| Agenda<br>Item | 6.7        |
|----------------|------------|
| Report<br>No   | PLN/009/21 |

#### HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 January 2021

20/03626/FUL: Mr P Austin

Report Title: Land 20M East of Eversley Cottage, Gaza, Main Street,

Portmahomack.

**Report By:** Acting Head of Development Management – Highland

# 1. Purpose/Executive Summary

1.1 **Description:** Erection of House

**Ward:** 7 – Tain And Easter Ross

1.2 **Development category:** Housing – Local

**Reason referred to Committee:** Non statutory Community Council Objection (Planning Managers Discretion)

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.

### 2. Recommendations

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

#### 3. PROPOSED DEVELOPMENT

- 3.1 The application seeks consent to erect a detached 2-bedroom, 1.5 storey house of rectangular plan form, with conventional gables and a variety of window insertions including a full height feature window to the north western facing gable. The front elevation also includes a covered decked area. Proposed exterior finishing includes slate blue profile sheeting to the main walls and roof, with blue/grey accent finishing of cedral boards to the ground floor west elevation.
- 3.2 There are no features on the site at present which is currently open ground. A new private access is proposed from the adjacent un-named road, with a connection to the public sewer and water supply, with SuDS provided as soakaway within the site.
- 3.3 No pre-application advice was sought in advance of this planning application.
- 3.4 Supporting Information: None. The applicant provided additional documentation during the course of the assessment expressing design rationale in response to the representations received.
- 3.5 Variations: Revised drawings detailing sliding timber screens to the ground floor deck frontage were submitted after the application was lodged at the request of the Planning Authority. As noted above further information was also submitted in the form of a response to objections.

#### 4. SITE DESCRIPTION

- 4.1 The site is located east of the Portmahomack beach to the rear of a block of housing in an area of open ground. The site lies between developments along Main Street and Gaza Back Street with vehicular and pedestrian access available via Gaza Side Street.
- 4.2 The immediate site context includes the Portmahomack public toilet building and rear of the hotel with car park lying North of the site, outbuildings to housing and garden grounds to the East and West, and open ground laid to grass to the South. The general area accommodates a variety of domestic and utilitarian buildings of traditional and modern building styles in residential, commercial or public use.

### 5. PLANNING HISTORY

5.1 There is no planning history relating to the site.

#### 6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 02.10.2020

Representation deadline: 23.10.2020

Timeous representations: 4 from 4 households (3 objections 1 neutral) and an objection from the Community Council.

Late representations: 0

- 6.2 Material considerations raised are summarised as follows:
  - siting, design and appearance
  - · detrimental impact on local character
  - potential for loss of privacy

Non-material considerations raised are summarised as follows:

- loss of views
- intended occupation as a second home
- setting a precedent of design

Tarbat Community Council object to the development. It considers the design to be 'out of kilter' with the traditional patterns and materials of Portmahomack. The Community Council consider this to be a prominent site and the proposal would introduce a precedent of acceptance of designs of aesthetic discord, and consider the design to be unsympathetic to the historically established building finishes whilst failing to respect the building traditions of the village, thereby adversely affecting the character of the settlement. The Community Council trust that alternative and suitable building wall and roof finishes will be considered and adopted.

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

### 7. CONSULTATIONS

- 7.1 **Historic Environment Team (Archaeology):** The HET confirms that the application site lies within an area of archaeological potential but that the risk of encountering buried deposits does not warrant a full excavation. However, they consider that site clearance work should be done under archaeological supervision so that if necessary, any recording of features can be done without undue delay or inconvenience. A planning condition securing a watching brief to be submitted and approved prior to development is recommended, with implementation of the approved watching brief thereafter.
- 7.2 **Scottish Water: No objection**. There is sufficient capacity at the Assynt WTW and Portmahomack WWTW to service the development. The response also states that Scottish Water will not accept new surface water connections into the combined sewer system.

#### 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 57 Natural, Built and Cultural Heritage
- 65 Waste Water Treatment

66 - Surface Water Drainage

### 8.2 Inner Moray Firth Local Development Plan 2015

Policy 3: Other Settlements (Portmahomack)

#### 9. OTHER MATERIAL POLICY CONSIDERATIONS

### 9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (Revised December 2020)

#### 10. PLANNING APPRAISAL

10.1 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**

The application requires to be assessed against all policies of the Development Plan relevant to the proposal, all national and local policy guidance and all other material considerations relevant to the application.

