

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**20 August 2013**

Agenda Item	5.6
Report No	PLS 047/13

**13/01554/FUL: Mr L Mackenzie**  
**Land West of Farmhouse, Blackpark Farm, Westhill, Inverness**

**Report by Area Planning Manager – South**

**SUMMARY**

**Description:** Erection of house with detached garage

**Recommendation: GRANT**

**Ward:** 20 – Inverness South

**Development category:** Local

**Pre-determination hearing:** N/A

**Reason referred to Committee:** Five or more unresolved objections.

**1. PROPOSAL**

- 1.1 The proposal is for the erection of a single storey house and detached garage on land at Blackpark Farm, off the B9006 Culloden Road at Blackpark Farm, Westhill.
- 1.2 The applicant did engage in an informal pre-application discussion with the Council regarding the proposal for a one and a half storey house on the site. The applicant was advised that the planning permission in principle granted in March 2012 imposed a restriction of single storey and therefore the height/design of the building would be a significant material consideration and could only be effectively assessed following submission of detailed proposals.
- 1.3 The main access to the site is via the existing access from the B9006 serving Blackpark Farm and 5 additional houses. A secondary unsurfaced access track, which serves two of the existing houses, will service the proposed development.
- 1.4 No supporting information has been submitted with the application.
- 1.5 The scale and massing of the house have been reduced in size since submission. Originally submitted as one and a half storeys with a 45 degree roof pitch, it has now been reduced to single storey with a 35 degree roof pitch. Whilst retaining the same overall footprint, the height of the house has been reduced from 8 metres to 6.5 metres. The projecting gable extensions have also been significantly reduced in size.

## **2. SITE DESCRIPTION**

- 2.1 The site is predominately flat greenfield land adjacent to existing houses forming a housing group at Blackpark Farm. Existing trees substantially screen the site along the north east boundary. The south western boundary is defined by the secondary access track serving the two existing houses forming part of the housing group and located north west of the site. Blackpark Farm lies to the east, with the remainder of the surrounding land being in agricultural use.

## **3. PLANNING HISTORY**

- 3.1 09/00306/FULIN: Erect house. Withdrawn 29 April 2009.  
3.2 11/03612/PIP: Erect house. Granted 16 March 2012.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour; expired 24 May 2013.  
Representation deadline: 24 May 2013; Re-notification 19 July 2013.  
Timeous representations: 8 representations from 5 households.  
Late representations: None.
- 4.2 Material considerations raised are summarised as follows:
- Proposed house is excessively large, featuring two storeys with an annex, and is out of character with surrounding properties in the area;
  - Visual impact will have detrimental impact on local tourist attractions;
  - Poor drainage/flooding concerns;
  - Access off B9006 is dangerous.
- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## **5. CONSULTATIONS**

- 5.1 None.

## **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 Design

35 Housing in the Countryside (Hinterland areas)

## **7. OTHER MATERIAL CONSIDERATIONS**

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

Housing in the Countryside and Siting and Design.

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

Not applicable.

## **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**

The site lies within the Hinterland as defined in the Highland-wide Local Development Plan (HwLDP) and the principle of a new house in the countryside therefore falls to be considered under Policy 35 and the Council's Supplementary Planning Guidance on Housing in the Countryside and Siting and Design. Policy 35 states a presumption against new housing in the countryside unless one of the exceptions applies. In this case, there is an existing housing group at Blackpark Farm and the proposal meets the criteria set out in Supplementary Guidance for the acceptable rounding off of an existing housing group. The principle of development is therefore considered acceptable, subject to detailed design considerations and an assessment of impact on amenity.

Policy 28 of the HwLDP states that the Council will assess the extent to which development impacts on individual and community residential amenity and demonstrates sensitive siting and high quality design in keeping with local character. This proposal is of a contemporary design and the scale of development, the traditional external materials and finishes proposed, and the sympathetic siting of the house, are such that it is considered to comply with Policy 28.

### **8.4 Material Considerations**

As a result of the notification procedure, 8 representations from 5 households were submitted objecting to the proposal. The main concerns relate to the size of the proposed house and the resultant detrimental impact on amenity, poor drainage/flooding issues, and concerns over the safety of the access road.

Planning permission in principle was granted in March 2012 for a single storey house on the site. Other conditions required the house to have its principal elevation facing the public road and to be predominantly rectangular in shape.

The proposal as originally submitted consisted of a one and a half storey house with a residential annex. As the proposal did not meet the terms of the planning permission in principle, it could not be registered as an application for approval of matters specified in conditions, and instead had to be assessed as a full planning application. The design was considered excessive and out of scale and character with the other properties comprising the housing group. In particular, the 45 degree pitched roof and full height gable extensions resulted in an overly dominant and visually incongruous development.

Following further discussions and negotiations, the proposal was significantly revised. The revisions reduce the roof pitch from 45 to 35 degrees, resulting in an overall height reduction of 1.5 metres; the extended gables were reduced in height resulting in the significant reduction of available roof space accommodation; and the residential annex was deleted. Whilst the overall footprint remains the same, the significant changes made to the scale and mass of the building have resulted in a proposal which is now considered to be satisfactory in design terms and is comparable with the scale and design of other properties in the locality.

Conditions are proposed which will require full details of existing and proposed ground levels and finished floor levels, and the submission of a landscaping plan, for the approval by the Council prior to work starting on site. This will ensure that the development can be successfully integrated into the existing landscape with no detrimental impact on the amenity of the area. Furthermore, it is proposed that permitted development rights are withdrawn by condition to ensure effective control over further development of the house and curtilage, in the interests of the amenity of the area.

The access from the B9006 serves six existing properties. Planning permission in principle has been granted for one additional house. Approval of this application for a house on the same site will therefore not have any material increase over that for which planning permission in principle has already been granted.

Flooding and drainage considerations were evaluated as part of the previous planning permission in principle application and supporting information submitted at the time led to the conclusion that satisfactory steps could be taken to provide adequate drainage infrastructure at the site. Whilst this application does not contain full details of proposals to deal with drainage infrastructure, conditions are proposed requiring these to be fully considered and approved by the Council prior to works commencing on site.

**8.5 Other Considerations – not material**

Not applicable.

**8.6 Matters to be secured by Section 75 Agreement**

Not applicable.

## 9. CONCLUSION

- 9.1 In conclusion, the proposed house (as amended) is considered acceptable in terms of its scale and design, and materials proposed, and complies with the Council's policy on the acceptable expansion of a housing group. The proposal is considered to comply with the development plan and there are no other material considerations that would justify refusal of the application. It is recommended that planning permission is granted, subject to the attached conditions.

## 10. RECOMMENDATION

**Action required before decision issued** N

**Reason:** None required.

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

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with these approved details.

**Reason:** In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development, in the interests of amenity.

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

3. No development shall commence until arrangements for potable water to serve the site (including a programme for implementation) have been submitted, to, and approved in writing by, the Planning Authority. No part of the development shall be occupied until potable water storage infrastructure, as required, have been completed in accordance with the approved arrangements.

**Reason:** In order to ensure that water infrastructure is provided timeously, in the interests of public health.

4. No development shall commence until full details of all foul drainage infrastructure have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that water infrastructure is provided timeously, in the interests of public health.

5. No development or work shall commence until full details of the existing and proposed topography of the site, along with proposed finished floor levels for the house, have been submitted to and approved in writing by the Planning Authority. Thereafter, the development and work shall progress in accordance with these approved details.

**Reason:** In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

6. No development or works shall commence until a landscaping plan has been submitted to, and approved in writing by, the Planning Authority. The plan will include a scale drawing which shows the location of tree planting along with a schedule which details the size, quantity, means of protection of existing trees and species of trees and shrubs to be planted along with a maintenance programme for five years. Following approval, the landscaping plan shall be implemented in full by the end of the planting season following completion of the development.

