

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**19 August 2014**

Agenda Item	6.5
Report No	PLS/059/14

**14/01607/FUL: Mr S Munro**  
**39 Firthview Road, Inverness, IV3 8LZ**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description:** Erection of house

**Recommendation:** **GRANT**

**Ward:** 14 - Inverness West

**Development category:** Local

**Pre-determination hearing:** N/A

**Reason referred to Committee:** Objections received from 5 or more addresses.

**1. PROPOSAL**

- 1.1 Planning Permission is sought for the erection of a dwellinghouse and associated works within the domestic curtilage of 39 Firthview Road, Scorguie, Inverness.
- 1.2 Following the commencement of development in accordance with planning permission reference 13/01949/FUL, it was discovered that a Scottish Water foul sewer pipeline was located 3.8 metres further south (and closer to the footprint of the dwelling) than their records showed. The applicant contacted the Planning Authority with an amended proposal to avoid the sewer, and was advised that a fresh application was required given the degree of amendment proposed.
- 1.3 The site is to be served by an access which extends from Firthview Road.
- 1.4 No supporting information has been submitted with this application.
- 1.5 Since the application was submitted, no variations have been made to the proposal.

## **2. SITE DESCRIPTION**

- 2.1 The application site relates to an area of garden ground immediately to the south east of 39 Firthview Road. It is bounded by residential curtilages to the south, east and west and Firthview Road to the north, from which the access to the host building extends. The site has now been prepared for development, with a significant amount of material having been removed. The ground level of the site is higher than that of the row of houses of which it forms part, as approved under the original permission.

## **3. PLANNING HISTORY**

- 3.1 09/00682/FULIN - Erection of conservatory incorporating tiled dormer at 39 Firthview Road, Inverness, IV3 8LZ. Permission Granted.
- 13/01949/FUL - Erection of house on Land 10M SE Of 39 Firthview Road, Firthview Road, Inverness. Permission Granted.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour

Representation deadline: 10.07.2014

Timeous representations: 6 (6 different households)

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:

- The planning authority negotiated a single storey design during the course of the previous application on account of the potential impact on the amenity of neighbouring residents.
- The proposed house will be higher and more intrusive than the previously approved one.
- The proposed footprint will be moved closer to neighbouring properties to the detriment of their amenity.
- The orientation of the dwelling has been altered to the detriment of residential amenity.
- The site is crossed by a foul sewer so the proposed development increases the likelihood of contamination and flooding to adjacent properties.
- There was previously an open watercourse which ran through this site. There are no details regarding what happened to it despite it being in evidence 100 metres further up the hillside and that it carries a significant flow of water in the wet weather.
- The mature trees which were the subject of a tree preservation order have been felled.
- Neighbour Notification was not carried out in the correct manner.

- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

- 5.1 **Transport Planning:** No objections to the proposed development (as revised).
- 5.2 **Flood Team:** No objection. No further action.
- 5.3 **Scottish Water:** No objection. Informative note for the developer.

## **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         |
| 57 | Natural, Built and Cultural Heritage |
| 66 | Surface Water Drainage               |

### **6.2 Inverness Local Plan (March 2006) (as continued in force)**

N/A

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

- Sustainable Design Guide (June 2011)

### **7.2 Scottish Government Planning Policy and Guidance**

- Scottish Planning 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 application site lies within the Inverness Settlement Development Area, and therefore falls to be assessed under the terms of Policy 34 of the Highland-wide Local Development Plan which outlines broad support for residential development, subject to compliance with Policy 28 Sustainable Design. This sets out the criteria necessary for assessing new developments i.e. on the extent to which they are compatible with public service provision and subject to acceptable design, siting and compatibility with settlement pattern, amongst other issues. As the principle of development is established through Policy 34, the development proposal falls to be assessed in relation to the relevant material considerations listed in Policy 28.

### 8.4 **Material Considerations**

#### Design and Layout

The previously approved design and layout of the proposed development has been amended following the discovery of a foul sewer pipeline which is approximately 3.8 metres closer to the footprint of the previous approved dwelling than had been indicated on Scottish Water records. As a result, the previously approved scheme could not be constructed without altering the details.

The revised application also proposes to amend the house type, change the orientation of the dwelling and increase it to 1½ storey. The creation of first floor accommodation has allowed the designer to reduce the footprint of the dwelling (from 64m<sup>2</sup> to 50m<sup>2</sup>) and the overall ridge height of the property has been lowered by 0.35m. The roof form has been reoriented to more accurately reflect the row of existing dwellings of which it forms part, but in doing so has presented the plane of the roof to properties to the rear. However, given the separation distances involved between the proposed development and existing housing, its minimal ridge height and the fact that a degree of overlooking is to be expected in this part of Inverness, these issues are not likely to be exacerbated to an unacceptable degree by the proposed development (as revised), particularly as there is minimal fenestration (a small Velux rooflight only) to the roof. It should be noted that the right to a view is not a material planning consideration. Although the site is relatively constrained, the revised layout makes adequate provision for access, turning and parking whilst affording a reasonable amount of amenity space suited to the needs of the applicant.

#### Access and Parking

As has been stated, the plot in question is relatively compact in terms of size and availability of space; however, the proposed scheme nonetheless provides sufficient parking and servicing infrastructure. The proposed development has been assessed in detail by the Roads Engineer who has recommended unconditional approval of the application.

## Landscaping

The site inspection revealed that several mature trees had been removed from the site. In this case, compensatory planting and a landscaping scheme will be made the subject of a planning condition. Scorguie is an established residential area of Inverness, with established pockets of planting which over the years have helped integrate the larger residential development into the landscape. In this case, a carefully thought out landscaping scheme will help soften the raw appearance of this new infill development and ensure the character and appearance of the area is preserved in the years to come.

## Flooding

Several representations relate to an open watercourse which is alleged to have dissected the middle of this site. The Flood Team have been consulted specifically on this matter and have not been able to find any record of this. It should be noted that the developer excavated a significant amount of material to prepare the ground, and no evidence of a watercourse was found.

## Neighbour notification

The application was advertised in the Inverness Courier on 9 May (expiry date 23 May). Several representations correctly highlighted that neighbour notification was not carried out in the correct manner. Letters were sent out on 17 June to remedy this and neighbours had until 10 July to respond.

### **8.5 Other Considerations – not material**

Mature trees which were subject to a Tree Preservation Order were felled prior to this application (and its predecessor) being submitted. This constitutes a breach of those Regulations and is addressed by separate legislation, and in the circumstances of the current proposal is not considered a material planning consideration. Landscaping requirements to be dealt with by conditions will secure limited replacement planting to compensate for this loss.

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

None.

## **9. CONCLUSION**

9.1 It is considered that the proposed development makes good use of a modest infill site. Following significant revision the proposal is well designed, features adequate parking and amenity space and, subject to suitable landscaping and boundary treatments being secured through conditions, will relate satisfactorily to the character and appearance of this part of Inverness.

This being the case, the proposal meets the requirements of applicable planning policy, both at national and local level, and it is recommended that planning permission is granted accordingly.

## 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. Unless otherwise agreed in writing with the Planning Authority the external finishes used in the development hereby approved shall be as specified on the approved plans.

**Reason:** In the interests of visual amenity and to ensure that the development makes a positive contribution to the character of the streetscene.

2. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. Approved boundary enclosures shall be provided prior to first occupation of the house hereby approved. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

3. The access arrangements, turning area and parking provision as shown on the approved plans shall be provided in full prior to the first occupation of the residential unit. All parking infrastructure shall be maintained in perpetuity.

**Reason:** In the interests of road safety.

4. No development shall commence on site until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of the house.

**Reason:** To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

## **REASON FOR DECISION**

The proposal accords with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **INFORMATIVE NOTE REGARDING THE 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.

