

Agenda Item	6.10
Report No	PLN/094/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 November 2019

19/03904/FUL: Mrs J Barclay

Report Title: Muiryden Farmhouse
Fortrose

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Demolition of Farmhouse and Erection of Replacement House and Garage (Renewal of 16/02619/FUL).

Ward: 09 - Black Isle

1.2 **Development category:** Local

Reason referred to Committee: Councillor Interest

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 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks full planning permission for the replacement of a derelict house of traditional design and its garage with a one and a half storey, 3 bedroom house and separate single car garage. This proposal was previously approved by Committee in September 2016 and December 2009 (application ref. no's 16/02619/FUL and 09/00950/FULRC, as listed below).
- 3.2 The site is accessed by a private track which also serves the adjacent farm buildings and a single dwellinghouse, Muiryden bungalow.
- 3.3 Pre Application Consultation: None
- 3.4 Supporting Information:
Condition survey for existing house.
Design statement.
- 3.5 Variations: None

4. SITE DESCRIPTION

- 4.1 The site comprises a derelict farmhouse, the ground that immediately surrounds the property and the private access track which leads from the public road. The site lies some 1.0km, or thereby, west of the B9160/C1031 junction some 3.8km north west of Fortrose.

5. PLANNING HISTORY

- | | | | |
|-----|--|---------|------------|
| 5.1 | 16/02619/FUL - Demolition of existing and erection of replacement house and garage | Granted | 28.09.2016 |
| 5.2 | 09/00590/FULRC - Demolition of existing and erection of replacement house and garage | Granted | 05.12.2009 |

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour
Date Advertised: 27.09.2019
Representation deadline: 11.10.2019

Timeous representations: None

Late representations: None

7. CONSULTATIONS

- 7.1 SEPA: Standing advice applies as site lies outwith Waste Water Drainage consultation Area.

7.2 Scottish Water: No objection. Water: There is currently sufficient capacity in the Assynt Water Treatment Works. Further investigations may be required once a formal application to Scottish Water has been submitted.

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
35 - Housing in the Countryside (Hinterland Areas)

8.2 Inner Moray Firth Local Development Plan 2015

Identifies that the site lies within the defined hinterland boundary.

8.5 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Housing in the Countryside and Siting and Design (March 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP) is the Scottish Government's policy on nationally important land use planning matters. The part of SPP relevant to housing in the Hinterland areas is:

Para 81. "In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions."

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) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development Plan Policy Assessment

- 10.4 The policy regime and supplementary guidance listed above states that applications for new housing within defined areas of hinterland around towns will only be supported where the application site is within a housing group or where one of the following exceptions apply:

- The conversion, reuse or redevelopment of buildings or land
- Operational need of a farm holding
- Management of croft or forest land
- Housing associated with a rural business
- Development in garden ground
- Provision of affordable social housing to meet a demonstrated local need

The first of these exceptions provides a presumption in favour of the redevelopment of buildings and land where their former uses are no longer required for the original purpose, where the site is significantly degraded, and where redevelopment would bring about an environmental benefit. The Council's supplementary guidance on Housing in the Countryside states that the replacement of an existing dwelling may be supported where there is a clear case made that the costs of upgrading the existing house are not justified on economic grounds. At the time of determining the previous application 16/02619/FUL the applicant provided a report on the structural condition of the existing house which clearly demonstrated that it was beyond economic repair. Therefore it was considered that the proposal could be supported in terms of Hinterland policy and the related supplementary guidance.

- 10.5 Planning legislation allows for the submission of a further application for planning permission or planning permission in principal for the same development where the previous application was granted permission, development has not begun and the duration of the previous permission has not expired. This process provides an opportunity for applicants to extend the life of the planning permission as in this case.
- 10.6 Since the determination of the previous application there has been no change to the development plan or the characteristics of the site, although it is noted that the structural condition of the property continues to deteriorate.

Other material considerations

- 10.7 **Developer Contributions:** Since the determination of the previous application the Supplementary Guidance on Developer Contributions has been updated and now applies to single house application. The developer contributions requirements are set out below:

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Schools - Primary AVOCH		
Build Costs	2 classroom extension	£430
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£430
Schools - Secondary FORTROSE		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£0
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£430
Total for Development		£430
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

The applicant has confirmed that a one off payment will be made.

Matters to be secured by Section 75 Agreement

10.8 None

11. CONCLUSION

11.1 This further application is for a development originally approved in 2009 and subsequently granted permission again in 2016. Since the determination of the previous application there has been no change in the development plan policies or other relevant material considerations against which the proposal requires to be assessed. It is recommended that permission be granted subject to the conditions which were attached to the previous permission. These relate to the carrying out of improvements at the direct access junction with the public road prior to any other development commencing and the timely implementation of landscaping and the proposals for in curtilage parking and turning.

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 Y issued:

Payment of Developer Contribution

Subject to the above, it is recommended that planning permission be **Granted**, subject to the following: **Conditions and Reasons**

1. No other development shall commence until the site access from the public road has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 28.11.2019), with:

i. the junction formed to comply with drawing ref. SDB2; and

ii. visibility splays of 2.4m x 120m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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 the first occupation of the development hereby approved. the car parking and turning arrangements detailed on approved plan ref. 01312/300 Rev. B shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking (and turning) of cars, so they do not have to park within or reverse onto the public road.

3. The development shall be landscaped in accordance with a planting schedule which shall be submitted to and approved by the Planning Authority before development commences. The schedule shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted, and shall ensure:-

(a) The scheme shall be completed during the first planting season following the completion of the construction works, or as otherwise may be agreed in writing by the Planning Authority as a non material variation.

(b) All trees shall be supported with a stake and tie and protected against rabbit damage using a spiral guard.

(c) The landscaped areas shall be maintained for a period of three years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority are dying, being severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and which will in due course improve the environmental quality of the development

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 and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

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

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

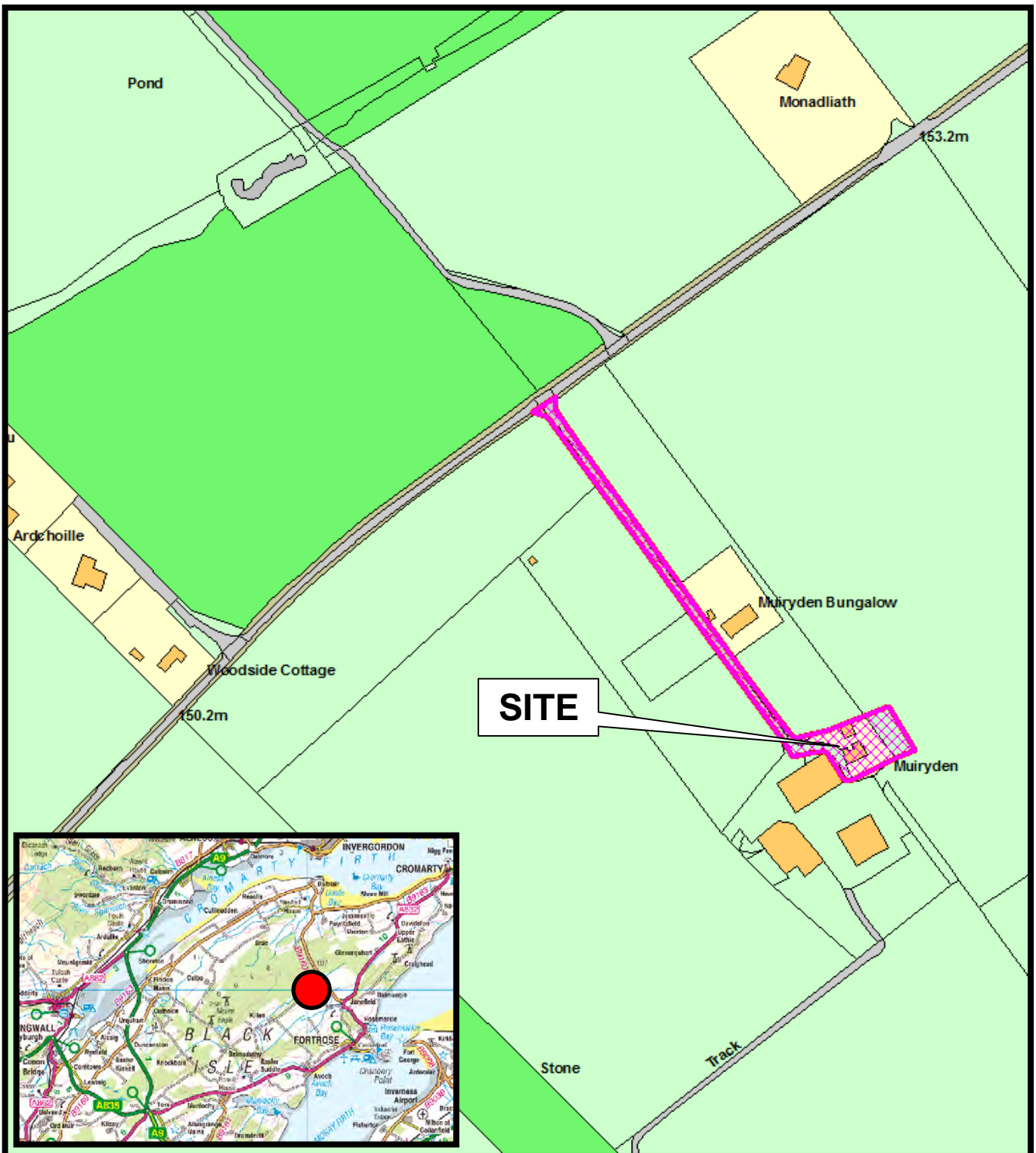
Designation: Acting Head of Development Management – Highland

Author: Erica McArthur

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

Relevant Plans:

- Plan 1 - Location Plan
- Plan 2 - Site/Location Plan 0312/300/A
- Plan 3 - House Ground Floor Plan 3012/301/A
- Plan 4 - House First Floor Plan 3012/302
- Plan 5 - House Elevations 0312/303/A
- Plan 6 - Garage Floor Plan and Elevations 0312/304

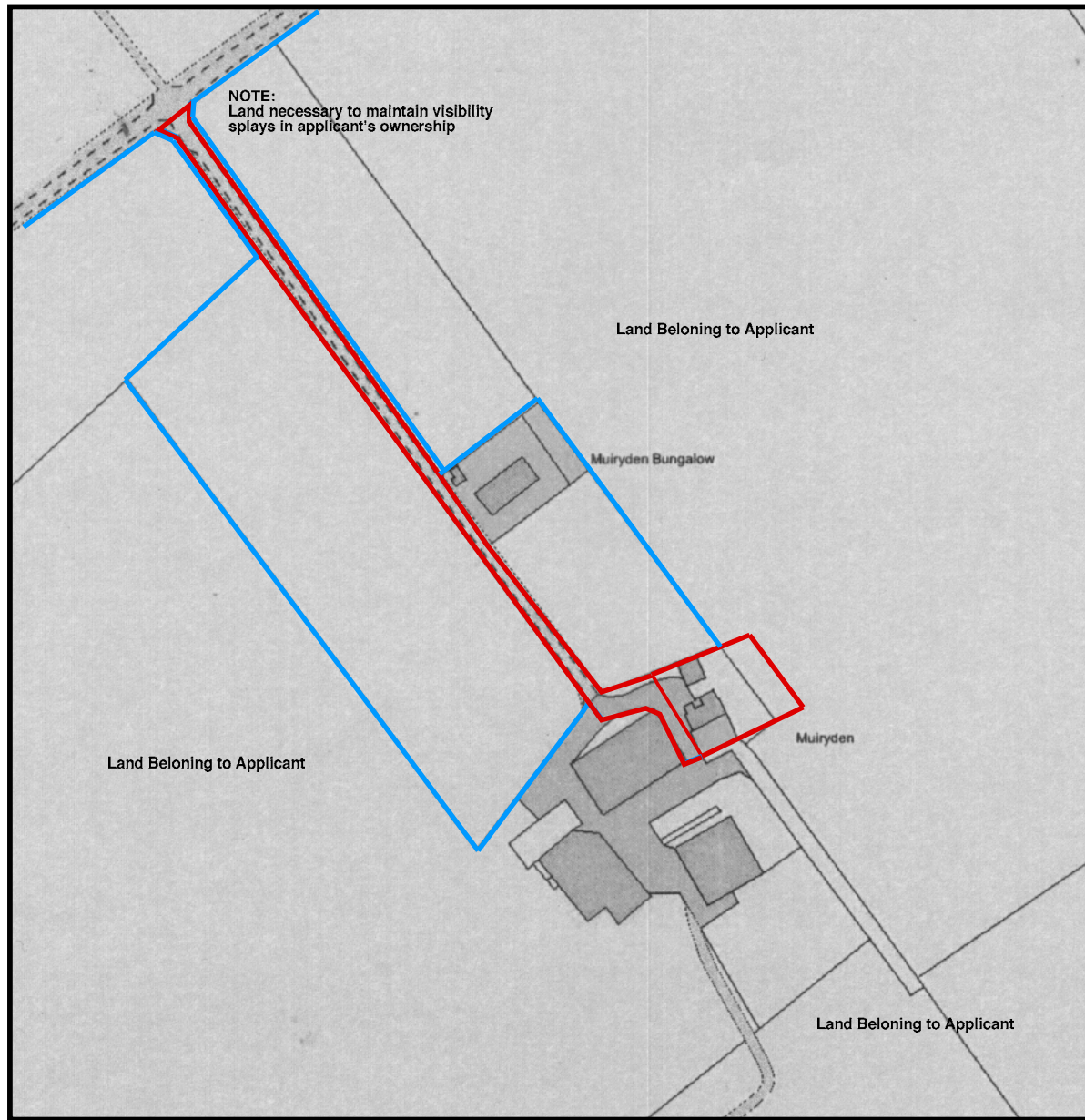


19/03904/FUL

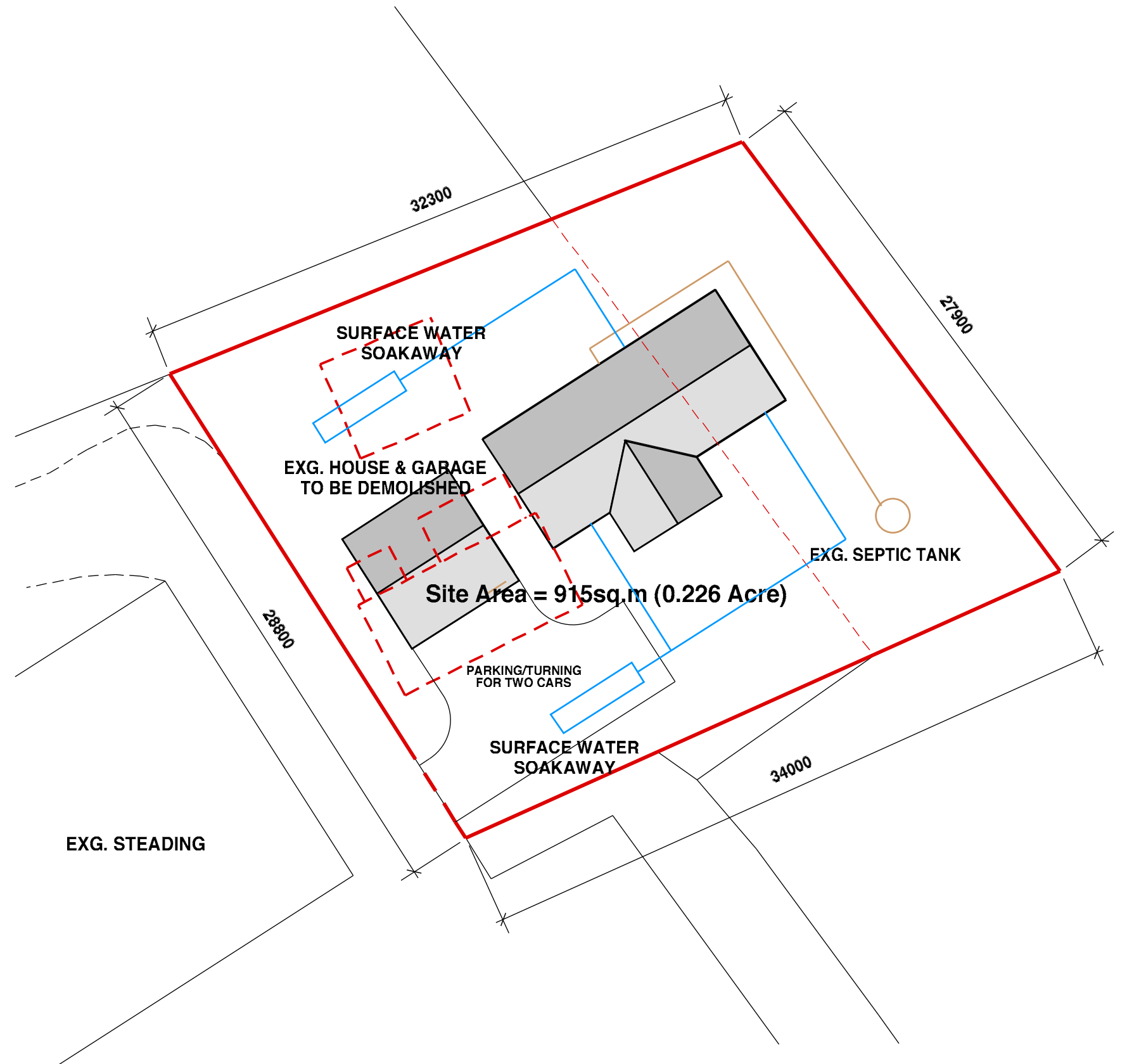
Demolition of farmhouse and erection of replacement house and garage (Renewal of planning permission 16/02619/FUL)

at Muiryden Farmhouse, Fortrose





Location Plan



Site Plan

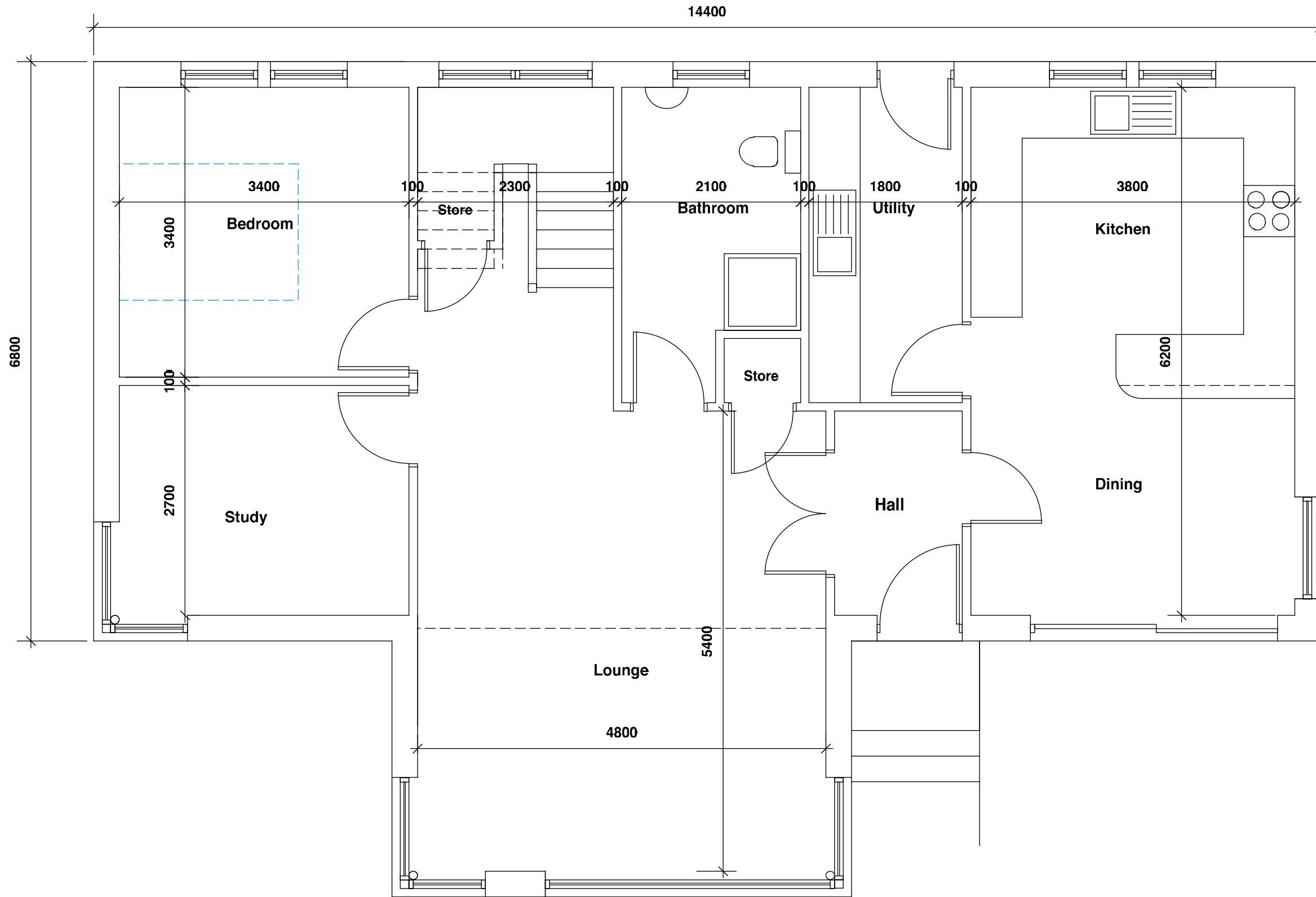
PROJECT:
 New House & Garage
 Muiryden
 Fortrose
 Ross-shire

