THE HIGHLAND COUNCIL	Agenda Item	5.8
NORTH AREA PLANNING APPLICATIONS COMMITTEE 18 October 2016	Report No	PLN/057/16

16/03028/FUL and 16/03051/LBC: Urbis Limited Land between The Manse and Old Church Court, Innes Street, Plockton

Report by Area Planning Manager

SUMMARY

Description :

(1) Erection of house (16/03028/FUL)

(2) Create a pedestrian opening in the existing garden wall to Innes Street and increase the existing opening in a garden wall to Bank Street to allow vehicles (**16/03051/LBC**)

Recommendation - APPROVE

Ward: 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : Number of objections.

1. PROPOSED DEVELOPMENT

1.1 This application seeks full planning permission for the erection of a one and a half storey dwelling and attached two-storey office-workshop annex. The proposal is of a contemporary design contrasting strongly with the traditional appearance of the older surrounding buildings. It is to be placed on land between the old Free Church building to the north-east and the old Manse to the south-west. Both of these buildings are now in private residential use (the Free Church as flats) and the application site between has been rented to them as garden land in recent years.

The new building is set-back from the neighbouring building line and the frontage of Innes Street, which is the main route into the village and the conservation area and is marked by a large number of fine old buildings many of which are listed.

Access is to be taken off a small road to the rear (seaward side) of the site – Bank Street.

The listed building application seeks related consent to carry out works to the listed boundary stone walls of the site to form the improved vehicular access to the rear and a pedestrian access from Innes Street to the front.

- 1.2 The development of this land has not been the subject of formal pre-application advice although some discussion took place with the authority seeking clarification in respect of the reasons for refusal and withdrawal of the previous applications on the site 15/03703/FUL and 13/03736/FUL.
- 1.3 The application indicates that connection will be made to the public drainage network. Access from Bank Street will be based on the improvement of an existing access to the land.
- 1.4 The application is accompanied by a Design Statement, an Arboricultural Report, Tree Protection and Tree Constraints Plans and a set of visual information relating to overshadowing. These explain the design rationale behind the proposal of which the main points are;
 - the design proposal is based upon a 'back to first principles' assessment of the site characteristics and constraints
 - it also responds to the planning history of the site.
 - main considerations are respecting the existing gap in the built frontage, allowing continued views of the listed building gables and avoiding overshadowing of 5 Church Court
 - also avoiding unnecessary loss of trees in the conservation area
 - utilising lightweight materials seen elsewhere in the village to produce a modern sustainable construction with traditional scale and proportions
- 1.5 **Variations**: Further information submitted in respect of street frontage visualisations and overshadowing visualisations

2. SITE DESCRIPTION

2.1 The site appears as a prominent gap within a street scene made up of traditional two and two and a half storey buildings as well as the converted twin-gabled Free Church building now known as Old Church Court which sits to the north-east of the site and overlooks it with two tall arched windows. On the facing southern side of the site, the old manse has a one and a half storey element and extension stretching some two-thirds of the way back down this side of the site. Consent exists for the sub-division of the old manse into two dwellings.

On the opposite side of the street The Haven Hotel is another two and a half storey building with stone elevations and dormer windows.

The site is surrounded on three sides by a 1.5m stone wall. Three small but mature trees are positioned down the boundary with Old Church Court and a further four small trees run down the boundary with the old manse.

3. PLANNING HISTORY

3.1 13/03736/FUL - Erection of a 2 1/2 storey building, divided into 2 flats – Refused 14 July 2014

13/03737/LBC - Form opening in wall, re-align wall adjacent to proposed improved vehicle access from Bank Street in conjunction with planning application

15/03703/FUL – Erection of house – Withdrawn 12 August 2016

16/00952/LBC - Create a pedestrian gate in the listed stone wall on the Innes Street boundary of the site and create a vehicular access in the stone wall on the Bank Street boundary of the site – Withdrawn 12 August 2016

3.2 **Related Applications**

The Old Manse (next door site)

15/02599/FUL - Alterations to sub-divide into two housing units; erection of outbuilding, installation of oil tank and formation of car parking area to rear – Approved 13 October 2015

15/02699/LBC - Alterations to sub-divide into two housing units; erection of outbuilding, installation of oil tank and formation of car parking area to rear, with alterations to the rear boundary – Approved 13 October 2015

4. PUBLIC PARTICIPATION

4.1 Advertised : 16/03028/FUL - Affecting the setting of a listed building – 15.08.2016 Representation deadline : 18 September 2016 – following re-notification

Timeous representations : 51 from 32 households

Late representations : 2 from 2 households

Advertised : 16/03051/LBC – Listed Building – 20.07.2016

Representation deadline : 29 August 2016 (site notice expiry)

Timeous representations : 6 from 4 household

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:
 - Plockton Free Church (now Old Church Court) and the Manse were both designed by Alexander Ross as were a number of other Plockton buildings. The land between them was deliberately left open and should be kept that way in the interests of the character of the conservation area.
 - The previous reasons for refusal have not been overcome. The proposal still removes the historic relationship between the former church and the former manse.
 - The proposed building will still obscure winter light from the rearmost large arched window in the south-western elevation of Old Church Court. The visualisations do not show the mid-winter situation. The workshop element will overshadow the rear of Church Court
 - The workshop window will result in a loss of privacy to 5 Church Court
 - Character of Innes Street would be lost sense of openness and visual link to Bank St, the loch and the hills beyond.
 - Will exacerbate parking problems in the village
 - New building is too large for the site
 - Traffic impact on Bank Street will be detrimental to road safety as will increased demand for parking on the street
 - The new building will be out of character with the rest of the village and the existing street scene

- The building fails to match the vernacular and the use of timber cladding and a modern design is detrimental to the character of the conservation area and the setting of the listed buildings
- No justification for the loss of the Chestnut tree
- Still fails the 25° and 45° test in terms of obstruction of light to ground and first floor rooms of Flat 5 Old Church Court.
- Rear balcony will cause a loss of privacy to the garden of the old manse
- Does not meet the requirements of local and national heritage management legislation
- 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. Access to computers can be made available via Planning and Development Service offices.
- 5. **CONSULTATIONS** (for both applications)
- 5.1 **Transport Planning Team** : No objection
- 5.2 **Historic Environment Team** : Objection the set-back from the street frontage and the gable-end orientation both depart from the character of the conservation area. Unlikely to preserve or enhance the CA
- 5.3 Building Standards : No objection
- 5.4 **Forestry Officer** : No objection recommended condition
- 5.5 Access Officer : No objection
- 5.6 **Scottish Water :** No objection
- 5.7 **Historic Environment Scotland :** No objection to listed building application

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 and Place-making
- Policy 34 Settlement Development Areas
- Policy 51 Trees and Development
- Policy 57 Natural, Built and Cultural Heritage
- Policy 65 Waste Water Treatment
- Policy 66 Surface Water Drainage

6.2 West Highland and Islands Local Plan 2010

Policy 2 In respect of settlement development areas and land allocations

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

n/a

7.2 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy – January 2013 Special Landscape Area Citations (June 2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

7.4 Other

Historic Scotland guidance (various)

Highland Historic Environment Strategy

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The property falls within the Settlement Development Area for Plockton and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within the Plockton Conservation Area and the Kyle-Plockton Special Landscape Area in respect of which Policy 57.1 states that developments will be supported where they can be shown not to have an unacceptable impact upon the identified protected amenity and heritage resource.

Policy 51 states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites.

Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

Sections 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, "In considering whether to grant listed building consent for any works, the planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that,

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority..... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that,

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.".

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

8.4 Material Considerations

Planning History – in essence, this planning application seeks to overcome the reasons for refusal of the previous application determined by committee - 13/03736/FUL for a 2½ storey dwelling of traditional appearance and positioned on the Innes Street frontage. In summary, these were;

- 1. unacceptable loss of light to the living space and thereby amenity of 5 Church Court
- 2. harm to the character of the conservation area due to the removal of the historic relationship between the former church and the former manse.

However, the planning history is complicated by an intervening, subsequently withdrawn application 15/03703/FUL. This application also proposed a dwelling on the Innes Street frontage although much smaller at 1½ storeys – in order to address the overshadowing reason for refusal. However, in order to achieve a building standards compliant internal living space design, the building was of a more modern appearance than the previous application. The historic environment team highlighted concerns partly on the grounds of appearance but equally because this smaller house design looked overwhelmed by the scale of the former manse on one side and the former church on the other.

The design statement for the current application makes clear that both these previous unsuccessful applications have been taken into account in the design and siting of the present proposal. It states that;

- 1. the building is set back from the Innes Street frontage to;
 - a. minimise any loss of sunlight to the gable end windows of the former church
 - b. to allow the historically significant and prominent gable-end elevations of both the church and the manse to continue to be seen in views along Innes Street
 - c. to preserve an element of open garden land between the church and the manse at the Innes Street frontage in recognition of their historic linkage
- 2. the building is set gable-end on to the Innes Street frontage to emphasise its set-back position, minimise any visual competition with the historic church and manse and minimise its overall scale and massing from the Innes Street perspective but retains sufficient physical presence to avoid appearing 'lost' between its neighbours
- 3. the building is of contemporary design and materials in keeping with its nonconforming siting and orientation.

The Historic Environment Team's Objection – for an application of this nature, such an objection must be given significant weight in arriving at a recommendation and it is noted that the team did not object to the previously refused scheme.

Consistent with that previous advice, the team do not consider that there is anything intrinsically undevelopable about the site as a result of its heritage value. This argument is examined in more detail below.

Equally, the team do not consider that the introduction of contemporary design and materials into the conservation area harm its character stating that,

"...The design and use of materials clearly distinguish the building as a modern development, it avoids pastiche, presents a fairly lightweight structure and is broadly acceptable..."

However, they are significantly concerned about the siting and orientation of the building because set-back, gable frontage buildings are not a feature of the established settlement pattern, grain and building line of the conservation area. As such the team believes the proposal would not preserve or enhance the conservation area.

Notwithstanding this objection the application is presented to committee with a recommendation for approval because it is considered that considerable weight must also been given to the evidence derived from the planning history of the site concerning the identified design constraints and the options thus available.

These arguments are examined in more detail below.

Impact upon the setting of the listed buildings – section 59 of the Listed Building Act places a duty on the authority to take into the account the affect of a planning proposal on the setting and historic interest of any listed building.

In this case and in the case of the previous two applications, the argument put forward by a number of objectors is that the site, by virtue of its historic linkage to both the former church and the former manse and the open space it creates, plays a fundamental part in the setting of those buildings and their special architectural or historic interest. As stated previously, when the church and manse were both in ecclesiastical use this land provided a physical confirmation of the linkage between the two and had some significance in that context. It would have been unlikely that consent for its redevelopment would have been granted in these historic circumstances.

However, as was explained by the former conservation officer at the time when the previous application was presented to committee, it is considered that the use of this land and its relationship with the historic buildings has evolved and changed over the last two decades and no longer reads as being a part of either the flats of the converted church or the residential dwelling of the old manse – which now has permission to be sub-divided into two dwellings.

As quoted above, the heritage management team do not consider that the contemporary design and materials of the proposal harm the setting of its listed neighbours. Indeed, both the church conversion and the rear extension of the manse exhibit modern contemporary additions to these historic buildings.

It is also considered that the set-back position and gable-end orientation of the proposal building exhibits important advantages over the previously refused scheme in respect of its impact on the setting of the neighbouring listed buildings. This is because, the combined effect of these design features is that the current proposal occupies less of the space between the church and manse when seen from the Innes Street frontage – there is more separation between the buildings and an impression of more space.

This is further emphasised when the site is viewed at an angle from along Innes Street in either direction. The submitted visualisations indicate that the gable-end of the proposal soon disappears from view leaving the church or manse gable ends in uninterrupted view as they currently exist.

Impact on the character/appearance of the conservation area – section 64 of the Act places a duty on the authority to pay special attention to preserving or enhancing the character or appearance of the conservation area.

As previously identified, much of the analysis above, in respect of the setting of the surrounding listed buildings, applies equally to the conservation area because so much of its character derives from those same buildings.

However, in terms of the intrinsic quality of the open space and its contribution to the conservation area character it is worth quoting from the advice provided by the historic environment team at the time of the previously refused application,

"...in terms of the layout, pattern of built form and streets I do not consider this open space to be a crucial element of the character and appearance of the conservation area. As well it's historic buildings Plockton is defined by the surrounding landscape and water front location and the clear building lines along Innes Street draw visitors along Innes Street to Harbour Street and the pier. The open site does allow for glimpses to the surrounding hills and landscape and the proposed development will divide this but will still allow for glimpses out to the wider landscape between the buildings as is the case along the length of the street...". This analysis is considered to be just as relevant to the current application – perhaps more so given the reduction in the degree to which this proposal obstructs views through the site and past the new building.

However, this does not address the current objection from the historic environment team on the siting and orientation of the proposed building. The applicant has submitted some supporting information providing examples of other buildings with the conservation area which are in set-back positions and some with a gable-end orientation to the road frontage. This is accepted but, equally, it is recognised that the proposal is in strong contrast to the very clear road frontage settlement pattern in this immediate vicinity on both sides of Innes Street.

