

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE –
16.09.2014

Agenda Item	5.7
Report No	PLN/057/14

14/02266/FUL : Mr Julian Richmond-Watson
Island Cottage
Camusbane
Arnisdale
Kyle

Report by Area Planning Manager

SUMMARY

Description : Demolition of ruin and erection of two houses (renewal of 08/00906/FULRC)

Recommendation - GRANT

Ward : 06 - Wester Ross , Strathpeffer And Lochalsh

Development category : Local Developmet

Pre-determination hearing : Not required

Reason referred to Committee : Number of Objections.

1. PROPOSED DEVELOPMENT

1.1 The proposed development is to demolish the ruin of a fishing bothy and erect two dwelling houses on land at Island Cottage, Arnisdale. Access to the site is to be improved along with appropriate flood prevention/surface water drainage measures.

The proposed 1½ storey dwelling houses are to be finished in stone, timber cladding and large windows. The roof would be profiled metal cladding, with Velux windows put in.

1.2 No pre-application discussions took place.

1.3 The site is accessed from the existing public road which passes just to the north of the site.

1.4 Supporting information was submitted in the form of:
Drainage Impact Assesment
CAR Registration Application and SEPA Response
Post Development Run-Off Calculations

Pre-Development Run-off Calculations

- 1.5 **Variations:** Revised site layout drawings with same application outline as previous application

2. SITE DESCRIPTION

- 2.1 The site is located to the west of Arnisdale and is situated on the coast with southern views looking out to Eilean Tioram. The site is located below the public road; current access to the site is also taken from this public road. The current access has restricted visibility splays.

The site is host to a ruined fishing bothy, and is covered in grass and some shrubbery, but is fairly open.

3. PLANNING HISTORY

- 3.1 08/00557/OUTRC. Erection of house (outline). Granted 24.08.2009.
08/00906/FULRC. Demolition of ruin and erection of two houses. Granted 10.06.2009.

The above applications both share the same access - 08/00557/OUTRC being some 50m to the east of the application site. Both applications were determined by committee due to a minor departure from the then development plan. No development resulting from either of these permissions has commenced and both have now expired (08/00906/FULRC expired just after the current application was submitted).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour 14 days, expiry 18.07.2014.
Representation deadline : 30.07.2014

Timeous representations : 7 objections from 7 different households,

Late representations : A letter from Glenelg and Arnisdale Community Council.

- 4.2 Material considerations raised are summarised as follows:

- Considerable loss of flat common grazing land.
- Shortage of affordable housing.
- Area of common grazings which could be developed for crofter housing/ crofting developments.

- 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 **Historic Environment Team** : No objection, subject to a condition requiring a photographic record to be made of the existing ruins prior to the commencement of

development.

5.2 **Building Standards** : No response

5.3 **SEPA**: No Objection.

5.4 **SNH** : No Objection.

5.5 **Crofting Commission** :

- All or some of the application relates to land under crofting tenure.
- Detrimental impact on the sustainable development of the community.
- Loss of potential house sites for crofter housing.
- Tourist accommodation would adversely impact upon neighbouring uses.

5.6 **Scottish Water** : No response

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
47	Safeguarding Inbye/Apportioned Crofting
57	Natural, Built and Cultural Heritage
61	Landscape
64	Flood Risk

6.2 West Highland and Island Local Plan 2010

1	Settlement Development Areas
2	Development Objectives and Development Requirements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide January 2013

Flood Risk & Drainage Impact Assessment (March 2012)

Highland Historic Environment Strategy (March 2012)

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 application site falls within the Settlement Development Area for Arnisdale, so Policy 1 of the West Highlands & Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands & Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

Policy 47 of the HwLDP requires developments to avoid, where possible siting on croft land of higher agricultural value and/or impeding access to the remaining croft land.

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 of the HwLDP. The site falls within a National Scenic Area which Policy 57.2 states that developments will be supported where they can be shown not to compromise the identified protected natural environment/amenity/heritage resource.

Policy 61 of the HwLDP further emphasises the need for development to respect the landscape character of their surroundings.

Finally, the site lies partially within an area identified as being susceptible to coastal flooding. Policy 64 of the HwLDP states that a Flood Risk Assessment or other suitable information which demonstrates compliance with Scottish Planning Policy in respect of this issue is required.

8.4 Material Considerations

Planning History - The proposed application is a renewal of a full planning application which was granted permission by Committee in 2009 for the erection of 2 dwelling houses. The existence of this extant permission is an important and key

material consideration in the assessment of this application.

The previous consent was granted in June 2009 and was assessed against the Highland Structure Plan 2001, Skye and Lochalsh Local Plan 1999 and the West Highlands and Islands Local Plan (Deposit Draft). Since then the Highland-wide Local Development Plan has replaced the Highland Structure Plan along with the majority of the West Islands and Highlands Local Plan. However, the key policy considerations have remained the same, and the proposed site still remains within the Settlement Development Area of Arnisdale, and no new policies have arisen which alter the policy regime. The site and proposal are both physically the same as they were when the scheme was originally determined.

A number of matters have been raised by the objections to this renewal application and these are addressed below. None are considered to raise fresh material considerations that were not previously dealt with as part of the previous application.

Croftland - It has been stated that all or some of the application relates to land under crofting tenure. It has been identified by the Crofting Commission that there is 161ha of Common Grazings land within Cambusbane, Glenelg. However, the total area of the proposed site, including the access, is only 4970m², and, according to the applicant, only 1015m² of the proposed site is within the common grazings. Consequently, the proposal is not considered to represent a detrimental loss of common grazings or uses associated with crofting and meets the requirements of Policy 47 of the Highland-wide Local Development Plan which seeks to avoid the loss of croftland as a result of development.

Furthermore, as made clear in the previous report to Committee in 2009;

“the land in question will need to be subject to a de-crofting application made to the Crofters Commission. Thus, if any concerns are raised over the development of this land and/or the loss of common grazings these can be addressed at that stage.”

Residential Housing Supply - The Crofting Commission stated within their consultation that ‘*Highland Council Policy 28 states that provision of tourist accommodation must not prejudice residential housing supply.*’ This is in reference to Policy 44 Tourist Accommodation. However this policy is not applicable to this application which seeks permission for two residential dwellinghouses. Their use as holiday letting accommodation, should it occur in the future, will not prejudice or limit their potential use as primary residences.

Affordable Housing - With reference to the objection raised referring to the shortage of affordable housing and the general shortage of housing; Policy 32: Affordable Housing sets a trigger point of development of 4 houses or more before the Council’s affordable housing policy applies. This application is for 2 dwelling houses and it is not, therefore, required that a contribution is made towards the delivery of affordable housing. It is not considered that the proposed application for 2 dwelling houses would have a detrimental impact on the sustainable development of the community.

It can be concluded that the objections raised do not outweigh the existence of the extant planning consent and the lack of material changes to the policy regime since this consent was originally granted.

Conditions were imposed on the previous application relating to permitted development, access, landscaping and private water supply. These conditions are also required in relation to the proposed renewal of permission and will be updated where necessary to reflect current practice.

8.5 **Other Considerations – not material**

Whether the development would be used as a holiday let, as raised by objectors, is not a material planning consideration (see above also). Nor is the economic benefit or otherwise of holiday letting accommodation.

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 or work shall commence until a detailed specification for all proposed roof coverings, natural stone, other 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 : In order to retain and/or protect important elements of the existing character and amenity of the site.

2. Prior to the commencement of development, a photographic record shall be made of the remains of old buildings and / or other features affected by the proposed development, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

Reason : To protect the historic interest of the site.

3. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 18.08.2014), with:

- i. the junction formed to comply with drawing ref. SDB2; and
- ii. visibility splays of 2.5m x 75m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.
- iii. a minimum of 1m verge formed to the west of the service bay.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

4. The existing concrete post and wire fence located adjacent to the junction of the access track with the public road shall be relocated, at the expense of the developer, to accommodate the service bay and taper arrangement required by condition 3 above before any other work commences on site.

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

5. Prior to the first occupation of each of the dwellinghouses, parking spaces and turning for a minimum of 2 cars shall be provided within the associated curtilage as detailed on the approved plans and shall be maintained for this use in perpetuity.

Reason : In order to ensure that the level of off-street parking is adequate.

6. Finished floor levels for each house shall be no lower than 5m AOD (with a maximum of 0.75m under-build), unless otherwise agreed in writing by the Planning Authority.

Reason : to ensure that the houses are not subject to the risk of 1 in 200 year event coastal flooding.

7. Notwithstanding the provisions of Article 3 and Class(es) 1, 2 and 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the dwellinghouses hereby approved without planning permission being granted on application to the Planning Authority.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

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

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

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.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

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

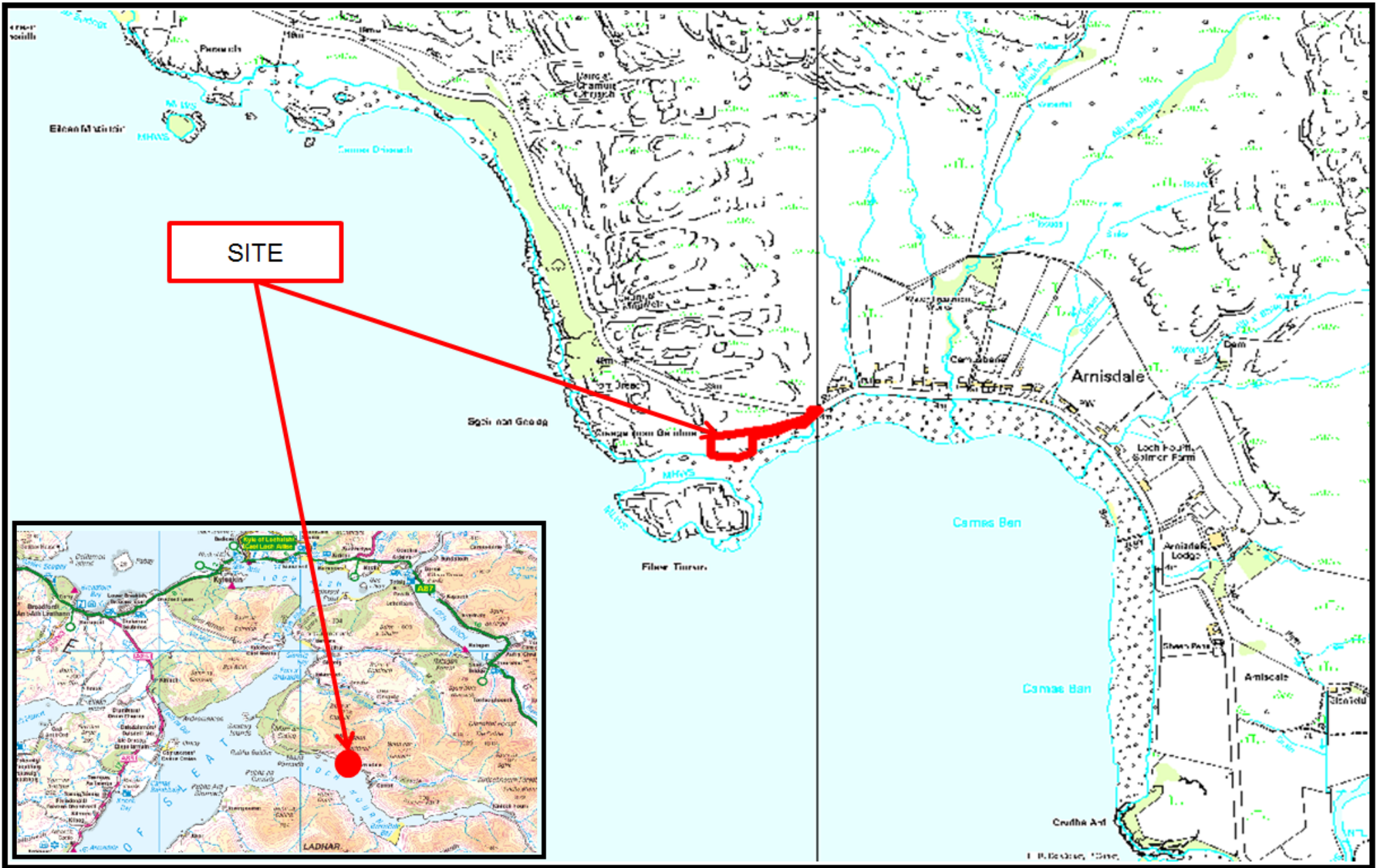
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Insert Area Managers Signature
Designation: Area Planning Manager North
Author: Whitney Lindsay
Background Papers: Documents referred to in report and in case file.

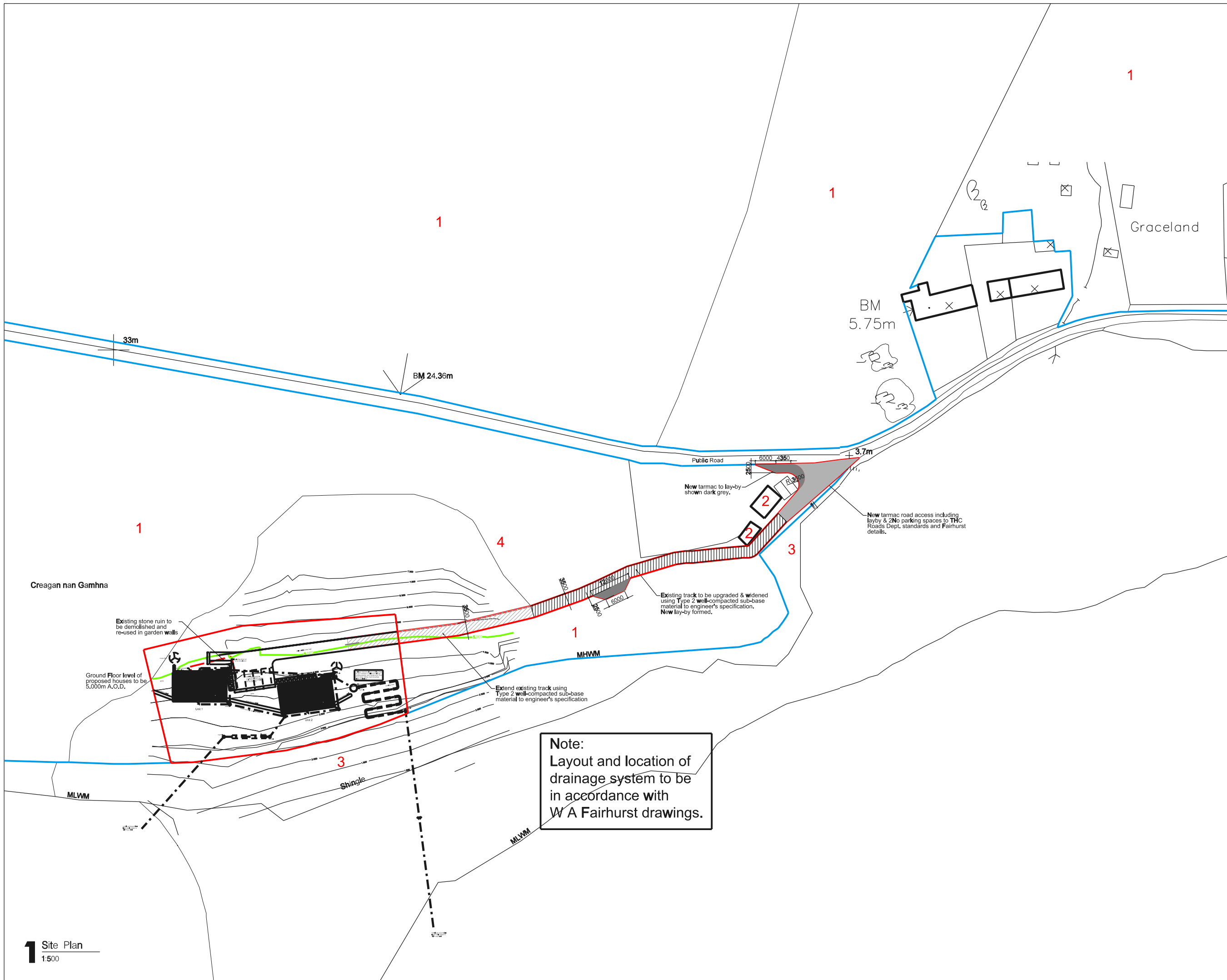
Relevant Plans: Plan 1 – P011 V2 – Location Plan
 Plan 2 – 23B - Elevations
 Plan 3 – 75529/003 – Site Layout Plan
 Plan 4 – 25A – Site Layout Plan
 75529/005 – General Plan
 75529/002B - Drainage

