

Agenda item	6.7
Report no	PLN/026/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 17 April 2018

Report Title: 18/00067/FUL - Land 100M South Of Free Church Teangue

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Mr Angus Sutherland

Erection of new dwelling

Ward 10 - Eilean A' Cheò

Local Development

Referred to Committee due to number of objections

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

2. Recommendation

2.2 Members are asked to agree the recommendation to grant as set out in section 13 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks full planning permission for the erection of a one and a half storey, four bedroom dwelling house with an integrated single storey garage
- 3.2 No pre-application discussions or consultation took place.
- 3.3 It is understood some drainage and access works were carried out on the site some years ago but these are overgrown and the site currently appears undeveloped and without any existing infrastructure
- 3.4 No supporting documents have been submitted.
- 3.5 **Variations:** None

4. SITE DESCRIPTION

- 4.1 The site is located on open land which slopes downhill in an easterly direction from the Upper Teague/Sasaig township road which provides the site's northern boundary. The A851 lies some 150m to the south, with existing dwellings on the opposite of the township road to the north and west.

5. PLANNING HISTORY

- 5.1 04/00464/OUTSL. Erection of Residential Development (Outline). Withdrawn 08.06.2005.
- 5.2 05/00488/OUTSL. Erection of 4 Houses. Permitted 07.02.2006 (Committee Decision).
- 5.3 08/00278/REMSL. Erection of 4 houses. Permitted 12.06.2009.

6. PUBLIC PARTICIPATION

- 6.1 Advertised : Unknown Neighbour 14 Days
Representation deadline : 04.02.2018
Timeous representations : 5 from 4 households
Late representations : 1
- 6.2 Material considerations raised are summarised as follows:
- Adverse effect on birds, mammals and natural beauty.
 - Views from township road and Free Church Manse would be impaired.
 - Drainage will be problematic due to topography of site and foul drainage may contaminate adjacent, lower-lying land.
 - Design not in keeping with surrounds, particularly in relation to amount of glass.
 - Too many houses in Teague and risk of overdevelopment.
 - This should be the only house considered on this site, and should not be part of a wider development.

- Site identified for housing in current Local Plan, but this allocation seems to have been abandoned in the new Local Development Plan, which refers to this site as “not preferred for housing”. Does this mean that only this house will be permitted on the site?

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Development Plans** : No objection

7.2 **Crofting Commission** : No response

7.3 **Scottish Water** : No objection

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-making
34	Settlement Development Areas
47	Safeguarding Inbye/Apportioned Croftland
65	Waste Water Treatment
66	Surface Water Drainage

8.2 West Highlands and Islands Local Plan (as continued in Force 2012)

The site lies within the Ferrindonald/Teangue Settlement Development Area, and forms part of a housing allocation (site H2) which has an indicative capacity for 4 units.

9. OTHER MATERIAL CONSIDERATIONS

9.1 West Highlands and Islands Local Development Proposed Plan 2017

The site lies within the Main Settlement Area of Sleat.

9.2 Highland Council Supplementary Planning Policy Guidance

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

Sustainable Design Guide (Jan 2013)

9.3 **Scottish Government Planning Policy and Guidance**

Not applicable

10. **PLANNING APPRAISAL**

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Development Plan Policy Assessment

Relevant Policy

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

10.4 The application site falls within the Ferrindonald/Teangue Settlement Development Area (SDA), so Policy 34 applies. This policy supports development proposals within SDA's if they meet the Design for Sustainability requirements of Policy 28 which seeks 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 settlement pattern.

10.5 Policy 47 states that the Council expects development proposals to minimise the loss of in by/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.

10.6 Finally, Policies 65 and 66 state that the Council's preference for private foul drainage – where a connection to the public sewer is not available - is for discharge to land rather than to water, and that surface water drainage should follow sustainable principles.

Policy and Material Considerations

Siting, Design and Landscape Impact

10.7 The siting of the building would be consistent with the scattered pattern of development within the existing township, where houses are positioned relatively close to the road. The building would be seen against a backdrop of rising land, and would therefore not be visible against the skyline. The site is large, and the building would not represent an overdevelopment of this plot.

