

Agenda Item	6.1
Report No	PLS-034-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 16 June 2020
Report Title: 20/00083/FUL : Mr Paul Nicoll
Balnagowan Island, Duror
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of extension
Ward: 21 - Fort William And Ardnamurchan
Development category: Local
Reason referred to Committee: Community Council objection

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 an extension to a small cottage which is the only habitation on this island. The extension would be significantly larger than the existing cottage, making the extension appear as the main part of the dwelling and the existing cottage the subservient part. The dwelling, as proposed, could be used as a house and attached annex. In total the property would have 3 bedrooms: two small bedrooms in the existing cottage and one large bedroom taking up the first floor in the “extension”. The new element would be 7m high to the ridge, and 11m wide across the frontage, 1¾ storeys high with 3 dormer windows to the front, and a single storey lean-to element at the rear. The development would have a traditional style, rectangular, with a symmetrical pitched roof, chimneys on each gable and traditional window style. It would match the existing cottage in terms of design and materials – white dash render and a slate roof.
- 1.2 All of the services are private; the water supply is from a private bore hole – there is a collection tank in the grounds of the house. Foul drainage is to a septic tank, also in the grounds, and surface water is to a soakaway. Permission has recently been granted for a pier serving the island, and there is a short gravel track linking the bay where the owner’s mooring is to the cottage.
- 1.3 Pre Application Consultation: Advice provided regarding the relevant planning issues – sustainability of a single dwelling on an island.
- 1.4 Supporting Information: Landscape and visual appraisal, location information
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 Eilean Balnagowan comprises approx. 36 acres (14.5Ha) and lies in Loch Linnhe off the coast of Appin, and to the SW of Cuil Bay. The bothy is sited at the back of a small SW facing bay in the southern part of the island. The bay in which the bothy is situated is fenced off between two rocky ridges, however there is no enclosure or residential curtilage around the buildings.
- 2.2 The island consists of 2 rocky ridges joined by a strip of lower ground. There is scrubby woodland, low rocky cliffs and more open areas with bracken and brambles. The current owner has cleared some of the bracken and brambles and introduced a small flock of Soay sheep. The island has many breeding seabirds and other ground nesting birds, and otters and seals are known to breed around the shore.
- 2.3 Approximately 200m north of the bothy are the remains of a circular stone walled enclosure, which is listed on the Historic Environment Record, but no details are given. The island is occasionally visited by kayakers etc., who can camp however the lack of facilities limits the amount of disturbance by visitors.

3. PLANNING HISTORY

3.1	17.10.2011	Erection of bothy (11/00990/FUL)	Planning Permission Granted
3.2	14.01.2014	General purpose building for storage of feed, machinery, tools etc, and as emergency winter housing for livestock (13/03945/PNO)	Prior Approval given
3.3	17.06.2019	Application under Section 42 to remove Condition 3 of planning permission 11/00990/FUL (to allow permanent occupation) (18/05901/S42)	Planning Permission Granted
3.4	16.09.2019	Installation of pontoon (19/02190/FUL)	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: N/A

Date Advertised: N/A

Representation deadline: 12.05.2020

Timeous representations: 0

Late representations: 0

4.2 Material considerations raised are summarised as follows:

a) None

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Duror Community Council:** 'The Community Council, partly representing residents whose homes overlook Balnagowan Island, has concerns about what seems to be a creeping escalation in the development of the island. In particular, this proposed extension to an existing bothy both in terms of the accommodation to be provided and the relative balance between what is existing and what is to be built looks more like the building of a dwelling house. We have to object.'

5.2 **Development Plans** has concerns about the permanent occupation of dwellings on previously uninhabited islands because of the public service expectation. National policy will however soon support re-population of cleared Highland glens but whilst support is likely for properly serviced new communities it is unlikely to be intended to support one off houses on tiny islands that have no tradition of crofting and no cleared townships. No developer contributions are required because the two

relevant schools are forecast to operate well within their physical capacities. Transport, water, waste and public art contributions are aimed at larger scale development with wider impacts so are not applicable to this application.

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 & Place-making
- 30 - Physical Constraints
- 36 - Development in the Wider Countryside
- 49 - Coastal Development
- 56 - Travel
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats

6.2 West Highland and Islands Local Development Plan 2019

No specific policies apply.

