

Agenda Item	6.5
Report No	PLN-093-22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6th December 2022

Report Title: 22/02499/FUL: Mrs Katie Beaton
Uist View
Gesto
Isle Of Skye

Report By: Area Planner Manager - North

Purpose/Executive Summary

Description: Erection of house, formation of access road and installation of septic tank and soakaway

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: Local Member call-in

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks full planning permission for the erection of a 1½ storey detached house. The house features front and rear projections and will measure 15m by 13m at its widest points with a floor area of some 298m² and a ridge height of 7.9m. There is vertical fenestration except for the incorporation of a large horizontally proportioned lounge window on the ground floor of the projecting gable. The proposed house will be finished in white painted render to the walls and a slate roof with alu-clad timber windows and doors.

Also included within the application is the formation of a new access from the settlement road and a 160m long driveway to the house site. A private drainage system and private water supply are specified although no drawn details of the location of the water supply have been provided.

- 1.2 Pre Application Consultation: None
- 1.3 Supporting Information: None
- 1.4 Variations: Amendment to window design and removal of dummy chimney

2. SITE DESCRIPTION

- 2.1 The site consists of an area of rough grazing land, beyond the in-bye pasture and located to the east of Gesto Bay on the western coast of Skye. There is historic development around the bay including iconic listed farm buildings. A single more modern bungalow has been built within the much more elevated in-bye land some 100m to the north-west of the application site.

The application site is located within a rising landscape and on a knoll. The new access track is proposed to run across the rising landscape from the private Gesto road up the hillside to the house site.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour – West Highland Free Press

Date Advertised: 01.07.22

Representation deadline: None

Timeous representations: None

Late representations: None

- 4.2 Material considerations raised are summarised as follows:

a) None

- 4.3 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.

5. CONSULTATIONS

- 5.1 **Environmental Health** - A condition regarding the private water supply has been requested to ensure that the supply sufficient for the property and the treatment used meets the required standard.

Archaeology – (verbal at time of writing) – appear to be some potential archaeological features impacted by the house and access track – recommend ARC1 condition covering a Programme of Archaeological Work.

Flood Risk Management Team – (verbal at time of writing) - diameter of proposed culvert needs to be set against expected flows during a 1:200 year flood event. Can be controlled by suspensive condition.

Crofting Commission – Views awaited

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
- 36 - Development in the Wider Countryside
- 47 - Safeguarding Inbye/AppORTioned Croftland
- 57 - Natural, Built and Cultural Heritage
- 61 - Landscape
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 West Highland and Islands Local Development Plan (2019):

No Relevant Policies

6.3 **Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
- Rural Housing (May 2021)
- Special Landscape Area Citations (June 2011)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy
Policy Principle 75: Promoting Rural Development

The planning system should

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and
- Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

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) detrimental visual impact on the landscape
 - c) 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 property falls out with 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.

There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within the North-west Skye Special Landscape Area in respect of which Policy 57.1

states that developments will be supported where they can be shown not to have an unacceptable impact upon the natural environment, identified protected amenity and heritage resource.

Policy 61 requires new developments to be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This should include measures to enhance the landscape characteristics of the area.

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

8.5 **Siting, Design and Visual Impact**

This is an open, treeless and visually prominent site, particularly viewed from the A863 when approaching the site from both east and west.

In terms of settlement pattern, Gesto consists of historic development around the Bay at a much lower level than the application site and separated from it by a heavily wooded coastal brae. The only building that can be referenced within the same landscape as the proposed site is a modern white rendered bungalow. However, this building is set at the edge of the wooded landscape rather than on the open hillside and will not be readily seen in views of the proposed property from the A863 to the east. From this perspective the proposed house will read as an entirely isolated property with no other housing context. This impression will only be accentuated by the new access track to be created which, by virtue of its length and location on rising land will also be visually prominent and without any pre-existing context.

As a result of the prominence and visual isolation of the proposed site, the scale massing and design of the proposed house is of crucial importance.

Although similar examples of this general design of the house can be seen elsewhere on the island, it is not a bespoke architectural solution which has been designed to reflect or respond to the site specific characteristics of this open site. The supporting statement suggests that a listed ruin near the coast of the bay was used as inspiration for this design. However, there is no intervisibility between the site and this structure. The existing bungalow to the north-west of the site makes for a more logical design starting point it is considered.

The scale and massing of the proposed substantial four bed roomed 1½ storey building with an overall footprint of 149m², a gross floor area of 298m² and a ridge height of 7.9m is considered to be fundamentally too large for this prominent and open location. As such, the chosen design only serves to accentuate the elevated prominence of this isolated site and gives the proposal an incongruous and significantly detrimental overall impact on this part of the Special Landscape Area. From the east, in particular, the prominence and scale of the development will be further exacerbated by the angle at which the house will sit in relation to the public road with the full width of the house being presented to public view from what is a busy main road. Consequently, the proposal as submitted, fails to demonstrate “sensitive siting and design” or to meet the requirements of Policies 28, 36, 57 and 61 of the development plan or the guidance provided by 2021 rural housing supplementary guidance.

However, it is considered that alternative siting or an alternative bespoke house design matched to the characteristics of this site could overcome these reasons for refusal.

A site visit was held with the agent to discuss possible alternative locations for the house. It was noted that the applicant's land holding is large and covers over 206 acres of croftland. As such it was considered that there was scope for alternative siting's within the applicant's landholding that would allow for the building to be relocated to a less visually prominent site. Two alternative sites lower down in the landscape and better related to the existing access road were presented to the agent to overcome the above concerns. However, the agent advised that his client did not wish to alter the position of the scheme.

