

Agenda Item	6.1
Report No	PLN/026/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 10 April 2021

Report Title: 20/02282/PIP: Lochcarron Estate
Land 60M East of Uisge Mara, Dalaccladdich Road, Lochcarron

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Erection of house

Ward: 05 - Wester Ross, Strathpeffer and Lochalsh

1.2 **Development category:** Local development

Reason referred to Committee: Number of 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 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks Planning in Principle for the erection of a single dwelling house.
- 3.2 Pre Application Consultation: None
- 3.4 Supporting Information: A brief Design and Access Statement has been submitted along with a Private Access Checklist.
- 3.5 Variations: Location and Site Layout Plans amended to show access to onto public road along the shore of Lochcarron, rather than the private track to west, and the site area has been reduced to pull the southern boundary away from a buried sewage pipeline – drawing nos. 000001 Rev. A, 0096-10 REV B and 0096-11 - received 14.09.2020.

4. SITE DESCRIPTION

- 4.1 The site comprises an area of open land at the southern end of the single-track public road (known as Dalaccladdich Road) which terminates at a Scottish Water waste-water treatment facility. Existing houses lie to the north west of the site, on the western side of this road.

5. PLANNING HISTORY

- 5.1 20/00700/PREAPP – Positive advice in 17.03.2020
respect of this single house plot.

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour.

Date Advertised: 10.07.2020

Representation deadline: 24.07.2020

Timeous representations: 6 objections from 5 households, and one objection from Lochcarron Community Council

Late representations: None

- 6.2 Material considerations raised are summarised as follows:

- a) Proposed access along existing private track would require improvement work and would prevent public access to the shore and the Carrachan promontory from this track.

Officer response: As noted above, the application has been amended to take access along Dalaccladdich Road to the north east of the site instead of the original proposal to utilise the private track to the east. Transport Planning have no objection to this access arrangement.

- b) High pressure sewerage pipe across the site represents a constraint to development.

Officer response: Scottish Water have advised that provided there is no mechanical excavation and no structure is placed within 3m of this pipe they would not object to the proposed development. The indicative site layout shows that the proposed house could easily avoid this constraint.

- c) Loss of privacy for an existing dwelling due to overlooking.

Officer response: The Council operates a best practice guideline figure of a minimum of 18m separation distance between directly opposing windows in respect of overlooking. The indicative layout plan shows the proposed house some 33m to the south west of the nearest dwelling house. This is considered to be an ample degree of separation which is sufficient to safeguard the privacy and amenity of this existing property. In addition, the site slopes down from the boundary with this neighbouring house so the proposed house would be at a lower level and would also be screened from this property by a line of mature trees.

- d) Conflict with “open space/green network” designation in West Highlands and Islands Local Development Plan.

Officer response: Development Plans have advised that while policy aims to protect and enhance green networks, the presence of a green network does not in itself preclude development, and point to the fact that a number of development allocations actually intersect or overlap with designated green networks, with the aim of this network being incorporated and integrated into future development.

- e) The site lies outside the recently designated Settlement Development Area, and there is no good reason to develop a site outside this area when other undeveloped land exists within the village boundary.

Officer response: While the site does lie within designated countryside that does not represent a policy barrier to development, and many other houses within designated countryside have been approved around Lochcarron.

- f) The site functions as part of a wildlife corridor, and the proposal would remove a significant area of unspoilt coastal zone to the detriment of the area and the village as a whole.

Officer response: The response from Development Plans recognises that a key function of the green network is connectivity, and that proposals should seek to avoid fragmentation of the network and should enhance wildlife corridors. However, their advice is that although the site encroaches across a section of the green network between existing housing to the north and shoreline to the south, it does not bisect this section of the network entirely, leaving a strip around the southern boundary of the site where wildlife and people may pass. It is noted that revision to the access arrangements utilising the public road, and a pulling in of the site’s southern edge are also beneficial in terms of access to and through the green network.

- g) Necessary removal of existing trees on the site would create visual intrusion from the proposed house on this elevated site.

Officer response: The site slopes down from the boundary with the nearest house to the north, and the submitted site plan indicates that only two small trees would need to be removed. As such, it is not considered that the proposed development would result in unacceptable visual intrusion. A landscaping condition can be applied to help integrate the development into the local landscape setting.

- h) Site is at risk of coastal flooding.

