

Agenda Item	7.1
Report No	PLN/057/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 11 September 2018

Report Title: 18/00385/FUL: Mr I Barnes
Land 70m NW of Seaview, 178 Armadale, Sutherland

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

Applicant: Mr I Barnes

Description: Siting of a residential static caravan with composting toilet; installation of surface/grey water soakaway, siting of temporary storage containers; Partial change of use of land to accommodate two Yurts for temporary seasonal accommodation.

Ward: 01 – North, West and Central Sutherland

Category: Local

Reason referred to Committee: More than 5 independent objections to the proposal have been received.

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

- 2.1 Members are asked to agree the recommendation to approve as set out in Section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks permission for the installation of a residential static caravan with composting toilet, installation of surface / grey water soakaway, siting of temporary storage containers (in retrospect) and proposed partial change of use of land to accommodate two Yurts for temporary seasonal accommodation on a small croft at 178 Armadale, Sutherland. The croft is currently “bareland” and the accommodation is intended to provide the means to occupy the land prior to a more permanent solution being applied for, considered and thereafter, if approved, erected. It is intended to bring a small croft back into useful production. Negotiations have been ongoing in respect of the exact siting of the proposed Yurt buildings as there were concerns over their impact on neighbouring amenity where originally proposed. Following negotiations an amended location has been agreed.
- 3.2 A single track, adopted road leading to a neighbouring property, runs adjacent to and through the croft land. Drainage on this road has been disturbed and flooding has been an issue; works are required to restore the pre-development drainage provision.
- 3.3 Pre Application Consultation: This application is largely in retrospect and no pre-application advice was sought.
- 3.4 Supporting Information: A letter outlining the current work that has been undertaken has been received in support of the application. Various communications have been received to better explain the proposal and address issues raised.
- 3.5 Variations: The position of the proposed Yurt structures has been amended to the location shown on the most recent drawings (adjacent to the residential caravan). The original position raised issues on neighbouring amenity and was not supportable.

4. SITE DESCRIPTION

- 4.1 The site lies to the eastern side of the main public road at Armadale and opposite Kitty’s Pass. The lower portion of the croft, on the coastal slope is accessed by (firstly) public road and then field track. There is an open outlook over Armadale Bay from the top of the coastal slope and adjacent to the caravan and Yurt sites. The land rises to the south of the access road and the site for the Yurts is positioned in the “lea” of a small gorse covered knoll. The caravan and storage containers occupy land immediately to the southern side of the small, but adopted access road. Neighbouring properties lie to the north and east of the site and one property shares the public access to the lower ground; an unauthorised gate has been installed across this public road (this is the subject of Roads Authority investigation).

5.1	15/02984/PIP	Erection of House – Withdrawn	23.09.2015
	16/01828/PIP	Erection of House – Approved	26.05.2016

17/04864/FUL	Formation of hardstanding (in retrospect), erection of agricultural shed, temporary siting of static caravan - Application returned	
17/05410/FUL	Formation of hard standing (retrospective), erection of agricultural shed, siting of caravan, formation of access, surface water soakaway, siting of composting toilet.	Withdrawn 24.01.2018
18/00271/FUL	Installation of storage containers and partial change of use of land	Closed 29.01.2018

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbours

Date Advertised: 09.02.2018

Representation deadline: 23.02.2018

Timeous representations: 5 from 5 Households

Late representations: 1 from 1 Household

6.2 Material considerations raised are summarised as follows:

- Potential Breach of Policy 28 and 47 of HwLDP
- Loss of croft land
- Lack of detail with application, particularly regarding the proposed yurts
- Concern regarding use of composting toilets which are known to fail;
- Concern that the proposal is 'commercial' in nature
- Amenity – Privacy / Security / Overlooking. Already impacted upon by unauthorised works; will be exacerbated by proposed tree planting which will obscure daylight
- Works already undertaken have been destructive including excavation works which have created a large area of flooding
- Flooding – Works already causing significant issues
- Potential loss of Light
- Impact on perceived Right of Way
- Potential impact on designated site (SSSI) - Strathy Coast, designated for its wild plants and flower interests through discharge from proposed toilet or waste storage
- The site is now used for storage of old tyres, metal containers, rubbles, stone and earth when it was previously in good condition as grazings land;
- Inaccuracies with planning application including showing a Highland Council road as 'private'
- Yurts are not in keeping with the character of the area and require unsightly earth banks for protection from the wind
- Yurts will be clearly visible from the road

Non-material considerations are summarised as follows:

- Concern regarding the applicants long term plans and potential use of the site as a camp site;
- Concern that the proposed tents will be made permanent;
- Impact on house price value of neighbouring houses

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.

