Agenda Item	6.5
Report	PLS
No	007/19

### HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 29 January 2019

**Report Title:** 18/04400/FUL: Mr Alistair Wighton

Land 40M South of Mains of Curr Farmhouse, Dulnain Bridge

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

**Purpose/Executive Summary** 

**Description:** Erection of new dwelling house and detached garage

**Ward:** 20 - Badenoch and Strathspey

**Development category:** Local

Reason referred to Committee: Number of representations

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

#### Recommendation

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

#### 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a 4 bedroom property and detached garage adjacent to the existing cluster of properties at Mains of Curr.
- 1.2 The existing access is from the A95 Aviemore to Grantown public road. 3 parking spaces will be provided within the site. The property will be connected to the public water supply and sewer.
- 1.3 Pre Application Consultation: Pre-application consultation was not undertaken.
- 1.4 Supporting Information: Design and Access Statement, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Report.
- 1.5 Variations: Following comments from the Council's Forestry Officer the applicant submitted minor amendments moving the property footprint a number of metres to the south east outwith root protection areas with the intention of retaining the 2 trees within the site. Shortly after receiving the amended plans the Arboricultural Impact Assessment was submitted advising that there was significant decay within both trees. The applicant advised that they would revert to the original plans and have since removed both mature trees. Neighbours were made aware of the amendments whilst the application was pending consideration.

### 2. SITE DESCRIPTION

- 2.1 This is a sloping site at Mains of Curr located between Category B Listed Broomhill House and Mains of Curr Farmhouse. Access is from the existing A95 junction north of the site. The site is enclosed by mature trees along the south western boundary with Broomhill House and smaller trees/shrubs between the A95 public road.
- 2.2 Two mature trees have been removed from the site whilst the application has been pending consideration. Curr Wood beyond the north western site boundary is designated as Ancient Woodland. The surrounding area has undergone significant development in recent years with Mains of Curr Cottage, the dilapidated Mains of Curr steading and associated ancillary building redeveloped as housing.

### 3. PLANNING HISTORY

3.1	18.06.2018	17/04780/FUL - Demolition of timber Granted structure and erection of house and garage, formation of access, installation of septic tank and soakaway
3.2	07.04.2017	17/01162/FUL - Demolition of existing Granted cottage and erect replacement dwelling house and detached double garage (revised application 16/05222/FUL)
3.3	08.03.2017	16/05222/FUL - Demolition of existing Granted cottage & erect replacement dwelling

3.4	10.02.2015	14/02404/PIP - Demolition of cottage and shed; erection of two houses.	Called in and Granted by CNPA
3.5	11.04.2015	04/00266/FULBS Change of use to farm shop, tearoom and children's play area.	Withdrawn

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 18.10.2018

Representation deadline: 04.01.2019

Timeous representations: 21 (from 21 separate households)

Late representations: None (given extended notification period)

- 4.2 Material considerations raised are summarised as follows:
  - a) Non-compliance with the Development Plan and planning policy
  - b) Design, scale and layout
  - c) Detrimental impact on amenity and privacy
  - d) Detrimental impact on historic environment
  - e) Access, visibility, parking provision, increased traffic
  - f) Landscaping and engineering works
  - g) Protected species
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 **Forestry Officer**: No objection subject to conditions. The Forestry Officer was extremely disappointed that the mature Japanese larch and Scots pine were felled as they did not consider the attached arboricultural information offered conclusive evidence that both trees posed an immediate danger and could not be retained.
- 5.2 **Historic Environment Team**: No objection.
- 5.3 Cairngorms National Park Authority: No objection.
- 5.4 **Transport Scotland:** No objection subject to conditions, although raised concerns that the visibility from the existing access with the A95 is sub-standard and requires upgrading works.

#### 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
- 4 Natural Heritage
- 5 Landscape
- 9 Cultural Heritage
- 10 Resources

## 6.2 Local Development Plan Policy Guidance

- 1 New Housing Development (non-statutory guidance)
- 3 Sustainable Design (non-statutory guidance)
- 4 Natural Heritage (supplementary guidance)
- 5 Landscape (non-statutory guidance)
- 9 Cultural Heritage (non-statutory guidance)
- 10 Resources (non-statutory guidance)

### 7. OTHER MATERIAL POLICY CONSIDERATIONS

# 7.1 Proposed Cairngorms Local Development Plan 2020

# 7.2 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (November 2018)

# 7.3 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, scale and layout
- c) amenity and privacy
- d) historic environment
- e) trees
- f) access, visibility, parking provision, increased traffic
- g) drainage
- h) protected species
- i) any other material considerations

## Development plan/other planning policy

- 8.4 The Cairngorms Local Development Plan supports new housing within existing rural groups where proposals reinforce and enhance the character of the settlement maximising infill opportunities. Mains of Curr is an existing rural housing group.
- 8.5 Where proposals can achieve this, without adverse impact upon the amenity of neighbouring occupiers and the surrounding historic and/or natural environment a new house could be supported by the Development Plan.

