

Agenda Item	6.9
Report No	PLR/074/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 18 September 2018
Report Title: 17/05702/PIP: Mrs Susan Cameron
Land 60M SW of 10 Easter Street, Caiplich, Kiltarlity
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: Objection from 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 on land between 2 houses at Caiplich. Vehicular access will be taken from the access track leading down to Easter Street.
- 1.2 Pre Application Consultation: 17/04546/PREAPP – Advised that part of housing group and therefore should respect the building line and height of adjoining houses.
- 1.3 Supporting Information:
Private access checklist
Percolation Test Report
- 1.4 Variations:
15.12.2017 - Revised Location Plan
03.04.2018 - Site access plan and detail

2. SITE DESCRIPTION

- 2.1 The site is situated within a crofting township called the Street. It is an elongated township which runs in a north-south direction with a forestry plantation to the west of the road. The settlement pattern comprises houses on the east side of the public road where the land slopes from west to east site. The land to the east of the houses is open and the other public road at Cragganvallie is located far to the east.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|---------|
| 3.1 | 23.01.2013 | Erection of house called Gihon further to northeast 12/04478/FUL | GRANTED |
| 3.2 | 05.09.2013 | Erection of house (Gihon) (amended) 13/02882/FUL | GRANTED |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 05.01.2018
Representation deadline: 19.01.2018
Timeous representations: 1
Late representations: 1
- 4.2 Material considerations raised are summarised as follows:
- Overlook 9 Easter Street and would lose view
 - Overdevelopment of the area and danger of no space between properties in a fragile rural area
 - Should be retained for agricultural use

d) Infrastructure – struggling to cope with roads and services

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 **Kiltarlity Community Council** object to the proposal. It considers the proposal as contrary to the HwLDP and the Council's Supplementary Guidance. Conflicts with infill policy as it does not meet the criteria in the Guidance. In the Siting & Design Section it refers to Crofting township proposals and contrasts the extension of the settlement within its linear pattern (with retention of the existing spacing) preserves a proper relation to its character, whereas infill or rounding off contrasts to the character. This affects the wider character of the landscape as well as the settlement itself and the visual and noise amenity of immediate neighbours with issues on spacing of road access. Modern houses and outbuildings can be more visually intrusive in this type of setting because of the conflict with the settlement character.

5.2 **Development Plan Team:** As there are no crofting interests in the site there is no comment to make.

5.3 **Forestry Officer:** No objections

5.4 **Scottish Water:** Water supply will be served by Glenconvinth Water Treatment Works.

5.5 **Transport Planning Team** supports the recent decision to change from the formation of a new access to the use of the existing access as this meets the Guidelines but details of the access upgrade shall be required.

It recommends improvement of the existing passing place to the south west of the site to be widened so that it meets Council guidelines as far as practicably possible to allow two vehicles to pass each other ensuring the safety and free flow of traffic on the public road.

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)

47 – Safeguarding Inbye/AppORTioned Land

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

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)
Housing in the Countryside and Siting and Design (March 2013)

7.2 Scottish Government Planning Policy and Guidance

SPP

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) residential amenity
- d) infrastructure
- e) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Hinterland as defined in the Inner Moray Firth Local Development Plan. Policy 35 of Highland-wide Local Development Plan (HwLDP) 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 there are opportunities for further small-scale infill development or the rounding off of housing groups. For the existing houses to be considered as part of a housing group then they must meet the following relevant criteria:

- there are at least three houses that are physically detached from one another;
- all of the houses have a perceptible relationship with one another and share a well-defined, cohesive character.

8.6 Any further house site has to be assessed in terms of the suitability for growth of that housing group and has to meet the following relevant criteria:

1. It constitutes acceptable small-scale in-fill or round-off;
2. It reflects and respects the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group;
3. It does not constitute ribbon/linear development along a public road,;
4. It does not impact detrimentally on existing trees and/or woodland
5. It does not create an inappropriate intrusion into a previously undeveloped field or open land or overwhelm their landscape setting; and
6. It meets the relevant criteria outlined at paragraph 5.2 General Development Considerations.

8.7 It is considered there is an existing housing group at this location. The proposal would be an infill of that group. The site, in terms of size and location would respect the form, character and cohesiveness of the group and when taking into account the topography of the area and its wider landscape context this would be an appropriate site for infill development.

