

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
8 April 2014**

Agenda Item	6.11
Report No	PLS/030/14

**14/00536/FUL : Mr N. Baxter  
River Cottage, Station Road, Nethybridge**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description :** Demolition and erection of replacement house

**Recommendation - GRANT**

**Ward :** 21 Badenoch and Strathspey

**Development category :** Local

**Pre-determination hearing :** Not required

**Reason referred to Committee :** Unresolved objection from statutory consultee.

**1. PROPOSED DEVELOPMENT**

- 1.1 Demolition of a dilapidated single storey cottage and its replacement with a 1¾ storey house.
- 1.2 Informal pre-application advice was sought and offered to the effect that notwithstanding the restricted site area a replacement house of a scale and finishes in keeping with the area and addressing any natural heritage and flood risk issues might be acceptable.
- 1.3 The house opens directly onto the narrow footway which lines part of the road. There is no on site parking or vehicle access. The existing cottage is connected to mains water and the public sewer and this arrangement would continue.
- 1.4 No supporting documents have been submitted with the application.
- 1.5 **Variations:** No variations have been made to the application since lodging.

**2. SITE DESCRIPTION**

- 2.1 The site is a wedge shaped area of land confined between the public road (Station Road), at whose level it sits, and the edge of a slope down to the margins of the river.

### **3. PLANNING HISTORY**

- 3.1 BS/1986/262 - Change of use of newsagent's to holiday chalet PP granted 29/9/86  
Rear extension erected as "permitted development"  
12/00922/PREAPP response 21/3/12  
13/03125/FUL - Demolition and erection of replacement house withdrawn before determination

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour. Expiry date 6/3/2014  
Representation deadline : 6/3/2014  
Timeous representations : 0  
Late representations : 0

### **5. CONSULTATIONS**

- 5.1 **Forestry Officer:** No objection.  
5.2 **Historic Environment Team:** No objection. Photographic record requested.\*  
5.3 **TECS - Roads:** No objection.\*  
5.4 **Flood Team:** No objection subject to "no solid boundaries" condition.\*  
5.5 **Community Council:** Objection. Overdevelopment. Would dominate entrance to village. Sympathetic single storey acceptable. On road parking an issue.  
5.6 **CNPA:** No objection.  
5.7 **SEPA:** No objection.\*  
(Note: responses marked \* relate to or follow on from the previous application)

### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

#### **6.1 Highland Structure Plan 2001**

- G1 Conformity with Strategy  
G2 Design for Sustainability

#### **6.2 Cairngorms National Park Local Plan 2010**

- 6 Landscape  
11 Local and Wider Cultural Heritage of the Park  
12 Water Resources  
16 Design Standards for Development

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

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

Not applicable

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

Not applicable

## **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**

SP G2 and LP 20 support the re-use and redevelopment of the site. The existing building on the site was at one time a retail outlet converted in 1986 to a small self-contained dwelling. Although the description in the 1986 permission refers to a "holiday chalet" there are no restrictions on its occupancy. The age and condition of the building are such that replacement is desirable on a number of counts including visual amenity, residential amenity and energy efficiency. What limited value it has as part of the "local and wider cultural heritage of the Park" (LP 11) can be satisfactorily safeguarded by the Historic Environment Team's requirements

The site is within the medium to high flood risk area. The previous application was withdrawn to enable the applicant to satisfy SEPA's concerns regarding flood risk. SEPA subsequently confirmed withdrawal of their previous objection to the development. The proposal would therefore not be contrary to LP 12.

The scale and height of the building are of concern to the Community Council. The site is some way from the "entrance" to the village whether that is defined by existing buildings or the speed limit although it is the first building between the river and that side of the road. Plot ratio is already very high; the provision of the proposed decking will actually provide a modest increase in the amount of usable outdoor amenity space. The elevations plan shows that the ridge height of the building would be only 1.32 metres above the ridge line of the adjacent bungalow. There is a building of similar 1¾ storey form on the other side of Station Road at the junction with the B970 which, because of its deeper plan form, is significantly taller and bulkier than the proposed building would be.

Taking these matters into account the building is not considered to be over dominant or contrary to the design requirements of SP G2, LP 6, LP 16 and LP 20.