#### Design

- 8.6 The new 4 bedroom, 1 and ½ storey, property is set on a rectangular footprint and finished with a mixture of horizontal timber cladding, K–rend walls and reclaimed granite detailing. The roof will be a dual pitch with concrete interlocking roof tiles. Large floor to ceiling glazing will be installed on the south eastern elevation. A detached garage and parking provision will be provided to the rear of the property. Floor to ceiling windows on the south eastern elevation increase solar gain and contribute to energy efficiency. The proposal combines a modern design aesthetic whilst retaining a traditional from.
- 8.7 Due to the contours of the site it is proposed that the existing ground level will be reduced and excavated. The ground level for the proposed house will be set approximately 300mm below the adjacent Mains of Curr Farmhouse with the ridge height marginally higher. The applicant was keen to avoid setting the house too far below the existing track in order to minimise the potential for water ingress into the site. Further engineering works can be controlled by condition.
- 8.8 The scale, design and chosen materials are compatible with the two recently constructed properties situated approximately 60m to the north and 105m to north east of the site (17/01162/FUL and 17/04780/FUL). The main gable feature facing the road mirrors these properties which creates a cohesive overall appearance.
- 8.9 The site is compact but able to accommodate a property of the size indicated and its associated services while reflecting the surrounding development within the existing cluster. The site offers a clear infill opportunity between Mains of Curr Farmhouse and Broomhill House with mature trees lining the south west and existing track marking the extent of the site boundary.

8.10 The proposed house is considered acceptable in terms of scale, design and materials.

#### Amenity

8.11 There is adequate separation from Mains of Curr Farmhouse, Mains of Curr Cottage and Broomhill House (35m, 50m and 70m respectively). The garage will be located to the rear of the site and closer to the elevated garden ground of Broomhill House (approximately 40m). Whilst it is acknowledged that the new garage and property will be seen from the rear garden and a number of windows at Broomhill House, the impact on amenity is negligible given the location slopes down towards the A95. Further screening can be implemented to good effect with appropriate landscaping. This can be controlled by condition. There is adequate separation to ensure that neighbour amenity is retained. There will be no impact of sunlight/daylight provision given the set back from surrounding properties.

## **Historic Environment**

8.12 The Historic Environment Team considers the development does not raise any concerns. Whilst visible on the periphery the new development will not significantly encroach upon the principle south and west facing elevations of the Category B Listed Broomhill House. As such there is unlikely to be a significantly adverse impact on its setting, will not affect the perception of the Listed Building or interfere with its relationship with any contemporary or associated structures. Whilst the development will be visible from particular viewpoints, it is not considered to affect the special interest of the Listed Building or its setting.

## <u>Trees</u>

8.13 A number of representations expressed concerns that the birch and pine trees were removed from the site. Following further investigation and the submission of supporting details the applicant's Arborculturist recommended that both trees be removed due to internal decay. Following the tree removal a further survey was carried out to analyse the stumps and submitted to the Council. The site is not covered by a Tree Preservation Order (TPO) therefore there is no statutory legal protection preventing the landowner from removing them. It is unlikely that a felling licence would have been required by the Forestry Commission given the relatively small diameter/volume of the 2 trees. Further compensatory planting will ensure future continuity of tree cover at the site. This planting can be achieved through condition.

### Access and parking arrangements

8.14 Representations made against this application question the suitability of the access arrangements and capacity of the road to accept additional traffic. The intention is to extend the track adjacent to Mains of Curr Cottage and upgrade the existing access from the A95 to meet current visibility splay requirements. Transport Scotland raised concern that the visibility is only 185m and has requested this be extended to 215m. The existing bank adjacent to the access will be cut back accordingly to ensure that a clear sightline is maintained and canl be controlled by

condition.

8.15 3 off street parking spaces are provided within the site with further space in the double garage which is considered to comply with the Development Plan and relevant guidance.

## **Drainage**

- 8.16 Concerns have been expressed in relation to waste water and foul drainage issues, and in particular whether the sloping site will exacerbate fluvial flood risk.
- 8.17 The septic tank and soakaway is to be located within the south eastern portion of the site. Further information on the proposed drainage arrangements can be sought by condition. Any impact on ground water quality resulting from inadequate arrangements is however a matter for SEPA. The responsibility to ensure adequate arrangements are in place to absorb any increase in capacity required as a result of the proposal is a matter for the owner to appropriately address.
- 8.18 In terms of surface water drainage, concern has been expressed that the proposed development could aggravate surface water run-off. A condition is recommended to secure full details of SUDS compliant surface water drainage system that takes account of not only the house/garage roof and hard surface run-off within the site, but also surface water originating from outwith the site. However, there is no reason to assume that a drainage solution cannot be found for the property, as it has been for its neighbours.
- 8.19 The site is outwith areas at risk of fluvial and pluvial flooding according to SEPA's flood risk maps.

