

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
– 13 August 2013**

Agenda Item	5.4
Report No	PLN/076/13

**13/01883/PIP : Mrs Isabelle Campbell
New House, Nostie, Kyle**

Report by Area Planning Manager

SUMMARY

Description : Erection of house (Renewal of 10/02207/PIP)

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : N/A

Reason referred to Committee : Application made by an elected member.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks to renew Planning in Principle for the erection of a dwelling house.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of rough croftland on the seaward (eastern) side of the public road which runs from Nostie to Avernish, some 480m south of the junction with the A87 trunk road. The site is bounded to the north and west by a band of mature native woodland. Two existing houses to the north east are arranged in a linear pattern on the southern side of the public road, while three existing houses to the south west are grouped quite closely together near the shore.

3. PLANNING HISTORY

- 3.1 Outline planning permission was first granted for a house on this site on 22.05.2001 (01/00083/OUTSL). Permission was then renewed for a further 3 years on 21.05.2004 under delegated powers (04/00179/OUTSL). Two further renewals of consent have subsequently been granted by Committee on 26.06.2007 and 16.08.2010 (07/00448/OUTRC and 10/02207/PIP respectively).

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown neighbour -14 days

Representation deadline : 21.06.2013

Timeous representations : 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- N/A

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 No consultations were required.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality and Place Making

Policy 34 Settlement Development Areas

6.2 West Highlands & Islands Local Plan 2010

Policy 1 Settlement Development Areas

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/a

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guidance

7.3 Scottish Government Planning Policy and Guidance

PAN 44 – Fitting New Housing Development into the Landscape

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 a defined Settlement Development Area, so Policy 1 of the West Highlands & Islands 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 West Highlands & Islands 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, and how they conform with existing and approved adjacent land uses. 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. For the reasons set out below the scheme is considered to meet these policy requirements and to be acceptable in principle.

The principle of the development of this site for a dwelling house is already very well established by the granting of no less than four planning permissions. The most recent of these consents was assessed against the 1999 Skye & Lochalsh Local Plan and the draft 2010 West Highlands & Islands Local Plan. The site was allocated for development in each of these documents, and there has been no material change in policy with the subsequent adoption of the Highland wide Local Development Plan in 2012.

The application site lies on land immediately east of the Nostie to Avernish public road. This location reflects the pattern of development within the settlement. In the context of surrounding development the house is well-spaced, constitutes suitable in-fill development, and would respect and integrate into its landscape setting.

8.4 Material Considerations

The conditions attached to the previous consent require to be carried over to any new consent, albeit reworded to accord with current policy and guideline requirements.

8.5 **Other Considerations – not material**

N/A

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. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;

- v. a roof symmetrically pitched of not less than 35° and not greater than 45°; and
- vi. predominantly rectangular in shape with traditional gable ends.

Reason : In order to respect the vernacular building traditions of the area and to integrate the proposal into its landscape setting.

3. Any details pursuant to condition 1 above shall show the site access constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 13.08.2013), with:

- i. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No development shall commence until the junction has been constructed in full and 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, and that the works involved comply with applicable standards.

4. Any details pursuant to condition 1 above shall show a vehicle turning area and parking within the application site formed in accordance with The Highland Council's Road Guidelines for New Developments. The turning area shall be provided prior to the first use of the development and thereafter maintained as a turning area in perpetuity.

Reason : In the interests of road safety, and that the works involved comply with applicable standards.

5. Any details pursuant to condition 1 above shall show car parking spaces provided within the curtilage of the dwelling house and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation of the dwelling house to which it relates, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;
- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms.

Reason : In the interests of road safety, and that the works involved comply with applicable standards.

6. Any details pursuant to condition 1 above shall include a detailed Landscape Plan and Maintenance Programme. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with

maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

7. Except as may be required to form the access referred to in condition 3 above, no trees within 30m of the carriageway of the public road shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason : In the interests of visual and natural heritage 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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle 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

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.