#### 8.4 **Material Considerations**

There is a limited degree of traffic congestion in the environs of the site due partly to traffic generated by nearby commercial uses and partly by the width of the road carriageway. However as the existing house relies on on-road parking there would be no change to the existing situation. The road carriageway widens immediately to the west of the building giving ample space for vehicles to park without impeding two way traffic flow.

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

None

#### 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.

### 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	No

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons and notes:

1. No development or work (including site clearance) shall commence until a photographic record has been made of the remains of any buildings and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

**Reason:** in order to protect the historic interest of the site.

2. The replacement dwelling shall have no solid boundary enclosures such as walls or close boarded fences; the deck shall be supported on the minimum number of separate pillars necessary for its stability and safety, and the area below the deck shall at no time be enclosed or infilled by any means.

**Reason:** in order to ensure existing flood flow routes are not affected and flood risk to surrounding property and land is not therefore increased.

## **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 & 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.

### **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.

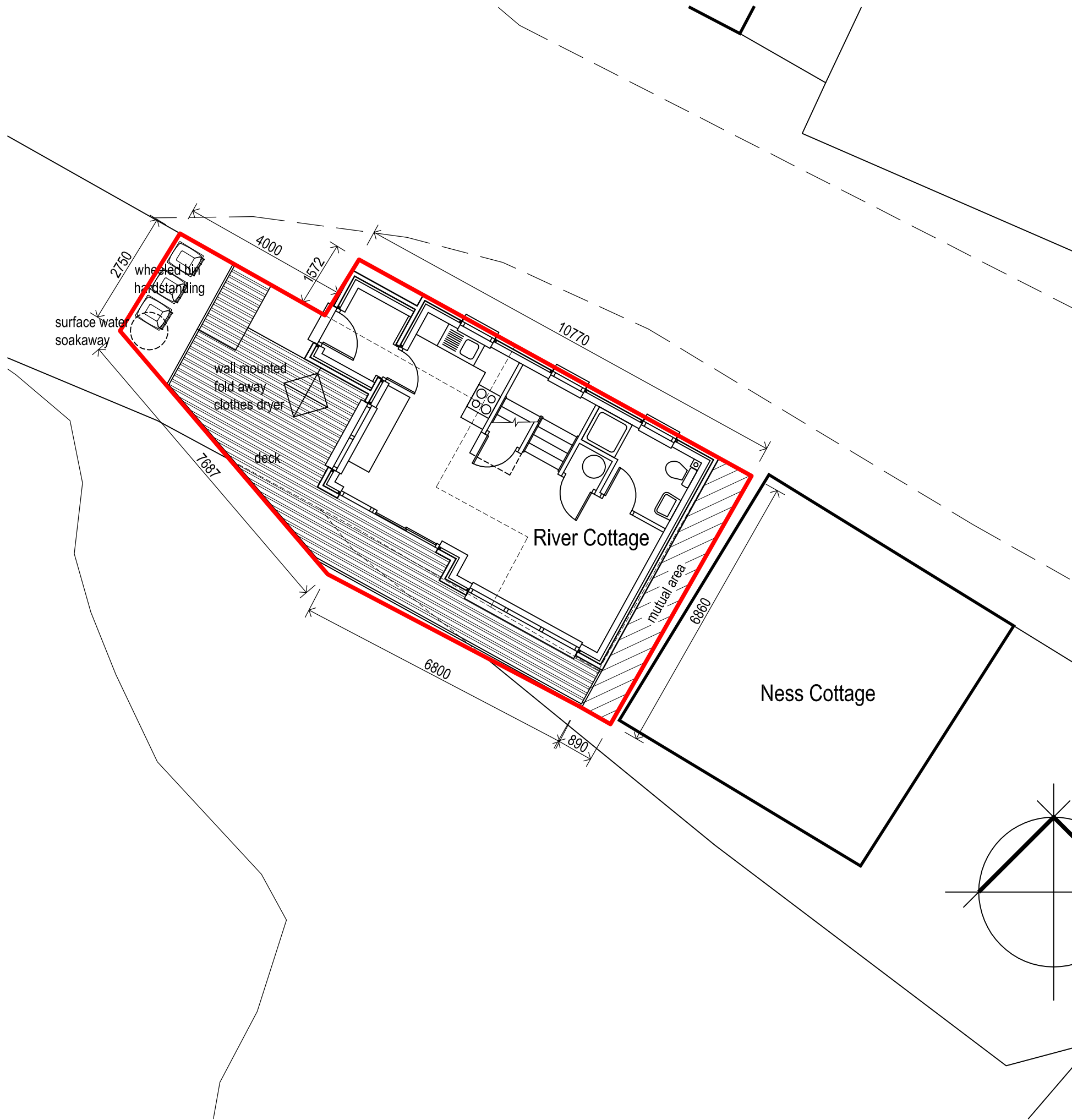
Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

