

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
24 February 2015

| | |
|-------------|-------------------|
| Agenda Item | 7.4 |
| Report No | PLS/012/15 |

14/04354/FUL: Mr Hamish Towler
Blackpark Farm, Blackpark, Inverness, IV3 8PW

Report by Area Planning Manager - South

SUMMARY

Description: Erection of dwelling

Recommendation: **GRANT**

Ward: 14 - Inverness West

Development category: Local

Pre-determination hearing: n/a

Reason referred to Committee: 5 or more objections

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a 2.5 storey modern house with underground garage and a mixture of timber and rendered walls and slate roof.
- 1.2 The applicant made use of the Council's pre-application service for local category of development and was advised that the site is within a housing group and that the principle of erecting a house would be supported in terms of the housing in the countryside policy.
- 1.3 The applicant has also supplied an intended landscaping scheme incorporating significant tree-planting in the surrounding area.
- 1.4 **Variations:** two variations have been made since submission of the application:
i) to set the house lower into the site and ii) to exclude the walled garden from the application area.

2. SITE DESCRIPTION

- 2.1 The site is at the lower end of a field with a walled garden and sheds located to the west; two other houses are located immediately to the north and one house to the east.

3. PLANNING HISTORY

3.1 No planning history on this site.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour – 19.12.14

Representation deadline: 19.12.14

Timeous representations: 12

Late representations: None

4.2 Material considerations raised are summarised as follows:

- Increase in heavy traffic during the construction phase of the house;
- Increased traffic on Leachkin Brae;
- Drainage.

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 **Contaminated Land:** No comment as application was reduced to exclude walled garden and sheds.

5.2 **Transport Planning:** No objections.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

35 Housing in the Countryside (Hinterland Areas)

64 Flood Risk

65 Waste Water Treatment

6.3 Highland Council Supplementary Guidance

Access to Single Houses and Small Housing Developments May 2011

Housing in the Countryside and Siting and Design March 2013

7. OTHER MATERIAL CONSIDERATIONS

7.1 Inner Moray Firth proposed Local Development Plan

Not applicable

7.2 **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**

This site lies within the Housing in the Countryside (Hinterland) area of Inverness. As such the relevant policies are quite restrictive regarding new housing unless they meet certain criteria. One of those criteria is where a group of three or more houses exist and the proposal infills the housing group. In addition, any development should avoid incursion into an otherwise undeveloped field.

In this case, there are three existing houses and the proposed site is considered to fall within this group. Although it will involve an incursion into the field, it is not considered inappropriate as the house will be more or less in line with the existing farm buildings and in line with the property to the east forming a small group of houses. On this basis the application is considered to fit with Policy 35 of the Highland-wide Local Development Plan and can therefore be supported in terms of relevant policy and guidance.

The design and siting of the house is also considered acceptable and will be appropriate in the context of the existing settlement pattern. The access arrangements are considered acceptable to Transport Planning and matters relating to drainage and surface water can be addressed through appropriate conditions.

8.4 **Material Considerations**

Increase in heavy traffic during the construction phase of the house

The applicant has advised that the construction of this house will differ from a standard house build as much of the structure will be constructed off-site. The structure of the house will be erected in six to eight working days with a very limited amount of deliveries being made by lorries after this concentrated period. The usual fleet of vans for a standard build will be reduced to one or two per day for a three to four month period. Transport Planning have raised no concerns in this regard and it is therefore not considered an unacceptable impact particularly given the relatively short period of time envisaged for the construction.

Increased traffic on Leachkin Brae

Prior to the sale of the site and the surrounding area to the applicant, the agricultural activities on the site generated various traffic movements in relation to feedstuffs and livestock as well as tractors. Under the current ownership, there is no agricultural activity and therefore no associated traffic movements. It is

understood that the site was also used to market trailers. This activity has now ceased. It is anticipated that traffic resulting from the new house would be similar to that for any normal house situation, and likely to be a significant reduction on the previous use associated with the former agricultural and trailer business. Again it is noted that Transport Planning have raised no specific concerns regarding the impact of one additional house on the public road network and it is therefore considered that the traffic on Leachkin Brae will not increase to the extent that it will have any significant impact.

