

**THE HIGHLAND COUNCIL**

**PLANNING APPLICATIONS COMMITTEE –  
5 August 2014**

Agenda Item	6.6
Report No	PLN/054/14

**14/01806/PIP: Mr Brian Logue  
Land To East Of Guithsach, Lamington, Invergordon  
Report by Area Planning Manager**

**SUMMARY**

**Description:** Erection of house (renewal 11/00780/PIP)

**Recommendation - GRANT**

**Ward:** 08 – Tain and Easter Ross

**Development category:** Local

**Pre-determination hearing:** n/a

**Reason referred to Committee:** Community Council objection.

**1. PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission in principle for the erection of a single house (renewal of planning permission reference 11/00780/PIP). The house would have an indicative footprint of 87m<sup>2</sup> with an indicative access point shown towards the south eastern corner of the site.
- 1.2 No pre-application advice was sought by the applicant.
- 1.3 There is an existing rough access into the site at present however it is understood that no other infrastructure exists.
- 1.4 No documents have been provided in support of the application.
- 1.5 **Variations:** No variations have been made to the proposal since it was lodged.

**2. SITE DESCRIPTION**

- 2.1 The site is relatively level and forms a rough triangular shape extending to approximately 0.21ha, located to the north of the C class public road through Lamington/Scotsburn. The site is bounded by existing properties 'Guithsach' to the west and 'Torvaig' to the south. Extensive areas of woodland lie to the east and north of the site. A roadside ditch and post and wire fence delineate the site.

### 3. PLANNING HISTORY

- 3.1 06/00958/OUTRC: Erection of house (outline) – Permitted 25.04.2008 – Delegated Decision  
11/00780/PIP: Erection of house (outline) – Permitted 12.05.2011 – Delegated Decision

### 4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour/Schedule 3 development – 23.05.2014  
Representation deadline : 06.06.2014  
Timeous representations : 4 from 4 households (including Kilmuir and Logie Easter Community Council)  
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
- Drainage/foul drainage problems within the locality;
  - Single track road unsuitable for development;
  - Loss of croft land
- 4.3 Letters of representation also note that there are a number of unimplemented permissions within the Lamington/Scotsburn area. Whilst these concerns are noted, the issue of unimplemented planning permissions cannot be considered as material in the determination of this application. It is also noted that letters of representations make specific reference to the Report of Handling prepared for the previous application, reference 11/00780/PIP. This stated that it would not be appropriate to grant a further renewal of planning permission. However the proposal must continue to be assessed against the development plan and all applicable material considerations in order to assess its planning merits.
- 4.4 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 **Roads and Community Works (R&CW):** No objections. R&CW initially noted that the Private Access Checklist submitted alongside the application stated that visibility looking left could not achieve the 120m standard required by R&CW. As such the applicant was requested to submit a surveyed drawing to establish whether 120m visibility was achievable. This was submitted in mid-July to the satisfaction of R&CW, subject to conditions. In line with the Lamington Policy Assessment and Capacity Study, R&CW have requested inclusion of a condition requiring provision of an additional passing place along the Scotsburn to Tain road.
- 5.2 **Kilmuir and Logie East Community Council (KALECC):** Object to the application. Its representation highlights the following concerns:
- The report of handling for the previous application outlines that a further renewal would not be appropriate;

- The Lamington Policy Assessment and Capacity Study should be treated as a material planning consideration for development management purposes;
- The changes that this development would have on crofting tenure should be considered as part of the negative economic effect of the proposed development.

## **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 Development
29	Design Quality and Place-Making
34	Settlement Development Areas
66	Surface Water Drainage

### **6.2 Ross and Cromarty East Local Plan 2007 (As Continued in Force)**

Scotsburn Settlement Boundary

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Inner Moray Firth Local Development Proposed Plan

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

Lamington Policy Assessment and Capacity Study – December 2013

### **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 within the Scotsburn Settlement Boundary as defined by the Ross and Cromarty East Local Plan. There is therefore a presumption in favour of development on the site with the accompanying text stating that there is potential for infill development subject to satisfactory drainage arrangements, use of shared accesses (where feasible) and protection of the woodland lying adjacent to the site.

The proposal is for a single house which sits to the northern, upper side of the public road. The site is in keeping with the general pattern of development of single houses within reasonably generous sized plots. It would have relatively little adverse impact on either individual or community amenity and therefore accords with the provisions of the adopted development plan noted in Section 6.

