

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE
24 March 2015**

Agenda Item	6.8
Report No	PLN/017/15

**15/00496/PIP : Mr Charles Barrington
Land West Of Newton, Ardvasar**

Report by Area Planning Manager

SUMMARY

Description : Proposed Erection of single dwelling house

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Number of objections (five from five different households).

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks Planning in Principle for the erection of a dwelling house.
- 1.2 No pre-application advice was sought.
- 1.3 The site would be accessed from the existing public road to the north, with a new junction being formed onto this road.
- 1.4 A brief design statement has been submitted in support of the application.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site comprises an area of land on the southern side of the Ardvasar public road, some 200m to the south west of the Ardvasar Hotel. Housing development exists on both sides of the public road within the village, and the site lies between two existing houses.

3. PLANNING HISTORY

- 3.1 14/004327/PIP. Erection of 2 houses. Withdrawn 09.02.2015

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour 14 Days, expiry 13.03.2015

Representation deadline : 14.03.2015

Timeous representations : Five objections from five different households

4.2 Material considerations raised are summarised as follows:

- Road safety concerns arising from the proposed new junction close to the brow of a hill and potential pedestrian/vehicular conflict
- Adverse effect on the character of the settlement
- Loss of croft land
- Adverse landscape impact
- Detrimental effect on wildlife and visual aspect
- Adverse effect on amenity and privacy of two neighbouring houses

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. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Building Standards** : No response

5.2 **Transport Planning** : Views awaited

5.3 **Scottish Water** : No response

5.4 **Crofting Commission** : No objection in relation to loss of in-bye land, but raise a concern regarding the access to the remainder of the croft passing near the proposed house.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- | | |
|----|--|
| 28 | Sustainable Design |
| 29 | Design Quality & Place-making |
| 34 | Settlement Development Areas |
| 47 | Safeguarding Inbye/AppORTioned Croftland |

6.2 West Highlands & Islands Local Plan (2010) (as continued in force)

- | | |
|---|------------------------------|
| 1 | Settlement Development Areas |
|---|------------------------------|

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

N/A

7.2 Highland Council Supplementary Planning Policy Guidance

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

Sustainable Design Guide (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

N/A

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.

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.

8.3 Development Plan Policy Assessment

The application site falls within Settlement Development Area for Calligary/Ardvasar, so Policy 1 of the West Highlands & Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands & Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses. Policy 28 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

Policy 47 of the Highland wide Local development Plan states that the Council expects development proposals to minimise the loss of in bye/apportioned croft land. For housing proposals these should be for single houses (with consideration given to the history of development on the croft). All proposals should where possible avoid siting on the better agricultural part of the croft and impeding use of the remainder of the croft.

8.4 Material Considerations

Planning History

An application (14/004327/PIP, as listed above) for two houses on a larger site including the current application site and further land to the south was submitted in November 2014 but was withdrawn in February 2015. This application attracted 14 objections from members of the public. The Crofting Commission also objected on the basis of unnecessary loss of croft land and detrimental impact on the workability of the croft resulting from the profligate use of land. The Commission were also concerned that the very close proximity of the croft access to the southern-most house could lead to conflict between the crofter and the home owner.

Design, Layout & Landscape Impact

As noted above, objectors consider that the development would adversely affect the character of the local settlement. However, it is considered that a house on the current application site would, with the use of conditions to control siting, accord with the pattern of development within the Calligary/Ardvasar settlement. This pattern is characterised by a mixture of linear and scattered development on both sides of the public road, with a mixture of orientations relative to the road. The site is a natural infill opportunity within the heart of Ardvasar, and as such its development for a dwelling house would conform with the settlement pattern and existing land uses.

Because this is an application for Planning in Principle the design of the house is not specified. The submitted Design Statement refers to a possible design style, but this is indicative only. However, as is the approach with all Planning in Principle consents, conditions can be used to control the design of the house. The height of the house, its footprint, gable span, window shape and cladding materials can all be controlled in this way so as to secure a design which respects the local vernacular and the local site context.

Neighbour Amenity

The submitted objections also claim that the amenity and privacy of two neighbouring houses would be adversely affected. The two closest houses (other than one owned by the applicant) lie to the west and to the south of the site. As noted above, conditions can be used to control both the siting and design of the house. Such control can prevent window placements which would affect privacy, although ample space exists in any event to allow adequate separation between the proposed building and the nearest neighbouring houses. Accordingly, it is considered that existing neighbour amenity would not be adversely affected.

Access & Parking

The objections relating to road safety state that the public road is already busy with four existing junctions within a 100m stretch including the site frontage and a blind brow nearby, with pedestrians at particular risk.

Transport Planning advised in relation to the previous withdrawn application (14/004327/PIP) that they had no objection, subject to visibility splays of 2.4m x 45m and appropriate junction design and surface water drainage arrangements, all of which could be achieved by condition. Transport Planning have not provided a

formal response to the current application, but their views are awaited and shall be verbally reported to Committee. The submitted site layout plan shows that the indicative position of the access has moved a few metres to the north relative to the previous proposal. In addition the site frontage within the red line boundary is now larger, which allows for latitude in the control of the positioning of the site access by condition.

The site is sufficiently large to accommodate the necessary parking and turning areas, and these can be conditioned accordingly.

Loss of Croft Land

The Crofting Commission state that they are now satisfied with the proposed development being one dwelling house located close to the public road (as noted above, siting can be controlled by condition), which reduces the unnecessary loss of important in-bye land. The Commission note that the submitted drawing shows an access which is proposed to continue past the proposed house in order to serve the remainder of the croft which lies to the south, and are concerned that this might give rise to conflict if the householder and the crofter are not the same person. As such the Commission ask that a separate croft access be considered. Such a separate access is not considered necessary on the basis that the position of the croft access shown on the submitted site layout plan is indicative only (as this is an application for Planning in Principle). The siting of the croft access can be controlled by condition to ensure that sufficient space exists between it and the house so as to minimise the likelihood of any future conflict, and the site is sufficiently large to allow such separation.

8.5 **Other Considerations – not material**

The loss of a view and the effect on property value, as referred to by one objector, are not material planning considerations.

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

N/A

9. **CONCLUSION**

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. **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 development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments) and;
 - iv. details of access and parking arrangements.

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 show a development featuring the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render/smooth coursed cement render/natural stone/timber boarding;
 - ii. a roof covering of natural slate or a good quality slate substitute;
 - iii. single storey or 1½ storeys in height;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 40° and not greater than 45°; and
 - vi. predominantly rectangular in shape with traditional gable ends and a gable span not exceeding 7m.

Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting.

3. 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 11.03.2015), with:
 - i. the junction formed to comply with drawing ref. SDB1; and
 - ii. visibility splays of 2.4m x 45m (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.

4. Any details pursuant to condition 1 above shall show car parking spaces and a vehicle turning area provided within the curtilage of the dwelling house and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained as such in perpetuity. Provision, which shall exclude garages, shall be as follows:
- i. Two spaces per 1 to 3 bedrooms;
 - ii. Three spaces per 4 to 5 bedrooms; and
 - iii. Four spaces per 6 or more bedrooms.

Reason : In the interests of road safety, and that the works involved comply with applicable standards.

5. Any details pursuant to condition 1 above shall show details of access, suitable for accommodating agricultural traffic, provided through the application site to the adjacent croftland. Prior to the first occupation of the dwelling house, the access shall be formed in accordance with the details approved by the Planning Authority and thereafter shall be maintained in perpetuity.

Reason : To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, another part of the croft.

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

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

Accordance with Approved Plans & 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.

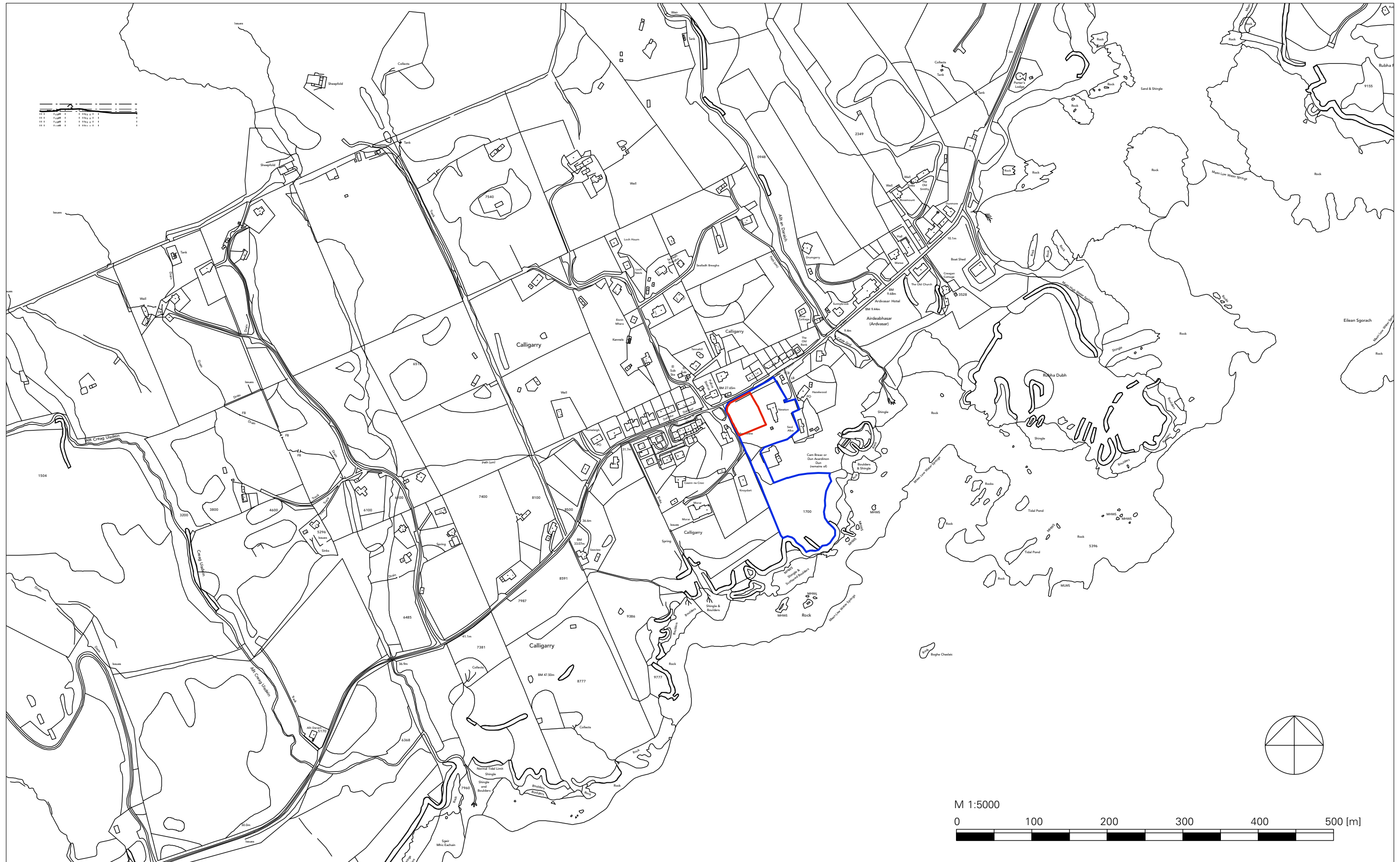
Septic Tanks & Soakaways

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).

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – 150.140.PL.001 LOCATION PLAN
Plan 2 – 150.140.PL.002 PROPOSED SITE PLAN

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mrs Christine Martian	Mountview 2 Caligary Ardvasar	20.02.2015	Against
Mr David Shawe	Badgers Wood Copse Road Haslemere	26.02.2015	Against
Ms Madeleine Cardani	Foxes reach Middle Leazes Stroud	20.02.2015	Against
Mr Stephen Barbour	1 Newton Bank, Ardvasar	05.03.2015	Against
Julia Christie		03.03.2015	Against



revisions & notes

do not scale drawing, if in doubt seek clarification from architect

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The Green, Portree, Isle of Skye, IV51 9BT
 tel. 0(44)1478 613379
 www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client
 Charles and Veronica Barrington

Project
 Proposed Two Houses at Newton Ardvasar

Scale Date Drawn
 1:5000 Nov 2014 KL

Status
 Planning

Drawing Title
 Location Plan

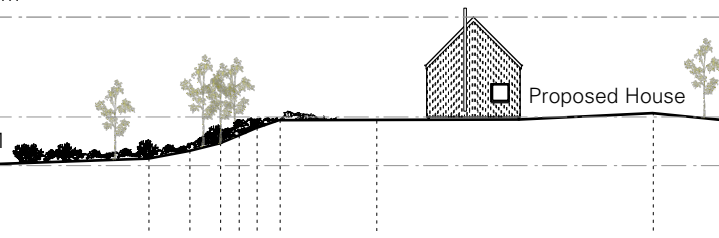
Drg No.

