

Agenda Item	7.1
Report No	PLS/006/20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 28 January 2020
Report Title: 19/03305/FUL: Mr W MacIntyre
Brackletter Lodge, Spean Bridge, PH34 4EX
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Siting of four holiday letting pods
Ward: 11 - Caol And Mallaig

Development category: Local

Reason referred to Committee: 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.

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 Planning permission is sought for 4 camping pods, each measuring 5.4m by 3m in floor area and 3m high, containing a double bed, bathroom and basic kitchen facilities. The pods have a curved roof in the style of an upturned boat hull, with glazed double doors in the front and a small window in the rear. The pods would stand on a timber deck that would surround them on 3 sides.
- 1.2 They would be approx. 60m SW of Brackletter Lodge, which is a new house, off the Highbridge to Camisky road, 4½km NW of Spean Bridge and 1.3km south of Gairloch. The owners of Brackletter Lodge intend to let the pods as tourist accommodation, managed by them. They own 97Ha of surrounding land that was forestry, and has now been clear felled.
- 1.3 Pre-Application Consultation: None
- 1.4 Supporting Information: Response to objection
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The property as a whole stands in the middle of a former forest plantation, sections of which have been felled. The house and pods are in a cleared area which is elevated, and drops down to the north to the River Lochy and the Caledonian canal at Gairloch.
- 2.2 The site is approx. 340m along a private drive that serves Brackletter Lodge. It is off the minor single track road which forms a loop off the A82, serving Highbridge and Camisky.
- 2.3 The site lies within the Parallel Roads of Lochaber Site of Special Scientific Interest, the citation for which identifies its outstanding importance for its range of Quaternary and fluvial geomorphology features.

3. PLANNING HISTORY

- | | | | |
|-----|----------|--|--|
| 3.1 | 25.01.11 | 10/00022/PIPLO – erection of house on land 500m North West Of Moonstone Cottage, Spean Bridge | Planning Permission in Principle Granted |
| 3.2 | 29.11.10 | 10/03494/FUL – erection of garage on land 500m North West Of Moonstone Cottage, Spean Bridge | Planning Permission Granted |
| | 27.10.11 | 11/00371/FUL – erection of house incorporating two self contained units on land 500m North West Of Moonstone Cottage, Spean Bridge | Planning Permission Granted |

4. PUBLIC PARTICIPATION

4.1 Advertised: Oban Times – unknown neighbour

Date Advertised: 09.08.19

Representation deadline: 22.08.19

Timeous representations: 0

Late representations: 0

4.2 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.

5. CONSULTATIONS

5.1 **Spean Bridge, Roy Bridge and Achnacarry Community Council** has objected on the following grounds:

"The Community Council recognize that Scottish Planning Policy is supportive of the establishment of new enterprises in rural locations, whether that is through existing businesses entering into new areas of activity, or the creation of entirely new enterprises. The development of holiday letting pods to provide self-catering tourist let accommodation where accommodation relates to a clearly defined business opportunity relating to the development of tourism and supported by a business plan.

The applicant and his Agent have singularly failed to provide a comprehensive statement including a description of the proposed business including extent, operations, infrastructure and labour requirement. It would also be expected that the applicant would say why this rural location is appropriate to the business, whether they had examined the potential to use alternative existing accommodation in the area and whether there is demand for what is proposed.

This proposal does not make a positive contribution to the architectural and visual quality of the place in which it will be located. Neither does it demonstrate sensitivity and respect to the local distinctiveness of the landscape, architecture, design and layout.

The relevant Planning Policies that we consider are appropriate to this application are:

Policy 28 - Sustainable Design

Policy 29 - Design Quality and Place Making

Policy 35 - Housing in the Country side (Hinterland Areas)

Policy 43 - Tourism

Policy 61- Landscape

There is a general presumption against development in the Hinterland unless it falls into clearly defined categories. Our examination of the Supplementary Guidance Housing in the Wider Countryside with particular reference to the Hinterland shows

that in the absence of the supporting information relating to the establishment of a new or existing rural business this Application fulfils no other of the required criteria.

Accordingly the Community Council has unanimously decided to object to the proposal on the grounds we have listed, and we continue to believe such developments should be built in villages instead of the wider countryside hinterland. We believe this is a speculative development more suited to a nearby village and we have consistently objected to such developments in the Hinterland.”

