

Agenda Item	6.12
Report No	PLS-068-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 8 December 2020
Report Title: 20/00181/PIP: Mr & Mrs N Wallace
Land 50m North of Fir Chlis, Daviot, Inverness
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of house
Ward: 19 - Inverness South
Development category: Local

Reason referred to Committee: Elected Member referral

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for planning permission in principle for the erection of a house and associated infrastructure.
- 1.2 There is no existing vehicle access to the site. A private septic tank and soakaway is proposed as access to a public sewer is unavailable in the locality.
- 1.3 Pre Application Consultation: No Pre Application Advice was sought in advance of the submission.
- 1.4 Supporting Information: Planning Statement
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is located approximately 630m due east of the A9(T) at Daviot, south of Inverness. To the east there is an area of elevated agricultural grassland, which in itself is to the west of the single-track public road. The site is adjacent to 3 other properties Blackcroft, Linnhe Cottage, and Fir Chlis which are to the northwest, southwest and south respectively.

3. PLANNING HISTORY

- 3.1 None.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 21.02.2020

Representation deadline: 06.03.2020

Timeous representations: None

Late representations: 1 Representation (from 1 household)

- 4.2 Material considerations raised are summarised as follows:

- a) Improved access

- 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 **Scottish Water:** No objection.

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
35 - Housing in the Countryside (Hinterland Areas)
58 - Protected Species
59 - Other important Species
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan (2015)

Policy 3 Other Settlements

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Housing in the Countryside and Siting and Design (March 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

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) access and servicing;

e) any other material considerations.

Development plan/other planning policy

8.4 The site lies within the Hinterland of Inverness where there is a presumption against new housing. Exceptions to this policy (as detailed in Supplementary Guidance) will only be made where at least one of the following applies:-

- A house is essential for land management or family purposes related to the management of the land;
- The dwelling is for a retiring farmer and their spouses; or for a person retiring from other rural businesses on land managed by them for at least the previous ten years, where their previous accommodation is required for the new main operator of the farm, or rural business;
- Affordable housing is required to meet a demonstrable local affordable housing need;
- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);
- The proposal involves conversion or reuse of traditional buildings or the development of derelict land; development of brownfield sites will be supported where a return to natural slate is not readily achievable and where a wider environmental benefit can be achieved through development;
- The proposal meets the Council's criteria for acceptable expansion of a housing group or development within garden ground (as detailed in the relevant supplementary guidance);
- The potential for new housing related to crofting is restricted; wider public benefit must be clearly demonstrated and meet the criteria set out in New/Extended Crofting Township Policy 48. Single house proposals on crofts must comply with the criteria in the Housing in the Countryside and siting and Design Supplementary Guidance and/or Policy 47: Safeguarding Inbye/Appportioned Croftland.

8.5 Where exceptions are justified, all proposals should still accord with the general policies of the Plan and the Housing in the Countryside/Siting and Design: Supplementary Guidance. Where this is the case, and where there will be no significant impact on the environment, existing infrastructure and individual and/or community residential amenity, the proposals would accord with the Development Plan.

8.6 The only applicable exception would relate to the infilling or rounding off, of an existing housing group. This supports proposals for new houses within a housing group where, amongst other factors, it constitutes small scale infill or round off, respects the character, cohesiveness, spacing and amenity of the existing group, does not create an inappropriate intrusion into a previously undeveloped field or open land or overwhelm their landscape setting, and complies with the "general development considerations".

Siting and Design

- 8.7 Policies 28 Sustainable Design and 29 Design Quality and Place-Making of the Highland-wide Local Development Plan, amongst other factors, require new development to demonstrate sensitive siting in keeping with the local character, and respect towards the local distinctiveness of the landscape. The 'general development considerations' detailed in the Housing in the Countryside and Siting and Design Supplementary Guidance also require proposals to demonstrate a consideration of siting principles and layout. It is therefore necessary to assess the character of the area to determine whether the proposal will integrate into its landscape setting in a satisfactory manner.
- 8.8 The Supplementary Guidance seeks to limit inappropriate intrusion into a previously undeveloped field or open land. The open agricultural land offers an element of respite from surrounding development within the Hinterland. The introduction of a new house would be an inappropriate intrusion into and sub-division of this open land.
- 8.9 The proposed house site fails to visually link to either the closer group of 3 houses (Blackcroft, Linnhe Cottage, and Fir Chlis) or the group of 6 houses (Greenacre, Achandoun, Creagliath Croft, Donary, the Pickets and the Arches) further to the south east, as assessed under Policy 35 Housing in the Countryside (Hinterland areas) and the Housing in the Countryside Supplementary Guidance. The location of the site to the north/southeast, and northwest, of the established 3 houses is not therefore considered to constitute either small scale infill, or rounding off, of either of these existing housing groups, as required by the exceptions to Policy 35 Housing in the Countryside (hinterland areas).
- 8.10 Furthermore, the proposal does not demonstrate sensitive siting in keeping with the local character, and respect towards the local distinctiveness of the landscape, as required by Policy 28 Sustainable Design. The proposed new house would create an inappropriate intrusion into a previously undeveloped field and therefore does not accord with the siting requirements of the supplementary guidance relating to Policy 35 Housing in the Countryside (hinterland areas).

Residential Amenity

- 8.11 Given the dispersed nature of the settlement pattern and the location of this particular plot, the development is not considered to have any adverse amenity impact on other houses in the area as detailed by Policy 28 Sustainable Design.

Access and Servicing

- 8.12 A new access is proposed to the site from the public road to the east. This is at least 120m in length, perpendicular to the public road, and would run straight across the middle of the agricultural field. This does not fit at all with the existing landform, which rises from the public road over the higher ground in the field towards the site. The proposed access would therefore have a degree of incongruity to the immediate landform of the field. The assessed vehicle speeds on the public road are around 30mph, and accordingly, a visibility splay of 90m from the proposed new combined bellmouth and service bay, is considered to be achievable, and in accordance with

the Council's standards. There is adequate space within the site to provide parking and turning. The proposed access is therefore considered to be able to meet the technical access standards required by this aspect of Policy 28 Sustainable Design. However, in terms of its visual impact, the proposed access is not considered to demonstrate sensitive siting and therefore does not accord with this aspect of Policy 28 Sustainable Design.

- 8.13 Representations on access matters relate to the existing access to the group of houses to the northwest and south, which will not be impacted by the proposal as it would use a different access point.
- 8.14 Foul water is proposed to be disposed of by a private septic tank and treatment plant. Percolation tests were submitted in support of the application and appear to demonstrate that there is sufficient drainage on site to accommodate the proposed septic tank and soakaway. It is therefore considered that the proposal accords with Policy 65 Waste Water Treatment.
- 8.15 Representations on drainage matters refer to road drainage on the private access serving the housing group to the northwest and south of the site. This does not impact on the proposed development site.

Other material considerations

- 8.16 Should the proposal be afforded support, developer contributions will be due. The site lies within the school catchment for Daviot Primary School and Millburn Academy. Whilst there is capacity at Daviot Primary School, contributions of £782 are due towards a major extension or new school in view of the lack of capacity within Millburn Academy.

Non-material considerations

- 8.17 None

Matters to be secured by Section 75 Agreement

- 8.18 None

9. CONCLUSION

- 9.1 New housing in the Hinterland area around Inverness is only supported where it meets one of the exceptions set out within Policy 35: Housing in the Countryside (Hinterland areas) of the Highland-wide Local Development Plan, and the Adopted Supplementary Guidance Housing in the Countryside and Siting and Design. The only applicable exception in this case would appear to relate to the development being considered as a small-scale round-off, or infill of an existing housing group. However, the application site is not considered to demonstrate a direct relationship with an existing group that would result in meeting with this exception. Furthermore, with regard to Policy 28 Sustainable Design of the Highland Wide Local Development Plan, the proposal is considered to fail to respect the character, cohesiveness, spacing and amenity of an existing group, and would create an inappropriate

intrusion into an open area of field; and fails to respect or integrate into the character of the wider Daviot area.

- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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
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 **REFUSED** for the following reasons:

Reasons for Refusal

1. The proposal fails to comply with Policy 35 Housing in the Countryside (Hinterland areas) of the Highland-wide Local Development Plan, and with the adopted Supplementary Guidance Housing in the Countryside and Siting and Design, in that it fails to meet the criteria whereby housing in the open countryside of the hinterland around towns can achieve support, as it:
 - does not constitute a rounding-off, or infill of an existing housing group;
 - would create an inappropriate intrusion into a previously undeveloped field; and
 - does not respect or integrate into the character of the wider Daviot area.
2. The proposal fails to comply with Policy 28 Sustainable Design, Policy 29 Design Quality and Place-making, and Policy 35 Housing in the Countryside (Hinterland areas) of the Highland-wide Local Development Plan, in that it

would result in an insensitively positioned house with a long incongruous access track, which is inappropriately sited within an open environment of largely undeveloped fields outwith a defined housing group.

Designation: Area Planning Manager – South
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Plan 1 - Location Plan PL90-001REV A

Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	n/a	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	£764	£764	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	£18	£18	£0.00	£0.00	No		TOC/CC	Apr/Oct	15 or 20
Community Facilities	N/A	£0.00	£0.00	£0.00	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Affordable Housing									
On-site provision ³	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Off-site provision ⁴	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Commuted Sum ⁵	N/A	N/A	N/A	£0.00	N/A	N/A	Insert specific payment date	N/A	5 Years
Agreement for Delivery Needed	N/A	N/A	N/A	N/A	N/A	N/A	Insert date for submission to Planning Authority	N/A	N/A
Transport									
Active Travel	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Safer Routes to Schools	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Realm	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Wayfinding	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Public Transport	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
School Transport	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Improvements	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

³ Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

⁴ As above

⁵ Indicate whether a penalty payment is due for late payment of commuted sum (and, if so, what it is based upon)

Parking	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
EV Charging	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Traffic Signals	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Lighting	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Road Traffic Orders	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Cumulative Transport Contributions	N/ N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Infrastructure									
Open Space	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Green Network	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Built/Natural Heritage	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Water and Waste									
Catchment Improvement Works	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Strategic Flood Scheme	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Maintenance of SuDs	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Off Street Waste Storage	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Recycling Point Provision	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Glass Banks	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
		£0.00	£0.00	£0.00					
Public Art	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20
Other (Please Specify)	N/A	£0.00	£0.00	£0.00	BCIS		TOC/CC	Apr/Oct	15 or 20

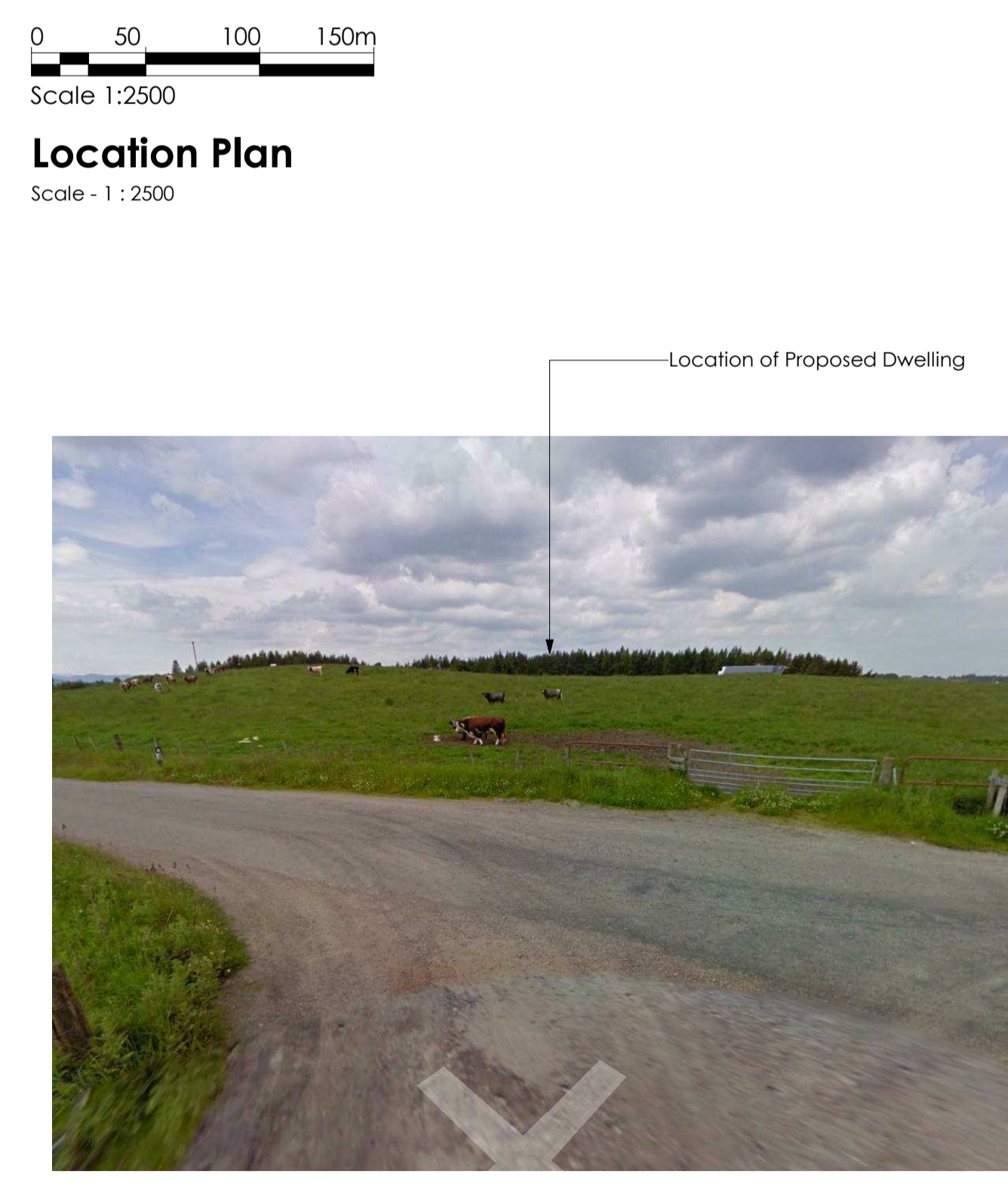
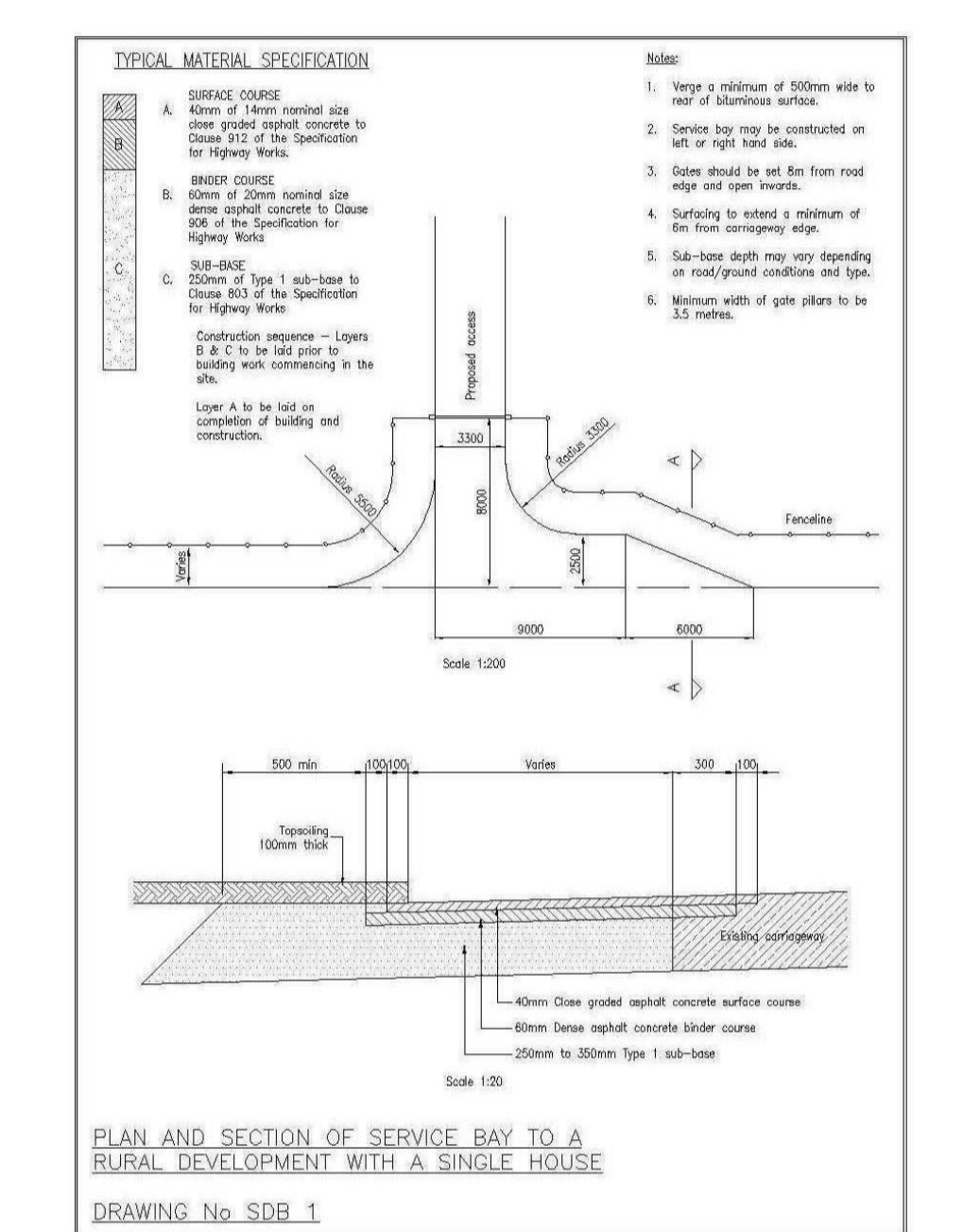
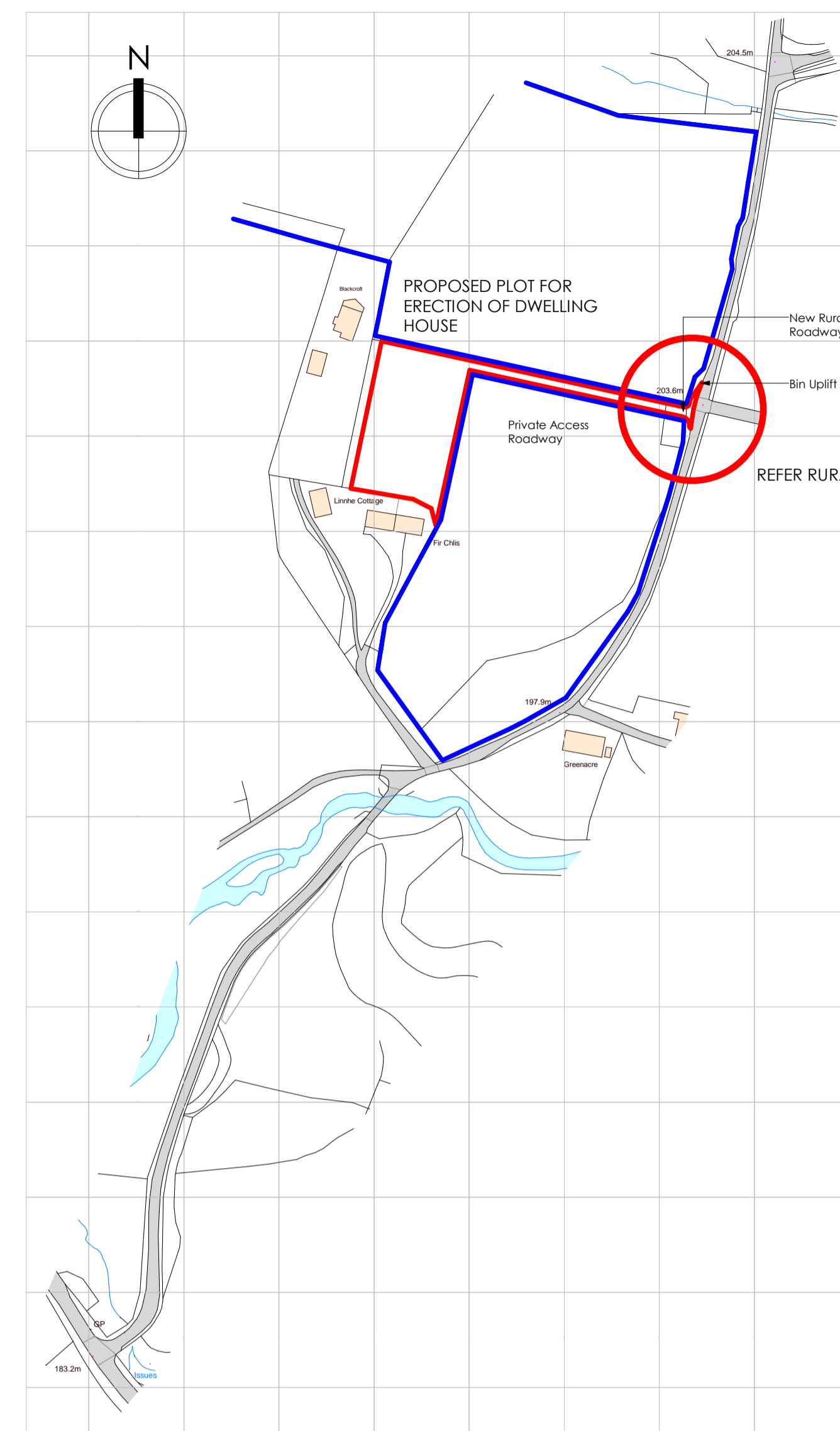
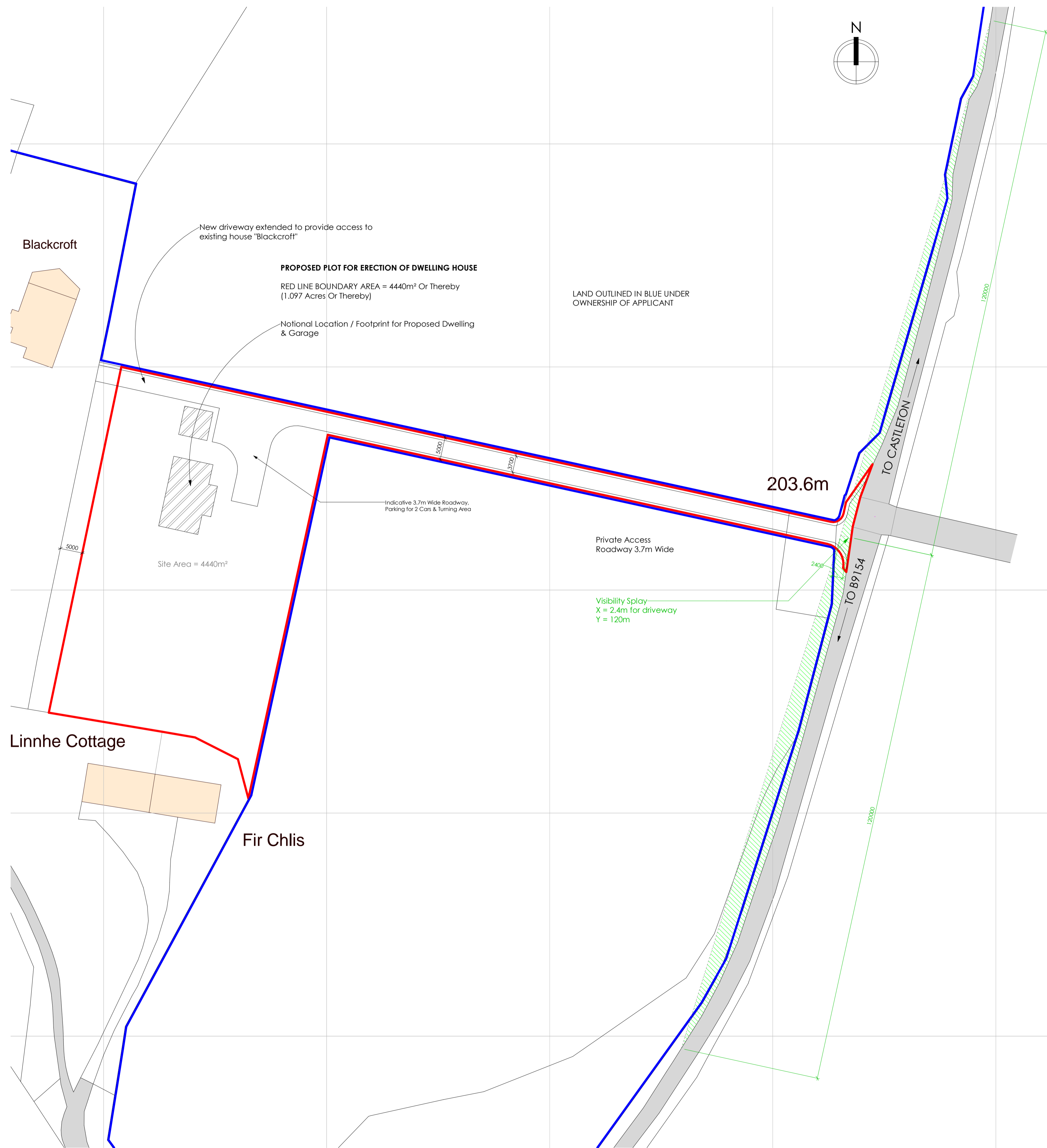
*1 Adjust total to take account of flat exemptions

*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

*4 Accounting dates - 1 April & 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

*5 Clawback – 15 years for Major development; 20 years for Local development



Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand, if IN DOUBT ASK.

CDM: Hazard Elimination & Risk Reduction has been undertaken and recorded where appropriate, in accordance with the requirements of 'The Construction (Design and Management) Regulations 2015' and the associated 'Industry Guidance for Designers'

Red Boundary Denotes Site Area
Blue Boundary Denotes Land Owned By Applicant

Rev	Description	Date
A	Planning Comments	06/02/20

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DESIGNER
REGISTERED
PLANNING
RESOURCES

Client
Mr & Mrs Wallace

Project
PIP - Proposed New Dwelling Daviot, INVERNESS

Project No. 1897
Drawing No. PL90-001
Revision A

Proposed Site Plan

Status
PLANNING

Date Created 14/10/19
Scale As indicated
Status DM
Sheet @ A1