

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
20 May 2014**

| | |
|-------------|------------|
| Agenda Item | 5.7 |
| Report No | PLS/038/14 |

**14/00784/FUL: Jamie Macvie
Allasdale, St Ninian Road, Nairn**

Report by Area Planning Manager - South

SUMMARY

Description :Sub-divide and extend dwelling to form 2 dwellings, formation of new vehicle access and upgrade existing access

Recommendation - GRANT

Ward : 19 Nairn

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Number of objections from separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 Sub-division of an existing house and addition of single storey extensions to form two houses at St Ninian Road, Nairn. An existing access would be upgraded to serve one of the units and a new one formed to serve the other unit. The new access has the potential to serve further development on the applicant's property but that further development is not part of this application.
- 1.2 Pre-application consultation is not mandatory but was undertaken with a view to addressing perceived design and access issues relating to a previous application for a similar description of development, withdrawn when the current application was lodged.
- 1.3 The property formerly had a vehicle access to St Ninian Road (the A96) serving a detached garage. This access has been unused for a number of years. There is a vehicle access to the rear (west) side of the house from the Watson Street car park although some objectors have suggested that this was only formed for loading and unloading purposes, not as an all purpose residential access; this is the access which would be upgraded. The second (new) access would be formed from the Watson Street car park on the east side of the house. A public water supply and mains drainage are available.

1.4 A design statement was submitted with the previous application. With the exception of details of the design and finishes of the extensions this statement can be read in relation to the current application.

1.5 **Variations:** No variations have been made to the application since it was lodged.

2. SITE DESCRIPTION

2.1 The application site is a 1¾ storey T-plan detached villa standing in its own grounds between St Ninian Road and the Watson Street car park, just east of the King Street roundabout. The building is a distinctive feature of the street scene especially in the context of the high density of development in the Fishertown Conservation Area in which the property is situated. The house sits at the level of the Watson Street car park but below the level of St Ninian Road. It features non-traditional metal and uPVC windows and a roughcast lean-to extension. Historically it was used as a B&B/guest house but has been vacant for a number of years.

3. PLANNING HISTORY

3.1 07/00159/OUTNA: erection of house; formation of car park for private sale or renting of spaces - withdrawn before determination

07/00181/OUTNA: erection of house in garden ground OPP (PIP) - granted 1/2/08

11/00882/PREAPP: advice given on residential development

13/04698/FUL: sub-division to form 2 dwellings, extensions, replacement windows and doors, new access and landscaping - withdrawn before determination

4. PUBLIC PARTICIPATION

4.1 Advertised: Conservation Area (Section 65)

Representation deadline : 6/5/14

Timeous representations : 6 (4 households + Community Council)

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Danger to pedestrians and car park users
- Existing access unauthorised
- Loss of parking spaces due to new access
- Loss of turning space due to replacement parking space
- Overdevelopment
- Loss of daylight
- Inappropriate external finishes
- Approval of new access and timber finishes would be inconsistent with refusal of similar proposals recently in nearby property

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 **Historic Environment Team:** No objection. Complies with policy.

5.2 **Transport Planning:** No objection. Conditions recommended.

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

56 Travel

57 Natural, Built and Cultural Heritage

6.2 Nairnshire Local Plan 2000

8 Residential Character

29 Conservation Area

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design

Fishertown Conservation Area Design Guidelines

7.3 Scottish Government Planning Policy and Guidance

Scottish Historic Environment Policy

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 principle of development would accord with HwLDP Policy 34 subject to detailed assessment against other relevant Policies. The issues which the details raise relate to sustainable design (HwLDP 28 – impacts on residential amenity, sensitive high quality design in keeping with historic environment, minimisation of environmental impacts, enhancement of community safety); design quality (HwLDP Policy 29); travel (HwLDP Policy 56 – parking, encouragement of walking, safety and convenience, mitigation); and impact on the Conservation Area (HwLDP Policy 57 – feature of local/regional importance). Objectors' comments relate to these issues.

8.4 Material Considerations

The development will bring back into use an existing building prominently situated next to the A96 on the edge of the Conservation Area. A design statement submitted in support of the withdrawn application indicated that as part of the adaptation works non-traditional windows will be replaced with ones more in keeping with the character of the building and its Conservation Area location. A modern lean to extension and an outbuilding are to be demolished. The new build extensions have been criticised for their timber finish but vertical dark coloured timber is characteristic of traditional outbuildings and small annexes in the Fishertown. The form of the extensions has been improved from the previous application's stark flat roofs and apart from one link section to clear an upstairs window in the existing building these now feature pitched slated roofs. These features are judged to satisfy the historic environment and design tests of Policies 28 and 57.

In relation to the residential amenity of the proposed 2 dwellings both will have garden space and off street parking; the northmost unit's garden is somewhat cramped, but allows sufficient space for some form of outdoor drying facilities which are desirable in terms of minimising environmental impact and use of energy. The Fishertown context is of a majority of houses of similar size with equally restricted garden space and rarely space for more than 1 car to be parked in-curtilage. It is correct to state that the daylight to the northmost unit's livingroom will be constrained to some extent by the proposed extension of the other unit, but this is not a fatal defect in the context that this was the livingroom of the house when last occupied. The distance between the livingroom window and the proposed extension has increased as an outcome of the pre-application discussions mentioned in section 1.2 above, improving the amenity of this corner of the external space. The extensions are low enough in form and far away enough from properties to the north and north-west that there will be no material loss of daylight and sunlight to those properties as a consequence. The residential amenity and design quality tests of Policies 28 and 29 are accordingly judged to be satisfied.

Whether or not the existing access is authorised in either the Planning sense or in the property management sense (formation of an access would have required the permission of the former Council as owner of the car park) it has clearly existed for some time and Transport Planning offer no objection to its use to serve one of the 2 houses. Its position and geometry will mean that vehicle speeds will be low and the removal of the old wash-house outbuilding in the north-west corner of the site will improve visibility between users of the access and pedestrians using the lane to King Street. The formation of the new access nearer to the east end of the site is not objected to by Transport Planning on road safety grounds. The seeming contradiction between the applicant's and the Community Council's assessments of net changes to off street parking is explained by the Community Council's view that the space shown as a "new parking space" on the proposed block plan already exists as somewhere that a vehicle can be parked – it is simply that it is not lined out. Nevertheless, and particularly taking account of Transport Planning's non-objection to the proposals, a refusal of permission on the basis of the loss of a single parking space from the whole car park would not be easy to defend at appeal. Accordingly it is judged that the community safety, parking and mitigation tests of Policies 28 and 57 are satisfied by the proposals.

8.5 Other Considerations – not material

Whilst each case has to be considered on its own merits and the circumstances at 20 Simpson Street are therefore not material, natural justice requires a consistency of approach. In relation to the last bullet point in section 4.2, therefore, I would advise Members that:

- The application in question was withdrawn, although the case officer had advised the applicant that she could not support the proposals;
- It is unclear if real timber was being proposed – the plans refer to "timber effect cladding";
- The proposed cladding was horizontal (not a traditional Fishertown handling of timber finishes) and to be coloured grey;
- The proposed cladding was only one of a number of issues, the case officer's concerns as expressed in a letter to the applicant being that "the design, scale, massing and materials proposed do not reflect the original cottage or the Fishertown Conservation Area". The unacceptable materials included a coated steel roof cladding purporting to resemble slate as well as the "timber effect" cladding;
- Neither that application nor the subsequent successful amended application included a proposal to form a vehicle access to the car park.

Some objectors' concerns about over-development relate to the full extent of the development shown in the proposed floor/elevation plan, which shows additional parking and circulation space and a building on the area outlined in blue on the block plan. However this further development does not form part of the planning application before Members; both this application, and any subsequent application, have to be treated on their own merits.

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 No

Notification to Scottish Ministers No

Notification to Historic Scotland No

Conclusion of Section 75 Agreement No

Revocation of previous permission No

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

1. No other development shall take place on the site prior to the following having been completed: the formation of the new vehicle access to the Watson Street car park; the alterations to the existing vehicle access to the car park; the demolition of the outbuilding in the northmost corner of the application site; the lowering of the boundary wall along the north-east boundary of the site to a height not exceeding 0.9 metres above adjacent footpath or car park level ; and the lining out of the space described on the plans as "new parking space" in the car park.

Reason: To ensure that there is no net loss of marked spaces in the public car park and in the interests of public safety.

2. Planning permission is granted solely for the works within the area defined by the red line on drawing GA(--)-001. No development shall be undertaken in the area outlined in blue on the said plan other than the provision of a single turning space measuring 2.5 metres wide x 5 metres deep located so as to enable cars using the approved Unit 2 parking spaces to enter and leave the application site in forward gear.

Reason: In order not to prejudice consideration of any applications for planning permission which may be submitted for the area enclosed by the blue line on the said plan.

3. All works to the fabric of the existing house (other than the design and construction of the new build extensions) shall accord with the relevant provisions of the Design and Access Statement submitted in support of application 13/04698/FUL.

Reason: To ensure that the development enhances the character and appearance of the building and of the Conservation Area in which it is situated.

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 LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

Other Local Authority Consent

In addition to planning permission, you may require one or more separate consents from the Council (as owner of the car park) and TEC (Roads) Service 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 for more information.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Andrew McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location plan
Plan 2 – Block plan
Plan 3 – Existing floor/elevation plan
Plan 4 – Proposed floor/elevation plan

Appendix – Letters of Representation

| Name | Address | Date Received | For/Against |
|-------------------|--------------------------------------|---------------------|-------------|
| Nairn River C.C. | | 18/3/14 & 2/4/14 | Against |
| James Cox | 1 Roseneath Place King Street Nairn | 24/3/14 | Against |
| Mark Matthews | 22 Simpson Street Nairn | 27/3/14 | Against |
| Audrey MacSweeney | 22 Simpson Street Nairn | 27/3/14 | Against |
| Marie Matthews | Roseneath House 54 King Street Nairn | 27/3/14 | Against |
| William Main | 60 Park Street Nairn | 30/3/14 | Against |

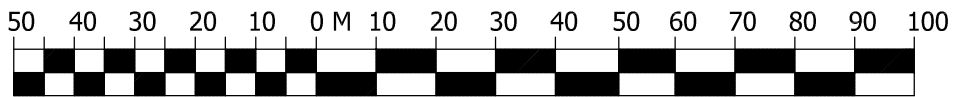
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Contractor to verify all dimensions on site and advise the architect of errors or omissions. No variations or modifications to work shown shall be implemented without prior written approval. All issues of this drawing are superceded by the latest revision. All drawings and specifications remain the property of the architect.



Site Location Plan



Scale Bar - 1:1250

Client Name and Address
J Macvie / E & JD Robertson Ltd
Allasdale, Nairn IV12 4EQ

Project Details
Extension and Alterations to
Allasdale, Nairn IV12 4EQ

Drawing Title
Site Location Plan

Drawing Status
PLANNING

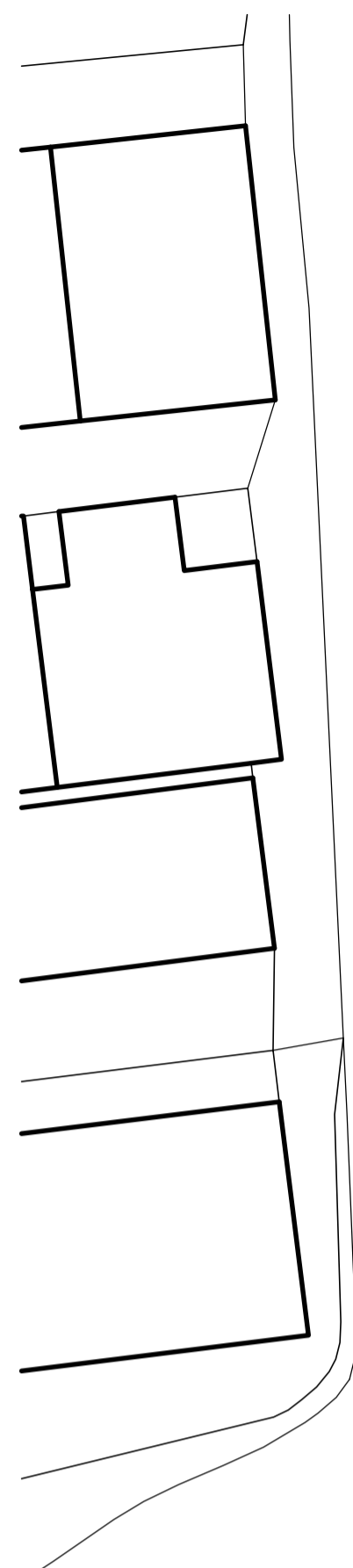


STARAN
architects

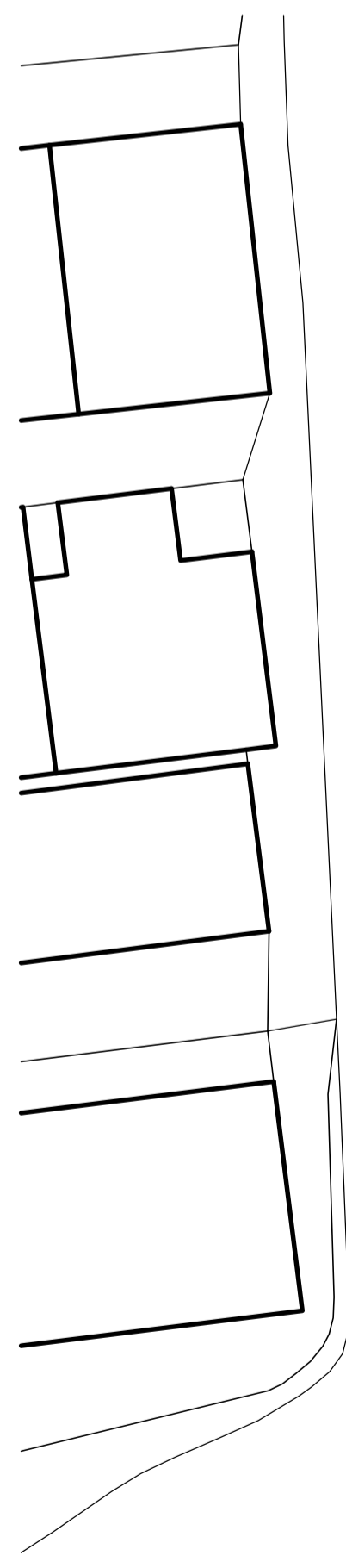
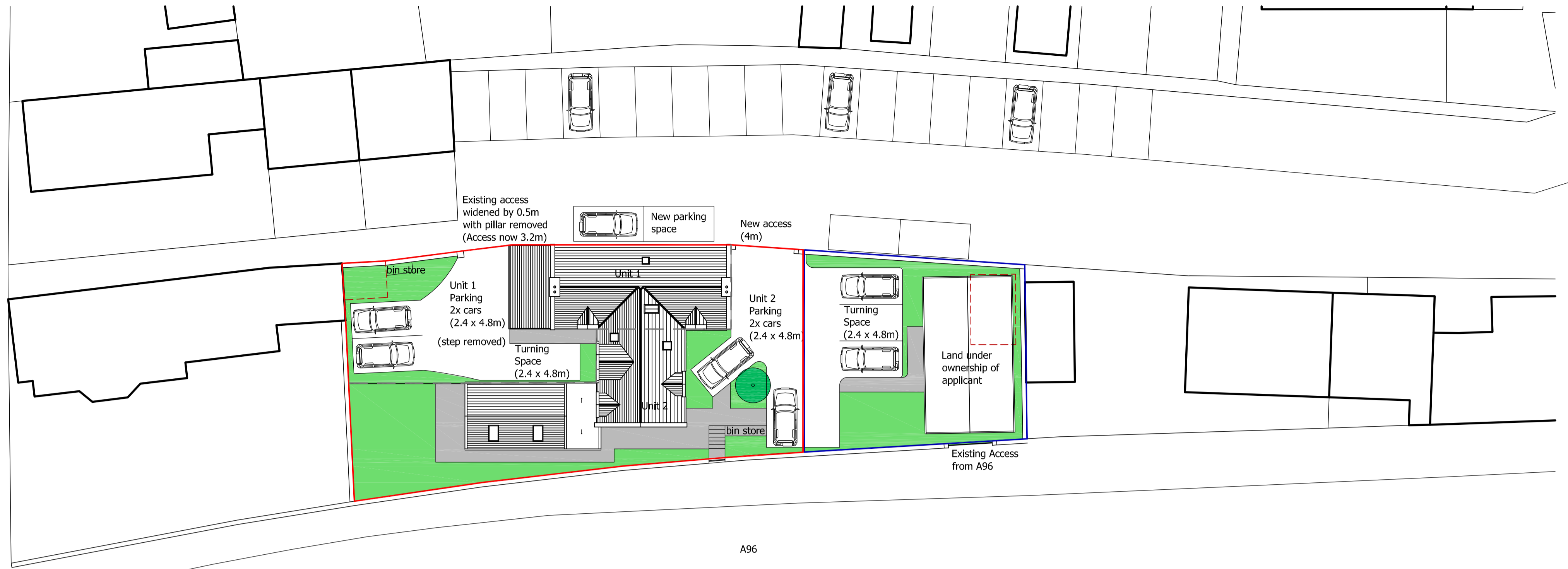
2 Walker Street,
Edinburgh EH3 7LB
0131 2081070
info@staranarchitects.com
www.staranarchitects.com

Job Number
1345
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26.11.2013
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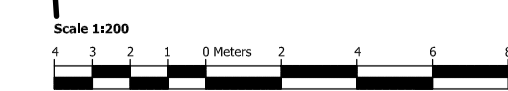
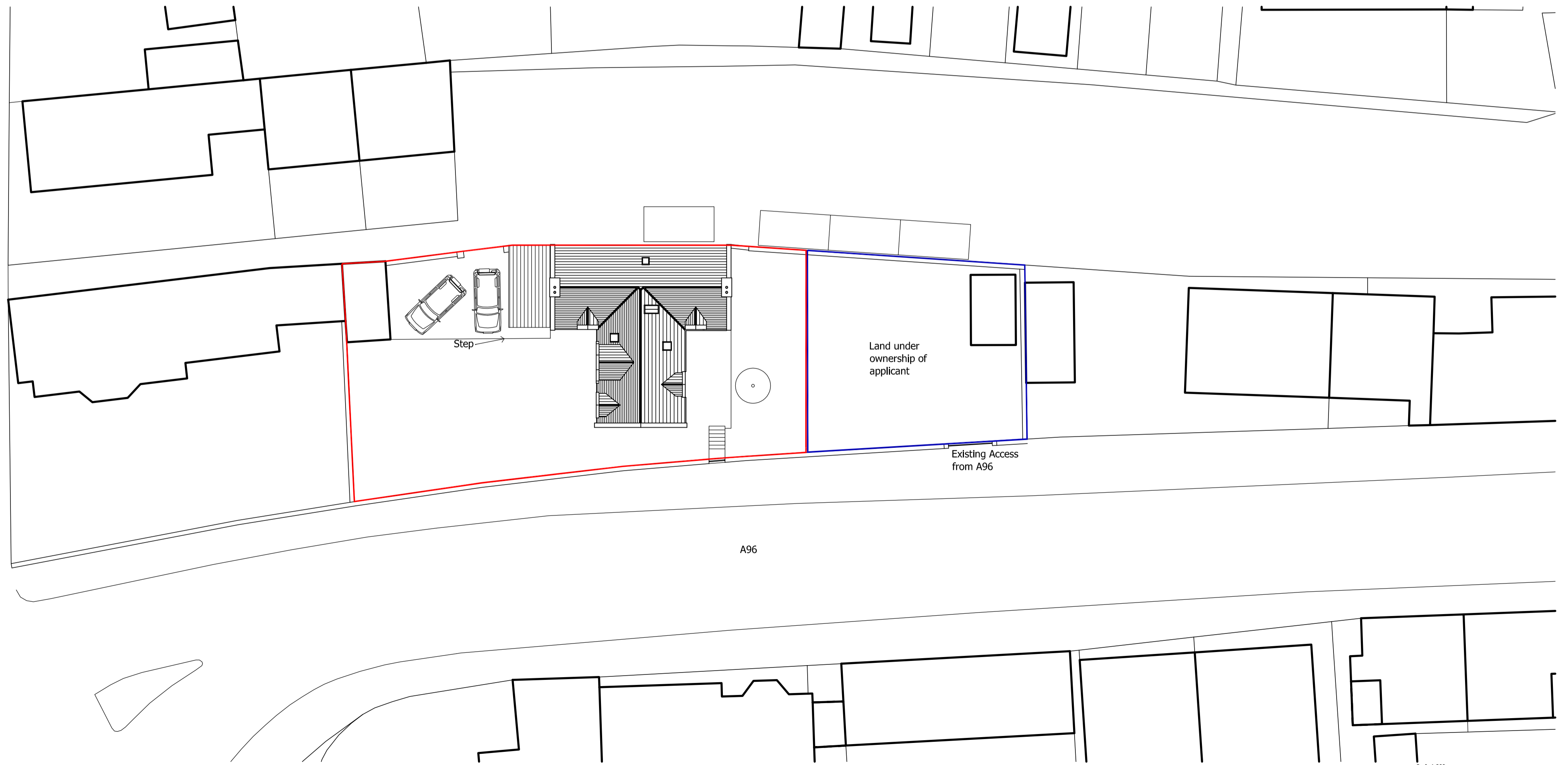
Drawing Number
OS(00)001
Revision
-



Proposed Block Plan



Existing Block Plan



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| No. | Revision/Issue | Date |
|-----|---|----------|
| A | Planning comments, parking amended & additional notes added for clarity | Jan 2014 |
| B | Unit 2 revised, parking amended & additional notes added for clarity | 20.02.14 |

All parking & turning spaces are standard 2.4m x 4.8m
 General Notes



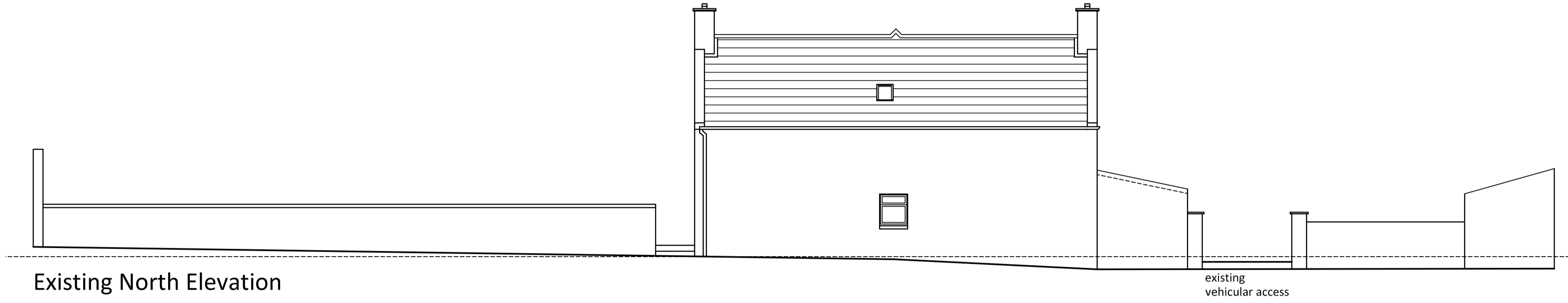
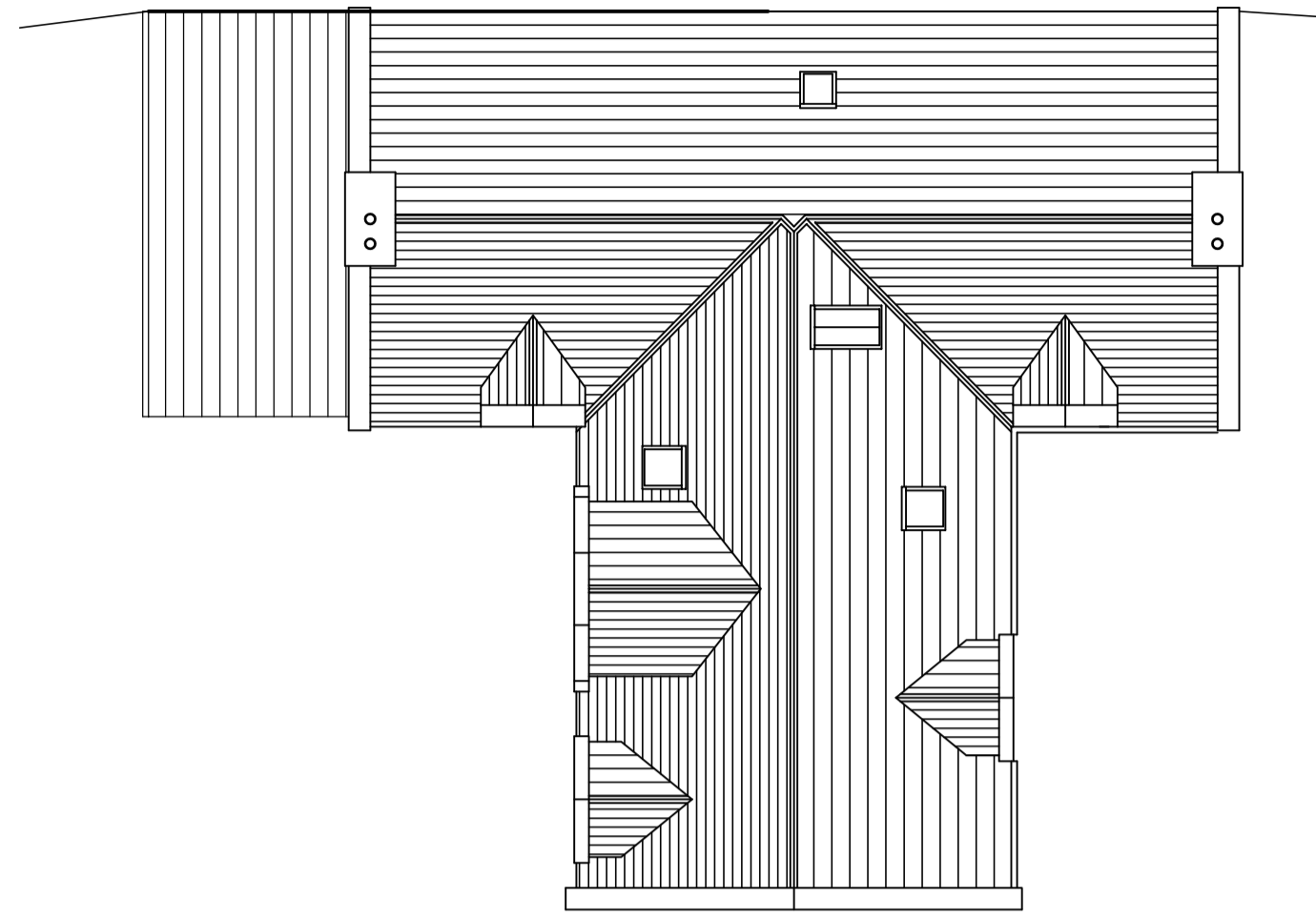
Client Name and Address
 J Macvie / E & JD Robertson Ltd
 Allasdale, St Ninian Road,
 Nairn IV12 4EQ

Project Details
 Extension and Alterations at
 Allasdale, St Ninian Road, Nairn

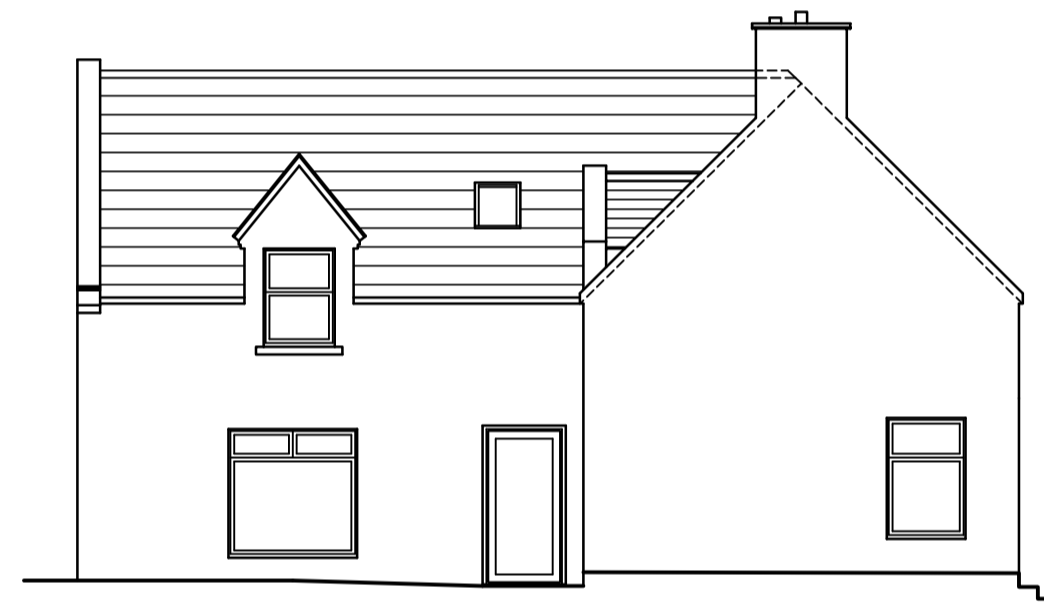
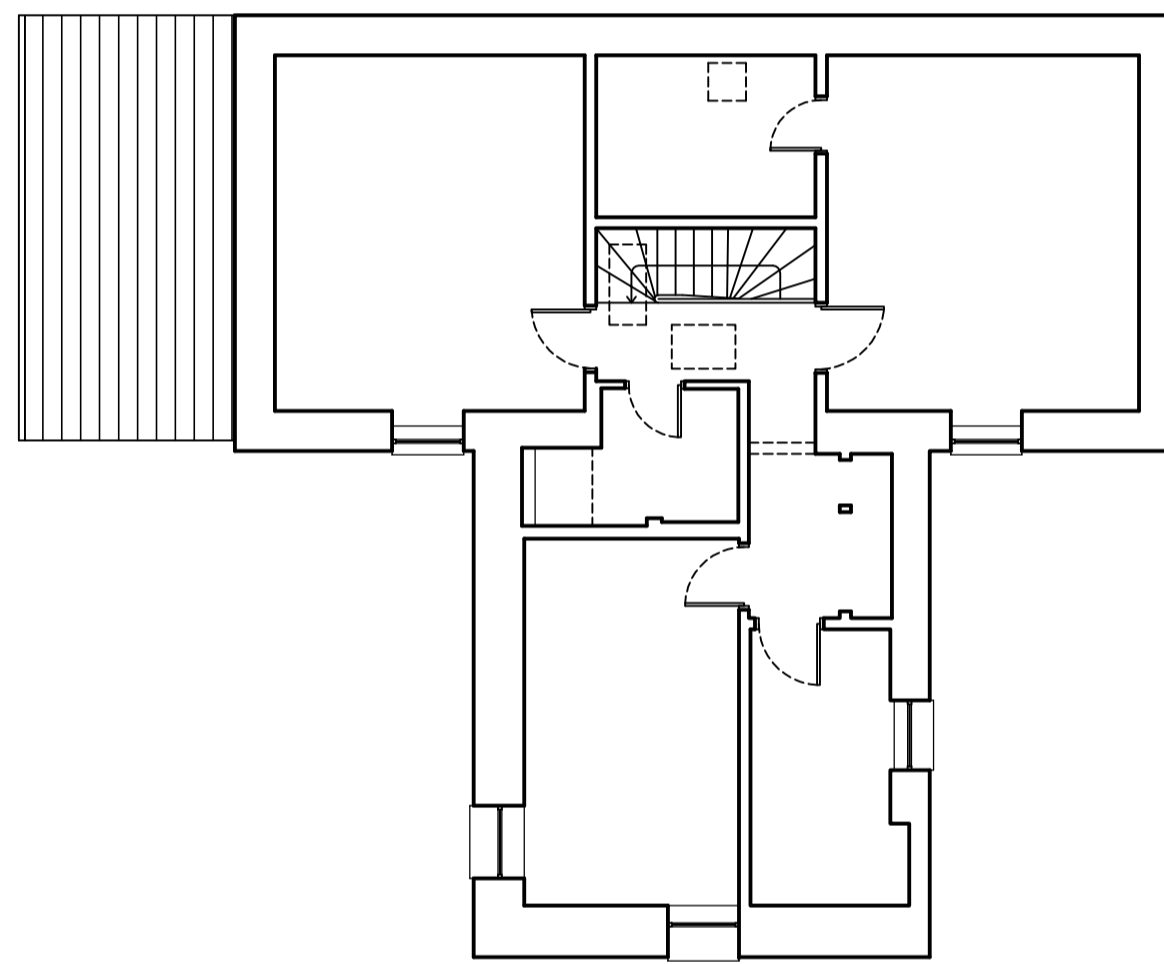
Drawing Title
 Existing & Proposed
 Block Plans

Drawing Status
PLANNING

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| Date | |
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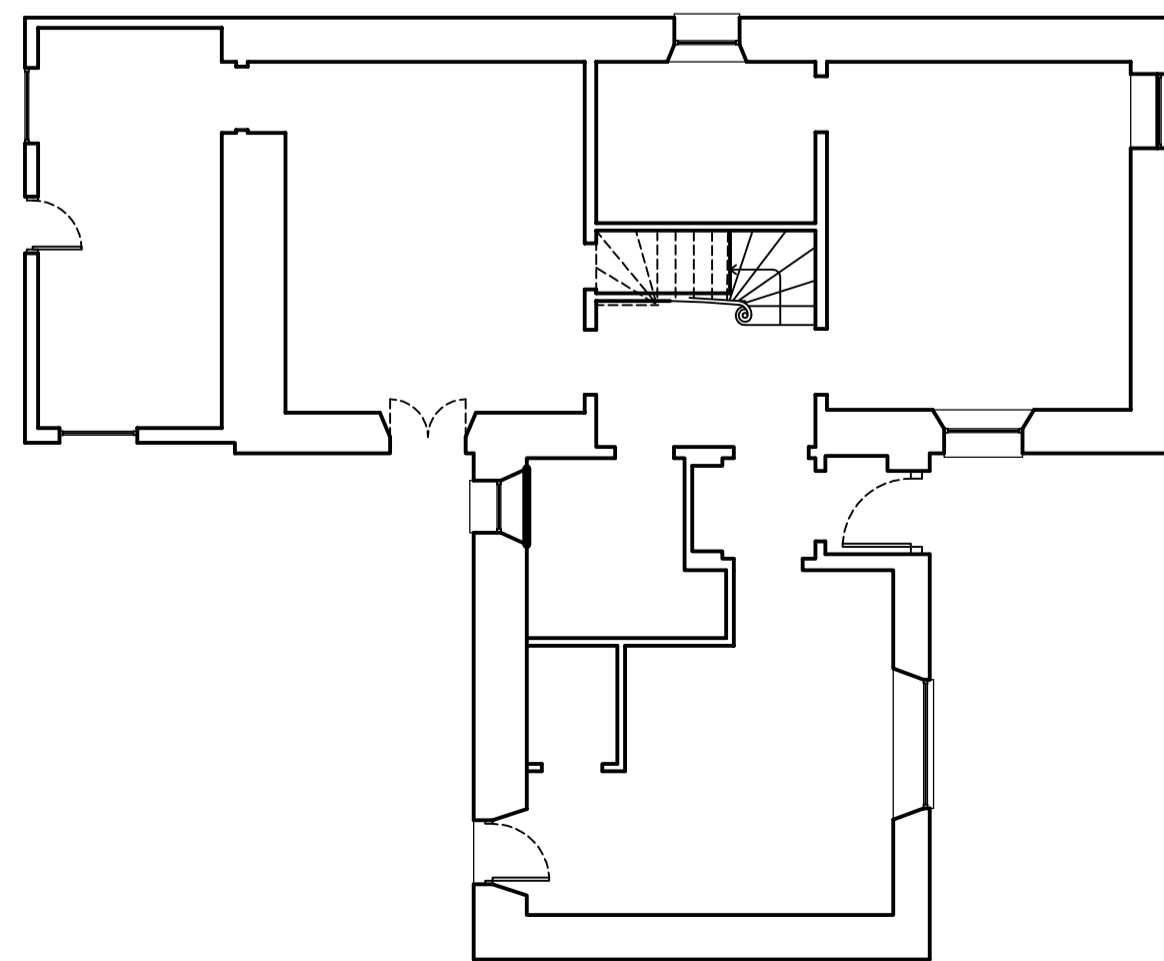
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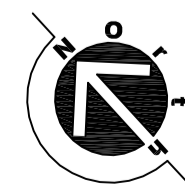
Existing East Elevation



Existing West Elevation



Existing South Elevation



Scale 1:100



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| No. | Revision/Issue | Date |
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| No. | Revision/Issue | Date |
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General Notes



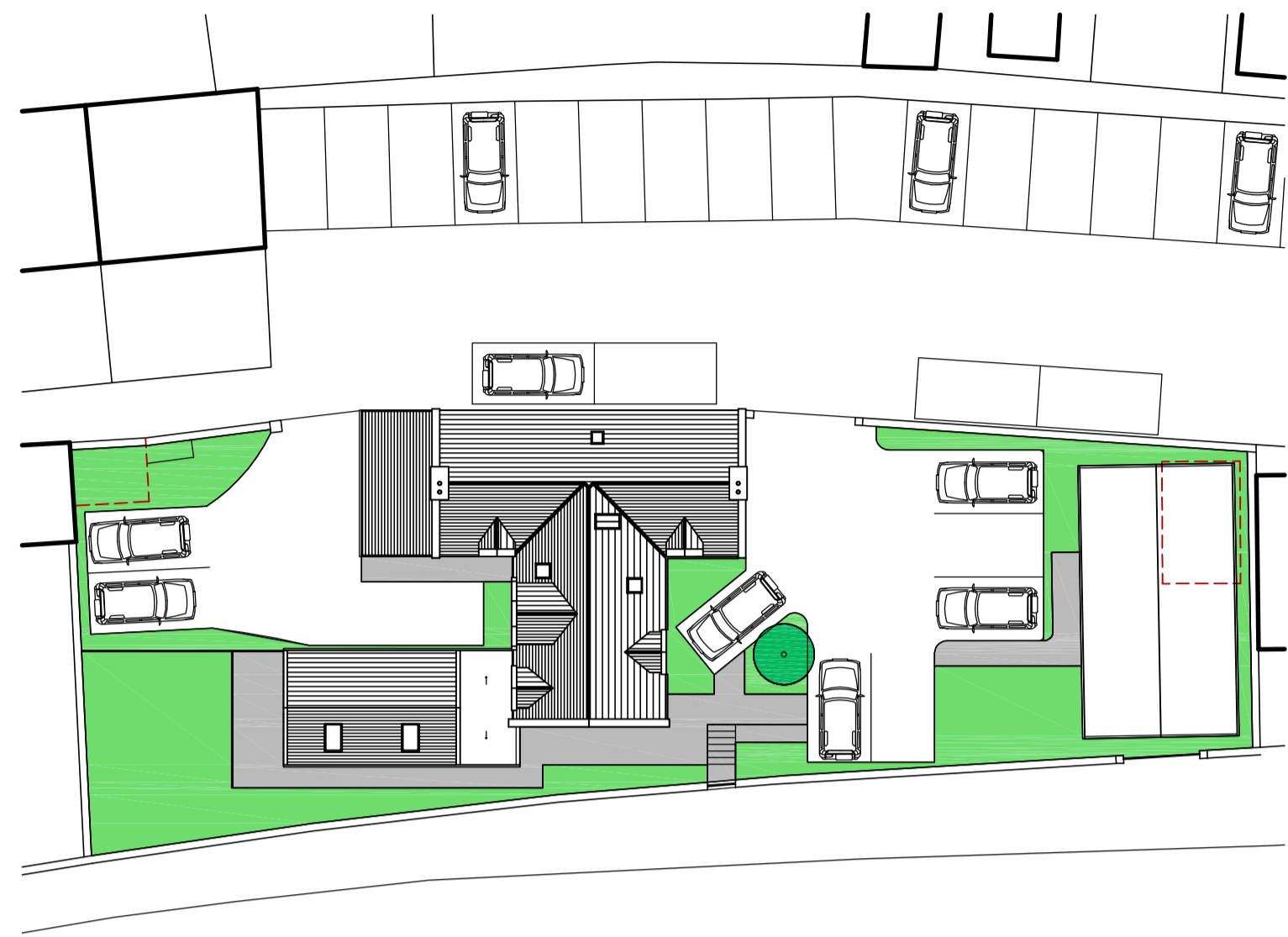
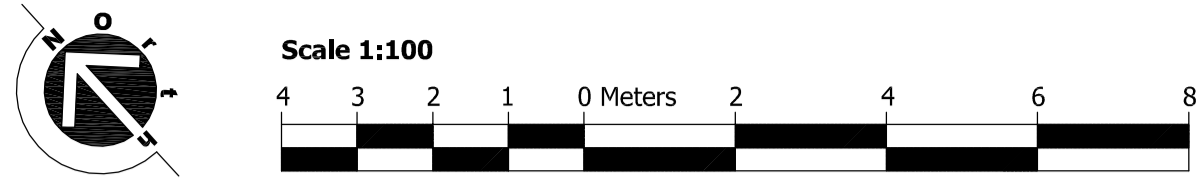
Client Name and Address
 J Macvie / E & JD Robertson Ltd
 Allasdale, St Ninian Road,
 Nairn IV12 4EQ

Project Details
 Extension and Alterations at
 Allasdale, St Ninian Road, Nairn

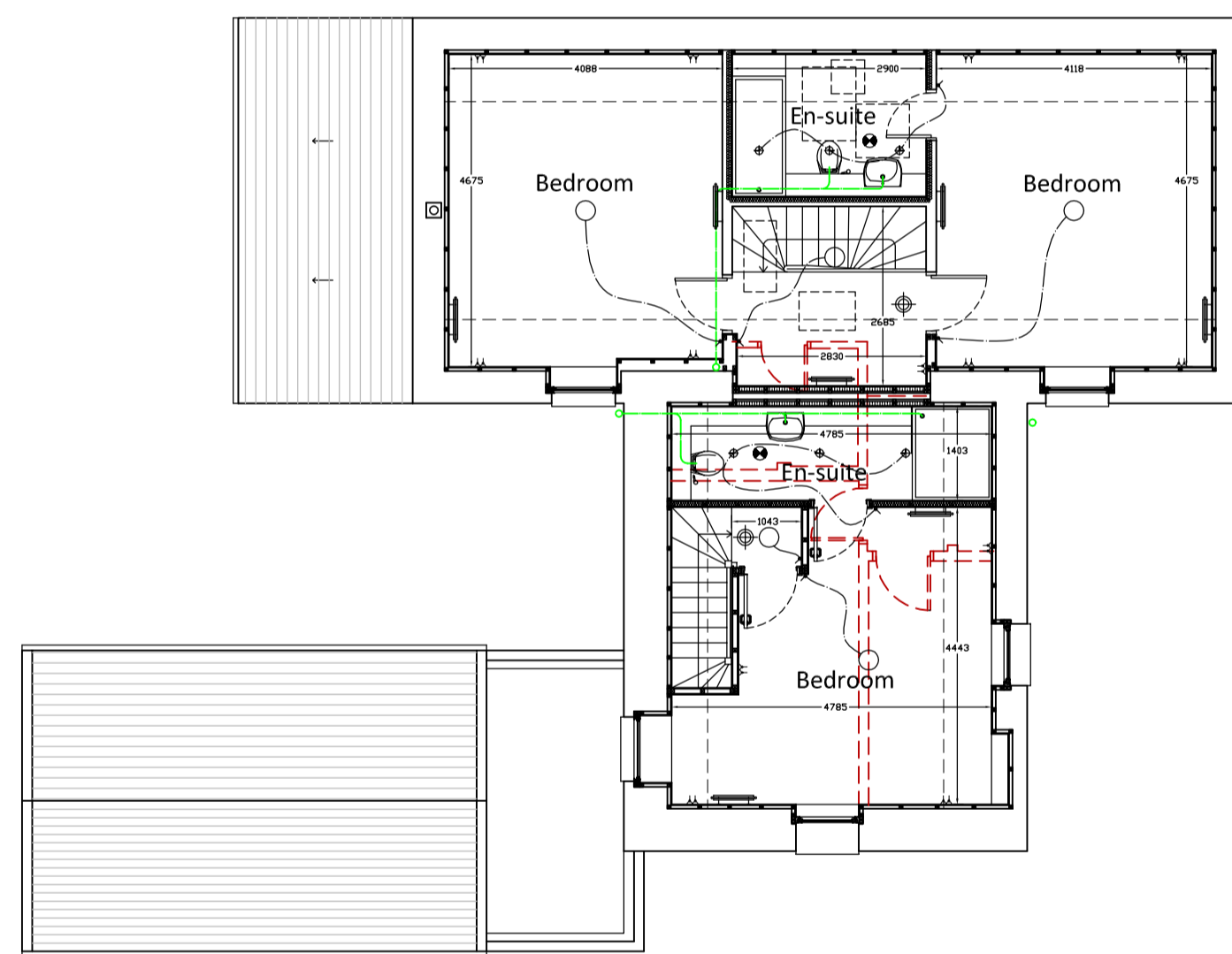
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Drawing Status
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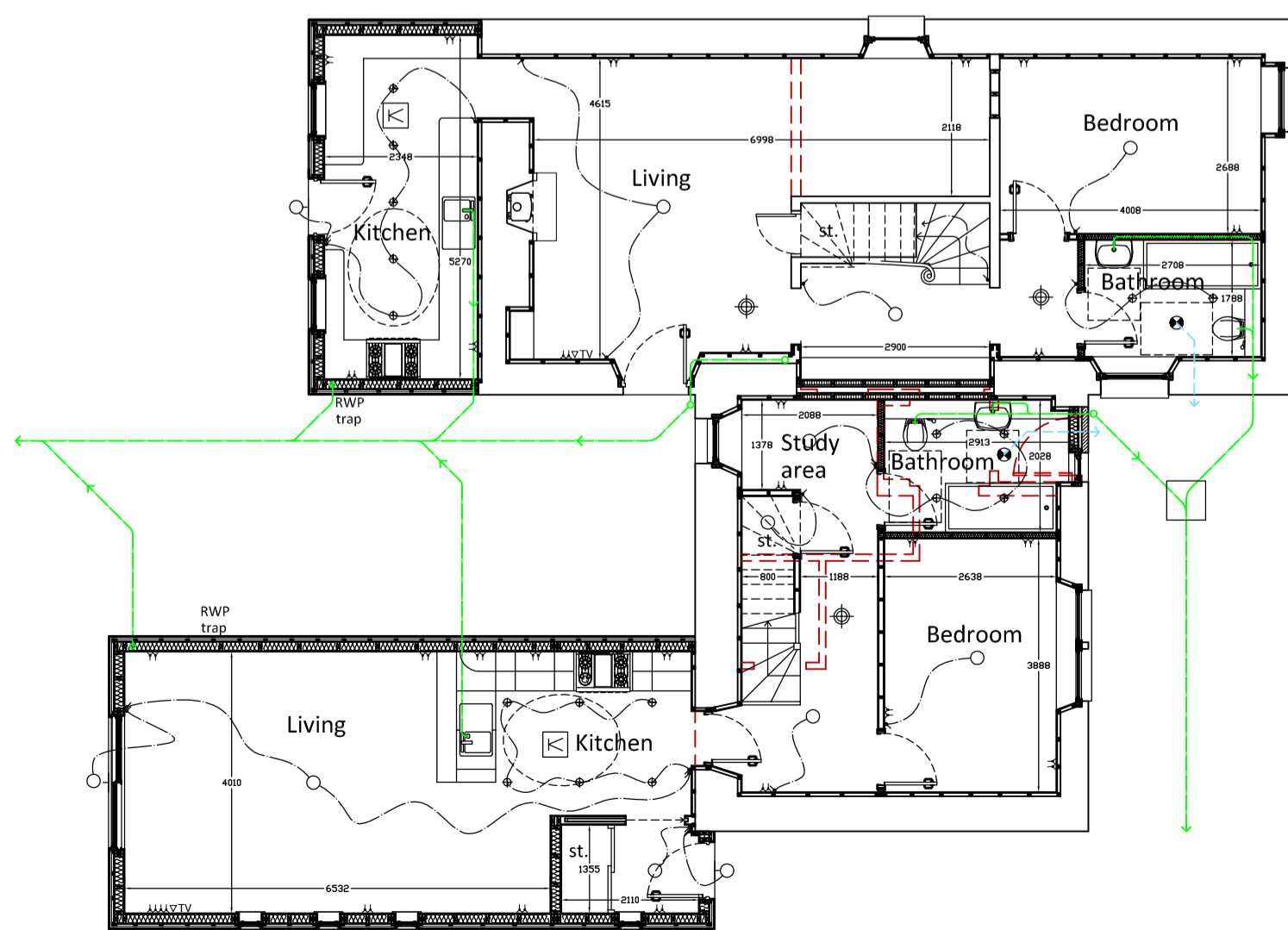
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| Date 26.11.2013 | Revision - |
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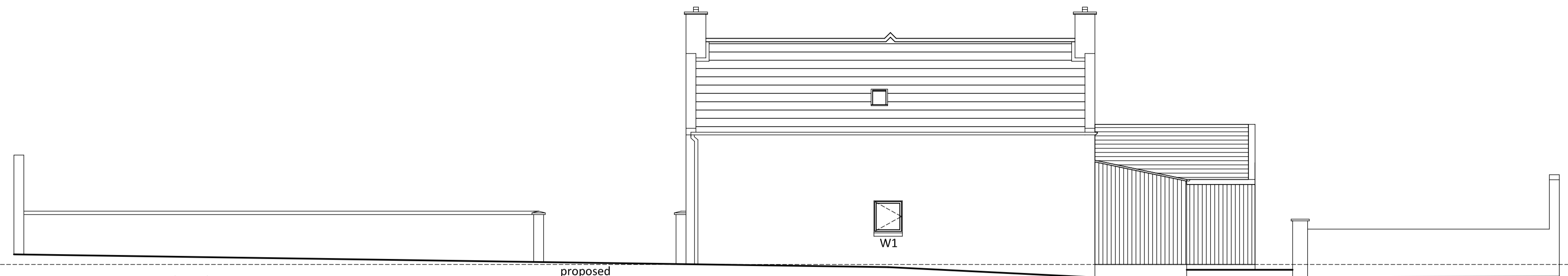
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1:250



