

Agenda Item	6.7
Report No	PLN/095/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6th December 2022

Report Title: 22/02986/FUL: Mr P Tanzer
10 Balnakeil Craft Village, Balnakeil, Durness

Report By: Area Planning Manager (North)

Purpose/Executive Summary

Description: Erection of house and 3 holiday lets with on-site parking

Ward: 01 – North, West and Central Sutherland

Development category: Local

Reason referred to Committee: Objection by Durness Community Council and over 5 independent 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 The applicant seeks to erect a long, low structure containing a house and 3No. holiday letting units, within garden ground adjacent to 10 Balnakeil Craft Village, Balnakeil, Durness. The Craft Village was once a cold war era, Ministry of Defence listening station and many of the buildings have subsequently been converted into business premises and houses/craft shops. Finishes to the building are to be wet-dash render to the eastern wall with vertical timber cladding to the remaining walls; a modern rubberised membrane is proposed to the roof. Works to level the site have been undertaken under Permitted Development rights.
- 1.2 The application is supported by:
- Development Drawings
- 1.3 During processing of the application and following receipt of representations, the proposed General Plan drawing has been amended to show the relocation of the structure within the site and away from the public footpath.

2. SITE DESCRIPTION

- 2.1 The site lies within garden ground to the east of the house at 10 Balnakeil Craft Village, Durness; as noted above, it has been levelled in preparation for subsequent development (if approved). A public footpath lies immediately to the east of the site boundary with the nearest neighbouring property lying a further 2m east of the path. Access is provided via the common path and the open boundary with the public car parking area to the north.

3. PLANNING HISTORY

- 3.1 21/02355/PREAPP – build 3 small holiday houses and one larger house

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 29th July 2022
Representation Deadline: 12th August 2022
- 4.2 Timeous Representations: Durness Community Council – submitted as a public comment, 6No. objections from 6No. individuals and 1No. General comment from 1 individual.
- 4.3 Material considerations raised in objections and correspondence are summarised as follows:
- a) Overshadowing.
 - b) Overdevelopment.
 - c) Impact of development on neighbouring domestic / commercial property.

- d) Consider the development to be contrary to policy.
- e) Loss of public parking.
- f) Impact on public drainage.

4.4 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 **Scottish Water –** Cannot confirm that the proposal can currently be serviced by public water or drainage infrastructure. Suggest that the applicant completes a Pre-Development Enquiry Form and submits it directly to Scottish Water or contact Development Operations.
- No Objection
- Roads Department –** Construction details to be agreed prior to works taking place and be subject to a Road opening Permit.
- 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 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)

Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration; at the time of writing, this is ongoing and Scottish Parliament's decision is awaited. Revised Draft NPF4 may for now carry some, but limited, weight in the consideration of applications.

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)).

8.4 The site lies to the west of Durness (noted as a growing settlement within Policy 3 of the Caithness and Sutherland Local Development Plan). Placemaking Priorities specifically note promotion of the Craft Village as a tourist destination and local centre for business and employment. 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.

Policy 28 - Sustainable Design

Policy 44 – Tourist Accommodation

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 Balnakeil Craft Village and to the east of the applicants house at 10 Balnakeil Craft village. The building to the east now appears to be empty; until recently, it was the home of the Coco Mountain chocolate shop and factory.

Following initial representation, the applicant has relocated the building away from the adjacent public footpath (part of the network of pathways serving the area and leading from the southern part of the village). The proposed building now sits further west within the garden area and more towards the rear of the main house. Main access and parking for this proposal, however, remains to the north and is accessed directly from the public road. It is suggested that the installation of the building introduces a non-compatible use to those currently undertaken within the village. However, given the current mix of commercial and domestic uses, it is reasonable to suggest that the proposal is compatible.

The letting units differ from many other installations in that they occupy one end of a larger structure containing an independent house. The structure is a long, low,

rectangular building with a flat roof which is entirely reflective of existing buildings within the village; its positioning also reflects the historic layout of the area. Finishes are to be wet-dash render to the eastern wall with vertical timber cladding to the remaining walls; a modern rubberised membrane is proposed to the roof. Windows are generally restricted to the western and southern elevations with two small windows on the eastern elevation (towards the footpath) being at a high level.

