

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
13 AUGUST 2013**

Agenda Item	5.5
Report No	PLN/077/13

**13/01888/PIP: Mr & Mrs G Murray
Land to South East Of Rubha Lodge
Shieldaig**

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 : At the discretion of the Area Planning Manager

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks Planning in Principle for the erection of a dwelling house.
- 1.2 No pre-application discussions took place.
- 1.3 The site is accessed by an existing private track which runs between Shieldaig Primary School and an existing dwelling house, known as Rubha Lodge, which lies some 35m west of the site. Public water and sewerage services are in relatively close proximity to the site. Scottish Water has confirmed there is sufficient capacity in both of these systems to accept the proposed house, and the application indicates that the development would connect to these public systems.
- 1.4 No documents were lodged in support of the application.
- 1.5 **Variations:** None.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of hillside some 100m to the north-west of Shieldaig Primary School. The majority of the site is bare hillside, apart from a small section at the north which contains several semi mature birch trees. An access track runs from the school along the northern side of the site, and a spur off this access to the dwelling house known as Rubha Lodge bisects the site. The land south of the Rubha Lodge access is unsuitable for building on due to its steepness. The smaller

part of the site on the northern side of this access track provides the only opportunity for building a house, although this is constrained by the presence of a large rock outcrop, resulting in a tight site which can only accommodate a small house.

3. PLANNING HISTORY

- 3.1 98/00677/OUTRC. Erection of House (Outline). Granted 12.11.1998
- 3.2 00/00870/OUTRC. Erection of House (Outline – Renewal). Granted 30.01.2001
- 3.3 04/00096/OUTRC. Erection of House (Renewal) (Outline). Granted 30.03.2004
- 3.4 08/00313/OUTRC. Erection of House (Outline) (Renewal). Granted 24.06.2008

All of these consents relate to the same red line boundary as the current application.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days

Representation deadline : 15.07.2013

Timeous representations : 1

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- The one objection is from Shieldaig Community Council, on the basis of safety concerns arising from increased vehicle movements past the Primary School and adjacent sports facilities. This objection was not made as a result of the Community Council having registered as a Statutory Consultee in relation to this application.

- 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 **TECS Roads** : No objection, comment that the existing satisfactory private access is not adopted, so TECS Roads have no control over it, but note the previous consent referred to the provision of gates.

- 5.2 **Scottish Water** : No objection, comment that the existing public water supply and foul drainage systems have capacity for the proposal.

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
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
61	Landscape

6.2 Wester Ross Local Plan, As continued in Force 2012

1	Settlement Development Areas
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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 Guidance

Housing in the Countryside

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 Principle of Development

Sections 25(1)(a) and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that this application be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the usable part

of the site on the northern side of the Rubha Lodge access lies outwith any defined Settlement Development Area. Accordingly, the Development Plan is comprised solely of the Highland-Wide Local Development Plan, the relevant policies of which are considered below.

Given that the only usable part of the site is outwith Shieldaig's SDA the proposal therefore falls to be considered under Policy 36, which states that development proposals in the wider countryside will be assessed on the extent to which they are:

- acceptable in terms of siting and design;
- sympathetic to existing patterns of development;
- compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Policy 28 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 repeats this emphasis on good design in terms of compatibility with the local landscape setting.

The site is within an area where views over open water are protected, and also lies within the Wester Ross National Scenic Area. As such, the proposal requires to be assessed in terms of Policy 57. This policy states that for features of local/regional importance (i.e. the views over open water) the Council will support developments that can be shown not to have an unacceptable impact on these seaward views. In respect of features of national importance (namely the National Scenic Area), developments will be allowed if they can be shown not to compromise this amenity resource.

Policy 61 states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed. Consideration should be given to scale, form, pattern and construction materials.

