

Agenda item	6.5
Report no	PLN/052/10

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 1 August 2018

Report Title: 18/01811/FUL - Car Park, Durness

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Applicant: K MacRae and Son per Sutherland Drawing Services

Proposal: Erection of three terraced houses

Ward: 1 - North, West and Central Sutherland

Category: Local

Reasons Referred to Committee: 5 objections

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 The application seeks consent for a row of three terraced houses. The houses are modestly sized single storey dwellings with a traditional appearance. The external materials proposed comprise wet dash wall finish and slate roofs, with sash and case style windows in a wood effect UPVC. Each house also has French doors to the rear leading out to a small garden area. Two solar panels per house and an external light are also proposed.
- 3.2 Pre-application advice was provided in March 2017. This indicated that there was broad support for the proposed development, giving cognisance to the development plan allocation covering the site however highlighted that the developer requirements outlined in the allocation should be addressed.
- 3.3 The site is currently accessed through the existing car park entrance however there is no other infrastructure on site.
- 3.4 A Supporting Statement and visualisations were submitted. A further Supporting Statement was provided by the Highlands Small Communities Housing Trust (HSCHT) who propose to develop the site. The HSCHT are a registered charity set up to help rural communities secure long term solutions to their housing needs. The Statement outlines that the proposed development seeks to provide three affordable homes which would be made available on a social rent equivalent basis and supported by Scottish Government funding via the Rural Housing Fund.

3.5 **Variations:** None

4. SITE DESCRIPTION

- 4.1 The site was previous the home of the original village hall for Durness until the 1990's when the timber building was deemed no longer fit for purpose. The new hall lies some 1 mile to the east. Since then the site has been cleared and it is now rough level ground adjacent to the existing car park. As a result of this, the site is now used for parking. It lies off the main A838 and is in a relatively central location within the village. The southern boundary of the site is defined by a stone wall, beyond which is a bank of well established broadleaved trees.

5. PLANNING HISTORY

- 5.1 17/00667/PREAPP - response provided 15th March 2017

6. PUBLIC PARTICIPATION

- 6.1 Advertised : Unknown Neighbour - 01.06.2018
Representation deadline : 15.06.2018
Timeous representations : 6 (5 objections, 1 support comment)
Late representations : 0

- 6.2 Material considerations raised are summarised as follows:

Support Comment:

North West Highland Geopark supports this application for much needed housing and trusts that an imaginative solution is found to remedy the parking problems.

Objection Comments:

Loss of parking:

- The car parking offers this remote community an essential element of daily life;
- This will be detrimental to locals, business and visitors;
- The site is already congested with increased demand for parking;
- Local businesses rely heavily on their customers being able to park close by;
- Economic consequences for local business due to reduced parking;
- Loss of 10 space out of the current 16;
- Loss of site used by the mobile bank, library, cinema;
- No designated parking for proposed houses;

Design:

- The proposed houses are of 'less than mediocre' design and will be 'budget quality';
- Loss of 'village square';
- Unimaginative design with little eco credentials;
- The site is too small for 3 houses;

6.3 All letters 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.

7. CONSULTATIONS

7.1 **Durness Community Council:** Support the application.

7.2 **THC Development Plans Team:** No objection. Its response sets out the policy context for the proposed development; which is the Highland-wide Local Development Plan, the Sutherland Local Plan and forthcoming Caithness and Sutherland Local Development Plan. The Sutherland Local Plan identifies Durness as a settlement providing a local centre for services and tourists. The site is within the allocation MU1; that allocation comprises two parcels of land, the application site and adjacent car parking and a separate area of land to the east of Hames Place. Relevant developer requirements for this site include:

- Protect the setting of the war memorial - it is not considered that the proposal in its current form would adversely impact the setting of the memorial, however if the proposals change careful attention should be paid to the potential for impacts on this feature.
- For any loss of public parking, compensatory parking will need to be provided within this allocation and compensatory parking for the shop may be necessary. The supporting statement for the proposal explains that parking for the three houses could be met by the existing car park. This is not considered appropriate given the limited capacity of the car parking and, in effect, loss of public parking suggested by this proposal. The Council's Transport Planning team will offer opinion of this.
- Connection to public sewer - the drawings submitted indicated a connection to the public.

