

Agenda Item	6.9
Report No	PLN/093/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 November 2019

19/03381/FUL: Mr A Munro

Report Title: Land 50m NE of Munro House, Oldshoremore, Rhiconich

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

- 1.1 **Description:** Erection of café/house and two glamping pods; construct access road; and install treatment plant with discharge to river.
- 1.2 **Ward:** 01 – North, West and Central Sutherland
- 1.3 **Development category:** Local
- 1.4 **Reason referred to Committee:** 5 or more objections and objection from Community Council.

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. Recommendations

- 2.1 Members are asked to agree the recommendation to Grant planning permission as set out in section 13 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The detailed application comprises the proposed erection of a single storey timber building incorporating a three bedroomed house and café with associated kitchen area and customer toilets; two self contained timber pods for holiday letting, each with associated dog kennel and run; and the installation of associated access, car parking and foul drainage infrastructure.
- 3.2 The café/house building is proposed on croft land approximately 115m north-east of the house under construction (15/02483/FUL) close to the roadside, between this house and Loch Aisir Mor. It has a rectangular footprint measuring approximately 22.8m x 9.6m with two porches and a utility room extension. The gross commercial floor space is around 74m², with the café seating area itself measuring approximately 4.7m x 6.5m. The building is proposed to be finished in larch cladding with a box profiled metal sheeting 40° pitched roof. A hard surfaced car parking area is proposed to the immediate north-east of this, with 14 car parking spaces, including two disabled accessible bays; an area for cycle parking; and a refuse and recycling bin store.
- 3.3 The two timber pods are proposed to be served from the same access road, due north-east of the house under construction, between this house and the existing overhead electricity line which crosses the site. The units have a footprint of 6m x 3m including a covered outdoor deck at the entrance door. They have a gothic arch profile to a height of 3m, with shingle cladding over the main span and timber clad gables. Each pod is proposed to have a single timber kennel measuring 1.5m x 1m x 1.85m high and external run (1.5m x 1.5m x 1.5m high galvanised fence.)
- 3.4 The proposals also include the formation of an access road and installation of a foul drainage treatment plant, partial soakaway and discharge to the Abhainn Aisir Mhor burn.
- 3.5 Access already exists onto the public road to serve the house under construction (15/02483/FUL) and this has recently been extended through the site to upgrade access for agricultural purposes and to serve the approved hostel building (17/03366/FUL) to the north.
- 3.6 Pre Application Consultation: None. Previous separate applications for café/house and for accommodation pods withdrawn and superseded by current application.
- 3.7 Supporting Information: Supporting Statement; Construction Delivery and Traffic Management Information; Drainage Impact Assessment and SUDS Strategy.
- 3.8 Variations: Amended Site Layout Plan showing the proposed layout in relation to the approved adjacent hostel site (17/03366/FUL); and adjusting the drainage proposals to show a combined system with this approved hostel and the house under construction; submitted 26 September 2019. Correctly labelled elevation drawing uploaded 11.11.2019.

4. SITE DESCRIPTION

- 4.1 The site is located to the north-east of the C1133 single track road from Kinlochbervie, approximately 450m north of the junction with the road to Oldshoremore Beach. There is an existing recently upgraded agricultural access into the site which also provides access to the house under construction (15/02483/FUL) which is nearing completion; and to the site of the approved hostel (17/03366/FUL) to the north. This access onto the public road has not yet been completed to the required standard, as a service bay and surfacing remain outstanding. The site is currently under grass and is gently undulating in nature. Further to the north is the Abhainn Aisir Mhor burn flowing from Loch Aisir Mor south-westwards to the sea.
- 4.2 The applicant also has planning permission for an 18 unit glamping site on another parcel of land in Oldshoremore, referred to in several of the third party representations. For clarification, this site is located to the south-west, close to the beach car park and lies almost 800m distant (as the crow flies) from the application site, served off a separate section of public road.

5. PLANNING HISTORY

5.1	15/01380/FUL	New Access and service bay	Planning Permission granted	25.05.2015
5.2	15/0/2483/FUL	Erection of house	Planning Permission granted	19.08.2015
5.3	15/03075/PNO	Erection of agricultural building	Prior Approval (Lapsed)	24.08.2015
5.4	17/03366/FUL	Erection of hostel and associated infrastructure	Planning Permission granted	09.10.2017
5.5	18/05836/FUL	Erection of house and café with associated carpark and treatment plant	Application Withdrawn	20.06.2019
5.6	19/00585/FUL	Siting of two camping pods	Application Withdrawn	24.06.2019

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 Development and Unknown Neighbour
Date Advertised: 09.08.2019
Date re-advertised: 04.10.2019
Overall Representation deadline: 18.10.2019

Objections: 24 from 15 addresses

In Support: 38 from 32 addresses

6.2 **Development Plan and other material considerations raised in objections are summarised as follows:**

Development Plan and other Policies

- Development not consistent with HwLDP Policy 36 (Development in the Wider Countryside) and previous permissions should not have been granted;
- Development not consistent with HwLDP Policy 43 (Tourism) as it is not proportionate, not within a settlement boundary, does not compliment existing tourist facilities and will not enhance the natural, built and cultural heritage features of the area;
- The proposal conflicts with Policy 47 of the HwLDP (Safeguarding Inbye/Apportionment Croftland.) The application site is part of a croft apportionment, which is an essential element of the croft holding, vital for stock management and welfare. If the application succeeds, this destroys the integrity and viability of the croft for the applicant or for anyone taking it over. The development, together with the previous developments approved, inhibits access to the remainder of the croft. The crofting tenure could become at risk due to the impracticability of working the remaining croft land;
- Development is within the Hinterland where there is a presumption against housing permissions;
- Development not consistent with Caithness and Sutherland Local Development Plan (CaSPlan), particularly in relation to Growing Communities and Environment and Heritage. As the Growing Settlement is Kinlochbervie then any commercial development should be located there in accordance with Policy 1, Town Centre First. CaS Plan calls for directing development to infill sites and prevent sprawl of the settlement into the surrounding countryside, unless there are justifiable reasons in terms of croft management, which isn't given in this case. Proposed location is inappropriate for café. It is set too far back from the road and out of line with existing houses. It will alter the character of the area. Should the Council, MPs and Community Council help the applicant develop his project in Kinlochbervie where the local workforce is located?
- Development does not adhere to the Vision or Spatial Strategy of the CaS Plan, which stresses importance of protection of the unique natural environment;
- The proposal is not community led, nor has the applicant worked with the community or carried out consultation and a case hasn't been made by the applicant for the development as providing a clear and direct benefit for those who live in the immediate vicinity as called for in the Local Plan;

- Development not in compliance with the Highland Coastal Development Strategy, which refers to the importance of crofting. There have been significant areas of de-crofting by the applicant to facilitate inappropriate development contrary to the aims of this strategy which have resulted in desecration of the ancient and historic coastal landscape;
- The site lies within Oldshoremore, Cape Wrath and Durness Special Landscape Area, which is designated an area of Regional Importance and adjacent to an area of International Importance because of its unique natural environment. It is submitted that the development would harm the character of the area rather than safeguard it;

Viability of Business and Impact on Established Businesses

- The opening of a café will impact detrimentally on an established café facility in Kinlochbervie, one and a half miles distant as the new café will take trade away from this existing local business. Kinlochbervie already suffers from being by-passed by tourists. The established café is located centrally near the harbour, marina and other services and facilities. The area is adequately served by restaurants and cafés;
- Availability of workforce is ongoing issue and there are not enough people to serve the growth in tourism. Should the application be accepted, what are the Council's plans to provide affordable accommodation to locals and external people who wish to stay and work?
- Erection of café is inappropriate in Oldshoremore and reference is made to snack shack which previously existed at the John Muir Car Park which is no longer there, suggesting it isn't a viable business plan for a new café. The Supporting Statement submitted with the application is generalised and does not provide any proper research or evidence of demand. It is submitted that the applicant has failed to produce a proper business plan;
- Applicant has already been granted permission for large glamping site in Oldshoremore and therefore more pods are not necessary;

Environmental Impact

- This present application should not be considered in isolation and cumulatively the applicant's projects are considered over-development. Devastation/desecration in the area caused by previous developments by applicant, none of which have been completed. There are huge areas of ground work with diggers, dumper and other vehicles, bare ground, spoil and ponding. Concern that none of the development will be completed. It is asked that the Council request the applicant to withdraw the application and invite him to re-apply when he has completed either the hostel or big glamping site. If he declines to do so then the Council should refuse the current application. The applicant's statement refers to 'phasing in' the hostel later on, admitting he will be leaving it for an indefinite period with continued scar on the landscape;
- Development will cause environmental damage, especially the discharge to the Aisir Burn, which will now include another house, café and two pods. Ask that SEPA is comfortable with the method used to assess environmental impact of sewage effluent on the river and ultimately the beach, noting that whilst it may be OK as a yearly average, peak pollution might occur at the height of the summer (over 100 guests) compared to 20 inhabitants when water levels are low. The development is contrary to Policy 47 of the CaS Plan which requires that most new development

connect to public sewer. The burn has the highest possible rating for overall status from SEPA, including for reactive phosphorus and ammonium. An increase in nutrient load into the river at the magnitude proposed will increase nutrient levels in the river which will adversely affect animals in the river and the coastal lagoon into which it flows. Trout and salmon require very low levels of nutrients to survive and any increase could cause those species to leave the area, including mammals such as otters (a protected species.) In addition, the river is used for swimming and people eat whelks and mussels from the lagoon at the mouth of the river. The environment cannot sustain large increases in human population without significant changes to the way in which human waste is treated. The proposed treatment plant only guarantees to reduce reactive phosphate concentrations in the discharge to less than 2000 µg/L, which is still highly concentrated ;

- Owners of much of the solum of the Aisir Mor Burn and also the salmon fishings in the burn (Classed a Category 3 system by Marine Scotland) express concern that a development of this scale poses an unacceptable threat to the river environment which is already under pressure from the previously approved hostel and 18 glamping pods, both with proposed discharges into the same watercourse;
- Development will impact detrimentally on adjacent SAC and SSSI in terms of waste water drainage effluent and potential footfall from the site along the desire line on the opposite side of the public road over the machair to Oldhoremore Beach;
- Caintech document (Drainage Statement) is an old document alluding to previous applications;
- Development will change the nature of the area where people have chosen to live and visit because of its remote, wild character and lack of commercialism. The development will inhibit the quiet enjoyment of the immediate neighbours' homes and be detrimental to overall amenity;

Other Infrastructure considerations

- Impact of scale of proposed development, with concerns expressed over volume of traffic from both builds (hostel and current application) on single track road network; and resultant noise due to size of build. If the development is accepted, will the Council upgrade the single track road from Kinlochbervie? Whilst the NC500 has created a rush to add bed capacities and other facilities no investment has been made on public road infrastructure. The application relies on the access permitted in 2015 which had no conditions attached as to standard of access. The hostel access subsequently approved is supposed to be designed to SDB2 standard which is a standard for up to four rural houses and which seems inadequate. The amalgamation of two houses, café, hostel and pods generates significantly more traffic. The large glamping site approved will generate significant additional traffic and the roads infrastructure cannot take this level of intensity of traffic. Cumulatively this will diminish the residential amenity of adjoining properties;
- No details provided of supply of potable water;

Design, Siting and Visual Impact

- Proposed café/house and pod design/finish is out of keeping with the local vernacular/houses in the area and should the application be accepted then it is asked that finishes be requested to match the overall style of the area. A Design Statement should have been provided to allow greater scrutiny of the sustainability of the development together with a Landscape Plan to illustrate how the proposed building would fit alongside existing group of houses and wider landscape. The various development proposed by the applicant are adhoc and have not been designed to respect each other or adjoining built development;

Other Material Considerations

- Development blocks off access from Bothan Aisir, where a track has been shown on maps for many years. As well as general public rights of access under the Land Reform Act it is the only designated way of getting to the loch;
- No good reason for the two projects (café/house and pods) to be included in one application as it makes it more difficult for those who wish to focus on one of them in particular. If the application fails because of one of the two developments applied for then it must fail in its entirety and can be no question of one part being approved;
- Cumulatively it is considered that the development constitutes major development;
- Considered inappropriate to locate the two pods so close to an established property (Bothan Aisir) with potential noise disturbance from dogs barking. In addition, there is no detail of how the kennels would be supervised or how waste would be dealt with. Dogs would present a hazard to livestock on adjoining land. The accommodation units themselves would be better located within Kinlochbervie close to other facilities;
- The dog kennels should have been included in the application for transparency and to ensure people are aware of this aspect of the proposals;
- Questions need for two houses on site. In addition, the applicant has permission for another house elsewhere in Oldshoremore.

6.3 Material considerations raised in support are summarised as follows:

- Application covers all necessary requirements for environmental protection of site;
- Development will enhance affordable tourist/visitor facilities and increase spending in, and attract more income to, the area;
- Development will provide employment in the area and help keep young families in the area;
- Provision of facility for food and drink will serve large number of visitors to nearby Oldshoremore Beach;
- Development will be an asset for the community which is lacking facilities and the provision of the development (pods and café) will help serve the needs of visitors by allowing them to extend their stay;
- Development will be a great asset for tourists and locals;
- At a time when tourism is growing rapidly, it is important that the supporting infrastructure is in place to enable continued growth;

- Crofters who diversify are a net benefit to the social and economic structure, strength and diversity of the rural economy;
- Croft diversification is essential for people to sustain life in crofting communities;
- Development will make excellent destination for visitors forced to travel from the area for accommodation and restaurants;
- The access road is necessary and adequate and not a negative impact environmentally or visually;
- The treatment plant is necessary, is a responsible option and will ensure water quality;
- Modern facilities with disabled parking/access, cycle parking and baby changing facilities will benefit visitors;
- Provision for dogs with pod accommodation is welcomed;
- More accommodation will allow more travel by cars rather than in motorhomes and caravans which cause most issues on the narrow roads.

Non-Material Considerations (Against and In support)

6.4

- Representations submitted on other planning applications and allegations that those have been disregarded;
- The unfinished nature of the applicant's house and failure to comply with conditions on other sites;
- Number of previous applications by the same applicant on this site;
- Whether or not the applicant or any contributors live in the area;
- Length of time contributors have lived in the area;
- Impact on school roll;
- Motives of applicant for submitting application;
- Allegations the applicant is accumulating planning permissions;
- Number of properties owned by the applicant;
- Personal allegations/comments about the behaviour of applicant and contributors;
- Concern regarding potential future applications;
- Relationship of applicant to the business, Visit Sandwood Limited;
- Comments on quality of supporting information and failure to submit proper business plan;
- Whether or not the house under construction is to be used as a letting property;
- Impact on the valuation of properties in the area;
- Location of nearest veterinary surgery;
- Comments relating to style and literacy of representations;
- Whether the Council checks the authenticity of representations;
- What grants the applicant may or may not have received and on what basis;
- The terms of the CAR licence and any third party correspondence with SEPA over this;
- Whether visitors have experience or know the etiquette of driving on single track roads;
- Council tax levels;
- Financial ability of applicant to pursue the project;
- Impact on views from other properties;

- The Council's decision not make comments publically available on this application;
- Allegations of previous irresponsible and poor planning decisions;
- Comments on the professionalism of Council officials/consultees;
- Comments on social media platforms.

6.5 All letters of representation can be viewed by using the link in Appendix 1 and will be available for viewing in the members lounge on the day of the committee.

7. CONSULTATIONS

7.1 **Kinlochbervie Community Council:** Object. The Community Council continues to be concerned that the current difficult situation at Oldshoremore will be intensified by this further development and continue to doubt the capacity of the applicant to carry out the original development let alone another one. As such we cannot support further development until such time as the issues raised by the original development have been addressed. We urge that the recent application be subject to the full scrutiny of Highland Council's Planning Committee in light of the strong objections and concerns coming from local residents.

7.2 **Transport Planning:** No Objection. The access to this development is from the publicly adopted road C1133, via an existing private access. The access was assessed and evaluated under planning application reference number 17/03366/FUL. Providing all the conditions and details of this previous application have been implemented, there should be no issues with the visibility at this location. A suitable storage location for waste and recycling has been indicated. A suitable collection point has also been indicated outwith the required visibility splays and close to the public road. The specification provided by the applicant states that 14 parking bays will be provided for the Café/House and a further 4 spaces will be provided for the Two Glamping Pods. Further breakdown of this number shows that the house and café will have 2 spaces for residents and staff, 2 spaces will be for accessible access and the remaining 10 spaces will be for standard parking. Noted that cycle parking has been provided at the café as well. Parking for the pods is shown as 2 spaces each with 2 accessible access spaces. All the above is appropriate for the application. Drainage acceptable.

7.3 **Development Plans:** No Objection. The relevant Development Plan is the Highland-wide Local Development Plan (HwLDP) 2012, Caithness and Sutherland Local Development Plan (CaSPlan) 2018 and Supplementary Guidance.

This proposal has the potential to increase the offer of tourist accommodation and facilities in NW Sutherland. It also offers scope to help deliver the Outcomes in the CaSPlan by supporting community-scale development that can sustain employment and diversify options to generate a local income. Subject to addressing policy issues, including those not highlighted here but by other consultees, this application could be supported. There is a range of policies that are relevant and should be applied to this application:

CaSPlan addresses development in rural areas with a flexible but guided approach. This proposal is outwith a defined settlement (a Settlement Development Area) in the Plan and is not identified as a Growing Settlement. It is

however located within the "Area for Flexible Community-led Development" in the Strategy Map for the Plan. This means the application should be assessed against the extent to which it enables community-led sustainable growth and development (as defined in Appendix 2, page 133 of CaSPlan). For the avoidance of doubt "Policy 1: Town Centre First" does not apply to this proposal because there are no town centres (as defined in CaSPlan) in proximity to this proposal.

HwLDP Policies 28 and 29 are relevant. Policies 28 and 29 provide the basis upon which the application should be assessed in terms of its contribution to high quality sustainable design and placemaking.

HwLDP Policy 36 is relevant. Since this development is not within a settlement as defined in CaSPlan it is, in policy terms, development in the wider countryside. Therefore it should be assessed against the criteria of this policy.

HwLDP Policy 57: Natural, Built and Cultural Heritage is relevant. This proposal is situated in a broader area of particular landscape sensitivities; in particular it may be noted that the proposal is less than 1 km from the boundary of Cape Wrath Wild Land Area, and less than 1 km from the Oldshoremore, Cape Wrath and Durness Special Landscape Area, both of which are afforded protection under this policy.

HwLDP Policy 61: Landscape is also of relevance, particularly given the landscape sensitivities highlighted above.

7.4 **Environmental Health:** No objection. Additional information required in respect of proposed kitchens in café building. No caravan site licence required for proposed timber pods. As they have fixed waste, drainage, water supply and electricity, as such they are not moveable structures.

7.5 **SEPA:** No objection on the basis that a condition is applied which requires the foul drainage from this application (the house, café and two pods) to connect to the same foul drainage treatment system as the already consented hostel. This will ensure that there is only a single foul drainage discharge to the river from the overall development.

We can confirm that discussions with the applicant regarding Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) authorisation are still on-going, however, we consider that the discharge is capable of being authorised in the location shown in the plan.

7.6 **Crofting Commission:** No objection. We consider this to be a further stage in this overall tourism related development. A report by the Scottish Rural Payments and Inspections Directorate on behalf of the Crofting Commission in 2018 concluded that the land on this site and its vicinity is of "very poor quality" and is "poor open moorland". It was concluded that the proposed development would have "minimal effect on the working of the remainder of the croft." As the site of this proposal appears to be adjacent to the site of the previous application it is probably the area of the croft most suitable for further development without further compromising the remainder of the croft. In that respect the Commission would not oppose this at a planning stage. Neither are we aware that access to the remainder of the croft is impaired or restricted.

It is understood that the individual's status as an absentee crofter has been raised. This can have relevance to a proposed development. In this instance, the tourism development has been proposed as being instrumental to the applicant securing his future residence and employment in the area. From that perspective, the proposal may be considered beneficial to the future operation of the croft.

It is understood that the implementation of the first phase of this proposal has entailed some disturbance to the land and immediate environs. This is probably unavoidable with a development of this nature. In the longer term this should be rectified as the already agreed proposal materialises. Whether that is something that merits consideration in the context of the current proposal may need assessment but is not an issue that relates directly to the Commission. Crofting legislation recognises that crofts can be put to another purposeful use as well as cultivation and this has previously been recognised by the Commission in its consideration of the previous proposal for a glamping site and hostel. The development of that element would provide greater confidence for support of this proposal. However, in terms of land quality, discernible impact upon the croft and operational need, the Commission does not have grounds to object to this application at a planning stage.

- 7.7 **SNH:** No objection. The proposal lies close to the boundary of Oldshoremore and Sandwood Special Area of Conservation (SAC) designated for its dune grassland, machair, and shifting dunes with marram.

The site's status means that the requirements of the Conservation (Natural Habitats, andc.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, the Highland Council is required to consider the effects of the proposal on the SAC before it can be consented (Commonly known as Habitats Regulations Appraisal).

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests wither directly or indirectly. An appropriate assessment is therefore not required.

The application is adjacent to the watercourse known as Abhainn Aisir Mhor which flows in and out of the SAC. Discharges to this watercourse will be in accordance with SEPA requirements. Increased access to the beach has also been considered and it is most likely that the majority of access will continue to be via the existing car park which provides a suitable access point. The SAC is therefore unlikely to be affected.

Sheigra - Oldshoremore SSSI is designated for its machair and sand dunes. Our advice for the SSSI is covered by the above advice on SAC interests.

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
- 31 – Developer Contributions
- 36 - Development in the Wider Countryside
- 43 – Tourism

- 44 – Tourist Accommodation
- 47 - Safeguarding Inbye/AppORTioned Croftland
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

8.2 **Caithness and Sutherland Local Development Plan 2018**

No site specific policies apply

8.3 **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)
Developer Contributions (November 2018)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, 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.

Determining Issues

- 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.

Planning Considerations

- 10.3 The key considerations in this case are:

- a) Whether the proposed development complies with the development plan;
- b) If the proposed development complies with (a) above, whether any other material planning considerations outweigh the presumption in favour of development.

Development Plan

- 10.4 As the application proposes tourist facilities and tourist accommodation, the application requires to be assessed primarily against Policies 43 and 44 of the Highland-wide Local Development Plan (HwLDP). HwLDP Policies 28, 29 and 36 are also relevant as the application should be assessed in terms of its contribution to high quality sustainable design and placemaking in the wider countryside.

The application affects croft land and therefore Policy 47 is pertinent and Policies 57 and 61 relating to natural heritage and landscape are relevant, as the site lies close to the natural heritage designation of Oldshoremore and Sandwood Special Area of Conservation (SAC). Other HwLDP Policies as listed in Section 8.1 above are also applicable.

- 10.5 It is noted that a number of objections make reference to conflict with the Town Centre First Policy, set out in the adopted Caithness and Sutherland Local Development Plan (CaS Plan). However this is not applicable because there are no town centres (as defined in CaSPlan) in proximity to this proposal. Similarly, a number of objections refer to conflict with the Growing Settlements Policy in the CaS Plan. Again this is not applicable as the site does not lie within a defined settlement (a Settlement Development Area) in the CaSPlan and Oldshoremore is not defined as a Growing Settlement. One objection makes reference to conflict with the Housing in the Countryside (Hinterland) Policy 34. However again this is not applicable as there is no defined Hinterland Area in North West Sutherland. The application site is within wider countryside therefore Policy 36 Development in the Wider Countryside applies (see above).
- 10.6 The site is located within the "Area for Flexible Community-led Development" identified in the Strategy Map for the CaSPlan. This promotes community-led sustainable growth and development through having a flexible approach to development and inward investment, especially in fragile areas. A number of objections make reference to the development not being community led, however whilst the strategy promotes community led sustainable development it does not preclude proposals by individuals, nor does it require community projects to be submitted by community groups or to be subject to community consultation. It is therefore considered that there is no conflict with the CaSPlan strategy.
- 10.7 A number of objections consider that the proposal conflicts with Policy 47 of the HwLDP, which seeks to safeguard inbye and apportioned croftland. In this respect, the Crofting Commission has been consulted and, as can be noted from its response at 7.6 above, has no objections. Reference is made by the Crofting Commission to the poor quality of the land involved and the encouragement which is offered to the diversification of the croft for this further stage in the applicant's overall tourism related development. It is submitted by the Commission that Crofting legislation recognises that crofts can be put to another purposeful use as well as cultivation and that the tourism development proposed would help the applicant secure his future residence and employment in the area, and thereby be beneficial to the future operation of the croft. It is therefore considered that there is no conflict with Policy 47.
- 10.8 It is submitted within a number of objections that the proposal conflicts with Policies 57 and 61 of the HwLDP, which seek to protect the natural, built and cultural heritage of the area; and the special qualities of the landscape. In this respect Scottish Natural Heritage has been consulted and, as can be noted from its response above, has no objections. The site does not lie within any nature or landscape designations, but does lie close to the boundary of Oldshoremore and Sandwood Special Area of Conservation (SAC), designated for its dune grassland, machair and shifting dunes with marram; and Sheigra - Oldshoremore SSSI, designated for its machair and sand dunes. The Council is required to consider the effect of any development on the SAC before it can be consented. The response from SNH advises that it is unlikely that the proposal will have a

significant effect on the qualifying interests of the SAC and therefore an Appropriate Assessment is not required. The application involves a discharge of treated waste water effluent to the watercourse known as Abhainn Aisir Mhor which flows in and out of the SAC. The proposed discharge to this watercourse will require to be in accordance with SEPA requirements and SEPA confirms no objections, as noted at Section 7.5 above. Increased access to the beach has also been considered by SNH and it is concluded most likely that the majority of access will continue to be via the existing car park which provides a suitable access point. It is therefore considered that the SAC and SSSI are unlikely to be affected.

- 10.9 The development is proposed to use an existing access onto the public road and is adjacent to a house and hostel previously approved. It is located on the edge of a gentle valley sloping down towards the Abhainn Aisir Mhor burn and is therefore relatively self contained and is not prominent in the landscape, visible only along short sections of the U1133 public road close to the site and from a distance for a very short section at the top of the minor road to the beach car park to the south-west. The proposals will not have a significant impact on the landscape as the siting relates well to existing houses closer to the public road and to the approved hostel immediately to the north on higher land. The agricultural shed originally approved for this area did not proceed and as the Prior Approval for this structure has now lapsed, the café/house structure will form an alternative (not an additional) building in this area. The materials proposed of larch cladding walls and profiled metal cladding to roof (café/house) and timber and shingles cladding to pods will ensure that the structures are recessive in the landscape. It is therefore considered that there is no conflict with Policies 57 and 61.
- 10.10 Policy 43 of the HwLDP states that tourist facilities will be assessed as to whether they are of proportionate scale; their relationship with other tourist facilities; whether they will increase visitors spending and length of stay; and how they impact on natural, built and heritage features. The proposed café is modest in scale with the seating area floor space measuring approximately 4.7m x 6.5m. In view of the potential difficulty in recruiting staff locally, the building has been designed with an attached three bedroom house which provides flexibility. The applicant advises that if local staff are recruited then the house could be rented out, for example to a key worker. The location of the café, sharing the same access and being located opposite the approved hostel, and within easy walking distance of the popular beach, has the potential to attract and retain visitors in the area, extending their stay and increasing their spending in the area. Concern has been expressed by some objectors that the proposed café will impact detrimentally on an established café facility in Kinlochbervie, as any new café will take trade away from this existing local business. There is no reason to suggest that this will necessarily be the case. It could be argued to the contrary that a choice of places to eat will encourage more people to visit and stay longer in the area. In addition, the applicant's other approved accommodation ventures; the 32 bed hostel and 18 accommodation pods, will draw more visitors to stay overnight in the area. Currently there is nowhere for the public to eat in Oldshoremore and only a few options to eat in the wider Kinlochbervie area; and therefore there is no planning reason to refuse permission for a café of the scale proposed on the basis of a perceived impact on one individual established business. It is considered that there is no conflict with Policy 43.

- 10.11 With regard to the two timber pods proposed, Policy 44 of the HwLDP states that in respect of tourist accommodation, in the first instance proposals should demonstrate that a demand exists for this type of accommodation. The submission by the applicant earlier in the year in respect of an 18 unit glamping pod site near the beach included a supporting statement highlighting the recognised demand across the wider area for tourist accommodation associated with visitors drawn by the scenery, walking, beaches, water sports and bird watching opportunities. There is a degree of existing informal tourism use in the immediate area with camping and overnight use of the car park by campervans and caravans. It is considered, based on the information provided by the applicant supplemented by the Planning Authority's own understanding, that there is sufficient demand for two additional pods associated with the applicant's house under construction (15/02483/FUL) and approved hostel (17/03366/FUL) both served off the same access as the proposed café on the east side of the U1133 public road. It is consequently considered that there is no conflict with Policy 44.

Planning History

- 10.12 As noted at Section 5 above, this area of land to the east of the public road immediately south of the Abhainn Aisir Mhor watercourse has been subject to a number of previous planning applications (See Location Plan). The access and house approved in 2015 have been substantially developed but neither has been completed. The applicant has advised that the agricultural building approved around the same time is no longer proposed for this area as it has been erected on another parcel of land in the township. In any event the Prior Approval issued for this building has now lapsed. The hostel site has been laid out and access upgraded to serve this. No development has yet commenced on the hostel building itself. No further work to the access is currently being progressed while the applicant seeks to discharge suspensive conditions attached to the hostel permission. Many objections make reference to the disturbance to land and the unsightly nature of works already undertaken; however there are extant planning permissions in place which will require ongoing work and disturbance until the various parts of the development are complete. Whilst the concerns of objectors are acknowledged, it is not considered reasonable, proportionate or appropriate to refuse the current application on the basis that the applicant is undertaking a number of different projects simultaneously and has not yet finished them.

Siting and Design

- 10.13 Concerns are expressed within some objections over the siting and design of the proposed development, specifically the café/house building. It is submitted by some objectors that this building is set back from the public road, at odds with established development closer to the road, and that the finished materials of timber and metal cladding do not respect the substantially white rendered, slate and tile finishes on the existing buildings. It is further submitted that the various elements proposed by the applicant are sited in an adhoc manner and have no cohesion. In response, it is acknowledged that the larch cladding differs from the rendered finish of many existing buildings, however as noted at Section 10.9 above, the timber and metal cladding will appear more recessive in the landscape and the building itself has a traditional form with rectangular footprint and 40° roof

pitch; and the massing is broken up by the inclusion of a pitched roof porch and utility room extensions and a lower ridge level over the roofed external deck on the north facing gable.

- 10.14 The siting of the building fits with the overall scatter of built development in the township. Whilst acknowledging that the proposal is set back from the public road, it uses the same access as the roadside house under construction and relates well within the landscape to the existing houses and other buildings, with good separation from the nearest houses of Bothan Aisir and Horseshoe Cottage. The hostel building approved to the north (17/03366/FUL) proposes timber walls and a shallower turf roof. It is considered that the proposed design, layout and finish will relate comfortably with this adjacent proposal.

Access and Servicing

- 10.15 Concern is expressed in some objections that the existing access into the site, which has permission to be upgraded with service layby to serve the house under construction and the approved hostel, is inadequate to serve the already approved development in addition to the two timber pods and café. Concerns have also been raised over the capacity of the single track road network to accommodate the level of new development proposed. The Council's Transport Planning team has been consulted and confirms no objections providing all the conditions and details relating to the previously approved hostel application have been implemented. The proposed café is unlikely to generate significant additional traffic movements on the wider road network in itself as it is designed to cater for existing visitors to the beach and travelling onwards to Sandwood Bay as well as those visitors staying in the approved hostel and glamping site. As the access point is shared with the hostel, this will consolidate vehicle movements on this established junction onto the public road. A condition is recommended requiring the works to be completed before the first use of the café or pods. The SDB2 standard approved ensures that the throat of the access is wide enough for vehicles to enter the site if there are vehicles waiting to exit, without queueing back onto the public road.
- 10.16 Provision is made for the storage of refuse and recycling bins adjacent to both the café/house and the two timber pods. A suitable collection point has also been indicated outwith the required visibility splays and close to the public road.
- 10.17 A car park is proposed to the immediate north-east of the café/house building, with parking spaces available for up to 14 cars, including two disabled accessible spaces. It is also proposed to install spaces for cycle parking close to the entrance to the car park. A condition is recommended to secure provision of completed parking and waste storage areas prior to first use/occupation of the development.
- 10.18 There is no public waste water network serving Oldshoremore. Waste water drainage is proposed via a treatment plant with partial soakaway and discharge to the Abhainn Aisir Mhor. Further to receipt of SEPA's consultation response, the applicant has adjusted his proposals to show a joint system with the previously approved hostel (17/03366/FUL) and house (15/02483/FUL). This complies with SEPA's request. Concerns have been expressed within some objections that this discharge as proposed will cause environmental damage, affecting the

watercourse and species (including protected species) within the river. It is submitted by some objectors that an increase in nutrient load into the river at the magnitude proposed will increase nutrient levels which will adversely affect animals in the river and the coastal lagoon into which it flows. In addition, as the river is used for swimming and as people eat whelks and mussels from the lagoon at the mouth of the river, it is alleged that this will create a public health risk. In response, SEPA confirms no objections and provides the following clarification:

- The CAR application for the café and hostel has not yet been received but there is a CAR registration for the house. The local team is in continued dialogue with the developer in relation to this and other proposals in the area. SEPA has not received any information which results in it changing previous planning advice;
- When considering the CAR applications SEPA will apply the relevant environmental assessments and standards to ensure the watercourse is not downgraded. This could include requiring secondary, tertiary or further enhanced treatment and the licence could also have numeric limits for BOD, suspended solids and ammoniacal nitrogen. SEPA tend to only apply phosphorus limits to loch discharges, but can for a river discharge if it is considered there is a specific reason to do so;
- As part of the CAR determination process it will be ensured that the water environment is protected so that there will not be a downgrade in the classification of the river;
- The CAR determination process is based on a low flow analysis of the watercourse, so this is taken into consideration as part of any application determination.

10.19 As the applicant will require to comply with SEPA requirements in securing the necessary CAR licence in respect of the proposed river discharge; and as SEPA considers that the scheme is consentable and has no objections; then it is considered that this element of the planning application is acceptable. Furthermore, whilst the Abhainn Aisir Mhor forms a hydrological part of the Oldshoremore and Sandwood Special Area of Conservation, of which the Sheigra-Oldshoremore SSSI forms part, SNH has confirmed that the proposals will not have any adverse impact on these designations. A condition is recommended requiring installation of the private foul drainage system to SEPA's standards prior to first occupation of any part of the development.

10.20 The development is proposed to connect to the public water network and will require separately to secure a connection from Scottish Water.

10.21 It is considered that the site has the potential to be adequately serviced to the satisfaction of statutory and internal consultees. The development will also require to comply with Building Regulations relating to provision of satisfactory utilities separately through the Building Warrant process.

Other material considerations

10.22 Concern has been expressed in some objections that access will be blocked off by the development through the site to Loch Aisir Mor. There is no suggestion that that this is the case, with the new access serving the development running along part of the line of the old track to the remainder of the croft and beyond to the loch. The Council has no record of any right of way along this route and whilst

historic maps (pre 1970's) show a cart track route between the loch and the public road, this crosses the now enclosed property adjacent of Bothan Aisir. The main route to the loch appears to be along a private road and track past the property of 152 Oldshoremore to the south. Furthermore, the granting of planning permission does not remove any established rights of servitude which may exist.

- 10.23 Concern has been expressed by some objectors that the kennels proposed adjacent to the two pods may lead to noise from dogs barking and create risks to livestock. In response, it is highlighted that the pods themselves are designed for one or two people with a floorspace, excluding the toilet/shower area, of 11m². Each pod is designed with a separate kennel measuring 1.5m x 1m, with attached run of 1.5m x 1.5m, to provide visitors the option to bring a dog and have a separate space for the dogs to be safely contained. The scale of the proposal, ancillary to the two units proposed, is not considered to have the potential to create any more nuisance or risk than anyone else visiting the area with a dog, whether as someone passing through or staying at any rented accommodation in the area.
- 10.24 Concern is expressed from some objectors that the two elements of this proposal (café/house and pods) have been combined into a single application and that cumulatively the development constitutes Major development. In response, it is considered that this approach is appropriate, given that both elements of the proposed development are contained within a single red line site boundary on the same land holding and sharing the same access and foul drainage arrangements. The site area extends to around 0.9ha and therefore the proposal is well under the 2ha threshold of a Major application, as defined by The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009.
- 10.25 Concern is expressed by some objectors that the house attached to the proposed café will be the third approved to the same applicant in the township. The applicant advises that the relatively modest three bedroom unit proposed is included to provide the option of staff accommodation for the café; or if staff can be recruited locally, for rental accommodation. As noted in the appraisal above, it is considered that the development complies with policy and is consistent with surrounding land uses, notwithstanding any previous permissions which the same applicant has secured.
- 10.26 With regard to the house proposed as part of the development, no developer contributions towards education at Kinlochbervie High School or Kinlochbervie Primary School are required as there is sufficient capacity available within these schools at present. The single house proposed does not trigger the requirement for affordable housing or community facilities contributions as outlined in the Developer Contributions Supplementary Guidance (November 2018).
- 10.27 A number of representations have been received in support of the application, with the issues raised summarised at Section 6.3 above. The thrust of many of the support comments is that the café and accommodation pods will benefit the wider local economy and provide facilities to help service the acknowledged recent increase in visitor numbers; helping to extend the length of time visitors stay in the area.

11. CONCLUSION

- 11.1 The principle of providing tourist facilities is considered to be consistent with the general policies of the Highland-wide Local Development Plan and wider Highland Council initiatives to promote tourism in the area. It is acknowledged that the application has attracted a comparatively large number of representations (in support and objecting), some of which refer to other developments consented to the same applicant in the area and the cumulative visual and environmental impact of the initial site preparatory work carried out in respect of such development. The concerns of objectors and the comments of support received have been assessed as part of the planning appraisal and through consultation with internal consultees including the Council's Development Plans and Transport Planning teams as well as statutory bodies such as SEPA, SNH and the Crofting Commission. There are no technical objections.
- 11.2 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 None

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

Conditions and Reasons

1. Prior to first use of the development hereby approved, the access point onto the C1133 public road shall be completed in accordance with the Council's standard SDB2 access detail as approved for the proposed hostel development adjacent (17/03366/FUL). For the avoidance of doubt, the access point, service layby and first 8m of the access road back from the edge of the public road shall be surfaced in bitumous macadam.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

2. Prior to first use of any part of the development, the car and cycle parking; and recycling/waste storage areas; shall be completed in full as shown on approved site layout drawing 000001 Rev K and retained for such uses in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, to facilitate and encourage the use of bicycles; and to ensure that suitable provision is made for the storage of communal waste and recycling bins.

3. Foul drainage shall be provided by means of a treatment plant, partial soakaway and discharge to the Abhainn Aisir Mhor, within a joint system with the already consented hostel (17/03366/FUL) and single house (15/02483/FUL), to the full satisfaction of SEPA. No part of the development (café/house or two pods) shall be occupied/used until such time as the system has been fully installed and is operational to the satisfaction of SEPA.

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

4. Prior to first use of any part of the development the finished surfacing of the site access road and parking areas shall be completed and maintained in a dark, non reflective material.

Reason: To minimise visual impact and ensure that the development appears recessive in the landscape.

5. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including colour) has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the metal sheeting roof to the café/house shall be anthracite/dark grey in colour. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure that the development is sensitive to, and compatible with, its context and appears recessive in the landscape.

6. For the avoidance of doubt, the pod development shall be used for holiday letting 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 anyone calendar year.

Reason: In accordance with the use applied for and 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.

7. Any external lighting installed within the site shall be by means of 'Litehouse Bollards', or similar lights as may be agreed in writing by the Planning Authority in consultation with the Area Lighting Engineer, prior to the commencement of any development on the site.

Reason: In the interests of amenity and to prevent lighting glare.

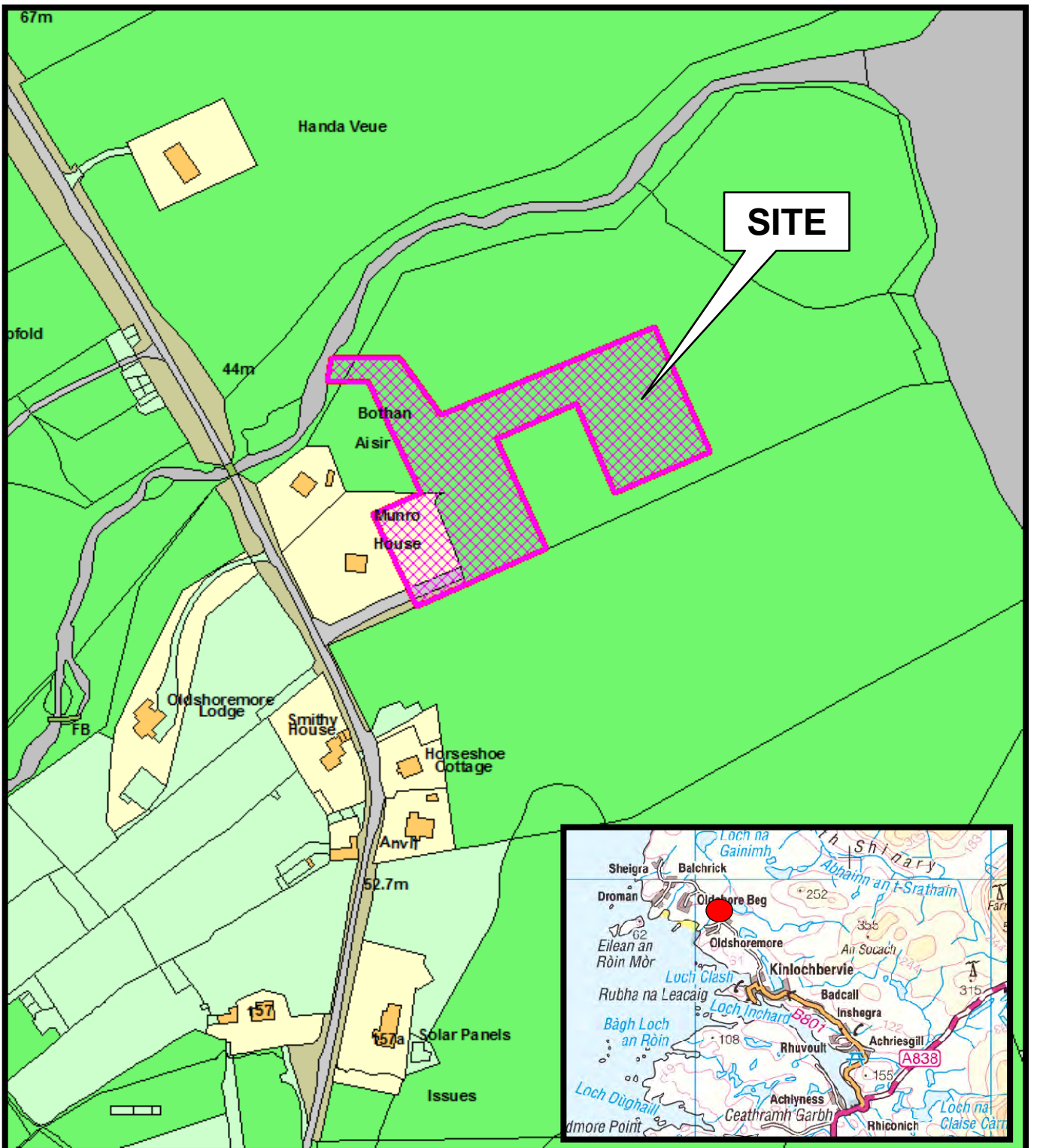
Designation: Acting Head of Development Management – Highland

Author: Dorothy Stott

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

Relevant Plans:

- Plan 1 - Location Plan
- Plan 2 - Planning History Map
- Plan 3 - Site Layout Plan 000001 Rev K
- Plan 4 - Elevation Drawing (Café/House) 000003
- Plan 5 - Elevation Drawing (Café/House) 000004
- Plan 6 - Floor Plan (Café/House) 000005
- Plan 7 - Floor/Elevation Drawing (Pod) 000006
- Plan 8 - Floor/Elevation Drawing (Kennel) 000007

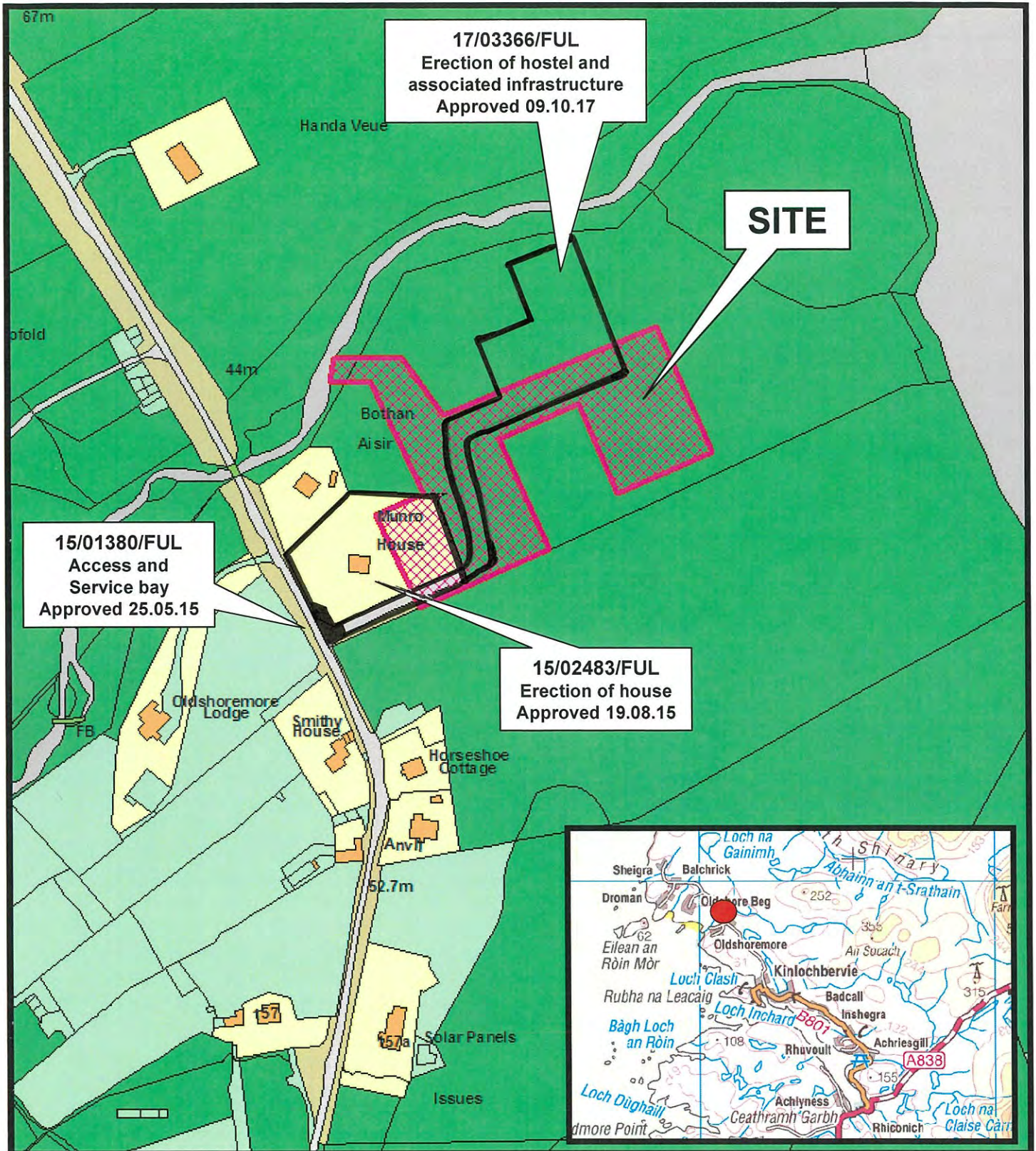


Planning & Development Service

19/03381/FUL

Erection of cafe/house and two glamping pods, including access road and treatment plant at Land 50M NE Of Munro House, Oldshoremore, Rhiconich





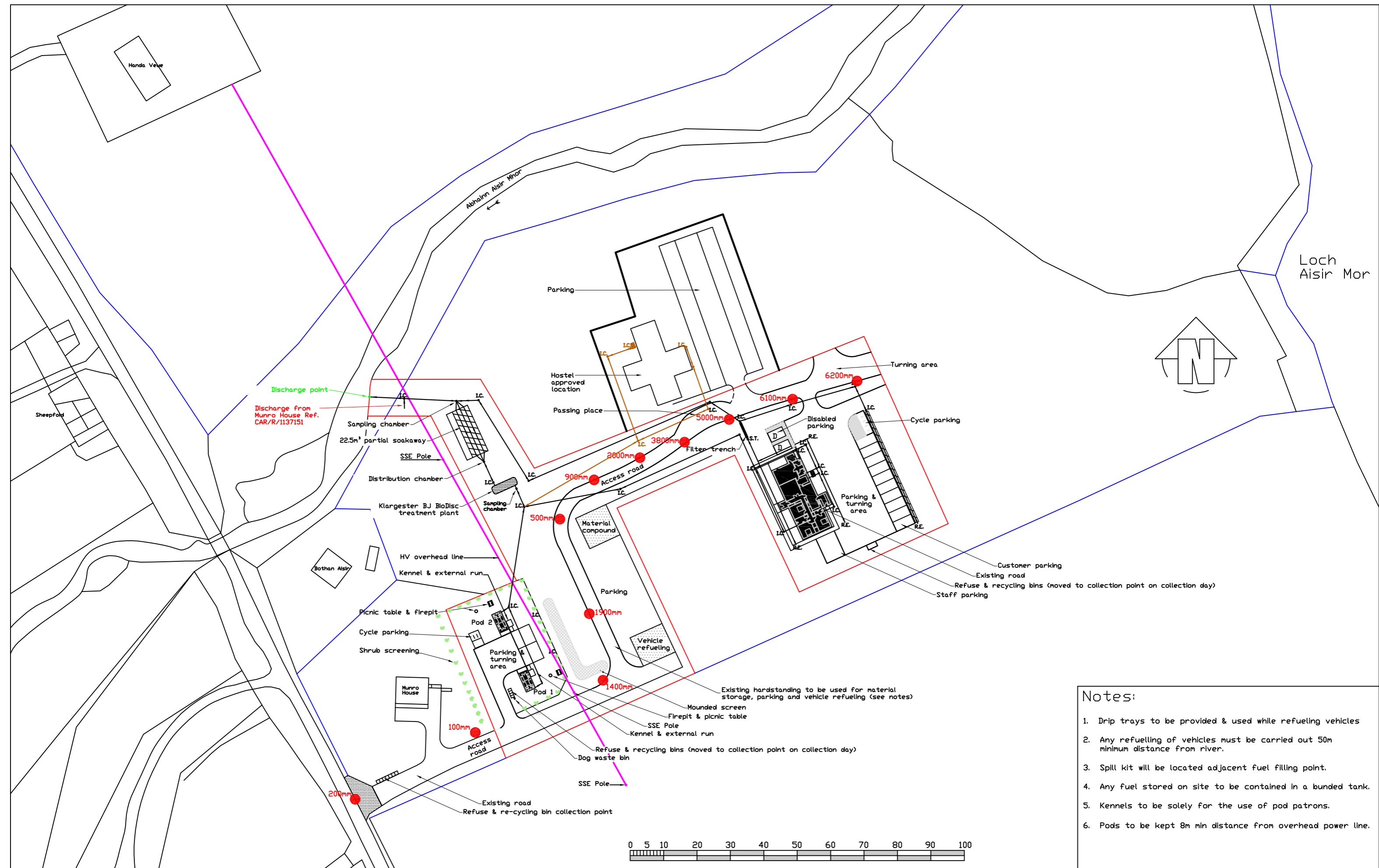
Planning & Development
Service

19/03381/FUL

Erection of cafe/house and two glamping pods,
including access road and treatment plant
at Land 50M NE Of Munro House,
Oldshoremore, Rhiconich

N





- Notes:**
1. Drip trays to be provided & used while refueling vehicles
 2. Any refuelling of vehicles must be carried out 50m minimum distance from river.
 3. Spill kit will be located adjacent fuel filling point.
 4. Any fuel stored on site to be contained in a bunded tank.
 5. Kennels to be solely for the use of pod patrons.
 6. Pods to be kept 8m min distance from overhead power line.

Heartland Home Services Ltd
 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

CLIENT Mr Alex Munro

DESCRIPTION Proposed Cafe/House and Two Glamping Pods at 148 Oldshoremore, Rhiconich.

REF_NO 1970-Rev. "K"

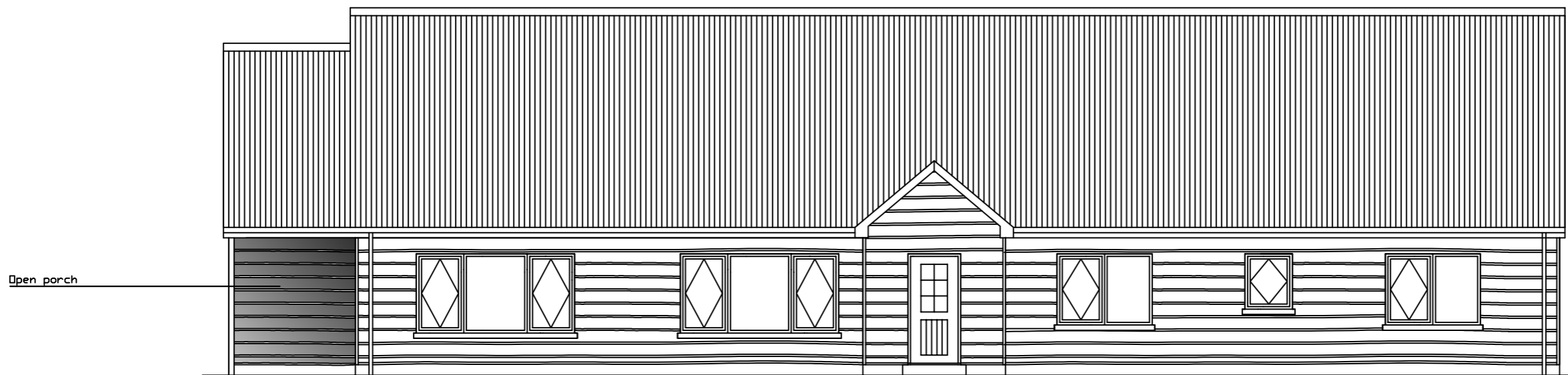
DETAILS Block Plan

GRID_REF NC 21012 58956

AREA 0.88 ha

SCALE 1 : 1000

DATE 25-09-2019



South West Elevation



North West Elevation



Heartland Home Services Ltd
 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

CLIENT Mr A Munro

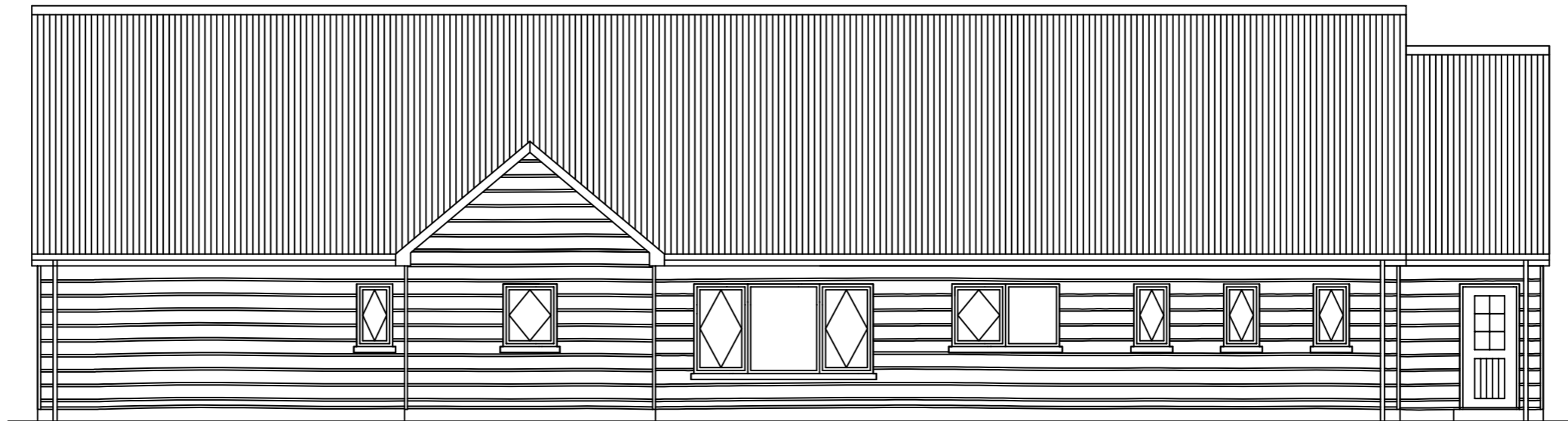
REF_NO 1970-Rev. "B"

DESCRIPTION Proposed New Cafe/House at 148 Oldshoremore, Rhiconich.

