

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
27 September 2016

Agenda Item	6.7
Report No	PLS 062/16

16/01948/FUL: Mr Elliot Moir
Land 35M East Of 2 Dell of Inshes, Inshes, Inverness

Report by Area Planning Manager - South / Major Developments

SUMMARY

Description: Refurbishment of existing farm buildings into two dwellings

Recommendation: GRANT

Ward: 20 Inverness South

Development category: Local

Pre-determination hearing: No

Reason referred to Committee: Objection by statutory consultee

1. PROPOSED DEVELOPMENT

- 1.1 This application is for the redevelopment of a steading building within a farm complex in the Inshes area of Inverness to form two dwellings. The buildings are currently used for storage.
- 1.2 The applicant made use of the pre-application service and was advised that commercial use of the building was unlikely to be supported but a residential use could be, subject to meeting all the infrastructure requirements.
- 1.3 The site is served by a private access from the public road.
- 1.4 The applicant has supplied a Bat Roost Assessment, a Species Protection Plan, a Drainage Assessment, Design Statement and Private Access Checklist.

2. SITE DESCRIPTION

- 2.1 This steading forms part of a number of buildings on the farm, some of which have been removed in recent years. The farmhouse remains in use and two other properties are in close proximity.

3. PLANNING HISTORY

3.1 There is no planning history involving these particular buildings.

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Representation deadline: 04.06.16

Timeous representations: 3

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- Concern over damage to the access road during construction;
- Concern over damage to boundary opposite access on public road;
- No overlooking or access into the courtyard.

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 **Historic Environment Team:** No objection

5.2 **SEPA:** **object** on the basis that the proposal will not connect into the public sewer.

5.3 **SNH:** No objection

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 & Place-making
34	Settlement Development Area
58	Protected Species
65	Waste Water Treatment

6.2 Inner Moray Firth Local Development Plan 2015

No applicable policies.

6.3 **Highland Council Supplementary Guidance**

Sustainable Design Guide – January 2013

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy - June 2014.

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

8.3.1 **Design:** The conversion of this farm building has taken account of its traditional style and demonstrates high quality design in keeping with the character of the existing building. The main aspect of the two properties will be away from the existing residential properties and facing towards the north. It is not considered that converting the steading will have an adverse impact on the existing residential properties in the vicinity and on this basis it is considered that the proposal complies with policies 28 and 29 of the Highland-wide Local Development Plan.

8.3.2 Given its location within the city of Inverness and meeting the requirements of policy 28, it also complies with policy 34.

8.3.3 **Bat Protection:** As part of the planning application process, the applicant has supplied various bat survey reports and a subsequent Species Protection Plan, which includes mitigation aimed at reducing the risk of impact on bats prior to and during works and, also, to ensure that there is secured mitigation compensatory options over the longer term. The removal or reduction of any impact on bats at this site will be reliant on the correct implementation of any mitigation procedures outlined in the Plan. A condition will be added to this effect. The proposal therefore complies with policy 58.

8.3.1 **Waste Water Treatment and SEPA objection:** The four existing properties in the Dell of Inshes group all have septic tanks and are not connected to the public sewer and this reflects the historical situation given the location which would originally have been outwith the city boundary. However SEPA have raised an objection to this proposal on the basis that, in accordance with their policies, any

new development within a settlement must connect to the public sewer. While the applicant accepts and agrees that connecting to the public sewer is the best option where one exists, at this particular location in the city, the legal and cost issues associated with making a connection would in the opinion of the applicant, make the proposal unviable.

The applicant has supplied evidence from a suitably qualified engineer who has assessed the situation and concluded that the most likely connection point in terms of just the physical construction of the sewer is likely to cost in excess of £26,000. In addition to this cost, the applicant will be required to secure access over land belonging to other landowners and is, as a result, dependent on permissions from other neighbouring properties. These factors make a connection to the public sewer for two small properties economically unviable. Policy 65 of the HwLDP requires new development to connect to the public sewer unless it is demonstrated to be unviable on cost grounds and that there is no adverse impact on the environment through implementation of an alternative foul drainage solution. In this instance, the applicant has sufficient ground to enable installation of a septic tank which will serve each of the proposed new dwellings and it is understood from the submitted engineers report that there will be no adverse impact on adjacent watercourses or the environment in general. In terms of policy 65, the assessment is therefore limited to whether the cost of connecting to the public sewer is unreasonable such as to make the development unviable.

