

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE  
8 April 2014

Agenda Item	6.9
Report No	PLS/028/14

13/04242/FUL: SPA (Scottish Planning & Architecture Ltd)  
Land 60M NW of Drumoak, Inshes, Inverness

Report by Area Planning Manager - South

## SUMMARY

**Description :** Erection of new house

**Recommendation - GRANT**

**Ward :** 20 – Inverness South

**Development category :** Local

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

**Reason referred to Committee :** 5 or more objections from the public.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for the erection of a new house adjacent to the B9177 at its junction with the farm access road leading to Lower Muckovie. The proposed house is of a modern design, one and a half storeys in height and featuring a projecting bay to the front elevation and extension to the rear. If planning permission is granted, the external materials and finishes will require subsequent approval.
- 1.2 No informal pre-application discussions have taken place in connection with this application.
- 1.3 The site will be accessed off the farm road leading from the B9177. It is proposed to connect to the public water supply network. Foul drainage will connect to the public sewer system.
- 1.4 No supporting documents have accompanied the application.
- 1.5 **Variations:** The house has been re-orientated to have the principal elevation face the main road.

## 2. SITE DESCRIPTION

- 2.1 The site is approximately 1775 sqm in size and is relatively square in shape. It is overgrown with vegetation and contains a large spoil heap that arose from previous engineering operations on the land several years ago. The site is immediately adjacent to the B9177 and shares its south-east boundary with the adjacent house known as Drumoak. The north-eastern boundary is defined by a watercourse and the north-west boundary by the existing farm access road.

## 3. PLANNING HISTORY

- 3.1 13/02218/FUL: Erection of house & associated works. Notice of review requested on grounds of non-determination. Notice of review subsequently dismissed.

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour. Expired 14/02/14.  
Representation deadline : 14/02/14.

Timeous representations : 9 representations from 7 households.

Late representations : None.

- 4.2 Material considerations raised are summarised as follows:

- The proposal is out of character with development, will be unduly intrusive and overbearing, and is contrary to development plan policy;
- Existing vegetation restricts visibility, contrary to road safety;
- Increased levels of traffic as a result of the development would be contrary to road safety;
- Previous unauthorised works have taken place on the site.

- 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 **TECS Flood Team:** No objection subject to conditions relating to finished floor levels and no development within 6 metres of the top bank of the watercourse.
- 5.2 **TECS Roads:** No objection. Conditions to be imposed relating to visibility and roadside bin storage.

## 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 Draft Development Plan**

Inner Moray Firth Local Development Plan

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

Housing in the Countryside and Siting and Design

### **7.3 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 is located within open countryside within the defined Hinterland around Inverness and Policy 35 (Housing in the Countryside – Hinterland areas) is therefore the main development plan policy consideration in assessing the principle of development on this land. Policy 35 states a presumption against housing in the open countryside unless any of the exceptions listed under the policy apply. The site is adjacent to an existing housing group and the relevant criterion for consideration is whether the proposal represents an acceptable expansion of that housing group.

Further guidance on the acceptable expansion of a housing group is contained within the Council's Supplementary Planning Guidance (SPG) 'Housing in the Countryside and Siting and Design'. The SPG defines a housing group as consisting of at least three houses that are physically detached from each other; have a perceptible relationship together; and do not form part of a small settlement. In addition, new housing will only be supported where it constitutes acceptable small-scale in-fill development or round-off.

The site is adjacent to an existing house with an additional house further to the south-east. Three houses are located on the opposite side of the main road. The site is bounded to the north-west by the existing farm road leading to Lower Muckovie. The road forms a boundary which would protect against ribbon development along the B9177. The proposed development is therefore considered to be small-scale round-off of this housing group.

Policy 28 (Sustainable Design) sets out a number of criteria against which new development will be assessed. In this case, the relevant considerations are whether the development adversely impacts on individual and community residential amenity and demonstrates sensitive siting and high quality design in keeping with local character.

#### **8.4 Material Considerations**

The existing houses in this housing group and in the general area itself are of varying character in relation to scale, design and use of external materials and finishes. The proposed house is of a modern design, 1½ storeys in height and features a projecting bay to the front elevation. The house has been re-orientated to face the public road in line with good design practice and is set back approximately 8 metres from the public road. The house will benefit from being set within a large curtilage, similar to other houses in the area. Subject to acceptable materials and finishes being used on the house (which can be controlled by planning condition), it is considered that the scale and design will be in keeping with the established character of the area and will not adversely impact on amenity.

In the event of planning permission being granted for the proposal, a condition is recommended to ensure that the house is constructed in full accordance with the finished floor level details submitted with the application. This will not only address concerns initially raised by the Council's TECS Flood Team, but also ensure that the siting does not result in an overly intrusive scale of development.

There has been an existing spoil heap on the site for a number of years which is overgrown with vegetation and has an adverse impact on the amenity of the immediate area. It is further recommended that if planning permission is granted a condition is imposed requiring the spoil heap to be removed from the site before construction of the house to ensure this injury to amenity is addressed at an early stage of development.

A further condition is recommended to address concerns raised by TECS Roads and objectors in relation to site visibility for access/egress.

#### **8.5 Other Considerations – not material**

It has been asserted by objectors to the proposal that unauthorised development has previously taken place at the site including the depositing of inert waste material forming the spoil heap, and the widening of the existing access road. Whilst these comments have been noted, they are not directly relevant to the consideration of this application which must be assessed on its own merits.

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

Not applicable.

### **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 **Granted** subject to the following conditions and reasons and notes to applicant.

1. No development or work shall commence until full details of the external materials and finishes to be used on the development have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall proceed in accordance with those 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. The existing spoil heap on the site shall be removed in its entirety, the details of which shall be submitted to and agreed in writing by the Planning Authority, prior to the commencement of construction works for the house.

**Reason** : In order to remove the injury to amenity caused by the presence of the spoil heap.

3. The house shall be constructed on land no lower than 4.5 metres above the natural bank top height of the watercourse on the north-eastern boundary of the site, and the finished floor level of the house shall be no lower than 10.45 metres AOD, as shown on approved drawing no. 2013.035.SPA.02 Rev D.

**Reason** : In the interests of amenity and to ensure that the house is adequately sited to minimise the potential for the house to be adversely affected by flooding from the adjoining watercourse.

4. 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 ground raising or development, including fences, boundary walls or decking, shall take place within 6 metres of the top bank of the watercourse on the north-eastern boundary of the site without planning permission being granted on application to the Planning Authority.

**Reason** : To ensure that development which is normally permissible without the need for a planning application is carefully managed and does not encroach onto riparian buffer strips. Such buffers strips are required a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

5. The development shall not be occupied until the foul water drainage proposals shown on the approved plans have been implemented in full.

**Reason** : In order to ensure that foul water drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

6. The development shall not be occupied until the surface water drainage proposals shown on the approved plans have been implemented in full.

**Reason** : To ensure that surface water drainage is provided timeously.

7. The development shall not be occupied until full details of the location of the external bin storage area has been submitted to, and approved in writing by, the Planning Authority.

**Reason** : In the interests of amenity.

8. Visibility splays measuring 215 metres x 2.4 metres in both directions at the junction of the B9177 shall be formed and thereafter kept clear of all obstructions over 1 metre in height.

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

## **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**

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**

### **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**

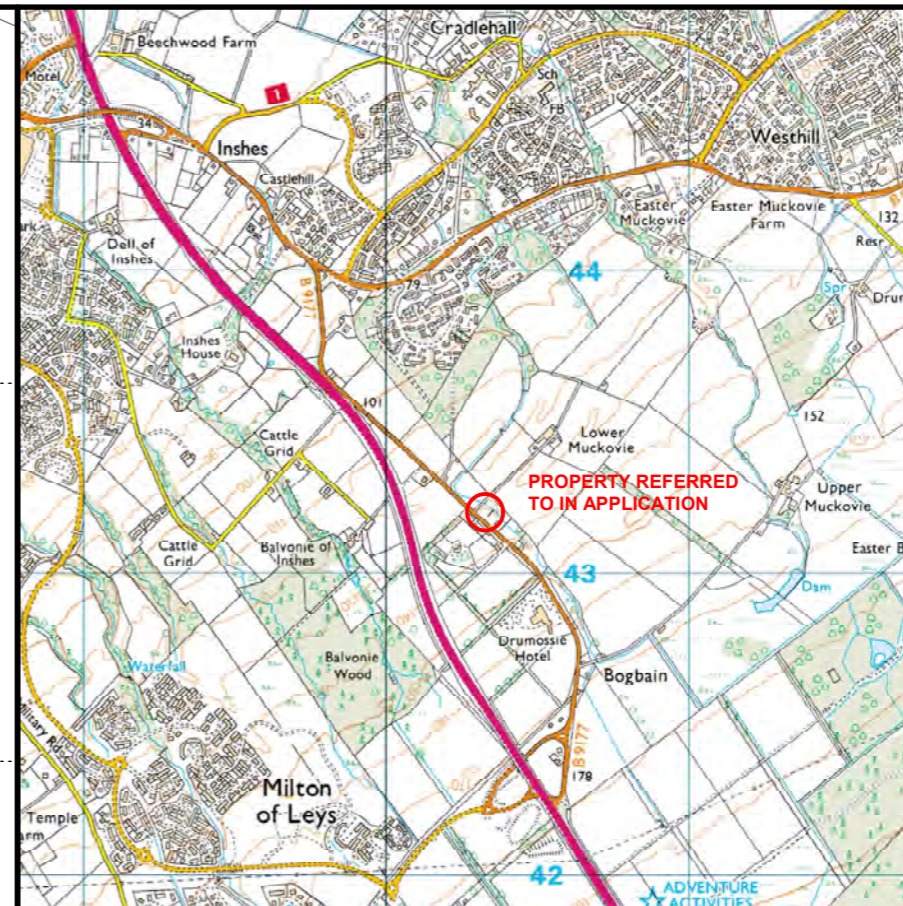
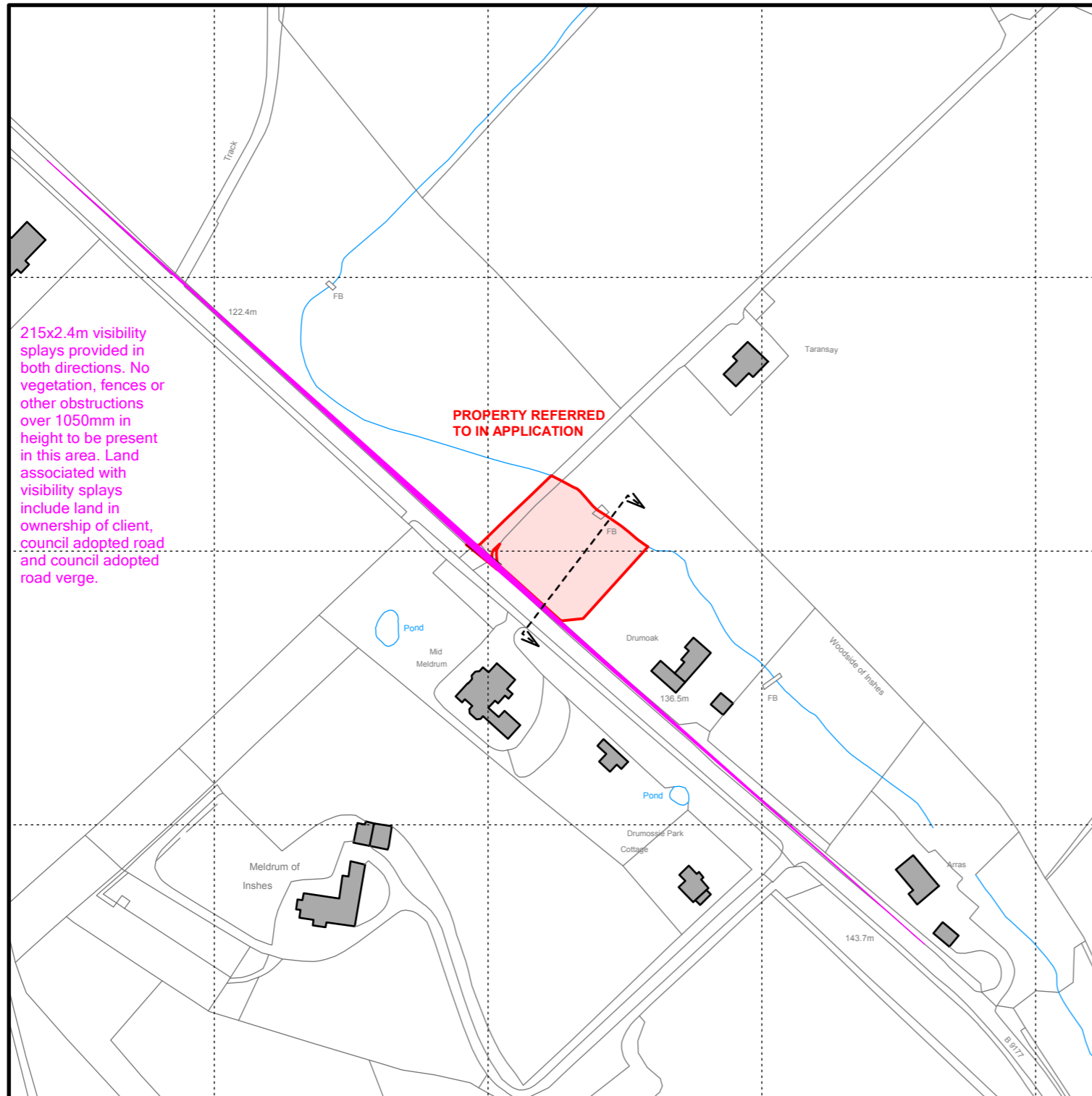
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Allan J Todd  
Designation: Area Planning Manager – South  
Author: John Kelly 01463 255199  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan (2013.035.SPA.01B)  
Plan 2 – Site Plan (2013.035.SPA.02 Rev D)  
Plan 3 – Ground Floor & Elevation Plan (2013.035.SPA.03-1)  
Plan 4 – First Floor & Elevation Plan (2013.035.SPA.03)  
Plan 5 – Section Plan (2013.035.SPA.01)



## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
R Chisholm	Drumoak, Inshes, Inverness	05/12/13	Against
E & H Allan	Arras, Drumossie, Inverness	13/12/13	Against
E & H Allan	Arras, Drumossie, Inverness	18/12/13	General Comment
DM Nichols	Meldrum of Inshes, Inshes, Inverness	28/12/13	Against
W Naismith	Drumossie Park Cottage, Inshes, Inverness	05/02/14	Against
L & C Michels	Barrington House, Drumossie Brae, Inverness	09/02/14	Against
D, I & A Munro	Eriskay, Lower Muckovie Farm, Inverness	09/02/14	Against
R Chisholm	Drumoak, Inshes, Inverness	10/02/14	Against
J Blaney	Mid-Meldrum, Drumossie, Inverness	12/02/14	Against



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PROJECT **PROJECT NEW HOUSE AND ASSOCIATED WORKS AT LAND NORTH OF DRUMOAK, WOODSIDE OF INSHES, INVERNESS**

CLIENT **SPA (Scottish Planning & Architecture) Ltd**

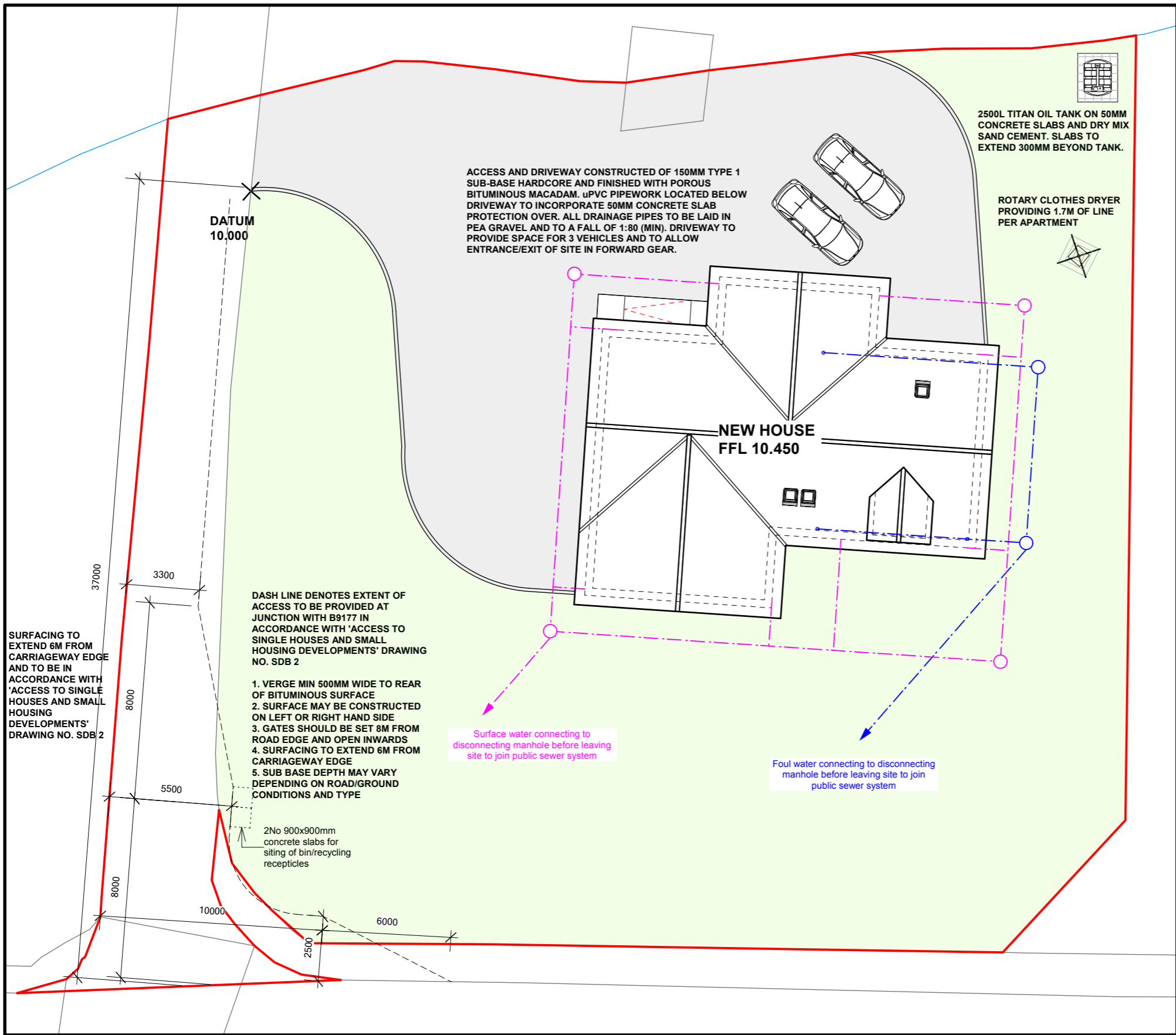
DATE **20 May 2013** SCALE **AS NOTED**

TITLE **PLANNING PROPOSALS LOCATION**

DWG No. **2013.035.SPA.01B**

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ACCESS AND DRIVEWAY CONSTRUCTED OF 150MM TYPE 1 SUB-BASE HARDCORE AND FINISHED WITH POROUS BITUMINOUS MACADAM. uPVC PIPEWORK LOCATED BELOW DRIVEWAY TO INCORPORATE 50MM CONCRETE SLAB PROTECTION OVER. ALL DRAINAGE PIPES TO BE LAID IN PEA GRAVEL AND TO A FALL OF 1:80 (MIN). DRIVEWAY TO PROVIDE SPACE FOR 3 VEHICLES AND TO ALLOW ENTRANCE/EXIT OF SITE IN FORWARD GEAR.