Officer response: The Flood Team and SEPA are satisfied that the majority of the site lies above the level of the maximum predicted flooding event.

- i) The site is within a SSSI.
Officer response: The site lies some 130m to the west of the Slumbay Island SSSI.

6.3 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.

7. CONSULTATIONS

7.1 **Flood Team – no objection**, subject to condition controlling finished floor and development levels.

7.2 **Transport Planning – no objection**, recommend – if practicable – proportionate improvement to the public road access, such as the provision of an additional passing place.

7.3 **Development Plans - no objection**, green network designation does not preclude development and this proposal allows for connectivity of public access and wildlife corridor.

7.4 **SEPA - no objection**, subject to condition controlling built development level.

7.5 **Scottish Water – no objection**. The development would be serviced by local fresh water and foul drainage infrastructure.

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
47 - Safeguarding Inbye/AppORTioned Croftland
64 - Flood Risk
66 - Surface Water Drainage

8.2 West Highlands and Islands Local Development Plan 2019

Lochcarron Green Network – Green networks, in particular within Kirkton Woodland and the coastline, should be retained and enhanced.

8.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Housing in the Countryside and Siting and Design (March 2013)
Sustainable Design Guide (Jan 2013)
Green Networks (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy December 2020, paragraphs 74 to 83.

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) Siting, Design and Landscape Impact
- c) Neighbour Amenity
- d) Access and Parking
- e) Flood Risk
- f) Croft Land
- g) Developer Contributions
- h) Any other material considerations.

a) Development plan/other planning policy

10.4 In this case the Development Plan is comprised of the West Highlands and Islands Local Development Plan and the Highland-Wide Local Development Plan, the relevant policies of which are listed above. For the reasons set out below it is considered the proposal is in compliance with the Development Plan and relevant National Planning Policy.

b) Siting, Design and Landscape Impact

10.5 In September 2020 a draft revised version of the supplementary guidance on Housing in the Countryside was approved by the Council's Economy and Infrastructure Committee. Although now a material consideration in the determination of this application the draft revised guidance carries limited weight as the public consultation process and further scrutiny of any revision to the draft revised guidance following consultation is yet to take place. The application will therefore be considered against the current adopted guidelines.

10.6 While the site lies within designated countryside it is immediately adjacent to the Lochcarron Main Settlement boundary and a line of existing houses which run northwards from the site. The site slopes downhill from the nearest of these houses

and the proposed building would not appear as being unduly elevated in relation to these existing buildings. It is considered that the proposed building would be seen as rounding off this existing line of development, and as such would not appear as an unusual or isolated feature within an area of otherwise open and undeveloped countryside.

- 10.7 As noted above, while the site lies within part of a designated green network the presence of a green network does not in itself preclude development. Although the site encroaches across a section of the green network between existing housing to the north and shoreline to the south, it does not bisect this section of the network entirely, leaving a strip around the southern boundary of the site where wildlife and people may pass.
- 10.8 Conditions can control the precise siting of the proposed building within the plot, and can also ensure that the design respects the local vernacular and relates to the traditional design of the existing houses to the north. It would also be prudent to remove domestic permitted development rights to prevent any future outbuildings encroaching within the 3m easement around the existing sewerage infrastructure referred to above. A condition can also be applied which requires a landscaping scheme to be implemented to assist with the integration of the development into the local landscape setting.

c) Neighbour Amenity

- 10.9 The submitted site layout plan shows that the indicative position of the proposed dwelling could be sufficiently distant from the nearest dwelling house for existing neighbour amenity and privacy to be adequately safeguarded, as discussed above. The landscaping condition referred to above would also provide an additional safeguard in this respect.

d) Access and Parking

- 10.10 Transport Planning are satisfied with the proposed access utilising the public road. The agent has confirmed that there is sufficient space for the provision of an additional passing place to be formed within the road verge, and a condition which requires this to be formed can therefore be applied. The submitted site plan shows that there is ample space in which to accommodate the necessary car parking and turning spaces, and the provision of these areas can therefore be secured by condition.

