Agenda Item	6.6
Report	PLS
No	008/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 29 January 2019

Report Title: 18/03656/FUL: Dr Alison Wagstaff

Ord Cottage, Feshie Bridge, Kingussie, PH21 1NG

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Demolition of existing house and erection of replacement property for

holiday let.

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 The proposal is to demolish the existing single storey 3 bedroom property and replace it with a 1 and ½ storey 3 bedroom property on a reduced footprint. The property is to be used for holiday accommodation. The current application does not seek to increase the overall provision of accommodation although it should be acknowledged that the limit on numbers of persons using the premises may vary depending on the size of group booking the property.
- 1.2 Access and drainage arrangements will remain unchanged. The existing shared access track to the housing group from the B970 public road will be utilised with parking provision for 2 cars moved in front of the house. The property will be connected to the public water supply and connect to the existing septic tanks and soakaway to the east of the property.
- 1.3 Pre Application Consultation: No Pre-application consultation was undertaken.
- 1.4 Supporting Information: Supporting Statement with site photos.
- 1.5 Variations: None

2. SITE DESCRIPTION

2.1 The existing property is within a cluster of 3 houses on raised ground set back from the B970 public road and the River Feshie. Category B Listed Feshie Bridge is located 60m north east of the property. The site and wider surrounding area is within the Cairngorm Mountain National Scenic Area and designated as Ancient Woodland although there are few mature trees within the house plots. There is a mature beech and a mature larch within the site with more trees beyond the eastern boundary. The area is outwith the River Spey Special Area of Conservation and significant fluvial flood risk given the adequate set back from the River Feshie. The Feshiebridge Woodland Core Path (LBS109) runs adjacent to the site boundary.

3. PLANNING HISTORY

3.1	03.09.2009	08/00310/FULBS - Restoration, alteration and extension to dilapidated cottage	Granted
3.2	04.08.2003	03/00180/OUTBS - Reinstatement of former dwelling	Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 07.09.2018

Representation deadline: 07.09.2018

Timeous representations: 1 (1 objection from 1 household)

Late representations: None

4.2 Material considerations raised are summarised as follows:

Representations against:

- a) Non-compliance with the Development Plan and planning policy
- b) Design and scale of the proposal leading to overdevelopment
- c) Impact on neighbouring amenity and privacy
- d) Potential for use as holiday accommodation
- e) Access to the Core Path, parking provision and increased traffic
- f) Landscaping and engineering works
- g) Drainage
- h) Loss of sunlight and daylight
- i) 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 www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- Kincraig and Vicinity Community Council: The Community Council requested that it be consulted on the application. It objects due to concerns regarding the design, scale and footprint of the proposal querying the use of the property for holiday letting. Its view is that the amenity/privacy of neighbours is detrimentally impacted by scale of the property along with the layout of windows. The Community Council also sought assurances that the parking, drainage and access arrangements for the adjacent Core Path were appropriate.
- 5.2 **Forestry Officer**: No objection subject to conditions.
- 5.3 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
 - 2 Supporting Economic Growth
 - 3 Sustainable Design
 - 4 Natural Heritage
 - 8 Sport and Recreation
 - 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)
- 8 Sport and Recreation (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 Scottish Government Planning Policy and Guidance

SPP Scottish Planning Policy (June 2014)

7.3 **Other**

Cairngorms National Park Core Paths Plan (March 2015)

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 and scale of the proposal
 - c) Impact on amenity
 - d) Access to the Core Path, parking provision and increased traffic
 - e) Landscaping
 - f) Protected species/impact on trees
 - g) any other material considerations

Development plan/other planning policy

8.4 Replacement housing is supported by the Development Plan where the existing house is structurally unsound and incapable of rehabilitation, or is of non standard construction. It is expected that any new house would incorporate the footprint of

the original.

- 8.5 Tourist accommodation which extends the core tourist season, makes a positive contribution to the experience of visitors and has no adverse environmental impact on the site or neighbouring areas is also supported by the Development Plan.
- 8.6 Subject to the proposal achieving these objectives, having no adverse impacts on the amenity of neighbouring properties and/or the environment the principle of this development would conform with the Development Plan.

<u>Design</u>

- 8.7 The existing house and foundations are of poor construction with significant cracks appearing on the structure. The proposed property will have a predominantly rectangular footprint, dual pitched slate roof and be finished with a mixture of horizontal timber cladding and natural stone walls. Large floor to ceiling glazing will be installed on the east, west and south elevations.
- 8.8 The footprint has been reduced from approximately 135m² to 100m². The footprint, scale and height of the proposed property is now considered comparable to the adjacent property known as Feisidh and does not feel out of context with Ord Cottage or Feshie Cottage that sit at either end of this existing cluster.
- 8.9 The proposal combines a modern design aesthetic whilst retaining a number of traditional finishes including stone walls and natural slate creating a contemporary interpretation of a traditional form. The proposed property is considered acceptable in terms of scale, design and materials.