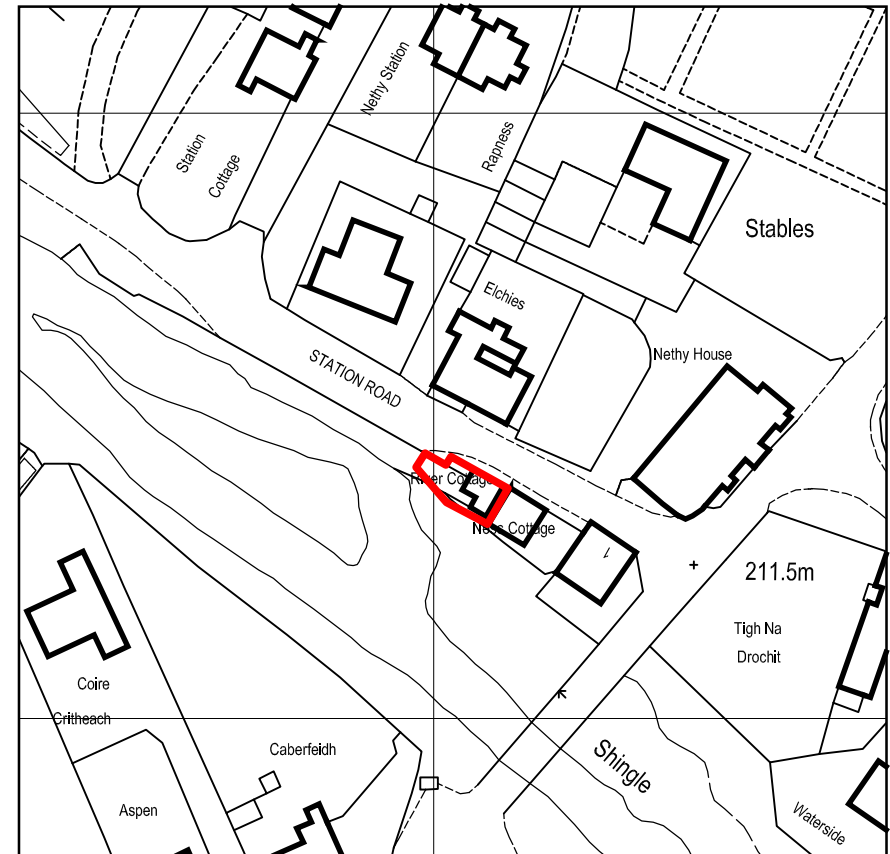
Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: A. McCracken  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – General Plan  
Plan 3 – Elevation Plan



site plan. scale 1:100.



location plan. scale 1:1250.

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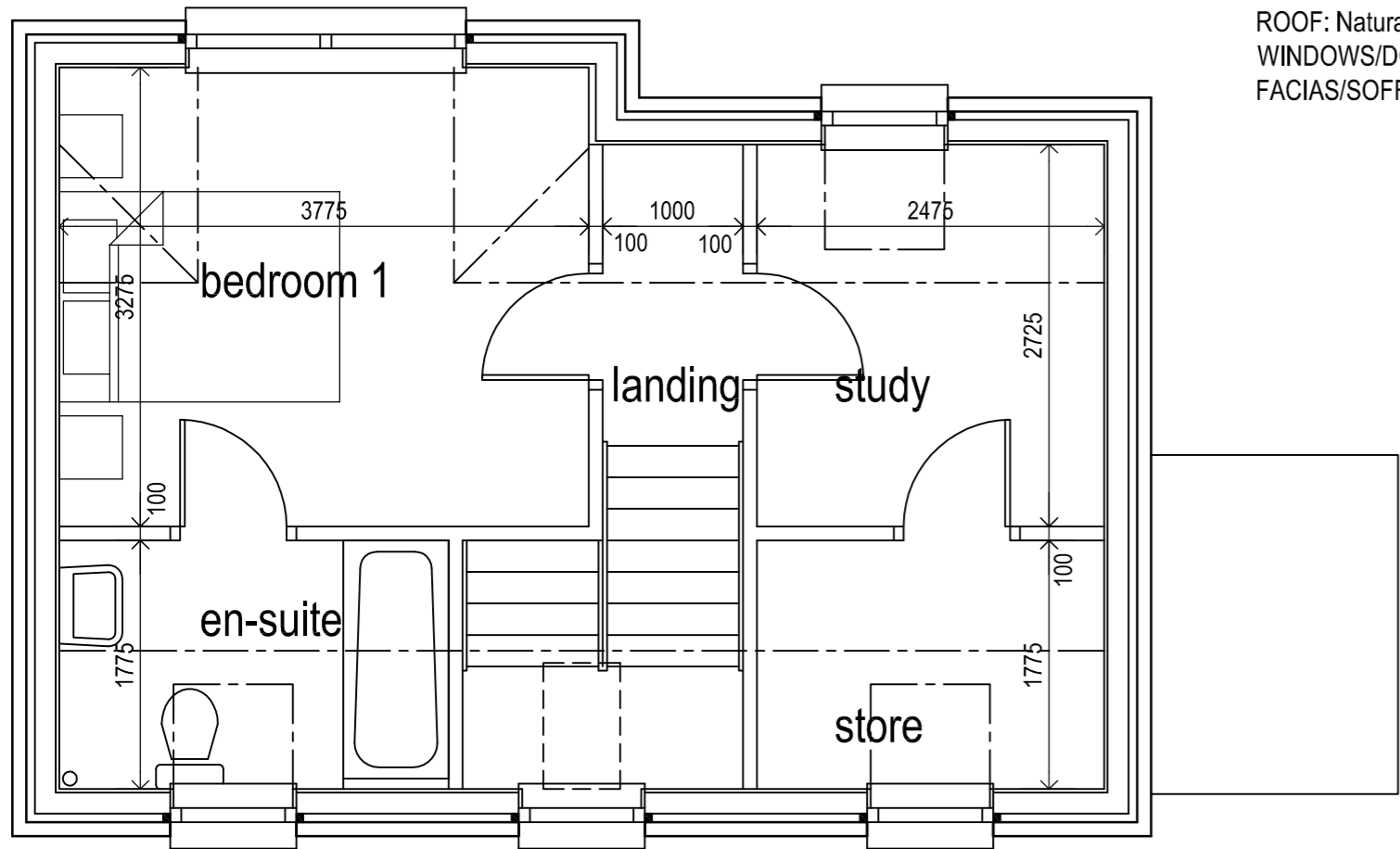
Joiners & Building contractors Tel. (01479) 872818  
Fax (01479) 873052  
110 High Street, Grantown-on-Spey, PH26 3EL

**CLIENT** Mr & Mrs Baxtor.  
**PROJECT** Replacement house.  
**ADDRESS** River Cottage, Station Road, Nethybridge.  
**DRAWING** Site & location plans.  
**JOB NO.** 0512. **DRG. NO.** 01E.  
**SCALE** 1:100, 1:1250. **DATE** February 2012.

**REVISION NO.**

'A'	- Additional land purchased.
'B'	- Client's amendments.
'C'	- Deck added.
'D'	- Client's amendments.
'E'	- Client's amendments.

