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| Agenda item | 6.5 |
| Report no | PLN/035/18 |

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 June 2018

Report Title: 17/02848/FUL Land 25M NW Of Tiriodh Torvaig Portree

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Mr A Taggart

Erection of house and installation of septic tank and soakaway

Ward 10 - Eilean A' Cheò

Category - Local Development

Reasons Referred to Committee – Member Referral

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

2. Recommendation

2.2 Members are asked to agree the recommendation to refuse as set out in section 11 of the report

3. PROPOSED DEVELOPMENT

3.1 Planning permission is sought for the erection of a 3 bedroomed 1 ½ storey dwellinghouse and private drainage system. The property is of traditional design with the accommodation occupying the ground floor. The ridge height which extends to 6.5m and design of the roof offers the opportunity for future expansion into the roof space. Externally the building would be finished in a simple palette of materials including red box profile metal sheeting on the roof and smooth white walls with the porch and rear elevation being finished in timber cladding.

The drainage system would be located on land to the north outwith the curtilage of the proposed house and is likely to consist of a septic tank and secondary treatment system with discharge to the land.

It is proposed to take access via the existing private driveway of the neighbouring property Tiriodh. The driveway runs down the northern side of the house and the full width of its rear garden.

3.2 There are no existing services or access into the application site.

3.3 Pre Application Consultation: No informal pre application enquiry was submitted.

3.4 Supporting Information: Deed of servitude for proposed drainage system. Supporting personal and design statement.

3.5 Variations: Revised plans submitted 21.02.2017, 10.07.2017, 12.07.2017, 07.08.2017, 08.08.2017 and 29.11.2017.

4. SITE DESCRIPTION

4.1 The site consists of open grassland. The east and west boundaries are defined by stock proof fencing. The eastern boundary is shared with the neighbouring property Tiriodh. The western boundary fencing defines the boundary between separate parcels of land. The neighbouring property Tiriodh is sited at a higher ground level than the site of the proposed house. The rear elevation and private rear garden ground of Tiriodh overlooks the whole of the site. Other than two mature fir tree which are sited adjacent to the western boundary there are no distinctive landscaping features.

A second property Glencairn lies to the east of Tiriodh. Vehicular access from the public road to both of these properties and the proposed site is via a driveway which runs between Glencairn and Tiriodh. Tiriodh is orientated with its principal elevation fronting onto the driveway, gable elevation to the public road whilst the front elevation of Glencairn fronts the public road.

5. PLANNING HISTORY

5.1 None

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 11.08.2017

Representation deadline: 25.08.2017

Timeous representations: Two

Late representations: One

6.2 Material considerations raised are summarised as follows:

a) Traffic movement in the vicinity of the neighbouring property Glencairn.

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.

7 CONSULTATIONS

7.1 Scottish Water: No objections.

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

36 - Development in the Wider Countryside

65 - Waste Water Treatment

66 - Surface Water Drainage

8.2 West Highland and Island Local Plan 2012 (as continued in force)

No specific policies apply

8.3 West Highland and Island Local Development Plan (Proposed Plan May 2017

No specific policies apply

9. OTHER MATERIAL CONSIDERATIONS

9.1 Highland Council Supplementary Planning Policy Guidance

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

9.2 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Enabling Delivery of New Homes.

A Natural, Resilient Place - Valuing the Natural Environment.

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.

Determining Issues

- 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.

Planning Considerations

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting, design and landscape impact
 - c) residential amenity
 - d) access and parking

Development plan/other planning policy

- 10.4 The site lies in the open countryside so Policy 36 of the Development Plan applies. Policy 36 states that development in the wider countryside requires to be acceptable in terms of siting, is sympathetic to the existing pattern of development and is compatible with the landscape character and capacity. In addition to the above the proposals require to demonstrate compliance with Policies 28 and 29.
- 10.5 Policy 28 requires that development (amongst other factors) :
- does not impact on individual and community residential amenity
 - demonstrates sensitive siting and high quality design in keeping with the local character and the historic and natural environment.

Similarly, Policy 29 requires new development to make a positive contribution to the architectural and visual quality of the place in which it is located, demonstrating sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layout. Proposals should also have regard to the historic pattern of development in the locality.

Siting, design and landscape Impact.

- 10.6 The extent of built development in the vicinity of the site consists of the two properties known as Tiriodh and Glencairn and an agricultural shed which lies at the head of the shared driveway. There is a row of individual houses that front onto the public road located 200m, or hereby to the north of Glencairn. The separation distance is such that the proposed development is not considered to relate to these houses or any other development served by the Torvaig public road.

It is considered that the siting of the proposed house directly to the rear of Tiriodh is at odds and incompatible with the existing pattern of development formed by Tiriodh and Glencairn. The proposed house fails to respect the pattern of development formed by the separation distances and orientation of these properties. The development would result in an awkward cramped relationship particular with the property Tiriodh. This would give rise to concerns over the level of privacy and amenity of both the residents of the proposed house and residents of Tiriodh which is compounded by the change in levels and the orientation between the two properties well below that considered acceptable.

Although the development is for a modest scale of house it is considered that the proposed development would have a negative impact on the landscape qualities of the area as a result of its location and relationship with Tiriodh and its lack of consistency with the pattern of development.

It is considered that alternative locations are available in the immediately locality which would achieve an acceptable form of development which would respect the siting of the existing houses and the pattern of development.

Residential Impact

- 10.7 The proposed development by virtue of its siting and the proposed means of access would result in a significant loss of amenity to the property Tiriodh. This property currently enjoys a high level of privacy, there is currently no overlooking of the rear private garden ground and the vehicle movements associated with the neighbouring property Glencairn and the agriculture shed are restricted to the front of the property. As the access to the proposed house is to be taken through the side garden area of Tiriodh and the driveway and parking for the proposed house will be located immediately adjacent to the rear boundary of this property, it is considered that the noise and disturbance associated with traffic and pedestrian movement with the new house will negatively impact on the amenity of Tiriodh. In addition the development as proposed would result in the rear windows and garden ground being overlooked from the garden ground of the proposed house.

The level of residential amenity that would be associated with the proposed house is considered below that which should be expected and achieved for a development in a rural setting. Given the siting of the development and the level differences between the site and Tiriodh the whole of the garden ground of the proposed house would be overlooked from the rear garden and windows of Tiriodh. It should be noted that the land to the rear of the proposed house would not form part of the domestic curtilage. A Deed of Servitude has been signed between the applicant and the landowner to allow the provision of a drainage system only. As a result of the siting of the development there would be no privacy for the residents of the proposed house in the domestic curtilage of the property.

It is considered that alternative locations are available in the immediately locality which would achieve a suitable form of development which would retain an acceptable level of amenity for the existing property as well as achieve new development with the quality of residential amenity one would expect in a rural setting.

10.8 Access and Parking

As set out above it is considered that the proposed access and parking arrangements will have negative impact on the amenity of the existing property, Tiriodh because the proposed access will be taken through its garden ground and the parking for the proposed house is also in close proximity to the rear of the property.

It is noted that concern has been expressed by a third party about the increased traffic movement along the shared driveway from the public road, particularly during the construction period. These concerns are recognised and understood however they do not carry sufficient weight alone to merit refusal of the development.

Other material considerations

10.9 There are no other material considerations.

Non-material considerations

10.1 The third party representations highlight the applicants' relationship with the current occupier of the property Tiriodh, this is not a material planning consideration.

The personal reasons for wishing to live in close proximity are clearly understood and so during the processing of the application the applicant have been advised to consider an alternative location for the development, in order that planning permission can be supported and approved. It is unfortunate that agreement within the extended family could not be reached to allow a more suitable site which could be supported. The Planning Service is happy to discuss alternative options with the applicants to try and find a suitable solution.

11. CONCLUSION

11.1 It is recognised that the applicant is seeking to return to the area and that by doing so this would help to maintain and re-populate the area. In assessing the proposals the current occupancy of the existing house and the initial occupancy of the proposed house can be given no weight as these are not material consideration in the determination of the planning application.

It is concluded that the proposed development does not demonstrate sensitive siting which respects the residential amenity of the existing property Tiriodh, nor the pattern of development or the landscape qualities of the area. The Planning Service has sought to explore opportunities to develop an alternative location in the ownership of the applicant's family for which support could be offered. This however has not been pursued by the applicants who have stated that they are restricted in looking at this site alone. It is regrettable that suitable sites which are understood to be in the ownership of the family for which support could be offered is not available for the applicants to pursue.

Notwithstanding this the level of residential amenity that would be achievable for the proposed house is significantly below that considered to be acceptable for a development in the open countryside.

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

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

| | |
|----|---|
| 1. | The proposed development is contrary to Policy 28, 29 and 36 of the Highland wide Local Development Plan, by its position to the rear at ninety degrees and below Tiriodh fails to demonstrate acceptable siting and would have a significant and detrimental impact on the residential amenity of the property Tiriodh |
| 2. | The proposed development is contrary to Policy 28, 29 and 36 of the Highland wide Local Development Plan by its position to the rear at ninety degrees and below Tiriodh fails to demonstrate acceptable siting which would achieve an acceptable level of residential amenity for the proposed house and its domestic curtilage. |
| 3. | The proposed development is contrary to Policy 28, 29 and 36 of the Highland wide Local Development Plan by its position to the rear at ninety degrees and below Tiriodh fails to demonstrate acceptable siting which makes a positive contribution to the visual quality of the area. |

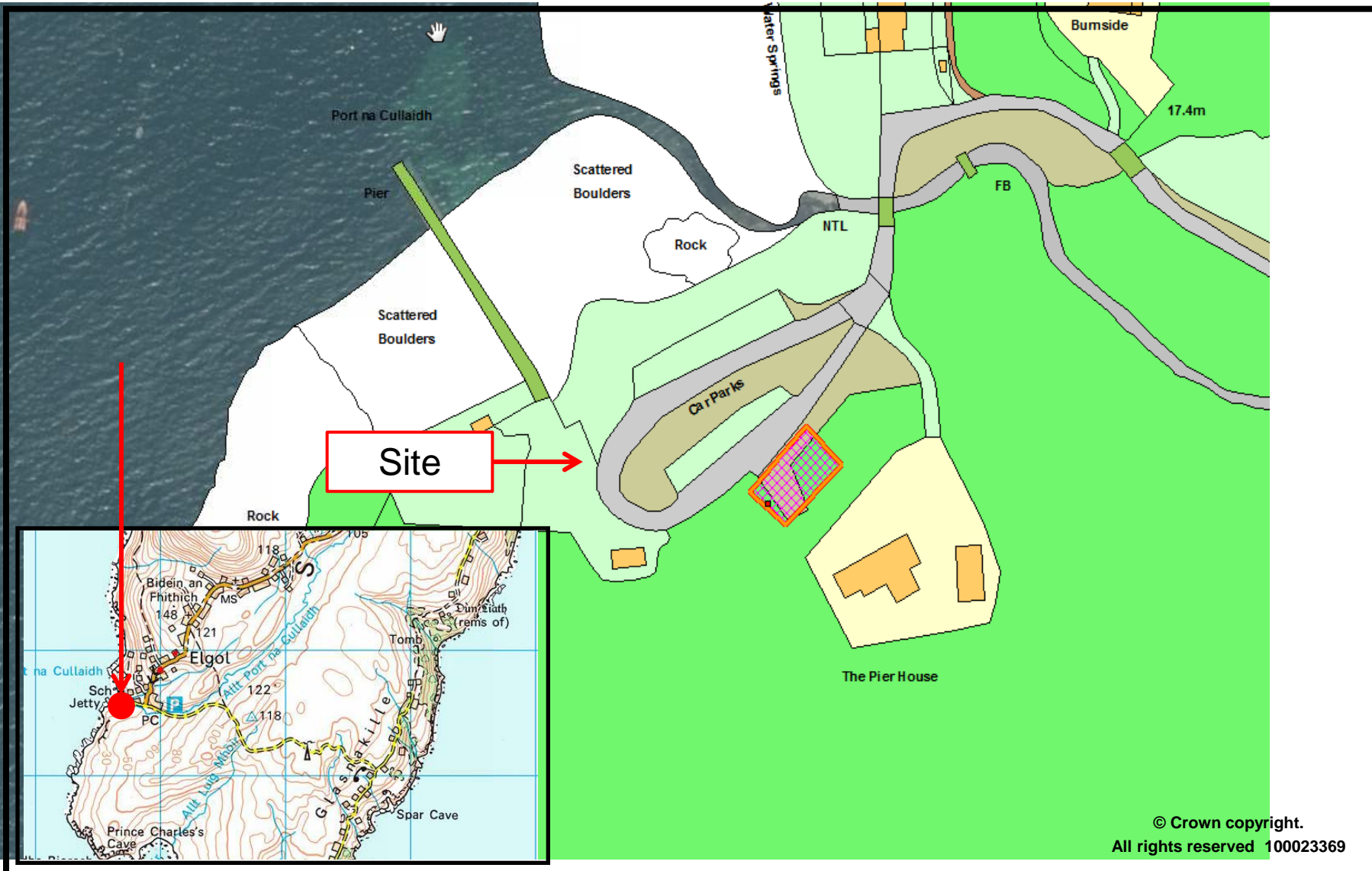
Signature: Dafydd Jones

Designation: Area Planning Manager – North

Author: Erica McArthur

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

Relevant Plans:
Plan 1 - LOCATION PLAN REF: TAGGL-L-P-RN
Plan 2 - GROUND FLOOR PLAN REF: N17-30-02
Plan 3 - ELEVATION PLAN REF: N17-30-03
Plan 4 - SECTION PLAN REF: N17-30-04



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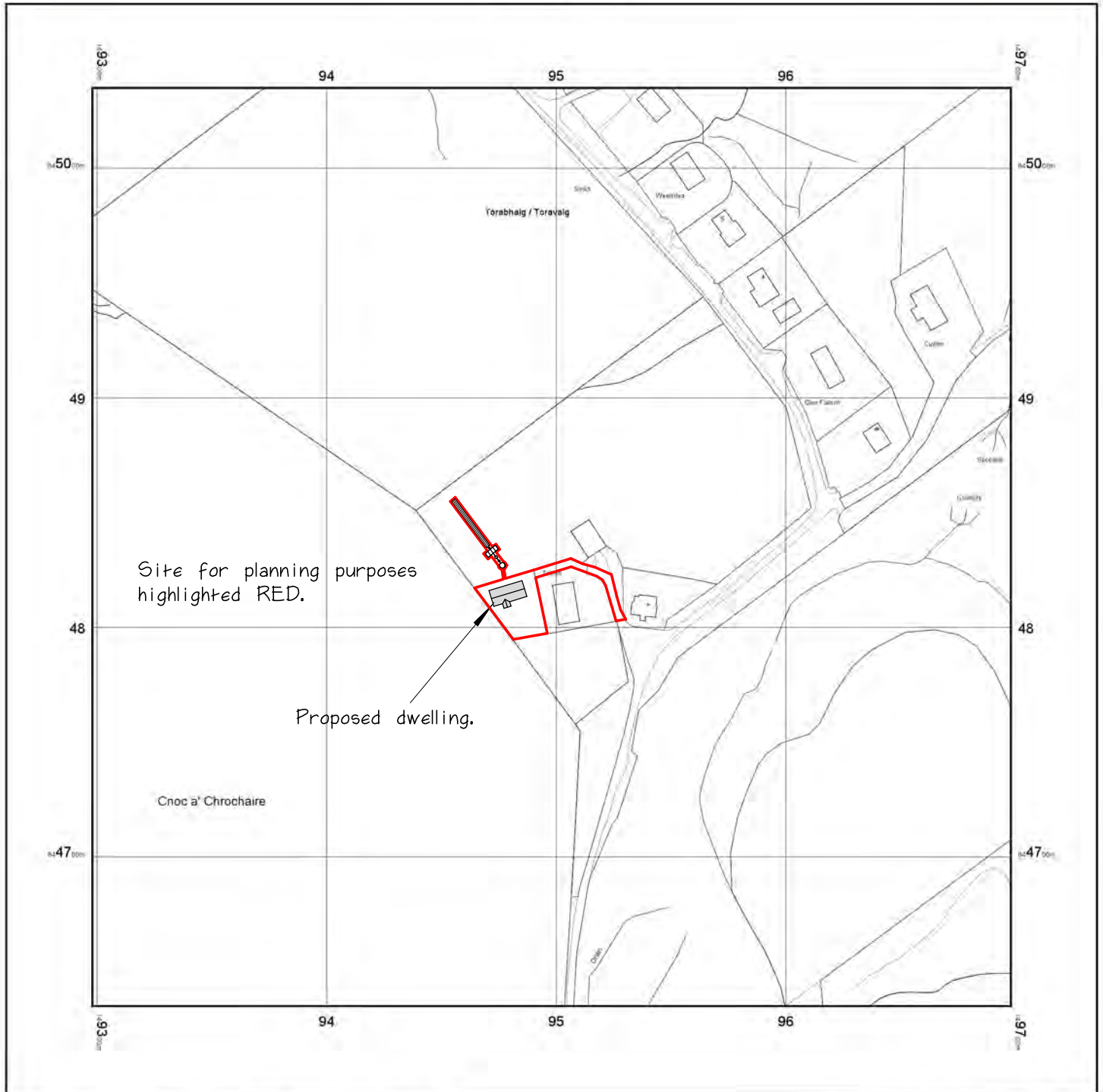
Planning and
Development Service

Location Plan
17/02848/FUL
Erection of house and installation of septic tank and soakaway

June 2018



Scale:



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LOCATION PLAN 1:2500.

Planning - March November 2016.
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| | |
|---|----------------------|
| Richard Neath Drawing and Design Services. | |
| Job: 17/02848/FUL - proposed House at Torvaig, Isle of Skye | |
| Scale: 1:2500 @ A4. | Client: L Taggart. |
| Title: LOCATION PLAN. | Drg no: TAGGL-L/P-RN |

General Notes:

Entrance doors to have a clear opening of 800mm and threshold to permit unassisted wheelchair access in accordance with clause 4.1.9 of the Building (Scotland) Regulations 2007.

Internal doors to be as per schedule.

All obscure glazing to bathrooms, en-suites to be 'Minster' pattern.

Partition around bathrooms to be filled with 60mm insulation, as denoted by hatching.

Door to Sun room to have a threshold to permit unassisted wheelchair access in accordance with clause 4.1.9 of the Building (Scotland) Regulations 2004.

Disabled access ramp to be constructed from precast, concrete, paving slabs.

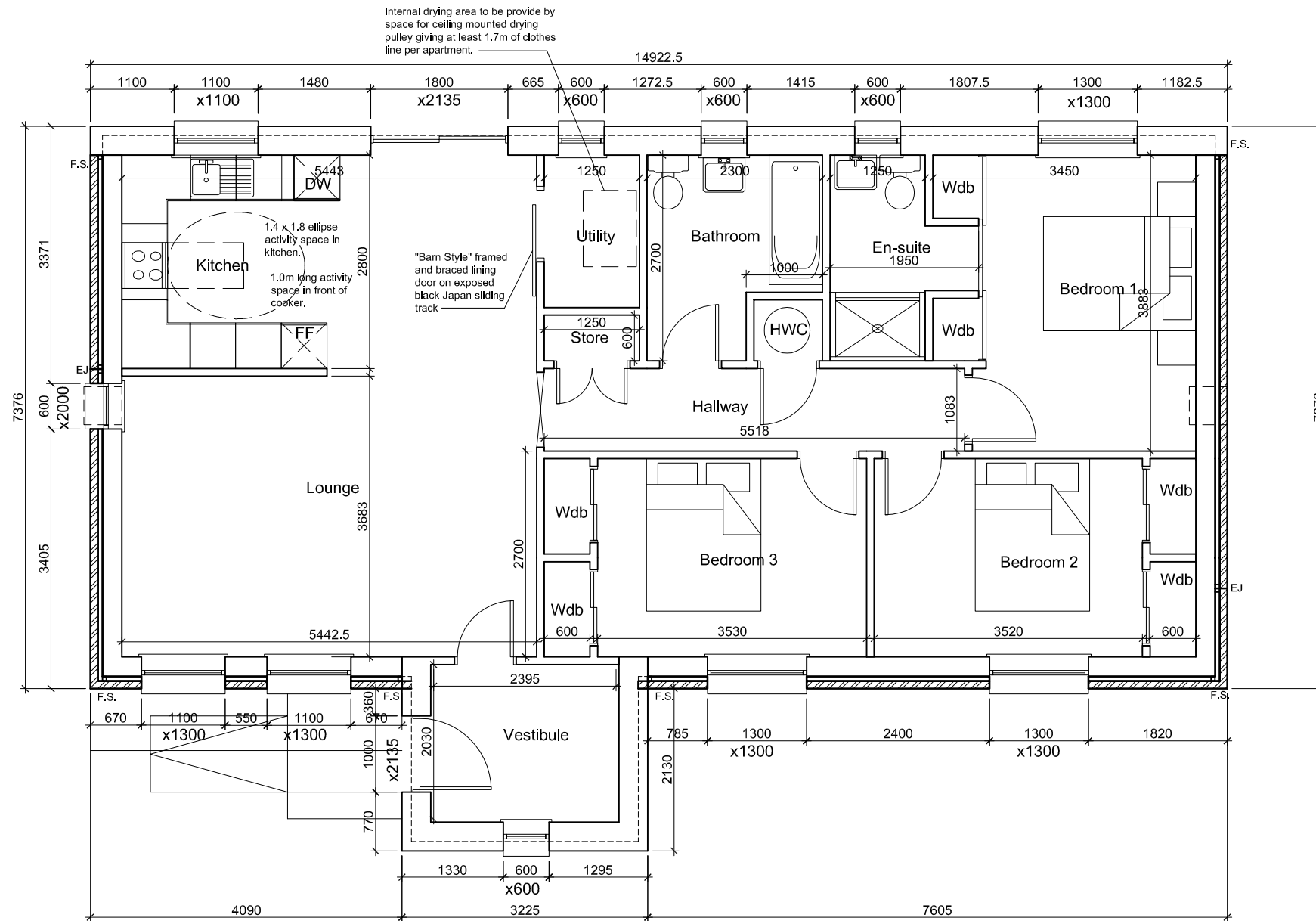
Partition around bathrooms to be filled with 60mm insulation, as denoted by hatching.

All glazing to bathrooms, en-suites and external doors to be 'Minster' pattern obscure glazing, unless otherwise stated.

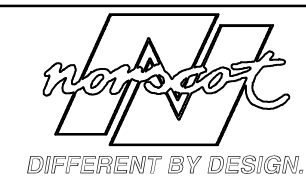
Thermostatic valves to be fitted to hot water supply.

External flue terminals to be a minimum distance of 600mm from any opening (including tumble dryer outlet) and 300mm from any corner.

FS - Denotes 38x50mm treated fire stop.
EJ - Denotes expansion joint.



Ground Floor Plan



Customer:
Mr and Mrs Taggart

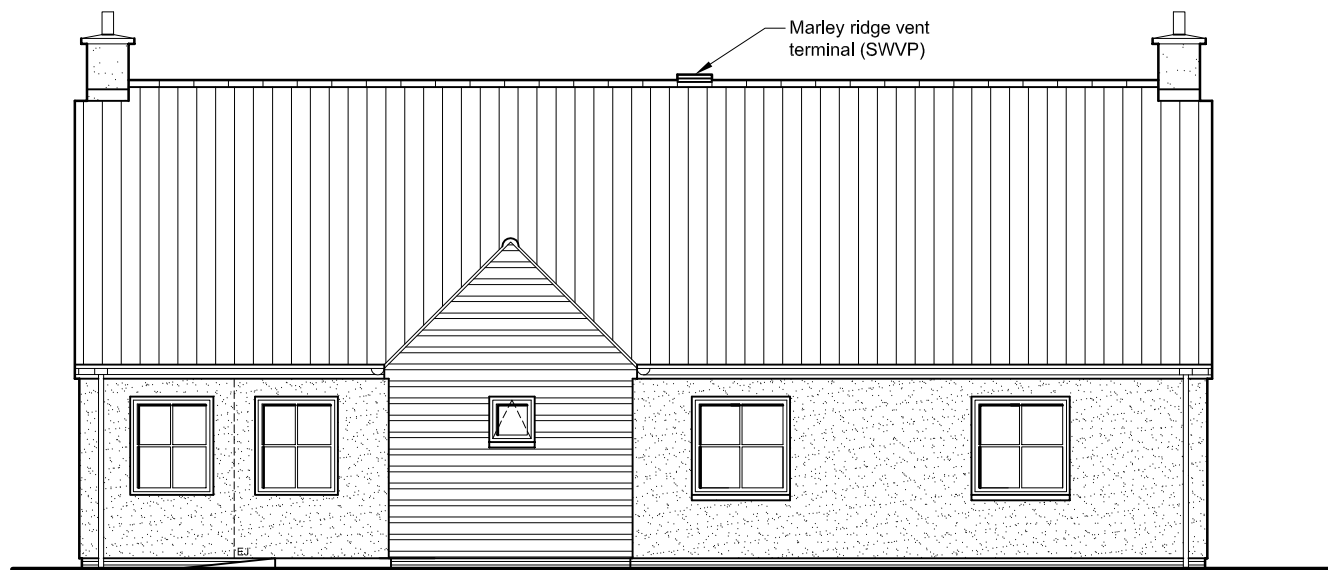
Location:
**4 Torvaig
Portree
Isle of Skye
IV51 9HU**

Drawn By: **CC**
Checked By:
Customer Approval:

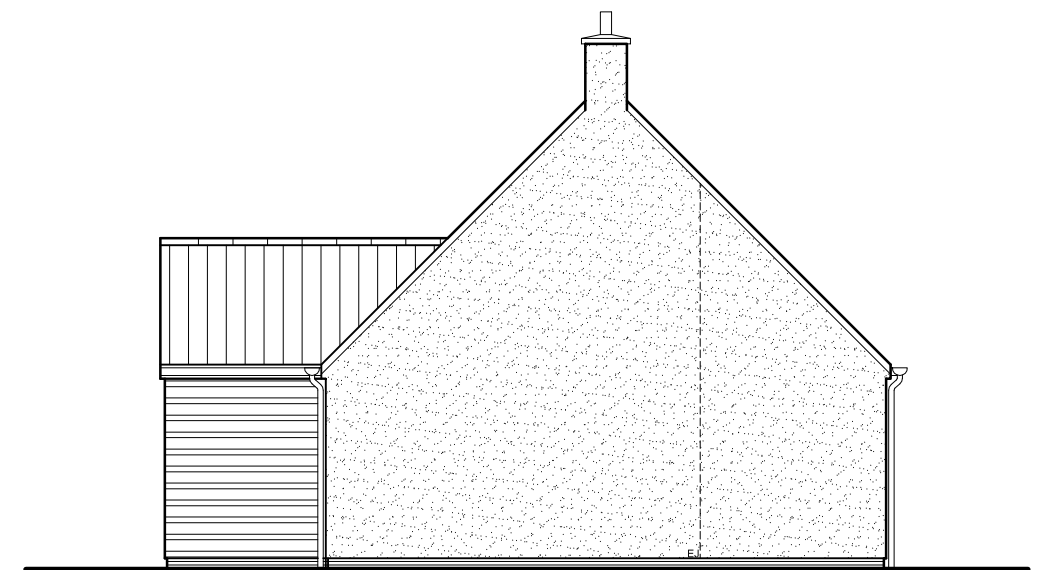
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Date: **Date**

Drawing No: **N17/30/02**
Revision

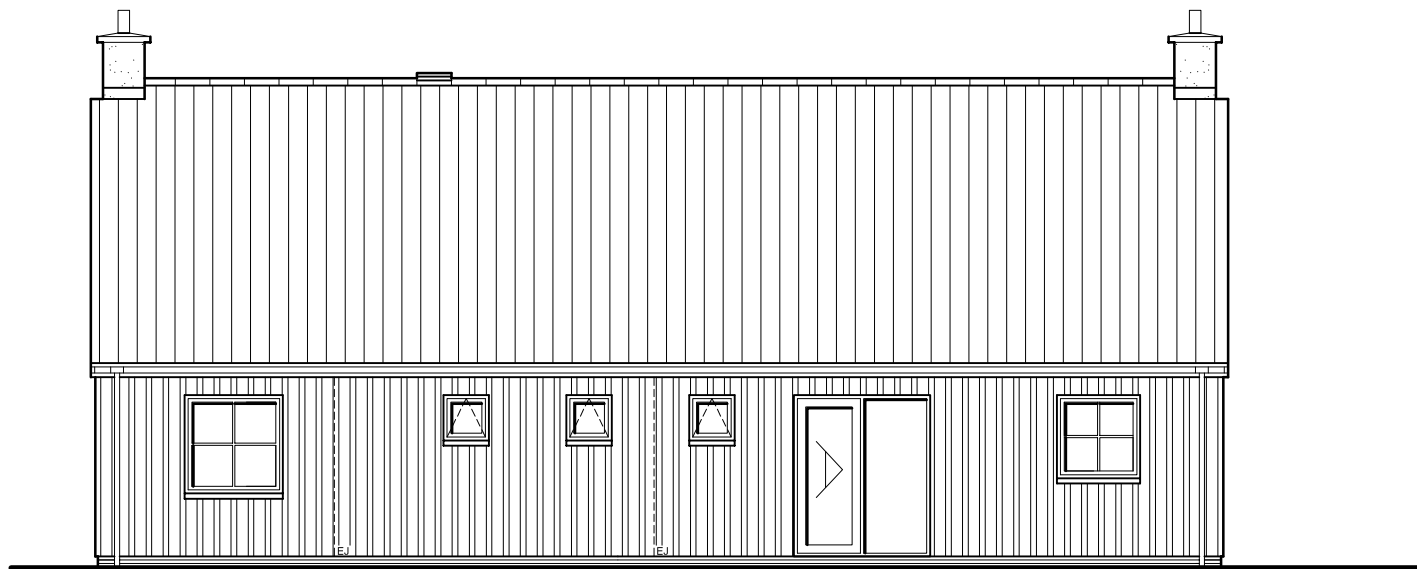
Norscot Joinery Limited
Bower Workshops, Caithness, KW1 4TL
Telephone: 01955 641303
Fax: 01955 641207
Web site: www.norscot.co.uk
E-mail: info@norscot.co.uk



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

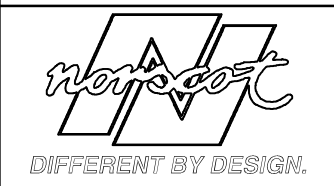


SIDE ELEVATION

External Finishes:

Roof covering: - 45° Red Box Profile Metal Sheeting
 Finish to walls: - Render Board with Smooth White Finish
 Fascia and Soffit: - Black PVCu finish with over fascia vent.
 Rainwater Goods: - Black Marley Rectilinear or similar.
 Windows: - White PVCu & factory double glazing.
 Entrance Doors: - Red Composite & Factory Double Glazing
 Precast concrete cills and stops to be standard units.
 S.W.V.P. to be taken to Marley ridge terminal.

Elevations



Customer:
Mr and Mrs Taggart

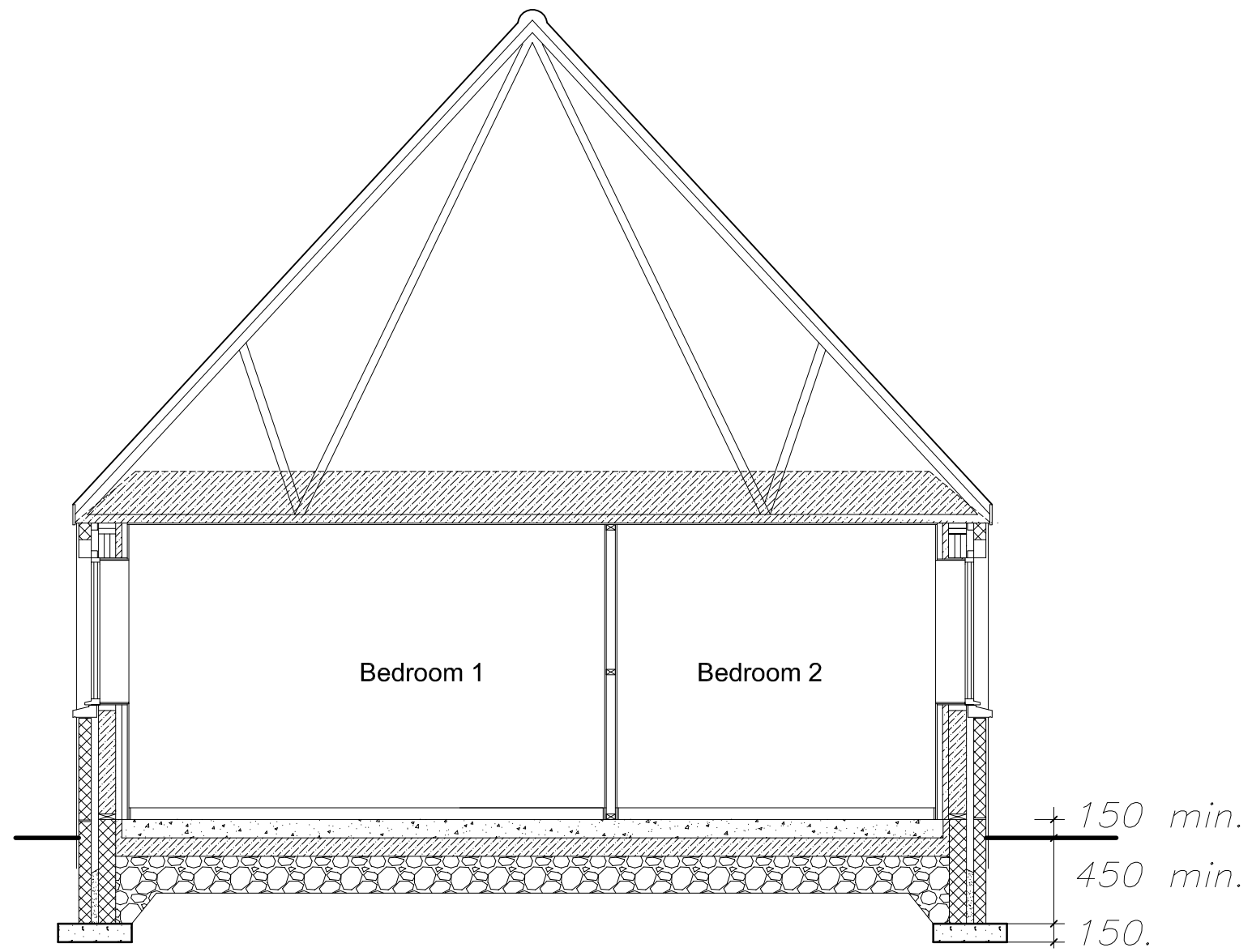
Location:
4 Torvaig
Portree
Isle of Skye
IV51 9HU

Drawn By: CC
Checked By:

Scale: 1:100
Date: Date
Customer Approval:


Drawing No: N17/30/03
Revision

Norscot Joinery Limited
 Bower Workshops, Caithness, KW1 4TL
 Telephone: 01955 641303
 Fax: 01955 641207
 Web site: www.norscot.co.uk
 E-mail: info@norscot.co.uk



SECTION

Elevations

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|--|--------------------|--|--------------------------|--------|-------------|--|
|  | Customer: | Location: | Drawn By: | Scale: | Drawing No: | Norscot Joinery Limited Bower Workshops, Caithness, KW1 4TL Telephone: 01955 641303 Fax: 01955 641207 Web site: www.norscot.co.uk E-mail: info@norscot.co.uk |
| | Mr and Mrs Taggart | 4 Torvaig Portree Isle of Skye IV51 9HU | CC | 1:50 | N17/30/04 | |
| | | | Checked By: | Date: | Revision | |
| | | | Customer Approval: | | | |