### 8.4 **Material Considerations**

The planning history of the site is a material planning consideration, with two previous approvals in 2008 and 2011 establishing the principle of development on the site. Weight must also be given to a Capacity Study which was prepared and published in December 2013 by the Council's development plans team. This document, 'Lamington Policy Assessment and Capacity Study', aims to assist in the determination of future applications by providing guidance on the capacity for future development and was adopted as non-statutory guidance in December 2013.

The document identifies that the site has an extant planning permission and that it lies within a 'denser development group' with potential for further infill development subject to ensuring adequate spacing between houses. In addition, the study notes that provision of passing places on the public road or alternative improvements for each new house will be sought. It is considered that the site is in keeping with the principles of the study with details of a proposed passing place sought by condition.

#### Access

Access to the site would be taken from the C classified public road through Scotsburn/Lamington, utilising an existing rough access point. As noted in 5.1, the applicant has provided a surveyed drawing demonstrating that the site can achieve 120m visibility in both directions. Roads and Community Works have no objections to the proposal subject to standard conditions regarding upgrading of access, provision of parking and turning.

#### Drainage

It is been noted by objectors that the area suffers from substandard foul drainage conditions. Planning consultations with Scottish Water indeed indicate that there are no public sewers in the vicinity. Private drainage arrangements comprising septic tank and soakaway are therefore proposed by the applicant and whilst this is an application for planning permission in principle only, a plan showing land available for a 150m<sup>2</sup> soakaway has been provided. Full details of drainage and foul drainage infrastructure are sought by condition.

## Renewal

It is acknowledged that the Report of Handling for the previous planning permission granted in 2011 outlined that a further renewal would not be appropriate. This permission in itself was a renewal of a previous consent and there was some concern over the likelihood of development progressing on the site. It is clear however that the site is and has been actively marketed by the applicant increasing the likelihood of development taking place in the future. Furthermore the proposal must continue to be assessed on its planning merits and against all applicable material planning considerations. In this instance there have been no material changes in circumstances to warrant a different recommendation.

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

There are no issues raised in representations that have not been addressed above.

### 8.6 **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 **GRANTED** subject to the following conditions and reasons / notes to applicant :

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 (including boundary treatments);

- 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 show a development featuring the following elements:
- i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
  - ii. a roof covering of natural slate;
  - iii. single storey or 1½ storeys in height;
  - iv. windows with a strong vertical emphasis;
  - v. a roof symmetrically pitched of not less than 35° and not greater than 45°; and;
  - vi. predominantly rectangular in shape with traditional gable ends.

**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. Any details pursuant to condition 1 above shall include details of an additional passing place on the C102 Tomich Road junction to Harmount Holdings Junction public road for the approval of the Planning Authority, in consultation with the Roads Authority. The passing place shall be implemented in accordance with the approved details prior to first occupation of the house hereby approved.

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

4. Any details pursuant to condition 1 above shall show the site access constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 15<sup>th</sup> July 2014), with:
- i. the junction formed to comply with drawing ref. SDB1; and
  - ii. visibility splays of 2.5m x 120m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No other development shall commence until the junction has been constructed in full and within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

5. Any details pursuant to condition 1 above shall show car parking spaces provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:
- i. Two spaces per 1 to 3 bedrooms;

- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms

**Reason:** In order to ensure that the level of off-street parking is adequate.

6. Any details pursuant to condition 1 above shall show a vehicle turning area within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the turning of cars, so they do not have to park within or reverse onto the public road.

7. Any details pursuant to condition 1 above shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

8. Any details pursuant to condition 1 above shall include full details of all foul drainage infrastructure (including treatment plant and soakaway locations). The development shall thereafter progress in accordance with the approved details.

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

9. Any details pursuant to condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

10. The size, orientation and location of the dwellinghouse(s) as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

**Reason:** In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

11. No development shall take place within 15m of any of the trees within the forestry area to the rear (north) of the site.

**Reason:** In the interests of safety, to guard against tree fall.

## **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**

### **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. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of 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.

