

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
29 April 2014**

Agenda Item	6.2
Report No	PLN/033/14

**13/03802/FUL : Mr Simon Bates
Miltoga, Jamestown, Strathpeffer**

Report by Area Planning Manager

SUMMARY

Description : Demolition of existing and erection of replacement house

Recommendation - GRANT

Ward : 06, Wester Ross, Strathpeffer and Lochalsh

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Number of representations received.

1. PROPOSED DEVELOPMENT

- 1.1 The application is to demolish the existing detached bungalow on the site and to erect a replacement house. This will utilise the slope on the site to achieve a 'basement' level. The replacement house will have the appearance of single storey to the front (east), and two storey to the rear. The design also incorporates a tower on the north side, with a 2 storey rounded feature to the road elevation, and a 3 storey gable projection to the garden grounds to the rear.
- 1.2 Informal pre-application discussions took place.
- 1.3 The house is the last property on this single track access road, within the settlement of Jamestown.
- 1.4 A design statement has been received in support of this application. Computer generated images have been submitted to show the 'finished' house.
- 1.5 **Variations:** The proposed house has been lowered by 500mm, and grey render is now proposed to the basement level, and to the gable above the windows on the 'tower' section of the house. The landscape bund to the side has now been extended around the rear corner.

2. SITE DESCRIPTION

- 2.1 The site is currently occupied by a detached bungalow, with a detached timber garage within the side garden grounds. This is the last property in a row of individual

houses, served by a single track road without pavements or formal passing places. The house immediately to the north, 'Bellacoola', is single storey to the road frontage, and two storeys to the rear, utilising the sloping ground. The house opposite the site is set back from the road edge with a number of trees within the front garden grounds. Fields bound the rear (west) of the site, with the A834 road from Strathpeffer to Contin beyond. Garden grounds of a neighbouring house adjoin the south side boundary. The land slopes down from the access road to the fields to the west, and also down from 'Bellacoola' to the south side boundary.

3. PLANNING HISTORY

3.1 89/895 – erection of house approved.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour advert
Representation deadline : 8th November 2013

Timeous representations : 8

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Design is inappropriate for this location
- Scale and height of proposed house is out of keeping with neighbouring property
- Proposed house is too high and will be unduly dominant visually
- Proposed footprint is unduly large
- Orientation will lead to loss of privacy of neighbouring property
- Adverse impact on wildlife, including wild cats, red kites, buzzards, sparrowhawks, etc
- Existing house was built in 1990 and is not sub-standard

4.3 Non-material considerations raised are summarised as follows:

- Disruption from demolition / re-building works
- Construction traffic will restrict access along the road
- Damage to the road from construction traffic
- Road width is inadequate to accommodate large lorries
- Construction traffic will pose a risk to the health and wellbeing of local pets
- Potential contamination from spills from earth moving equipment (heavy fuels, oils, chemicals)
- Property is of sufficient size to one day become a commercial property which will bring additional traffic into this residential area

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

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

35 Housing in the countryside (hinterland areas)

6.2 Ross and Cromarty East Local Plan (as continued in force 2012)

Within Hinterland. No site specific policies

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Proposed Local Development Plan – within Hinterland - no site specific policies.

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design

7.3 Scottish Government Planning Policy and Guidance

Paragraph 78, creating successful places and quality residential environments.

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

Within the Hinterland, there is a policy presumption against new housing unless it complies with one of the Council's recognised exceptions. These are detailed in the Supplementary Guidance Housing in the Countryside and Siting and Design.

One such exception relates to the replacement of an existing house which does not meet the requirements for modern living, where there is a clear case made that the costs of upgrading are not justified on economic or environmental grounds. The

guidance requires the existing house to be demolished in such cases.

The applicant has submitted a design statement, which includes information regarding the works required to the existing house in order to bring it up to the required standards. This also explains the design principles which have led to the chosen design.

The existing house is currently habitable, but the applicant wishes to demolish and rebuild in order to achieve improved energy performance and to provide the required living space. Furthermore, the house requires work to rectify subsidence to the existing balcony/terrace area, and requires replacement of electrics and provision of smoke detection. The applicant therefore feels that the most cost effective solution is to erect a replacement house. This will also facilitate the installation of a ground source heat pump.

