

Agenda item	<b>7.2</b>
Report no	<b>PLN/058/18</b>

## **THE HIGHLAND COUNCIL**

**Committee:** North Planning Applications Committee

**Date:** 11 September 2018

**Report Title:** 18/02744/FUL - Land 90M SW Of Kinvara, Altass

**Report By:** Area Planning Manager – North

### **1. Purpose/Executive Summary**

**1.1** Applicant: Mr Alexandar Campion

Description of development: Erection of 2 no. houses

Ward: 1 - North, West and Central Sutherland

Category: Local

Reasons Referred to Committee: 5 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.

### **2. Recommendation**

**2.2** Members are asked to agree the recommendation to approve as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The application seeks consent for the erection of two houses, to be used primarily for holiday letting purposes. The proposed development also includes formation of a new access and installation of private drainage arrangements. The proposed houses have been designed specifically to provide functional accommodation for disabled people.
- 3.2 No pre-application advice was sought in advance of the submission of the planning application.
- 3.3 There is no infrastructure on site at present.
- 3.4 The application is supported by a Supporting Statement and a further document has been lodged by the applicant to provide clarity in response to objections.
- 3.5 **Variations:** No variations have been made to the proposal since it was lodged. As noted above however, further information has been submitted in the form of a response to objections. A topographic survey and site level information has also been submitted following a request from the Planning Authority.

### **4. SITE DESCRIPTION**

- 4.1 The site lies to the northern side of the public road at Altass, which is accessed from the A837 which connects Lairg with the west coast. There are a number of houses to the west of the site which lie adjacent to the public road, and a number of more recently completed house to the east and north east. The site slopes relatively steeply from north to south and has an attractive outlook over the Kyle of Sutherland.

### **5. PLANNING HISTORY**

- 5.1 No planning history.

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised : Unknown Neighbour - 29.06.2018  
Representation deadline : 02.07.2018  
Timeous representations : 7 from 6 households  
Late representations : 0
- 6.2 Material considerations raised are summarised as follows:
- The site is too small
  - Poor access which is already over-used
  - Loss of agricultural land
  - Design not suitable for weather conditions
  - Limited space in the site for car parking - vehicles therefore likely to block the road
  - Proposed tree planting is not suitable
  - Unavailability of services

Non material considerations raised are summaries as follows:

- The applicant should convert existing buildings within his own landholding
- Not a residential development but a holiday/quasi medical development
- The applicant is not the owner of the land - it is owned by Trustees
- Neighbours will be called upon to assist if disabled occupiers 'get into difficulty' unless there is a full time carer
- Development will 'inconvenience' and 'place burdens' on existing residents
- There is not a lack of wheelchair accessible accommodation in the local area as stated by the applicant.

6.3 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 7. CONSULTATIONS

7.1 **Sutherland Access Panel:** Support the proposed development. The Panel have visited the site and do not agree with some of the objections made especially those that disabled may cause a burden on the local community. The panel support this application as it would provide much needed fully accessible accommodation that is not currently available in Sutherland.

7.2 **Scottish Water:** No objections however the applicant is required to complete a Pre-Development Enquiry directly to SW.

## 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 8.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
36	Development in the Wider Countryside
44	Tourist Accommodation

### 8.2 Sutherland Local Plan (As Continued in Force, 2012)

No site specific policies. The general policies which applied in respect of the site previously have been superseded by the provisions of the Highland-wide Local Development Plan.

## 9. OTHER MATERIAL CONSIDERATIONS

### 9.1 Draft Development Plan

Caithness and Sutherland Local Development Plan (Modified Proposed Plan, 2016)

## 9.2 **Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside and Siting and Design SG

## 9.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June, 2014)

## **10. PLANNING APPRAISAL**

10.1 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.

10.2 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.

### 10.3 **Development Plan Policy Assessment**

The application seeks consent for the erection of two houses to be used primarily for holiday accommodation. As such the proposal requires to be assessed primarily in terms of Policy 44 of the Highland-wide Local Development Plan however Policy 36, which provides general considerations for new development in the wider countryside, is also applicable. In terms of Policy 44, which sets out a requirement for applicants to demonstrate that a demand exists for tourist accommodation, the application is supported by a detailed statement which outlines the rationale for the proposed development. It is evident that the project is being driven by the applicant's strong desire to provide holiday accommodation which will cater to disabled people and there is evidence, as backed up by the Sutherland Access Panel, that accommodation of this kind is severely limited in the Sutherland area. In particular the roof has been designed to support a hoist in both the wet room and bedroom with additional internal features designed to create ease of access throughout. Whilst it is acknowledged that the proposed houses may not be used by disabled people on every occasion, as this will be dependent on demand, it will provide an option which is currently lacking in the Sutherland area. As such it is considered that the proposal is in accordance with Policy 44 and the principle of development is therefore supported.

### 10.4 **Material Considerations**

#### **Siting and Design**

The site lies in a rural area which has been subject to moderate development pressure in recent times; this has led to a number of house completions to the east, north and north-east of the proposed site. Whereas development previously was concentrated along the public road, it has now extended northwards. The proposed site will infill an area of ground in between the main public road and the track along its eastern boundary and is considered to add more coherency between the existing patterns of development to the east/north-east and the west. As noted in objection comments, the site is relatively small particularly in terms of its north-south axis. However this has been addressed through the design of the proposed houses which are modest in scale and would make optimum use of the site by being built into the

slope. The site sections and topographic information both demonstrate that both houses would set well into the site, with minimal or no visibility from the adjacent house to the north.

The design of the proposed houses requires to be assessed against the provisions of the Housing in the Countryside and Siting and Design Supplementary Guidance. The houses in this instance are of a contemporary design featuring a turf mono pitch roof with extensive glazing on the southern elevation. The remainder of the external walls would be finished in a dry stone. A number of submitted objections refer to the proposed design with particular concern noted regarding the roof pitch. It is acknowledged that traditionally the Planning Authority have sought to retain a uniformity in roof pitch in the Altass, that is a traditionally proportioned 45 degree pitched roof. In this instance, the proposed low pitched roof allows the proposed houses to be discretely positioned within the site so that existing views will be retained from the house to the north. The turf roofs will further allow the houses to be assimilated into the landscape.

The proposed houses have a reasonable amount of amenity space however in accordance with the uses being applied for, a condition is added to ensure these houses are not used for private residences. The condition therefore outlines that no person(s) shall occupy either unit for more than 3 months at a time.

### **Access and Parking**

A new access point would be created for the development; this would incorporate a service layby at its junction with the public road. Visibility looking left is reasonable however more restricted when looking right due to the layout of the road. Due to the works involved with levelling out the site to incorporate the proposed houses, visibility for the proposed access would be significantly improved and will be able to comply with the Access to Single Houses and Small Housing Developments document. This is further secured by condition.

### **Drainage and Servicing**

The development proposes to install a treatment plant and soakaway, which would be shared for both properties and sited 10m from any boundary. As such, the proposed development is in accordance with Building Regulations.

#### **10.5 Other Considerations – not material**

Land Ownership: The applicant has confirmed that the site is within the ownership of his own Trust.

#### **10.6 Matters to be secured by Section 75 Agreement**

None

### **11. CONCLUSION**

11.1 The proposal concerns a modestly scaled development of two houses, to be used for holiday accommodation, which has been well designed to take account of the topography of the site. 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.

## 12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

## 13. RECOMMENDATION

**Action required before decision issued** N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 30<sup>th</sup> August 2018), with:
  - i. the junction formed to comply with drawing ref. SDB2; and
  - ii. visibility splays of 2.4m x 90m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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

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

2. Prior to the first occupation of each of the dwellinghouses, parking spaces (excluding garages) for a minimum of 2 cars shall be provided within the associated curtilage in accordance with The Highland Council's Access to Single Houses and Small Developments, and shall thereafter be maintained for this use in perpetuity.

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

3. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason :** In the interests of visual amenity and to ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

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

**Reason :** To ensure that the development does not become used for permanent residential occupation in the interest of the area's visual amenity, in recognition of the lack of private amenity space and in accordance with the use applied for.

### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

### **TIME LIMITS**

#### **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.

### **FOOTNOTE TO APPLICANT**

#### **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.

#### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority

(irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **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 (p.198), 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\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_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.

