

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND & EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE – 1 JUNE 2010**

Agenda Item	
Report No	

**09/00568/PIPSU: Mr K Mackenzie  
Land to East of 296 Clashnessie, Lochinver  
Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description :** Provision of serviced house site including installation of septic tank with outfall to the sea (Amended proposal to previous permission Ref: 04/00257/FULSU)

**Recommendation - GRANT**

**Ward :** 01 - North, West And Central Sutherland

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** Technical objection from TEC Services.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal seeks to establish the principle of a single house on the site.
- 1.2 Pre application discussions undertaken in December 2009 with applicant.
- 1.3 No existing infrastructure on site.
- 1.4 No supporting documents submitted with application.
- 1.5 No variations made to application.

**2. SITE DESCRIPTION**

- 2.1 The site is located to the seaward side of the single track public road to the west side of Clashnessie Bay, approximately 230m from the road end. The site is poor quality grazing land sloping down towards the Bay.

**3. PLANNING HISTORY**

- 3.1 04/00257/FULSU - Erection of 1.5 storey house and garage. Approved 04.11.2004.

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Neighbour notification.

Representation deadline : 05.02.2010

Timeous representations : 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- None

#### **5. CONSULTATIONS**

5.1 **TEC Services** : Grave reservations about recommending permission for this development as the Clashnessie road has been severely adversely affected by construction traffic for the many previous developments over the last 10 years. In light of this, must recommend refusal in this case, due to insufficient resources to be able to allocate to repair this road.

5.2 **Contaminated Land Unit** : No objections.

5.3 **Scottish Water**: No objections.

#### **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

##### **6.1 Highland Structure Plan 2001**

G2 Design for Sustainability

H3 Housing in the Countryside

##### **6.2 Sutherland Local Plan (As Modified/Intention to Adopt)**

16 Housing in the Countryside

15 Developer Contributions

Point of Stoer inset 10.2 The road leading north of Clashnessie Bay is fragile and therefore developer contributions will be required.

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

##### **7.1 Draft Development Plan**

Not applicable

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

Not applicable

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

Scottish Planning Policy

### **7.4 Other**

Site lies within the Assynt Coigach National Scenic Area.

## **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 proposal accords with the siting aspects of the Development Plan policies. The principle of a house at this location has already been established through the earlier planning permission.

### **8.4 Material Considerations**

8.5 The proposal seeks to establish the principle of developing the site for a single house. The previous approval for an adjacent site closer to the road – see section 3.1 – expired on 4 November 2009. The current application was received on 23 December 2009. Whilst there is a linkage between the two sites insofar as they access the main road from the same point, the site boundaries are different and the lapsed approval was in detail, whilst the current application is in principle only.

8.6 The development of the site for a single house is considered acceptable and meets the siting requirements of policies G2 and H3. The applicant has argued that the previous planning permission has been ‘locked on’ by the commencement of some works associated with the access from the main road. Following a site inspection, I would confirm to Members that this is the case. It would therefore seem to be unreasonable not to accept the principle of developing this site for a single house, but on the basis that this supersedes the previous detailed approval, thereby ensuring that only a single house is developed over the two planning application sites. This could be achieved by a legal agreement being entered into between the Planning Authority and the applicant.

8.7 Members will note that there are no representations on the proposal. The application is being reported to Committee due to a technical objection from TEC Services – see section 5.1. This highlights very strong reservations about the ability of the Clashnessie road to cope with further traffic, particularly given the level of development along it in the past decade. The road is, like many in the area, not of modern construction or engineering and is in poor condition. TEC Services have recommended refusal as the proposal would further impact on the already poor condition of the road.

Furthermore, they have advised that they have insufficient resources to be able to allocate to repair the road.

