THE HIGHLAND COUNCIL

NORTH AREA PLANNING APPLICATIONS COMMITTEE 4 August 2015

Agenda Item	5.9
Report No	PLN/046/15

15/01513/FUL: Colin and Doreen Carter Fasach Wood, Waternish, Isle of Skye

Report by Area Planning Manager

SUMMARY

Description: Erection of dwelling house and double garage, installation of septic tank

and Puraflo treatment modules and an air source heat pump.

Recommendation - GRANT

Ward: 11 - Eilean A' Cheò

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: Community Council Objection.

1. PROPOSED DEVELOPMENT

1.1 This application seeks full planning permission for the erection of a two bedroom contemporary 1½ storey dwelling house, and detached garage. The proposed house will be 'T' Shaped, the central part of the 'T' will be 1½ storey in scale, while the remaining building will be single storey and elongated in form. The single storey element will have a mono-pitched roof and measure 19.5m x 6.5m, 2.8m at the lowest point (towards the loch) and 3.8m at the highest point (towards the woodland). The ridgeline of the element will run from north to south which is parallel with the woodland to the rear of the site. The ridgeline and curved roof slope of the 1½ storey element will run counter to the single storey part of the house. This part of the building will project to the rear of the single storey element by 8m. The highest part of the development will be 5.4m which will slope back to 2.5m towards the woodland. Large amounts of glazing will be located within the front elevation at both ground floor and first floor levels. The proposed materials will be white render, with stone panels and a zinc upstand seam roof.

The single storey garage will measure $9.2m \times 6.5m$, with an overall height of 3.5m which slopes back to 2.2m. The proposed materials are the same as on the house. In addition, the application proposes the installation of a septic tank and an air source heat pump.

- 1.2 Informal pre-application advice was given which suggested that the development should be pulled back towards the woodland, and break up the bulk of the development when looking towards the site from the north.
- 1.3 Access to the site is from the single track township road which runs north west towards Hallin. There is an existing SDB1 standard access to the site which was granted consent in 2011 (11/04022/FUL). The access point to the site is located 120m to the north west from the centre line of the access to the applicants existing dwelling of 'The Gate House'. The closest neighbouring properties are 'The Gate House, which is located 120m to the south east of the site, and the Steadings which are located over 260m to the south east of the site.
- 1.4 Computer generated images of the development have been submitted with the application.
- 1.5 **Variations**: None

2. SITE DESCRIPTION

2.1 The application site is located on an area of grazing land (not the subject of crofting tenure) which is to the west of the local township road. The site is located directly to the west of a belt of deciduous roadside trees which is approx. 20m in depth adjacent to the site. This tree belt continues for a further 60m to the north west of the site, and down along the line of the public road to the south east, past 'The Gate House'. The trees then merge into Fasach Woods which are a much denser block of vegetation which extends down from the public road some 375m towards the south west and The Steading buildings. The land slopes from the public road down towards the Loch to the west.

The nearest neighbouring property is 'The Gate House, which is located 120m to the south east of proposed house. This property is a single storey dwelling with a two storey central tower. The dwelling has been finished in white render with a slate roof.

3. PLANNING HISTORY

3.1 **11/04022/FUL:** New Gate Entrance to Field APPROVED 16.12.2011 – Implemented.

01/00157/FULSL: Erection of house APPROVED 07.08.2001 – land to the south east of the application site.

4. **PUBLIC PARTICIPATION**

4.1 Advertised: Unknown Neighbour – 14 days – 15.05.2015

Representation deadline: 25.05.2015

Timeous representations: 1 objection letter received

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - Visual impact
- 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.

CONSULTATIONS 5.

Waternish Community Council - Objection: 5.1

- Contrary to Policies 35, 36, 47 and 49 of Highland Wide Local Development Plan (2012).
 - outside of the planned development area
 - no wider community interest
 - development on agricultural/croft land
 - does not help to create a 'diverse mix of dwellings' for the area.
 - development between the road and the sea
- Sets a precedent for development which may include development of the adjacent farmland to the north, and the grazing area to the east of the road.
- 5.2 Building Standards: No response
- 5.3 Scottish Water: No response

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-making
Policy 36	Development in the Wider Countryside
Policy 49	Coastal Development
Policy 51	Trees and Development
Policy 52	Principle of Development in Woodland
Policy 57	Natural, Built and Cultural Heritage

Policy 61 Landscape

Policy 65 Waste Water Treatment
Policy 66 Surface Water Drainage

6.2 West Highland and Islands Local Plan (Adopted 2010)

Policies 1-2 in respect of settlement development area boundaries and other

land allocations

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

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

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)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

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 is located outside of a designated settlement development area and within the 'wider countryside'. Policy 36 of the Highland Wide Local Development Plan (HWLDP) requires development proposals to be assessed for the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/ distribution of a range of characteristics;

- avoid, where possible, the loss of locally important croft land; and
- can be adequately serviced.

