Agenda Item	6.7
Report No	PLS-35-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 28 April 2022

Report Title: 22/00424/FUL: Kinellan Building Ltd

Land 140M SW of 1 Hillhead, Inverfarigaig

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 6 affordable houses, road and services

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 The application relates to a proposal to construct 6 no. 1½ storey affordable homes (2 semi-detached and 4 detached properties), of which two will be self-build plots. The houses are laid out informally around the access road with living spaces facing south.
- 1.2 Houses 1 and 2 (house type 1) have a footprint of 15.4m x 7m and are 7.2m high. They are to be clad in white rendered masonry with dark grey profiled metal sheet roofing and stained timber porches. Internally there is a kitchen/living room, bedroom and bathroom to the ground floor, and two bedrooms on the first floor.
- 1.3 Houses 3 and 4 (house type 2) have a footprint of 10.5m x 4.8m and are 6.7m high. They are to have stained timber cladding and terracotta profiled metal sheet roofing. Their rear gardens will face north towards No.1 and 2 Hillhead.
- 1.4 Houses 5 and 6 have a T-plan form, with a footprint of 10.9m x 5.4m to the main part of the house, with an extension 'T' of 4.4m x 5.1m, and 6.6m high. They will have white rendered walls; slate or profiled metal roofing and stained timber to porches and living rooms. The rear/side garden of House 5 would face the rear garden of No.2 and 3 Hillhead.
- 1.5 The position of the access is such that sightlines in excess of 120m will be achieved in both. Due to the constraints imposed by adopted standards the internal access road has been laid out to meet unadopted standards with a 3.7m wide tarred road with a turning head to allow service vehicles to turn within the site. A 2m wide pavement is located on the north side of the access road. The houses have incurtilage parking spaces and there are active travel paths across the site. A 2.5m wide footpath/driveway is proposed between the rear of House 3 /4 and No. 1-2 Hillhead.
- 1.6 The development also incorporates a large communal surface water and foul water drainage area, which will also act as a large open space area within the development. This is located to the west of House 1 / 2, and south of House 6.
- 1.7 The application is accompanied by a tree and shrub planting plan.
- 1.8 Pre-Application Consultation: None
- 1.9 Supporting Information: Arboricultural Impact Assessment, Design/Access Statement, Drainage Impact Assessment, Ground Investigation Data, Infiltration Test Results, Surface Water Calculations, Tree Protection Plan.
- 1.10 Variations: Amendments to the bin storage areas.

2. SITE DESCRIPTION

2.1 The site is located at the north end of Inverfarigaig and to the west side of the B852 through the village, on the east bank of Loch Ness. To the north of the site are the rear garden areas of No. 1-3 Hillhead. To the south are the rear garden areas of Driftwood, Farigaig, Hillhead Croft and Druim an Ault.

2.2 The site is separated from the road by overgrown scrub and some trees. Trees also screen the southern boundary of the site. There is informal direct access into the site from the B852 to the east, which currently serves the rear garden areas of No. 1-3 Hillhead.

3. PLANNING HISTORY

3.1	18.03.202 1	19/05090/FUL - Construction of 5 affordable houses	Application Withdrawn
3.2	19.03.202	19/05105/PIP - Provision of three house plots	Application

Withdrawn

4. PUBLIC PARTICIPATION

1

4.1 Advertised: Unknown Neighbour and Schedule 3 Development

Date Advertised: 25.02.2022

Representation deadline: 11.03.2022

Timeous representations: 9 (from 9 households)

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - a) Vehicular access to rear of existing properties;
 - b) No need for more houses or affordable houses in the local area;
 - c) Houses are not in-keeping with existing properties;
 - d) Carbon footprint not taken into consideration;
 - e) Proximity to junction to corkscrew road opposite;
 - f) Existing telephone and broadband services are already stretched;
 - g) Power grid connection
 - h) Proposed bus stop on blind corner;
 - i) Bin collection point on blind corner;
 - j) Impact on road network;
 - k) Impact on wildlife;
 - I) Speed of traffic through Inverfarigaig;
 - m) Tree constraints and tree protection:
 - n) External lighting.
- 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 **Stratherrick and Foyers Community Council:** No response received.
- 5.2 **Development Plan Team:** "Principle of Development: The application site falls outwith any defined 'Settlement Development Areas' and noted 'Other Settlements' as specified within IMFLDP and instead falls within the 'wider countryside' as defined in HwLDP. Consequently, much of the content of IMFLDP is not directly

relevant to this proposal and instead the lead consideration in terms of siting and design is HwLDP Policy 36 (Development in the Wider Countryside) and the Rural Housing Supplementary Guidance.

HwLDP Policy 36 (Development in the Wider Countryside), sets a general presumption in favour of supporting rural developments which support Highland communities, providing a number of criteria on siting and design and protecting the character of the locale are satisfied.

The Rural Housing SG also encourages rural development that supports prosperous and sustainable communities which also protects and enhances the environmental quality of the locale. Furthermore, the RHSG seeks to ensure the built quality of new developments address the issues of location, siting, design and environmental impact.

This proposal by virtue of its locality between existing residential properties within the small community of Inverfarigaig, will help to supports the prosperity and sustainability of the community, whilst the siting and layout will safeguard the amenity of existing properties.

The scheme also includes the protection of a number of important trees and landscaping across the site which will also aid the integration of the scheme. This planting should be protected and enhanced by appropriate planning conditions."

Education Primary: Foyers Primary School has a capacity of 46 pupils and the school roll forecasts (SRF) indicate that the school roll is currently just 9 pupils. Over the forecasting period the rolls fall before slightly picking back up. The rolls remain at less than 15%, so no contribution is required towards primary education provision.

Education Secondary: Inverness Royal Academy (IRA) has a capacity of 1452 pupils and the SRFs indicate that the school roll is currently at 1286 pupils. The school is already at 89% capacity, with the roll forecast predicted to breach 90% in the 2021/22 intake and then continue to climb to 111 % capacity by the end of the forecasting period. Therefore, based on the current forecast a contribution towards a major extension is required.

Community Facilities: The need for the expansion of the fitness room, dance studio and changing facilities at the Hilton Community Centre is identified in the IMF Delivery Programme 2021 in the IRA catchment and, as such a contribution towards the provision of community facilities is required.

