

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
18 June 2013**

Agenda Item	6.5
Report No	PLN/062/13

13/00880/FUL: Mr Michael Johnson, Land 25M NE of Old Schoolhouse, Arrina, Strathcarron

Report by Area Planning Manager

SUMMARY

Description : Erection of house

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Number of Objections.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a one and a half storey, two bedroom house. The design is a modern interpretation of a traditional house, with a principal elevation which features two dormer windows arranged symmetrically above a central entrance porch. The roof would be clad in natural slate, while the walls would be finished in a white wet dash harl. The windows would have a vertical emphasis, and be of timber, with vertical timber linings to the dormer fronts. An existing historic "half house" lies within the site boundaries, and this would be retained.
- 1.2 Pre application advice was sought and provided to the effect that full planning permission was granted by Committee for a very similar design of house on this site in 2004, but had subsequently lapsed. This consent contained three significant conditions which required the existing "half house" on the site to be maintained, the approved house to be set down into the site with a minimum of under building and the house design to be amended to ensure that the principal entrance on the front elevation was centrally located, and the ground floor fenestration on this elevation lined up with the dormer windows.

The pre-application advice provided stated that any future planning application submitted which accorded with these site specific requirements, as well as the general sustainable development and design principles contained within the Development Plan was likely to be supported.

- 1.3 The public road through the village of Arrina runs in a northerly direction from the main Shieldaig to Applecross road some 8m east of the site boundary. The applicant has a right of access from this public road, as well as a wayleave for foul drainage to an existing septic tank some 70m south east of the site. Water would be drawn from a communal private supply.
- 1.4 A Design Statement has been submitted which explains the design rationale.
- 1.5 **Variations:** There have been some minor revisions to the location and site layout plans to include an existing septic tank within the site boundary.

2. SITE DESCRIPTION

- 2.1 The site comprises a small, roughly square pocket of enclosed land some 20m north of the Old Schoolhouse in Arrina, on the Applecross peninsula, some 9km north west of Shieldaig. The site is generally flat and contains the historic "half house" referred to above.

3. PLANNING HISTORY

- 3.1 00/00746/OUTRC – Erection of a house. Granted 20.11.2000 (delegated powers)
03/01033/FULRC – Erection of House (Detail). Granted 18.05.2004 (Committee decision)
12/04886/PREAPP – Response as outlined under section 1.2 above - 24.01.2013

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days, expiry of advert 10.05.2013
Representation deadline : 10.05.2013
Timeous representations : 5 objections from 5 separate households
Late representations : 1 objection from 1 household, 1 neutral comment from Shieldaig Community Council.
- 4.2 Material considerations raised are summarised as follows, together with officer comment:
 - The application description is misleading as it states the site is 45m north of the Old Schoolhouse, when it is actually closer than that.
 - The proposed access will cut across a right of way/common grazings.
 - There is no provision for construction traffic to park and turn.
 - The communal water supply and the septic tank to which the development

would drain are already at capacity.

- The existing half house is likely to suffer as a result of the development.
- The proposal represents over-development of this small site.
- Neighbour notification has not been properly undertaken.
- The existing road through the village is private, rather than public.

Sheildaig Community Council:

- Note the representations made by local people, consider these are real concerns that require serious consideration.

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Historic Environment Team:** No objection, subject to a condition requiring a photographic record to be made of the existing building prior to the commencement of development.

5.2 **TECS Roads:** No objection, but raise concerns regarding the lack of a service bay and visibility from the proposed site access.

5.3 **TECS Contaminated Land:** No objection.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
34	Settlement Development Areas
57	Natural, Built & Cultural Heritage

6.2 Wester Ross Local Plan 2006 (as continued in force)

1	Settlement Development Areas (development proposals for Arrina should respect views from the road towards the settlement from the east).
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7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide January 2013

7.3 Scottish Government Planning Policy and Guidance

Not applicable

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.

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.

8.3 Development Plan Policy Assessment

The application site falls within the defined Settlement Development Area of Arrina, so Policy 1 of the Wester Ross Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The Wester Ross Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural and cultural heritage features within the area. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

The site lies within an area where public views over open water are protected. As such, the proposal requires to be assessed in terms of Policy 57 of the Highland Wide Local Development Plan. This policy states that for this feature of local/regional importance the Council will support developments that can be shown not to have an unacceptable impact on views over open water.

The Development Factors set out in the Wester Ross Local Plan, as continued in force, policy 4.8, state proposals for Arrina should respect views from the road towards the settlement from the east.

As noted above, previous consents have been granted for a dwelling house on this site in respect of outline and full permissions in 2000 and 2004 respectively. The current application shows a design which is very similar to that approved by

Committee in 2004. The current proposal measures 9.46m long by 6.2m wide (58.6sq m) compared to the previous approval which was 9.0m x 5.2m (46.8sq m).

Objectors have asserted that the proposal represents over-development of this small site. The footprint of the proposed house is 58.7sq m whilst the plot (excluding access and drainage route) is 333.3sq m giving a plot ratio of 18% (under 1/5th). This compares reasonably with the previous plot ratio of 0.14%. The current proposal is marginally larger than the house previously approved when comparing external measurements. For the reasons set out above, the site is considered sufficiently large to accommodate the development.

In terms of its layout and form the design is considered to respect the local vernacular. It is considered that the proposed building could be easily assimilated into its landscape setting by virtue of its relatively modest size and compliance with the local settlement pattern and architectural style. The impact on public seaward views is negligible, and must be considered in the context of the fact that the site lies within an existing settlement. Similarly the proposal would have limited impact upon views of the settlement from the road to the east.

Objectors have commented that the proximity of the proposed building to the half house is at odds with the local settlement pattern, and may compromise the integrity of this historic structure. While slightly larger than the previous scheme, the proposed building appears to be no closer to the historic half house than that which was approved by Committee in 2004. In any event, a condition requiring the retention of the half house can be imposed. The Historic Environment Team have commented that the proximity of the proposed new house to the half house, while very close, is not out of keeping with the historic settlement pattern, and note that the ruinous building to the south-west of the application site is a similar distance away, as is the outbuilding behind the Old Schoolhouse to the south of the application site.

The nearest existing dwelling house, The Old Schoolhouse, lies some 25m to the south of the proposed building. Given this distance, and the modest size of the proposal, it is not considered that there are any adverse issues of neighbour amenity. Objectors commented that the description of the location of the site in the application form as being 45m to the north east of the Old School House was misleading. This was based on an error in the Council's database which has now been rectified.

TECS Roads have concerns about the lack of a service bay and visibility splays. However, the lack of any condition requiring visibility splays in relation to the 2004 consent is an important material consideration. Traffic speeds along the village road are not considered to exceed 20mph, in respect of which the Council's standards would require a visibility splay of 2.4m x 60m in either direction from the proposed site access. Site visits have determined that in excess of 60m exists to the south, while 41m is achievable to the north. Beyond the 41m of visibility to the north there are only 5 houses, and the width and geometry of the road here would result in traffic speeds below 20mph. In view of these factors, and the lack of any condition relating to visibility splays in the previous consent, it is considered that a condition requiring visibility splays of 60m to the south and 41m to the north is appropriate. As per the previous consent, a condition requiring the provision of a service bay, which would be provided on the roadside verge, can be applied.

Objectors stated that the existing road through the village is private, rather than public. This statement is incorrect.

It is considered that the proposal complies with Development Plan policies.

8.4 Material Considerations

The granting of full planning permission by Committee in 2004 for the erection of a house of very similar design, in an almost identical location within the site is an important material consideration. While the Development Plan has evolved since that time, the key policy considerations which were before the Committee in May 2004 are very similar.

In relation to the concerns expressed by objectors regarding the effect of the development on the communal private water supply, a condition can be applied which requires an assessment to demonstrate the sufficiency of this supply to the satisfaction of the Planning Authority prior to the commencement of any work.

Similarly, the concerns of objectors relating to the adequacy of the existing septic tank to which the proposal would drain can be dealt with by an appropriate condition and will also be assessed during the processing of the building warrant.

Objectors have claimed that the proposed access would cut across a right of way/common grazings but the applicant has demonstrated a servitude right of access over this land. They have raised concerns that there is no provision for construction traffic to park and turn, however this would be a temporary issue and contractor's vans would be able to park and turn within the site, and larger lorries would be able to unload from the site access.

Objectors have stated that Neighbour notification was not been properly undertaken. This is incorrect in that Neighbour Notification has been carried out by the Council in accordance with the correct procedure.

8.5 Other Considerations – not material

Whether the development would be used as a holiday house, as asserted by objectors, is not a material planning consideration

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

9.1 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. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. Prior to the commencement of any other part of the development hereby approved, the first 5 metres of the access, as measured from the edge of the public road carriageway, shall be surfaced in a bituminous macadam or similar hard material in accordance with the Highland Council's road guidelines for new developments and drawing SDB1. Positive drainage measures shall be undertaken, in accordance with the Highland Council's road guidelines for new developments, and the existing culvert must be maintained to ensure that no ground or surface water flows onto the public road from the site.

Reason : In the interests of highway safety, and to prevent deleterious material from being carried onto the public road.

2. No development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated October 2012) with:

visibility splays of 60m x 2.4m to the south and 41m x 2.4m (the X dimension and Y dimension respectively) formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason : In the interests of road safety.

3. The existing "half house" on the site shall be maintained, and shall not be demolished, altered or extended without the prior written approval of the Planning Authority.

Reason : In the interests of amenity, and to protect this property of historic interest.

4. No development or work (including site clearance) shall commence until a photographic record has been made of the existing "half house" and/or other features affected by the development/work, in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason : In order to assist the Council with maintaining an accurate and current record of the historic environment.

5. Prior to the commencement of development, details of how the development shall be set down into the site, with a minimum of under-building, shall be submitted for the written approval of the Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason : In the interests of amenity.

6. At all times the existing access to the adjoining property "The Old Schoolhouse" and the public road through the village of Arrina shall be maintained unimpeded, both during construction works and in perpetuity.

Reason : In order to safeguard public access both during and after the construction phase of the development.

7. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason : To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

8. Prior to first occupation of the dwelling house hereby approved, a report from a suitably qualified person shall be submitted which assesses the capacity and capability of the septic tank within the application site boundary to accommodate the additional use from this house. In the case of this existing tank lacking sufficient capacity and capability, then an alternative foul drainage system would require to be installed, to the satisfaction of the Planning Authority.

Reason : To ensure that foul drainage from the site is disposed of in an acceptable manner.

9. The flue shall be of a non-reflective finish, coloured dark grey.

Reason : In the interests of amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act

1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

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.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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.