Amenity

- 8.10 The property has previously been let for short term holiday accommodation over the last 10 years and the current application will continue to be used by visitors. As such, a condition controlling the use will be attached. The current application does not seek to increase the overall provision of accommodation. Noise nuisance or anti social behaviour is not a planning consideration and other regulatory controls will manage this should the need arise.
- 8.11 The increase in finished floor levels has the potential to impact on the privacy and amenity of neighbours, in particular Feisidh, which is approximately 9m to the north at the closest point. The kitchen and utility room windows are on the ground floor northern elevation and will have minimal impact on neighbour amenity given there are no windows on the southern elevation of Feisidh adjacent. Whilst the height of the property has increased, there are no 1st floor windows overlooking Feisidh and given the orientation of the building there will be no overlooking of the garden ground at Feisidh. There is adequate separation from Ord Cottage and Feshie Cottage with further planting proposed to offer additional screening along the north eastern boundary.
- 8.12 A sunlight and daylight calculation has been carried out and the results are satisfactory given the property will not have an impact on any neighbouring habitable rooms. As such, the increased height of this building is acceptable.

Access

- 8.13 The existing access is from the track taken from the B970 public road. There is parking provision for 2 cars provided in front of the property. Representations question the access arrangements and capacity of the road to accept additional traffic. The property will not increase the number of bedrooms or reduce the existing parking provision therefore it is unlikely that vehicle movements will drastically increase. The access, parking and turning provision is considered to comply with the appropriate guidance.
- 8.14 The access track is also Feshiebridge Woodland Core Path (LBS109) and popular with walkers, cyclists, horse riders and utilised for various other recreational activities. It is vital that the use of this track is maintained during and post construction and that access rights are maintained. This is proposed to be highlighted within an Informative.

Drainage

- 8.15 Concerns have been expressed in relation to waste water and foul drainage issues, and in particular whether the existing infrastructure is sufficient. The septic tank and soakaway is located within the southern portion of the applicant's wider landholding. The existing drainage arrangements appear appropriate given the number of bedrooms will remain unchanged and therefore there is no requirement for increased capacity. However, any impact on ground water quality resulting from inadequate arrangements is a matter for SEPA and therefore 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.
- 8.16 In terms of surface water drainage, concern has been expressed that the proposed development could aggravate surface water run-off. It will be a requirement of any permission granted for the surface water treatment to be SUDS compliant that takes account of not only the roof and hard surface run-off within the site, but also surface water originating from outwith the site. A condition is recommended to address surface water drainage.
- 8.17 The site is outwith areas at risk of fluvial and pluvial flooding according to SEPA's flood risk maps.

Landscaping

8.18 Given the elevated site further details are required regarding ground works and landscaping. This can be controlled by condition.

Protected Species/Impact on Trees

8.19 There are no concerns regarding protected species. The existing trees within the site are to be retained.

Other material considerations

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

Non-material considerations

- 8.21 The behaviour of guests and type of groups using the facility is not a material planning consideration and is a management issue for the owner.
- 8.22 The right to a view is not a material planning consideration.

Matters to be secured by Section 75 Agreement

8.23 None. The affordable housing contribution is not required as the unit will be used as holiday accommodation.

9. CONCLUSION

- 9.1 The proposal is to replace a house, currently used as a holiday let, with another property for the same purpose. Replacement housing is generally supported where the existing property is incapable of rehabilitation and utilises the existing footprint. Representations against the proposal suggest that the new property will appear incongruous in the location, as a result of height and scale, and have a detrimental impact on neighbour amenity/privacy. It is considered that the proposal generally reflects development in the wider surrounding area and sufficient mitigation has been employed in the layout and design of the proposal.
- 9.2 The Development Plan promotes economic development that enhances tourism. This of course has to be balanced alongside the amenity currently enjoyed by neighbours. Concerns raised by neighbours regarding the impact on amenity may be justified but are more appropriately controlled by others, not the planning authority.
- 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. The development shall be used for holiday letting purposes only and shall not be used as a principal private residence

Reason: To ensure the development is in accordance with the use applied for.

2. 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.

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.

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 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.

6. The house for which planning permission is hereby approved shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. Full details of proposed arrangements shall form part of the Matters Specified in Conditions referred to in condition 1 hereof. There shall be no COMMENCEMENT of this development until such details are submitted to and approved in writing by the Planning Authority.

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

7. The house shall not be occupied until the provision for the parking and turning of 2 cars within the curtilage of the houses is made and shall be maintained at all times thereafter.

Reason: In the interests of road safety.

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).

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

Public Access

The site is in close proximity to the Feshiebridge Woodland Core Path (LBS109). Public access along these routes beyond the site should be protected. Highland Council has a statutory duty to protect access rights under the Land Reform (Scotland) Act 2003.

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 Building.Standards@highland.gov.uk or on 01349 886606.

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 - Location Plan 001

Plan 2 - Existing Site Layout Plan 002

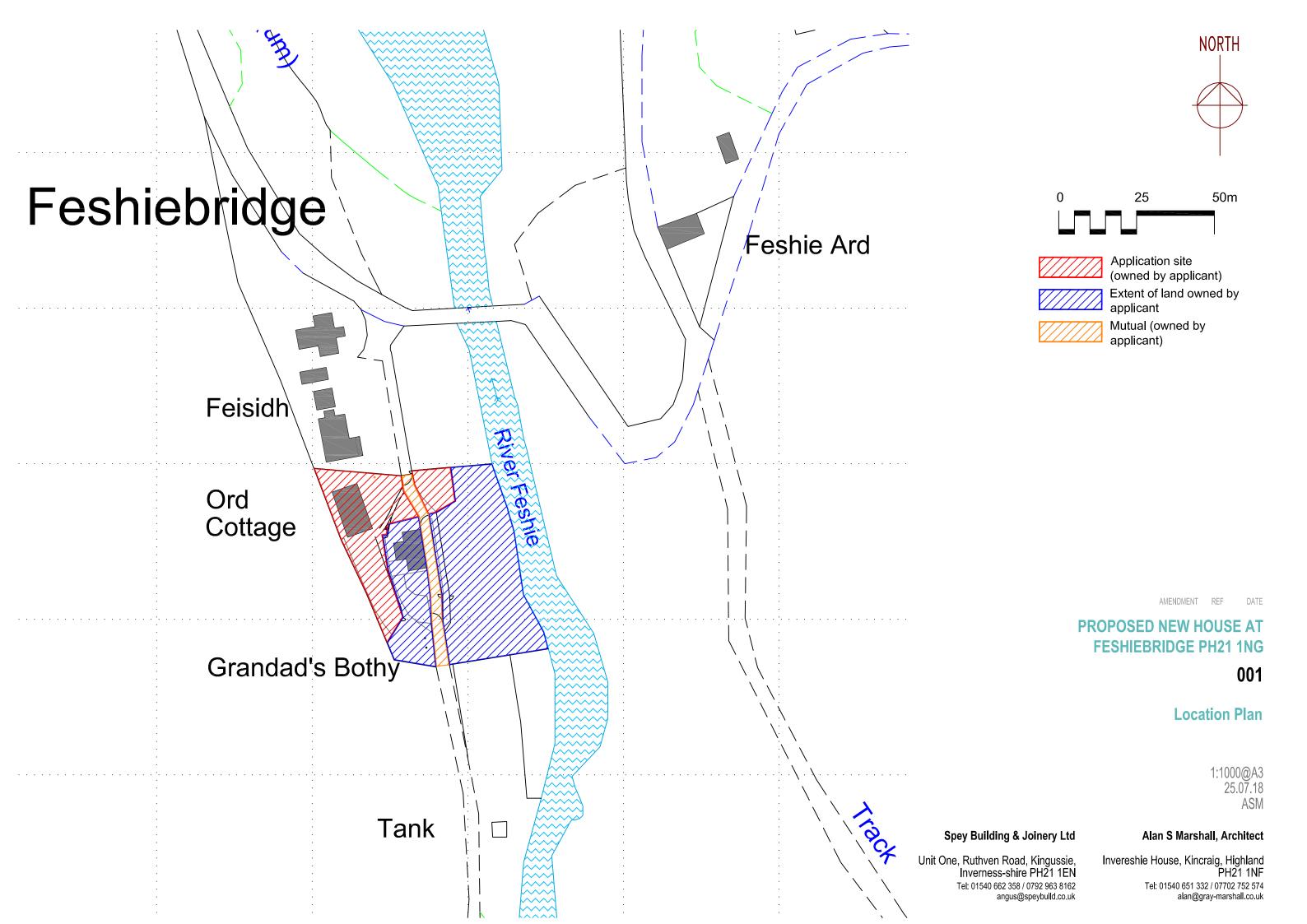
Plan 3 - Existing Site Layout Plan 003

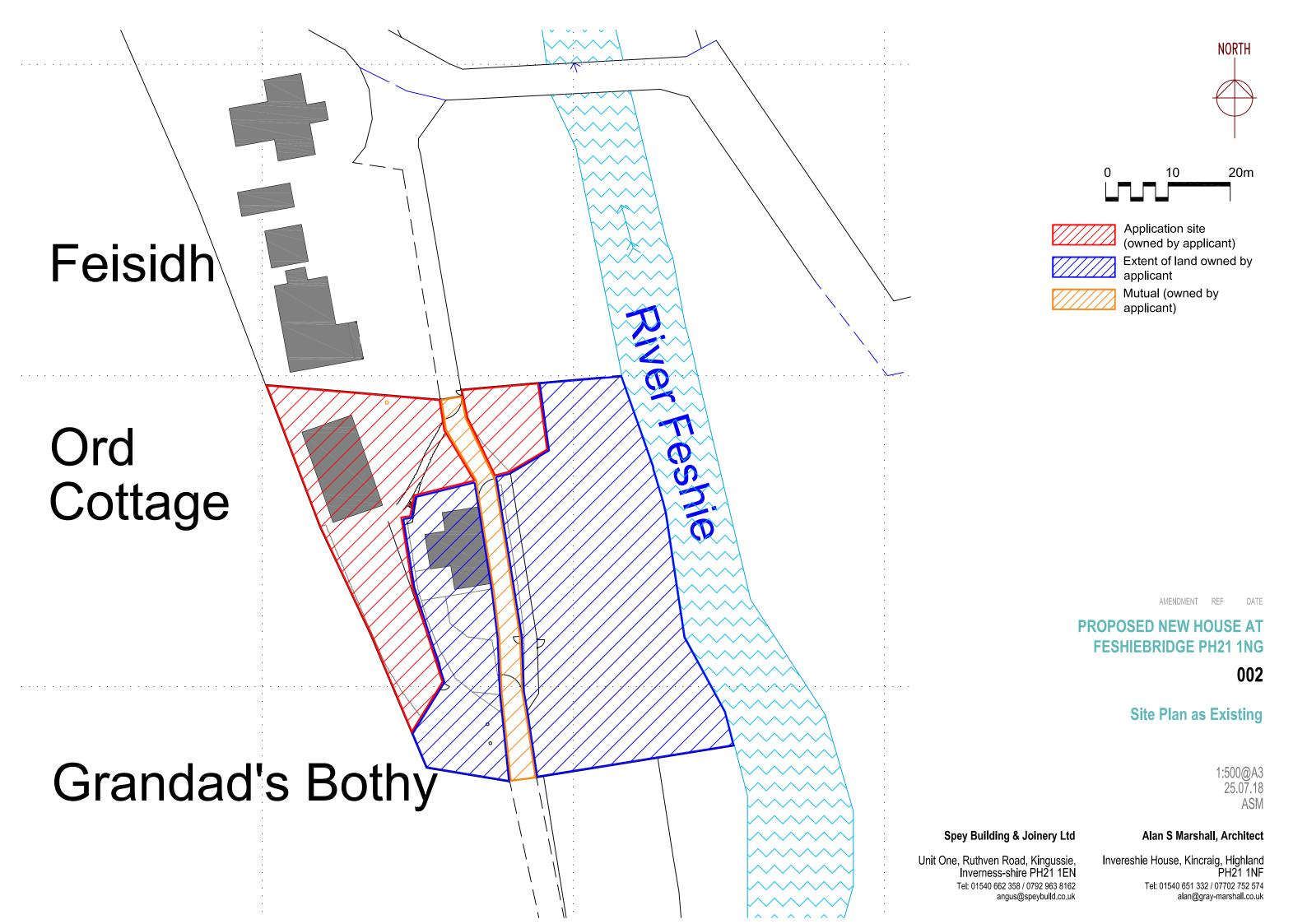
Plan 4 - Proposed Site Layout 008 Rev C

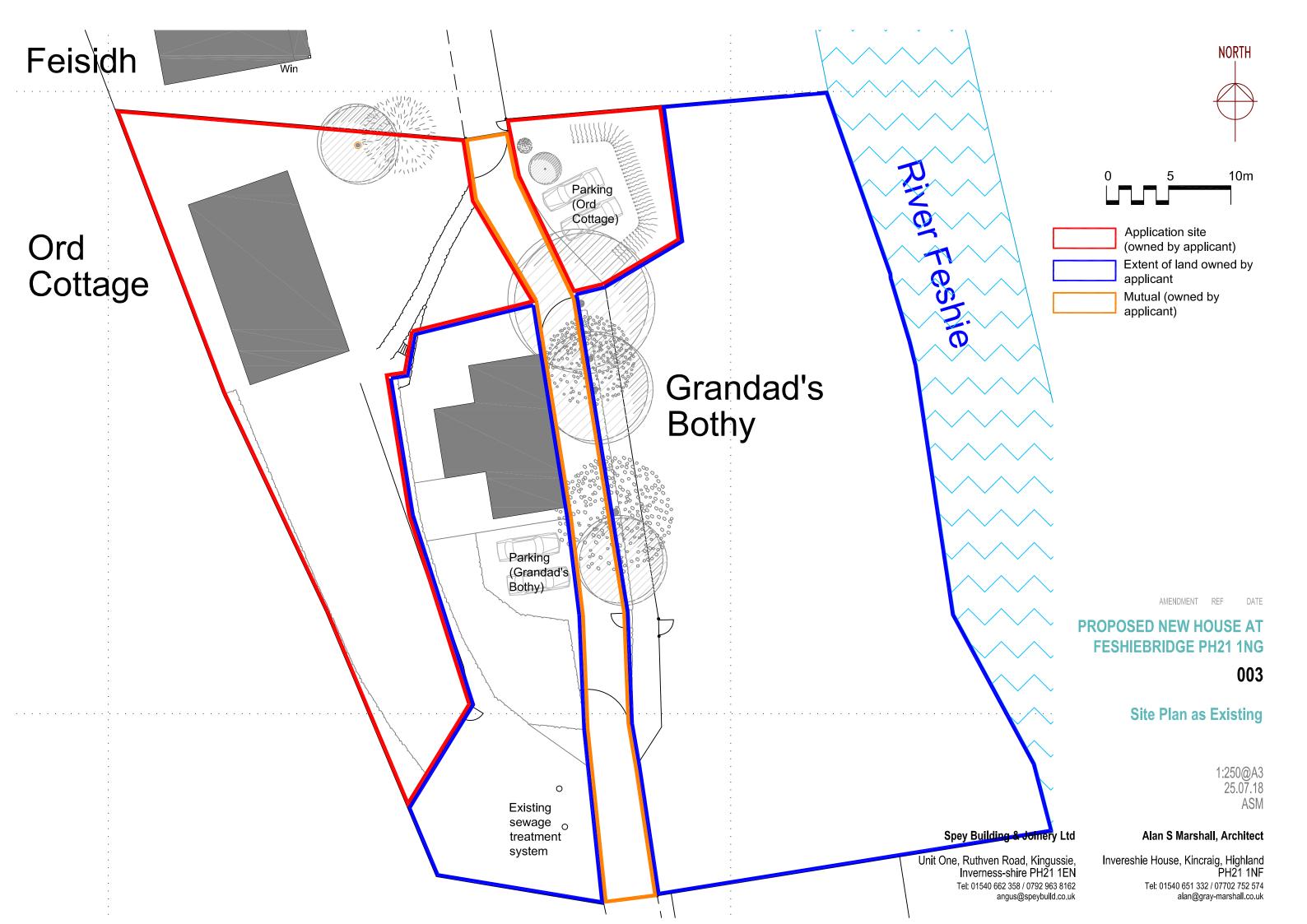
Plan 5 - Proposed Site Layout Plan 009 Rev C