e) Flood Risk

- 10.11 As noted above, neither SEPA nor the Council's Flood team object to the application, provided that a condition which controls development and finished floor levels is applied. SEPA ask that the finished floor level be set at 5.95m above Ordnance datum (AOD). This level includes an allowance of 0.89m for possible sea level rise resulting from climate change. The Flood Team seek a finished floor level of 5.05m AOD, but only *recommend* adding the 0.89m allowance for climate change. The submitted site plan shows that the indicative house position involves land above 5.95m AOD, so land raising would not be required to achieve this higher figure – indeed excavation of rising ground to the north west of the indicative house position would be required to create a level building platform – so the necessary condition can apply this figure of 5.95m AOD for the finished floor level.

f) Croft Land

- 10.12 The Crofting Commission have not provided a consultation response, but there is no reason to believe that this proposal conflicts with the Council's policy on the development of croft land.

g) Developer Contributions

- 10.13 The site lies within the catchment areas of Lochcarron Primary school and Plockton High school. Neither of these establishments is approaching capacity, and as such no educational developer contribution is required. The proposal does not trigger any other contribution thresholds.

Other material considerations

- 10.14 There are no other material considerations, and no non-material considerations have been raised in the submitted representations.

Matters to be secured by Section 75 Agreement

- 10.15 a) None

11. CONCLUSION

- 11.1 It is considered that the development of a single dwelling house on this site would round off an existing line of development and would therefore represent a logical extension to the existing pattern of development in the locality. There would be no conflict with the local green network designation due to a sufficient part of this green network being left undeveloped. Existing neighbour amenity would be sufficiently safeguarded due to the separation distance involved and additional safeguarding secured by appropriate landscaping. No adverse considerations exist in respect of access and parking or flood risk.
- 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 significant.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. 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. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments); and
 - iv. details of access and parking arrangements; and
 - v. the precise siting of the proposed building within the plot to retain pedestrian and wildlife connectivity through the local green network and to avoid the 3m wayleave around a Scottish Water pipeline across the site.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - vi. predominantly rectangular in shape with traditional gable ends.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. Notwithstanding the provisions of Classes 1a,1b,1d, 2b, 3a-e of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, and with the exception of a single garden shed not exceeding 4 square

metres in area, no development of a type identified in the aforementioned classes, shall take place within the curtilage of the house hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason: In order to allow the Planning Authority to retain effective control over the development of the site and to ensure that development does not affect Scottish Water infrastructure.

4. Any details pursuant to Condition 1 above shall include a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

5. Any details pursuant to Condition 1 above shall show access being taken to the site along Dalaclddich Road, being the tarred public road to the north east of the site, and shall include a scheme for the provision of one new passing place to the Council's Guideline Standards to be submitted to, and approved in writing by, the Planning Authority. The additional passing place shall be provided prior to the first occupation of the house.

Reason: To provide a satisfactory means of access to the site and to secure a commensurate degree of road improvement.

6. Any details pursuant to condition 1 above shall show car parking spaces provided within the curtilage of the dwelling house and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:
- i. Two spaces per 1 to 3 bedrooms;
 - ii. Three spaces per 4 to 5 bedrooms; and
 - iii. Four spaces per 6 or more bedrooms.

Reason: In the interests of road safety, and that the works involved comply with applicable standards.

7. Any details pursuant to Condition 1 above shall show a finished floor level of no less than 5.95m Above Ordnance Datum, with no development below a ground level of 5.05m Above Ordnance Datum.

Reason: To minimise the risk to the development from coastal flooding.

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

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.

