

Agenda Item	6.5
Report No	PLS 090/18

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 05 December 2018  
**Report Title:** 18/00971/FUL: Mr & Mrs R Huston  
Land east of Burnside, Corry, Muir of Ord  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Change of use of steading to residential and erection of extension  
**Ward:** 12, Aird and Loch Ness  
**Development category:** Local Development

**Reason referred to Committee:** 5 or more objections from members of the public

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 The proposal is to convert an existing disused steading into residential accommodation, and to erect an extension onto the steading to increase the level of available living accommodation.
- 1.2 The steading lies alongside a private access road, immediately after a sharp bend in the road. Parking spaces will be provided alongside the south west gable of the steading, and also adjacent to the access to the north east of the proposed extension.
- 1.3 Pre Application Consultation: Informal pre-application consultation took place.
- 1.4 Supporting Information: supporting statement submitted.
- 1.5 Variations: design of extension amended; extension stepped down; details of steading conversion amended.

## **2. SITE DESCRIPTION**

- 2.1 The site lies on the south side of the private access road to Burnside House, and immediately to the north and east of Burnside.
- 2.2 It currently comprises a disused harled steading with fibre cement roofing sheets which lies roughly parallel to the access road, and immediately to the east of the access driveway to Burnside. The curtilage of the former steading extends to the rear, and also the east, and to the burn to the south. The garden grounds of Burnside extend to the east, so part lies alongside the rear of the boundary with the steading, and the east side boundary of Burnside is also a common boundary with the former steading.
- 2.2 The land to the rear of the steading drops away steeply to the level of the garden of Burnside. There are some hazel trees to the rear of the steading. A mature beech hedge runs along part of the boundary with Burnside, and a newly planted beech hedge runs along the remainder of the joint garden boundary.

## **3. PLANNING HISTORY**

- |     |            |  |                        |
|-----|------------|--|------------------------|
| 3.1 | 16.11.2016 | 16/05184/FUL. Erection of house                    | Withdrawn              |
| 3.2 | 28.02.2012 | 11/04098/PIP. Demolish outbuilding and erect house | Withdrawn              |
| 3.3 | 29.11.2013 | 13/04384/PREAPP. Erection of house                 | Pre-application advice |

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: neighbour notification  
Date Advertised: 06.04.2018

Representation deadline: 17.10.2018

Representations: 7 (from 6 households).

Late representations: 0

4.2 Considerations raised are summarised as follows:

- a) Contrary Housing in the Countryside and Siting and Design Supplementary Guidance
- b) Proposal is for a new house attached to the steading, not a conversion
- c) Building is not traditional, but single skin block walls and asbestos corrugated roof. The building has no historic value and is not worth protecting.
- d) Extension dominates and alters character of original building
- e) Building is used for storage so not redundant
- f) Building is 90m<sup>2</sup> so not of a scale that is commensurate with a habitable building
- g) Line of the ridge is broken by the proposed extension.
- h) Overlooking of Burnside / loss of privacy
- i) Huge visual impact on the landscape
- j) Extension will unduly dominate Burnside due to elevated location
- k) Too much underbuild
- l) Extension design is out of keeping with existing building and insensitive to immediate landscape
- m) Extension too tall, gable too wide, resulting in large domineering building
- n) Access road already serves 3 houses; 4 would be too many
- o) Access too narrow, can not accommodate fire engines, fuel/septic tank lorries, etc. Should be minimum of 3.7m wide, but is only 2.6m.
- p) Access must be maintained and not blocked / obstructed by the proposal during or after construction.
- q) Neighbours own land up to the access road, not the applicant.
- r) The boundary fence is not the actual boundary, but erected to avoid the telegraph poles, cut the corner at the 90 degree turn, etc.
- s) Plan inaccurate – steading is closer to access road than shown on plan.
- t) Applicant does not own all of the land they claim to own
- u) Pine marten, red squirrel, Scottish wildcat, red kites, merlin in the area.
- v) Bats in the building
- w) Rare wild flowers in the area / on the site including cornflower and meadow vetchling
- x) Regenerating woodland & habitat on / around the site
- y) Submitted plans do not show extension on gable of Burnside, this is misleading and suggests that the proposal does not overlook Burnside as much as it would.
- z) Foul water drainage system may require discharge to the burn, since ground conditions are poor.
- aa) Method of heating not shown.
- bb) Building up of levels to form parking area
- cc) Mature trees to the south of the building should not be felled, but retained and protected
- dd) Should be assessed against house extensions guidance :

- ee) windows of habitable rooms above ground floor level should avoid overlooking neighbouring private garden space
- ff) location of windows must not adversely affect the privacy of neighbours
- gg) balconies and decking close to boundaries can be a major source of noise and privacy intrusion.
- hh) Building on elevated site which is 2m above neighbours land, and mounding up of ground levels to create a platform above the natural landscape.

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Environmental Health** has no objections.

5.2 **Contaminated Land** has visited the site and comment that the roofing material is probably asbestos cement sheeting but is generally in good condition and not breaking up. There is some evidence of old farm machinery and possibly a couple of rusty tanks on the site. Recommend a condition requiring an assessment of potential contamination, and remediation in the event that contamination is found.

5.3 **SNH** comment that there have been sightings of wildcats/hybrids in this area, but it has no information on them or where they are denning.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland Wide Local Development Plan 2012

Policy 28 - Sustainable Design

Policy 29 - Design Quality & Place-making

Policy 35 - Housing in the Countryside (Hinterland Areas)

Policy 51 - Trees and Development

Policy 58 - Protected Species

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

### 6.2 Inner Moray Firth Local Development Plan 2015

Outwith settlement development area; within Hinterland. No site specific policies apply.

### 6.3 Highland Council Supplementary Planning Policy Guidance

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

Highland's Statutorily Protected Species (March 2013)

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

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 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
- c) amenity
- d) access
- e) protected species
- f) any other material considerations.

### Development plan/other planning policy

8.4 The site lies within the Hinterland where Policy 35 presumes against new housing unless it complies with one of the exceptions detailed in the Council's adopted Supplementary Guidance: Housing in the Countryside and Siting and Design. This details the criteria which needs to be fully complied with in order to meet one of the exceptions. Exceptions relate to :

- where a house is essential for land management / rural business purposes
- where it is required to meet a demonstrable local affordable housing need
- the conversion or re-use of traditional buildings or the redevelopment of derelict land
- the rounding off or infilling of a housing group the sub-division of garden grounds

8.5 The proposal is clearly not related to land management / rural business purposes, neither is affordable housing, nor does it lie within an existing housing group, and since it does not form part of an existing garden it can not be subdivision of garden grounds either. It does, however, relate to the conversion, and extension, of an existing building so does fall to be assessed in relation to the above criteria.

