

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
23 December 2014**

Agenda Item	6.3
Report No	PLS/096/14

**14/03149/FUL: Kingairloch Estate
Old School, Kingairloch, Ardgour, Fort William**

Report by Area Planning Manager - South

SUMMARY

Description: Demolition of existing building and erection of replacement dwelling house

Recommendation: GRANT

Ward: 22 - Fort William and Ardnamurchan

Development category: Local Development

Pre-determination hearing: None

Reason referred to Committee: Thirteen timeous objections from separate addresses received.

1. PROPOSED DEVELOPMENT

- 1.1 This application relates to the demolition of the Old School and its replacement with a detached two bedroom cottage within the small settlement of Camus na Croise, Kingairloch.
- 1.2 No pre-application consultation undertaken.
- 1.3 The application site is served by an existing private water supply, and septic tank with discharge to watercourse. The application site is served by an existing single track access which runs in a south westerly direction from the B8043. There is an informal parking and turning area at the north east side of the Old Schoolhouse.
- 1.4 Structural Report received 14.08.14
Copy of press release/supporting statement issued by applicant received 10.09.14
- 1.5 **Variations:** none

2. SITE DESCRIPTION

- 2.1 The application site comprises an L-shaped area of ground. The Old Schoolhouse and associated parking/turning area is located on a generally level area of ground at the southern and eastern side of the site. At the rear of the Old Schoolhouse building is an area of wooded and steeply sloping ground which falls away in a south easterly direction from the B8043 above towards the bay at Camas na Croise.

The Old Schoolhouse building is single storey, stone built with a pitched slate roof. The building occupies an L-shaped footprint with a front projection to the western side extending towards the bay. The external render to the building is largely gone with a small area on the front projection and eastern gable remaining. Modern fenestration has been added to the building. The curtilage of the Old Schoolhouse is largely enclosed by a low, drystone wall.

3. PLANNING HISTORY

- 3.1 14/00879/FUL : Demolition of existing dwelling and erection of replacement dwelling withdrawn 21.03.14
LO/84/00289 : Change of use from school to dwellinghouse granted 27.08.84

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour, expiry date 11.09.14
Representation deadline: 11.09.14

Timeous representations: 13 representations from 13 separate households

Late representations: 1 late representation from a separate household

- 4.2 Material considerations raised are summarised as follows:

- Objections to demolition of building based on impact on local and wider historic, cultural and literary interest
- Objections to demolition of building as it forms a point of interest on the Stevenson Way tourist walking route
- Visual impact caused by loss of traditional building within the context of historic settlement
- Demolition would lead to the loss of a national heritage resource
- Modern replacement of traditional building is out of keeping with the scenic setting and other buildings within the historic settlement
- Inaccuracies within the structural report and the existing building should be retained and restored.

- 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 **Environmental Health** : No objection. Response regarding suitability of private water supply and private drainage arrangement.
- 5.2 **Historic Environment Team** : No objection raised. HET confirm that Historic Scotland have reassessed the building in light of the literary association with Robert Louis Stevenson's "Kidnapped" but do not view the building of national architectural or historic significance and will not list the building. HET confirm that the building is locally important and believe the renovation and re-use of existing historic building stock to be a more sustainable form of development in line with national and local policy. As such, the proposal to demolish the building is considered by the Historic Environment Team to be contrary to Policy 28 : Sustainable Design and Policy 57 : Natural, Built and Cultural Heritage of the Highland-wide Local Development Plan, 2012. If the Planning Authority is minded to grant permission a condition is recommended to ensure the building is preserved by record.
- 5.3 **Scottish Natural Heritage**: There was no requirement to formally consult SNH on this application. However, the bat survey and mitigation measures were considered by SNH who have confirmed that the survey is robust and the mitigation measures proposed are capable of being licensed.

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 and Place Making
36	Development in Wider Countryside
49	Coastal Development
57	Natural, Built and Cultural Heritage
61	Landscape
64	Flood Risk
66	Surface Water Drainage

6.2 West Highland And Islands Local Plan (as continued in force, 2012)

The majority of general policies of the Local Plan pertinent to this application have been replaced by the policies of the Highland-wide Local Development Plan, 2012. In terms of land allocations, this site sits within an area of Wider Countryside (West Highland and Islands Local Plan – Adopted September 2010).

6.3 **Highland Council Supplementary Guidance**

Sustainable Design Guide	January 2013
Housing in the Countryside and Siting and Design	March 2013
Highland Statutorily Protected Species	March 2013
Highland Historic Environment Strategy	January 2013
Special Landscape Area Citation	May 2011
Flood Risk and Drainage Impact Assessment	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)
Promoting Rural Development (Paras 74 – 83)
Creating Places, 2013
PAN 67 Housing Quality, 2003
PAN 44 Fitting New Housing Development into the Landscape, 2005
PAN 72 Housing in the Countryside, 2005
PAN 69 Planning and Building Standards Advice on Flooding, 2004
National Planning Framework 3, 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**

8.3.1 The Development Plan comprises the Highland-wide Local Development Plan (HwLDP), the West Highland and Islands Local Plan (as continued in part, in force) (WHILP) and all statutorily adopted supplementary guidance.

8.3.2 The site is located outwith the defined Settlement Development Areas, within an area of Wider Countryside. Outwith Settlement Development Areas, development proposals must be assessed to determine the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development in the area, are compatible with landscape character and capacity, and can be adequately serviced.