- 10.8 The design of the proposed dwelling house is considered to respect the local vernacular in terms of its proportions but with a contemporary design. It has a narrow gable, relatively low roof height of 5.9m, windows with a largely vertical emphasis and good quality external materials of natural slate on the roof and white render on the walls. The choice of materials – in particular the slate roof - is a significant and important consideration in the integration of this house within this landscape setting. The garage also uses appropriate external materials of natural larch boarding on its walls and grey metal sheeting on its roof. Some objectors claim that the design is at odds with the character of the local settlement, but this is not accepted and the contemporary variation within a building of traditional form and proportion is deemed appropriate. The design is an evolution of traditional highland architecture, and is considered to complement, rather than detract from, the appearance of the existing village – which includes some houses of similar design to the proposal. The amount of glass which is used is not considered excessive, indeed the glazing pattern which has been chosen helps to reduce the building's apparent massing. Given the sloping nature of the site, a condition which limits the amount of underbuilding is considered necessary.

Wider Housing Allocation

- 10.9 Development Plans note the planning history of the site, and that planning consent has been granted in the past for a development of four houses, of which this site forms part. Their consultation response advises that the H2 allocation in the existing West Highlands and Islands Local Plan has not been carried forward into the new Local Development Plan due to concerns over the scale of development, concerns over access capacity for this number of houses, and the identification of an alternative site for 13 housing units. Development Plans advise that while this proposal for a single house is considered to accord with the Council's general planning policies and the emerging Local Development Plan, any future proposal for additional development on the larger site which was the subject of application 08/00278/REMSL would need to be carefully considered as it might result in an over development of that land, and a significant loss of in-bye croft land.

Drainage

- 10.10 It was previously accepted in relation to application 08/00278/REMSL that both surface water and foul drainage could be satisfactorily dealt with. The developer would need to obtain the consents of both Building Standards and SEPA for the proposed foul drainage arrangements. It is considered that there is no reason to expect that such permissions would not be forthcoming, given that a solution was shown to be achievable in respect of the previous application. A condition can be applied requiring full details of the drainage solution before development commences.

Ecology

- 10.11 There is no reason to believe that any statutorily protected species would be affected by the proposed development.

Neighbour Amenity

- 10.12 The proposed building would be situated some 38m away from the nearest existing dwelling – which lies on the opposite side of the township road. This degree of separation is considered large enough to safeguard the amenity of this existing property. The claim that the local area will suffer from too many houses is not accepted on the basis that the proposal is sited with a Settlement Development Area which already contains a large number of houses, and where there is a presumption in favour of development subject to appropriate siting and other relevant material planning considerations.

Access and Parking

- 10.13 The site would be connected to the township road by means of a new junction which was approved by application 08/00278/REMSL. The visibility splays and geometry of that junction were found to be acceptable in relation to that application, and a condition can therefore be applied to control the delivery of this junction.
- 10.14 The submitted site layout drawing shows that the necessary car parking and turning spaces can be accommodated, and a condition which controls the delivery of these spaces can therefore also be applied.

Croft Land

- 10.15 Although the Crofting Commission has not provided a consultation response it is not considered that this single house proposal is in conflict with the Council's policy on the development of croft land – the site would not have been allocated as housing development land in the Local Plan if there was such a conflict.

10.16 Other Considerations – not material

Whether or not the proposed house would be used for holiday letting purposes or as a second home is not a material planning consideration.

10.17 Matters to be secured by Section 75 Agreement

Not applicable

11. CONCLUSION

- 11.1 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.

12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. **RECOMMENDATION**

Action required before decision issued N

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

1. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 17.04.2018), with:
 - i. the junction formed to comply with drawing ref. SDB1; and
 - ii. visibility splays of 2.4m x 75m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

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

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

2. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 747-001REV D shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

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

3. Within the application site, no building or structure shall feature underbuilding exceeding 300m in height above ground level. For the purposes of this condition, height is a reference to height when measured from ground level, and ground level means the level of the surface of the ground immediately adjacent to the building or structure or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Reason : To ensure that underbuilding is kept to a minimum, in the interests of visual and residential amenity.

4. The external finish materials used in the development shall be as stated on the approved elevational drawing nos. 747-004 REV A and 747-003 REV B.

Reason : To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

5. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason : In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

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.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