The forthcoming CASPlan identified Durness as a Growing Settlement, meaning there are no defined settlement development area boundaries or site allocations, and development is guided by the place-specific criteria and the Growing Settlements Policy. The relevant criteria for Durness recognise the role of the settlement for local and tourist services and encourage these functions to be maintained. It is considered, subject to addressing parking issues, this proposal could comply with CaSPlan.

Conclusion - It is considered that this proposal offers good potential to provide housing in an area of need in a sustainable and central location. If a suitable solution can be achieved for parking, this proposal could be supported.

7.3 **Transport Planning:** Object. Access to the properties will be via the public car park and it is intended that parking for the development will be accommodated within the car park. No dedicated parking for the development nor any compensatory parking is proposed. The application has been discussed with local roads colleagues and demand for parking within the public car park is already high. The development proposed would only exacerbate the current situation and therefore Transport Planning are unable to support the application as presently submitted.

7.4 **Forestry Officer:** No objection subject to conditions. The proposed development is located within the public car park, in the centre of Durness. The southern boundary of the site is defined by a stone wall, beyond which is a bank of well established broadleaved trees. These trees are of particular value due to the notable shortage of trees in and around Durness. Immediately to the south east of the site, on the opposite side of the road, lies the School Road Tree Preservation Order (HRC38).

The trees to the south are elevated above the site. As they continue to grow, they will increasingly cast shadow across the rear gardens of the terraced houses. In time, this will also affect the performance of the proposed solar thermal roof panels. While I would not consider this a reason for objection, it should be a design consideration. While the existing stone wall should provide adequate protection against construction damage, I would recommend that herras fencing is also installed along this boundary to protect the wall and to contain activity within the site. A condition requiring installation of protective barriers is recommended.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
34	Settlement Development Areas
42	Previously Used Land
56	Travel

57	Natural, Built and Cultural Heritage
61	Landscape
65	Waste Water Treatment
66	Surface Water Drainage

8.2 **Sutherland Local Plan**

Within Durness Settlement Development Area and Mixed Use Allocation MU1

9. **OTHER MATERIAL CONSIDERATIONS**

9.1 **Draft Development Plan**

Caithness and Sutherland Local Development Plan - Durness Growing Settlement

9.2 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide

9.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June, 2014)

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, national and local policy guidance and all other material considerations relevant to the application.

10.3 **Development Plan Policy Assessment**

The development plan in this instance comprises of the Highland-wide Local Development Plan and the Sutherland Local Plan (As Continued in Force). The forthcoming Caithness and Sutherland Local Development Plan which is likely to be adopted later this year is also a material consideration in the assessment of the proposal and is included as part of this Committee Report.

The site lies within the Settlement Development Area for Durness which is defined in the Sutherland Local Plan and also forms part of a wider allocation for mixed use development. The accompanying texts outlines that community, business and housing use will be suitable for this allocation with a range of developer requirements also set out. As highlighted by the development plans team, most relevant to this proposal are the need to protect the setting of the war memorial (which lies around 25m to the north of the application site) as well as requirement for compensatory parking.

10.4 Material Considerations

Forthcoming Development Plan

- 10.4.1 The Caithness and Sutherland Local Development Plan is a material consideration in the assessment of the proposal and this LDP is likely to be adopted within the next few months. The CASPlan identifies Durness as a Growing Settlement, meaning there are no defined settlement development area boundaries or site allocations, and development is guided by the place specific criteria and the Growing Settlements Policy. The relevant criteria for Durness recognise the role of the settlement for local and tourist services and encourage these functions to be maintained. The Development Plans Team note it is considered that, subject to addressing parking issues, this proposal could comply with CaSPlan.

Siting and Design

- 10.4.2 The development is for the erection of a row of three terraced houses to provide additional housing for the Highlands Small Communities Trust. The site is relatively constrained in terms of its size therefore a terraced row presents the optimal solution to maximise the development opportunity. The houses are modestly sized and will provide 2-bedroom homes with rear garden areas. The Sutherland Local Plan sets out a requirement for new housing to incorporate traditional Highland forms, proportions, materials and massing. In this instance the proposed houses are modestly sized in their form with relatively narrow gables and with a 45 degree roof pitch. The proposed materials are high quality and will also ensure a traditional finish, specifically the use of a wet dash render and slate roof. The use of traditional style windows with a vertical emphasis is also welcomed.
- 10.4.3 The concerns raised by objectors regarding the design of the development are noted however it is evident that time and care has been taken by the architect to achieve a development which addresses the space constraint across the site but also delivers a high quality finish through the incorporation of traditional features and use of high quality (more expensive) materials.
- 10.4.4 There are a number of items currently within the site which will require to be re-located; the car charging point and recycling bins. The HSCHT have confirmed that arrangements have been made for these to be placed in the car park adjacent to the visitor centre/ public toilets.

Access and Parking

- 10.4.5 The most significant issue in the determination of the proposal is the loss of parking, and this is echoed in the objection comments which have been received. As noted previously the site was previously occupied by the village hall until it was removed in the 1990's. The site was cleared and has been left as flat rough ground. As a consequence this area has effectively been subsumed into the adjacent car park and has been used for parking of vehicles including the mobile bank and mobile cinema. The HSCHT have confirmed that the site was acquired in 2004 with the long term intention of providing affordable housing which has been reflected in its allocation in the development plan. The application, when initially submitted, did not include any provision for dedicated parking as would be

expected for new homes. However the applicants have reviewed this position and advised that on street parallel parking can be provided with one space per dwelling in front of each property as shown on the revised site layout plan. Whilst below the five spaces sought this allows the development to provide some dedicated parking rather than parking for the houses being accommodated in the public car park, as was originally proposed. The layout also retains sufficient width to allow vehicles reversing from the parking spaces opposite. In order to reduce traffic speeds entering the site from the east off the public road it is suggested that a rumble strip be provided at this location. This will be addressed by condition. In addition, given the limited space available, certain permitted development rights have been removed to prevent any overdevelopment of the site.

- 10.4.6 The development will however result in the loss of 10 formal parking bays in the car park. As such, the mixed use allocation covering the site outlines that compensatory parking should be provided. In this instance, the HSCHT have confirmed that whilst they can provide one space per house they are unable to fully provide compensatory parking. A number of parking spaces however do exist elsewhere in Durness including a large number of spaces close by to the east at the local shop and filling station opposite. Parking is also available at the site of the new village hall and within the large public car park at the tourist information point. There are however no on street parking restrictions within Durness.
- 10.4.7 Whilst the concerns of Transport Planning and objectors are noted, in terms of loss of parking within close proximity to existing guesthouses, the proposal must be considered in the round and it is evident that there is support from the Community Council for the proposed houses. The proposal will result in some car parking with one space per house but there will remain a shortfall, however The Planning Authority are aware from discussions with the Council's Housing and Property team that there is a significant shortfall in affordable housing (and housing generally) in Durness which this proposal has the opportunity to work towards addressing. Taking all this into account, it is not considered that the loss of some parking in this location in this instance justifies the refusal of planning permission.

Drainage

- 10.4.8 The proposed development proposes to connect into the public system, as required by the Sutherland Local Plan Allocation. This is therefore supported.

Natural Heritage Considerations

- 10.4.9 The site lies around 25m to the south of a war memorial however as noted by the Development Plans Team, it is not considered that this development would have any impact on its setting therefore there are no concerns in this regard and the proposal is able to comply with the developer requirement specified in the Mixed Use Allocation.

10.5 Other Considerations – not material

None.

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

None

11. **CONCLUSION**

- 11.1 As with all planning applications, development must be considered in the round. In this instance the proposed development benefits from being within a site allocated for mixed use development and it is pleasing to see the site, which has been owned by HSCHT since 2004, being taken forward to provide much needed affordable housing. Although this will result in the loss of some public parking provision in a central area of the village, the application provides an opportunity to secure affordable housing and coupled with parking opportunities elsewhere in the village, it is considered that the proposal can be supported by the Planning Authority due to overall compliance with the development plan. 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**

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 a finalised site layout plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall include 3 no. parking spaces for each unit hereby approved to be sited parallel to the proposed units. The site layout plan shall also include measures to reduce traffic speeds at the eastern entrance to the car park (for example, a rumble strip). Thereafter the development shall progress in accordance with the approved details.

Reason: To ensure the proposed development provides dedicated parking in accordance with the Highland Council's Access to Single Houses and Small Housing Developments Guidance.

- 2 Prior to any site excavation or groundworks, a protective barrier of a specification approved by the Planning Authority shall be located adjacent to the stone boundary wall to the south of the site. Barriers are to be inspected and approved in writing by the Planning Authority and must remain in place throughout the construction period.

Reason: To ensure the protection of retained trees throughout the construction period.

- 3 Notwithstanding the provisions of Article 3 and Class(es) 1A, 1B, 1C, 2A and Class 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the houses hereby approved without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the road safety of the adjacent car parking area

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 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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>

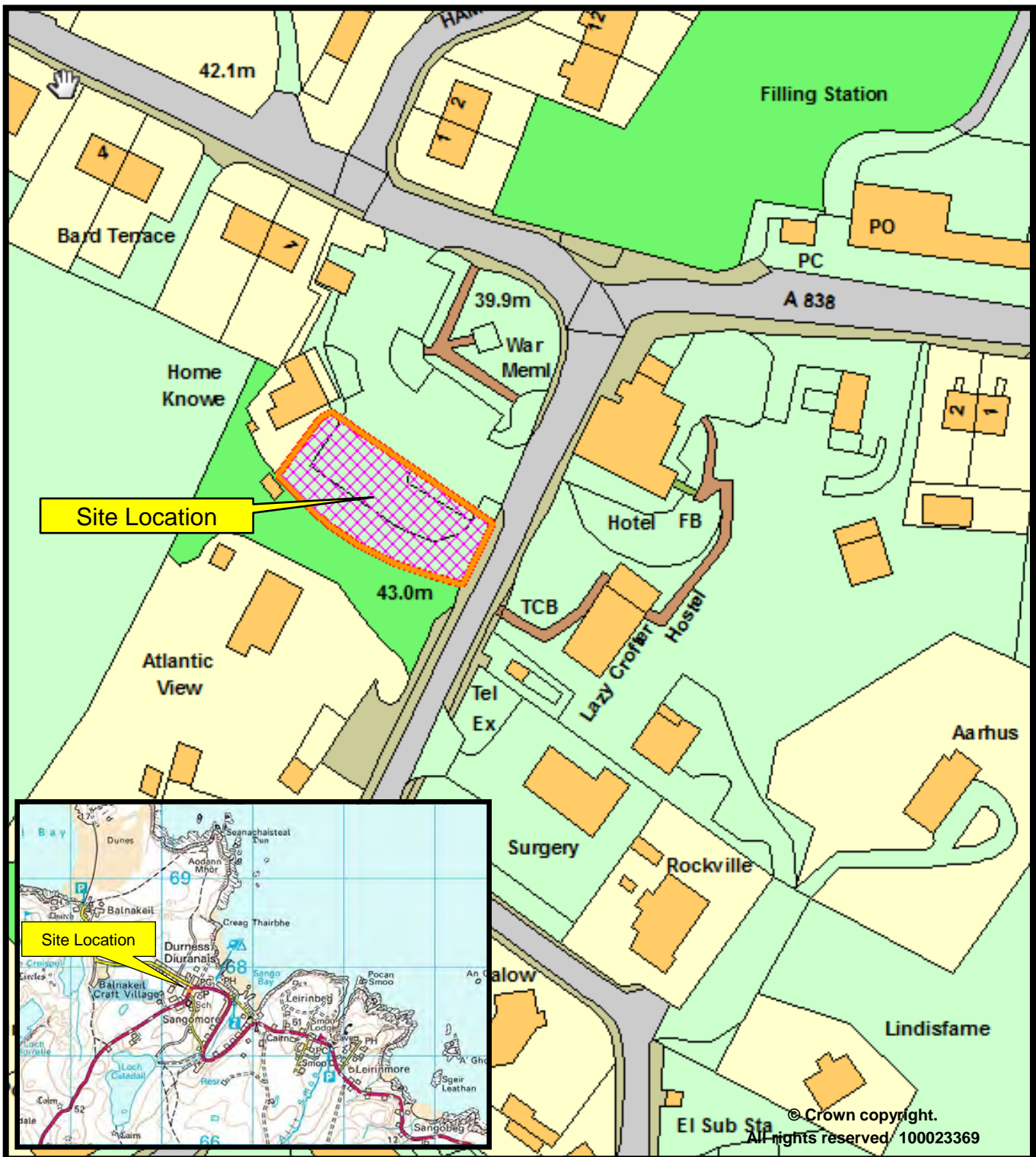
Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