The assessment must also take into account the fact that there is a public sewer within the Inshes area and although this would involve access to land outwith the ownership of the applicant, there is the potential and opportunity to make such a connection. In order to comply with the terms of Policy 65 and based on the fact that a connection to the public sewer could be secured, it is intended to include a condition restricting any development on site until the applicant has secured the appropriate connection from Scottish Water and in this way both address SEPA's objection and address the requirements of Policy 65. The cost stated by the applicant for two houses to connect to the public sewer does not seem unduly onerous in this instance.

- 8.3.4 Taking all of the above into account and given the particular local situation, it is considered that as the proposal brings a building that might otherwise fall into disrepair back into good use and is well designed, it is supported by the policies in the Development Plan.

8.4 **Material Considerations**

Some of the concerns raised to this application relate to protection of neighbouring properties during construction of the development. This can be covered by condition to ensure that the applicant is responsible for any damage the development may cause.

In terms of overlooking the courtyard, the applicant has amended the relevant window to have opaque glass which the objector has indicated he is satisfied with.

8.5 Other Considerations – not material

One of the third parties raised concerns in relation to the end users of the two properties. This is not a material consideration.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered, subject to the conditions noted, 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. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

2. No development shall commence until it has been demonstrated to the satisfaction of the planning authority that a connection to the existing foul sewer has been secured from Scottish Water and is capable of implementation. Thereafter, neither of the residential units shall be occupied until the connection to the public sewer is constructed and completed in accordance with the approved details.

Reason: in the interests of public health and environmental protection.

3. Prior to the first occupation of the dwellinghouses, parking spaces (excluding garages) for a minimum of 2 cars shall be provided within each curtilage in accordance with The Highland Council's Access to Single Houses and Small Developments, and shall thereafter be maintained for this use in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park

within or reverse onto the public road.

4. No development shall commence until a fully detailed scheme of landscaping for the site, including a scheme of maintenance, has been submitted to and received the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following occupation of the development and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

5. No development shall commence until a photographic record of the condition of the boundary treatments of properties around the access track, including opposite the entrance to the access has been submitted to the Planning Authority. Any damage to these boundaries due to the construction of the house shall be made good, at the applicant's expense, within 3 months of the completion of the development, to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

6. No development shall commence until a photographic record of the condition of the common access track has been submitted to the Planning Authority. Any damage to the common access track due to the construction of the house shall be made good, at the applicant's expense, within 3 months of the completion of the development, to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

7. No development or work (including site clearance) shall commence until a photographic record has been made of the existing buildings and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: In order to protect the archaeological and historic interest of the site.

8. The recommendations in the Species Protection Plan by Coachman Consultancy dated 18th August 2016 shall be adhered to at all times during the construction process.

Reason: In order to ensure the protection of bats.

9. No development on the conversion of the steading shall commence until the proposed junction with the public road has been constructed and completed in accordance with the details per drawing 750_102 unless otherwise agreed with the Planning Authority.

Reason: In the interests of road safety.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

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.

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

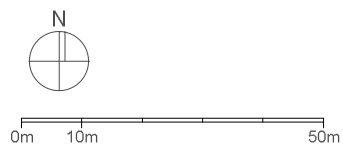
Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk 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: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevation Plan

SITE ADDRESS:
 Outbuildings
 Dell of Inshes
 Inverness
 IV2 5BG

SITE AREA: 1142 sq.m



Red line denotes land affected by proposal
 Blue line denotes land owned by applicant
 Green line denotes visibility splays (Refer to land surveyor's drawing)
 Yellow fill denotes right of access

Revisions
A 09/05/16 Extent of land owned by applicant adjusted and site area value adjusted accordingly.

