

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
09 June 2015**

Agenda Item	7.1
Report No	PLN/032/15

**15/00048/PIP : Mrs Joan Stewart
101 Laid, Loch Eriboll, Lairg, IV27 4UN**

Report by Area Planning Manager

SUMMARY

Description : Erection of house, formation of new access and private drainage system

Recommendation - GRANT

Ward : 01 - North, West And Central Sutherland

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : more than 5 objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for a new house, access and drainage system within the Laid community area on the western side of Loch Eriboll.
- 1.2 No pre-application advice sought.
- 1.3 There is no infrastructure currently serving the site, in terms of access, drainage, or water. An overhead powerline crosses through the site.
- 1.4 No supporting documents were submitted.
- 1.5 **Variations:** none.

2. SITE DESCRIPTION

- 2.1 The site is rough agricultural/crofting land, boggy and moorland in nature, sloping down from the A838 towards Loch Eriboll. Development at Loch Eriboll is linear and well spaced along the seaward side of the road; this site is adjacent to a group of four houses to its north, with another small group 300m to its SW.

3. PLANNING HISTORY

- 3.1 Erection of house and improvement of existing access. Installation of septic tank and soakaway (Outline). Approved 07.10.2008

4. PUBLIC PARTICIPATION

4.1 Advertised : Northern Times; unknown neighbour

Representation deadline : 05.05.2015

Timeous representations: 8

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Access
- Drainage
- Proximity to adjacent house
- Water supply
- Power supply
- Loss of 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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Crofting Commission** : noted that the land is not registered as croft-land.

5.2 **Scottish Water** : no response. Subsequent phone confirmation from Area Engineer that mains supply for another dwelling was adequate.

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 36 - Development in the Wider Countryside

Policy 57 - Natural, Built and Cultural Heritage

Policy 58 - Protected Species

Policy 61 - Landscape

Policy 64 - Flood Risk

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

6.2 **Sutherland Local Plan (as continued in force, April 2012):**

NB. This local plan is relevant only insofar as it continues in force post-adoption of the Highland-wide Local Development Plan. More information at: <http://www.legislation.gov.uk/ssi/2012/90/made>

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

PAN 44 Fitting New Housing Development into the Landscape

PAN 67 Housing Quality

PAN 72 Housing in the Countryside

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 Proposal is for the development in principle for a new house with associated septic tank and soakaway. There is one previous outline consent for the same proposal on this site, although this has expired.

Development Plan assessment:

In terms of a Development Plan assessment, the most significant is HWDP Policy 36 - Development in the Wider Countryside as well as the Housing in the Countryside Siting and Design (March 2013) supplementary guidance. The location of this plot has been established by the previous application and, relative to the sequential approach laid out in policy, conforms with the scattered/linear layout pattern of development on the seaward side of the road. Its proximity to other housing groups and development sites should ensure that the proposal will not be viewed as an isolated development, but rather as part of an established pattern of development.

Constraints on the site:

The area has no mapped constraints on or around the site.

Siting and Design:

The siting of the plot has been established by the previous application; no details of house position or design are submitted so these will be addressed by a subsequent application, the required content of which has been conditioned.

Impact on amenity:

Any impact on adjacent properties should be mitigated by the separation distances and the linear layout of houses parallel to the road (which reduces direct overlooking). This will be addressed further under subsequent applications.

Access:

The means of access to this site is directly from the A838; the access into the site will be conditioned for upgrading to Council standards. The required visibility standards of 180m onto the A836 can be achieved.

Services:

Foul drainage will be by means of a septic tank and soakaway; percolation test results will be required with any subsequent application.

8.4 **Material Considerations**

a) No access point is shown on the plan.

This will be conditioned for detailed approval.

b) No drainage details are shown.

Planning Comment - These will be conditioned, for septic-tank and surface-water drainage, for detailed approval.

c) The close proximity to the adjacent house (No.101 Laid) and impacts on its amenity.

Planning Comment - The exact positioning of the house will be conditioned for approval, at which point any impact on neighbouring amenity will be addressed.

d) Lack of water supply.

Planning Comment - Scottish Water have verbally confirmed that mains supply is adequate; an informative is added.

e) Variability of hydro-electric supply.

Planning Comment - An informative is added to cover electricity supply connection.

f) Loss of trees.

Planning Comment – This does not relate to the area of the plot to be developed.

8.5 **Other Considerations – not material**

a) the property should not be used as a holiday home.

b) the impact on the views from adjacent property.

c) development of the site requires the written consent of the Feu Superiors.

d) access to the site is required over a strip of common grazings, with permission from the Grazings Committee.

e) boundary/deer-fence issues.

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. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements, with submission of the 'Private Access Checklist' from the supplementary planning guidance Access to Single Houses and Small Housing Developments (May 2011); and
 - v. details of the proposed drainage arrangements, percolation test results for the site, and details of proposals for the disposal of surface water from the site, incorporating the principles of SuDS.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.
2. Any details pursuant to condition one above shall depict a development featuring the following elements:-
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - vi. predominantly rectangular in shape with traditional gable ends.

Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting and in the interests of amenity.

3. No development shall commence on site until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted to, and approved in writing by the Planning Authority. Thereafter development shall be completed in accordance with the approved details.

Reason : In the interests of amenity and public health.

4. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 10.04.2015), with:

- i. the junction formed to comply with drawing ref. SDB1 and
- ii. visibility splays of 2.4m x 180m (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.

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

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle 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.

SSE/Scottish Hydro

You are advised that a supply and connection to SSE/Scottish Hydro infrastructure is dependent on sufficient spare capacity at the time of the application for connection to the grid/a supply. The granting of planning permission does not guarantee a connection. Any enquiries with regards to electricity connection should be directed to SSE/Scottish Hydro on 0800 048 3515.

Septic Tanks and 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.

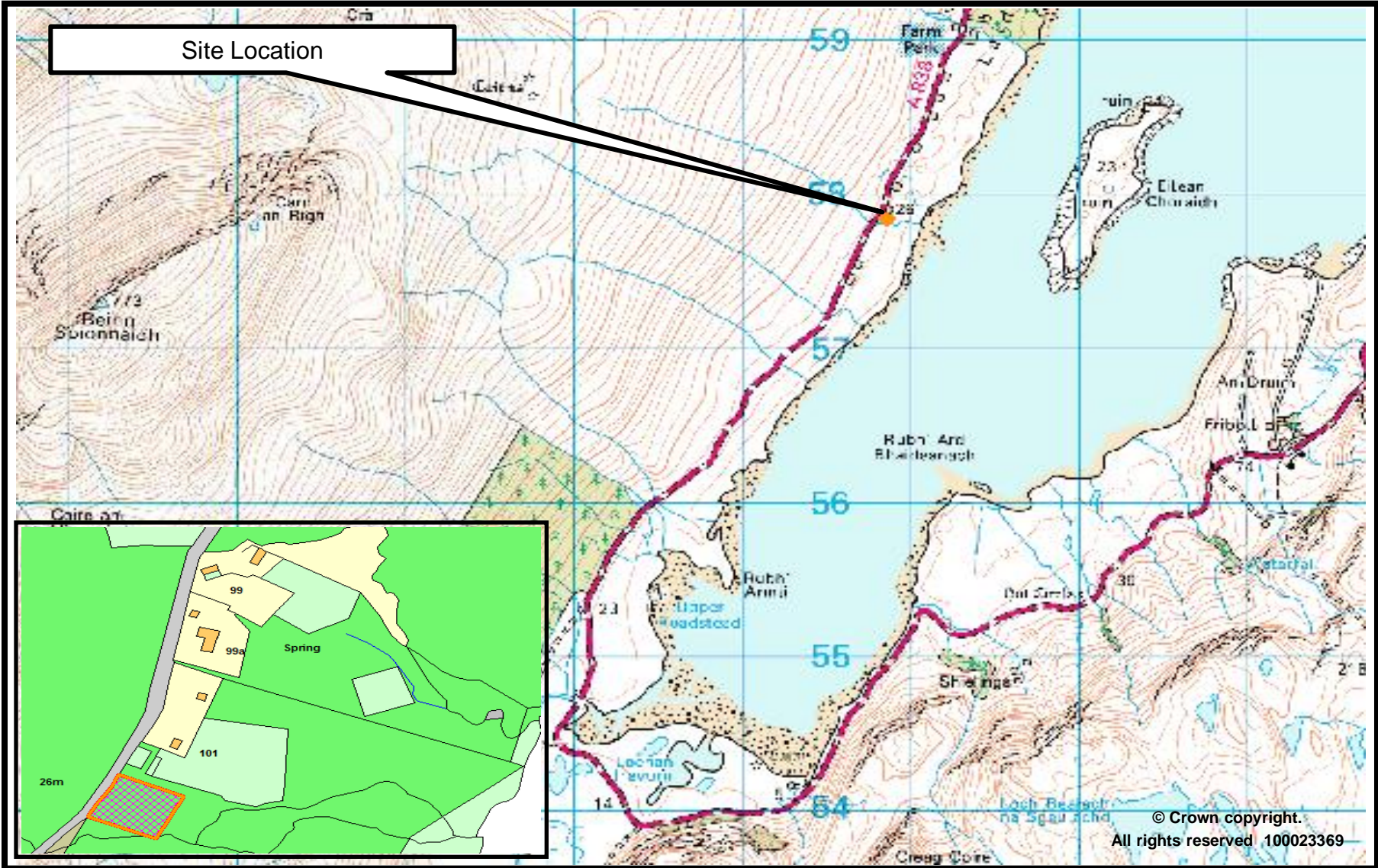
Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud 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.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Norman Brockie
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan No.1 – Location and Site Plan



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Case No: 15/00048/FUL
Erection of house, formation of new access and private drainage system

9th June 2015



Scale: