

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE – 18
February 2014**

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| Agenda Item | 6.4 |
| Report No | PLN/013/14 |

13/04402/FUL: Jeannie Sutherland, Erection of House, Land north of Marham, Academy Street, Brora

Report by Area Planning Manager

SUMMARY

Description: Erection of new house and access, siting of residential caravan to use during construction work.

Recommendation - GRANT

Ward: 05 – East Sutherland and Edderton

Development category: Local

Pre-determination hearing: No hearing required

Reason referred to Committee: Objections received from 7 addresses

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application is for the erection of a new house and access with the siting of a residential caravan for use during construction work on land north of Marham on Academy Street, Brora.
- 1.2 Informal discussion with the local office on 19.08.2010 before submission of a planning permission in principle (ref:11/01335/PIP).
- 1.3 A new access is proposed on to Academy Street. The proposal is to connect to the public water supply and mains sewer. A SUDS compliant system will deal with surface water.
- 1.4 No supporting documents submitted.
- 1.5 No variations have been made to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site is within the Brora Settlement Development Area as defined by the Sutherland Local Plan. The 467 square metre site is situated in the north west of Brora. Essentially a gap site, it is located between Academy Street and the existing house "Marham" immediately to the south. The surrounding houses which front onto the north side of Academy Street follow a linear pattern of development. On the south side there are some dispersed houses which include

some traditional houses which are end on. The site is opposite houses named "Broomhill" and "Oakdene" on Academy Street adjacent to the north. The surrounding land beyond Academy Street is flat, open farmland. There is an existing field access to the west of the site which will be maintained. The site is grassland and bounded by a horizontal timber fence and post and wire stock fencing to the south.

3. PLANNING HISTORY

- 3.1 11/01335/PIP Erection of house and garage and formation of new access on to Academy Street. Permission granted 14.06.2011.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbour Notification

Representation deadline : 20.12.2013

Timeous representations : 7 (7 neighbour objections)

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Increased risk of drainage problems
- Road safety and parking concerns arising from increased traffic
- Detrimental to neighbourhood amenity and privacy
- Noise during construction
- Loss of parking
- Design, scale, overdevelopment of the site
- Loss of daylight to neighbouring properties
- Difficulty in servicing the proposed house due to constrained nature of road
- Loss of privacy
- Previous planning history

- 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 **Scottish Water:** No objections. Backies Water Treatment Works currently has capacity to service the proposed development. Brora Waste Water Treatment Works currently has capacity to service this proposed development.

- 5.2 **TECS Roads:** No objections subject to the applicant meeting the conditions specified in 11/01335/PIP. The conditions stated the access should be formed along with a service layby:

- The access on to the public road should be designed to standard

guidelines (SDB1)

- With regard to visibility, a visibility splay of 90M is required from the new junction onto the public road.

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 Area |
| 65 | Waste Water Treatment |
| 66 | Surface Water Drainage |

6.2

Sutherland Local Plan

| | |
|---|--------------------------------------|
| 4 | Natural, Built and Cultural Heritage |
| 6 | Design and Sustainability |

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

7.3 Scottish Government Planning Policy and Guidance

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

Policy 28 (Sustainable Development) of the Highland wide Local Development Plan aims to ensure that development is sustainable and lists the criterion against which the proposal shall be assessed. The applicable criteria in this case are compatibility with public service provision; accessibility; impact on individual

and community residential amenity; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials.

The application proposes to build on a gap site that would continue the linear development along Academy Street. It is therefore considered that this is an accessible and logical site to develop and the material impact on community or residential amenity will be minimal. Accordingly the proposal complies with this policy.

Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern. The proposed design is such that it complements the mix of designs in the immediate area. As such the proposal conforms to policy that requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located.

The site lies within the Brora Settlement Development Area as defined by the Sutherland Local Plan. Any proposal must therefore be judged against Policy 34 of the Highland-wide Local Development Plan (Settlement Development Areas). This outlines that the Council will support proposals if they meet the requirements of Policy 28 Sustainable Design and all other relevant policies of the plan. Proposals will also be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform to existing and approved adjacent land uses and the effect on any natural, built and cultural heritage feature. It is considered the proposal will have a minimal impact on the above criteria.

