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| Agenda Item | 5.6        |
| Report No   | PLS/031/18 |

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 24 April 2018  
**Report Title:** 17/05008/FUL: Mr Michael Thorp  
Taigh Geal, Bunloit, Drumnadrochit  
**Report By:** Area Planning Manager – South/Major Developments

### **Purpose/Executive Summary**

**Description:** Erection of house  
**Ward:** 12 - Aird and Loch Ness  
**Development category:** Local

**Reason referred to Committee:** Objections from more than 4 households

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 1.5 storey house to the east and within the garden ground of Taigh Geal. Vehicular access is to be taken from the southeast of the site. The house will extend to 1¾ storeys in the main section, reducing to two single storey wings, one of which accommodates a garage, to take account of the gradient of the site levels. The roof will be clad in natural slate and the walls of the house finished in render and the garage clad in timber.
- 1.2 There is an existing layby on the roadside frontage, which will be retained.
- 1.3 Pre Application Consultation: 17/01992/PREAPP – The site is viewed as part of the garden ground of Taigh Geal and therefore the principle of an additional house complies with the relevant sections of the Council's Supplementary Planning Guidance.
- 1.4 Supporting Information: Design/access statement.  
Supporting letter from the former owner of Tor nam Breac about the site at the time of the construction of Taigh Geal.
- 1.5 Variations: 1 March 2018: revised Location Plan and Site Layout Plan showing the vehicular access relocated further to the east to avoid the use of the existing layby. In addition the foulwater treatment plant has been re-sited within the site to avoid an overflow into the drainage ditch.

## **2. SITE DESCRIPTION**

- 2.1 The ground level of the site is higher than Taigh Geal and the site slopes southwest to northeast and the land rises towards the northwest boundary with the woodland. There were sliver birch trees on the site but these have been felled. The nearest property is Tor nam Breac on the south side of the road, which is owned by the applicant.

## **3. PLANNING HISTORY**

- 3.1 No relevant planning history.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 24.11.2017

Representation deadline: 24.11.2017

Timeous representations: 9 Representations form 7 households

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- a) Development Plan - site lies within the Hinterland as extended in the IMFLDP in 2015.

- b) Impact on amenity of the area due to an overdevelopment of Bunloit and impact on the fragile environment
- c) Access road – inadequate for the amount of traffic
- d) Visibility sightlines – inadequate at this location
- e) Water Supply – inadequate supply for the whole community

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).

## 5. CONSULTATIONS

5.1 **Glenurquhart Community Council:** The site lies within the Hinterland identified in the IMFLDP. The loss of the existing layby through the formation of any vehicular access would be a concern in terms of the traffic on this road.

5.2 **Transport Planning:** The suitability of the visibility sightlines for the vehicular access needs to be demonstrated. The revised site layout plan marks an improvement on the original submission and optimises visibility sightlines at this location. 2 off-street parking spaces are necessary. Any drainage should prevent water flowing out into the public road at the access.

5.3 **Forestry Officer:** Policies 51 and 52 of the HwLDP are applicable. The site is located partially within woodland listed on the Ancient Woodland Inventory as Ancient semi-natural origin woodland, which is an important feature in terms of Policy 57 of HwLDP. It is noted the ground under the trees has been mown so the characteristics of the Ancient Woodland will have been lost in the area of the site. Concerned about the impact on the woodland.

## 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
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 35 - Housing in the Countryside (Hinterland Areas)
- 51 – Trees and Development
- 52 - Principle of Development in Woodland
- 57 - Natural, Built & Cultural Heritage
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

### 6.2 Inner Moray Firth Local Development Plan 2015

Paragraph 2.7 Hinterland

## **7. OTHER MATERIAL CONSIDERATIONS**

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

Access to Single Houses and Small Housing Developments (May 2011)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)  
Physical Constraints (March 2013)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

### **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) impact on trees
- d) road safety
- e) water supply
- f) any other material considerations.

### Development plan/other planning policy

8.4 The site lies within the Hinterland as defined in the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan. HwLDP Policy 35 is relevant and presumes against housing in the open countryside unless it meets one or more of the relevant criteria mentioned in that policy. Policy 35 links to the Supplementary Guidance on Housing in the Countryside and Siting and Design, which provides further guidance on the criteria and exceptions to this presumption.

8.5 The Supplementary Guidance recognises the potential for the sub-division of existing garden ground for a single house provided that the garden has clearly defined boundaries and meets the requirements in terms of siting and design.

