

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
21 May 2013**

Agenda Item	6.4
Report No	PLN/050/13

**13/00624/FUL: Mr Alpin MacDonald  
Land opposite Swordale Cottages, Swordale, Evanton**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of three houses and garages

**Recommendation - GRANT**

**Ward : 07 – Cromarty Firth**

**Development category :** Local

**Pre-determination hearing :** No Hearing required

**Reason referred to Committee :** Community Council objection and objections from five or more households

**1. PROPOSED DEVELOPMENT**

- 1.1 The detailed application is for the erection of three two-bedroomed one and a half storey houses with detached single garages on the south side of the public road, directly opposite Swordale Cottages to the north-west of the village of Evanton.
- 1.2 No formal or informal pre-application advice was offered in respect of development of this site.
- 1.3 It is proposed to use an upgraded existing access onto the public road to the north-west of the proposed development. This access also serves three terraced houses within Swordale South Steading and agricultural land in the applicant's ownership to the south. It is proposed to connect to the public water supply and to install a private foul drainage system via individual septic tanks to a raised filter mound, all on land within the applicant's ownership.
- 1.4 No supporting information has been submitted.
- 1.5 Amended details were received from the applicant on 23 April 2013. Those include an amended site layout plan incorporating the service layby and bin storage area requested by TECS (Transport); and amended house types from four-bedroom two storey houses to two-bedroom one and a half storey houses. The position of the houses remains similar to that originally submitted, with the footprints marginally

larger. The overall height to ridge of the houses has been reduced from approximately 8.2m to 6.6m.

## **2. SITE DESCRIPTION**

- 2.1 The land is relatively flat and extends to around 0.36ha. It comprises former agricultural land presently used largely for storage and containing a number of temporary buildings. A mature beech hedge forms the northern boundary onto the public road. To the west is the converted South Steading (now three houses) and to the east is 'Hedgefield' a detached more modern property. Open agricultural land lies to the south and to the north on the opposite side of the public road lies the traditional terrace of Swordale Cottages, and the converted Swordale North Steading and Dovecot.

## **3. PLANNING HISTORY**

- 3.1 Numerous on applicant's land holding. The following relate to the current application site:
- 02/00257/FULRC Erection of house – Refused 21.10.2002
  - 04/00344/FULRC Erection of house – Refused 22.06.2004
  - 07/00939/OUTRC Erection of house – Refused 30.01.2007
  - 11/03956/FUL Erection of house and garage – Planning Permission granted 23.04.2012

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 and Unknown Neighbour  
Representation deadline : 10 February 2013  
Timeous representations : 8 (7 objections and 1 neutral)  
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
- Proposal is contrary to Council's policy for Housing in the Countryside;
  - Proposal does not round off housing group and is thereby contrary to approved Supplementary Guidance relating to housing in the countryside;
  - The proposed design is not reflective of historically traditional houses nearby;
  - The existing metal workshop is not a permanent structure and therefore cannot be used to justify development;
  - Access to the road from this site would add extra danger for pedestrians who are already without a footpath;
  - Swordale Road is of poor quality and is not suitable for carrying any further traffic. The road has not been improved since Swordale was an estate housing only estate workers. In the last ten years 28 houses have been built without any improvement to the road;
  - The proposed development constitutes overdevelopment and will detract from

character of area, blocking views and public access, with possible demand for footpaths and street lighting which will further impact on character of area;

- The development lies within a farm yard area used to operate a farm and should not be used for housing;
- Development will set a precedent for further housing within farm area;
- Developer should give something back to the community by way of community woodland or play area;
- Strong community opposition should be taken into account

4.3 The 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

### 5.1 **TECS (Transport):** No objections

- The access onto the public road should be designed to standard guidelines (SDB2) with service layby;
- A bin storage area should be provided adjacent to the access;
- A two metre verge should be provided adjacent to the public road;
- Parking for three cars per house (excluding the garage) should be provided;
- With regard to the public road, there are a couple of sections of road which are in poor condition and we are hoping to carry out some resurfacing work this year;
- TECS has power to recover the cost of any damage that is directly attributable to the development;
- With regard to road capacity, taking account of comments from objectors, it is reasonable to ask the developer to provide one passing place on the public road between the site and Evanton as part of the development. This would be in addition to the service bay required at the site entrance. This could be accommodated within the road boundary and may potentially only involve formalising and surfacing an existing informal passing place. It is suggested that the provision of this passing place could be linked to occupation of the second or third house to ease the burden on the applicant and the location would need to be agreed at the time.

