

**DELEGATED REPORT OF HANDLING**

<b>Reference:</b>	20/02219/PIP	<b>Case Officer:</b>	Lucy Prins	<b>Contact No:</b>	01397 707030
<b>Email:</b>	lucy.prins@highland.gov.uk				
<b>Proposal:</b>	Erection of a house				
<b>Address:</b>	Land 40M NW Of Cooinda Morar				
<b>Ward:</b>	11 - Caol And Mallaig				
<b>Target Date:</b>	17 August 2020	<b>Extension Sought? Y/N:</b>			
<b>Target Met:</b>	TARGET DATE NOT MET	<b>Reason delayed:</b> Receipt of Advert fee delayed			
<b>Advertised:</b>	Oban Times - Unknown Neighbour 14 Days	<b>Closing Date for Reps:</b>	17 July 2020		
<b>Reps:</b>	For: 0	Against: 0	Neutral: 0		
<b>Appropriate Assessment</b>	No	<b>EIA Development</b>	No		

**PLANNING HISTORY**

<b>Previous Reference</b>	<b>Description</b>	<b>Date of Decision</b>	<b>Outcome</b>
04/00256/OUTLO	Erection of a house	Sept 2004	PERMISSION GRANTED
05/00154/FULLO	erection of 3 - 4 bedroom 1½ storey house	July 2005	PERMISSION GRANTED
14/01031/PIP	Erection of house	9 May 2014	PERMISSION GRANTED

**DEVELOPMENT PLAN**

Highland Wide Local Development Plan (2012):

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 – Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 57 - Natural, Built & Cultural Heritage
- 61 – Landscape

West Highland and Islands Local Development Plan 2019

Policies : Growing and Potential Community Plan Settlement  
Morar – Placemaking Priorities

- To support further infill development where this will not compromise the constraints listed above
- Promote a high quality of architectural design and siting given the landscape sensitivities
- To encourage visitors into the “by-passed” community by supporting business and tourist proposals that orientate visitors at the gateways to the village
- Protect playing field and croft land towards the north of the village and the potential to extend the cemetery
- Open up land for development at Beoraid and promote upgrading of local sewerage to serve this part of the village

Supplementary Planning Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Developer Contributions (November 2018)

Highland's Statutorily Protected Species (March 2013)

Housing in the Countryside and Siting and Design (March 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Scottish Planning Policy & Other Guidance:

Scottish Planning Policy (The Scottish Government, June 2014)

Para 83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
- include provision for small-scale housing<sup>41</sup> and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing

**CONSULTATIONS**

Consultee	Date Replied	Objections Raised
Scottish Water	24 June 2020	No

## ASSESSMENT

<b>Material Considerations:</b>	The planning assessment takes account of the following and other matters identified in the main issues section:	
Planning history	Infrastructure/drainage	Representations
Layout	Privacy/Day-lighting	Consultee comments
Design and materials	Noise	Conservation area
Trees and landscaping	Public Safety	Listed building
Car parking, access and servicing	Residential amenity/impact on neighbours	Protected Species

### **Main Issues**

#### **Proposal and Site Description**

Planning in principle is sought for a 4 bedroom house adjacent to the village hall and opposite houses in Beoraid, Morar. Plans to show the proposed siting within the plot have not been submitted, however indicative floor plans have been submitted showing a 2 storey house with a larger footprint than previously indicated in the 2014 application. Site slopes steeply down to the road and would require substantial excavation to accommodate the building. Approx 3 mature trees within or close to the footprint.

Plans updated from those submitted previously in 2014.

Water supply from the mains, foul drainage to a septic tank/treatment plant and a sustainable surface water drainage scheme is proposed.

Parking and turning would be alongside the house.

Outside but immediately adjacent to the Morar SDA as identified in the (now superseded) WHILP; the West Plan lists Morar as a Growing Settlement.

Within Moidart, Morar and Glen Shiel Special Landscape Area (formerly Loch Quoich - Loch Morar AGLV).

