

THE HIGHLAND COUNCIL

NORTH AREA PLANNING APPLICATIONS COMMITTEE  
5 August 2014

Agenda Item	5.1
Report No	PLN/048/14

13/03737/LBC : Plockton And Kyle Free Church Of Scotland  
Land Between The Manse And Old Church Court, Innes Street, Plockton

Supplementary Report No. 1 by Area Planning Manager

## SUMMARY

**Description** : a listed building application to form an opening in a wall, re-align wall adjacent to proposed improved vehicle access from Bank Street.

**Recommendation - REFUSE**

**Ward** : 06 - Wester Ross, Strathpeffer And Lochalsh

**Development category** : Local Development

**Pre-determination hearing** : n/a

**Reason referred to Committee** : Number of objections.

## 1. BACKGROUND

- 1.1 Members will recall visiting this site on 14 July 2014 and then re-convening the planning meeting in order to determine this listed building consent application and the planning application it relates to - 13/03736/FUL. A copy of the report is enclosed.
- 1.2 Members will further recall that the Committee determined to refuse planning application 13/03736/FUL at that meeting.
- 1.3 Unfortunately no decision was taken in respect of the listed building application.
- 1.4 It is recommended that Committee now also refuse this listed building application on the grounds that with the planning application refused the required justification for the works covered by the listed building application no longer exists.

## 2. CONCLUSION

- 2.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and other relevant guidance and legislation and should therefore be refused

**3. RECOMMENDATION for listed building application 13/03737/LBC**

**Action required before decision issued N**

**Subject to the above**, it is recommended that listed building consent be **refused** for the following reason:

1. The justification for works to these listed structures was provided by the development proposed by planning application 13/03736/FUL. The refusal of that application removes such justification. Consequently, without justification the proposal does not comply with the requirements of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and related government guidance.

