

Agenda Item	6.9
Report No	PLS 062/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 7 August 2019

**Report Title:** 19/01281/FUL: Mr Matthew Hamlet

Little Mockbeggar, Woodside Avenue, Grantown-On-Spey, PH26 3JR

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Conversion of existing garage and accommodation over, and erection of single storey extension to form house

**Ward:** 20 – Badenoch and Strathspey

**Development category:** Local development

**Reason referred to Committee:** Community Council Objection

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 proposal is to alter and extend the existing garage to create a house.
- 1.2 The site is accessed via a single track road leading from Woodside Avenue to the High Street and is shared with a number of other residential properties. There is existing parking provision within the site.
- 1.3 Pre Application Consultation: Pre-application advice provided in 2016.
- 1.4 Supporting Information: Site photos and response from Agent to Community Council objection.
- 1.5 Variations: Amended external materials following comments from the Historic Environment Team.

## 2. SITE DESCRIPTION

- 2.1 Detached garage associated with the adjacent modern property Mockbeggar located on the lane linking Woodside Avenue with High Street in Grantown. The site contains a number a mature trees in close proximity to the garage and is within the Grantown on Spey Conservation Area.

## 3. PLANNING HISTORY

- |     |            |   |                                   |
|-----|------------|---|-----------------------------------|
| 3.1 | 13.10.2017 | 17/02699/FUL Demolition of existing garage and erection of 3 bed 1.5 storey house in garden ground of existing house (AMENDED proposal 17/1101/FUL) | Planning Permission Granted       |
| 3.2 | 13.10.2017 | 17/01222/CON Complete demolition of garage and office in a Conservation Area  | Conservation Area Consent Granted |
| 3.3 | 29.05.2017 | 17/01101/FUL Demolition of existing garage and erection of 4 bed 1.5 storey house in garden ground  | Application Withdrawn             |
| 3.4 | 16.09.2013 | 13/03133/FUL Fit photovoltaic cells to main roof  | Planning Permission Granted       |
| 3.5 | 03.08.2006 | 06/00182/FULBS Erection of polytunnel greenhouse and canopy extension to house  | Planning Permission Granted       |
| 3.6 | 04.01.2005 | 04/00187/FULBS Removal of condition 1 of planning permission 02/355/FULBS   | Planning Permission Granted       |
| 3.7 | 10.02.2003 | 02/00356/CONBS Demolition of outbuildings   | Conservation Area Consent         |

		(Conservation Area Consent)	Granted
3.8	10.02.2003	02/00355/FULBS Erection of dwelling and garage	Planning Permission Granted (Committee)
3.9	27.09.2002	02/00169/CONBS Demolition of existing outbuildings (Conservation Area Consent)	Conservation Area Consent Refused
3.10	27.09.2002	02/00168/OUTBS Erection of two dwellings (outline)	Planning Permission Refused

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Affecting the Conservation Area 21days

Date Advertised: 11.04.2019

Representation deadline: 02.05.2019

Timeous representations: 4 timeous representations

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Over development of the site;
- b) Access and road safety;
- c) Excess traffic

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).

#### 5. CONSULTATIONS

5.1 **Grantown on Spey and Vicinity Community Council:** Object due to overdevelopment of the site, further traffic and access concerns.

5.2 **Historic Environment Team:** No objection subject to the amended external finish to the roof.

5.3 **Cairngorms National Park Authority:** No objection.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Cairngorms National Park Local Development Plan (March 2015)**

1 – New Housing Development

3 – Sustainable Design

9 - Cultural Heritage

10 - Resources

Community Information: Grantown on Spey

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

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

Managing Change in the Historic Environment

### **7.2 Cairngorms National Park Local Development Plan 2020 Proposed**

1 – New housing development

3 – Design and placemaking

9 – Cultural Heritage

10 – Resources

Strategic Settlements: Grantown on Spey

## **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 Furthermore, with respect to any buildings or other land in a Conservation Area, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### 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) Design and layout
- c) Amenity
- d) Access and road safety
- e) any other material considerations.

#### Development plan/other planning policy

- 8.4 The site is located within the Grantown on Spey Settlement Area where there is a general presumption in favour of proposals for housing development; subject to the proposal reinforcing and enhancing the character of the settlement, maximising opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land. There is an existing building on site and the Development Plan also supports the principle of altering and converting existing building stock and/or replacement where appropriately justified.
- 8.5 All proposals are required to demonstrate sensitive siting and design that is sympathetic to the traditional pattern and character of the surrounding area, as well as protecting the amenity enjoyed by neighbours. This is particularly true within Conservation Areas, where proposal should enhance its character, and therefore there is a need for design, materials, scale, layout and siting to be appropriate to the site and its setting.
- 8.6 In the general design guidance associated with the settlement it is stated that all new development should reflect existing housing development in terms of positions, density and scale; and maintain building lines, plot sizes and building orientation which raise architectural and design quality.
- 8.7 Subject to the proposals achieving this, and having no significant adverse impact on the amenity of neighbouring residents and/or infrastructure, the proposal would comply with the Development Plan.