**Reason:** In order to ensure that the appropriate landscaping works are properly undertaken on site, in the interests of amenity.

7. Prior to the first occupation of the house, parking spaces (excluding the garage) for a minimum of three cars 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:** In order to ensure that the level of off-street parking is adequate.

8. 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), no enlargement of the house or other development within the curtilage of the house, will be permitted 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 have an adverse impact on the amenity of the area.

## 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.

## INFORMATIVE NOTE REGARDING THE 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

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

**Conditions:** Your attention is drawn to the conditions attached to this permission. 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 meet these 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 (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Permitted Development Rights:** Please note that certain permitted development rights have been removed from the land in question, as explained in the conditions above. This means that certain developments, for which 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.

**Road Openings Permit / Road Construction Consent:** you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

**Street Names:** in line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

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

Signature: Allan J Todd  
Designation: Area Planning Manager – South  
Case Officer: John Kelly, Planner  
Background Papers: Highland wide Local Development Plan, Inverness Local Plan  
Relevant Plans: Plan 1: 12-36-MRH-100 REV A General Proposed Plan  
Plan 2: Comparison Plan



## Appendix – Letters of Representation

<b>Name</b>	<b>Address</b>	<b>Date Received</b>	<b>For/Against</b>
G Fraser	Firthview House, Blackpark, Westhill, Inverness	07 May 2013 & 30 June 2013	Against
I Foyers	The Gate House, Blackpark Farm, Westhill, Inverness	13 May 2013 & 02 July 2013	Against
A Foyers	39 Rowan Grove, Smithton, Inverness	20 May 2013	Against
C Green	4 Westfield Avenue, Westhill, Inverness	10 July 2013	Against
J Campbell	39 Rowan Grove, Smithton, Inverness	10 July 2013	Against
L Hunter	56 Towerhill Avenue, Cradlehall, Inverness	19 July 2013	Against

PROPOSED PLANS AND ELEVATIONS



North East Elevation SCALE 1:100



South East Elevation SCALE 1:100



North West Elevation SCALE 1:100



South West Elevation SCALE 1:100

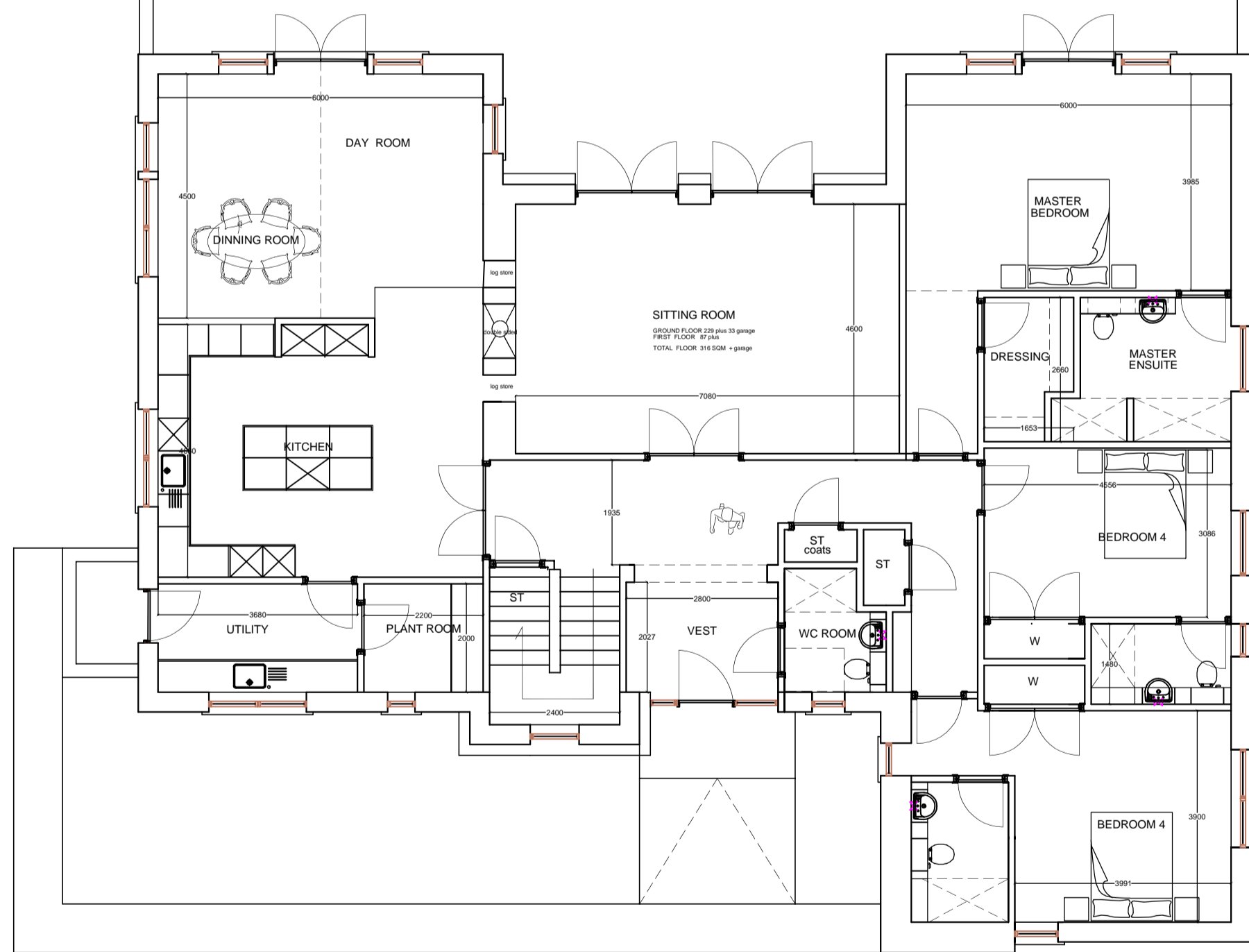
**WALL CONSTRUCTION**  
EXTERIOR WALL COMPRISING FINE WET DASH CHIP OFF WHITE (CREAM) ON SCRATCH COAT TERMINATED AT BELL CAST ALL ON 100MM GRC BLOCK OUTER LEAF WITH 150MM MIN ABOVE GROUND LEVEL 50MM CAVITY WITH 145X45 TIMBER FRAMING INTERNALLY.

**WINDOWS**  
ALL WINDOWS AND DOORS TO BE HIGH PERFORMANCE TIMBER DOUBLE GLAZED UNITS WITH 4 GLASS TO MATCH IN STYLE AND PROPORTIONS Colour to be PRE approved colour

