Agenda	6.2
item	
Report	PLN/016/19
no	

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 March 2019

Report Title: 18/02046/FUL: Erection of 2 letting chalets and associated

works at Land 55M East Of 19 Colbost Dunvegan

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 Miss Natalie Bayfield

Erection of 2 letting chalets and associated works

10 - Eilean A' Cheò

Local Development

Referred to Committee due to the 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.

2.1 Recommendation

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

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks full planning permission for the erection of two letting units on the landholding referred to as 18 Colbost. Unit 1 is a two bed property which is to be sited 27m from the B884 public road which runs to the south-west of the site. The proposed building will measure 11.5m x 7.2m with an overall height of 5.1m. The external materials will be horizontal natural Siberian larch cladding with sinusoidal metal sheeting on the roof. Unit two is located approx. 180m from the B884 road. This property will have three bedrooms and will measure 19.9m x 5.8m with an overall height of 4.7m. The proposed materials are horizontal natural Siberian larch cladding with black sinusoidal metal sheeting on the roof. In addition, the application proposes to stop up an existing access and create a new vehicular access from the B884. A private foul drainage system is also proposed.
- 3.2 **Pre Application Consultation:** The applicant has undertaken formal pre-application advice with the Council reference 15/04008/PREAPP.
- 3.3 **Infrastructure:** The landholding of 18 Colbost is currently served by an access from the B884 public road, this is located in the south-west corner of the land. The area is served by the public water supply system, but there is no public sewer system.
- 3.4 **Supporting Information submitted:** Percolation test results, access checklist.
- 3.5 **Variations**: A scheme to stop up the existing access, alteration to the annotation regarding the existing access, the provision of an elongated service bay.

4. SITE DESCRIPTION

4.1 The application sites are located on the lochward side of the single track B884 public road which runs from Dunvegan to Glendale. The land is rough grazing which is undulating but generally slopes down from the public road towards the loch. There are a number of stone ruins scattered across the wider area. The land is currently accessed from the B884 via a very substandard access. This access is used by the owners of a derelict house referred to as 1 and 2 Leinish, which is located some 220m to the north-east of plot 2. A planning application for a replacement residential unit is currently pending determination (15/03909/FUL).

There is an existing dwelling located to the north-west of proposed unit 1, this is no.19 Colbost and is owned by the applicant. Planning permission has been granted for a house (18/01620/FUL) to the south-east of plot 2 on the landholding referred to as no.17 Colbost. In addition, another residential unit has been granted consent (18/02704/FUL) to the east of unit 1, which again is located on the landholding of no.17 Colbost.

5. PLANNING HISTORY

5.1 **15/04008/PREAPP:** Erection of two letting units: Advice Given May 2016

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour – 14 days

Representation deadline: 25.06.2018

Timeous representations: 10 representations received from 8 households – all

objecting to the proposal.

Late representations: 0

- 6.2 Material considerations raised are summarised as follows:
 - Access encroaches onto no.17 no permission to do this.
 - No legal right to stop up the existing access/track which serves 1 and 2 Leinish.
 - Road safety will be compromised as it conflicts with the current access and track at the entrance to no.18 which currently serves 1 and 2 Leinish.
 - Concerns about the visibility from the new access.
 - Loss of privacy and overlooking onto the access road of 1 and 2 Leinish.
 - Padlocking of the access gate which is preventing access down to 1 and 2 Leinish.
 - Development not in keeping with the area.
- 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 **Transport Planning**: No objection
- 7.2 **Landscape Officer**: No objection
- 7.3 **Access Officer:** No objection footnote will be attached to make the developer aware of wider public access requirements.
- 7.4 **SEPA**: No objection standard response

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-making
Policy 34	Settlement Development Areas
Policy 36	Wider Countryside

Policy 57 Natural, Built and Cultural Heritage

Policy 61 Landscape

Policy 65 Waste Water Treatment

Policy 66 Surface Water Drainage

8.2 West Highland and Islands Local Plan (Adopted 2010) (as continued in force)

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

land allocations

9. OTHER MATERIAL CONSIDERATIONS

9.1 **Draft Development Plan**

The Proposed West Highland and Islands Local Development Plan (WestPlan)

- as submitted to Scottish Ministers

No specific policies apply.

9.2 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)

9.3 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.
- 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.

10.3 **Development Plan Policy Assessment**

Unit 1 which is closest to the B884 public road is located within the Settlement Development Area (SDA) for Colbost and therefore, Policy 34 of the Highland-wide Local Development Plan applies. Policy 34 supports development proposals within Settlement Development Areas, if they are compatible with the existing pattern of development, landscape character, surrounding land uses, and meet the Design for Sustainability requirements of Policy 28.

Unit 2 site lies outwith of 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 of the Highland Wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland Wide Local Development Plan repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

The application site is also located within a Special Landscape Area and will be assessed against Policy 57.1 of the Highland-wide Local Development Plan. This 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.

Policies 65 and 66 require surface water and foul water drainage systems to meet standards that minimise the risk of pollution.

10.4 Material Considerations

Siting, Design and Landscape Impact: Unit 1 is located within the designated SDA and will be sited 27m back from the B884 public road. This unit will be set down from the level of the road but will be fully visible, however, its siting is considered to be compatible with the pattern of existing and consented development along the lochward side of the road. The property will be single storey with an overall height of 5.1m as such the scale of the proposal is considered to be commensurate with other developments in the area and will not have an overbearing visual impact. In terms of design, the unit will have a simple appearance and will be finished in horizontal natural Siberian larch cladding with sinusoidal metal sheeting on the roof. These materials are relatively recessive which viewed from longer distances and takes its reference from outbuildings seen across Skye. The final colour for the roof will be controlled by a planning condition.

Unit two will be located further down the landholding and set some 180m back from the main public road. This property will be more elongated than unit 1, but will have a narrower gable depth and a lower overall ridge height of 4.7m. Although this unit is outwith the designated SDA, it is located near an existing metal clad building and

has been sited beyond an existing drop in the landform. This, together with the relative low ridge height, will reduce the degree which is can be viewed when looking down the landholding from the main public road. Views of the development are likely to be available from the Totaig direction. However, these are long distance views and together with the relatively low profile and recessive material palette, this is not considered to be a visual impact which would warrant a refusal of the development. However, it is considered appropriate to control further development of unit 2 by removing permitted development rights for further extensions and outbuildings.

In terms of the associated infrastructure, the application states that the materials for the access track will be gravel; this is considered to be acceptable and will help to ensure that the track has a more agricultural appearance than would result from a fully tarmacked track which can look out of place within this type of landscape. However, to ensure that the access bellmouth with the public road is acceptable in terms of gradient, the application states that banking will be required; this is a scenario which is repeated elsewhere along this stretch of road. However, to ensure that the engineering works are visually sensitive a planning condition is recommended which will require the re-grading and re-seeding of the land.

In terms of the development's impact upon the North West Skye Special landscape Area, the Councils Landscape Officer has reviewed the application and has no objection to the scheme, but made a number of observations. One of the key Landscape and Visual characteristics of the designated area is: 'The distinctive white coastal and moorland crofting settlements display simple linear geometric patterns which contrast with the dynamic composition between sea and land.' And, correspondingly, the Sensitivities to Change include: "Settlement expansion which would dilute the traditional linear and scattered settlement patterns or which would alter the balance of scale of individual and groups of dwellings and their relationship with the landscape". This pattern of the settlement and the field boundaries can therefore be regarded as a sensitive feature within the landscape. The simple linear geometry is reinforced by building footprints consistently being parallel the plot boundaries, which in turn relate to field boundaries and other significant landscape features.

In this regard, the proposed developments are relatively small in scale within the wider landscape, and the proposed buildings follow a traditional alignment with the slope. The plot boundaries of Plot 1 align with existing field boundaries and its footprint parallels the boundaries allowing the developed plot to read naturally within the setting. The boundaries of Plot 2, excepting the north west boundary, are at odds with the general pattern. Whilst not lodging an objection to the development, the outcome would be improved and more in keeping with the local landscape pattern if there were scope to retain the orientation of the chalet on Plot 2, but to amend the boundaries to more closely accord with the local pattern. Although this point is noted it is considered that the main public viewpoints will be from the public road, these are relatively long distance views and the visual impact of the proposed fence line is not considered to be such as to warrant a refusal of the application.

For the above reasons and subject to the recommended planning conditions the development is not considered to have an adverse impact upon the character and appearance of the area or undermine the integrity of the wider Special Landscape Area designation.

Residential Amenity: Unit 1 is located 37m from the applicant's house at no.19 and over 40m from the consented unit on upper part of no.17. Unit 2 is located approx. 68m from the house on the lower part of no.17 and approx. 223m from the derelict house of 1 and 2 Leinish upon which a planning application for a new dwelling is currently pending. These separation distances are considered to be acceptable and will ensure that the development does not have any direct amenity impact upon existing or future neighbours properties in terms of overlooking of windows or the development having an overbearing impact. In addition, a third party has raised the issue of a loss of privacy from the new properties over the access track down to Leinish. The level of amenity afforded to an access track is less than that for a residential unit and is not considered to be a substantive issue in this case.

The end use of the two units is for short term holiday letting accommodation. Often due to the nature or size of the developments and users amenity a restriction preventing the use of the development as permanent and independent residential dwellings will be applied to such consents. However, in this instance, the units are well separated from other properties and have sufficient amenity land and services to allow these properties to be used as unrestricted dwelling houses. Consequentially, a holiday letting restriction is not justified in this case.

Access and Parking: Access to the landholding and Leinish is currently via an access point located in the south-west corner of the land. However, this access is considered to be substantially deficient in terms of gradient, geometry and visibility due to the location of a bend in the road to the west and the angle at which the access joins the public road. During pre-application discussions it was recommended that the access position be altered to provide a safer access point and preferably one which was shared with the development on no.17. In addition, it was recommended that the existing substandard access was blocked up. Unfortunately, it appears that negotiations between the requisite parties to share one access point were unable to reach a consensus.

Consequentially, this planning application proposes to block up the current access and create a new SDB2 compliant access further to the south-east. The new position is closer to the boundary and the access point which currently serves no.17, with the centre-point of the two accesses being some 17m apart. Although this is a lower separation distance than the Council's guidance, the Transport Planning Team consider that due to the relatively low traffic speeds in the vicinity (assessed around 30mph), relatively low traffic volume and the nature of this single track road with numerous existing access points, an additional access with a reduced spacing is acceptable subject to the provision of an elongated service bay with the adjacent access. The applicants have complied with this requirement and the implementation of the SDB2 access standard and 90m visibility splays will be controlled by a planning condition. In addition, it is recommended that a prior commencement condition is attached which requires the existing access to be stopped up ahead of other development.

The plans submitted detail a parking and turning area for two cars located adjacent to each unit. This level of parking is in line with the Council's requirements for a two and three bed residential unit. The implementation of these works will be controlled by a planning condition.

In terms of wider public access, the Council's Access Officer has stated that Plot 2 is located adjacent to and accessed by a section of a track leading to the coast and the

Leinish area. The applicant has offered to provide a pedestrian stile once the existing vehicle access point has been stopped up. In addition, a footnote will be attached to the consent which states that after completion, signage associate with the chalets should not discourage public access by the track beyond the development.

Water Supply and Foul Drainage: The application proposes to connect to the public water supply network. The foul drainage will be dealt with via a new septic tank and land soakaway arrangement. Percolation test results have been submitted with the application and the required soakaway can be accommodated within the application site. Surface water will be dealt with by a SUDS arrangement. These elements of the application do not raise any concerns in principle, and the technical details will be controlled through the Building Standards legislation via a Building Warrant application.

10.5 Other Considerations – not material

Legal Rights of Access: The majority of the third party comments relate to the stopping up of the existing access and the wider access rights over the landholding of 18 and 19 Colbost to the land and derelict house of 1 and 2 Leinish. Legal rights are a civil matter and fall outwith the consideration of this planning application. However, the applicant has been made fully aware that a planning permission cannot override any existing legal rights of access. Consequently, if the applicant cannot establish that they have the full rights to stop up the existing access or cannot gain agreement with any relevant third party then the development may not be able to proceed.

10.6 Matters to be secured by Section 75 Agreement

None

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.

- 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 (19.02.2019), with:
 - i. the junction formed to comply with drawing ref. 2 Rev D received 28.12.2018; and
 - ii. visibility splays of 2.4m x 90m (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. Other than the access works required by condition 1, no other development shall be carried out until the existing site access has been stopped up in accordance with the approved details shown on plan 2 Rev D received 28.12.2019. Thereafter these works are to be retained in perpetuity.

Reason: In the interests of amenity and road safety.

3. Prior to the first occupation of each dwelling house hereby approved, the car parking and turning arrangements detailed on approved plans 2 Rev D received 28.12.2018 and 3 rev B received 14.05.2018 shall be completed in full and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: In the interests of amenity and road safety.

- 4. No development shall commence until a landscaping scheme has been submitted to, and approved in writing by, the Planning Authority. The submitted scheme shall detail:
 - i) all of the soft landscaping and planting works for the banking works required build-up to the access road as identified on approved drawing number plans 2 Rev D received 28.12.2018; and
 - ii) a programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of Article 3 and Classes 1 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 dwelling house (Unit 2) 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.

6. No development shall commence until full details of the roof colour/finish for unit 1 has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual 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).

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 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.

Wider Public Access: Plot 2 is located adjacent to and accessed by a section of a track leading to the coast and the Leinish area. After completion, signage associate with the chalets should not discourage public access by the track beyond the development.

Designation: Acting Head of Development Management – Highland

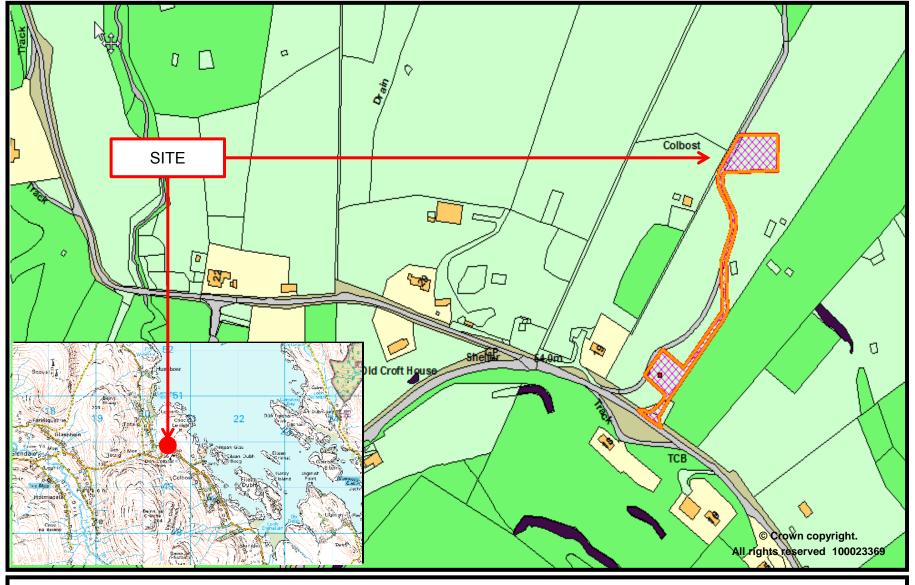
Author: Alison Harvey

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

Relevant Plans: Plan 1 – LOCATION PLAN: 1 REV D received 28.12.2018

Plan 2 – SITE LAYOUT PLAN (PLOT 1) 2 REV D received 28.12.2018 Plan 3 – SITE LAYOUT PLAN (PLOT 2) 3 REV B received 14.05.2018 Plan 4 – FLOOR/ ELEVATION (PLOT 1) 4 REV D received 28.12.2018

Plan 5 – FLOOR/ELEVATION (PLOT 2) 5 REV B received 07.05.2018





Planning and Development Service Location Plan 18/02046/FUL

Erection of 2 letting chalets and associated works
March 2019



Scale:

