

THE HIGHLAND COUNCIL

**NORTH AREA PLANNING APPLICATIONS COMMITTEE 22
March 2016**

Agenda Item	7.2
Report No	PLN/018/16

**16/00191/PIP : Mr Neil John Stoddart
4 Kilbride, Broadford, Isle of Skye**

Report by Area Planning Manager

SUMMARY

Description : Erection of a new house

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : Number of Objections (5).

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks Planning in Principle for the erection of a dwelling house.
- 1.2 Pre-application advice (15/03638/PREAPP) was sought for two houses, one on this site, and the other some 45m to the north east. Advice was provided in November 2015 to the effect that, while the siting and landscape impact of these two proposed houses was considered acceptable, the fact that housing proposals on croft land should be for single houses meant that there would be a conflict with Council policy on this topic (HwLDP Policy 47).
- 1.3 The unclassified Kilbride township road forms the site's southerly boundary
- 1.4 No supporting documentation has been submitted.
- 1.5 **Variations:** None.

2. SITE DESCRIPTION

- 2.1 The site comprises an area of open croft land some 120m north west of the junction of the Torrin and the Kilbride public roads. Access to an existing house known as "Ar Achaidh" lies on the opposite side of the Kilbride road, and a recently completed house lies some 80m to the north west

3. PLANNING HISTORY

- 3.1 11/00643/FUL. Erection of house, formation of access and temporary siting of caravan. Granted 08.06.2011. This single storey house, known as "Taigh Daibhidh" has been recently completed, and lies some 80m north west of the application site.
- 3.2 10/05046/FUL. Erection of thatched cottage, improvement of existing access and installation of septic tank and soakaway. Granted 21.02.2011. This single storey building is nearing completion and lies some 100m south east of the application site.
- 3.3 10/05045/FUL. Erection of thatched cottage, improvement of existing access and installation of septic tank and soakaway. Granted 21.02.2011. This building is of identical design to that approved by application 10/05046/FUL above. This development has been initiated with the site having been cleared, but the building of the house has not yet begun

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days
Representation deadline : 26.02.2016
Timeous representations : 5 from 5 different households
- 4.2 Material considerations raised are summarised as follows:
- Prominence of site on a high ridge would have detrimental effect on whole of Kilbride as it would be visible from a wide area.
 - A building on this site would obscure and impact on the landscape setting of Blaven on this approach to Kilbride.
 - Loss of good quality croft land.
 - Proposal would over shadow and over look an adjacent new build project, resulting in a loss of privacy to this existing adjacent building.
 - A protected species, namely bluebells, grow on the site.
 - Application form not completed correctly and is inaccurate in its content
 - Location plan is misleading
 - Concerns over access and parking
 - The house would be sited over a new water main
- 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 **Crofting Commission** : No objection
- 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

28	Sustainable Design
29	Design Quality and Place-making
36	Development in the Wider Countryside
47	Safeguarding Inbye/AppORTioned Croftland
57	Natural, Built and Cultural Heritage
58	Protected Species
61	Landscape

6.2 West Highlands and Islands Local Plan (as continued in force 2012)

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)

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

Special Landscape Area Citations (June 2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

Paras 74 to 83, 202 to 204, and para 212

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

In this case the Development Plan is comprised solely of the Highland-Wide Local Development Plan, the relevant policies of which are summarised below.

The site lies outwith any defined Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

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

Policy 28 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 repeats this emphasis on good design in terms of compatibility with the local landscape setting.

Policy 47 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.

The site is within the Cuillin Hills National Scenic Area and therefore requires to be assessed in terms of Policy 57. This policy states that for features of national importance the Council will support developments that can be shown not to compromise the natural environment, amenity and heritage resource involved.

Policy 58 states that where there is good reason to believe that a protected species may be present on site, or may be affected by a proposed development, a survey must be carried out to establish any such presence, with a mitigation plan prepared if necessary, before any planning application can be determined.

Policy 61 states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed. Consideration should be given to scale, form, pattern and construction materials.