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

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

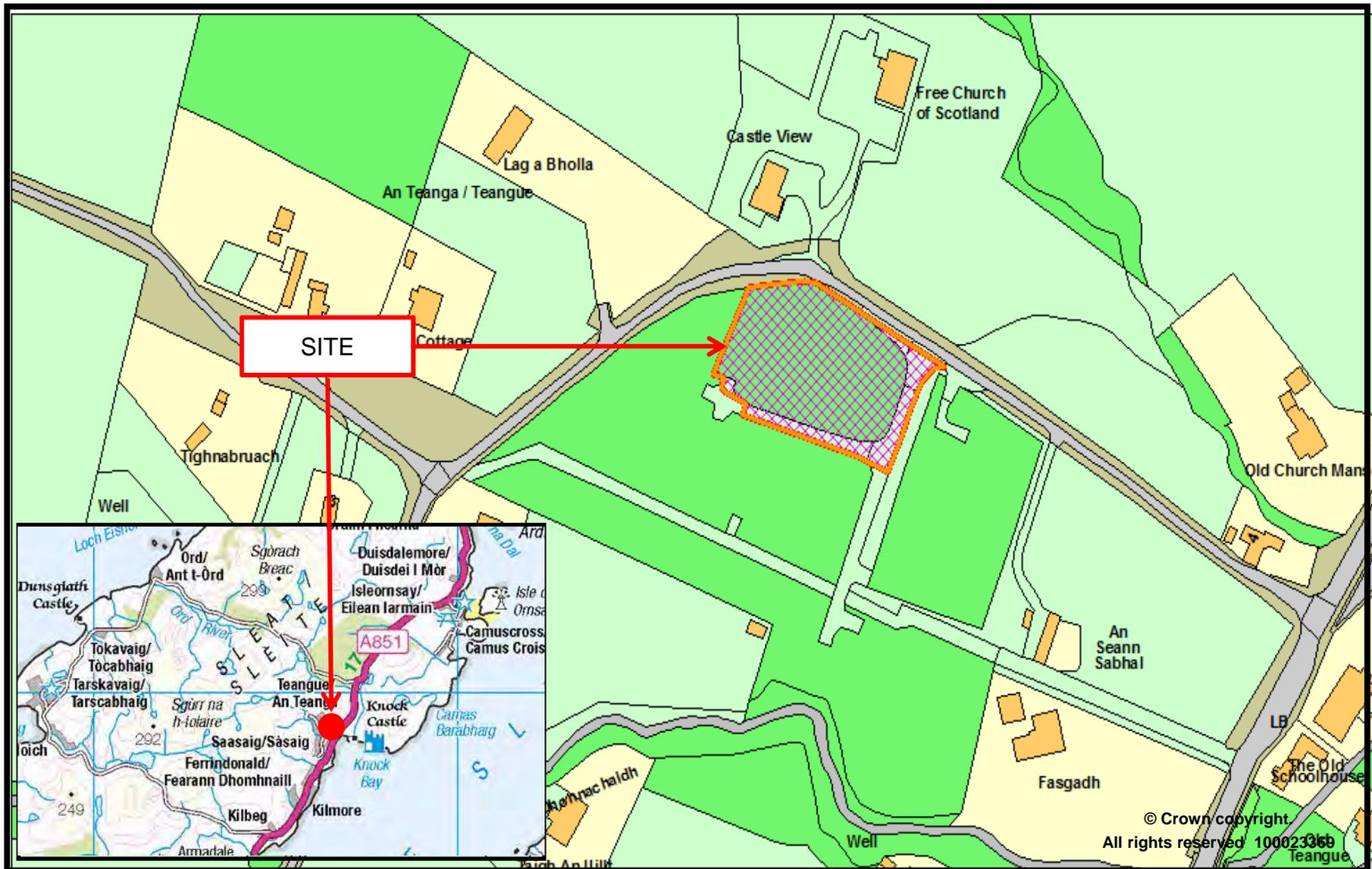
Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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

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 – Site Layout Plan 747-001 REV D
Plan 3 – Floor Plan 747-002 REV B
Plan 4 – Elevations 747-003 REV B
Plan 5 – Elevations 747-004 REV A