#### Design and layout

- 8.8 The site is considered to be an infill opportunity through subdivision of the garden ground of Mockbeggar. The proposed house will retain the existing building line of surrounding properties and utilise a similar scale, layout, and materials. The property is considered a modern interpretation of a traditional form with a mix of vertical timber cladding for the walls, corrugated metal roof and timber windows. The Historic Environment Team welcomed the amended plans showing the roof and flue with a dull matt finish as opposed to Plastisol which is PVC based and not appropriate within the Conservation Area. Full details of the external finish can be further controlled by condition.
- 8.9 The current application reduces the scale, height and footprint of the previous proposal (17/02699/FUL) that was granted planning permission. The proposed house builds onto the existing garage, with the resultant house in a rectangular single storey plan form. A small area above the garage is an open plan home office space. The house is 15.7m long and a maximum of 6.8m wide. The footprint is approximately 20sqm smaller than the development previously granted and approximately 60sqm smaller in terms of overall floor area given that the previous proposal was largely 2 storey in nature. Furthermore, in order for the original scheme to obtain approval, the area of garden ground associated with the development was increased. This same site area has been used for the current proposal, thereby further increasing the overall proportion of garden ground to house. The orientation, design, scale, form, massing and material palette

proposed is considered to be appropriate.

- 8.10 As the current proposal incorporates the existing garage into its design, no further protection work to the adjacent mature Sycamore is required. The retention of the mature tree within the Conservation Area is welcomed.

#### Residential amenity

- 8.11 Given the reduced scale and height of the proposal, it is considered that there is adequate separation between surrounding properties to mitigate any potential loss of sunlight and/or daylight. A sunlight and daylighting calculation has been carried out and it is considered that the proposed development will not have an impact on any habitable rooms of neighbouring properties. There will be no adverse impact on privacy. As such, it is not considered to present an issue in terms of amenity.

#### Access and road safety

- 8.12 The proposal utilises an existing access lane from the A938 public road. Representations raise concerns over the existing access arrangements, and suggest that the proposal would lead to increased traffic and have a detrimental impact on the existing access which is used by a number of private parties.
- 8.13 Whilst the existing access is narrow, at around 3.5m wide, a passing place has previously been created. There is proposed provision for two off street parking spaces within the site. Representations question the capacity of the lane to accept additional traffic and raise concern regarding pedestrian safety. However, the volume of traffic along the lane is considered to be very modest and vehicle speeds are relatively low. Whilst the existing turning head for the lane has been removed from the site, the design of the proposed site access/service bay will afford a passing opportunity, and it does not seem possible to demonstrate conclusively that the road is incapable of accepting further traffic generated by an extra house. It is considered that there is sufficient capacity within the site to allow for the required access, parking, and turning provision, whilst still retaining an appropriate level of curtilage space.
- 8.14 There is concern from those making representation on the application that the proposed access will potentially impact on refuse collections from the lane; identifying that refuse vehicles use the current private access adjacent to the existing garage on the site in order to turn around. Notwithstanding this, the lane is not adopted, and the use of it by Council refuse vehicles is currently by mutual consent.

#### Other material considerations

- 8.15 There are no other material considerations.

#### Non-material considerations

- 8.16 The Community Council, and a number of representations, makes reference to the right of access/servitude to the site. It is understood that the application site does benefit from a servitude right of access along the lane, from both ends.

### Developer Contributions

- 8.17 The Affordable Housing Contribution of £1250 required as outlined within the Development Plan has been paid for 17/02699/FUL previously. Whilst the site lies within the catchment area for Grantown Grammar and Grantown Primary School no further contributions are required.

### Matters to be secured by Section 75 Agreement

- 8.18 None

## **9. CONCLUSION**

- 9.1 Proposals for new housing are supported by the Development Plan where they reinforce and enhance the character of the settlement maximising infill opportunities. This has already been assessed and accepted as part of the previous application. The current proposal has a reduced scale, height and footprint compared to the scheme previously granted planning permission and has an appropriate level of residential curtilage space. The design, form, layout and materials are all considered appropriate to the setting and will make a positive contribution to the Conservation Area. There will be no adverse impact on the amenity of neighbouring occupiers from loss of daylight/overshadowing and/or privacy.
- 9.2 Whilst concerns regarding the access and further traffic are acknowledged, it is considered that the new access will improve overall passing opportunities along the lane. There will be no adverse impact on road safety.
- 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

### Conditions and Reasons

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In order to retain and/or protect important elements of the existing character and amenity of the site.

