

Agenda Item	6.6
Report No	PLS-65-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 18 August 2022
Report Title: 21/05869/FUL: Mr Martin Holt
Camus Sealladh, Achateny, Acharacle, PH36 4LG
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Alterations and Extension to house
Ward: 21 – Fort William and Ardnamurchan
Development category: Local
Reason referred to Committee: 5 or more objections

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 This proposal is for planning permission for alterations and extension to the existing residential dwelling, Camus Sealladh at Achateny, Acharacle. The proposals include removal of a central, single storey projection on the principal (west elevation). The erection of a two storey extension on the principal elevation (off set at the north west corner) measuring 4.3m x 4.6m x 6.1m high (matching existing ridge height) and the erection of a single storey side extension measuring 4m x 2.75m wide.
- 1.2 Domestic extensions of this scale and type often benefit from deemed consent under Classes 1A and 1B of The Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 as amended. In this case planning permission is required as the two storey extension proposed is located within 10 metres of the boundary of the curtilage of the dwelling house. In all other respects (extension size, height, position on the building and area of ground covered by development) the proposals would meet the criteria for permitted development rights to apply. The proposed single storey side extension could be erected under permitted development rights.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: Private Water Supplies Questionnaire and High Water Private Water Supplies Survey Report
- 1.5 Variations: Revised floor plans and elevations including single storey side extension

2. SITE DESCRIPTION

- 2.1 Camus Sealladh is a 1 ³/₄ storey, detached house situated approximately 28m to the north west of the Kilmory public road. A single storey byre which lies to the south of Camus Selladh is sited adjacent to the public road. A private track runs around the eastern site boundary and this track extends in a westerly direction to the bay. The house is orientated with the principal elevation facing westwards, away from the public road and private access track onto open croftland. Views from the public road largely are of the single storey byre in the foreground and the southern, side gable and rear elevation of Camus Sealladh behind.
- 2.2 The house is served by an unsurfaced access track. The house is served by the existing Kilmory Township Spring Private Water Supply.

3. PLANNING HISTORY

- 3.1 No planning history for this site.
- | | | | |
|-----|------------|---|-----------------------|
| 3.2 | 27.04.2022 | 21/05870/FUL: Conversion of existing byre to form holiday letting accommodation | Withdrawn |
| 3.3 | Current | 21/05871/PIP: Erection of house at nearby site – 90m NE of Camus Sealladh | Pending Consideration |

4. PUBLIC PARTICIPATION

4.1 Advertised: N/A

Date Advertised: N/A

Representation deadline: N/A

Timeous representations: 6 (6 households)

Late representations: 5 (4 households, 1 unspecified)

4.2 Material considerations raised are summarised as follows:

- a) Support for the sympathetic renovation and extension of Camus Sealladh which appears to have no impact on neighbours.
- b) Concerns regarding additional demand on the existing, variable private water supply which serves the Kilmory Township. No houses have external storage of water or mechanical extraction devices and have only 1 or 2 bathrooms. Each relies on gravity and the natural flow of water to serve their properties. The private water supply has no further capacity for additional supply. Camus Sealladh is at the 'end' of the private supply and at the lowest point so theoretically has the most pressure.
- c) Concerns that the private water supply survey was undertaken after a very wet winter and provides an inadequate snapshot of the capability of supply.
- d) Concerns that there may be septic tank run-off into the neighbouring curtilage and surrounds.
- e) Trees nearby the house and byre.

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 **West Ardnamurchan Community Council:** No direct consultation response received. A copy of the minutes from the West Ardnamurchan Community Council (WACC) meeting held 14.02.22 was submitted by an objector. The minute notes that concerns had been raised by local residents regarding 3 separate planning applications (21/05689/FUL, 21/05871/PIP and 21/05870/FUL). WACC noted the concerns raised about the scale of development in this area, and particular fears about the potential detrimental impacts on existing private water supplies. WACC shares the local residents' serious concerns for their fragile community and trusts that The Highland Council will take full cognisance of their representations when determining these applications.

