

Agenda Item	8.8
Report No	PLS 041/17

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 20 June 2017  
**Report Title:** 17/00356/PIP: Mr Brian Bowers  
Land 80M SE Of Holly Cottage, Balnain, Drumnadrochit  
**Report By:** Area Planning Manager – South/Major Developments

### Purpose/Executive Summary

**Description:** Erect house and garage

**Ward:** 12: Aird And Loch Ness

**Development category:** Local

**Reason referred to Committee:** Objection from the Community Council

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.

### Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the erection of a house in a field alongside an access track leading to further house sites at Craggan Sheaig Farm at Balnain. An indicative site layout plan and house type has been submitted to show the location of the house.
- 1.2 A Drainage Impact Assessment has been submitted.

## 2. SITE DESCRIPTION

- 2.1 There is a raised hardstanding area on the south boundary and open fields to the east. To the north and west there is woodland. The site slopes from north to south. The nearest houses are Coille nan Eun and Caorran Dearg and they take access via Sraid na Firinn at Balnain.

## 3. PLANNING HISTORY

- 3.1 None

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 10.02.2017

Representation deadline: 24.02.2017

Timeous representations: 2

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Concern about capacity of access track for further development as 6 houses taking access at present
- Owner of Coille nan Eun concerned about the orientation of the house and that the front elevation will face their view.

- 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 **Glenurquhart Community Council:** Object to the house site as it will result in development into the green area beyond the village boundary contrary to the Local Plan in terms of Policy 3 - Other Settlements. It will harm the character of Balnain by development of a green space and may lead to additional housing. There is no adequate road provision.

- 5.2 **Transport Planning:** No objections

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 36	Development in the Wider Countryside

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

Policy 3	Other Settlements
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## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside and Siting and Design

### **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.

#### Determining Issues

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.

#### Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) impact on infrastructure;
- c) siting and design, and
- d) any other material considerations.

#### Development plan/other planning policy

8.4 The site lies within an area identified as Wider Countryside so it is covered by Policy 36 of the Highland-wide Local Development Plan. The proposal is for a single house.

- 8.5 Development Plan policy supports proposals of this nature where they meet a number of criteria. In this instance the relevant criteria relate to whether the proposal is acceptable in terms of siting and design; is sympathetic to the existing pattern of development in the area; and is compatible with landscape character and capacity. Subject to the proposal having no significant detrimental impact on these grounds, and no significant impact upon amenity of surrounding residents or infrastructure, the proposal would comply with the development plan.
- 8.6 The Community Council refers to the Inner Moray Firth Local Development and Policy 3 which refers to Balnain as one of the settlements where consideration is given to development within or adjoining those settlements on the basis of certain criteria. However, the site is not considered to be within or adjoining the settlement of Balnain and therefore has to be assessed as a single house in the countryside. The settlement of Balnain is further to the west and clustered around the primary school and the houses at Sraid-na-Firinn. The 2 houses immediately to the west of the track (Caorran Dearg and Coille nan Eun) could legitimately be considered as the eastern limit of the Balnain Settlement. The application is outwith that perceived boundary.
- 8.7 The existing settlement pattern is for a scatter of single houses located east or west of the track with an adequate separation distance between them to avoid overlooking in privacy terms. This site does not overlook any property and the closest property located on this track is Ard Carden Lodge to the northeast.

#### Infrastructure

- 8.8 There have been a number of houses granted planning permission that take access from the existing track. In road traffic safety terms there is no reason to restrict the number of houses. Transport Planning has been consulted and has raised no objection to the proposal. The applicant has submitted a Drainage Impact Assessment to confirm the house can dispose of foulwater drainage by means of a septic tank and soakaway.

#### Siting and Design

- 8.9 The site is located east of the track and would not be readily visible from the public road given the topography of the land and the distance from the main road. The track winds up from the main road round to the left before rising up to the north, which means the site is secluded to a degree on the approach from the south due to the topography and the birch woodland on the west side of the track. The site is in a field which is screened in part by the raised hardstanding area on the south boundary. The fields to the east are at a lower level and more prominent to view from the public road. The hardstanding area and the land further to the land is readily visible from the public road and the application site sits more comfortably in the landscape without being visually intrusive. The site is viewed as the only appropriate location for a house on this section of the track.
- 8.10 The owner of Coille nan Eun is concerned about the orientation of the house. However, the application is for planning permission in principle and the submitted layout and house type is indicative only. Coille nan Eun has a separate access and is screened by woodland and it is difficult to see how it would be affected given the

degree of separation provided by the existing woodland, the access track and the juxtaposition of the site relative to Coille nan Eun. Nonetheless further consideration of siting and design will be required to achieve the best fit with the landscape taking into consideration the amenity of surrounding occupiers and this can be addressed at the matters specified stage.

Other material considerations

8.11 There are no other material considerations.

Matters to be secured by Section 75 Agreement

8.12 None

**9. CONCLUSION**

9.1 The house site is considered to comply with the development plan as the location is acceptable given its distance from the main road and its relatively secluded location due to the topography of the surrounding land. The site lies outwith the Balnain settlement area and is zoned as Wider Countryside in which applications for single houses can generally be supported. It is located far enough away from the closest houses to the west so as to not impose on their outlook and amenity.

9.2 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. IMPLICATIONS**

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

**11. RECOMMENDATION**

<b>Action required before decision issued</b>	<b>N</b>
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 and reasons:

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
  - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
  - ii. the design and external appearance of the proposed development;
  - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
  - iv. details of access and parking arrangements; and
  - v. details of the proposed water supply and drainage arrangements.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
  - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
  - ii. a roof covering of natural slate;
  - iii. single storey or 1½ storeys in height;
  - iv. windows with a strong vertical emphasis;
  - v. a roof symmetrically pitched of not less than 35° and not greater than 45°; and
  - vi. predominantly rectangular in shape with traditional gable ends.

**Reason:** In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. The size, orientation and location of the dwellinghouse as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

**Reason:** In order to enable the planning authority to consider the matters specified in detail prior to the commencement of development; in the interests of amenity.

4. Within the application site, no building or structure shall feature underbuilding exceeding 0.75m in height above ground level. For the purposes of this condition, height is a reference to height when measured from ground level, and ground level

means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it. To that end, cross-section drawings shall be submitted (with the matters specified in conditions) showing the existing ground levels and the finished ground and floor levels.

**Reason:** To ensure that underbuilding is kept to a minimum, in the interests of visual and residential amenity.

5. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

6. 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.

7. No other development shall commence until the site access (where it joins the access track) has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with:
  - i. the junction formed to comply with drawing ref. SDB1; and
  - ii. visibility splays of 2.4m x 30m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.

8. No development shall commence until a scheme for the storage of refuse at the junction of the access track with the public road 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.

To ensure that suitable provision is made for the storage of waste.

9. Any details pursuant to condition 1 above shall show a vehicle turning area within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area 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.

10. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**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.

The proposals do not accord with the provisions of the Development Plan and there are no material considerations which would warrant grant/approval 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.

### **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 road construction consent, dropped kerb consent, a road openings permit,

occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **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.

Signature: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: Keith Gibson 255182

Background Papers: Documents referred to in report and in case file.