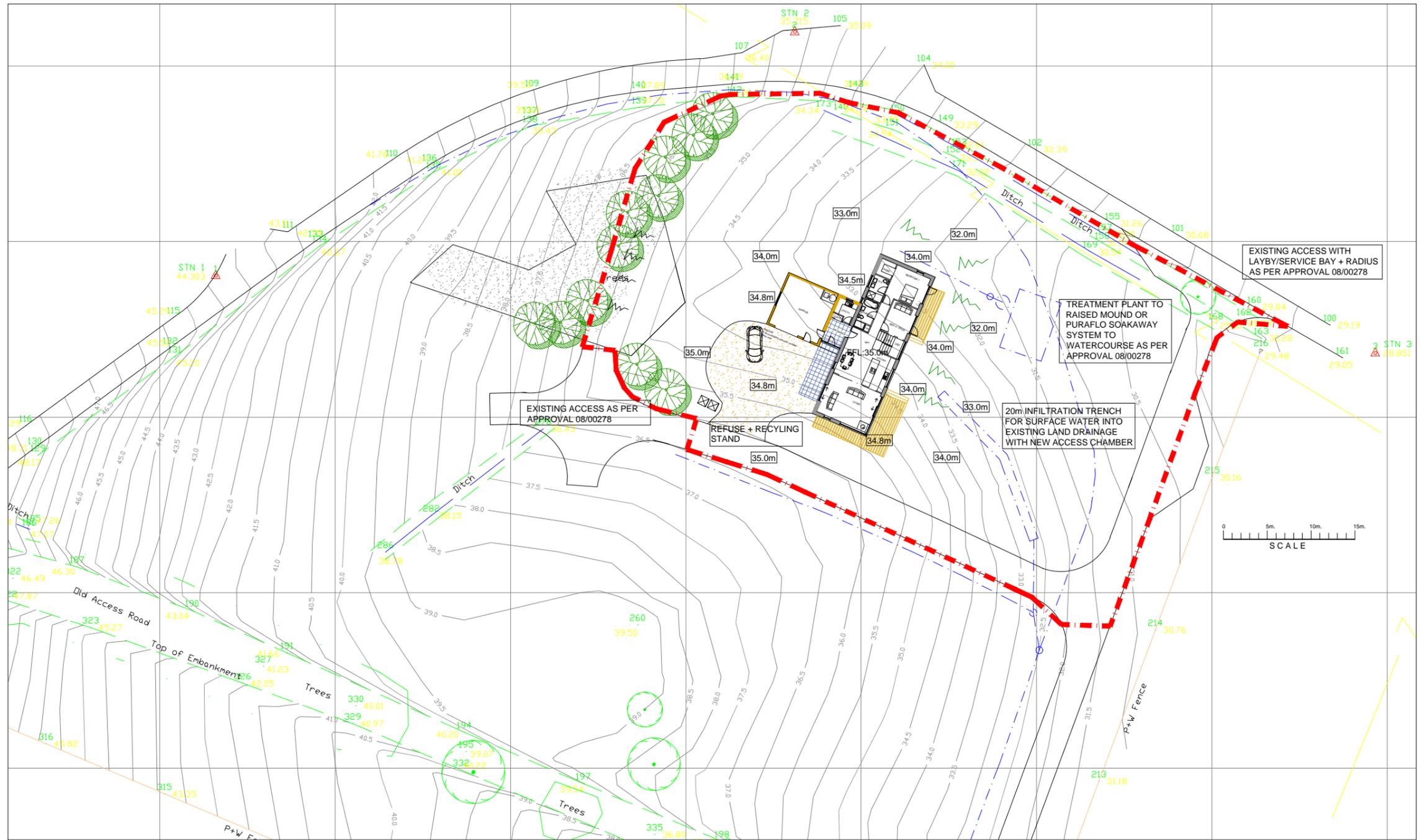
The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

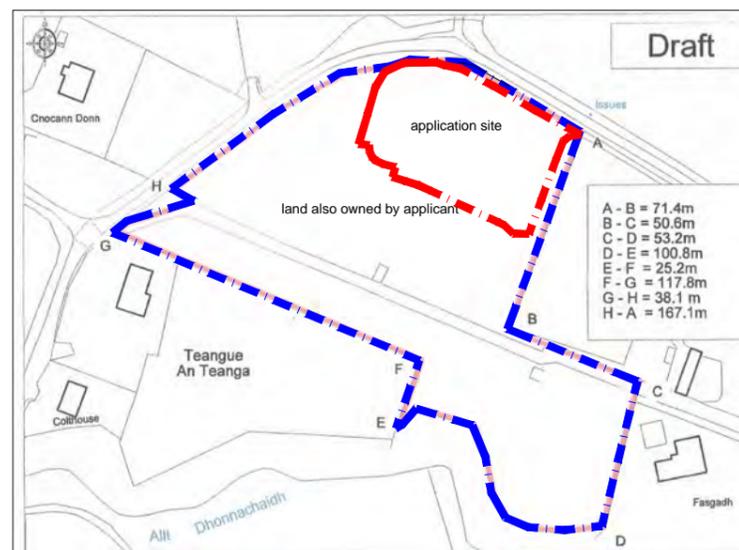
Location Plan
18/00067/FUL
Erection of new dwelling
April 2018

Scale:

SITE PLAN



site layout 1-500



site location plan 1-2500

site layout :
 proposed house angled to maximise views
 accessed from existing turning area
 attached garage

chartered architect
 isle of skye + aberdeenshire
<http://www.grigor-taylorassociates.co.uk>
 tansygd@btinternet.com : 07720059219

proposed development : teangue : sleat
 for angus sutherland
 scale 1-500@a3
 dwg no. 747-001d

