

Agenda Item	7.11
Report No	PLN/072/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 14 September 2021

Report Title: 21/03558/FUL : Mr P Hurst

Land 50M North of Thistle Cottage, Occumster, Lybster

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Creation of new vehicular access, installation of private drainage system and extension and renovation of existing cottage (part retrospective)

Ward: 03 - Wick And East Caithness

Development category: local

Reason referred to Committee: number of representations

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application is to renovate a semi-ruined traditional rural cottage in order to reinstate it as a private residence. The proposal includes the erection of a single-storey extension, the upgrading of an existing field access to form a shared private access junction and formation of a new private access driveway (both part retrospective), along with the installation of private foul treatment arrangements, and the temporary siting of a caravan. The application is considered alongside an associated retrospective application made by the same applicant for the siting of a storage container in the grounds of the cottage, (ref. 21/02094/FUL).
- 1.2 The original single-storey cottage has been used for some time for agricultural purpose, which has stripped the building of many original features although the masonry and slate roof shell remain. The development aims to restore the building by repairing and replacing stonework and roof slates as well as repointing lime mortar as necessary. A large opening on the south elevation will be infilled with Scotch larch shiplap vertical cladding with a double door installed. The cladding will also be used on the external walls of the new extension, which replaces a ruined byre that once adjoined the building, and which will be roofed in profile metal sheeting. Windows and doors are proposed as being grey uPVC.
- 1.3 The cottage and extension are of an L-shape footprint that will form a rear courtyard formed of hardstanding (already part installed) on which the temporary caravan will be sited for the duration of the construction phase, as well as the aforementioned container, the area will also accommodate vehicle parking and turning provision. The garden ground will be bounded with post and wire fencing.
- 1.4 Pre Application advice was provided in 2019, in which it was advised that the principle of renovating and reinstating old and disused buildings is supported in Highland and Scottish Planning Policy. The applicant was also advised that the house should reinstate the existing footprint of the cottage and ruined byre, and that designs for the existing cottage should reflect traditional styles, with timber windows that have a strong vertical emphasis, and wet dash, natural stone or vertical timber cladding for the external walls.
- 1.5 The application is supported by a Supporting Statement, along with Percolation Test Results, a Private Access Checklist, and Protected Species Survey Reports and associated Species Protection Plan.
- 1.5 There have been no amendments to the proposals over the course of the assessment.

2. SITE DESCRIPTION

- 2.1 The site is located at Roster near Occumster on the east side of the C1029 public road that connects West Clyth/Occumster with Watten, approximately 3.6km north of the road's junction with the A9. The site forms 0.2ha of an agricultural field that rises eastward away from the road. In addition to the derelict cottage and ruined byre on site, there is a mature tree to the northeast of the cottage within the road

verge, an overhead power line between the tree and the building, and post and wire fencing along the boundary with the public road. The access makes use of an existing field access at the south east corner of the site adjacent to the access junction for Thistle Cottage.

- 2.2 The wider area is relatively remote although there are private residences in the immediate surrounds including Thistle Cottage approximately 50m south, and Roadside and Cnocan further south still. There are no natural heritage or landscape designations at the application site, nor is the site within connectivity distance of such designations.

3. PLANNING HISTORY

- | | | | |
|-----|--|---|-----------------------|
| 3.1 | 20/03811/FUL | Renovation and erection of extension to house and temporary siting of caravan | APPLICATION WITHDRAWN |
| 3.2 | 21/02094/FUL | Retrospective siting of a storage container | PENDING DECISION |
| 3.3 | The 2020 application referred to in Section 3.1 was withdrawn on the advice of the case officer due to issues with the design of the extension and to allow outstanding protected species matters to be addressed. | | |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 06 August 2021
Representation deadline: 24 August 2021
- 4.2 Timeous representations: 27no objections from 15no individuals
- 4.3 Late representations: 3no objection from 2no individual
- 4.4 Material considerations raised in objections and correspondence are summarised as follows:
- a) Concerns regarding the design of the proposal.
 - b) Concerns regarding development already undertaken.
 - c) Impact of development on neighbouring amenity including from overlooking and loss of privacy.
 - d) Concerns regarding the site access including the position of the access junction adjacent to the existing access for Thistle Cottage.
 - e) Road safety concerns.
 - f) Proximity of power lines.
 - g) Drainage concerns including surface water discharging on to the public road.
 - h) Land contamination.

- i) Concerns regarding light pollution.
- j) The development's impact on protected species.
- k) The development's impact on trees, specifically a single mature Sitka spruce.

4.5 In addition to the correspondence received in relation to this application, a large amount of representations were also received in relation to the retrospective application for the container (ref. 21/02094/FUL) and are detailed in that report.

4.6 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 **Contaminated Land Officer** does not object to the proposal subject to a refurbishment / demolition survey being undertaken prior to development to determine the type, location, and extent of asbestos containing materials on site, and to secure their safe removal.

5.2 **Transport Planning** do not object and have no specific concerns regarding the access arrangements to the site or the development's impact on road safety.

5.3 **Conservation Team – Archaeology** does not object to the application subject to a condition to secure a photographic recording of the cottage and ruined byre in their current state to assist the Council maintain an accurate archive.

5.4 **Scottish Water** does not object and advises that fresh water will be supplied from the public supply, and that private arrangements are required for foul drainage. The applicant is advised that SUDS is required for surface water drainage.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28 - Sustainable Design

Policy 29 - Design Quality and Place-making

Policy 31 - Developer Contributions

Policy 36 - Development in the Wider Countryside

Policy 51 - Trees and Development

Policy 58 - Protected Species

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

6.2 **Caithness and Sutherland Local Development Plan 2018 (CaSPlan)**

There are no site specific policies for the application site so the general policies of the HwLDP referenced above apply

6.3 **Highland Council Supplementary Planning Policy Guidance**

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

Developer Contributions (November 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

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

Sustainable Design Guide (Jan 2013)

Trees, Woodlands, and Development (Jan 2013)

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June 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.

Development plan/other planning policy

8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance.

8.5 With no site-specific allocations or policies within the CaSPlan at the application's location, the development is principally assessed against the general policies of the HwLDP, and principally Policy 36 for Development in the Wider Countryside. The policy states that the Council broadly supports development in the Wider Countryside providing the proposal shows sensitive siting and design so as to fit

the local settlement pattern and be compatible to the local landscape and character, while adequately addressing drainage and servicing constraints. The policy is reinforced by HwLDP Policies 28 and 29 for Sustainable Design, and Design Quality and Placemaking, which support developments that make use of existing buildings and recycled materials, while seeking to improve the design, architectural, and visual quality of new development across the Highland area.

8.6 The principle of the development is supported by the Local Development Plan subject to the proposal being acceptable in all other aspects, which are considered in detail below.

8.7 **Siting and Design**

The application makes use of an existing building and therefore conforms with the local settlement pattern while the residential use is compatible with surrounding residential and agricultural land uses, which together support the principle of the development's siting. The building is not listed but is considered to be an important part of the historic environment, so a condition is suggested to ensure that a photographic record is made of the cottage in its current condition for the Council's archives. Paragraph 6.19 of the Council's Supplementary Guidance Housing in the Countryside: Siting and Design states that proposals for the conversion and rehabilitation of redundant traditional buildings shall be supported subject to:

1. the building being substantially complete, including having walls intact to wall head level;
2. the building being of a scale that is commensurate with a habitable building without recourse to substantive alterations i.e. any new extensions should not dominate the original building;
3. proposals re-use existing openings where feasible and new openings placed on elevations away from public view;
4. the retention of unbroken roof slopes; and,
5. the character of the building not being significantly altered to an unacceptable degree.

8.8 As stated in paragraph 1.2, the masonry and slate roof shell of the cottage remain intact thus making its re-use viable, the walls and roof will be mended and made good where necessary rather than altered in any material way. The central window on the principal elevation will be modified to form a full height feature window however this alteration can be supported given the window's vertical emphasis and given that it will not significantly alter the character of the existing building. The large opening on the south elevation will be infilled with Scotch larch, which is a supported material for use with traditional buildings. The material is also used in the extension along with profiled metal roofing, which is also supported being commonly found in rural areas. The extension will be constructed over the footprint of the ruined byre to reinstate the traditional L shape of the house, built into the application site away from the public road and is of a scale subservient to main building. Concerns had been raised about the suitability for the monopitch roofed extension originally proposed with the withdrawn application (ref. 20/03811/FUL). This has now been resolved with the current application with

the inclusion of a 40° double pitched roof. As such, the development is considered acceptable on design grounds as being appropriate in materiality, scale, and form for a traditional agricultural cottage and byre.

8.9 **Amenity**

Representations made against the application assert that the development will result in overlooking and loss of privacy at the nearest neighbouring house, Thistle Cottage. These issues are understood in the context of the surrounding open countryside and the site's slightly elevated position, which require detailed consideration as provided below.

- 8.10 The separation distance between Thistle Cottage, site to the south, and the development, is approximately 45m, while the garden grounds will not adjoin but be separated by around 10m (excepting the site access). It is acknowledged that the development is on slightly raised ground, however the finished house will be single-storey with south facing fenestration limited to a double door as part of the cottage's south elevation infill, and two windows on the new extension at approximately 55m from the cottage. Additionally, no part of the completed development will be located any closer to Thistle Cottage from the existing building line. It is also noted that there is one ground floor window at Thistle Cottage on the facing, north, elevation, while planting along the boundary of Thistle Cottage does offer limited screening; however, the planting is not a determining factor as it may be removed at any stage. Nevertheless, the separation distances are considered acceptable in the wider countryside to not result in overlooking and loss of privacy concerns given the factors as described above. There are no other properties that the development would potentially overlook, and the house's position to the north of its nearest neighbour means there are no overshadowing or loss of daylight concerns.
- 8.11 In addition to the above, it has been asserted that the development would make the construction of an approved sunroom extension at Thistle Cottage unimplementable. Based on the above assessment however, there are no physical or other material constraints that would impact or prevent the sunroom's construction although this permission has now lapsed.
- 8.12 A further claim has been made that the development will result in light pollution that would impact the amenity of the neighbouring property. However, as an application for a single house outwith any protected areas, the type and scale of the development (i.e., a single residential property) are not such that it raises wider concerns that it will result in excessive light pollution. There are no specific features of the development, such as signage or external lighting systems, for example, that raise concerns of light overspilling from the application site. It would not, therefore, be reasonable to apply conditions to restrict the use of lighting at the application site over and above what is generally permissible for single house developments and there are no such restrictions imposed on residential properties in the surrounding area.
- 8.13 It is understood that the re-development and reuse of this redundant building represents a change in the local area and with a resulting perceived impact on the established residential amenity specifically of Thistle Cottage. However, as

demonstrated above, the concerns raised regarding loss of amenity at Thistle Cottage cannot weigh the planning balance against the granting of planning permission on amenity grounds; the development will re-instate a single house at an appropriate location, which will not lead to unacceptable impacts on the established amenity of the area as far as these elements can be controlled through the planning system.

8.14 **Natural Heritage - Trees**

As mentioned, there is a mature Sitka spruce to the west of the cottage within the verge of the public road but outwith the application site. There are no proposals for the tree included with the application and ordinarily the development's potential to impact the tree would be screened out of this specific assessment. However, concerns have been raised by objectors regarding the tree with the Council's Forestry Officer who was contacted with a request to place it under a Tree Preservation Order. The Forestry Officer has responded to the request informally noting that while the value of the tree to the local community is understood, it is not an exceptional specimen and would not meet the criteria to qualify for a Tree Preservation Order. The tree's location within the road verge would likely make the tree the responsibility of the Council, and, given that the spruce is perched on the side of a ditch in close proximity to an overhead powerline, it is conceivable there may even be a need for its removal in the future if it becomes a threat to the powerline or road users. Some of the lower branches are likely to be removed to enable the required visibility splays to be achieved. The Forestry Officer has sought no specific tree protection measures, and the development's potential to impact the tree is considered negligible and is not a determining factor in the assessment of the application.

8.15 **Natural Heritage - Protected Species**

There are no statutory nature conservations designations in place on the site. Old and derelict buildings are known habitat for potential bat roosts and as such the applicant was required to undertake an initial Bat Survey to establish whether there was any evidence of their presence. A Preliminary Roost Assessment was conducted in October 2020 and found evidence of bats using the building along with several potential bat roosting opportunities within the cottage's fabric. The building is considered to have low winter roosting potential. Two further absence/presence surveys were conducted in June and July 2021 within the optimal survey season, which observed low bat activity in the vicinity of the building but did find a single non-maternity common pipistrelle summer roosting site.

8.16 Consequently, works for the development, including some pre-works, will require a European Protected Species Licence from NatureScot subject to the proposal satisfactorily meeting the requirements of the three licencing tests. The Planning Authority considers the tests satisfactorily met for the following reasons:

1. The proposal is considered in the public interest as it is returning a derelict building to active re-use whereby if left to deteriorate further, could result in a public safety concern.

2. The extent of the works require a licence as the renovation cannot be completed and the building made available for use without significant repair and renovation works to the building's fabric. As such there is no viable alternative.
3. The issuing of a licence is not considered detrimental to the maintenance of the population of the species as the roost is non-breeding and used by a species known to be highly mobile and swap between summer roosting sites. In particular the submitted Species Protection Plan provides a mitigation strategy that proposes the following measures:
 - a. Placement of a bat rescue box and pre-work checks by a licenced bat ecologist.
 - b. Pre-works briefings to contractors to explain working methods to minimise disturbance to roosting bats.
 - c. Ensure bats are excluded from roosting sites prior to works commencing.
 - d. Hand-stripping materials from known/suitable roosting areas under the supervision of a licenced ecologist.
 - e. Use of chemicals for treatment works, which should be timed for when bats are not present at the site.
 - f. Implement a lighting strategy for the works designed to minimise light disturbance on bats.
 - g. Provide compensatory roosting opportunities and monitor their success after the development completes.

Mitigation measures may be refined further as construction proceeds and it is considered that such measures will ensure bats are maintained at a favourable conservation status as per licencing test 3.

NatureScot has provided standing advice that it considers a Bat Low Impact Licence (BLIMP) may be suitable for works to proceed on developments that are considered to have low conservation impacts. NatureScot will be notified of the Planning Authority's decision and an informative is proposed to remind the applicant of the licencing requirement. An additional informative regarding all protected species is suggested in the event that other protected species are discovered during the course of the works.

8.17 **Access and Parking**

The site access is taken through an existing field access from the C1029 adjacent to the access junction for Thistle Cottage. Several representations have questioned the relative safety of this arrangement while correspondences have warned of near misses at the junction. It is noted that shared accesses are supported in Highland Council Policy, however in this instance the positioning of the access is such that only the service bay would be shared. The driveway to the application site is formed at an angle to the site entrance such that there is visibility along the driveway's length of vehicles exiting Thistle Cottage, while the width of the shared service bay provides space for separate access junctions,

although they are adjacent, cars may enter and leave both properties concurrently while exercising the normal cautions expected of drivers. These arrangements are not considered to result in unacceptable road safety impacts, while visibility splays of 215m are achievable in both directions, which is appropriate for the 60mph speed limit of the road. The proposed access and sightline provisions are considered acceptable and this has been reflected in the consultation response from Transport Planning who have not objected to the proposed development.

8.18 The access driveway for the application site has already been formed of hardstanding, although not currently to Highland Council Standards. A condition for a Council Standard SDB2 service bay, as appropriate for serving two properties, should therefore be included with any permission to ensure the access is appropriately surfaced, kerbed, and finished with adequate drainage to protect the public road from surface water discharging from the site; approval would also be required for a road opening permit from the local Roads office. Onsite vehicle parking and turning provision makes use of the hardstanding area within the rear courtyard and is adequate for the development, however a condition is suggested to ensure they are made available prior to the first occupation of the cottage.

8.19 **Water and Drainage**

Scottish Water has confirmed the house will be supplied from the public supply for fresh water however no connection to the public sewer is available. As such foul drainage will be accommodated within the curtilage of the site by means of a septic tank discharging to a land soakaway. The applicant has submitted percolation test results that demonstrate suitable ground conditions for the arrangement. Although the results are disputed by contributors to the application, the Council must accept them in good faith as they are self-certified by the applicant. In addition, the soakaway arrangements will also require to comply with Building Standards regulations, and, if any changes to the arrangement are required then this should be dealt with through a non-material variation request.. A rainwater soakaway is also proposed in order to manage surface water.

8.20 **Land Contamination**

The cottage has a recent history of agricultural use including for providing shelter for farm animals. The applicant has provided a completed Agricultural Questionnaire that indicates asbestos containing materials on site that will potentially be disrupted during the course of the development. The Council's Land Contamination Team therefore requires a condition to secure a Refurbishment / Demolition Survey to be undertaken prior to development commencing on site in order to determine the type, location, and extent of asbestos containing materials across the site, and to secure their safe removal. The condition should be included with any permission for the development. Representations and correspondence made to the application have also highlighted asbestos within the building and that asbestos containing materials have already been handled by the applicant. It is noted however that Health and Safety and Land Contamination matters related to preliminary works undertaken by the applicant not requiring planning permission are not matters for the Planning Authority as these issues fall under different (Health and Safety Executive) legislation.

8.21 Developer Contributions

The development of a single house with two or more bedrooms is required to be assessed against the adopted Supplementary Guidance for Developer Contributions. In this instance, a contribution of £759 is required towards a major extension of Wick High School as set out in the table below.

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Lybster Primary School		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£0
Wick High School		
Build Costs	Major extension / new school	£759
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£759
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
<i>Breakdown</i>	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£759
Total for Development		£759
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

- 8.22 The applicant has 28 days from the date that the Council send the invoice for developer contributions to be paid to make a payment of the developer contributions set out in this report. Should a payment not be made with 28 days, the application shall be refused under delegated powers unless there is written agreement for an extension.

