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| Agenda Item | 6.6        |
| Report No   | PLN/094/22 |

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 6 December 2022  
**Report Title:** 22/02879/FUL: Mr T Campbell  
Windrill, Drumsmittal, North Kessock,  
**Report By:** Area Planning Manager - North

### Purpose/Executive Summary

**Description:** Erection of extension, formation of integral self-contained unit, erection of shed and retrospective installation of skate park (ancillary use to main dwelling)

**Ward:** 09 – Black Isle

**Development category:** Local Development

**Reason referred to Committee:** More than 5 objections and Community Council objection

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 seeks permission for three separate elements, the erection of an extension to the house, which includes a balcony; a change to the existing garage to provide a self-contained unit; erection of a shed; and finally the installation of a skate park which is for private use. The skate park is almost fully installed, and this element is therefore retrospective.
- 1.2 Taking each element in turn; the **extension** shall be constructed on the rear elevation of the house. This has a footprint of approximately 12.8m x 8.5m and largely retains the L shaped plan form. The extension accommodates an upper floor and shall measure approx. 6.45m to the ridge. The south elevation, which overlooks the neighbouring field (which has detailed permission for a house) has a large feature gable window to the upper floor and picture windows to the ground level. A balcony is proposed to the rear of the house and a 1.9m high obscured glass balustrade is proposed to this side. The rear overlooks the former area of tree planting and includes a door which has the appearance of a dormer with 2 roof lights and a window to the ground floor. From the front elevation the extension is only partially visible as it sits behind the existing house. The new ridge line and two roof lights are visible over the existing frontage, alongside a new full height window to the ground floor. The north elevation provides upper and ground floor windows and a 1.9m balustrade encloses the balcony to this side.
- 1.3 Internally, the upper floor of the extension shall accommodate a master bedroom, dressing room, en-suite and office. The ground floor of the extension shall provide a wellness room, gym, games room and cinema/snug.
- 1.4 The existing integral garage within the house is to be changed to a self-contained unit with one-bedroom, open plan kitchen/living and a bathroom. It is submitted that this is to be used mainly for family/friends with potential for holiday letting.
- 1.5 The proposed **shed** is to be situated to the rear of the house and sits between the house and tall boundary hedge. This shall have a footprint of 18.5m x 8m (148m<sup>2</sup> total) with the gable frontage overlooking the existing driveway. Due to a change in level between the existing hardstanding and grass area behind the house the site will have to be dug in to level it. A retaining wall is proposed along the north elevation of the garage and the land will slope up to the surrounding garden ground at a maximum of 45° which is largely as the existing arrangement on site which has previously been levelled to accommodate the house. The shed shall measure a height to the ridge of 4.4m to be finished in juniper profile sheeting. The purpose of the shed is submitted as being solely for domestic use.
- 1.6 The **skate park** element of the proposal is situated to the front of the house. This is almost complete and planning permission is therefore sought retrospectively. Due to this comprising an engineering operation on land which was not formally garden ground planning permission is required. The land has been excavated from its original ground level and infilled with shuttered concrete in a light yellow, red and blue grey finish. This has a depth of approximately 1.4m at its extent and 0.75m to accommodate a skate bowl. This is provided in two sections with a raised area central to the bowl. There are sections of the skatepark which are above the

surrounding ground level both to the north and south sides of the bowl. The height increases by 1.5m – 2m to accommodate ramps of different levels up the sides of sections of the bowl. A bund is to be provided around the bowl. This is partially in situ however is to be increased to between 1.5m – 2m, sloping back down to the surrounding ground level and shall have a total area of 165m<sup>2</sup>. The total area which the bowl and surrounding hardstanding takes up is 492m<sup>2</sup>. The planning application if, approved would regularise the use of this land for domestic, the current lawful use being agricultural/grazing.

1.7 Pre-Application Consultation: No pre application advice was sought

1.8 Supporting Information:

- Drainage Statement
- Supporting Statement including information on design alterations and response to public and officer comments

1.9 Variations:

- Site Plan Revisions – Addition of bunding around extent of skate park, provision of acoustic fence to north boundary, relocation of shed to north side of house, upgrade to site access to provide service bay, car parking spaces reduced from 8 spaces to 5
- Shed Elevation and Floor Plan - reduced footprint of shed from 200m<sup>2</sup> to 139m<sup>2</sup> (internal floor space) totalling 148m<sup>2</sup>
- Extension Elevation Plan – Balcony removed from south elevation, 1.9m high frosted glass balustrade denoted on south and north elevations
- Drainage Layout Plan and Drainage Statement submitted
- Amended planning application form submitted clarifying inaccuracies submitted

## **2. SITE DESCRIPTION**

2.1 The is located in Drumsittal on the west side of Knockbain Road in a rural area north of North Kessock. The site comprises the dwelling house (Windrill) which is a single storey detached house. The garden area is laid to grass to the south of the house, and to the front (east). The front, rear and north side are also partially surfaced and accommodate parking areas. There was a large open area of land to the immediate east between the house and Knockbain Road. This site is elevated above Knockbain Road. The current lawful use of this is agriculture/grazing however an unauthorised private skatepark bowl has been constructed within this area of land. The skatebowl measurements, as described above have a footprint approximately 492m<sup>2</sup> and a depth of between 0.75m and 1.4m. This is finished in shuttered concrete with a yellow/pink finish and surrounded by a bund which is currently incomplete. The works which have been undertaken comprise a significant engineering operation for its construction.

2.2 The site is bound on all sides by a post and wire fence alongside gorse on the boundary with the neighbouring house plot to the south and a high hedge on part of the neighbouring boundary to the north. The site shares an access point with the

neighbouring property known as Windsong, the track splits into two separate accesses serving each house.

- 2.3 The surrounding area largely comprises open countryside and agricultural land. Drumsittal Tree Plantation surrounds with felled areas situated to the east and west of the site. The pattern of development along the stretch of road heading north from the A9 is relatively sporadic with houses and agricultural buildings provided in no real defined pattern on each side of the road until a linear row of houses at Culbin to the north. Drumsittal Primary School, Kessock Caravan Park, Christmas Tree Plantation, equine vet and properties being used as holiday let's all make up the area surrounding the site.

### **3. PLANNING HISTORY**

- |     |            |  |                    |
|-----|------------|--|--------------------|
| 3.1 | 27.11.2017 | 17/05117/FUL - Erection of extension to house and erection of stables. This has now lapsed | Permission Granted |
| 3.2 | 22.09.2022 | 21/00363/ENF – Enforcement unauthorised engineering operation                              | Case               |
| 3.3 | 22.09.2022 | 22/00357/ENF – Enforcement unauthorised engineering operation                              | Case               |

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Yes – Unknown Neighbour  
Date Advertised: 22 July 2022  
Representation deadline: 2 November 2022 (following re-neighbour notification)  
Timeous representations: 32  
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
- compliance with the development plan and other planning policy
  - road safety – distraction to road users
  - road safety – increase in traffic and car parking on site
  - road safety- increase in traffic impact on cyclists
  - road safety – impact from lack of drainage, surface water and ice on road
  - no consent will be forthcoming to alter access to meet visibility splays
  - no public transport
  - site drainage from skate park and integral pool
  - visual amenity and character of area impacted
  - scale and location of shed inappropriate and likely for commercial usage
  - not in keeping with rural area

- l) scale of skatepark similar footprint to house
- m) bund does not reduce impact of skatepark, unmaintained will become an eyesore and could impact neighbouring agricultural land
- n) commercial venture
- o) impact on residential amenity – noise from skatepark usage, people and music
- p) impact to residential amenity – overlooking from windows
- q) impact to residential amenity – overlooking from balcony
- r) impact on residential amenity – use of lighting in the evening
- s) impact to residential amenity – lack of information on pool plant and drainage
- t) impact to wildlife including red squirrels and bats
- u) disturbance to animals and livestock
- v) change of use of land required as it is agricultural
- w) impact to prime quality agricultural land
- x) damage to environment from concrete usage
- y) impact to archaeology
- z) inaccuracies in the planning application form and plans
- aa) enforcement notices having not been complied with

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Knockbain Community Council** (did not request a formal consultation) **object** to the application and consider retrospective planning application process is being abused. Section 33A notice has been ignored. The Community Council highlight discrepancies in the planning application form. Note that there have also been alterations to the water supply to the property.

The development started more than one year ago, and no building control engineer has been to the site to assess the structure therefore the structure cannot be considered safe and a building warrant cannot be safely issued.

The area that has been developed was primarily agricultural and the area as a whole is an agricultural area. The development is out of tune with this and is contrary to the Local Development Plan.

The development has caused stress to neighbours, livestock and wild animals. Impacts to wildlife should be considered by the relevant agency. This should include an assessment of the effects of light pollution on flora and fauna (wild and domestic).

Concern there is insufficient drainage on site given the slope of the land and the concrete structure it would restrict the ability of the ground to absorb water and impact the public road.

Four bedrooms will put strain on the existing domestic water treatment system, its capability should be assessed.

Concern that access/egress to the development is dangerous and no assessment or mitigation is shown in the plans. Suggest that the development pulls a drivers line of site away from the road particularly to the south due to the scale and finish

Consider that the scale and nature has the potential to be used for commercial purposes

5.2 **Environmental Health** initially commented (dated 01.08.2022) that no development should commence until a Noise Impact Assessment was provided and included the information which such an assessment should include. Following a site visit it was determined that this would not be necessary given the intended use of the skatepark is for personal/private use and not a commercial operation open to the public.

Environmental Health undertook noise monitoring at the site from the neighbouring property which has informed the most recent consultation response (dated 24.11.2022). These comments are as follows:

Noise monitoring was undertaken between 3 and 4pm on Friday 4th November. There was some wind which would increase the background level a little, but we would assume that there would also be some road noise from the A9.

|   |                                   |  |
|---|-----------------------------------|--|
| Measurement 1 –<br>10m from skater in the applicants garden   | LAeq = 50dB(A)<br>Lmax = 65dB(A)  | Levels derived from a 20 second sample of skating activity |
| Measurement 2 –<br>taken from the terrace at the façade of neighbouring house approx. 80m from noise source | LAeq = 40dB(A)<br>Lmax = 49dB (A) | Levels derived from a 13 second sample of skating activity |
| Measurement 3 –<br>as above   | LAeq = 40dB(A)<br>Lmax = 50dB(A)  | Levels derived from a 17 second sample of skating activity |

Subjectively wheel noise of the skating was inaudible at the objectors house. Periodic clacking type sound of impacts with the skating surface were audible and these noises were what generated the Lmax values measured during the exercise.

It was noted that the applicant’s intention would be to finish the ground level around the skating area such that most activity would be out of sight. It was also discussed that the applicant could further mitigate against noise with the provision of a close boarded fence along the edge of the skating area in the direction of the objector’s boundary. It is noted that the plan 15/9/21 with amendment C 22/11/22 includes an acoustic fence.

