

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**1 April 2015**

Agenda Item	6.2
Report No	PLS/018/15

**14/03833/FUL: Mrs Pamela Beveridge**  
**Site 300m NE of Edgewood, Nairnside, Inverness**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description:** Erection of house

**Recommendation:** GRANT

**Ward:** 20 - Inverness South

**Development category:** Local

**Reason referred to Committee:** Six letters of objection

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to erect a detached dwellinghouse within a small group of houses at Nairnside to the south of Culloden. The house is single storey and is of a standard design with wet dash finish and dark grey concrete tiles. The application states that the house will connect to the public water and sewerage networks with a SUDS system for the disposal of surface water. Access will be from the Nairnside road.
- 1.2 The application was accompanied by a tree survey and constraints plan.
- 1.3 **Variations:** Two variations have been submitted since submission of the application. These relate to amendments to the exact location of the house within the site, details of the access point and further tree information.

**2. SITE DESCRIPTION**

- 2.1 The site is an area of rough ground that forms part of the property known as Edgewood. Whilst not an obvious garden, the applicant carries out maintenance and has planted trees in recent years. There are a number of substantial trees, particularly on the boundary of the site. There are residential properties on three sides with the fourth consisting of coniferous woodland. The site and the wider area at Nairnside are subject to a draft Tree Preservation Order.

### 3. PLANNING HISTORY

- 3.1 08/00201/OUTIN – erect two houses – refused. Two other applications for housing have been withdrawn.

### 4. PUBLIC PARTICIPATION

- 4.1 Advertised: The application has been re-advertised and re-notified twice following the submitted amendments.

Representation deadline: 20.02.2015

Timeous representations: 6

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Contrary to the Local Development Plan and the Interim Supplementary Guidance on Housing in the Countryside. Reference to Sections 6.10 (ii); 6.13 (b); and 6.13 (e).
- Proximity to existing houses.
- Planning history – house has previously been approved contrary to policy.
- Surface water issues.
- Increase in traffic with consequent impact on road network.
- Detrimental visual impact.
- Impact on trees.
- Detrimental to wildlife.
- Proximity to drive at Rowanbank.
- Plot ratio inappropriate.

- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### 5. CONSULTATIONS

- 5.1 **Transport Planning** : No objection subject to appropriate conditions.
- 5.2 **Forestry Officer**: No objection subject to appropriate conditions.

### 6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

- 6.1 **Highland-wide Local Development Plan 2012**

28 Sustainable design

29 Design Quality and Place Making

35 Housing in the Countryside (Hinterland)

51 Trees and Development

## 6.2 **Highland Council Supplementary Guidance**

Access to Single Houses and Small Housing Developments May 2011

Housing in the Countryside and Siting and Design March 2013

Trees, Woodland and Development January 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. There is therefore a presumption against new housing in the countryside unless one of the exceptions set out in the policy are met. In this instance, the suggestion is that the proposal rounds off an existing housing group. Policy 35 of the Highland-wide LDP supports new houses where “the proposal meets the Council’s criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant supplementary guidance)”.

8.4 The Supplementary Guidance for housing in the countryside defines a housing group as follows:

- there must be at least three houses that are physically detached from one another;
- all of the houses must have a perceptible relationship with one another and share a well-defined, cohesive character; and
- the houses must not comprise part of a 'small settlement' as may be defined in the applicable Local Development Plan.

In this instance there are three houses around the site with several more in the immediate vicinity. The houses are physically detached from one another and do not comprise part of a small settlement. There is no definition of “perceptible relationship” but the houses are around 50m or less from each other and, geographically, appear as a group. In these circumstances, it is considered that there is a housing group at Nairnside.

8.5 The Supplementary Guidance also sets out criteria for the growth of housing groups as follows:

- constitute acceptable small-scale in-fill or round-off;
- reflect and respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group;
- not constitute ribbon/linear development along a public road, result in the coalescence of the housing group with a nearby settlement/another housing group or constitute the unplanned extension of a defined settlement; existing groups, however, may be extended in a linear fashion, but only where there is a clearly defined boundary or natural feature that will conclude the extension (e.g. watercourse, woodland, field boundary, road), bearing in mind the context of that group;
- do not impact detrimentally on existing trees and/or woodland;
- do not create an inappropriate intrusion into a previously undeveloped field or open land or overwhelm their landscape setting;
- meet with criteria outlined at paragraph 5.2 General development considerations.

8.6 In this instance it is considered that the proposal rounds off the group as there is no further opportunity to expand given the houses on three sides and with the coniferous plantation on the fourth side. The spacing within the group varies but a house in this location will not affect the character, cohesiveness and spacing of the group. There will be an impact on amenity as any new development will affect surrounding properties to a greater or lesser degree. However, given the location of the house, existing trees and the distances between houses, the house will not have a significant impact on the overall amenity of the group. The proposal does not constitute linear development and will not result in the coalescence of groups. In relation to trees, the Forestry Officer does not object to the proposal subject to conditions. These conditions are recommended for inclusion in any grant of permission. The site does not comprise an open agricultural field and meets the criteria in section 5.2 of the Guidance. On the basis of the above, it is considered that the proposal complies with the housing in the countryside policy.

8.7 The design of the house is a standard single storey design for a house in the countryside. It will be finished in off-white wet dash render with stone quoins and base course and dark grey tile roof. The plot extends to some 2500 sqm with the house itself around 225 sqm. The plot ratio is therefore considered acceptable. The site is set well back from the public road with considerable intervening tree cover.

The overall impact on public amenity, including visual impact is, therefore, limited. Transport Planning are satisfied with the access point, which can be improved to meet the appropriate standards.

- 8.8 There are a number of trees on the site, which are now covered by a draft Tree Preservation Order. The house site itself is outwith root protection areas. However, construction of the access into the site will breach root protection areas. This can be overcome through the use of cell web technology, which builds up the access road and distributes the weight to avoid impacting on tree roots. This can be covered by condition.
- 8.9 Since the house will link to the public water and sewerage networks, the main infrastructure issue is the removal of surface water. Several representations have alluded to this issue. No details of SUDS have been submitted with the application, although the site is large enough to accommodate such a system. Taking the precautionary approach, however, it would be appropriate to include a condition ensuring that all surface water is dealt with within the boundary of the site.
- 8.10 There is an element of backland development to the proposal as, on plan, it is located to the rear of Edgewood, the “parent” house. However, the layout is such that the houses are side on to each other and there will be no direct overlooking. There is also an element of planting that can be augmented. The proposed house is some 50 metres from the other houses on the boundary of the plot. This seems sufficient to meet any amenity/privacy issues but appropriate fencing/planting would be of benefit.