Other material considerations

- 8.23 The cottage's proximity to overhead power lines has also been raised as a concern given that the lines will be 3.4m from the cottage as they cross the garden ground between the cottage and the road to avoid the tree. Although the cottage is within the 9m minimum separation distance, the works entails the restoration of the original building coupled with the construction of an extension set behind this on the footprint of a current outbuilding. The Health and Safety Guidance note GS6, which falls under separate legislation and it is the developer's responsibility to ensure compliance and work directly with SSE where necessary to ensure construction practices on site are safe, which applies in the event that lines require burying or redirecting. The applicant and their agent are fully aware of this and the requirements for compliance. An Informative is included with the decision notice with reference to this.
- 8.24 Additionally, as stated in paragraph 1.1, the application is considered alongside an associated retrospective application for the siting of a storage container (for use as a workshop in the long term but for construction purposes in the short term) on the development site, ref. 21/02094/FUL, which is indicated on the submitted Location and Site Layout Plan. The application for the container was submitted in the intervening period between the withdrawal of the original proposal for the wider site and the submission of the current application in order to regularise the siting of the container. Several issues regarding that submission were highlighted during the course of the application's assessment, which have led to significant delays in its determination. Consequently, it was decided that both applications should be considered separately but concurrently so that all matters material to each assessment may be duly considered.
- 8.25 The assessment for the container has concluded that there are no issues with the temporary use of the container at the location applied for, during the construction phase of the development, however its permanent stationing at the site is not supported due to its temporary nature and poor visual finish. The container's removal from the site following the construction phase of the development is conditioned as part of this assessment to tie its use to construction. Any subsequent development for an alternative permanent workshop may fall within the limits of permitted development however this would require to be assessed at that time.

Non-material considerations

8. 26 This and the associated application for the storage container (ref 21/02094/FUL) for the development have received a large volume of correspondence, which have been duly considered for matters material to the assessment. Issues material to planning have been considered above, however, several non-material issues were raised and are summarised as follows:
- a) Land ownership and private property sales.
 - b) The development's impact on property values.
 - c) Preliminary works undertaken on site not requiring planning permission.
 - d) Any other activities on private property not requiring planning permission including for agricultural and land management purposes.
 - e) Concerns that the assessment of the original withdrawn application was not completed.
 - f) Opinions expressed regarding the applicant and their agent.
 - g) Disputes between owners of neighbouring properties including accusations of criminal behaviours.
 - h) The age and personal circumstances of the objector are not a land use matter.
 - i) Local births, deaths, and marriages.
 - j) The welfare of farm animals as this is covered by separate legislation.
 - k) The stated personal preference expressed by objectors that they do not want the development to go ahead or people to live at the site where the reasons are personal rather than related to land use matters.

Matters to be secured by Section 75 Agreement

- 8.27 None.

9. CONCLUSION

- 9.1 The principle of the conversion and rehabilitation of the traditional building in order to reinstate its former residential use is supported in Highland and Scottish Planning Policy. The applications related to the development have attracted considerable interest and the issues raised given due consideration in the course of the application's assessment. As stated, it is understood that the development represents a change in the local area and concerns have been raised about its perceived impact on the established residential amenity of Thistle Cottage specifically. However, on review of all relevant material planning considerations, the proposal has been assessed and found to be acceptable on siting, design, amenity, natural heritage, and protected species grounds. Access, parking, and road safety, as well as drainage and land contamination concerns have been assessed and any impacts are considered to be within acceptable limits subject to details being secured and reinforced by conditions.

9.2 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.

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

Pay Developer Contribution Y

Notification to Scottish Ministers N

Conclusion of Section 75 N
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

- 1 No development or works shall commence on site until a Refurbishment/Demolition Survey has been submitted to, and approved in writing by, The Planning Authority. For the avoidance of doubt, the Survey shall record the location, type and extent of asbestos containing materials within the application site. Thereafter, all asbestos containing material shall be removed to a licensed facility prior to further refurbishment work in accordance with the Control of Asbestos Regulations 2012 and copies of waste transfer notes submitted to the Planning Authority.

Reason: in order to ensure the site is suitable for redevelopment for residential use, given the nature of previous uses and processes on the site.

- 2 No development or work including site clearance shall commence until a photographic record has been made of the building and/or features affected by the development in accordance with the attached specification, and the photographic record has been submitted to, and approved in writing by, the Planning Authority.

Reason: in order to assist the Council with maintaining an accurate and current record of the historic environment.

- 3 No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 26.08.2021), with:
- i. the junction formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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

Reason: to ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

- 4 Prior to the first occupation of the dwellinghouse hereby approved, parking spaces for a minimum of 2 cars and vehicle turning provision shall be provided within the application site as detailed on the approved plans and shall thereafter be maintained for this use in perpetuity.

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

- 5 The residential caravan within the application site is permitted solely for the use of the applicant or developer for the duration of construction works associated with the development hereby approved. Within one month of the completion of the development or first occupation of the dwellinghouse, whichever is the sooner, the caravan shall be removed permanently from the application site, along with all associated fixtures and fittings.

Reason: to ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

- 6 The shipping container within the application site is permitted solely for the use of the applicant or developer for the duration of construction works associated with the development hereby approved. Within one month of the completion of the development or first occupation of the dwellinghouse, whichever is the sooner, the container shall be removed permanently from the application site, along with all associated fixtures and fittings. For the avoidance of doubt, if for whatever reason the development does not

complete then this permission shall cease to have effect after three years of the date of this decision notice, and the container shall be removed permanently from the application site, along with all associated fixtures and fittings.**Reason:** in recognition of the temporary nature of the container, to enable the planning authority to consider this matter(s) in detail in the interests of visual amenity.

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.

INFORMATIVES

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.

Protected Species – Bat License

This proposal will result in the potential disturbance of roosting sites for common pipistrelle bats, brown long-eared bats and soprano pipistrelle bats, during the works. Therefore, a Scottish Natural Heritage EPS license will require to be obtained, in relation to the bat roosts, prior to any of the proposed works commencing on-site.

A Species Protection Plan will require to be drawn up prior to application for an EPS license.

License application forms and guidance notes can be found at;

<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/development>

EPS licenses can be granted to permit activities that would otherwise be unlawful under European legislation. Three tests must be satisfied before the licensing authority can issue a licence under Regulation 44(2) of the Conservation (Natural Habitats andc.) Regulations 1994 (as amended). An application for a licence will fail unless all of the three tests are satisfied.

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

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

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.

SSE

You are reminded that all works carried out must be in accordance with The Health and Safety Guidance note GS6 as there are high voltage overhead lines in close proximity to the site. The legislation states that where works are to be undertaken within 9 metres horizontal distance from an overhead line, positive steps must be taken to manage the risk identified on site. These steps can include, making the line dead, erecting barriers at ground level, erecting high-level bunting and goal posts (6 metres from the line), using appropriate excavator, restricting jib movement etc. If further advice is required contact the Engineering Bureau on 0800 048 3516. The document HSG47 can be referred to for safe working practices from HSE website.

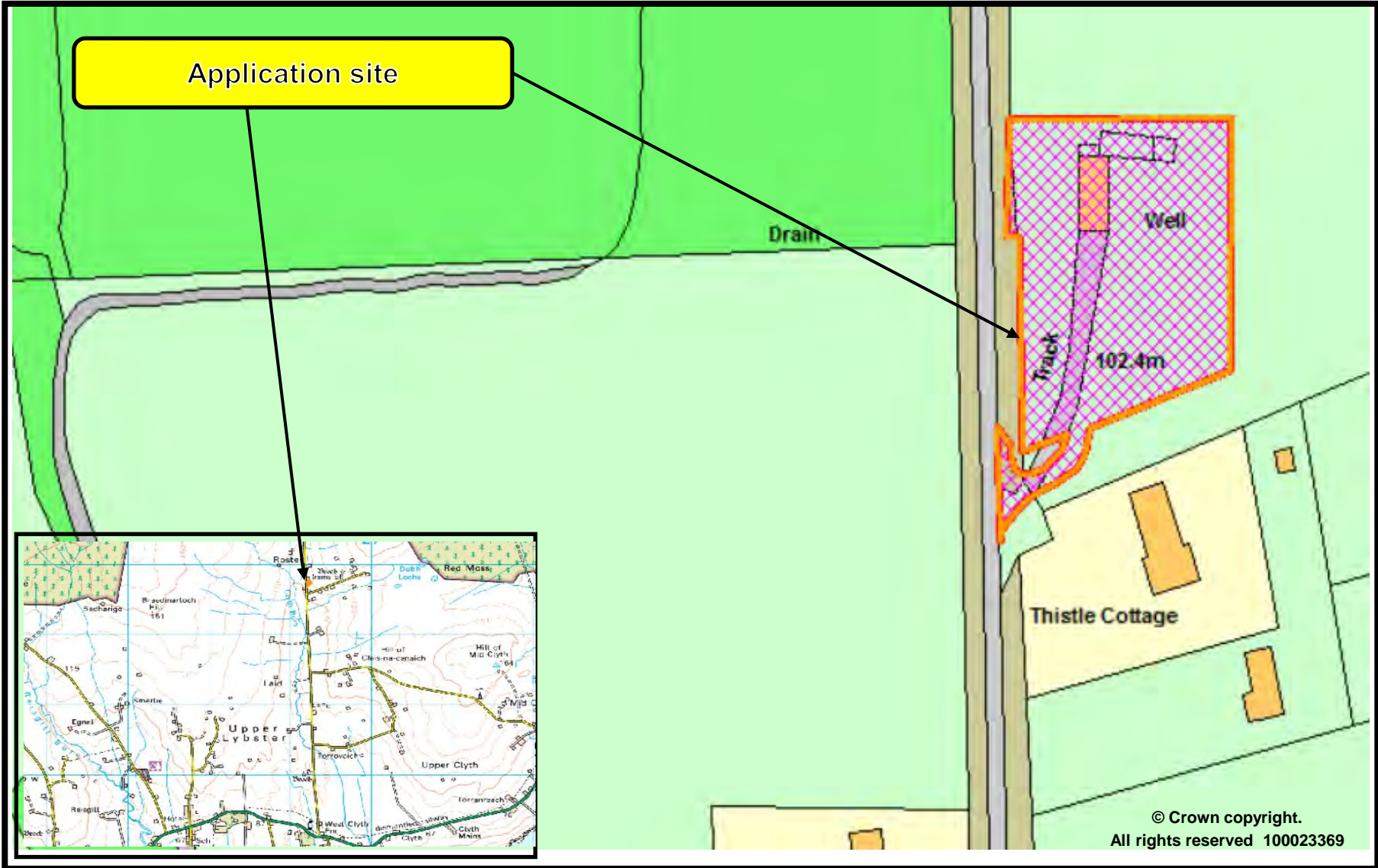
Designation: Area Planning Manager – North

