

Agenda Item	6.8
Report No	PLS 093/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 05 December 2018

Report Title: 18/04143/FUL: Highland Housers Ltd

Land on Telford Road to the rear of Rockburn Cottage, 58 Lochalsh Road, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 2 semi detached houses

Ward: 14 - Inverness Central

Development category: Local Development

Reason referred to Committee: 5 or more objections from members of the public

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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks permission for the erection of 2 semi detached houses and associated infrastructure within rear garden ground that would front Telford Road, Inverness.
- 1.2 There is no existing infrastructure on site however it is likely that the development will connect to the public drainage and foul water network with permission from Scottish Water.
- 1.3 Pre Application advice: was sought for the erection of flatted accommodation. It was advised that while there is scope for redevelopment of the site however what was initially proposed was unlikely to gain support due to the scale and massing of the building and the overdevelopment of the site.
- 1.5 Variations:
- Number of proposed units reduced from 3 to 2
 - Site Layout amended to reflect this change
 - Footprint of buildings reduced increasing garden ground/amenity space
 - Parking area to front amended
 - Windows to the rear amended for residential amenity purposes

2. SITE DESCRIPTION

- 2.1 The site is located on the east side of Telford Road, Inverness. The site currently comprises a vacant site which has a garage/shed situated to the southern boundary. The site was originally part of the garden associated with the property 'Rockburn Cottage', 58 Lochalsh Road that is located to the rear of the site. Telford Court flats neighbour the site to the south. There are two semi detached traditionally stone built 1 ½ storey houses neighbouring to the north and another large block of flats located to the north of this. A church and 1 ½ storey dwellings are located on the opposite side of the street.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------|
| 3.1 | 21.12.2000 | 00/00937/OUTIN - Erection of single dwelling house | Granted |
| 3.2 | 20.08.2004 | 04/00657/OUTIN - Erection of single dwelling house in rear garden | Granted |
| 3.3 | 14.01.2008 | 07/01071/FULIN – Erection of three flats | Withdrawn |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 14.09.2018
Representation deadline: 07.10.2018

Timeous representations: 5

Late representations: 4

4.2 Material considerations raised are summarised as follows:

- a) Development of the site for three houses is overdevelopment, one bungalow with private parking would be preferred (siting and design)
- b) Proximity of the development to neighbouring property impact on light to property and residential and visual amenity – also light blocked from property on opposite side of the road raised. (residential amenity)
- c) Lack of amenity space
- d) Poor daylighting to habitable rooms
- e) Lack of space to either side of the building for access
- f) On street parking is an issue, restriction to neighbouring properties access, on street congestion and proximity of development to the primary school (access and servicing)
- g) Existing issues with sewerage network due to collapse of pipework causing outflow to street

Further comments were received based on the amended drawings, new issues raised summarised as follows:

- a) Upstairs window to the north elevation overlooking bedroom window of neighbouring property
- b) Short-fall in parking as only 1 space per property with guidelines stipulating 2.
- c) House design not in-keeping with traditional houses on Telford Road.

Four comments of support were submitted, comments summarised as follows:

- a) The proposal will eliminate a residual plot in order to make two family homes close to the school
- b) The development will eliminate the wall from the street, the proposal improves the city and is a good opportunity for a family.
- c) The development will get rid of the sheds and improve the amenity of the area
- d) The proposal is of the correct and respectful scale which integrates well with the environment

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.

5. CONSULTATIONS

5.1 **Transport Planning Team:** Initially responded that parking sizes do not meet council guidelines, insufficient parking for each dwelling, and waste collection and storage is not detailed. It was suggested that to address a lack of parking the developer may wish to make a Developer Contribution to supplement parking spaces.

Following a reduction in units, it was further confirmed that 1 space per house should be adequate as there are opportunities to park on street within the vicinity of the site.

- 5.2 **Merkinch Community Council:** Overdevelopment of the site with an excessive footprint too close to boundary adjoining 71 Telford Road. Higher roof height than 71 Telford Road increases the oppressive nature of the development and would impact on the neighbours amenity. Overshadowing and loss of day light and sunlight due to variation in roof height and proximity to neighbour. Parking issues and reversing vehicles and the proximity to primary school and children.

Further commented on 16.11.2018 reiterating the above and raised concern over the upper floor window to the north elevation having the potential to impact amenity of neighbouring property.

- 5.3 **Scottish Water:** There is sufficient capacity in the Inverness Water Treatment Works and Allanfearn Waste Water Treatment Works, however this capacity cannot be reserved. A connection application should be submitted after full planning permission is granted.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 - Sustainable Design
Policy 29 - Design Quality & Place-making
Policy 34 - Settlement Development Areas
Policy 56 - Travel
Policy 65 - Waste Water Treatment
Policy 66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015):

Site located within Inverness City Settlement Development Area

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning policy (The Scottish Government, June 2014)

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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting and design
 - c) residential amenity
 - d) access and servicing
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 The proposal is for the erection of two terraced houses on Telford Street in the Merkinch area of Inverness, which lies within Inverness City Settlement Development Area. Policy 34 of the Highland wide Local Development Plan supports development within such areas where all other relevant policies of the development plan have been complied with; including Policy 28 which lists a number of criteria all planning applications have to be assessed against. Of most relevance to this proposal is the potential impact on infrastructure, individual and community residential amenity, and the need to demonstrate sensitive siting and a high quality design which is in keeping with local character and historic environment. Proposals must make use of appropriate high quality materials which are in keeping with surroundings.
- 8.5 Subject to ensuring that these matters are adequately addressed the proposal would be compatible with the development plan.

Siting and Design

- 8.6 As outlined above, the site is located within dense urban area which is nearby Inverness city centre. There was a previous grant of permission on the site for the single house, although this has lapsed.
- 8.7 The application was initially submitted on the basis of a development of three terraced houses. The applicant was advised that this was considered overdevelopment since the gable ends were up against the very extent of the red line boundary, parking appeared tight and there was only a small approx. 6 – 7m² rear garden ground for each of the properties. With this in mind the applicant reduced the number to two semi detached units.
- 8.8 As the houses are semi detached they appear as one dwelling from the frontage. The front has an overhanging porch area to each corner which allows the site to accommodate a car parking space for each house. This feature also allows the massing of the frontage to be broken up. This is not considered to raise any

significant issue and is similar to the modern flatted accommodation further north of Telford Road.

- 8.9 It is specified that external wall materials are to match surrounding buildings. It is recommended that a condition is attached to secure a wet dash harling in the interest of visual amenity. The roof is to be covered in slate which is a preferred material. This has a 40° pitch which is in-keeping with the surrounding vernacular. Two dormers to the front have a 45° pitch. This assists in breaking up the roof mass and is again supported. The design is considered to be traditionally proportioned and in keeping with the surrounding vernacular, particularly given the mix of design along the street which includes contemporary flatted accommodation.
- 8.10 In terms of streetscape, at present the site is located adjacent to a large block of flats to the south and 1 ½ storey house to the north. The ridgeline of the proposed houses sits approx. 3.2m lower than the flats and 1.5m higher than the neighbouring houses. This allows for a stepping down of the roof heights within the streetscape. The development is not considered to over dominate the neighbouring property in terms of its height, and it is unlikely that an individual house would have a lower ridgeline than presented here. The frontage has also been sited within the site to retain the building line to the front of the street, retaining a small garden/parking area. At present the site comprises old shed/garage buildings and an untraditional wall with gated access fronts Telford Street. The development of the site is considered to improve the streetscape and provides additional accommodation.

Residential Amenity

- 8.11 A number of representations have been submitted expressing concern with regard to amenity within the surrounding area. In response amendments have been negotiated to address the concerns of neighbours.
- 8.12 In considering the effect of over-shadowing and potential for loss of light to the neighbouring property, the applicant has submitted a shadow analysis that includes reference to the shadow cast from the proposal and the adjacent flats. Diagrams show the effect at various times of the day and within each season. With the exception of winter time, the property in question (no. 71) is already overshadowed by the flats; the shadowing from the proposed house largely falling within the shadow cast by the flats, with the exception of around 12pm in the winter time where the roof will cast a shadow over the south elevation (gable) of the house. Any further reduction in the ridge height of the proposal would likely still have the same impact in the afternoon of winter months as the current submission. Furthermore, the sun is limited in the winter months in any case. Overall, this is not considered to be of such significance to result in the amenity of the neighbouring property being adversely affected.
- 8.13 A lack of external amenity space was also noted within representations. The applicant was asked to reduce the scale of buildings in order to provide more amenity space to the rear, as outlined above initially there was to be approx. 6 – 7m² in each plot. The reduction in number of houses and provision of a covered area to the rear for drying allows the useable amenity space to be increased to approx. 17.5m². While the amenity space doesn't allow for a large lawn area to the

rear as with the neighbouring properties, it is considered that, given the built up, dense and large scale of development surrounding, that there is no defined precedent for a large garden, further to this, many people do not wish the maintenance burden of a garden. The current garden area available is an improvement over the original submission and complimentary to the footprint of what are modest houses.

- 8.14 Concern was also raised regarding a lack of light to the main habitable rooms of the house. This is really a matter for Building Standards. Having said that all upper floor rooms have windows. The ground floor is open plan with patio doors to the east elevation which will allow light in for the majority of the day. The properties, being dual aspect will enjoy a reasonable degree of amenity.
- 8.15 Representations have been made regarding the proximity of the gable ends of the proposed development to the edge of the boundary with the neighbouring property. The applicant has reduced the length of the building to accommodate a 1m strip (at its narrowest extent) on either side of the building which also allows access to the rear. A fence is proposed to enclose the site from neighbours. There is currently a timber boarded fence or wall measuring approx. 2m on either side of the site. The neighbouring property to the north is further separated from the gable by a narrow driveway.
- 8.16 The proposals are not considered to have a significantly detrimental impact on the residential amenity of neighbours or future residents and the development of the site presents an opportunity to improve the current streetscape.

Access and Servicing

- 8.17 The site is to be accessed via Telford Road; the pavement kerb will be dropped in order to provide a parking space to the frontage of each property within the curtilage of the site.
- 8.18 The Transport Planning Team initially objected to the proposals due to a significant shortfall in parking and that the spaces were not sufficiently dimensioned. It was determined that 7 spaces were required for 3 units. The proposal was reduced to two houses; having one space each. Any additional parking could be accommodated on-street. While on-street parking has been raised as an issue by residents, the reduction in units and provision of one space each reduces the conflict with existing parking. In any event, the public road can be used by anyone and planning cannot impose specific controls to preclude people from parking on-street. Comments received with regard to the access to neighbouring properties being blocked appear to be an existing issue which is not caused by this development.
- 8.19 Representations raise concerns regarding pedestrian safety, in particular the reversing of cars on a route which is utilised by children walking to school. The location of the access to the site allows for inter-visibility between cars and pedestrians. Drivers will be able to see pedestrians and similarly pedestrians will be able to see cars exiting/leaving the space. Adjacent properties in the street have a similar arrangement which appears to exist without any significant issue. The Transport Planning Team has not raised this as a particular issue.

- 8.20 Comments have also been received with regard to servicing the development and existing issues experienced on site in relation to Scottish Water infrastructure and the partial collapse of pipework. This is an existing issue which is not caused by the development. The development will be required to connect into the existing infrastructure. Scottish Water has no objections to the proposals. Connecting the development to this may allow for the necessary repair works to be undertaken.

Other material considerations

- 8.22 There are no other material considerations.

Non-material considerations

- 8.23 The issue of loss of views from the guest house to the castle is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.24 None

9. CONCLUSION

- 9.1 The applicant has amended the proposal to reduce the number of units which in turn alleviates concern over parking. This re-design reduces the impact on the amenity of neighbours and the reduction in footprint provides more space to the rear for the amenity of future residents of the properties. With all of the above in mind it is considered that the development will bring about two new modestly sized properties aimed at first-time buyers and improve the existing streetscape of Telford Road. Existing issues around parking and sewerage are not created by this development.

- 9.2 The site comprises a gap site located within a built up residential area whereby there is a presumption for development under the provisions of Policy 34 – Settlement Development Areas of the HwLDP. The proposal is considered to constitute a high quality design which is of a scale which is in keeping with the local vernacular. The proposal is not considered to be significantly detrimental to the amenity of neighbouring properties over what is currently experienced on site which would warrant refusal of the application. The development is therefore considered to comply with Policy 28 – Sustainable Design.

- 9.3 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. IMPLICATIONS

- 10.1 Resource: Not applicable

- 10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. The external walls of the development shall be finished in an off-white wet dash harl. For the avoidance of doubt the roof of the development shall be finished in natural slate.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No other development shall commence until the site access has been provided in accordance with the approved drawing no.2 titled Floor/Elevation Plan.

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

3. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved drawing no.4 titled Floor Plan 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 off-street parking is available for residents.

4. The window on the upper floor north elevation shall be finished in a frosted or obscured glass.

Reason: In the interest of amenity of the neighbouring property.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), 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 may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

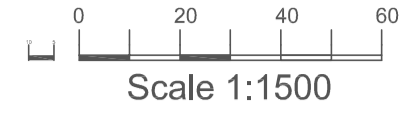
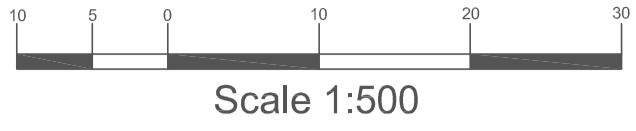
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more

information.

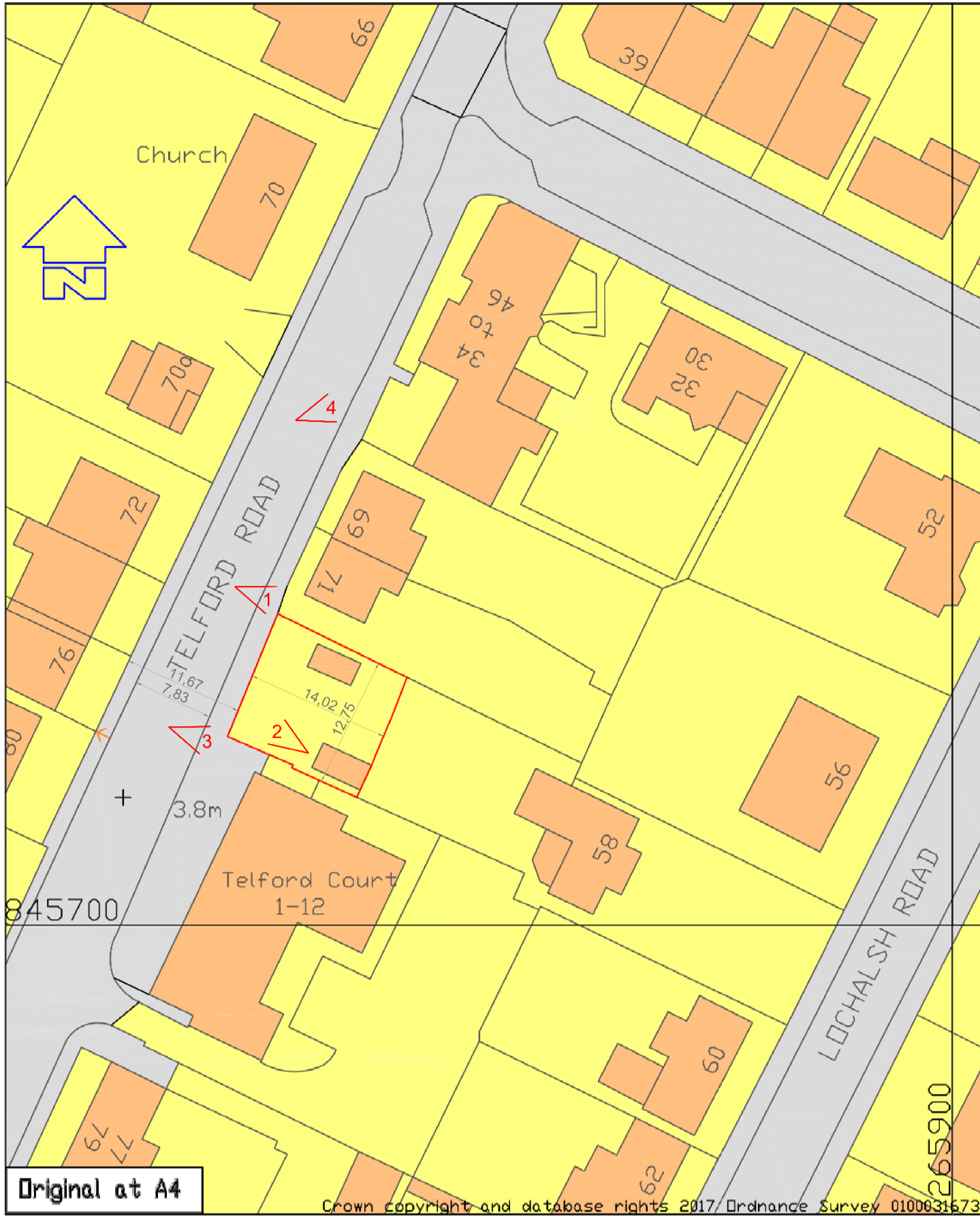
Protected Species – Halting of Work

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

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Laura Stewart
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan (drawing 1)
Plan 2 – Floor/Elevation Plan (drawing 2)
Plan 3 – Elevations (drawing 3)
Plan 4 – Floor Plan (drawing 4)
Plan 5 – Section Plan (drawing 5)