8.3.3 Principle of Development

The Old Schoolhouse is a traditional property; one of five buildings within the historic village at Camus na Croise. The Historic Environment Team has advised that the building may have been built as early as 1770 and appears on the first OS map as a manse. There may be a literary association between the building and Robert Louis Stevenson's book "Kidnapped" and in light of its historic and cultural nature, Historic Scotland has considered the merits of listing the building which would afford it statutory protection. Historic Scotland has confirmed that despite the historic nature of the Old Schoolhouse and its possible literary associations with Robert Louis Stevenson, the fabric of the building is insufficient to meet the criteria for listing.

When considering the demolition of the Old Schoolhouse in terms of sustainability and the impact on the natural, built and cultural environment, Policies 28 and 57 of the Highland-wide Local Development Plan 2012 would seek the retention, rehabilitation and re-use of the existing building where possible. As the Old Schoolhouse building does not benefit from the protection of listing and does not meet the criteria to be listed, Class 70 of The Town and Country (General Permitted Development) (Scotland) Order 1992, as amended, grants deemed permission for the demolition of the building.

An application made in March was subsequently withdrawn by the applicant to allow time to consider alternatives to retain and rehabilitate the Old Schoolhouse building. The applicant has explored these options but following a structural survey has determined restoration of the building is not feasible. This further application to demolish and rebuild a dwelling at this site has been received and includes a revised house design for consideration. On balance, given the deemed consent granted by the GPDO it is considered that there are insufficient grounds to resist demolition. In line with Historic Environment Team recommendations, planning permission is recommended subject to a condition to secure an appropriate historical record of the archaeological and historic interest of the site.

The proposals for the replacement house within the Ardgour Special Landscape Area must meet the requirements of housing in the wider countryside, in a coastal location and must be assessed in terms of siting, design and impact on local character and amenity.

8.3.4 Site Designations

The application site is located within the southern tip of the Ardgour Special Landscape Area. The landscape citation identifies the small cruciform church and attractive setting at Camus na Croise. Special Landscape Areas are sensitive to change and development of the following types are identified as unsuited to the Ardgour Special Landscape Area:

- The development of any structures, linear features or significant new land use in the remote interior which would affect the sense of wildness, compromise the sense of open-ness or constitute distinct new features in themselves.
- New structures on land or sea (or the enlargement of existing ones) which would obstruct or significantly detract from the quality of coastal vistas.

- Structures which would visually connect the peninsula to the mainland and diminish the former's sense of detachment and remoteness.
- Visitor interpretation and recreational facilities should be low key.

The principle of a two bedroom detached dwelling, on the landward side of the road at Camus na Croise, to replace an existing building, is considered acceptable in principle and is not considered to undermine the scenic quality of the SLA subject to appropriate scale, siting and design.

8.3.5 Siting, Design and Amenity

The proposed replacement house comprises a single storey, detached dwelling sited in the same position as the Old Schoolhouse, orientated with the principal elevation towards the bay at Camus na Croise. The house is arranged over an L-shaped footprint broadly similar to the existing building. The footprint will be increased by 25% but remains contained within the existing curtilage and will not affect the wooded setting. The single storey, domestic building is set within the existing curtilage and considered commensurate with the scale of the original building.

The new house design incorporates some traditional elements with a narrow gable of 5.7m, chimneys set squarely on the ridge at each gable end, vertically emphasised fenestration and a pitched roof of 40°. The proposal seeks the extension of the main ridge line to form a gable wall on the south west elevation and the introduction of a small flat roofed projection extending 2.15m to the rear. A storage area is proposed at the first floor with a single skylight on the roof plane to the front and three skylights to the roof plane to the back.

The overall siting and scale of development are in keeping with the Old Schoolhouse building. The design incorporates traditional elements and is not considered to undermine residential or wider amenity. The proposed replacement house is not considered to impact the wider scenic quality of the Ardgour Special Landscape Area and is considered acceptable.

Given the historic setting, local character and distinctiveness of Camus na Croise, it is considered appropriate to secure appropriate finishes and landscaping scheme by planning condition. Removal of certain permitted development rights for extensions and outbuildings is recommended to prevent over-development of the site which might otherwise occur and to contain development to the level area of the site.

8.3.6 Protected Species

A bat survey was required in support of this application as the house and setting presented suitable habitat and evidence of bat activity. Bats are a European Protected Species under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and a pre-determination survey is a requirement of both national and local planning policy to identify any presence and mitigate any impacts on the protected species.

The bat survey undertaken by Wild Surveys in October 2014 found low numbers of commuting and foraging common pipistrelle and soprano pipistrelle bats and a roost was in use at the south west corner of the wallhead of the Old Schoolhouse.

Proposed mitigation measures include the erection of a bat box on either the new house or an adjacent tree. Prior to any preparatory works or demolition the area around the roost location is to be hand stripped in the presence of a licensed bat ecologist and a full method statement has been proposed to relocate any bats found. If works are delayed and are not completed before the next bat season (April 2015) a further bat survey will be required. If required, further survey work will be secured through SNH licensing.

SNH have advised that the proposed works and mitigation measures identified within the bat survey are sufficient and capable of being licensed. A condition can secure the proposed mitigation measures to ensure that development will not be detrimental to the population of the protected species, in accordance with the relevant legislative requirements.

