Agenda Item	6.9
Report	PLS
No	094/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 05 December 2018

Report Title: 18/04525/FUL: Mr Duncan Wink

Land 10m West of Daytona Court, East Terrace, Kingussie

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of new dwellinghouse & detached garage (amendment to

16/05517/FUL)

Ward: 20 - Badenoch And Strathspey

Development category: Local

Reason referred to Committee: Community Council objection

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This is an application in retrospect, submitted in response to a breach of planning control complaint, following a material variation to planning permission 16/05517/FUL. The change relates to the increase in finished floor levels and ridge height. The house is substantially complete.
- 1.2 Access, parking and drainage arrangements remain unchanged from the previous application. Access is taken from East Terrace with off-street parking provision for 2 cars to the front of the house. The property will be connected to the public water supply and sewer.
- 1.3 Pre Application Consultation: Pre-application consultation is not mandatory but was undertaken. Pre-application advice was given with regards to a proposal for a new house (16/04122/PREAPP). This advised that the principle of development was supported as a new house would generally reflect and reinforce the traditional pattern and character of properties in the surrounding area by utilising an opportunity for infill development.
- 1.4 Supporting Information: Supporting Statement, shadow analysis, site photos and video
- 1.5 Variations: Plans showing levels from a fixed datum point, shadow analysis including the detached garage to the front of the property and updated Supporting Statement.

2. SITE DESCRIPTION

2.1 Partially constructed property at East Terrace on a site that slopes down from the public road to the south. Houses in this area of Kingussie are tiered given the steep gradient. The site is enclosed by neighbouring properties Drummore to the west and Daytona Court to the east. The immediate surrounding area is generally characterised by single storey/1 and ½ storey properties to the south of East Terrace with larger scale Victorian villas to the north.

3. PLANNING HISTORY

3.1	10.05.2017	16/05517/FUL - Erection of new dwellinghouse and detached garage	Granted
3.2	08.11.2016	16/04122/PREAPP - Proposed new dwellinghouse	Advice given
3.3	11.09.2006	06/00225/FULBS - Erection of double garage	Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 11.10.2018

Representation deadline: 25.10.2018

Timeous representations: 4 (1 general comment from 5 households)

Late representations: 5 (in support from 5 households)

4.2 Material considerations raised are summarised as follows:

Representations against:

- a) Non-compliance with the Development Plan and planning policy
- b) Design
- c) Detrimental impact on amenity and privacy
- d) Access visibility, parking provision, increased traffic
- e) Landscaping

Representations in support:

- a) Compliance with the Development Plan and planning policy
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Kingussie and Vicinity Community Council**: The Community Council requested that it be consulted on the application. It objected due to concerns regarding the design and scale with a flat roof preferred to the current pitched roof. Its view is that the amenity/privacy of neighbours is detrimentally impacted by the increased floor level, ridge height, layout of windows and walkway around the building. The Community Council also sought assurances that the detached garage would not impact on visibility and that removed trees would be replaced with appropriate landscaping.
- 5.2 Cairngorms National Park Authority: No objection
- 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 Cairngorms National Park Local Development Plan 2015
 - 1 New Housing Development
 - 3 Sustainable Design

Community Information: Kingussie

- 6.2 Local Development Plan Policy Guidance
 - 1 New Housing Development
 - 3 Sustainable Design

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

SPP Scottish Planning Policy (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) Design
 - c) Impact on neighbouring amenity and privacy
 - d) Access visibility, parking provision, increased traffic
 - e) Landscaping
 - f) any other material considerations

Development plan/other planning policy

- 8.4 Policy 1 of the Cairngorms Local Development Plan applies with new housing supported where proposals reinforce and enhance the character of the settlement maximising infill opportunities. Policy 3, which requires proposals to demonstrate that the amenity and privacy enjoyed by neighbours is protected and that disturbance is minimised, is also given due consideration.
- 8.5 An application for a house on this site, of the same design, has been granted planning permission. The principle has already been accepted. The matter at hand is the impact that the proposed changes, of an increased floor level and roof ridge height, may have on neighbouring properties. The application has attracted an objection from the Community Council and a number of representations against the proposal principally on design and amenity grounds which require further detailed consideration.

