

Agenda Item	6.2
Report No	PLN/033/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 09 April 2019

Report Title: 18/01993/PIP: Mr Gordon Adam
Land 35M SE of Ruadh-Ard, Bellfield, Charleston,
North Kessock IV13YA

Report By: Acting Head of Development Management – Highland

Purpose/Executive Summary

Description: Erection of house

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 in principal is sought for the erection of a house. The application site, which extends to 0.1 hectares, or thereby forms part of the garden ground of the property known as Ruadh-Ard at Charleston, North Kessock.
- 1.2 Other than a pedestrian access gate which leads from the public road into the garden there is no other existing infrastructure.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: Revised plans submitted 13.07.2019 30.01.2019, 05.02.2019 and 11.03.2019

2. SITE DESCRIPTION

- 2.1 The site consists of formal garden ground that lies to the south east of the property Ruadh-Ard. Ruadh-Ard is a substantial detached property set in garden ground which extends to 0.35 hectares. The property sits to the rear and at a higher level to the houses that front onto the C1039 public road that runs through Charleston. Vehicular access to the property is via a minor road to the east which routes up the hillside behind the road side properties and terminates in a turning head to the rear of 31 First Field Avenue. The garden ground of Ruadh-Ard lies on the eastern side and to the south of the property extending down to meet the public road. The application site consists of an area of ground which lies to the south east of the house and fronts the public road. The southern boundary with the C1039 public road is defined by a stone wall approximately 1.8m above road level with a gated pedestrian access and steps. There are neighbouring properties on either side of the plot. To the east and sharing a common boundary with the plot is Brae House. This is a single storey property orientated with its entrance doorway facing west towards the application site and a gable elevation towards the road to the south. It is set back 18m, or thereby, from the road. To the west some 15m meters beyond the proposed boundary of the plot is Beaully Firth Cottage. This is a traditional 1 ½ storey detached house which fronts onto the public road. It has a window in the eastern gable on the boundary with the garden of Ruadh-Ard. The garden area of a third property, Eirigh Greine, lies directly opposite the application site on the seaward side of the C1039 public road.
- 2.2 Within the plot there are a number of large mature conifer trees located towards the rear of the plot where the ground level rises very steeply towards the minor road which provides access to the existing house. The ground level across the plot rises by three metres over the first 30 meters, as measured from the surface of the C1039 public road.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

4.1 Advertised: No

Date Advertised: Not Applicable

Representation deadline: 31.05.2018 Initial neighbour notification deadline
20.02.2019 second neighbour notification deadline

Timeous representations: 6 representations from 3 separate addresses

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Lack of information with respect to proximity of development to boundary and loss of light to Brae cottage.
- b) Plans do not include details of the porch on the west elevation of Brae Cottage.
- c) Loss of boundary wall and impact on character of Charleston village.
- d) Development will exacerbate parking on the public road.
- e) Impact on traffic speed and pedestrian safety should the speed cushion on the public road be removed or relocated.
- f) Visual impact of retaining walls
- g) Accuracy of plans
- h) Loss of trees
- i) Capacity of foul drainage system to accommodate additional 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 Transport Planning Team: Initial response - 21.06.2018. No objection - more information required.

- In the interests of safety the site will require an SDB 1 type access with service bay, together with adequate in-curtilage parking and manoeuvring space such that all vehicles can enter and leave the site in forward gear.
- Whilst this is a planning in principle application, given the potential road safety implications and the obvious level difference between the public road and the proposed house plot, it is recommended that considerably more information is provided on the intended access and parking arrangements for the development.

Second response - 20.03.2019. No objection.

- As previously advised, there would be some benefit in the inclusion of a service bay at the vehicular access point; however, on balance, the simple bellmouth arrangement proposed is considered acceptable.
- In all other respects the development should comply with the requirements of the Access to single Houses and Small Housing Developments guidance.

5.2 Scottish Water: No objection.

Water: There is currently sufficient capacity in the Inverness Water Treatment Works. However, further investigations may be required once a formal application has been submitted.

Foul Drainage: There is currently sufficient capacity in the Allanfearne Waste Water Treatment Works. However, further investigations may be required on receipt of a formal application.

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

31 - Developer Contributions

34 - Settlement Development Areas

6.2 Inner Moray Firth Local Development Plan 2015

Site lies within the defined settlement development area for North Kessock

6.5 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Enabling Delivery of New Homes

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) residential amenity
- c) means of access, road and pedestrian safety

- d) impact on established character of area
- e) foul drainage
- f) any other material considerations.

Development plan/other planning policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and associated statutory supplementary guidance and the Inner Moray Firth Development Plan. There are no site specific policies affecting this application site within the Inner Moray Firth Development Plan. The site lies with the defined settlement boundary for North Kessock. □

8.5 Policy 34 of the HwLDP supports development within settlements. A positive contribution to the quality of a place is sought by Policy 29 and. Policy 28 sets out that development will be considered in terms of siting, design, compatibility with public service provision in addition to the impact on landscape qualities and on individual and community residential amenity. If the council is satisfied on these matters the application would accord with the development plan.

8.6 Residential Amenity

As this is an application for planning permission in principle, no details of the final house design have been submitted. However, an indicative position and footprint for the house and in curtilage parking is shown on the proposed site layout plan. In addition following negotiations with the applicant additional cross sections have been produced which provide some clarity regarding the degree to which the ground levels will require to be altered in order to achieve a compliant driveway and parking area. A full assessment of the proposed means of access is set out in paragraphs 8.9 - 8.11 below.

8.7 The closest residential property to the development site is Brae House. The site layout plan, which has been amended to include the porch on the west elevation of this property, indicates that a house would be positioned on the same front building line as Brae House and that there will be a set back distance of 4m from the communal boundary. In addition the plan specifies that there will be no openings on the elevation which will overlook Brae House. The section plan illustrates that the ground level through the site from the road side to the back of the proposed parking area will be lowered by up to 3 metres from its present level. Currently the ground level of the plot in the area identified as the location for the house is at a similar level as the ground level immediately adjacent to Brae House. It is considered that a house which is orientated with its ridge line running parallel with the C1039 public road and which is no greater in height than Brae House could be constructed without significantly impacting on the amenity of Brae House particularly in respect of loss of light. It is noted that the principal windows of this property are on the south facing gable.

8.8 As set out above, it is proposed that the house will be sited on the same building line as Brae House and will therefore be set back from the C1039 public road by no less than 18 metres. It is considered that this separation distance is sufficient to protect the amenity of the property Eirigh Greine which lies on the seaward side of the public road. Given the set back distance from the public road of the proposed

house it is considered that there will be no loss of amenity to Beauly Firth Cottage, which sits immediately adjacent to the public road, located to the west of the site with a separation distance of no less than 15m from the proposed boundary of the plot.

Means of access, road and pedestrian safety

- 8.9 The proposed means of access has been the subject of detailed discussions. On receipt of the initial consultation response from the Transport Planning Team which required an access junction with a service bay to be provided, the applicant expressed reservations about the need and visual impact of complying with this requirement. The applicant suggested such a proposal was unnecessary on road safety grounds and if implemented would result in a substantial amount of the boundary wall being removed, thereby altering the visual character of the streetscape. Following several options, Transport Planning has confirmed that the revised scheme received in March 2019 was acceptable. The alterations to the boundary wall have been reduced. Rather than having to remove or rebuild the wall behind a service bay, the proposals now involve forming a driveway opening which is of sufficient width to accommodate service vehicles only thereby avoiding the need for a service bay whilst ensuring there is sufficient room to accommodate service vehicles clear of the public road.
- 8.10 The site layout plan indicates that parking will be provided at the rear of the property and therefore it is not considered that the development will lead to further parking on the C1039 public road as suggested by one of the contributors. In addition the cross sections demonstrate that a driveway complying with the guidelines standards can be achieved provided the ground level through the site is reduced.
- 8.11 Several comments were received from third parties regarding the initial plans and a number of the revised submissions which indicated that an existing traffic calming cushion on the C1039 would be either removed or relocated. The final plans identify the location of the cushion and do not propose any alteration to its position. It will continue to act as a physical measure to reduce traffic speeds and assist with motorist, pedestrian and cyclists' safety.

Impact on established character of area

- 8.12 It is acknowledged that the development of this area of garden ground will bring change into the area. It is understood that third parties and the applicant are reluctant to accept the loss of a large portion of the boundary wall and the compromise now reached is welcomed whereby a parking layby area is provided outwith the boundary wall and the opening is enlarged only as required to form the vehicular access. Given the siting of the house it is accepted that the mature trees at the rear of the site will require to be felled, to ensure the safety of the residents of the proposed house. It is considered that the loss of these large trees can be mitigated by the planting of species that are more appropriate for a domestic setting. Given the steepness of the slope towards the back of the site, in order to achieve suitable accessible levels into the property from the car parking area, some form of retained structure will be required. It is accepted that the introduction of a single structure is likely to be in excess of two meters in height and that visually

such a structure when viewed from the public road would be less than ideal. It is therefore considered appropriate to include a condition which requires the rear section of the site to be landscaped in terraces in such a manner that the height of the retaining wall is kept as low as possible and recessive in finish.

Other material considerations

8.13 Developer Contributions

Whilst the newly adopted development Guidance on Developer Contributions applies to single house applications, the Council's protocol for dealing with legacy cases states that an exception will be made for all valid planning applications for 1 - 3 houses which were already lodged with the Council at the time the guidance was adopted in November 2018 and were yet to be determined. Accordingly no contributions are payable in this case.

8.14 Plan Accuracy

Contributors have questioned the accuracy of the information contained within the various sets of plans and cross sections. Following extensive discussions it is now considered that sufficient information has been provided in the final set of revised plans to be able to determine an application for planning permission in principal. The need for accurate and detailed section plans to be submitted to assess the detailed proposals for the site is acknowledged. This matter will be covered by a condition.

Non-material considerations

- 8.15 Comments have been made regarding the potential loss of westerly views from Brae Cottage. The issue of views over third party land is not a material planning consideration. As set out above in paragraphs 8.6- 8.8 it is considered that the site can be developed in a manner that will protect the amenity of Brae Cottage. A request has been made that the applicant demonstrates that they have the necessary servitudes rights to connect to the public foul drainage system. Servitude rights are a civil legal matter. Scottish Water has not objected to the application indicating that there is sufficient capacity within the public foul drainage network at the present time. Connection to the system is a matter for the developer to resolve. Finally concern has been expressed that the garden wall of Eirigh Greine could be damaged as a result of construction work to form the access. Once again this is a civil matter between the owners of Eirigh Greine and the applicant. A developer would be responsible for repairing any damage caused

Matters to be secured by Section 75 Agreement

- 8.16 None

9. CONCLUSION

- 9.1 The development plan policies for the defined hinterland are direct development for single houses to existing settlements. The site provides an opportunity to deliver development within the established residential area of North Kessock/Charleston. Subject to suitable conditions which will seek to conserve the amenity of the

neighbouring properties, the visual appearance of the area and ensure the provision of an access and parking provision at a level which is commensurate with guideline standards, the development can be supported.

- 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

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 one above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white render/smooth coursed cement render/natural stone;

- ii. a roof covering of natural or good quality artificial slate;
- iii. windows with a strong vertical emphasis;
- iv. a roof symmetrically pitched of not less than 35° and not greater than 45°;
- v. predominantly rectangular in shape with traditional gable ends.
- vi. no windows on the eastern elevation.
- vii. positioned and with a footprint no greater than that shown on approved plan L(PL)0001 Rev G.
- viii. orientated with its ridgeline running parallel with the C1039 public road and an overall height no greater than the ridge line of the neighbouring property to the east; Brae Cottage .

Reason: In order to respect the adjacent vernacular buildings and integrate the proposal into its roadside setting, in the interests of visual amenity, to safeguard the amenity and privacy of the occupants of the neighbouring property and in accordance with the details shown on approved plan L(PL)0001 Rev G.

3. Any details pursuant to condition one above shall show the site access constructed in accordance with plan L(PL)0001 Rev G and the following details:

- The gradient of the access shall not exceed 1 in 5 for the first 5 metres from the nearside carriageway edge of the public road.
- Thereafter the access gradient shall not exceed 1 in 10.
- The internal parking/manoeuvring area shall be level.
- Vehicles must be able to enter and leave the site in a forward gear.
- The junction visibility splays as shown on plan L(PL)0001 Rev G (2.4m x 90m) shall be provided and maintained in perpetuity.
- No surface water or ground water from the site shall discharge onto the public road.

Reason: To ensure that an adequate level of access is timeously provided for the development; in order to assist vehicle manoeuvres and access and egress for drivers and passengers; in the interests of road safety and amenity and to ensure the safety and free flow of traffic on the public road.

4. Any details pursuant to condition one above shall show car parking spaces provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;
- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms.

Reason: In order to ensure that the level of off-street parking and turning is adequate.

5. Any details pursuant to condition one above shall show landscaping of the site which shall include terracing of the ground levels to ensure that the height of the retaining wall is kept as low as practicable. The retaining wall shall be recessive in finish.

Reason: In order to safeguard the amenity and visual appearance of the area.

6. Any details pursuant to condition one above shall include a detailed landscaping plan which identifies retained trees and includes all soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and to mitigate for the loss of existing trees.

7. For the avoidance of doubt the roadside stone dyke shall be retained with the enlarged opening required for the proposed access being kept to a minimum and the finish of the edges of the new opening shall match those of the existing opening.

Reason: In order to safeguard the amenity and visual appearance of the area.

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.

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.

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).

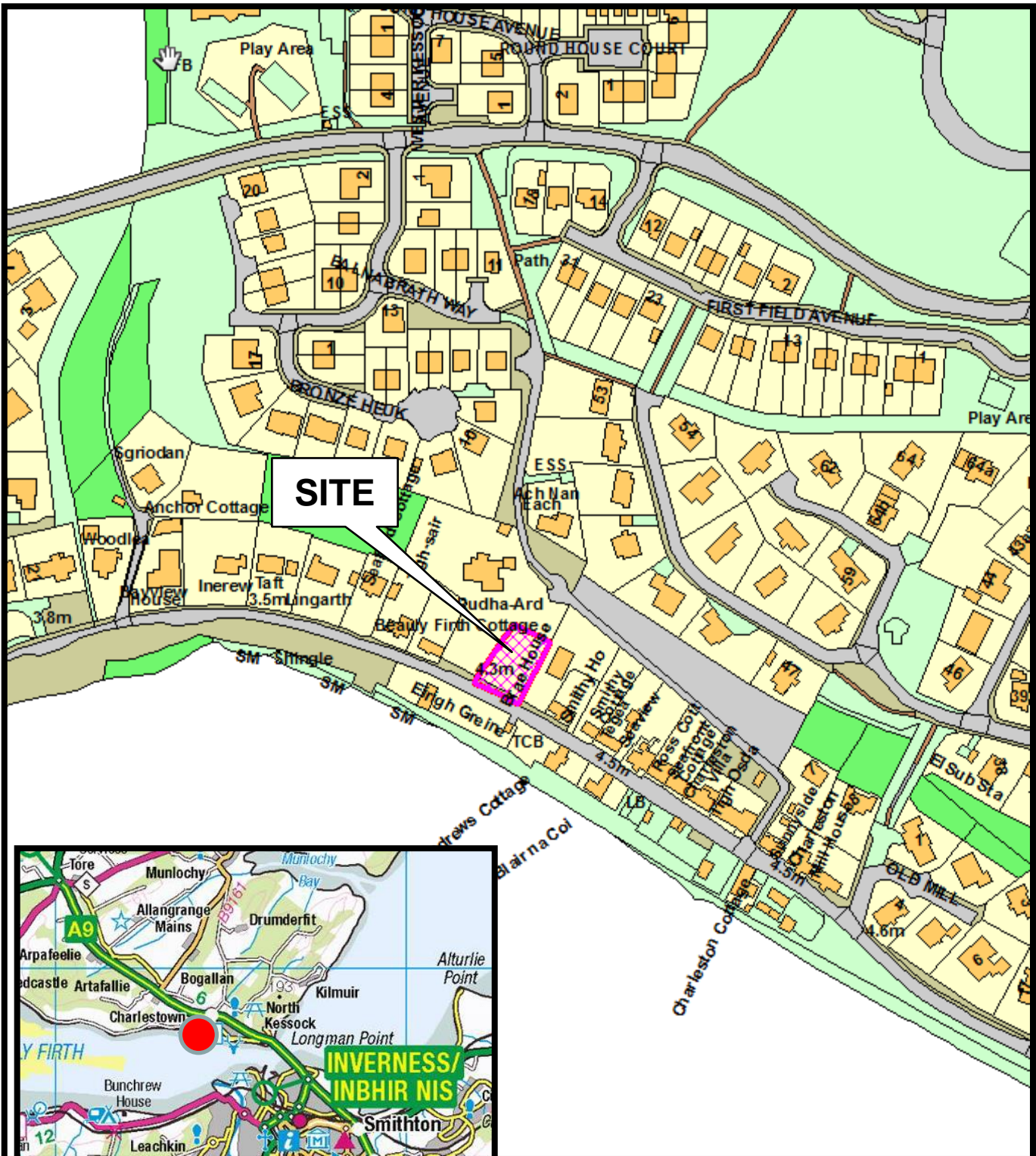
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

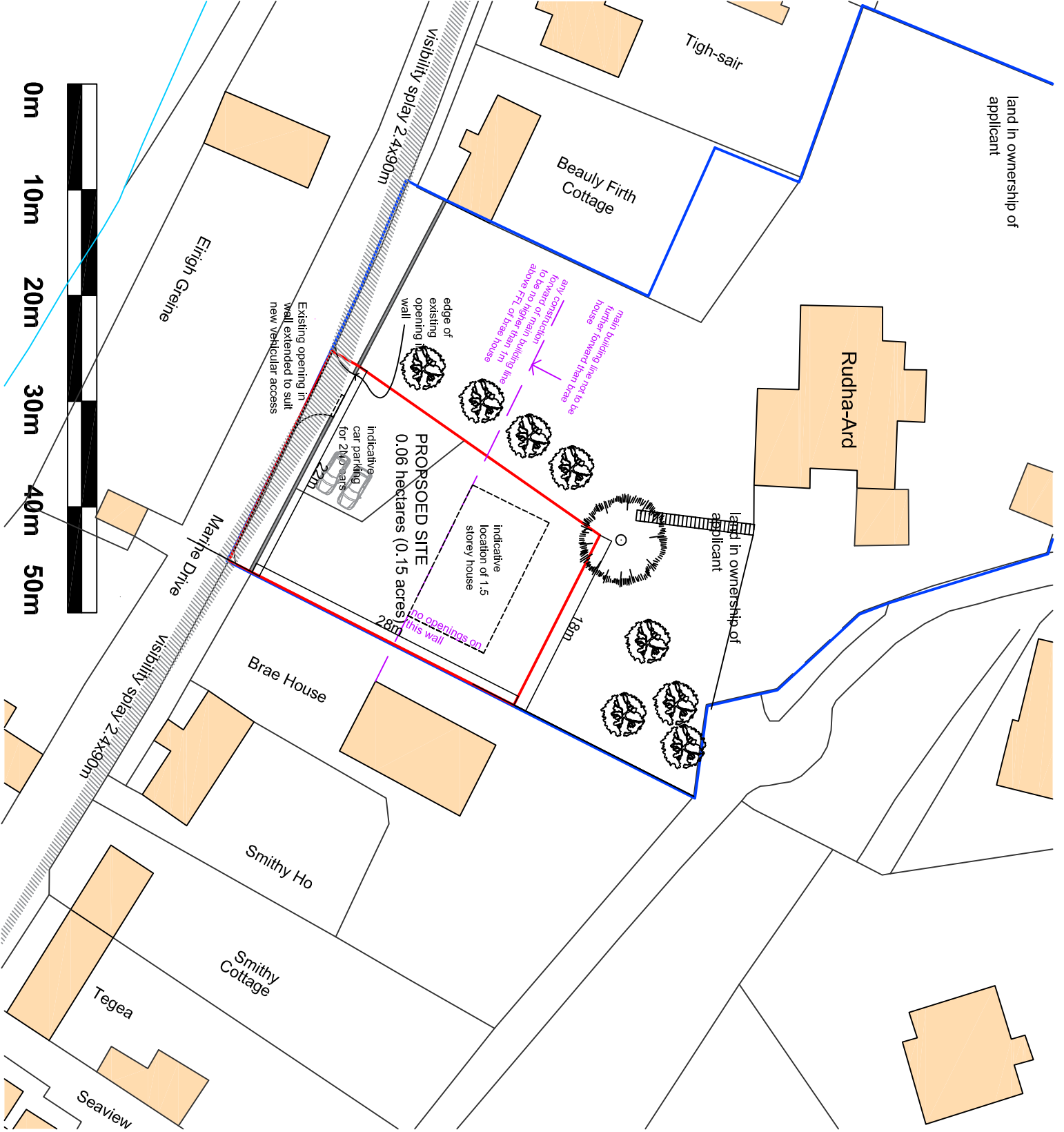
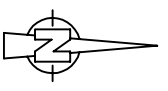
Designation: Acting Head of Development Management – Highland
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Site Layout Drg L(PL)001 Rev G
Plan 2 - Location plan Drg L(PL)0002 Rev D



Planning & Development Service

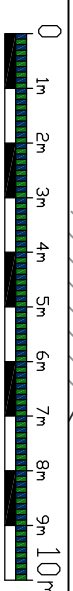
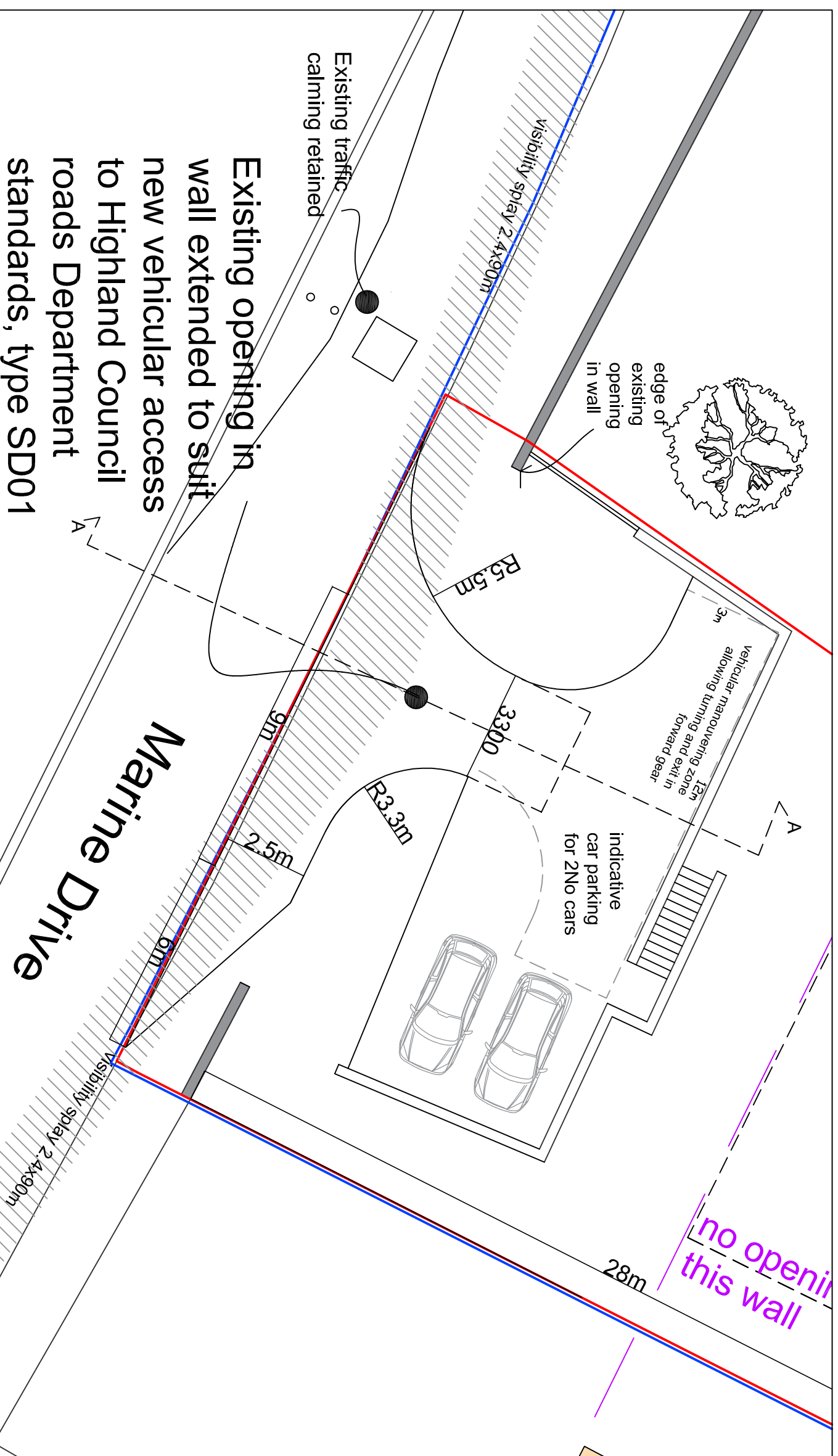
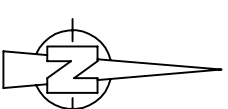
18/01993/PIP
Erection of house
at Land South East of Ruadh-Ard,
Bellfield, Charleston, North Kessock