- 8.6 As this criteria applies to the conversion of redundant traditional buildings, it is therefore necessary to assess whether the building is redundant, or can be classed as traditional. Objectors claim that the building is in use as a store so is not redundant. The building has not been inspected internally, but has no signs of regular use. The land around it is overgrown, with no signs of access over the grass adjacent to the doors, and the doors do not exhibit signs of regular opening. Since it is not in regular use, it would appear reasonable to conclude that its original function has ceased, and the building can be assessed as redundant for the purposes of planning policy. There would be wider environmental benefit for its re-use.
- 8.7 A traditional building is usually interpreted as having been constructed using primarily traditional natural materials, eg stone, slate and timber. This building appears to be harled blockwork, with asbestos cement roofing sheets. It is not an historic building, and is not built using traditional natural materials, so is not traditional in that respect. However, it is typical of agricultural buildings from the period when it was built, and can therefore be broadly considered 'traditional' in this wider sense. If it is accepted that the building is 'traditional', the building must be substantially complete. This building is complete, and appears to be in a good state of repair.
- 8.8 It is considered that the conversion of this building, with extension, would fall within one of the exceptions of the Supplementary Guidance: Housing in the Countryside and Siting and Design. Subject to ensuring that alterations/extensions are appropriately scaled and designed and that the proposals would not be significantly detrimental to individual or community amenity, existing infrastructure and wildlife the development would comply with the development plan.

### Design

- 8.9 The Housing in the Countryside and Siting and Design guidance requires that the original building should be of a scale commensurate with a habitable building without needing substantive alterations which would dominate the original building. Where extensions are proposed, these should not dominate the original building.
- 8.10 The building is approximately 90m<sup>2</sup>, so sufficiently proportioned to provide a one bedroomed dwelling. The proposal has been amended from that originally submitted to reduce the size and amend the design of the proposed extension. It is therefore necessary to assess whether the extension now proposed will dominate the original structure. The existing steading is approximately 17.5m in length, and 5.5m wide. The extension will be located on the north east gable, and will have a gable to the front and the rear, with an extra projection on the north east side. The main extension will measure approximately 7.3m x 11.2m, and will be orientated at 90 degrees to the main steading. It will be in line with the front of the steading, and extend approximately 5.8m further to the rear than the existing steading. There will be a further small projection on the side of the extension which will project by a further 1.8m and this will be approximately 4.5m wide. The extension will therefore also be in the region of 90m<sup>2</sup>.

- 8.11 The proposed extension will be stepped down below the level of the existing steading by 0.8m to the rear. This reflects the existing ground level which slopes down towards the extension (east) and also to the south. It is apparent that the ground level to the south east of the existing steading, where part of the new build extension is proposed, has at some point been built up, since in places stones / rubble is exposed, and the ground also drops away steeply adjacent to this. It is elevated above the adjacent ground by approximately 2m at this point.
- 8.12 The step down into the extension will enable it to be set down into much of the site. The height has also been reduced to single storey, and the roof pitch reduced to reflect the roof pitch of the existing steading. This helps to reduce the prominence of the extension.
- 8.13 The resulting structure will enable the existing steading to be 'read' as the main built form, with the extension on the side not dominating the structure when viewed from the front or the rear. These are the main elevations that it will be viewed from. The extension will, however, be the prominent visual form when viewed from both sides, but these are very much secondary elevations.
- 8.14 The extension will therefore be a similar floor area to the existing steading. However, its design and orientation will enable the steading to be the dominant building form when viewed from the front (road side) and from the rear (neighbouring house). On balance, the extension is assessed as not dominating the original building.
- 8.15 The scheme for conversion also needs to re-use existing openings, where feasible, and place new openings on elevations away from public view, and retain unbroken roof slopes.
- 8.16 The proposal partially blocks up an existing opening on the frontage to form a window, and also introduces a small en-suite window adjacent to this. No other new openings will be formed on the frontage. A double door on the west (gable) elevation will be largely infilled with timber, with a narrow side light window remaining on one side. On the rear, a new window opening will be formed in the bedroom, one existing opening re-used as a patio doors, and another existing opening widened to form patio doors. This complies with the criteria to re-use existing openings, and enables the character of the steading to be essentially retained.
- 8.17 The roof of the steading will be replaced with new roofing sheets to enable the old and new structures to integrate. The rooflights will be retained, the roof slope will be unaltered, and the roof will continue to be profiled roofing sheets. A condition can be used to ensure that these are a suitable colour and profile.
- 8.18 The existing steading roof will be continued along its existing line to tie in to the roof of the proposed extension. The roof of the extension will project above the ridge of the steading by approximately 0.4m. This is, however, viewed as an addition to the steading, and will be finished in timber rather than harl, and orientated at 90 degrees to the steading. Therefore this will not interrupt an unbroken roof slope, but leave it intact but attached to a different structure.

- 8.19 The final requirement is that the character of the building is not significantly altered to an unacceptable degree. The retention of the existing roof slope of the steading, and the re-use of existing openings have resulted in the steading character being retained. The contrasting facing material of the extension and its orientation at 90 degrees result in it being viewed as an extension, and its reduced size maintains the steading as the dominant structure. The proposal is therefore assessed as complying with this criteria.
- 8.20 The proposed conversion of the steading to a house, and its extension, can therefore be assessed as complying with the adopted Housing in the Countryside and Siting and Design Supplementary Guidance, and thus also with Policy 35.

#### Amenity

- 8.21 Since the steading is an existing structure, its siting can not be amended. However, the siting and design of the extension has taken into consideration the impact on neighbouring amenity; particularly that of the property known as Burnside.
- 8.22 The north east gable on which the extension will be located is the furthest point away from Burnside. Although it projects to the south east, at this point its direct views are across the applicant's land, and only oblique views are available towards Burnside. The steading, and the land around it, are higher than the neighbouring house and garden of Burnside, and this elevation does facilitate views towards Burnside, making it harder to provide screening and contributing to a feeling of being overlooked due to the elevation of the steading and the proposed extension. This has been lessened by stepping the extension down by 0.8m, but since the existing difference in levels is approximately 2m, the extension will still be elevated above the neighbouring house and garden by approximately 1.2m.
- 8.23 The extension also projects beyond the rear of the steading by approximately 5.8m. This takes the extension up to the edge of the mounded area at the rear /side of the steading. Although a shorter extension would be less prominent, it would also facilitate the use of the elevated area at the rear of the extension for sitting out. The size of extension is such that any outdoor sitting out area would need to be either to the rear of the existing steading structure, where existing screening exists, or on the lower level of garden to the rear of the extension, which will make any activity less intrusive on the occupiers of Burnside.
- 8.24 There is an area of mature woodland to the east of the land associated with the steading, which provides separation between the site and the house to the east, Burnside House. An area of recently planted woodland lies to the north side of the access road. The extension will be seen against the backdrop of these wooded areas, which will help it to integrate into the landscape when viewed from the access road.
- 8.25 The boundary to the south of the actual steading is also the boundary with Burnside, the original croft house. This area between the front of Burnside and the rear of the steading is used as private garden grounds by the occupiers of Burnside. The land associated with the steading, which will become its garden grounds, then wraps round the side of this garden area. The impact on the privacy



of these occupiers therefore needs to be carefully assessed.