Drainage

There are a number of properties on the hillside at Blackpark which have had to address the drainage requirements of the individual properties. The proposed property is no different. It will require an engineering solution to ensure that all drainage is dealt with properly within the site boundary and without impact on other properties. The details of this will also be required at building warrant stage and will have to demonstrate compliance with the relevant Building Standards regulations. Similarly, it will be the requirement of any planning permission to ensure that details regarding foul and surface water drainage are submitted before any development commences on site. These matters can be addressed by appropriate conditions.

8.5 Other Considerations – not material

The primary concern of the majority of the objectors relates to the extensive area of tree planting proposed, the details for which were submitted as supporting information as part of the planning application. Tree planting is not however a material planning consideration in the context of this application and whilst noting the concerns expressed by the local residents, the Planning Authority has no locus or control over the extent of tree-planting proposed. It has not therefore been possible to take these concerns raised into account in the assessment of the application.

9. CONCLUSION

The proposal involves the erection of a 2.5 storey house within a relatively large plot. In terms of policy, the proposal is considered acceptable and complies with the relevant policies of the development plan. The applicant submitted supporting information which identifies the extent of tree planting proposed. This will be undertaken on land within his control but outwith the boundary of the application site. In any event, as stated, the planting of woodland as indicated does not require planning permission and does not comprise part of this application.

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. The house for which planning permission is hereby approved shall not be occupied unless the surface water drainage associated with the development, including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. There shall be no commencement of this development until such details are submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the site is properly and adequately drained.

2. The house shall not be occupied unless the method by which foul drainage is to be provided on site has been implemented and completed to the satisfaction of the Planning Authority, the details of which shall be submitted to and agreed in writing before development commences on site.

Reason: In the interests of public health.

3. No development shall commence on site until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated May 2011), with:

- i. the junction formed to comply with drawing ref. SDB 1; and
- ii. visibility splays of 2.4m x 40m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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.

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.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: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Site Layout Plan
Plan 2 – Location Plan
Plan 3 – Ground Floor Plan
Plan 4 – Elevations
Plan 5 – First Floor Plan

MAKAR Ltd

Incorporating Neil Sutherland Architects LLP

Clachandreggy, Torbreck, Dores Road
Inverness, Scotland, IV2 6DJ
T: 01463 709993 F: 01463 709515
E: info@makarconstruction.com

REVISIONS:
REV01: DD/MM/YY, DESCRIPTION:

NOTES:
CONTRACTOR TO VERIFY ALL DIMENSIONS AND
CONDITIONS ON SITE AND REPORT ANY DISCREPANCY
TO ARCHITECT BEFORE COMMENCING WORK.

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH
BUILDING REGULATIONS 2009

DO NOT SCALE DRAWING

PROJECT:
New house Towler

Blackpark
IV3 8PW

DRAWING:

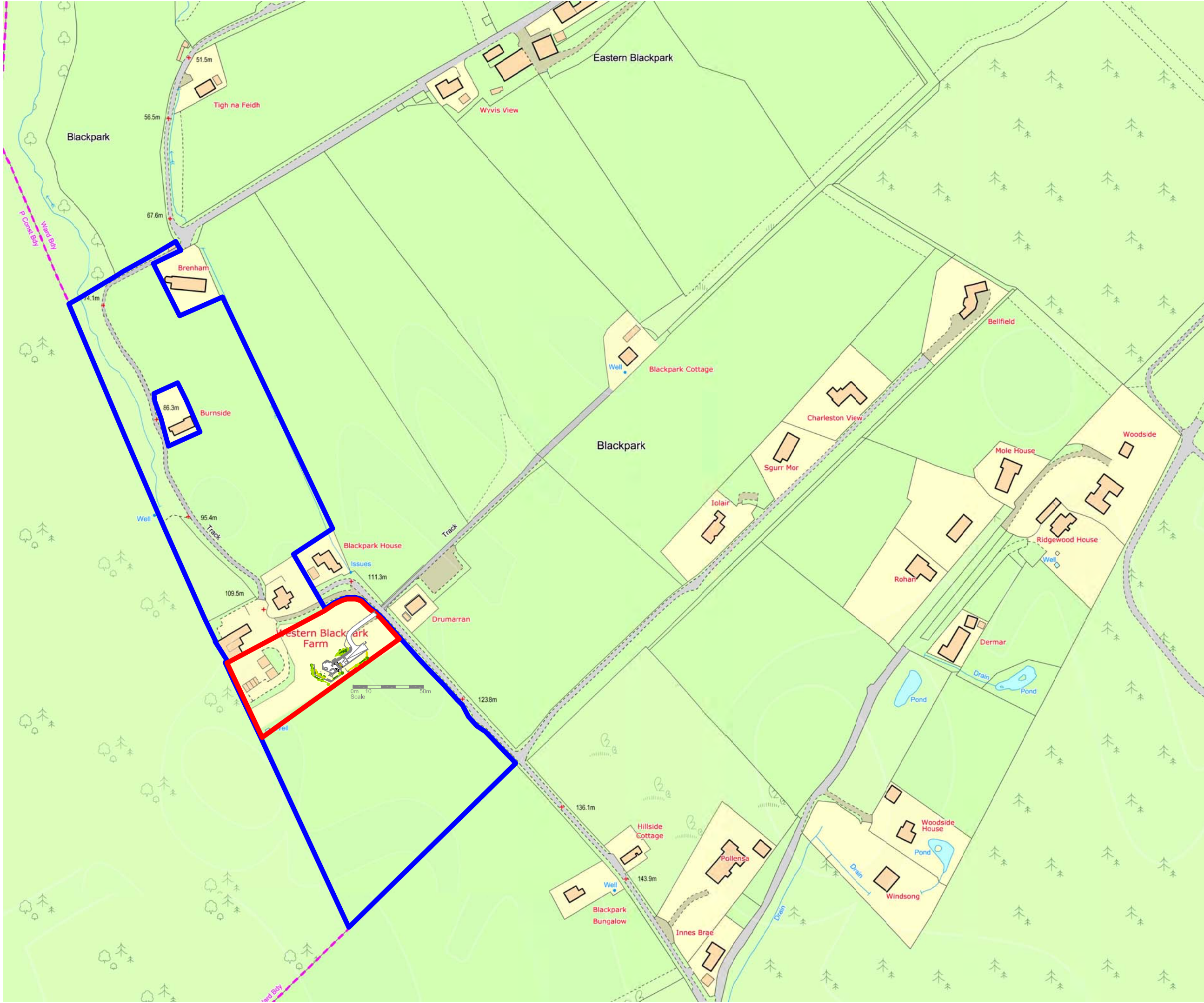
LOCATION PLAN

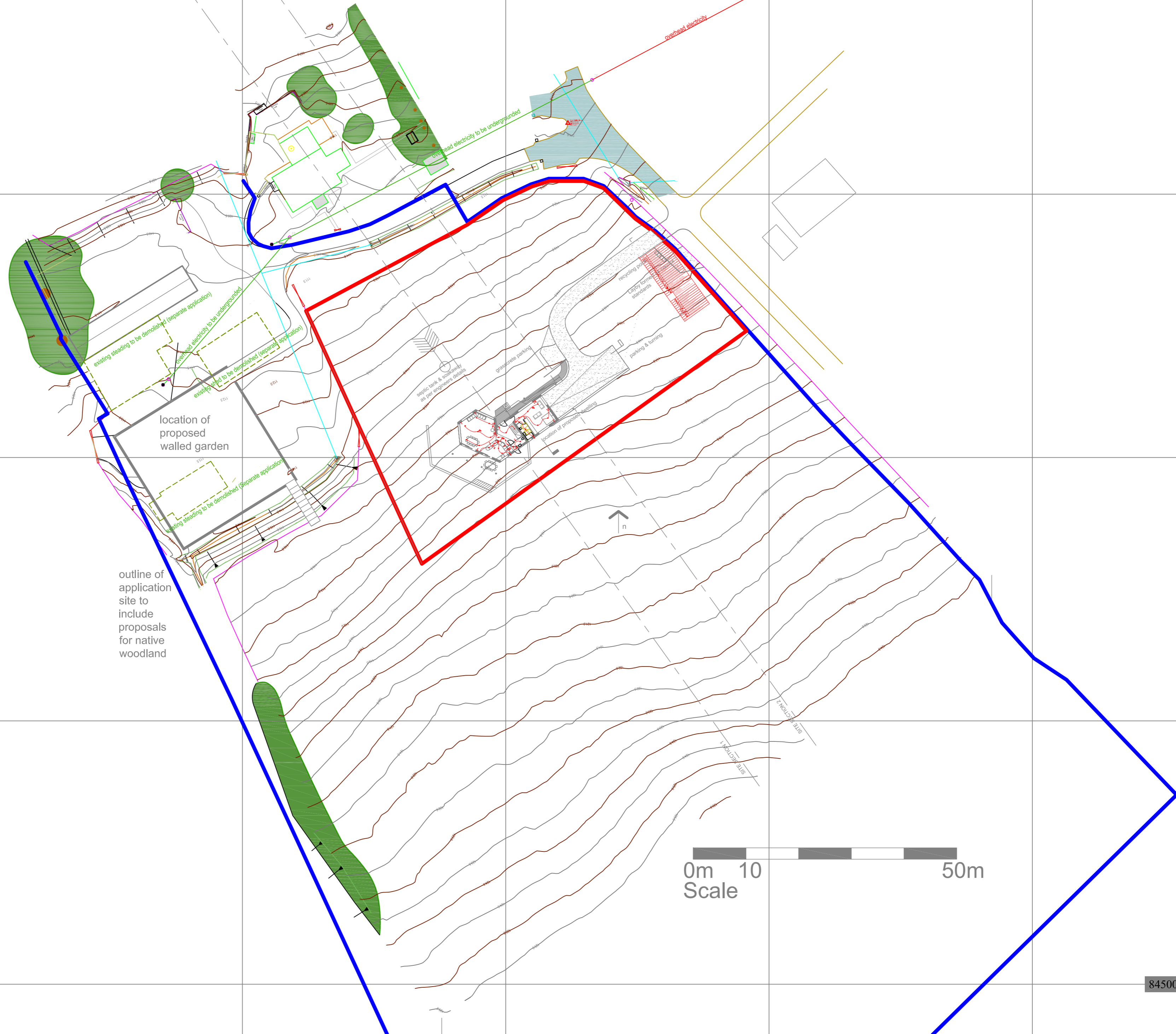
DRAWING ISSUED FOR: PLANNING

ARCHITECT: NS
VERIFIED BY:
DRAWN BY: SR
SCALE: A3 @ 1:2500
DATE:

PROJECT NO | DRAWING NO

1312 14 | P01





MAKAR Ltd
 Incorporating Neil Sutherland Architects LLP
 Clachandreggy, Torbreck, Dores Road
 Inverness, Scotland, IV2 6DJ
 T: 01463 709993 F: 01463 709515
 E: info@makarconstruction.com

REVISIONS:

| REV | DATE | DESCRIPTION |
|-------|--------|-------------|
| REV01 | DDMMYY | DESCRIPTION |
| | | |
| | | |
| | | |
| | | |

NOTES:
 CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH BUILDING REGULATIONS 2009
DO NOT SCALE DRAWING

PROJECT:
New house Towler
 Blackpark
 DRAWING:
PROPOSED SITE PLAN
 DRAWING ISSUED FOR: **PLANNING**
 ARCHITECT: **NS**
 VERIFIED BY: **SR**
 DRAWN BY: **SR**
 SCALE: **A2 @ 1:500**
 DATE: