

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
19 November 2013**

Agenda Item	6.2
Report No	PLN/101/13

**13/02311/FUL : Mr Clair Harper
4 Beaufoy Street, Wick**

Report by Area Planning Manager

SUMMARY

Description : Erection of House

Recommendation - GRANT

Ward : 03 - Wick

Development category : Local Development

Pre-determination hearing : No Hearing required

Reason referred to Committee : 5 or more objections.

1. PROPOSED DEVELOPMENT

- 1.1 Application is made in detail for the erection of a contemporary 1 bedroomed house. The front elevation is one and a half storey whilst the rear elevation is two storey. The proposed roof is pitched at 50 degrees and hip ended at a pitch of 45 degrees and to be a dark grey tile. The existing stone wall on the street frontage is to be retained and incorporated into the new house. The proposed new side and rear walls are to be white render. A dormer window is proposed to the front/street elevation.
- 1.2 Following refusal of the previous application (ref no 12/04068/FUL) a meeting was held on site with the applicant and the agent to discuss the areas of concern with the previous proposal.
- 1.3 The proposed house would be served by existing mains drainage. There is no vehicular access proposed as part of this application, the access will solely be pedestrian with on street parking on Beaufoy Street.
- 1.4 The application was accompanied by a letter from the agent that stated the rationale behind the development of the site, how the design of the proposal has been changed since the previous refusal, the matters taken into consideration in the amended design and the consideration given to matters raised by third parties in response to the previous application. A further letter in response to the

representations submitted in respect of the current application has been submitted and addresses the points raised by neighbours. The points put forward are referred to later in this report.

1.5 **Variations:** none

2. SITE DESCRIPTION

2.1 The site is on a vacant piece of land between traditional two storey residential dwellings at, 6 Beaufoy Street and 7 Dempster Street and includes the lower half section wall of an existing end terrace house that had been previously demolished. The site comprises of an un-kept area of rough ground adjoining the east gable end of number 6 Beaufoy Street, Wick. A single storey front façade remains of the previous house with window inserts bricked up. The site is currently used as an informal bin storage area.

3. PLANNING HISTORY

3.1 Application reference 12/04068/FUL was refused on the 20/02/13 under the scheme of delegation. The main reasons for refusal related to the inappropriate nature of the proposed design. The plans are appended to this report for members information.

4. PUBLIC PARTICIPATION

4.1 Advertised : n/a

Representation deadline : 14/07/13

Timeous representations : 7

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Overdevelopment of the site
- Overlooking/impact on privacy
- Over shadowing
- Lack parking
- Loss of Light
- Modern design of the proposal
- The impact on the area
- Lack of amenity space
- Previous development
- Previous refusal

Included as a representation is a letter from Wick Community Council highlighting that they had been contacted by local residents raising the concerns as listed above.

- 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 No consultations were undertaken in the processing of this development.

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 |
| 34 | Settlement Development Areas |
| 57 | Natural Built and Cultural Heritage |

6.2 Caithness Local Plan

- | | |
|---|------------------------------------------|
| H | General Housing Policy 'H' is applicable |
|---|------------------------------------------|

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy

7.3 Scottish Government Planning Policy and Guidance

Scottish Historic Environment Policy

7.4 Other

Not applicable

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 Highland wide Local Development Plan policy 34 supports development within Settlement Development Areas provided criteria contained in policies 28 and 57 are satisfied by the proposed development. Also relevant is policy 29 of the Highland wide Local Development Plan.

Policy 28 states that the developments that make use of brownfield sites will be supported, developments should demonstrate sensitive siting and high quality design in keeping with local character and historic environment making use of appropriate materials. Proposals should not have a negative impact on residential amenity of individuals.

Policy 29 requires that new developments should demonstrate sensitivity and respect towards the local distinctiveness of (amongst other things) the architecture, design and layouts of their proposals. Proposals should have regard to the historic pattern of development of the area.

Policy 57 requires that development respects the cultural and heritage of the area in which it is proposed.