**Conditions:** Your attention is drawn to the conditions attached to this permission. 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 meet these 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 (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Road Openings Permit / Road Construction Consent:** you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

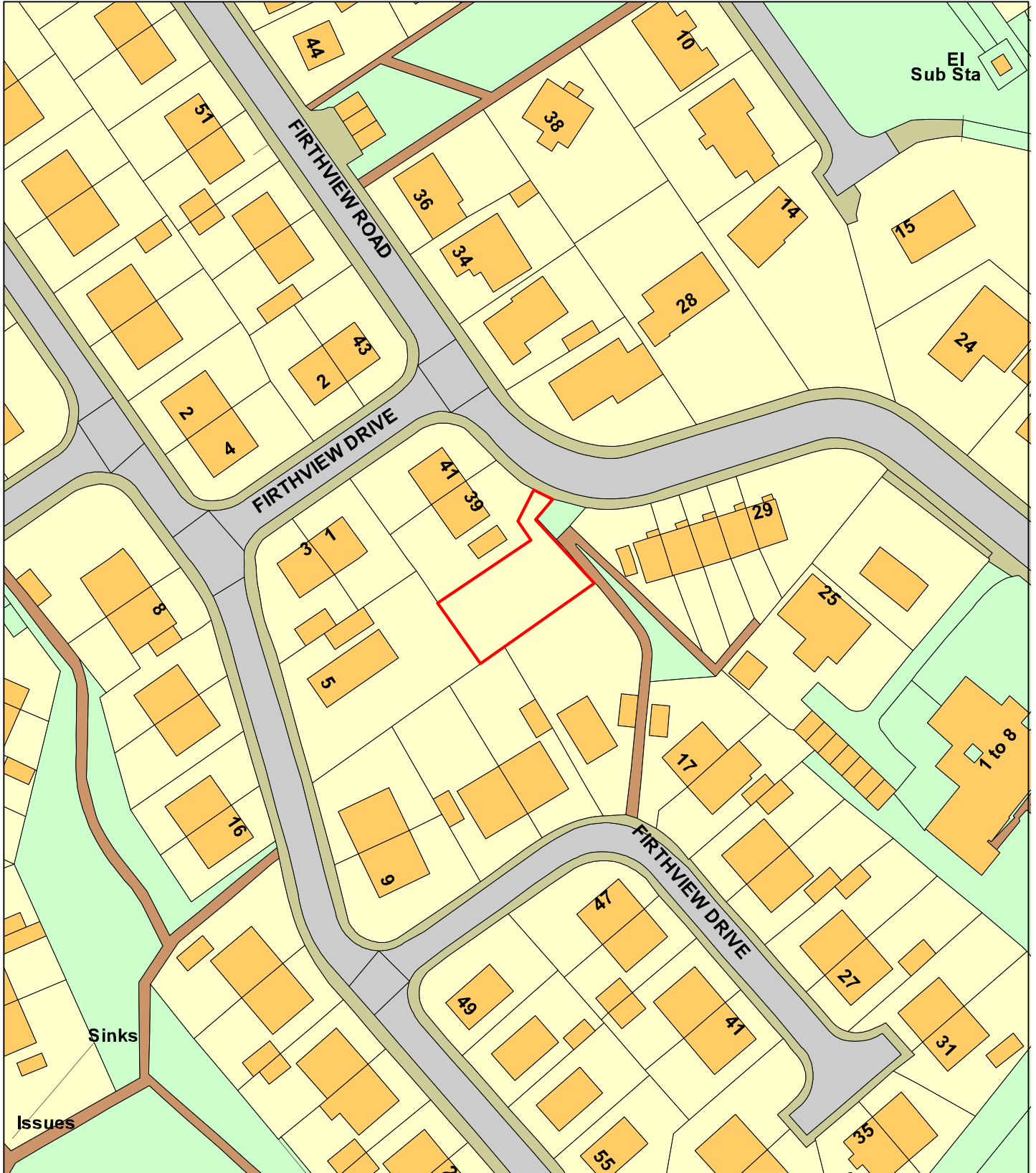
**Scottish Water:** You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Signature:	Allan J Todd
Designation:	Area Planning Manager – South
Case Officer:	Stuart Morrison
Background Papers:	Highland-wide Local Development Plan, Inverness Local Plan
Relevant Plans:	Plan 1 Location Plan Plan 2 General Drawing Plan 3 Proposals, Site Sections



