Agenda Item	6.4
Report No	PLN/014/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 12th March 2025

Report Title: 24/02890/MSC: Mr Ross Lambie

Land 90m SW Of Tigh Na Greine, Broadford

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of house

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: Number of objections exceeding 5

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 Planning approval of matters specified in conditions is sought in relation to the erection of a house at land 90m South-West of the property called Tigh Na Greine in Broadford.

Planning permission in principle 20/04825/PIP for the erection of a house was granted on appeal by the DPEA in December 2021.

- 1.2 Pre-Application Consultation: none
- 1.3 Supporting Information: Private Access Checklist
- 1.4 Variations: Amended drawings submitted on 25th October 2024 to show amended house design.

2. SITE DESCRIPTION

- 2.1 The site is rough agricultural grazing land located to the Western side of the single track public road B8083 on the outskirts of the village of Broadford. Existing residential properties are located to the North of the site on both sides of the road. There are some shrubs growing along the roadside boundary. To accommodate formation of a gravel access leading to the house over an existing drainage ditch by the roadside, a culvert will be installed.
- 2.2 The proposal includes the formation of a new junction with the public road, designed in accordance with SDB1 guidance. A footpath linking with the existing path running to near the Tigh Na Greine is proposed to provide active travel linkage with the village.
- 2.3 Planning application 23/05735/MSC for a house immediately to the North of the site has been granted by NPAC in June last year. Application 24/02908/MSC for neighbouring site (Plot 3) to the South is still under consideration.
- 2.4 Planning application 24/05143/FUL has recently been submitted to the planning authority for the erection of temporary worker accommodation base, welfare and recreational buildings at land immediately to the South-West of Plot 3 (application 24/01090/MSC). Both applications are pending consideration.

3. PLANNING HISTORY

3.1 20.12.2021 20/04824/PIP Erection of house Granted on appeal by DPEA

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 26th July 2024

Representation deadline: 14th October 2024

Timeous representations: 7

- 4.2 Material considerations raised are summarised as follows:
 - a) design almost identical to recently approved house to the North-East and proposed house at the other side of the plot;
 - Officer's comment: amended design has been requested and submitted
 - b) non-compliance with conditions 4 and 6 of associated PIP consent;
 - Officer's comment: Amended site plan has been provided and Transport Planning confirmed that the details address both conditions.
 - c) failure to recognise and retain existing informal footpath running through the site to the river;
 - Officer's comment: this has been addressed during associated application 20/04825/PIP and the Reporter concluded: "the route is not a right of way and in any event alternative access points to the Broadford River are available. The loss of this informal access does not justify dismissal of the appeal."
 - d) traffic safety issues, busy and narrow road, "at the moment is dangerously fast":
 - Officer's comment: existing 20mph speed limit is proposed to be extended southwards and will cover access to the site.
 - e) site is outwith the SDA and would result in ribbon development; Officer's comment: this matter is assessed below in para. 8.5
 - f) site regularly floods with the biggest concern being the location of proposed septic tank and soakaway;
 - Officer's comment: this is addressed in the main section of the report under para.8.12
 - g) absent landlord wishing to build a holiday home rather than much needed social/affordable house;
 - Officer's comment: this is addressed in the main section of the report under para. 8.13
 - h) application site overlapping with woodland regeneration scheme; area further to the West/within the scheme is proposed by the applicant to be used for erection of workers accommodation camp (major development) "that this latest proposed housing development would be squeezed in between an identical building plot and house to one side and potentially a large, noisy accommodation camp operating 24/7 for a minimum of 5 years on the other side, rather than stand-alone house on open ground misleadingly portrayed in the drawings"
 - Officer's comment: Forestry Scotland has confirmed that the site is not within the woodland scheme.
 - i) the site consists of peat which shouldn't be disturbed as this will increase the current nature crisis;

Officer's comment: this is addressed in the main section of the report under para 8.11

j) impact on local wildlife including protected species.

Officer's comment: there are no nature conservation designations in place on the site and online records for sightings of protected species don't show records of protected species which could be affected by the development. An informative will be added to a decision notice advising that all works must stop if any signs of protected species are encountered during implementation of the development.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Transport Planning Team:** initially highlighted that conditions 4 and 6 of the associated PIP consent have been met. They also asked for clarity on the proposed footpath formation, kerbing and path drainage. Those matters have been addressed by the applicant with amended drawings submitted showing the necessary details. The proposal is now acceptable to the roads department.
- 5.2 **Forestry Officer:** confirmed that the proposal does not appear to impact on existing trees or woodland.
- 5.3 **Scottish Forestry:** confirmed that the site falls immediately out with the boundary of 18FGS29238 Broadford Farm Woodland Creation.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023):

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 – Biodiversity

Policy 5 – Soils

Policy 13 – Sustainable Transport

Policy 14 - Design Quality and Place

Policy 17 – Rural Homes

6.2 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 31 Developer Contributions
- 36 Development in the Wider Countryside
- 55 Peat and Soils
- 65 Waste Water Treatment
- 66 Surface Water Drainage

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

Placemaking Priorities - Broadford

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011) Developer Contributions (March 2018) Housing in the Countryside and Siting and Design (March 2013) Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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 related Permission in Principle consent 20/04825/PIP, development plan and other planning policy;
 - b) siting and design;
 - c) access and road safety;

Development plan/other planning policy

This application follows on from the granting of planning permission in principle (PIP) for erection of a house on this site, as one of three which was granted on appeal to the Scottish Government. The original applications for three houses were recommended for approval but were refused by NPAC.

