

Agenda Item	6.2
Report No	PLS-056-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 17 August 2021

Report Title: 21/01095/PIP: Miss Rhona Maclean
Land 50m West of Lochview, Morar, Mallaig

Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Erection of house

Ward: 11 – Caol and Mallaig

Development category: Local

Reason referred to Committee: Member referral

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought for a single dwelling on an area of vacant land, measuring approximately 900m² at Morar, to the west of and uphill from an existing detached property, Lochview. This is the most southerly of two house plots proposed, in principle, set above and to the rear of existing residential properties set around Rhubana View and extending westwards from the public road to Bracora at Morar.
- 1.2 Access is proposed to be formed as an extension from the existing private track which serves Chehalis, Taigh na Moine, Braes of the Loch and Lochview to the east which would extend upwards and westwards, to the rear of the two house sites, forming a shared access spur to serve this and the neighbouring house plot proposed (21/01094/PIP & 21/01095/PIP).
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Private Access Checklist, Response to Planning Officer 20.05.2021
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site comprises an area of elevated hillside, located to the west side of the public road to Bracora, at Morar. The house site would be located approximately 40m west of Lochview, approximately 190m from the public road to Bracora. The site would be located to the west side and set above the landing stages and jetties at the north eastern end of the River Morar close to where the river joins Loch Morar.
- 2.2 The ground comprises an area of undulating, rocky hillside, set above Lochview. The land steeply slopes between the front of the house plots, west to east, down towards Lochview. There are two residential properties which are seen at distance, approximately 300m to the south west separated by the railway and B8008 public road into Morar. The site is located within the Moidart, Morar and Glen Shiel Special Landscape Area.

3. PLANNING HISTORY

- | | | | |
|-----|---------------|---|-----------------------------|
| 3.1 | 01 April 2009 | Neighbouring House east (Lochview) 08/00503/FULLO: Erection of house at land 90m West of Rhubana View, Bracora | Planning Permission Granted |
| 3.2 | 08 Sept 2009 | Neighbouring House east (Lochview) 09/00173/FULLO: Erection of house (amended site position to 08/00503/FULLO) at land 100m | Planning Permission |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 01.04.2021

Representation deadline: 15.04.2021

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Dwelling site in close proximity and elevated above, adjacent to and behind Lochview would adversely impact neighbouring privacy and amenity
- b) Concerns that rock breaking and ground reprofiling works would destabilise the area upslope of Lochview and vibrations from ground preparation and construction could cause damage to Lochview.
- c) Sufficiency of access track. Four houses already served off existing private access track. Highland Council Guidance states that for rural development in excess of four properties the access road will be required to adoptable standard. Applicant states they do not intend to bring track to adoptable standard.
- d) Concerns regarding surface water drainage run off from site to neighbouring property down slope which already experiences issues with rainwater run-off from the hill. Potential issue of any leaks/spillages originating from the site affecting neighbouring property.
- e) Proposals in principle and detailed house designs not provided. Any development would be above the ridge height of Lochview, emphasizing the elevation of development on the hill.

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 **Transport Planning Team** advise that the proposed access arrangements appear compatible with current guidelines and maintenance responsibility of the private track would remain with the landowner. Advise that the Council as Roads Authority does not require the private track to be upgraded. However, if the service bay type junction at the public road were to degrade, the Council would expect the landowner to repair it. The applicant has assessed traffic speed near the access as being 30mph. Visibility splays of 40m looking left and 80m looking right would accord with guidelines and is considered acceptable.

5.2 **Scottish Water:** No objection. Advise current sufficient capacity for connection to public water supply and foul only connection to the Morar Waste Water Treatment Works. Further investigations may be required to be carried out upon application to

Scottish Water.

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
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 West Highland and Islands Local Development Plan 2019 (WestPlan)

Policy 3 – Growing Settlements

Map 2.11 Morar

Issues

- Morar is a relatively remote, fragile centre. However, it is well placed to accommodate further growth with its range of services, facilities and infrastructure including the Morar Hotel, the Lady Lovat Primary School, its train station and trunk road connections.
- Multiple heritage designations surround the settlement including the Moidart, Morar and Glen Shiel Scenic Landscape Area, North Morar Geological Conservation Review and Loch Morar Site of Special Scientific Interest. Native and/or ancient woodland and deep peat are particular constraints to development.
- Most development is linear in pattern, shaped by the need to preserve the better croft land and to be visible from the old and new roads to Mallaig and the railway line.
- Most recent development has been piecemeal in the form of single houses.

Placemaking Priorities - Morar

- To support further infill development where this will not compromise the constraints listed above.
- Promote a high quality of architectural design and siting given the landscape sensitivities.
- To encourage visitors into the "by-passed" community by supporting business and tourist proposals that orientate visitors at the gateways to the village.
- Protect playing field and croft land towards the north of the village and the potential to extend the cemetery.
- Open up land for development at Beoraid and promote upgrading of local sewerage to serve this part of the village.