- 8.6 Policy 28 of the HwLDP refers to the assessment of proposals on a number of criteria; the impact on individual and community residential amenity and infrastructure being the most pertinent matters in this case.
- 8.7 Providing that the proposal can demonstrate appropriate siting and design, in keeping with local character, without significant detrimental impact upon the natural environment, existing infrastructure and/or individual and community residential amenity then the proposal would accord with the development plan and Supplementary Guidance.

#### Siting and Design

- 8.8 The proposed house site lies within the clearly defined existing garden of Taigh Geal. It is not visible from the surrounding area. In this regard it cannot be compared to other sites further to the south, along the Bunloit road, which are more readily visible from the surrounding area. It is therefore not considered that the location of the proposal would have an adverse impact on community amenity.
- 8.9 The house design is of traditional form and the scale, appropriate for the plot. It comprises of a split level to take account of the change in ground levels. The central section is the main dwelling and extends to 1<sup>3</sup>/<sub>4</sub> storeys with dormers on the southwest elevation and 1 storey wing leading off it. On the northeast elevation there is a 1 storey garage. The scale and massing of the house helps to create a more interesting design with the contrast in materials producing a more varied design, which works with the topography of the site. The orientation of the new house is such that it will not impinge on the residential amenity of Taigh Geal. The house has its own curtilage and garden space and will therefore provide for a good standard of amenity for occupants.
- 8.10 The original location for the house was further to the west boundary of the site but has now been located further to the east. This is as a result of the need to relocate the foulwater treatment plant of the drainage into site and avoid the previous option of the outfall into the roadside ditch. The latter option was unacceptable to the Roads Section of Community Works but they are satisfied with the revised location.

#### Trees

- 8.11 Young birch trees that were located within the site have been felled. This has left a single line along the road and a group in the southern corner of the site. These trees formed part of a larger area of native birch woodland running off to the east of the garden of Taigh Geal. It does not appear to form part of the main woodland that lies on the northwest boundary which is identified as Ancient semi-natural origin woodland and included in the Ancient Woodland Inventory of Scotland.
- 8.12 A supporting letter from a former resident of Torn nam Breac (Mrs Saunders) advised that the house called Taigh Geal was constructed by her parents approximately 35 years ago. There was little growing on it except a few established birch and fir trees and birch seedlings were planted on the application site by her parents as part of the garden relating to Taigh Geal. Certainly the

application site reads as part of the garden of Taigh Geal. While the site falls within an area of Ancient Woodland, and their loss is regrettable, the removal is not viewed as being detrimental to the character of the area as a whole or the setting of the woodland to the northwest in particular.

#### Road Traffic Safety

- 8.13 Concern has been expressed about the impact that the development would make towards traffic generation on this road and its capacity to take further development. Consultation with Transport Planning has not resulted in the need to assess this capacity. The public road slopes from east to west past the site and the revised site layout plan now shows the access further to the east. This represents the optimum location to maximise the sightlines and avoids the use of the existing layby. Visibility sightlines have been assessed by Transport Planning in relation to the revised site layout plan and they are satisfied with this option.

#### Water Supply

- 8.14 Concern has also been expressed about the impact in the public water supply and with houses built recently further to the east at Bunloit there is no known difficulty in the capacity of the system to accommodate this house.

#### Other material considerations

- 8.15 There are no other material considerations.

#### Matters to be secured by Section 75 Agreement

- 8.16 None

### **9. CONCLUSION**

- 9.1 The proposal is located within the garden ground of Taigh Geal and therefore in principle complies with the exception to the presumption against housing development within the Hinterland contained within the Supplementary Planning Guidance. The house design is traditional and the size of the plot and orientation of the house is considered acceptable in amenity terms. While the birch trees within the site have now been removed, these appear to have been planted in more recent times and their removal is not considered to affect the integrity of the woodland to the northwest and northeast. It is not considered that the proposal would give rise to any significant detrimental impacts on the natural environment, individual and/or community amenity, existing infrastructure and road safety.
- 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> | N |
| Notification to Scottish Ministers            | N |
| Conclusion of Section 75 Obligation           | 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 or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

2. No development shall commence until full details of all foulwater 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..

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

3. 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.

4. No other development shall commence until the site access 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 90m (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.

5. 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
  - 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**

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.

