

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**1 April 2015**

Agenda Item	6.5
Report No	PLS/021/15

**15/00357/PIP: Mrs Leona Macalister**  
**Land 75M NW of Lean-Na-Creige, Lentrán, Inverness**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description:** Erection of house and formation of access

**Recommendation: GRANT**

**Ward:** 13 - Aird and Loch Ness

**Development category:** Local

**Pre-determination hearing:** No hearing

**Reason referred to Committee:** Five or more objections

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for planning permission in principle for a single house in the corner of a field. The applicants own additional land which surrounds the north and west boundaries. To the north, it is proposed to plant additional trees and create an orchard. These aspects are outwith the application site boundary and are not, in any event, a matter which requires planning permission.
- 1.2 Informal pre-application advice was sought for a house amongst other land-uses on the wider site. The advice generally accepted that providing all the normal Council standards could be met, support for a house might be possible on this site.
- 1.3 The site will be accessed from a private track that serves existing properties.
- 1.4 **Variations:** The site area was increased in size to better align with the plot sizes of nearby properties.

**2. SITE DESCRIPTION**

- 2.1 The site is in the corner of a field with housing to the west, east and south. The private access leads from the public road which at this point is single track with passing places.

### 3. PLANNING HISTORY

3.1 No planning history on this site.

### 4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 06.03.2015

Timeous representations : 11 letters of objection (10 separate addresses); 9 letters of support, including Kirkhill and Bunchrew Community Council (7 separate addresses); 3 general comments.

Late representations : None

4.2 Material considerations raised are summarised as follows:

- Concern regarding the intensification of use of the public road;
- Additional passing places required;
- Consideration should be given to flooding;
- Loss of amenity to surrounding property;
- Potential contamination exposure from previous usage;
- Contrary to THC policy in that this suburbanises a rural area;
- Proximity to mature trees;
- Impact of soakaway on neighbouring properties.

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### 5. CONSULTATIONS

5.1 **Transport Planning:** Not objecting, but welcome additional passing places.

5.2 **Forestry Officer:** Not objecting but request conditions relating to separation from trees.

### 6. DEVELOPMENT PLAN

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

35 Housing in the Countryside (Hinterland Areas)

## 6.2 **Highland Council Supplementary Guidance**

Access to Single Houses and Small Housing Developments May 2011

Housing in the Countryside and Siting and Design March 2013

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Proposed Inner Moray Firth Local Development Plan (2013)**

Not applicable

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

Not applicable

## 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**

This site lies within the Housing in the Countryside (Hinterland) area of Inverness. As such the relevant policies are restrictive regarding new housing unless certain criteria are satisfied. One of the criteria relates to where a group of three or more houses exist and the proposal infills that housing group in an appropriate manner.

In this case, the application is bounded by existing houses and houses under construction on three sides. In addition, the size of the proposed house plot has been increased to better reflect the size of house plots within the immediate vicinity. It is therefore considered that the proposal meets the relevant criteria of Policy 35 of the Highland wide Local Development Plan.

Applications are also required to be assessed against Policies 28 and 29 in terms of sustainability and design quality. As this is a planning application for permission in principle, the actual design of the house is not under consideration; it is simply the principle of a house at this location. As such, one of the assessments made is the impact of a house on community and residential amenity and to ensure that it demonstrates sensitive siting in keeping with local character. In this case, it is considered that the proposed house site is sufficiently distant from neighbouring properties to ensure that the existing settlement pattern and spacing is reflected and adhered to. It is therefore considered that there will be no adverse impact on neighbouring properties and on this basis the proposal complies with Policies 28 and 29 of the Highland-wide Local Development Plan.

## 8.4 **Material Considerations**

### **Concern regarding the intensification of use of the public road including the need for additional passing places**

Transport Planning were consulted on this application and raised no objection to one additional house at this location. It is accepted that additional passing places would be of benefit and, in response to this, the applicants have offered to construct two passing places on land within their ownership. Transport Planning have agreed the location of these additional places.

### **Consideration should be given to flooding**

This site is not identified within SEPA's flood maps as being an area at risk of flooding. Any anecdotal evidence that water is ponding on the site is likely to be connected to surface water drainage which will have to be dealt with as part of the building warrant application. The applicant will have to demonstrate that surface water drainage is adequate for the proposed house, can be adequately accommodated on site, and will have no adverse impact on neighbouring properties.

### **Loss of amenity to surrounding property**

The applicant has increased the size of the plot with the result that it is more in line with the plots of the nearby houses. As a planning application for permission in principle, the position of the house as shown on the submitted drawings is purely indicative at this stage. The plot is closest to Lean-na-Creige, but with the larger site, it is possible to limit the impact on the amenity of this neighbour by sensitive siting of the house. This issue will be dealt with on consideration of any subsequent matters specified application. The neighbour did not object to the application provided the house does not impact on the westerly view. The proposed house can easily be sited in the middle of the plot and have no impact on this view.

### **Potential contamination exposure from previous usage**

The former fruit factory was on the site to the south west of the proposed site, and as a result any potential contamination will be limited to that area. The Council's Contaminated Land Section has not raised any concerns regarding potential contamination issues. On this basis and following a check on the previous proposals involving applications on the former fruit farm sites, it is accepted that this site does not have contamination issues.