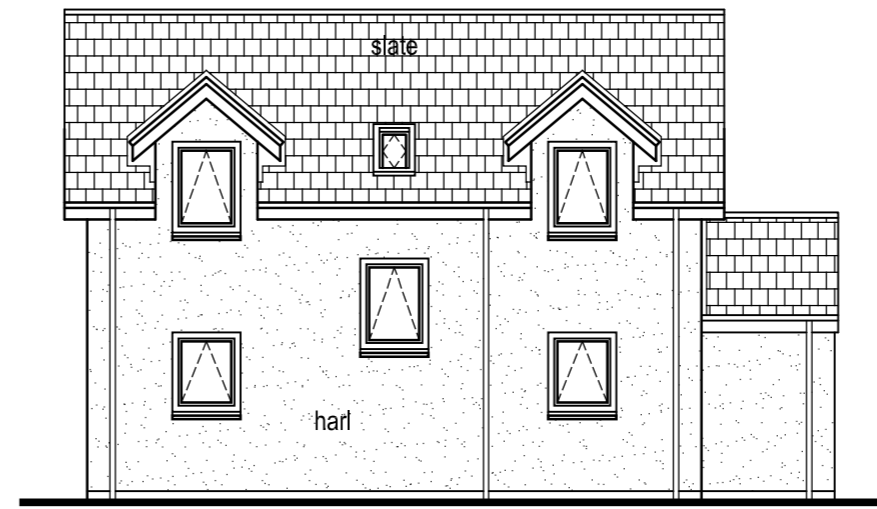
Written dimensions to be taken in all cases.  
Any discrepancies to be reported to the Client/Architect as soon as possible.  
Contractor to check all sizes on site.  
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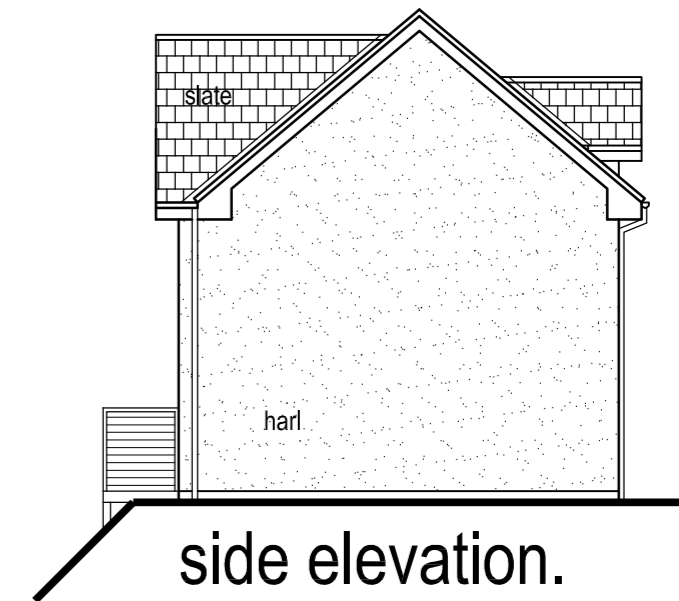
first floor plan.

**EXTERNAL FINISHES:**

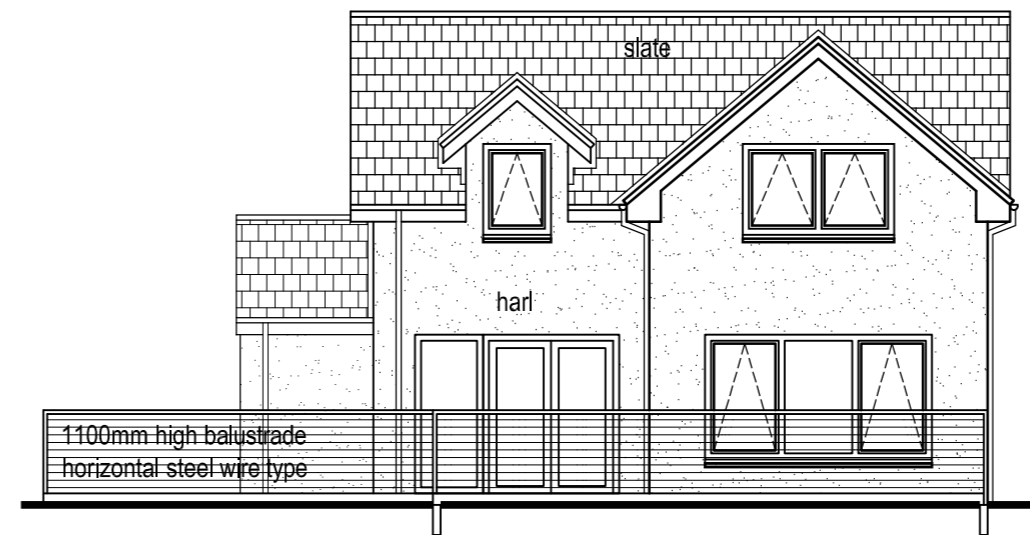
WALLS: Off-white wet harl.  
 ROOF: Natural slate.  
 WINDOWS/DOOR: Wood effect uPVC.  
 FACIAS/SOFFITS: Wood effect uPVC.



