

Agenda Item	6.4
Report No	PLS-23-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 March 2023

Report Title: 22/01510/FUL: Mr Michael and David Winpenny
Land 135M SW of Taigh na Coille, Abriachan, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Change of use of land for siting of 6No. glamping pods, laundry/games room, foul drainage system, formation of access

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: Objections from 5 or more addresses

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 proposal involves the siting of 6 glamping pods, a laundry/games room and BBQ Hut. The pods are located in a linear pattern with 3 pods to be installed to the north and south of the internal access road. They are all orientated at different angles. The laundry/games room and BBQ Hut will be located at the entrance to the site.
- 1.2 The pods are a rectangular plan form (4m x 4.8m x 3.7m) with a circular roof. The laundry/games room also takes a rectangular plan form (5m x 7m x 4.7m). The BBQ Hut takes a hexagonal form (3.8m x 4.39m x 3.5m). External material finishes comprise horizontal timber cladding to the walls and the roof clad in tile effect felt roof except for laundry/games room which is clad in metal.
- 1.3 Foulwater drainage will be disposed of via a secondary treatment plant on the west boundary of the site, with outfall to a drainage ditch to the northwest.
- 1.4 Vehicular access will be taken from the existing access leading to the property, Taigh na Coille. There is a large service bay to accommodate this use and the existing house. There is parking provision for 6 cars.
- 1.5 Pre-Application Consultation: None
- 1.6 Supporting Information: Drainage Impact Assessment & SUDS Strategy
- 1.7 Variations: None

2. SITE DESCRIPTION

The site slopes westwards from the public road and comprises young conifer plantation. The site and the surrounding land are covered by recently planted conifer trees. The surrounding area is characterised by a mixture of open moor and mainly tree plantation (mainly conifer) on the west side of the public road. The land further to the west tends to be open fields with views across to the crofting settlement known as the Street.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|-----------------------------|
| 3.1 | 14.06.2019 | 19/01528/PIP Erection of house at Taigh na Coille Abriachan Inverness IV3 8LB | Planning Permission Granted |
| 3.2 | 22.08.2022 | 22/01502/FUL Erection of a house and garage at Land 135M SW Of Taigh na Coille Abriachan Inverness | Planning Permission Granted |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 06.05.2022

Representation deadline: 20.05.2022

Timeous representations: 5

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Overprovision of holiday lets in the area
- b) Traffic - a significant increase in road, bike and foot traffic
- c) Foulwater drainage – inappropriate for ground conditions
- d) Water Pressure - at the end of the Scottish Water main at the highest part of the main
- e) Wildlife – impact on species
- f) Bin provision

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 **Environmental Health:** No objections. The Caravan Sites and Control of Development Act 1960 states that any area of land used for the siting of a caravan would require a caravan site licence. The Act provides a definition of a caravan which includes structures which are not traditionally considered as caravans. The design of the glamping pods means that they may fall within this definition of a caravan and may require a caravan site licence.

5.2 **Forestry Officer:** The site it is not Ancient Woodland, Long Established Woodland or TPO, but it is woodland and therefore development would be contrary to Policies 51 and 52 of the HwLDP and contrary to the Control of Woodlands Removal (CoWR) policy. The applicant could demonstrate public benefit associated with the proposals so it's possible that it could comply with the Council's Trees, Woodlands and Development Supplementary Guidance (Jan 2013) which states that 'The Highland Council has a strong presumption in favour of protecting its woodland resource. Development proposals involving woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefit'.

5.3 **Scottish Water:** This proposed development will be fed from Glenconvinth Water Treatment Works. Unable to confirm capacity currently to fully appraise the proposals.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.

6.2 The following Development Plan policies are relevant to the assessment of the application:

6.3 National Planning Framework 4

Policy 1 - Climate and nature

Policy 3 - Biodiversity

Policy 6 - Forestry, woodland and trees

Policy 14 - Design, quality and place

Policy 22 - Flood risk and water management

Policy 30 - Tourism

6.4 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

31 - Developer Contributions

36 - Development in the Wider Countryside

43 - Tourism

44 - Tourist Accommodation

51 - Trees and Development

52 - Principle of Development in Woodland

57 - Natural, Built & Cultural Heritage

58 - Protected Species

65 - Waste Water Treatment

66 - Surface Water Drainage

6.5 Inner Moray Firth Local Development Plan 2015

Policy 3 - Other Settlements

6.6 Inner Moray Firth 2 Proposed Local Development Plan 2023

1 – Low Carbon Development

2 – Nature Protection, Preservation and Enhancement

8 – Placemaking

9 – Delivering Development and Infrastructure

6.7 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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) woodland development
 - d) traffic
 - e) protected species
 - f) impact on infrastructure and services
 - g) any other material considerations.

Development plan/other planning policy

- 8.4 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of the application, alongside the Highland-wide, and Inner Moray Firth Local Development Plans and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.
- 8.5 National Planning Framework 4's Policy 30 – Tourism, aims to encourage, promote and facilitate sustainable tourism development. The issues that need to be taken into account include the contribution made to the local economy, impacts on existing communities, opportunities for sustainable travel and access to the natural environment as well as compatibility with the surrounding area in terms of nature and scale of the proposal.
- 8.5 The Inner Moray Firth Local Development Plan establishes that the site lies within the Hinterland of Inverness with Abriachan identified as a smaller settlement where further limited development may be encouraged where it helps sustain one or more local facilities. The Hinterland is however only relevant to proposed housing development and, given that the proposal is for a tourism development of 6No. glamping pods, the key policies of Highland wide Local Development Plan (HwLDP) are therefore Policy 36 - Development in the Wider Countryside along with Policy 44 – Tourist Accommodation. Having said that, Policy 44 (Tourist Accommodation) supports tourist accommodation outwith settlements provided it

complies with the siting and design elements of Policy 35 which relates to housing within the Hinterland, presumably as it was written at a time before the advent of pods.

- 8.6 Policy 44 of HwLDP supports tourism development where the scale of the proposal is proportionate to the location, where it will increase the length of peoples' stay, increase visitor spending, promote a wider spread of visitors and where it will have a positive effect on natural, built and cultural heritage features. In addition, tourism development is supported where it is essential to the operation of a new rural business, and where it can demonstrate sensitive siting and high-quality design in keeping with the character of the area and the historic and natural environment.
- 8.7 The criteria within Policy 36 of HwLDP reflects these same aspects of siting and design and the need to respect the character of the area as well as requiring development proposals to be appropriately serviced without detriment to existing infrastructure.
- 8.8 All proposals need to be considered against Policy 28 of HwLDP which also sets out several criteria that proposals are expected to consider, with support only provided where there will be no significant detrimental impact. In this case, consideration needs to be given to protecting the amenity of the existing community, natural and cultural heritage resources and ensuring that the siting and design of the proposal is of high quality and in keeping with local character.
- 8.9 Given the location includes an area that appears to have been deforested in the relatively recent past, Policy 6 of NPF4 and Policies 51 and 52 of HwLDP are also relevant and need to be given consideration. The Scottish Government's Control of Woodland Removal policy also applies.
- 8.10 In summary, there is general compatibility between the policies set out with NPF4 and the other parts of the Development Plan with regard to tourism development. This proposal will introduce a modest scale of tourist development into an area that already contains tourism related businesses located adjacent to accessible scenic areas, in particular the Great Glen Way long distance route. While no supporting statement has been submitted to provide specific evidence, it is likely that this development would extend the range of accommodation in the area and provide employment.
- 8.11 Providing that development proposals in rural areas are suitably scaled, sited and designed to be in keeping with the character of the area, and are suitable in terms of location, access and environmental impact, and that the distinctive character of the rural area is safeguarded and enhanced, including any woodland, then the development would comply with the Development Plan.

Siting and Design

- 8.12 The site is located to the west of and below the public road on land which is covered in young conifer trees. The settlement pattern in the wider area is one of individual houses located at a significant distance from each other along the west side of the road. Approximately 1000m to the west on the other side of the strath

is a crofting settlement known as the Street, Caiplich, which features houses located at closer proximity in a linear pattern. That side of the strath would be the main viewpoint of this site and given the separation distance the proposed use is considered to be acceptable in this location within this landscape context.

- 8.13 The 6No. pods are placed either side of an access track which runs approximately east to west, three on each side. To the north side of the track on the eastern side of the pods is a reception/laundry/games room building. To the west of the pods is the septic tank and soakaway system.
- 8.14 The pods are 18sqm - 4mx 4m with an additional 2mx4m deck, and an overall height of 3.7m with a curved roof. Internally, the pods have a kitchen/living/sleeping area with a single double bed, and shower room. The reception/laundry/games room is 7m x 5m x 4.8m, with a conventional pitched roof.
- 8.15 A hexagonal plan form barbeque hut is also proposed adjacent to the reception/laundry/games room.
- 8.16 The external materials of the buildings are to be timber. However, the exact finishes have not been provided and accordingly a condition to secure the details is considered appropriate.
- 8.17 The placement of the buildings combined with their design, scale and finishes are considered to be suited to a rural location and will assist their integration into the landscape. The layout reflects the topography of the site and the varied orientation of pods helps to create a more attractive environment.

Woodland Development

- 8.18 The site does not fall within an area of woodland that is protected by a Tree Preservation Order, Ancient or Long-Established Woodland, or woodland that needs to be safeguarded for the purpose of amenity. The site and surrounding area have been planted with conifer trees by a previous owner of the land and the applicant has estimated they may have been planted in 2008, with many having died or failed since then and have not reached maturity. The trees within the site are of little amenity value and it is not considered that their removal would be detrimental to the visual amenity of the wider area.

Traffic

- 8.19 Vehicular access will be taken from an existing private access, which serves Taigh na Coille and the future house to the north of this site (22/01502/FUL). The private access is from an adopted single-track road. This has an existing service bay set back from this straight section of adopted road, with good visibility splays. The proposal includes parking adjacent to each pod.
- 8.20 Representations refer to traffic generated by the development. It is noted that the single-track road has passing places and forms part of the Great Glen Way. It is not considered that the proposal will generate a significant volume of additional traffic for the road such that it would be unacceptable in terms of public road

servicing.

Protected Species

- 8.21 Representations have raised concern about the impact on wildlife surrounding the site. The site is not covered by any natural heritage designations. While no species surveys have been submitted, the site itself does not appear suitable habitat for protected species. While there is potential for disturbance to wildlife in the surrounding area during the construction works, this is likely to be for a relatively short period of time. The proposal is for a relatively low impact development, with much of the existing woodland remaining intact. In order to mitigate any potential impact, new planting and landscaping is proposed. This can be secured by condition.

Impact on infrastructure and services

- 8.22 Representations also refer to the suitability of the ground conditions to support the proposed private foul water drainage system. A Drainage Impact Assessment and SuDS Strategy has been submitted showing a treatment plant with an outfall to a drainage ditch to the northwest. The construction and technical detail of the installation will have to meet the technical requirements of the Building Regulations and will require authorisation from SEPA under the Controlled Activities Regulations.
- 8.23 In addition, representations raise concern regarding the potential impact on water pressure. Members will note that this is a matter for the service provider, Scottish Water, which has not objected to the proposal.
- 8.24 The owner of Taigh na Coille has raised concern about bin provision on private land adjacent to the public road. The applicant is of the opinion that there is a legal right for such provision and can provide this within the access. Members will note that this is a legal matter for resolution between the parties involved. A condition can be attached to secure details of the bin provision.

Other material considerations

- 8.25 Overprovision of holiday lets in the area is not a material consideration.

Non-material considerations

- 8.26 None

Matters to be secured by Legal Agreement / Upfront Payment

- 8.27 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. As this tourist accommodation it is not suitable for permanent residential accommodation, it is exempt from developer contributions.

9. CONCLUSION

- 9.1 The proposal is for the development of the land to provide for 6No. pods for a tourist development which is located on the Great Glen Way.
- 9.2 The siting, layout and design of the proposal is considered to be appropriate to the location. It is not considered that the development will result in any significantly adverse impact on the character of the area, or on either individual or wider community residential amenity.
- 9.3 There is no adverse impact on infrastructure, with the site already being serviced by an existing access from the public road. The foul water drainage system be controlled by SEPA under the Controlled Activities Regulations.
- 9.4 Accordingly, the pods would accord with Development Plan policies contained in NPF4 policy 4 (Tourism), and HwLDP Policy 44 (Tourist Accommodation), which support tourist accommodation.
- 9.5 Although there will be a loss of some immature trees, the woodland has no statutory protection, and accordingly, this woodland loss is not considered to be significant in amenity terms within a 0.57Ha site. A planting and landscaping plan are to be secured by condition. Although the development is a private sector development, there is some wider public benefit to the area by securing additional tourism accommodation which will help to consolidate the wider local economy. The development of this land would not be incompatible with the existing land use and would not conflict with the Development Plan with respect to trees.
- 9.6 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

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

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 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the first occupation of the glamping pods 6 parking spaces cars shall be provided within the site and shall thereafter be maintained for this use in perpetuity.

Reason: In the interests of road traffic safety.

3. All surface and foul water drainage provision shall be provided in accordance with the approved plans contained within the Drainage Impact Assessment and SuDS Strategy (August 2022) docquetted hereto, and shall be completed prior to the first occupation of the development.

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

4. No development shall commence until full details of a communal wheelie/kerbside recycling bin storage area located outwith any visibility splays, have been submitted to, and approved in writing by, the Planning Authority. The communal storage area shall be constructed in accordance with these approved details prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

No development shall commence until full details of the external finishes of the pods and barbeque hut, including any trade names/RAL codes/British Standard numbers, have been submitted for the approval in writing of the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to clarify the terms of the permission hereby granted and as no details have been provided.

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.

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

A supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349

862021).

Surface water soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_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

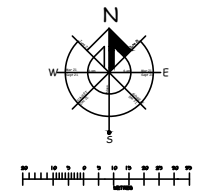
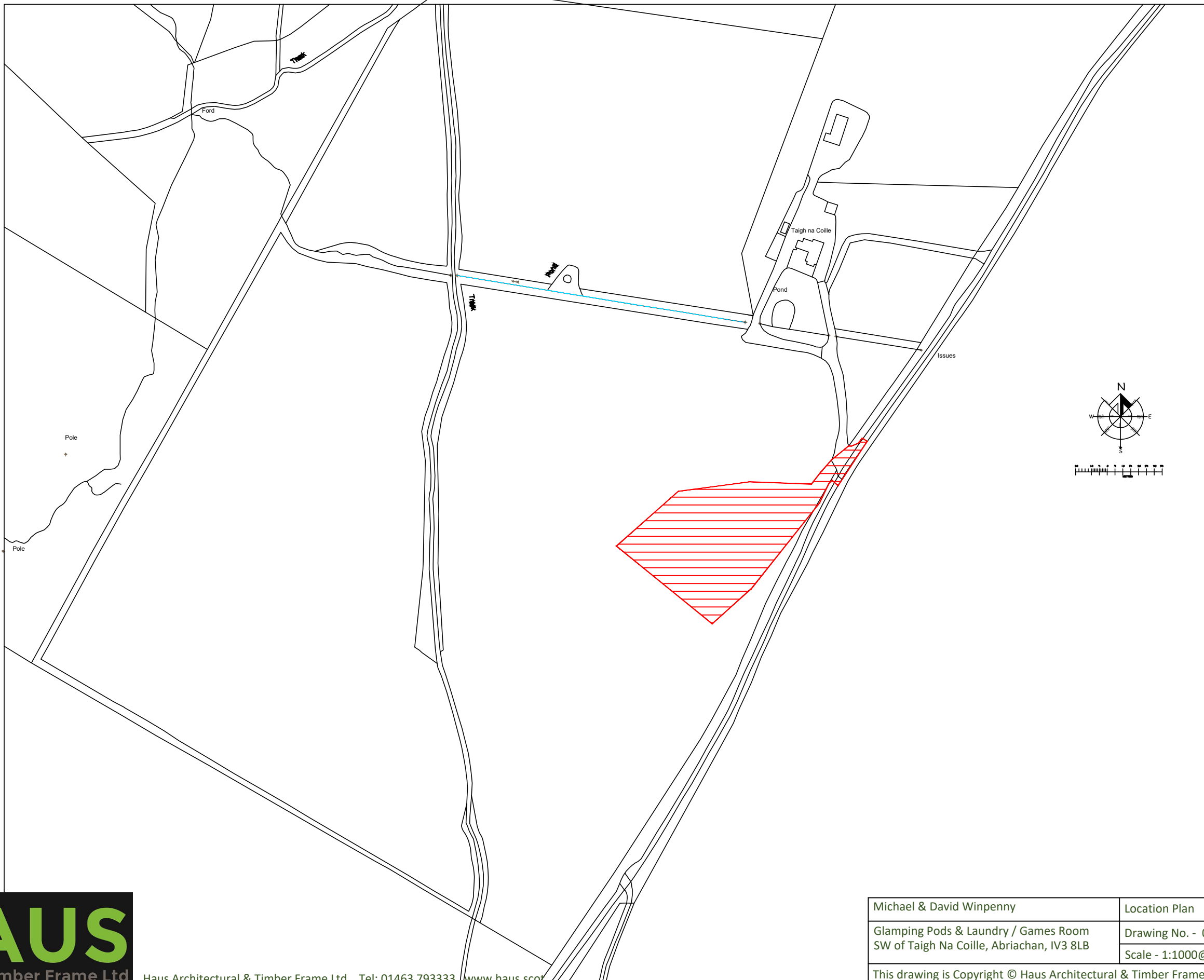
of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

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.

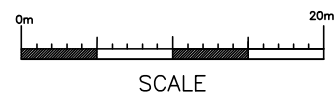
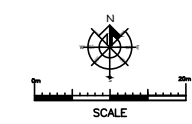
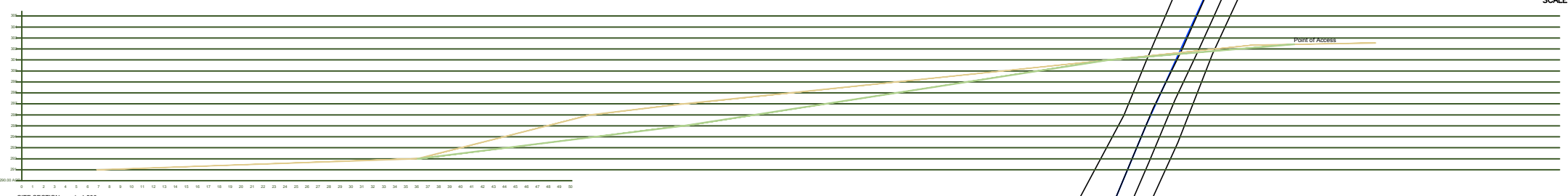
Protected Species – Halting of Work

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>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Keith Gibson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 003 REV A Location Plan
Plan 2 - 010 REV B Site Layout Plan
Plan 3 - 320 Floor/Elevations Plan - Pods
Plan 4 - 330 Floor/Elevations Plan - Laundry Room
Plan 5 - 000001 General Plan
Plan 6 - Drainage Impact Assessment and SuDS Strategy (August 2022)

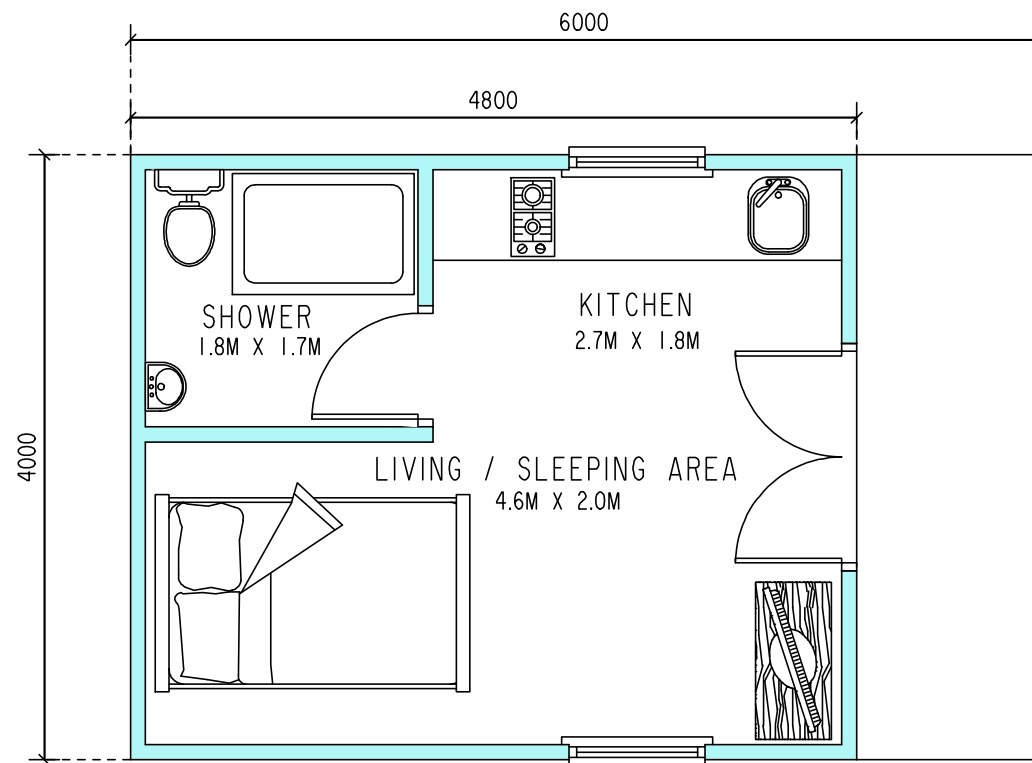


Michael & David Winpenny		Location Plan	
Glamping Pods & Laundry / Games Room SW of Taigh Na Coille, Abriachan, IV3 8LB		Drawing No. - 003	Revision - A
		Scale - 1:1000@A3	Drawn - PB
This drawing is Copyright © Haus Architectural & Timber Frame Ltd (2016). All Rights reserved			



Haus Architectural & Timber Frame Ltd Tel: 01463 793333 www.haus.scot

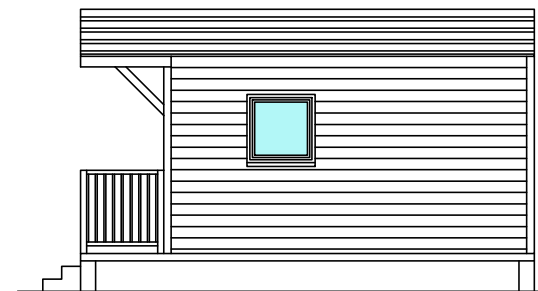
Michael & David Winpenny		Site Plan	
Glamping Pods & Laundry / Games Room SW of Taigh Na Coille, Abriachan, IV3 8LB		Drawing No. - 010	Revision - A
		Scale - 1:1000@A3	Drawn - PB
This drawing is Copyright © Haus Architectural & Timber Frame Ltd (2016). All Rights reserved			