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

Designation: Acting Head of Development Management – Highland

Author: Graham Sharp

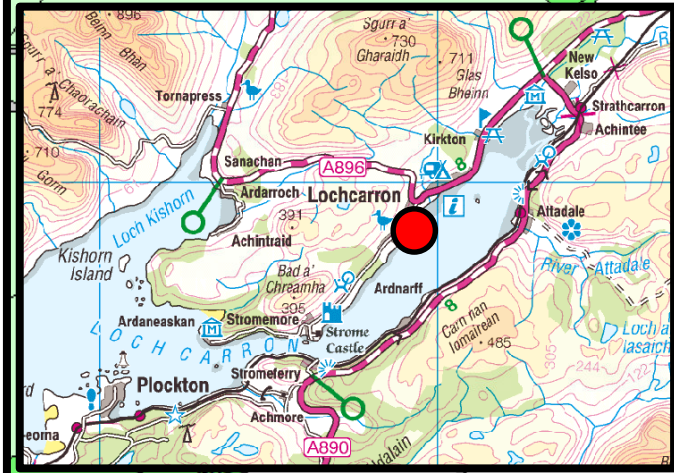
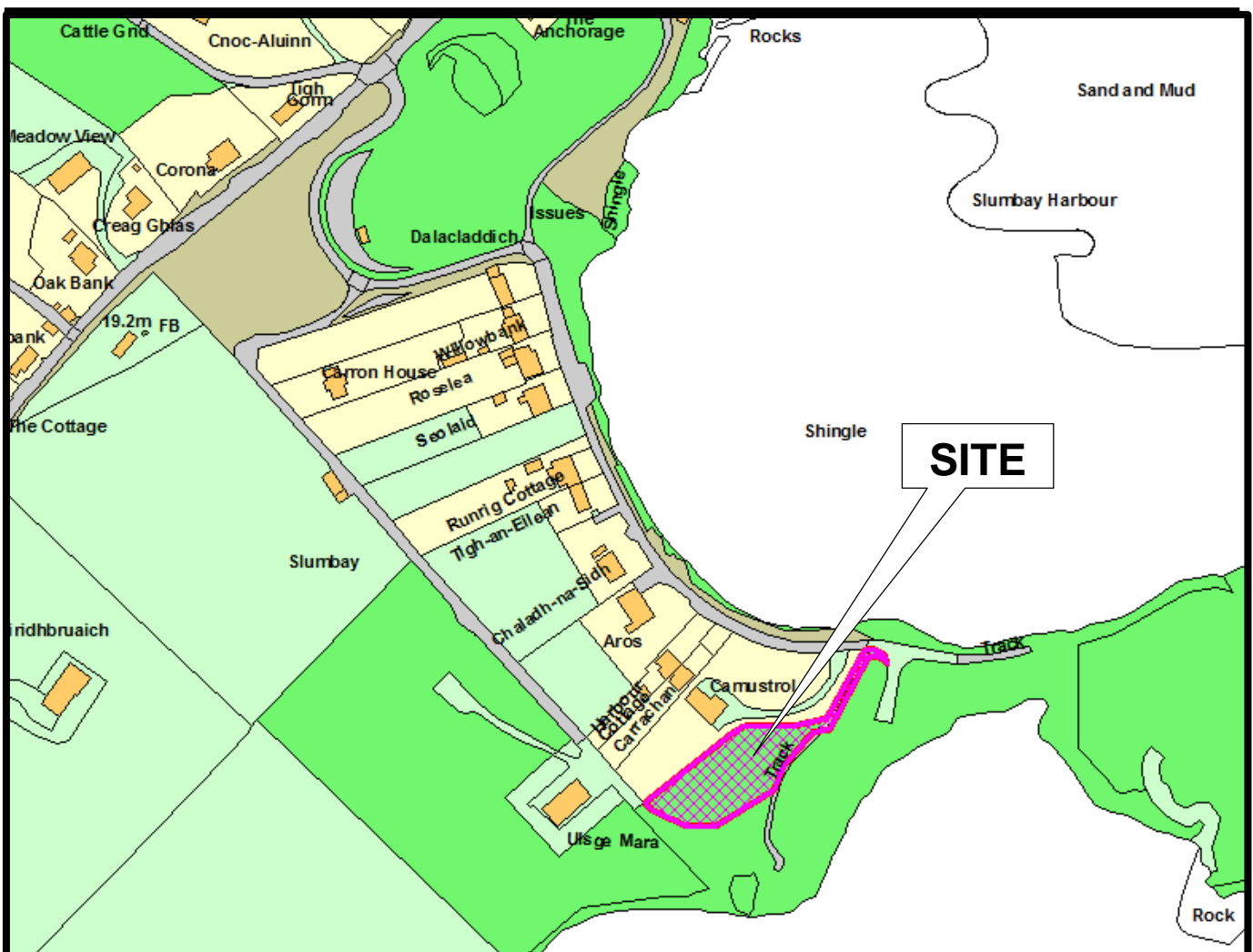
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Committee Location Plan

Plan 2 - 000001 REV A Location Plan

Plan 3 - 0096-10 REV B Layout Plan

Plan 4 - 0096-11 Indicative Site Layout Plan

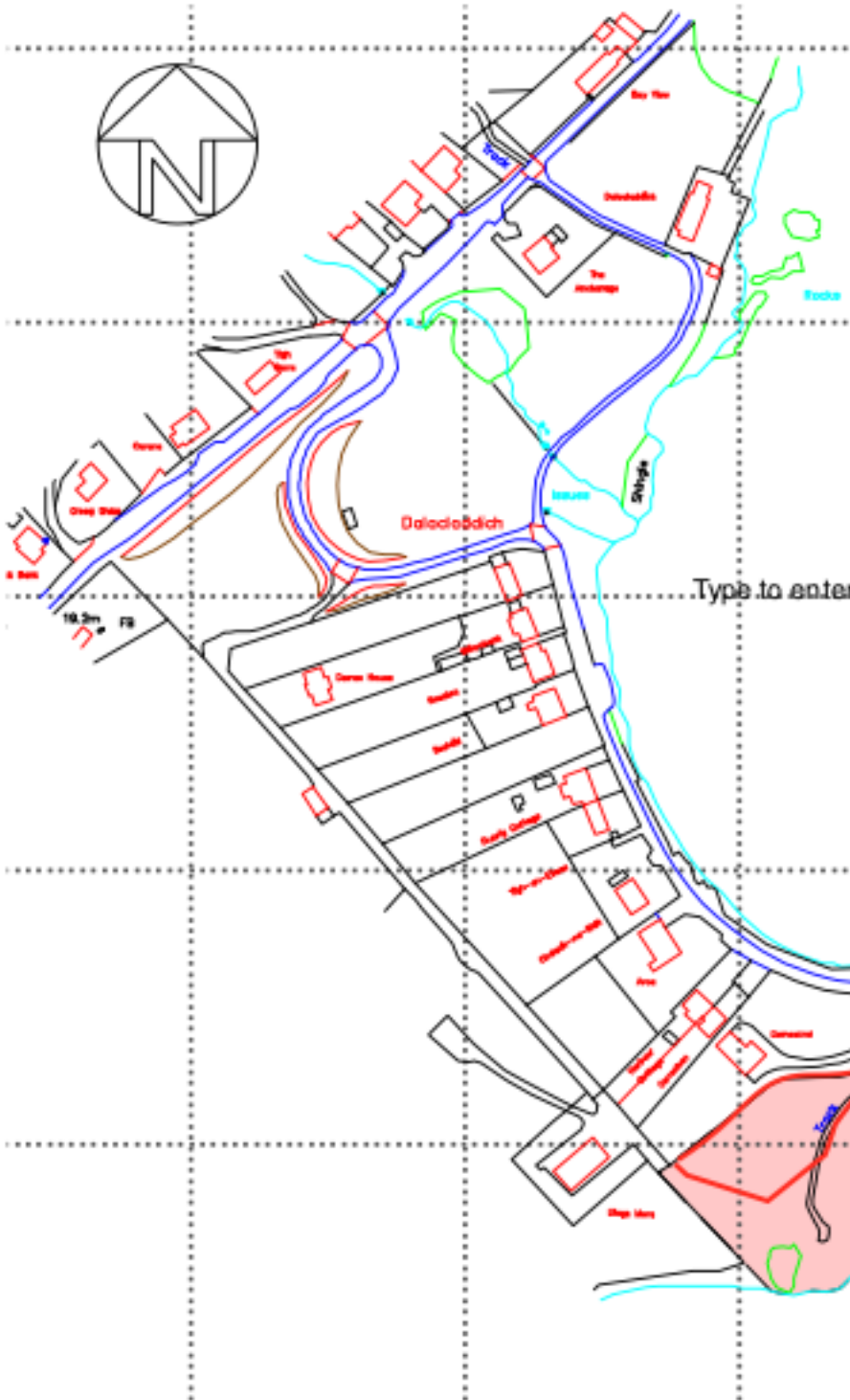


The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

20/02282/PIP

**Erection of house
 at Land to East of Uisge Mara,
 Dalacladdich Road, Lochcarron**



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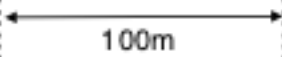
Fraser Stewart Architect RIBA RIAS ARB Reg Arch.

