

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
10 November 2015**

Agenda Item	7.3
Report No	PLS/079/15

**15/00681/MSC : A W Laing Ltd  
Land West Of Dulnain Cottage, Station Road, Carrbridge**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description :** Erection of 2 new dwelling houses

**Recommendation – APPROVE**

**Ward :** 21 Badenoch and Strathspey

**Development category :** Local

**Pre-determination hearing :** Not required

**Reason referred to Committee :** 5 or more objections

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to erect two 4 bedroomed houses of 1¾ storey form on the parts nearest to the road, with 1 storey wings to the backs, and formalise access/public road arrangements including defining and kerbing the road carriageway edge, forming a footway with drop kerb crossings, and accommodating access to an existing adjacent house. Roofs would be clad throughout in fibre cement “slate”; the three visible elevations of the main parts of the houses would have a rendered wall finish, with stone on projecting front porches, while the rear elevations of these parts of the houses and the single storey rear wings would be clad in horizontal timber cladding.
- 1.2 No pre-application advice was sought for the proposals. Such advice is not mandatory for local developments.
- 1.3 The frontage of the site is undifferentiated (other than in surface finish) from the adjacent road carriageway; although there are traces of historic vehicle access to the lower part of the site, in essence existing access is achieved by parking on the unsealed area adjoining the carriageway; this area is also used to gain access to a gate in the west boundary which is the vehicle access to the modern house “Smithy Croft” which adjoins the north-west part of the application site. All services are available in Station Road.
- 1.4 No supporting information submitted.

- 1.5 **Variations:** Since the application was lodged the following variations have been made:

Dimensions of road carriageway width to be defined by construction of new footway specified on site plan;

Westmost house set back into site to accommodate Smithy Croft access;

Removal of decking areas along sides of rear wings;

Patio doors formerly giving access to side decking areas changed to windows;

Addition of side screens to remaining deck areas at rear.

These amendments were renotified to contributors and neighbours. The deadline date in section 4.1 below refers to this renotification.

## 2. **SITE DESCRIPTION**

- 2.1 The site is an irregular plot of mostly overgrown land between Station Road and the River Dulnain, a little way to the west of the Listed and Scheduled packhorse bridge over the river. The part nearest to the road, which includes the area of unsealed surface referred to in section 1.3 above, is at the same level as the road. Behind this level area the ground slopes down to a lower level at the rear of the site. Mature pine trees line the eastern and northern boundaries. From the latter there is a steep slope down to the waterway. Surrounding properties are a mix of ages, scales and finishes. Immediately adjoining the site to the east is an old 1 storey and attic cottage with corrugated metal roof. Houses and outbuildings on the opposite side of the road are a mix of 1 storey traditional cottages, modern 1½ storey, Victorian 1¾ storey villas and a 1 storey and mansard roofed house. The oldest houses in particular are set on the heel of the public road or footway. Smithy Croft presents a complete contrast due to its position a long way back from the road, at a lower level, with modern 1½/1¾ storey mix of eaves height and mix of vertical timber lining and render to walls. Beyond Smithy Croft is Reed Court, a 1990s development of affordable housing in a mix of 1 and 2 storey heights with a mixture of red and grey roof tiles, red/brown and white harled walls and an element of facing brick.

## 3. **PLANNING HISTORY**

- 3.1 12/00504/PIP erection of 2 houses granted 9/10/12

## 4. **PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown neighbour. Expiry date 16/4/15

Representation deadline : 23/9/15

Timeous representations : 7 (5 households, 1 business, Community Council) in response to original proposals; 4 (3 households, Community Council) in response to notification of amended proposals

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Inadequate width of road carriageway

- Pavement and accesses hazardous for other road users
- Commercial (holiday let) use inappropriate in residential area
- Parking and turning space inadequate for holiday lets use
- Buildings too tall in relation to older houses
- Overdevelopment
- Contrary to Local Development Plan settlement development principles
- Not in accordance with PIP illustrative plans
- Overlooking/loss of privacy
- Adverse impact on setting of, and views of and from, packhorse bridge
- No bin stances shown as required by Transport Planning
- Changes do not address original concerns

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.

5.2 **Forestry Officer:** No objections.

5.3 **Cairngorms National Park Authority:** No objections; not a call in case.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Cairngorms National Park Local Development Plan 2015

1	New Housing Development
2	Supporting Economic Growth
3	Sustainable Design
5	Landscape
9	Cultural Heritage
10	Resources
11	Developer Contributions
23	Community Information - Carrbridge

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

### **7.2 Local Development Plan Supplementary Planning Policy Guidance**

- 1 New Housing Development
- 2 Supporting Economic Growth
- 3 Sustainable Design
- 5 Landscape
- 9 Cultural Heritage
- 10 Resources
- 11 Developer Contributions
- 23 Community Information (Carrbridge)

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

Scottish Planning Policy (SPP)

### **7.4 Other**

Planning Permission in Principle 12/00504/PIP

## **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 is established by the PIP. In relation to LDP Policy 1, therefore, the determining issue would be whether the detailed proposals meet its test of “reinforcing and enhancing the character of the settlement”.