7. CONSULTATIONS

7.1 No consultees. However, Community Services Roads have been informed about the installation of the gate across the adopted road.

7.2 Local Roads colleagues have also been in conversation with the applicant and are pursuing a resolution to the flooding caused by the initial unauthorised development. Discussions also taking place in respect of the new gate across the adopted road.

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
36 - Development in the Wider Countryside
47 - Safeguarding Inbye/AppORTioned Croftland
65 - Waste Water Treatment
77 - Public Access

8.2 Sutherland Local Plan 2010 (as continued in force)

No Specific Policies Apply

8.3 Caithness and Sutherland Local Development Plan (Draft) Jan 2016

No Specific Policies Apply

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

Flood Risk and Drainage Impact Assessment (Jan 2013)
Managing Waste in New Developments (March 2013)
Sustainable Design Guide (Jan 2013)

9.2 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 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

The site is Located to the Eastern side of Armadale township and is not specifically noted on the list of Growing Settlements (Policy 3) as defined in the Caithness and Sutherland Local Development Plan. Therefore the proposal requires to be assessed against the general policies of the Highland wide Local Development Plan Policy.

The proposed location is within the wider countryside and may be considered primarily under Policy 36 (HwLDP) which is broadly supportive of new development subject to an assessment of detailed criteria. A small amount of croft land will be lost due to the installation of storage and accommodation required to run the property. Notwithstanding this, it is considered that the proposal meets the provisions of the Policy and is acceptable.

10.4 Policy 28 – Sustainable Design lists a number of criteria which all applications are assessed against. However, of particular relevance to this proposal is its potential impact on individual and community residential amenity. This is considered in paragraph 10.10.

10.5 Policy 47 – Safeguarding Inbye / Apportioned Croftland seeks to minimise “where possible”, the loss of the “better” croft land. Development proposals may be acceptable where there is no alternative location for development.

10.6 Policy 65 – Waste Water Treatment advises the preference for mains or discharge to land.

10.7 Policy 77 – Public Access requires that access provision is maintained and is no less attractive, safe or convenient for public use as a result of the development.

The proposal is assessed against the above policies in the following paragraphs.

10.8 Siting and Design

The site is an elongated rectangular piece of land which is relatively flat in the west and towards the top of the coastal slope; the eastern element lies at a much lower level. The public road runs along the northern boundary before turning south east, bisecting the site and terminating at a property known as Seaview. To the north of the site and on the same plane as Seaview is another residential property, Bayview, close to the site boundary. The site is a bareland Croft and it is important to note that Planning Permission in Principle was granted for the erection of a house in 2016 (ref: 16/01828/PIP). This however, is sited towards the west of the croft and adjacent to the public road. This further application

seeks to provide the required permission for the infrastructure to allow the development and improvement of the ground, prior to the erection of the house (still to be applied for). A residential caravan, temporary Yurt accommodation (for volunteer workers) and storage / yard area are all sited (following negotiation) on the less productive land and maintain the amenity of the neighbouring property. The position of the main development area respects the pattern of development and uses the landform to minimise its visual impact. The site is effectively in two halves, with the western part (distanced from neighbours) the area identified for the main infrastructure (caravan, yurts, storage etc.). Originally the two yurts were to be situated between Bayview and Seaview. However, in light of concerns over their impact on the adjoining residential amenity of these households, the applicant agreed to re-site the yurts 76m to the west. The revised position is considered acceptable as the neighbours (Bayview and Seaview) lie to the east and at a much lower level.

10.9 Access and Servicing

Access to the croft is provided via the public road network at Armadale and extends to and terminates at the neighbouring property (Seaview). It is envisaged that the provision of water and electricity is straightforward. Foul discharge is proposed from preparatory Composting Units; discharge of the waste material is a matter for SEPA and Environmental Health.

10.10 Material Considerations

- Amenity – Privacy, Overlooking and Security – *Planning Response* – It is unfortunate that the development was commenced prior to any approach to the planning authority. However, through negotiation, the position of the Yurt accommodation is now more sensitively sited and there is a much reduced impact on individual amenity. The originally proposed position was between Bayview and Seaview and would have presented an unacceptable impact on the amenity of the properties.
- Flooding – *Planning Response* – It is acknowledged the unauthorised works (removal of stock handling area and excavation of rising ground) has caused flooding at specific areas of the shared access on an adopted public road, and given cause for concern. The applicant has been in discussion with Community Services Roads colleagues to rectify the problem. A condition has been applied which requires the resolution of the flooding before any further development re-commences.
- Right of Way – *Planning Response* – There is a public road through part of the site although there is no registered right of way beyond this.
- Sanitation – *Planning Response* – The concerns of neighbours is understood with regard to the proposed method of foul effluent disposal. This method of disposal is unconventional but is an accepted approach if utilising packaged systems, with the discharge limits dealt with by SEPA and Environmental Health Officers dealing with nuisance issues like smell etc. should any arise. Foul drainage is regulated under Building Standards and a Building Warrant will be required

10.11 Other Considerations - not material

- Site of Yurts is in close proximity to village electrical supply pole – *Planning Response* – The originally proposed site for the Yurts was located immediately below an electrical pole with a transformer. However, the siting has been changed and no longer impacts on the electricity infrastructure.
- Retrospective application – *Planning Response* – It is normal practice to invite an application to regularise unauthorised development where it is considered that the issues can be resolved and addressed.
- Accuracy of submitted information – *Planning Response* – It has been established that the information provided was inaccurate in respect of the access road through the croft. Colleagues in Community Services (Roads) have advised that the road is adopted up to the property known as Seaview.
- Is this commercial activity other than that applied for – *Planning Response* - Crofting is a commercial activity and development in that respect is what has been assessed. Any other proposed use which required planning permission would require to be considered upon its own merits.
- Dumping of tyres – *Planning Response* – It has been established that the tyres were brought to site to provide stable planting environment. It has also been confirmed that they may only be used in the construction of an earth shielded Silage facility (Clamp). A condition has been applied to ensure that within 6 months of the date of any permission, the removal of any surplus tyres.
- Exposure to weather of the yurts – *Planning Response* – The Yurt position has been amended and they will benefit from the shelter of a small, gorse covered knoll. In any event, the presence of the Yurts is controlled by condition.

11. CONCLUSION.

11.1 The site lies on a “bareland” croft. Development is supported by policy under certain conditions and this proposal – to provide accommodation and the infrastructure to revive the croft is supportable. It is unfortunate that development was commenced prior to contact being made with the planning authority and that has led to heightened concerns for the immediate neighbours. Damage has been caused to the drainage infrastructure and that on the part of the applicant is regrettable. Aspects of the proposal (foul water / waste and the disposal of it) have caused concern for neighbours; this is an area that other agencies (SEPA and Environmental Health) control by regulation. The proposed original position of the Yurt structures was unacceptable given the proximity to neighbouring properties and the provision of sanitary facilities; repositioning of the structures has removed this concern.

11.2 Notwithstanding the above, all relevant matters have been taken into account when appraising this application. It is (on balance) 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
- 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**

Notification to Historic Scotland **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**

1. The damaged drainage to the north of the property known as Seaview shall be repaired to its original working condition prior to any further development commencing.

Reason: In the interest of public road drainage provision and for the avoidance of doubt.

2. The tyre bales currently occupying land at the site shall be stored together in one location adjacent to the hereby approved storage containers. If they are not utilised in a manner acceptable to SEPA within 6 months of the date of this permission, they must be removed to a licenced facility for recycling.

Reason: In the interest of landscape amenity and for the avoidance of doubt.

3. The Yurt structures hereby approved shall be sited as shown on the approved drawing submitted on 16th August 2018. For the avoidance of doubt, the Yurts shall be erected (if required) between the months of April and October and shall be removed outwith this period and when not required for volunteer workers.

Reason: In the interest of amenity and for the avoidance of doubt.

