

Agenda Item	7.3
Report No	PLS 046/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 8 August 2017
Report Title: 17/01277/FUL: Prestige Properties Highland LTD
Land 60M North of Drumarran, Blackpark, Inverness
Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of house with garage

Ward: 13: Inverness West

Development category: Local

Reason referred to Committee: 5 or more representations

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 single storey house and garage within a field, generally located to the corner of the field and utilising an existing field gate, which takes access onto the public road at the west boundary. The design consists of a mono-pitch roof with the walls predominantly timber clad with sections of white render interspersed and a slate grey standing seam roof. The proposal provides details of infrastructure including foul drainage facilities.
- 1.2 A Pre-Application Response was issued per 15/04641/PREAPP. The response identified that any further development in this location should adhere to housing in the countryside settlement pattern guidance given its location within the Hinterland area.

2. SITE DESCRIPTION

- 2.1 The site comprises an open field which slopes south to north. The west boundary of the site is defined by mature woodland increasing in width as the lands slopes northwards. Blackpark House is located to the west of the site and the proposed house is generally in line with this house. On the south boundary there are two properties: Drumarran, and a recently erected property (Skyfall). The south section of the site opposite Skyfall is not included within the application site and forms part of the garden ground identified in the recent application for Skyfall.

3. PLANNING HISTORY

- 3.1 05.01.12 - Erection of house granted planning permission in principle (11/02752/PIP) - Skyfall
- 3.2 24.07.13 - Erection of house approved matters specified in conditions 13/00435/MS. - Skyfall

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour: 07.04.2017

Representation deadline: 21.04.2017

Timeous representations: 7

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Amenity – Piecemeal loss of agricultural land to house plots is transforming the area into a housing estate and will encourage further infill house plots. There have been 5 new builds in last 7 years and this proposal may set precedent and encourage ribbon development and development in front of existing houses. Overlook and dominate the skyline. Owner of Drumarran concerned about location and height of new house and planting of trees in

relation to that property.

- Drainage – Every house increases pressure on drainage, particularly lower down the hillside where soakaways struggle to cope. Increase in flood water passing down unmaintained ditches to the north. Risk of contamination from septic tanks. Septic tank soakaway for Drumarran is located within the application site.
- Access road – Recent damage of public road by construction traffic for 2 houses near to this site and question who will pay for repairs. Threshold in terms of safety and adequacy.
- Construction phase of other houses – other houses have created problems in terms of work practice and disturbance to neighbours.

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 concerns or objections regarding the proposal.

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 29	Design Quality and Place Making
Policy 35	Housing in the Countryside – Hinterland Areas

6.2 Inner Moray Firth Local Development Plan

Paragraph 2.7 Hinterland

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) siting and design;
- c) amenity;
- d) drainage;
- e) access road, and
- f) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within an area identified as Hinterland in which, in terms of Policy 35 of the Highland-wide Local Development Plan, there is a general embargo on new houses unless certain criteria are met. There is also a requirement to comply with the terms of Supplementary Guidance Housing in the Countryside Policy. The policy presumes against housing in the open countryside unless it meets the exceptions in the Supplementary Planning Guidance. The proposal is for a house and garage within the countryside close to the settlement boundary for Inverness.
- 8.5 Development Plan policy is supportive of proposals where they comply with the relevant criteria set out in the Supplementary Guidance for Housing in the Countryside. In this instance the house site is considered part of an existing housing group which comprises 3 houses in close proximity (Blackpark House, Drumarran and former Blackpark Farm House) and this site rounds off that group.
- 8.6 Skyfall and Carn Mhor were granted permission since the cut off date of August 2011 as set down in the Guidance. This application site would represent the third new house after August 2011 and therefore the 100% limit permissible for this housing group has been reached in terms of that Guidance. It reflects the character, cohesiveness, spacing and amenity of the group and individual houses within the group. It is considered an appropriate intrusion into an undeveloped field and the applicant was advised to position the house in the corner of the field in order that it could be considered as part of a housing group.
- 8.7 In principle a house in this location would comply with development plan policy subject to appropriate siting and design and subject to there being no significant detrimental effect on amenity.
- 8.8 While it is recognised there have been a number of houses built in this area, Hinterland Policy seeks to restrict the number of houses in the countryside. The Supplementary Guidance details certain exceptions and it is considered this site meets one of these exceptions in that the site relates to an existing housing group. At this locus this site would round off this housing group without encouraging any

further houses surrounding the group and would not lead to ribbon development. The site layout plan has been amended to take account of the curtilage of Skyfall identified at the time of consent 13/00435/MSC. The resultant house plot is more than adequate to accommodate a house and garden as demonstrated by the site layout plan notwithstanding the garden ground associated with Skyfall.