Insofar as there is a possibility that the houses might be for holiday letting, and to the extent (if any) that that would represent a material change in the use or character of the houses from residential, the determining issue would be whether such a use meets the LDP Policy 2 test of “having no adverse environmental impacts on the site or neighbouring areas”.

In relation to LDP Policy 3 the determining issue would be whether the detailed proposals meet the tests of “being sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness” and “protecting the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the site”.

In relation to LDP Policy 5 the determining issue would be whether the development “complements and enhances the landscape character of the Park and the setting of the proposed development”.

In relation to LDP Policy 9, the determining issue would be whether the development would “have an adverse effect on,” or fail to “enhance the character, and the contribution it makes to the cultural heritage of the Park” of, the nearby 18<sup>th</sup> century pack horse bridge, which is both listed and a Scheduled Ancient Monument.

In relation to LDP Policy 11, it has been determined at PIP stage that the new pavement represents an appropriate “in kind” contribution and the determining issue is simply whether the details shown comply with the requirements of the PIP and satisfy Transport Planning.

In relation to LDP Section 23 development guidance the determining issue would be whether the development would “reflect existing housing development in terms of positions, density and scale and maintain building lines, plot sizes, building sizes and building orientations in a way which raises architectural and design quality”.

#### 8.4 **Material Considerations**

Many of the objections question the appropriateness of the form and layout of the two houses particularly in relation to the older properties immediately to the south and east. However even this relatively age-consistent part of the site’s immediate setting is notable for a variety of house forms, heights and distances between houses and the road. There is little cohesion or consistency of character in the setting overall and particular challenges are presented for satisfactory infilling by the break in road-frontaging development west of the site and the need to make some connection with (and show respect for the amenity of) the anomalous siting of Smithy Croft. Taking these matters into consideration it is judged that the proposals achieve some positive reinforcement of the character of the settlement; are sympathetic to local vernacular and take cues from the pattern and grain of the surroundings; and in “complementing and enhancing landscape character” achieve something more than just the obvious minimum yardstick of tidying a derelict site.

In relation to the specific requirements of the PIP, although there are differences in the footprints of the houses and siting in relation to the road from those shown in the PIP supporting plans, the PIP only requires that detailed proposals “generally accord with” those details. The layout generally respects the illustrated principle of two houses, on a stepped building line, with main masses parallel to the road and subsidiary wings projecting at the rear; it satisfies the daylight and sunlight requirements of the same condition; and it does not involve landraising in the flood-

risk-constrained lower part of the site or placing any accommodation at such a lower level that it would be at risk, either of which would have been contrary to the same condition.

The changes to external decking and related window changes and introduction of screening have dealt with the most significant possible risk to privacy and amenity of Smithy Croft. Whilst all windows on the street elevation of both houses as submitted serve bedrooms, the concerns about overlooking and loss of privacy expressed by the owners of West End Cottage opposite have some substance given that this property's kitchen and lounge outlook is over the street and that window to window distance would be in the order of 12 metres. This is slightly less than in similar situations nearby of 1<sup>st</sup> floor bedroom windows looking down on living room windows opposite. In order to address this issue the applicant was asked to reconsider the 1<sup>st</sup> floor layout or fenestration and has responded by proposing that the windows on the front elevation become skylights. These have a high enough cill height that looking out and down from them is not practical. The original low cill height was a building standards requirement for an escape window but by providing alternative escape windows of appropriate cill heights on the end elevations a higher cill height on the elevation facing West End Cottage becomes feasible. Following that change it is considered that the LDP 1, 2, 3, 5 and 23 Policy tests relating to character, appearance and neighbour amenity are judged to be met.

Concern is raised in contributions about road safety issues. The amendment to the site plan to specify a 6 metres carriageway width at the tightest part of the curve in Station Road is acceptable to Transport Planning, representing as it does the necessary widening of the basic standard carriageway width of 5.5 metres on a curve. The footway and pavement crossings shown are also acceptable to Transport Planning and the provision for maintenance of an access to Smithy Croft meets the LDP Policy 3 access test. In relation to the objector's issue about showing stances for bins these are in fact shown on the site plans although their siting between the house fronts and the road is perhaps not best chosen for the protection of visual and residential amenity. I am satisfied that there is space available to provide the requisite facilities within the properties which is the main thing: generally speaking, in a settlement where there is a pavement in front of a house (as there will be here) bins are taken out to the front of the house and left on the pavement for uplift.

There is concern expressed about the possible use of the properties as holiday lets. It is perhaps ironic that as a commercial use this would be more consistent with the Badenoch and Strathspey Local Plan (1997-2010) allocation for this site, whose loss as a business allocation was objected to by the Community Council at the time of the PIP application. The position in Planning law is that a house is a house whether used as holiday accommodation or not if occupied by a family or by not more than 5 unrelated persons living together as a household. There are numerous houses of the size of the ones proposed (4 bedrooms) let as holiday accommodation in Badenoch and Strathspey and even if occupied by groups of more than 5 unrelated persons this does not, as a matter of fact and degree, usually amount to a material change in the residential character of such houses.

There can be no doubt that part of the rear wings of the houses will be visible in views upriver of and from the Listed and Scheduled bridge, a little more so in the winter when deciduous trees in the line of sight lose their leaves. However, these deciduous trees are nearer to the bridge than the proposed houses and there are also mature pine trees on the east side of the site which are a much more prominent feature in these views than any part of the houses will be. It should also be noted that parts of one of the blocks in Reed Court, of Smithy Croft, and of a number of houses in Inverness Road can already be seen through the trees in these views, and it is likely that a modern extension of Dulnain Cottage, recently granted planning permission, will also be partly visible in views from certain angles. In essence, while the natural elements of trees, rocks and flowing water are the predominant features of iconic views of and from the bridge, these views already contain evidence that the bridge is in a settlement in the form of buildings of varying ages including modern ones. The introduction of a limited number of new such built elements could not be said to adversely affect the historic character and cultural value of the bridge or its setting to any significant degree.

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

The Community Council contends that the application should have been called in for determination by CNPA. This is not a material consideration: CNPA has taken the decision that the application should not be called in. It cannot revisit that decision and the Highland Council cannot decline to determine the application on the basis of a belief that it should have been called in.

#### 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 including the conditions of the planning permission in principle.

### 10. **RECOMMENDATION**

<b>Action required before decision issued</b>	No
Notification to Scottish Ministers	No
Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No
Revocation of previous permission	n/a

**Subject to the above**, it is recommended the application be **Approved** subject to the following notes to applicant:

1. The matters specified in conditions 1 and 2 of planning permission in principle 12/00504/PIP are approved on the basis of the drawings numbered as listed in this decision notice. You are reminded that conditions 3 and 4 of the planning permission in principle must be complied with prior to or during development as applicable.

### **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 APPROVAL OF MATTERS SPECIFIED IN CONDITIONS**

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on 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.

### **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.

### **Local Roads Authority Consent**

In addition to planning permission, you will 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.

### **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).

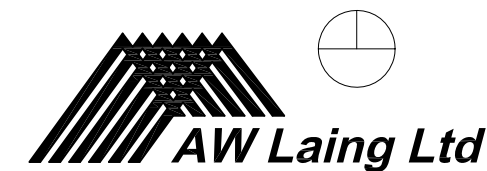
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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](mailto: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 – 01 Revision 1 Location Plan  
Plan 2 – 02 Revision 1 Site Layout Plan  
Plan 3 – 03 Revision 1 Ground Floor Plan  
Plan 4 - 04 Revision A 1<sup>st</sup> Floor Plan  
Plan 5 - 05 Revision 1 Section Plan  
Plan 6 - 06 Revision B Elevations Plan  
Plan 7 - 07 Revision B Elevations Plan



Erection of 2 Houses  
Land West Of Dulnain Cottage  
Station Road  
Carrbridge



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Fax (01479) 873052  
110 High Street, Grantown-on-Spey, PH26 3EL






**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smilthy Croft, Carrbridge  
**DRAWING** Location Plan  
**JOB NO.** SSA 050 **DRG. NO.** 01  
**SCALE** 1:25000 @ A3 **DATE** February 2015.

REVISION NO.

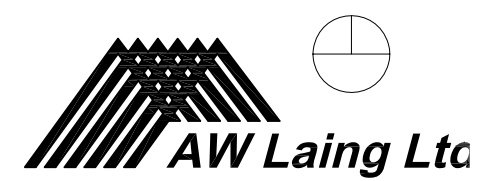
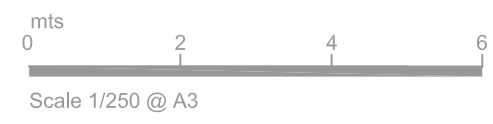
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-  Existing Trees highlighted red to be felled
-  Visibility Splay
-  Grass
-  Tarmac
-  Gravel

