Agenda Item	6.3
Report No	PLS/005/20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 28 January 2020

Report Title: 19/03731/FUL: Mrs D MacGregor

Land 60M NW of Achnasol House, Achnabobane, Spean Bridge

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house (retrospective amendment to planning permission

17/05834/FUL)

Ward: 11 – Caol and Mallaig

Development category: Local

Reason referred to Committee: Community Council objection

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 6 of this report.

1. BACKGROUND

- 1.1 This planning application was considered by the South Planning Applications Committee at its meeting on 04 December 2019 where the Committee resolved to defer to **DEFER** the application to allow the case officer to discuss with the applicant minor revisions to the design of the building, in particular, the removal of the Juliet balcony and instead incorporate a standard smaller window of a similar nature to the window on the north east side of the building.
- 1.2 This Report is a supplementary to that originally presented to the Committee on 04 December 2019 and sets out the proposed amendments and the assessment of these against the original recommendation. The original Report is attached as an Appendix.

2. AMENDMENTS

- 2.1 An amended plan was submitted on the 20 December 2019. The agent has summarised the changes as follows:
 - 1. The glazed "balcony" is removed in its entirety as requested.
 - 2. The proposed double doors are removed and amended to a window with fixed light below.
 - 3. The side panels and panel under the window will be installed in obscure glass, in line with the recommendation set out within the original Report.

3. ASSESSMENT

3.1 The revision to the elevation does now result in a slight imbalance in the design of the rear elevation of the property. However, it is relatively minor overall. It is considered that the revisions are sufficient to address the issues raised at the South Planning Applications Committee meeting on 04 December 2019 with regard to the amenity of the neighbouring occupiers, in particular through the removal of the balcony and doors. The main window element is not proposed to be obscure glazed, however given the reduced size, the obscure glazing of the other elements, the removal of the balcony and the screening already planting, this is considered to be an acceptable solution.

4. CONCLUSION

4.1 It is considered that this application to regularise the breach of planning control for the revised house position can be supported as a proportionate response to rectifying the issues raised by the breach, subject to the originally proposed mitigation of tree/hedge planting, together with the additional mitigation of alterations to the upper floor window/door as shown on the amended elevation drawing no. 19-103 PL10 A, (including the removal of the original balcony, the change from a door to a window, and obscure glazing of the fixed lights) and conditions relating to landscaping, hedge monitoring/maintenance, and removal of permitted development rights.

4.2 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.

5. IMPLICATIONS

5.1 Resource: Not applicable

5.2 Legal: Not applicable

5.3 Community (Equality, Poverty and Rural): Not applicable

5.4 Climate Change/Carbon Clever: Not applicable

5.5 Risk: Not applicable

5.6 Gaelic: Not applicable

6. 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 house hereby approved shall not be occupied until the upper floor windows and doors on the south facing gable of the eastern wing have been amended in accordance with drawing number 19-103 PL10 A dated Dec 19. Full details of the type of obscured glazing to be installed in these windows shall be submitted to, and approved in writing by, the Planning Authority prior to the installation of the obscured glass. The windows/fixed panels identified as 'obscure glazed' on drawing number 19-103 PL10 A shall be glazed with the approved obscured glass prior to initial occupation of the house and thereafter shall be retained with the approved obscure glazing in perpetuity.

Reason: In the interests of residential amenity in order to mitigate the revised house position and limit the extent of overlooking of the neighbouring property.

2. The existing tree planting/hedge along the shared boundary with Achnasol House shall be retained in perpetuity. Prior to the initial occupation of the house hereby approved a monitoring/maintenance plan for the tree planting/hedge shall be submitted to, and approved in writing by, the Planning Authority. The monitoring/maintenance plan shall include a regime for annual monitoring of the

health of the tree planting/hedge and review of the height and spread in relation to impact on the neighbouring property, together with commitments to undertake the appropriate maintenance works (including trimming and replanting where necessary). Thereafter the tree planting/hedge shall be monitored and maintained in accordance with the approved details in perpetuity.

Reason: In order to help prevent any future amenity issues from the tree planting/hedge itself, and to monitor health of the hedge to allow its permanent retention in response to privacy issues.

3. The house hereby approved shall not be occupied until a detailed Landscaping Plan has been submitted to, and approved in writing by, the Planning Authority. The Landscaping Plan shall show the land to the east of the new house (within the extended curtilage area) to be laid to grass or planted with shrubs. The Landscape Plan shall be implemented in full during the first planting season following initial occupation of the development. For the avoidance of doubt, 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 the interests of visual and residential amenity, to maintain this area at the eastern side of the new house as part of the visual buffer between the houses and remove any vehicular activity.

4. Notwithstanding the provisions of Article 3 and Class(es) 1A, 1B, 1D, 2B, 3A, 3B, 3D, 8, 16 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house hereby approved without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in adverse impact on the amenity of the area.

5. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), there shall be no alteration to the window and door fenestration of the development without planning permission being granted on application to the Planning Authority.

Reason: In the interests of residential amenity in order to allow the Planning Authority to retain effective control over any new or changed window or door openings which could otherwise give rise to overlooking issues.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

N/a - retrospective

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

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

Accordance with Approved Plans and Conditions

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

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

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 and 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.

Protected Species – Halting of Work

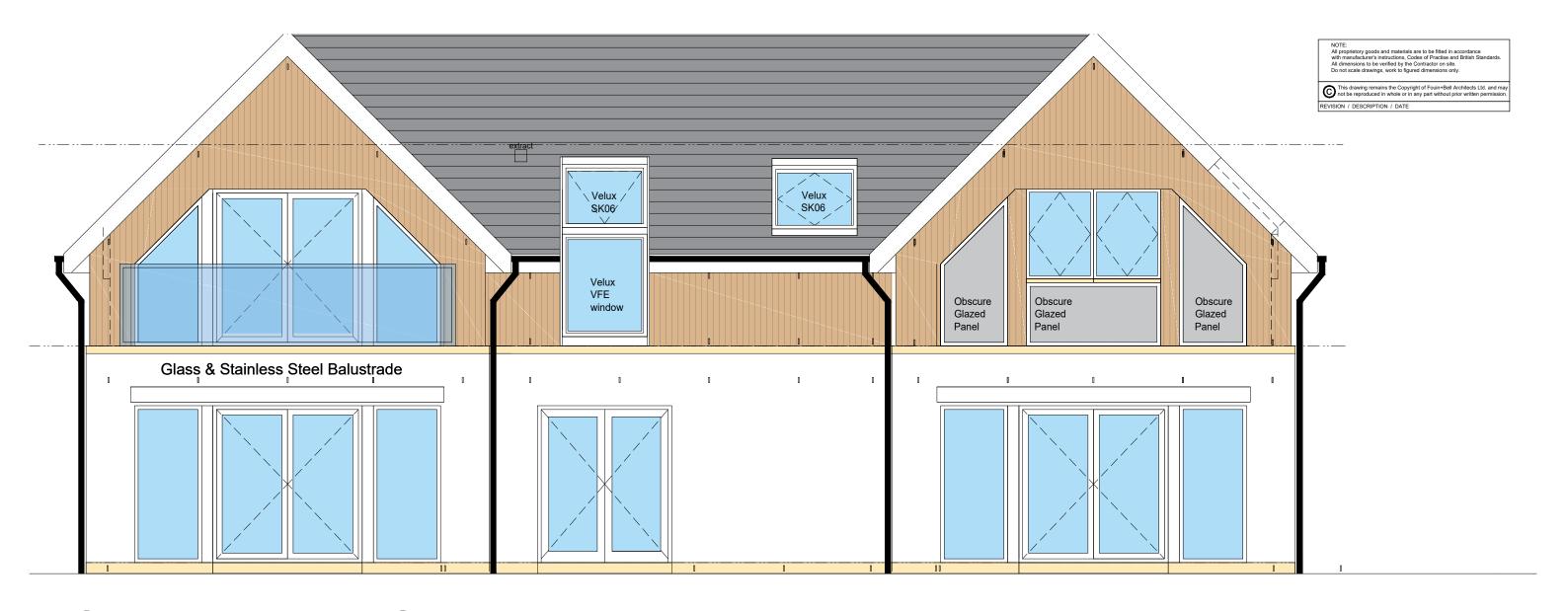
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance 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

Designation: Area Planning Manager – South

Author: Susan Macmillan

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

Relevant Plans: Plan 1 - Amended Elevation and Plan (19-103 PL10 A dated Dec 19)



