is exceeded by some 1.5m. The flats are two storey, rather than the one and a half storeys stated above, and have an overall depth of some 10.7m, and a gable depth of approximately 7.2m. In addition, while the flats are set back by some 8.5m from the public road, only some 3m of this depth is actually garden. Finally, the flats are some 18m away from the woodland edge to the rear of the site.

Accordingly, the proposal does not accord with three of the fourteen parameters from the Kirkton Development Brief, as listed above, although the Forestry Officer is content with the separation distance from the trees. The parameters set out in the Kirkton Development Brief are not mandatory, and the document states that it is not intended to be absolutely prescriptive. Given the design improvements which have been secured in the course of negotiations, it is considered that the finalised design, on balance, accords with the spirit of the Brief.

Affordable Housing

It is understood that all six of the proposed housing units are to be affordable. A condition can be applied to secure this aspect of the development.

Trees

As noted above, the Forestry Officer is content with the separation distance between the proposed buildings and existing trees to the rear of the site. Conditions are recommended relating to minimum separation distances and protection of these existing trees during construction.

Access and Parking

TECS Roads have commented that they have some concerns relating to visibility splays, reverse parking into the site for the flats, and the proximity of the site to the junction of Kirkton Gardens and Kirkton Road. However, TECS Roads previously provided comments on application 10/01314/PIP, which covers the northern part of the site. This response stated that a turning area within the site was not required, and raised no concern in relation to the site's proximity to the junction with Kirkton Road. Given the developed nature of the site location, with multiple house accesses onto the public road which have created a low speed environment for vehicles, and the lack of comment from TECS Roads on the need for an internal turning area or on the issue of junction spacing in relation to application 10/01314/PIP, it is considered that the proposed access and parking arrangements are acceptable in this particular instance. The site takes access from Kirkton Gardens, which is classified by TECS Roads as a minor residential road – in respect of which visibility splays of 2.4m x 25m are required for traffic speeds of 20mph. It is considered that this is a realistic maximum speed on this stretch of highway, and a condition requiring visibilities of 2.4m x 25m in each direction from the site accesses is therefore appropriate.

8.5 Other Considerations – not material

None.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

- 9.1 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:

1. 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:
 - i. the numbers, type, tenure and location of the affordable housing provision to be made, which shall consist of not less than 100% of the total number of housing units proposed within the application site;
 - ii. the arrangements for the management of the affordable housing;
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. 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 by the development, in order to reflect the need for the affordable housing within the area, which has been established through the Council's Affordable Housing Supplementary Planning Guidance.

2. No development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated October 2012), with:
 - i. the site accesses and off-street parking bays formed to comply with drawing ref. 2012 061-200 A; and

- ii. visibility splays of 2.4m x 25m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the northern most site access and southern most parking bay.

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, and to ensure that the works involved comply with applicable standards.

3. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. 2012 061-200 A shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason : In order to ensure that the level of off-street parking is adequate.

4. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

5. No development, site excavation or groundwork shall commence until full details of protective tree barriers, located a minimum of 5 metres from the western boundary of the development, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved barriers shall be erected prior to any development, site excavation or groundwork commencing and shall remain in place

throughout the construction period. Barriers must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason : In order to ensure the protection of retained trees, which are important amenity assets, during construction.

6. A minimum separation of 18 metres is required between existing trees and the proposed flats and 20 metres from the proposed semi-detached units in order to avoid future conflict due to safety and nuisance concerns.

Reason : In order to secure an appropriate distance between existing trees and any new development.

7. The grey “K Rend” finishes shall be the pewter grey colour shown in the K Rend product literature.

Reason : In the interests of amenity, and for the avoidance of doubt.

8. No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

Reason : To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

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 & 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

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 & 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 or more information.