### **Contrary to THC policy in that this suburbanises a rural area**

The Development Plan policy assessment is set out in 8.3 above.

### **Proximity to mature trees**

The Forestry Officer was consulted on this application and has recommended that conditions be included to ensure existing trees are protected. This is considered acceptable.

## **Impact of soakaway on neighbouring properties**

The plot has been extended to the west and the septic tank and soakaway moved further to the west into the field. The soakaway will have to meet all the normal standards and will be checked through the Building Standards process to ensure that there is no adverse impact on neighbouring properties. The applicants have demonstrated they have plenty of land to ensure they can address any issues.

### **8.5 Other Considerations – not material**

One of the concerns raised by several of the objectors relates to the area of tree planting proposed, the details for which were submitted as supporting information as part of the planning application. Tree planting is not however a material planning consideration in the context of this application and whilst noting the concerns expressed by the local residents, the Planning Authority has no locus or control over the extent of tree-planting proposed. It has not therefore been possible to take these concerns raised into account in the assessment of the application.

## **9. CONCLUSION**

- 9.1 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. RECOMMENDATION**

<b>Action required before decision issued</b>	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;
  - 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. single storey or 1½ storeys in height;
  - iii. windows with a strong vertical emphasis;
  - iv. traditional "peaked" roof dormers and porches are encouraged;
  - v. a roof symmetrically pitched of not less than 35° and not greater than 45°;
  - vi. predominantly rectangular in shape with traditional gable ends;
  - vii. a principal elevation facing the adjacent public road.

**Reason:** In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. The house for which planning permission is hereby granted shall not be occupied unless the surface water drainage associated with the development including areas of hardstanding and the driveway, is installed and completed to the satisfaction of the Planning Authority and in accordance with SEPA's guidelines on SUDS. Full details of the proposed arrangements shall form part of the Matters Specified in Conditions referred to in condition 1 hereof. There shall be no commencement of this development until such details are submitted to and approved in writing by the Planning Authority.

**Reason:** In order to ensure that the site is properly and adequately drained.

4. Full details of the method by which foul drainage is to be provided on site shall be included as part of the application for Matters Specified in Conditions. The house shall not be occupied unless the method by which foulwater drainage is to be provided on site has been implemented and completed to the satisfaction of the Planning Authority.

**Reason:** In the interests of public health.

5. The house shall not be occupied until the vehicular access to the site has been located, designed, constructed and completed to the standards and specifications in the "Access to Single Houses and Small Housing Developments" document as specified by the Planning Authority in conjunction with the Roads Authority unless otherwise agreed with the Planning Authority.

**Reason:** In the interests of road safety.

6. The house shall not be occupied until provision for the parking and turning of two cars within the curtilage of the house is made and shall be maintained at all times thereafter.

**Reason:** In the interests of road safety.

7. No development shall commence on site until details of boundary enclosures have been submitted for the approval of the Planning Authority.

**Reason:** In the interests of visual amenity.

8. A Matters Specified in Conditions application shall include a plan clearly showing the footprint of the house, garage and driveway, along with any underground services due to be excavated. All trees proposed for retention and removal are to be clearly and accurately marked on the plan.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

9. A minimum separation of 15 metres is required between existing trees outwith the site and any proposed development in order to avoid future conflict due to safety and nuisance concerns.

**Reason:** In order to secure an appropriate distance between existing trees and any new development.

10. The house shall not be occupied until the passing places indicated in drawing 000001 have been installed and constructed, the details for which shall have been submitted to and agreed in writing by the Planning Authority. Thereafter, the passing places (including the carriageway pavement construction) shall be constructed and demarcated in accordance with Council guidelines as set out in 'Roads and Transport Guidelines for New Developments'.

**Reason:** In the interests of road safety.

11. Any details pursuant to condition 1 above shall include details of suitably sized bin storage for the property adjacent to the junction of the private track with the public road outwith visibility splays. The storage shall be installed in accordance with these approved details prior to the first occupation of the development.

**Reason:** In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

## **FOOTNOTE TO APPLICANT**

### **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.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **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.

### **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).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & 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.

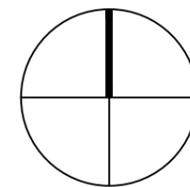
**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally 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](mailto:env.health@highland.gov.uk) for more information.