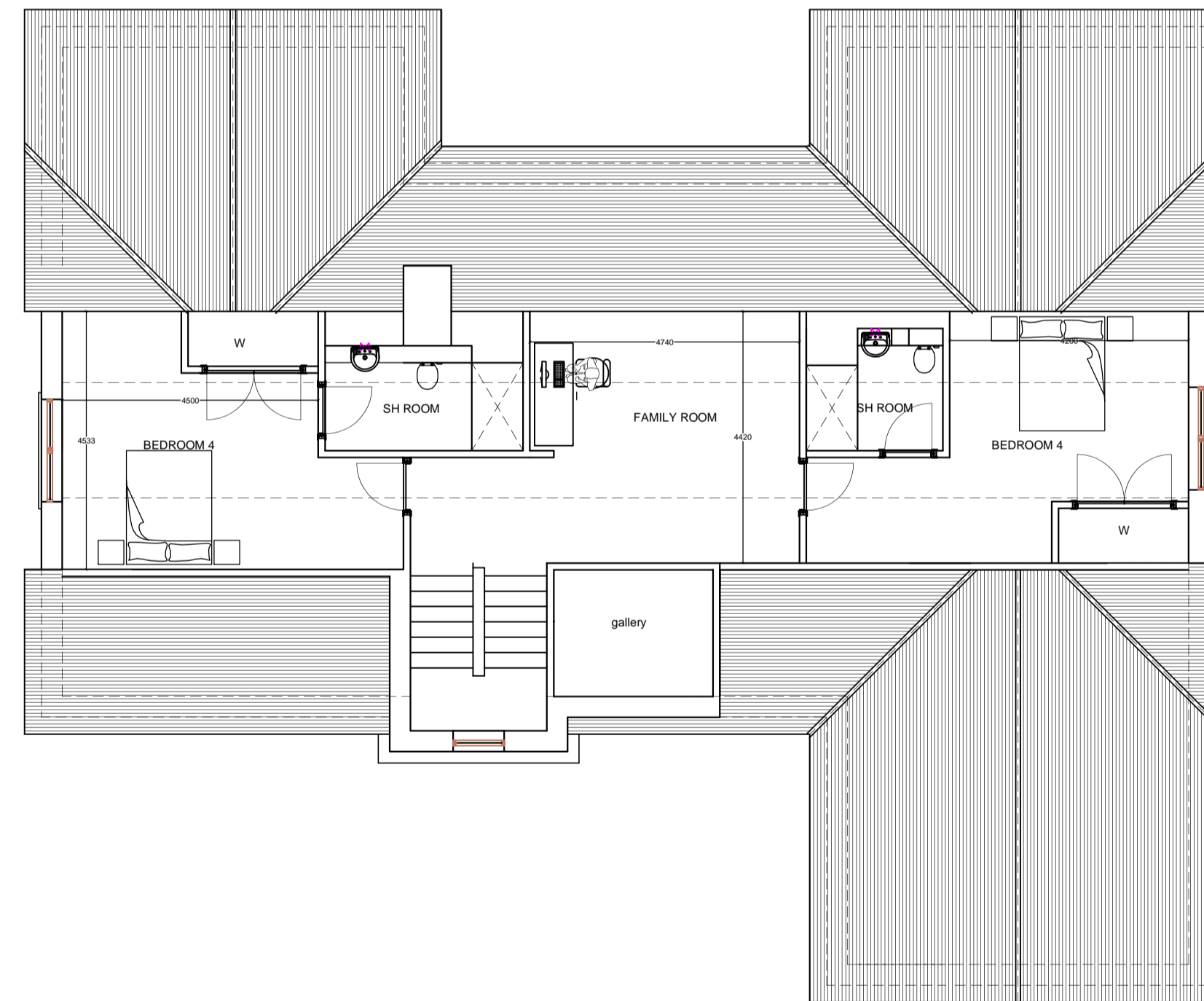
**ROOF:**  
ROOF TO NATURAL SLATE WITH SARKING & TO HAVE PROFILED ROOFING IN DARK SLATE GREY/BLACK OR STANDING SEAM

