

Agenda Item	6.6
Report No	PLN/008/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 25 January 2022

Report Title: 21/03429/FUL: Mr H Anderson

312 Hilton, Dornoch.

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of holiday letting Unit

Ward: 04 – East Sutherland and Edderton

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 applicant seeks to erect a holiday letting unit within the garden ground of the private house at 312 Hilton, Dornoch. Works are proposed to facilitate the development, and these include the removal of an existing garden building, formation of an access path and the erection of a screen fence.

The original application proposed the installation of two units. However, further discussion and negotiation has reduced the proposal to the erection of a single unit.

- 1.2 The application is supported by:

- Development Drawings
- Agent e-mail addressing objections received

- 1.3 During processing of the application, the proposed site layout drawing has been amended to show the removal of the second unit, the relocation of the single unit and the addition of a 1.8m high boundary / screen fence.

2. SITE DESCRIPTION

- 2.1 The site lies within the garden ground to the north of the house at 312 Hilton Dornoch; it is extensively screened by the house, mature planting within the garden and on the mutual boundaries. Access is provided via a dedicated parking area to the west of the house with additional parking available at the east of the house if required.

3. PLANNING HISTORY

- 3.1 08/00442/FULSU – Refurbish and extend existing house - Approved on 25th November 2008.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 27th August 2021
Representation Deadline: 28th October 2021

- 4.2 Timeous Representations: 2No. objections from 2No. individuals.
Following receipt of information addressing representations, no objections have been withdrawn.

- 4.3 Additional representations: 3No. objections from 3No. individuals and a general comment from 1No. individual.

Following amendments to the proposal (reduction to a single unit and relocation further east within the garden), the original 2 (timeous) objectors were contacted to establish their position in respect of sustaining or withdrawing their objection following this re-design; both parties maintained their objection.

In addition, during this time a further 3 objections and a general comment were received from new contributors.

4.4 Material considerations raised in objections and correspondence are summarised as follows:

- a) Concerns regarding discrepancies in the submitted details (with regard to the adjacent approved but not yet built house).
- b) Road safety concerns, increase in traffic and parking requirements.
- c) Impact of development on amenity of neighbouring domestic properties (houses and gardens) including increase in disturbance and nuisance, impacts on privacy, proximity of footpath to neighbouring property and light pollution.
- d) Removal of trees
- e) Concerns that the design is not high quality
- f) Introduction of commercial use in garden ground when house already operates as a B&B
- g) Consider the development to be contrary to policy.
- h) Impact on protected species from removal of outbuilding

4.5 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 Forestry Officer – Consultation with the Forestry Officer identified no issues in respect of the siting of the unit. Clarification in respect of the track for the foul water connection to the sewer is required to ensure that roots of trees are protected. A condition has been applied to the decision in this respect.

Scottish Water –No
Objection

5.2 DEVELOPMENT PLAN POLICY

6. The following policies are relevant to the assessment of the application

Highland Wide Local Development Plan 2012

- 6.1 Policy 28 - Sustainable Design
- Policy 44 – Tourist Accommodation
- Policy 51 – Trees and Development
- Policy 65 – Waste Water Treatment
- Policy 66 – Surface Water Drainage

Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

8. PLANNING APPRAISAL

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.

8.1 Determining Issues

The application requires to be assessed against all policies of the Development Plan relevant to the application and all national and local policy guidance and all other material considerations relevant to the proposal.

8.2 Planning Considerations

The key considerations in this case are:

compliance with the development plan and other planning policy.

8.3 Development plan/other planning policy

The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan and all statutorily adopted supplementary guidance (Sustainable Design Guide (Jan 2013) and Trees, Woodlands and Development (Jan 2013).

8.4 The site lies within the Hinterland area around Dornoch. There are no site-specific allocations or policies within the CaSPlan at the application's location and the development is therefore, principally assessed against the general policies of the HwLDP.

The policy is reinforced by HwLDP Policy 28 for Sustainable Design.

It has been suggested by third party objectors that Policy 44 – Tourist Accommodation (HwLDP) is not being complied with as residential amenity will be impacted upon to an unacceptable degree. This assertion has been examined in the Amenity section as noted below.

8.5 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.

8.6 Siting and Design

As noted above, the site lies within the large garden area to the north of the main property at 312 Hilton, Dornoch.