Notwithstanding this, unless it is to be concluded that this land cannot accept any development – which would be inconsistent with previous advice from planning officers – it is considered that the siting and orientation of the building is a positive design response to the constraints identified through the previous planning applications and will not actually harm the character of the conservation area. As such it can be concluded that the proposal at least preserves its qualities. The views of the HET are acknowledged but it is considered that the introduction of modern architectural forms into historic built environments often results in an enhancement of the area through the interaction of the contrasting architectural forms. Whether that will be the result in this case is a matter of subjective judgement. The case officer believes it will.

Architectural Design and Finish of the Proposal - As quoted above, the historic environment team have concluded that the proposed building is, in itself, of an acceptable form for this conservation area setting where a high quality of architectural design and finish is required whether the proposal is of a contemporary or traditional style.

Critical in this positive assessment are the proportions chosen for the main house and the workshop. These exhibit the narrow gable width, rectangular floor plan and steep roof pitches associated with traditional buildings.

The contemporary nature of the design is exhibited in its window design which features a mixture of horizontally orientated (or square) windows with more traditional vertically orientated openings. More significantly, the palette of external materials – oiled larch under sinusoidal roof sheets – will have an overtly contemporary appearance whilst still allowing the building a 'lightweight' visual impact.

In terms of the use of timber, it is noted that the main house will feature horizontally laid boards oiled to a pale grey colour, whilst the workshop annex will be clad in vertical boards oiled to a dark grey colour. When viewed from Innes Street, it is considered that this will successfully emphasise the gable end of the main house relative to the more set-back workshop – supporting the correct 'hierarchy' that exists between them.

As stated above, when viewed from the rear of the former church in Bank Street, the workshop reads as a two storey building and this darker colouring will help to reduce its scale and massing in that specific street scene context.

Impact on the listed fabric of the boundary walls – section 14 of the Act imposes a duty on the authority to take into account the special architectural or historic interest of a building or structure made the subject of a listed building application.

In this case, the listed building application relates to the openings being made in the listed boundary wall of the site – a small gated pedestrian access from Innes Street and a widening of the existing access onto Bank Street. An existing gap in the wall in the south-east corner of the site will be infilled to match existing.

As with the previous application which featured similar proposals, in terms of the final form of these listed building works, it is considered that they are acceptable and do not harm the historic interest of the walls – they remain boundary enclosures to this land. The critical issue will be the quality of workmanship employed to carry out the demolition and construction involved. In the light of this a condition is recommended requiring a method statement to be agreed prior to these works being carried out.

Trees in the conservation area – the application has been submitted with an Arboricultural Report analysing the nine trees in the immediate vicinity of the proposal. It concludes that all but one of the trees should be retained because they either provide a valuable contribution to the conservation area qualities and/or provide useful screening and context for the new building.

The report recommends the removal of one tree – a Red Horse Chestnut adjacent to the rear gable of the former church – some works to other trees and includes a tree and root protection plan for the course of the development.

The council's Forestry Officer has been consulted on the report and has no objections to its content and conclusions. He recommends a condition that will require supervision of the tree protection measures during the course of development by a qualified person.

The report also suggests that a replacement tree for the one to be removed is a practical proposition and a condition is recommended to require details of this to be submitted, agreed and implemented.

Neighbour amenity – for the reasons given above it is not considered that the proposal will represent overbearing, out-of-scale development in respect of its neighbours or the hotel on the opposite side of Innes Street.

However, the occupants of the former manse have raised a specific issue of overlooking and the occupants of 5 Old Church Court on the other side of the site remain unconvinced that the overshadowing issue previously identified and referenced in reasons for refusal has been fully overcome.

In respect of the overlooking of the manse, the focus of concern is the first floor balcony on the rear elevation of the main building. There is a suggestion that this will allow overlooking of the garden area of the former manse resulting in a loss of amenity.

However, it is noted that this element of the proposal is actually a little further to the south-east than the end of the rear extension of the neighbouring property. To that extent, views from the balcony will be limited to the rearmost element of the manse

garden currently consisting of a parking area, a shed and some lawn. However the existing manse will still retain extensive areas of private amenity land which are unaffected by this balcony issue.

Furthermore, should the extant permission for the sub-division of the manse be implemented, the approved plans for that scheme show that the overlooked area would consist of further parking and a new shed building with the better quality garden areas still protected from overlooking from the balcony.

It is noted that the proposal includes a scheme for the boundary between the new property and the manse. This features the creation of a timber and wire structure running the full length of the boundary to facilitate the growth of an ivy 'hedge' of sufficient height to ensure privacy. Such a feature will grow much more rapidly than a traditional hedge and have a superior final form to a timber fence. In its central section adjacent to patio doors and a decking area a more substantial elongated timber structure will provide both the screening of a low fence and a seating area for the new property.

Overshadowing - In respect of overshadowing and the loss of light to the gable end windows of the former church – as identified in the previous reasons for refusal – it is considered self-evident that the new siting and orientation of this proposal will largely resolve this issue in respect of the large arched window closest to Innes Street and the small ground floor bedroom it serves. This was the main concern of committee following their site visit for the previously refused application.

In terms of the other gable end window and the wider loss of light considerations the applicant has submitted further information showing computer generated images of the extent of existing and proposed overshadowing in mid-March, mid-June and mid-September. The submission also includes a drawing illustrating that the main building ridge height falls below a 25° line drawn from the neighbouring elevation – 'the 25° rule of thumb".

These images appear to clearly demonstrate that between March and September the new development will not result in any significant loss of light to the ground or first floor windows of the former church. Images for the winter months have not been supplied but it can be extrapolated that by the time the new building interrupts the low winter afternoon sun the taller manse building will already be throwing a shadow across the gable-end elevation of the former church and so the current situation will not be materially worsened by the proposal.

The neighbours have pointed out that the new workshop building will overshadow the rear area of Old Church Court – a grassed parking area and shrubbery – and that this will reduce light to the rear windows. This may well be the case, but it must be remembered that the judgement of acceptability with this issue is whether the resultant overall reduction in light within the property is such as to harm amenity of occupants. Other than the small bedroom previously discussed, it is understood that the other rooms on this gable-end enjoy natural daylight from more than one aspect – particularly at first floor level where rooflights also illuminate the single living room space. It is reiterated that the expectation for daylight amenity is less in bedrooms than is the case for living rooms.

Overall, it is considered that the previous reason for refusal in respect of loss of light and overshadowing has been overcome.

Access and parking – the submitted layout makes provision for two parking spaces and this meets the required standard for the three bedrooms proposed. Consequently, it is not considered that the development will result in an exacerbation of Plockton's summer parking problems as suggested by some of the objections.

Neither is it considered that the use of the improved access will cause a material loss of road safety associated with increased vehicle movements in Bank Street. This has been discussed with the transport planning team who have confirmed that the parking arrangement for this property is similar to that previously approved for the sub-division of the manse next door. In both cases the low traffic volumes along Bank Street where considered to justify parking arrangements that do not strictly adhere to the council's normal standards.

8.5 **Other Considerations – not material**

- The potential for the workshop element to be used as separate accommodation in the future is not material. A further permission would be required to allow a further unit of accommodation to be created.
- Whether or not the applicant ultimately occupies the new building is not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations including the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

10. **RECOMMENDATION** for planning application 16/03028/FUL

Action required before decision issued N

Subject to the above, it is recommended that planning permission be **approved** 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: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No development or work shall commence until full details of a replacement for tree identified as T2 in the submitted Arboricultural Report has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved tree shall be planted prior to first occupation of the dwelling hereby approved.

Reason: In order to mitigate the loss of a tree in the conservation area in the interests of protecting the special character of the area.

3. A suitably qualified arboricultural consultant must be employed at the applicant's expense to ensure that the tree protection measures identified in the Development Site Tree Report (prepared by Potter Tree Consultancy on 1st July 2016) are implemented to the agreed standard. No development shall commence until stages requiring supervision have been agreed with the planning authority. Certificates of compliance for each stage are to be submitted to the planning authority for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

REASON FOR DECISION

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

TIME LIMITS

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 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

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 <u>env.health@highland.gov.uk</u> for more information.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you 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: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

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

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationfo rmsforroadoccupation.htm

Mud and Debris on Road

Please note that it 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.

Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and their respective conditions must be read, and complied with, in tandem.

10. RECOMMENDATION for listed building application 16/03051/LBC

Action required before decision issued N

Subject to the above, it is recommended that listed building consent be **granted** subject to the following conditions and reasons:

1. No development or work shall start on site until a method statement and schedule for the demolition and re-building of the boundary walls associated with the pedestrian and vehicular access points has been submitted to and approved in writing by the Planning Authority. Thereafter, development and other work shall progress in accordance with the approved details. For the avoidance of doubt, existing stonework shall be repaired and any new sections built using natural stone chosen to match, in all respects wherever possible (including colour, texture, geology, proportions, coping stones and tooling), the existing stonework. Reason: In order to safeguard the character and qualities of the listed structure

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.

FOOTNOTE TO APPLICANT

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.

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 <u>env.health@highland.gov.uk</u> for more information.

Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and their respective conditions must be read, and complied with, in tandem.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Mark Harvey
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	16/03028/FUL
	Plan 1 – Location Plan – 07-01
	Plan 2 – Proposed Site Layout – 07-03
	Plans 3 to 7 – Section Plans – 07-07, 07-09 to 07-11 and 07-13
	Plan 8 to 10– Elevations – 07-06, 07-08, 07-12
	Plan 11 and 12 – Floor Plans - 07-04, 07-05
	Plan 13 and 14 – Tree Protection – R-0012 and 000001
	Plan 15 to 20 – Visual Info – 12-01 to 12-03 and 13-01 to 13-03
	16/03051/LBC
	Plan 21 – Location Plan – 10-01
	Plan 22 – Proposed Site Layout – 10-03
	Plan 23 – Visibility Splay Plan – 10-04
	Plan 24 – Ground Floor Plan – 10-05
	Plan 25 and 26 – Elevations – 10-06 and 10-07
	Plan 27 – Site Section Plan – 10-08
	Plan 28 – General Plan – 10-09



	Job No:	Drawing No:	Rev
	615	07/01	
_			



- Dimensions related to boundaries
 new 1200mm opening in existing stone wall with new black painted steel, vertical rail, gate
 Proposed building to existing boundary wall =1100mm
 Proposed building to boundary line =8.5m
 Existing opening increased from existing, new dim = 8.2m
 Proposed building to boundary line =3m
 - Proposed building to boundary line =8.5m

Foul drainage to connect to existing Bank Street

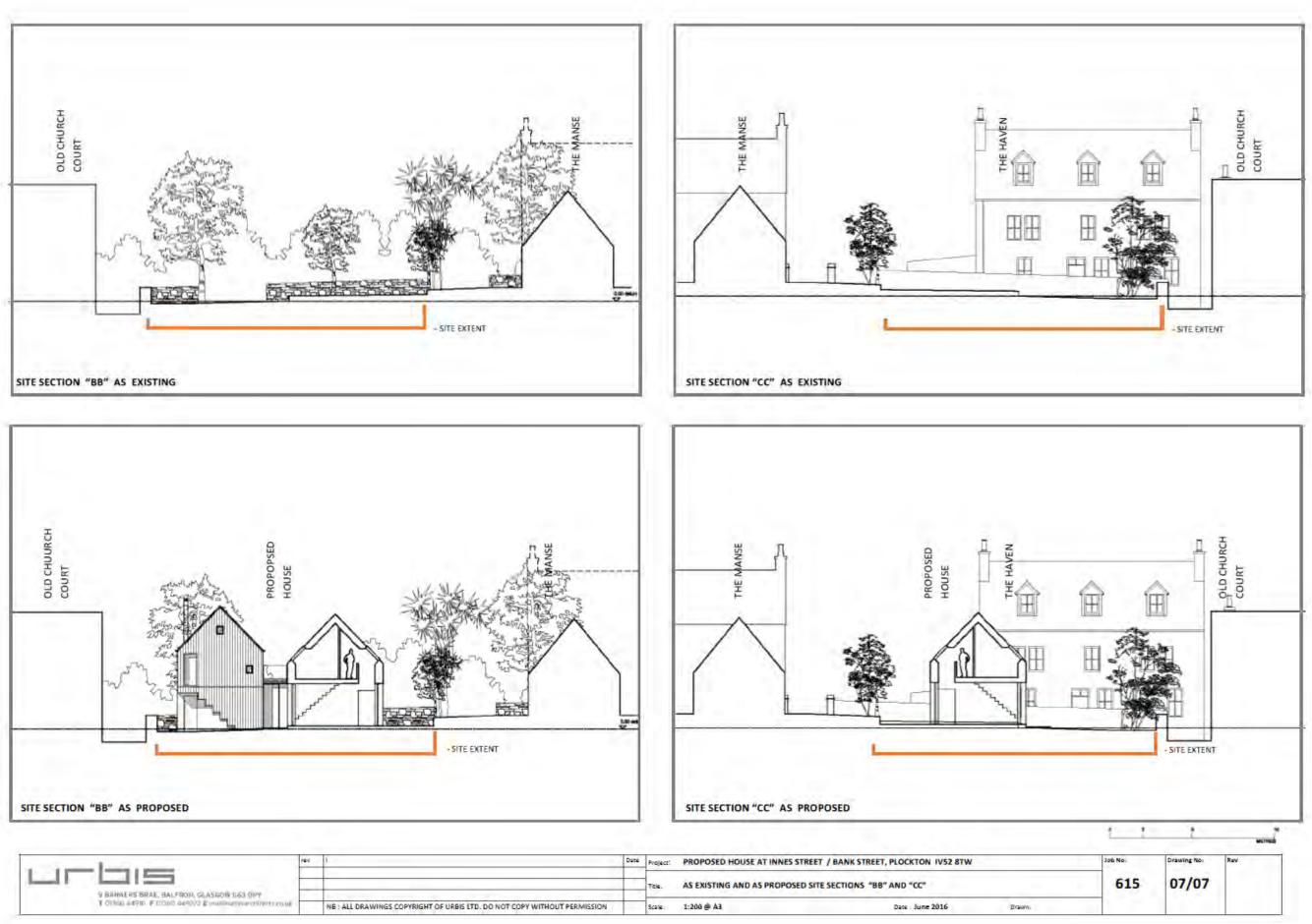
BEREFE Surface water to soakaway, location min 5m from building, No perforated pipe within 5m of building .

