

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
21 January 2014

Agenda Item	5.3
Report No	PLS/004/14

13/04217/FUL: R & R Regeneration
Milnfield, 83 Kingsmills Road, Inverness

Report by Area Planning Manager - South

SUMMARY

Description : Amendment to original design 01/00207/FULIN to erect house

Recommendation - GRANT

Ward : 17 - Inverness Millburn

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : representations from 5 or more households.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the erection of a 1¾ storey house with integral garage in the garden of Milnfield House. The house will be finished in roughcast for the walls (the colour has still to be agreed) and the roof clad in natural slate. Vehicular access will be taken via the existing access for Milnfield House.
- 1.2 The surface water drainage scheme (SuDS) was resolved in the previous application.

2. SITE DESCRIPTION

- 2.1 The site forms part of the garden of Milnfield House. There is an incline from the west to east, and from a point (approximately following the east building line of 113/115 Kingsmills Road) the site slopes steeply east towards 110 Diriebught Road. There is an existing high stone boundary wall (approximately 3m) on the north and west boundaries.

3. PLANNING HISTORY

- 3.1 01/00207/FULIN – consent granted on appeal on 13 March, 2002. Works were carried out on site in 2007 to implement the consent which therefore remains valid.

4. PUBLIC PARTICIPATION

4.1 Advertised : n/a

Representation deadline : 12.12.2013

Timeous representations : 15

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- House too large for the site – overdevelopment
- Height will block daylight in house of 108 Diriebught Road
- Impact on rear boundary wall of 108 & 110 Diriebught Road
- Difference in ground levels between proposed house and 110 Diriebught Road
- Overlooking of rear elevation of 110 Diriebught Road by proposed windows on east elevation of house due to height difference caused by slope of the plot and difference in ground levels. On the north boundary with 113 and 115 Kingsmills Road there will be 4 windows at first floor level and 1 at second floor level (loft) and close to the mutual boundary with that property.
- Access through Kingsmills Park and permission will never be granted
- House will tower over the wall taking away privacy of the properties on the boundaries
- Restrict the view from several flats
- Construction phase – any damage to the road surface, pavement, walls and flower borders will be made good; contractors do not use any of the residents' parking spaces; no storage of any building material or machinery on the land owned by the flats; noise kept to a minimum. Road cannot accommodate large vehicles.
- Affect light entering property at 95 Kingsmills Road especially in the winter months

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. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

5.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
34	Settlement Development Areas

5.2 **Inverness Local Plan**

Settlement Housing
Policy H

6. **OTHER MATERIAL CONSIDERATIONS**

6.1 **Draft Development Plan**

Inner Moray Firth Proposed Local Development Plan November 2013

6.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

6.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

7. **PLANNING APPRAISAL**

7.1 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.

7.2 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.

7.3 **Development Plan Policy Assessment**

7.4 The site lies within an area covered by the Settlement Policy for housing in terms of the adopted Inverness Local Plan. The proposal is considered appropriate development in terms of the density and its location relative to adjacent properties. A previous application was granted detailed consent for one house for a similar design by consent reference 01/00207/FULIN following an appeal. Works were carried out in 2007 to implement the consent and it is deemed to have commenced and permission remains valid. The current proposal involves only a change in design.

7.5 In terms of the emerging policy in the Inner Moray Firth Proposed Local Development Plan there are no specific policies that apply to the site and therefore Policy 34 of the Highland-wide Local Development Plan is relevant. This supports proposals within Settlement Development Areas if they meet the requirements of Policy 28 and other relevant policies of the plan. The proposal is compatible with the existing pattern of development and its location is not considered to have a detrimental impact on adjacent properties.

7.6 **Material Considerations**

7.7 Representations have been received from residents surrounding the site and they have raised several issues:

Overdevelopment – The footprint is not excessive for the plot and the approval of the previous application on appeal by the Reporter confirmed this matter.

Height – This is considered reasonable given that Milnfield House is 2 storeys high as are the properties to the north, with the exception of 113/115 Kingsmills Road. The main ridge heights will vary from 8.2m at the highest point to 7.4m and this is comparable to the previous planning permission. The house is located to the west of the site, approximately 18m from 108 Diriebught Road on the north-east boundary. There are existing high conifer trees on the mutual boundary with that property and this provides additional screening.

Boundary wall with 108 & 110 Diriebught Road – This is an issue to be resolved between the respective parties.

Ground levels – There is a change in ground level between the site and 110 Diriebught Road to the east as the site slopes from the east elevation of the proposed house to that property. With the previous application this was not considered as detrimental to the privacy of 110 Diriebught Road as the latter property has a ground level below that of the retaining wall with the application site. There is therefore no change in this issue in terms of the current proposal.

Overlooking – The distance between the proposed house and 110 Diriebught Road is approximately 19m, and the latter property is single storey with eaves below the retaining wall on the east boundary and rooflights on the west elevation. 113 & 115 Kingsmills Road are a single storey block of semi-detached houses with the gable facing onto the application site with 9m between these properties and the proposed house at its closest point. Effectively, there would be 2 dormer windows and 1 first floor loft window looking onto the gable of the semi-detached block but this is considered reasonable given the distances separating the two properties. The loft window is extremely small and could not be considered as giving rise to overlooking. The fourth window on the first floor of the north elevation would overlook the front of these properties which is considered acceptable in terms of amenity.

Access – This will be taken through the existing access to Milnfield and it will not therefore affect the communal parking area of the flats.

Construction phase – This is not relevant as this is a legal matter to be resolved by the applicant and the expectation is that any building material/machinery would be stored within the application site on land owned by the applicant. The adequacy of the road to take construction vehicles is for the consideration of the applicant and there is a wide enough surfaced road leading to the existing access to Milnfield.

Light at 95 Kingsmills Road – This property is located to the west across the car park from the boundary wall of the site (the flat is located 20m away at its closest point). There should be no impact on the light of this property.

View from flats – There is no right to a view.

- 7.8 The location of the proposed house reflects that of the previous house granted consent on this site. There are minor variations but the massing and proportions are similar. The most notable change is the reduction in the length of the main house on the north-south axis between 113/115 Kingsmills Road and Milnfield. In comparison to the previous consent, on the first floor of the north elevation a second window has been introduced on the main house for a bathroom and on the east wing 2 dormer windows are to be formed. This is reasonable in terms of amenity as 113/115 Kingsmills Road is single storey with no windows on the south gable. On the east elevation facing 110 Diriebught Road the fenestration reflects the previous consent except for a first floor window on the wing projecting towards that property. This is viewed as excessive in terms of overlooking of 110 Diriebught Road and given the dormer windows on the north and south elevation of this wing it would seem unnecessary. It is recommended this is deleted.
- 7.9 With the previous proposal, two conditions were attached to the consent. One related to connection of the surface water from the house to the public sewer but with the use of a gravel drive and/or permeable paving for roofwater to soakaways as agreed with Scottish Water's predecessor (NOSWA), SEPA and TECS Area Roads at the time. Information was submitted during the course of the appeal to resolve this issue. The other condition related to a 2m high wall or fence on the boundary with 110 Diriebught Road and Milnfield House. There is an existing low level fence on the south boundary of the application site with the remaining garden for Milnfield House. There is some merit in seeking the erection of a 2m high fence on the south-east boundaries of the site and this can be covered by appropriate condition.

8. CONCLUSION

- 8.1 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.

9. RECOMMENDATION

Action required before decision issued	<u>N</u>
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. No work shall start on site until a scheme for the disposal of surface water from the property, including the use of soakaways within the site and incorporating the principles of sustainable urban drainage such as by the use of gravel driveways and/or permeable paving, shall be agreed in writing by the Planning Authority. The agreed scheme shall be implemented before the house is occupied.

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

2. Prior to occupation of the house, details of a wall or fence to a height of 2m on the boundary with 110 Diriebught Road and 83 Kingsmills Road shall be submitted to and approved in writing by the Planning Authority. The wall or fence shall be erected before the first occupation of the house.

Reason : In the interests of residential amenity.

3. No work shall start on site until the colour of the harl is approved in writing by the Planning Authority

Reason : In the interests of visual amenity.

4. The first floor window on the east wing of the house shall be omitted from that elevation. Notwithstanding the provisions of Class 2B of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 as amended, or any Order revoking and re-enacting that Order, with or without modification, the express approval of the Planning Authority shall be required for the installation of any window on the east wing.

Reason : In the interests of residential amenity.

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

The development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice.

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.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

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.