- 5.2 **Flood Risk Management Team:** No comments.
- 5.3 **Forestry Officer:** No response.
- 5.4 **SEPA:** No objections on fluvial flood risk grounds. Refer to Standing Advice with respect to foul drainage discharges, and surface water run off, and any waste peat or soils arising from construction activities.
- 5.5 **Scottish Water:** No objection. No public infrastructure in this area.
- 5.6 **SNH:** The site lies within an area identified as a “moraine mound”, however we have concluded that the proposal will not adversely affect the features of the SSSI. The integrity of the SSSI will not be compromised.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 35 - Housing in the Countryside (Hinterland Areas)
- 36 - Development in the Wider Countryside
- 44 - Tourist Accommodation
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 61 - Landscape
- 62 - Geodiversity
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 **West Highland and Islands Local Development Plan Sept 2019**

No specific policies apply.

6.3 **Highland Council Supplementary Planning Policy Guidance**

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

Flood Risk and Drainage Impact Assessment (Jan 2013)

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

Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

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.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
- include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

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 – tourist accommodation and hinterland policies
 - b) siting and design
 - c) impact on SSSI
 - d) drainage and flood risk
 - e) servicing
 - f) access and parking
 - g) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within the hinterland of Fort William where Policy 35 of the Highland wide Local Development Plan (HwLDP) sets out a general presumption against new housing development. Further detail relating to this policy is set out in the Housing in the Countryside Supplementary Guidance, including a number of exceptions where housing may be accepted.
- 8.5 Policy 44 states that tourist accommodation is supported within settlements and in the hinterland where it complies with Policy 35 and the Housing in the Countryside Supplementary Guidance. In the wider countryside it will be supported where it complies with Policy 36. Outwith settlements the Council will generally attach a condition to permissions in order to control occupancy and the use of the accommodation.
- 8.6 The proposed pods should not however be regarded as houses for the purposes of the hinterland policy. The nature of the accommodation proposed is such that they would not be likely to be permanently occupied, nor are they suitable as long term accommodation. Their small size and the nature of their construction in this case make them distinct from accommodation that could be used as permanent residential accommodation. They are exempt from the requirements of Building Standards. The more restrictive Policy 35 which limits new housing in the hinterland should not be applied to this development. There is no requirement for a business case to support the proposal therefore, and demand is similarly not an issue.

- 8.7 As camping pods they should be assessed against the more generic Policy 36, for all development in the wider countryside. This focuses on their acceptability in terms of siting and design, and whether they are sympathetic to the pattern of development, and landscape character and capacity; compatibility with nearby land uses, impact on croft land, and servicing requirements. Were the proposal to be acceptable in these respects development would accord with the Development Plan.

Sitting and Design

- 8.8 The pods would be in an isolated situation, associated with an existing house, and within a conifer plantation that is undergoing felling and re-modelling. It should be noted that the felling and any future re-planting of the wider forest block is managed through a Forest Plan overseen by Forestry and Land Scotland under controls separate to planning.
- 8.9 The pods are separated visually from the house by a small stand of pines that have been retained on a knoll to the SW of the house. The pods are sited on an area that has been levelled and a hard standing created, and they overlook Gairloch which is just over 1km to the north. The site is not conspicuous in the wider landscape. It would be backdropped by forestry in views from Gairloch. It would not be visible from the Highbridge to Camisky road.
- 8.10 No croft land would be affected. The pods can be readily serviced.
- 8.11 A condition to secure some landscape planting including native trees is recommended to soften the immediate setting around the pods.

Impact on SSSI

- 8.12 It is identified that the proposal will be located within a geomorphological feature, "moraine mound", that is one of the special landforms that characterises The Parallel Roads of Lochaber Site of Special Scientific Interest (SSSI). SNH confirms that despite the location of the development, that it does not consider that it will adversely impact the integrity of the SSSI.

Drainage and Flooding

- 8.13 There are several small pockets of land in the vicinity that are at risk of pluvial flooding, including one on the access track. This track has been significantly upgraded to form a domestic driveway to serve the house, and drainage is not likely to be an issue in accessing the pods.

Servicing

- 8.14 The pods are to be served by a new septic tank which has been installed to the NW side of the area of hard standing. This element is subject to Building Standards and to SEPA's standing advice.

- 8.15 The pods are close to a new house and a power connection is available from the driveway. A planning condition is recommended to secure further details of the water supply, which would appear to be private, and not from the mains as stated on the application form.

Access and Parking

- 8.16 The pods would be accessed via the private drive that serves Brackletter Lodge. This is adequate to serve the house, which is relatively new, and the 4 pods that are proposed. The access turning off the minor Highbridge to Camisky Road is satisfactory for this additional development. There is sufficient space for parking associated with each of the pods. Accords policies 28 and 56 in this respect.

Other material considerations

- 8.17 It would be appropriate to attach conditions to tie the management of the pods to Brackletter Lodge because of their proximity to this property, and to attach occupancy conditions to ensure they are not used as permanent residential accommodation which would be contrary to the hinterland policy.

Matters to be secured by Section 75 Agreement

- 8.18 None.

9. CONCLUSION

- 9.1 The pods should be regarded as distinct from residential accommodation that is capable of permanent occupation. For this reason the hinterland policy, which is restrictive towards new houses in this area, would not apply. As a small group of camping pods in the wider countryside, the development would accord in principle with Policies 44 and 36. Conditions would tie the management of the pods to Brackletter Lodge, due to its proximity, and limit occupancy to holiday use only.
- 9.2 The pods are acceptable in terms of siting and design, and servicing. The development would have no adverse impact on the Parallel Roads of Lochaber SSSI and no significant pluvial flood risk to the access drive.
- 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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

Conditions and Reasons

1. The four camping pods hereby approved shall be used for holiday letting purposes only and shall not be used as a principal private residential or be occupied by any family, group or individual for more than three months (cumulative) in any calendar year. For the avoidance of doubt only the pods hereby approved shall be positioned on the site.

Reason: In accordance with the specified use as holiday accommodation and by reason of the pods' small size, their type of design and construction, lack of independent curtilages, the camping pods would be unsuitable for permanent residential accommodation, in accordance with policies 44 and 36 of the Highland wide Local Development Plan.

2. The four camping pods hereby approved shall be managed in conjunction with the occupation of Brackletter Lodge only.

Reason: In the interests of the amenity of the occupants of Brackletter Lodge, due to their proximity to the pods and shared access, in accordance with policy 28 of the Highland wide Local development Plan.

3. No development shall commence until an appraisal to demonstrate that a sufficient private water supply can serve the development has been submitted to, and approved in writing by, the Planning Authority. This appraisal shall be carried out by an appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: To ensure that an adequate private water supply can be provided to meet the requirements of the proposed development and without compromising the interests of other users of the same or nearby private water supplies, in accordance with policy 28 of the Highland wide Local development Plan.

4. No development, site excavation or groundwork shall commence until a scheme of hard and soft landscaping works, including a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved landscaping and Tree Planting Plans shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site, in accordance with policies 28 and 36 of the Highland wide Local development Plan.

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).

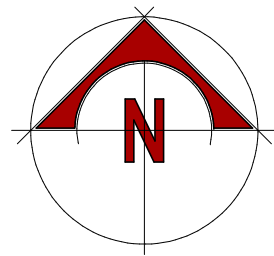
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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: Area Planning Manager – South
Author: Lucy Prins
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Layout Plan
Plan 3 - Floor /Elevation Plan – Design Sketch



Workings (dis)

