

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE –  
28 April 2015**

Agenda Item	5.2
Report No	PLN/022/15

**14/01674/FUL and 14/01912/FUL : The General Trustees Of The Church Of Scotland  
The Old Manse, Innes Street, Plockton**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** 14/01674/FUL - Erection of 2 semi detached houses, access road, turning and parking and 14/01912/LBC – Take down 4.0m run of stone perimeter walling along Innes Street to facilitate vehicular access to site.

**Recommendation - GRANT**

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

**Development category :** Local Development

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

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

**1. PROPOSED DEVELOPMENT**

- 1.1 These applications seek full planning permission for a pair of semi-detached houses and listed building consent for the demolition of a 4m stretch of the raised Category B listed wall, which forms the site frontage, to facilitate an improved vehicular access.
- 1.2 The land has been the subject of several informal pre-application responses over the last decade and more. In 2011 advice on a variety of proposals was given which established a maximum capacity for the site of two dwellings in a semi-detached layout. Most recently, advice was given in 2013 in the context of the withdrawal of 12/03728/PIP and the request by the authority that it be replaced by a detailed planning application. As before, advice was positive in principle but emphasised the heritage and access constraints that demanded a carefully designed scheme of the highest quality.
- 1.3 The site currently benefits from a narrow access and dropped curb onto Innes Street through a gap in the frontage wall at the far south-western corner of the site. It is proposed to connect to the public foul drainage network and water supply.
- 1.4 Both applications are supported by a design statement and a set of photographs showing a three dimensional model of the site. A private access checklist has been submitted with the planning application.

- 1.5 **Variations:** The originally submitted site layout has been amended and the new scheme re-advertised, re-notified and re-consulted.

The main change has been the 'rotation' of the building clockwise around its north-western corner so that it now runs parallel with the road frontage rather than rear boundary.

Also, the access and parking layout and construction details have been amended to protect the root system of the large tree on the site frontage and to ensure that visibility standards and pedestrian safety are maximised.

## 2. **SITE DESCRIPTION**

- 2.1 The site is a raised area of open garden land fronting the north-western side of Innes Street with a Category B listed drystone wall on a raised foundation forming its roadside boundary. This raised platform of land and the wall are associated with the Old Manse, a category B listed single storey building adjacent to the north-east site boundary. In fact, although ownership of the Manse and the site were different at the time of listing, the site has been leased to the owners of the Manse since and the land still reads as the extended garden of the Manse.

Historically, it was glebe land allocated to the minister with the Manse property. As such, the land and the Manse were themselves associated with the Category A church and raised churchyard on the opposite side of the road. This connection is recognised by a further Category B group listing for the church/manse/curtilage walls – although, it is noted, not the site land as such.

- 2.2 Innes Street is the main route into the village and the frontage wall coupled with the listed school building and church on the other side of the road represents the first visual message or gateway marker that one is entering the conservation area and historic core of the village.

- 2.3 The site itself is largely set to grass with a few trees around its north-western and south-western edges. There is an old shed set just inside the access point in the southern corner of the site.

As well as the listed wall to the south-eastern frontage of the site, the rear, north-western boundary is also marked by a dry-stone wall and beyond this a wooded brae provides the visual backdrop to the site from the public road.

There is a further wall marking the south-western boundary of the site with the neighbouring property – Yorke Cottage

The north-eastern boundary is undefined at present.

There is a free-standing meteorological monitoring station immediately to the north of this unmarked site boundary.

## 3. **PLANNING HISTORY**

- 3.1 12/03728/PIP - Erection of two semi-detached houses – Withdrawn – 28.08.2013

## 4. PUBLIC PARTICIPATION

### 4.1 Advertised:

14/01674/FUL – Affecting a conservation area – 13 June 2014 and 3 April 2015

14/01912/LBC – Listed Building – 20 June 2014 and 3 April 2015

Representation deadline : see above

14/01674/FUL

Timeous representations : 28 from 17 households

Late representations : 11 from 6 households

14/01912/LBC

Timeous representations : 20 from 12 households

Late representations : 10 from 4 households

### 4.2 Material considerations raised are summarised as follows:

- Glebe is an integral part of the listed group – Telford church, manse and listed wall and makes an important contribution to the conservation area – the development will visually damage this existing quality
- Glebe is valued open space, has been used by the school since 1917 and is used for community events when needed. It's the only such space left in the village
- Will increase risk to children crossing the road and reduce parking
- Loss of 4m of wall will be to the detriment of the conservation area
- Parked cars will obscure visibility from access
- Access visibility is poor and doesn't meet the required standard and will exacerbate danger for schoolchildren drop-off and pick-up
- Could adversely affect the Climate Station which has been in situ for over 50 years providing data for the Met Office
- The Burnside development has satisfied the need for local housing
- Site was allocated for housing in previous local plan but not in the current plan
- In response to objections to inclusion of Glebe in SDA, Local Plan Reporter stated, "*I am reassured.....that inclusion of the Glebe within the SDA does not, of itself, indicate that the site is appropriate for development*".
- 'grass slope' on the roadside is, in fact, a raised stone embankment and the foundations of the wall
- No information on how the two properties could be secured for elderly residents of Plockton rather than for ordinary market housing
- Lots of land devoted to roadway and parking which could harm trees

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 **Transport Planning Team** : No objection – access detail changes recommended
- 5.2 **Historic Environment Team** : No objection – listed building application short of detail
- 5.3 **Archaeology** : No objection
- 5.4 **Building Standards** : No objection
- 5.5 **Historic Scotland** : No objection
- 5.6 **Scottish Water** : No objection
- 5.7 **Transport Scotland** : No objection (consulted in error)

## 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 and Place-making
Policy 34	Settlement Development Areas
Policy 51	Trees and Development
Policy 57	Natural, Built and Cultural Heritage
Policy 61	Landscape
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 75	Open Space

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

Policies 1 and 2 in respect of land allocation and SDA boundaries

## 7. OTHER MATERIAL CONSIDERATIONS

### 7.1 **Draft Development Plan**

N/A

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

Access to Single Houses and Small Housing Developments (May 2011)

Highland Historic Environment Strategy (Jan 2013)

Open Space in New Residential Developments (Jan 2013)

Special Landscape Area Citations (June 2011)

Trees, Woodlands and Development (Jan 2013)

## 7.3 **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**

The application site falls within the Settlement Development Area of Plockton, so Policy 1 of the West Highlands and 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 and 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 51 of Highland wide Local Development Plan states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites.

