

Agenda Item	6.3
Report No	PLS 018/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 13 March 2018

Report Title: 18/00038/FUL: Ben & Fiona Thompson
2 Erracht, Banavie, Fort William PH33 7PD

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Erection of residential annex/holiday letting unit

Ward: 11 Caol and Mallaig

Development category: Local

Reason referred to Committee: Applicant is Local Member

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.

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 It is proposed to erect a simple single storey, pitched roof, rectangular building for use as a residential annex or use as a holiday letting unit if not being used by a family member.
- 1.2 The annex is to share the access and parking arrangements with the main house, and will have footpath access from a new shared car parking area. Connection is available to the public water supply and a new septic tank and soakaway are proposed for foul drainage.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 Erracht is a small housing group, accessed off, and visible from, the Banavie to Gairloch public road. The site is part of the curtilage of an existing house. The property occupies a rural location, surrounded by open countryside, within a small group of dwellings sited along a private track.
- 2.2 The existing house is currently being extended and the annex is proposed in the rear curtilage, set back from the main house, following a similar line to the neighbouring house 'Mossglen'.

3. PLANNING HISTORY

- 3.1 4.3.15 15/00004/FUL: 1.5 Storey extension to cottage Granted
to provide additional living accommodation and
current single storey extension re-clad to form
new entrance to property.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown neighbour advert
Date Advertised: 1.2.18
Representation deadline: 22.2.18
Timeous representations: 0
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
a) 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.

5. CONSULTATIONS

5.1 **Scottish Water:** No objections

5.2 **Lochaber Disability Access Panel:** Seeks confirmation that all paths are to be made from a hard bound smooth surface

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

35 - Housing in the Countryside (Hinterland Areas)

44 - Tourist Accommodation

56 - Travel

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 West Highland and Islands Local Plan 2010 (as continued in force 2012)

n/a

6.3 West Highland and Islands Local Development Plan - Proposed Plan (WestPlan)

The Lochaber elements of the West Highland and Islands Local Development Plan (WestPlan) Proposed Plan were agreed by Members at their meeting on 18 January 2017. The Proposed Plan was then published for consultation from 5 May 2017 to 21 July 2017. This document represents the emerging 'settled view' of the Council and is a material planning consideration in making planning decisions.

The hinterland restrictions remain as per the highland wide Local Development Plan.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Housing in the Countryside and Siting and Design (March 2013)

7.2 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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) design and finish
 - c) amenity
 - d) servicing and infrastructure
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the Fort William Hinterland wherein Policy 35 of the Highland wide Local Development Plan presumes against housing in the open countryside around towns. Although the application is not for a separate house, being an annex to the main house, or a holiday letting unit, Policy 44 in relation to tourist accommodation requires compliance with Policy 35 in terms of siting and design.
- 8.5 The proposed development lies within a small housing group and within the curtilage of an existing house. In terms of Policy 35, development can be supported when the proposal meets the Council's criteria for acceptable expansion of a housing group for development within garden ground.
- 8.6 Taking into account that this is a subservient annex to the main house it is considered the proposal will not adversely affect the character of the housing group and meets the siting and design criteria of the supplementary guidance on housing in the countryside. Subject to appropriate occupancy conditions to restrict use of the building to an annex or holiday letting unit, the proposal is considered to accord with Policies 35 and 44 of the Highland wide Local Plan.

Siting and design

- 8.7 In terms of siting the building will read visually as part of the housing group, and its location to the rear of the more prominent main house when viewed from the public road will help integrate the proposal into the group.
- 8.8 In terms of the design, this is a simple, rectangular building with an internal floor area of approximately 50sqm. External finishes have not been specified but white rendered walls and a slate roof are anticipated. Final agreement of finishes will be secured by condition.

Amenity

- 8.9 The nearest neighbouring property is some 30 metres from the proposed annex. Given the distances involved, the small scale nature of the building and the orientation of the living space the proposal does not raise any adverse concerns in relation to adjoining residential amenity. A condition is proposed restricting occupancy on the proposed annex to prevent separate use from the main house in recognition of the use applied for and the shared facilities.

