

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
23 December 2014**

Agenda Item	6.2
Report No	PLS/095/14

**14/03269/FUL: Ardgour Trading Company Ltd  
Ardgour House, Ardgour, Fort William, PH33 7AH**

**Report by Area Planning Manager - South**

**SUMMARY**

**Description :** Erection of holiday home

**Recommendation - GRANT**

**Ward :** 22 - Fort William And Ardnamurchan

**Development category :** Local Development

**Pre-determination hearing :** Hearing not required.

**Reason referred to Committee:** More than 5 timeous representations received.

**1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the erection of a new holiday home. The proposed structure is of a distinctive design consisting of two octagonal towers, incorporating two bedrooms. The structure overall measures some 7m in width across the south east facing elevation x 11m in depth. The maximum height of the structure is 10.5m. It is proposed to finish the structure in timber cladding with solar PV panels on the roof.
- 1.2 No pre-application advice sought. Not mandatory.
- 1.3 The site is accessed off the Ardgour Estate private track, off a private unsurfaced track which also serves a further two holiday homes nearby. It is proposed to connect to the public water supply network but make private foul and rainwater drainage arrangements through the use of a septic tank discharging to a soakaway.
- 1.4 A statement has been submitted outlining the rationale for the design of the proposals. Additionally, the applicant has provided supporting comments with respect to the issues raised through the representations noted in section 4.2 below.
- 1.5 **Variations:** The position of the proposed holiday home within the site has been amended to minimise impact on surrounding woodland.

## **2. SITE DESCRIPTION**

- 2.1 The application site lies within the wider setting of the Ardgour House policies which are included in the Inventory of Gardens and Designed Landscape. The House is also a category B Listed Building. The site occupies a slightly raised position compared with its surroundings and is covered in trees and scrub with several large mature trees present in the western part. The location is set within mainly undeveloped land; however, two large modern holiday homes are present to the south east. Core path LO03.02 runs along a track directly to the north.

## **3. PLANNING HISTORY**

- 3.1 None relevant.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown neighbour, expired 25/09/2014

Representation deadline : 30/09/2014

Timeous representations : 6

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- The siting of the development is inappropriate in that it would affect the amenity of the surrounding Inventory Garden and Designed Landscape.
- The design and scale of the structure is out of keeping with the traditional styles of the area.
- The proposal will negatively impact on a Core Path.
- The proposal will put further pressure on the existing private access drive, which is already in a poor condition, and on the waste disposal and recycling provisions, both of which are shared by other residents of the surrounding area.
- The proposal will negatively impact on natural heritage within the Inventory Garden and Designed Landscape through loss of woodland.

- 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**

- 5.1 **Historic Environment Team** : No objections.

- 5.2 **Forestry Officer** : The Forestry Officer had initially objected to the proposals on grounds of the limited information provided with the original submission with respect to tree removal. Following the submission of more detailed drawings and the re-siting of the proposal to minimise the impact on the woodland setting, this objection has been withdrawn.

- 5.3 **Access Officer** : The Access Officer has no objections subject to access being maintained along the adjacent core path.
- 5.4 **Lochaber Disability Access Panel** : No objections.
- 5.5 **Historic Scotland** : No objections.

## **6. DEVELOPMENT PLAN**

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 & Place Making
- 36 Wider Countryside
- 44 Tourism Accommodation
- 51 Trees and Development
- 57 Natural, Built & Cultural Heritage
- 61 Landscape

### **6.2 West Highlands and Islands Local Plan (2010) (as continued in force 2012)**

### **6.3 Highland Council Supplementary Guidance**

- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (January 2013)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Draft Development Plan**

Not applicable

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

Scottish Planning Policy (The Scottish Government, June 2014)

## **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

Planning permission is sought for a new holiday home outwith the Settlement Development Area. The main consideration is whether the proposals accord with the design and amenity considerations of Policies 28 (Sustainable Design) and 36 (Wider Countryside) of the HwLDP. The application site is located within the Ardgour House Inventory Garden and Designed Landscape and Ardgour Special Landscape Area. Under Policy 57 (Natural, Built and Cultural Heritage), developments are permissible which will not lead to an unacceptable impact on the natural environment, amenity and heritage resource.

#### 8.3.1 Siting, Design and Amenity

The proposed holiday home is of a highly distinctive design, in the form of a three storey octagonal tower, with a small octagonal structure housing the staircase. Although different from the more mainstream traditional style houses, the proposal draws its influence from the timber towers/follies of past times. The application site is well screened by the surrounding woodland from wider views within the Special Landscape Area. As such the main consideration with respect to design and amenity are how the proposal fits within the context of its immediate setting within the Inventory Garden and Designed Landscape.