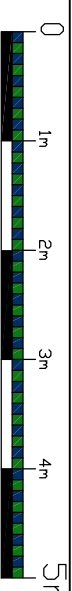
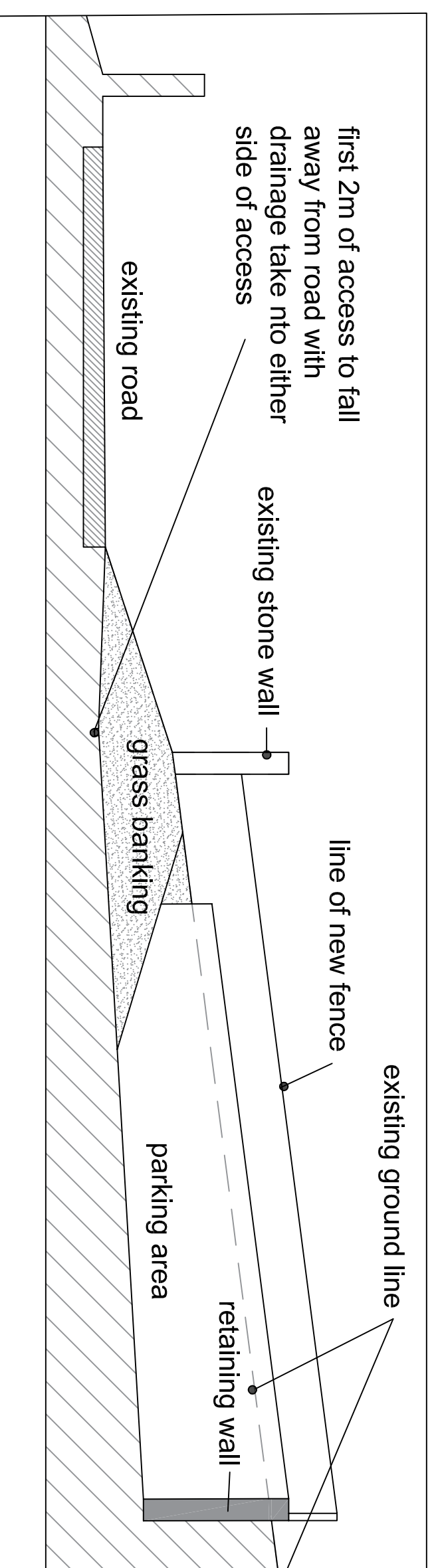
Revision	Date
-	00-00-00

Client Mr Gordon Adam	
Project Proposed Single House Plot at Charlestown	
Title Proposed plot layout	
Branch Inverness	Telephone 01463 717 799
Drawn JMIF	Date March 18
Job No.	Dwg Size A4
	Checked
	Scale 1:500
Dwg No. L/PL/001	Rev C



Plan at 200 scale

Existing opening in wall extended to suit new vehicular access to Highland Council roads Department standards, type SD01



Section on A-A at 100 scale



Revision	Date
-	00-00-00

Client Mr Gordon Adam	
Project Proposed Single House Plot at Charlestown	
Title Vehicle Access & Parking	
Branch Inverness	Telephone 01463 717 799
Drawn JMF	Date July 18
Job No. A8325	Dwg Size A4
	Checked ----
	Scale 1:200/100
Dwg No. L(PL)003	Rev