The character of Dempster Street and Beaufoy Street Wick are derived from having an established and traditional form of single or two storey properties with traditional gables and having steeply pitched roofs. Properties are built in Caithness Stone or finished in dry dash render. There is a mixture of roof finishes on the buildings in the area. There is a mix of building styles, materials and finishes in the area.

The proposed two storey (attic) house with its contemporary design picks up on many of the current design features of Beaufoy Street, Dempster Street and the wider area. Innovative or contemporary design should not be the sole reason for allowing a development to be granted but a new development should have due regard for the context in which it is located. The development needs to be sympathetic to the character and appearance of properties in its locality. The development proposed takes a lead from many of the features in the area and incorporates them into the proposal. The pitch of the roof, the dormer window, hip end nature of the roof and the proposed material all are elements that are characteristics of the area. The retention and reuse of the stone façade at street level is supported. Many of the features of the design are evident on the existing traditional buildings of the area and incorporating them into the proposal shows a sympathetic approach to the historical architectural context. As such the proposal is supported under the terms of Policy 57 of the Highland wide Local Development plan. The proposal is an acceptable design whereas the previous proposal did not “lend” itself to the area.

Policy 29 'Design Quality and Place Making' requires new developments to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. The proposed design and roof is based on the more traditional design of houses in the area and demonstrates a design that is sensitive and respectful towards the local distinctiveness of the streetscape, architecture and design. The immediate adjoining properties off Beaufoy Street and Dempster Street are two storey terraces that use a mix of modern and traditional materials.

Wick Baptist Church which is Category B Listed looks onto the site and is within the Wick Pulteneytown Outstanding Conservation Area, although the application site is just to the south of the Conservation Area boundary. Historic Scotland in their guidance for 'New Design in Historic Settings', indicate that, "New development should aspire to blend and coalesce with the existing built form without simply replicating it." This proposal takes into account the historic pattern of development and streetscape in the locality and therefore can be supported under Policies 29 'Design Quality and Place Making' and Policy 34 'Settlement Development Areas'.

The proposed development is considered to harmonise with the existing character and scale of the area by avoiding other examples of designs that are unrelated and unsympathetic. The design presented incorporates features and traditional elements that are evident on existing buildings in the area, is redevelopment of a gap site and takes due cognisance of the area in which it relates.

8.4 **Material Considerations**

Representations raised a number of additional issues and these are addressed below:

Car parking – the proposal is for a 1 bedroom house and any impacts on parking in the area are likely to be minimal. Representations highlight there are issues with lack of parking when there are church services but it is unlikely that the proposed development will significantly exacerbate the current situation.

Overdevelopment – the site is a gap site and clearly had had something previously on it or it was intended to be developed in the past given the presence of the existing stone wall along the frontage with a door and window opening within it. The redevelopment of the site is supported in policy, whilst ideally there should be amenity or garden ground it is often the case in urban locations there is no garden ground associated with property. Recreational areas are provided in communal public areas. The agent contends that in many instances residents do not want the burden of amenity space or the maintenance requirements of same. The proposal is for a 1 bedroom house and there is public amenity space nearby that can be readily accessed closeby as such the lack of practical amenity space is accepted in this particular instance.

Privacy – the proposed development has one window at first floor level to the rear that serves the apartment. The applicant has agreed that a condition be attached that this window be stain or translucent glass as it safeguards the privacy of the

apartment also. Other windows at ground floor level serve the stairs or a utility cupboard as such it is considered that the uses of these spaces would not afford opportunity for overlooking.

Daylight/overshadowing – the adjacent property has a kitchen window on the rear ground floor elevation. The development has been designed to take account of this window to allow as much natural light to enter that window as possible. In assessing daylight/overshadowing an assessment has to be made in regard to the proposal, the affected property and the orientation of the site, the movement of the sun through the day and the position/height in the sky of the sun at different times of the year. The development is set back 3 m from that window, the roof is hipped and the pitch is such as to afford natural light to still reach that window. The rear walls being white render will reflect light in the area also. As such it is considered that the development takes account of the potential impacts on neighbouring property and are within acceptable parameters.

