

Agenda Item	6.5
Report No	PLS 044/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 12 June 2018

**Report Title:** 17/05808/FUL: Roddy & Andrea Mackenzie  
Land 30m SW of 62 High Street, Ardersier

**Report By:** Area Planning Manager – South/Major Developments

### **Purpose/Executive Summary**

**Description:** Part demolition of walls and erection of 2 houses

**Ward:** 17 – Culloden and Ardersier

**Development category:** Local

**Reason referred to Committee:** 5 or more objections

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 Planning permission is sought for the partial demolition of existing stone walls and the erection of two houses on a brownfield site on Stuart Street, Ardersier.
- 1.2 House 1 is a single storey cottage on a rectangular footprint, largely encompassing the footprint of a previous building located at the site the remnants of which constitute part of the existing stone walls to be demolished to facilitate the overall development. House 1 will sit a few metres further into the site in order to accommodate two off-street parking spaces. External materials consist of timber windows and door, slate roof and white rendered walls. It is mainly traditional in appearance and features a mock gable chimney.
- 1.3 House 2 is 1 ¾ storeys, with the ridge line height slightly lower than the adjacent Dolphin Suites building. The principal elevation of House 2 is based on a traditional style in terms of scale, proportions and materials including gabled dormers and timber windows and door but features modern full glazing windows. The rear elevation of House 2 is entirely contemporary with a full height projecting hipped extension, slightly set back from the gable building line of the main house, and both the extension and rear elevation of the main house feature extensive glazing, taking full advantage of the site's location and outlook over the Moray Firth.
- 1.4 Separate accesses are proposed for each of the houses. House 1 has two parallel spaces directly in front of the east gable elevation facing Stuart Street. House 2 has three off-street parking spaces located towards the bottom of the rear curtilage and accessed via a driveway adjacent to the north gable elevation.
- 1.5 Pre Application Consultation: Not applicable.
- 1.6 Supporting Information: The following information has been submitted in support of the application:
  - Design Statement; and
  - Archaeological Evaluation and Photographic Survey Report.
- 1.7 Variations: Since submission House 1 has had minor fenestration changes. The siting of House 2 has been amended to reinstate and preserve the location of the existing right of way that passes through the site and to accommodate parking requirements. The design of House 2 has been heavily modified to reduce its overall height along with other improvements to the fenestration.

## **2. SITE DESCRIPTION**

- 2.1 Brownfield land with remnants of previous stone constructed buildings on the site along with substantially intact stone boundary walls. There is an existing single storey house to the south and 2 ½ storey building to the north. The site is located between Stuart Street to the east and the Moray Firth coastal path forming the western boundary.

### **3. PLANNING HISTORY**

3.1	14 December 2015	15/00593/FUL: Demolition of surrounding wall and construction of 2 no. 3 bed dwellings and 1 no. 1 bed dwelling	Withdrawn
3.2	22 February 2016	15/04613/FUL: Part demolition of walls and erection of 2 houses	Planning Permission Granted

### **4. PUBLIC PARTICIPATION**

4.1 Advertised: Affecting Conservation Area

Date Advertised: 05 January 2018

Representation deadline: 30 March 2018 (following re-notification of neighbours and objectors)

Timeous representations: 14 representations from 8 households and 1 commercial property.

Late representations: None.

4.2 Material considerations raised are summarised as follows:

- a) Overdevelopment of site;
- b) Impact on existing walls;
- c) Road safety concerns arising from an increase in traffic;
- d) Adverse affect on existing right of way;
- e) Adverse affect on conservation area;
- f) Site contamination from previous historical land use.

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 **Flood team:** No objections.

5.2 **Access Officer:** No objection following revisions to scheme.

5.3 **Historic Environment Team:** No objection following further revisions and subject to conditions.

5.4 **Transport Planning Team:** No objection following revisions.

5.6 **SEPA:** No objection.

5.7 **Scottish Rights of Way and Access Society:** No objection following revisions.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 34 – Settlement Development Areas
- 42 - Previously Used Land
- 57 - Natural, Built & Cultural Heritage
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

## **7. OTHER MATERIAL CONSIDERATIONS**

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

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

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

- Scottish Planning Policy (The Scottish Government, June 2014)

## **8. PLANNING APPRAISAL**

### **8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.**

#### Determining Issues

### **8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.**

#### Planning Considerations

### **8.3 The key considerations in this case are:**

- a) compliance with the development plan and other planning policy
- b) siting and design and impact on conservation area;
- c) flood risk;
- d) affect on public access;
- e) any other material considerations.

### Development plan/other planning policy

- 8.4 The site lies within the Settlement Development Area boundary of Ardersier where there is a general presumption in favour of proposals that comply with Policy 28 of the Highland-wide Local Development Plan as well as other relevant policies.
- 8.5 Development plan policy is supportive of development that makes use of brownfield land, does not adversely affect individual or community residential amenity and demonstrates sensitive siting and high quality design in keeping with local character and the historic and natural environment. In addition, development plan policy is supportive of proposals that will not have an unacceptable impact on cultural heritage assets, will not result in risk of flooding and where public access is not hindered.
- 8.6 Subject to the proposal being able to demonstrate that it will have no significant detrimental impact in terms of siting and design, affect on the character of the conservation area, flooding and public access, the proposal would comply with the development plan.

