

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
13 September 2016**

Agenda Item	6.3
Report No	PLN/048/16

**16/02619/FUL : Mrs J Barclay
Muiryden Farmhouse, Fortrose**

Report by Area Planning Manager

SUMMARY

Description : Demolition of existing and erection of replacement house and garage

Recommendation - GRANT

Ward : 10 - Black Isle

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : Councillor interest.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the replacement of a derelict house of traditional design and its garage with a one and a half storey, 3 bedroom house and separate single car garage. This proposal was previously approved by Committee in December 2009 (application 09/00950/FULRC, as listed below). However this consent has lapsed.
- 1.2 No pre-application advice sought.
- 1.5 **Variations:** Site location plan adjusted to clarify applicant's ownership (drawing no. 0312-300 Rev. B, submitted 11.08.2016).

2. SITE DESCRIPTION

- 2.1 The site comprises a derelict farmhouse which lies some 3.8km north west of Fortrose. The site includes a private track which leads to the public road to the north west of this building.

3. PLANNING HISTORY

- 3.1 09/00950/FULRC - Demolition of existing and erection of replacement house and garage - Granted - 05.12.2009

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour 14 Days

Representation deadline : 16.07.2016

Timeous representations : 0

Late representations : 0

5. CONSULTATIONS

5.1 **Archaeology** : Originally objected on basis of no justification for demolition - subsequently withdrawn following submission of a structural survey

5.2 **Contaminated Land** : No response, but no objection to previous application.

5.3 **NATS** : No safeguarding 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 Inner Moray Firth Proposed Local Plan 2014

Hinterland

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan** – Not Applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (January 2013)

7.3 Scottish Government Planning Policy and Guidance

Paragraphs 74 to 83

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.

Development Plan Policy Assessment

- 8.3 The policy regime and supplementary guidance listed above states that applications for new housing within defined areas of hinterland around towns will only be supported where the application site is within a housing group or where one of the following exceptions apply:
- The conversion, reuse or redevelopment of buildings or land
 - Operational need of a farm holding
 - Management of croft or forest land
 - Housing associated with a rural business
 - Development in garden ground
 - Provision of affordable social housing to meet a demonstrated local need

Hinterland Policy

- 8.4 The first of these exceptions provides a presumption in favour of the redevelopment of buildings and land where their former uses are no longer required for the original purpose, where the site is significantly degraded, and where redevelopment would bring about an environmental benefit. The Council's supplementary guidance on Housing in the Countryside states that the replacement of an existing dwelling may be supported where there is a clear case made that the costs of upgrading the existing house are not justified on economic grounds. The agent has supplied a report on the structural condition of the existing house which clearly demonstrates that it is beyond economic repair, and it is therefore considered that the proposal can be supported in terms of Hinterland policy and the related supplementary guidance.

Design Appearance and Landscape Impact

- 8.5 The floor space of the proposed new buildings does not result in an excessive increase on that of the existing structures, and the existing curtilage of the derelict dwelling has been used to accommodate the proposal. Accordingly, there is no adverse additional impact on the landscape, and the replacement buildings accord with the scale and character of existing houses in the vicinity. The finishing materials of natural slate on the roof, and a combination of wet dash harl and larch boarding on the walls respect the local vernacular, as do the rectangular footprint of the dwelling house, one and a half storey height, symmetrically pitched 45 degree roof and windows with a strong vertical emphasis. The design itself has a contemporary appearance based on a traditional theme. The proposed dwelling is

located some 10m away from the nearest operational agricultural shed, with the proposed garage between the two. As such, it is considered that the house would have an acceptable standard of amenity.

- 8.6 The previous consent was subject to a landscaping condition, and the current proposal can also be similarly conditioned.

Neighbour Amenity

- 8.7 The separation distance between the proposed house and the nearest existing dwelling is over 50m, which is considered more than sufficient to protect the amenity of this neighbour.

