Agenda Item	6.7
Report No	PLS-082-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date:14 December 2021

Report Title: 21/04342/FUL: Mr N Fraser

Land 70M SW Of Hillview, Tomich, Cannich

Report by: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of three houses

Ward: 12 – Aird and Loch Ness

Development category: Local

Reason referred to Committee: 5 or more 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.

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 This application for planning permisison is for the siting of 3 detached houses and all associated infrastructure on a sloping piece of land at 'Knockfin', on the south western end of the village of Tomich. There are neighbouring properties to the north east of the site with the wider area to the south made up of open countryside and rough grazing land.
- 1.2 The sites are orientated northeast to southwest as Site 1 to 3.
 - Site 1 and 2 rectangular footprint, 1¹/₂ storeys, with the lounge towards the gable as a single storey. In curtilage septic tank and soakaway. Ground floor footprint of 85sqm.
 - Site 3 rectangular footprint, 1³/₄ storeys, with lounge towards the gable as single storey. Detached garage to the north of the house. In curtilage septic tank and soakaway, with a discharge to the burn to the southwest. Ground floor footprint of 110sqm.
- 1.3 External materials for all three houses are a slate roof with render to the walls and areas of vertical timber cladding. The roof pitches are between 42 and 45 degrees.
- 1.4 The access for each house is to come off the existing track that runs to the south east of the site. The track is a continuation of the public road to the north east corner of the site.
- 1.5 Pre-Application Consultation: Not applicable
- 1.6 Supporting Information: The following information has been submitted in support of the application:
 - Drainage Statement
- 1.7 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is approximately 0.7 hectares in size. It is bounded by a neighbouring property, Hillview to the north east and an existing trach to the south east. The area to the south west and north west is open countryside. The site slopes up from the side of the track toward the north west. The main outlook from the site is to the southeast.
- 2.2 The access track immediately adjacent to the south east of the site is identified as a Core Path (IN05.12).
- 2.3 The proposed site does not lie within the Glen Affric National Scenic Area (NSA) a Special Landscape Area, Ancient or Long-Established Woodland, or an area identified in SEPA's flood risk mapping.

3. PLANNING HISTORY

3.1 16 Sept 2021 21/01776/FUL - Erection of three houses at Application Land 70m south of The Gardens, Tomich Withdrawn Cannich

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 01.10.2021

Representation deadline: 15.10.2021

Timeous representations: Ten representations from ten households

Late representations: Strathglass Community Council (as a non-statutory consultee)

- 4.2 Material considerations raised are summarised as follows:
 - a) Overdevelopment of the small rural cluster
 - b) Siting and Design Development unsympathetic to character and form of housing development in the immediate vicinity; ribbon development. Overbearing and intrusive to Hillview. Impact on Special Landscape Area.
 - c) Site not located within active travel range of local facilities and therefore increased vehicle traffic. Not compatible with local road, sewerage and broadband servicing provision.
 - d) Site servicing impact on services to neighbouring properties and on the Core Path.
 - e) Impact on protected species.
 - f) Affordable housing/holiday homes
 - g) Construction traffic disturbance
- 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 **Flood Risk Management Team**: Originally objected due to lack of flood risk information. Objection withdrawn following receipt of plans detailing finished floor levels of the three houses. Condition recommended to ensure the houses are built to the respective levels given.
- 5.2 **Access Officer**: No objections. Proposal will formalise and take access off a Core Path. Condition recommended to ensure Core Path remains accessible and free from obstruction or encroachment before, during and on completion of the development.

5.3 **SEPA**: No objections

5.4 **Scottish Water**: No objections. Development will be fed from Tomich Water Treatment Works. No public Scottish Water, Waste Water infrastructure within the vicinity.

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 & Place-making
- 31 Developer Contributions
- 36 Development in the Wider Countryside
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

Policy 3 – Other Settlements

6.3 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)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (Revised December 2020)

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) access and servicing
 - d) residential amenity
 - e) flood risk
 - f) developer contributions
 - g) any other material considerations.