Author: Mark Fitzpatrick

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location / Site Layout Plan	001	AB	21 July 2021
Existing Site Plan	007		24 August 2021
Existing Elevation Plan	002		21 July 2021
Proposed Floor Plan	003	AB	21 July 2021
Proposed Elevation Plan	004	AB	21 July 2021



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The Highland Council
Comhairle na Gàidhealtachd

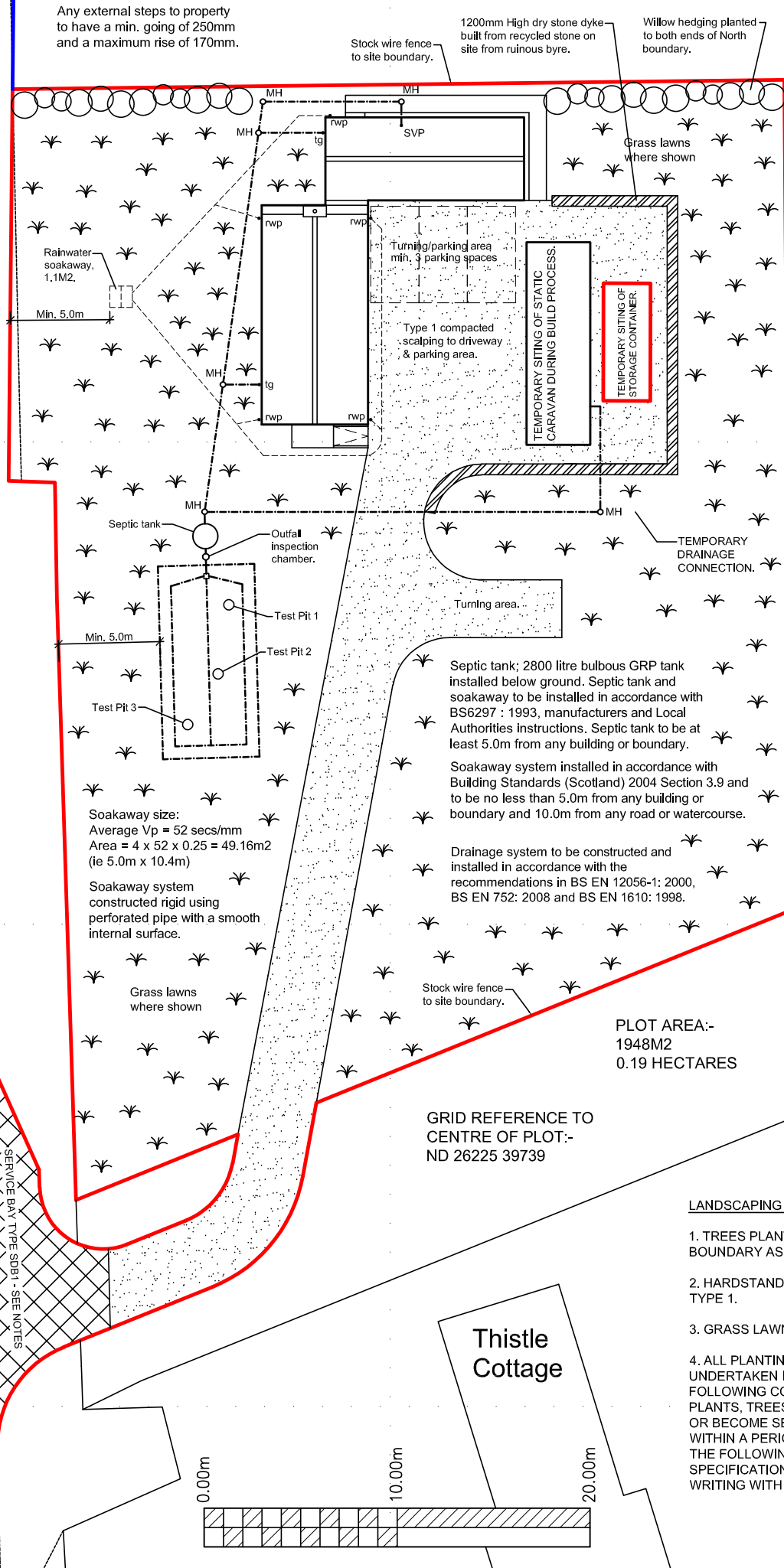
Planning and Development Service

21/03558/FUL

Creation of new vehicular access, installation of private drainage system and extension & renovation of existing cottage (part retrospective) at Land 50M North Of Thistle Cottage, Occumster, Lybster

Scale:

Any external steps to property to have a min. going of 250mm and a maximum rise of 170mm.



Rainwater Soakaway
(A x 0.0145) - (a x f x 900) = S
(188.8 x 0.0145) - (0.72 x 0.0052 x 900) = 1.312
Where - A is the area to be drained in m².
a is the internal surface area of the soakaway to 50% effective depth, excluding the base in m². This has to be assumed for initial calculation purposes.
f is the soil infiltration rate, in m/s, determined in accordance with clause 3.9.1. This calculation produces Vp in secs/mm [conversion = (1/Vp) / 1000].
S is the required storage in m³.

Rainwater Soakaway system to be in accordance with Building Standards (Scotland) 2004 Section 3.6 and to be no less than 5.0m from any building or boundary.

Accessible Threshold & Access Ramp Notes:-

1. Entrance door to have clear opening of 800mm in accordance with Part 4.1.9 of the Building Standards (Scotland) regulations 2007. Door to be fitted with an accessible threshold.
2. 1.2 x 1.5m Plat at any change of direction & at top of ramp.
3. Protective barrier must be small enough to prevent the passage of a 100mm diameter sphere and a minimum of 900mm high at any change of direction in ramp.
4. Kerbed upstand of 100mm to either side of ramp in accordance with Part 4.4.3 of the Building Standards (Scotland) regulations 2009.

ROADSIDE DITCH

1. New culvert at access point to be constructed with 300mm diameter pipework.
2. New concrete built headwalls to be constructed to both side of extended culvert.

VISIBILITY SPLAYS

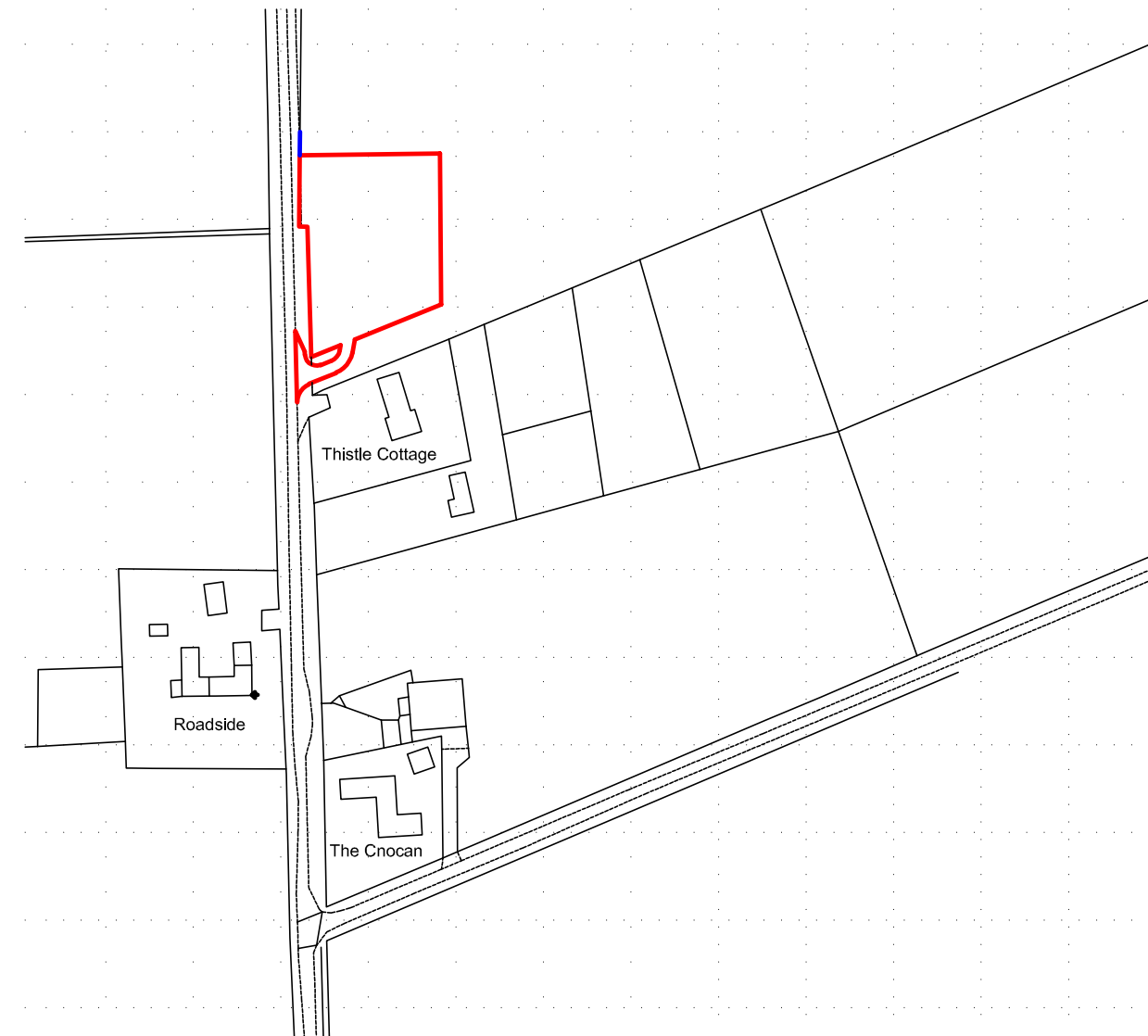
1. The achievable visibility splay to the North West is 2.4m x 150m.
2. The achievable visibility splay to the South East is 2.4m x 100m.
3. Both these figures are to the end of the straight or nearest junction.
4. These figures are currently available on site without any works required.