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 – 2012 061-200 rev a - location & site layout plan plan 2 – 2012 061-050 rev c flats - floor/elevation plan plan 3 – 2012 061-052 rev a flats - floor/elevation plan plan 4 - 2012 061-051 rev b flats - elevation plan plan 5 - 2012 061-100 houses - floor plan plan 6 - 2012 061-101 houses - elevations



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

PLAN 1
13/00890/FUL

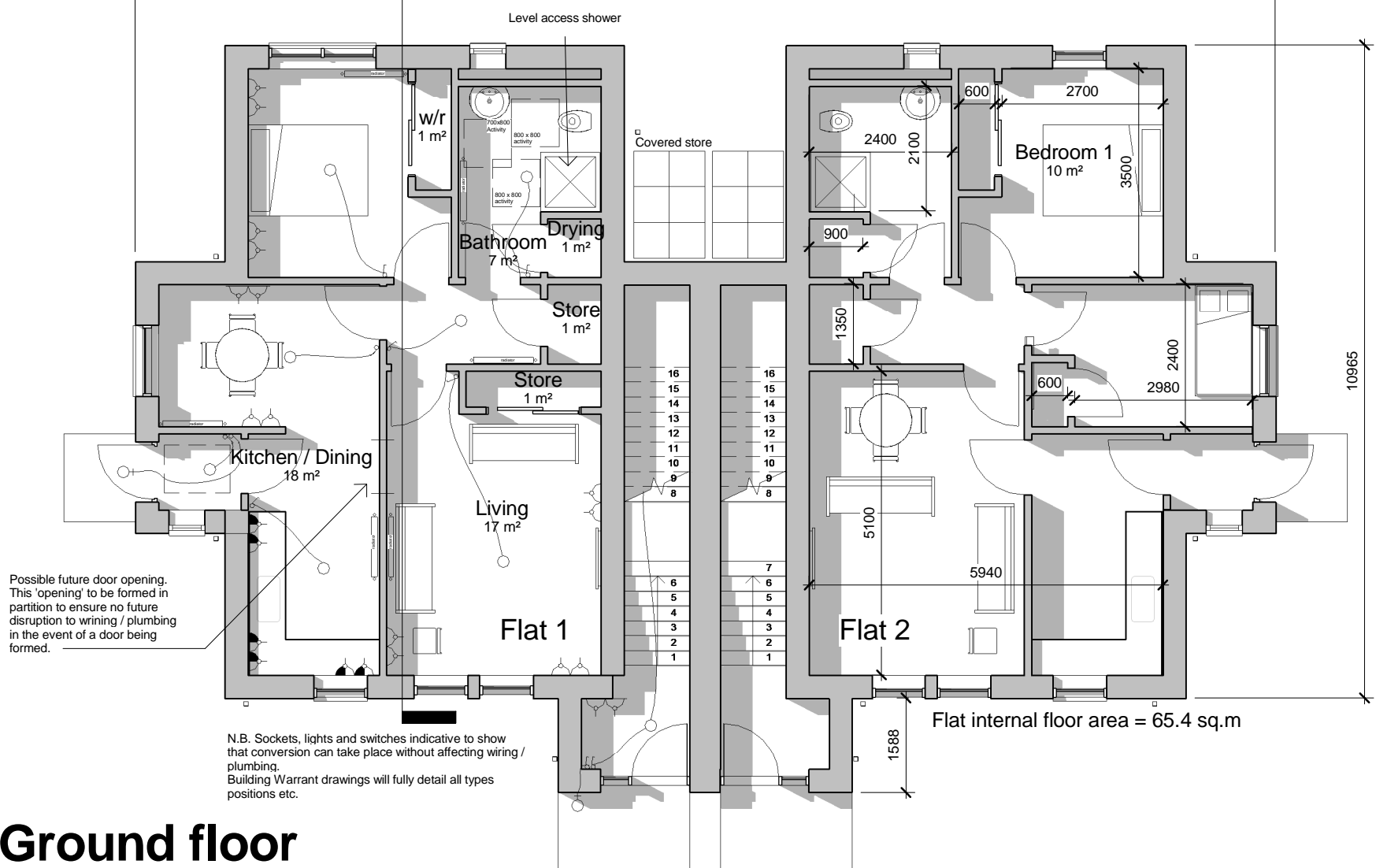
Erection of four flats and two semi-detached houses at Land to North East of Kirkton Gardens, Lochcarron

18 June 2013



2012 061 - 051

19150



Flat internal floor area = 65.4 sq.m

Possible future door opening. This 'opening' to be formed in partition to ensure no future disruption to wiring / plumbing in the event of a door being formed.

