

Agenda Item	3.3
Report No	PLC/024/11

11/00595/PIP: Mr Ian Chapman
Land at Badachonacher House, Newmore, Invergordon

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of house and formation of access

Recommendation - GRANT

Ward : 07 – Cromarty Firth

Development category : Local development

Pre-determination hearing : Not required

Reason referred to Committee : Community Council objection

1. PROPOSED DEVELOPMENT

- 1.1 The application for Planning Permission in Principle seeks consent for the erection of a house and formation of associated access in the garden ground of Badachonacher House on the south-east side of the public road to Scotsburn at Badachonacher, north of Newmore, by Invergordon.
- 1.2 A pre-application site meeting was held with the applicant's wife at which time she was advised of the Council's adopted policy for Housing in the Countryside. She was also advised of the issues which would be taken into account in dealing with any planning application for the site.
- 1.3 It is proposed to form a new access point onto the public road, approximately 40m north-east of the existing access to Badachonacher House. Connection to the public water network is proposed. A new private foul drainage system is proposed with waste water being treated by a Puraflo Wastewater Treatment system and soakaway within the site.
- 1.4 Percolation tests and private wastewater treatment specification have been submitted in support of the application.
- 1.5 One variation has been made to the application since its submission. A revised indicative site layout plan was submitted on 1 May 2011, demonstrating how the proposed house could be set back from the public road to reflect adjacent existing development and how a private foul drainage system could be accommodated within the site.

2. SITE DESCRIPTION

- 2.1 The site comprises part of the front garden ground associated with the existing detached property of Badachonacher House. It extends to over 0.1ha in size and is separated from the existing house by a large garage/store outbuilding. Open agricultural land exists to the immediate north-east and on the opposite side of the public road to the north and west.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbour Notification
Representation deadline : 25.03.2011
No third party representations received.

5. CONSULTATIONS

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

- Proposed house in open countryside outwith the boundary of a defined settlement in the Local Plan.
- Proposed house will be additional building on the south side of the road through the Badachonacher area resulting in ribbon development, rather than on the north side which would 'round-off' the existing group of houses.
- Proposed house will increase number of houses in the Badachonacher area to a total contrary to the Housing in the Countryside policy making it comparable in scale to nearby community of Newmore.
- The proposed new access will cause increase in traffic in an area where roads are narrow and the network of junctions is difficult to negotiate.

If permission is granted conditions should be attached to ensure junctions are upgraded and visibility improved; speed restrictions are imposed in the Badachonacher area; and roads are upgraded.

- 5.2 **TECS (Transport):** No objections subject to conditions. Visibility splays of 2.5m x 150m, service bay and within curtilage parking and turning for two cars required.

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

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

- 6.1 **Highland Structure Plan 2001**

- | | |
|----|----------------------------|
| G1 | Conformity with strategy |
| G2 | Design for sustainability |
| H3 | Housing in the Countryside |

6.2 **Ross & Cromarty East Local Plan**

BP3 Background policy

GSP10 Housing in the Countryside

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Wide Local Development Plan – Proposed Plan (2010)**

Policy 29 – Sustainable Design

Policy 30 – Design Quality and Place-Making

Policy 36 – Housing in the Countryside (Hinterland Areas)

Policy 62 - Landscape

Policy 64 – Water Environment

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

7.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside

7.3 **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 **Development Plan Policy Assessment**

The site lies outwith any defined settlement boundary and therefore falls within the Hinterland Around Towns area as defined within the Structure Plan (Policy H3) and Local Plan (Policy GSP 10) where there are policy restrictions with regard to new houses. There are however certain named exceptions to the restrictive policy, as outlined within the Supplementary Planning Policy Guidance for Housing in the Countryside. One of those exceptions allows for development within garden ground, where the garden has clearly defined boundaries and where development involves an appropriate plot ratio for a countryside location and is cohesive to the existing house and houses adjacent.

8.4 In this case, the property has a long site frontage of over 60m and the existing house is set well back to the rear of the plot. This allows a generous area to be subdivided to create a new house plot, with a frontage onto the public road. The presence of a large garage/store helps to separate the existing house and remaining garden from the new plot. This ensures that the proposed development relates well to the existing house and those adjacent in compliance with policy.

8.5 **Servicing**

There are no technical objections. A new access with service layby will be formed into the site and this has been designed in consultation with TECS (Transport). Visibility splays of 2.5m x 150m can be achieved. Space for two car parking spaces and turning area can be accommodated. Scottish Water has no objections to connection to the public water network and a private foul drainage system is proposed. Percolation tests have been carried out which has allowed for calculations to determine the size of soakaway. This has demonstrated that a house and associated drainage system can be accommodated within the site to comply with Building Regulations and also allows any house to be set back from the public road a distance commensurate with adjoining properties.

8.6 **Material Considerations**

Objection by Invergordon Community Council – The Community Council has expressed concerns over the proposed development on the basis of policy and road safety. The policy situation is set out at paras 8.3 and 8.4 above and it is concluded that the proposal complies with the Council's Housing in the Countryside policy.

8.7 **Road Safety** - Another concern expressed is the impact on road and pedestrian safety. It is submitted by the Community Council that the proposed development will cause an increase in traffic in an area where the existing roads are very narrow and the network of junctions is very difficult to negotiate. An example cited is the Scotsburn/Newmore junction which is considered to have poor visibility when approaching from Newmore school. Consultation with TECS (Transport) has confirmed no objections. The proposal involves a single house with access onto a straight section of public road. There are no Council policies or any other reasons to preclude further development within this particular area on road safety grounds. It is also considered unreasonable and disproportionate to require any associated road improvements (as suggested by the Community Council) for a single house where TECS has advised no objections.

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

Not applicable

9. **CONCLUSION**

9.1 It is considered that the proposal for a single house within the large garden of an existing house in the countryside complies with the policies contained within the Council's Development Plan.

It is important that a number of conditions are attached to ensure that the house is relatively modest in size and that the plot ratio remains generous and thereby appropriate to its rural setting.

It is also important that the house is set back from the public road at a distance comparable with the adjoining house to the south-west.

Servicing details relating to road access and private foul drainage will also be required to be submitted with any future Matters Specified in Conditions application.

The proposal is therefore considered to be acceptable subject to the conditions below.

10. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Notification to Historic Scotland N

Section 75 Agreement N

Revocation of previous permission N

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

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;
- 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 depict a development featuring the following elements:-

- i. walls finished predominantly in a white/off-white wet dash render/smooth coursed cement render;
- ii. a roof covering of natural slate or good quality slate substitute;
- iii. single storey or 1½ storeys in height;
- iv. windows with a strong vertical emphasis;
- v. traditional "peaked" roof dormers and porches are encouraged;
- vi. a roof symmetrically pitched of not less than 35° and not greater than 45°;
- vii. predominantly rectangular in shape with traditional gable ends;
- viii. a principal elevation facing the adjacent Scotsburn public road;
- ix. a footprint of no more than 100m²;
- x. set back from the edge of the public road at least 15m to reflect the set back of adjoining properties.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. The matters required under Condition 1 above shall include details of a new access onto the Scotsburn public road at the north-east end of the site frontage. This access shall be designed to the satisfaction of the Roads Authority in accordance with the attached schedule of conditions. Specifically this shall include provision of a service layby and visibility splays of 2.5m x 150m, to be maintained in perpetuity to the satisfaction of the Planning Authority. Provision shall be made within the site for the parking and turning of two cars. Thereafter, development shall progress in accordance with these details unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety.

4. The matters required under Condition 1 above shall include full details of all foul water and surface water drainage provision within the application site. The foul drainage shall be based on a Klargestar Biodisc system discharging via a Puraflo bio-filter secondary treatment system to a land based soakaway unless an alternative arrangement can be accommodated to comply with Building Regulations. Surface water drainage shall comply with SuDS principles. Thereafter, development shall progress in accordance with these details, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of securing suitable drainage infrastructure in the interests of public health.

FOOTNOTE TO APPLICANT

INFORMATIVE NOTE REGARDING THE 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. THREE YEARS from the date on this decision notice;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. 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.

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.

Road Openings Permit / Road Construction Consent: You will 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. Please note that the Council reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development over what is a fragile section of the Council's road infrastructure.

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 0141 355 5511.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 – Indicative Layout Plan



11/00595/PIP
 Erection of house in garden ground and formation of new access at
 Land 35m North of Badachonacher House, Newmore, Invergordon.

Mr I Chapman
 per Plan R Architects (Mr M Chapman)
 96C Palmerston Road
 London
 N22 8RE



Proposal Reference: 000013750-001
 Site Location: Easting: 269492 -
 Northing: 873165
 Site Address: Badachonacher, Newmore,
 By Invergordon
 IV18 0LH

Drawing Title -
 Site Layout plan

A002
 Rev A