### Siting and design and impact on conservation area

- 8.7 The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In this case it is therefore important that the site layout, design and use of materials is complimentary to the conservation area.
- 8.8 The proposal as originally submitted showed House 2 located 2.78m from House 1, with the existing right of way that runs through the site relocated to run parallel with the north boundary. It also reduced the width of the path to 1.2m. In addition, the scale and mass of the house, which was shown as two storeys in height, showed a ridge line higher than the adjacent Dolphin Suites building. Whilst this was partly due to ensure a finished floor level in keeping with the previous planning permission for the site, it was not considered acceptable. In addition, PVC windows were shown for both houses and this was also considered unacceptable within the conservation area.
- 8.9 The scheme was subsequently revised to re-position House 2 further to the north and retaining the existing public right of way and the change of the windows to timber construction.
- 8.10 Following further discussions with the applicant and the Council's conservation officer further revisions to the design of the houses was undertaken. This led to very minor changes to the mock chimneys for both properties, but more substantial revisions to House 2, including changes to the window design, dormer window design, and slight recess of the rear extension from the gable of the main house and an additional high level opening to the upper level balcony. The site layout in terms of off street car parking and drainage has also been revised to address concerns raised by Transport Planning during the consultation process.
- 8.11 The net result of the cumulative changes to the design and layout of the development is that it is considered to be sympathetic to the streetscape. The

scale of development is proportionate to the existing streetscape and will create an attractive and appropriate form of in-fill development of this gap site. The single storey house is of traditional design whereas the larger 1 ¾ storey house features elements of traditional construction in the use of materials and in the design of the principal elevation, but with contemporary components added to the design. Coupled with the retention of significant elements of the existing boundary walls, it is considered that the proposal will help preserve the character and appearance of the conservation area.

#### Flood risk

- 8.12 The risk of flooding has been a material consideration in the determination of planning applications for this site. In this case, the applicant has incorporated the requirements imposed by planning permission 15/04613/FUL and this is satisfactory.

#### Public Access

- 8.13 The impact of development on public access and specifically the existing right of way that leads through the site has been fully assessed. The initially submitted scheme was not acceptable as it showed the relocation and significant reduction in quality of the right of way. This has now been addressed in the revised layout and is considered acceptable.

#### Other material considerations

- 8.14 The matter of contamination of the site from previous activity was the subject of a comprehensive contaminated land report that was subsequently approved by the Council. The site will require to be remediated in accordance with the findings of that previous report or any subsequently revised and approved report and this is a matter that can be secured through planning condition.
- 8.15 A number of objectors highlighted that the description of the application referred to it as an amendment to planning permission 15/04613/FUL. This has subsequently been removed from the description as it is irrelevant to its determination.
- 8.16 There are no other material considerations.

#### Non-material considerations

- 8.17 The issues raised by an adjoining neighbour that the development will remove the availability to park on part of the application site and that development will restrict access to their domestic fuel supply arrangements are not a material planning consideration.

#### Matters to be secured by Section 75 Agreement

- 8.18 None.

## **9. CONCLUSION**

- 9.1 Planning permission is sought for the erection of two houses on a brownfield gap site within the designated conservation area of Ardersier. The proposal retains elements of the existing stone walls and the scale, massing and use of materials will, along with appropriate conditions appended to this report, ensure that the development will preserve the character and appearance of the conservation area.
- 9.2 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 shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:
  - a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS

10175:2011+A1:2013 Investigation of Potentially Contaminated Sites -  
Code of Practice;

- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

**Reason:** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

2. No development or work shall commence until a detailed Access Management Statement is submitted to and approved in writing by, the planning authority. Following approval, the Access Management Statement shall be implemented in full.

**Reason:** To ensure public access through the site is retained.

3. 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. In particular the roof of the development shall be finished in natural slate, all fascias shall be finished in timber and all rainwater goods shall consist of cast aluminium.

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 within the conservation area.

4. No development shall commence until a detailed specification for the repair and re-instatement of the retained boundary stone walls, shown hatched in blue on approved drawing no. TCL04 Rev E, has been submitted to, and approved in writing by, the Planning Authority. Where re-construction and/or reinstatement is required, materials shall be salvaged from the existing stones walls which are authorised for removal. The specification shall include details of the heights of the walls to be retained and repaired as well as the proposed mortar mix to be used in any repair/re-instatement works. Thereafter, all repair/re-instatement work shall be carried out in accordance with the approved specification and shall be completed prior to first occupation of either of the houses.

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

5. Notwithstanding the details shown on the approved site plan drawing no. 2017 052-000 Rev F, the boundary treatment for House 1 shall consist entirely of stone reclaimed from the demolition works and not exceed 1 metre in height.

**Reason:** In order to preserve the character and appearance of the conservation area.

6. The finished floor levels for the houses shall be set at 4.26m AOD.

**Reason:** To mitigate the risks of flooding to the houses.

7. Prior to occupation of any of the houses, the existing public right of way through the site shall be upgraded with the surfaced width of the track 2m wide consisting of 145mm deep Type 1 40mm to dust bound with 5mm depth of 3mm-6mm quarry dust compacted to failure to form a central camber or crossfall of no more than 1:50. Path shoulders should be level with or higher than the verges.

**Reason:** To ensure that the existing right of way through the site is retained in an adequate standard.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

1. The developer must submit a Notice of Initiation of Development in accordance

with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

### **Accordance with Approved Plans & Conditions**

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

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

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

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

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

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

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

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

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: John Kelly

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Site Plan 052-000 Rev F

Plan 2 - House 1 Elevation/Floor Plan 052-020 Rev B

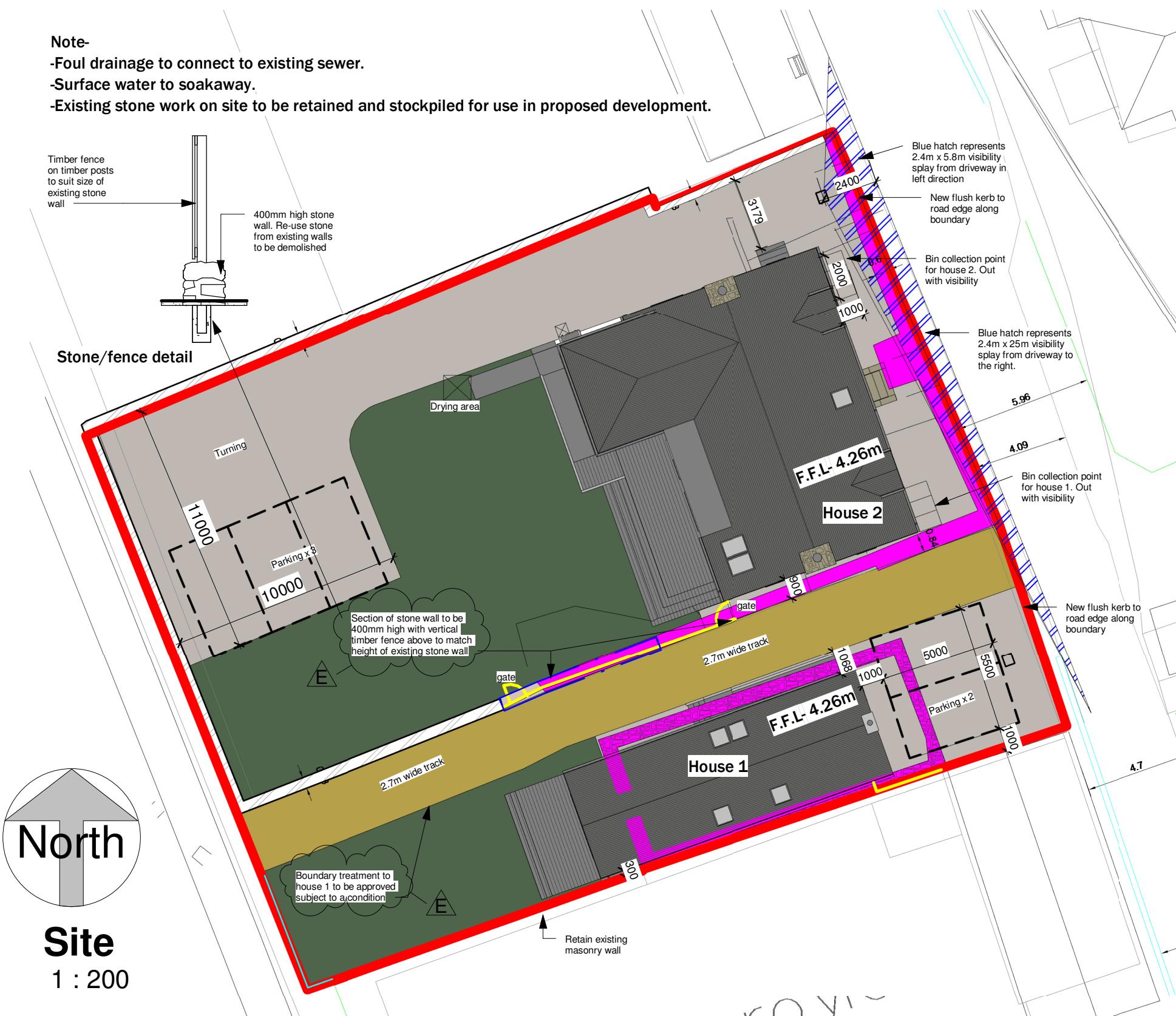
Plan 3 - House 2 Elevation Plan 052-002 Rev D

Plan 4 - House 2 Floor Plan 052-001 Rev B

Plan 5 - External Views 052-003 Rev D

**Note-**

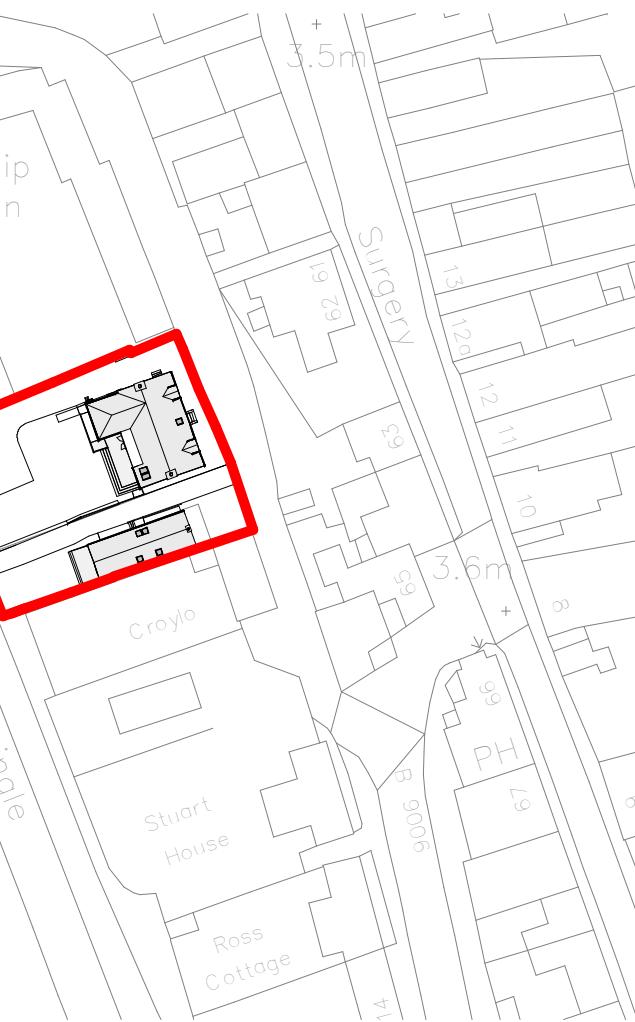
- Foul drainage to connect to existing sewer.
- Surface water to soakaway.
- Existing stone work on site to be retained and stockpiled for use in proposed development.