## **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.

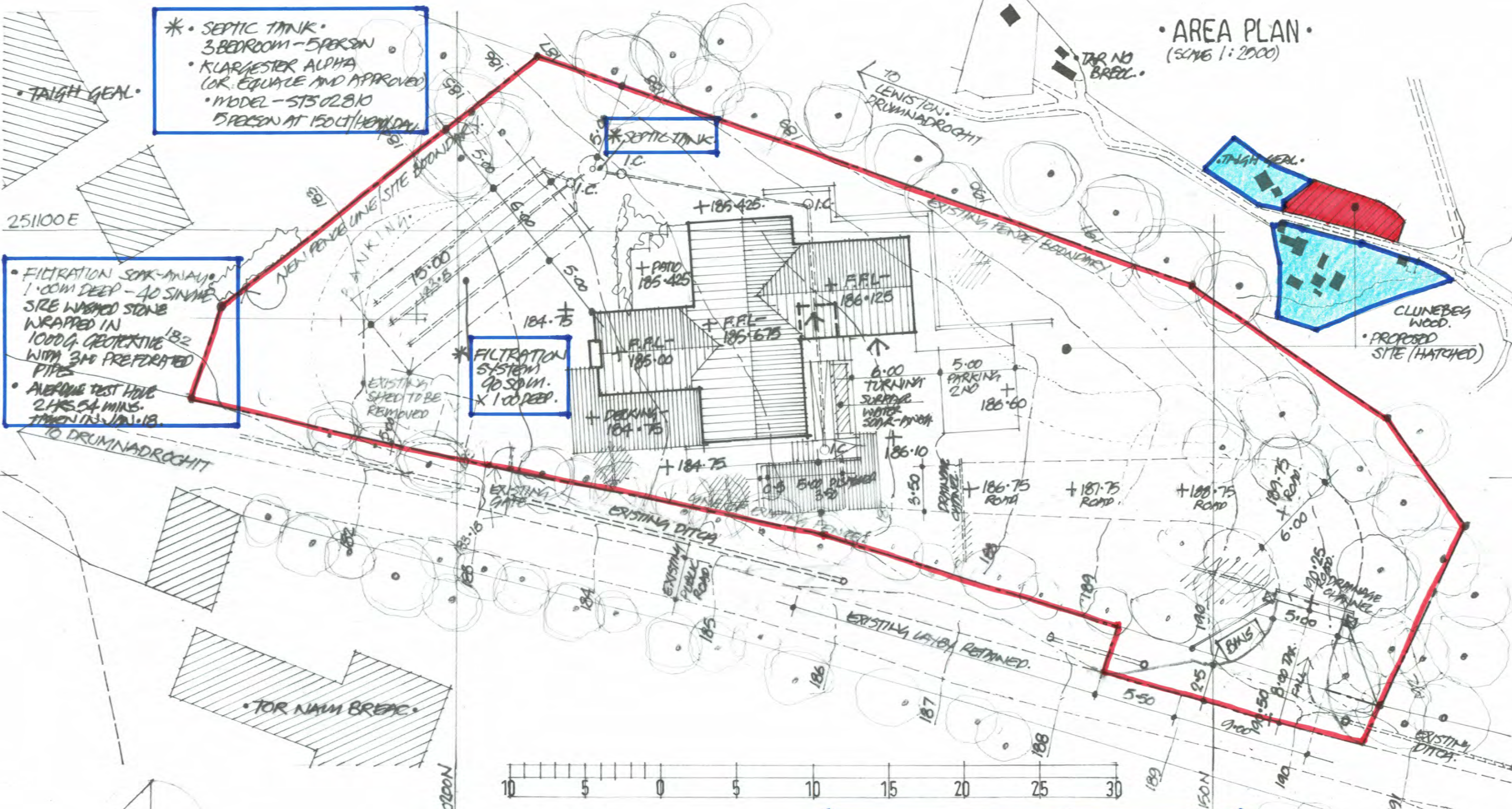
**Construction Hours and Noise-Generating Activities:** You are advised that

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  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - 2017/MH/11 REV B Location Plan  
Plan 2 - 2017/MH/10 REV B Site Layout Plan  
Plan 3 2017/MH/13 Elevations  
Plan 4 2017/MH/12 Floor Plans



\* SEPTIC TANK  
 3 BEDROOM - 5 PERSON  
 KWARMASTER ALPHA  
 (OR EQUIVALENT AND APPROVED)  
 MODEL - ST502810  
 5 PERSON AT 150L/HOME/DAY

AREA PLAN  
 (SCALE 1:2000)

FILTRATION SOAK-AWAY  
 1.00M DEEP - 40 SINNIE  
 SIEVE WASHED STONE  
 WRAPPED IN  
 1000G. GEOTEXTILE  
 WITH 3M PREPERATED  
 PIPES  
 AVERAGE TEST HOLE  
 2 HRS 54 MINS.  
 TAKEN IN JAN. 18.

\* FILTRATION SYSTEM  
 90 SQ.M.  
 X 1.00 DEEP.

\* NOTE - HOUSE LOCATION  
 REPOSITIONED TO MEET  
 TRANSPORT PLANNING COMMENT RE  
 DRAINAGE PROPOSAL.