Development proposals in these locations may be supported if they are judged not to be significantly detrimental under the terms of this policy.

In addition, policy 28 of the 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 Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within a Special Landscape Area of which Policy 57.1 states that developments will be supported where they can be shown not to have an unacceptable impact upon the identified protected amenity and heritage resource. In addition, policy 49 and 57 seek to protect existing views over open water.

Policies 51 and 52 require development proposals to protect existing woodland resources.

Policies 65 and 66 require developments to deal with foul and surface water drainage in a manner which minimises the risk of pollution and flooding.

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

8.4 Material Considerations

Siting, Design and Landscape Impact

Due to the existing woodland, views towards the site when travelling north from Stein and Brae Stein are not readily available. Views when travelling towards the site and past The Gate House dwelling are again largely obscured by the existing woodland. When travelling from the north, long distance views of the site are available from just south of the war memorial which is approx. 760m from the northern edge of the site. At this point the site is seen in the context of existing scattered housing in the distance. At approx. 700m north the view of the site disappears due to the alignment of the road and re-emerges further down the road. From this point the proposed site becomes more obscured by the trees the closer that you get to its boundary.

On the basis of these site specific conditions, the applicants were advised at the informal pre-application stage that the development needed to be sited as close to the woodland as possible without undermining the integrity of the trees, this would reduce the available site lines towards the development. In addition, as public

vantage points of the development are largely confined to views from the north, it was considered important that the visual mass of the building's northern end was broken up its visual appearance and impact from this direction.

In response, the submitted plans show a house which is located 9.4m forward of the woodland on a building line which is comparable with The Gate House dwelling to the south east. The proposed sitting is considered to strike an acceptable balance, between setting the house far enough away from the trees to avoid any loss, and far enough back in the site to reduce its visual impact from the north.

In terms of design, this is a contemporary approach, with a blend of traditional materials and more modern elements with the curved roof and large glazing elements. However, the critical matter on this site is the scale and massing of the proposed development, particularly when viewed from the north. The proposed house is set approx. 105m to the south east of the most northerly part of the belt of trees and the garage is sited 78m from this end point. Consequentially, the garage will be closest part of the development to most of the public vantage points, particularly from the north. The garage building will be single storey with an end gable depth of 6.5m and an overall height of 3.5m, which slopes back to 2.2m towards the trees. The scale of the building is considered to be acceptable and will not present itself as an overly dominant visual addition to the area. Parts of the main house will be visible past the garage, but in short distance views your eye will be drawn to the closest part of the development which is the single storey garage.

Long distance views of the main house will be available further along the road towards the war memorial to the north, but these views of the proposed house will largely replace the existing views of The Gate House, and will be set against the context of other scattered development in the distance. In addition, the overall scale of the main building has been designed to be accommodated successfully within the wider landscape. The building will be T' shaped and elongated in form with a single storey mono-pitched building which runs parallel with the line of the trees to the rear. The higher part of the development will run counter to the single storey element of the building, and will then project back towards the woodland. The height of the dwelling will be 5.4m which will slope back to 2.5m towards the belt of trees, while the single storey and elongated part of the building will be 2.8m—3.8m. The overall height/scale of the building is considered to be relatively modest and these dimensions are comparable with many of the traditional houses found across Skye. As such when viewed the scheme will not present itself as an overly large and dominant addition within the landscape.

As this is relatively sensitive area and as the scale and siting of the proposal was critical to its acceptability in planning terms, it is considered appropriate to remove permitted development rights for further extensions, outbuildings and enclosures. This will ensure that the planning authority retains effective control over any future development of this site which is unregulated may have an adverse impact upon the visual appearance of the area.