8.8 The Supplementary Guidance seeks to ensure no housing group is allowed to increase in number by more than 100% of the number of houses existing in that group from the date of adoption of the guidance on 3 August 2011. It is considered that the group is made up of eight houses. Two houses have been constructed since 2011. This proposal would represent the third and is therefore still within the 100% limit.

8.9 The Siting and Design Section of the Supplementary Guidance makes reference to housing groups in Section 10 and refers to proposals in crofting township. The extension of any settlements where it has a linear pattern (with retention of the existing spacing) can relate to its character while infill or rounding off can contrast to its character. The key consideration is whether the proposal fits into the wider landscape pattern and infill of gaps is a way of achieving this provided there is no weakening of the distinctive character of the settlement in relation to its setting.

8.10 In this context, the Community Council views the Guidance as encouraging the extension of the settlement within its linear pattern (with retention of the existing spacing) rather than the proposed infill site. However, it is argued that the Guidance does allow for infill within this group and there is sufficient spacing between this site and adjoining sites to avoid an adverse impact. Adherence to the set building line means the proposed house will be no more visually intrusive in the landscape than existing houses.

8.11 While the site is located within a crofting township the site has been de-crofted according to the register held by the Crofting Commission. Policy 47 of the HwLDP

allows for the development on croft land provided it avoids the better part of a croft in terms of agricultural value and does not impede use of the remaining croft. This proposal meets both these tests. Even if it does not meet these criteria an exception can be made where there are other policy considerations and in this case it is in accordance with the settlement pattern.

- 8.12 On the basis that the proposal would meet with the exceptions set out with policy, the principle of development is acceptable. Policies 28 and 29 are also key to the determination of this application and must be given due weight. The proposal could comply with the development plan subject to the siting and design of the proposal being acceptable with the development having no significant detrimental impact on community or individual residential amenity or infrastructure provision.

Siting and Design

- 8.13 As the proposal is in outline there are no details of the proposed house. However the house is likely to be to the southeast of the site given the slope from the road, and as such is more likely to be aligned with the building line of 9 Easter Street. The subsequent matters specified in conditions application will need to consider the detailed design in this context.
- 8.14 Concern has been raised in terms of overdevelopment of the area with no space between properties in a fragile rural area. However, the width and depth of the plot is broadly similar with other plots on this road. Again, the detailed design will take into account the context in coming to a suitable design compatible with the character of the area.

Amenity

- 8.15 Concern has been expressed by a neighbouring resident that the proposal would lead to overlooking within their ground. However it would be possible to mitigate this through provision of appropriate boundary treatment and consideration of the detailed design of the house.

Infrastructure

- 8.16 Percolation tests have been carried out to demonstrate the site can be drained by means of a septic tank and soakaway.
- 8.17 The applicant intends to form a new access onto the public road. Consultation and a site visit with Transport Planning has revealed the proposed location is the optimum siting in terms of visibility sightlines. After detailed discussion between the agent and Transport Planning the depth of the access road back from the edge of road has been reduced and this will allow less of a visual impact in terms of the gradient. It is screened to a certain extent by the disused steading. This design solution respects the contours of the ground to minimise the impact of these works.
- 8.18 Transport Planning has suggested an upgrade of the existing passing place to the southwest of this access. This is considered reasonable given the additional usage of this public road and will be included as a condition.

Other material considerations

8.19 There are no other material considerations.

Non-material considerations

8.20 The neighbouring occupier is concerned at the loss of outlook. The loss of an individual's view is not a material planning consideration - but the impact on amenity in general will be taken into account in considering the detailed design of the property should planning permission be granted.

9. CONCLUSION

9.1 The Community Council suggests the proposal does not meet the relevant criteria of the Supplementary Guidance for infill development and it conflicts with the established croftland settlement pattern. It is however considered that the proposal does meet the criteria for suitability for growth within the Housing Group and is appropriate to the setting and character of the area. It will be noted that this house results in a 100% expansion of the existing group meaning that there is no scope in terms of current SPG and Hinterland policy for any further expansion of the group.

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

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

3. Within the application site, no building or structure shall feature underbuilding exceeding 0.5m 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 structure 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.

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

4. 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 prior to 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.

