

Agenda item	<b>6.1</b>
Report no	<b>PLN/048/18</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 1 August 2018

**Report Title:** 17/05564/PIP New house, Nostie Kyle

**Report By:** Area Planning Manager – North

### 1. Purpose/Executive Summary

**1.1 Applicant:** Mrs Isabelle Campbell

**Description of development:** Erection of House (Planning Permission in Principal)

**Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

**Category:** Local

**Reasons Referred to Committee:** Application made by an Elected 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.

### 2. Recommendation

**2.2** Members are asked to agree the recommendation to grant as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 Planning permission in principal is sought for the erection of a house. The previous permission for the site lapsed on 13 August 2017.
- 3.2 No pre-application was sought regarding the proposed development.
- 3.3 Overhead line crosses north west corner of the site.
- 3.4 There are no supporting documents.
- 3.5 **Variations:** None

### **4. SITE DESCRIPTION**

- 4.1 The site comprises an area of rough croftland on the seaward (eastern) side of the public road which runs from Nostie to Avernish, some 500m, or thereby south of the junction with the A87 trunk road. The site extends to 0.081 hectares or thereby and is bounded to the north and west by a band of mature native woodland. An access has been formed off the public road in the middle of the northern boundary. Two houses lie 40m to the north east are arranged in a linear pattern on the southern side of the public road, while three existing houses to the south west are grouped quite closely together near the shore with a separation distance of 55m between the western boundary of the site and the most northerly house in this group.

### **5. PLANNING HISTORY**

- 5.1 Outline planning permission was first granted for a house on this site on 22.05.2001 (01/00083/OUTSL). Permission was then renewed for a further 3 years on 21.05.2004 under delegated powers (04/00179/OUTSL). Three further renewals of consent have subsequently been granted by Committee on 26.06.2007, 16.08.2010 and 13 August 2013 (07/00448/OUTRC, 10/02207/PIP and 13/01833/PIP respectively).
- 5.2 A retrospective application for the formation of the access is currently pending consideration ref 18/02287/FUL and is also on the committee agenda.

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised : Unknown neighbour  
Representation deadline : 29.12.2017  
Timeous representations : None  
Late representations : None
- 6.2 Material considerations raised are summarised as follows:
  - N/A
- 6.3 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

### **7. CONSULTATIONS**

- 7.1 No consultations were required.

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 29	Design Quality and Place Making
Policy 34	Settlement Development Areas

### **8.2 West Highlands and Islands Local Plan 2012 ( as remains in force)**

Settlement Development Area – Avernish-Nostie

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Draft Development Plan**

West Highland and Islands Local Development Plan ( proposed Plan May 2017)

### **9.2 Highland Council Supplementary Planning Policy Guidance**

Access to single houses and small housing developments.

### **9.3 Scottish Government Planning Policy and Guidance**

A Successful, Sustainable Place - Enabling Delivery of New Homes

## **10. PLANNING APPRAISAL**

10.1 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.

10.2 The application requires to be assessed against all relevant policies of the Development Plan, all national and local policy guidance and other material considerations as appropriate.

### **10.3 Development Plan Policy Assessment**

The site falls within the Settlement Development Area for Avernish- Nostie and so Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of Policy 28. Policy 28 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.

10.4 As this is an application for planning permission in principle the submitted information does not provide anything more than the boundaries to the application site and the proposed point of access from the public road.

## 10.5 **Material Considerations**

Since the determination of the previous permission there has been no change in the development plan; the site lies within a settlement development area and is considered to be consistent with the established settlement pattern.

- 10.6 Subsequent to the grant of planning permission in principal in August 2013 an access was formed into the site. It is regrettable that no formal planning application was submitted prior to these works being carried out. The formation of an access was a matter reserved by condition of the previous planning permission in principal. From an inspection of the site, the access has been formed in a location where visibility splays of 2.4m x 90m can be achieved in both directions and the junction includes a service layby. The access is judged in this instance to be acceptable. A retrospective planning application to regularise the unauthorised works has been submitted and is currently pending consideration ref 18/02287/FUL and is on this agenda.

## 10.5 **Other Considerations – not material**

None

## 10.6 **Matters to be secured by Section 75 Agreement**

None

## 11. **CONCLUSION**

- 11.1 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.

## 12. **IMPLICATIONS**

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

## 13. **RECOMMENDATION**

<b>Action required before decision issued</b>	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 Grant subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
  - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
  - ii. the design and external appearance of the proposed development;
  - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
  - iv. details of access and parking arrangements; and
  - v. details of the proposed water supply and drainage arrangements.

**Reason:** Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to condition 1 above shall show car parking spaces and a turning area provided within the curtilage of the dwelling house and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation of the dwelling house and thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:
  - i. Two spaces per 1 to 3 bedrooms;
  - ii. Three spaces per 4 to 5 bedrooms; and
  - iii. Four spaces per 6 or more bedrooms.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

3. Any details pursuant to condition 1 above shall show the access upgraded with a cohesive finishing material extending for a distance for at least 6m back from the nearside edged of the public road. The upgraded access shall be provided prior to first occupation of the house hereby approved.

**Reason:** In the interests of road safety, to prevent deleterious material entering the public road.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

## **FOOTNOTE TO APPLICANT**

### **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.

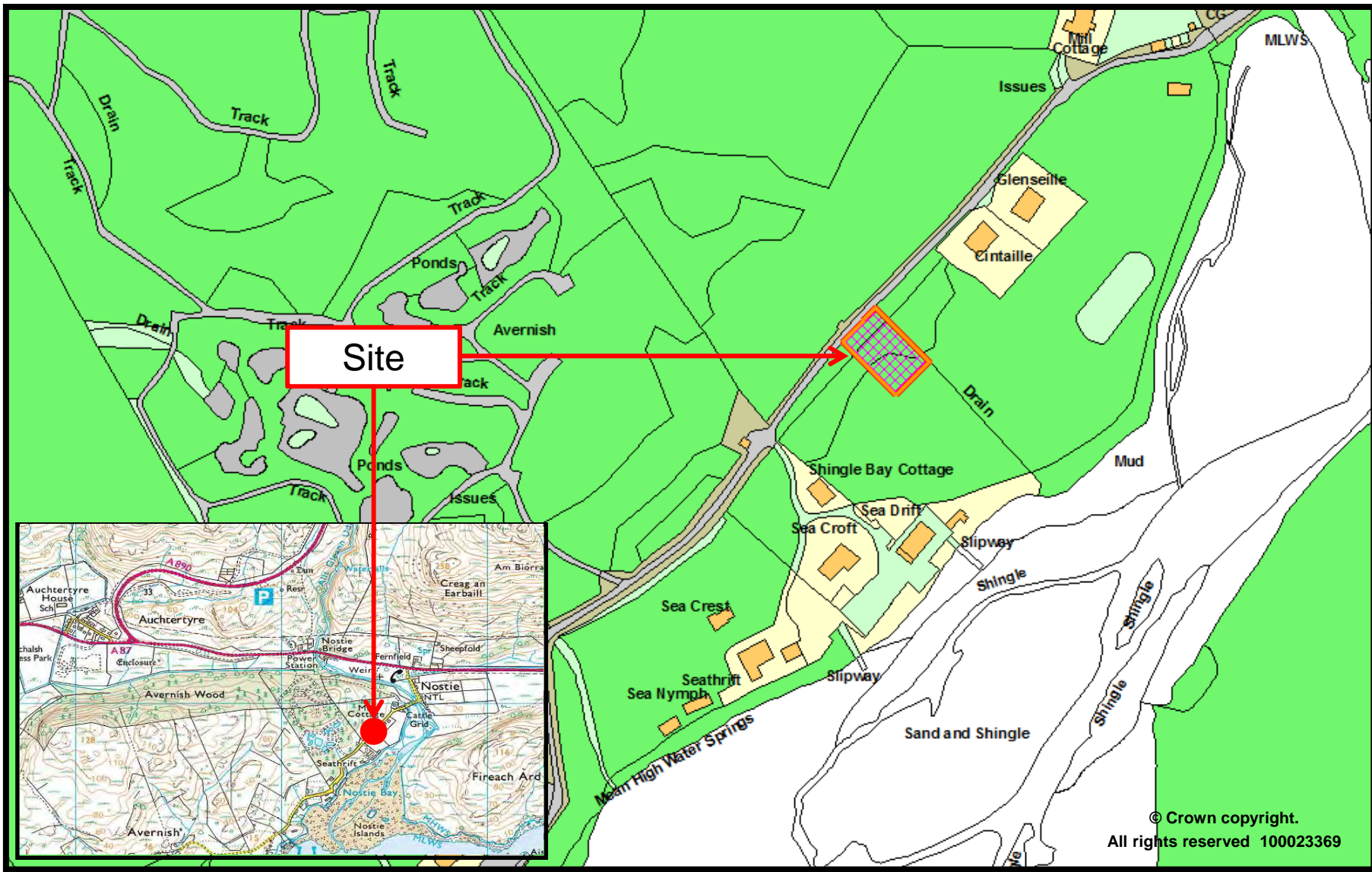
### **Septic Tanks and Soakaways**

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).

### **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.

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 000001  
Plan 2 – Site Plan 000002



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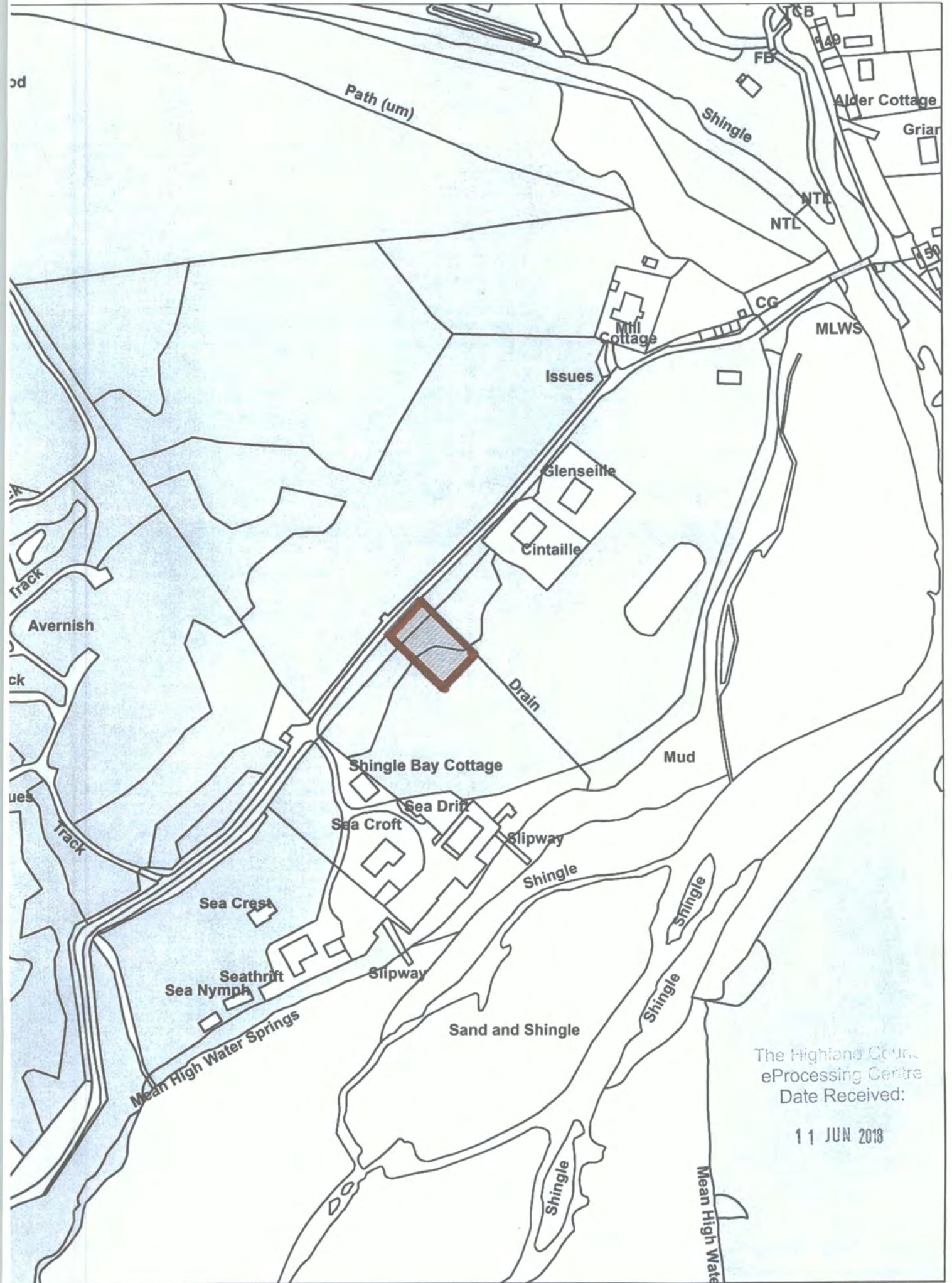
Planning and Development Service

Location Plan  
17/05564/PIP  
Erection of house

August 2018

Scale:





The Highland Council  
eProcessing Centre  
Date Received:

11 JUN 2018

SCALE 1:2500





AREA = 0.081 Ha  
(or thereby)

36.50

37.50

22.00

The Highland Council  
eProcessing Centre  
Date Received:

11 JUN 2018

SITE PLAN  
Showing Road Access.

PLAN OF SITE AT AVERNISH,  
by AUCHTERTYRE, NOSTIE  
for MRS. I. CAMPBELL May 2018