- 8.26 The steading is elevated above the neighbouring garden grounds, and at its closest point is approximately 6.8m from this boundary. The nearest window (for the proposed bedroom in the steading), is approximately 7.8m from this boundary. There will be approximately 10m between the proposed kitchen patio doors and the boundary.
- 8.27 This area immediately to the rear of the steading is, however, fairly well screened by the neighbour's beech hedge and by trees on the sloping embankment between the steading and the boundary. The trees are deciduous, and this will reduce the screening available during winter. The bare branches do, however, still interrupt views and the beech hedge, although also deciduous, does not drop all of its leaves. Therefore, although the level of screening will be reduced, the neighbour's private garden grounds will remain partially screened by vegetation during winter.
- 8.28 The hedge, however, does not continue at its height of approx. 2m around all of the boundary, but only for the area immediately to the rear of the steading. A new beech hedge has recently been planted along the remainder of the boundary with the rear of the steading, and along Burnside's side boundary. This will ultimately increase the level of screening, but it will be a number of years before it is tall enough to have an impact. In the intervening time, there is effectively no screening along this boundary.
- 8.29 This is more of a concern in relation to the proposed extension. Although it has direct views into the applicant's land (which will become the garden grounds for the proposed house), the sideways view is directly at the corner of Burnside's garden, where the new hedge has been planted. The corner of the extension is approximately 9.5m from the corner of Burnside's garden. Although the extension will be stepped down 0.8m below the floor level of the steading, it will still be approximately 1.2m above the level of Burnside's garden.
- 8.30 The House Extensions Guidelines referred to by an objector are guidelines only, and not adopted policy. They are useful for outlining the principles against which applications should be assessed, but do not form a definitive line which needs to be adhered to. It remains for each application to be assessed on its merits.
- 8.31 It is generally accepted that a minimum private rear garden depth should be 9m, in order to achieve an acceptable degree of privacy for private rear garden areas, and to achieve the recommended 18m between opposing windows. There is well in excess of the recommended 18m between windows, and the steading is angled slightly away from Burnside and also off-set from this house. This maintains adequate privacy for the actual house.
- 8.32 The nearest window in the steading will be its bedroom, which is approximately 7.8m from the boundary. The main habitable rooms (kitchen / dining room and lounge) are in excess of the recommended 9m. It is, however, natural in a rural setting to anticipate greater distances, since houses are remote from one another, and inter-visibility between properties is lacking, providing a sense of seclusion which can not be expected in an urban setting. This does not, however, constitute overlooking which leads to a material loss of residential amenity if it is not met.

- 8.33 It is understood that the occupiers of the neighbouring house have health requirements that necessitate high levels of privacy. Whilst you can sympathise with these neighbours, health issues in themselves are not a material planning consideration.
- 8.34 The hardstanding at the rear of the extension has now been omitted, and the floor level of the rear section of the extension reduced by 0.8m. This reduces the opportunity for overlooking, and also removes the opportunity to form a 'balcony' on the rear to look into the neighbour's garden grounds.
- 8.35 The applicant has offered to erect a screen fence adjacent to the boundary alongside the newly planted hedge. This will afford screening whilst the hedge grows, and provide an element of privacy for both houses.
- 8.36 On balance, there are adequate distances between the existing steading and its proposed extension and the private garden grounds of the neighbouring house, Burnside, to maintain adequate levels of privacy to this neighbouring house.

#### Access

- 8.37 Although there is no minimum width of access in policy terms, Building Standards usually seek a minimum access track width of 3.7m to ensure adequate access for fire fighting appliances. A neighbour has stated that the access is currently 2.6m wide. Neighbouring land owners have sent in copies of title deeds to demonstrate that they own the land immediately adjoining the access track. It would appear from the available information that the access is within the applicant's ownership, but the land to both sides is not, and that the applicant will therefore not be able to widen the access without the neighbours' consent. One of these neighbours has indicated that he would be willing to allow the access to be widened onto his land if this was required to facilitate passage of fire fighting appliances.
- 8.38 The existing access already serves 3 houses, despite its narrow width. Any issue regarding a substandard width will need to be addressed in any subsequent Building Warrant application. The existence of a planning permission does not automatically guarantee the granting of a Building Warrant. This has been raised with the Agent who has responded that the access is within his client's ownership.
- 8.39 Ultimately, it is not for Planning to judge whether or not the applicant has sufficient rights of access or ownership of an access to facilitate the implementation of the proposed development. Land ownership/access rights are a civil matter to be resolved outwith the planning system.
- 8.40 The site layout plan has been amended to show the position of the scaffolding which will be required in connection with building the extension, and this shows it lying outwith the access road. A strip 1.5m in width is indicated for the scaffolding, and this extends up to the edge of the carriageway adjacent to the existing steading. However, a neighbour identifies that at this point there is only 1.35m between the steading and the carriageway, and that the plan is therefore inaccurate and that there is insufficient room to erect the scaffolding without intruding onto the carriageway. The carriageway is only 2.6m in width, and any further restriction could impede access to the neighbouring house, especially for

larger vehicles (eg fuel oil tanker).

- 8.41 A note has been added to the plan, to state that the access track will be kept clear at all times during construction. Ultimately, the onus is on the applicant to ensure that access is not restricted, and that any scaffolding does not obstruct the carriageway.
- 8.42 Parking spaces are shown adjacent to the gable of the steading, and also between the extension and the north east side boundary. This parking arrangement is satisfactory.