Development plan/other planning policy

- 8.4 This site is located within an area identified as Wider Countryside in the Highland wide Local Development Plan and therefore Policy 36 Development in the Wider Countryside applies. The policy supports development proposals where they are not judged to be significantly detrimental in terms of siting and design, respect existing patterns of development, are compatible with landscape character and capacity, avoids incremental expansion of one particular development type, avoids locally important croft land and can address drainage constraints without impacting the rural character of the area.
- 8.5 Within the Inner Moray Firth Local Development Plan, Policy 3 identifies a number of 'Other Settlements' which are a number of smaller settlements where encouragement of further, limited, development may help sustain one or more local facilities. Tomich is identified as one of these settlements where further development may be considered acceptable.
- 8.6 Proposals which are considered under this policy should be:
 - located within active travel range of at least one community/commercial facility and the proposal is likely to help sustain that facility
 - similar in terms of its spacing, scale and density to development within or adjoining that existing settlement,
 - not harm the character and social balance of that community,
 - can utilise spare, existing capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) within or close to that settlement or new/ improved infrastructure could be provided in a cost efficient manner; and
 - should avoid a net loss of amenity / recreational areas significant to the wider local community; and
 - not result in an adverse impact on any other locally important heritage feature.

- 8.7 Tomich is around 7.2km from Cannich and its primary school to the north. It is therefore outwith the active travel range by cycling or walking from the school, or other community facilities available in Cannich. Although this proposal may be viewed as a significant development of 3 houses within the community, it will nevertheless help to sustain the school, and other community facilities. This degree of physical separation is not uncommon throughout wider rural communities within Highland, and such development helps sustain and develop these communities.
- 8.8 Where the development can appropriately address the criteria within Policy 3 of IMFLDP and Policy 36 of the Highland wide Local Development Plan, which are also reflected in Policies 28 and 29 of the Highland wide Local Development Plan, without any significant detrimental impact on individual and community residential amenity, the proposal would comply with the Development Plan.

Siting and Design

- 8.9 The site is to the southwestern edge of Tomich, sharing a boundary with Hill View to the northeast. The remaining land surrounding the site is open countryside and rough grazing, with a number of trees located to the north west.
- 8.10 The siting of the three houses is generally considered to provide for a similar degree of separation to that of the existing housing found in the immediate area. Site 1 to the northeast is around 17m southwest of 'Hill View', with Site 2 and 3 separated from Site 1 and each other by between 25m and 28m. This degree of separation is considered to be sufficient to maintain an appropriate degree of residential amenity.
- 8.11 In addition, the three good sized plots follow a very similar orientation and setback from the road, similar to that of 'Hill View'.
- 8.12 The scale and orientation of the three proposed houses does work with the degree and orientation of the existing slope of the ground and respects the spacing to, and scale and density of, other houses within the settlement of Tomich. Their placement on the upslope above the road provides a main outlook across the fields and over the river to the south and southeast.
- 8.13 The design of the buildings are contemporary but with significant traditional design cues including use of traditional materials and proportions, including the square gable ends, pitched roof and rectangular footprint; accordingly, the designs are considered to be acceptable. The houses will maximise solar gain with large floor to ceiling windows on southwest and southeast elevations. The north east elevation towards Hill View of Site 1 will only have one very small window which will help maintain neighbouring amenity.
- 8.14 It is considered that there is ample space within the site to accommodate the houses. The contemporary designs which adopt traditional proportions and materials are considered to enhance the built character of the area and be capable of integrating with the existing built form. The siting of the houses within the generous plots and separation distances between the houses is considered to be sympathetic to the pattern of development. The designs are not 'off the shelf'

design which the design guidance seeks to discourage. While it can be argued that they do not reflect the bungalows on the neighbouring plots, the proposed houses are considered to be innovative and modern, utilising appropriate natural materials and building proportions, and more reflective of the traditional Highland vernacular.