150.140.PL.001

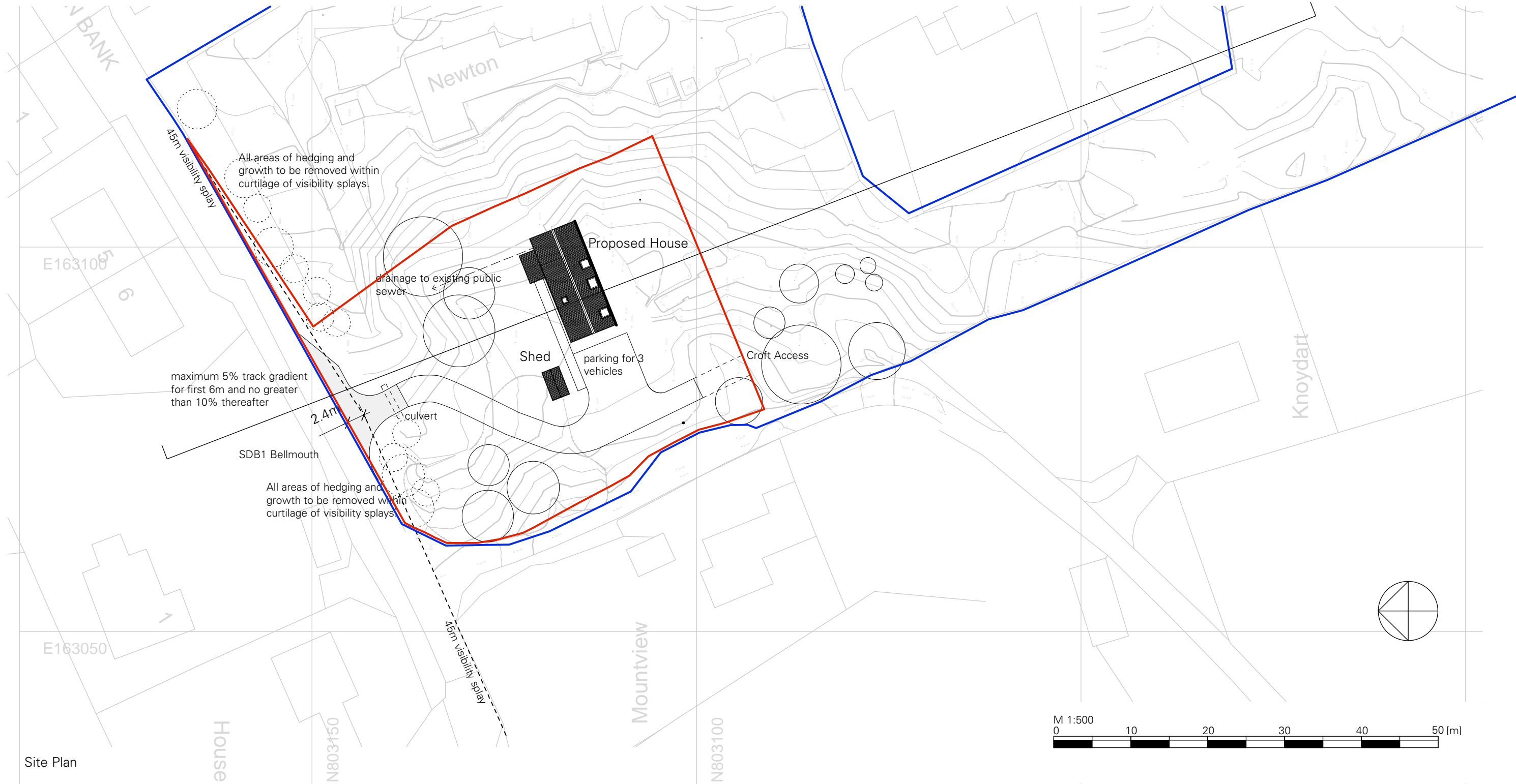
Ridge + 29.05m

FFL + 22.5m

Road + 20.5M



Site Section



Site Plan

revisions & notes

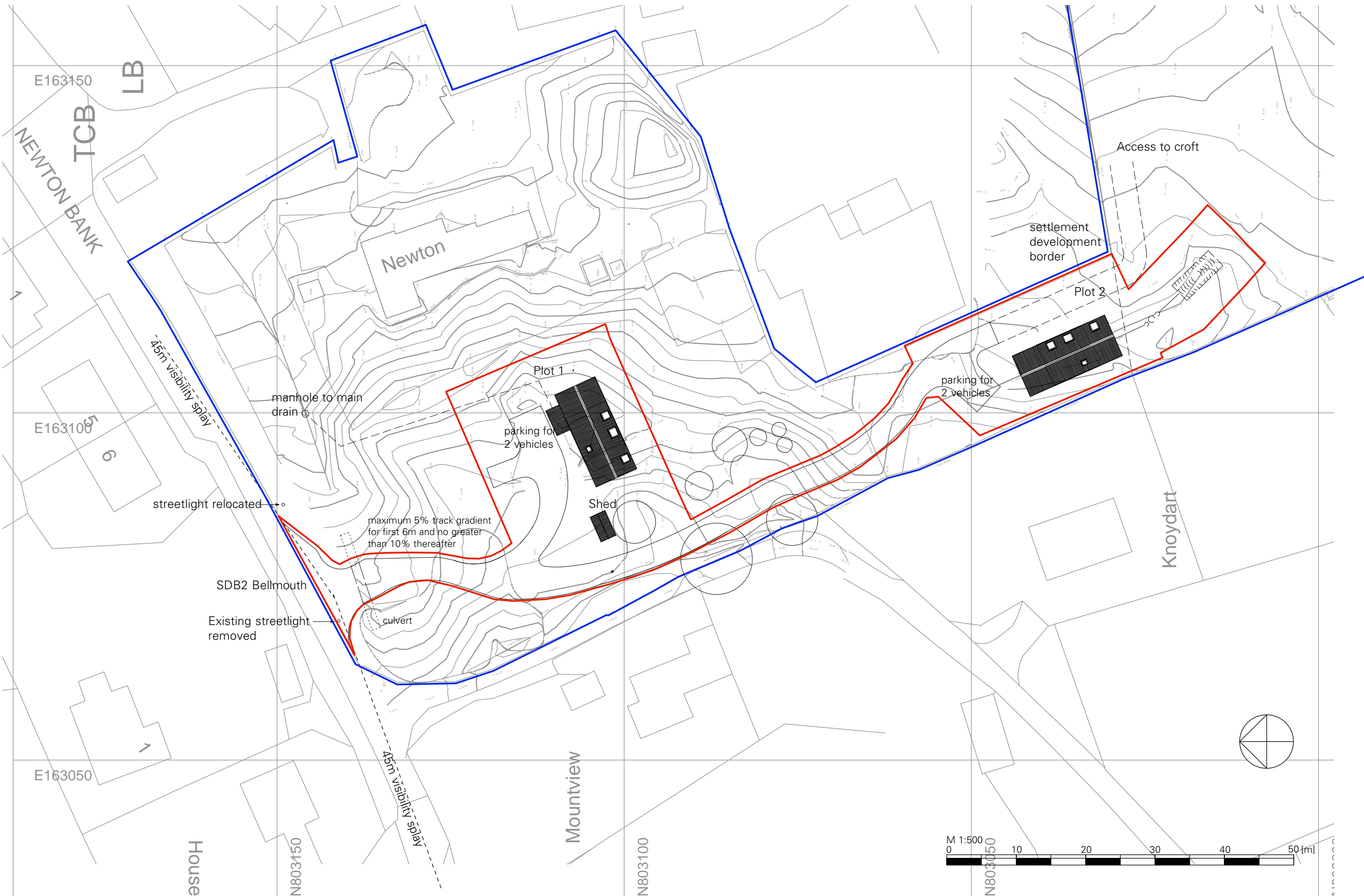
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RURAL DESIGN ARCHITECTS

Client			Project		
Charles and Veronica Barrington			Proposed Two Houses at Newton Ardsvar		
Scale	Date	Drawn	Status	Drawing Title	Drg No.
1:500	Feb 15	AT	Planning	Site Plan + Section	150.140.PL.002



revisions & notes
 A Dec 14 Drawing notes updated to address TEC services comments

do not scale drawing, if in doubt seek clarification from architect
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 tel. 0(44)1478 613379
 www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

Client		Project	
Charles and Veronica Barrington		Proposed Two Houses at Newton Ardsvar	
Scale	Date	Drawn	Status
1:500	Nov 14	KL	Planning

Drawing Title		Drg No.	
Site Plan		150.140.PL.002A	