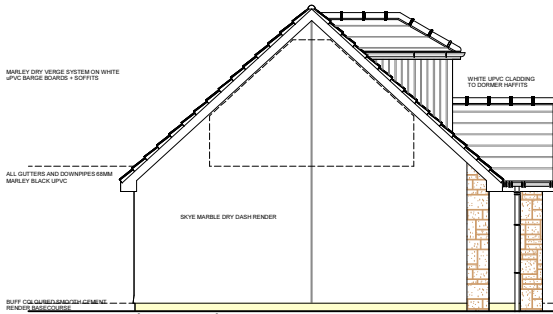
## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs Catherine MacDonald	5 Firthview Drive, Inverness, IV3 8NS	22.05.14 (2) 02.07.14	Against
Mr George Simpson	11 Firthview Drive, Inverness, IV3 8NS	10.05.14	Against
Mrs Anne Hepburn	15 Firthview Drive Inverness IV3 8NS	21.05.14	Against
Kinnaid R Turnbull	13 Firthview Drive Inverness IV3 8NS	21.05.14	Against
Mr & Mrs Robert & Jackie Campbell	9 Firthview Drive Inverness IV3 8NS	16.05.14	Against
Muirtown Community Council per Mr J Kidd		21.05.14	Against
Mr J Kidd	6 Firthview Drive, Inverness IV3 8NS	11.07.14	Against



This map is for reference only and must not be reproduced or used for any other purpose

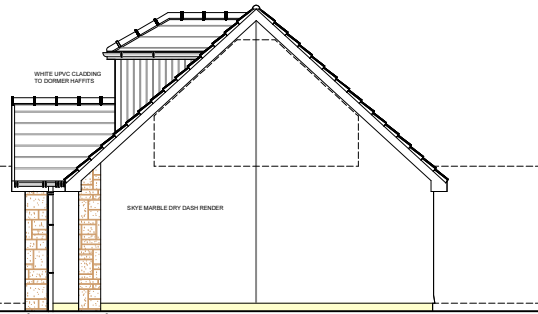
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1:1000