SERVICE BAY NOTES - SDB1 Service Bay Arrangement.

1. Verge a minimum of 500mm wide to rear of bituminous surface.
2. Service bay may be constructed on left or right hand side.
3. Gates should be set at least 8.0m from road edge and open in.
4. Surfacing to extend a minimum of 6m back from carriageway edge.
5. Sub-base depth may also vary depending on road/ground conditions and type.

LANDSCAPING NOTES:-

1. TREES PLANTED ALONG BOTH ENDS OF NORTH BOUNDARY AS SHOWN.
2. HARDSTANDING TO BE FINISHED IN COMPACTED TYPE 1.
3. GRASS LAWNS WHERE SHOWN.
4. ALL PLANTING HEREBY APPROVED SHALL BE UNDERTAKEN IN THE FIRST PLANTING SEASON FOLLOWING COMPLETION OF THE HOUSE. ANY PLANTS, TREES OR SHRUBS THAT DIE, ARE REMOVED, OR BECOME SERIOUSLY DAMAGED OR DISEASED WITHIN A PERIOD OF FIVE YEARS SHALL BE REPLACED THE FOLLOWING PLANTING SEASON TO THE ORIGINAL SPECIFICATION UNLESS OTHERWISE AGREED IN WRITING WITH THE PLANNING AUTHORITY.



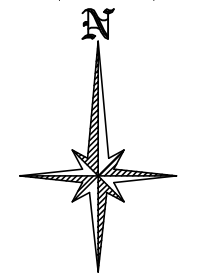
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Location Map 1:2000



SITE

OS Map Extract



REV:	DESCRIPTION:	BY:	DATE:
AA	ADDED COURTYARD WALLING AT HARDSTANDING	JNM	17/12/20
AB	UPDATED EXT. DESIGN AND SITE LAYOUT	JNM	21/07/21

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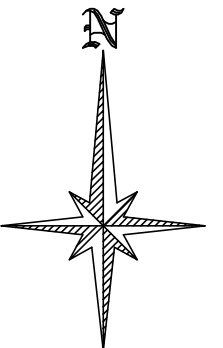
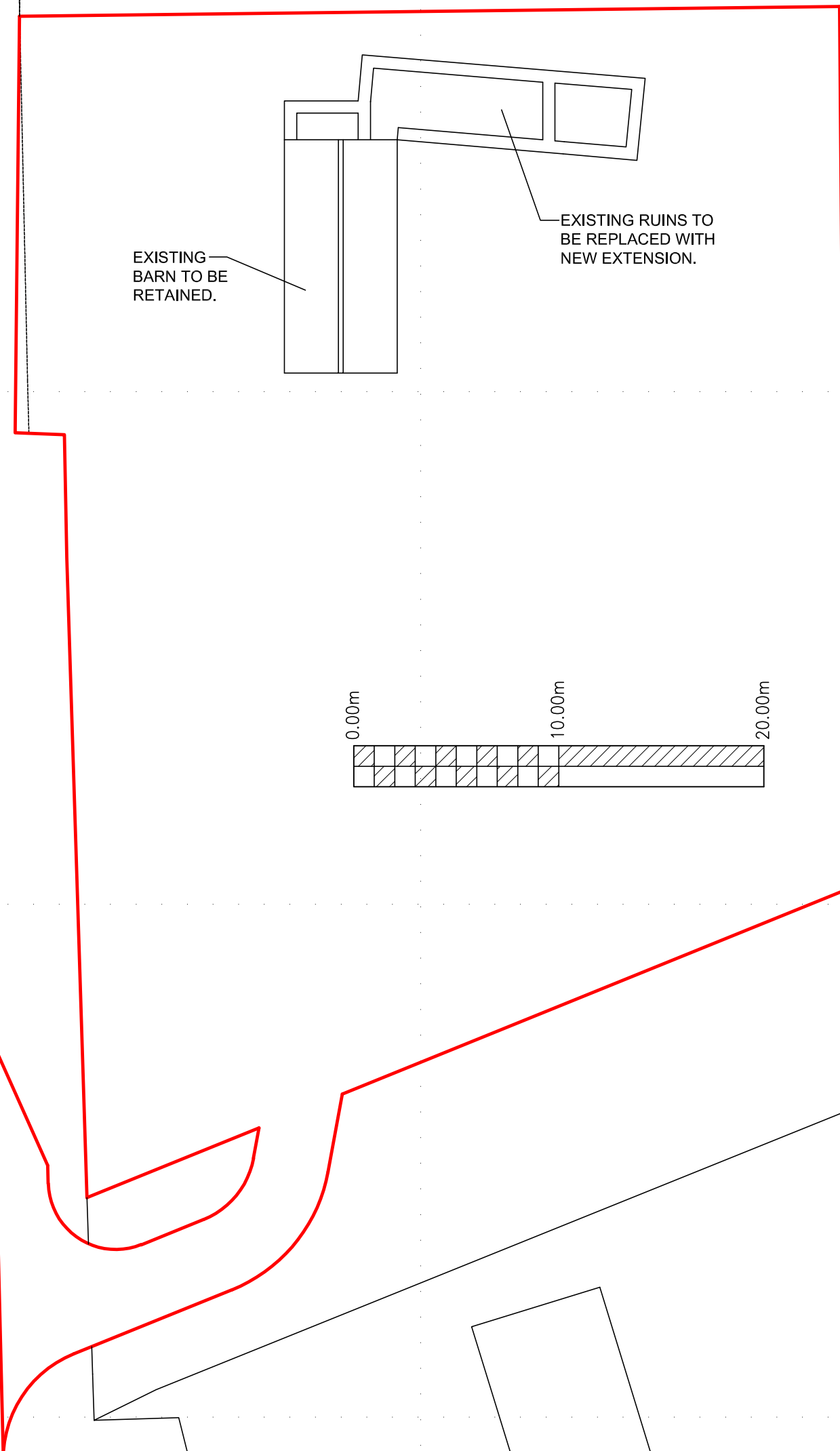
CLIENT: MR. & MRS P. HURST

SITE: PLOT 50M NORTH OF THISTLE COTTAGE OCCUMSTER LYBSTER

TITLE: SITE PLAN

SCALE AT A3:	DATE:	DRAWN:
AS SHOWN	24-09-20	JNM
PROJECT NO:	DRAWING NO:	REVISION:
NC087	001	AB

Site Plan 1:300



EXISTING SITEPLAN 1:250

REV:	DESCRIPTION:	BY:	DATE:


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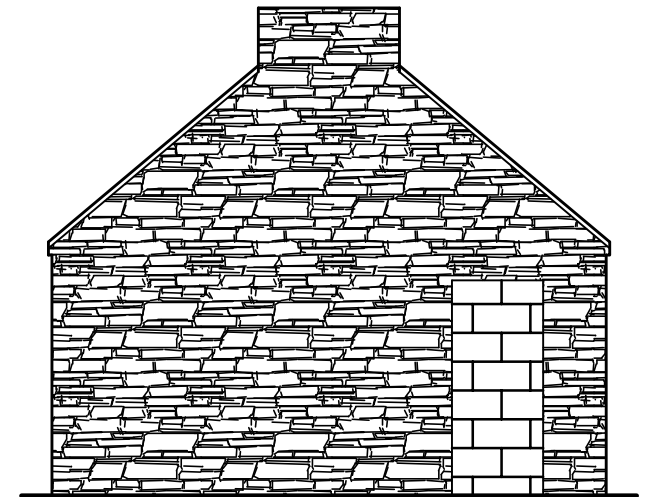
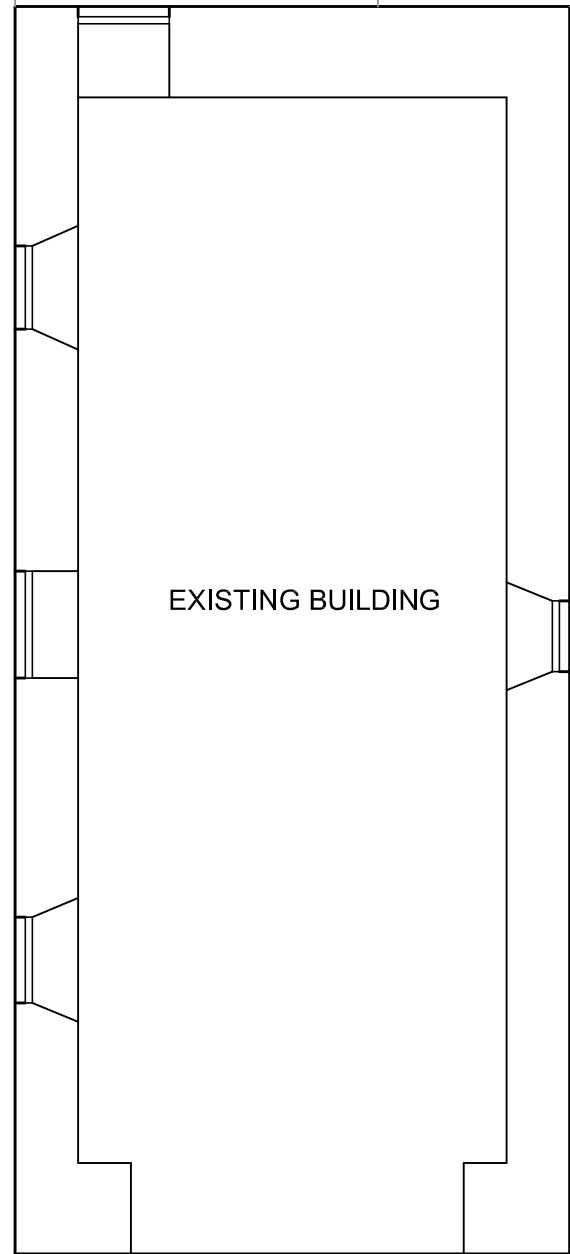
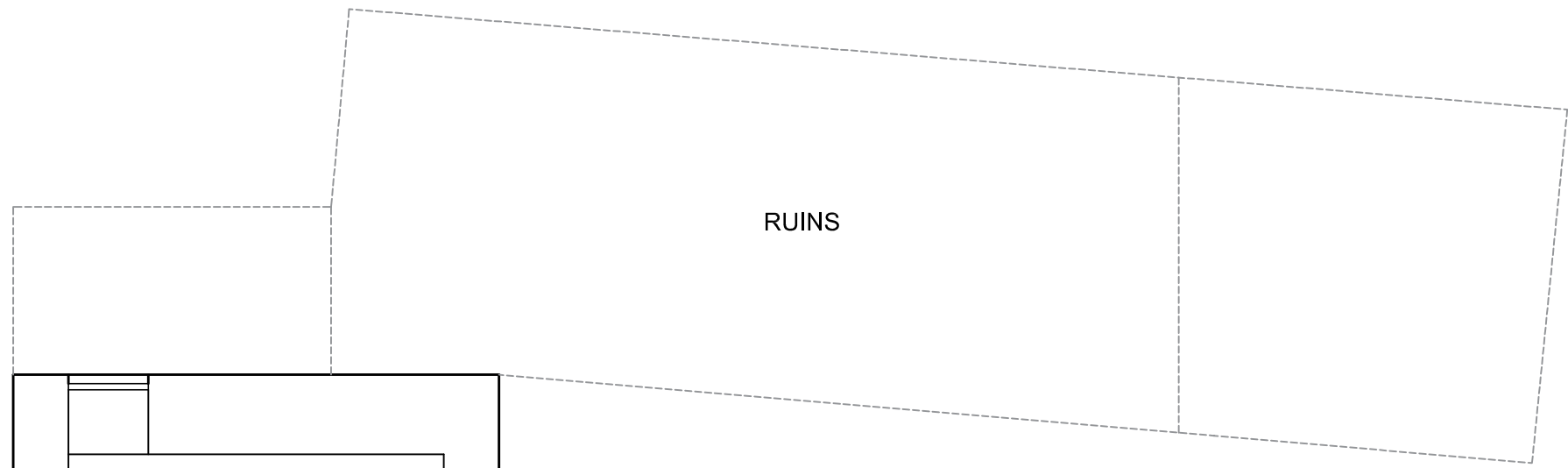
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CLIENT: MR. & MRS P. HURST

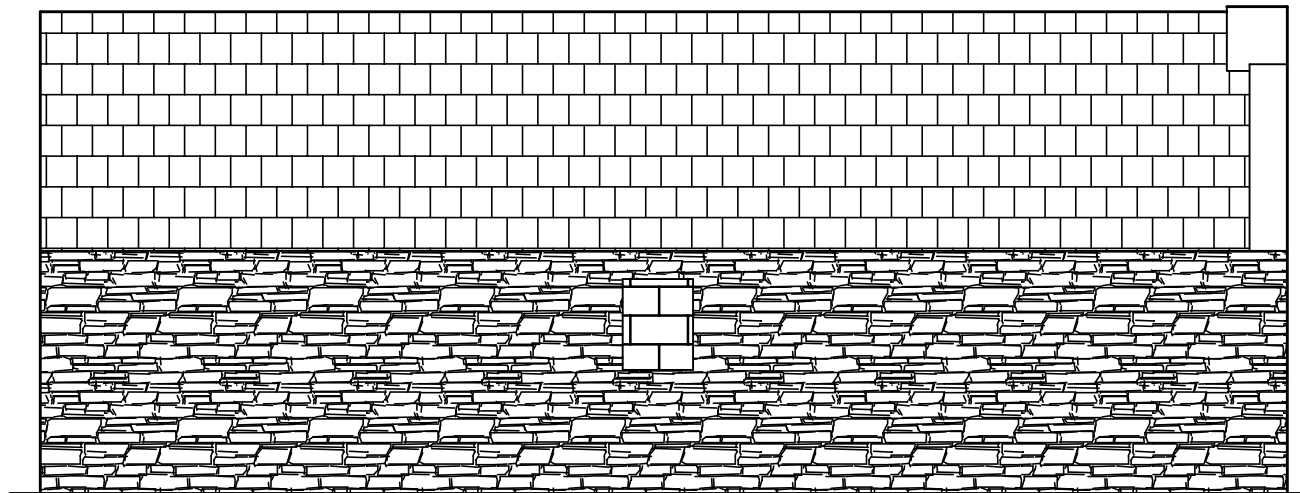
SITE: PLOT 50M NORTH OF
 THISTLE COTTAGE
 OCCUMSTER
 LYBSTER

TITLE: EXISTING SITEPLAN

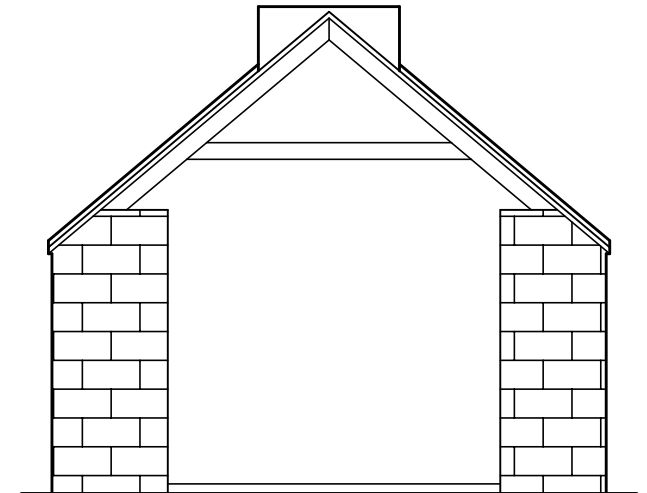
SCALE AT A3: 1:250	DATE: 20-08-21	DRAWN: JNM
PROJECT NO: NC087	DRAWING NO: 007	REVISION: FIRST ISSUE



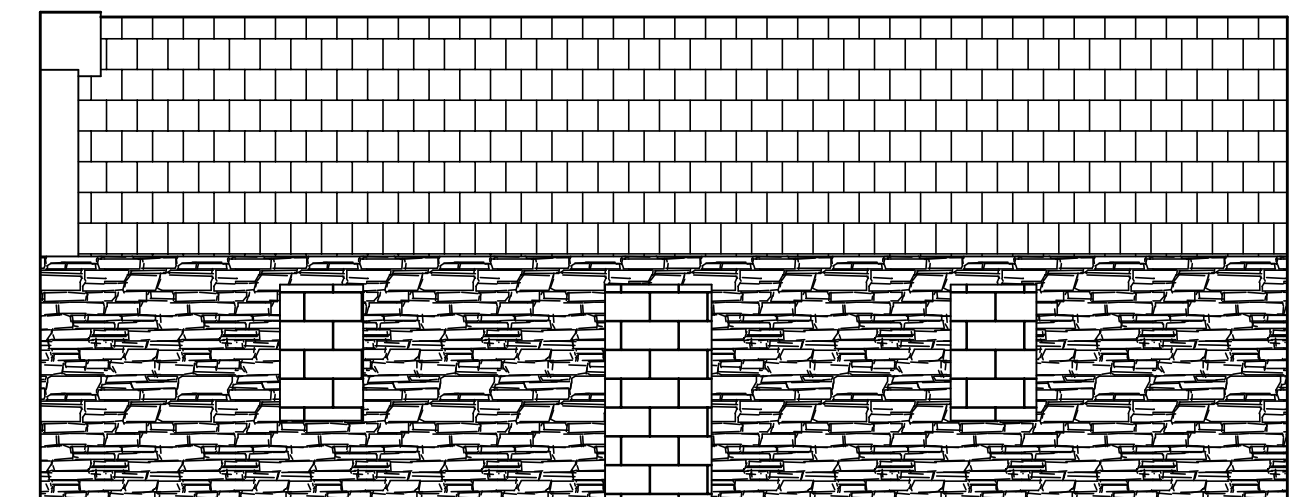
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