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: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan 17-034
Plan 2 – Site Layout Plan PL6
Plan 3 – Floor Plan PL5
Plan 4 - Elevation Plan PL4
Plan 5 - Perspective from Approach PL1
Plan 6 - Perspective from Neighbouring Property PL2
Plan 7 - Perspective from Rear Garden PL3



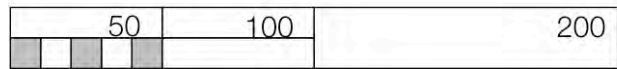
The Highland Council
Comhairle na Gàidhealtachd

Development & Infrastructure
Service

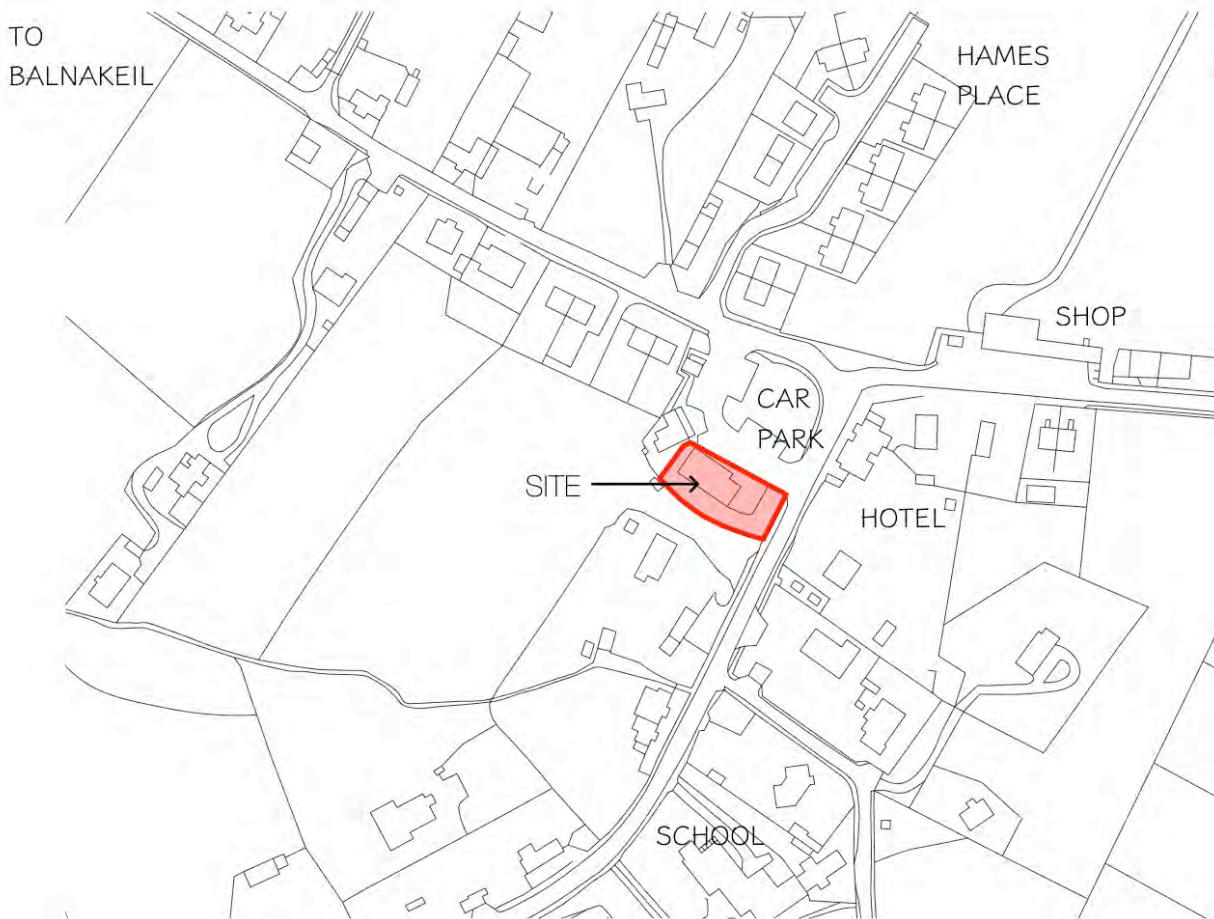
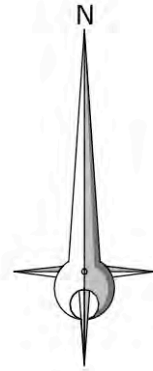
18/01811/FUL

