

## THE HIGHLAND COUNCIL

### CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 10 August 2010

Agenda Item	
Report No	

**09/00544/FULSU: Robin Gardner**  
**Land north-west of Milton Lodge, Sworddale, Evanton**

**Report by Area Planning and Building Standards Manager**

#### **SUMMARY**

**Description :** Erection of owner/manager's house

**Recommendation - GRANT**

**Ward :** 7 – Cromarty Firth

**Development category :** Local

**Pre-determination hearing :** Not applicable

**Reason referred to Committee :** Community Council objection and five or more third party objections

#### **1. PROPOSED DEVELOPMENT**

- 1.1 The application is submitted in principle and is described in the application form as the erection of a house. However the submitted plans show the erection of a house, attached garaging with lodge over, detached outbuildings including game larder, and septic tank and mounded soakaway. The site extends to 1.9ha.
- 1.2 Access exists to the site directly from the private track serving Milton Lodge, which is a detached property in separate ownership lying approximately 150m to the south-east of the site. The site can also be accessed via a network of private/forestry tracks via Fannyfield to the west.
- 1.3 There is no water or waste water infrastructure currently on site.
- 1.4 A planning statement, drainage statement and woodland management plan have been submitted in support of the application.

#### **2. SITE DESCRIPTION**

- 2.1 The site extends to just under 2ha and currently comprises part of a 20 year old commercial sitka spruce forestry plantation occupying a sloping site situated to the north-east of the existing forestry track on the south-west side of Sworddale Hill, approximately 4km west of the village of Evanton.

### **3. PLANNING HISTORY**

3.1 No previous planning applications have been submitted for the site.

### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3; Potential Departure.

Representation deadline : 10.02.2010

Timeous representations : 6

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Given limited scale of plantation, house not considered essential for management of the woodland.
- Swordale Road noted as ill-suited to carry additional traffic. Impact of increased traffic during construction and thereafter on single track road unacceptable.
- Ad hoc housing development contrary to Council policy guidelines.
- Milton Lodge is for sale which would allow the applicant to live in accommodation already on site.
- Addition of building in this location would have detrimental impact on landscape character and on quality of public access.
- Planning permission already granted for building on the Clach Liath Estate will lead to increased traffic and additional development should not be permitted.
- 18 new dwellings have been built in the area within the past 12 years which have caused existing problems on the public road. A further acceptance of a new dwelling will encourage further applications.
- Query over practicability of both water supply and access especially removal of trees and damage to the access which is shared with Milton Lodge.
- Access onto Swordale Road is very restricted. An unusual tree (Holm Oak) is growing at this junction and should be protected.
- Query over design and siting of proposed house on elevated site as no details available. Observation that the three existing houses at Fannyfield and Milton are traditional.

4.3 All letters of representation can be viewed at the Dingwall Area Planning Office and will be available for inspection immediately prior to the Committee Meeting.

### **5. CONSULTATIONS**

5.1 **Kiltearn Community Council:** Objects on the following grounds :-

- No justification for manager's house in view of area of land involved.
- The application is for a house but the plans also show a lodge.

- The proposed soakaway is very close to the track and the development as a whole is very close to a core path.
- A rare tree (Holm Oak) is situated at the junction of the track with Swordale Road and concerns that tree is preserved.

5.2 **TECS (Transport):** No objections subject to conditions involving improvement to the existing access onto Swordale Road.

5.3 **Access Officer:** No objections subject to conditions ensuring core path is not obstructed or access deterred before, during or after development.

5.4 **Forestry Officer:** Advises that the supporting statement and woodland management plan do not demonstrate a need for the house. However, the recreational benefits to be gained from developing a sporting lodge in this location are appreciated. Having an owner resident on site is also likely to generate a more pro-active approach towards the day to day management of the woodland. It is not however considered appropriate for the Planning Authority to approve a detailed management plan as a condition of consent and it may be more appropriate for the applicant to enter into a Section 75 Agreement to cover management of the woodland. The site itself lies within an area of 20 year old sitka spruce which is at an age where removal is unlikely to affect the stability of the adjacent crop. The clearance of a relatively large area will enable the replanting of a policy type woodland around the new lodge which will provide a long term setting for the buildings. A landscaping condition is recommended.