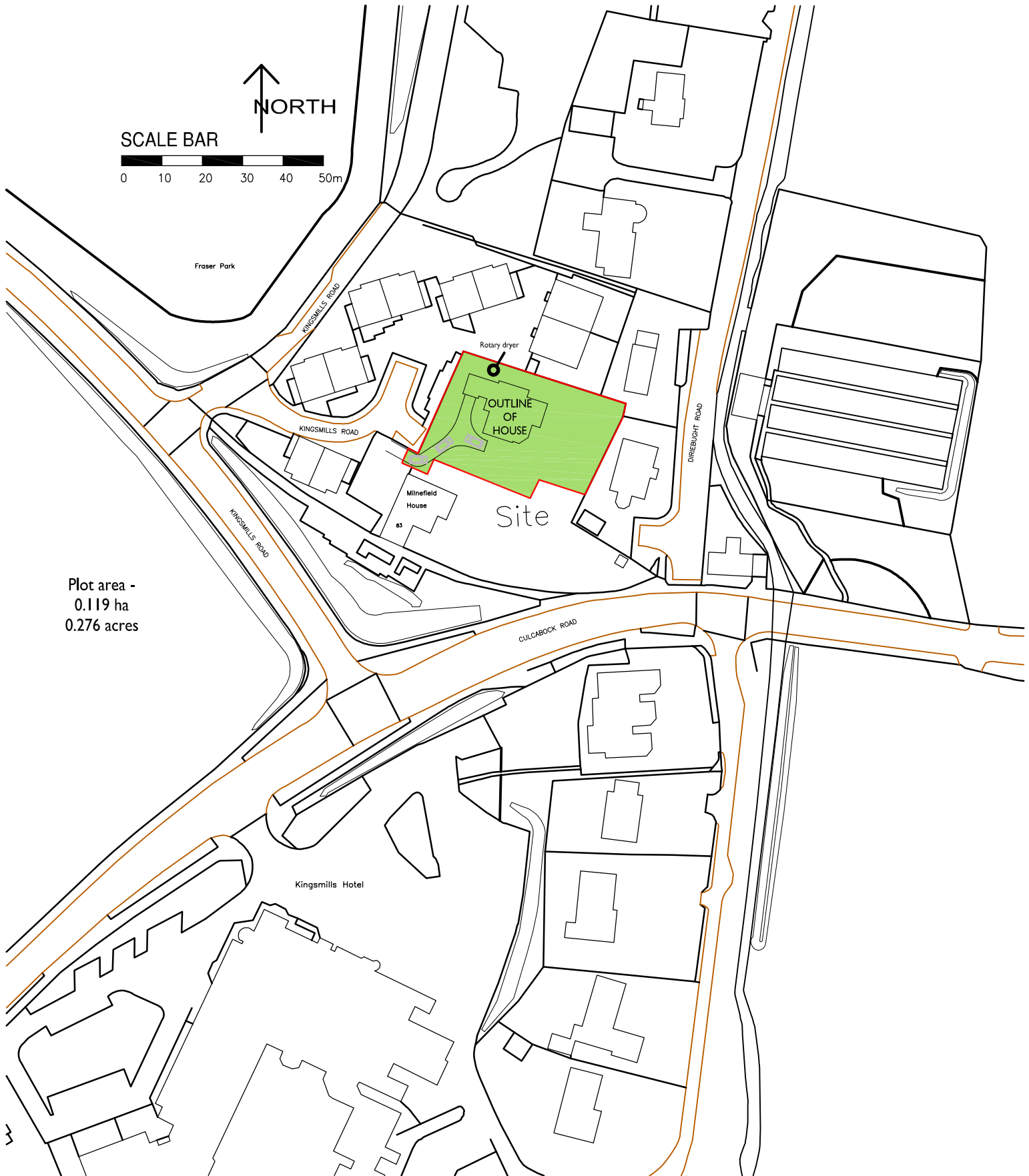
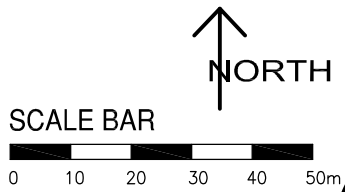
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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 for more information.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevation Plan
Plan 4 – Elevation Plan