Brackletter Lodge

NOTE ALL GROUND ON ALL SIDES OF PROPOSED SITE
AND EXISTING ACCESS ROAD IS OWNED BY THE APPLICANT

55.8m

72.8m

88.1m

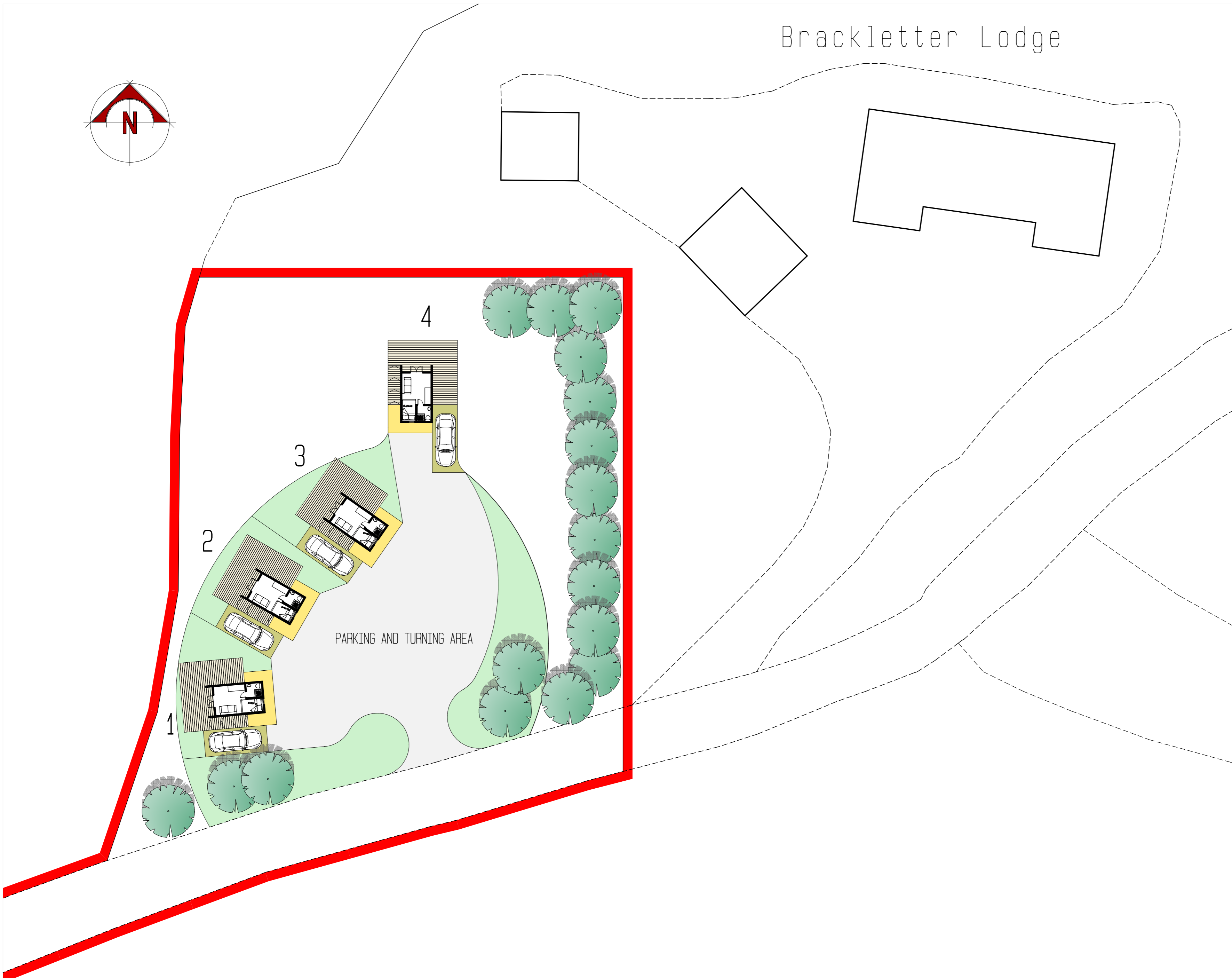
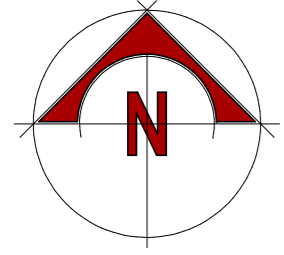
101.8m

C6

107.6m

19053 - LOCATION PLAN
PROPOSED 4NO. HOLIDAY PODS AT
BRACKETTER LODGE, SPEAN BRIDGE
SCALE : 1:2500

Brackletter Lodge



Note
The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

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project
PROPOSED 4 NO. HOLIDAY PODS
AT BRACKLETTER LODGE, SPEAN BRIDGE