Policy 65 and Policy 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding. In regards to these particular elements the proposal is viewed as meeting the policy requirements.

8.4 **Material Considerations**

It is clear from representations received in respect of this application that community interests and amenity are perceived to be affected by the proposed development. Concerns expressed by objectors focus on:

Design, Appearance and Landscape Impact – Existing development on Academy Street and the outskirts of Brora is mixed in form, height and finish with a range of single, 1 and a ½ and occasional 1 and ¾ storey properties. The majority of houses along the north of Academy Street are set close to or on the roadside. To the south properties are generally set back from the road, for example Marham, The Cottage, 9A Academy Street and Jahra.

The proposed house is a modern interpretation of a simple traditional form, with rectangular footprint, comparatively narrow gables and relatively steep roof. The property is orientated so that the gables are facing the public road to the north and Marham to the south. Surrounding traditional buildings have a roughcast or white wet dash finish to the external walls and have either a natural slate or appropriate alternative modern tile finish to the roof.

The proposed property measures approximately 6m by 13.5m. A small protruding gable is proposed to the east elevation measuring 2.7m by 6m. The walls of the property are to be finished in white roughcast and the 45 degree roof

is to use Marley Edgemere tiles in smooth grey. Windows and doors are to be aluminium grey with grey soffits fascias. Both the dormer windows on the west elevation and external finish of the utility room are to use sawn larch timber cladding with a blue/green colour finish. Therefore in terms of design, scale and finish the proposal is acceptable. The proposed roof finish should have a riven edge and this can be secured by condition.

A detailed landscaping scheme will be required and can be controlled by condition. This will assist in assimilating the development into the streetscape.

The design and appearance of the building reflects existing development and is considered to be acceptable and accords with policy.

Access and Parking Arrangements – Consultation with TEC Roads has confirmed no technical objections. Concerns raised in representations over impact on the road network, parking provision and road safety are not supported by TEC Roads. They have reviewed the visibility at Academy Street and consider that a safe vehicular access to serve the proposal can be achieved. A condition will be attached regarding the sightlines of 2.4 m x 90 in each direction formed from the centre line of the junction

Two parking spaces have been included within the site. Representations raised concern over the affect on current parking space available on Academy Street. As the proposed parking spaces are “off street” it is considered the impact will be minimal. The formation of the proposed access is considered to alleviate the current pressure on the road as it will act as a passing place for vehicles. The development is not considered to exacerbate an already existing problem

Drainage - In terms of surface water drainage, concern has been expressed that the proposed development could aggravate surface water run-off. A condition is recommended that full details of a SUDS compliant surface water drainage system be supplied which takes account of not only the roof and hard surface run-off within the site, but also surface water originating from outwith the site. However, there is no reason to assume that a drainage solution cannot be found for the property, as it has been for its neighbours, and a condition is recommended to address surface water drainage.

The development will be connected to the public sewer and public water supply.

Over-Development – A number of representations stated that the proposal would over-develop a relatively small site. A condition was attached to the previous permission 11/03355/PIP stating that the combined footprint of built development should not exceed 20% of the application site area. The footprint of the house is approximately 100 square metres with the site measuring 467 square meters. Whilst the property footprint slightly exceeds that previously contained with a take up rate of 21% of the site as opposed to the 20% sought. It is considered there is sufficient space for the property, required access and parking provision on site.

Permitted Development rights are to be removed to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or have an adverse impact on the amenity of the area in future. This will be controlled by condition.

Privacy, Lighting and Amenity – Concern was expressed by a number of representations that privacy would be affected by the proposal. The north and south elevations have ground floor windows. The permission granted previously for 11/01335/PIP stated that there should be no windows on either of the elevations looking north and south due to privacy concerns and the possibility of overlooking nearby properties Marham, Broomhill and Oakdene. It is considered there is minimal risk of overlooking surrounding properties due to the separation distance between properties and therefore the privacy of nearby residents will not be adversely affected.

A daylighting calculation has been carried out and the results are considered satisfactory. There is found to be no obstruction to light at Broomhill and Oakdene to the north of the site. There is the possibility of obstruction of light to the ground floor window on the northern elevation of the adjacent Marham. As this is used as a garage and the property is to the south of the proposal the impact to amenity is considered minimal.

The siting of the property has minimised undue impacts on neighbours in terms of sunlight/daylight provision when considered against the orientation and movement of the sun during the day and the year.

As the site is within a residential area a condition restricting the hours of construction will be attached.

Other Considerations – not material

A number of issues required clarification. The agent confirmed that:

- No hardstanding is to be installed to the south of the site. A caravan will be used during the construction of the property and will be removed thereafter. This will be controlled by condition.
- A garage was initially proposed in plans submitted for 11/01335/PIP but has since been removed
- The application is for a residential property and any future change of use would require a planning application.
- Reference was made to 3 parking spaces in the application form. Only 2 parking spaces are required and have been included on the plans.
- Representations make reference to loss of view, members will be aware that there is no right to a view.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 An erection of a new house and access as proposed is consistent with Local Plan policy.

The context of the proposed building and the relationship to the existing buildings is considered appropriate in terms of its massing, scale and orientation. It is considered that there will be minimal detrimental impact on the

existing individual and community residential amenity of the immediate area and therefore accords with policies 28, 29 and 34 of the Highland Wide Local Development Plan. Furthermore, the proposal reflects the existing pattern of linear development along Academy Street with a modern interpretation of a simple traditional form of property.

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. There shall be no occupation of the development hereby approved, until the car parking and access arrangements detailed on approved plan ref. 39/13 have been 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.

2. No other 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 (from 13.06.2011)
 - i. the junction formed to comply with drawing ref. SDB1; and
 - ii. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No other development shall commence until the junction has been constructed in full and 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: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

3. 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 the approved landscaping works are properly undertaken on site.

4. 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.

5. No development shall commence on site until the developer has submitted written plans details of a surface water drainage in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) The submitted details shall show how the scheme addresses the management of surface water originating from the higher land to the south and west of the site as well as that originating from the drained surfaces of the immediate house site. The development shall thereafter be undertaken in accordance with the approved details.

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

6. The residential caravan within the application site is permitted solely for the use of the applicant or developer for the duration of construction works associated with the development hereby approved. Within one month of the completion of the development or first occupation of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the application site, along with all associated fixtures and fittings.

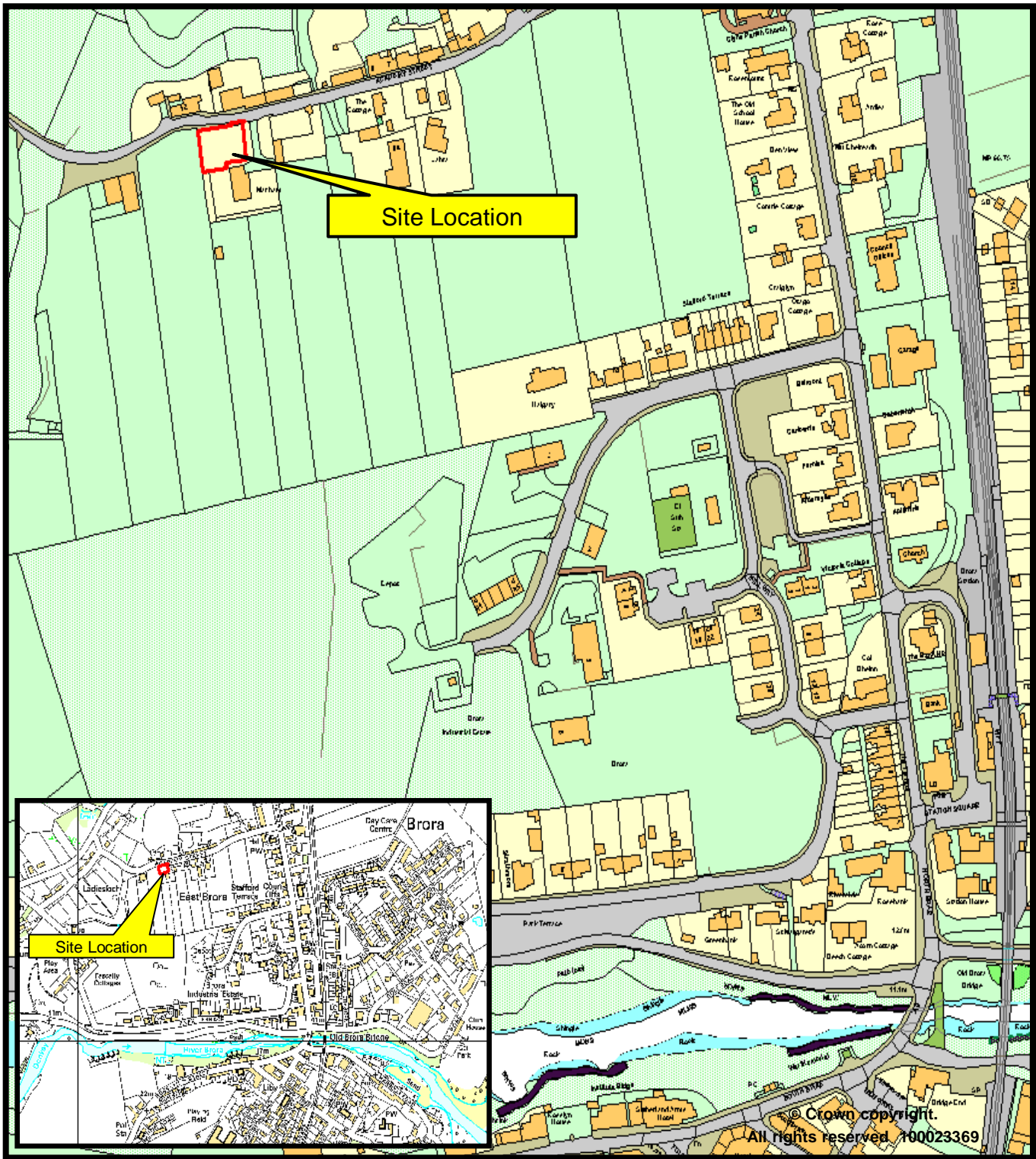
Reason: In order to retain appropriate control of this aspect of the proposed development.

7. Notwithstanding the provisions of Article 3 and Class(es) Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of residential property without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan (39/13)
Plan 2 – Elevation Plan (39/13/A)

| Name | Address | Date Received | For/Against |
|------------------------|---|---------------|-------------|
| Mr and Mrs Gresswell | Marham, Academy Street, Brora, KW9 6QP | 03.12.2013 | Against |
| Mr and Mrs Jon Webster | Oakdene, 11 Academy Street, Brora, KW9 6QP | 12.12.2013 | Against |
| Mr Bilsland | 8 Academy Street, Brora, KW9 6QP | 15.12.2013 | Against |
| Mr Pritchard | The Cottage, Academy Street, Brora, KW9 6QP | 15.12.2013 | Against |
| Mr and Mrs Dunn | Broomhill, Academy Street, Brora, KW9 6QP | 16.12.2013 | Against |
| Mr and Mrs D. Mackay | 10 Academy Street, Brora, KW9 6QP | 16.12.2013 | Against |
| Mr Etheridge | Ladys Loch, Brora, KW9 6NG | 18.12.2013 | Against |



FINISHES

WALLS: WHITE ROUGHCAST
 ROOF: MARLEY EDGEMERE IN SMOOTH GREY FINISH
 WINDOWS AND DOORS: ALUMINIUM CLAD GREY FINISH
 SOFFITS FASCIAS: GREY PAINT OR PVC
 RAINWATER GOODS: BLACK PVC
 TIMBER CLADDING: SAWN LARCH BLUE/GREEN FINISH



