

Agenda Item	6.6
Report No	PLS-21-22

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 22 March 2022  
**Report Title:** 21/00514/FUL: Mrs Catherine Hood  
Land 25M SE Of Crimond, Cannich  
**Report By:** Area Planning Manager - South

### Purpose/Executive Summary

**Description:** Erection of house  
**Ward:** 12 – Aird and Loch Ness  
**Development category:** Local  
**Reason referred to Committee:** 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** the application as set out in section 11 of the report

## **1. PROPOSED DEVELOPMENT**

- 1.1 The site is located on the northern edge of the central part of Cannich village, to the north of the A831 and to the eastern side of the garden ground of the property known as Crimond. The site is 17.8m x 37.7m and is orientated perpendicular to the road. The proposal is for the erection of a single storey house with a long narrow plan form.
- 1.2 The applicant has indicated that the proposed house will connect to the public water supply and will be serviced by a septic tank and soakaway. Access will be from the A831.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Photographs of the site, Private Access Checklist, Supporting Statement, Statement of flood history of the site, Fluvial Flood Risk Review.
- 1.5 The applicant has advised in their supporting statement that the “proposed new house is being developed by the applicant to provide a more manageable retirement home for the future due to a lack of suitable property being available in the area. The design of the proposed new house has been carefully considered to offer a more suitable property for their current needs and to maximise their independent living capabilities in the future. The applicant owns the adjacent larger property and the ground upon which the proposed new house will be built currently forms a part of the garden ground belonging to that property. It is the intention of the applicant that following the sale of the adjacent larger property they will move and reside in this smaller retirement property on a full time basis within the community.”
- 1.6 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The site is flat garden ground belonging to the single storey house to the west known as Crimond. Mature planting separates the eastern boundary from the open fields beyond to the east and north. West of Crimond there is mature woodland. To the west side of the road and north of Crimond there are other houses and a church.
- 2.2 The River Cannich and the River Glass lie beyond the fields to the north and east and converge to the north east of the proposed site.

## **3. PLANNING HISTORY**

- 3.1 None

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown neighbour

Date Advertised: 12.02.2021

Representation deadline: 06.03.2021

Timeous representations: 0

Late representations: 0

## 5. CONSULTATIONS

- 5.1 **Flood Risk Management Team:** “The Flood Risk Management Team has reviewed the latest information provided by the applicant and maintain its objection to this application.

The applicant has provided further information in the form of topographic and site drawings and photos. The topographic drawing demonstrates that the land in the vicinity of the proposed new house location is largely flat, with ground levels ranging from approximately 60.2m AOD to 60.9m AOD, and that the proposed Finished Floor Level (FFL) of the house would be approximately 0.155m above the surrounding Finished Ground Level (60.705m AOD and 60.550m AOD respectively). The level of the adjacent public road is shown to be slightly higher at approximately 61m AOD. This is supported by the photos provided which show ground levels in the area to be largely uniform.

We do not consider the additional information is enough in itself to enable us to assess the flood risk to the new development.”

- 5.2 **SEPA:** “Object to this application as it has not been demonstrated that the development would not place people and property at increased risk of flooding. There is no detailed assessment provided at this stage which confirms an acceptable level of flood risk at the site. Although there is some flood history available for the area, it is possible that the flows in the river and the overall channel dynamics have been altered since the previous notable flood events. Whilst this information can be used to help calibrate a Flood Risk Assessment (FRA), in this case where the flood extent is mapped by the SEPA Flood Map are plausible, the flood history is not sufficient on its own to allow SEPA to remove our objection.

The site is within the functional floodplain based on the 1 in 200 year flood extent of the SEPA Flood Maps. This indicates that there is a 0.5% annual probability of flooding at the site from the River Cannich. In line with Scottish Planning Policy, development within the functional flood plain should be avoided as it may place people and property at increased risk of flooding.

We agree with the comments made by The Highland Council Flood Team. Unfortunately, the topographic information and photographs provided are not sufficient to demonstrate that the site is not at risk of flooding and we therefore object on flood risk grounds as the development may be contrary to Scottish Planning Policy.

With regards to the SEPA Flood Map, we are not aware of any specific issues with the methods used in this area and the flow pathways appear to follow the low points in the underlying topography. However, the Flood Maps are not site specific, and inaccuracies can occur in forested areas or where there is significant

attenuation, such as upstream of the site. In forested areas it is possible that the channel is not as well represented and where there is significant attenuation, which could be possible in Loch Mullardoch; the flows may be over-estimated.

Any FRA for this location would be a significant undertaking due to the extent of survey required and complexity of the flood processes here and this would be at the applicants own risk. It is feasible that a detailed FRA may result in slightly different flood extents and flow pathways to those seen in the SEPA Flood Map however, it may only serve to confirm that the site is not suitable for development. As the watercourse appears to be steep and then spreading out when reaching the relatively flat floodplain of the River Glass, the flood extents derived by the SEPA Flood Map are not implausible.”

## **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  
31 - Developer Contributions  
36 - Development in the Wider Countryside  
64 - Flood Risk

### **6.2 Inner Moray Firth Local Development Plan 2015**

3 - Other Settlements (Cannich)

### **6.3 Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (March 2013)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Rural Housing (December 2021)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Para 255 - the planning system should promote:

- a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening

existing culverts where possible; and

- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

Para 256 - the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

## **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) flood risk
- d) access
- e) any other material considerations.

### **Development plan/other planning policy**

8.4 The site lies within the Cannich settlement as defined by the Inner Moray Firth Local Development Plan. Policy 3 of the IMFLDP Other Settlements (Cannich) supports proposals where they are acceptable in terms of; active travel range of a community / commercial facility; similar in terms of spacing, scale and density to development within or adjoining the settlement; harm the character and social balance of the community; utilise spare existing capacity in the infrastructure network; avoid a net loss of amenity to the wider community; result in an adverse impact on any locally important heritage feature.

8.5 Policy 36 of HwLDP supports proposals where they are acceptable in terms of siting and design; sympathetic to existing patterns of development in the area; compatible with landscape character and capacity; avoids incremental expansion of one type of development, avoids the loss of important croft land and addresses drainage constraints.

8.6 The criteria within Policy 28 of particular relevance to this application are that

proposals should be assessed on the extent to which they impact on individual and community residential amenity, are compatible with public service provision and are accessible by public transport, cycling and walking as well as car. Policy 28 also supports development proposals which promote and enhance social, economic and environmental wellbeing. Proposals will also be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform to existing and approved adjacent land uses and the effect on any natural, built and cultural heritage feature. Also of relevance is Policy 29 that requires new development to be designed so as to make a positive contribution to the architectural and visual quality of the area. As the site lies close to the River Cannich and in an area of flood risk, Policy 64 is relevant. This requires development to avoid areas susceptible to flooding and promote sustainable flood management.

- 8.7 The principle of development on this site, which is within the settlement of Cannich, would comply with the Development Plan providing the proposal is acceptable in terms of its siting and design and where it would result in no significantly detrimental impact on individual and community residential amenity or public service provision and does not create, or be subject to, flood risk.

### **Siting and Design**

- 8.8 The development site is achieved by the subdivision of the existing curtilage and garden ground of Crimond, splitting off approximately 30% of the south-eastern portion. The resultant plot of Crimond is around 1550sqm, and the application site is around 680sqm. The garden area forming the new plot has an existing oil tank and garage which would need to be moved to allow for a new house to be built.
- 8.9 The proposal is for the erection of a single storey house with a long narrow plan form (21.6m x 5.5m) with a 40° roof pitch within this new plot. External materials are an off-white wet dash render to the walls and a grey concrete roof tile. A large centrally placed vertically glazed window dominates the principal southeast facing elevation.
- 8.10 The proposed house will sit perpendicular to the public road with views out over the open fields to the southeast. Although the parent property faces the public road, the proposed house will be viewed as facing the same direction (to the southeast) as the neighbouring property to the northwest when viewed from the east. Views of the house from the west will be largely hidden by the parent house. The amenity space for the house will primarily be to the east and south of the house. Crimond will retain substantial garden ground as well.
- 8.11 The proposed house is placed around 5.5m from the southeast gable of Crimond. The north-western elevation of the proposed house facing this southeast gable has a number of windows. Three of these are small and serve non-principal rooms. A small high level circular port-hole window serves the lounge area, with a larger kitchen window facing over the rear garden of Crimond. The potential for overlooking and significant amenity impact from this window in particular would be mitigated by the 1.8m high timber boundary fence which is proposed as part of the development.

- 8.12 Crimond is a rectangular plan form bungalow with hipped gables to its pantile roof, and with a grey wet dash harl wall finish. It has a modern white UPVC conservatory to its road facing principal elevation. Within this context, the proposed building siting and placement within the plot, and its design, massing and use of materials is considered to be acceptable.

### **Flood Risk**

- 8.13 The site is within the functional floodplain based on the 1 in 200 year flood extent of the SEPA Flood Maps. This indicates that there is a 0.5% annual probability of flooding at the site from the River Cannich. In line with Scottish Planning Policy, development within the functional flood plain should be avoided as it may place people and property at increased risk of flooding.
- 8.14 In order to demonstrate that the house would not be at risk of flooding, further topographic information was submitted to support the application. The topographic drawing demonstrates that the land in the vicinity of the proposed new house location is largely flat, with ground levels ranging from approximately 60.2m AOD to 60.9m AOD, and that the proposed Finished Floor Level (FFL) of the house would be approximately 0.155m above the surrounding Finished Ground Level (60.705m AOD and 60.550m AOD respectively). The level of the adjacent public road is shown to be slightly higher at approximately 61m AOD. This is supported by the photos provided which show ground levels in the area to be largely uniform. Both SEPA and the Flood Team have examined the topographic information provided and have concluded there is however insufficient information to rule out the risk of flooding. Accordingly, a full FRA is therefore required.
- 8.15 Any FRA for this location would be a significant undertaking due to the extent of survey required and complexity of the flood processes; the survey work would have a significant cost and take time and would be at the applicant's own risk. SEPA note that, "...it is feasible that a detailed Flood Risk Assessment may result in slightly different flood extents and flow pathways to those seen in the SEPA Flood Map, however, it may only serve to confirm that the site is not suitable for development."
- 8.16 An FRA has not been submitted to support this application for the reasons set out above. The applicant has submitted both topographic information and a review of the flooding history around the site. The topographic information sets out the various levels of the site and it would appear that the levels involved are such that, although the site may be slightly higher than the land immediately surrounding, it is not sufficient to demonstrate a lack of flood risk. The flooding history of the site covers the last one hundred years approximately and while useful background information, it is insufficient in demonstrating a lack of flood risk due to the complexities of the site in relation to the 1 in 200 year flood event. Given the predicted effects of climate change the historical situation may not be a reliable indicator of future events. The applicant's own flood risk review queries the modelled flow paths and concludes that "There is reasonable evidence to indicate that inundation extent shown on the strategic flood mapping would alter following a more detailed study. Undertaking such a study would be challenging on many fronts." Regrettably, without this more detailed information, the application fails to

comply with Policy 64 of the Highland-wide Local Development Plan and the Planning Principles set out by SPP in relation to flooding and flood risk.

### **Access**

- 8.17 A new vehicular access would be formed directly to the A831 from the site. The access point is onto a straight section of road with a pavement to the west. The minimum required visibility splays of 120m would be achievable with a standard SDB1 combined service bay and bellmouth once some garden shrubs and trees are removed from within the northern splay. A parking and turning area are to be provided to the southwest of the proposed house. The parking and access proposals are considered to be acceptable.
- 8.18 The Council's Access to Single Houses and Small Housing Development identifies that new accesses should not be within 90 metres of an existing junction and within approximately 30m to the southeast of the proposed access there is a junction into a small housing development called Bein a Chairen View. It is considered, however, that, given the significant visibility on this 40mph stretch of road and the relatively low number of houses accessing this junction, that this in itself would not warrant refusal of the application.

### **Other material considerations**

- 8.19 There are no other material considerations.

### **Non-material considerations**

- 8.20 There are no non-material planning considerations.

### **Developer Contributions**

- 8.21 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. In this case, there are no capacity constraints in the local schools, therefore no developer contribution would be required.

## **9. CONCLUSION**

- 9.1 The principle of a house in this location would be considered acceptable under the siting and design provisions of Policies 28, 29 and 36 of the Highland Wide Local Development Plan. However, regrettably, the applicant has failed to provide sufficient information to address the potential flood risk on this site. As such the proposal fails to comply with the Highland-wide Local Development Plan Policy 64 and therefore cannot be supported.
- 9.2 Should members wish to support the proposal, against the advice of SEPA, then Scottish Ministers would require to be notified of the decision to grant planning permission with an opportunity to 'call in' the application for final determination
- 9.3 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