Previous refusal – the presented application has addressed the main unacceptable elements that were part of the previous application and detailed in the reasons for refusal. The detail of the proposal presented is more respecting of the area in which it is proposed. The design has been amended to take into greater consideration the potential impacts on neighbouring properties. The proposal is for a 1 bedroom house and albeit the amenity area is well below what would normally be sought given the nature of the proposal and proximity to amenity ground closeby it can be accepted in this particular instance.

8.5 Other Considerations – not material

Access rights for other properties to service their bins is a civil matter. The use of the site for bin storage has been undertaken without the consent of the landowner.

8.6 Matters to be secured by Section 75 Agreement

n/a

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.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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:

1. The first floor window on the rear elevation shall be finished in stained or translucent glass exact details of which shall be submitted for the further approval of the planning authority before the development commences on site and shall be retained thereafter as such in perpetuity.

Reason : to ensure the amenity levels of neighbouring properties are safeguarded.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason : To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

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

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 (p.198), 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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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>

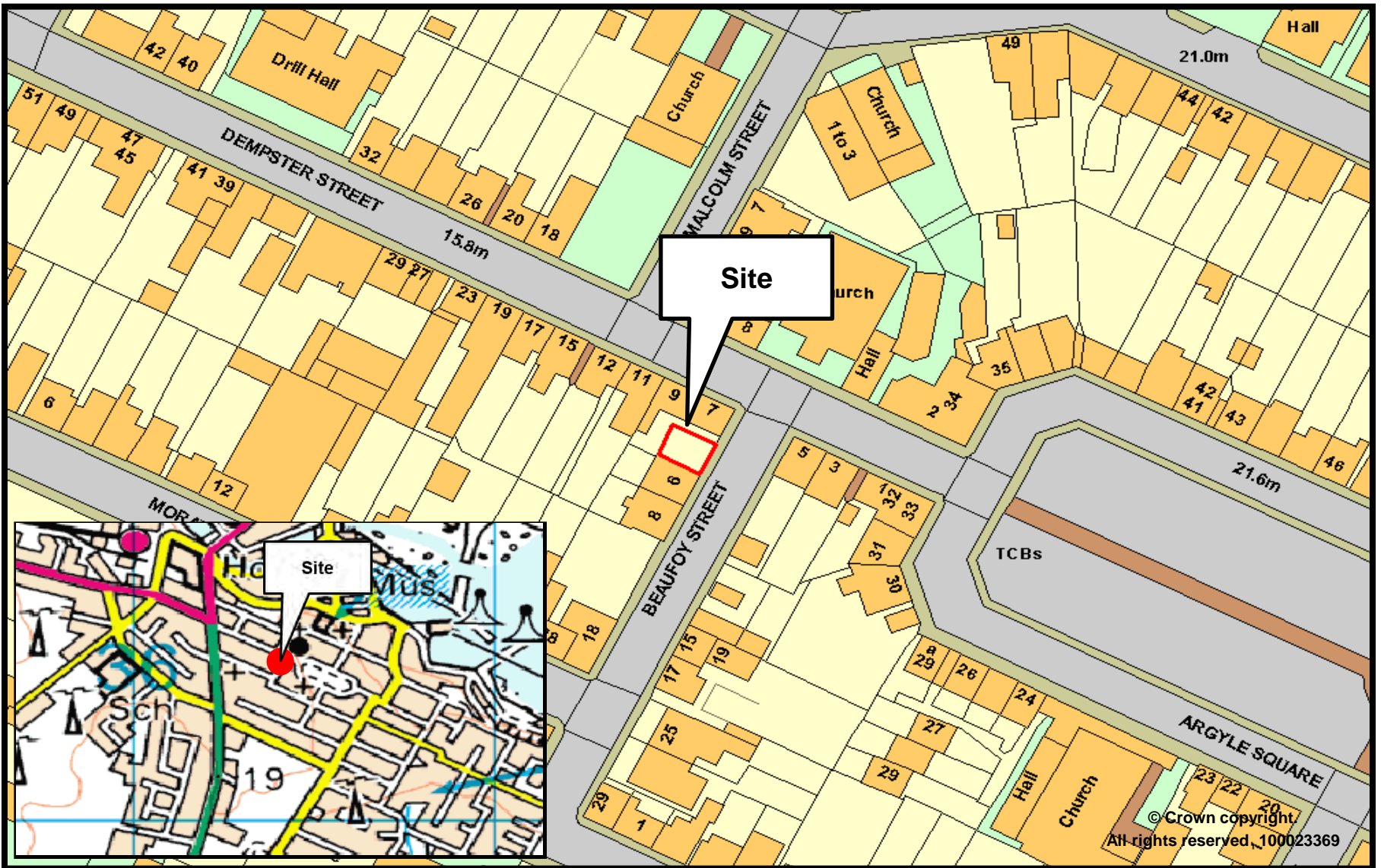
Mud & Debris on Road

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.

Signature: Dafydd Jones
Designation : Area Planning Manager North
Author: Victor Hawthorne
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Floor/Elevation Plan
Plan 3 – previously refused plans

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
George Corfield	5 Dempster Street, Wick	4/7/13	Against
Margaret Calder	11 Dempster Street, Wick	4/4/13	Against
Mr & Mrs D Miller	3 Dempster Street, Wick	4/7/13	Against
Alan Calder	8 Beaufoy Street, Wick	4/7/13	Against
Mr Allan Tait	7 Dempster Street, Wick	10/7/13	Against
Miss Kirtsy MacLeod	9 Dempster Street, Wick	11/7/13	Against
Wick Community Council	By email from Vice chair of the Community Council	12/7/13	General comment



The Highland Council
Comhairle na Gàidhealtachd

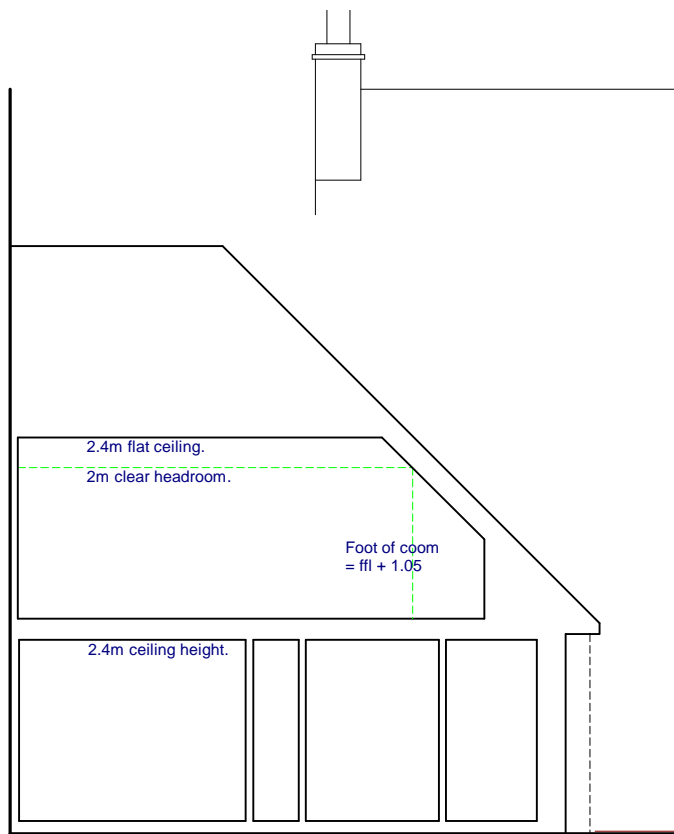
Planning and Development Service

Plan: Location Plan
Case No: 13/02311/FUL
Description: Erection of house at 4 Beaufoy Street, Wick