2500L TITAN OIL TANK ON 50MM CONCRETE SLABS AND DRY MIX SAND CEMENT. SLABS TO EXTEND 300MM BEYOND TANK.

ROTARY CLOTHES DRYER PROVIDING 1.7M OF LINE PER APARTMENT

NEW HOUSE  
FFL 10.450

DATUM  
10.000

DASH LINE DENOTES EXTENT OF ACCESS TO BE PROVIDED AT JUNCTION WITH B9177 IN ACCORDANCE WITH 'ACCESS TO SINGLE HOUSES AND SMALL HOUSING DEVELOPMENTS' DRAWING NO. SDB 2

1. VERGE MIN 500MM WIDE TO REAR OF BITUMINOUS SURFACE
2. SURFACE MAY BE CONSTRUCTED ON LEFT OR RIGHT HAND SIDE
3. GATES SHOULD BE SET 8M FROM ROAD EDGE AND OPEN INWARDS
4. SURFACING TO EXTEND 6M FROM CARRIAGEWAY EDGE
5. SUB BASE DEPTH MAY VARY DEPENDING ON ROAD/GROUND CONDITIONS AND TYPE

2 No 900x900mm concrete slabs for siting of bin/recycling receptacles

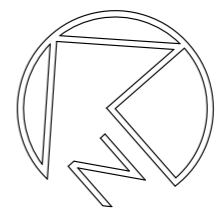
Surface water connecting to disconnecting manhole before leaving site to join public sewer system

Foul water connecting to disconnecting manhole before leaving site to join public sewer system

SURFACING TO EXTEND 6M FROM CARRIAGEWAY EDGE AND TO BE IN ACCORDANCE WITH 'ACCESS TO SINGLE HOUSES AND SMALL HOUSING DEVELOPMENTS' DRAWING NO. SDB 2

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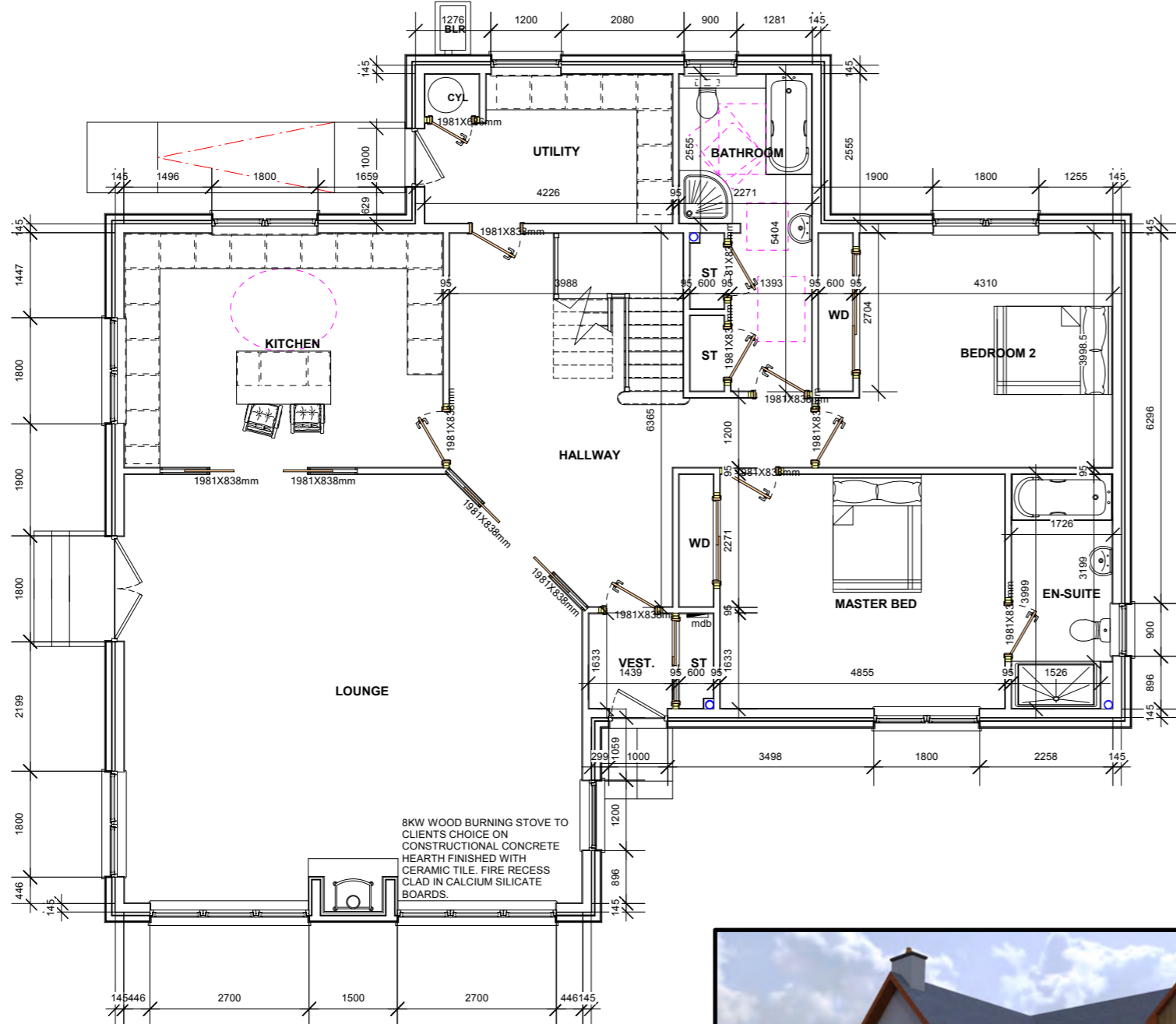
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DATE **20 May 2013** SCALE **AS NOTED**