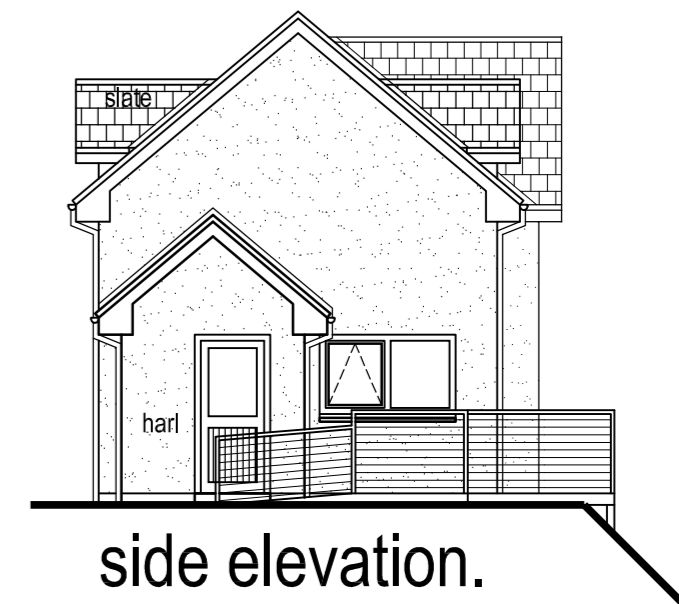
front elevation.



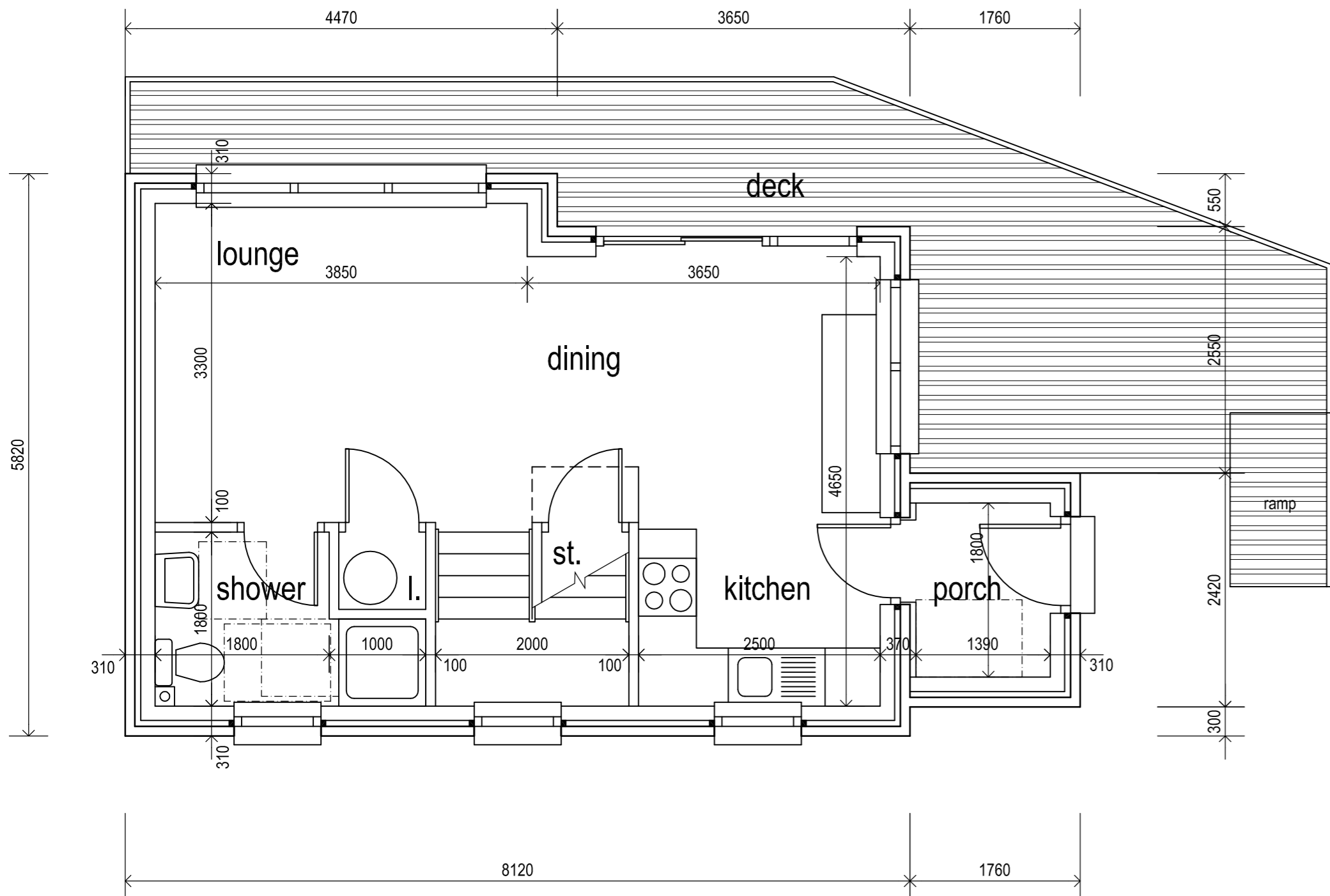
side elevation.