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Michael Simpson	Camusbane Arnisdale	13.07.2014	Against
Paul Fletcher	Croft 9, Camusbane, Arnisdale	17.07.2014	Against
Luisa Macdonald	39 Cradlehall Park, Westhill, Inverness	17.07.2014	Against
Margaret Fletcher	17 Macrae Avenue Nairn	18.07.2014	Against
Sheila Morrison	Cambusbane Arnisdale	24.07.2014	Against
Helen Somerville	Sunnyside Cambusbane Arnisdale	26.07.2014	Against
Richard Rohde	Li Arnisdale Kyle	28.07.2014	Against
Glenelg & Arnisdale Community Council	Glenelg	07.08.2014	Against



- Owners / Occupiers:-
- 1** Arnisdale Estate
Kyle, Rosshire,
IV40 8JJ Owner
 - 2** Charlie MacLavish
Burnside
Arnisdale
Kyle
Ross-Shire
IV40 8JL Owner
 - 3** Crown Estates
Managing Agents:
Bidwells
33 High Street
Fort William
PH33 6DJ Owner
 - 4** Donald Morrison
3 Glebe Road
Inverinate
Kyle
Ross-Shire
IV40 8HD Grazing Clerk



PLANNING

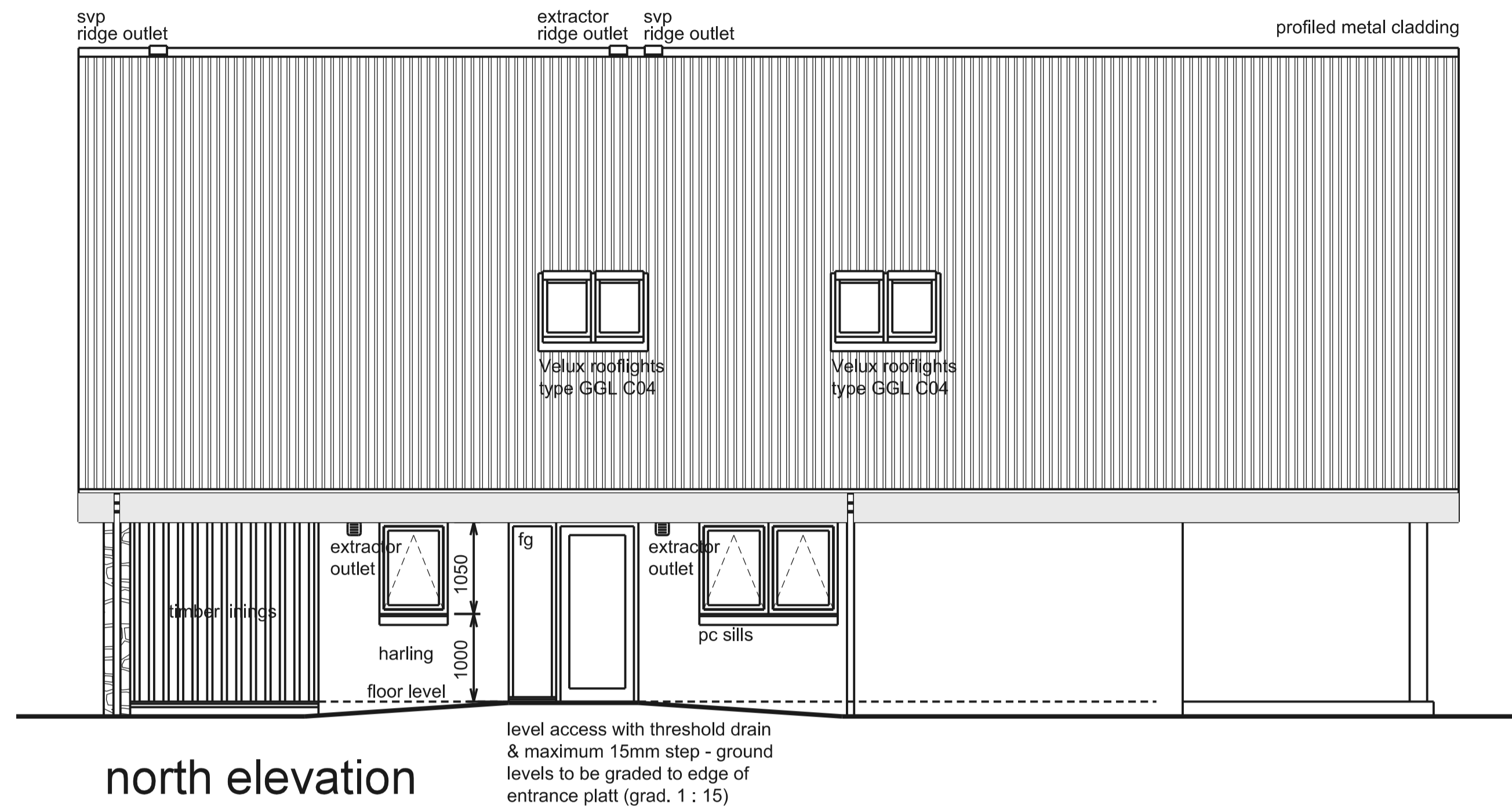
Rev	Description	Date
Rev 3	Drainage layout amended to suit SEPA	20.02.09
Rev 2	Layout revised to suit planning	16.02.09
Rev 1	Issued for Planning Approval	03.09.08

