

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
2 August 2016**

Agenda Item	6.1
Report No	PLN/039/16

**16/00522/FUL: Mr Brian Flockhart and Mr Simon Harrison
Land 15M North Of Luachran, 29 North Erradale, Gairloch**

Report by Area Planning Manager

SUMMARY

Description : Erection of house

Recommendation - Grant

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : More than five representations from separate addresses

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a one bed dwelling house. The house is of a contemporary/bespoke design of an angular V-shaped form with a mono pitched roof. The roof pitch rises from single storey to the south to a raised single storey at the north. The southern ridge height is 2.8m, or thereby rising to 6.5m along the northern ridge level. The split level internal floor levels rise from a single storey height entrance to a raised single storey living space and the width reduces from a wider southern elevation of 12.6m to a narrower northern elevation of 6.9m. The proposed external materials are black stained timber and profiled metal sheeting for the roof. Yellow aluminium panels will be used in the recessed porch area, located at the south eastern corner.
- 1.2 An informal pre-application enquiry was submitted.
- 1.3 The site will be accessed from the existing surfaced shared driveway. The driveway currently serves three houses; Luachran, Little Lodge and The Bothy. A connection is to be made to the public water supply and it is intended to connect into the septic tank and rainwater/foulwater soakaways of the existing house located to the south, Luachran.
- 1.4 The application is accompanied by a statutory design statement and visualisations.

2. SITE DESCRIPTION

- 2.1 The site consists of part of the extended garden ground/domestic curtilage of the house, Luachran. It is a flat area of land which extends to approximately 535m², currently occupied by a large polytunnel. The northern boundary is edged by an embankment with semi-mature vegetation. There is a stock proof fence, which encloses the curtilage of Luachran.

3. PLANNING HISTORY

- 3.1 Adjacent land:
- 04/00044/FULRC- Erection of House – Approved - 24.02.2004 – built (Luachran.)
- 04/01168/FULRC- Erection of 2.5 KW Wind Turbine – Approved - 21.04.2005- not built, now lapsed. Turbine site lies immediately to the north of the current application.
- 04/01205/FULRC - Erection of House – Approved - 24.03.2005- built (The Bothy.)
- 10/04722/FUL- Erection of porch extension to house – Approved-14.02.2011- (The Bothy.)
- 13/03592/FUL- Installation of air source heat pump – Approved - 20.11.2013- (Luachran)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour
Representation deadline : 13.03.2016
Timeous representations : One - Against
Late representations : Eleven – Against - Two - In Support
- 4.2 Material considerations raised by those in support of the application are summarised as follows:
- The design is innovative and sympathetic to the surrounding landscape.
 - Located within the existing grounds of Luachran, there will be little disruption to the surrounding area.
 - Access road, water supply and electricity are already on site.
 - Further development which uses local sourced material and craftsmen supports the economy of the Highlands.

Material considerations raised by those objecting to the application are summarised as follows:

- Design of house is inappropriate for development within the Wester Ross National Scenic Area.
- The development will be visually intrusive on the skyline.
- The development will interrupt views from neighbouring properties.
- The visualisations do not accurately reflect the impact of the development.

- Additional traffic and pedestrian movements both during and after construction will have a negative impact on the amenity of the property known as The Bothy.
- The development does not respect the character of North Erradale and is overdevelopment of the site.
- An archaeological survey should be considered.

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: Commission can confirm that this land has been decrofted and is no longer subject to crofting tenure. As such the Commission has no remit on this application.

5.2 Scottish Water: : No Response

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 34 Settlement Development Areas

Policy 57 Natural, Built and cultural Heritage

6.2 Wester Ross Local Development Plan

Settlement Development Area boundary for North Erradale

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Not applicable.

7.2 Scottish Government Planning Policy and Guidance

Promoting Rural Development - Para 77 (remote and fragile areas)

Valuing the Natural Environment – Para 212 (National Designations)

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 statutory development plan for the site comprises the Highland-wide Local Development Plan (HwLDP) adopted April 2012 and the Wester Ross Local Plan, as remains in force, adopted June 2006.

8.4 The application site lies with the settlement development area of North Erradale as defined in the Wester Ross Local Plan. North Erradale lies within the boundaries of the Wester Ross National Scenic Area. The development therefore requires to be considered against the policies which relate to Settlement Development Areas and Nationally important natural environment features.

8.5 Policy 34 (Settlement Development Area) states that we will support proposals within SDA's if they meet the requirements of Policy 28 and all other relevant policies of the plans and we will judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage feature.

Policy 28 (sustainable development) aims to ensure that development is sustainable. It reinforces the requirements for development to be considered in terms of siting, design and the impact on landscape qualities as well as their compatibility with public service provision and the impact on individual and community residential amenity.

Policy 57 – (Natural, Built and Cultural Heritage) In the context of the proposed development this policy is in reference to the Wester Ross National Scenic Area and the landscape features for which it was designated. The aim of the policy is to take into account the quality of the landscape and the impact that the development will have on this feature.

8.6 **Material Considerations**

8.7 **Siting, layout and design**

8.8 North Erradale has the characteristics of a crofting township with a pattern of dispersed housing across the south facing gentle slopes of a shallow glen. The steeper slopes of the glen lie immediately to the west of the site and to the east of the public road which lies to the north and east of the site. The site lies at the northern extremity of the settlement development area where there is a cluster of three existing properties all serviced off the same private driveway. The houses consist of Luachran which was completed in 2006, The Bothy, built around the same time and Little Lodge the croft house originally associated with 29 North Erradale. The properties are of various scale and design. Luachran is a large two storey property with a double garage linked to the main house by a covered walkway. The Bothy is a more modest property externally clad in timber with a footprint of approximately 100m². Little lodge is a stone built house of traditional proportions.

The proposed house will be sited 9 metres to the north of Luachran thereby consolidating development within the area of ground disturbed by the erection of this property. It is acknowledged that the siting of the property is physically closer to Luachran than the relationship between most other properties in the North Erradale settlement development area. It is also acknowledged that there are a number of properties which have outbuildings of a similar scale and massing, although these are of a more conservative, traditional design, which have the same close relationship as that proposed. The site is also currently occupied by a sizeable polytunnel. Within this context and, given the latest visualisations submitted by the agent which illustrate the building appearing reasonably discrete in the landscape due to the subdued finishes proposed and the landform, it is considered that the proposed development is acceptable.