8.7 **Amenity**

One of the principal objections raised against this proposal relates to a loss of light to the public path and to the now closed Coco Mountain factory /shop building. Relocation of the proposed building has increased the separation to the neighbouring property to 3.5m, with 1.2m to the footpath. A light calculation has concluded that there will be no loss of light at the neighbouring windows due to overshadowing, with the pathway also benefitting from the movement in respect of ambient light. The main windows serving the letting units are located on the western elevation of the building and look towards the applicant's property; a blank elevation wall is presented to the pathway and adjacent factory/shop building with the exception of high level windows and the accesses to the letting units. It is considered that there is no significant loss of amenity in respect of overlooking.

Representation has also been received in respect of view; this is not considered to be a material planning consideration.

8.8 A further claim has been made that the development will result in noise nuisance. The installation would lie immediately adjacent to the applicant's own property, as such this is effectively an operational issue for the applicant to manage.

8.9 The applicant has attempted to address the objections received and the amendment made goes some way in maintaining the amenity currently enjoyed by the nearest neighbours.

8.10 **Visual Impact**

There is no unacceptable visual impact on the area by the installation of the building. As previously stated, the pattern of development is being duplicated from the wider area with a structure of similar proportions proposed. The finishes proposed are however, of a higher quality and appearance than many of those existing.

8.11 **Access and Parking**

It has been suggested that the development would have an unacceptable impact on the available parking in the area given the proposed private parking arrangement. It is proposed to provide four off street private spaces for the loss of two public spaces. There are no restrictions on the public spaces which is available to all. During the site visit it was observed that a large number of vehicles were parked on the public road, related to other premises. The number of spaces proposed is proportionate to the scale of development. Transport planning have not objected.

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. Scottish Water has advised that the applicant applies directly to them for further advice.

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**

none

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 residential and commercial integrity of the Craft Village.
- b) Loss of view.
- c) Perceived intimidation of objectors.

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

None

9. CONCLUSION

The principle of the erection of the building containing letting units and a house is supported. The application has attracted local interest and the issues raised given due consideration in the course of the application's assessment. As stated, concerns have been raised about its perceived impact on the established residential amenity and commercial activities. However, on review of all relevant material planning considerations, the proposal has been considered 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 / 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. Prior to commencement of any further development, construction details in respect of the proposed parking area shall be confirmed in writing with the planning authority in consultation with the Area Roads Office and will be subject to a Road Opening Permit as noted below. The parking as may be approved shall be made available prior to the building coming into first use and maintained thereafter in perpetuity.

Reason: In the interest of road safety and for the avoidance of doubt.

2. The self-contained holiday units 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 letting 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.

Scottish Water

Suggest that the applicant completes a Pre-Development Enquiry Form and submits it directly to Scottish Water or contact Development Operations.

<https://www.scottishwater.co.uk/business-and-developers/development-services>

Overhead Lines

It is noted that several overhead lines cross the proposed site. It is the responsibility of the developer to make early contact with the utilities providers to ensure the safety of the utilities infrastructure and persons working on the development.

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

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.

