Agenda Item	6.5
Report No	PLN/007/21

#### THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

Date: 26 January 2021

**Report Title:** 20/02770/FUL: Artesian Holdings Ltd

Sky House, Upper Ardelve, Ardelve, Kyle IV40 8EY

**Report By:** Acting Head of Development Management – Highland

# 1. Executive Summary

**1.1 Description:** Erection of House

**Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

**Development category:** Local development

Reason referred to Committee: Number of objections

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.

#### 2. Recommendation

**2.1** Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

#### 3. PROPOSED DEVELOPMENT

- 3.1 This application seeks full planning permission for the erection of a single storey, two bedroomed dwelling house.
- 3.2 There is an existing access to the site formed from the public road which leads to an existing dwelling house constructed under the auspices of planning consent 18/03138/FUL.
- 3.3 Pre Application Consultation: 19/01486/PREAPP Erection of residential units, sauna/gym plus formation of pond. Positive advice provided, 23.05.2019.
- 3.4 Supporting Information: A Design Statement and a Drainage Impact Assessment have been provided.
- 3.5 Variations: The drainage layout plan has been revised drawing no. 3594:105 REV B, received 22.12.2020.

#### 4. SITE DESCRIPTION

4.1 The site comprises an area of open land which slopes uphill in a north westerly direction and which sits above a line of existing houses along the single track public road which terminates some 1.2km south west of the site. The recently built dwelling referred to in paragraph 3.2 above lies a short distance to the north east, and the existing track to this house would be extended to serve the proposed building.

#### 5. PLANNING HISTORY

5.1	18.01.2011	08/00168/OUTRC. Erection of four houses (Outline).	Application withdrawn
5.2	23.11.2011	11/00127/PIP. Erection of three houses.	The application was recommended for approval but refused by Committee.
5.3	12.04.2012	12/00006/REFRC. Erection of three houses	Appeal against the refusal of application 11/000127/PIP allowed.
5.4	26.09.2012	12/02796/MSC. Formation of three serviced house plots and access road (relating to Planning Permission 11/00127/PIP).	Permission Granted

5.5 05.09.2018

18/03138/FUL. Erection of 2 one bedroom dwellings with associated access, parking and turning for 4 vehicles and private drainage arrangement with air source heat pump.

Permission
Granted.
These plots are
on the same
site as
approved by
the successful
appeal.

5.6 20/02768/PIP. Erection of a house

Application Pending

#### 6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 14.08.2020

Representation deadline: 28.08.2020

Timeous representations: 4 from 3 households

Late representations: 3 from 3 households

- 6.2 Material considerations raised are summarised as follows:
  - a) Additional surface water run-off would add to existing problems of excess water draining onto the existing houses below the site. <u>Officer response</u>: The applicant has undertaken remedial works to improve surface water drainage from the existing house referred to above. The Flood Team are satisfied that the measures set out in the Drainage Impact Assessment would result in less storm event run-off post development than pre-development flow, including the run-off from the existing house. A condition can be applied which would require these drainage measures to be constructed in advance of the new house being occupied.
  - b) No environmental assessment has been submitted. <u>Officer response</u>: This single house proposal falls below the thresholds for which an environmental assessment would be required.
  - c) The application is outwith the boundaries for development in the Local Plan and would be a significant visual intrusion on an elevated site in an area of high landscape value. <u>Officer response</u>: The site lies within wider countryside, rather than a Settlement Development Area, but that does not represent a presumption against development. For the reasons set out below it is considered that the proposal is justified against the relevant policies relating to development in designated countryside. The site is not within any designated landscape.
  - d) The site was previously in agricultural use and should be retained as such. <u>Officer response</u>: The principle of residential development on this site was established with the allowing of the planning appeal listed in the Planning History section above.
  - e) No affordable housing provision. <u>Officer response</u>: This application represents the third house proposed by this applicant. As such it does not trigger an affordable housing contribution.