8.11 **Material Considerations**

A number of representations were lodged against the proposal. These are highlighted in paragraph 4.2 above. These have generally been covered in the assessment. Reference is, however, made to the planning history and impact on wildlife. The planning history is not considered relevant in this instance. The key issue is whether or not the present application meets the terms of the housing in the countryside policy. The construction of the house will not have a significant impact on any animal species.

**9. CONCLUSION**

- 9.1 The proposal involves the erection of a single 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 issue of surface water can be covered by condition and will need to demonstrate compliance with the relevant Building Standards regulations. Similarly the potential impact of the access construction on trees can be dealt with through conditions. The design is acceptable and the impact on amenity/privacy is limited.

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

**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. For the avoidance of doubt, the submitted details, including relevant calculations, shall show that all surface water from the development will be dealt within the site boundary.

**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 until the site access has been constructed in accordance with Drawing No. SPA.14.004.02 E or other as may subsequently be agreed.

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

4. No development shall commence until the footprint of the house, garage and driveway is accurately pegged out on the ground, along with any underground services due to be excavated. All trees proposed for removal are to be clearly marked and approved in writing by the Forestry Officer. No other trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

5. No site excavation or groundworks shall be undertaken unless all retained trees are protected against construction damage using protective barriers located beyond the crown spread. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees throughout the construction period.

6. No development shall commence until a Method Statement specifying the installation of a 'no-dig' cellular confinement system for the access road has been submitted to and approved in writing by the Planning Authority. Thereafter, the cellular confinement system shall be installed as per the approved Method Statement.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

7. Notwithstanding the provisions of Article 3 and Classes 1A, 1B, 3A, 3B, 3C, 3D, 6D, 6E and 6I of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the house hereby approved without planning permission being granted on application to the Planning Authority.

**Reason:** To ensure the protection of retained trees.

8. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

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

## **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](mailto: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](mailto:BuildingStandards@highland.gov.uk) or on 01349 886606.