6.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Flood Risk & Drainage Impact Assessment (Jan 2013)
Housing in the Countryside and Siting and Design (March 2013)
Special Landscape Area Citations (June 2011)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy, 2014

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) siting - topography, levels and impact on Landscape Character and Capacity within Special Landscape Area Designation
- c) impact on neighbouring privacy and amenity
- d) surface water drainage
- e) access and servicing

Development plan/other planning policy

8.4 The site lies within the Morar Growing Settlement in the West Highland and Islands Local Development Plan (WestPlan). Policy 3: Growing Settlements offers general support for proposals that are contained within, round off or consolidate the Growing Settlement and must be assessed to the extent to which they take account of the issues and placemaking priorities identified; are likely to help sustain, enhance or add to facilities with proposals being located within active travel distance of any facility present; are compatible in terms of use, spacing, character and density with development within the settlement and demonstrate high quality design; utilise spare capacity in the infrastructure network; avoid net loss of

amenity or recreational areas significant to the local community; and would not result in adverse impact on any other locally important natural or cultural heritage feature, important public viewpoint/vista or open space.

- 8.5 Placemaking priorities for the growing settlement at Morar include promoting a high quality of architectural design and siting given the landscape sensitivities and opening up land for development at Beoraid including promoting the upgrading of local sewerage to serve this part of the village.
- 8.6 Also of relevance is the Highland wide Local Development Plan, in particular Policies 28, 29 and 36 with regard to siting and design, amenity and the requirement to conserve and enhance the character of the area that is particularly relevant in the context of Policy 57 and Policy 61 since the proposal sits within the Moidart, Morar and Glen Shiel Special Landscape Area.
- 8.7 Subject to the proposals successfully addressing these factors, the development would comply with the development plan.

Siting

- 8.8 The site is elevated and development at this site would be prominent in the wider landscape. The land steeply slopes between the proposed house sites (21/01094/PIP & 21/01095/PIP) and existing residential development to the east. Development adjacent to and directly above existing properties would exacerbate its prominent position and the proposal would not fit well into the established settlement pattern. Development of this site would likely require a significant amount of ground reprofiling, which would not accord with the Housing in the Countryside Siting and Design Guidance, which seeks to ensure new development sits comfortably in the landscape, rather than appearing imposed upon it. Development at this site would not respond adequately to the landscape sensitives or make a positive contribution to the visual quality of the place contrary to policies 28, 29 and 36 of the HwLDP and Policy 3 of the WestPlan.
- 8.9 The site is located at the eastern side of the Moidart, Morar and Glen Shiel Special Landscape Area. The rising undeveloped hillside provides important separation and containment of built development to the eastern side of Morar. Development of this prominent, elevated site would adversely impact the landscape setting of the settlement, within the Special Landscape Area, contrary to policies 57 and 61 of the HwLDP.

Impact on Neighbouring Privacy and Amenity

- 8.10 The ground level of the proposed house plot sits above the ridge height of the nearest neighbouring property, Lochview with over 20m of intervening land between Lochview curtilage and the proposed house plot. As the proposed house plot would be elevated well above and separated from Lochview it is unlikely that direct interlooking between the properties would occur.
- 8.11 Lochview sits against the rising, undeveloped, backdrop and if housing development was granted at this or the neighbouring site, it is acknowledged that a greater degree of activity would impact Lochview to a degree. It is unlikely

however, to have a substantive adverse impact on the privacy and amenity to Lochview or Lochview garden ground.

Surface Water Drainage

- 8.12 Given the elevation of the application site, steeply sloping intervening ground and residential development set directly below these sites, appropriate surface water drainage would be required to ensure surface water discharge remains at greenfield runoff rate. This matter has not been pursued with the applicant given the issues identified in paragraphs 8.4 to 8.8 above. It is likely that surface water drainage could be satisfactorily addressed by planning condition if permission were to be forthcoming.

Access and Servicing

- 8.13 The Transport Planning Team has raised no objection on public road safety grounds and advise that the private track would not be required to be brought up to adoptable standard. The use, maintenance and future upkeep of the private track is a civil matter beyond the remit of the Planning Authority. Parking, turning and servicing matters could be satisfactorily addressed by conditions if permission were forthcoming.

Non-material considerations

- 8.14 The issue of potential damage to neighbouring property as a result of construction is a civil matter and not a material planning consideration.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.15 None identified

9. CONCLUSION

- 9.1 The proposed development at this site would be contrary to policy 36 of the HwLDP and the Placemaking Priorities for Morar set out in WestPlan, due to inappropriate siting encroaching into the high, open hillside, adversely impacting the open character and landscape setting of the existing settlement. It would also introduce development in an elevated, prominent position which would not fit well into the established settlement pattern, contrary to policies 28, 29 and 36 of the HwLDP, Policy 3 of the WestPlan, and Housing in the Countryside Siting and Design Guidance. Development at this site would not be in keeping with the character of the local area or demonstrate sensitivity to the local distinctiveness of the landscape which forms part of the Morar, Moidart and Glen Shiel Special Landscape Area Designation, contrary to policies 28, 29, 36, 57 and 61 of the HwLDP.
- 9.2 New housing to support fragile areas and rural communities is generally supported at national and local policy level, however this is not sufficient to outweigh the reasons for refusal. One of the placemaking priorities for Morar set out in WestPlan is for development at lower land near Beoraid including promoting the upgrading of local sewerage to serve this part of the village. It was suggested that the applicant may wish to consider an alternative site nearby which would respond

more appropriately to the landscape sensitivities within the Special Landscape Area designation and placemaking priorities set out in WestPlan.

- 9.3 A response to the Planning Officer was submitted by the applicant on 20.05.2021. The applicant has advised that the house plots were to be gifted by their parents and lower sites would bring the house plots closer to pylons, may not be within the gift of their parents and services are not realistically available. The applicants feel that the proposed house sites are not particularly high nor more obtrusive as compared to many others (old and new) in Morar and the applicants wish housing with a view. Further advice and guidance to investigate potential alternative sites which would meet the applicants needs and planning policy requirements can easily be sought through the preapplication advice service.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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

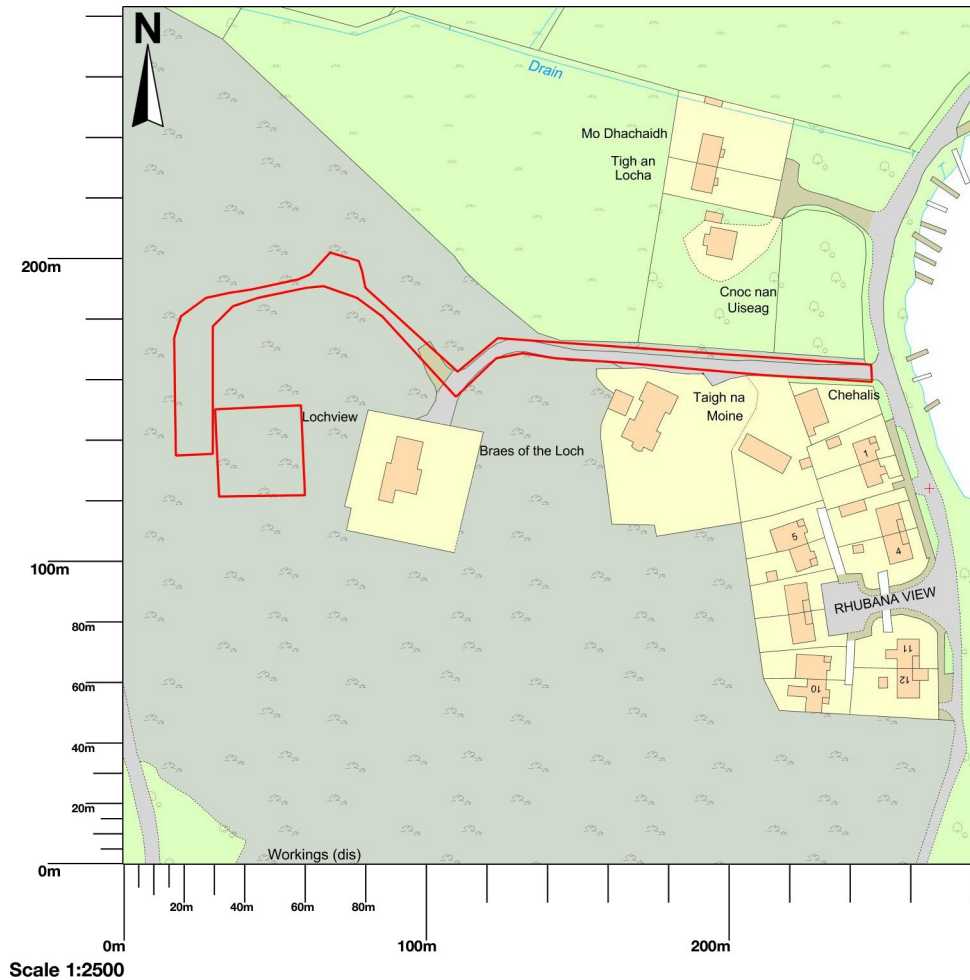
Subject to the above actions, it is recommended to **REFUSE** the application for the following reasons:

1. Development at this site would be contrary to policy 36 of the HwLDP and Policy 3 and the Placemaking Priorities for Morar set out in WestPlan, due to inappropriate siting encroaching into the high, rocky hillside, adversely impacting the open character and landscape setting of the existing settlement. It would introduce development in an elevated, prominent position which would not fit well into the established settlement pattern, contrary to policies 28, 29 and 36 of the HwLDP, Policy 3 of the West Highland and Islands Local Development Plan, and Housing in the Countryside Siting and Design Guidance.
2. Development at this site would not be in keeping with the character of the local area or demonstrate sensitivity to the local distinctiveness of

the landscape which forms part of the Morar, Moidart and Glen Shiel Special Landscape Area Designation, contrary to policies 57 and 61 of the HwLDP.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Christine Millard
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 000001 Rev B Location Plan

Outline Planning Morar



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