Affordable Housing: The on-site provision of 25% affordable housing is required, which equates to a minimum of 2no units. However, it is noted that the scheme is being advanced by the Communities Housing Trust and, as such, some or all of the units proposed might meet the definition of 'Low-cost owner occupation' as outlined in the Developer Contributions Supplementary Guidance (DCSG). If it is confirmed (and secured through the planning process) that at least two of the units meet this requirement, no additional affordable housing would be required. It is expected that the affordable homes will be designed to meet the Council's 'Firm Foundations Design Brief: Building Homes for the Highlands' and Scottish Government's 'Housing for Varying Needs Design Standards'.

Transport: Site specific requirements should be confirmed by Transport Planning. Active Travel: The proposal includes a number of proposed footpaths both within

and which connect to the wider environs, this make the site permeable from a number of locations, as such no further contributions are sought.

Green Infrastructure: The DCSG requires all developments to protect and enhance the green network and safeguard and enhance the built and natural environment. Developer contributions can be sought for off-site work if required. Open space provision is required in line with the Council's Open Space in Residential Development Supplementary Guidance. As noted above, given the large area of communal ground given over to the development's private foul and surface water discharge area, no further open space within the development is required.

Services Infrastructure: Scottish Water will advise the applicant directly on any contributions to facilitate a connection to the public water supply and sewer. The DCSG states that all developments are required to make provision for waste management, including bins and recycling points as set out in the Managing Waste in New Developments Supplementary Guidance. Advice should be sought from the Council Waste Management Officer.

Public Realm & Public Art: The Council's preference is for Public Art to be an integral part of the overall design of a development. The preferred approach is to integrate public art into the design of fixtures and fittings in the public realm (for example surface finishes, boundary treatment etc) to promote neighbourhood identity and a distinctive sense of place. In exceptional cases public art may be acceptable off site. Further information is available in the Council's Public Art Strategy Supplementary Guidance. This would normally be secured by means of planning condition. In exceptional cases public art may be acceptable off site.

Payments and Indexing: An upfront payment is encouraged wherever possible. This option is often desirable when the time and legal costs to set up a planning obligation are disproportionate to the level of contribution required.

Where a planning obligation is entered, developers may have the option to phase payments over the lifetime of a development. It is the Council's standard that twice yearly payments are made on the 1 April and 1 October each year based on the number of homes completed in the six months preceding these dates. Invoices are issued by the Council to request payment shortly after these dates. Developer contributions are subject to indexation and will be re-calculated to reflect the current BCIS All-in Tender Price Index at the time of payment with the costs set out within this response reflecting Q2 2018."

5.3 **Transport Planning Team:** "Internal Layout - Exceptions to the "4 house" rule, with more than 4 houses being served by a private access, may be considered by the Council where the developer agrees, as a condition of planning consent, to set up a formal management system for maintenance of the private access in perpetuity.

However, if there is any intention that in the future the number of individual houses would be increased to more than 4 or the private access put forward for adoption, then this would only be acceptable to the Council as long as the private access was upgraded to adoptable road standards.

The scheme promoter is promoting a development for 6 houses to be served from a private access. The private access comprises a cul-de-sac arrangement with the

houses arranged around the layout. Transport Planning will accept this exception to the "4 house" rule, if the scheme promoter agrees, as a condition of planning consent, to set up a formal management system for maintenance of the private access including SUDS in perpetuity.

Access - To comply with Council guidelines a private access that serves more than 1 property should be designed to comply with a SDB2 type access layout, as per our guidelines.

The private access as shown on the amended Road Layout Plan appears to be comparable with a SBD type access layout, as per our guidelines.

Visibility - It is our understanding that the speed limit in the vicinity of the development is 60mph. If the development promoter were to promote a 40mph Traffic Regulation Order and install the appropriate signage and road markings, we will accept a visibility based on a 40mph speed limit.

From our review of the Road Layout Plan drawing, it appears that the site access visibility of 4.5 metres X dimension by 120 metre Y dimension is being promoted, which is acceptable.

Our Guidelines do support staggered cross-road provision in rural locations, provided the stagger is no less than 50m. Based on the information received the offset from the U1004 Corkscrew Road is 9m approximately, which is 41m less than the required 50m. This new junction access will however only serve the properties off it and as such, should be relatively lightly trafficked.

Also, it would appear from online viewing tools and local community responses that some vehicular access to this site is currently happening and a quick check on "Crash map" suggests that there have not been any reportable injury incidents in the last 5 years' worth of available data along that section of the B852 public road. This would suggest that vehicular access into and out of this site is not currently generating road safety issues.

This development will however likely increase, if only slightly, the vehicle movements into and out of that site where adequate junction separation does not look achievable.

To compensate for the junction spacing issues, we seek a 40mph speed limit scheme on the B852 through Inverfarigaig be delivered by the scheme promoter. The 40mph design would need to be in accordance with current legislative requirements and best practice guidance.

We will expect strong gateways at either end into the community and possibly countdown signs to the 40mph and if necessary, repeater signage for example within the reduced speed limit section. The proposed site entrance footway to connect the development with the school bus pick up point is welcomed.

Waste Management - The Council offer a public road kerbside waste collection. Generally, the Council would expect refuse collection areas to be sited in close proximity to the access service bay and that bins can be accessed from the roadside.

The latest refuse collection proposals are shown on the recently submitted Bin Collection Area drawing (drawing no. 07). The unscaled drawing shows a refuge collection area that is segregated by a footpath. The segregated collection area

comprises 12 bins on the northern side of the footpath and 6 bins on the southern side.

In summary, Transport Planning have reviewed the latest refuse information submitted and formally remove our objection.

Request condition relating to:

- ensure the scheme promoter delivers a 40mph Traffic Regulation Order and associated road infrastructure, all at their cost.
- a formal management system for maintenance of the private access including SUDS in perpetuity
- 5.4 **Forestry:** No objection. The revised Site Plan shows the path down the east side outwith RPAs of retained trees and more in line with the Tree Protection Plan. The Site Plan also shows indicative tree planting proposals although there is no detail on size of planting stock, means of protection for new trees or maintenance programme. Suggest conditions relating to a tree protection plan and landscaping plan
- 5.5 **Scottish Water:** No objection. Private treatment options for waste water will have to be considered.