The proposed house will be built on the site of the existing house, and will therefore require the demolition of the existing house. The proposed footprint is larger than the existing house, in that it now includes the 'tower' feature. This is not considered to be an excessive increase in relation to plot dimensions nor siting within the plot. The design statement submitted also indicates that the applicant considers it important that the views available from Tigh-na-Gharradh and Bellacoola are not encroached upon and therefore the replacement house has been maintained to the north of the site. Whilst the house has been set down into the site and the ridge level has been lowered through negotiation the house cannot be set down further due to the level of the existing foul sewer which it will need to connect to. The site levels also influence the position of the house in relation to gaining access to the proposed garage.

Although the character and style of the existing building are not reflected in the proposed replacement house, the site is located in a row of individual houses of assorted design. It is therefore appropriate to assess the proposed design in this wider context rather than just in relation to the design of the existing house.

Policy 28 sustainable design requires new development, amongst other factors, to demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment, and in making use of appropriate materials.

Policy 29 design quality and place making requires new development to have regard to the historic pattern of development and landscape in the locality, and be an integral part of the settlement. New development should make a positive contribution to the architectural and visual quality of the place in which it is located, and demonstrate sensitivity and respect towards the distinctiveness of the landscape, architecture, design and layout.

The proposal includes digging the house into the slope of the site, so that the main section of house has the appearance of single storey to the road frontage and two storey to the rear. The adjacent house to the north, Bellacoola, also utilises a design which is single storey to the road frontage and two storey to the rear. The proposed house is lower down the slope than Bellacoola, and the expectation therefore is that the roof ridges will also step down. Although the main section of house will be approximately 1m higher than the existing house ridge, it will still be approximately 2.2m lower than the ridge of Bellacoola, and therefore steps down the slope. The proposed tower feature is however taller than the remainder of the house, and will have the appearance of two storey to the road frontage, and three storey to the rear. The 'tower' ridge will be slightly higher (approximately 600mm) than Bellacoola.

The basement of the main house will occupy a similar footprint to the existing house, but the first floor section will be set in at the rear, and a terrace/balcony area formed above the basement projection. This results in a narrow front to back gable for the main house section, which leads to 'traditional' proportions for this section of house.

The principle elevation of the main house is to the rear (west) to maximise solar gain and views over the surrounding countryside. The road elevation is secondary, but the curved tower and angled entrance area introduce interest into the entrance/approach to the house and avoid it being read as the rear of the house.

The rear of the plot is clearly visible across the adjacent fields from the main road from Strathpeffer to Contin (A834). Bellacoola is currently seen as a two storey house from this location. The proposed house utilises grey render to the basement area, and therefore forms a visual distinction between the lower section and the upper section, which will lead to the basement blending into the adjacent garden grounds. The upper section will use white render. This contrast in material and the stepping in of the upper section above the basement will give the illusion of a single storey house (with two storey tower) in these distance views, which will integrate well into the surrounding development and landscape. The upper storey of the tower gable will also be finished in grey harl, to reduce its prominence and help it integrate visually into the surrounding area when viewed across the fields from the A834.

The proposed house will be set down within the plot with a landscape bund between the side of the house and Bellacoola. The plans have now been amended to include the bund wrapping around the rear tower section of the house. This will also help to reduce the prominence of the tower feature when viewed across the fields from the A834, and the landscaping on the bund will soften the appearance of the house and again help to absorb it into its surroundings.

The design and materials (natural slate roof and white and grey render) work to combine traditional and modern elements to produce a distinctive bespoke house which should make a distinctive contribution to the visual quality of Jamestown.

8.4 Material Considerations

The adjacent house, Bellacoola, has a blank gable towards the application site, and its main windows to the front and rear (west and east). The tower section contains only secondary bedroom windows and bathroom/wet room windows in this side elevation. The main living space windows, and sitting out area are above the proposed basement and set in from the tower projection, and will therefore be screened by the tower, which will serve to preserve the privacy of both Bellacoola and the proposed house.

The house on the opposite side of the access road, Tigh na Gharradh, is set back from the road edge in a treed garden area, and is angled to the road. The road elevation of the proposed house contains secondary windows to the living room (high level), family area and staircase, and the privacy of Tigh na Garradh should therefore be preserved.

The proposed house includes an integral garage in part of the basement, and a parking/turning area adjacent to the south gable. There will also be a small parking and turning area within the front garden near the proposed house entrance. This

provides adequate parking and turning within the curtilage of the site.