Signature: Dafydd Jones

Designation: Area Planning Manager - North

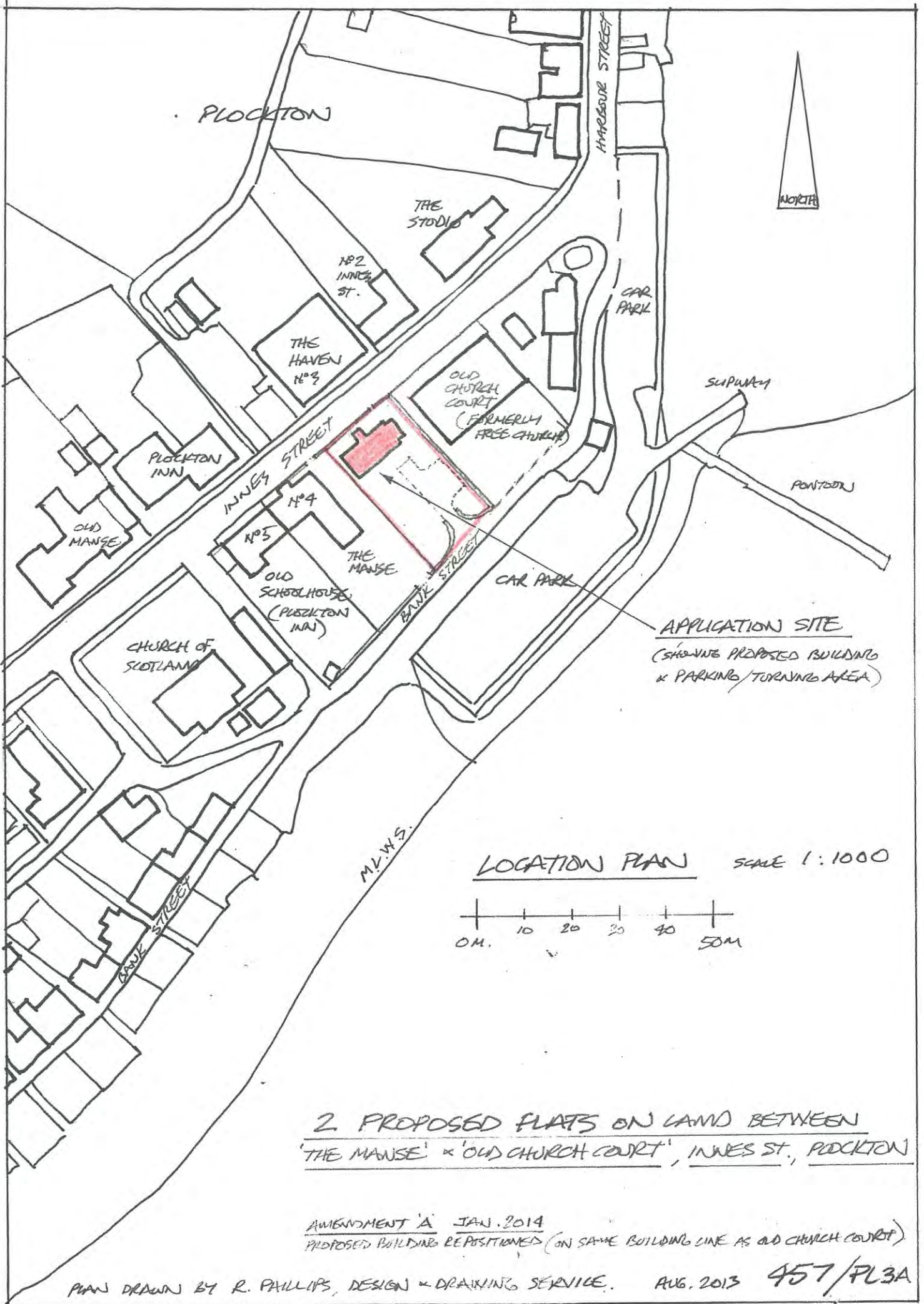
Author: Mark Harvey

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Location Plan - 457/PL3A

Plan 2 – General Plan - 457/PL4

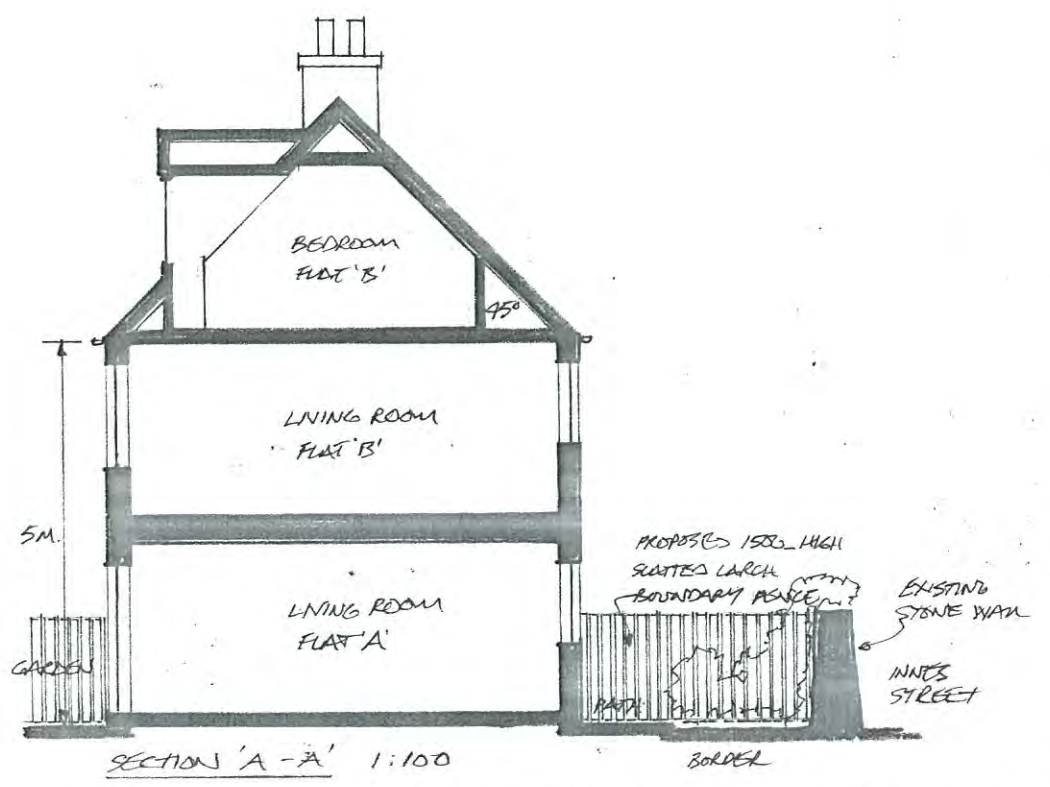
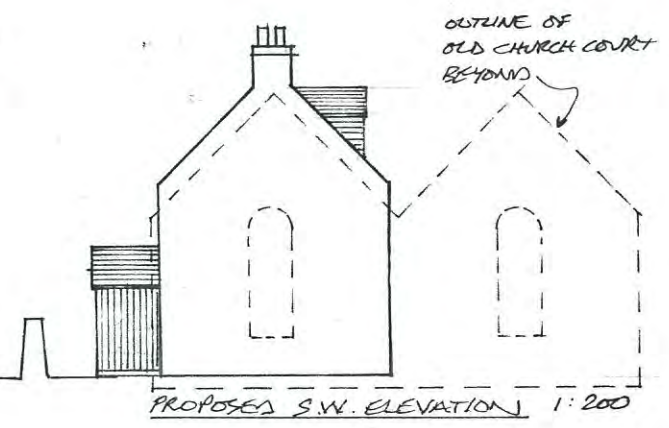
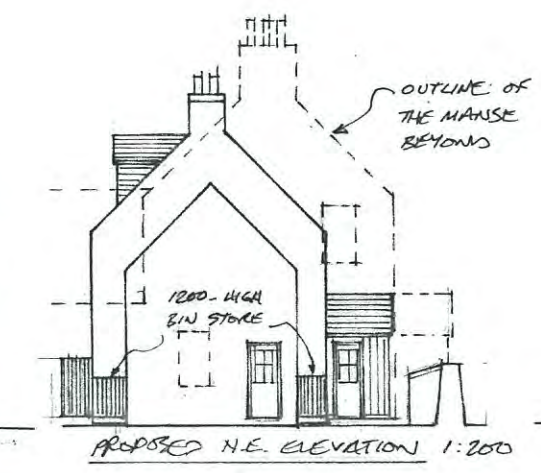
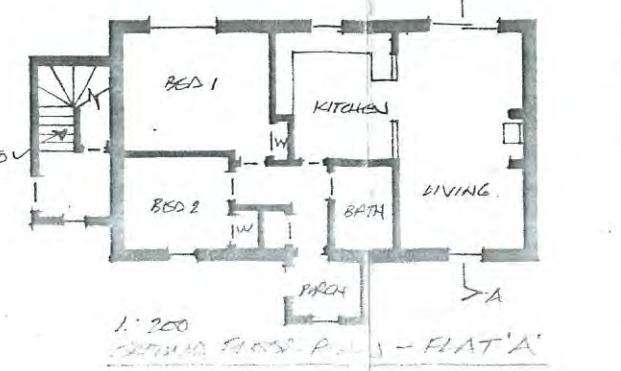
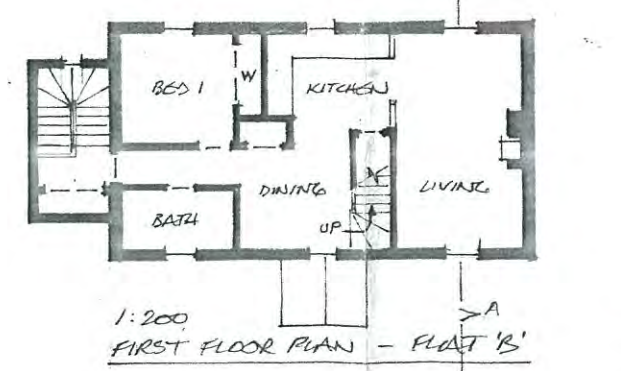
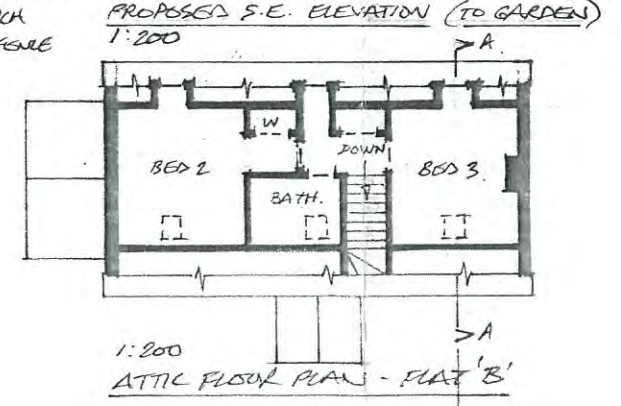
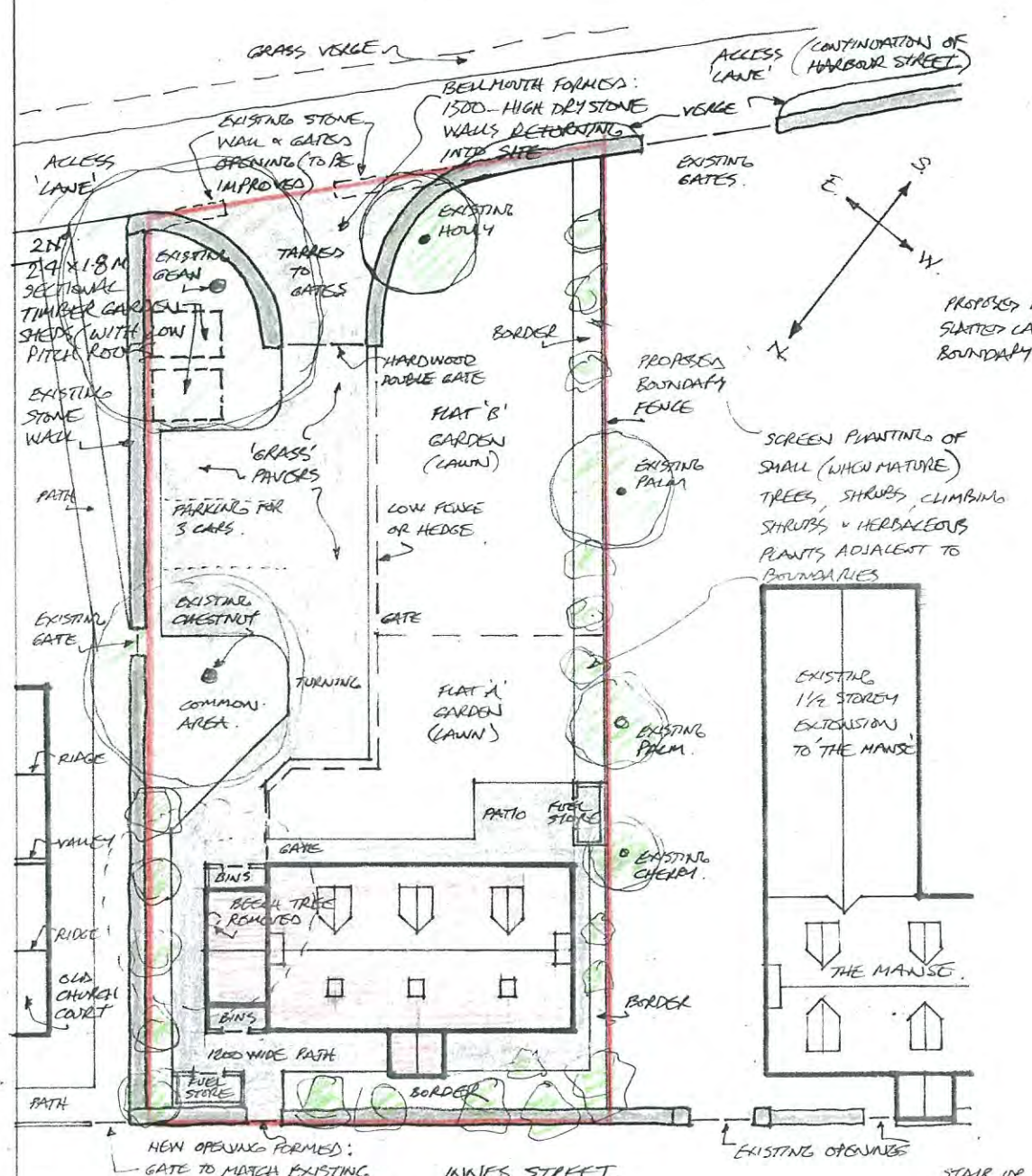
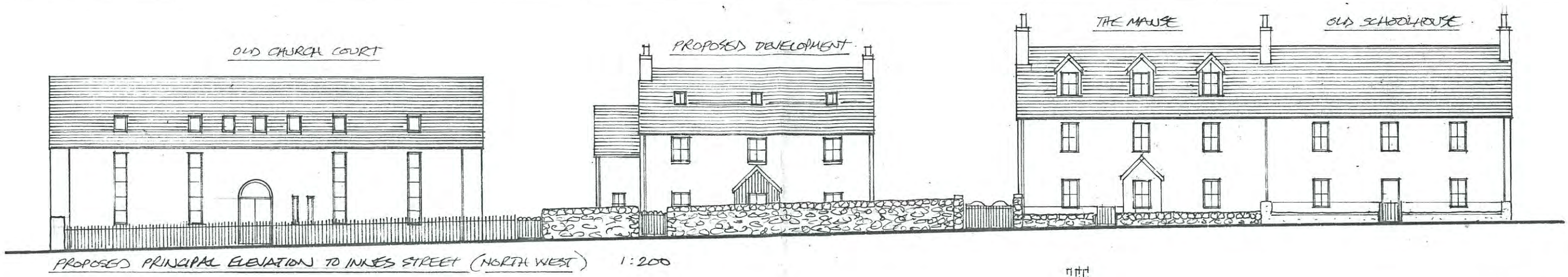
Plan 3 – General Plan - 457/PL5



**2 PROPOSED FLATS ON LAND BETWEEN  
'THE MAULSE' & 'OLD CHURCH COURT', INNES ST., PLOCKTON**

AMENDMENT A JAN. 2014  
PROPOSED BUILDING REPOSITIONED (ON SAME BUILDING LINE AS OLD CHURCH COURT)

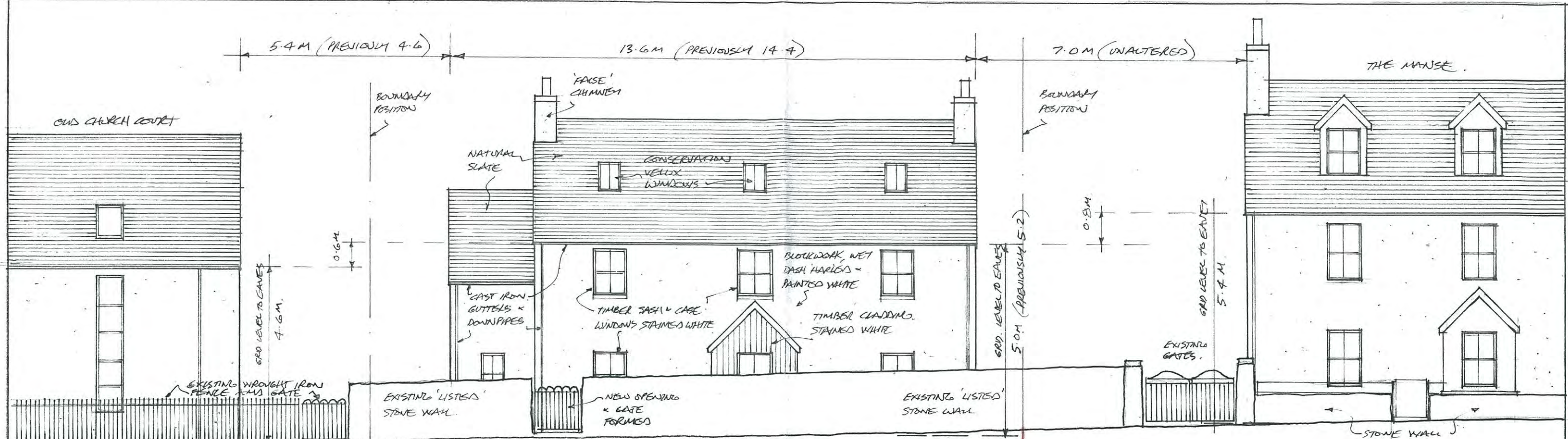




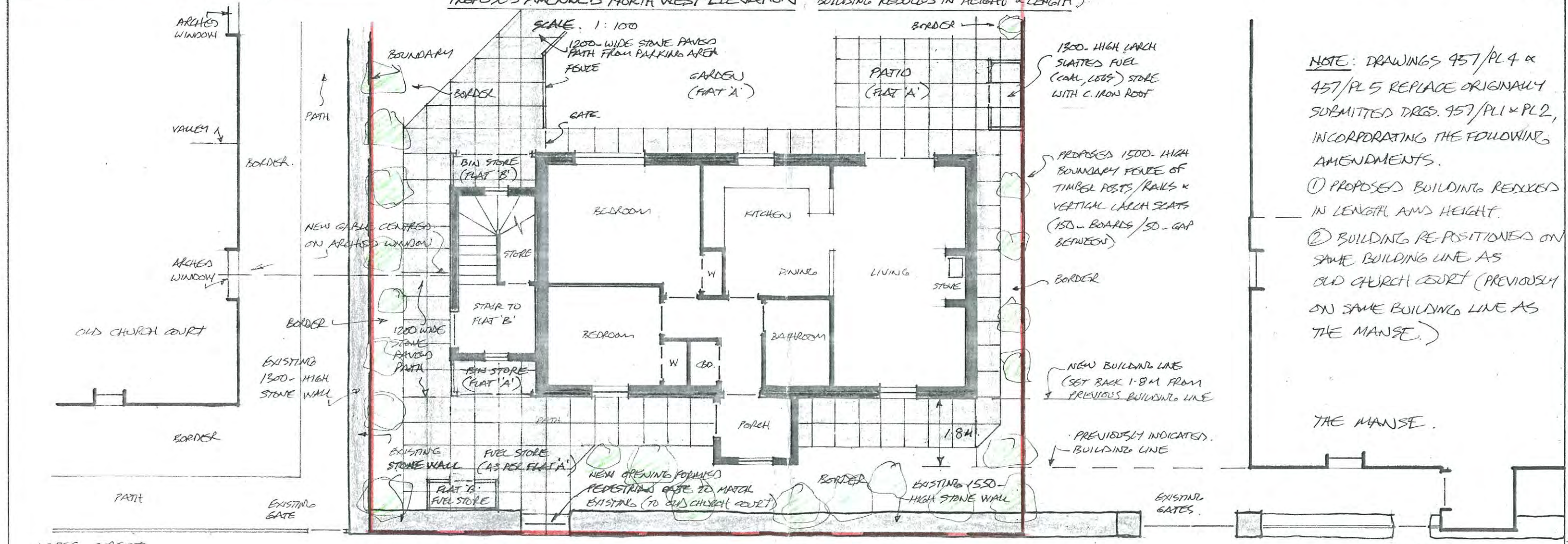
NOTE: DRAWINGS 457/PL4 & PL5 REPLACE ORIGINALLY SUBMITTED DRAWINGS 457/PL1 & PL2, INCORPORATING THE FOLLOWING AMENDMENTS  
 (1) PROPOSED BUILDING REDUCED IN LENGTH AND HEIGHT  
 (2) BUILDING REPOSITIONED ON SAME BUILDING LINE AS OLD CHURCH COURT 457/PL4.

2 PROPOSED FLATS ON LAND BETWEEN THE MANSE & OLD CHURCH COURT, INNES STREET, PLOCKTON  
 R. PHILLIPS - DESIGN & DRAWING SERVICE - JANUARY 2014.





PROPOSED AMENDED NORTH WEST ELEVATION (BUILDING REDUCED IN HEIGHT & LENGTH)



AMENDED GROUND FLOOR / SITE PLAN (BUILDING RE-POSITIONED AND FRONTAGE REDUCED) SCALE: 1:100

NOTE: DRAWINGS 457/PL 4 & 457/PL 5 REPLACE ORIGINALLY SUBMITTED DRES. 457/PL 1 & PL 2, INCORPORATING THE FOLLOWING AMENDMENTS.

- PROPOSED BUILDING REDUCED IN LENGTH AND HEIGHT.
- BUILDING RE-POSITIONED ON SAME BUILDING LINE AS OLD CHURCH COURT (PREVIOUSLY ON SAME BUILDING LINE AS THE MANSE.)

2 PROPOSED FLATS ON LAND BETWEEN THE MANSE and OLD CHURCH COURT, INNES STREET, PUDINGTON

R. PHILLIPS: DESIGN & DRAWING SERVICE: JANUARY 2014

457/PL 5



THE HIGHLAND COUNCIL

NORTH AREA PLANNING APPLICATIONS COMMITTEE  
14 July 2014

Agenda Item	3.1
Report No	PLN/032/14

13/03736/FUL & 13/03737/LBC : Plockton And Kyle Free Church Of Scotland  
Land Between The Manse And Old Church Court, Innes Street, Plockton

Report by Area Planning Manager

## SUMMARY

**Description :** Erection of a 2 1/2 storey building, divided into 2 flats(13/03736/FUL) and a listed building application (13/03737/LBC) to form an opening in a wall, re-align wall adjacent to proposed improved vehicle access from Bank Street.