### 5.2 **Kiltearn Community Council:** Objects on the following grounds:

- The Swordale Road servicing the proposed new build is already over burdened and distressed and is not upgraded sufficiently to cope with any additional development, infrastructure or traffic.

### 5.3 **Scottish Water:** No objections.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

## 6.1 **Highland Wide Local Development Plan 2012**

- 28 Sustainable Development
- 29 Design Quality and Place Making
- 35 Housing in the Countryside (Hinterland Areas)

## 6.2 **Ross & Cromarty East Local Plan (as continued in force)**

Outwith Settlement Development Areas

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Development Plan**

Not applicable

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide

Housing in the Countryside and Siting and Design

### 7.3 **Scottish Government Planning Policy and Guidance**

SPP

## 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.

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.

### 8.3 **Development Plan Policy Assessment**

Policy 28 (Sustainable Development) of the Highland wide Local Development Plan (HwLDP) aims to ensure that development is sustainable and lists the criterion against which the proposal shall be assessed. The applicable criteria in this case are compatibility with public service provision; accessibility; making use of brownfield sites; and impact on individual and community residential amenity. The application proposes to use land which has previously been used for agricultural and building storage purposes immediately adjacent to the public road and other houses at Swordale. It is therefore considered that this is an accessible and logical site to develop which will have no material impact on community or residential amenity. Accordingly the proposal complies with this policy.

8.4 Policy 35 (Housing in the Countryside – Hinterland) of the HwLDP and the approved Supplementary Guidance relating to housing in the countryside states that the Council will presume against housing in the open countryside of the hinterland around towns (as defined on the Proposals Map). Exceptions to this policy as defined within the supplementary guidance will be made when at least one of the following applies:

- A house is essential for land management or family purposes related to the management of the land;
- The dwelling is for retiring farmers and spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm or rural business;
- Affordable housing is required to meet a demonstrable local affordable housing need;
- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwelling being demolished);
- The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land;
- The proposal meets the Council's criteria for acceptable expansion of a housing group (as detailed in the relevant supplementary guidance);
- The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in the new/extended crofting township policy 49

Where exceptions are justified, all proposals should still accord with the general policies of the Plan and the Siting and Design Guidance.

- 8.5 Whilst, as can be noted from para. 3.1 above, there have been three separate refusals for a house on this site in 2002, 2004 and 2007, those previous applications pre-date the current supplementary guidance which allows for new housing to be located within or to round off an existing housing group. In April 2012, Planning Permission was granted by Committee for the erection of a two storey house on part of the current application site on the basis that the site formed part of a housing group. For the purposes of assessing planning applications and to provide advice to potential developers the supplementary guidance defines a housing group as being at least three houses in close proximity to one another, taking into account their form and cohesiveness and the level of containment by natural or man-made boundaries.
- 8.6 In this case, a relatively tight knit group of existing houses at Swordale straddles the public road stretching from the access to Swordale House to the west to the access to Hill Cottage to the east. On the north side of the road this development comprises a mix of properties including a traditional terrace of cottages (Swordale Cottages); a converted steading (North Steading) and dovecot; and four detached houses. To the south of the road existing development, comprising a terrace of cottages and a converted steading (South Steading), lies opposite the North Steading and Dovecot conversions. House frontages are close to and face Swordale Road. To either end of this group development becomes more dispersed with Swordale House and West Lodge to the west and Hedgefield, Lismore and Hill Cottage to the east.

