

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
30 September 2014**

Agenda Item	7.8
Report No	PLS/075/14

**14/03051/MS: D & C Turnbull
Land 75M SW of Tigh Litrichean, Dalchreichart, Glenmoriston**

Report by Area Planning Manager - South

SUMMARY

Description : Erection of house

Recommendation - APPROVE

Ward : 13 - Aird and Loch Ness

Development category : Local

Pre-determination hearing : n/a

Reason referred to Committee : 5 or more objections

1. PROPOSED DEVELOPMENT

- 1.1 Erection of single storey house on the south side of the Dalchreichart Road. The house will have a finished floor level of 119.5m above ordnance datum to meet the recommendations set out in the Flood Risk Assessment and as recommended by the Flood Team.
- 1.2 The proposed vehicular access is from the public road and will comprise a service bay and sightlines of 2.4m by 90m in either direction. The house will be served by a septic tank and a separate soakaway for surface water.

2. SITE DESCRIPTION

- 2.1 The site slopes gently to the south and is screened to view from the east (in the direction of Tigh Litrichean) by trees which lie outwith the application site. There is an existing house to the east and houses on the north side of the public road.

3. PLANNING HISTORY

- 3.1 12/03624/PIP – Planning permission in principle granted by the Review Body on 27 June 2013.

4. PUBLIC PARTICIPATION

4.1 Advertised : n/a

Representation deadline : 5.09.14

Timeous representations : 5

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Contrary to the development plan – contrary to policies 28, 29 and 35 of the Highland-wide Local Development Plan as the site is on the south side of the public road and contrary to the settlement pattern and intrusive in the landscape.
- Road traffic safety - single track road which is in poor condition especially in winter and because of the increased traffic as a result of developments which have been approved along the road. Limited number of passing places resulting in use of verges and entrance drives.
- Public transport – this is only available in Invermoriston and the bus stop was removed from the end of the road.
- Nearest shop - this is also in Invermoriston and Fort Augustus.
- Electricity supply - supply line was only intended as a generation feed line and not to serve 40+ dwellings.
- Mobile phone and radio signal, internet connection and landline – inadequate or no service (radio signal).
- Drainage – can be a problem in winter with flooding of fields south of the road.
- Stone dykes – progressively removed from the road. Loss of wall to form visibility splays.

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 **SEPA:** no objections.

5.2 **Transport Planning :** no objections.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

29	Design Quality & Place-making
36	Development in the Wider Countryside
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage

6.2 Inverness Local Plan (as continued in force)

n/a

7. OTHER MATERIAL CONSIDERATIONS

7.1 Proposed Inner Moray Firth Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments

Flood Risk & Drainage Impact Assessment

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

8.3.1 Planning permission in principle for one house exists following consideration by the Planning Review Body of an appeal on this site. The Review Body took the view the proposal did comply with the Development Plan in that the house would not be in conflict with the existing housing pattern or unduly detrimental to visual amenity. This was granted on 27 June 2013 subject to a number of conditions. The principle has therefore been accepted and the only matters that fall to be considered relate to the matters specified in the planning permission in principle. It is noted too that the proposed design reflects those of existing approvals along this road.

8.4 **Material Considerations**

In terms of the representations these raise the following issues (these were raised at the time of the planning permission in principle):

Contrary to the development plan – The application was determined by the Review Body which took the view the proposal was not contrary to Policies 28, 29 and 35 of the Highland-wide Local Development Plan. The Review Body considered that the proposal was not in conflict with the existing housing pattern, nor unduly detrimental to visual amenity. The principle of development has therefore been established and the comments relating to the principle of development are no longer valid given the recent decision of the Review Body.

Road traffic safety – The public road is single track and appears to be in good condition. A section close to the junction with the A887 has recently been re-surfaced. There are existing passing places along the road. Transport Planning has never advised that the capacity of this road has reached the limit whereby it cannot take further traffic or of the need for further passing places. Sightlines will be provided by the applicant in accordance with the recommended guidelines, which will require the removal of the wall.

Flooding – In terms of the concerns raised regarding the issue of drainage, this is assumed to relate to flooding. SEPA did not object to the application for planning permission in principle as the site was located outwith the area defined within the 1 in 200 year plus climate change event. The Flood Team agreed to the finished floor level of 119.5m above ordnance datum to meet the recommendations set out in the Flood Risk Assessment.

Privacy/Overlooking – The owner of Tigh Litrichean is concerned about privacy and overlooking. Her property is immediately to the east of the site and also south of the road. There is a gap between the site boundary and the boundary of Tigh Litrichean formed by an access track and deciduous trees on both sides of that track. With both properties having a north-south orientation it is difficult to see how the privacy of Tigh Litrichean will be affected. There is sufficient separation distance between the gables of both properties.

8.5 **Other Considerations – not material**

In terms of the absence of a bus stop and shop this is not material to determination of the application. In addition, the issues of electricity supply, mobile phone and radio signal reception, internet connection and landline, and removal of stone dykes are all not considered material considerations.

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. The proposal complies with the conditions of the planning permission in principle and can therefore be supported.

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 **Approved**.

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.

The planning permission in principle to which this approval of matters specified in conditions relates is: **12/03624/PIP**.

The conditions attached to the specified planning permission in principle, which are purified by this approval of matters specified in conditions, are: **1,2,3,4**.

The following condition attached to the specified planning permission in principle remains in force/to be purified is: **5**.

TIME LIMITS

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on this decision notice.

No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this approval of matters has been submitted to and acknowledged by the Planning Authority.

Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

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.259), 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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