**Street elevation**

1 : 200

**Location**  
1 : 1000

KEY	
	Existing stone wall to be demolished
	Existing wall to be retained
	Gravel
	Grass
	Hardstanding quarry scalings
	1.8m high timber fence
	0.9m high timber fence
	400mm high stone wall with timber fence above

**Planning issue**

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1 tulloch street, dingwall. IV15 9JY  
tel. 01349 867766 fax. 01349 867769  
[www.reynolds-architecture.com](http://www.reynolds-architecture.com)

No.	Description	Date
A	Alterations to track & House 2 design	09.02.18
B	Transport planning points	12.03.18
C	Parking and turning on site.	06.04.18
D	Alterations	17.04.18
E	Minor alterations to planning layouts	18.05.18
F	External alterations	24.05.18

Rodderick & Andrea Mackenzie  
New build houses @ Old Library Site, Ardersier

**Site Plan & Elevation**

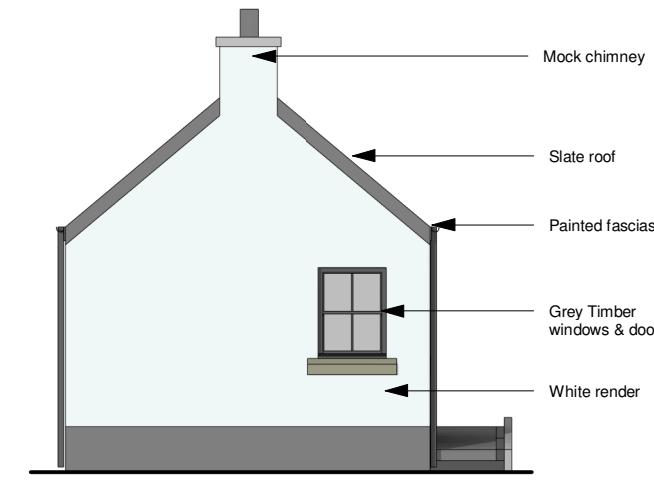
Date	20/09/2017
Drawn by	GIR
Scale	As indicated
2017 052 - 000	
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0 2.5 5 7.5  
Meters  
Scale 1:200 @ A3