Access and Servicing

- 8.15 The proposed houses will be served by 3 individual accesses taken from an existing unadopted road that is to be upgraded. This is a continuation of the public road, which is located around 270m to the north east.
- 8.16 Representations highlight that the track forms part of the Core Path network. In order to ensure that the track is kept accessible and free from obstruction or encroachment before, during and on completion of the development, a condition is proposed. The development would include widening the track to at least 3.7m and will have a new turning head added for service vehicles. Each access from the upgraded track will include a combined service bay and passing place. All sites have adequate space for parking and turning for up to 2 cars.
- 8.17 A new septic tank and soakaway is to be accommodated within each site. There is adequate space for these within the sites, maintaining the required separation distances from boundaries and roads. It should be noted that the foul drainage systems will have to comply with the current Building Standards with regard to their placement and construction.
- 8.18 Surface water drainage (by SuDS) is to be provided for each of the houses as detailed within the drainage statement. The sites are large and within curtilage SuDS can be easily accommodated
- 8.19 Representations suggest that there could be issues around capacity in terms of electricity, potable water, and broadband provision. Members will note that these are matters for the developer of the site to secure, gaining all of the relevant consents and connections. Any impact to that provision would be for the service provider to resolve.

Protected Species

8.20 Representations refer to the potential presence of protected species within the area. However, no protected species are known to be present on the application site. Accordingly, no mitigation measures are required to address this through conditions.

Residential Amenity

8.21 As the houses are to be adequately separated from the neighbouring properties, it is not considered there will be any significant detriment to neighbouring amenity from overlooking and impacts to privacy, or in terms of overshadowing or impacting daylighting to neighbours. Although there is likely to be some short-term disturbance and an increase in traffic during any construction process, this will be for a limited period of time. The longer-term impact of 3 additional houses

with regards to individual and wider community residential amenity as a result of the proposed development is likely to be low and is not considered to be excessive. The separation from existing houses, and separation between the proposed houses, is considered to be appropriate and unlikely to have any significant impact regarding shadowing or daylighting.

Flood Risk

8.22 The previously withdrawn application submitted by the developer, on the land to the south east of the current site (21/01776/FUL), received representations from both the Flood Team and SEPA due to its location on a flood plain. This was one of the main reasons for that application being withdrawn and submission of this application. The Flood Team has advised that following confirmation of the finished flood levels, its initial objection can be removed, provided that a condition is attached to ensure these levels are met.

Developer Contributions

8.23 The Council's Developer Contributions Guidance is used in the determination of planning applications and requires all development, including single house developments, make proportionate financial developer contributions towards meeting service and infrastructure needs in areas of Highland where clear deficiencies are identified. The site is located within the catchment area of Glenurquhart High School and Cannich Bridge Primary School. These are not currently identified as being at, or near, capacity and therefore no education contribution is currently required.

Other material considerations

- 8.24 Representations highlight that the Strathglass Community Council did not identify the site to the Planning Authority during the "Call for Sites" process as part of the review of the Inner Moray Firth LDP, and that the site is not consistent with the view of the Community Council at that time. Members will note that applications have to be assessed on their individual merits; identification (or not) of a site in the "Call for Sites" process does not preclude the consideration of a future planning application on it.
- 8.25 The application is for 3 houses. Accordingly, there is no requirement to provide a property as an affordable housing unit which would only come into effect if the proposal was for 4. It will be for the market to dictate the sale of any of the three plots and the price at which they may be valued.
- 8.26 Representations suggest that these new houses could potentially be used for holiday letting rather than permanent residential use and therefore could have associated impacts on amenity. The applicant has not identified such a use within the application and therefore the proposal must be considered on its merits as presented, not on what may happen in the future. New arrangements will be coming into force within the next year through a licensing regime that will assist in controlling such uses and it may be that planning permission is also required depending on the extent of change that this introduces. Neighbours that are concerned about such a change will have an opportunity to comment on that

should this occur.

Non-material considerations

8.27 None.

9. CONCLUSION

- 9.1 This planning application for three houses can be seen as a significant development for Tomich but one that is appropriately scaled and therefore compatible with the Development Plan aspiration for limited further development of the settlement. The massing, orientation, design and siting of the three houses on the site is considered to be in character with the existing village, generally reflecting the existing building line/set back from the existing access road, and wider spacing of housing within the settlement, yet retaining both individual and community residential amenity. Accordingly, the proposal is considered to accord with Policy 3 of the IMFLDP and Policies 28 and 36 of the HWLDP.
- 9.2 While the designs are contemporary, they utilise proportions and materials which are consistent with the traditional Highland vernacular as sought by the Housing in the Countryside and Siting and Design Supplementary Guidance associated with Policy 36 of the HWLDP.
- 9.3 It is not considered that there are any significant difficulties arising with regard to access, servicing or residential amenity; and there are no designations or natural heritage features on site which would be impacted.
- 9.4 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 finished floor levels (FFL) of the houses shall be no less than the . specified 105.35m ASL for Plot 1, 106.75m ASL for Plot 2 and 109.70m ASL for Plot 3 as per Site Layout Plan 758A.S01A.

