Agenda Item	6.2
Report No	PLS-57-23

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 04 October 2023

Report Title: 21/01593/PIP: Mr & Mrs Graham-Read/Mr & Mrs MacLennan/Mr & Mrs

Eckersley

Old Mill, Dores, Inverness, IV2 6TR

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

# **Purpose/Executive Summary**

**Description:** Demolition of Old Mill house and formation of 3 house plots

Ward: 12 – Aird and Loch Ness

**Development category:** Local

Reason referred to Committee: Referral by Members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

#### Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The proposal involves the demolition of Old Mill house and the formation of 3 house plots.
- 1.2 The application is in principle so there are no details of the proposed house design. An indicative site layout plan has been submitted to show how 3 houses could be located within the site.
- 1.3 There is an existing vehicular access to serve the existing house.
- 1.4 Pre-Application Consultation: None
- 1.5 Supporting Information: Supporting Information (30.03.2023)
- 1.6 Variations: 08.12.2022 Revised Site Layout Plans, Visibility Splay Plan, Site Section

## 2. SITE DESCRIPTION

- 2.1 The site is located in the centre of the village of Dores to the east of the B852 loch side road, and west of the junction with the B862.
- 2.2 The existing site comprises the single storey Old Mill house, which is placed centrally within the site, with the frontage orientated towards the road. The site is relatively flat with a hedge on the roadside frontage with a few trees within the site. There is a drop in the ground levels from the north edge of the existing house down towards the shore of Loch Ness.
- 2.3 Within the curtilage of the site there are a number of ancillary buildings, all to the northeast of the house.
- 2.4 The site is orientated northeast-southwest, and measures approximately 67m long along the roadside, and approximately 40m in width.
- 2.5 The neighbouring adjacent loch side houses, Cameron Cottage, and Rose Cottage, are also placed centrally within their plots, and have road frontages of 42m and 27m respectively.
- 2.6 Old Mill house is single storey, with white painted walls and slate roof. Its established frontage onto the road is defined by hedging, which is continued at the neighbouring houses. The vehicular access to the house is at the northern end of the site.

# 3. PLANNING HISTORY

3.1 None

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 23.04.2021

Representation deadline: 07.05.2021

Timeous representations: 2 (including the Community Council)

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:
  - a) 3No. new vehicular access points proposed. This would impact available onstreet parking. Suggest reduction of accesses to two
  - b) adopted Inner Moray Firth Local Development Plan refers 'Protection of the village setting particularly the iconic Loch Ness vista'. How is to be satisfied in relation to the siting, height and external materials of the proposed houses
  - c) 2No. houses in front of the Shieling will have a ridge roof height no greater that Mill House and gable ends of 2 houses to allow for views of Loch Ness
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

### 5. CONSULTATIONS

- 5.1 **Flood Risk Management Team:** No objection. "The FRM Team welcomes the latest proposals as shown on Indicative Plots Layout PL004 Rev A (02.2021). The drawing shows all three buildings elevated on ground above SEPA's minimum flood risk level of 18.50m for Loch Ness. It appears that there would be no structures built within the floodplain of Loch Ness. The proposals appear to show that significant fill would not be needed to raise the buildings to an appropriate level. If significant changes to the elevation, and location of the proposed buildings are made, the FRM Team may object at the stage of the detailed application."
- Forestry Officer: "The applicant has had the trees on site surveyed and has provided a tree schedule, Tree Constraints Plan and pair of Tree Protection Plans. There is also a Site Plan with Tree Information drawing which shows proposed tree planting. The arboricultural advice demonstrates that it would be possible to develop the site with three units with the loss of just two trees and also shows there is adequate space for the planting of four new trees."
- 5.3 **Project Design Unit (Transport Planning)** "The principle of having three properties on this site is considered acceptable in roads terms. The original site layout drawing (31.03.2021) showed the driveway of Plot 3 further to the south and needed to be relocated to the opposite end of the plot as its current location coincides and conflicts with a planned speed reduction measure of the proposed Dores Village Improvement Scheme.

A carriageway narrowing speed reduction measure is planned at the same location of the current plot 3 access proposal. Moving this to the eastern plot boundary will enable the Village Scheme works to be delivered without detrimentally affecting the viability of Plot 3 and the ability for access provision. Access/egress of Plot 3's

revised location in either direction will not be adversely affected by the presence of the carriageway narrowing.

In response to revised site layout drawing PL004 REV E for plot 3, the driveway placement is very close to the narrowing and will make manoeuvring for them difficult. A larger offset from the narrowing will be much better for daily use.

By handing the driveway access in the opposite direction the gradient will remain unaffected to deal with the level issues of the site. The reduced spacing of the access to Plot 2 is not considered problematic and would be acceptable given the reason for relocating and the Village Improvement Scheme will reduce vehicle speeds and generally improve the road environment in the Village. There are other locations with similar reduced separations which are not problematic in a 30mph Village setting.

It is appropriate that the development proposals provide road mitigation commensurate with their proposals that fits with the Dores Village Improvement Scheme. This principle has been applied to other residential developments in other Villages in South Loch Ness, namely Farr, Errogie and Whitebridge.

It is considered appropriate that the proposals provide for the construction of the carriageway narrowing and the dropped kerbed crossing provision which lie on the frontage of the development. The dropped kerb crossing coincides with the existing site entrance. The costs are reasonable and commensurate with the level of development and can be suitably split across the three plots.

This should be secured as a condition and can be suitably provided as a financial contribution to the Council in lieu of the developer delivering the works which will be more preferable for the developer. This allows for construction to be coordinated with the overall Village Scheme works as it is not entirely appropriate for this to be delivered as a stand-alone measure. The sum will be agreed at MSC stage and must be provided prior to occupation of the first property."

5.4 **SEPA:** "The agreed 1 in 200-year return period flood level for Loch Ness is 18.5m Above Ordnance Datum (m AOD). No allowance for climate change is required for Loch Ness, as the loch level is expected to remain relatively stable in the foreseeable future. Any land below a level of 18.5mAOD should be viewed as functional floodplain and no development should take place below this level. To mitigate against the risk of flooding during high flow events, request a minimum 0.6m freeboard above the 200-year flood level to be applied to finished floor levels (19.1mAOD).

As there is access and egress to higher flood free ground connecting each plot to the public road, no objection to garden ground or car parking areas being below the 18.5mAOD contour provided that these are set to existing ground levels with no land raising proposed."

Objection withdrawn subject to a condition requiring (1) all built development to be located above 18.5m AOD (as shown on drawing PL007 Rev C); (2) no land raising below 18.5 m AOD; and (3) finished floor levels to be set at no less than 19.1m AOD.

## 6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Highland-wide Local Development

Plan and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

# 6.2 National Planning Framework 4 (2023) (NPF4)

- 1 Tackling the climate and nature crises
- 2 Climate mitigation and adaptation
- 3 Biodiversity
- 14 Design, quality and place
- 16 Quality Homes
- 22 Flood Risk and Water Management

# 6.3 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 34 Settlement Development Areas
- 51 Trees and Development
- 61 Landscape
- 64 Flood Risk
- 66 Surface Water Drainage

## 6.4 Inner Moray Firth Local Development Plan 2015

Within Dores SDA

## 6.5 Inner Moray Firth proposed Local Development Plan March 2022

In settlement of Dores

- 1 Low Carbon Development
- 2 Nature Protection, Preservation and Enhancement
- 3 Water and Waste Water Infrastructure Impacts
- 14 Transport

# 6.5 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Special Landscape Area Citations (June 2011)
Trees, Woodlands and Development (Jan 2013)

### 7. OTHER MATERIAL POLICY CONSIDERATIONS

### 7.1 None

### 8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

## **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) siting and design
  - c) flooding
  - d) trees
  - e) access
  - f) impact on infrastructure and services
  - g) any other material considerations

# Development plan/other planning policy

- 8.4 NPF4 was adopted by the Scottish Minsters and published on 13 February 2023. It is now part of the statutory development plan. In addition to NPF4, regard is also had to the Highland-wide Local Development Plan (HwLDP) and the Inner Moray Firth Local Development Plan (IMFLDP).
- 8.5 NPF4 policies 1-3 apply to all development proposals. Significant weight will be given to the global climate and nature crises. Development proposals are to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- 8.6 Policy 16 (f)(iii) of NPF4 supports development for new homes where the proposal is for smaller scale opportunities within an existing settlement boundary as does Policy 14 where they are consistent with the six qualities of successful places:
  - Healthy: Supporting the prioritisation of women's safety and improving physical and mental health;
  - Pleasant: Supporting attractive natural and built spaces;
  - Connected: Supporting well connected networks that make moving around easy and reduce car dependency;

- Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity;
- Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions;
- Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.
- 8.7 Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.
- 8.8 The site lies within the Settlement Development Area of Dores. Policy 34 of the Highland wide Local Development Plan supports proposals for development which meet the requirements of Policy 28 (Sustainable Design) and all other relevant policies within the plan; conform with existing approved land uses; are compatible with the existing pattern of development and character of the area; and do not impact negatively upon any natural, built and cultural heritage features. Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.
- 8.9 All proposals need to be considered against HwLDP Policy 28 (Sustainable Design) which assesses proposals against a number of criteria, including their compatibility with public service provision; transport; impact on individual and community residential amenity; demonstration of sensitive siting and high-quality design in keeping with local character; and contribution to the economic and social development of the community. Subject to the proposal having no significant detrimental impact on the character of the area or amenity of neighbours the proposal would comply with the development plan.
- 8.10 In summary, providing that development proposals is suitably scaled and sited to be in keeping with the character of the area, and is suitable in terms of location, access and environmental impact, the distinctive character of the rural area is safeguarded and enhanced and the proposals have no significant detrimental impact on individual or community residential amenity or local services, then the development would comply with the Development Plan.

# **Siting and Design**

8.11 As the application is in principle, there is no detailed building design to assess. The site layout plan includes an indicative footprint of 3No. houses, with the plot arrangement running longitudinally from the road toward the loch. The indicative footprint commensurately suggests narrow roadside frontages of Plot 1 (20m), Plot 2 (21m) and Plot 3 (26m).

- 8.12 The proposal would change the character of the site from a single house site to one containing three houses. While the existing house is centrally located within its plot and that this plot affords a generously sized garden, its subdivision to three houses would considerably change the as built loch side frontage, introducing two additional houses. It is considered that such siting would significantly change the housing density of both the site and immediate area and would not be compatible with the existing pattern of development, or the established character of the area. Accordingly, the subdivision of the existing house site to 3No. houses is not considered to demonstrate compliance with NPF4 policy 14 as it would result in an increased residential density and consequently reduced levels of amenity and privacy inconsistent with the six qualities of successful places.
- 8.13 Representations refer to the ridge height of any house not exceeding that of Old Mill house. This however could be secured by condition in the event that a permission was granted. Furthermore, assurances by the neighbour were sought in relation to the retention of the existing outlook from housing to the east over and across the site towards Loch Ness. It is of course the case that there is no 'right to a view'.

# Flooding

8.14 The submitted plans show contour levels and indicative footprints. SEPA considers any land below a level of 18.5mAOD as functional floodplain and that no development should take place below this level. The indicative positions of the 3No. houses is above this level. There is therefore no flood risk.

#### **Trees**

8.15 The established garden of the house has several trees mainly to the southwest. A Tree Constraints Plan and Tree Protection Plan have been submitted. This shows that it would be possible to develop the site with the loss of 2 trees and replacement planting for 2 trees. The Forestry Officer is satisfied with this situation and recommends conditions to ensure the safeguarding of those trees remaining and further tree planting.

#### Access

- 8.16 The existing house has a vehicle access to the northeastern part of the curtilage, approximately 8.5m from the boundary with Cameron Cottage. The proposal indicatively shows 3No. individual access points.
- 8.17 The site is within the village and within the 30mph zone on a straight section of road. Transport Planning have advised that the sites would individually achieve visibility sightlines of 2.4m by 50m.
- 8.18 As part of the proposed Dores Village Improvement Scheme speed reduction measures are planned, including next to part of the frontage for Plot 3. The proximity of these, while technically acceptable, would not be desirable, as the ease of access and egress from the site would be difficult. A better arrangement would be for only 2No. access points to the site in order to reduce potential manoeuvring conflicts close to the planned speed reduction measures.

8.19 Furthermore, it is noted that the Community Council has suggested a reduction in the number of access points from 3 to 2 to reduce the potential impact on on-street parking. It should be noted that there are currently no parking restrictions in operation on the road. Any parking difficulties or congestion would be a matter for Police Scotland to consider.

## Impact on infrastructure and services

8.20 The site is located within the village and accordingly it would be expected that foul drainage connections would be made to the public sewer only. Surface water drainage would also be expected to be provided within the site curtilage.

### Other material considerations

8.21 There are no other material considerations.

### **Non-material considerations**

8.22 The issues of the intended occupants of the houses (applicant and family); and ownership of the pavement are not material considerations relevant to the determination of this application.

# **Developer Contributions**

- 8.23 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements.
- 8.24 Transport Planning has advised that if planning permission were to be granted then a financial contribution towards carriageway narrowing and speed reduction measures should be sought. This could be controlled through an upfront payment, or the conclusion of an appropriate legal agreement (a s75) prior to the issuing of any permission.

## 9. CONCLUSION

- 9.1 This planning application in principle is for the erection of 3No. houses in place of an existing house situated within the village of Dores.
- 9.2 While the existing house is centrally located within its plot and that this plot affords a generously sized garden, its subdivision to three houses would considerably change the as built loch side frontage, introducing two additional houses. Such siting is considered as over-development of the site that would significantly change the housing density of both the site and immediate area and it would therefore not be compatible with the existing pattern of development or the established character of the area. Accordingly, the subdivision of the existing house site to 3No. houses is not considered to demonstrate compliance with NPF4 policy 14 as it would result in an increased residential density and consequently reduced levels of amenity and privacy inconsistent with the six qualities of successful places.

- 9.3 Furthermore, the proposal does not demonstrate sensitive siting in keeping with local character and would have an unacceptable impact on local character and therefore does not accord with Highland wide Local Development Plan policy 28 Sustainable Design.
- 9.4 Without prejudice, a lower density development of two houses may provide for a better overall development density, building footprint, relationship to the surrounding housing and their established individual and wider amenity value, and could also allow for a reduced impact on the proposed Dores Village Improvement Scheme speed reduction measures.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 **REFUSE** the application for the following reasons:

1. The existing house is centrally located within its plot and that this plot affords a generously sized garden, its subdivision to three houses would considerably change the as built loch side frontage, introducing two additional houses. Such siting is considered as over-development of the site that would significantly change the housing density of both the site and immediate area and it would therefore not be compatible with the existing pattern of development or the established character of the area. Accordingly, the subdivision of the existing house site to 3No. houses is not considered to demonstrate compliance with NPF4 policy 14 as it would result in an

increased residential density and consequently reduced levels of amenity and privacy inconsistent with the six qualities of successful places.

2. The proposal does not demonstrate sensitive siting in keeping with local character and would have an unacceptable impact on local character and therefore does not accord with Highland wide Local Development Plan policy 28 Sustainable Design.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Keith Gibson

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

Relevant Plans: Plan 1 - PL001 Location Plan

Plan 2 - PL004 REV E Site Layout Plan - Indicative Plots Layout

Plan 3 - PL006 REV E Site Section Plan

Plan 4 - PL005 REV D Visibility Splay Plan

Plan 5 - PL007 REV C Site Layout Plan - Indicative Plots Layout

Plan 6 - PL014 REV B Site Layout Plan

# Appendix 2

	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREMEENTS ONLY				
Туре	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked <sup>1</sup>	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period* <sup>5</sup>
Schools <sup>2</sup>									
Primary – Build Costs					BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Secondary – Build Costs	Inverness Royal Academy	£1493.00	N/A	£4,480	BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Community Facilities									
	N/A				BCIS	Q2 2018	TOC/CC	Apr/Oct	20
Affordable Housing									
On-site provision <sup>3</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Transport									
School Transport	N/A				BCIS		TOC/CC	Apr/Oct	15 or 20
Localised carriageway narrowing and speed reduction	TBC								

<sup>\*1</sup> Adjust total to take account of flat exemptions

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

<sup>\*2</sup> Base Date – Set out in Supplementary Guidance on Developer Contributions

<sup>\*3</sup> TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

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

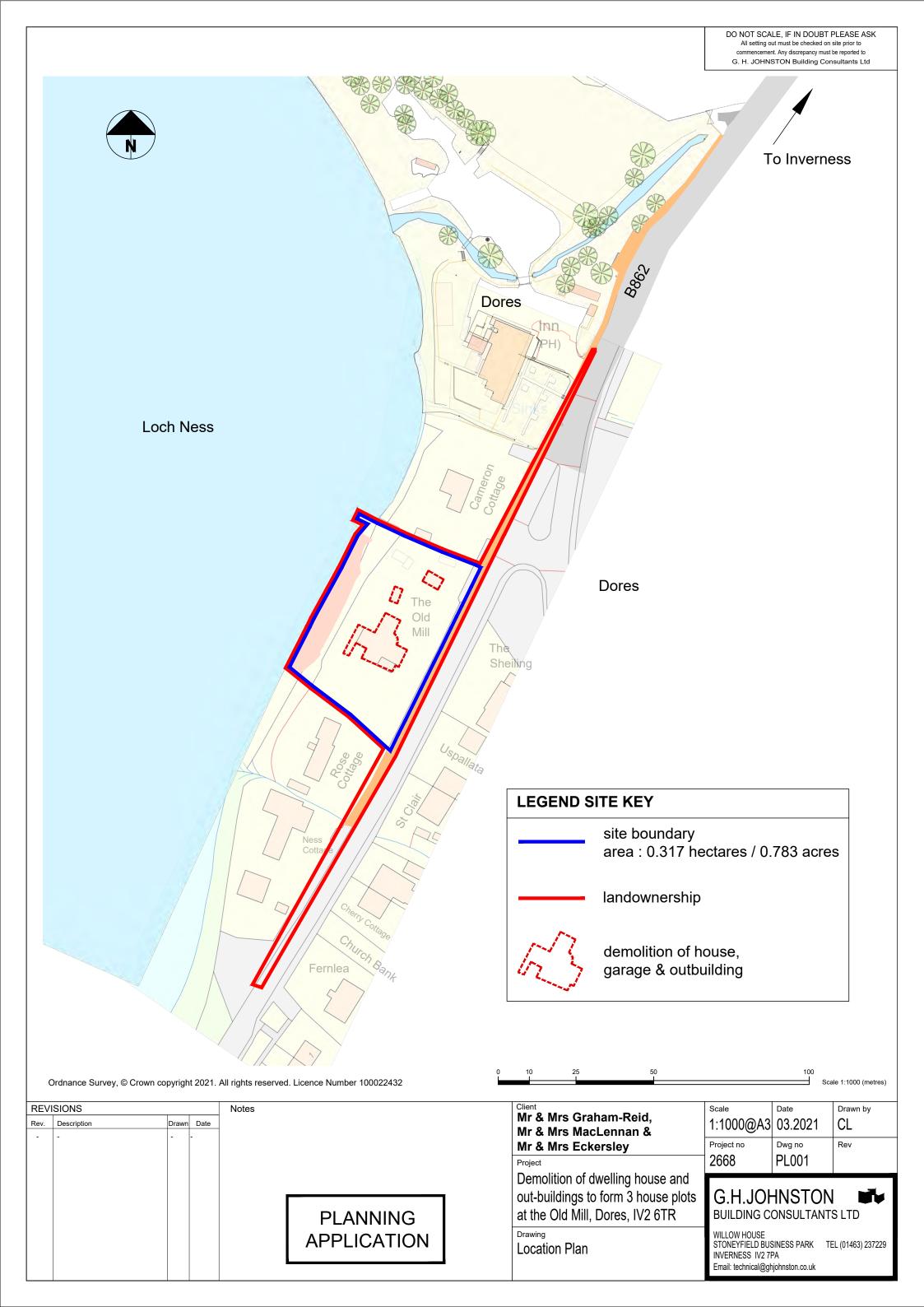
<sup>\*5</sup> Clawback – 15 years for Major development; 20 years for Local development

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

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

<sup>&</sup>lt;sup>2</sup> Indicate whether or not 1 bed houses/flats are exempt

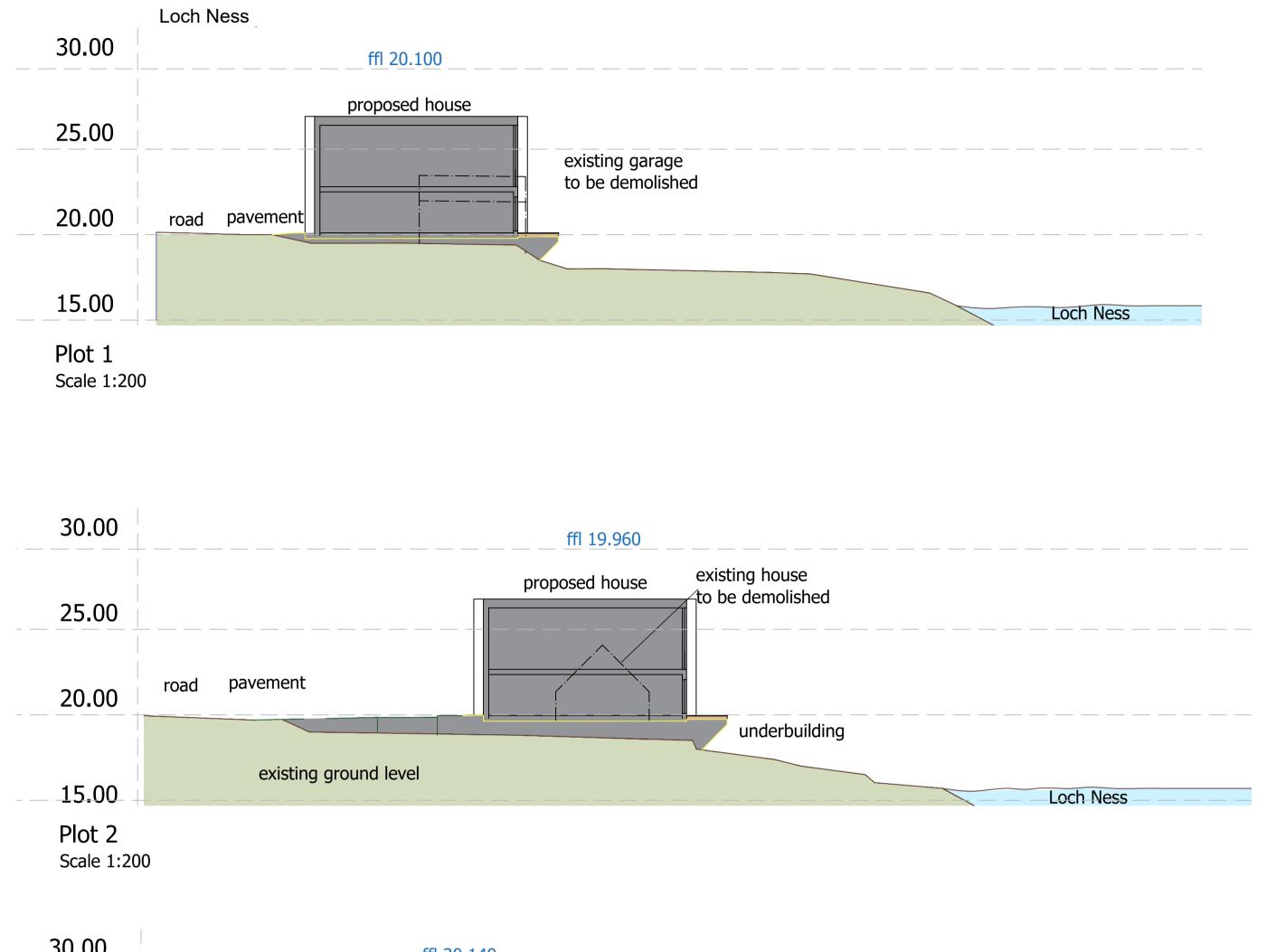
<sup>&</sup>lt;sup>3</sup> Indicate whether a penalty payment due for late delivery (and, if so, what it is based upon).

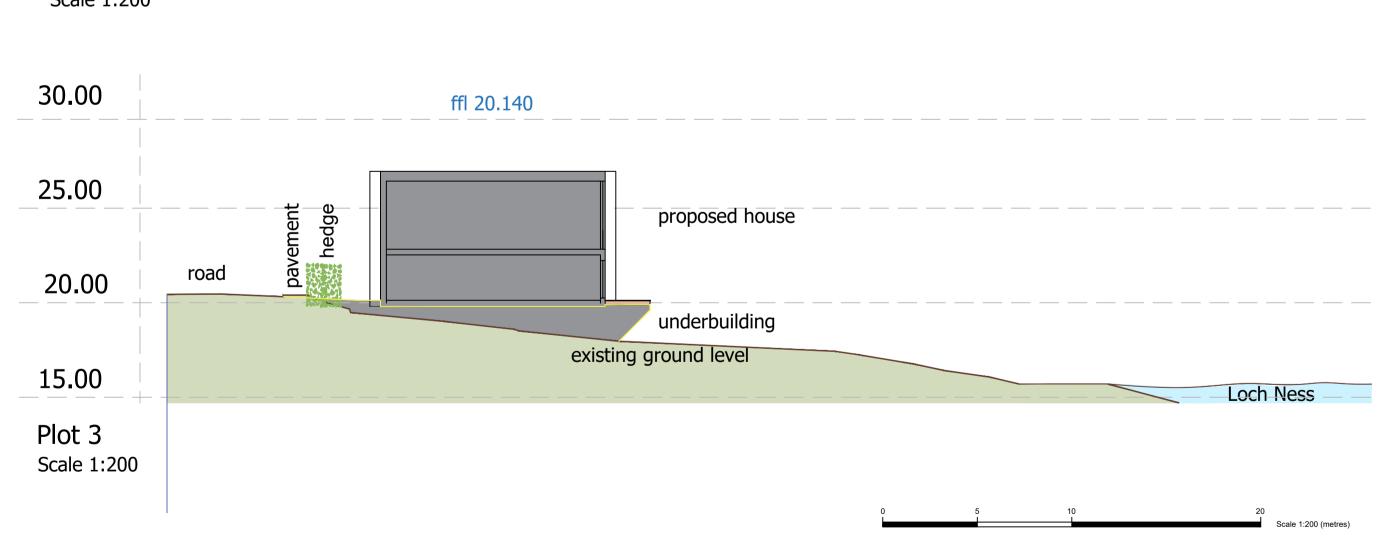




DO NOT SCALE, IF IN DOUBT PLEASE ASK
All setting out must be checked on site prior to
commencement. Any discrepancy must be reported to
G. H. JOHNSTON Building Consultants Ltd

Note: Houses are indicative only





REVISIO	ONS			lotes	Client	Scale	Date	Drawn by
Rev. Descr	cription	Drawn	Date		Mr & Mrs Graham-Reid,	1:200@A2	03.2021	CL
A Revis	ised Section for Plot 3	CL	04.06.21		Mr & Mrs MacLennan &			
B Plots	s adjusted for FFL	CL	10.11.21		Mr & Mrs Eckersley	Project no	Dwg no	Rev
Heigh	ghts raised	CL	13.04.22		Project	2668	PL006	E
) Heigh	hts raised	CL	08.08.22		House Plots at			
E Client	nts adjustments	CL 07.12.22	Old Mill	G.H.JOHNSTON				
			Olu IVIIII	<b>В.</b> П.3О				
		Planning	Dores	BUILDING CONSULTANTS LTD				
	Submission	Drawing Site sections	WILLOW HOUSE STONEYFIELD BUSINESS PARK TEL (01463) 2 INVERNESS IV2 7PA Email: technical@ghjohnston.co.uk					





The Sheiling Visibility Splay to Plot 2, 2.4m x 90m PLOT 2 - VISIBILITY SPLAY

A Drive Entrance moved, updated visibility splay **GH** Johnston

CL 21.10.22 CL 15.09.22 SR 28.01.22

D.

Willow House, Stoneyfield Business Park Inverness, IV2 TPA Tel: 01463 237229 technical@ghjohnston.co.uk www.ghjohnston.co.uk

D Clients adjustment B Reduced to single entrance

Mr & Mrs Graham-Read, Mr & Mrs MacLennan & Mr & Mrs Eckersley

Project
Demolition of dwelling house and out-buildings to form 3 house plots at the Old Mill, Dores, IV2 6TR

Visibilty Splays

Planning Submission Scale 1:500 Dain 101/03/21 Drawn by DC Street A1

2668 / PL005

Ordnince Survey, C Crown oxpyright 2019. All rights reserved. Liombie Number 100022433

PLOT 1 - VISIBILITY SPLAY

Ness

Visibility Splay to Plot 1, 2,4m x 90m

The

Sheiling

50 Scare ( 500 (mines)

Drawing No.



