

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
25 February 2014

Agenda Item	5.6
Report No	PLS/015/14

13/04717/PIP: Mr J Wotherspoon
Land to South of Cruive Croft, Kinerras, Kiltarlity

Report by Area Planning Manager – South

SUMMARY

Description: Erection of dwelling

Recommendation: **GRANT**

Ward: 13 - Aird and Loch Ness

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee: Timeous objections from 5 or more addresses

1. PROPOSAL

- 1.1 Planning Permission in Principle is sought for the erection of a dwellinghouse and associated works on croft land 870 metres to the south of Eskadale.
- 1.2 Associated works would include the formation of roughly 500 metres of private track to extend from the existing Knockvuy access track, which in turn extends 250 metres from the U124 Kinerras Road. The house would have a private foul drainage system and private water supply (borehole).
- 1.3 A supporting document has been submitted pertaining to the adequacy of the proposed private water supply arrangements. In addition, the applicant has provided details of the proposed access arrangements.

2. SITE DESCRIPTION

- 2.1 The application site (2622m²) is a parcel of croft land in a rectangular shape, occupying an elevated position 190 metres south of the U124 Kinerras Road. There are several residential properties in the vicinity of this development - namely, Cruive Croft (180 metres to the north), Keepers Cottage (120 metres to the west) and Knockvuy (290 metres to the east). There is also evidence of the remains of former buildings in the vicinity of the site.

3. PLANNING HISTORY

- 3.1 07/00026/OUTIN – Outline permission for the erection of one house at Cruive, Kiltarlity. Permission granted.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: 10.01.2014

Representation deadline: 24.01.2014

Timeous representations: 7

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:

- The application form is not adequate. The map and site plan do not tie up. The fact that Cruive is a registered croft is not stated.
- Kinerras is currently included in the proposed extension of the Hinterland in the IMFPLDP and in light of this we wish the same protection to be given to the area as no housing need has been provided.
- The single track Kinerras Road is already difficult to access and involves constant reversing to passing places when other traffic is met.
- There will be an increase in foul water discharge and increased pressure on the existing water supply.
- The application site comprises registered croftland which has a high percentage of comparatively good arable land. It is imperative that the owner/occupier finds a tenant crofter to use the land.
- The area is still a crofting community so splitting crofts into even smaller parcels of land is completely unacceptable. The area should remain as such, and not become a rural housing estate.
- The sub-division of croftland for house plots is changing the rural character of the area.
- The dwelling and associated works would ruin the view, and would result in undue noise and disturbance.
- The introduction of a dwelling on this site would have a detrimental impact upon the privacy of existing residents.
- The position of this dwelling is unacceptably prominent from within the surrounding area.

- 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

- 5.1 **TECS (Area Roads and Community Works Manager):** No objections. Conditions recommended.
- 5.2 **TECS (Environmental Health):** No objections. Condition recommended.
- 5.3 **Historic Environment Team:** No objection. Condition requiring archaeological brief recommended.

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 and Place-Making
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
65	Waste Water Treatment
66	Surface Water Treatment

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (June 2011)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, February 2010)

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.
- 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.

8.3 **Development Plan Policy Assessment**

Through Policy 36 Development in the Wider Countryside, the Council identifies continued support for the development of rural areas in order to maintain population, infrastructure and services. It states that proposals outwith Settlement Development Areas and the Hinterland areas will be assessed on the extent to which they are acceptable in terms of siting and design and meet with the terms of Policy 28, and in particular are sympathetic to existing patterns of development in the area; are compatible with landscape character and capacity; avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics; avoid, where possible, the loss of locally important croft land; and would address drainage constraints. In addition, Policy 47 relates to the Council's expectation that development proposals minimise the loss of Inbye/Appportioned Croftland by avoiding siting the development on the better part of the croft in terms of agricultural value; and impeding use of the remaining croft land by virtue of its location.