SITE PLAN  
 (SITE AREA - 1768 SQ.M)

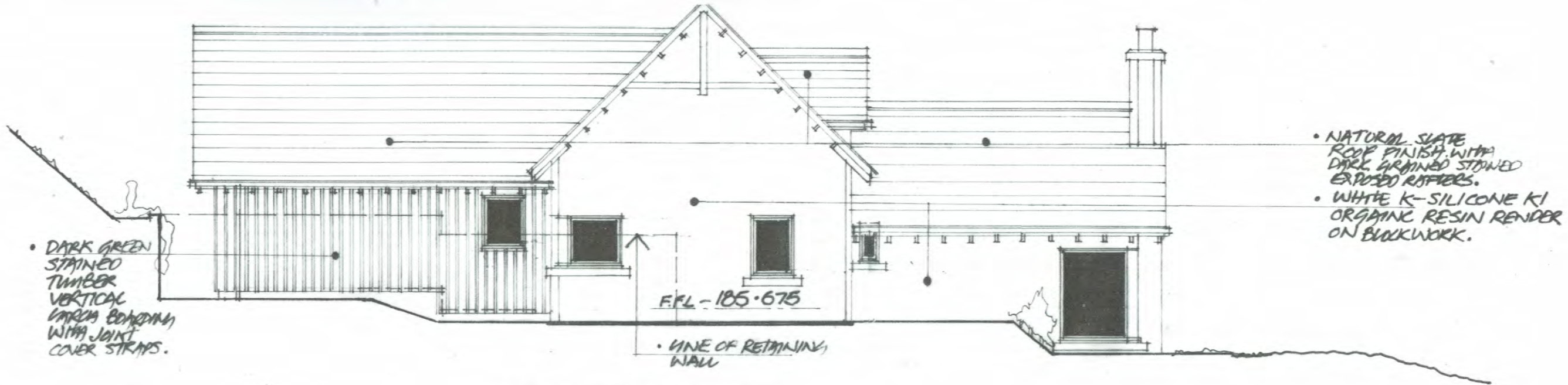
A3 SHEET  
 SCALE 1:250

REV. A - FEB. 18 - ENTRANCE RELOCATED  
 TO MEET TRANSPORT PLANNING  
 COMMENTS + WASTE COLLECTION POINT.  
 REV. B - MARCH 18 - HOUSE RE-LOCATED  
 TO ALLOW FULL DRAINAGE  
 SYSTEM TO BE LOCATED WITHIN SITE TO  
 MEET

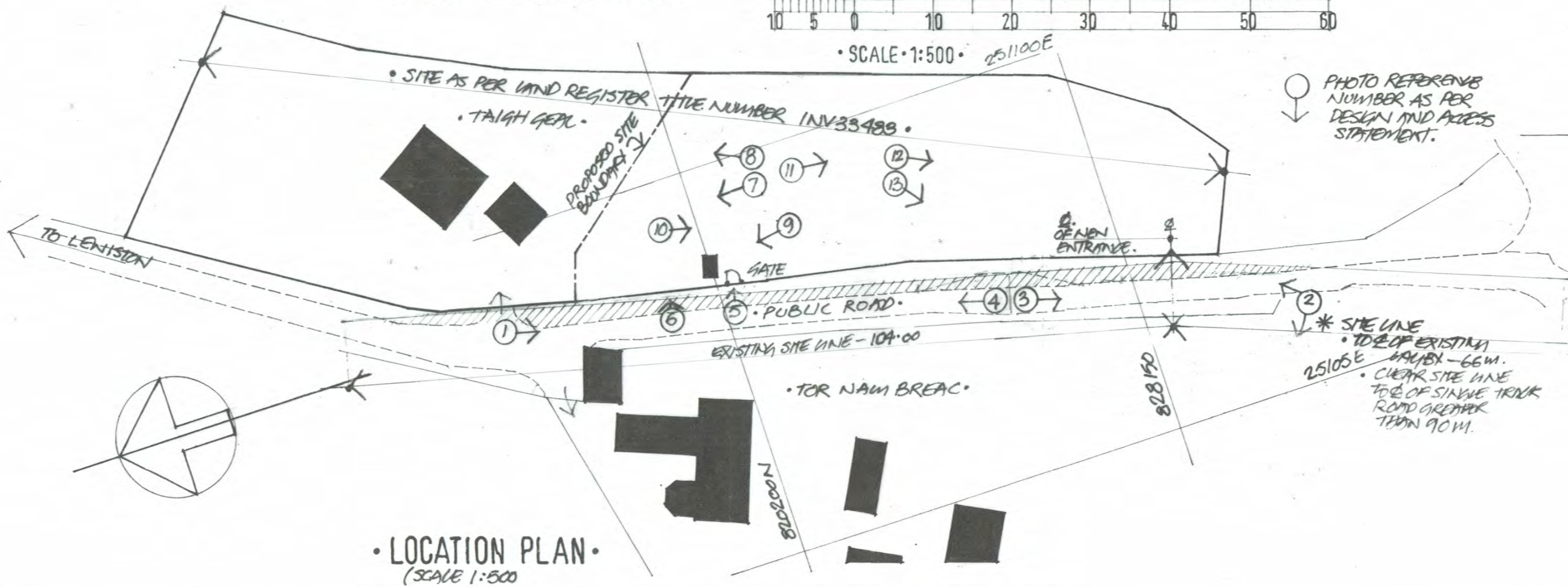
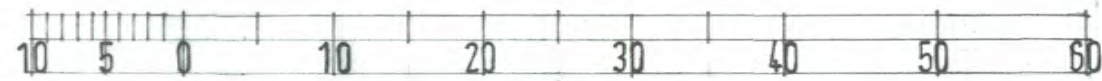
PROPOSED HOUSE IN GARDEN  
 GROUND AT "TAIGH GEAL".  
 BUNLOIT HILL DRUMNADROCHIT.  
 INVERNESS IV63 6XG

