

Agenda Item	5.7
Report No	PLS/032/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 24 April 2018

Report Title: 17/05258/FUL: Neacreath Ltd

Land at Distillery Wood, Tomatin, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of house for holiday let, installation of septic tank and soakaway

Ward: 19 – Inverness South

Development category: Local

Reason referred to Committee: Community Council Objection

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** as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a house on an elevated site on the western fringe of Tomatin. The house is intended to be used for holiday let purposes.
- 1.2 The proposed house is single storey in height and of contemporary design featuring a mono pitch tiled roof, primarily white rendered walls with elements of slate on the front elevation and weatherboard cladding on a section of the rear elevation and timber windows. A small utility room extends out from the rear elevation with a lower and shallower mono pitch roof and featuring weatherboard cladding.
- 1.3 The site is accessed via a private track leading off from old Mill Road. The track provides access to the large wooded Melford Estate to the west of the village.
- 1.4 The applicant applied for informal pre-application advice prior to submitting the planning application and was advised that subject to detailed assessment of the proposed design and subsequent planning application was likely to be supported by officers.
- 1.5 Supporting Information: No supporting information has accompanied the application.
- 1.6 Variations: The external appearance of the house has been completely redesigned since initial submission and reduced the extent of engineering required in terms of 'cut and fill' to ensure that the proposed development fits much better into the existing landscape.

2. SITE DESCRIPTION

- 2.1 The site is partially occupied by the redundant water works buildings, approximately half way up the hillside of the estate. The site is part of a larger woodland area west of Tomatin, however the immediate locality has previously been clear-felled under the terms of a felling licence.

3. PLANNING HISTORY

- 3.1 There is no planning history relevant to the site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 24.11.2017

Representation deadline: 08.12.2018 and 17.02.2018 following re-notification.

Timeous representations: 3 representations from 3 households.

Late representations: None.

- 4.2 Material considerations raised are summarised as follows:
- a) The development is contrary to policy, particularly with regard to development in the countryside and development in woodland;
 - b) The design of the house and the engineering works required to facilitate its siting will result in the development being unduly prominent;
 - c) Access road is not adopted and the track from Old Mill Road is not constructed to adoptable standards;
 - d) The woodland is the main area for recreation in the village and development of the site would result in further impact and loss to residents within an area safeguarded from development.
- 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.

5. CONSULTATIONS

- 5.1 **Strathdearn Community Council:** Object on the basis of non-conformity with planning policy and visual impact.
- 5.2 **Forestry Officer:** The proposal cannot be supported due to development on land that is safeguarded in the development plan and is contrary to other national and local policies stating a presumption against development in woodland.
- 5.3 **Flood Risk Management:** Initial objection on the grounds of flood risk subsequently withdrawn once it became clear that the access track is sufficiently elevated above the watercourse.
- 5.4 **Access Officer:** No objection. Recommend condition securing access rights to core path which is partly incorporated into application site boundary i.e. access track.
- 5.5 **SEPA:** No objection on flood risk grounds.

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
- 34 - Settlement Development Areas
- 42 - Previously Used Land
- 44 - Tourist Accommodation
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

75 - Open Space

6.2 Inner Moray Firth Local Development Plan 2015

2 – Delivering Development

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)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Control of Woodland Removal Policy

Scottish Planning Policy

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 of the house
- c) impact on designated ancient woodland
- d) any other material considerations.

Development plan/other planning policy

8.4 The site is located within the Settlement Development Area (SDA) boundary of Tomatin although part of a much larger wooded area safeguarded from development as protected open space and is designated as such in the Inner Moray Firth Local Development Plan due to the importance of its setting to the village and its recreational value.

8.5 The site is however effectively rural brownfield land consisting of the now redundant water works buildings. These buildings are dilapidated and include underground storage tanks and are quite jarring and industrial in appearance,

representing an incongruous feature in the landscape. Development Plan policy is supportive of proposals that seek to bring back into use previously used land, providing it accords with other relevant policies in the plan.

- 8.6 Subject to the proposal having no significant impact in terms of its siting and design and on the designated ancient woodland setting, the proposal would comply with the development plan.

