

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE
22nd October 2013

Agenda Item	6.6
Report No	PLN/096/13

13/02308/PIP : Caledonian Forestry
Land 200M West Of Heatherview, Fearn

Report by Area Planning Manager

SUMMARY

Description : Erection of house

Recommendation - GRANT

Ward : 8 – Tain and Easter Ross

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 objections

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission in principle for a house on a 0.4 ha site.
- 1.2 There is an existing surfaced private access leading from the public road to the neighbouring property, Heatherview. Beyond this the access becomes a grassy track and continues adjacent to the southern boundary of the site. Foul drainage is to be via a septic tank and soakaway.
- 1.3 A supporting statement was submitted alongside the application.

2. SITE DESCRIPTION

- 2.1 The site is flat with Heath ground cover and there is an extensive area of woodland to the north and west. To the south of the site there is a paddock and open fields. The neighbouring property, Heatherview, sits to the east of the proposed site.

3. PLANNING HISTORY

- 3.1 07/00741/OUTRC – Erection of house at Heatherview, Fearn – Withdrawn

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 23.08.2013

Timeous representations : 8

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- The track is not within the ownership of the applicant, and the development would increase the burden upon the owner's property.
- The track is currently grass and not suitable for accessing a residential dwelling or construction traffic. The applicant has no legal right to upgrade the road and such an upgrading would be out of character with the area.
- The development would represent an extension of the current housing group, to the detriment of the character of the area.
- The site is outwith the development pattern of the existing group of houses.
- The site would have a significantly detrimental impact on individual and community residential amenity.
- The application site is significantly larger than surrounding plots.
- The proposal would set a dangerous precedent for further inappropriate development.
- The proposal would contribute to traffic numbers on the public road. New houses in the area should be considered collectively in order to avoid road safety issues. A number of new houses have been built in this area over the last 5 years, but no upgrading works have been carried out.

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 TECS Roads : Not objecting subject to standard conditions regarding access, parking and turning. The access with the public road shall be upgraded in accordance with drawing SDB2, which is contained within the Highland Council's Access to single Houses and Small Housing Developments Guidelines.

5.2 Scottish Water : Not objecting.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

36	Development in the Wider Countryside
65	Waste Water Treatment
66	Surface Water Drainage

7. OTHER MATERIAL CONSIDERATIONS

7.1 Proposed Local Development Plan

Inner Moray Firth Local Development Plan

7.2 Highland Council Supplementary Guidance

Sustainable Design

Housing in the Countryside and Siting and Design Guidance

Access to Single Houses and Small Housing Developments

7.3 Scottish Government Planning Policy and Guidance

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

Below gives an assessment of the most relevant Development Plan Policy.

The site is not located within the hinterland area, therefore, it must be assessed against policy 36 of the Highland-wide Local Development Plan (Development in the wider Countryside). This policy states that the Council will only support development where, amongst other factors, they are acceptable in terms of siting and are sympathetic to existing patterns of development in the area. This policy also states that proposals for housing in the wider countryside shall be determined against the relevant sections of the Housing in the Countryside and Siting and Design guidance. This guidance states that for sites within the wider countryside, where there is a more permissive approach to housing development, the identification of sites should adopt a sequential approach. The sequential approach is set out within the Housing in the Countryside Guidance and the sections of particular relevance to this proposal are 6.3 - 6.14, which set out the criteria for the acceptable expansion of existing housing groups.

New build houses related to existing housing groups are preferable to isolated development within the open countryside. The proposed site is situated adjacent to an existing group of houses at Loinnbuie. In order to meet the definition of a housing group, as defined by section 6.10 of the Housing in the Countryside Guidance, there must be more than three houses, which have a perceptible relationship with one another. This group of houses at Loinnbuie meets the

definition of a housing group contained within the Housing in the Countryside Guidance.

Where the definition of a housing group is met, the Planning Authority must assess the capacity and suitability for growth of the group. This assessment takes into account the form, character and cohesiveness of the group and the level of containment provided by natural barriers, such as watercourses and plantations. This proposal is considered to have a clear relationship with the existing housing group at Loinnbuie. The existing housing group consists of a constellation of 10 or so dwellings. These houses are arranged in a tighter cluster around where the public road bends and as looser outliers off-set from the central cluster. There are at least four existing houses and house plots lying to the east and south of the tighter cluster, which are clearly linked and associated with it, both functionally and visually. The tighter cluster does generally follow the line of the public road. However, the cluster also branches off to the west in the direction of the proposed house site, with the house adjacent to the proposal, Heatherview, orientated towards the private access which leads towards to the proposed site.