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>

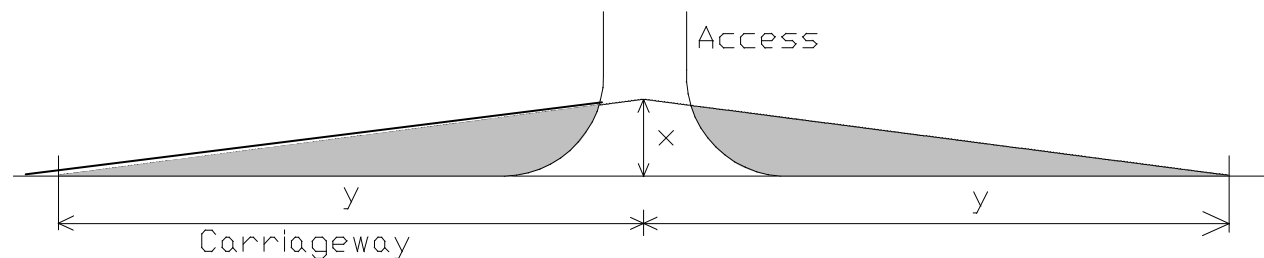
Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan

Access Schedule Pàipear-Taice

Planning Application Ref.	13/01883/PIP
Proposed Development	Erection of house (Renewal of 10/02207/PIP)
Schedule Date	13.08.2013

The access for this development shall comply with the requirements of The Highland Council's 'Access to Single Houses and Small Housing Developments' guidelines, the relevant planning conditions and this schedule.

1. The junction shall be formed in accordance with drawing ref. SDB 1.
2. The cohesive finishing material shall extend for a distance of at least 5mm back from the nearside edge of the public road.
3. Visibility splays of 2.4m x 90m shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by X metres along the centreline of the access road and Y metres in each direction along the nearside edge of the main road from the intersection of the access road with the main road.



Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Note: The applicant must demonstrate control of the land needed to provide and maintain the visibility splays. Where control is not demonstrated, a Section 75 Planning Obligation or Deed of Servitude may be required.

4. The gradient of the access shall not exceed 1 in 20 for the first 5 metres, measured from the nearside edge of the public road and thereafter should not exceed 1 in 10.
5. Any roadside drainage ditch shall be culverted under and adjacent to the access. The culvert shall have sufficient capacity to accommodate anticipated flows and shall be no less

than 300 mm diameter. Suitable masonry or concrete headwalls shall be provided at each end of the culvert.

6. No surface water from the site shall shed onto the public road and the applicant shall be responsible for the provision and maintenance of any measures necessary to prevent surface water from the public road entering the site.
7. Facilities for the storage and collection of wheelie bins shall be provided in accordance with the Highland Council's Supplementary Planning Guidance 'Managing Waste in New Developments'. A suitable collection point of at least 2m x 1m shall be provided within 10 metres of the public road edge, but outwith the required visibility splays.

Note: All access works must be completed prior to any other part of the development commencing. This is to ensure that safe access is available during the construction phase, as well as afterwards, and the free-flow of traffic on the public road is not adversely effected.

Other Statutory Requirements **Riatanasan Achdail Eile**

In addition to planning permission, prior to starting any access works within the public road boundary, you will require separate written permission from TECS Roads. This is a legal requirement.

Permission will also be required for the installation of, or connection to, any utility apparatus within the public road boundary and any occupation of the public road by building materials, equipment or plant.