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions (March 2013)
- Highland's Statutorily Protected Species (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

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 housing⁴¹ 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
 - b) design and layout
 - c) the extent to which a larger residential property would impact on environmental protection policies
 - d) the extent to which a larger residential property would represent sustainable development in terms of access to services and facilities
 - e) any other material considerations.

Development plan/other planning policy

- 8.4 Proposals for house extensions are supported by development plan policy where they are sympathetic to the character of the original building and have no significant adverse impact on the character of the area or on the amenity of neighbouring occupiers. Providing that this is the case and that there would be no adverse impact on the natural and cultural environment the proposal would comply with the development plan.

Design and layout

- 8.5 The extension would not be subservient to the existing cottage; it would in fact make the existing cottage subservient to it. This would not normally be encouraged under the Council's non-statutory guidance on house extensions. However, given the isolated situation and the high quality of siting and design, the development would not cause an adverse impact on the area or individual and/or community residential amenity.
- 8.6 The two elements of the property would lend themselves to the existing cottage becoming an annex, which could be used semi independently. It would have its own staircase and kitchen and bathroom facilities, which may or may not be retained as part of the proposed development. There is a connecting door at ground floor level only. However, for the properties to be used independently planning permission would be required for the subdivision of what is a single planning unit.

Impact on environment

- 8.7 The cottage was originally granted permission on the basis that it was a bothy, and its small size, the lack of associated infrastructure and its proposed use which was to be as holiday accommodation only, would have a limited impact on the environment. The holiday occupancy condition was removed last year because it was accepted that the relative environmental impacts of the cottage being occupied permanently compared with it being let as a holiday cottage are not significantly different.
- 8.8 Land management practices would impact on the environment and the nature conservation of the island rather more than a planning restriction on occupancy.
- 8.9 Similarly, it is considered that the relative size of the property will not impact on the environmental and nature conservation interests of the island. As proposed it would still be a relatively modest size of house.
- 8.10 The property as a whole is sited and designed in a way that would not have an adverse impact on the landscape. The island is not within any landscape designation. It is not prominent from the mainland, however even if it was, its siting and design are a high quality and would not adversely affect views.

Access to services and facilities

- 8.11 The property is entirely reliant upon private arrangements for access, water supply, foul drainage, and other services such as waste disposal. These are adequate to serve the proposed extension. The owner removes their waste off the island. All supplies, including wood fuel, coal and diesel are brought on to the island by the owner by boat (they also have renewable means of power). The island is only accessible by boat, and the current owner travels in from Linnhe Marine. Permission has been granted for a pier, which will make landing on the island easier and safer. It will also make movement of livestock easier, and potentially facilitate further development on the island.
- 8.12 The Council does not provide any facilities or services to the island at present. It is likely that the Council, or other public bodies, would be obliged to provide services to the occupiers of the cottage in the future (e.g. social care or potentially school transport). The cottage is therefore less compatible with public service provision than a site within or close to a settlement. These criteria are listed in Policy 28. This policy seeks to ensure new development is sustainable. However, whether the property is restricted in size to the existing cottage or enlarged as proposed would make little difference to its sustainability.
- 8.13 The creeping escalation of development on the island is subject to planning controls, which will allow for scrutiny of future proposals. However, there is no policy basis at present on which to resist the extension currently proposed.

Developer Contributions

- 8.14 As an extension to an existing dwelling house no developer contributions are required. (None required in any event for Duror primary and Kinlochleven High schools.)

Other material considerations

- 8.15 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 8.16 a) None

9. CONCLUSION

- 9.1 The impact of the property on the environment and nature conservation interest of the island is not considered to be significantly different as a consequence of the proposed extension. The management of the land would be the most significant factor influencing the land cover, habitats and species present.
- 9.2 This is one example of an isolated property, situated entirely off grid and with private servicing, and this situation is repeated to a greater or lesser extent in other parts of the Highlands. Emerging policy takes a sequential approach to the siting of new residential development, favouring settlements first because they are the most sustainable location for new residential development. However, current policy does not preclude residential development in very isolated situations where there may be demands for particular services in the future. The servicing of the property would continue to be the responsibility of the owner, and its increase in size and its continued permanent occupation as a house would not appear to place a burden on public services in the short term. However, there is a chance this could change in the future if occupancy/ownership were to change. Having said that, there is no policy basis currently on which to resist the extension of this cottage.
- 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 N issued

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

Conditions and Reasons

1. The external finish materials used in the development shall match those of the original building.

Reason: In order to retain and/or protect important elements of the existing character and amenity of the site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

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

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.