In terms of the relevant policies, the proposal is considered acceptable in principle. The settlement pattern in this part of the district is characterised by single and small clusters of houses and farm buildings dispersed throughout the rural area. The introduction of a dwelling on this site would not detract from the predominant settlement pattern and character or result in an unacceptable build up of houses. The plot itself, whilst occupying a relatively prominent position in the landscape, benefits from a backdrop of hillside landform when seen from key viewpoints and also forms part of an established cluster of residential properties. An appropriately scaled dwellinghouse would not be overly obtrusive in this location.

Although the formation of this plot would result in the loss of a small amount of upland croftland the area to be developed is not currently in productive use for crofting purposes and on its own is not considered to have a significant adverse impact on the efficient operation of the adjacent agricultural holding.

8.4 **Material Considerations**

The Inner Moray Firth Proposed Local Development Plan has not yet been adopted, and although a material consideration, the proposed extension of the Hinterland boundary has as yet to be approved by the Council. As such, the relevant policies at present involve the extant settlement boundaries with the proposal located outwith the current extent of the Hinterland area.

It is not considered that the proposal raises any significant amenity issues which would warrant refusal and given the separation distance between the site and the nearest dwellings there should be no loss of privacy or increased disruption.

The Area Roads Manager has raised no objection to the grant of planning permission subject to conditions pertaining to the access, drainage, provision of a service lay by, parking provision, turning area and visibility splays.

Similarly the Area Environmental Health Manager has not raised any objection to the grant of planning permission, and although the supporting information submitted in relation to the proposed private water supply is considered insufficient, the sufficiency of the borehole to provide water to the development in perpetuity can be addressed by suspensive condition.

8.5 **Other Considerations – not material**

Both the location plan and site plan have been examined to ensure that they are correct. In addition, although this land was not identified in the application form as registered croft land, as can be seen in the main body of the handling report, it has been assessed as such.

The right to a view is not a material planning consideration.

9. **CONCLUSION**

- 9.1 The proposal is considered to represent an acceptable form of development which accords with the relevant Development Plan policies and those pertaining to safeguarding the character of the surrounding area and accordingly attracts a recommendation of approval. There are no material considerations which would attract a different recommendation.

10. **RECOMMENDATION**

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall depict a development featuring the following elements:-

- i. walls finished predominantly in a white/off-white wet dash render/smooth coursed cement render/natural stone;
- ii. a roof covering of natural slate;
- iii. single storey;
- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 35° and not greater than 45°;
- vi. predominantly rectangular in shape with traditional gable ends;

Reason: In the interests of amenity.

3. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

4. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

5. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Drainage Systems (SuDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

6. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

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

7. No development shall commence until full details of the site access have been submitted in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

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

8. Any details pursuant to condition 7 above shall show details of access, suitable for accommodating agricultural traffic, provided through the application site to the adjacent croftland. Prior to the first occupation of the dwelling, the access shall be formed in accordance with the details approved by the Planning Authority and thereafter shall be maintained in perpetuity.

Reason: To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, another part of the croft or other croftland.

9. Any details pursuant to condition 7 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 of the dwellinghouse to which it relates, 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.

10. No development shall commence until details of a vehicle turning area within the application site, formed in accordance with The Highland Council's Road Guidelines for New Developments, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the turning area shall be provided in accordance with these approved details, prior to the first use of the development, and thereafter maintained as a turning area in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

11. No development shall commence until full details of a covered and secure bin storage point have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage point shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: To enable residents to keep bins outwith the public road and the path of oncoming traffic; in the interests of road safety.

INFORMATIVE NOTE REGARDING THE 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.