#### Protected species

- 8.43 A protected species survey has been carried out, in relation to Scottish wildcat and bats. This found that, although bats were observed in the locality, none were using the building. The habitat around the site was identified as suitable for wildcat to hunt and to use as an above ground place of shelter, but there was no evidence to suggest that wildcats are present within the survey area. Camera traps were also used, which failed to record any wildcat presence.
- 8.44 The survey recommends improving the biodiversity on the site through the inclusion of bat boxes in any new structures. They also point out that the wildcat home range use can vary throughout the year and between years, and it is therefore possible that wildcat could move into the area in the future. The development is, however, assessed in the survey report as presenting a low level impact even if Scottish wildcat were present in the wider area and pass through the survey area. No action is recommended in relation to Wildcat.
- 8.45 The camera trap did confirm that badger, pine marten and red squirrel are all active within the Survey Area, along with fox, deer, and domestic cat. A tawny owl was also seen. There were 3 camera traps set up, one adjacent and to the east of the site, one in woodland to the south east, and one to the north. Most of the protected species recorded were captured by the camera to the north; the camera adjacent and to the east of the site recorded badger and pine marten.
- 8.46 The proposed extension will be located within an area of unkept, overgrown grassland. Badger setts and pine martens are primarily found in woodland, but grassland can be used for foraging. Due to the scale of the proposal and the nature of the surrounding habitat, no mitigation is proposed.
- 8.47 The site is currently very overgrown grassland. An objector points out that it contains meadow vetchling and cornflower and regenerating woodland, and is a valuable habitat that should be retained. Much of the surrounding habitat has been allowed to naturalise, and trees have recently been planted on neighbouring land to aid this regeneration. The site is however not within any nature designation, and has no protection in this respect. It is therefore unreasonable to insist that this habitat is maintained in its current form.

### Other Material Considerations

- 8.48 Policy 51, trees and development, promotes significant protection to existing hedges, trees and woodlands on and around development sites. The existing trees to the rear of the steading are indicated as being retained. Since the only alterations to the steading in the vicinity of these trees relates to fenestration, there is no reason why they can not be retained as indicated. There is also an area of mature woodland alongside the east site boundary. This lies outwith the application site. The only works in the vicinity of these trees relates to hardstanding to provide a parking space, and this is inset from the boundary. Again, this proposal should not impact upon tree health.
- 8.49 The applicant has indicated the use of SuDS (sustainable drainage systems) for surface water run-off, and this complies with the requirements of Policy 66. A treatment system and soakaway is shown for waste water. A neighbour has questioned whether this can function properly. No percolation test results have been submitted, so this can not be confirmed. However, since there are existing houses with private systems in the immediate locality, and there are no known issues with drainage in this area, there is no reason to expect that foul drainage can not be adequately accommodated. A condition can be used to require that full drainage details are submitted before development commences, and it can therefore be ensured that a suitable drainage system is provided.

### Non-material considerations

- 8.50 There is no requirement to detail the method of heating as part of the planning application.

### Matters to be secured by Section 75 Agreement

- 8.51 None

## **9. CONCLUSION**

- 9.1 The application is assessed as complying with Policy 35, and the associated Supplementary Guidance: Housing in the Countryside and Siting and Design. It can reasonably be assessed against the criteria relating to the conversion of a redundant traditional building, and has been found on balance to comply with these.
- 9.2 The proposal, on balance, also complies with Policy 28 and Policy 29 of the Highland-wide Local Development Plan, since the amended design integrates in a satisfactory manner with the local environment, maintains adequate privacy distances to the adjoining private garden grounds, and is served by an existing access which is already used by 3 existing houses.
- 9.3 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

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

### Conditions and Reasons

1. Prior to the first occupation of the development hereby approved, the car parking and access arrangements detailed on approved plan ref. H616-SK02 Rev A shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason:** To ensure that sufficient space is provided within the application site for the parking of cars, so they do not obstruct the access road

2. The access running between the public road and both Burnside and Burnside House shall remain accessible and free from obstruction throughout the construction phase of the development.

**Reason:** In order to safeguard access during the construction phase of the development.

3. No development shall commence until evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, has been submitted to, and approved in writing by, the Planning Authority. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33 and the British Standard BS 10175:2011+A1:2013 Investigation of Potentially Contaminated Sites - Code of Practice. In the event that contamination is found, details of the measures required to treat/remove contamination (a remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to, and approved in writing by, the Planning Authority. The approved remedial strategy shall be implemented prior to development commencing.

**Reason:** In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.

4. 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:** In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

5. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

All walls, fences, and gates shall be erected in accordance with the approved scheme before the first occupation of the house, and shall thereafter be retained in perpetuity.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site, and in order to ensure suitable boundary treatment is achieved, in the interests of residential amenity.

6. No trees within the application site shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority

**Reason:** In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

7. Notwithstanding the provisions of Article 3 and Classes 1A, 1B, 2B, 3A, 3B, 3D 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 dwellinghouse without planning permission being granted on application to the Planning Authority.

**Reason:** In order to safeguard the privacy and amenity of occupants of the adjacent property.

8. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

**Reason:** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

## **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

### **Permitted Development Rights**

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

### **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).

### **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\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

## **Bat Boxes**

You should consider including bat boxes (ideally maintenance free integral bat boxes eg Schwegler 2FR Bat Tube) into the design of new structures, since the surrounding habitat is utilised by bats for foraging and commuting.