The key issues in this case are considered under the following headings:

Landscape and Visual Impact

The site lies within a broad valley which features an existing pattern of scattered housing development. It is considered that a well designed dwelling house on this site would not look out of place within this context. Contrary to the claims of objectors the site does not occupy “a high ridge”, and is not especially prominent

within the wider landscape. On the approach to Kilbride an existing dwelling house is visible in close proximity to the site on the southern side of the road, with another house (one of the two approved thatched cottages referred to above) approaching completion also apparent. The view of Blaven from the approach to Kilbride referred to by objectors therefore already features existing houses. If one travels a little further along this road several other houses and the Torrin quarry quickly come into the foreground view of Blaven.

There are developments within the foreground already and accordingly, it is not considered that the local landscape is such that this development would significantly erode its setting as suggested. It follows that the special qualities of the National Scenic Area would not be compromised by this proposal on the same basis. Conditions can be used to control the precise positioning and the design of the house. It is understood that the new water main referred to by objectors runs parallel with, and close to the township road. The site has sufficient depth to allow the house to be set back a sufficient distance from this pipe. A traditional design which respects the local vernacular, featuring white/off-white harled walls and a slate roof is considered appropriate within the NSA and would serve to complement and not detract from it.

Neighbour Amenity

The nearest existing dwelling house lies some 80m to the northeast of the site, on the other side of a small ridge in the landform. This amount of separation is more than sufficient to safeguard the amenity of this existing property. The other of the two thatched cottages referred to in the Planning History section above would be situated on the opposite side of the public road from the site, and conditions could ensure a separation distance of at least 30m between the two buildings. Again, this would be sufficient to protect the amenity of the thatched cottage.

Access and Parking

TECS roads were satisfied in relation to application 10/05046/FUL for the thatched cottage referred to above that the visibility of 70m achievable in either direction from the existing junction with the public road was sufficient. The site would take access from the public road at a point directly opposite this junction and the achievable visibilities are of the same order (albeit slightly less to the north west at 65m due to the local geometry of the public road). This minor reduction in achievable visibility to the north west compared to the 70m previously considered acceptable is not considered to be significant enough to warrant withholding consent. A condition which requires the visibility splays to be provided and maintained can be applied.

The site is sufficiently large to accommodate the necessary parking and turning areas in addition to a house and curtilage, and these spaces may therefore also be conditioned.

Croft Land

The Crofting Commission have not objected to the application, and have provided their standard consultation response which does not raise any concerns that the proposal conflicts with the Council's policy on protecting in-bye and apportioned croft land.

Protected Species

Objectors have made reference to the presence of bluebells on the site, and have noted that this plant is a protected species. The relevant legislation states that it is not an offence to dig up bluebells with the permission of the landowner, but that it is illegal to sell or to advertise bluebells for sale. It is therefore considered that the proposal does not contravene the Council's planning policy on protected species.

Inaccurate/Misleading Application Form and Location Plan

The application form and location plan met the relevant legislative tests for the application to be made valid. An amended location plan was subsequently obtained which uses an Ordnance Survey base, rather than an aerial photograph. It is accepted that the application form does contain inaccuracies (such as stating that no new house is proposed i, and that no new water supply or drainage arrangements are necessary). However, site visits have established the correct situation, and has informed this assessment accordingly.

8.4 Material Considerations

Objectors highlight the lack of a public drainage network in Kilbride, but this does not represent a reason to refuse the application. The houses which exist in the local area all utilise private foul drainage arrangements (which are controlled by Building Standards legislation), and the site is large enough to accommodate this type of arrangement.

8.5 Other Considerations – not material

Claims that the applicant is an absentee crofter are not a material planning consideration.

8.6 Matters to be secured by Section 75 Agreement

n/a

9. CONCLUSION

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;
 - ii. a roof covering of natural slate;
 - 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.

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

- 3. Any details pursuant to condition 1 above shall show the site access constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 08.03.2016), with:
 - i. the junction formed to comply with drawing ref. SDB1; and
 - ii. visibility splays of 2.4m x 65m to the north west and 2.4m x 70m to the south east (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

No other development shall commence until the junction has been constructed in full and 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 provided within the curtilage of the dwellinghouse and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation, thereafter being maintained for this use 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 : 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.

