

Agenda item	6.6
Report no	PLN/053/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 1 August 2018

Report Title: 18/02287/FUL Formation of Access (Retrospective) Nostie Kyle

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 **Applicant:** Mrs Isabelle Campbell

Description of development: Formation of Access (Retrospective)

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 is sought to regularise the formation of an access from the public road into an area of croftland. The land which would be served by the access is currently the subject of a separate application for planning permission in principal for the erection of a house ref 17/05564/PIP.
- 3.2 Pre-application advice offered by Planning Service inviting the submission of retrospective application, as the works undertaken were unauthorised.
- 3.3 No supporting documents
- 3.4 **Variations:** None

4. SITE DESCRIPTION

- 4.1 The access consists of a bellmouth and service bay which is located 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 truck road. The closest residential properties lie 40m to the north east arranged in a linear pattern on the southern side of the public road.

5. PLANNING HISTORY

- 5.1 Outline planning permission was first granted for a house on the land served by the access 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 An application for planning permission in principal for the erection of a house is currently pending consideration ref 17/05564/PIP and is a separate item on this agenda

6. PUBLIC PARTICIPATION

- 6.1 Advertised : Unknown Neighbour
Representation deadline : 13.07.2018
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. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 No consultations 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

8.2 West Highlands & 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 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.

10.3 Development Plan Policy Assessment

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.

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.

10.4 **Material Considerations**

Policy 28 (Sustainable Design) of the HWLDP aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The part of the policy of particular relevance to this proposal states that proposals should be assessed on the extent to which they "are compatible with public service provision" which in this instance relates to the impact on road safety.

It is regrettable that an application for the construction of the access was not submitted prior to its construction. The planning permission in principal for the erection of a house granted in August 2013 ref 13/01833/PIP set out by condition the matters that were reserved and which therefore required approval through the submission of a further application for planning permission, known as the approval of matters specified in conditions. The means of access into the site was one of the reserved matters consequently no works should have been carried out before a further application has been submitted for the consideration and further approval of the Planning Authority.

The condition attached to planning permission 13/01833/PIP required the access has been formed in a location where visibility splays of 2.4m x 90m could be achieved in both directions and the junction designed to include a service layby. The access as constructed complies with these requirements and therefore is judged in this instance to be acceptable. Prior to any final occupation of a house on the site served by the access, the first 6m of the access will require to be surfaced to accord with current guideline standards. The matter has been dealt with by way of condition of planning application 17/05564/PIP which clearly identifies the existing access junction as the means of access for the site.

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

Action required before decision issued 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 Granted subject to the following notes to applicant:

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 DIRECTION

None , retrospective consent.

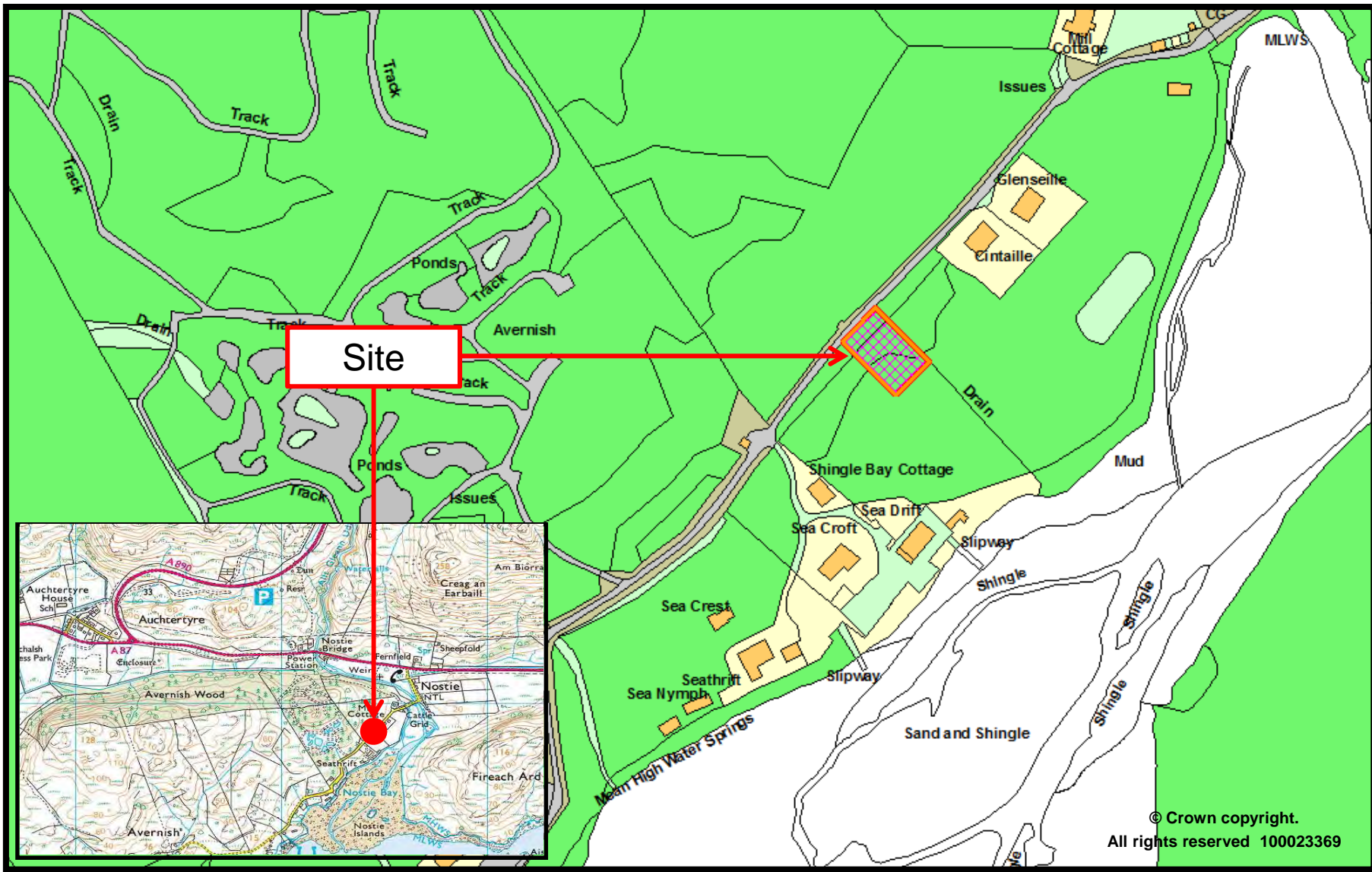
Designation: Area Planning Manager - North