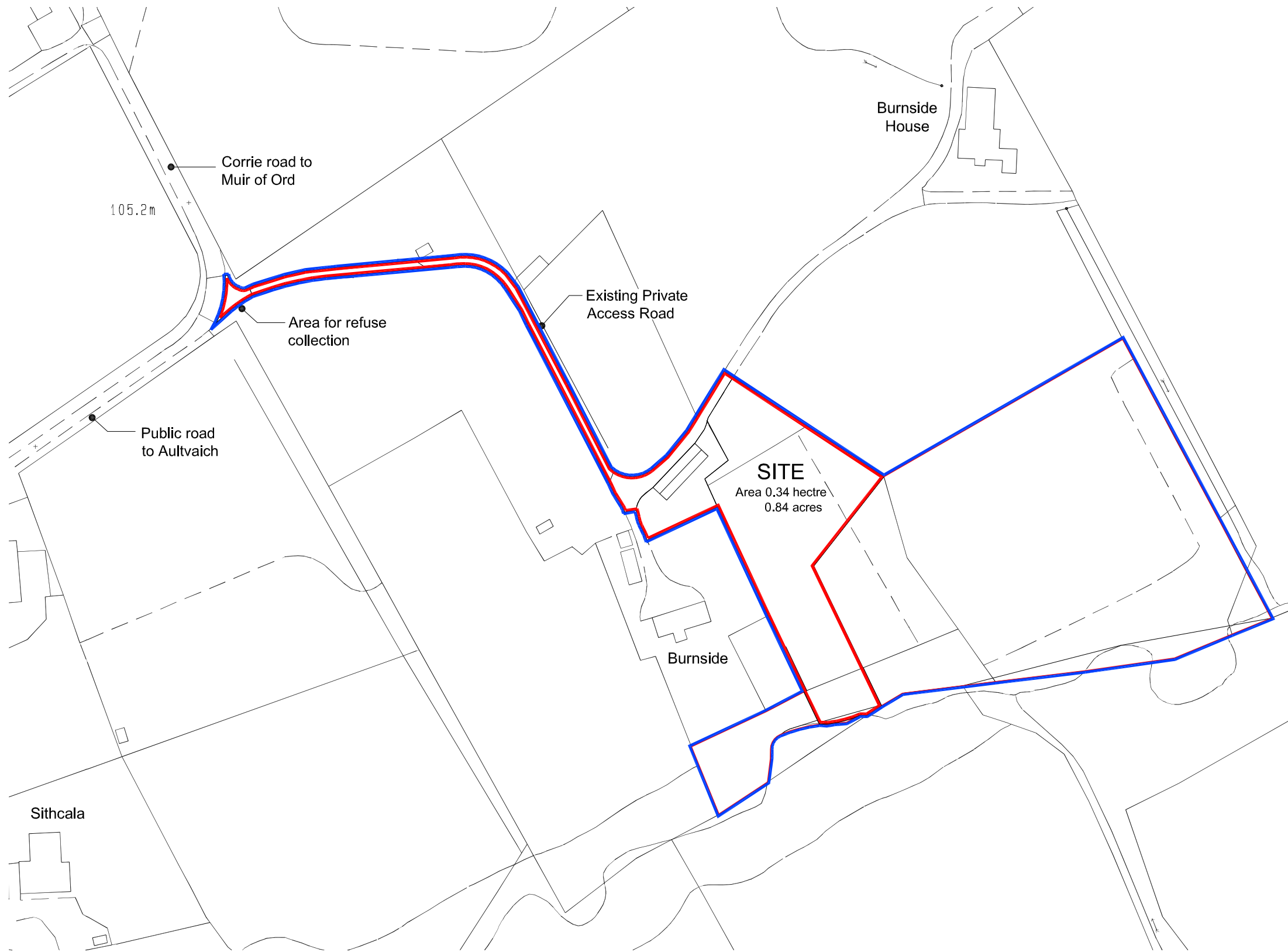
Signature:

Designation: Area Planning Manager – South/Major Developments

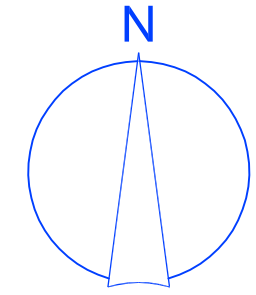
Author: Susan Hadfield

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan H616-PL01 rev A  
Plan 2 - General Plan H616-PL02 rev E



Location Plan (1:1250 scale)



Corrie of Ardnagrask,  
Muir of Ord

- Ownership boundary
- Application boundary

**PLANNING  
APPLICATION  
ISSUE DRAWING**