- 8.9 The property has clearly been designed to address the close relationship with Luachran in that there are no windows on the southern elevation and the v-shaped form rises from south to north. The design statement submitted with the application explains that the design philosophy for the house has evolved from the nature of the site. The walls to the west are orientated to take advantage of the views and the walls to the south are absent of glazing in order to maintain a private edge to the existing house. The roof pitch rises from single storey to the south (and the existing house) to a raised single storey at the north. The design statement outlines that the proposed monopitch form takes inspiration from the rural agricultural shed with simple large windows and sliding 'barn style' doors.
- 8.10 It is considered that the key issue is the acceptability of the design in this location and the impact that such a development will have on the wider character of the area. The property will be seen within the same visual envelope as the existing house, particularly when viewed from the public road which runs to the east and then north of the site. Views of the development from the south and south east will be very limited as, Luachran, the existing house is of a scale, massing and height such that it will screen the proposed house. The public road lies above the level of the site some 250m to the east of the site and at a distance of 200m to the north. From these distances the development, will be seen against the back drop of the rising land to the west and the side of the glen to the south. It is not considered that the building will skyline as suggested by those who objected to the planning application. The development is to be built at a ground level lower than the existing and consequently the first 2-2.5m of the proposed building will sit lower than the surrounding ground.
- 8.11 Based on the above, it is considered that the development as proposed with its dark timber exterior and overall massing will not be overly dominant in the landscape and will therefore not have a significant impact on the wider landscape character. As regards the design, it is acknowledged that design is often considered to be a subjective subject rather than objective which rarely results in a consensus position. In the context of the determination of the planning application the matter is whether the design succeeds or fails to deal with the characteristics and the constraints of the site. It is considered that the design is a well considered example of contemporary architecture which has been specifically crafted for the

site. The visualisations which support the application appear to reflect the proposal in a satisfactory manner. Additional visualisations were requested by the planning service during the processing of the application.

8.12 Impact on Residential Amenity

8.13 The nearest neighbouring property, other than Luachran is the property known as The Bothy. This house lies approximately 120m to the east of the proposed development. Given the separation distances the development will have no impact on the amenity of this property with respect to overlooking or loss of daylight or sunlight. Objectors to the application have indicated that the development will interrupt views from neighbouring properties. Whilst it is accepted that the outlook from The Bothy may change, little weight can be given to this matter in terms of the determination of the application as the planning authority is not empowered to protect the views available from individual properties. It is also noted that the ground to the west of The Bothy which also lies north of Little Lodge is heavily planted with mixed species woodland and therefore views to the west are limited to a degree by virtue of the height and density of the trees.

8.14 The Bothy lies immediately adjacent to the private access track. It has been suggested that amenity of The Bothy will be detrimentally affected by the increase in vehicles and pedestrian traffic. It is acknowledged that during the construction phase activity will increase and that an additional house will generate more traffic and footfall. However, the volume of traffic and the increase in usage of the track which would be anticipated for a single house is not considered to be at a level that would significantly reduce the amenity of The Bothy.

8.15 Parking and Impact on road network

8.16 Access from the public road is via the existing surfaced private track. The junction of the track with the public road is 5m wide with an area set aside for refuse bin storage. There is clear visibility in both directions for at least 150m. Given the geometry of the road and the speed of traffic it is considered that the increased usage of the junction will have no impact on road safety.

8.17 Archaeological Interests.

8.19 It has been suggested by a third party that an archaeological survey should be considered. The Historic Environment Team has indicated that such a survey would not be required.

8.20 Other Considerations – not material

Concern has been expressed by third parties about the scale, massing and design of the existing property Luachran and the impact that this property has on the landscape. It has been referred to by some as an eyesore. It is acknowledged that this property is greater in scale than both Little Lodge and The Bothy. In the context of the determination of the planning application, the relevance of the design of the existing house in assessing the proposed development is in relation to the presence of this existing building and the landscape character. As set out above it

is considered that the design of the house and the impact on the character of the landscape does not justify refusal of the application. It should be noted that whilst the proposed development will be screened by the existing house from the south and south easterly direction. The proposed house will, to a degree, hide the existing house from view when seen from the road to the north and east. It must also be noted that landscaping of the site, particularly along the northern boundary which was provided as part of the original development of the land for Luachran, will continue to mature and there is an opportunity for this to be further enhanced by the addition of more planting which will become fully established over time.

8.21 **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.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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 details of a tree planting scheme for the northern boundary and the section of the eastern boundary to the north of the access point into the site have been submitted to, and approved in writing by, the Planning Authority. Thereafter the planting works shall be carried out in accordance with the approved scheme. All planting as may be comprised in the approved details shall be carried out in the first planting season following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to enhance the existing planting along these boundaries and also to ensure that in the event that the existing planting dies or is damaged during the construction that appropriate landscaping which will enhance the overall appearance of the development is provided timeously.

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 and the colours to be applied to the larch cladding shall be retained in perpetuity. For the avoidance of doubt recessive colours/finishes shall be used.

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

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 LIMIT DIRECTION

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.

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.

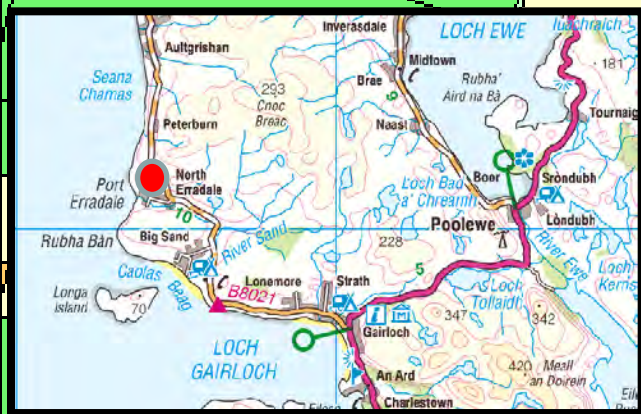
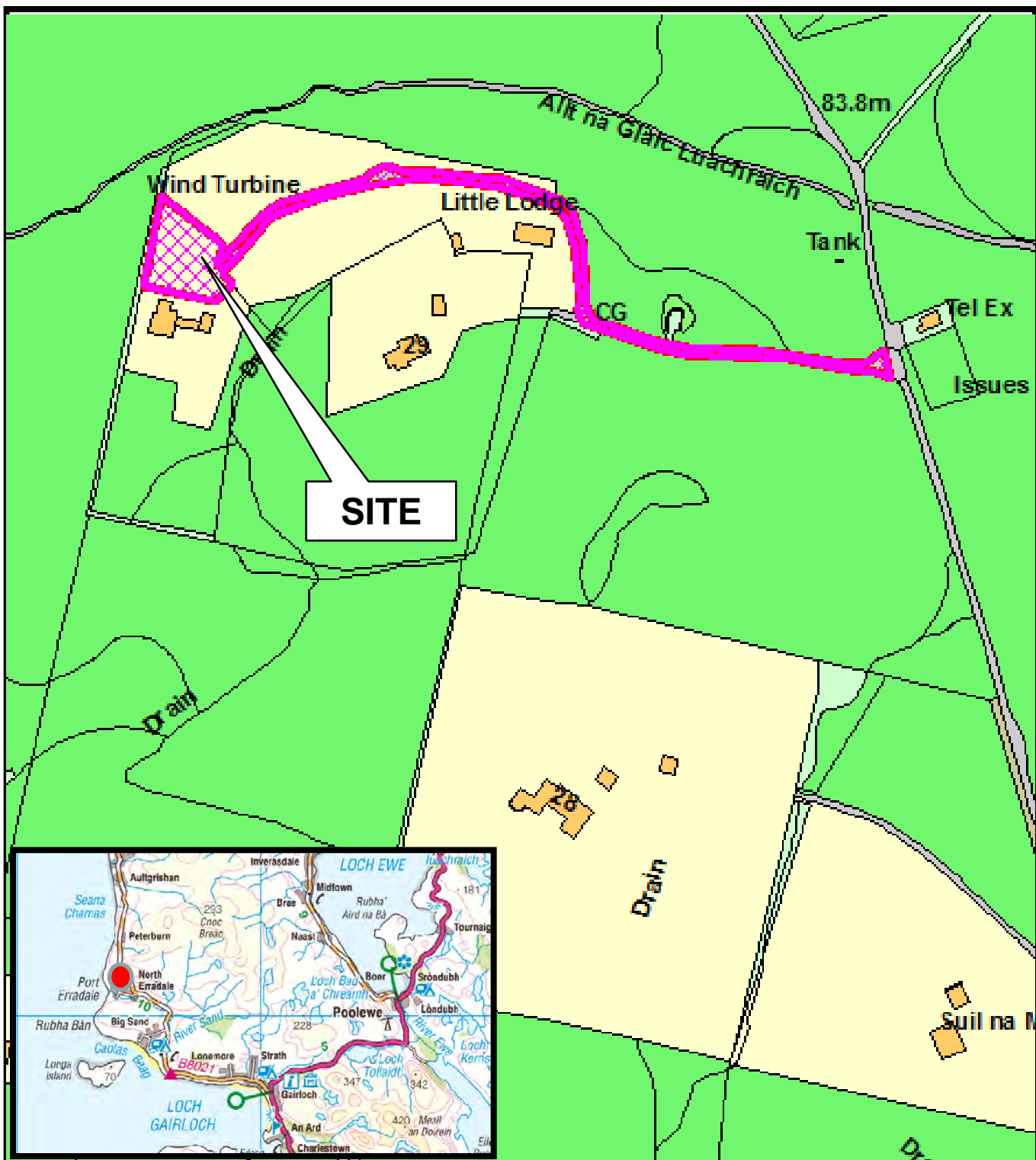
Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Designation: Area Planning Manager North
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout Plan
Plan 3 – Elevations
Plan 4 – Floor Plan
Plan 5 – Sections