5.5 **Scottish Water:** No objections.

## 6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the proposal

### Highland Structure Plan (2001)

G1 Conformity with Strategy

G2 Design for Sustainability

H3 Housing in the Countryside

### Ross and Cromarty East Local Plan (2007)

GSP1 Design and sustainable construction

BP3 Background Policy

Landward Area 31 - Heritage/Natural Zone

## 7. OTHER MATERIAL CONSIDERATIONS

7.1 **Highland Council Supplementary Planning Policy Guidance**  
Housing in the Countryside

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

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 **Key issues**

8.4 **Development Plan Policy Assessment**

In terms of the Council's Housing in the Countryside policy, the site lies outwith the Hinterland Around Towns area which restricts housing development within a corridor around the main settlements in Easter Ross. It falls to be considered against the Heritage/Natural Zone policy, which states that suitably designed new houses may be acceptable if they are consistent with General and Housing policies in the Structure Plan; are broadly consistent within the existing limits of the settlement; can be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with the rural character; and avoid hazards, significant earthworks, prominent siting or conflict with natural and cultural heritage interests. In this regard, the proposed house occupies an area of commercial woodland, respects reasonable separation from the nearest other houses, and makes use of existing access tracks. Supporting planning and woodland management statements indicate that the house is required to assist with land management of the woodland, including habitat and deer. Accordingly it is considered that the proposal complies with policy.

8.5 **Servicing** – There is no public drainage or water supply on site. The applicant has however submitted a drainage report demonstrating use of a biodisc treatment plant and mounded soakaway for foul drainage and a surface water trench SuDS system for surface water. The principles of such proposals are acceptable. Whilst there is not any public water supply on site, the applicant has indicated that it is proposed to make a connection to the existing water main in the road verge south of West Lodge at Swordale. Whilst this is 1400m from the site it is considered that this will be more cost effective than the bore hole investigation and eventual provision of a private supply.

The only servicing difficulty relates to access. It was originally proposed to use the existing access past Milton Lodge which emerges at an acute angle onto the Swordale public road approximately half a kilometre east of the road end. TECS (Transport) has indicated no objections to this subject to improvements to the access squaring it up with the public road and maximising visibility by scraping the banks on either side. The applicant has had discussions with the adjoining land owner who is prepared to agree to such work being carried out.

However given that this will incur a cost and will also involve removal of an unusual Holm Oak tree, referred to in letters by one objector and the Community Council, the applicant's agent has suggested use of the less direct route via the road end and Fannyfield. Whilst this latter suggestion would be a less invasive solution, it would only be a practical option if the existing track were stopped up to vehicles beyond Milton Lodge. The applicant's agent has indicated that this is not practical in view of the forestry traffic which already uses and will continue to use this route. The existing track forms a much more direct route to the house site and would almost certainly be used in preference to the longer detour no matter whether planning conditions specified otherwise. It must therefore be assumed that access to the site will be by way of the existing track.

The Council's Forestry Officer has confirmed that whilst unusual, the Holm Oak tree in question is of poor quality and is multi-stemmed with snow damage. He has confirmed that there is insufficient justification to require retention of the tree however has recommended a condition requiring that the applicant plants a replacement Holm Oak within his land close by the junction but outwith the visibility splays at the junction.

- 8.6 **Community Council objection** – An objection has been received from Kiltarn Community Council. Concerns over the perceived lack of justification for a manager's house are noted however as the site lies outwith the Hinterland area, this is not a critical issue in determination of the application. It is however accepted that for an area of over 200ha a manager's house would be desirable, particularly in view of the more intensive use of the woodland, whether or not it is absolutely essential. The applicant has clarified that the development proposed is for a single house only and the additional 'lodge' shown on the indicative layout plan will be part of the same house to give potential guest accommodation. There are no proposals to interfere with the Core Path through the site and proximity of the septic tank and soakaway to the path is proposed for ease of maintenance. A response regarding possible loss of the Holm Oak tree is made in para 8.5 above.
- 8.7 **Third party representations** – The thrust of objections from local residents, as summarised at para 4.2 above, relate to concerns over intensification of the use of Swordale Road, the cumulative impact of increased numbers of houses on the rural landscape, the need for a house to manage a relatively small area of woodland and detailed servicing concerns. In this case there is no policy presumption against the house proposed (see para 8.4 above). Similarly there is no policy which restricts further access onto Swordale Road, and TECS (Transport) has no objection. Furthermore, after construction of the house, impact on the public road should be minimal as land management activities can be carried out from a base within the land holding and not remotely which would involve more vehicle return movements. The site is well distanced from other properties in the area, respecting the established development pattern of substantial separation. The application is in principle only however the size of site proposed, its relatively remote location and its juxtaposition within woodland, will allow for a detailed design solution which can be absorbed into this landscape without being to its detriment. The issues relating to the access and Holm Oak are covered in paras 8.5 and 8.6 above.