See landscape drg for Green Boundary and also for boundary at patio

All services runs to be out-with RPA's as indicated on Arboricultural report.

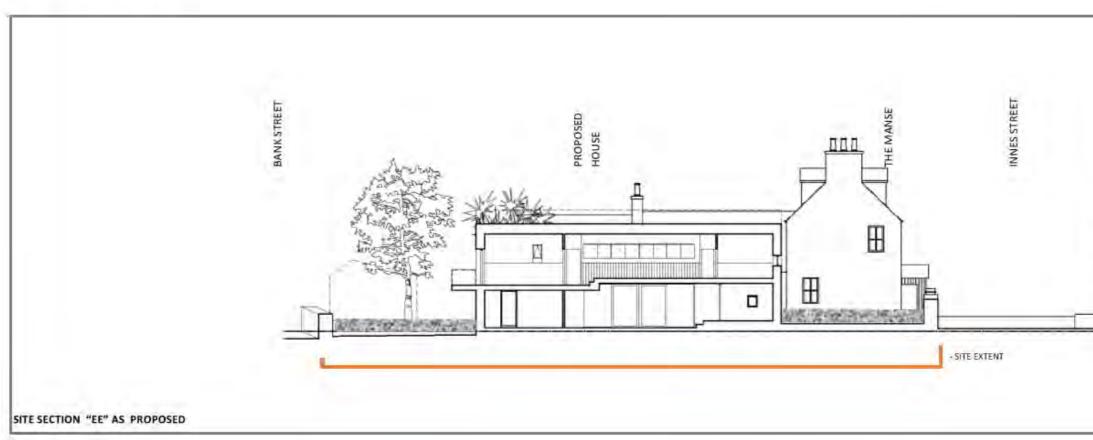
All paving indicated to be permeable where over PPA's, see hard Arboricultural report and landscape drawing 07/13.

Job No:	Drawing No:	Rev
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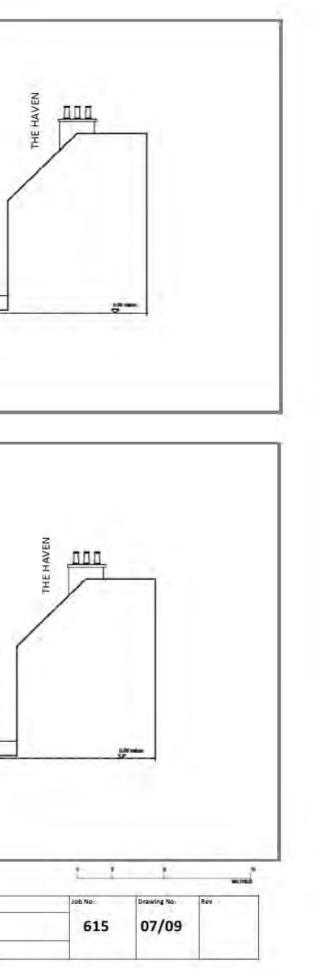


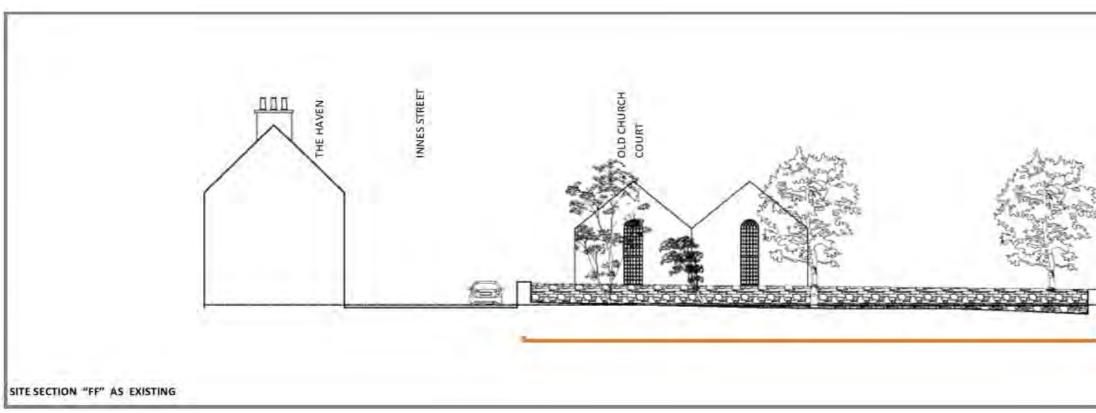
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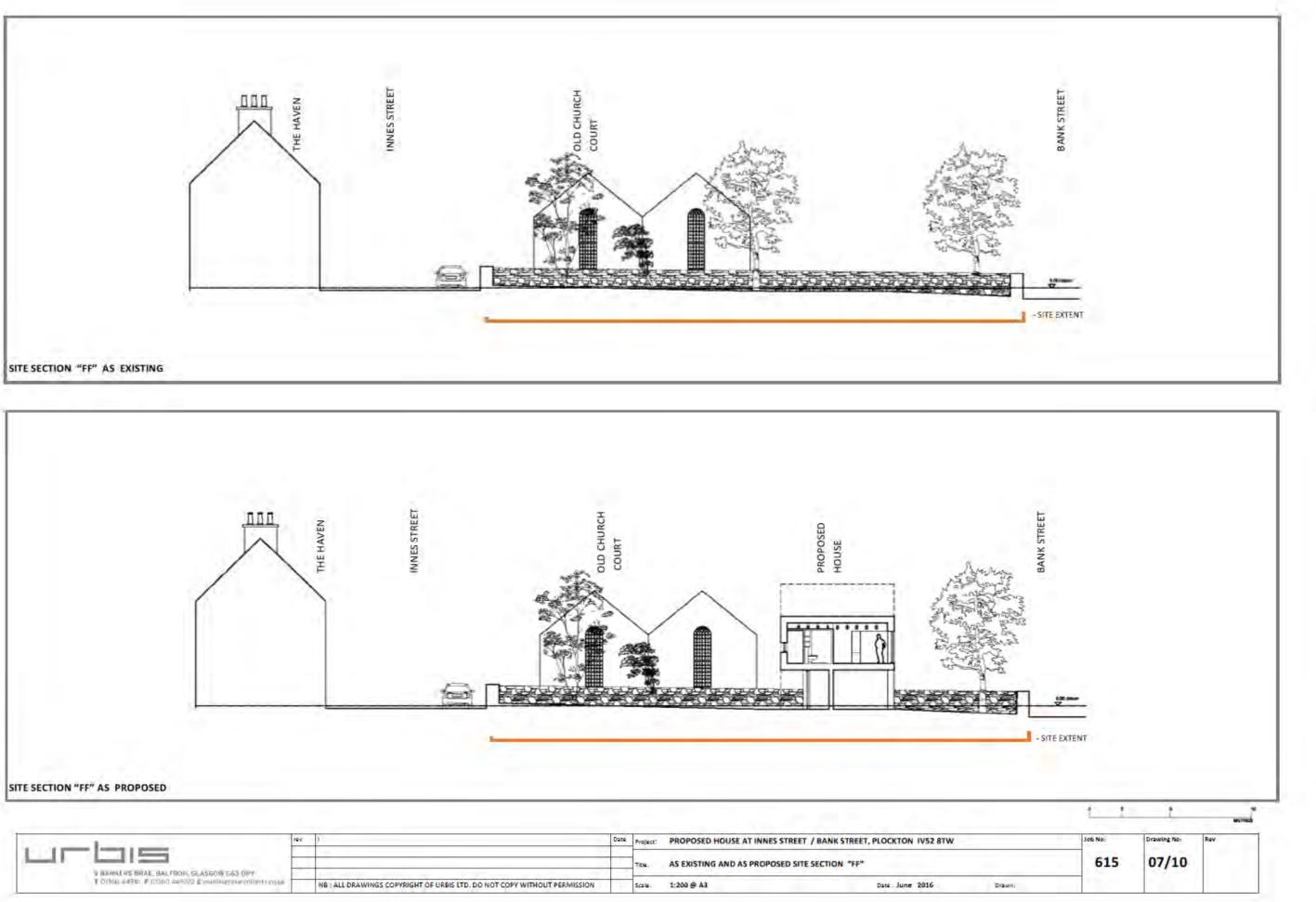
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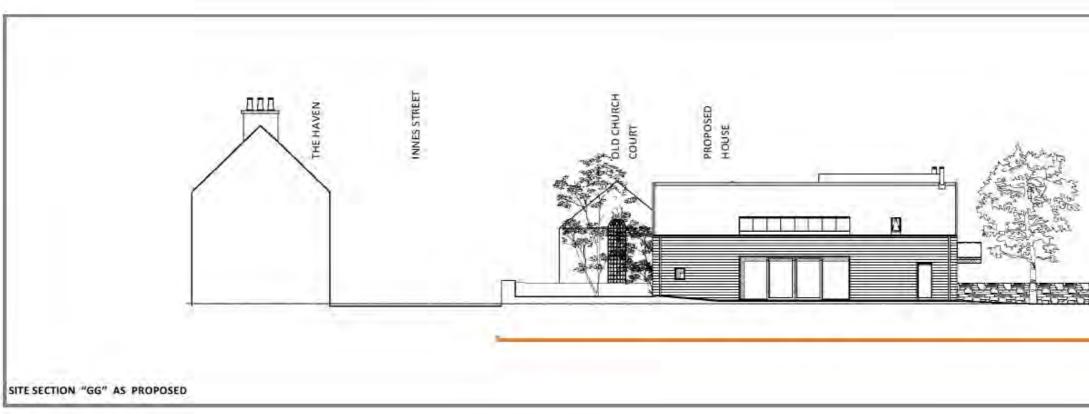