On the basis of the above, the design is considered to be acceptable, with the overall height commensurate with many traditional forms of housing development on Skye. The massing of the development has been broken up and split between

single and 1½ elements. Overall, the site is set within a wide wooded area and public views of the proposal will be largely contained to those from the north. The design, scale and siting have been carefully considered so the building will not become a dominant feature within the landscape. This design would not be appropriate in many locations and it is the specific site characteristics applicable here which have allowed support to be forthcoming in this particular instance. Due to its siting in front of the trees, the proposed scheme will not interrupt existing views over open water. Therefore, the proposed development is not considered to undermine the appearance or character of the immediate area or the integrity of the wider landscape designation.

Impact upon the Woodland

The woodland to the rear of the site is listed in SNH's Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the first edition Ordnance Survey maps dating back to the 1860's. However, for the following reasons the current application will not have an adverse impact upon the existing trees. The proposed house is set sufficiently forward of the woodland by 9.4m and the driveway by 4.8m. The existing site access was approved and constructed under planning reference 11/04022/FUL, to facilitate this development a 9.5m wide section of the existing birch woodland was removed. The forestry officer was consulted and raised no objection to the proposal. This application will not require the removal of any further trees.

Neighbour Amenity

The nearest neighbouring property is 'The Gate House, which is located 120m to the south east of proposed house. The Steadings are located over 260m to the south east of the proposed site. Given the separation distances the proposal does not give rise to any concerns with regards to a loss of neighbour amenity in terms of both the building and any noise emissions from the proposed air source heat pump.

Impact upon Agricultural Land

The applicants' solicitor has stated that land was formerly part of Waternish Estate, and is freehold land which is not the subject of crofting tenure. In agricultural terms it is currently set to grassland but is not part of an agricultural holding.

It is not considered that the land taken up by this proposal will have any material impact upon the grazing or other agricultural potential of the wider landholding.

Access and Parking

Access to the site is from the single track township road which runs north west towards Hallin. There is an existing tarred SDB1 standard access to the site which was granted consent and implemented under planning reference 11/04022/FUL. Visibility splays of 2.4m x 90m are achievable in both directions from the access point and were secured as part of the 2011 application. The access point to the site is located 120m to the north west of the nearest other residential access point along this road. This arrangement is considered to be acceptable and the application will not be prejudicial to highway safety. As this is an existing access

and has been implemented in accordance with the requirements of 11/04022/FUL, there is no need to make this the subject of a planning condition for this current application.

Water Supply and Drainage

The application proposes to connect to the public water supply network. The foul drainage will be dealt with via a new 3800 litre septic tank with Puraflo treatment modules discharging to drain and partial soakaway 800mm deep and 2.0m wide. These elements of the application do not raise any concerns, and the technical details are controlled by the Building Standards legislation.

8.5 Other Considerations – not material

Precedent: The issue of this application setting a development precedent was raised by a member of the public and the Community Council. It must be acknowledged that each planning application is assessed on its own merits. This application site is relatively well contained by the existing woodland, and has been thoroughly assessed and considered to be acceptable, however, that does not automatically mean that development to the north or east would be acceptable.

Market Demands: A member of the public has stated that it is unrealistic to request a new build when Waternish is inundated with unsold empty houses and flooded with newly built holiday lets. These are not material planning considerations.

8.6 Matters to be secured by Section 75 Agreement

None

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 **APPROVED** subject to the following conditions and reasons / notes to applicant:

1. Notwithstanding the provisions of Article 3 and Classes 1, 2 and 3 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development of a type identified in the aforementioned classes shall take place within the curtilage of the building hereby approved without planning permission being granted on application to the Planning Authority.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

All plant, machinery and equipment associated with ventilation, air conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels and Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In the interests of amenity.

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 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.

- 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).

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.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain developments, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Signature: Dafydd Jones