**blueprintarchitecture**

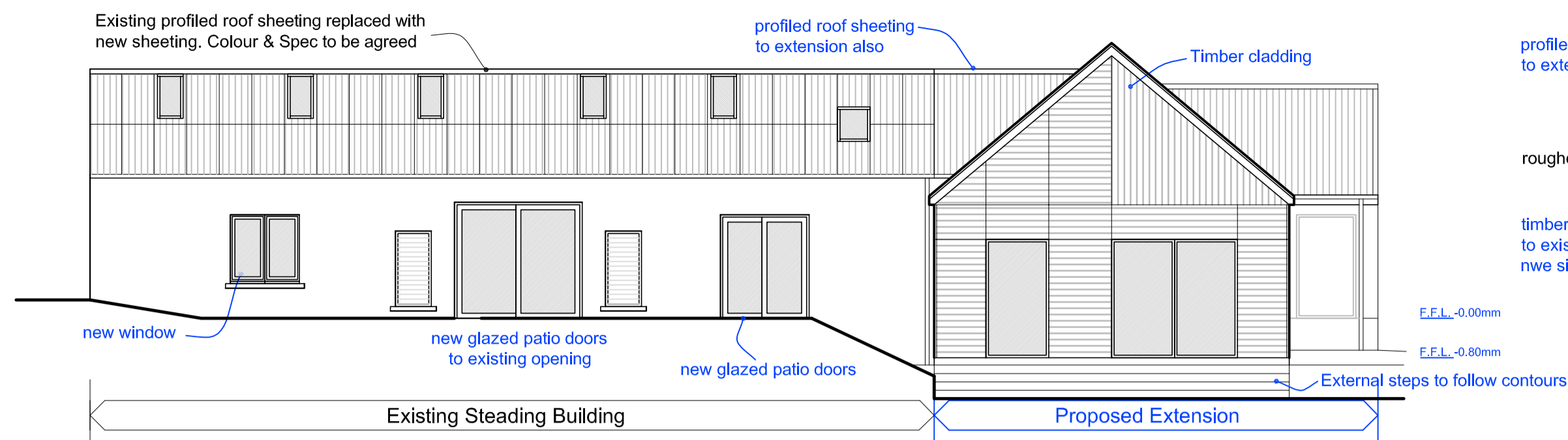
RIBA CHARTERED ARCHITECTS

8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY

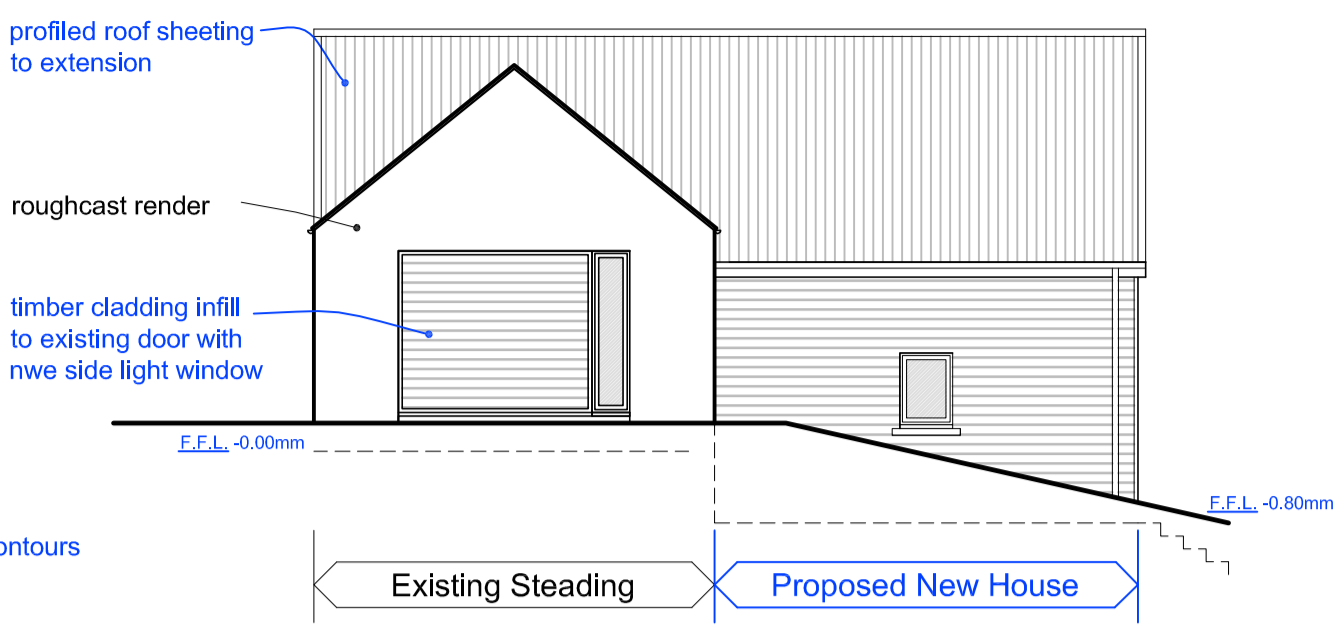
MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Mr & Mrs R. Huston	Scale	1:1250
Project	Conversion & Extension of Existing Steading at Corry of Ardnagrask to Form Dwelling, Muir of Ord IV6 7TN		
Title	Location Plan		
Drawing No.	<b>H616 / PL01</b>	Rev	<b>B</b>





