

**THE HIGHLAND COUNCIL**

**CAITHNESS, SUTHERLAND AND EASTER ROSS  
PLANNING APPLICATIONS COMMITTEE  
2 AUGUST 2011**

Agenda Item	3.4
Report No	PLC/037/11

**11/02094/FUL : Mr John Macintosh  
Land 30m North Of Achinchanter House Dornoch**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

**Description :** The proposal is in detail for the erection of 3 serviced house plots and the formation of a new access adjacent to Achinchanter House to the west side of the main road from Dornoch to Embo.

**Recommendation - GRANT**

**Ward :** 05 - East Sutherland And Edderton

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee:** Representation from Dornoch Area Community Council.

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is for the development of 3 house sites to the north and west of the existing cluster of 3 houses at Achinchanter House. The site is approximately 300m to the north east of the nearest house on the edge of Dornoch. Access to the site would be formed from a new access serving the proposed and existing houses, closing up the existing sub-standard vehicular access. This would still be retained for pedestrian use.
- 1.2 Informal pre-application discussions were carried out in early 2011 with the Planning and Roads Authorities to assess the Planning Policies relevant to the site and the technical requirements for a new road access.
- 1.3 There is existing public sewerage infrastructure close to the site.
- 1.4 The agent has submitted a supporting statement with the application. This notes that the proposal would involve the removal of the current vehicle access and replacement with a new access with footpath, all to adoptable standards, giving access to the existing houses and serviced house plots. The statement also notes that space for SuDS attenuation, trees and screen planting and amenity areas outwith the actual house sites would also be provided.

In addition, a development brief has been provided which sets out some of the key parameters for future house designs. This suggests that houses should be:

- single or 1½ storeys with gable width of not more than 2½ times the height to the eaves from finished floor levels with at least a 40° roof pitch
- traditional building forms, potentially with limited areas of timber and feature glass.
- detailed house types should include cross sections showing existing ground levels, all proposed finished ground and floor levels relative to an existing and easily defined point on the public road.
- In order to protect the existing amenity of the existing houses, the exact siting of the houses and the orientation and positioning of windows has to be carefully considered.

The agent has also noted that all buildings on Plot 3 (the south western plot) will be to the north of the building line (that is a projection of the northern elevation of Achinchanter House) shown on the submitted plan No.11/03/01.

1.5 No variations have been made to the application since lodging.

## **2. SITE DESCRIPTION**

2.1 The existing site has an agricultural store building with a curved roof and a storage building to the north side of the existing access road. Surrounding this, the land is set out to grass bordering the farmland to the west and north. The site is relatively level, but follows the general flow of the land down the slope from north to south in the area.

There are three existing houses to the south side of the existing site access:

- Achinchanter House to the west of the site – this is a single storey house.
- West and East Achinchanter Cottage – these are a semi-detached 1¾storey house between Achinchanter House and the road.

The existing houses are screened from the Dornoch side by planting around the edges of their gardens. There is a stone dyke along the west side of the public road and this together with the garden of East Achinchanter Cottage results in considerably restricted visibility onto the public road from the existing private access road.

## **3. PLANNING HISTORY**

3.1 10/03837/PIP - Erection of house, closure of existing access, formation of new access. (Amended site). Approved 16.12.2010

## **4. PUBLIC PARTICIPATION**

4.1 Advertised : Potential Departure

Representation deadline : 08.07.2011

Timeous representations : 2

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Contrary to policy
- Access – proliferation of access points onto Embo Road; level of traffic on Embo Road particularly during the summer period caused by Embo caravan park
- Impact on existing outlook and view
- Reduction in daylighting, with potential tree planting making this worse
- Surface water drainage
- Lots of existing houses on the market – question the level of demand for more

4.3 All letters of representation can be viewed online [www.highland.gov.uk](http://www.highland.gov.uk), at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

## 5. CONSULTATIONS

5.1 **Area Roads and Community Works Manager** : No objections in principle, subject to the applicant entering into a Roads Construction Consent agreement with the Roads Authority for the development.

A visibility splay of 150m is required, with a 5.5m wide road and 1.5m wide footway. For the avoidance of doubt, the existing access to the houses at Achinchanter, to the south of the proposed new access shall be blocked off for vehicular access.