The applicant has shown that due to the thick belt of trees around Ardgour House, the impact of the proposal on the setting of the listed building is minimal. Within the Inventory Garden and Designed Landscape, the vertical emphasis inherent in the three storey proposals relates well to the adjacent belt of mature trees which also affords a degree of screening. The use of two distinct octagonal elements in the design serves to break down the massing of the building with the traditional finishing materials on the walls serving to further integrate the proposal into its setting. The building also has a modest footprint when compared with the adjoining houses. Subject to a condition recommended to secure full details of the proposed finishing materials, it is consequently considered that the impact of the proposals on the visual amenity of the surrounding Inventory Garden and Designed Landscape is acceptable in terms of Policy 57 (Natural, Built and Cultural Heritage). The design, siting, orientation and spacing of the proposal from the nearby tourist accommodation are sufficient to prevent an unacceptable impact on the privacy and amenity of these properties.

#### 8.3.2 Impact on Landscape

The proposed holiday home is well screened by the surrounding trees within the Ardgour House Policies and as such the impact on wider public views within the Special Landscape Area is minimal. The applicant has provided details of screen planting to be provided alongside the development. Considering the presence of the two existing modern holiday homes on site, the additional visual impact of the proposals on views from the adjacent core path is not considered significant.

### 8.3.3 Access and Servicing

The condition of the existing private access track is a private legal matter between the relevant landowners. There appears to be a maintenance agreement in place in relation to the access track, but the issues seem to stem from disagreement over the implementation of the maintenance. It is not considered that an additional property served off this access track warrants the upgrade of the road to adoptive standards. The applicant is one of the landowners included in the original maintenance arrangements; therefore the existing maintenance obligations would continue to apply. The access onto the public road is considered to be suitable to safely accept an additional property. There is no requirement for the waste lorry to access the private track, with provision made for waste collection at the junction with the public road.

A connection to the public water supply is proposed which will be subject to agreement with Scottish Water. Full details of the proposed private foul and surface water drainage arrangements will be subject to agreement with Building Standards and SEPA.

### 8.3.4 Policy Conclusion

The proposal is acceptable in terms of the siting, design, servicing, privacy and amenity requirements of Policies 28 (Sustainable Design), 36 (Wider Countryside) and 57 (Natural, Built and Cultural Heritage).

## 8.4 **Material Considerations**

Six letters of representation have been received in relation to the proposal. The points raised have been summarised in section 4.2 above and the issues raised have been discussed in section 8.3 above. The applicant has also submitted comments in support of the proposal in response to the representations made.

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

Additional objections to the proposals were raised on the basis of increased fire risk from the use of timber in the structure; littering from the occupants of the existing holiday homes; increased heavy traffic during construction; and a legal dispute regarding the ownership and maintenance of the private access track.

## 8.6 **Matters to be secured by Section 75 Agreement**

None

## 9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

### Action required before decision issued N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant

1. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason** : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site in accordance with Policies 28, 29, 36, 51, 57 and 61 of the Highland-wide Local Development Plan, 2012

2. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason** : In the interests of visual amenity and to integrate the proposal into its surrounding landscape setting; in accordance with Policies 28, 29, 36, 51 and 57 of the Highland-wide Local Development Plan, 2012

3. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement have been submitted to, and approved in writing by, the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

**Reason** : In order to secure the long term management of the woodland in accordance with Policies 28, 29, 36, 51 and 57 of the Highland-wide Local Development Plan, 2012

4. 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 in accordance with Policies 28, 29, 36, 57 and 61 of the Highland-wide Local Development Plan, 2012