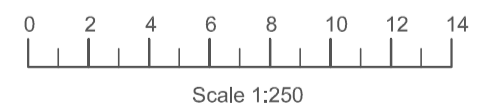
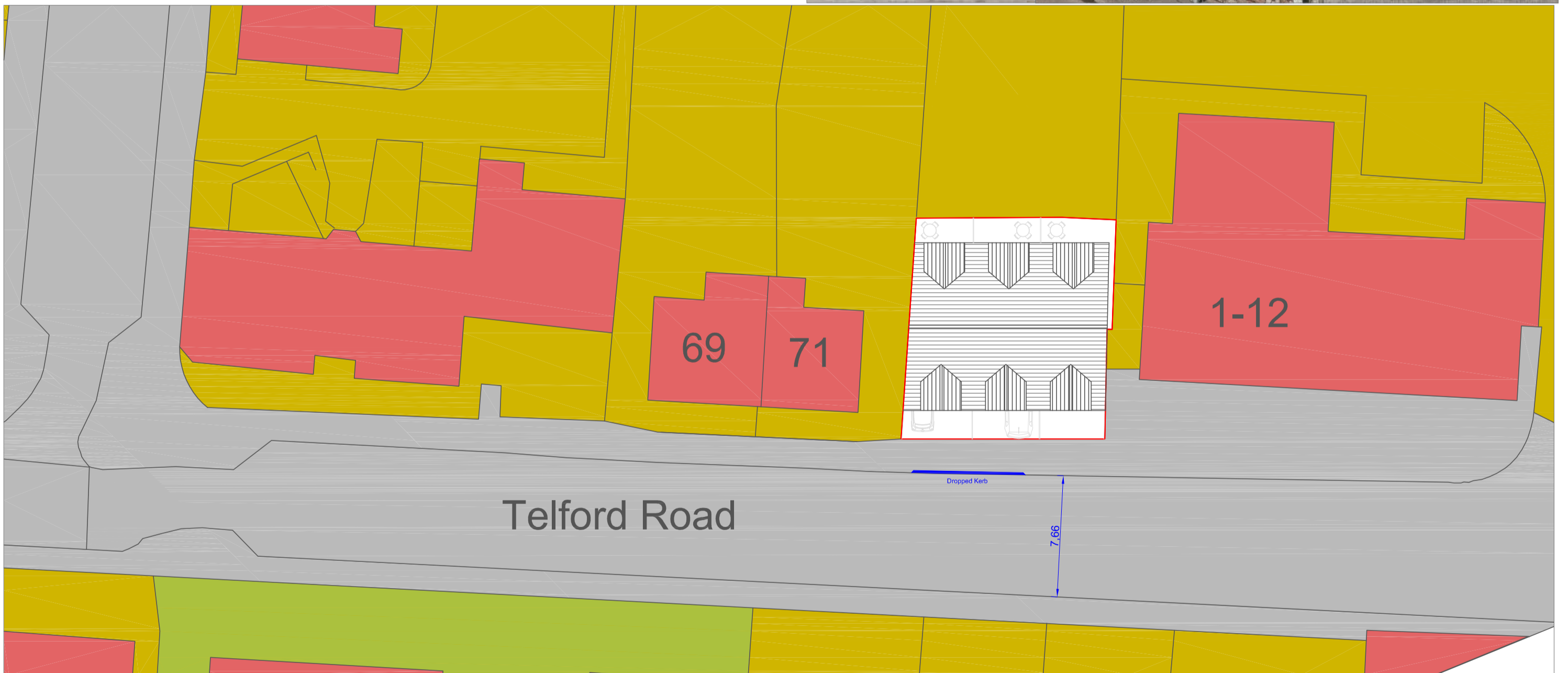
Location Plan