Reason: In order to confirm the finished flood levels of the houses and to mitigate against potential flood risk.

Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or encroached upon by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to ensure that access to the Core Path network is not obstructed as a result of this development.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

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 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: <u>http://www.highland.gov.uk/yourenvironment/roadsandtransport</u>

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 & 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).

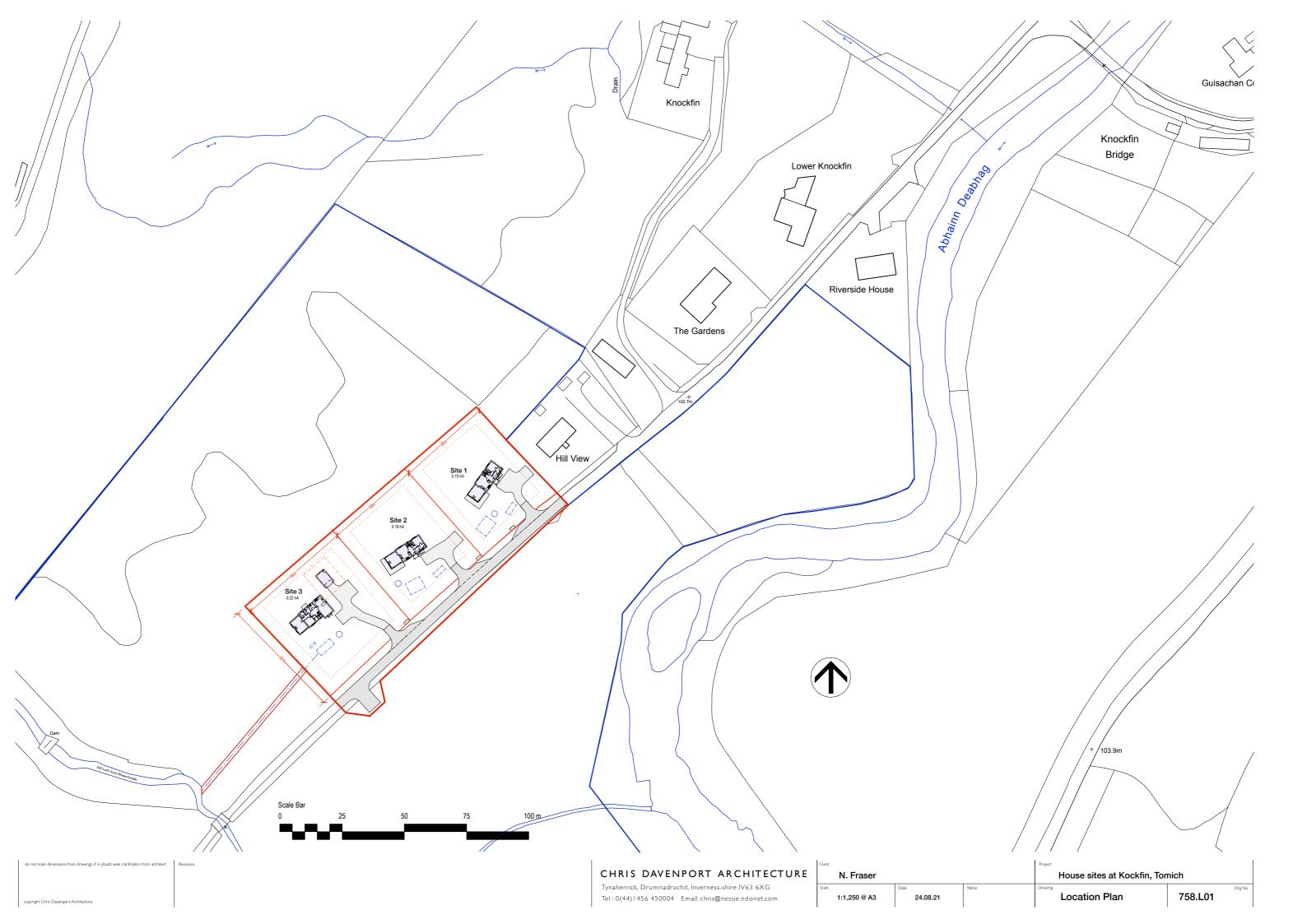
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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 <u>env.health@highland.gov.uk</u> for more information.