Policy 57 of Highland wide Local Development Plan states that developments that affect special landscape areas, conservation areas, Category A and Category B listed buildings will only be considered suitable where they can be demonstrated not to have an unacceptable impact on the protected amenity and heritage resource or compromise those assets.

Policy 61 of the Highland wide Local Development Plan states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed. Consideration should be given to scale, form, pattern and construction materials.

Policies 65 and 66 of the Highland wide Local Development Plan require proposals to demonstrate foul and surface water drainage systems that are ultimately compatible with connection to the public network or otherwise acceptable in environmental terms and that meet the principles of SUDS.

Policy 75 states that existing areas of high quality, accessible and fit for purpose open space will be safeguarded from inappropriate development and enhancement will be sought, where appropriate. All sites identified in the Highland Council's Audit of Greenspace will be safeguarded

In addition to the development plan, there are also statutory duties imposed on planning authorities by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 14(2) states,

*"In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, 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."*

Section 59(1) states,

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, 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."*

Section 64(1) states,

*"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."*

#### 8.4 **Material Considerations**

Planning History – The site was allocated for housing in the Local Plan preceding the West Highland and Islands 2010 Plan. It is understood that this related to a proposal by a local housing association for an affordable housing development. However, this request to include the site for housing was not repeated in the call for sites for the current 2010 Local Plan.

During the examination for this 2010 Local Plan there was a plea for the land to be excluded from the settlement development area to reduce its development potential. In rejecting this request the Reporter identified the constraints that would bear on any proposed development of the site, stating,

*"I am reassured.....that inclusion of the Glebe within the SDA does not, of itself, indicate that the site is appropriate for development. In this respect, I note that the Council recognises that the site suffers from a number of constraints including the protection afforded by the listing of the Church, Manse and glebe walls and the*

*difficulties associated with the provision of adequate access. I also note that the allocation of the site for housing in the previously adopted local plan has been removed because of the constraints highlighted by representors”.*

It is these identified constraints – the setting of the listed building group, the listed wall and the limited visibility of the access – that this application aims to overcome and is the reason that the previously submitted Planning in Principle application was rejected as it contained too little detail to address these constraints.

Design, Appearance and Conservation Area Impact – although the proposal is for two dwellings, they are modest in size, with each containing less than 65m<sup>2</sup> of ground floor space and a single bedroom. The main gable depth is only 6.6m and the whole building is less than 19m in length. The ridge height is just under 6.5m. Consequently, the development is comparable in terms of scale and massing to a two bedroom bungalow and this has allowed it to be placed towards the rear of the site with the driveway from the improved access to the front and an open area of grass between this and the listed frontage wall.

In architectural design terms the two cottages can be seen to draw some inspiration from the neighbouring listed Manse but without being a detracting pastiche of the historic character of that building. The single storey form, low eaves height and hipped roof shape of the proposed building clearly draws upon some of the salient features of Telford’s ‘parliamentary’ design for the Manse. However, the decision to incorporate a 45° roof pitch contrasts strongly with the notably low angle of the listed building and gives the cottages a more appropriate contemporary appearance. Although the loft volume thus created could accommodate first floor living space (rooflights are shown) the ground floor plan shows no obvious position for a staircase to be retrofitted.

In its own right, this design is considered to be entirely suitable as a modern introduction to this part of the Plockton conservation area. Its impact, in public amenity terms from Innes Street, has maximised the screening effect offered by the elevated listed frontage wall – even taking into account the views available through the widened access. This is a product of the small scale of the overall building and its position towards the rear of the site, which is much more in line with the set-back Yorke Cottage to the south rather than the road frontage position of the Manse on the other side. In most public views of the site, only the new roof, back-dropped against the wooded brae, will be visible and this represents a minimal visual impact upon this ‘gateway’ element of the conservation area.

However, for this site, the bigger challenge is the degree to which the proposal preserves the setting of the special architectural or historic interest of the Manse and the listed ground including the church and wall.

Setting of the Listed Buildings – the new cottages are separated from the Old Manse by some 25m and are also some 20m back from the frontage wall. In simple planning terms this is a more than sufficient separation and offset to be confident that the new building will not visually impinge on the existing. Although the amended position of the proposal brings its north-eastern gable closer to the Manse, this is not considered so great a change as to alter the above conclusion. However, the historical background to the site is just as important a consideration in this regard as the physical layout of the buildings.

In her consultation response, the Council's conservation officer reiterates the advice given at the pre-application stage, stating,

*".....this area of ground can accommodate a new development of appropriate design, scale, mass and siting/layout without significant adverse impact on either the setting of the listed building or the character and appearance of the conservation area. This area of former garden ground is now divorced from the listed manse and is no longer obviously linked to it or significantly contributing to its immediate setting. I am satisfied that the design and proportions of the current proposals and its siting within the site is such that it will preserve the character and appearance of the conservation area and will not have an unacceptable impact on the setting of the listed building....."*

In other words, although a long leasing arrangement has allowed the owners of the Manse to maintain the site as garden ground, the fact that it was in separate ownership at the time of listing is critical to understanding what is meant by the setting of this particular listed building. The glebe qualities and its relationship to the Manse could not have been the critical part of the justification for the listing. Rather, the roadside frontage position of the Old Manse, facing across the road to Telford's Category A listed church can be seen to be much more the key component of the listed setting of this building. It's a functional setting just as much as it is a spatial one. The group listing, which also brings in the elevated frontage walls on either side of the road, further emphasises this 'either side the road' 'gateway to the village' focus for the historic setting of all these listed structures and helps define the concept of 'setting' in this specific context.

In contrast, the Glebe, even if still in the same ownership, would be of secondary importance. It does provide an open southern aspect for the Old Manse, but this will not be compromised by the set-back proposed building and oblique views of the listed building from the public road to the south (outside the school for example) will remain pretty much the same as they are now.

Consequently, it is concluded that the setting of the listed building and the listed building group is not harmfully compromised by the proposal.

The Listed Building Consent Works to the Wall – the listed frontage wall is in excess of 50m long and extends all the way across the ownership boundary to the Old Manse. Given that there is already a breach in the wall for the existing access and this proposal seeks to widen that breach by no more than 4m, it is considered that the special architectural or historic interest of the frontage wall will not be compromised.

More concerning was the lack of detail contained within the original application about how the works are to be carried out and showing the final appearance of the wall. Whilst the conservation officer was comfortable with the proposal as such, she required more of this detail before the works could be allowed to commence. A Method Statement describing these required details has now been submitted and is considered acceptable.