5.2 **Dornoch Area Community Council**: Do not support this application as the access from these sites will be onto a section of the Dornoch to Embo road which is single track with passing places and is busy in summer with traffic for the Embo caravan park and the tourist scenic route.

## 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

16 Housing in the Countryside

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Highland Wide Local Development Plan Draft 2010**

29 Sustainable Design

36 Housing in the Countryside (Hinterland areas)

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

**Interim Supplementary Guidance: Housing in the Countryside (September 2009)**

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

Scottish Planning Policy

## **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 must be assessed against the Interim Supplementary Guidance on Housing in the Countryside associated with the Housing in the Countryside policy. In particular, reference is made to the potential development of an existing housing group. The guidance indicates that the existence of a housing group will be determined by there being at least three houses in close proximity to one another. The Council will take into account their form and cohesiveness, the level of containment by natural boundaries such as water courses, trees or enclosing landform, or existing man-made boundaries such as existing roads, plantations or means of enclosure. New housing should be located within, or round off an existing housing group (para 3.6-3.7). The guidance highlights that existing housing groups of less than ten houses will be allowed to expand by up to 100% from the baseline date of approval of the guidance (August 2009).

8.4 It is considered that the three existing houses at Achinchanter do constitute a housing group and in terms of the guidance associated with Structure Plan policy H3 and policies 16 and 36 of the Sutherland and emerging Highland Wide Local Development Plan Members are advised that the proposal would add to the existing housing group. As no more than three houses are proposed, the expansion of the existing group from three to six units does accord with the development plan policy in an area which otherwise has a restrictive housing policy in operation as it lies within the Hinterland of Towns as defined by Structure Plan policy H3.

The development of the site therefore does accord with development plan policy

and the proposal is not a departure from policy.

- 8.5 **Material Considerations** - The application is in detail for three houses. The access to the site has been carefully considered by the agent following detailed discussion with the TEC Services. The existing access is historical and does not meet the current standards, with a particularly poor visibility splay towards Dornoch to the south. The development of a new access serving both the existing houses and the proposed development will provide a modern, safer access. As part of this, the existing access will have to be stopped up to vehicular traffic, although it will still provide pedestrian access. The new access will also help serve the existing agricultural field to the north.
- 8.6 The existing wall along the boundary of the site on the Embo Road is to be re-built to provide the splay required (160m) and an attractive edge to the site. This can be controlled by condition.
- 8.7 Whilst the application is in detail for the formation of a road and layout of three plots, Members should note that no design of houses has been submitted at this point, and it would be for a further planning application to deal with the exact details of their design, siting, precise means of access within each plot, drainage and landscaping. These matters can be controlled by condition.
- 8.8 Notwithstanding this, the developer has indicated on their plans that in order to prevent loss of significant amenity to the west, the building line on Plot 3 could be retained in line with the rear of Achinchanter House. This would retain the outlook towards the west. This can be controlled by condition.
- 8.9 It is considered that the design of houses for the sites should be of traditional form with 40-45° slate roofs, relatively narrow gable form, vertical emphasis to the windows and no more than 1½-1¾ storeys in height. Particular attention should be paid to the potential of overlooking and intervisibility of existing and proposed windows.
- 8.10 The agent has also indicated in their supporting statement that cross sections showing existing ground levels, all proposed finished ground and floor levels relative to an existing and easily defined datum point on the public road should be provided as part of a further application. Members should note that this can be controlled by conditions.
- 8.11 Members will note that the proposal does not trigger the Planning policy requirement to provide any affordable housing on the site – at least four houses would be needed for this. However, if a further application were made for housing then this may trigger the affordable housing policy.
- 8.12 **Representations** on the proposal highlight the following issues:
- Contrary to policy – the proposal is considered to be an extension to an existing housing group and therefore accords with the housing policy for the area.
  - Access – TEC Services have advised that the proposed access arrangements are acceptable. The level of traffic using the road to the

Embo caravan park is noted, but it is not considered that the provision of three houses at this location using a new access will have a significantly detrimental impact on individual or community amenity as defined by policy G2.

- Impact on existing outlook and view – Members will note that there is no right to a view. It is considered that there will not be any significant loss of outlook to either the north west, north or east on any of the existing houses as a result of the development.
- Reduction in daylighting, with potential tree planting making this worse - A tree planting and landscaping scheme has not been submitted and will be part of a further application and can be controlled by condition.