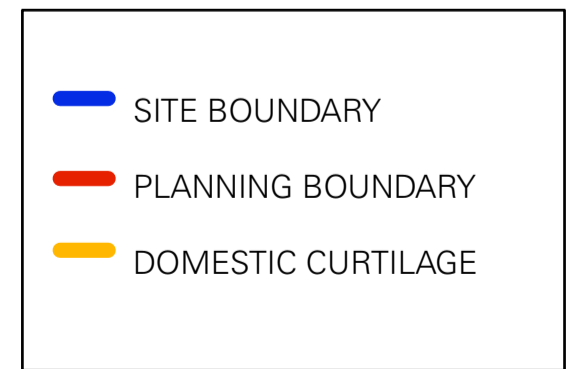
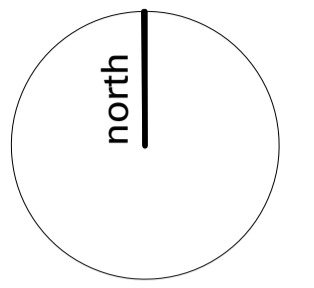
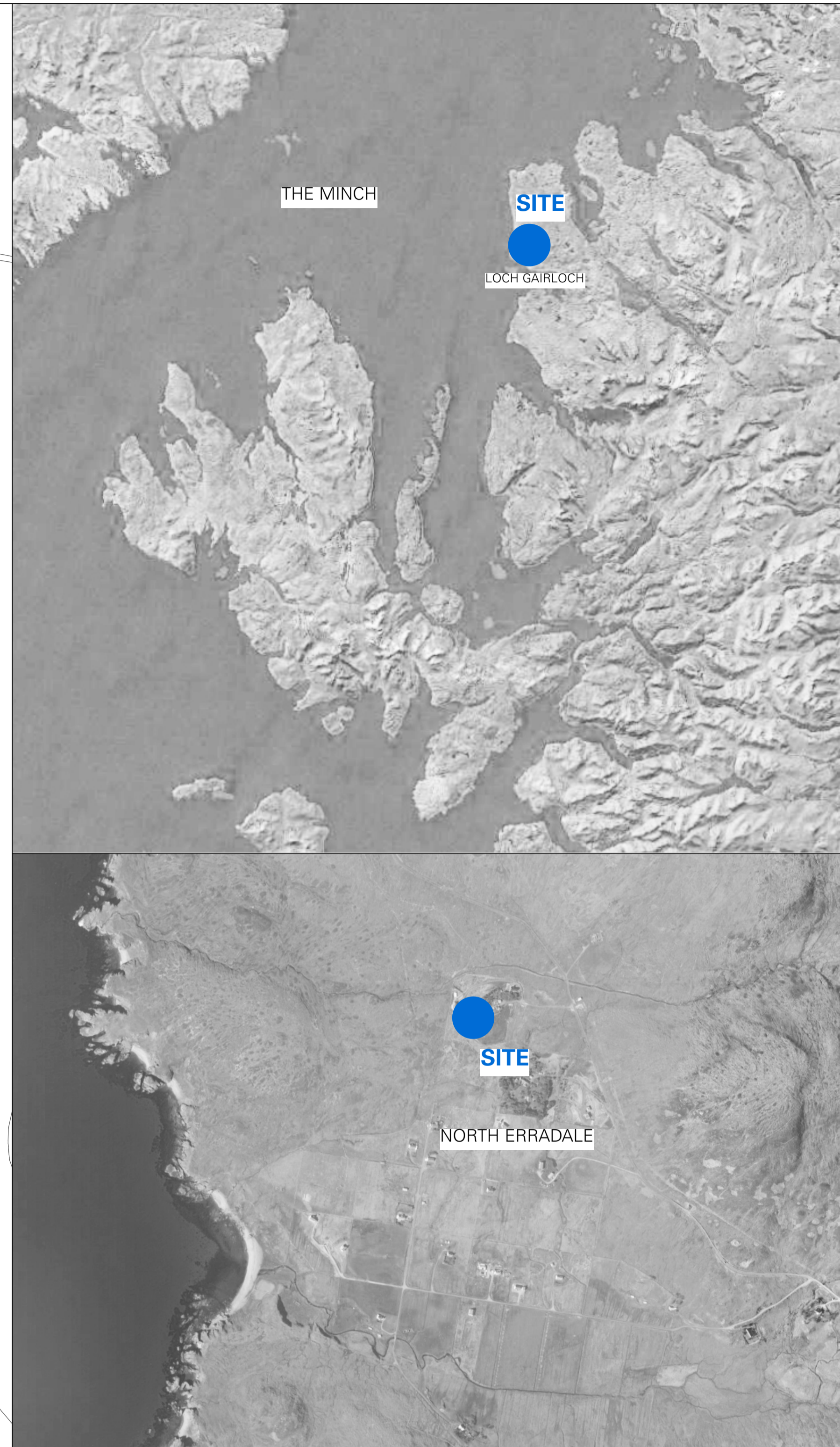
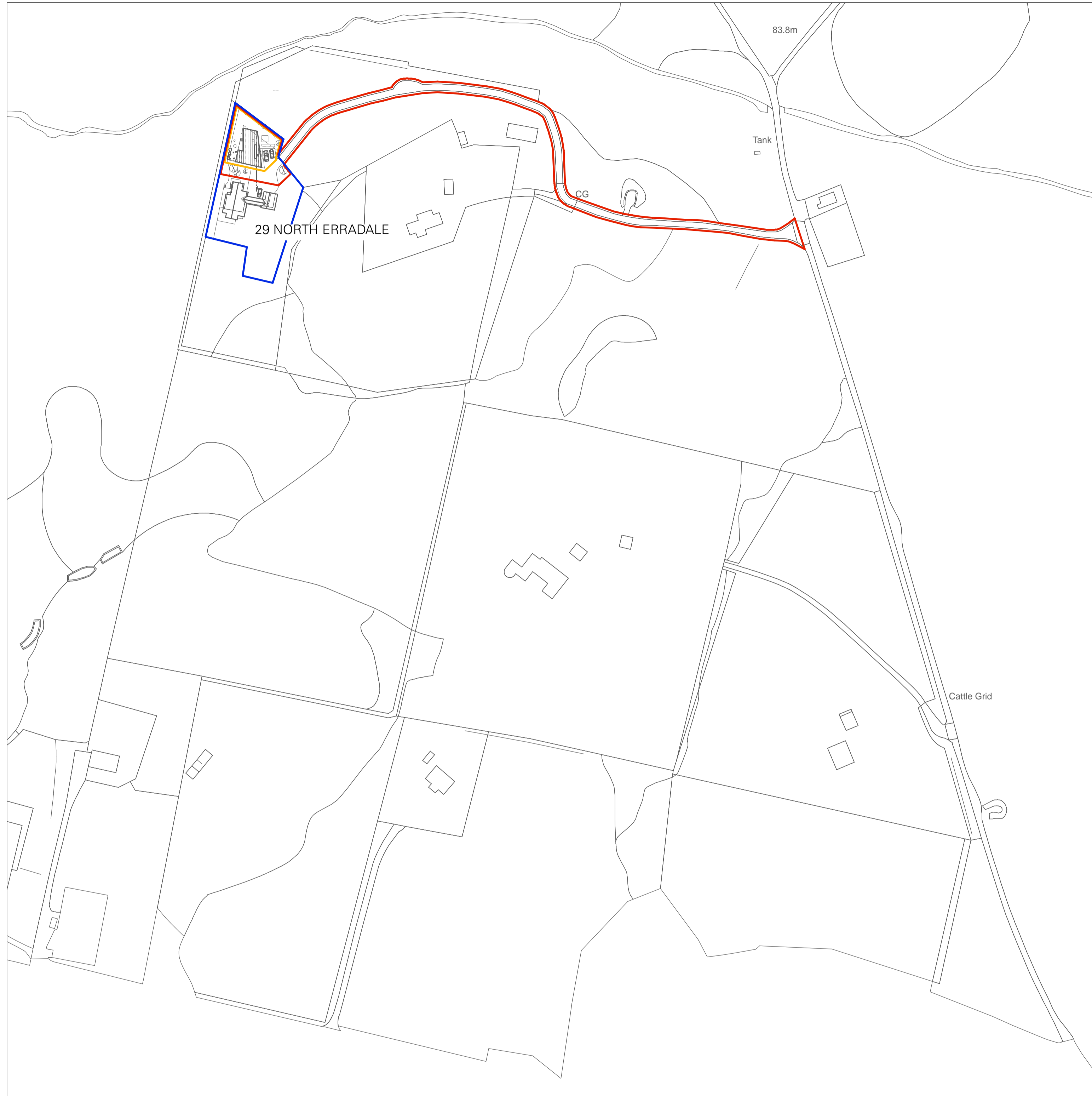