**NATURAL STONE**  
AREAS OF NATURAL STONE TO BE STONE IN KEEPING TO AREA AND IN A DRY STONE EFFECT

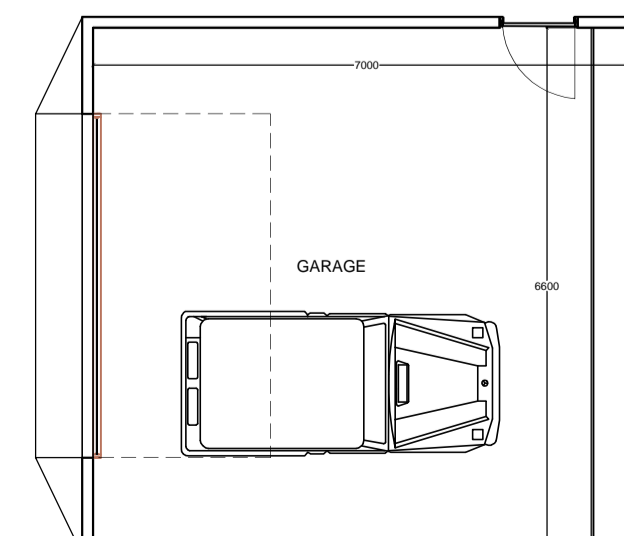
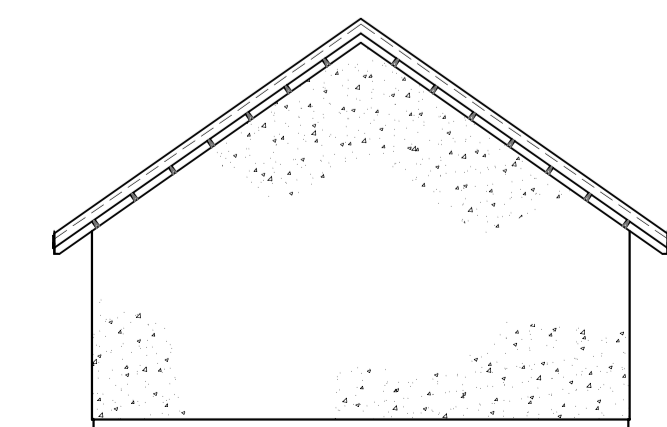
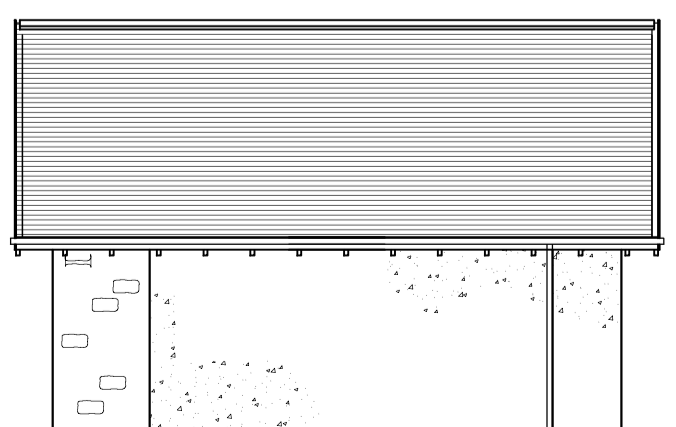
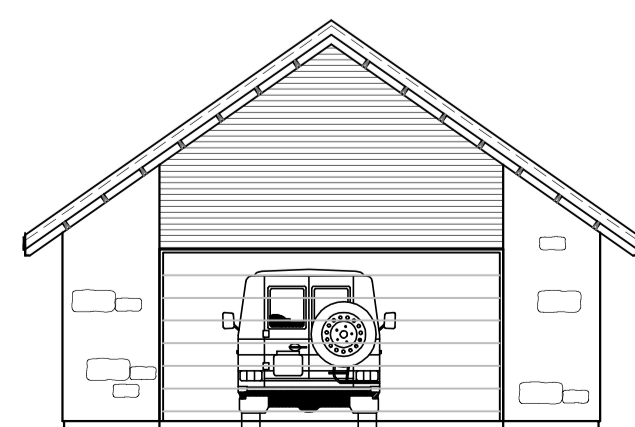
**FACIAS & GUTTER**  
ALL GUTTERS TO BE UPVC DEEP FLOW COLOUR BLACK