### 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.

### **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.

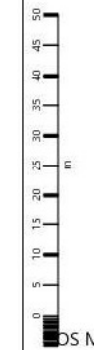
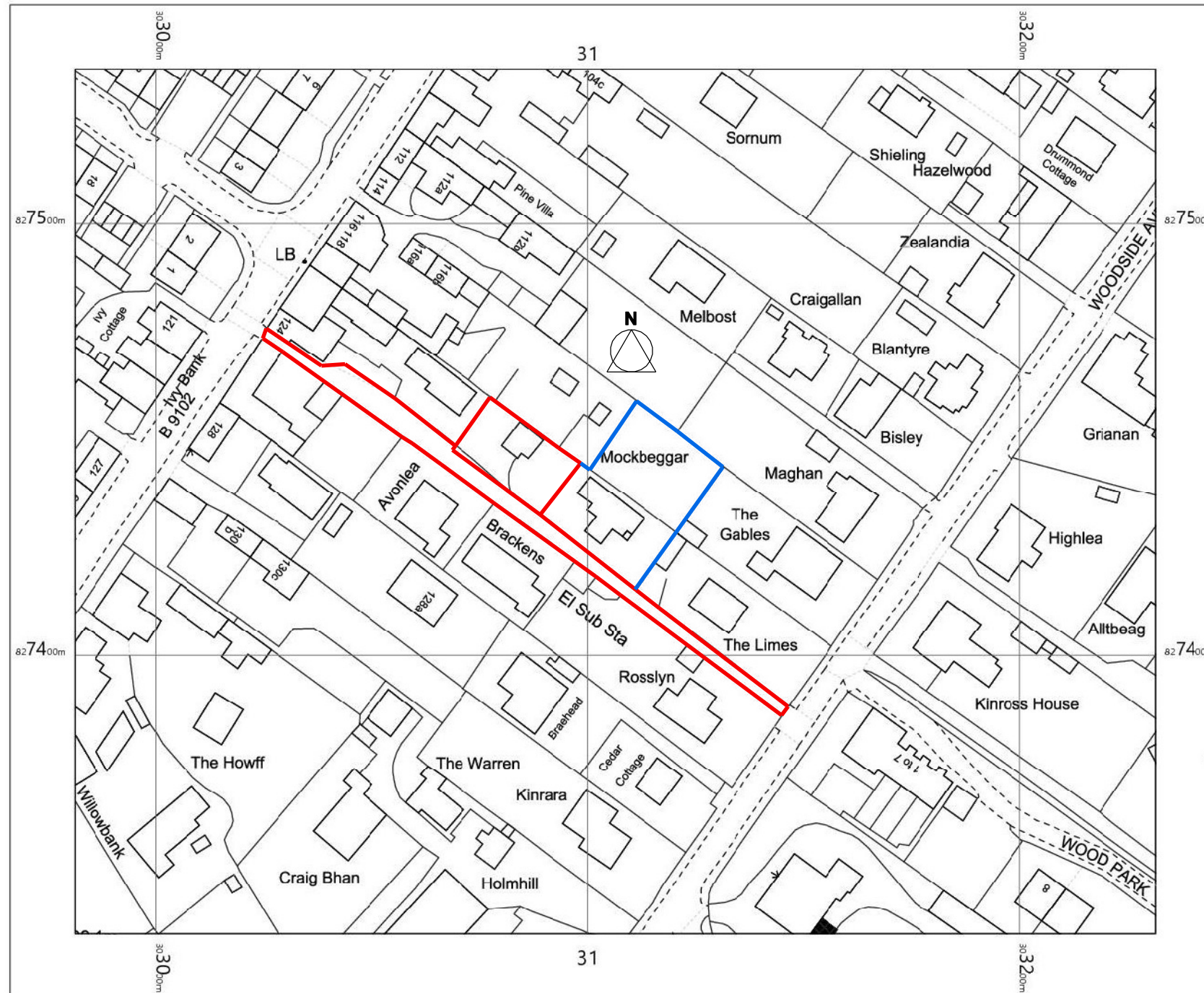
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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.

### **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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Roddy Dowell  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan PL01 Rev A  
Plan 2 - Existing Layout PL02  
Plan 3 - Proposed Site layout Plan PL03 Rev A  
Plan 4 - Existing and Proposed Elevation Plan PL04 Rev A  
Plan 5 - Floor Elevation Plan PL05 Rev A  
Plan 6 - Proposed Elevation Plan PL06 Rev A

