

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
18 August 2015**

Agenda Item	6.4
Report No	PLS/061/15

**15/02046/FUL: Michael Bassett
Land at Drummourie, Cawdor**

Report by Area Planning Manager – South

SUMMARY

Description : Amended design & re-appraisal of conditions to previous permission 13/04372/FUL

Recommendation - GRANT

Ward : 18 Culloden and Ardersier

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Manager's discretion

1. PROPOSED DEVELOPMENT

- 1.1 Erection of a house of amended design on one of two plots previously granted full planning permission, with information seeking to address or contest need for conditions imposed on that permission.
- 1.2 Informal pre-application consultations were carried out relating to the proposed house design; information required to address conditions; and the justification for and practicality of two conditions relating to vehicle access. The applicant was in particular advised that officers considered it appropriate for such changes to be considered by Committee, given that Committee had granted the original permission subject to conditions, and both the development's compliance with Development Plan Policy supplementary guidance, and several of the matters referred to in the conditions, had been the subject of a significant number of objections.
- 1.3 The site forms part of a field to which entry is gained through a field gate at its north-easternmost corner but the development as approved requires construction of a combined vehicle access to serve the two plots some way to the west of that gate. The field is situated on the south side of a single track unsealed private road running past the site from a junction with the Cawdor to Assich public road. Use of the public water supply and private drainage arrangements are proposed.

1.4 The following supporting information is submitted:

- Summary of soakaway calculations
- Soakaway design
- Supporting statement relating to conditions
- Design statement

1.5 **Variations:** The soakaway design, calculations and drainage plan drawing were added to the application documents in mid-July but otherwise there have been no variations to the application since it was lodged.

2. SITE DESCRIPTION

2.1 The site consists of an area of grazing ground on the south side of the private road with a belt of trees running along the roadside boundary. The site slopes gently southwards from the road and is part of a larger field extending as far as the nearest two houses to the east; part of this area has planning permission for another house. On the north side of the road there are two houses standing in extensive plots. To the south, grazing land rolls down to the wooded fringes of the Allt Dearg. The site adjoins deciduous woodland to the west.

3. PLANNING HISTORY

3.1 13/04372/FUL: erection of 2 dwellings, PP granted 1/7/14

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour. Advert expiry date 16/6/15
Representation deadline : 23/6/15

Timeous representations : 2 from 2 households

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Design and construction inappropriate for area
- Inadequate information on drainage
- Increased risk of flooding
- No adequate justification to vary access conditions

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 **Transport Planning:** No objections. Comments on specific conditions: see below.

5.2 **Building Standards:** Design and calculations satisfactory.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

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

28	Sustainable Design
31	Developer Contributions
35	Housing in the Countryside (Hinterland Areas)
64	Flood Risk
66	Surface Water Drainage

6.2 **Inner Moray Firth Local Development Plan 2015**

No applicable Policies or proposals

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside Siting and Design (March 2013)

Flood Risk and Drainage Impact Assessment (January 2013)

7.3 **Scottish Government Planning Policy and Guidance**

SPP

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**

Given the recent permission and its conditions the relevant Policy considerations are whether the house design is of high quality (Policy 28) and is consistent with the characteristics of the housing group of which it will form a part (Policy 35 and

related supplementary guidance); whether the detailed surface water drainage proposals meet the requirements of condition no. 1 of the existing permission (Policies 64 and 66); and whether the changes to the access conditions (nos. 2 and 4) are reasonable in relation to the principles of Policy 31.

8.4 Material Considerations

Design: The housing group consists of a mix of 1 storey and 1½ storey houses together with a converted traditional steading. The existing approved design for this plot is of 1½ storey form. The proposed design contains both 1 storey and 1½ storey elements. The plan form is more elongated than the previously approved design, partly due to the integration of the garage (previously detached) into the house, and the proposed house is both closer to the road than the previous design and orientated due south rather than south-south-east as previously. An element of timber cladding has been introduced to wall finishes and roof cladding would be dark grey profiled metal sheeting. The overall effect is of a contemporary interpretation of traditional building forms with the bedroom wing in particular having the proportions of a traditional cottage. The design is judged to be both of high quality in its own right and, by maintaining an appropriate scale of building, colour of roof finish and dominant role for white render in the composition of the elevations, to be consistent with the group as a whole.

Surface Water Drainage: The surface water disposal proposals have been examined by Building Standards officers. They are satisfied that the proposals are based on sound calculations and will satisfy the relevant standards. The proposals have also been examined by Transport Planning whose comments are as follows:

The surface water soakaway has been designed to cater for the run-off from the roof of the main building, while the driveway and paths within the site have been proposed as gravel to limit the size of surfaced areas that will run into the positive drainage system. Rainwater collection systems have also been proposed to gather run-off from the roof, with the intention of being used for garden irrigation. The design for sizing the soakaway includes a 20% allowance to take account for future climate change, and the soil infiltration rate used was more onerous than was found during the on-site tests done for the previous application in 2014. These give a level of comfort over the proposed sizing of the soakaway. Also, there is sufficient land within the site to increase the size of the soakaway, should this be required as part of seeking formal approval through Building Standards.

The calculations have been based on the proposed design (with its greater area of roof surfaces) but had calculations and designs of a similar standard been submitted in respect of the existing permission simply to satisfy condition 1 of that permission there is no doubt that they would have met the condition's requirements.

Roads: The application proposes to create an access at the point where the driveway meets the private forestry track that reflects the dimensions of an SDB2 access layby, as defined within the Council Guidelines for Access to Single Houses and Small Housing Developments and condition 4 of the previous permission, but which would be surfaced in gravel rather than bituminous material. Transport Planning consider that this should be acceptable as the access will be from a

private track which is surfaced in similar material. Facilities equivalent to the standard SDB2 diagram (adjusted to take account of the road curvature) at the junction with the public road, are required; this was illustrated on the previously approved drawing.

In relation to the disputed visibility splay requirements of the previous permission's condition 4, Transport Planning have commented as follows:

The Condition required removal of obstructions within the visibility splays as shown on Drawing No. 0813.1931.06 submitted in support of the previous planning consent. This application is seeking to get this conditioned requirement lifted. The justification has been based on the efforts being taken to reduce the level of construction traffic needing to access the site. Although it is welcomed that efforts are being made to reduce the impacts of construction traffic on the local public road network, visibility issues relate to the safe operation of the public road during both the construction stage and the ongoing operation of the development. It is accepted that a single house will not generate a large number of new ongoing trips through this junction. However, trip levels through the junction will increase slightly as a result of this new development, which is why visibility considerations are required.

The visibilities being requested are a 75m splay to the north west and a 120m splay to the north east from a 2.5m set back at the junction with the private forestry track serving the site. Using the information in Roads and Transport Guidelines for New Developments, the 75m and 120m distances relate to average approach speeds on the public road of 25mph from the north west and 40mph from the north east. The public road is derestricted to a 60mph speed limit. However, this is a single track road with severe changes in both horizontal and vertical alignment, which will act to reduce average vehicle speeds. While no traffic speed information has been provided in support of the application, given the narrow width and alignment of the public road, particularly to the north west, the requested clear visibility distances linked to this Condition appear to be reasonable. However, any reasonable opportunity to increase the 75m clear visibility distance to the north west should be considered to further improve road safety at this junction.

The drawing suggests that achieving these visibility splays will require some vegetation clearance within private land to the north of the public road from a 2.5m set back. However, site inspections confirm that from a 2.5m set back, 75m clear visibility can be achieved to the north west without the need for any vegetation cut back and this can be increased to 87m by cutting back vegetation within the public road boundary. To the north east, 120m clear visibility can be achieved from a 2.5m set back by cutting back vegetation within the public road boundary and should not require any clearance within privately owned land.

Given this, it is deemed appropriate that any permission granted is Conditioned requiring the clearance of obstructions within the visibility splays from the junction. However, it is recommended that this Condition is reworded to remove reference to

the previous drawing number and reflects the need to clear vegetation in the public road boundary to achieve clear visibility distances of 87m to the north west and 120m to the north east from a 2.5m set back.

Given that the existing permission was granted little more than a year ago it would be unreasonable to insist on a more onerous standard of junction design (including visibility) than that previously required. The visibility requirements of the condition as it stands are justifiable in terms of Transport Planning advice, accord with the Policy 31 principle that “other potential adverse impacts of any development proposal will normally be addressed by planning condition” and their implementation is not constrained by any land ownership issues. Otherwise however, this element of the application cannot be supported and the recommendation below therefore includes a condition requiring formation of the visibility splays as required by the previous permission.

8.5 **Other Considerations – not material**

The ownership of the private track and whether or not Forestry Commission as its owner have agreed to its use by the applicant and the formation of the access into the site are private matters not material to consideration of the application.

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

None

9. **CONCLUSION**

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. **RECOMMENDATION**

Action required before decision issued	No
Notification to Scottish Ministers	No
Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No
Revocation of previous permission	No

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. No other development shall commence until:
 - i. the access serving the development site, and the adjacent plot previously granted planning permission under reference 13/04372/FUL, has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with the

junction formed to comply with the geometry shown in drawing ref. SDB2 but with a water-bound macadam or similar non-bituminous surfacing;

- ii. the junction of the private access track with the public road has been provided with the equivalent of drawing ref. SDB2 (adjusted for actual road geometry) including visibility splays measuring 75m to the north west and 120m to the north east from a 2.5m set back at the junction, as shown on drawing 0813/1931/06 approved in connection with planning permission 13/04372/FUL. 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 adequate access is provided to the plots for all traffic including construction traffic and to ensure that an adequate standard of visibility is provided at the junction of the public road and the road leading to the site.

2. The tree planting shown on drawing ref.15-001/P-05 submitted with this application for planning permission shall be undertaken during the first planting season following commencement of construction of the house.

Reason : To ensure that there is adequate and timeous mitigation of tree felling at the roadside resulting from the formation of the access to 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 LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

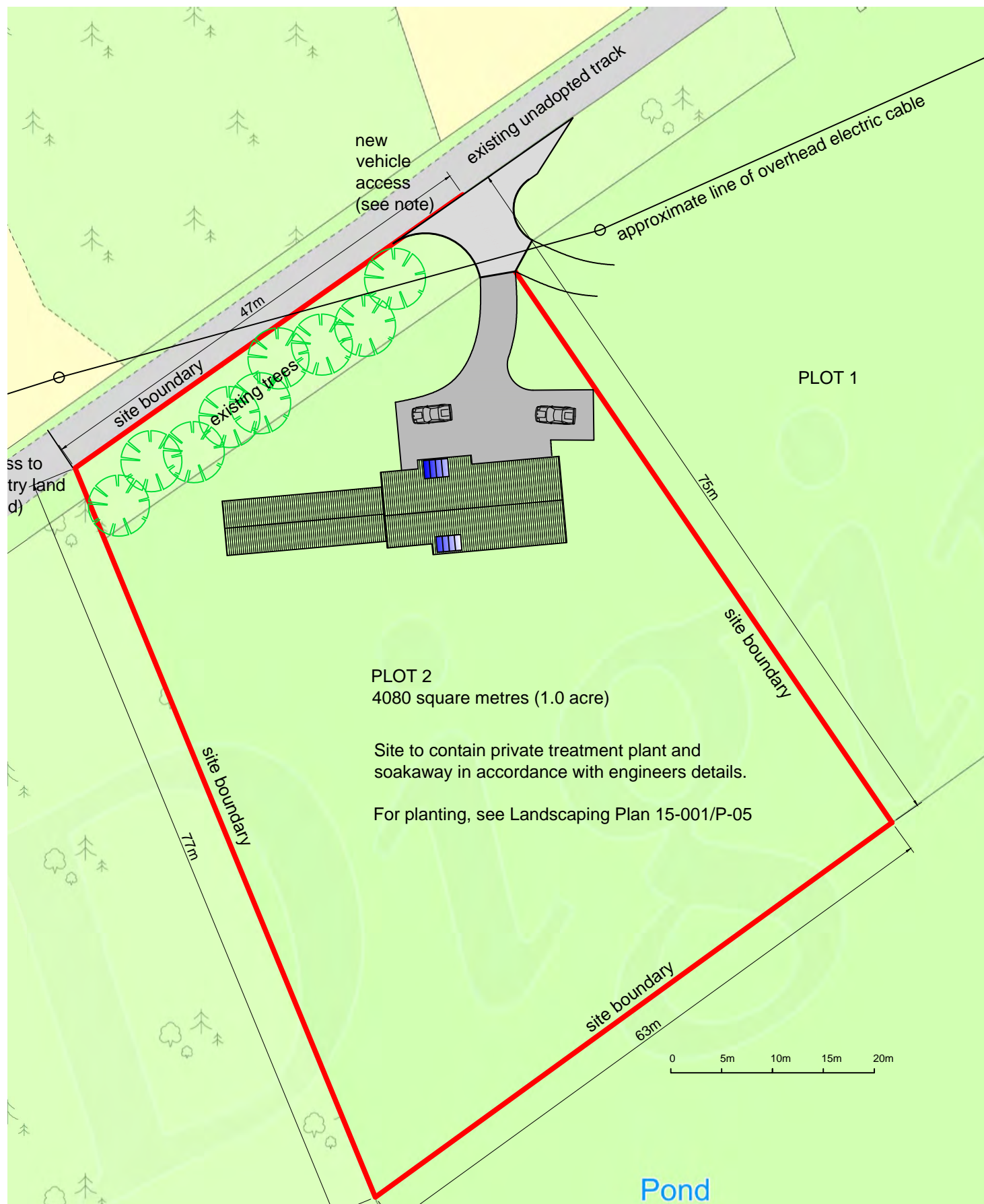
Construction Hours and Noise-Generating Activities

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).