**KEY:**  
 = RED LINE DENOTES EXTENT OF LAND AFFECTED BY PROPOSAL



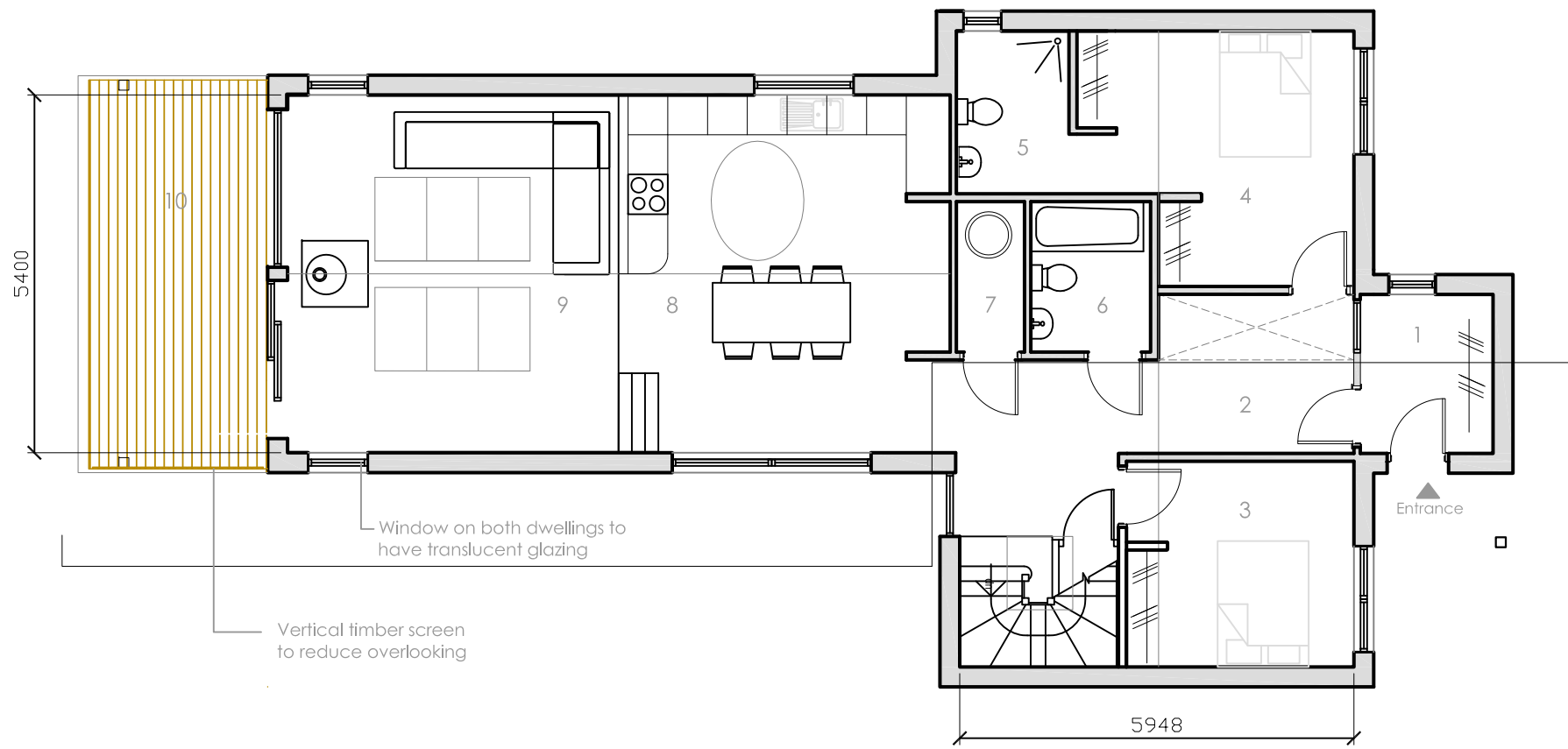
Joiners & Building contractors Tel. (01479) 87281  
 Fax (01479) 87305  
 110 High Street, Grantown-on-Spey, PH26 3EJ

**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Croft, Carrbridge  
**DRAWING** Block Site Plan  
**JOB NO.** SSA 050 **DRG. NO. 02**  
**SCALE** 1:250 @ A3 **DATE** February 2015.

**REVISION NO.**

A - Access arrangements revised

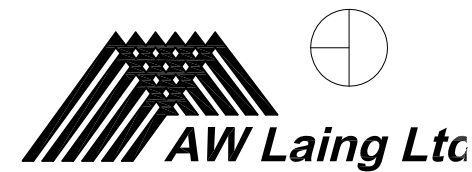
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KEY

- 1. Entrance Porch
- 2. Hallway
- 3. Bedroom 01
- 4. Bedroom 02
- 5. En - suite
- 6. Bathroom
- 7. Plant
- 8. Kitchen / Dining
- 9. Living
- 10. Covered Deck / Jacuzzi

Ground Floor Plan  
Internal Floor Area 117m2



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 110 High Street, Grantown-on-Spey, PH26 3E  
 Fax (01479) 87305

**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Croft, Carrbridge  
**DRAWING** Floor Plan  
**JOB NO.** SSA 050 **DRG. NO. 03**  
**SCALE** 1:100 @ A3 **DATE** February 2015.

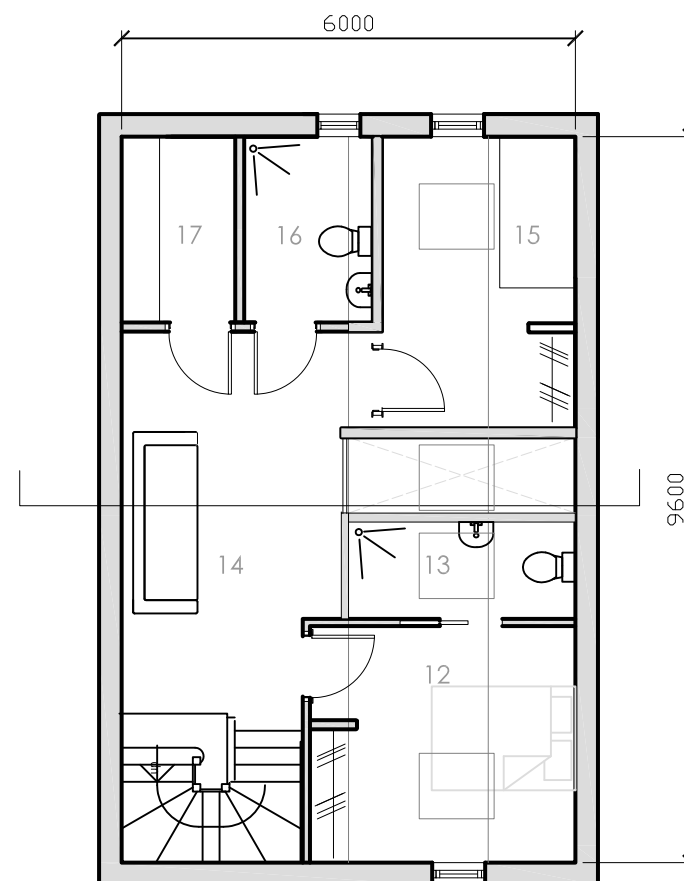
**REVISION NO.**

A - West decks removed, sliding doors ammended to window  
 timber screen added at deck + translucent glass



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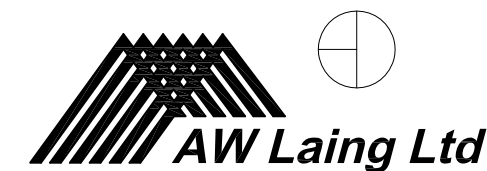
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KEY

- 12. Bedroom 03
- 13. Ensuite
- 14. Snug
- 15. Bedroom 04
- 16. Shower room
- 17. Sauna

First Floor Plan  
Internal Floor Area:53m2



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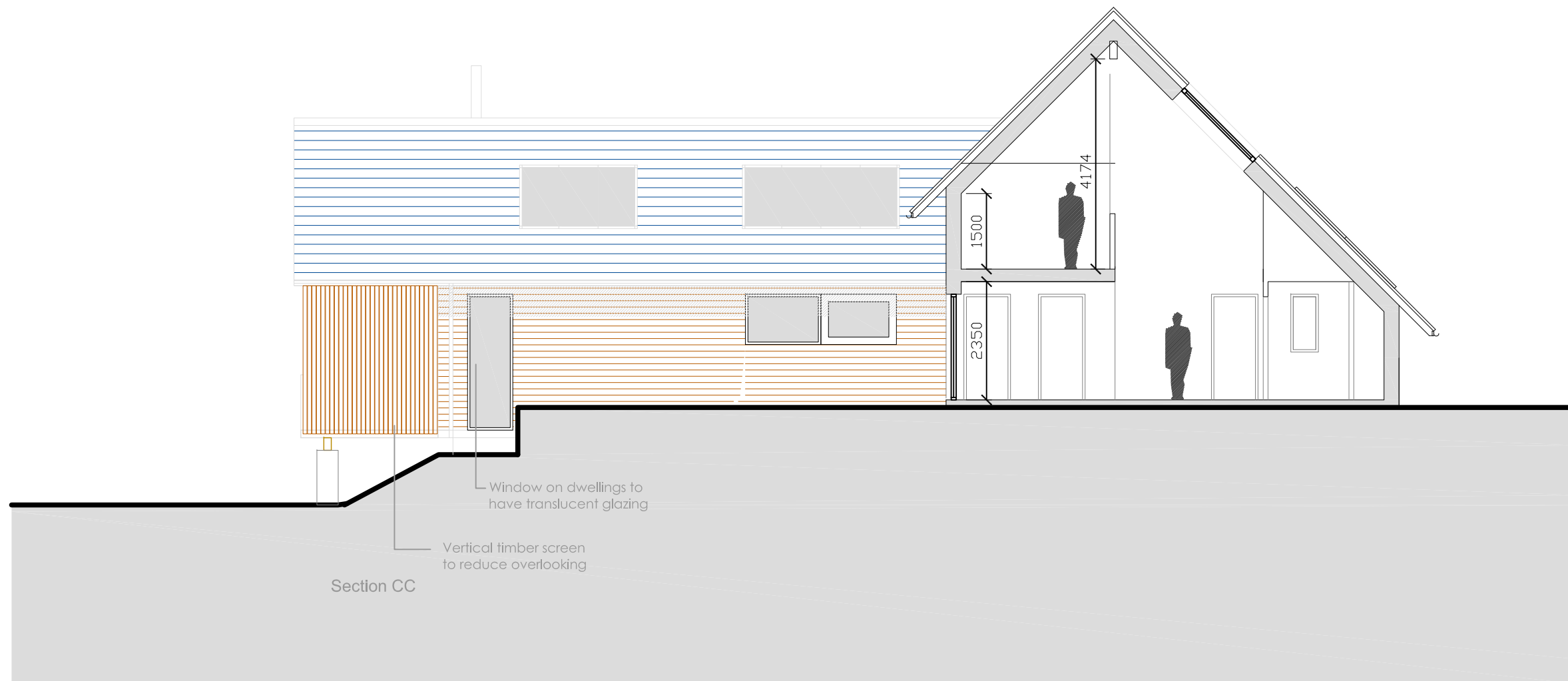
**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Croft, Carrbridge  
**DRAWING** First Floor Plan  
**JOB NO.** SSA 050 **DRG. NO.** 04  
**SCALE** 1:100 @ A3 **DATE** February 2015.