## **FOOTNOTE TO APPLICANT**

### **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: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Gillian Webster  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan (BS06/101 L2)

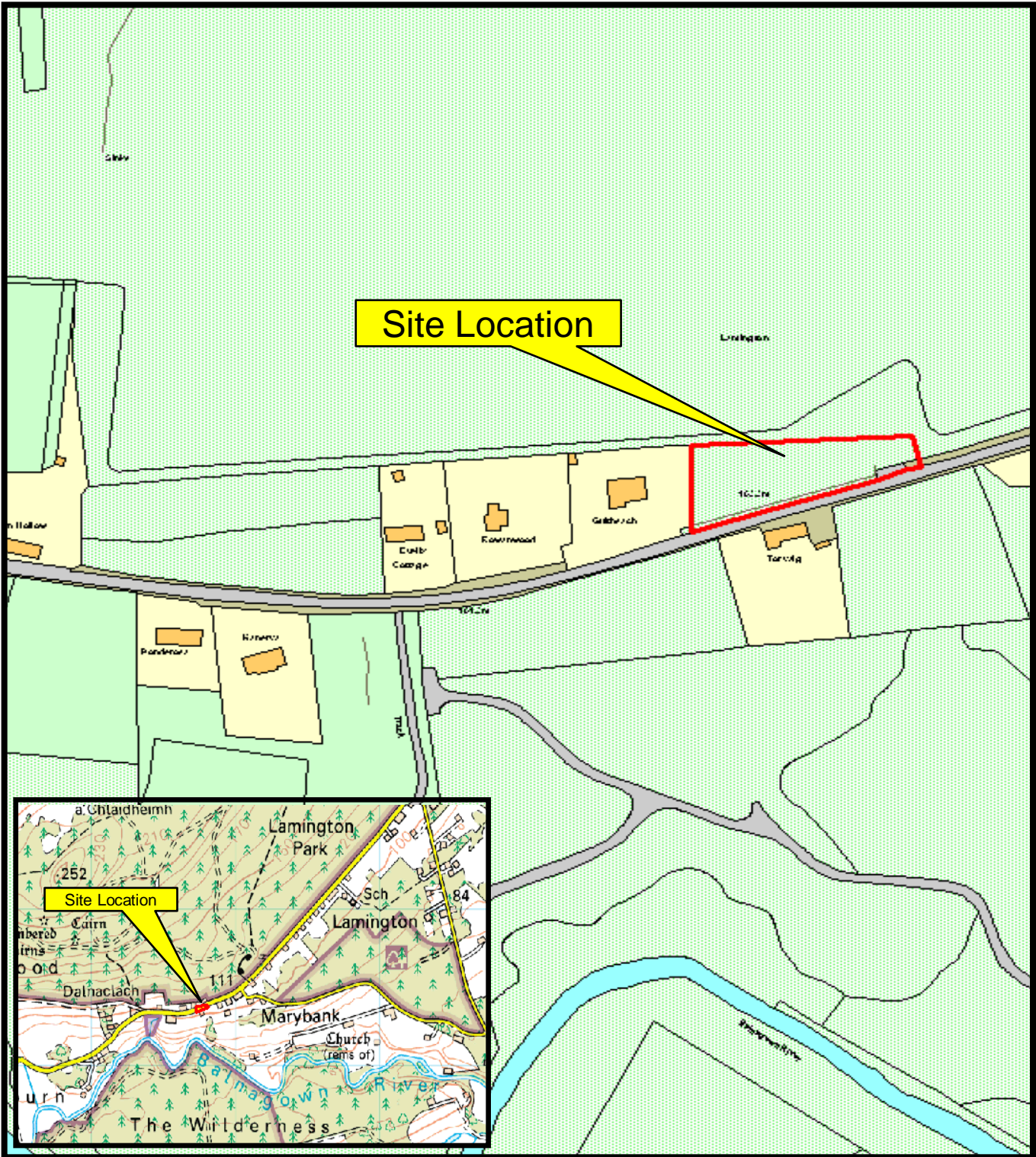
Plan 2 – Site Layout Plan (BS06/101 2)

Plan 3 – Soakaway Layout (00001)

Plan 4 – Proposed Access (26/14)

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr & Mrs William & Kathleen MacKenzie	Guithsach Lamington Invergordon IV18 0PE	05.06.2014	Against
Andrew & Aileen Currie	Rowanwood Lamington Invergordon IV18 0PE	06.06.2014	Against
Mr Alwyn Corbett	Craigton, 2 Provost Ferguson Drive, Tain, IV19 1RE	03.06.2014	Against
Kilmuir & Logie Easter Community Council c/o John Boocock (Chairman)	Rosslyn Main Road, Barbaraville, Highland, IV18 0NA	29.05.2014	Against