- 8.8 In my assessment, the proposal is acceptable in general siting terms. Members will note that there already is a planning permission for a new house that could be built now as the permission has already been implemented by the formation of the access.
- 8.9 Whilst the TEC Services objection is very understandable, and one with which I would have to agree to a large extent given the condition of the road, it is not a position which I can recommend to Members given the particular and specific circumstances in this instance. I do not consider that a recommendation to refuse would be reasonable or sustainable at appeal on this occasion, particularly given the extant planning permission in detail for a single house on the adjacent site.
- 8.10 However, I am of the view that Members should strongly consider resisting any further new houses being built along this road. This position is consistent with the policy position in the new Sutherland Local Plan, which specifically notes that “the road leading north of Clashnessie Bay is fragile and therefore developer contributions will be required.” Without prejudice, Members should rigorously apply this specific policy for any new housing along the road. This will then allow the condition of the road to be assessed on each new application, with any substantial developer contributions being highlighted at that time. Such contributions may include financial contributions for passing places and resurfacing of the road.

8.11 **Other Considerations – not material**

None

8.12 **Matters to be secured by Section 75 Agreement**

The development of a single house only between the two application sites 04/00257/FULSU and 09/00568/PIPSU.

**9. CONCLUSION**

- 9.1 I would recommend that this planning application is approved, but only on the basis that no more new build housing is permitted on the Clashnessie road without the provision of significant developer contributions for each new house. In addition, I consider that the immediate area is reaching its landscape capacity to absorb any more housing. Further development will start to erode and significantly affect the scattered pattern and the established character of the area.

## 10. RECOMMENDATION

<b>Action required before decision issued</b>	y
Notification to Scottish Ministers	n
Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	y
Revocation of previous permission	n

**Subject to the above, in particular confirmation that the applicant is willing to enter a legal agreement** as described – Committee will be given a verbal update on this matter – it is recommended the application be **GRANTED** subject to the following conditions:

(1.) This planning permission in principle shall lapse THREE YEARS from the date of this permission should no subsequent application for the approval of matters specified in conditions be submitted within this time. In any case, the development to which this permission relates must commence no later than THREE YEARS from the date of this permission, or TWO YEARS from the date of approval of any matter(s) specified in conditions, whichever is the later.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(2.) A further application, or applications, for the approval of matters specified in this condition must be made within THREE YEARS of the date of this decision notice. The application shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s. The MATTERS specified in this condition are the siting, design and external appearance of any building(s), the means of access and landscaping.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(3.) All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority and in accordance with the attached Schedule. For the avoidance of doubt, the access point to the public road shall be formed by a combined bellmouth and service bay with visibility splays of 60m, and it shall be surfaced in bituminous macadam.

Reason: In the interests of road safety.

(4.) All drainage shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and Scottish Water. For the avoidance of doubt, foul drainage shall be by means of a secondary treatment plant and land soakaway.

Reason: In the interests of residential amenity and to protect the water quality of Clashnessie Bay.

(5.) The house shall be single or one-and-a-half storeys only and shall have a roof with a minimum 40 degree roof pitch. The roof of the house shall be finished in natural slate. The external walls of the house shall be finished in a white or buff coloured wet harl.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policy and the Council's Design Guidance.

(6.) The position of the house shall be pegged out on site for the prior approval of the Planning Authority, in writing, and any application for Matters Specified in Conditions shall be accompanied by both existing and proposed cross sections and levels of the site showing the finished floor level of the house and any ancillary buildings in relation to an agreed and fixed datum on the public road.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policy G2 and the Council's Design Guidance.

