

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
16 SEPTEMBER 2014**

Agenda Item	5.4
Report No	PLN/064/14

**14/00912/PIP: Mr Gordon Adam
Land 180m NE of Hillockhead, Rosemarkie**

Report by Area Planning Manager

SUMMARY

Description : Erection of House (Planning Permission in Principal)

Recommendation - GRANT

Ward : 10 - Black Isle

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Objection from Fortrose and Rosemarkie Community Council and the number of third party representations objecting to the development.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principal is sought for the erection of a house. The application has been made in parallel to application reference 14/00909/FUL. That application seeks planning permission in full for the change of use of an area of land and the siting of eight yurts, the erection of a facilities building, a drainage system and associated customer parking facilities. This type of tourist accommodation is referred to as glamping.
- 1.2 Access to the proposed house site and campsite will be taken from the public road via an existing private track which serves several houses and also the holiday letting complex at Hillockhead. The track terminates 150 metres, or thereby, to the east of Hillockhead, on land under the applicants' control. From this point the track reduces in scale to a typical agricultural track which runs across the hillside. It is proposed to upgrade this track to a condition that is suitable for use by construction traffic and thereafter by customers.
- 1.3 The application is supported by a business statement for Black Isle Yurts Ltd which can be summarised as follows:
 - Black Isle Yurts Ltd will be responsible for setting up and running the glamping site along with the development and management of an agricultural business.

- Glamping is a fast developing sector of the self-catering tourist accommodation market which is not catered for on the Black Isle. The closest sites are Fort Augustus, Aviemore, Glenshee and Adnamurchan.
- Testimony from VisitScotland which welcomes and supports the proposals.
- Financial requirements and forecast which indicate that no bank loans are anticipated and that Black Isle Yurts should have an operating profit by the end of year two.
- Farming and land management business will involve stocking the holding with sheep and cattle and potentially providing livery facilities.

1.4 **Variations:** Revised plans for woodland planting proposals.

2. **SITE DESCRIPTION**

2.1 The application site lies on the south face of the Black Isle some 180m, or thereby from the existing cluster of buildings known as Hillockhead. The site forms part of an agricultural holding land which covers 150 acres, some of which is used for grazing cattle and sheep. A significant part of the holding is woodland, the majority of which lies with the Rosemarkie and Shandwick designated SSSI.

3. **PLANNING HISTORY**

3.1 14/00909/FUL – Change of use of land to yurt campsite and erection of facilities block – which is currently before members for consideration.

14/01873/AGR – Prior Notification for Agricultural Storage building- Granted - 12.06.14. The site is at the end of the existing access track.

4. **PUBLIC PARTICIPATION**

4.1 Advertised : Potential Departure/Unknown Neighbour

Representation deadline : 04.04.2014

Timeous representations : Five

Late representations : One

4.2 Material considerations raised are summarised as follows:

- Inappropriate site as the house will be isolated on the hill.
- Impact on adjacent SSSI and protected species from construction of development and pressure from campers.
- Will bring significant change to an area popular with walkers.
- Contrary to policy regarding housing in the countryside.
- Development will increase the usage of the single track Eathie Road to the detriment of road safety.

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 **Access Officer:** No objection. The development may impact on a Public Right of Way. Care required to ensure that access is not hindered during or after construction. The applicants desire to improve the condition of the paths is welcomed as these have been neglected in the recent past.

5.2 **Forestry Officer :** No objection, subject to conditions.

The planting proposals brought forward in July 2014, following discussions on site, provide a well considered approach to woodland establishment on this site which balances the owner's objectives by avoiding the use of chemicals, while recognising that gorse, bracken and other competing vegetation needs to be effectively controlled to enable rapid establishment of trees.

The area of woodland to be formed around the site of the house and facilities block will provide multiple benefits in terms of biodiversity, landscape and shelter. Developed in the manner set out, it will establish rapidly and will secure future screening of the proposed development.

It is recommended that a Section 75 legal agreement is secured to cover future maintenance of the woodland, as this lies outwith the defined red boundary of the planning application.