## **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

### **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:

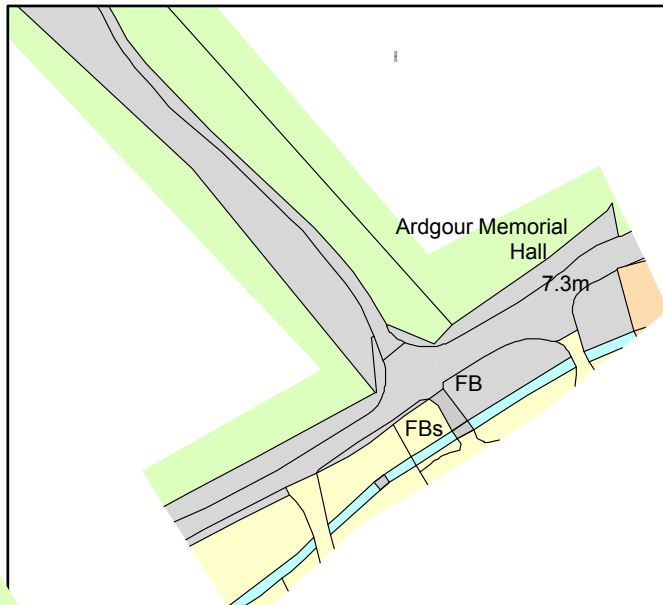
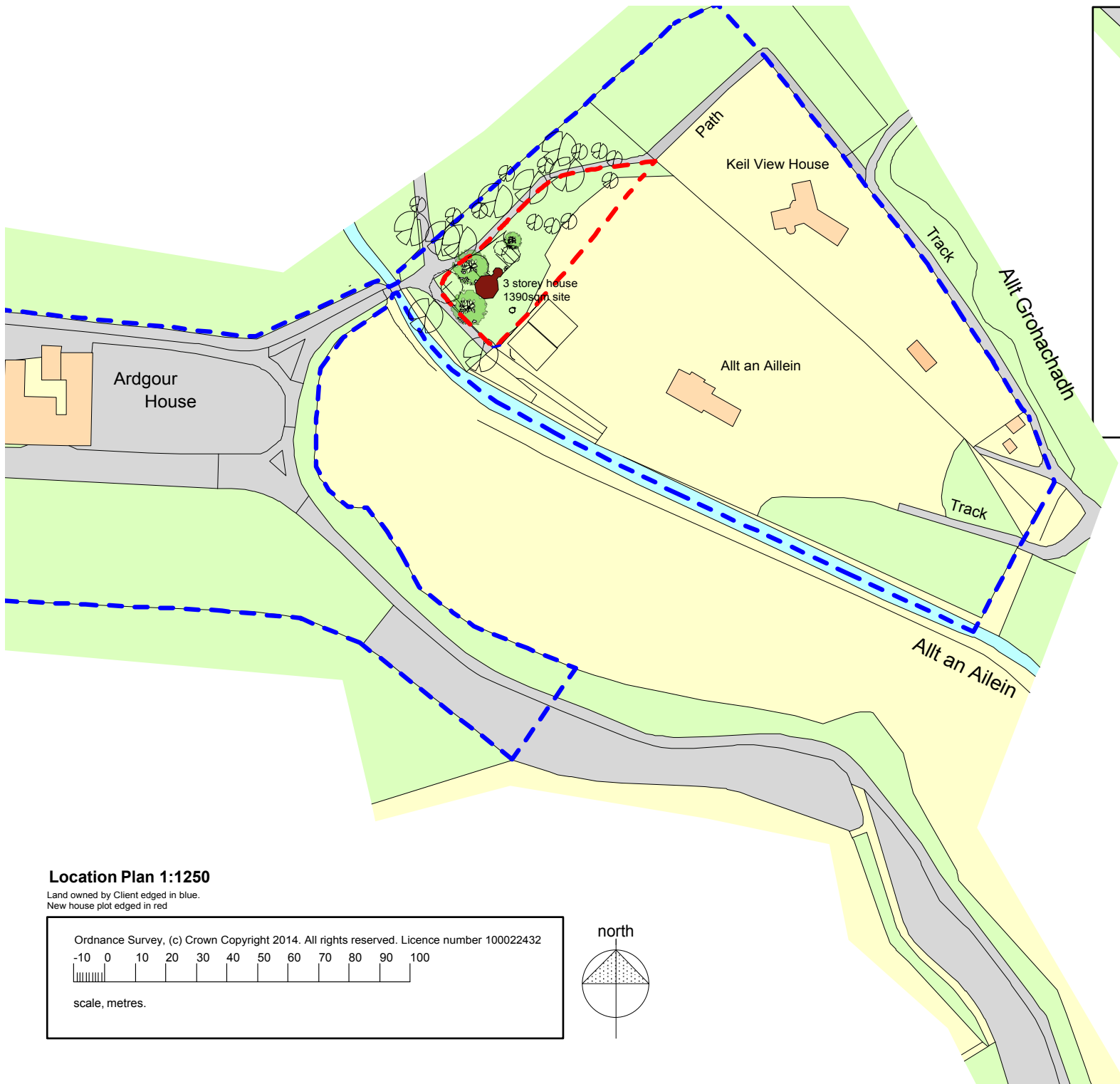
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>



### **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.

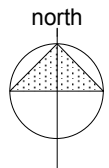
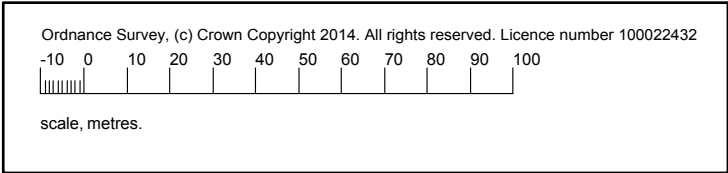
Signature: Allan J Todd  
Designation: Area Planning Manager - South  
Author: Michael Kordas  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - H304/01b Location Plan  
Plan 2 – H304/11 Rev A Block Plan  
Plan 3 – H304/04 Rev A Elevation Plan  
Plan 4 – H304/02 Rev A Ground Floor Plan  
Plan 5 – H304/03 Rev A Floor Plan  
Plan 6 – H306/06 Roof Plan



Junction with public road. 1:1250

**Location Plan 1:1250**

Land owned by Client edged in blue.  
New house plot edged in red



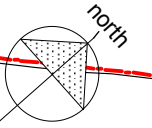
Rev a: 6/8/14; block plan removed.  
Rev b: 1/9/14; new location plan to include access to public road.