NOTES:
 DO NOT SCALE
 ALL DRAWINGS MUST BE CHECKED
 PRIOR TO COMMENCEMENT AND ANY
 DISCREPANCIES MUST BE REPORTED
 TO THIS OFFICE



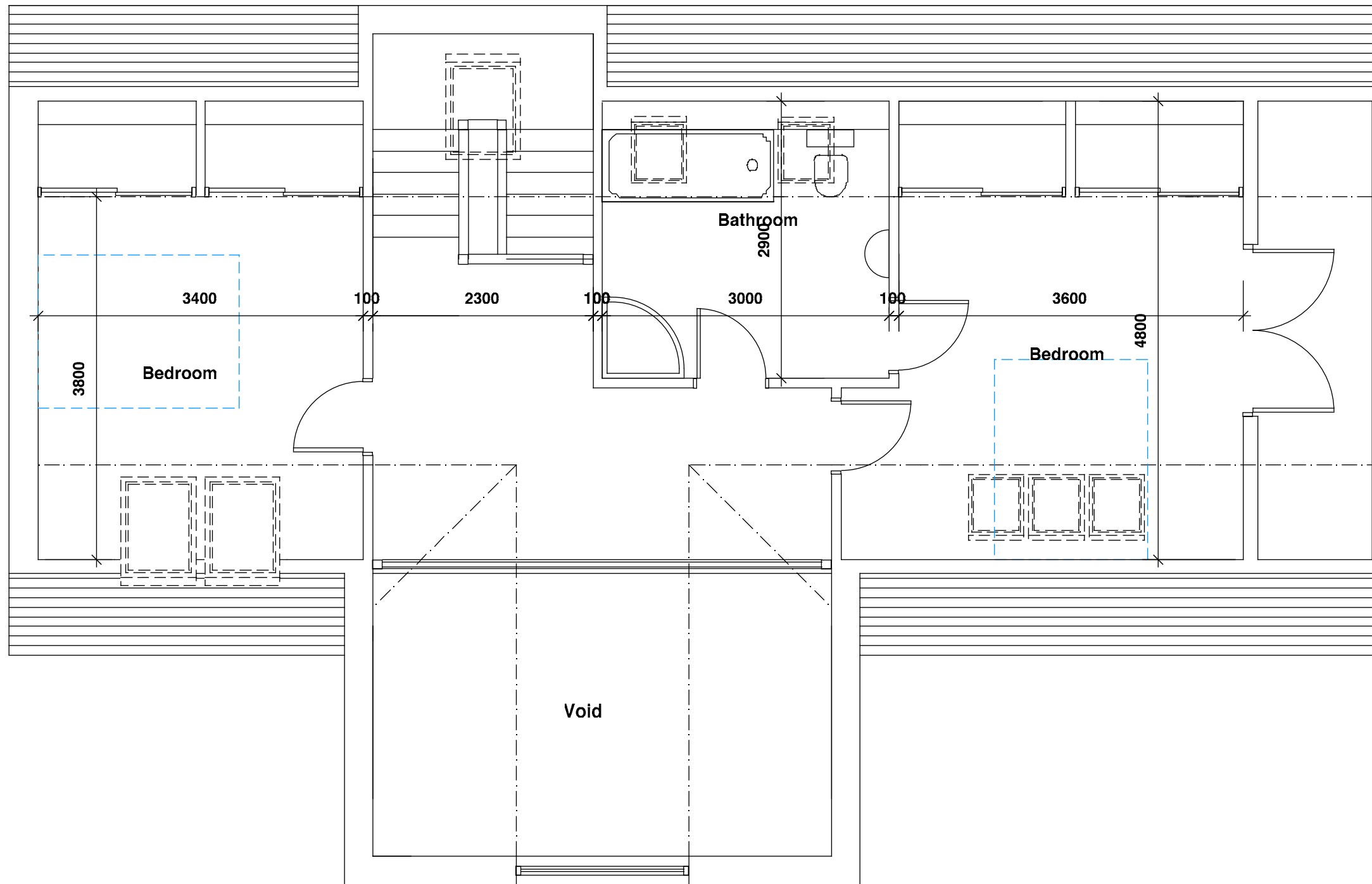
DRAWING TITLE:
 Location/Site Plan
CLIENT:
 Mrs J Barclay

SCALE: 1:1250; 1:250 @ A3
DATE: 22.09.2009
DRAWN: D.M. | **REV:** -
0312/300/B



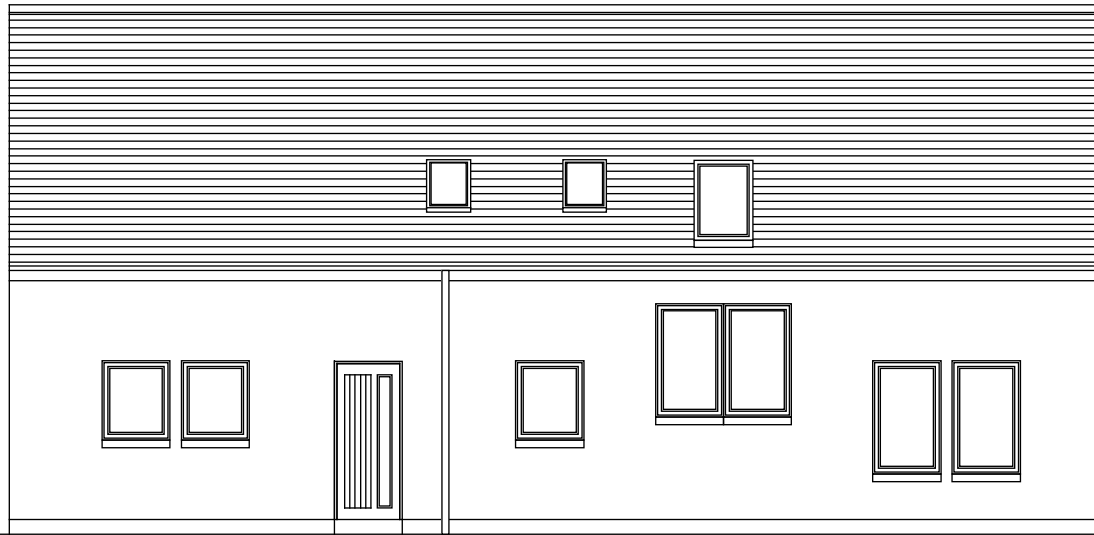
Ground Floor Plan (100sq.m)

PROJECT: New House & Garage Muiryden Fortrose Ross-shire	NOTES: DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE	_____ ARCHITECTURE ○ DESIGN ○ PROJECT MANAGEMENT		DRAWING TITLE: Ground Floor Plan	SCALE: 1:50 @ A3
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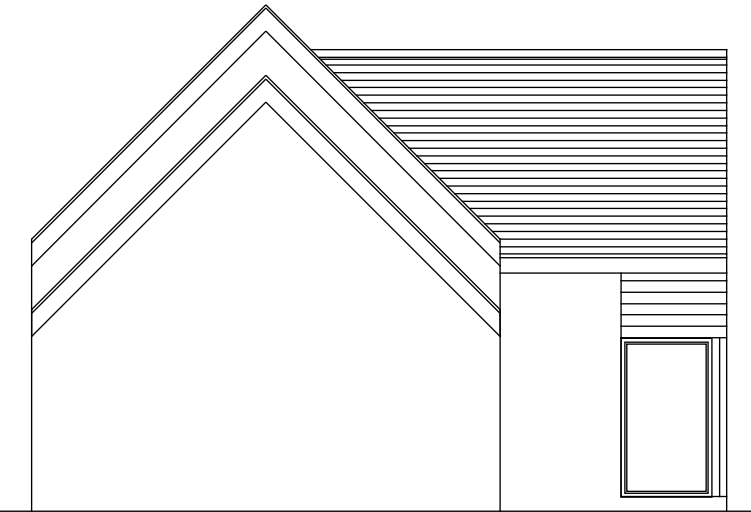
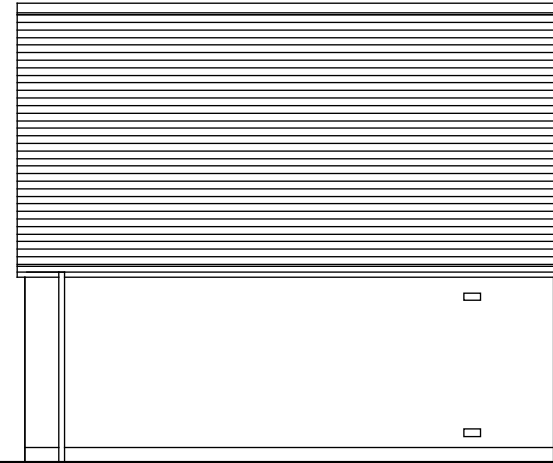


First Floor Plan (62sq.m)