Siting and Design

- 8.7 The proposal as originally submitted featured a single storey house on a rectangular footprint with a small gabled rear extension. The house featured a pitched roof and was not of any particular architectural merit. The prominent front elevation in particular, featuring patio doors with large windows either side was particularly visually poor in design terms and certainly not considered appropriate from what is, in essence, a highly visible countryside location. This, coupled with the extent of engineering cut and fill proposed to facilitate the house, would result in a development that would not fit well with its surroundings and would therefore have an adverse impact on the landscape setting of the site due to the dominant artificial engineered platform for the house and curtilage.
- 8.8 Following discussions with the applicant, the proposal was substantially modified. Whilst the basic house footprint remained the same, the external appearance of the building was altered to create a contemporary mono pitch roofed dwelling that fitted much better into the hillside. In addition, the extent of engineering works was reduced and the proposed parking area adjusted relative to its position to the main house. This did necessitate minor adjustments to the application site boundary, which in themselves, were considered to be non-material and therefore did not require submission of a further planning application. The other design changes were considered significant and as a consequence neighbours and objectors were notified and given an opportunity to comment on the revised proposals.
- 8.9 Overall the revisions have led to significant improvements to the siting, design and setting of the proposed house.

Impact on Ancient Woodland

- 8.10 The Forestry Officer has confirmed that the site is located fully within a clear felled woodland listed on the Ancient Woodland Inventory as Long established plantation origin woodland. It is therefore a feature of local and regional importance. Both national and local development plan policies seek to safeguard such woodland from development unless there is a clear public benefit arising from the proposal and where compensatory planting is proposed in mitigation.
- 8.11 The previous clear felling was carried out under the appropriate licence from the Forestry Commission. As part of that licence there will have been a necessity for replacement planting. The clear felling of the wider locality is therefore controlled through this licensing regime.
- 8.12 The key consideration in assessing the impact the proposal would have is the recognition that the site is largely rural brownfield land. Whilst it is acknowledged

that the extent of redevelopment will project beyond the confines of the existing structures on the site by approximately 15m to the southwest and 4 or 5 metres to the northeast, this is considered to be relatively modest and is necessary to ensure that the house fits into the existing contours of the land with minimal engineering.

- 8.13 As a consequence of the above it is considered that any impact on the woodland site is negligible and the net environmental benefit of removing existing derelict structures from the land and their replacement with a modest and attractively designed house is appropriate in the circumstances.

Other Material Considerations

- 8.14 It is noted that the access road and track serving the development is not adopted, however this is not considered to impact on the acceptability of the proposal.
- 8.15 It is acknowledged that the access road is a designated core path and whilst part of this is within the defined application site boundary, accessibility to the core path is unlikely to be affected by development. Nevertheless in the event that members are minded to grant planning permission, it is recommended that a condition is imposed aimed at safeguarding access along the route during construction.
- 8.16 Members may wish to note that whilst the applicant has applied for the house to be used for holiday letting purposes, it is not considered necessary or appropriate to restrict the use in this way. Use of the house either as a permanent dwelling or for holiday letting would not result in a change in use of the house, it would still fall to be considered under Class 9 of the Use Classes Order. Furthermore, the justification for considering the acceptability of the proposed house in terms of development plan policy, is unaffected whether it is used as a permanent residence or for holiday let purposes only. In this instance, a planning condition seeking to control the use of the house would fail to meet the relevant tests for imposing such a restriction and should therefore be avoided.

Non-material considerations

- 8.17 Matters raised in relation to the applicant's management or other involvement in dwellings constructed elsewhere in the vicinity, with particular reference to houses in Mill View, is not a material planning consideration.

Matters to be secured by Section 75 Agreement

- 8.17 Not applicable.

9. CONCLUSION

- 9.1 Planning permission is sought for the erection of a house on land that is designated as protected open space as part of a much larger area of woodland within the SDA of Tomatin. Whilst located within the SDA it is essentially a rural brownfield site containing the remnants of the former water works.
- 9.2 The site is also within an area of woodland listed on the Ancient Woodland Inventory as Long established plantation origin woodland part of which has since

been clear felled under the terms of a previously granted felling licence.

- 9.3 Whilst it is acknowledged that national and local policies seek to presume against development within woodland, in this instance a large part of the site has previously been developed and contains redundant industrial infrastructure associated with the former water works. The design of the house has been significantly revised and the related engineering works altered to ensure that the resultant development fits well with the topography of the wider locality and the surrounding landscape.
- 9.4 On balance, it is considered that the redevelopment of the site will result in a net environmental and economic benefit by removing this existing infrastructure and providing a new house on the site.
- 9.5 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
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 / Reasons for Refusal

1. No development or work shall commence until full details of the proposed gabion baskets and any other boundary treatments consisting of walls or fences, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance

with these approved details.

Reason: In order to enable the Planning Authority to consider these matters in detail prior to the commencement of development; in the interests of amenity.

2. No development shall commence until full details of the foul drainage infrastructure has been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details and shall be completed prior to the first occupation of the development.