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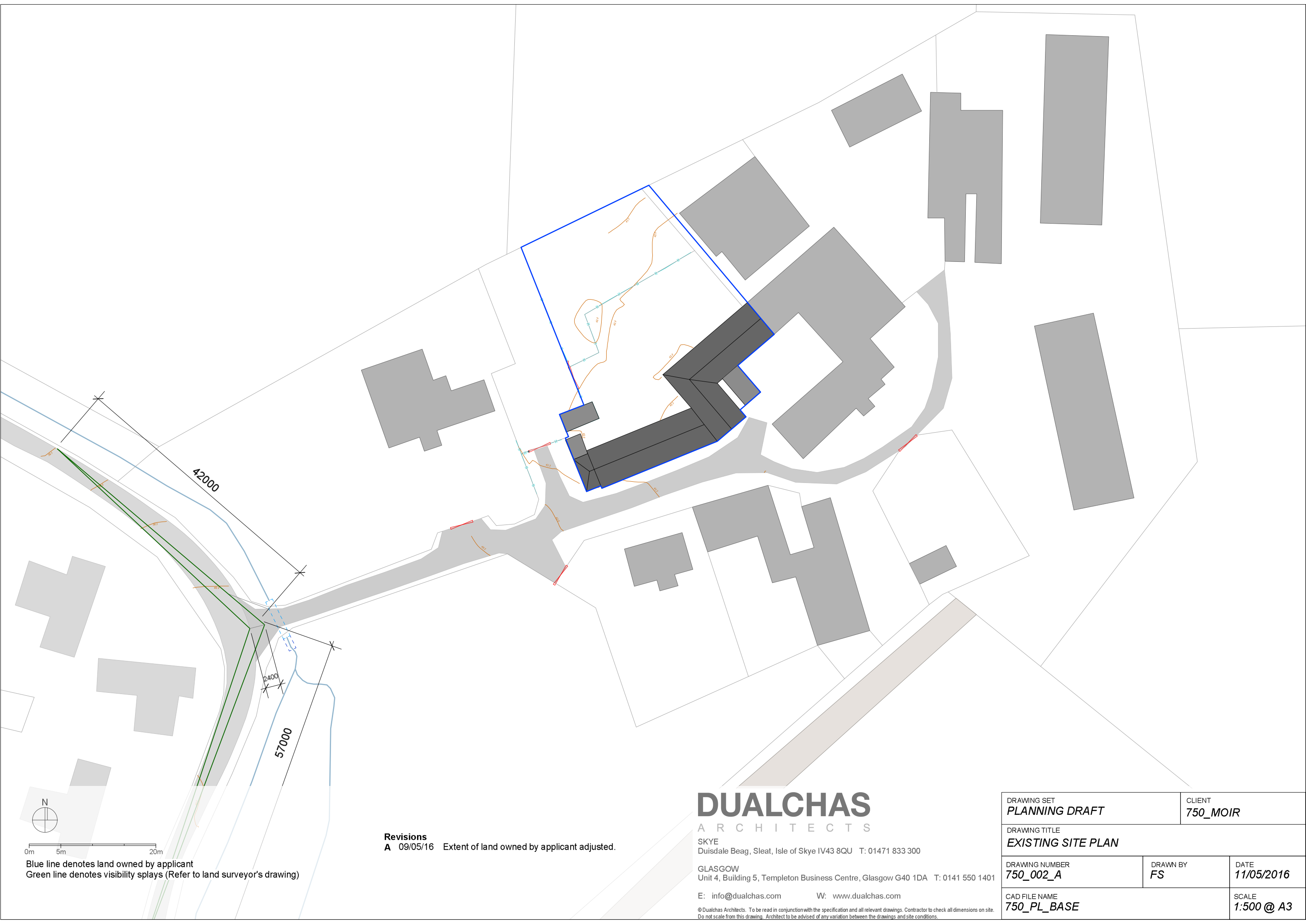
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DRAWING SET PLANNING DRAFT		CLIENT 750_MOIR
DRAWING TITLE EXISTING LOCATION PLAN		
DRAWING NUMBER 750_001_A	DRAWN BY FS	DATE 11/05/2016
CAD FILE NAME 750_PL_BASE		SCALE 1:1250 @ A3



Blue line denotes land owned by applicant
 Green line denotes visibility splays (Refer to land surveyor's drawing)

Revisions
A 09/05/16 Extent of land owned by applicant adjusted.