8.13 Surface water drainage – within the site this can be controlled by conditions. Water runoff down the public road from elsewhere is a matter for the landowners / TEC Services to address.

8.14 **Other Considerations – not material**

- Lots of existing houses on the market – level of demand for more houses

8.15 **Matters to be secured by Section 75 Agreement - None**

**9. CONCLUSION**

9.1 The development of the site for housing is considered to accord with the Development Plan policies set out in section 7, as it constitutes the development of an existing housing group as set out by the Interim Supplementary Guidance on Housing in the Countryside. The site can be satisfactorily serviced and as part of the development, a new access to serve both the existing and proposed houses (and provide an agricultural field access) is proposed which is acceptable to the Roads Authority.

It is considered that the site would be better developed by one developer with a degree of design cohesiveness, ensuring that each of the proposed houses makes reference to each other and the existing houses by account of their micro-siting, design, materials and outlooks. This will provide a form and function which ensures a wholeness, rather than three individual randomly designed houses. Members will note that the Planning conditions reflect this.

Approval is recommended subject to the conditions below.

## 10. RECOMMENDATION

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

**Subject to the above**, it is recommended the application be **GRANTED** subject to the following conditions and reasons:

(1.) Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

(2.) 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 and plan Ref No. 11/03/01, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development. For the avoidance of doubt, the developer shall enter into a Roads Construction Consent agreement with the Roads Authority for the development. A visibility splay of 150m is required at the junction with the public road, with a 5.5m wide road and 1.5m wide footway. For the avoidance of doubt, the existing access to the houses at Achinchanter, to the south of the proposed new access shall be blocked off for vehicular access within one month from the completion of the new access.

Reason: In the interests of road safety and for the avoidance of doubt.

(3.) The developer shall re-erect the existing stone wall along the west side of the public road along the eastern site boundary as shown on plan Ref No. 11/03/01, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development on any single house, to the satisfaction of the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety and for the avoidance of doubt.

(4.) No development shall commence on any individual house site until the developer has submitted a design statement for the approval in writing of the Planning Authority covering all three house sites. For the avoidance of doubt, the houses constructed on each site shall accord with the approved design statement,

with the house on each plot having a traditional design, with 40-45° slate roofs, wet harl wall finishes, relatively narrow gable form, vertical emphasis to the windows and no more than 1.5-1.75 storeys in height. Particular attention should be paid to the potential of overlooking and intervisibility of existing and proposed windows. No house, ancillary buildings or other structures shall be constructed south of the building line on Plot 3 as shown on approved plan No.11/03/01. Detailed cross sections showing existing and proposed ground levels, and finished floor levels, all relative to an existing and easily defined datum point on the public road shall also be provided for each plot.

Reason: In the interests of amenity and for the avoidance of doubt.

(5.) All drainage arrangements 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 connection to the public sewer.

Reason: In the interests of amenity and for the avoidance of doubt.

(6.) Surface water drainage shall be by means of soakaways using best practice of SuDS.

Reason: In the interests of amenity and for the avoidance of doubt.

## **FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 11/02094/FUL**

### **INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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.

**Statutory Requirements:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts, the following actions require to be undertaken as specified.

1. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission has been submitted to and acknowledged by the Planning Authority.
2. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Please note: Your attention is drawn to the conditions attached to this permission. 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 meet these 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 (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.