Siting and Design

- 8.9 Siting and design are also relevant criteria for consideration in terms of the Supplementary Guidance. The position of the house within the site was selected so as to ensure it did not create sufficient space within the garden to allow for a further house site in compliance with the Supplementary Guidance. The house is located at a sufficient distance from Drumarran and Skyfall. The house will be at a lower ground level than these houses so the visual impact is reduced. The applicant has opted for a contemporary style with a mono-pitch roof and it is viewed as a reasonable design approach for this location at the end of the public road. A modern design has been selected for the replacement house to the southwest of Blackpark House and the new house (Carn Mhor) completed to the south of Blackpark House.

Amenity

- 8.10 The site slopes to the north and being located at the end of the road it is not viewed as overlooking and dominating the skyline. The site is also at a lower level than Drumarran so the visual impact of the new house will be reduced to a greater degree and there should be no sense of overlooking by existing houses. Some tree planting may take place to screen the south boundary of the site and this is reasonable given that the front elevation of Drumarran looks onto the site. It will be important to ensure any tree planting respects the setting of Drumarran and this can be dealt with by appropriate conditions.

Drainage

- 8.11 Concern has been expressed about the cumulative impact of the septic tank soakaways and surface water draining into ditches and the resulting effect on land further down the slope. It is not possible to control this aspect and this is a matter for the applicant to control within the grounds of the land within his ownership. The disposal of foulwater drainage involves a soakaway to land but with an outfall to the burn. Likewise the surface water is dealt with by a soakaway to the field with an overflow pipe to the burn. In this way there should be no additional discharge of surface water beyond and outwith the site.

Access Road

- 8.12 The road leading to the application site is adopted and tarred and the turning area is part of the adopted road available for use by all members of the public. The access to the site is from an existing field gate leading into the field. There are 2 official passing places one of which is close to the end of the road and the application site. In addition, there are the service bays for 4 houses which front onto this public road as a result of which it is considered that there are more than sufficient passing places along this stretch of road. It is surfaced and any damage

caused during the construction phase is for the applicant to resolve. Transport Planning has not objected to the application and it is difficult to say there is a capacity issue for the public road as it joins onto Leachkin Brae, which is in turn a public road.

Other material considerations

8.13 There are no other material considerations.

Non-material considerations

8.14 The issue of the construction phase of the house is not a material planning consideration. Disturbance to neighbours caused by work practices is a matter to be resolved by the interested parties. The right to a view from houses is not a material planning consideration.

Matters to be secured by Section 75 Agreement

8.15 Not applicable

9. CONCLUSION

9.1 The house site is viewed as compliant with Council Policy as it forms part of a housing group and is the third house to recently be granted consent which means that, in terms of relevant policy and supplementary guidance, this housing group no longer has any further capacity for additional houses. The siting and design of the house as proposed is viewed as appropriate at this location and should not have an adverse impact on the existing properties in terms of amenity and visual impact.

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

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 and reasons:

1. 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 and before first occupation of the house hereby granted planning permission.

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

2. 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.

3. The vehicle turning area within the application site shall be 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.

4. 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. For the avoidance of doubt, trees shall not be planted along the south boundary; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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.