# **Planning Considerations**

- 10.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) design
  - c) any other material considerations.

# **Development Plan Policy Assessment**

- The development plan comprises the Inner Moray Firth Local Development Plan 2015 (IMFLDP) and the Highland Wide Local Development Plan 2012 (HwLDP). The site lies within Portmahomack which is listed as one of the 'Other Settlements' under Policy 3 of the IMFLDP and which requires development to address a number of criteria to be supported.
- 10.5 In respect of the aforementioned criteria, it is noted that the proposal is:
  - located within the settlement and in active travel distance of community facilities and services;
  - the proposal is of a similar scale to other nearby buildings, with a comparable plot ratio and similar spacing between the proposed and existing features;
  - the proposal is for a new house which is an appropriate use within a mixed use area, and would not harm the character and social balance of the community (detailed design consideration is presented further in the report);
  - the proposal can also utilise spare capacity in public water and wastewater infrastructure, with suitable road access and public transport connections nearby;
  - there are no local school capacity constraints at this time;

- in addition there are no memorials, listed buildings or known historic environment records on the site, and an area of adjacent open ground is retained thereby maintaining a characteristic of the local development pattern and distribution of land use, furthermore, due to appropriate building scale and the low level placement within a developed area there would be no detrimental impact on important public views/vista when passing by the site or looking into the area from within or outwith the settlement.
- 10.6 It is therefore considered the submitted proposal is located and designed to sufficiently address the criteria laid down under policy 3 of the IMFLDP. Further detailed considerations in respect of design and amenity against the general policies of the HwLDP, and in response to material issues raised in objections, is discussed below.
- In addition to the IMFLDP, the HwLDP contains a number of applicable general policies and criteria. Policy 28: Sustainable Design, and 29: Design Quality and Placemaking offer support to developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland, and that make a positive contribution to the architectural and visual quality of the place in which it is located. Criteria include consideration of impacts on individual and community residential amenity; sensitive siting and high-quality design, which is in keeping with local character, and making use of appropriate materials. A fuller consideration of the relevant criteria relating to design is provided under the material consideration sub-headings below.
- 10.8 Policy 31 Developer Contributions seeks a fair and reasonable contribution from all developments that create a need for new or improved public services, facilities or infrastructure. In this instance there are no school capacity constraints within the catchment or requirement for new or improved public facilities, therefore no developer contributions are required.
- 10.9 Policy 57 Natural, Built and Cultural Heritage requires consideration of any impacts on heritage features. There are no local, national or international natural, built or cultural heritage designations relating to the site or its immediate setting. However, there is a potential for buried archaeology to be present, and as such an appropriate condition is to be applied to secure a watching brief to be implemented during ground disturbance works as recommended by the Councils Historic Environment Team.
- 10.10 Policy 65 Waste Water Treatment and 66 Surface Water Drainage require developments to manage water and wastewater in sustainable way. In this instance the proposal is to be connected to local public water and wastewater infrastructure with sufficient capacity confirmed by Scottish Water who do not object to the proposal. The planning application states Sustainable Urban Drainage (SUDS) will be provided on site for the management of surface water, with the site plan showing a surface water soakaway a minimum of 5m from site boundaries. The proposal is therefore considered to be in accordance with the HwLDP in respect of drainage and waste water treatment.

#### **Material considerations**

10.11 Design, and in particular the building finish, is a key consideration in the assessment of the application. The Community Council objects to the proposal on design grounds considering the finishing materials for the proposal to be out of keeping with the area and detrimental to the character of Portmahomack. Two objectors also cite design, and in particular finishing materials as a key issue, one of which also cites potential loss of privacy.