The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

16/00522/FUL
Erection of house
Land North of Luachran,
29 North Erradale, Gairloch
02 August 2016





do not scale drawing, if in doubt seek clarification from architect

revisions & notes
a boundary lines revised

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RURAL DESIGN ARCHITECTS

Client
 Brian Flockhart + Simon Harrison

Dwg No.
 253/001a

Status
 PLANNING

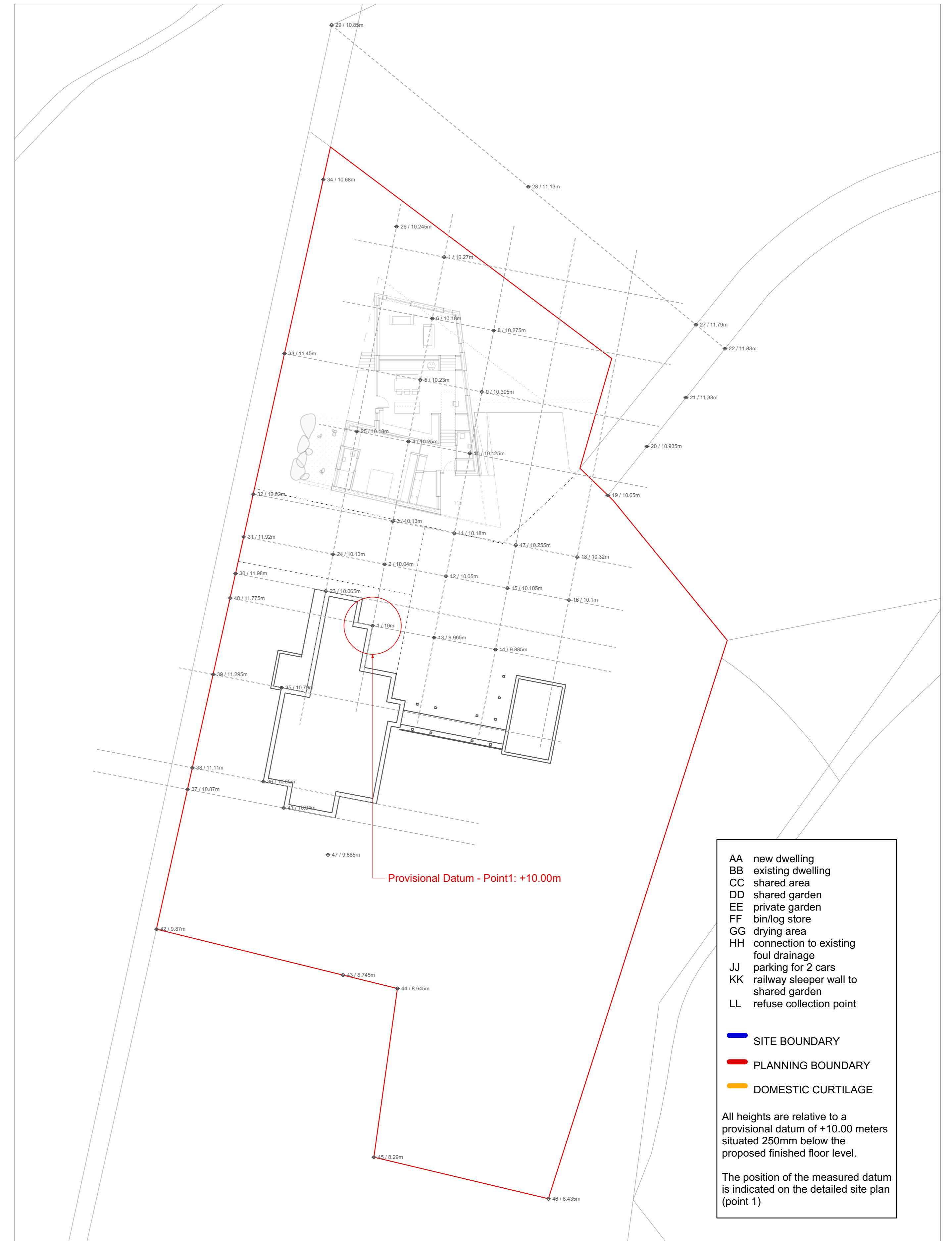
Project
 29 North Erradale

Drawing Title
 Location Plan

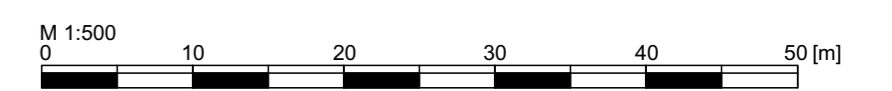
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Detailed Site Plan