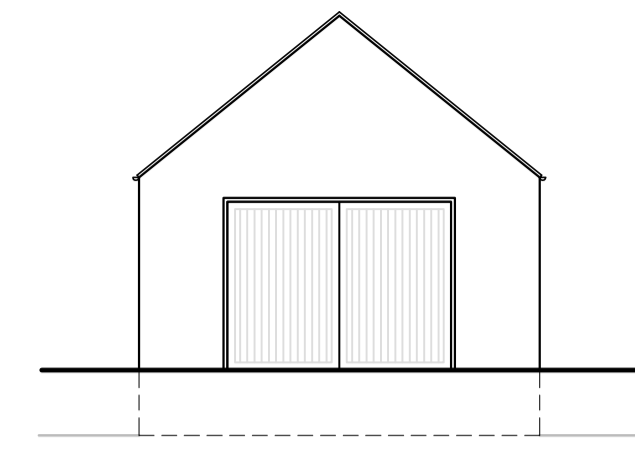
South Elevation



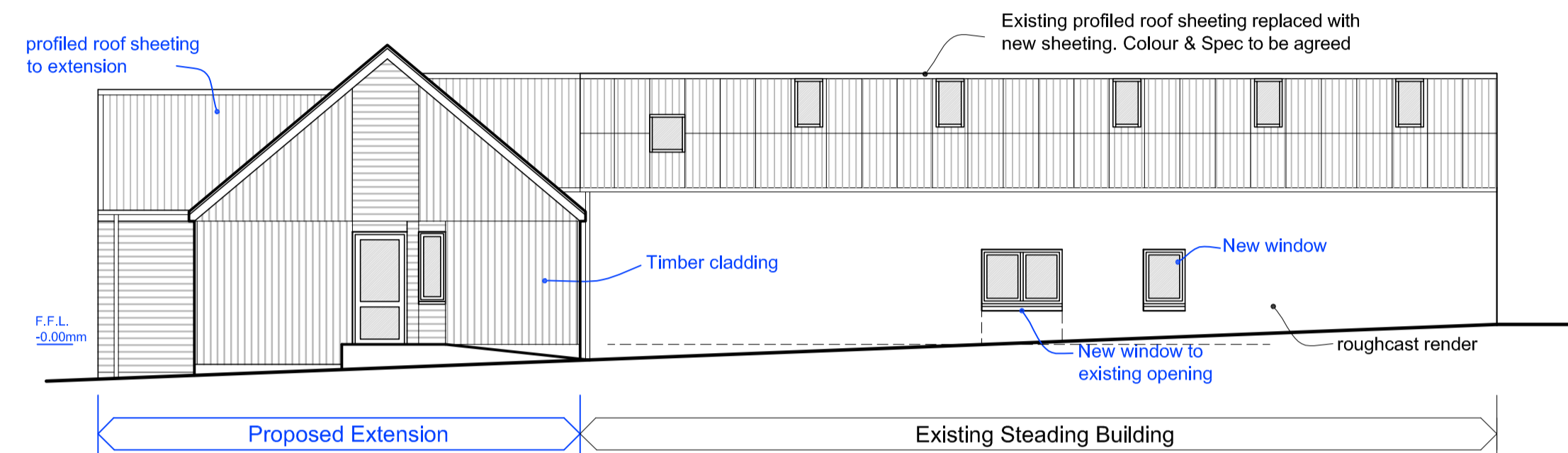
West Elevation



South Elevation

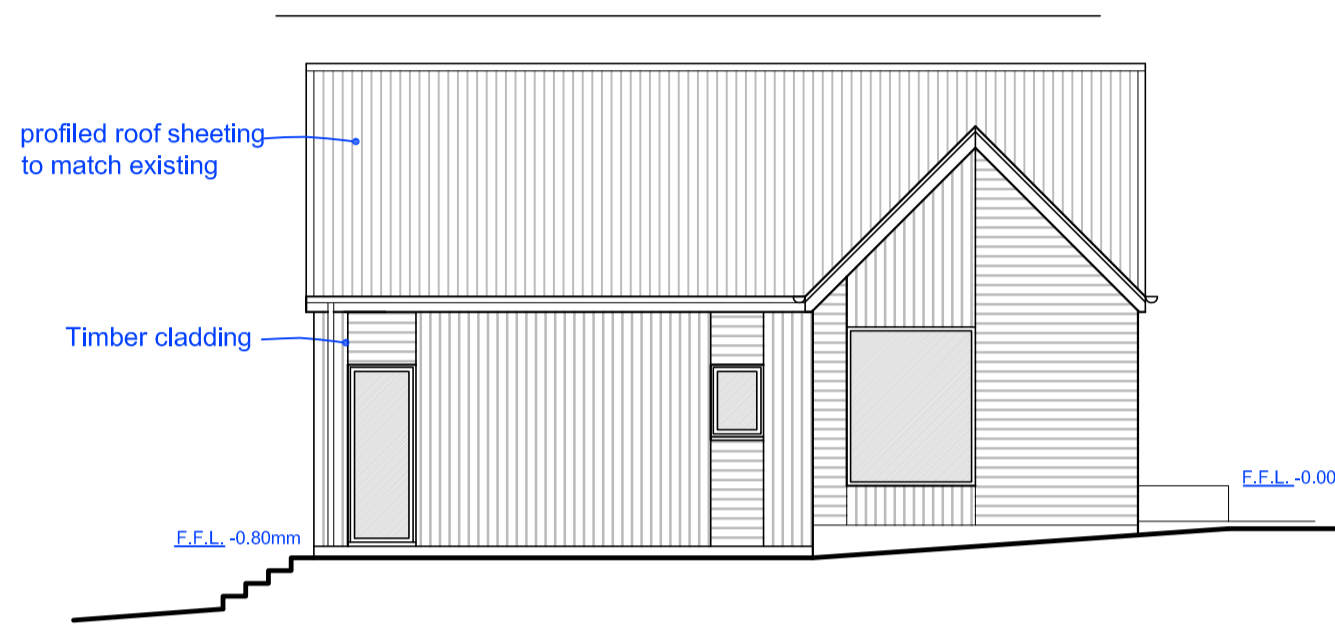


West Elevation

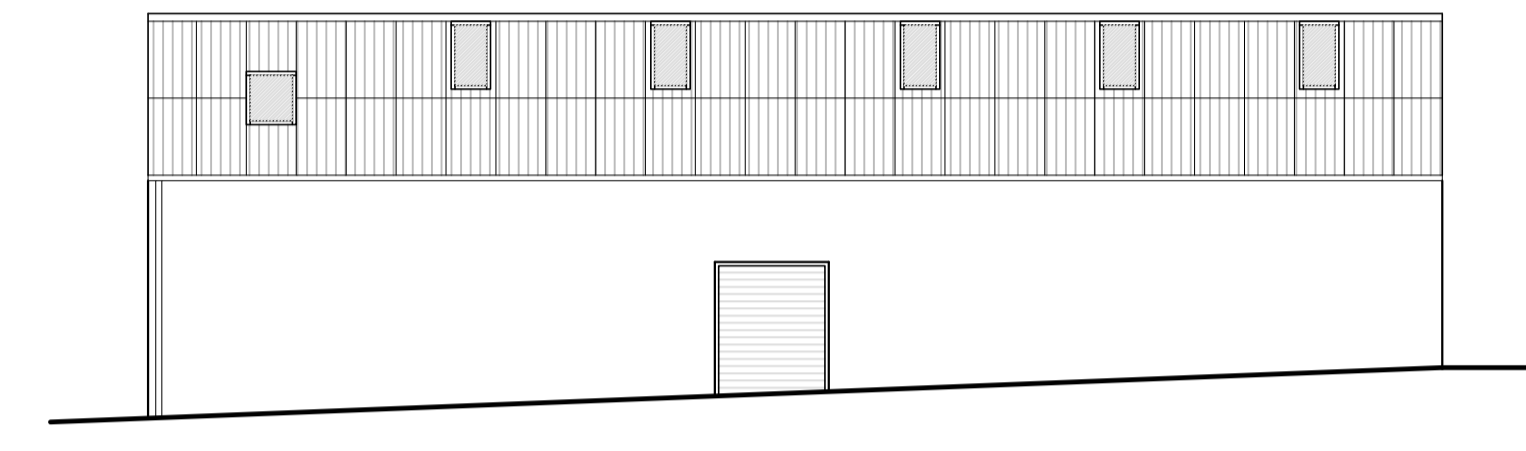


North Elevation

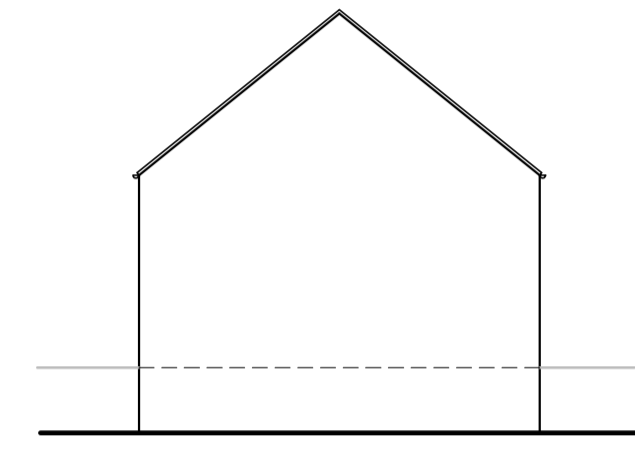
PROPOSED ELEVATIONS (scale 1:100)



