Agenda Item	7.8
Report No	PLN/069/21

### HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

Date: 14 September 2021

**Report Title:** 21/02879/FUL: Mr John Gordon

Land 110M East Of 6 Digg, Staffin

**Report By:** Area Planning Manager – North

# **Purpose/Executive Summary**

Description: Erection of house, installation of septic tank and soakaway and

upgrade existing access

Ward: 10 – Eilean a' Cheò

**Development category:** Local

**Reason referred to Committee:** Applicant is an elected Councillor.

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.

#### Recommendation

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

#### 1. PROPOSED DEVELOPMENT

1.1 This application seeks planning permission to erect a single 1.5-storey house. It would contain 3 bedrooms, 2 shower rooms, utility room, porch, open-plan kitchen/dining/lounge space and external covered deck area. Parking and turning for 2 cars would be provided. A septic tank and soakaway is proposed to the east. The application site would be bound by an existing and proposed post-and-wire fence. Landscaping would be kept to a minimum, as existing embankments largely conceal the proposed dwelling from other existing Digg properties – a section of ridge would however be removed to provide vehicular access.

The proposed dwelling's walls would be finished with white painted cement wetdash; its porch area's walls would be covered with dark grey sinusoidal profile cladding. The dwelling would be roofed with red oxide coloured sinusoidal profile roof cladding. Larch posts would support a lean-to roof over a decked entrance. A stainless steel twin-wall flue would also be visible.

- 1.2 The site currently consists of an undeveloped croft. It does however benefit from a shared vehicular access point to its west.
- 1.3 Pre-Application Consultation: none
- 1.4 Supporting Information: Private Access Checklist; Planning Justification Letter
- 1.5 Variations: none

### 2. SITE DESCRIPTION

2.1 The application site measures approximately 0.16 hectares in area and is located just over 100 metres east of 6 Digg. Crofting plots in this area are characterised by their linear east-west nature; the application site occupies the eastern end of such a plot and overlooks a common grazing area along the coastline directly to its east. Access is achieved via an existing series of gates; this access point would be upgraded to provide better visibility and a new access track laid.

The application site's topography undulates notably; one steep embankment crosses the site's full width while another stretches at an angle to approximately three quarters of the site's width – this embankment's location appears to have informed the application site's boundary. The proposed development works with this embankment to provide screening and privacy to the application site.

The site's immediate context includes neighbouring croftland, common grazing land, as well as the curtilages of 6 and 6½ Digg.

# 3. PLANNING HISTORY

3.1 None found.

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown neighbour

Date Advertised: 09.07.2021

Representation deadline: 23.07.2021

Timeous representations: 1 general comment from 1 household.

Late representations: None.

4.2 Material considerations raised are summarised as follows:

- a) No material considerations raised comment comprised a series of questions forwarded to application Agent, with Agent's responses also provided.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 **Scottish Water** no objections. Scottish Water is currently unable to confirm the capacity of Staffin Water Treatment Works and advise the applicant to submit a pre-development enquiry form in respect of a water supply connection. Applicant is advised to investigate private water treatment options as a public sewer is not available.
- 5.2 **NatureScot** did not offer any formal comment on the proposed development which lies within the Trotternish NSA as it is below their consultation threshold.
- 5.3 Crofting Commission offered no tailored comments; however, the following standing advice has been issued for proposals of this nature:

Our general position in relation to planning applications concerning croft land is that:

- The siting of any proposed development should not restrict the continuing cultivation of a croft
- The siting of any proposed development should not restrict proper access to all other areas of a croft
- The siting of any proposed development avoids using the better quality land on a croft
- Consideration be given to the number of existing developments relating to a croft to ensure that the croft should retain its identity as a crofting unit

Generally, the Commission is supportive of developments on croft land where there is an operational need that will be beneficial to the croft. For example, the Commission would generally be supportive of an application for a dwelling house on a croft where the applicant is a croft tenant or an owner-occupier crofter who personally wishes to reside on and cultivate the croft.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

# 6.1 Highland Wide Local Development Plan (2012)

28 - Sustainable Design

- 29 Design Quality and Place-making
- 31 Developer Contributions
- 36 Development in the Wider Countryside
- 47 Safeguarding Inbye/Apportioned Croftland
- 49 Coastal Development
- 55 Peat and Soils
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

# 6.2 West Highlands and Islands Local Development Plan (WestPlan) (2019)

Application site is located within a Fragile Area, outwith any Settlement Development Area. Site is located within Trotternish National Scenic Area.