**Building Regulations:** Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886606.

Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: Elaine Watt  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Layout  
Plan 3 – Passing Places Plan



-  Ownership Boundary
-  Application Boundary  
1090sqm (0.27 acres)
-  Under Construction
-  Proposed Dwelling &  
New Access
-  Proposed Woodland  
Walking Track
-  Proposed New Seating  
Area
-  Existing Trees
-  Proposed New Planting
-  Proposed New Orchard  
Planting
- ST Indicative location of  
Septic Tank and  
Soakaway (5m from plot  
& 5m from boundary as  
per technical standards)
- SA
-  Proposed single car  
parking /passing place

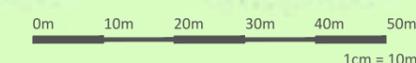
Rev A:  
Boundary extended  
Plot re-orientated, ST/SA relocated  
Parking/passing space added

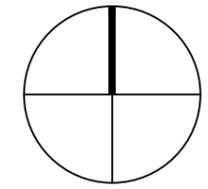
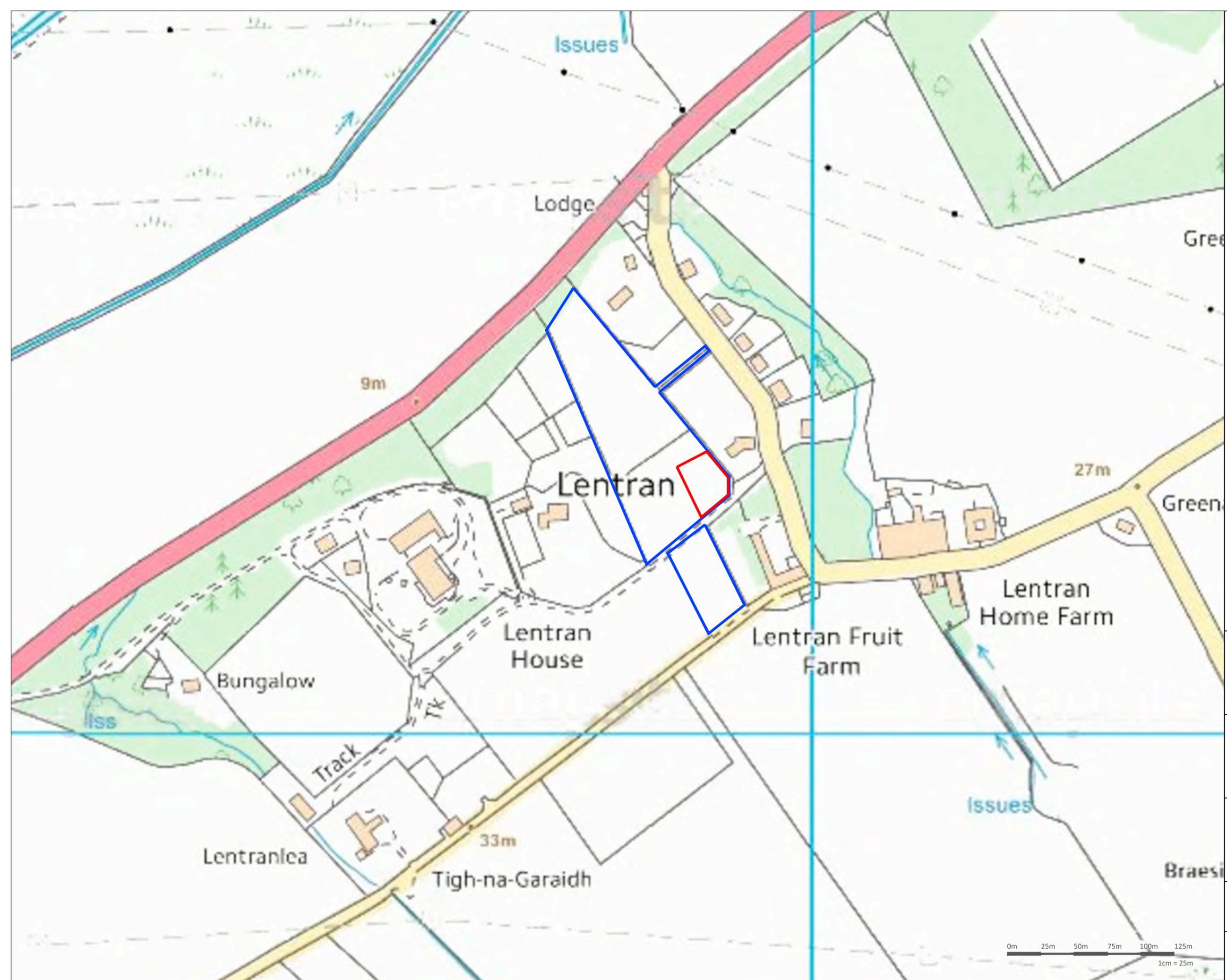
Project  
**Outline Application  
Proposed Dwelling,  
Lentran**

Title  
**Proposed Layout Plan**

Drawing No <b>OP003A</b>	Rev *
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- Ownership Boundary
- Application Boundary  
1090sqm (0.27 acres)

Project  
Outline Application  
Proposed Dwelling,  
Lentrán

Title  
Site Boundary Plan

Drawing No  
OP002

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Date  
Jan15

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- Ownership Boundary
- Application Boundary 1090sqm (0.27 acres)
- Under Construction
- Proposed Dwelling & New Access
- Proposed Woodland Walking Track
- Proposed New Seating Area
- Existing Trees
- Proposed New Planting
- Proposed New Orchard Planting
- ST Indicative location of Septic Tank and Sotkway

Project  
Outline Application  
Proposed Dwelling,  
Lentran

Title  
Proposed Layout Plan

Drawing No: OP003	Rev: *
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