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

COLVIN DESIGNS

Roslyn Street
 Brora

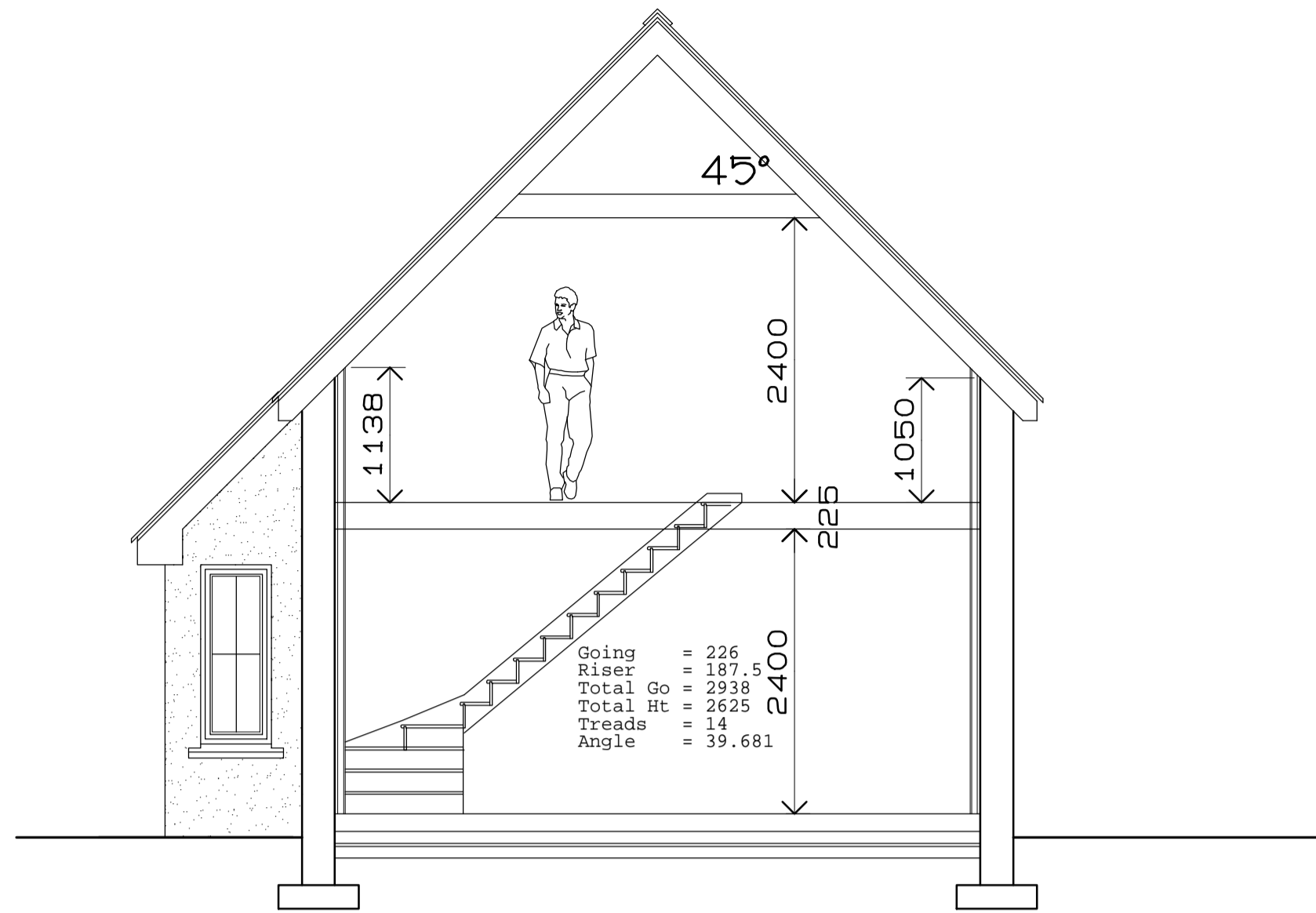


Sutherland Tel. 01408 621982
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 email. colvindesigns@ecosse.net

Project
 PROPOSED NEW HOUSE &
 GARAGE AT LAND OPPOSITE
 11 ACADEMY STREET, BRORA

Drawing
 ELEVATIONS

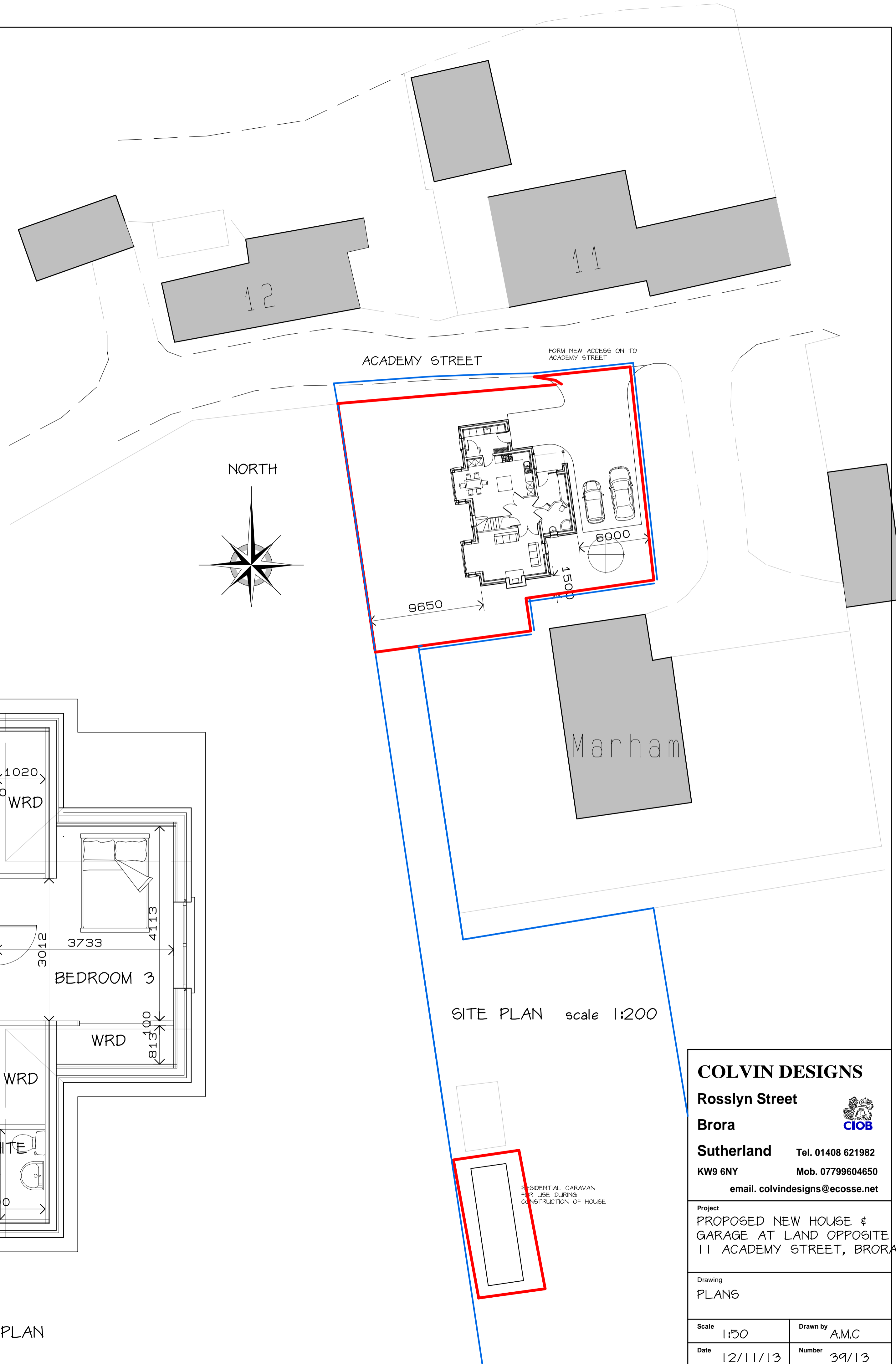
| | | | |
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| Scale | 1:50 | Drawn by | A.M.C |
| Date | 12/11/13 | Number | 39/13/A |