### **Protected Species**

8.20 The site has no nature conservation designation and would not appear appropriate habitat to support protected species. Supporting information has been provided advising that no bats were present prior to the removal of the trees. It is not considered that the proposal will adversely impact on species.

### Other material considerations

- 8.21 The issue raised with regard to waste/recycling storage can be addressed through the imposition of condition.
- 8.22 Construction hours and noise generating activities are referenced in an Informative.

### Non-material considerations

8.23 Potential impact on surrounding property values/businesses and right to a view are not material planning considerations.

## Matters to be secured by Section 75 Agreement

8.24 The site is outwith the Carrbridge Primary School catchment area and no further education contributions are required. The affordable housing contribution of £1250

is required. This is likely to be made via upfront payment rather than require a legal agreement.

#### 9. CONCLUSION

- 9.1 New housing development is supported where proposals reinforce and enhance the character of the settlement maximising infill opportunities. A number of objections have been made on the basis that the new property will not comply with the Development Plan. In particular, comments that the design, materials, scale and layout of the proposal will appear incongruous within the setting and will have a detrimental impact on amenity have been made. However, it is considered the proposal generally reflects development within the existing cluster whilst utilising a modern aesthetic. The new property will be adequately set back from neighbours to limit the impact on neighbour amenity and the listed building.
- 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	Υ	£1250	Affordable	Housing			
		Contribution required					

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**

 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 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.

3. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity.

4. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located beyond the crown spread and in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction. Barriers are to remain in

place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

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

5. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason**: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

6. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason**: In order to ensure that the site is properly and adequately drained.

- 7. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines:
  - i. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason**: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

8. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

**Reason**: To ensure that waste on the site is managed in a sustainable manner.

#### 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.

- 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.

## Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

## **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.

#### 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.

### **Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information,

please contact Building Standards at <u>Building.Standards@highland.gov.uk</u> or on 01349 886606.

## **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: <a href="https://www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