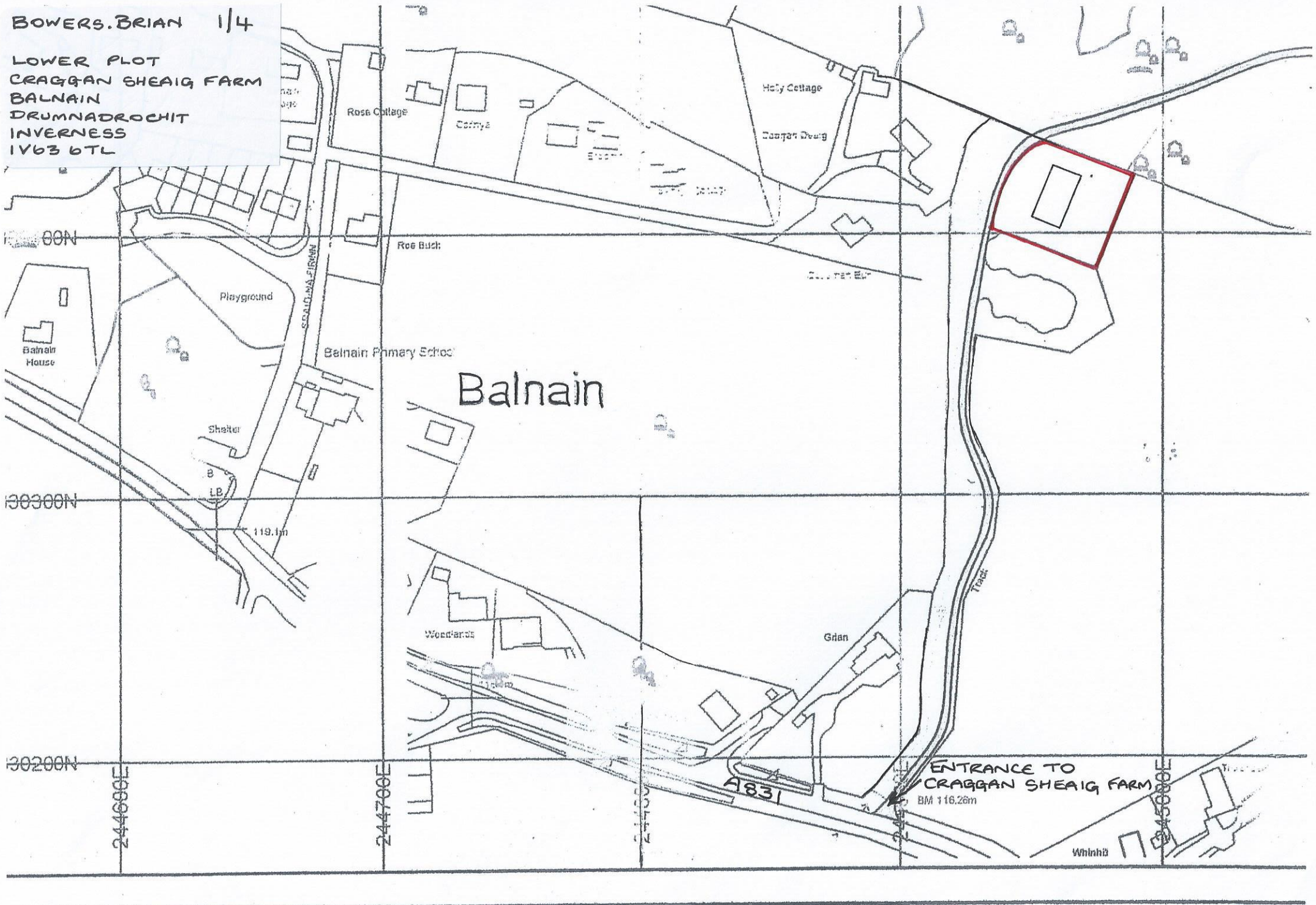
Relevant Plans: Location Plan 000001

Site Layout Plan 000004

House Type 000003

BOWERS. BRIAN 1/4

LOWER PLOT  
CRAGGAN SHEAIG FARM  
BALNAIN  
DRUMNADROCHIT  
INVERNESS  
IV63 6TL



BOWERS. BRIAN 2/4

LOWER PLOT  
CRAGGAN SHEAIG FARM  
BALNAIN  
DRUMNADROCHIT  
INVERNESS  
IV63 6TL

SCALE 1:200

GATE TO FIELD

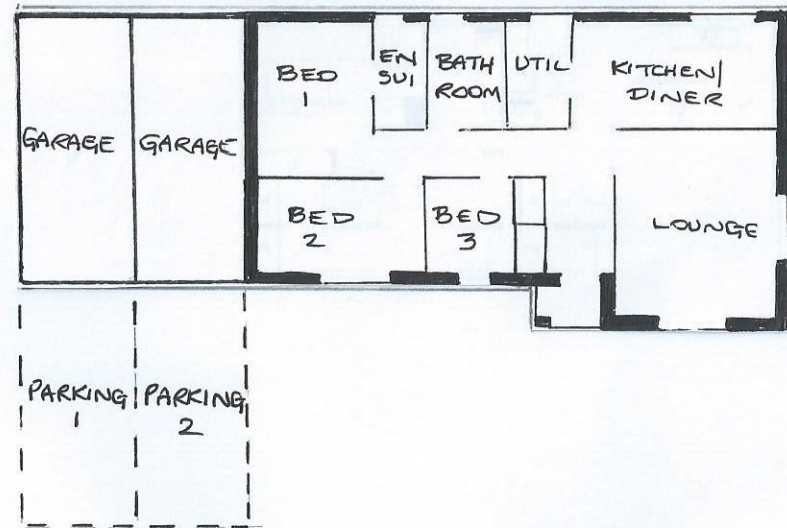
39 METRES

FOUL WATER DRAINAGE  
TO BE ACCOMMODATED  
BY PRIVATE SEPTIC TANK

STORM WATER TO BE  
ACCOMMODATED BY  
PRIVATE SOAK AWAYS

WOOD AREA

40.5 METRES



42 METRES

EDGE OF TRACK

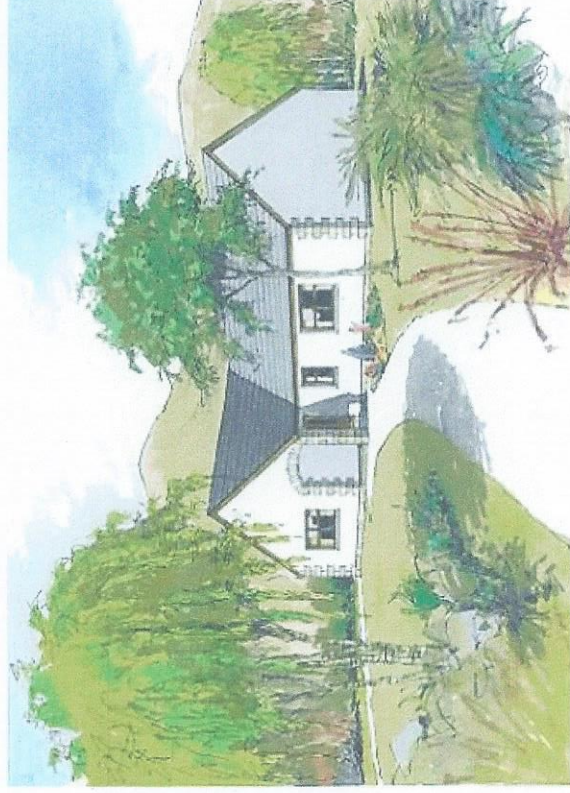


37.5 METRES

BOWERS. BRIAN 4/4  
LOWER PLOT  
CRAGGAN SHEAIG FARM  
BALNAIN  
DRUMADROCHIT  
INVERNESS  
1V63 BTL

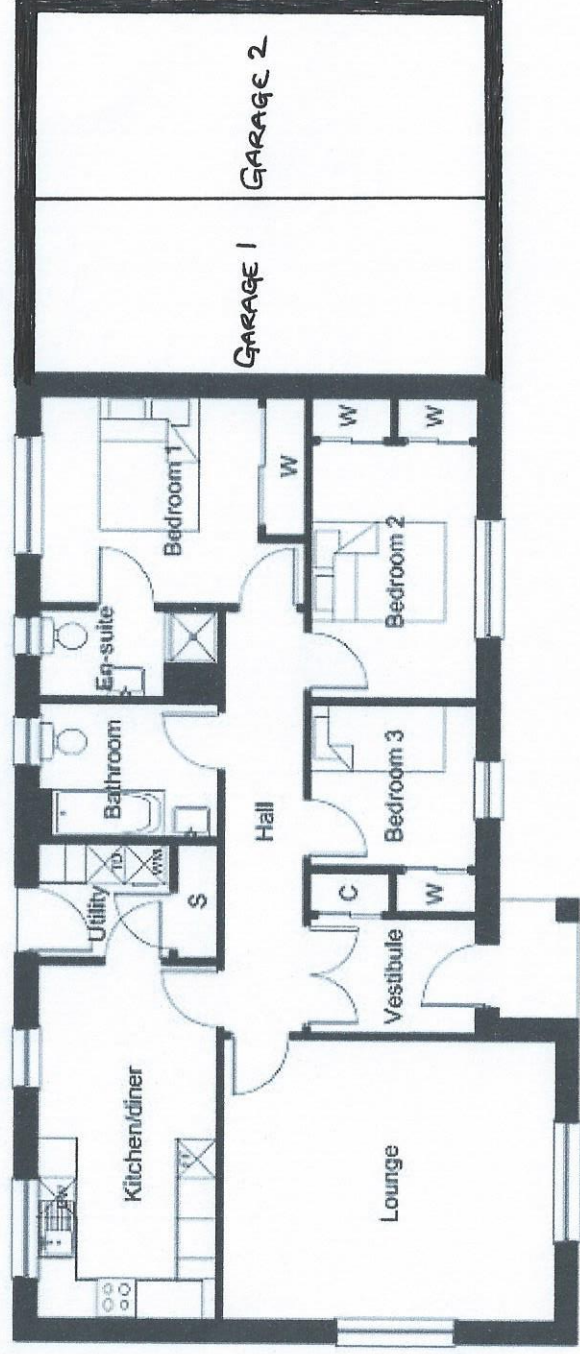
## Braemore

This 'L' shaped three bedroom home features a recessed front entrance door which leads to a square lobby with coats cupboard and double glass doors to the hall. There is a large well-proportioned double aspect lounge. The good sized kitchen diner leads into a utility which gives access to the back door. All the bedrooms incorporate built-in wardrobes and the master bedroom has an en-suite shower room in addition. An optional integral garage can be added to the bedroom gable.



Approx. Floor Area 95.8m<sup>2</sup> / 1031ft<sup>2</sup>  
No. of Bedrooms 3 **EXCL. GARAGES**

Frontage 14.4m  
Lounge 4.2m x 5.0m  
Kitchen / Diner 5.3m x 2.7m  
Bedroom 1 3.1m x 4.0m  
Bedroom 2 3.8m x 2.5m  
Bedroom 3 2.4m x 2.5m  
Bathroom 2.4m x 2.5m



Ground Floor

The proposed plan will be a mirror image of the above layout with a double garage added to the bedroom gable