

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
26 March 2016**

Agenda Item	6.2
Report No	PLN/016/16

**15/02287/FUL Mr Richard Pumphrey  
Land 50M NW of Leathley Lodge Edderton**

**SUPPLEMENTARY REPORT NO 1**

**Report by Area Planning Manager**

**SUMMARY**

**Description** : Formation of riding centre with associated access and parking (in retrospect), manège and floodlights, installation of caravan, stable and portable office building (As Amended)

**Recommendation - GRANT**

**Ward** : 05 - East Sutherland and Edderton

**Development category** : Local Development

**Pre-determination hearing** : None

**Reason referred to Committee** : More than 5 objections.

**1. PLANNING UPDATE**

- 1.1 Members will recall this applicaiton was considered at the North Planning Applications Committee on 16 February. Members had raised concerns about the unsuitability of the proposed parking area directly in front of the nearest house to the site, Leathley Lodge. **The Committee AGREED to defer the application to ask the applicants to revise their application and relocate the parking area.**
- 1.2 Following thisa **site meeting** took place on 2 March 2016 between the Planning Officer and Applicants to explore and identify a more appropriate location for the parking area, taking into account the views expressed at Committee.
- 1.3 The discussions identified **re-locating the proposed car parking area** to the southwest of that originally proposed, such that the northeastern edge of the adjusted car parking area would be approximately in line with the southwestern gable of Leathley Lodge.

- 1.4 The main outlook from Leathley Lodge is to the north-northwest, north, and north east; the movement of the proposed parking area is considered to significantly reduce the potential visual impact of the development, particularly with regards to vehicle parking, than the original proposal.
- 1.5 The **vehicular access to this parking area** would be extended from the existing formed access to the public road to the northeast. As a result of the adjusted location of the parking area, the portable building (office), stable and caravan would also be moved to the southwest of their originally proposed locations.
- 1.6 The **equine manège with floodlighting** would remain in the originally proposed location. The lighting for the manège was confirmed by the applicants as being located at opposite corners (southwest and northeast), on poles approximately 4m in height. For clarity, the previously indicative positions of future aspirant self-catering accommodation and polytunnel have been removed from the updated plan. Notwithstanding this, it should be noted that these elements would require separate application(s) in the future.
- 1.7 It was agreed on site that the **area which has already been cleared** for the development of the parking area (with the exception of the extended private access track) is to be reinstated with some of the currently bunded overburden, and left to naturally reinstate as part of the field.
- 1.8 The applicant also provided an update on the **BT pole** in the southern visibility splay, advising that the pole is to be moved and some of the existing overhead line would then be undergrounded, thus reducing the interference caused to the visibility splay. Condition No. 6 has been amended to reflect this. In response to the proposed **conditions** previously presented to Committee the applicants have requested a modification to conditions 2 & 3 (lighting, operating times of lighting; and hours of operation of the site).
- 1.9 The applicants have advised that the suggested restriction on **operational hours** (condition No.3 - 09:00 and 18:00 Monday to Sunday) would be too onerous; and that the accompanying and related restriction on the **lighting** of the site, in particular the manège (condition No.2 – no lighting outwith the hours of 18:00-09:00) would impinge on the commercial operation. In addition, they have pointed out that such restrictions may also hamper the practicality of dealing with animal welfare during darkness.
- 1.10 Given this, and the applicants agreement to moving the parking area further to the southwest, and consequently further from the nearest house, it is now considered that the timing restrictions (identified within conditions No.2 and 3) can be adjusted to provide longer commercial opening hours (condition No.3 - suggested 08:00 and 21:00 Monday to Sunday); and that the switch off of the commercial floodlighting outwith the hours of 21:00-08:00 (condition No.2). This would provide a balance between the commercial development and the neighbouring residential amenity.

- 1.11 Members will note that as the plans have also been adjusted with the positions of future aspirant self-catering accommodation and polytunnel having been removed from the updated plan, it is now considered that the **originally proposed condition No 5 is removed.**
- 1.12 An adjusted set of conditions is attached.
- 1.13 The **use of the land for a consolidation of the existing small equine business** by way of the provision of an equine manège with associated access, hard standing, and siting of static caravan for storage, **is considered to generally be compatible with this rural location and Development Plan policy.**

## 2. CONCLUSION

- 2.1 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.

## 3. RECOMMENDATION

### Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland n

Conclusion of Section 75 Agreement n

Revocation of previous permission n

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

1. Planning permission for the **static caravan as an office/changing space only and for no other use** is hereby granted for a temporary period of 3 years only and shall cease to have effect on 28.03.2019 (the 'cessation date'). Prior to the cessation date, the static caravan along with all associated fixtures and fittings shall be cleared from the application site shall approved under the terms of this permission.

**Reason** : In recognition of the temporary nature of the static caravan, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence on the manège and its floodlighting until the developer shall have submitted full details in writing and on plan of the proposed floodlighting of the site, for the approval in writing of the Planning Authority. For the avoidance of doubt, the details shall include the location, height, light bulb type (sodium or LED), angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage

outwith the site boundary; and the details of any lighting column. The floodlighting system shall be fitted with an automatic cut-out timer to ensure that the system cannot operate outwith the hours of 21:00-08:00. Thereafter only the approved details shall be implemented.

**Reason** : In order to ensure that the development hereby approved does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

3. The **hours of operation** of the site shall be 08:00-21:00 Monday to Sunday unless otherwise agreed in exceptional circumstances with the prior written agreement of the Planning Authority.

**Reason** : As no details have been provided and in order to minimise any impact on individual or community residential amenity.