Since the proposed house will replace the existing house, the amount of traffic using the road network in Jamestown should not be affected once the house is built.

The proposed house, once built, should not have any greater impact on the local wildlife than that of the existing house. Although there are protected species in the vicinity, the application site is not thought to provide a habitat for any protected species.

8.5 **Other Considerations – not material**

The existing road network in Jamestown is severely constrained, and the concerns raised in relation to construction traffic are understood. However, the onus is on the applicant to ensure that suitably sized vehicles are used in this respect, and this is not a material planning consideration.

Similarly, the disruption caused by construction works, risk of spills of contaminants during the course of construction, and potential damage from the construction works are not material planning considerations and are controlled by other authorities.

The proposed house includes working from home space within the basement (study and studio), but these are not overly large and there is no reason to anticipate any unauthorised commercial use of the premises. There are 3 bedrooms within the proposed house, and the open plan design of the ground floor living area again suggests a family home rather than a commercial space. Should any business use be desired from the premises in the future, it will need to be assessed in relation to the proposed use and the relevant criteria at that time.

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 N

Subject to the above, it is recommended the application be **granted** subject to the following conditions and reasons/notes to applicant:

1. Prior to the first occupation of the house hereby approved, the car parking and access arrangements detailed on approved plan ref. 2012 078-000 revision C shall be 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. The proposed house shall be finished as specified on approved plan ref. 2012 078-002 revision B, with natural slate roof, white wet dash harl walls, and grey harl to the basement and the indicated upper storey section of the gable on the south west elevation.

Reason : In the interests of visual amenity, in order to achieve a finish which integrates into the surrounding area.

3. No development shall commence until a scheme for the landscaping of the bund and the garden grounds has been submitted to and approved in writing by the Planning Authority. Thereafter, the scheme shall be implemented in full during the first planting season following the completion of the house, and thereafter be retained with any trees or shrubs which die or become seriously damaged or diseased within 5 years of the date of planting being replaced by a similar size and species.

Reason: To ensure a complete and satisfactory form of development, which integrates into the surrounding area, in the interests of visual 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

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.

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.

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

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.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, are found on site. For the avoidance of doubt, 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. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

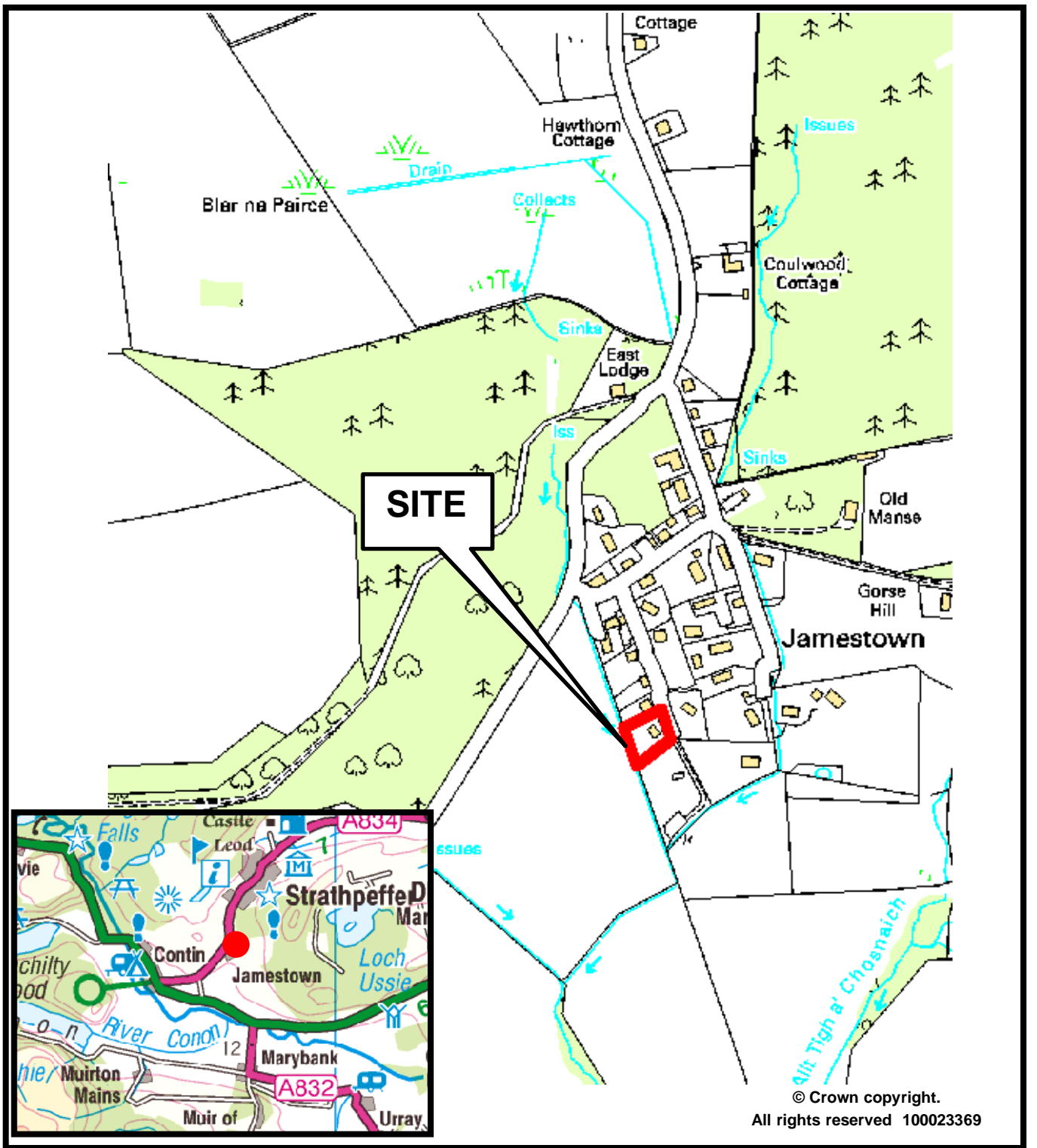
Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Susan Hadfield - Planner
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 – Location Plan
- Plan 2 – Site Plan
- Plan 3 – Floor Plans
- Plan 4 – Elevations
- Plan 5 – Sections
- Plan 6 - Perspective from A834
- Plan 7 - Perspective from access road to site.

