

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
28 February 2017

Agenda Item	6.10
Report No	PLS 020/17

16/04999/FUL: Mr D A Turnbull
Land 70M South of Berryfield House, Lewiston, Drumnadrochit

Report by Area Planning Manager - South/Major Developments

SUMMARY

Description: Erection of glamping pods and toilet block

Recommendation: GRANT

Ward: 13 - Aird And Loch Ness

Development category: Local

Reason referred to Committee: 5 or more objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the siting of 8 'glamping' pods on land located between the applicant's house at Berryfield House and the rear gardens of houses at Lewiston. In addition, a toilet block will be located on the south boundary.
- 1.2 14/04286/PREAPP - Pre-Application advice sought and principle of this development supported.
- 1.3 There is a proposed surface water soakaway located to the east of the proposed toilet block.
- 1.4 Supporting Statement explaining the background to the proposal has been submitted.
- 1.5 **Variations:** none

2. SITE DESCRIPTION

- 2.1 The site consists of a grassed area covered in young pine trees located to the south of the applicant's house, Berryfield House. There are 2 existing holiday houses located to the west of the site.

3. PLANNING HISTORY

3.1 28.08.2006 - Erection of 2 chalets (06/00689/FULIN)

3.2 26.10.2009 - Erect house (09/00378/OUTIN) on land to the rear of 14 Lewiston. Subject to review and dismissed 13.04.2010

The reasons for refusal were:

1. The proposal would be contrary to the provisions of the approved Highland Structure Plan in general and Policy G2: Design for Sustainability in particular because the site would have a detrimental impact on individual and community residential amenity.
2. The proposal would be contrary to the provisions of the adopted Inverness Local Plan in general and in particular the Housing Settlement Policy and Section 8: Policy 11 as it represents backland development to the detriment of the residential amenity and privacy of the adjacent property.
3. The proposal, if implemented, would establish a precedent for applications of a similar nature which would undermine current adopted Council Policies.
4. Details of the surface water drainage for the development have not been submitted to the Planning Authority and as a result the proposal is deficient and likely to be detrimental to amenity.

4. PUBLIC PARTICIPATION

4.1 Advertised : Section 34 of the Act - 23.12.2016

Representation deadline : 23.12.2016

Timeous representations : 5

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Policy - Previous refusal for 1 house on this site per application 09/00378/OUTIN and reasons still relevant today. Concerned that development of land on this area between Lewiston and Balmacaan Road which acts as separation of the 2 villages, will set precedent.
- Traffic generation and road traffic/pedestrian safety – there are no services for glamping pods so occupants will need to travel and will generate more than the estimated 16 vehicle movements. A fenced path (right of way) leads to Balmacaan Road on the east boundary of the applicant's land and this leads onto the access lane leading to Berryfield House. This is a busy path for adults and school children so there is a potential conflict with an increase in vehicular traffic caused by users of glamping pods and refuse vehicles.

- Visibility sightlines – stated splays of 25m are queried to the east (14a Lewiston) due to mature trees and fence blocking the view and forcing traffic to cross the access of 14 Lewiston or edge into the road.
- Amenity– Overlooking of 14 Lewiston (especially master bedroom) from glamping site due to change in ground difference by 1m. Unwanted odours from a large refuse bin situated to rear of 14 Lewiston and noise from holidaymakers who may light fires and barbeques.
- Overprovision of low cost accommodation – enough accommodation in Drumnadrochit to cater for such a demand.

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 and do not anticipate the vehicle trips generated will have a detrimental effect on the local public road network. In terms of the access:

- 2.4m by 25m visibility splays are achievable and acceptable
- Vehicles are able to manoeuvre within the site and leave in forward gear
- A soakaway has been provided for curtilage water from the new building
- Drainage for existing access roads is not affected
- Waste and recycling arrangements will be as per the former nursery without the need for vehicle reversing

Parking – disabled parking is provided.

Cycle parking is to be provided but not shown and a condition should be attached.

5.2 **Forestry Officer:** The site contains a relatively large area of 9m tall Scots pine over much of the northern part of the site and is surrounded by an existing access road. There is also a semi-mature Scots pine to the south and outwith the site. The proposed pods and car parking areas would require the removal of some of the Scots pine, but much of the proposed construction would be in open ground. Proposed level of planting needs to be augmented.

5.3 **Environmental Health:** This development would come under the definition of a caravan site. If consent is obtained the applicant will also require to apply for a caravan site licence and will need to comply with any conditions attached to that licence.

5.4 **Access Officer:** No objections and recommends informative

5.5 **Glenurquhart Community Council:** No objections. The pods will have minimal impact as they do not require special foundations and will be sited within trees. It is important that there remains a separation between Balmacaan and Lewiston in terms of permanent buildings. Any future replacement of pods with permanent

buildings will raise objections.

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
34	Settlement Development Areas
43	Tourism
44	Tourist Accommodation

6.2 Inner Moray Firth Local Development Plan

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Managing Waste in New Developments
Trees, Woodland and Development
Flood Risk and Drainage Impact Assessment

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

8.3.1 The proposal involves the siting of 8 'glamping' pods which are small timber hut structures measuring 3m by 5m and extending to 2.3m in height . These provide an enhanced level of comfort to the occupant compared to a tent. It is also intended to erect a toilet block to serve the proposed tourist accommodation.

8.3.2 Development Plan Policy supports tourist accommodation within settlement boundaries provided there are no adverse impacts on neighbouring uses and it does not prejudice the residential housing land supply. Provided the proposal would have no significant detrimental impact on the amenity of the surrounding residents and businesses, the proposal would comply with the development plan. The key issues in this case relate to the planning history and the policy context, the

effect on residential amenity, including the impact from an increase in traffic and activity in the area and the design of the accommodation.

8.4 **Material Considerations**

Planning history and Policy context

- 8.4.1 Application 09/00378/OUTIN was for a single house on the land immediately to the rear of 14 Lewiston and was effectively backland development and refused on that basis. This proposal differs in that the site is located further back and to the north side of the internal access road and therefore further away from 14 Lewiston and in so doing, differs from the earlier refused proposal. Since the decision was made on the previous application, development plan policy has changed in that the site is allocated as 'grey land' as set out in the Inner Moray Firth Local Development Plan. Grey land is land identified as being capable of accommodating development. The area is no longer identified as open space as had previously been the case with the Inverness Local Plan. There is therefore policy support for the principle of the development.

Design

- 8.4.2 The pods are modest in size and of a high quality design finished in timber. They will be located around a treed area which will enhance their setting. Their location is behind existing housing and in a secluded area not visible from the surrounding area.

Traffic and activity

- 8.4.3 There is parking provision of 1 space per pod i.e. 8 spaces and Transport Planning is satisfied with this situation. This level of activity seems reasonable for this scale of development. There is a short section of the access track which the public have to walk across before they reach the path. Pedestrians are aware of the track and are used to walking on the road at Lewiston and will be aware of vehicles on the track. Transport Planning is satisfied with the visibility sightlines. The access track leads onto a public road with a 20mph speed limit which in itself has no footpaths and where pedestrians walk on the road. In terms of refuse collection there is already an existing private arrangement for its collection for 2 holiday cottages and this would continue for this development. The location of the bin storage is reasonable.

Amenity and privacy of neighbouring properties

- 8.4.4 The site is set back from the rear garden of 14 Lewiston and separated by an existing internal access road leading to 2 existing holiday houses. The rear boundary line of 14 Lewiston is set further back than adjacent properties such as 12 and 12a Lewiston. It is difficult to anticipate a situation whereby the location of 2 of the glamping pods would overlook the upper bedroom of 14 Lewiston as set out within the representations made.

8.5 Other Considerations – not material

Overprovision of low cost holiday accommodation is not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 The proposed location and scale of development is not viewed as having a detrimental impact on the amenity of adjoining houses. The introduction of further tourist based accommodation accords with the relevant policies of the local plan and there are no technical concerns from consultees that cannot be addressed by appropriate conditions.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 that planning permission be **Granted** subject to the following conditions:

1. No development shall commence until the footprint of the pods and parking areas (along with any underground services due to be excavated) have been pegged out on the ground and all trees proposed for removal are clearly marked. Development shall only commence once these pegged out positions and marked trees have been approved in writing by the Planning Authority. No trees other than those approved for removal shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, and approved excavation and footprint locations shall not be altered, without the prior written approval of the Planning Authority.

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

2. 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 the interests of amenity.

3. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 8 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason : In order to facilitate the use of a variety of modes of transport.

4. No development shall commence until the location and a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason : To ensure that suitable provision is made for the storage of communal waste and recycling bins.

5. The glamping pods shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason : To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

6. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation 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

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.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.

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>

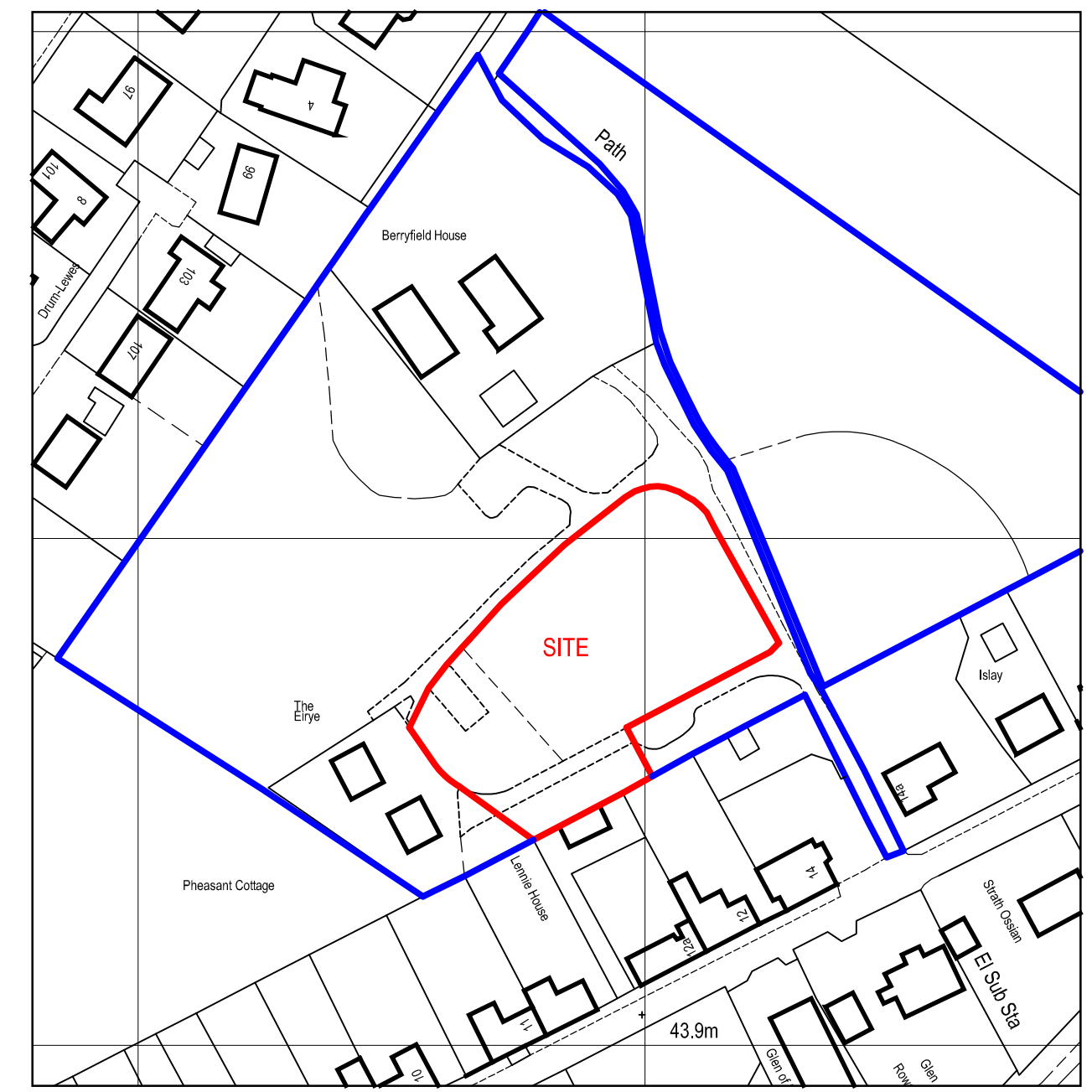
Mud & Debris on Road

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.

Right of Way

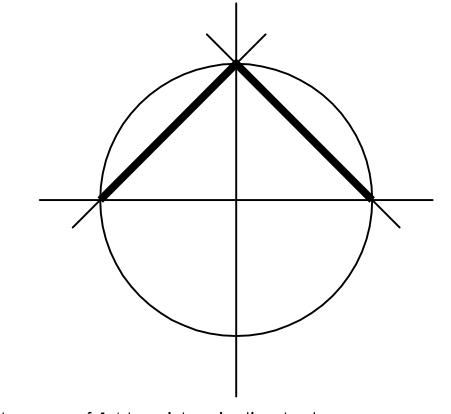
The development is next to a public right of way and core path IN13.04 between Lewiston and the A82. This path is to remain open and free from obstruction or encroachment before, during and on completion of the development.

Signature:	Nicola Drummond
Designation:	Area Planning Manager – South/Major Developments
Author:	Keith Gibson
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location/Site Layout Plan Plan 2 – Elevations of toilet block Plan 3 – Photo of glamping pod



location plan. scale 1:1250.

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PROPOSED PLANTING:

All planting to be carried out in accordance with BS4428.

5no. new trees (1500mm high) to be planted, three Rowan and two Birch.

New tree planting to be protected against deer, etc. with 1.5metre high 'Tubex', or equal, Tree Shelters.

Planting to be carried out in first planting season following completion of the development.

MAINTENANCE PROGRAMME:

A 5 year maintenance programme will be implemented and will include:-

1m spot application of Glyphosate to the base of each tree to reduce weed competition (at least once per year - June/July).

Treatment of any noxious/broadleaved weeds using a selective herbicide (at least once per year - June/July).

Hand weeding and adjustment of tree shelters (at least once per year - June/July).

Replacement of any failures on an ANNUAL basis.

'D'	Boundary to rear of 14 Lewiston indicated.	10.02.17
'C'	Planting and maintenance notes added.	29.09.16
'B'	Client's amendments.	11.04.16
'A'	Client's amendments.	06.07.15
rev:	description:	date:

Gary Cuthbert
ARCHITECTURAL TECHNICIAN

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client:
Mr D.A. Turnbull.

project:
Proposed toilet block and glamping pods at Berryfield Croft, Lewiston.

drawing:
Site & location plans.

job no: 6014.	drg no: 01D.
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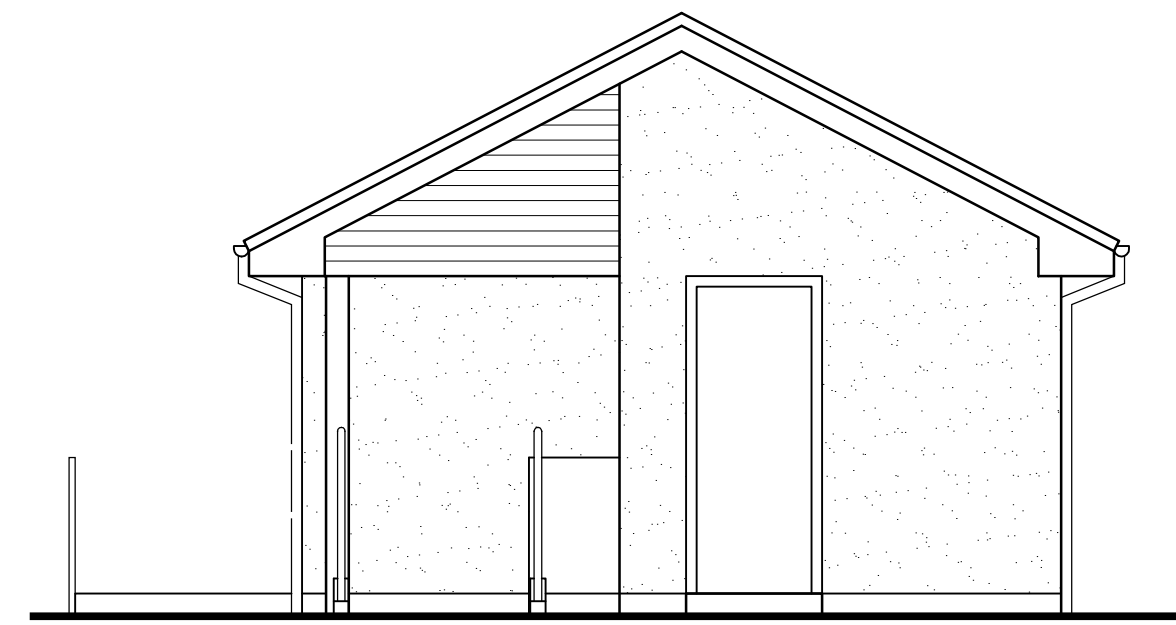
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notes: 1) Any discrepancies to be reported to Client / Technician.
2) Written dimensions to be used, do not scale.
3) Contractor to check all dimensions prior to commencing works.
4) Drawing © Gary Cuthbert - Architectural Technician.

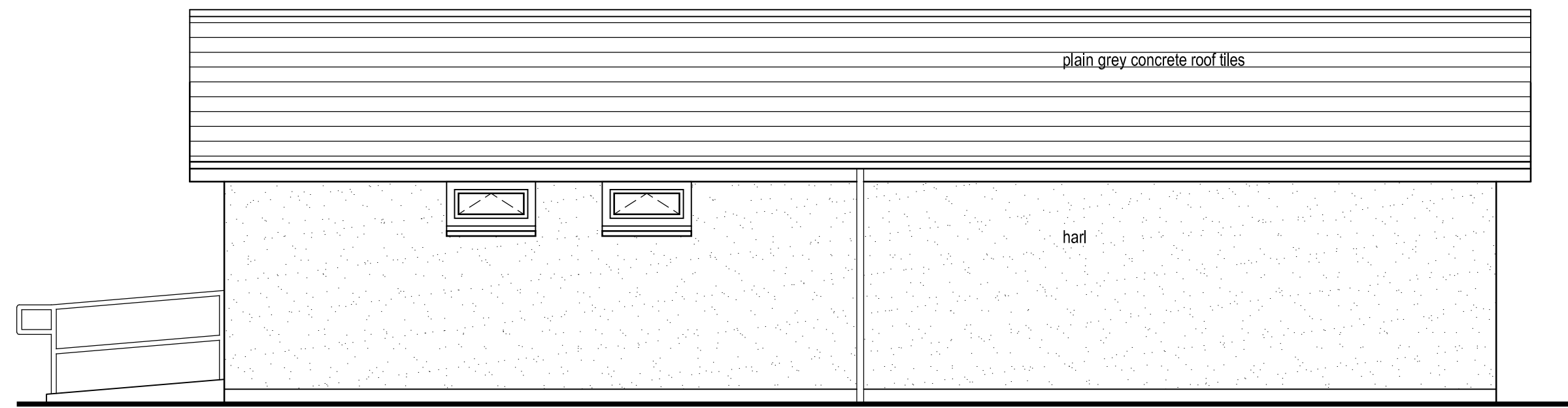
site plan. scale 1:500.