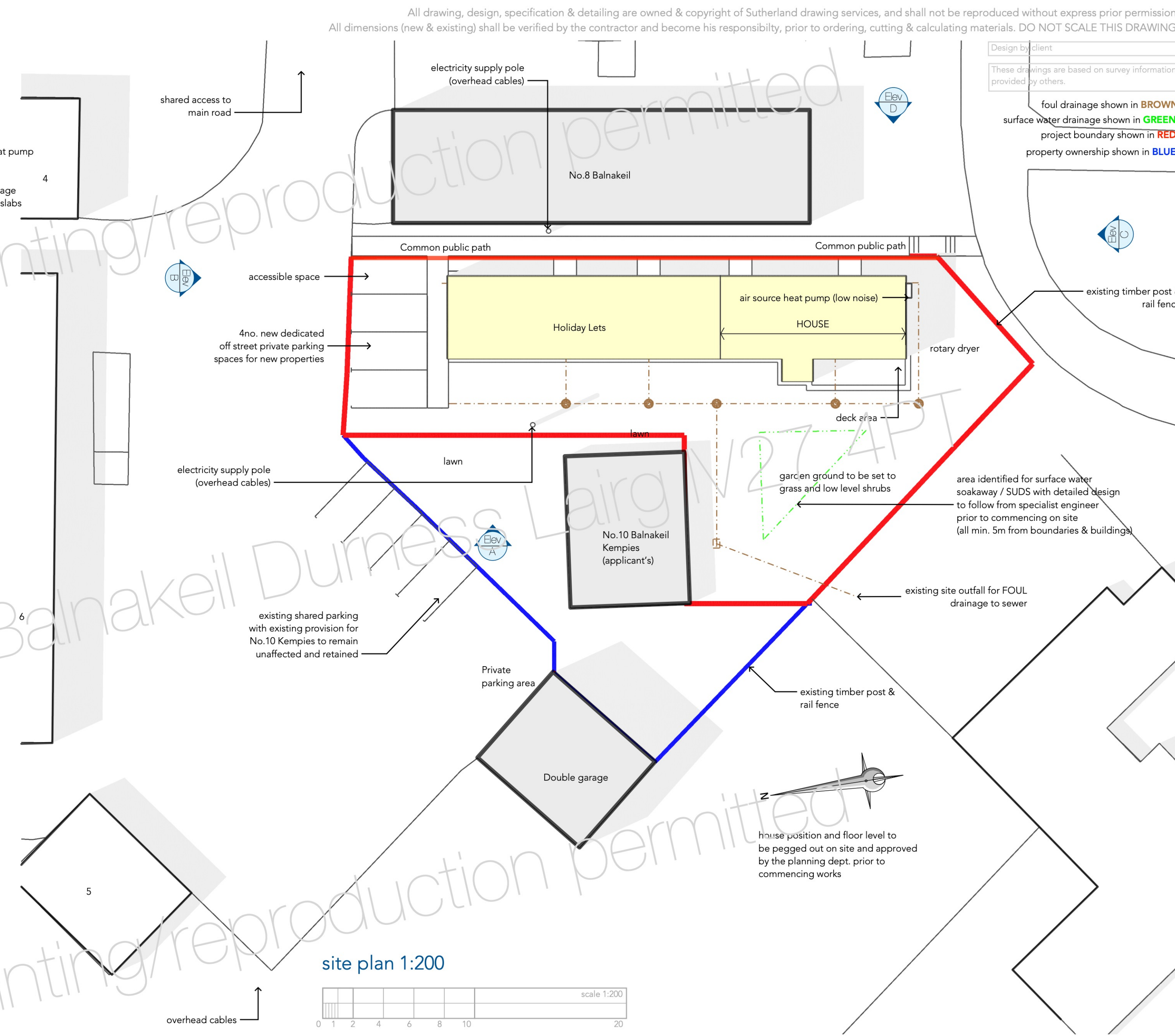
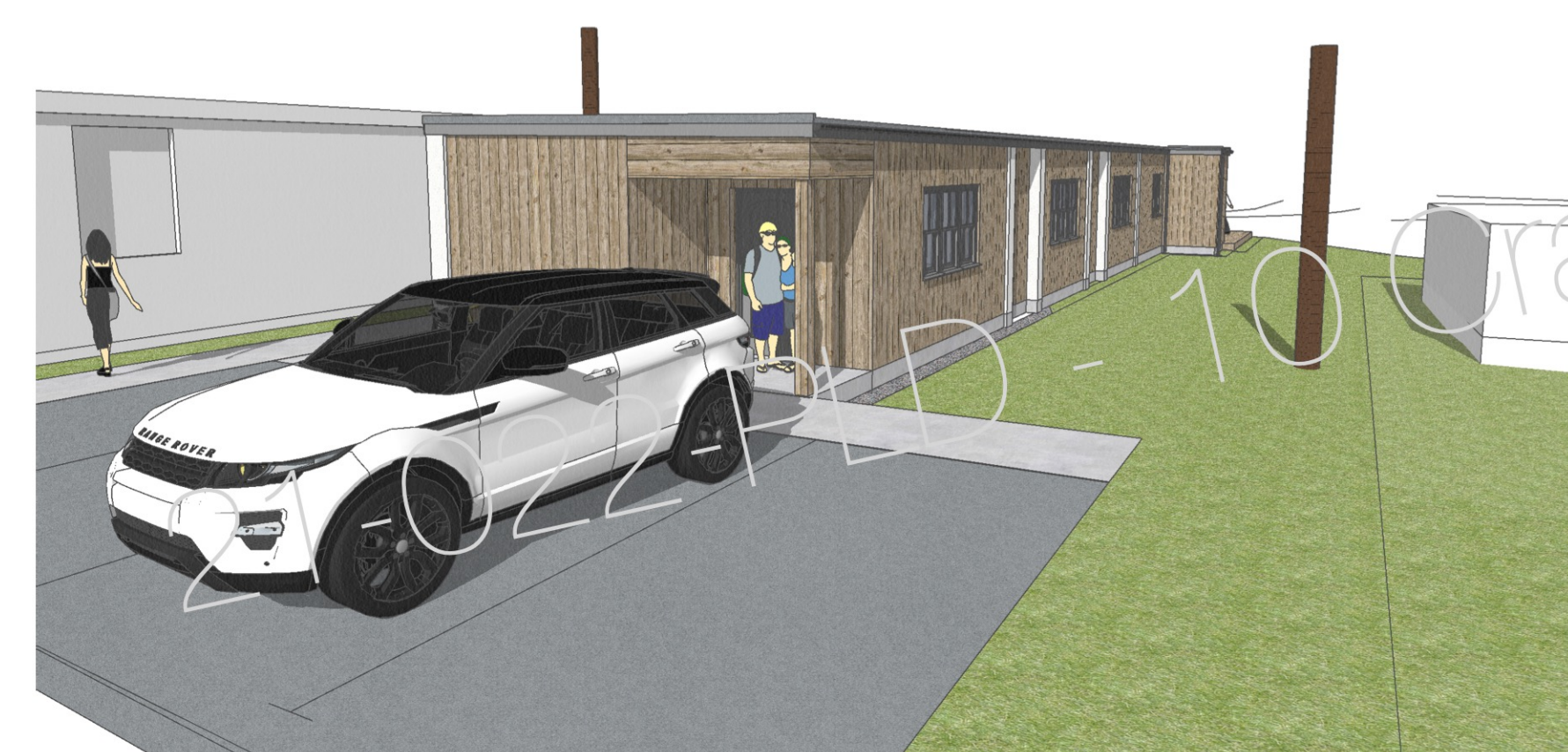