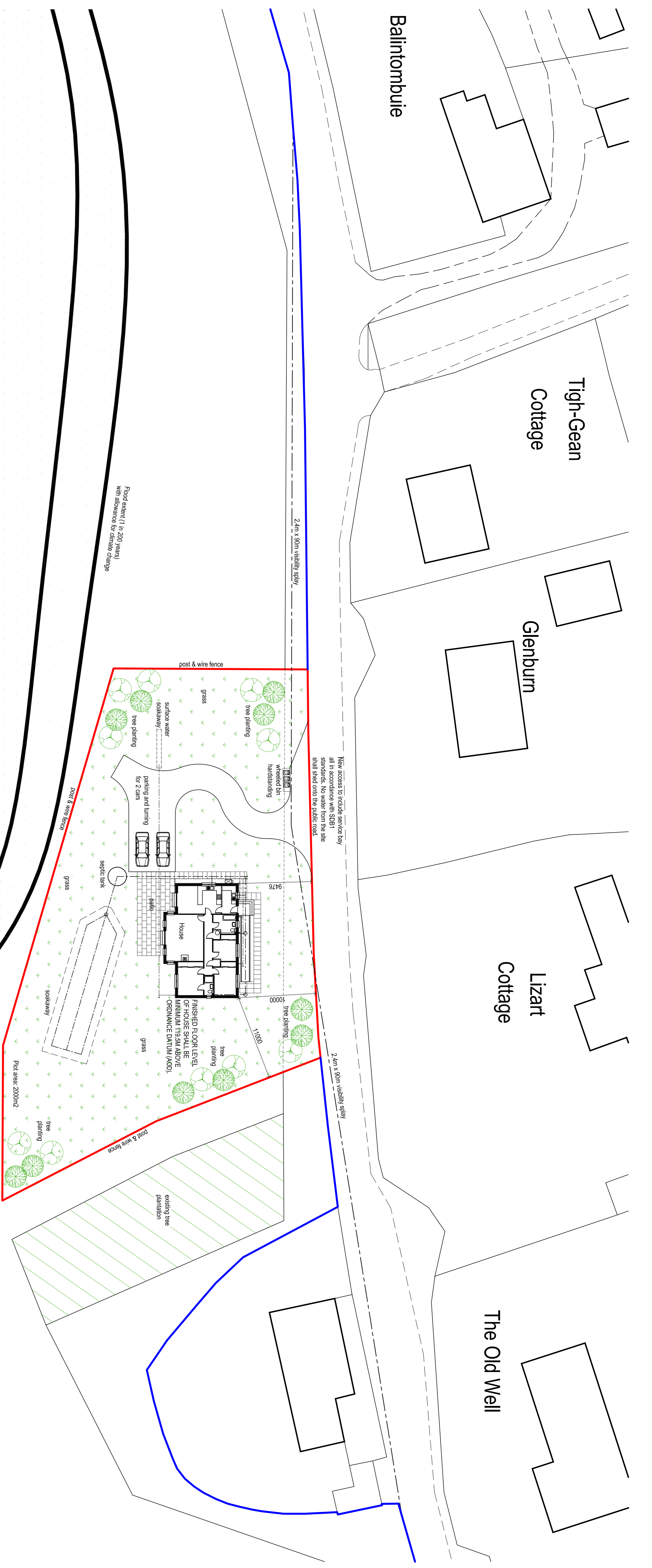
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 –Location Plan
Plan 2 –Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Ms Carole MacLean	Tigh Litrichean, Dalchreichart, Glenmoriston	04.09.14	Against
D.Andrews	Lizart Cottage, Dalchreichart, Glenmoriston	05.09.14	Against
A.Klarzynska	Glenburn, Dalchreichart, Glenmoriston	05.09.14	Against
Adam Philip	Dalchreichart Area Residents Association per Deer Field, Dalchreichart, Glenmoriston	04.09.14	Against
Peter Yair	Dalchreichart Area Residents Association per The Lilac Patch, Dalchreichart, Glenmoriston	04.09.14	Against



site plan. scale 1:250.

SEPTIC TANK SOAKAWAY:

The sub-surface irrigation system should be located in the area in which the percolation tests were carried out and no part of the system should be within 50m of any spring, well or borehole used as a drinking water supply. Thickness of any roadside ditch, field drain, watercourse or 5m of boundary.

The solid perforated pipe should be laid in a continuous track. The solid perforated pipe should be laid at a gradient of 1:200 and the distance between the parallel runs of pipe should be not less than 2meters. The pipe should be laid on a 200mm deep bed of 20-50mm clean broken stone minimum of 1m above the water table. The soakaway should be wrapped in geotextile fabric and overlaid with topsoil.

Minimum basal area of soakaway (A) to be calculated as:
(A = P x Vp x 0.25)

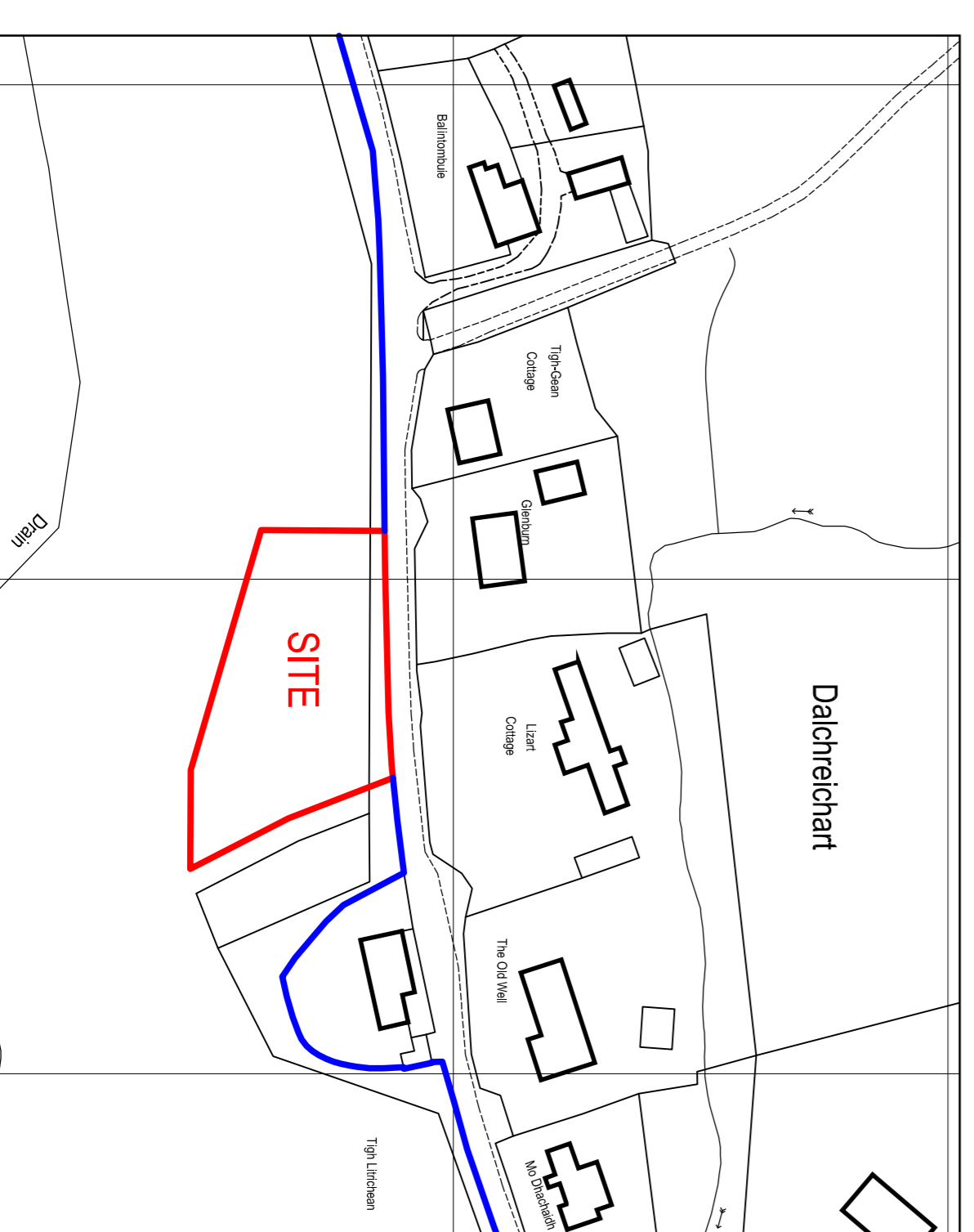
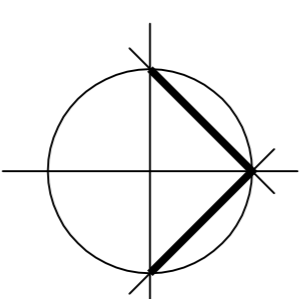
LANDSCAPING PLAN

PROPOSED PLANTING:

20no. new trees (1500mm high) to be planted: 10no. Rowan and 10no. Birch.
All planting to be carried out in accordance with BS428.
New tree planting to be protected against deer etc. with 1.5metre high Tulex, or equal, Tree Stainer. Tree to be supported with 3no. stakes or proprietary industry-standard adjustable rubber ties.
Planting to be carried out in first planting season following commencement of the development.

