Agenda Item	7.5
Report No	PLS-84-22

### **HIGHLAND COUNCIL**

**Committee:** South Planning Applications Committee

**Date:** 20 September 2022

**Report Title:** 22/02622/FUL: Rural House Ltd.

Land 55M South Of 125 Balmacaan Road, Drumnadrochit

**Report By:** Area Planning Manager – South

# **Purpose/Executive Summary**

**Description:** Erection of house with associated access and drainage arrangements

Ward: 12 – Aird and Loch Ness

**Development category:** Local

Reason referred to Committee: Manager's discretion

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.

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### 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 is a planning application for the erection of a single house with associated access and drainage arrangements on land 55m to the south of 125 Balmacaan Road in Drumnadrochit.
- 1.2 There is an existing agricultural field gate and access from Balmacaan Road to the western edge of the site adjacent and to the south of 125 Balmacaan Road.
- 1.3 An application for planning permission in principle on this site, along with another application for a further house on the adjoining site, was considered by Committee in November 2020 with both granted planning permission in principle in January 2021. There is no change to the site and/or access to the site that was subsequently granted permission in April 2022.
- 1.4 Pre-Application Consultation: None
- 1.5 Supporting Information: None
- 1.6 Variations: None

#### 2. SITE DESCRIPTION

- 2.1 The site is located between Balmacaan Road and Lewiston in Drumnadrochit. It comprises of an open field which slopes southeast from Balmacaan Road.
- 2.2 The neighbouring land to the north and southeast is residential, while to the northeast and southwest, the ground is agricultural. A long-established screen of trees runs along the rear of the housing at Lewiston.
- 2.3 The housing on Balmacaan Road, which is elevated above the site, is relatively modern. The housing stock at Lewiston is generally older.
- 2.4 A footpath from Balmacaan Road to Lewiston runs along the western edge of the site.

### 3. PLANNING HISTORY

3.1	06.04.2022	21/05156/FUL Formation of bellmouth and access road at Land 55m South of 125 Balmacaan Road Drumnadrochit	Planning permission granted
3.2	12.01.2021	20/00381/PIP Erection of house on land 55m south of 125 Balmacaan Road Drumnadrochit	Planning permission granted
3.3	12.01.2021	20/00381/PIP Erection of house on land 60m South East of 125 Balmacaan Road Drumnadrochit	Planning permission granted

3.3	04.10.2019	19/02518/PIP Erection of house and formation of access at Land 55M South Of 125 Balmacaan Road Drumnadrochit	_
3.4	04.10.2019	19/02519/PIP Erection of house and formation of access at Land 60M SE Of 125 Balmacaan Road Drumnadrochit.	Planning permission refused

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Inverness Courier: Unknown Neighbour

Date Advertised: 24.06.2022

Representation deadline: 10.07.2022

Timeous representations: 4

Late representations:

- 4.2 Material considerations raised are summarised as follows:
  - a) Impact on view, amenity and privacy
  - b) Housing should be single storey
  - c) Protection of landscaping strip
  - d) Strategic gap between Lewiston and Drumnadrochit
  - e) Wildlife
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

### 5. CONSULTATIONS

None

### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 34 Settlement Development Areas
- 57 Natural, Built and Cultural Heritage
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

# 6.2 Inner Moray Firth Local Development Plan 2015

DR3 Land at Lewiston. Area 1.1ha. Maximum capacity of 2 houses; provision of visually continuous and permanent green corridor through the site and adjoining land.

# 6.3 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

### 7. OTHER MATERIAL POLICY CONSIDERATIONS

# 7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

National Planning Framework

# 7.2 Inner Moray Firth Proposed Local Development Plan 2022

Placemaking Priorities: Drumnadrochit

- Consolidate the village by supporting the completion of its central development sites.
- Secure an improved range, quality and location of commercial and community facilities.
- Improve active travel accessibility to these more centralised facilities.
- Preserve the greenspaces and green corridors that permeate through the settlement and enhance their role as active travel routes.