The effluent soakaway and surface water infiltration trench require to be located outwith the woodland. This issue can be covered by condition.

5.3 **Fortrose and Rosemarkie Community Council:** We wish to object for the same reasons as set out in our response to planning application 14/00909/FUL which relates to the parallel application for the change of use of the land to form the glamping site and the construction of the facilities building. The comments can be summarised as follows:

- The development will have an adverse impact on the SSSI, the Black Isle Path Network and the South Sutor to Fort George Special Landscape Area
- The access must be amended so that it does not impact on the public right of way and the holiday complex at Hillockhead.
- Siting of the house is unattractive and will have a negative impact on open views of the hillside beyond Hillockhead.
- Impact on bats by development.

5.4 **NATS:** No safeguarding objection.

5.5 **Scottish Water:** No objection. Limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28 Sustainable Design

Policy 35 Housing in the Countryside (Hinterland Areas)

Policy 43	Tourism
Policy 51	Trees and Development
Policy 57	Natural, Built and Cultural Heritage
Policy 61	Landscape

6.2 **Ross and Cromarty East Local Plan (as remains in force) adopted 2007**

Hinterland Boundary

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Inner Moray Firth Proposed Development Plan (November 2013) – Hinterland Boundary.

7.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside and Siting and Design (March 2013)

Special Landscape Area Citations (June 2011)

Trees, Woodlands and Development (January 2013)

7.3 **Scottish Planning Policy (The Scottish Government, June 2014)**

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 principal issue is whether the development accords with the provisions of the Highland wide Local Development Plan(HwLDP) Policy 35 Housing in the countryside and the exceptions that are detailed in the Supplementary Guidance; Housing in the Countryside and Siting and Design. Policy 35 also requires that the development accords with the other relevant policies contained within the Highland wide Local Development Plan which in this instance are Policies 28 (Sustainable Design), Policy 43 (Tourism), Policy 57 (Natural, Built and Cultural Heritage) and Policy 61 (Landscape).

8.4 Within the Hinterland of Towns, the Councils' Development Plan identifies the majority of housing development opportunities within existing towns and villages (Settlement Development Areas). Outwith these, there is a general presumption

against housing development in the open countryside in the defined hinterland around towns area.

- 8.5 Exceptions to this policy, as set out in the supplementary guidance, include amongst others, the provision of a house for the management of a new rural business. The provision of tourist accommodation, in this case the glamping site, is a rural business activity. Tourism development, including the provision of tourist accommodation, is supported under the terms of Policy 43 of the Highland wide Local Development Plan. The key issue is whether the need for a manager's house has been demonstrated by the applicant in their supporting statement which accompanied the application. The supplementary guidance requires that evidence must be submitted as to why it is necessary to the business that accommodation is essentially needed on site.
- 8.6 The applicant's business plan indicates that a presence on site is necessary in the first instance to ensure security on the site whilst the construction phase is taking place. Thereafter once they start receiving guests the manager will attend to the customers' needs.
- 8.7 It is noted that in the first instance the applicant intends to use a temporary form of accommodation such as a caravan or yurt and that only once the business has become established would a house be constructed. The business plan indicates that this would only be when finances permit and would not be in the first two years of the business being established. Any temporary accommodation will require a further planning permission.
- 8.8 For the glamping site to be successful it is not unreasonable for the manager to live on site thus being available to attend to the guests 24 hours a day. It is also noted that the business plan includes stocking the holding with cattle and sheep. It is acknowledged that a presence on site is generally beneficial for animal husbandry and welfare.
- 8.9 It is considered therefore that there is justification to support the principal for a house. Given the terms of the supplementary guidance in relation to houses associated with new rural businesses, it is considered reasonable to secure that the house is not built on the site until the business to which the house relates has been established through the use of a suspensive condition and that the house is tied to the land holding through a Section 75 Agreement.
- 8.10 Policy 28 (sustainable development) of the HwLDP aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal states that proposals should be assessed on the extent to which they "are compatible with public service provision, impact on individual and community residential amenity" and "demonstrate sensitive siting in keeping with local character and historic and natural environment. Policy 61 (Landscape) aims to encourage those undertaking development within areas identified for their special landscape qualities, in this instance the Sutors of Cromarty, Rosemarkie and Fort George Special Landscape Area, to include measures to enhance the landscape character, whilst ensuring that development is of an appropriate form, and pattern.

- 8.11 Concern has been expressed in the third party representations, and also in the consultation response received from the Community Council, that the location of the house, and the other developments which are the subject of the parallel application, are in an inappropriate location which will have a negative impact on the landscape character of the area.
- 8.12 It is acknowledged that the house site which lies close to the site of the facilities building, is located on the open hillside, adjacent to the woodland within which the glamping site will be formed. The landscape character in this area is of steep hillside with a regular pattern of farmland on the slopes punctuated by isolated dwellings and farmsteads located on the higher ground above the cliff top.
- 8.13 In this regard the development of a single house site, well separated from existing buildings, is considered to be in keeping with the general pattern of development. The scale and massing of the house would require to be the subject of a further application for approval of reserved matters.
- 8.14 Notwithstanding the above, a key component of the development proposal is to create a new woodland around and including the house site. The proposals for the establishment and management of this woodland have been the subject of detailed discussions between the applicant and the Planning Service Forestry Officer. The outcome of the negotiations is a proposal which will see the establishment of woodland which will extend the size of the existing woodland and will provide a setting in the medium to long term for the built development associated with the glamping site. It is considered that this proposal supports the aims of development plan Policy 61 by improving the quality of the landscape by the removal and management of gorse and bracken and re-planting with new trees.
- 8.15 It is noted that the Forestry Officer considers that the maintenance of the woodland which is to be formed should be covered by a Section 75 Agreement. Given that the applicant is the owner of all of the land it is considered sufficient to attach a suitably worded condition to the planning permission for the facilities building (ref 14/00909/FUL) which requires implementation of the woodland plan, as submitted. This requires the future maintenance of the woodland, in perpetuity.
- 8.16 In their consultation response the Community Council indicate that they wish to object to this application for the same reasons they oppose the parallel application for the facilities building and the glamping site. Other than the issues referred to in paragraphs 8.11- 8.15 above, they refer to potential impact on the adjacent SSSI and protected species by an increase in visitor numbers and the impact on the public footpath network. These issues are addressed in the report on the parallel application. It should be noted that the location of the house site does not affect the right of way.
- 8.17 With respect to the concerns relating to additional traffic using the Eathie Road, this is also referred to in the parallel report. The additional traffic which would be associated with a single house is not of a scale as to impact significantly on the public road network. The applicant has indicated that visibility splays of 2.4m x 160 metres can be achieved at the junction with the public road, by setting the existing fence further from the road verge and that the existing junction can be upgraded to

meet current standards with improved service layby and bin storage provision. These improvements are also required in connection with the parallel application for the development of the glamping site and will require to be delivered with that development and therefore before any development on the house site commences. The works are considered sufficient for a single house development.

8.18 Given that the house site is more than 500m to the east and, due to the topography of the hillside, not in direct line of sight of the existing house and tourist accommodation at Hillockhead, it is not considered that the development of the site will have a significant impact on the Hillockhead holiday complex.

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

8.20 In accordance with the terms of the supplementary guidance Housing in the Countryside, Siting and Design, a Section 75 Agreement should be secured to tie the house to the land holding on which the business activities are to be undertaken.

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 Y

Conclusion of Section 75 Agreement Y

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 plot which clearly identifies the domestic curtilage of the dwellinghouse
 - ii. a plan of the plot; showing site levels as existing and proposed and cross sections showing the finished floor level of the house in relation to an agreed and fixed datum;
 - iii. the design and external appearance of the dwellinghouse;
 - iv. landscaping proposals for the domestic curtilage of the dwellinghouse;
 - v. details of the parking and turning for two vehicles;
 - vi. details of the proposed drainage system. For the avoidance of doubt this shall be designed in accordance with the Principles of Sustainable Drainage and with reference to The Highland Council Supplementary Guidance.