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

Design, Appearance and Landscape Impact

As noted in the site description above, the usable part of the site is constrained, and accordingly it can only accommodate a small house. However, the granting of planning permission for a house on this site on four previous occasions is a key material consideration. The policy basis on which the previous consents were issued has not changed over the years since the first consent was issued in 1998 to such a degree that would now justify any policy objection to over-ride this key material consideration. Nevertheless, on the basis of the very small area of the site which could actually be built on, it is considered that conditions should restrict the building in terms of its gable span and height - as well as ensuring that it integrates well with the site and respects the local vernacular. In addition it is considered that permitted development rights should be removed by condition to control any extensions to the house which would reduce the already limited residential curtilage.

Neighbour Amenity

The nearest existing dwelling house is Rubha Lodge which lies some 60m to the west, below the crest of a hill. In view of this distance it is not considered that any adverse issues of neighbour amenity arise.

Access and Parking

Shieldaig Community Council has objected to the application, as noted above. A similar objection was made in relation to the original 1998 application. The response at that time was to condition the 1998 permission to secure traffic calming in the form of two separate gates close to and beyond the School (the one close to the School has since been constructed), with a restriction placed on the hours in which construction vehicles might visit the site so as to avoid school hours. It is considered that similar conditions can provide adequate safeguards in terms of public safety in relation to the current application. The previous consent was also conditioned to require the tarring of a 10m stretch of the private access to the site in order to achieve some betterment of the current stone and gravel surface commensurate with the increased use of this access, and this condition can also be carried forward.

A condition is required to ensure that parking is provided within the site. It is not considered necessary for a turning area to be provided within this tight site given that the lightly trafficked private access on the southern side of the usable site area can reasonably be used for turning.

8.4 Material Considerations

The traffic issue raised by the Community Council objection is considered above.

8.5 Other Considerations – not material

None

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.

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 one and a half storey in height ;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 35° and not greater than 45°;
 - vi. predominantly rectangular in shape with traditional gable ends;
 - vii. a gable span of no more than 7m .

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

3. No work shall commence on site until a further gate has been erected, beyond the school buildings, in addition to that which has already been installed adjacent to the school, at a location to a specification/design which shall first be submitted to and agreed in writing by the Planning Authority. The gate shall be installed on site in accordance with the agreed details and thereafter maintained in perpetuity.

Reason : In the interests of pedestrian safety.

4. A 10m stretch of the access to the site shall be surfaced in a bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority. Thereafter the access shall be improved in accordance with the approved details before the house is first occupied with the access being maintained to the agreed standard in perpetuity.

Reason : To ensure that an adequate level of access is timeously provided for the development.

5. Measures shall be undertaken to ensure surface and ground water drainage to the access track is installed to the satisfaction of the Planning Authority, in particular in relation to the 10m stretch which is to be surfaced, with details and a maintenance scheme being first submitted for the written approval of the Planning Authority. Thereafter the drainage shall be installed in accordance with the agreed details before the house is first occupied and thereafter maintained.

Reason : In the interests of road safety.

6. A restriction shall be placed on all construction vehicles serving the site to ensure that their movements do not coincide with school hours and these hours shall be further agreed in writing prior to construction work commencing on site.

Reason : In the interests of pedestrian safety.

7. The house hereby approved shall be located to the north-east of the existing track which bisects the site.

Reason : For the avoidance of doubt, and in the interests of amenity.

8. 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 guidelines prior to first occupation, 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 order to ensure that the level of parking is adequate and the private access is not blocked.

9. Notwithstanding the provisions of Classes 1a,-b, 1d, 2b, 3a-e of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, and with the exception of a single garden shed not exceeding 4 square metres in area, no development of a type identified in the aforementioned classes, shall take place within the curtilage of the house hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason : In order to allow the Planning Authority to retain effective control over the development of the site and in the interests of residential 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 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. THREE YEARS from the date of this decision notice.
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused, or;
- iii. 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 latter. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

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>

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).