N.B. Sockets, lights and switches indicative to show that conversion can take place without affecting wiring / plumbing. Building Warrant drawings will fully detail all types positions etc.

1 Ground floor

1 : 100

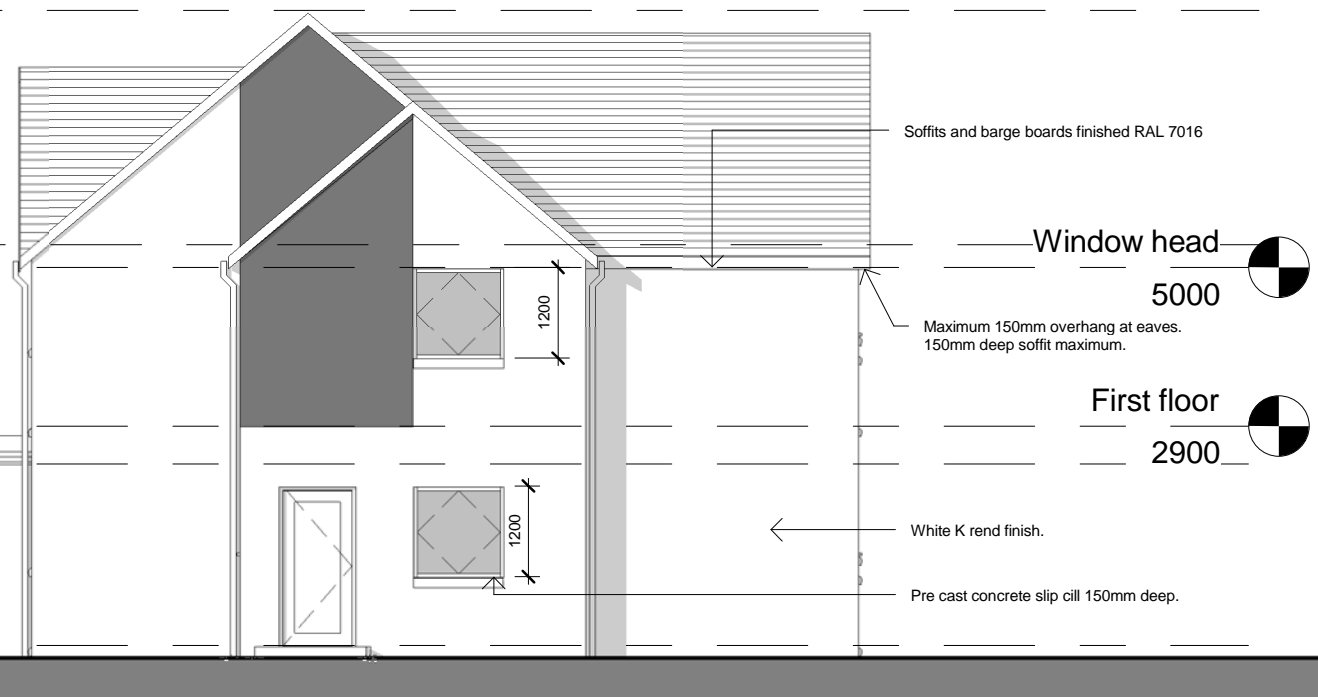
Apex
8400

First floor ceil
5300

Alwitra roof membrane.
5 degree roof pitch.

Ground ceil
2400

Ground floor
0



Soffits and barge boards finished RAL 7016

Window head
5000

Maximum 150mm overhang at eaves.
150mm deep soffit maximum.

First floor
2900

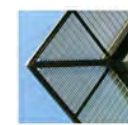
White K rend finish.

Pre cast concrete slip cill 150mm deep.

