

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
18 August 2015**

Agenda Item	6.1
Report No	PLS/058/15

**15/01099/FUL: Mr and Mrs K Smith
Land 60M South East of Auchindarroch Farm, Duror, Appin**

Report by Area Planning Manager - South

SUMMARY

Description: Erection of dwelling house (Renewal of planning permission 08/00495/FULLO).

Recommendation - GRANT

Ward : 22 - Fort William and Ardnamurchan

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee : Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect a one and three quarter storey, four bedroom house on the eastern periphery of the village of Duror. The house is predominantly rectangular in footprint, with a garage projection on the south elevation. The house has a pitched roof which extends lower towards the front elevation. The roof is higher over the garage section, than the main house. External finishes have not been specified, however the plans imply a slate roof and vertical timber clad external walls.
- 1.2 No formal pre-application required.
- 1.3 The site is to be accessed from the existing private track off the Achindarroch public road which currently extends to the east past 'Glen Duror House' and to 'Achnacraig' at the end. A private septic tank and soakaway are proposed to treat foul drainage and connection is proposed to the public water main.
- 1.4 No supporting documents submitted.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The application site is an open area of rough grazing. The site is bordered by undeveloped land to the north and south. The Auchindarroch Farm buildings lie to the west with 'Achnacraig', a modern 1½ storey dwelling, to the east.

3. PLANNING HISTORY

- 3.1 **14/02953/FUL** Erection of 2 houses (semi detached); Withdrawn 18/11/2014
- 3.2 **08/00495/FULLO** Erection of house; Permitted 02/06/2009
- 3.3 **07/00603/FULLO** Erection of house; Withdrawn 19/11/2008
- 3.4 **02/00399/FULLO** Removal of Condition Requiring Access Road to be Upgraded to Adoptive Standards; Permitted 23/12/2002
- 3.5 **02/00220/FULLO** Erection of House; Permitted 03/09/2002
- 3.6 **01/00434/FULLO** Temporary Siting of Static Residential Caravan; Temporary Permission 17/01/2002
- 3.7 **01/00433/FULLO** Erection of House; Permitted 17/01/2002
- 3.8 **01/00060/FULLO** Erection of House; Permitted 23/03/2001

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown neighbour advertisement
Representation deadline : 25.4.15
Timeous representations : 0
Late representations : 0
- 4.2 Material considerations raised are summarised as follows:
▪ None
- 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 **Duror and Kentallen Community Council (26.5.15):**
Advised they are very keen to see development on the Achindarroch Road and would support the application on the proviso that the burden of the A828 junction upgrade is applied in line with other applications granted on the Achindarroch Road. They advise their view is consistent with the previous planning application for the plot, 14/02953.

They note that the permission upon which the original approval was given, 08/00495, has lapsed so this is not therefore a timeous renewal and it should be considered in line with the material change in the Highland Council's and Transport Scotland's current position on development on the Achindarroch Road.

5.2 Council's Archaeologist (7.7.15):

Advised that potentially the remains of a prehistoric burial cairn appear to lie partly or mostly within the application area. Has recommended a condition seeking a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development.

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 56	Travel
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage

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

Inset Map 3 - Duror

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (adopted Jan 2013)

Housing in the Countryside Siting and Design (adopted Mar 2013)

Access to Single Houses and Small Housing Development (2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 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 is located within the village of Duror, but outwith the Settlement Development Area for Duror established through the West Highlands and Islands Local Plan. The Highland Council's policy on development outwith Settlement Development Areas is set out in Policy 36 - Development in the Wider Countryside.

Proposals require to be assessed for 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;
- avoid incremental expansion of one particular development type;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of Policy 36.

8.3.1 Siting and design

The proposed house is a gable roofed 1¾ storey building and measures approximately 21m in width x 13m in depth with a height to the roof ridge of approximately 8m. This house design has previously been approved on this site. Although a fairly large property, the proposal is not out of character with the area which includes a number of similar large properties. Conditions are recommended to secure finishing materials and landscaping to the satisfaction of the Planning Authority in order to further integrate the proposal with the surroundings.

8.3.2 Pattern of development

The Settlement Development Area within Duror has been mapped fairly closely around the central node of Duror and excludes the existing development to the south along the trunk road and existing development to the east, from the caravan park to the forestry land at Auchindarroch. The site lies within this peripheral eastern area which is accessed by the Auchindarroch public road, past the Abhainn Cottage development and up towards the Auchindarroch House and Farm development, where the road splits, branching south as a private track serving the current site and two existing houses, and continuing east to existing houses, including Numbers 1-4 Auchindarroch, where the road terminates at the Forestry Car park.

This area of Duror features a reasonable level of development and does form part of the village. The current proposal to include a new house between the existing buildings where the road splits and the existing house, Achnacraig, reflects the pattern of development within this area.

8.3.3 Landscape character and capacity / development type

The site is on the periphery of the village within an area that is a mix of housing, open land and forestry. The landscape in this area does not rely on an intrinsic mix of characteristics. The eastern edge of the village sits above the nucleus of the village, but is set back towards the steeply rising hills behind, which visually contain the village. The proposal can be accepted into the landscape without significant detrimental impact.

8.3.4 Croft Land

The agent has certified that the site does not form part of an agricultural holding and no information has been received that indicates the proposed site is a croft.

8.3.5 Servicing

The site is served by a septic tank and soakaway. The arrangements shown on the site plan are unlikely to meet the Building Regulations, however it is considered there is sufficient space on site to achieve a solution. This issue can be covered by condition. Connection is proposed to the public water supply.

8.3.6 Access and Road Safety

Scottish Planning Policy states that development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures necessary to ensure the continued safe and effective operation of the network will have to be met by the developer.

Transport Scotland are not a statutory consultee on this application as the site is more than 67 metres from the trunk road. However, there has been a long standing issue with the junction of the Achindarroch public road and the A828 trunk road which affects all new development within Duror that would be served by this junction.

The proposed house would take vehicular access from a private track connecting to the Achindarroch Road. The junction of the Achindarroch public road with the A828 trunk road is restricted due to safety concerns as a result of restricted visibility. In 2006 Transport Scotland considered the Achindarroch/A828 junction to be at capacity and advised they would not support any additional usage of the junction without road improvements. Over the subsequent years this has resulted in support only for those applications that would not represent an increase in vehicular movements beyond existing and consented levels.

This site had the benefit of planning permission for a single house in 2006 (lapsing in 2007, and reinstated in 2009, lapsing again in 2014). As this permission was live in 2006 at the time that Transport Scotland advised of no further development, it is considered that this site was included in the acceptable level of development, and as such it would be unreasonable to refuse the application until such time as the junction with the A828 trunk road is improved.

The Duror and Kentallen Community Council do not agree with this stance. They advised they are very keen to see development on the Achindarroch Road and would support the application on the proviso that the burden of the A828 junction upgrade is applied in line with other applications granted on the Achindarroch Road, noting that the permission upon which the original approval was given, 08/00495, has lapsed therefore this is not a timeous renewal.

To date, one permission over and above the existing and consented development in 2006, for an additional house accessed from the Achindarroch Road, has been granted under application 13/00075/PIP subject to a condition which requires the developer to upgrade the junction with the A828 Trunk Road before any work can start on site and on the understanding that the applicant was in control of the land on either side of the junction necessary to carry out the upgrade works. This is not considered to be a reasonable condition for other single developments in Duror due to the cost and scale of the predicted works. As there is currently no planned scheme in place for the realignment of this junction, there has not been the opportunity to secure improvements by individual developer contributions.

8.4 Material Considerations

Since the previous permission the Council's Archaeologist has advised a low mound that has been identified as potentially the remains of a prehistoric burial cairn lies partly or mostly within this application area. The archaeological potential of the site is considered worthy of further assessment prior to the start of any consented development. To this end a condition is proposed to secure a programme of archaeological evaluation.

8.5 Other Considerations – not material

None.

8.6 Matters to be secured by Section 75 Obligation

None

9. CONCLUSION

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

10. RECOMMENDATION

Action required before decision issued N

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

1. No development shall commence until 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 progress in accordance with the approved details.

Reason : In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

2. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason : To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

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

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. 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.

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 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