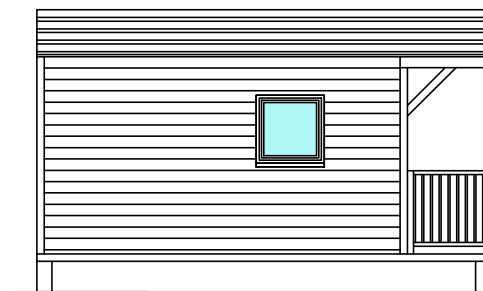
GROUND FLOOR PLAN
FLOOR AREA = 18M²



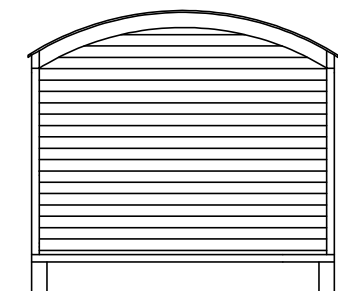
FRONT ELEVATION



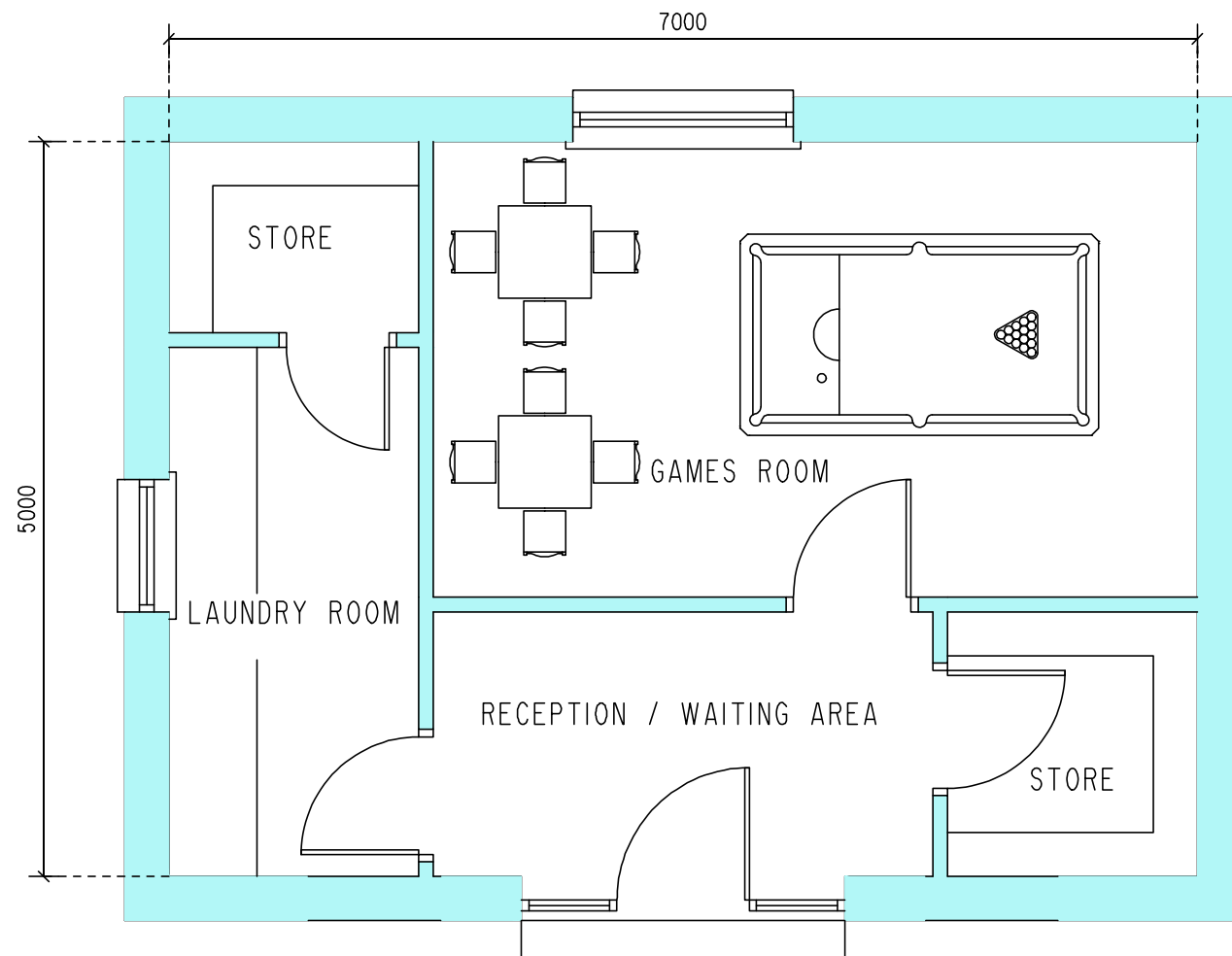
SIDE ELEVATION



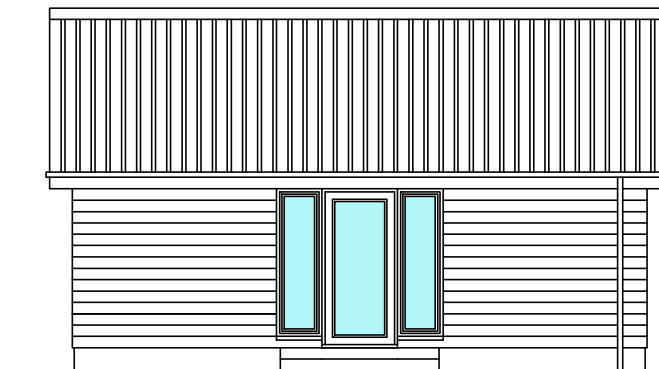
SIDE ELEVATION



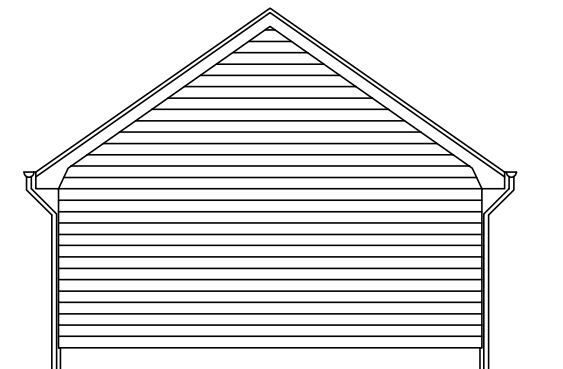
REAR ELEVATION



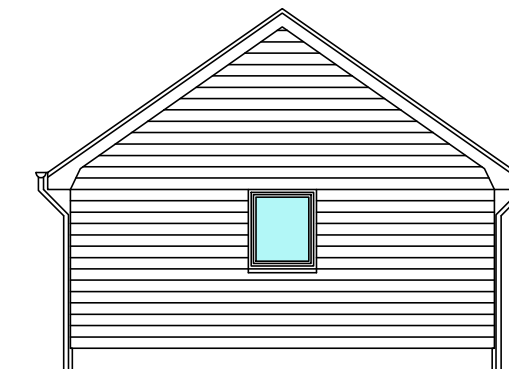
GROUND FLOOR PLAN
 FLOOR AREA = 35M²



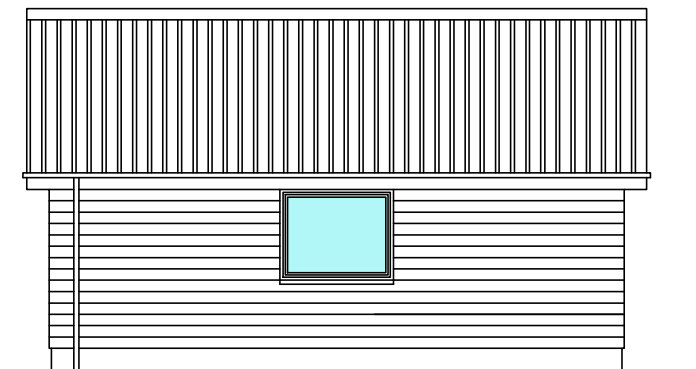
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION

Michael & David Winpenny		Laundry Room Floor Plan & Elevations	
Glamping Pods & Laundry / Games Room SW of Taigh Na Coille, Abriachan, IV3 8LB		Drawing No. - 330	Revision -
		Scale - 1:100/50@A3	Drawn - PB
This drawing is Copyright © Haus Architectural & Timber Frame Ltd (2016). All Rights reserved			