(7.) A Matters Specified in Conditions application shall include a detailed Landscape Plan including a scheme of maintenance for the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following completion of the development by the developer and shall thereafter be maintained by the developer in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

#### FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 09/00568/PIPSU

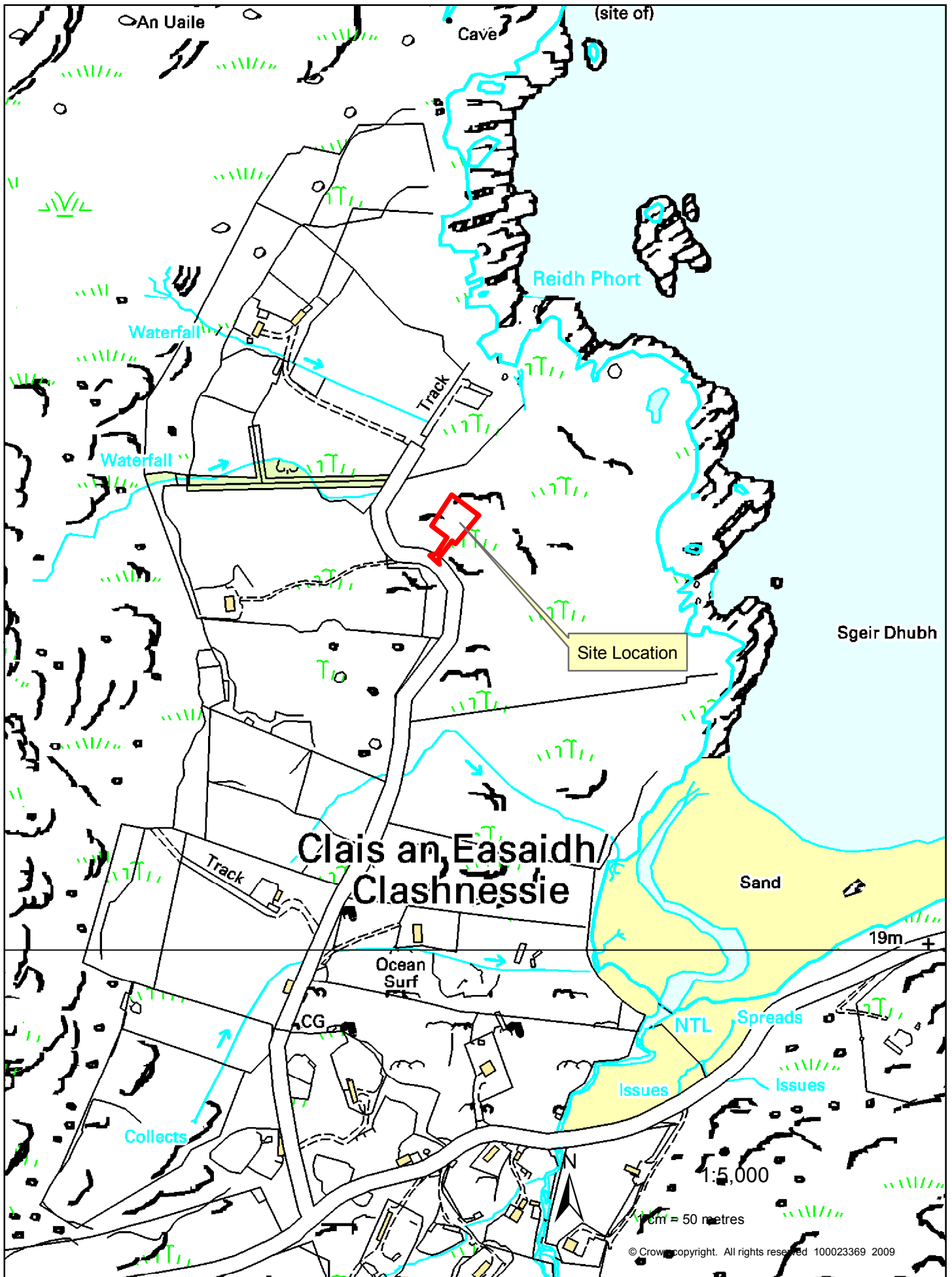
Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

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.

Section 75 Legal Agreement: You are advised that this planning permission has been granted subject to a Section 75 Legal Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the Agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

Signature: Allan J Todd  
Designation: Area Planning & Building Standards Manager, Caithness Sutherland and Easter Ross  
Author: Bob Robertson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1,2 – Location / Site plan



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