4. The two yurts hereby approved shall be used for holiday letting or seasonal accommodation purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason: To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

5. Planning permission for the residential caravan is hereby granted for a temporary period only and shall cease to have effect on 15th September 2020 (the 'cessation date'). Prior to the cessation date, the caravan shall have been removed from the site and the ground reinstated.

Reason: In recognition of the temporary nature of the proposed development, in that caravans by virtue of their design and method of construction are not suitable for permanent residential occupation and to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

REASON FOR DECISION

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

TIME LIMITS

Not Applicable

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 (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 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 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_for_worki ng_on_public_roads/2

Please contact The Highland Council Community Services (Roads) team to obtain the required road opening consent; Joanne Sutherland (01955 608230) will advise.

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.

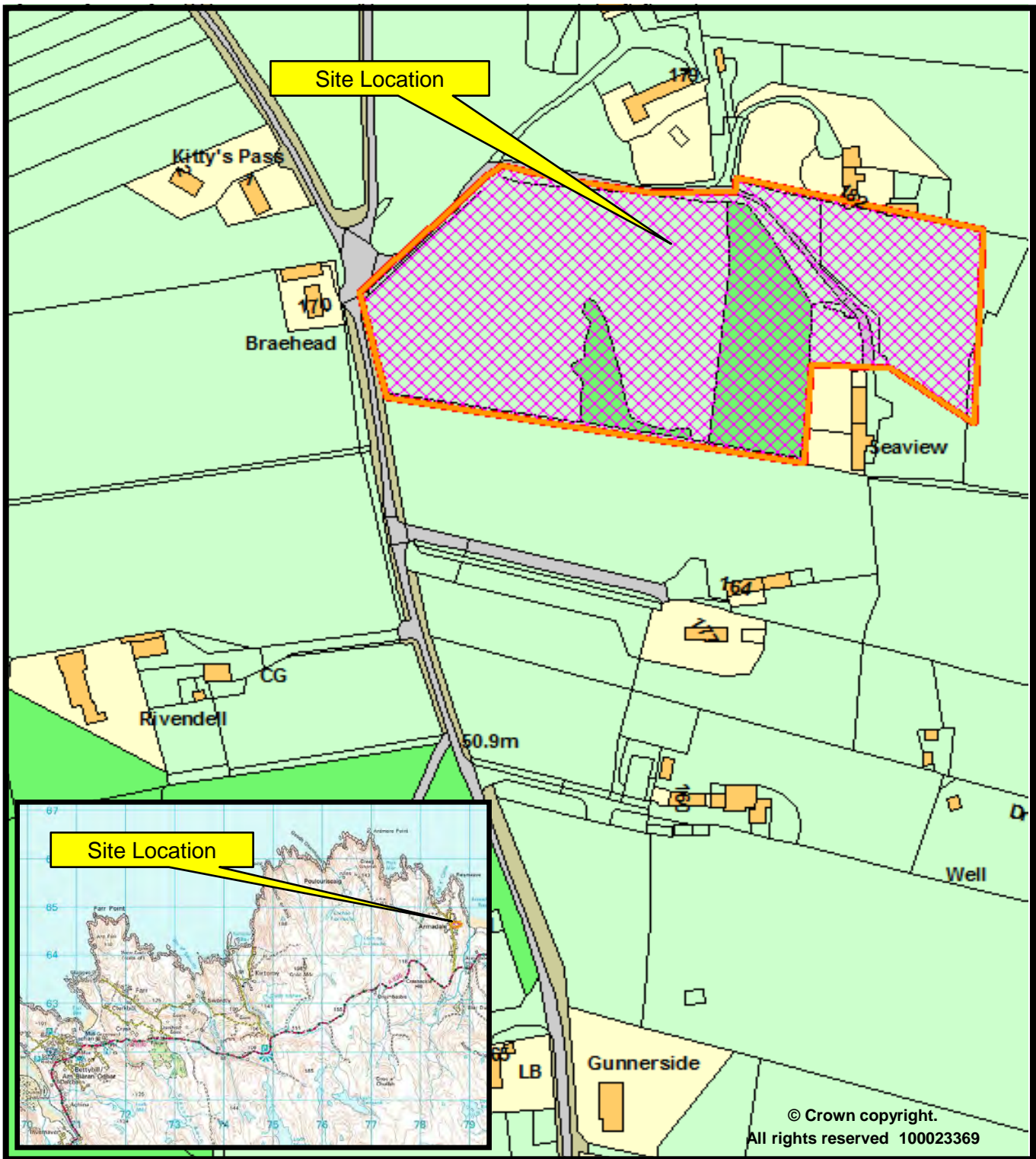
Protected Species – Halting of Work

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

Designation: Area Planning Manager – North
Author: David Borland
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Map
Plan 2 - Drainage – Soakaway (000002)
Plan 3 - Existing Site Layout Plan (000003 A)
Plan 4 - Location plan (000004)

Appendix – Letters of Representation

Name	Address	Date Received	For/Against/Neutral
Anna MacConnell	167 Armadale Thurso, KW14 7SA	19/02/2018	Against
Eileen Stuart	Seaview, 178 Armadale, Thurso, KW14 7SA	20/02/2018	Against
Graham Stuart	The Garden House, Blairgowrie, Perthshire, PH10 7JB	20/02/2018	Against
Sine Mackay	14 Boswell Road, Inverness.	20/02/2018	Against
Murdo Mackay	Bayview, 182 Armadale, Thurso, KW14 7SA	22/02/2018	Against
Paul Morgan	Mary Bells Cottage, Armadale, Thurso, KW14 7SA	24/08/2018	Against (non timeous)