5.2 **Environmental Health:** No objection – notes the following points on this application and 21/05871/PIP (Erection of house 90m NE of Camus Sealladh):-

- Historically Camus Sealladh was to be connected only by stand pipe, however the house is currently connected to the supply and must be included in any observations.
- As no increase in the number of bedrooms is proposed, the same number of people will be using the water supply and no significant difference in usage is

expected. The bigger issue appears to be that the house has been unoccupied over recent years.

- Ownership of the supply is a civil matter and permissions to join the supply perhaps should be confirmed or otherwise before the expense of further reports.
- Water figure calculations do not differentiate whether a property is holiday let or permanently lived in.
- Private water supplies are owned by the property owners and as such, the owners are responsible for rectifying any shortages.
- From the number of objections to joining the Township water supply, it would appear that there are problems with sufficiency during times of dry weather. Accordingly, a more robust water sufficiency report is required for whichever spring(s) is to be used. This must take into account periods of dry spells and not rely on flow rates from one day. The last 3 summers in particular have been exceptionally dry and prompted the Drinking Water Quality Regulator for Scotland (DWQR) to initiate a scheme to offer assistance to private water supplies by providing bottled water. The industry standard of 200 litres / person / day must be used in any such calculations along with maximum occupancy of each property.

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 and Place-making
51 - Trees and Development
58 - Protected Species
65 - Waste Water Treatment
66 - Surface Water Drainage

6.2 West Highland and Islands Local Development Plan 2019

No specific policies apply

6.3 Highland Council Supplementary Planning Policy Guidance

Highland Statutorily Protected Species (March 2013)
House Extensions and Other Residential Alterations (May 2015)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

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, design and amenity/impact on National Scenic Area designation
 - c) private water supply
 - d) access and drainage
 - e) impact on trees
 - f) protected species

Development plan/other planning policy

- 8.4 Planning policy offers support for the redevelopment and reuse of traditional housing stock. Subject to appropriate design and finishes, and adequate servicing, the principle of development would accord with Policies 28 and 29 of the Highland wide Local Development Plan and House Extensions and Other Residential Alterations Supplementary Planning Guidance.
- 8.5 The site is located within the Morar, Moidart and Ardnamurchan National Scenic Area. Development proposals must be assessed to the extent to which the form and scale of development would impact this feature of national importance. Where the development can be shown not to compromise the natural environment, amenity and heritage resource, the development would accord with Policy 57 of the Highland wide Local Development Plan, 2012.

Siting, Design and Amenity

- 8.6 This proposal seeks planning permission for alterations and extension to an existing house. The proposals include the replacement of a single storey projection to the front elevation with a two storey extension to provide an extended kitchen and larger living room/study and shower room at ground floor and two en-suite bedrooms at first floor. A single storey side extension is proposed to house a ground source air pump and water treatment plant. No increase in the number of bedrooms are proposed. The external finish materials proposed include dark grey metal sheet roof with wet dash rendered external walls and timber windows in grey colour. To ensure the extensions accord with the character of the existing building and given the siting

within the National Scenic Area, the preference would be for the extensions to be finished in materials to match the existing dwelling house (i.e. natural slate roof) and this can be secured via condition.

- 8.7 The proposed extensions will be contained within the existing residential curtilage and the proposals raise no substantive concerns regarding loss of neighbouring privacy and amenity or wider visual amenity. Subject to securing external finishes in keeping with the existing building, the proposals are considered acceptable in this setting and are not considered to have a significant adverse impact on the wider National Scenic Area designation.