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 - P006 Location Plan

Plan 2 - P001 Proposed Floor and Elevation Plan

Plan 3 - P002 Proposed Elevation Plan

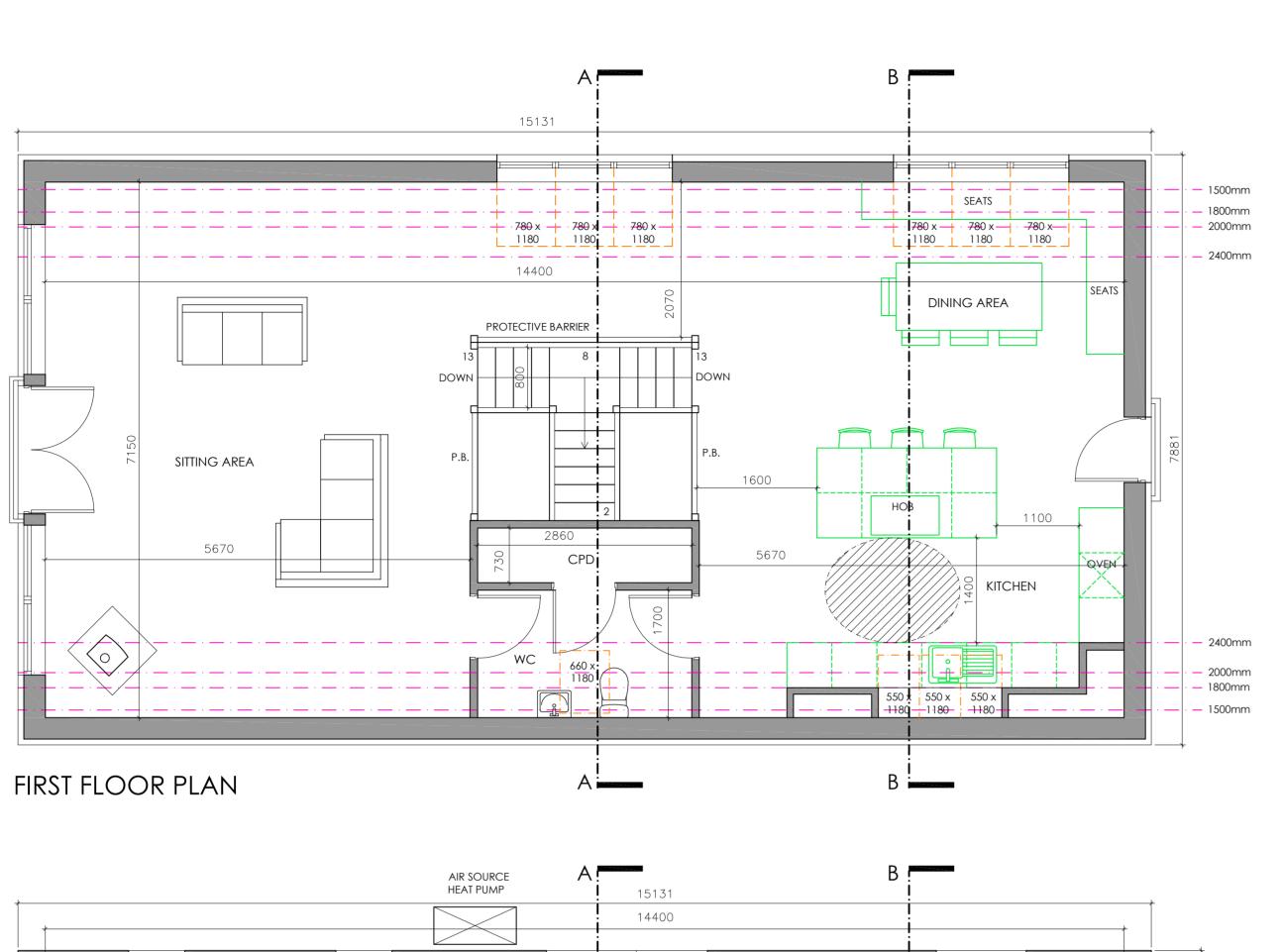
Plan 4 - P003 Proposed Garage Plan

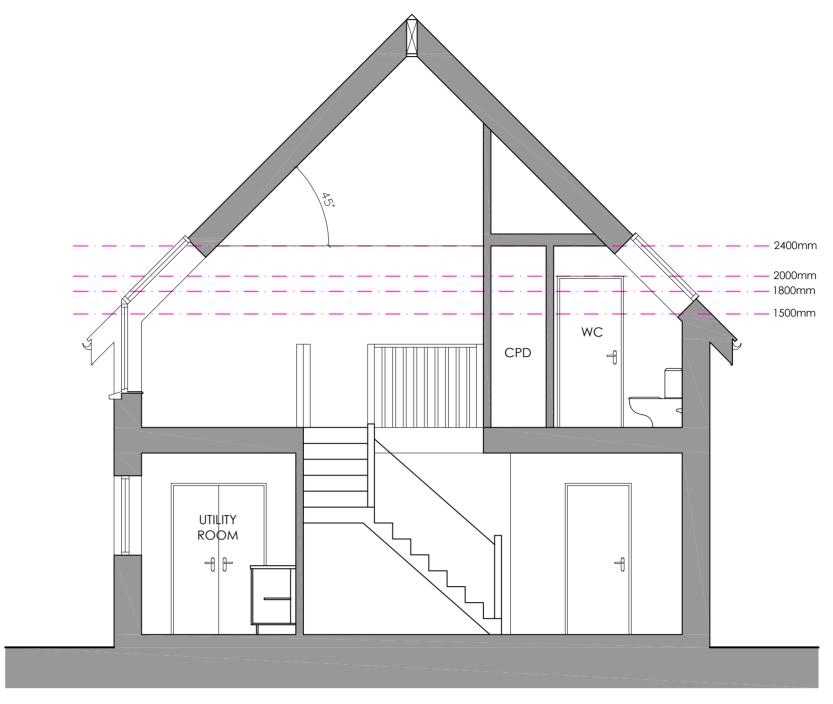
Plan 5 - P004 Proposed Site Layout Plan

Plan 6 - P005 Proposed Site Section Plan

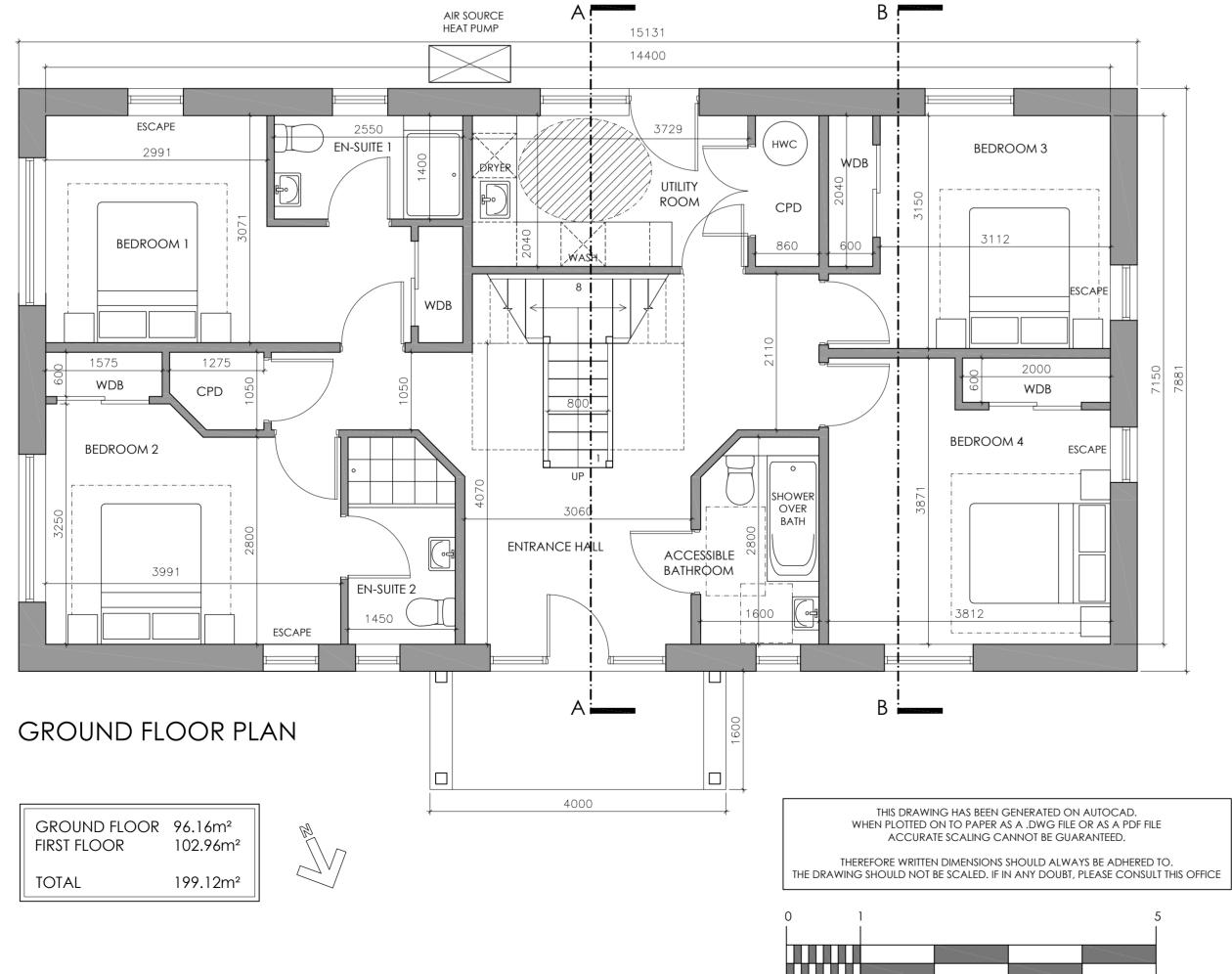


CLIENT: MR ALISTAIR WIGHTON	SCALE: 1:1250 @ A4	DATE: 17 SEP	TEMBER 2018	JOB NO: 18-106	DRAWING NO: P-006	REVISION:		П	JHO Architects Ltd	
PROJECT: NEW HOUSE AND GARAGE AT 80m SOUTH OF BROOMHILL STEADING, MAINS OF CURR, DUI NAIN BRIDGE PH26 31 U	DRAWING: LOCATION PLAN	1	DWG CATEGORY: PLANNING	GRID REFERENCE: NH 99405 226	322		L		111 Church Street   Inverness   IV1 1EY Tel   07549 247776 email   jolie@jhoarchitect.co.uk	

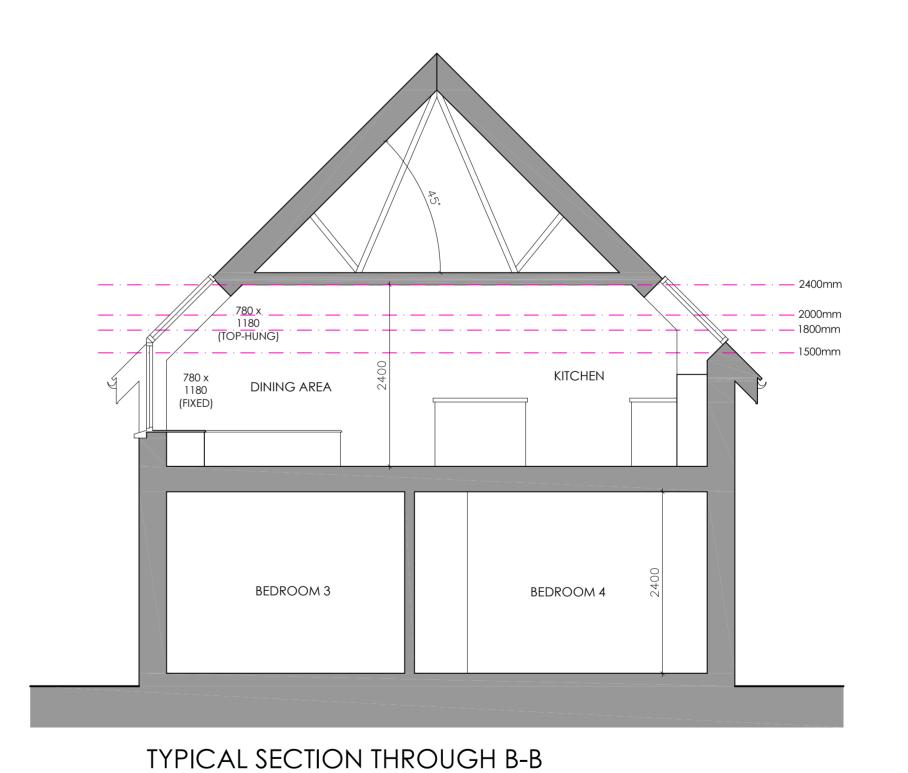




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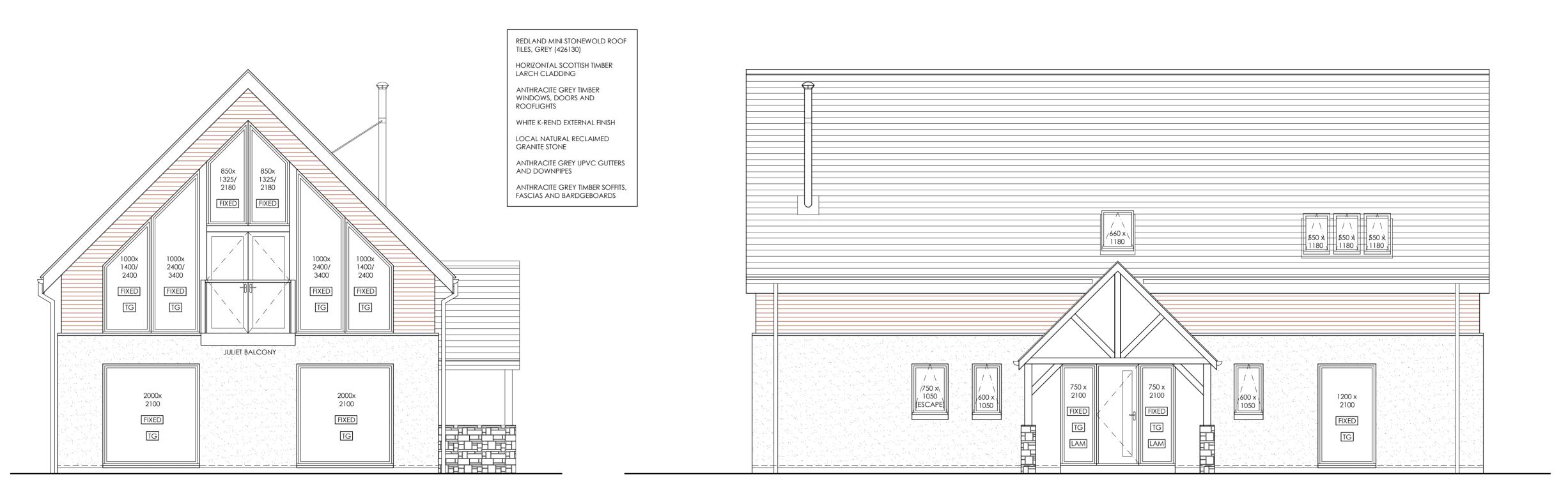


