

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
21 January 2014**

Agenda Item	5.1
Report No	PLS/002/14

**13/03320/MSC : Moira and Jamie Whittle
Land 90M NE Of Maviston, Nairn**

Report by Area Planning Manager - South

SUMMARY

Description : Approval of matters specified in condition No. 2 of 10/02446/PIP.

Recommendation - APPROVE

Ward : 19 - Nairn

Development category : Local

Pre-determination hearing : N/A

Reason referred to Committee : Five objections from separate addresses.

1. PROPOSED DEVELOPMENT

- 1.1 This proposal is for the erection of three houses at Maviston, Lochloy. The layout shows a courtyard style development with a shared access from the public road. Each house has a separate detached double garage, the garage at the eastern-most house also containing a communal bin and cycle store. The houses are relatively large, rising to 1.75 storeys in height and finished in painted wet dash render and slate roof. A landscape plan has been submitted showing new boundary tree/shrub planting to replace the trees that require to be felled to accommodate the development. The three plots will be separated by a 1.5 metre high stone wall.
- 1.2 No informal pre-application advice was sought.
- 1.3 The proposal will utilise the public water supply but each house will have an individual septic tank and soakaway system with surface water soakaways.
- 1.4 The application was accompanied by an Arboricultural Impact Assessment and percolation test results.
- 1.5 **Variations:** The landscape plan has been revised to take account of the response from the Council's Forestry Officer.

2. SITE DESCRIPTION

- 2.1 The site extends to approximately 0.5 ha and is rectangular in shape. The site is flat and previously contained an agricultural building, now removed. To the east there is a modern farm steading; to the north and south, agricultural land; and to the west, a small group of houses. There is a strong element of roadside trees on the southern boundary with more individual trees to the north. The nearest house is approximately 43 metres from house 1.

3. PLANNING HISTORY

- 3.1 Planning Permission in Principle (10/02446/PIP) was granted by Committee at their meeting on 14 September 2010 for the removal of a redundant agricultural building and the erection of three houses.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour

Representation deadline : 15.10.2013 & 03.12.2013

Timeous representations : 6, from 5 separate addresses

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Site contaminated from asbestos removal.
- Concerns over the suitability of the site for foul drainage, including potential impact on well.
- The increase in population will have an impact on local services including water supply, drainage, electricity and broadband speed.
- The road is not suitable for accommodating further development. Concerns over road safety and potential accidents.
- Impact on privacy/amenity.
- Concerns over the contents of the Arboricultural Impact Assessment.
- Proposal does not fully address the reserved matters.
- The layout and design is out of keeping with the local area.
- Site is not sustainable – no local amenities/recreation space. Query whether removing agricultural building before dealing with pre-conditions breaches planning permission.
- No policy need for proposal.
- Contrary to Policy 29 of the HwLDP in that there will be no social enhancement to adjoining houses.
- Removal of trees is contrary to Supplementary Guidance.
- Impact on protected species.

- Site plan differs from original submission.
- Houses larger than original submission.
- Potential impact on water pipes.
- Sewage provision is insufficient.
- Detrimental visual impact.

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 No formal consultations were carried out on the application. However, the landscape/tree plan was discussed with the Forestry Officer who is satisfied with the proposed scheme as amended.

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
29	Design Quality and Place Making
35	Housing in the Countryside (Hinterland Areas)
42	Previously Used Land
51	Trees and Development

6.2 Nairnshire Local Plan

6.3 The policies in the Nairnshire Local Plan have been superseded by the Highland-wide Local Development Plan.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Draft Inner Moray Firth Development Plan – No specific policies apply to the site.

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside and Siting and Design

Trees, Woodlands and Development

7.3 **Scottish Government Planning Policy and Guidance**

N/A

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 proposal is a Matters Specified in Conditions application that seeks to purify condition 2 of the original Planning Permission in Principle granted by Committee in 2010 (10/02446/PIP). The principle of the development, therefore, has already been tested and agreed by Committee.

8.4 Condition 2 of 10/02446/PIP states that:

“A further application, or applications, for the approval of matters specified in this condition must be made within THREE YEARS of the date of this decision notice. The application shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s. The MATTERS specified in this condition are the siting, design and external appearance of any building(s), the means of access and landscaping.”

In addition, however, conditions 5 and 6 of the Planning Permission in Principle make clear that foul and surface water drainage shall form part of the matters specified in condition 2.

Members will note, therefore, that the only matters that can be taken into account are siting, design, external appearance, access, landscaping and foul and surface water drainage.

8.5 In relation to the siting of the houses, this is in accordance with the requirements of the original Planning Permission in Principle. Condition 3 stated that:

“The submitted site layout drawing is taken to be indicative only, however, the final detailed design shall reflect the indicated layout i.e. a courtyard style of development for a maximum of three houses with a communal area to the front of the houses.”

The layout shows a courtyard style of development for three houses with a communal area to the front of two of the houses (Houses 1 and 3) and to the side and front of house 2. Overall it is considered that the application meets this aspect of condition 3 and consequently, condition 2.