**Proposed Timber Tower at Ardgour for  
Ardgour Trading Company Ltd.**

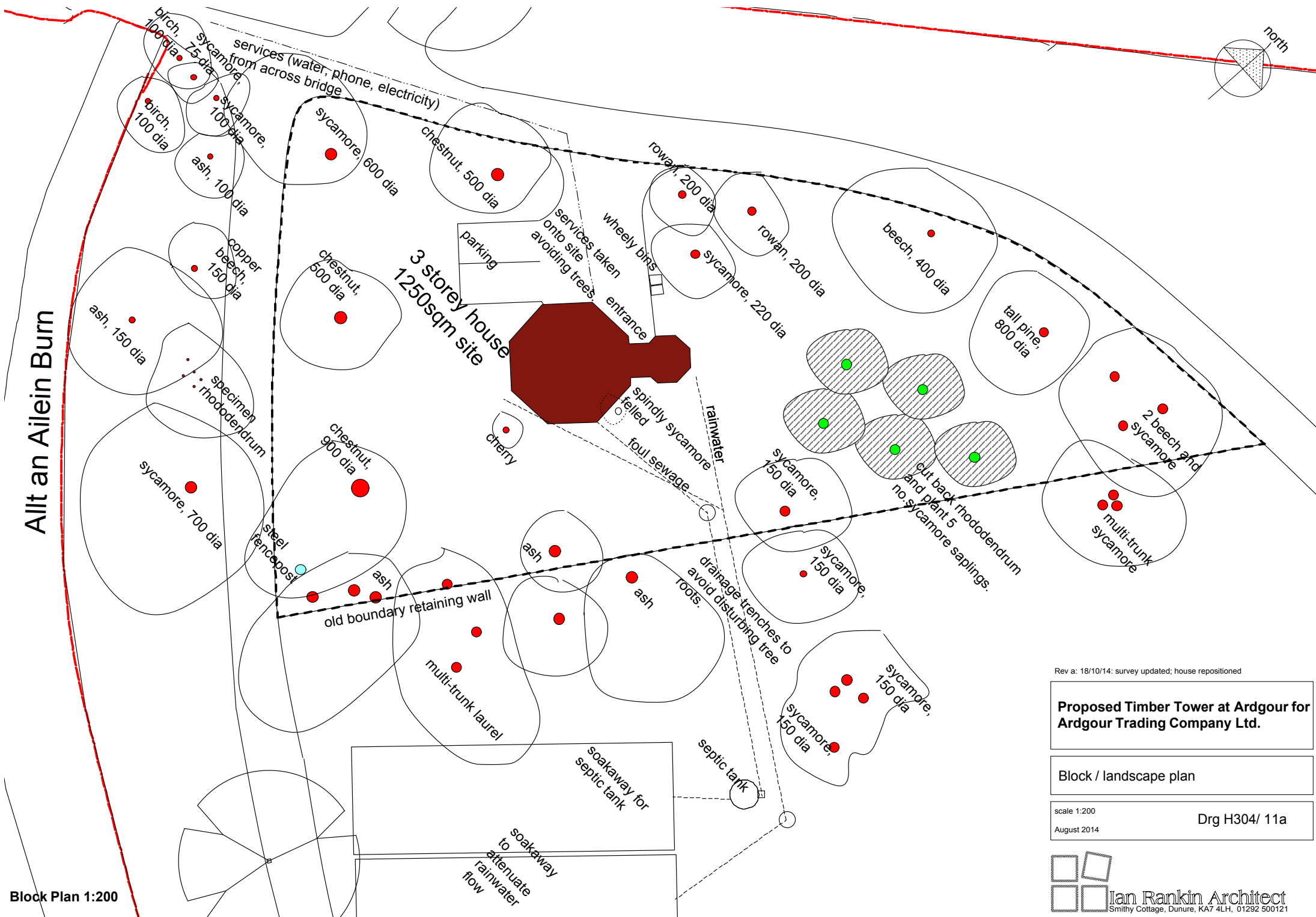
tower location plan

scale 1:1250  
August 2014

Drg H304/ 01b



Allt an Ailein Burn



Rev a: 18/10/14; survey updated; house repositioned

**Proposed Timber Tower at Ardgour for Ardgour Trading Company Ltd.**

Block / landscape plan

scale 1:200  
August 2014

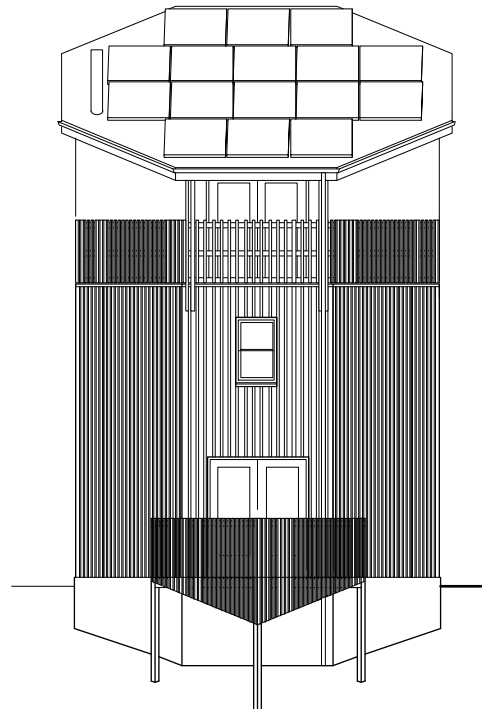
Drg H304/ 11a

Block Plan 1:200

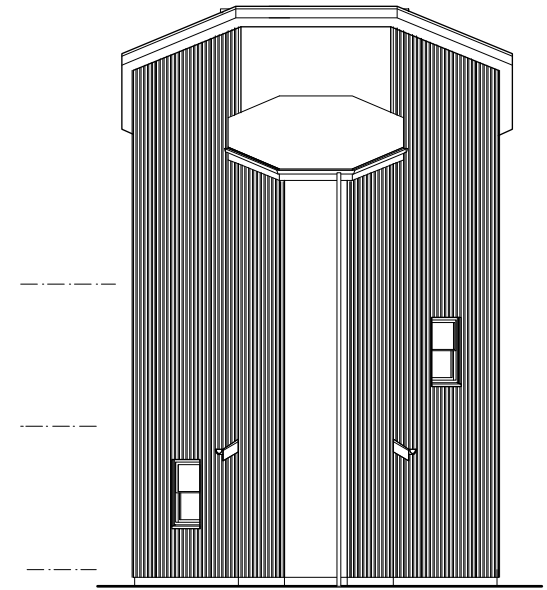