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr & Mrs Bob Robertson	Bella Coola, Jamestown	25/10/13	Against
Mr David Robertson	20 Knocknagael, Inverness	03/11/13	Against
Diane McKee	Sunnyside, Jamestown	26/11/13	Against
Mrs M Levy	Gorsehill, Jamestown	28/11/13	Against
Vivien C Samset	Hill Cottage, Jamestown	28/11/13	Against
Mr & Mrs Charlie & Sonia Ramsay	Cul Mor, Jamestown	02/11/13	Against
Mr John Guild	Tigh na Garradh, Jamestown	03/11/13	Against
Mr & Mrs Owen Shaw	Muircroft, Jamestown	06/11/13	Against



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The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

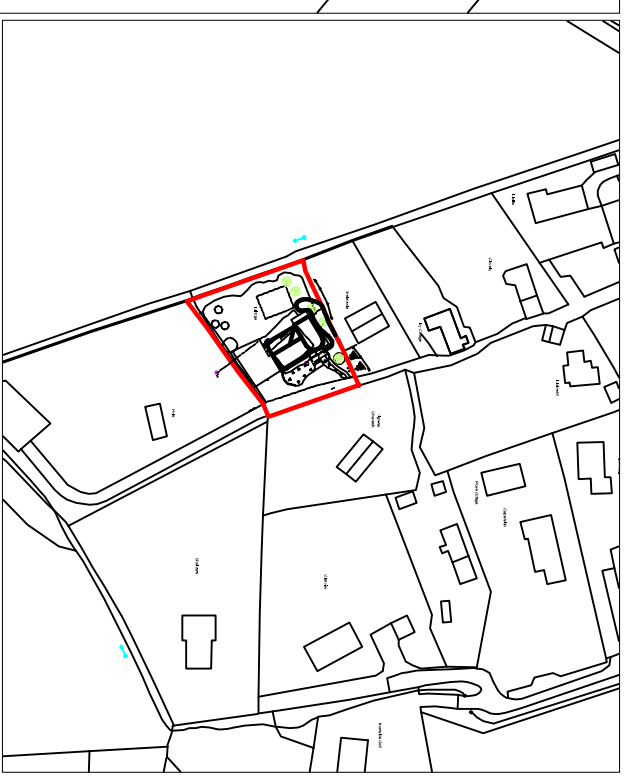
Plan 1
13/03802/FUL

Demolition of existing and erection of replacement house at Miltoga, Jamestown, Strathpeffer

29 April 2014

N





Planning issue

- revisions**
- A- ground source heat pump location noted 14.10.13
 - B- House lowered by 500mm 03.02.14
 - C- landscaping and bund added 26.03.14

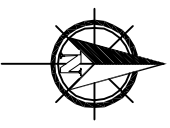
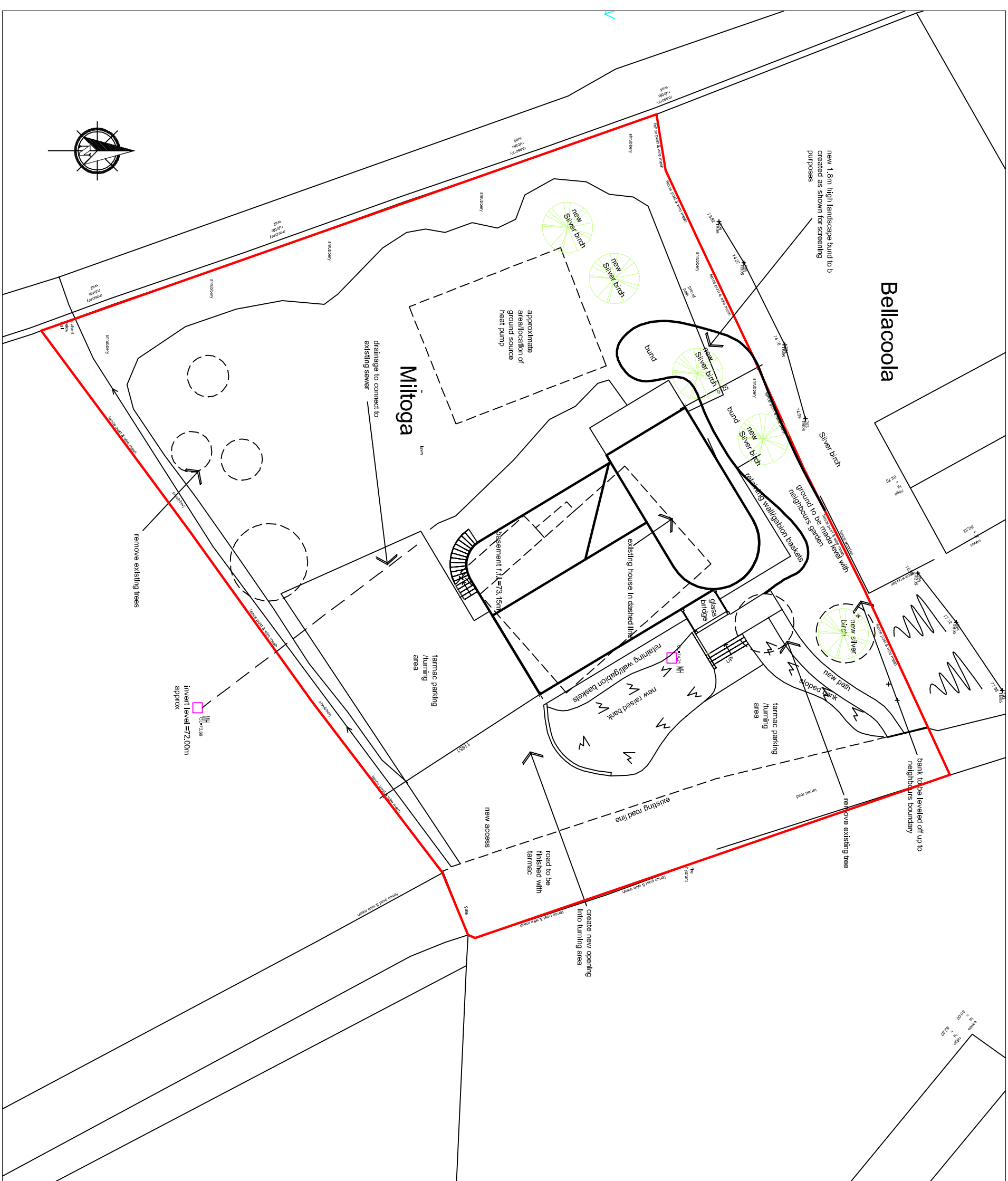
reynolds architecture ltd.
 1 lulloch street, dtingwall, V15 9JY
 tel. 01349 867766 fax. 01349 867769
www.reynolds-architecture.com