Reason: In order to ensure that the surface water drainage infrastructure is provided timeously, in the interests of public health and environmental protection.

3. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development

4. The house shall not be occupied until the provision for the parking and turning of two cars within the curtilage of the house is made and shall be maintained at all times thereafter.

Reason: To ensure that an adequate level of parking is provided timeously within the curtilage of the house, in the interests of amenity.

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).

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: John Kelly
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 1734-301 Existing Site Plan
Plan 2 - 1734-302 Location/Site Plan
Plan 3 - 1734-303 Section A-A
Plan 4 - 1734-304 Section B-B
Plan 5 - 1734-305 Section C-C
Plan 6 - 1734-306 Section D-D



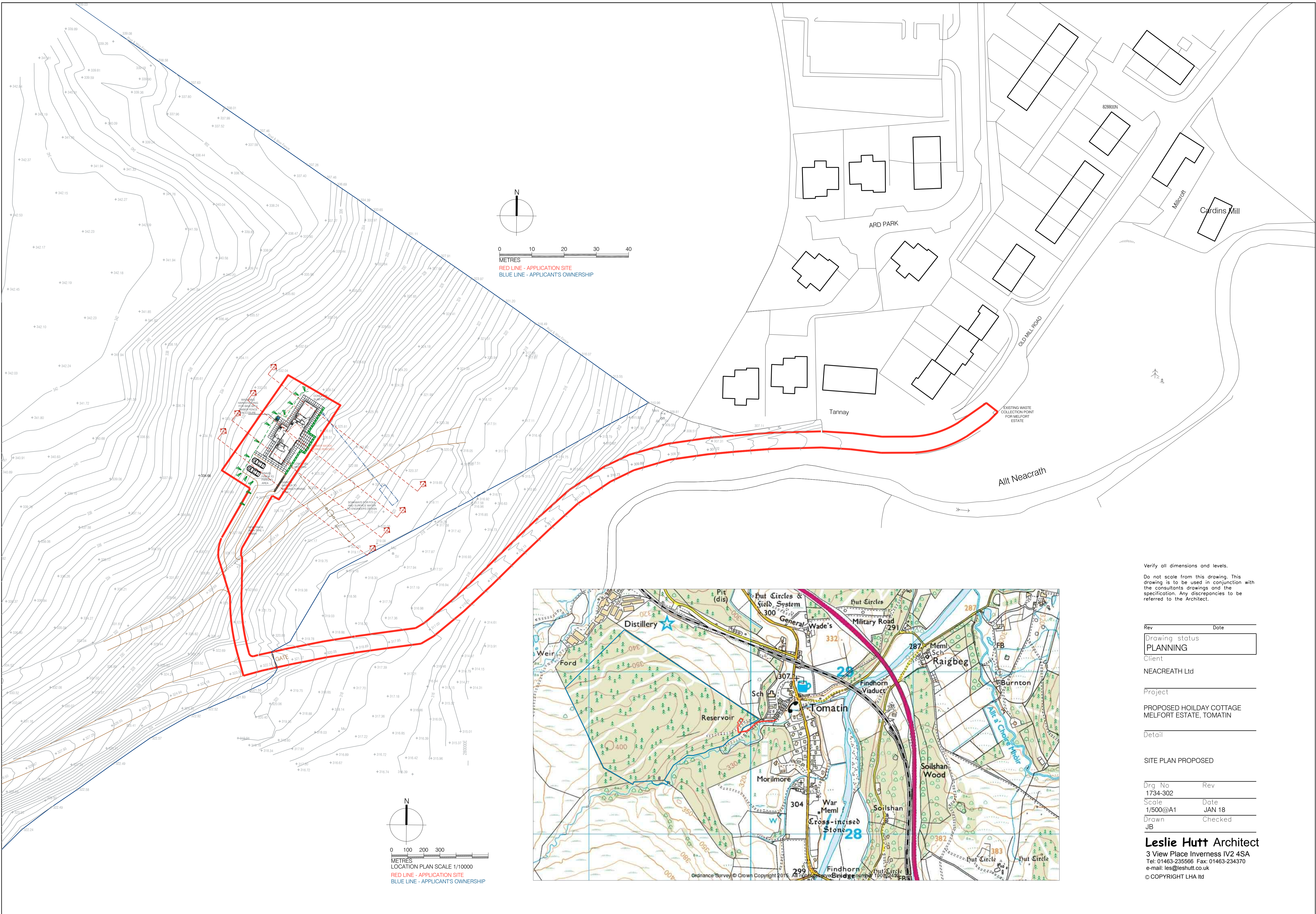
EXISTING REDUNDANT WATER WORKS BUILDINGS