### Mockbeggar



A	Boundaries updated, latest OS map used	27.03.19
REV		DATE

1:1250 : PROJECT  
 MOCKBEGGAR  
 WOODSIDE AVENUE  
 GRANTOWN ON SPEY

TITLE  
 LOCATION PLAN

**MATT HAMLETT**  
 ARCHITECTURE + DESIGN

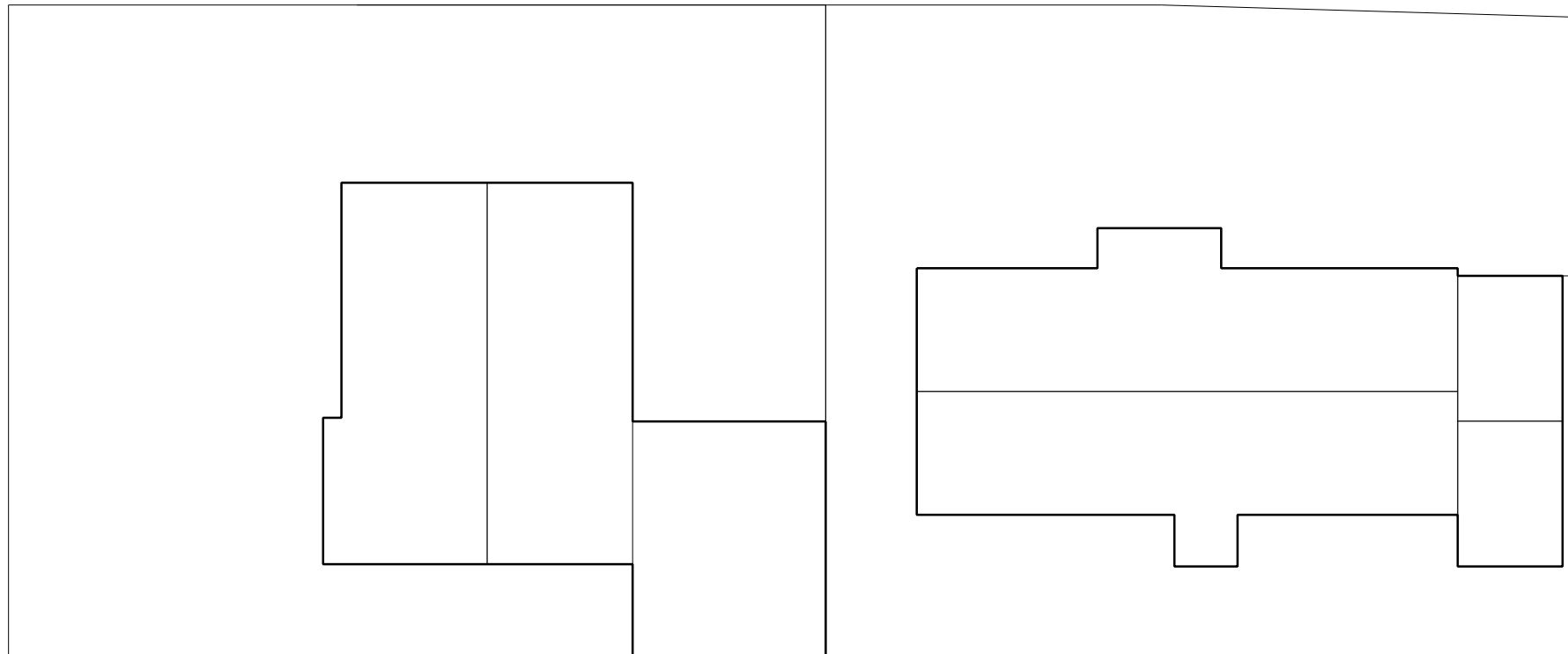
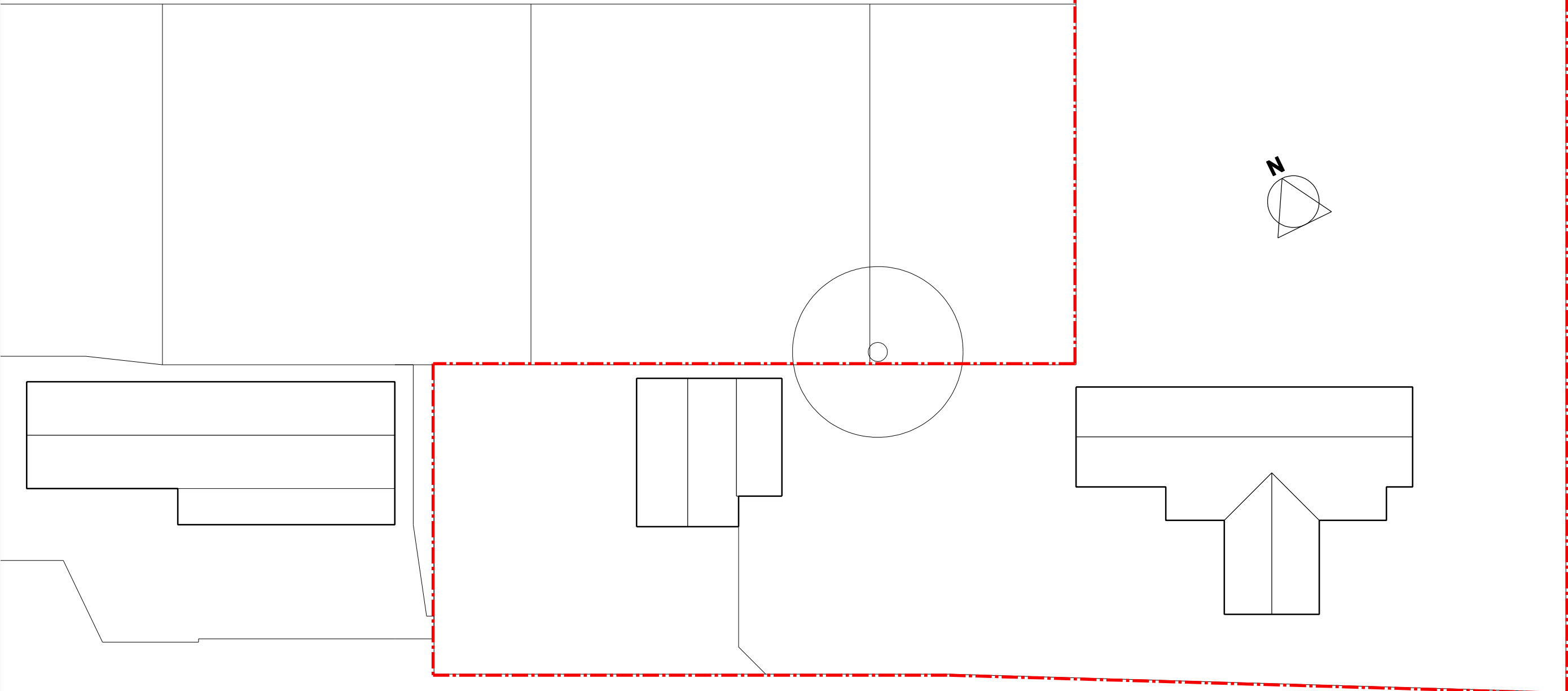
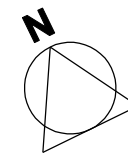
12 JUBILEE PARK  
 PEBBLES EH45 9BF