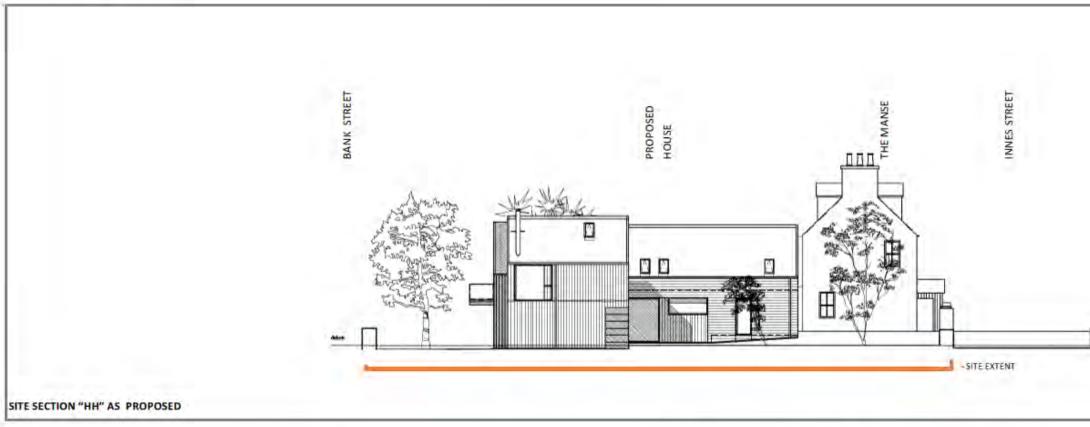




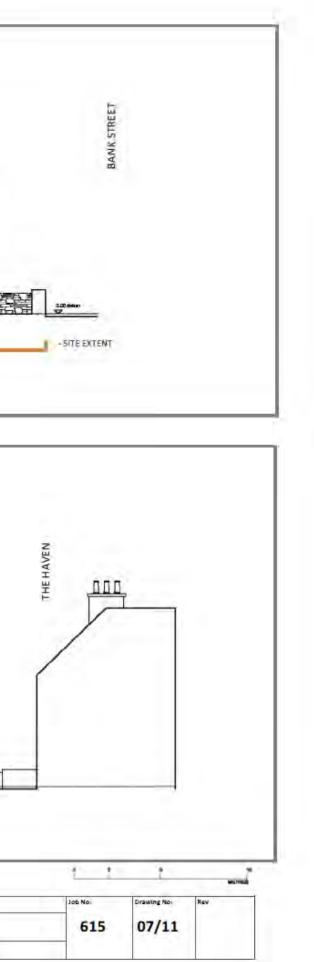


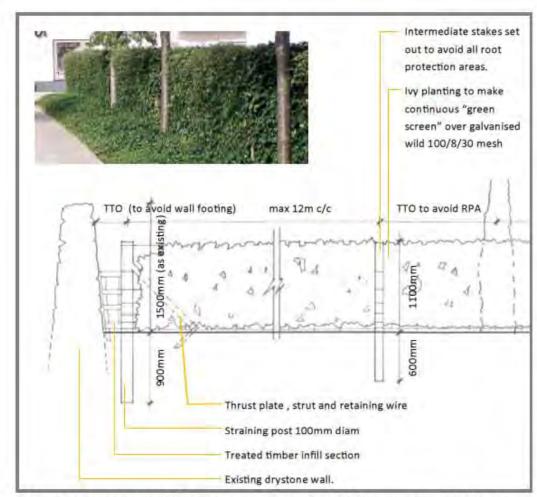
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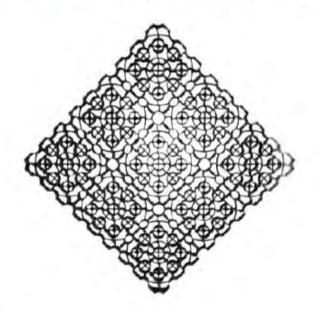


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A. Boundary treatment type "A" -Green screen-post an chain link fence overplanted with Hedera



Sustainable ground reinforcement infilled with gravel /grass seed

Ì	Boundary
+ -	415 mm
10-16	Softwood oiled to match cladding

B. Patio boundary treatment type "B"

NTS @ A3

Scale

BOUNDARY & GROUNDSCAPE TREATMENTS & DRAINAGE

The proposed boundary treatments comprise retention of the existing walls, with limited alterations , to the Innes Street and Bank Street frontages. The boundary to Church Court is an existing stonewall which will also remain, and a small opening in same infilled with stone salvaged from the downtakings.

On the new boundary formed at the Manse, the intent is to infill a "green" boundary treatment around and sympathetic to the existing line of trees on / close to that boundary. The fence line will be created with post and wire mesh overplanted with ivy, this allowing large and varied post centres which will accommodate the root protection areas identified on the Arboricultural Report.

DRAINAGE

Scottish Water have confirmed that there is currently capacity for foull water from the site, and that surface water should be dealt with on site. We would propose a soakaway to accommodate same. There will also be permeable surfaces around all trees, where pedestrian or vehicular paths coincide with RPA's, ground will have Hebden Grid or equal installed and infilled with gravel as located on drawings.

SURFACE AND BOUNDARY TREATMENT,

see drawing 07/04

- Α.
- В.
- C. breathable / permeable over RPA's).
- D. area,

Date, June 2016

Drawn.

	/ev	Oate	Pro	ojecti	PROPOSED HOUSE AT INNES STREET / BANK STREET, PLOCKTON 1V52 8TW
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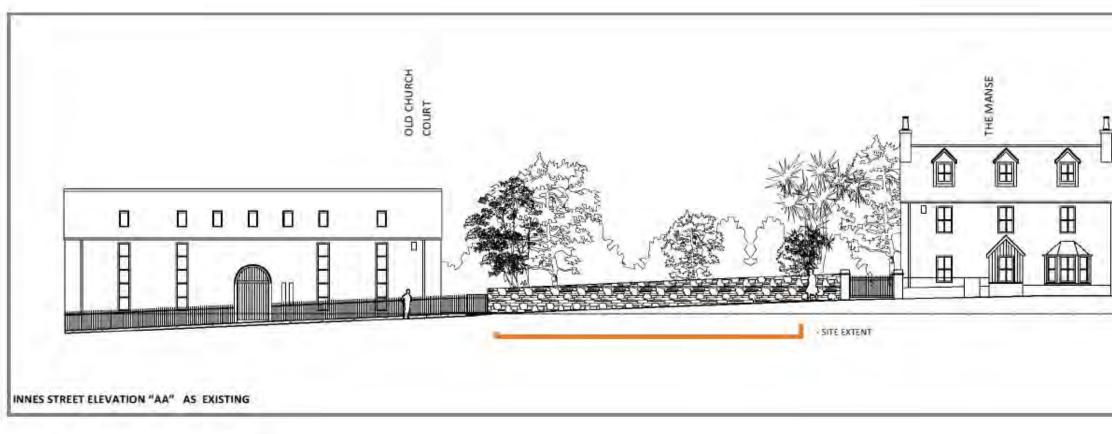
Boundary treatment type "A", green screen

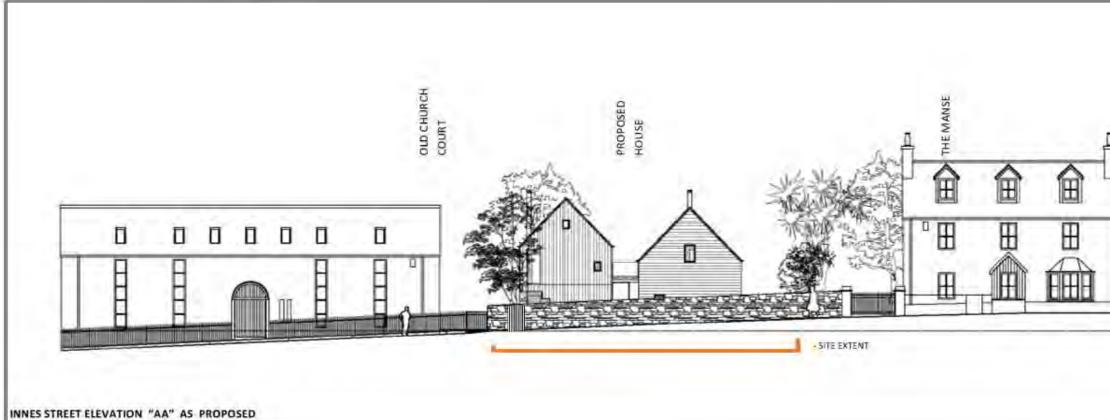
Boundary treatment type "B" bench and screen

Natural stone paving adjacent to building, gravel over ground reinforcement to remainder of patio and to paths. (ie DDA compliant and

Grass seed over ground reinforcement over permeable layer to car parking

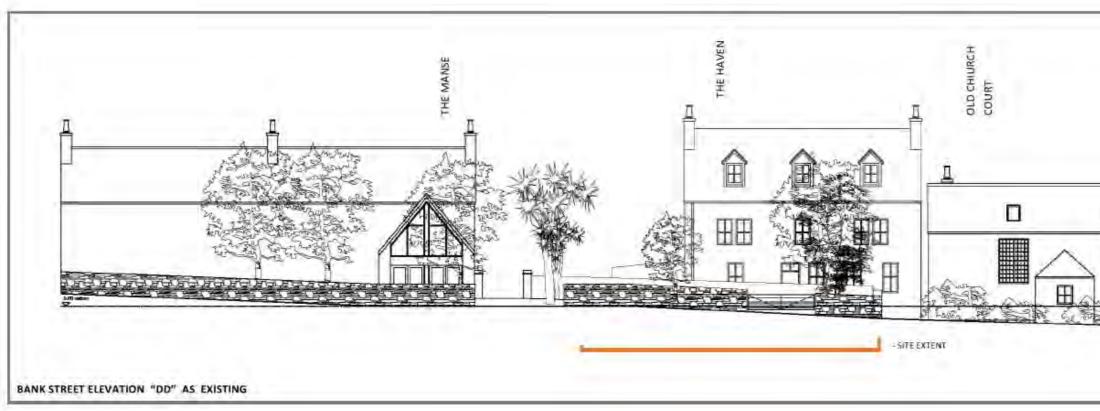
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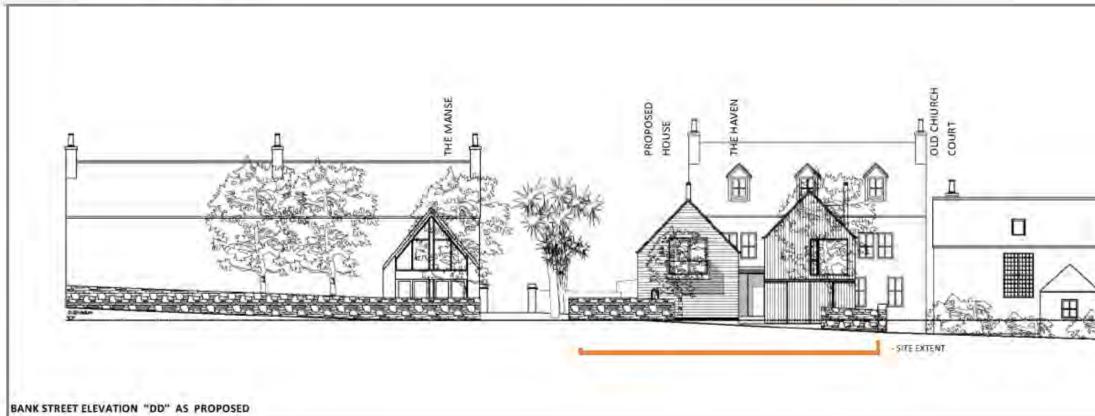