8.3.7 Access and Services

No changes to the current private access track and parking/turning area are proposed as part of this application. The current building is served by a private water supply. Environmental Health have advised that they do not have evidence of the sufficiency of supply and a suitable treatment system will be required for this supply as it has shown evidence of bacteriological contamination. An informative note is recommended to advise the applicant of the requirement for water treatment. A planning condition is recommended to secure sufficiency of the private water supply to serve the development.

The house is currently served by a septic tank with discharge to watercourse. The septic tank is to be upgraded. The technical sufficiency of the upgraded system will be assessed at building warrant stage and the outfall to watercourse controlled under separate legislation by SEPA registration or licensing.

8.3.8 Flood Risk

The application site is located adjacent to the 1:200 year coastal flood risk envelope of SEPA's indicative flood map. As the proposal is not located within the flood risk envelope and as a result of development there will be no increase in the number of people or buildings at risk of being damaged by flooding the proposal is considered acceptable.

8.4 **Material Considerations**

14 objections have been received (13 timeous). The material considerations summarised in paragraph 4.2 have been considered in section 8.3 above.

8.5 **Other Considerations – not material**

- Allowing the replacement of a functional building would lead to further development

Comment: Potential future proposals for adjacent sites would be assessed on their own merits and would be subject to consideration through the planning application process. Possible future development cannot be considered as part of this planning application.

- Loss of population through provision of holiday homes and absentee owners
Comment: The application seeks the replacement of a single dwellinghouse with development of the same type and number. No change of use of the land is proposed by this application.
- The owner has received an award for conservation in SE of England and should undertake similar conservation at this site
Comment: Other activity by the applicant in England cannot be treated as a material consideration of this planning application.
- Historically important buildings have been successfully retained under the planning regime in England
Comment: Each proposal must be considered on its own planning merits against current development plan policy at national and local level. The retention of historic buildings in England will have been assessed in light of their particular circumstances and planning policy and cannot be treated as material to this application.

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:

1. The roof of the development shall be finished in natural slate and the external walls of the development finished in white painted wet dash roughcast or smooth masonry render.
Reason: To ensure that the development is sensitive to, and compatible with, its context within the Ardgour Special Landscape Area and local architectural styles, in accordance with Policies 28, 29 and 57 of the Highland-wide Local Development Plan, 2012.
2. No development shall commence until details of a scheme of hard and soft landscaping works has been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include
 - i. A plan showing existing landscaping features and vegetation to be retained;

- ii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iii. 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
- iv. 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 within the Ardgour Special Landscape Area, in accordance with Policies 28, 29 and 57 of the Highland-wide Local Development Plan, 2012.

3. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site; in accordance with Policy 57 of the Highland-wide Local Development Plan, 2012.

4. Development and work shall progress in accordance with the recommendations and mitigation measures, including timescales, contained within the approved Wild Surveys, Bat Survey Report, dated 13th November 2014, attached hereto.

Reason: To minimise disturbance to nature conservation interests within the application site and to ensure the protection of protected species and habitats; in accordance with Policy 58 of the Highland-wide Local Development Plan, 2012.

5. No works to form the foundations of the house hereby approved shall commence until an appraisal to demonstrate that a sufficient water supply can serve the development has been submitted to, and approved in writing by the Planning Authority. This appraisal shall be carried out by an appropriately qualified person and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies.

6. Notwithstanding the provisions of Article 3 and Class(es) 1 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 house 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; in accordance with Policies 28, 29 and 57 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

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.259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

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).

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 for more information.

Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Private Water Supply

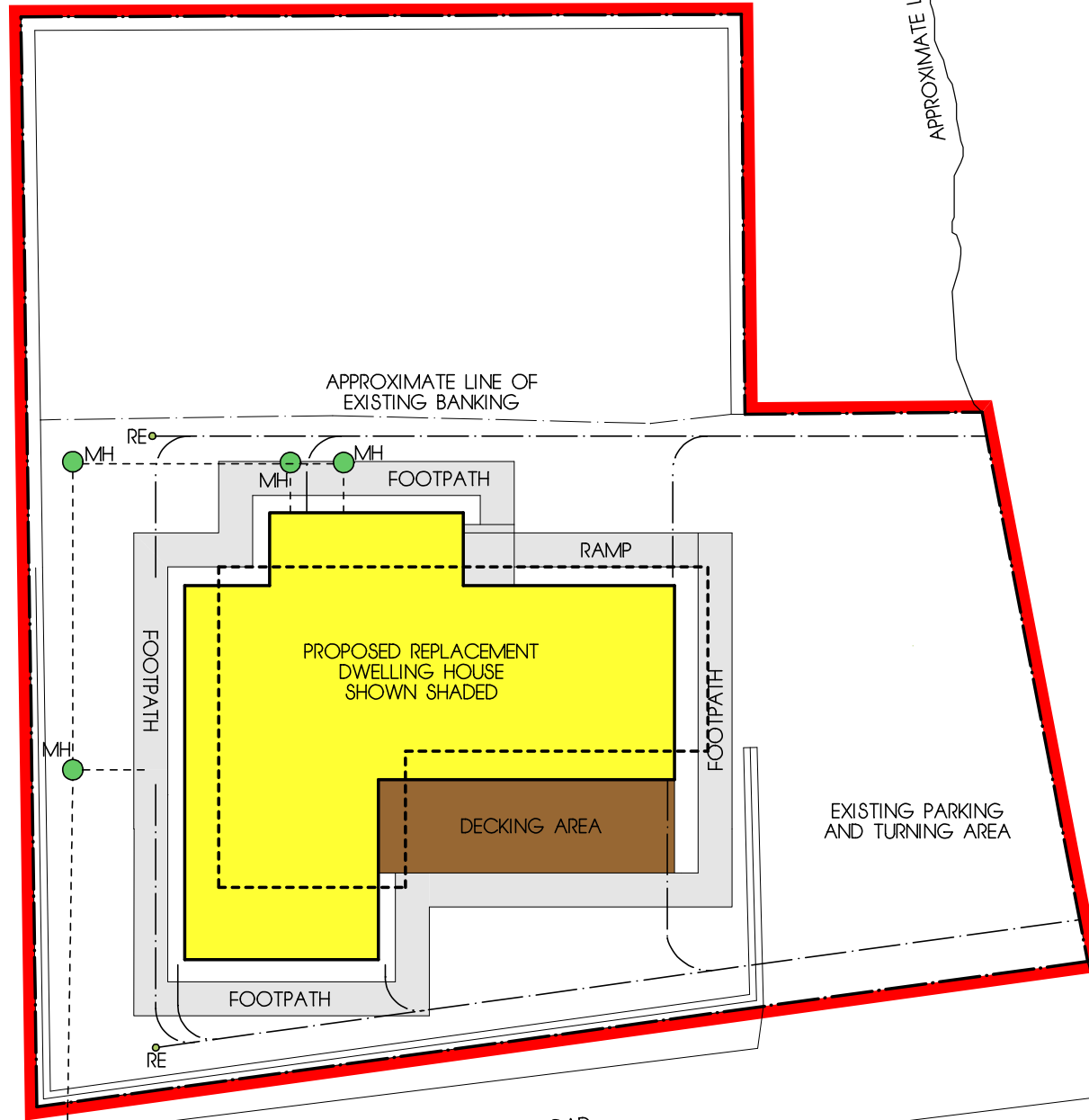
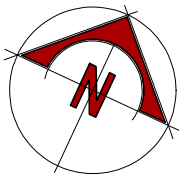
Please note Environmental Health have advised that a suitable treatment system will require to be installed as this supply has shown evidence of bacteriological contamination.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Christine Millard
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Floor Plan & Sections
Plan 4 - Elevations

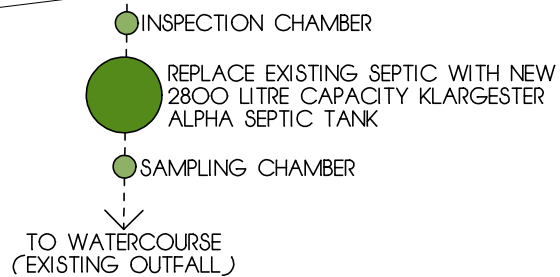


LOCATION PLAN

SCALE - 1 : 2500



EXISTING DWELLING HOUSE SHOWN DOTTED TO BE CAREFULLY DEMOLISHED. ALL WASTE MATERIALS TAKEN OFF SITE FOR SAFE DISPOSAL



APPROXIMATE LINE OF EXISTING BURN

Note
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

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project
 PROPOSED REPLACEMENT HOUSE AT OLD SCHOOL, KINGAIRLOCH

client
 KINGAIRLOCH ESTATE

detail
 PROPOSED SITE LAYOUT

DKD
 D KELLY DESIGN
 Architectural Consultant

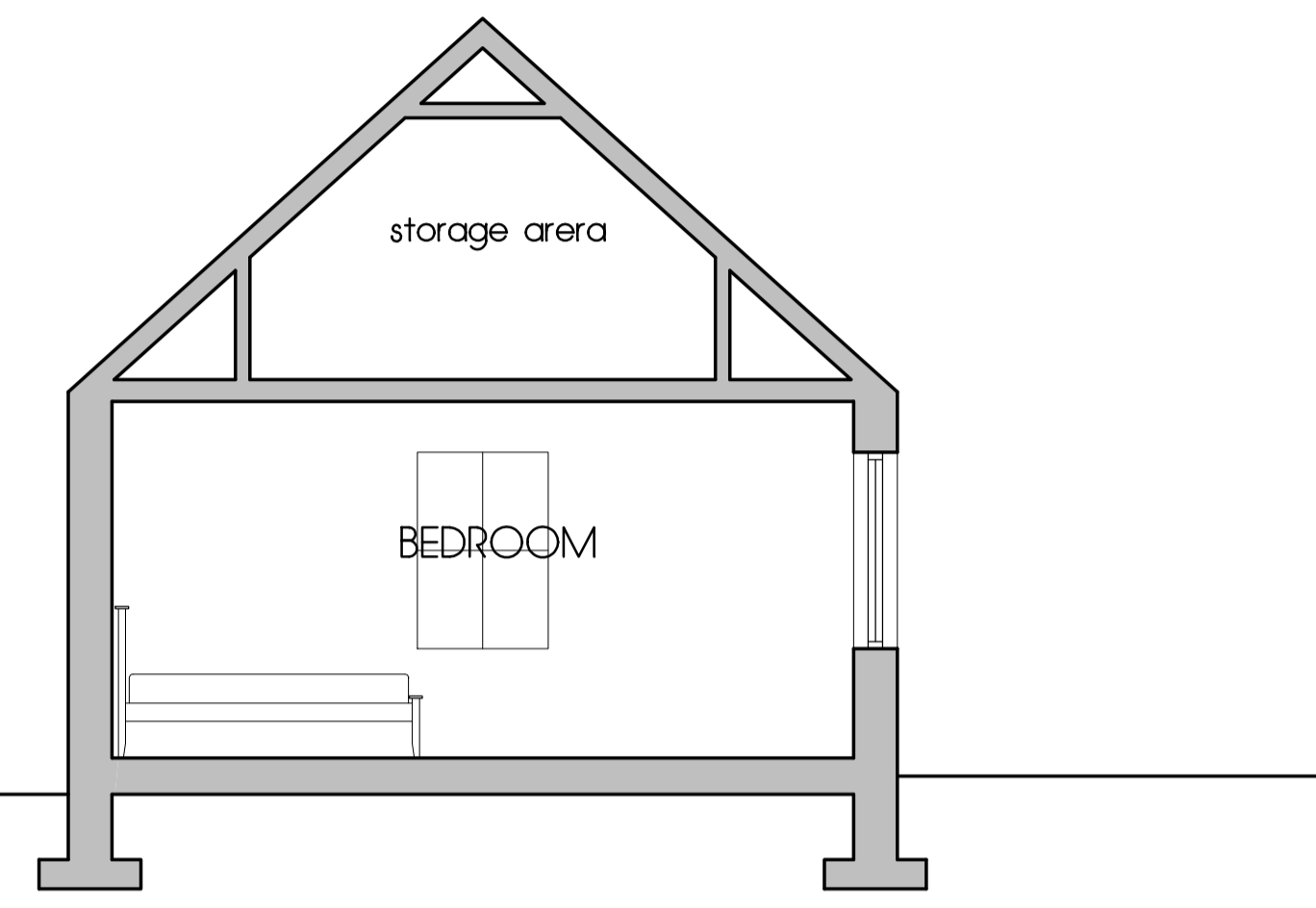
Queen Anne House • 111 High Street
 Fort William • PH33 6DG
 Tel: 01397 700999 • Fax: 01397 700888