Tel. 01721 720686  
 Mob. 07704459922  
 E-mail matt@hamlett-architecture.com

SCALE 1:1250 at A3

DATE 27.03.19

SCALE 1:200 



REV	DATE

PROJECT  
MOCKBEGGAR  
WOODSIDE AVENUE  
GRANTOWN ON SPEY

TITLE

EXISTING SITE PLAN

**MATT HAMLETT**  
ARCHITECTURE + DESIGN

12 JUBILEE PARK  
PEEBLES EH45 9BF

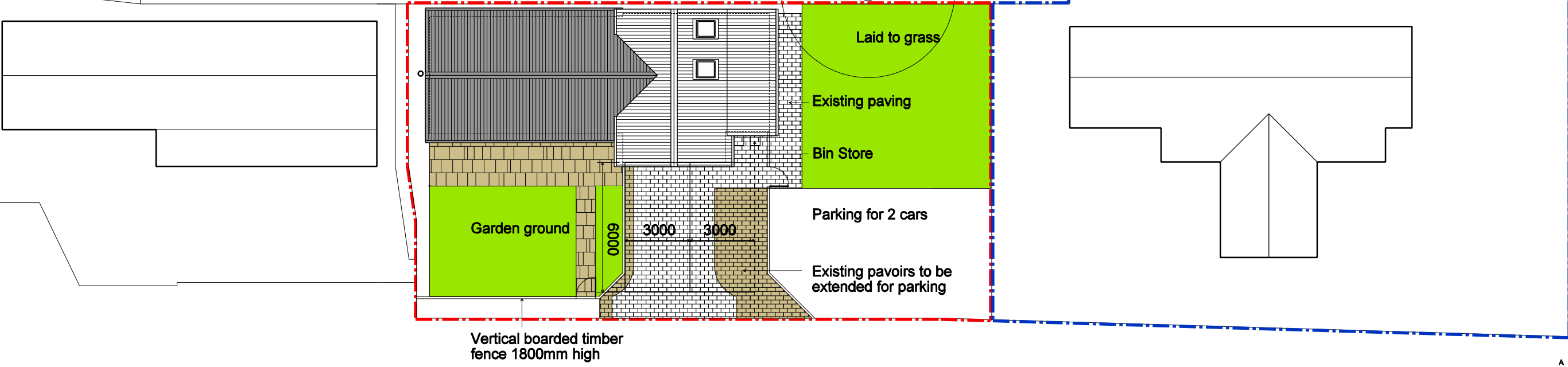
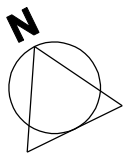
Tel. 01721 720686  
Mob. 07704459922  
E-mail matt@hamlett-architecture.com