## 9. CONCLUSION

- 9.1 As indicated above it is considered that the application complies with adopted Council policy for housing in the countryside and with the Local Plan policy relating to the Heritage/Natural Zone. Conditions can be attached to address issues relating to siting, landscaping, access and relationship with the core path. Accordingly it is considered that the proposal is acceptable subject to those conditions which are listed below.

### 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

It is therefore recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. This planning permission in principle shall lapse THREE YEARS from the date of this permission should no subsequent application for the approval of matters specified in conditions be submitted within this time. In any case, the development to which this permission relates must commence no later than THREE YEARS from the date of this permission, or TWO YEARS from the date of approval of any matter(s) specified in conditions, whichever is the later.

**Reason** : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. 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.

**Reason** : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. For the avoidance of doubt, this permission is for a single house only, to be used as part of management of Swordale Woodland as defined within the Woodland Management Plan dated March 2008 which formed part of this application, and which shall not be disposed off separately from the woodland without the formal permission of the Planning Authority.

**Reason :** To ensure that the house remains available to Swordale Woodland for management purposes and thus prevent the need for any further residential development within this sensitive environment, the cumulative effect of which may be unsuitable and detrimental to the established rural amenity of the area.

4. The development shall be landscaped in accordance with a scheme which shall accompany the application/s for approval of matters specified in conditions referred to in Condition 1 above. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure:-
- (a) Completion of the scheme during the planting season next following the completion of the building(s), or such other date as may be agreed in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas for a period of five years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason :** To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development and the general vicinity.

5. As part of the submission of application/s for approval of matters specified in conditions referred to in Condition 1 above, detailed cross-sections through the site, which indicate the existing ground levels, proposed ground levels and finished floor levels of the proposed house and the relationship with the existing forestry track running through the site, shall be submitted for the consideration and further approval of the Planning Authority.

**Reason:** To ensure that the house is sited appropriately in relation to the existing topography in the interests of visual amenity.

6. Prior to the commencement of any other development on site, the junction of the private track with the Swordale public road shall be upgraded to the satisfaction of the Roads Authority and thereafter maintained in perpetuity. For the avoidance of doubt this shall involve realignment of the track to run perpendicular to the public road, not exceeding a 6% gradient over the first 5 metres, which may involve some earthworks and replacing/piping the existing off-road ditch; current visibility of 35 metres east and 20 metres west maximised and increased by scraping the banks on either side and maintaining this area clear of vegetation; and positive drainage measures shall be undertaken to ensure that no ground or surface water flows onto the public road from the site. Prior to the first occupation of the house, the first 5 metres of the access road, as measured from the edge of the public carriageway, shall be surfaced in bituminous macadam or similar hard material in accordance with the Highland Council's road guidelines for new developments. Details to be submitted as part of the matters specified in conditions required under Condition 1 above.

**Reason:** In the interests of road safety.

7. The Holm Oak beside the existing access may be removed to facilitate the access improvement works required under Condition 6 above, however it shall be replaced with a tree of the same species in an equally prominent location beside the new access outwith the visibility splays. The replacement tree shall be 2.1m – 2.4m half standard, supported with a stake and tie and protected against rabbit and deer damage using a special spiral guard and park guard. In order to reduce weed competition, a 1m mulch mat shall be placed around the base of the tree, with all edges secured by turf. The tree shall be planted during the first planting season after the new access is complete. Should the tree fail for any reason then it shall be replaced to the same specification during the next planting season, all to the satisfaction of the Planning Authority. Details to be submitted as part of the Matters specified in conditions required under Condition 1 above.