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D MacGregor

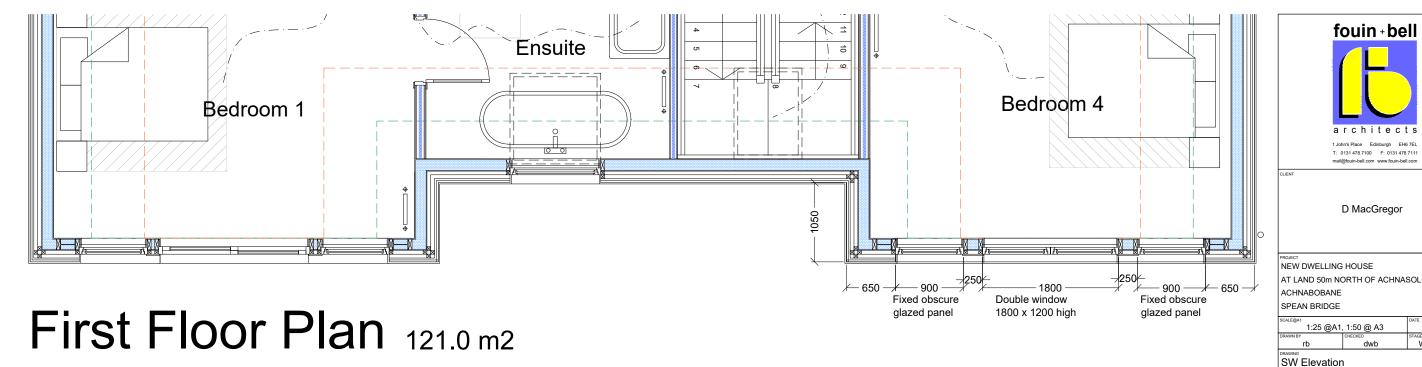
Amended Elevation and Plan

19-103

WARRANT

PL10

SW ELEVATION





NOTE:
All proprietory goods and materials are to be fitted in accordance
with manufacturer's instructions, Codes of Practise and British Standards.
All dimensions to be verified by the Contractor on site.
Do not scale drawings, work to figured dimensions only.

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REVISION / DESCRIPTION / DATE



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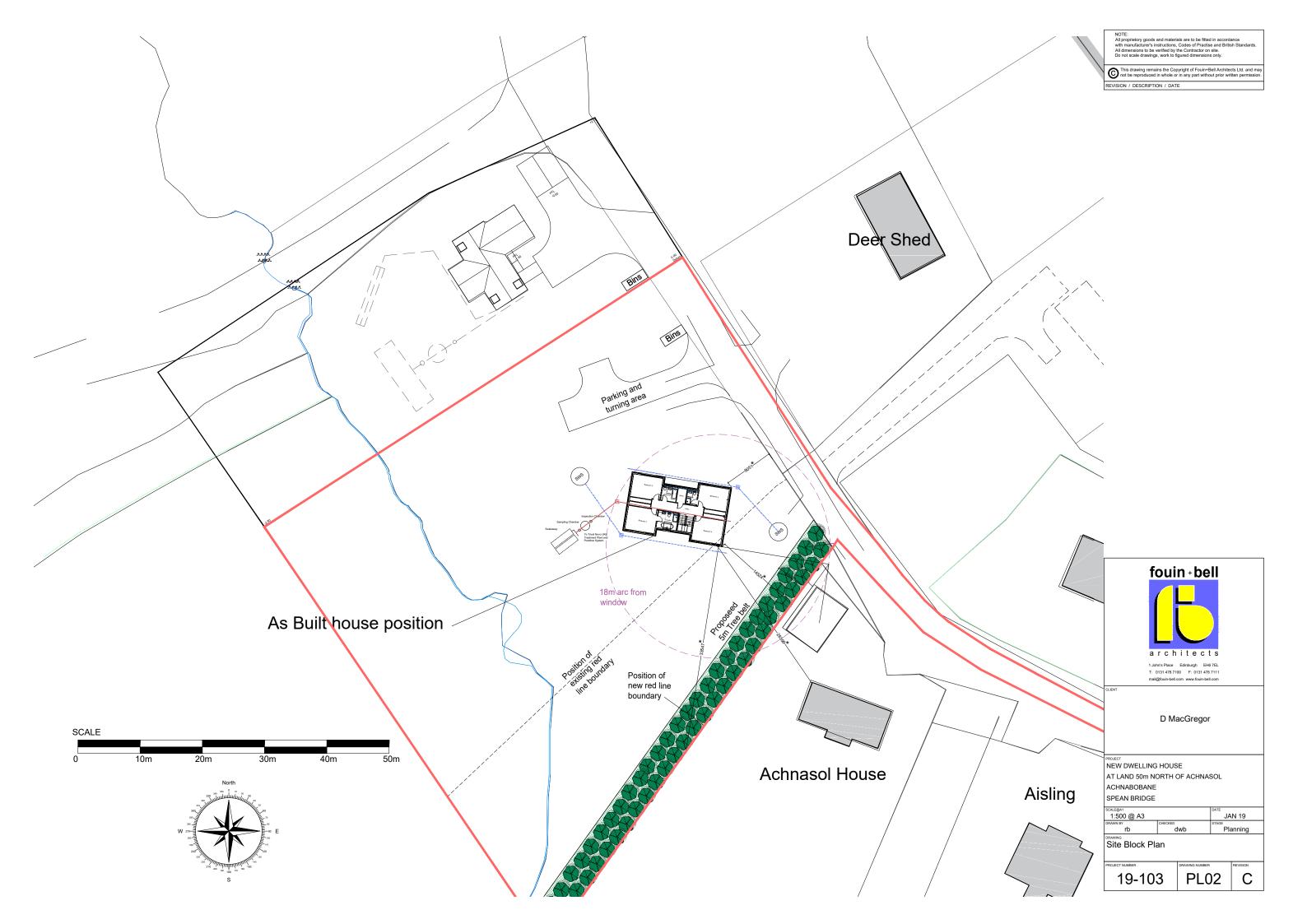
D MacGregor