2 North elevation

1 : 100

For tender



reynolds architecture ltd.
1 tulloch street, dingwall. IV15 9JY
tel. 01349 867766 fax. 01349 867769
www.reynolds-architecture.com

No.	Description	Date

Highland Council (housing)
Kirkton, Lochcarron

Flats ground floor

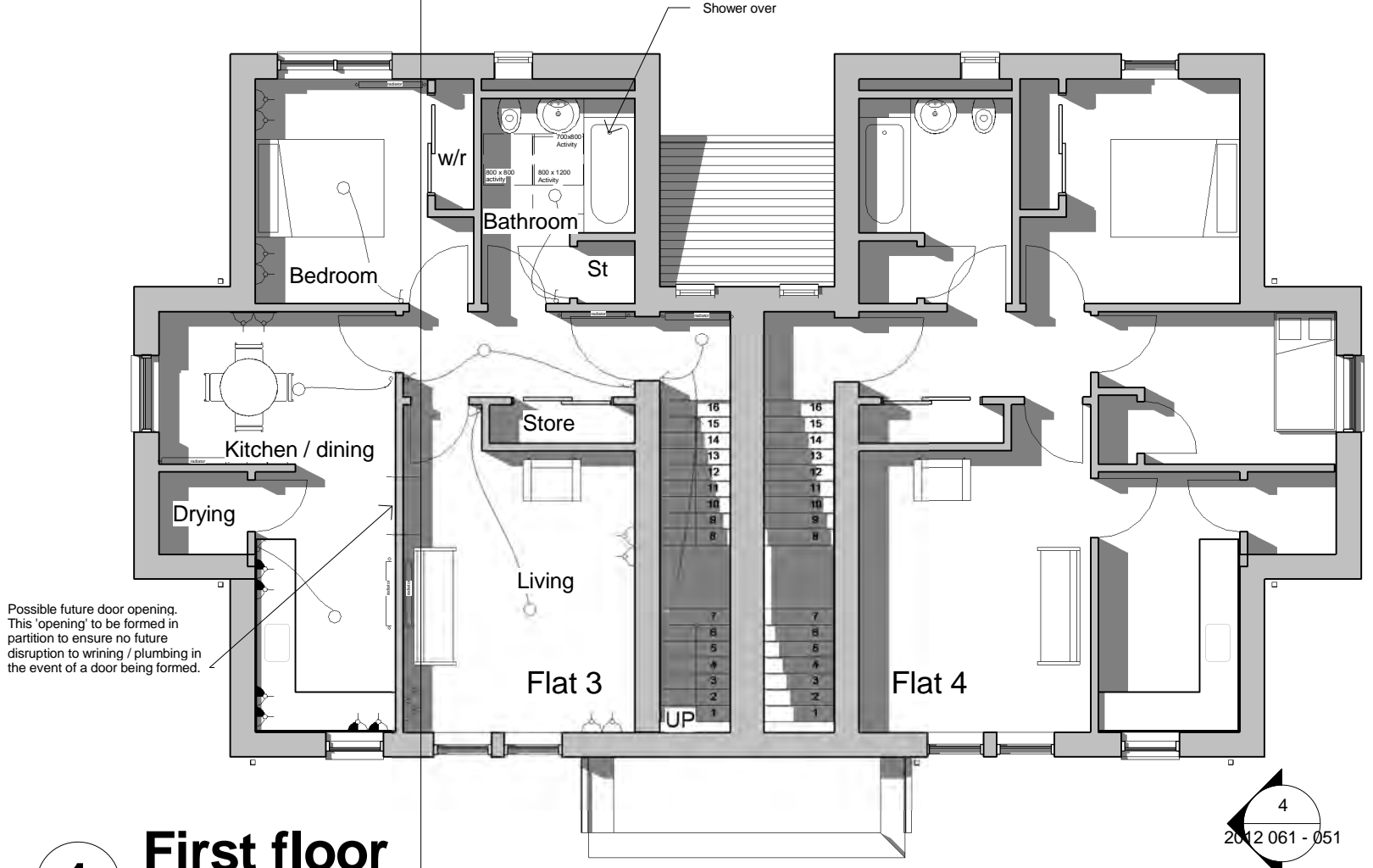
Date	17.01.13
Drawn by	WJR
Scale	1 : 100

2012 061 - 050

1. Protected by copyright, no reproduction without express permission from architect.
2. Contractor is responsible for checking all dimensions prior to construction.
3. Discrepancies to be referred to architect for decision.
4. Must be read in conjunction with written specification and engineers/sub contractors construction information.