**Reason:** In order to compensate for the loss of this unusual species and to ensure that the development is undertaken with sensitivity to its surrounds.

8. The forestry track crossing the site is a Core Path and as such shall not be obstructed nor access deterred during construction of the house hereby approved or thereafter. This includes any of the following: placing of materials on the path; allowing water, soil or any other substance to flow or spill onto the path; erecting any fence or locked gates; prohibitory signs or notices; plant or overhang any vegetation on the path; projections from buildings; or the parking of vehicles on the path. Any temporary diversion or closure shall be discussed with the Council's Access Officer and agreed before work commences on the development hereby approved.

**Reason:** In order to ensure that the path remains open to public access throughout the development of the site and thereafter.

### **Note to Applicant**

**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.

**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.

**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.

Signature: Allan J Todd  
Designation: Area Planning & Building Standards Manager (C, S & ER)  
Author: Dorothy Stott



Background Papers: Highland Structure Plan (2001)  
Ross & Cromarty East Local Plan (2007)  
As referred to in the report above and case file reference number  
09/00544/PIPSU)

Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Location Plan showing boundary of Swordale Wood  
Plan 3 – Indicative Site Layout Plan

## Appendix – Letters of Representation

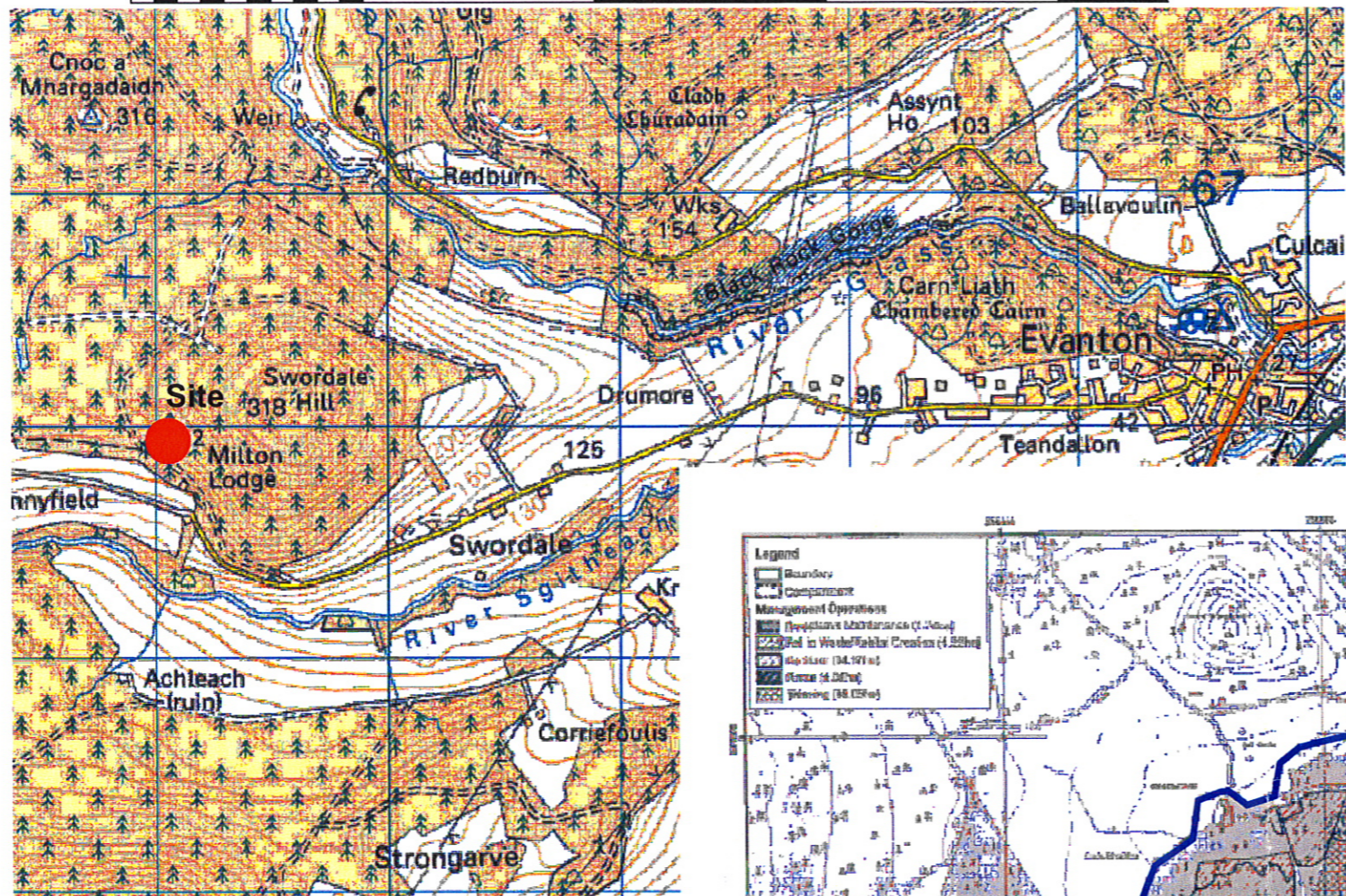
Name	Address	Date Received	For/Against/ Neutral
G & P Robertson	Fannyfield Evanton	05.02.2010	N
I & M Collier	4 Swordale Cottages Evanton	03.02.2010	A
D Browne	Swordale House Swordale Evanton	02.02.2010	A
W Ross	Grieves House Swordale Evanton	02.02.2010	A
L & B Sharratt	3 Swordale Cottages Evanton	05.02.2010	A
S Pearse & V Charge	1 Swordale Cottages Evanton	05.02.2010	A