**Erection of three terraced houses at The Car Park,
Durness.
July 2018**





Scale 1:2500



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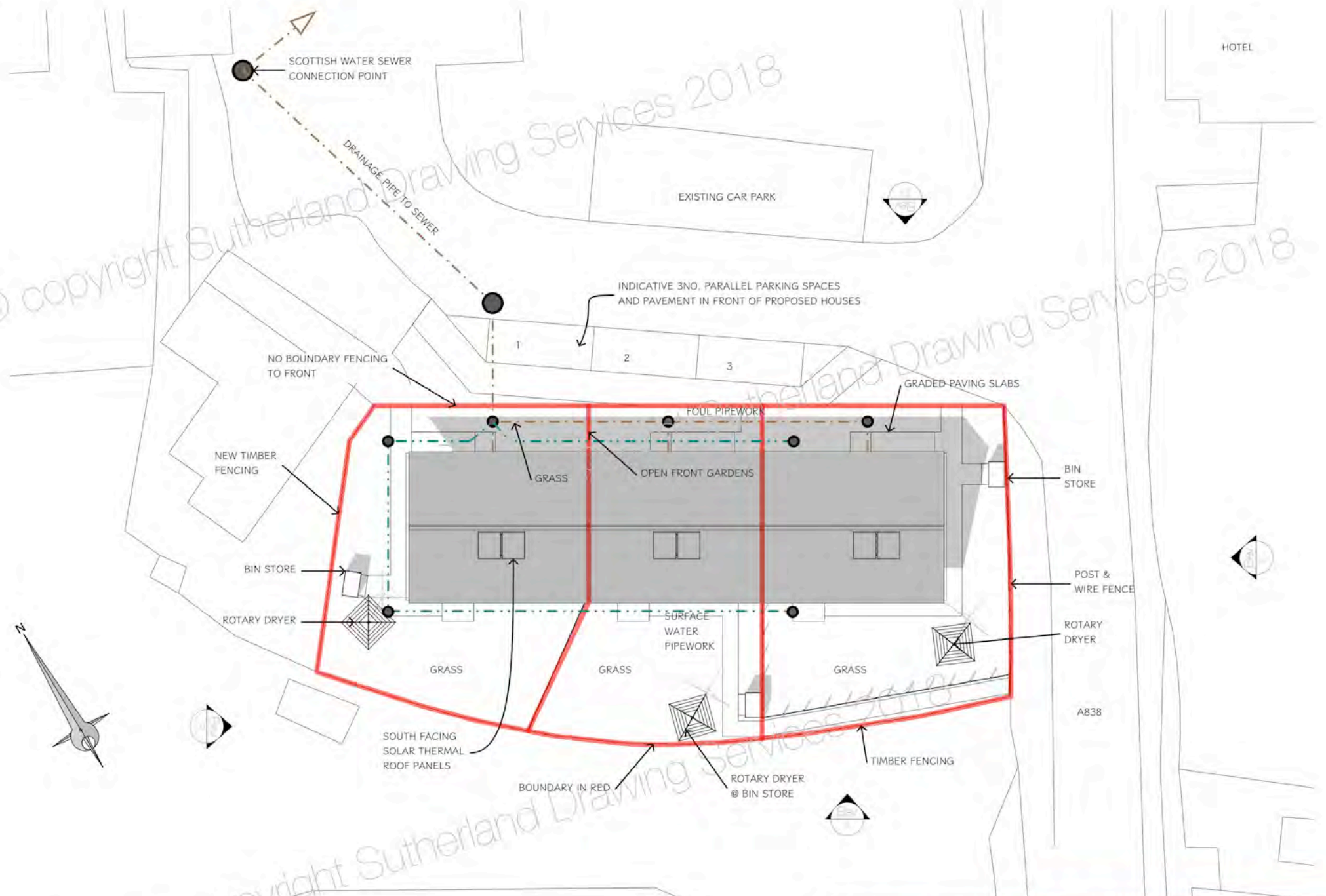
DURNESSE HALL COTTAGES