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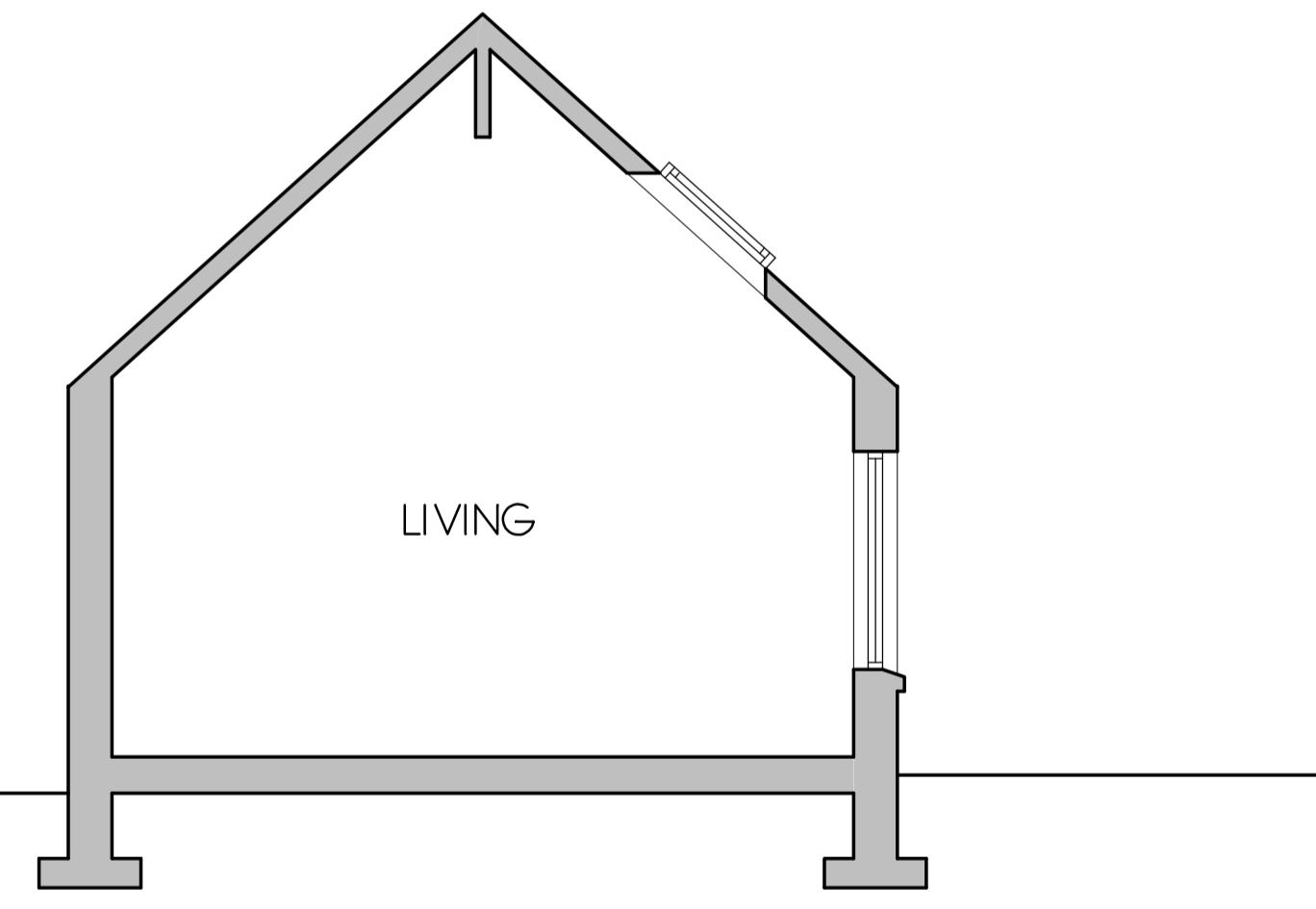
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PROPOSED SITE LAYOUT