The conclusion of this service would be that the skating facility in itself would be unlikely to result in noise that was either a statutory nuisance or an excessive detriment to amenity. Noise nuisances are enforced by Environmental Health and are set out in Section 79(1)(g)) of the Environmental Protection Act 1990. There is

no set noise limit for statutory noise nuisance and noise nuisance is largely based upon case law with each case having to be assessed individually taking into account a number of factors. Nuisance generally entails some form of damage to, or intolerable interference with a person's use or enjoyment of, property. There are consequently any number of situations that a court may consider to be a nuisance under common law.

The aforementioned conclusion does not account for the possibility of "domestic activity noise" associated with the use of the skating facility causing a disturbance although this type of noise would be a possibility in a domestic garden whether or not the skateboarding facility was present.

- 5.3 **Flood Risk Management Team** has no objections to the application. In regard flood risk SEPA's flood maps indicate the site lies out with the 1:200-year annual flood exceedance extents and therefore potentially at low risk of flooding during the predicted 1 – in 200-year (0.5% annual exceedance probability) storm event.

The application site comes under the heading of 'Less Vulnerable Use; within a little to no risk area in a sparsely developed area. The FRM Team are satisfied that the proposals shown on the Drainage Layout Plan are unlikely to impact on any flood storage or increase the flood risk to others.

Access and egress from the site will not involve crossing any functional flood plan.

In regard to pluvial flood risk there are no specific concerns. The Drainage Layout Plan is acceptable. Arrangements to incorporate a cut off drain to collect surface water to be collected and discharged into the soakaway is welcomed. Note that the existing concrete skate bowl is said to drain to a low point within the structure where it is proposed to fit a 150mm gullied pipe to the new soakaway. Given the low likelihood of pluvial flooding FRM are satisfied this can be managed through site drainage.

Recommend that Building Standards are consulted with in regard to foul and surface water drainage as areas of ground conditions are noted to be of medium to dense materials. The drainage statement notes that foul water will be disposed of once treated from an above ground system.

Surface water runoff should be managed to minimise pollutants reaching any watercourse or drainage ditch and should provide appropriate levels of SUDs treatments. Recommend visiting SEPA's website for further information.

- 5.4 **Transport Planning** have no objections to the proposals. They recommend that the site access is upgraded to an SDB 2 to bring it up to the applicable standards as stated in the Access to Single Houses and Small Housing Developments Supplementary Guidance. The service bay must be surfaced at least 6m back from the public road edge and any gates 8m back and to open inwards.

With regard to visibility comment that the assessed speed from a desktop survey is 30mph and therefore splays of 2.4m x 90m in each direction are required.

With regard to parking and turning the car parking spaces for the house and possible AirBnB were considered to be acceptable. As all elements of the proposals are for private use no additional parking should be required.

Advise that additional drainage information should be sought, and the Flood Risk Management Team consulted on this. A condition is recommended to ensure no drainage connections are made to the public road network.

Transport Planning also commented on road safety due to concern raised around the distraction of skaters suddenly appearing. Based on drawings submitted the skate park will be approximately 30m from the road therefore distraction was considered to be minimal. As it has been confirmed that the proposals are not commercial any additional traffic will be minimal.

- 5.5 **Scottish Water** have no objections to the proposals. Confirm that there is currently sufficient capacity in the Assynt Water Treatment Works to service the development however such capacity cannot be reserved. It is confirmed that there is no public wastewater infrastructure in vicinity to the site, therefore it is advised that private treatment options are investigated. Scottish Water also noted that there is a 90mm watermain and abandoned water pipe running through the site. They advised that the applicant should be aware that any conflict with assets identified will be subject to restriction on proximity of construction. Written permission must be obtained from Scottish Water before any works are started within the area of apparatus.

## 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  
44 - Tourist Accommodation  
56 - Travel  
58 - Protected Species  
61 - Landscape  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
72 - Pollution

### 6.2 **Inner Moray Firth Local Development Plan (2015):**

No site-specific policies apply.

### 6.3 **Proposed Inner Moray Firth Local Development Plan (2022)**

No site-specific policies apply.

### 6.4 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Flood Risk and Drainage Impact Assessment (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

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

Scottish Planning Policy (as amended December 2020)

National Planning Framework 3 and Finalised Draft NPF4

*Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration; at the time of writing, this is ongoing and Scottish Parliament's decision is awaited. Revised Draft NPF4 may for now carry some, but limited, weight in the consideration of applications.*

### **7.2 Highland Council Guidance**

House Extensions and Other Residential Alterations Guidance

## **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 development plan and other planning policy
- b) planning history
- c) siting and design
- d) residential amenity
- e) access and transport
- f) drainage
- g) protected species
- h) any other material considerations

### **Planning History**

- 8.4 The application for the skatepark has been submitted as a result of works which were reported to the Planning Authority in August 2021 on the applicants land. At that time the land had been excavated. The Planning Enforcement Team advised the applicant that planning permission was required for a change of use of land and for the skatepark. The applicant was subsequently issued with a formal Section 33A Notice which required the submission of a planning application for development already carried out and he was advised to cease works until such time as a planning application had been submitted and planning permission granted. In spite of repeated requests, no planning application was submitted until June 2022. In the period between the initial notice being served and planning application being

submitted the skatepark was almost completed, against the advice of the Planning Authority.

### **Development plan/other planning policy**

8.5 The application requires to be assessed primarily against the policies in the Highland-wide Local Development Plan. All planning applications are assessed against Policy 28 – Sustainable Design. This lists a number of criteria which proposals require to be assessed against. Of particular relevance to this proposal is:

- impact on individual and community residential amenity;
- demonstration of sensitive siting and a high-quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;

These requirements are further enforced under Policy 29 – Design Quality and Place-making, this states that new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

8.6 As the proposal involves a self-contained unit within the existing garage to be converted, consideration has to be given to Policy 44 – Tourist Accommodation. Out with settlement boundaries, proposals are supported where they comply with the requirements of Policy 35 – Housing in the Countryside (Hinterland Areas) and the Rural Housing Guide. The Rural Housing Guide provides broad support for proposals which result in increased length of visitor stay/spend and promotes a wider spread of visitors. Tourist Accommodation is defined as a premises which is generally unsuitable for permanent residential use, by virtue of its design, site layout, plot separation and the shared use of communal facilities. Should it be suitable for permanent residential occupation it will be treated as a residential house and will need to meet one of the other criteria for housing within the hinterland area to be supported. As the self-contained unit is attached to and shared serves with the existing dwelling house it is not necessary to assess it under the provisions of Policy 35, this is therefore not applicable in this case. It is noted that planning conditions will be used to ensure that such accommodation is not used as a permanent dwelling.

8.7 As concern has been raised around the loss of agricultural land consideration is given to Policy 47 - Safeguarding Inbye/AppORTioned Croftland. This seeks to avoid development, or to direct development to areas of lower agricultural value on crofts. While the current lawful use of the site is agricultural land it is not a defined croft and therefore this policy would not be relevant in assessing the proposals.

8.8 Policy 56 – Travel requires development proposals that involve travel generation to include sufficient information within the application to enable consideration of on and off-site transport implications. With the exception of the self-contained unit the proposals are submitted as solely for private use of the applicant. The policy requires there to be an adequate level of parking provision within development sites.

8.9 Policy 57 – Natural, Built and Cultural Heritage requires all development proposals to take into account the impact on heritage features with particular reference to

features of local/regional, national and international importance alongside historic features. There are no natural heritage designations in or around the site which would require to be considered in assessing the proposals. The Historic Environment Record does not show any features of archaeological significance in proximity to the site with the exception of a former farm steading which will be unaffected by the proposal.

- 8.10 Concern is noted with specific regard to red squirrels and other species which may within the surrounding area. Policy 58 – Protected Species states that where there is good reason to believe a protected species may be present on a site or affected by a proposed development a survey is required to establish any such presence and provide mitigation of such impacts.
- 8.11 Comments raise impacts to the landscape and visual amenity as being an issue. Policy 61 – Landscape requires new development to reflect the landscape characteristics which requires consideration of the appropriate scale, form, pattern and construction materials as well as cumulative effect of developments.
- 8.12 Policy 65 – Waste Water Treatment requires connections to the public sewer and where this is not possible a private system is required, preferably to discharge to land. Policy 66 requires all development to be drained by Sustainable Drainage Systems (SuDS) designed in accordance with the Sewers for Scotland Manual 4<sup>th</sup> Edition.
- 8.13 Policy 72 - Pollution considers proposals that may result in significant pollution such as noise, air, water and light and requires developers to mitigate and show how any pollution can be avoided and mitigated.

### **Siting and Design – House Extension**

- 8.14 The house is to be extended on the rear elevation. As described above this shall have a footprint of 12.8m x 8.5m and shall accommodate a wellness suite with pool, cinema/snug/games room and gym to the ground floor and a master bedroom, office and en-suite to the first floor. The extension is considered to be relatively substantial in relation to the existing house, with the ridge height exceeding that of the main house, and a relatively large roof mass when read in relation to the wall head height which matches that of the existing house. The overall scale and massing were raised as a concern initially with a request to reduce the scale of the extension to read as subservient to the main house as required by the House Extensions and Other Residential Alterations Guidance. The applicant submits that the design has been informed by a previous planning permission to extend the house under 17/05117/FUL. The proposed extension measures approximately 250mm above the ridge height of the previous extension and is 2.1m longer than that which was approved. Materials will match those of the existing house, there are no issues with the overall design. It is noted that the scale of the extension was previously justified as it would be absorbed by the backdrop of trees which form part of an adjoining plantation in separate ownership. The trees were always due to be felled, therefore had the extension of a similar scale already be built it would have similar impacts to what is now proposed. Given the planning history on the site and that a similarly

scaled extension has been previously approved it is considered that the scale and massing of the extension is acceptable in this instance.

### **Residential Amenity – House Extension**

- 8.15 Concern has been raised over impacts to amenity from overlooking of windows. Overlooking from ground floor windows is not considered to be an issue due to a lack of neighbours to the rear and boundary treatments comprising gorse and hedging (and the shed) on each side. A large gable feature window is proposed on the south elevation approximately 8m from the boundary and 36m away from the location of the approved house on the adjoining plot (as approved under 21/05944FUL) to the south which has not yet been constructed. The extension and house site are off set from one another, and windows to the rear of the new house are bedroom windows, ensuite and dressing room. The main upper floor window to the extension is also a bedroom window. Due to the separation distance between the approved house and the proposed extension, and that none of the rooms are the main habitable rooms of either house, it is not considered that privacy from overlooking would be a significant issue. It is acknowledged there will be some additional overlooking to the rear garden of the proposed house, however given the substantial scale of the plot and that it is a bedroom window it is not considered that privacy from overlooking to the garden will be significantly detrimental to amenity. Further, given the house was approved under the 'housing group' exemption there has been a degree of acceptance that there are neighbours adjacent to the house and the plot is not isolated from neighbouring development, given this, it is accepted there will be some intervisibility and relationship between the applicants house and the recently approved house.
- 8.16 The upper floor window to the north elevation comprises an office – the distance from the neighbour to the north and fact this is again not one of the main habitable rooms of the house raises no significant issues in terms of impact to privacy from overlooking.
- 8.17 It is noted within representations that the pool within the extension gives rise to concern over drainage and potential impacts from noise from plant associated with this and the steam room/sauna. It has been clarified that the pool will have a depth of 1.5m – 1.7m and a volume of between 15.5m<sup>3</sup> – 17.6m<sup>3</sup>, this is a small pool and not a conventional swimming pool. Drainage will be further considered in a subsequent section however it is confirmed that that water will be retained within the pool and treated. When the water requires to be changed it is removed from the site by specialist contractors. All equipment associated with the pool will be internal. With regard to the sauna as it is for domestic purposes the extraction will be via a domestic extraction system. A non-mechanical electrical heater is to be installed at approximately 4.5kw, this will be contained within the sauna. Finally, the steam room ventilation will be via similar means to the sauna. Steam shall dissipate via a domestic standard extraction fan. Non mechanical air intake is to be installed and a 6KW steam generator will be contained within the house. By domestic standard, it is confirmed that a fan of circa 15l/s would be installed which is similar to a typical bathroom fan. All of these matters including final specific measurements of the pool will all be clarified within a building warrant and are out with the scope of this planning application. The northern gable of the extension is situated 75m away from the nearest gable of the neighbour to the north and is separated by the hedge and

partially by the proposed shed. Due to the infrastructure of this being domestic and 75m separation distance it is not considered that the wellness suite will result in noise from plant which would impact on neighbouring residential amenity. Environmental Health have not raised any issue or concern around this element of the proposal.

### **Residential Amenity - Balcony**

- 8.18 Concern has also been raised in representations regarding overlooking to the approved house plot (approved in detail under 21/05944/FUL) from the proposed balcony. The plans have been revised and omit the balcony on the south elevation, this will now be situated to the rear only, overlooking the area which was previously the forestry plantation. To mitigate overlooking over the approved house plot a 1.9m high frosted glass screen is proposed on the south elevation of the balcony. This will preclude people from being able to stand and look directly over the house plot and garden. It is therefore considered that there will be no significant impact on residential amenity from overlooking from the balcony to the house on the south. The balcony will also be screened from the neighbour to the north by a 1.9m frosted glass screen, the proposed shed and existing hedge boundary.
- 8.19 Overall, it is considered that the house extension and balcony are appropriately sited to the rear of the house and designed to be largely in keeping with the existing house and consent which was previously granted on site. The extension will be partially screened by the existing house in front of it and the mass of this is therefore broken up reducing the visual impact. As described above the overall height is 250mm above the extension which was previously approved under 17/05117/FUL and 2.1m longer. The visual impact will therefore not be significant over that which was previously approved with no objections. It is not considered that overlooking from windows would result in a significant detrimental impact to amenity due to separation distances and the use of the rooms which could potentially be affected. The balcony has been omitted from the south elevation and a 1.9m high screen provided to ensure there is no direct overlooking to neighbouring plots and boundaries. The house extension element of the proposal is therefore considered to comply with Policy 28 – Sustainable Design as there as it is suitably sited, designed and there will be no significantly detrimental impact to community or individual residential amenity.

### **Self-Contained Unit**

- 8.20 The garage is to be converted to provide a self-contained unit. It has been clarified that this is for use of family and friends, however, it is sought to keep this option open also for potential tourist accommodation. The provision of this unit results in the garage door being changed to bifold doors and the garage side door on the north elevation is changed to a window. Policy is broadly supportive of such accommodation, and it is evident there are other holiday lets within the area. Car parking is provided within the site for the unit which shall be tied to the parent house to ensure that it is not separated from the main property. The provision of a self-contained unit within the property does not give rise to significant concern over amenity to neighbours given the separation distances. Should this be rented out as tourist accommodation it will be for the applicant to manage their guests, this is not something which can be policed by the Planning Authority.

## **Erection of shed**

- 8.21 The application also seeks permission for the erection of a shed. This shall have a floor area of 139m<sup>2</sup> internally with a total footprint of 148m<sup>2</sup> and is to be situated to the north of the house. This initially had a footprint of 200m<sup>2</sup> and was situated to the northern corner of the site adjacent to the access track and approximately 14m away from the public road. It was not considered that the shed in this location in such proximity to the road was appropriate, nor the scale of this justified for a domestic shed. The applicant was asked to reduce the footprint and relocate the shed to a less visually prominent position on their land. The shed is now located to the north gable of the house on an area of hardstanding between the house and boundary hedge. The colour of the shed was also changed from blue/grey to juniper green. The applicant was asked to clarify what the use of the shed would be, and it is submitted that it is for solely domestic purposes for storage, car maintenance and as a hobby workshop. The scale of the shed whilst large is not unusual or out of character in a rural area such as this. The repositioning and reduction in size of the shed adjacent to the house significantly reduces the visual impact and is considered to be acceptable on siting and design grounds and therefore is considered to comply with the criteria set out in Policy 28 – Sustainable Design. A condition is recommended to ensure that the shed is utilised for domestic purposes incidental to the dwelling house only in accordance with what is applied for and for the avoidance of any doubt. Concerns raised around the shed being for commercial purposes are speculative and any such use other than domestic will require written consent from the Planning Authority.

## **Retrospective installation of skatepark (ancillary use)**

- 8.22 The installation of the skatepark is the main issue of concern raised within the representations. It is unfortunate that works have been carried out to this point without the benefit of planning permission or seeking the advice of the service beforehand. Further the continued working on the skatepark itself after being advised that permission was required has caused frustration. Whilst the Planning Authority can understand and sympathise with the frustration that this has caused for residents it is however it is incumbent on the Planning Authority to consider the application as submitted and not the manner in which it was undertaken. Due regard must therefore be had to all relevant material planning considerations in the assessment of the proposal.
- 8.23 It has been confirmed that the skatepark is for private use, ancillary to the dwelling house only. A planning condition is recommended to ensure that this use is secured, and this shall therefore preclude private lessons or paying members of the public utilising this. It is considered that this shall therefore address concerns around the development being of a commercial nature.

## **Siting and Design of skatepark**

- 8.24 It is acknowledged that the development is inconsistent with the rural landscape setting as it brings about an extensive engineering operation of which there is nothing similar in the local area. At present, when viewed from outwith the site, only parts of the skate bowl are visible at any location, this is both from the neighbouring property,

the consented house site and the public road. Only the above ground elements are visible, the extent of the development is not visible to a large number of people from outwith the site. Since the application was submitted, a bund is now proposed (and partially in situ) around the bowl which shall be grass covered and will screen the bowl from the public road and house to the north. There is also planting along the northern boundary between the skatepark and the adjoining house which helps to partially screen it. The skate bowl will therefore not be visible from outwith the site. Further to this a 1.2m high acoustic fence is also proposed to the north side of the site, on top of the bund. While it is accepted that the skatepark is large, as is evident on plan and in images provided with representations, given the mitigation which is proposed to both screen the development and address potential issues around noise, it is not considered that the application is unacceptable on the grounds of visual amenity or impact to the landscape as it will not be publicly visible in its entirety from anywhere other than within the applicants own land.

### **Residential Amenity - Noise**

- 8.25 Significant concern around noise from the skatepark has been raised in representations submitted. Environmental Health initially requested a Noise Impact Assessment, however as it emerged that this was not for commercial usage the need for this was withdrawn. Instead, noise monitoring was carried out by Environmental Health on 4 November when the skatepark was in use in order to ascertain whether the use of this would constitute a statutory nuisance specifically at the nearest neighbouring property, *Windsong*. Measurements were taken from the applicants property and 80m away from the noise source at the terrace of the frontage of the neighbouring house. This found noise levels to be between LAeq40dB(A) and Lmax 50dB(A). It was considered that the wheel noise of skating was inaudible at the neighbouring property, however a periodic clacking type sound of impact with the skating surface were audible and these noises generated the Lmax values during the exercise. It was concluded that the skating facility in itself would be unlikely to result in noise that was either a statutory nuisance or an excessive detriment to amenity. It is acknowledged however that this does not account for the possibility of domestic activity noise (noise from people) associated with the use of the skatepark causing a disturbance however, it is acknowledged that such noise is a possibility even if there was no skating facility in situ.
- 8.26 Due to the noise measurements taken by Environmental Health and the additional mitigation proposed through the formation of bund and installation of a close boarded fence, it is considered that impact on amenity from noise can be mitigated and will be improved over what is currently noted as being experienced on site. Based on this advice it is therefore not considered that a refusal on the basis of noise and impact to amenity would be justified. Noise and behaviours from individuals on private property are not something which can be policed by the Planning Authority. A planning application cannot be refused on the basis of individuals making noise on their land and excessive noise from individuals would be a matter for other regulatory authorities and is not a material planning consideration.
- 8.27 It is clearly regrettable the skatepark was constructed without the benefit of planning permission, given it will not be prominent to public view, and that the current noise levels do not constitute a statutory nuisance, it has been demonstrated that visual and noise impacts can be mitigated. Accordingly, the proposal is not considered to

be contrary to policy 28 – Sustainable Design, policy 29 – Design Quality and Place-making, policy 61 - Landscape or policy 72 – Pollution.

### **Access and Transport**

- 8.28 Comments received raise concern about impacts to Knockbain Road and the additional traffic which would be generated over this. As the shed and skatepark are confirmed as being ancillary to the existing dwelling it is not considered that there will be a significant increase in traffic over and above the current vehicular movements into the site, subsequently there will be very limited additional impact to road users including cyclists. This is acknowledged by Transport Planning who raised no objections. The self-contained unit will result in an increase, particularly if used as tourist accommodation. The movements which would be generated would not be significant over and above the existing movements, however in order to mitigate this and improve the existing situation on site, Transport Planning have requested that the shared site access is upgraded to an SDB 2 standard with a service bay. There is a requirement for visibility splays of 2.4 m x 90m. The service bay is to be delivered on the applicants land, a bound surface to the access will also improve the situation on site. It is noted in representations that no consent will be given to clear any visibility splays on land out with the applicants control. This is noted. The required splays are the same that were sought for the neighbouring house Windsong (10/03752/FUL) which shares this access. It appears that given the nature of the road geometry and existing visibility splays available that the current arrangements are acceptable to accommodate the self-contained unit.
- 8.29 Comments around an increase in car parking are noted, however, the site layout shows a formalisation of car parking spaces which are already available within the site. This does not therefore raise any issue.
- 8.30 It is noted that there are concerns that the skatepark would be a distraction to road users. Transport Planning note that the skatepark is 30m away from the public road and that it is unlikely that the proposal would give rise to road safety issues while the skatepark is in use. Further the bund and fence to the north now proposed also further screen this from the road. It is therefore considered that concerns over road safety are mitigated, and the proposal is considered to comply with Policy 56 – Travel of the HwLDP.

### **Drainage**

- 8.31 It is acknowledged that when the application was submitted that there was no information relating to drainage. A Drainage Statement and Drainage Layout Plan has been submitted which clarifies the ground conditions and drainage arrangements proposed for all elements of the planning application. A new surface water soakaway to measure approximately 8m x 14m is to be located to the northern corner of the site. This will take surface water from the proposed shed and skatepark. New drainage arrangements are proposed for the house. The septic tank is to be replaced with a new treatment plant to soakaway which will be via puraflo modules. The drainage arrangements have been informed by percolation tests. The Flood Risk Management Team noted that ground conditions varied across the site however raised no objections to the arrangements proposed, recommending that Building Standards were consulted. Building Standards confirmed that the drainage would

be subject to further scrutiny at the Warrant stage and that given the Flood Team have noted the poor percolation in areas that percolation test results will also require to be submitted with a warrant application to demonstrate that all surface water can be dealt with appropriately within the site. The Transport Planning Team request a condition to ensure that no water is discharged to the roadside. No objections have been raised. It should be noted that SEPA are not a statutory consultee as the site is not at risk of flooding or of a scale which meets with their applicable thresholds for consultation. Consideration of flood risk and drainage therefore falls to the Council's Flood Risk Management Team. Scottish Water also had no objections to the application. It is therefore considered that issues around drainage and servicing have been resolved and the proposal therefore complies with policies 65 and 66 of the HwLDP.

### **Protected Species**

- 8.32 Concerns are raised around impact to protected species from the proposals. There are no specific designations, nor trees on the site itself which would give opportunity for any protected species on site, either before, or after the skate bowl was initiated. It is acknowledged that there may be species moving around the site and in the area and its surrounds however, there is no reason to suspect that these are resident on site which would justify a protected species survey, it is therefore not considered to be reasonable to insist upon this under the provisions of Policy 58 – Protected Species. Given there are no designations the proposal falls below the threshold under which NatureScot would be consulted.
- 8.33 Due weight also has to be given to the fact that local populations of species may have moved on due to the fact that there has been substantial felling immediately adjacent to the site and any loss of such species from the area is more likely to have arisen from this. The proposals were informally discussed with the Council Ecologist who noted that the red squirrels and species in the locale were unlikely to be significantly impacted by the use or construction of the skatepark and given the proximity to the road and noise from this, alongside agriculture and operation of domestic machinery such as lawn mowers etc resident populations will be used to human activity. It was noted there could be potential issues in the ground nesting bird season during construction. An advisory note is recommended for any further construction works alongside a reminder of the developers obligations in the event that protected species are found on site.

### **Other material considerations**

- 8.34 There are no other material considerations.

### **Non-material considerations**

- 8.35
- Use of shed and skatepark for commercial purposes
- Planning Comment – it is confirmed this is a not a commercial operation. Conditions are recommended to secure private ancillary use
- Proximity of existing skateparks in Inverness and Muir of Ord

Planning Comment – Not a commercial use open to the public and provision of facilities elsewhere is not material in considering the proposals.

- Sets precedent for other unauthorised development elsewhere

Planning Comment – this is not material in assessing the merits of the application as submitted

- Road not appropriate for businesses

Planning Comment – as noted above the proposal is not commercial with the exception of the self-contained unit

- Livestock worrying

Planning Comment – Planning Authority has no control over behaviours of individuals

- Noise from people/music

Planning Comment – Planning Authority has no control over behaviours of individuals within the site whether there is a skatepark in situ, or not.

- Publication of information in representations

Planning Comment –all material planning considerations raised in representations have been taken into account in the assessment of the application

### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.36 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) None

## **9. CONCLUSION**

- 9.1 This application has aroused considerable public interest. The manner in which the development has occurred is regrettable and has led to considerable frustration however the Planning Authority is required to consider the application as submitted. There are a number of elements to the planning application which have been considered in detail against the relevant policies of the development plan, representations received and advice from consultees. The scale and design of the house extension is in keeping with the planning history on site. While trees have been felled behind the site there has been no significant policy change which would justify a recommendation for refusal based on the scale and massing of this. It is not considered that impact to amenity from overlooking from the windows or the balcony would be significantly detrimental to privacy of the neighbouring properties due to separation distances, boundary treatments and the rooms not being the main habitable rooms within the properties. Given this has now been previously considered as a housing group a degree of intervisibility between properties is accepted. Any plant associated with the integral pool will be domestic so no additional noise should arise as a result of this element of the proposals.

There are no issues with regard to the integral self-contained unit with parking denoted on site and improvements to the access agreed in order to mitigate any increase in vehicular movements arising from this.

- 9.2 The shed is considered to be typical of other development in the immediate area, and plans have been received to relocate this adjacent to the house and reduce the footprint of this to reduce the visual impact, a condition is recommended to secure a domestic use in accordance with the use applied for. It is not considered that the erection of a shed of this design on the site would be significantly detrimental to visual amenity and this is therefore supported in policy terms.
- 9.3 It has been clarified that the skatepark is for domestic use only. While it is acknowledged that such a development is inconsistent with the surrounding rural area, the visual impact of the structure out with the site is considered to be minimal due to mitigation proposed which includes the bund around the extent of the skate park. It is therefore considered that there will be no significant impact to visual amenity. Noise measurements have been taken on site which demonstrate that noise emitting from the use of this is not such to constitute a statutory nuisance. In order to further mitigate any noise, in addition to the bund an acoustic fence is proposed along the extent of the skatepark to the northern boundary. It is therefore considered that any issues in regard to noise can be mitigated. Drainage information has been submitted which demonstrates that there is a drainage solution for the site, there are no further issues in this regard. It is not considered that the proposal gives rise to road safety issues, nor that protected species will be significantly impact by the development. All technical issues raised in representations and consultee comments are considered to have been resolved and given the low visual impact outwith the site it is considered that the proposal complies with the aforementioned policies of the development plan. It is therefore recommended that planning permission is granted subject to conditions.
- 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

|   |   |
|---|---|
| <b>Action required before decision issued</b> | 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 other development on the shed, extension or self contained unit shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines with the junction formed to comply with SDB 2.

**Reason:** To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

2. For the avoidance of doubt there shall be no drainage connections to the local road drainage network.

**Reason:** To ensure that the efficiency of the existing Council Road drainage network is not adversely affected.

3. Prior to first occupation of the self-contained unit hereby approved parking spaces and turning as denoted on the approved Site and Location Plan drawing number 2021-070-000 shall be provided and shall be maintained for this use in perpetuity.

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

4. The self-contained accommodation hereby approved shall be used solely as accommodation ancillary to the main dwellinghouse or for holiday letting purposes only and at no time shall it be occupied as a separate dwelling.

**Reason:** To ensure that the development does not become used as a separate dwellinghouse in recognition of the lack of private amenity space and in accordance with the use applied for

5. The shed hereby approved shall be used solely for purposes incidental to the use of the house on the site and no commercial activity shall be carried out in or from the garage.

**Reason:** In order to clarify the terms of this permission, in accordance with the use applied for an in the interest of residential amenity as the use of the shed has not been considered for any other usage.

6. The skatebowl hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling house, and for no other purpose or use. For the avoidance of doubt the skatebowl shall not be open to members of the public or run as a commercial business at any time.

**Reason:** In order to clarify the terms of this permission, in accordance with the use applied for and in the interest of residential amenity as the application has been assessed on the basis of the skatebowl being for private use only.

7. No further development shall commence until a fully detailed scheme of landscaping for the site, has been submitted to and approved in writing by the Planning Authority. The landscaping plan shall detail of boundary treatments and all hard and soft landscaping including landscaping to the bund and any planting proposed within the site. The development shall thereafter be carried out in accordance with the details thereby approved. All planting thereby approved shall be undertaken in the first planting season following the completion of the skate bowl. Any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced the following planting season to the original specification unless otherwise agreed in writing by the Planning Authority.

**Reason:** To ensure that the bund and fence are finished to an appropriate standard in the interest of visual amenity.

8. Within 6 months of the date of this decision the drainage arrangements proposed for the skatebowl shall be completed to the satisfaction of the Planning Authority.

**Reason:** As the skatebowl is in situ with no formal drainage arrangements in place and this requires to be resolved within a reasonable timeframe in the interest of amenity.

## **REASON FOR DECISION**

There are a number of elements to the planning application which have been considered in detail against the relevant policies of the development plan, representations received and advice from consultees. The scale and design of the house extension is in keeping with the planning history on site. While trees have been felled behind the site there has been no significant policy change which would justify a recommendation for refusal based on the scale and massing of this. It is not considered that impact to amenity from overlooking from the windows or the balcony would be significantly detrimental to privacy of the neighbouring properties due to separation distances, boundary treatments and the rooms not being the main habitable rooms within the properties. Given this has now been previously considered as a housing group a degree of intervisibility between properties is accepted. Any plant associated with the integral pool will be domestic so no additional noise should arise as a result of this element of the proposals.

There are no issues with regard to the integral self-contained unit with parking denoted on site and improvements to the access agreed in order to mitigate any increase in vehicular movements arising from this.

The shed is considered to be typical of other development in the immediate area, and plans have been revised relocate this adjacent to the house and reduce the footprint of this to reduce the visual impact, a condition is recommended to secure a

domestic use in accordance with the use applied for. It is not considered that the erection of a shed of this design on the site would be significantly detrimental to visual amenity and this is therefore supported in policy terms.

It has been clarified that the skatepark is for domestic use only. While it is acknowledged that such a development is inconsistent with the surrounding rural area, the visual impact of the structure out with the site is considered to be minimal due to mitigation proposed which includes the bund around the extent of the skate park. It is therefore considered that there will be no significant impact to visual amenity. Noise measurements have been taken on site which demonstrate that noise emitting from the use of this is not such to constitute a statutory nuisance. In order to further mitigate any noise, in addition to the bund an acoustic fence is proposed along the extent of the skatepark to the northern boundary. It is therefore considered that any issues in regard to noise can be mitigated. Drainage information has been submitted which demonstrates that there is a drainage solution for the site, there are no further issues in this regard. It is not considered that the proposal gives rise to road safety issues, nor that protected species will be significantly impact by the development.

All technical issues raised in representations and consultee comments are considered to have been resolved and given the low visual impact out with the site it is considered that the proposal complies with the aforementioned policies of the development plan. It is therefore recommended that planning permission is granted subject to conditions.