4
2012 061 - 051

4
2012 061 - 051



1 First floor
1 : 100

Apex
8400

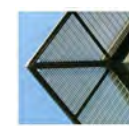
First floor ceil
5300

Ground ceil
2400

Ground floor
0



3 West elevation
1 : 100

For tender		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
Highland Council (housing)		
Kirkton, Lochcarron		
First floor (flats)		
Date	17.01.13	
Drawn by	WJR	
Scale	1 : 100	
2012 061 - 052		
<small> 1. Protected by copyright, no reproduction without express permission from architect. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be referred to architect for decision. 4. Must be read in conjunction with written specification and engineers/sub contractors construction information. </small>		



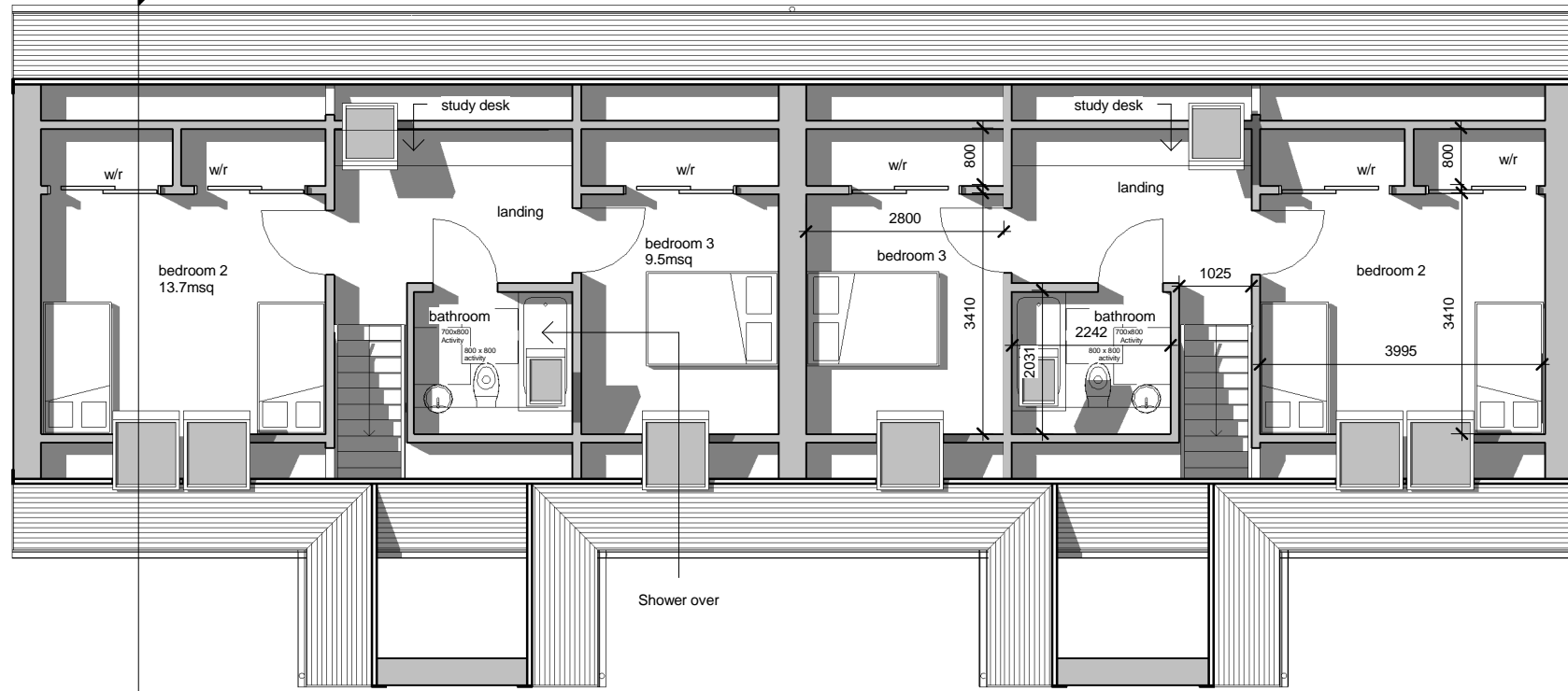
3 East elevation
1 : 100



4 Section 1
1 : 100

For tender		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
A	Elevations altered	4.04.13
Highland Council (housing)		
Kirkton, Lochcarron		
External views (flats)		
Date	17.01.13	
Drawn by	WJR	
Scale	1 : 100	
2012 061 - 051		
<small> 1. Protected by copyright, no reproduction without express permission from architect. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be referred to architect for decision. 4. Must be read in conjunction with written specification and engineers/sub contractors construction information. </small>		

3
2012 061-100

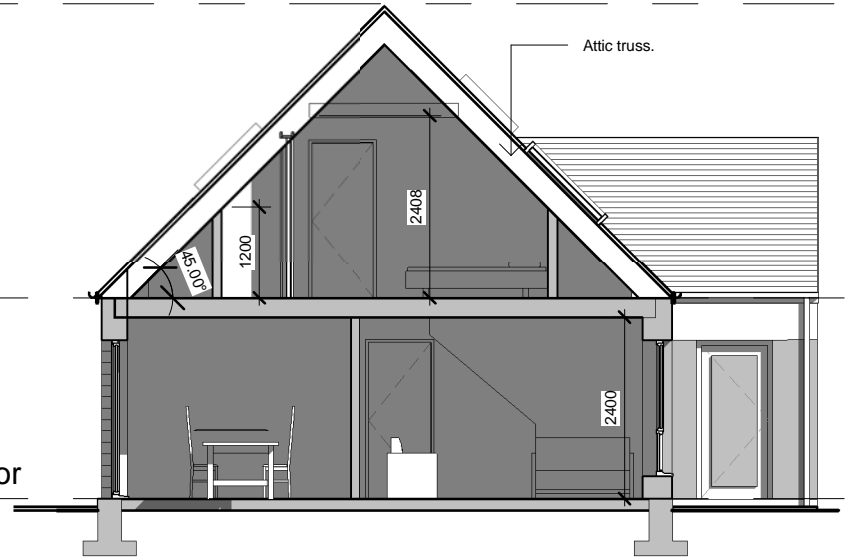


2 First floor
1 : 100

Ridge
6543

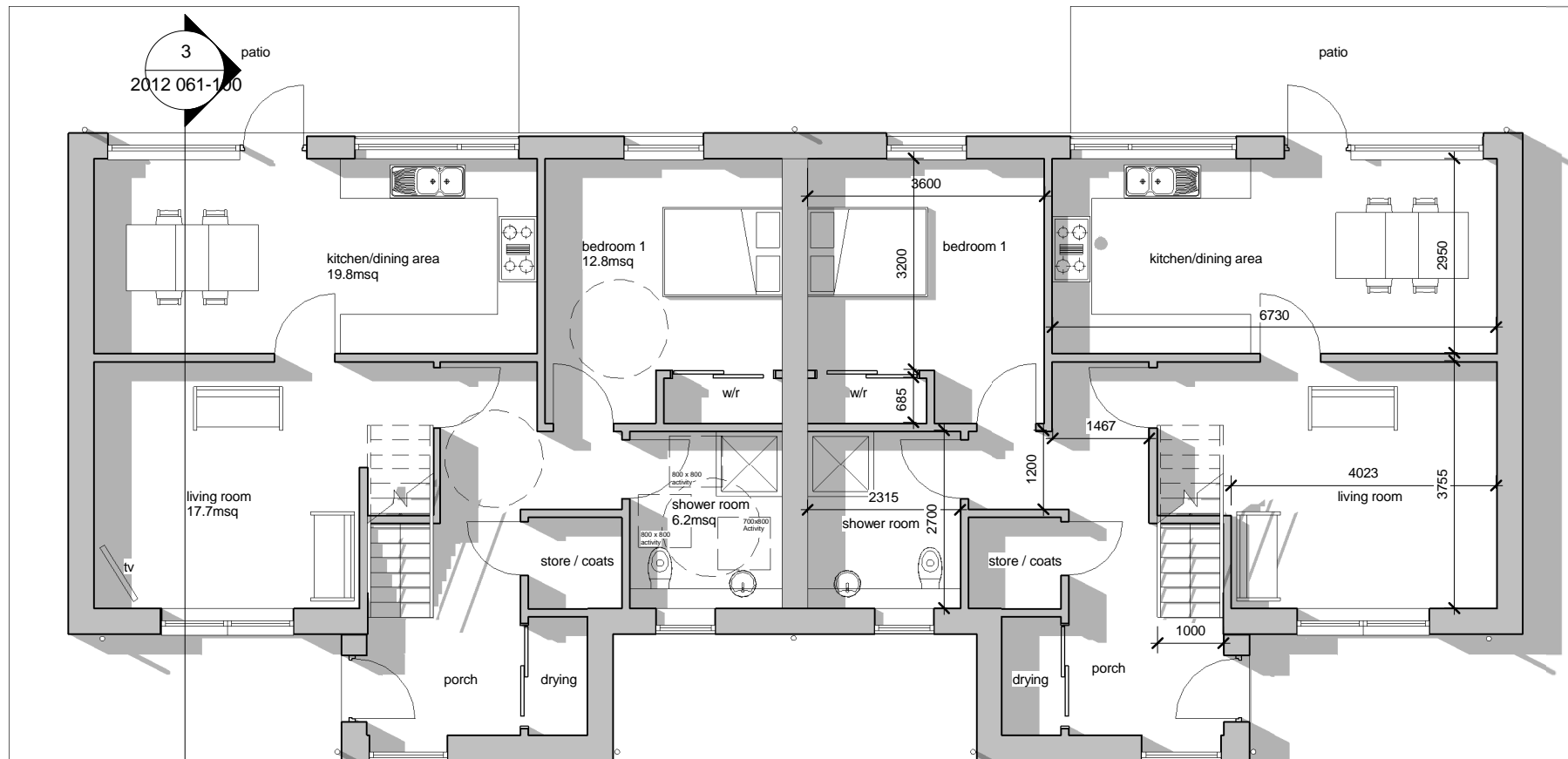
First floor
2655

Ground floor
0



3 Section
1 : 100

3
2012 061-100

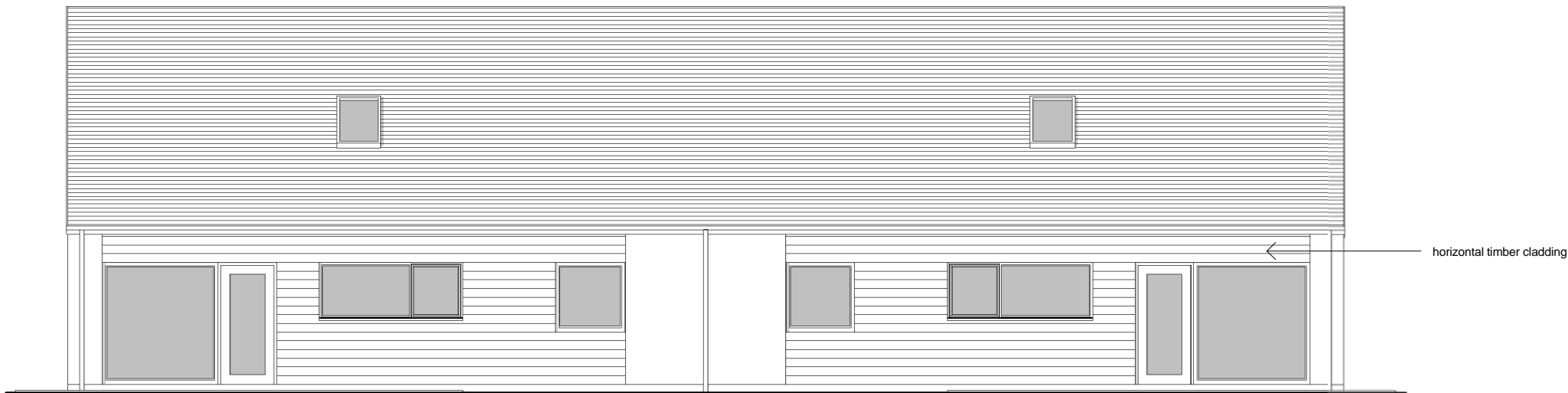


1 Ground floor
1 : 100

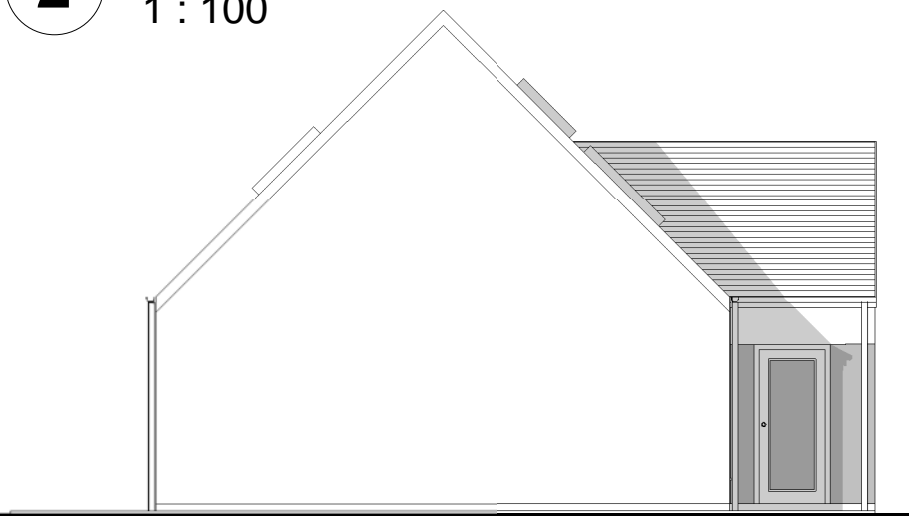
For planning		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
Highland Council (housing)		
Kirkton, Lochcarron		
Plans semi detached		
Date	14.01.13	
Drawn by	GIR	
Scale	1 : 100	
2012 061-100		
<small> 1. Protected by copyright, no reproduction without express permission from architect. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be referred to architect for decision. 4. Must be read in conjunction with written specification and engineers/sub contractors construction information. </small>		



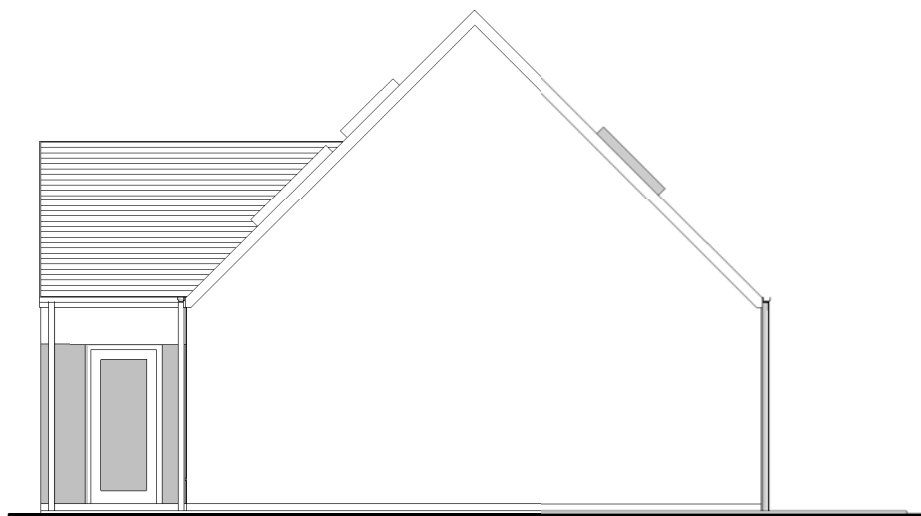
1 Front / south east
1 : 100



2 Rear / north west
1 : 100



3 Side 1
1 : 100



4 Side 2
1 : 100

For planning		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
Highland Council (housing)		
Kirkton, Lochcarron		
Elevations		
Date	14.01.13	
Drawn by	GIR	
Scale	1 : 100	
2012 061-101		
<small> 1. Protected by copyright, no reproduction without express permission from architect. 2. Contractor is responsible for checking all dimensions prior to construction. 3. Discrepancies to be referred to architect for decision. 4. Must be read in conjunction with written specification and engineers/sub contractors construction information. </small>		