She states,

*"I.....am satisfied that the boundary wall to be partially demolished whilst legally considered curtilage has little architectural relationship with the listed building. I think the demolition needs to be the minimum required to retain as much of the*



*boundary edge to the street as possible but I am satisfied that the listed building consent can be granted without significant adverse impact on the historic environment assets and conservation area.”*

Access and Parking – The works to the listed wall are necessitated by the need to improve the visibility available to vehicles entering Innes Street from the site. A wider access will allow vehicles leaving the site to achieve views past the walls to either side without having to creep out over the pavement or into the road. Visibility to the south-west is the critical direction because the road bends to the west just beyond the southern Yorke Cottage boundary at the bottom of a hill. It is also in the direction of the primary school with the enhanced sensitivity of danger to the children in the event of cars losing control during avoidance manoeuvres.

However, during the course of the application a new 20mph limit has come into force over this stretch of road. The transport planning team have assessed the situation and concluded that, in the current situation, a relatively low visibility requirement of 25m is all that is required. In coming to this conclusion they have drawn on a number of factors which will tend to moderate the speed of cars travelling towards the new access from the south;

- Drivers approaching this corner will also be aware that they are entering the more built up core of the village, with the school and numerous driveways and side roads suggesting the need to drive slowly.
- Cars are often parked opposite the school and in a line outside the application site. This narrows the road considerably, again, suggesting to a driver the need to slow down as they approach the proposed access
- The statutory 20mph speed limit signs indicate the need for more caution than usual

Whilst the safety concerns of parents dropping off and picking up children from the school are recognised, it also has to be acknowledged that the parking of parent's cars also serves to moderate the speed of cars on this stretch of road.

Parked cars will partially obstruct views to and from the new access but not to the extent that the access becomes 'blind' – just to the extent that extra care will need to be taken. The loss of on-street parking (perhaps one space) to the widened access is not considered material.

The amended site layout confirms that 2.4m x 25m visibility splays can be achieved as well as 2.4m x 2.4m pedestrian visibility splays immediately adjacent to the access. The Roads Team have visited the site and confirmed this to be the case. Amended drawings have been received which meet the Roads Team requirement to incorporate a dropped curb construction design – considered by the Roads Team to be safer because the pavement remains delineated reminding drivers of the need to be mindful of pedestrians – and drainage arrangements.

The amended site layout also makes provision for four cars which is considered more than sufficient for two one bedroom cottages. There is sufficient turning space to allow cars to both enter and leave the site in a forward gear.

Trees and Landscaping – the trees surrounding and within the site make an important contribution to the conservation area and the tree officer was asked to comment on the likely impacts of the development.

Of greatest concern was any impact upon the very fine broadleaf tree standing on the roadside edge. Although outside the listed wall, its root system will certainly extend into the application site and its health is intrinsically linked to the stability of this section of the wall. In the original site layout, two of the parking spaces and the turning area extended into an area almost certainly sitting above this root system. Although these areas could be surfaced with a porous material, the compression of the ground by continuous car movements would almost certainly result in root die-back with a detrimental impact on the overall health of the tree.

Consequently, the applicant has agreed to a revision of the scheme which removes all of this parking/turning space to the other side of the driveway adjacent to the cottages themselves.

A similar concern was raised in respect of a number of oak trees growing on the other side of the walling to the rear of the site and at the foot of the brae. Again, the root systems of these trees almost certainly extend into the site and may be damaged by the digging of the foundations of the proposal. The only way to be certain that this would not occur would be to move the proposal even further forward in the site than shown on the amended plans, but for all the important heritage and visual reasons identified above, this is not desirable. The trees represent an important backdrop to the site and their loss would not be acceptable. However, the impact of the building works is not considered likely to destroy the trees – it might result in some canopy die-back over time – and this is considered an acceptable risk if it allows the visual impact of the proposal to be minimised through siting towards the rear of the site.

It is possible that a large bough on the southernmost oak will need to be removed/shortened during the course of the building works. A condition is recommended requiring the full details of these works before to be approved before they take place.

Equally, a condition is recommended requiring full details of the protective measures to be applied to all those trees within the site which are to be retained to be approved before works start.

Open Space – much concern has been expressed about the loss of the site as a sports field for the primary school and as a venue for community events. It is stated that there is a particular shortage of such land in the village.

The development plan contains a policy which states that the Council will safeguard “.....*existing areas of high quality, accessible and fit for purpose open space....*”. However, although it is understood that the school has enjoyed access to this land for many decades, this has been at the discretion of the land owner. The land is not publically accessible as such and consequently cannot be regarded as ‘fit for purpose’ as open space meriting protection under Policy 75 of the Highland-wide Local Development Plan. The decision to no longer make the land available to the school is one that could have been taken at any time in the past regardless of the planning status of the land.

Consequently, only limited weight can be placed upon this issue in coming to a decision on this application.

Neighbour Amenity – the separation distance between the proposal and the Old Manse is considered sufficient to ensure that no direct and harmful loss of amenity will result for the existing occupants.

However, the boundary between the application site and the Old Manse is currently un-marked. The applicant has suggested that a hedge should be planted as the most appropriate form of boundary, but it is understood that a legal agreement exists which requires the erection of a fence should the application site be sold-on or developed.

In these circumstances a condition is recommended which simply asks for details of the boundary treatment to be approved prior to commencement of any planning permission. This will allow the two parties involved to reach a mutually acceptable agreement over the appearance and form of the boundary.

Met Station – there is a free-standing monitoring station in the grounds of the Old Manse. The case officer has spoken to the met office and they have confirmed that new development in the vicinity of the station could have an effect upon the quality of the data that it collects. However, the actual effect is not something they can predict and will not necessarily result in the equipment being rendered unusable in the future. Consequently, it is not considered that any great weight can be given to this consideration.

Type of Housing – the application suggests that these cottages might be used to offer accommodation to elderly people from the village. Whilst this will always be at the discretion of the applicant as land owner, it is not something that the planning authority can stipulate reasonably in any planning decision on this scale. Consequently, no weight can be given to this matter as a material consideration.

Drainage and Water Supply – the application suggests foul drainage by mains connection and surface water by SUDS compliant soakaway. Both approaches are entirely satisfactory.

Conditions – given the sensitive nature of the site a condition removing permitted development rights from the new houses is considered necessary so that the authority can control any subsequent development pressure associated with the building and land.

Conditions controlling the external materials of the new building are also recommended to ensure an appropriate external appearance is achieved.

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

None

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

None

## 9. CONCLUSION

9.1 **14/01674/FUL** - 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.