**REVISION NO.**

A Amended VELUX and escape window position



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**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Croft, Carrbridge  
**DRAWING** Section AA  
**JOB NO.** SSA 050 **DRG. NO.** 05  
**SCALE** 1:100 @ A3 **DATE** February 2015.

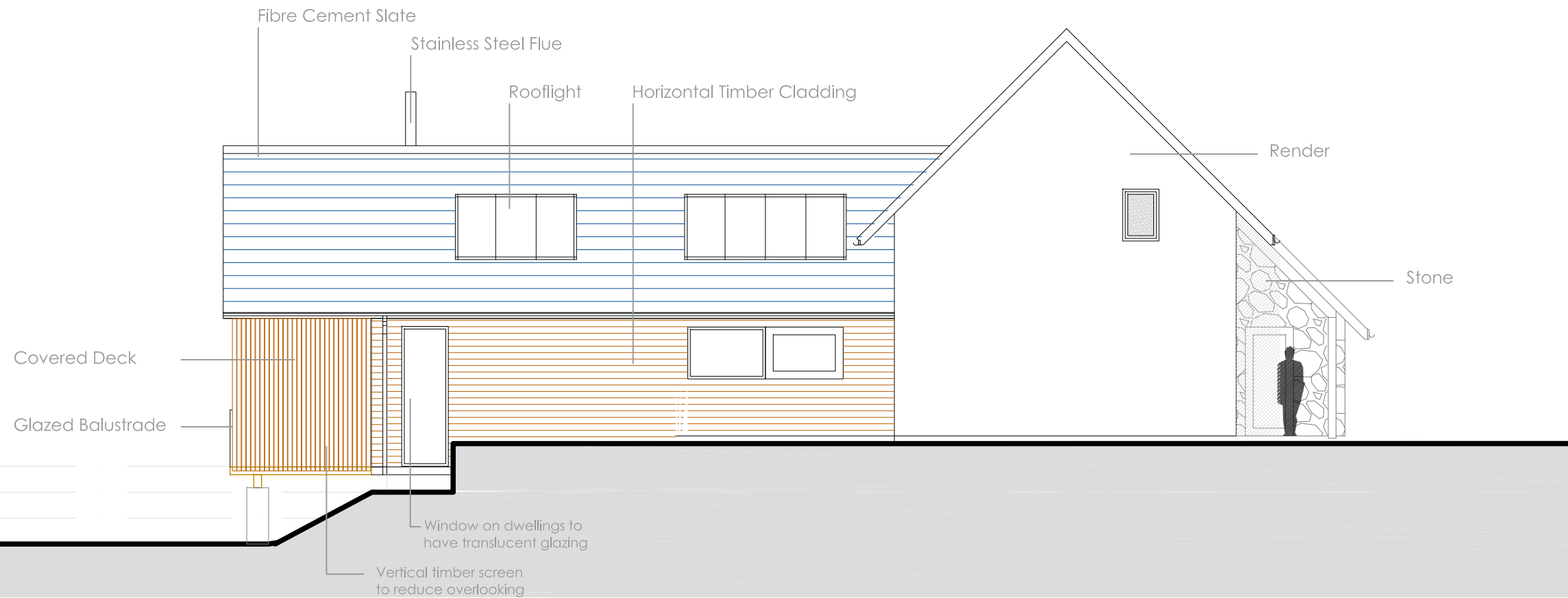
**REVISION NO.**

A - West decks removed, sliding doors ammended to windows  
timber screen added at deck + translucent glass