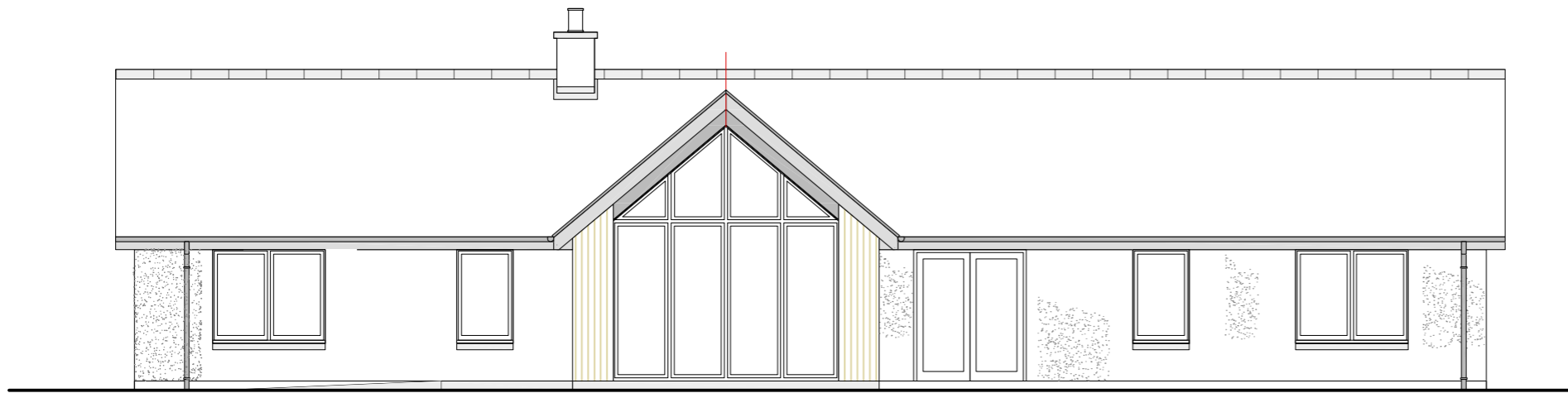
## **11. RECOMMENDATION**

The application is recommended for refusal for the reasons set out below.

### **Reasons for Refusal**

1. The applicant has failed to demonstrate that the proposed house will be free from flood risk and therefore is contrary to the Highland-wide Local Development Plan Policy 64 (Flood Risk) and the Planning Principles set out by SPP in relation to flooding and flood risk.

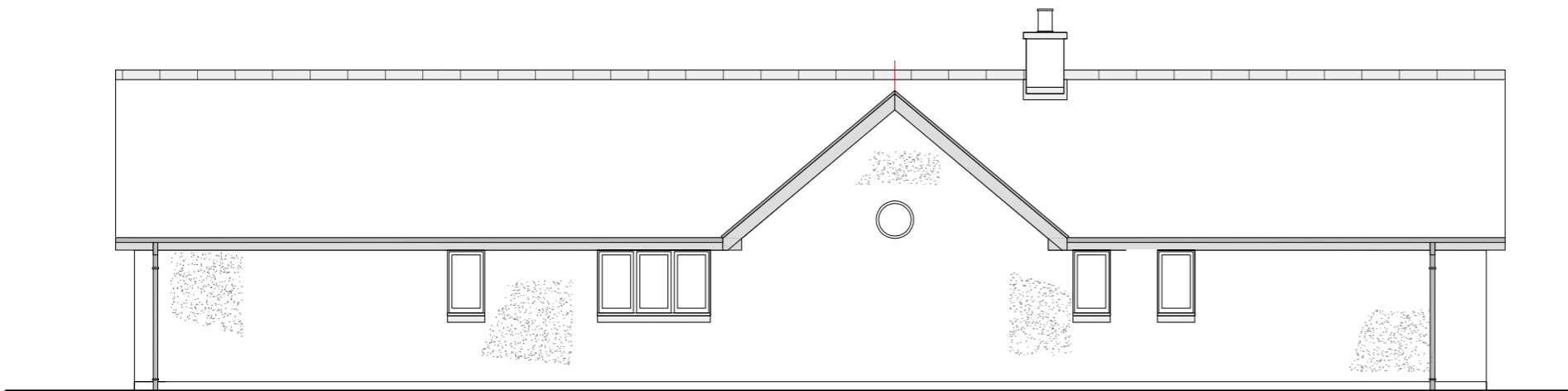
Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Elaine Watt  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - P630.21.01A Floor/Elevation Plan  
Plan 2 - P630.21.02 Location Plan  
Plan 3 - CTCH-J3882-001 Topography Plan  
Plan 4 - P630.21.05 General Plan – Photos  
Plan 5 - Site Plan