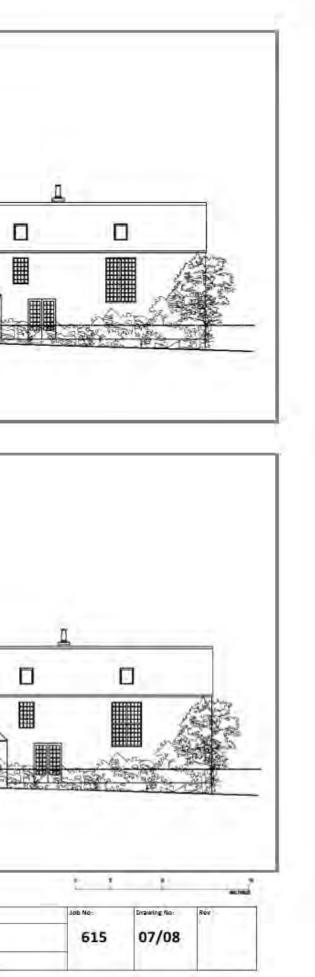
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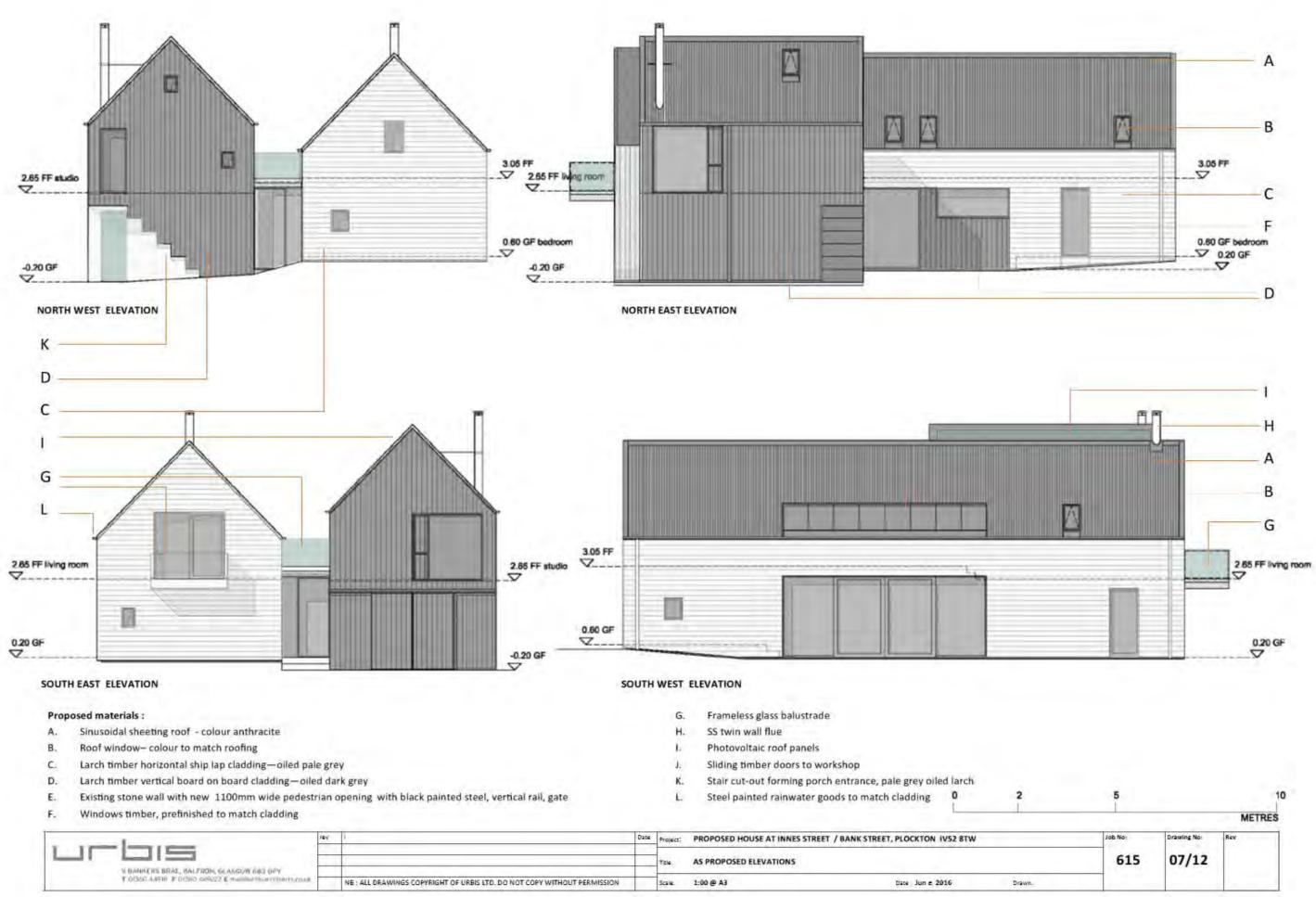
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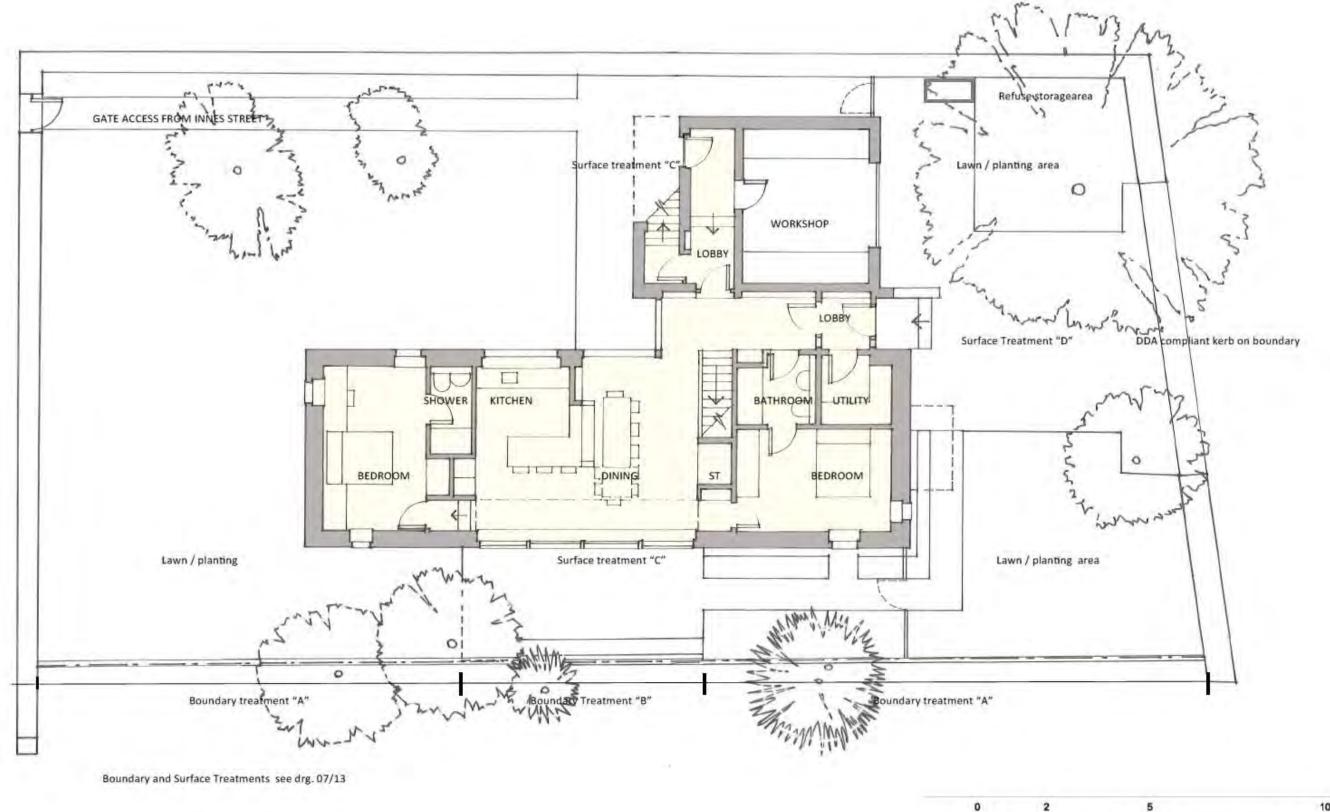


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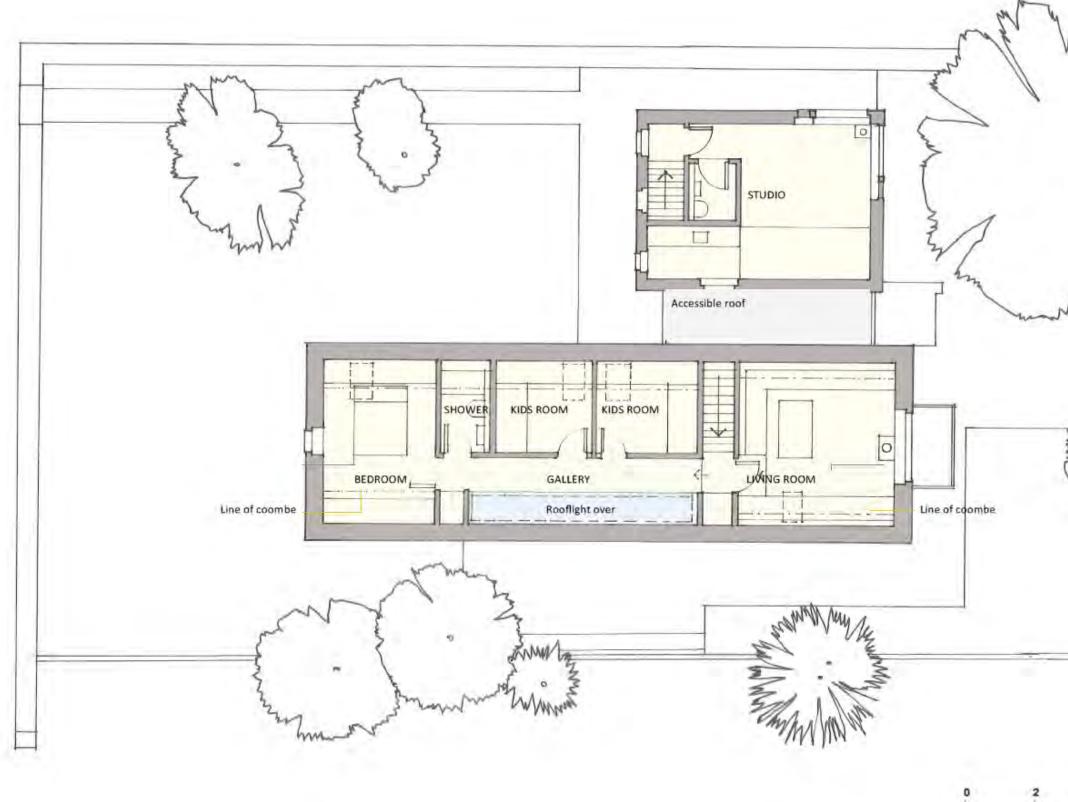


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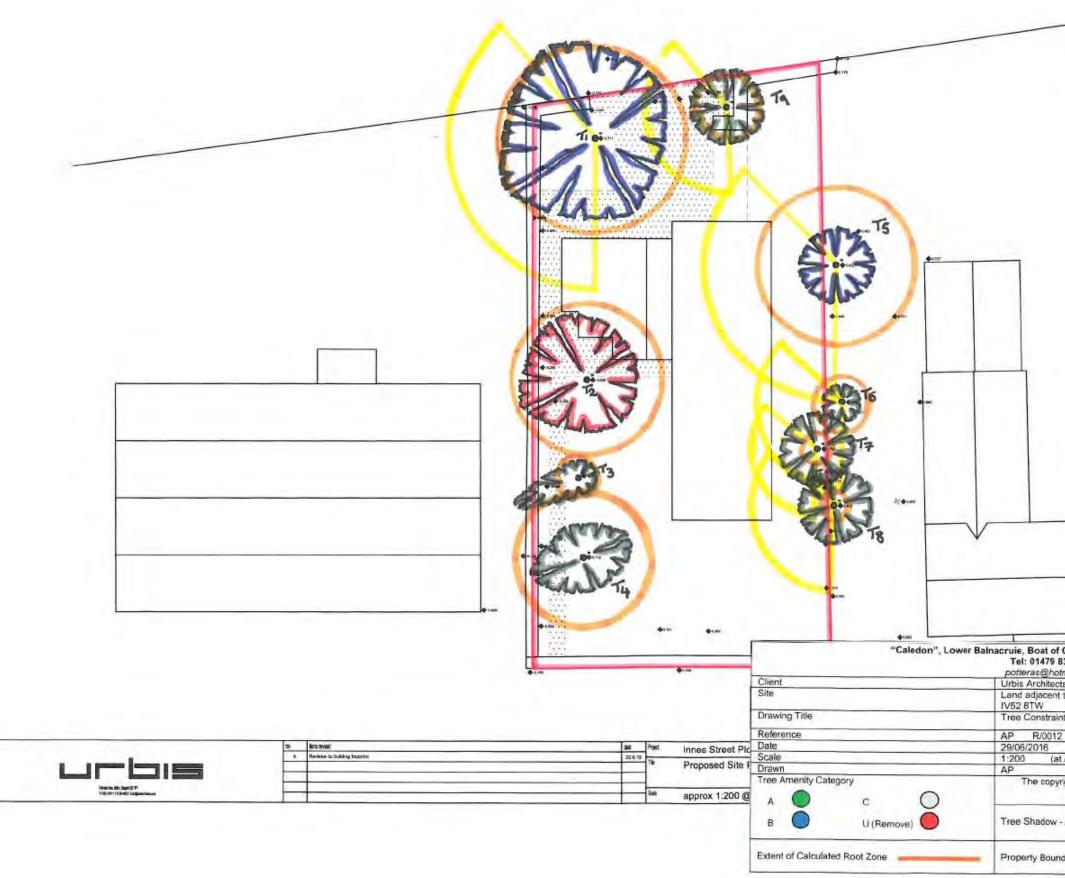
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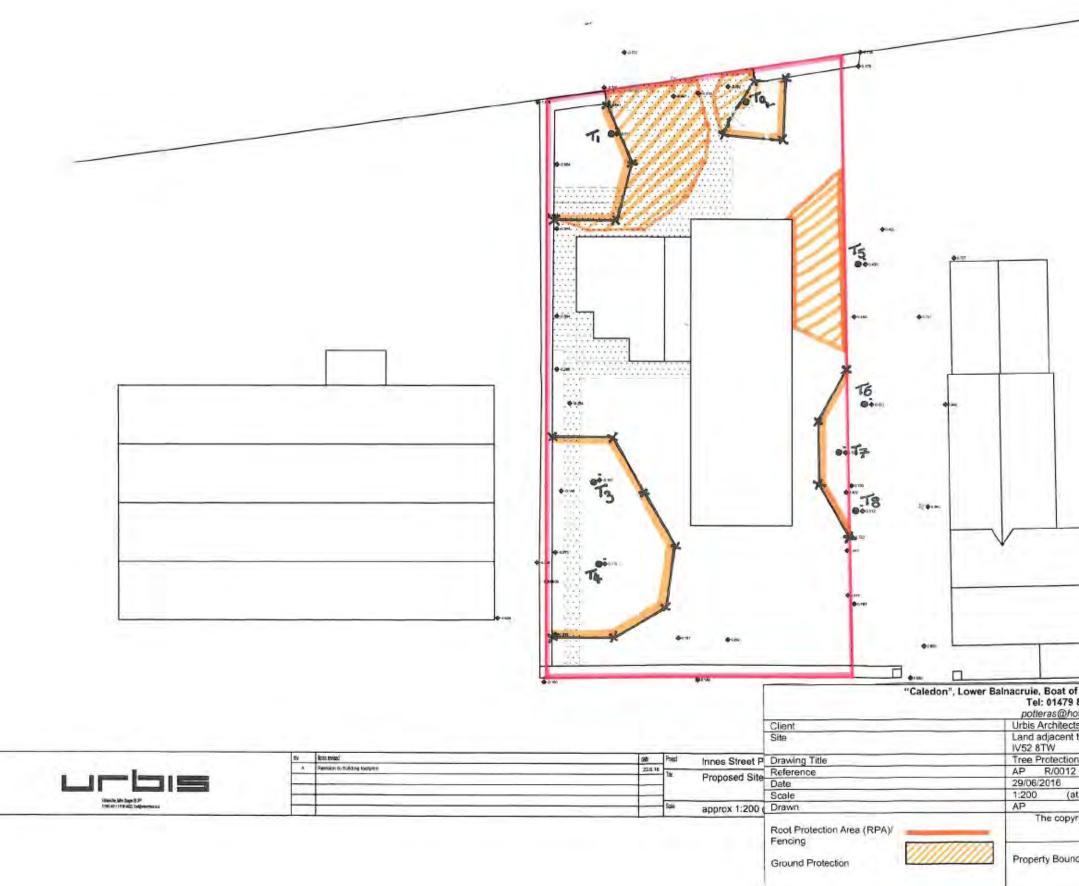