Detailed Site Plan - Measured Heights



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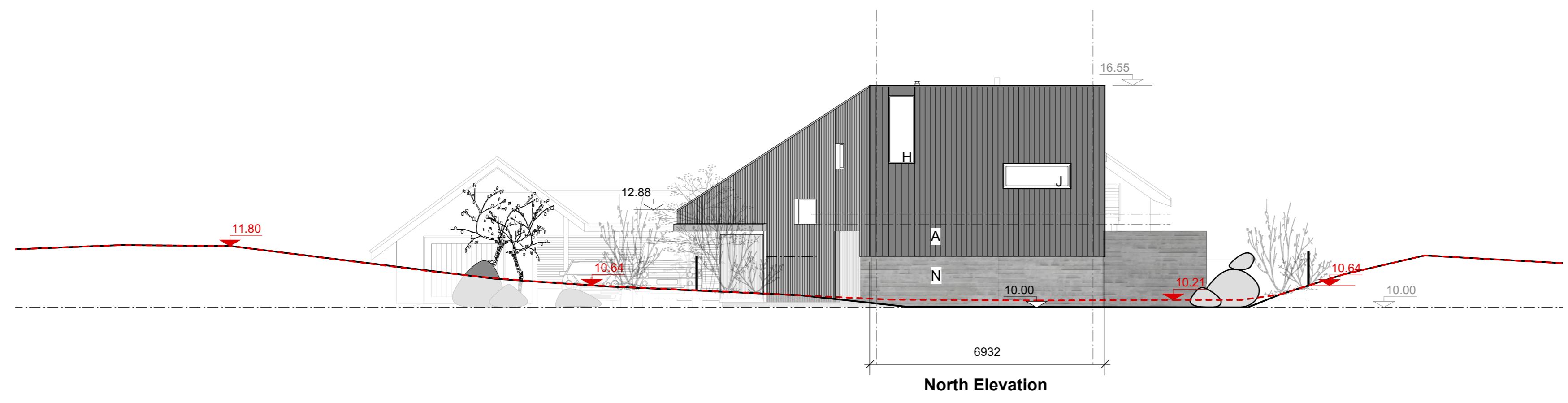
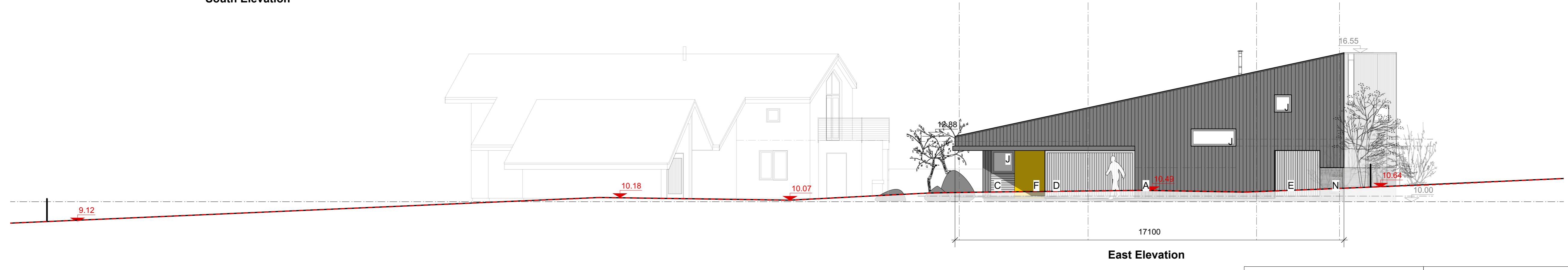
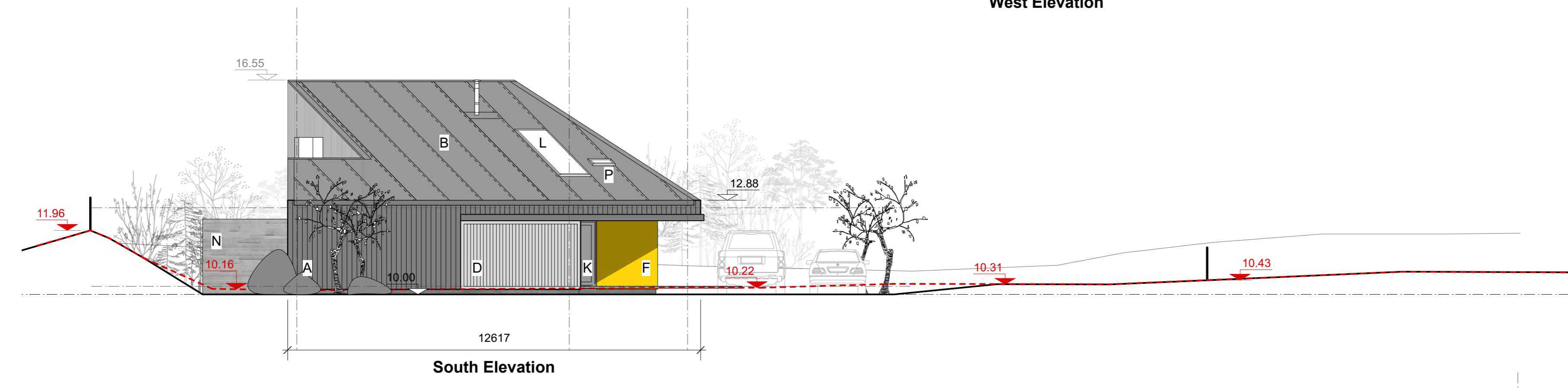
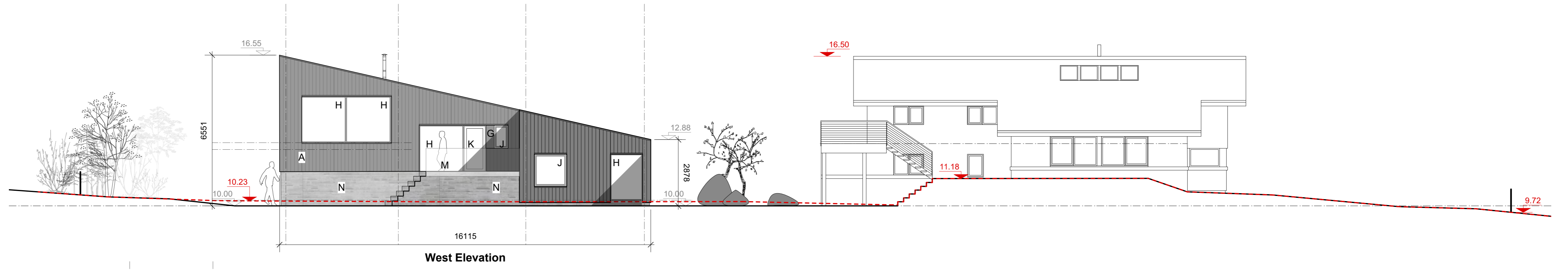
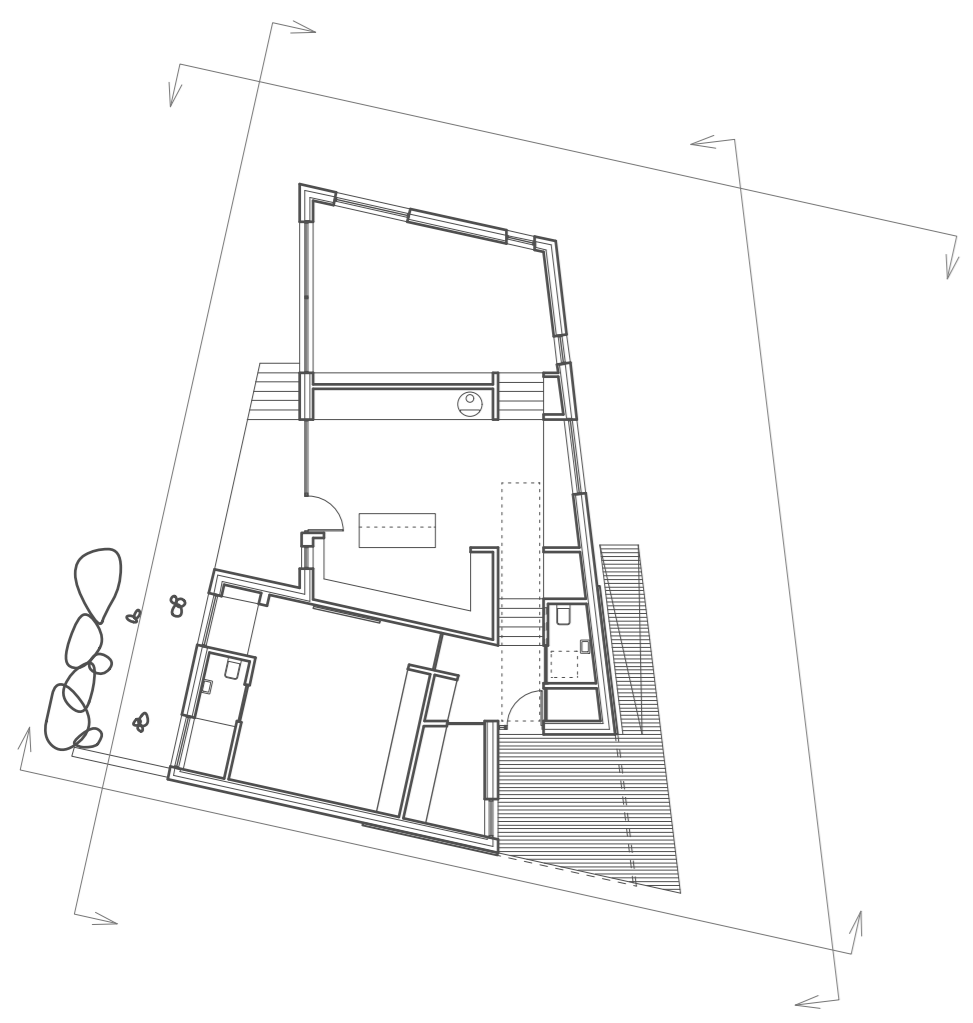
Client
Brian Flockhart + Simon Harrison