Verify all dimensions and levels.
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Drq No	Rev
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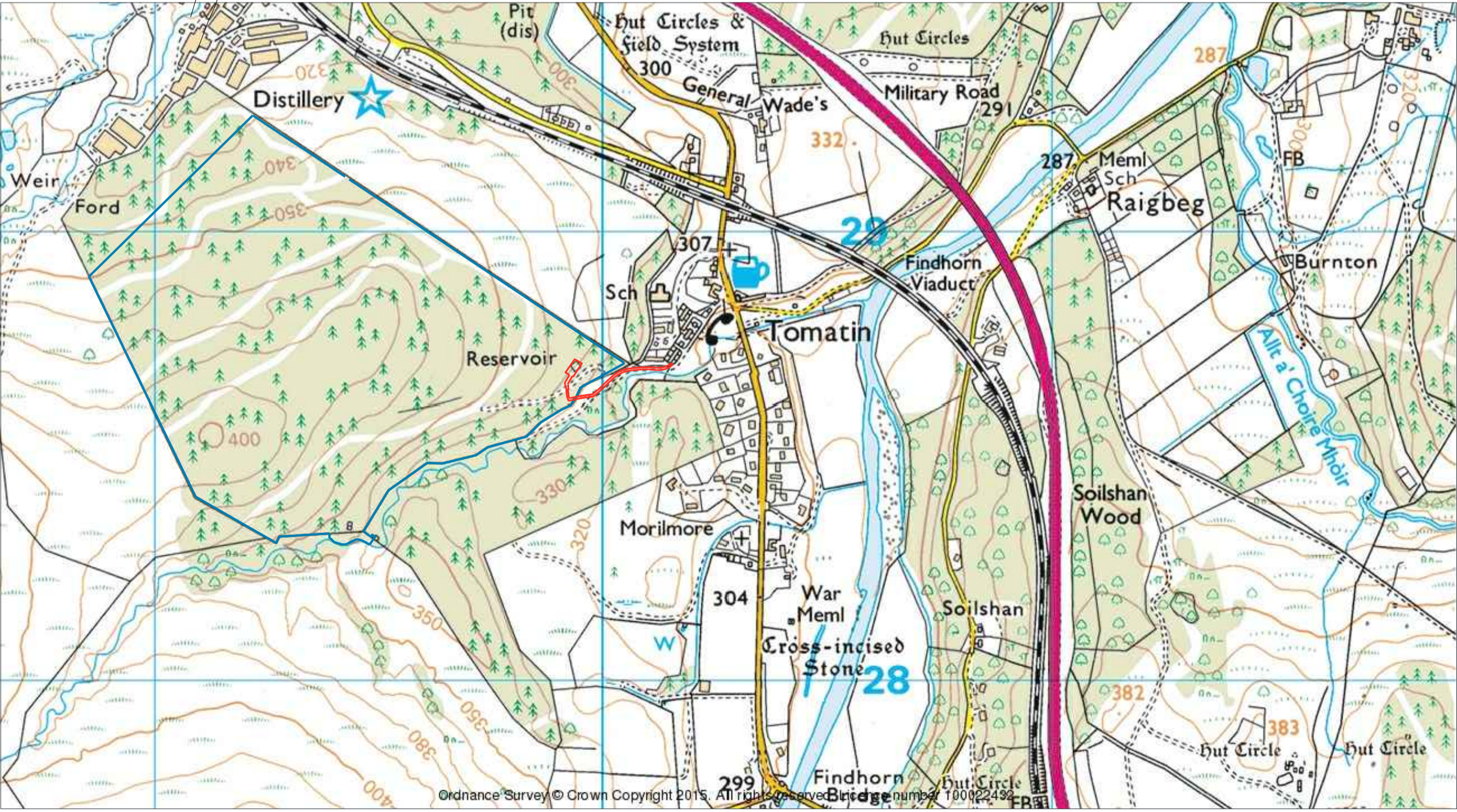
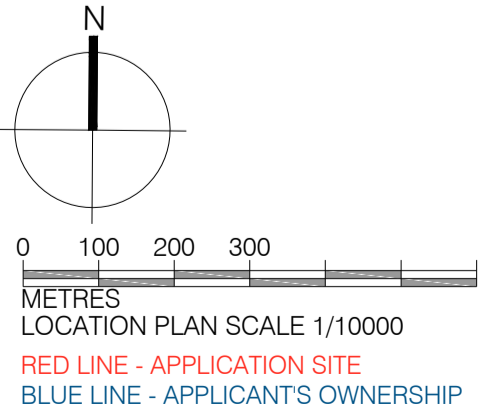
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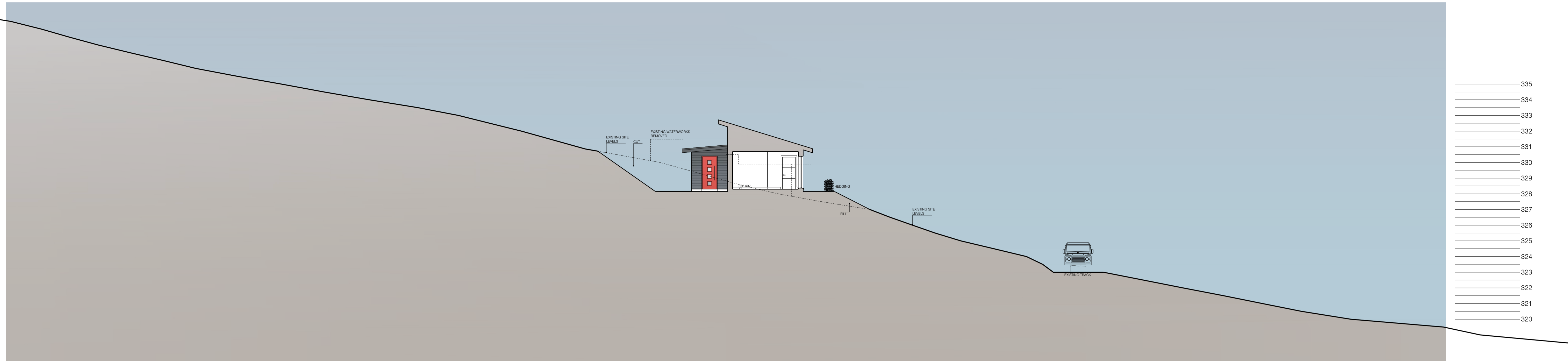
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