Private Water Supply

- 8.8 Three planning applications were originally submitted for extensions to the existing house (Camus Sealladh), conversion of the adjacent byre to a letting unit (planning ref. 21/05870/FUL) and the erection of a house 90m from Camus Sealladh (planning ref. 21/05871/PIP). A significant number of objections were received to all three proposals raising concerns regarding the impact of these developments on the Kilmory Township private water spring supply. Proposals to convert the byre (planning ref. 21/05870/FUL) have been withdrawn and proposals for the erection of a new house are not material to the consideration of this application and are assessed separately.
- 8.9 Representations received suggest that Camus Sealladh was historically served by a separate supply (Cottage Spring Supply), however due to unreliability of this supply, this property was added to the separate Kilmory Township Spring Supply and this township supply is privately owned and managed by mutual agreement of the stakeholders. The Private Water Supply Questionnaire submitted by the agent confirms that the applicant and seven other property owners are legally responsible for providing and maintaining the Kilmory Township Supply.
- 8.10 A private water supply survey was submitted by the applicant which estimated there to be sufficient supply to serve the eight properties on the supply, with sufficient surplus to service a new connection to the converted byre. Proposals for conversion of the byre have been withdrawn by the applicant. The private water supply survey was undertaken on a single day, in March following a spell of wet weather and the survey notes that the findings are not guaranteed. The submission of a single survey is insufficient to determine the sufficiency of supply across the drier summer months.
- 8.11 The Environmental Health Officer advises that Camus Sealladh has an existing connection to the Kilmory Township Private Water Supply and as there will be no increase in the number of bedrooms/occupancy at Camus Sealladh, no significant difference in demand on the existing supply is expected. In practice, this is likely to be less clear cut as the existing house has not been in regular use for a number of years and its refurbishment and reuse would likely be noticeable. It must be noted however, that Camus Sealladh has an existing connection to the township supply and could be occupied at any time, without the need to obtain planning permission.
- 8.12 Similarly, householder permitted development rights would apply for alterations and extensions to this dwelling and others in the Kilmory Township (subject to meeting all permitted development rights criteria), without the need to obtain planning

permission or demonstrate sufficiency of private water supply. If the proposed 2 storey extension at Camus Sealladh was to be erected >10m from the boundary, permitted development rights would apply.

- 8.13 At present, in this area of Highland there is no distinction between short and long term residential use and the existing house, and others in the township, can be used either for holiday letting or longer term permanent residential use. A new mandatory licensing scheme for short term lets is due in October 2022, and mandatory conditions imposed under this scheme include water safety.
- 8.14 As noted in the letters of representation, Kilmory Township Private Water Supply is a privately owned supply managed by mutual agreement of stakeholders and these stakeholders are unwilling to allow any new developments to be added to the Kilmory Township Private Water Supply. In this instance, Camus Sealladh has an existing connection to the Kilmory Township Private Water Supply and no new connection is required for alterations and extensions to the existing house. The management of private water supplies, owned by the property owners is a civil matter, beyond the remit of planning and the owners are responsible for managing and rectifying any shortages.

Access and Drainage

- 8.15 No alterations to the access are currently proposed. The scale of the proposals, with no increase in the number of bedrooms, do not trigger the requirement for upgraded access and parking.
- 8.16 The potential requirement to upgrade existing private drainage will be assessed at building warrant stage and controlled through SEPA CAR regulation. Given the scale and nature of the proposals and regulation under separate legislation, it is considered unnecessary to duplicate controls through planning conditions.

Trees

- 8.17 No tree removals or works are required to facilitate the proposed development.

Protected Species

- 8.18 Camus Sealladh is located in a relatively exposed position, close to the coast and distant from substantial woodland cover. In this context, it is considered that the likelihood for bat habitat is low and a protected species survey has not been requested in support of this application. An informative note to the applicant is proposed to highlight their responsibilities under separate wildlife legislation, should protected species subsequently be encountered.

Other material considerations

- 8.19 There are no other material considerations.

Non-material considerations

- 8.20 The issues of boundary disputes and over-provision of holiday accommodation in villages are not material planning considerations.