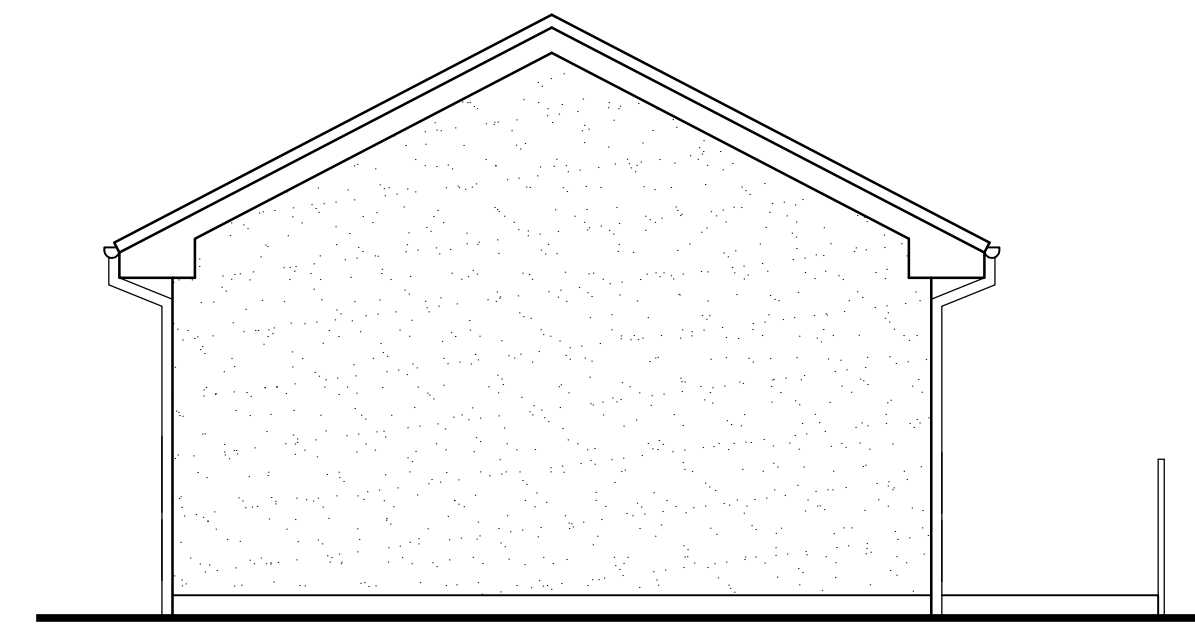
front elevation.



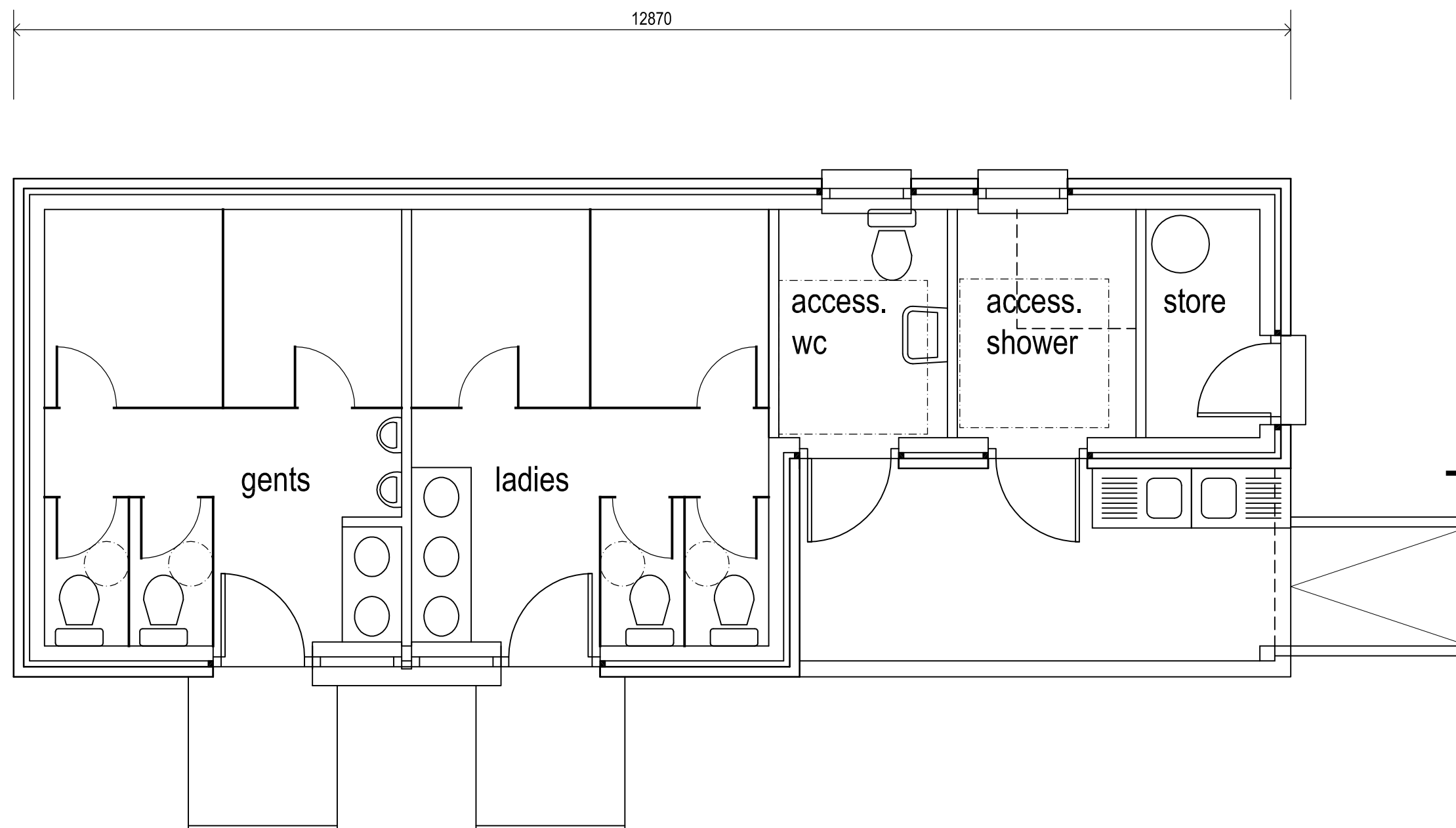
side elevation.