# 7. OTHER MATERIAL CONSIDERATIONS

# 7.1 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2013)

Septic Tank Soakaway Systems – Guidance Notes (October 2003)

Flood Risk and Drainage Impact Assessment (Jan 2013)

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

Sustainable Design Guide (Jan 2013)

# 7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

### 8. PLANNING APPRAISAL

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

### **Determining Issues**

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

# **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) any other material considerations.

# Development plan/other planning policy

8.4 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.

The site falls outwith any Settlement Development Area and so 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.

Policy 47 requires developments to, where possible, avoid siting on croft land of higher agricultural value and/or impeding access to the remaining croft land.

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

For the reasons laid out below, the proposals are considered to comply with these policy requirements and to be acceptable in principle.

# 8.5 Siting and Design

The existing adopted Housing in the Countryside and Siting and Design Supplementary Guidance is currently under review. A new Rural Housing Supplementary Guidance document was approved by the Economy and Infrastructure Committee on 1 September 2021. This guidance, once adopted in the near future, will formally replace the existing Housing in the Countryside Supplementary Guidance adopted in 2013. The new guidance is a material consideration in the determination of this application and the proposal is considered to conform to it and particularly the guidance of sections 2, 5 and 6.

In respect of siting and design, developments should be sensitive to the area and be in keeping with the local character and historic environment. Developments should also be designed to make a positive contribution to the architectural and visual quality of place. The proposed design makes good use of vernacular materials and its massing reflects those of other traditional properties in its vicinity. Its low roof ridge height, rectangular floorplan, symmetrically pitched roof, vertical windows and use of red oxide metal and larch wood allude to local building traditions. Buildings of similar design have been approved by both Planning Officers and elected Members in recent years and there are examples within the wider Staffin settlement.

A Justification Letter submitted on the applicant's behalf has been considered as a Design Statement, which is required to accompany any application within a National Scenic Area. It addresses the proposed siting: the proposed house would not venture much further eastwards than Digg's existing easternmost dwellings. Its proposed location tucked behind an existing ridge should not detract from adjacent dwellings' continued enjoyment of sea views to the east.

However, in being positioned at the eastern extremity of the croft the house will also sit in a cliff-top position above Staffin Bay and this places the proposed dwelling in a much more prominent location than other neighbouring properties. It will also appear somewhat isolated from them in views from Stenscholl, the main road and the beach from the south-east.

That said, these views from Stenscholl and the main road are around 1.5km away and at this distance the house will be a small feature within the wider landscape and its red roof may assist in giving it the appearance of an isolated byre. More importantly, as the viewer moves westward and sees the building more directly from the south, other intervening buildings provide the proposal with a less isolated visual context. Overall, the proposal is considered to respect the crofting pattern of development which is one of the qualifying features of the NSA and is considered to be acceptable in landscape and visual impact terms.

# 8.6 Access and Parking

The proposal site is accessed via the public road network and is to be provided with an upgraded site access facing onto the A855 road. There is ample space within the site for the parking and turning of vehicles to ensure the public road remains unobstructed and that vehicles can enter and exit the site in a forward-facing direction. Parking spaces for two vehicles would be provided, which is in line with current adopted standards for a dwelling with 3 bedrooms.

Visibility at the access point would extend to 90-100 metres in either direction. This stretch of road through Digg is single width with multiple accesses either side and a pronounced curve to the south of the access point. Safe speed is assessed as being less than 40mph and the visibility available is considered adequate for these circumstances. While access points for adjoining dwellings would be in close proximity to the proposed dwelling's access point, the nearest road junction is located approximately 115 metres to the north – exceeding the required minimum 90 metres' distance.

# 8.7 **Neighbour Amenity**

It is acknowledged that a neighbouring property has expressed concern about being inconvenienced or experiencing disturbance during the proposed dwelling's construction period. Although this is a material consideration, it is considered that little weight can be placed upon this amenity impact because it is, by its very nature, temporary and impacts will largely cease once the early stages of construction are complete.

The property considered to be most at risk of being affected is 6 Digg, in particular its rear garden; its privacy would however be largely protected by existing land ridges between it and the application dwelling, meaning that overlooking would be minimal and largely confined to brief occasions at the application site's access point.

6½ Digg might similarly experience a slight loss of privacy, however it is also to some extent screened by the existing land ridge and its rear garage. A section of hedging is also proposed along the application site's northern side, to preserve 6½ Digg's privacy and amenity.

# Flood Risk and Foul Drainage

SEPA's Flood Risk Management Map does not identify the application site to be at any risk of flooding.

It is proposed to install a septic tank and soakaway in order to serve the application dwelling. This aspect of the proposal is addressed below in an informative. The soakaway is appropriately spaced from the house and the septic tank is easily accessible for servicing. Therefore, the proposal is acceptable in terms of drainage when assessed against Polices 65 and 66 of the HwLDP.

### 8.9 Croft Land

8.8

It is not considered that the proposed dwelling on this site would be prejudicial to the viability of the croft or lead to surrounding crofts' loss of identify or character. The application site consists of mineral soil, meaning that peat is unlikely to be present (source: Carbon and Peatland 2016 Map). Although in-bye land, it is not considered to be the best land on the croft. Access to the rest of the croft will not be compromised and the access track is routed to the northern side so minimising the loss of grazing. The proposal is not contrary to the requirements of Policy 47 therefore.

# 8.10 **Developer Contributions**

The application site lies within the catchment areas of Staffin Primary School and Portree High School. Neither of these establishments is approaching capacity, and as such no educational developer contribution is required. The proposal does not trigger any other contribution thresholds.

### 8.11 Other material considerations

There are no other material considerations.

# 8.12 Non-material considerations

None

### 8.13 Matters to be secured by Section 75 Agreement

None.

#### 9. CONCLUSION

- 9.1 The form and appearance of the proposed house has been designed to continue vernacular building traditions and minimise impact within its National Scenic Area setting. It is considered to have successfully achieved these aims. It would exert very little public amenity impact due to careful siting behind a natural land ridge. Likewise, very little impact would be experienced by neighbouring residents as a result of the proposed development.
- 9.2 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.

#### 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not significant
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

# 11. RECOMMENDATION

### Action required before decision issued No

Notification to Scottish Ministers No

Conclusion of Section 75 Obligation No.

Revocation of previous permission No

**Subject to the above,** it is recommended that planning permission be **GRANTED,** subject to the following:

#### Conditions and Reasons

 No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines with the junction formed to comply with approved drawing ref. JG4854 rev.03 dated 27.7.2021 **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 dwellinghouse, parking spaces for a minimum of 2 cars shall be provided as detailed on the approved plans and shall thereafter be maintained for this use in perpetuity.

**Reason:** In order to ensure that the level of off-street parking is adequate.

3. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names, RAL colour number and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason**: To ensure that the development is sensitive to, and compatible with, its NSA context in accordance with policies 28, 29 and 57 of the Highland Wide Local Development Plan, 2012.

#### **REASON FOR DECISION**

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.

### TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

### **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.
- 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 (paragraph 259), 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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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 for wor king 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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> for more information.

# **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: <a href="https://www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

Designation: Area Planning Manager – North

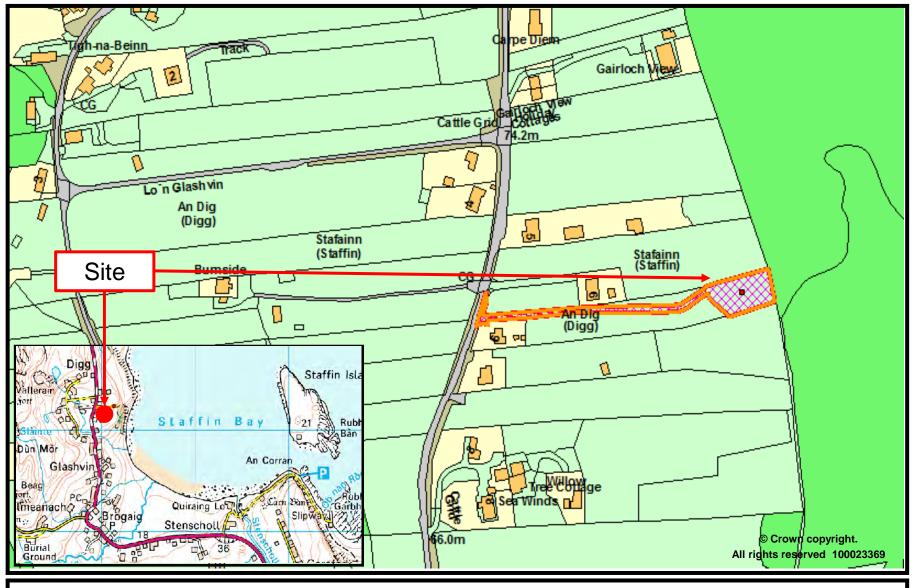
Author: Craig Simms

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

Relevant Plans: Plan 1 - JG4855 REV 01 (Proposed Site and Section Plans)

