

Agenda Item	6.7
Report No	PLN/096/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 7 December 2021

Report Title: 21/04050/PIP: Mr Clarck Nussey
84 East Helmsdale, Strath Road, Helmsdale, KW8 6JL

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Erection house and formation of access

Ward: 04 – East Helmsdale and Edderton

Development category: Local

Reason referred to Committee: Community Council objection

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission in principle for the erection of a single-house and installation of associated services including access driveway with off-street parking and turning area on registered croftland in the northwest of Helmsdale.
- 1.2 As an application for planning permission in principle, the application is accompanied with limited location and site inform as final details of the development's siting and design are a matter for a future detailed application.
- 1.3 Pre-planning Application Advice for the development was provided in 2020 (ref. 20/00478/PREAPP). The applicant was advised that due to the location within the Helmsdale Settlement Development Area there is broad policy support for the proposed single house subject to satisfactory siting and design and the proposals being acceptable in all other aspects, including the development not overlooking onto 'Riverside'.
- 1.4 The application is supported with a Supporting Statement, percolation test results, and a private access checklist.
- 1.5 Variations: none.

2. SITE DESCRIPTION

- 2.1 The proposal site forms approximately 0.1ha of a croft currently laid to garden ground within the Helmsdale's defined Settlement Development Area at its northern extremity. The site is bound by fencing along the single track adopted Golf Course Lane, which ends in a small turning head northeast of the site and forms the site's north-eastern boundary. There are a number of disused and semi-derelict traditional crofting cottages along the north-eastern edge of Golf Course Lane, including one directly opposite. The site is on raised ground and is relatively level close to the road but sloping to the southwest with a steeper depression biting into the eastern corner. Immediately below and rear of the site is a single house 'Riverside', fronting Golf Road (A897). The site is within the Old Helmsdale neighbourhood, defined by its traditional crofting cottages, narrow streets and semi-rural character.

3. PLANNING HISTORY

- 3.1 No recent Planning History.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 10 September 2021

Representation deadline: 11 November 2021

Timeous representations: 0

Late representations: 0

4.2 Material considerations raised are summarised as follows:

a) None

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 **Helmsdale Community Council** objects to the application on the grounds that Golf Road that will serve the property has limited on street parking space and an inadequate turning head for the development.

5.2 **Transport Planning** object to the application on the grounds that the development will have an unacceptable impact on the public Golf Course Lane.

5.3 **Scottish Water** do not object and advise that the development will be supplied for fresh water from the public supply, and that a connection is available to the public sewer for foul drainage. Scottish Water also advise that there is no connection to the public network for surface water drainage, and that there are Scottish Water assets within the application site that the developer would be required to take appropriate action to protect any assets.

5.4 **Crofting Commission** – no response recieved

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012 (HwLDP)**

28 - Sustainable Design

29 - Design Quality and Place-making

31 - Developer Contributions

34 - Settlement Development Areas

47 - Safeguarding Inbye/Appportioned Croftland

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 **Caithness and Sutherland Local Development Plan 2018 (CaSPlan)**

There are no site-specific policies so the relevant general policies of the HwLDP plan apply. There are no relevant Placemaking priorities for the Helmsdale Settlement Development Area.

6.5 **Highland Council Supplementary Planning Policy Guidance**

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

Developer Contributions (March 2018)

Managing Waste in New Developments (March 2013)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

National Planning Framework 3

Creating Places

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 The site lies within the Helmsdale Settlement Development Area as identified by the CaSPlan, however there are no site-specific policies or allocations related to the application site or relevant Placemaking Priorities for Halkirk so the application is assessed against the applicable general policies of the HwLDP. In this instance, the proposal is principally assessed against Policy 34 for Settlement Development Areas (SDA), with the Council's policies for Sustainable Design and Design Quality and Placemaking carrying their due weight (Policies 28 and 29 respectively). Under the provisions of Policy 34 there is a presumption in favour of development within Settlement Development Areas providing they are compatible with the existing pattern of development, surrounding landscape and local character, and approved adjacent land-uses. Also relevant is Policy 47 for Safeguarding Inbye/AppORTioned Croftland, which requires developments to, where possible, avoid siting on croft land of higher agricultural value and/or impeding access to the remaining croft land.
- 8.5 Based on the above policy assessment there is a presumption in favour of the principle of the development subject to the proposal being acceptable in all other aspects