- f) Design not in keeping with architecture of existing properties below the site. <u>Officer response</u>: For the reasons set out below the design is considered to respect the local vernacular and is therefore supported.
- g) Foul water soakaway might exacerbate flooding issues. <u>Officer response</u>: Flooding issues have been addressed to the satisfaction of the Flood Team. Foul drainage arrangements would require separate permission as part of the Building Warrant process.
- 6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 7. CONSULTATIONS

- 7.1 **Flood Risk Management Team** initial objection due to insufficient information relating to surface water drainage. Following the receipt of a satisfactory Drainage Impact Assessment this objection has been removed on the basis it has been demonstrated that drainage and attenuation measures would result in storm event run-off being lower than pre-development flows. Given that surface water would be discharged into an existing roadside ditch Transport Planning should be consulted.
- 7.2 **Transport Planning** accept the conclusion of the Flood Team that post development discharge to roadside ditches would be reduced to below predevelopment flow. As such, on condition that the proposed drainage measures will be constructed and maintained in accordance with the submitted Drainage Impact Assessment, there is no objection to attenuated discharge to the existing roadside ditch. However, prior to installation, the detailed design and construction of the new culvert to cross the existing site access must be agreed with the local Roads Operations Manager through the road permit application process.
- 7.3 **Scottish Water** no objection. Fresh water would be supplied from the Kyle of Lochalsh Water Treatment Works. Foul drainage would need appropriate private infrastructure.

#### 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

#### 8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 36 Development in the Wider Countryside
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

### 8.2 West Highlands and Islands Local Development Plan 2019

No specific policies apply

### 8.3 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (Jan 2013)

#### 9. OTHER MATERIAL POLICY CONSIDERATIONS

## 9.1 Scottish Government Planning Policy and Guidance

Paras 74 to 83

#### 10. PLANNING APPRAISAL

10.1 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**

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**

- 10.3 The key considerations in this case are:
  - a) Compliance with the development plan and other planning policy
  - b) Siting, Design and Landscape Impact
  - c) Surface Water Drainage
  - d) Neighbour Amenity
  - e) Access and Parking
  - f) Developer Contributions.

#### a) Development plan/other planning policy

In this case the Development Plan is comprised of the West Highlands and Islands Local Development Plan and the Highland-Wide Local Development Plan, the relevant policies of which are listed above. For the reasons set out below it is considered the proposal is in compliance with the Development Plan and relevant National Planning Policy.

# b) Siting, Design and Landscape Impact

10.5 In September 2020 a draft revised version of the supplementary guidance on Housing in the Countryside was approved by the Council's Economy and Infrastructure Committee. Although now a material consideration in the

determination of this application the draft revised guidance carries limited weight as the public consultation process and further scrutiny of any revision to the draft revised guidance following consultation is yet to take place. The application will therefore be considered against the current adopted guidelines.

- The principle of residential development on this site was established with the allowing of the planning appeal in respect of application 11/00127/PIP referred to in the Planning History section above. The proposed building would relate to the recently constructed house a short distance to the northeast, as referred to in the site description section above. This house was constructed under the auspices of planning consent 18/03818/FUL, as listed above, which granted consent for two houses. The second of these houses has not been built. It would also be seen in the context of the existing line of houses along the public road below the site. As such, it would not appear as an isolated or unusual feature within an area of otherwise undeveloped and open countryside, and the proposed siting can therefore be supported.
- 10.7 The design respects the local vernacular thanks to the low single storey ridge height, rectangular floorplan with narrow gable width, symmetrically pitched 45 degree roof, and windows with a predominantly vertical emphasis. The external finishes of natural larch boarding on the walls and black 'wave' profiled metal sheeting on the roof are also representative of the local building tradition. Many other buildings of similar design have been approved by officers and members in recent years.