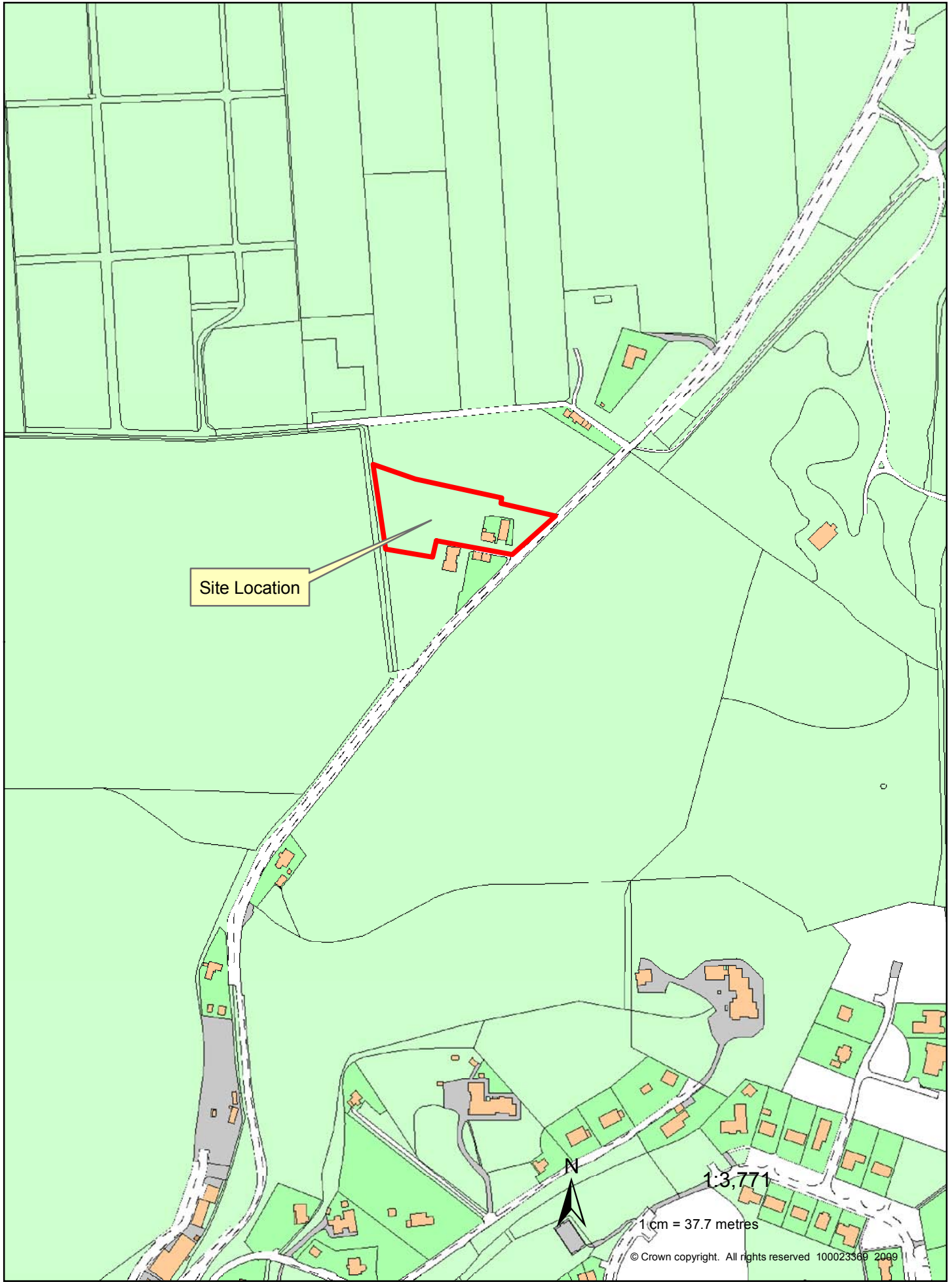
**Road Openings Permit / Road Construction Consent:** you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter. The Council reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development, over what is a fragile section of Council road infrastructure. Under the New Roads & Street Works Act (1991) s109, a Road Opening Permit is required to be obtained by the applicant from the Roads Authority for the installation of the access across the verge. For the avoidance of doubt, the developer shall enter into a Roads Construction Consent agreement with the Roads Authority for the development.

**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.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Bob Robertson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Site layout 11/03/01  
Plan 2 – Site layout 11/03/02

## Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Ann & James Munro	Whin Cottage, Achinchanter, Dornoch	29.06.2011	A
David John Williams	11 Front Street, Embo	30.06.2011	A