**Permitted Development Rights:** Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

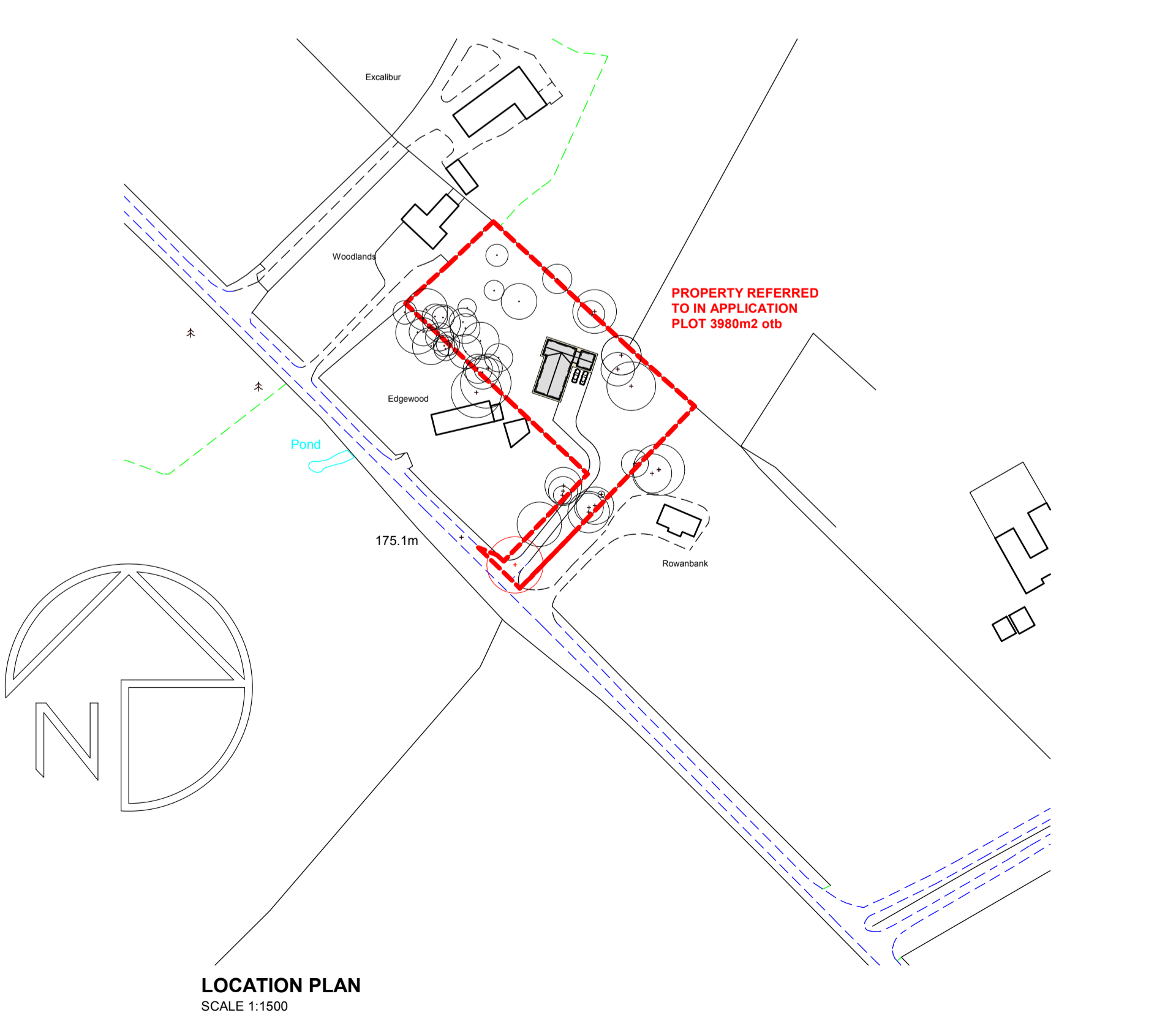
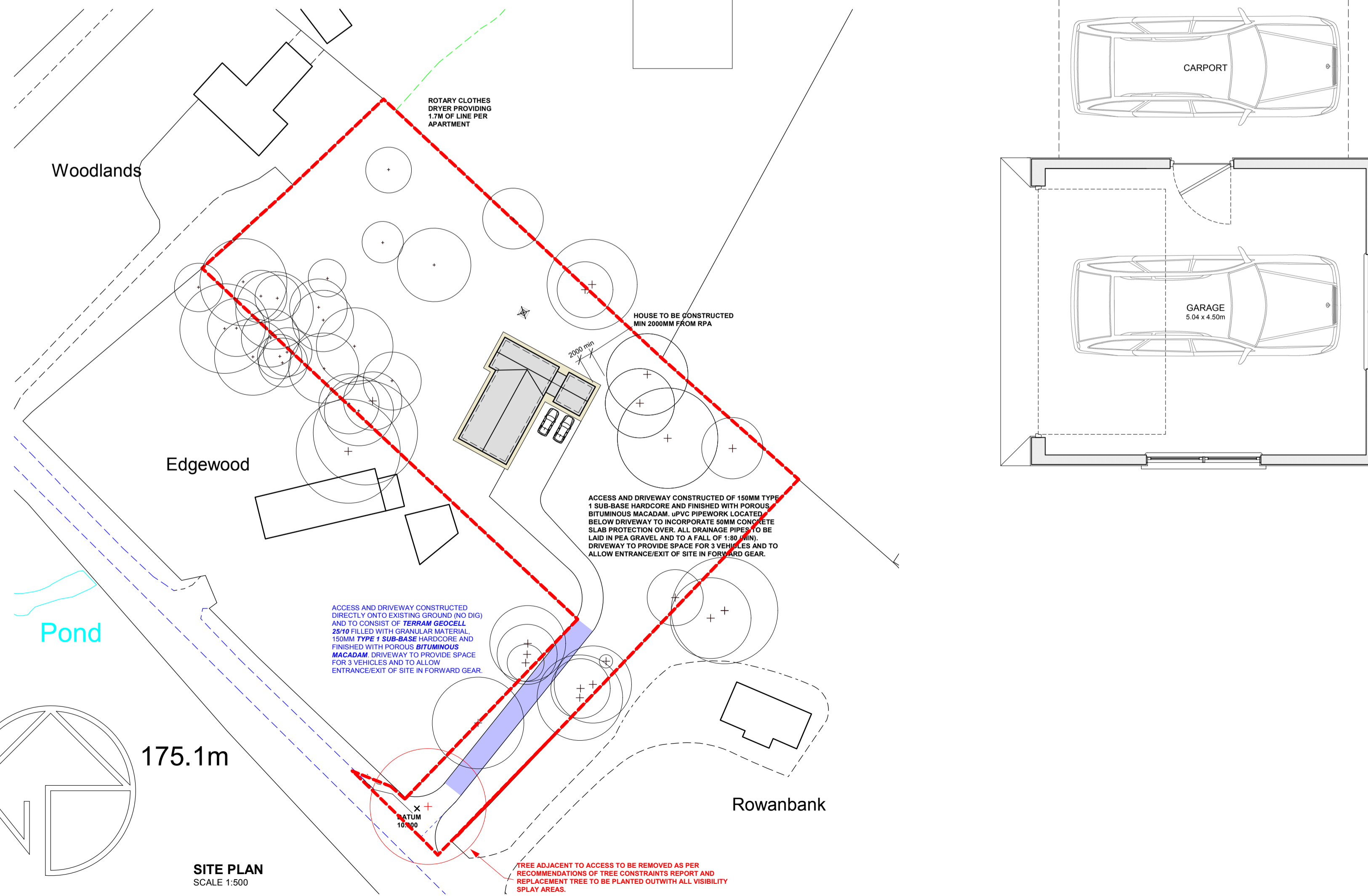
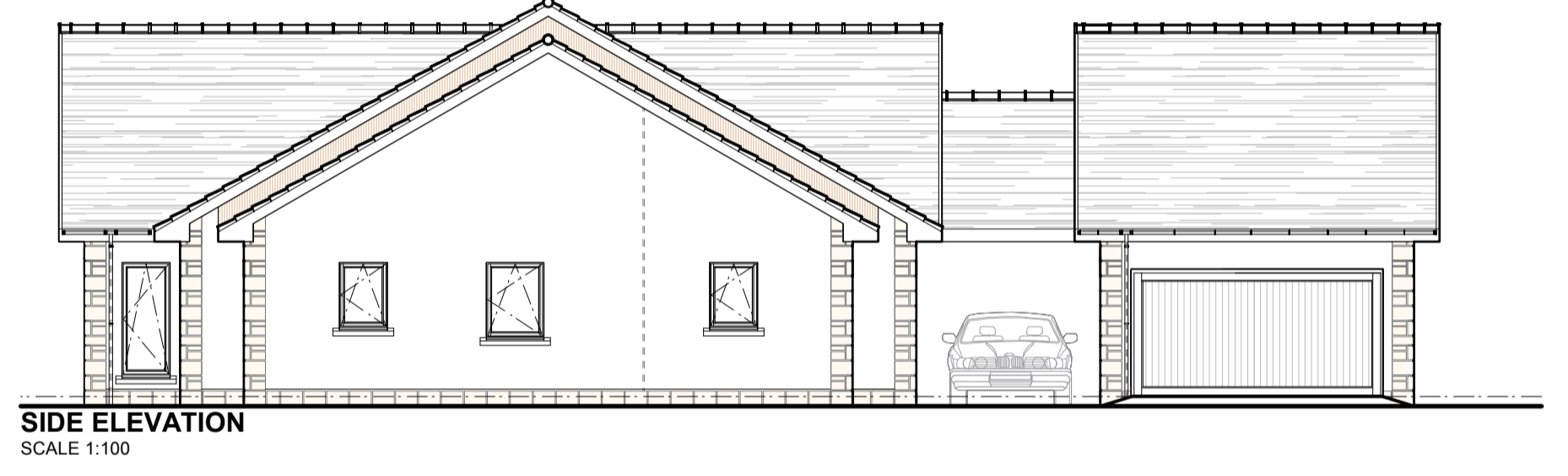