- 8.6 The design of the houses is intended to help to form the courtyard appearance of the scheme and to create a sense of enclosure. They are generally L-shaped, 1.75 storeys in height on the small leg of the L and single storey on the large leg and will be finished in white painted wet dash render with slate roofs. The overall design and finishes are considered acceptable. However, there is no doubt that these are large houses. Over two floors, they each extend to 298 sq.m. This does not include the loft space, which would provide extra space if required. Nevertheless, in this instance, the houses will be set back at least 20 metres from the public road and will be screened by significant mature trees. Moreover the nearest existing house is some 43 metres away. In addition, the height and mass can help create a sense of enclosure in such courtyard style developments. For these reasons it is considered that the scale, massing and visual impact of the houses is acceptable.
- 8.7 Condition 7 of the Planning Permission in Principle stated that prior to other works starting in connection with the development, the access had to be completed to a standard acceptable to the Roads Authority. The access has now been formed and is acceptable to the Roads Authority.
- 8.8 A landscaping plan has been submitted as part of the application, which includes an arboricultural assessment and tree protection fencing. The landscaping plan includes significant planting on the eastern boundary with new planting along the former agricultural access. The proposal also includes further planting in land in the applicant's ownership to the north of the site. This will replace the trees that require to be felled on the northern boundary to enable the development to proceed. The landscaping/tree matters have been discussed with the Forestry Officer and he is content with the revised proposal.
- 8.9 The intention is to deal with foul water via a treatment plant and soakaway. The applicants have provided a certificate from SAC Consulting confirming the percolation test and recommending packaged treatment plants and soakaway sizes. Details of both the foul water and surface water soakaways have also been submitted. These have been certified by SAC Consulting and are therefore considered acceptable.

8.10 **Material Considerations**

Representations have been lodged in relation to a number of issues both material and non-material. Several of these have been dealt with above, notably:

- foul and surface water drainage, the details of which have been confirmed by an appropriately qualified person;
- privacy/overlooking – the houses are well separated from existing houses;
- the tree information/landscaping has been accepted by the Forestry Officer;

- reserved matters not fully addressed – due to an oversight, the details of the surface and foul water were not made available immediately after submission of the application. Once this was discovered and rectified, neighbours were re-notified and the application re-advertised for the appropriate time period.
- European protected species – these were assessed during the consideration of the original Planning Permission in Principle. The present application is to consider condition 2 only.
- Private water supply – the Environmental Health Service has no record of a private water supply at Maviston. However, a well is shown on the OS map base. The objector has confirmed that this is the well referred to but that it is sealed and not at present used for drinking water. The well is approximately 90 metres from the site, well over the 50 metres from a soakaway required by SEPA.

8.11 Other Considerations – not material

The representations include matters that are directly related to the principle of the development, which has already been established under the Planning Permission in Principle. These include compliance with policy; impact on services; road safety; lack of amenities; unsustainable; policy matters; and the different layout from the original submission, which was indicative only. The issue of the removal of the agricultural building has also been raised. Advice from Legal Services is that the Planning Authority (through the grant of the Planning Permission in Principle) has authorised the removal of the building from the site. The Planning Permission in Principle does not restrict how that is to be carried out. The asbestos issue was discussed with SEPA who confirmed that they were satisfied that the removal of the asbestos was dealt with appropriately. The location of any pipes is a matter for the developer/contractor as in any other construction scheme.

8.12 Matters to be secured by Section 75 Agreement

None

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

Notification to Scottish Ministers N

Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **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

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on this decision notice.

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.
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.

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>

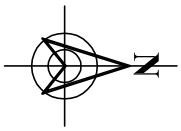
Mud & Debris on Road

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: Allan J Todd
Designation: Area Planning Manager - South
Author: J. Harbison
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr and Mrs Cowan	Maviston Steading, Lochloy Road, Nairn IV12 5LE	14.10.2013 17.11.2013	Against
Peter Roberts	12 Lower Westbury Road, Bratton BA13 4RH	15.10.2013 08.12.2013	Against
Mr and Mrs Blackburn	Maviston Farmhouse, Lochloy, Nairn IV12 5LE	16.10.2013	Against
Graham Cameron	Maviston House, Lochloy, Nairn IV12 5LE	18.11.2013	Against
Marie Cameron	Maviston House, Lochloy, Nairn IV12 5LE	18.11.2013	Against
Patricia Roberts	Taigh na Cluanag, Lochloy Road, Nairn IV12 5LE	15.10.2013	Against



Location Plan 1:5000

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

PLANNING APPLICATION

REVISIONS	
rev.	description

Client	Mrs Moira & Jamie Whittle	
Project	Development of 3 Houses and Garages at Maviston, Lochloy, Nairnshire	
Drawing	Location Plan	

Scale	Date	Drawn by
1:5000@A3	Aug 2013	NJM
Project no	Dwg no	Rev
1912	PL01	

G.H. JOHNSTON
 BUILDING CONSULTANTS LTD

WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk

TEL: (01463) 237229
 FAX: (01463) 243258



INVERNESS PLANNING & BUILDING CONTROL SERVICES
13 NOV 2013
RECEIVED

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

- KEY
- RP radius of A category tree
 - RP radius of B category tree
 - RP radius of C category tree
 - Estimated RP radius of non-assessed trees
 - RP radius of U category tree
 - Tree Protection Fencing
 - Specimen Tree Replanting
 - PA Prunus Avium
 - BP Betula Pendula
 - SA Sorbus Aucuparia
 - Shrub Replanting
 - Random mix
 - Crateagus Monogyna 20%
 - Prunus Spinosa 20%
 - Corylus Avellana 25%
 - Sambucus Nigra 25%

Tree data supplied by:
TREEPLANNING
Jacqueline Waring Consultancy
tel: 01463 230699
mob: 0781 886 1365
e: j.waring468@btinternet.com
www.treeplanning.co.uk

PLANNING APPLICATION

REVISIONS

rev.	description	date
A	bin store & stone wall clear off rpa	nov 13

Client
Mrs Moira & Jamie Whittle

Project
Development of 3 Houses and Garages at Maviston, Lochloy, Nairnshire

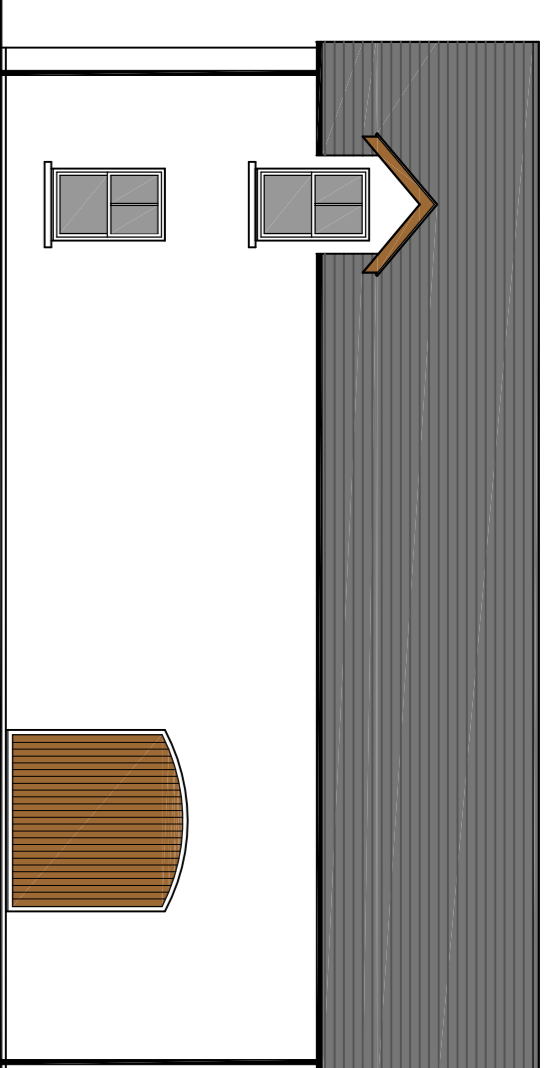
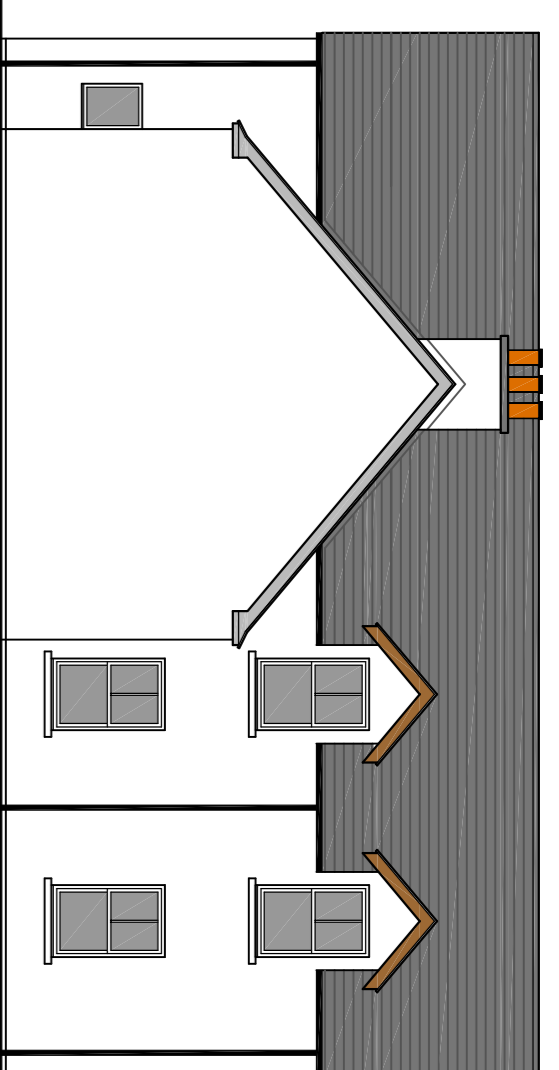
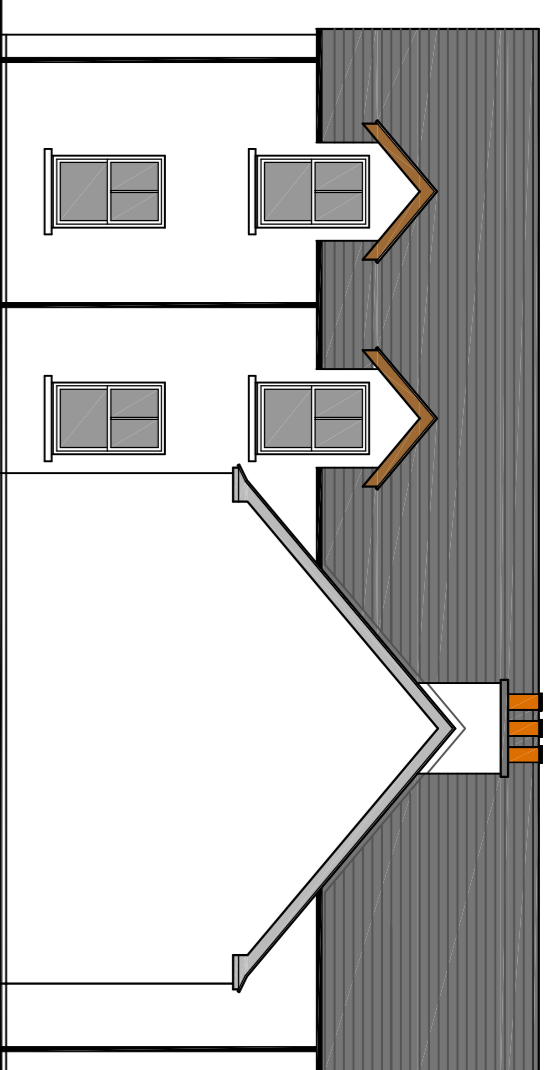
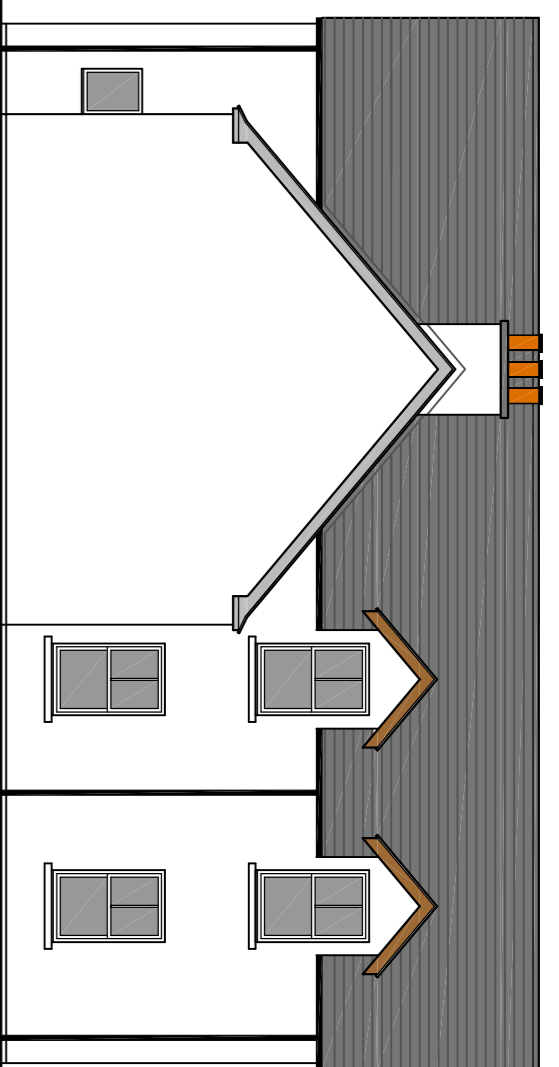
Drawing
Site Plan including Landscaping & Tree Protection

