

Agenda Item	5.6
Report No	PLN/007/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 22 January 2019
Report Title: 18/04788/PIP: Mr Gordon Adam
Land 560M NE of Hillockhead Rosemarkie
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of house (Renewal of planning permission 14/00912/PIP)
Ward: 09 - Black Isle
Development category: Local

Reason referred to Committee: Application by Elected Member

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 Planning permission is sought to renew the planning permission in principal granted in October 2015 for the erection of a dwellinghouse. The site consists of 0.13 hectares, or thereby, of land at Hillockhead which is operated as Black Isle Yurts.
- 1.2 The site is accessed from the public road via an existing private track which serves Black Isle Yurts as well as a number of private houses and the self catering holiday letting complex known as Hillockhead.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Plans previously approved under planning permission 14/00912/PIP.
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The application site lies above the facilities building and parking area associated with Black Isle Yurts and a cabin which was brought on to site in mid 2018 which is currently the subject of a retrospective planning application ref 18/04042/FUL. The hillside which forms the application site consists of rough gorse and young trees, planted approximately 4 years ago.

3. PLANNING HISTORY

- | | | | |
|-----|-----------------------|--|-----------------------------|
| 3.1 | Pending consideration | 18/04042/FUL Siting of accommodation unit (Retrospective) | |
| 3.2 | 23.11.2015 | 14/00912/PIP Erection of house. | Grant subject to conditions |
| 3.3 | 26.09.2014 | 14/00909/FUL Change of use of land to yurt campsite and erection of facilities block | Approved |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: unknown Neighbour
Date Advertised: 26.10.2018
Representation deadline: 09.11.2018
- Timeous representations: None
- Late representations: None

5. CONSULTATIONS

- 5.1 Forestry Officer: Object. Considerable efforts have been made to clear the gorse over part of the hillside and trees have established well in these areas. Other clearance work has been less effective and the gorse is well established and

spreading. Recommend that further clearance of the gorse is pursued to secure compliance with the conditions attached to planning permission 14/00909/FUL which refer to the tree planting schedule.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

35 - Housing in the Countryside (Hinterland Areas)

6.2 Inner Moray Firth Local Development Plan 2015

Map 3 Hinterland boundary

6.3 Highland Council Supplementary Planning Policy Guidance

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

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Supporting Business and Employment

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) any other material considerations.

Development plan/other planning policy

8.4 Policy 35 of the Highland wide Local Development Plan presumes against housing in the open countryside of the hinterland around town unless a clear exception as set out in the supplementary guidance Housing in the countryside, siting and design applies.

- 8.5 Since the determination of the original application the Inner Moray Firth Local Plan (IMFLDP) has been adopted. The IMFLDP refers to Policy 35 of the Highland wide Local Development Plan and this policy continues to be the background policy against which the development requires to be assessed.
- 8.6 The planning permission granted in 2015 ref 14/00912/PIP was determined on the grounds that the house was required principally for the management of the tourist accommodation business ; Black Isle Yurts that was to be established through the sister planning application 14/00909/FUL and also for animal husbandry and welfare reasons.
- 8.7 Implementation of planning permission 14/00909/FUL has taken place with the construction of the facilities buildings and the development of 7 out of a total of 8 yurts sites. It is considered that the development therefore continues to satisfy the supplementary guidance referred to above and policy 35.
- 8.8 Notwithstanding the above, planning legislation allows for the submission of a further application for planning permission or planning permission in principal for the same development where the previous application was granted permission, development has not begun and the duration of the previous permission has not expired. This process provides an opportunity for applicants to extend the life of the planning permission as in this case.

Other material considerations

- 8.9 Whilst the Forestry Officer has objected on the basis that more work is required in relation to gorse removal on parts of the land holding to allow trees to become established, the gorse clearance and landscaping requirements relate to the permission for the yurt campsite (14/00909/FUL – conditions 1 and 2) rather than the house site. Gorse will be removed to develop the house site and the Forestry Officer acknowledges that the applicants have undertaken considerable efforts to clear gorse over part of the hillside and within these areas the native tree planting has established well. In other areas the clearance has not been as effective and the gorse is spreading. This is a matter to be pursued under the planning permission for the campsite itself and does not preclude the determination of this application.