A further option to amend the design of the proposal to a smaller single-storey building with a more natural and recessive palette of materials to allow it to resemble the sort of traditional stone buildings found on isolated Skye hillsides was also suggested. This option was not considered to be a viable option for the client given the size of property they feel they need. The agent advised his client did not wish to pursue this.

It is disappointing that more flexibility could not be shown in terms of siting or design as officers feel a solution to the applicant's housing need (moving back to Skye with a family) is achievable.

8.6 Neighbour Amenity

The proposed house is to be located on rising land and at a much higher land level than the nearest neighbouring property. This creates the potential for overlooking and impacting on neighbour amenity. However, there is a proposed separation distance of over 100m and with the land levels also taken into account it is considered that there will be no adverse impact on neighbour amenity.

8.7 Access and Parking

Access is proposed via a new access being formed from the Gesto township road serving several other properties. This township road is accessed from the A863 and the new access will be located approx. 25m from this junction. Due to the landforms within the hillside, the creation of an access in this location would require a large amount of excavation and earthworks to be carried out to accommodate the required SDB1 access and service bay. These engineering operations could be avoided by utilising an existing croft access. However, following discussions and a site meeting with the agent any amendments to the proposed application have been dismissed.

The access track proposed will be 3.8m wide and over 150m in length. A metalled track of this size running up the side of a blank hillside void of any other development would create an excessive scar on the hillside. Relocation of the house would result in a much shorter track and reduce the overall visual impact of the proposal.

The creation of the access track and the new access and service bay are also considered to have an unacceptable visual impact on the landscape in their own right and cumulatively with the rest of the proposal.

The access construction will involve the culverting of a small watercourse close to the house site. Culverting always involves an inherent flood risk related to the size

and capacity of the culvert pipe to deal with flood event flow rates. No technical details have been submitted and the flood risk management team have recommended a suspensive condition requiring approval of a minimum pipe diameter to handle the calculated flow rate of a 1:200 flood event.

8.8 **Croft Land**

The application site is located on croft land but is outside the in-bye area and the development of the house is not considered to undermine the serviceability of the remaining croft land. No incompatibility with Policy 47 will result.

8.9 **Water Supply and Drainage**

The application proposes to connect to a private water supply network. No details of the location of the source of this supply have been provided and so, if the application were to be approved, a suspensive condition would be recommended to ensure the adequacy and potability of the water.

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, and the technical details are controlled by the Building Standards and Environmental Health legislation.

8.10 **Archaeology**

Aerial photography suggests that the house and track may have an impact on archaeological features. Consequently, if the application were to be approved, a standard condition required a scheme of archaeological survey and works to be carried out, would be required.

Other material considerations

8.11 There are no other material considerations.

Matters to be secured by Section 75 Agreement

8.12 Not Applicable

9. CONCLUSION

9.1 The application as submitted cannot be supported given the scale, massing and design of the proposed house coupled with the length of the access road in such an elevated prominent location which will detract from the wider setting of this Special Landscape Area. The Planning Authority considers that there is scope for alternative siting and design within the applicant's landholding that would allow for the building to be relocated to a less visually prominent site for which officer support could be forthcoming.

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.

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 applicable.
- 10.5 Risk: Not applicable.
- 10.6 Gaelic: Not applicable.

11. RECOMMENDATION

Action required before decision issued	N
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Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

Reasons for Refusal

1. The proposal by virtue of its prominent open hillside siting coupled with the large scale and massing of the house design and long length of new driveway, results in an inappropriate, overly dominant and visually incongruous addition to its undeveloped upland surroundings and which is significantly detrimental in respect of the special qualities of the North-west Skye Special Landscape Area. As such, the development fails to demonstrate sensitive siting and high quality design in keeping with local character and natural environment or to make a positive contribution to the prominent landscape in which it is to be situated. As a result, the development fails to accord with the aims and objectives of Policies 28, 36, 57 and 61 of the Highland-wide Local Development Plan.

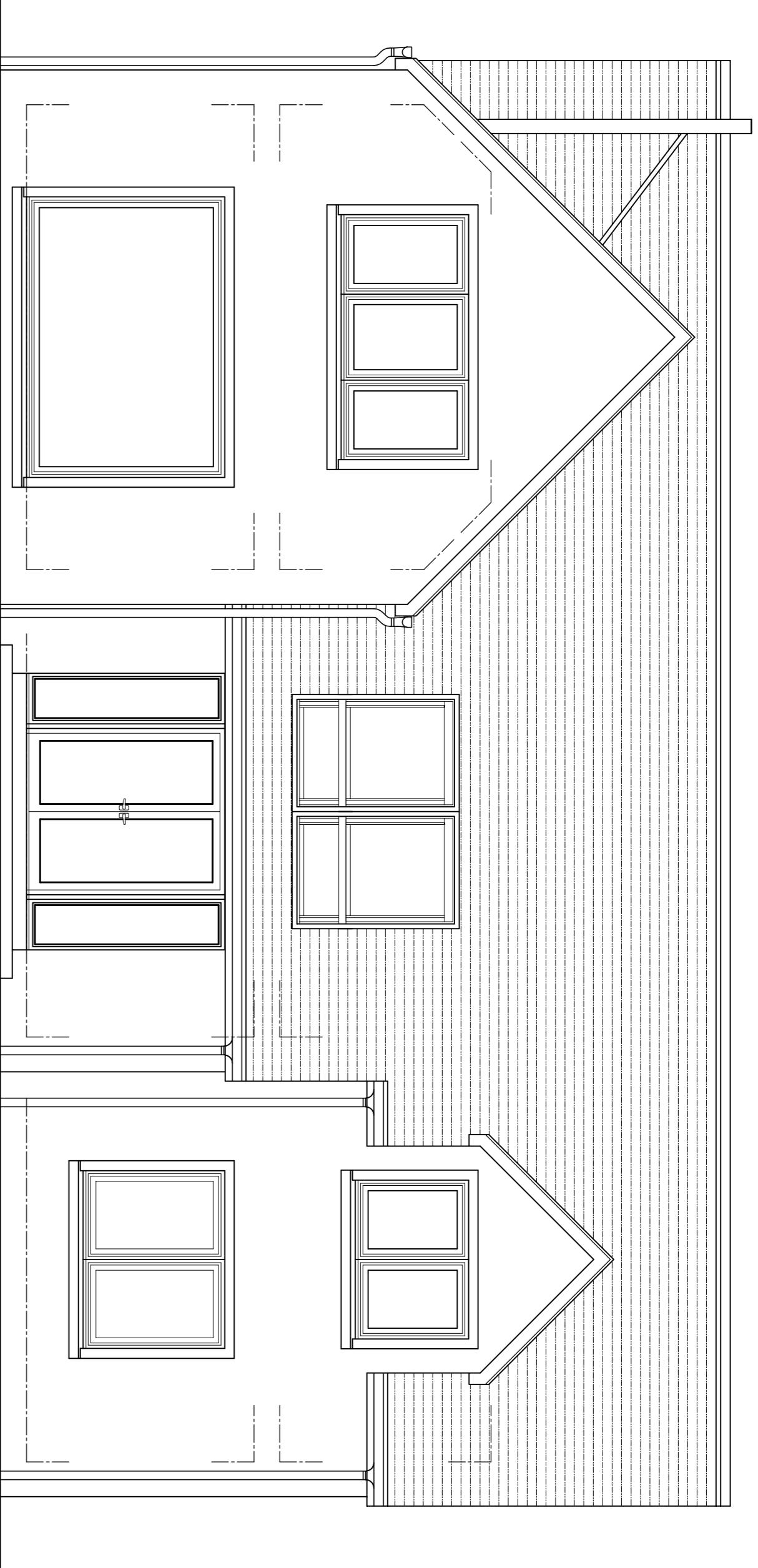
REASON FOR DECISION

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.

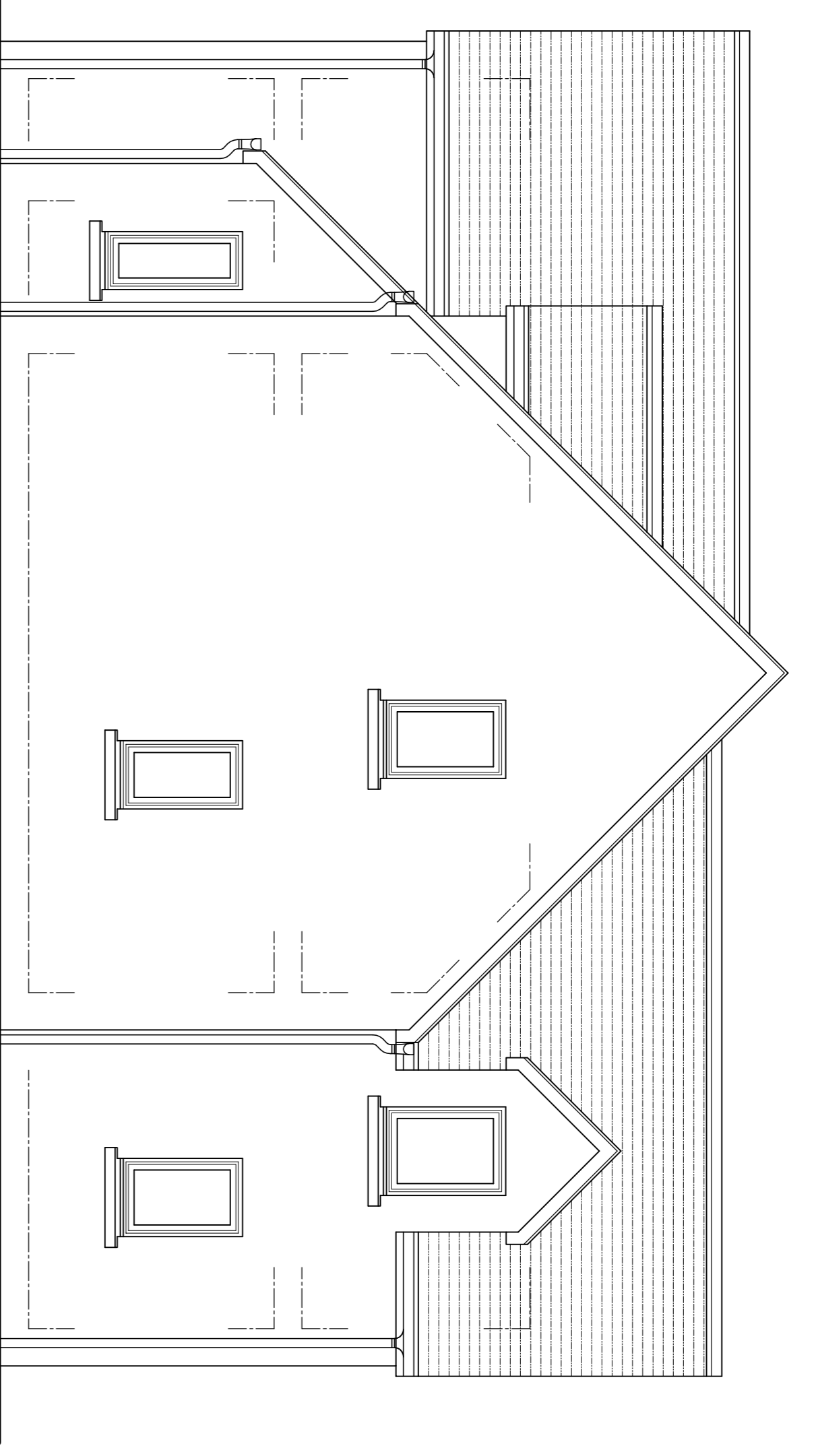
Designation: Area Planning Manager North
Author: Mark Harvey
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan AMD 1318 01
Plan 2 - Road Access Plan AMD 1318 02
Plan 3 - Site Layout Plan AMD 1318 03
Plan 4 - Section Plan AMD 1318 04
Plan 5 - Floor Plans AMD 1318 10 Rev A
Plan 6 - Elevation Plans AMD 1318 11 Rev A