Scale 1:200@A1	Date Aug 2013	Drawn by NJM
Project no 1912	Dwg no PL02	Rev A

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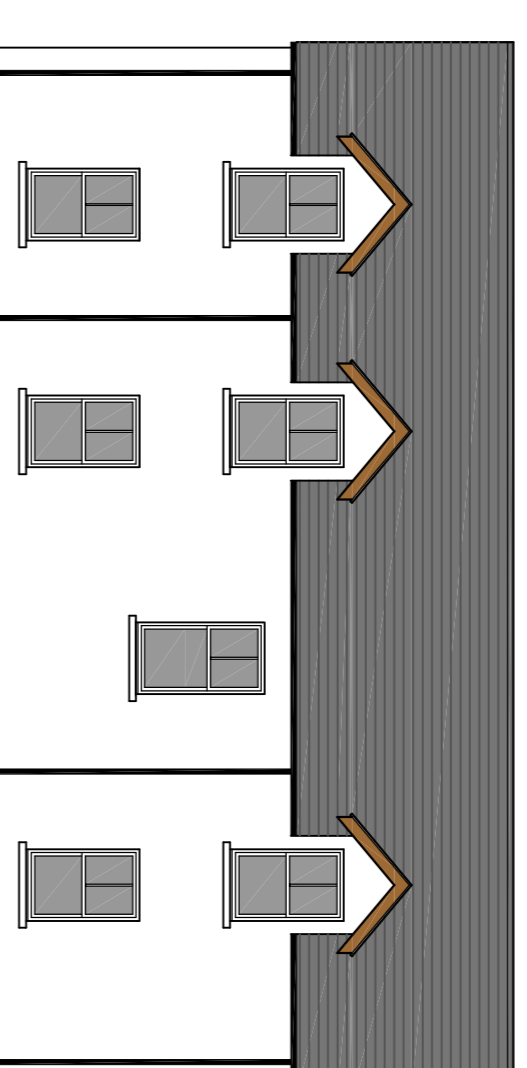
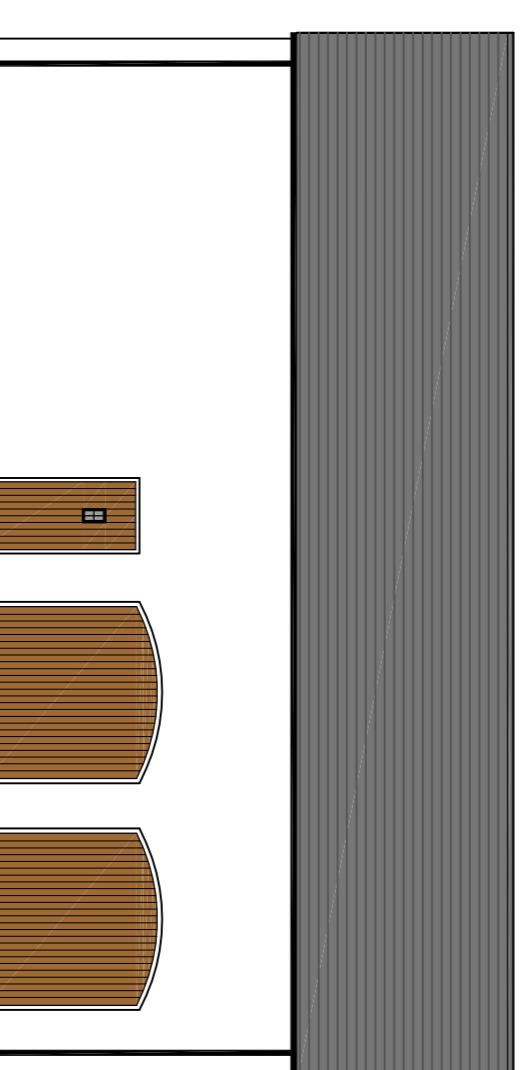
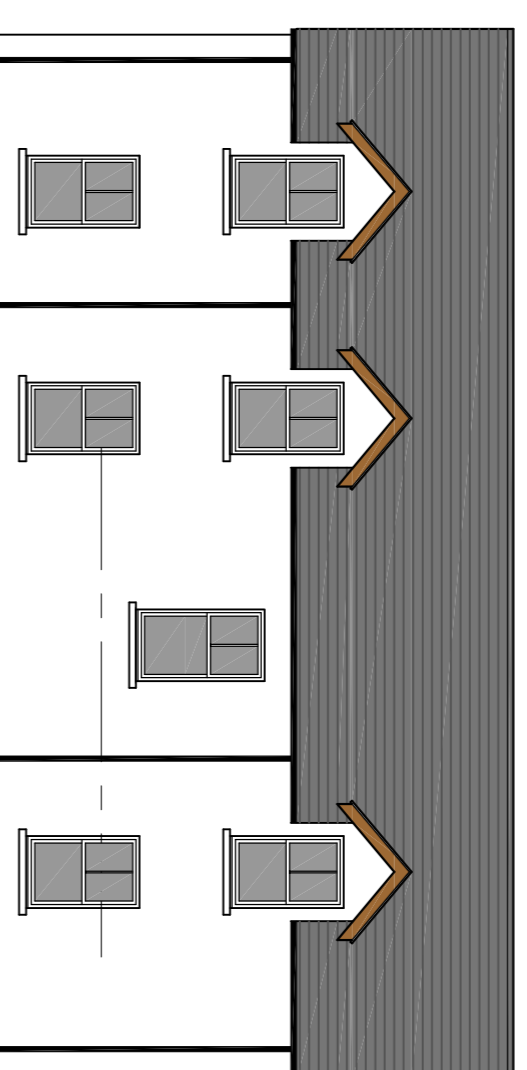
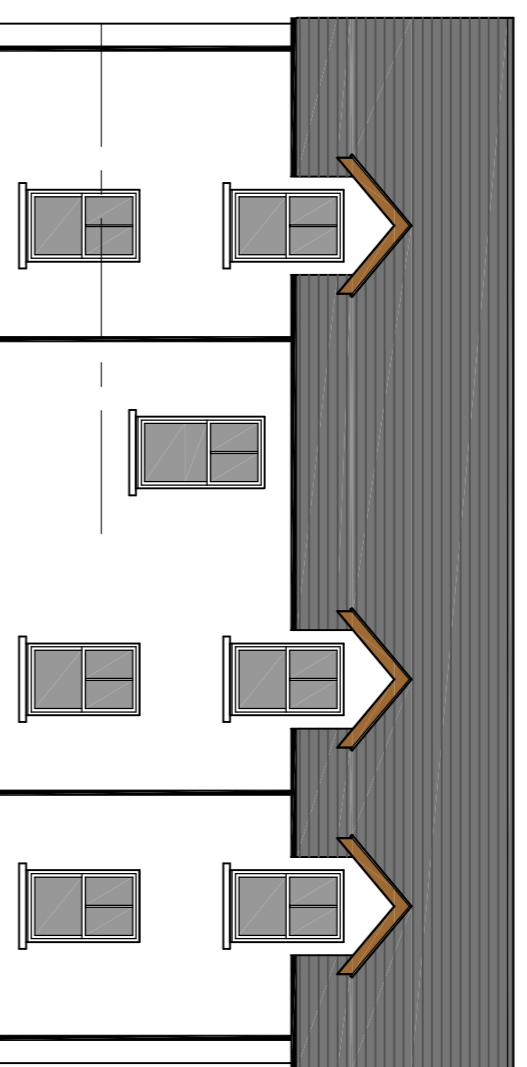