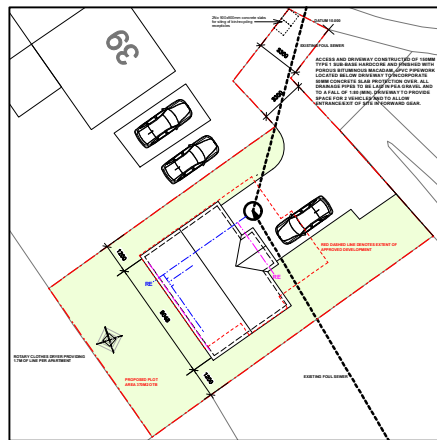
**SIDE ELEVATION**  
SCALE 1:50



**FRONT ELEVATION**  
SCALE 1:50



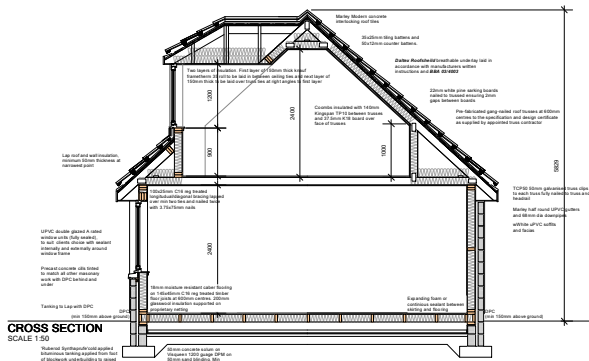
**SIDE ELEVATION**  
SCALE 1:50



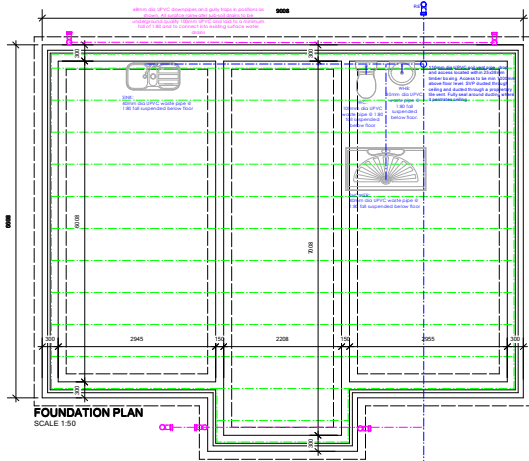
**SITE PLAN**  
SCALE 1:200



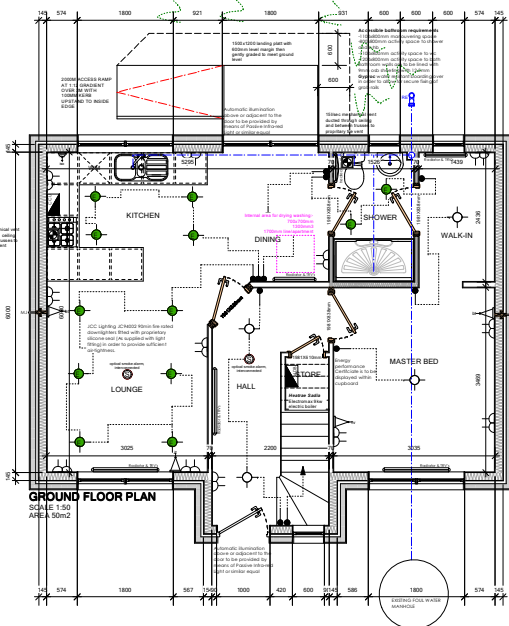
**REAR ELEVATION**  
SCALE 1:50



**CROSS SECTION**  
SCALE 1:50



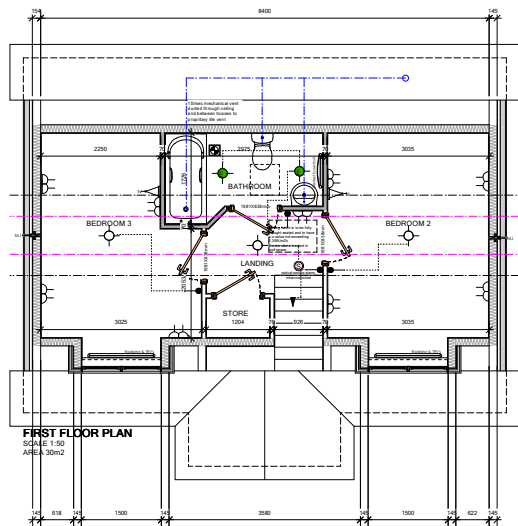
**FOUNDATION PLAN**  
SCALE 1:50



**GROUND FLOOR PLAN**  
SCALE 1:50  
AREA 30m<sup>2</sup>

**FLOOR PLAN LEGEND**

- [Symbol] DOUBLE SOCKET
- [Symbol] DOUBLE SOCKET
- [Symbol] SWITCH
- [Symbol] DOWNLIGHTER
- [Symbol] PENDANT FITTING
- [Symbol] TV POINT
- [Symbol] PHONE SOCKET
- [Symbol] MECHANICAL FAN
- [Symbol] APPLIANCE ISOLATOR (High level)



**FIRST FLOOR PLAN**  
SCALE 1:50  
AREA 30m<sup>2</sup>

**DISCLAIMER**

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED AND VERIFIED ON SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE QUALITY OF MATERIALS AND DISCREPANCIES TO BE REPORTED IMMEDIATELY. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. THE ARCHITECT ASSUMES NO RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED PLANS.