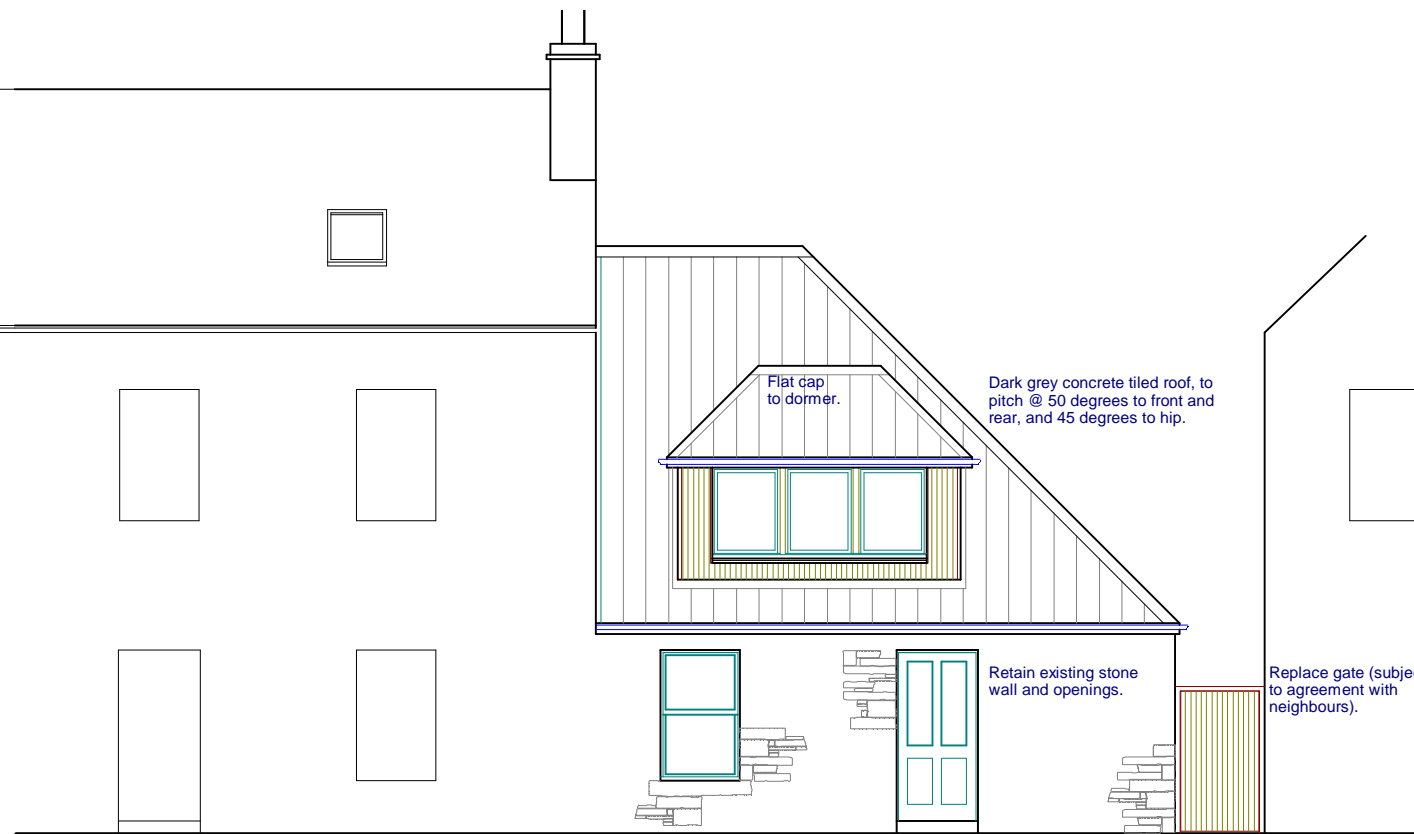
Date: 19.11.2013



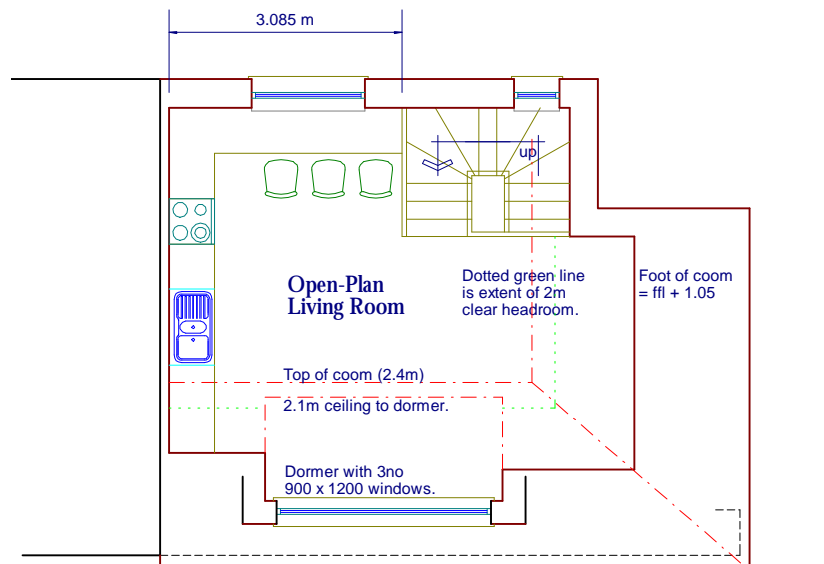
Scale:



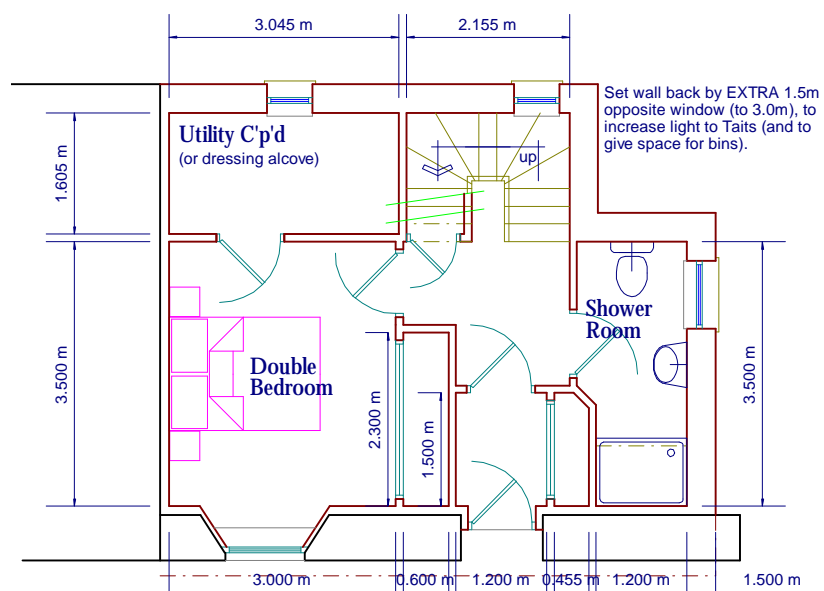
LONGITUDINAL SECTION



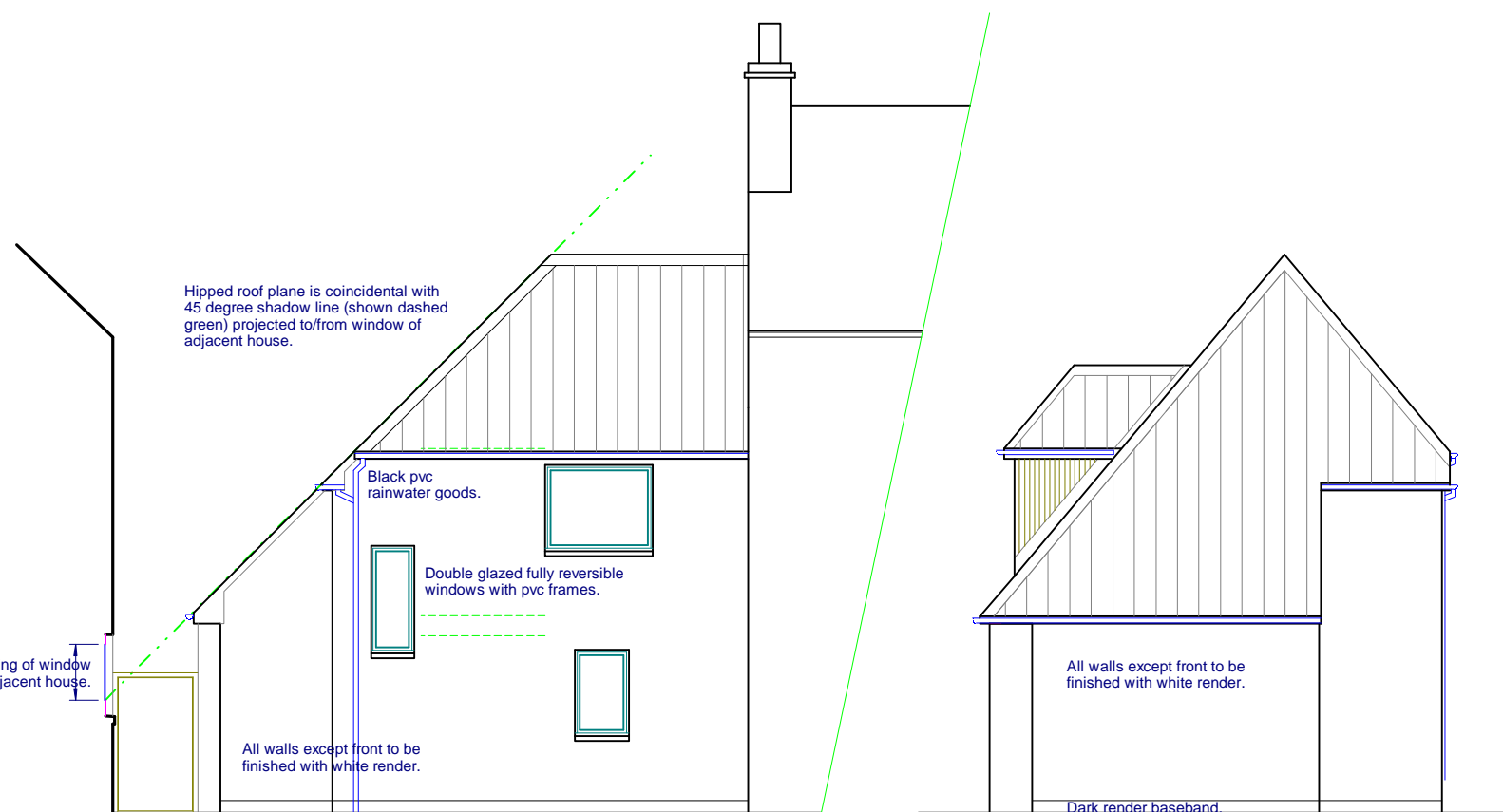
FRONT ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



REAR ELEVATION

SIDE ELEVATION

Revision A: 17/10/12 - as discussed with Clair.
 Revision B: 18/04/13 - following site meeting with Vic & Clair
 Revision C: 19/05/13 - following further discussion with Clair
 Revision D: 20/06/13 - following further discussion with Vic.

**Proposed Dwelling in Gap Site,
 4 Beaufoy Street, Wick
 for Mr & Mrs C. Harper**

**DESIGN PROPOSALS
 1 : 100**

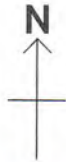
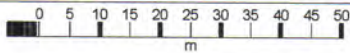
October, 2012

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OS Mastermap
 19 October 2012, ID: BLJT-00184153
www.planningapplicationmaps.co.uk
 1:1250 scale print at A4, Centre: 336411 E, 950515 N
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