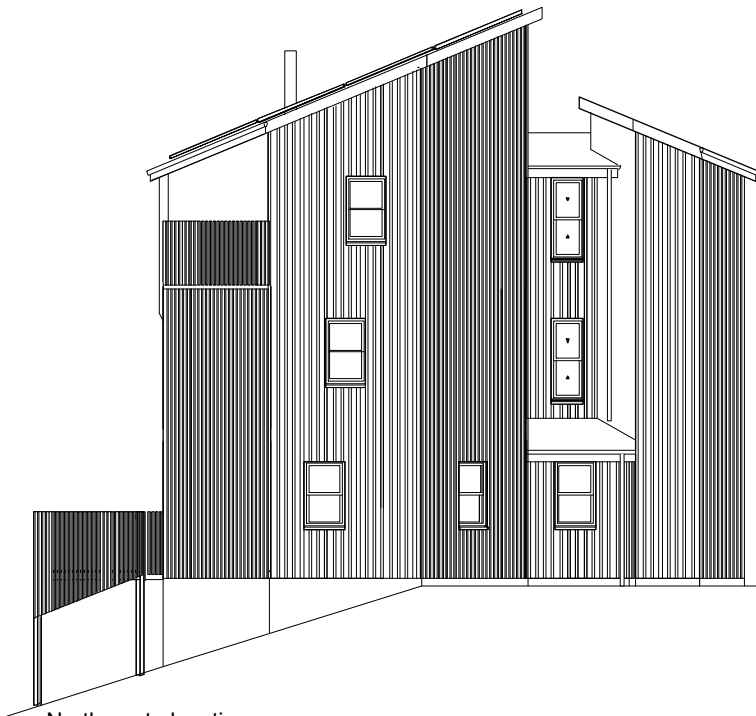
South west elevation



South east elevation



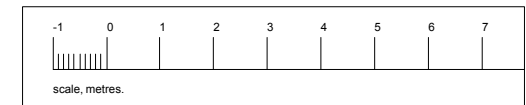
North west elevation



North east elevation



Long section thro' building



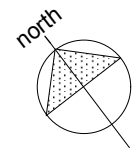
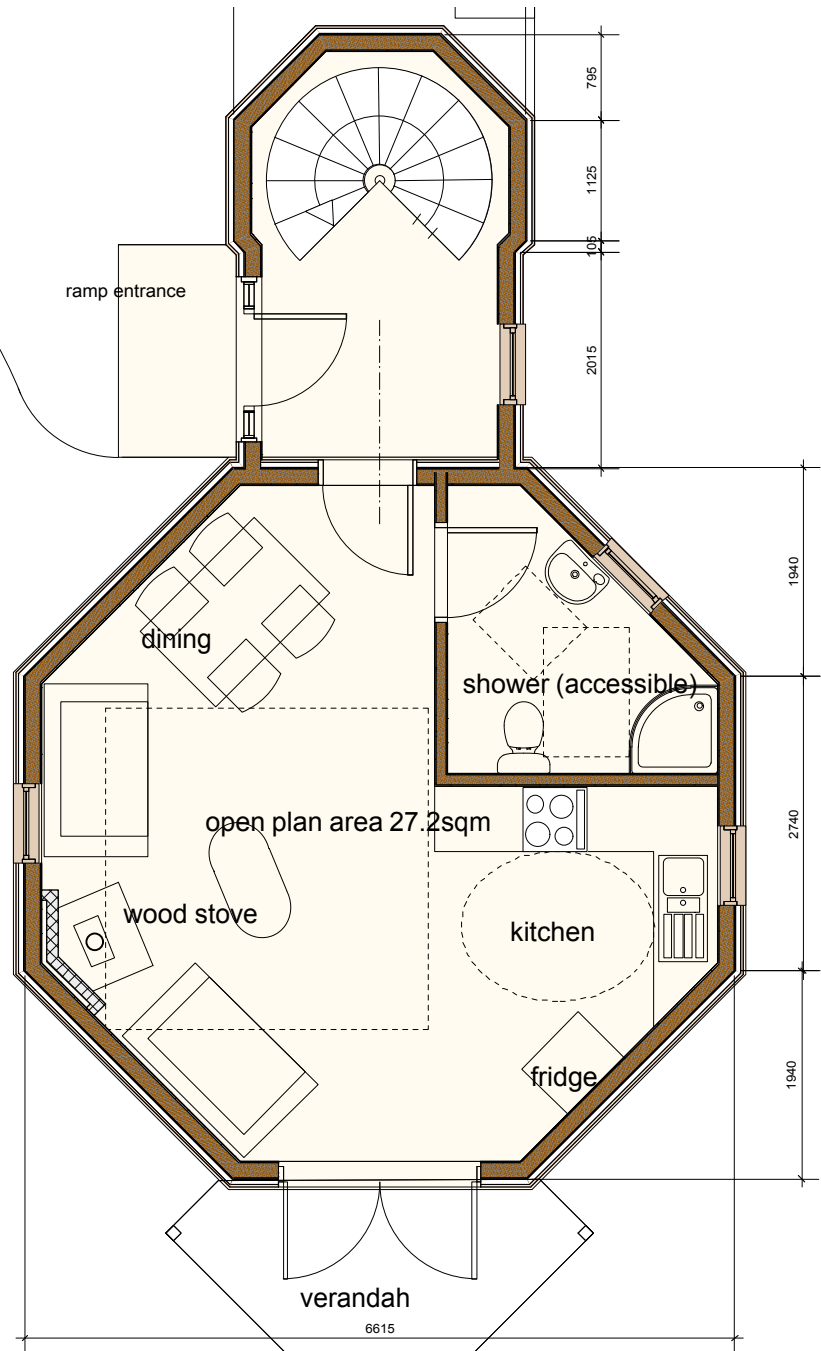
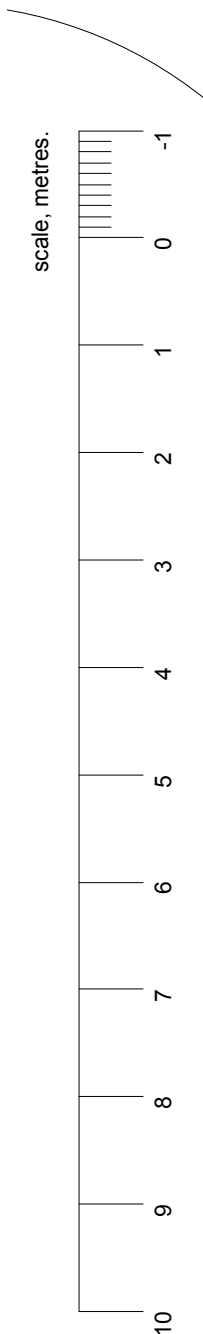
Rev a: 6/8/14: update.

**Proposed Timber Tower at Ardgor for  
Ardgor Trading Company Ltd.**

Elevations and section

scale 1:100  
June 2014

Drg H304/ 04a



**ground floor**  
46.2 sqm over timber frame

octagon 6300 across sides, inside face  
95x45 chairs lined with urethane foam

**Materials:**  
Roof: slate appearance gray concrete tiles,

black pvc gutters.

Solar panels: black finish.

Walls: vertical timber boarding, larch, treated with dark brown preservative stain.

Walls below ground floor level: gray concrete blocks, fair-faced.

Windows: softwood timber, frames stained brown.