Servicing and Infrastructure

- 8.10 The annex is to share the access with the main house and a new shared parking area is to be formed at the rear of the house, which will represent an overall improvement to the current access and parking arrangements. The annex will be served by public water supply and private foul drainage arrangements. Scottish Water have advised there is capacity for connection to the public main and the technical details of the foul drainage arrangements will be controlled under the building regulations.

Other material considerations

- 8.11 There are no other material considerations.

Non-material considerations

- 8.12 None

Matters to be secured by Section 75 Agreement

- 8.13 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **Granted**, subject to the following:

Conditions and Reasons / Reasons for Refusal

1. The development hereby approved shall be used either as:
 - (a) holiday letting accommodation, operated by the owners of 2 Erracht, Banavie, Fort William PH33 7PD, and shall not be occupied by any one family, group or individual for more than three months (cumulative) in any one calendar year; or
 - (b) residential accommodation ancillary to 2 Erracht, Banavie, Fort William PH33 7PD

For the avoidance of doubt the annex/holiday letting unit shall not be used as a permanent separate dwellinghouse.

Reason: In accordance with the use applied for and due to the shared facilities with and proximity to the main dwellinghouse.

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.

REASON FOR DECISION

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.

TIME 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 (paragraph 259), 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.

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 – Halting of Work

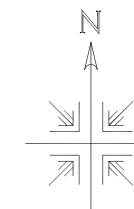
You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the 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

Lochaber Disability Access Panel

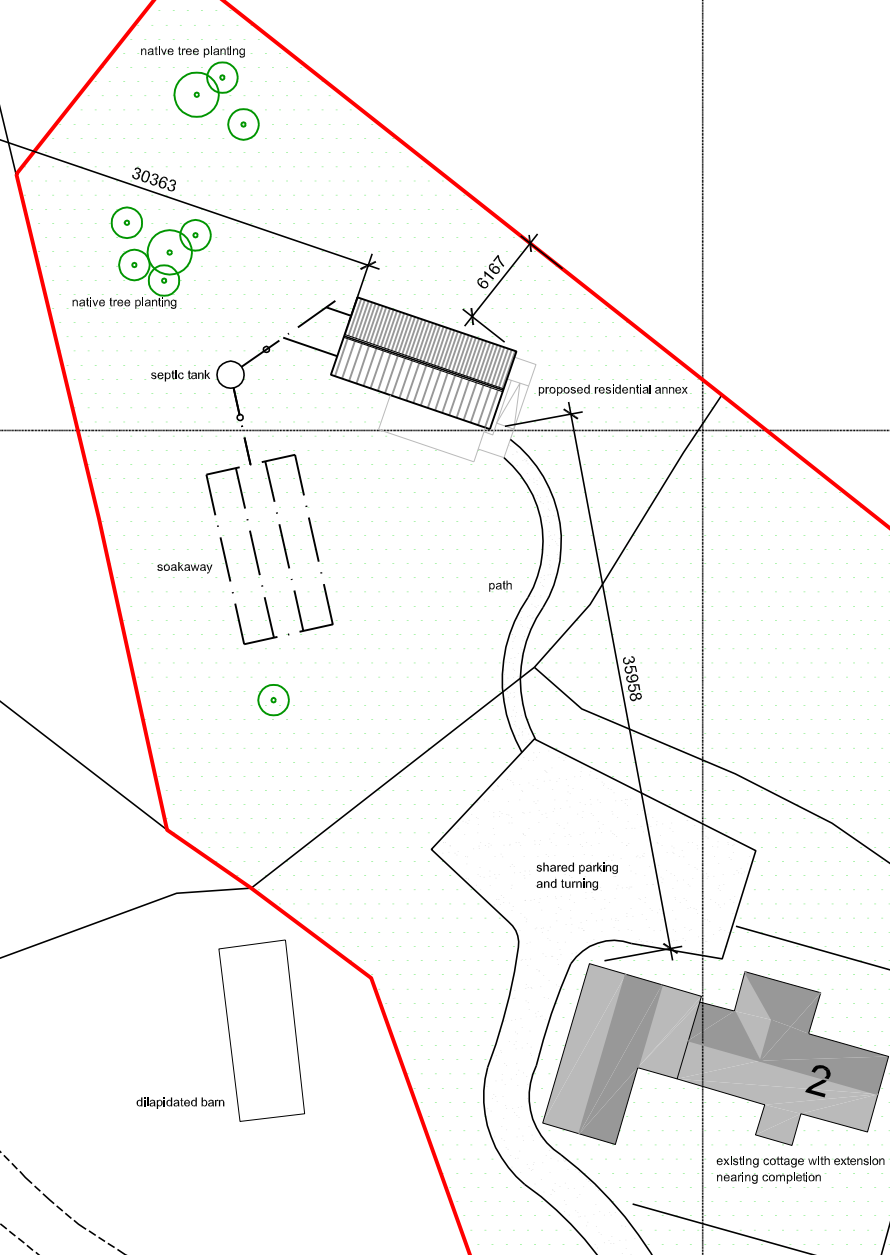
The Access Panel have indicated the path to the annex/letting unit should be made from a hard bound smooth surface. Disabled access to the annex will be a requirement of the building regulations and should be incorporated as part of the building warrant application.