9. CONCLUSION

- 9.1 This application seeks alterations and extensions to the existing house, Camus Sealladh at Achateny. Subject to planning condition to secure external finishes to match the original house, the proposals are considered acceptable in terms of design and will not adversely impact the National Scenic Area designation. The proposals raise no substantive concerns regarding loss of neighbouring privacy and wider visual amenity.
- 9.2 It is evident that there is an issue with the private water supply, particularly during dry spells and the existing stakeholders have historically worked together to carefully manage water use and maintain supply. If a new connection to the supply were proposed, this would require additional private water surveys, to demonstrate sufficiency over the summer as well as the winter months and the letters of representation indicate that a new connection to the private supply would not be granted by the existing stakeholders. In this case however, Camus Sealladh is an existing house with connection to the private Kilmory Township Private Water Supply. No increase in the number of bedrooms/occupancy of the house is proposed and no significant demand on the private water supply is anticipated. The house although currently vacant, could be occupied at any time and extended under permitted development rights without the need to obtain planning permission. It is accepted that the existing Kilmory Township Private Water Supply is variable, particularly during dry summer months and requires management by the stakeholders. The management of existing private water supplies, owned by the property owners is a civil matter, beyond the remit of the Planning Authority and the owners are responsible for managing and rectifying any shortages.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
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. Notwithstanding the details shown on the approved plans attached hereto, the external finish materials used in the development shall match those of the original building; unless otherwise first agreed in writing by the Planning Authority.

Reason: In order to retain and protect important elements of the existing character and amenity of the site, which is located within the Morar, Moidart and Ardnamurchan National Scenic Area; in accordance with policies 28, 39 and 57 of the Highland wide Local Development Plan, 2012.

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.

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).

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and 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/protected-areas-and-species/protected-species>

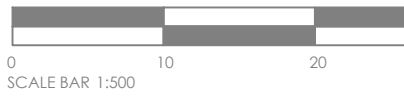
Signature: David Mudie
Designation: Area Planning Manager - South
Author: Christine Millard
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan DOM203-000
Plan 2 - Proposed Site Layout Plan DOM203-200
Plan 3 - Proposed Floor / Elevation Plan DOM203-201

All dimensions to be verified on site.

Any discrepancies in printed drawings to be brought to attention of wd Harley for clarification.

All variations to construction works carried out on site to be brought to our attention prior to carrying out work.