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

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: Nicola Drummond

Designation: Area Planning Manager – South/Major Developments

Author: Keith Gibson 255182

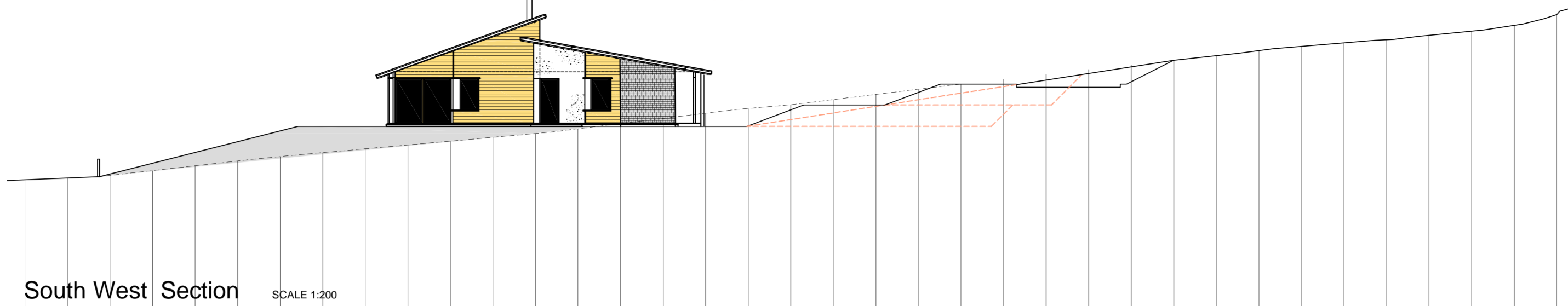
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Location Plan/Site Layout Plan 17-14-MRH-100
Elevations 17-14-MRH-101

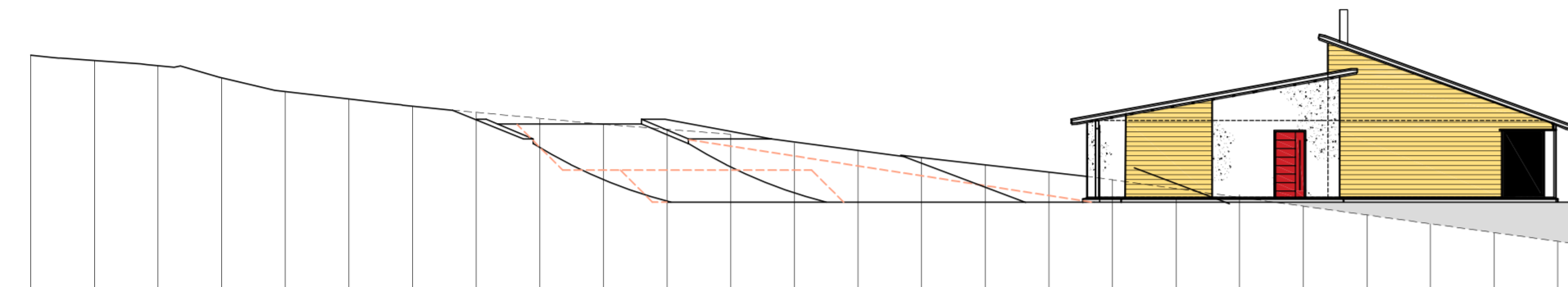
BLACK PARK -LEACHKIN-INVERNESS



NORTH



South West Section SCALE 1:200



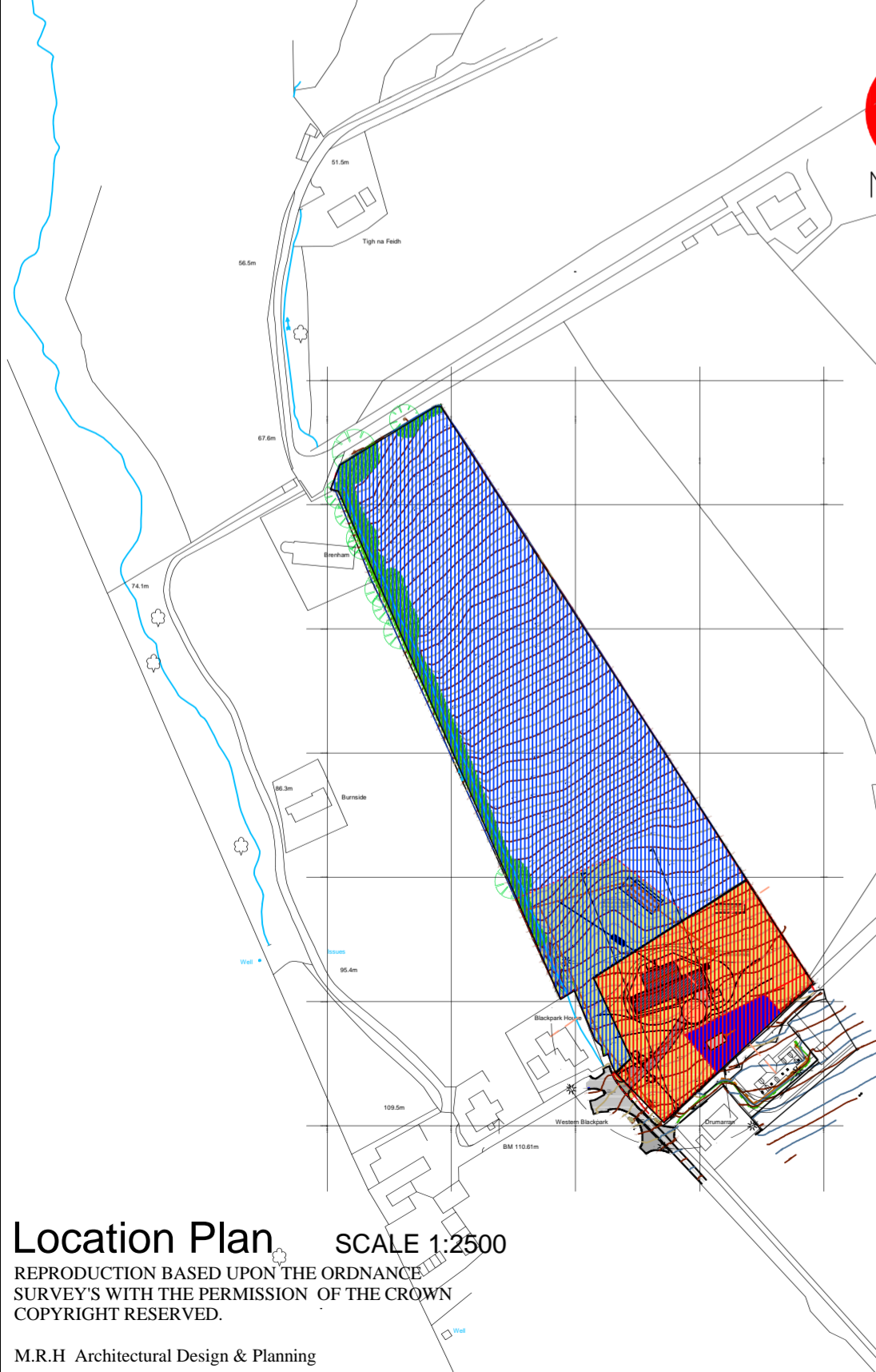
North East Section SCALE 1:200



NORTH



NORTH



Location Plan SCALE 1:2500

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M.R.H Architectural Design & Planning



Block Plan SCALE 1:250
PLOT 4473 sqm 1.10 Acres

Skyfall Drainage
Wayleave on land owner by applicant

MRH design
ARCHITECTURAL TECHNOLOGY

THE STUDIO
84/85
Highgate Road
Inverness IV2 5TH

Tel/Fax: 01463 794410
Mobile: 07760 195141
Email: info@mrhdesign.co.uk
Web: www.mrhdesign.co.uk

DO NOT SCALE, IF IN DOUBT PLEASE ASK
All settings out must be checked on site prior to commencement. Any discrepancy must be reported to client

Client
Prestige Properties Highland Ltd

Project
Land West of Blackpark House
Upper Leachkin
Inverness

Description
1 Number Luxury Dwelling & garage

PLANNING ISSUE

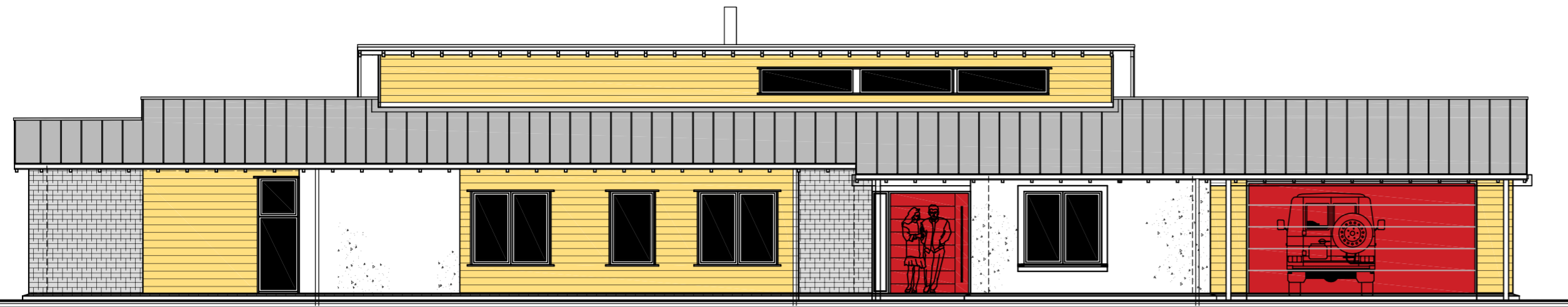
Scale Various Project No. 2017-14

Date March 2017 Drawing No

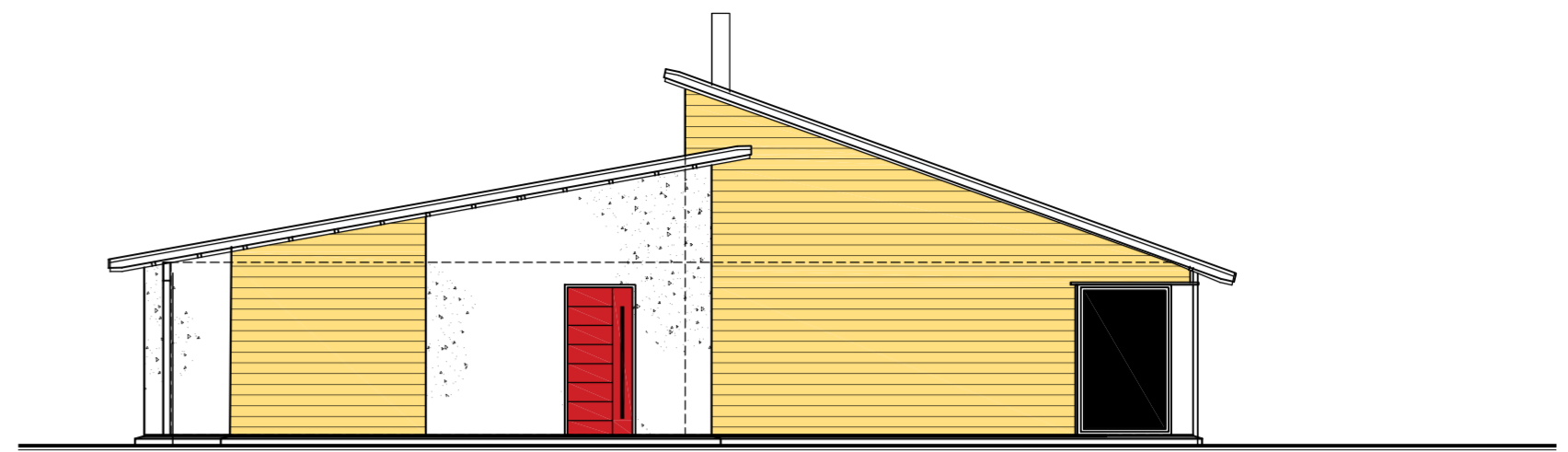
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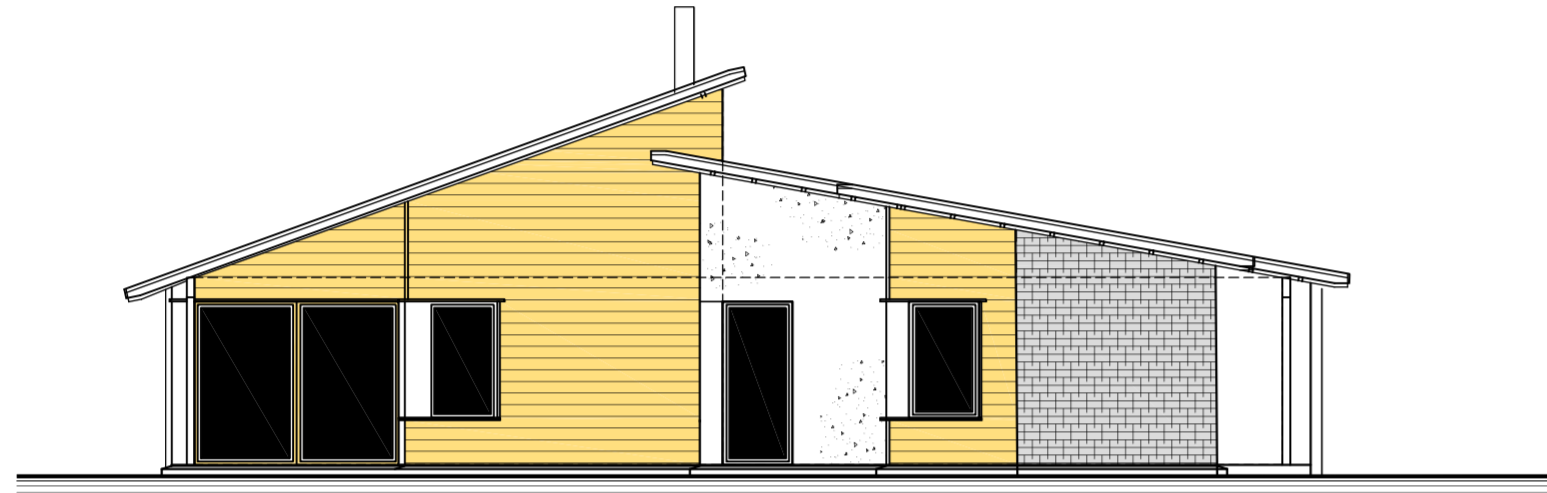
BLACK PARK -LEACHKIN-INVERNESS



South East Elevation SCALE 1:100



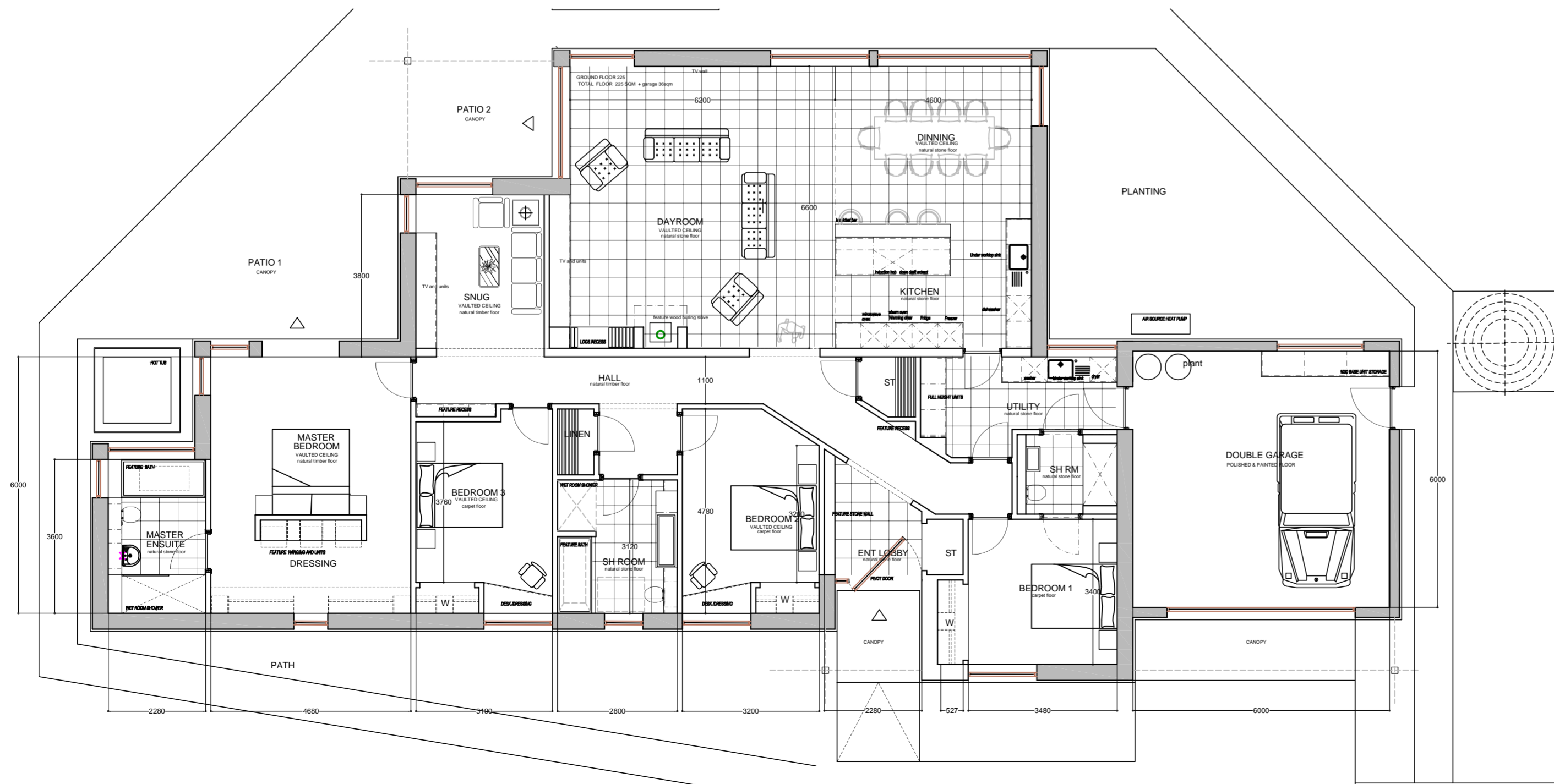
North East Elevation SCALE 1:100



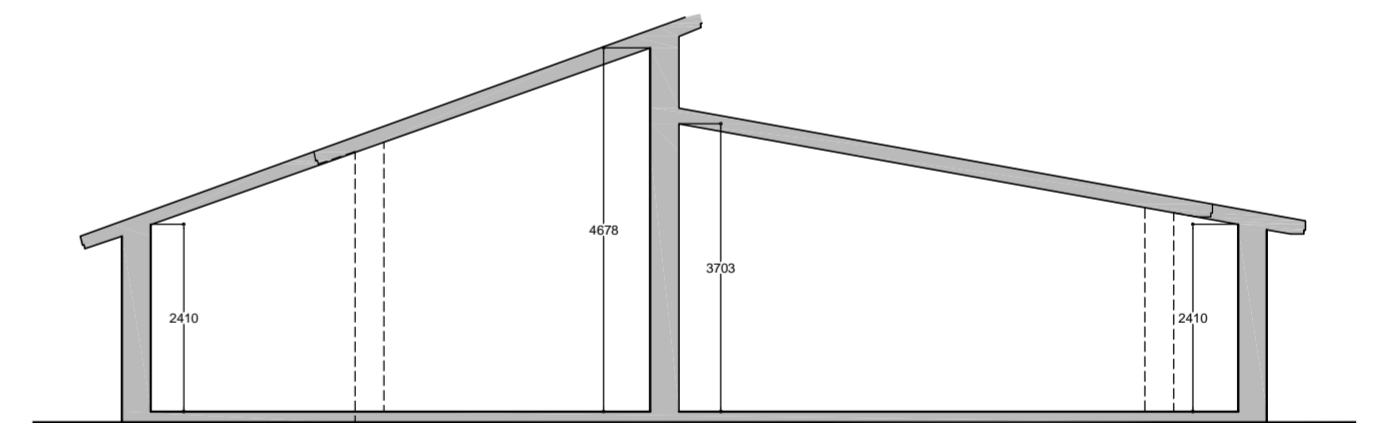
South West Elevation SCALE 1:100



North West Elevation SCALE 1:100



GROUND FLOOR PLAN SCALE 1:100



TYPICAL SECTION SCALE 1:100

WALL CONSTRUCTION
EXTERIOR WALL K RENDER , WHITE
SCRATCHED BACK PANELS

WINDOWS
ALL WINDOWS AND DOORS TO BE HIGH
PERFORMANCE ALI CLAD DOUBLE
GLAZED UNITS WITH K GLASS TO
MATCH IN STYLE AND PROPORTIONS
.GREY IN COLOUR

ROOF:
ROOF STANDING SEAM (SLATE GREY)

TIMBER
AREAS TO HAVE TIMBER LINING
HORIZONTAL TO BE PRE APPROVED
LARACH OR AMERICAN RED CEDAR

NATURAL STONE
AREAS OF NATURAL STONE TO BE
STONE IN KEEPING TO AREA AND IN A
DRY STONE EFFECT

FACIAS & GUTTER
ALL GUTTERS TO BE ALI DEEP FLOW
SILVER

MRH design
ARCHITECTURAL TECHNOLOGY

THE STUDIO
No 9
heights of Woodside
Westhill
Inverness IV25TH

Tel/Fax: 01463 794410
Mobile: 07760 195141
Email: info@mrhdesign.co.uk
Web: www.mrhdesign.co.uk

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Client
Prestige Properties Highland Ltd

Project
Land West off Blackpark House
Upper Leachkin
Inverness

Description
1 Number Luxury Dwelling & garage

PLANNING ISSUE

Scale Various Project No. 2017-14

Date March 2017 Drawing No

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