FOOTNOTE TO APPLICANT

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

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

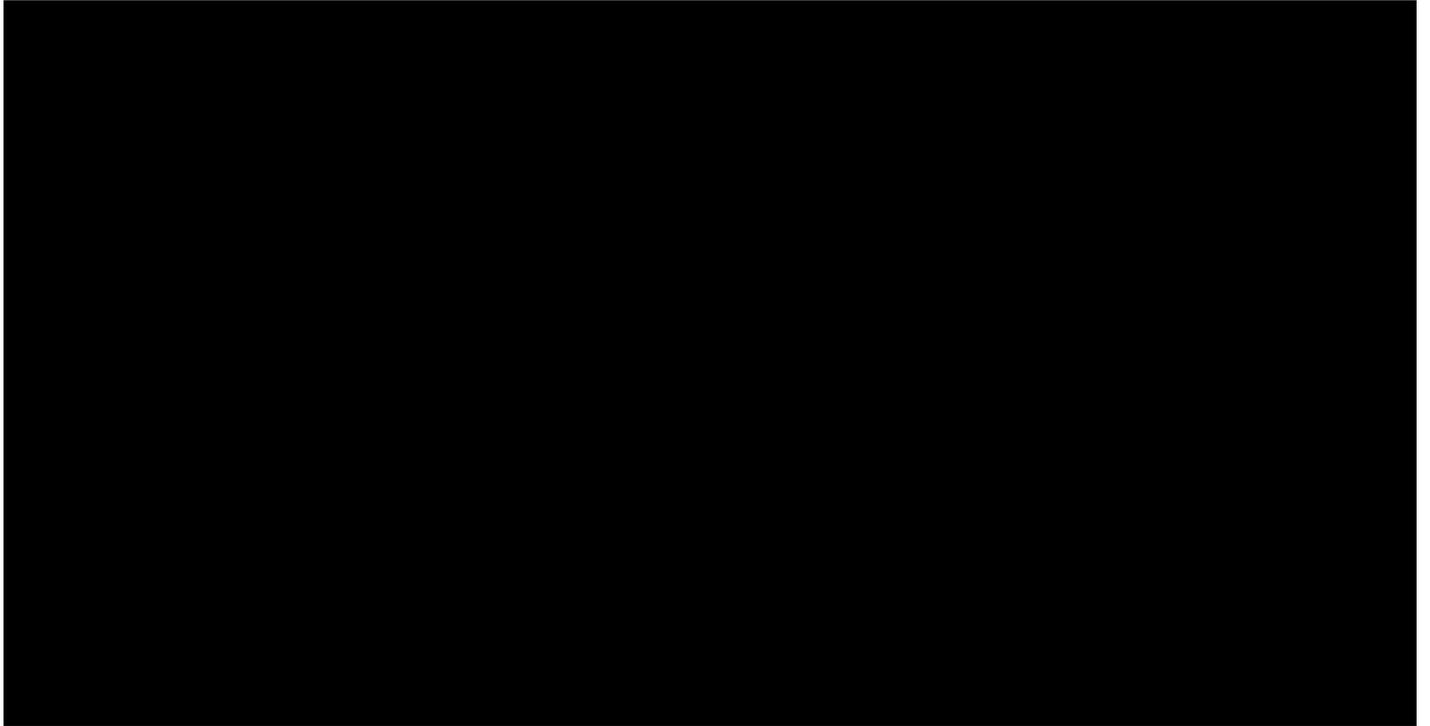
Conditions: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