The Highland Council
Comhairle na Gàidhealtachd

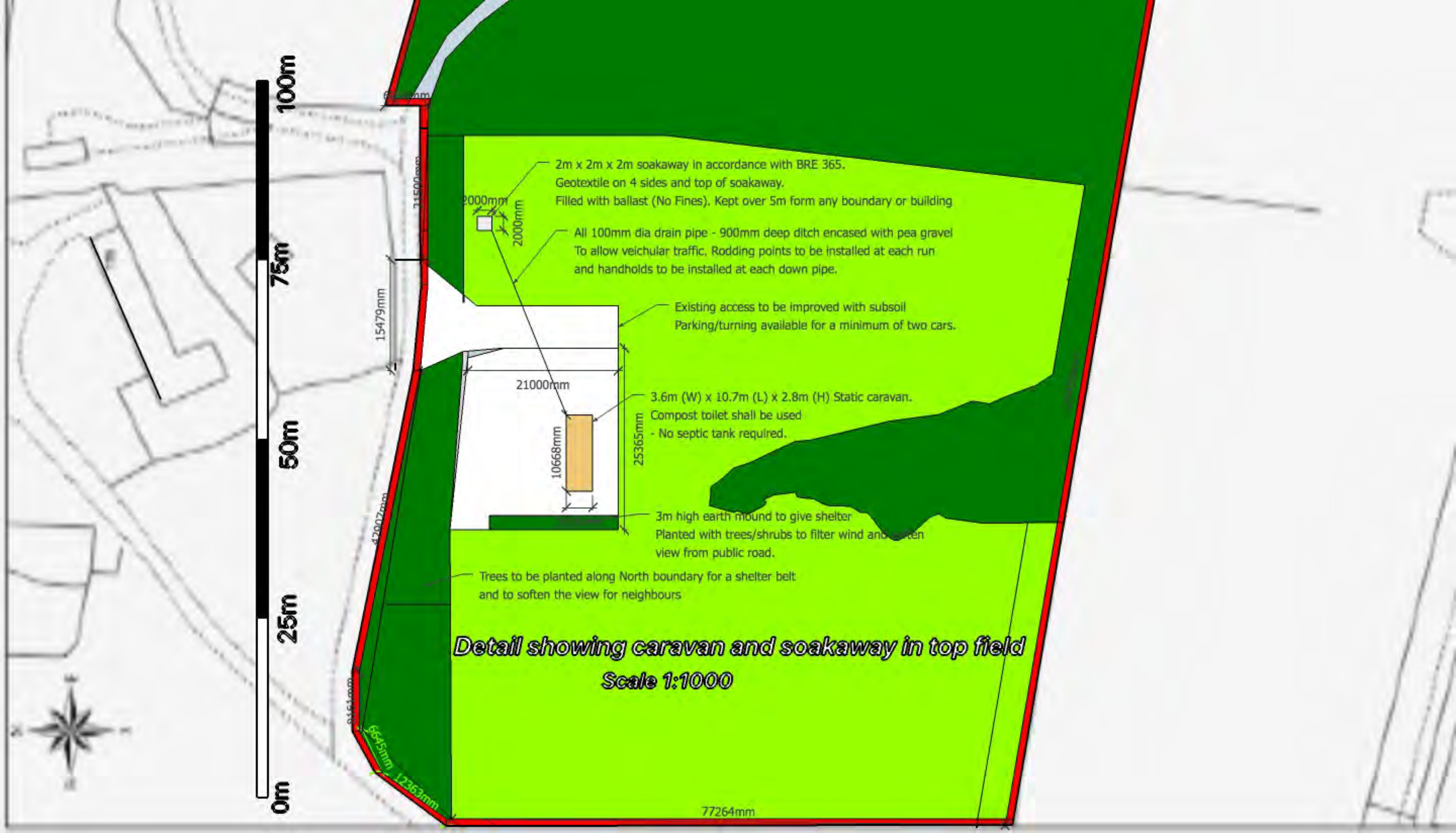
Development & Infrastructure Service

18/00385/FUL

Siting of a residential static caravan with composting toilet; Installation of surface/grey water soakaway, Siting of temporary storage containers; Partial change of use of land to accommodate two Yurts for temporary seasonal accommodation at 178 Armadale, Sutherland.

August 2018





100m
75m
50m
25m
0m

2m x 2m x 2m soakaway in accordance with BRE 365.
Geotextile on 4 sides and top of soakaway.
Filled with ballast (No Fines). Kept over 5m from any boundary or building

All 100mm dia drain pipe - 900mm deep ditch encased with pea gravel
To allow vehicular traffic, Rodding points to be installed at each run
and handholds to be installed at each down pipe.

Existing access to be improved with subsoil
Parking/turning available for a minimum of two cars.

3.6m (W) x 10.7m (L) x 2.8m (H) Static caravan.
Compost toilet shall be used
- No septic tank required.

3m high earth mound to give shelter
Planted with trees/shrubs to filter wind and soften
view from public road.

Trees to be planted along North boundary for a shelter belt