**14/01912/LBC** - 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 the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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 planning application 14/01674/FUL be **Granted** subject to the following conditions and reasons:

1. 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 with:
  - i. the junction formed to comply with standard drawing ref. SDB3 (attached) and approved drawings 12/393/01C and 12/393/05A; and
  - ii. visibility splays of 2.4m x 25m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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** : To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

2. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on the approved plan shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

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

3. 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, local architectural styles and adjacent listed building.

4. No development shall commence until the footprint of the house and driveway (along with any underground services due to be excavated) have been pegged out on the ground and all trees proposed for removal are clearly marked. Development shall only commence once these pegged out positions and marked trees have been approved in writing by the Planning Authority. No trees other than those approved for removal shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, and approved excavation and footprint locations shall not be altered, without the prior written approval of the Planning Authority.

**Reason :** In order to ensure the protection of retained trees, which are important amenity assets, during construction

5. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason :** In order to ensure the protection of retained trees, which are important amenity assets, during construction

6. Notwithstanding the provisions of Article 3 and Classes 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 houses 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.

7. No development shall take place until details of the boundary treatment to be erected/planted along the boundary of the site with the Old Manse property have been submitted to and approved in writing by the planning authority. The approved details shall be implemented prior to first occupation of the houses hereby approved.

**Reason:** In the interests of neighbour amenity

## **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 and 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.

### **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 and 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.

### **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.

### **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.

### **Tree Felling**

You are advised that a condition of this planning permission is that no trees within the application site are cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the prior written consent of the Planning Authority. This condition applies from the date of this consent and any unauthorised works may result in enforcement action and the service of a fixed penalty notice.

**Subject to the above**, it is recommended the listed building application 14/01912/LBC be **Granted** subject to the following conditions and reasons:

1. No works to the wall subject of this consent shall take place other than in strict compliance with the submitted Method Statement dated February 2015.

**Reason** : In order to safeguard the character and qualities of the listed building.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and there are no material considerations which would warrant refusal of the application.

### **TIME LIMITS**

#### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS LISTED BUILDING CONSENT**

In accordance with Section 16(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended), the works to which this listed building consent relates must commence within THREE YEARS of the date of this decision notice. If work has not commenced within this period, then this listed building consent shall lapse



## **FOOTNOTE TO APPLICANT**

### **Accordance with Approved Plans and Conditions**

You are advised that works 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

Signature:

Designation: Area Planning Manager North

Author: Mark Harvey

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

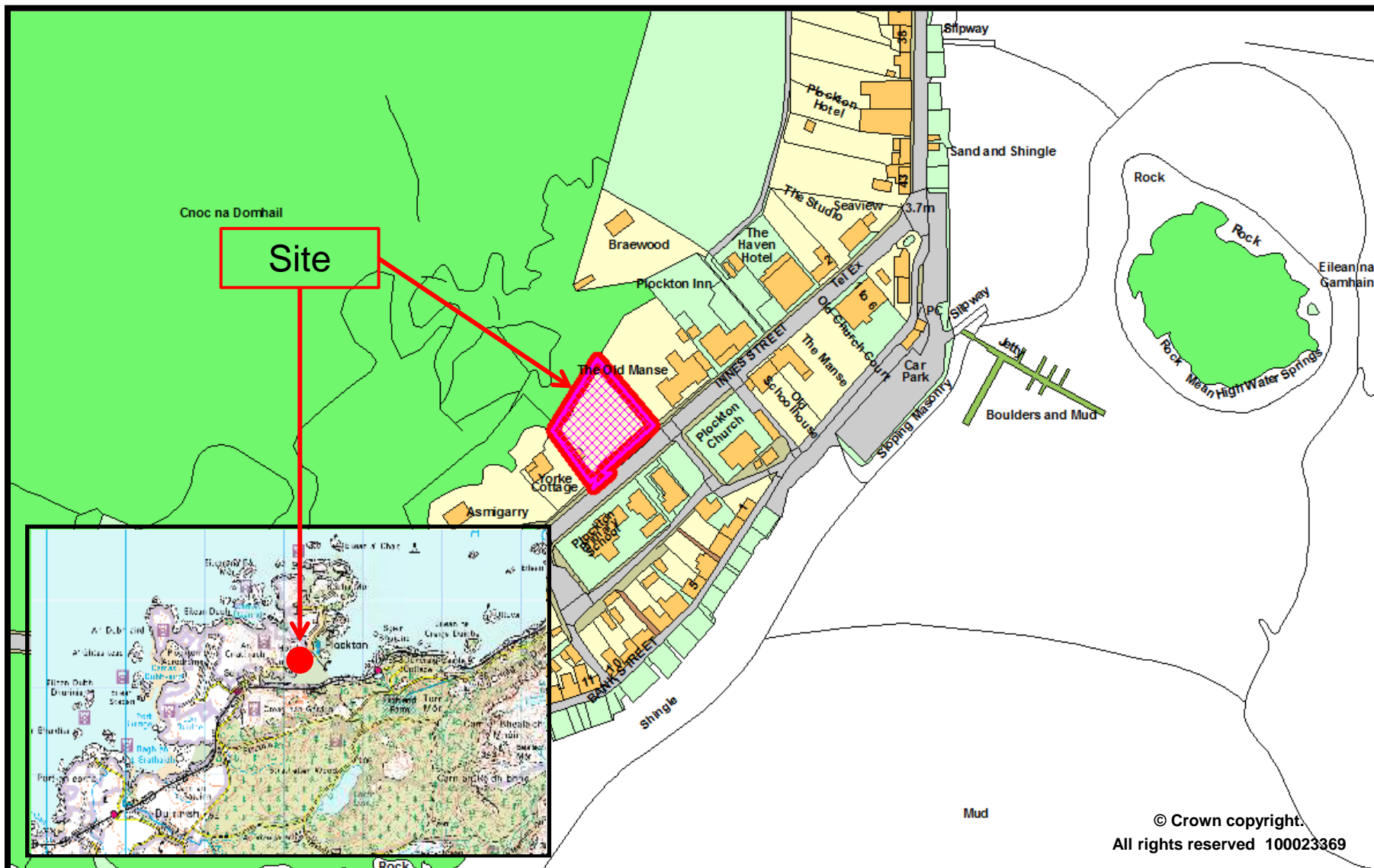
Relevant Plans: Plan 1 – Location Plan 12/393/01 rev C

Plan 2 – Floor Plan and Elevations 12/393/02

Plan 3 – Elevations 12/393/03

Plan 4 – Existing access 12/393/04

Plan 5 – Proposed access 12/393/05A



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**The Highland Council**  
Comhairle na Gàidhealtachd

Planning and Development Service

**Location Plan**  
**14/01674/FUL + 14/01912/LBC**  
**Erection of 2 semi detached houses, access road, turning & parking**