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Susan Macmillan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Elevations and floor plan

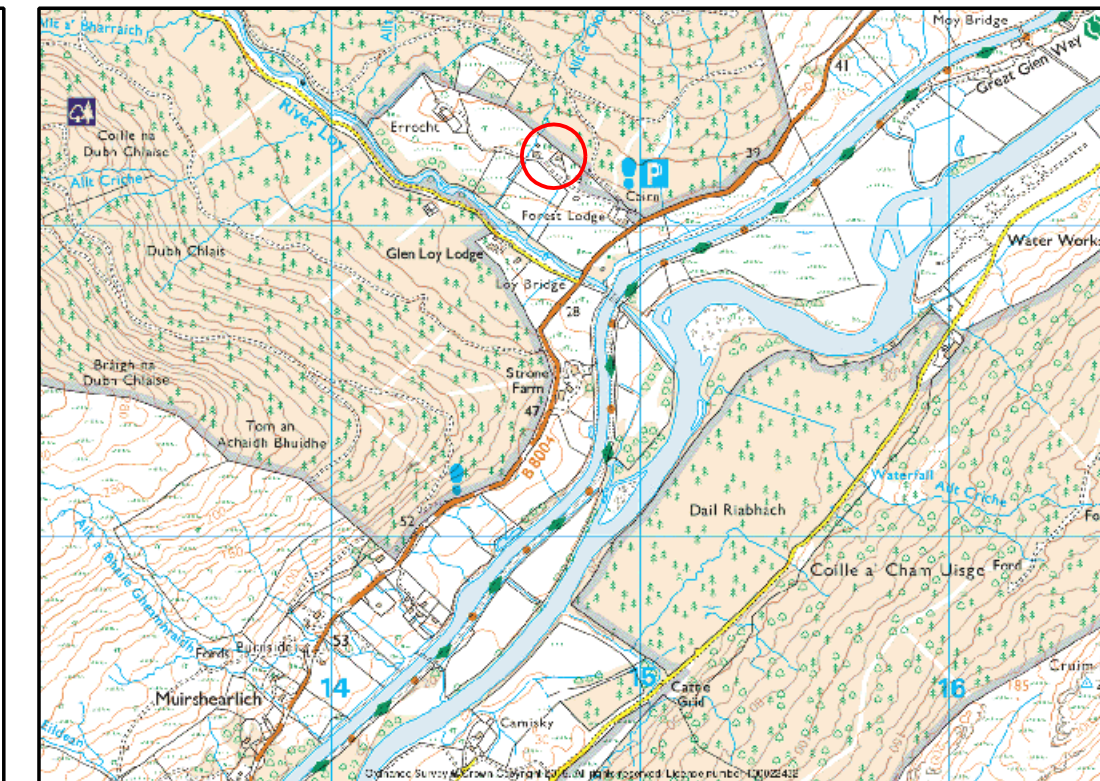
Grid Ref: E - 214780, N - 782192



Mossglen



NOTE:
existing caravan providing overnight accommodation no longer required after residential annex is complete.



locality plan (NTS)



Crown Copyright 2017. All rights reserved. Licence number 100022432

NOTE: Ordnance Survey 100m grid lines shown in lieu of scale bar

fair planning & design

2 Achaleven
Connel
Oban
PA37 1PE

t. 07766 906 909

e. info@fairplanning.co.uk



Project
Erection of residential annex
2 Erracht, Banavie, Fort William

Scale 1:2500 &
1:500 @ A2

Date 22/12/17

Client
Mr & Mrs B Thompson

Drawn SF

Job No. 2017044

Plan
Location plan and site plan

Drg No. 01

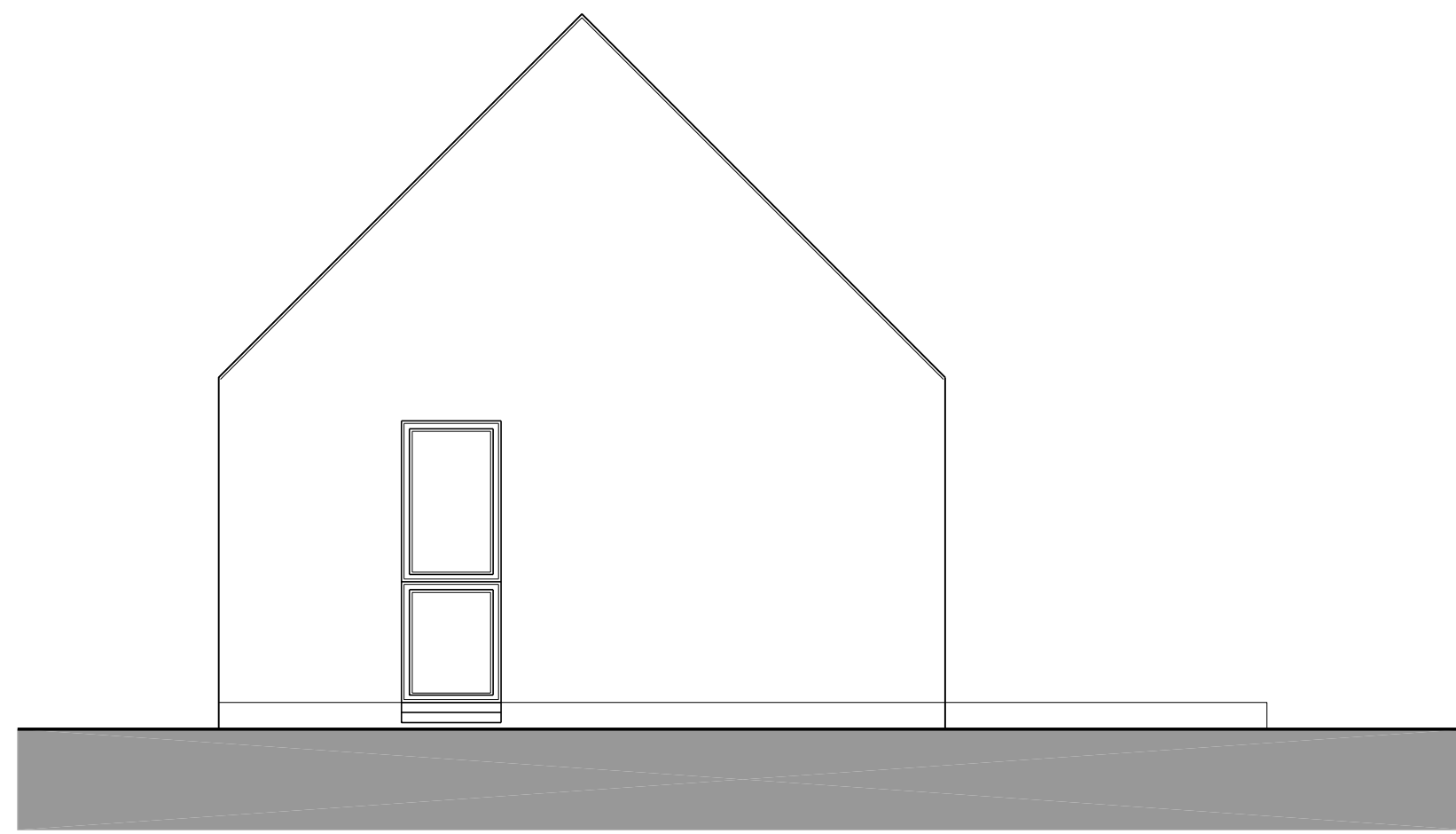
Rev.