TITLE **PLANNING PROPOSALS SITE PLAN**

DWG No. **2013.035.SPA.02D**

EXTERNAL BOILER ON  
900X600X50MM CONCRETE  
SLAB ON DRY MIX  
SAND/CEMENT. CONNECTING  
TO MAGEFLO CYLINDER.



**GROUND FLOOR PLAN**  
AREA 179SQm  
SCALE 1:100



**FRONT ELEVATION**  
SCALE 1:200



**SIDE ELEVATION**  
SCALE 1:200



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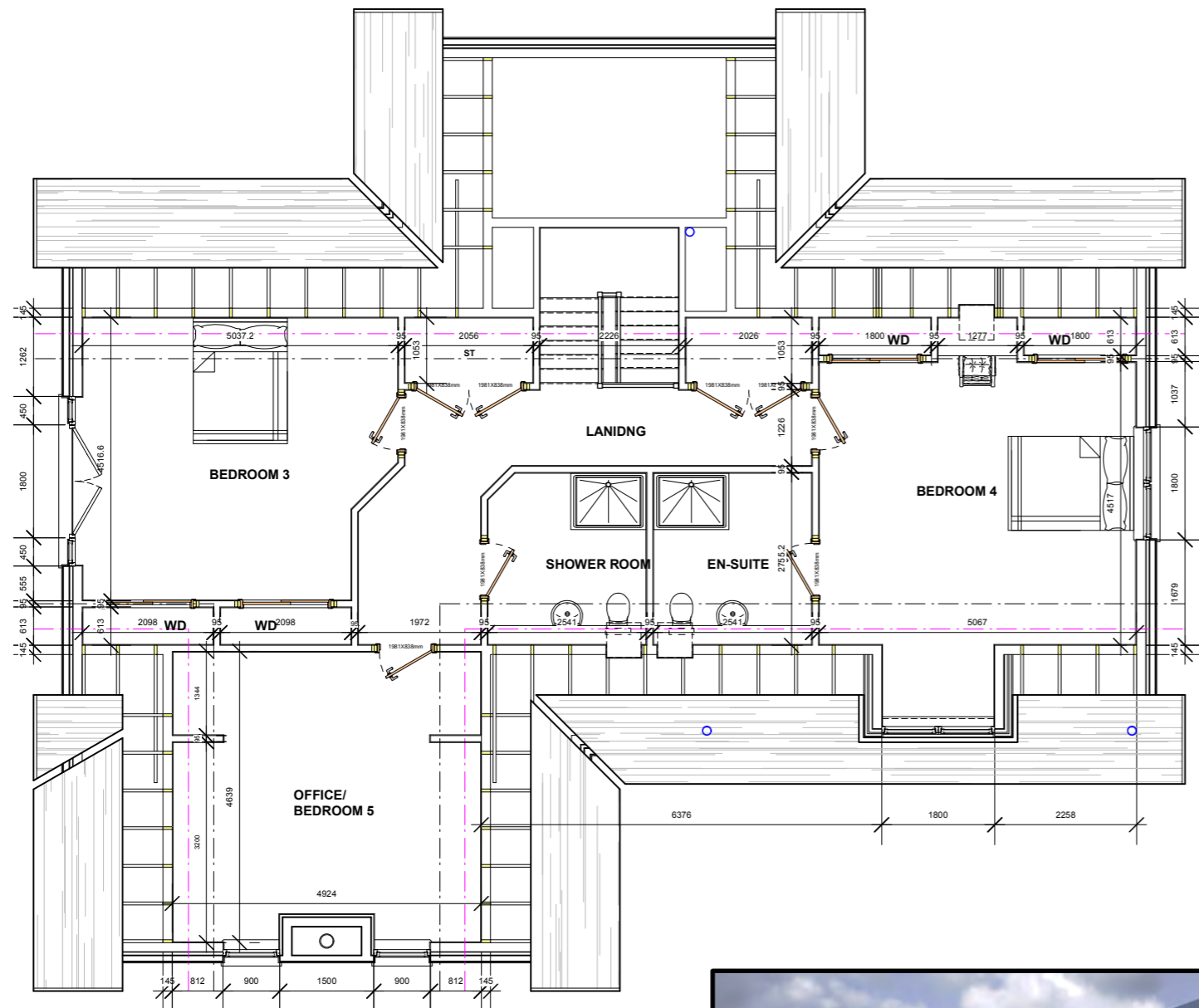
CLIENT SPA (Scottish Planning & Architecture) Ltd

DATE 20 May 2013 SCALE AS NOTED

TITLE PLANNING PROPOSALS  
GROUND FLOOR PLAN + ELEVATIONS

DWG No. 2013.035.SPA.03