PROJECT
NEW DWELLING HOUSE
AT LAND 50m NORTH OF ACHNASOL
ACHNABOBANE
SPEAN BRIDGE

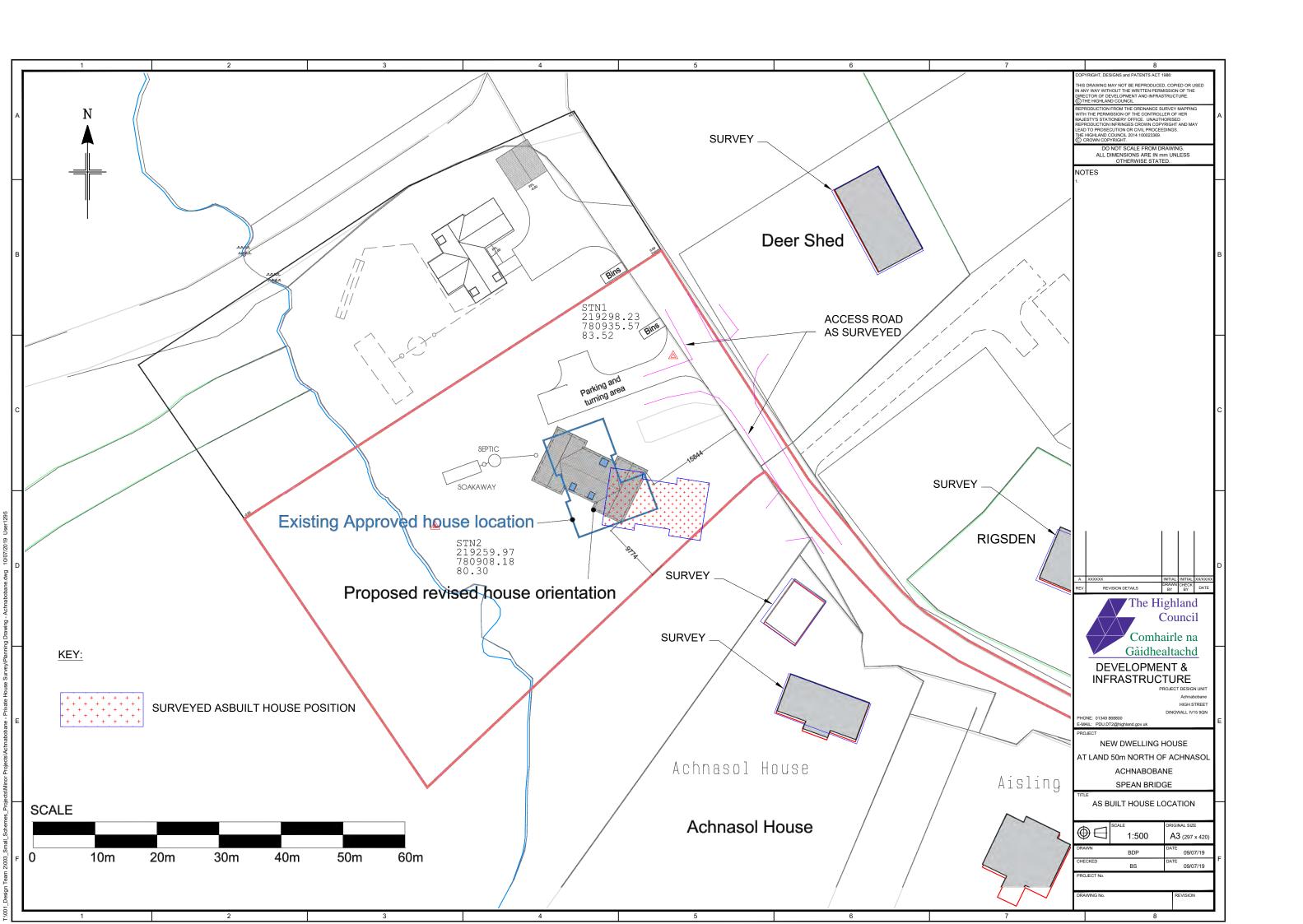
SCALE@A1		DATE	
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DRAWN BY	CHECKED	STAGE	
rb	dwb	Planning	
DRAWING			