REV:	DESCRIPTION:	BY:	DATE:


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CLIENT: MR. & MRS P. HURST

SITE: PLOT 50M NORTH OF
 THISTLE COTTAGE
 OCCUMSTER
 LYBSTER

TITLE: EXISTING PROPERTY

SCALE AT A3: 1:75	DATE: 24-09-20	DRAWN: JNM
PROJECT NO: NC087	DRAWING NO: 002	REVISION: FIRST ISSUE

General Notes:

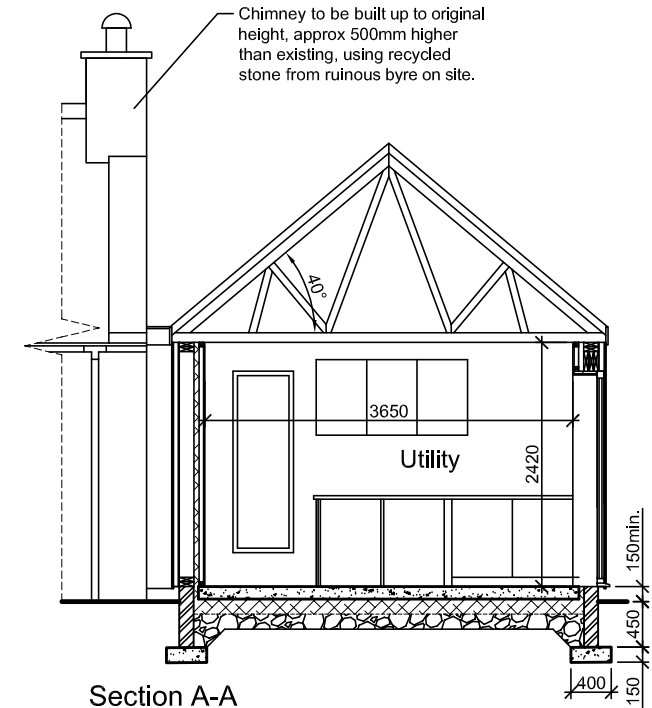
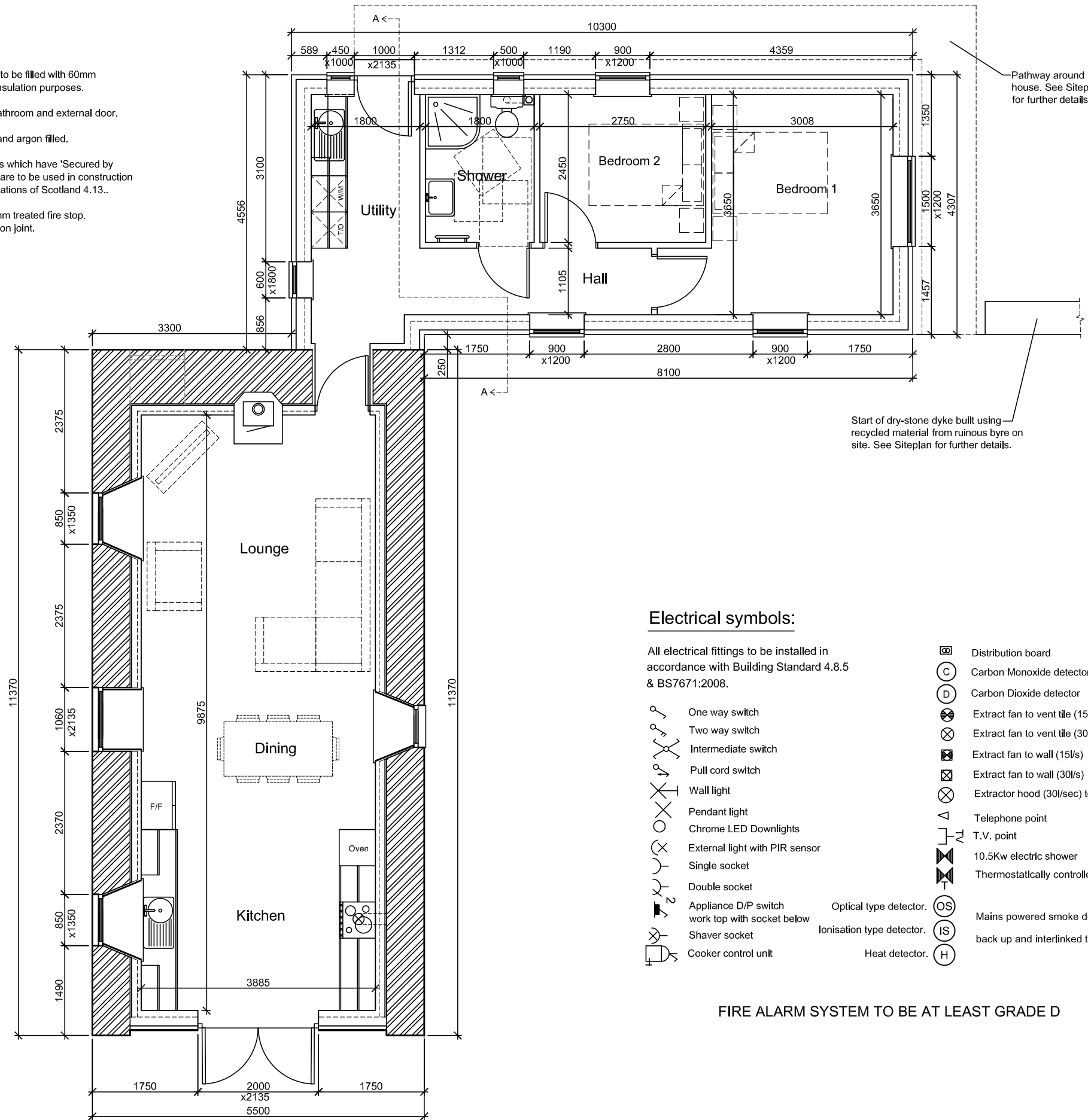
All internal partitions to be filled with 60mm insulation for sound insulation purposes.

Obscure glazing to bathroom and external door.

Glazing to be low 'e' and argon filled.

Only windows & doors which have 'Secured by Design' accreditation are to be used in construction as per Building Regulations of Scotland 4.13..

FS - Donotes 38x50mm treated fire stop.
EJ - Donotes expansion joint.

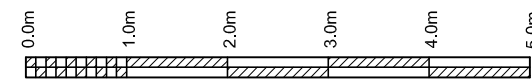


Electrical symbols:

All electrical fittings to be installed in accordance with Building Standard 4.8.5 & BS7671:2008.

- One way switch
- Two way switch
- Intermediate switch
- Pull cord switch
- Wall light
- Pendant light
- Chrome LED Downlights
- External light with PIR sensor
- Single socket
- Double socket
- Appliance D/P switch work top with socket below
- Shaver socket
- Cooker control unit
- Distribution board
- Carbon Monoxide detector
- Carbon Dioxide detector
- Extract fan to vent tile (15l/s)
- Extract fan to vent tile (30l/s)
- Extract fan to wall (15l/s)
- Extract fan to wall (30l/s)
- Extractor hood (30l/sec) to outside wall
- Telephone point
- T.V. point
- 10.5Kw electric shower
- Thermostatically controlled mixer shower
- Mains powered smoke detector with battery back up and interlinked to all other detectors
- Optical type detector.
- Ionisation type detector.
- Heat detector.

FIRE ALARM SYSTEM TO BE AT LEAST GRADE D



REV:	DESCRIPTION:	BY:	DATE:
AA	REVISED WINDOWS, ROOF PITCH & COURTYARD	JNM	21/01/21
AB	REVISED ROOF DESIGN AND 300mm LINK	JNM	07/07/21