Septic Tanks & Soakaways

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

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.

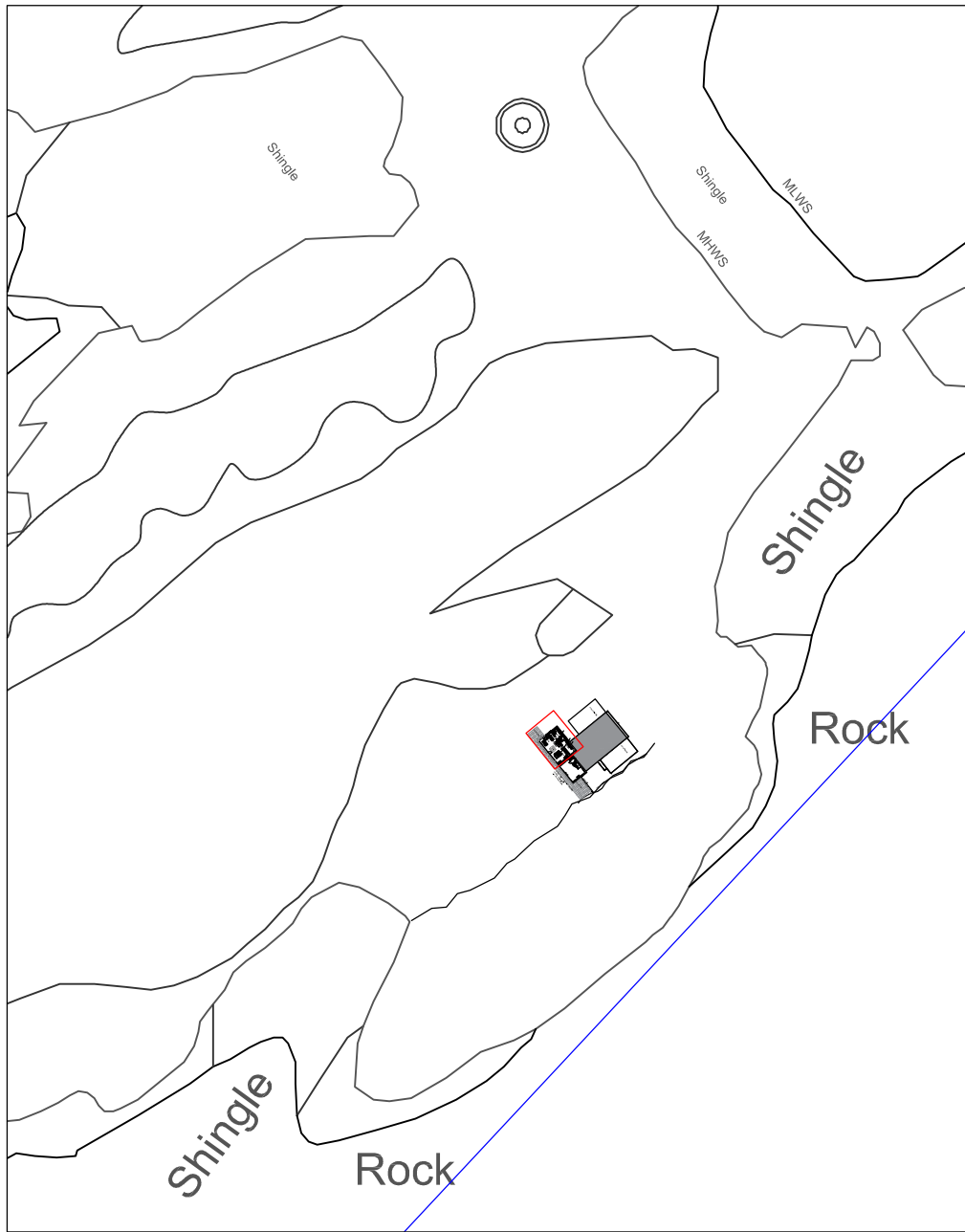
Protected Species – Halting of Work

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

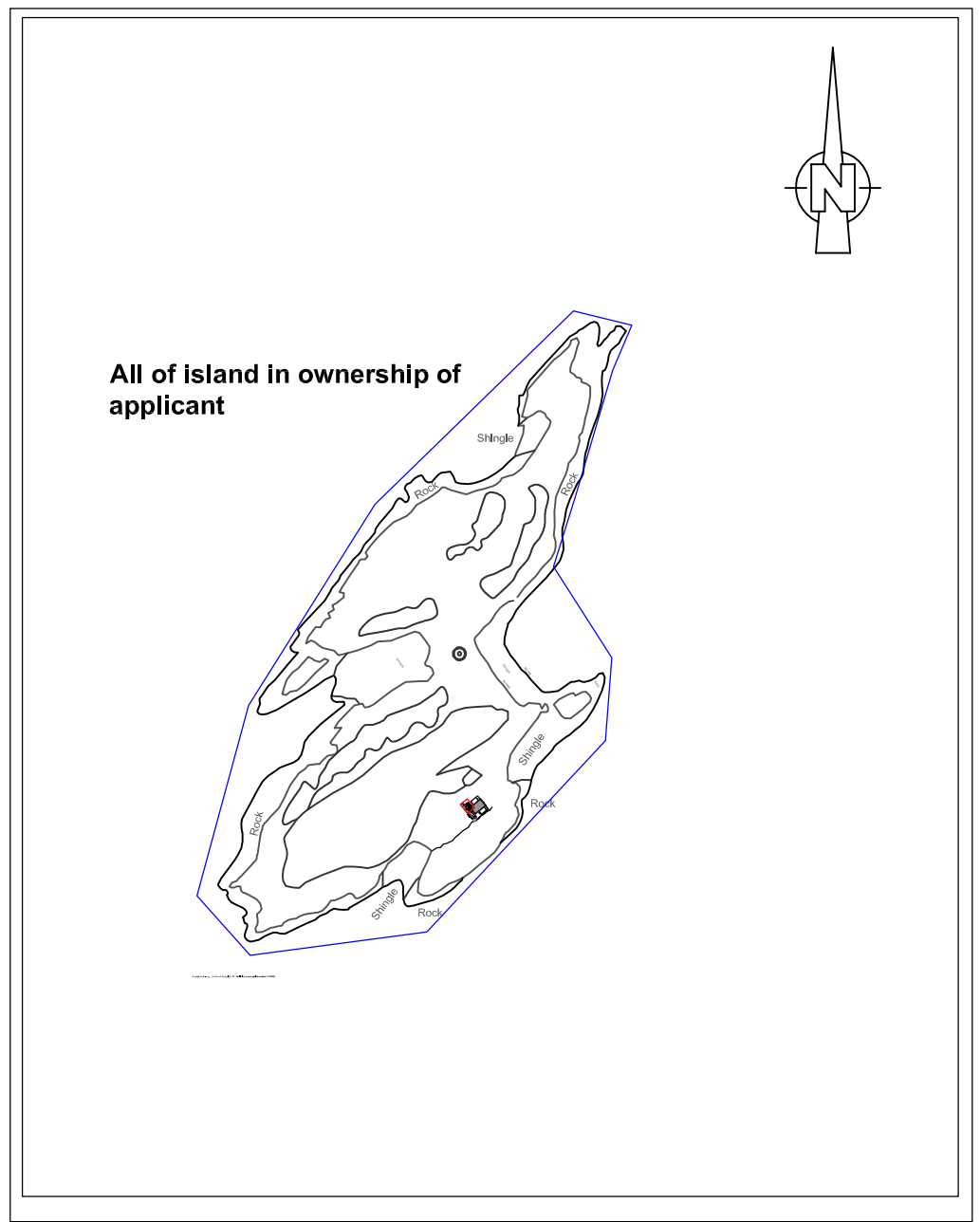
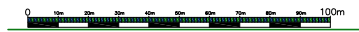
Subdivision of planning unit

For the avoidance of doubt, the original property and its extension is considered to constitute a single planning unit. Any proposal to subdivide the property for additional residential, or any other, use will likely require planning permission.