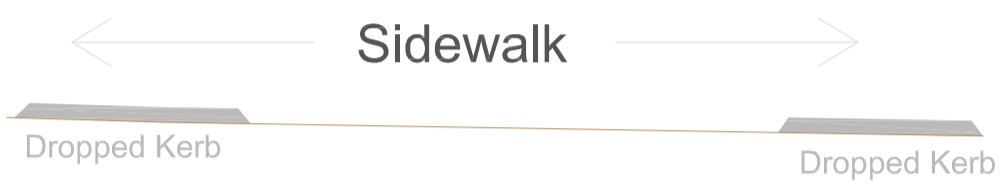
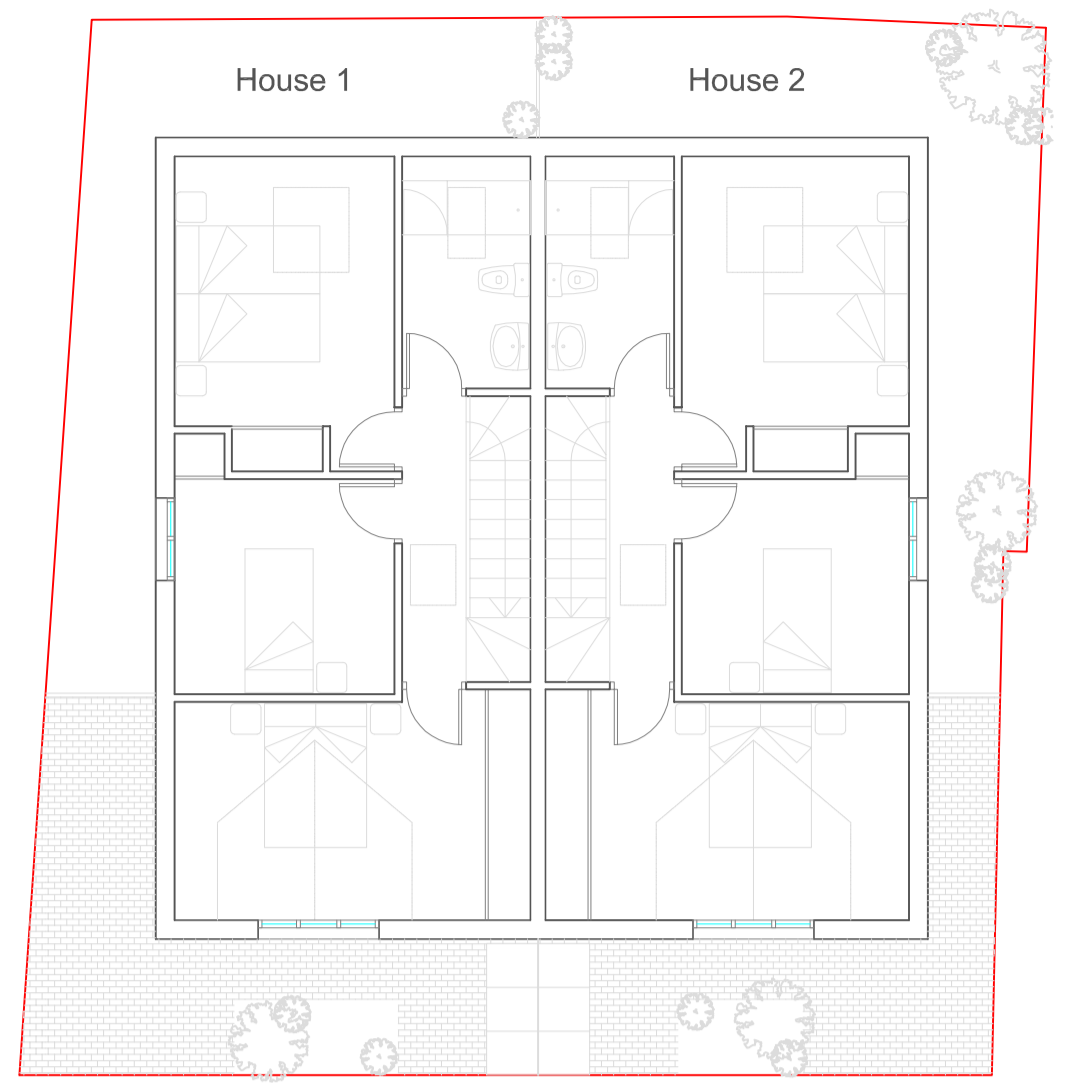
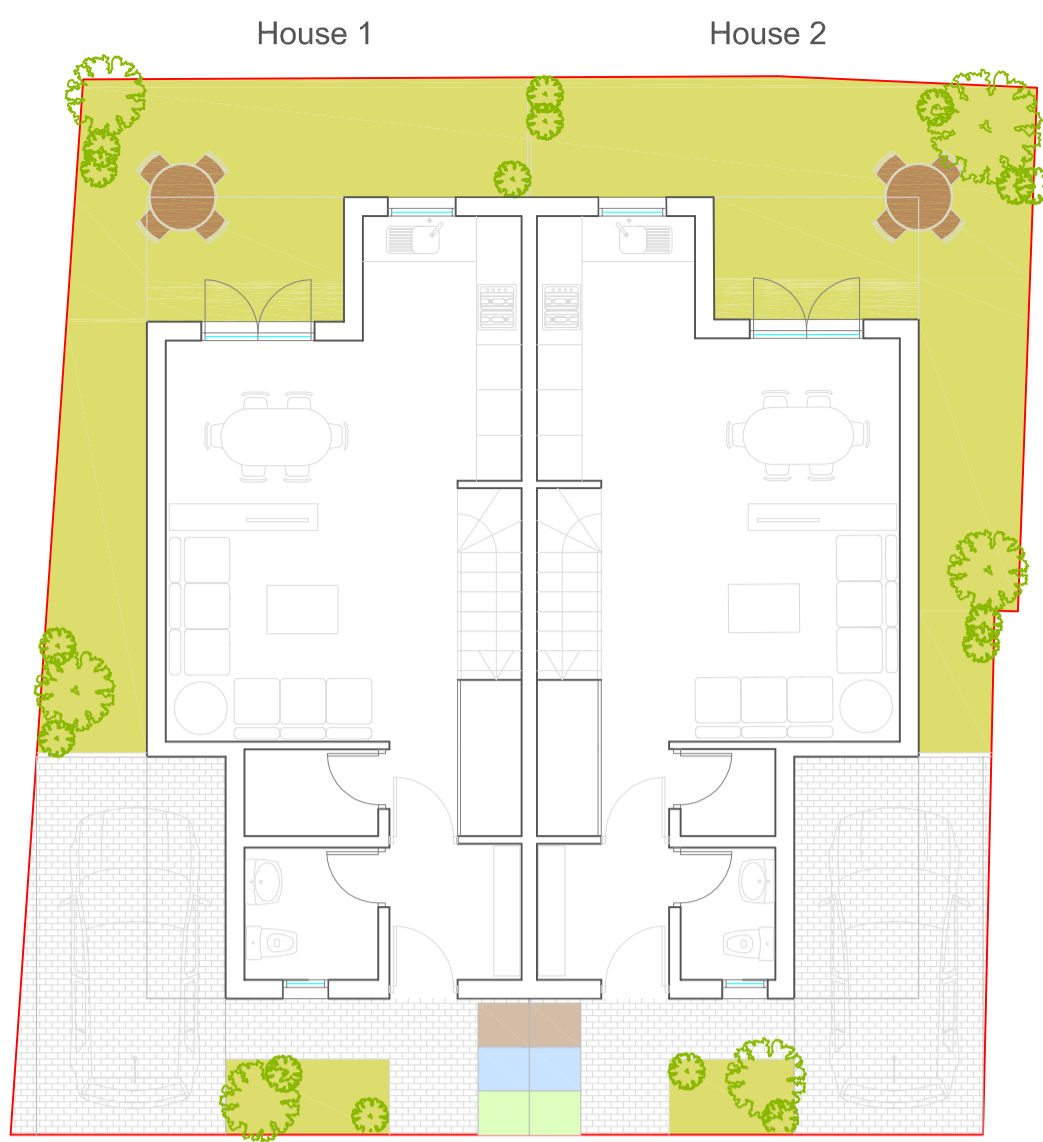
Situation Plan



Pictures

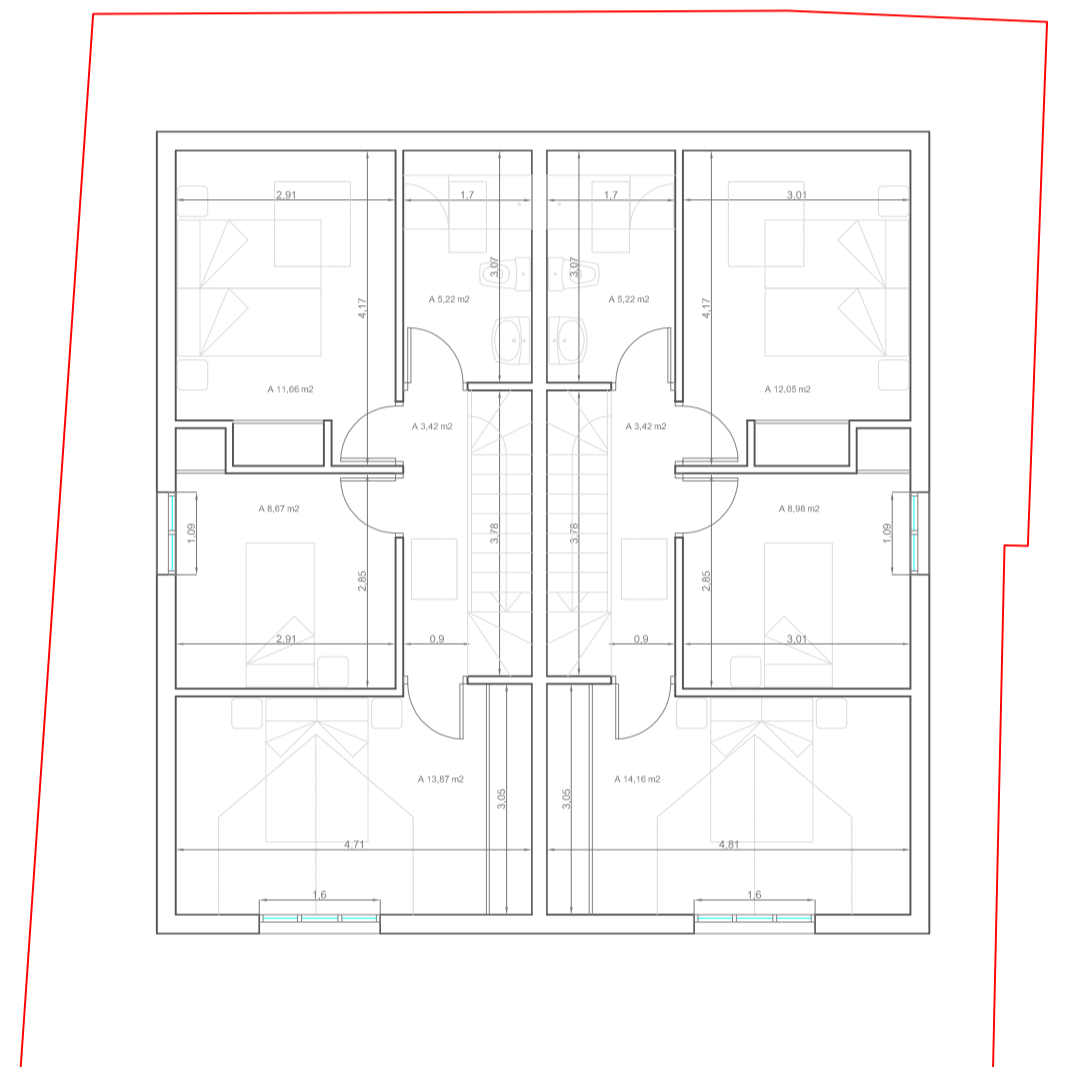
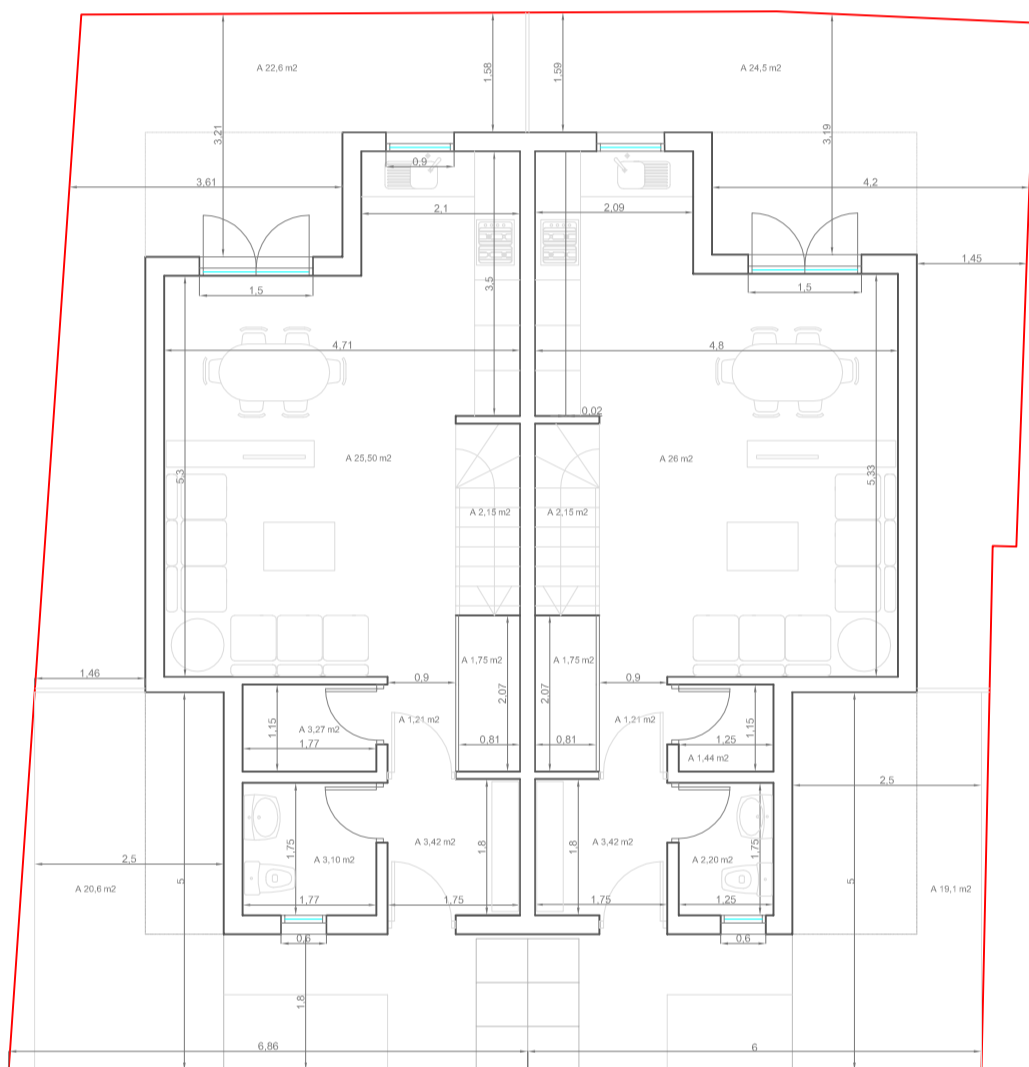


	3 Terraced Houses with terrace, garden, access and private parking space.	Telford Road. Inverness, IV3 8HN.	-	Jose Manuel Fernandino 07706735469	<p>Highland Housers Ltd Property, Development & Architecture</p>
	PROJECT	ADDRESS	ESCALE	ARCHITECTS	
		1	03 / 09 / 2018	Iñaki Fernandino 07708419195	
		DRAWING. NO	DATE		



PROPOSED GROUND FLOOR

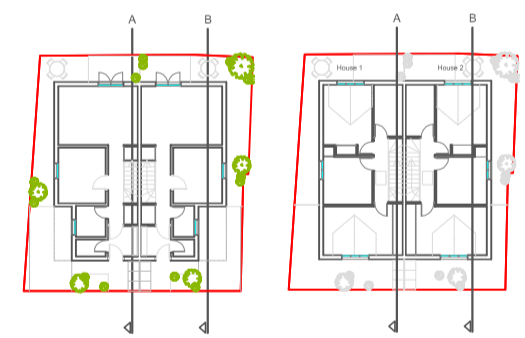
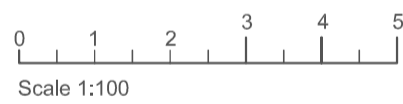
PROPOSED FIRST FLOOR