Appendix – Letters of Representation

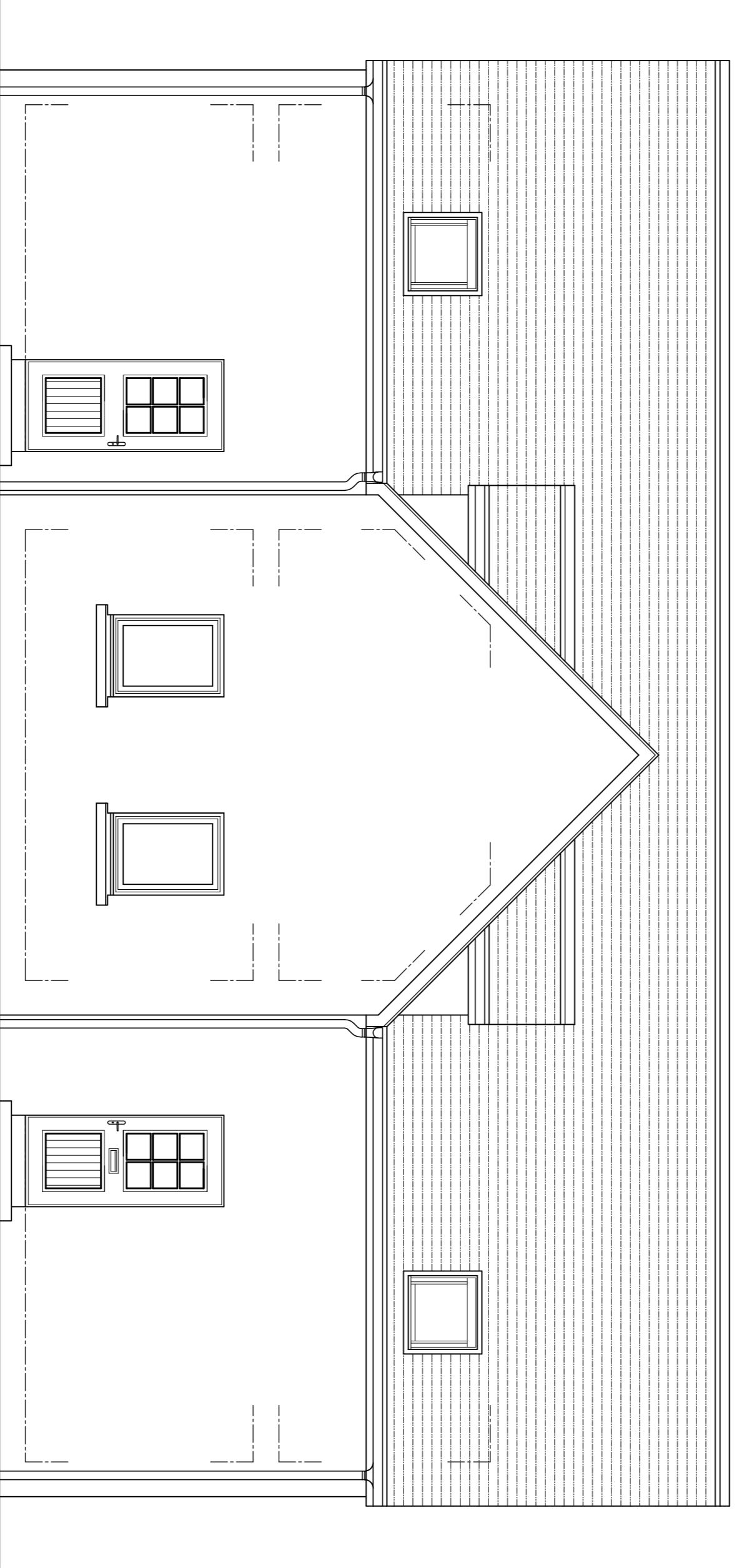
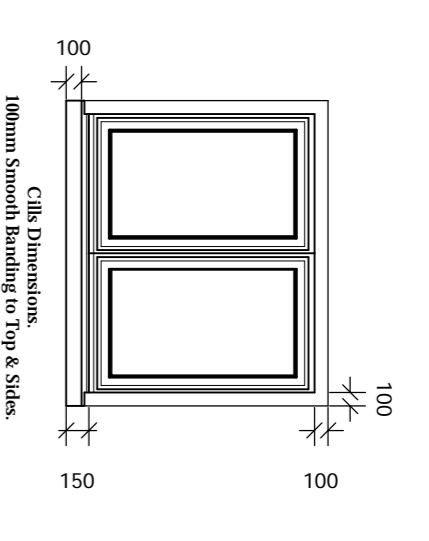
None