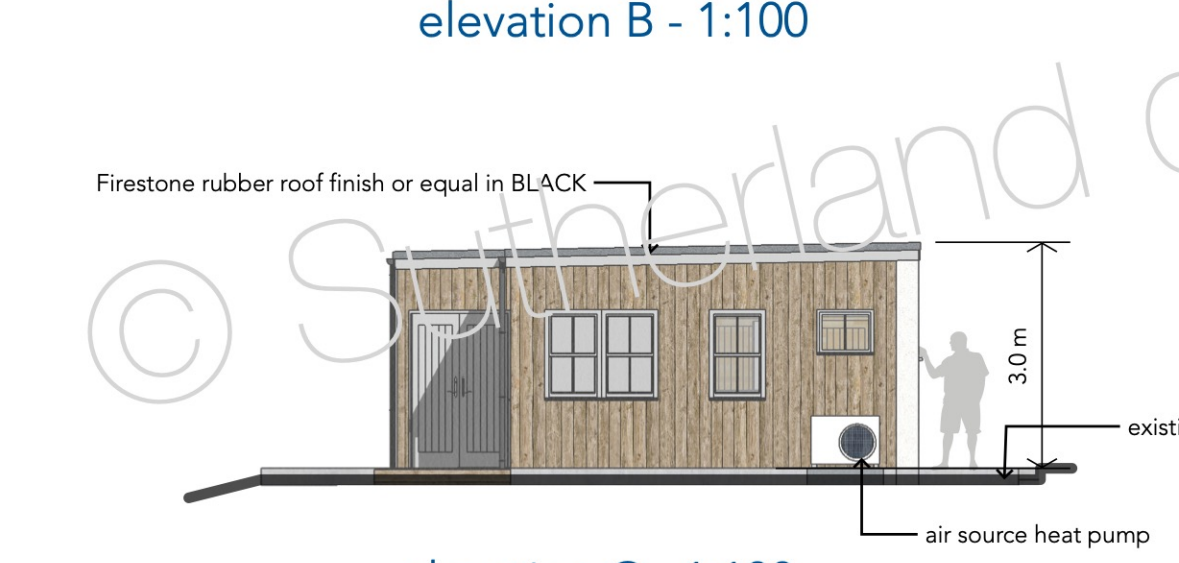
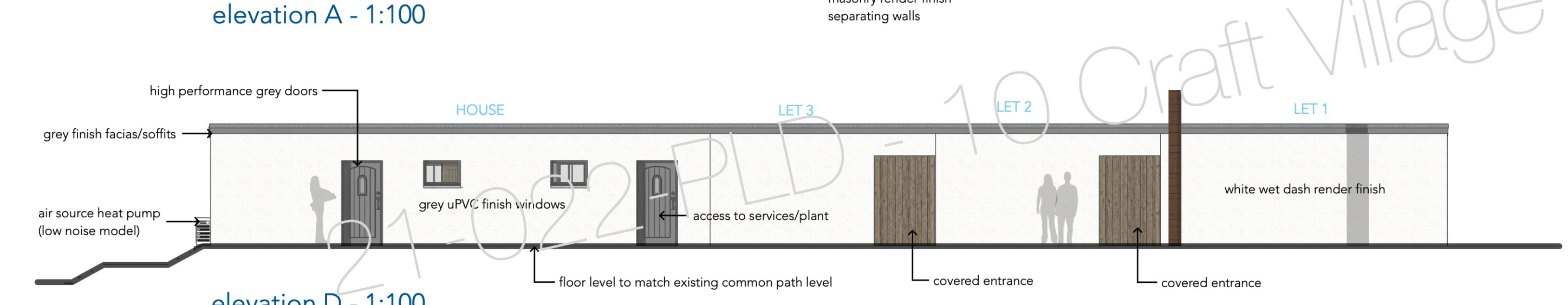
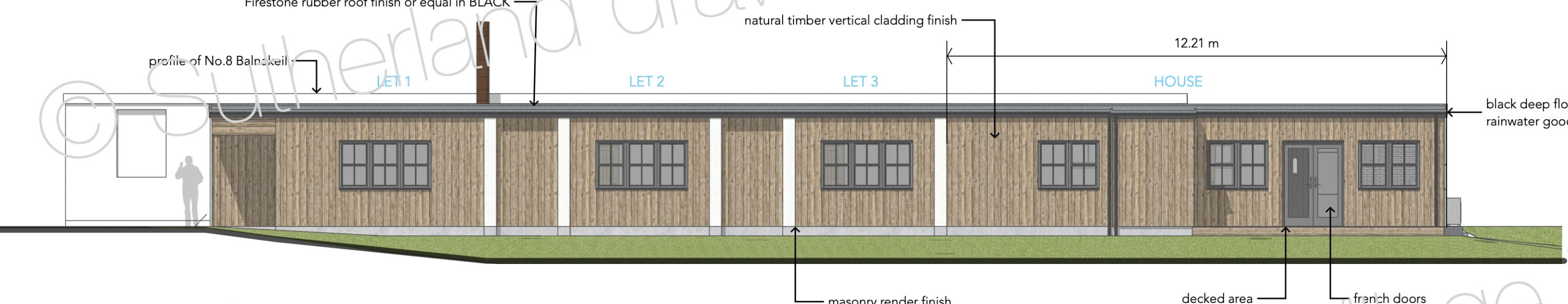