Planning application 23/05735/MSC for a house immediately to the North of the site Plot 1) has been granted by NPAC in June last year. Application 24/02908/MSC for neighbouring site (Plot 3) to the South is still under consideration.

The principle of the erection of house on this site has already been established as meeting policy criteria. Although NPF4 came into force after the PIP consent was granted, it is considered that the proposal is not contrary to the new policy framework. The application site is located within an area designated as a remote rural area. Under NPF 4 Policy 17 (b), being the lead policy in this case,

development proposals for new homes in remote rural areas will be supported where the proposal will:

- contribute towards local living and
- addresses local housing needs, economic considerations and transport needs as appropriate for rural location.

Although the house would be immediately outwith the Broadford SDA, it would address the local needs for housing and economic growth. Proximity to the village and local services, along with the provision of a footpath, will enable the development to support local living. Thus, the development is not considered to be contrary to Policy 17 of NPF4.

The points raised within public representations do not introduce any new considerations in comparison with those highlighted during determination of the associated planning in principle application. As such, these matters were addressed by the Reporter during the appeal process. Therefore, this application is considered to not only meet the criteria of policies relevant at the time of the appeal, but also to meet the criteria of the more recent NPF4, especially Policy 17.

8.5 NPAC rejected the previous PIP application with the view that the land designated in the WestPlan 2019 for housing (BF03) located across the road (East) from the site should be developed before any houses are built on the subject site (and adjacent land). The DPEA Reporter disagreed with such approach to the development plan and concluded that the site's location accords with HwLDP Policy 28, Policy 29 and Policy 36 and the related supplementary guidance.

Siting and design

- 8.6 Conditions attached to the PIP required the house to be of sympathetic design, form and finish to the surrounding settlement and incorporating the following:
 - i. The building shall be no higher than one and a half storey in design and height.
 - ii. The roof shall be symmetrically pitched at least 35 degrees and finished in natural slate. External walls shall be finished in a white/off-white cement render.
 - iii. Windows shall have a strong vertical emphasis.
 - iv. The building to be predominantly rectangular in shape with traditional gable ends.

It is considered that the details submitted in this application for the approval of matters specified in conditions satisfy the terms of these conditions. The house has been designed to correspond with the surrounding settlement and has the external appearance of a 1½ storey, L-shaped building. Although the shape of the house does not strictly correspond with the PIP condition for a rectangular form, it is considered acceptable with the overall form being longer than it is wide. The external materials consist of natural slate roofing and off-white rendered walls. A small larch cladded porch will be added to the North elevation. This again is considered acceptable design and raises no concerns in terms of neighbour amenity.

Small changes to the house design (roof layout leading to creation of a gable to the road side of the house) have been made to avoid the proposal being identical to the recently approved house on Plot 1.

Access and road safety

- 8.7 The proposed access point will meet an SDB1 standard design. A culvert will be installed to allow construction of a gravel access drive over the above-mentioned drainage ditch. The proposed access raises no concerns, sufficient visibility splays are achievable.
- 8.8 The site layout includes the necessary level of parking required by the condition of the PIP and the access junction design accords with the access schedule and the relevant PIP condition.
- 8.9 The original permission in principle sought the repositioning of the speed limit boundary and installation of additional street lighting to reflect the additional accesses. The amended site plan shows proposed lighting posts and speed limit signage. The requirement for the footpath to be provided along the entire frontage of the site also remains and is shown on the plans. The details are deemed satisfactory by the Roads department. The applicant confirmed that a Roads Opening Permit will be applied for before formation of the access or commencement of any works within the road.
- 8.10 It has been suggested that the public road is a single track, but busy road and that the development will lead to increased traffic safety issues. It is acknowledged that the public road (like many others in the vicinity) is narrow and busy, especially during tourists' season, however it is not considered that the traffic levels generated by the proposal will materially worsen this situation. Especially, that 20mph speed limit will be extended to include the site's access.

Other material considerations

8.11 Objections highlight that the site consists of peat which shouldn't be disturbed as this will have detrimental impact on the current nature crisis. According to the online records, the site is not within a carbon-rich peatland, and it's classified as Class 0 peatland (mineral soil) - peatland habitats are not typically found on such soils. Therefore, it is considered that the development will not have negative environmental impact in this regard.

According to the Highland Council records, the site is not part of a croft. In addition, Scotland's National scale land capability for agriculture mapping identifies the site to be predominantly Class 5.3 which is described as "Land capable of use as improved grassland. Pasture deteriorates quickly". Therefore, it is considered that the application site is not prime agricultural land and as such, the proposed development is considered compatible with Policy 5 of the NPF4.