and to soften the view for neighbours

Detail showing caravan and soakaway in top field
Scale 1:1000

711500mm
15479mm
42607mm
6645mm
12363mm

21000mm
10668mm

25365mm

77264mm

Scale 1:1000

North

Shared access to Seaview

Bayview

Seaview



Scale 1:1000 (paper size: A3)



Access track to bottom field.

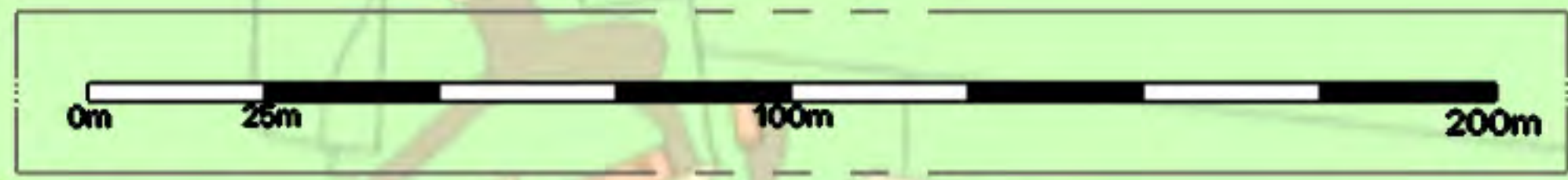
Two levelled areas shall be cultivated around the edges (earth mounds). The centre shall provide shelter for plants/livestock. (Agricultural use only)

Lower site: Area to be used for turning, parking, livestock handling and cultivation. (Agricultural use only)

Existing access to top field shall be improved with excess subsoil/stone.

Two areas will be levelled and surround by earth mounds to give shelter for the siting of two 6m diameter yurts. They shall be used for volunteer workers to help with crofting activities during Spring, Summer and Autumn months as required.

Top field: Area to be used for temporary storage, turning, parking, livestock handling and cultivation. Residential caravan also to be sited on the levelled area for use by the crofters.



178 whole croft
Scale 1:1250