5. 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. For the avoidance of doubt, the system will be designed to ensure there is no discharge of surface water from the site onto the public road.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

6. 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.

7. 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.

With the application for Matters Specified in Conditions this shall include the following information in relation to the following matters:

- Confirmation of measures to prevent surface water from the public road flowing into their access.
- The submission of a longitudinal drawing to confirm the level of the gradient.

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

8. The house for which planning permission is granted shall not be occupied until the existing passing place on the public road has been upgraded and completed to the satisfaction of the planning authority. Details of the improvement to be undertaken shall be submitted to and agreed in writing by the planning authority before development commences on any part of the application site.

Reason: in the interests of public safety and to take account of the narrow width of the public road.

REASON FOR DECISION

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).

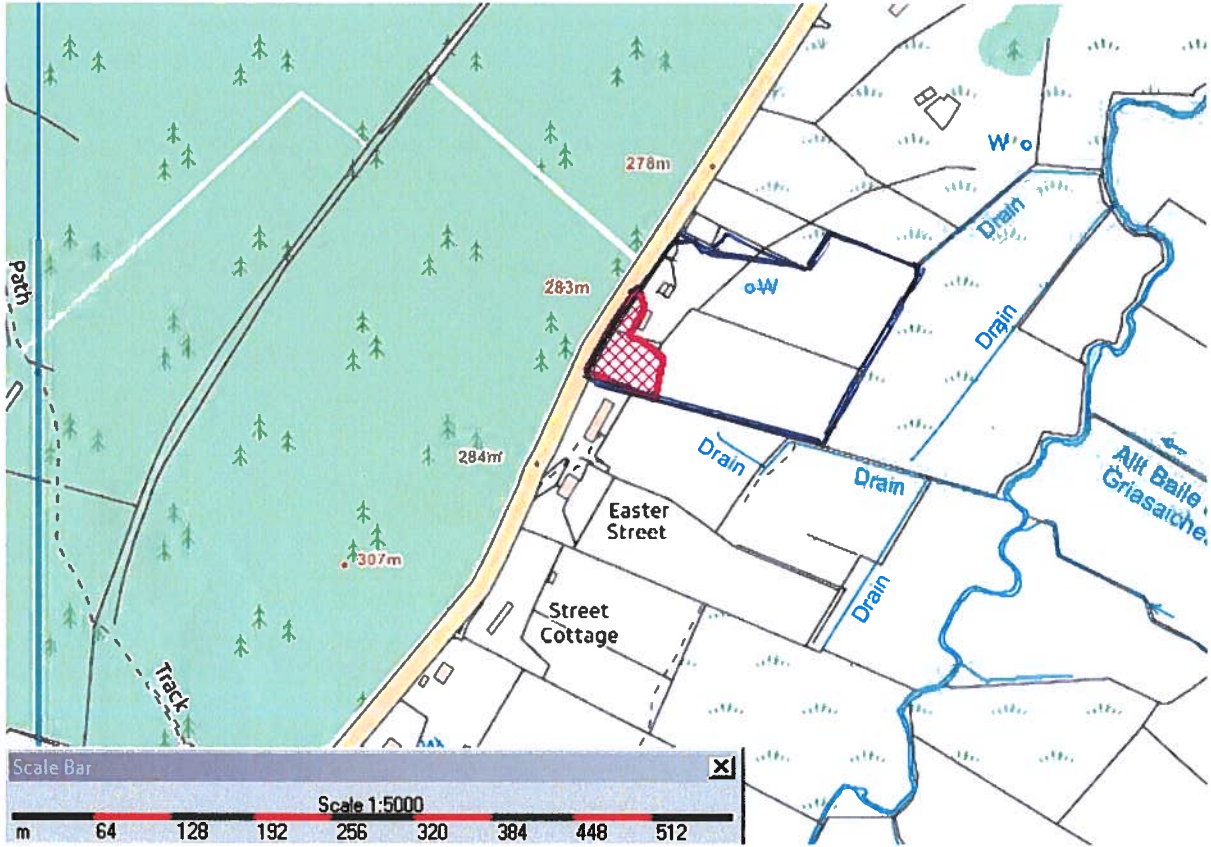
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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.