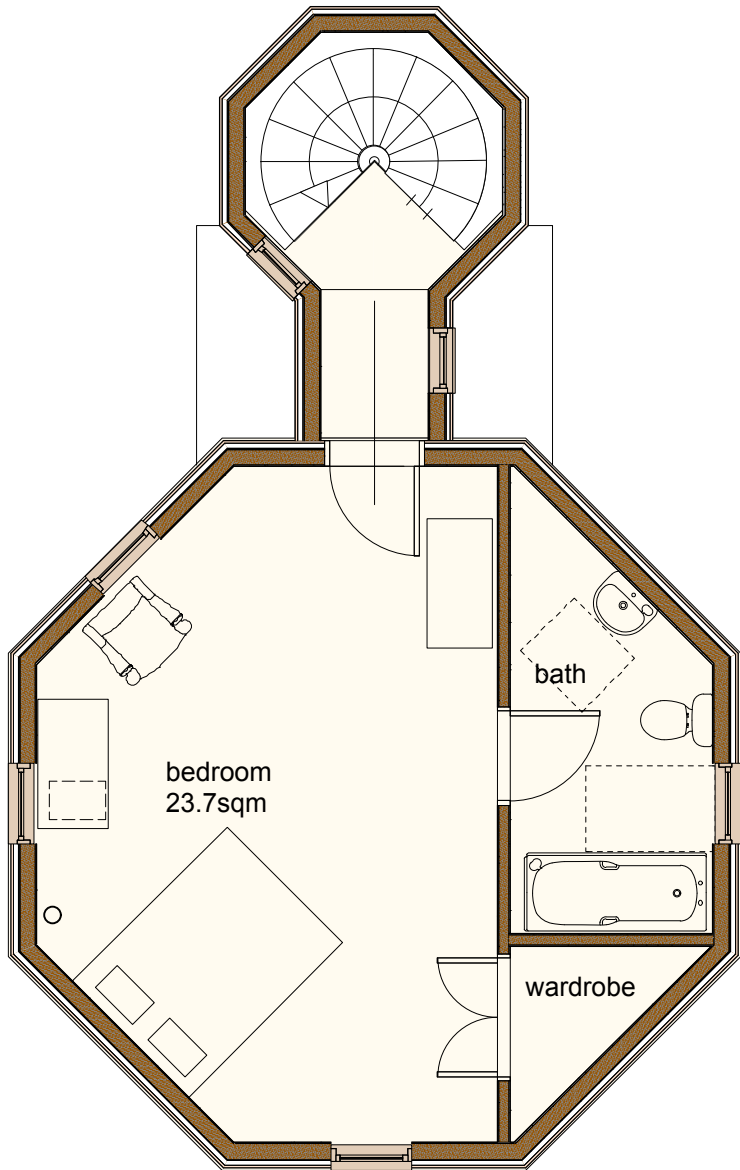
Rev a: 6/8/14: update.