SCALE 1:200 at A3

DATE 01.03.17

DRAWING NO. PL02

SCALE 1:200

REV	DATE
A	25.03.19

PROJECT  
MOCKBEGGAR  
WOODSIDE AVENUE  
GRANTOWN ON SPEY

TITLE  
PROPOSED SITE PLAN

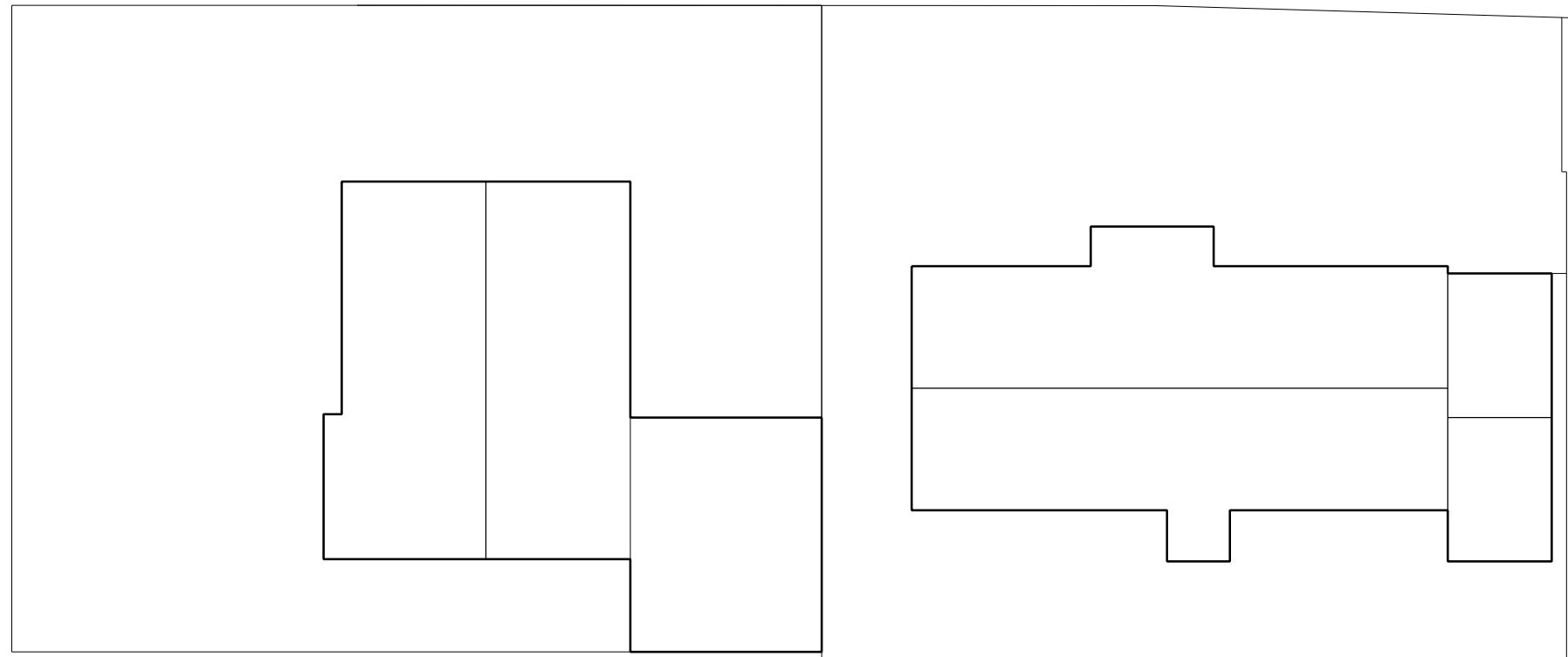
**MATT HAMLETT**  
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SCALE 1:200 at A3  
DATE 01.03.17

DRAWING NO. PL03A





A	Parking and boundary fence amended	25.03.19
REV		DATE

PROJECT  
MOCKBEGGAR  
WOODSIDE AVENUE  
GRANTOWN ON SPEY

TITLE  
EXISTING & PROPOSED  
STREET ELEVATIONS

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SCALE 1:200 at A3

DATE 01.03.17

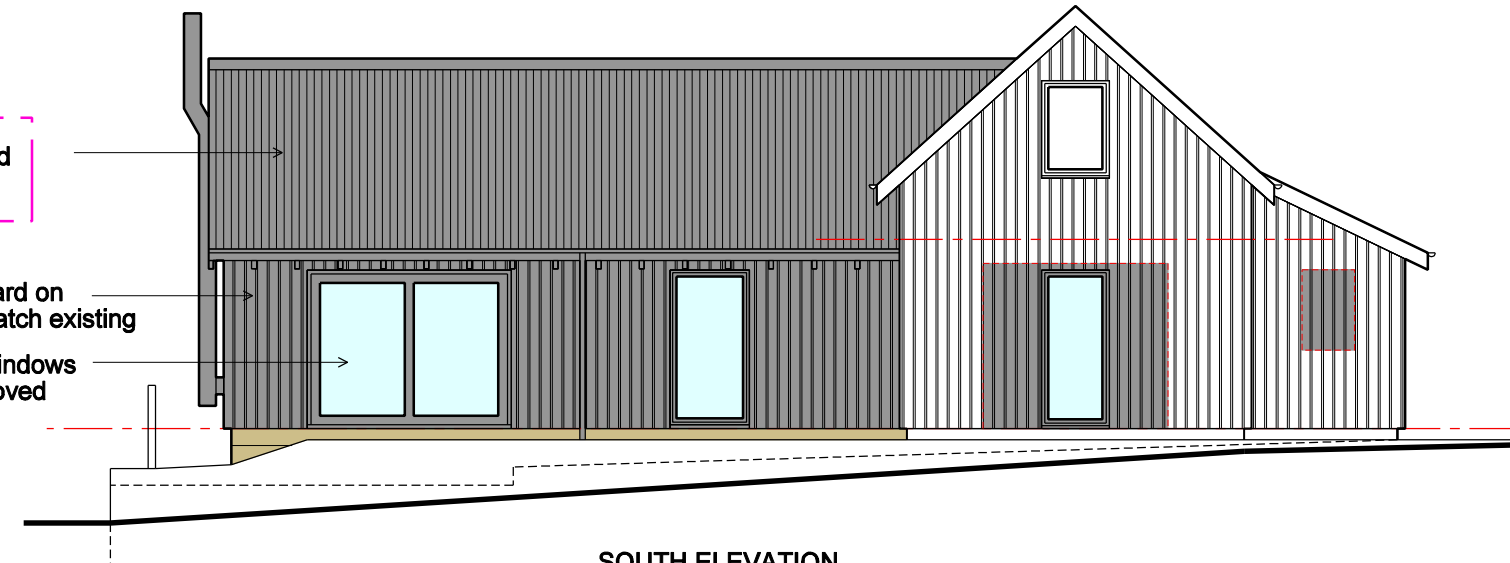
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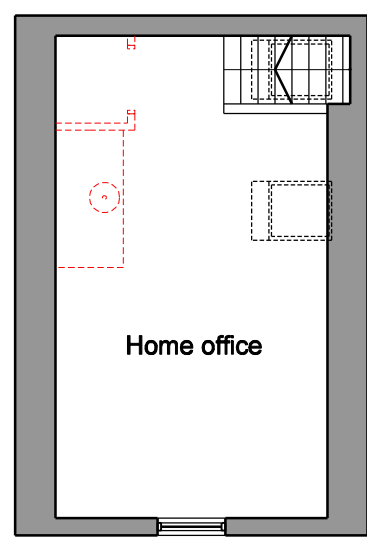
Corrugated roof - profile and colour to match existing