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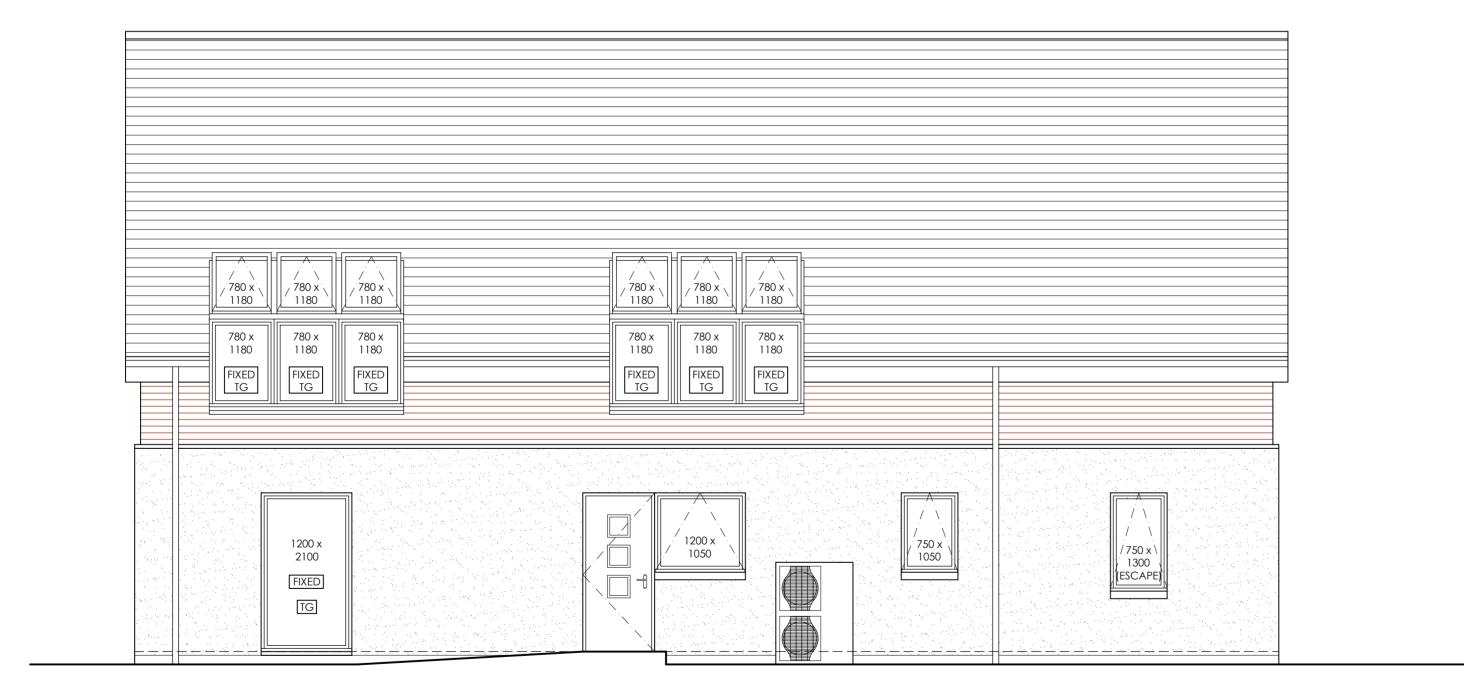
JHO Architects Ltd

111 Church Street | Inverness | IV1 1EY
Tel | 07549 247776
email | jolie@jhoarchitect.co.uk email | jolie@jhoarchitect.co.uk MR ALISTAIR WIGHTON NEW HOUSE AND GARAGE AT 80m SOUTH of broomhill steading, mains of curr, DULNAIN BRIDGE PH26 3LU DRAWING: DWG CATEGORY: PROPOSED FLOOR PLANS PLANNING AND SECTIONS date: 17 SEPTEMBER 2018 SCALE: 1:50 @ A1 DRAWING NO: REVISION: JOB NO: 18-106 P-001 REVISIONS REV DESCRIPTION DATE NOTES AND AMENDMENTS IT IS THE RESPONSIBILITY OF ALL PERSONS USING THIS DRAWING TO CHECK DIMENSIONS AND OTHER DETAILS PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPENCIES MUST BE REFERRED TO THIS OFFICE FOR CLARIFICATION. OTHERWISE NO RESPONSIBILITY CAN BE ACCEPTED. DO NOT SCALE, WRITTEN DIMENSIONS TO BE USED. DRAWING IS COPYRIGHT OF JHO ARCHITECTS LTD.