Reason : In order to accord with the statutory requirements of the Town and

Country Planning (Scotland) Acts

2. Any details pursuant to condition 1 above shall have a footprint of no greater 120m² and shall be located within the area shaded dark blue, all as shown and described by the term ' Proposed Manager's House' on approved plan B2- Site Plan.

Reason: In order to secure an appropriate location and footprint of the house given the landscape character of the area.

3. Any details pursuant to condition 1 above shall show a house design incorporating the following traditional design elements.

- Vertical emphasis to the windows.
- Roof pitch of no less than 40°
- Roof shall be finished with natural slate or a slate substitute. For the avoidance of doubt, a slate substitute does not include a 'concrete tile'

Reason: In order to secure an appropriate design of house given the landscape character of the area.

4. No development shall commence until the business to which the house relates, as approved by planning permission 14/00909/FUL, has been established. For the purposes of this condition the business will be considered to be established once the facilities building has been constructed and brought into use and the eight units have been made available for occupation.

Reason: In order that the Planning Authority can retain effective control over the site in recognition of the Development Plan Policies regarding housing in the countryside. The site is located in an area where Council policy restricts new housing and in the interests of compliance with this restriction, it is expedient to ensure that the business which justifies the need for a house is established.

5. Prior to the first occupation of the dwellinghouse a refuse bin storage area shall be provided at the junction with the public road, outwith the visibility splays.

Reason : To ensure adequate provision for bin storage and 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 DIRECTION

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

Temporary Accommodation

You are advised that a further application for planning permission will be required for the temporary accommodation referred to in the Business Plan submitted in support of the application.

Maintenance of Public Right of Way

As the site is close to a right of way there should be no hindrance to use by the public and the proposed development should not obstruct or deter use of the route before, during or after construction. This would include any of the following:

- the 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,
- Park vehicles or place other structures

Any damage to the route must be repaired to as good or better a standard than pre development.

Protected Species:

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species is found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy a breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

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 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.

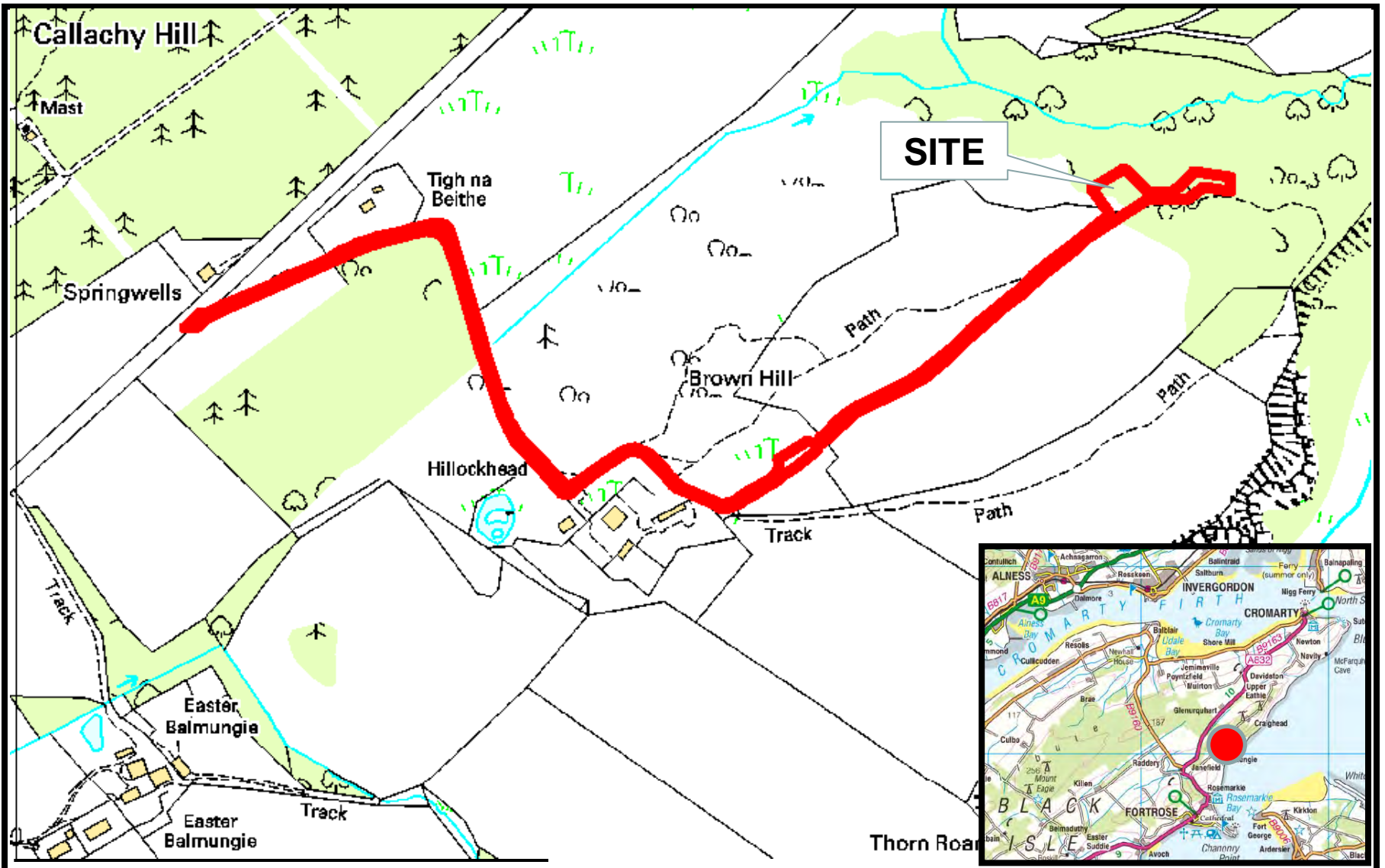
Mud & Debris on Road

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: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 –Location Plan
Plan 2 – Site Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr and Mrs Peter and Michele Jansen	An Taigh Geal, Eathie Rd, Rosemarkie, IV10 8SL	03/04/2014	Against
Mr and Mrs Watters	Springwells Cottage, Flowerburn, Rosemarkie, Fortrose, IV10 8SL	05/04/2014	Against
Mr Stephen Thompson	98 Mercia Avenue, Charlton, Andover, SP10 4HA	19/03/2014	Against
Mr Gordon Stewart, Fortrose		04/04/2014	For
Mrs Kelly Spence	13 Seaforth Drive, Fortrose, IV10 8RQ	04/04/2014	Against
Ms Kath MacLennan	Gallowhill, Avoch, Ross-shire, IV9 8QS	23/06/2014	Against



Development & Infrastructure Service

PLAN 1

14/00912/PIP

Erection of house at Land North East of Hillockhead, Rosemarkie

16 September 2014

N



Scale:



STAGE 2 PLANTING
to be carried out after construction of earthworks and building

species	min quantity
<i>Betula pubescens</i> (Downy Birch)	28
<i>Sorbus aucuparia</i> (Rowan)	12
<i>Coryllus avellana</i> (Hazel)	10
<i>Quercus petraea</i> (Sessile Oak)	10
<i>Cartageous monogyna</i> (Hawthorn)	5

New trees to be 40-60cm saplings planted in plastic tubes with timber stakes.

Any failed, grazed or damaged trees to be replaced on an annual basis, until established to the satisfaction of Planning Authority

Notes:
refer to A.F. Cruden Assocs drwg CA137919/03 for details of drainage systems

refer to indicative planting map and report by N. Mackenzie for details of stage 1 planting

Revisions

A	04.06.14	amend access, carpark, tree plantings
B	09.07.14	extend stage 1 planting area

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Proposed Yurt Holiday Facilities
Brown Hill, Rosemarkie

Facilities Block - Site Plan