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

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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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.

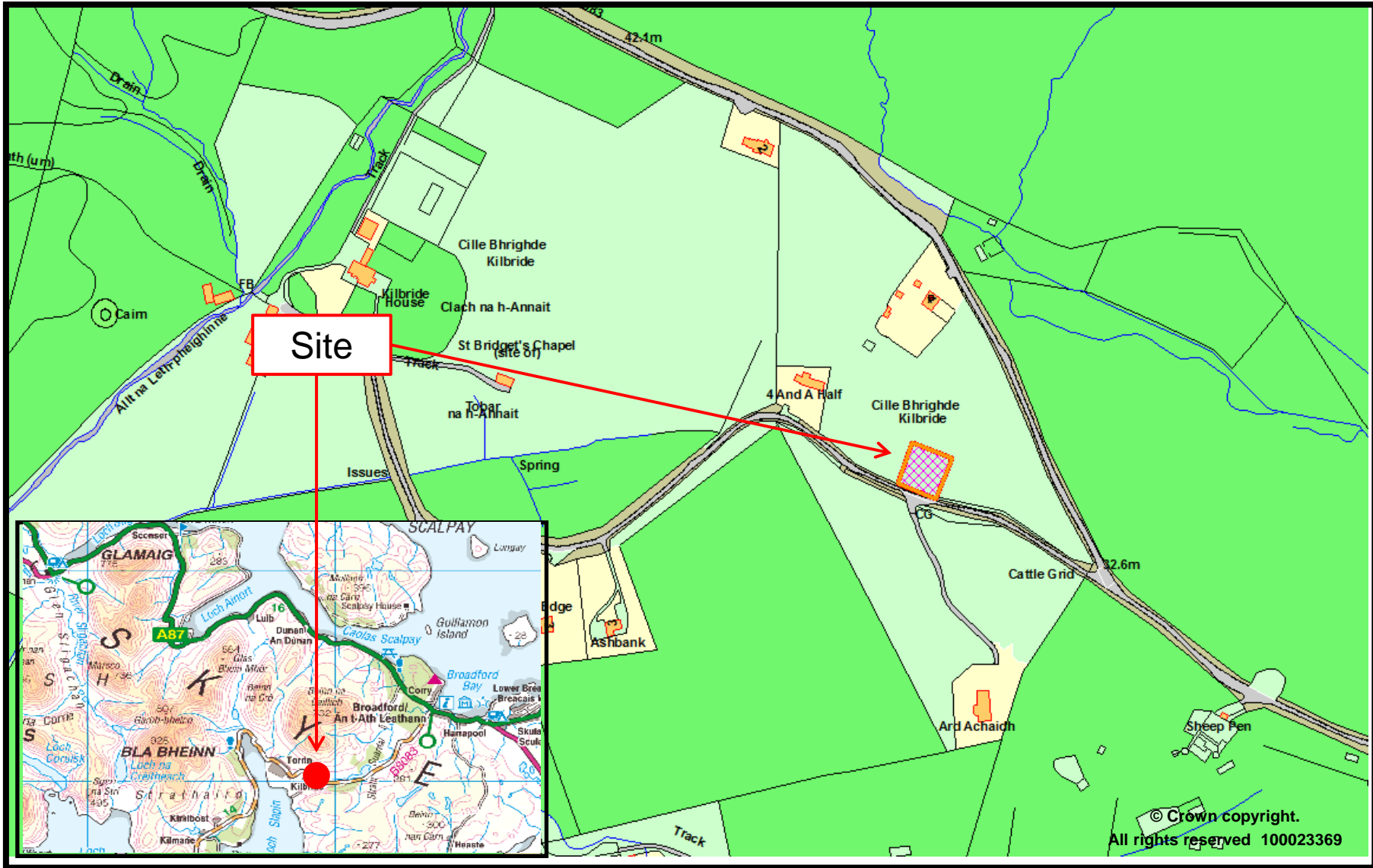
Further information on the Council's roads standards can be found at:

<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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

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 – Committee Location plan Plan 2 – Location plan



The Highland Council
Comhairle na Gàidhealtachd

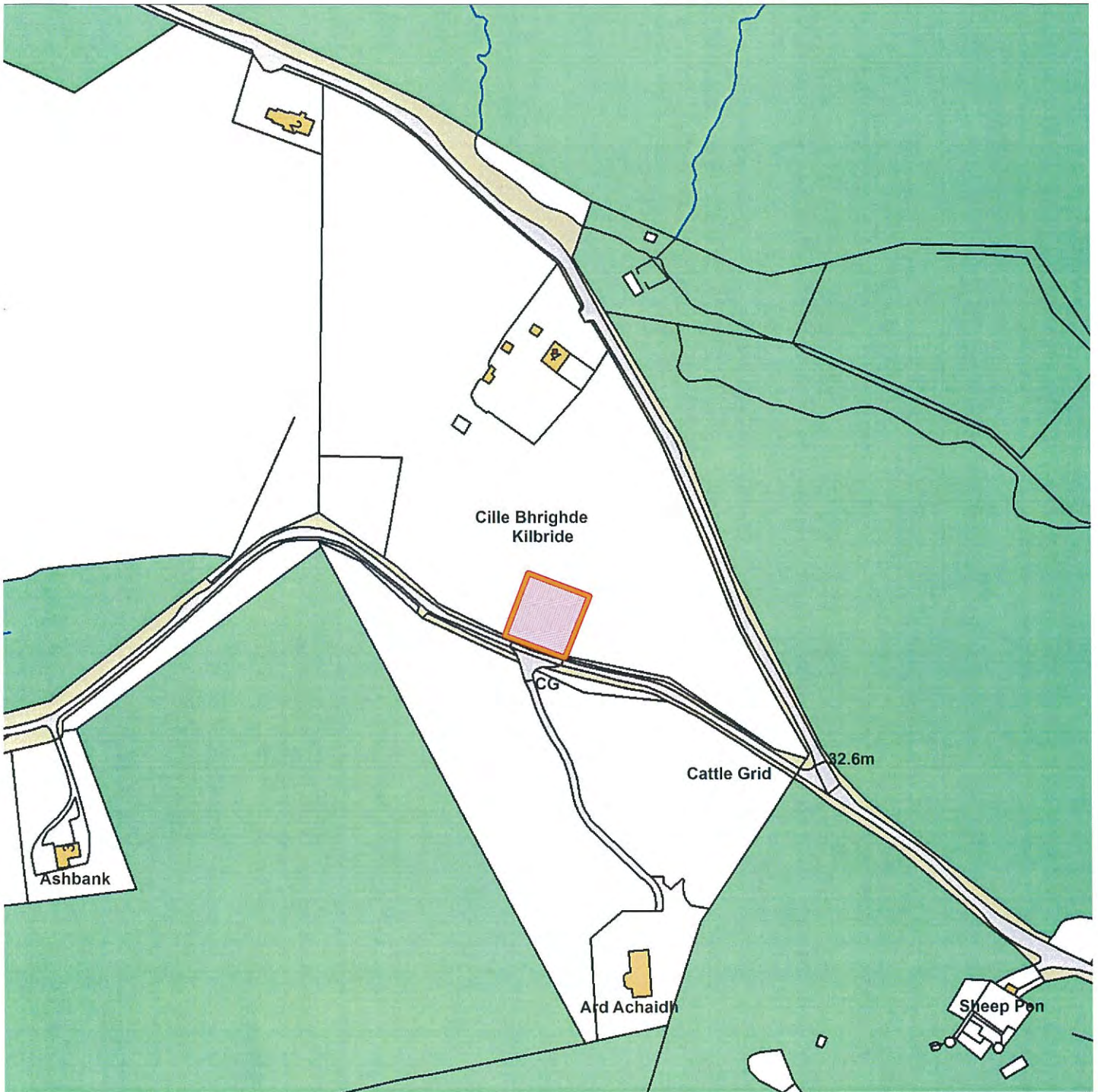
Planning and Development Service

Location Plan
16/00191/PIP
Erection of a new house

March 2016

Scale:

Not Set



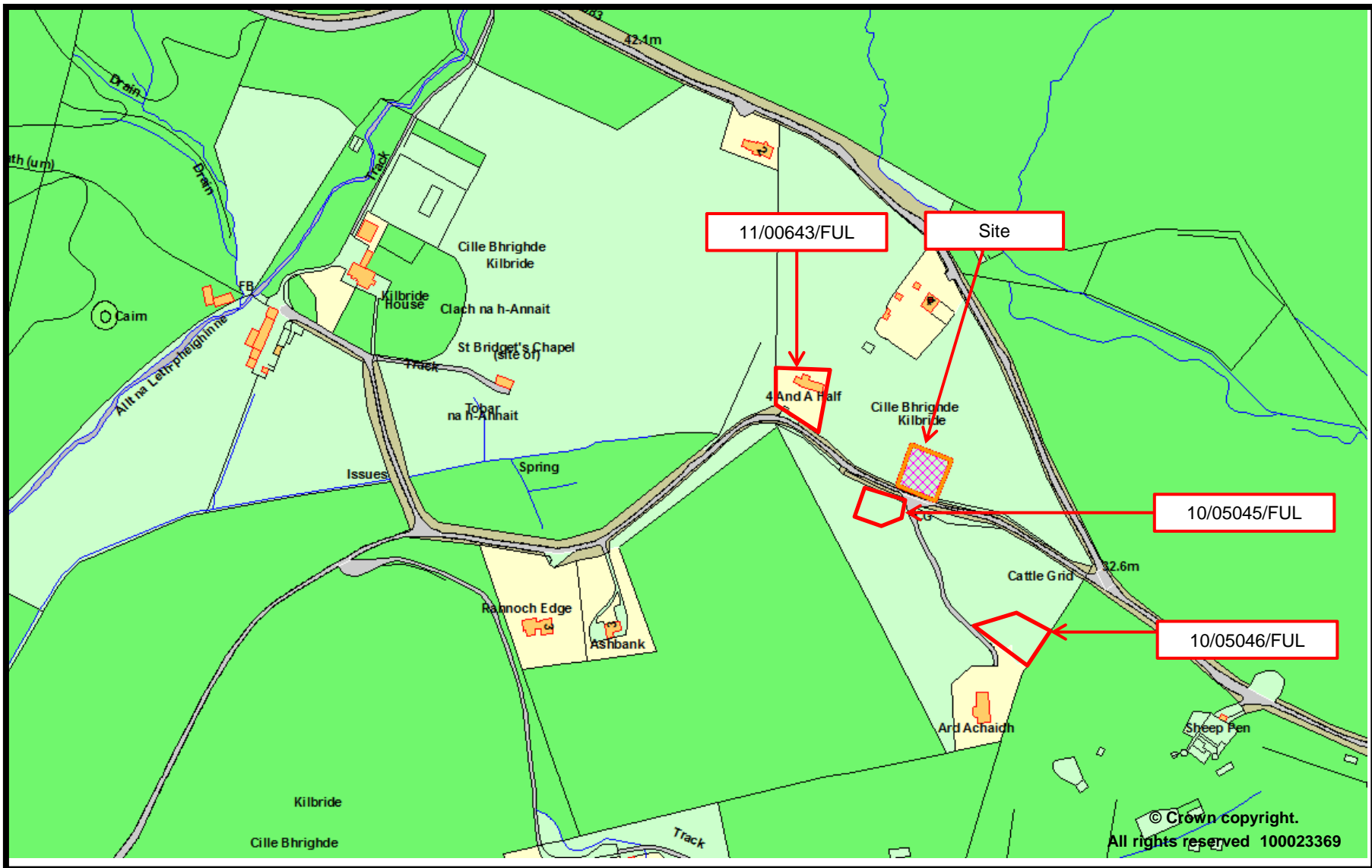
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Organisation	
Department	
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Planning and Development Service

Planning History
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