Plan 2 - JG4856 REV 01 (Proposed Elevations)

- Plan 3 JG4857 REV 01 (Proposed Ground Floor Plan)
- Plan 4 JG4858 REV 01 (Proposed First Floor Plan)
- Plan 5 JG4859 REV 01 (Proposed Sections)
- Plan 6 JG4854 REV 03 (Proposed Location and Access Plans)
- Plan 7 JG4874 REV 02 (Proposed Location Plan)



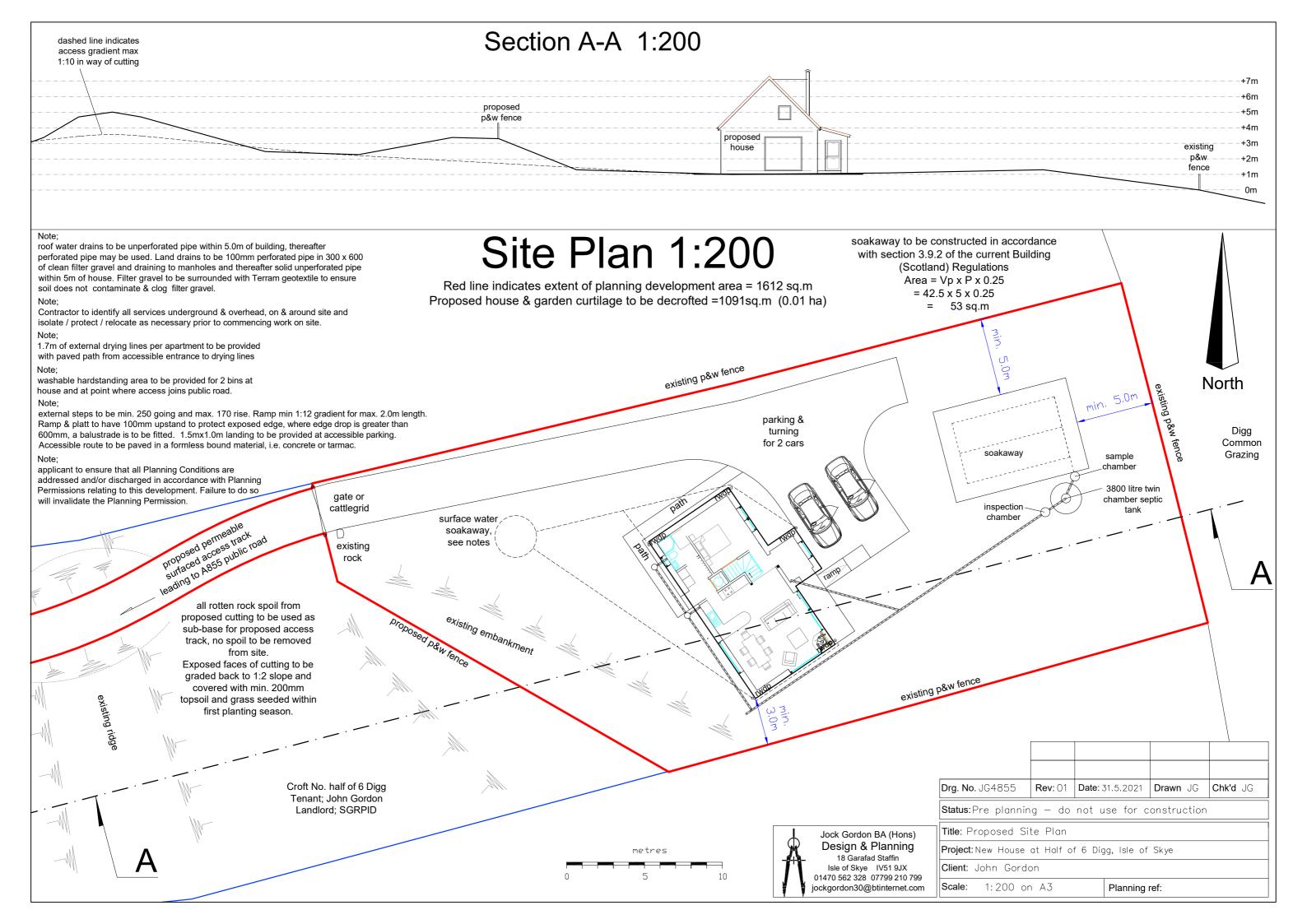


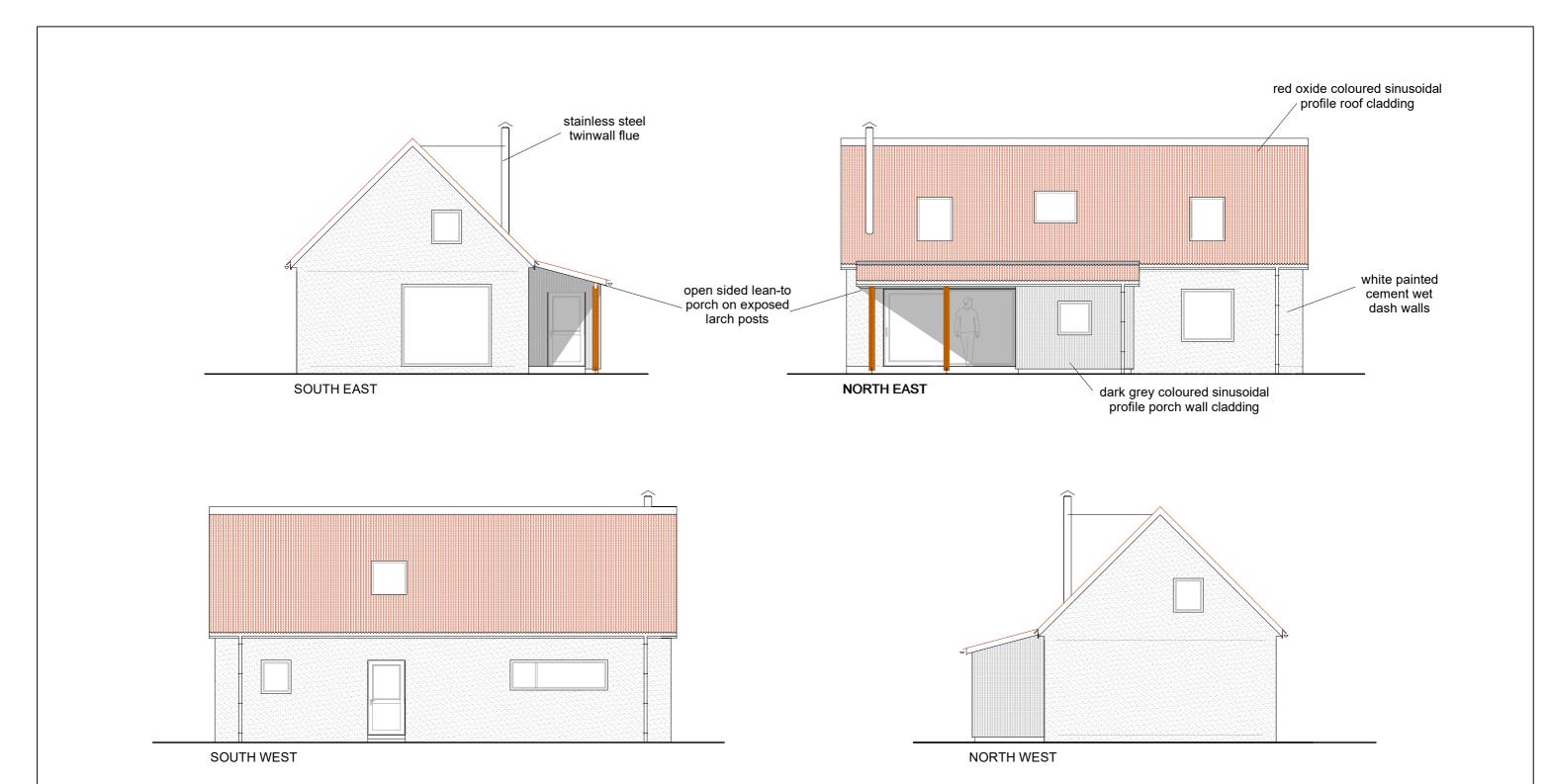
**Development Service** 

Location Plan 21/02879/FUL

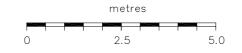
Erection of house, installation of septic tank & soakaway and upgrade existing access