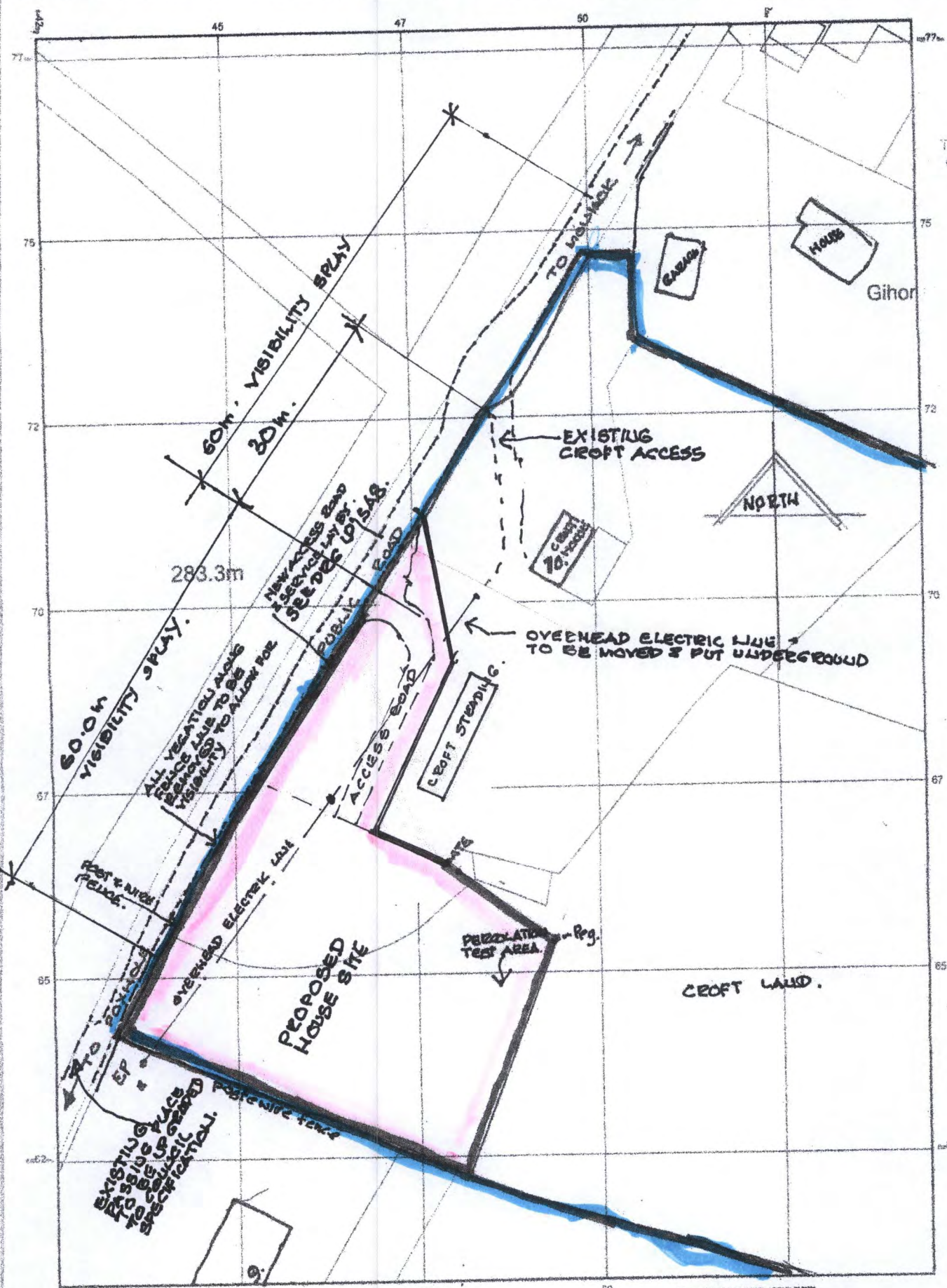
Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.