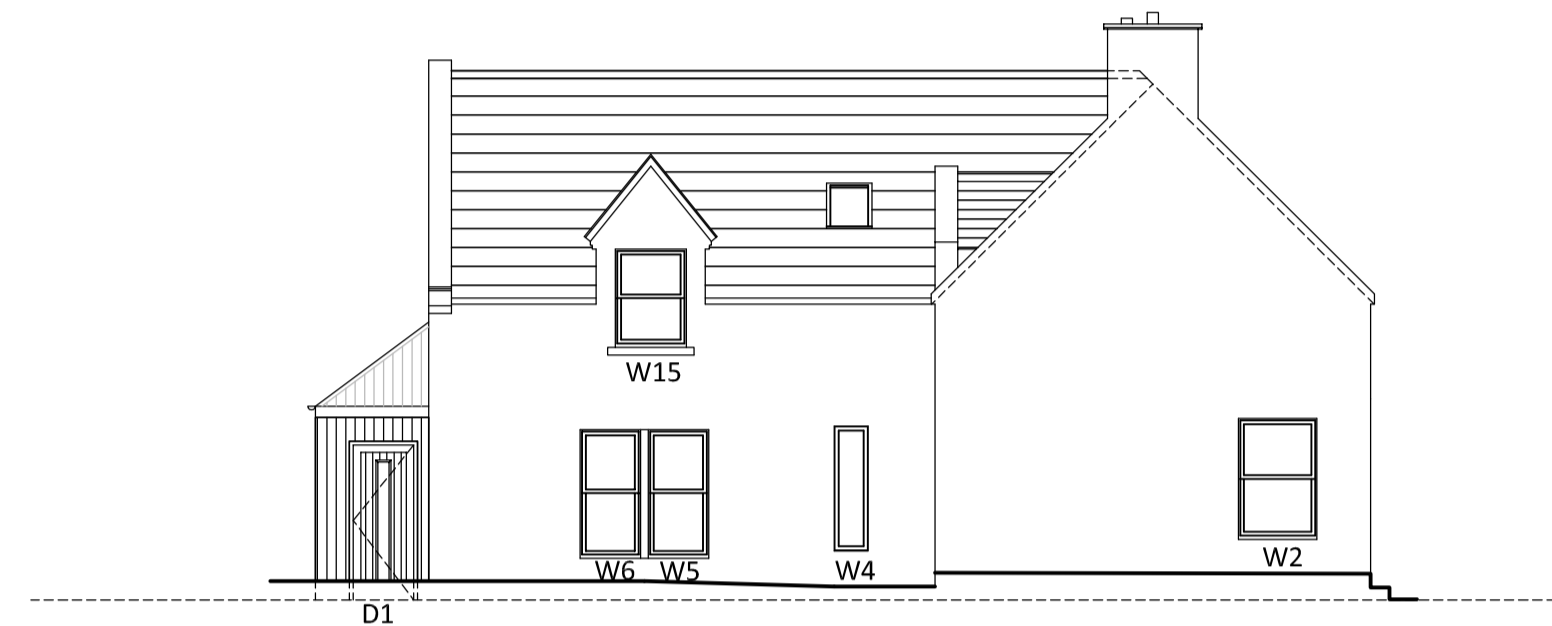
Proposed First Floor Plan



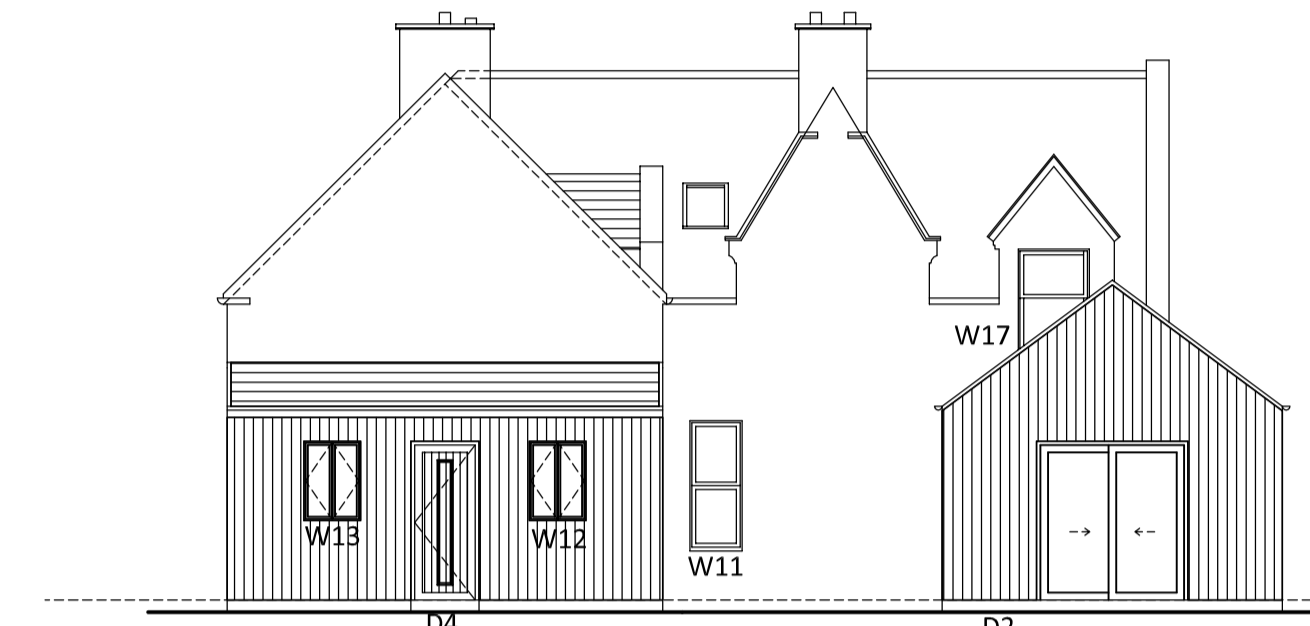
Proposed Ground Floor Plan



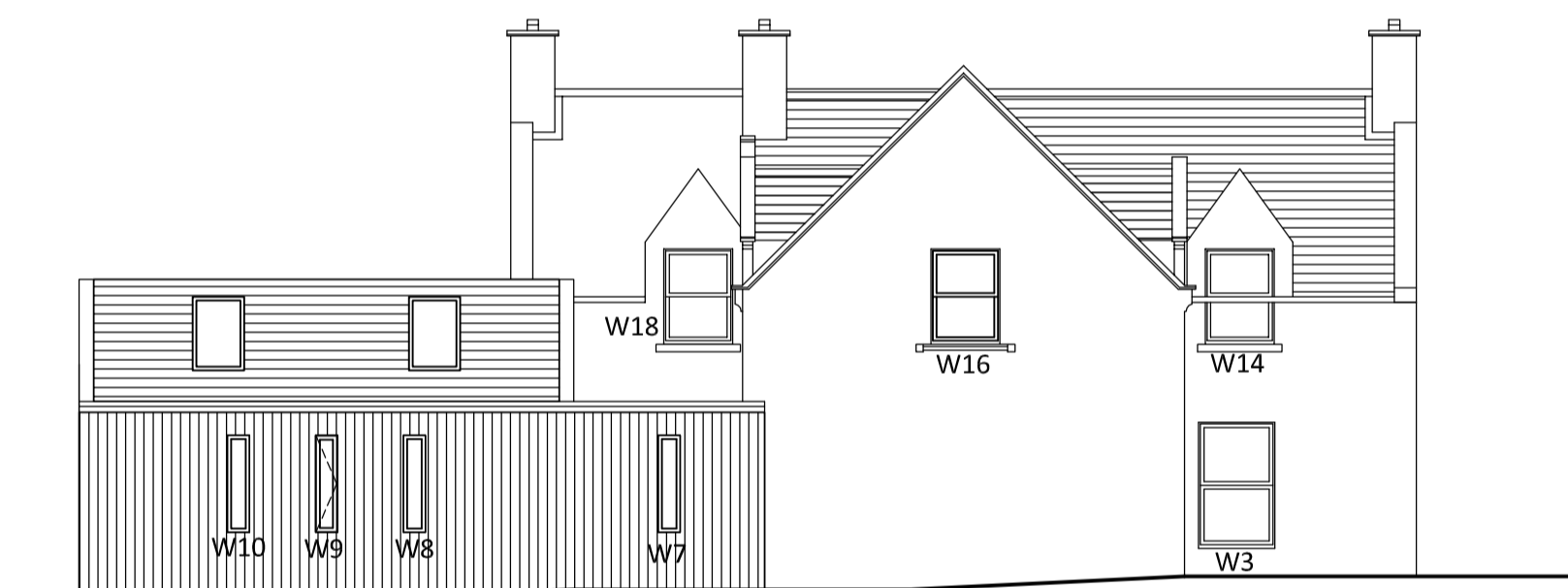
Proposed North Elevation



Proposed East Elevation



Proposed West Elevation



Proposed South Elevation

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| No. | Revision/Issue | Date |
|-----|----------------|------|
| | | |

- Double Socket
- TV Outlet
- Radiator
- Pendant Light
- Recessed Downlighter
- Switch
- Heat Detector
- Smoke detector (hard wired)
- Extractor fan

- Downtakings shown dashed in red
- Proposed ventilation shown dashed in blue
- Proposed drainage shown dashed in green

Windows & Doors

- W1,9 - Inward opening casement
- W2,5,6,14,17,18 - Sash & Case
- W3,4,11 - Fixed pane/ fire rated/ frosted glass
- W7,8,10,15,16 - Fixed pane
- W12,13 - Double casement

- D1,D4 - Timber door with glazed strip
- D2 - Sliding glazed doors with timber surrounds
- D3 - Glazed door with timber surround

General Notes



Client Name and Address
J Macvie / E & JD Robertson Ltd
Allasdale, St Ninian Road,
Nairn IV12 4EQ

Project Details
Extension and Alterations at
Allasdale, St Ninian Road, Nairn

Drawing Title
Proposed Plans & Elevations

Drawing Status
INFORMATION

| | |
|---------------------|-----------------------------|
| Job Number 1345 | Drawing Number SK(00)001 |
| Date 20.02.2014 | Revision - |
| Scale @ A1 1:100 | |