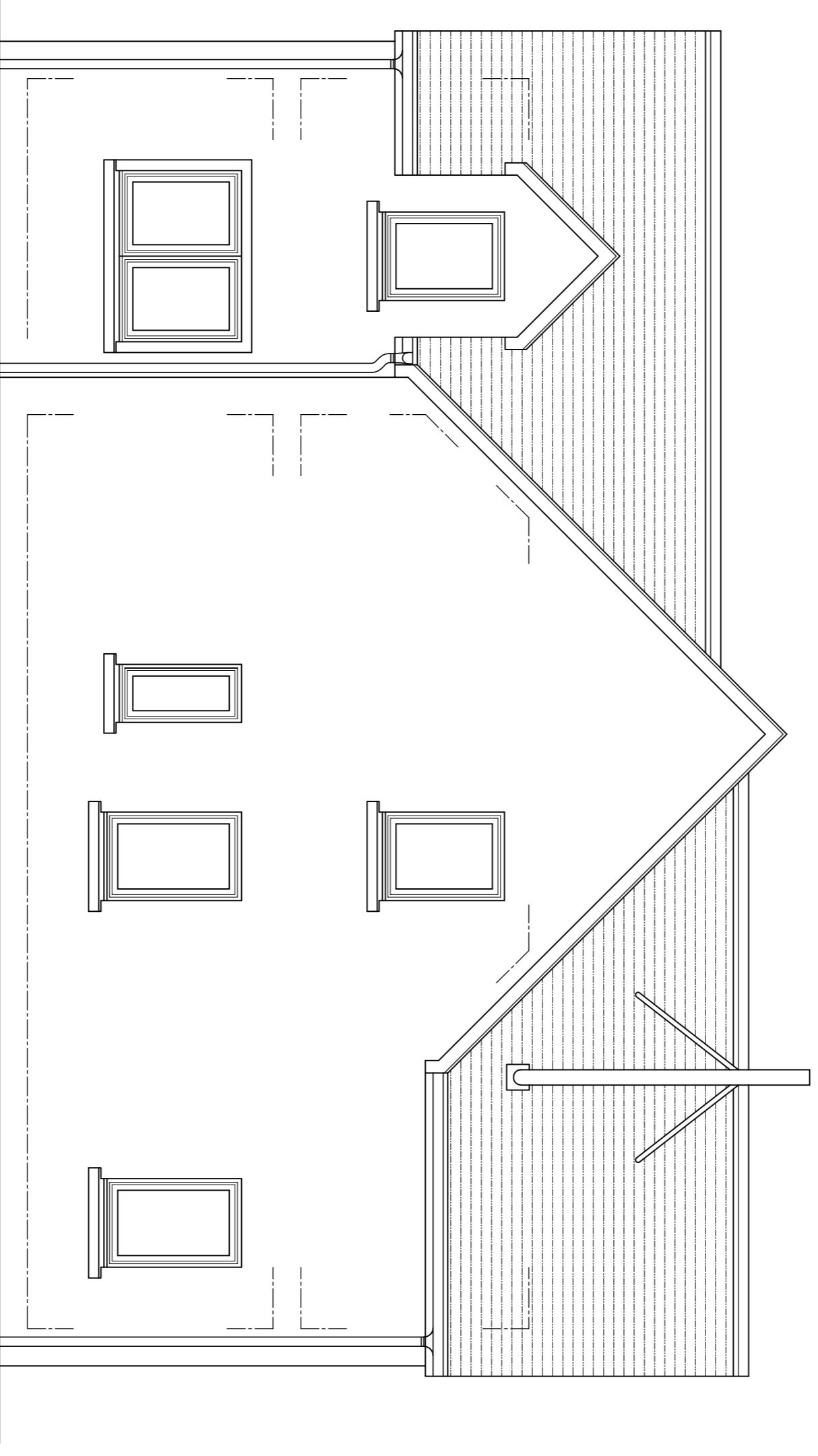
FRONT ELEVATION 1:50



SIDE ELEVATION 1:50



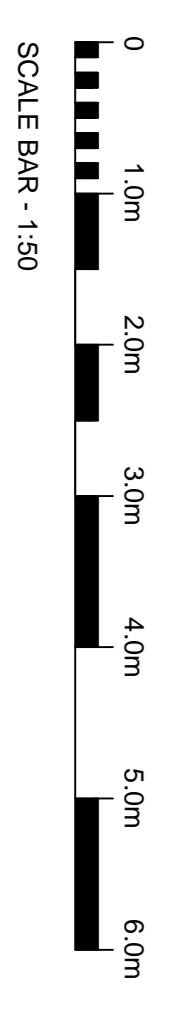
REAR ELEVATION 1:50



SIDE ELEVATION 1:50

PLANNING SPECIFICATION

- WALLS ABOVE AND BELOW DPC
- ROOF
- WINDOWS AND EXTERNAL DOORS
- FASCIAS, SOFFITS AND VERGES
- CILLS AND COPES
- SMOOTH BANDING TO COUPLED WINDOWS
- CHIMNEYS POTS
- RAINWATER GOODS
- WET DASH HARLING PAINTED WHITE
- NATURAL SPANISH SLATE CUPA H3 OR SIMILAR
- BLACK CONCRETE RIDGE TILES, DRY VERGE SYSTEM
- HIGH PERFORMANCE ALU-CLAD TIMBER
- STAINED TIMBER
- PRECAST CONCRETE, PAINTED WHITE
- PAINTED TOMATCH MULLIONS AND CILLS
- 300mm HIGH POTS
- BLACK PVC