Access and Parking

- 8.8 The junction of the track which would serve the development with the public road is capable of achieving acceptable visibility splays (120m in either direction) with the cutting back of vegetation on the roadside verge and land within the applicant's ownership. This ownership would also allow the formation of a wider (5.5m) junction with the public road to allow two vehicles to pass one another. A condition can be applied to secure these arrangements. The submitted layout plan shows that the necessary parking and turning areas can be accommodated within the site boundaries, and can therefore be conditioned accordingly.

Archaeology

- 8.9 The Historic Environment team originally objected to the application on the basis that no evidence of the existing building being beyond economic repair had been submitted. The agent addressed this deficiency with the submission of clear evidence to this effect and the objection has been withdrawn. The Historic Environment team have advised that the agent has supplied a photographic record of the existing buildings, and therefore a condition in this respect is not required.

9. CONCLUSION

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. No other development shall commence until the site access from the public road has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 11.08.2016), with:
 - i. the junction formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 120m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason : To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

2. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 01312/300 Rev. B shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

Reason : To ensure that sufficient space is provided within the application site for the parking (and turning) of cars, so they do not have to park within or reverse onto the public road.

3. 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. 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.

Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

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

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 and 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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does

not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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 and 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.

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, not previously detected during the course of the application and provided for in this permission, 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

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 - Location/site Layout Plan 0312-300 Rev. B
Plan 3 – Elevations 0312-303 Rev. A
Plan 4 – Ground Floor Plan 0312-301 Rev. A
Plan 5 – First Floor Plan 0312-302
Plan 6 – Garage 0312-304