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 PL004
Plan 2 - Location/Site Layout Plan H 001
Plan 3 - Proposed Site Layout Plan PL005
Plan 4 - Floor Plan 000002
Plan 5 - Proposed Floor Plans PL001
Plan 6 - Elevations 000001
Plan 7 - Elevation Plan - Proposed N+S Elevations PL002
Plan 8 - Elevation Plan - Proposed E+W Elevations PL003

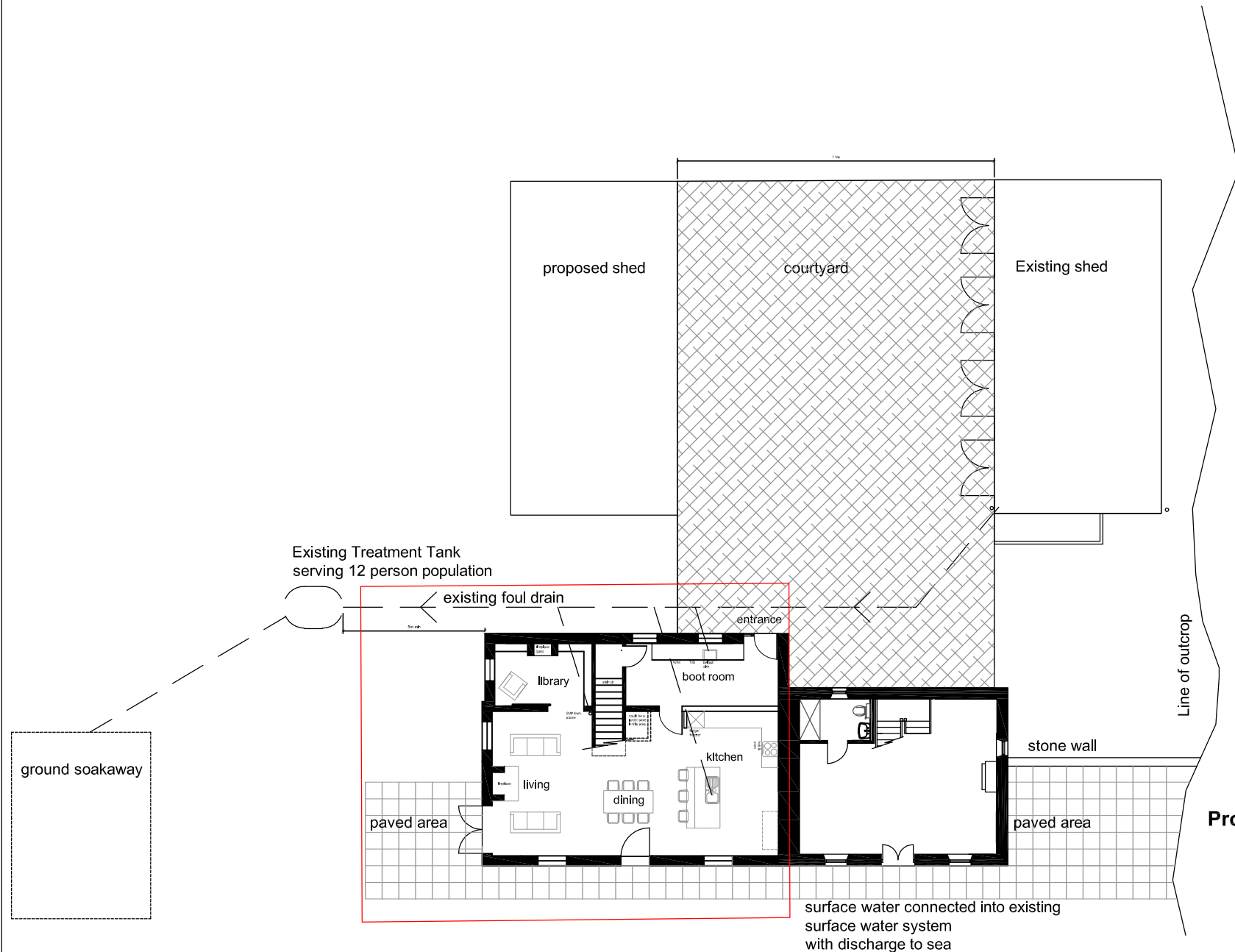


Location plan scale 1/2500



Location plan scale 1/10,000

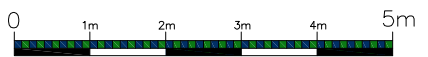
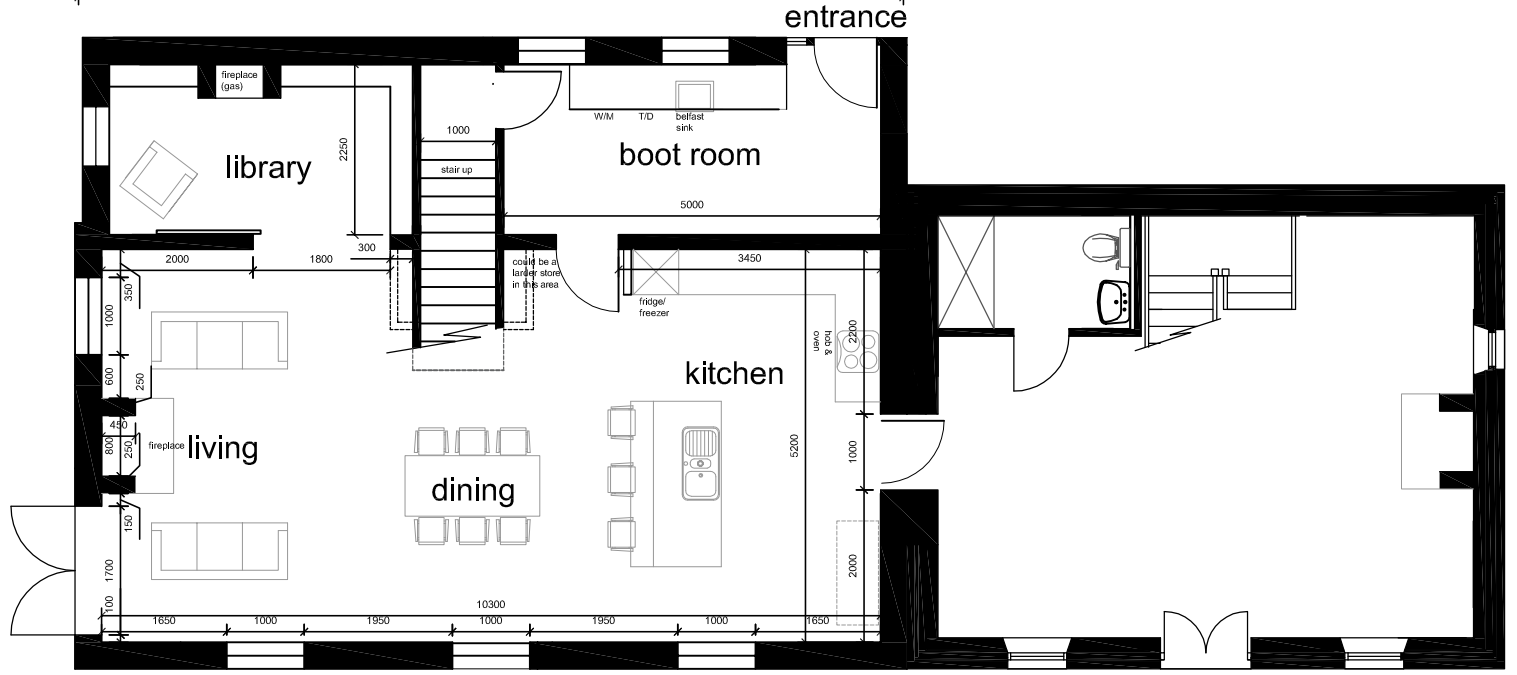
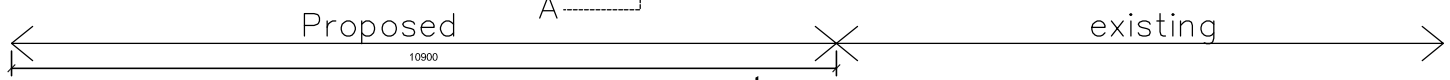
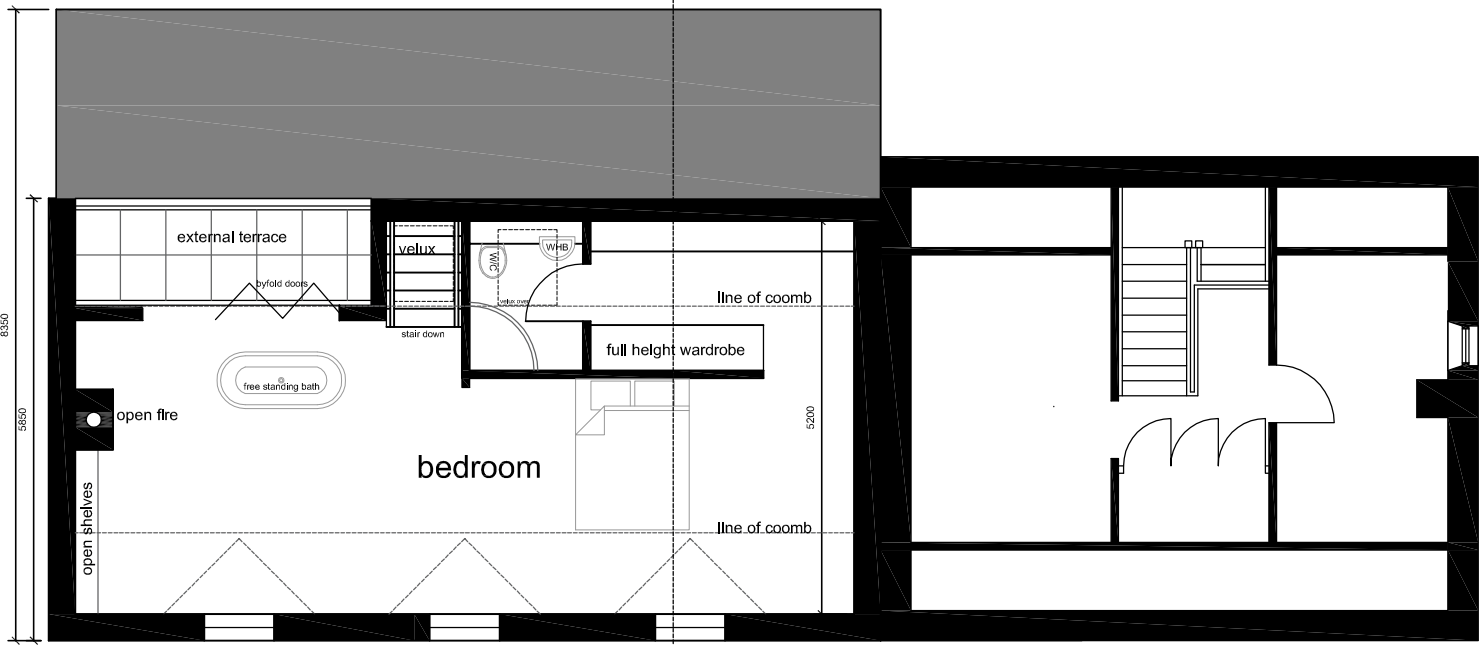