September 2021





# Proposed Elevations 1:100





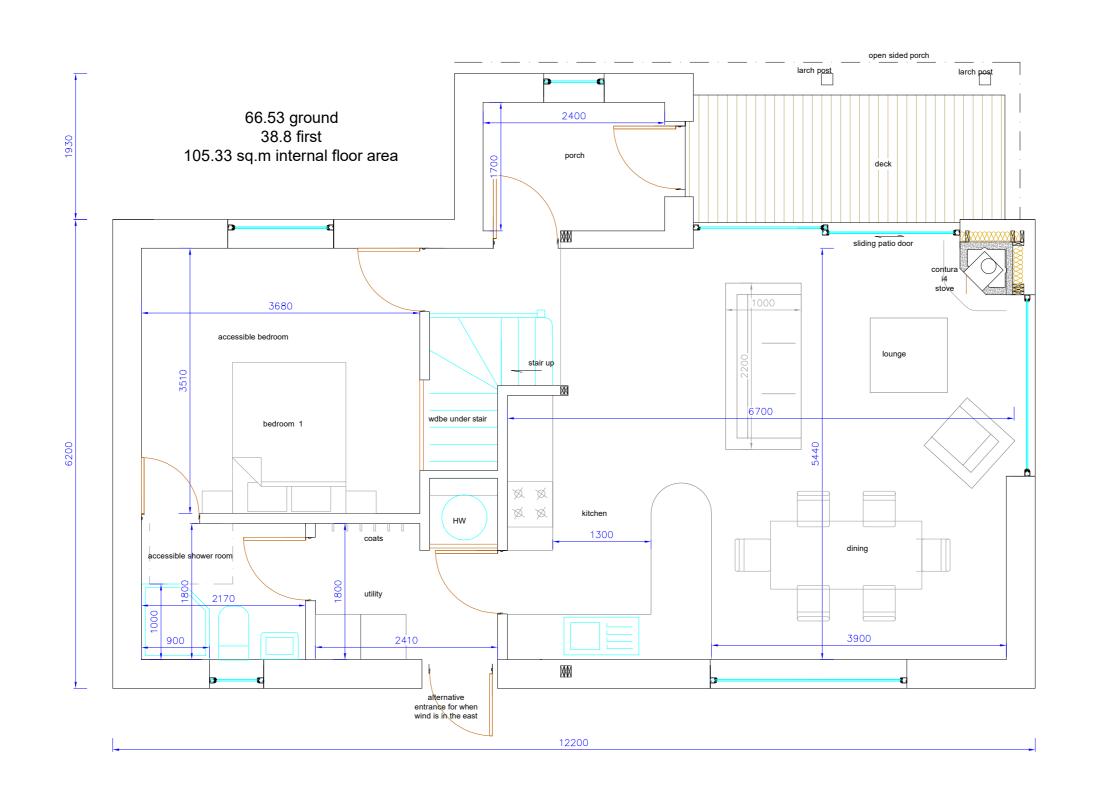
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Status: Pre planning — do not use for construction					
T:					

ons) Title: Proposed Elevations

Project: New House at Half of 6 Digg, Isle of Skye

Client: John Gordon

cale: 1:100 on A3 Planning ref:



# Ground Floor Plan 1:50





Jock Gordon BA (Hons)

Design & Planning

18 Garafad Staffin
Isle of Skye IV51 9JX
01470 562 328 07799 210 799
jockgordon30@btinternet.com

<b>Drg. No.</b> JG4857	<b>Rev</b> : 01	Date: 31.5.2021	Drawn JG	Chk'd JG

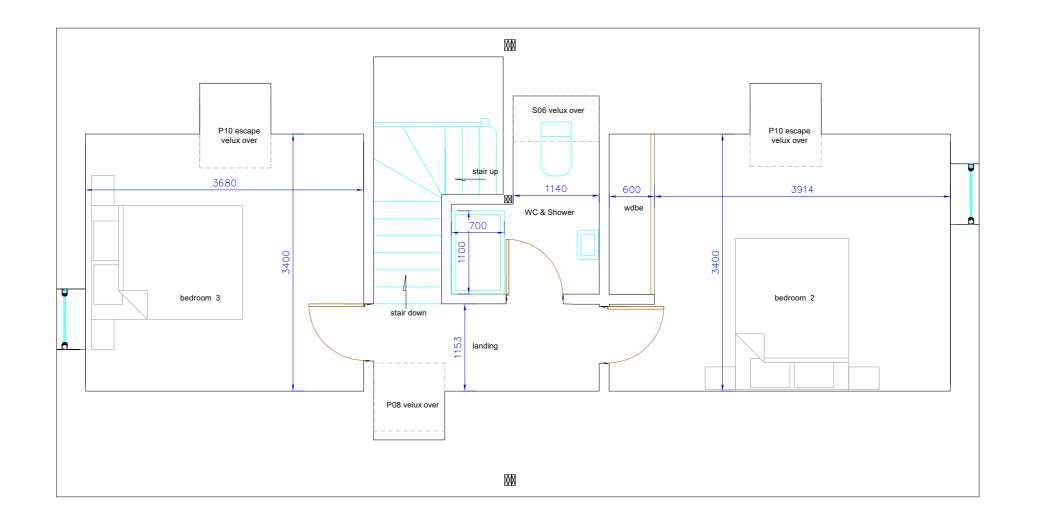
Status: Pre planning - do not use for construction

Title: Proposed Ground Floor Plan

Project: New House at Half of 6 Digg, Isle of Skye

Client: John Gordon

cale: 1:50 on A3 Planning ref:



# First Floor Plan 1:50





Jock Gordon BA (Hons)
Design & Planning

18 Garafad Staffin
Isle of Skye IV51 9JX
01470 562 328 07799 210 799
jockgordon30@btinternet.com

<b>Drg. No.</b> JG4858	<b>Rev</b> : 01	Date: 31.5.2021	Drawn JG	Chk'd JG

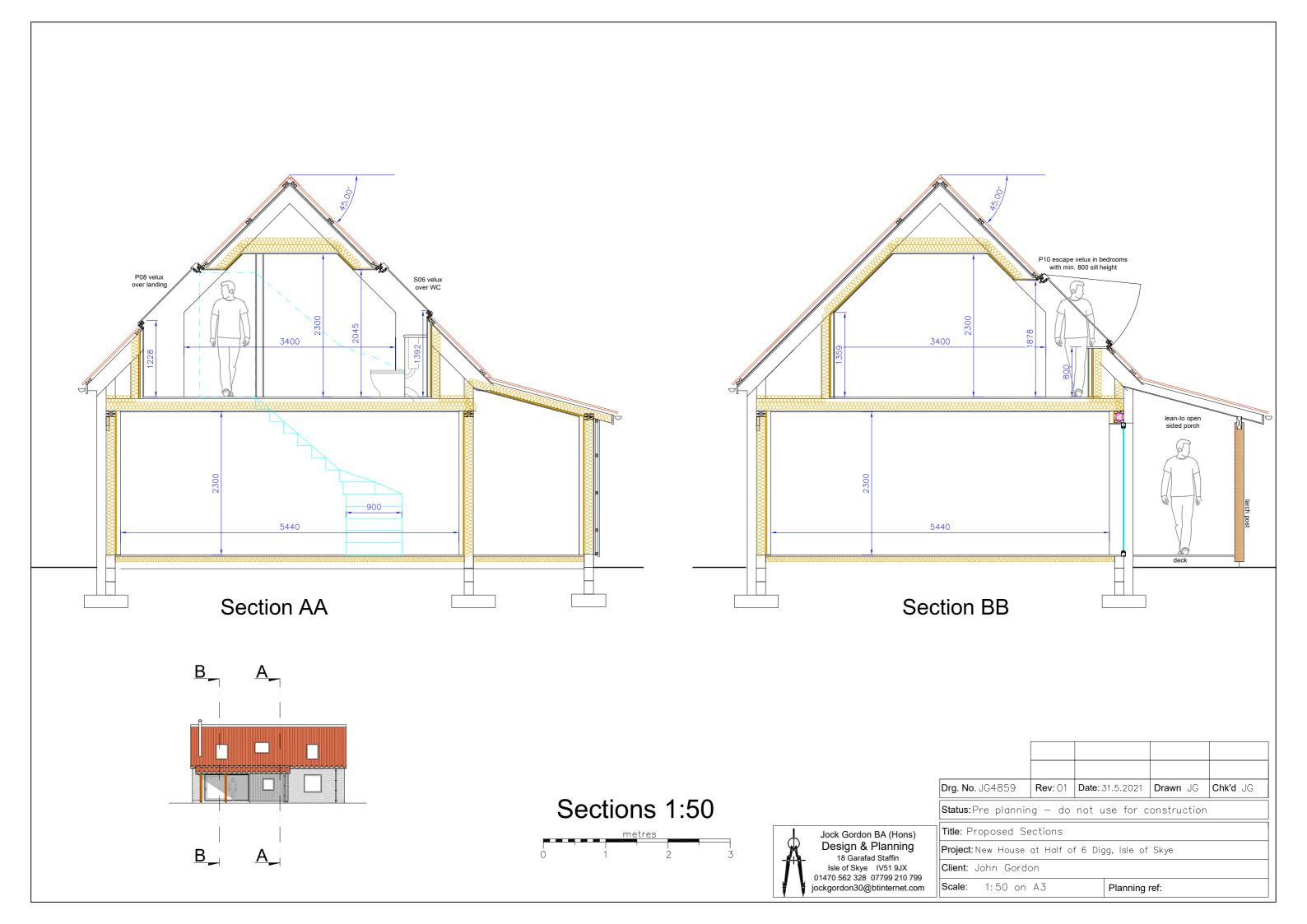
Status: Pre planning - do not use for construction

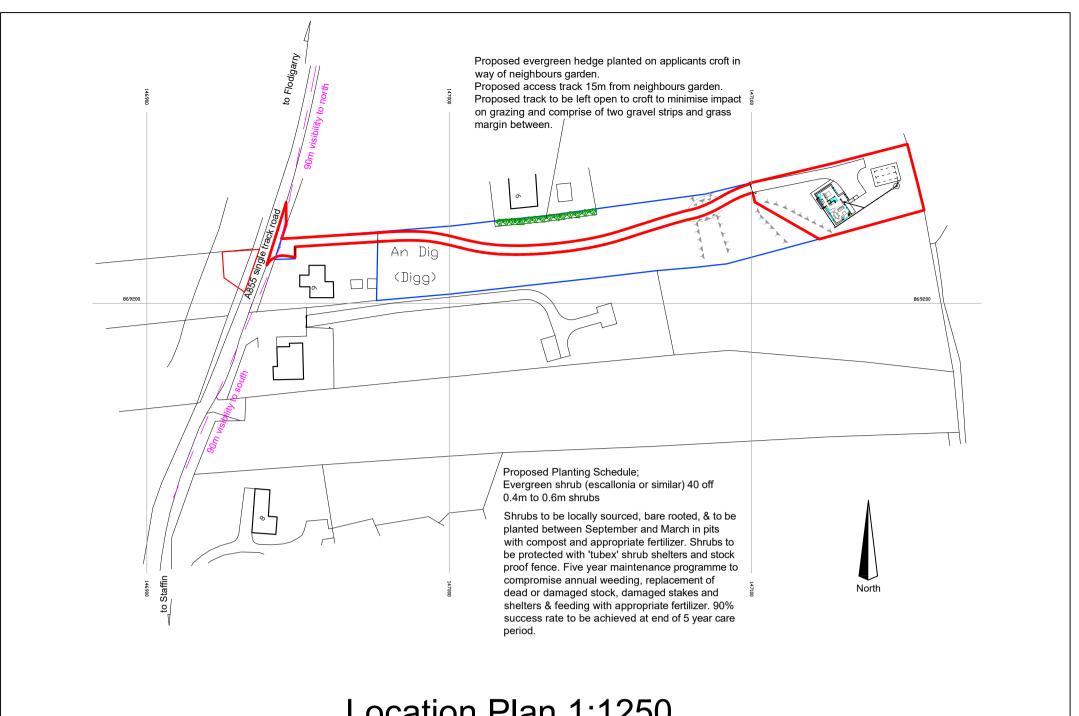
Title: Proposed First Floor Plan

Project: New House at Half of 6 Digg, Isle of Skye

Client: John Gordon

cale: 1:50 on A3 Planning ref:





# Location Plan 1:1250

red line indicates extent of planning development area blue line indicates extent of land in applicants control magenta dash-dot lines indicate visibility splays