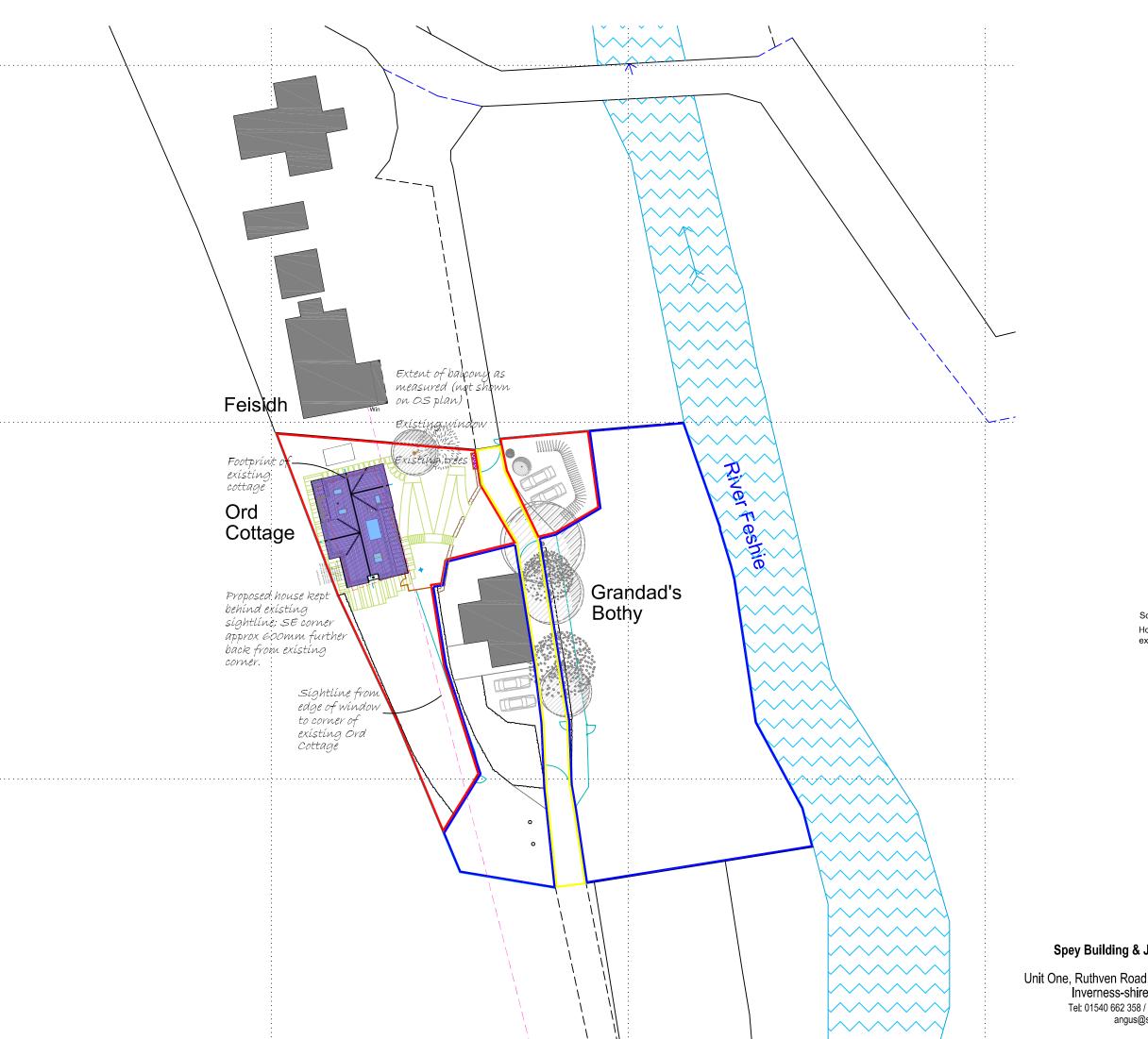
Plan 6 - Proposed Floor Plan 14

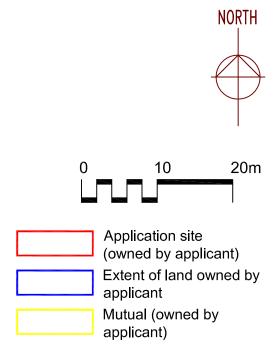
Plan 7 - Proposed Elevation Plan 15











Scale changed to 1:500; landscape proposals added. C 25.07.18

House reduced in width by 405mm and re-positioned; existing gables at Ord Cottage and Feisidh measured on site and balcony shown.