SPA (Scottish Planning & Architecture) Ltd

04 July 2014

REVISED

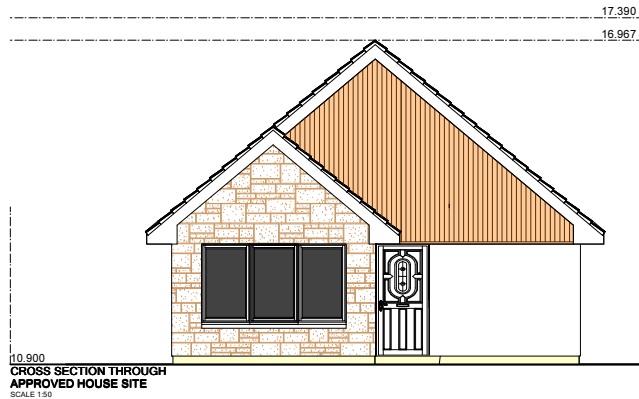
PLANNING PROPOSALS  
SITE SPECIFICS

SPA/14/004/02

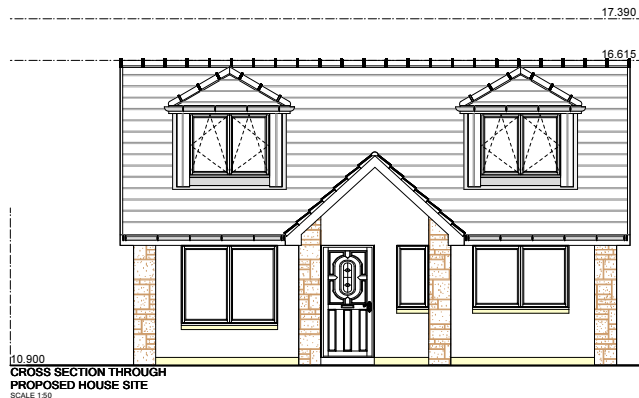
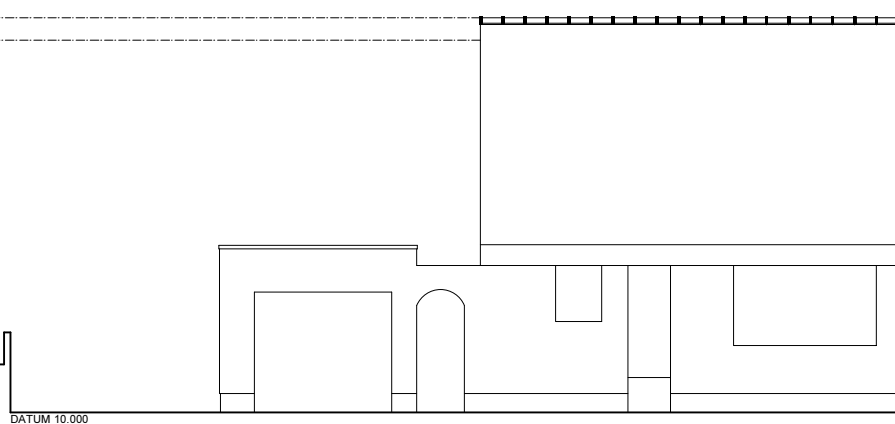
Mrs. Helen Murray

SUBSTITUTE HOUSE DESIGN (1301 BARFELLAAT  
LAND SOUTH EAST OF BARRYBERRY ROAD,  
DUNDEE, SCOTLAND)


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10.900  
**CROSS SECTION THROUGH APPROVED HOUSE SITE**  
SCALE 1:50



10.900  
**CROSS SECTION THROUGH PROPOSED HOUSE SITE**  
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