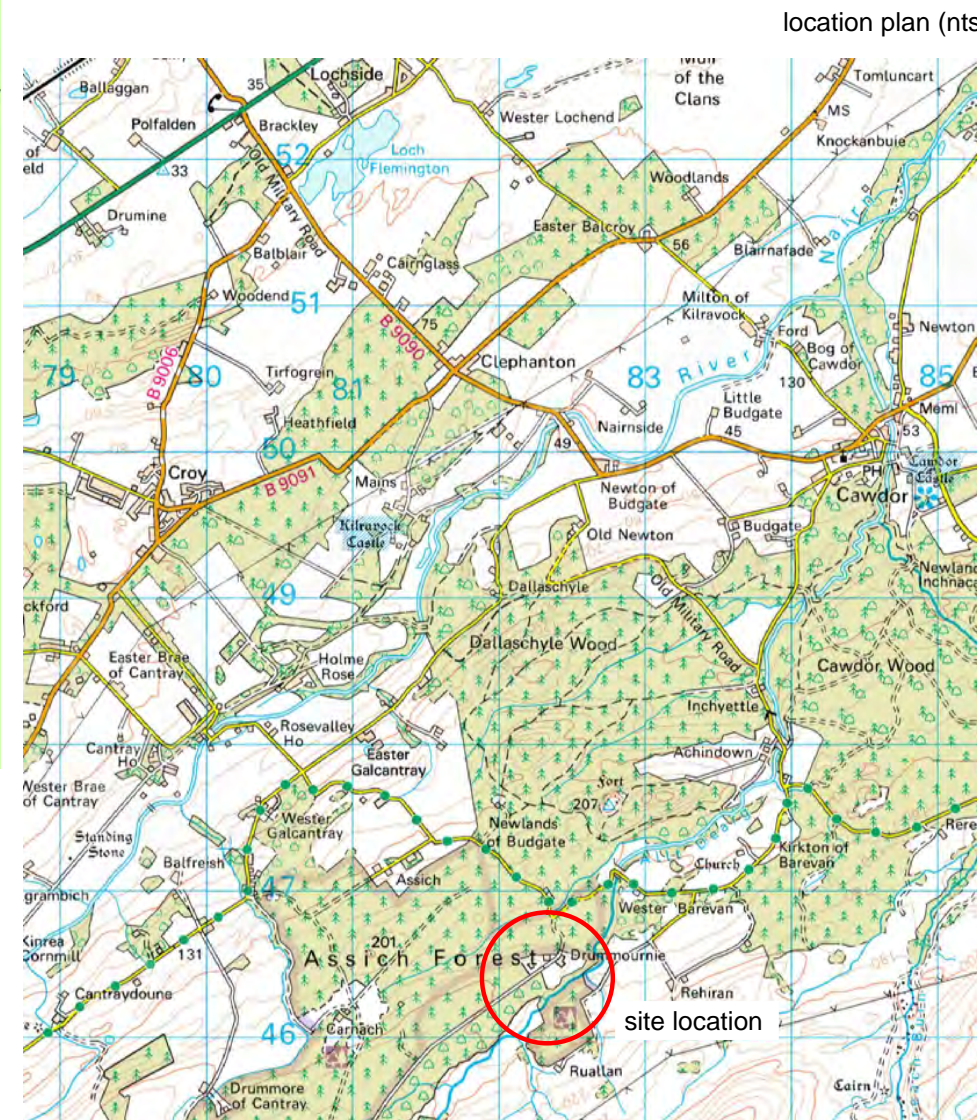
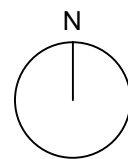
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Andrew McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location plan
Plan 2 – Drainage plan
Plan 3 – Landscaping plan
Plan 4 – Floor plan
Plan 5 – Elevation plan



Site plan (1:500)



REVISIONS:

REV	DD/MM/YY	DESCRIPTION

NOTES:

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

DO NOT SCALE DRAWING

ALL PRINTS AND SPECIFICATIONS ARE THE PROP OF NEIL SUTHERLAND ARCHITECTS LLP AND MUST BE RETURNED AT THE COMPLETION OF THE PROJECT.

Note:

New vehicle access (as required by Condition 4 of Planning Consent 13/04372/FUL) to comply with High Council drawing SDB2 with the following exception:
Asphalt Surface and Binder courses and B to be replaced by suitable decompacted porous aggregate consisting of materials and level of the existing adjacent unadopted access track.

PROJECT:

NEW HOUSE

PLOT 2
DRUMMOURNIE
CAWDOR
IV12 5XU

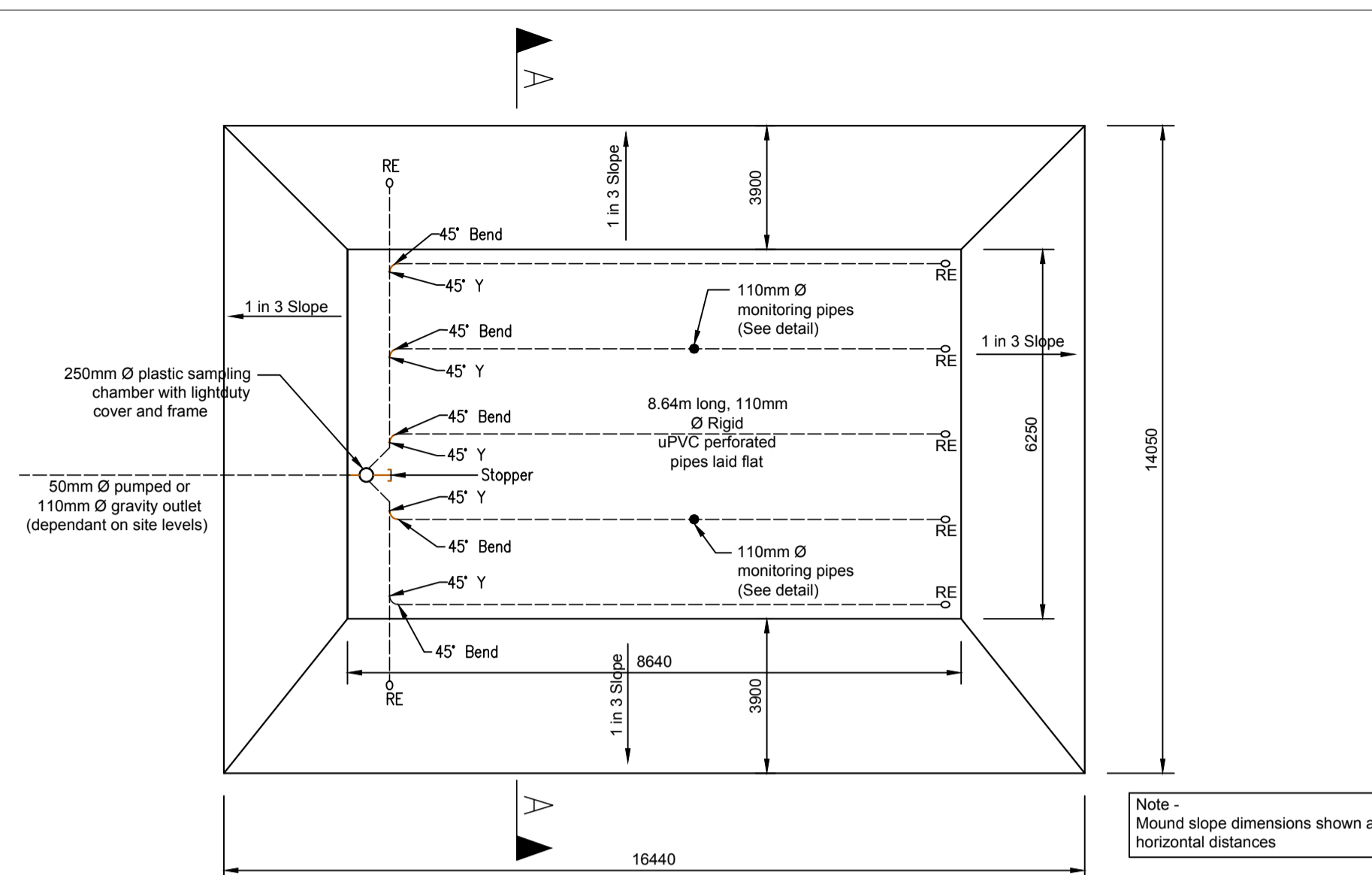
DRAWING:

SITE PLAN

DRAWING ISSUED FOR: PLANNING VARIATION

ARCH TECH: MIKE BASSETT MCIAT
VERIFIED BY:
DRAWN BY: MB
SCALE: 1:500
DATE: 2nd February 2015

Do not scale off drawing. If in doubt, ask



PLAN OF MOUND FILTER SYSTEM

(Scale 1:100)

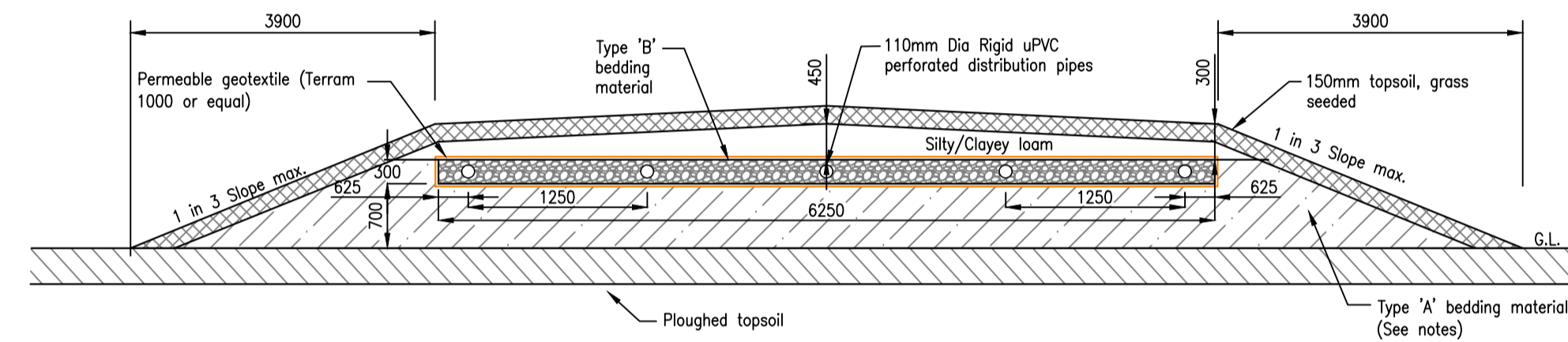
1. Mound design in accordance with BRE 478 'Mound filter systems for the treatment of domestic wastewater'.
2. Type 'A' material to be coarse sand similar to concrete sand. Fraction exceeding 2mm to be less than 20% by weight. Fraction less than 0.05mm to be less than 5% by weight.
3. Type 'B' material to be clean, double washed 10-20mm gravel.
4. Ensure the base of the gravel distribution bed is placed on a level surface.
5. Ensure that the distribution pipes are laid level.
6. Distribution pipes to be 110mm Ø rigid perforated uPVC pipes.
7. Dimensions shown are approximate. Mound to be formed to suit existing topography.
8. Minimum distance between mound and the house or any site boundaries to be 5m.
8. Site gradients should not exceed 12%

NOTES:-

1. Curtilage drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752 :2008, BS EN 1610 :1998, 'The SUDS Manual - Ciria C697', S.E.P.A. Regulatory Method WAT-RM-04, S.E.P.A. Supporting Guidance WAT-SG-41, BR 478 and S.E.P.A. GBR10.
2. A minimum of 600mm cover to be provided to all pipework within garden/landscaped areas and a minimum of 900mm below any road/parking area unless otherwise stated.
3. Site plan extract taken from Square Peg Architects drawings.
4. Refer to the Architect's drawings for the exact position of the roof water downpipes.
5. All existing services to be located prior to any construction work being carried out.
6. Drainage design shown is subject to approval from S.E.P.A.

