

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
18 OCTOBER 2016**

Agenda Item	5.1
Report No	PLN/050/16

**16/00342/FUL: Mr Alexander Mackenzie
Land 45M NW of Braeburn, 4 Aultgrishan, Melvaig.**

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 : Hearing not required

Reason referred to Committee : Five or more representations

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of a three bedroomed property. The house has traditional features including a 45 degree roof pitch, vertical emphasis to the windows and a modest pitched roof porch. A simple palette of materials are proposed; grey tiles, wet dash harl for the walls and vertical larch cladding to the porch.
- 1.2 The house will be served by a private drainage system with a septic tank and soakaway located at the rear of the property. An area of garden ground will be created around the house by the construction of a fence.
- 1.3 The site will be accessed from the public road by an existing junction which currently serves the neighbouring property Braeburn, 4 Aultgrishan. It is proposed to upgrade the junction to provide a shared access and service layby which is compliant with current guideline standards.
- 1.4 The application is accompanied by a statutory design statement which makes reference to the scale and proportions of the house being considered to reflect that of existing properties in the area.
- 1.5 **Variations:** Revised plans have been received on four occasions:
 - 07-03-2016 – revised site layout plan and house elevations.
 - 21-04-2016 – revised site layout plan and house elevations.
 - 15-06-2016 – revised site layout plan.
 - 24-08-2016 – revised site layout plan.

2. SITE DESCRIPTION

- 2.1 The site forms part of an area of grazing which is located on the west side of the public road. The land is flat. It lies between two properties; 4 Aultgrishan to the north and Braeburn, 4 Aultgrishan to the south. A third property; Harris Cottage, 3 Aultgrishan is situated on the east side of the public road, opposite Braeburn. The whole of the grazing area is enclosed by post and wire fencing. Mature vegetation within the garden ground of 4 Aultgrishan runs the full length of the north boundary with the site.

3. PLANNING HISTORY

- 3.1 Land adjacent to site.
97/00764/FULRC- Erection of House – Approved 03-11-1997. House built and occupied. (Braeburn, 4 Aultgrishan.)

4. PUBLIC PARTICIPATION

- 4.1 Neighbour notification served twice due to amendments. The application was also advertised for unknown neighbours, as follows:
- 4.2 Initial Representation deadline : 12.03.2016
Timeous representations : 8 representations from 7 addresses – Against.
Late representations : None
- 4.3 Second Representation deadline: 10.09.2016
Timeous representations : 4 representations from 4 addresses - one against, three in support.
Late representations : None
- 4.4 Material considerations raised in objections to the development following the initial publicity period are summarised as follows:
- Siting of house will have a significant impact on the amenity of 4 Aultgrishan, with respect to loss of light, overshadowing and loss of privacy.
 - Siting of the house within 3.4m of the boundary is not consistent with the dispersed settlement pattern.
 - Loss of croft land by the addition of a third house on croft 4 Aultgrishan.
 - Location of development, as described in neighbour notification and publicity incorrect.
- 4.5 Material considerations raised in objection to the development following the second publicity period are summarised as follows:
- Location of development, as described in neighbour notification and publicity remains incorrect.
 - Siting of the house should ideally be further east to reflect settlement pattern.

Material considerations raised in support of the development following the second publicity period are summarised as follows:

- The development will provide a home for a young family thus preserving the viability of the community.
- The position of the house, as now proposed, will not impact on the properties 4 Aultgrishan or Braeburn, 4 Aultgrishan.

4.6 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:** No objection. Consulted on initial plans and again following the submission of the revised plans 24-08-2016.

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 Melvaig.

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**

- 8.4 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.
- 8.5 The application site lies with the settlement development area of Melvaig as defined in the Wester Ross Local Plan. Melvaig 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.
- 8.6 Policy 34 (Settlement Development Areas) states that we will support proposals within Settlement Development Areas 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 of the development on any natural, built and cultural heritage feature.
- 8.7 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.
- 8.8 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.

8.9 **Material Considerations**

8.10 **Siting, layout and design**

- 8.11 The settlement pattern of Aultgrishan which lies within the Settlement Development Area for Melvaig, as identified in the Wester Ross Local Plan, is characterised by individual houses sited on either side of the public road that are either orientated parallel with, or at right angles to, the road. The site lies between two properties 4 Aultgrishan and Braeburn, 4 Aultgrishan. 4 Aultgrishan sits at right angles to and approximately 22 metres from the public road. Braeburn, 4 Aultgrishan is orientated parallel to the road and is set back approximately 35 metres from the public road. 4 Aultgrishan is the original house associated with the croft; it is a traditional one and half storey property. Braeburn, 4 Aultgrishan is a single storey house of late 1990's construction and design.

- 8.12 The siting of the house was initially proposed to be set back approximately 40m from the public road and 3.4m from the north boundary which separates the site from the garden ground of the neighbouring property 4 Aultgrishan. In this location the house would have been sited in front of the neighbouring house, which as described above, is orientated at right angles to the public road.
- 8.13 This initial proposal attracted objections from the owner and occupier of 4 Aultgrishan and other third parties who were concerned about the impact that the development would have on the amenity of 4 Aultgrishan with respect to overshadowing, loss of light and privacy and considered that the siting did not complement the established settlement pattern. The concerns of the third parties were acknowledged and understood.
- 8.14 In addition to the impact of the development on the neighbouring property to the north, the impact of the location of the house upon the future viability of the croft and the design of the house also raised concerns for the Planning Service. The applicant was encouraged to reconsider their proposals. It was considered that the initial submission could not be supported by the Planning Service.
- 8.15 The above issues were taken on board by the applicant. A number of revised submissions have been received. These have involved adjusting the position and boundaries of the plot, adding a porch to the design, and re-siting the house.
- 8.16 Based on the revised layout plan submitted in August 2016 it is considered that the siting of the house will not have a significantly detrimental impact on 4 Aultgrishan. The revised plan positions the house approximately 20 metres from the public road and 10 metres from the northern boundary which separates the site from the garden ground of 4 Aultgrishan. The proposed house will therefore be moved closer to the road with the rear elevation being positioned on the same building line as the eastern gable of 4 Aultgrishan, rather than partially in front of and within 3.4 metres of the northern boundary as originally proposed. In this revised location it is considered that the proposed house will no longer significantly impact on the amenity of 4 Aultgrishan. The separation distance between the properties is such that there will be no significant impact on privacy or daylighting. The revised layout is considered to sufficiently reflect the existing settlement pattern as to have no significant impact on the wider landscape character.
- 8.17 As regards the impact on the viability of the croft, the revised plans ensure that less land is given over to the formation of a driveway and the area of land left between the public road and the boundary to the site is reduced. The Crofting Commission were re-consulted when the revised plans were submitted in August 2016. They confirmed that they were content with the application.
- 8.18 With respect to the design of the house the revised plans submitted in April 2016 which show the addition of the larch clad porch are considered acceptable.

8.19 **Impact on Residential Amenity**

- 8.20 As set out in paragraph 8.16 above the revised siting of the house is now considered to be acceptable in relation to the neighbouring property 4 Aultgrishan which lies to the north. The siting is also considered not to impact on the amenity of

Braeburn, 4 Aultgrishan. This property lies approximately 21 metres to the south of the proposed house. The house will be located closer to the road than Braeburn and therefore the windows on the southern gable will overlook the front garden area of Braeburn. The separation distance is considered sufficient to ensure that there is no direct loss of privacy to the habitable rooms of Braeburn.

8.21 **Parking and impact on road network**

Access from the public road is to be taken from an existing junction which serves Braeburn and the croft land. There is sufficient land available to upgrade the junction to provide a shared access and service layby compliant with current guideline standards. There is sufficient visibility available in both directions to meet these standards for the volume and speed of traffic on the road. The improvements to the access will be secured by a planning condition.

8.22 **Description of site on neighbour notification**

8.23 In response to the neighbour notifications issued, the Planning Service became aware that the base map used in the neighbour notification process had incorrectly identified the properties 4, Aultgrishan and Braeburn, 4 Aultgrishan. As a result of this cartographic error the address of the site was incorrectly described on the neighbour notifications as being south west of Braeburn, 4 Aultgrishan rather than north west of this property. The base map has now been updated. The neighbour notification map issued to neighbours with the notices correctly identified the location of the site and therefore, whilst the error on the base map is acknowledged and the inaccurate description is regrettable, it is not considered that this disadvantaged those parties that received the notifications or other third parties who may have viewed the application.

8.24 **Other Considerations – not material**

Those in support of the application have suggested that the property 4 Aultgrishan has no views to the south due to the presence of the mature bushes and trees along the garden boundary and as a consequence any concerns about loss of privacy etc. from this property are overstated. As the vegetation lies within the garden ground of 4 Aultgrishan the applicant has no control over its long term maintenance. Consequently, its presence is not a material consideration with respect to the acceptability of the location of the proposed house.

8.25 **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/notes to applicant:

1. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 18.10.2016), with the junction formed to comply with drawing ref. SDB2

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 dwellinghouse, parking spaces for a minimum of two cars shall be provided as detailed on the approved plans and shall thereafter be maintained for this use in perpetuity.

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

3. Prior to commencement on the construction of the dwellinghouse, details of the design, including height and materials, of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. Thereafter and prior to first occupation of the dwellinghouse the boundary treatment shall be installed in accordance with the agreed details.

Reason : In order to ensure that the boundary treatment is appropriate to the location 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 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).

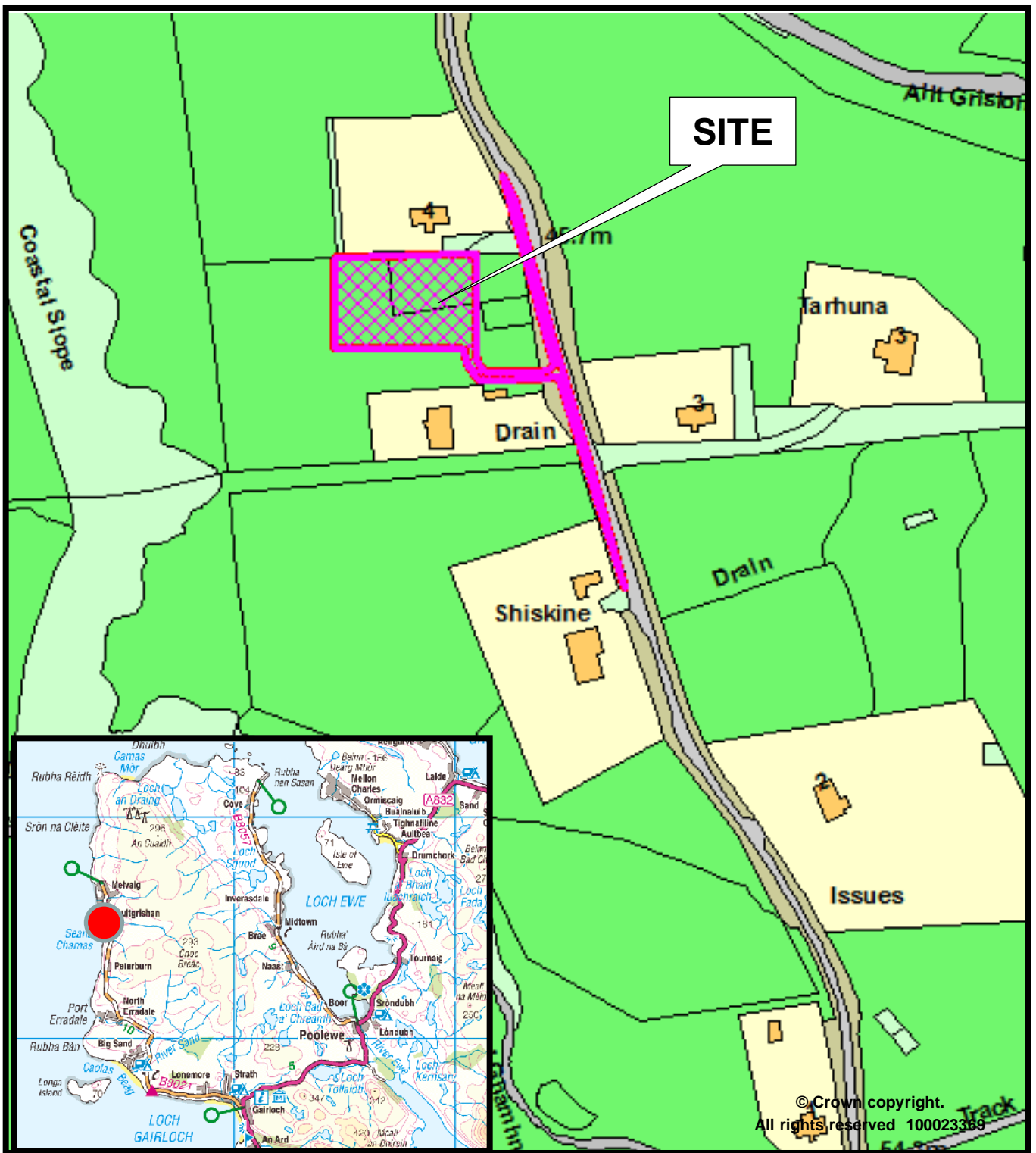
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

Protected Species

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species is found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy a breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species.

Signature: Dafydd Jones
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 – Proposed Site Plan
Plan 3 – Proposed Site layout
Plan 4 – Proposed Elevations
Plan 5 - Proposed Floor Plan
Plan 6 – Superseded Site/Location Plan



SITE

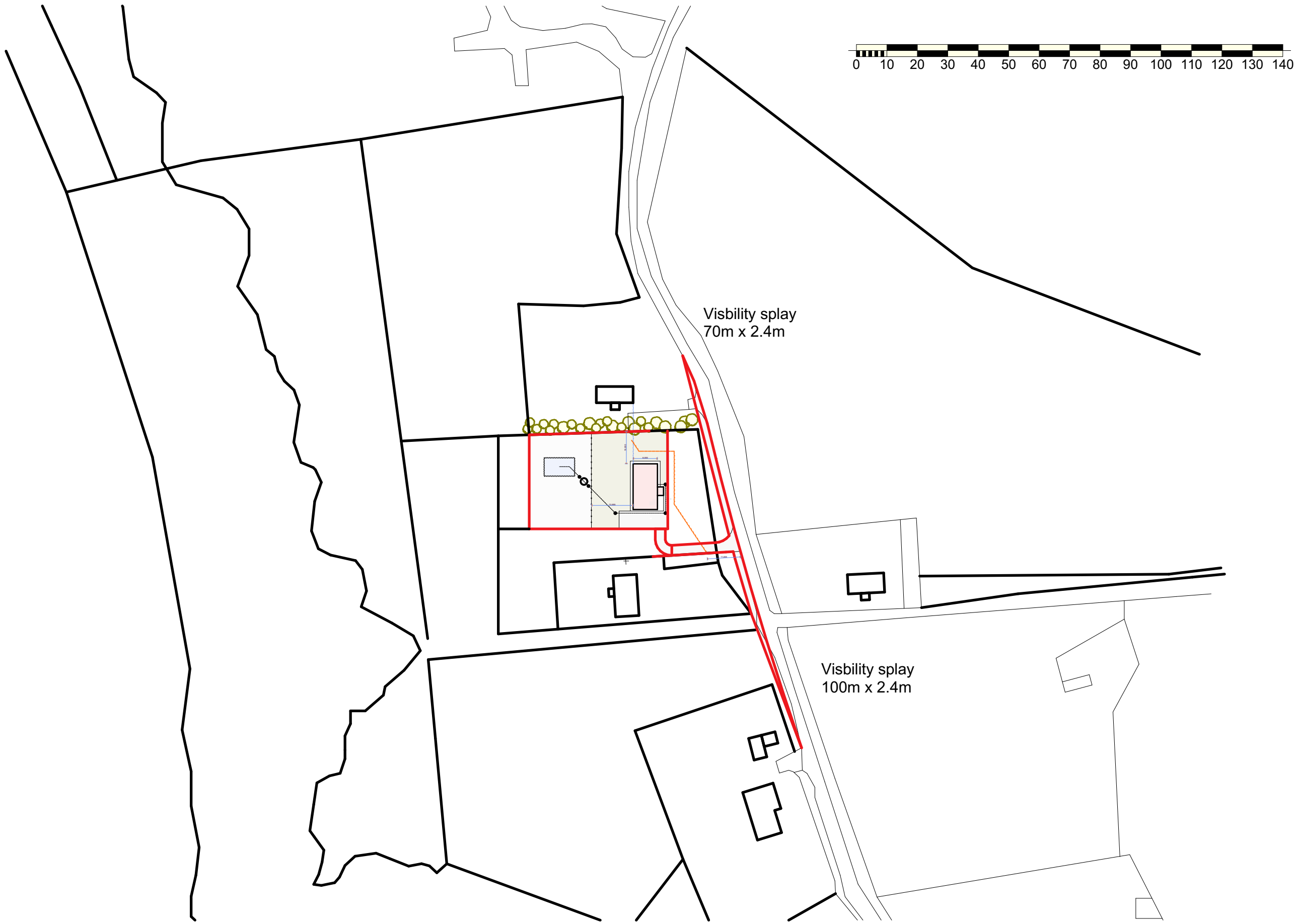


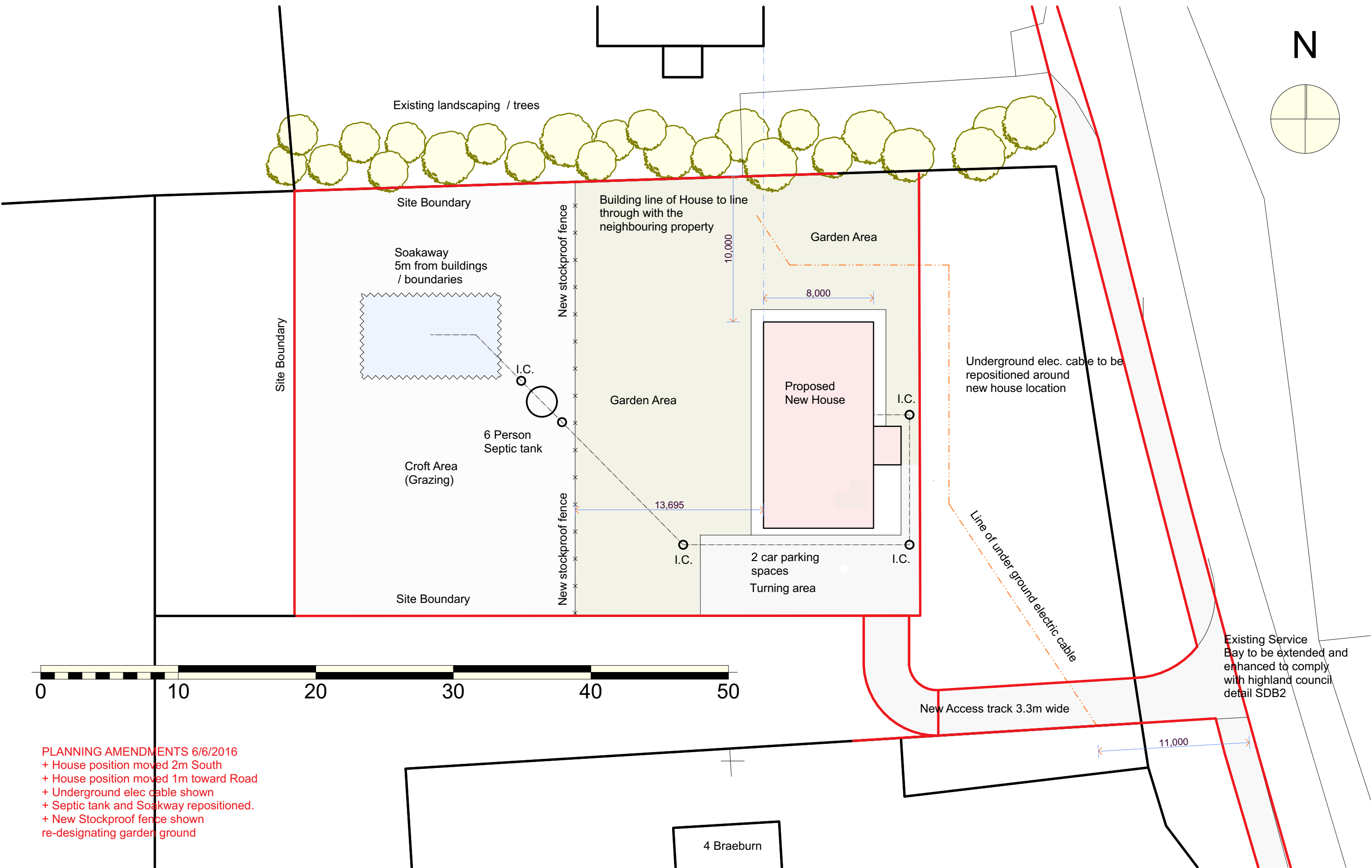
Planning & Development Service

16/00342/FUL
Erection of house
at Land NW of Braeburn,
4 Aultgrishan, Melvaig

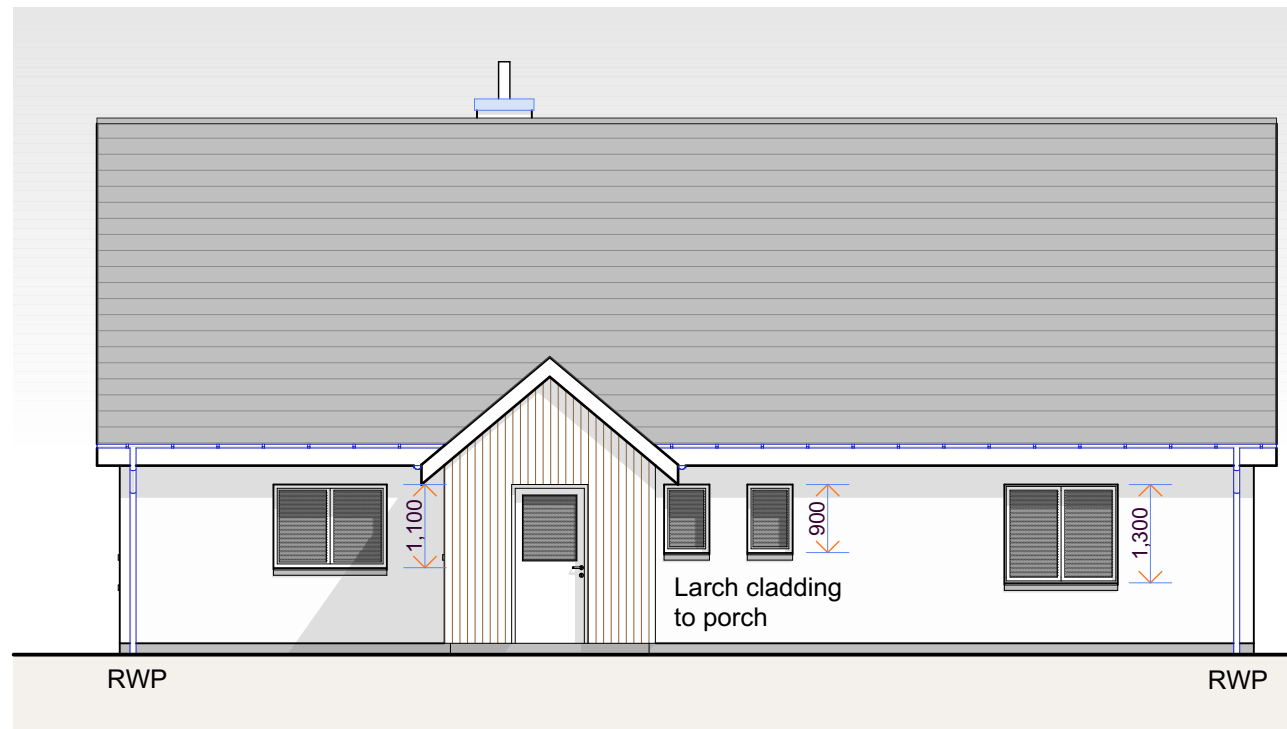


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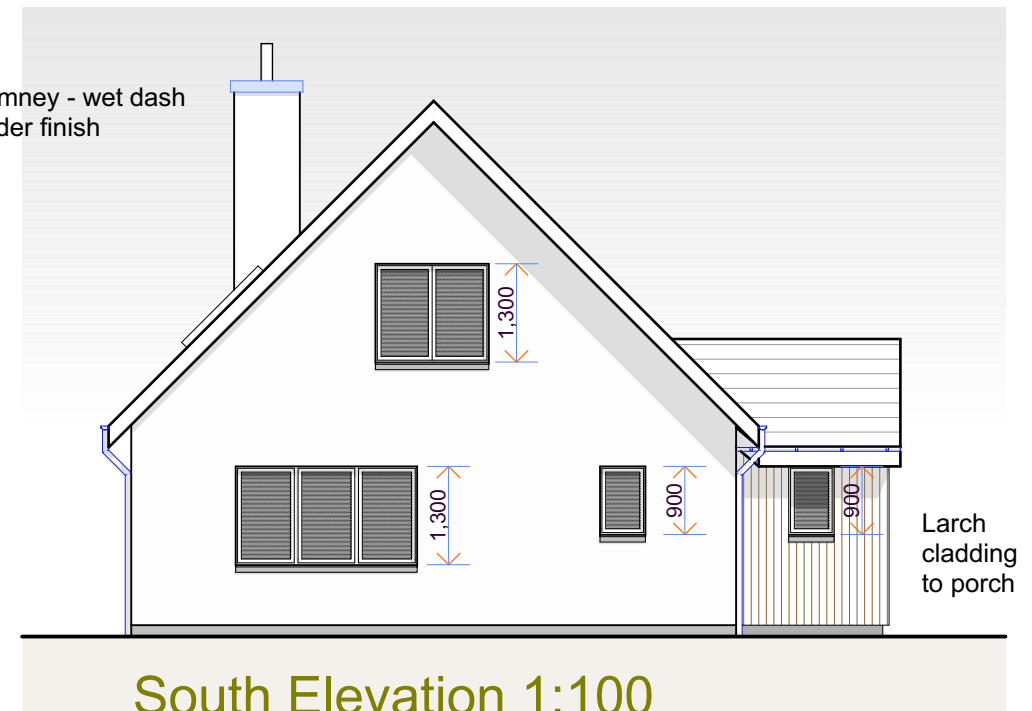




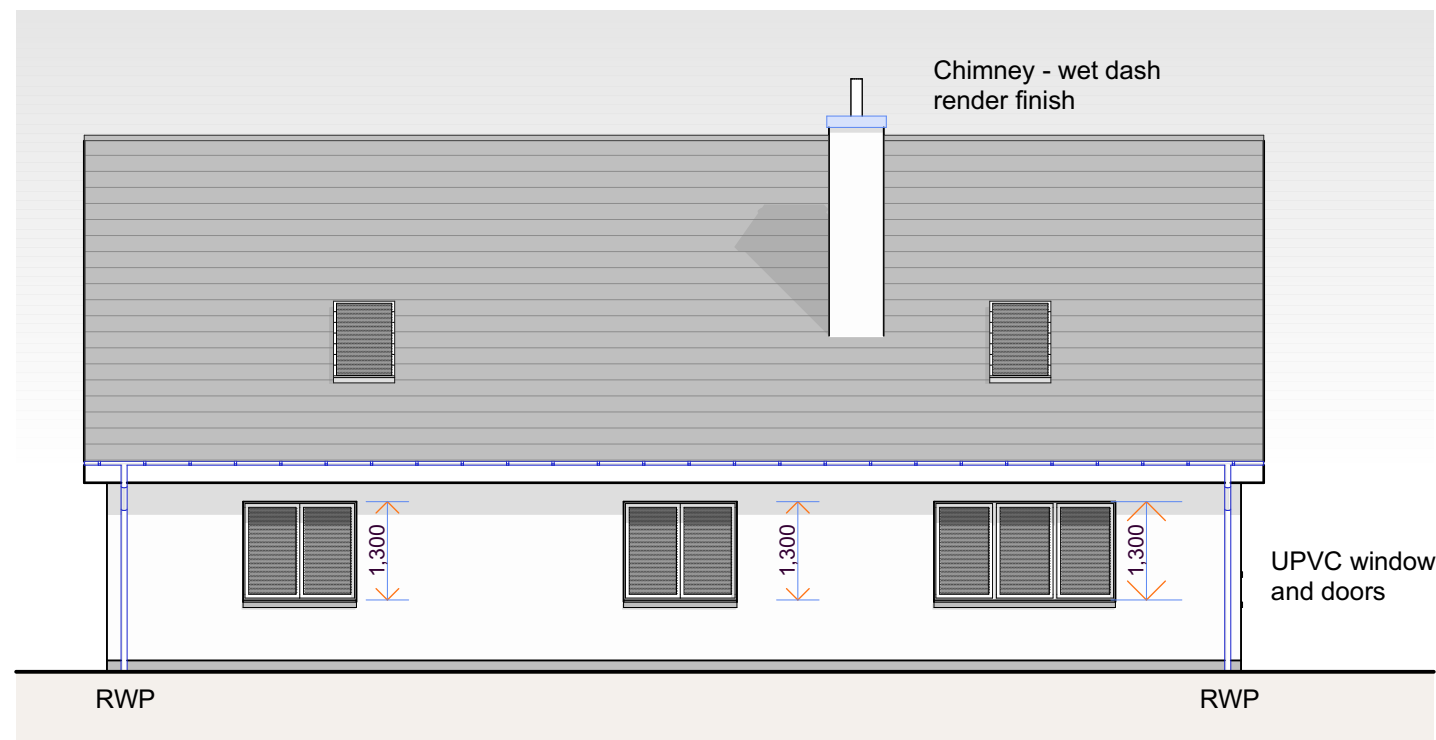
PLANNING AMENDMENTS 6/6/2016
 + House position moved 2m South
 + House position moved 1m toward Road
 + Underground elec cable shown
 + Septic tank and Soakaway repositioned.
 + New Stockproof fence shown
 re-designating garden ground



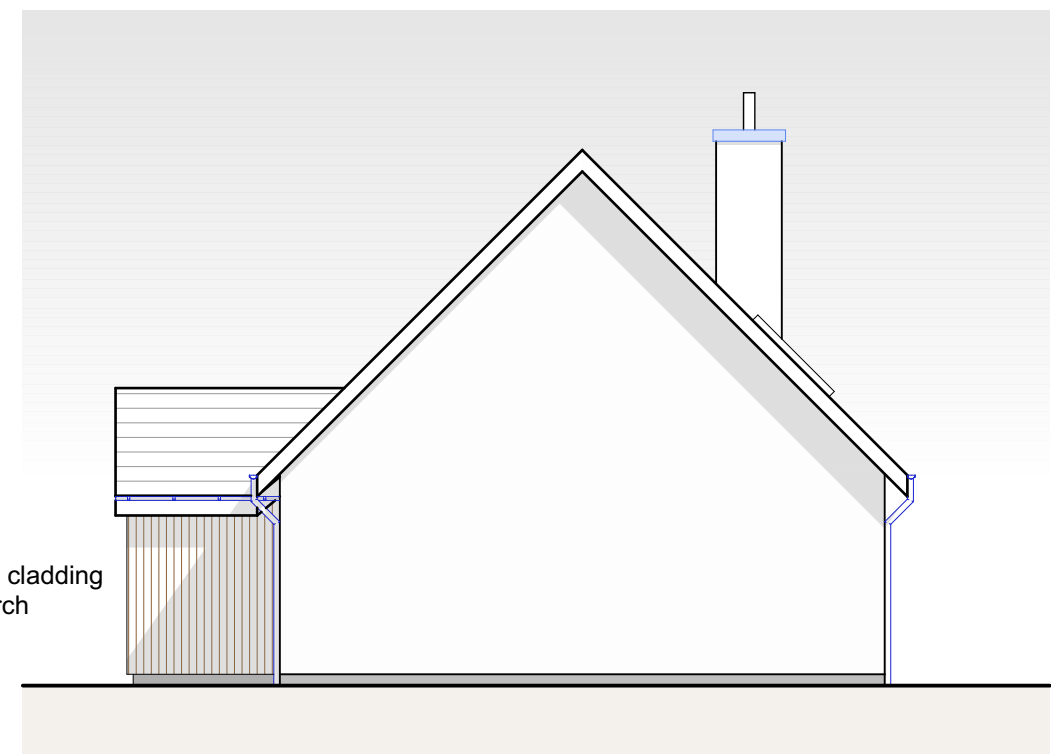
Roadside Elevation (East) 1:100



South Elevation 1:100



West Elevation 1:100



North Elevation 1:100

Flat concrete roof tile - grey

Proposed wet harl finish

Smooth cement render to basecourse

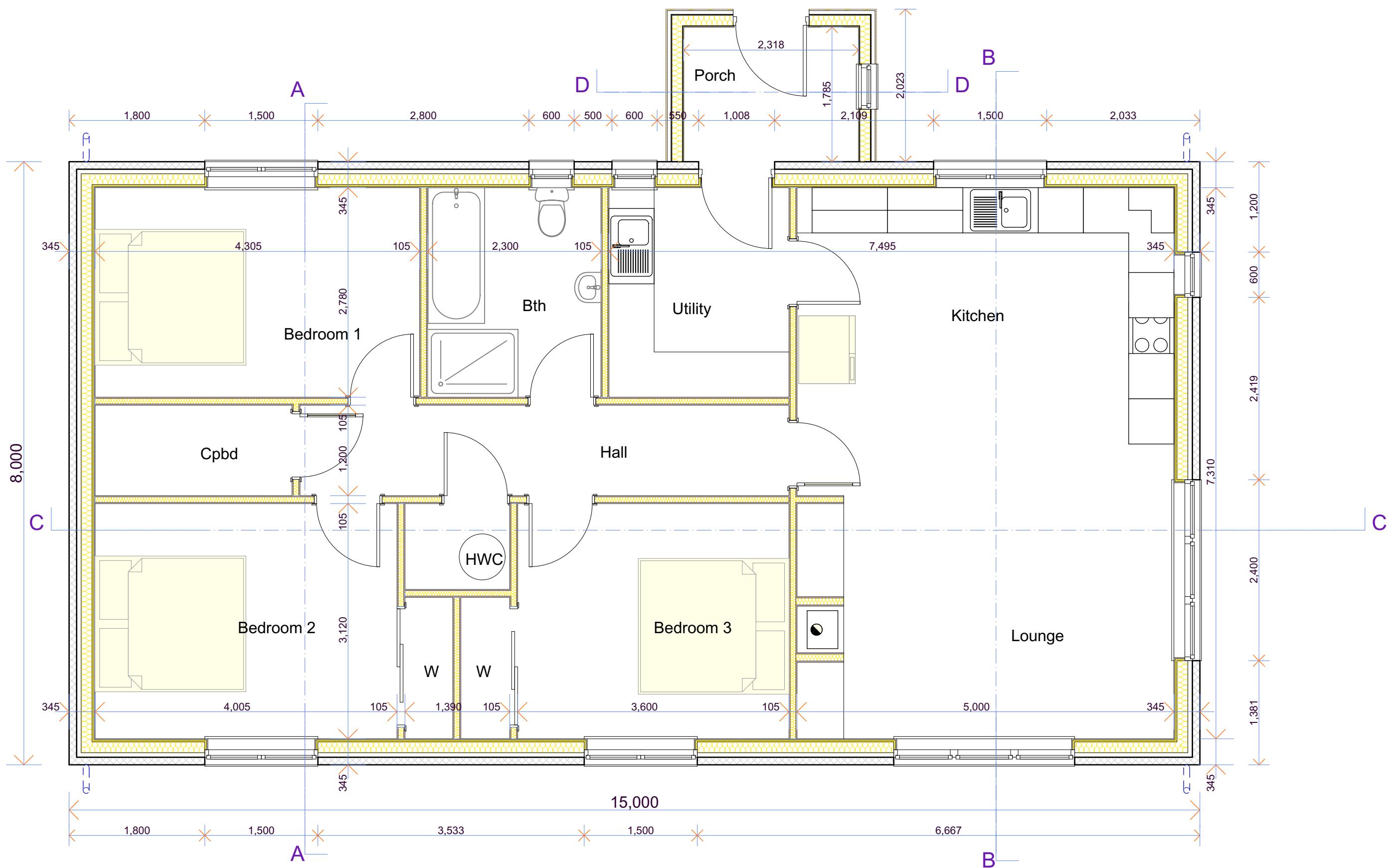
Chimney - wet dash render finish

Larch cladding to porch

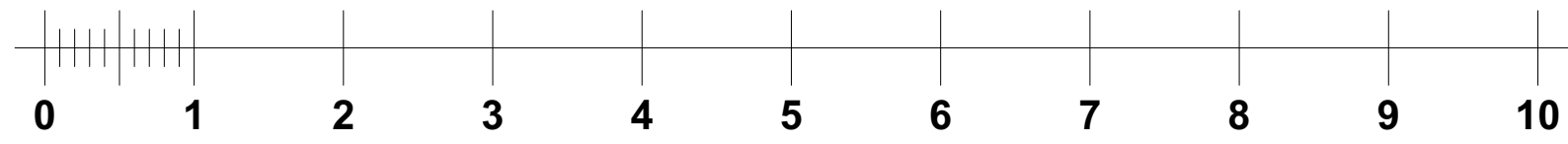
Chimney - wet dash render finish

UPVC windows and doors

Larch cladding to porch



Ground Floor Plan
Scale 1:50



highland architecture
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Caledonian House, High Street Dingwall
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Project
Proposed New House
Siteworks and Services
Aultgrishan Gairloch Ross-shire
Sandy & Rhoda

Drawing **Proposed Ground Floor Plan**
Scale **1:50** Date **20/04/2016**
Status **Planning Application**

Drawn **Lennox Boyd**
Drwg No **P350.15.02B**
Revision **B 20/4/16**
Planning change

• General - all materials, components, design, methods of construction or operations to conform to a British / EU Standard or to be based on the recommendations of a British Standard code of practice
• All works to comply with the Building Standards (Scotland) Regulations 2010.
• All works to be in strict accordance with the Design Certificate and any appendix notes and drawings produced by the Consultant Structural Engineer.
• All dimensions to be checked on site.

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