Site Plan 1:200



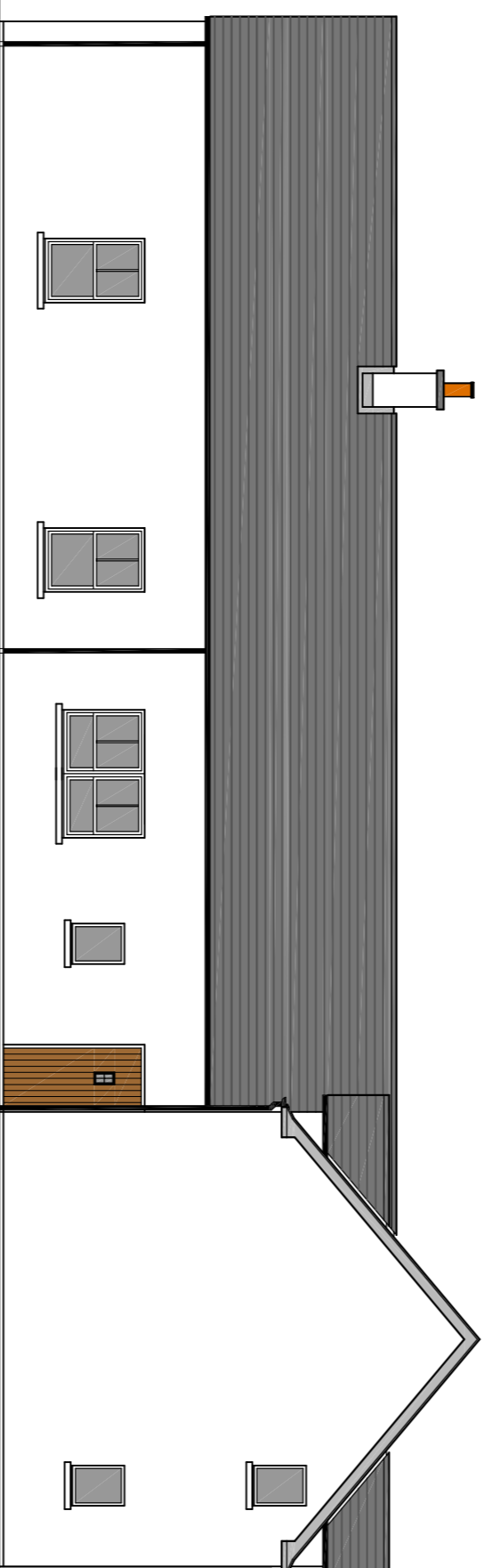
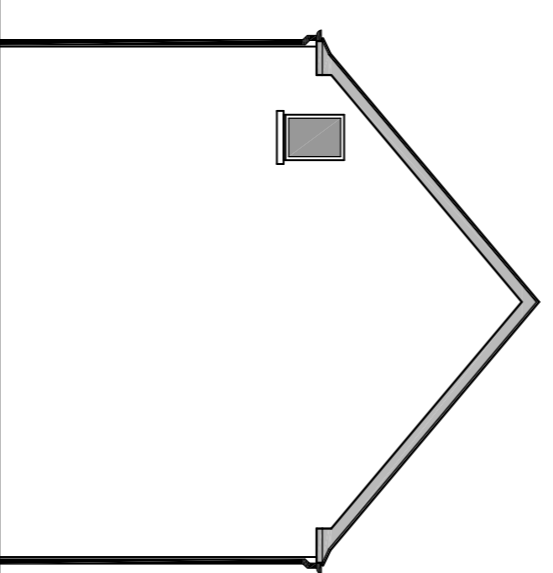
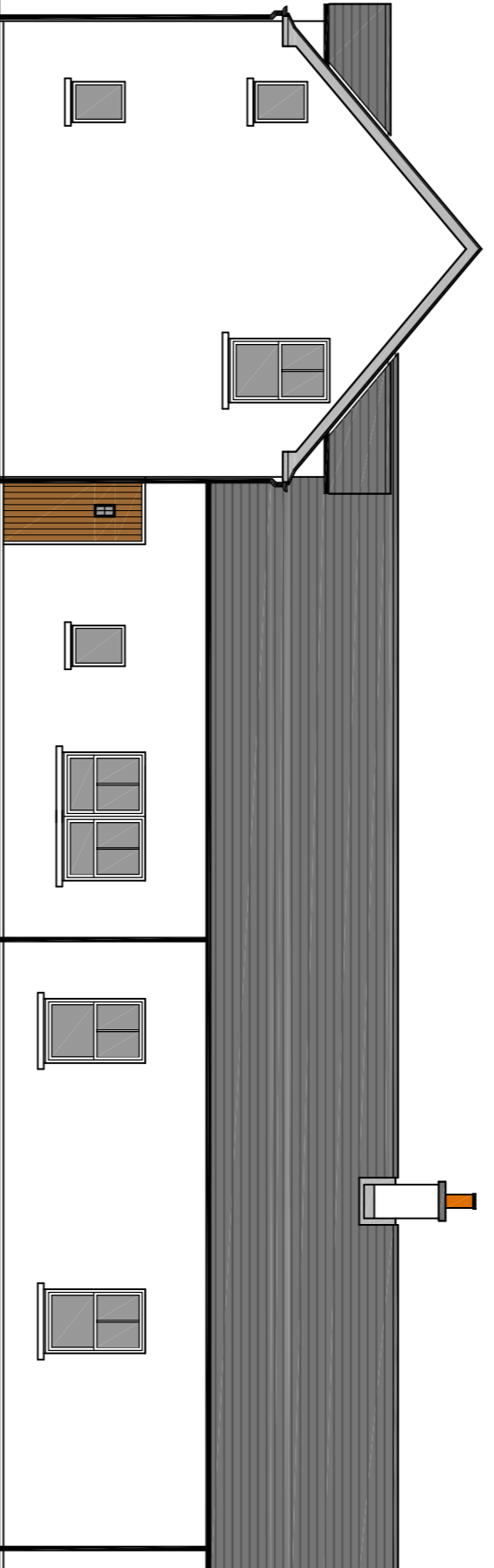
6 North east elevation facing courtyard 1:100