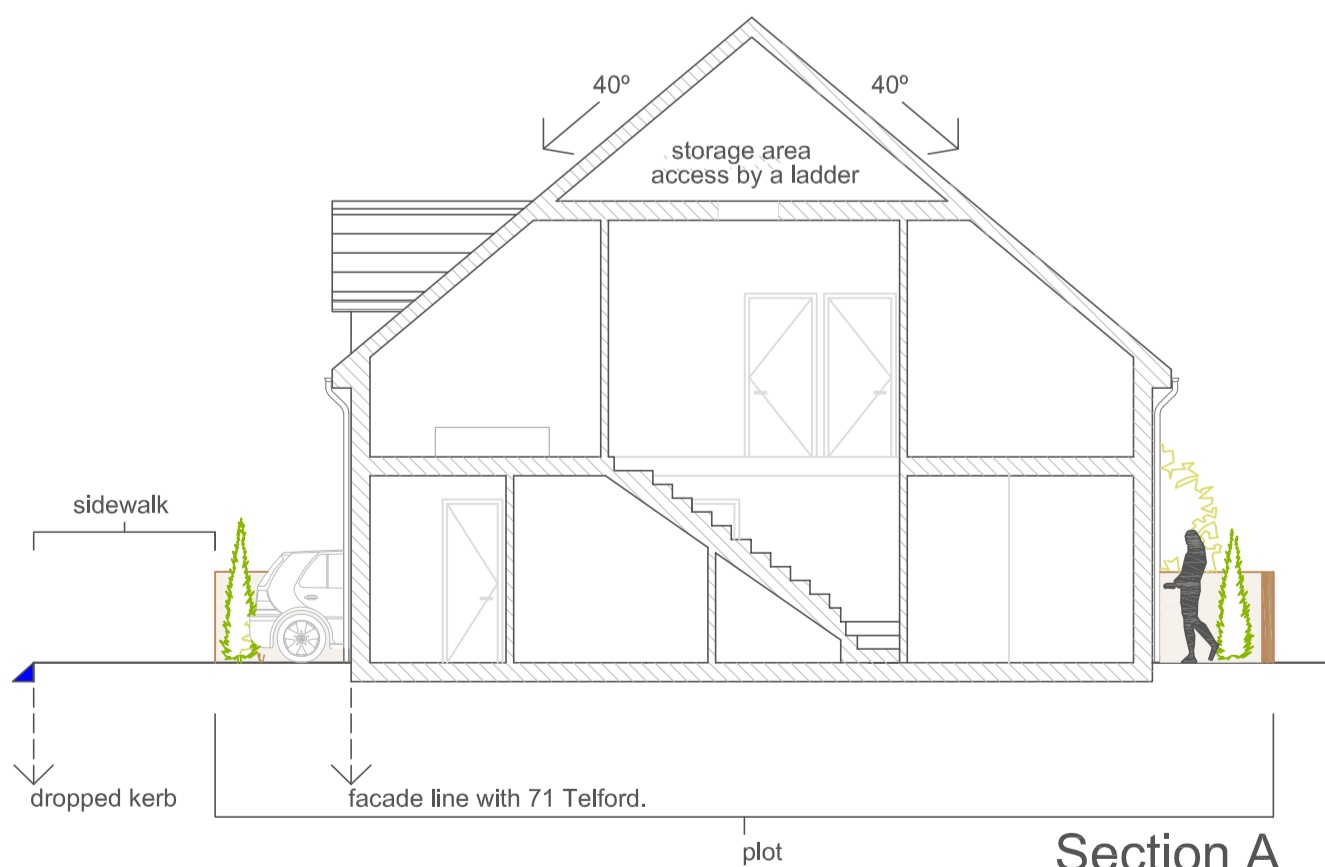
PROPOSED GROUND FLOOR Dimensions

PROPOSED FIRST FLOOR Dimensions

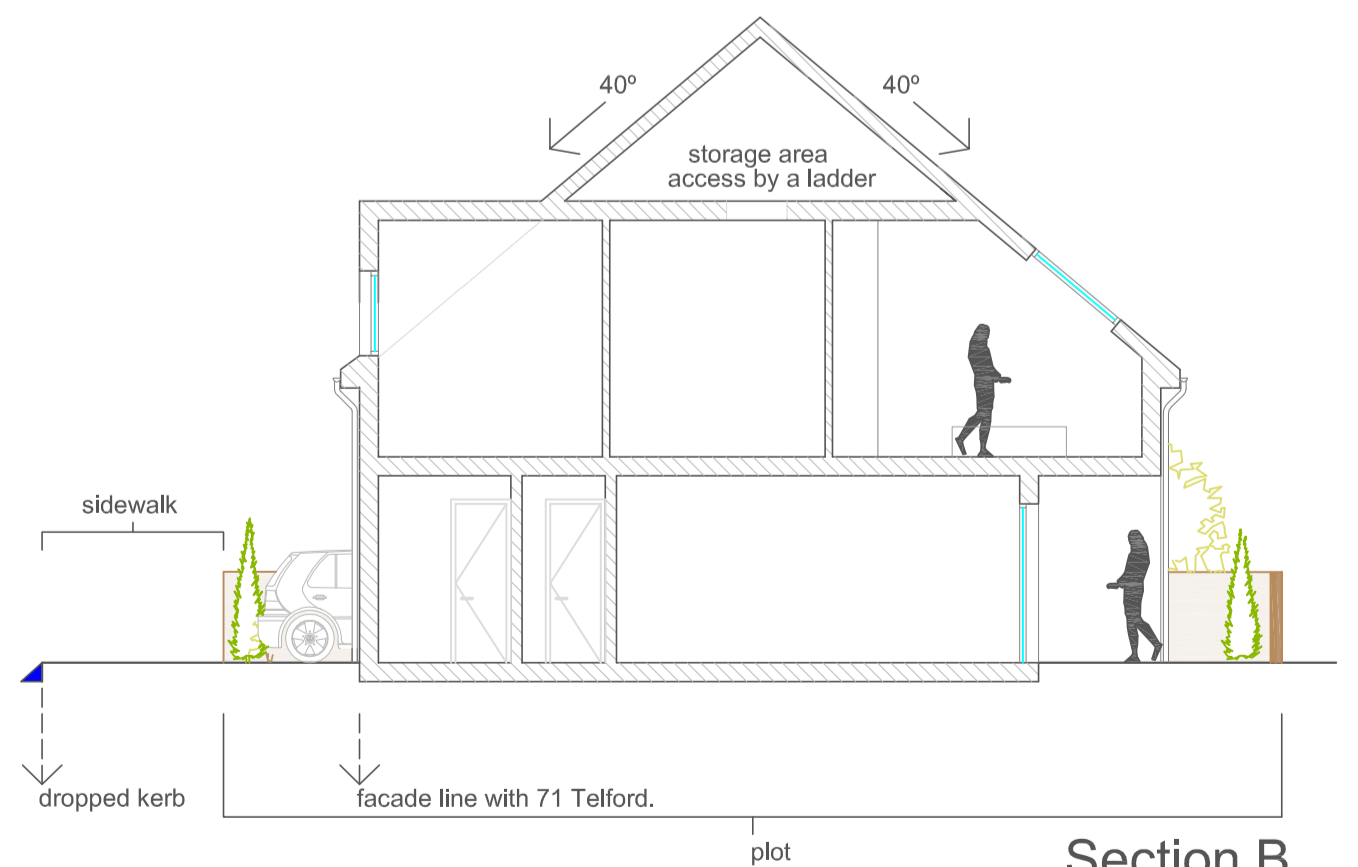
SECTIONS



KEY



Section A



Section B

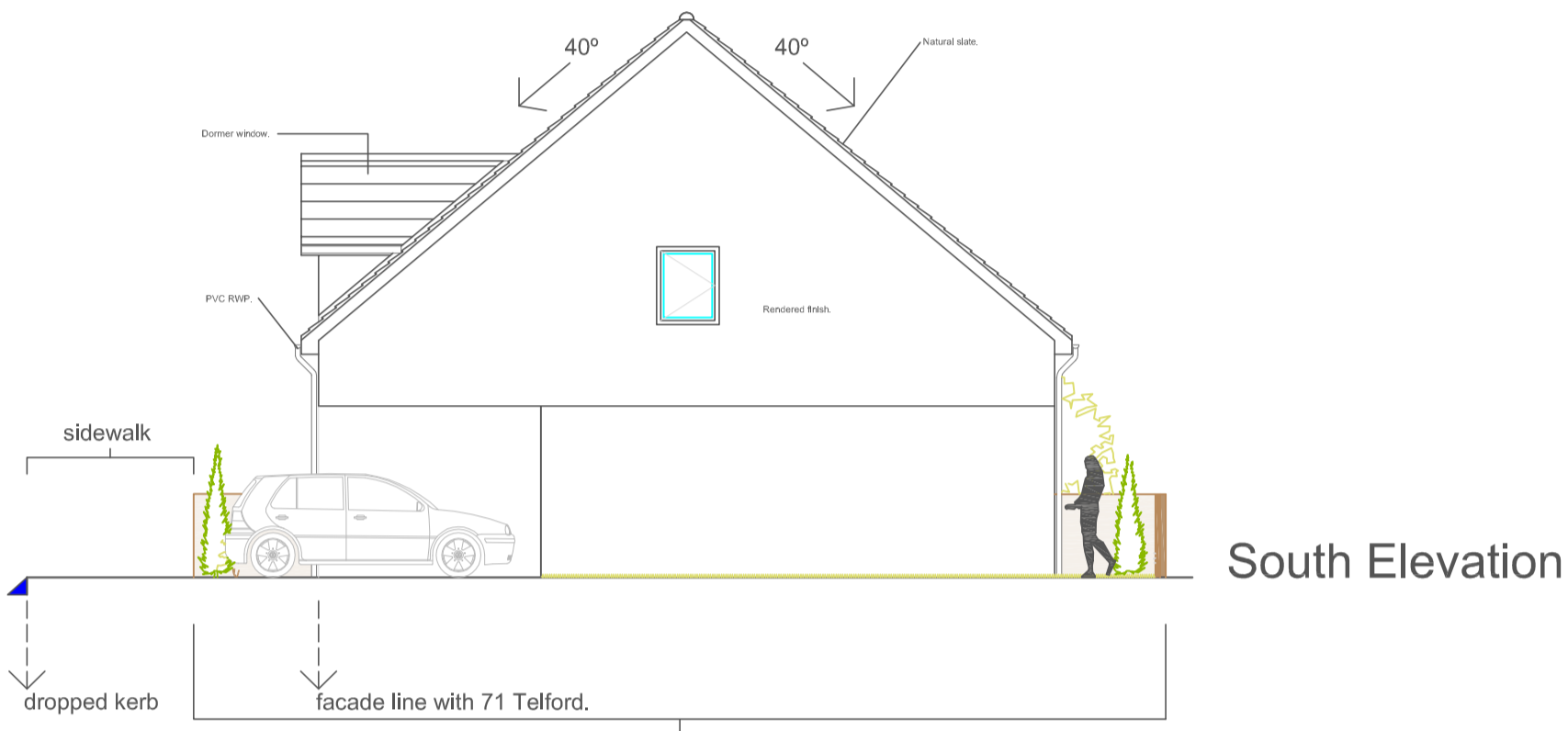
	2 Terraced Houses with terrace, garden, access and private parking space.	Telford Road. Inverness, IV3 8HN.	1 / 100	Jose Manuel Fernandino 07706735469	
	PROJECT	ADDRESS	ESCALE	ARCHITECTS	
	2	DRAWING. NO	DATE	ARCHITECTS	