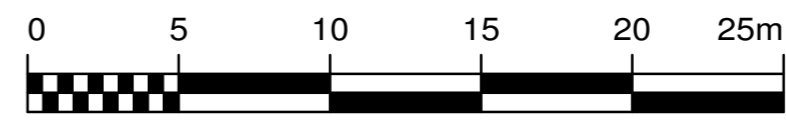
client
MR. W. MACINTYRE

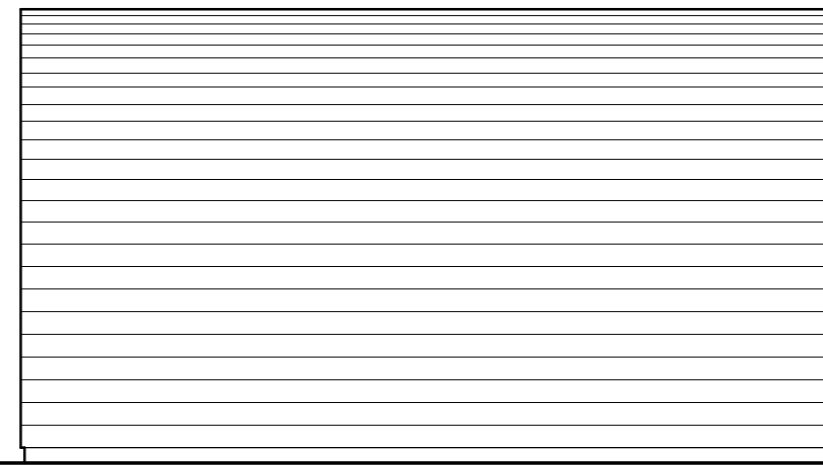
detail
SITE PLAN

DKD
D KELLY DESIGN
Architectural Consultant

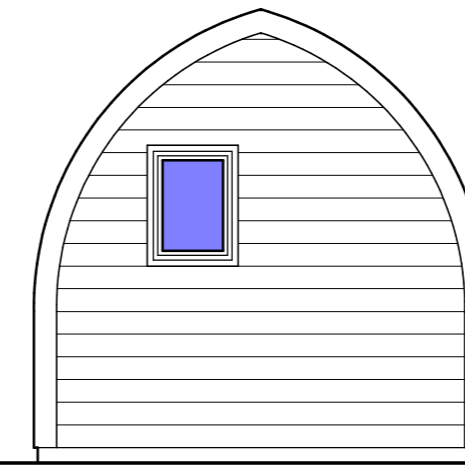
Queen Anne House • 111 High Street
Fort William • PH33 6DG
Tel: 01397 700999 • Fax: 01397 700888