House Plot
Slumbay June 2020

Rev A Sept'20. Alternative access

Location Plan

Scale 1:2500



Slumbay Harbour

Slumbay Island

Rock

Rock

Water Spring

Shinga

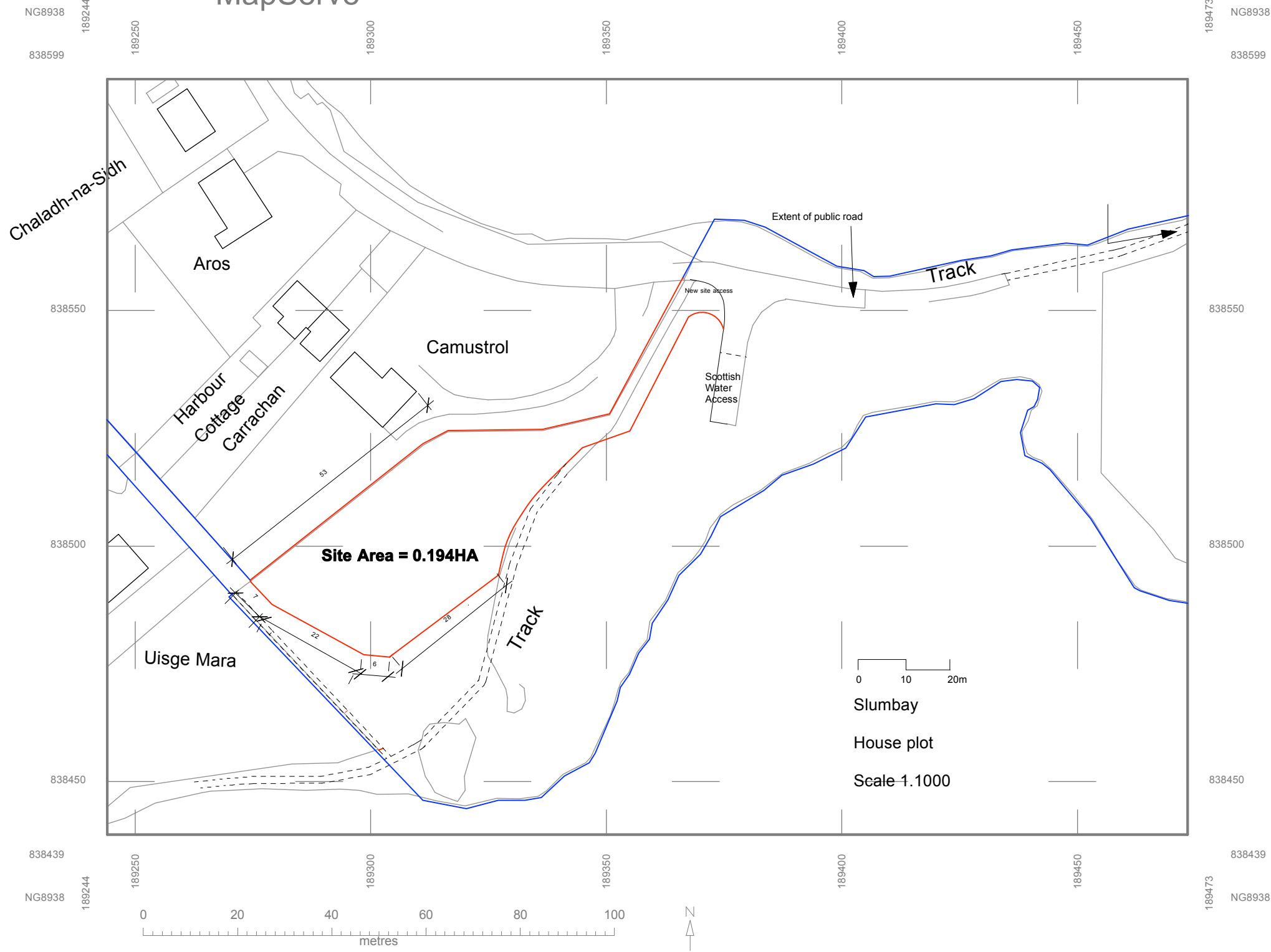
Rock

Shinga

Shinga

Rock

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Site plan: Block plan scale 1.1000@A3

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<p>FRASER STEWART ARCHITECT RIBA RIAS Chartered Architect</p> <p>Brae of Kinkell, Dingwall, IV7 8HZ Tel 01349 862 779 fraser@fraserstewartarchitect.co.uk</p>
<p>Project: Slumbay House plot</p> <p>Title: Block plan</p> <p>Scale : 1.1000@A3</p> <p>Date: June '20</p> <p>Drawing 0096 10 B</p> <p>Rev B Sept' 20 Alternative site access</p>
<p>status:planning in principle</p>