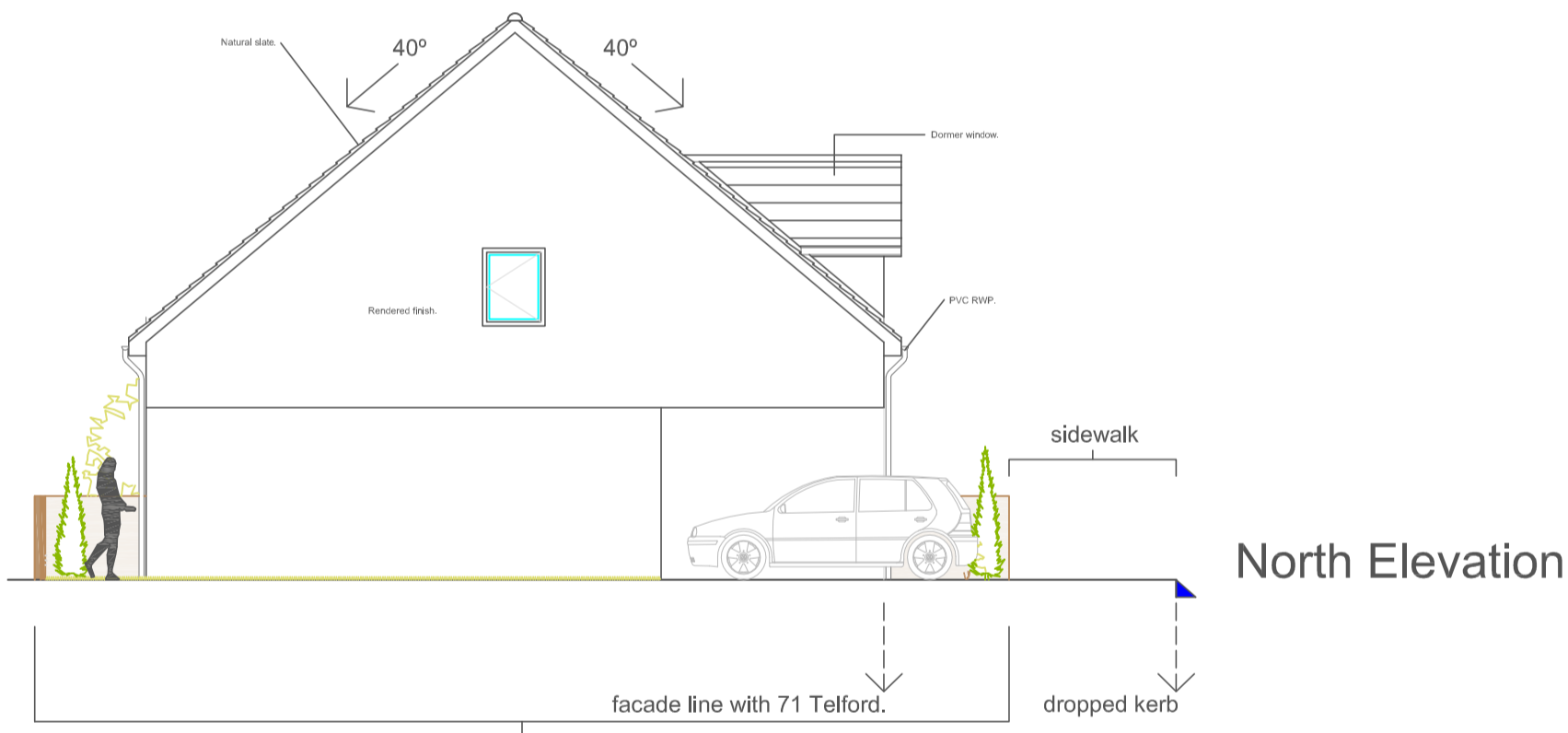
69, 71 Telford Road

West Elevation

Building of flats

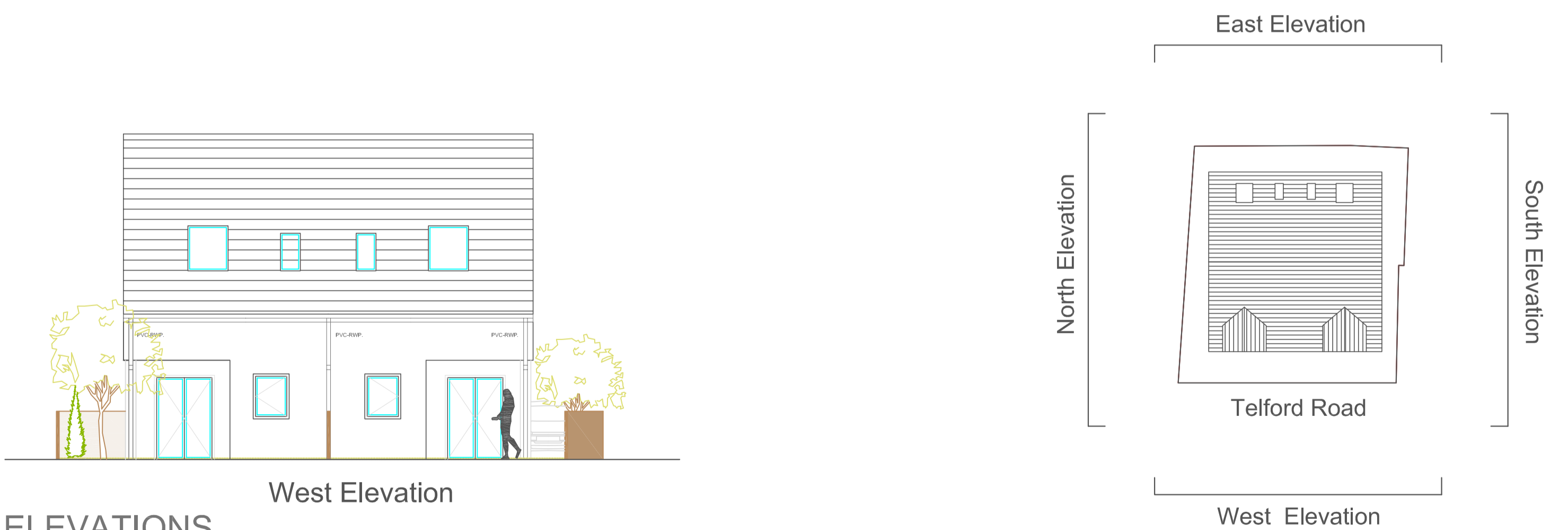


South Elevation



North Elevation

Key



West Elevation

West Elevation

ELEVATIONS

	2 Terraced Houses with terrace, garden, access and private parking space.	Telford Road, Inverness, IV3 8HN.	1 / 100	Jose Manuel Fernandino 07706735469	
	PROJECT	ADDRESS	ESCALE	ARCHITECTS	
		3	07 / 11 / 2018	Iñaki Fernandino 07708419195	
	DRAWING. NO 3	DATE			

FEBRUARY

8 am



12 am



6 pm



MAY

8 am



12 am



6 pm



JULY

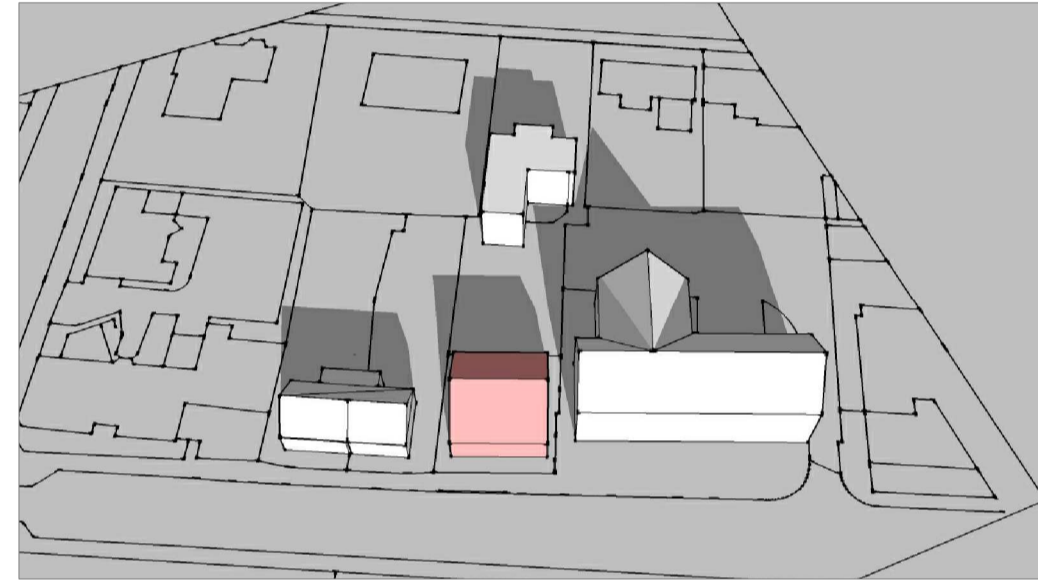
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12 am