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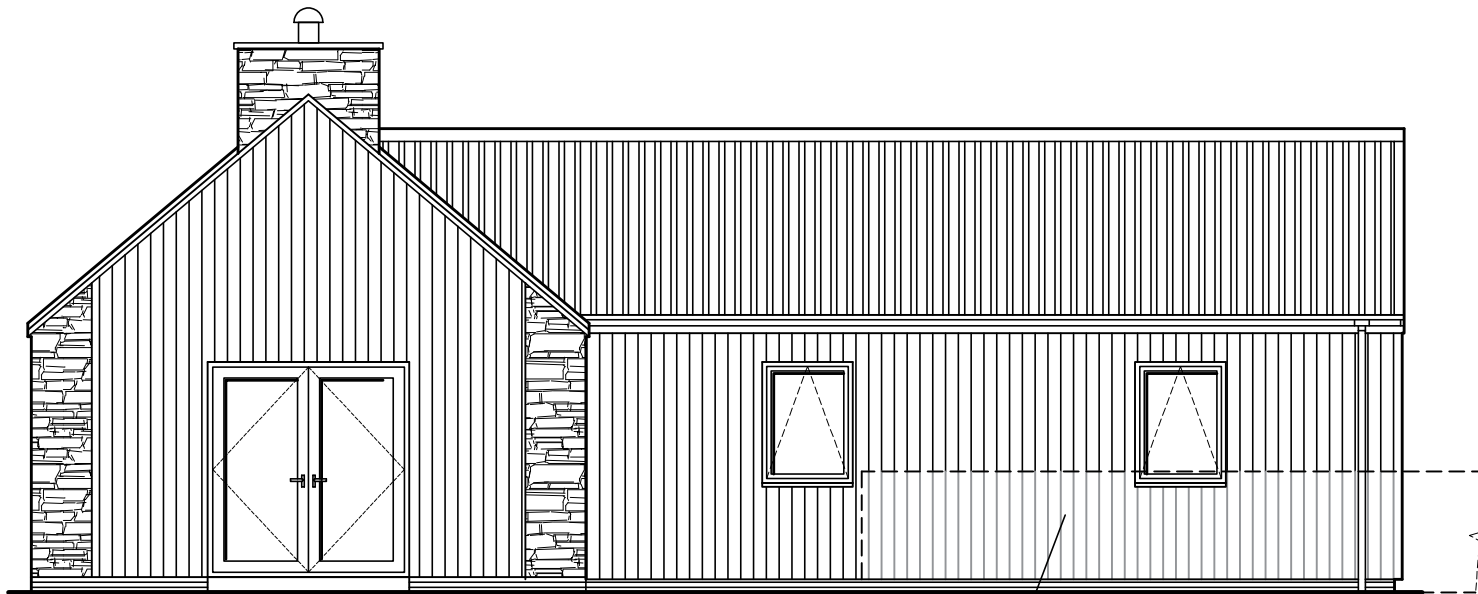
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COMPANY No. SC461656 VAT No. 175 5238 91

CLIENT: MR & MRS P. HURST

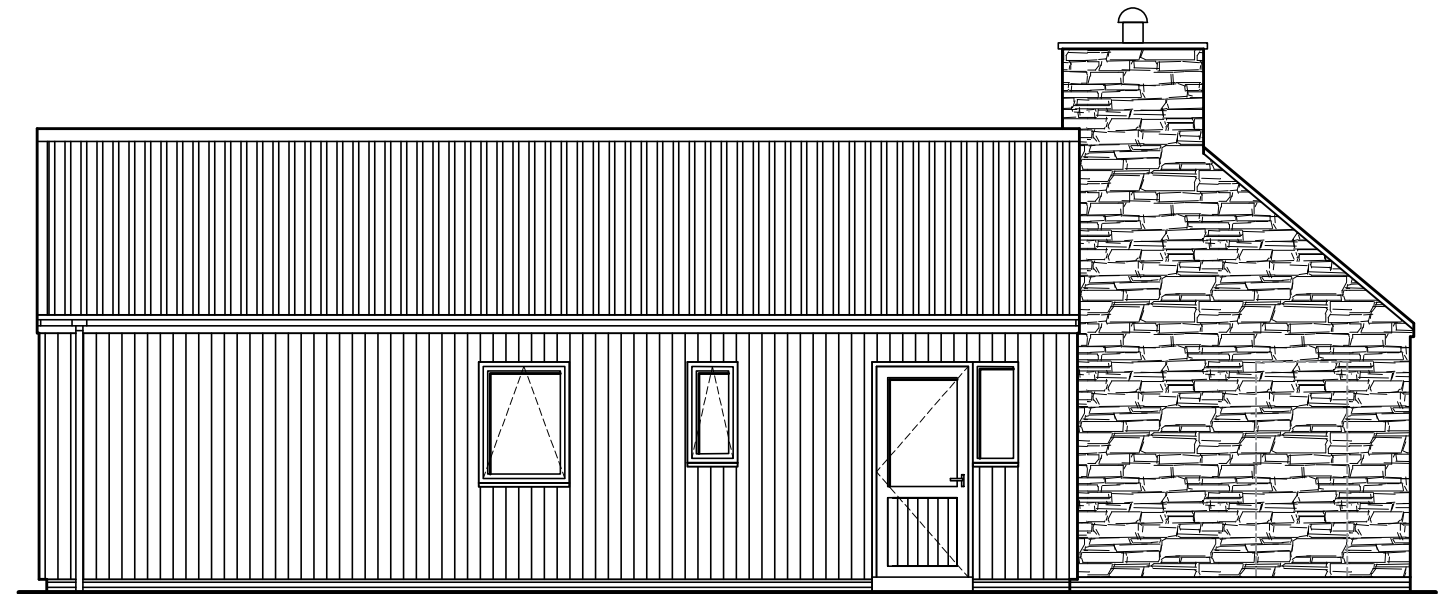
SITE: PLOT 50M NORTH OF
THISTLE COTTAGE
OCCUMSTER
LYBSTER

TITLE: PROPOSED FLOOR PLANS & SECTION

SCALE AT A3: 1:75	DATE: 24-09-20	DRAWN: JNM
PROJECT NO: NC087	DRAWING NO: 003	REVISION: AB



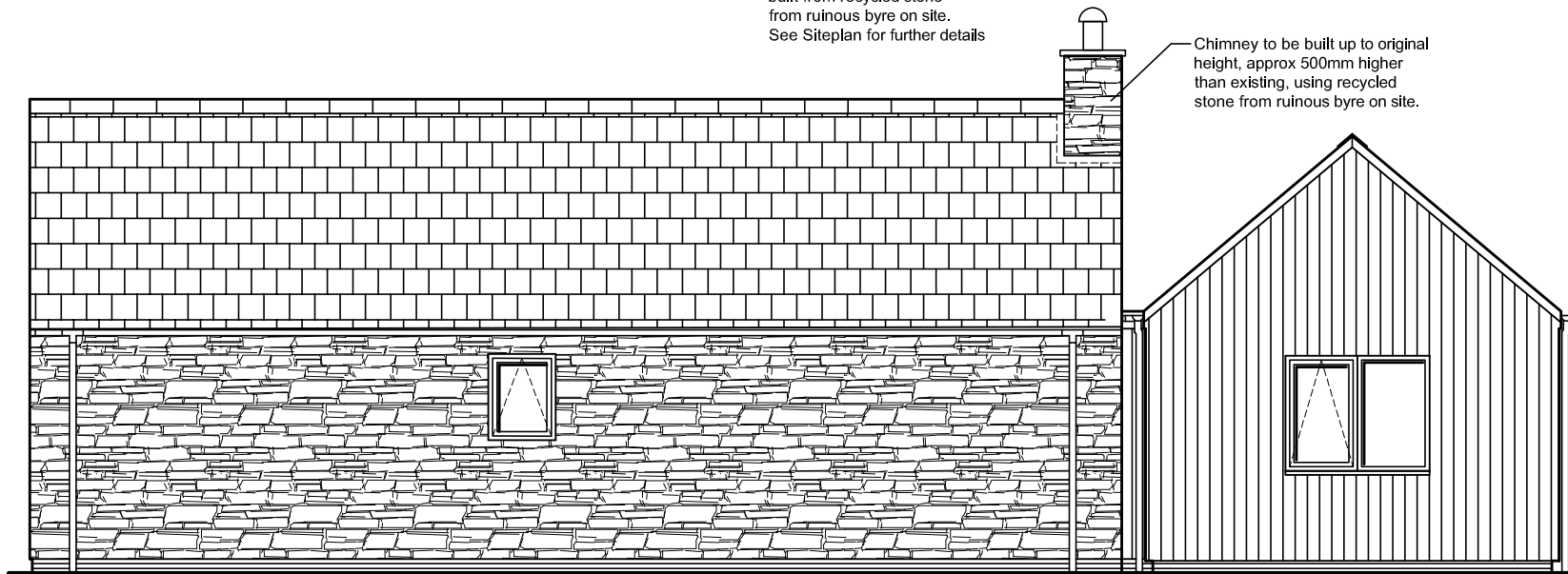
SIDE ELEVATION (SOUTH)



SIDE ELEVATION (NORTH)

Courtyard dry stone dyke built from recycled stone from ruinous byre on site. See Siteplan for further details

Chimney to be built up to original height, approx 500mm higher than existing, using recycled stone from ruinous byre on site.



REAR ELEVATION (EAST)

EXTERNAL FINISHES:-

Roof Covering:- Existing building to have Welsh slate roof finish, new extension to be black corrugated roofing.

External Walls:- Existing building to be repaired as necessary, picked & re-pointed with lime render, new extension to be clad with Scottlarch shiplap cladding.

Rainwater goods:- Black Marley half round gutters with matching downpipes & fittings.

Windows:- Grey Ext./ White Int. PVC, factory double glazed, Argon filled low 'e' high efficiency units.

Doors:- Grey Ext./ White Int. PVC, factory double glazed, Argon filled low 'e' high efficiency units.

Fascia & Soffit:- Scottlarch fascia, barge & soffit boarding.

Box gutter between new roof construction and existing stone gable end.



FRONT ELEVATION (WEST)



REV:	DESCRIPTION:	BY:	DATE:
AA	VARIOUS AMENDMENTS	JNM	21/01/21
AB	REVISED ROOF DESIGN	JNM	07/07/21


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CLIENT: MR. & MRS P. HURST

SITE: PLOT 50M NORTH OF
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TITLE: PROPOSED ELEVATIONS

SCALE AT A3: 1:75	DATE: 24-09-20	DRAWN: JNM
PROJECT NO: NC087	DRAWING NO: 004	REVISION: AB