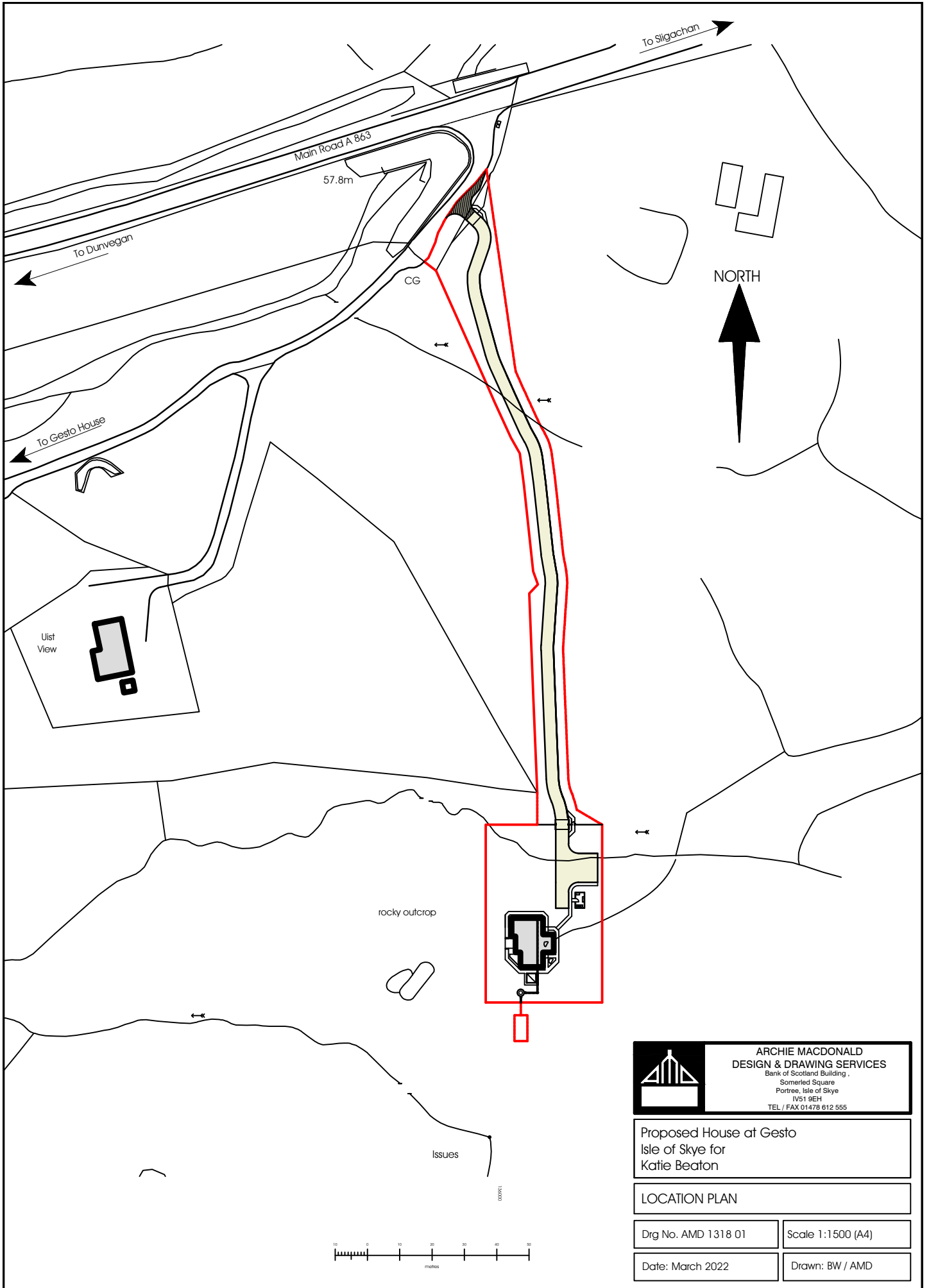
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AMENDMENT A 14/07/2022 AMENDED FOR PLANNING
DRAWINGS ARE NOT FOR CONSTRUCTION.
CONSTRUCTION SHOULD ONLY COMMENCE WHEN BUILDING
WARRANT HAS BEEN APPROVED, STAMPED & DATED BY
BUILDING STANDARDS.