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DRAWING TITLE EXISTING SITE PLAN		
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Red line denotes land affected by proposal
 Blue line denotes land owned by applicant
 Brown line denotes foul drainage course (Refer to JIG Drainage Assessment)
 Light blue line denotes rainwater drainage course (Refer to JIG Drainage Assessment)
 Dashed Yellow line denotes downtakings

Revisions
A 09/05/16 Extent of land owned by applicant adjusted.

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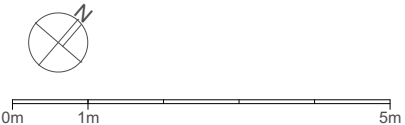
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DRAWING SET PLANNING DRAFT		CLIENT 750_MOIR
DRAWING TITLE PROPOSED SITE PLAN		
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Revisions
A (05/07/16) Timber fence added round courtyard

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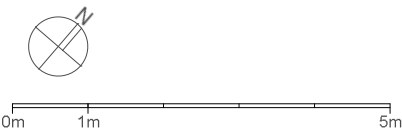
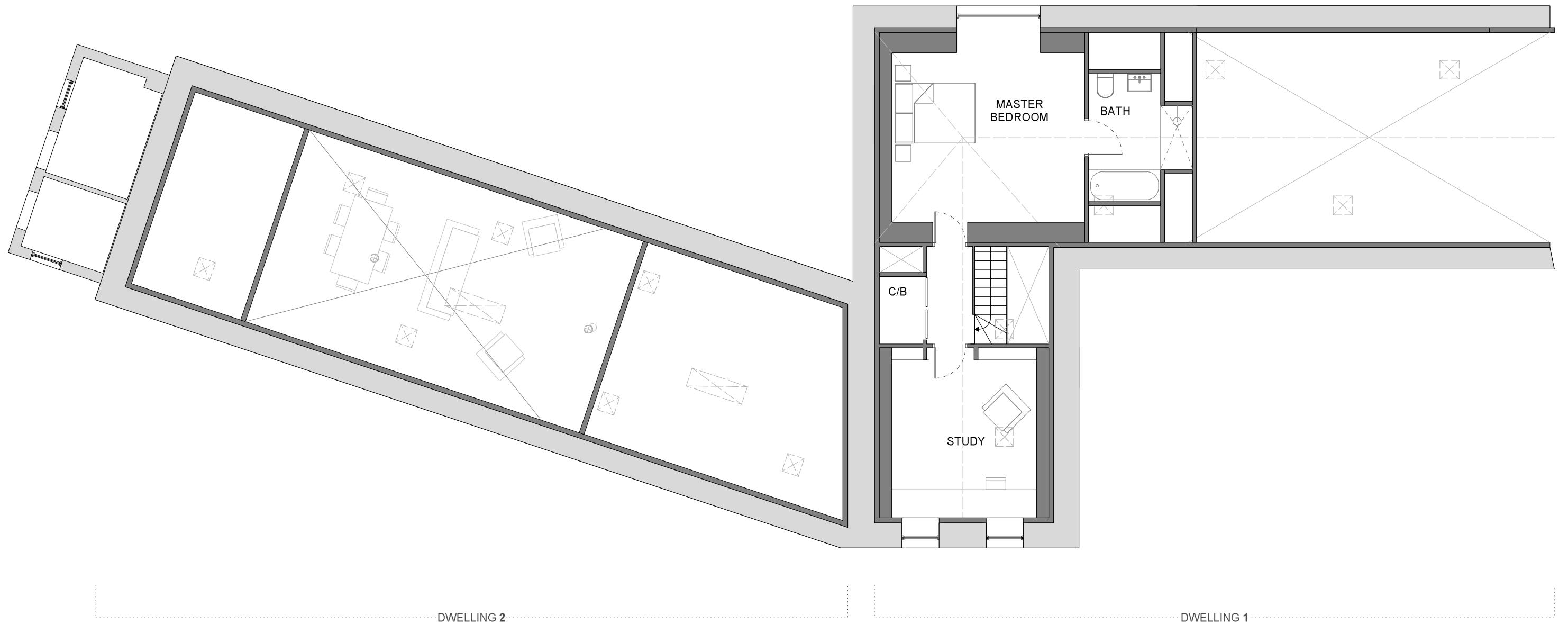
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DRAWING TITLE PROPOSED GROUND FLOOR PLAN		
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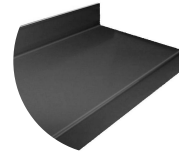
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Stone Walls