#### c) Surface Water Drainage

- 10.8 Following the receipt of objections highlighting the amount of surface water draining into the rear gardens of the existing houses below the site following the construction of the dwelling permitted by application 18/03138/FUL the applicant has undertaken various remedial measures. These include the digging of a new cut-off drainage ditch below this building which intercepts surface water from that site and takes it away from these existing houses in a north easterly direction to join an existing ditch on the northern (higher) side of the existing access track which leads up from the public road. It appears that this work has improved matters.
- The cut-off drain referred to above which the applicant recently provided would be extended as part of the surface water drainage measures for the subject application which have been accepted by the Flood Team. This extended drain would reach the far south western portion of the application site, which is understood to contribute towards the run-off concerns stated in submitted objections. Surface water draining from the existing house is therefore included in the proposed system. Other measures would include the use of an underground geocellular containment system for the car parking and turning areas. The site access would be formed from unbound materials with drainage by filter drains (which provide attenuation) and perforated pipes. Any existing field drains encountered during construction would be diverted to ensure continuation of existing hydrology. An acceptable maintenance schedule for the proposed drainage system has been provided to manage permeable paving, geocellular storage and filter drains.

10.10 These various measures would attenuate the amount of water falling onto the site during rainfall events. As a result the amount of surface water draining from the site would be less than the amount of water which presently runs off the site. As noted above, Transport Planning have no objection to the ultimate discharge point for this water, namely the existing ditch on the northern side of the public road below the site. The proposed surface water drainage arrangements are therefore considered acceptable, although a condition which ensures their provision and subsequent maintenance is necessary.

## d) Neighbour Amenity

10.11 The proposed building would lie some 22m west of the recently constructed dwelling referred to above, and some 40m north west of the nearest of the existing house along the public road below the site. While these existing houses sit at a lower level than the proposed house these separation distances are considered large enough to prevent any overlooking and to safeguard the privacy and amenity of these properties. A condition which requires the proposed external Air Source Heat Pump to be installed in accordance with the Microgeneration Certification Scheme standards can be applied to ensure that noise from this unit is within acceptable limits.

### e) Access and Parking

The site would be accessed by means of an extension to the existing track which serves the recently built house to the north east. The junction of this existing track with the public road is acceptable in terms of its visibility splays and its layout. The submitted site plan shows that the necessary car parking and turning spaces can be accommodated within the plot boundaries, and the provision of these spaces can be secured by condition.

#### f) Developer Contributions

10.13 The site lies within the catchment areas of Auchtertyre Primary school and Plockton High school. Neither of these establishments is approaching capacity, and as such no educational developer contribution is required. The proposal does not trigger any other contribution thresholds.

#### Other material considerations

10.14 There are no other material considerations.

#### **Non-material considerations**

10.15 The issue of whether the proposed house might be operated as a holiday letting business is not a material planning consideration.

#### Matters to be secured by Section 75 Agreement

10.16 None

#### 11. CONCLUSION

- 11.1 The key issue in this case is considered to be the potential for the proposed development to add to the amount of surface water draining downhill into the back gardens of existing properties which run along the public road south east of the application site. The Flood Risk Management Team are satisfied that the proposed surface water drainage measures would result in less water leaving the site post-development than pre-development flows. Transport Planning have no objection to the existing public roadside ditch being used as the drainage discharge point. As such, there is no basis to resist the application in relation to the issue of surface water drainage.
- 11.2 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.

#### 12. IMPLICATIONS

- 12.1 Resource: Not applicable
- 12.2 Legal: Not applicable
- 12.3 Community (Equality, Poverty and Rural): Not applicable
- 12.4 Climate Change/Carbon Clever: Not applicable
- 12.5 Risk: Not applicable
- 12.6 Gaelic: Not applicable

#### 13. RECOMMENDATION

Action required before decision N issued

**Subject to the above,** it is recommended that planning permission be **GRANTED,** subject to the following:

#### **Conditions and Reasons**

1. The external Air Source Heat Pump shall be installed in accordance with the Microgeneration Certification Scheme 020: Planning Standards for Permitted Development of Wind Turbines and Air Source Heat Pumps on Domestic Properties.

**Reason**: In order to safeguard the amenity of neighbouring properties and occupants.

2. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 320.PL.002 shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

**Reason**: In order to ensure that the level of off-street parking is adequate.

3. All surface water drainage provision within the application site shall be implemented in thereafter maintained in accordance with the approved Drainage Impact Assessment, and shall be completed prior to the first occupation of the development.

**Reason**: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS.

#### 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.

#### **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 and 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

#### 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.

#### **Septic Tanks and 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. In particular, the detailed design and construction of the new culvert to cross the existing site access must be agreed with the local Roads Operations Manager through the road permit application process.

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 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 Scottish Natural Heritage 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 SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Designation: Acting Head of Development Management – Highland

Author: Graham Sharp

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Committee Location Plan

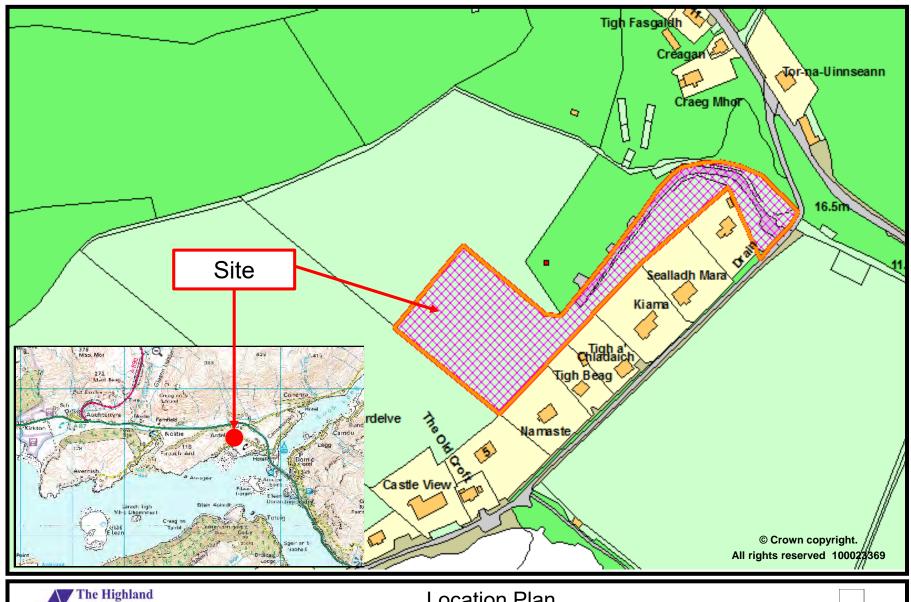
Plan 2 - 320.PL.001 Location Plan

Plan 3 - 320.PL.002 Site Layout Plan

Plan 4 - 320.PL.101 Floor Plan

Plan 5 - 320.PL.111 Elevations

Plan 6 - 3594:105 REV C Drainage Plan



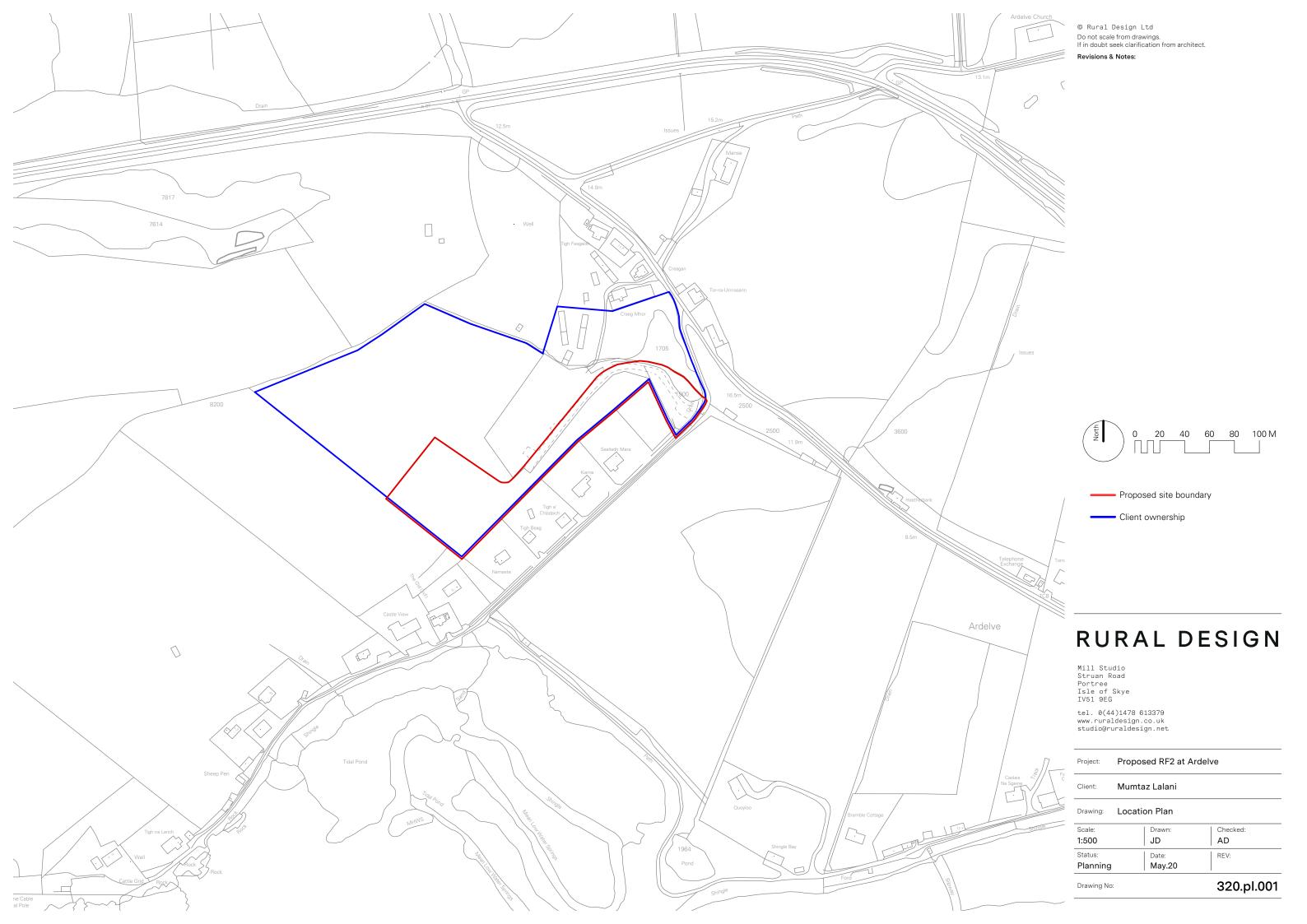


Planning and Development Service

Location Plan 20/02770/FUL Erection of House January 2021



Scale:





© Rural Design Ltd Do not scale from drawings.

If in doubt seek clarification from architect.

#### Revisions & Notes:

#### General Notes

# Access Track

100mm compacted gravel/whin dust or marble topping on 200mm compacted sub-base comprising locally found

#### Parking Bay

40mm gravel on 200mm compacted sub-base comprising locally found material where possible

#### Water Supply

25mm supply pipe laid at a depth of 750-1350mm to connect to public water supply.

Electricity Supply 16kva single phase underground connection to network subject to SSE quote

Foul Drainage
To be connected to treatment plant and soakaway in accordance with engineers details

Surface water to be discharged in accordance with engineers details

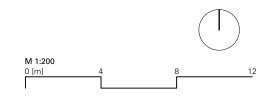
#### Fire Access

- Minimum width of road between kerbs 3.7m
- Minimum width of gateways 3.5m Minimum clearance height 4.0m
- Minimum turning circle between kerbs 26.0m
- Minimum turning circle between walls 29.0m Minimum axle loading 14 tonnes

In order to allow unobstructed access to a building for fire and rescue service personnel, a paved (or equivalent) footpath at least 900mm wide should be provided to the principal entrance, or entrances, of a building.

Vehicle access route provided to within 45m of the entrance

Every elevation which is provided with vehicle or pedestrian access for fire and rescue service personnel, should have a door giving access to the interior of the building.



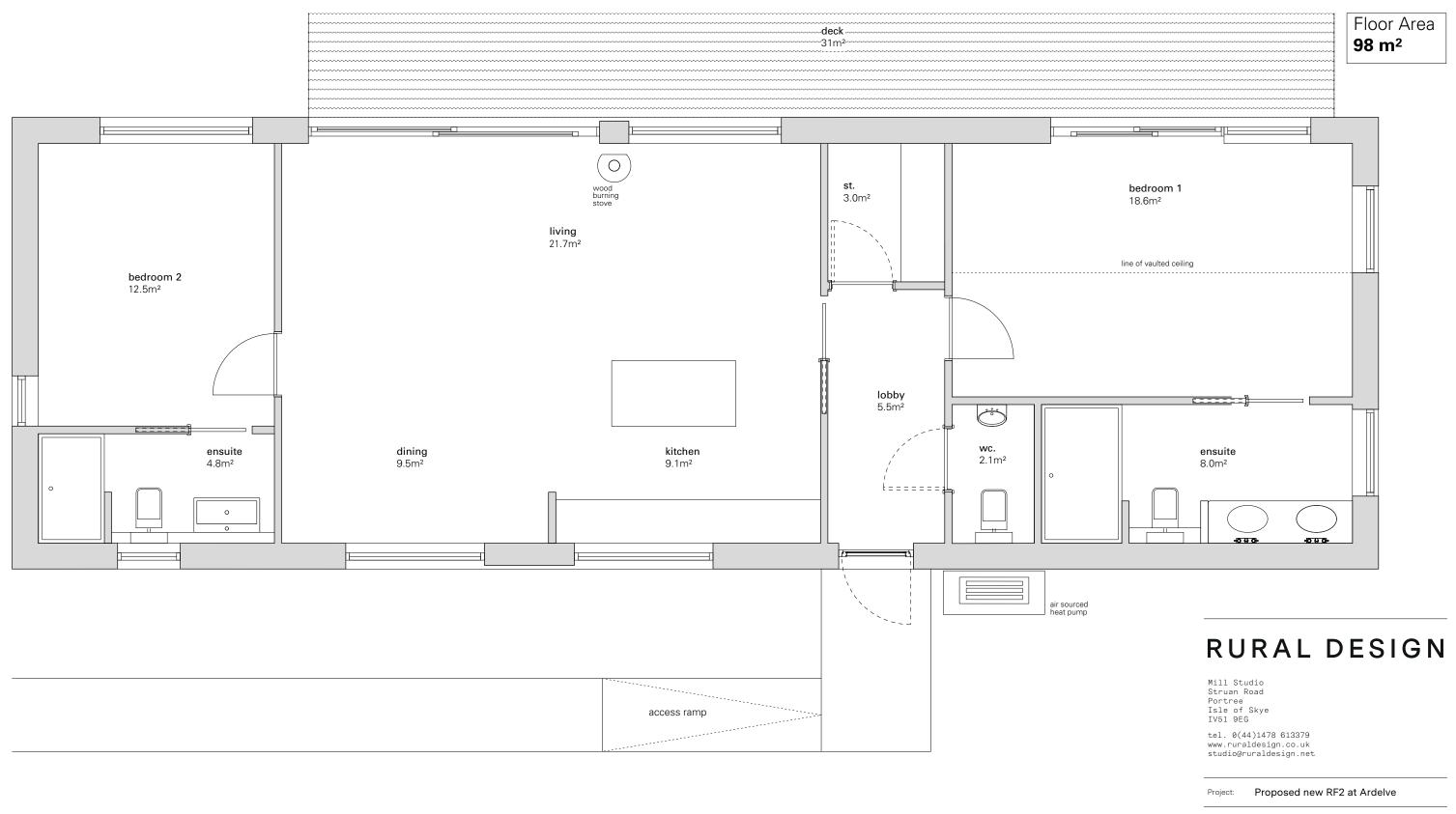