East Elevation

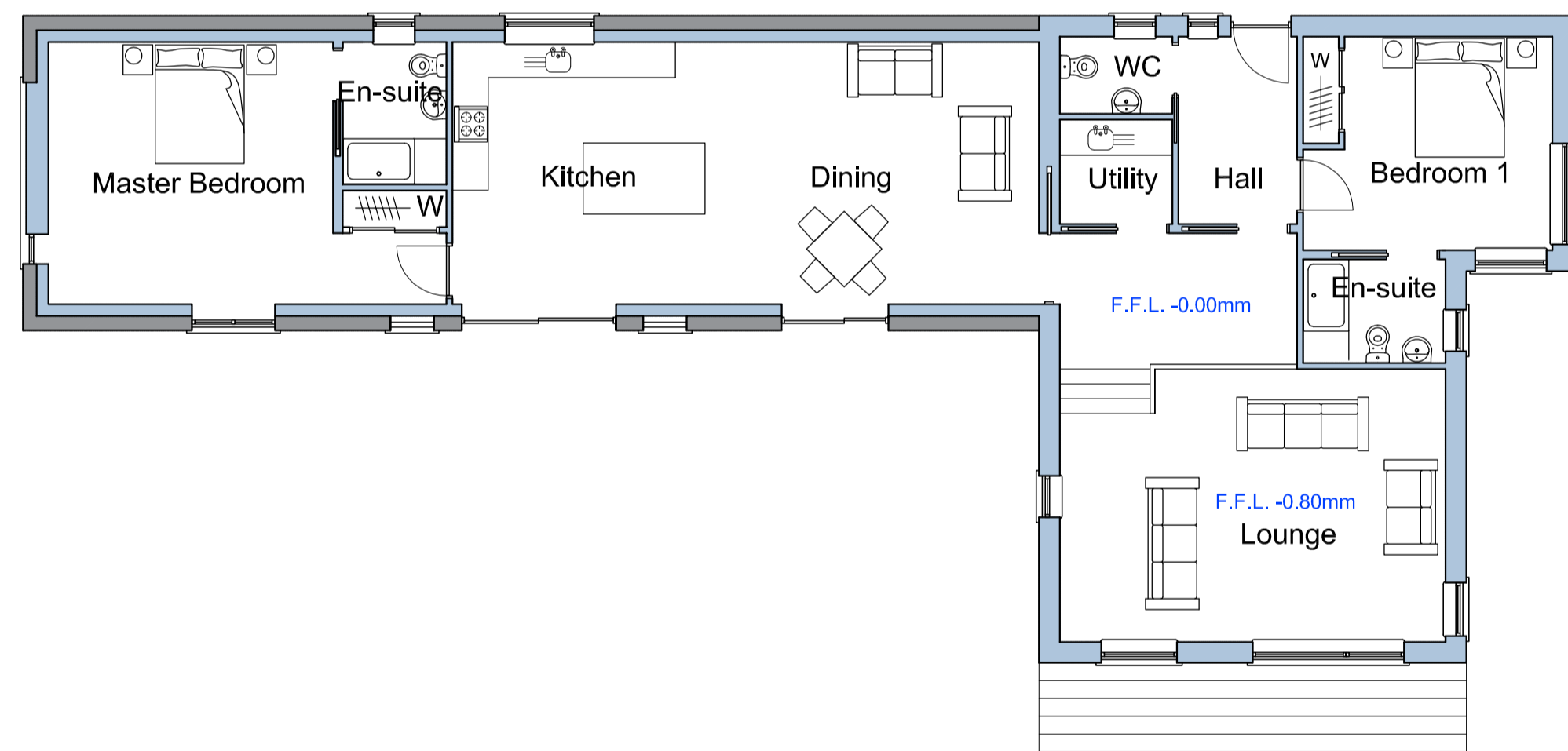


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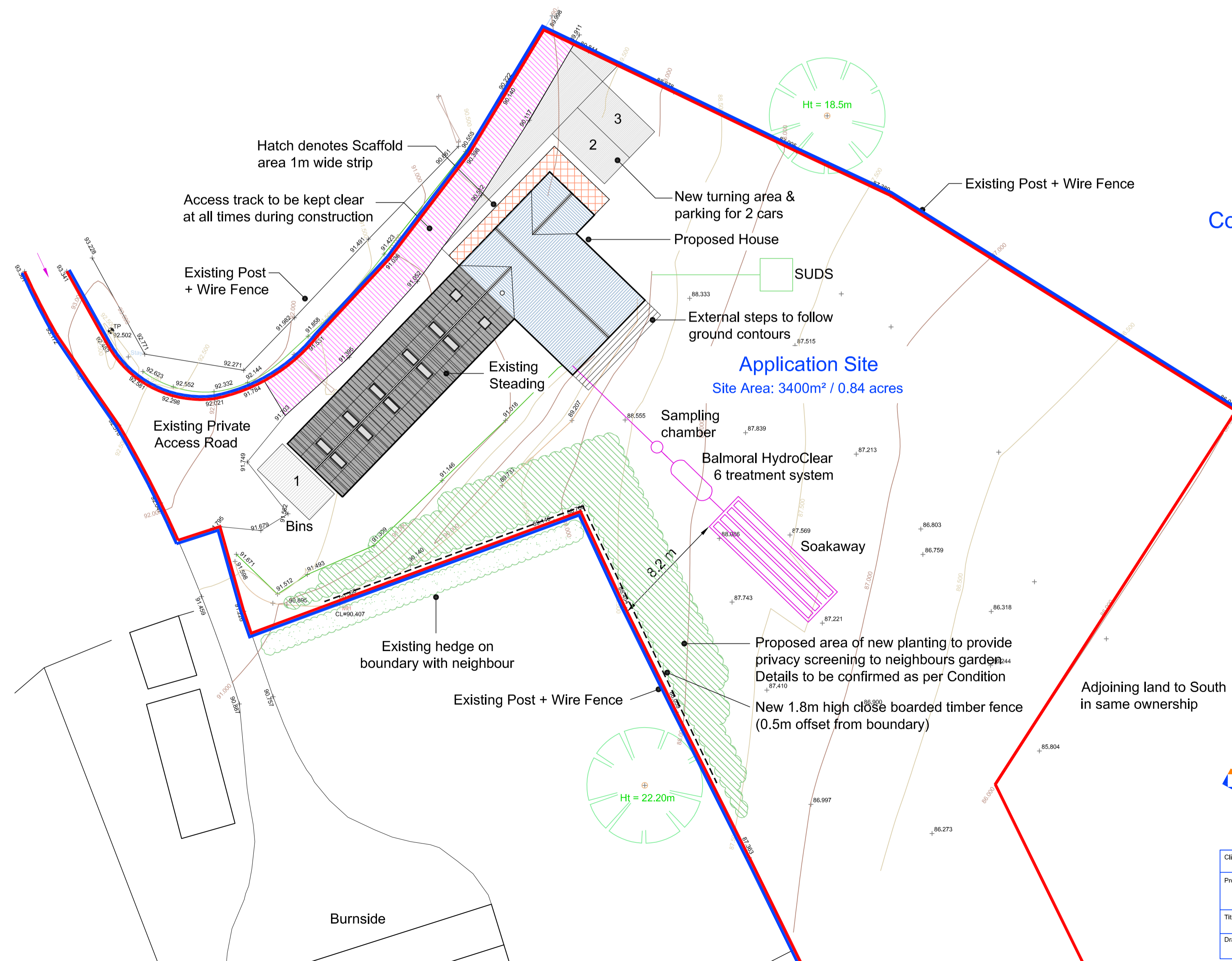


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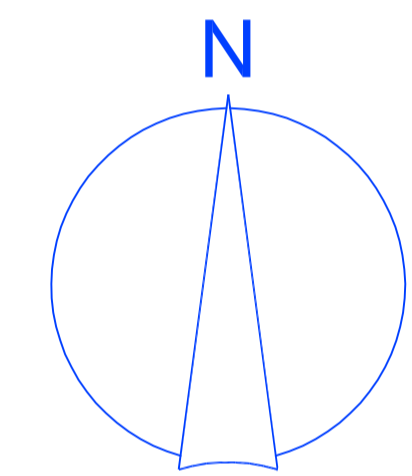
EXISTING STEADING ELEVATIONS (scale 1:100)



Proposed Ground Floor Plan 145m2 (scale 1:100)



Site Plan (1:200 scale)



Corrie of Ardnagrask, Muir of Ord

**PLANNING APPLICATION ISSUE DRAWING**

**blueprintarchitecture**  
RIBA CHARTERED ARCHITECTS  
8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Mr & Mrs R. Huston	Scale	noted A1
Project	Conversion & Extension of Existing Steading at Corrie of Ardnagrask to Form Dwelling, Muir of Ord IV6 7TN		
Title	Site Plan, Existing / Proposed Floor Plans & Elevations		
Drawing No.	<b>H616 / PL02</b>	Rev	<b>F</b>