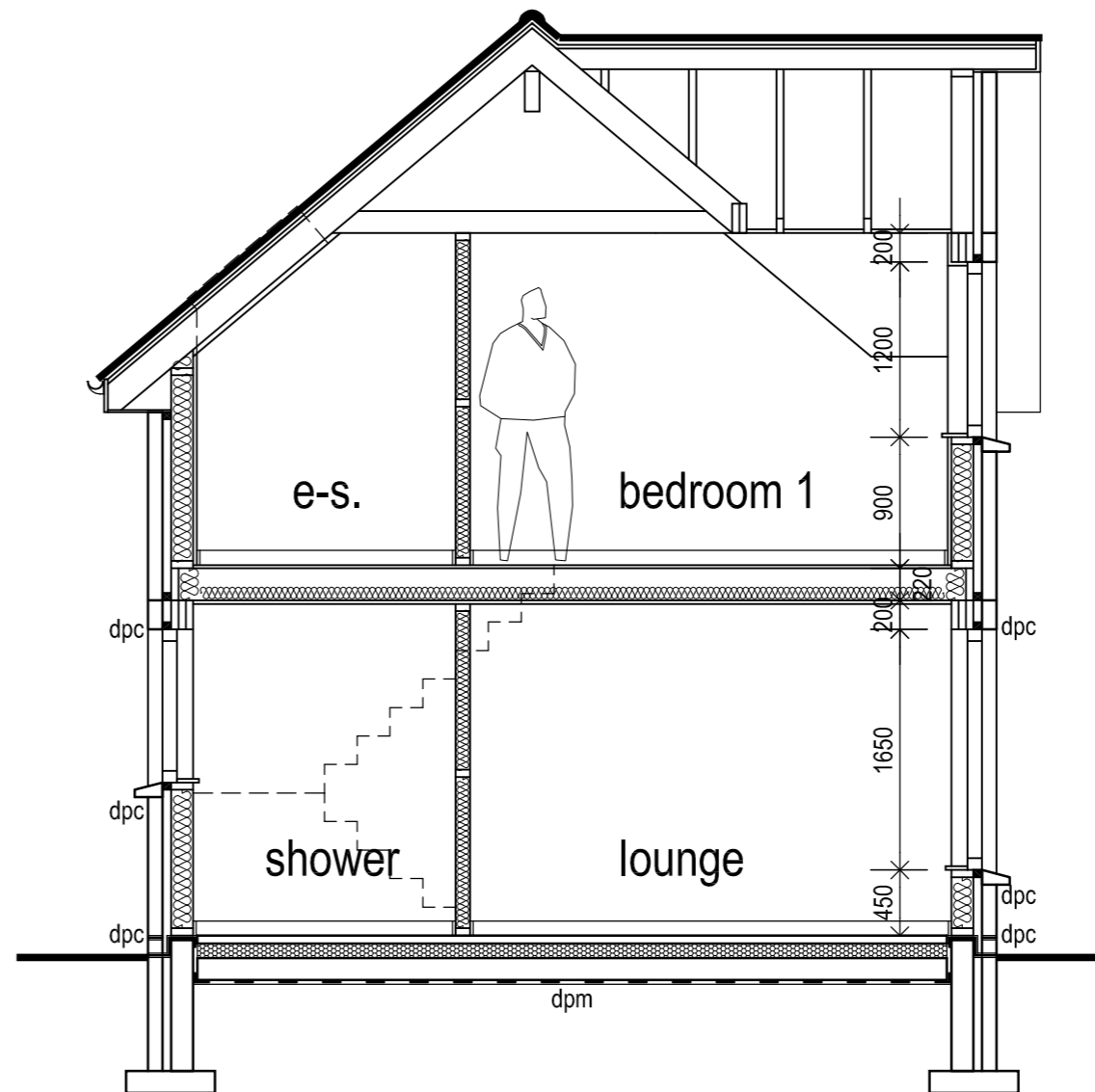
rear elevation.



side elevation.



ground floor plan.



section.