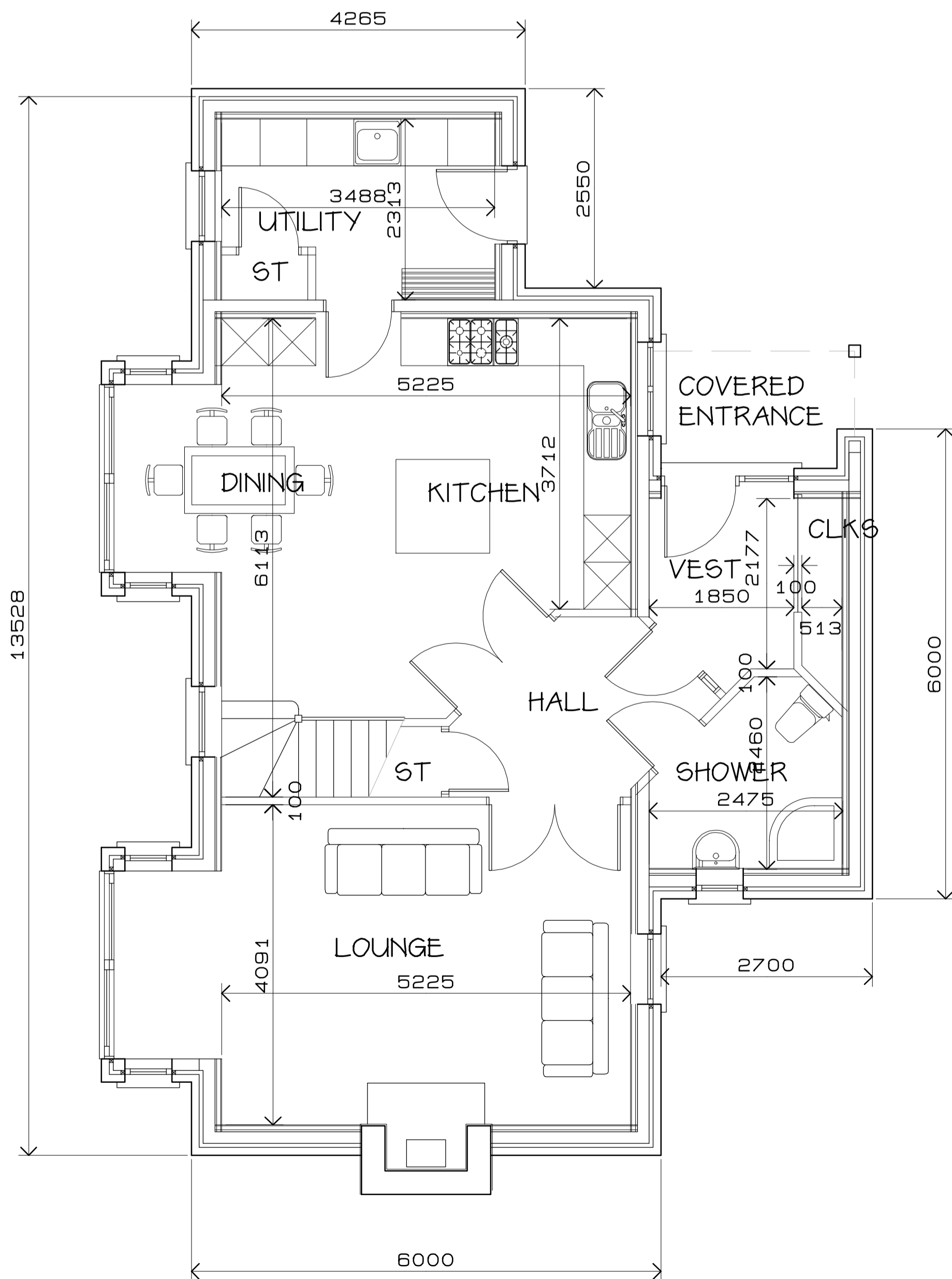
SECTION



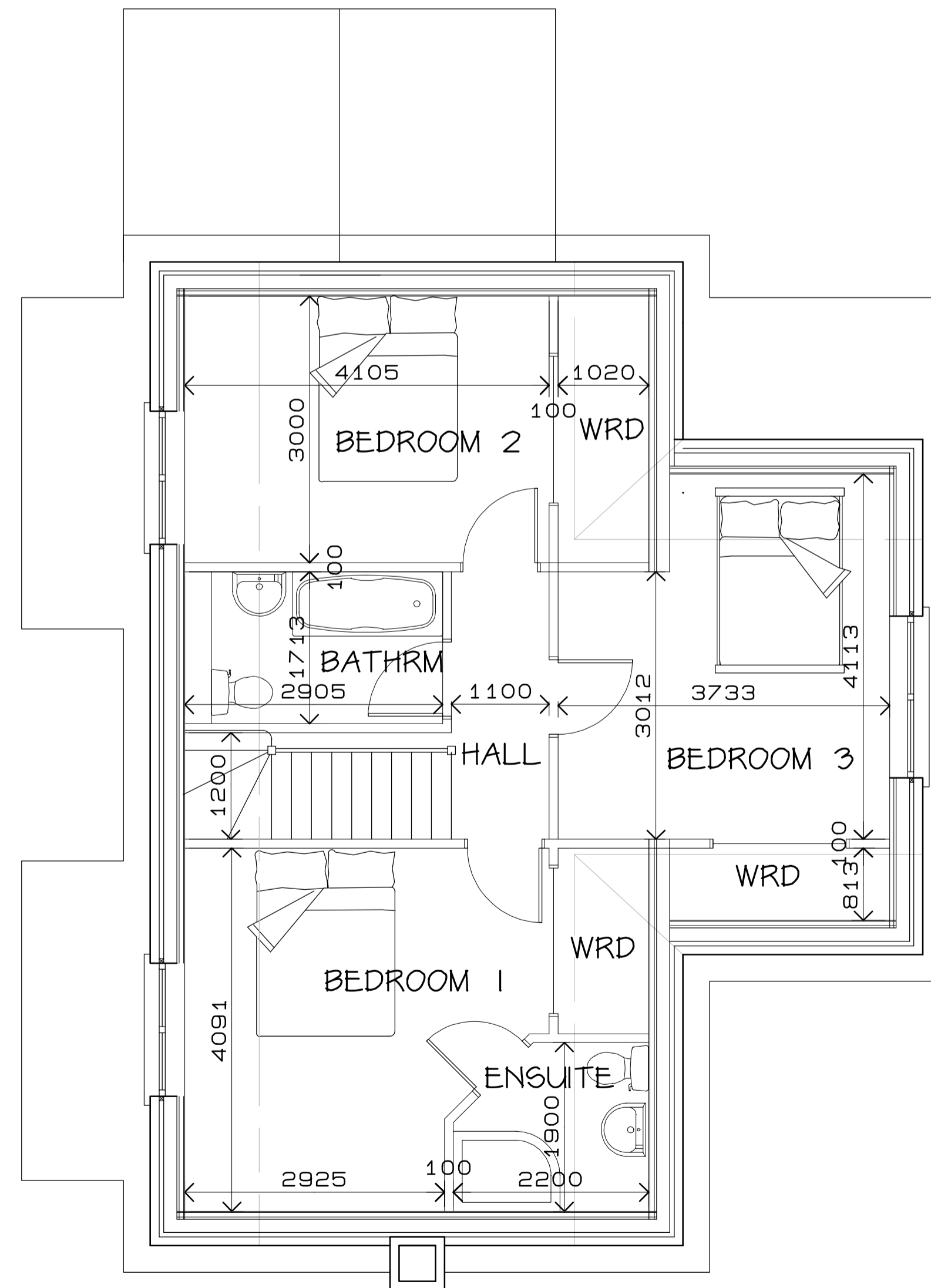
LOCATION PLAN scale 1:2500



SITE PLAN scale 1:200



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

COLVIN DESIGNS

Rosslyn Street

Brora

Sutherland

KW9 6NY

Tel. 01408 621982

Mob. 07799604650

email. colvindesigns@ecosse.net

Project
PROPOSED NEW HOUSE &
GARAGE AT LAND OPPOSITE
11 ACADEMY STREET, BRORA

Drawing
PLANS

Scale 1:50 Drawn by A.M.C

Date 12/11/13 Number 39/13