Vertical timber cladding board on board with paint finish to match existing

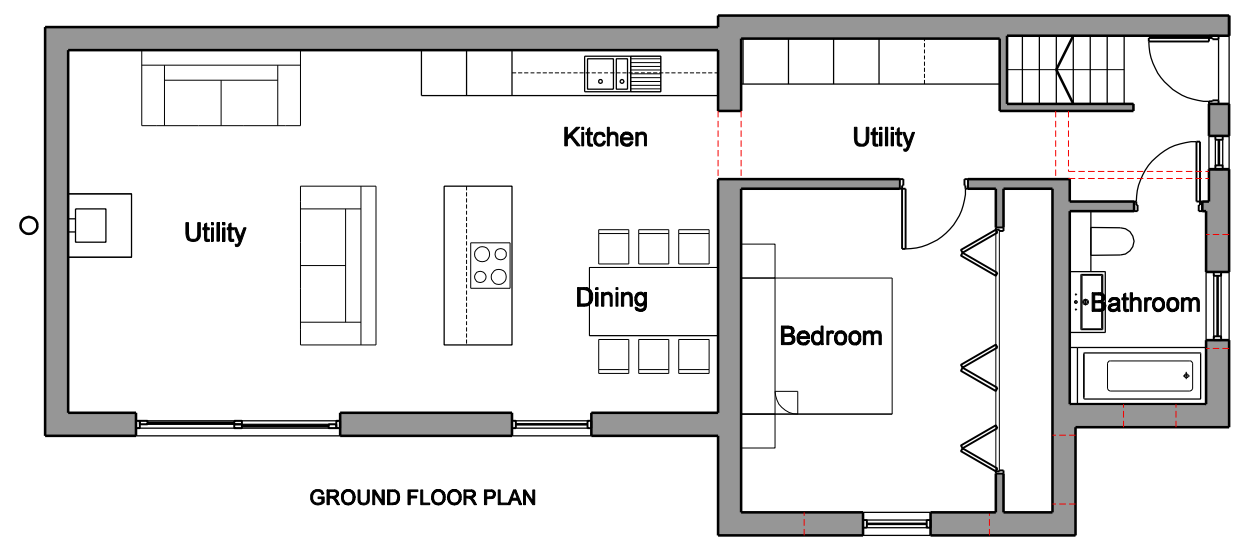
High performance timber windows  
Rational or equal and approved