Design

8.6 As the general design of the property remains unchanged from the previous application the proposal is still considered to be in accordance with Policy 3 which states that innovative approaches to design and effective use of resources are

welcomed. The site is fairly compact but can accommodate a property that utilises a tiered design similar to that favoured by surrounding houses south of East Terrace. Whilst the proposed design appears distinct when compared with surrounding development it is considered to be a modern interpretation of a traditional form. The fenestration is slightly unusual with an angled northern elevation. The reason for this is to take advantage of energy conservation potential and the views south; the main living spaces located to the rear of the building for this reason. Floor to ceiling windows on the southern elevation increase solar gain and contribute to energy efficiency.

- 8.7 The finished floor level on the lower ground floor has been raised by 55.8cm and by 69.5cm at ground floor which is approximately aligned to the neighbouring properties either side; Drummore and Daytona Court. The roof ridge has been raised 93.5cm which is higher than adjacent properties. The height of the property in comparison with immediate neighbours raised concern with a number of respondents. Whilst it is higher than the house immediately to the east, Daytona Court, this house sits lower than most within East Terrace. The applicant's house, even with higher ridge, sits well within the overall context of East Terrace, which includes more traditional houses such as Craig View and Drumaline.
- 8.8 The property, as now built, is considered acceptable in terms of scale, design and materials.

<u>Amenity</u>

- 8.9 The increase in finished floor levels has the potential to impact on the privacy and amenity of neighbours, in particular Daytona Court since it is on this east elevation that an external balcony feature extends. There is adequate separation from Drummore and Daytona Court is approximately 8m to the east at the closest point. It is acknowledged that the glass panelled dining room and utility room doors, kitchen window and elevated walkway along the eastern boundary are in close proximity to first floor bedroom window located on the west gable of Daytona Court. The utility room and kitchen windows are set back approximately 9m and 10m with the dining room approximately 12.5m from the first floor bedroom of Daytona Court. All windows are however at an oblique angle.
- 8.10 While the amended design does not alter window positions, the increase in levels does raise balcony and window levels. The window of most concern to amenity is the kitchen window which is both closest and the one that one would stand at. The increase in floor level results in a shallower angle of view to the neighbour's bedroom window. Mitigation measures have been discussed with the agent, to include the installation of a louvre style screen along the section of walkway from the dining room to the front elevation. While the agent was also willing to install partially opaque patterned glass along this side of the property it is considered that the fencing will provide sufficient privacy for residents without affecting light into the new property. This mitigation can be controlled by condition.
- 8.11 The rear balcony has an outlook partially over the rear garden of Daytona Court and Coire Mor but is not considered to have a detrimental impact on amenity given existing planting in the neighbouring plots that can be supplemented with further

landscaping. Again this can be achieved by condition.

8.12 The increase in levels does not significantly impact on sunlight/daylight to neighbouring properties following the review of the shadow analysis supporting information.

Access

8.13 The access and parking arrangements remain unchanged from the previous application therefore are still considered appropriate. Representations question the access arrangements and capacity of the road to accept additional traffic. 2 off street parking spaces are provided within the site adjacent to East Terrace with further space in the double garage which is considered to comply with the Development Plan and relevant guidance. The garage is to be set back from the public road to ensure that the visibility splays are appropriate. The proposed access will increase the passing opportunity afforded by the service lay-by.

Other material considerations

8.14 Construction hours and noise generating activities are referenced in an Informative.

Non-material considerations

8.15 None

Matters to be secured by Section 75 Agreement

8.16 None

9. CONCLUSION

- 9.1 New housing is supported where proposals reinforce and enhance the character of the settlement maximising infill opportunities; this has already been assessed and accepted as part of the previous application. The finished floor level has been raised leading to objections on the basis that the new property will appear incongruous at the location. It is considered that the proposal generally reflects development in the wider surrounding area.
- 9.2 Whilst concerns regarding the amenity and privacy enjoyed by neighbours are legitimate it is considered that mitigation measures including the installation of fencing along the eastern boundary and further landscaping will ensure that impact on amenity is minimised.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

Conditions and Reasons

1. No further development shall commence until full details of louvre fencing along the eastern elevation walkway have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

- 2. No further development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual

tree and/or shrub and planting densities; and

v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that the approved landscaping works are properly undertaken on site.