**Balnagowan Island
Proposed Extension to Existing
Dwelling**

**Proposed Site Plan
PL005**

Scale ; 1/100 A4



**Proposed Bothy
Balnagowan Island**

**Proposed Floor Plans PL001
Scale ; 1/100 A4**



← Proposed existing →
 South Elevation



← existing Proposed →

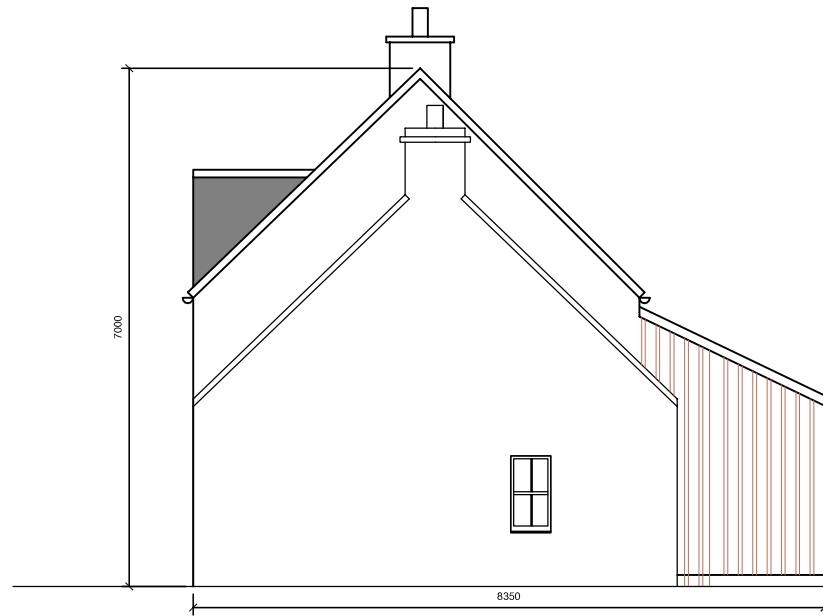


**Proposed Bothy
 Balnagowan Island**

**Proposed N&S Elevations
 PL002
 Scale ; 1/100 A4**



West Elevation



East Elevation



**Proposed Bothy
Balnagowan Island**

Proposed E&W Elevations

PL003

Scale ; 1/100 A4