SOUTH ELEVATION



FIRST FLOOR



GROUND FLOOR PLAN

A	Minor amendment for planning as noted	2.06.19
REV		DATE

PROJECT  
MOCKBEGGAR  
WOODSIDE AVENUE  
GRANTOWN ON SPEY

TITLE  
PROPOSED PLANS &  
SOUTH ELEVATION

**MATT HAMLETT**  
ARCHITECTURE + DESIGN

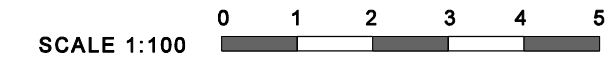
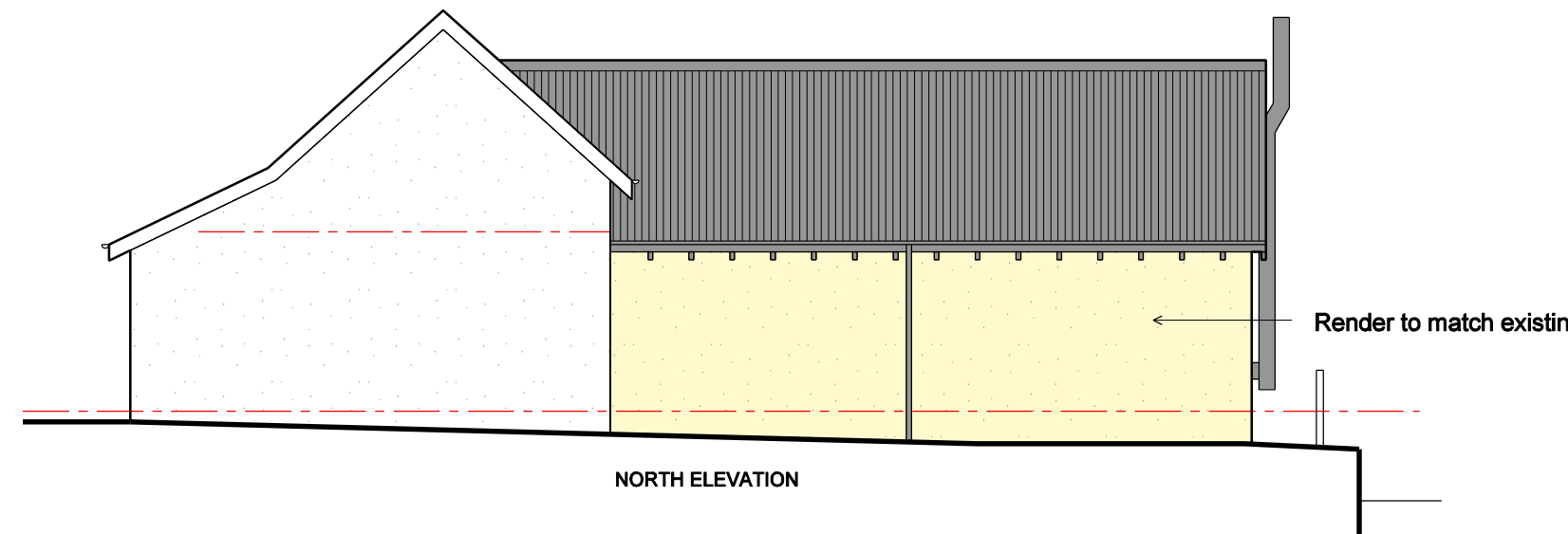
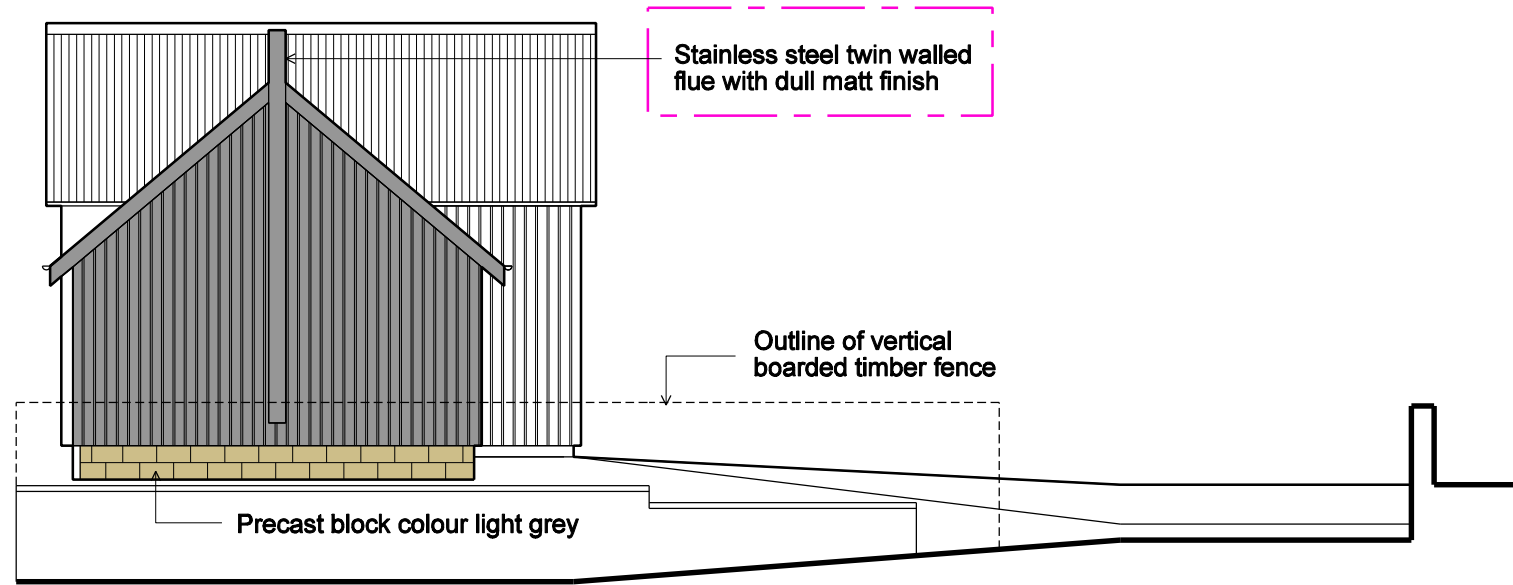
12 JUBILEE PARK  
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SCALE 1:100 at A3

DATE 19.03.19

DRAWING NO. PL05A



A	Minor amendment for planning as noted	2.06.19
REV		DATE

PROJECT  
MOCKBEGGAR  
WOODSIDE AVENUE  
GRANTOWN ON SPEY

TITLE  
PROPOSED ELEVATIONS

**MATT HAMLETT**  
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12 JUBILEE PARK  
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SCALE 1:100 at A3  
DATE 01.04.17