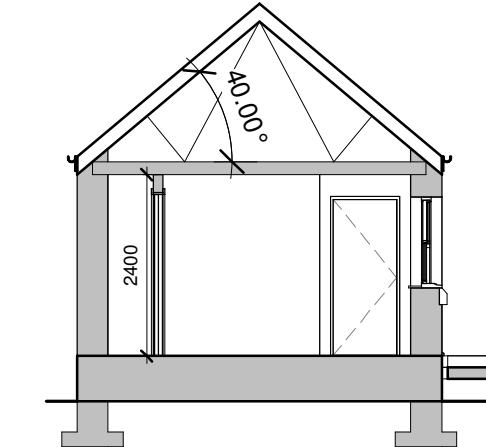
**North west**

1 : 100



**North east**

1 : 100



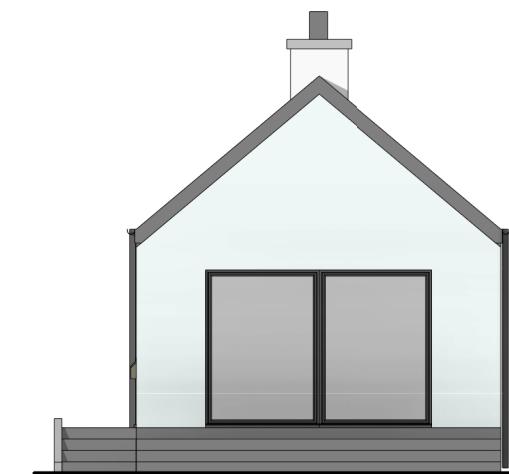
**Section thru bedroom**

1 : 100



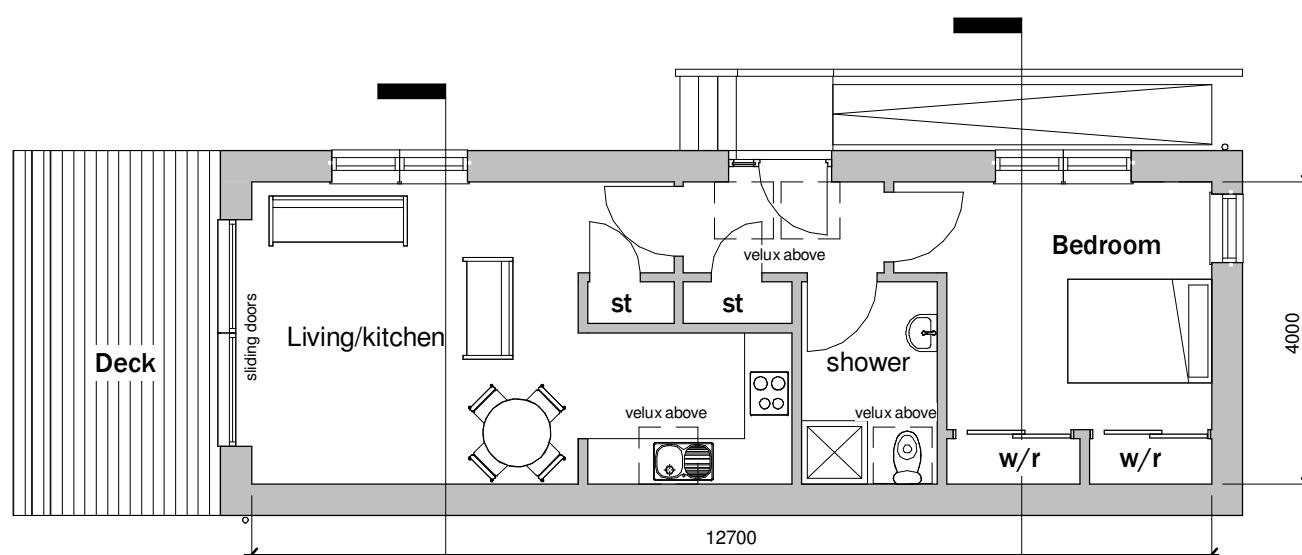
**South east**

1 : 100



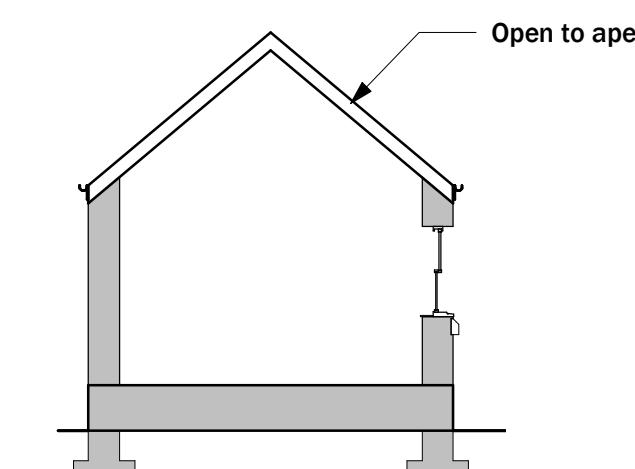
**South west**

1 : 100



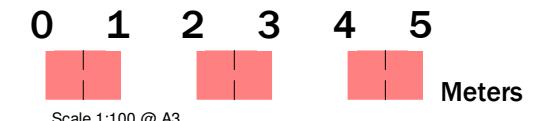
**Ground floor**

1 : 100



**Section thru living**

1 : 100



Scale 1:100 @ A3

**Planning issue**



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No.	Description	Date
A	Alterations	09.02.18
B	Alterations	17.04.18

Rodderick & Andrea Mackenzie

Old Library Site, Ardersier

**House 1 proposals**

Date 15/12/17

Drawn by GIR

Scale 1 : 100

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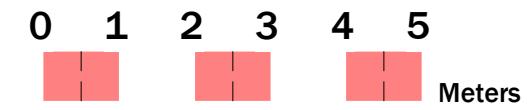
## Rear

1 : 100



# Side 1

1 : 100



Scale 1:100 @ A3

## Planning issue



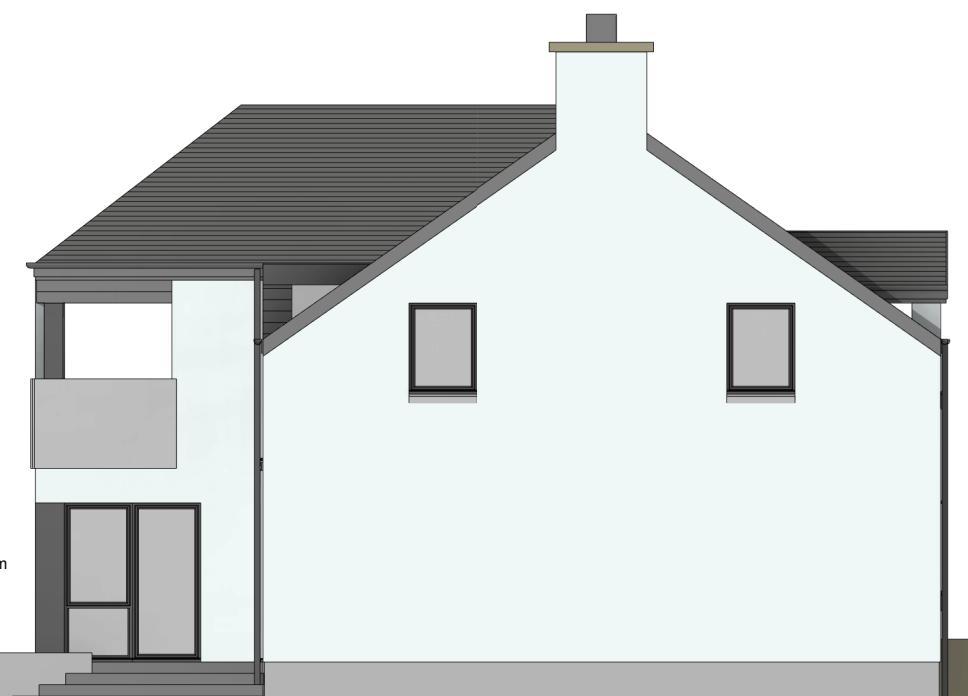
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Plain pre finished timber windows to