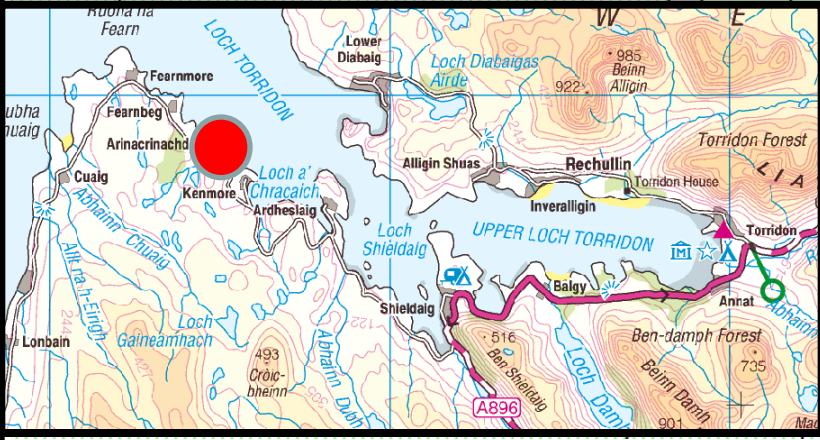
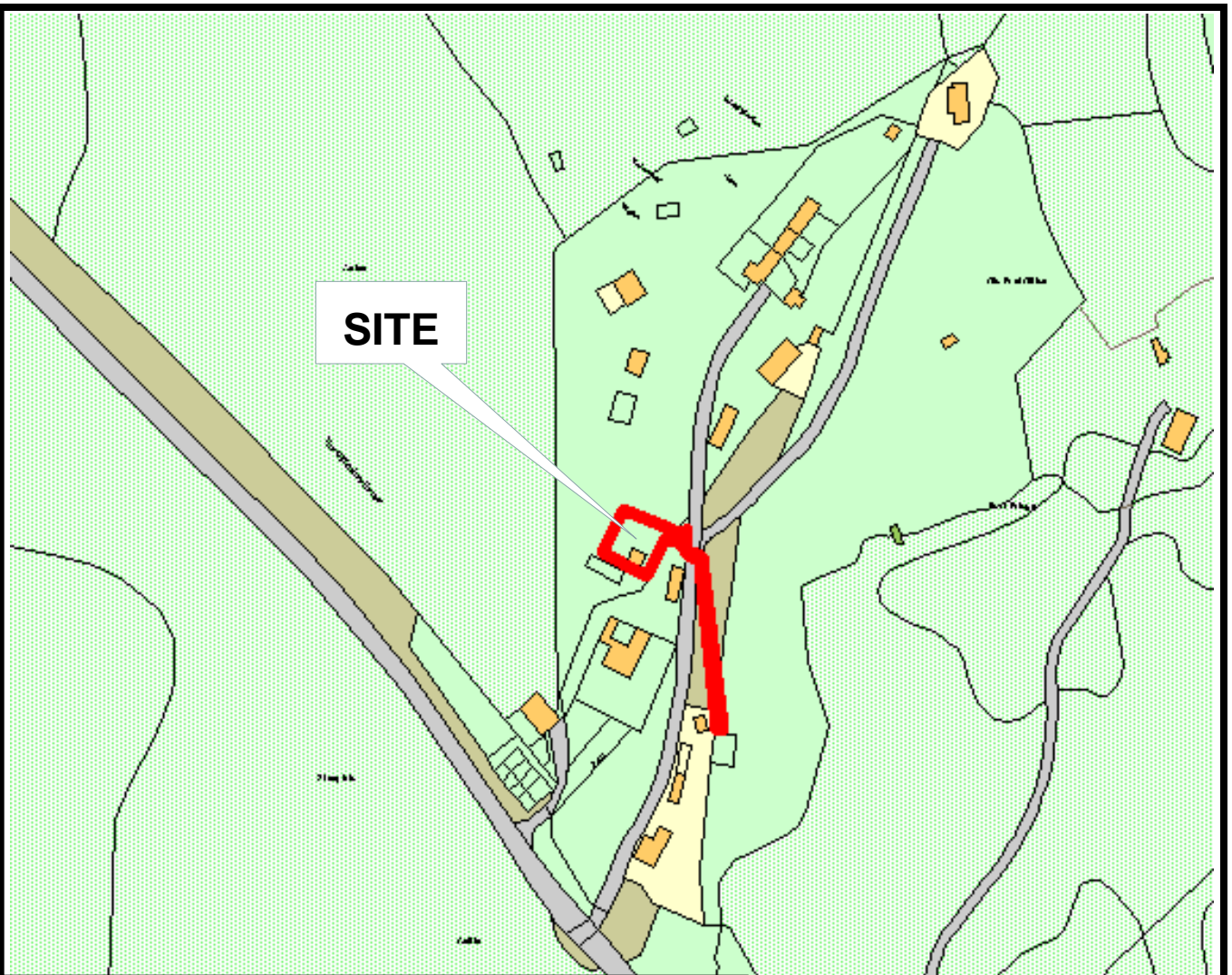
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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 or more information.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – MKJ/AHT/01A – Location Plan
Plan 2 – MKJ/AHT/02A – Site Layout Plan
Plan 3 – MJK/AHT/03 – Ground Floor Plan
Plan 4 - MKJ/AHT/04 – First floor Plan
Plan 5 - MKJ/AHT/05 – Section Plan
Plan 6 - MJK/AHT/06 – Section Plan
Plan 7 - MJK/AHT/07 - Elevations

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mary MacCuish		27 Apr 2013	Against
Muirne Buchanan	The Old Schoolhouse, Arinachinaid	27 Apr 2013	Against
Harold Barnes	Gigha, Arrina	27 Apr 2013	Against
Elisabeth Johnstone	Jura, Arrina	27 Apr 2013	Against
Karelia Wilkinson	Colonsay, Arrina	27 Apr 2013	Against
Donald Gillanders	Arrina, Shieldaig	17 May 2013	Against
Shieldaig Community Council	Kinloch, Shieldaig	8 May 2013	Neutral



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

PLAN 1
13/00880/FUL

Erection of house at Land to North East of Old Schoolhouse, Arinacrinachd, Arrina, Strathcarron

18 June 2013



PROPOSED ERECTION OF HOUSE AT ARRINA, STRATHCARRON, ROSS-SHIRE - SITE PLAN

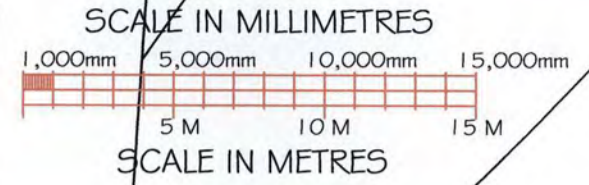
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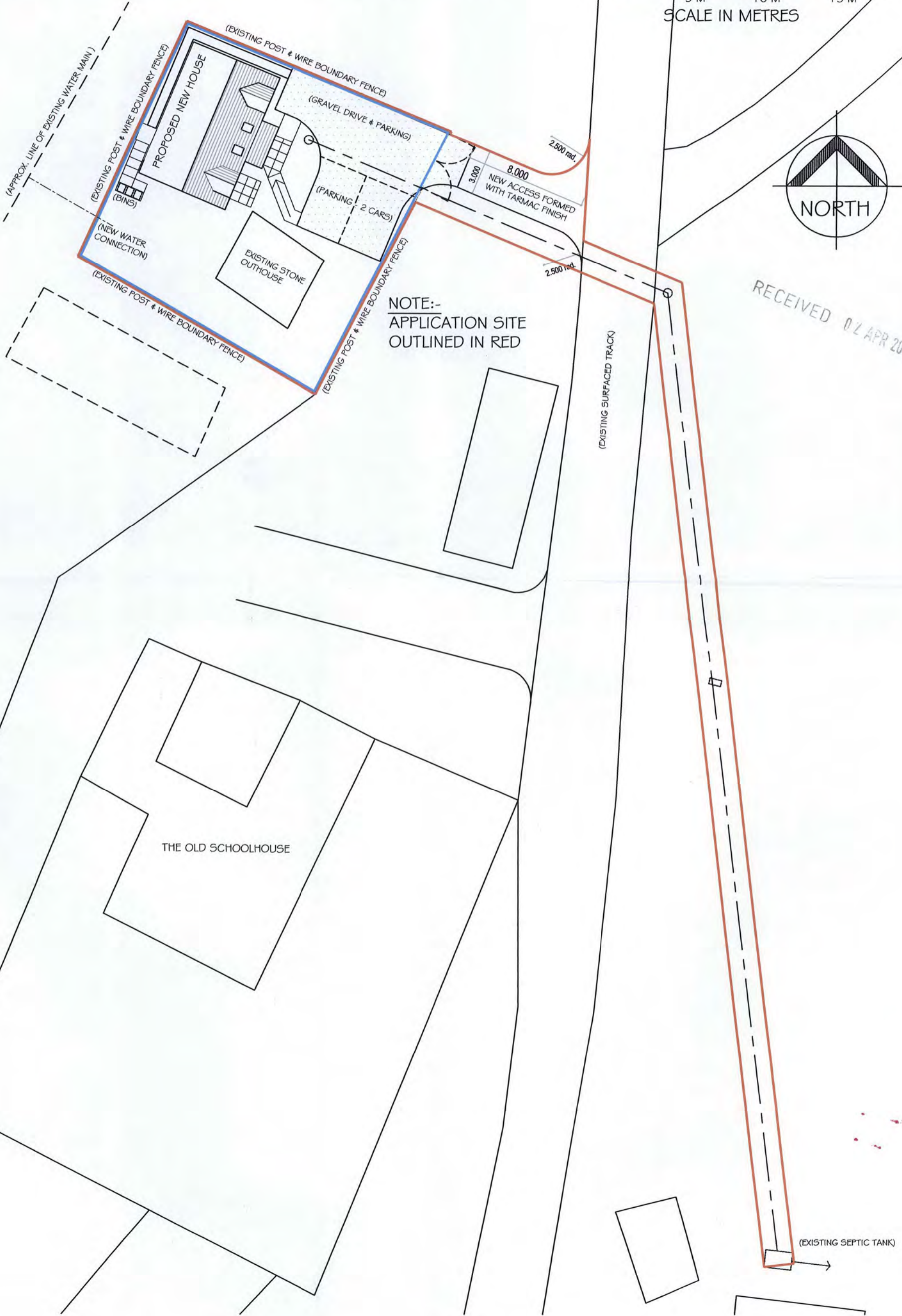
Mar. 2013

REV 'A' - 20 MARCH 2013:

- 1. EXISTING SEPTIC TANK LOCATION & WAYLEAVE ADDED TO PLAN.
- 2. 'RED' SITE OUTLINE AMENDED TO INCLUDE SEPTIC TANK & WAYLEAVE.- jb



RECEIVED 02 APR 2013



NOTE:-
APPLICATION SITE
OUTLINED IN RED

THE OLD SCHOOLHOUSE

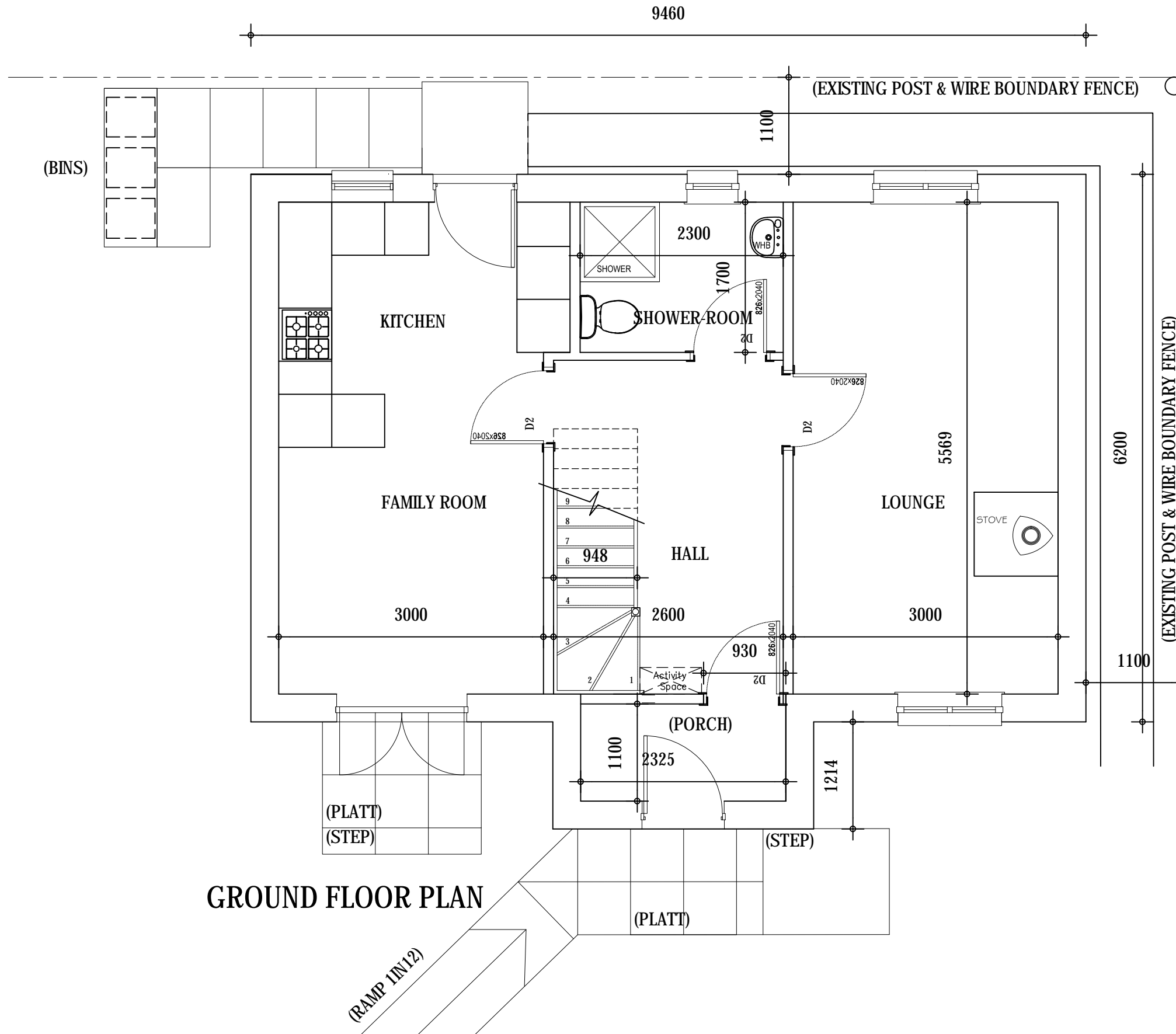
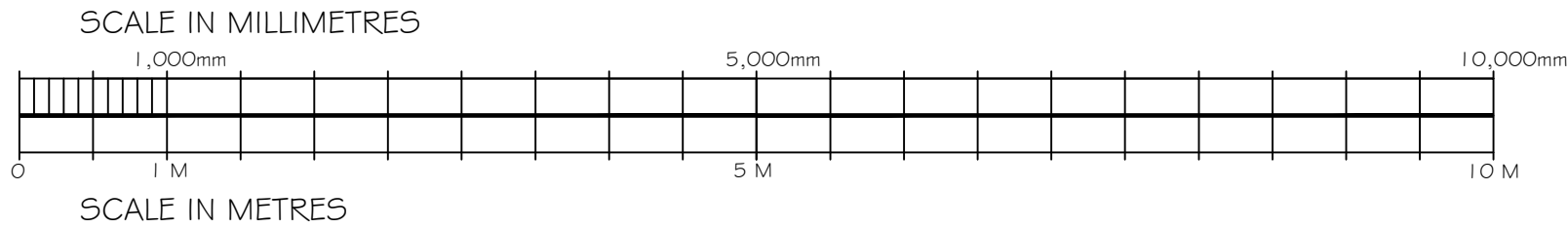
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Dec. 2012

Proposed Ground Floor Plan



GROUND FLOOR PLAN

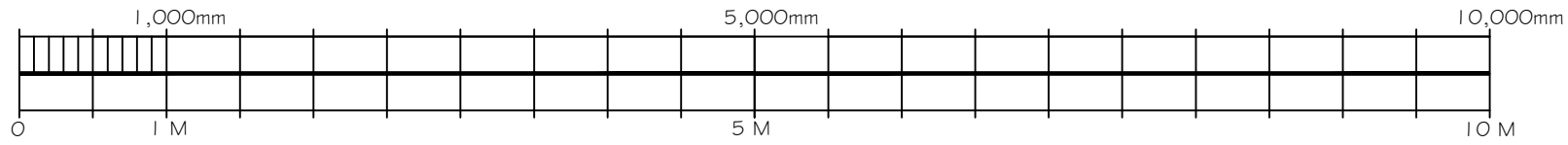
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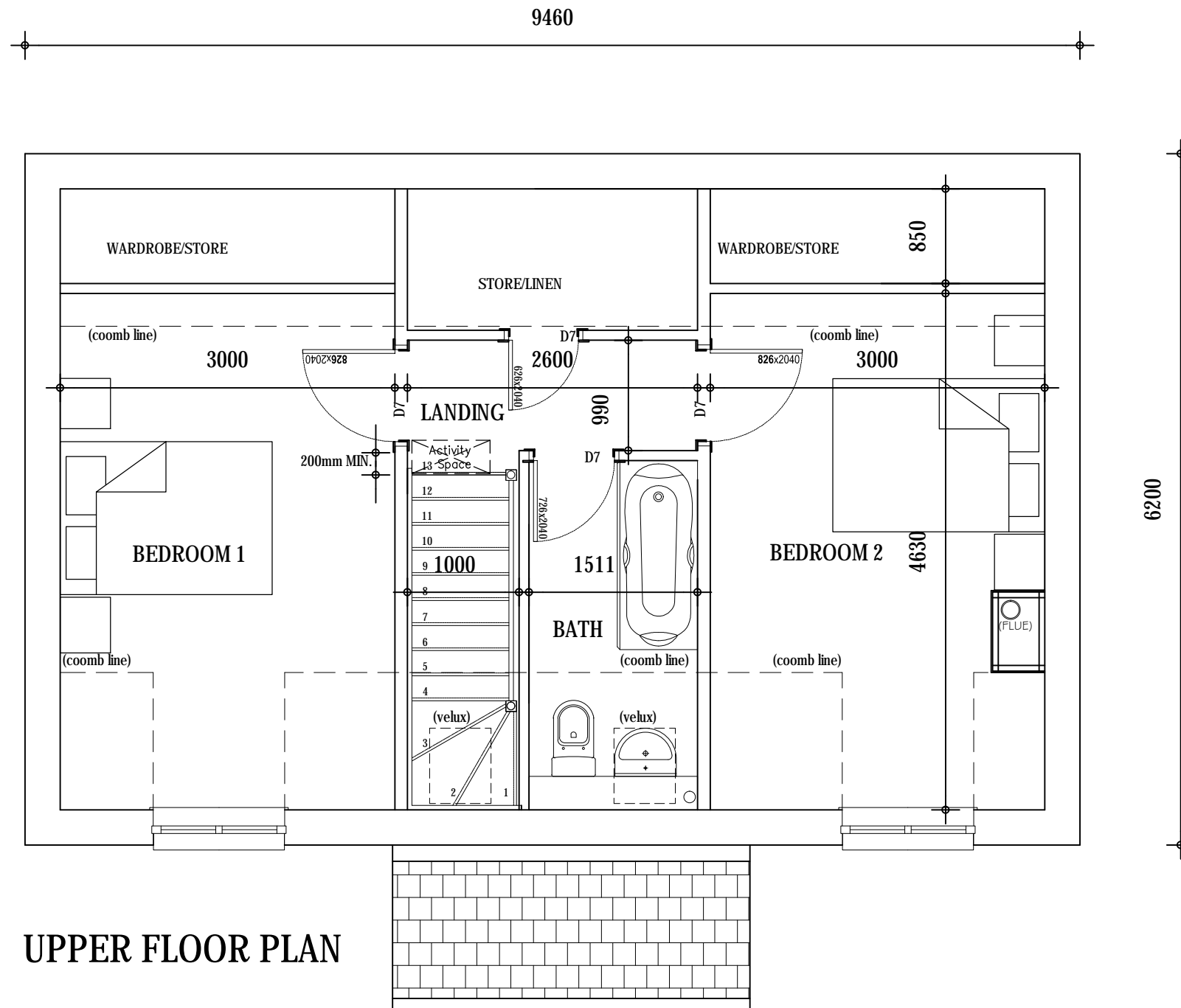
Dec. 2012

Proposed Upper Floor Plan

SCALE IN MILLIMETRES

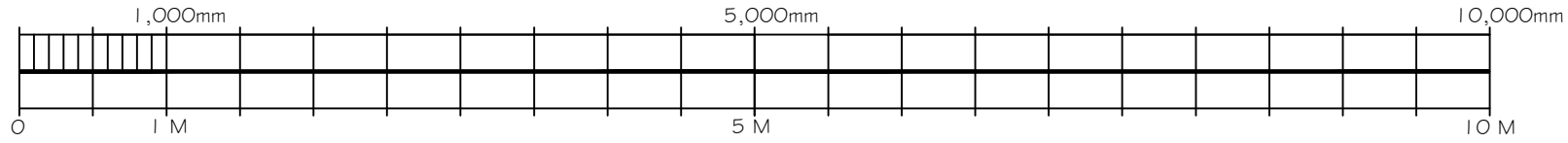


SCALE IN METRES



UPPER FLOOR PLAN

SCALE IN MILLIMETRES

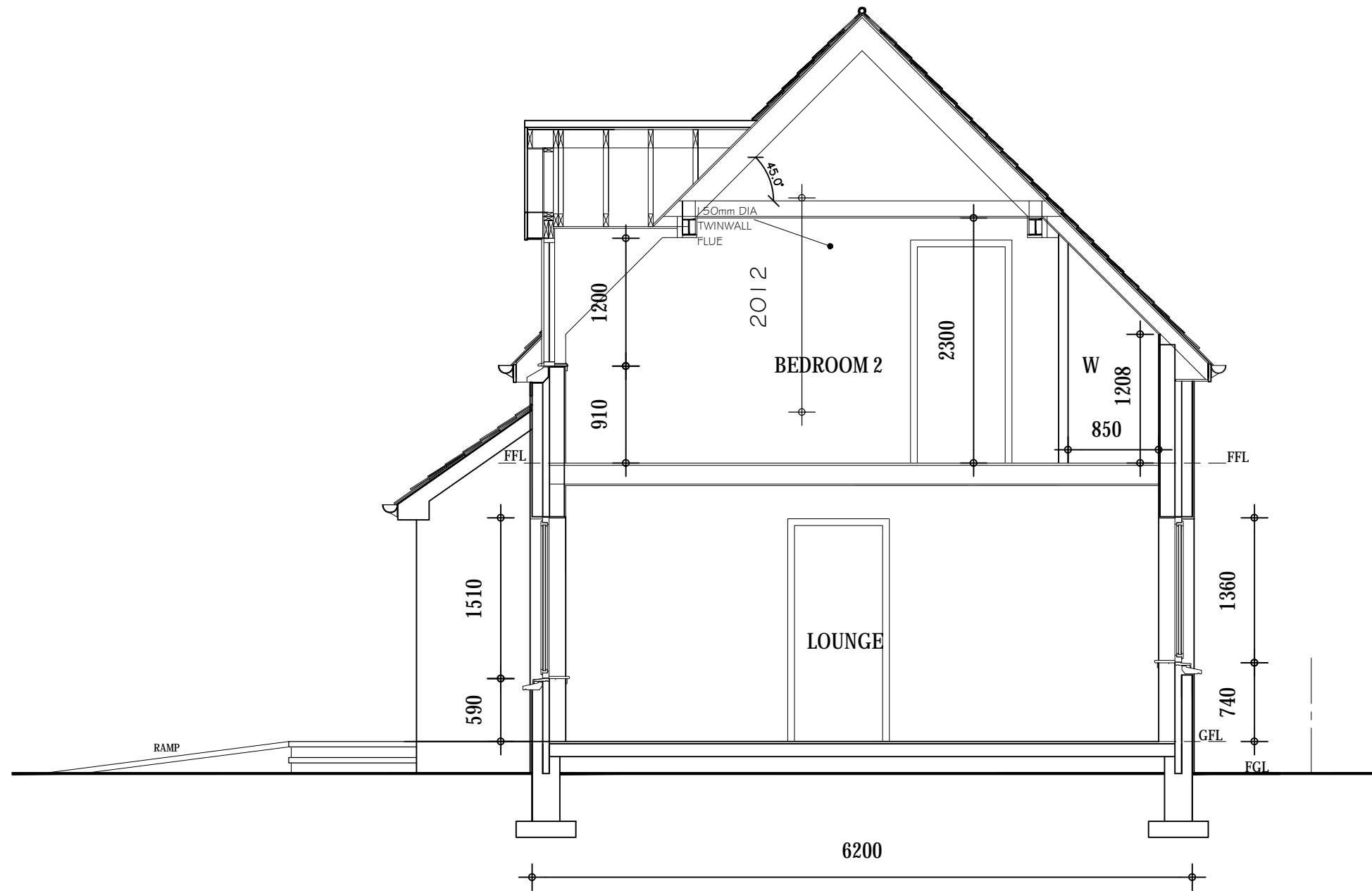


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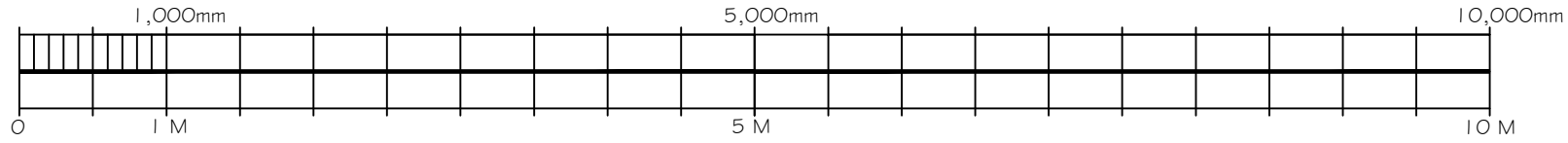
Dec. 2012

Proposed Section A-A



SECTION A-A

SCALE IN MILLIMETRES



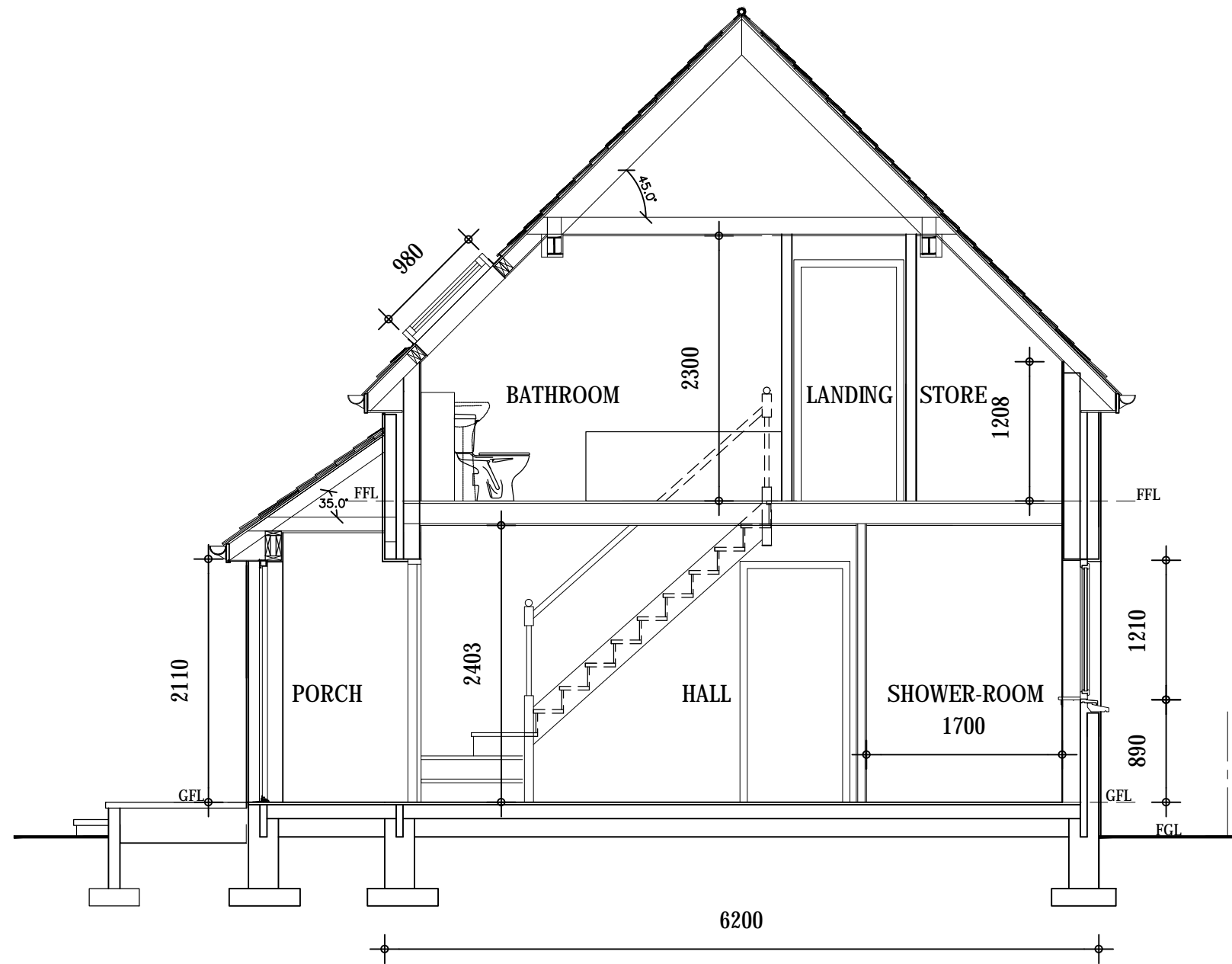
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Dec. 2012

Proposed Section B-B



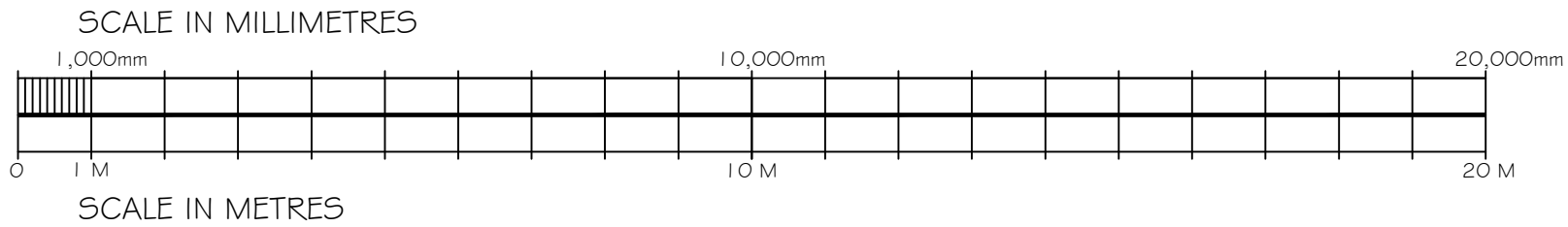
SECTION B-B

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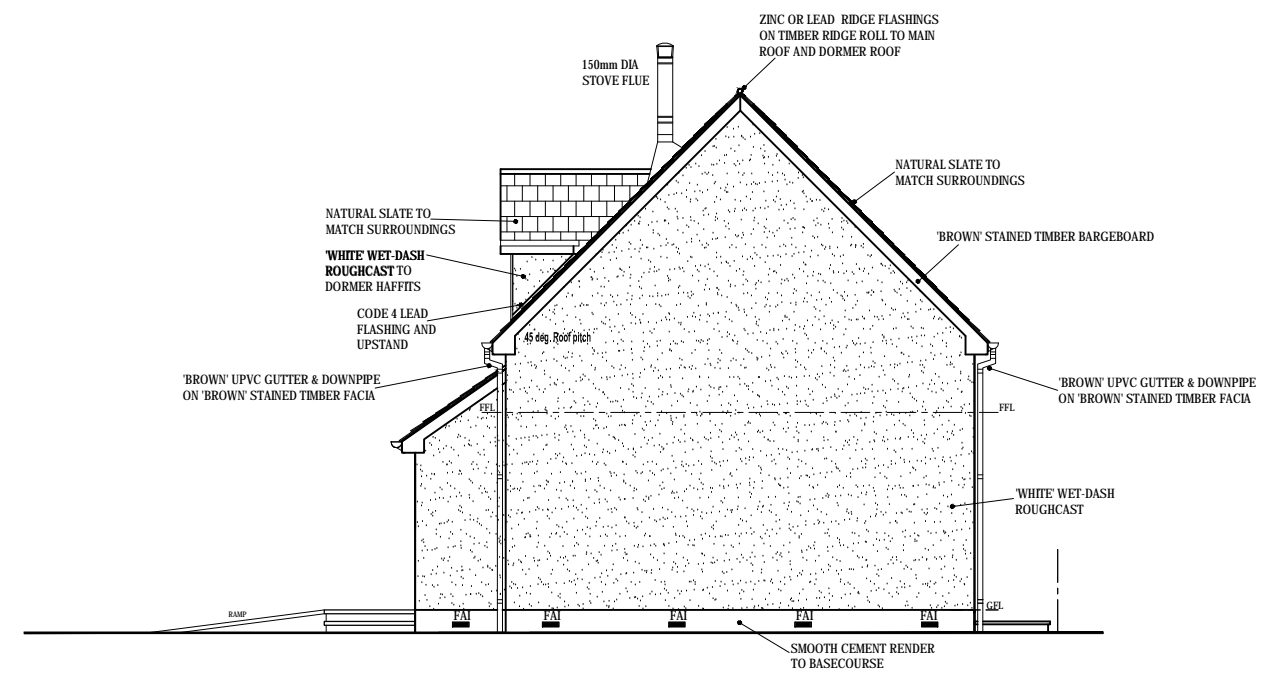
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Dec. 2012

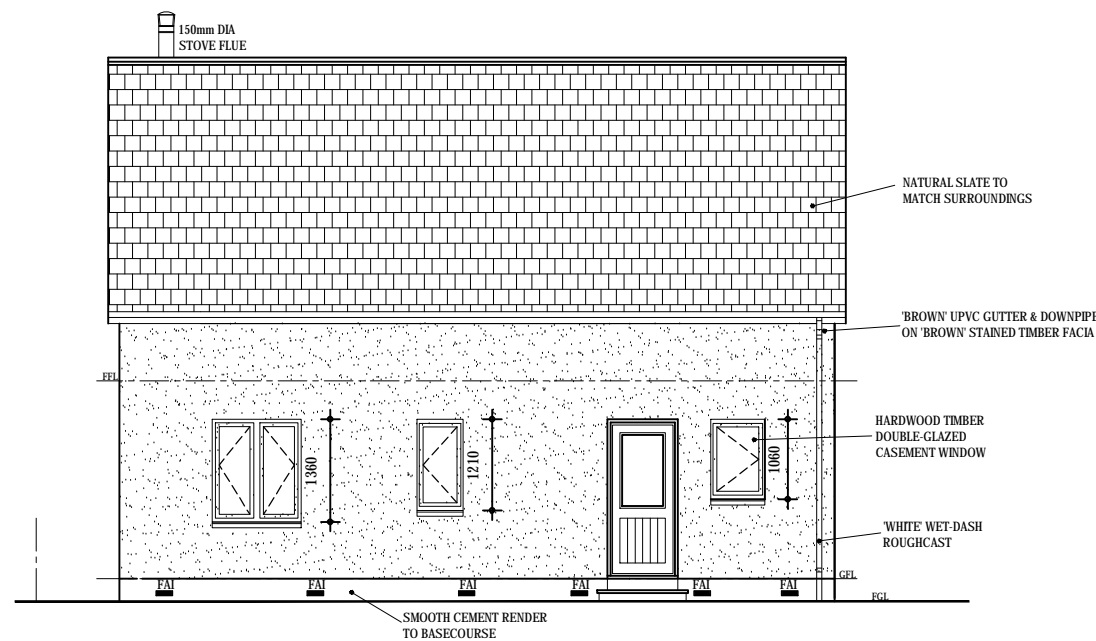
Proposed Elevations



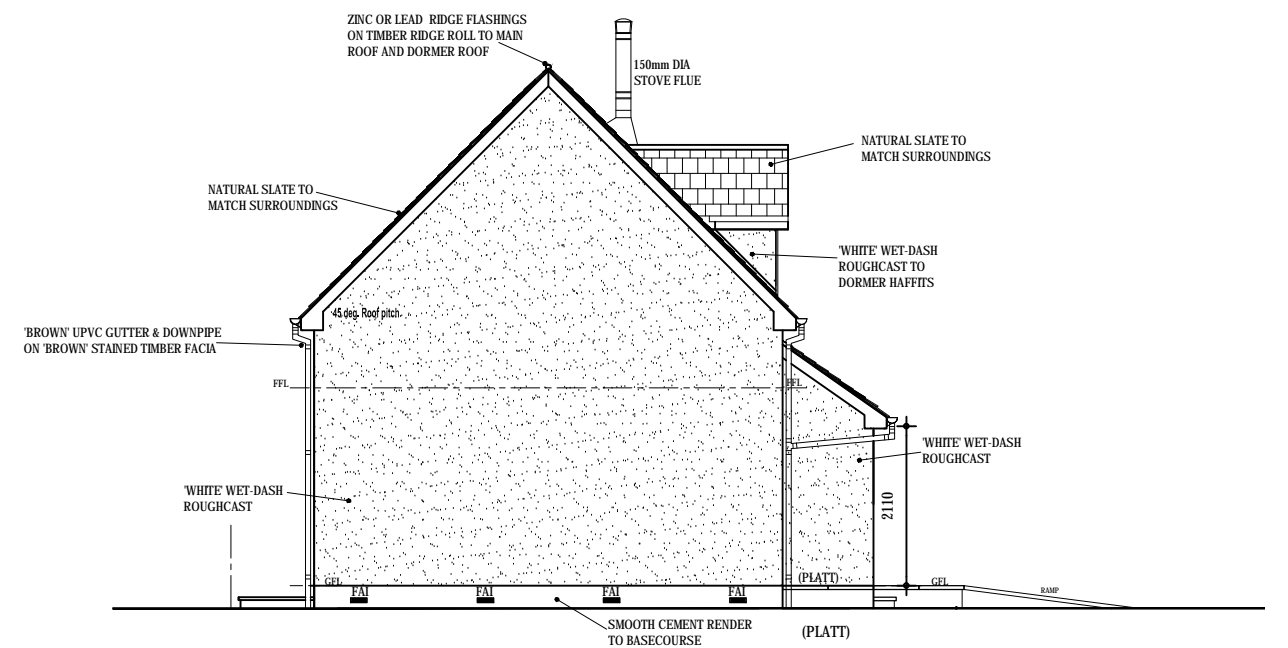
FRONT ELEVATION (SOUTH EAST)



SIDE ELEVATION (NORTH EAST)



REAR ELEVATION (NORTH WEST)



SIDE ELEVATION (SOUTH WEST)