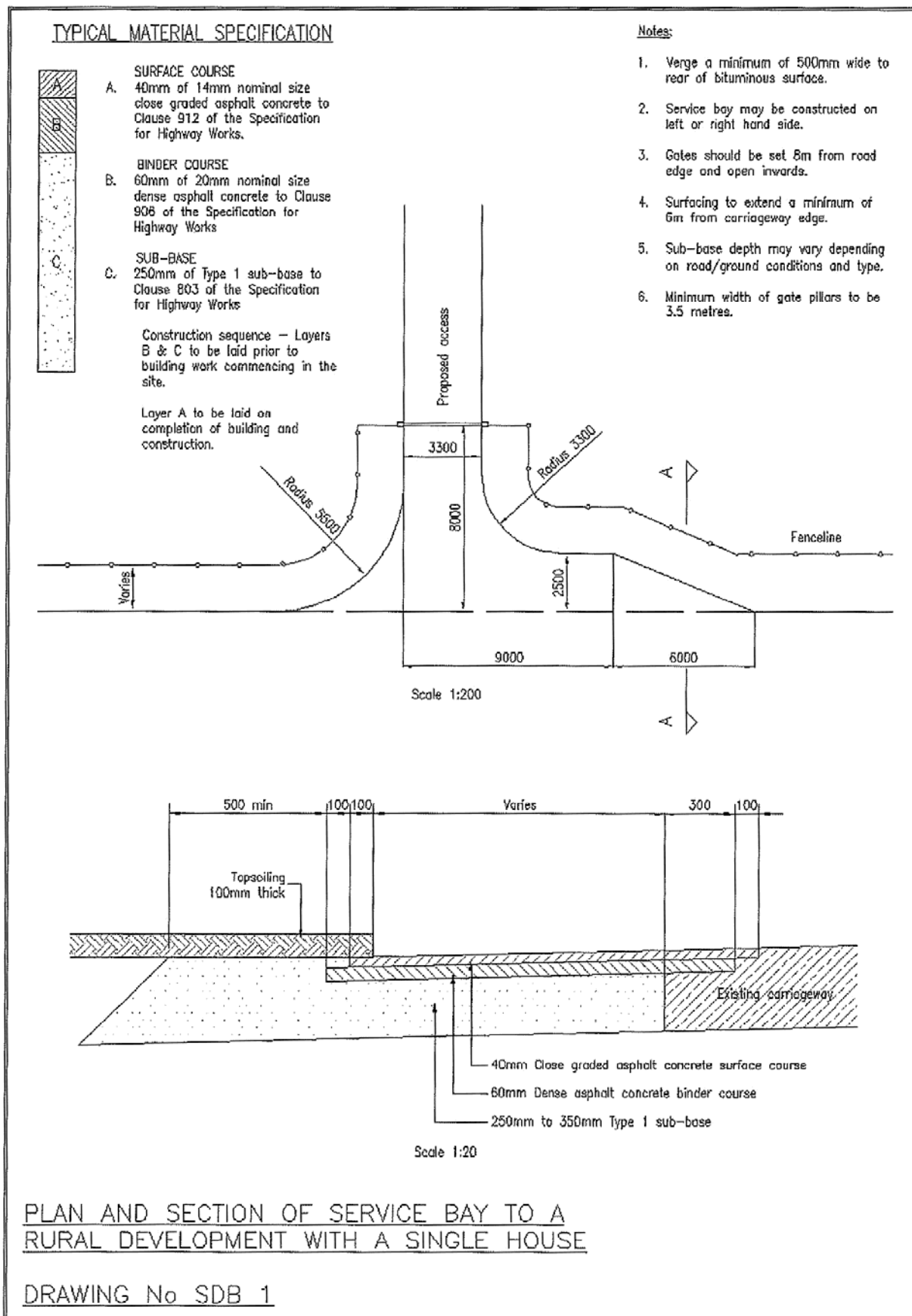
No connections should be made to any public road drainage system without the formal written permission of either TECS Roads or Scottish Water, as appropriate.

Application forms and guidance on the above requirements can be obtained from your local TECS Roads office or from the Council's website using the following link:

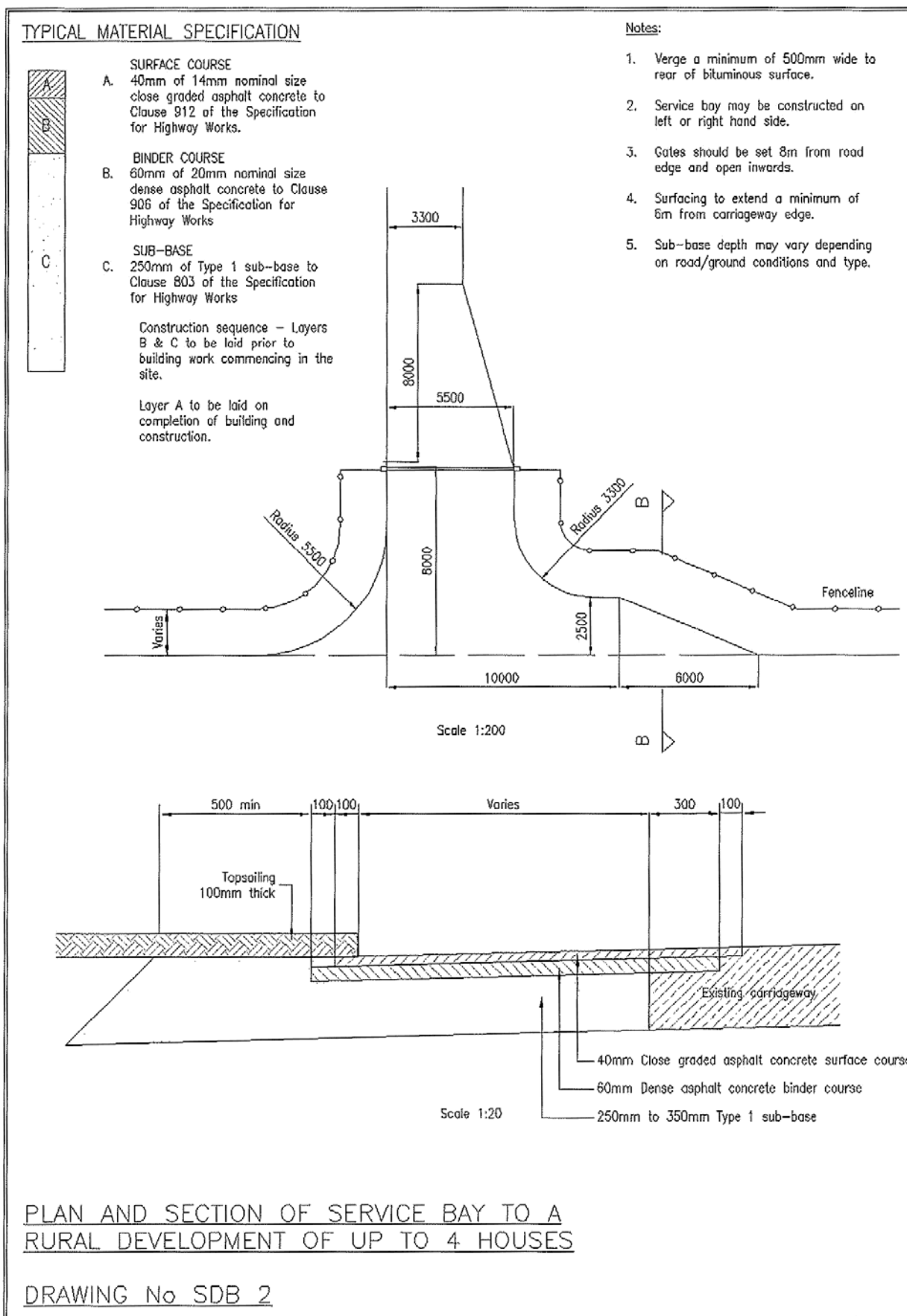
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Note: All works must be completed to the satisfaction of both the Planning Authority and the Roads Authority, and in accordance with all relevant consents. To ensure compliance, one or more inspections may be carried out by Council officials during and/or after completion of the development.