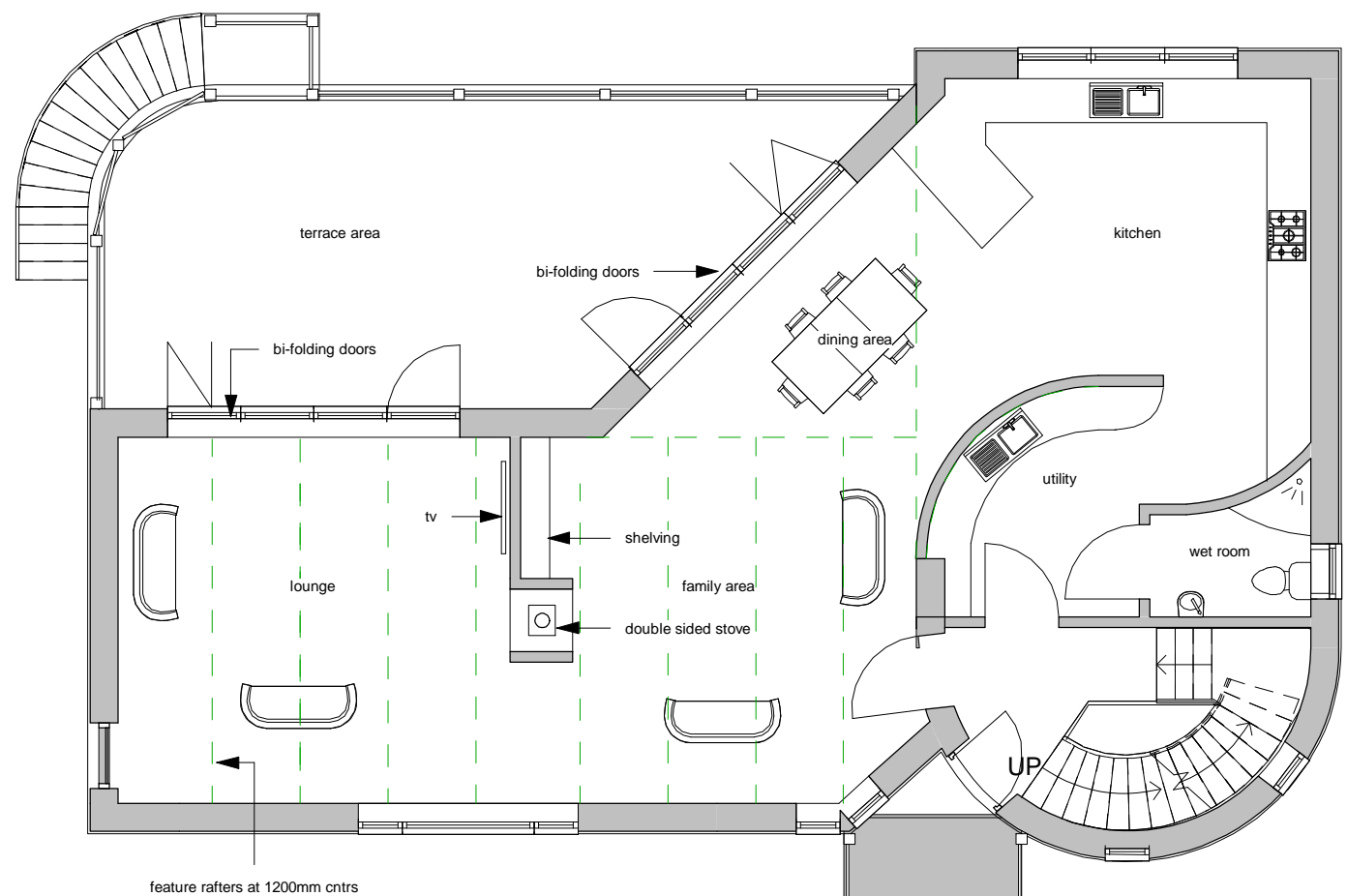
Demolish existing house & erection of new house at Jamestown, Strathpeffer for Simon Bates

drawing description	
Site proposals	
drawing number	2012 078-000-C
revision	C

scale	date	drawn
1:250 & 1:2500	15/05/2013	GJR

1- Protected by copyright, no reproduction without express permission from architect.
 2- Contractor is responsible for obtaining all necessary permits for construction.
 3- Interpretations of the drawings to be referred to architect for decision.