**ISLAND COTTAGE,
ARNISDALE**

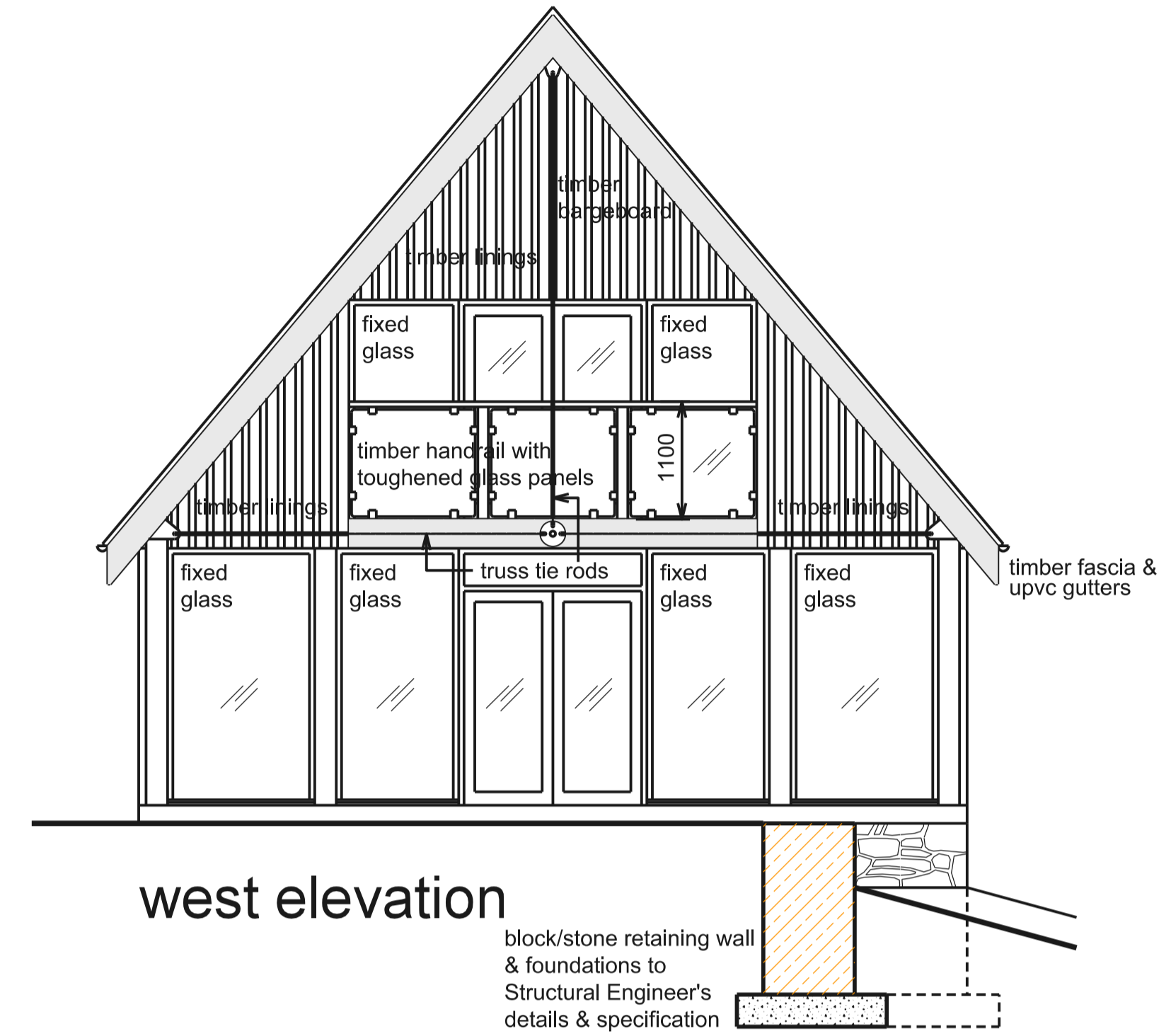
SITE PLAN

Date:	Project Number:	Drawing:
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Drawn:	Project Leader:	Rev:
VLH	MAW	3
© HRI-Architects		Chartered Architects

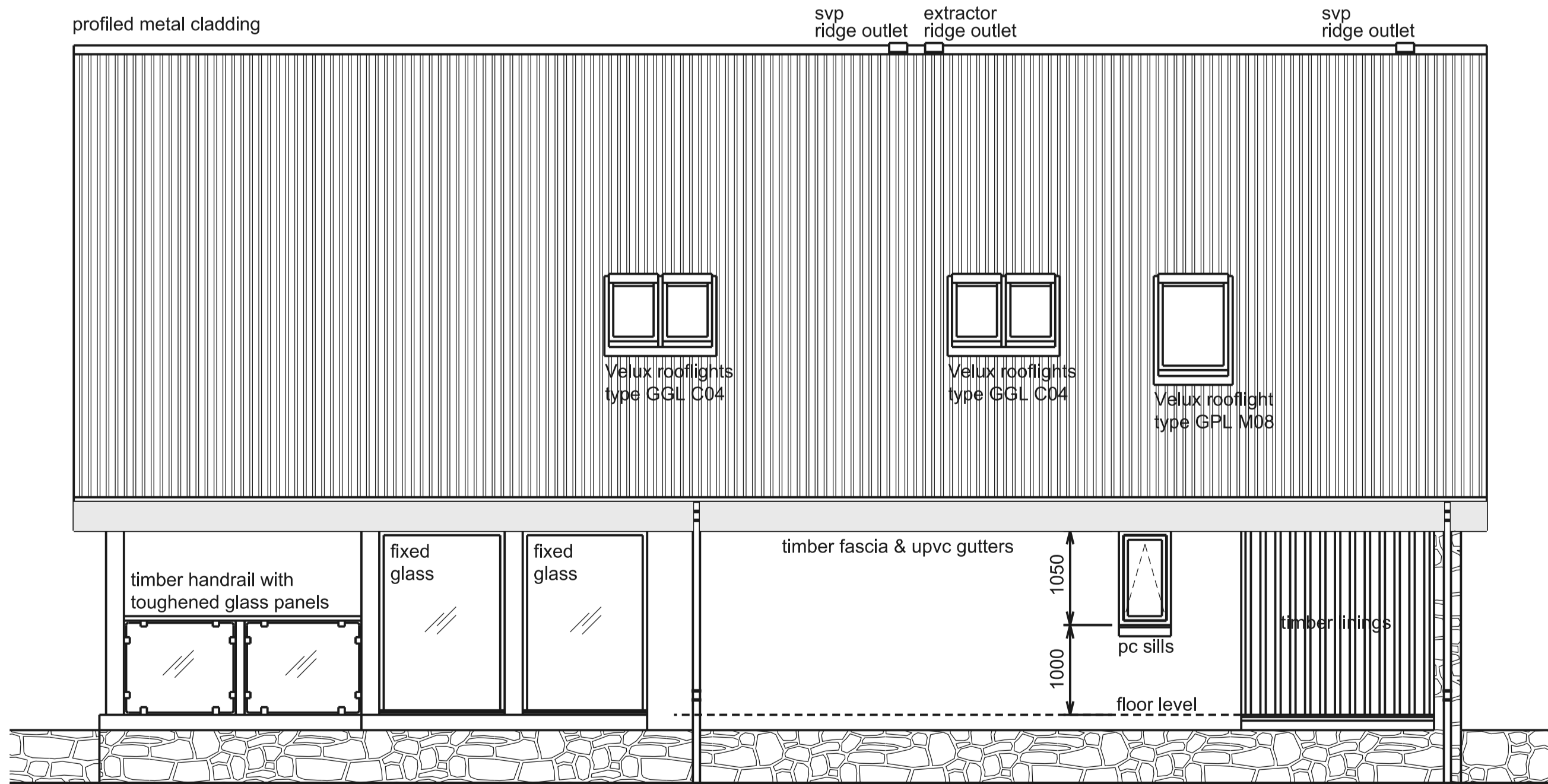
Note:
Layout and location of
drainage system to be
in accordance with
W A Fairhurst drawings.