**Recommendation - APPROVE**

**Ward :** 06 - Wester Ross, Strathpeffer And Lochalsh

**Development category :** Local Development

**Pre-determination hearing :** n/a

**Reason referred to Committee :** Number of objections.

## 1. PROPOSED DEVELOPMENT

1.1 This application seeks full planning permission for the erection of a two and a half storey building of traditional 19<sup>th</sup> century design similar to many of the surrounding buildings. It is to be placed on land between the old Free Church building to the north-east and the old Manse to the south-west. Both of these buildings are now in private residential use (the Free Church as flats) and the application site between has been rented to them as garden land in recent years.

The new building will front Innes Street, which is the main route into the village and the conservation area and is marked by a large number of fine old buildings many of which are listed.

Access is to be taken off a small road to the rear (seaward side) of the site – Bank Street.

The listed building application seeks related consent to carry out works to the listed boundary stone walls of the site to form the improved vehicular access to the rear and a pedestrian access from Innes Street to the front.

- 1.2 The development of this land was the subject of formal pre-application advice 12/03285/PREAPP for a scheme similar to the one finally submitted. Whilst no in principle objection was raised, emphasis was placed upon the need for highest quality design and the issue of neighbour amenity was also raised.
- 1.3 The application indicates that connection will be made to the public drainage network. Access from Bank Street will be based on the improvement of an existing access to the land.
- 1.4 The original application and its amended version have both been accompanied by a Conservation Statement and a Design Statement. These explain the design rationale behind the proposal of which the main points are;
- Free Church wish to sell the site to raise funds to purchase the old (A listed) Church of Scotland building down the street
  - The land is part of the former glebe between the manse and the church and was retained by the Free Church when the church was sold in 1995.
  - The surrounding listed buildings on Innes Street make an overwhelming case for a proposal which is similarly proportioned to them but scaled down to the proportions of the site and its constraints
  - External materials also need to match surroundings – white wet dash harled blockwork beneath a natural slate roof, conservation rooflights to the front, timber dormers to the rear, timber sash and case windows, cast iron gutters/downpipes, timber clad porch.
  - Existing boundary walls and existing landscaping and trees largely retained
- 1.5 **Variations:** In response to comments from the Conservation Officer a revised design was submitted which reduced the length and height of the proposed building and also re-positioned it back onto the same building line as the old church rather than that of the old manse.

## 2. SITE DESCRIPTION

- 2.1 The site appears as a prominent gap within a street scene made up of traditional two and two and a half storey buildings as well as the converted twin-gabled Free Church building now known as Old Church Court which sits to the north-east of the site and overlooks it with two tall arched windows. On the opposite southern side of the site, the old manse has a one and a half storey element and extension stretching some two-thirds of the way back down this side of the site.
- On the opposite side of the street The Haven Hotel is another two and a half storey building with stone elevations and dormer windows.
- The site is surrounded on three sides by a 1.5m stone wall supplemented on the Innes Street frontage by some mature landscaping. Three small but mature trees are positioned down the boundary with Old Church Court.

## 3. PLANNING HISTORY

- 3.1 None relevant

#### 4. PUBLIC PARTICIPATION

4.1 Advertised : 13/03736/FUL - Affecting the setting of a listed building – 08.11.2013  
Representation deadline : 1 March 2014 – following re-notification

Timeous representations : 48 from 38 households

Late representations : 2 from 2 households

Advertised : 13/03737/LBC – Listed Building – 07.03.2014

Representation deadline : 7 March 2014

Timeous representations : 2 from 2 household

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Plockton Free Church (now Old Church Court) and the Manse were both designed by Alexander Ross as were a number of other Plockton buildings. The land between them was deliberately left open
- The proposed building would obscure the large arched windows in the south-western elevation of Old Church Court
- Character of Innes Street would be lost – sense of openness and visual link to Bank St, the loch and the hills beyond especially when seen from the Brae footpath
- Will cause loss of light to the room behind the arched windows of Old Church Court, the dining room of the Manse and from 2 Innes Street
- Haven Hotel opposite will lose light at ground floor and the view from its front bedrooms
- Will exacerbate parking problems in the village
- New building is too large for the site
- Impact on historic boundary walls is unacceptable
- Traffic impact on Bank Street will be detrimental to road safety as will increased demand for parking on the street
- Open garden space makes an important visual contribution to the conservation area
- The new building will be out of character with the rest of the village and the existing street scene
- The building is a bland pastiche. Design and detailing are weak and will fail to preserve or enhance the conservation area
- Development would result in the loss of trees
- Fails the 25° and 45° test in terms of obstruction of light to ground and first floor rooms of Flat 5 Old Church Court and is overbearing.
- Will cause a loss of privacy to neighbouring buildings
- Does not meet the requirements of s.59 of the Listed Building Act



- Bin stores are immediately adjacent to Old Church Court
- Amended scheme does not resolve any of the visual and amenity problems identified

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS (for both applications)

5.1 **Archaeology** : No objection

5.2 **Conservation Officer** : Objection to original scheme. No objection to amended scheme

5.3 **Building Standards** : No objection

5.4 **Forestry Officer** : No objection – recommended conditions

## 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 & Place-making
Policy 34	Settlement Development Areas
Policy 51	Trees and Development
Policy 57	Natural, Built & Cultural Heritage
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage

### 6.2 West Highland and Islands Local Plan 2010

Policy 2	In respect of settlement development areas and land allocations
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## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 Draft Development Plan

n/a

### 7.2 Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy – January 2013

Special Landscape Area Citations (June 2011)

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

n/a

### 7.4 **Other**

Historic Scotland guidance (various)

## 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 property falls within the Settlement Development Area for Plockton and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. There is also 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 29 repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within the Plockton Conservation Area and the Kyle-Plockton Special Landscape Area in respect of which Policy 57.1 states that developments will be supported where they can be shown not to have an unacceptable impact upon the identified protected amenity and heritage resource.

Policy 51 states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites.

Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

Sections 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that, "*In considering whether to grant listed building consent for any works, the planning authority.....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*".

Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that,

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority..... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.



Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that,

*“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”.*

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

#### 8.4 **Material Considerations**

Impact upon the setting of the listed buildings – section 59 of the Listed Building Act places a duty on the authority to take into the account the affect of a planning proposal on the setting and historic interest of any listed building.

In this case, the argument put forward by a number of objectors is that the site by virtue of its historic linkage to both the old church and the old manse and the open space it creates, plays a fundamental part in the setting of those buildings and their special architectural or historic interest.

Undoubtedly, when the church and manse were both in ecclesiastical use this land provided a physical confirmation of the linkage between the two and had some significance in that context. It would have been unlikely that consent for its redevelopment would have been granted in these historic circumstances.

However, as the conservation officer makes clear in her consultation response to the revised scheme, the use of this land and its relationship with the historic buildings has evolved and changed over the last two decades and no longer reads as being a part of either the flats of the converted church or the residential dwelling of the old manse.

In respect of the impact of the physical form of the proposed building on the listed building setting, it is considered that the design of the new building will successfully complement the surrounding architecture and consequently will not look out of place or detract from the qualities of the historic buildings either side of it or the wider stock of listed buildings in this part of the village. As the conservation officer states, *“...the revised design is for a proposal which attempts to link both in architectural design and scale/mass to the adjacent listed buildings...”*.

To avoid the risk of the design appearing as “bland pastiche” (to quote one objector comment) it will be vital that the building is constructed to the highest standards in both workmanship and materials. A condition is recommended to secure this. However, the drawings indicate natural slate over wet harl elevations with timber sash and case windows, all of which is considered to be the right choices.

The conservation officer also makes the important point that the revised scheme, in pulling the development in from its northern neighbour, back into line with the church frontage and reducing the ridge height to one falling between that of the manse and the old church, creates sufficient space not to unduly impinge on the space occupied by the listed buildings. The main gable elevations of the proposal will be 7m from the neighbouring listed buildings, with a 5.4m gap between the northern elevation of the lower ‘stairwell’ element and Old Church Court. This

means that the total space either side of the main ridge is as wide as the ridge of the building itself and, as the revised drawings show, this gives a clear visual impression of separation between the three buildings.

The proposed building is also significantly shallower in depth than the buildings either side leaving three quarters of the site as an open garden area. This is also considered to protect the setting of the listed buildings and retain much of the openness of the site as experienced from the neighbouring properties and from Bank Street to the rear.

Impact on the character/appearance of the conservation area – section 64 of the Act places a duty on the authority to pay special attention to preserving or enhancing the character or appearance of the conservation area.

Much of the analysis above, in respect of the setting of the surrounding listed buildings, applies equally to the conservation area because so much of its character derives from those same buildings. It is not considered that the proposal will have a detrimental impact upon the conservation area. The conservation officer points out that, *“...Due to the changes in use and the creation of dividing boundary walls the land area now appears quite independent of both listed buildings and is something of an anomaly to the streetscape in it’s current form...”* and continues, *“...in terms of the layout, pattern of built form and streets I do not consider this open space to be a crucial element of the character and appearance of the conservation area. As well it’s historic buildings Plockton is defined by the surrounding landscape and water front location and the clear building lines along Innes Street draw visitors along Innes Street to Harbour Street and the pier. The open site does allow for glimpses to the surrounding hills and landscape and the proposed development will divide this but will still allow for glimpses out to the wider landscape between the buildings as is the case along the length of the street...”*.

The case officer concurs with this analysis. One of the points raised by objectors is the loss of views from the south of the arched windows in the southern gable end of the old church. It is agreed that these are fine architectural features which relate clearly to the historic use of the building. However, it is not accepted, given the separation between the new and old building, that such important views will be entirely lost. It will still be possible to see and appreciate the windows from the Innes Street frontage and little of their overall impact on the conservation area will be compromised.

Equally, it is also relevant to state that a high quality building of the right design in this location is just as likely to enhance the visual qualities of the conservation area as damage them. New buildings can help to introduce new perspectives and contexts for the older buildings surrounding them. It is considered that this is just such a case.

Impact on the listed fabric of the boundary walls – section 14 of the Act imposes a duty on the authority to take into account the special architectural or historic interest of a building or structure made the subject of a listed building application.

In this case, the listed building application relates to the openings being made in the listed boundary wall of the site – a small gated pedestrian access from Innes Street and a more fundamental re-working of the existing access onto Bank Street creating curved returns to an inset gate.



In terms of the final form of these listed building works, it is considered that they are acceptable and do not harm the historic interest of the walls – they remain boundary enclosures to this land. The critical issue will be the quality of workmanship employed to carry out the demolition and construction involved. In the light of this a condition is recommended requiring a method statement to be agreed prior to these works being carried out.

Trees in the conservation area – the submitted tree constraints plan and tree survey indicates that one of the three trees on the northern boundary of the site (a beech) will have to be removed. Although this is relevant in neighbour amenity terms, the forestry officer states that the tree makes no more than a modest contribution to the conservation area as a whole. Standard conditions are recommended to ensure a Tree Protection Plan and Arboricultural Method Statement are approved prior to commencement of the development and their recommendations are properly implemented.

Neighbour amenity – the Haven Hotel, the Manse and Old Church Court can all claim to enjoy some level of amenity from the existing site. In the case of the hotel however, this is more to do with views through the site and to the loch and hills beyond. This ‘right to a view’ is not a material consideration for planning assessments.

However, the manse and the old church (Flat 5 in particular) both enjoy a level of amenity from the site at present deriving from their outlook over garden land. Although some of this outlook will be lost to the proposed building, the separation distances detailed above and the fact that most of the site will remain as garden land indicates that the development will not be overbearing and no harmful loss of amenity in this regard will occur as a result.

Notwithstanding this, there is another more specific amenity which must also be assessed. Old Church Court and, to a lesser extent the Haven Hotel, both currently enjoy direct sunlight streaming across the site which may be obstructed by the proposed building – particularly during the winter months. Such overshadowing is a material consideration for the planning authority.

Harmful and unacceptable overshadowing would be considered to occur where a new development resulted in a neighbouring habitable room becoming so dark that it required permanent artificial illumination. As a guide, authorities often employ ‘the 45°’ rule – where if new development sits above a plane projecting at 45° from the centre of a window it is considered likely that an unacceptable degree of light loss would occur.

In the case of the Haven Hotel it is not considered that such a situation will arise even at ground floor level and, furthermore, these rooms are not ‘residential’ in the domestic sense.

A more significant situation will occur with respect to the northernmost of the arched windows serving 5 Old Church Court. This window provides natural light to a bedroom at ground floor level and a kitchen/diner at first floor. The new development, positioned in front of this window, will undoubtedly breach the 45° rule in respect of the bedroom – which is already a dark room. However, a bedroom is not a ‘habitable’ room in the defined sense and less amenity is ascribed to it – night-time being its obvious time of occupation.

The kitchen/diner will undoubtedly lose some light and particularly winter direct sunlight as a result of the development. However, it can be clearly seen from the submitted revised drawings that the 45° rule will not be breached by this proposal. Furthermore, the first floor rooms at 5 Old Church Court are 'open-plan' and so the arched window is not the only source of natural light. Consequently, it is not considered that any significant reduction in natural light causing a harmful loss of amenity will occur.

Access and parking – the submitted layout makes provision for three parking spaces and this meets the required standard for the two dwellings proposed. Consequently, it is not considered that the development will result in an exacerbation of Plockton's summer parking problems as suggested by some of the objections. Neither is it considered that the use of the improved access will cause a material loss of road safety associated with increased vehicle movements in Bank Street.

#### 8.5 **Other Considerations – not material**

- The loss of the current use of part of the land as an exhibition area for sculpture and garden land is not a material consideration for planning purposes.

#### 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 for planning application 13/03736/FUL**

**Action required before decision issued** N

**Subject to the above**, it is recommended that planning permission be **approved** subject to the following conditions and reasons:

1. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.



2. No development or work shall commence until full details of the boundary fence or wall to be erected down the southern side of the site has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider this matter in detail prior to the commencement of development; in the interests of neighbour amenity.

3. Prior to any site excavation or groundworks a Tree Protection Plan and Arboricultural Method Statement must be submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). This must specifically demonstrate how the access, parking and bellmouth will be constructed, based on the recommendations given in Section 7.4 of the British Standard. The development shall not be carried out other than in accordance with these approved details.

Reason: To ensure the protection of retained trees during construction and thereafter.

## **REASON FOR DECISION**

The proposal accords with the provisions of the Development Plan and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

### **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.

## **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

### **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](mailto:env.health@highland.gov.uk) for more information.

### **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.



### **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.

### **Listed Buildings**

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and their respective conditions must be read, and complied with, in tandem.

## **10. RECOMMENDATION for listed building application 13/03737/LBC**

**Action required before decision issued** N

**Subject to the above**, it is recommended that listed building consent be **granted** subject to the following conditions and reasons:

1. No development or work shall start on site until a method statement and schedule for the demolition and re-building of the boundary walls associated with the pedestrian and vehicular access points has been submitted to and approved in writing by the Planning Authority. Thereafter, development and other work shall progress in accordance with the approved details. For the avoidance of doubt, existing stonework shall be repaired and any new sections built using natural stone chosen to match, in all respects wherever possible (including colour, texture, geology, proportions, coping stones and tooling), the existing stonework.

Reason: In order to safeguard the character and qualities of the listed structure

## **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.

## **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.

### **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](mailto:env.health@highland.gov.uk) for more information.

### Listed Buildings

Both planning permission and listed building consent are required for these works. You are not authorised to commence development until you have both consents in place. Furthermore, both consents and their respective conditions must be read, and complied with, in tandem.

Signature: Dafydd Jones  
 Designation: Area Planning Manager - North  
 Author: Mark Harvey  
 Background Papers: Documents referred to in report and in case file.  
 Relevant Plans: Plan 1 – Location Plan - 457/PL3A  
 Plan 2 – General Plan - 457/PL4  
 Plan 3 – General Plan - 457/PL5

### Appendix – Letters of Representation for 13/03736/FUL

Name	Address	Date Received	For/Against
Miss Helen Gilroy	Ballachraggan Farmhouse, Dallas	17 Oct 2013	Against
Mr David Kennedy	6 Mackenzie Place, Kyle	17 Oct 2013	Against
Mr Martin Dowling	6c The Quadrant, Penicuik	17 Oct 2013	Against
Miss Christine Irvine	99 Glassford St, Glasgow	18 Oct 2013	Against
Mr Gerald Henderson	The Haven Guest House, 3 Innes Street Plockton	18 Oct 2013	Against
Mr Iain Rae	PO Box 105 5363 Aagotnes	18 Oct 2013	Against
Mr William Laing	77 Well Road, Buckie	18 Oct 2013	Against
Mrs Jane MacKenzie	3 Harbour Street, Plockton	18 Oct 2013	Against
Mr Alan Crockett	The Irishmans Hut, Dryside Road, Strathmiglo, Fife	19 Oct 2013	Against
Mr Alan Greig	2 Blyth Street, Newport on Tay	19 Oct 2013	Against
Miss Claire Harkness	69e Perth	20 Oct 2013	Against