### **Siting and Design**

- 10.12 In respect of siting and design, developments should be sensitive to the area and be in keeping with the local character and historic environment. Developments should also be designed to make a positive contribution to the architectural and visual quality of place. In response to the Community Council and public objections on design, the agent for the applicant has submitted additional commentary outlining design rationale and offering response to the issues raised.
- In terms of siting, the agent states that the plot had previously accommodated a larger 'Territorial Army Drill Hall' (between 1919 and the late 1980s) and that the building placement strengthens the linear pattern of development along Gaza Side Street. Historic mapping confirms the presence of an earlier structure in the area of the proposal, and which is assumed to be the 'Drill Hall'. In this instance the placement of a new structure on the applied for site, not only reflects the existing pattern of development, but also reinstates a feature of the historic pattern that was lost over time. The placement of the proposed building is considered to be in keeping with the existing and historic settlement pattern within this part of Portmahomack, with the benefit of retained open space to the South West of the site between the proposal and former icehouse towards the Gaza Back Street side, thereby serving to maintain the general pattern of land use within the area. As such the principle of development is considered acceptable.
- 10.14 The proposal is of a simple rectangular plan form with traditional gables, incorporating a minor single storey ground floor wing attached to the rear of the building for bathroom, bedroom and boat store (consisting of re-purposed shipping containers). The placement of the new house is to the rear of the site with a backdrop of existing outbuilding, fencing and garden slope to elevated levels and is of an appropriate scale and form which is sympathetic to the desirable building forms found in the general area. It is noted that Portmahomack has developed and expanded over time and contains a variety of building types, with local structures of varying proportions that contribute to the level of general amenity at the site (public WC, hotel extensions, domestic outbuildings, later modern housing developments). In this instance, it is considered the 1.5 storey building as designed, would contribute positively to the amenity of the site and its setting which is currently dominated by utilitarian features such as the toilet building of lesser quality than the traditional vernacular building character found in other parts of the settlement.
- 10.15 The proposed finishing materials and colour of profile sheeting and cedar effect cladding is a key issue raised through objections and which is considered by the Community Council and objectors to be out of keeping and detrimental to the character of the area. In response, the agent claims justifiable design rationale citing the former 'Territorial Drill Hall' as a larger building presence that was also

constructed in timber frame with black corrugated steel cladding, and that the immediate character of the area is not as sensitive as claimed being influenced by the surrounding features including the large garage with black profile sheeting to the rear of the site. It is also noted that a large outbuilding with profile sheet roof, and sliding timber doors fronts the site, and that profile sheeting is a commonly used roofing material within the wider settlement, albeit generally for roofing rather than wall cladding. However, it is recognised that treated or painted vertical timber boarding is also used as a wall finish within the settlement and which presents a similar textural quality to profile sheeting. The agent explains that the applicant defends the design as appropriate, paying homage to the drill hall and outbuildings in fishing villages along the coast and wishes to avoid a replication of cottage style approach that in their view would be pastiche and less appropriate.

- 10.16 Whilst it is recognised that replication of surrounding building form and finish to infill developments can be beneficial, for example to infill sites within strong cohesive building lines or characterful streetscapes, alternative finishes can also be suitable and complimentary. The Highland Council is generally supportive of contemporary designs and which are assessed on their merits. It is considered that the setting for the proposal, with immediate development context including car parking, large commercial building extension and public WC block, domestic outbuildings and open space, and houses which have had a number of unsympathetic extensions, allows the opportunity for more contemporary design and material finishing, provided that it is in keeping with the area and not significantly detrimental to local character. The potential for enhancement of general amenity is also considered.
- 10.17 In this instance, and following close consideration of the concerns raised by objectors with contextual analysis by desktop review and site inspection of the immediate and wider settlement area, the proposed scale, form and finishing materials are seen as both sensitive to the settlement, maintaining a limited palate and utilising alternative materials found nearby, and presenting an attractive contemporary take on traditional material use. The proposal is therefore supported by planning policy and guidance and would make a positive contribution to the general amenity and local character of the immediate area without any detriment to the positive elements of the overall settlement character. Furthermore, the design and finishing materials are reminiscent of the former territorial drill hall, albeit to a domestic scale, utilising a lightweight material that is consistently applied in various Highland settings, and would appear as an honest modern interpretation of a Highland home whilst avoiding the introduction of a landmark feature or pastiche response that would potentially compete with or erode the general amenity and local character.

### **Privacy**

One objector cites loss of privacy from the conservatory of their property, Selkie Cottage to the North West of the proposal due to the placement of the 'first floor bedroom' window. The small upper floor mezzanine space is not noted as bedroom on the plans but has the potential for use as such. The mezzanine space overlaps a small section of glazing facing the objector's property, but which is at a distance of approximately 22 metres and positioned such that no direct overlooking would occur. Direct views are also obscured by the large outbuilding to the neighbouring property between the proposal and objector's conservatory and therefore there are no adverse impacts on privacy.

### **Access and Parking**

10.19 The proposal is accessed via the public road network and is to be provided with a new site access from an un-named road. There is ample space within the site for the parking and turning of vehicles to ensure the public road remains unobstructed and that vehicles can enter and exit the site in a forward-facing direction.