GROUND FLOOR AREA = 39.9m<sup>2</sup>  
 FIRST FLOOR AREA = 36.3m<sup>2</sup>



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 110 High Street, Grantown-on-Spey, PH26 3EL  
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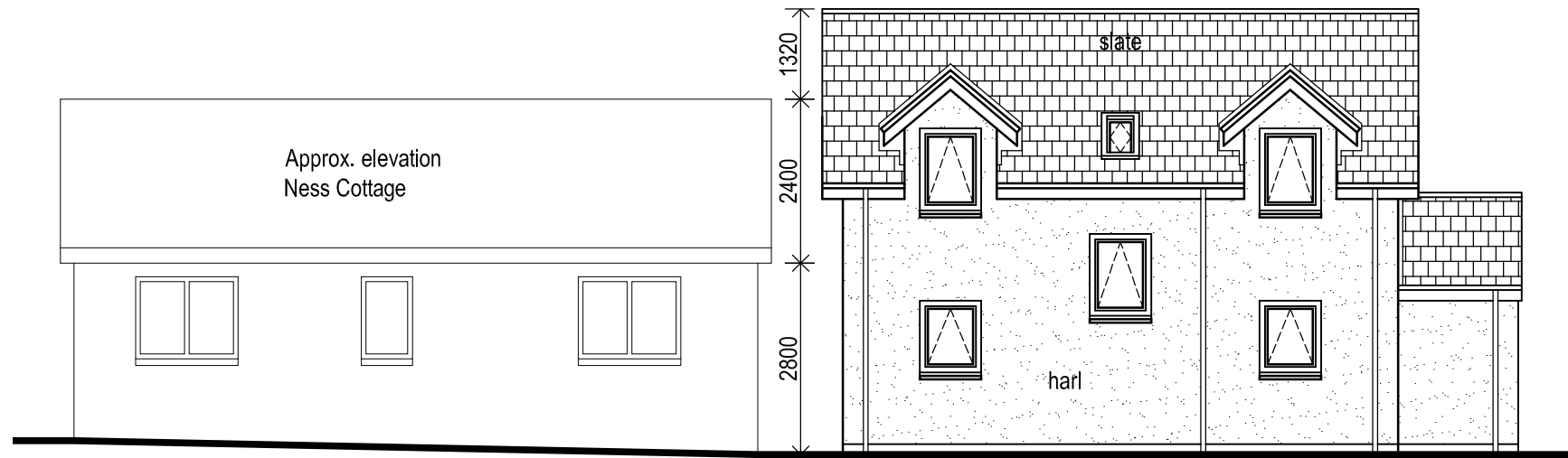
**CLIENT** Mr & Mrs Baxtor.  
**PROJECT** Replacement house.  
**ADDRESS** River Cottage, Station Road, Nethybridge.  
**DRAWING** Plans, section & elevations.  
**JOB NO.** 0512. **DRG. NO.** 02F.  
**SCALE** 1:50, 1:100. **DATE** February 2013.

**REVISION NO.**

'A'	Client's amendments.
'B'	Deck added.
'C'	Client's amendments.
'D'	Revised scheme.
'E'	Client's amendments.
'F'	Client's amendments.

Written dimensions to be taken in all cases.  
 Any discrepancies to be reported to the Client/Architect as soon as possible.  
 Contractor to check all sizes on site.  
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street elevation.



river elevation.



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

**CLIENT** Mr & Mrs Baxtor.  
**PROJECT** Replacement house.  
**ADDRESS** River Cottage, Station Road, Nethybridge.  
**DRAWING** Street & river elevations.  
**JOB NO.** 0512. **DRG. NO.** 03.  
**SCALE** 1:100. **DATE** January 2014.

**REVISION NO.**

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Written dimensions to be taken in all cases.  
 Any discrepancies to be reported to the Client/Architect as soon as possible.  
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