7 South west elevation facing courtyard 1:100

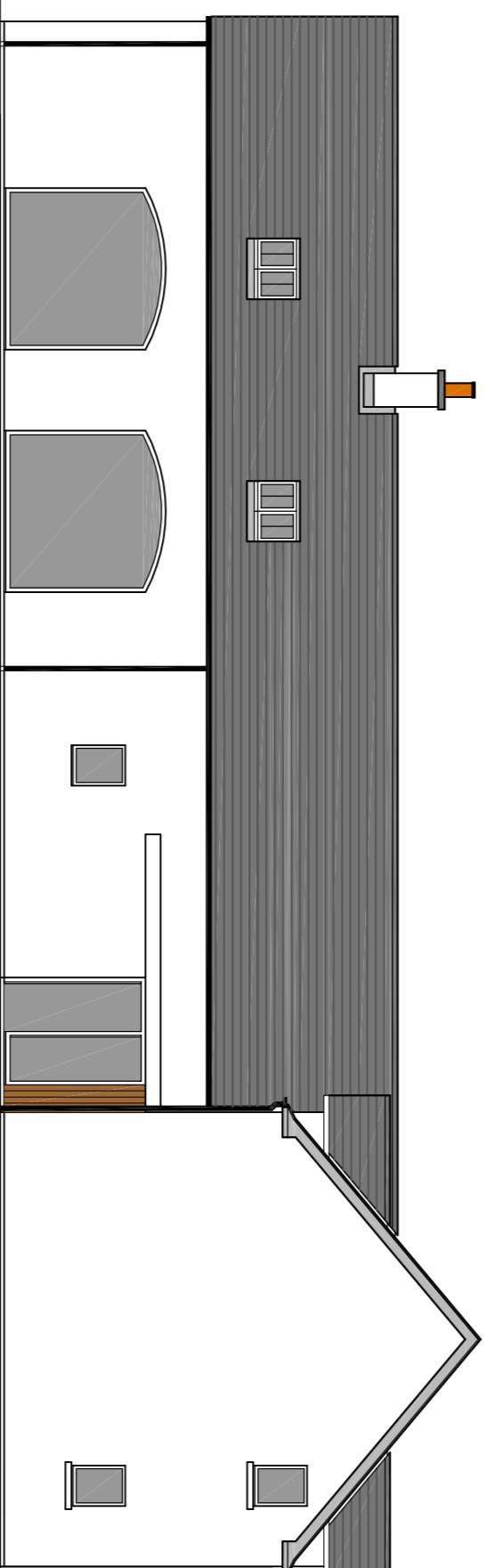
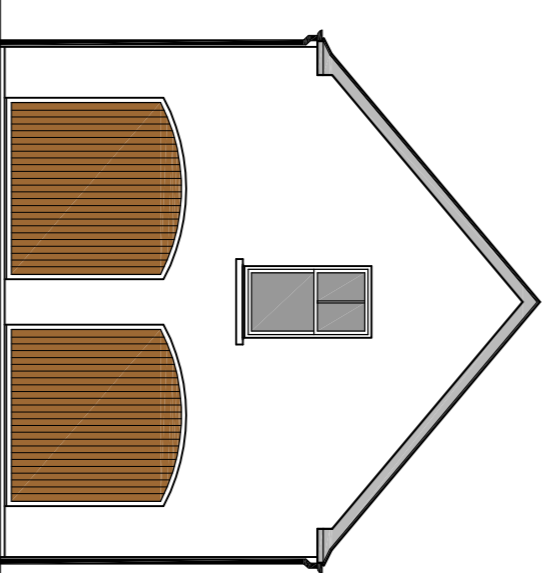
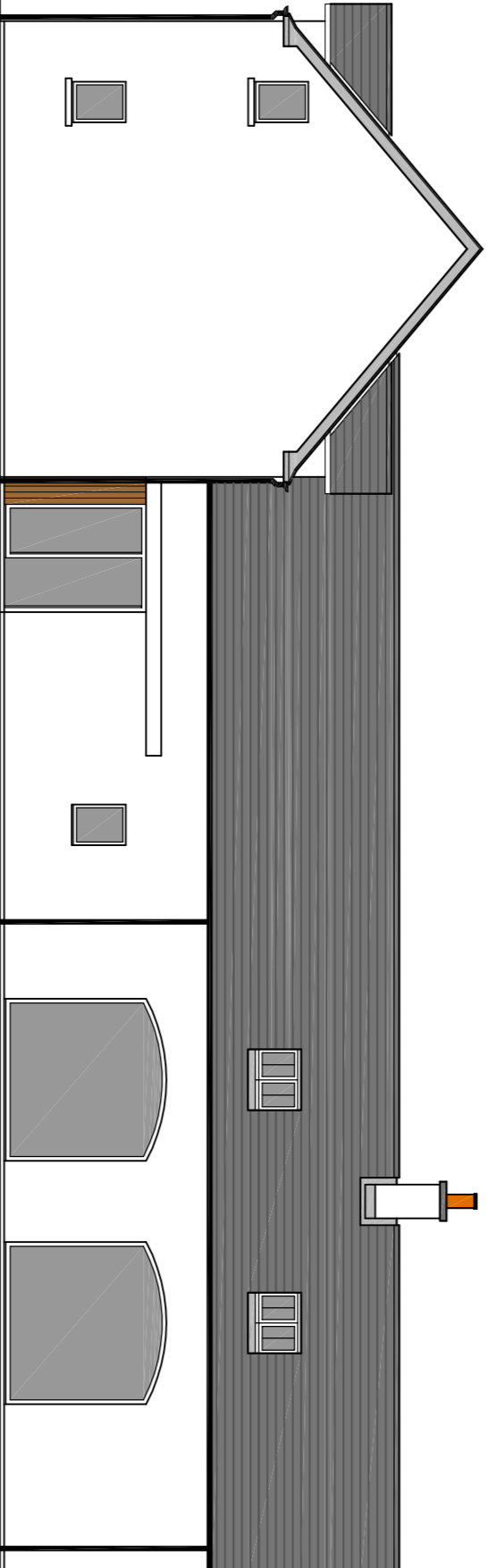