8.6 **Siting and Design**

While the site does form part of a registered croft, the application site is currently laid to garden ground and forms only a small portion of the larger croft, the majority of which is to the northeast beyond the SDA boundaries. As such the site avoids the main part of the croft which is used for agricultural purposes. Additionally, the settlement pattern along Golf Course Lane is characterised by housing organised along the northeast edge of the road, with the southeast currently free of development. However, with the site's position at the southeast of the road, it is not considered that a development here will have a significantly detrimental impact on the character of the street. Similarly, there is sufficient scope within the site for a house and associated services to be sited appropriately, which is reflected in the indicative siting on the Site Layout Plan. The applicant was advised at PREAPP that the proposal should show a house positioned rationally within the site in relation to adjacent physical features and be orientated in a manner that reflects surrounding development. In this instance the house should front or side Golf Course Lane with an attractive frontage. Details of the final layout, design, and landscaping will be assessed in a future detailed application, which should also be secured by condition.

8.7 **Amenity**

The site is of ample size that a house may be positioned in accordance with the above siting and design principles with sufficient remainder garden ground to accommodate access driveway and associated services while leaving adequate private amenity space for the future occupants of the house.

8.8 The slightly elevated position of the site raises concerns that the development could overlook of Borrobol on Strath Road to the rear and southwest of the site. The applicant has included a northeast-southwest site elevational section drawing showing the site's topography and the house's likely position in relation to the adjacent garden ground of that property, which demonstrates that despite the proposal's elevation above, and proximity to, Borrobol, the privacy and amenity of that property will not be prejudiced subject to appropriate planting or fencing to provide screening between the two garden grounds, which should be secured by condition. Additionally, there is sufficient space within the southeast of the application site to position the house in a manner that does not directly face 84 East Helmsdale on the opposite of opposite Golf Course Lane (the applicant's address), which would avoid loss of daylight and sunlight to that property. Similarly, it is appropriate to condition that no windows of less than 18m separation should directly face the windows of either existing property. Subject to these mitigation measures being secured by condition, there are no loss of privacy or amenity concerns in relation to existing properties.

8.9 **Access and Parking**

The site would be accessed from Golf Course Lane, which is a narrow single track public cul-de-sac with a steep incline from Golf Road. Transport Planning's objection relates to the Local Roads Office receiving complaints from local residents regarding parking within the turning head and lack of passing places. As a publicly adopted road, it is for the Council to impose parking restrictions and there is signage to that effect in the turning area. Notwithstanding, there is sufficient room for vehicles to pass each other on Golf Course Lane, for example by using an informal passing places at the Golf Club's open fronted car park. Additionally, it is considered that the

road's condition at the site entrance can be improved with the formation of a service bay of Council Standard SDB2 at the application site's junction with the public road, which would serve as a passing place and enhance the turning provision at the site's street facing frontage, and which should be secured by condition. Additionally, the Site Layout Plan indicates that there is sufficient scope for adequate off road parking and turning provision. It is not considered reasonable to withhold planning permission in this instance given the scale of the development and that appropriate mitigation is proposed.

8.10 Water and Drainage

The development would be served by Backies Water Treatment Plant for fresh water supply, and, Helmsdale Waste Water Treatment Works for foul drainage. Surface water drainage issues should be adequately addressed with an appropriate SuDS solution, which will be given further consideration when a detailed application is submitted and by Building Standards during construction.

8.11 Developer Contributions

There are currently no developer contributions required towards Golspie High or Helmsdale Primary Schools as shown in the table below.

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Helmsdale Primary School		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£0
Golspie High School		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£0
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0

<i>Breakdown</i>	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£0
Total for Development		£0
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

Other material considerations

8.13 There are no other material considerations.

Non-material considerations

8.14 No non-material considerations were raised during the course of the application's assessment.

Matters to be secured by Legal Agreement / Upfront Payment

8.15 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
a) None.

9. CONCLUSION

9.1 Policy 34 places a presumption in favour of development within Settlement Development Areas. In this instance the site's location, size, and distance from nearby development means that the development of a single house can be accommodated in an appropriate location in the southwest of the site without detrimental impacts on the character of the street or the privacy and amenity of neighbouring residential properties. Although the concerns of the Community Council and the Local Roads Office are understood, it is considered that with some improvements at the site's junction with the public road and adequate onsite vehicle parking and turning provision, the development will not have a significant impact on the public road network.

9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. The size, orientation and location of the dwellinghouse as shown on the approved plans is indicative only and 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, showing the house sited in a manner that is compatible with the local settlement pattern fronting or siding the public road in the southwest section of the site (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;
- v. details of the proposed water supply, flood mitigation measures, and both surface and foul drainage arrangements; and,

details of the extent of residential curtilage to be associated with the development.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing 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 show a development featuring the following elements:

- i. walls finished predominantly in a white/off-white wet-dash render or natural stone;
- ii. a roof covering of natural slate or good slate substitute;
- iii. single storey or 1½ storeys in height;
- iv. windows that do not face the windows of existing properties within 18 meters;
- v. windows with a strong vertical emphasis;

- vi. a roof symmetrically pitched of not less than 40° and not greater than 45°; and,
- vii. predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting.

3. Any details pursuant to condition 1 above, shall show a minimum of two cross sections through the site running north west to south east, showing the existing land contours and the proposed finished levels of the ground, the floor levels of the proposed house and its exposed underbuilding which shall be no more than 450mm, the associated garden area and car parking/turning area, and public road, all relative to a fixed datum point, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the interests of visual amenity in order to integrate the proposal into its landscape setting.

4. Any details pursuant to Condition 1 above shall ensure that the access has been designed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule SDB2 (dated 22.11.2021) with the junction formed to comply with drawing ref. SDB2.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

5. Any details pursuant to condition 1 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 parking is adequate for the scale of the development.

6. Any details pursuant to condition 1 above shall show a vehicle turning area within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

Reason: In order to ensure that sufficient vehicle manoeuvring space is contained within the development site.

7. Any details pursuant to Condition 1 above shall show a scheme of hard and soft landscaping works, which shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates, which shall include adequate planting or fencing to screen the application site from the property to the rear and southwest;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site, and in the interests of amenity.

8. Any details pursuant to Condition 1 above shall show the development connected to the public sewer network for foul water drainage.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

9. details pursuant to condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time).

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

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 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.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

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 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.

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.

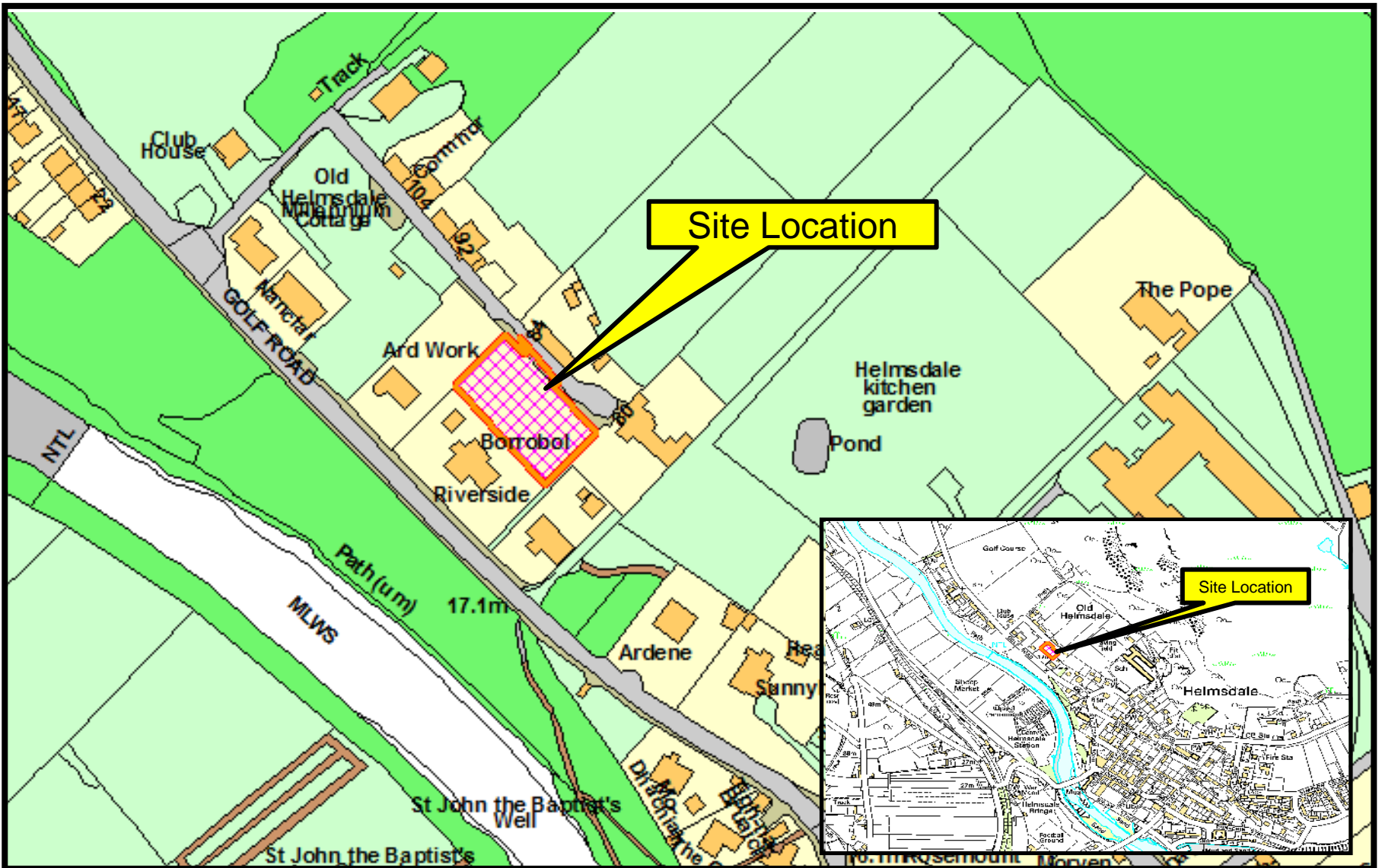
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Designation: Acting Head of Development Management
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - PA 01 Location Plan
Plan 2 - PA 02 Proposed Site Plan
Plan 3 - PA 03 Topographical Survey Proposed Site Section

Letters of Representation - None



The Highland Council
Comhairle na Gàidhealtachd

Infrastructure and Environment Service

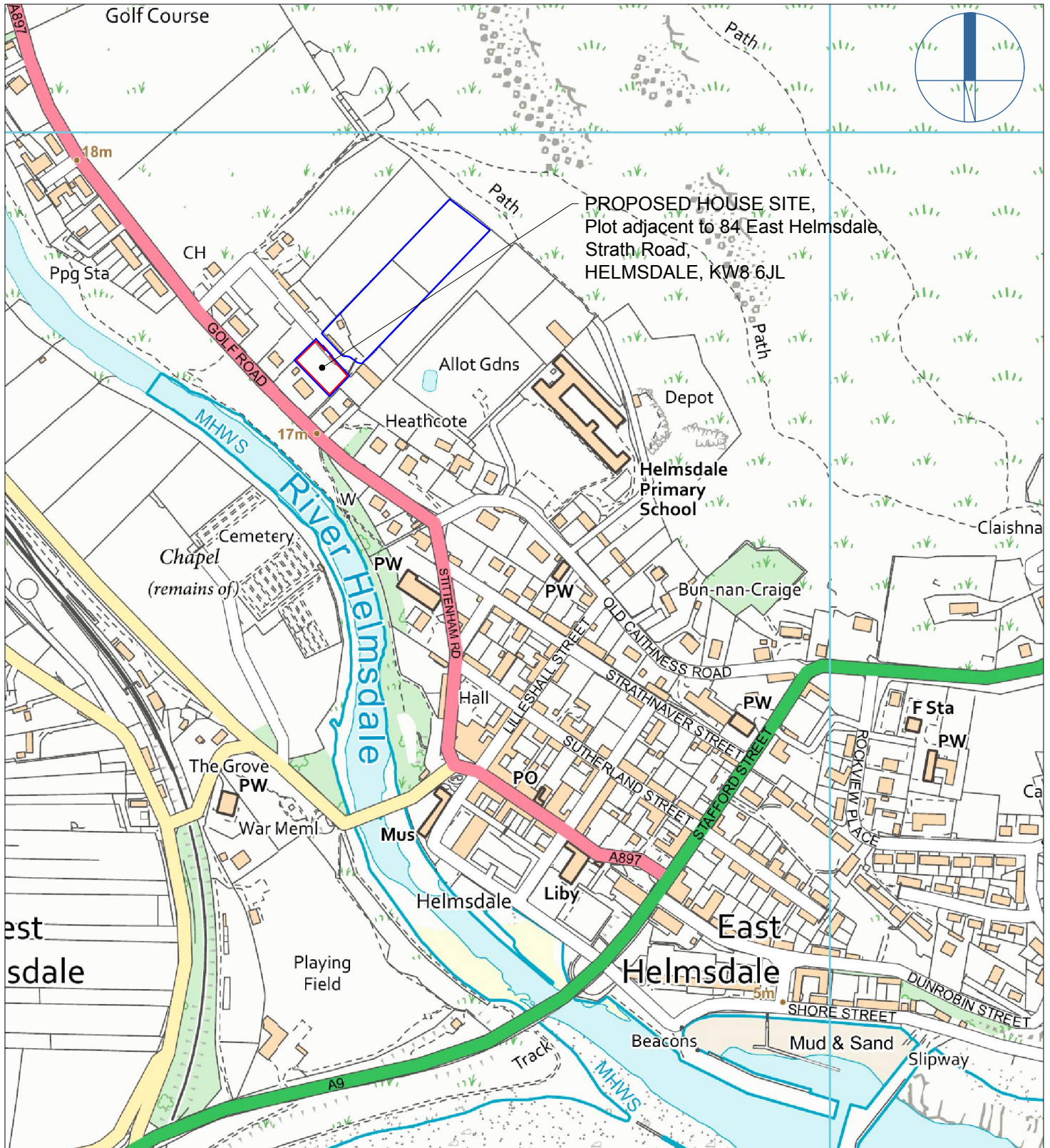
21/04050/PIP
Erection house and formation of access at 84 East Helmsdale, Strath Road, Helmsdale.

November 2021



STATUS: PLANNING APPLICATION

RED LINE denotes Application area.
 BLUE LINE denotes land owner by Applicant.
 SITE AREA 1200m².



LOCATION PLAN



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miarchitects
 Rowan Cottage · 182 Evelix
 Dornoch · IV25 3NH

01862 811357
 mail@miarchitects.co.uk
 www.miarchitects.co.uk



CLIENT
 Clark and Natalie Nussey

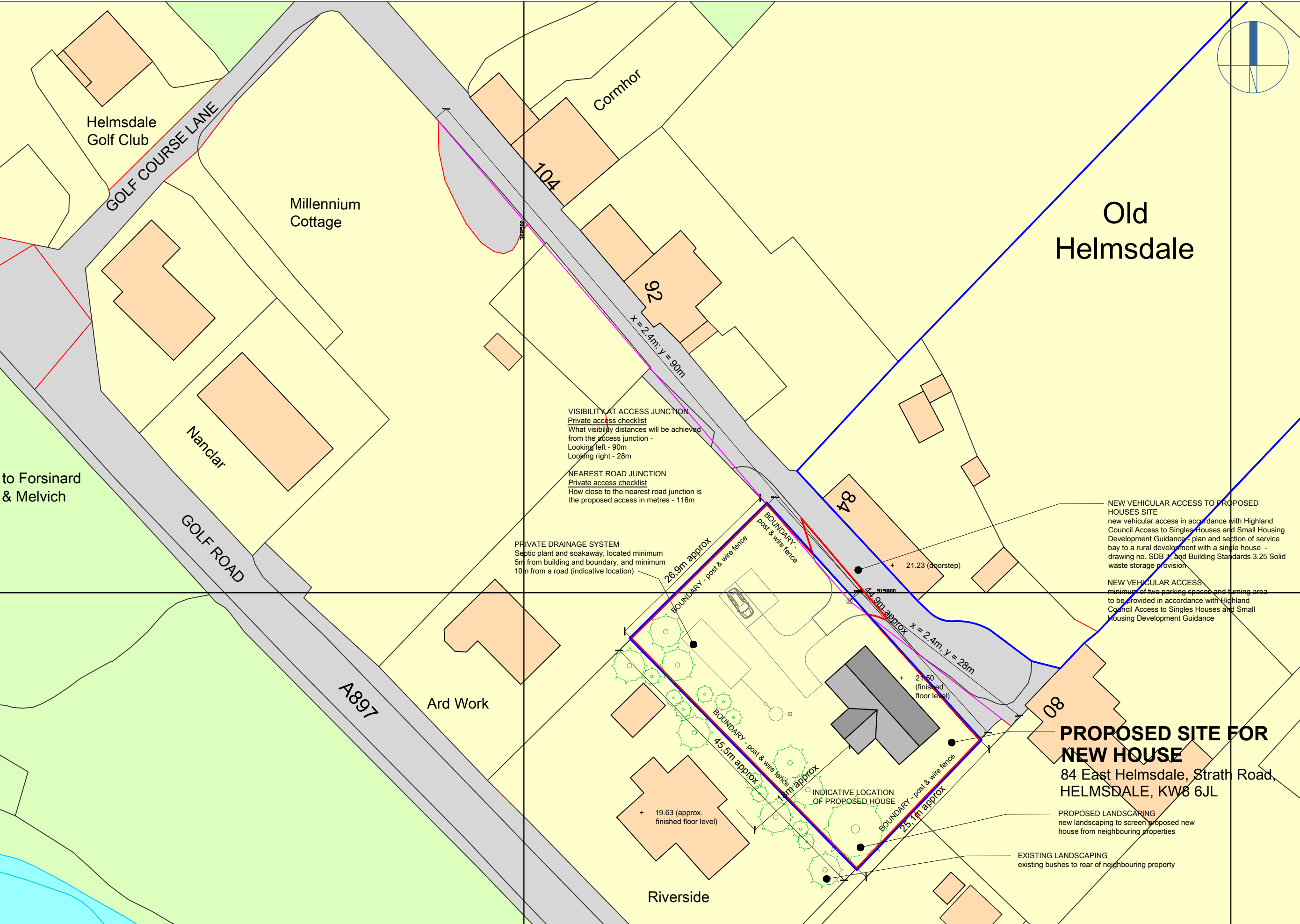
PROJECT
 Proposed house site,
 Plot adjacent to 84 East Helmsdale,
 Strath Road, HELMSDALE, KW8 6JL.

DRG TITLE PLANNING APPLICATION

LOCATION PLAN

SCALE 1:5000 (A4)	DATE 12/07/21	DRAWN ic
JOB No 20/035	DRG No PA 01	REV --

STATUS: PLANNING APPLICATION



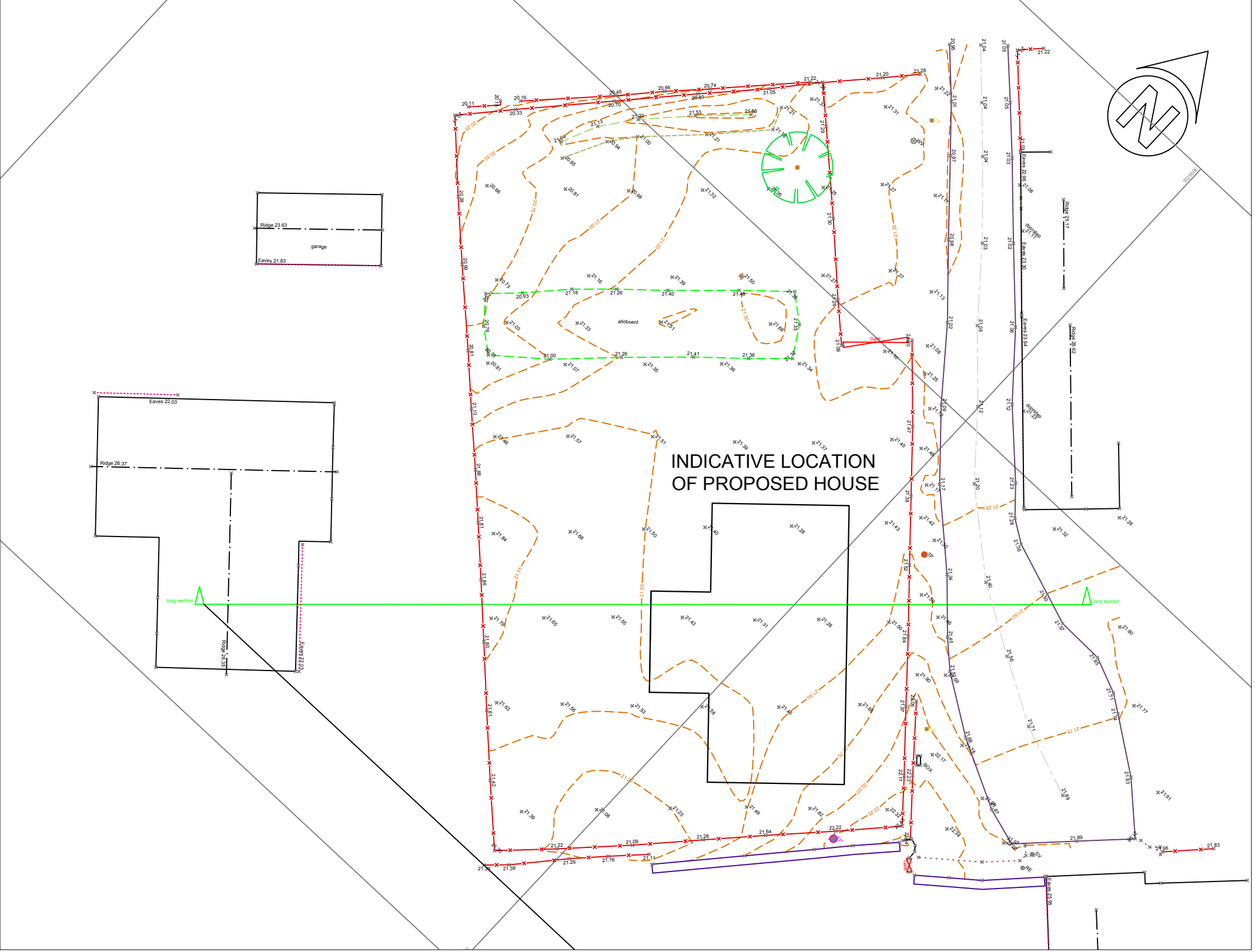
PROPOSED SITE PLAN

DRG TITLE	PROPOSED SITE PLAN	PLANNING APPLICATION	
SCALE	1:500 (A3)	DATE	
JOB No	20/035	DATE	12/07/21
DRG No	PA 02	DRAWN	ic
CLIENT	Clarrk and Natalie Nussey	REV	--
PROJECT	Proposed house site, Plot adjacent to 84 East Helmsdale, Strath Road, HELMSDALE, KW8 6JL.		

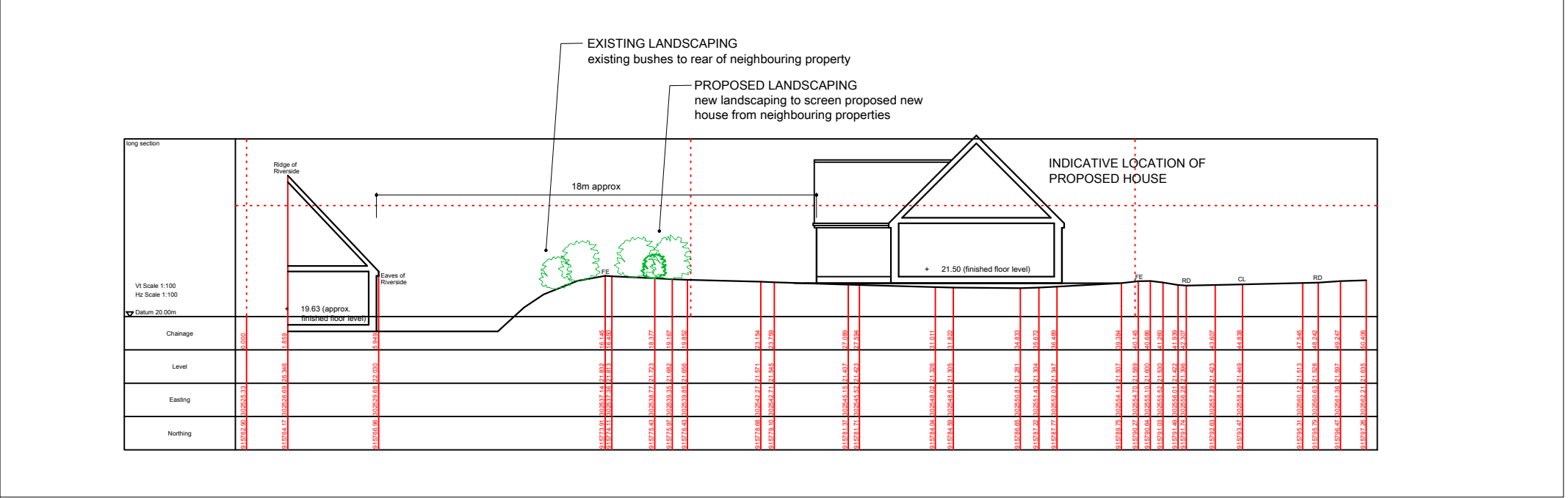
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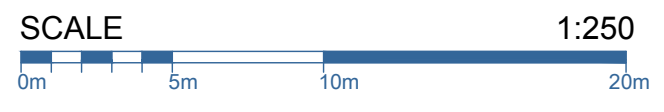
STATUS: PLANNING APPLICATION




TOPOGRAPHICAL SURVEY



PROPOSED SITE SECTION



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miarchitects Rowan Cottage · 182 Evelix Dornoch · IV25 3NH 01862 811357 mail@miarchitects.co.uk www.miarchitects.co.uk		CLIENT Clark and Natalie Nussey	PLANNING APPLICATION TOPOGRAPHICAL SURVEY PROPOSED SITE SECTION	
		PROJECT Proposed house site, Plot adjacent to 84 East Helmsdale, Strath Road, HELMSDALE, KW8 6JL.	SCALE 1:250 (A3)	DATE 12/08/21
		JOB No 20/035	DRG No PA 03	REV --