**The Highland Council**  
**Comhairle na Gàidhealtachd**

**Planning & Development Service**

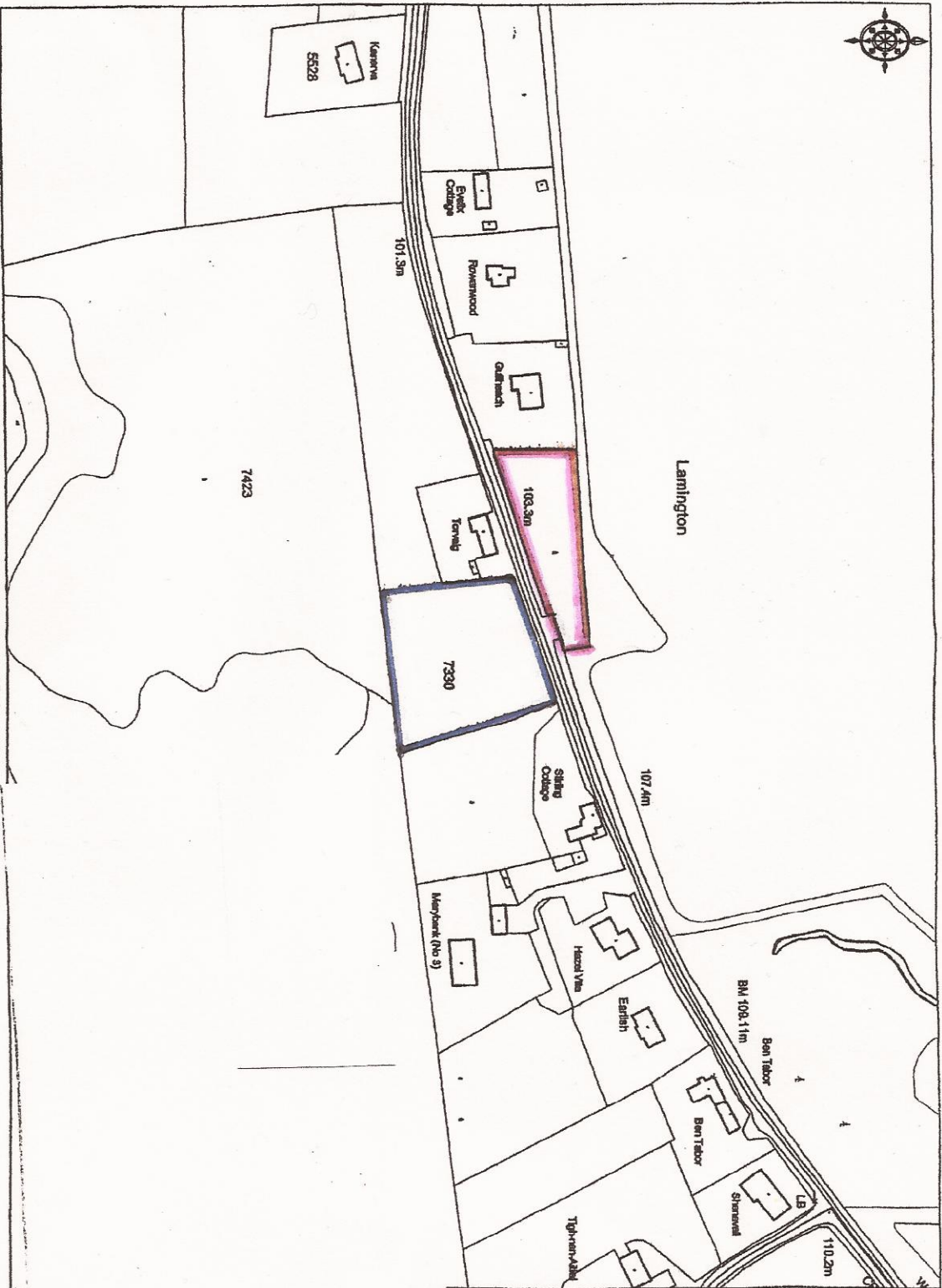
**Case No:14/01806/PIP**

**Erection of house (renewal 11/00780/PIP) at Land to East of Guithsach, Lamington, Invergordon**

**Date:21 July 2014**



Plot 2  
Lamington Croft, Kildary, Invergordon

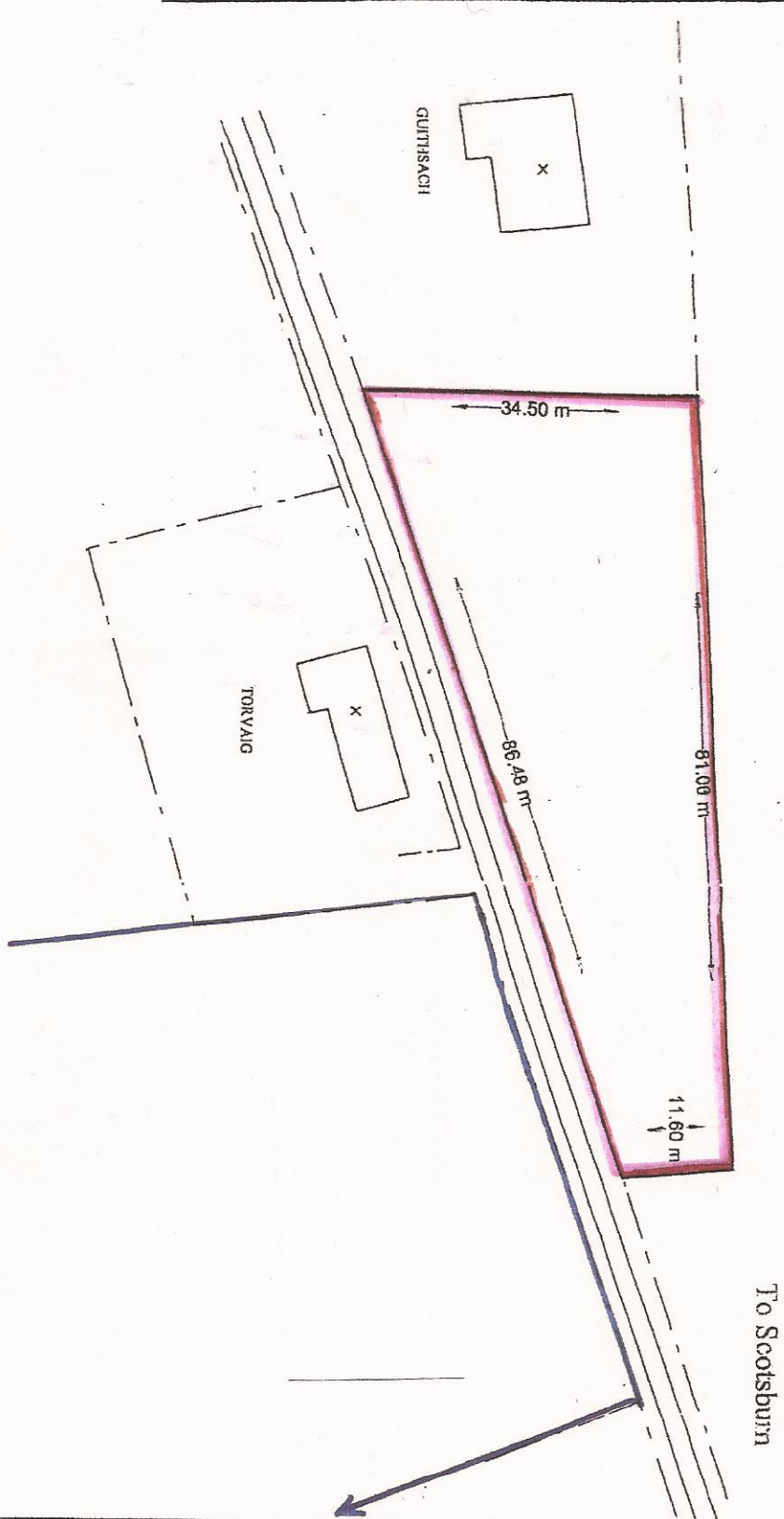


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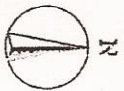
This map was produced by Torrance Partnership  
165 High Street, Invergordon IV18 0AL

Drawing No.  
BS06/101 L2

CENTRE COORDINATES  
NH 273760 876360



Area of Plot  
1882 m<sup>2</sup>  
0.188 hectares  
0.47 arce  
(or thereby)



NOTES  
FOUNDED DIMENSIONS MUST BE TAKEN IN RESERVANCE  
OF THE POSITION OF THE BUILDINGS. DIMENSIONS MUST  
IMMEDIATELY REFERRED TO THE SURVEYOR.  
SUB-CONTRACTORS AND SUPPLIERS MUST VERIFY A  
DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK  
HANDS SHOWN DRAWINGS