The proposal is considered to site comfortably with the existing settlement pattern, which comprises of a tighter cluster surrounded by a looser scattering of houses. Although the Development is within an undeveloped field there is a relationship with the existing cluster of houses and a house on the site shall not appear as an isolated development within the landscape. There is an area of woodland to the north and west of the site, which acts as a natural barrier to continual linear expansion of the group in this direction. The plot is sizeable and larger than the immediately adjacent sites, however, the size of plot is appropriate for a rural location and there are other examples of plots of this scale within the area. The house shown on the site plan is for indicative purposes only and a condition is placed on the permission which asserts this point. In order to respect and maintain the existing settlement pattern, a house on the site should be situated closer to the southern boundary and orientated towards the access track. The curtilage as shown is significantly larger than the adjoining plots, however, the application has been considered solely on its suitability to accommodate a single dwelling. The landscape and visual impact of this development shall be very minimal due to the set back from the public road, its position in relation to the existing houses and the area of woodland surrounding the site.

The proposal accords with policy 36 of the Highland-wide Local Plan and the Housing in the Countryside Siting and Design Guidance.

Also relevant to the proposal is policy 28 (Sustainable Design) of the HWLDP, which aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character”.

The site is sufficiently separated from the surrounding properties to prevent any unacceptable impact upon neighbour amenity. As discussed above, the proposal is considered to accord with the settlement pattern and shall not impact significantly upon the character of the area. The development therefore accords with policy 28 of the Highland-wide Local Development Plan.

8.4 **Material Considerations**

Access

The site is accessed via an unadopted track leading from the public road. TECS Roads have not objected to the proposal, but have asked that the junction with the public road be upgraded. Objectors have raised concern regarding the applicant's access rights over the track leading to the site. There is no requirement to upgrade the track itself, only the junction with the public road. The applicant has responded to these comments stating that they have a legal right of access to a house site. This is a private legal issue, and a planning permission does not have any impact upon the legal aspects of the access track.

Drainage

There is no public sewer within the vicinity of the site, therefore, foul drainage is to be via a septic tank and soakaway. The site is not located within a SEPA waste water drainage deficiency area and there is ample space on the site to provide foul drainage.

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 all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
- ii. a roof covering of natural slate;
- iii. a house orientated towards the access road;
- iv. a house positioned in the southern half of the site;
- v. single storey or 1½ storeys in height;
- vi. windows with a strong vertical emphasis;
- vii. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
- viii. predominantly rectangular in shape with traditional gable ends.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

3. No works shall commence on site until the access onto the public road has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated (date of decision)), with the junction formed to comply drawing ref. SDB2.

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

4. Any details pursuant to condition 1 above shall show car parking spaces provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;
- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms.

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

5. Any details pursuant to condition 1 above shall show a vehicle turning area within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

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

6. Any details pursuant to condition 1 above shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. 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 order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. The size, orientation and location of the house as shown on the approved plan is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

Reason : In order to retain and respect the settlement pattern and important elements of the character and amenity of the site.

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTES TO APPLICANT

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.

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.

Sustainable Design

Future designs for this site should draw on the principles contained within with The Highland Council's Sustainable Design Guide: Interim Supplementary Guidance, in particular with regard to use of sustainable building materials, waste water re-use/recycling and energy conservation.

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 (p.198), 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).

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>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

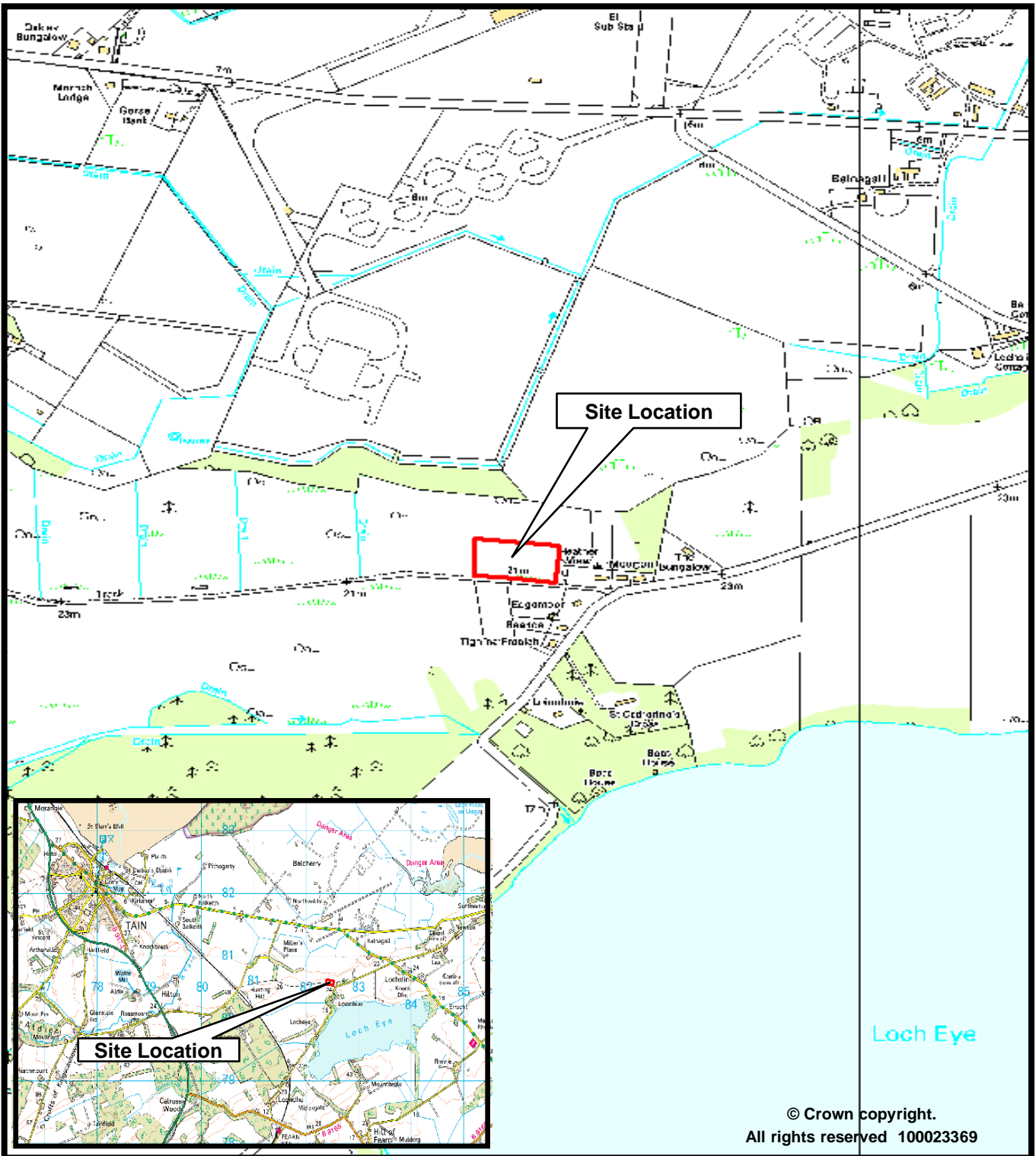
Mud & Debris on Road

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.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Rebecca Hindson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location map Plan 2 – Site layout

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr and Mrs Gregor Macleod c/o Murchison Law	Murchison Law, 5 Ardross Terrace, Inverness, IV3 5NQ	03.07.2013	Against
Owner/Occupier	Reanda, St Catherine's Cross, Fearn	19.08.2013	Against
R Shaw-Hamilton	The Bungalow, St Catherine's Cross, Fearn	19.08.2013	Against
Kath Hunter	The Marches, St Catherine's Cross, Fearn	19.08.2013	Against
Ken Reid	Moorton, St Catherine's Cross, Fearn	19.08.2013	Against
G & M Patience	Tigh-Na-Fraoich, St Catherine's Cross, Fearn	19.08.2013	Against
Eric and Sheena Knight	Edgemoor, St Catherine's Cross, Fearn	19.08.2013	Against
Hugh & Lesley Drever	Heatherview, St Catherine's Cross, Fearn	19.08.2013	Against



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The Highland Council
Comhairle na Gàidhealtachd






Planning & Development Service

13/02308/PIP
Erection of house at Land 200m West of Heatherview, Fearn.

Date: 07 October 2013



DO NOT SCALE - IF IN DOUBT PLEASE ASK
 All settling out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd

-  Land ownership
-  Site
-  Proposed Dwelling House preferred position
- Existing Settlement Patterns:
 -  Tighter Clusters
 -  Loser Outliers

REVISIONS	
rev.	description

Client	Caledonian Forestry
Project	One house plot at Huntinghill Huntinghill, Fearn

Drawing		
Location Plan		
Site Plan		
Scale	Date	Drawn by
1:1250@A2	06/13	MW
Project no	Dwg no	Rev
2160	SK002	

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