MAINTENANCE PROGRAMME:

- A 5 year maintenance programme will be implemented and will include:-
- 1m spot application of Glyphosate to the base of the tree to reduce weed competition (at least once per year - June/July).
 - Treatment of any non-diseased/decayed weeds using a selective herbicide (at least once per year - June/July).
 - Hand weeding and adjustment of tree staker (at least once per year - June/July).
 - Replacement of any failures on an ANNUAL basis.



location plan. scale 1:1250.

level	description	date

Gary Cuthbert
ARCHITECTURAL TECHNICIAN

43 Duke's View • Stockbule • Inverness • IV2 4BB
Tel / fax • 01463 417301
e-mail • gary@garycuthbert.co.uk

client: **D & C Turnbull.**

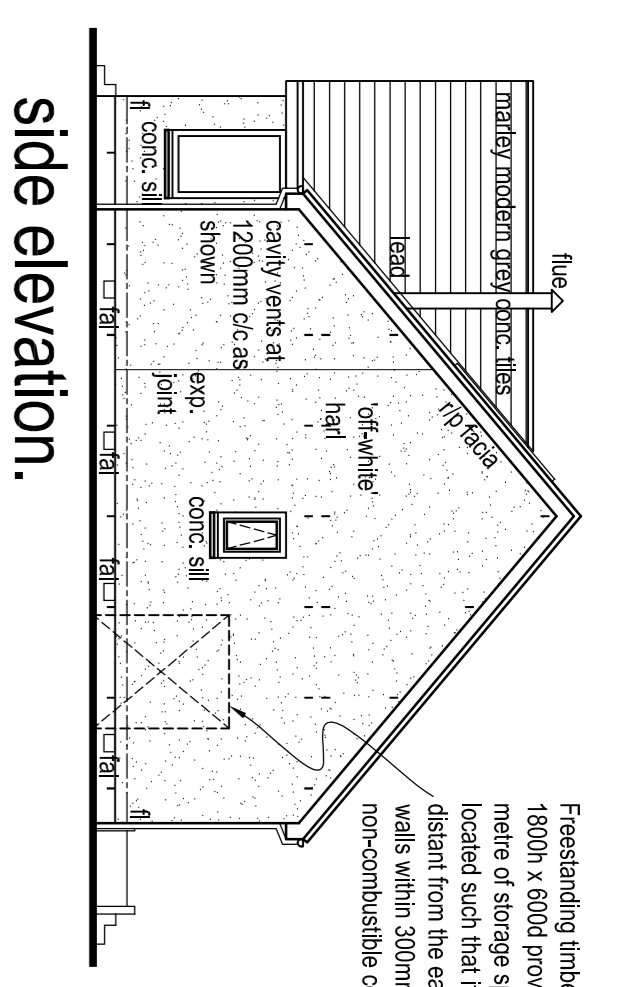
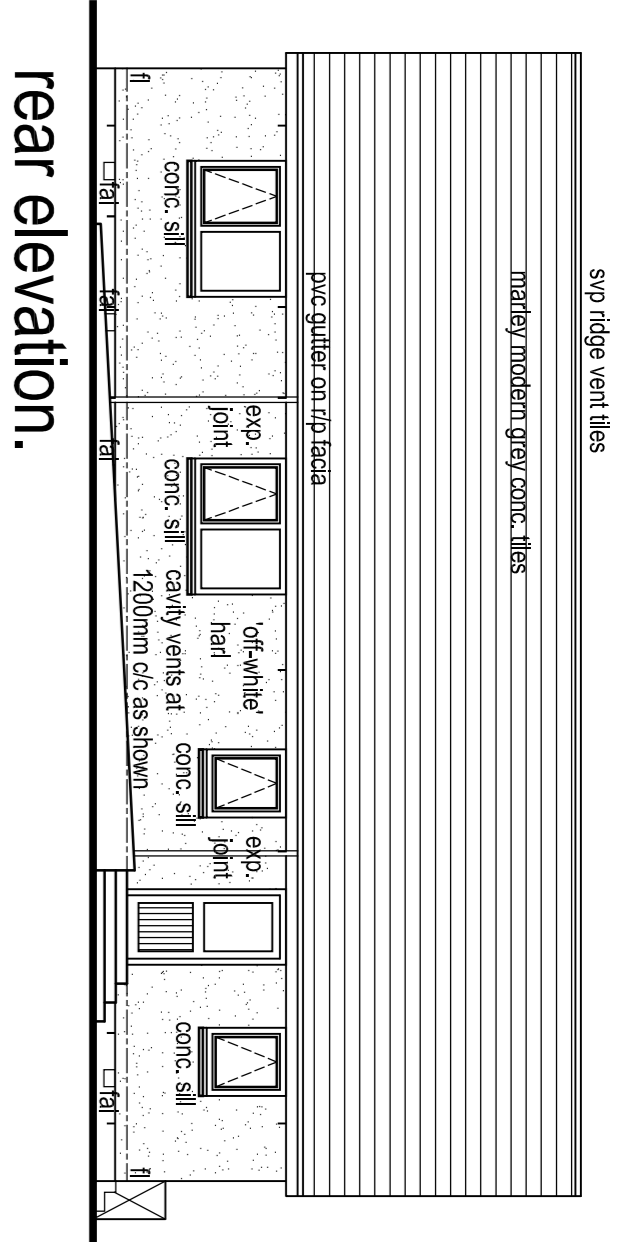
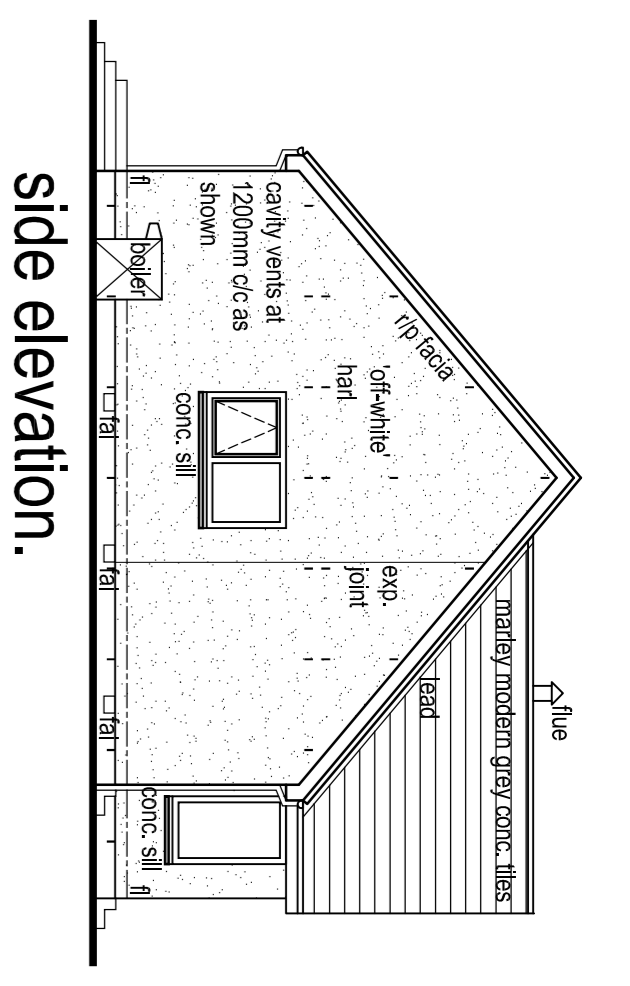
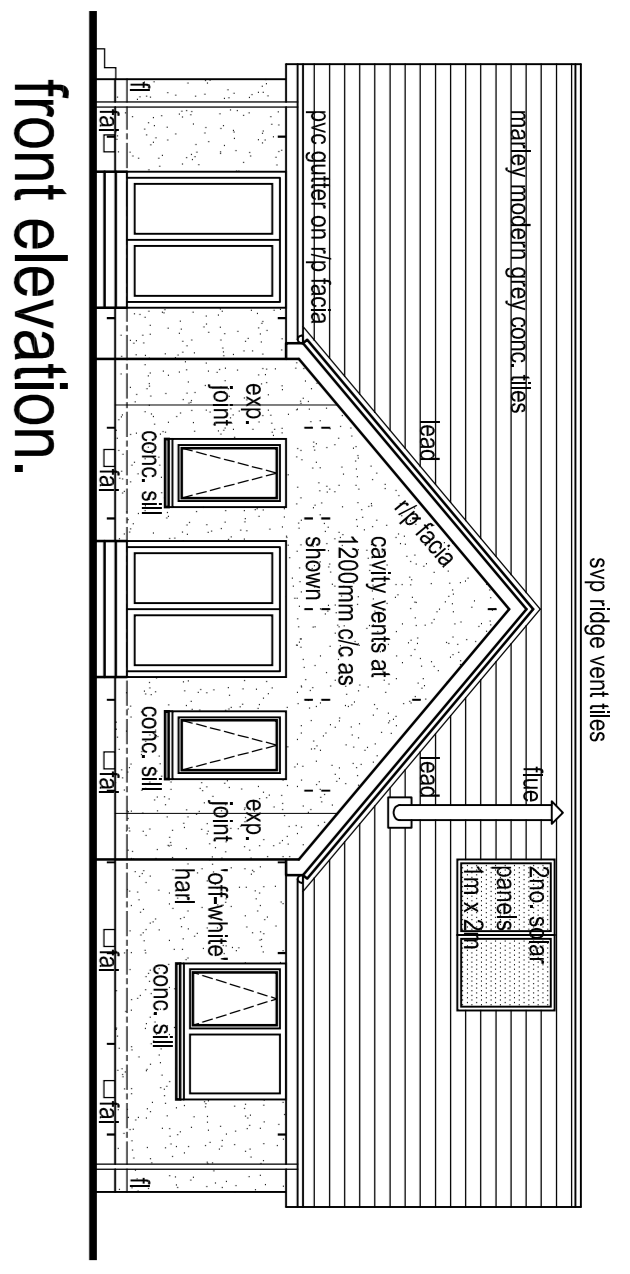
project: **Proposed house at land 75m west of Tigh Litrichean, Dalchreichtan.**