Mrs Sandra Glasgow	42 Harbour Street, Plockton	22 Oct 2013	Against
Miss Sue Atkinson	Duirinish Holiday Lodges, Duirinish	23 Oct 2013	Against
Mr John Leiper	4, Camas an Arhair, Plockton	23 Oct 2013	Against
Mr George Glasgow	42 Harbour Street, Plockton	23 Oct 2013 & 13 Feb 2014	Against
Miss Katy Davies	Laurel Bank, Cooper Street, Plockton	24 Oct 2013	Against
Mr Graeme Watson	Drummond Road, Inverness	25 Oct 2013	Against
Mr Roger Croughton	121 Mount Grace Rd, Potters Bar, Herts	25 Oct 2013	Against
Mr C J French	14, Frithard Road, Plockton by Kyle	26 Oct 2013	Against
Mr Donald Calvert	Croft 7, Northside, Duirinish	26 Oct 2013	Against
Mr Peter Davies	The Studio, Innes Street, Plockton	27 Oct 2013	Against
Dr Catriona Hall	2b Plympton, London	28 Oct 2013	Against
Mrs Julia Asiedu	2 Innes Street, Plockton	28 Oct 2013 & 1 Mar 2014	Against
Ms Alix Burrell	7 Harbour Street, Plockton	28 Oct 2013	Against
Mrs Michelle Summers	Flat 1, 25 Dunraven Rd, West Kirby, Wirral	29 Oct 2013	Against
Mr Rick Knight	Millhole of Achalader, Kinloch, Blairgowrie	30 Oct 2013	Against
Mrs June Sanderson	Sycamore, Duirinish	30 Oct 2013	Against
Joy MacKenna	Carnban, Camus an Arhair, Plockton	31 Oct 2013	Against
Mr Denis Havard	Rhu Cottage, Plockton	31 Oct 2013 & 12 Feb 2014	Against
Mr Duncan Carroll	15, Ceann-An-Uib, Plockton	31 Oct 2013	Against
Mr Ian Morton	Flat 1, Old Church Court, Innes St, Plockton	31 Oct 2013	Against
Mrs Jane Buckley	Camus an t-Salainn, Cooper St, Plockton	31 Oct 2013	Against
Peter MacKenna	Carnban, 3 Camus an Arhair, Plockton	31 Oct 2013	Against
Miriam Drysdale	The Manse, Innes Street, Plockton	1 Nov 2013 & 14 Mar 2014	Against
Mr Annan Dryburgh	5 Old Church Court, Plockton	1 Nov 2013 &	Against

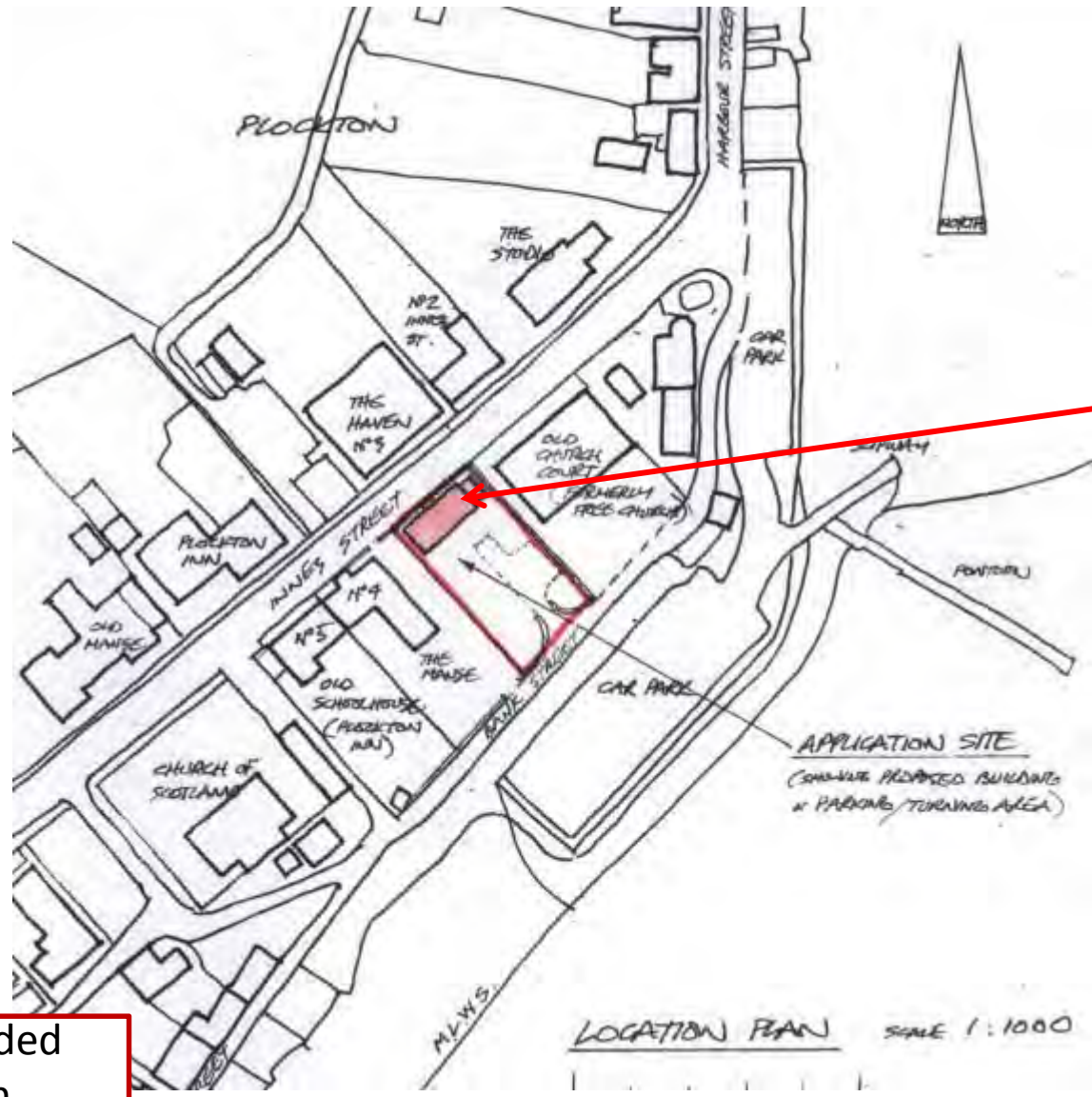
		19 Feb 2014 x2	
Mrs Jill Dryburgh	5 Old Church Court, Plockton	1 Nov 2013	Against
Mr Chris Hewitt	2 Old Church Court, Plockton	1 Nov 2013	Against
Mr Iain Love	Pollyshouse House, 17 Harbour Street, Plockton	1 Nov 2013	Against
Ms Maggie Bilington	2 Old Church Court, Plockton	1 Nov 2013	Against
Mr Cliff Schooling	Crandart Steading, Folda, Blairgowrie	5 Nov 2013	Against
Annabel Nicholson	Old Manse, Plockton	8 Nov 2013 & 5 Mar 2014	Against
Mr Lewis Drysdale	Tir-Nan-Og, Ganavan Road, Oban	18 Nov 2013	Against

Appendix – Letters of Representation for 13/03737/LBC

Name	Address	Date Received	For/Against
Annabel Nicholson	Old Manse, Plockton	8 Nov 2013	Against
Mr Denis Havard	Rhu Cottage, Plockton	5 Nov 2014	Against