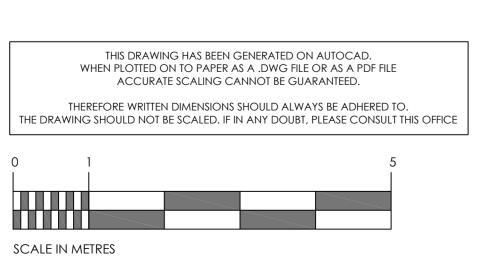


SOUTH EAST ELEVATION

NORTH EAST ELEVATION



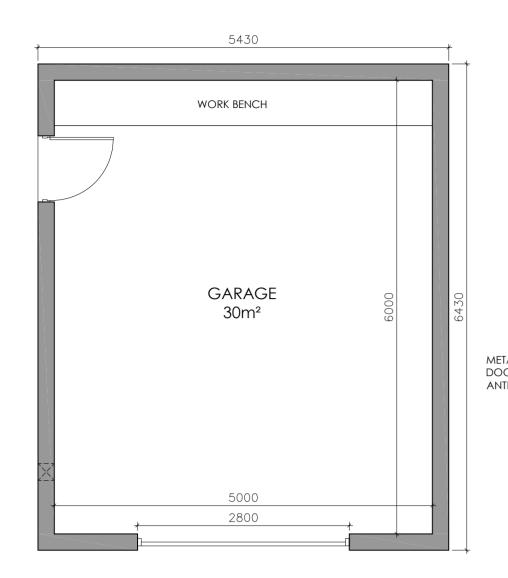
SOUTH WEST ELEVATION

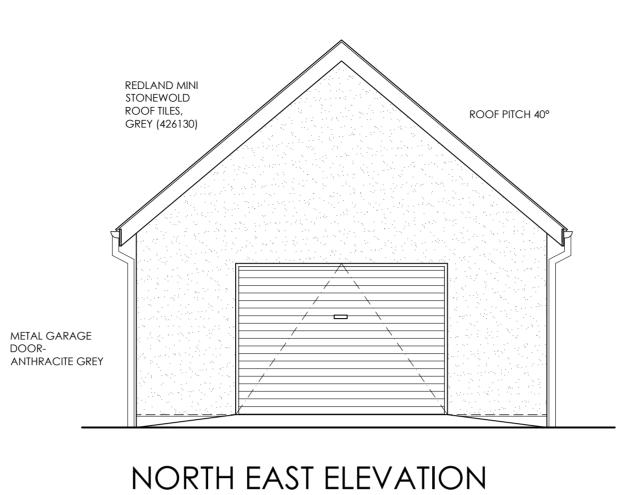


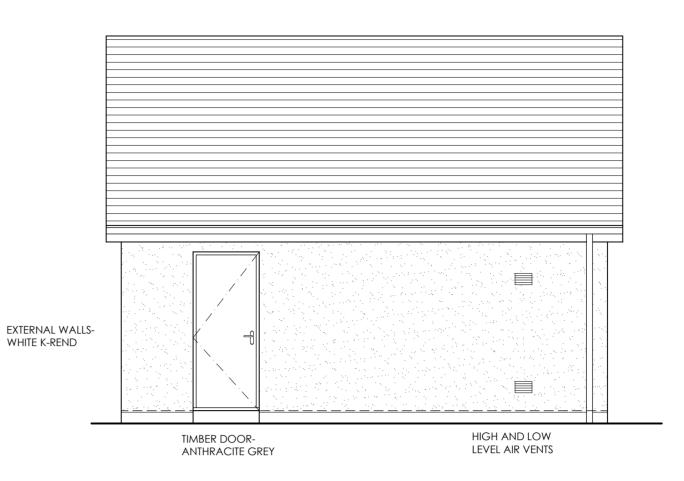


NORTH WEST ELEVATION

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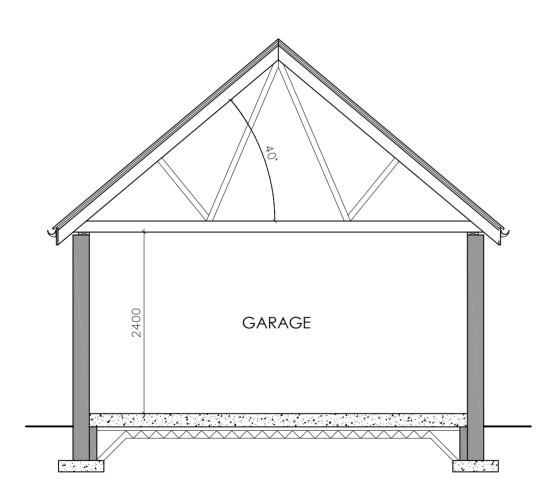




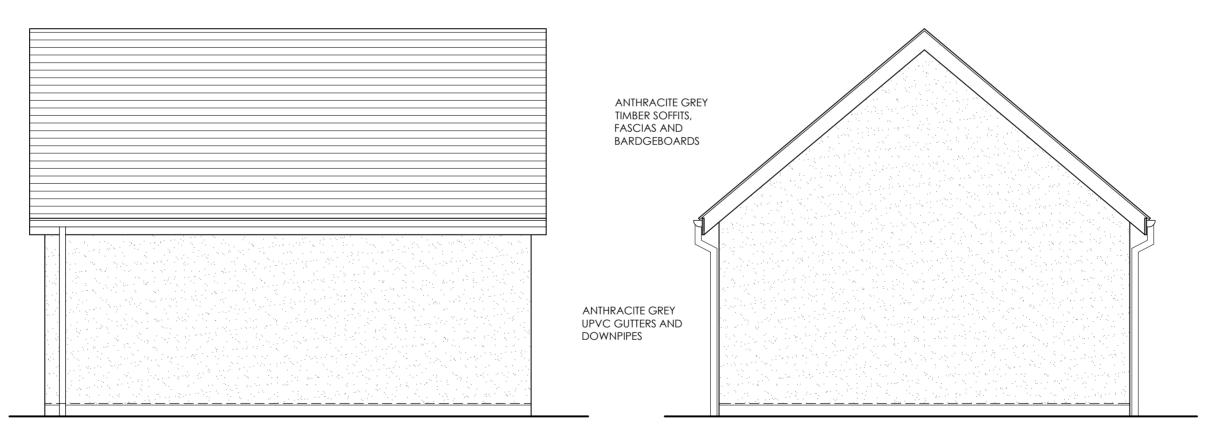


SOUTH EAST ELEVATION





TYPICAL SECTION



NORTH WEST ELEVATION

SOUTH WEST ELEVATION