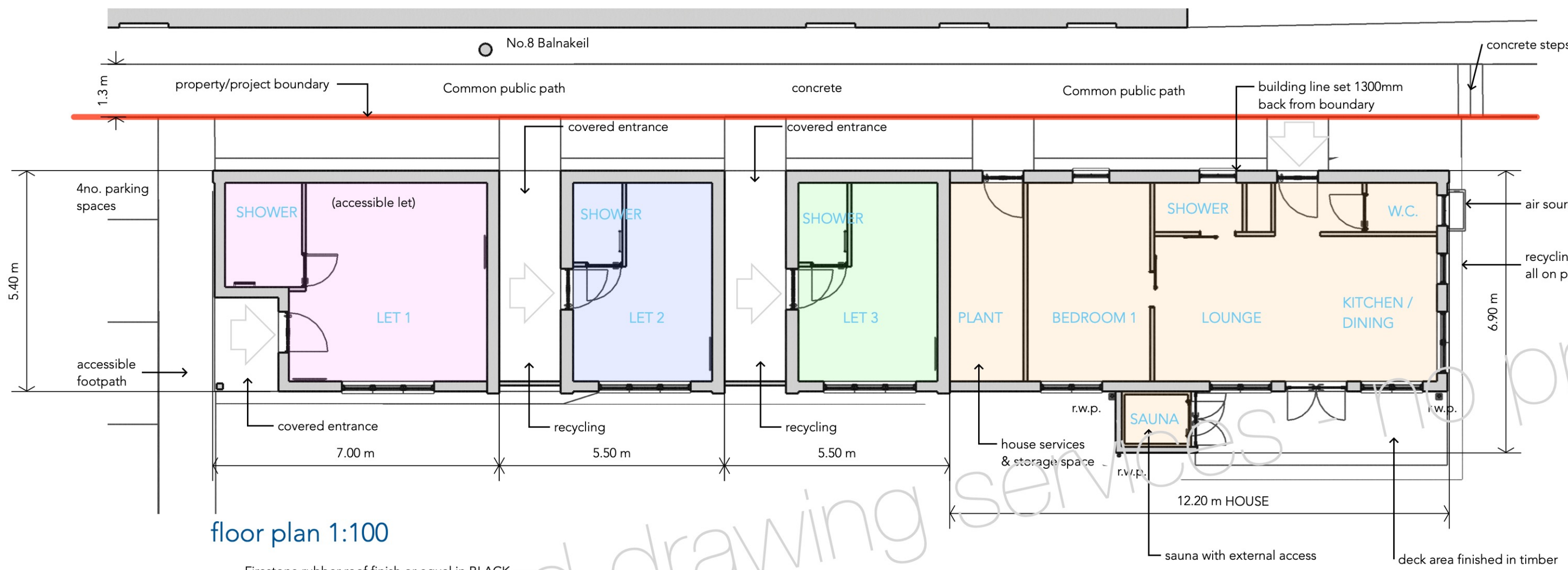
Designation: Area Planning Manager – North