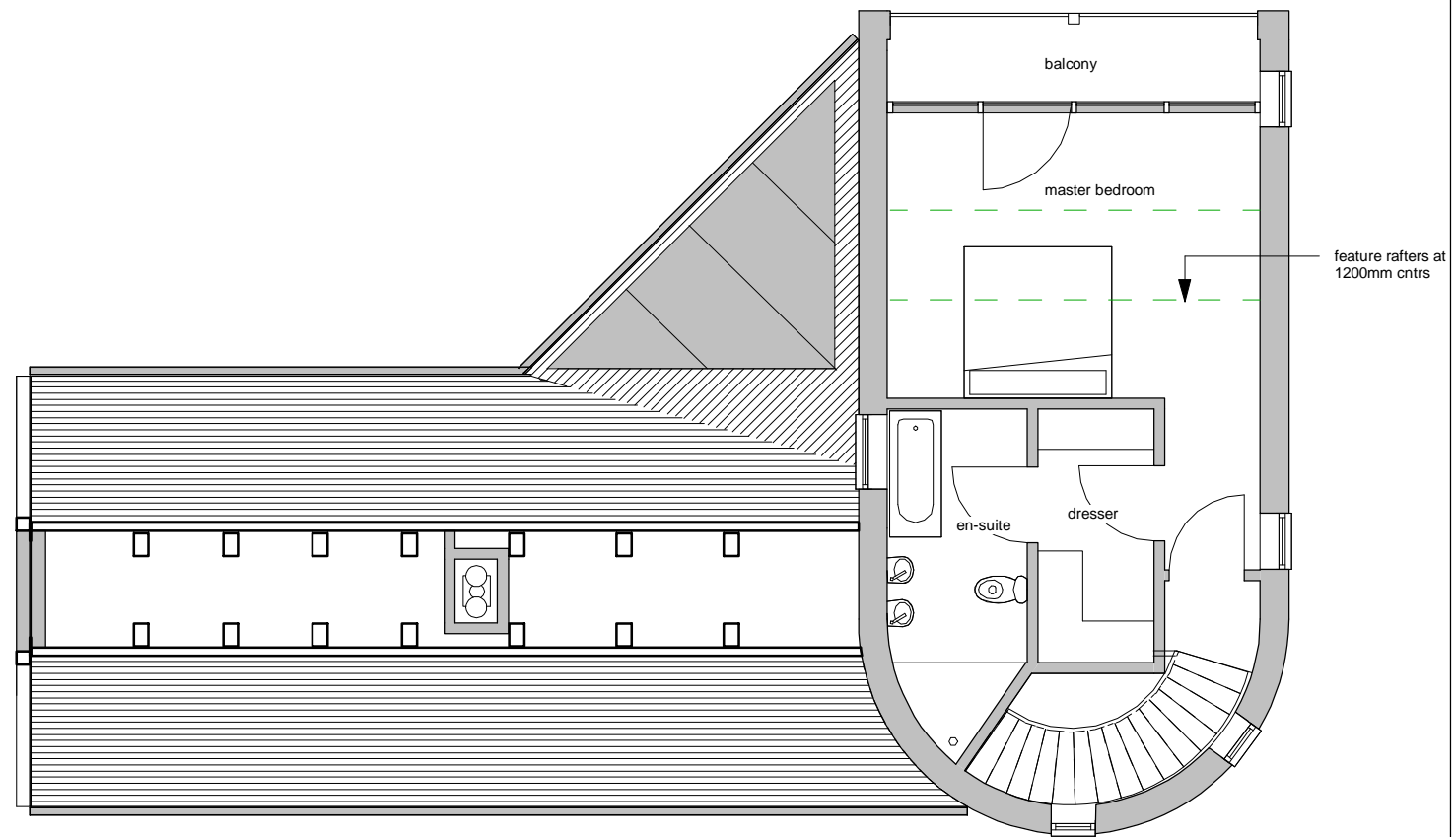




Ground floor

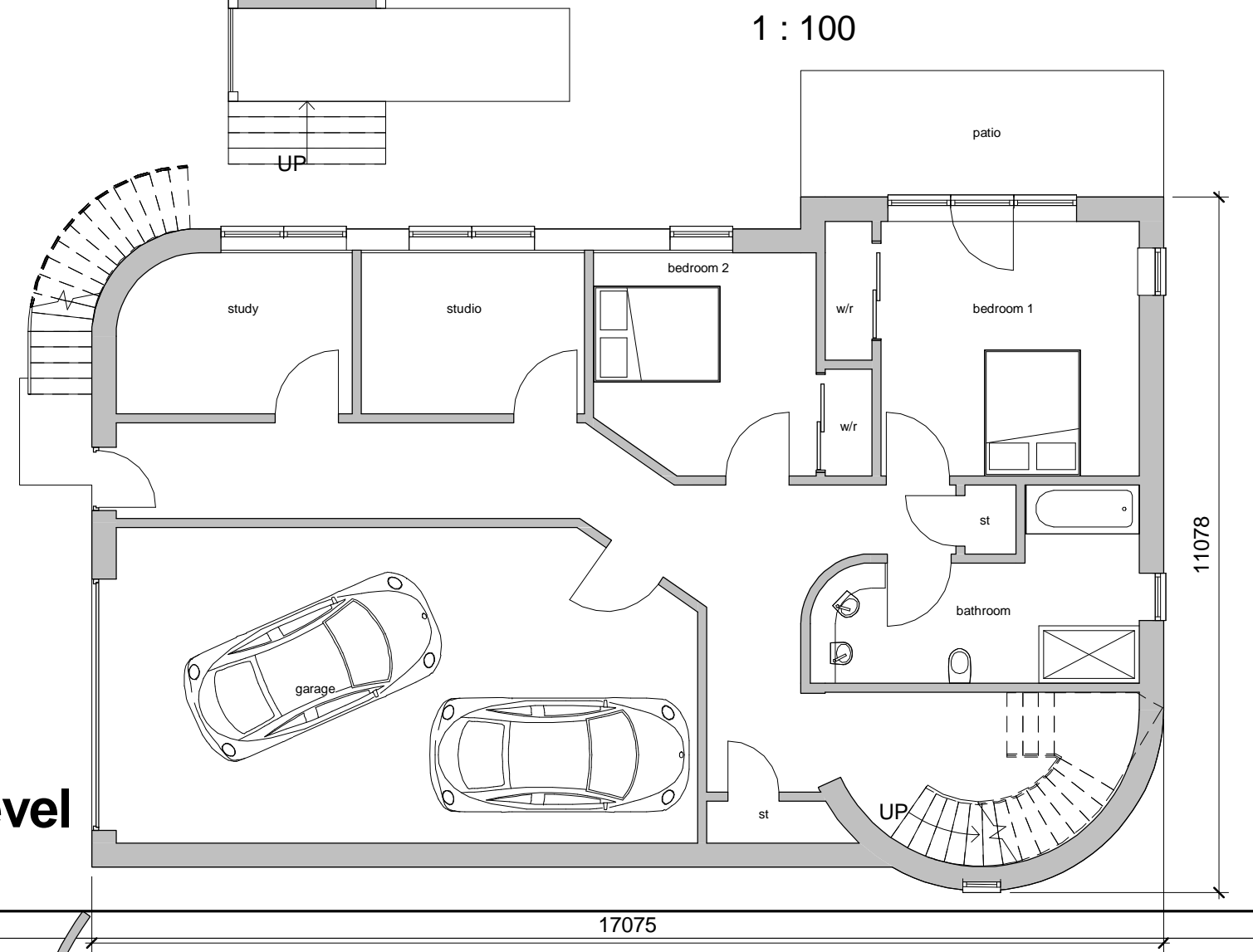
1 : 100

feature rafters at 1200mm cntrs



First floor

1 : 100



Basement level

1 : 100

Planning issue		
 reynolds architecture ltd. 1 tulloch street, dingwall. IV15 9JY tel. 01349 867766 fax. 01349 867769 www.reynolds-architecture.com		
No.	Description	Date
Mr Simon Bates Erection of new house, Miltoga, Jamestown		
Plans		
Date	25.02.13	
Drawn by	GIR	
Scale	1 : 100	
2012 078-001		
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