LOCATION PLAN

(REF: 17 - 034) - 21/04/2018

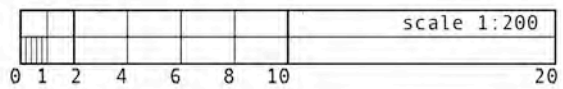
17-034 - Durness Hall Cottages

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SITE AREA = 695 SQ.M. OR THEREBY

site layout 1:200



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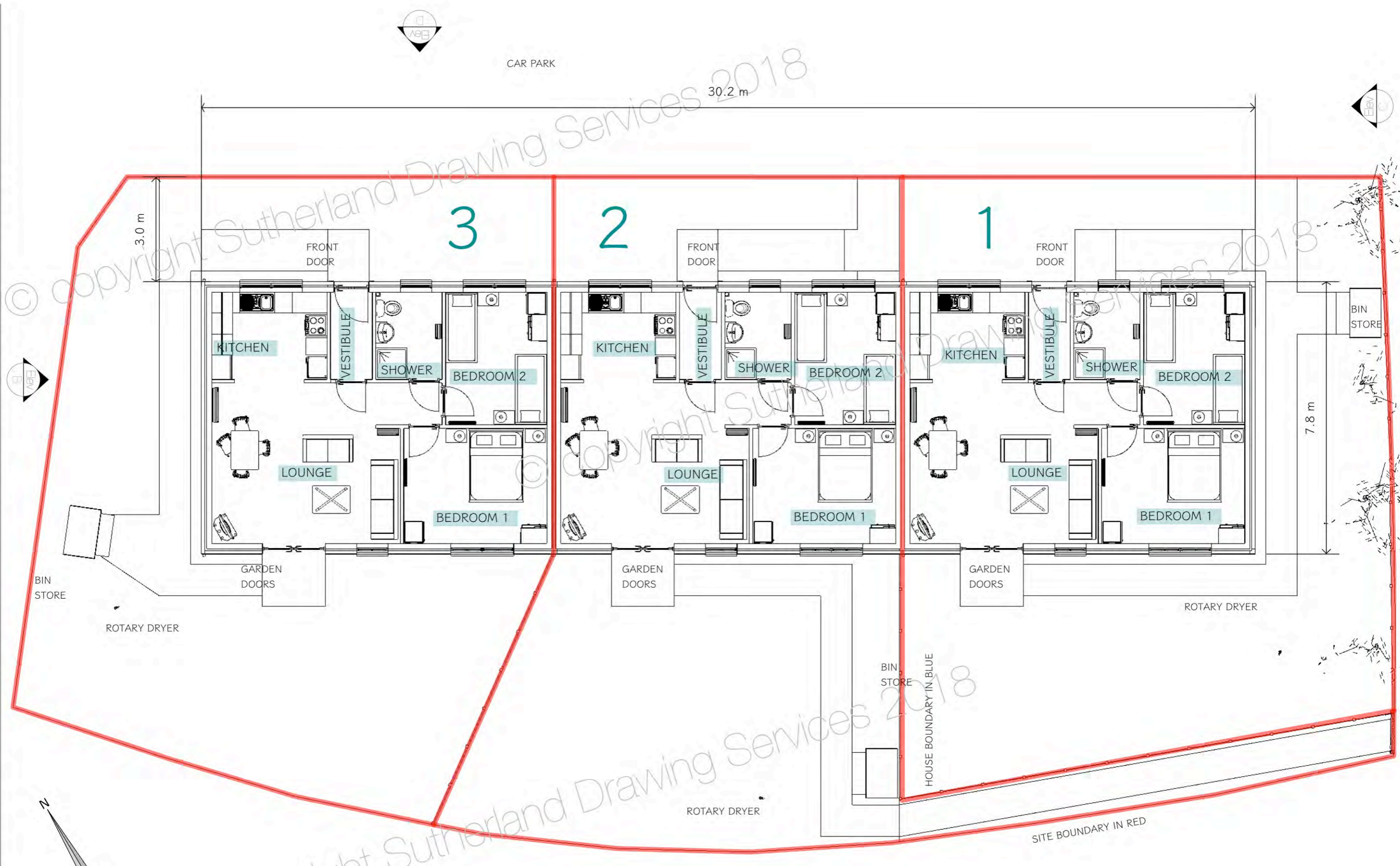
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OLD HALL COTTAGES, DURNESS

REF: 16-034 / DATE: 23-7-2018

PL6

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overall plan 1:100

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OLD HALL COTTAGES, DURNES

REF: 16-034 / DATE: 20-4-2018

PL5

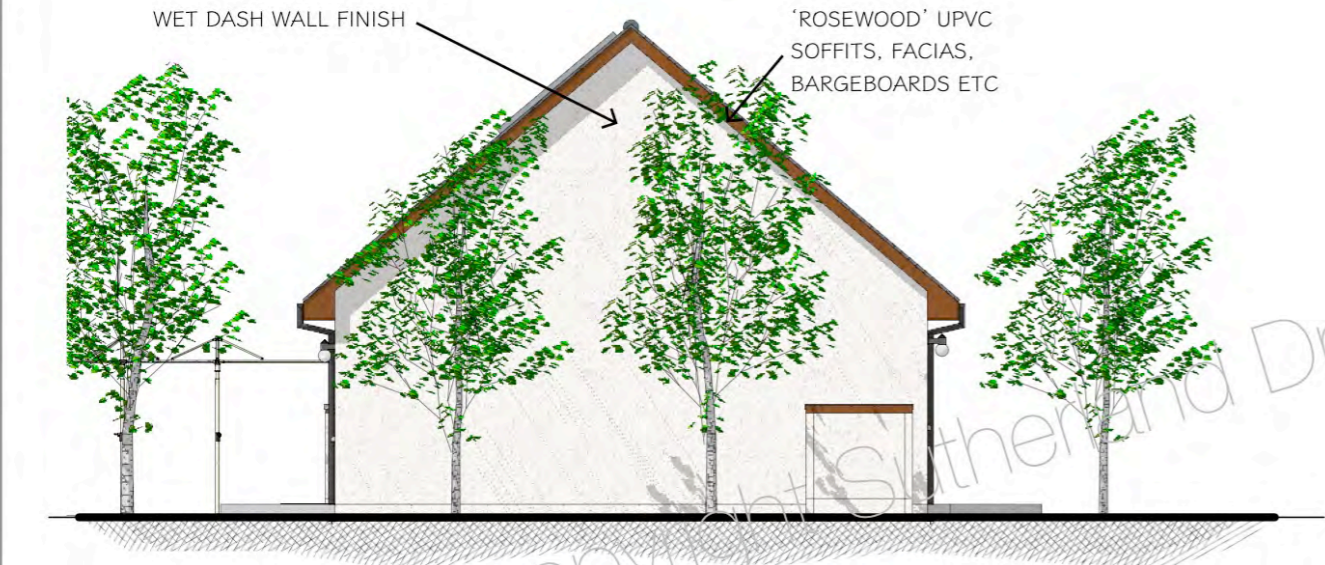
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ELEVATION D - 1:100



ELEVATION A - 1:100

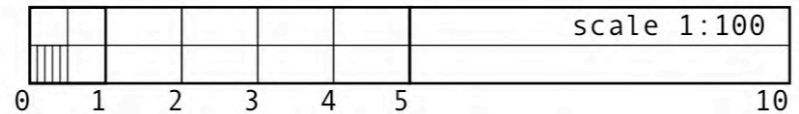


ELEVATION C - 1:100



ELEVATION B - 1:100

overall elevations 1:100



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OLD HALL COTTAGES, DURNESSE
REF: 16-034 / DATE: 17-5-2018

PL4

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perspective from approach

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PL1

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perspective from neighbouring property

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PL2

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perspective over rear gardens

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REF: 16-034 / DATE: 20-4-2018

PL3