### 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) design and layout
  - c) amenity and privacy

- d) trees and wildlife
- e) infrastructure
- f) developer contribution payments
- g) any other material considerations

# Development plan/other planning policy

- 8.4 The Development Plan consists of the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan.
- 8.5 The development sits within the village of Drumnadrochit. The most relevant Development Plan policy is the allocation DR3 Land at Lewiston in the IMFLDP 2015. This notes that the site has an area of 1.1ha, with a maximum capacity of 2 houses; and the provision of a visually continuous and permanent green corridor through the site and adjoining land.
- 8.6 Planning permission has already been granted for development on this site. Subject to submission of an application for matters specified in condition, it would be possible for the applicant to implement this permission. As this is a new application for planning permission it requires to be assessed on its merits.
- 8.7 In addition to the current allocation, the proposal has to be assessed against the more general policies in the HWLDP:
  - HwLDP Policy 28 (Sustainable Design) assesses development against a number of criteria and the most relevant in this case are: impact on cultural heritage; and sensitive siting and high-quality design.
  - HwLDP Policy 29 (Design Quality and Place Making) seeks the design of new development to make a positive contribution to the architectural and visual quality of the place.
  - HwLDP Policy 57 (Natural, Built & Cultural Heritage) in respect of the form and scale of development and the impact on its setting. Provided the proposed development will not have an unacceptable impact on the amenity and heritage resource, it will be supported.
- 8.8 The general policies of the Highland-wide Local Development Plan support development that is accessible by public transport, cycling and walking, and can demonstrate sensitive siting and high-quality design that is compatible with surrounding land uses. With regard to the proposed plan, the priorities for Drumnadrochit include the requirement to preserve the greenspaces and green corridors that permeate through the settlement and enhance their role as active travel routes.
- 8.9 Subject to the proposal having no significantly detrimental impact on townscape, cultural and heritage assets, existing infrastructure and community and residential amenity, the proposal would comply with the current Development Plan.

# **Design and Layout**

- 8.10 The site is located between Balmacaan Road and Lewiston in Drumnadrochit. On plan, the existing character of these streets comprises a linear pattern of low-density housing located either side of this agricultural field. However, on the ground, the development site relates more to Balmacaan Road rather than Lewiston given the well-established screen of trees to the north (rear) of the Lewiston houses. The existing houses adjacent to the site at Balmacaan Road are single storey with wet harl finishes and slate effect concrete roof tiles.
- 8.11 The proposed house is to be 1½-storeys, with the upper floor using a developed roof space. This was identified as acceptable in the previous permission (20/00381/PIP). The house would be rectangular in form (18.1m x 10.2m at its maximum), utilising traditional materials including vertical larch cladding, sections of stone cladding, metal sheet roofing, and timber windows and doors. A lean-to 'extension' is to be added to the north elevation.
- 8.12 While the house would be located behind and to the south of houses on Balmacaan Road, its access point is fixed, using the existing field gate, and is opposite No.s 94 and 96 Balmacaan Road to the west. The access road runs to the north of the proposed house with parking and turning for up to 3 cars to be located to the east of the house. The access point to Balmacaan Road is to be upgraded to meet SDB3 standard.
- 8.13 The design, placement, orientation and massing of the house is considered to be appropriate within this large site. The building would not directly overlook existing houses, particularly given its orientation and the positioning of its windows, and the relatively generous separation distances between it and the existing houses. The building is single storey with a developed roof space using rooflights and as such this scale of building is similar to the other houses at Balmacaan Road and is considered to be acceptable in its design in this context.

# **Amenity and privacy**

8.14 The house is to be orientated on a north-south axis, with its principal windows facing east and west respectively, and so will not result in any direct intervisibility with housing to the north or south or result in overlooking. Although the land is sloping, resulting in the proposed house being elevated above the existing properties to the south on Lewiston Road, an intervening landscape strip provides significant screening of the site from these houses.

# Trees and wildlife

- 8.15 The site forms part of the agricultural fingers of land in the village and undoubtedly provides a resource to wildlife. However, the low density of housing proposed, along with the existing area of mature trees to the south-eastern side of the site will still allow for the passage of animals through and around the proposed housing.
- 8.16 The submitted plans indicate a landscape strip containing existing trees to the southern edge of the site. It is considered appropriate for a safeguarding barrier to

- be installed to protect these trees before the commencement of any development on the sites. This can be secured by condition.
- 8.17 This visually continuous and permanent green corridor through the southern part of the site to the adjoining fields to the northeast and southwest, as identified by the IMFLDP allocation DR3, will be retained.

#### Infrastructure

- 8.18 Representations highlight that the road providing access to properties at West Lewiston should not be used as access for construction. It is noted that the proposed layout of the site, and the existing topography would lend themselves to having construction from Balmacaan Road only.
- 8.19 Representations refer to the path between Balmacaan Road and Lewiston, noting that the previous decision 20/00381/PIP (at condition 12) referred to improvement works to this path. This path lies to the western edge of the application site, but around 45m at its closest point to the proposed house. Nevertheless, it is considered to be appropriate to have some upgrade works to the path undertaken as the developer is likely to use and benefit from the path. This can be controlled by condition.

# **Developer contribution payments**

8.20 Developer contributions were paid at planning in principle stage.

### Other material considerations

8.21 There are no other material considerations.

# Non-material considerations

8.22 The issue of land ownership is not a material planning consideration.

# Matters to be secured by Legal Agreement / Upfront Payment

8.23 None

# 9. CONCLUSION

- 9.1 The application is for a single house on land allocated by the Inner Moray Firth Local Development Plan, on site DR3, for a single house and on a site that already has the benefit of planning permission. The Development Plan allocation notes that there should be provision of a continuous and permanent green corridor through the site and adjoining land. This can be achieved. It is considered that this existing agricultural field can be developed in accordance with the requirements of the allocation.
- 9.2 It cannot be said that the proposed house plot respects the existing wider pattern of development in the area, being set-back from and to the south of the existing housing on Balmacaan Road. However, the site is allocated for housing nonetheless. There are no design criteria set out within the allocation to assist. The

proposed siting and design appear to fit the site while respecting the form of surrounding houses without any significant adverse impact on amenity.

9.3 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 N

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:

1. No development shall commence until a detailed Landscape Plan and Maintenance Programme has been submitted to, and approved in writing, by the Planning Authority. The Landscape Plan shall be implemented in full during the first planting season following completion of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason**: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

2. No built development shall be undertaken within a buffer zone to the north side of the 'landscape strip' (the dark green area) to the south-eastern boundary of the site, as shown on approved Plan No.530 PL 004 docquetted hereto. For the avoidance of doubt, the buffer zone shall be protected by temporary fencing for the duration of any development works, the full written and plan details of which shall be submitted for the approval in writing of the Planning Authority prior to the commencement of any development on site.

**Reason**: In order to protect the existing landscaping strip and to clarify the terms of the permission.

3. No development shall commence on site until details of boundary enclosures have been submitted to, and approved in writing by, the Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

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

4. No development shall commence until the path between Balmacaan Road and West Lewiston on the western edge of the site has been improved in accordance with a scheme, including a detailed plan and specifications, to be submitted to, and approved in writing by, the Planning Authority within 3 months from the date of this permission. For the avoidance of doubt the walking tunnel of the path shall be cleared to a height of 3m with 1m verges and the path upgraded to a width of between 0.6m and 1.2m built to the standards of the Lowland Path Construction Guide and Upland Path Construction Standards

Reason: In order to improve public footpath access.

New development shall commence until a scheme for positioning of refuse and recycling bins for collection has been submitted to, and approved in writing by, the Planning Authority. the refuse collection point should be situated adjacent to the public road, but outwith visibility splays on the approved scheme shall be implemented prior to the first use of the development and thereafter maintained in perpetuity.

**Reason**: To ensure that waste on site is managed in a sustainable manner.

6. The house shall not be occupied until the vehicular access to the site (from Balmacaan Road) has been located, designed, constructed and completed to the standards and specification in the "Access to Single Houses and Small Housing Developments", plan detail SDB2, as specified by the Planning Authority, in consultation with the Roads Authority. For the avoidance of doubt, the boundary frontage at Balmacaan Road shall be finished in a natural stone wall too much the existing wall to the northeast at 125 Balmacaan Road.

**Reason**: In the interests of road safety and visual amenity.

### 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**

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.

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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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 <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> 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: <a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</a>

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 - 530 PL 001 - Location Plan

Plan 2 - 530 PL 002 – Existing Site Layout Plan

Plan 3 - 530 PL 003 - Location Plan - Residential Curtilage

Plan 4 - 530 PL 004 – Proposed Site Layout Plan

Plan 5 - 530 PL 101 – Proposed Ground Floor Layout

Plan 6 - 530 PL 102 – Proposed First Floor Layout

Plan 7 - 530 PL 111 - Elevations

Plan 8 - 530 PL 121 - Proposed Sections

Plan 9 - 530 PL 005 - Site Section Plan





REV DESCRIPTION

BY DATE

# R.HOUSE

6A Drynoch, Crossal, Isle of Skye, IV47 8SP tel 01478 612 899 studio@ruralhouse.net © rural house Itd

Project: RB3+ at Balmacaan Rd, Lewiston

Client: Martin + Cathy Lowder

Drawing: Location Plan

Scale:	Drawn:	Checked:
1:1250@A3	MM	AD
Status: Planning	Date: June 2022	





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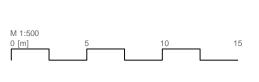
Project: RB3+ at Balmacaan Rd, Lewiston

Client: Martin + Cathy Lowder

Drawing: Existing Site Plan

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Status: Planning	Date: June 2022	REV:





REV DESCRIPTION BY DATE



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Project: RB3+ at Balmacaan Rd, Lewiston

Client: Martin + Cathy Lowder

Drawing: Residential curtilage

Scale:	Drawn:	Checked:
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Status: Planning	Date: June 2022	REV:



1. Do not scale from drawings, if in doubt seek clarification

#### Access Track

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

Bellmouth
Bellmouth to be formed in accordance with Highland Council SDB3 standard details.

#### Parking Bay

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

25mm supply pipe laid at a depth of 750-1350mm to connect to private supply

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

Foul Drainage
To main sewerage system via pumping station.

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 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

Vehicle access route provided to within 45m of the

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.

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.







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Project: RB3+ at Balmacaan Rd, Lewiston

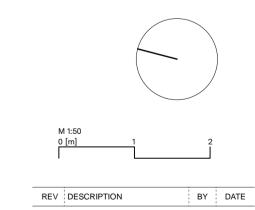
Client: Martin + Cathy Lowder

Drawing: Proposed Site Plan

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Status: Planning	Date: June 2022	REV:

Drawing No:

530 pl 004





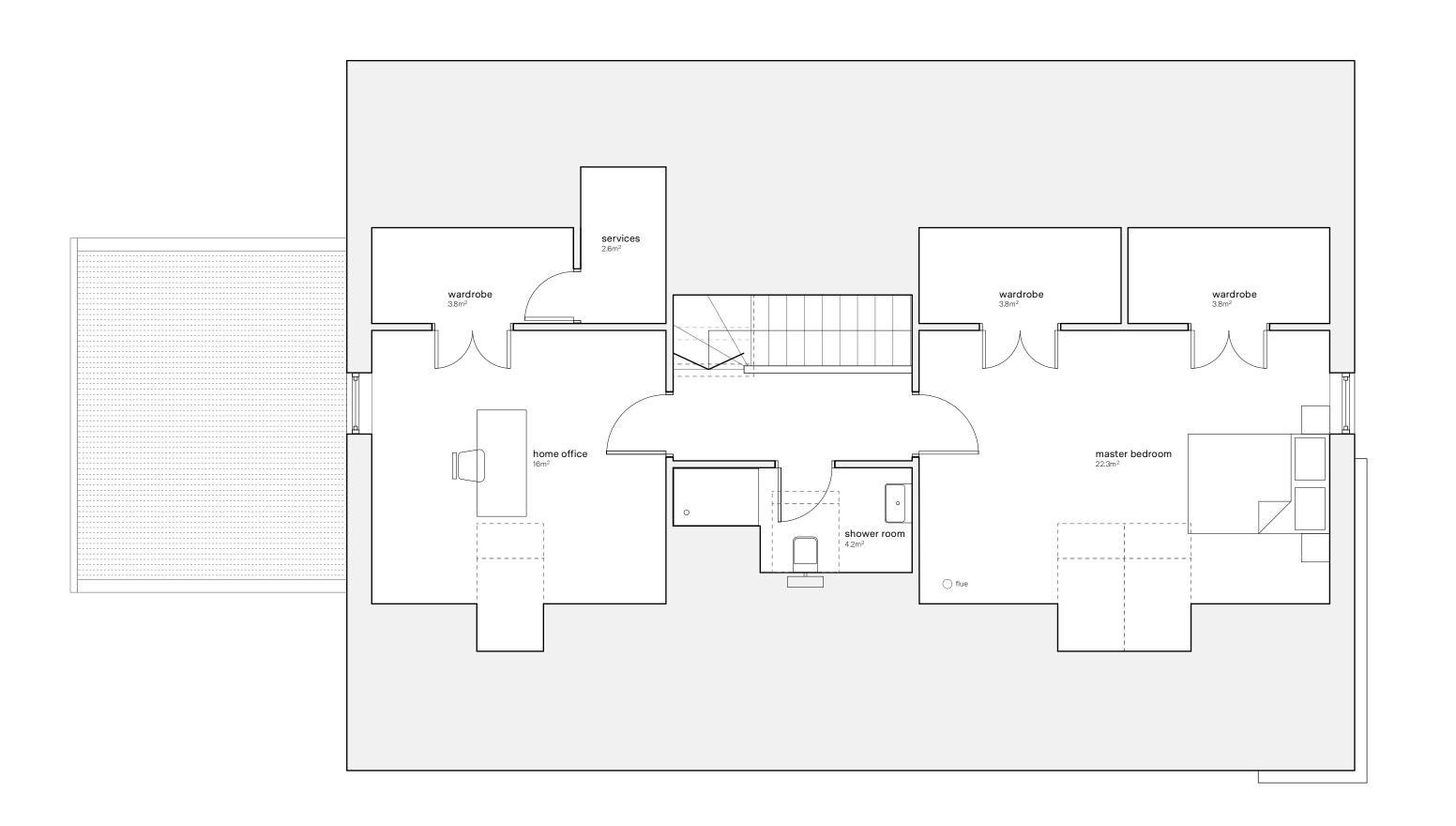
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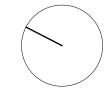
Project: Proposed RB3+ at Balmacaan Rd

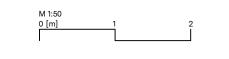
Client: Martin + Cathy Lowder

Drawing: Proposed ground floor layout

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Status: Planning	Date: June 2022	







REV DESCRIPTION BY DATE

# R.HOUSE

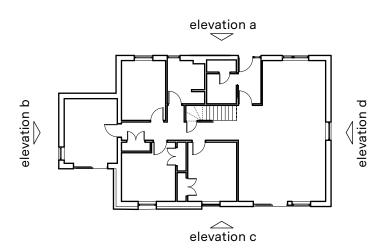
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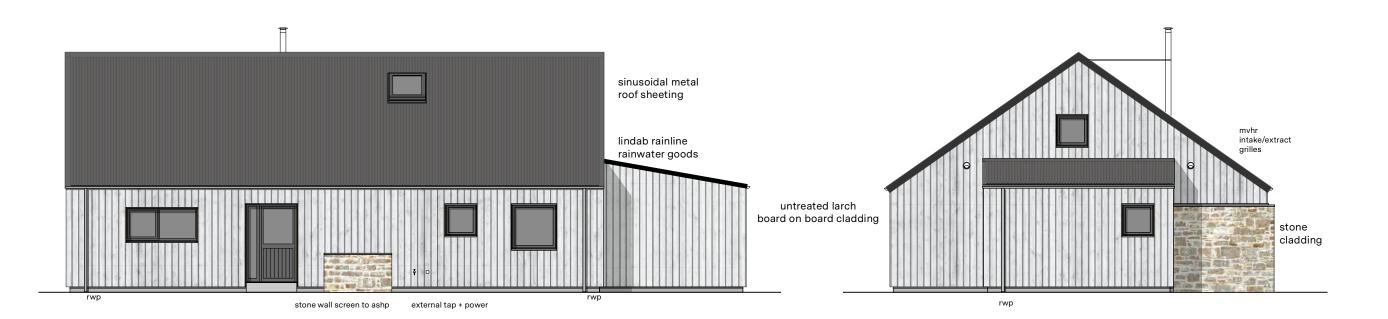
Project: Proposed RB3+ at Balmacaan Rd

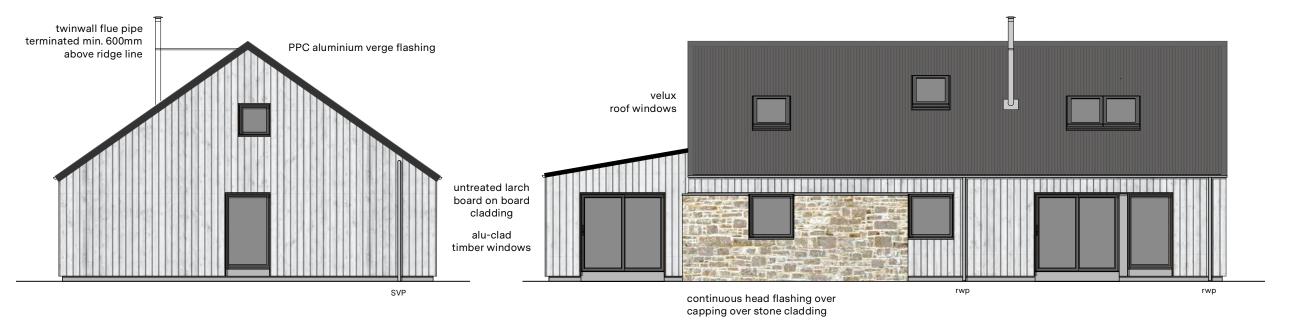
Client: Martin + Cathy Lowder

Drawing: Proposed first floor layout

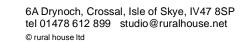
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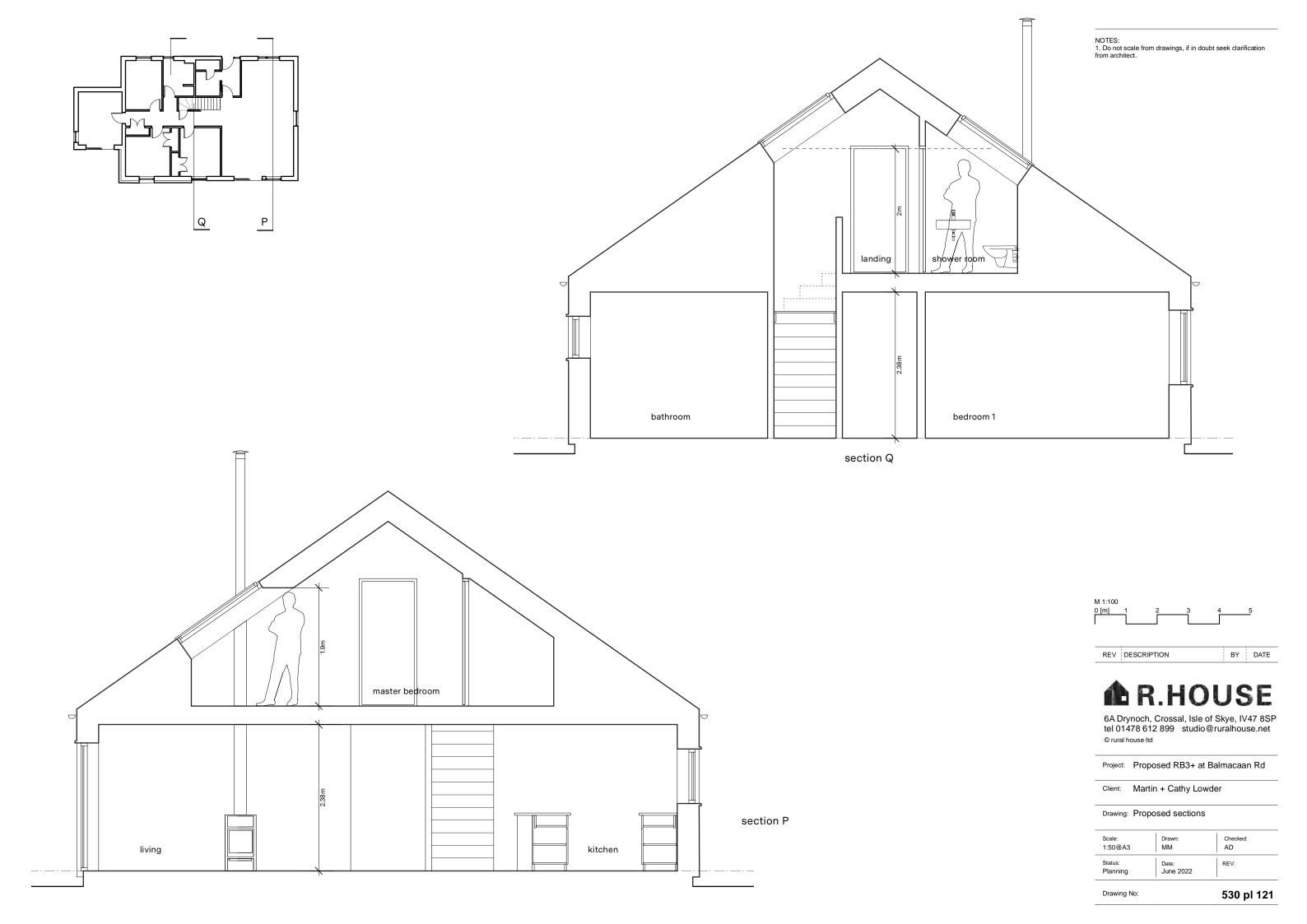
Project: Proposed RB3+ at Balmacaan Rd

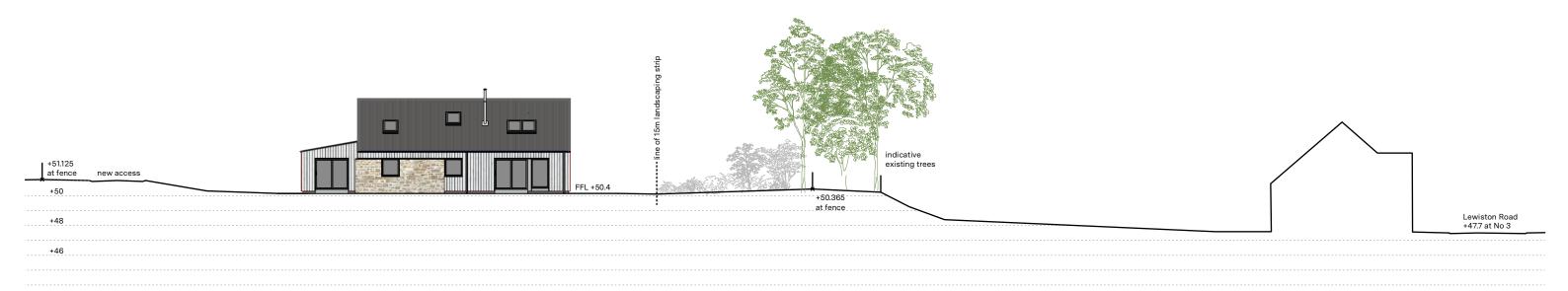
Client: Martin + Cathy Lowder

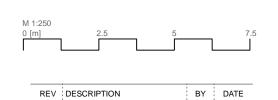
Drawing: Proposed elevations

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Status: Planning	Date: June 2022	









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roject:	RB3+ at	Balmacaan	Rd,	Lewistor
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Client: Martin + Cathy Lowder

Drawing: Site Section

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Status: Planning	Date: Aug 2022	

Drawing No:

530 pl 005