#### **Supporting Information**

floor plans – indicative only given application is for PIP.

#### **Issues Raised by Consultees**

Scottish Water – capacity with respect to water supply; no mains sewer available.

#### **Issues Raised by Third Parties**

None

#### **Description of Variations During Processing of Application**

None

#### **Planning Appraisal**

Principle

The previous permission for a house on this site lapsed in May 2017, and therefore this proposal requires to be assessed afresh against current policy.

Policy 36 of the HwLDP is still applicable, and there is a list of placemaking priorities for Morar set out in the WestPlan.

The site is in a growing settlement in the wider countryside, and it would constitute an infill/rounding off of the settlement at Beoraid at the southern end of Morar. There are 2 houses opposite, and it would be adjacent to the community hall. It would fit satisfactorily into the existing settlement pattern. The land is not croft land. Accords policy 36 of the HwLDP, the Placemaking Priorities in the WestPlan and the Housing in the Countryside SG.

### Siting and design

The development would necessitate significant excavation to create a level site and this would be likely to result in the loss of approx. 3 mature trees. The amount of excavation would be similar to that for the village hall adjacent. A condition is recommended to secure further details to show the amount of excavation. Whilst unfortunate, the trees are not part of ancient woodland and are not particularly significant in the wider landscape. A condition is recommended requiring compensatory tree replanting. Design is not for consideration at this stage - the application being in principle.

### Impact on Moidart, Morar and Glen Shiel Special Landscape Area

The position of the house adjacent to existing development would not have a detrimental effect on the character of the SLA. No conflict with policies 57 and 61.

### Access and services

Provision for a septic tank and soakaway would be made to land across the road between Shilo and Cooinder. An access schedule is attached. Accords policy 28.

### Developer Contributions

This policy has been adopted since the previous application was considered.

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
<b>Lady Lovat Primary School</b>		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
<b>Primary Total</b>		<b>£0</b>
<b>Mallaig High School</b>		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
<b>Secondary Total</b>		<b>£0</b>
<b>Affordable Housing</b>		
CNPA	No	£0
<b>Cumulative Transport</b>		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
<b>Total Per Home</b>		<b>£0</b>

**Total for Development**

**£0**

All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.

No Developer Contributions required at this time.

**Conclusion:** 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.

## DELEGATED DECISION

**Decision:** Recommend Application be granted with conditions

**Action required before decision issued?** **NO**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION 20/02219/PIP

1.	No development shall commence until all of the matters specified below have been approved on application to the Planning Authority: <ul style="list-style-type: none"><li>i. a detailed layout of the site of the proposed development (including site levels as existing and proposed and at least 2 cross sections down the slope);</li><li>ii. the design and external appearance of the proposed development;</li><li>iii. landscaping proposals for the site of the proposed development (including compensatory tree planting and boundary treatments);</li><li>iv. details of access and parking arrangements; and</li><li>v. details of the proposed water supply and drainage arrangements.</li></ul>
Reason:	Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.
2.	Any details pursuant to Condition 1 above shall incorporate the following elements: <ul style="list-style-type: none"><li>(a) The building shall be generally rectangular in shape and gabled;</li><li>(b) The building shall not exceed 1½ storeys in height;</li><li>(c) The walls shall be finished in either a natural stone, timber cladding or a white wet dash render, or a combination of these materials</li><li>(d) The roof shall be symmetrically pitched between 40 and 45 degrees, finished in natural blue grey slate;</li><li>(e) The use of pitched dormers and chimneys will be encouraged;</li><li>(f) Windows shall have a vertical emphasis;</li><li>(g) A parking and turning area shall be provided on site for at least two vehicles.</li></ul>
Reason:	To ensure the building integrates satisfactorily with its landscape setting in accordance with policy 28 of the Highland wide Local Development Plan and the guidance in Supplementary Planning Guidance: Housing in the Countryside and Siting and Design.

3.	No development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated xx August 2020), with the junction formed to comply with drawing ref. SDB1.
Reason:	To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity in accordance with policy 28 of the Highland wide Local Development Plan.

## 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 LIMIT FOR THE IMPLEMENTATION OF THIS PERMISSION

Alternative conditions for non-standard timescales and phases permissions available in Model Conditions

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

## FOOTNOTE TO APPLICANT

### 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 & 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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

## Mud & 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](mailto:env.health@highland.gov.uk) for more information.

## Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage 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 SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

## SIGNATURES

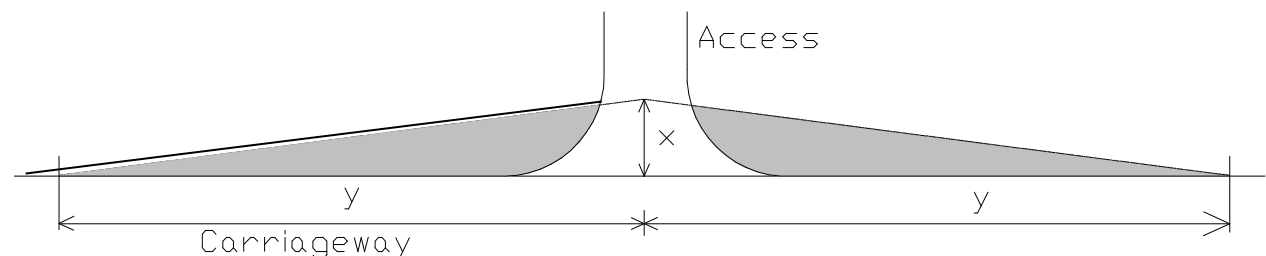
Case Officer Name:	Lucy Prins	Date:	26 August 2020
Team Leader etc:	DJM	Date:	27 August 2020

## Access Schedule Pàipear-Taice

<b>Planning Application Ref.</b>	20/02219/PIP
<b>Proposed Development</b>	Erection of a house on Land 40M NW Of Cooina, Morar
<b>Schedule Date</b>	Xx August 2020

The access for this development shall comply with the requirements of The Highland Council's 'Access to Single Houses and Small Housing Developments' guidelines, the relevant planning conditions and this schedule.

1. The junction shall be formed in accordance with drawing ref.SDB1.
2. The cohesive finishing material shall extend for a distance of at least 6m back from the nearside edge of the public road.
3. Visibility splays of 2.4m x 40m shall be provided and maintained on each side of the access at its junction with the public road. These splays are the triangles of ground bounded by X metres along the centreline of the access road and Y metres in each direction along the nearside edge of the main road from the intersection of the access road with the main road.



Within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.05 metres positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

**Note: The applicant must demonstrate control of the land needed to provide and maintain the visibility splays. Where control is not demonstrated, a Section 75 Planning Obligation or Deed of Servitude may be required.**

4. The gradient of the access shall not exceed 1 in 20 for the first 5 metres, measured from the nearside edge of the public road and thereafter should not exceed 1 in 10.



5. Any roadside drainage ditch shall be culverted under and adjacent to the access. The culvert shall have sufficient capacity to accommodate anticipated flows and shall be no less than 300 mm diameter. Suitable masonry or concrete headwalls shall be provided at each end of the culvert.
6. No surface water from the site shall shed onto the public road and the applicant shall be responsible for the provision and maintenance of any measures necessary to prevent surface water from the public road entering the site.
7. Facilities for the storage and collection of wheelie bins shall be provided in accordance with The Highland Council's Supplementary Planning Guidance 'Managing Waste in New Developments'. A suitable collection point of at least 2m x 1m shall be provided within 10 metres of the public road edge, but outwith the required visibility splays.

**Note: All access works must be completed prior to any other part of the development commencing. This is to ensure that safe access is available during the construction phase, as well as afterwards, and the free-flow of traffic on the public road is not adversely effected.**

## **Other Statutory Requirements**

### **Riatanasan Achdail Eile**

In addition to planning permission, prior to starting any access works within the public road boundary, you will require separate written permission from the Roads Authority (The Council's Community Services). This is a legal requirement.