4 South west elevation facing boundary 1:100

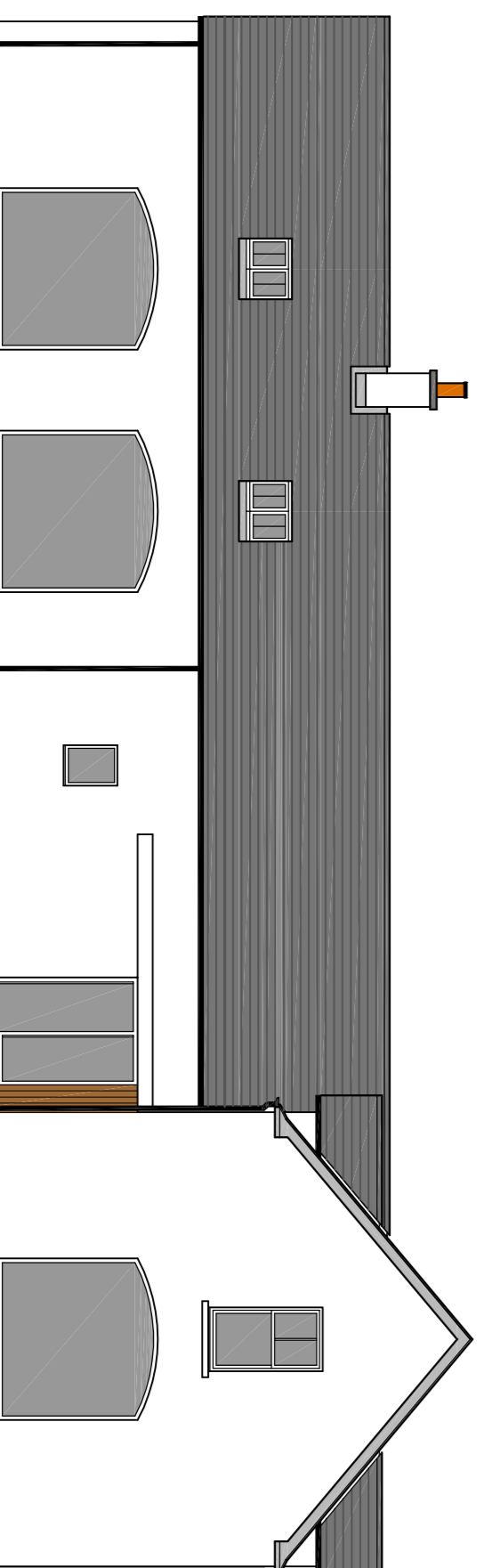
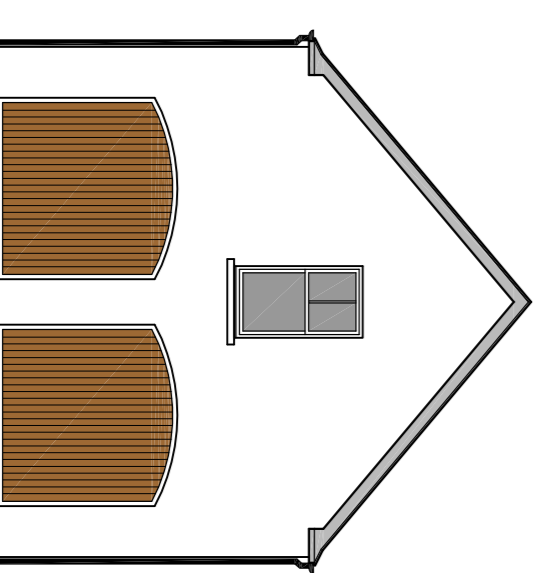
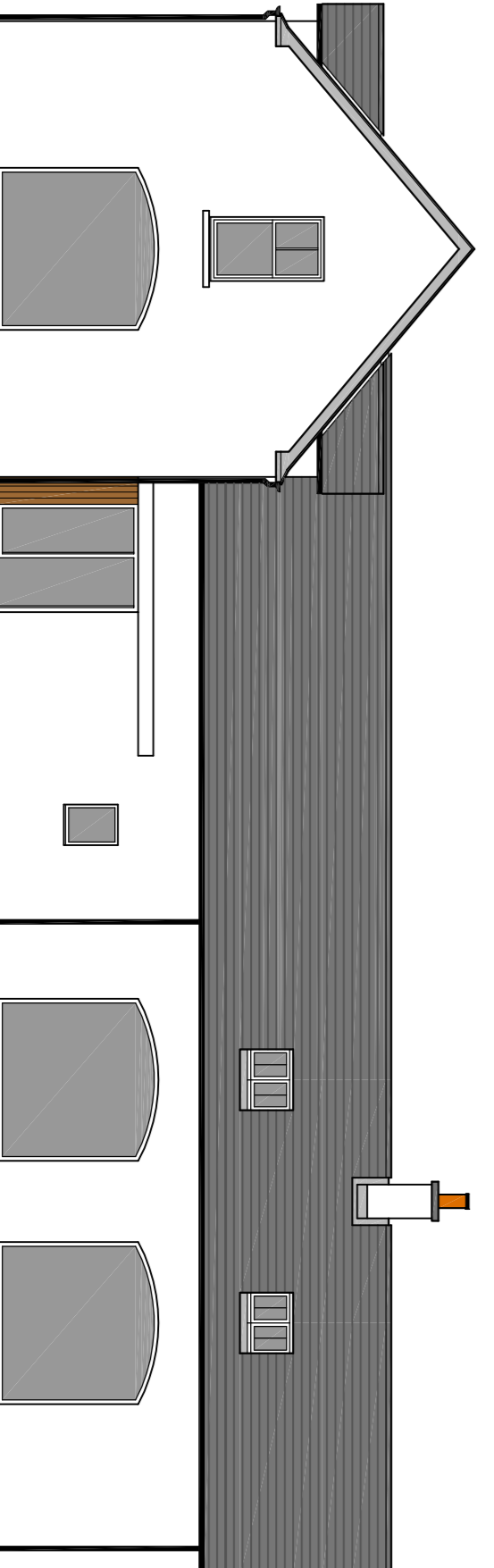
5 North east elevation facing boundary 1:100



3 North west elevation facing courtyard 1:100



2 South east elevation facing courtyard 1:100



1 South east elevation facing main road 1:100

MATERIALS SCHEDULE:

EXTERNAL WALLS
Painted with dark render finish throughout.
Smooth cement bands.

ROOF
Grade A natural slate to comply fully with Norm French NF-EN.
Concrete ridge tiles.

All leadwork flashings, valley gutters, abutments, dormer cassettes, chimney heads etc. to be code 3 lead and fitted in accordance with the current Lead Sheet Association (LSA) Manual.

All rainwater pipes, gutters and fittings are to be black PVC-U. Valley round coves and downpipes gutters.

DOORS AND WINDOWS
Fully reversible windows are to be timber pre-finished. Stained hardwood entrance door with painted softwood frame. Garage doors are to be timber effect with style and type to be confirmed.

Valux conservation style rooflights.

PLANNING APPLICATION

REVISIONS	
rev.	description

Client	Mrs Moira & Jamie Whittle		
Project	Development of 3 Houses and Garages at Maviston, Lochloy, Nairnshire		
Drawing	Elevations		

Scale	Date	Drawn by
1:100@A1	Aug 2013	SAR
Project no	Dwg no	Rev
1912	PL04	

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