Following objections to the installation of two units, the applicant has reduced the proposal to a single unit and has relocated it further east within the garden area

and more towards the rear of the main house. Main access and parking for this proposal, however, remains to the west of the house in the area currently serving the existing B and B business run at the property; a further parking area lies to the east of the house. It is suggested that the installation of the unit introduces a commercial use. However, given the house is currently run as a B and B, it is reasonable to suggest that there is already a commercial use at the property. It is not uncommon for letting pods to be located within residential garden ground.

The letting unit differs from many “pod” installations in that it is a rectangular building with a single pitched roof. Finishes are to be horizontal timber cladding to the walls with metal sheeting to the roof. Windows are restricted to the southern and northern elevations.

8.7 **Amenity**

The principal objections raised against this proposal relate to a loss of amenity. The site benefits from having mature trees on the boundaries and a significant number of trees within the garden area. The movement of the installation towards the east has increased the separation to the neighbouring properties.

It is noted that planning permission was granted on 26th February 2018 for a house on the site immediately to the west; this house is still to be erected. Potential impacts on amenity have been assessed in terms of the planning permission details, to ensure its amenity is safeguarded.

8.8 A further claim has been made that the development will result in noise nuisance. The installation is to the rear of the applicant’s property, they will certainly be aware of noise emanating from the unit and will be in a position to stop any unreasonable intrusion in respect of this.

8.9 The applicant has attempted to address the objections received and the amendments made go some way in maintaining the amenity currently enjoyed by the nearest neighbours. Mature boundary trees and bushes and the installation of a 1.8m high fence ensures that there is no significant intervisibility between the installation and neighbours.

8.10 **Visual Impact**

There is no unacceptable visual impact on the area by the installation of the unit. As previously stated, the site is well screened from view either by the main house, the existing mature trees or the proposed fence. It is unlikely that people would have significant views of the letting unit from outwith the site.

8.11 **Access and Parking**

It has been suggested that the development would have impacts on the surrounding area in respect of road safety. However, it is noted that there is existing parking provision with additional scope to the east of the house. The public road sees very little traffic and any that does pass is travelling at low speed. The applicant currently runs a B and B in the property, and this (as advised in supporting documentation) is to be scaled down and stopped. In any event there is sufficient available parking and there are no road safety issues.

8.12 **Drainage**

It is proposed to connect the foul water drainage to the existing public system. Surface water drainage will be accommodated within the site and will not lead to an increased risk of flooding.

8.13 **Flooding**

The site does not lie within an area noted for flooding and as noted above does not increase flood risk.

8.14 **Developer Contributions**

No developer contributions are due for this development.

8.15 **Other material considerations**

The removal of the outbuilding does not require planning permission and it is not considered necessary or reasonable to require the submission of a protected species survey. It is recommended however that a footnote be attached highlighting the developer's responsibility in relation to any discovery of protected species during development.

8.16 **Non-material considerations**

This proposed development has received correspondence which has been duly considered for matters material to the assessment. Issues material to planning have been considered above, however, non-material issues were raised and are summarised as follows:

- a) Perceived impact on property values.
- b) Potential precedent (proliferation of camping pods)

8.17 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

The principle of the installation of the letting unit is supported in Highland and Scottish Planning Policy. The application has attracted local 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. However, on review of all relevant material planning considerations, the proposal has been assessed and found to be acceptable on siting, design and amenity grounds. Access and parking as well as impact on private properties have been assessed and are considered to be acceptable given the redesign and amendments made.

9.1 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

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

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

1. No development shall commence until a drawing showing full details of the line of the foul drainage has been submitted to and agreed in writing by the Planning Authority in consultation with the Forestry Officer. Thereafter the development shall be completed and maintained in accordance with the approved details.

Reason: In order to avoid impact on mature tree root systems.

2. The self-contained unit hereby approved shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any one family, group or individual for more than three months (cumulative) in any calendar year.

Reason: To ensure that the development does not become used for permanent residential accommodation in recognition of the design and amenity and in accordance with the use applied for.

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.

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.

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_f_or_working_on_public_roads/2

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

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.