DETAILS Elevations 01

SCALE 1 : 100

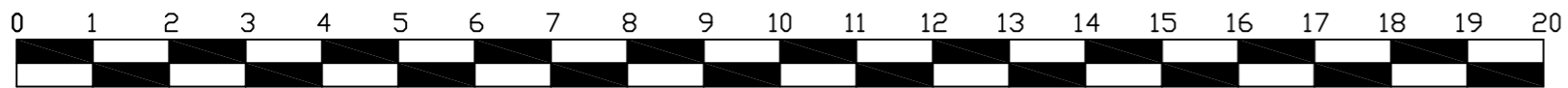
DATE 27-06-2019



North East Elevation



South East Elevation



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 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

CLIENT Mr A Munro

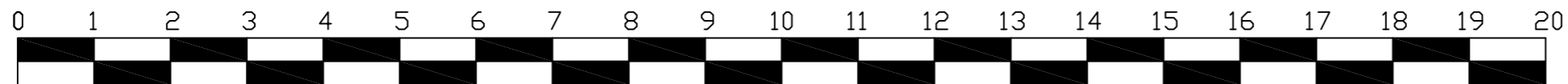
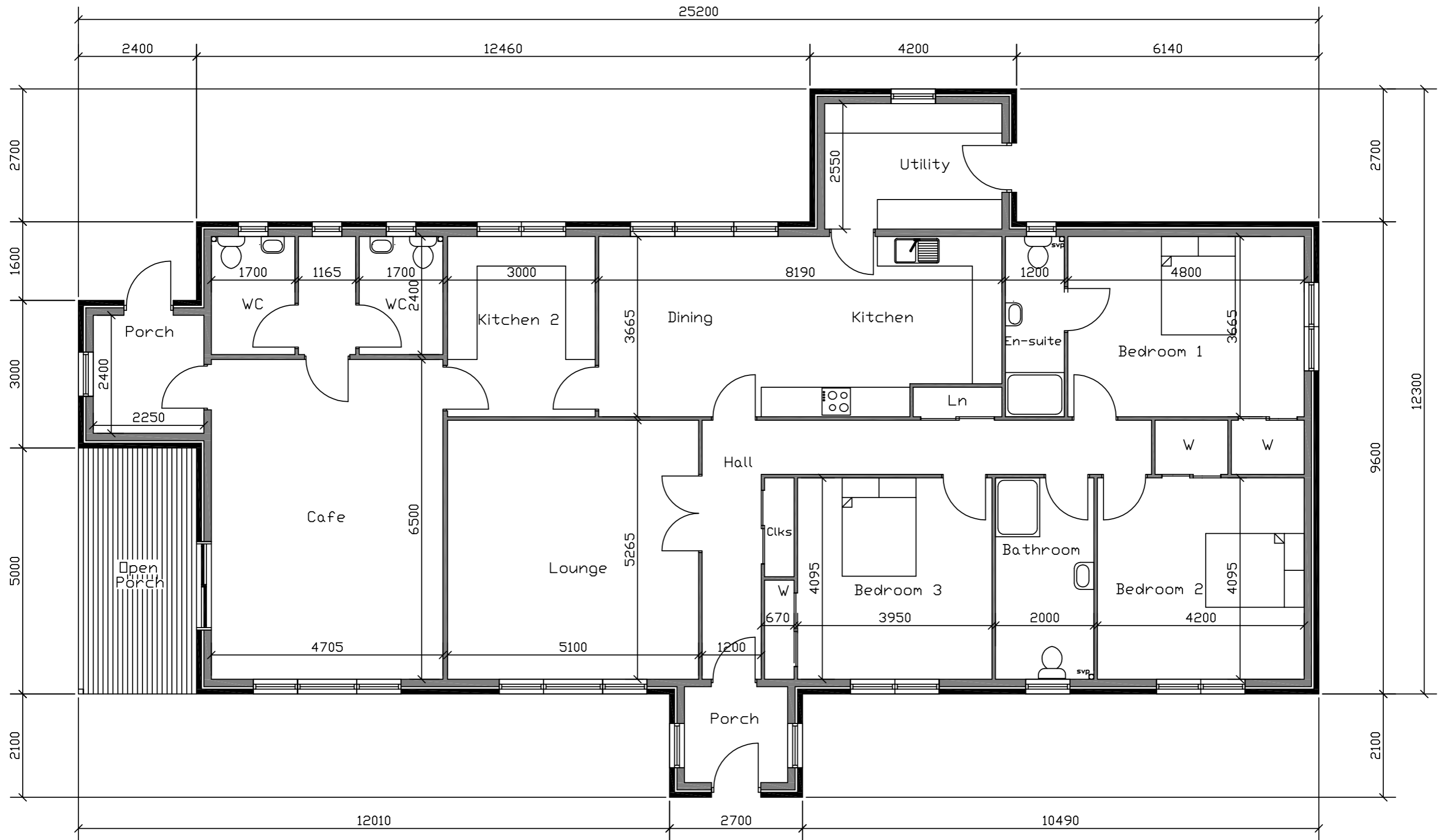
REF_NO 1970-Rev. "C"

DESCRIPTION Proposed New Cafe/House at 148 Oldshoremore, Rhiconich.

DETAILS Elevations 02

SCALE 1 : 100

DATE 11-11-2019



Heartland Home Services Ltd
 West Clyne, Brora. KW9 6NH. Tel 01408 621617 - Fax. 01408 621162

CLIENT Mr A Munro

REF_NO 1970-Rev. "B"

DESCRIPTION Proposed New Cafe/House at 148 Oldshoremore, Rhiconich.