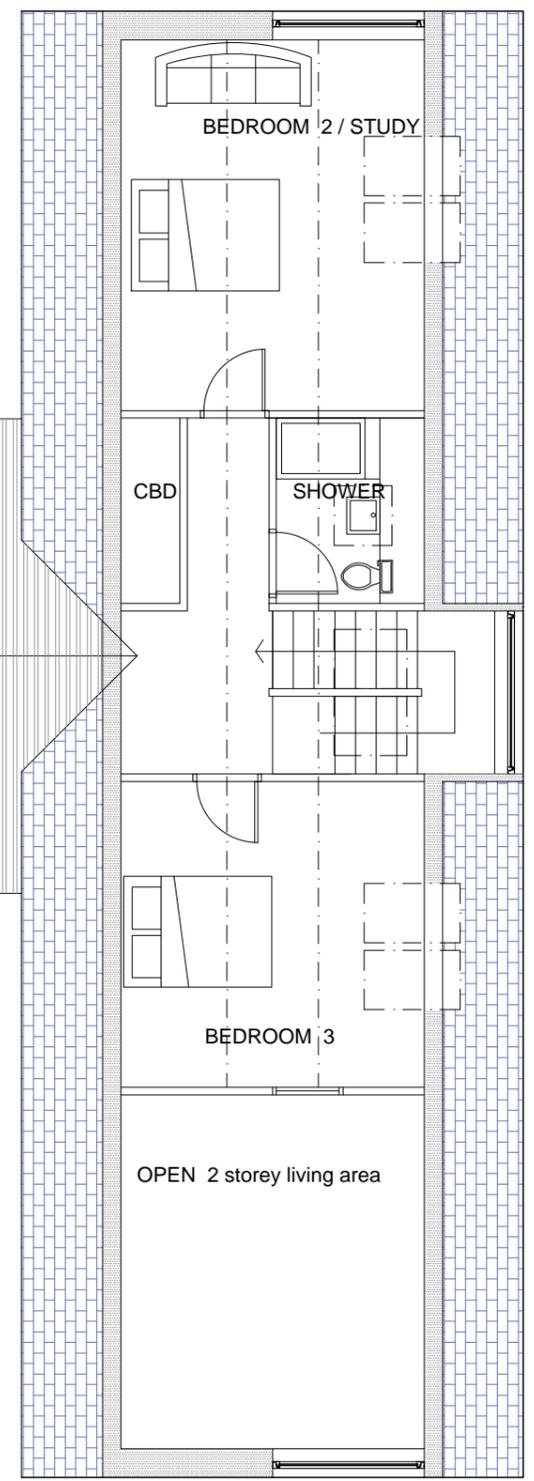
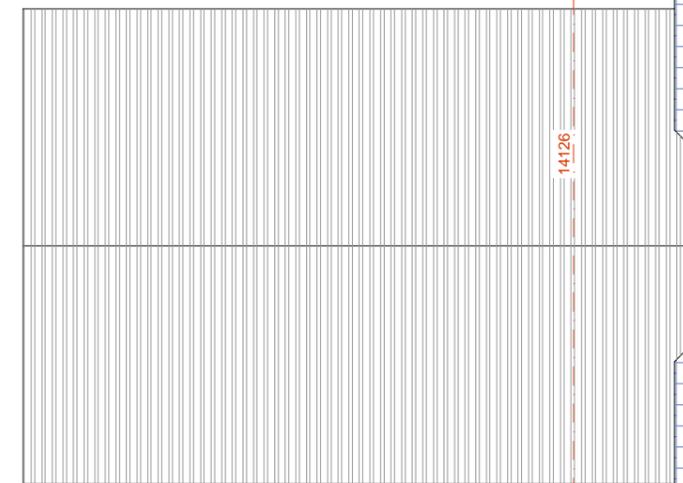
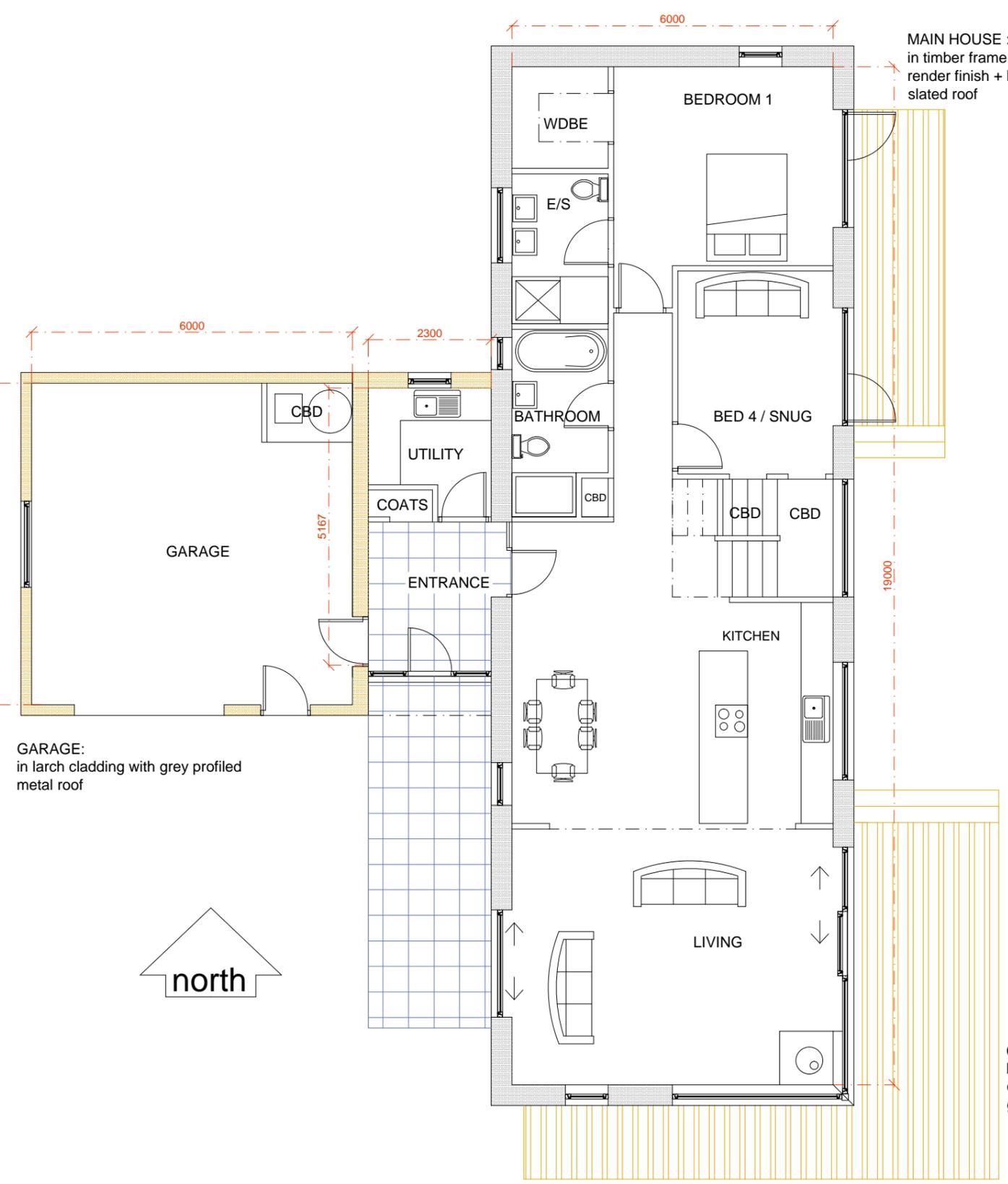