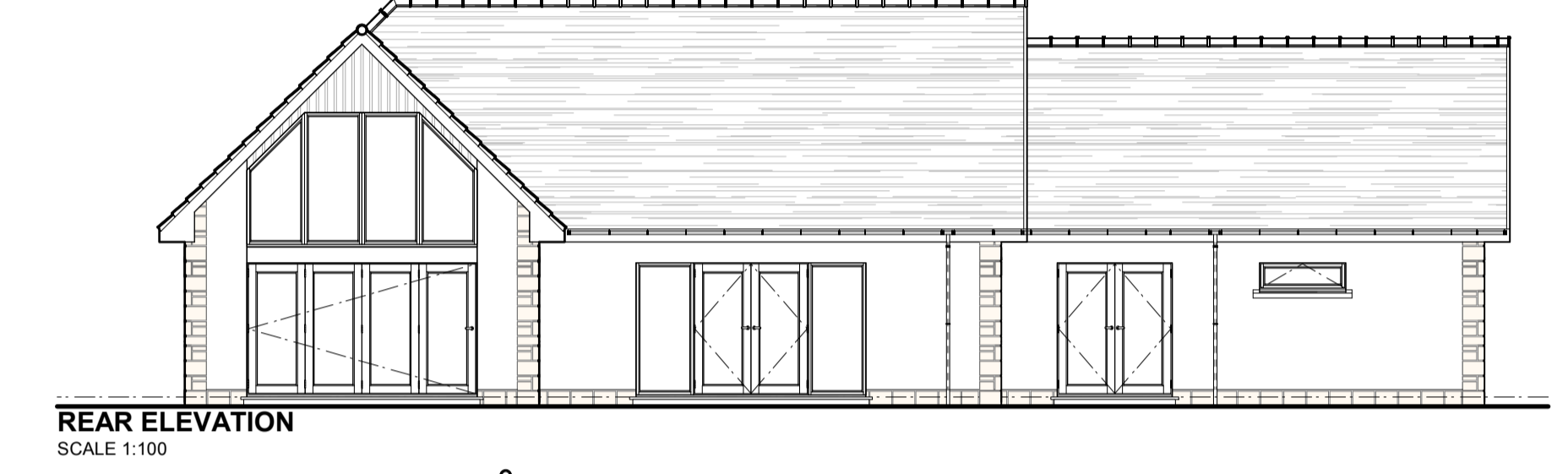
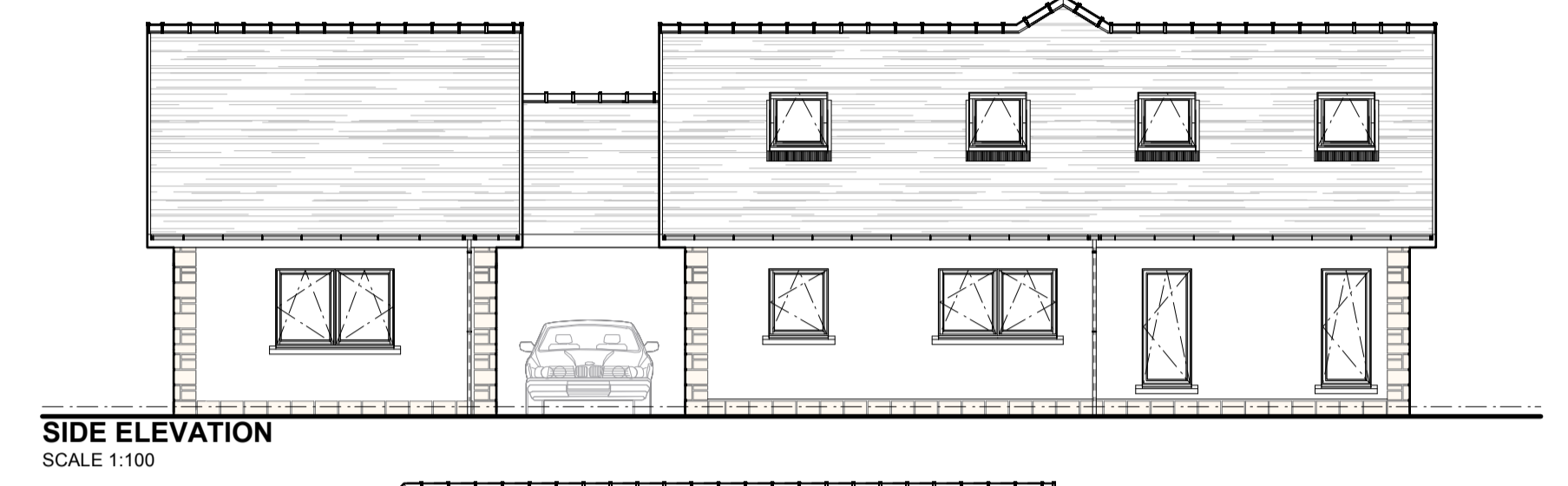
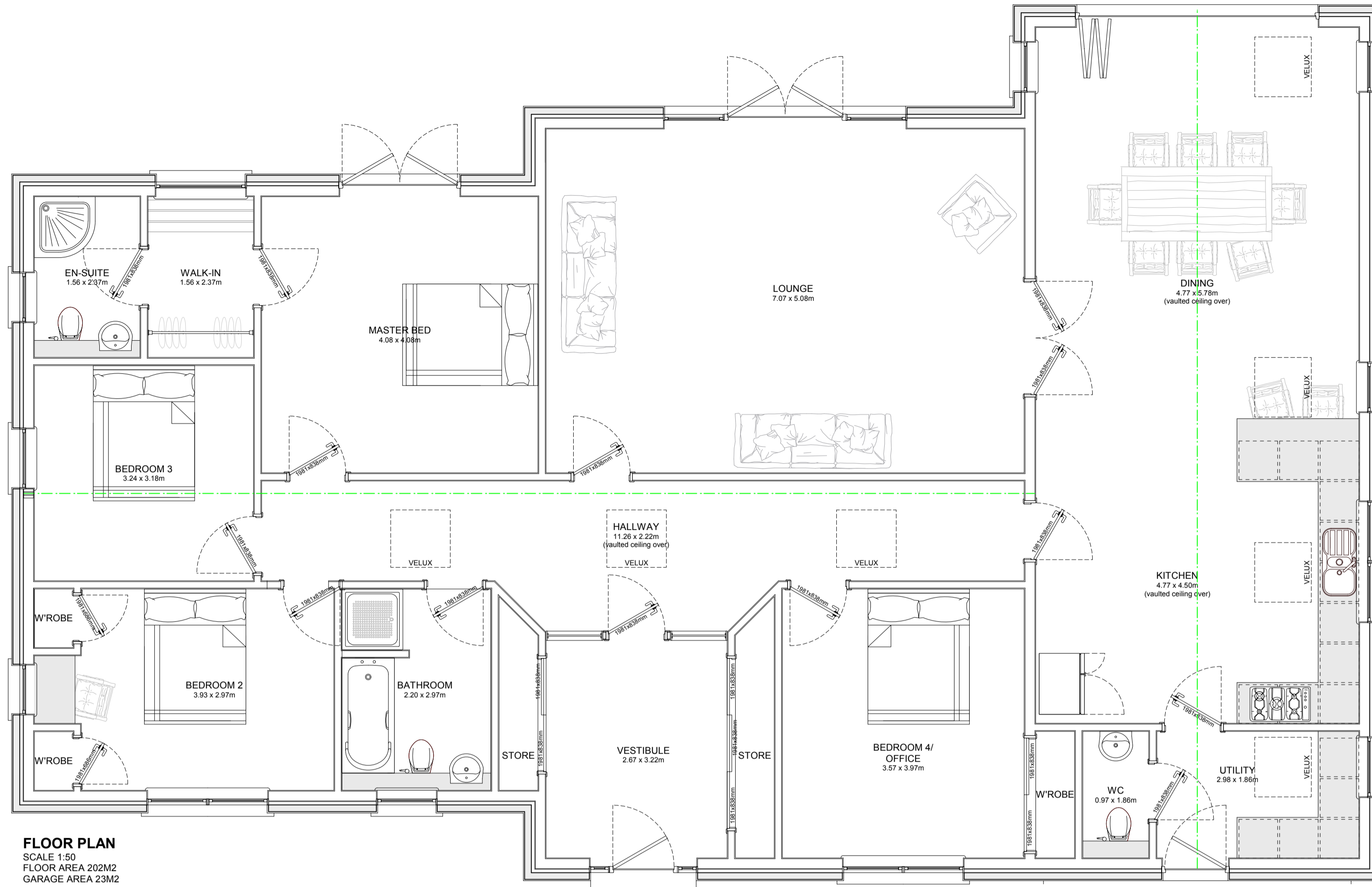
Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: J. Harbison  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – General Plan : SPA.14.004.03 E  
Plan 2 – Site Layout Plan : SPA.14.004.02 E  
Plan 3 – Tree Constraints : 00001  
Plan 4 – Newly Planted Trees : 00002  
Plan 5 – Tree Constraints 2 : 00003  
Plan 6 – Tree Protection Plan : 0004