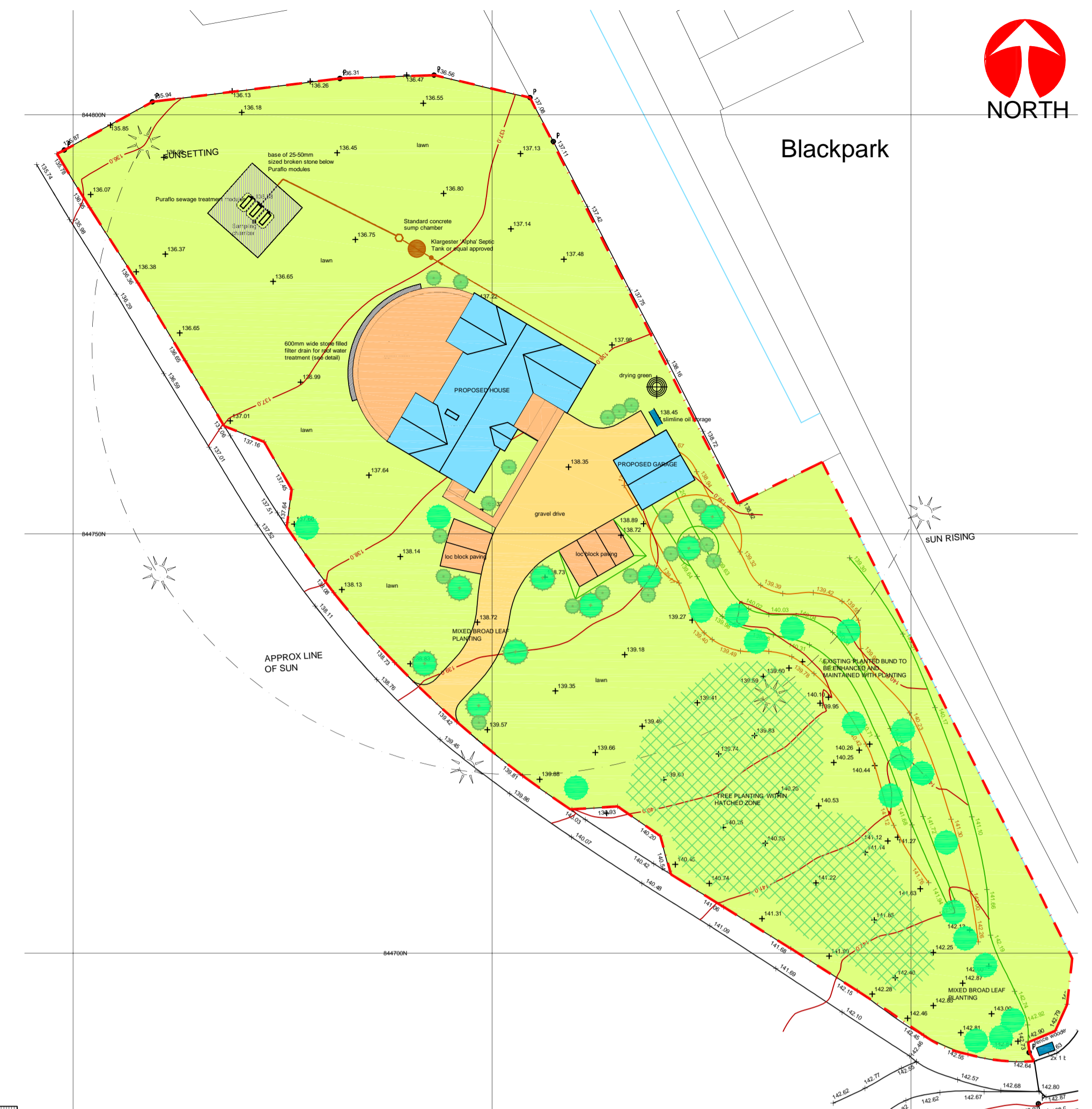
GROUND FLOOR PLAN SCALE 1:100



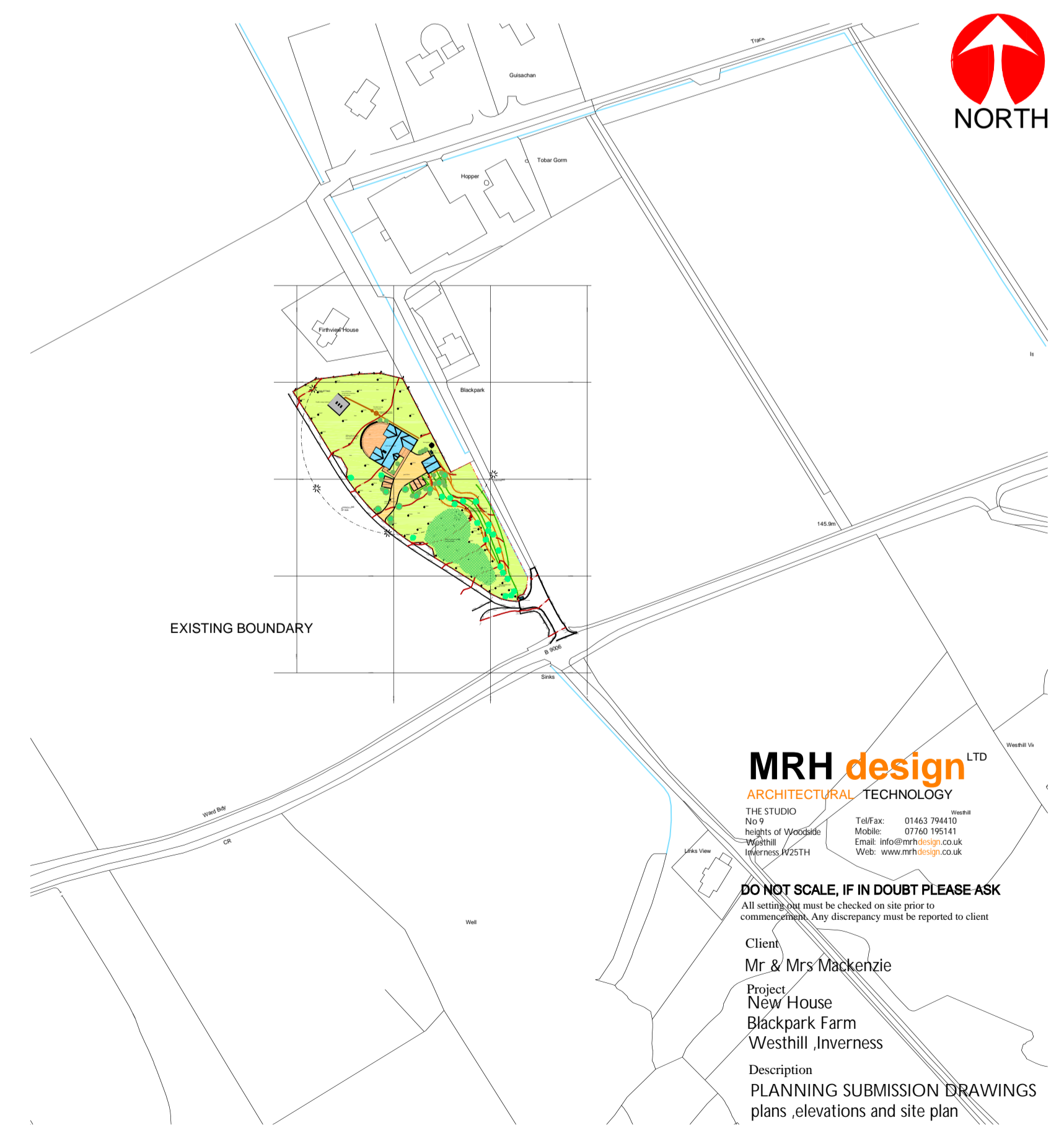
FIRST FLOOR PLAN SCALE 1:100



GARAGE PLANS & ELEVATIONS SCALE 1:100



Block Plan SCALE 1:200  
AREA 6034 SQM 1.50 ACRES



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**DO NOT SCALE, IF IN DOUBT PLEASE ASK**  
All drawings must be checked on site prior to construction. Any discrepancy must be reported to client.  
Client  
**Mr & Mrs Mackenzie**  
Project  
New House  
Blackpark Farm  
Westhill, Inverness  
Description  
PLANNING SUBMISSION DRAWINGS  
plans, elevations and site plan

Location Plan SCALE 1:2500

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M.R.H. Architectural Design & Planning

Scale 1:100 A1  
Date April 2013  
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Project No. 2012-036  
Drawing No. 12-36-MRH-100

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