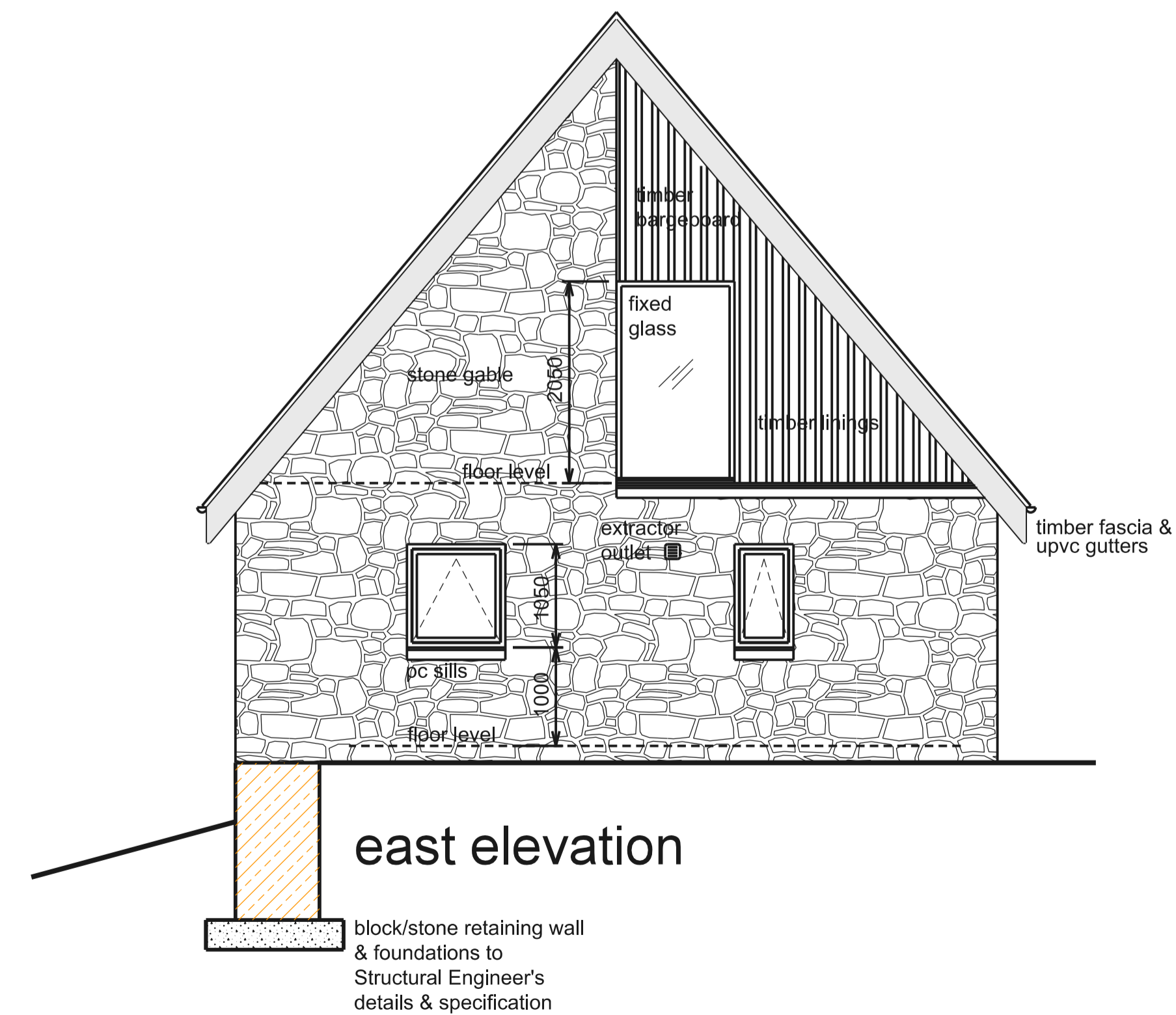
north elevation



west elevation



south elevation



east elevation

PLANNING

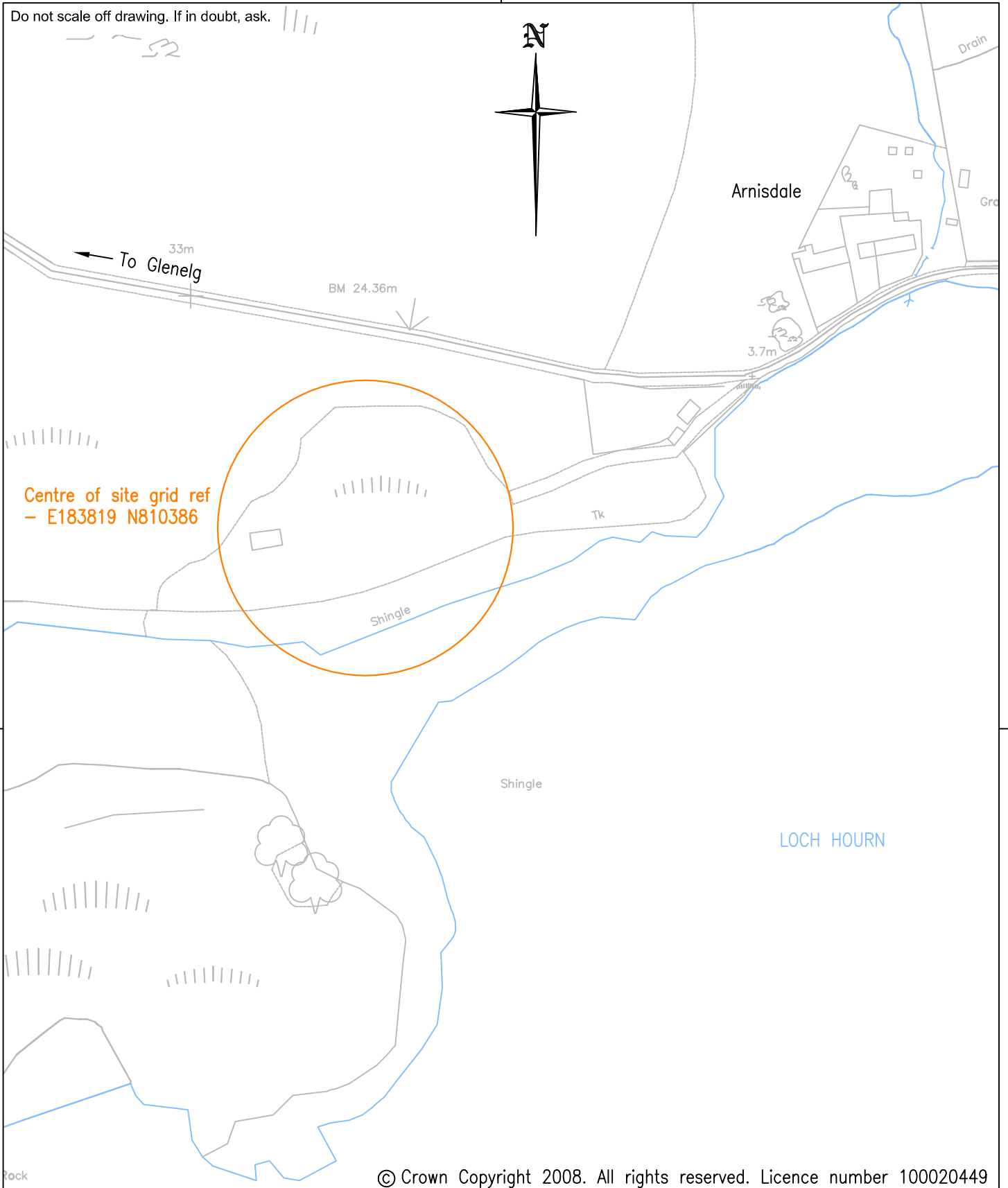
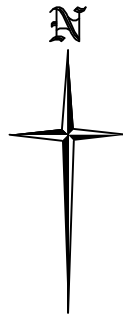
Rev	Description	Date
B	PLANNING RENEWAL	04.06.14
A	General revisions	17.02.09

ISLAND COTTAGE,
ARNISDALE

UNIT 2
elevations

Date:	Project Number:	Drawing:
05.12.08	1.6588	23
Scale:	Project Partner:	
1:50 @ A1	AB	
Drawn:	Project Leader:	Rev:
HM	MAW	B
© HRI-Architects	Chartered Architects	

Do not scale off drawing. If in doubt, ask.



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Client:
Wakefield Lodge Estate

Project Title:
2No. New Dwellings at
Island Cottage
Arnisdale
Glenelg

FAIRHURST

Elvie House
Beechwood Park
Inverness
IV2 3BW

CONSULTING STRUCTURAL
AND CIVIL ENGINEERS

Tel:- (01463) 724544
Fax:- (01463) 717878

Scale at A4:

Not to Scale

Status:

Preliminary

CAD File Name:

75529_Pc003

Drawn:

KGT

Checked:

DM

Approved:

ARM

Date:

17/09/2008

Date:

17/09/2008

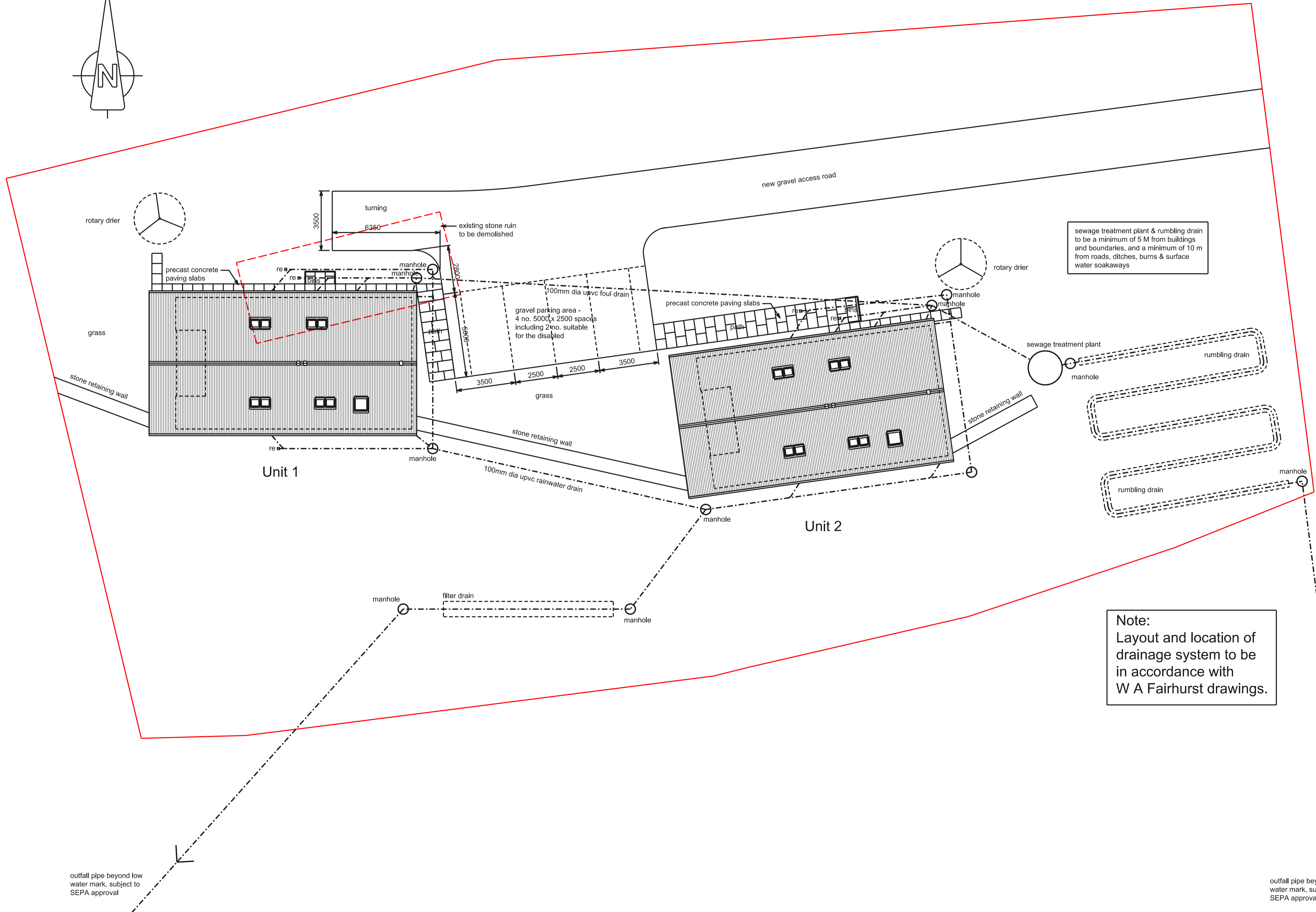
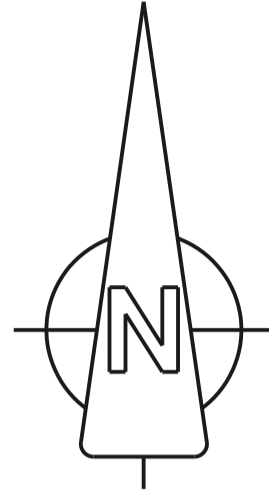
Date:

17/09/2008

Drawing No.:

75529/003

Revision:



sewage treatment plant & rumbling drain to be a minimum of 5 M from buildings and boundaries, and a minimum of 10 m from roads, ditches, burns & surface water soakaways

Note:
Layout and location of drainage system to be in accordance with W A Fairhurst drawings.

PLANNING

Rev	Description	Date
A	Site layout altered.	12.02.09

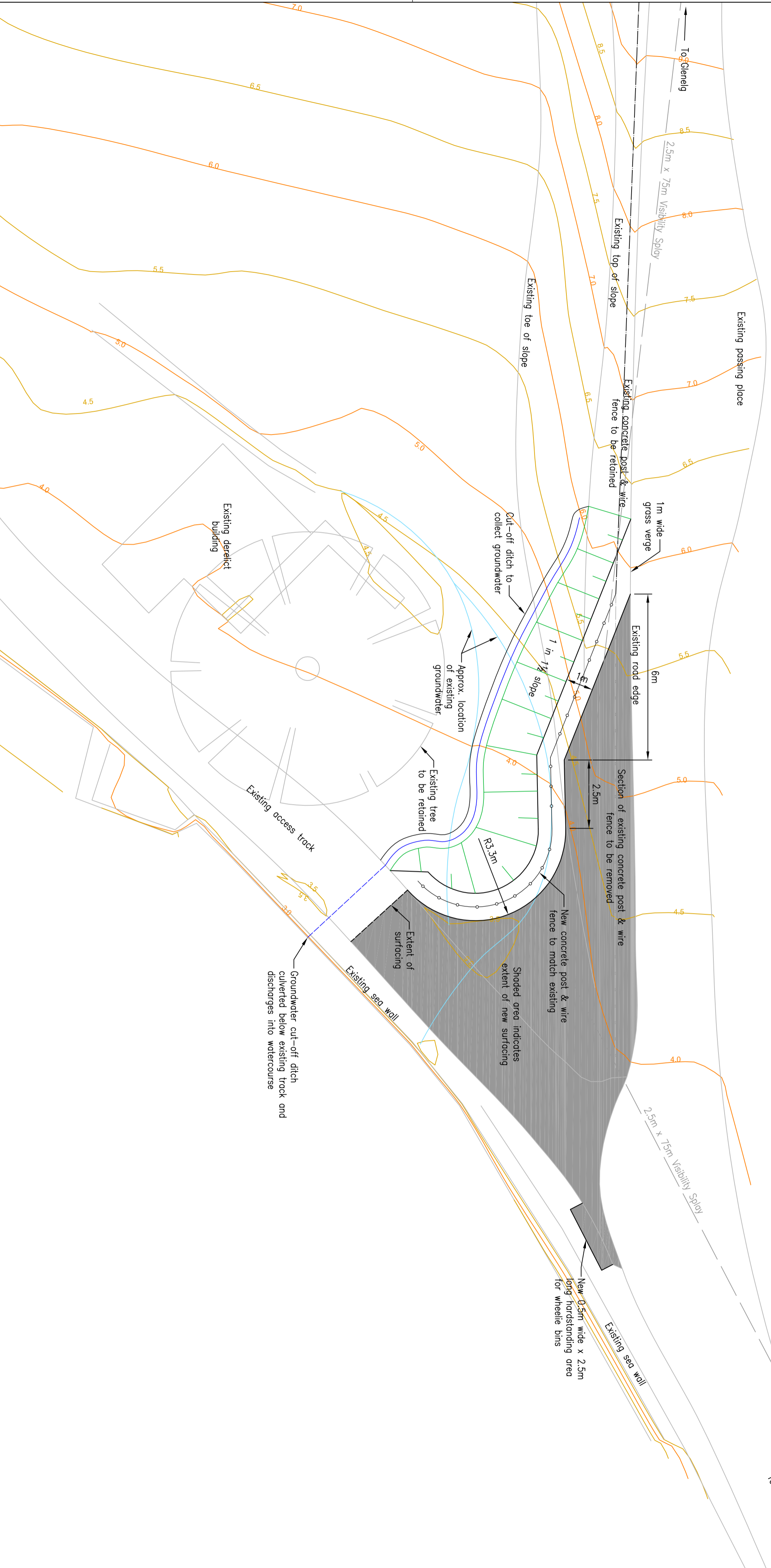
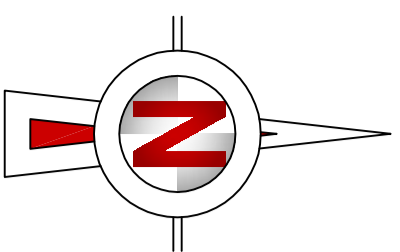
ISLAND COTTAGE, ARNISDALE

site plan

Date:	Project Number:	Drawing:
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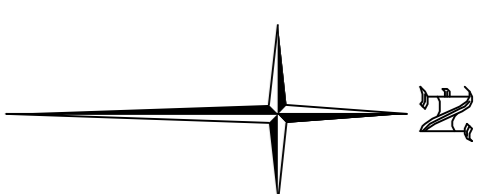
outfall pipe beyond low water mark, subject to SEPA approval