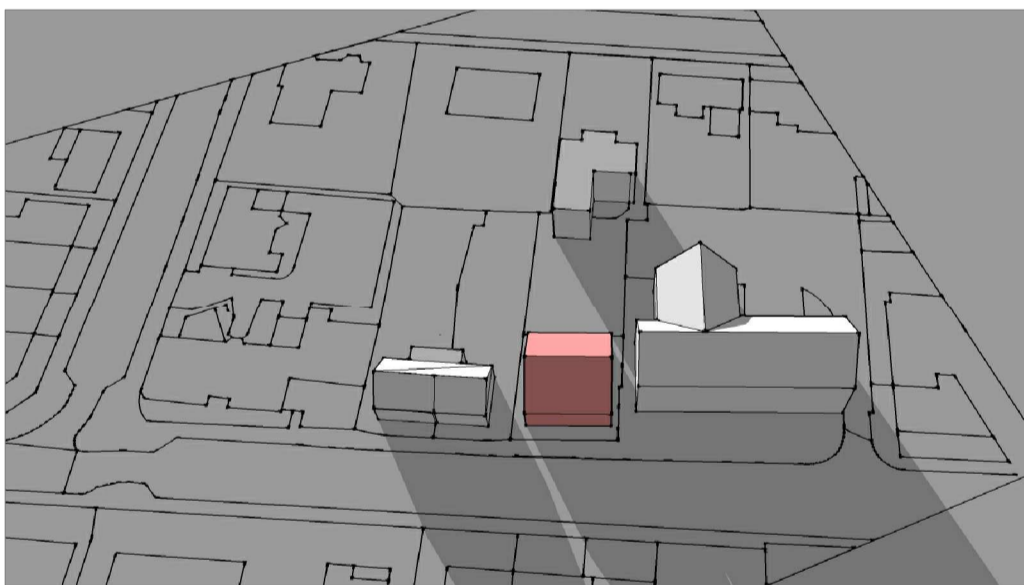


6 pm



AUGUST

8 am



12 am

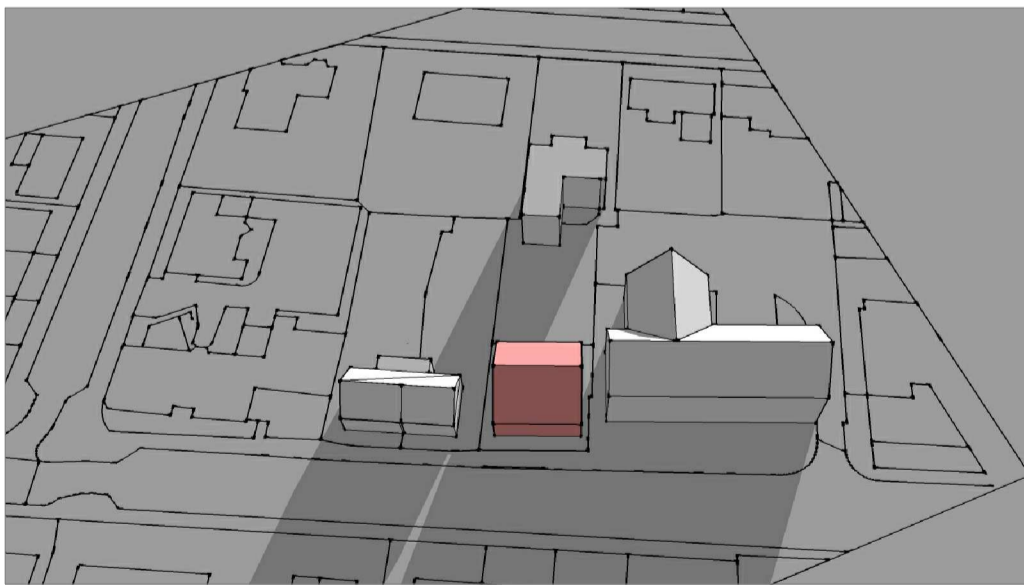


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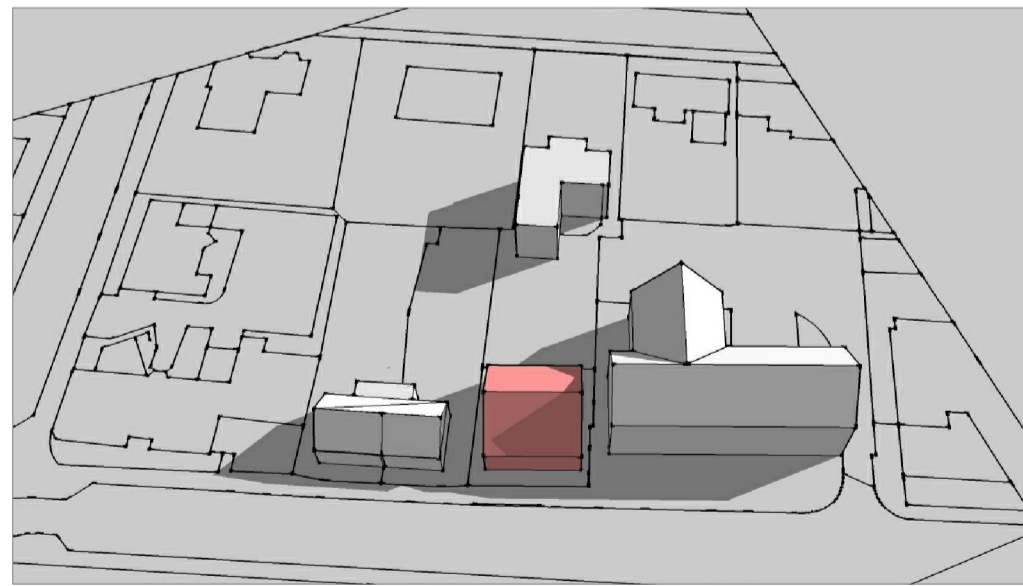


NOVEMBER

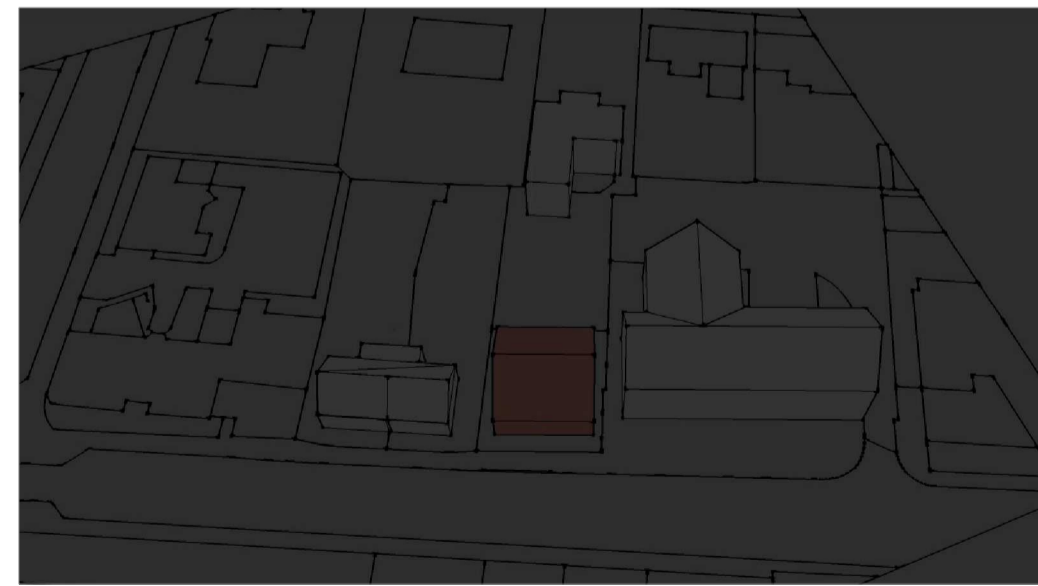
8 am



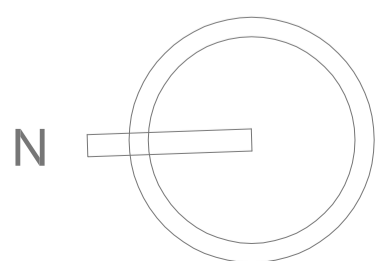
12 am



6 pm



SOLAR STUDY - TELFORD ROAD



2 Terraced Houses with terrace, garden, access and private parking space.

PROJECT

Telford Road.
Inverness, IV3 8HN.

ADDRESS

5

DRAWING. NO

ESCALE

29/ 10 / 2018

DATE

Jose Manuel Fernandez
07706735469

Iñaki Fernandez
07708419195

ARCHITECTS