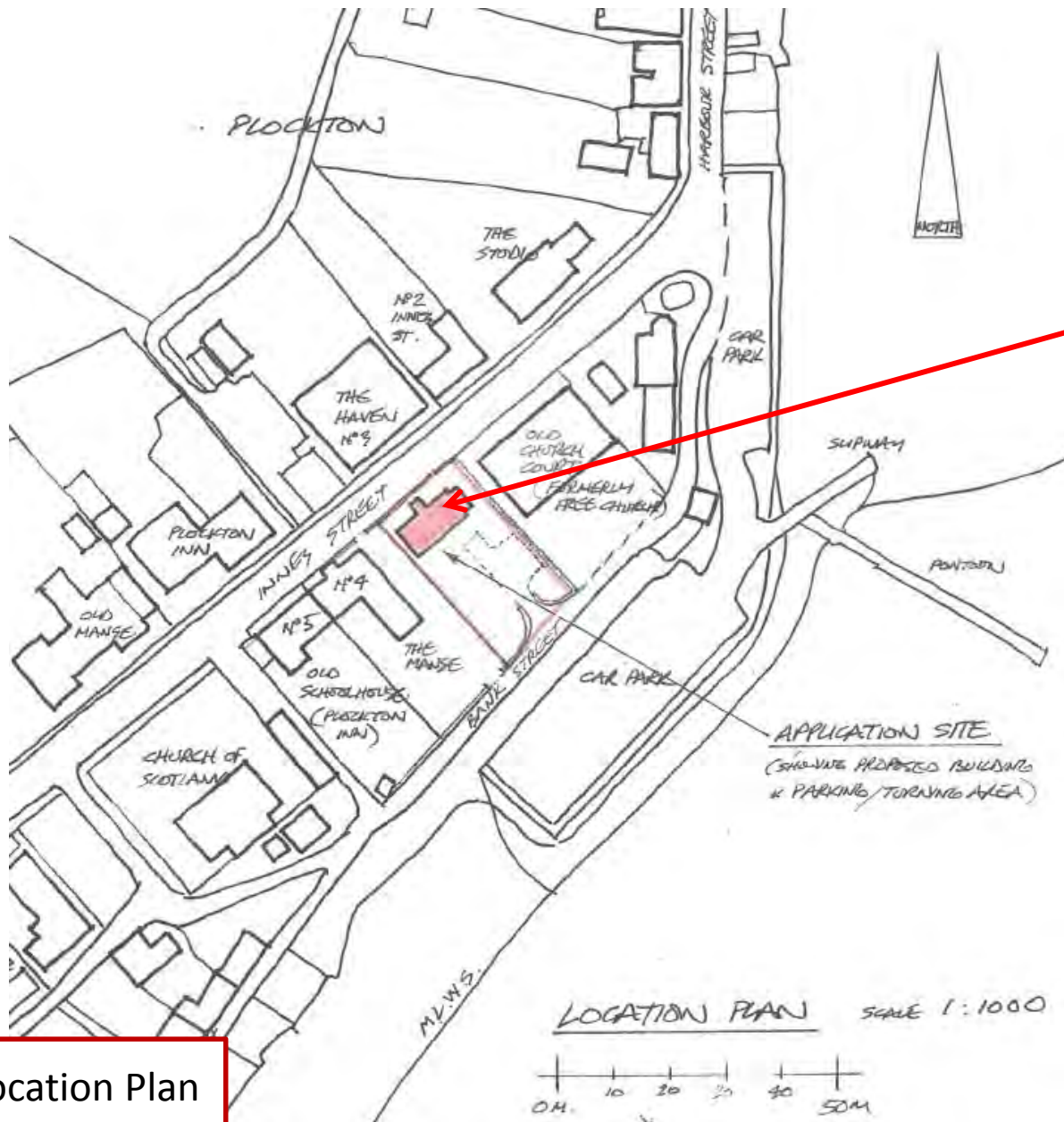






SITE

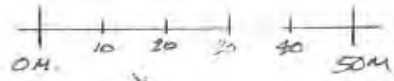
Plan 1 Superseded location plan

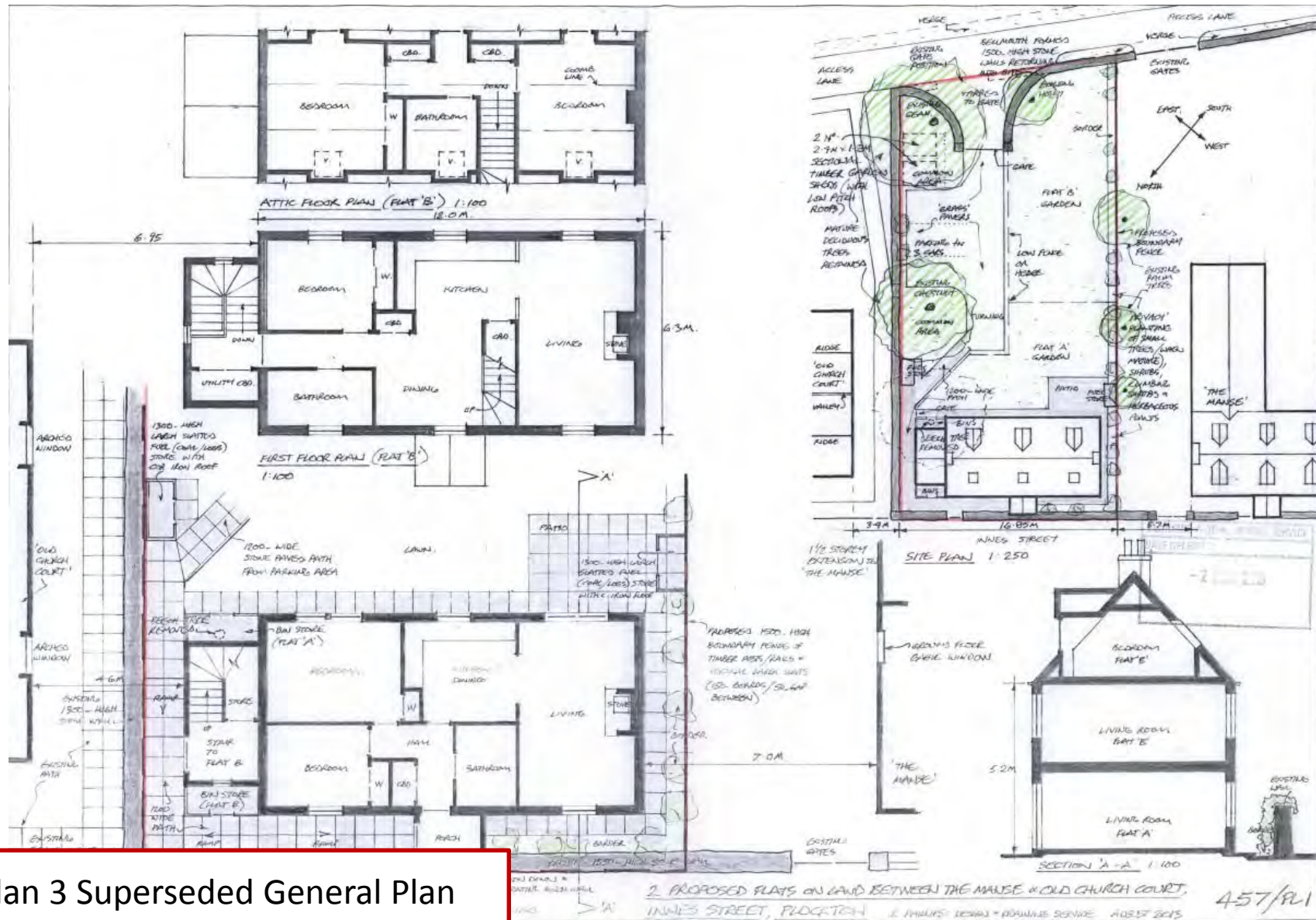


SITE

Plan 2 Amended Location Plan

LOCATION PLAN SCALE 1:1000

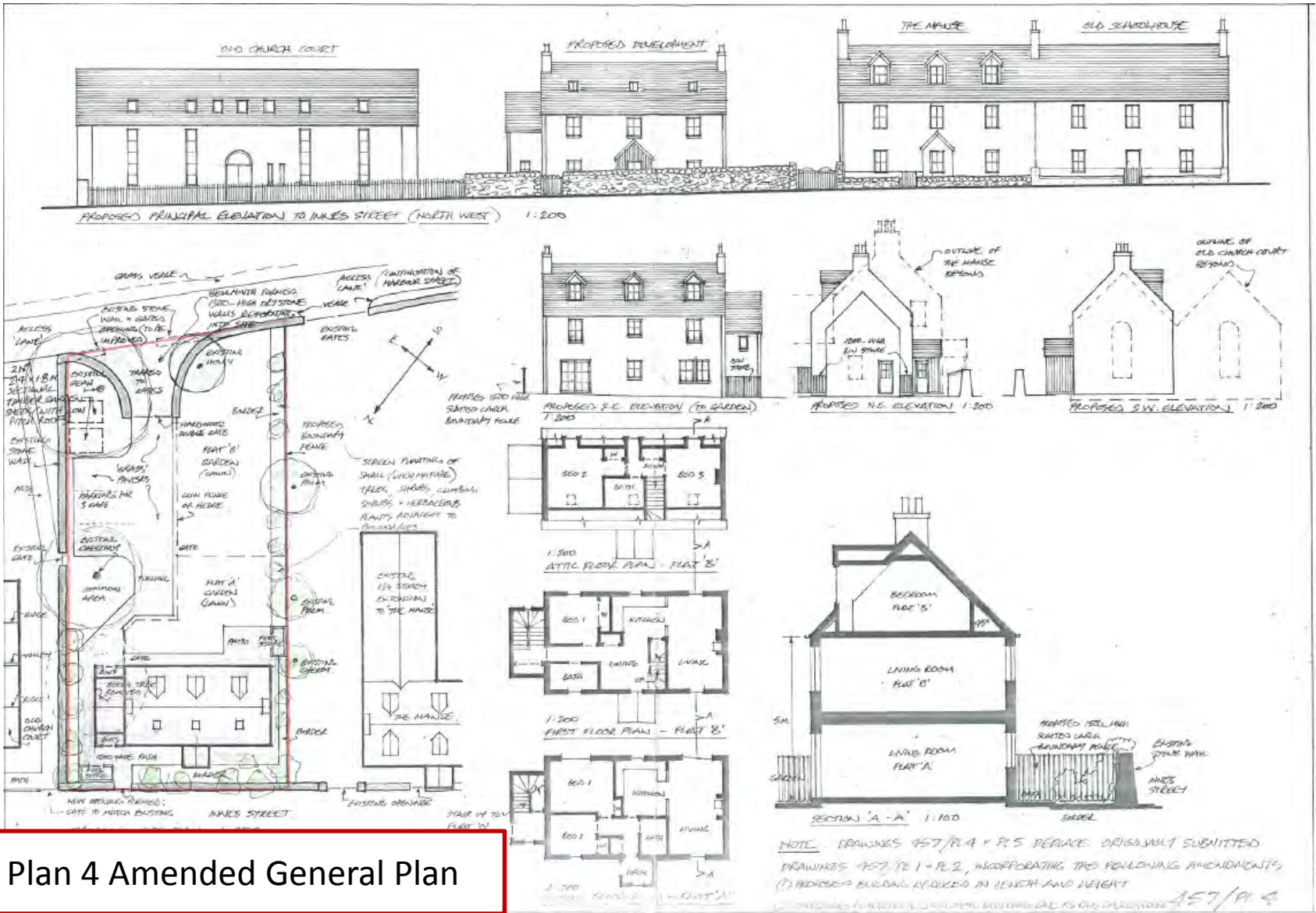




Plan 3 Superseded General Plan

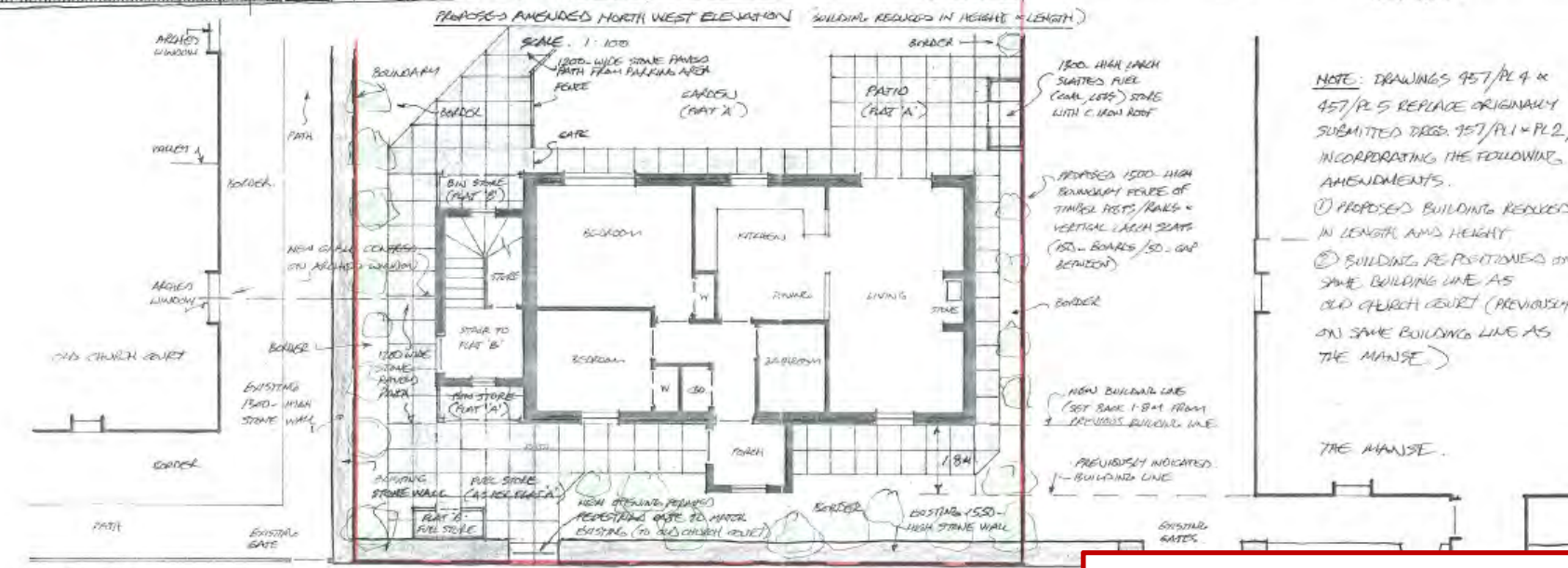
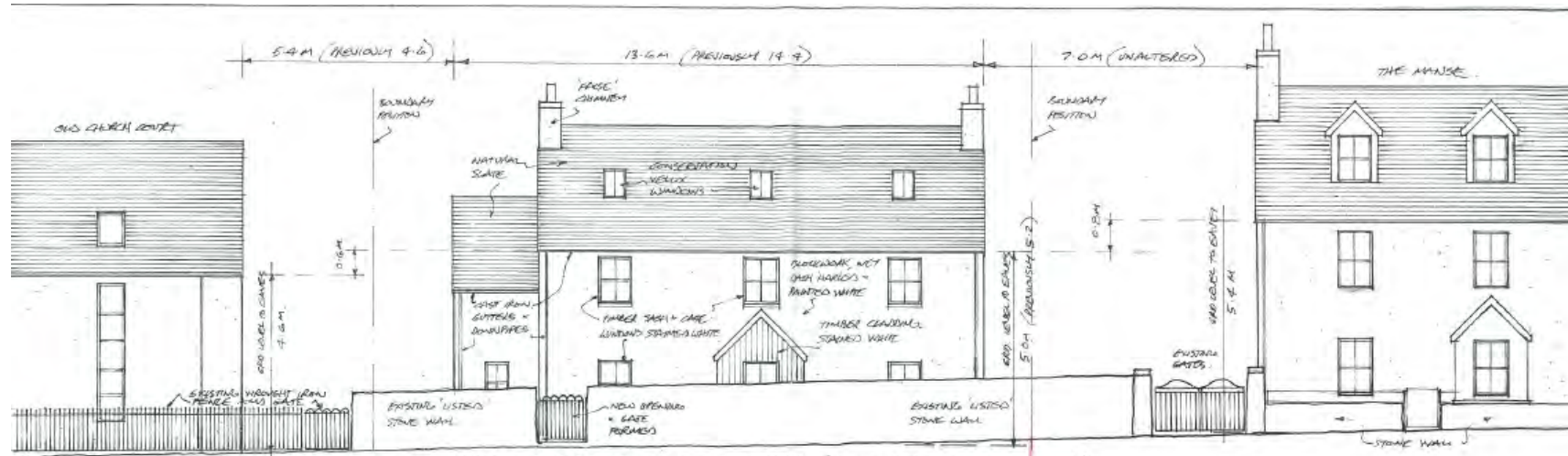
2 PROPOSED FLATS ON LAND BETWEEN THE MANSE & OLD CHURCH COURT, INNES STREET, PROCTON & PHILIPS DESIGN & DRAWING SERVICE AUGUST 2015 457/PL1





**Plan 4 Amended General Plan**

NOTE: DRAWINGS 457/PL4 + PL5 REPLACE ORIGINALLY SUBMITTED DRAWINGS 457/PL1 + PL2, INCORPORATING THE FOLLOWING AMENDMENTS:  
 (1) PROPOSED BUILDING REDUCED IN LENGTH AND HEIGHT  
 (2) PROPOSED BUILDING REDUCED IN LENGTH AND HEIGHT  
 457/PL 4



NOTE: DRAWINGS 957/PL 4 & 457/PL 5 REPLACE ORIGINALLY SUBMITTED DRS: 757/PL 1 & PL 2, INCORPORATING THE FOLLOWING AMENDMENTS.

- PROPOSED BUILDING REDUCED IN LENGTH AND HEIGHT
- BUILDING RE-POSITIONED ON SAME BUILDING LINE AS OLD CHURCH COURT (PREVIOUSLY ON SAME BUILDING LINE AS THE MANSE)

AMENAGE'S GROUND FLOOR (SITE PLAN) (BUILDING RE-POSITIONED AND FRONTAGE REDUCED)

2 PROPOSED FLATS ON LANS BETWEEN THE MANSE AND OLD CHURCH COURT, INNES STREET, PROCTON

R PHILLIPS: DESIGN - FORWARD SERVICE: JANUARY 2014

Plan 5 General Plan