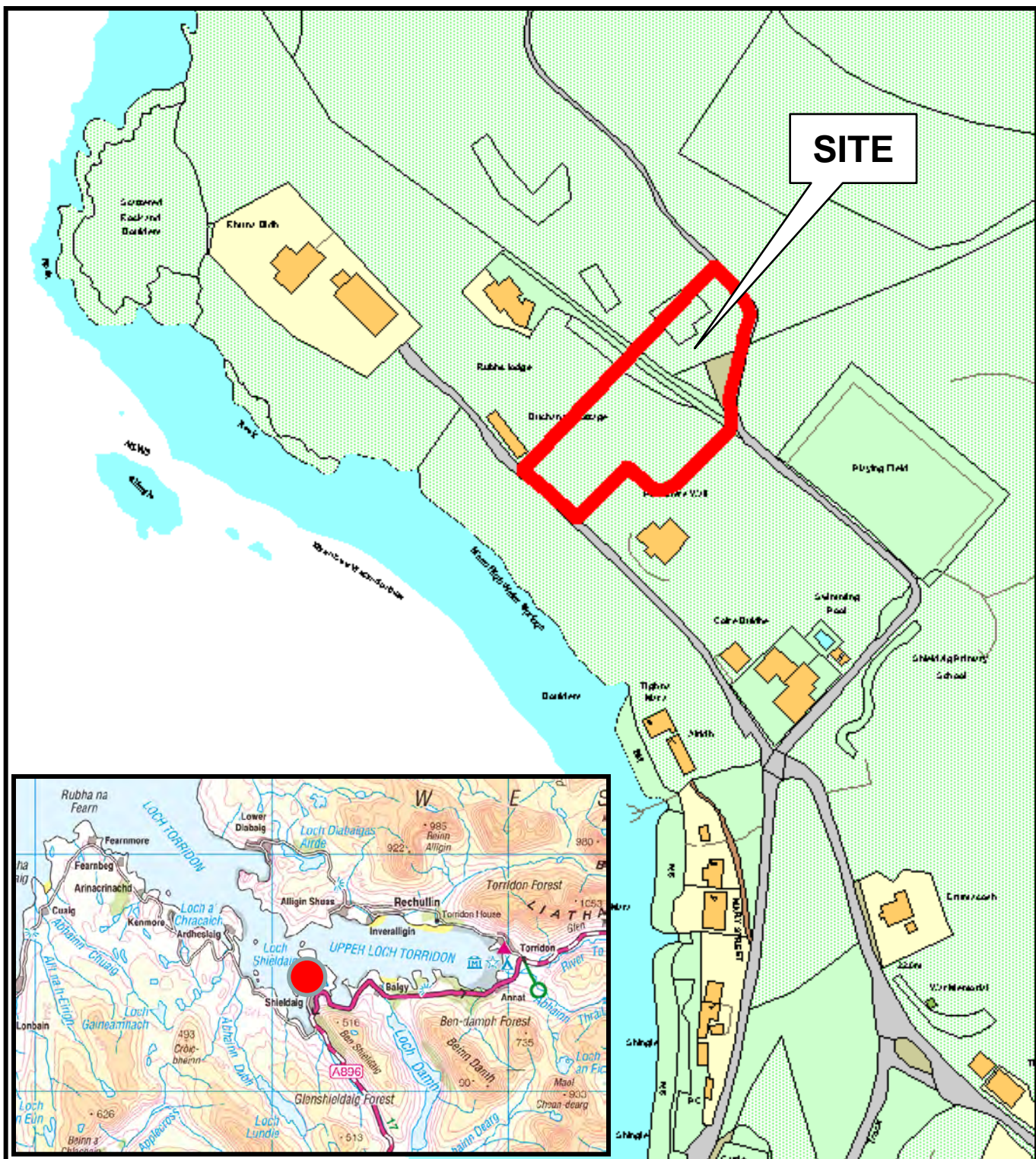
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Gerry Beard, Secretary, Shieldaig Community Council	Buchanan Cottage, Shieldaig	14.06.2013	Against



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

Plan 1
13/01888/PIP

Erection of house at Land to South East of Rubha Lodge, Shieldaig

13 August 2013

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