The Highland Council
Comhairle na Gàidhealtachd

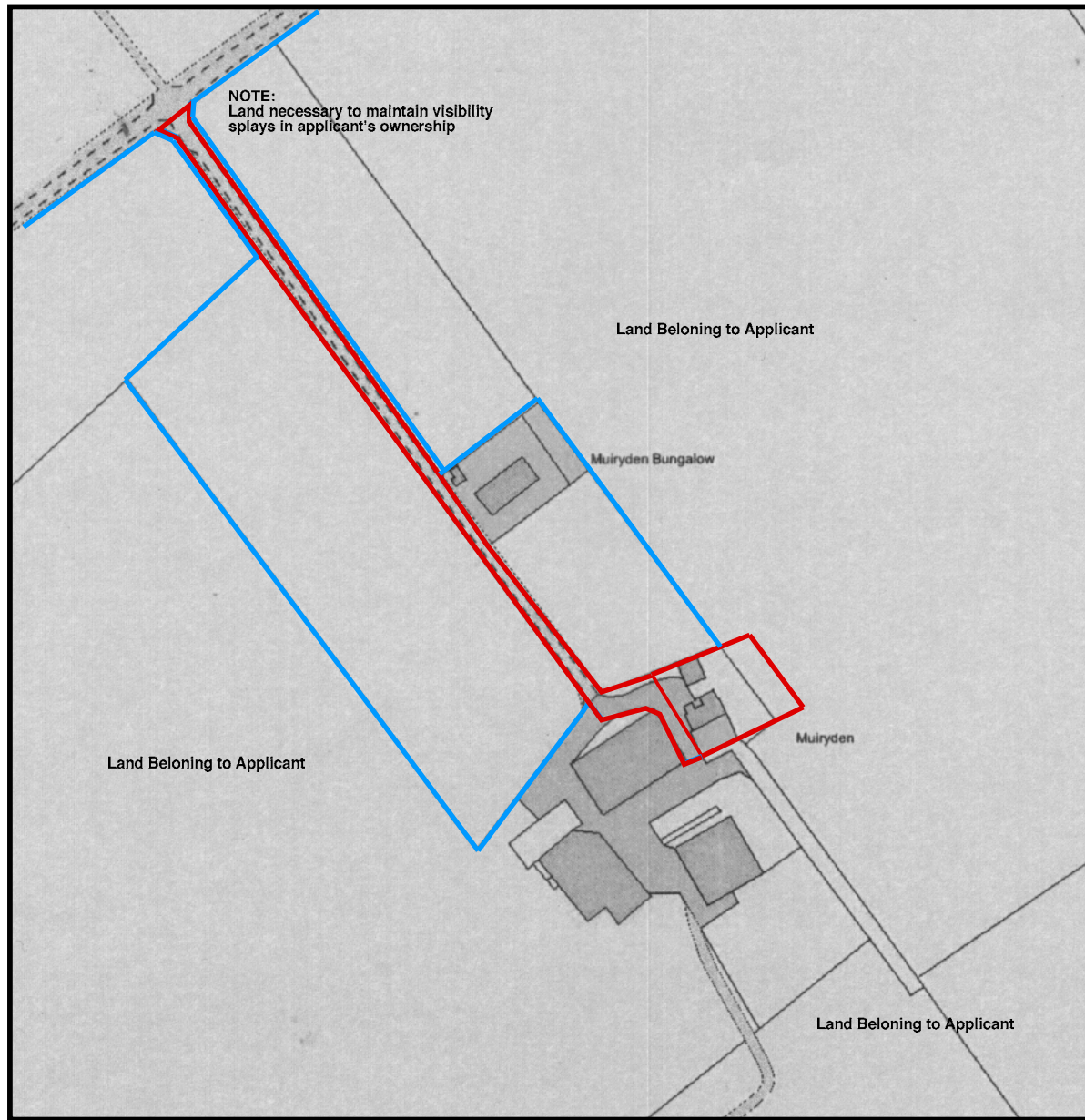
Planning and Development Service

Location Plan
16/02619/FUL

Demolition of existing and erection of replacement house and garage

13/09/16

Scale:



Location Plan



Site Plan

PROJECT:
New House & Garage
Muiryden
Fortrose
Ross-shire

NOTES:
DO NOT SCALE
ALL DRAWINGS MUST BE CHECKED
PRIOR TO COMMENCEMENT AND ANY
DISCREPANCIES MUST BE REPORTED
TO THIS OFFICE



DRAWING TITLE:
Location/Site Plan

CLIENT:
Mrs J Barclay

SCALE: 1:1250; 1:250 @ A3

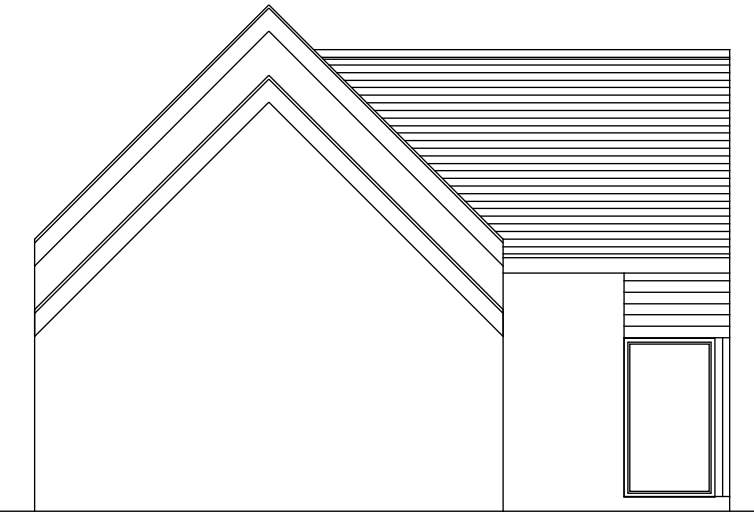
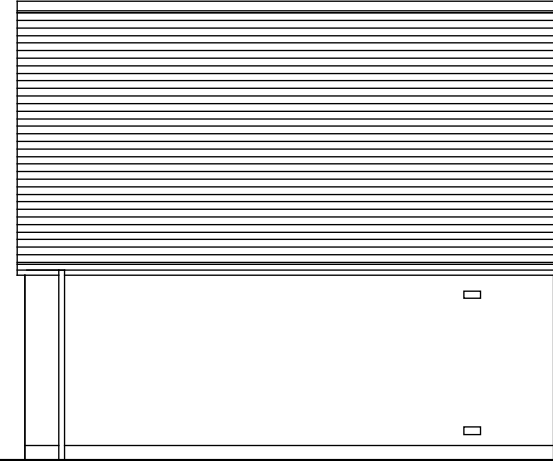
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DRAWN: D.M. | **REV:** -