## **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: <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](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 is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place

outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: <https://www.nature.scot/sites/default/files/2017-09/Guidance%20note%20-%20Dealing%20with%20construction%20and%20birds.pdf>

Signature:

Designation: Area Planning Manager North

Author: Laura Stewart

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

Relevant Plans: Plan 1 - 2021 070 000 Rev C - Site and Location plan  
Plan 2 - CTCH-J4793-001 – Drainage Layout Plan  
Plan 3 - 2021 070-006 Rev B Proposed Elevation Plan

Plan 4 - 2021 070 – 005 Rev A - Proposed Floor Plan

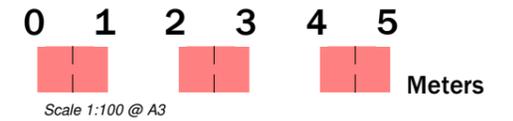
Plan 5 - 2021 070 – 010 Rev A – Proposed Floor/Elevation Plan - Shed



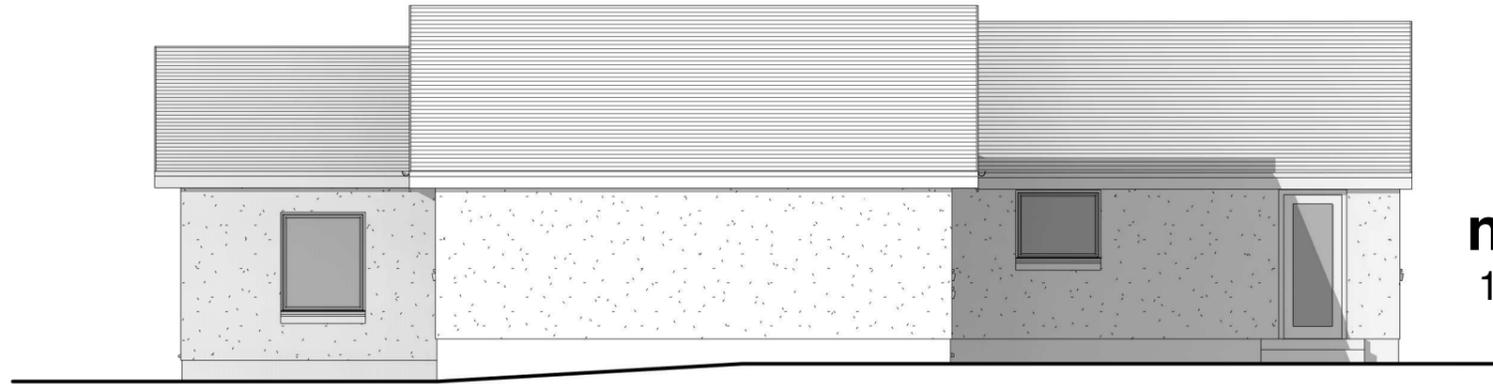


# Ground floor

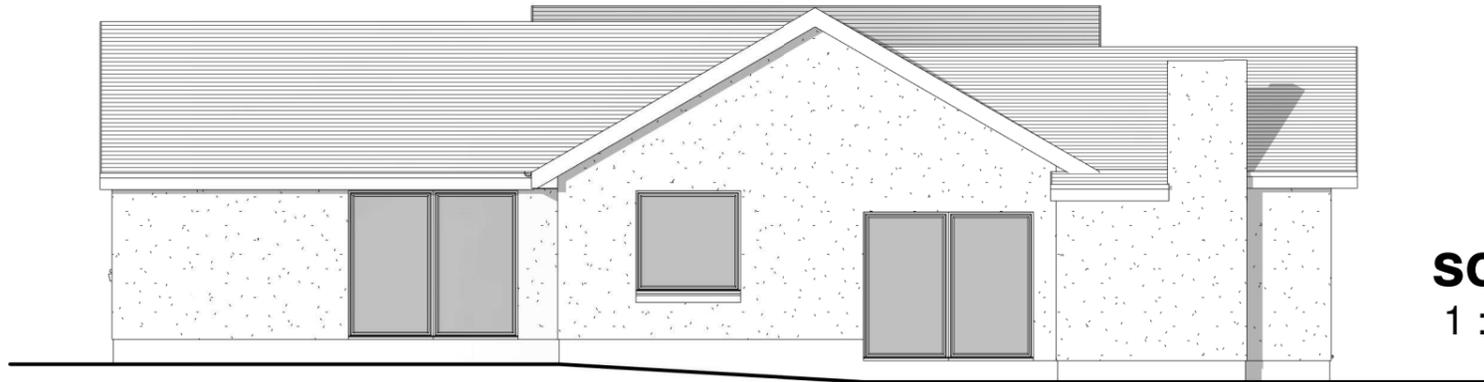
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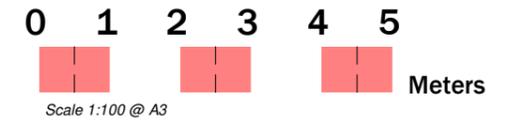
| For Comments  |             |      |
|---|-------------|------|
|  <b>reynolds architecture ltd.</b><br>1 tulloch street, dingwall. IV15 9JY<br>tel. 01349 867766<br><a href="http://www.reynolds-architecture.com">www.reynolds-architecture.com</a>  |             |      |
| Rev   | Description | Date |
| Mr T Campbell<br>Alterations to Windrill, Drumsmittal, North Kessock  |             |      |
| (existing) Ground Floor   |             |      |
| Date  | 15/09/2021  |      |
| Drawn by  | MB          |      |
| Scale   | 1 : 100     |      |
| 2020 070 - 001  |             |      |
| <small>           1. Protected by copyright, no reproduction without express permission from architect.<br/>           2. Contractor is responsible for checking all dimensions prior to construction.<br/>           3. Discrepancies to be referred to architect for decision.<br/>           4. Must be read in conjunction with written spec and engineers/sub-contractors construction information.         </small> |             |      |



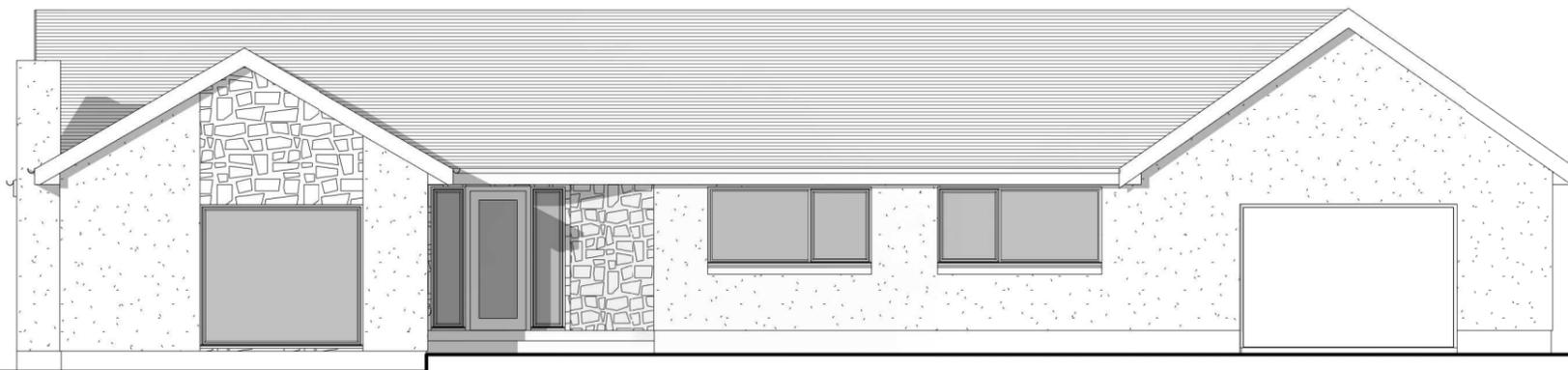
**north**  
1 : 100



**south**  
1 : 100



**west**  
1 : 100



**east**  
1 : 100

For Comments



**reynolds architecture ltd.**  
1 tulloch street, dingwall. IV15 9JY  
tel. 01349 867766  
[www.reynolds-architecture.com](http://www.reynolds-architecture.com)

| Rev | Description | Date |
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Mr T Campbell  
Alterations to Windrill, Drumsittal, North Kessock

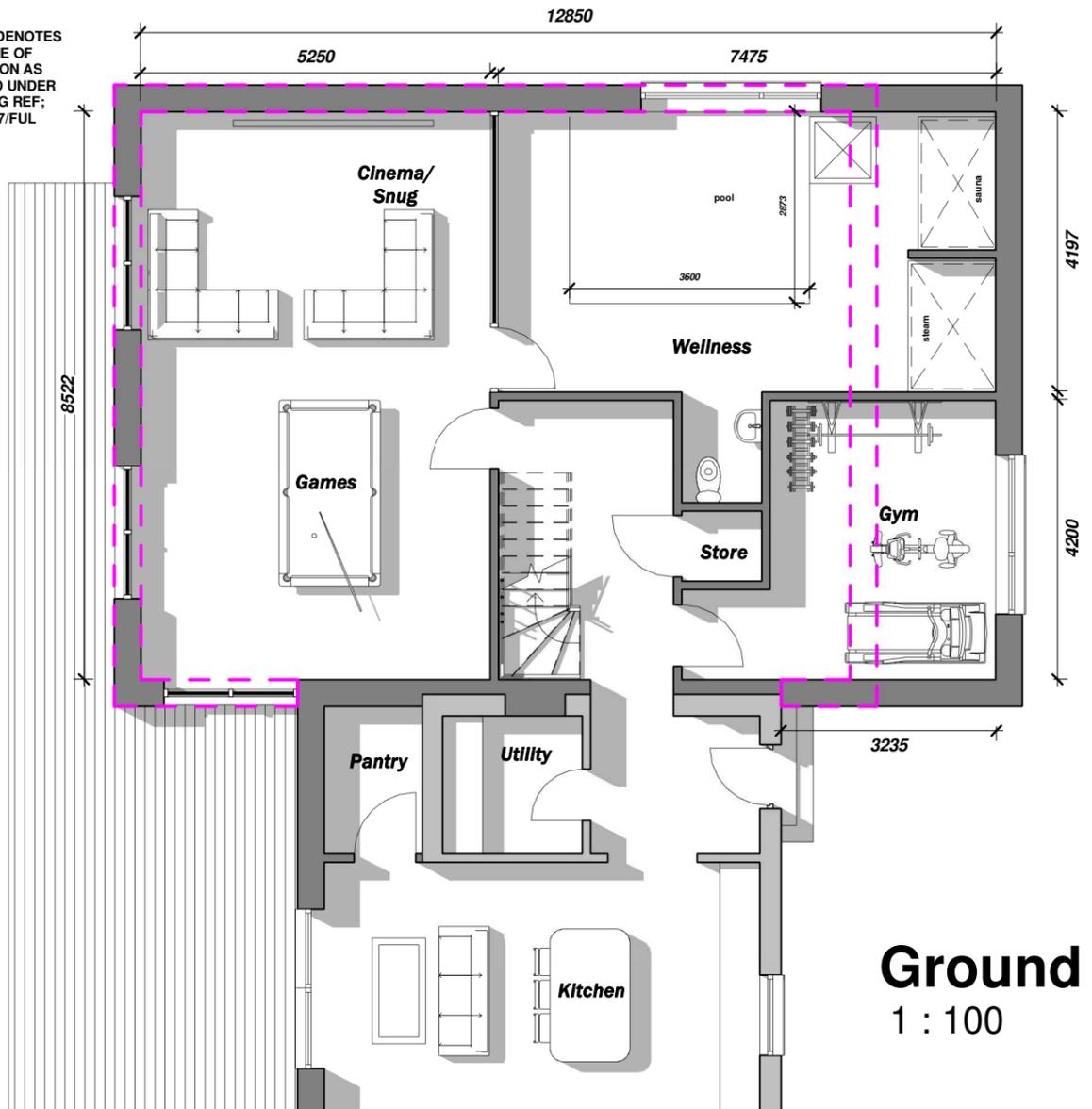
(existing) Elevations

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| Date     | 15/09/2021 |
| Drawn by | MB         |
| Scale    | 1 : 100    |