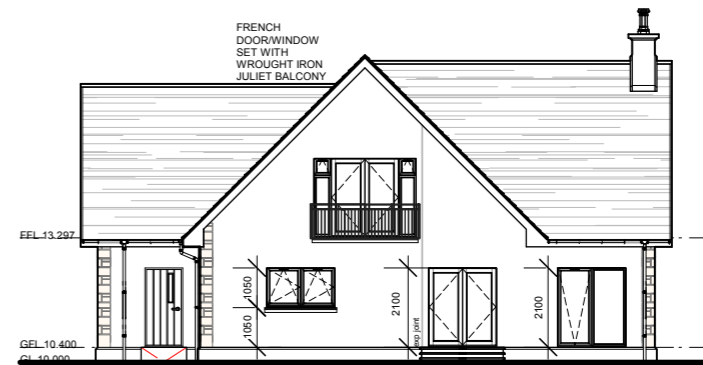
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BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY  
TO ENSURE POSSESSION OF APPROVED PLANS.



**FIRST FLOOR PLAN**  
 AREA 116SQm  
 SCALE 1:100



**REAR ELEVATION**  
 SCALE 1:200



**SIDE ELEVATION**  
 SCALE 1:200



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DATE **20 May 2013** SCALE **AS NOTED**

TITLE **PLANNING PROPOSALS  
 FIRST FLOOR PLAN + ELEVATIONS**

DWG No. **2013.035.SPA.03**

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