Appendix 1: Access Drawing SDB1



Appendix 2: Access Drawing SDB2





The Highland Council
Comhairle na Gàidhealtachd

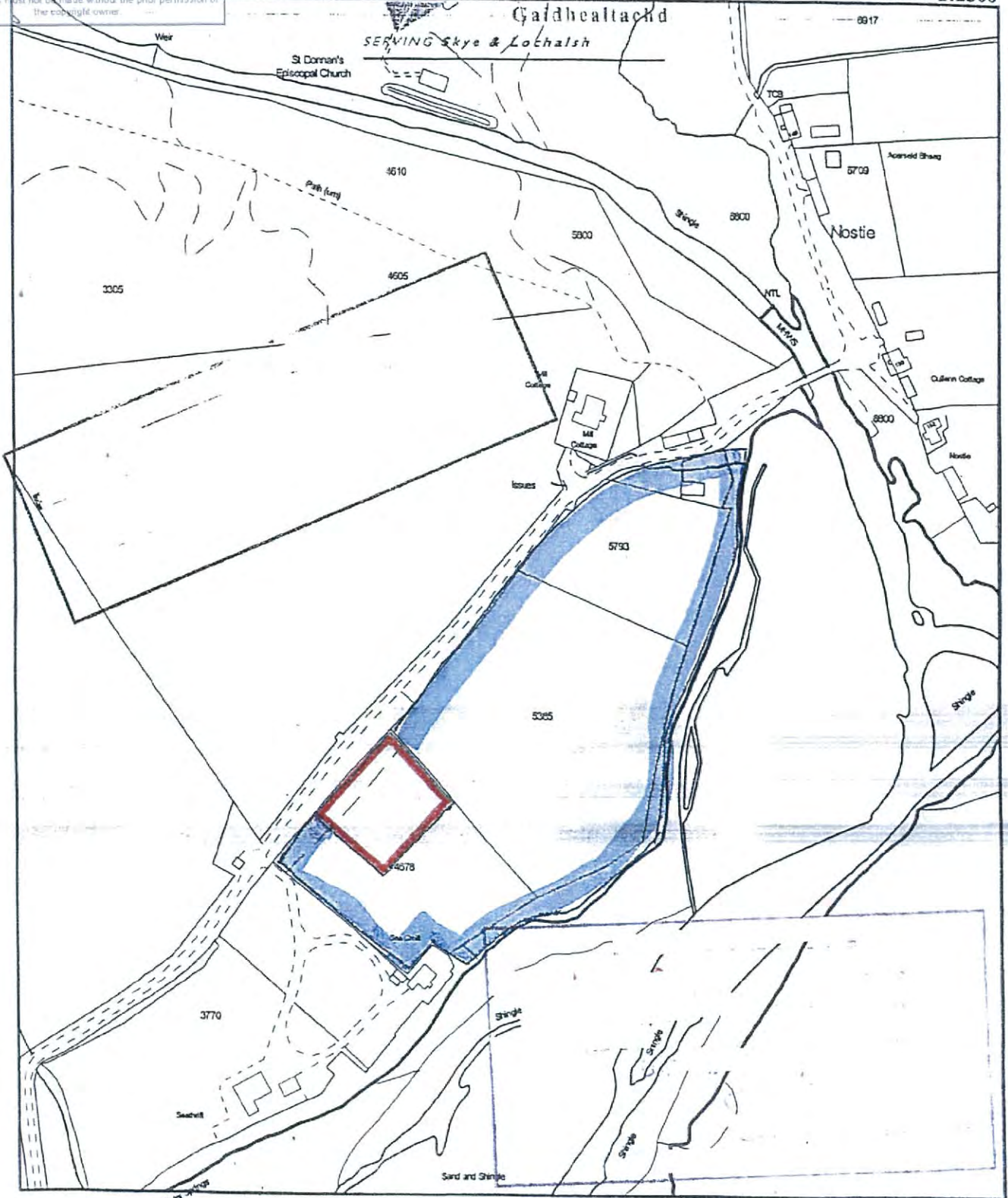
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Planning and Building Control Map Extract Scheme