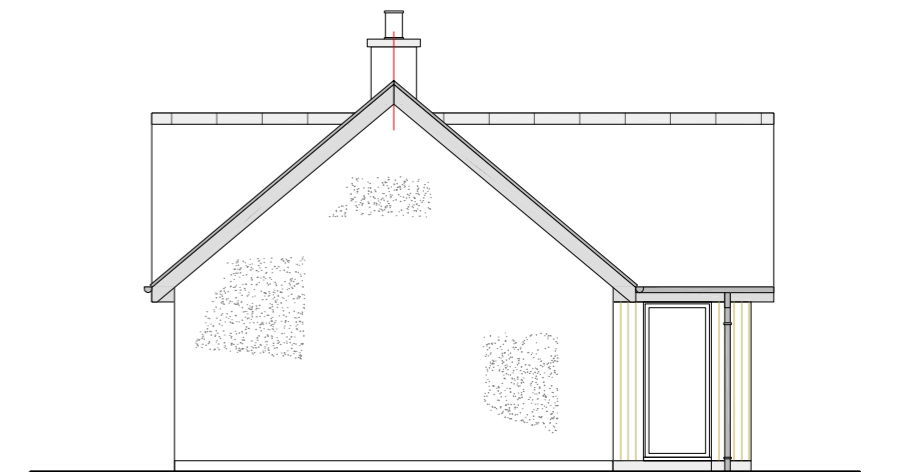
Elevation



Elevation

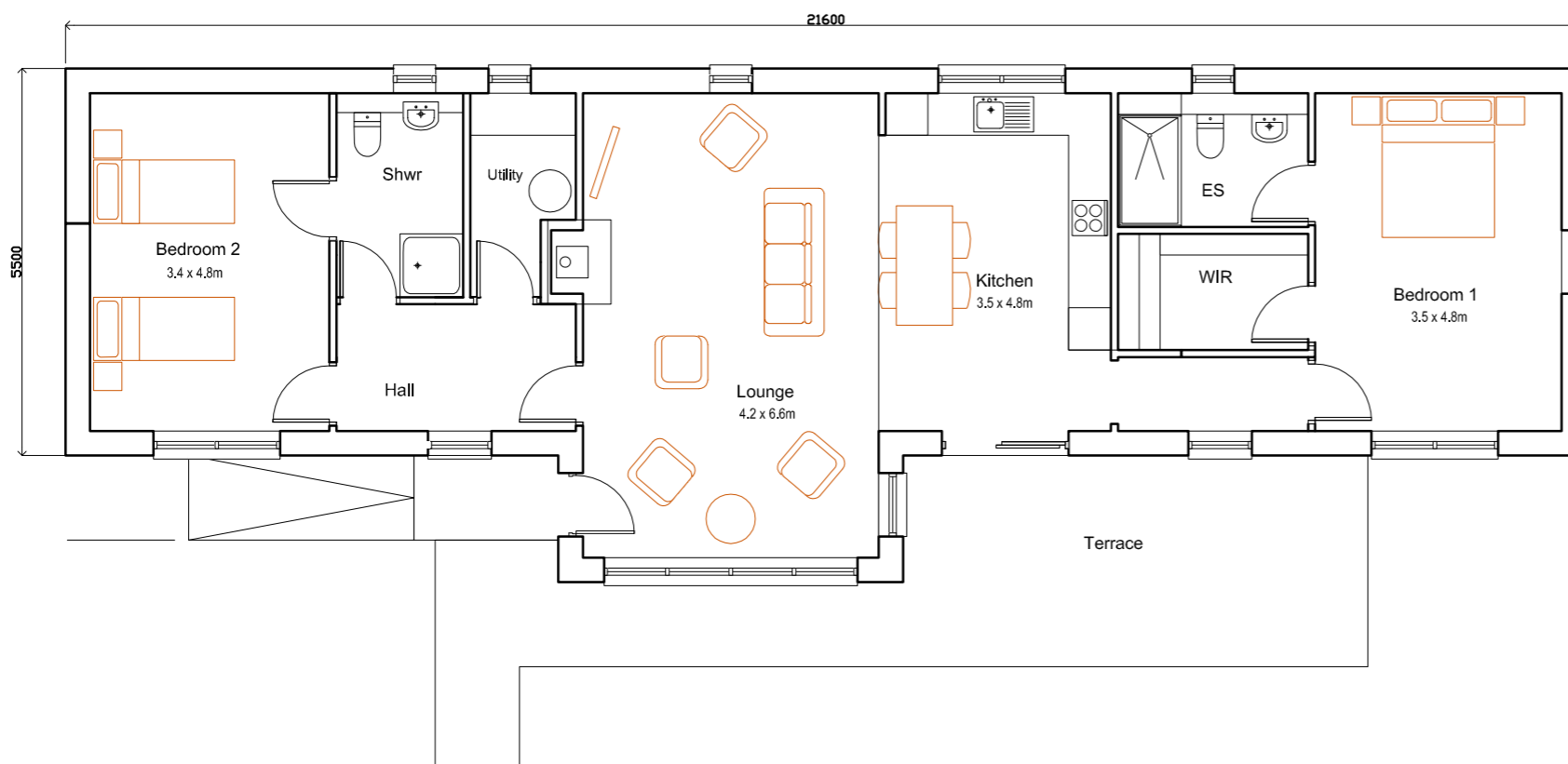


Elevation



Elevation

1. Concrete roof tiles, grey
2. FRC fascia & soffit, cherry
3. UPVC rainwater goods, black
4. FRC cladding, black
5. UPVC framed windows & doors, Cherry Oak
6. Wet dash render finish, off white



*Highland*  
ARCHITECTURE

10 Bruce Court, Dingwall, Ross-shire, IV15 9LG  
T: 01349 866999 E: lennox@highland-architecture.co.uk

project

Proposed New House  
Crimond Cannich Inverness-shire IV4 7LT  
Mrs C Hood

drawing General Arrangement

drawn L Boyd

scale 1:100 - A3 date Jan 2021

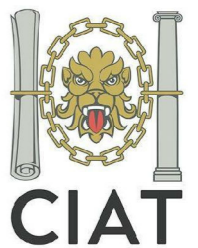