Matters to be secured by Section 75 Agreement

- 8.10 A Section 75 Agreement was signed and registered prior to the issuing of the previous planning permission in principal which tied the house to the land holding on which the business activities are undertaken in accordance with the Council's adopted supplementary guidance. The applicant is aware of the need to submit an application to update the Section 75 Agreement. Once such an application is submitted this will be progressed under the council's scheme of delegation. The issuing of the decision notice for this planning application will need to await the conclusion of the updated agreement.

9. CONCLUSION

- 9.1 There have been no material changes in policy or the character of the site since 14/00909/PIP received consent. The erection of a house to support the activities that are undertaken on the landholding continues to be support by the Development Plan. The conditions attached to the planning permission remain relevant.
- 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 Y **Section 75 Agreement requires to be modified to relate to the current application.**

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 plot which clearly identifies the domestic curtilage of the dwellinghouse
 - ii. a plan of the plot; showing site levels as existing and proposed and cross sections showing the finished floor level of the house in relation to an agreed and fixed datum;
 - iii. the design and external appearance of the dwellinghouse;
 - iv. landscaping proposals for the domestic curtilage of the dwellinghouse;
 - v. details of the parking and turning for two vehicles;

vi. details of the proposed drainage system. For the avoidance of doubt this shall be designed in accordance with the Principles of Sustainable Drainage and with reference to The Highland Council Supplementary Guidance.

Reason: In order to accord with the statutory requirements of the Town and Country Planning(Scotland) Acts.

2. Any details pursuant to condition 1 above shall have a footprint of no greater 120m² and shall be located within the area described by the term 'Proposed Manager's House' on approved plan P01.B- MANAGER'S HOUSE SITE PLAN.

Reason: In order to secure an appropriate location and footprint of the house given the landscape character of the area.

3. Any details pursuant to condition 1 above shall show a house design incorporating the following traditional design elements.
 - Vertical emphasis to the windows.
 - Roof pitch of no less that 40°
 - Roof shall be finished with natural slate or a slate substitute. For the avoidance of doubt, a slate substitute does not include a 'concrete tile'.

Reason: In order to secure an appropriate design of house given the landscape character of the area.

4. No development shall commence until the business to which the house relates, as approved by planning permission 14/00909/FUL, has been established. For the purposes of the this condition the business will be considered to be established once the eight yurts have been made available for occupation.

Reason: In order that the Planning Authority can retain effective control over the site in recognition of the Development Plan Policies regarding housing in the countryside. The site is located in an area where Council policy restricts new housing and in the interests of compliance with this restriction, it is expedient to ensure that the business which justifies the need for a house is established.

5. Prior to the first occupation of the dwellinghouse a refuse bin storage area shall be provided at the junction with the public road, outwith the visibility splays OF 2.4m x 160m, as shown on approved plan L01.A-LOCATION PLAN.

Reason: To ensure adequate provision for bin storage and in the interests of road safety.

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 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans and 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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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 and 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