Dwg No.
 253/003

Project
29 North Erradale

Status
 PLANNING

Drawing Title	Scale	Date	Drawn
Detailed Site Plan + Levels	1:200	1st June 2016	AR



All heights are relative to a provisional datum of +10.00 meters situated 250mm below the proposed finished floor level.

The position of the measured datum is indicated on the detailed site plan (point 1)

--- Existing Ground Level
 — Proposed Ground Level

10.00 Existing Levels - Red
 10.00 Proposed Levels - Black/Gray

A.	board on board black stained european larch cladding
B.	anthracite (colour) profiled metal roofing
C.	european larch horizontal cladding
D.	european larch ledged + braced sliding door
E.	european larch double door
F.	yellow powder coated aluminium cladding
G.	anthracite (colour) metal panel
H.	black powder coated aluminium clad, fully glazed fixed light
J.	black powder coated aluminium clad, fully glazed opening light
K.	black powder coated aluminium clad, fully glazed door
L.	glazed fixed rooflight
M.	glazed balustrade
N.	timber shuttered concrete
P.	glazed opening roof light

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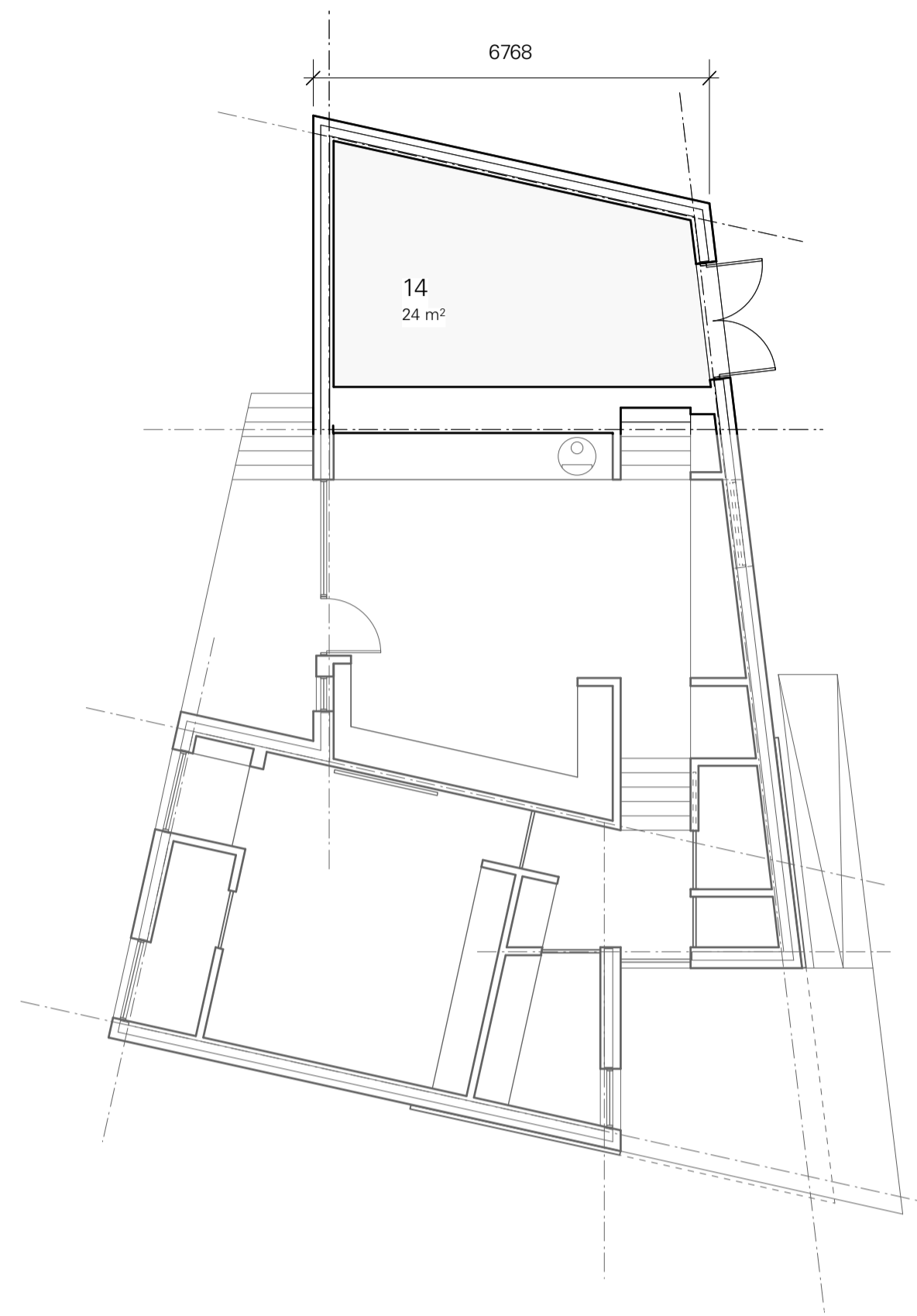
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 a:
 -existing and proposed levels added using a provisional datum.
 -existing vegetation to the north of the proposed house included.