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	21-022-10		1 st July 2022
General Plan	PL1 REV A		31 st August 2022



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Design by client
These drawings are based on survey information provided by others.
foul drainage shown in BROWN
surface water drainage shown in GREEN
project boundary shown in RED
property ownership shown in BLUE

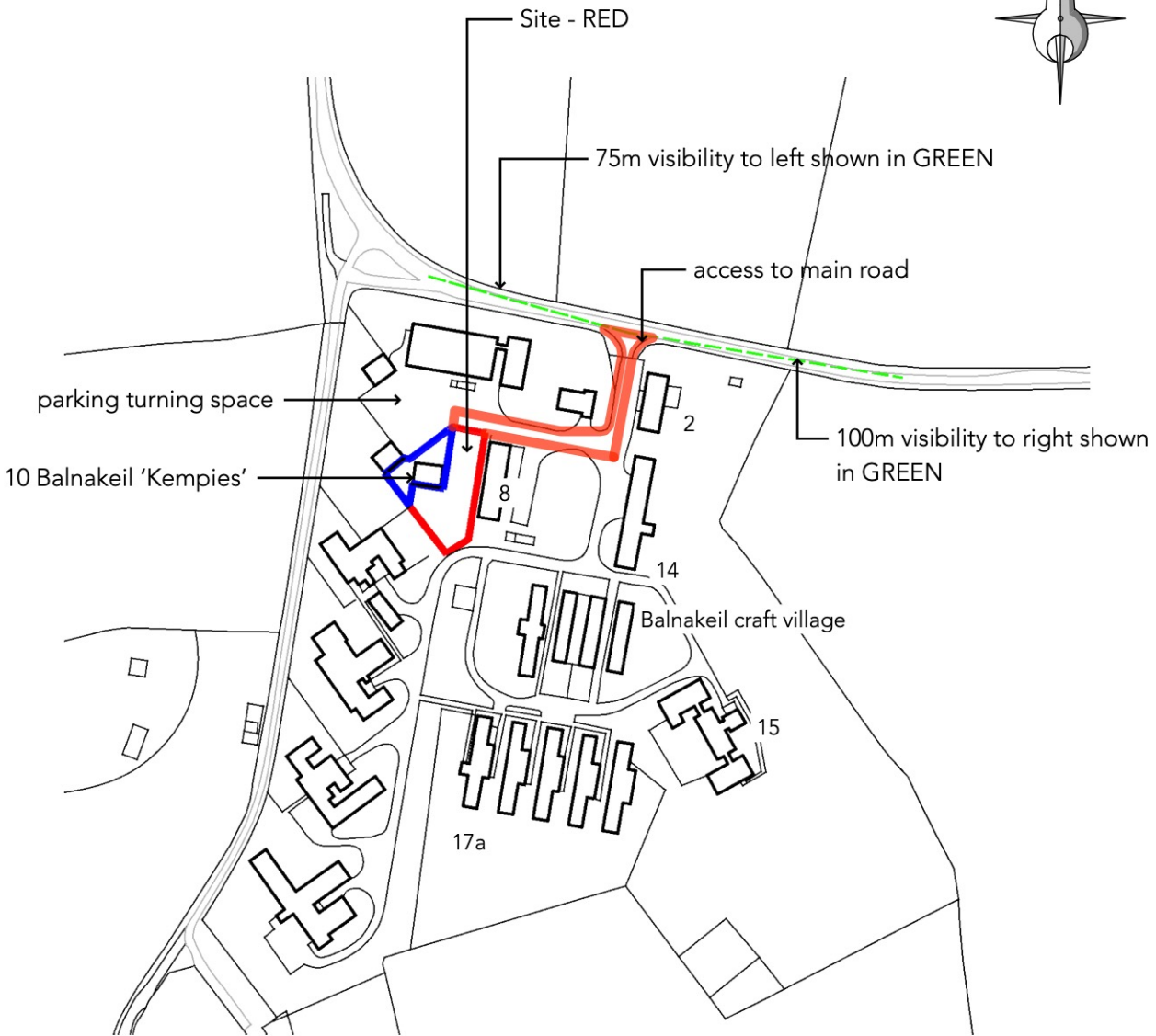
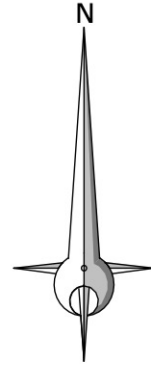
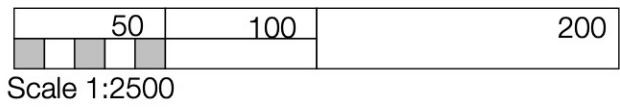
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Project:
21-022-PLD - 10 Craft Village Balnakeil Durness Lairg IV27 4PT

Drawing: General plan

Sheet: A1 / PL 1 A Date: 31 Aug 2022



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21-022 - 10 Craft Village Balnakeil Durness Lairg IV27 4PT -
location plan
Date : 30 Jun 2022

21-022 - 10 Craft Village Balnakeil Durness Lairg IV27 4PT -