## Front

1 : 100



**Side 2**

1 : 100

Roddy & Andrea Mackenzie

#### Old Library Site, Ardersier

Elevations House 2

Date 28.09.17

Drawn by

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GIB

Drawn by  
Scales

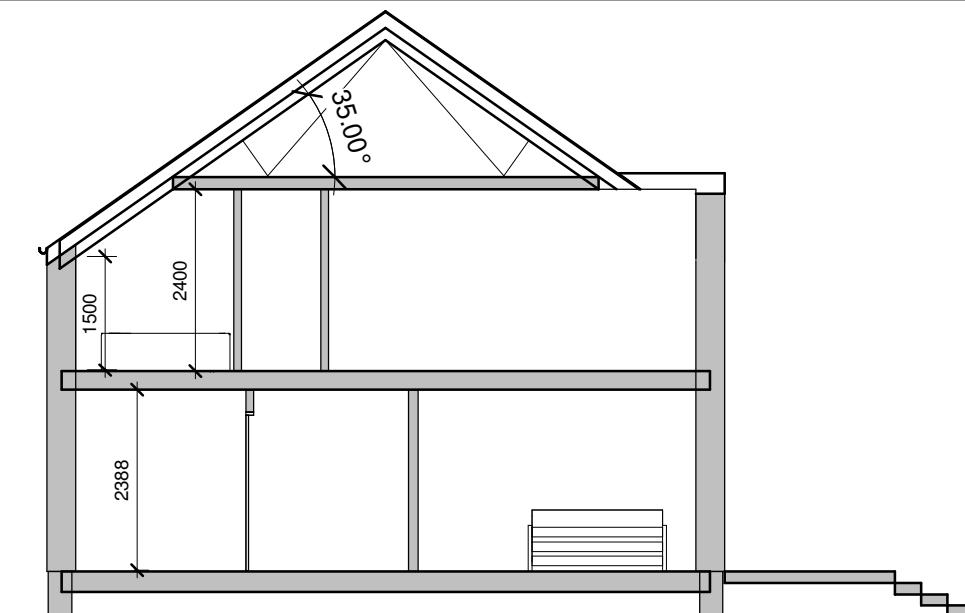
1 / 100