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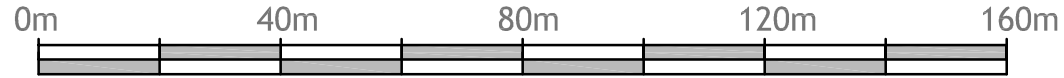
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10 Bruce Court, Dingwall, Ross-shire, IV15 9LG  
T: 01349 866999 E: lennox@highland-architecture.co.uk

project

Proposed New House  
Crimond Cannich Inverness-shire IV4 7LT  
Mrs C Hood

drawing Location Plan

scale 1:1250 - A4 date Jan 2021

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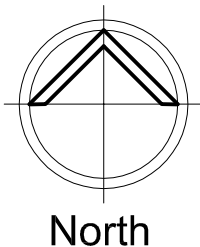
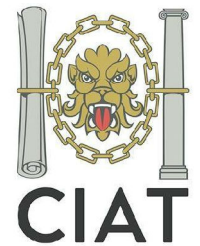
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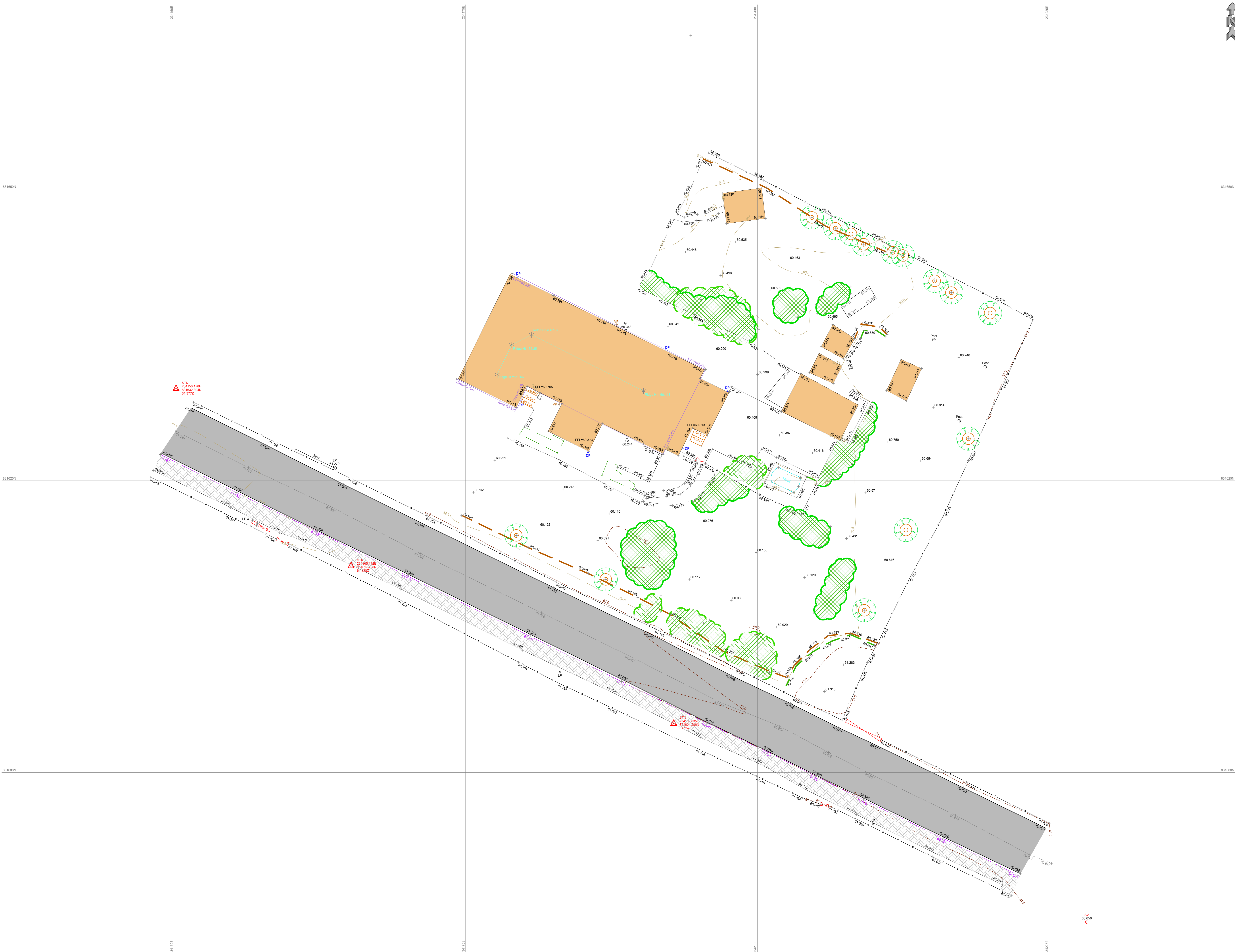
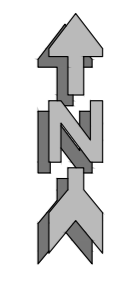
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drg no P630.21.02


rev







Site Layout:  
**Topographical Survey of  
New House Plot  
at Cannich**



LAND & BUILDING SURVEYING  
SETTING OUT ENGINEERS  
CIVIL ENGINEERING DESIGN  
LASER SCANNING SERVICES

HYDROGRAPHIC SURVEYING  
VOLUMETRIC SURVEYING  
DIMENSIONAL CONTROL SURVEYING  
AUTOCAD DRAUGHTING SERVICES

WORK OFFICE: 105, BRISTOL STREET, ROSS SHIRE, IV8 7SD  
BUSINESS OFFICE: 105, BRISTOL STREET, ROSS SHIRE, IV8 7SD  
ADDITIONAL CONTACT INFO: 105, BRISTOL STREET, ROSS SHIRE, IV8 7SD

Client:  
**Mr Alan Hood,  
Crimond,  
Cannich,  
IV4 7LT**

Drawn By: <b>MAL</b>	Checked By: <b>GCN</b>	Surveyed By: <b>JDS</b>	Surveyed Date: <b>02.03.2021</b>
Drawing Status: <input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> FOR ISSUE <input type="checkbox"/> FOR DISCUSSION <input type="checkbox"/> DRAFT STATUS		Drawing Date: <b>03.03.2021</b> Drawing Scale: <b>1 : 100 @ A0</b> Drawing No: <b>CTCH-J3882-001</b>	
* Levels are in metres and are to Ordnance Datum. * Co-ordinates are to National Grid. (EPS Network)		Our Job Ref: <b>J3882</b>	Rev:





Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7

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10 Bruce Court, Dingwall, Ross-shire, IV15 9LG  
T: 01349 866999 E: lennox@highland-architecture.co.uk

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Crimond Cannich Inverness-shire IV4 7LT  
Mrs C Hood

drawing Photos

drawn L Boyd

scale date March 2021

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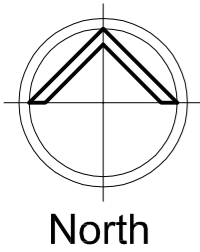
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GROUND OWNED BY APPLICANT

EXISTING ACCESS TO CRIMOND

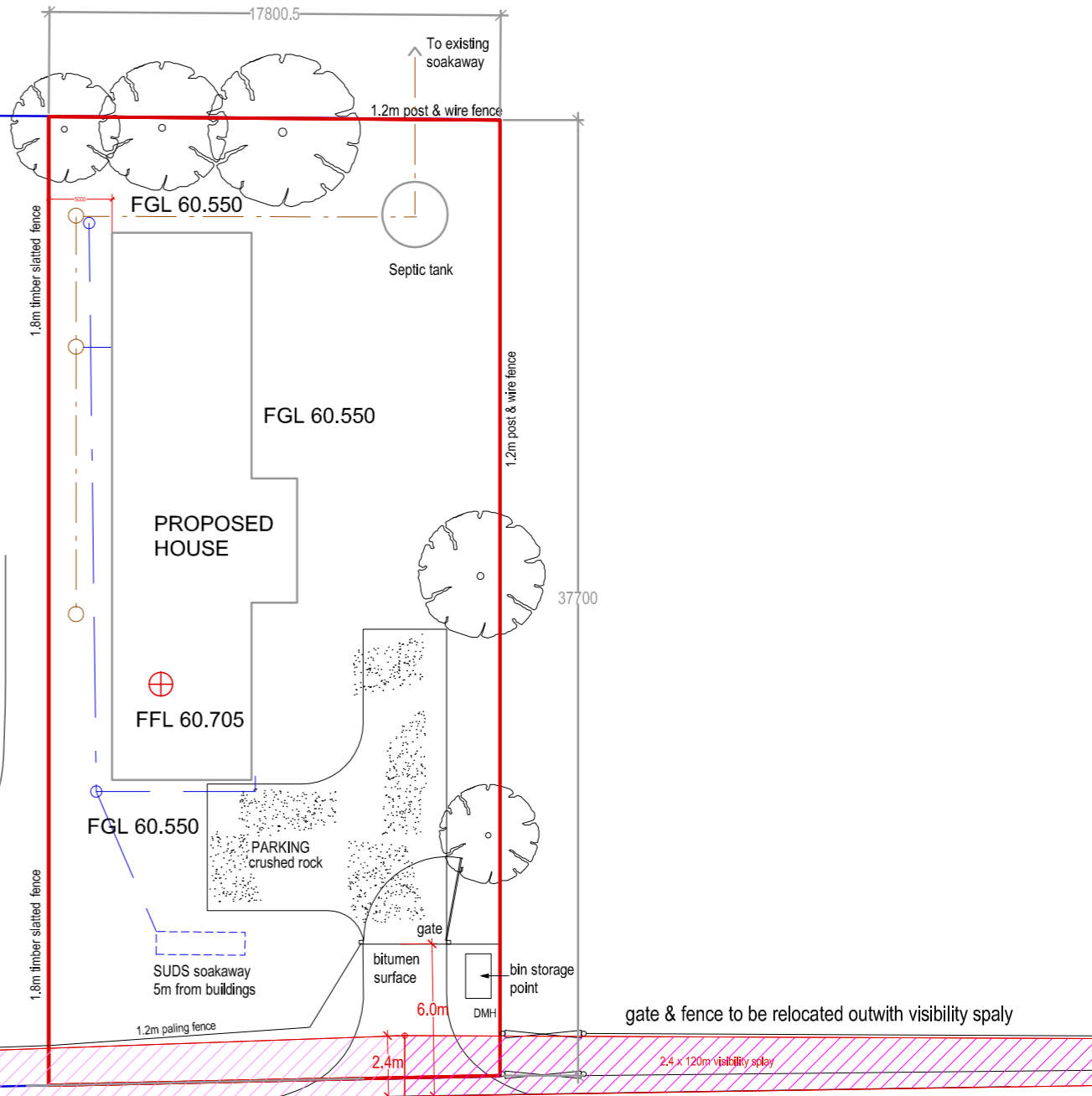
CAR PARKING

FFL 60.705

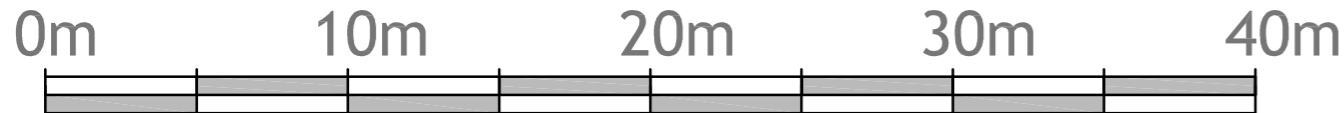
Crimond

fence to be relocated outwith visibility splay

2.4 x 120m visibility splay



A 8 3 1 PUBLIC ROAD



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10 Bruce Court, Dingwall, Ross-shire, IV15 9LG  
T: 01349 866999 E: lennox@highland-architecture.co.uk

project  
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Crimond Cannich Inverness-shire IV4 7LT  
Mrs C Hood

drawing Site Plan  
scale 1:250 - A3 date Jan 2021  
status PL Application

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