#### **Non-material considerations**

- 10.20 A number of non-material issues were cited in the objections:
  - The issue of loss of views is not a material planning consideration, and which in any event would not be impacted to any significant degree by the proposal.
  - Reference to the potential weatherproof/thermal performance of the chosen profile sheeting materials is also not material, the construction application of which is for contractors and building standards to consider.
  - Objections cite undesirable precedent which is not material to the assessment. Whilst it is desirable for a Planning Authority to be consistent in its decision making, there are no binding precedents in planning with all planning applications being assessed on their own merits.
  - Use of the building by the applicant and their immediate family as a second home. The use of the building as a second home would still fall within the same use class as use of the building as a primary residence (i.e residential) therefore this has no bearing on the planning assessment.

### Matters to be secured by Section 75 Agreement

10.21 None

### 11. CONCLUSION

11.1 The proposal is for a new house within the settlement of Portmahomack and within active travel distance of local services. The site does not lie in a particularly prominent location and is surrounded by a variety of buildings of different scales, styles and uses. The siting, scale and form, material finishing, and architectural detailing are contemporary and informed by historic and local built context, being complimentary to the site and immediate area. There are no significant detrimental impacts on settlement character, private or general amenity, and the proposal can be adequately serviced and accessed. 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.

### 12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.

- 12.4 Climate Change/Carbon Clever: Not applicable.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

### 13 RECOMMENDATION

- 13.1 Action required before decision issued: N
- 13.2 It is recommended that planning permission be **Granted** subject to the following conditions and reasons/informative to the applicant:
- 1. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

**Reason**: In order to protect the archaeological and historic interest of the site.

- 2. No 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. The location and design, including materials, of any proposed walls, fences and gates;
  - ii. All surfacing and soft landscaping and planting works, including materials, plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - iii. 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 a high standard of landscaping is achieved, appropriate to the location of the site.

3. No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth 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 the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

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

5. Prior to the first occupation of the dwellinghouse, parking spaces (excluding garages) for a minimum of two cars with a sufficient vehicle turning area to allow vehicles to exit the site in a forward facing direction, shall be provided within its curtilage in accordance with The Highland Council's Access to Single Houses and Small Developments and shall thereafter be maintained for this use in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

#### **REASON FOR DECISION**

The proposal accords with the provisions of the Development Plan and there are no material considerations which would warrant the refusal of the application.

# 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 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

#### 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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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\_w orking\_on\_public\_roads/2

#### Mud and 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

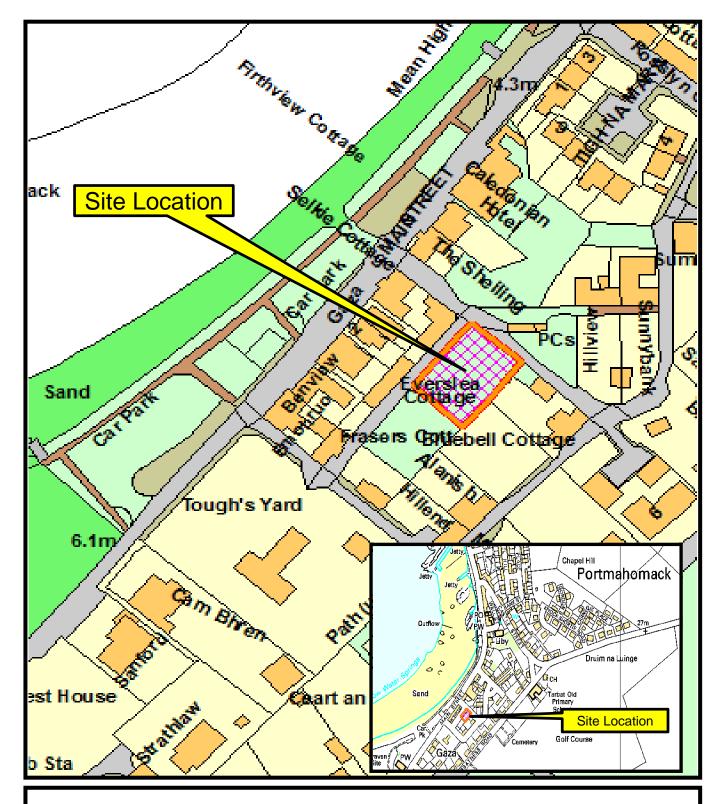
Designation: Acting Head of Development Management – Highland