DRG. No. 2017/MH/10 (B)  
 SITE AND AREA PLAN

SEPT. 2017



• NORTH EAST ELEVATION •



• LOCATION PLAN •  
(SCALE 1:500)

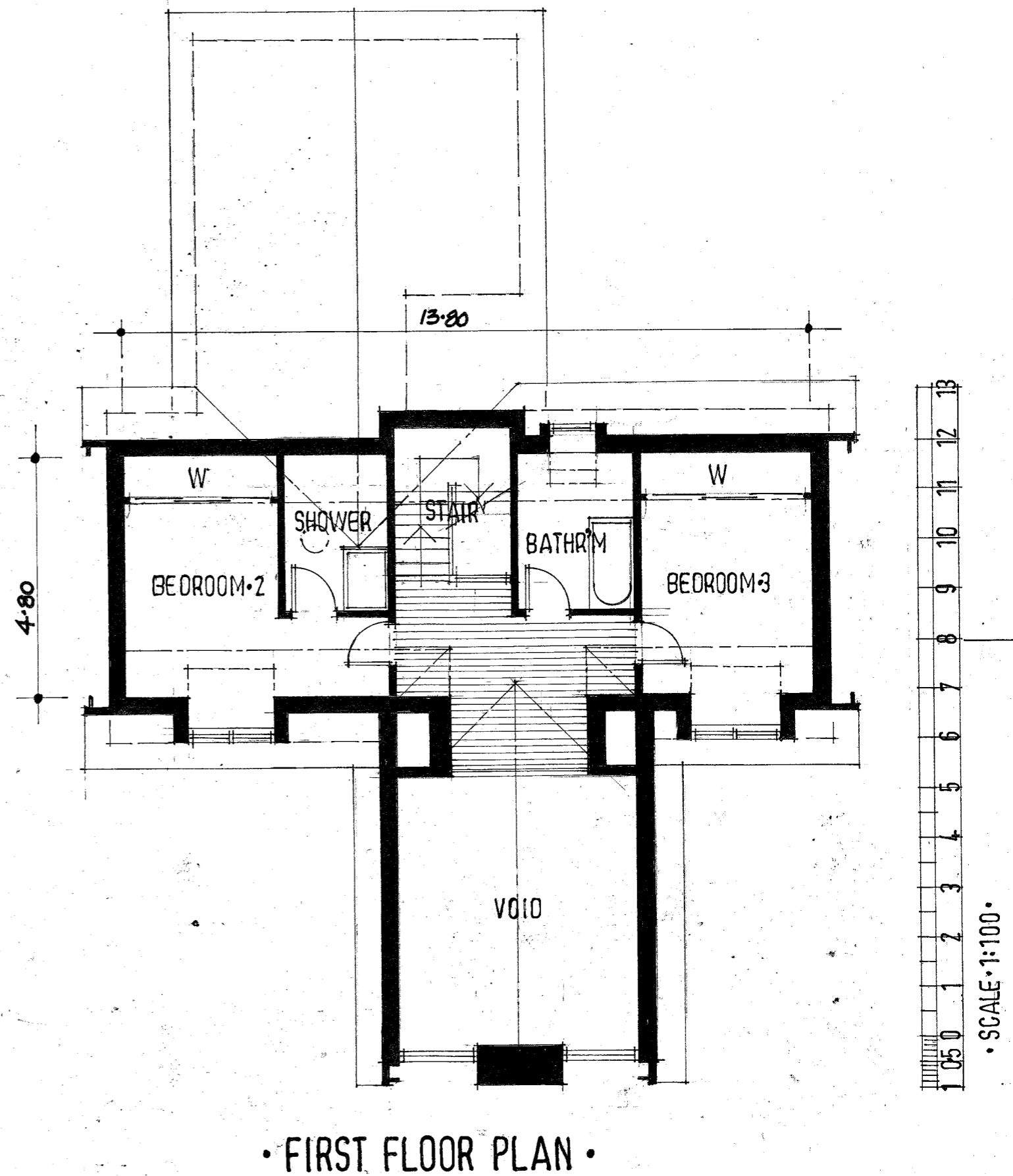
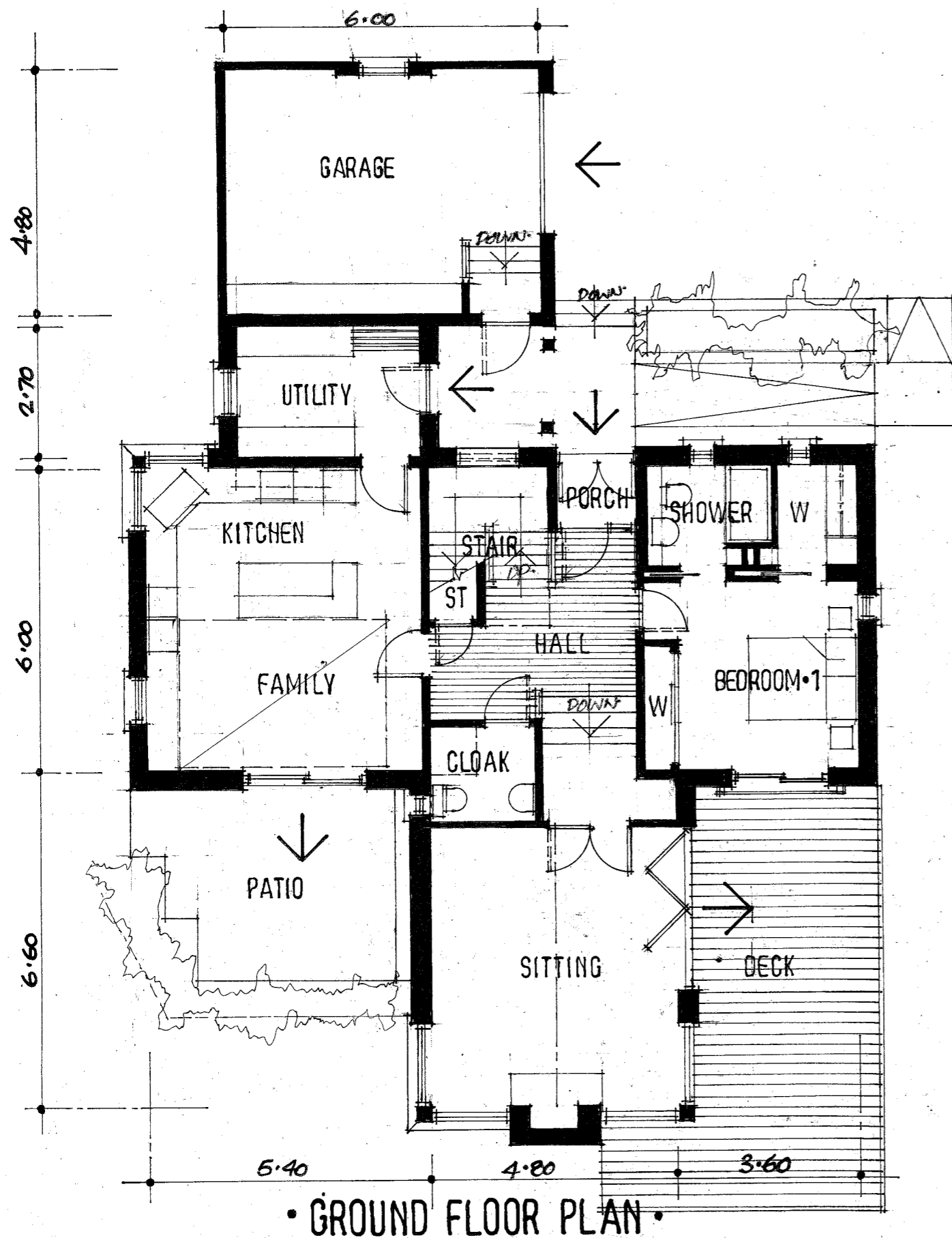
A3-SHEET  
SCALE 1:100 AND 1:500