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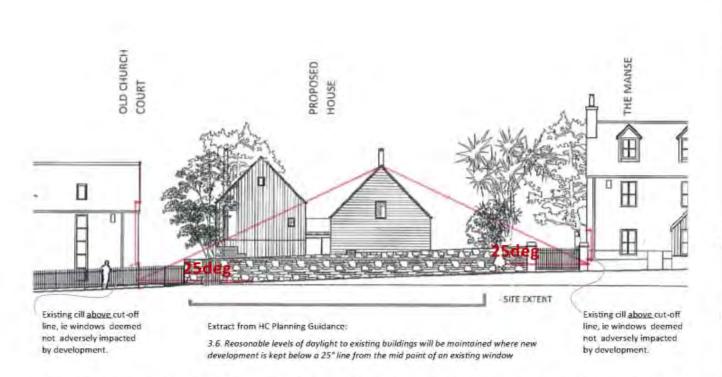




July @15.15



VIEW 2 : INNES STREET- (See drg 12/03)



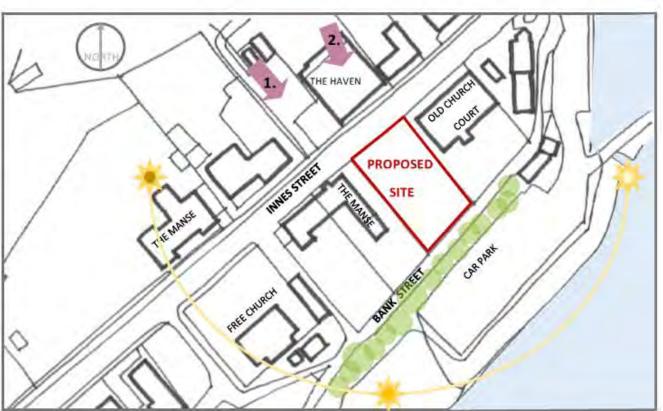
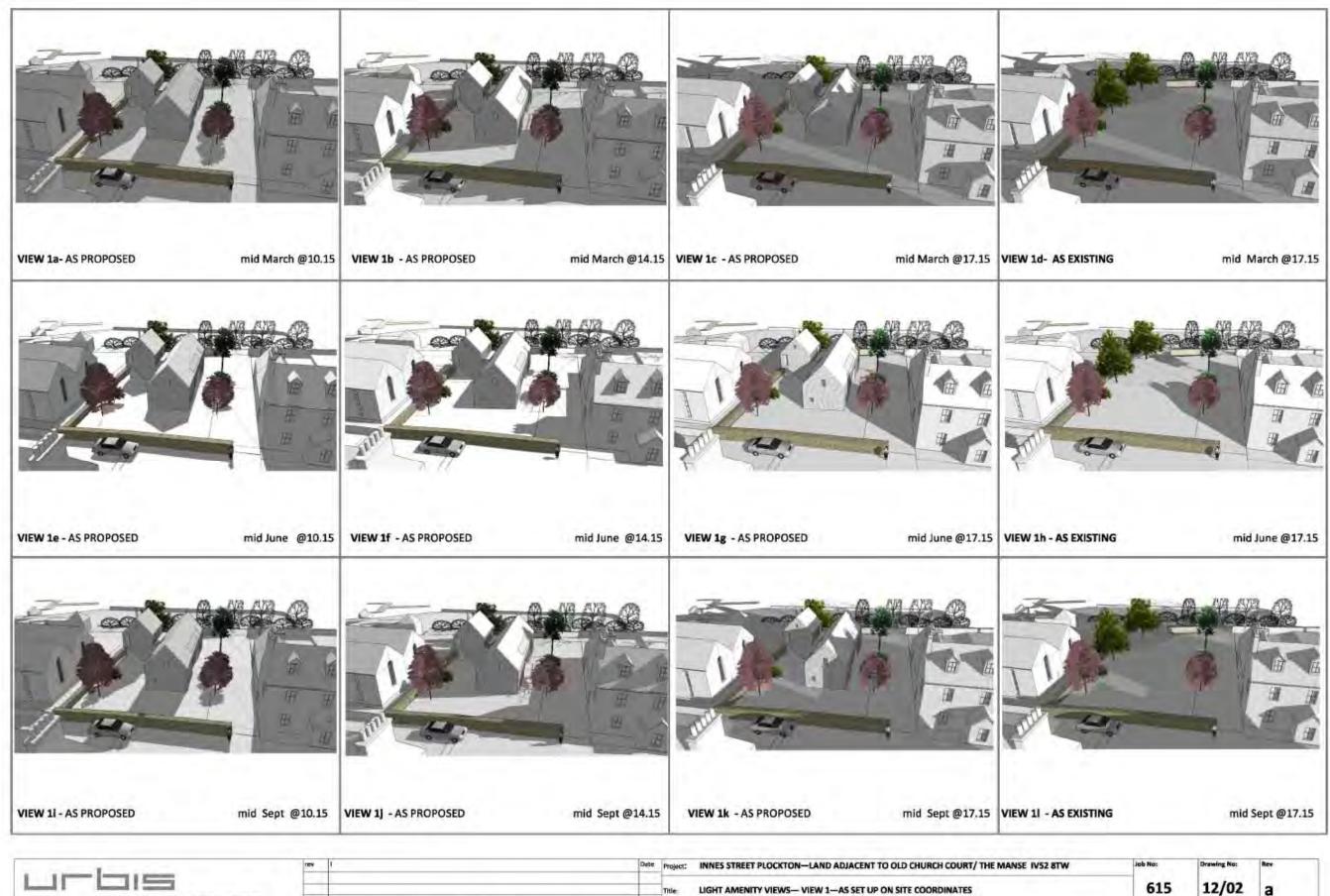


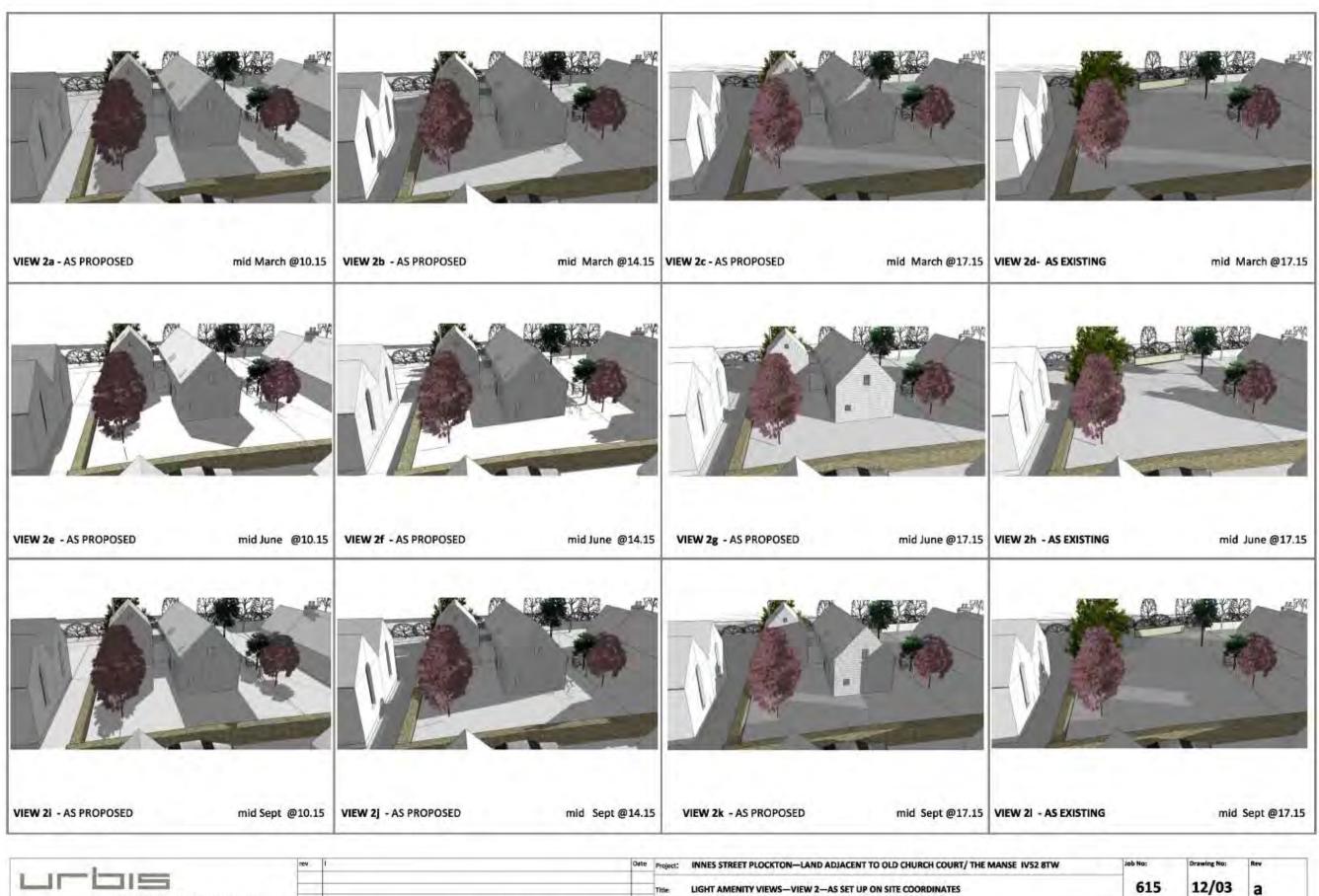
DIAGRAM OF AMENITY REF FACING BUILDINGS-DEMONSTRATING COMPLIANCE HC PLANNING GUIDANCE DATED MAY 2015

	rev 1	Date Project	INNES STREET PLOCKTON-LAND ADJACEN	T TO OLD CHURCH COURT/ THE M	ANSE IV52 8TW	Job No:	Drawing No:	Rev
		Title	LIGHT AMENITY VIEWS-OVERVIEW			615	12/01	а
9 BANKERS BRAE, BALFRON, GLASGOW G63 (IPY T 0050 449th /F 0/360 c49222 E maillesticarchitecture)	NB : ALL DRAWINGS COPYRIGHT OF URBIS LTD. DO NOT COPY WITHOUT PERMISSION	Scale	nts @ A3	Date August 2016	Drawn		1000	

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		-			Title	LIGHT AMENITY VIEWS-	VIEW 1-AS SET UP ON SITE COORDINATES	-
	9 BANKERS BRAC, BALFRON, GLASGOW G63 OPY	-		-	- Contract			
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VIEW 1 : UP INNES STREET TO MANSE , PROPOSED HOUSE HIDDEN BY CHURCH ELEVATION



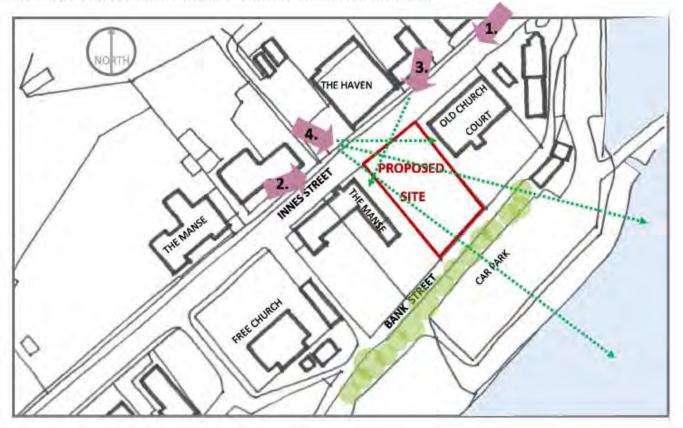


Site photographs relating to views 1 and 2, demonstrating that the existing street views will be maintained on site approaches., ie the house is not visible before travelling past these view points. This retains the historic setting of both the manse and church from the wider street views, retaining the character and appearance as currently observed.

See views 3 and 4.(13/01 and 13/02), being views taken almost directly opposite the site. The proposed house is subservient to the main listed frontage both in choice of materials and colour scheme, and the visibility of the manse and church gables are maintained, as is visibility through the site to the hills beyond.