Land 60m SW of 10 Easter Street, Caplich, Kiltarlity

Location plan



The Plan of the
 eProcess
 Date Received
 08 DEC 2017



Scale of METERS
 0 10 20 30 40 50 60 70
 eProcess
 Date Received:

31 AUG 2018

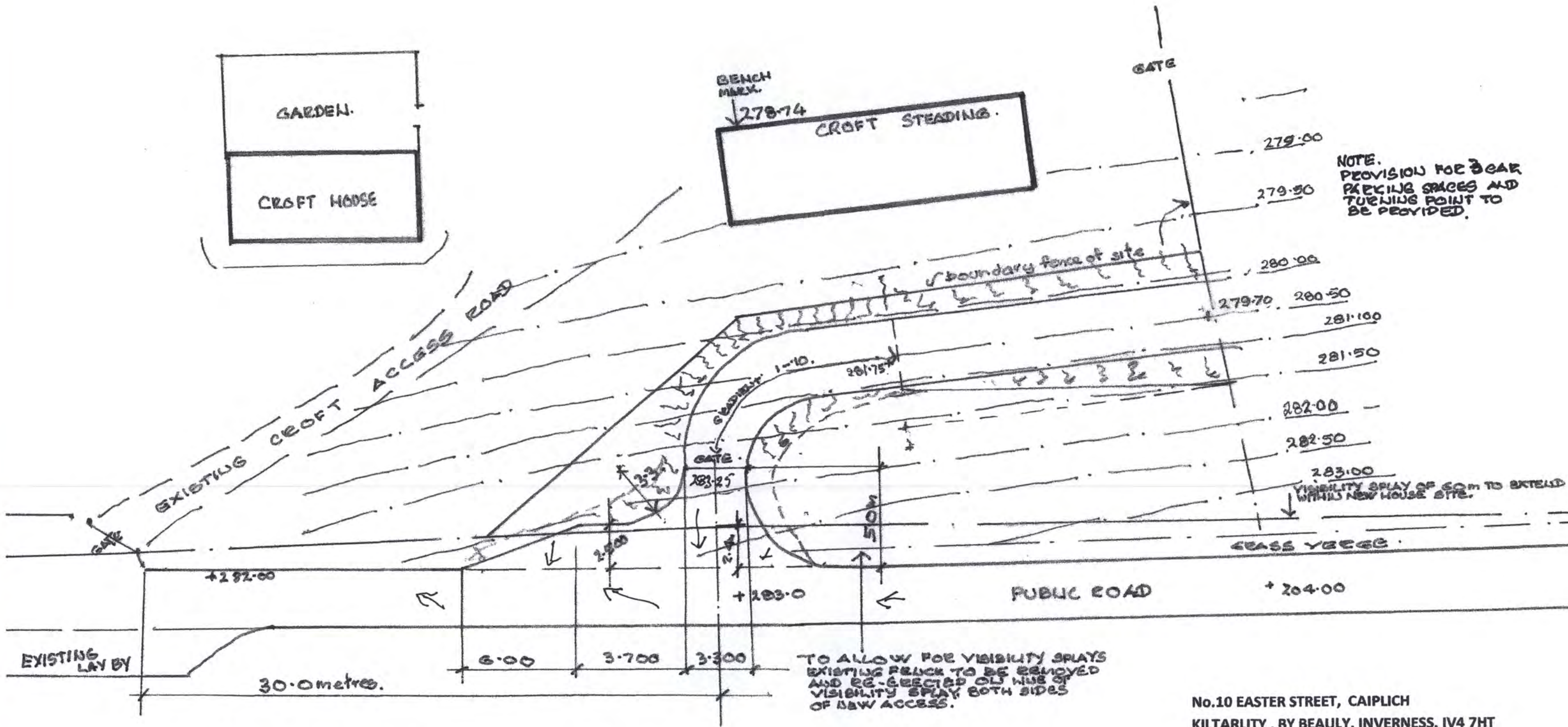
No.10 EASTER STREET,
 CAIPLICH, KILTARLITY
 BY BEAULY, INVERNESS. IV4 7HT.

PROPOSED HOUSE SITE FOR MRS SUSAN CAMERON.

SITE PLAN, Scale 1.500, DRG. SP/2. DECEMBER. 2017

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31 AUG 2018



No.10 EASTER STREET, CAIPLICH
KILTARLITY, BY BEAULY, INVERNESS. IV4 7HT

PROPOSED HOUSE SITE FOR MRS SUSAN CAMERON.

SITE ACCESS DETAIL DRG. LP/SA8R AUGUST 2018

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