Author: Matthew Taylor

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

Relevant Plans: Plan 1 – General Plan – Site Layout Plan – Ground Floor Plan

Plan 2 – Location Plan – Elevations – First Floor Plan

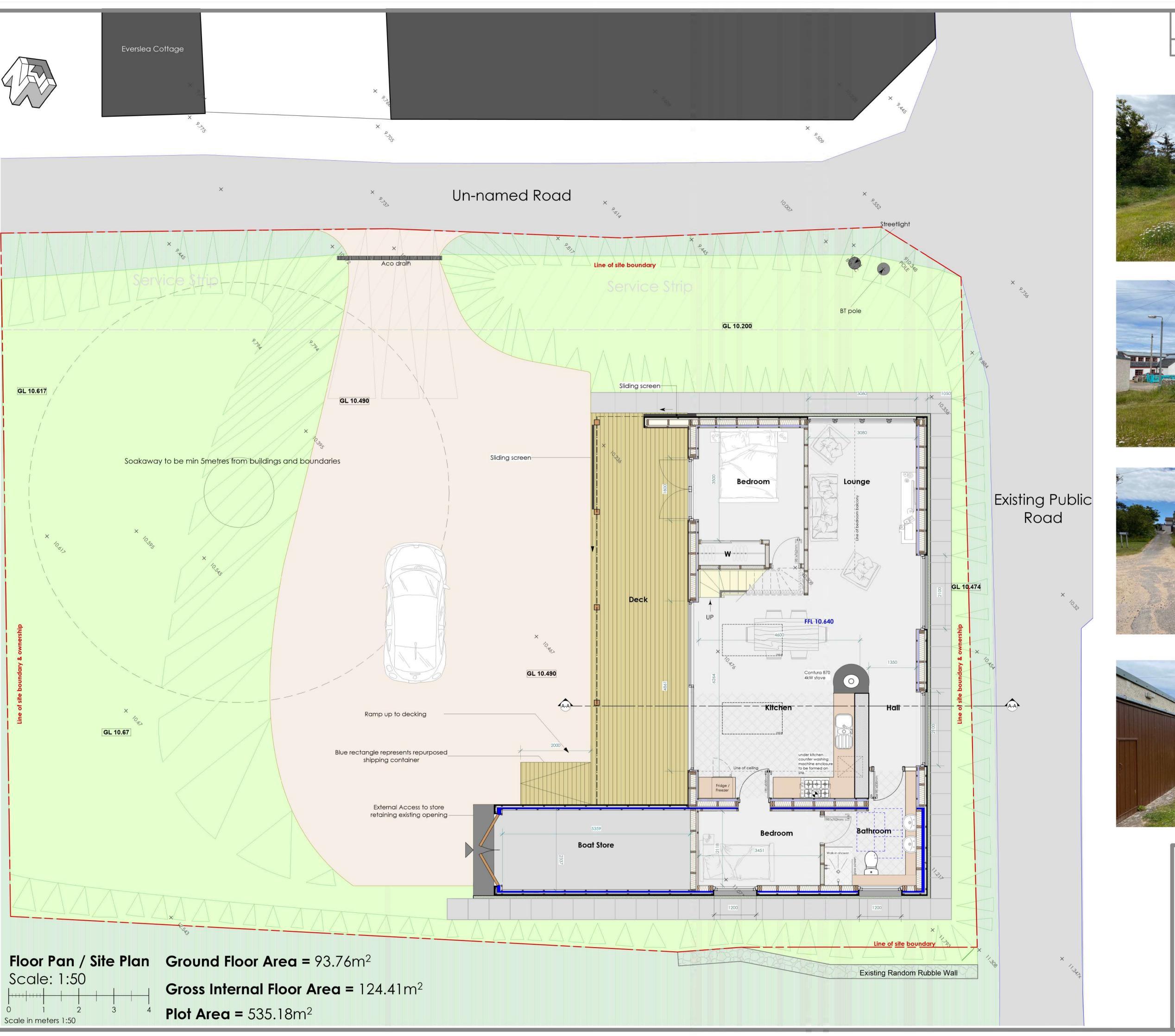




Development & Infrastructure Service

# 20/03626/FUL

Erection of House at Land 20m East of Eversley Cottage, Gaza,
Portmahomack.
January 2021



DO NOT SCALE OFF DRAWINGS.ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION