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



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

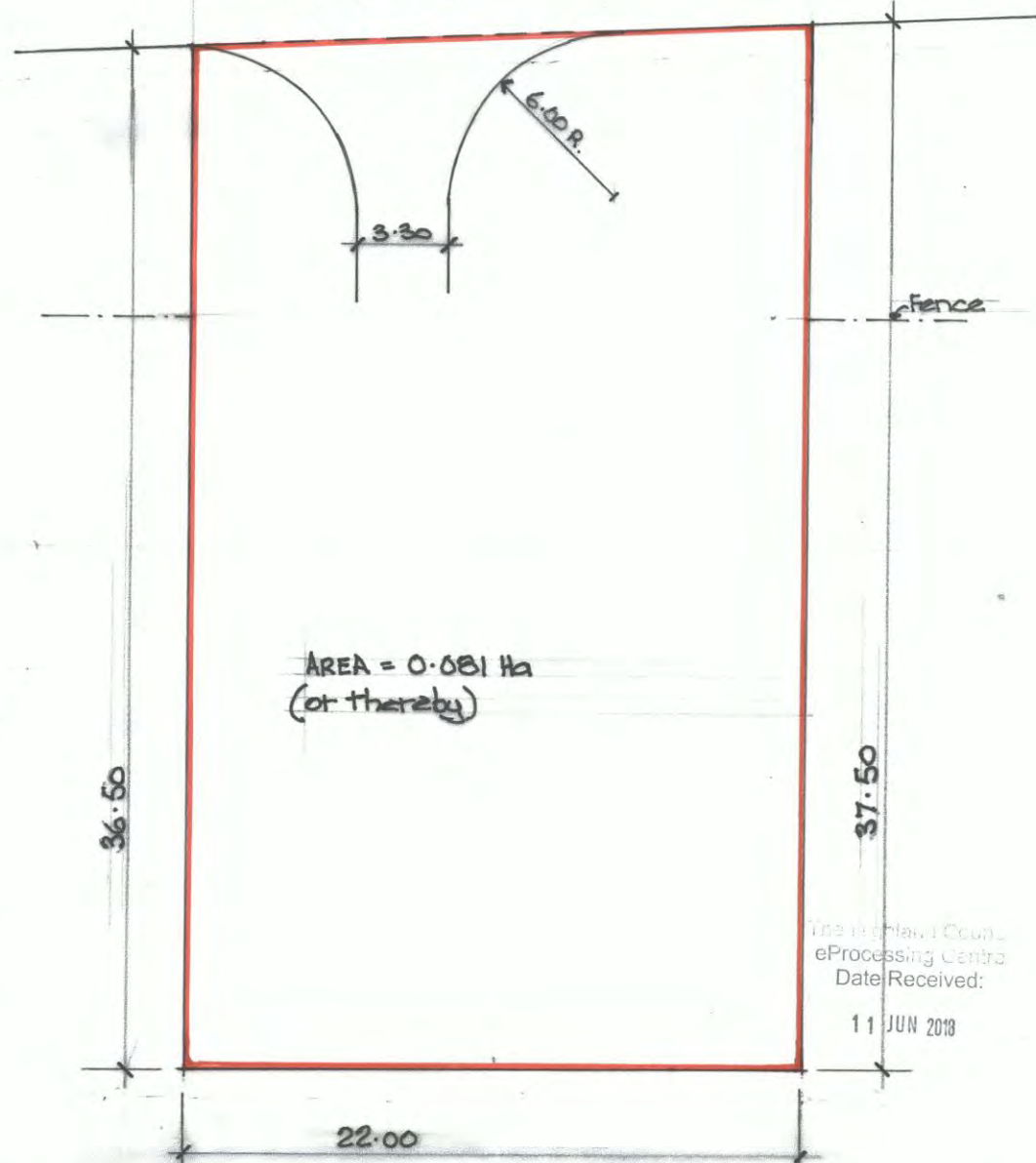
Location Plan
18/02287/FUL
Formation of Access (Retrospective)

August 2018

Scale:



PUBLIC ROAD



AREA = 0.081 Ha
(or thereby)

36.50

37.50

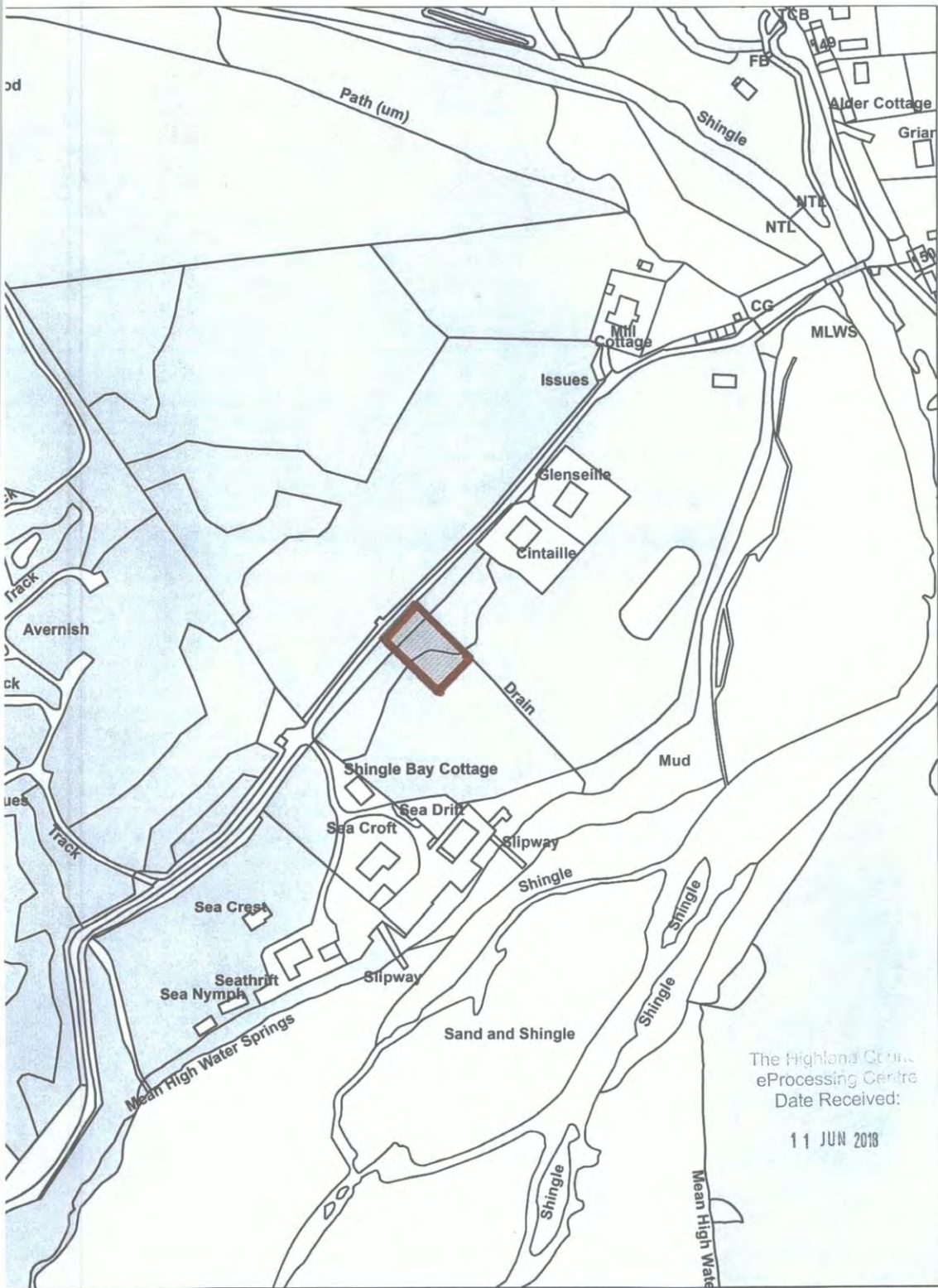
22.00

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



The Highland Council
eProcessing Centre
Date Received:

11 JUN 2018

SCALE 1:2500