April 2015

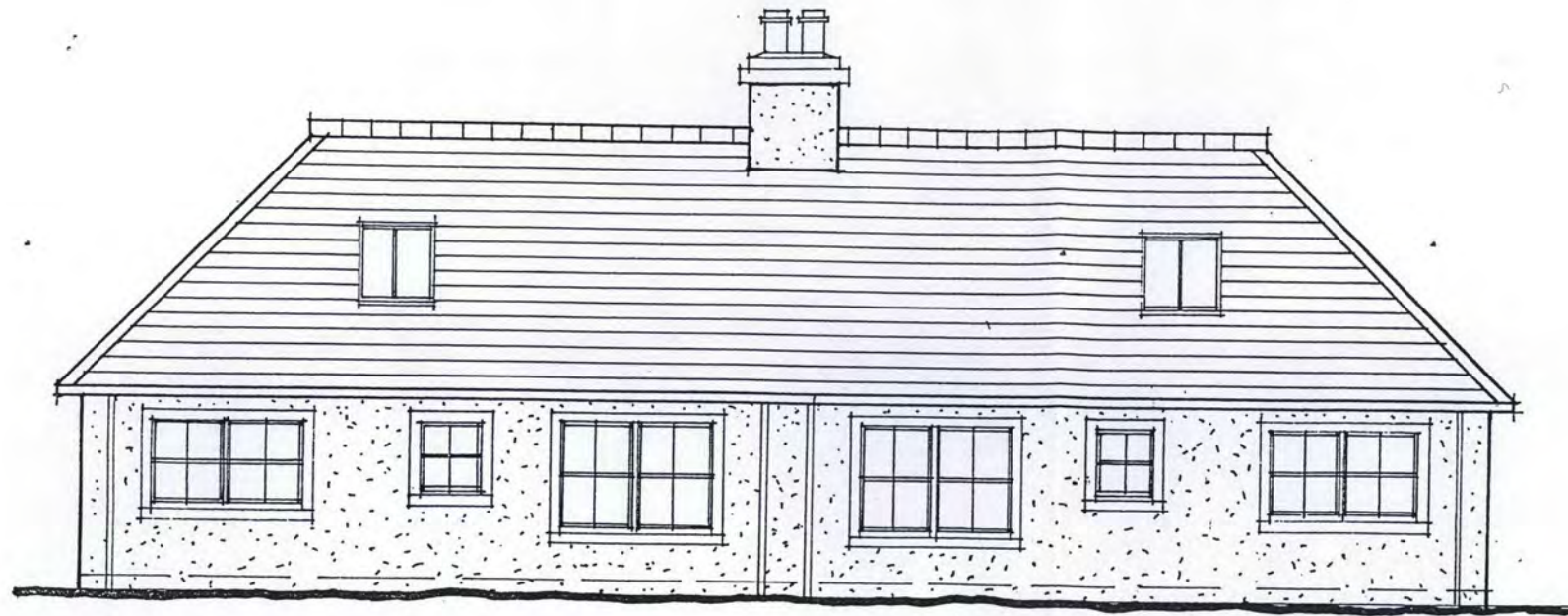


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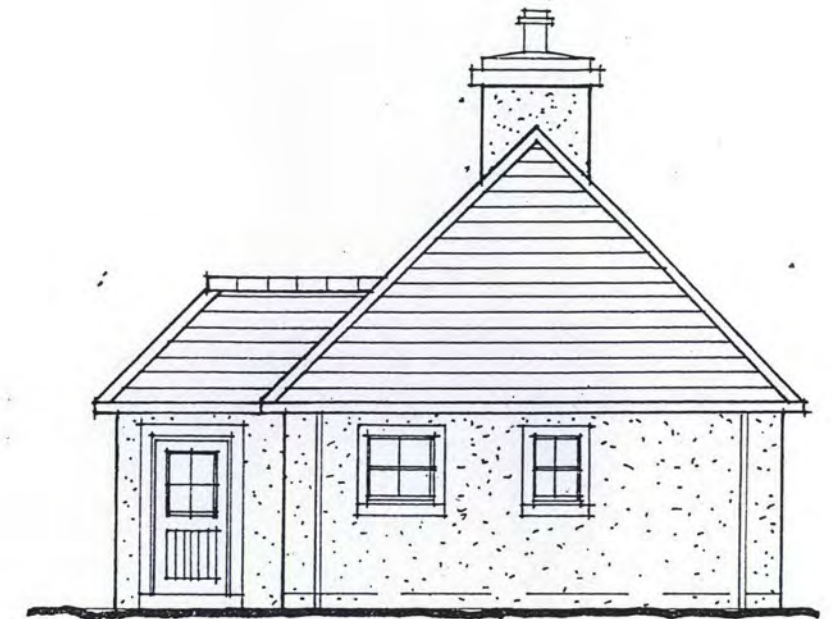




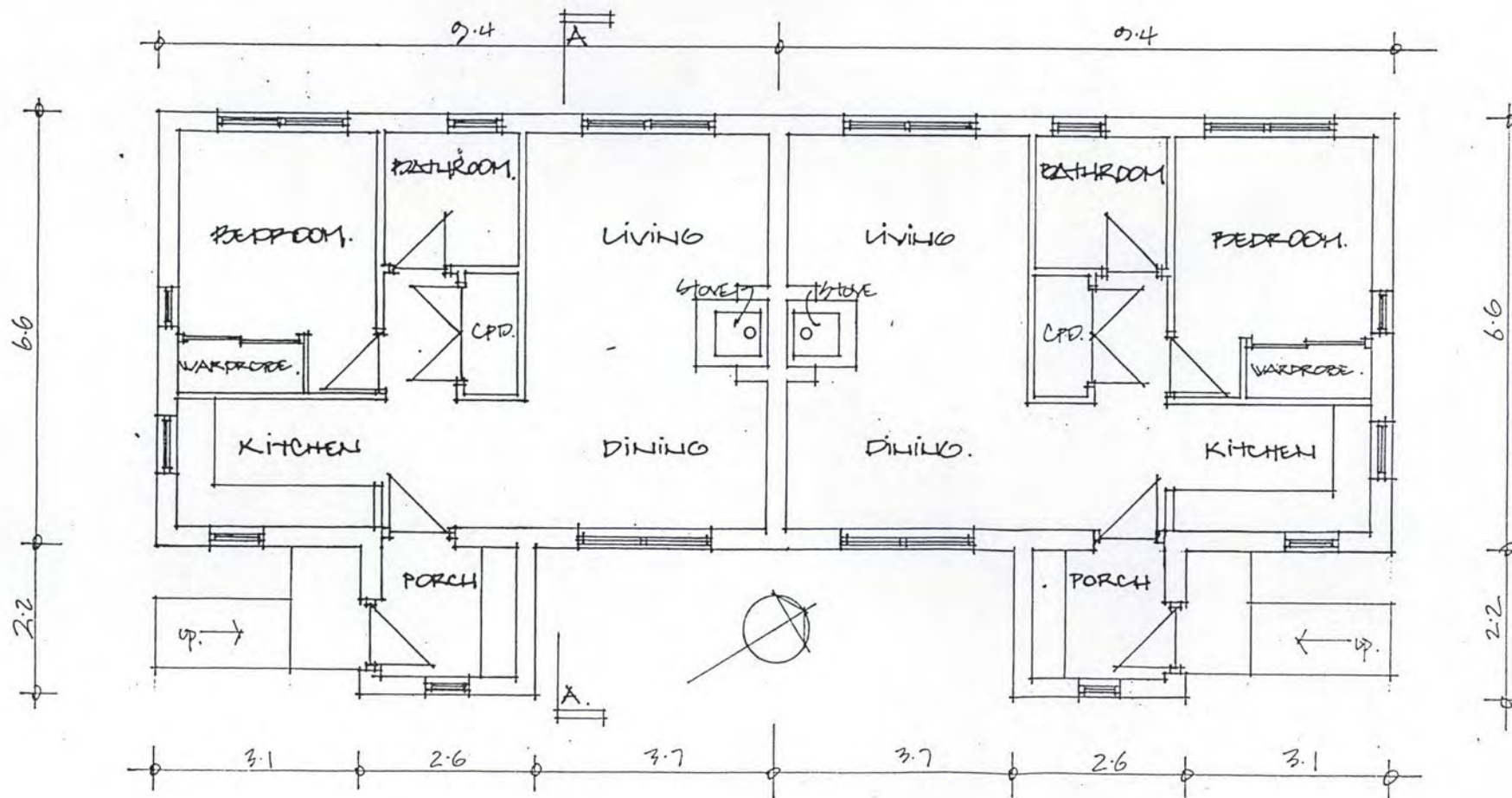




WEST ELEVATION 1:100.



NORTH ELEVATION 1:100



GROUND FLOOR LAYOUT SCALE 1:100.

PLANNING & DEVELOPMENT SERVICE
DATE RECEIVED:
3 0 APR 2014

TWO SEMI-DETACHED COTTAGES IN SOUTH-WEST END OF GARDEN OF THE OLD MARKET INNEST, PUCKTON.

DRAWING TITLE:  
GROUND FLOOR LAYOUT 1:100  
EAST AND NORTH ELEVATIONS 1:100

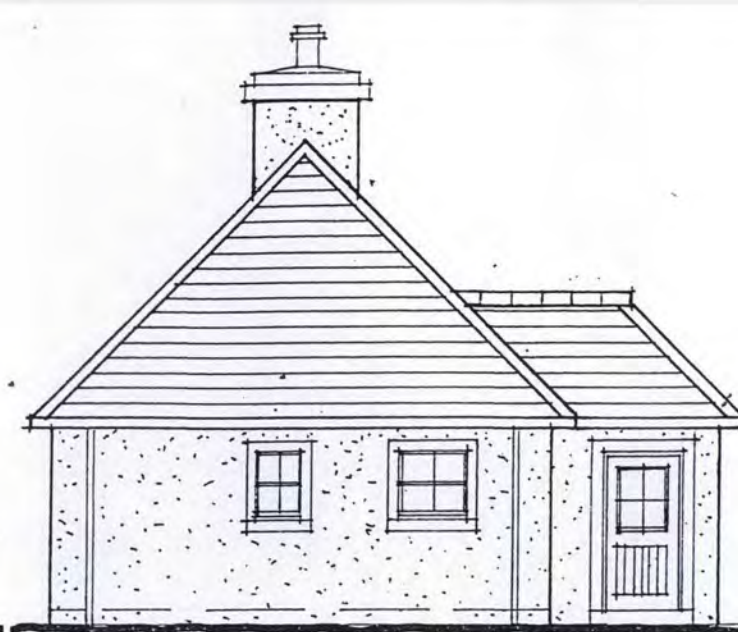
DWG NO 12/393/02 EXN: FB.  
DATE: APRIL 2014.  
REVISION. SCALE: 1:100.

Frank Burstow  
Architect  
Portnacloch  
Erbusaig, Kyle of Lochalsh  
IV40 8BB  
Telephone & Fax: 01599 534040  
Email: architect@portnacloch.co.uk

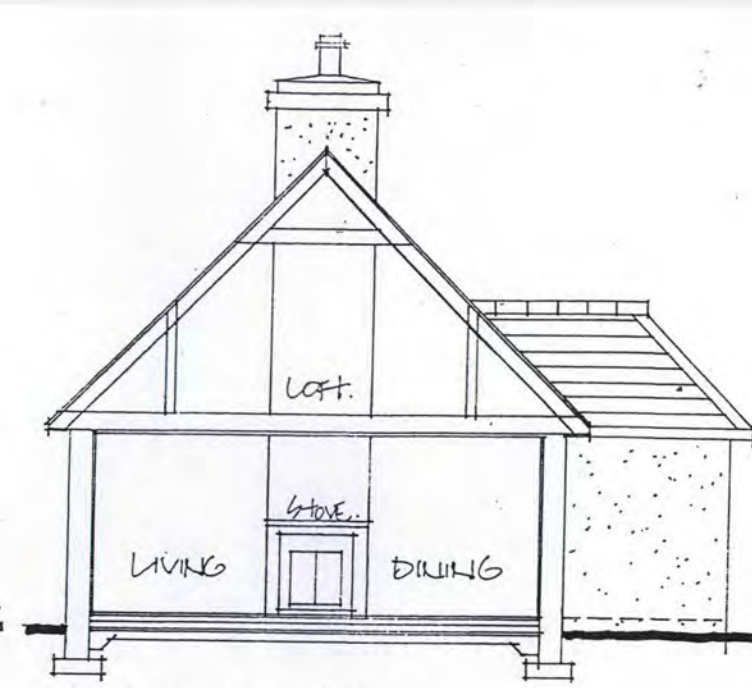




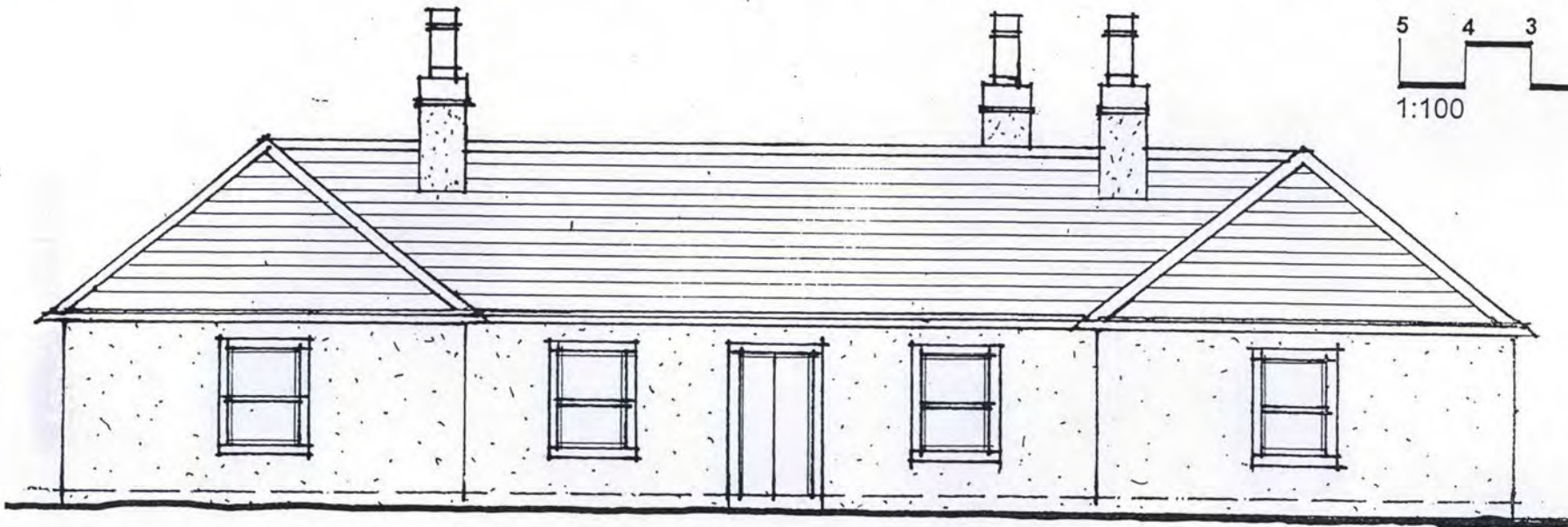
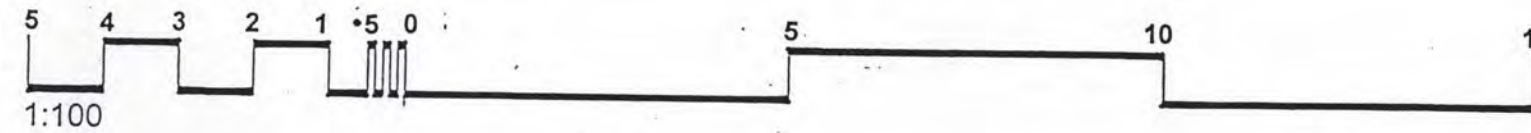
EAST ELEVATION OF PROPOSED COTTAGES 1:100



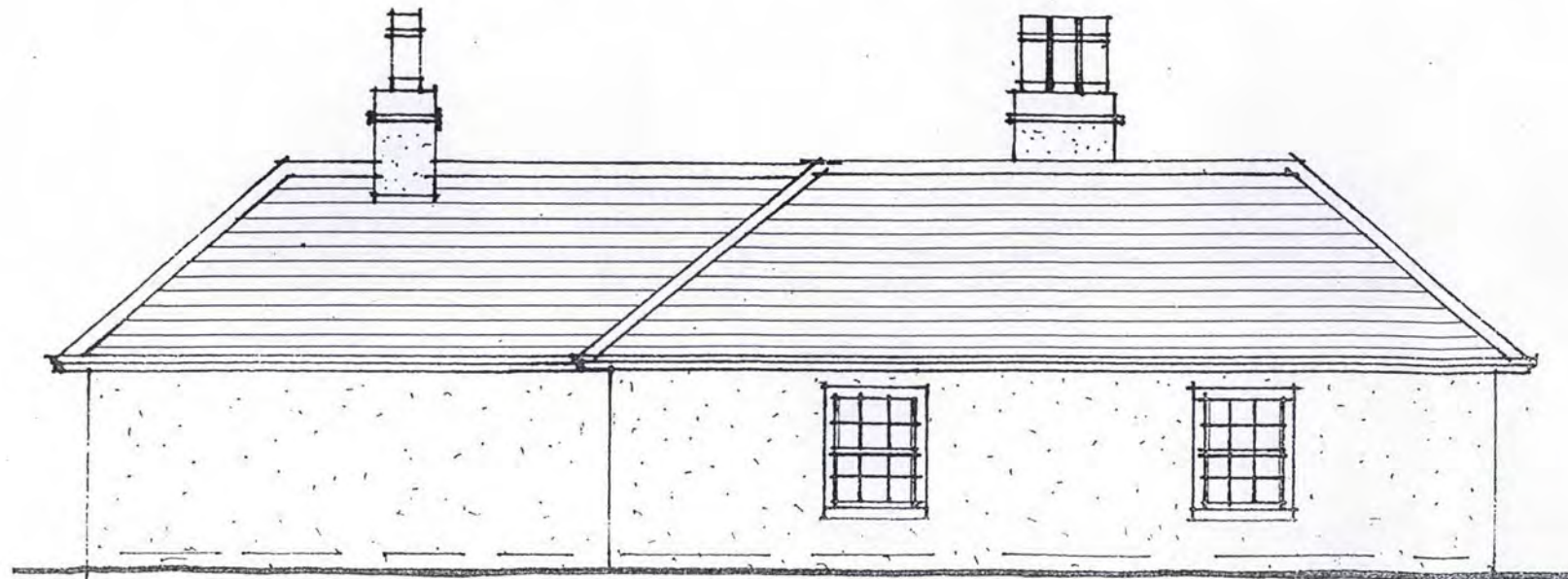
SOUTH ELEVATION 1:100



SECTION A-A. 1:100



ROADSIDE ELEVATION OF EXISTING OLD MANKE. 1:100



ELEVATION OF EXISTING OLD MANKE FACING GARDEN 1:100

PLANNING & DEVELOPMENT SERVICE
DATE RECEIVED:
30 APR 2014

TWO SEMI-DETACHED COTTAGES IN SOUTH-WEST END OF GARDEN OF THE OLD MANKE, IN N. ST. PUCKTON.

DRAWING TITLE: SECTION A-A & EAST AND SOUTH ELEVATIONS. EXISTING ELEVATIONS OF OLD MANKE

DWG NO 12/393/03 DWN: FB  
DATE: APRIL 2014  
REVISION. SCALE: 1:100

Frank Burstow

Architect

Portnacloch

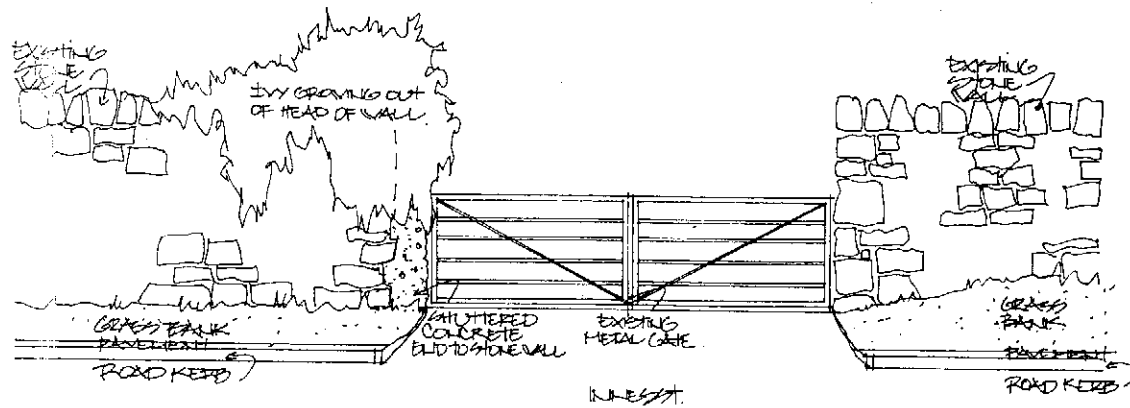
Erbusaig, Kyle of Lochalsh

IV40 8BB

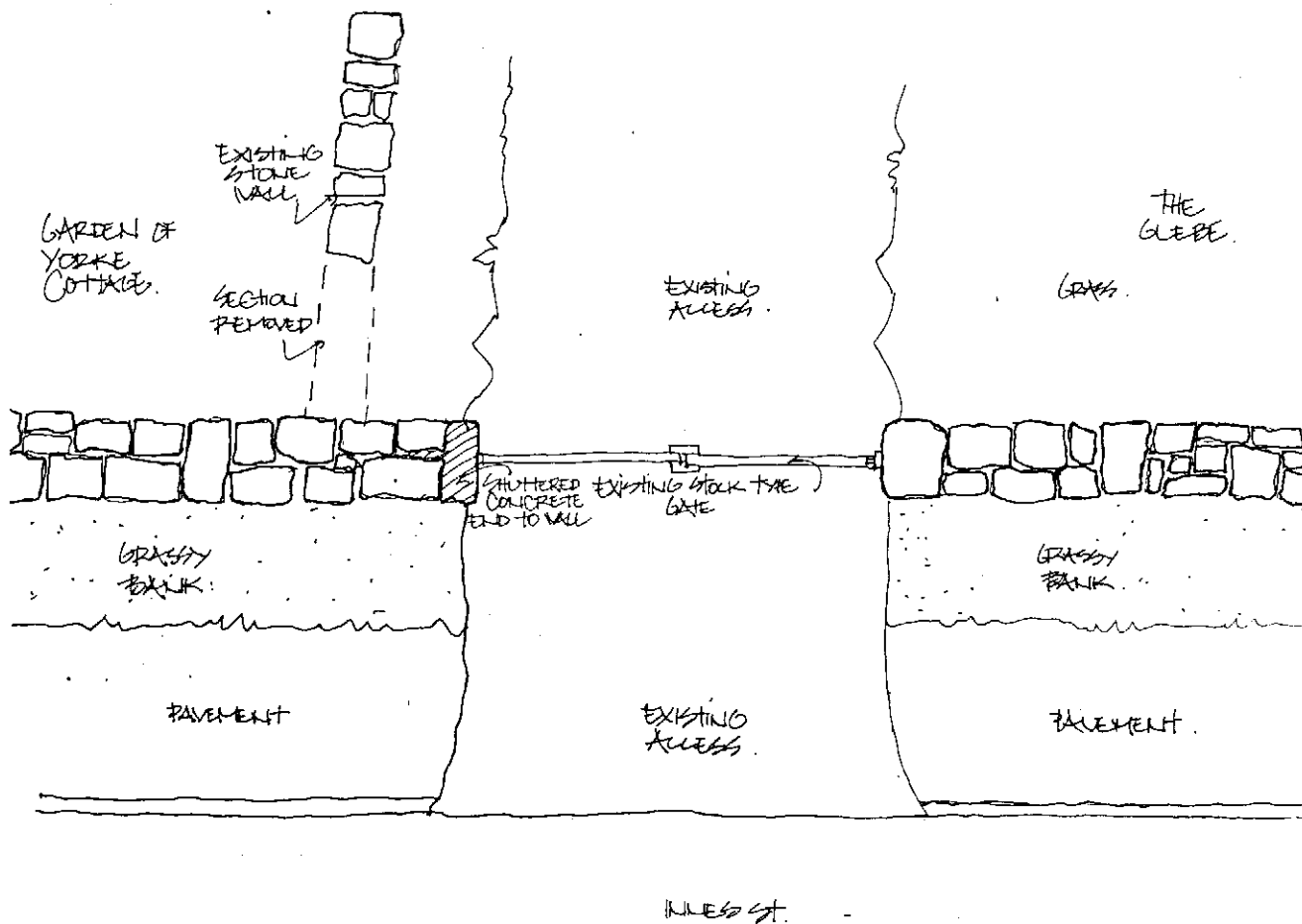
Telephone & Fax: 01599 534040

Email: architect@portnacloch.co.uk





ELEVATION OF EXISTING ACCESS 1:50



PLAN OF EXISTING ACCESS 1:50

TWO SEMI-DETACHED COTTAGES IN SOUTH-WEST END OF GARDEN OF THE OLD MANSE, INNESS ST. PUCKTON.
DRAWING TITLE: EXISTING OPENING IN STONE WALL AT ACCESS TO SITE
DWG NO 12/303/04 DWG: FB DATE: FEB. 2015 REVISION: SCALE: 1:50
Frank Burstow Architect Portnacloich Erbusaig, Kyle of Lochalsh IV40 8BB Telephone & Fax: 01599 534040 Email: architect@portnacloich.co.uk