4. No development shall commence on site until the developer shall have submitted full details in writing and on plan of any:
- **Animal shelters**
  - **Stable block**
  - **Location of any muck heap**

for the approval in writing of the Planning Authority. For the avoidance of doubt, the development shall thereafter be undertaken in accordance with the agreed details.

**Reason** : As no details have been provided and in order to minimise any impact on individual or community residential amenity.

5. All development works associated with the **formation of the access point** to the public road shall be completed before the first use of the rest of the development as a riding centre, as shown on the Access Layout Plan docquetted hereto, to the satisfaction of the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt visibility splays of 2.5m x 90m shall be provided, and that the BT pole within the southern access splay shall be removed before the commencement of any development.

**Reason:** In the interests of road safety.

6. Within the first available planting season following the completion of the car park, the area of **scraped field** to the northwest of Leathley Lodge shall have been reinstated and re-seeded by the developer, with finished ground levels to match the adjacent field profile, all to the satisfaction of the Planning Authority. For the avoidance of doubt, there shall be no parking of vehicles within the reinstated field.

**Reason:** In the interests of 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 & 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 Community Services prior to work commencing.** These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local **Community Services** office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

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

Application forms and guidance notes for access-related consents can be downloaded from:

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

### **Mud & Debris on Road**

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

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Bob Robertson

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

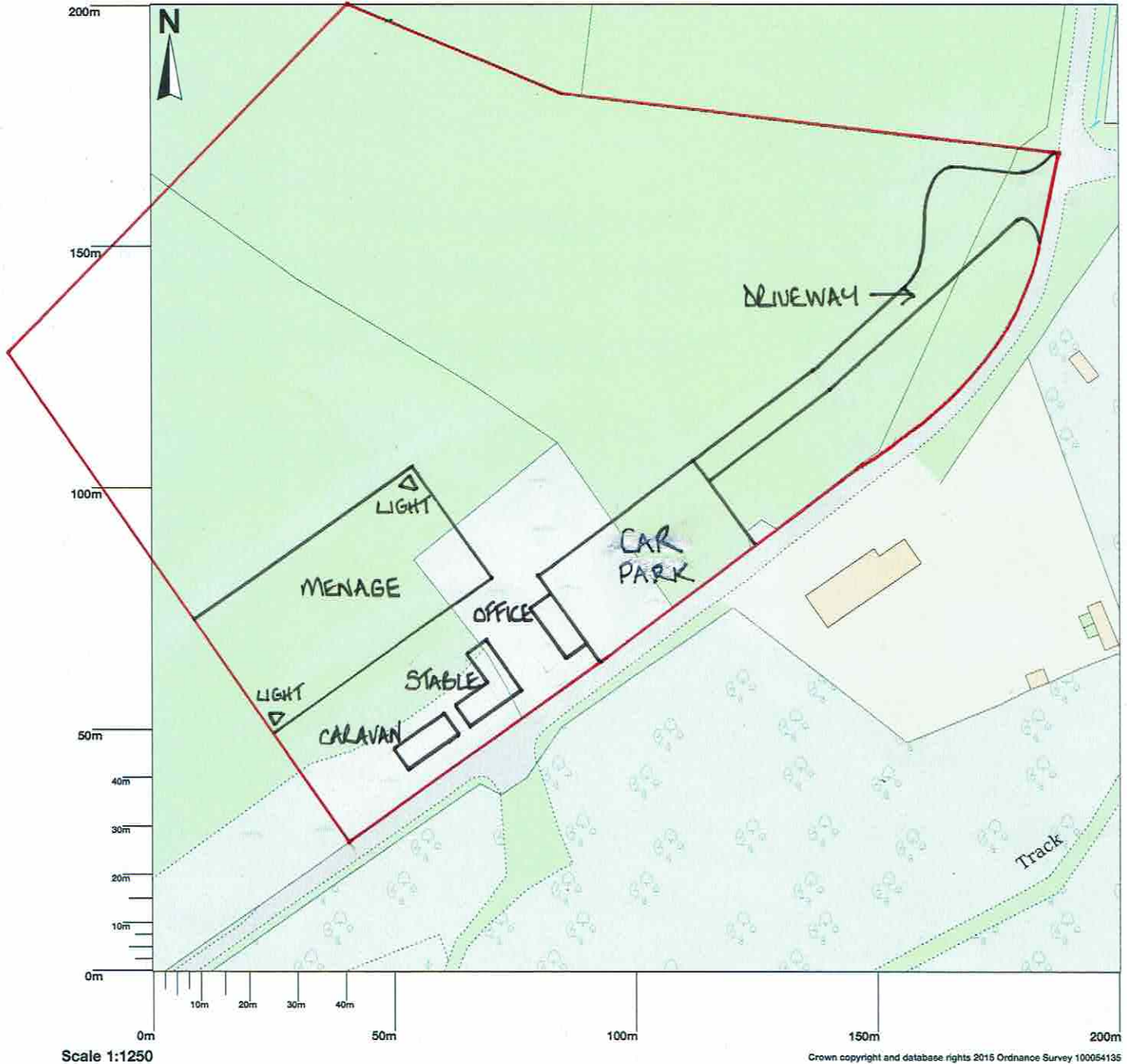
Relevant Plans:

- Location plan 01 Rev B
- Proposed site layout plan 000002 Rev C
- Access Layout Plan 03



# Leathley Lodge, Edderton, Tain, IV19 1LJ

## PROPOSED DEVELOPMENT



Map shows area bounded by: 271364.0,883232.0,271564.0,883432.0 at a scale of 1:1250. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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