REASON FOR DECISION

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud & Debris on Road

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

strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Roddy Dowell

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

Relevant Plans: Plan 1 - Elevation Plans 1397-120

Plan 2 - Site Layout Plan 1397-121

Plan 3 - Site Layout Plan 1397-122

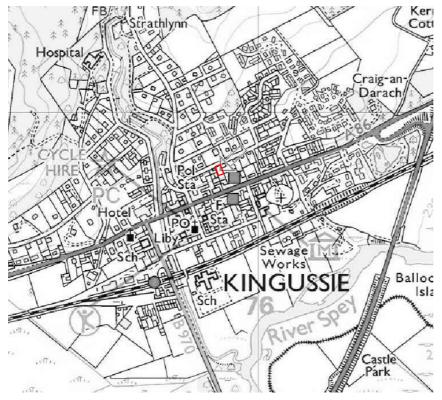
Plan 4 - Floor Plan 1397-123

Plan 5 - Floor Elevation Plan 1397-124

Plan 6 - Location Plan1397-SLP

Plan 7 - Shadow Analysis 1397-SUM

Plan 8 - Shadow Analysis 1397-WIN



Site Location Plan

NTS



Site Plan Scale 1:1250



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New dwellinghouse

Site at East Terrace, Kingussie PH21 1JS

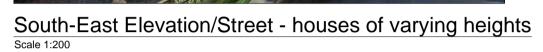
For: Mr & Mrs Wink

Site Location Plan

Scale		Date	
	as shown @A4	September 2018	
Revision		Drg No	
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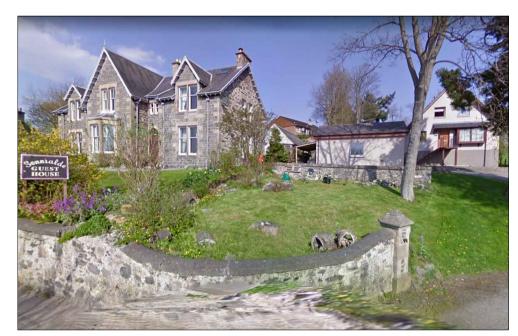












Properties to the North of the Site at high elevation



1. Tree screening to the east elevation from Ground Floor





2. Tree screening to the east elevation from First Floor scaffolding



4. Photo at Ridge - Looking to Craig View





3. Tree screening to the west elevation from First Floor



Precedent, Newtonmore - single storey dwelling raised higher than surrounding single storey dwellings



NOTE:
Dimensions must not be scaled from this drawing. If in any doubt - ask! All dimensions to be checked prior to work commencing or prior to any components being manufactured. Any discrepancy to be reported. All work and material to comply fully with all current British Standards Codes of Practice, building regulations, IEE regulations and all HSE acts.