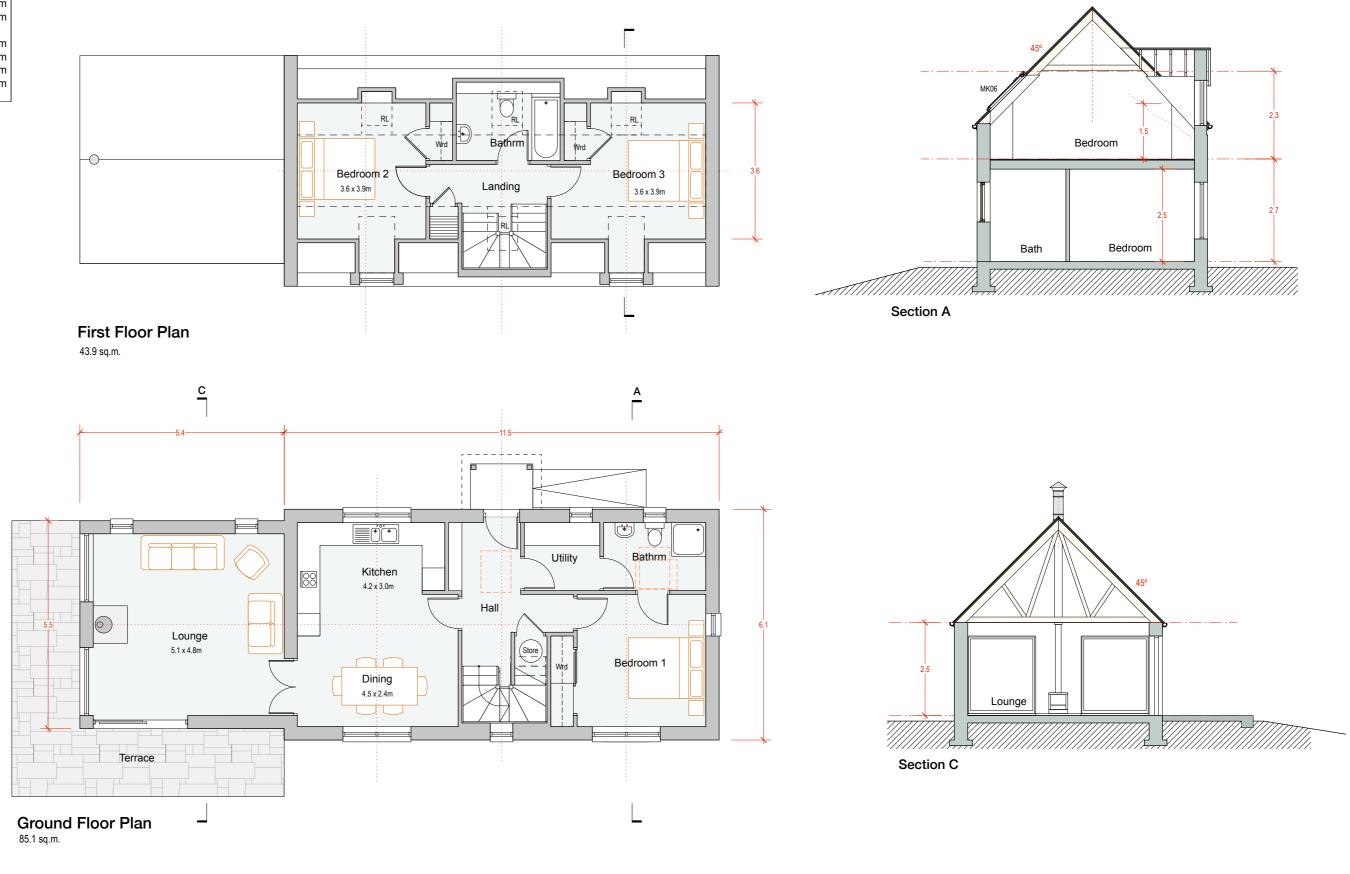
Protected Species – Halting of Work

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:	Lauren Neil
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan – 758.L01 Plan 2 – General Plan – Floor and Section – 758.S01 Plan 3 – Elevation Plan – 758.S03 Plan 4 – Floor Plan – 758.S04 Plan 5 – Elevation Plan – 758.S05 Plan 6 – Site Layout Plan – 758A.S01A