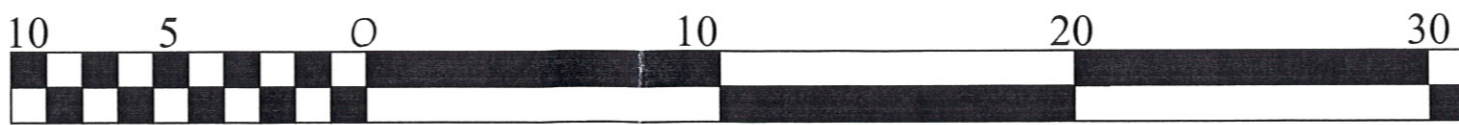
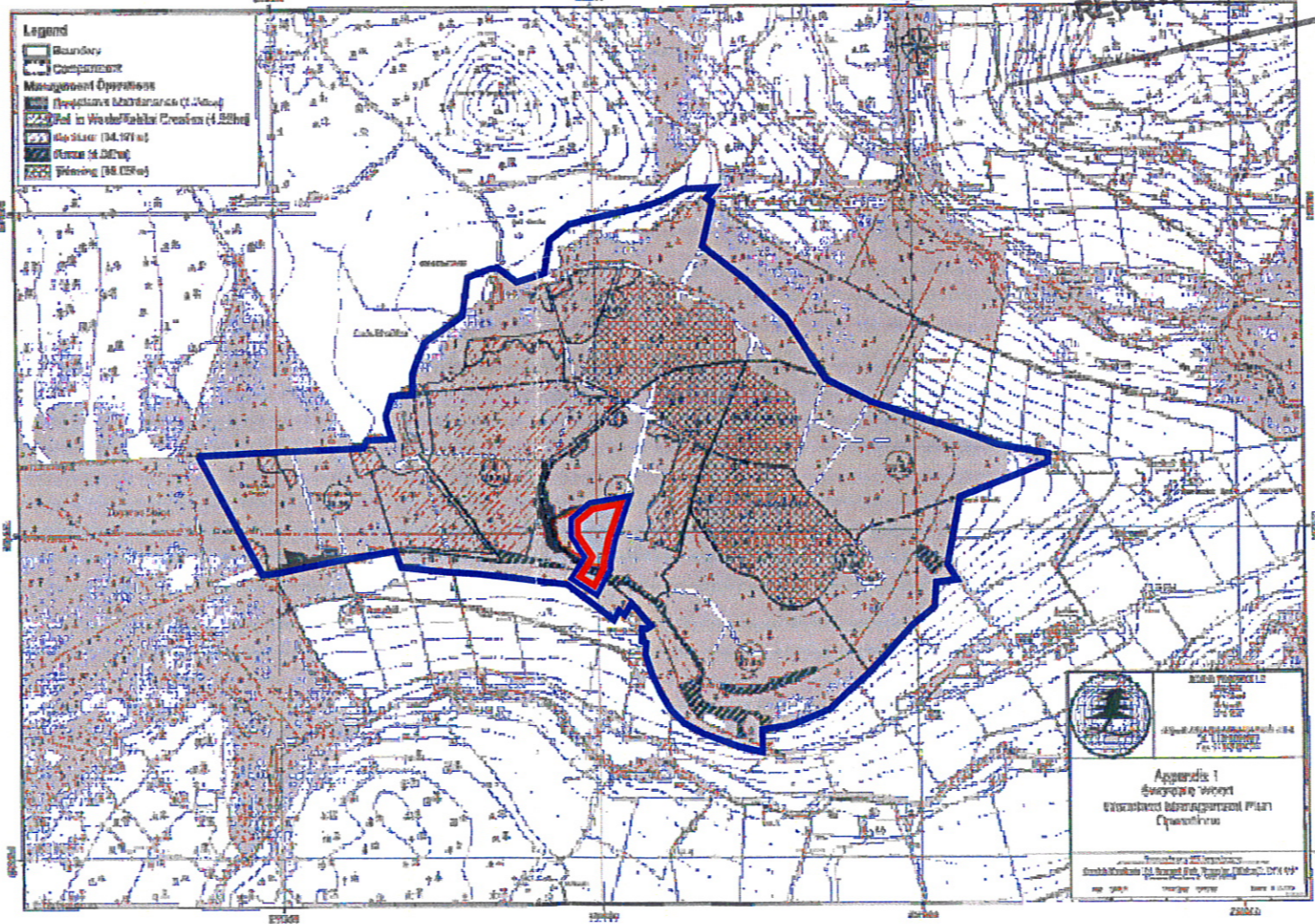
09/00544/PIPSU  
 Erection of owner's / manager's house at  
 Land North West Of Milton Lodge, Swordale, Evanton