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	drawn D. KELLY

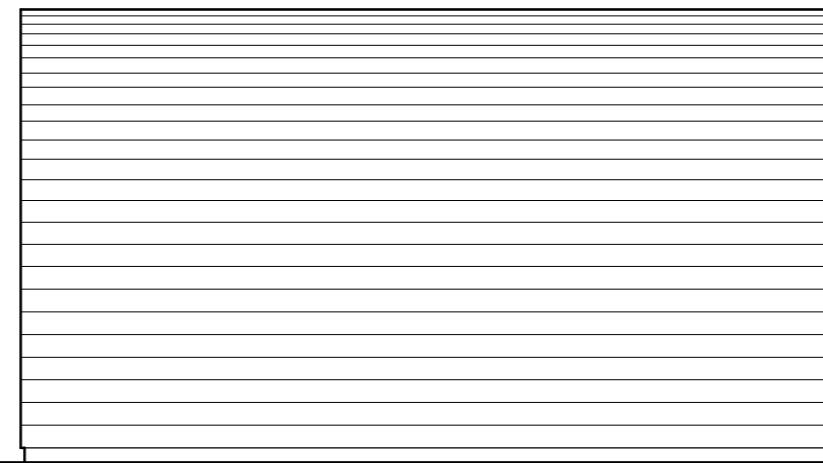




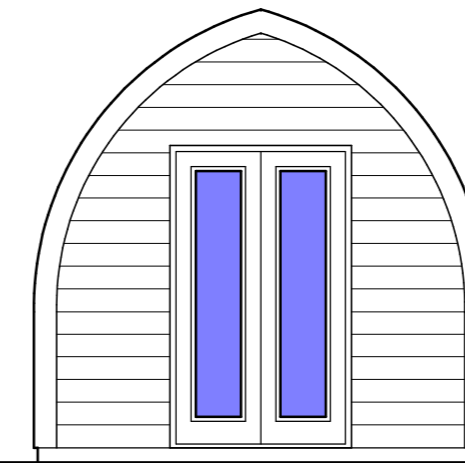
SIDE ELEVATION



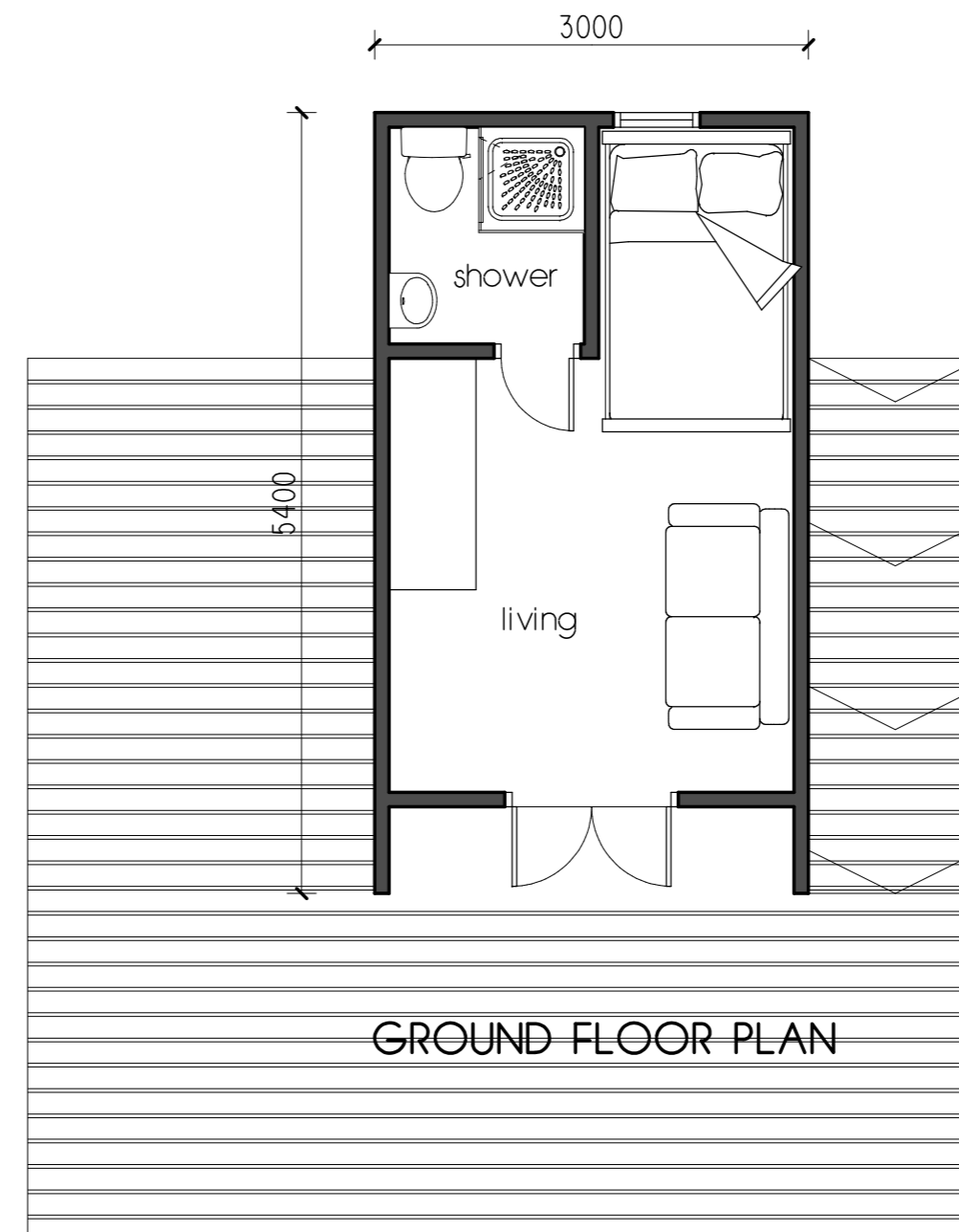
REAR ELEVATION



SIDE ELEVATION

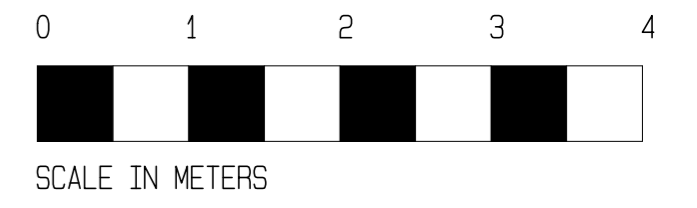


FRONT ELEVATION



GROUND FLOOR PLAN

Note
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project
 PROPOSED 4 NO. HOLIDAY PODS
 AT BRACKLETTER LODGE, SPEAN BRIDGE

client
 MR. W. MACINTYRE

detail
 DESIGN SKETCH

DKD
 D KELLY DESIGN
 Architectural Consultant
 Queen Anne House • 111 High Street
 Fort William • PH33 6DG
 Tel: 01397 700999 • Fax: 01397 700888

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