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Journal of Health Politics, Policy and Law, Vol. 35, No. 4, December 2010  
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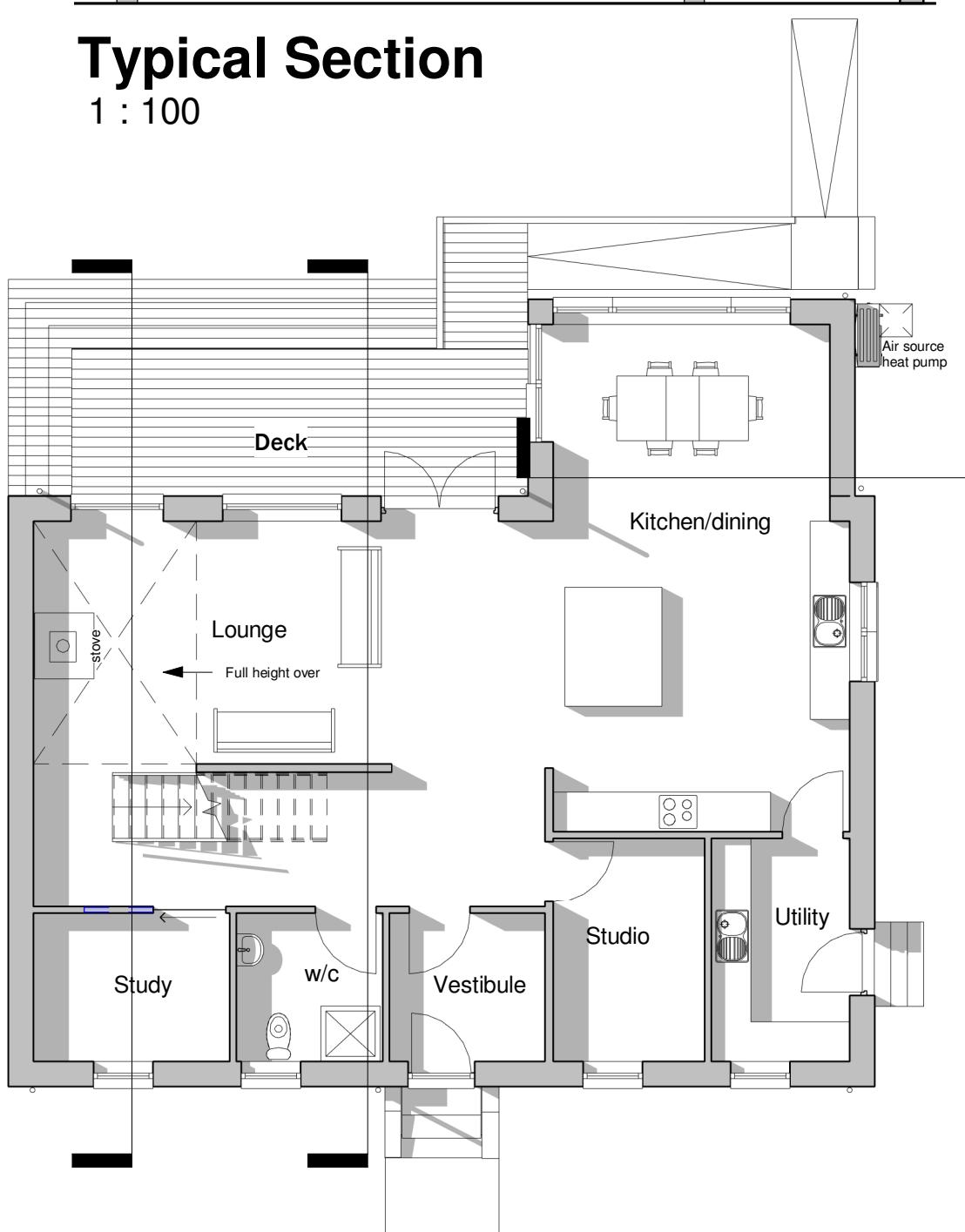
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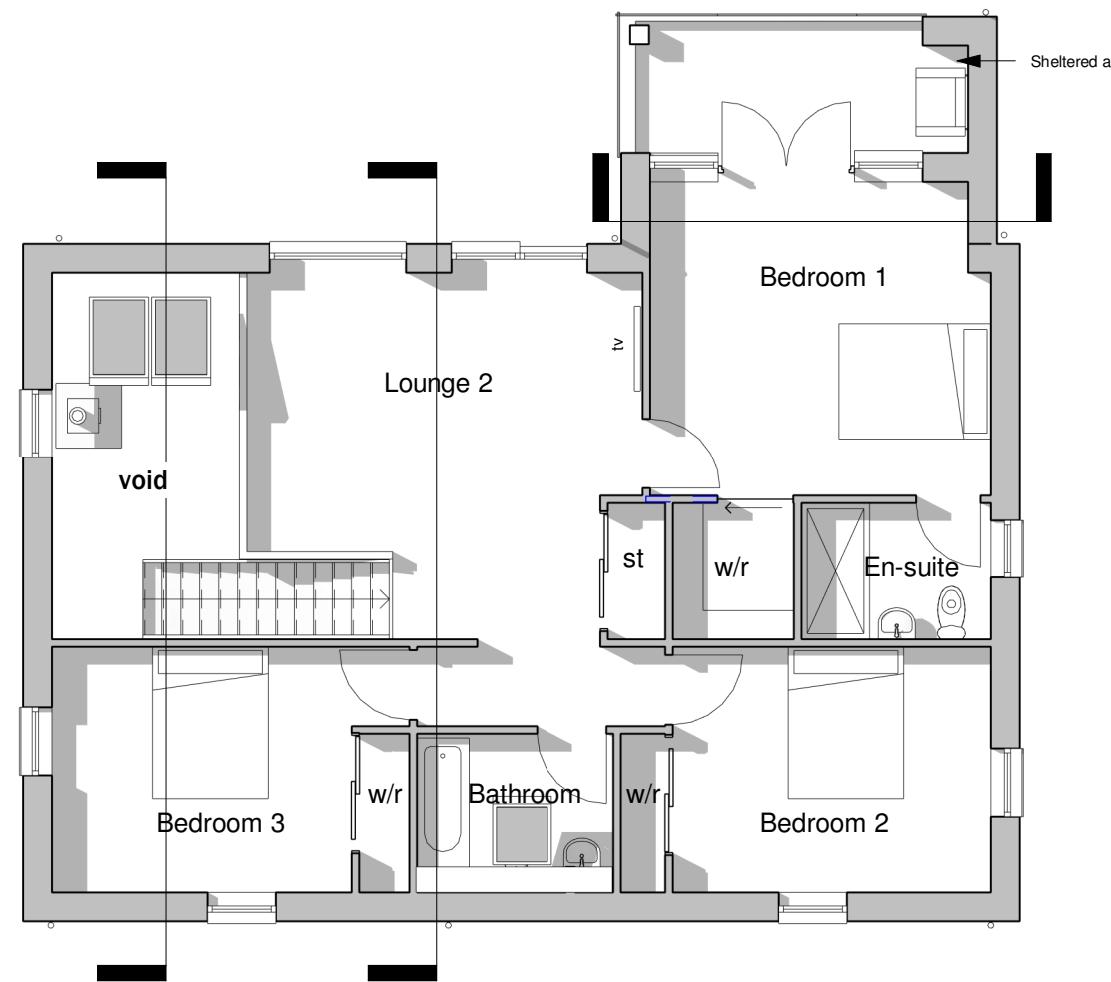
**Typical Section**