8.12 A new private foul drainage system will be installed on-site due to the absence of public sewage infrastructure in the area. Concerns were raised about the site's susceptibility to flooding, particularly where the soakaway is proposed, as a river runs to the north of the site. This was identified as a potential issue that could

complicate the drainage system's implementation. However, SEPA's flood maps indicate that the site is not at risk of flooding.

Policy 65 of the HwLDP requires developments with private foul drainage systems to demonstrate that connecting to the public sewer is unfeasible and that the proposal will not cause or exacerbate significant environmental or health issues. The technical specifications of the private foul drainage system must comply with the Building (Scotland) Regulations. Consequently, the proposal is considered to meet the requirements of Policy 65.

Policy 66 of the HwLDP requires SuDS to be designed in line with relevant surface drainage guidance. The Transport Planning Team has confirmed that the proposed road and path drainage is acceptable. The proposal includes a rainwater soakaway system within the site. Therefore, the requirements of Policy 66 are considered to be met. There are no other material considerations.

Non-material considerations

8.13 The absentee landowner, possible use of the house as a holiday home and misleading information about speed limits are non-material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.14 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
 - a) None

9. CONCLUSION

- 9.1 The proposal follows on from the planning permission in principle granted in 2021 and seeks to satisfy matters specified in conditions attached to that consent. It needs to be highlighted that the principle of erection of house on this site has been established.
- 9.2 The proposed development is considered to meet the relevant planning policy discussed above. Although the site is not within the SDA, it is adjacent to it and, in addition, it can be supported on the basis of meeting the Broadford Placemaking Principles. This matter was addressed positively by the Reporter during the appeal process. The visual impact of the whole development is considered acceptable, and existing residential amenity is not expected to change detrimentally due to the proposal. It is recognised that the additional house will introduce change to this part of the settlement but not in negative ways that would justify a reason for refusal.
- 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. The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on this decision notice.

Reason: The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date on this decision notice.

2. No other development shall commence until the junction has been constructed in full. 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: In the interests of road safety, and that the works involved comply with applicable standards.

3. Prior to the first occupation of the development hereby approved, the footpath shall be constructed in accordance with the approved details as shown on drawing 10 rev. P5. The footpath shall be retained for public use in perpetuity.

Reason: To enable pedestrians to keep out with the public road and the path of oncoming traffic; in the interests of road safety.

4. Prior to first occupation of the house hereby approved, the street lighting as shown on approved plan 10 rev. P5 shall be erected and made operational.

Reason: In the interests of road safety.

5. The development shall not be carried out other than in accordance with the details shown on approved Site Plan drawing 10 rev. P5 and any other details stipulated by the required Road Opening Permit.

Reason: In the interests of road safety.

6. No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the planning authority. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site.

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.

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.

- 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.

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 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.

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:

Designation: Area Planning Manager - North

Author: Karolina Slotwinska

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

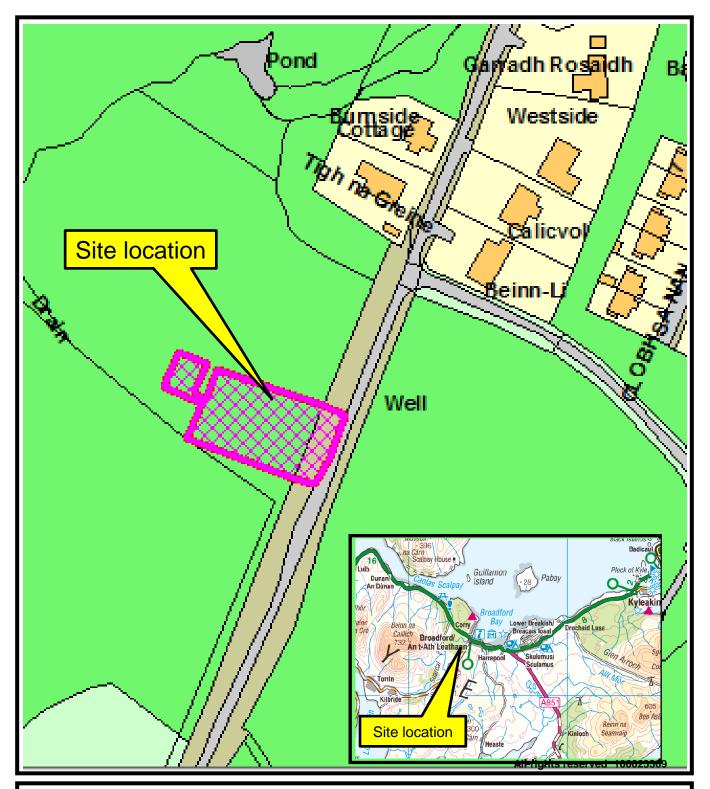
Relevant Plans: Plan 1 - Location Plan

Plan 2 - 01 rev. P4 Location Plan

Plan 3 - 10 rev. P5 Site Plan

Plan 4 - 12 rev. P1 Elevation Plan

Plan 5 - 11 rev. P1 Floor Plan





Development & Infrastructure Service

24/02890/MSC

Erection of house Land 90m SW Of Tigh Na Greine Broadford March 2025