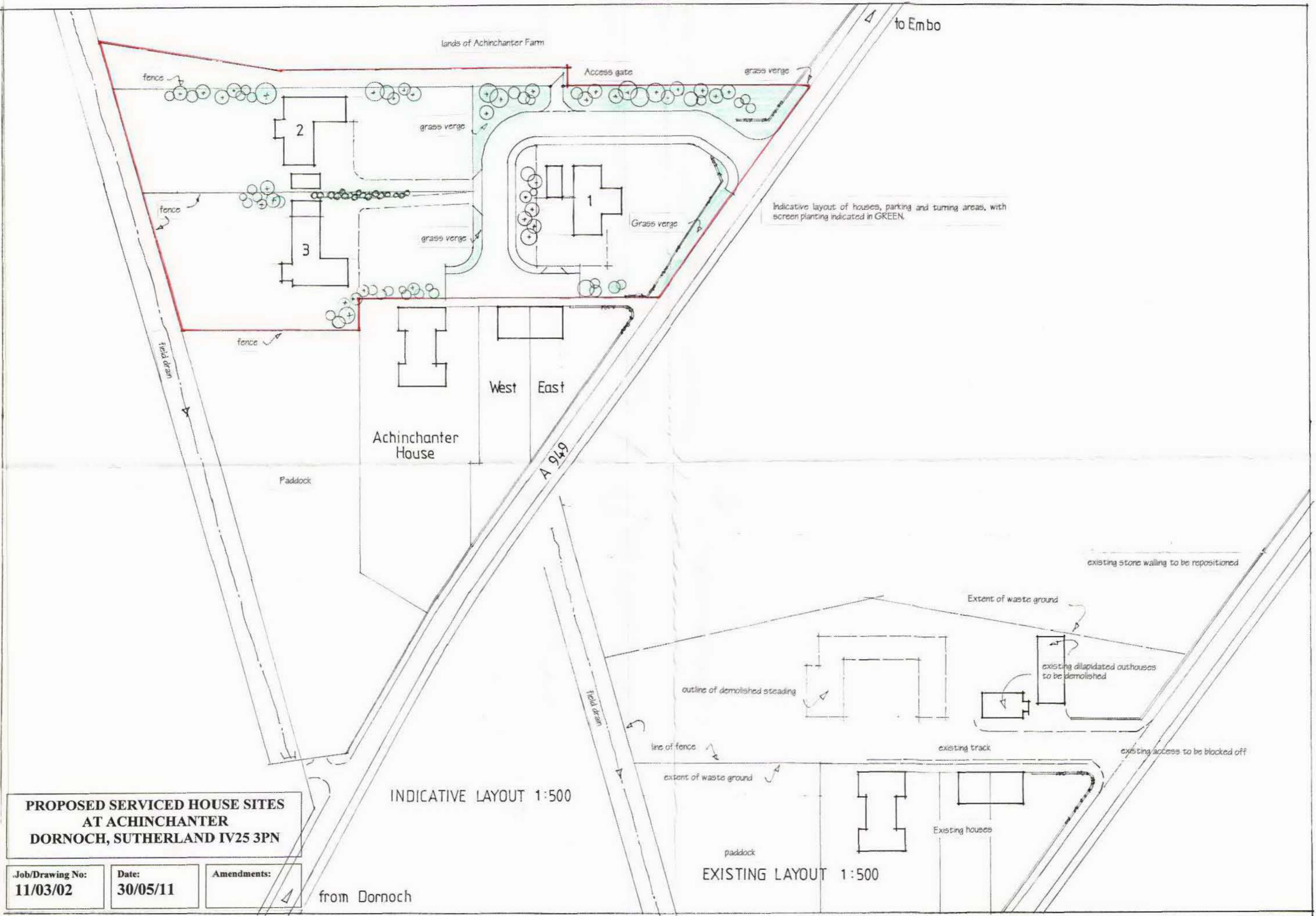
11/02094/FUL  
Formation of no3 serviced house sites and access roads at  
Land 30m North Of Achinchanter House, Dornoch

Mr John Macintosh  
Per David Murray  
12A Shore Street  
Golspie  
Sutherland  
KW10 6TY









Indicative layout of houses, parking and turning areas, with screen planting indicated in GREEN.

INDICATIVE LAYOUT 1:500

EXISTING LAYOUT 1:500

**PROPOSED SERVICED HOUSE SITES  
AT ACHINCHANTER  
DORNOCH, SUTHERLAND IV25 3PN**

Job/Drawing No: <b>11/03/02</b>	Date: <b>30/05/11</b>	Amendments:
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from Dornoch