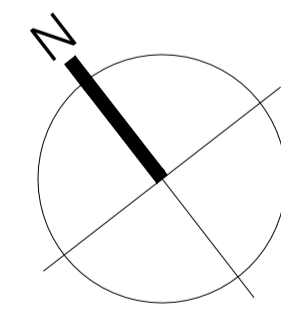
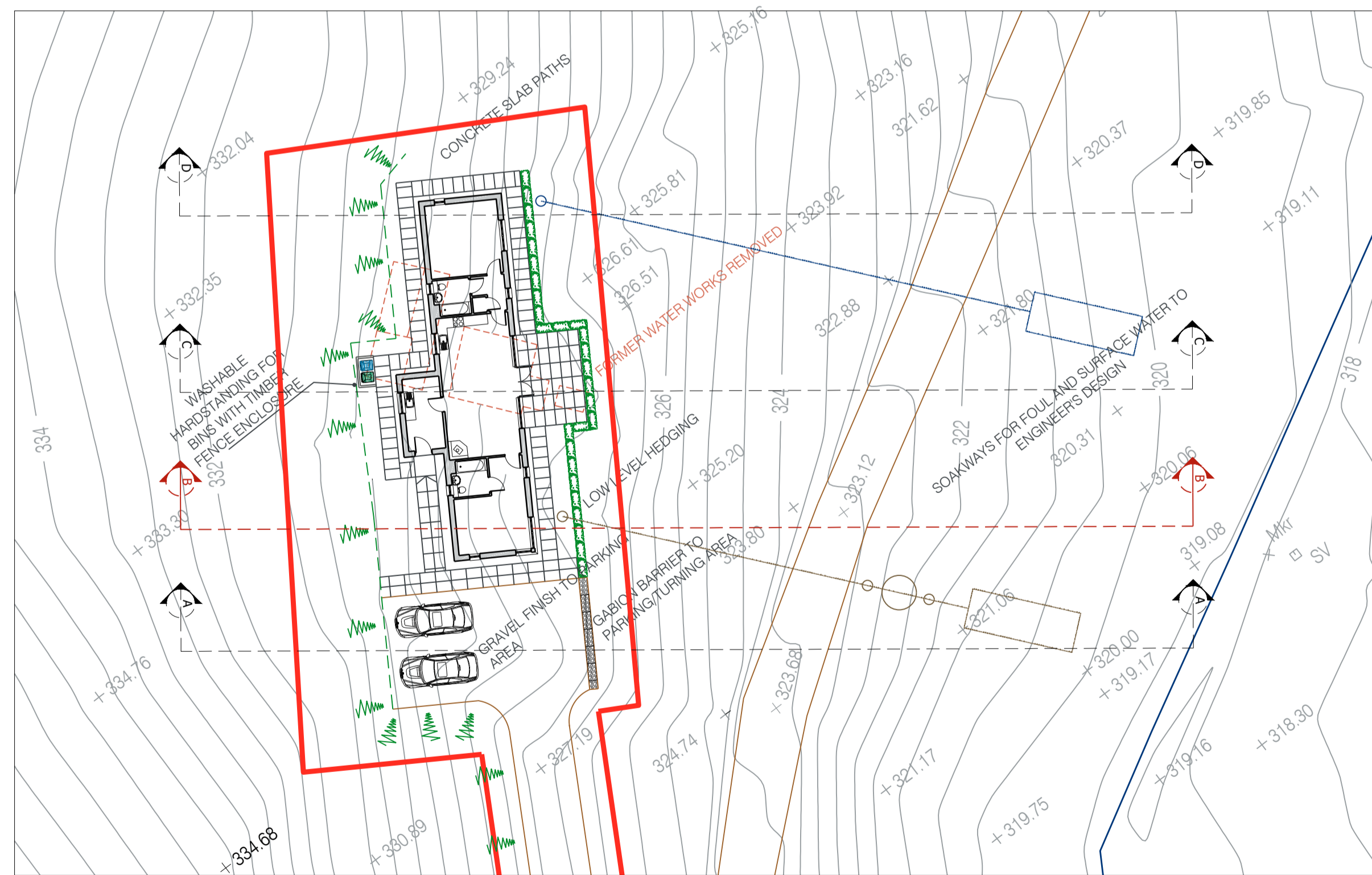
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SITE SECTION B-B SCALE 1/125