ROOM SCHEE	ROOM SCHEDULE					
Hall	2.9	х	1.6 m			
Bedroom 1	3.2	х	3.5 m			
Utility	3.2	х	1.6 m			
Bathroom	2.7	х	1.8 m			
Kitchen	4.2	х	3.0 m			
Dining	4.5	х	2.4 m			
Sitting Rm	5.1	х	4.8 m			
Landing	3.1	х	1 m			
Bathroom	2.7	х	2.1 m			
Bedroom 2	3.6	х	3.9 m			
Bedroom 3	3.6	х	3.9 m			



Revision

Scale Bar

5 m

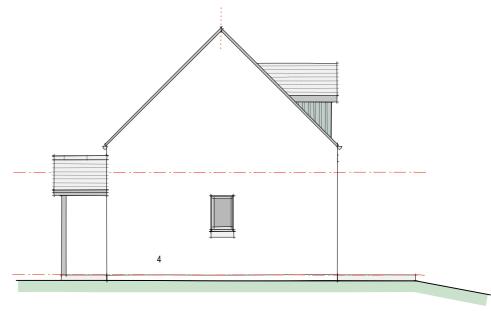
CHRIS DAVENPORT ARCHITECTURE Tynaherrick, Drumnadrochit, Inverness-shire IV63 6XG Tel : 0(44)1456 450004 Email: chris@nessie.ndonet.com

N. Fraser

do not scale dimensions from drawings, if in doubt seek clarification from architect







SE Elevation

NE Elevation



NW Elevation

SW Elevation

do not scale dimensions from drawings, if in doubt seek clarification from architect

A 24.11.21 change drawing titles

Scale Bar



CHRIS DAVENPORT ARCHITECTURE Tynaherrick, Drumnadrochit, Inverness-shire IV63 6XG Tel : 0(44) I 456 450004 Email: chris@nessie.ndonet.com



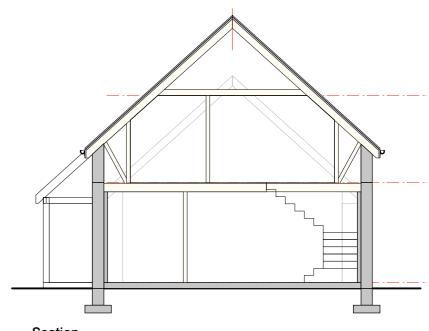
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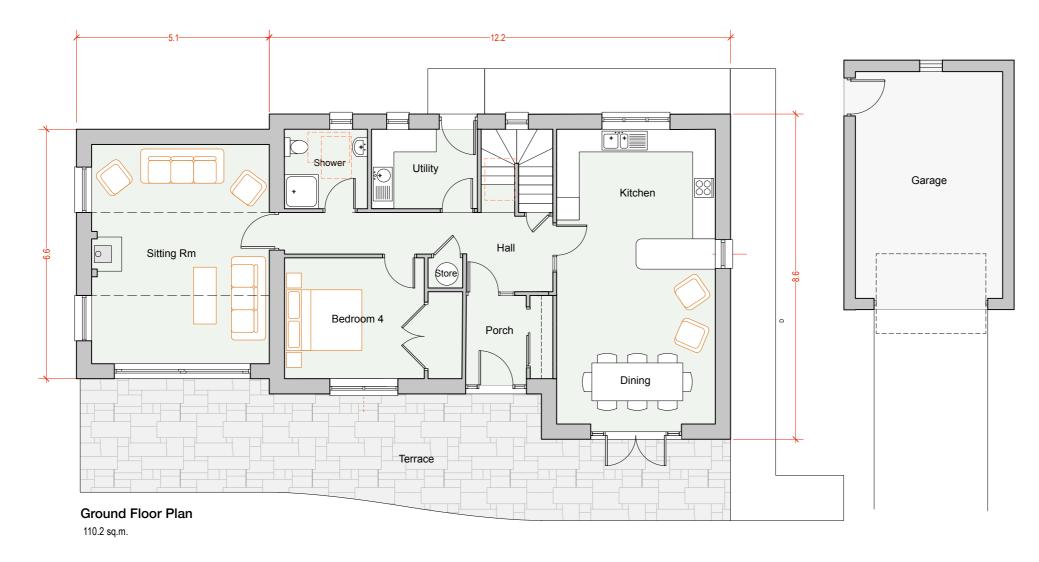
- EXTERNAL MATERIALS 1. Natural Slates, Cupa H3 2. Upvc Gutters & Downpipes, Black 3. Timber Fascias & Soffits, painted Grey 4. Polymer Render, White 5. Timber Cladding, stained Grey Green 6. Upvc Windows & Doors, White