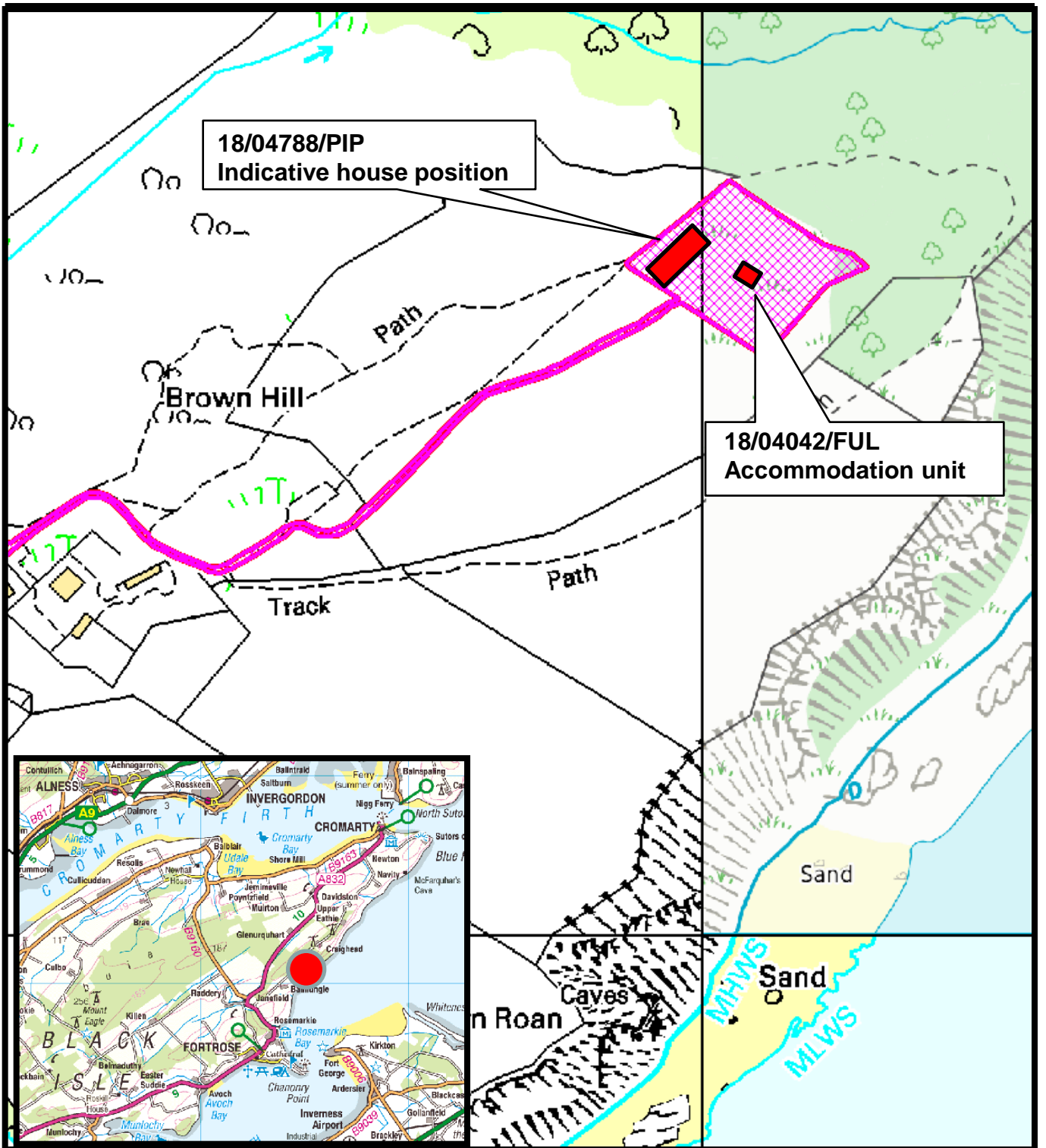
Mud and Debris on Road

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.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan LO1.A
Plan 2 - Site Plan PO1. B



Planning & Development
Service

18/04042/FUL & 18/4788/PIP
Siting of accommodation unit (retrospective)
and Erection of house
(renewal of planning permission 14/00912/PIP)

Land North East of Hillockhead, Rosemarkie





STAGE 2 PLANTING
to be carried out after construction of earthworks and building

species	min quantity
<i>Betula pubescens</i> (Downy Birch)	28
<i>Sorbus aucuparia</i> (Rowan)	12
<i>Coryllus avellana</i> (Hazel)	10
<i>Quercus petraea</i> (Sessile Oak)	10
<i>Crataegus monogyna</i> (Hawthorn)	5

New trees to be 40-60cm saplings planted in plastic tubes with timber stakes.

Any failed, grazed or damaged trees to be replaced on an annual basis, until established to the satisfaction of Planning Authority

Notes:
refer to A.F. Cruden Assocs drwg CA137919/03 for details of drainage systems

refer to indicative planting map and report by N. Mackenzie for details of stage 1 planting

Revisions

A	04.06.14	amend access, carpark, tree plantings
B	09.07.14	extend stage 1 planting area

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Proposed Yurt Holiday Facilities
Brown Hill, Rosemarkie

MANAGER'S HOUSE SITE PLAN