# RURAL DESIGN

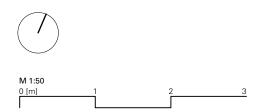
Mill Studio Struan Road Portree Isle of Skye IV51 9EG

tel. 0(44)1478 613379 www.ruraldesign.co.uk studio@ruraldesign.net

Drawing No		320.pl.002		
Planning	May.20			
Status:	Date:	REV:		
1:500	JD	AD		
Scale:	Drawn:	Checked:		
Drawing:	Proposed Site Plan			
Client:	Mumtaz Lalani			
Project:	Proposed RF2 at Ardelve			

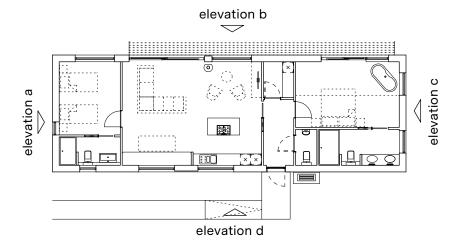
Revisions & Notes:

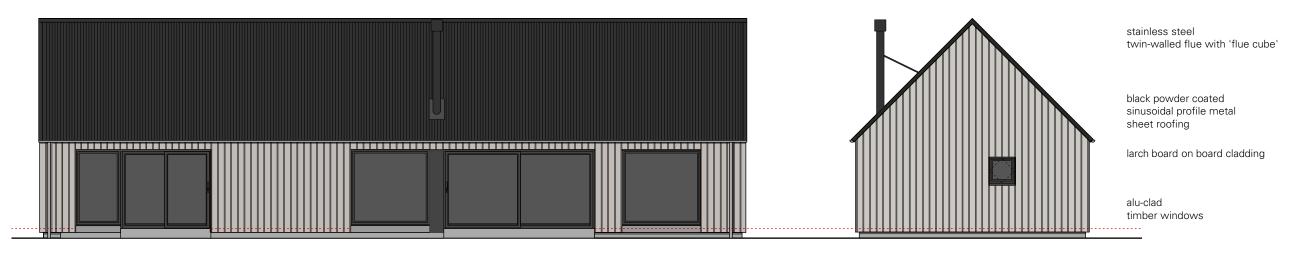




Client:	Mumtaz Lalani				
Drawing:	Proposed ground floor plan				
Scale:		Drawn:	Checked:		
1:50		JD	AD		
Status:		Date:	REV:		
Planning		May.20			
Drawing No.			320.pl.101		

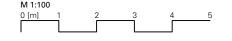
Revisions & Notes:





Elevation b Elevation a





# RURAL DESIGN

Mill Studio Struan Road Portree Isle of Skye IV51 9EG

tel. 0(44)1478 613379 www.ruraldesign.co.uk studio@ruraldesign.net

Project:	Proposed new RF2 at Ardelve			
Client:	Mumta	az Lalani		
Drawing:	Propos	sed elevatio	ns	
Scale:		Drawn:		Checked:
1:50		JD		AD
Status:		Date:		REV:
Planning		May.20		
Drawing No:	:			320.pl.111