Designation: Area Planning Manager - North Area

Author: Alison Harvey - Planner

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

Relevant Plans: Plan 1 – JG2551 Rev 01 – Location Plan A4

Plan 2 – JG2552 Rev 01 – Site Plan A3

Plan 3 – JG2554 Rev 01 – Ground Floor Plan A3

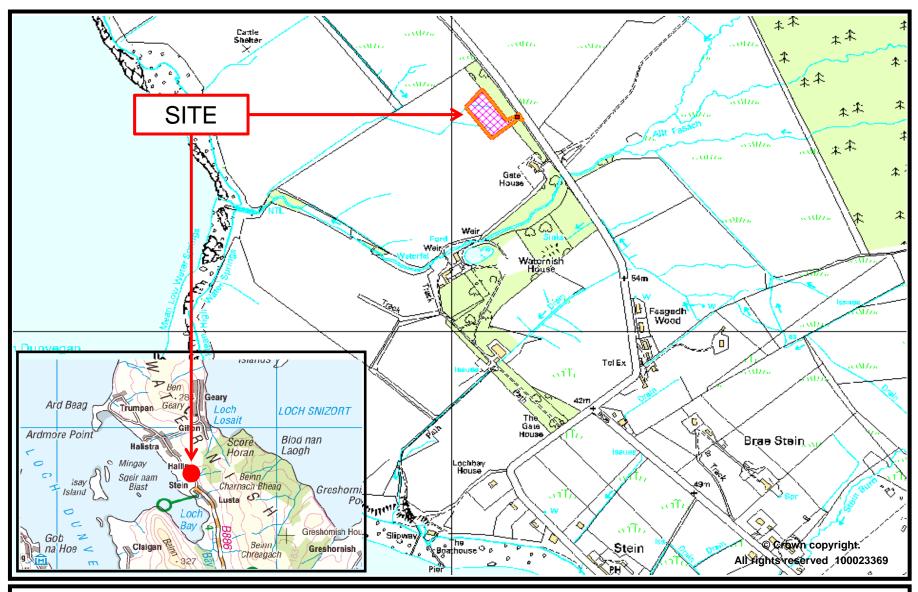
Plan 4 – JG2555 Rev 01 – First Floor Plan A3

Plan 5 – JG2556 Rev 01 – Elevation Plan A3

Plan 6 – JG2557 Rev 01 – Garage Plan A3

Plan 7- JG2556 Rev 01 - Section Plan A3

Plan 8 – Computer Generated Images.



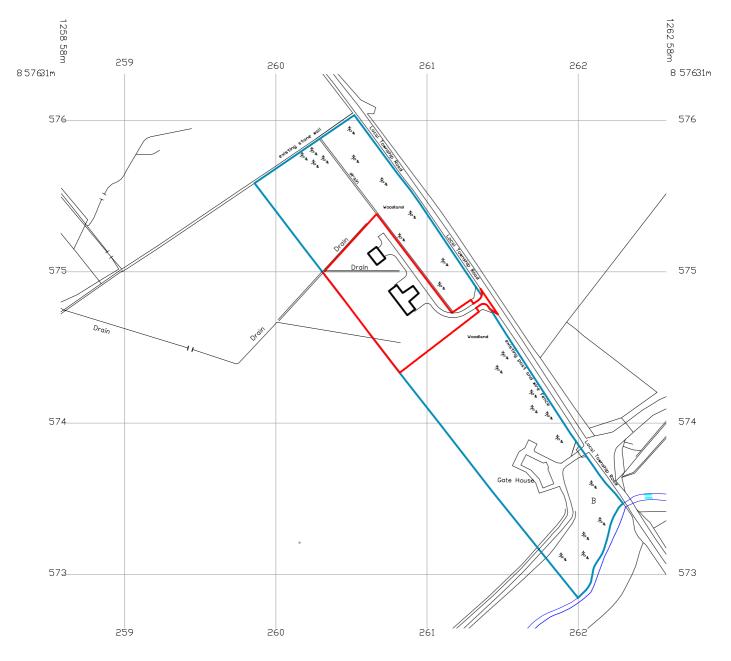


Location Plan 15/01513/FUL

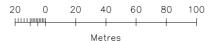
Erection of dwelling house and double garage, installation of air source heat pump
Date: 04/08/2015

Planning and Development Service

Scale:



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Location Plan 1:2500

Red line indicates extent of planning development area Blue line indicates extent of land in applicants control



	Status:Pre-planning permission,	do not use for construction
Jock Gordon BA (Hons)	Title: Location Plan	
Design & Planning	Project: New House, Fasach Wood, Waternish	
30 Borneskitaig Kilmuir Isle of Skye IV51 9YS 01470 552 392 07799 210 799	Client: Colin & Doreen Carter	
Y	Scale: 1:2500 on A4	Planning ref:

Rev: 01 Date: 14.4.2015 Drawn JG

Chk'd

Drg. No. JG2551