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New dwellinghouse

Site at East Terrace, Kingussie PH21 1JS

For: Mr & Mrs Wink

Date
Sept 2018
Drg No
1397-121





Photo 1. Looking out of Living Room



Photo 2. Looking out of Kitchen window



Photo 3. Looking up to neighbours window



Photo 4. Looking out of dining room window



Photo 5. Looking out of dining room window



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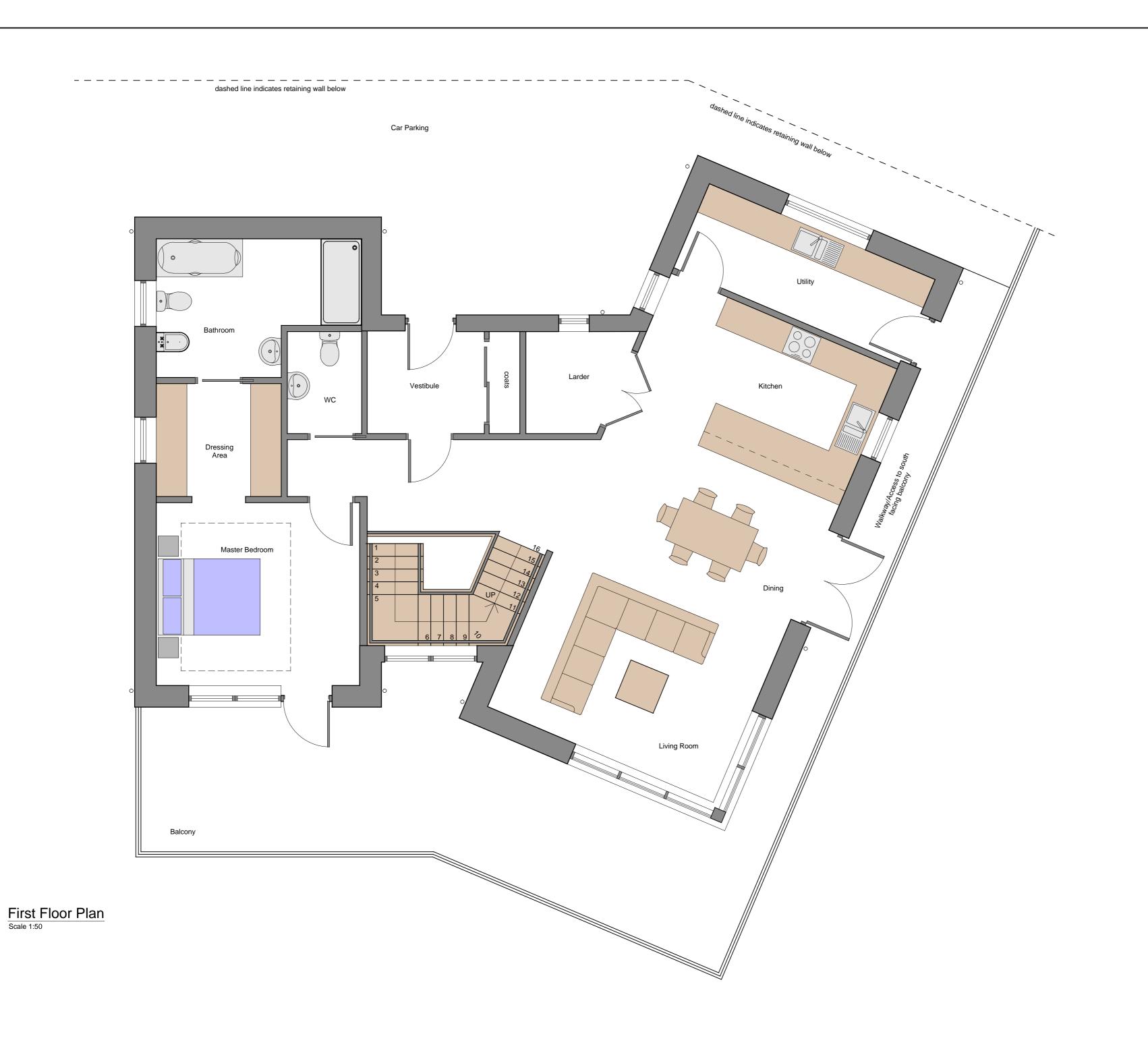
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For: Mr & Mrs Wink

Date
September 2018
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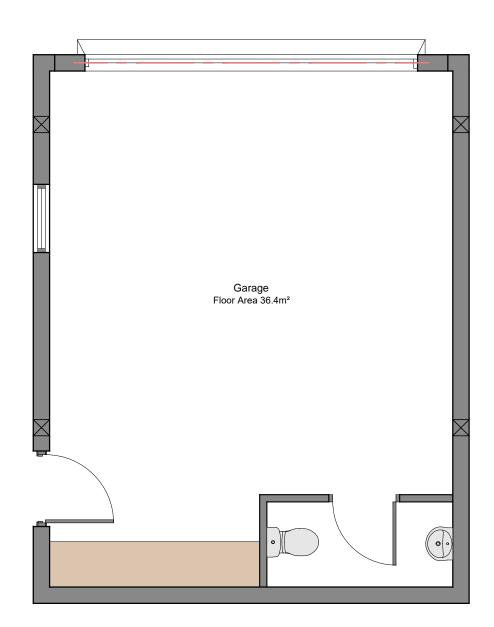
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Sept 2018

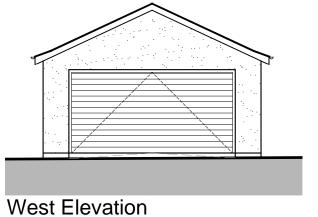
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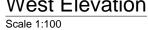
Ground Floor Plan
Scale 1:50