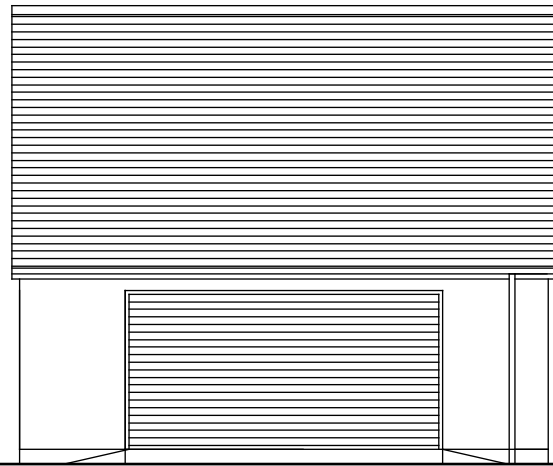
0312/300/B



North West Elevation



South West Elevation



South East Elevation



Natural Slate Roof Finish

Larch Cladding

Wit Wet Dash Harling

Aluminium Clad Timber Windows



North East Elevation

PROJECT:
New House & Garage
Muiryden
Fortrose
Ross-shire

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ARCHITECTURE ◦ DESIGN ◦ PROJECT MANAGEMENT

DRAWING TITLE:
Elevations

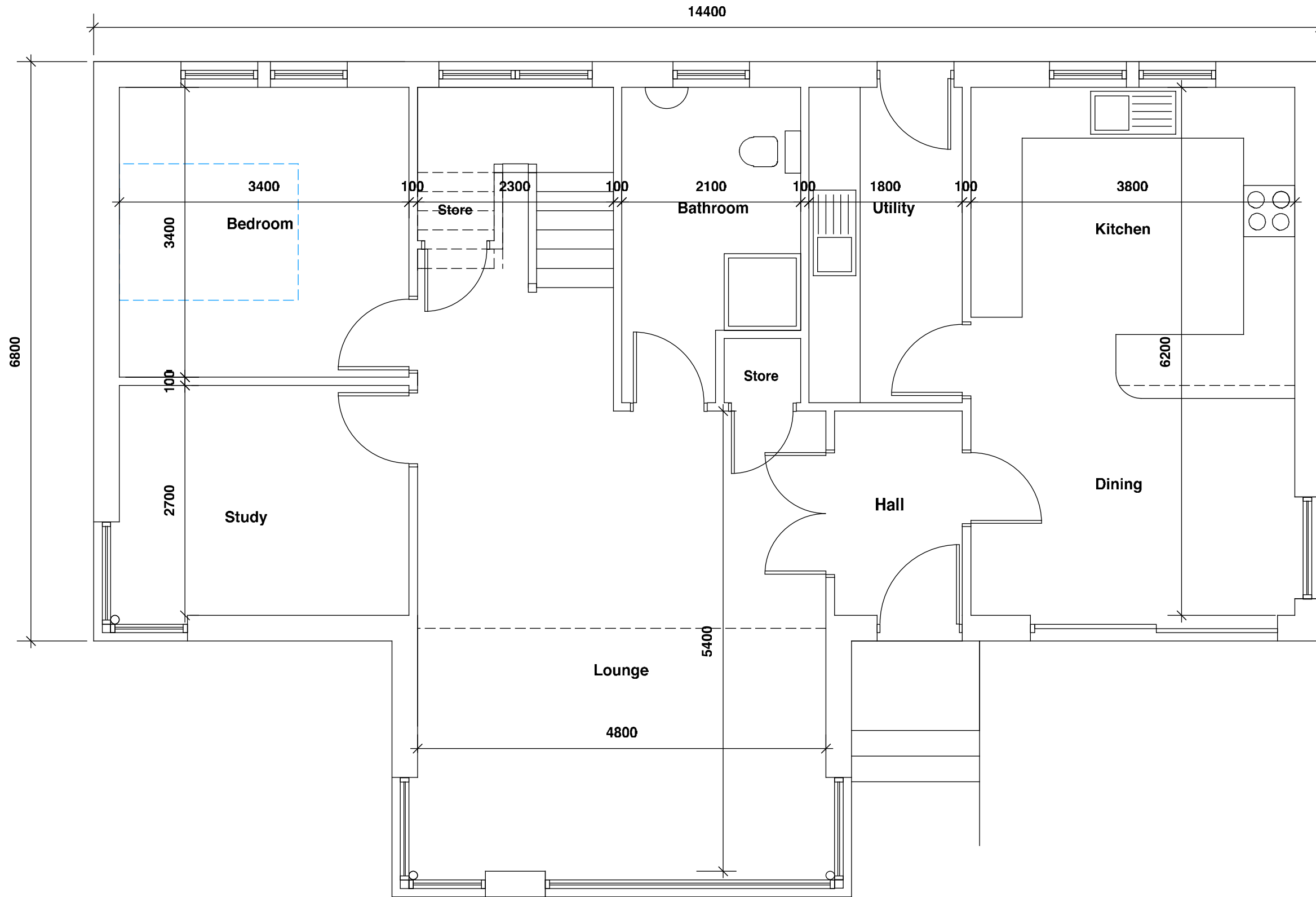
CLIENT:
Mrs J Barclay

SCALE: 1:100 @ A3

DATE: 12.08.2009

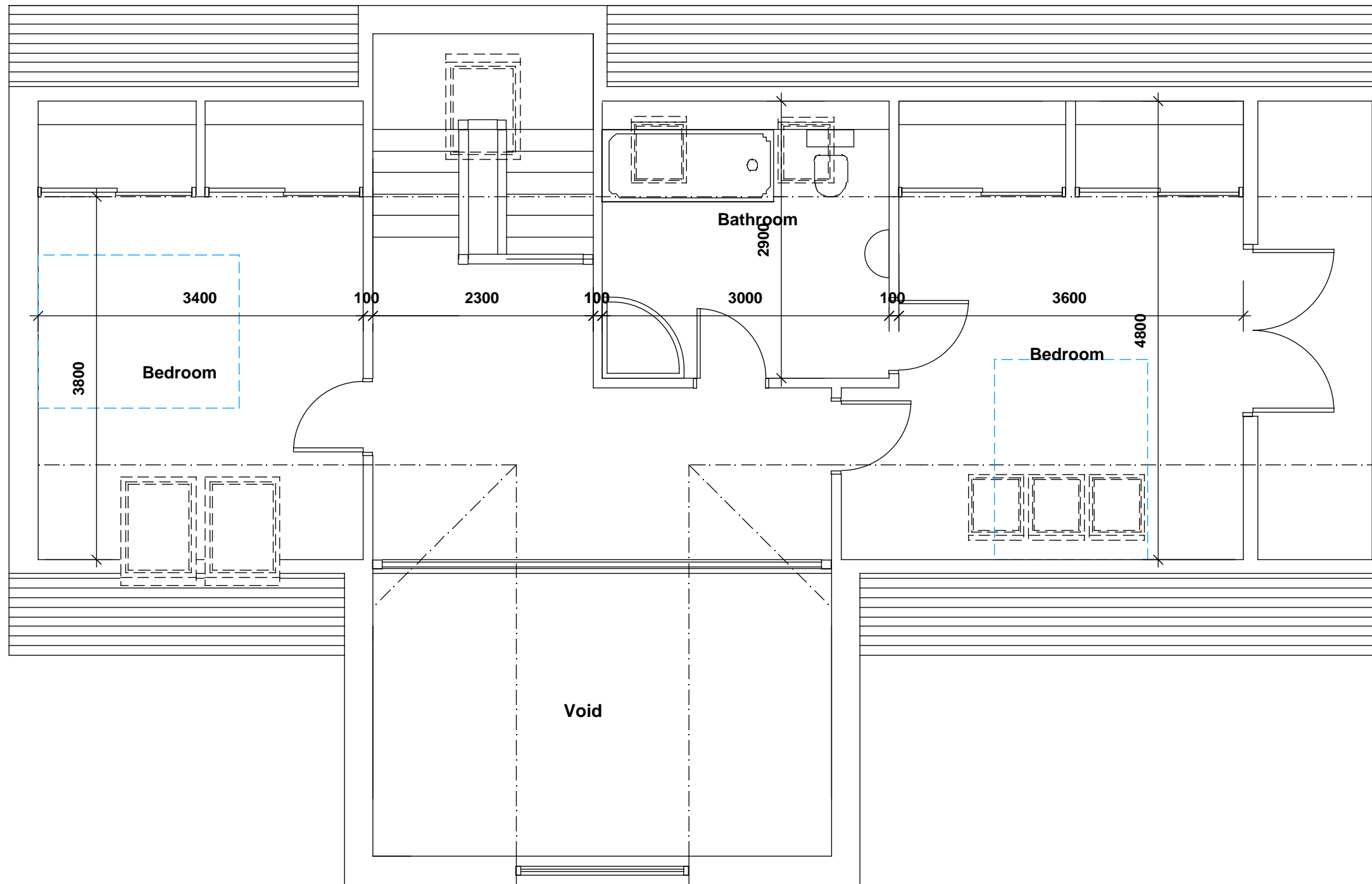
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0312/303/A



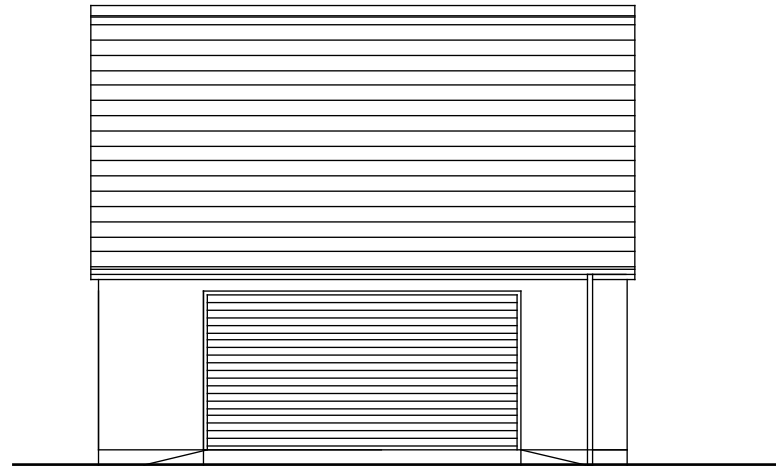
Ground Floor Plan (100sq.m)

PROJECT: New House & Garage Muiryden Fortrose Ross-shire	NOTES: DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE	_____ ARCHITECTURE ○ DESIGN ○ PROJECT MANAGEMENT		DRAWING TITLE: Ground Floor Plan	SCALE: 1:50 @ A3
				CLIENT: Mrs J Barclay	DATE: 12.08.2009
					DRAWN: D.M. REV: -
					0312/301/A

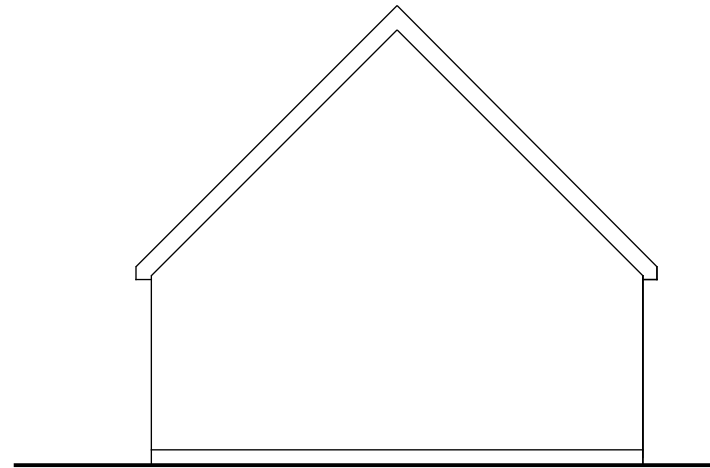


First Floor Plan (62sq.m)

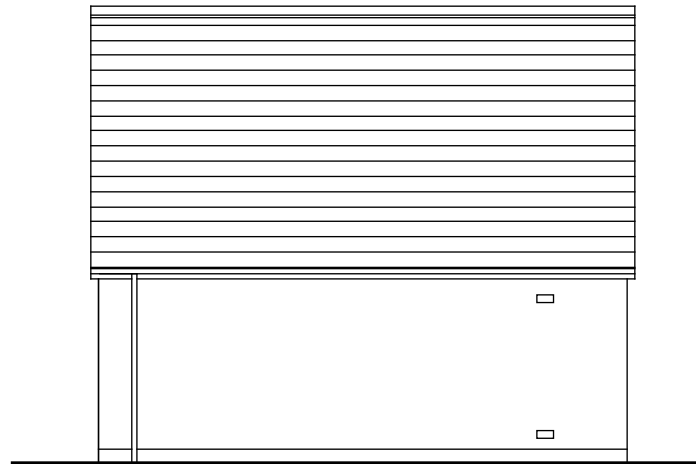
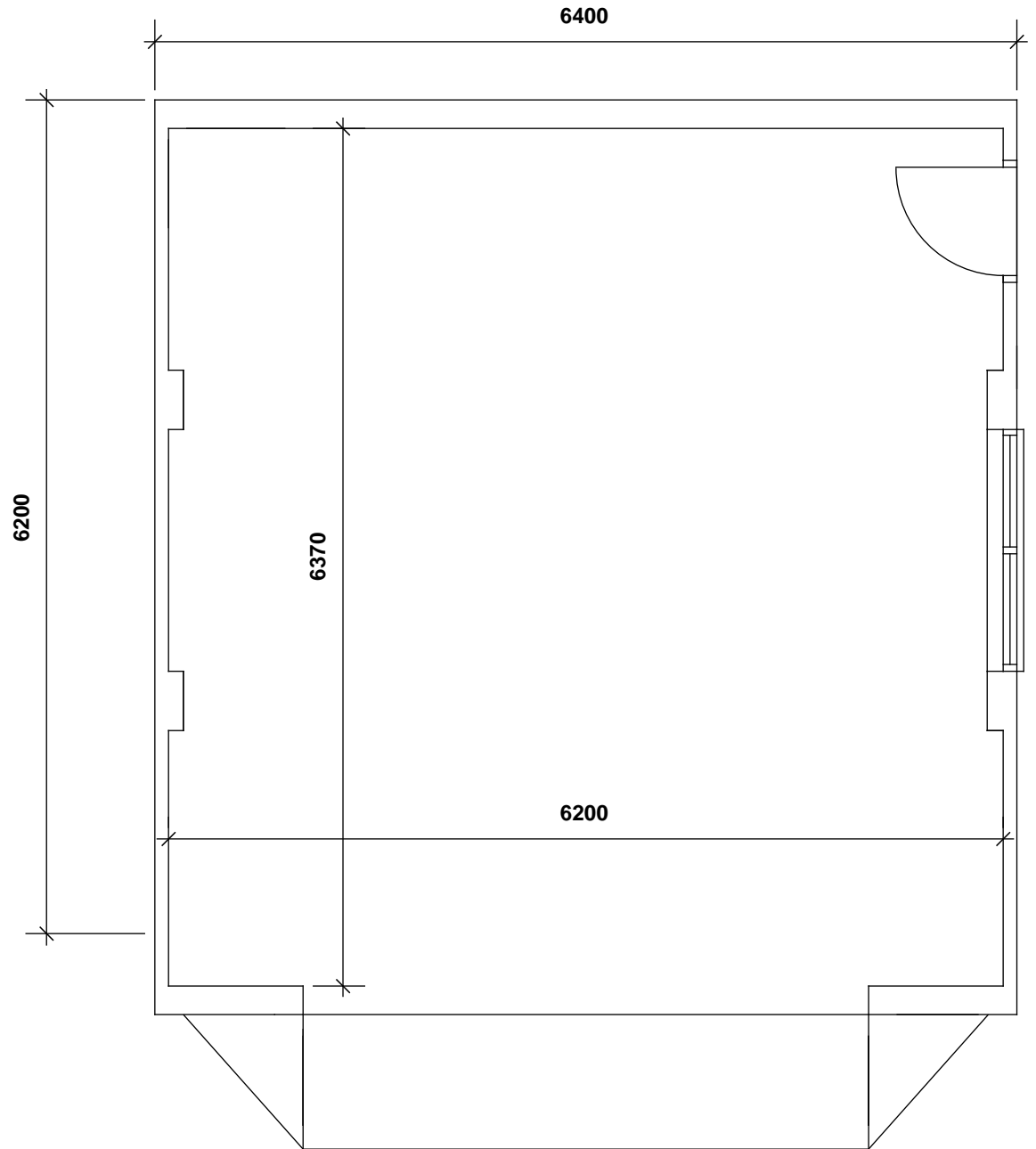
PROJECT: New House & Garage Muiryden Fortrose Ross-shire	NOTES: DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPENCIES MUST BE REPORTED TO THIS OFFICE		DRAWING TITLE: First Floor Plan	SCALE: 1:50 @ A3
			CLIENT: Mrs J Barclay	DATE: 12.08.2009 DRAWN: D.M. REV: - 0312/302



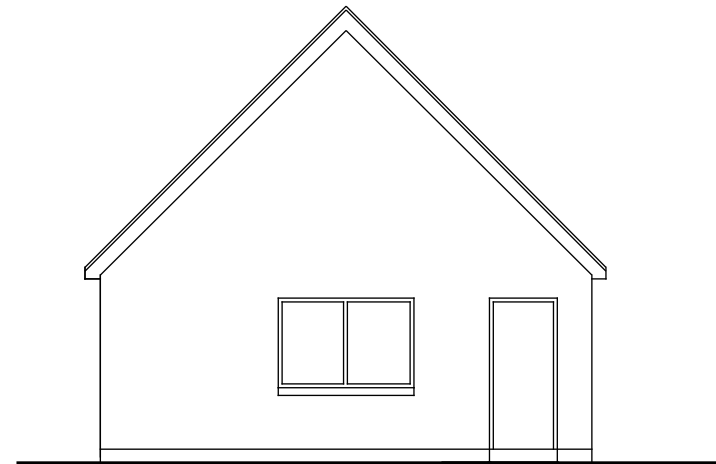
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PROJECT:
 New House & Garage
 Muiryden
 Fortrose
 Ross-shire

NOTES:
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DRAWING TITLE:
 Garage
CLIENT:
 Mrs J Barclay

SCALE: 1:100 @ A3
DATE: 12.08.2009
DRAWN: D.M. **REV:** -
0312/304