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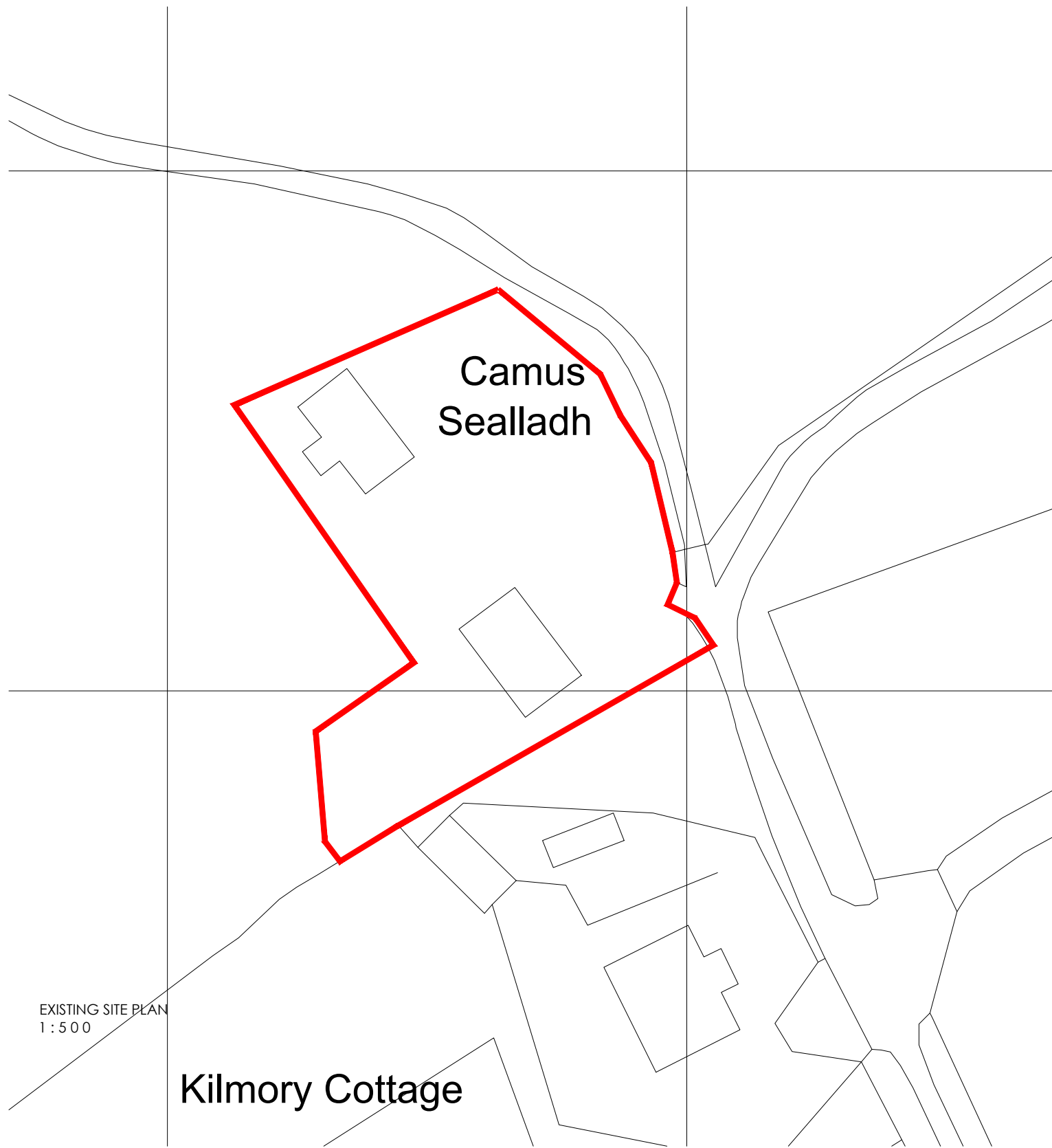


Project Title:
ALTERATIONS & EXTENSION

Site Address:
Camus Sealladh
KILMORY
Ardnamurchan
PH36 4LG

Dwg Title:
Site Location

Dwg No: dom203-000	Rev:
Scale: VAR	Drwn: gb
Date: DEC 21	Chkd:



EXISTING SITE PLAN
1:500

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ALTERATIONS & EXTENSION

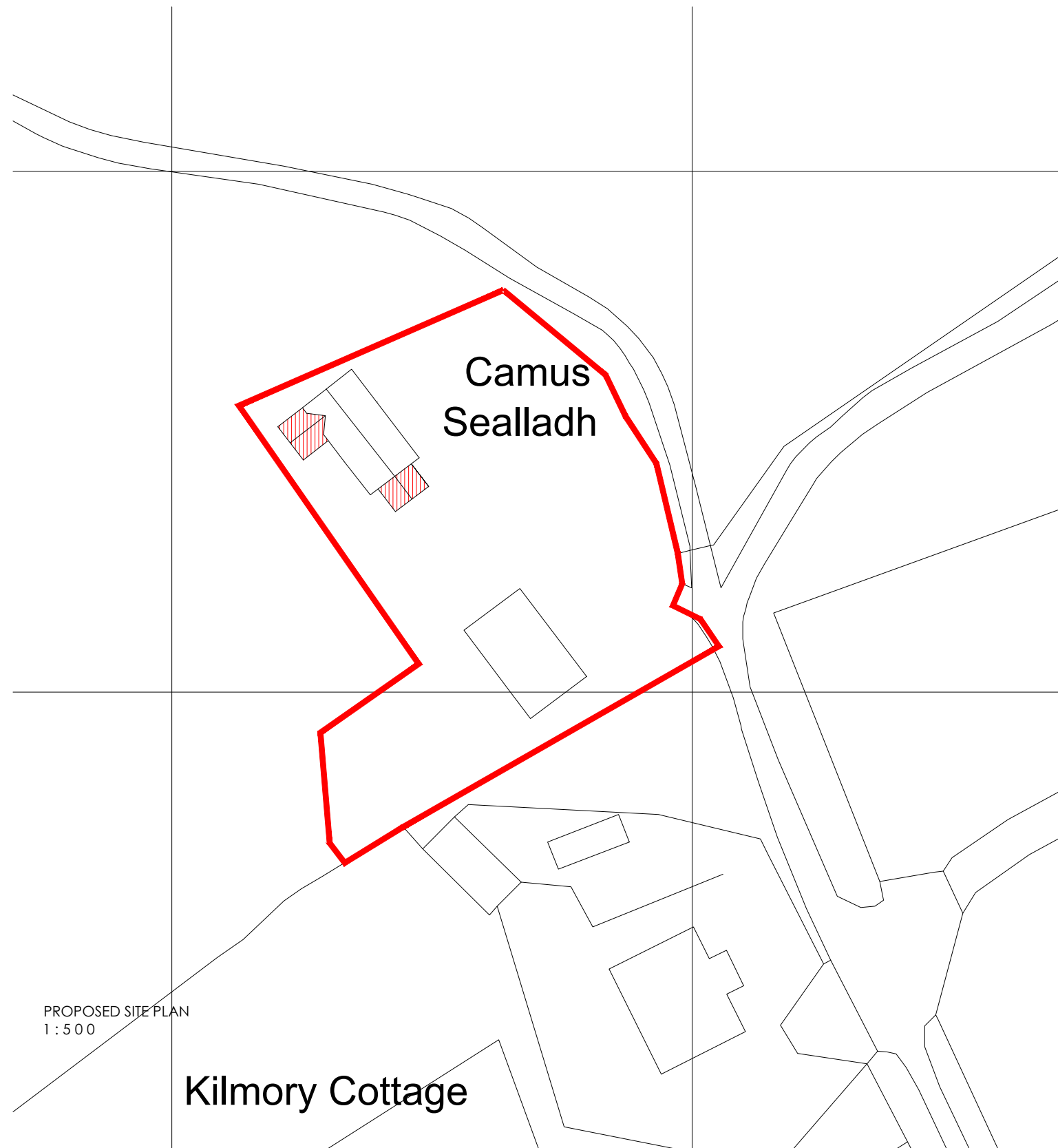
Site Address:
Camus Sealladh
KILMORY
Ardnamurchan
PH36 4LG

Dwg Title:
Proposed site

Dwg No: dom203-200	Rev:
Scale: VAR	Drwn: gb
Date: DEC 21	Chkd:



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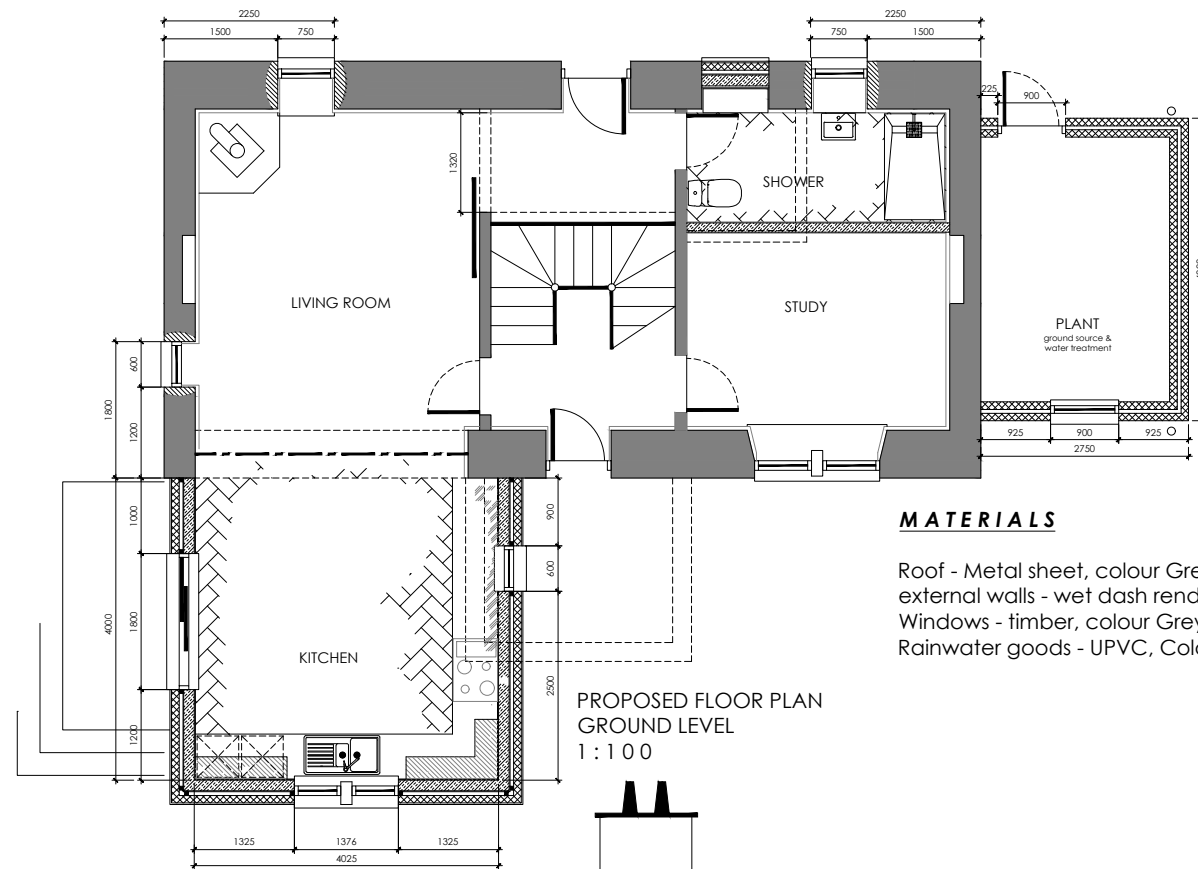
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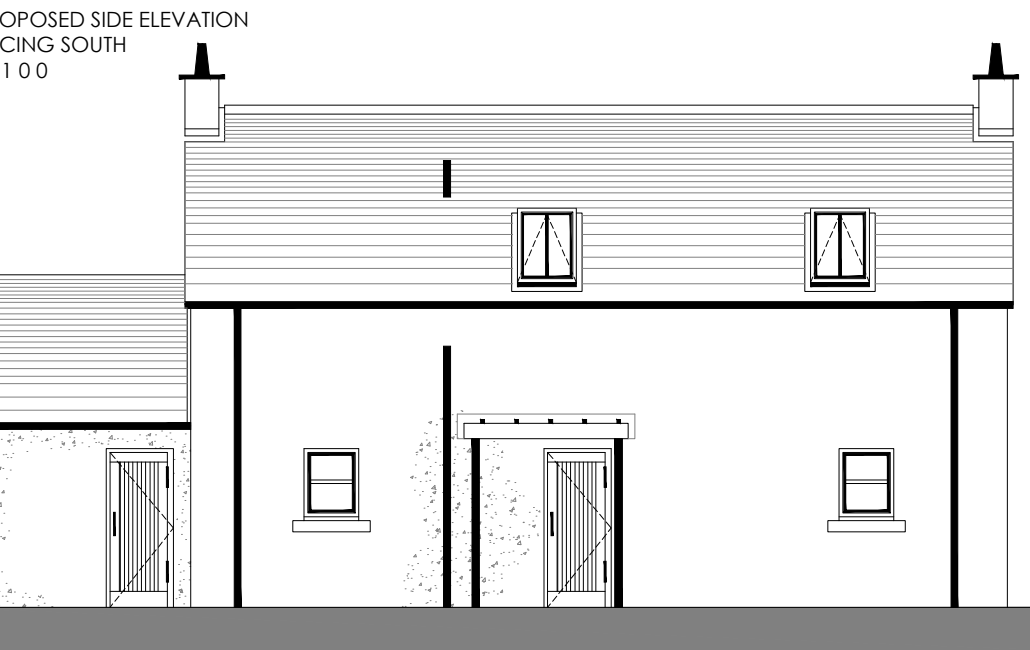
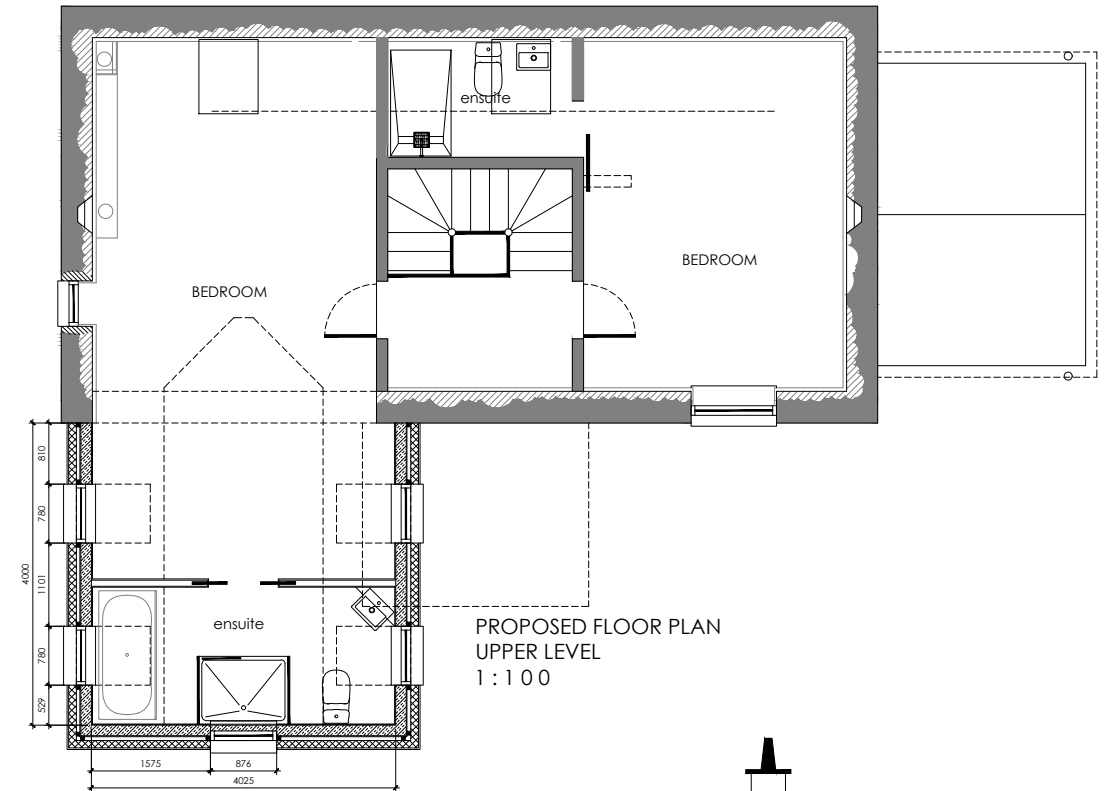


SCALE BAR 1:100



MATERIALS

Roof - Metal sheet, colour Grey
 external walls - wet dash render, colour White
 Windows - timber, colour Grey
 Rainwater goods - UPVC, Colour Black



Project Title:
ALTERATIONS & EXTENSION

Site Address:
Camus Sealladh
KILMORY
Ardnamurchan
PH36 4LG

Dwg Title:
Proposed floor plans
& Elevations

Dwg No: dom203-201	Rev:
Scale: 1:100	Drwn: gb
Date: NOV 21	Chkd:



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