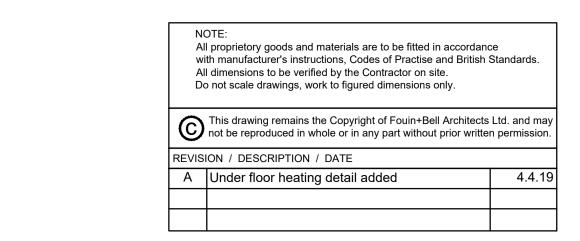
Site Location Plan

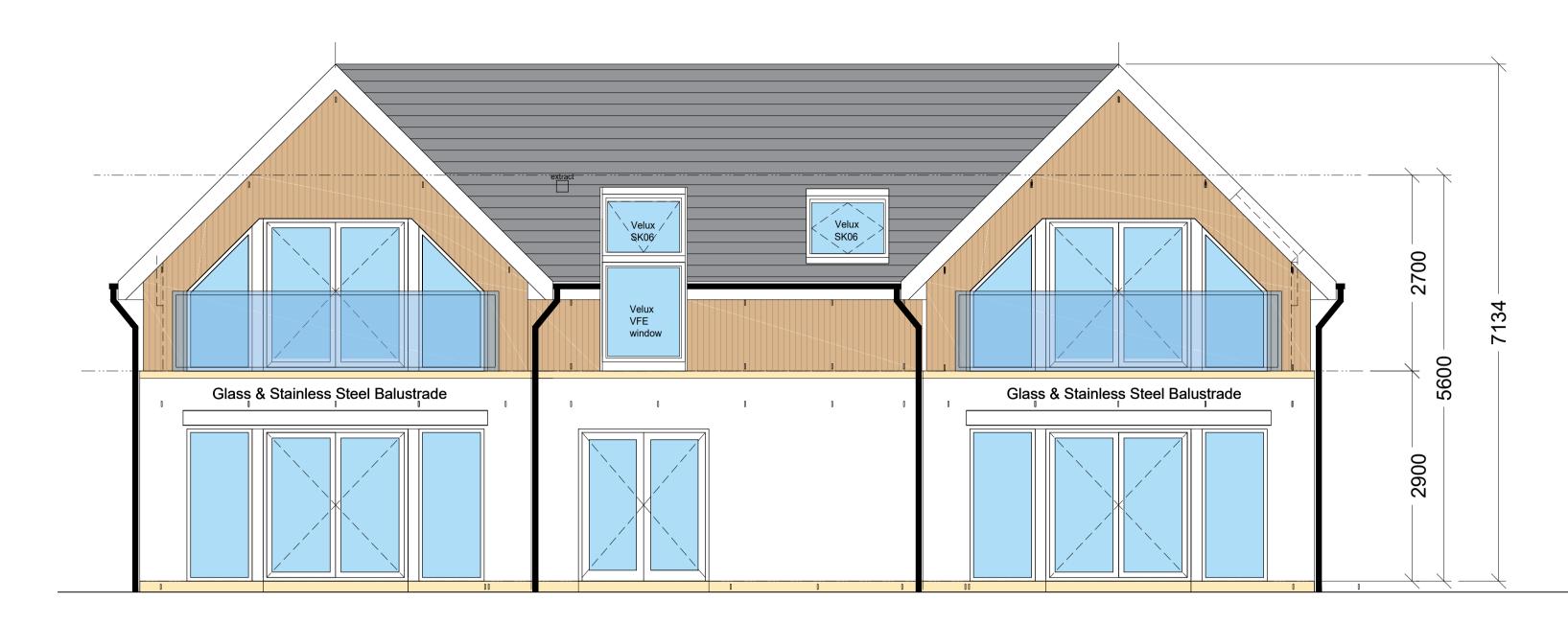
DRAWING NUMBER PL 100 REVISION









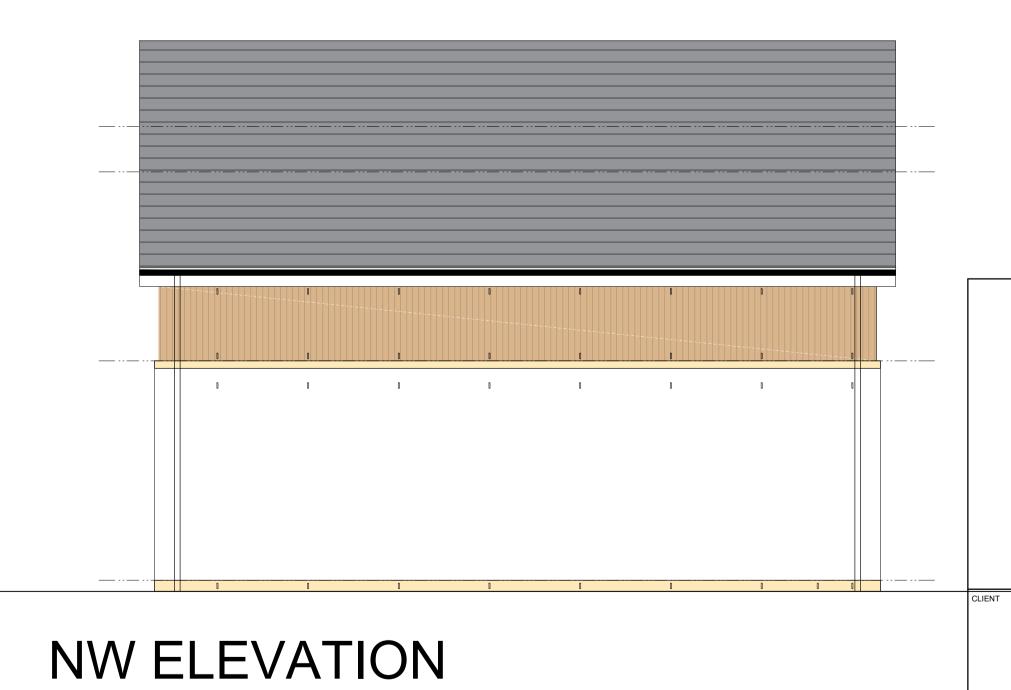


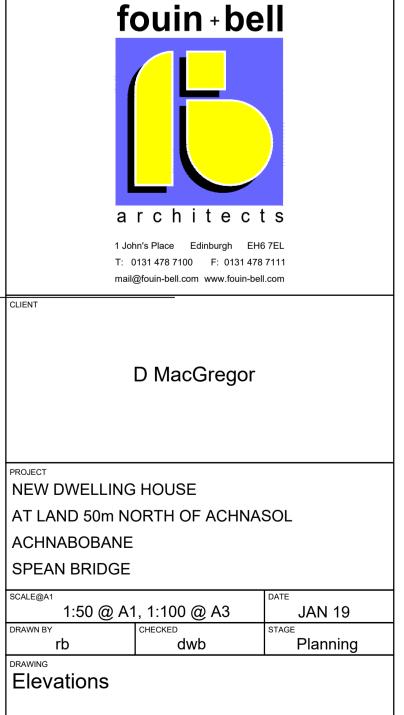


SW ELEVATION

NE ELEVATION

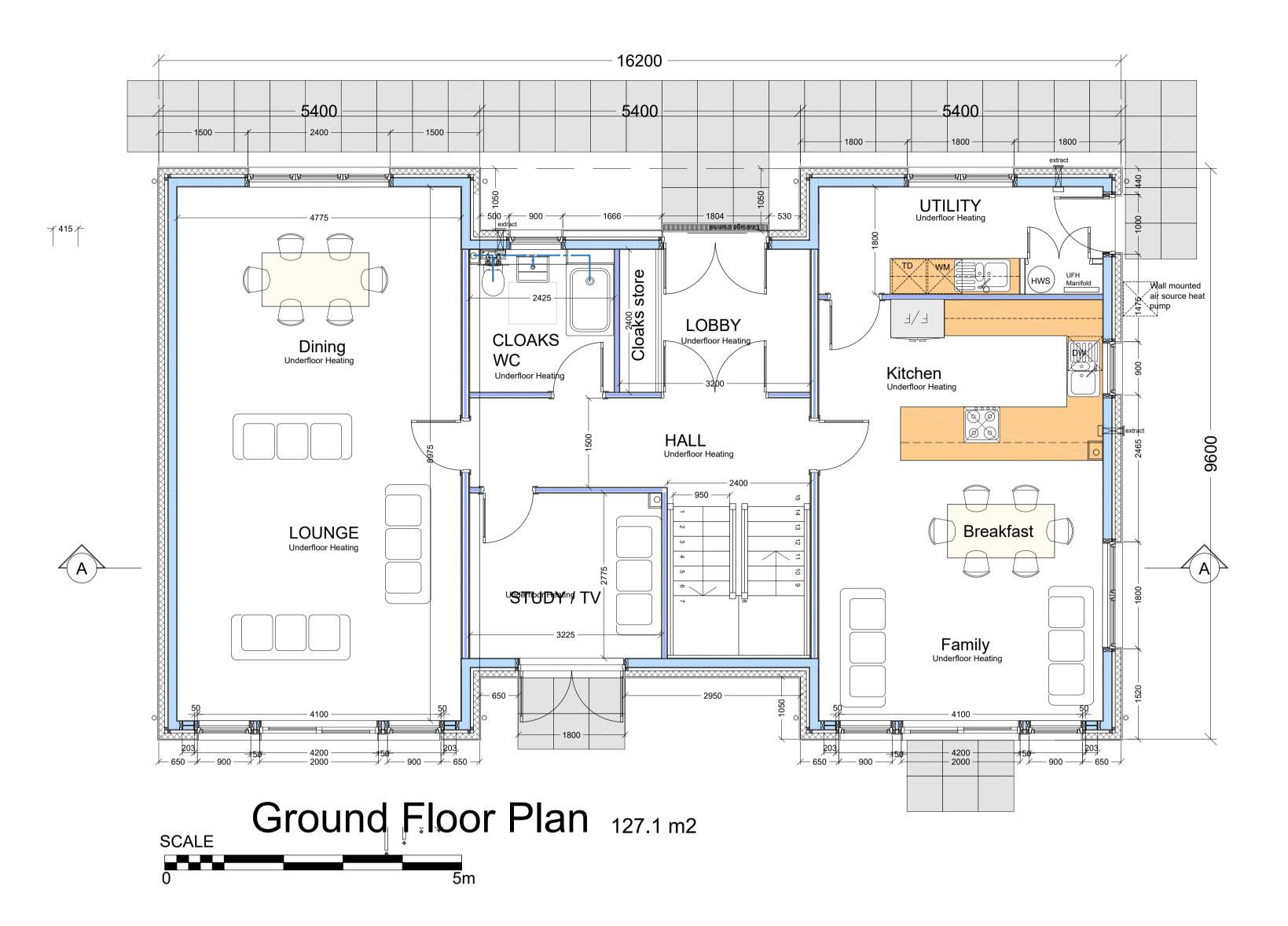


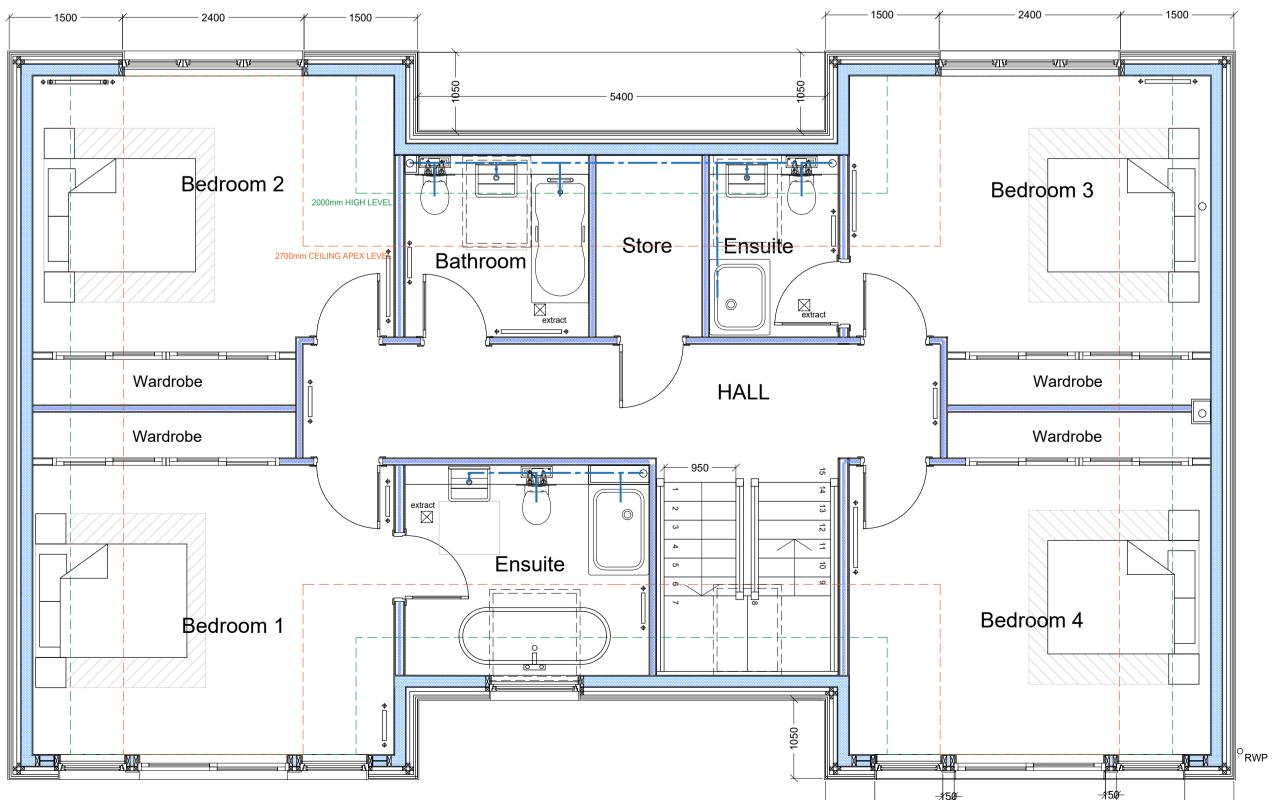




PL04

19-103





Cirat Claar Dlan

<u>FLOORS</u>

Ground Floor - House

Floor finishes as specified on finishes schedule 60mm floor scred incorporating underfloor heating pipes on on 100mm Kingspan kooltherm K3 floor insulation board (thermal conductivity 0.022W/m²K) on 150mm concrete slab to structural engineers details on a separating layer of building paper to BS 1521: 1972 (1994) (Specification for waterproof building papers), Grade B1F or polythene sheet (not less than 125 micron / 500 gauge on on 1200g Visqueen DPM on minimum 50mm sand blinding on 150mm min well compacted hardcore

Construction to give max 0.15w/m2K 'U' value 25mm vertical insulation board around perimeter of slab and screed

External walls to give max 0.22w/m2 U value

DPM to tie in with new external wall vertical and horizontal dpc's.