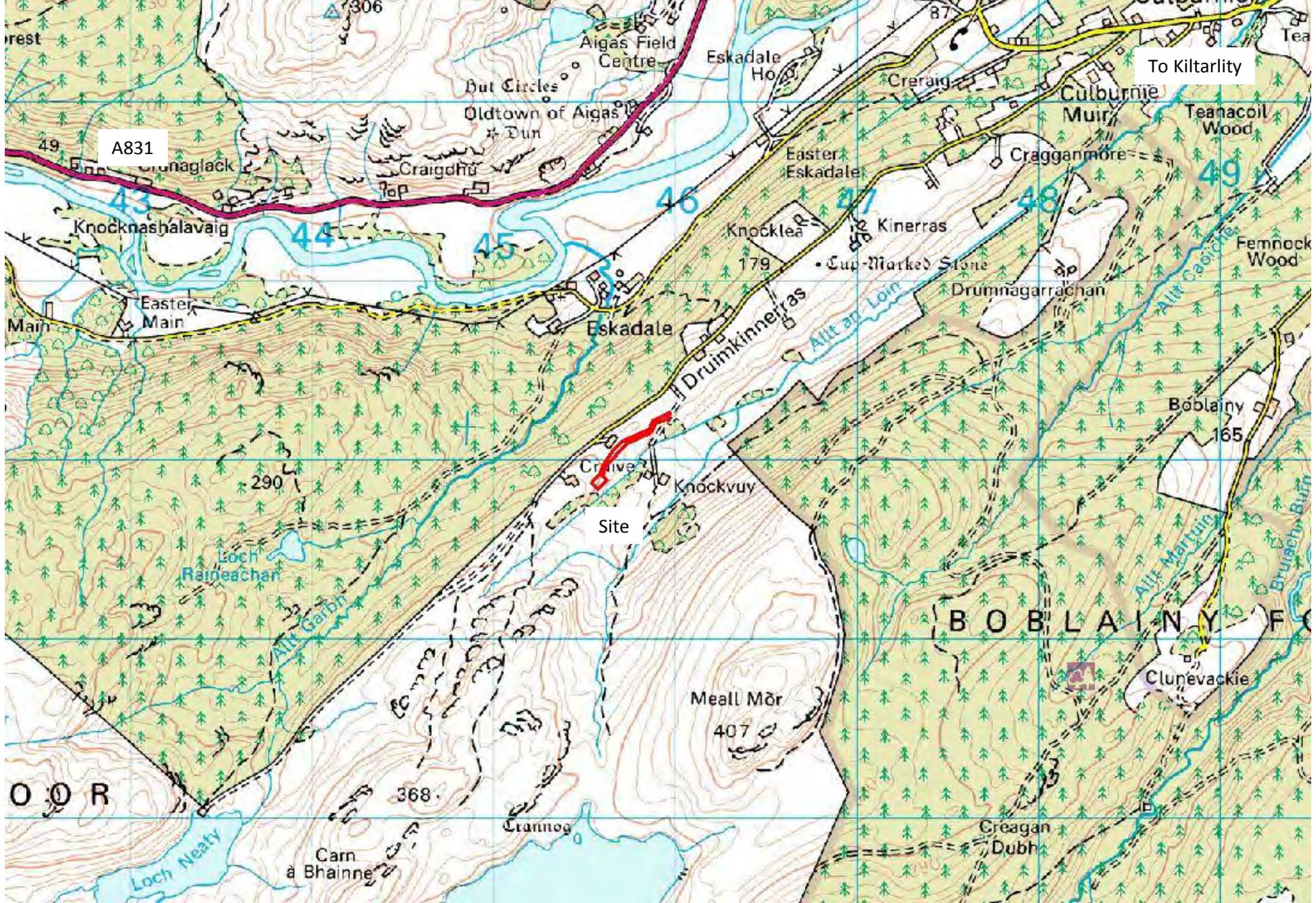
Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

