

Agenda Item	6.2
Report No	PLN/080/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 8 October 2019

Report Title: 19/00869/PIP: Mr David Maclean
12 Sconser, Isle Of Skye

Report By: Acting Head of Development Management – Highland

1. **Purpose/Executive Summary**

- 1.1 **Description:** Erection of house
- Ward:** 10 - Eilean A' Cheò
- 1.2 **Development category:** Local Development

Reason referred to Committee: Referral by the Members

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. **Recommendations**

- 2.1 Members are asked to agree the recommendation to Refuse planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission in principle for the erection of a house and a new vehicular access. Connection is proposed to the public water supply and the application form states that there will be a private foul drainage system in the form of a septic tank and land soakaway.
- 3.2 There is currently no formal vehicular access to the site. The public water supply and electricity networks are located close to the application site. There are no public sewers in the locality so a private foul drainage system will be required.
- 3.3 Pre Application Consultation: No formal pre-application has been undertaken with the Planning Authority.
- 3.4 Supporting Information: None
- 3.5 Variations: No variations have been received.

4. SITE DESCRIPTION

- 4.1 The application site is located on croft land and is situated the southern side of the single track loop road at Sconser, which is to the south of the main A87 trunk road. There appears to be no formal vehicular access to the site from the public road. The application proposes to use an area of overgrown land which is situated between No12 and the Schoolhouse as the means of access. The house site is located directly to the rear of No 12, to the south-west of the property 'Bharcasaig' and to the south-east of the Schoolhouse; the site is elevated in relation to these houses and the public road. There is a line of electricity poles which runs close to the site.

5. PLANNING HISTORY

- 5.1 No planning history on this site.

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown neighbour (14 days)
Date Advertised: 29.03.2019
Representation deadline: 14.04.2019
Timeous representations: 0
Late representations: 0
- 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 **Transport Scotland:** No objection.
- 7.2 **Scottish Water:** No objection, confirmation that there is currently sufficient

capacity to serve the development

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan (HwLDP) 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 – Developer Contributions
36 - Development in the Wider Countryside
47 - Safeguarding Inbye/AppORTioned Croftland
57 - Natural, Built and Cultural Heritage
65 - Waste Water Treatment
66 - Surface Water Drainage

8.2 The West Highland and Islands Local Development Plan (WestPlan) Sept 2019

No specific policies relevant

8.3 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Housing in the Countryside and Siting and Design (March 2013)
Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

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, Landscape Impact and Residential Amenity
- c) Access and Parking
- d) Impact on Croft Land

- e) Developer Contributions
- f) Water Supply and Foul Drainage
- g) Alternative site

Development plan/other planning policy

- 10.4 Since the adoption of The West Highland and Islands Local Development Plan (WestPlan) Sept 2019, Sconser no longer has an identified settlement boundary. as such Policy 36 of the Highland-wide Local Development Plan applies. Policy 36 supports development proposals which are not significantly detrimental in terms of their siting and design, sympathy to existing patterns of development, compatibility with landscape character, contribution to the existing mix of development types, avoidance of the loss of locally important croftland and which can be adequately serviced without undue public expense or incongruous development in a rural area
- 10.5 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 and settlement pattern.
- 10.6 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 and settlement pattern.
- 10.7 The site also falls within The Cuillin Hills National Scenic Area in respect of which Policy 57.2 states that developments are suitable where they can be demonstrated not to compromise the natural environment resource.
- 10.8 Policy 47 requires developments to minimise the loss of in-bye/apportioned croft land. The proposal is also required to be assessed against policies 65 (Waste Water Treatment) and 66 (Surface Water Drainage).

Siting, Landscape Impact and Residential Amenity

- 10.9 Policy 36 of the WHILP requires proposals to be compatible and sympathetic to the existing pattern of development. The prevailing and established settlement pattern for this part of Sconser is for a single tier of linear development on either side of the public 'loop' road. Development which does not follow this settlement pattern is limited to a single house sited on a natural step in the landscape and surrounded by trees located a considerable distance behind the roadside property 8 Sconser.
- 10.10 The proposed siting for the house is located immediately to the rear of the existing roadside line of properties and consequentially represents a second tier of residential development as well as isolated development inconsistent with the

established settlement pattern. The site is located on the open hillside within rising land and is elevated in relation to the public road and the surrounding properties and thus any development in this location would be highly exposed and visible when seen from the single track loop road and the main A87 Trunk Road.

- 10.11 It must also be recognised that the site identified within the red line boundary which has been submitted in support of this application includes the access track and an area of land which is 7.5m x 15.5m, only. As such the site is essentially only sufficient to accommodate the footprint of a house. It is not of sufficient size to include the other essential ancillary infrastructure such as parking, amenity garden, outbuildings, outdoor washing drying area etc. Therefore, the full impact of the proposal is not represented by the submitted red line. It is considered that when taking into account these additional and required elements the overall development site would be considerable larger than that currently proposed.
- 10.12 In order to reduce the visual prominence of the proposal the applicant suggested moving the house further down the slope towards the existing residential properties. However, this was not considered to be a suitable solution as this would bring the development closer to the existing properties thus raising further substantive concerns regarding the development impact upon the amenity of existing properties in particular, no.12, the rear elevation of which contains a number of windows.
- 10.13 For the above reasons, the principle of a residential plot in this locality is not considered to be a natural extension of the general pattern of development in the area and therefore fails to make a positive contribution to the character of the area or comply with the requirements of policy 36 of the HwLDP . In addition, the proposed alteration to the siting raises further concerns regarding the impact upon the amenity of the neighbouring property which is contrary to policy 28 of the HwLDP.

Access and Parking

- 10.14 An additional house in this location will increase traffic using the junction with the A87 Trunk Road. However, Transport Scotland has assessed the application and have offered no objection to the proposal.
- 10.15 There appears to be no formal vehicular access to the site, so the application proposes to gain access via an area of overgrown land which is situated between No12 and the Schoolhouse. The public road is single width and contains a number of existing domestic and croft access points, consequentially the prevailing speeds are low. There is considered to be sufficient frontage along the road to create a compliant access junction with service bay. Further information would need to be submitted to ensure that the access was compliant in terms of gradient and the surface of the bellmouth would need to be contoured appropriately in addition to other drainage infrastructure to ensure that any surface water run off down the access is managed effectively.

In terms of parking, the red line boundary for the site is not sufficient to include an area for the turning and parking of vehicles on site. However, it is considered that there is sufficient land within the wider landholding to allow for a sufficient level of parking to be achieved. Consequentially, this aspect of the proposal does not

form a reason for refusing this application.

Impact on Croft Land

- 10.16 As stated above the red line boundary for the site is only sufficient to accommodate the access track and house, it does not include the necessary ground for amenity space, parking, drainage etc. However, even when taking the additional land required to fully service a house on this site it is considered unlikely that the proposal would result in a substantive loss of inbye croft land. Consequentially, this aspect of the proposal does not form a reason for refusing this application.

Developer Contributions

- 10.17 No developer contributions are required towards secondary education at Portree School or primary education at Portree School, as there is sufficient capacity at present. The single house proposed does not trigger the requirement for affordable housing contribution or community facilities contribution as outlined in the Developer Contributions Supplementary Guidance November 2018.

Water Supply and Foul Drainage

- 10.18 The development proposes to connect to the public water supply. Scottish Water has no objection to the application and has confirmed that there is currently sufficient capacity to accommodate the development.
- 10.19 The application form states that the foul drainage will be dealt with by septic tank and land soakaway. However, as noted above the red line boundary does not include a sufficiently large enough area of land to accommodate this infrastructure. However, it is considered that there is sufficient land within the wider landholding to allow for a drainage solution to be achieved. Consequentially, this aspect of the proposal does not form a reason for refusing this application.

Alternative site

- 10.20 As part of the negotiations undertaken during the processing of the application it became evident that the applicant had control over additional land on the other side of the single track settlement road. This represents a natural infill site, which is easier to access, fits better with the settlement pattern and is one which could be supported in planning terms.
- 10.21 This alternative siting for the house was proposed to the applicant in writing and during a site meeting; however, unfortunately he was unwilling to follow this recommended alternative option and instead requested that the Authority proceed with the determination of the submitted scheme.

Other material considerations

- 10.22 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 10.23 Not applicable

11. CONCLUSION

- 11.1 The proposed siting for the house raises concerns regarding settlement pattern and neighbour amenity impacts. Unfortunately, no formal pre-application was undertaken with the Planning Authority, as this would have allowed a chance to raise these concerns at an earlier stage. However, the Authority has presented the applicant with an alternative siting on the other side of the settlement road. This represents a natural infill site, which is easier to access, fits better with the settlement pattern and is one which could be supported in planning terms. However, unfortunately the applicant was unwilling to consider this alternative option and instead requested that the Authority proceed with the determination of the submitted scheme. However, for the reasons set out below and detailed above the development cannot be supported.
- 11.2 As set out above the boundaries of the site are such that it can not accommodate essential ancillary infrastructure such as parking, amenity garden, outbuildings, outdoor washing drying area etc. It is considered that when taking into account these additional and required elements the overall development site would be considerable larger than that currently proposed.
- 11.3 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.
- It is recommended that permission be refused.

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
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Notification to Scottish Ministers	N
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Conclusion of Section 75 Obligation	N
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Revocation of previous permission	N
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Subject to the above, it is recommended that planning permission be **REFUSED**, subject to the following:

Reasons for Refusal

1. The proposal is contrary to the aims and objectives of Policies 28, 29 and 36 of the Highland wide Local Development Plan in that the proposal represents a second tier of residential development which is not considered to be sympathetic to or compatible with the existing pattern of development and consequentially the site fails to make a positive visual contribution to its surroundings. Its location on rising land which is elevated in relation to the public road and the surrounding properties will result in a visually prominent development when seen from the single track loop road and the main A87 Trunk Road.
2. The proposal is contrary to the aims and objectives of Policy 28 of the Highland wide Local Development Plan as the red line boundary of the proposed development site is restrictive in scale and consequentially fails to provide for a suitable level of amenity space required to serve the proposed dwelling house.

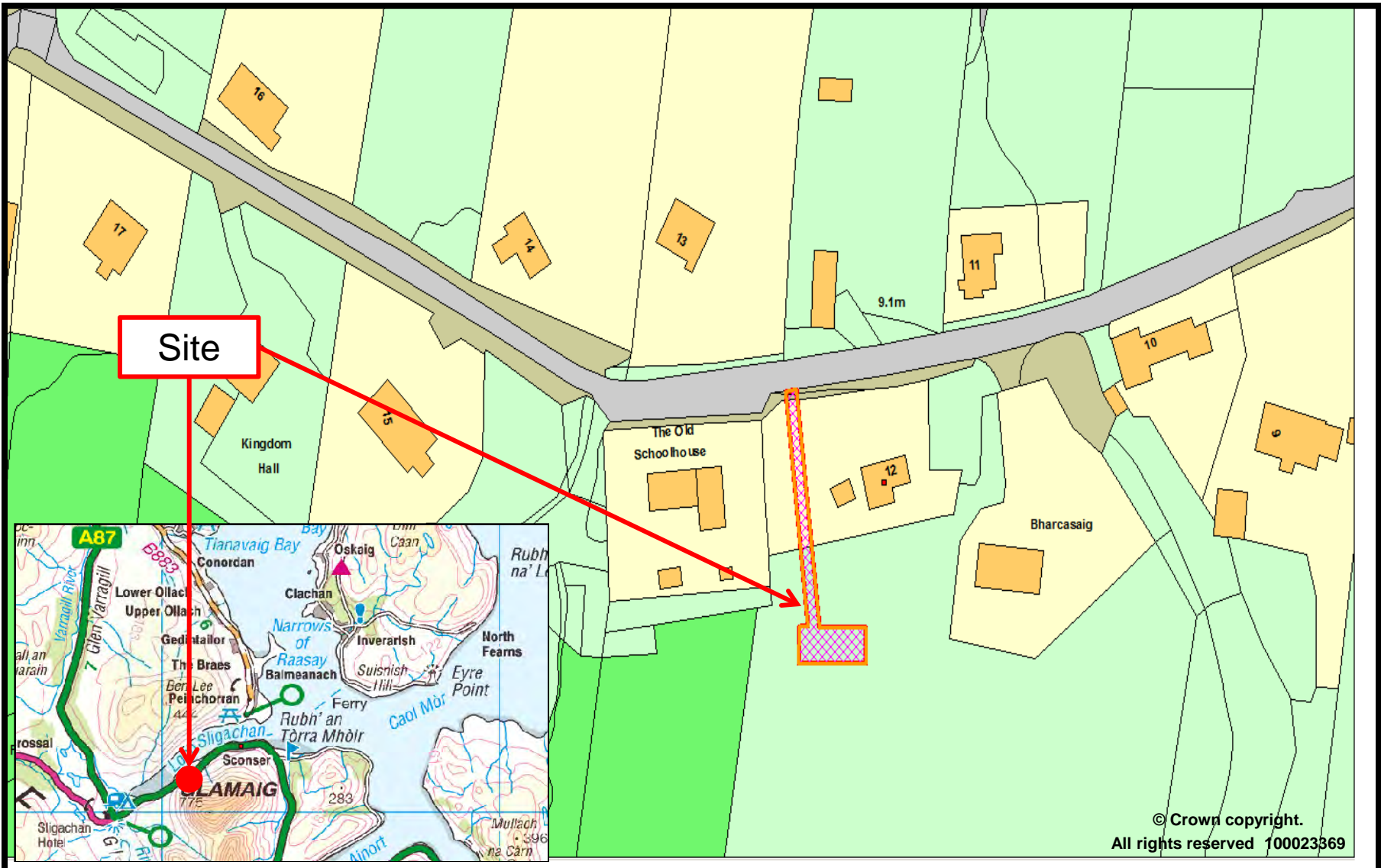
Designation: Acting Head of Development Management – Highland

Author: Alison Harvey

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

Relevant Plans: Plan 1 - Location Plan

Plan 2 - Location Plan 000001



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

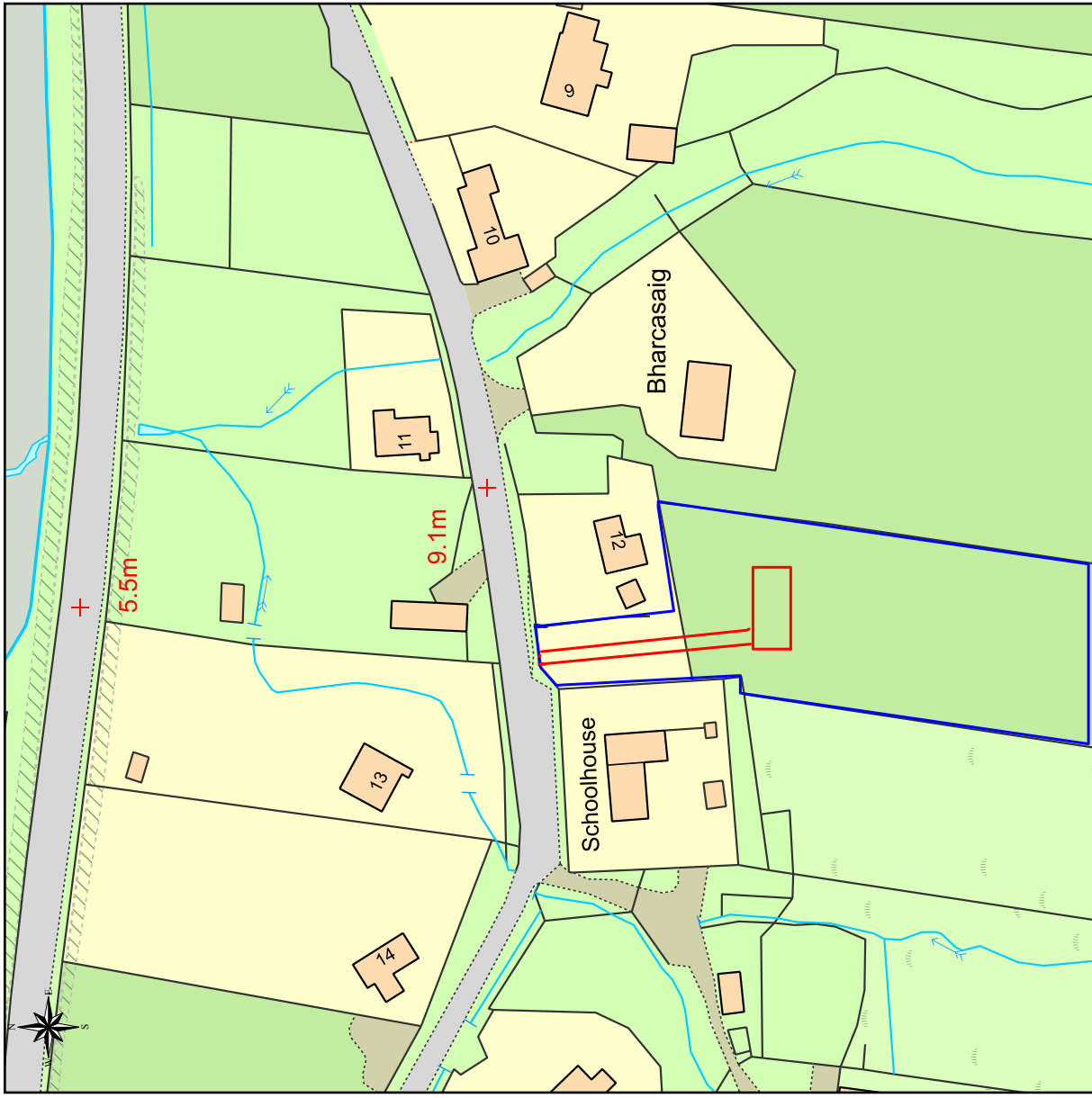
Plan: Location Plan
Case No: 19/00869/PIP
Description: Erection of House

Date: October 2019



Scale:

Location Plan near IV488TD



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