WALLS

External cavity walls: - 19mm render (unless Anstone block / facing brick). 100mm concrete or Anstone block / facing brick external leaf; 50mm cavity; breather foil TF200 thermo; 10mm thick OSB; 140mm foil faced Urethene Insulation (thermal conductivity 0.021W/m²K) boards fitted between wall studs; 44 x 140mm thick C16 grade studs at 600mm centres; vapour check layer fitted to internal face of studs and lined with 1 sheet of 12.5mm plasterboard with joints taped and filled. Stainless steel wall ties nailed to panels at stud positions. 600mm horizontally and 450mm centres vertically max. Cavity filled to ground level with lean mix concrete.

Timber clad walls to be treated cedar timber cladding on 38 x 50mm horizontal timber battens @ 600 vertical centres on 25 x 38 vertical battens @ structural members centres on 18mm exterior qual ply with tyvek breather membrane. Structural timbers to be 38 x 140mm thick CLS C16 grade with 140mm foil faced urethene Insulation (thermal conductivity 0.021W/m²K) boards fitted between wall studs, internal face to have; vapour check layer fitted to internal face of studs and lined with 1 sheet of 12.5mm plasterboard with joints taped and filled.

Internal partitions to be installed as per floor plan drawings to ensure walls between an apartment and an internal space, were noise is likely to occur, should achieve a minimum sound performance level of 40 dB Rw as per section 5.2.1 in the current building regulations.

Non loadbearing acoustic walls: 70mm timber studs at 600mm centres, 50mm Isover Acoustic Partition Roll (APR1200),

single layer of 15mm Gyproc SoundBloc to both sides.

All loadbearing partitions are to be as shown on Engineers Structural Appraisals and additional layer of 9mm Ply for sheathing purposes to be highlighted.

ROOF

Pitched R

Natural slate on treated traditional butt jointed timber sarking boards with vapour permeable breather membrane roofing felt with minimum 150mm laps on timber trussed rafters as detailed by the structural engineer.

Safe roof maintenance to be provided by way of mobile unit - no access to roof from within building.

Safe roof maintenance to be provided by way of mobile unit - no access to roof from within building.

Timber trusses (centers as per manufacturers design & struct engineer approval) to comply with BS5268 (Pitch as marked on relevant Engineers house type drawings).

Ceiling joists infilled with 1 layer of 150mm earthwool mineral fibre insulation (thermal conductivity 0.040W/m²K) to be laid

Ceiling joists infilled with 1 layer of 150mm earthwool mineral fibre insulation (thermal conductivity $0.040 \text{W/m}^2 \text{K}$) to be laid perpendicular to layer of 150mm earthwool mineral fibre insulation (thermal conductivity $0.040 \text{W/m}^2 \text{K}$). 12.5mm plasterboard with vapour check to underside of roof trusses taped and filled. Construction to give a maximum U value of $0.15 \text{W/m}^2 \text{K}$ Sloping ceilings to be partially Filled with 100mm Kingspan Kooltherm® K107 Pitched Roof Board (λ =0.021W/mK) laid between rafters, 52.5mm Kingspan Kooltherm® K118 Insulated Plasterboard (40mm insulation) fixed to underside of rafters. Construction to give a maximum U value of $0.18 \text{W/m}^2 \text{K}$

Any flashings etc to be constructed from Code 5 lead with roof valleys in GRP. Soil stacks shall be terminated at roof level with proprietary terminals and waterproof collars.

All lead work to be constructed in accordance with the Lead Association Handbook (LDA handbook)

WINDOWS / DOORS

All openable windows to be either side hung or tilt and turn. Any GFL windows opening outward toward paths to be fitted with restrictors (no window to open over a path).

Minimum height to top of windows 2000mm, unless clearly identified on the drawing.

Minimum sill height of all windows of windows 800mm, unless clearly identified on the drawing.

All windows in apartments to have an aggregate glazed area of not less than 1/15th of the floor area of the apartment.

At least one window per room to be fitted with permavents at head to provide an opening area to provide the ventilation

requirement of the room.

All windows to have an opening area of not less than 1/30th of the floor area.

All windows to be draught proofed with compressible sealants.

All windows to be low E double-glazed, glass with a u-value of 1.4.

All windows should be designed and constructed in accordance with the general recommendations of the product standard

appropriate for the material used, such as; BS 7412: 2007, for uPVC units or BS 644: 2009, for timber window units.

Glazing should be designed to resist human impact as set out in BS 6262:

Part 4: 2005, where all, or part, of a pane is: within 800 mm of floor level, or part of a door leaf, or within 300 mm of a door leaf and within 1.5 m of floor level.

All proprietory goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practise and British Standards. All dimensions to be verified by the Contractor on site. Do not scale drawings, work to figured dimensions only.

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EVISION / DESCRIPTION / DATE			
Α	Window setting out updated	01.4.19	
Α	Under floor heating detail added	04.4.19	