8.7 The application site lies on the opposite side of the public road from Swordale Cottages and the former school site. It is intended to provide joint access to the three new houses by upgrading an existing access already serving the houses within the South Steading. Further to concerns expressed by objectors, the applicant has amended the design of the three houses from two storey to one and a half storey dwellings, set back in a line approximately 19m from the road edge and for the houses to run with their ridges parallel to Swordale Road and with simple traditional fenestration presenting a fair face to this road. Detached garages and comfortable space for vehicle parking and turning within each house curtilage are proposed to the south of the new houses. The site is not considered to be within the wider countryside. Part of the site has an extant permission for the erection of a single house. It is considered that the proposed design, siting and layout of the current proposal complies with the criteria set out in the supplementary guidance relating to infilling and rounding off housing groups and therefore the proposal complies with policy.

#### 8.8 **Material Considerations**

Eight letters of representation have been received, largely objecting to the proposed development. The issues of concern are set out at para. 4.2 above. Kiltarn Community Council has also objected on road safety grounds expressing concern that Swordale Road does not have the capacity to accept another three houses. Policy issues are addressed at paras. 8.3 – 8.7 above and other material planning concerns raised are considered below.

#### 8.9 **Access and Traffic**

TEC Services has indicated that the proposal for three houses is acceptable on the basis of the joint access onto the public road being upgraded to standard guidelines and to include a service layby and bin storage area. The Principal Engineer acknowledges that there are sections of the road which require resurfacing and that this is programmed later this year. Further to the concerns expressed by objectors and the Community Council, he has asked that the developer provide a passing place as part of the development and this has been agreed with the applicant.

#### 8.10 **Visual Impact/Character**

Existing development at Swordale is mixed in form, height and finish with a range of single, one and a half storey and one and three quarter storey properties. The original submission proposed three two storey houses however this has been amended to three one and a half storey houses, with overall height to ridge more compatible with that of South Steading adjacent. The design of the units is of simple traditional form, with rectangular footprint, comparatively narrow gables and relatively steep roofs. The frontages to Swordale Road have symmetrical fenestration with vertical emphasis to windows and chimneys at either end of the ridge. It is proposed to retain the hedge and trees on the north boundary with the public road and this can be reinforced by condition. The use of appropriate finished materials can also be covered by condition as none are included on the submitted drawings. All surrounding traditional buildings have a natural slate finish to roofs and it is therefore considered important that slate is used within the new development to help its coherence within the established housing group.

### 8.11 Loss of views and public access rights

Whilst it is acknowledged that the development will have an impact on the landscape and outlook from adjacent properties, its modest scale, set back from the road and from other properties will ensure that any impact on the wider landscape will be minimal. The development will be seen within the context of an established group of houses and the location behind a mature beech hedge and trees will help soften its impact towards the road. The access will continue to serve the farm holding to the south where prior notification has been issued in respect of two agricultural buildings, some distance back from the proposed houses. There will be no impact on public access as the site is contained wholly on private land and has no impact on any core paths or other pedestrian routes.

### 8.12 Precedent

Any future proposals for development at Swordale will require to be considered against policy as is the case in this instance. For information, the applicant has been refused permission for two other house sites at Swordale within the last two years, as it was considered that in both instances the proposals did not comply with policy as they lay outwith the existing housing group and did not satisfy the criteria contained within the supplementary guidance.

## 9. CONCLUSION

- 9.1 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. RECOMMENDATION

**Action required before decision issued** N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until the type and colour of finished materials to be used in the development hereby approved is submitted and given the written approval of the Planning Authority. For the avoidance of doubt, the roof shall be finished in natural blue/black slates and the walls finished in a white/off-white or buff/sandstone coloured wet render.

**Reason** : In the interests of safeguarding the established amenity of the area.

2. No development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule with the junction formed with service layby to comply drawing ref. SDB2. A hardstanding area for the storage of wheelie bins shall be provided and maintained adjacent to the access prior to first occupation of any part of the development to the satisfaction of TEC Services.