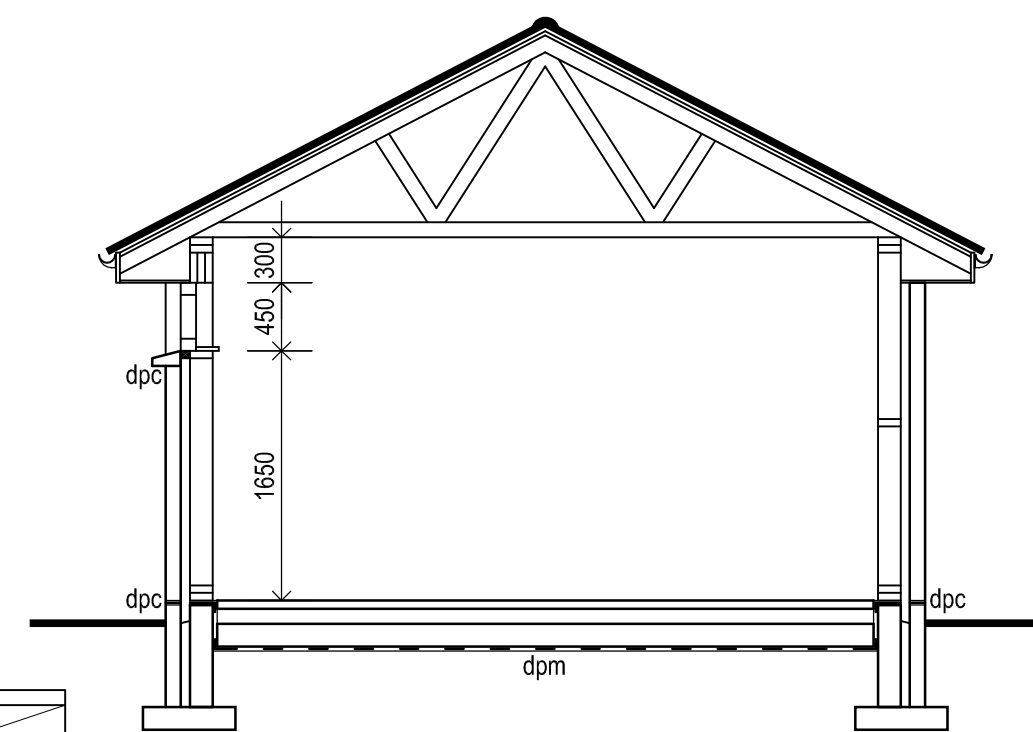
rear elevation.



side elevation.



floor plan.



section.

FLOOR AREA = 43.5m²

'C'	Client's amendments.	11.04.16
'B'	Client's amendments.	06.07.15
'A'	Revised layout.	02.06.15
rev:	description:	date:

Gary Cuthbert
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client: Mr D.A. Turnbull.	
project: Proposed toilet block and glamping pods at Berryfield Croft, Lewiston.	
drawing: Toilet block details.	
job no: 6014.	drg no: 02C.
scale: 1:50.	date: May 2015.

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

GLAMPING POD DETAILS

8no. timber construction Glamping Pods to be installed.