outfall pipe beyond low water mark, subject to SEPA approval

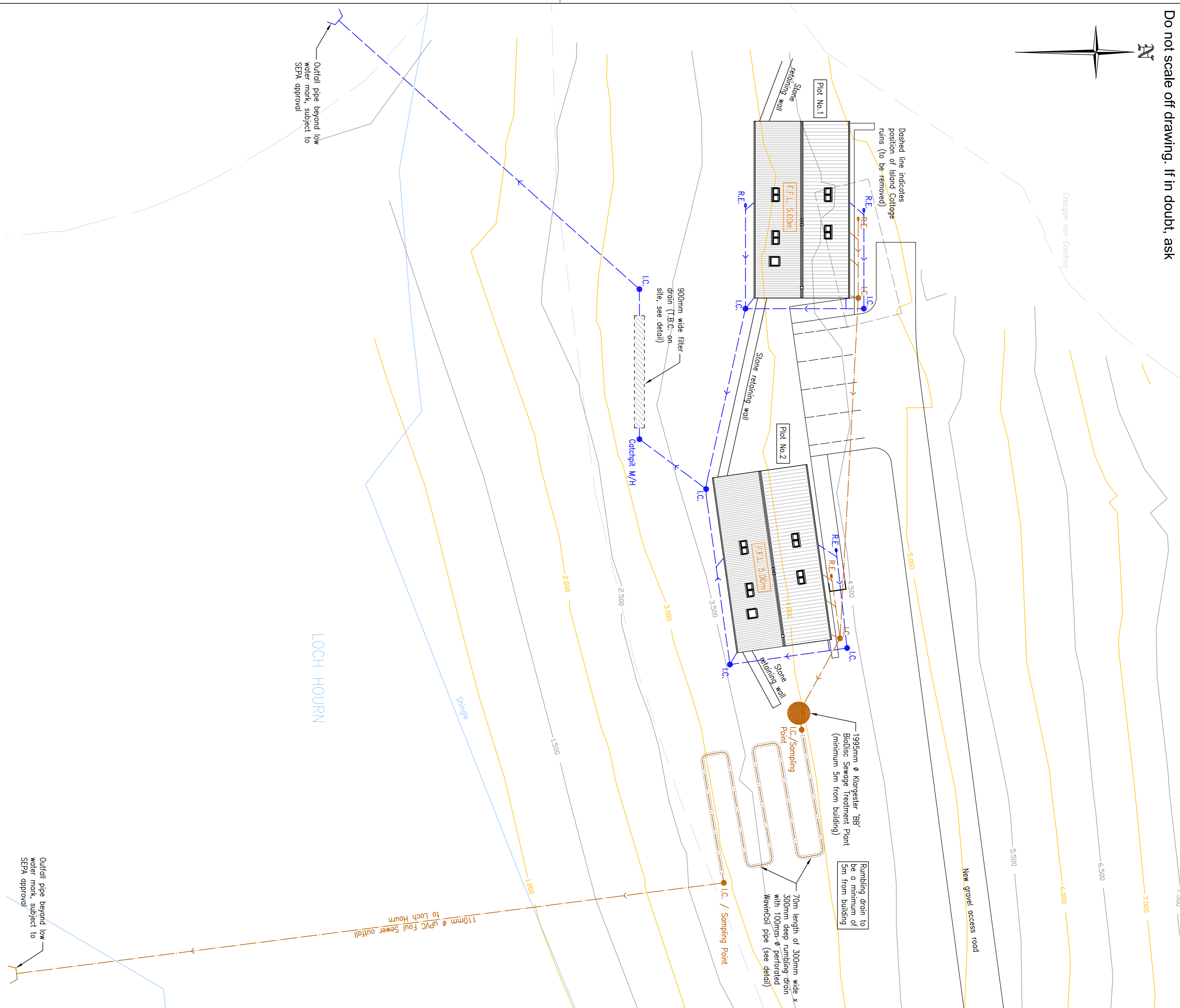


Rev.	Date	Description	Drawn	Checked	Approved
<p>Client: Wakerfield Lodge Estate</p> <p>Project Title: 2No. New Dwellings at Island Cottage Arnisdale Glenelg</p> <p>Scale: 1:100</p> <p>Drawing Title: Proposed Access Junction Upgrade</p> <p>Drawing No: 75529/005</p>					
<p>FAIRHURST <small>Esplanade, Moor Park, Inverness, N.Z. 9804</small></p> <p>CONSULTING STRUCTURAL AND CIVIL ENGINEERS <small>Tel: (01862) 734344 Fax: (01862) 717818</small></p> <p>Scale of A2: 1:100</p> <p>State: Planning</p> <p>Project No: 75529_P-005</p> <p>Drawn: KJT Date: 18/05/2009</p> <p>Checked: DM Date: 18/05/2009</p> <p>Approved: AFRM Date: 18/05/2009</p>					

Do not scale off drawing. If in doubt, ask



Orangey near Gairnholm

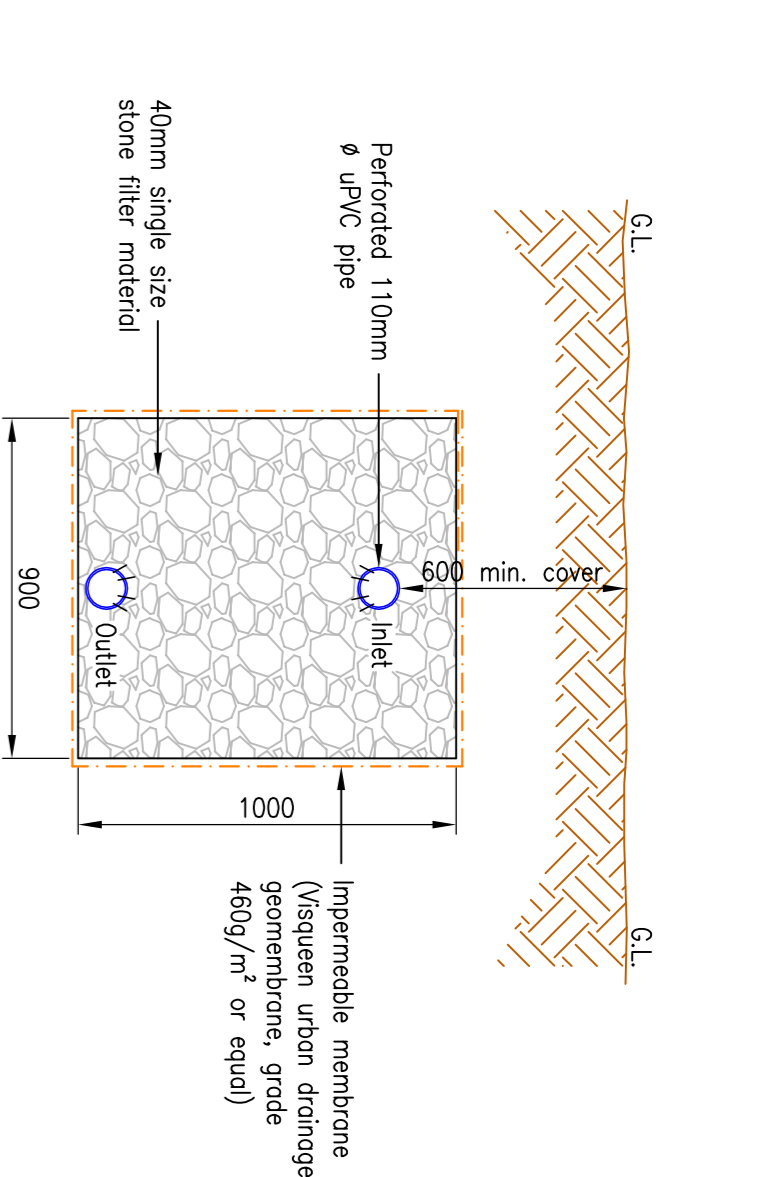


Outfall pipe beyond low water mark, subject to SFPA approval

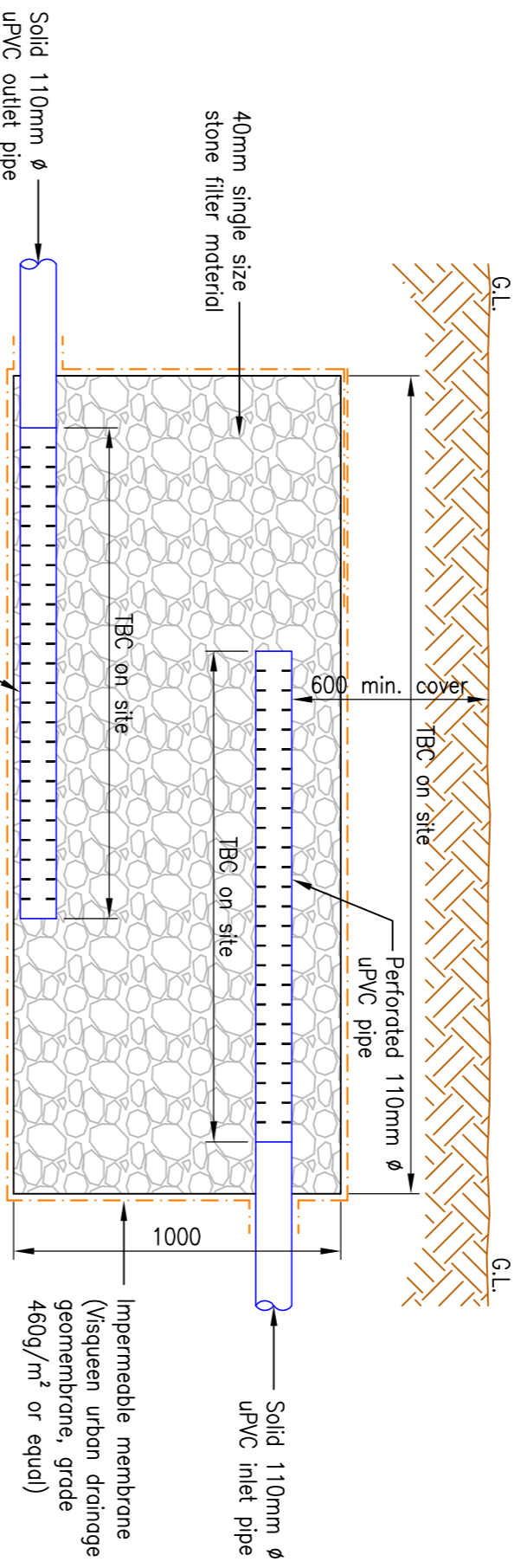
Outfall pipe beyond low water mark, subject to SFPA approval

SITE PLAN

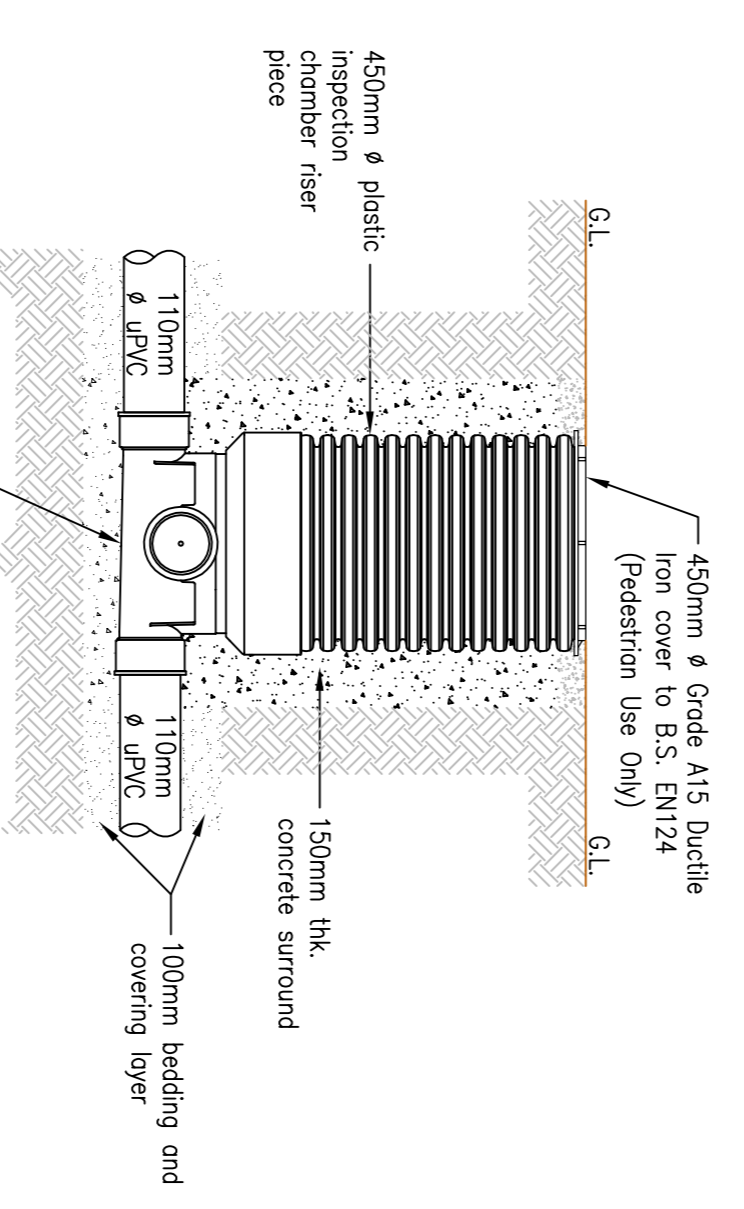
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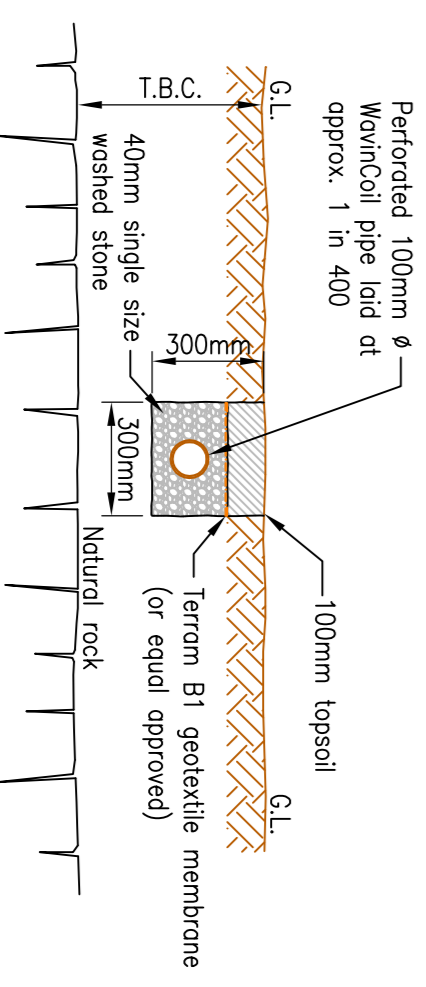
FILTER DRAIN DETAIL (CROSS-SECTION)
(Scale 1:20)



FILTER DRAIN DETAIL (LONG SECTION)
(Scale 1:20)



TYPICAL INSPECTION CHAMBER DETAIL
(Scale 1:20)



RUMBLING DRAIN DETAIL
(Scale 1:20)

- Legend**
- Indicates new 450mm ϕ uPVC Inspection Chambers
 - I.C. uPVC Inspection Chambers
 - RE Indicates new Rodding Points
 - Indicates new 110mm ϕ uPVC Foul Sewer
 - Indicates new 110mm ϕ uPVC Roof Water pipe
- Notes -
1. It is assumed that the new access road, regardless of surfacing will shed surface run-off to grass. No SUDS required.
 2. Care must be taken to avoid the use of any heavy vehicles or machinery within the area in which the rumbling drain is located due to the shallow depth of the perforated pipe below.
 3. All levels are relative to Ordnance Datum.

Rev.	Date	Description	Drawn	Checked	Approved
A	16/09/2008	Final and roof water amended as per SFPA's comments. Layout revised to suit amendments.	KGT	DM	AM
B	16/09/2008	Layout amended to suit Architect's revised site plan. Final and roof water amended as per SFPA's comments. Layout revised to suit amendments.	KGT	DM	AM

FAIRHURST
CONSULTING STRUCTURAL AND CIVIL ENGINEERS
Elvie House
Beechwood Park
Inverness
IV2 3BW
Tel: (01463) 724544
Fax: (01463) 717878

Wakefield Lodge Estate
2No. New Dwellings at
Island Cottage
Arnsdale
Glenslg
Drainage Layout Plan & Details

Date at 10	Status	Drawn By	Checked By	Approved By
As Noted	Planning	75529_P-002		
Date	Drawn	Date	Checked	Approved
16/09/2008	DM	16/09/2008	DM	AM
16/09/2008	DM	16/09/2008	DM	AM

Drawing No.: 75529/002