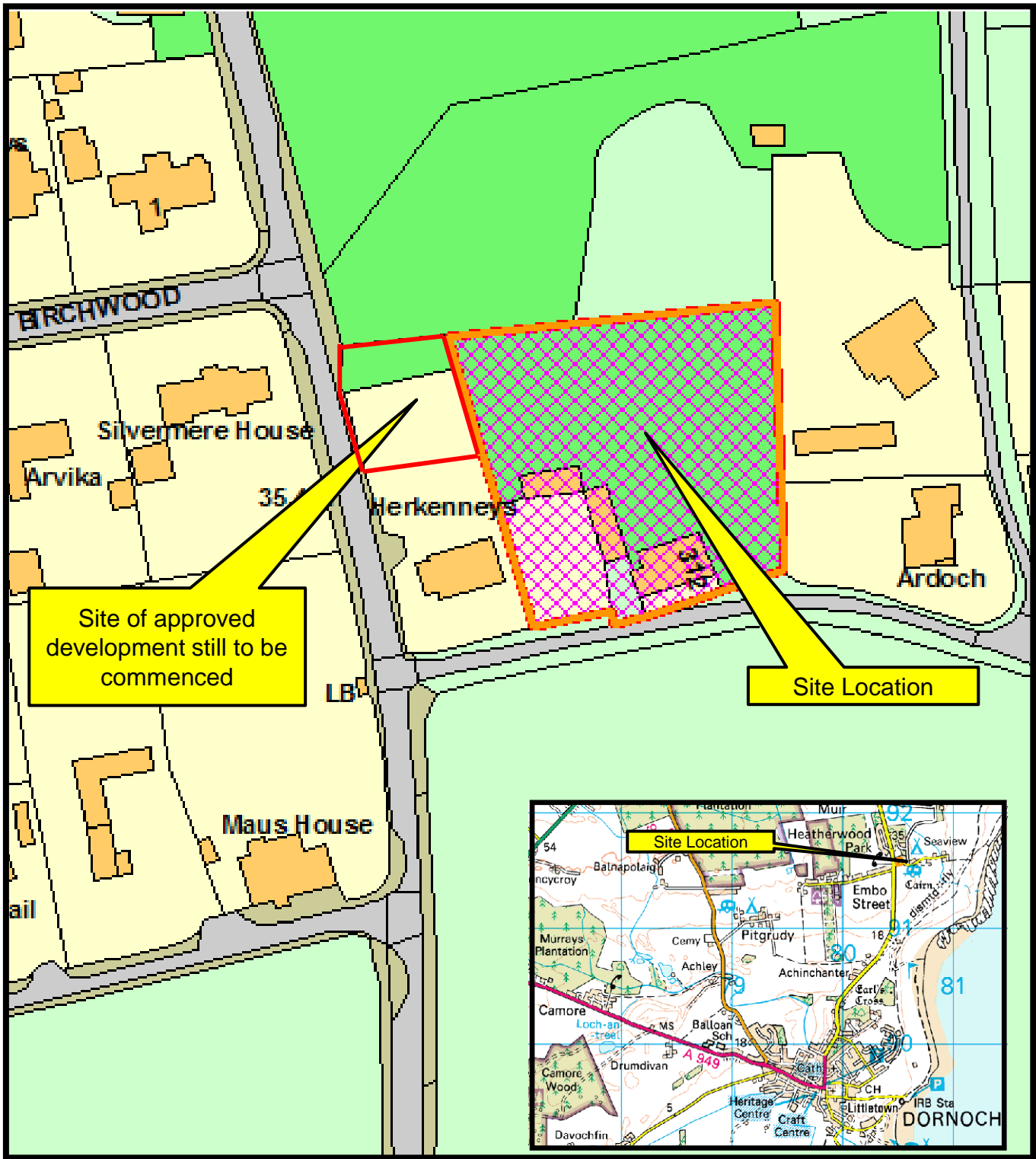
Designation: Area Planning Manager – North

Author: David Borland

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

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	L(90)001A		14 July 2021
Proposed Site Layout Plan	PL(90)-001	REV F	08 December 2021
General Plan	PL(90)001A		14 July 2021



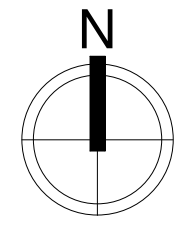
The Highland Council
Comhairle na Gàidhealtachd

Infrastructure & Environment
 Service

21/03429/FUL
Erection of a holiday letting unit at
312 Hilton, Dornoch.



January 2022



Scale 1:2000

Rev	Description	Dr'n/Chk'd	Date
A	Original - First Issue	-	-

Client
Hugh Anderson
312 Hilton
Dornoch, IV25 3PW

Project
Holiday Pods

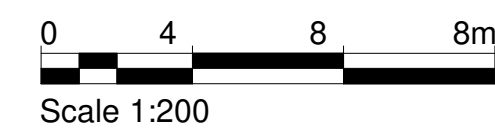
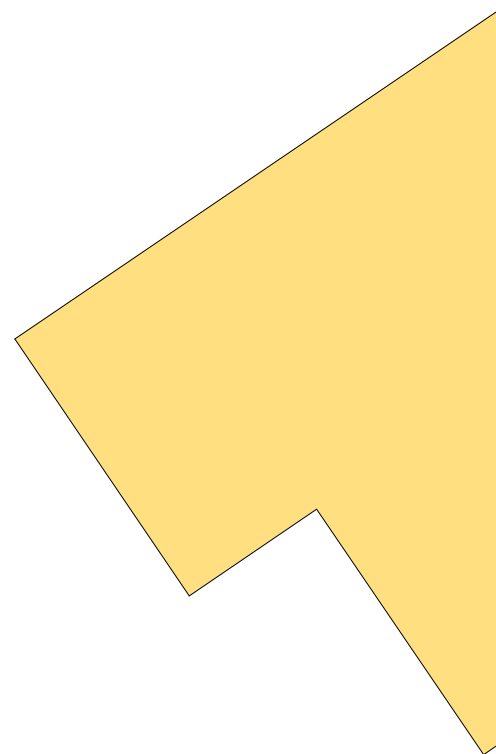
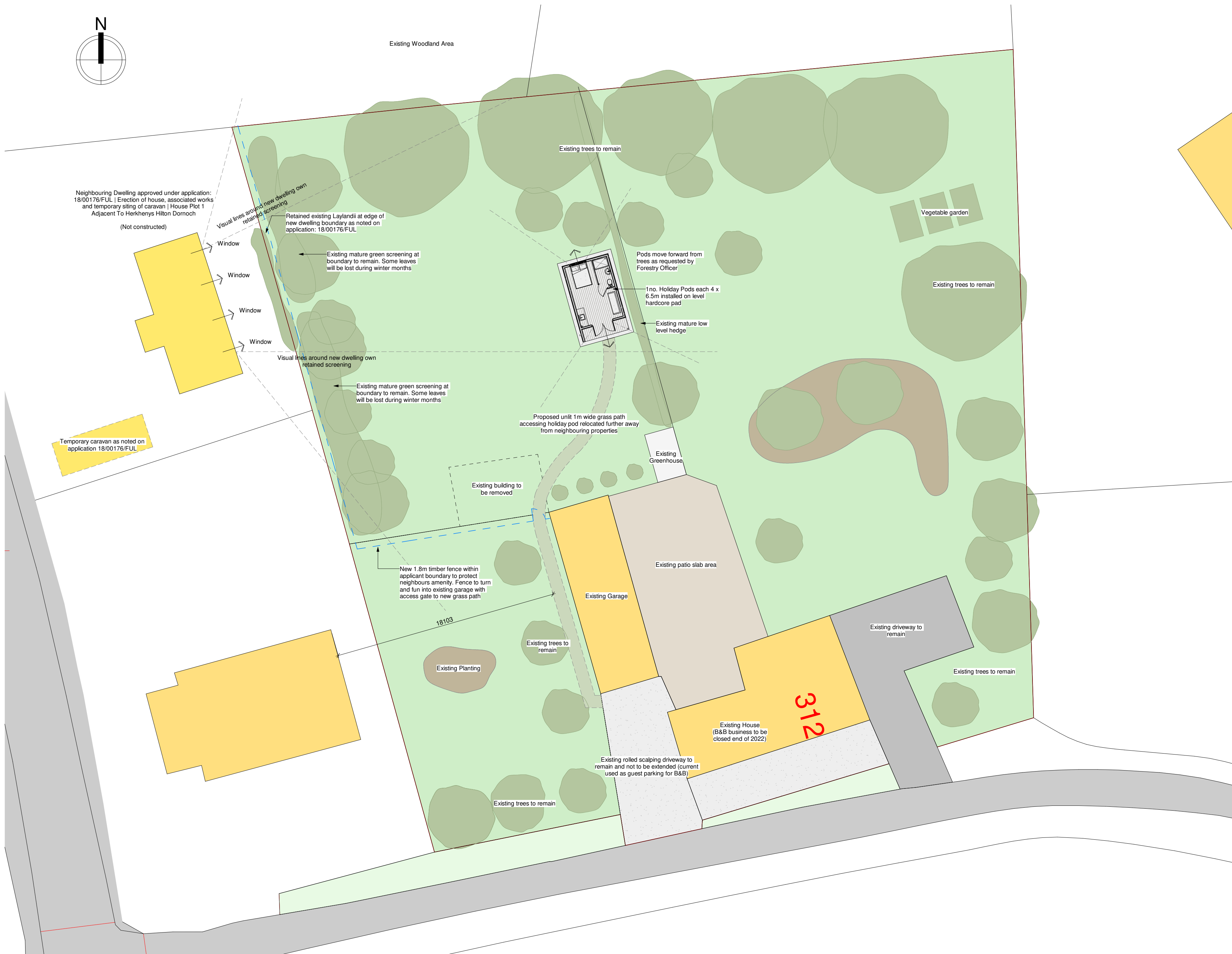
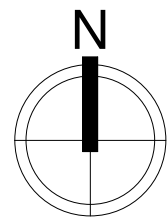
Drawing
Location Plan

Project No.
0006

Drawing No. Rev.
L(90)001 A

Status
INFORMATION

Created - Checked -
Date - Scale 1 : 2000 @ A3



Rev	Description	Dr'n/Chk'd	Date
F	Boundary fence route altered	-	-
E	Boundary fence increased to full length of side boundary	-	-
D	Revised following planning comments site visit	-	-
C	Revised following Planning objections	-	-
B	Revised pod location	-	-
A	Original - First Issue	-	-

Client
Hugh Anderson
312 Hilton
Dornoch, IV25 3PW

Project
Garden Pods

Drawing
Proposed Site Plan

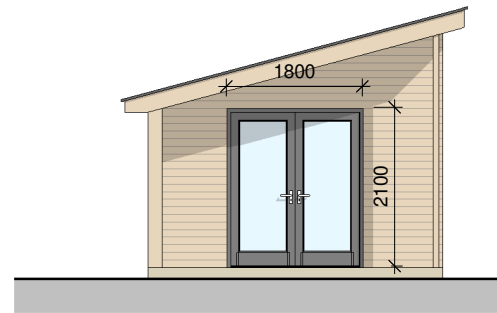
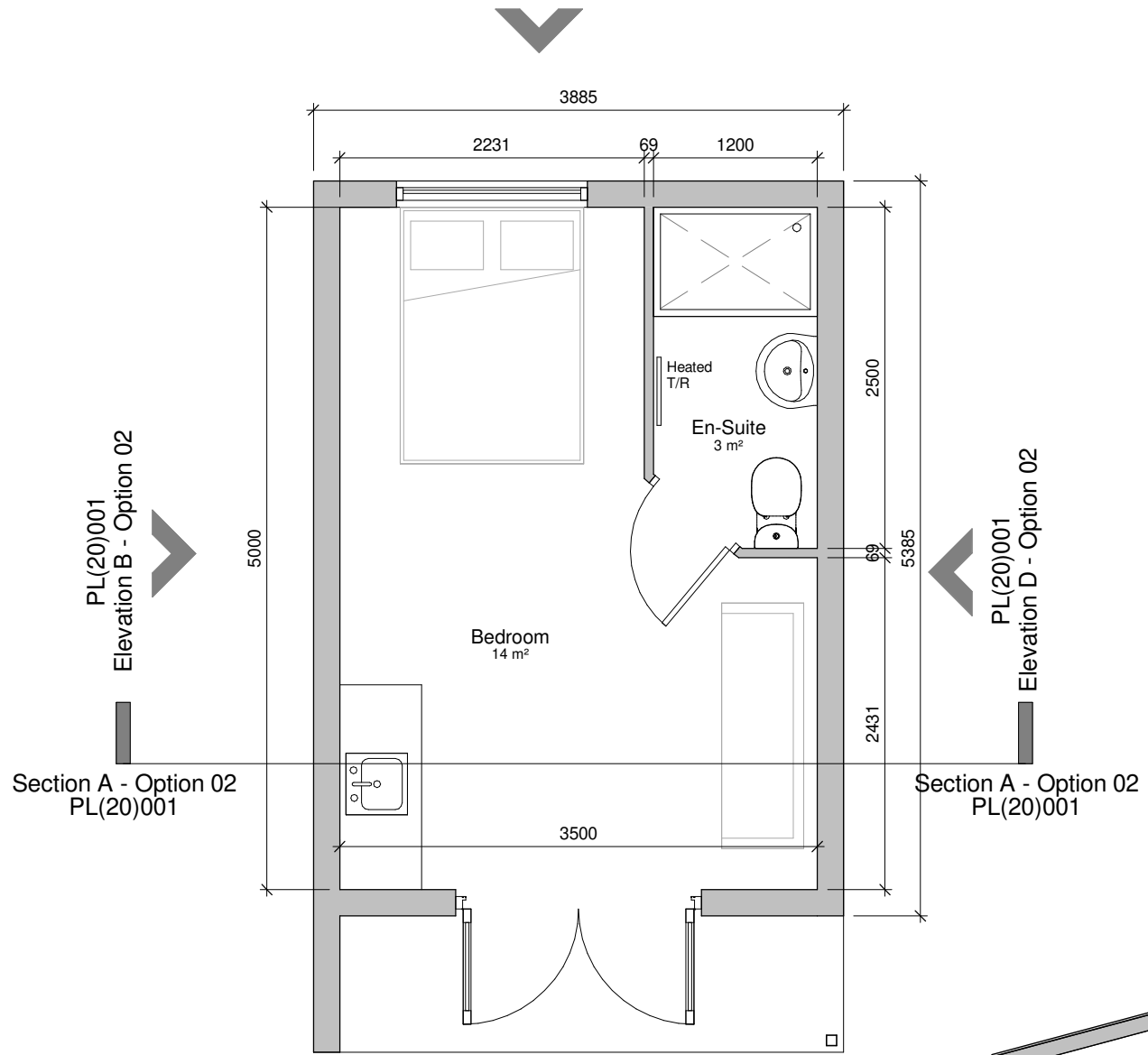
Project No.
0006

Drawing No. Rev.
PL(90)001 F

Status
PLANNING

Created - Checked -
 Date - Scale 1:200 @ A2

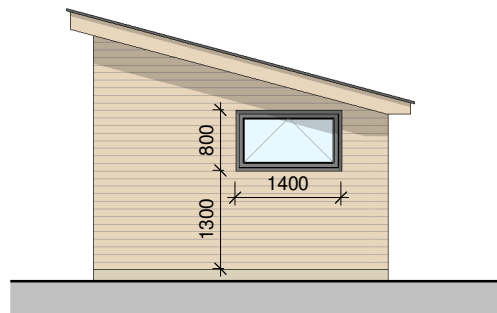
PL(20)001
Elevation C - Option 02



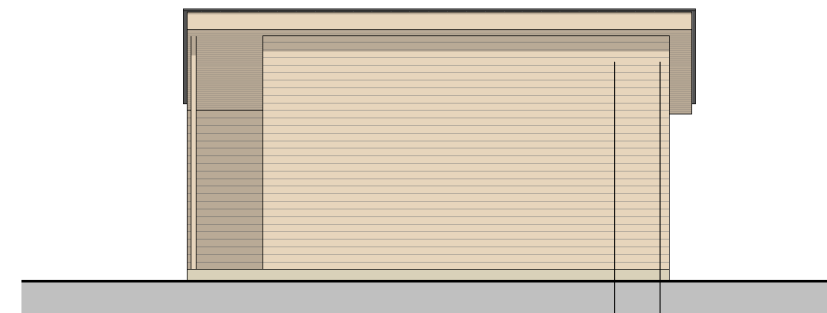
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Scale - 1 : 100



Elevation B - Option 02
Scale - 1 : 100



Elevation C - Option 02
Scale - 1 : 100

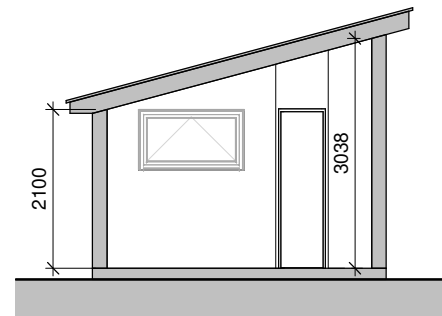


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Scale - 1 : 100

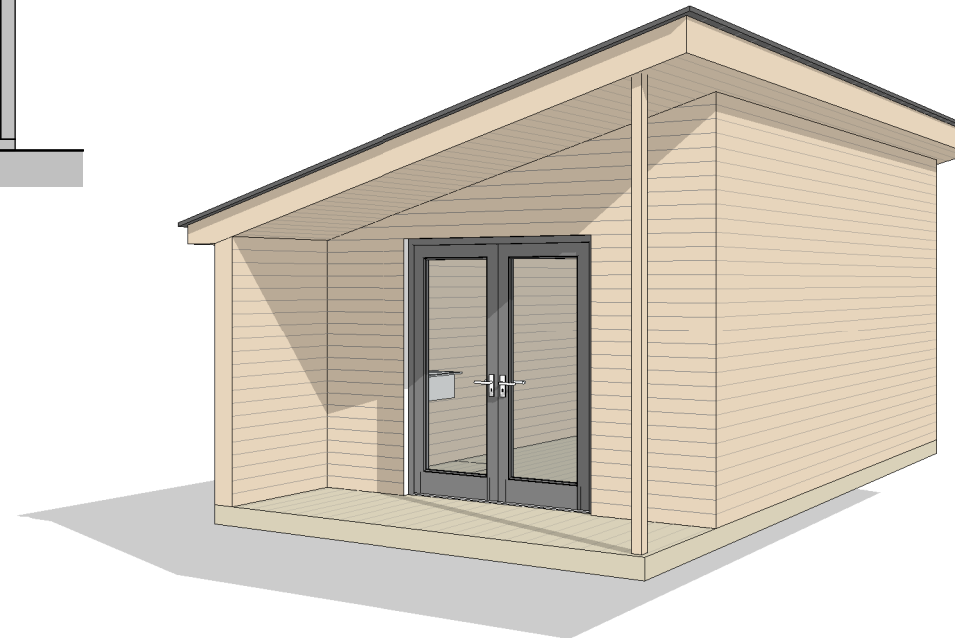
Section A - Option 02
PL(20)001

Section A - Option 02
PL(20)001

PL(20)001
Elevation A - Option 02



Section A - Option 02
Scale - 1 : 100



3D View 01 - Option 02

Scale -



Scale 1:50

Scale 1:100

Rev	Description	Dr'n/Chk'd	Date
A	Original - First Issue	-	-

Ground Floor Plan - Option 02

Scale - 1 : 50

Fabric Elements Specification

Ground Floor Construction

- Floor Finish TBC
- 22mm Chipboard
- Timber joists TBC
- 100mm Rigid board insulation between joists

External Wall Construction

- 25mm Horizontal Cladding
- 25 x 45mm Timber battens
- Breather membrane
- 10mm Sheathing ply
- 45 x 95mm Timber studs
- 90mm Rigid board insulation between studs
- 25 x 45mm Timber battens
- 12mm T&G Cladding

Roof Construction

- Metal roof sheeting
- 38 x 50mm Battens
- 25 x 45mm Counter battens
- Roofing membrane
- 10mm Sheathing ply
- 50mm Ventilated cavity between rafters
- Rafters TBC
- 100mm Rigid board insulation between rafters
- 25 x 45mm timber battens
- 12mm T&G Cladding

Internal Partition

- 12mm T&G Cladding
- 45 x 45mm Treated timber studs
- Packed acoustic mineral wool between studs
- 12mm T&G Cladding

Client
Hugh Anderson
312 Hilton
Dornoch, IV25 3PW

Project
Holiday Glamping Pods

Drawing
Proposed Pod Layout

Project No.
0006

Drawing No. Rev.
PL(20)001 A

Status
PLANNING

Created -
Date -

Checked -
Scale As indicated @ A3