The Highland Council
Comhairle na Gàidhealtachd

scale 1:2500



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Skye and Lochalsh Area

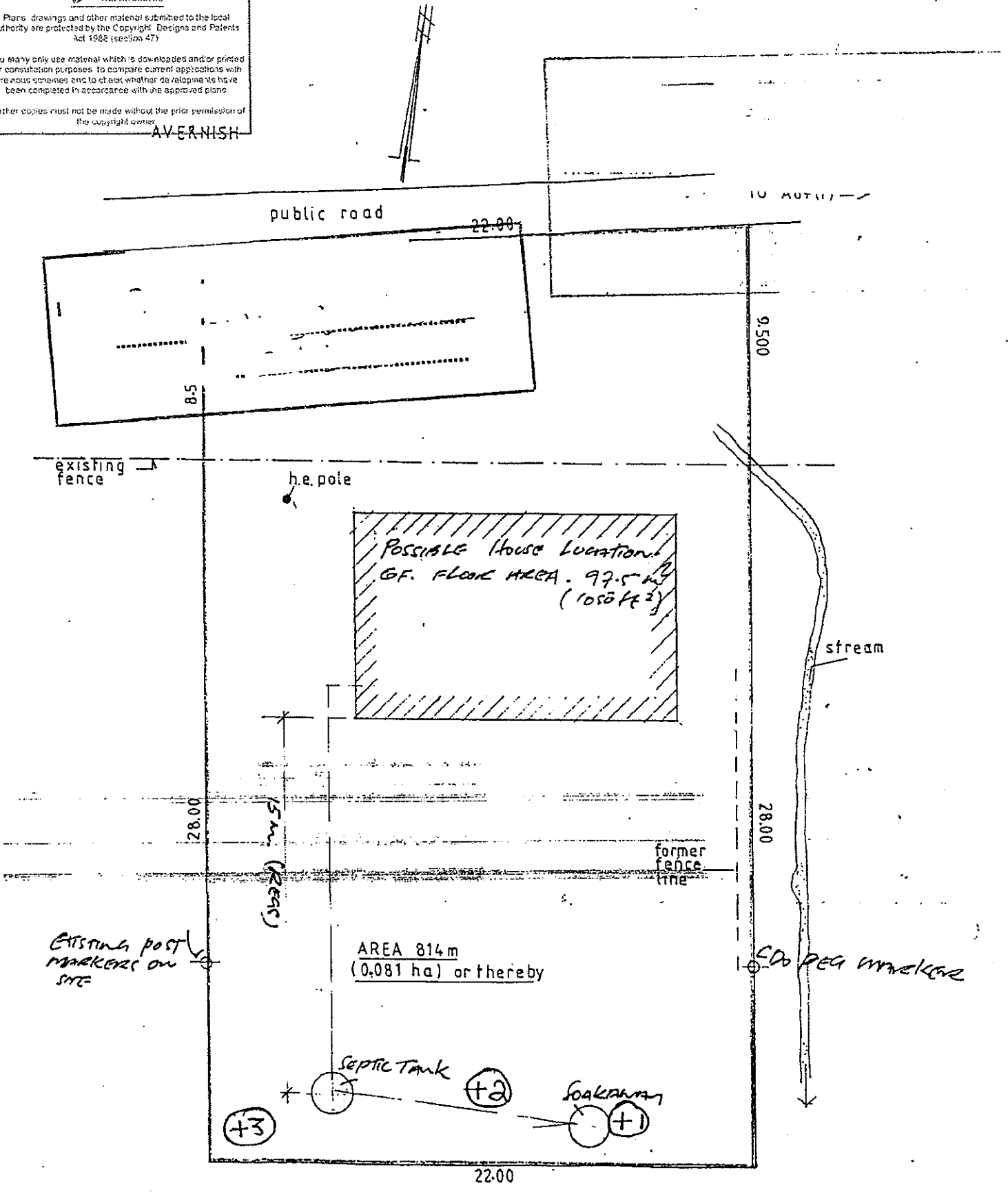


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AVERNISH



Job.	GROUND AT AVERNISH by AUCHTERTYRE	Date.	OCT. 2000
Detail.	PLAN	Client.	MRS I CAMPBELL
		Scale. (s.).	1:200
		Drg No.	dve 01