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Inverordon 17/18 COAL  
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Web site: [www.torrance-partnership.co.uk](http://www.torrance-partnership.co.uk)

CLIENT: MR BRIAN LOGUE

PROJECT: LAMINGTON CROFT

DRAWING TITLE: PLOT 2 - SITE PLAN

DRG. NO: BS06/101 - 2

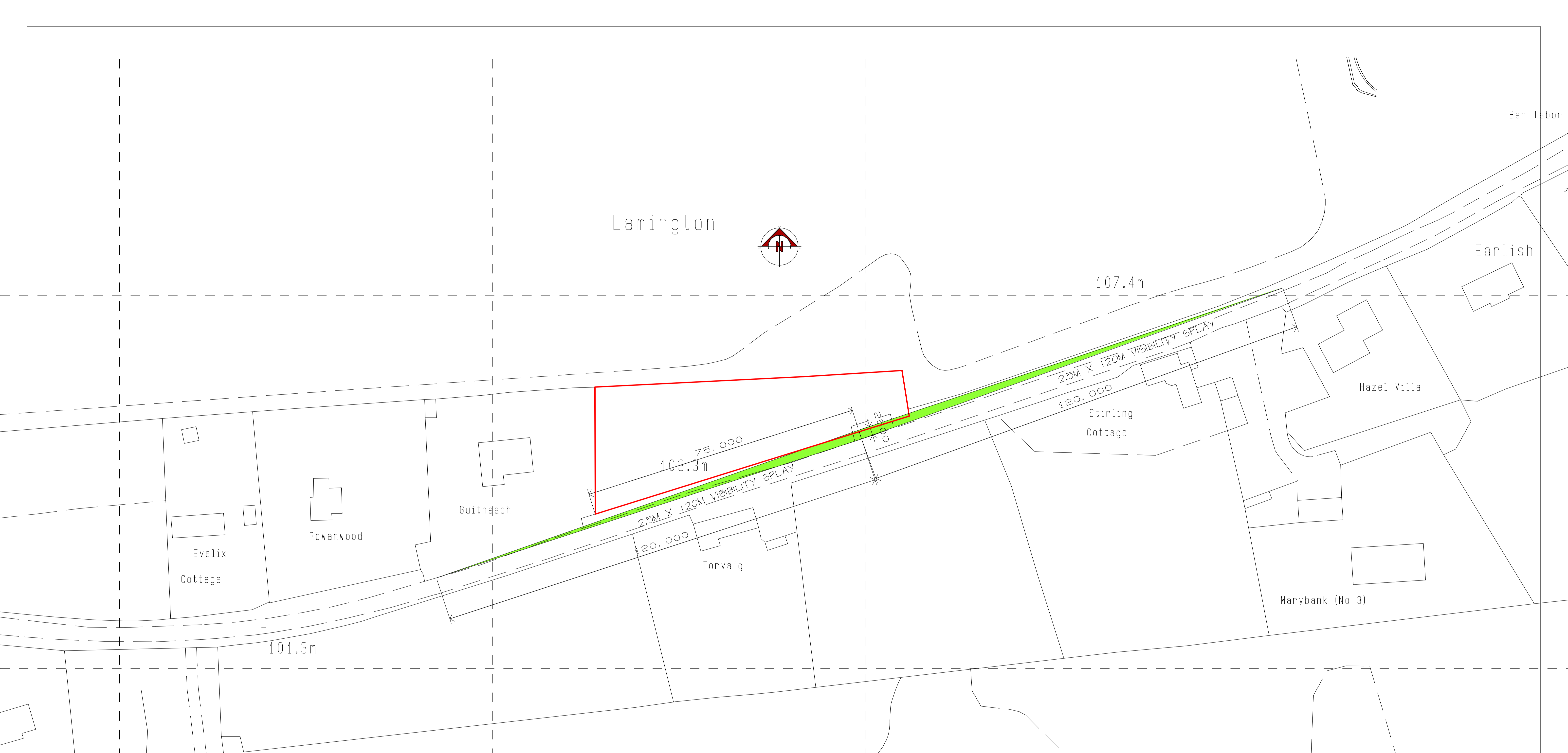
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DRAWN BY: A. D. Clark