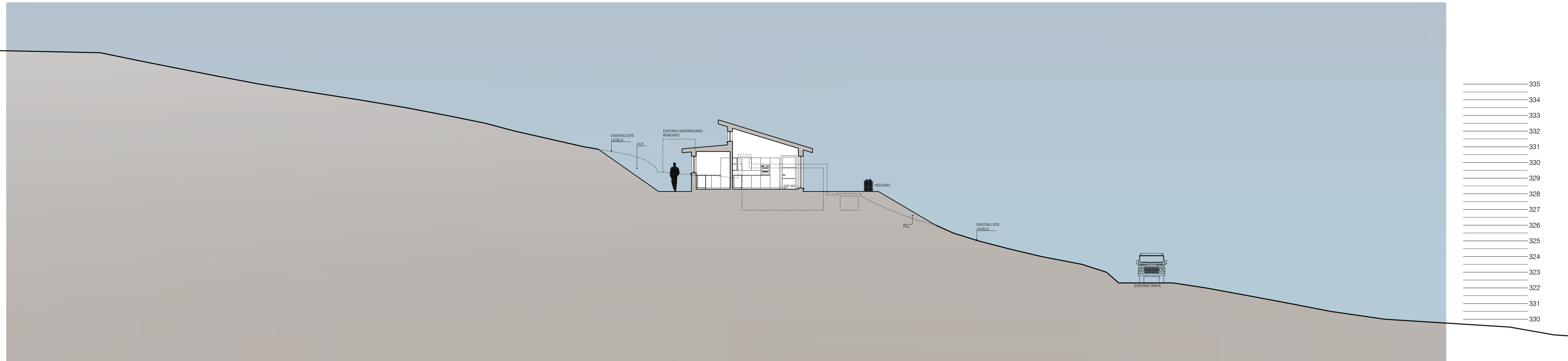
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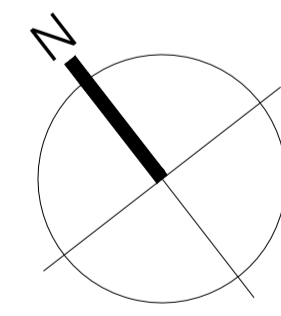
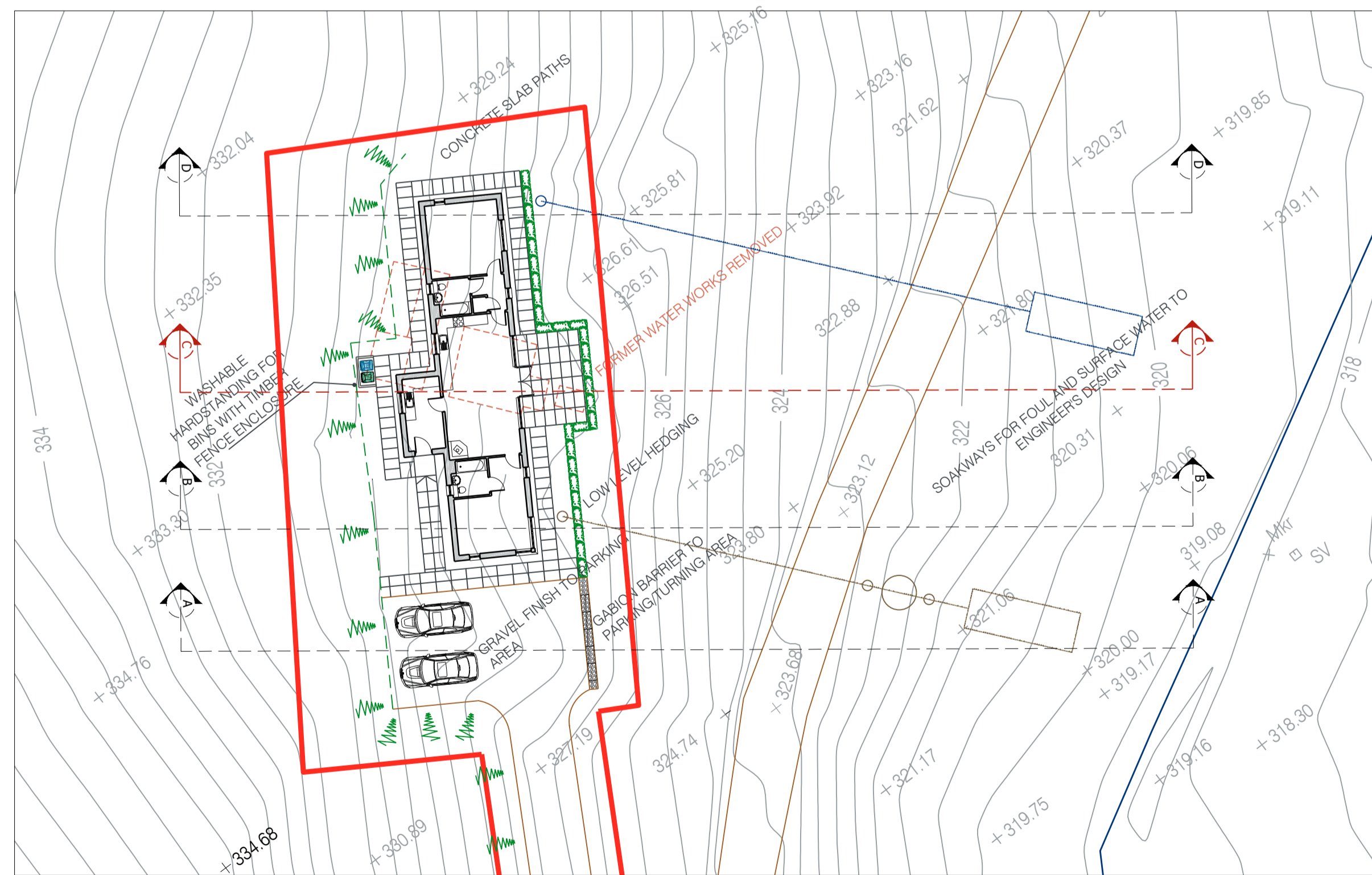
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SITE SECTION C-C SCALE 1/125

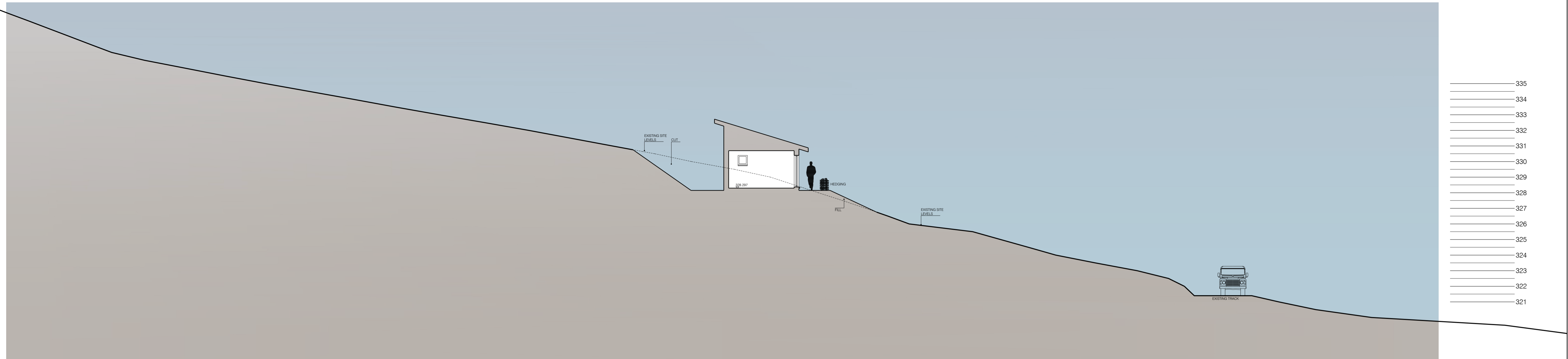


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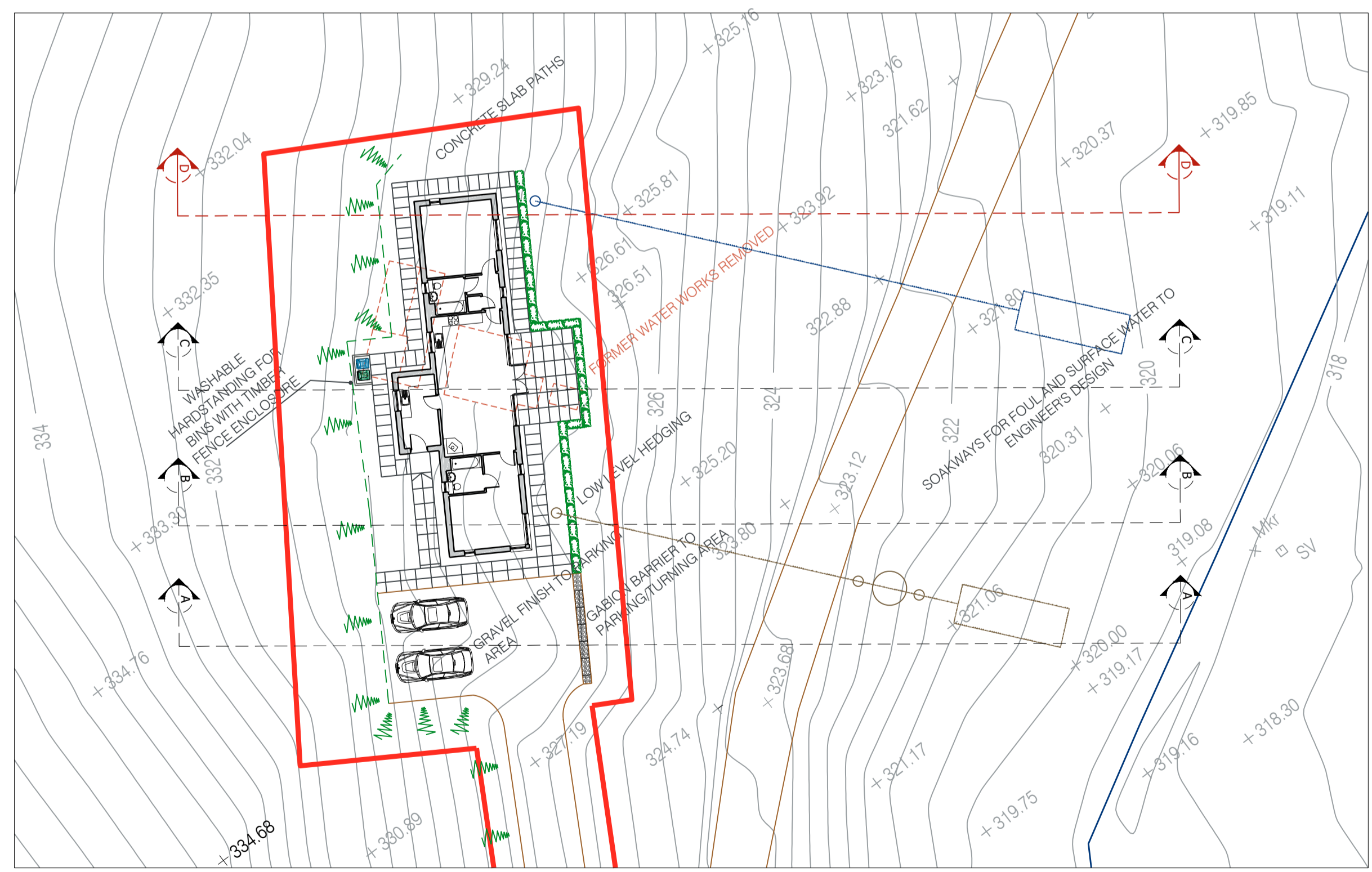
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