Plan 5 – Cross- Section

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr & Mrs Hunter-Dorans	108 Diriebught Road, Inverness	5.12.13	Against
Mr Fraser Stockall	110 Diriebught Road, Inverness	30.11.13	Against
Michael Tynan	3 Kingsmills Park, Inverness	4.12.13	Against
Mr & Mrs Colpus	85 Kingsmills Road, Inverness	3.12.13	Against
Miss L. Fraser	9 Kingsmills Road, Inverness	2.12.13	Against
Mrs C. Jack	93 Kingsmills Road, Inverness	3.12.13	Against
Dr G. Smith	95 Kingsmills Road, Inverness	3.12.13	Against
Mrs J. Hanson	105 Kingsmills Road, Inverness	5.12.13	Against
Mrs S. Beaton	107 Kingsmills Road, Inverness	2.12.13	Against
Mr & Mrs N. Jack	111 Kingsmills Road, Inverness	6.12.13	Against
G. Baillie	113 Kingsmills Road, Inverness	3.12.13	Against
Mrs M. Telford	115 Kingsmills Road, Inverness	3.12.13	Against
Mr & Mrs I. Bruce	119 Kingsmills Road, Inverness	5.12.13	Against
Mr & Mrs Ritchie	125 Kingsmills Road, Inverness	5.12.13	Against
Macarthur & Co Solicitors	On behalf of the Residents' Association 85-115 Kingsmills Road, Inverness	6.12.13	Against



Plot area -
0.119 ha
0.276 acres

matheson mackenzie ross
ARCHITECTS

ROYAL BANK BUILDINGS
HIGH STREET DINGWALL
ROSS & CROMARTY
IV15 9HA
TEL 01349 863352 FAX 01349 865746

Neil H Ross, DipArch, RIBA, ARIAS.
www.mmross.co.uk

project
Milnefield Two
83a Kingsmills Road Inverness
for R&R Regeneration

drawing Location Plan
scale 1:1250 A4 date 22 Aug 2013
drawn SM status
no 14.13.01 rev



Rotary dryer

OUTLINE
OF
HOUSE

Access thro'
shared yard
covered by legal
agreement

Milnefield
House

83

Site

NOTES

1. WRITTEN SIZES TAKE PREFERENCE OVER SCALED SIZES
2. LARGE SCALE DETAILS TAKE PREFERENCE OVER SMALL SCALE
3. ALL DIMENSIONS TO BE CHECKED ON SITE
4. ANY DISCREPANCIES IN DRAWINGS TO BE REFERRED TO THIS OFFICE FOR DECISION

REVISIONS

rev	date	detail

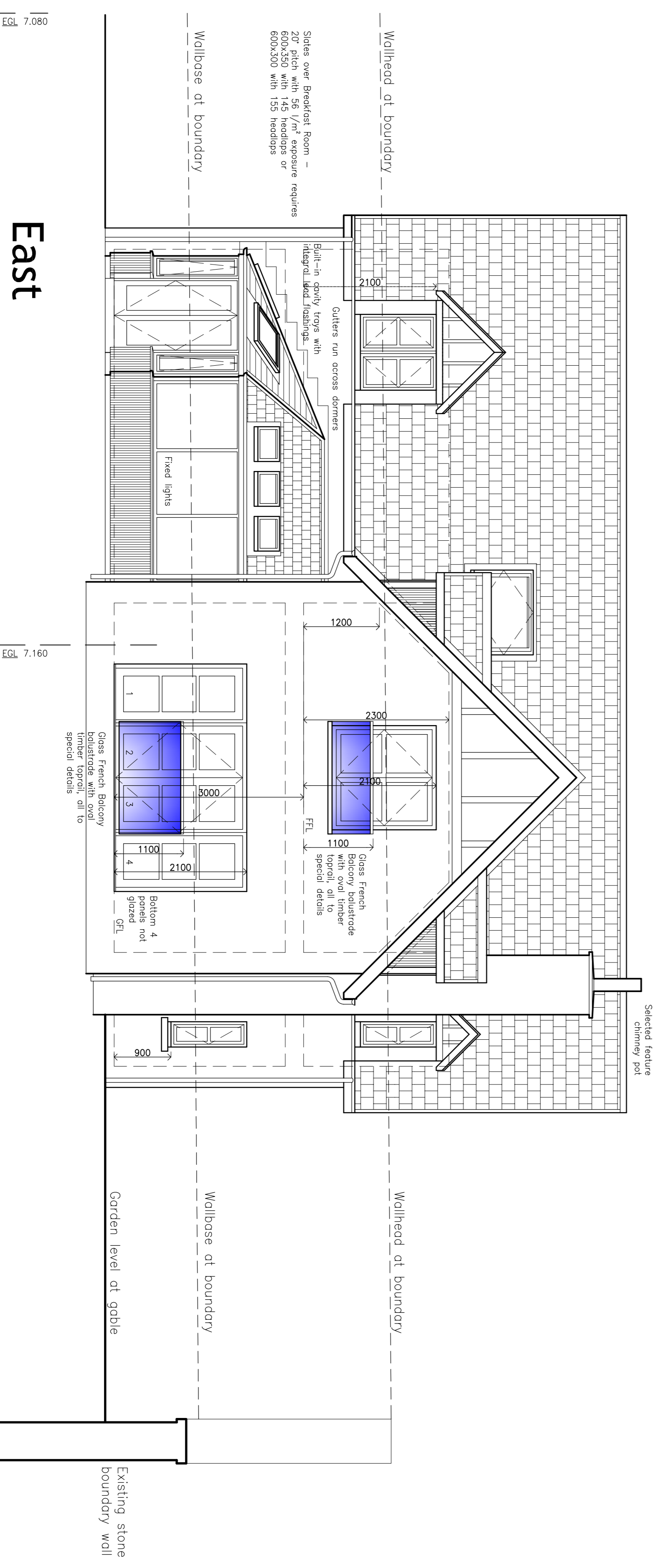
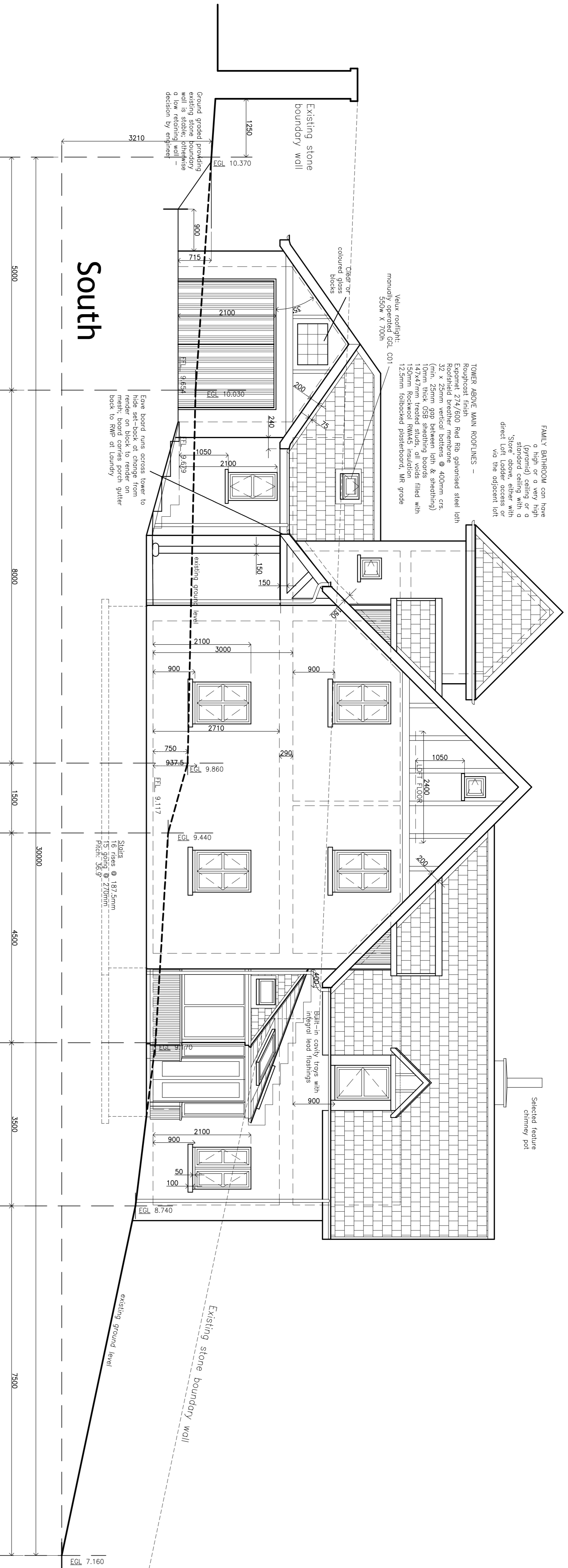
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IV15 9HA
TEL 01349 883382 FAX 01349 88748