DISCLAIMER: ALL SIZES ARE TO BE CHECKED AND DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED AND CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED PLANS.

© SPA (Scottish Planning & Architecture) Ltd

SCOTTISH PLANNING & ARCHITECTURE  
**SPA**  
 DESIGN · PLAN · BUILD  
 SPAINVERNNESS.COM · 07557 040 595 · MAIL@SPAINVERNNESS.COM

24 Sept 2014  
 AS NOTED  
 PLANNING PROPOSALS  
 GENERAL ARRANGEMENT  
 SPA 14.004.0BE  
 MR & MRS BEVERIDGE  
 PROPOSED NEW HOUSE AT  
 LAND EAST OF EDGWOOD, AKAWSIDE, INVERNESS



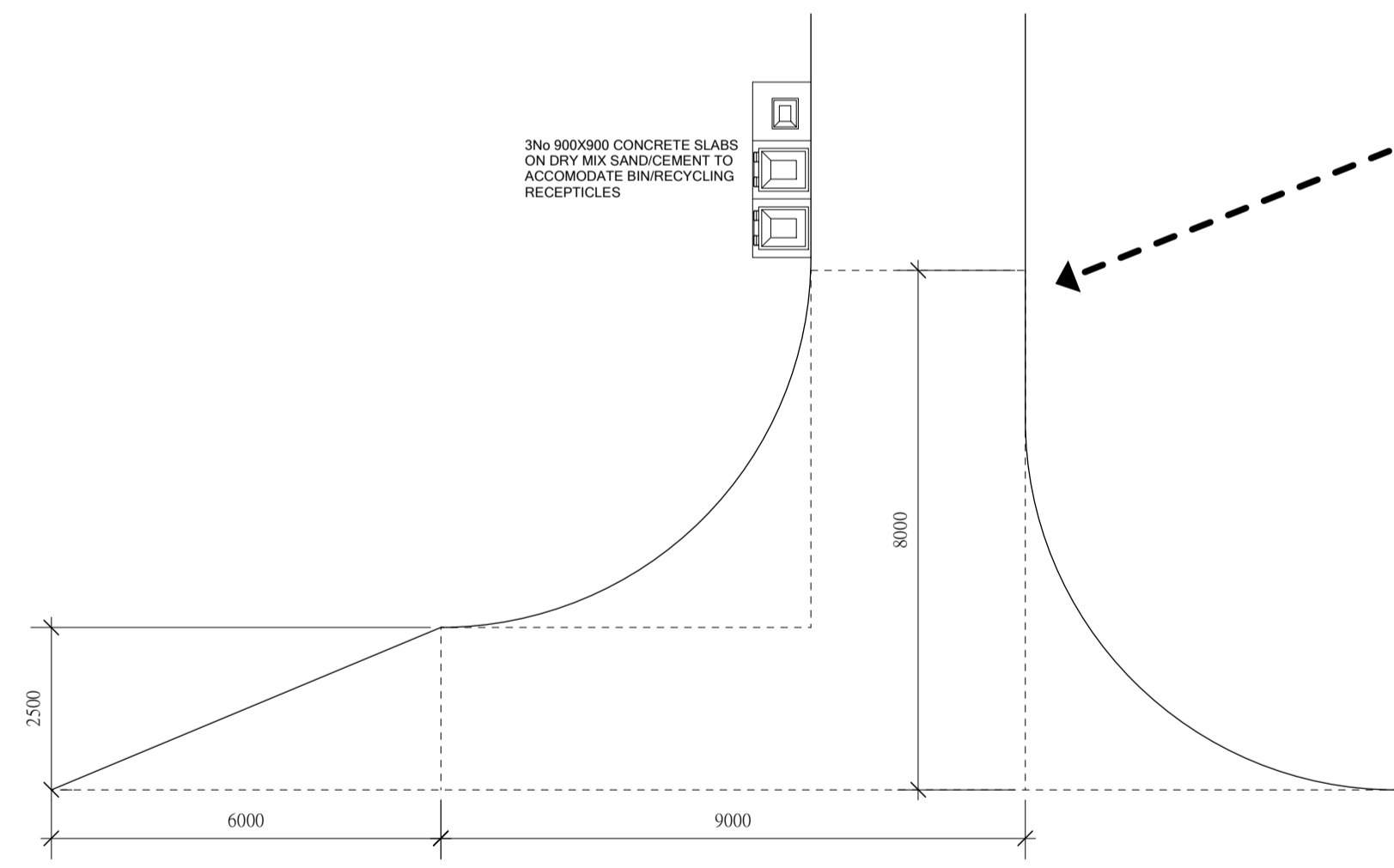
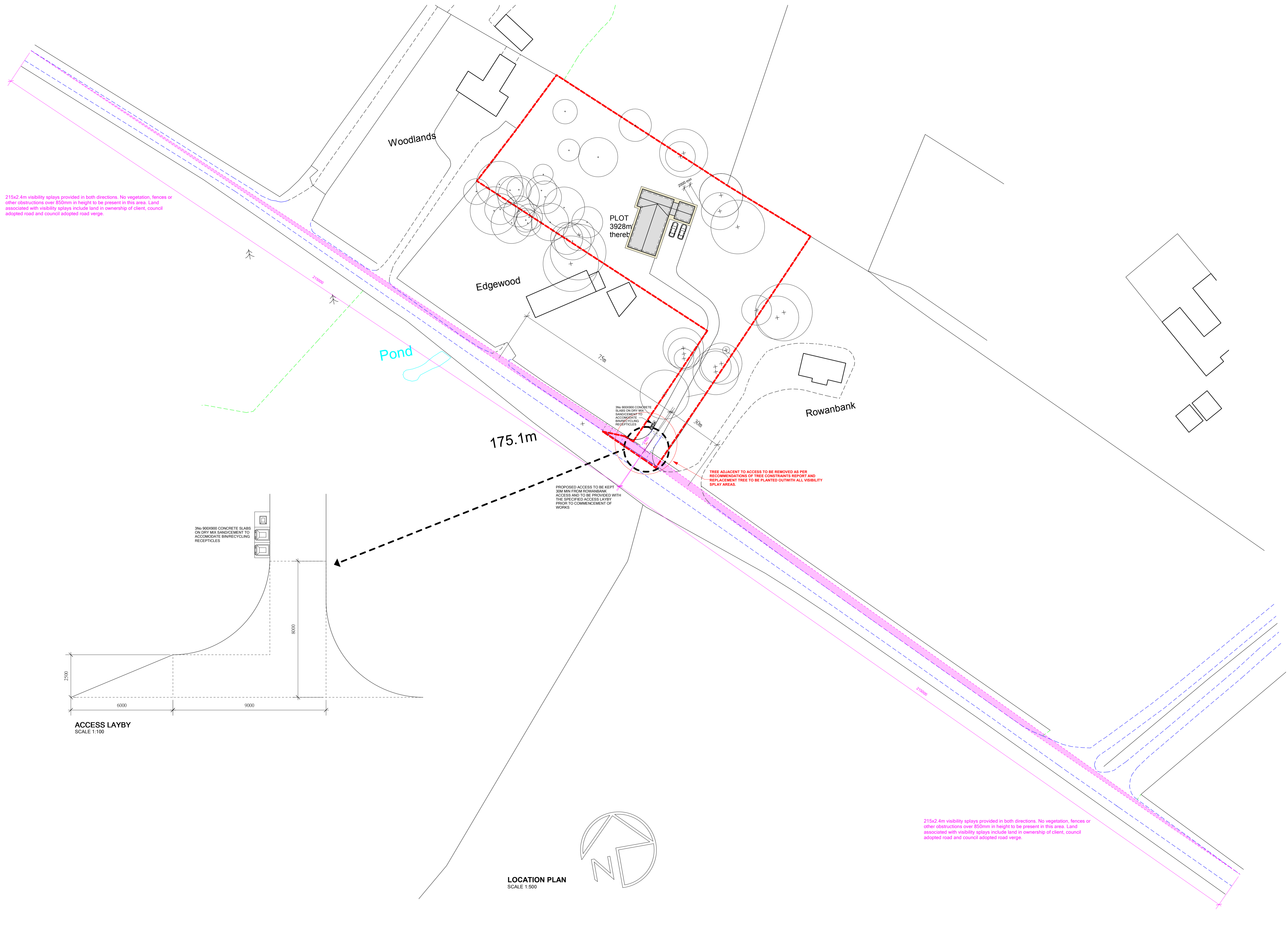
**DISCLAIMER**  
 DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED AND CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED. CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED PLANS.

© SPA (Scottish Planning & Architecture) Ltd

**SCOTTISH PLANNING & ARCHITECTURE**  
**SPA**  
 DESIGN · PLAN · BUILD  
 SPAINVERNNESS.COM · 07557 040 395 · MAIL@SPAINVERNNESS.COM

DATE	24 Sept 2014
SCALE	AS NOTED
TITLE	PLANNING PROPOSALS SITE PLAN
PROJECT	MR + MRS BEVERIDGE PROPOSED NEW HOUSE AT LAND EAST OF EDGEWOOD, AINWASDALE, INVERNESS
PROJECT NO.	SPA-14.004.02E