drawings: **Site & location plans.**

job no:	date:
3812.	01.

scale:	date:
1:250, 1:1250.	June 2014.

notes: 1) Any discrepancies to be reported to Client / Technician.
2) Written dimensions to be used, do not scale.
3) Contractor to check all dimensions prior to commencing works.
4) Drawing © Gary Cuthbert - Architectural Technician.



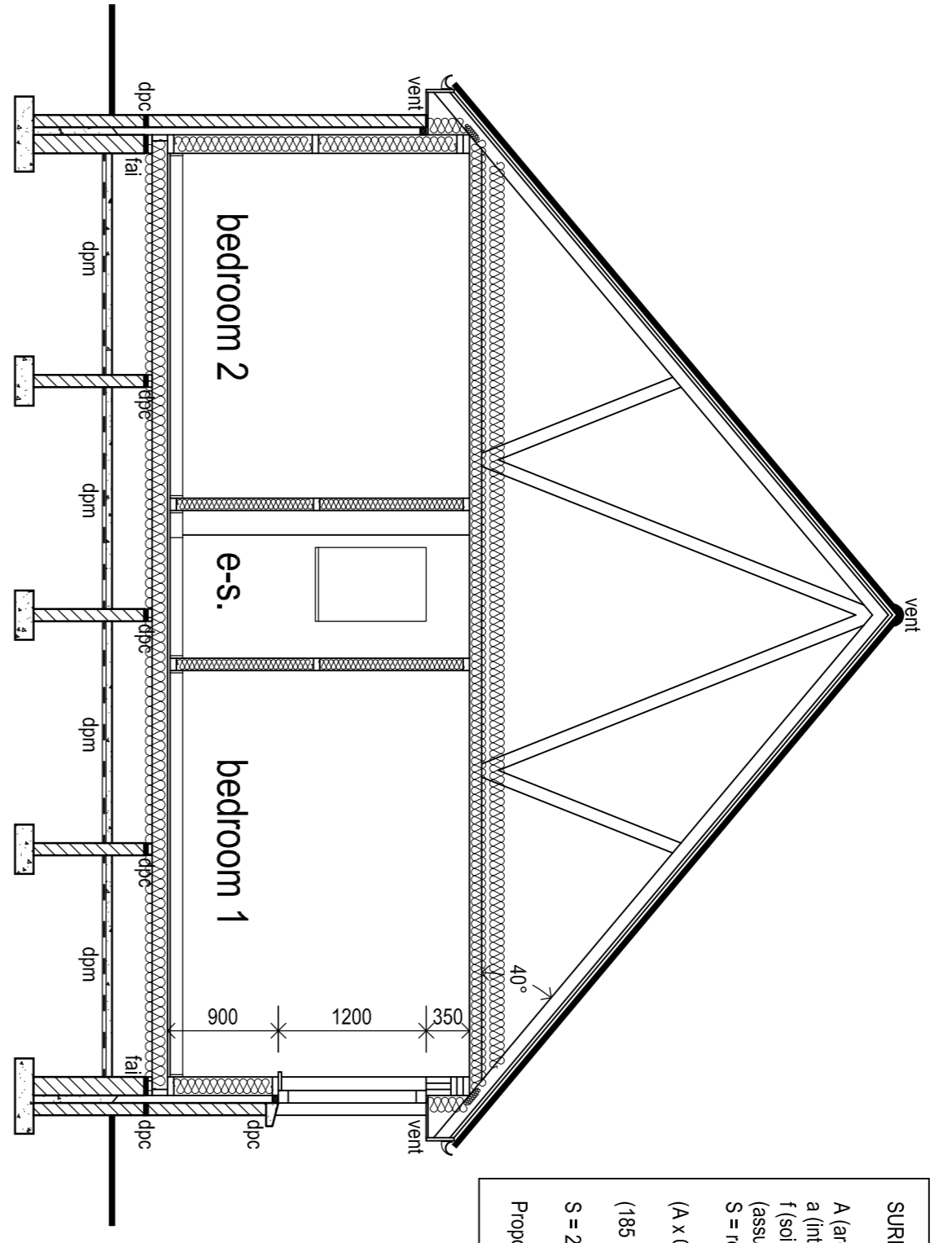
FLOOR AREA = 114.75m²

front elevation.

side elevation.

rear elevation.

side elevation.



section.

wastewater treatment label detail.

The drainage system from this property discharges to a wastewater treatment plant (or septic tank, as appropriate). The owner is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or a nuisance.

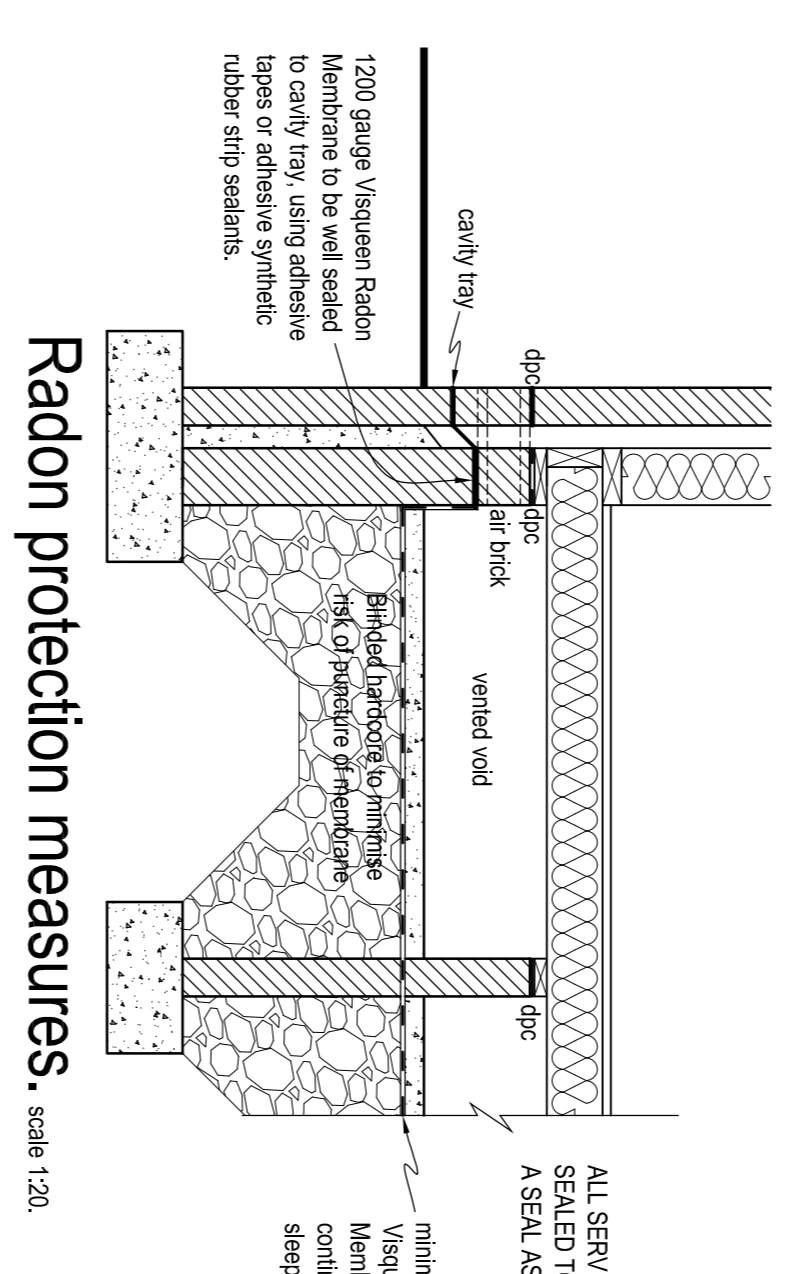
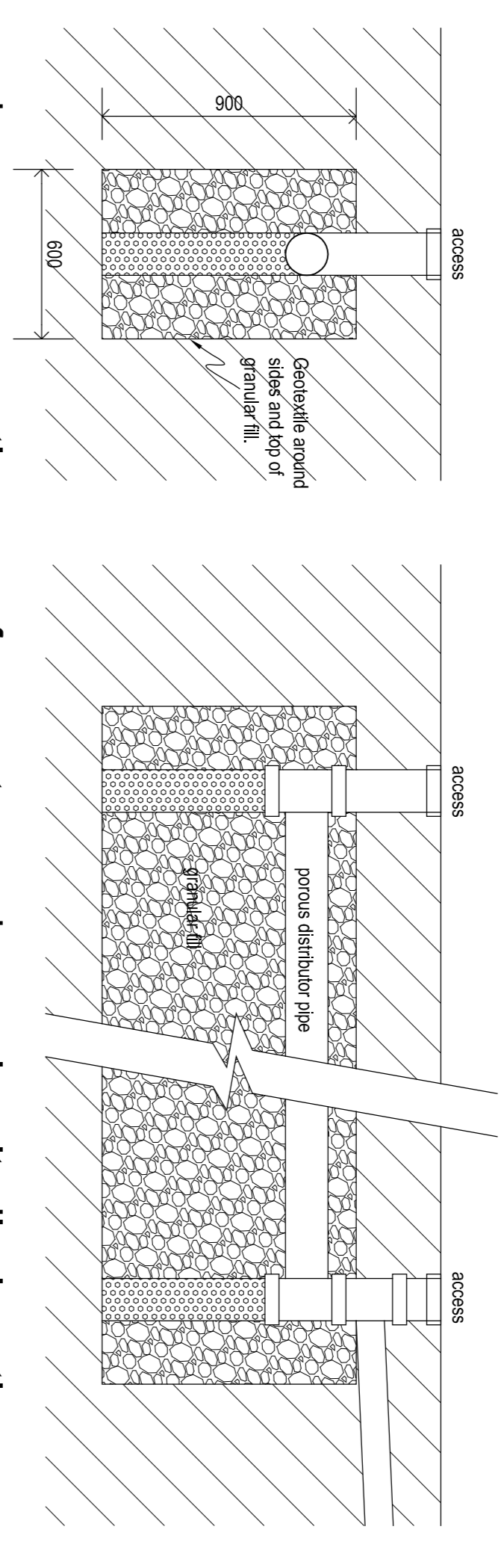
A suitable location for the label would be adjacent to the kitchen sink, gas or electricity consumer unit or the water stop cock.

SURFACE WATER SOAKAWAY CALCULATION:

A (area to be drained) = 185m²
 a (internal surface area of soakaway to 50% depth, excluding bases) = 5.04m²
 f (soil infiltration rate m/s) = 0.000071 m/s
 f (assuming slow production rate of 140 seasons)
 S = required storage m³
 (A x 0.0145) - (a x f x 15 x 60) = S
 (185 x 0.0145) - (5.04m² x 0.0000071 x 15 x 60) = S
 S = 2.65m³

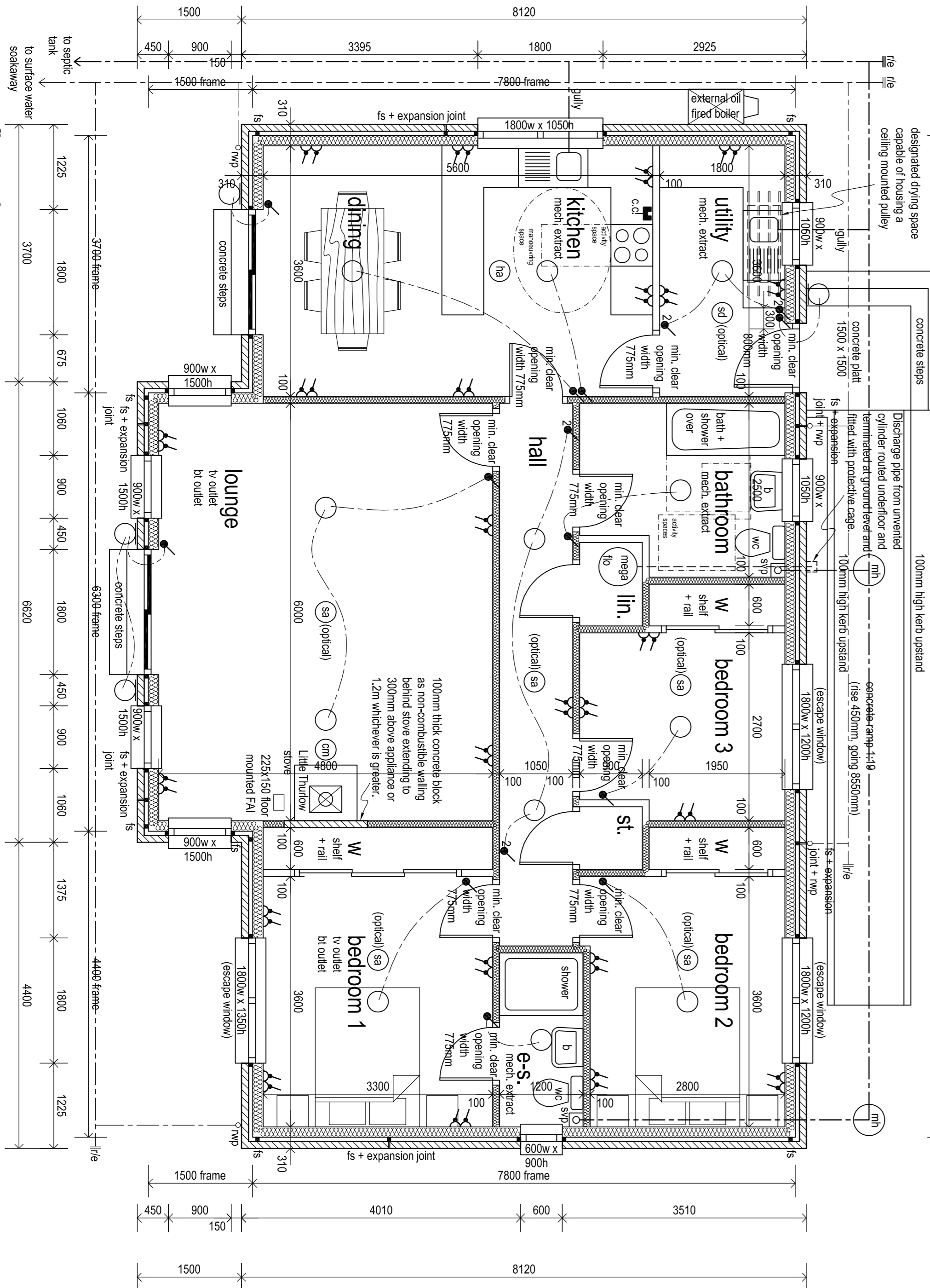
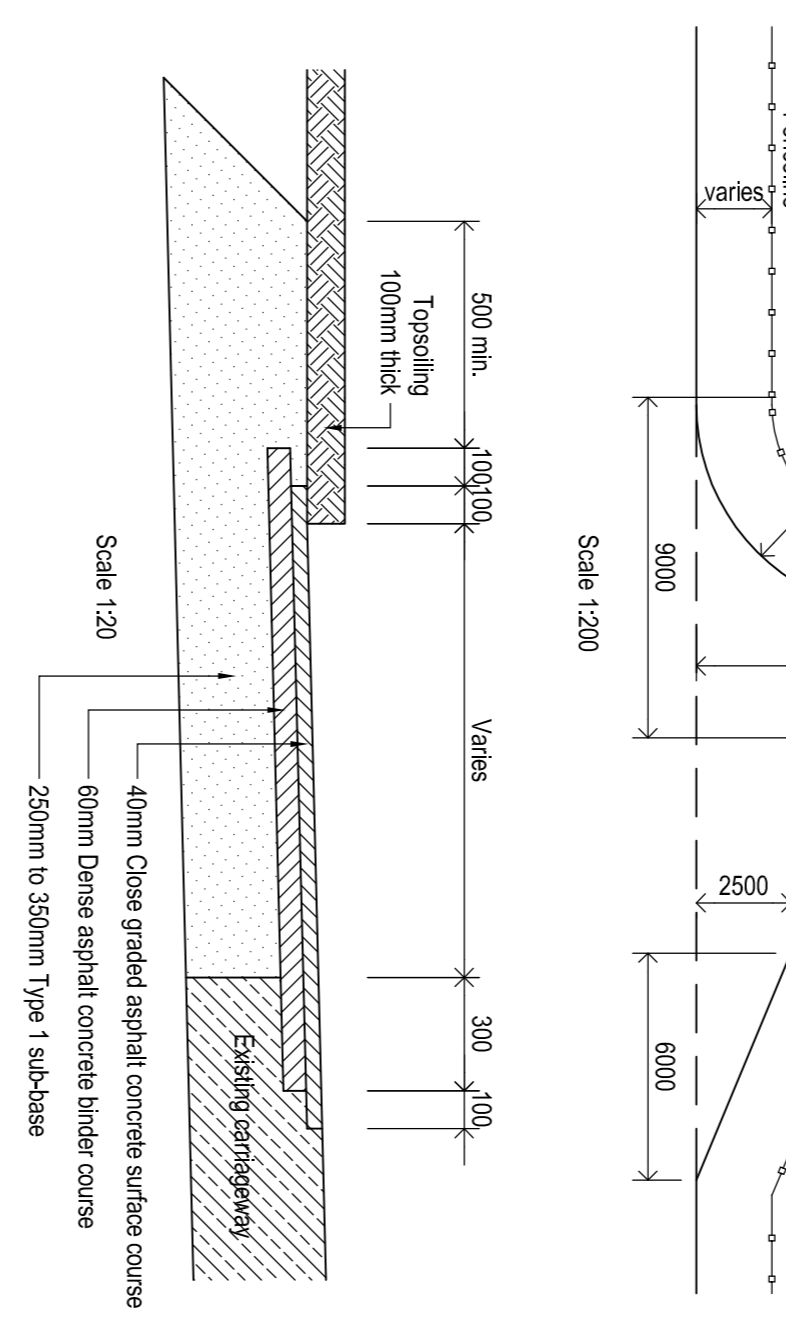
Proposed soakaway size = 6m x 0.6m x 0.6m deep = 2.7m³ > S (2.65m³)

soakaway cross section. surface water soakaway longitudinal section. scale 1:20.

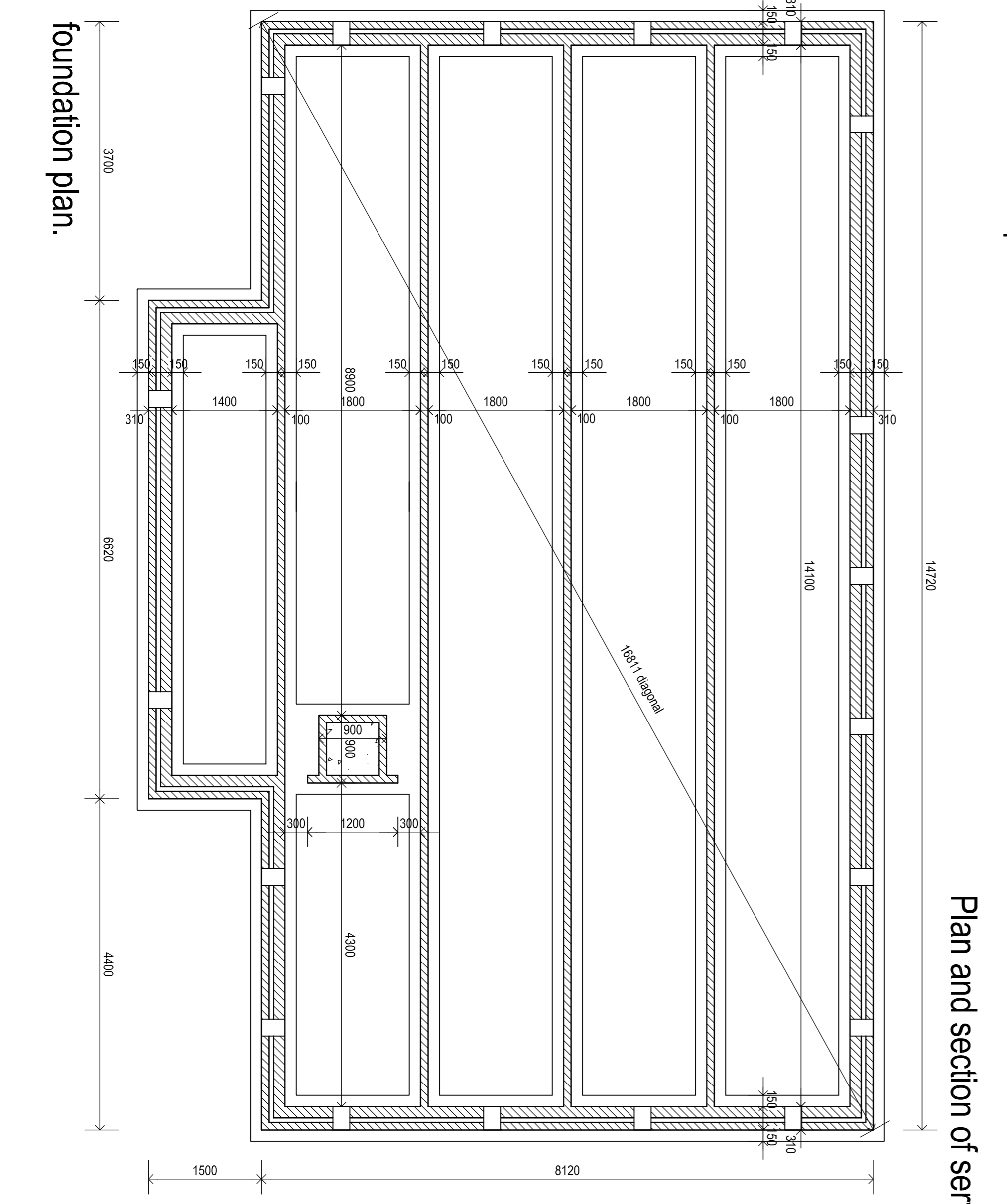


Radon protection measures. scale 1:20.

Plan and section of service bay (SDB1).



floor plan.



foundation plan.

TYPICAL MATERIAL SPECIFICATION

- SURFACE COURSE**
- A. 40mm of 14mm nominal size dense graded asphalt concrete to Clause 912 of the Specification for Highway Works.
- BINDER COURSE**
- B. 60mm of 20mm nominal size dense asphalt concrete to Clause 906 of the Specification for Highway Works.
- SUB-BASE**
- C. 250mm of Type 1 sub-base to Clause 805 of the Specification for Highway Works.
- Construction sequence - Layers B & C to be laid prior to laying work commencing in the site.
- Layer A to be laid on completion of building and construction.

- Notes:**
1. Vege a minimum of 500mm wide to rear of blumhouse surface.
 2. Service bay may be constructed on left or right hand side.
 3. Gates should be set 6m from road edge and open inwards.
 4. Surfacing to extend a minimum of 6m from carriageway edges.
 5. Sub-base depth may vary depending on road/ground conditions and type.
 6. Minimum width of gate pillars to be 3.5 metres.

Free-standing timber log store 1500w x 1800h x 600d providing minimum 1 cubic metre of storage space. Log store must be located such that it is more than 1.2m distant from the eaves and that the house walls within 300mm of the store are of solid non-combustible construction.

ELECTRICAL KEY:

- ⚡ - double 13a socket
- ⚡ - light switch
- ⚡ - cooker control
- ⚡ - ceiling rose
- ⚡ - wall light
- ⚡ - smoke alarm
- ⚡ - heat alarm
- ⚡ - downlight
- ⚡ - carbon monoxide detector

client: D & C Turnbull.

project: Proposed house at land 75m west of Tigh Lirichean, Dalchreichart.

plans, section & elevations.

job no.: 3812. **date:** 02. June 2014.

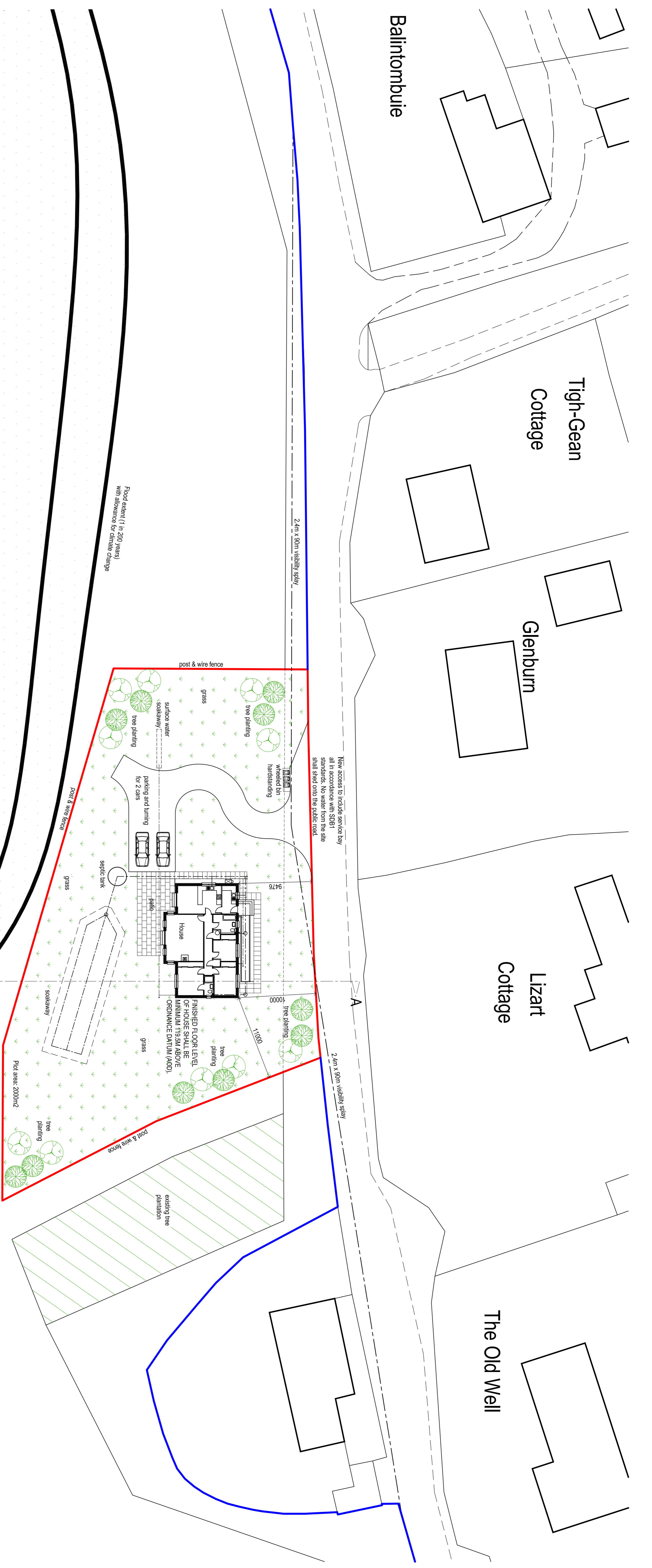
scale: 1:500, 1:2500.

drawn by: Gary Culhbert. **checked by:** June 2014.

notes: 1) Any discrepancies to be reported to Client / Technician.
 2) Written dimensions to be used, do not scale.
 3) Contractor to check all dimensions prior to commencing works.
 4) Drawing © Gary Culhbert - Architectural Technician.

Gary Culhbert ARCHITECTURAL TECHNICIAN

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 tel / fax • 01463 417301
 e-mail • gary@garyculhbert.co.uk



site plan. scale 1:250.

LANDSCAPING PLAN

PROPOSED PLANTING:

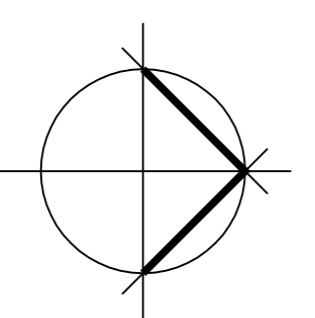
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The sub-surface irrigation system should be located in the area in which the percolation tests were carried out and no part of the system should be within 50m of any spring, well or borehole used as a drinking water supply, 10metres of any roadside ditch, field drain, watercourse, or 5m of boundary.
 The solid perforated pipe should be laid in a continuous track. The solid perforated pipe should be laid at a gradient of 1:200 and the distance between the parallel runs of pipe should be not less than 12metres. The pipe should be laid on a 200mm deep bed of 20-50mm clean broken stone minimum of 1m above the water table. The soakaway should be wrapped in geotextile fabric and overlaid with topsoil.
 Minimum basal area of soakaway (A) to be calculated as:
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Section A - A

Datchreicht

VN Scale: 1:200
 HZ Scale: 1:200
 Datum 114.00m

Level : Datchreicht

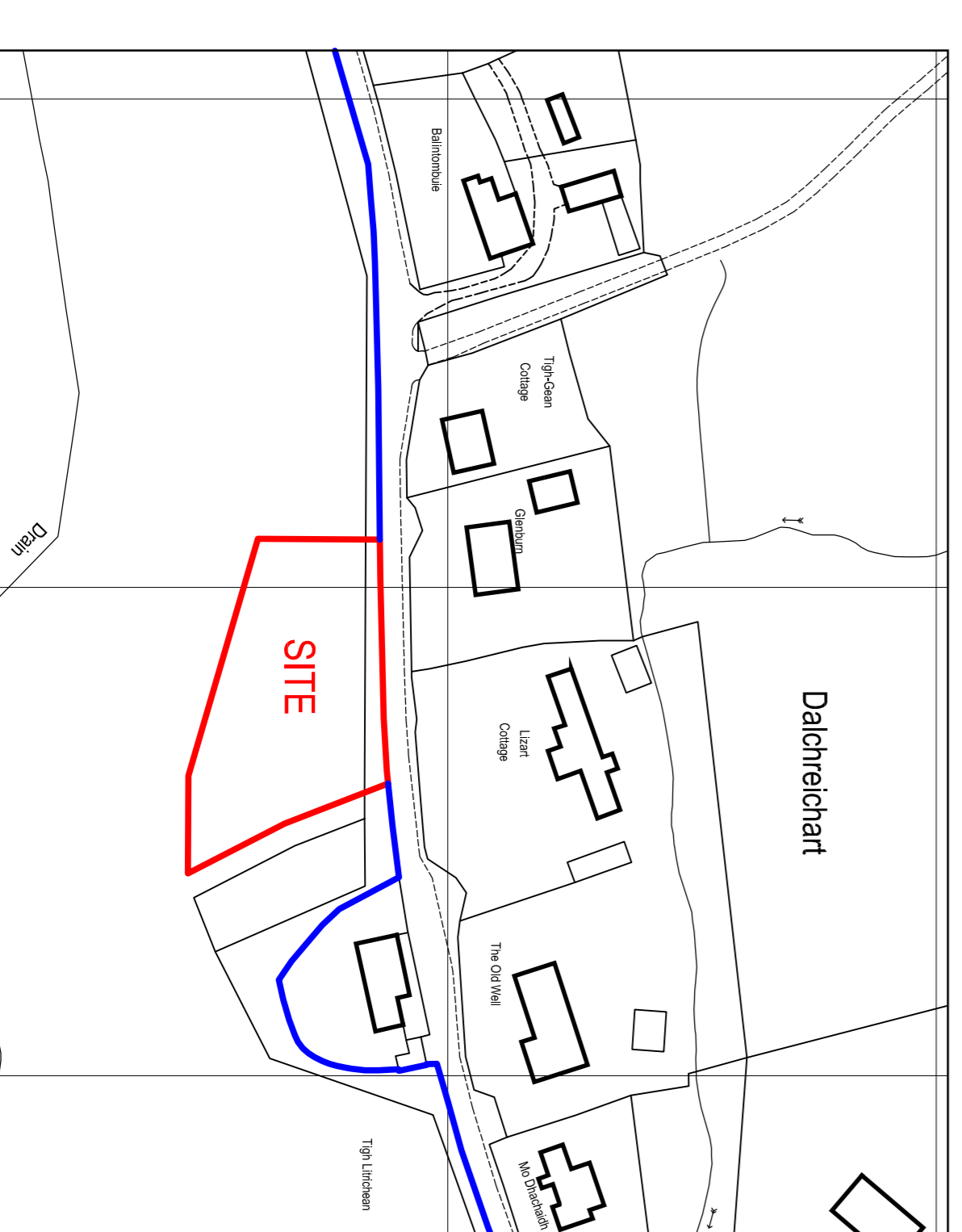
Change	0,000	0,814	1,072	1,178	3,133	3,561	4,448	5,423	6,348	7,724	9,507	9,674	13,668	16,113	16,859	18,323	18,783	25,423	25,560	30,141	32,957	37,511	42,761	47,168	49,416	53,243	53,327	58,798	59,874	60,010	63,741	70,042	74,586	77,711	79,601
	124,148	124,130	124,127	124,040	124,078	124,085	124,105	124,030	124,060	123,759	123,361	123,335	121,882	121,002	120,730	120,371	120,256	118,878	118,866	118,499	118,256	118,094	118,017	117,820	117,483	117,253	117,242	116,669	116,563	116,551	116,255	115,482	115,113	114,888	114,917

boundary

House finished floor level 120.5m

boundary

section thro' site A-A. scale 1:200.



Client: **D & C Turnbull.**

Project: **Proposed house at land 75m west of Tigh Litrichean, Datchreicht.**

Drawings: **Site & location plans.**

Job no: **3812.**

Drawn: **01A.**

Scale: **1:250, 1:1250.**

Date: **June 2014.**

Notes: 1) Any discrepancies to be reported to Client / Technician.
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 4) Drawing © Gary Culbert - Architectural Technician.

43 Duke's View • Stockbule • Inverness • IV2 4BB
 Tel / fax • 01463 417301
 email • gary@garyculbert.co.uk

Rev: A. Section thro' site added. Date: 22/09/14