The above outcomes are all consistent with the design analysis, opportunities and constraints, and summary of response as set out in the Design Statement document 616/06, and respond directly to the retention of the relationship of the existing buildings to the street. See also document 615/12 which demonstrates neighbours amenity in respect of daylight and sunlight.

VIEW 2: DOWN INNES STREET TO CHURCH, PROPOSED HOUSE HIDDEN BY MANSE



the second se	rev	Oute Project: INNES STREET PLOCKTON—LAND ADJACENT TO OLD CHURCH COURT/ THE MANSE IV52 8TW		ANSE IV52 8TW	Job No:	Drawing No:	Rev			
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Proposed alterations to existing walls Innes Street and Bank Street

The proposed alterations to the existing walls are in respect of a concurrent application for a new dwelling house on the site, see online reference 100018435-001 for full details of same.

The boundary walls to Innes Street and Bank Street are included within the listing notice issued in respect of the former Free Church, this notice having been issued prior to the subsequent conversion of the church to flats.

Locations of proposed alterations

The boundary wall between the proposed site and Old Church Court is contemporary with the conversion of the church building, hence is not original. The area to the rear of the converted Church building is open parking for use of the flats within, accessed directly from Bank Street.

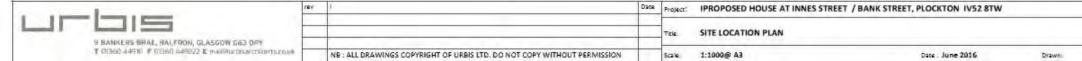


Bank Street



Innes Street





Job No:	Drawing No:	Rev
615	10/01	



Dimensions related to boundaries
 new 1200mm opening in existing stone wall with new black painted steel, vertical rail, gate . See 10/09
 Proposed building to existing boundary wall =1100mm
 Proposed building to boundary line =8.5m
 Existing opening increased from existing, new dim = 8.5m
 Proposed building to boundary line =3m
 Proposed building to boundary line =8.5m

- Foul drainage to connect to existing Bank Street

BEREFE Surface water to soakaway, location min 5m from building, No perforated pipe within 5m of building .

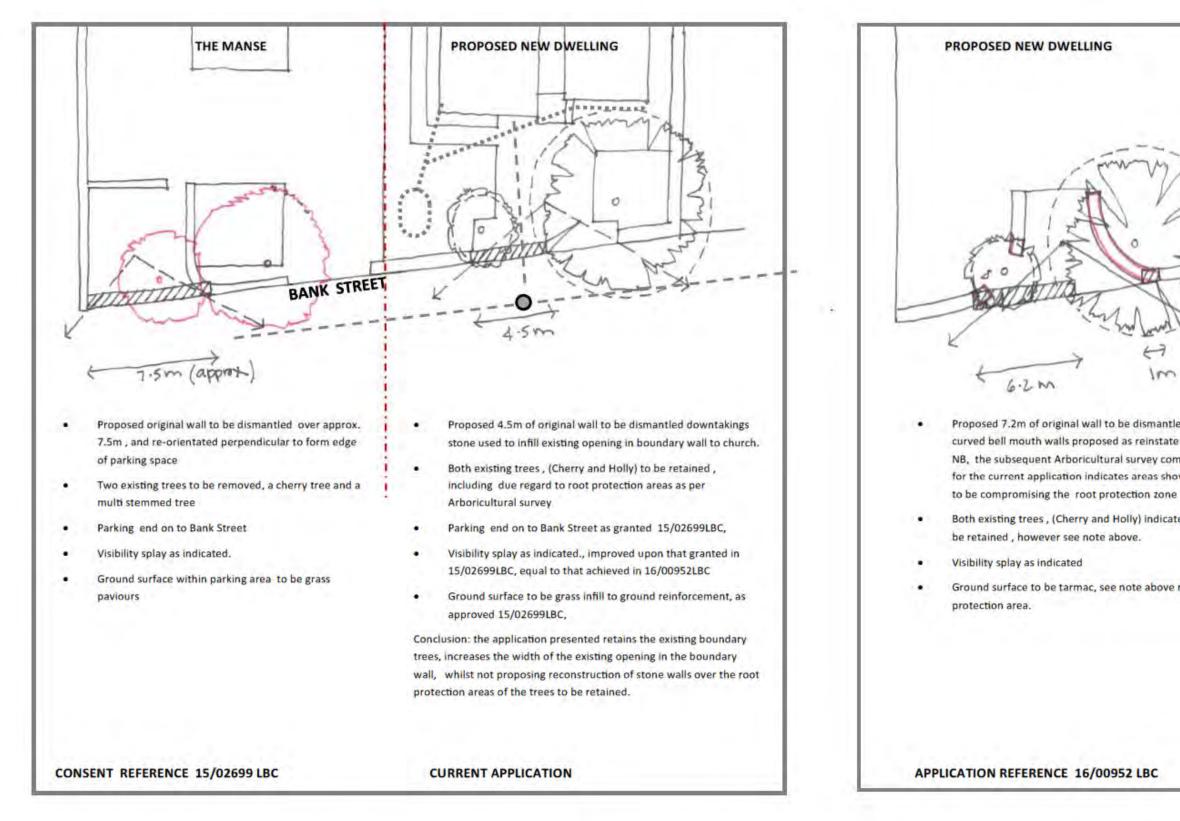
See landscape drg for Green Boundary and also for boundary at patio

All services runs to be out-with RPA's as indicated on Arboricoltural report.

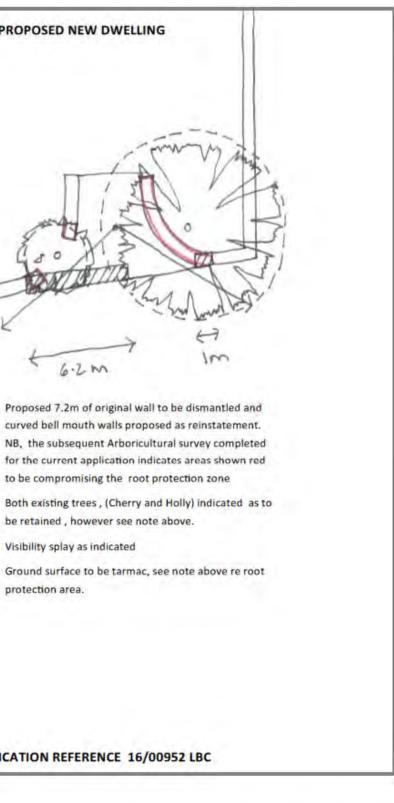
All paving indicated to be permeable where over PPA's, see Arboricultural report and landscape drawing 10/09

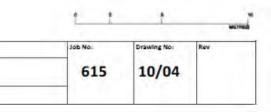
Note: no boundary gates to opening to Bank Street, fence and gate line occurs on building line as shown.

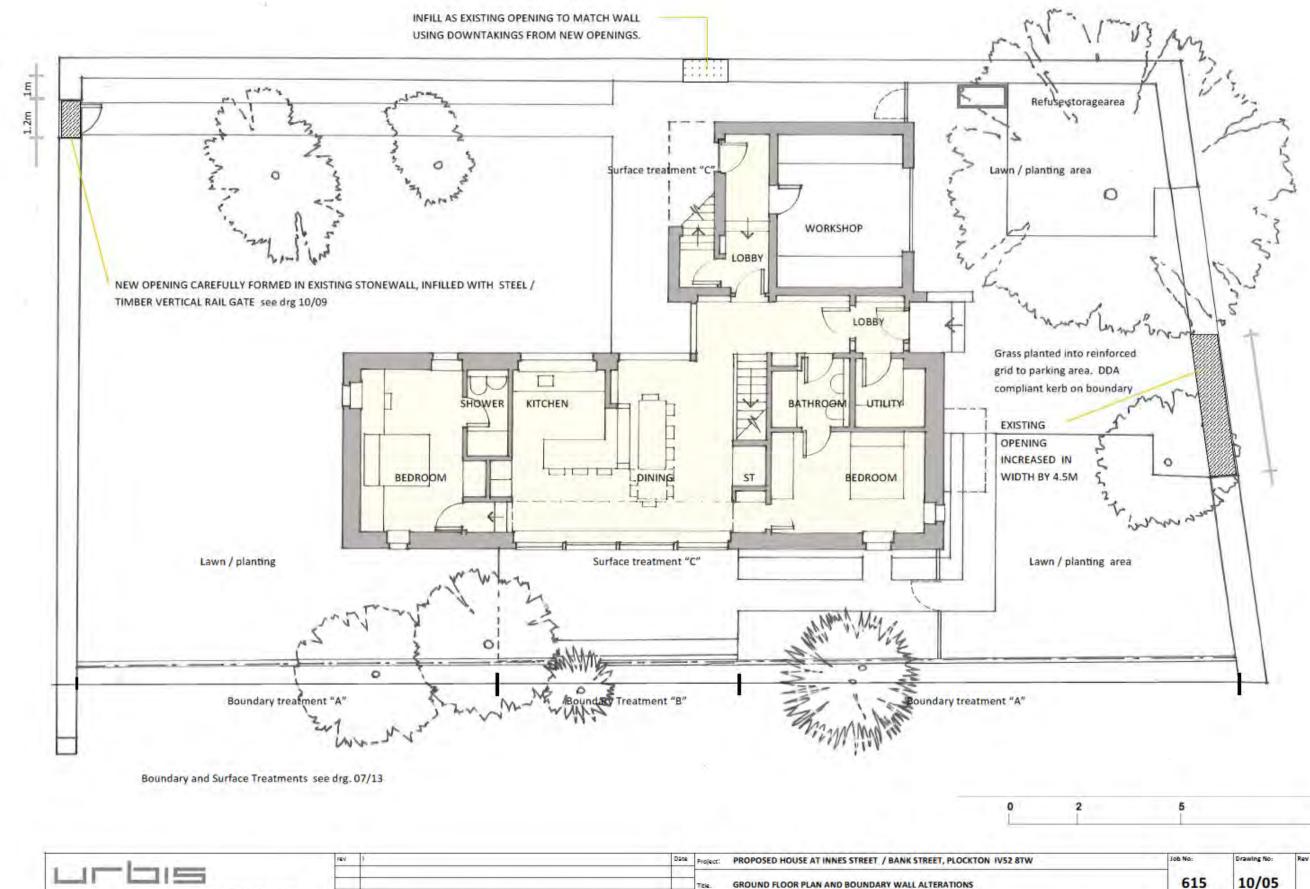
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 Job No: 615	Drawing No: 10/03	Rev