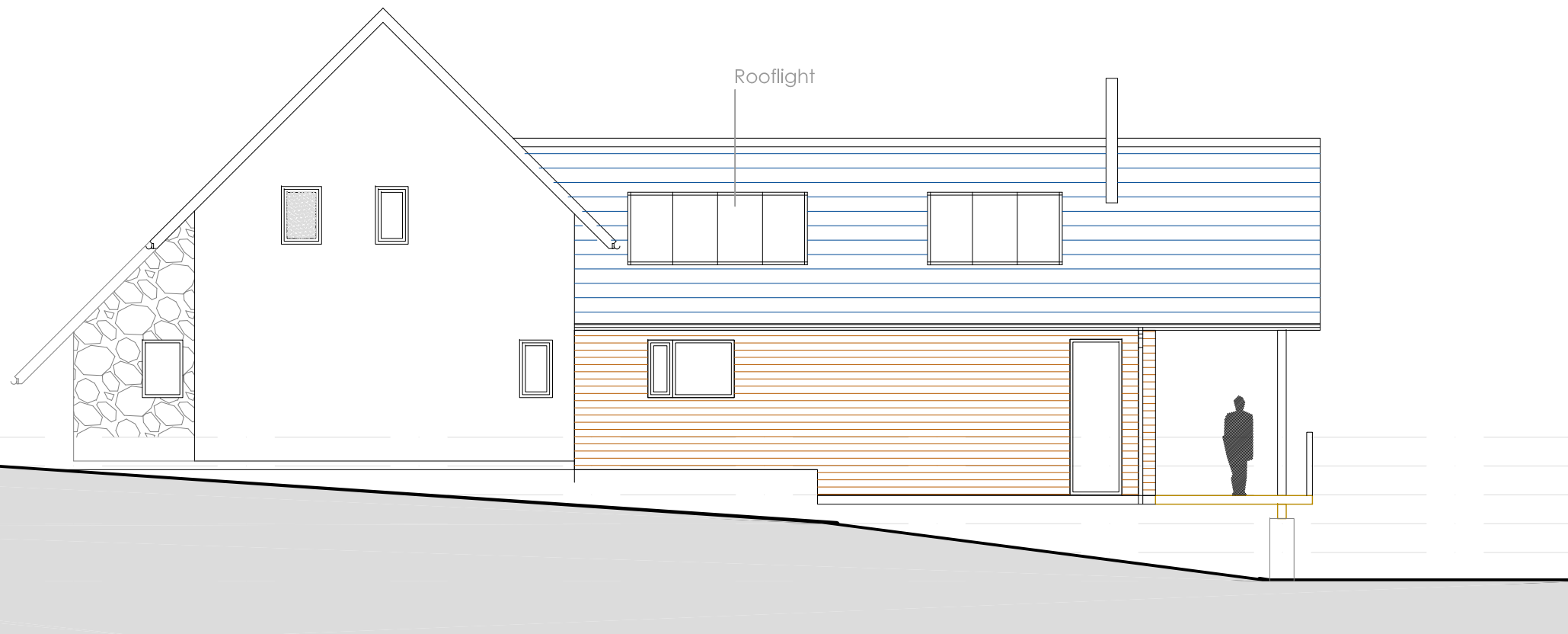


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West Elevation



East Elevation



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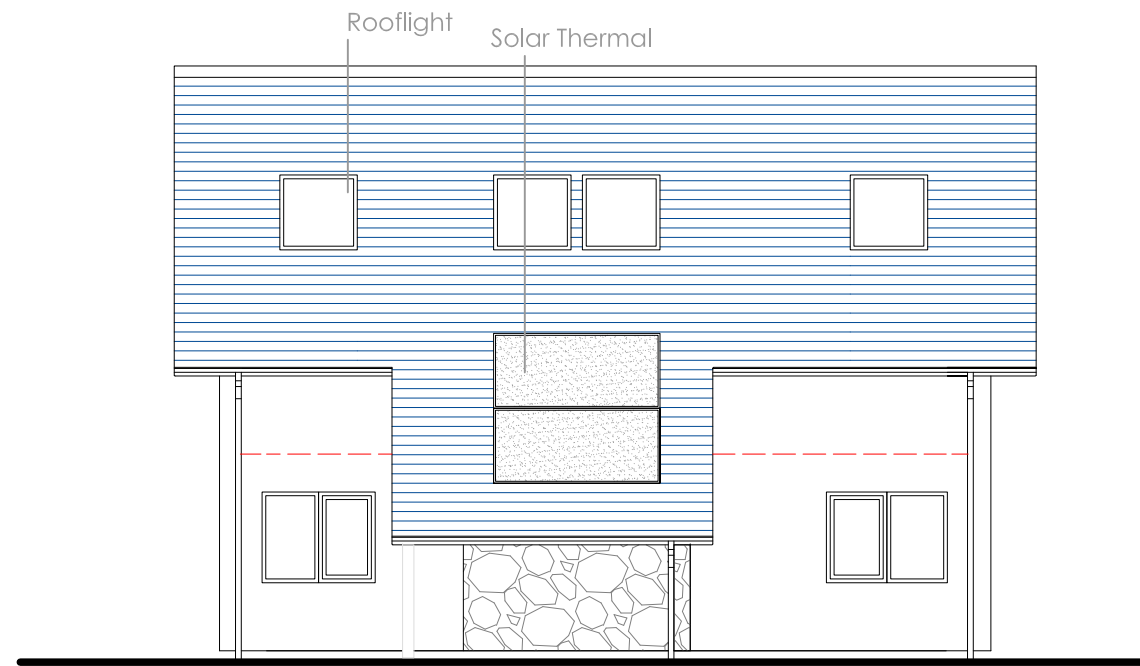
**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Crofy, Carrbridge  
**DRAWING** Elevations \_ East / West  
**JOB NO.** SSA 050 **DRG. NO.** 06  
**SCALE** 1:100 @ A3 **DATE** February 2015.

**REVISION NO.**  
 A - West decks removed, sliding doors ammended to windows  
 timber screen added at deck + translucent glass  
 B - Ammended VELUX and escape window position

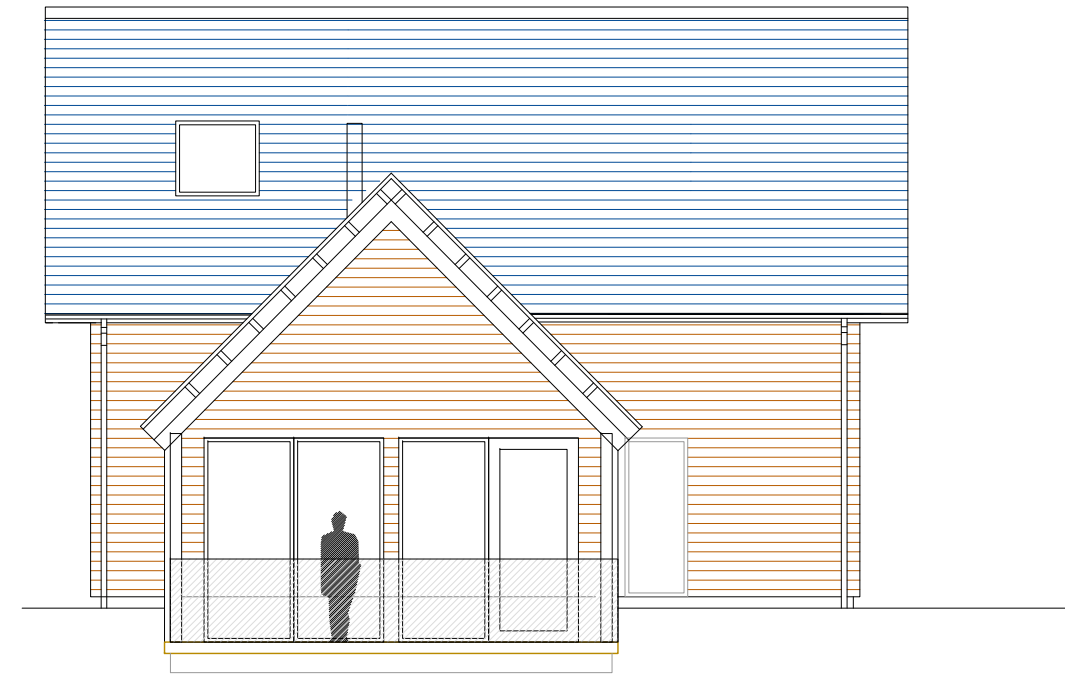


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South Elevation



North Elevation



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**CLIENT** AW Laing  
**PROJECT** 2 New house's.  
**ADDRESS** Smithy Croft, Carrbridge  
**DRAWING** Elevations - North / South  
**JOB NO.** SSA 050 **DRG. NO.** 7  
**SCALE** 1:100 @ A3 **DATE** February 2015.

**REVISION NO.**

- A - West decks removed, sliding doors ammended to windows  
timber screen added at deck + translucent glass
- B - Amended VELUX and escape window position



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