> Updated with latest house plan. A 14.06.18

> > REF

AMENDMENT

PROPOSED NEW HOUSE AT **FESHIEBRIDGE PH21 1NG**

008 C

Site Plan as Proposed

1:500@A3 25.07.18

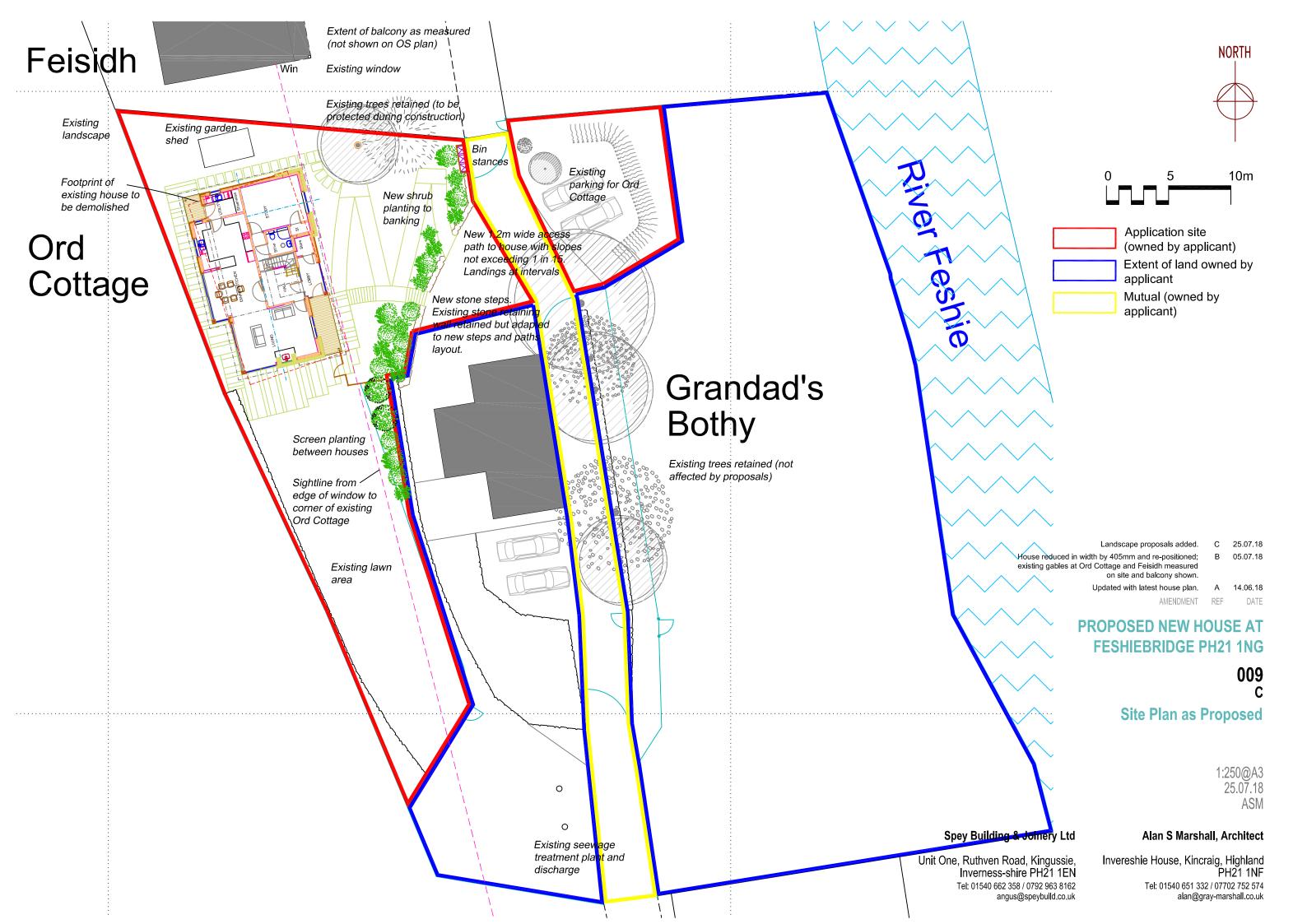
Spey Building & Joinery Ltd

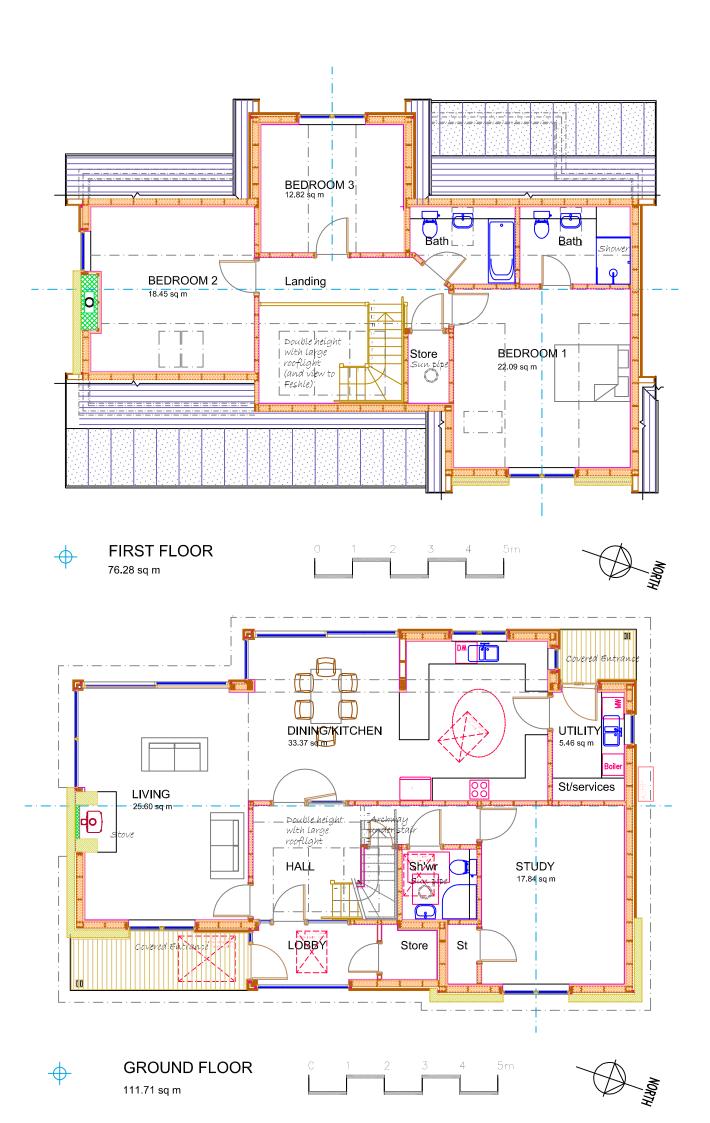
Alan S Marshall, Architect

Unit One, Ruthven Road, Kingussie, Inverness-shire PH21 1EN Tel: 01540 662 358 / 0792 963 8162 angus@speybuild.co.uk

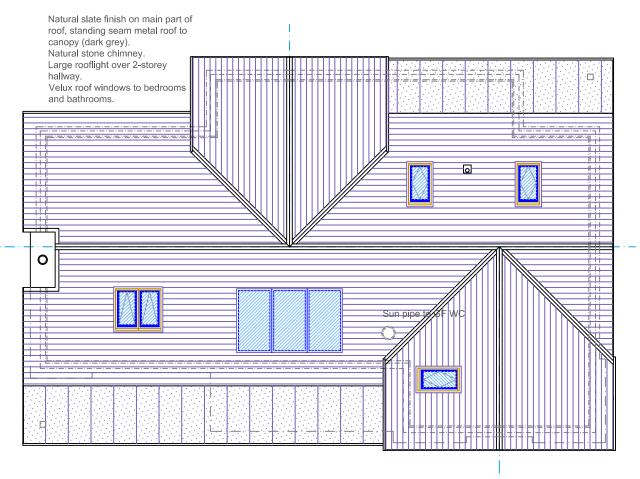
Invereshie House, Kincraig, Highland

Tel: 01540 651 332 / 07702 752 574 alan@gray-marshall.co.uk





ROOF & CHIMNEY



|

ROOF PLAN





GENERAL CONSTRUCTION