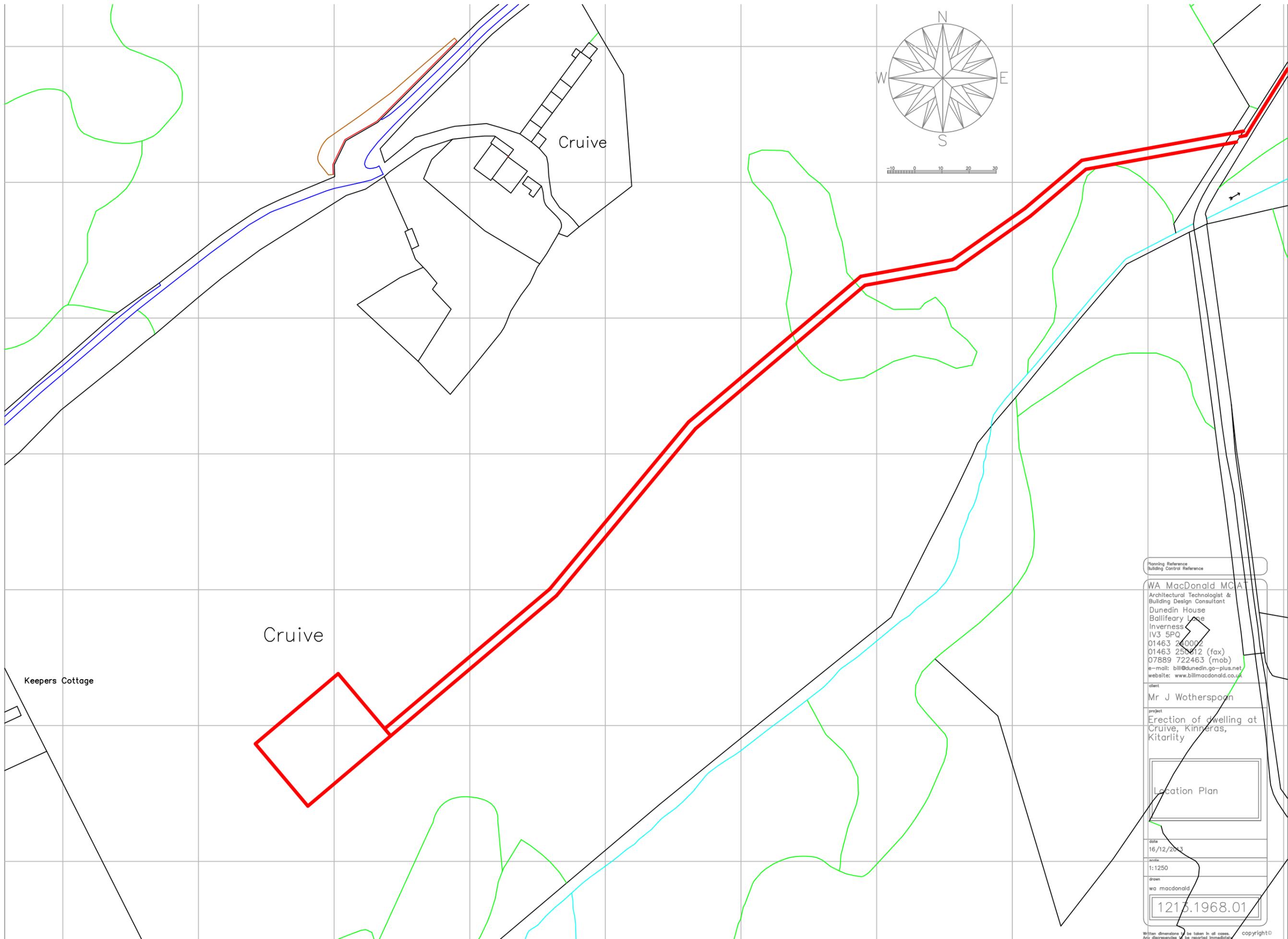
Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: Stuart Morrison
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1: Location Plan 1213.1968.01
Plan 2: Site Layout Plan 1213.1968.02

Appendix – Letters of Representation





13/04717/PIP Location Map



Planning Reference
Building Control Reference

WA Macdonald MCAT
Architectural Technologist &
Building Design Consultant
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Inverness
IV3 5PQ
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e-mail: bill@duedin.go-plus.net
website: www.billmacdonald.co.uk

client
Mr J Wotherspoon

project
Erection of dwelling at
Cruive, Kinnaras,
Kintaility

Location Plan

date
16/12/2013

scale
1:1250

drawn
wa macdonald

1213.1968.01

Written dimensions to be taken in all cases.
Any discrepancies to be reported immediately. copyright