Designation: Area Planning Manager - North

Author: Gillian Webster

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

Relevant Plans:

- Plan 1 – Location Plan
- Plan 2 – Site Layout Plan
- Plan 3 – North/South Elevations
- Plan 4 - East/West Elevations
- Plan 5 - Floor Plan
- Plan 6 - Roof Plan
- Plan 7 - Section Plan
- Plan 8 - Section Plan
- Plan 9 - Section Plan
- Plan 10 - Site Sections
- Plan 11 - Site Sections
- Plan 12 - Tree Planting Plan
- Plan 13 - Landscaping Plan

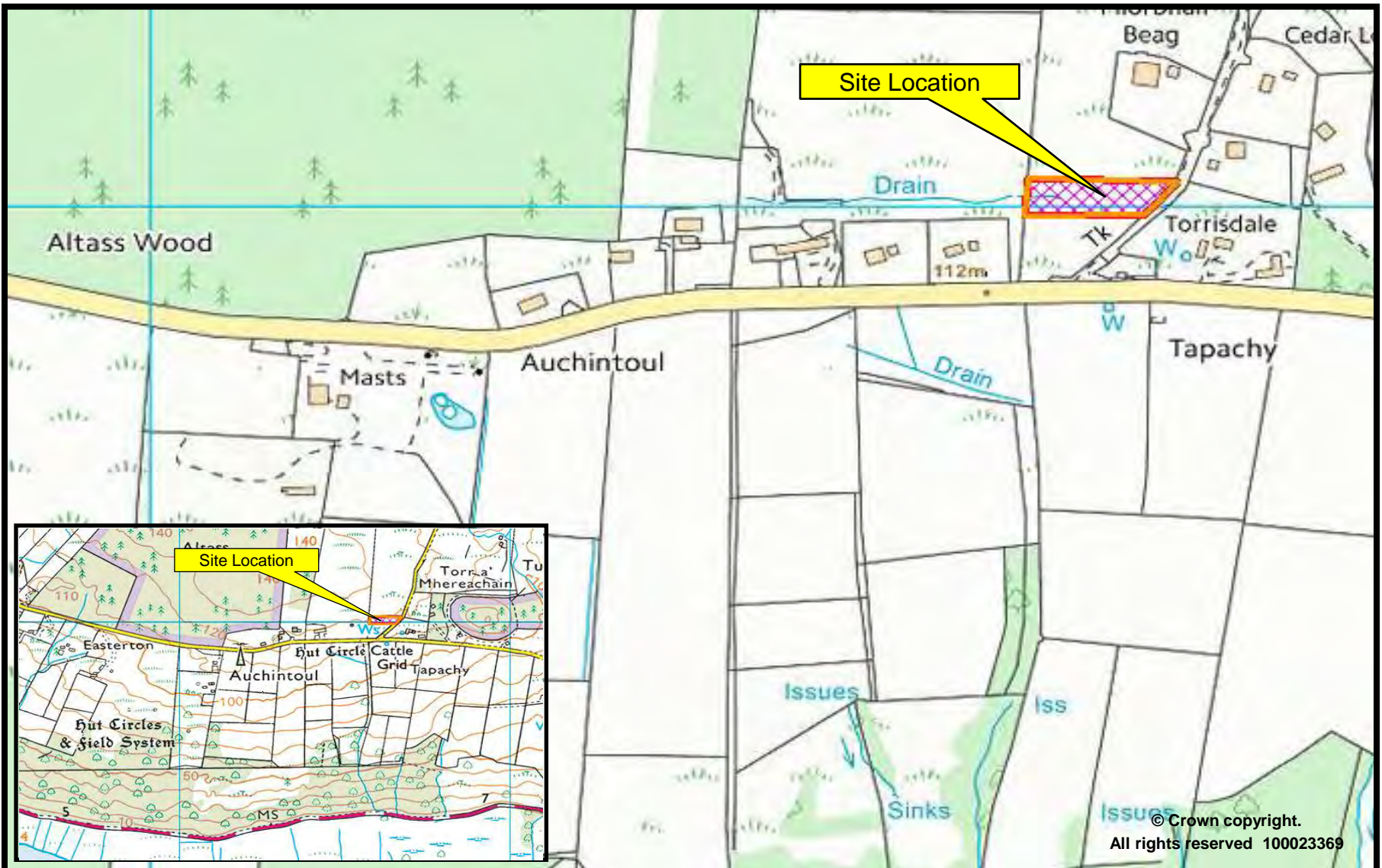
## Appendix – Letters of Representation

### OBJECTORS

1.	Richard Veters, Miorbhail Beag, Altass, Lairg, IV27 4EU, ,	11/07/18
2.	Ludovic and Christine Stuart, Curlew Cottage, Altass, Rosehall, Lairg, IV27 4EU, ,	11/07/18
3.	Michael and Marion Wittet, Molalatau Lodge, Altass, Lairg, IV27 4EU,	16/07/18
4.	Mr Ivan Mackay, Kinvara, Altass, Lairg, IV27 4EU,	12/07/18
5.	Alan Kennaway, Cedar Lodge, Altass, IV27 4EU,	11/07/18
6.	Ivan and Marta Mackay, Kinvara, Altass, IV27 4EU,	11/07/18
7.	Mrs C M and Mr C E Gilmour, Shenaval, Altass, Sutherland, IV27 4EU,	11/07/18

### SUPPORTERS

8.	Sutherland Access Panel,	23/07/18
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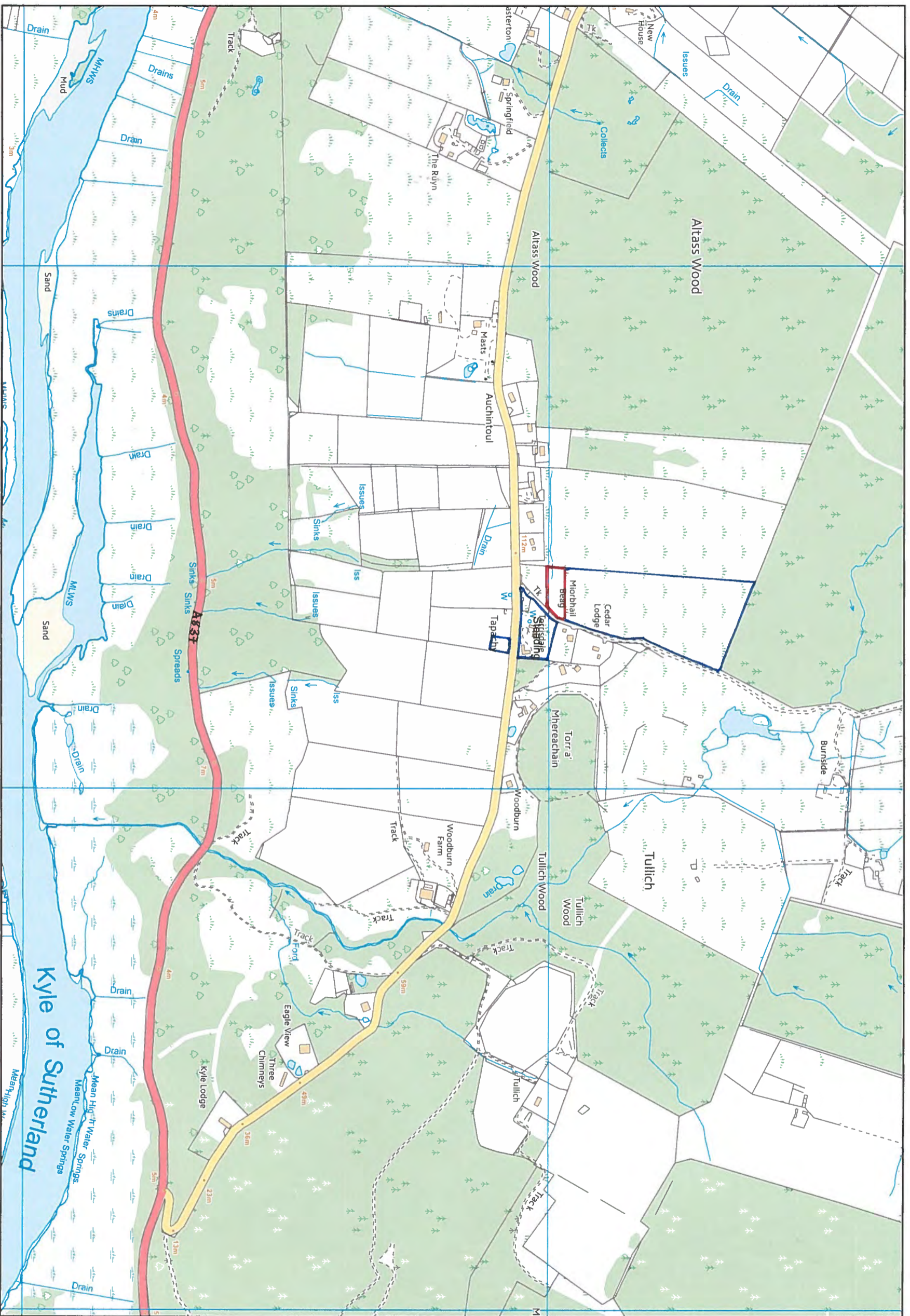
The Highland Council  
Comhairle na Gàidhealtachd

Development and Infrastructure Service

**18/02744/FUL**  
**Erection of 2 no. houses, formation of access and installation of private drainage at**  
**Land 90m SW of Kinvara, Altass.**  
**August 2018**



Scale:



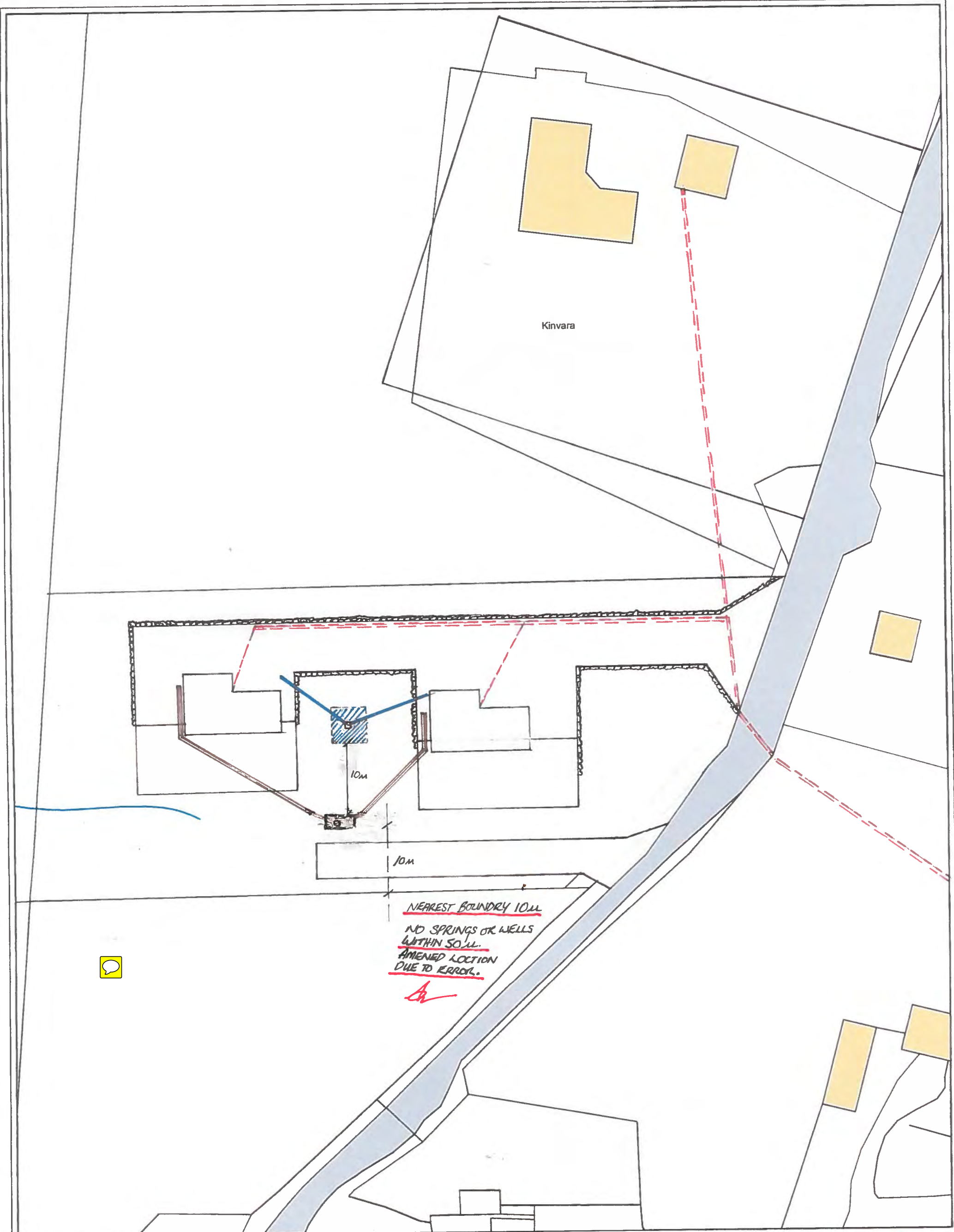
— LAND OWNED BY AC/IRUST 2013  
— SITING PROPOSED FOR DEVELOPMENT  
 Torrisdale, Altass, Lairg, IV27 4EU

Easting: 251,700  
 Northing: 899,971

1:7,500  
 0 100 200 400  
 METRES

**LOCATION PLAN**




Ordnance Survey © Crown Copyright 2018  
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 Natural Resource Services



Kinvara

NEAREST BOUNDARY 10M  
NO SPRINGS OR WELLS  
WITHIN 50M.  
AMENDED LOCATION  
DUE TO ERROR.

*AD*

-  - RAIN WATER HARVESTING TANKS & DRAINS, GREY WATER SYSTEM
-  - POWER LINES
-  - SEPTIC TANK / DRIN LINES.

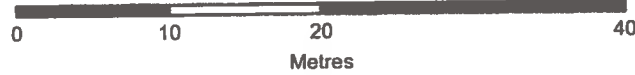
Topachy & Auchintoul, Topachy, Creich (C429)  
 Atlass, Lairg, IV27 4EU

SITE OF PLAN  
 DRAINAGE & ELECTRICAL  
 PAGES



**AMENDED DRAWING** *AD*

1:500



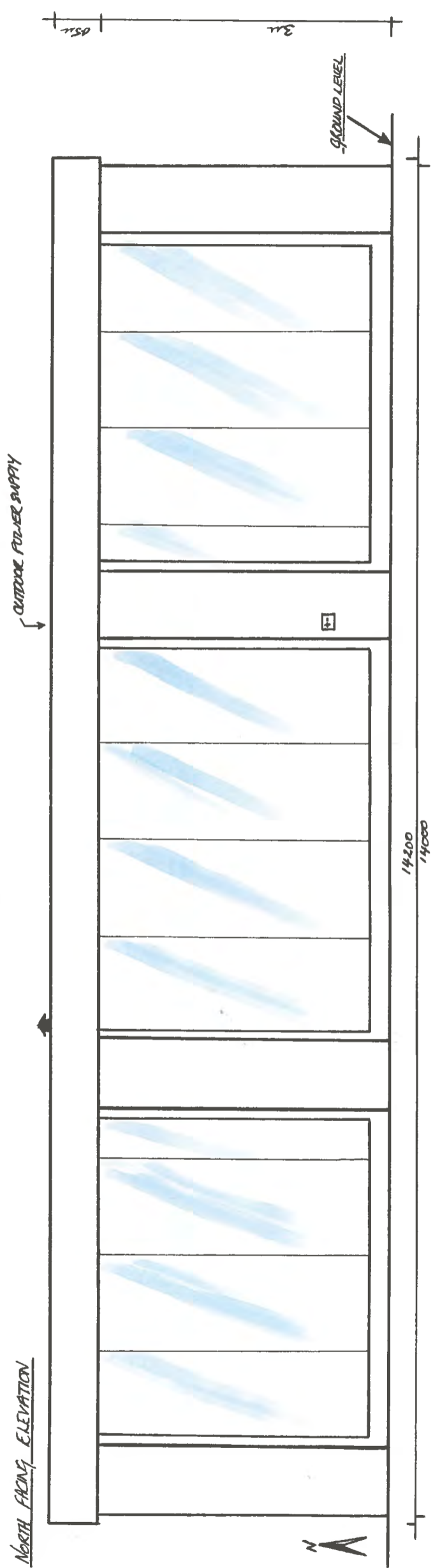
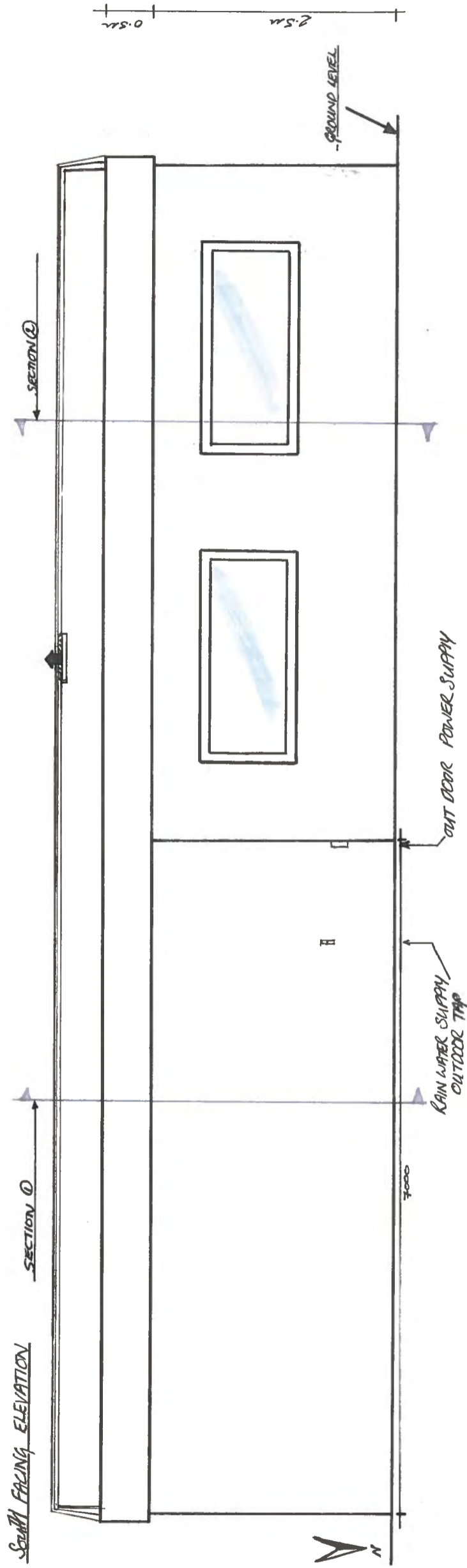
Easting: 251,675  
 Northing: 900,120