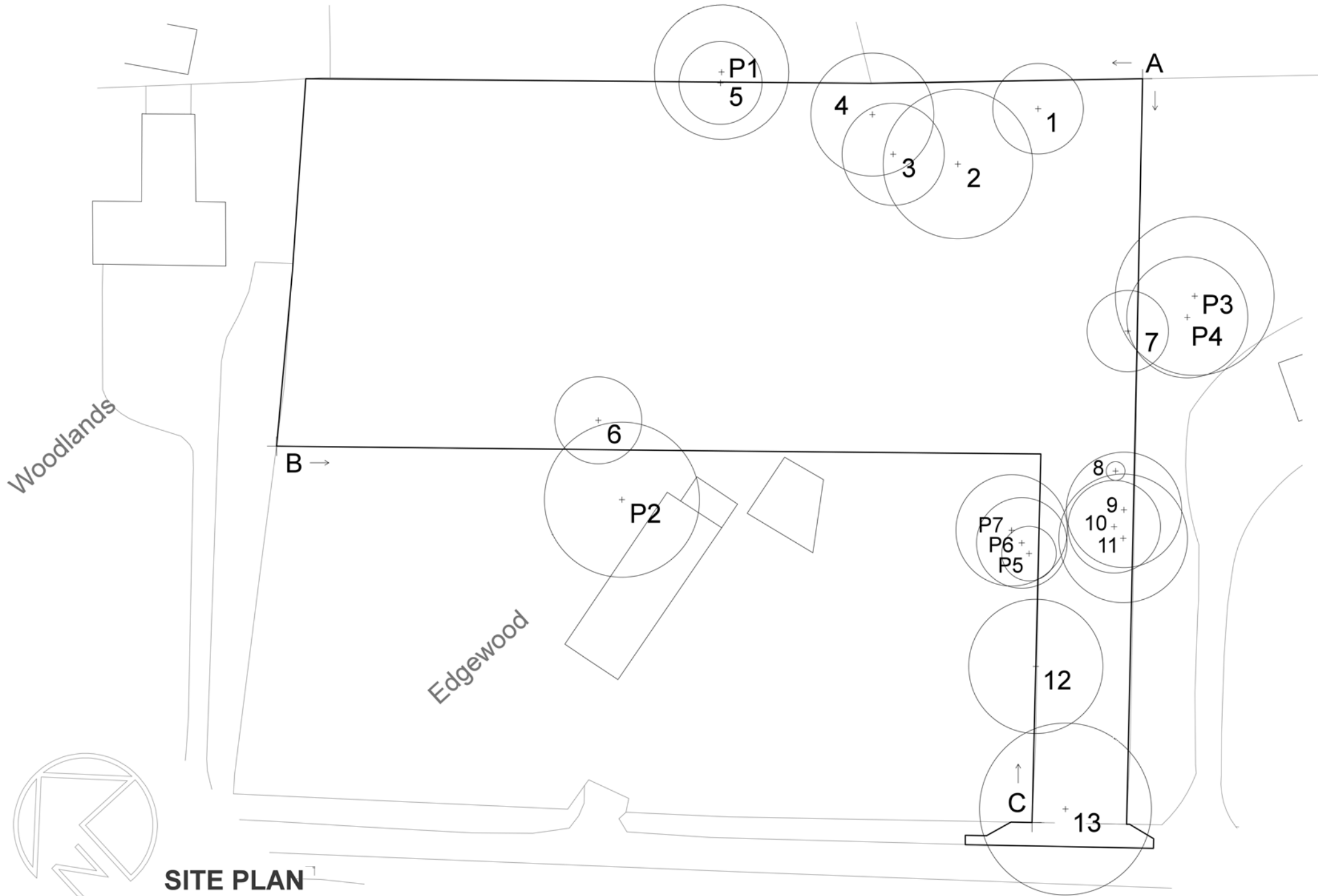
215x2.4m visibility splays provided in both directions. No vegetation, fences or other obstructions over 850mm in height to be present in this area. Land associated with visibility splays include land in ownership of client, council adopted road and council adopted road verge.



**ACCESS LAYBY**  
SCALE 1:100

**LOCATION PLAN**  
SCALE 1:500

215x2.4m visibility splays provided in both directions. No vegetation, fences or other obstructions over 850mm in height to be present in this area. Land associated with visibility splays include land in ownership of client, council adopted road and council adopted road verge.



**SITE PLAN**

SCALE 1:500

Woodlands

A

Cypress + Cypress

Willow

Birch

Hawthorn

Hawthorn

Hawthorn

Hawthorn

Hawthorn

B

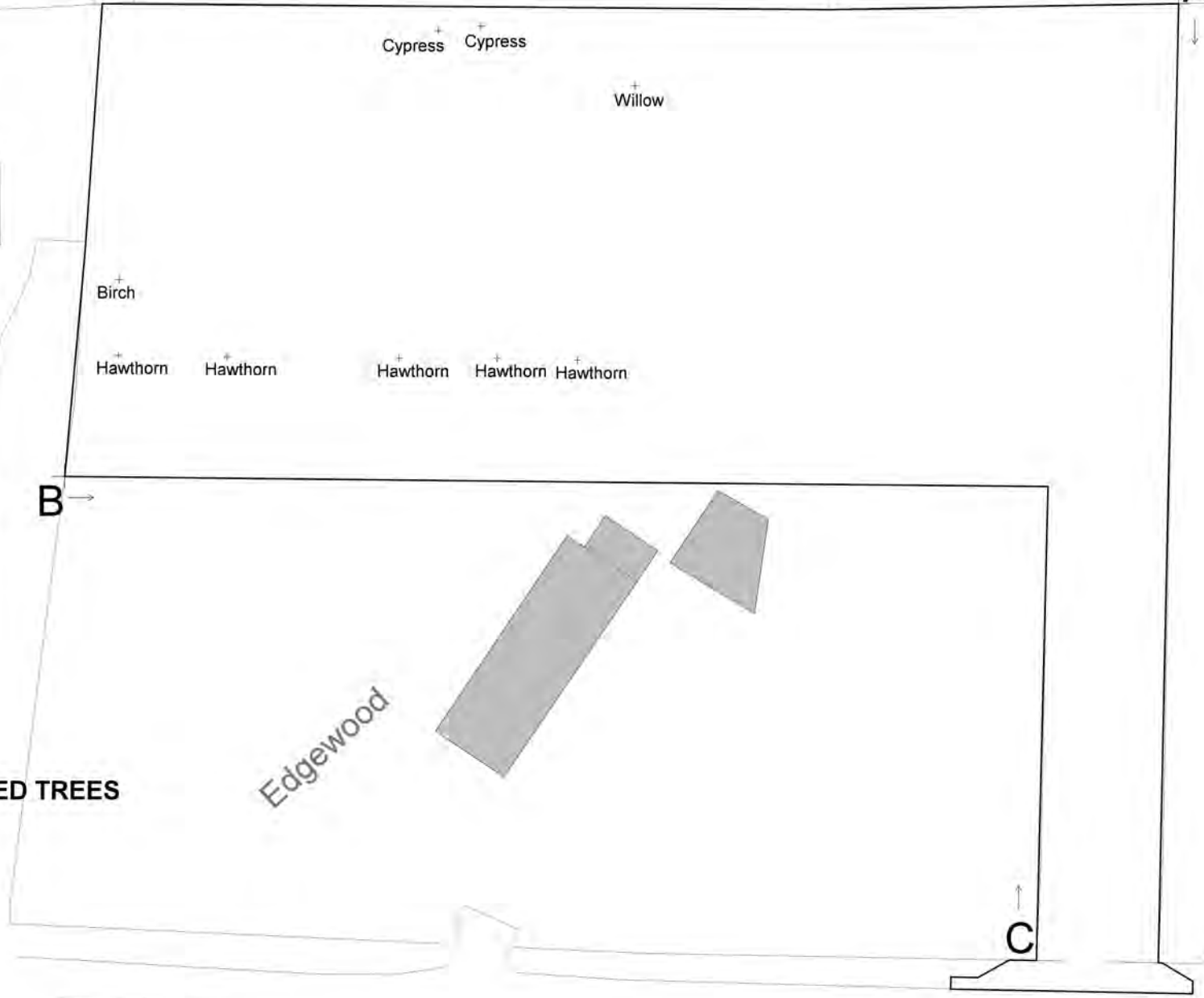
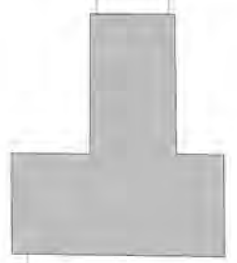
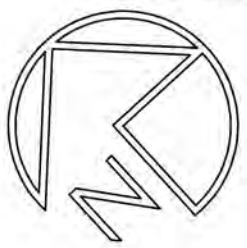
Edgewood