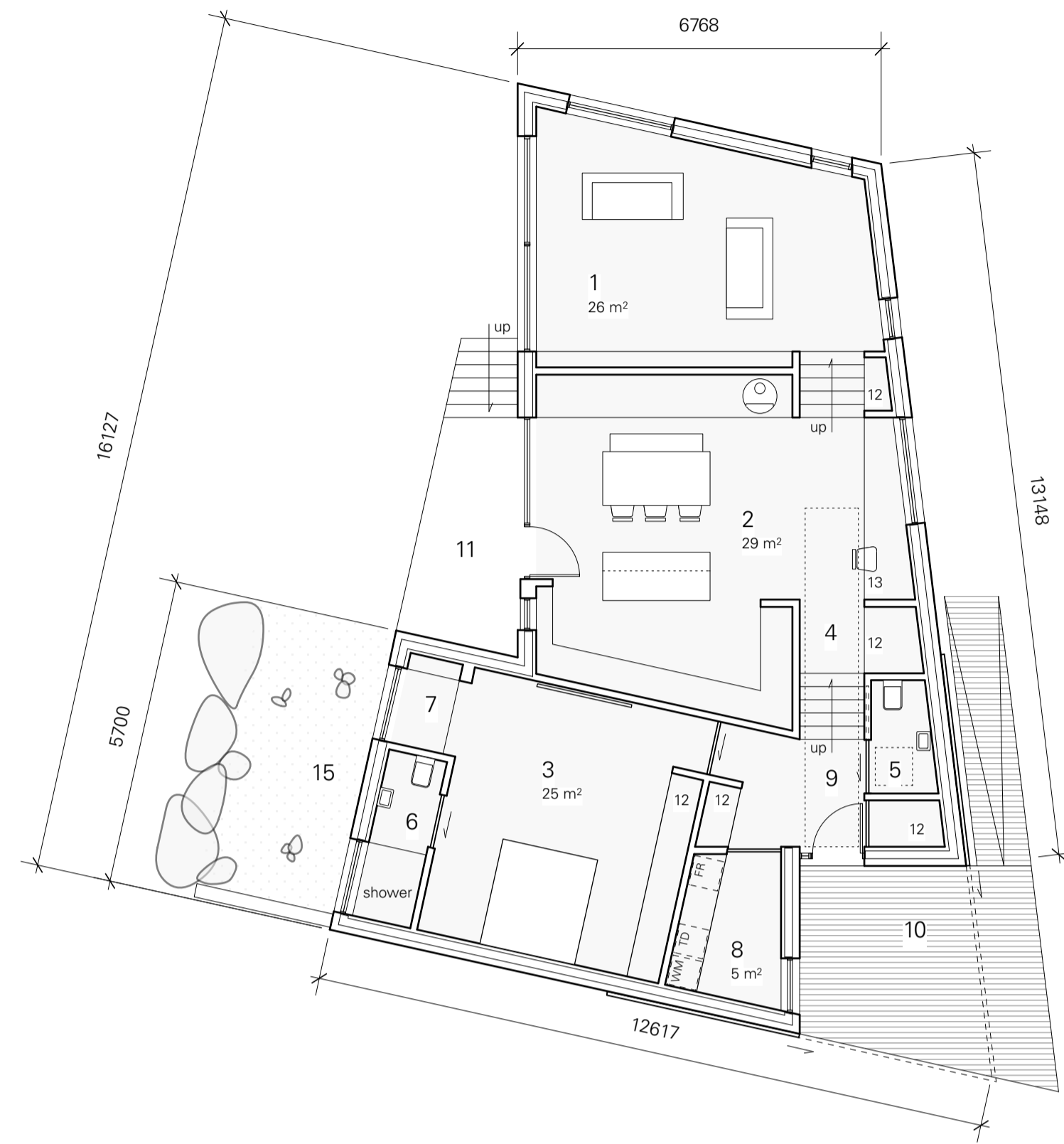
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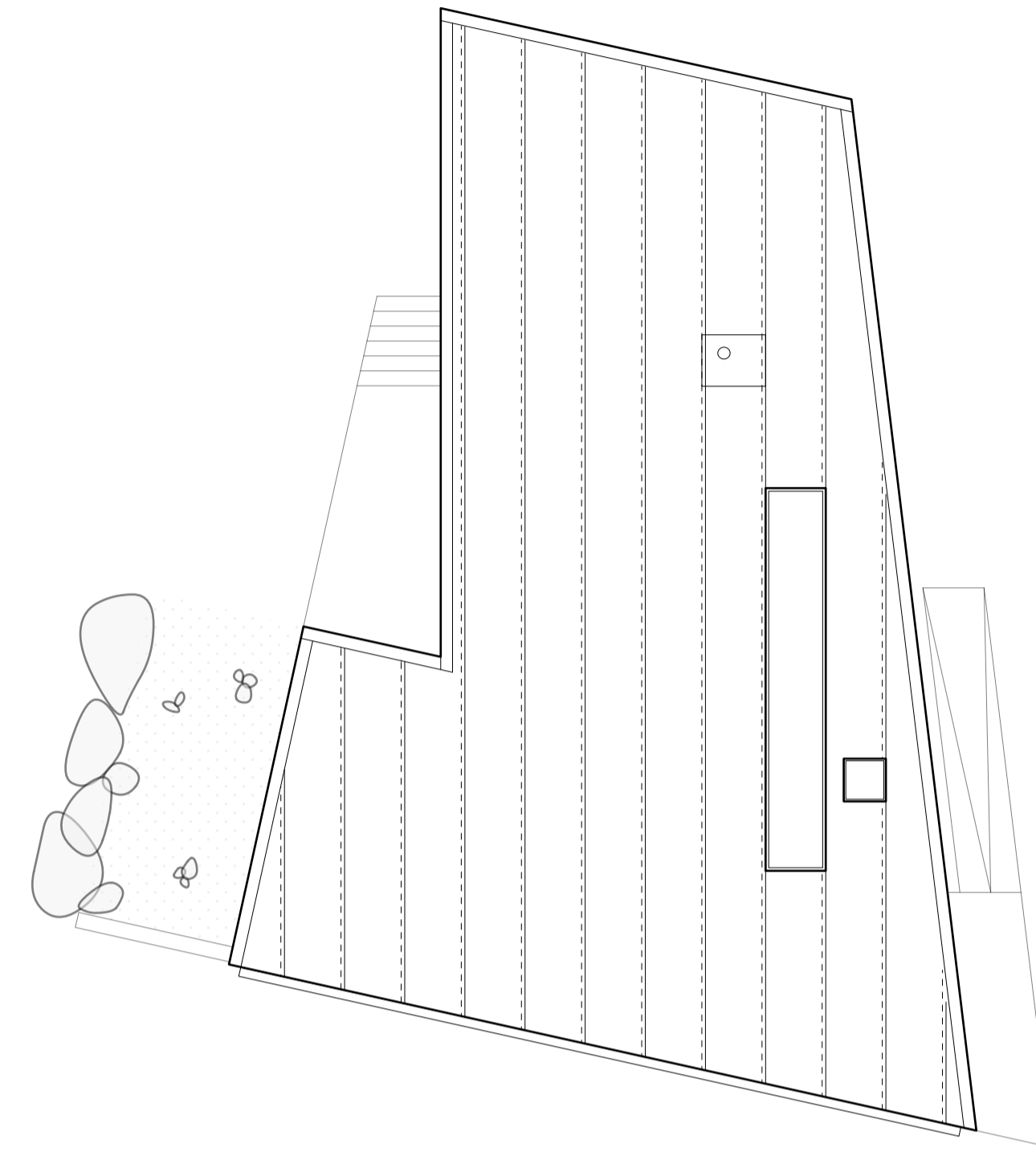
Client Brian Flockhart + Simon Harrison		Project 29 North Erradale		
Dwg No. 253/111a	Status PLANNING	Drawing Title Elevations	Scale 1:100	Date 1st June 2016 AR



Basement Floor Plan 1:100
Gross Internal Area = 22 m²



Ground Floor Plan 1:100
Gross Internal Area = 116 m²



Roof Plan 1:100

- 1. living
- 2. kitchen/dining
- 3. bedroom
- 4. hall
- 5. w.c.
- 6. shower room
- 7. reading nook
- 8. utility
- 9. entrance hall
- 10. entrance recess
- 11. terrace
- 12. storage/shelving/bench
- 13. computer desk
- 14. basement storage (2.2M height)
- 15. 'japanese style' garden



do not scale drawing, if in doubt seek clarification from architect

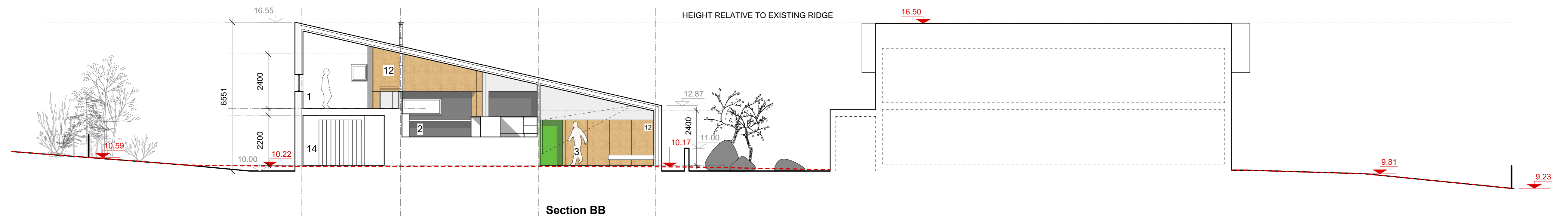
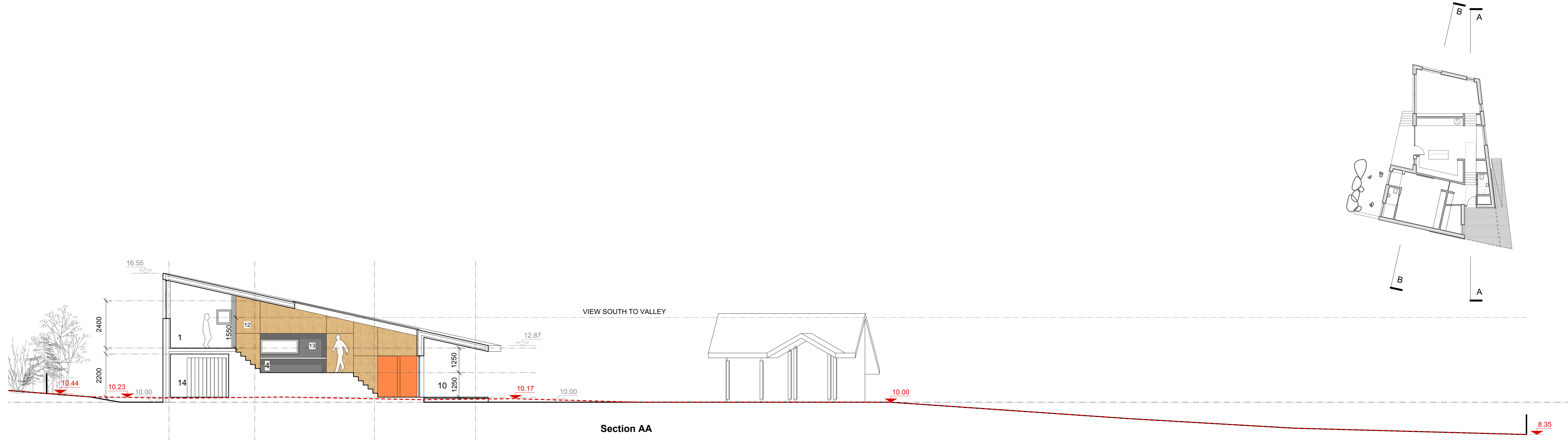
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Dwg No. 253/101	Status PLANNING	Drawing Title Floor Plans	Scale 1:100	Date Feb 2016
		Drawn GS		



<p>All heights are relative to a provisional datum of +10.00 meters situated 250mm below the proposed finished floor level.</p> <p>The position of the measured datum is indicated on the detailed site plan (point 1)</p> <p>--- Existing Ground Level — Proposed Ground Level</p> <p>10.00 Existing Levels - Red 10.00 Proposed Levels - Black/Gray</p>	<ol style="list-style-type: none"> 1. living 2. kitchen/dining 3. bedroom 4. hall 5. w.c. 6. shower room 7. reading nook 8. utility 9. entrance hall 10. entrance recess 11. terrace 12. storage/shelving/bench 13. computer desk 14. basement storage (2.2M height) 15. 'japanese style' garden
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revisions & notes
a:
-existing and proposed levels added using a provisional datum.
-existing vegetation to the north of the proposed house included.

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RURAL DESIGN ARCHITECTS

Client Brian Flockhart + Simon Harrison		Project 29 North Erradale		
Dwg No. 253/121a	Status PLANNING	Drawing Title Sections	Scale 1:100	Date 1st June 2016 AR