REV-A-FEB-18- REVISED SITE ENTRANCE  
LOCATION + SITE LINES ADDED.  
REV-B-MARCH-18- SOUTH SITE LINE  
CHECKED ON SITE AND SHOWN  
THUS\*

PROPOSED HOUSE IN GARDEN  
GROUND AT "TAIGH GEAL".  
BUNLOIT HILL-DRUMNADROCHIT.  
INVERNESS-IV63 6XG

ORG.No. 2017/MH/11-B.  
N/E ELEVATION AND LOCATION  
PLAN

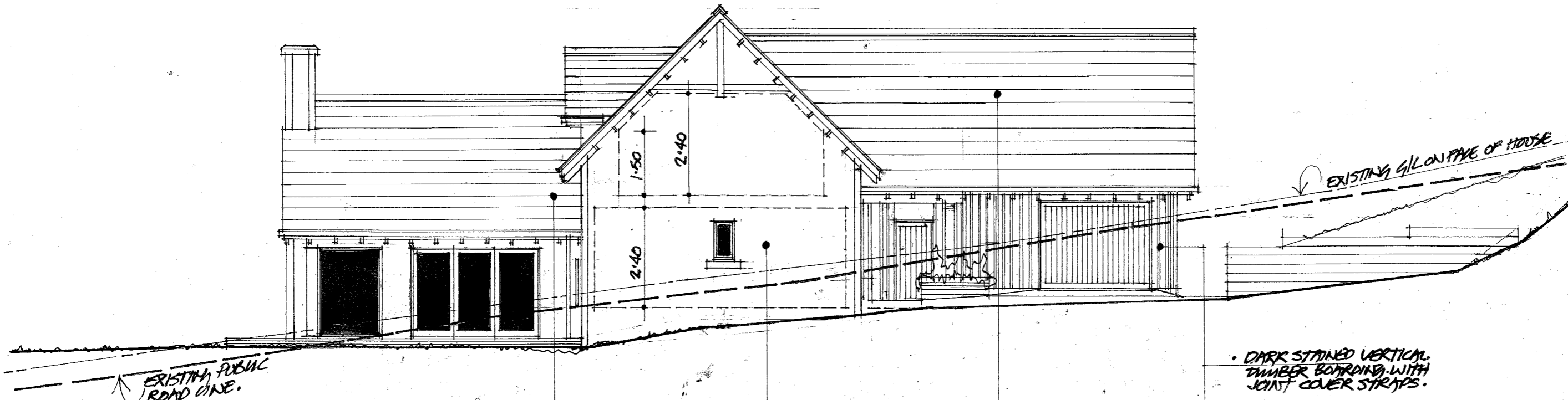
SEPT-2017



A3 SHEET  
SCALE 1:100

PROPOSED HOUSE IN GARDEN  
GROUND AT "TAIGH GEAL"  
BUNLOIT HILL DRUMNADROCHIT  
INVERNESS IV63 6XG

DRG. No. 2017/MH/12  
PROPOSED GROUND AND FIRST  
FLOOR PLANS  
SEPT. 2017

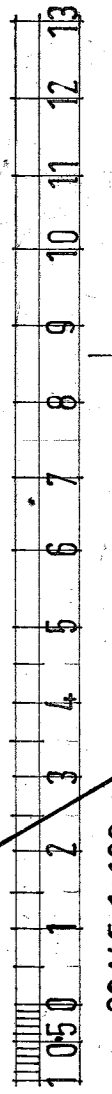


• SOUTH WEST ELEVATION •

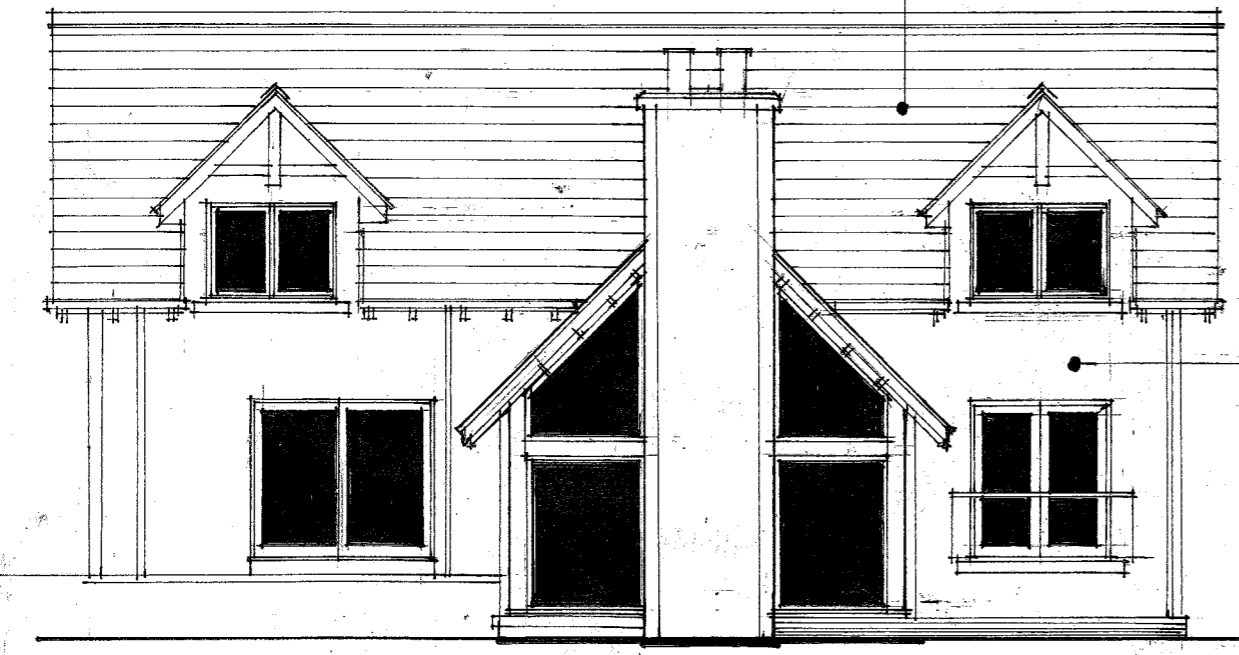
• DARK STAINED VERTICAL  
TIMBER BOARDING WITH  
JOINT COVER STRIPS.

• NATURAL SLATE  
ROOF FINISH WITH  
DARK GREEN PROJECTING  
RAFTERS.

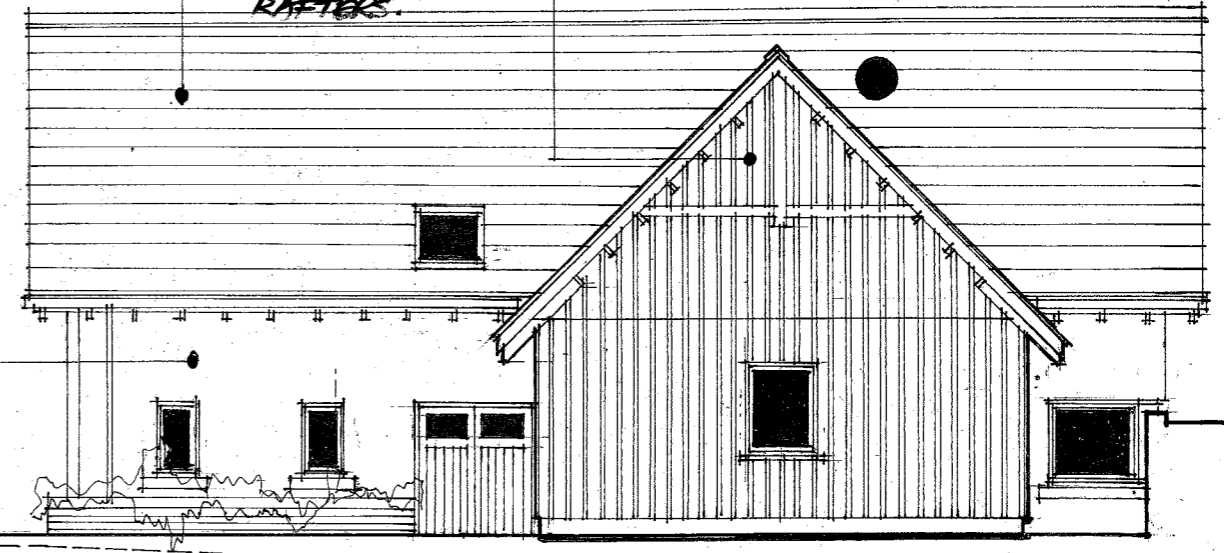
• WHITE  
K-SILICONE  
KI ORGANIC  
RESIN RENDER  
ON BRICKWORK.



• SCALE 1:100 •



• NORTH WEST ELEVATION •



• SOUTH EAST ELEVATION •

A3 SHEET  
SCALE 1:100

PROPOSED HOUSE IN GARDEN  
GROUND AT "TAIGH GEAL"  
BUNLOIT HILL • DRUMNADROCHIT •  
INVERNESS • IV63 6XG

ORG. NO. 2017/MH/13  
PROPOSED S/W N/W AND  
S/E ELEVATIONS  
SEPT 2017