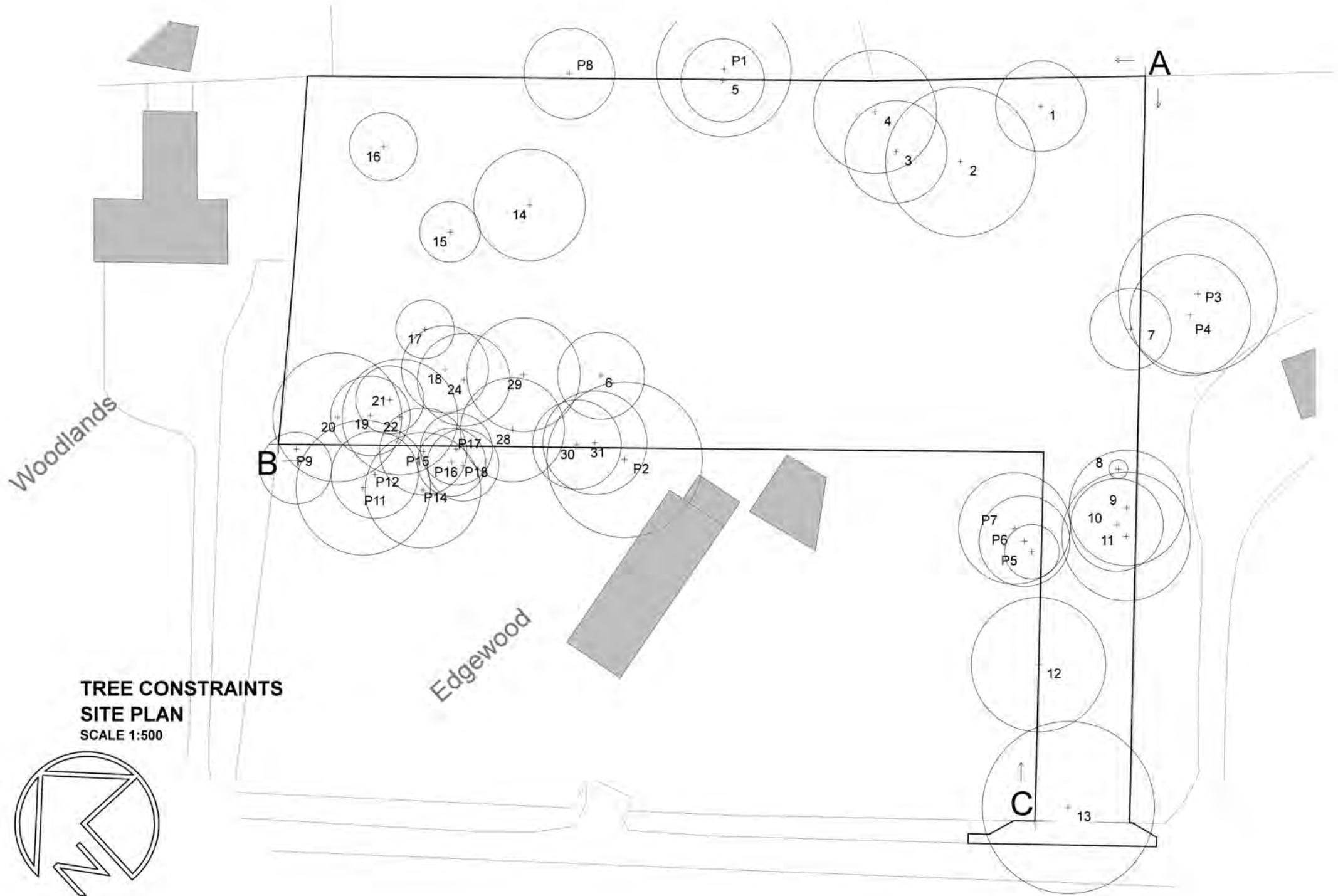
C

**NEWLY PLANTED TREES**

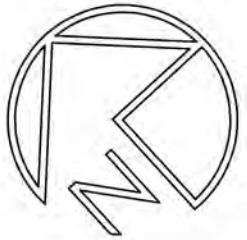
**SITE PLAN**

SCALE 1:500





**TREE CONSTRAINTS**  
**SITE PLAN**  
SCALE 1:500



Woodlands

Edgewood

- TREES TO BE RETAINED
- TREES TO BE REMOVED
- ~ PROTECTIVE BARRIER

**TREE PROTECTION  
SITE PLAN  
SCALE 1:500**