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
- 32 Affordable Housing
- 36 Development in the Wider Countryside
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 61 Landscape
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 75 Open Space

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply.

6.3 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2018)

Rural Housing (December 2021)

Open Space in New Residential Developments (Jan 2013)

Public Art Strategy (March 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Inner Moray Firth 2 Proposed Local Development Plan

Policy 8 - Placemaking

Policy 9 - Delivering Development and Infrastructure

Policy 10 – Increasing Affordable Housing

Policy 13 – Accessible and Adaptable Homes

Policy 14 - Transport

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

National Planning Framework 3

Designing Streets

Creating Places

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 infrastructure
 - d) requirement for affordable housing
 - e) trees and wildlife
 - f) any other material considerations
 - g) developer contributions

Development plan/other planning policy

8.4 The site is located outwith any Settlement Development Area as defined in The Highland-wide Local Development Plan. Therefore Policy 36 (Development in the Wider Countryside) of the Highland-wide Local Development Plan applies in the

consideration of this application. The policy assesses proposals for the extent to which they are acceptable in terms of siting and design and whether they are sympathetic to the existing patterns of development in the area. This is also covered under Policy 28 (Sustainable Design) which lists a number of criteria against which all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; and demonstration of sensitive siting and high-quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials. Policy 57 is also relevant in this regard given that the site lies within the Loch Ness and Duntelchaig Special Landscape Area.

- 8.5 The Rural Housing Supplementary Guidance advises that new houses should meet the following criteria:
 - Proposals should enhance the setting of any settlement;
 - The local character, scenic quality, and wider landscape characteristics of the area are respected;
 - Be compatible with the existing pattern of development, adjacent land uses (including working farms, forestry, or other rural industries) and does not undermine the coordinated approach to the strategic future expansion of any settlement:
 - Sensitively addresses site constraints including topography; natural, built and cultural heritage features; flood risk;
 - Do not impact detrimentally on existing trees and/or woodland which are important to the character, setting, amenity and/or containment of the housing group or surrounding landscape;
 - Be compatible with existing servicing and utilities capacities, including demands on private water supplies and the environmental impacts of private drainage systems. Isolated development in very remote/inaccessible areas will be resisted to avoid placing unacceptable pressure on limited infrastructure and services, including school bus provision and refuse collection;
 - Protects public views over open water;
 - Demonstrates sustainable and/or ultra-low energy and impact design principles; and
 - Provides a safe and secure access to the public road network in accordance with the Council's Access to Single Houses and Small Housing Developments Supplementary Guidance; any required road and junction improvements must be achievable by the applicant.
- 8.6 Where the proposal can meet the criteria within the Rural Housing Supplementary Guidance and demonstrate sensitive siting and high-quality design in keeping with local character and historic and natural environment, can be adequately serviced, and is not significantly detrimental to individual and community residential amenity then the application will be considered in accordance with the Development Plan.

Siting and Design

- 8.7 The site is located within the Loch Ness and Duntelchaig Special Landscape Area (SLA). It comprises the Great Glen, which is an imposing steep-sided landform trench which creates a dramatic linear landscape.
- 8.8 The site is set back approximately 80m from the shore of Loch Ness and screened by trees and shrubs around the western edge. The wider landscape can be viewed from public roads and at this location it would be the B852 to the east of the site and the A82 on the west shore. As the site lies higher than the loch side with trees on the slope, it is not likely to be visible from Loch Ness in close proximity or from the A82 on the western side of Loch Ness which has trees down the length of it directly opposite the site. From more open aspects on the Great Glen Way, South Loch Ness Trail and elevated locations, the scheme may be visible, but it will be quite a recessive feature within the wider landscape given the other houses in immediate proximity.
- 8.9 The settlement of Inverfarigaig is not defined as a Settlement Development Area in the development plan, however, it is clear that the site is within the central part of the dispersed community, with established housing to both north and south.
- 8.10 The siting of the 6 houses between existing houses to the west side of the main road is assisted by existing tree screening to the south and west. This tree screening and the placement of the proposed houses in an arc around the new access road, all to the south of the established houses at Hillhead, helps to consolidate this area as the central part of the wider settlement. It is considered that this siting will augment, but not take the central focus away from the Hillhead housing area as the principal part of the existing established housing at Inverfarigaig.
- 8.11 The northern houses on the site, 3, 4 and 5, are between 15m and 23m from the existing houses at Hillhead. This degree of separation is considered to be adequate to provide for an appropriate degree of individual and community residential amenity. The physical separation of the southern houses, 1 and 2, in the development from the existing houses to the south, is considerably greater, at around 32m.
- 8.12 The siting of the proposed houses within the application site, and their physical relationship to the existing houses at Inverfarigaig is considered to be acceptable. The proposal does not have a significant impact on the landscape qualities of the Loch Ness and Duntelchaig Special Landscape Area (SLA), as it is seen within the context of the existing established houses at Inverfarigaig.
- 8.13 The proposed building designs reflect the form, massing, scale and use of materials typical of traditional buildings in the area. The houses have relatively narrow profiles, making use of roof spaces for first floor accommodation.
- 8.14 The applicant has identified that the houses will have profiled metal sheet roofing which has been selected for its relatively low carbon footprint due to its ability to be 100% recycled at end of use and external wall finishes including white rendered masonry and vertical timber cladding.

- 8.15 The applicant highlights that in relation to issues around insulation raised by objectors, the houses will be insulated above current standards and with a high thermal mass embodied in the floor, with efficient and comfortable heating via air source heat pumps.
- 8.16 The design of the houses, use of materials, and their scale and massing, are considered to be acceptable within the context of the village.

Access and Infrastructure

- 8.17 The site is to be accessed from the B852 from a new private access road. The public road has a carriageway width of approximately 6.3m at this access point; however, it narrows immediately to the north.
- 8.18 The plans detail a bellmouth to the public road, and then a single carriageway (3.7m) width of access road into the houses, with access / vehicle turning to the east of house 6. Houses 4, 5 and 6 are served off the northern part of this turning area, with the surface water drainage and foul water drainage areas, along with the open space served off the southern part of the turning area. The north side of the access road would have a 2m wide pavement linking back to the main road, with a return to the housing at Hillhead to the north. The access point onto the public road would also allow service vehicles to pull off the public road in order to serve the development.
- 8.19 A bin storage area is shown to the southern part of the bellmouth, comprising space for 12 bins on the western side of the access footpath and 6 bins on the eastern side. Refuse vehicles will be able to pull into the layby in order to access the bin storage area.
- 8.20 The applicant was advised that in order to compensate for the junction spacing issues with the U1004 Corkscrew Road opposite, the Council would seek a 40mph speed limit scheme on the B852 through Inverfarigaig. This would have to be delivered by the applicant. The 40mph design would need to be in accordance with current legislative requirements and best practice guidance. The Council will expect strong gateways at either end into the community and possibly count-down signs to the 40mph zone and, if necessary, repeater signage for example within the reduced speed limit section. The delivery of such measures would be dealt with separately through a Traffic Regulation Order.
- 8.21 The proposed site entrance footway to connect the development with the school bus pick-up point is welcomed. The location of the school bus pick-up point is outwith the control of the applicant, although within the control of the Council. Any safety concerns regarding this should be directed to the Council rather than the applicant the applicant has provided a safe route to the pick-up point. Reducing the speed limit to 40mph will also assist with safety in this regard.
- 8.22 The design and layout of the private access, footpaths and bin storage areas is considered to be proportionate to the scale of the development and the settlement, and in this context is acceptable.

8.23 Members will note that where a development of more than four houses is being served by a private access, it is appropriate to ask the developer to set up a formal management system for maintenance of the private access, including the surface water drainage arrangements. Transport Planning has accepted the proposal for a private access on this basis and details of the management scheme can be secured by condition. In addition, as the access road is private and would be unadopted, there would be no requirement for street lighting or winter maintenance provision by the Council as Roads Authority.

Trees and wildlife

- 8.24 A Tree Protection Plan was submitted with the application. The Forestry Officer has examined the plan and the proposals and following some minor amendments to positioning of a footpath, has advised that there are no objections subject to conditions relating to tree felling; a suitably qualified arboricultural consultant being employed for construction; landscaping plan and tree planting plan.
- 8.25 The site is not covered by any natural heritage designations. There are no known protected species on the site.

Requirement for Affordable Housing

- 8.26 The Communities Housing Trust (CHT) is a registered Scottish Charity established in 1998 to advance rural communities through the provision of affordable housing and other associated benefits. The CHT acquired the site from Scottish Ministers via the National Forest Land Scheme (now the Community Asset Transfer Scheme) in 2002. At that time, there was community support evidenced to enable CHT to purchase this surplus asset from the Forestry Commission. Since then, CHT has held the Inverfarigaig site within its ownership with a view to developing it for affordable housing when there was the demand and the opportunity to do so, which the Rural Housing Fund now presents.
- 8.27 All 6 houses to be built at Inverfarigaig will meet the definition of 'low-cost owner occupation' as outlined in the Developer Contributions Supplementary Guidance. After considerable consultation with local community members and groups, the number of homes on the development has been reduced from 8 to 6 whilst still retaining 100% affordable homes. The applicants have indicated that this project will fully comply with the type of development encouraged by the Rural Housing Fund; that is one which supports sustainable communities whilst enhancing and preserving environmental features unique to the village.
- 8.28 The CHT assesses the needs of all applicants to ascertain that they qualify for affordable housing. Assessment is based on the need to reside in the community, inability to compete on the open market in the community, and whether they are currently in unsuitable or insecure housing. Policies will target young families who will live and work locally. Priority can also be given to people who are living in under occupied properties and will free up family sized homes.
- 8.29 The 6 houses to be provided by CHT will be affordable.
 - 2 will be rented at the social rent level as set by The Scottish Government.

- 2 will be Rent to Buy Homes allowing members of the community a means to get on the housing ladder more easily than competing in the open market.
- 2 will be self-build plots with rural housing burdens, meaning these homes will never become second homes, short term lets or long-term derelict homes.
- 8.30 The current demand for housing on the Highland Housing Register (HHR) for Inverfarigaig is difficult to put exact figures to. The Council categorises Inverfarigaig as 'Loch Ness and Surrounding Area, Loch Ness South'. The following table sets out the demand figures for this area that are correct as on 28th March 2022.

House size/type	Demand	No. of houses available	Relets
1 bed bungalow	95	1	0
2 bed Bungalow	40	7	0
2 bed house	62	4	0
3 bed bungalow	16	1	0
3 bed house	20	7	0
4 bed house	8	1	1
5 bed house	-	-	-

8.31 One of the main benefits of bringing new families into this area is the providing for the future viability of Foyers Primary School, which has a capacity of 46, but currently only has 9 pupils on the school role. This proposal will support the local primary school.

Other material considerations

- 8.32 Representations highlight the implications of external lighting. While it is not proposed to have street lighting it is considered appropriate to secure details of any other lighting that may be proposed in order to ensure that there is no significant adverse effect on amenity.
- 8.33 Several representations relate to the carbon footprint of development. As indicated above, the applicant has indicated that the houses will be constructed to a standard beyond that required by the current Building Regulations. It is intended that space heating will be provided via heat pumps which require thermally efficient homes to be effective in any event. Many materials will be sustainable and/or reusable at end of life. While not carbon neutral, the development should be efficient for occupiers.
- 8.34 The applicant has advised that ducting will be provided in each house for an electric vehicle charging points and this can be secured by condition. It is the case however that while the housing can be made EV ready, ultimately the provision will be limited where there are electricity capacity issues in the existing network supply that only the network provider can fully resolve.
- 8.35 Representations have been made with regard to the impact that this development may have on television reception and broadband / wi-fi for existing houses. While this is not traditionally a matter for planning to resolve, national policy is changing and access to broadband is becoming a more important consideration. The developer has indicated that they would be prepared to mitigate any issue with for example, a repeater dish, should there be any impact. This would need some further

assessment by the applicant but it would be possible to secure such details by condition in order to mitigate any effects.

Non-material considerations

8.36 The issue of rights of access across land is a legal matter and not a planning matter. It is understood that no rights of access exist across the site. However, in order to address concerns raised by neighbouring properties, the applicant has sought to provide an informal access strip to the rear of numbers 1 and 2 Hillhead and pedestrian access to the rear garden of number 3 to allow passage through the site to the loch. The applicant has advised this was a request of the local community at a consultation event.

Developer Contribution

- 8.37 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. When this proposal was originally considered (19/05090/FUL and 19/05105/PIP), the developer contributions were agreed as being £3,482 per house towards secondary education provision and £1,019 towards community facilities. The applications were withdrawn in March 2021 in order to re-assess the number of units planned in light of local objections.
- 8.38 Having followed advice and withdrawn the applications, the applicant has reduced the total number of houses from 8 to 6 affordable homes and has supplied financial information to support the case to keep the developer contributions at the levels previously agreed as budgets had been based on these figures. The total therefore being requested towards education and community facilities is £27,006. It is intended that this will be paid prior to planning permission being released.
- 8.39 The Developer Contributions Supplementary Guidance also makes reference to the requirement for Public Art to be incorporated into the project the Council's preference being that the artwork be an integral part of the overall design of a development. In response to this the applicant has included a dry-stone wall surround to the bin enclosure at the entrance bell-mouth providing necessary protection and screening for the bins in addition to adding an attractive feature at the entrance to the site.

Matters to be secured by Legal Agreement / Upfront Payment

8.40 None

9. CONCLUSION

9.1 Introducing new housing into a site that has long been an overgrown field between two small areas of housing in the village will always draw conflicting views. It is fully accepted that the construction of 6 new houses at this location will undoubtedly create a change to residential amenity, but as a village, this is exactly the area where new housing should be directed to. As a site between two groups of housing within a village, it is therefore not considered that the impact on residential amenity will be significantly detrimental.

- 9.2 It is recognised that this proposal will provide much needed affordable housing as has been demonstrated in the demand figures in the Highland Housing Register and the possibility of support for the local primary school. The reduction in the number of units has meant that each property will have adequate garden ground and in-curtilage parking and a better layout overall, that while not wholly reflective of the existing, more scattered pattern of housing in the village, is appropriate overall particularly taking into account the individual house designs and materials used.
- 9.3 On balance, therefore, weighing up the impact on existing residents, the need for affordable housing and the policies of the Development Plan, it is considered that this proposal should be supported.
- 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	Ν
issued				

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

 No development shall commence until a suitably qualified arboricultural consultant shall be employed by the applicant to ensure that the Approved Tree Protection Plans are implemented to the agreed standard. Stages requiring supervision are to be set out in a Supervision Statement for the written agreement of the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

2. With effect from the date of this permission, no trees other than those specifically agreed, are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

3. No development shall commence until a detailed Landscape Planting Plan and maintenance programme has been submitted to and received the approval in writing by the Planning Authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

4. No development shall commence until a scheme that delivers a speed reduction to 40mph through the village of Inverfarigaig, and associated road infrastructure, all at the cost of the developer, has been submitted to, and received the approval in writing of, the Planning Authority in consultation with the Roads Authority. Thereafter the approved scheme shall be implemented prior to occupation of the first house and maintained at all times thereafter.

Reason: In the interests of road safety.

5. No development shall commence until a scheme setting out a formal management system for maintenance of the private access road, including SUDS and winter gritting and snow clearance, has been submitted to, and received the approval in writing of, the Planning Authority in consultation with the Roads Authority. Thereafter the approved scheme shall be implemented prior to occupation of the first house and maintained at all times thereafter.

Reason: In the interests of ensuring the drainage system and private access are properly maintained and in the interest of residential amenity.

6. The heat pump must be installed in accordance with the Microgeneration Scheme guidance: MCS 020 MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source heat Pumps on Domestic Premises.

Reason: In order to safeguard the residential amenity of neighbouring properties

7. No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such

details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

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

8. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

9. No development shall commence on any house until a TV, radio and broadband reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline reception survey to be carried out prior to the commencement of development, the results of which shall be submitted to the Planning Authority. Within 6 months of the completion of the development, any claim by any individual person regarding TV, radio and broadband loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the developer and the results shall be submitted to the Planning Authority. Should any impairment to the TV, radio and broadband signal be attributable to the development, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline survey.

Reason: In order to ensure continuity of such service to the local community.

10. No development shall commence on any phase or sub phase until a scheme has been submitted detailing the provision of electric car charging points within the development serving the associated phase or sub-phase. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

Reason: To facilitate the move toward the reduction in reliance of petrol and diesel cars.

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 a Traffic Regulation Order, road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

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

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for 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 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

Signature: David Mudie

Designation: Area Planning Manager - South

Author: Elaine Watt

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

Relevant Plans: Plan 1 - 00 – Location Plan

Plan 2 - 01 REV RR – Site Layout Plan
Plan 3 - 02 – Floor Plan – House Type 1
Plan 4 - 02 – Elevations – House Type 1

Plan 5 - 03 - Floor/Elevation Plan - House Type 2

Plan 6 - 05 REV A - Floor/Elevation Plan - Plots 5 and 6

Plan 7 - 07 - Bin Collection Area

Plan 8 - 138509-2000 Rev C - Drainage Layout Plan

Plan 9 - 138509-1000 - Road Layout Plan

Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS			REQUIRED FOR LEGAL AGREMEENTS ONLY					
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools ²									
Primary – Build Costs		£0	£0	£0	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Primary – Land Costs		£0	£0	£0	BCIS	Q2 2018	TOC/CC	Apr/Oct	
Secondary – Build Costs	Inverness Royal Academy	£3,482	£0	£20,892	BCIS	Q2 2018	Upfront		
Secondary – Land Costs		£0	£0	£0	No		TOC/CC	Apr/Oct	
Community Facilities	Hilton Community Centre	£1,019	£0	£6,114	BCIS	Q2 2018	Upfront	Apr/Oct	
Community Facilities	Hilton Community Centre	£1,019	£0	£6,114	BCIS	Q2 2018	Upfront	Apr/Oct	

^{*1} Adjust total to take account of flat exemptions

*5 Clawback – 15 years for Major development; 20 years for Local development

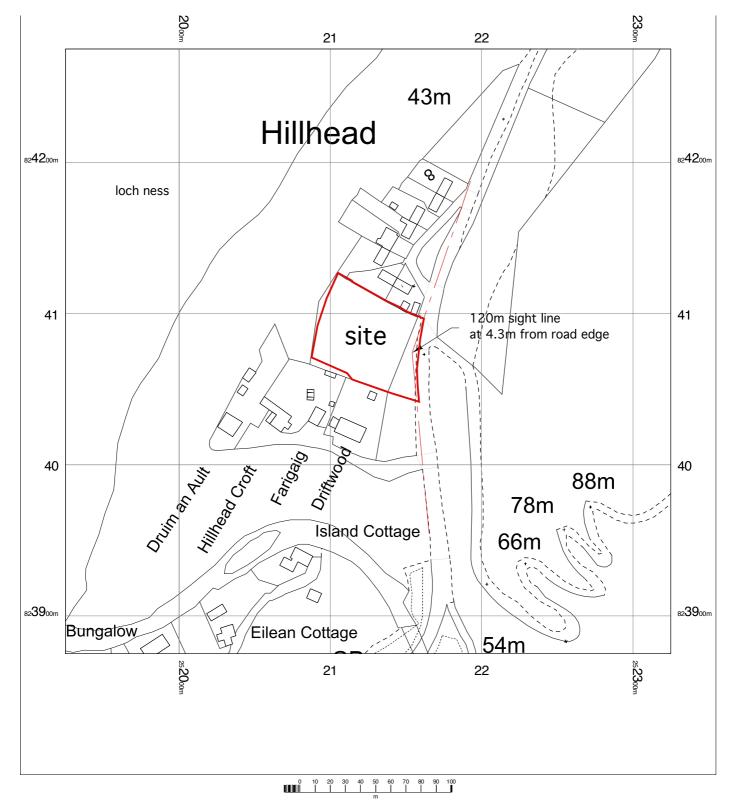
Base Date – Set out in Supplementary Guidance on Developer Contributions

^{*3} TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

Accounting dates - 1 April & 1 October each year of development (if the contribution is to be paid on a basis other than related to units completed in the preceding 6 months (e.g. lump sum on a specific date) then indicate this instead of the Apr/Oct payment dates)

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt



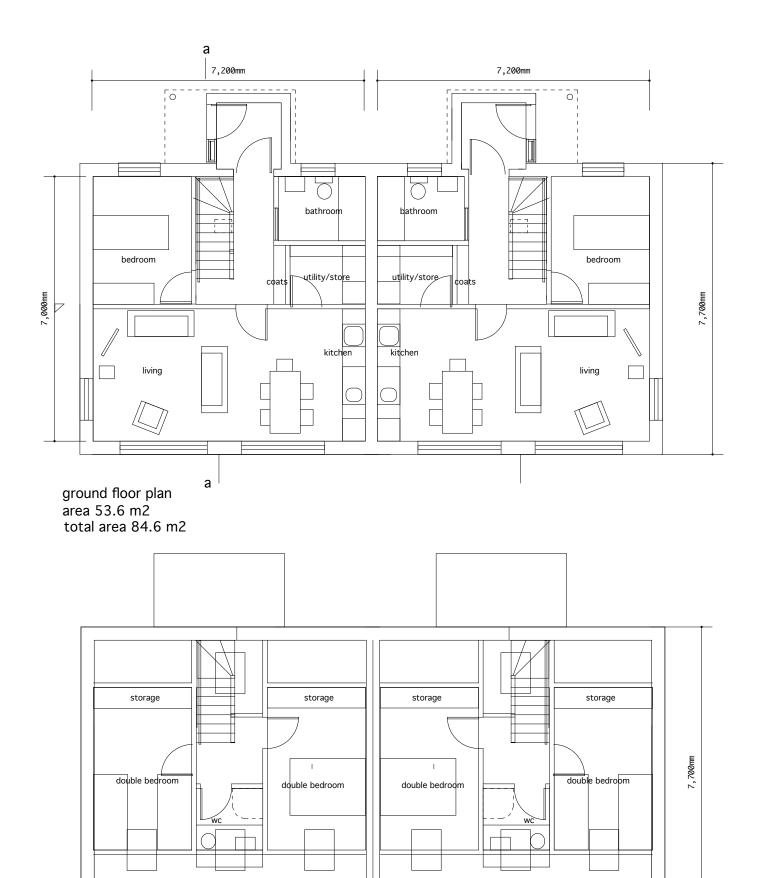
David Somerville Architect Project: Inverfarigaig Housing
B.Arch , A.R.I.A.S. ,R.I.B.A.
Balchraggan Abriachan, Inverness IV3 8LB
Drawing Title: Location Plan
Drawing No: 00

Telephone 01463 861442 Fax 0870 0525 367 e mail : david@somervilledesign.co.uk

Scale : 1/2500

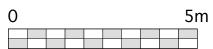
Date: November 2019





upper floor plan area 31 m2





Project: Inverfarigaig

Drawing Title: 5 person house type 1 ground floor plans

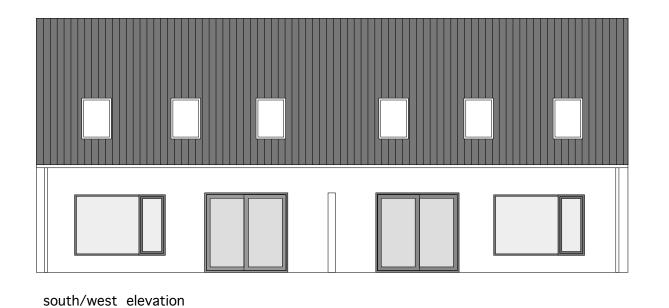
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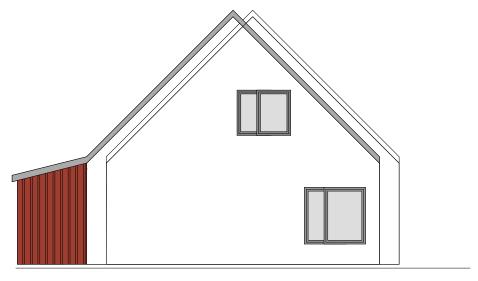
Nov 2019 Date:

David Somerville Architect B.Arch , A.R.I.A.S. ,R.I.B.A.