New timber frame construction with first floor accommodation contained within roof trusses. Clad externally in larch boarding or natural stone walling (similar to that on Grandad's Bothy) Nordan or similar high performance windows.

AMENDMENT REF DATE

PROPOSED NEW HOUSE AT FESHIEBRIDGE PH21 1NG

14

HOUSE AS PROPOSED FLOOR PLANS

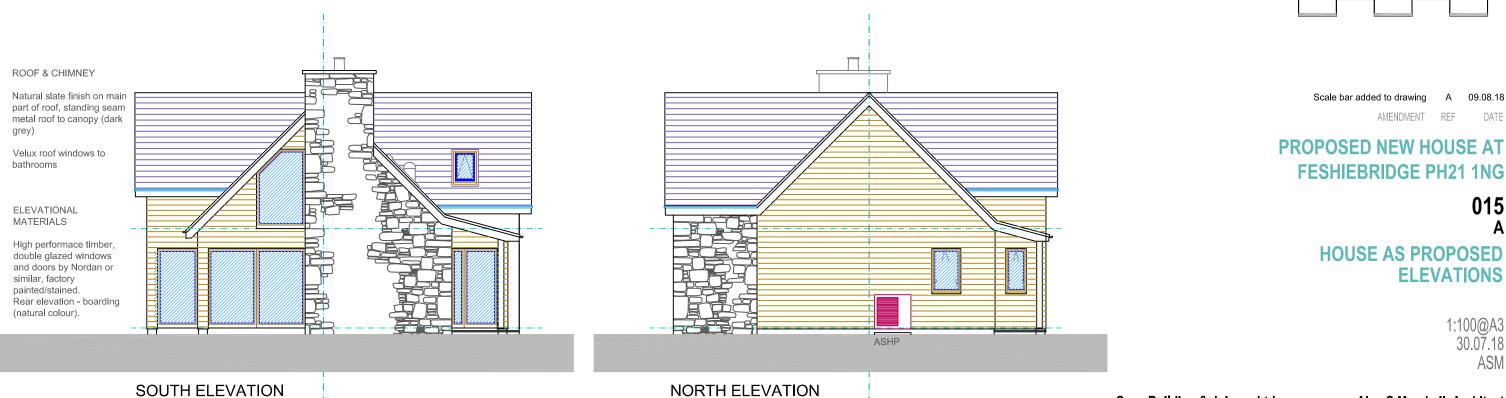
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Unit One, Ruthven Road, Kingussie,

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015

ELEVATIONS

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AMENDMENT REF

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