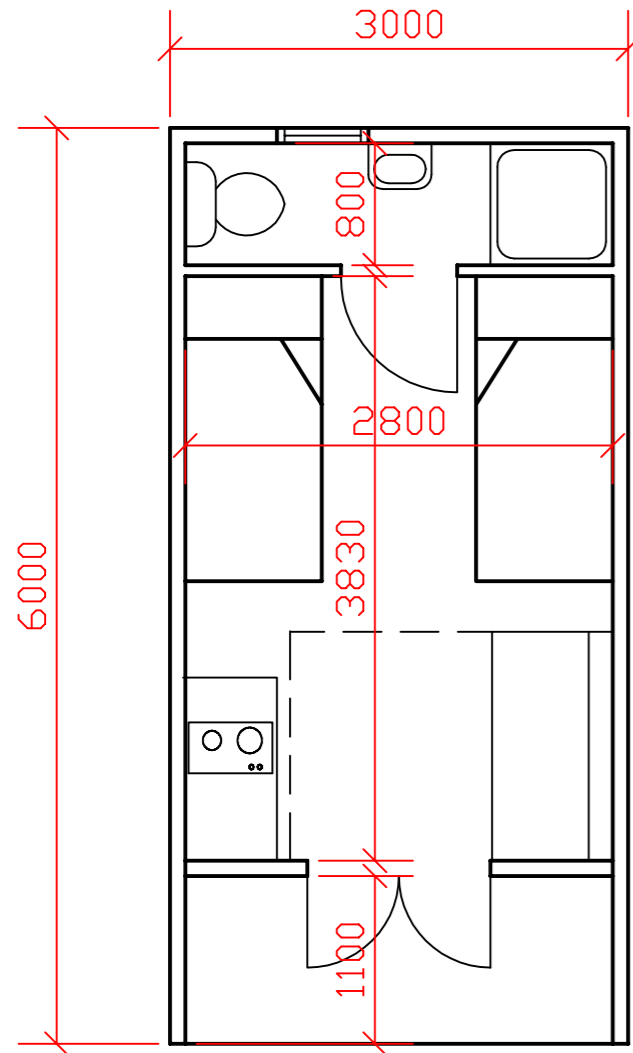
DETAILS Floor Plan

SCALE 1 : 80

DATE 27-06-2019

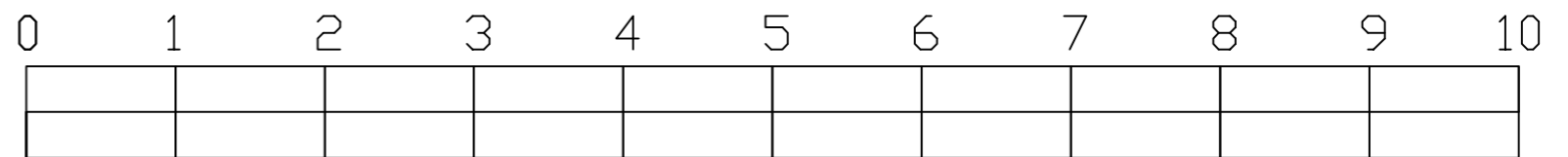
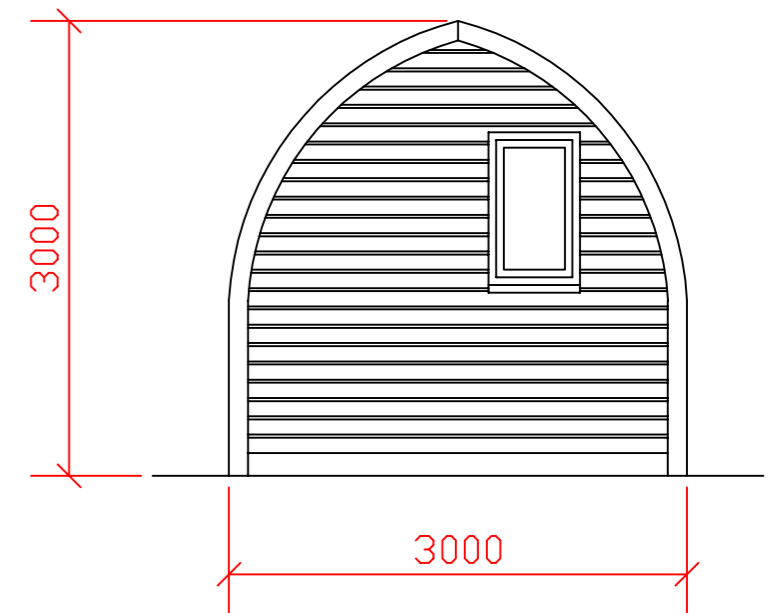
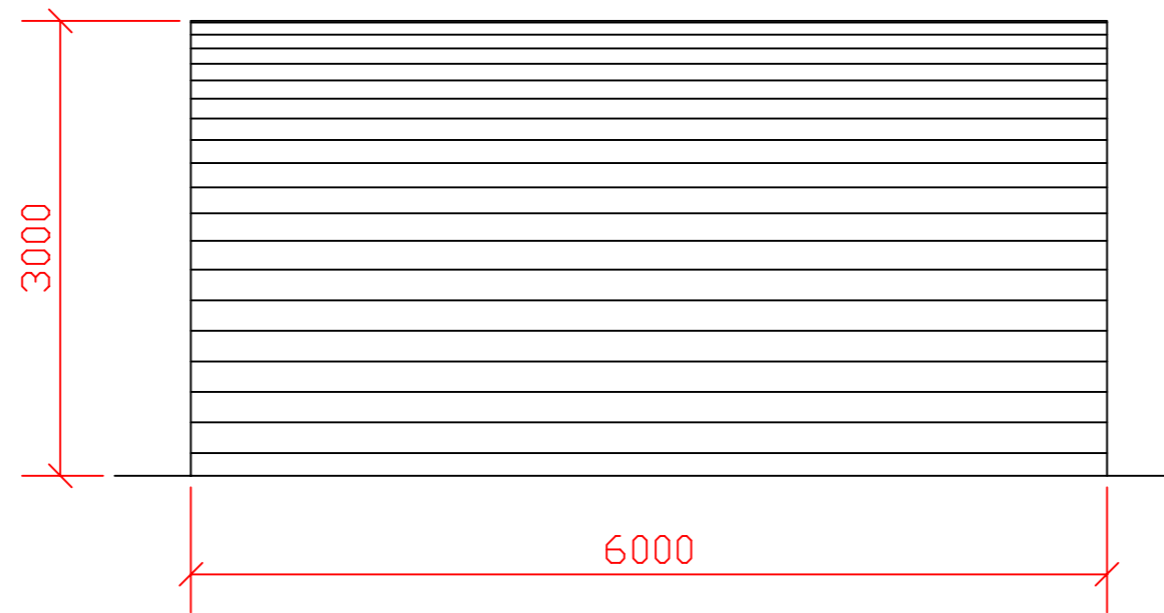
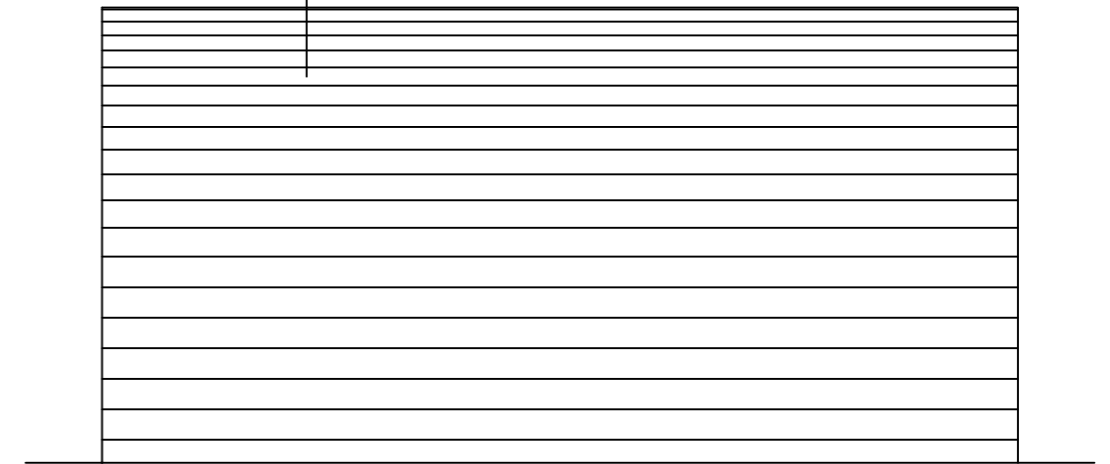
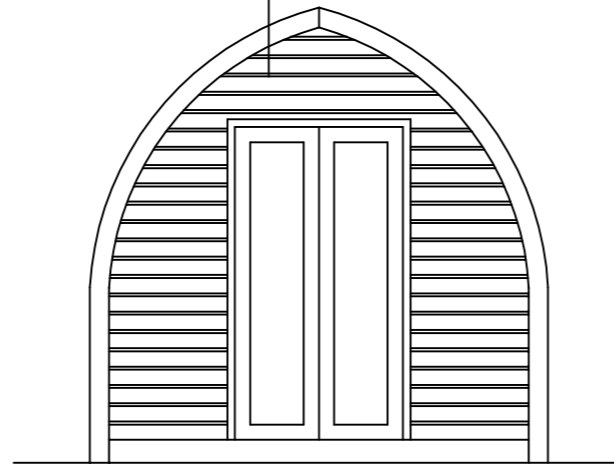
AREA Domestic = 159.26m²

AREA Commercial = 73.58m²



Timber cladding

Metrotile shingle cladding



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CLIENT MrA Munro

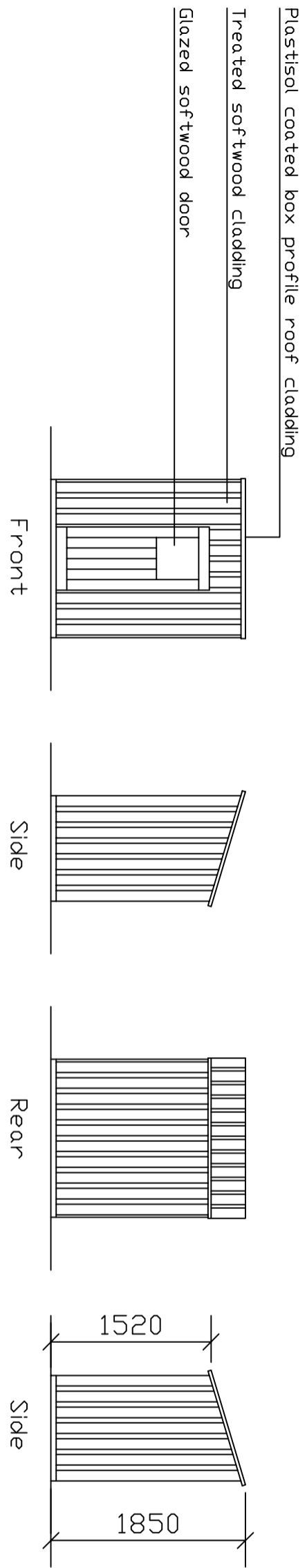
DESCRIPTION Proposed 2 Glamping Pods at 148 Oldshoremore, Rhiconich.

REF_NO 1970-Rev 'B'

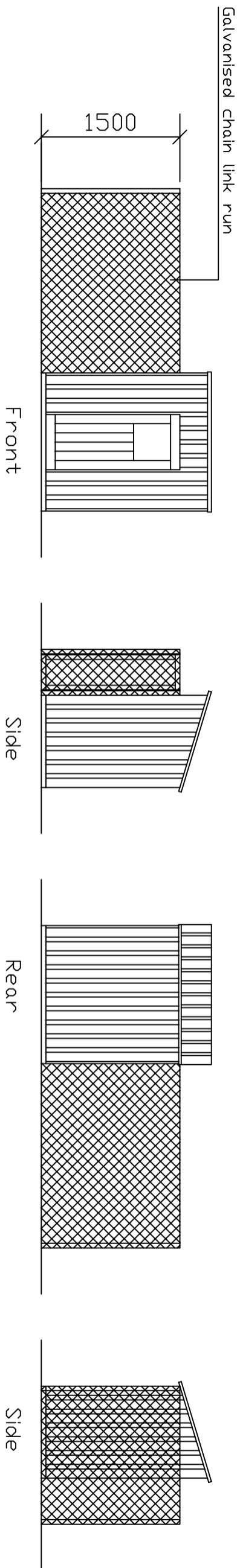
DETAILS Plan & Elevations

SCALE 1 : 50

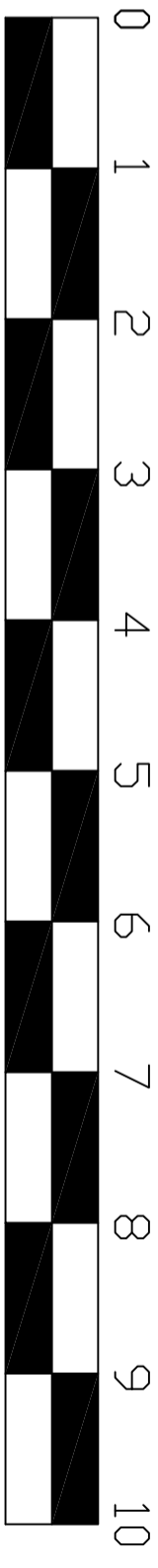
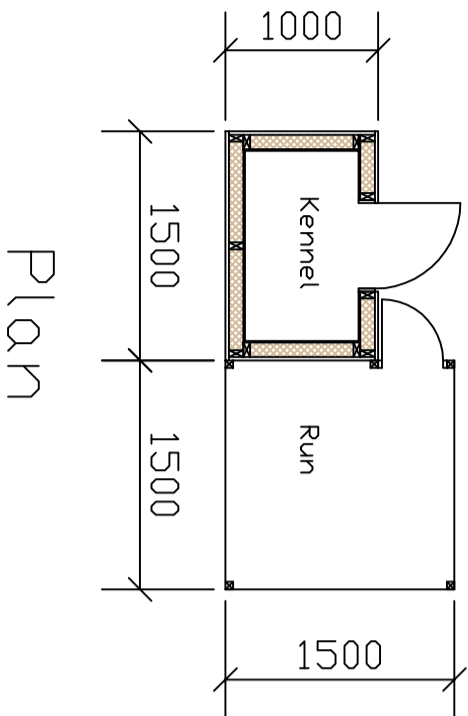
DATE 27-06-2019



Elevations Excluding Run



Elevations Excluding Run



<p>Heartland Home Services Ltd West Clyne, Brora, KW9 6NH. Tel 01408 621617 - Fax. 01408 621162</p>		<p>CLIENT Mr A Munro</p>	<p>DESCRIPTION Proposed 2 Glamping Pods at 148 Didsshoremore, Rhiconich.</p>
<p>REF_NO 1970-Rev 'B'</p>	<p>DETAILS Kennel</p>	<p>SCALE 1 : 50</p>	<p>DATE 27-06-2019</p>