

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
25 June 2013

Agenda Item	5.1
Report No	PLS/033/13

13/01817/FUL : Mr Jason Steen
Achabeg West, Lochaline, Morvern, Oban, PA80 5XU

Report by Area Planning Manager – South

SUMMARY

Description : Reconstruction of house with new rear extension (amendment to 13/00398/FUL)

Recommendation - GRANT

Ward : 22 - Fort William and Ardnamurchan

Development category : Local Development

Pre-determination hearing : Hearing not required

Reason referred to Committee : 5 or more timeous objections to proposal

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a single storey house incorporating link corridor and rear extension. This is an amended application to 13/00398/FUL which granted permission for alterations and extension to the then existing house, in light of the subsequent demolition of the house on the site.
- 1.2 An informal discussion regarding the extent of approved demolition was held between the Case Officer and Agent following granting of 13/00398/FUL.
- 1.3 There is an existing access from the B849 which served the original house which is to be upgraded and repaired where required. Water supply, foul drainage and electricity supply are existing.
- 1.4 Floor plans and elevations of the original house have been submitted in support of this application.
- 1.5 **Variations:** Amended plans submitted to remove references to existing house which has been demolished. Additional section plan of corridor link submitted.

2. SITE DESCRIPTION

- 2.1 The application site is the former site of a house and curtilage. It is located on the northern, landward side of the B849. The house has been demolished and the site cleared. The site of the former house is elevated from the road and the land slopes from north east to south west down towards the road. The site is lined with mature trees along the east, west and northern boundaries. The site is located within an area of wider residential development with twenty one detached houses approved in principle. Works have commenced on two house plots which adjoin the application site to the east.

3. PLANNING HISTORY

- 3.1 13/00398/FUL Alterations and extension to house GRANTED 21.03.13
Adjacent site history –
09/0333/PIPLO — Erection of 20 houses GRANTED 18.05.10
10/05064/FUL — Site servicing for Phase 1 of 20 house development (7 house plots) GRANTED 19.04.11
11/01808/FUL — Erection of house (Plot 4) GRANTED 22.07.11
11/01819/FUL — Erection of house (Plot 1) GRANTED 22.07.11
11/02185/FUL — Erection of house (Plot 2) GRANTED 27.07.11
12/00697/FUL — Erection of house (Plot 3) GRANTED 27.04.12
12/02068/FUL — Erection of house (Plot 7) GRANTED 16.10.12
12/02607/FUL — Subdivision of Plot 5 to provide two affordable houses GRANTED 19.09.12
12/04369/FUL — Erection of house and garage/barn (Plot 7) (amended design to 12/02068/FUL)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour
Representation deadline : 13.06.13
Timeous representations : 13 households, 1 community council representation (objection), 11 objections, 1 neutral, 2 statements of support
Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

Objections

- Design and materials out of keeping with local rural character
- Design visually intrusive in the landscape
- Reconstruction works proceeding without planning permission
- Existing house demolished contrary to existing consent
- Loss of traditional vernacular
- Loss of building of local historic interest
- No protected species survey submitted prior to demolition

- Disregard of planning procedure/preferential treatment by Planning Authority

Points of support

- Investment in area
- Contemporary design retaining historic features
- In keeping with mix of traditional vernacular and contemporary designs emerging in Achabeg township

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 None

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

6.2 West Highland and Islands Local Plan 2010 (as continued in force)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

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 Background

Planning permission for the alteration and extension to the house at Achabeg West was granted under reference 13/00398/FUL on 21 March 2013. The alterations and extension formed part of the wider refurbishment and retention of the existing

cottage which was a traditional rectangular building, single storey, with white painted rendered stone walls, slate pitched roof and measuring 16.8m x 5.4m x 5.4m in height to the ridge (2.8m to eaves).

The approved extension was predominantly rectangular with angled gables to maximise views. It was longer than the cottage measuring 21.3m along the front elevation and 25.3m along the rear elevation x 5.4m wide and 5.4m (height to ridge). Spanish slate cladding was proposed to the walls and roof. The connecting flat roofed corridor linking the cottage with the extension was to measure 13.6m x 1.9m x 2.6m high.

One letter was received in support of application 13/00398/FUL; no objections were received to the proposals.

Following a complaint to the planning office it transpired that the building had been demolished and the intention was to build a replacement house in the finished form of that granted by 13/00398/FUL. Demolition of the house at Achabeg West did not form part of the previous application. The house did not benefit from the protection of listing and its demolition is deemed permitted under Class 70 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. Had the applicant submitted a Prior Notification for the demolition, only the method of demolition and restoration of the ground could have been considered as the demolition itself is deemed permitted by this legislation.

The presence of protected species was not identified during the assessment of the original application for the alterations and extension to the existing house proposed under 13/00398/FUL. The demolition of the house was carried out without notifying the Planning Authority. Bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended) and it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. Scottish Natural Heritage is the primary body responsible for licensing works affecting protected species in Scotland, and wildlife crime is a matter for the police.

A new application for the replacement house was requested to seek to regularise the planning requirements and the applicant was advised to cease work on site. It has been made very clear to the applicant that any work undertaken on site is at risk of future enforcement action should the current application be unsuccessful. Work continues on site contrary to advice.

A temporary stop notice has not been pursued in this instance as the building operations are reversible should permission be refused.

8.4 Development Plan Policy Assessment

The site is within the Achabeg Settlement Development Area (SDA), as identified in the West Highland and Islands Local Plan as continued in part, in force by the Highland wide Local Development Plan (HwLDP). SDAs are the Council's preferred areas for most development including housing. The proposal to replace a long established house (albeit retrospectively) generally accords with policy 34 of the HwLDP. The main considerations for this application is the impact of the proposal on individual and community residential amenity and siting and design

(policies 28 and 29 HwLDP).

8.4.1 Siting and Design

The house is to be rebuilt on the site of the original house which occupied an elevated position from the road, within a well contained plot of ample size for this development.

The proposals broadly seek to rebuild the former house and previously consented extension with a slightly increased footprint. The finished floor level remains in line with the original house, the height of the house and extension have increased by 0.1m and the footprint has been increased by 19m². The house design maintains generally traditional proportions, rectangular in form, orientated towards the public road with pitched slate roof over, and painted wet dash render walls. The agent states that much of the original material is not of sufficient quality to reuse as part of the external fabric of the building. The new walls are to be formed with a timber kit with block work outer leaf and the original stone reused internally as facing for several of the internal walls. The original slates are to be reused on site to form a wall within the front garden ground. There are no reasonable grounds to require a like for like rebuild of the former cottage, however the painted render block work and slate pitched roof are considered in keeping with the traditional vernacular.

The revised proposals seek to incorporate a flue to the front elevation and the provision of four velux rooflights along the link corridor between the house and extension. If the house were built, the provision of a flue and velux rooflights would constitute permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and are considered to be small scale development which will not undermine the overall character of the house or wider amenity at Achabeg.

The rear extension has a greater footprint than the original cottage and will extend beyond the side elevation of the house on both sides, more notably on the western side. The design incorporates elements of the former cottage including a predominantly rectangular form, narrow gable and matching roof pitch. Slate cladding is proposed to the walls and roof of the extension which will provide a distinct contrast between the traditionally styled cottage and modern rear extension. The extension will be contained behind the rebuilt house, and viewed not in its entirety but as projections at each side. This siting limits the visual impact of the extension and contains it within the rear curtilage. The proposed extension retains the materials, design and proportions which were previously consented under 13/00398/FUL.

8.4.2 Residential Amenity

The application site lies close to the road with an area of land with planning permission for development to the east, west and north of the site. The plot is well contained and sits within sloping ground which will provide a backdrop for the large rear extension and does not raise concerns regarding neighbouring residential amenity.

8.4.3 Trees

A number of well established conifers line the boundary of the site on three sides. Four trees have been identified for removal and this is considered acceptable given

the number to be retained which is considered sufficient to protect the landscape setting of the site.

8.4.4 Servicing and Drainage

Existing services will be used to serve the development.

8.4.5 Policy Conclusion

When viewed from the public road, the rectangular, single storey house, finished in painted wet dash render will be no more intrusive than the original house in this position. The extension is set within the rear garden ground and will not exceed the ridge height of the cottage, and as such will be visually subservient to the cottage. A number of modern homes incorporating traditional design elements have been granted permission and are under construction on land adjacent to this site. This proposal, which incorporates traditional and modern design elements, is considered to be in keeping with the wider development of the Achabeg settlement. Given the similarities of this scheme with the previously approved alterations and extension granted in March under 13/00398/FUL it is considered that the proposals remain acceptable in terms of siting, design and impact on amenity. As the former cottage was not listed, there are no reasonable grounds for an exact reinstatement of the cottage. The proposal is consistent with policies 28, 29 and 34 of the Highland-wide Local Development Plan.

8.5 **Material Considerations**

11 objections received (14 letters of representation total). The material considerations summarised in paragraph 4.2 have been considered in Section 8.4 above.

8.6 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

9.1 Planning applications require to be assessed on their own merits, and decisions require to be made in accordance with the development plan unless material considerations indicate otherwise. It is a frustration when developments are undertaken without compliance with permissions and the Planning Service does not condone this in any way. It must however be understood that the primary purpose of planning enforcement is to resolve the problem, rather than punish the error.

Taking into account that the property was not listed; that there are PD rights for the demolition of a house; and that the visual appearance of the revised scheme is broadly in line with the development previously approved and will not increase the impact on landscape and amenity; the proposal is considered consistent with

planning policy.

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**.

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.

FOOTNOTE TO APPLICANT

Completion Notice

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority 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. 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.

A copy of the notice referred to is 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).

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Christine Millard
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan 195001 rev a
Plan 3 – Floor Plan 195102 rev b
Plan 4 – Elevations 195111 rev a
Plan 5 – Elevations 195112 rev a
Plan 6 – Elevations (previously approved 13/00398/FUL)

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Dr Douglas Watt	Sruthan House, Lochaline, Morvern, Oban	28.05.13	Against
Mr Iain Thornber	Knock House, Lochaline, Morvern, by Oban, Argyll, PA80 5UU	28.05.13	Against
Mr Bob Stebbings	91 Thorpe Road, Peterborough, Cambridgeshire, PE3 6JQ	29.05.13	Against
Cameron and Morag Wilson	By email	29.05.13	Against
Ms Sally Semple	Drumbuidhe, Morvern	24.05.13	Neutral
Mr Hugh Raven	Ardtornish Estate	23.05.13	For
Peter Boyden	Tigh Crom, Lochaline, Morvern, PA80 5XU	04.06.13	For
Creina Jackson	No address provided	31.05.13	Against
Nick and Hilary Heasman Norris	Ferinish by Drimnin	08.06.13	Against
Miss J MacDonald	The Schoolhouse, Barcaldine, Oban, Argyll, PA37 1SG	05.06.13	Against
Mrs V MacGillivray	Home Farm, Barcaldine, Oban, Argyll, PA37 1SG	05.06.13	Against
Jenni Hodgson	Mill Cottage, Fiunary, Morvern	10.06.13	Against
John Hodgson	Fiunary, Morvern	11.06.13	Against
Morvern Community Council	c/o The Old Coach House, Fiunary, Morvern, PA80 5XU	11.06.13	Against