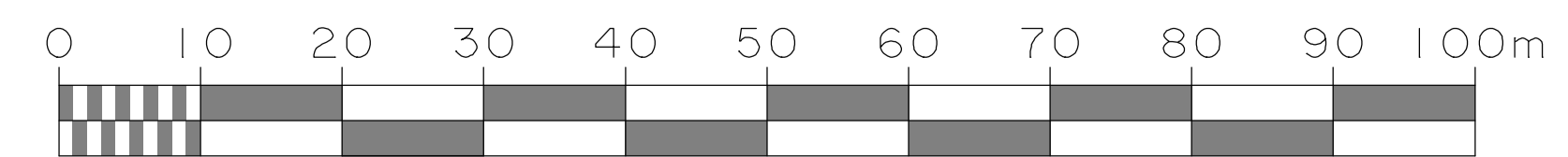
DATE: 2nd October 2006

REVISION:

A.  
B.  
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D.



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**COLVIN DESIGNS**  
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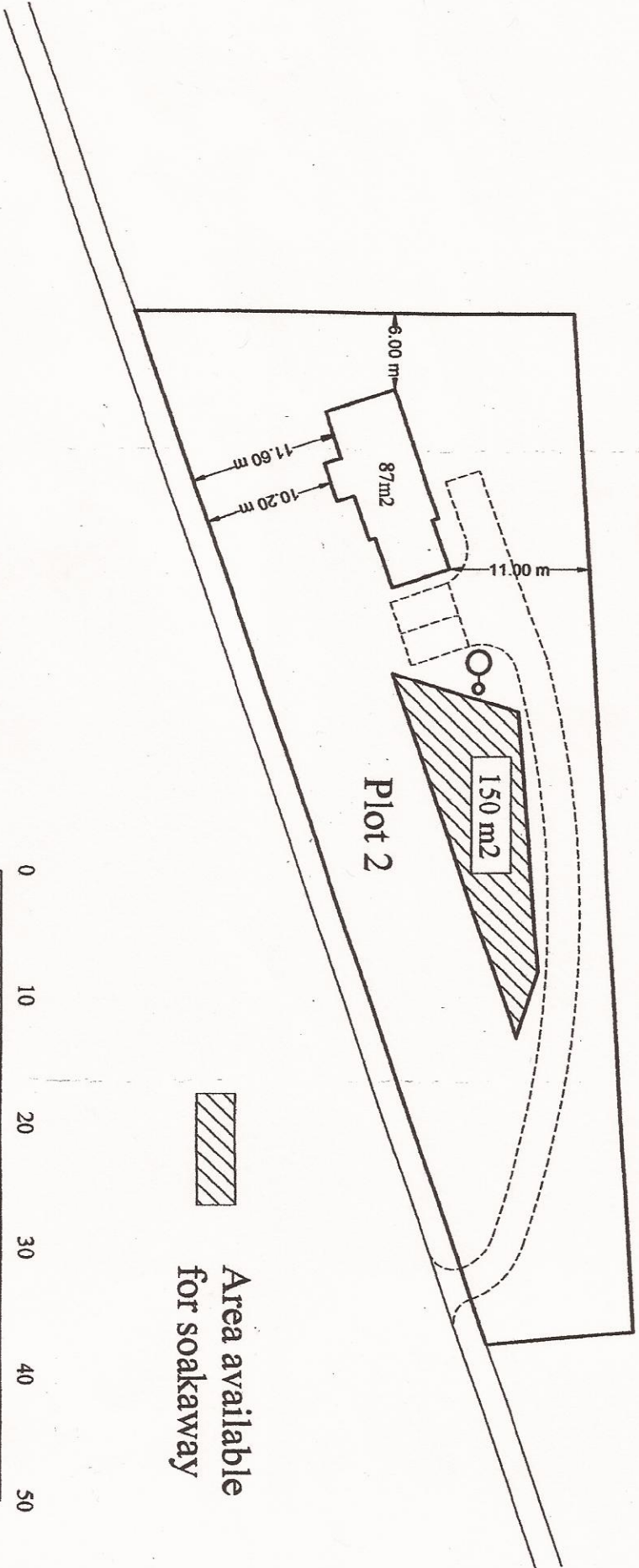
**CIOB**


Project  
 MR BRIAN LOGUE  
 PLOT 2, LAMINGTON CROFT

Drawing  
 SITE / LOCATION PLAN

Scale 1:500	Drawn by A.M.C
Date 11/7/14	Number 26/14

Minimum of 7.00m from  
boundary to tree line



 Area available  
for soakaway



Scale in meters (1 : 500)