Project			
House sites at Kockfin, Tomich			
Drawing Site 1 & 2 - Elevations	758.S03.A		









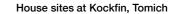
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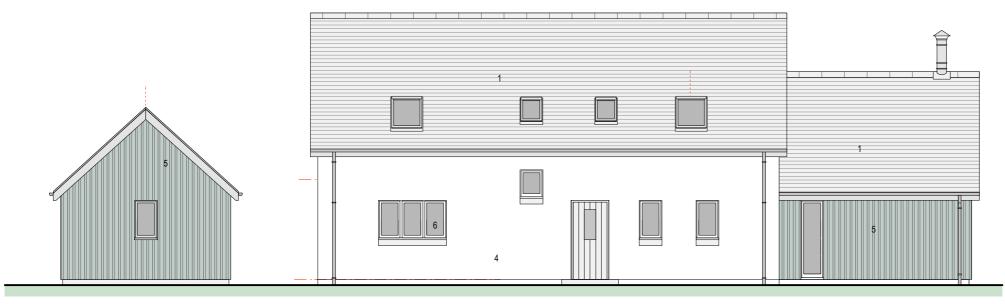
CHRIS DAVENPORT ARCHITECTURE Tynaherrick, Drumnadrochit, Inverness-shire IV63 6XG Tel : 0(44)1456 450004 Email: chris@nessie.ndonet.com

1:100@A3 Date 24.08.21

N. Fraser



Drg No



NW Elevation

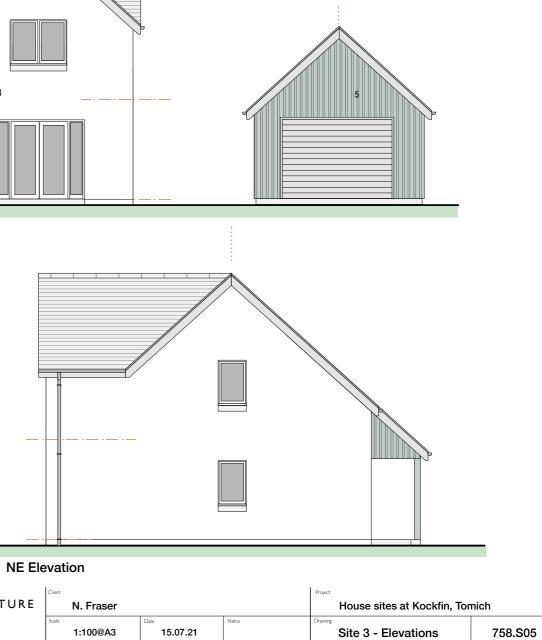


SE Elevation

do not scale dimensions from drawings, if in doubt seek clarification from architect Revisions



Scale Bar



5 m

CHRIS DAVENPORT ARCHITECTURE Tynaherrick, Drumnadrochit, Inverness-shire IV63 6XG

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- EXTERNAL MATERIALS 1. Natural Slates, Cupa H3 2. Upvc Gutters & Downpipes, Black 3. Timber Fascias & Soffits, painted Grey 4. Polymer Render, White 5. Timber Cladding, stained Grey Green 6. Upvc Windows & Doors, White

Drg N