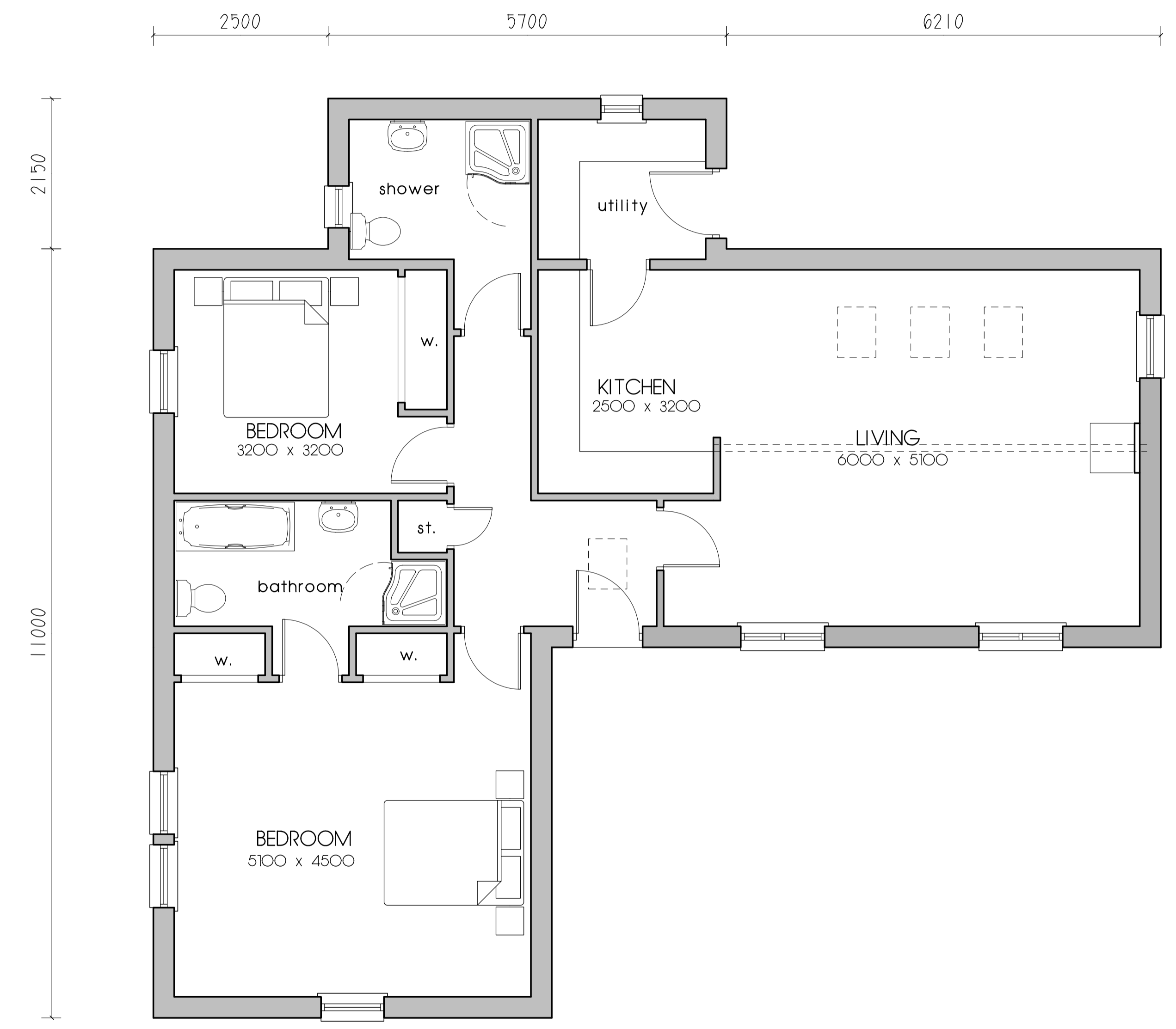
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SECTION AA



SECTION BB



GROUND FLOOR PLAN

FLOOR AREA = 108.43 sq.m.

project
 PROPOSED REPLACEMENT HOUSE AT
 OLD SCHOOL, KINGAIRLOCH

client
 KINGAIRLOCH ESTATES

detail
 DESIGN SKETCH 2 -
 FLOOR PLAN & SECTIONS

DKD
 D KELLY DESIGN
 Architectural Consultant
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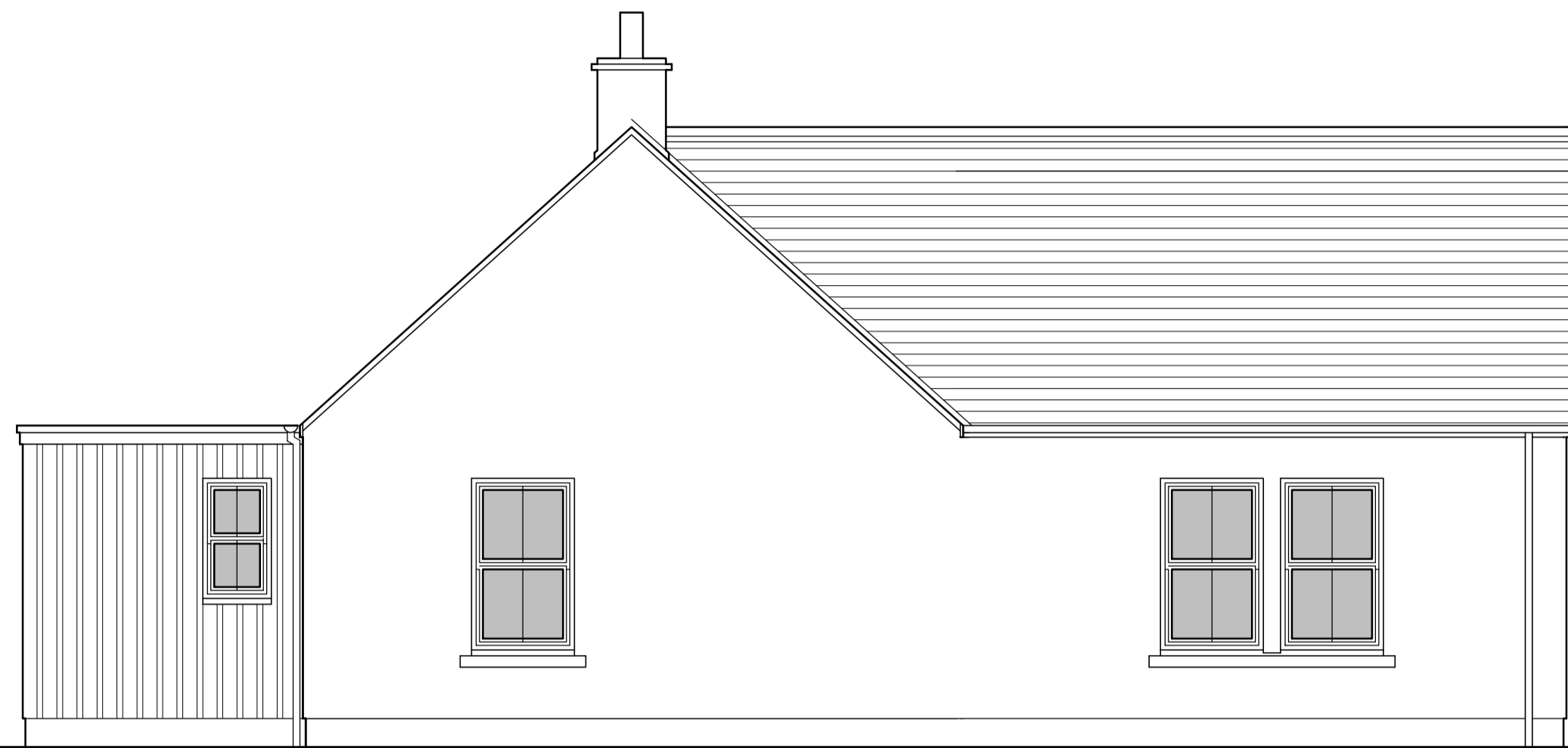
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Note
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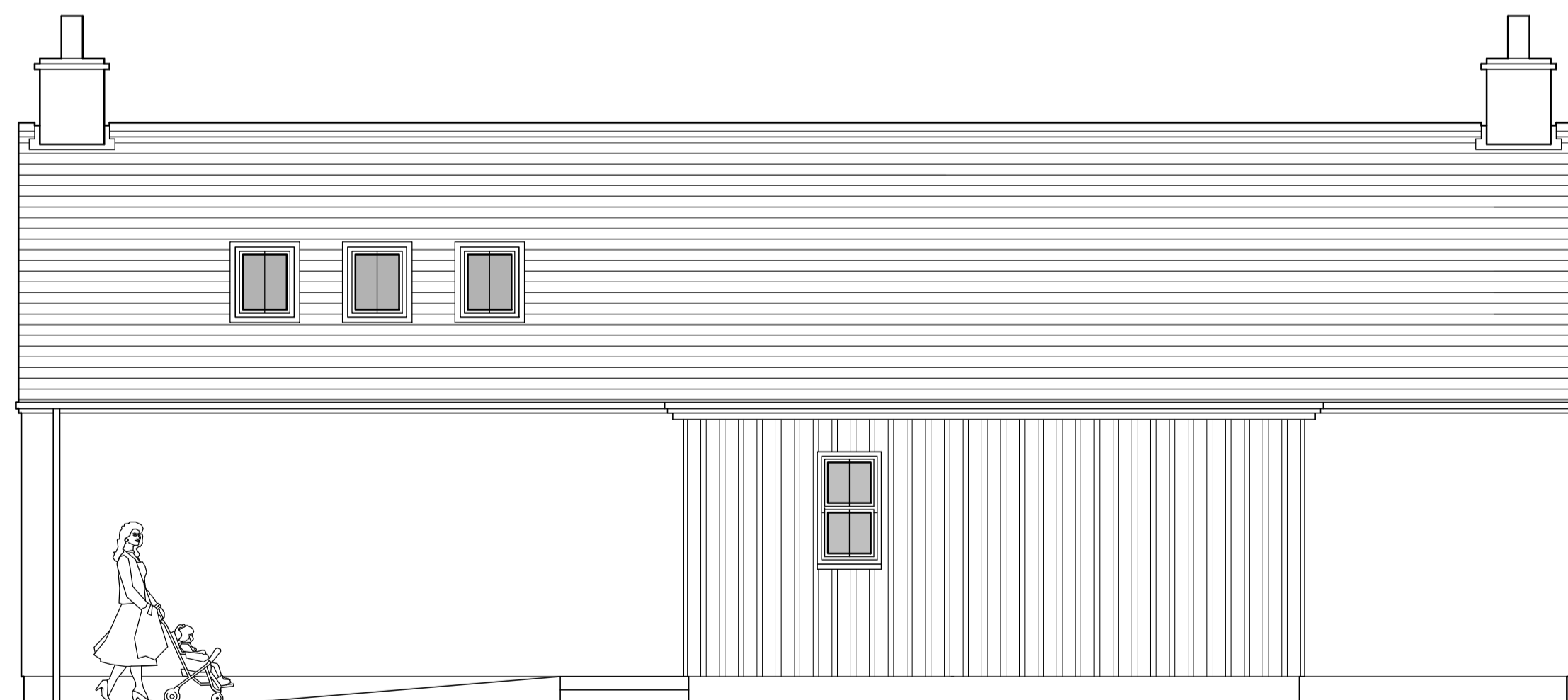