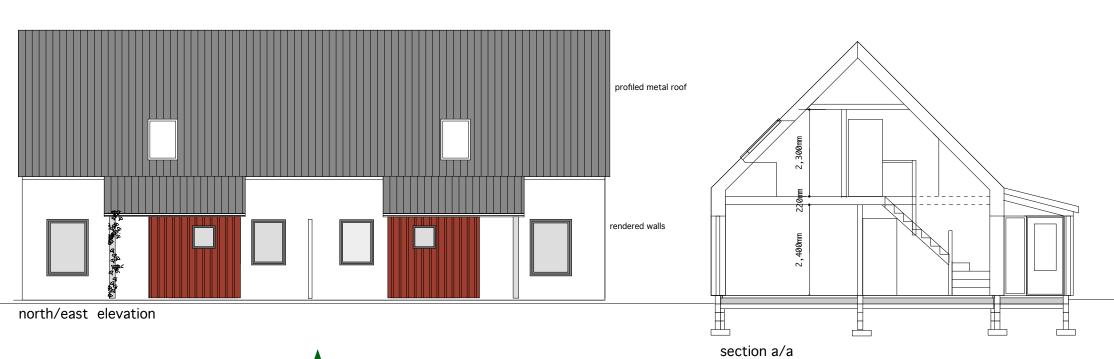
Balchraggan Abriachan, Inverness IV3 8LB

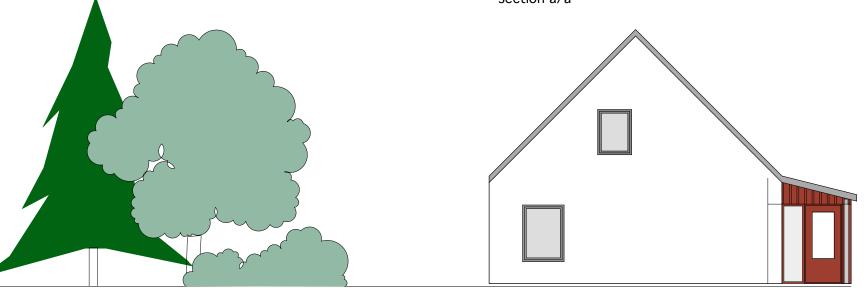
Telephone 01463 861442 Fax 0870 0525 367 e mail : david@somervilledesign.co.uk





side elevation 2





side elevation 1



Project: Inverfarigaig

Drawing Title: House type 1
5 person house elevations
and section

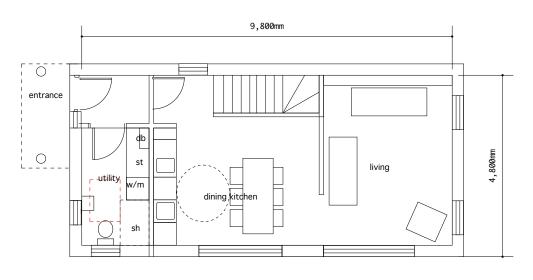
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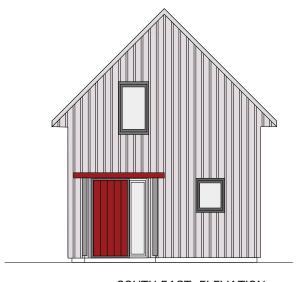
November 2019 Date:

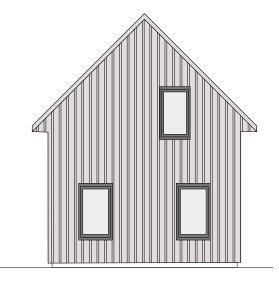
David Somerville Architect B.Arch , A.R.I.A.S. ,R.I.B.A.

Balchraggan Abriachan, Inverness IV3 8LB

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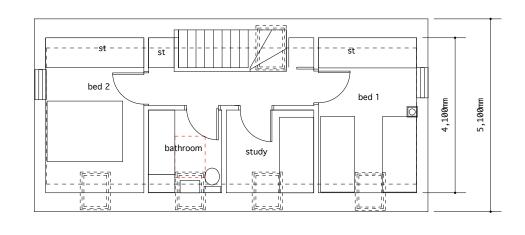


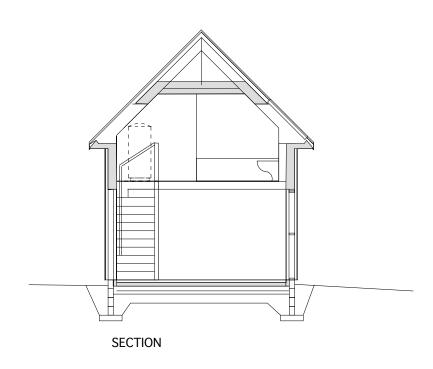




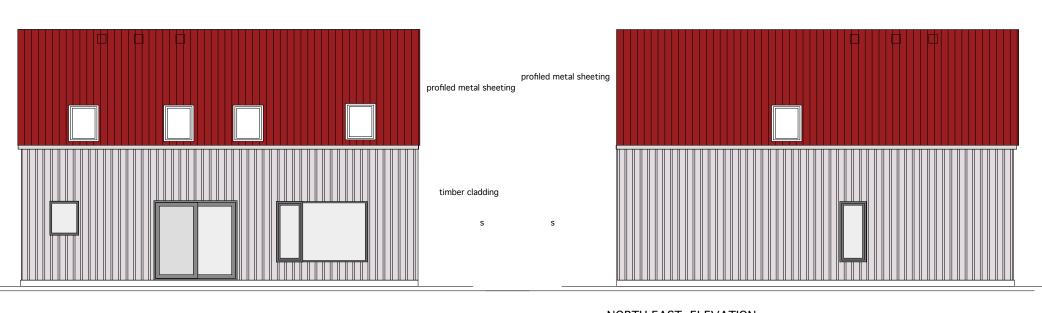
SOUTH EAST ELEVATION NORTH WEST ELEVATION

GROUND FLOOR PLAN area 44.1m2 total area 79.4m2





UPPER FLOOR PLAN area 35.3m2



5m

Project: Inverfarigaig **Drawing Title** House type 2

03 plans elevations **Drawing No:**

Scale: 1/100

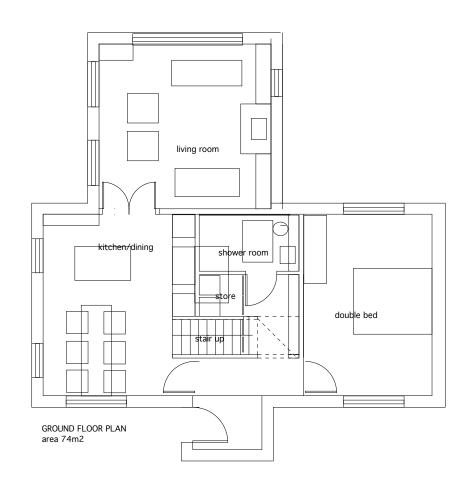
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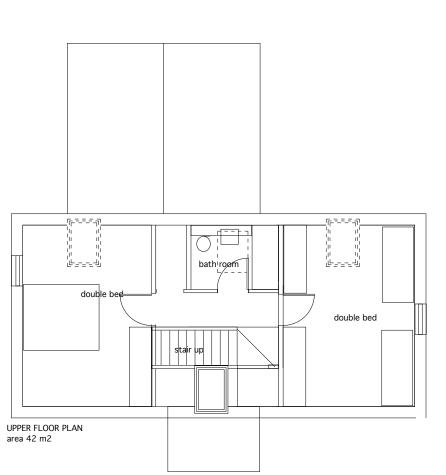
David Somerville Architect B.Arch , A.R.I.A.S. ,R.I.B.A.

Balchraggan Abriachan, Inverness IV3 8LB

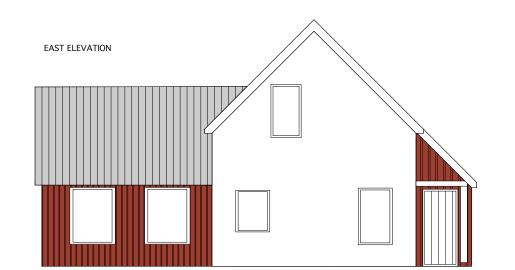
Telephone 01463 861442 Fax 0870 0525 367 e mail : david@somervilledesign.co.uk

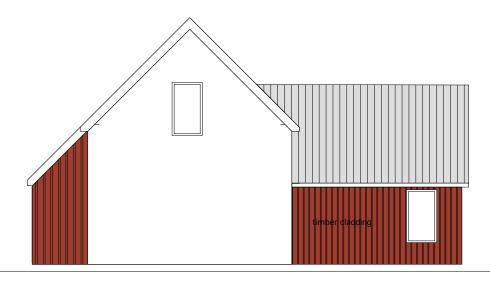
NORTH EAST ELEVATION SOUTH WEST ELEVATION



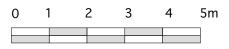








SOUTH ELEVATION NORTH ELEVATION



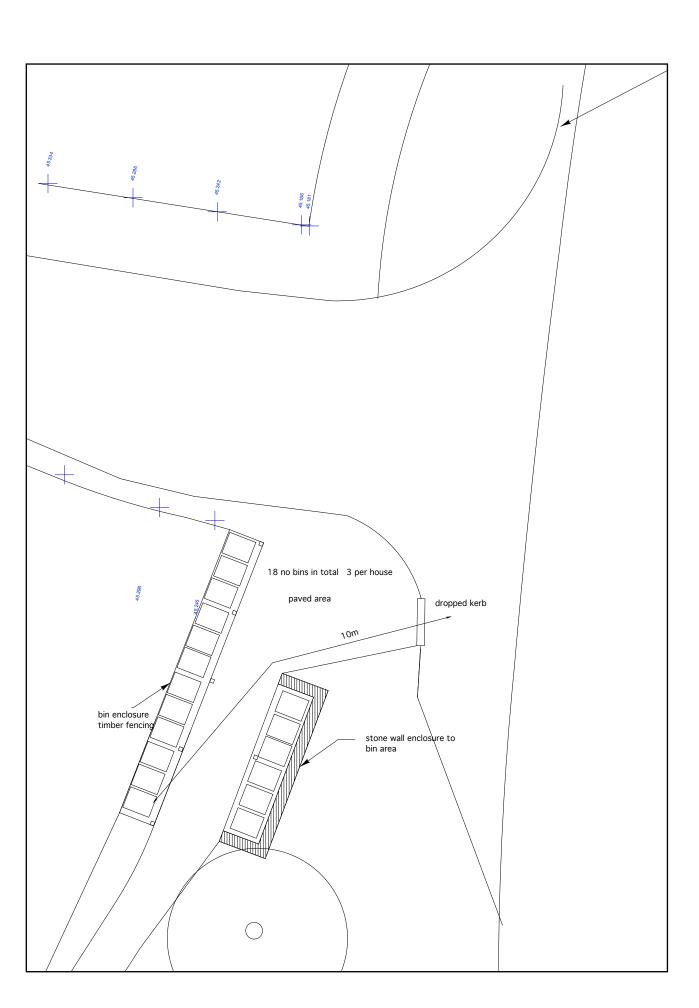
Project: Inverfarigaig Drawing Title: Self build houses Plots 5 and 6 Drawing No: 05 rev A

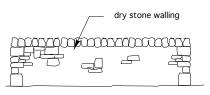
Scale: 1/100

Date : Jan 2021

David Somerville Architect B.Arch, A.R.I.A.S., R.I.B.A.

Balchraggan Abriachan, Inverness IV3 8LB Telephone 01463 861442 e mail: david@somervilledesign.co.uk





ELEVATION OF BIN ENCLOSURE

no dimensions to be scaled from this drawing

REVISIONS s

Project: Inverfarigaig

Drawing Title: Bin Collection Area

07 **Drawing No:** 1/100 Scale:

Date: November 2019

David Somerville Architect B.Arch , A.R.I.A.S. ,R.I.B.A.

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