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

3. Notwithstanding the provisions of Article 3 and Classes 1A, 1B, 3A, 3B and 3D 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 extensions, outbuildings or decking structures shall be erected, and no land re-profiling, engineering or other operations shall take place within the curtilage of the houses 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 development between the houses and the road, where the houses have their principal elevations away from that road.

4. The existing hedge and trees along the north-west (roadside) boundary of the site shall be retained and there shall be no felling, lopping or topping of this feature without the prior written approval of the Planning Authority.

**Reason :** In the interests of safeguarding the established amenity of the area.

5. Prior to the first occupation of any of the houses hereby approved, the car parking and access arrangements for such house as detailed on approved plan ref. 000001 Rev B shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason :** In order to ensure that the level of off-street parking is adequate.

6. Prior to first occupation of any second house, an additional passing place shall be provided by the developer on the public road, between the site and the village of Evanton. The position and specification of this passing place shall be agreed in advance with TEC Services and the passing place shall be completed to the full satisfaction of TEC Services prior to occupation of the second house.

**Reason :** In order to ensure that the public road access is improved to help accommodate the additional traffic generated by the development hereby approved.

## **REASON FOR DECISION**

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

## **TIME LIMITS**

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



## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site. From the date of acknowledgement, the Site Notice attached to it shall be posted in a publicly accessible part of the site until the development is completed.
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.

### **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.

### **Construction hours and Noise Generating Activity**

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](mailto:env.health@highland.gov.uk) or more information.

### **Local Roads Authority Consent**

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

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984. Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

### **Mud & Debris on Road**

Please note that it is 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.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development.

### **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).

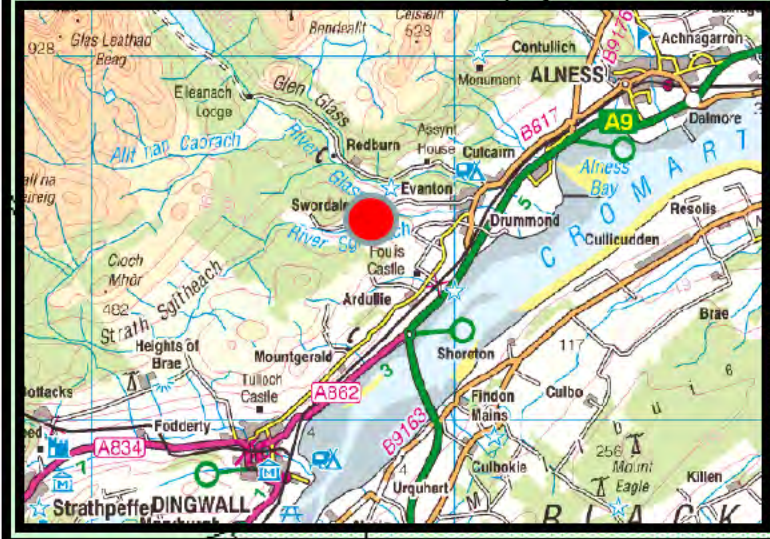
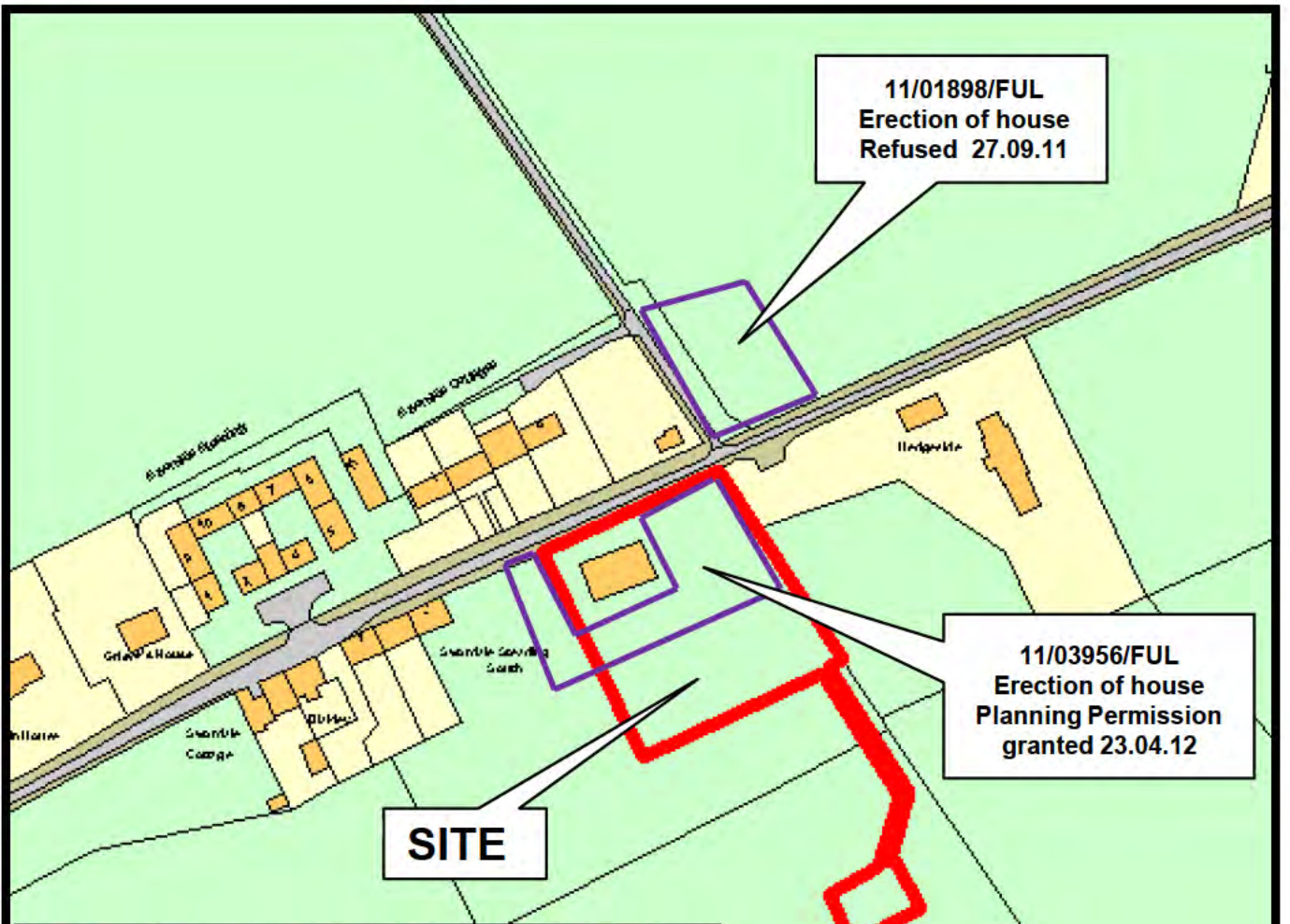
### **Permitted Development Rights**

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.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Dorothy Stott  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Layout Plan  
Plan 3 – Elevations

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
David Browne	Swordale House Swordale	07.03.2013	Against
James King	Hill Cottage Swordale	07.03.2013	Against
Mr and Mrs Robertson	Fannyfield Evanton	14.03.2013	Against
Ian Collier	4 Swordale Cottages Swordale	19.03.2013	Against
Mr and Mrs Dobie	2 Swordale Steading South Swordale	19.03.2013	Against
Mr and Mrs Sharratt	3 Swordale Cottages Swordale	24.03.2013	Against
David Leversidge	2 Swordale Cottages Swordale	24.03.2013	Against
Linsey Little	Swordale Steading Swordale	19.03.2013	Neutral



**SITE**

11/01898/FUL  
Erection of house  
Refused 27.09.11

11/03956/FUL  
Erection of house  
Planning Permission  
granted 23.04.12

 **The Highland Council**  
Comhairle na Gàidhealtachd  
Planning & Development Service

**PLAN 1**  
**13/00624/FUL**

**Erection of three houses and garages at Land To South East of Swordale Cottages, Evanton**

**21 May 2013**