Permission will also be required for the installation of, or connection to, any utility apparatus within the public road boundary and any occupation of the public road by building materials, equipment or plant.

No connections should be made to any public road drainage system without the formal written permission of either Community Services (Roads) or Scottish Water, as appropriate.

Application forms and guidance on the above requirements can be obtained from your local Community Services (Roads) office or from the Council's website using the following link:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads)

**Note: All works must be completed to the satisfaction of both the Planning Authority and the Roads Authority, and in accordance with all relevant consents. To ensure compliance, one or more inspections may be carried out by Council officials during and/or after completion of the development.**

# TYPICAL MATERIAL SPECIFICATION



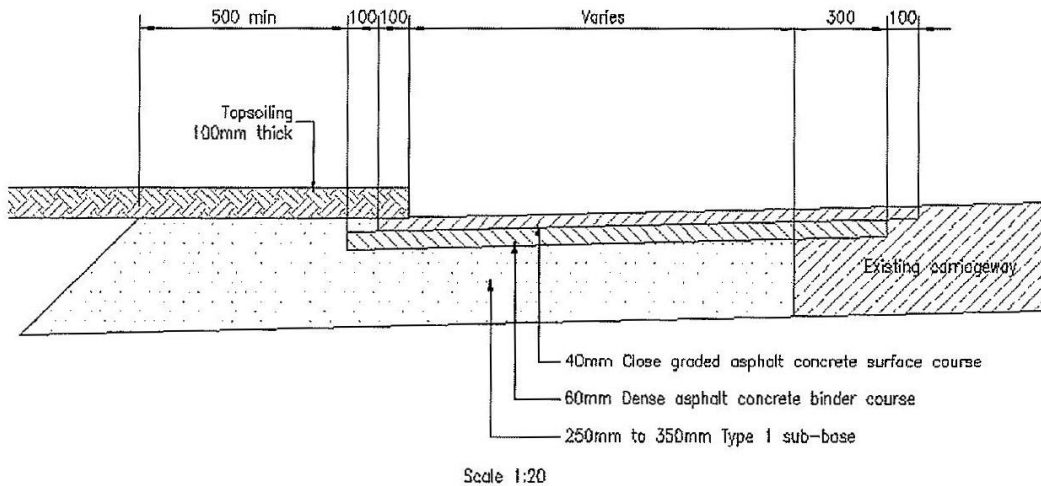
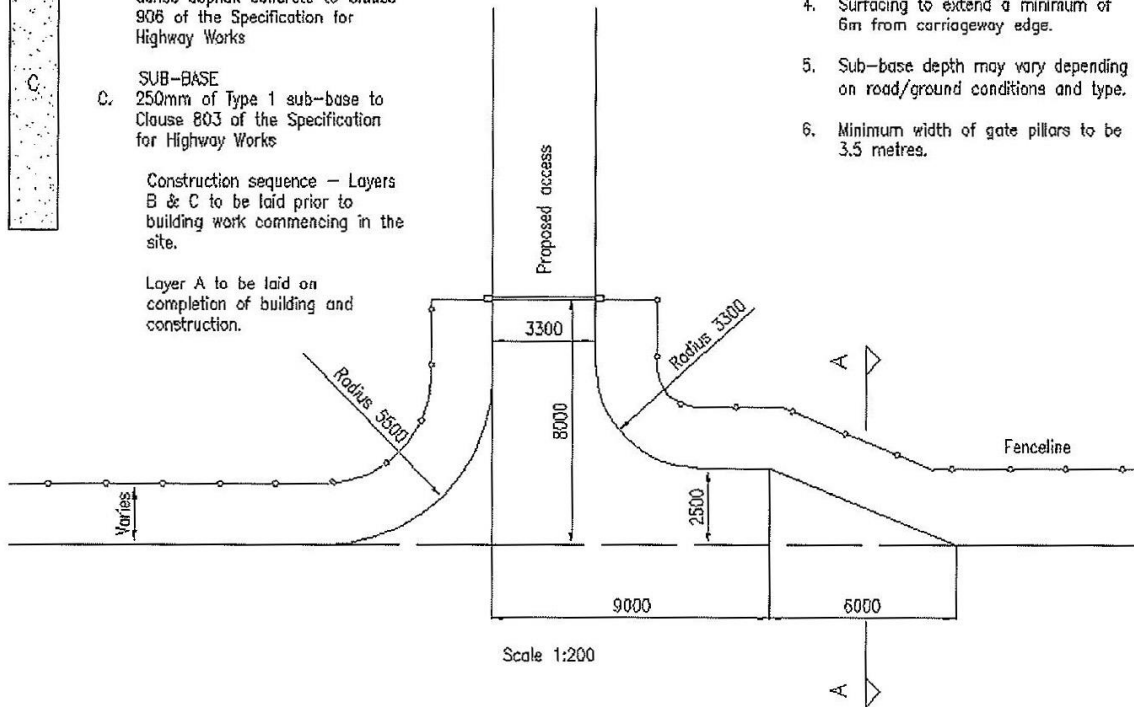
- SURFACE COURSE**  
 A. 40mm of 14mm nominal size close graded asphalt concrete to Clause 912 of the Specification for Highway Works.
- BINDER COURSE**  
 B. 60mm of 20mm nominal size dense asphalt concrete to Clause 906 of the Specification for Highway Works
- SUB-BASE**  
 C. 250mm of Type 1 sub-base to Clause 803 of the Specification for Highway Works

Construction sequence – Layers B & C to be laid prior to building work commencing in the site.

Layer A to be laid on completion of building and construction.

## Notes:

1. Verge a minimum of 500mm wide to rear of bituminous surface.
2. Service bay may be constructed on left or right hand side.
3. Gates should be set 8m from road edge and open inwards.
4. Surfacing to extend a minimum of 6m from carriageway edge.
5. Sub-base depth may vary depending on road/ground conditions and type.
6. Minimum width of gate pillars to be 3.5 metres.



## PLAN AND SECTION OF SERVICE BAY TO A RURAL DEVELOPMENT WITH A SINGLE HOUSE

DRAWING No SDB 1

**TYPICAL MATERIAL SPECIFICATION**



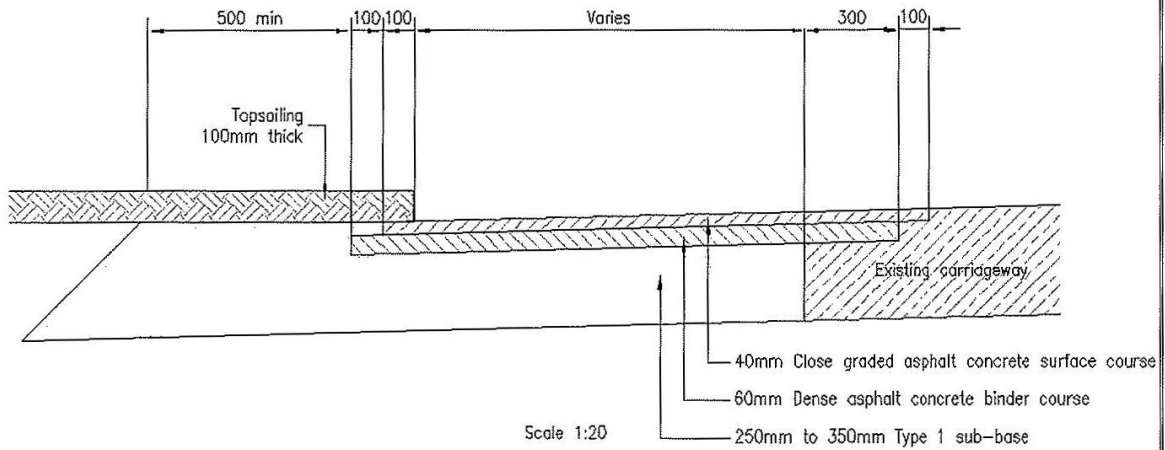
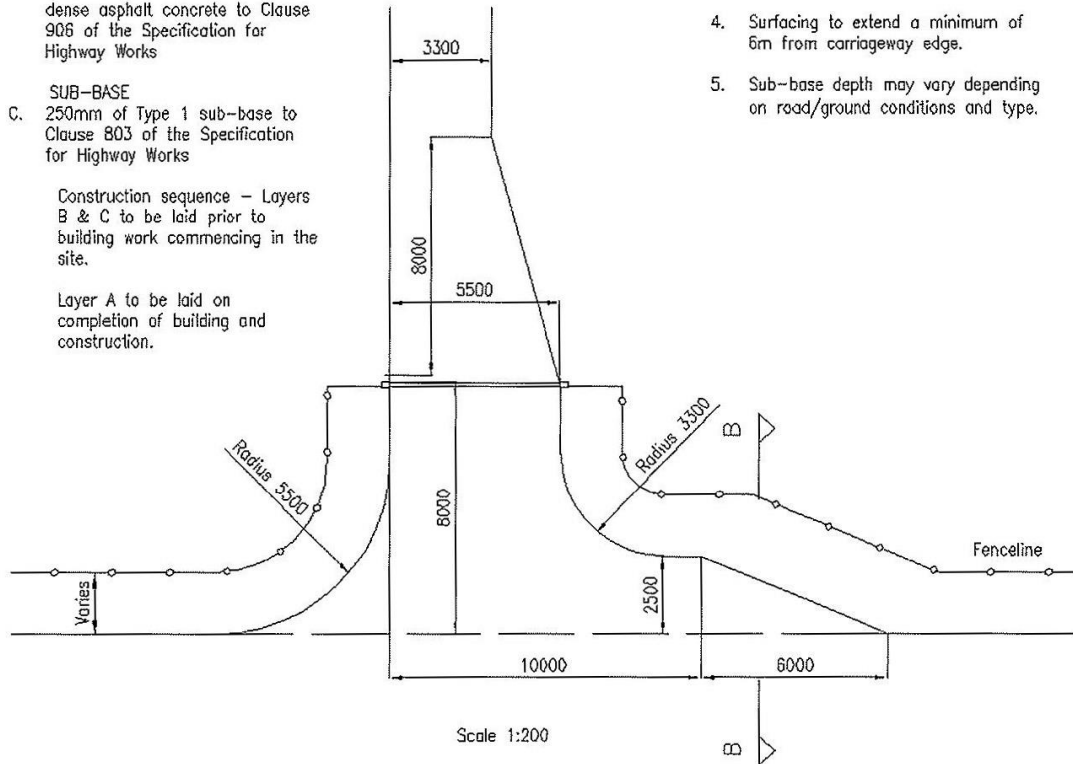
- SURFACE COURSE**
- A. 40mm of 14mm nominal size close graded asphalt concrete to Clause 912 of the Specification for Highway Works.
- BINDER COURSE**
- B. 60mm of 20mm nominal size dense asphalt concrete to Clause 906 of the Specification for Highway Works
- SUB-BASE**
- C. 250mm of Type 1 sub-base to Clause 803 of the Specification for Highway Works

Construction sequence - Layers B & C to be laid prior to building work commencing in the site.

Layer A to be laid on completion of building and construction.

**Notes:**

1. Verge a minimum of 500mm wide to rear of bituminous surface.
2. Service bay may be constructed on left or right hand side.
3. Gates should be set 8m from road edge and open inwards.
4. Surfacing to extend a minimum of 6m from carriageway edge.
5. Sub-base depth may vary depending on road/ground conditions and type.



**PLAN AND SECTION OF SERVICE BAY TO A RURAL DEVELOPMENT OF UP TO 4 HOUSES**

**DRAWING No SDB 2**