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Neil H Ross, DipArch, RIBA, FRSA,
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project
Milnefield Two
83a Kingsmills Road
Inverness
for R&R Regeneration

drawing **Site Plan**

scale	1:200	A2	date	6 Jan 2014
drawn	SM		status	
no	14.13.08		rev	



- NOTES
1. WRITTEN SIZES TAKE PRECEDENCE OVER SCALED SIZES
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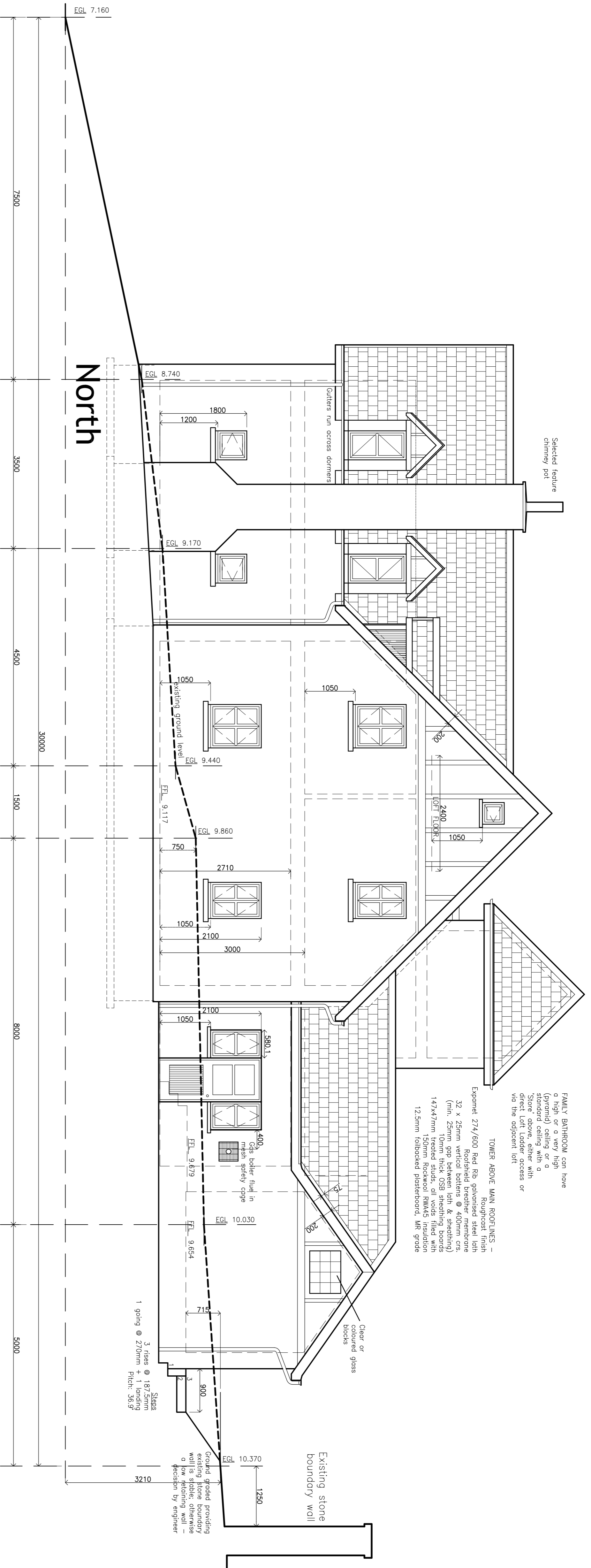
REVISIONS