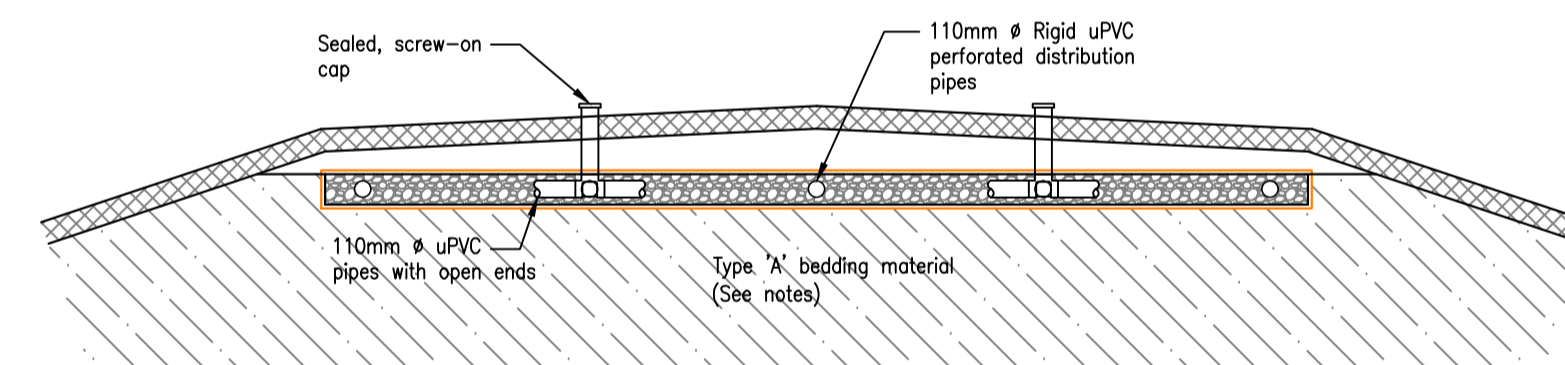
LEGEND:-

- New 150mm Ø uPVC surface water pipework (arrowhead denotes direction of flow)
- New 110mm Ø uPVC foul water pipework (arrowhead denotes direction of flow)
- I.C. ● New 450mm Ø uPVC inspection chamber (maximum depth 1.2m)
- R.E. ● New rodding point terminal
- S.T. ● New 500mm Ø polypropylene silt trap manhole with 450mm sump (by Wavin or equal approved)



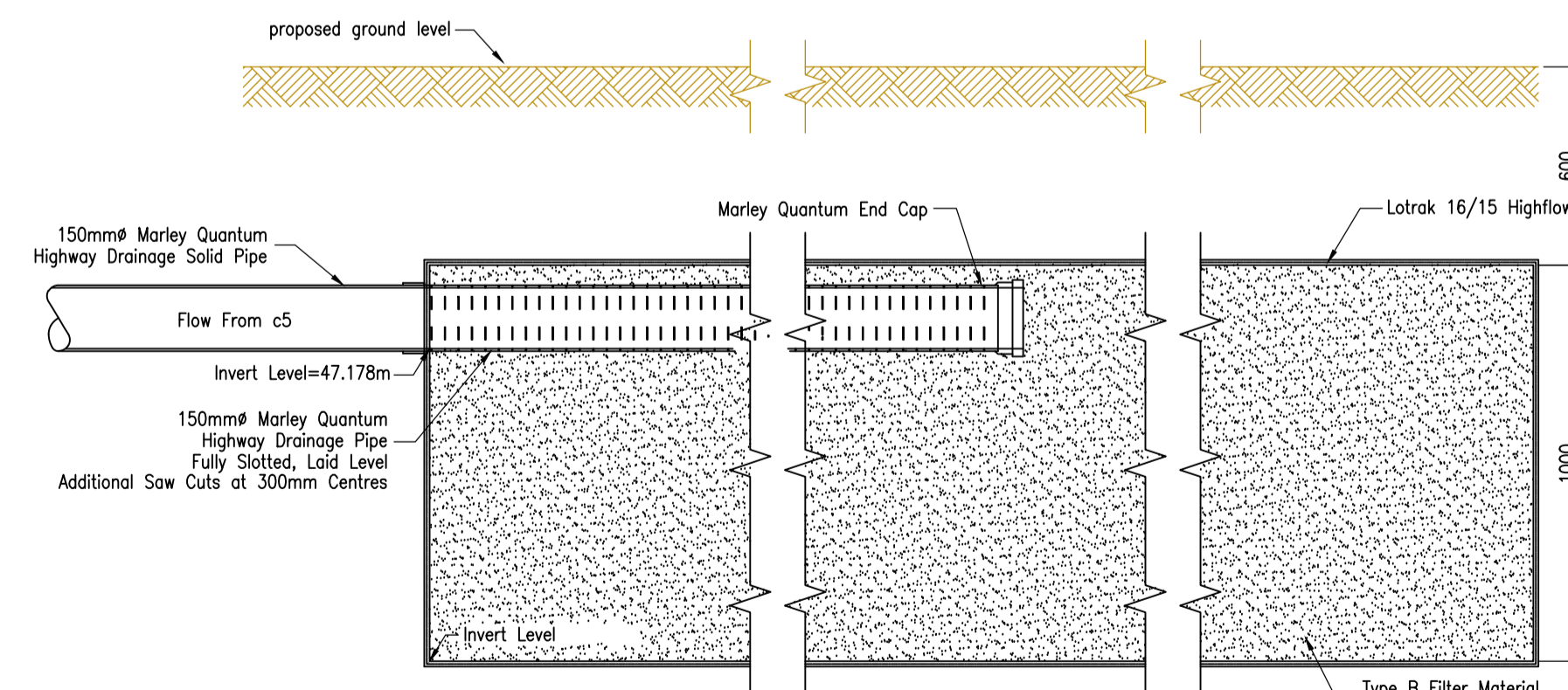
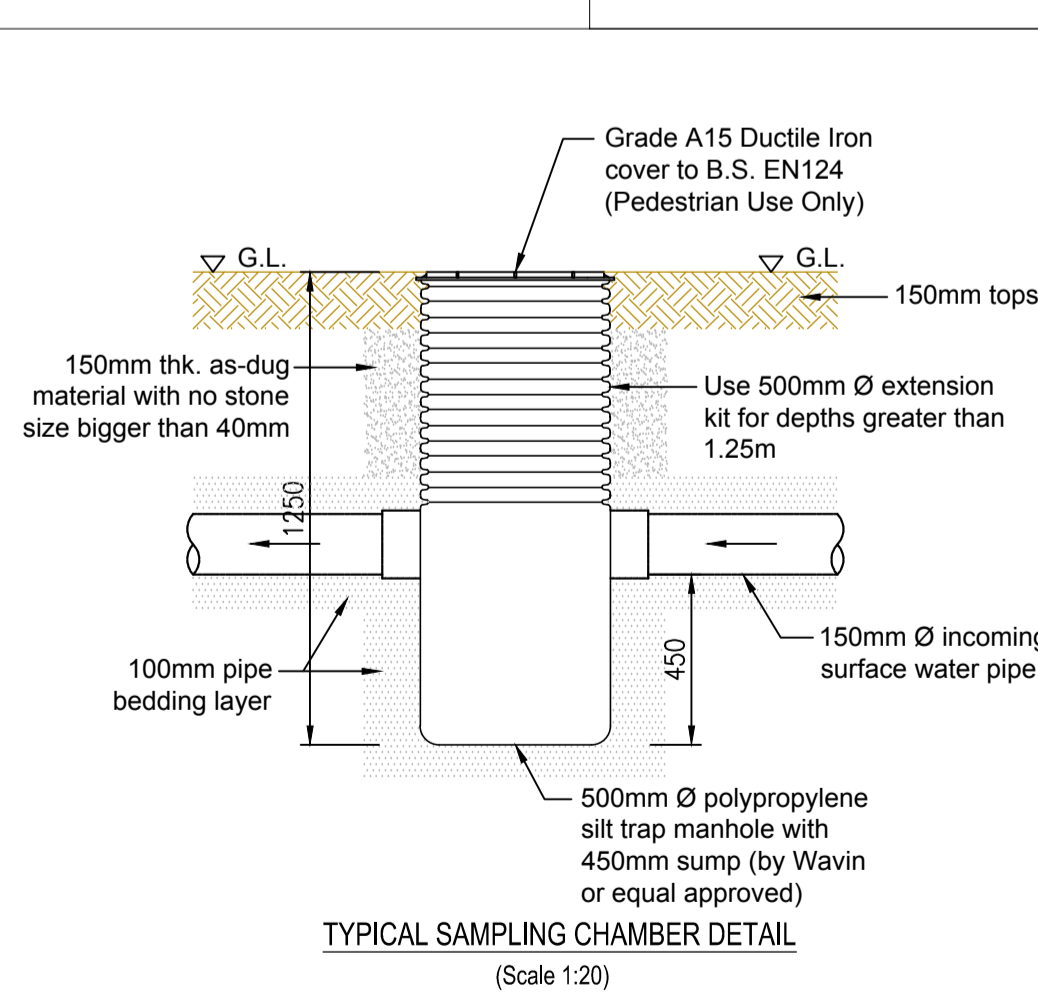
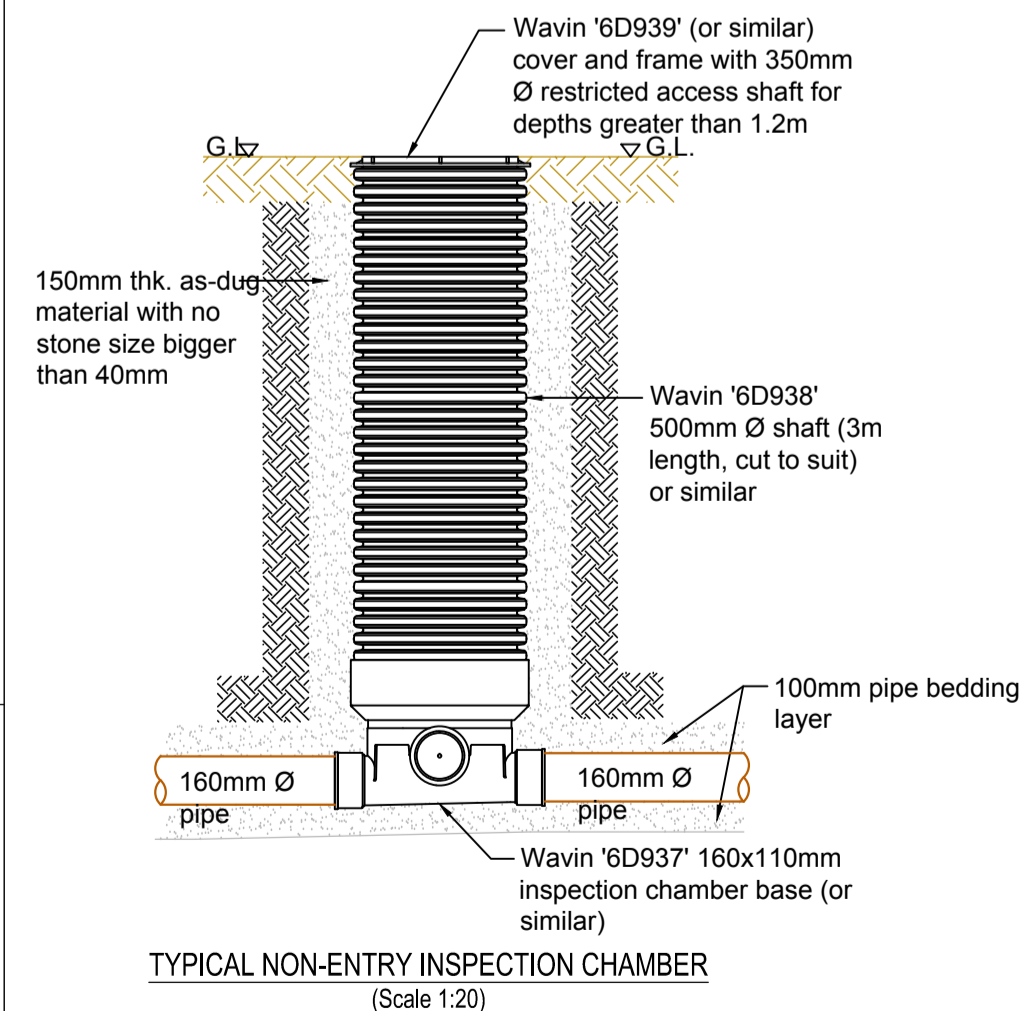
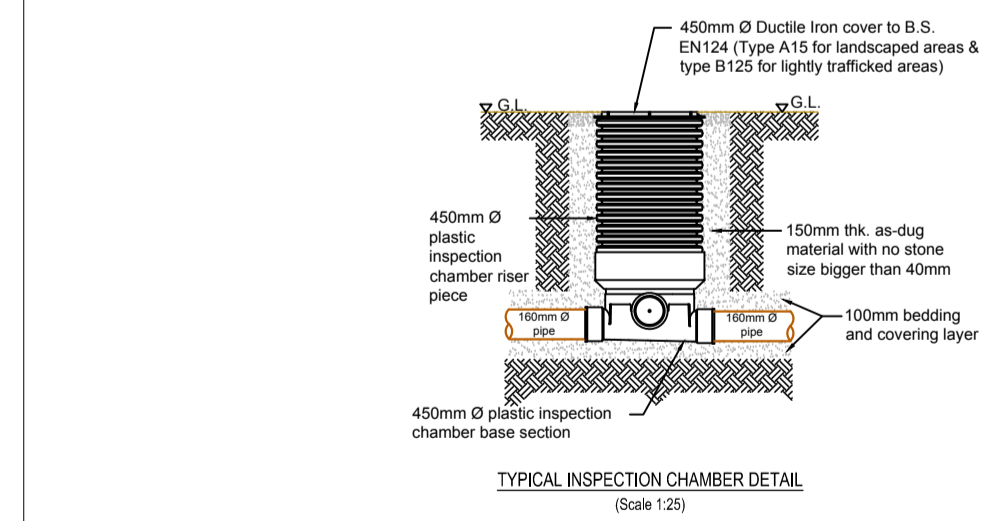
SECTION A-A

(Scale 1:50)



MONITORING TUBE DETAIL

(Scale 1:50)



SECTION THROUGH SOAKAWAY

(Scale 1:25)

Note 1: RANGE OF GRADING FOR TYPE B FILTER MATERIAL

BS SIEVE SIZE	PERCENTAGE BY MASS PASSING
100	63mm
85-100	37.5mm
0-20	20mm
0-5	10mm
-	3.35mm

Note 2: THE FILTER MATERIAL SHALL BE DEPOSITED IN LAYERS EACH NOT EXCEEDING 225mm LOOSE DEPTH AND EACH LAYER SHALL BE LIGHTLY COMPACTED.

Rev.	Date	Description	Drawn	Chkd.	Appd.
-	-	-	-	-	-

FAIRHURST Etive House
Beechwood Park
Inverness
IV2 3BW
CONSULTING STRUCTURAL AND CIVIL ENGINEERS Tel:- (01463) 724544 Fax:- (01463) 717878

Client: Mr M Bassett

Project Title: New Dwelling at Drummonnie

Drawing Title: Proposed Drainage Layout

Scale of A1:	Status:	DB File Name:
As Shown	For Information	110599-PC001
Drawn: JP	Checked: DM	Approved: DM
Date: 08/07/2015	Date: 10/07/2015	Date: 10/07/2015

Drawing No: 110599/001



mixed deciduous trees to be removed to form new access in accordance with Condition 4 of Planning Consent 13/04372/FUL

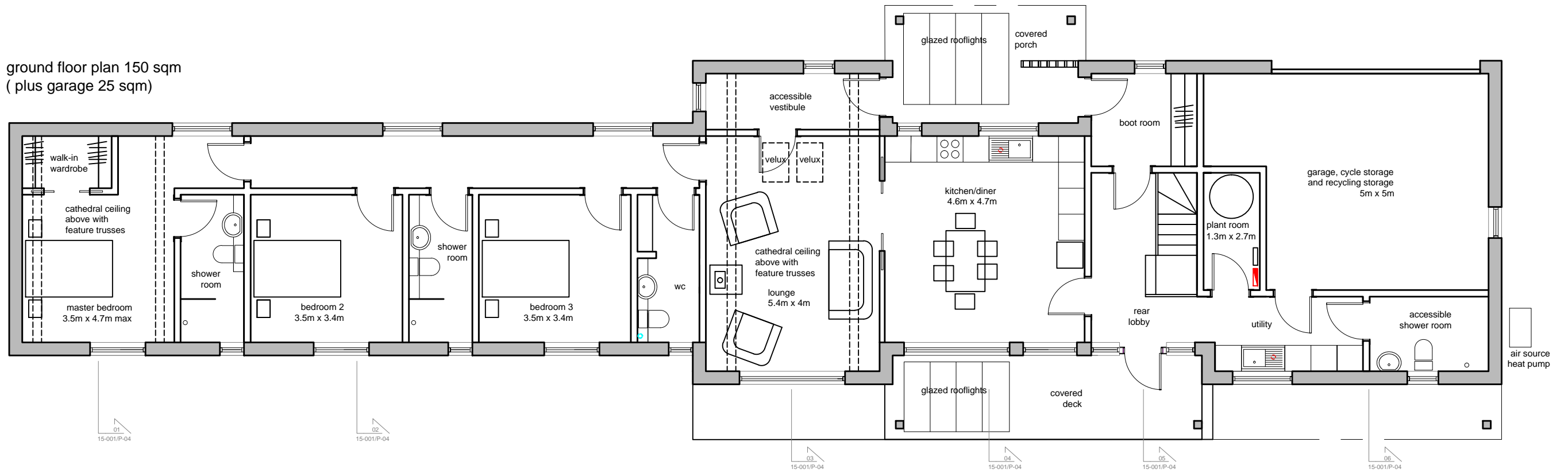
mixed evergreen trees to be planted in accordance with Condition 3 of Planning Consent 13/04372/FUL to replace trees lost at new access

vegetable root crops 3m x 20m

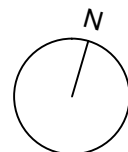
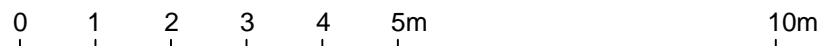
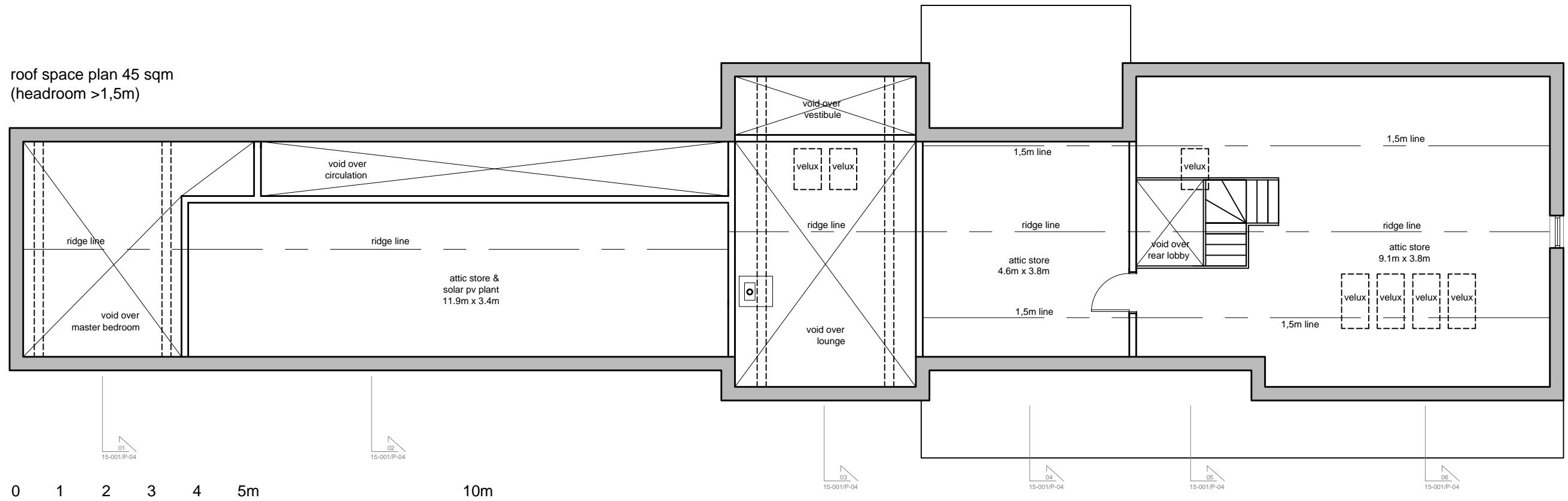
4 no. fruit cages 4m x 6m

REV	DD/MM/YY	DESCRIPTION

ground floor plan 150 sqm
(plus garage 25 sqm)



roof space plan 45 sqm
(headroom >1,5m)



square peg
architecture
6 Westfield Way
Inverness, Scotland, IV2 5AL
T: 01463 795668 M: 07905 770092
E: mbassetcats@aol.com

REVISIONS:

REV	DD/MM/YY	DESCRIPTION

NOTES:
CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE COMMENCING WORK.
DO NOT SCALE DRAWING
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PROJECT:
NEW HOUSE

PLOT 2
DRUMMOURNIE
CAWDOR
IV12 5XU

DRAWING:
FLOOR PLANS

ARCH TECH: MIKE BASSETT MCIAT
VERIFIED BY:
DRAWN BY: MB
SCALE: 1:100
DATE: 7th March 2015

PROJECT NO | DRAWING NO
15-001 | P-03

DRAWING ISSUED FOR: PLANNING VARIATION

REVISIONS:

REV	DD/MM/YY	DESCRIPTION

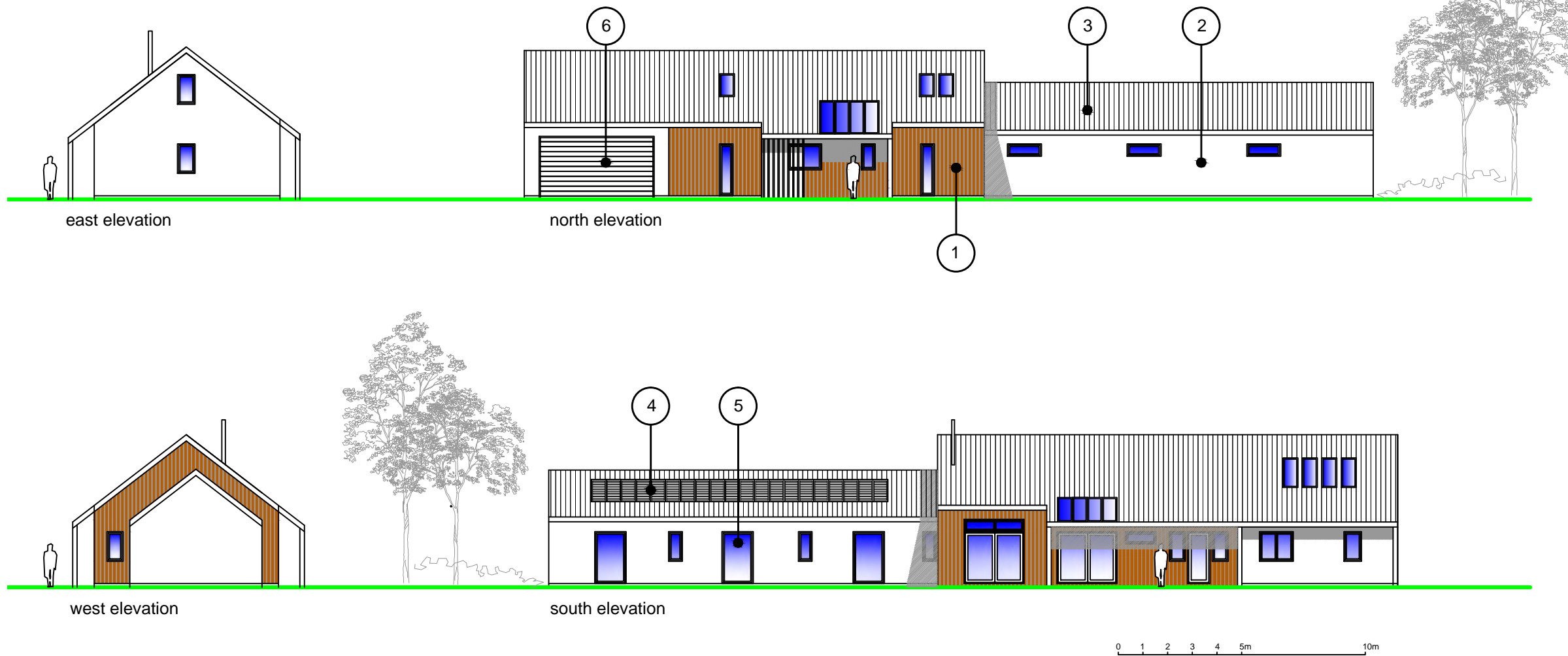
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MATERIALS & FINISHES:

1. NATURAL TIMBER CLADDING
2. WHITE RENDER
3. PROFILE SHEET ROOFING, DARK GREY
4. SOLAR PHOTOVOLTAIC COLLECTORS
5. TIMBER FRAME WINDOWS, PAINTED DARK GREY
6. STEEL ROLLER SHUTTER DOOR



perspective view from south west (nts)



perspective view from north east (nts)

PROJECT:

NEW HOUSE

PLOT 2
DRUMMOURNIE
CAWDOR
IV12 5XU

DRAWING:

ELEVATIONS

DRAWING ISSUED FOR: PLANNING VARIATION

ARCH TECH: MIKE BASSETT MCIAT
VERIFIED BY:
DRAWN BY: MB
SCALE: 1:200
DATE: 2nd February 2015

PROJECT NO | DRAWING NO

15-001 | P-01