1 : 100



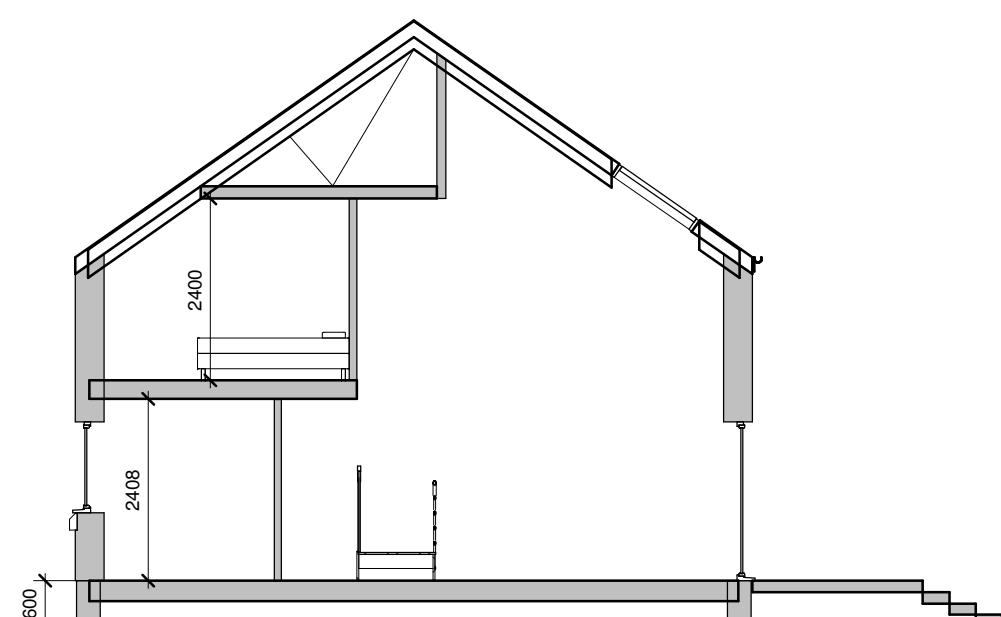
**Ground floor**

1 : 100 GF area = 114.2msq



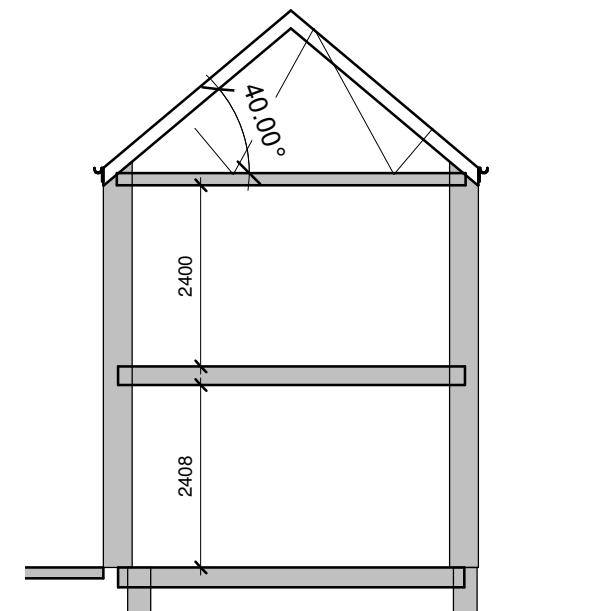
**First floor**

1 : 100 FF area = 92msq (not including void)



**Section thru void**

1 : 100



**Section thru dining**

1 : 100

0 1 2 3 4 5

Meters

Scale 1:100 @ A3

**Planning issue**



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No.	Description	Date
A	Alterations	09.02.18
B	External alterations	24.05.18

Roddy & Andrea Mackenzie

Old Library Site, Ardersier

**Plans House 2**

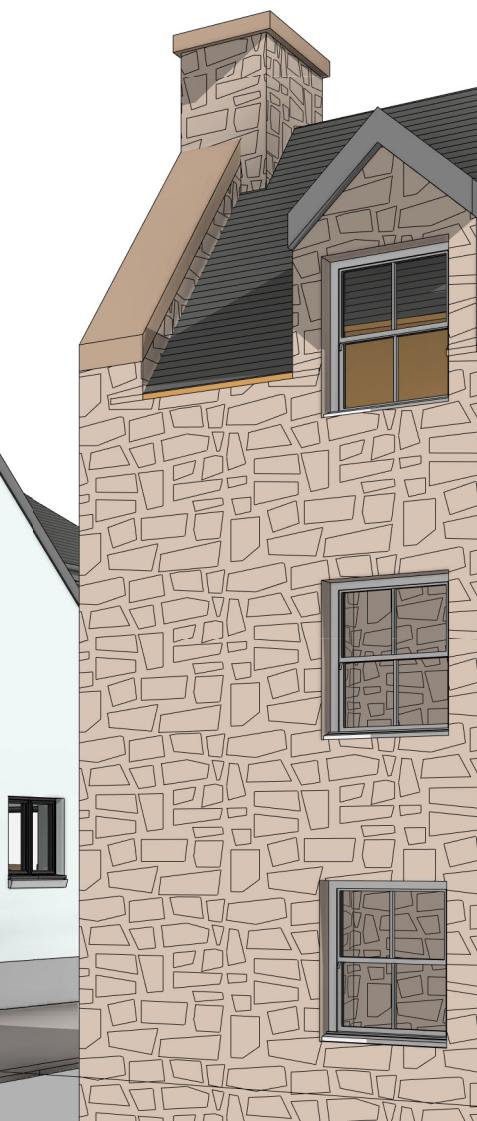
Date 28.09.17

Drawn by GIR

Scale 1 : 100

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## Planning issue



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No.	Description	Date
A	Alterations to track & House 2 design	09.02.18
B	Alterations	17.04.18
C	Minor alterations to planning layouts	18.05.18
D	External alterations	24.05.18

## Rodderick & Andrea Mackenzie New build houses @ Old Library Site, Ardersier

## External views

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Date 20/09/2017

Drawn by GIB

### Scale

2017-052-002

2017 052 - 003

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2. Contractor is responsible for checking all dimensions prior to construction.
3. Discrepancies to be referred to architect for decision.
4. Must be read in conjunction with written specification and engineers/sub contractors construction