rev	date	initial	detail

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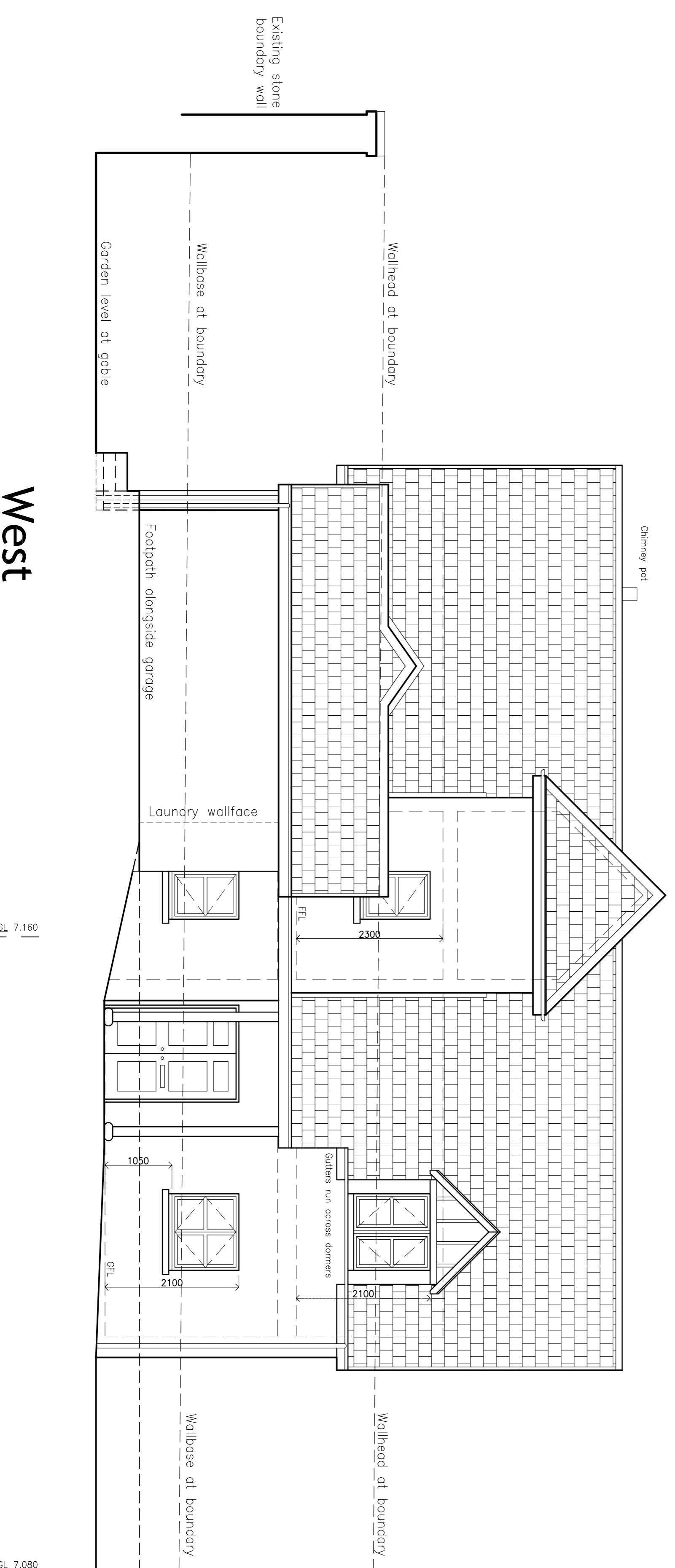
Project
Milnefield Two,
83a Kingsmills Road,
Inverness
 for R & R Regeneration

drawing **E & S elevations**
 scale 1:50 **A1** date **9 Sept 2013**
 drawn **SM** status **under construction**
 no **14.13.03** rev



FAMILY BATHROOM can have a high or a very high (ground) ceiling or a standard ceiling with a sloped roof structure. direct loft ladder access or via the adjacent loft

TOWER ABOVE MAIN ROOFLINES -
 Roofglaze finish
 Exposed 274/600 Red Rib galvanized steel
 Roofpitch 12.5%
 32 x 25mm vertical battens @ 400mm c/s.
 (min. 25mm gap between batt & sheathing)
 147x47mm 100% OSB sheathing boards
 150mm Rockwool RWA45 insulation
 12.5mm foilbacked plasterboard, MR grade



West

- NOTES**
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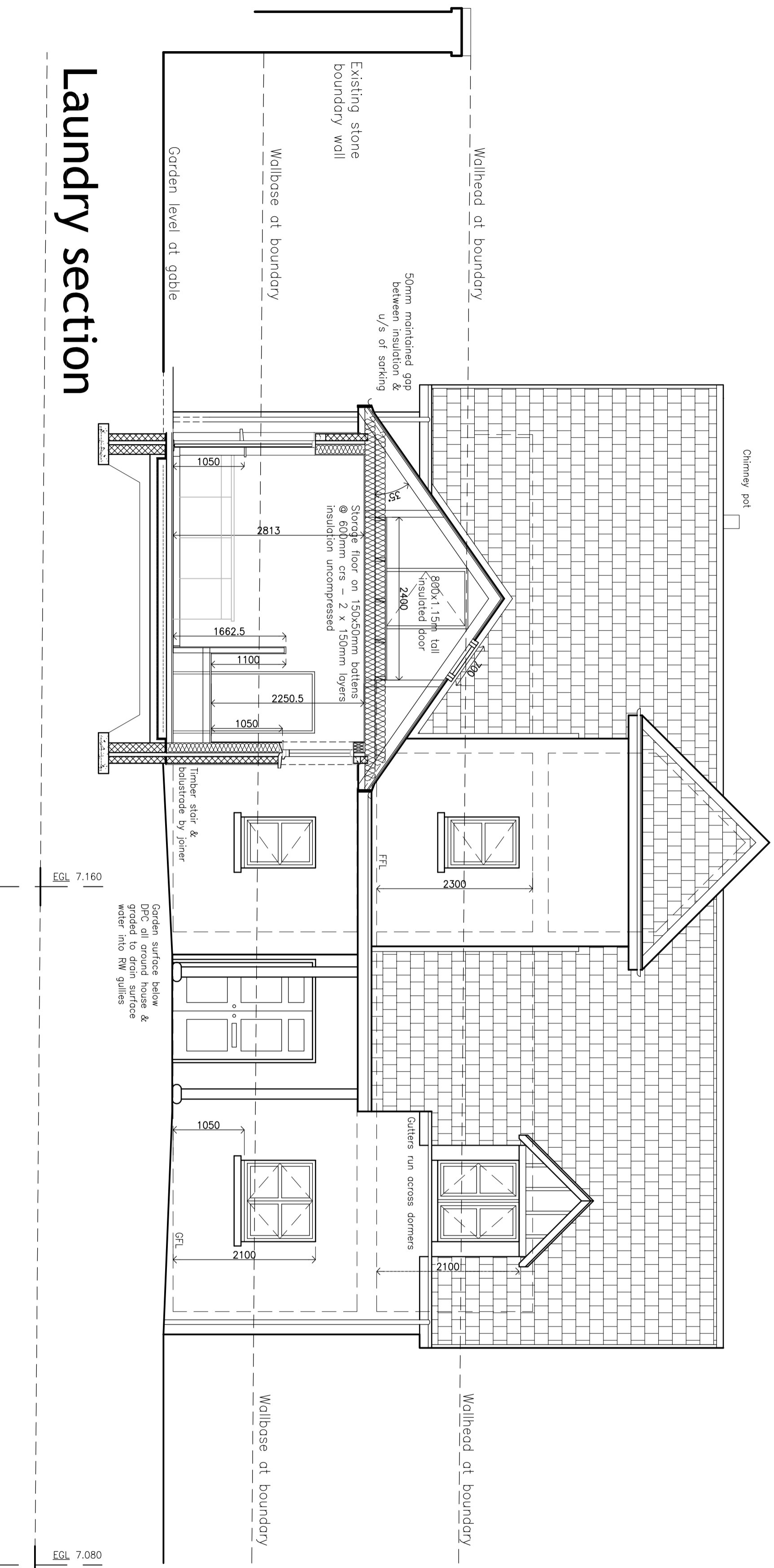
rev	date	field	detail

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project
 Milnefield Two,
 83a Kingsmills Road,
 Inverness
 for R & R Regeneration

drawing: N & W elevations
 scale: 1:50
 drawn: SM
 no: 14.13.04

date: 9 Sept 2013
 status: under construction
 rev



Laundry section

- NOTES**
1. WRITTEN SIZES TAKE PREFERENCE OVER SCALED SIZES
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REVISIONS

rev	date	detail

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Project

Milnefield Two
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 for R&R Regeneration

drawing Laundry Section

scale	1:50	A2	date	11 Sep 2013
drawn	SM		status	
no	14.13.06		rev	