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				-	-	DETAIL ISSUES AROUND PROPOSED BOUNDARY WALL ALTERATIONS AT BANK		
	9 BANKERS BRAE, BALFRON, GLASGOW 663 0PP	-	AT MANAGEMENT AND A TANK AND A SAME	1	ricie:	DETAIL ISSUES AROUND PRO	POSED BOUNDART WALL ALTERATIONS AT BANK STRE	E.
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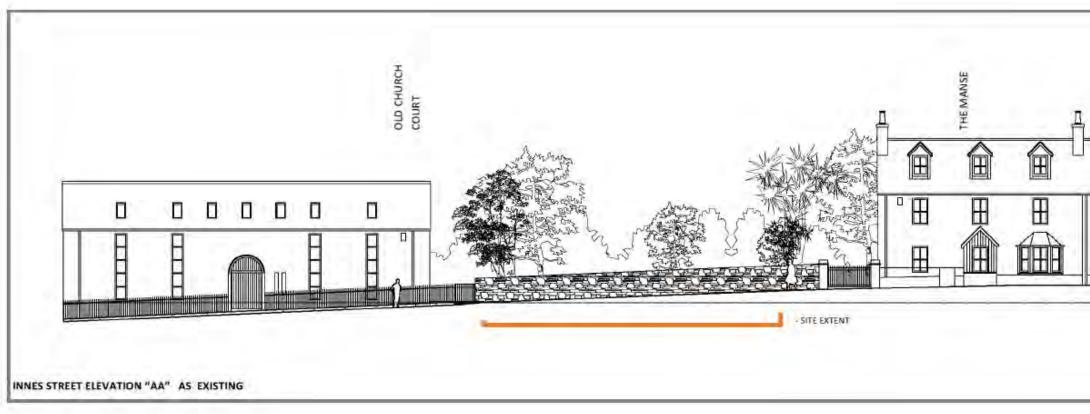
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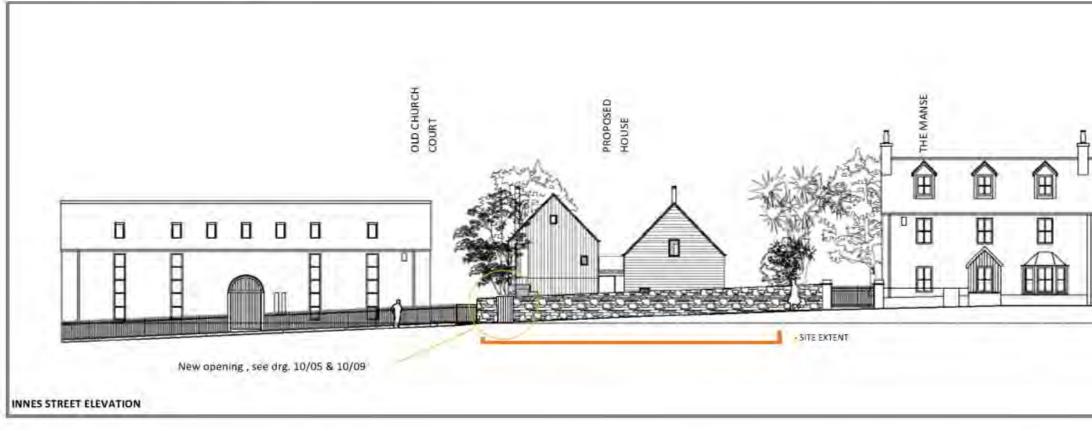
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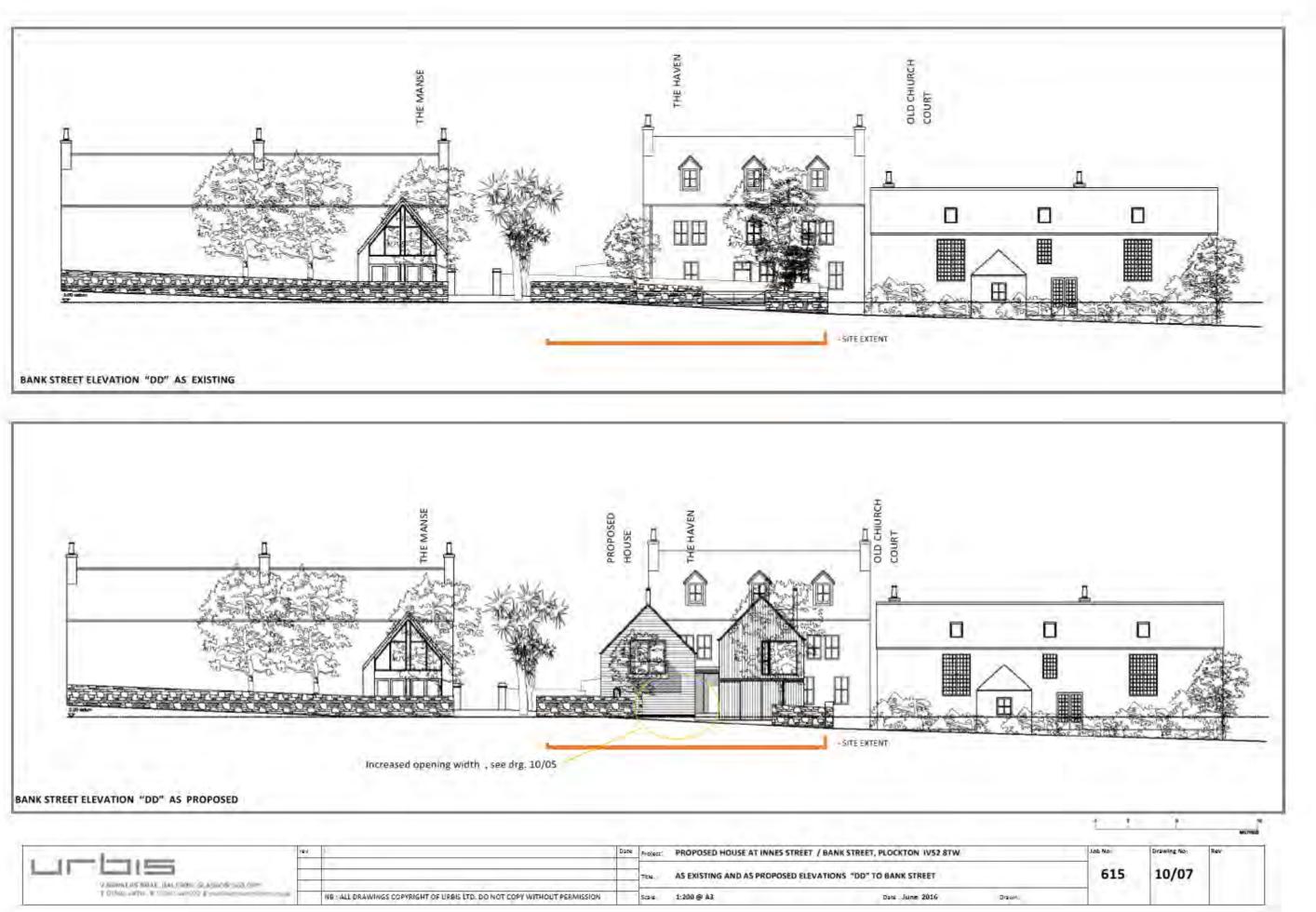
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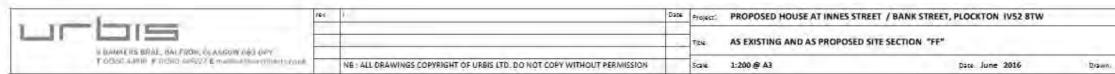


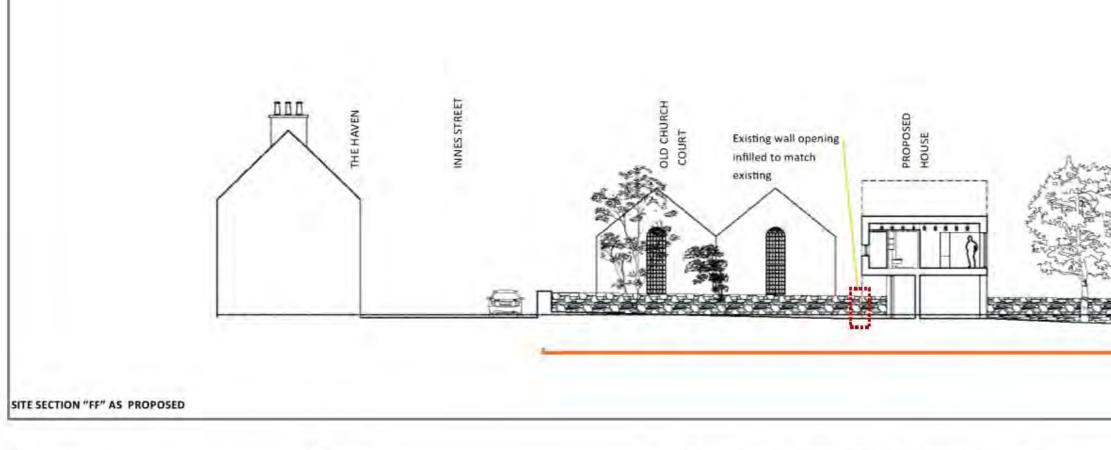
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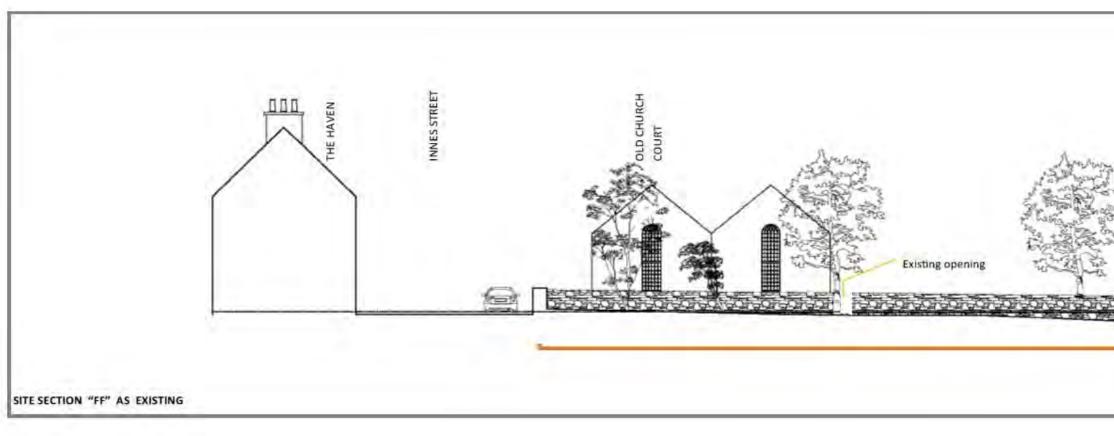
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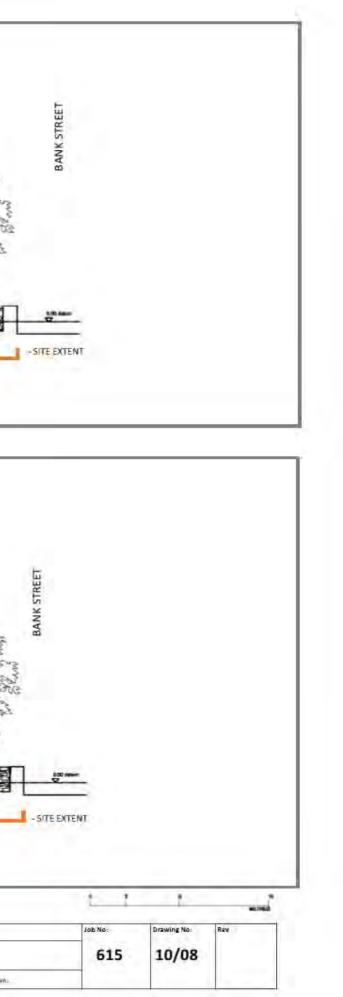


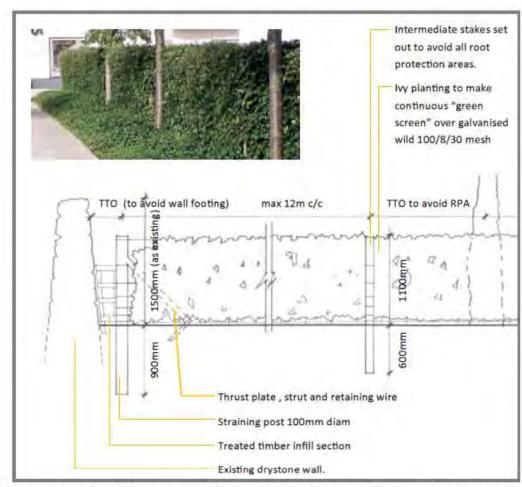
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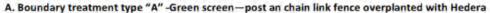


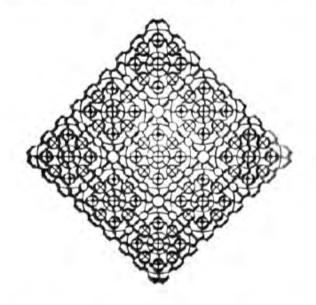


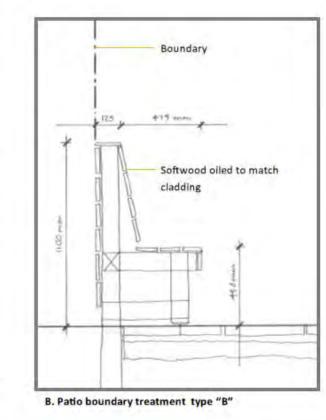














BOUNDARY & GROUNDSCAPE TREATMENTS & DRAINAGE

The proposed boundary treatments comprise retention of the existing walls , with limited alterations , to the Innes Street and Bank Street frontages. The boundary to Church Court is an existing stonewall which will also remain, and a small opening in same infilled with stone salvaged from the downtakings.

On the new boundary formed at the Manse, the intent is to infill a "green" boundary treatment around and sympathetic to the existing line of trees on / close to that boundary. The fence line will be created with post and wire mesh overplanted with ivy, this allowing large and varied post centres which will accommodate the root protection areas identified on the Arboricultural Report.

DRAINAGE

drawings.

SURFACE AND BOUNDARY TREATMENT.

see drawing 07/04

- A. Boundary treatment type "A", green screen
- Β. Boundary treatment type "B" bench and screen
- C. breathable / permeable over RPA's).
- area,

Sustainable ground reinforcement infilled with gravel /grass seed

Proposed gate style at opening to Innes Street.

1	/ev	<u>)</u>	Date	Projes	ct: PROPOSED HOUSE AT INNES ST	REET / BANK STREET,	PLOCKTON IV52 8TW	
				Ticle.	BOUNDARY AND GROUNDSCAL	PETREATMENTS		
9 BANKERS BRAE, BALFRON, GLASGOW 663 0PY	1	1		12	boond and an one of the second	E mertinentis		
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Scottish Water have confirmed that there is currently capacity for foul water from the site, and that surface water should be dealt with on site. We would propose a soakaway to accommodate same. There will also be permeable surfaces around all trees, where pedestrian or vehicular paths coincide with RPA's, ground will have Hebden Grid or equal installed and infilled with gravel as located on

Natural stone paving adjacent to building, gravel over ground reinforcement to remainder of patio and to paths. (ie DDA compliant and

D. Grass seed over ground reinforcement over permeable layer to car parking

Job No:	Drawing No:	Rev
615	10/09	