Mr R Gardner  
 Per G H Jhonston Building Consultants Ltd  
 Willow House  
 Stoneyfield Business Park  
 Inverness  
 Mr A Ogilvie.



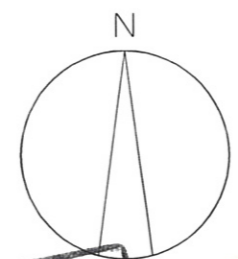


Location Plan - NTS

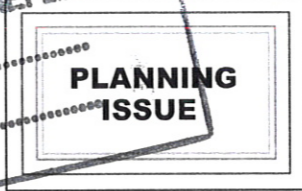


Location and Ownership Plan - NTS

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



THE HIGHLAND COUNCIL  
PLAN 1 OF 4 OF APPLICATION REFERENCE  
09/00544/PLSU  
17/12/2009  
RECEIVED



REVISIONS		
rev.	description	date
A	Boundary Amendment	Jan '09

**VARIED**

Client  
Robin Gardner

Project  
Site for Estate / Lodge House at Sworddale Wood by Evanton

Drawing  
Location Plan

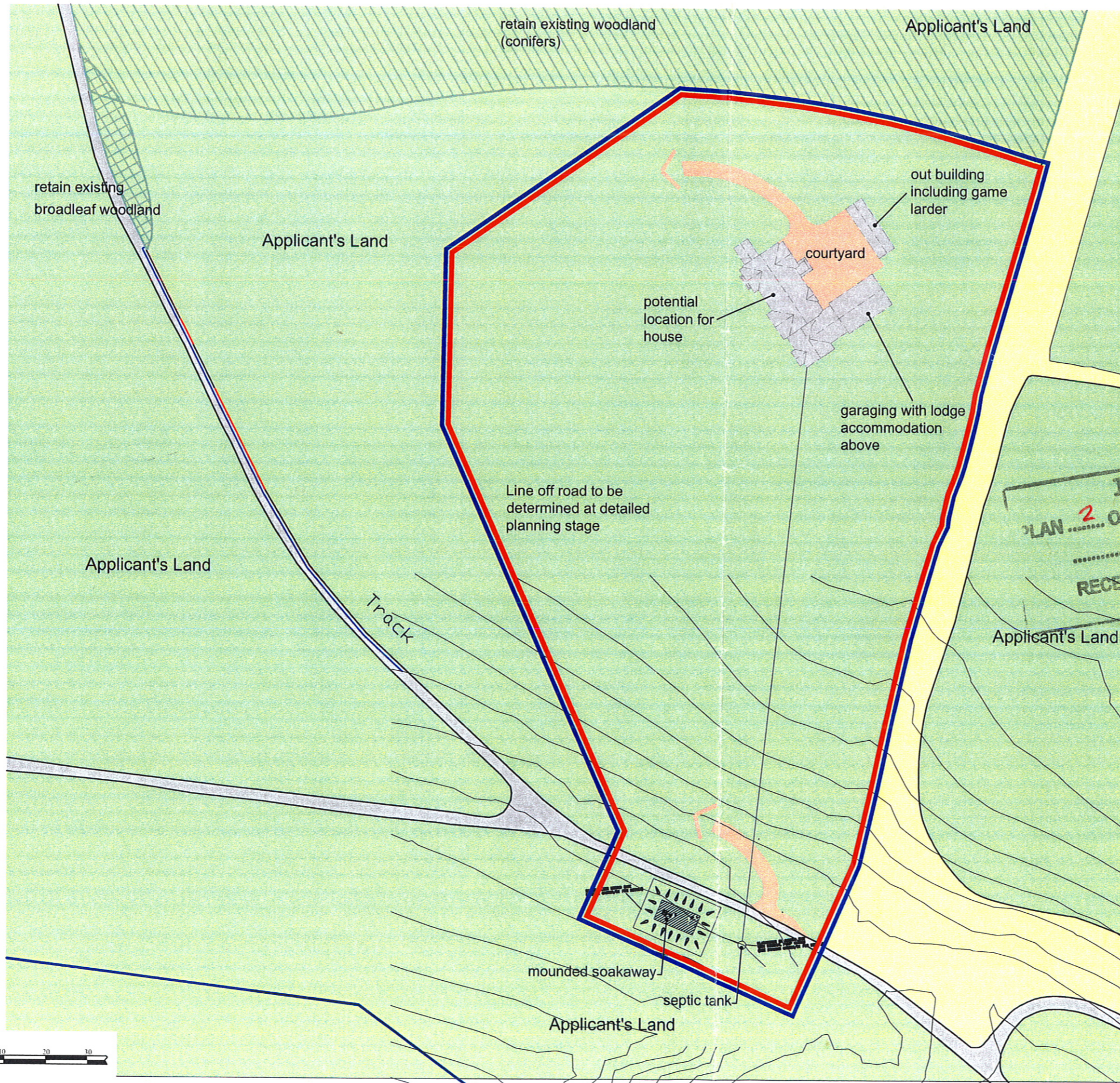
Scale NTS	Date Dec '09	Drawn by SMP
Project no 1886	Dwg no PL 001	Rev A

**G.H. JOHNSTON**  
BUILDING CONSULTANTS LTD

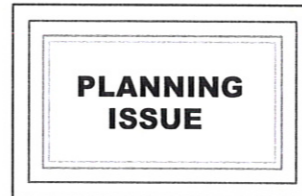
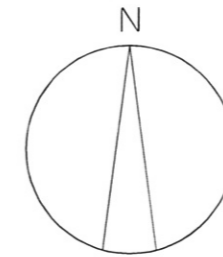
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Email: technical@ghjohnston.co.uk

TEL (01463) 237229  
FAX (01463) 243258





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



REVISIONS

rev.	description	date
A	Boundary Amendment	Jan '09

THE HIGHLAND COUNCIL  
 PLAN 2 OF 4 OF APPLICATION REFERENCE  
 09/00 544/PPSU  
 RECEIVED 17/12/2009  
**VARIED**

Client

Robin Gardner

Project

Site for Estate / Lodge House at  
 Swordale Wood by Evanton

Drawing

Site Plan

INDICATIVE HOUSE  
 POSITION ONLY  
 INDICATIVE DRAINAGE  
 POSITION ONLY.

Scale

1:1000

Date

Dec '09

Drawn by

SMP

Project no

1886

Dwg no

PL 002

Rev

A

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