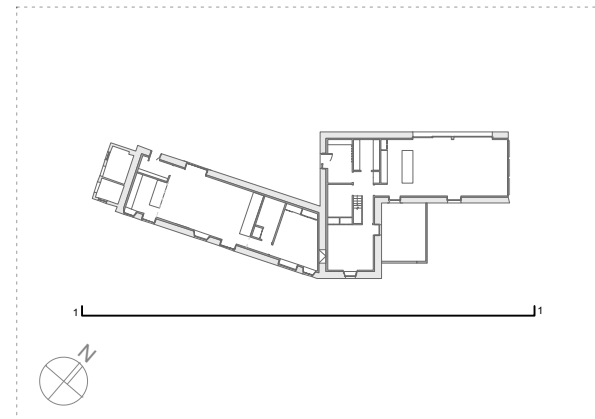
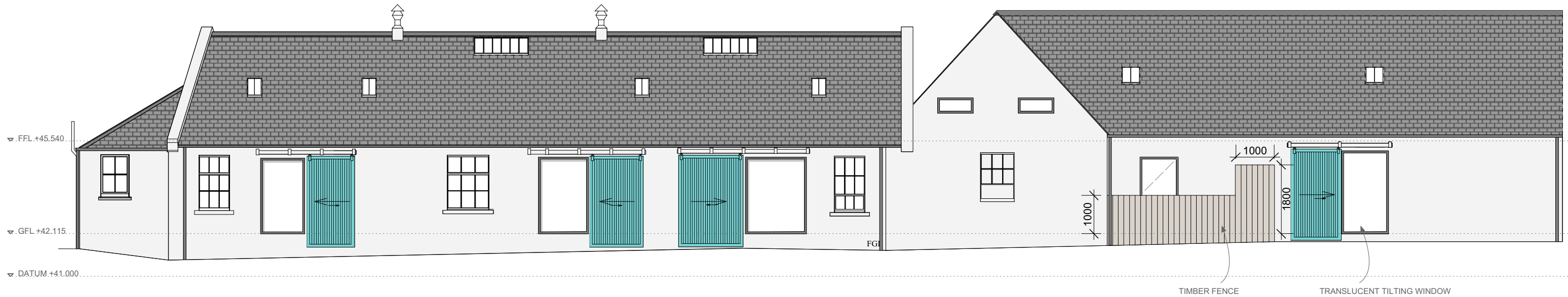
Slate Roof



Aluminium gutters, downpipes and flashings in dark grey



Existing Turquoise Painted Timber Doors



Revisions
A (05/07/16) Timber fence added round courtyard

Materials
Walls: Stone - grey/red
Roof: Slate
Windows: Timber frame with aluminium facings in grey
Gutters: Exposed gutters and downpipes in grey



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DRAWING NUMBER 750_401_A	DRAWN BY FS	DATE 05/07/2016
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PUBLIC ROAD

PRIVATE ROAD

Radius 5500

8000

2891

8000

5500

10000

Culvert

Radius 3300

6000



0m 5m 20m

Dashed red line denotes proposed road surface
Light blue line denotes watercourse
Dashed light blue line denotes existing culvert
Dashed dark blue line denotes extended culvert

Junction to SDB2 standards

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DRAWING SET PLANNING DRAFT		CLIENT 750_MOIR
DRAWING TITLE PROPOSED JUNCTION WITH PUBLIC ROAD		
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CAD FILE NAME 750_PL_BASE		SCALE 1:100 @ A3