**Proposed Timber Tower at Ardgour for Ardgour Trading Company Ltd.**

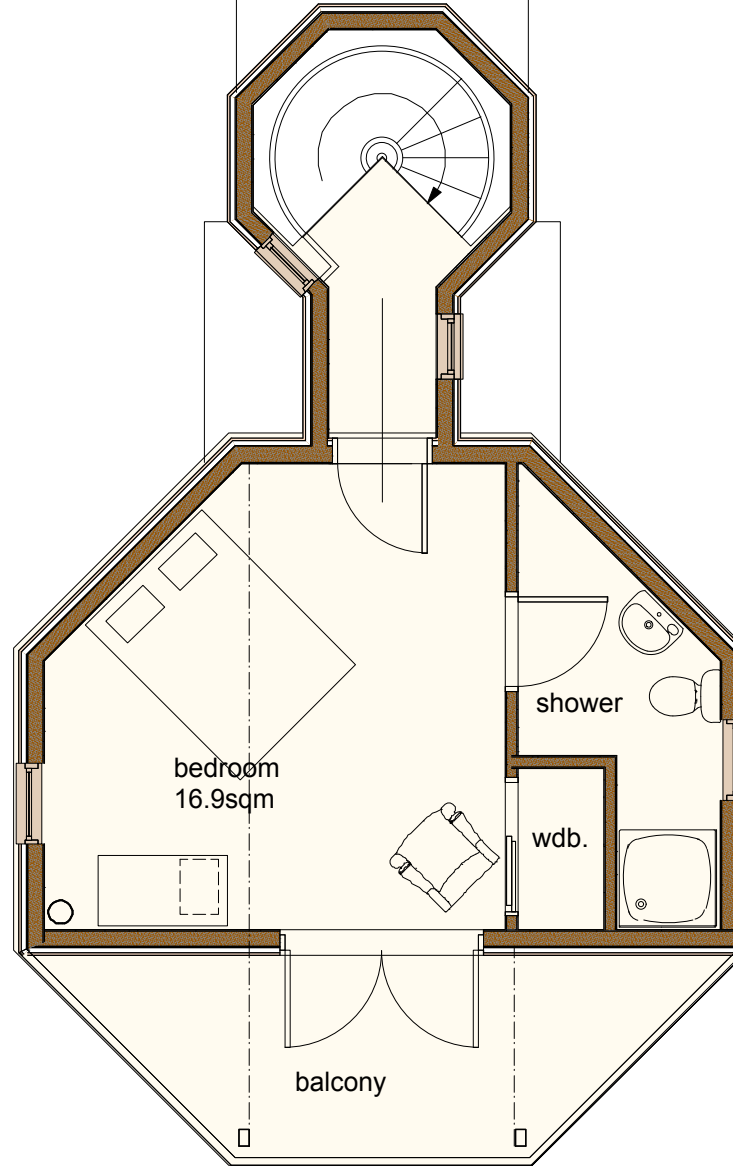
Ground floor plan

scale 1:50; 1:100  
June 2014

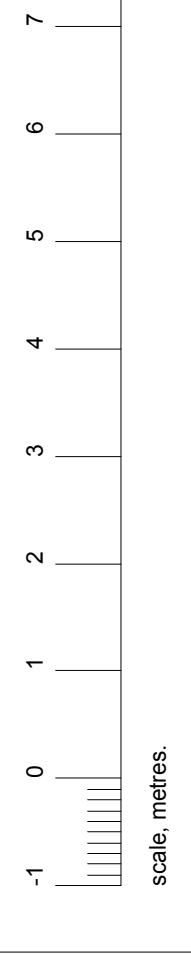
Drg H304/ 02a



**first floor**  
44.4 sqm over timber frame



**second floor**  
35.1 sqm over timber frame



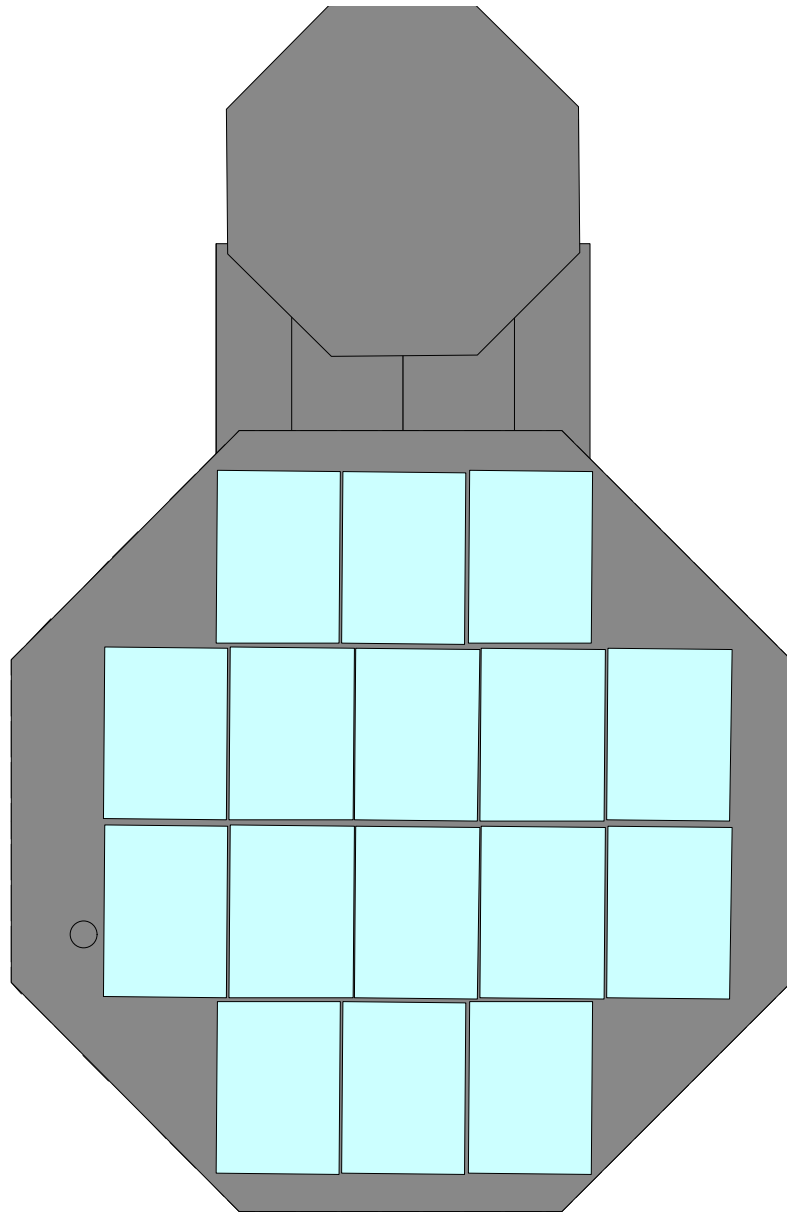
Rev a: 6/6/14: update.

**Proposed Timber Tower at Ardgour for  
Ardgour Trading Company Ltd.**

First and second floor plans

scale 1:50  
June 2014

Drg H304/ 03a



Roof plan, scale 1:50

**Proposed Timber Tower at Ardgour for  
Ardgour Trading Company Ltd.**

Roof plan

scale: 1:100  
August 2014

Drg H304/ 06