NOTE:

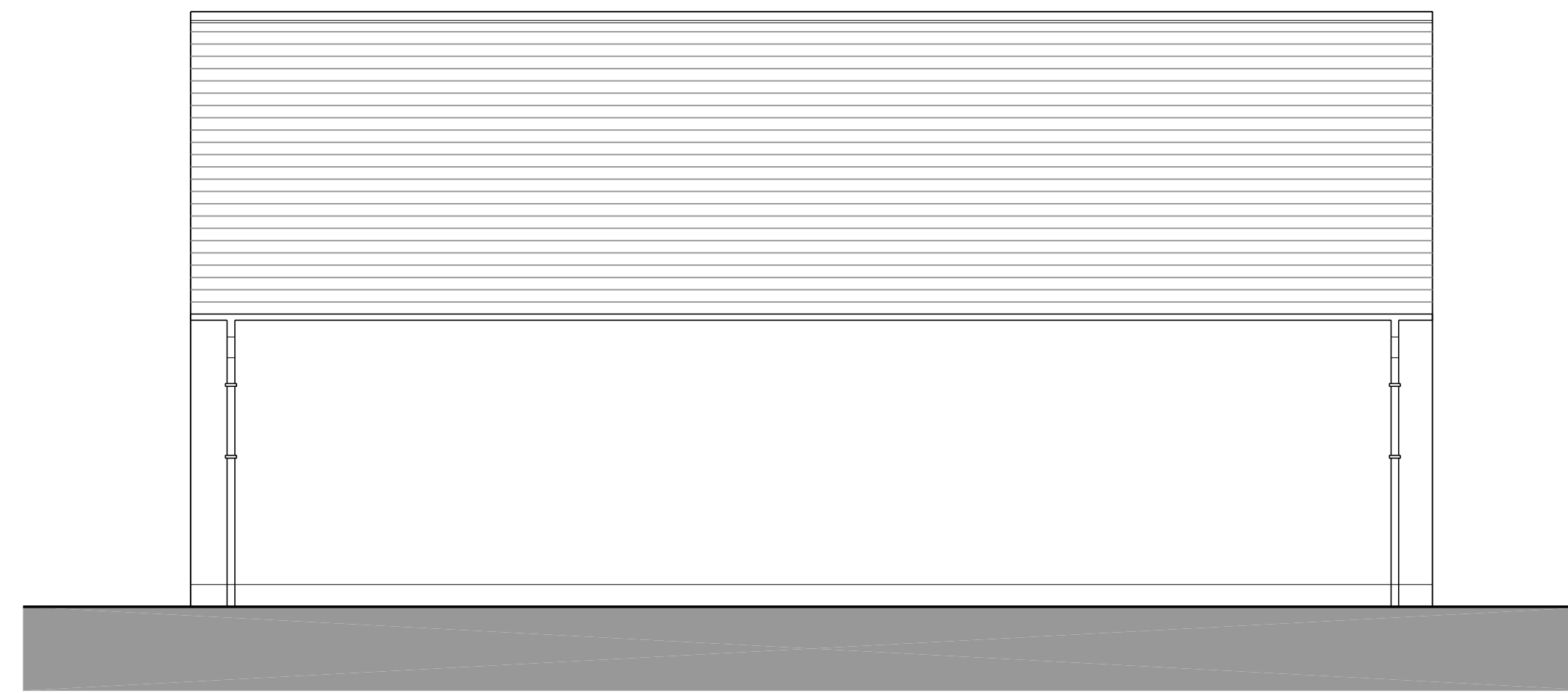
The contractor will be held to have checked all dimensions before commencing with any works and, in the event of any discrepancy, is to refer directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for construction or estimating purposes. In case of doubt, refer to Fair Planning & Design.

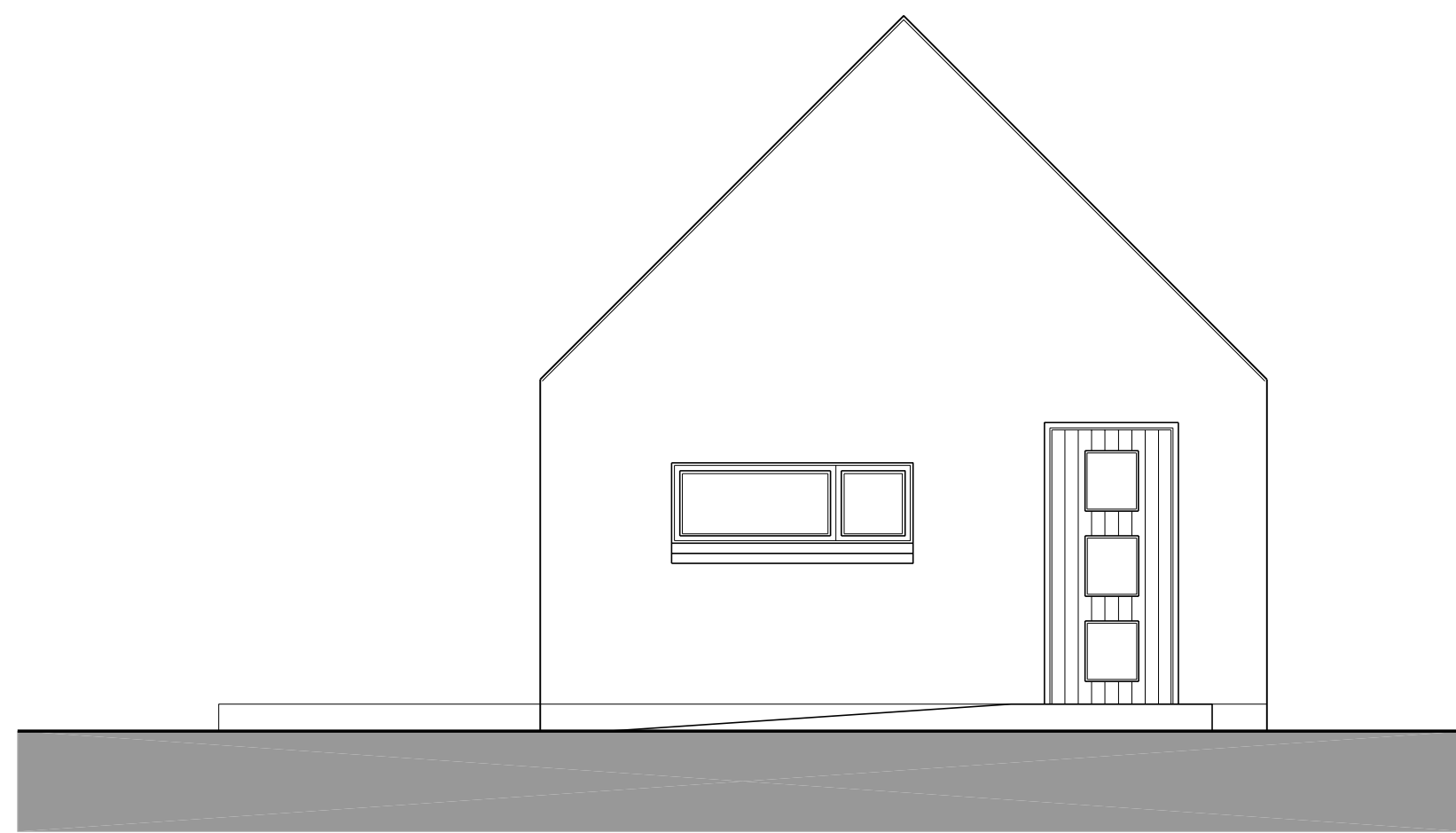
This drawings is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.



north-west elevation



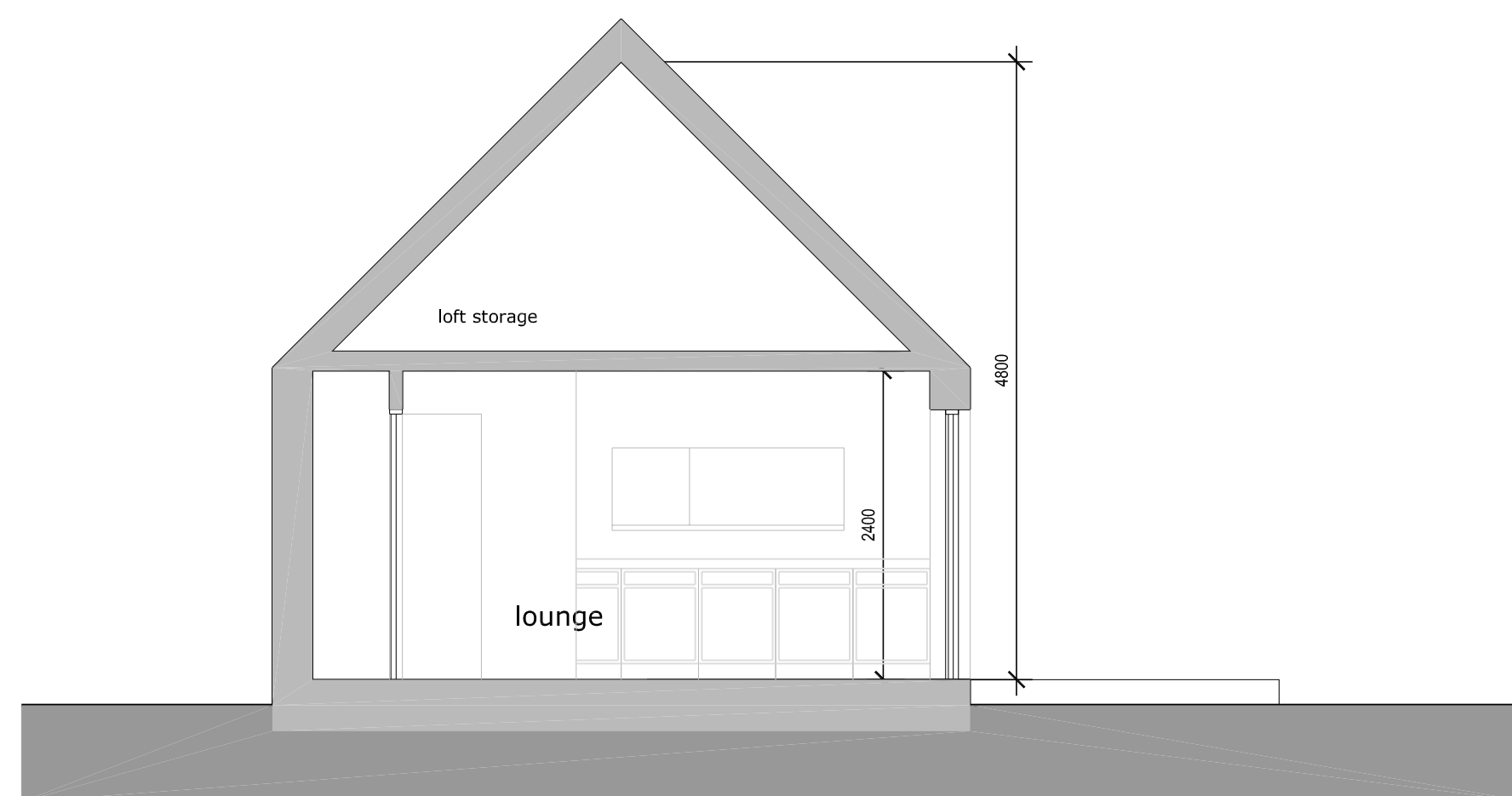
north-east elevation



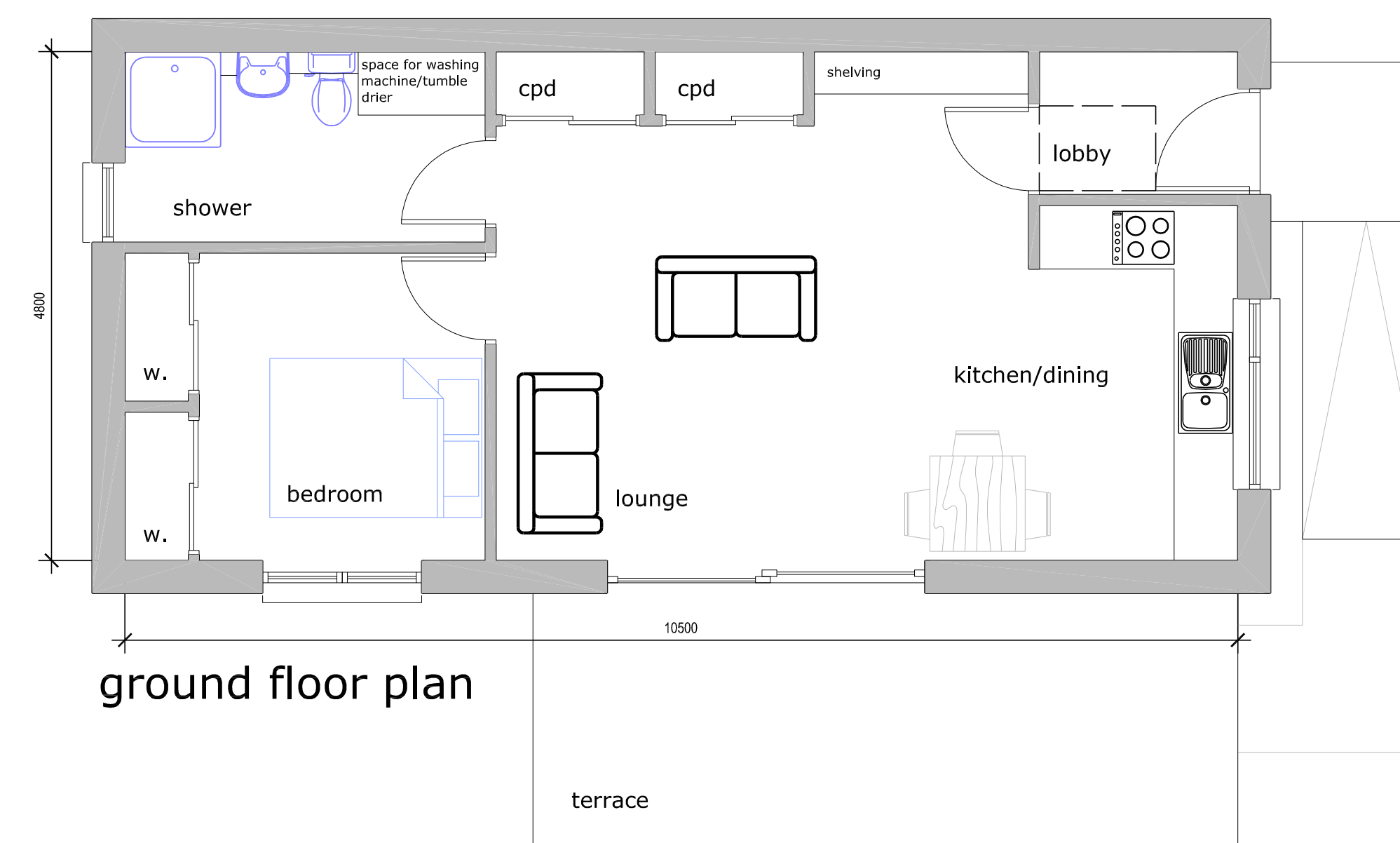
south-east elevation



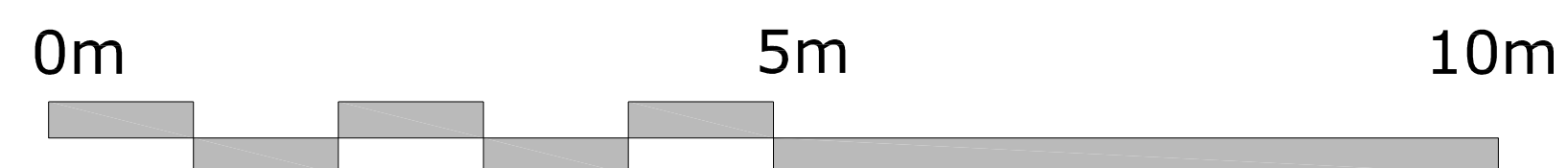
south-west elevation



cross section a - a



ground floor plan



fair planning & design
 2 Achaleven
 Connel
 Oban
 PA37 1PE
 t. 07766 906 909
 e. info@fairplanning.co.uk

Project	Erection of residential annex, 2 Erracht, Banavie, Fort William	Scale	1:50 @ A1
Date	15/11/17	Drawn	SF
Client	Mr & Mrs B Thompson	Job No.	2017044
Plan	Design sketch 2 Floor Plans, Section and Elevations	Drawn	DS2
		Rev.	