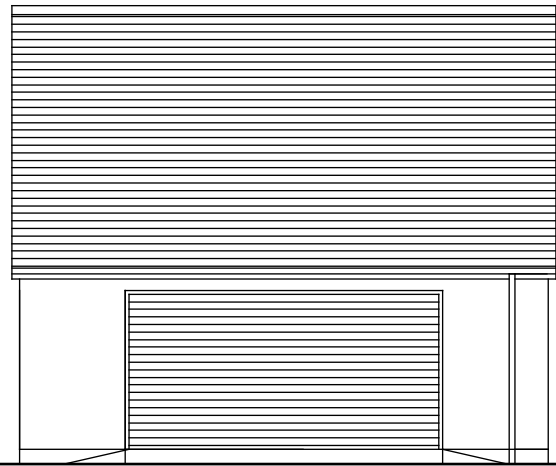
PROJECT: New House & Garage Muiryden Fortrose Ross-shire	NOTES: DO NOT SCALE ALL DRAWINGS MUST BE CHECKED PRIOR TO COMMENCEMENT AND ANY DISCREPANCIES MUST BE REPORTED TO THIS OFFICE		DRAWING TITLE: First Floor Plan	SCALE: 1:50 @ A3
			CLIENT: Mrs J Barclay	DATE: 12.08.2009 DRAWN: D.M. REV: - 0312/302



North West Elevation



South West Elevation



South East Elevation



Natural Slate Roof Finish

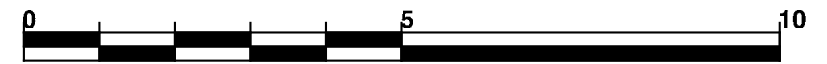
Larch Cladding

Wit Wet Dash Harling

Aluminium Clad Timber Windows



North East Elevation



Scale in Metres

PROJECT:
New House & Garage
Muiryden
Fortrose
Ross-shire

NOTES:
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TO THIS OFFICE

ARCHITECTURE ○ DESIGN ○ PROJECT MANAGEMENT

DRAWING TITLE:
Elevations

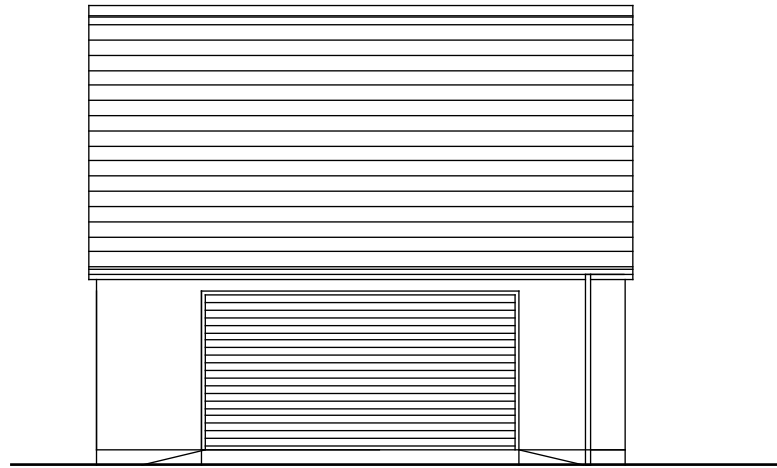
CLIENT:
Mrs J Barclay

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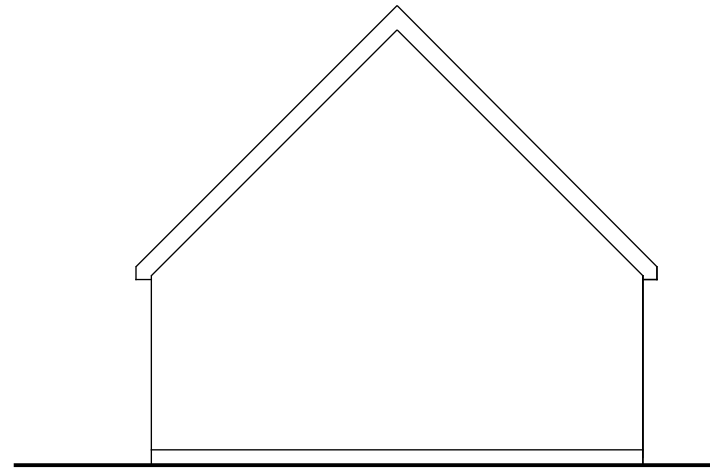
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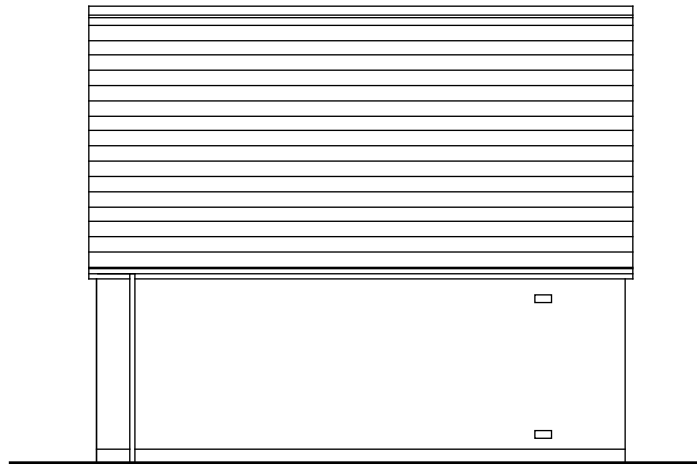
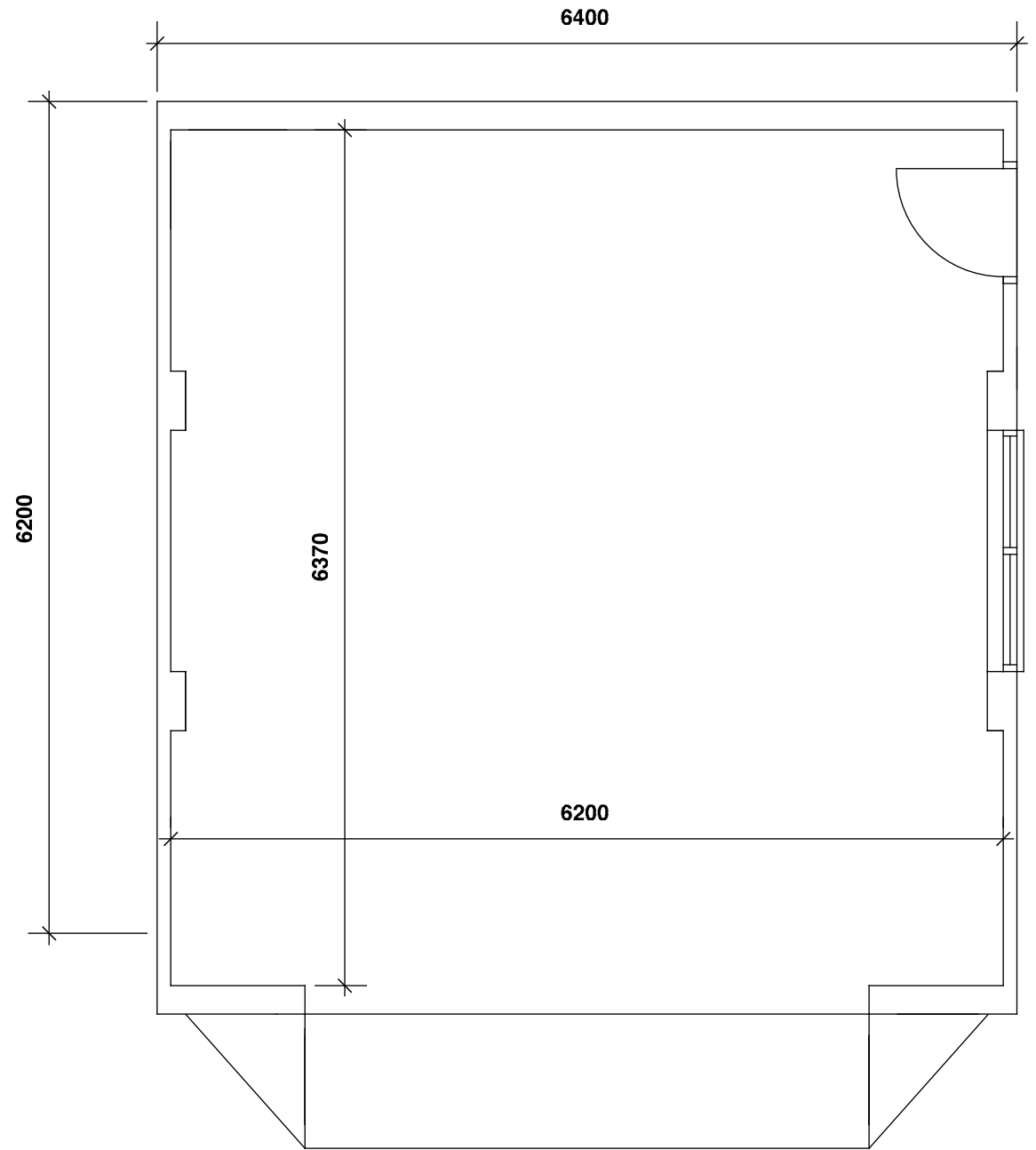
0312/303/A



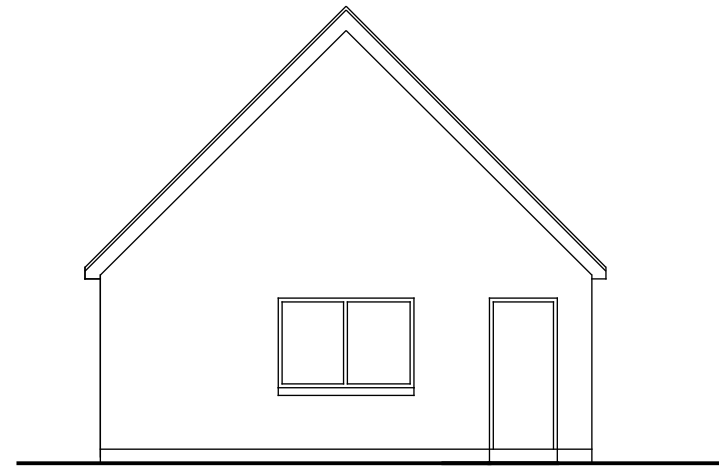
Front Elevation



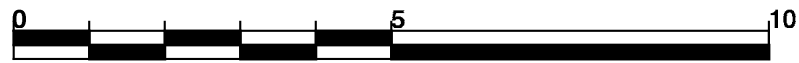
Side Elevation



Rear Elevation



Side Elevation



Scale in Metres

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Fortrose
Ross-shire

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TO THIS OFFICE



DRAWING TITLE:
Garage
CLIENT:
Mrs J Barclay

SCALE: 1:100 @ A3
DATE: 12.08.2009
DRAWN: D.M. **REV:** -
0312/304