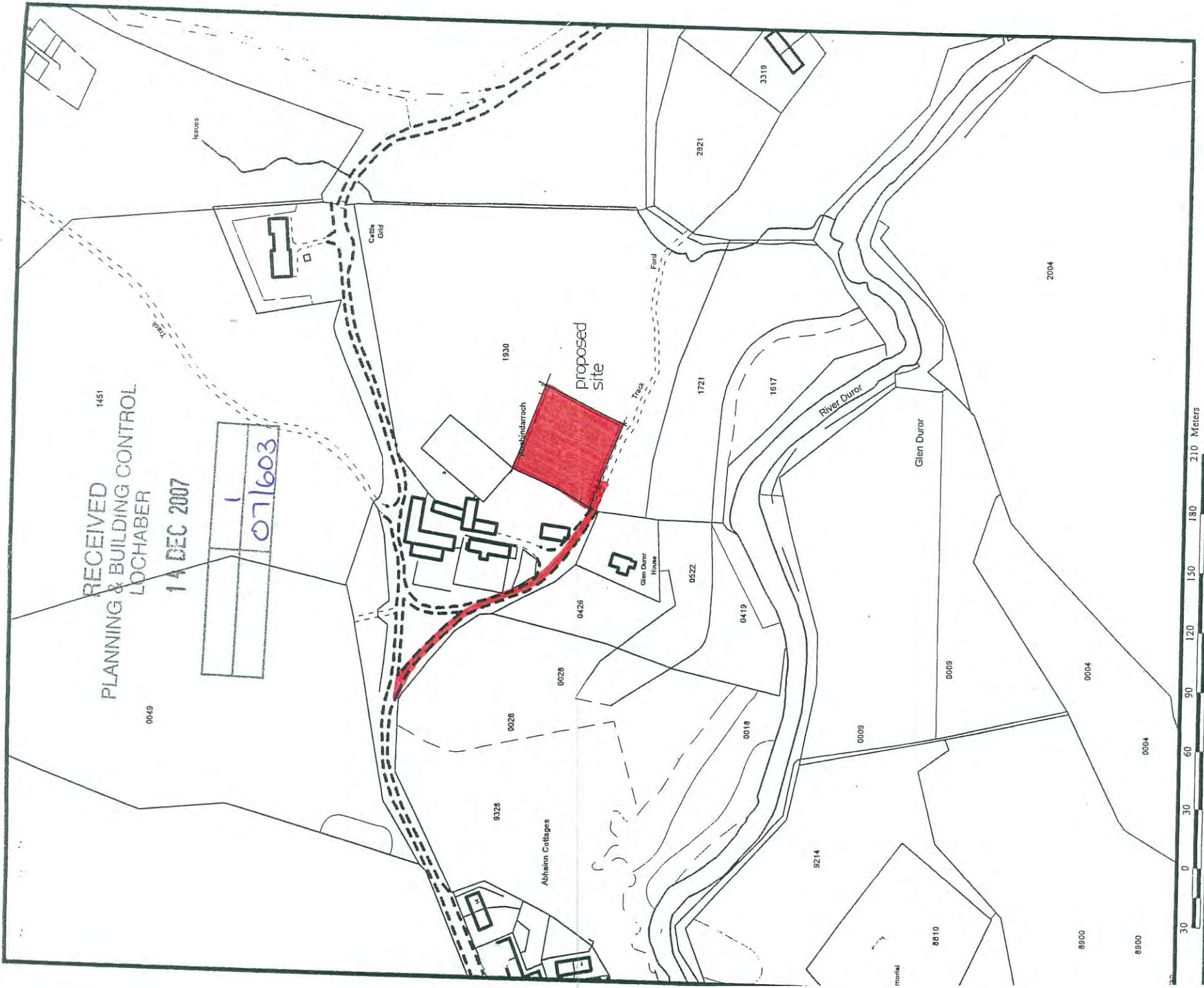
Septic Tanks & Soakaways

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

Mud & Debris on Road

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

Signature: Allan J Todd
Designation: Area Planning Manager – South
Author: Susan Macmillan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Elevations
Plan 4 - Floor Plan
Plan 5 - Achindarroch Road Junction



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 14 DEC 2007

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GLEN DUROR HOUSE

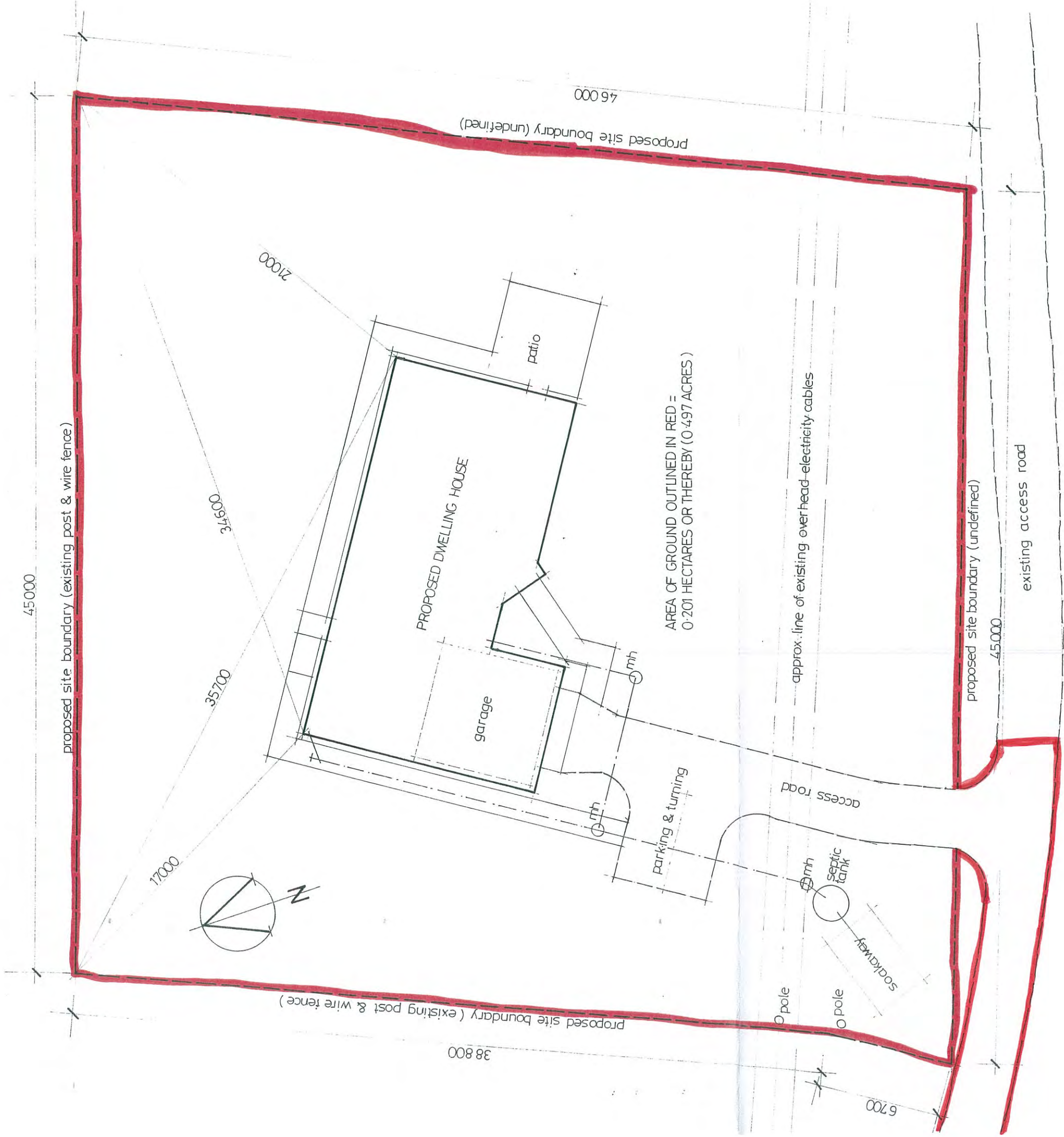
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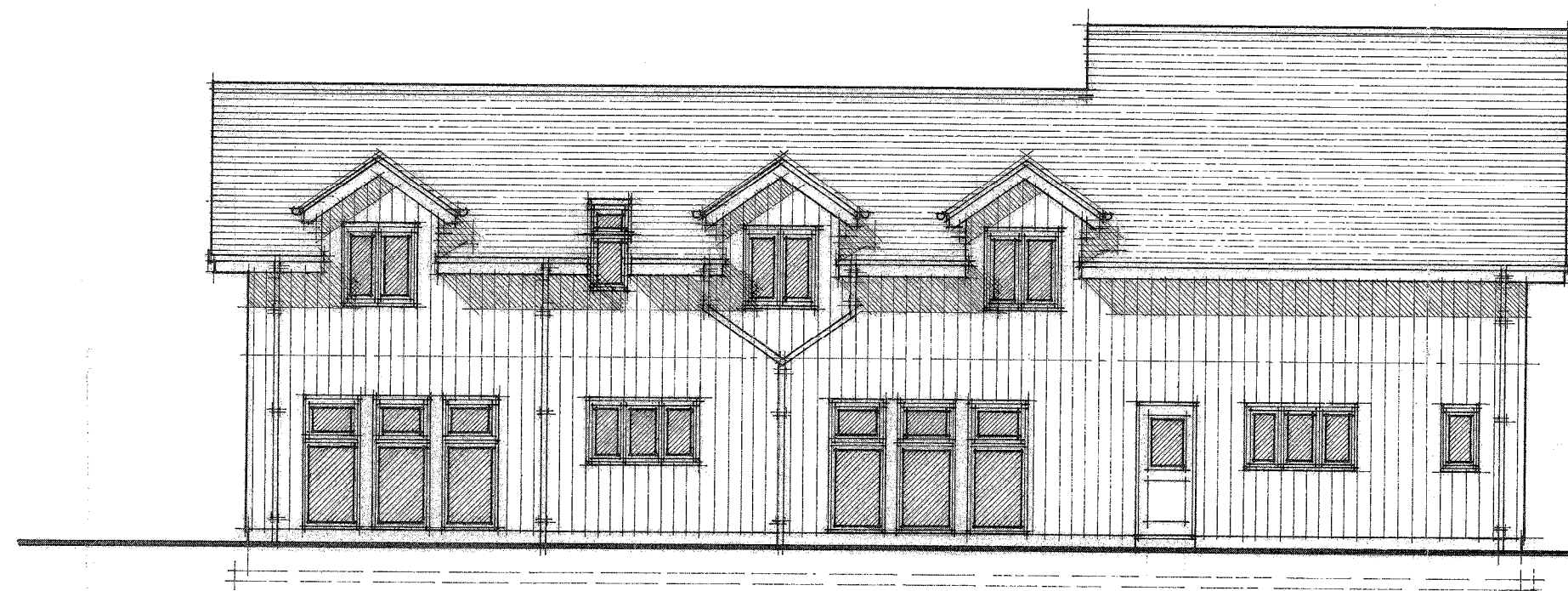


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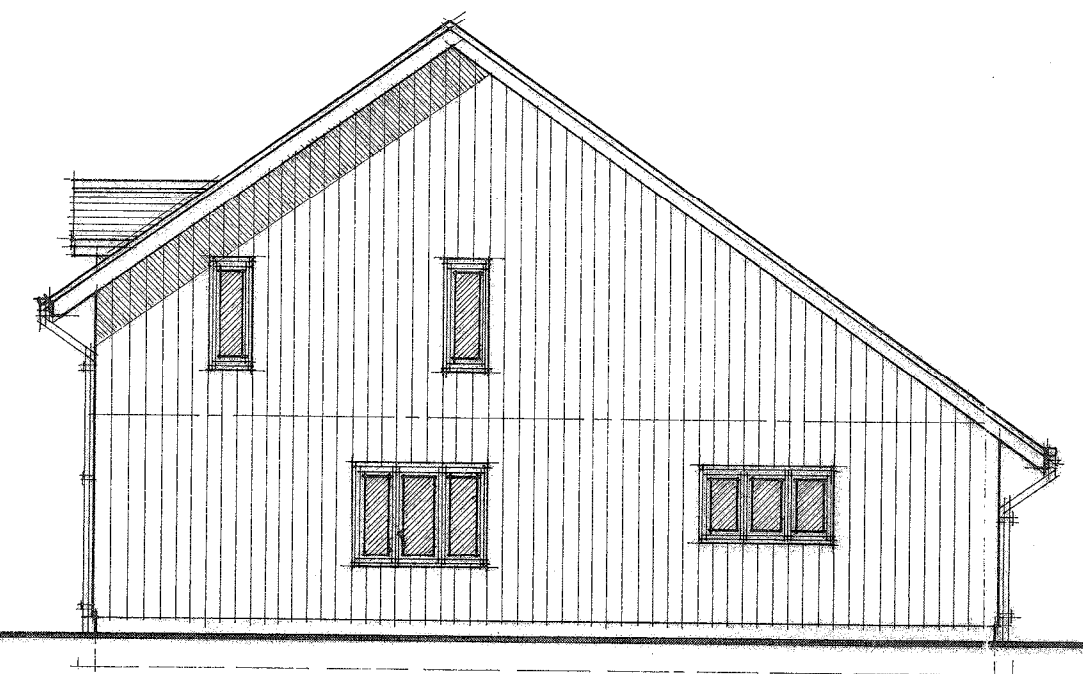
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	07/603

PROPOSED DWELLING HOUSE AT
 AUCHINDARROCH, DUROR
MR. & MRS. K. SMITH
 PROPOSED SITE LAYOUT
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 job no. - 02/026 drg. no. - DS3

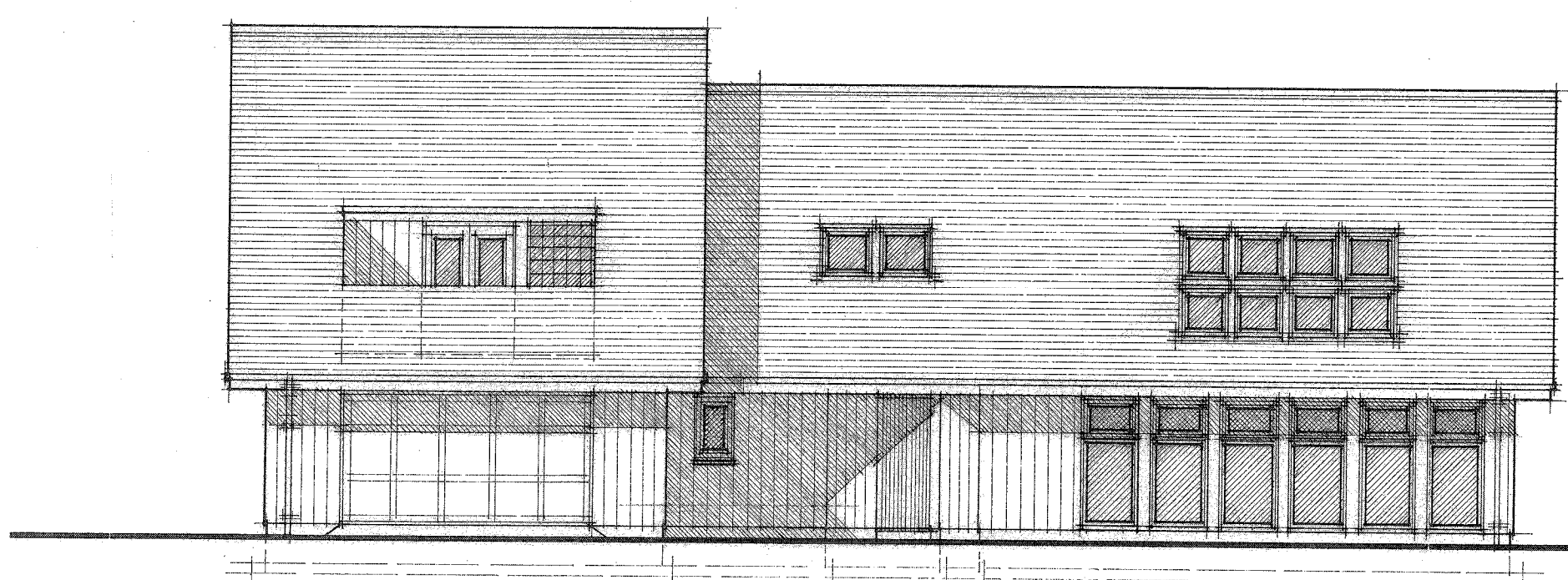
Note
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.
 Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.
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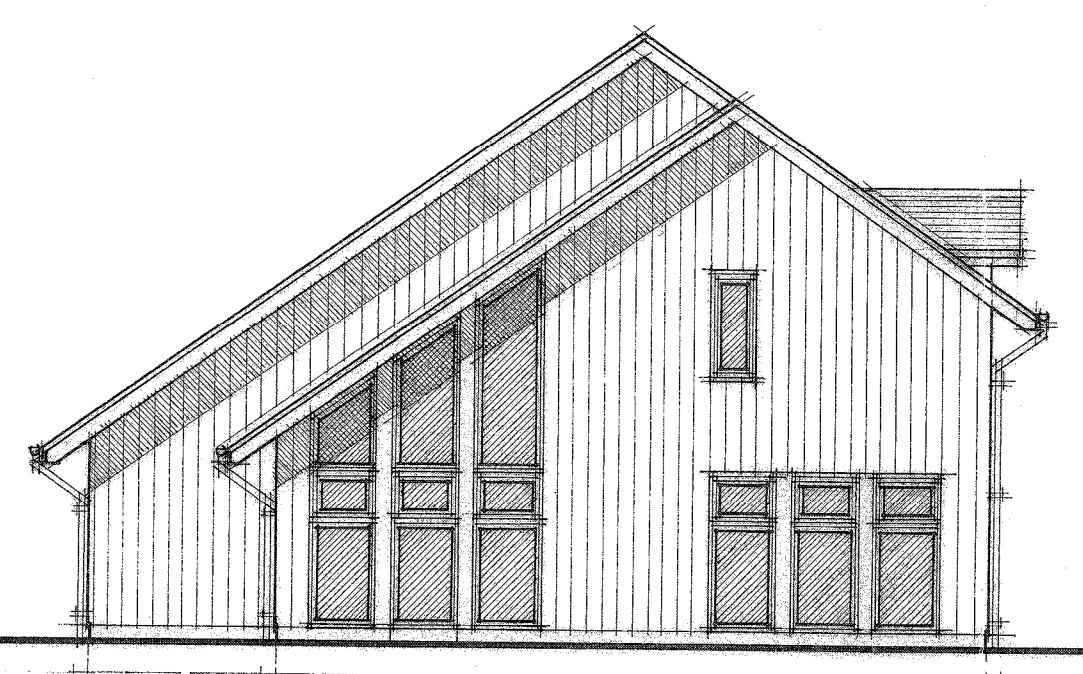
REAR ELEVATION



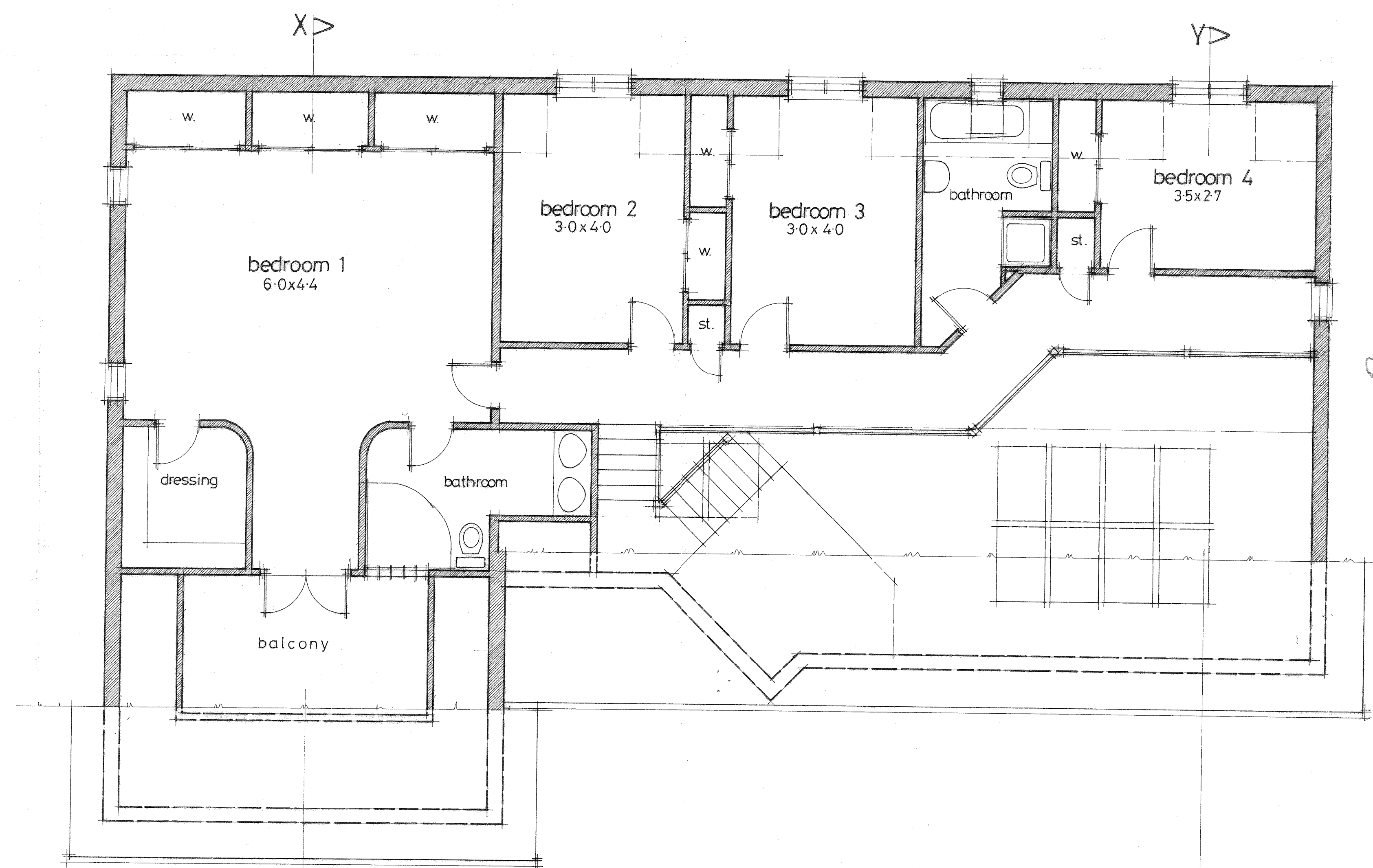
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



FIRST FLOOR PLAN (floor area = 113.38 sq.m.)

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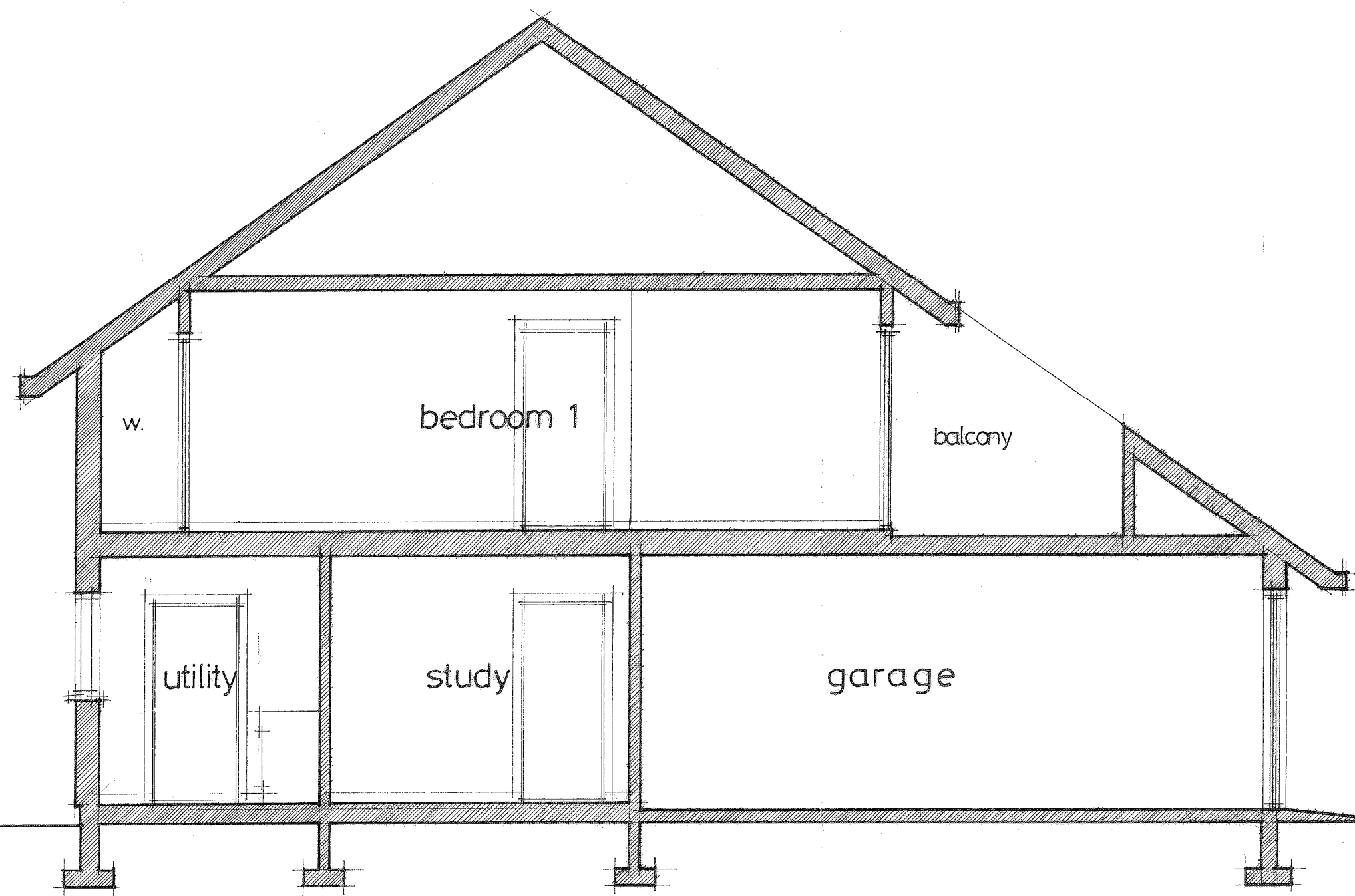
THE HIGHLAND COUNCIL
 PLAN 4 OF 4 APPLICATION REFERENCE
 08/00495/FULLO APPROVED BY THE HIGHLAND
 COUNCIL AS PLANNING AUTHORITY.
 DATED: 2 June 2009
 Area Planning and Building Standards Manager

project		
PROPOSED DWELLING HOUSE AT AUCHINDARROCH, DUROR		
client		
MR. & MRS. K. SMITH		
detail		
DESIGN SKETCH / SHEET NO. 2		
DKD		
D KELLY DESIGN Architectural Consultant		
Queen Anne House · 111 High Street Fort William · PH33 6DG Tel: 01397 700999 · Fax: 01397 700888		
scale	1 : 50 & 1 : 100	date
		01 · 06 · 02
job no.	drg. no.	drawn
02/026	DS2	D. KELLY

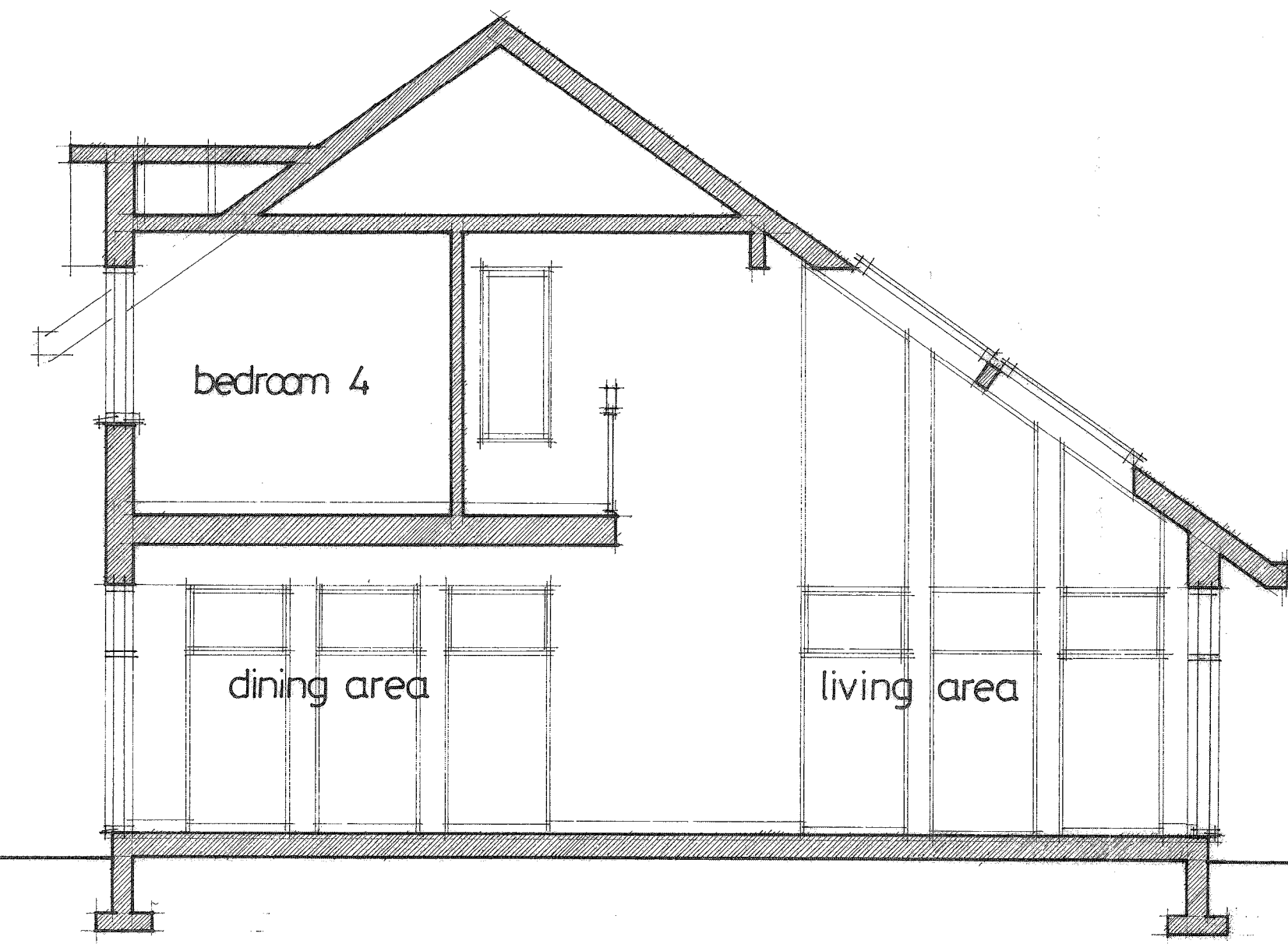
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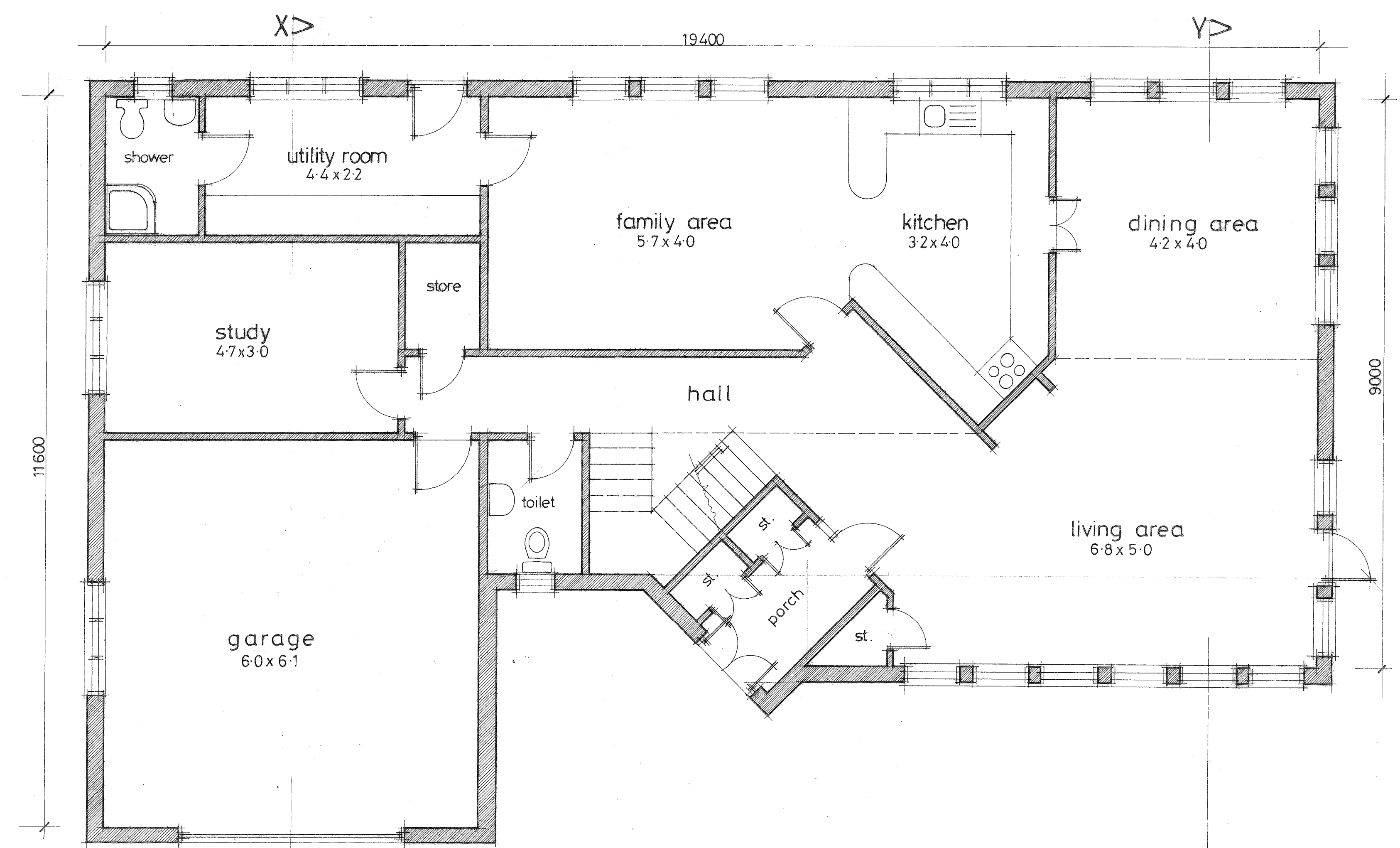
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SECTION XX



SECTION YY



GROUND FLOOR PLAN (floor area = 147.93 sq.m. ex.garage)

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THE HIGHLAND COUNCIL
 PLAN 3 OF 4 APPLICATION REFERENCE
 08/00495/FULL/O APPROVED BY THE HIGHLAND
 COUNCIL AS PLANNING AUTHORITY.
 DATED: 2 June 2009
 Area Planning and Building Standards Manager

project
 PROPOSED DWELLING HOUSE AT
 AUCHINDARROCH, DUROR

client
 MR. & MRS. K. SMITH

detail
 DESIGN SKETCH / SHEET NO.1

DKD
 D KELLY DESIGN
 Architectural Consultant

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

scale 1 : 50 date 01 · 06 · 02

job no. 02/026 dig. no. DS1 drawn D. KELLY



Junction with A828 Trunk Road and Achindarroch public road