2020 070 - 002

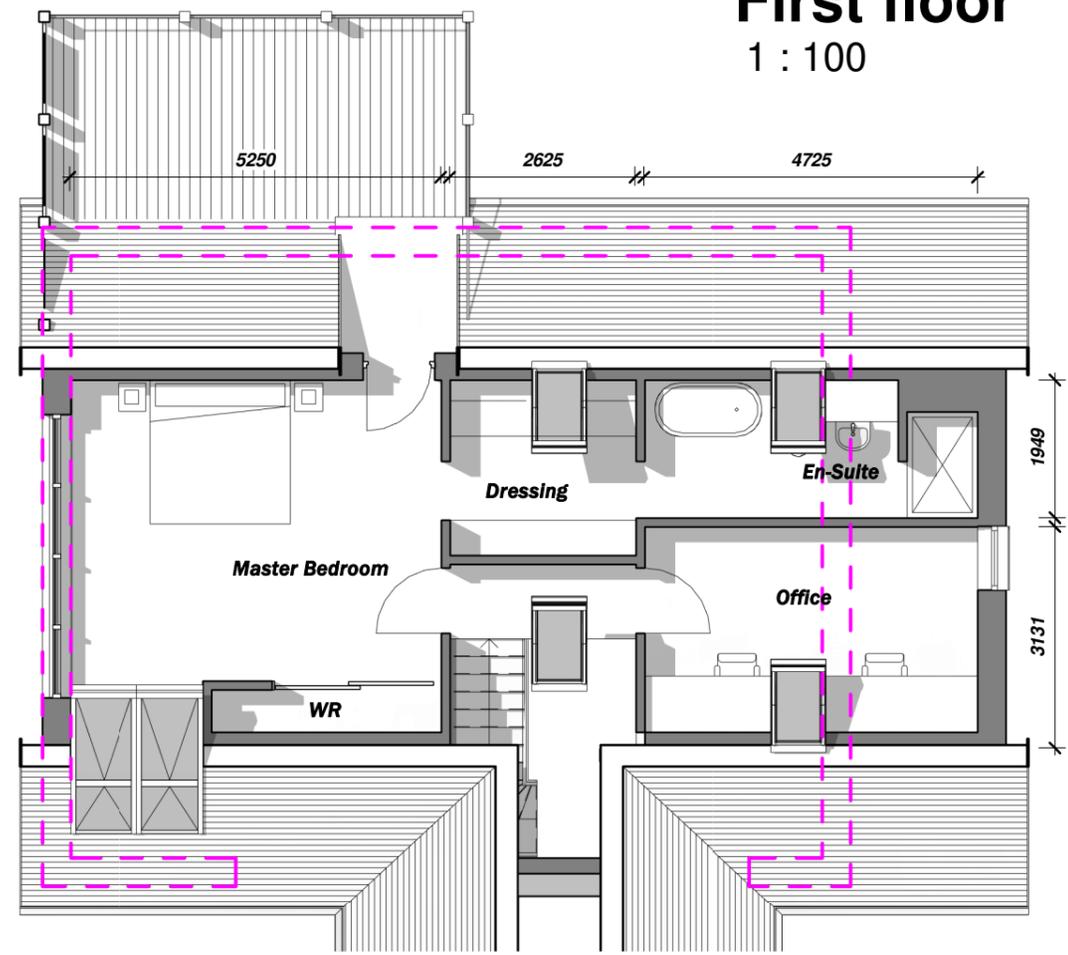
1. Protected by copyright, no reproduction without express permission from architect.  
2. Contractor is responsible for checking all dimensions prior to construction.  
3. Discrepancies to be referred to architect for decision.  
4. Must be read in conjunction with written spec and engineers/sub-contractors construction information.

MAGENTA DENOTES  
OUTLINE OF  
EXTENSION AS  
APPROVED UNDER  
PLANNING REF;  
17/05117/FUL

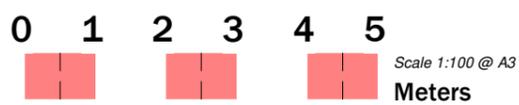
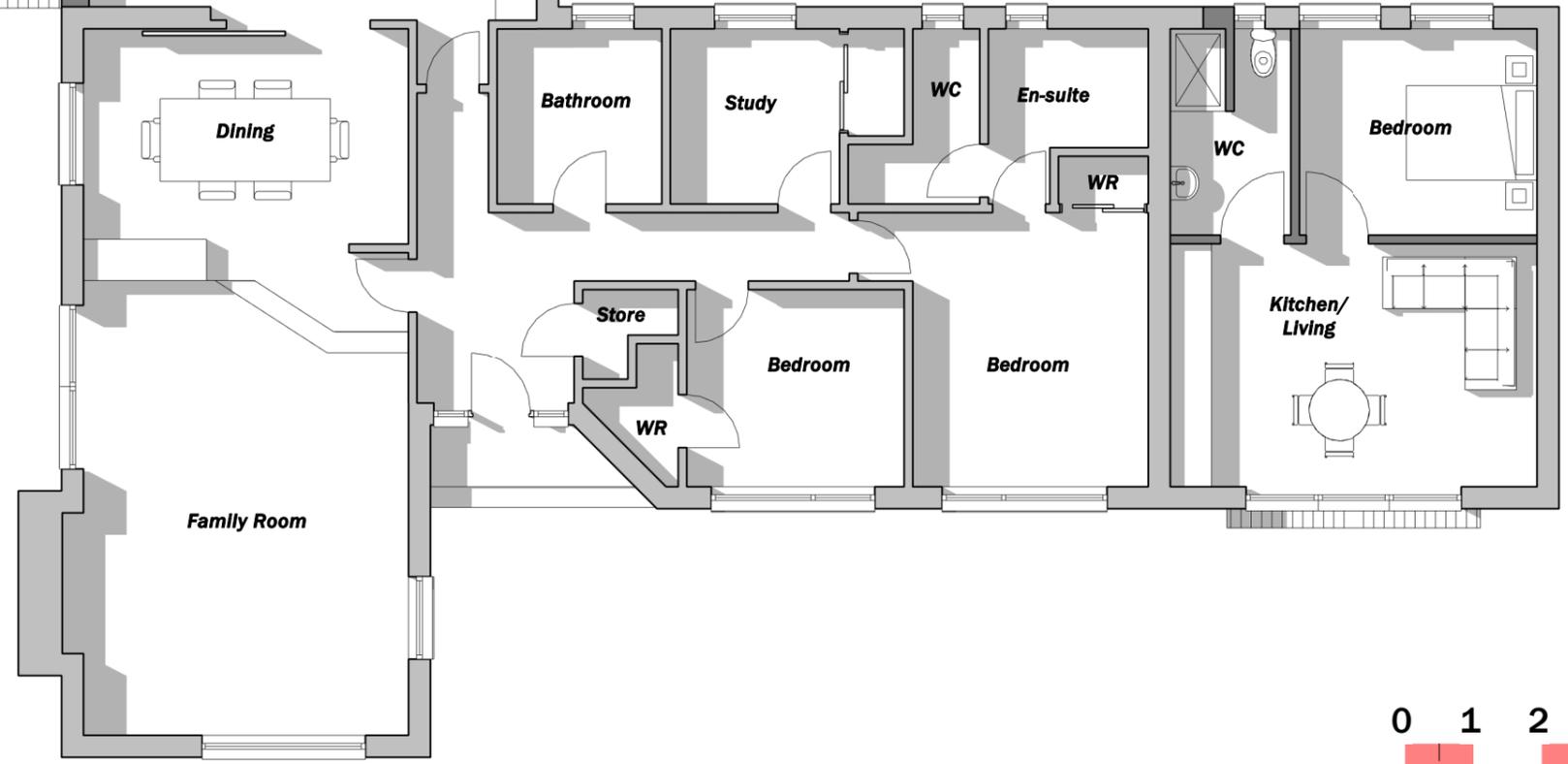


**Ground floor**  
1 : 100

MAGENTA DENOTES  
OUTLINE OF  
EXTENSION AS  
APPROVED UNDER  
PLANNING REF;  
17/05117/FUL



**First floor**  
1 : 100



**FOR PLANNING**

 **reynolds architecture ltd.**  
1 tulloch street, dingwall. IV15 9JY  
tel. 01349 867766  
www.reynolds-architecture.com

| Rev | Description    | Date     |
|-----|----------------|----------|
| A   | ALTERED DESIGN | 06.10.22 |

Mr T Campbell  
Alterations to Windrill, Drumsittal, North Kessock

(proposed) Floor Plans

|          |            |
|----------|------------|
| Date     | 15/09/2021 |
| Drawn by | MB         |
| Scale    | 1 : 100    |

**2021 070 - 005**

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- Must be read in conjunction with written spec and engineers/sub-contractors construction information.



**South**  
1 : 100



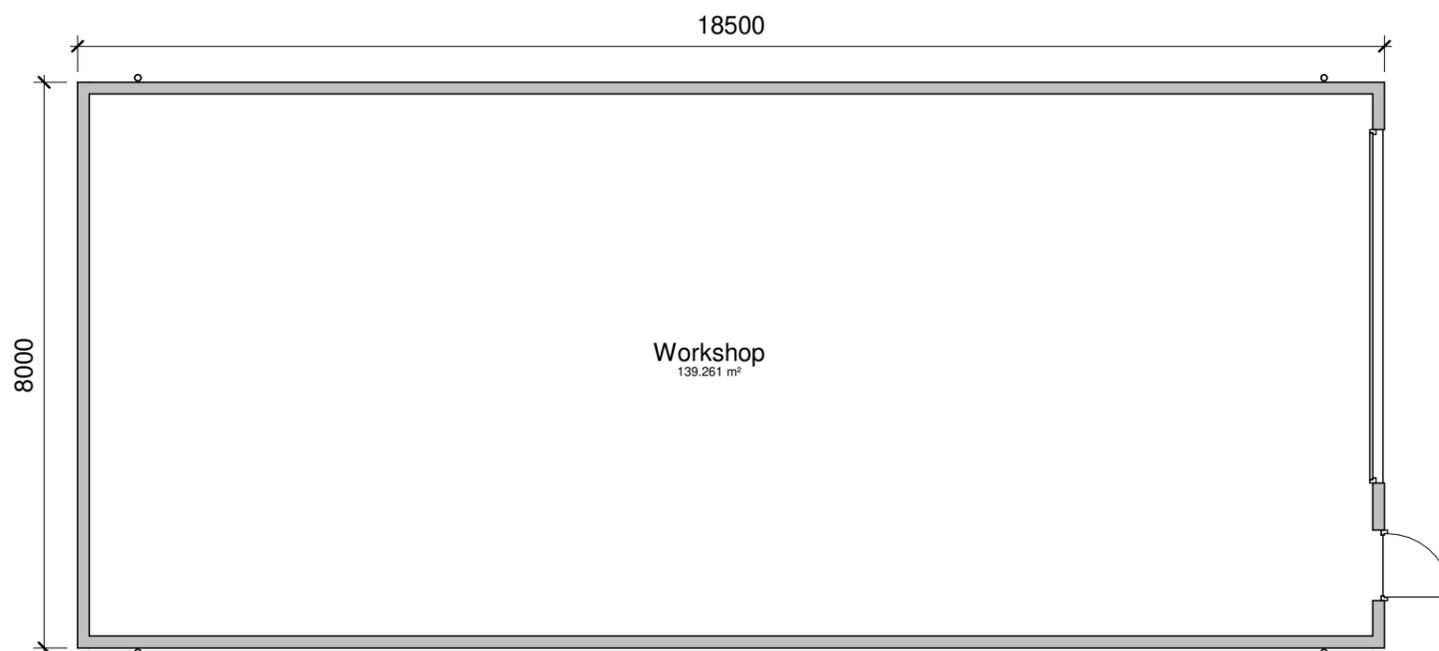
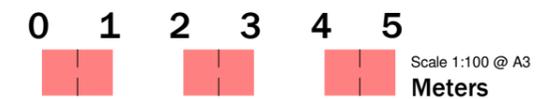
**West**  
1 : 100



**Material Specification:**  
 Wall - Juniper Green profile sheet.  
 Door - Coloured to RAL 7016.  
 Roof - Juniper Green profile sheet.  
 Eaves - Aluminium rainwater goods to RAL 7016.  
 - Aluminium fascia to RAL 7016.

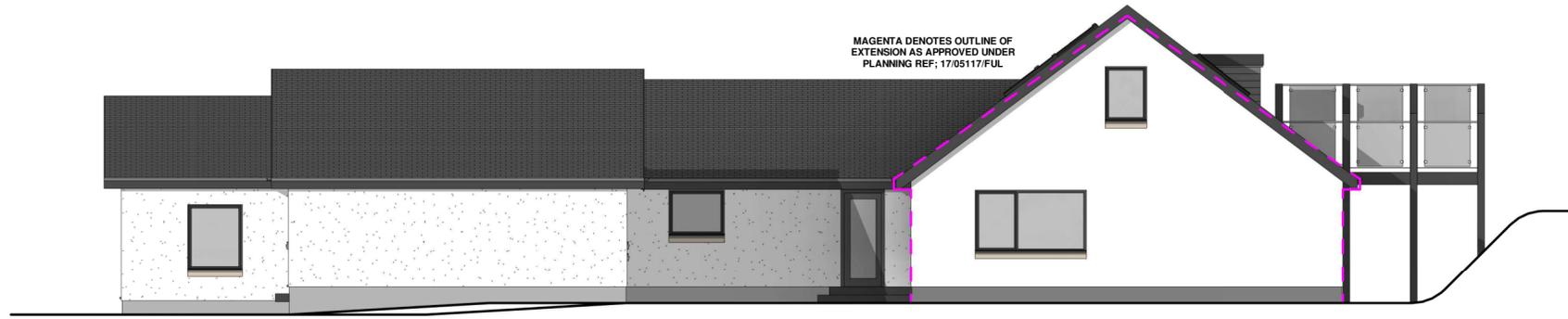
**East**  
1 : 100

**North**  
1 : 100



**Ground floor**  
1 : 100

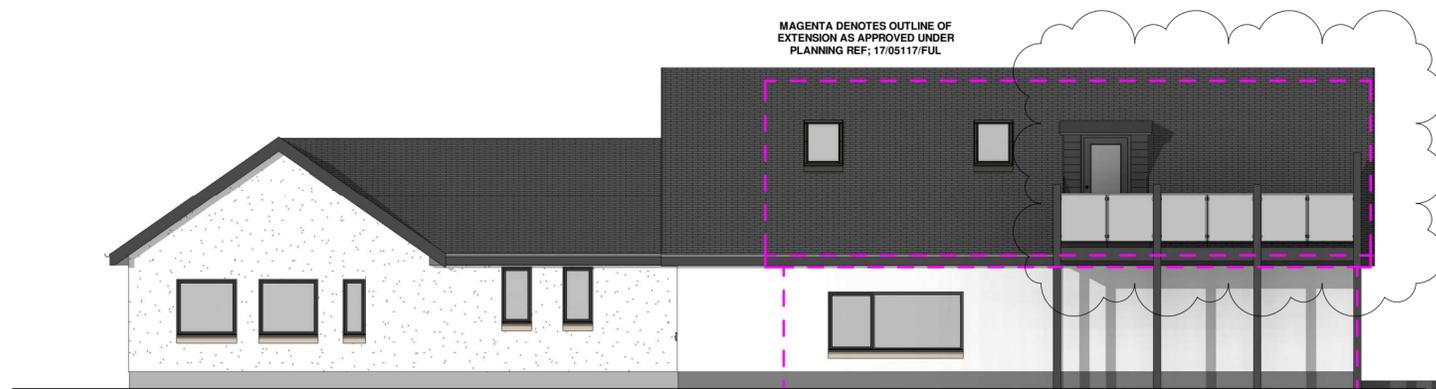
|   |                    |             |
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| <b>Rev</b>  | <b>Description</b> | <b>Date</b> |
| A   | ALTERED DESIGN     | 06.10.22    |
| <b>Mr T Campbell</b><br>Alterations to Windrill, Drumsittal, North Kessock  |                    |             |
| <b>(proposed) Shed</b>  |                    |             |
| Date  | 19/10/2021         |             |
| Drawn by  | MB                 |             |
| Scale   | 1 : 100            |             |
| 2021 070 - 010  |                    |             |
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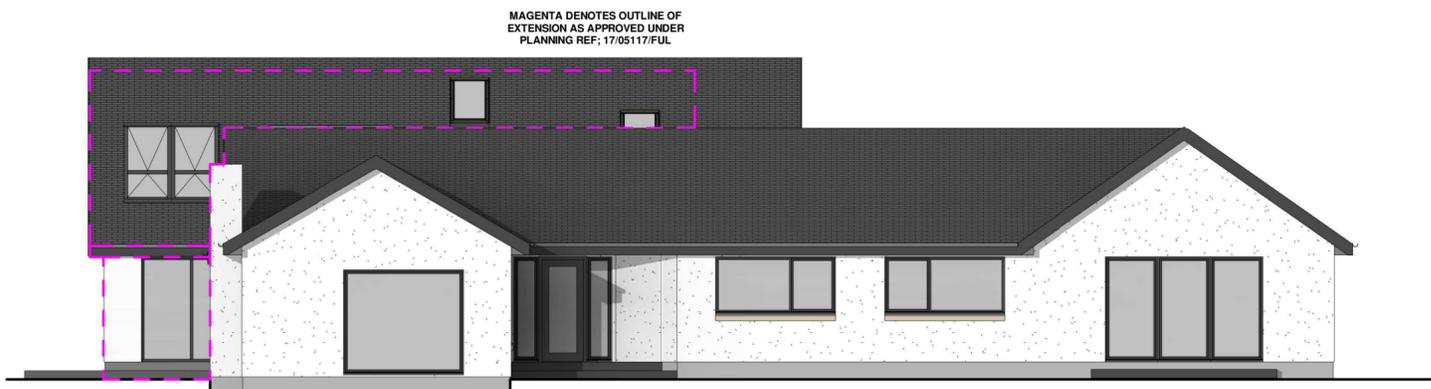
north  
1 : 100



south  
1 : 100



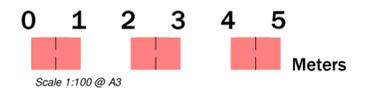
west  
1 : 100



east  
1 : 100

**Material Specification:**

- Wall - Existing walls painted Pure Brilliant White.
- Render to match existing.
- Windows - Coloured to RAL 7016.
- Door - Coloured to RAL 7016.
- Roof - Membrane roof Coloured to RAL 7016.
- Tiles to match existing.
- Eaves - UPVC rainwater goods
- Painted timber fascia and soffits to RAL 7016

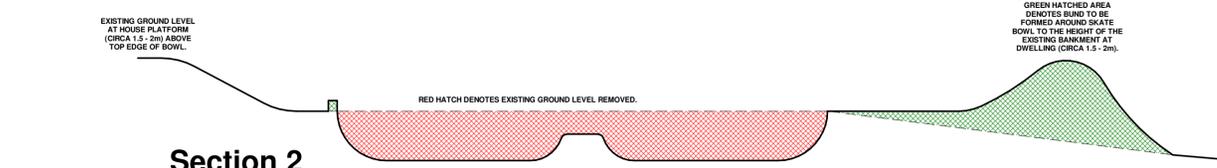


|  |  |          |
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| No.  | Description  | Date     |
| A  | ALTERED DESIGN   | 06.10.22 |
| B  | ACOUSTIC FENCE<br>ADDED. BUND ROUTE<br>ALTERED. FELLED &<br>TREE FARM<br>INDICATED ON<br>LOCATION PLAN.<br>BALCONY ALTERED | 08.11.22 |
| Mr T Campbell  |  |          |
| Alterations to Windrill, Drumsittal, North Kessock   |  |          |
| (proposed) Elevations  |  |          |
| Date   | 15/09/2021   |          |
| Drawn by   | MB   |          |
| 2021 070 - 006   |  |          |
| Scale  | 1 : 100  |          |
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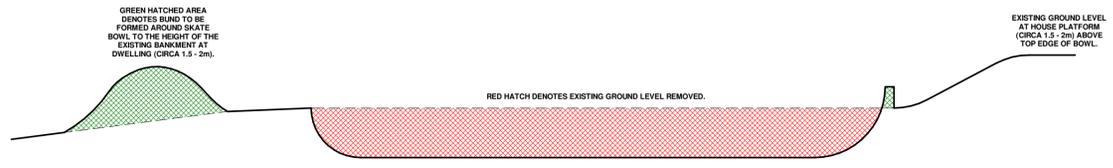
**Section 1**  
1 : 500



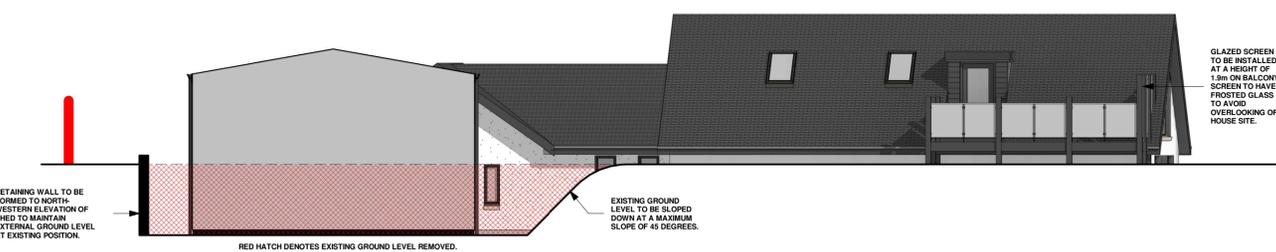
**Section 2**  
1 : 100



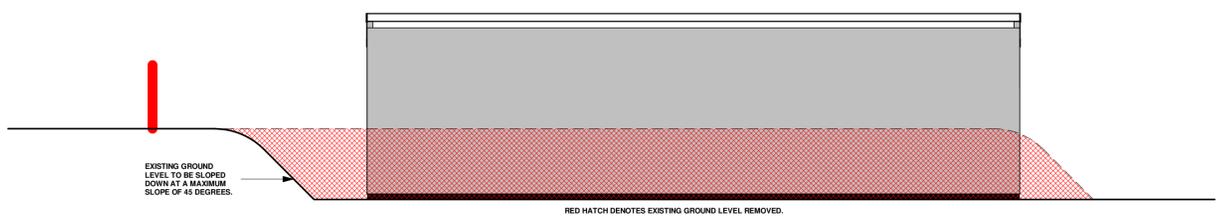
**Section 3**  
1 : 100



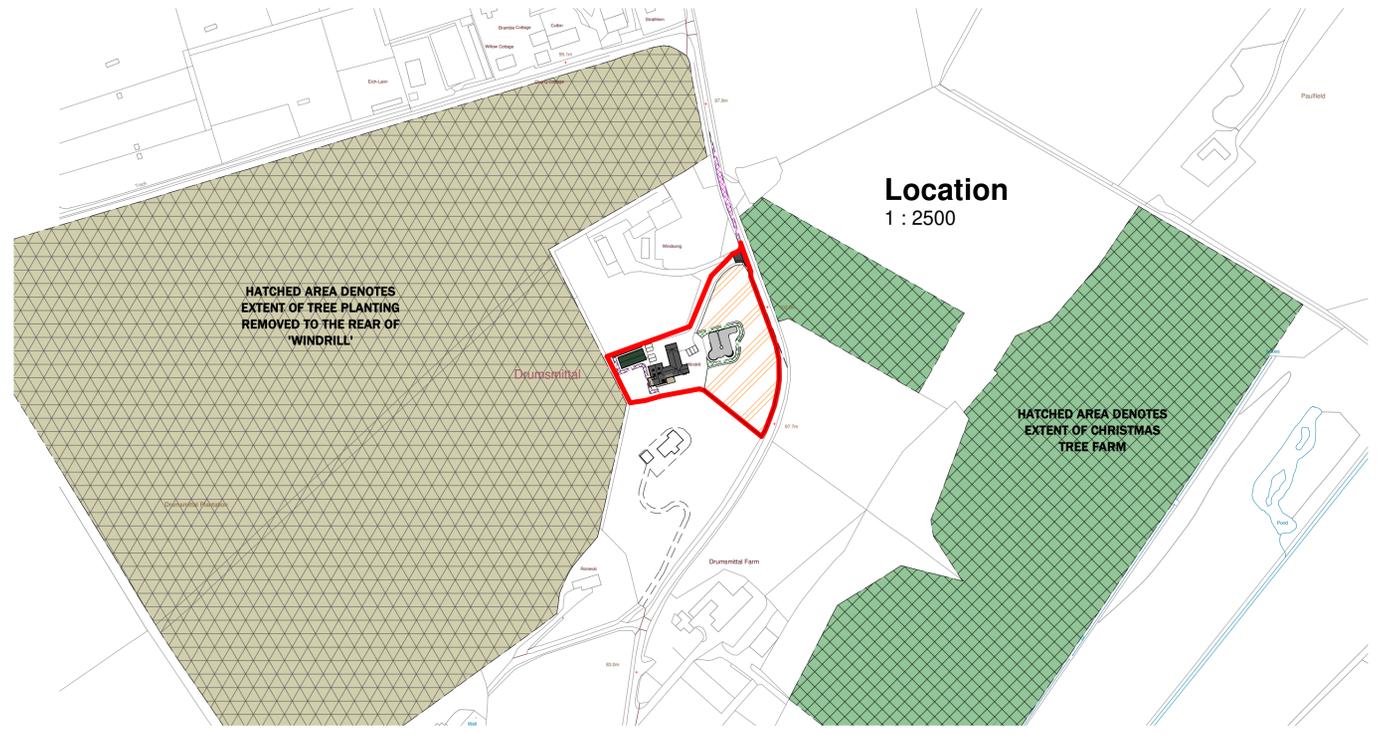
**Section 4**  
1 : 100



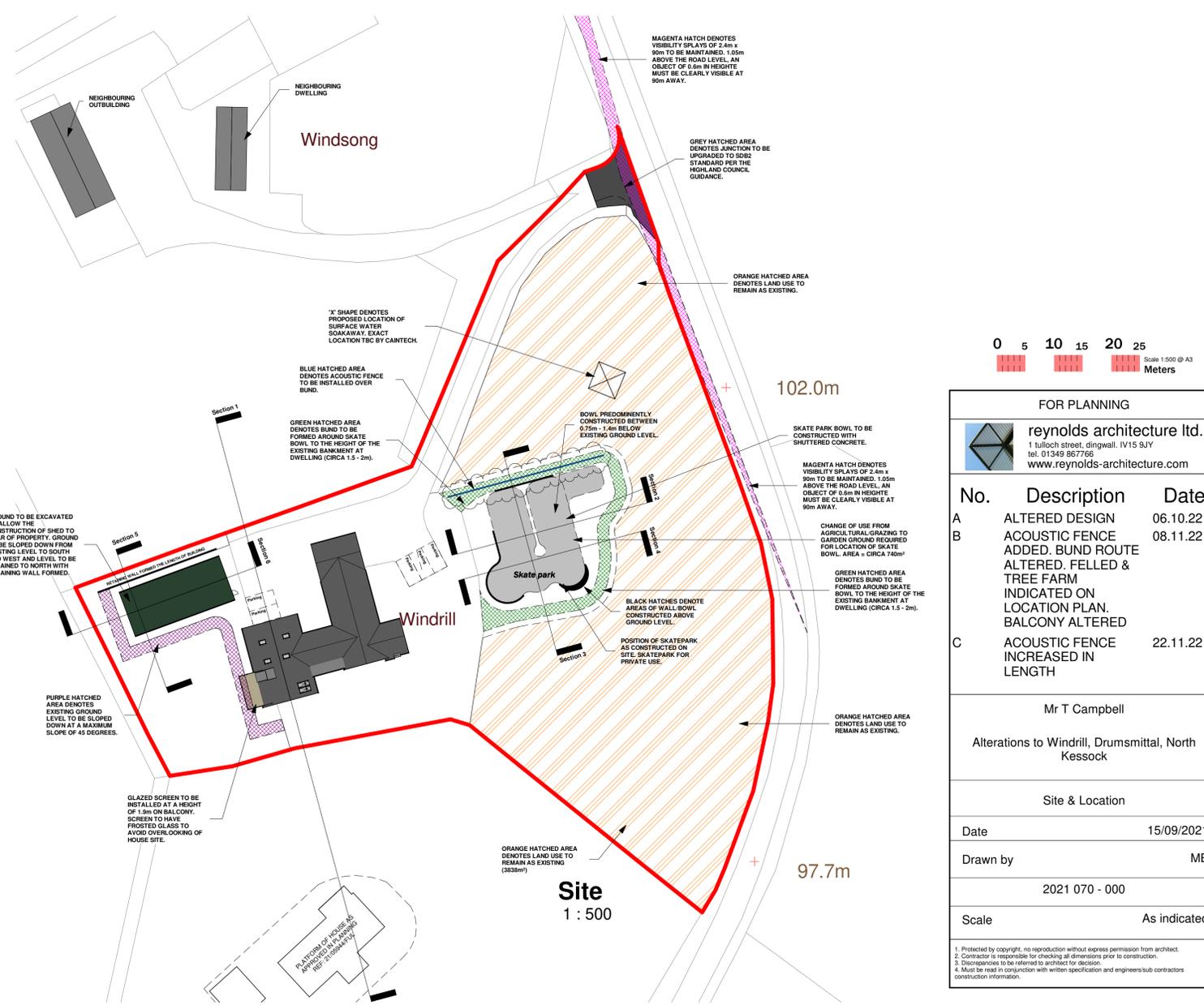
**Section 5**  
1 : 100



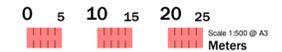
**Section 6**  
1 : 100



**Location**  
1 : 2500



**Site**  
1 : 500



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| No.  | Description  | Date     |
| A  | ALTERED DESIGN   | 06.10.22 |
| B  | ACOUSTIC FENCE ADDED. BUND ROUTE ALTERED. FELLED & TREE FARM INDICATED ON LOCATION PLAN. BALCONY ALTERED | 08.11.22 |
| C  | ACOUSTIC FENCE INCREASED IN LENGTH   | 22.11.22 |
| Mr T Campbell  |  |          |
| Alterations to Windrill, Drumsmittal, North Kessock  |  |          |
| Site & Location  |  |          |
| Date   | 15/09/2021   |          |
| Drawn by   | MB   |          |
| 2021 070 - 000   |  |          |
| Scale  | As indicated   |          |
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