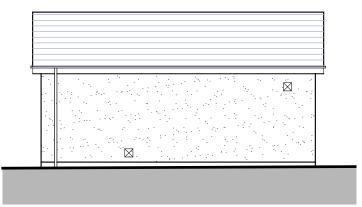




Garage Floor Plan
Scale 1:50

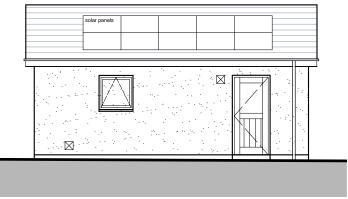




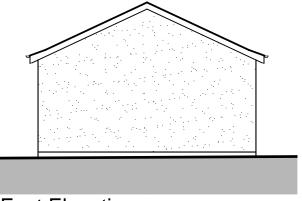


North Elevation

Scale 1:100



South Elevation Scale 1:100



East Elevation

Scale 1:100

Materials

Walls - Smooth Render

- Dark Grey Roof tiles

Windows and doors - Alu-clad Rainwater goods - Aluminium

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New dwellinghouse

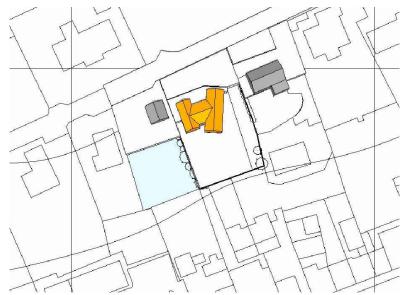
Site at East Terrace, Kingussie PH21 1JS

For: Mr & Mrs Wink

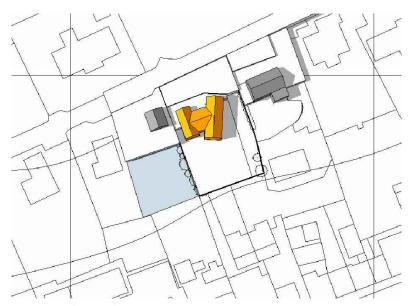
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as shown @A3		Sept 2018
Revision	Drg No	
Α		1397-124



June 1st | 9am | Planning Approved



June 1st | 12pm | Planning Approved



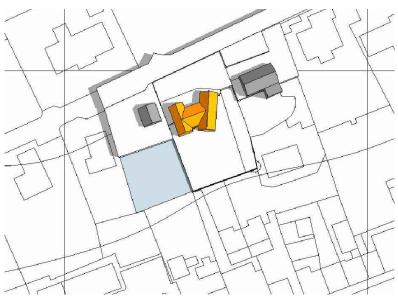
June 1st | 3pm | Planning Approved



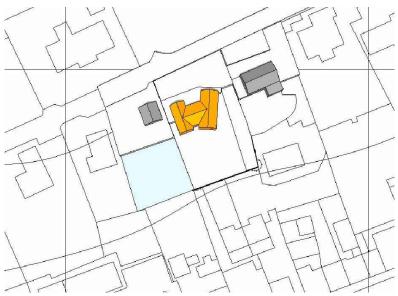
June 1st | 6pm | Planning Approved

Shadow Analysis Conclusion

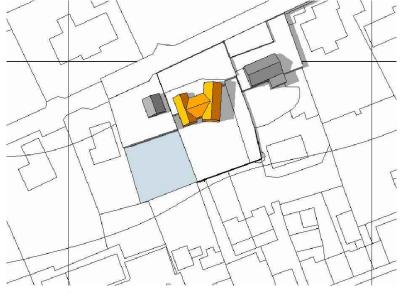
The above analysis shows that there will be no additional overshadowing to the adjacent property.



June 1st | 9am | As Built



June 1st | 12pm | As Built



June 1st | 3pm | As Built



June 1st | 6pm | As Built

Proposed Shadow Fall



NOTE:
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New Dwellinghouse

At: Site at East Terrace, Kingussie, PH21 1JS

For: Mr. & Mrs. Duncan Wink

Shadow Analysis - S	Summer Equinox
Scale	Date

NTS	September 2018
Revision	Drg No
-	1397 - SUM
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December 1st | 9am | Planning Approved



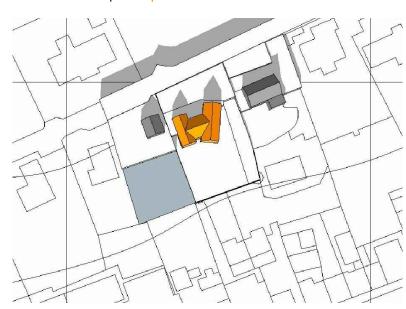
December 1st | 12pm | Planning Approved



December 1st | 3pm | Planning Approved



December 1st | 9am | As Built



December 1st | 12pm | As Built



December 1st | 3pm | As Built

Shadow Analysis Conclusion

The above analysis shows that there will be no additional overshadowing to the adjacent property.

Proposed Shadow Fall



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New Dwellinghouse

At: Site at East Terrace, Kingussie, PH21 1JS

For: Mr. & Mrs. Duncan Wink

Shadow Analysis - Winter	· Equinox

Scale		Date		
	NTS		September 2018	
Revision		Drg No		
	-		1397 - WIN	
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