proposed development : teangue : sleat

FLOOR PLANS

ground floor

upper floor



GARAGE:
in larch cladding with grey profiled metal roof



floor areas :
ground floor : 125sq.m. + 36sq.m. garage
upper floor : 56sq.m.

proposed development : teangue : sleat

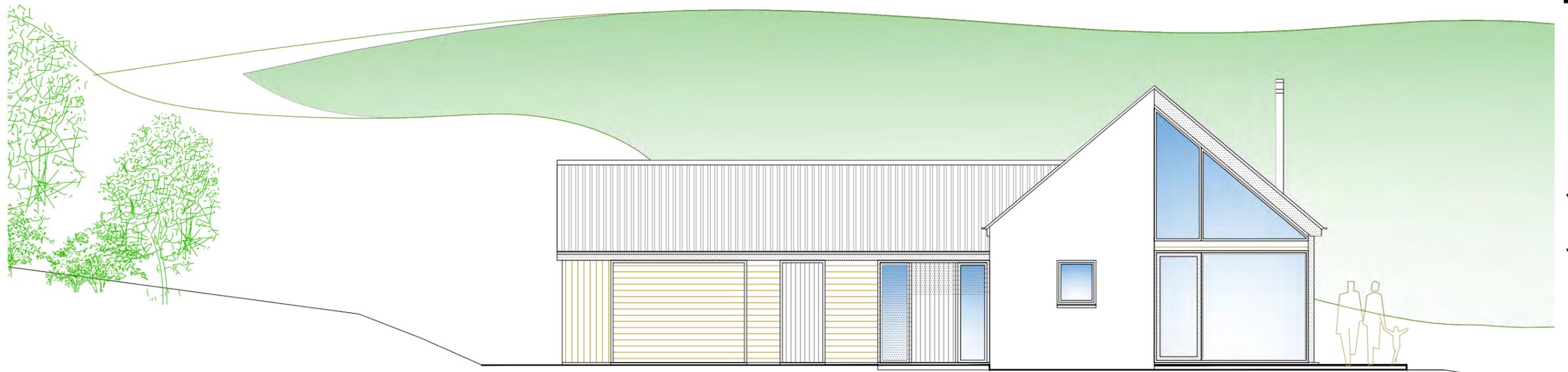
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for angus sutherland
scale 1-100@a3
dwg no. 747-002b

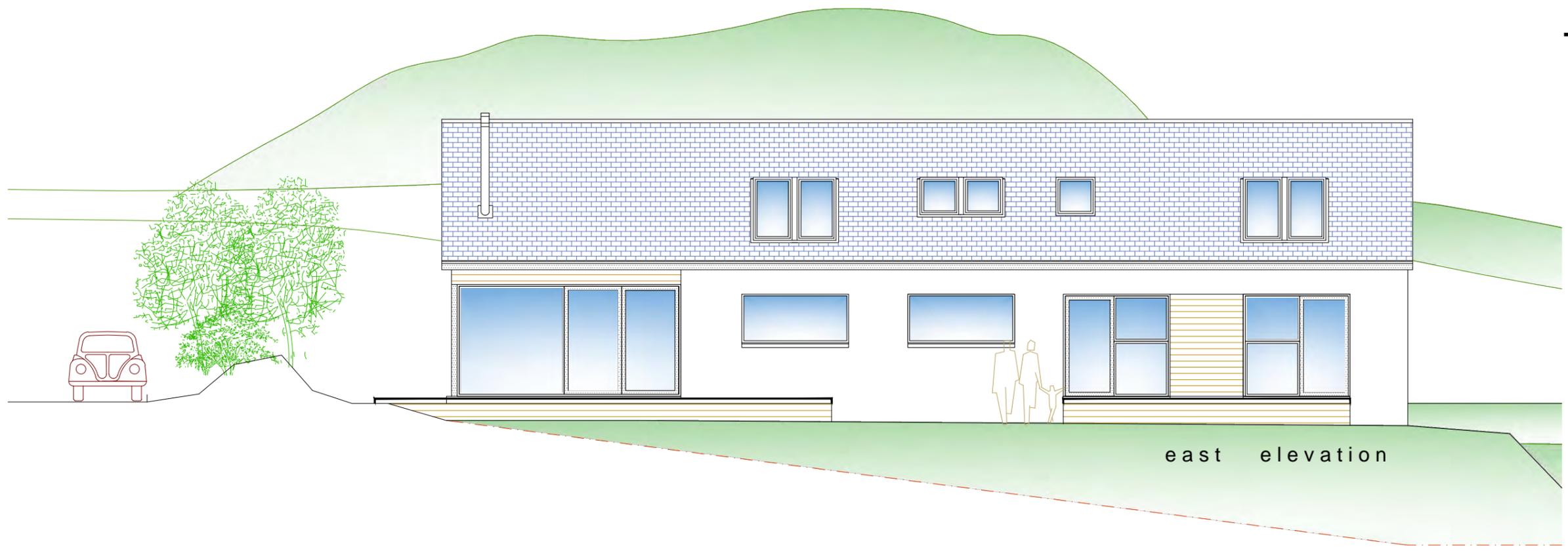


ELEVATIONS 1

inspiration images



south elevation



east elevation

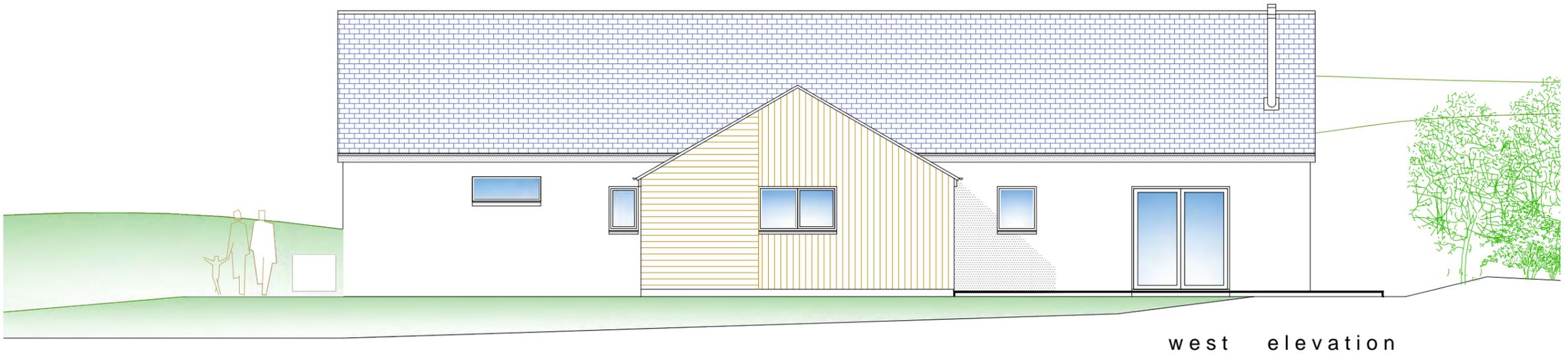
proposed materials :
 roof - slates + grey profiled metal sheet
 walls - untreated siberian larch + white smooth render
 windows - grey / veluxes

proposed development : teangue : sleat

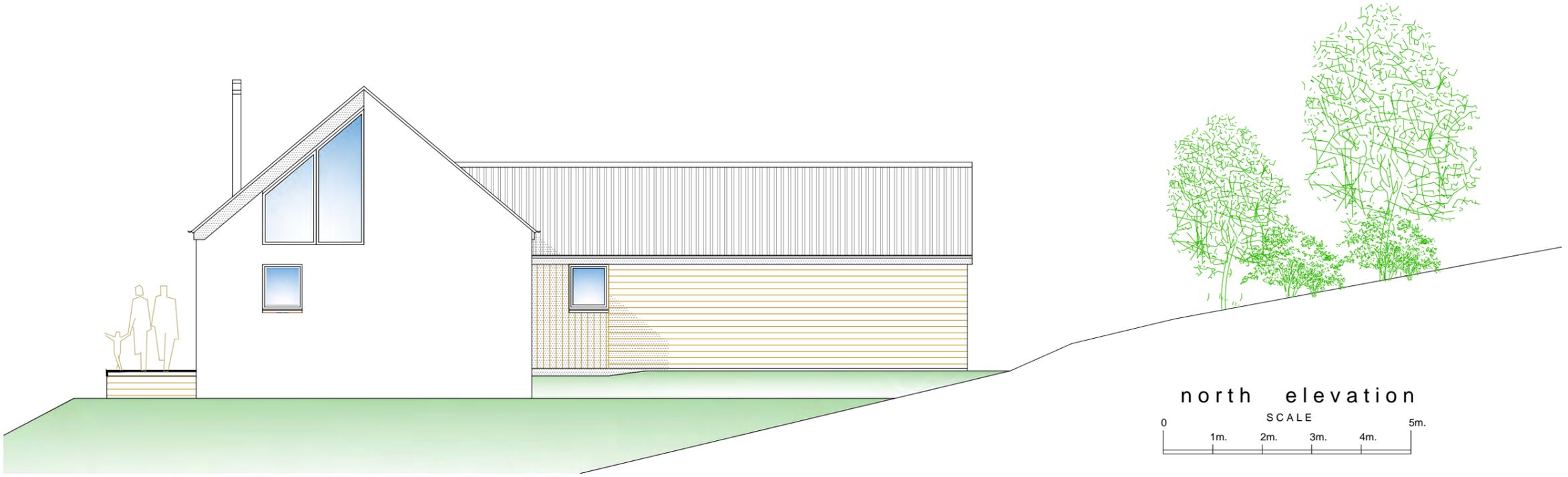
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proposed development : teangue : sleat
 for angus sutherland
 scale 1-100@a3
 dwg no. 747-003b





west elevation



north elevation



proposed materials :

roof - slates + grey profiled metal sheet
 walls - untreated siberian larch + white smooth render
 windows - grey / veluxes

chartered architect
 isle of skye + aberdeenshire

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proposed development : teangue : sleat
 for angus sutherland
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 chartered architect

proposed development : teangue : sleat