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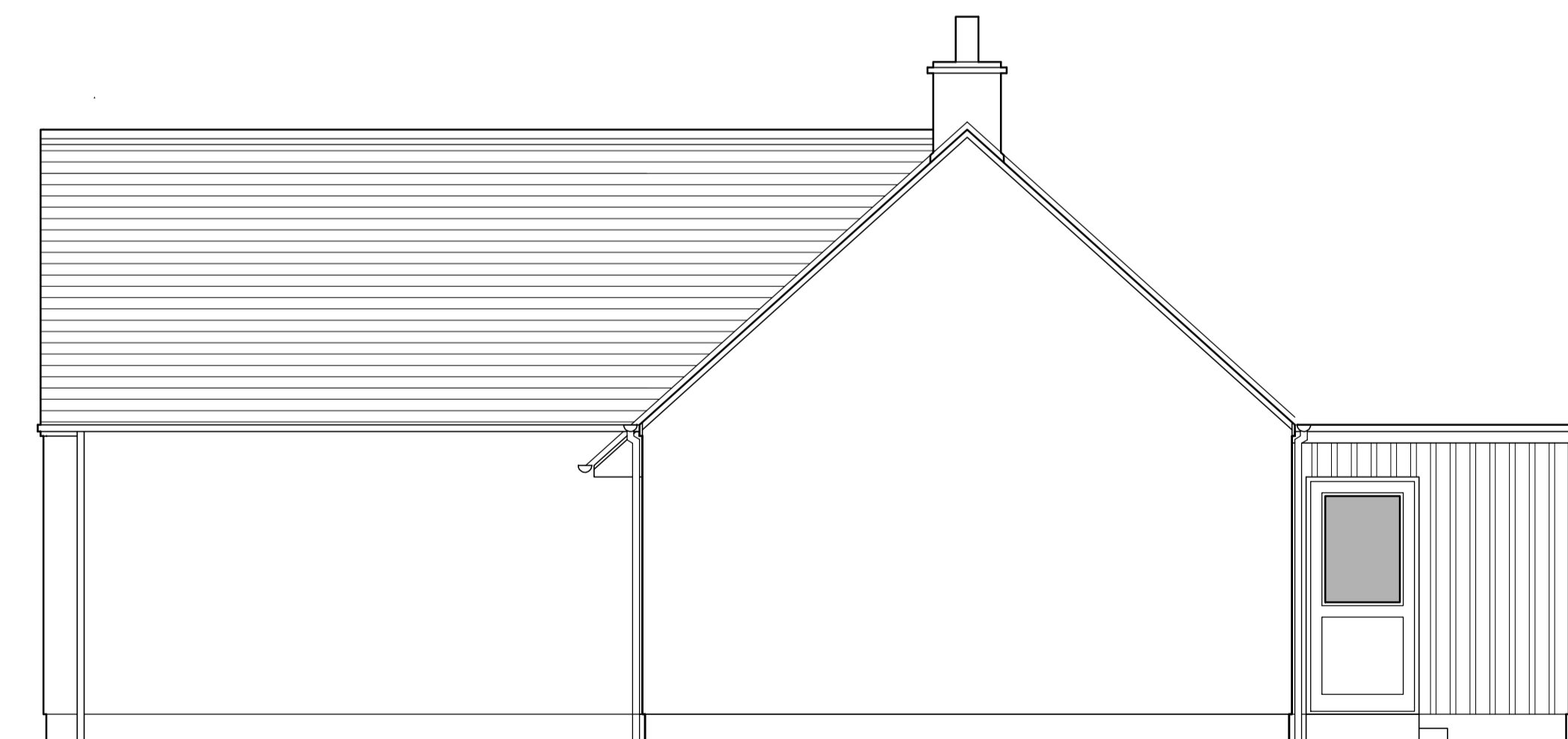
SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

project
 PROPOSED REPLACEMENT HOUSE AT
 OLD SCHOOL, KINGAIRLOCH

client
 KINGAIRLOCH ESTATES

detail
 DESIGN SKETCH 2 -
 ELEVATIONS

DKD
 D KELLY DESIGN
 Architectural Consultant

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