*7-Aug-18*

All boundaries aligned with OS features except where shown as 'undefined'.  
 Dimensions in metres and 'or thereby'

Ordnance Survey © Crown Copyright 2017  
 All rights reserved license number 100020449  
 Highland Geomatics, part of Natural Resource  
 Services Group 06/06/2017  
 Drawn by Miles Davis

*AD*

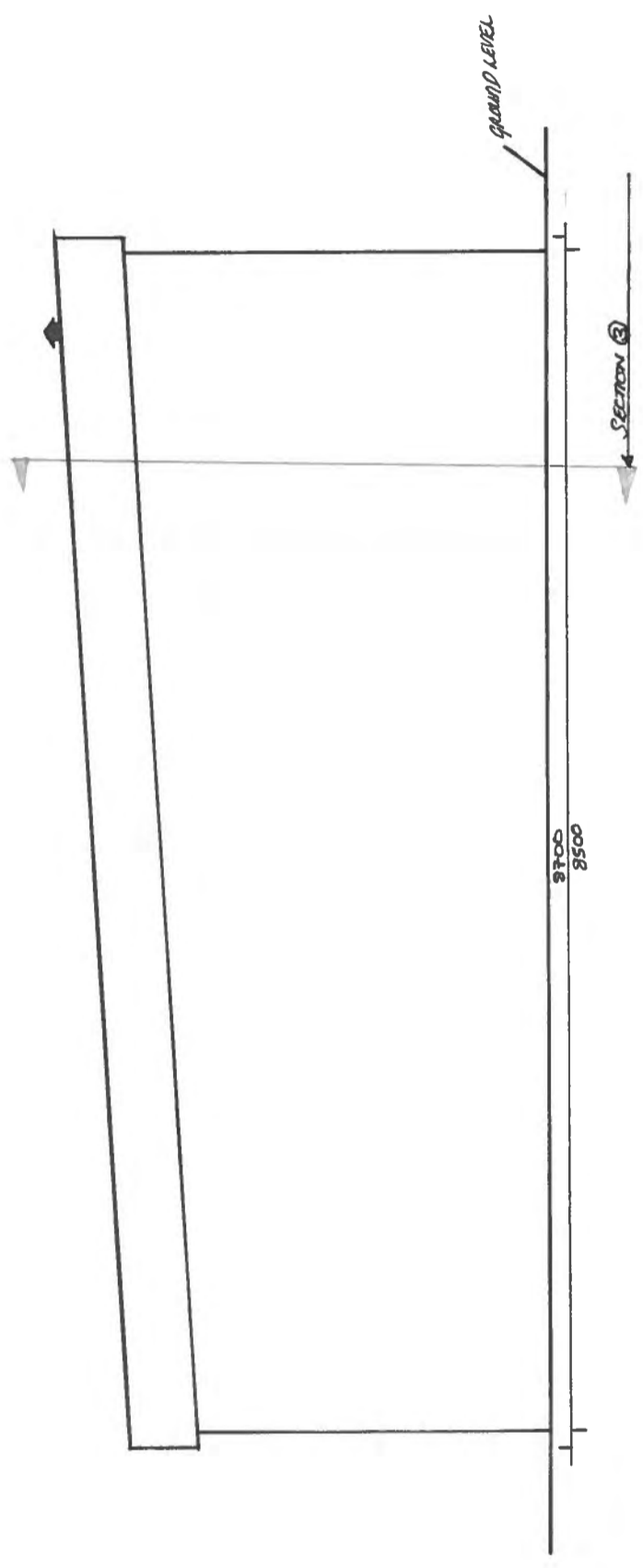


DRAWN BY MR. A. CAMPION A

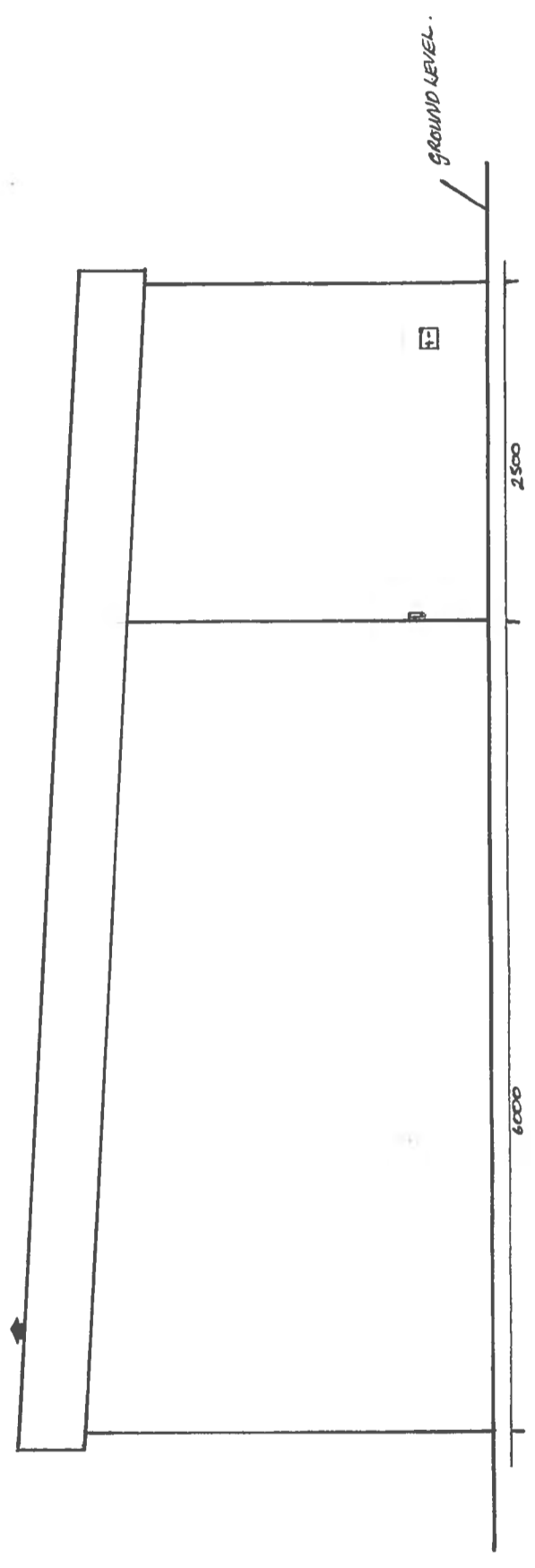
SCALE 1:50



EAST ELEVATION



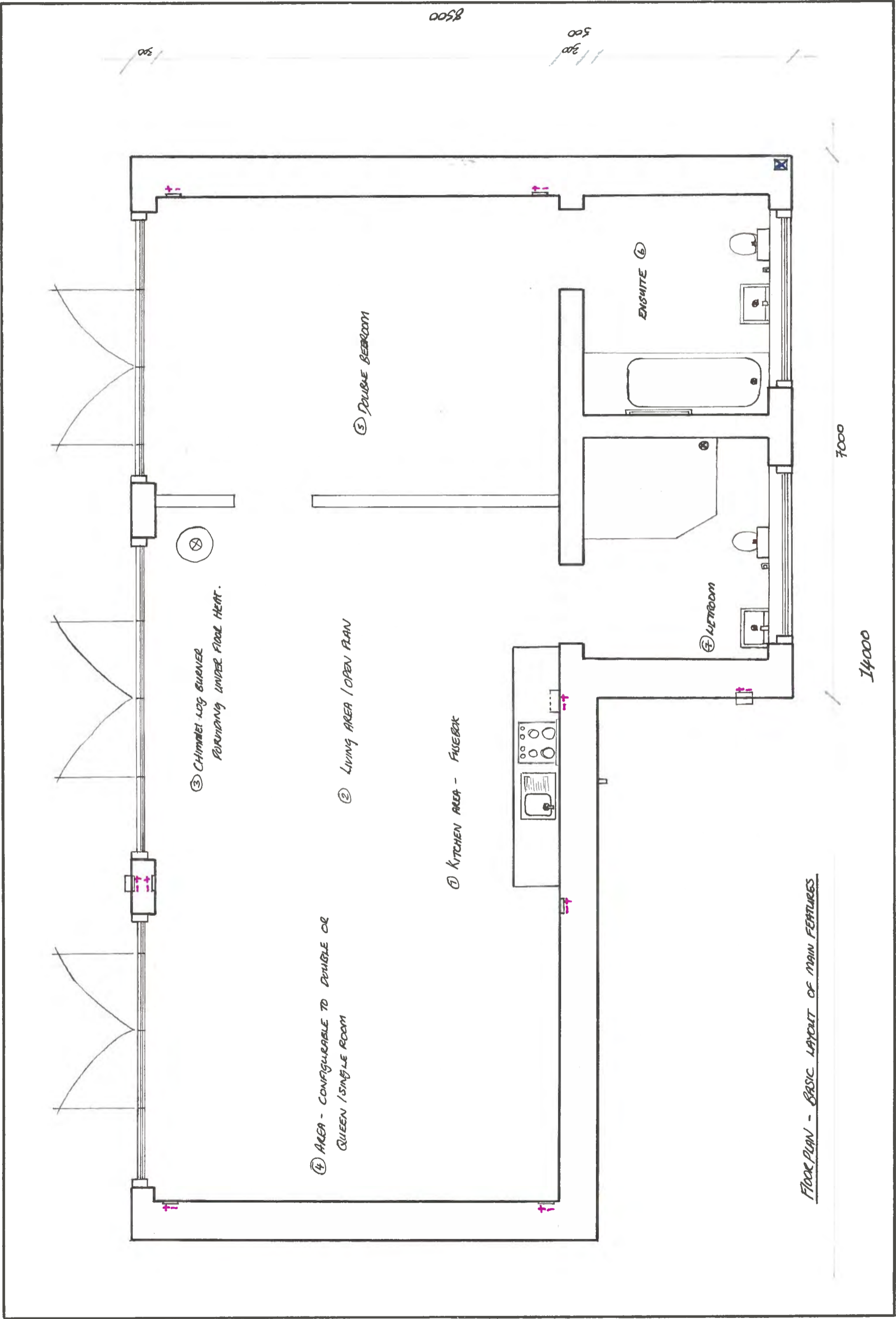
WEST ELEVATION



SCALE 1:50



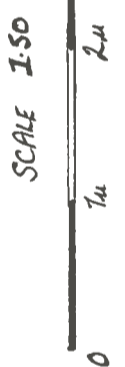
DRAWN BY MR. A. CAMPION JR



FLOOR PLAN - BASIC LAYOUT OF MAIN FEATURES

- + - POWER
- X - RAIN WATER
- ⊗ - WASTE WATER

①-④ = SEE FURTHER DETAILS IN BRIEF.

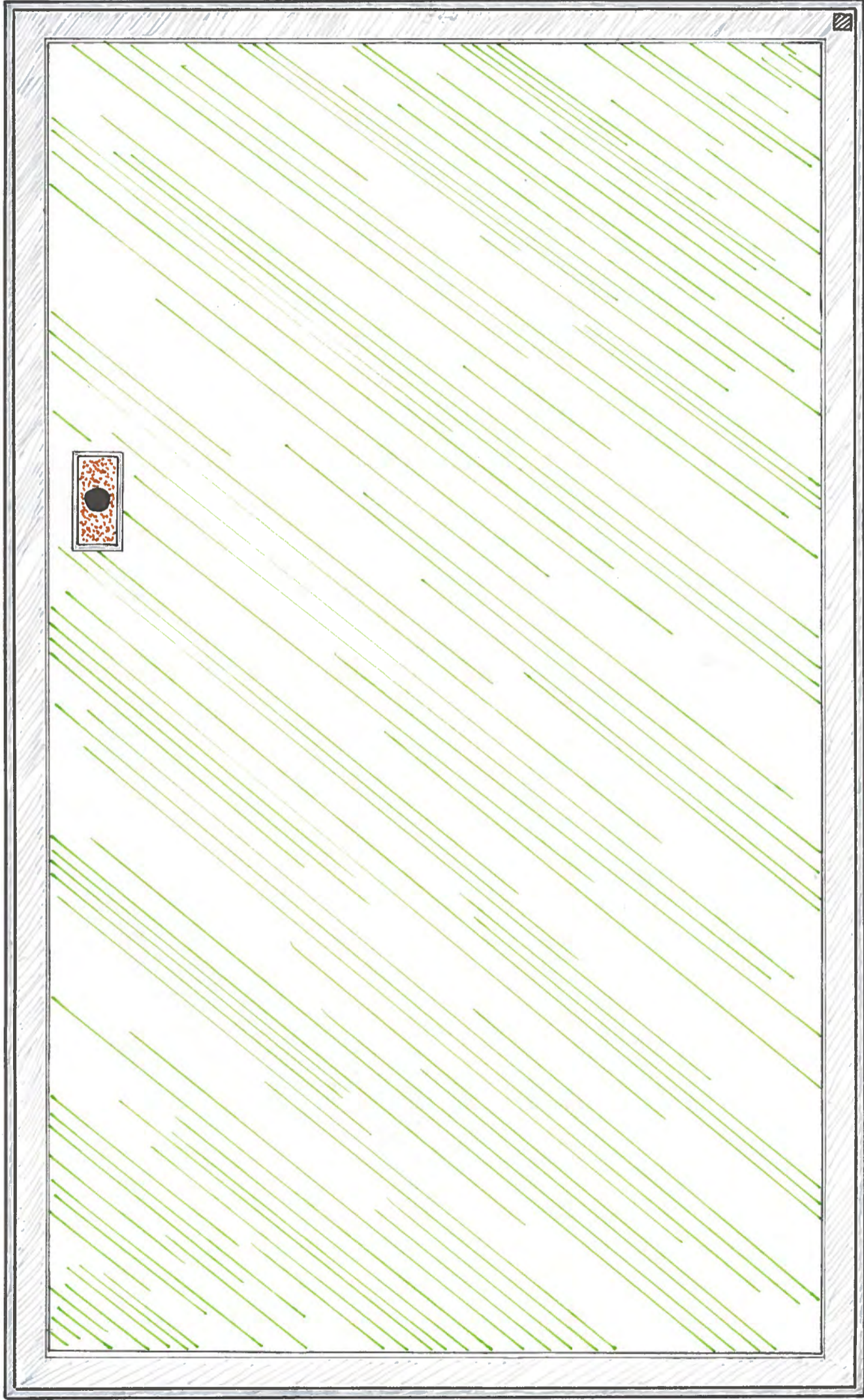


DRAWN BY MR. A. CAMPION

*A.*



LAF BURNER CHIMNEY  
SURROUNDED BY NON-FORMABLE  
MATERIAL AND INSULATION.



8700

14200

ROOF PLAN

RAIN WATER DRAIN INTERNAL



SCALE 1:50



- GRAVEL

- MOSS GREEN ROOF

- EAVE CLAD TOP

DRAWN BY MR. A. CAMPION

WALL 2 KEY

WALL KEY 2 - NOT TO SCALE 0.5M THICK  
TO BE ABLE TO ROUDE UP MOST THERMAL  
EFFICIENCY

- THICK OUTSIDE RENDER.
- BREEZE BLOCK
- DAMP COURSE / PLY BOARD
- MINERAL WOOL WALL INSULATION
- WOOD STUD WORK FRAME
- PLASTER BOARD WITH THERMAL INSULATION

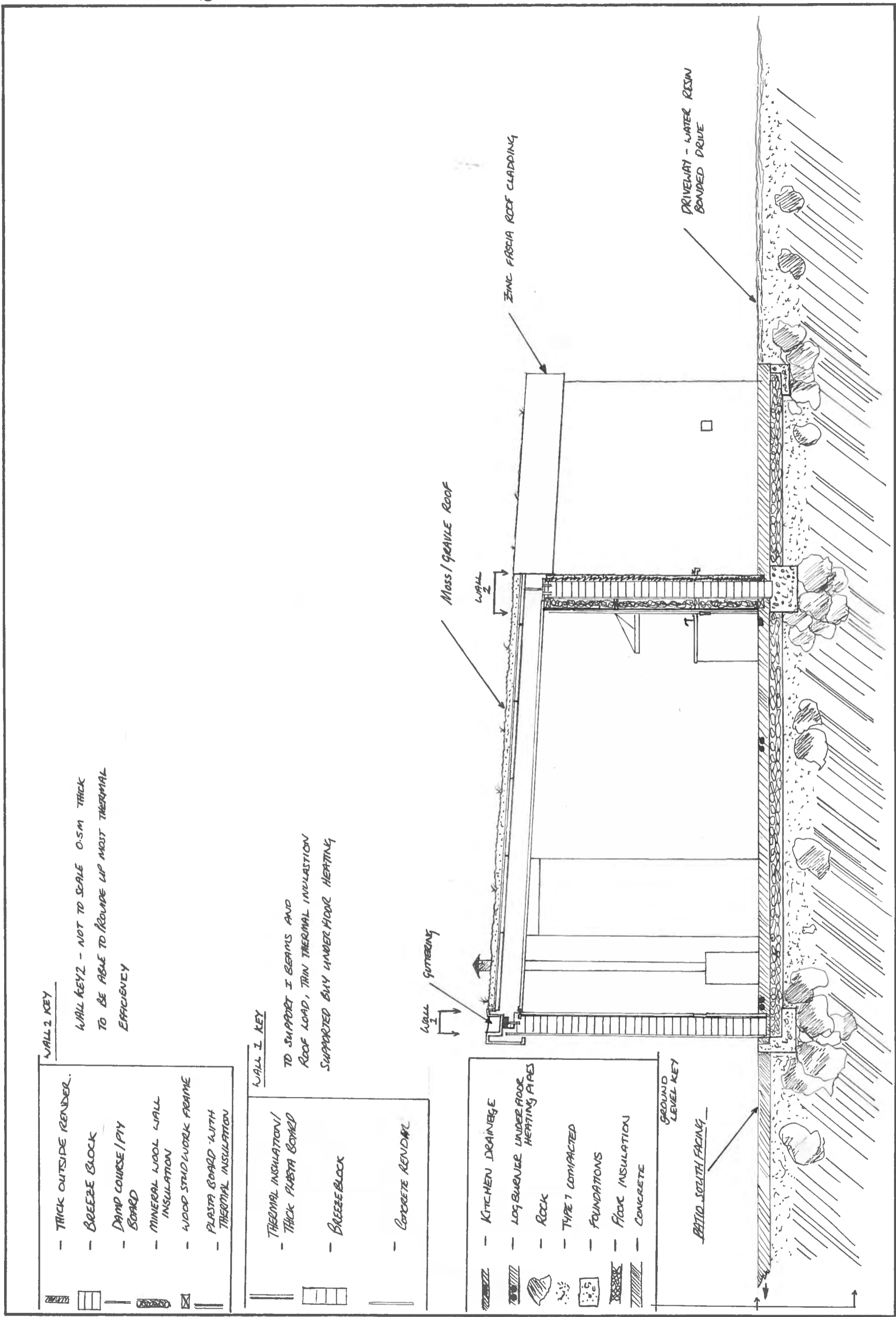
WALL 1 KEY

TO SUPPORT I BEAMS AND  
ROOF LOAD, THIN THERMAL INSULATION  
SUPPORTED BY UNDER FLOOR HEATING

- THERMAL INSULATION / THICK PLASTER BOARD
- BREEZE BLOCK
- CONCRETE RENDER

- KITCHEN DRAINAGE
- LOG BURNER UNDER ROOF HEATING PIPES
- ROCK
- TYPE 1 COMPACTED
- FOUNDATIONS
- FLOOR INSULATION
- CONCRETE

GROUND LEVEL KEY  
PATIO SOUTH FACING

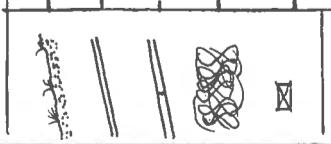


DRAWN BY MR. A. CAMPION A

SECTION D

ROOF STRUCTURE

- GREEN ROOF MASS LIGHT GRAVEL BASE
- ZINC CLADDING / MOLDED RUBBER
- Beam Ply board
- THICK MINERAL ROOF INSULATION
- SUPPORT BEAMS HARDWOOD



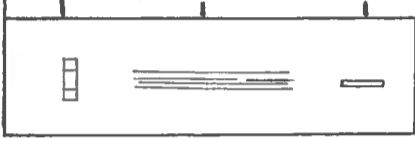
BATHROOM WALL (B-WALL)

- 1- THICK WATERPROOF MEMBRANE
  - 2- BRICK BLOCK
  - 3- PLASTER CONCRETE RENDER
- WALL SEE SEEN BELOW INTERIOR MAIN WALL TO SUPPORT OVERHANG PORCH AREA, HENCE SIZE.



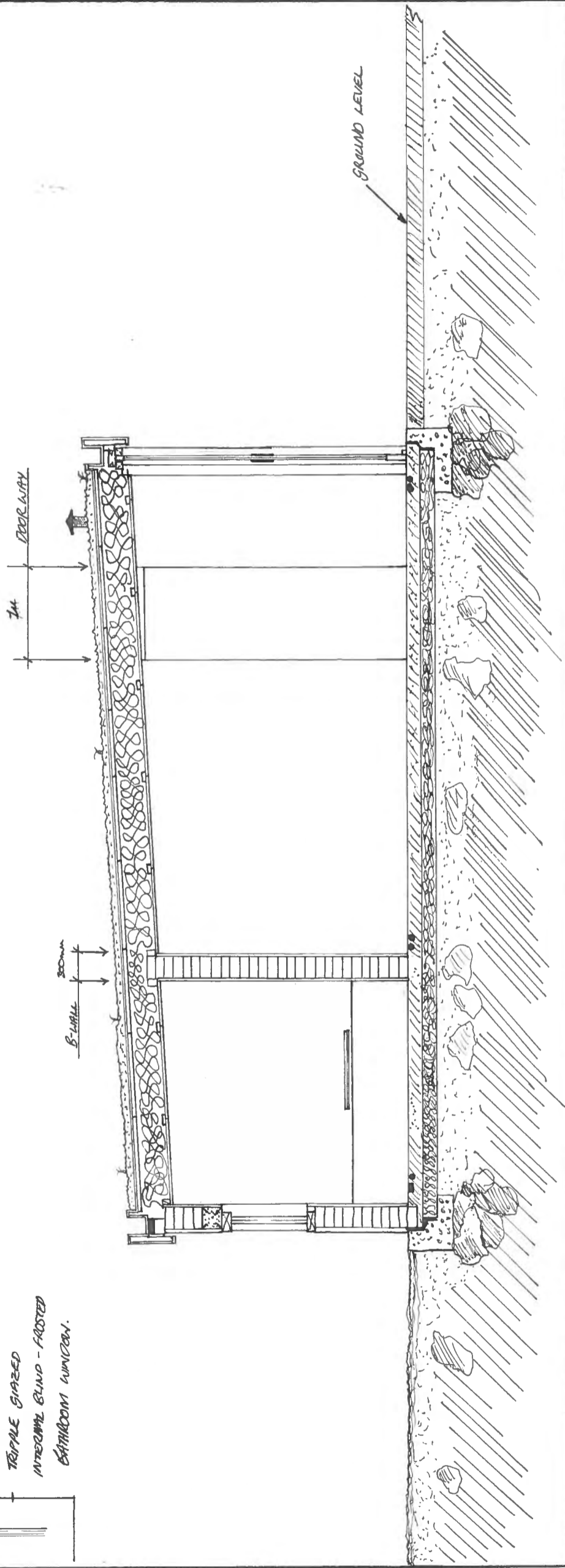
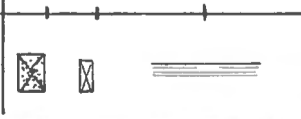
SOUTH FACING WINDOWS.

- ALUMINIUM / STAGLWORK ZINC CLAD WINDOW / DOOR FIXINGS / FRAME
- TRIPLE GLAZED - INTERNAL ELECTRIC BLINDS DOORS / WINDOWS
- LOWER ALUMINIUM DOOR FRAME RASIED TO PROTECT GLASS SEE GREAT FOR FURTHER DETAIL.



WINDOW - NORTH FACING

- CONCRETE LINTEL
- ALUMINIUM WINDOW FRAME
- TRIPLE GLAZED
- INTERNAL BLIND - FROSTED
- BATHROOM WINDOW.



DRAWN BY MR. A. CAMPION SECTION 2



ROOF STRUCTURE

CUSTOM I BEAM

I BEAM, MILD STEEL

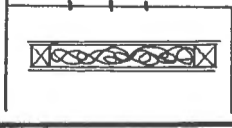


INTERNAL WALL

STUD WALL CONSTRUCTION

150mm TOTAL THICKNESS

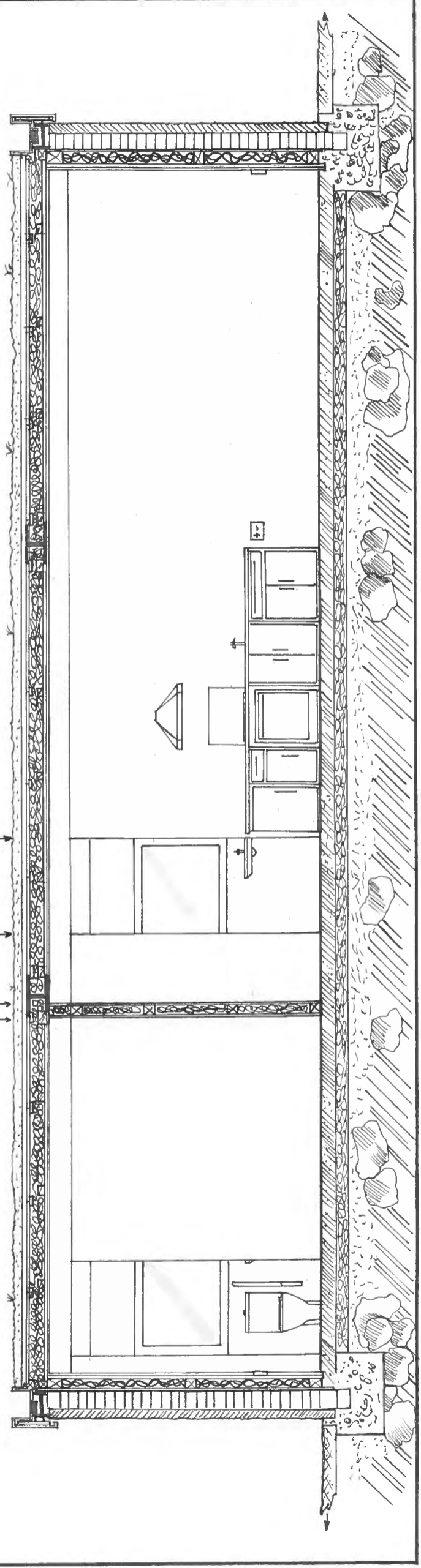
PLASTER BOARD, MINERAL WOOL INSULATION



INTERNAL WALL 150mm

1m

CONTIGUOUS FLOOR SIZE SLIDING DOORS

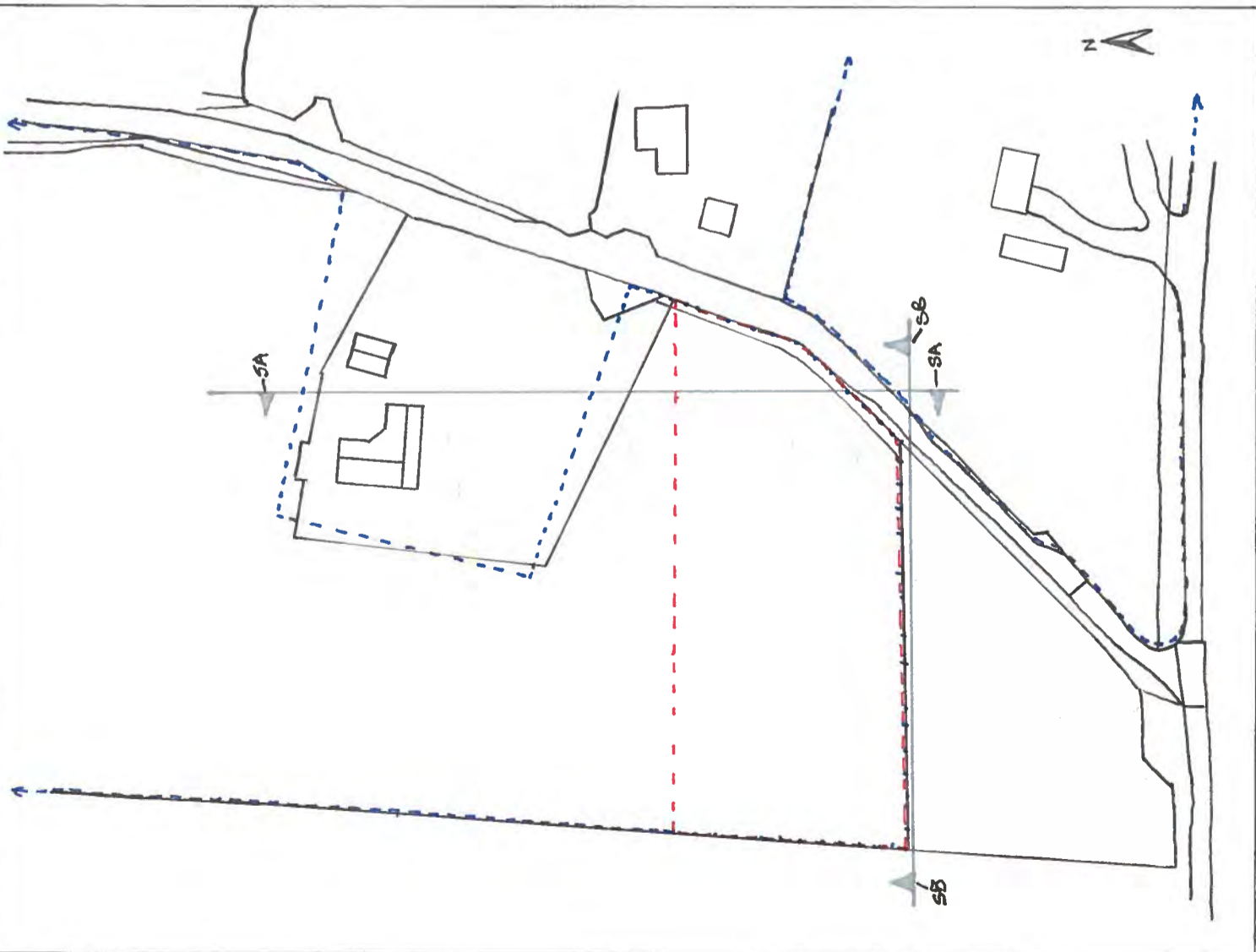


NORTH

SCALE 1:50

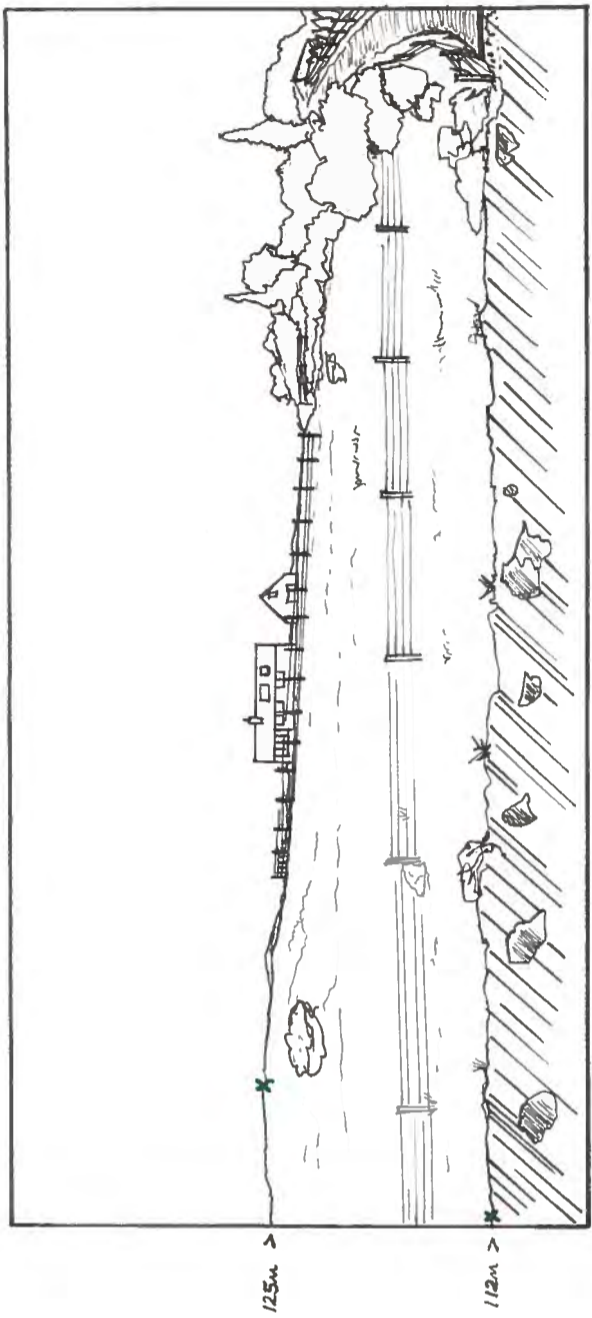


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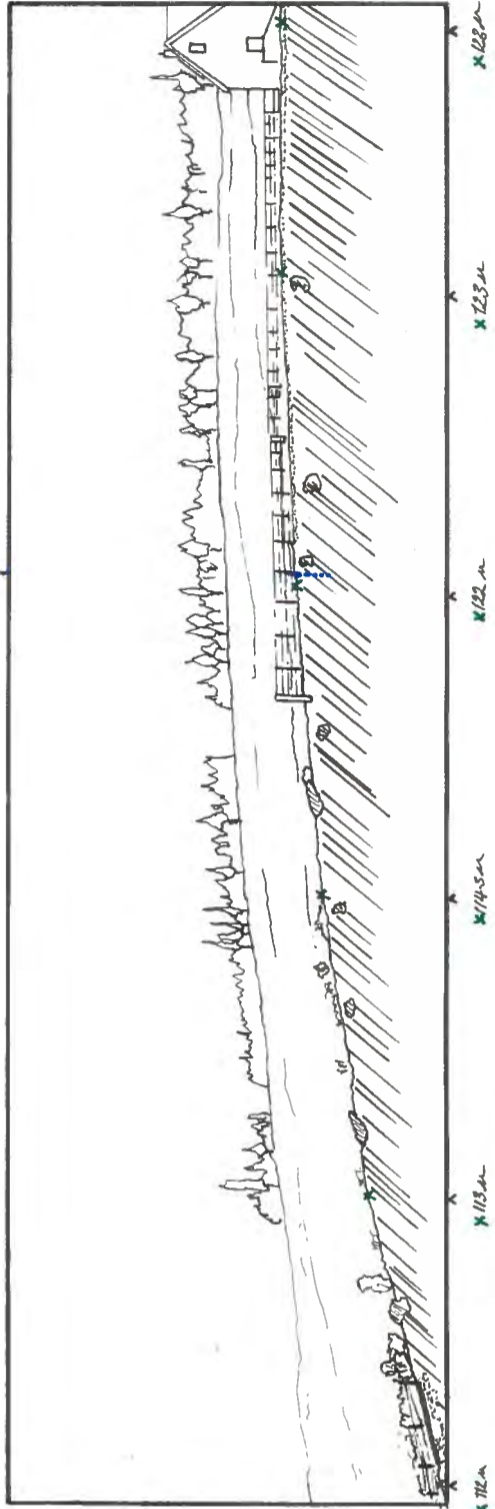
SITE MAP SCALE 1:1250 - SHOWING LAND TERRAIN SECTIONS.

- X - LAND HEIGHT TOPOGRAPHY
- - - SITE
- ..... - LAND OWNED BY AC PI TRUST 2013
- SECTION GUIDE LINES

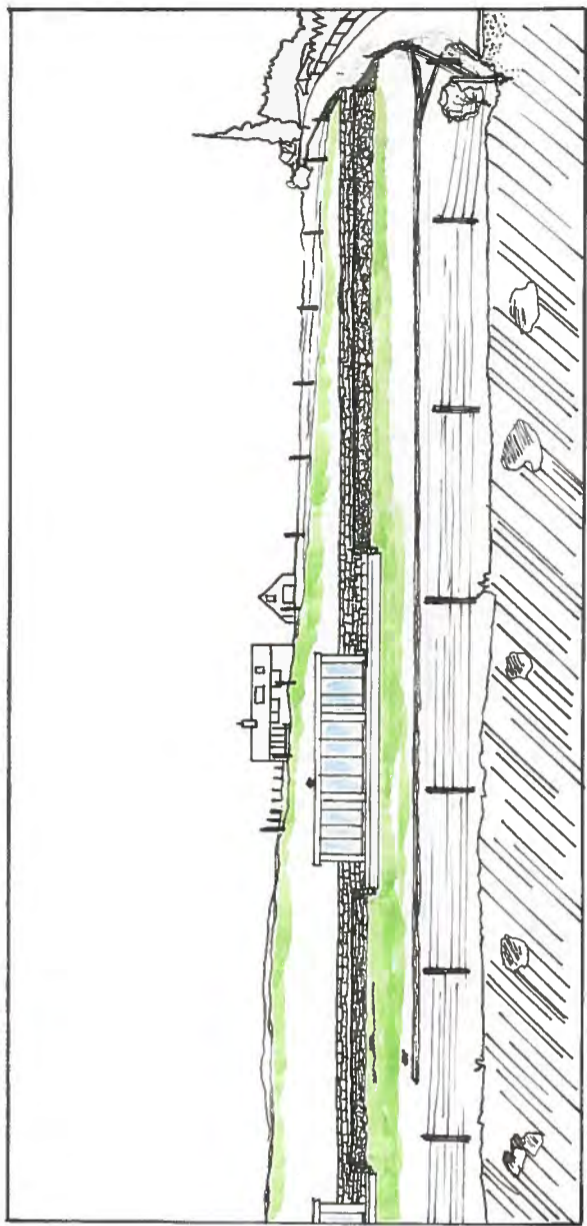


SECTION (SB) NORTH FACING SCALE 1:500

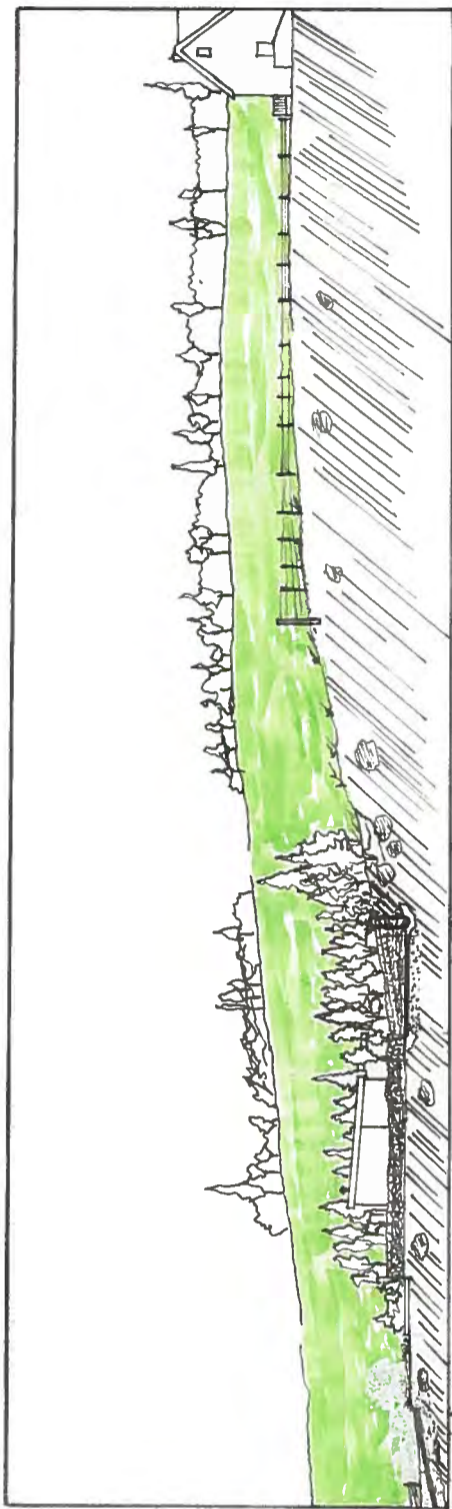
THIS AREA IS THE CORRECT BOUNDARIES OF THE HOUSE CALLED KANVAD. SEE BRIEF FUTHER DETAILS.



SECTION (SA) WEST FACING SCALE 1:500



NORTH FACING SECTION (SB) SCALE 1:500 - SHOWING BERTHE TREE PLANTING, AMENDED FENCE BOUNDARIES.  
 → THIS SHOWS HOW THE VIEW LINES FROM THE HOUSE TO NORTH CALLED KIMPARA ARE NOT EFFECTED BY THESE TALL BUILDINGS.  
 → DUE TO THE LOW ROOF HEIGHT AND DESIGN & PLACEMENT OF THE BUILDINGS THIS HAS BEEN CONSIDERED.





WEST FACING SECTION A (SA) SCALE - 1:500  
 DRAWING SHOWING TREES AFTER 5 YEARS.  
 AMENDED BOUNDARIES  
 DRIVEWAY WALL  
 BOUNDARY WALL  
 ROAD/SERVICE BAY



SCALE 1:1250 SHOWING SECTION LINES (SA) & (SB)

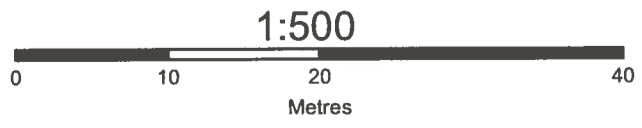


-  - TREE PLANTING PLAN FRONTS OF SCOTCH PINE, SILVER BIRCH.
-  - GREEN ROOF BUILDINGS  
MOSS STONE GRAVEL LAYERS

Topachy & Auchintoul, Topachy, Creich (C429)  
 Atlask, Lairg, IV27 4EU

TREE PLANTING PLAN.

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Easting: 251,675  
 Northing: 900,120

All boundaries aligned with OS features except where shown as 'undefined'.  
 Dimensions in metres and 'or thereby'

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 - STONE WALLING

 - DRIVEWAY AREA, SMOOTH RESIN COMPOSITE

 - GRASSED AREAS

Topachy & Auchintoul, Topachy, Creich (C429)  
 Atlass, Lairg, IV27 4EU

1:500



Easting: 251,675  
 Northing: 900,120

PLAN OF GROUND WORKS  
 DRIVE START OF LANDSCAPE



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All boundaries aligned with OS features except where shown as 'undefined'.  
 Dimensions in metres and 'or thereby'

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