**ARCHIE MACDONALD**
DESIGN & DRAWING SERVICES
Strathgryre, Carthol,
Sheebsost Bridge, Isle of Skye
Tel: 01470 532 735
archie@archiedesign.com

PROPOSED HOUSE AT GESTO, ISLE OF SKYE
FOR KATIE BEATON

ELEVATIONS	
DRG No:	AMD 1318 11 A
SCALE:	1:50 (A1)
DATE:	28/04/2022
DRAWN BY:	AMD



	ARCHIE MACDONALD DESIGN & DRAWING SERVICES Bank of Scotland Building, Somerled Square Portree, Isle of Skye IV51 9EH TEL / FAX 01478 612 555
	Proposed House at Gesto Isle of Skye for Katie Beaton

Proposed House at Gesto
Isle of Skye for
Katie Beaton

LOCATION PLAN

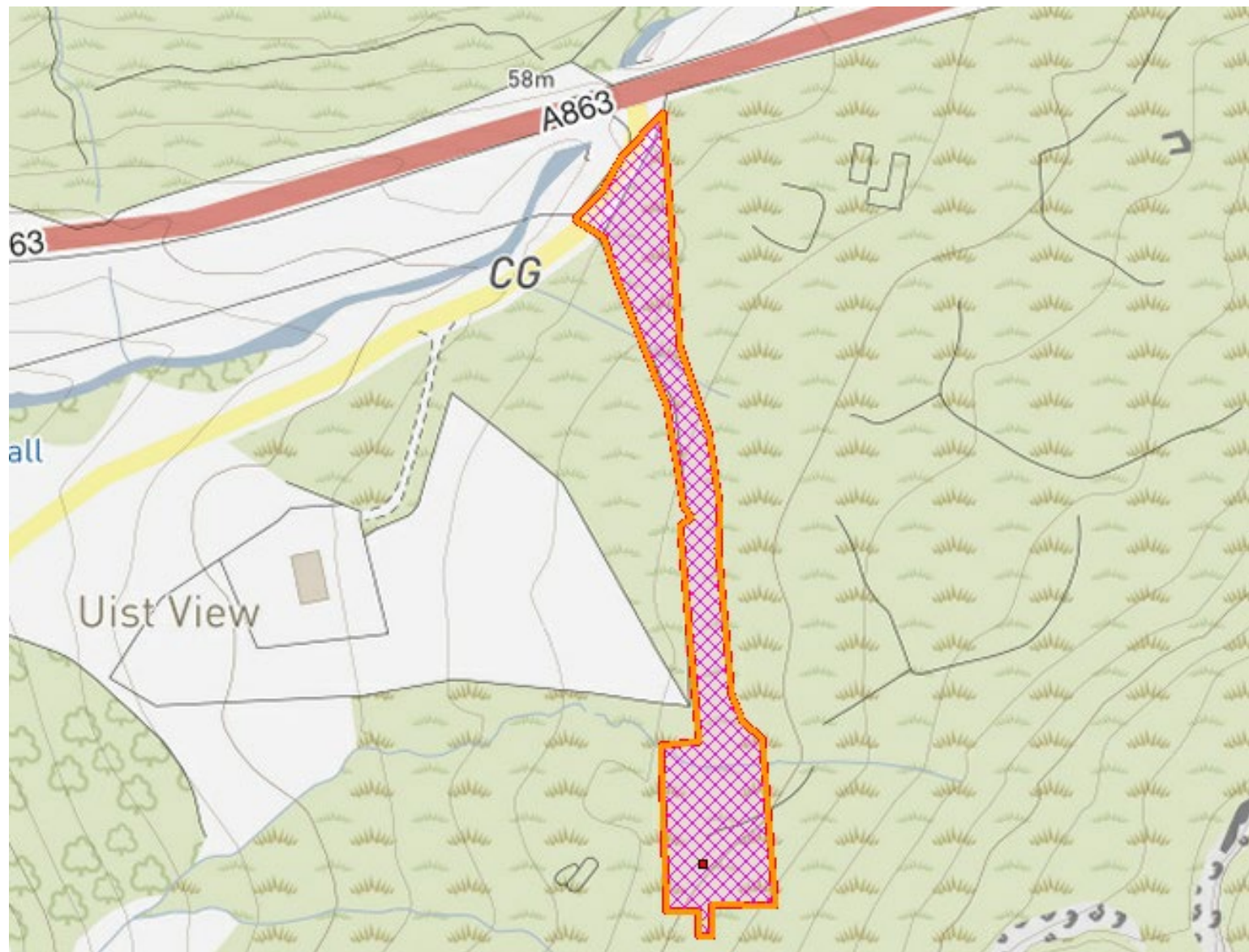
Dwg No. AMD 1318 01

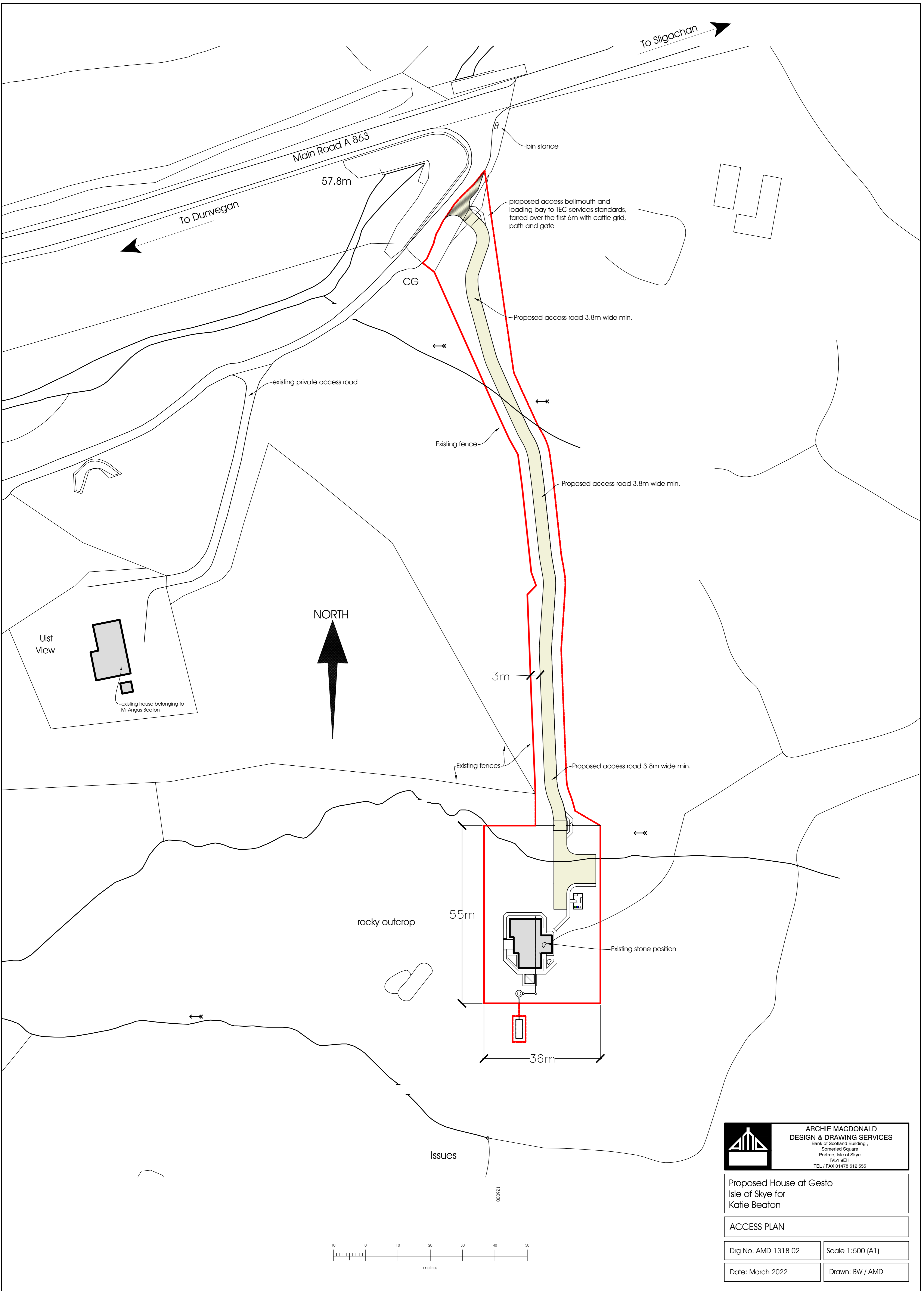
Scale 1:1500 (A4)

Date: March 2022

Drawn: BW / AMD

Location Plan
22/02499/FUL





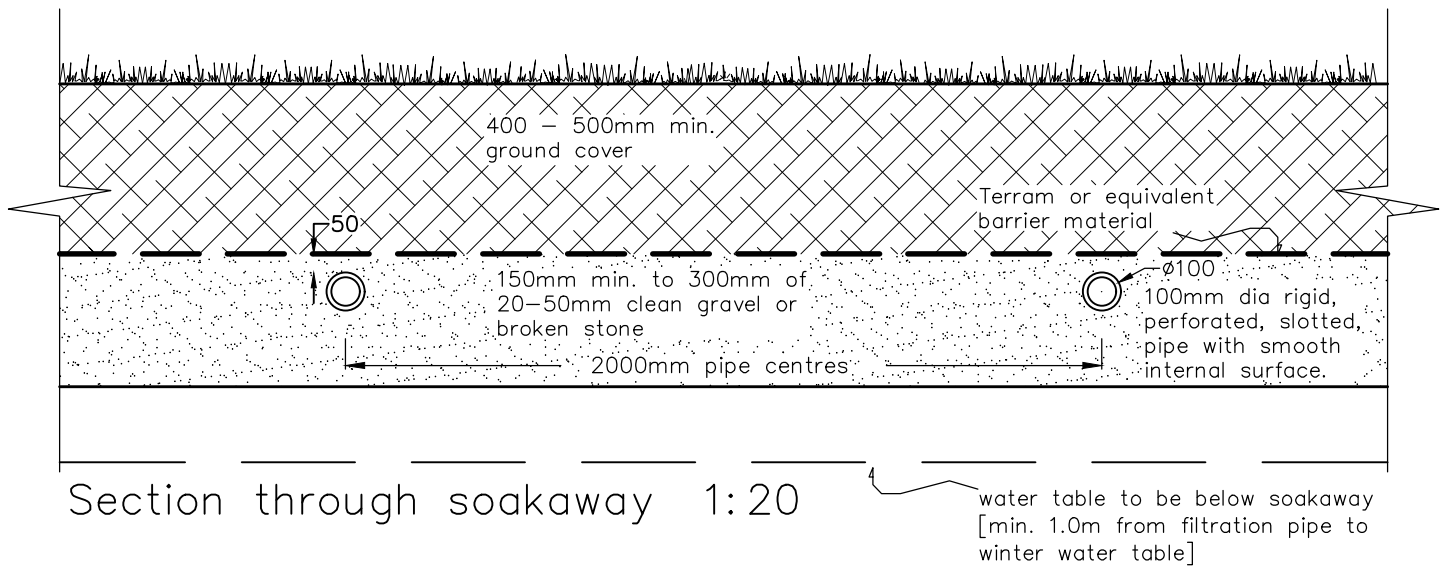
ARCHIE MACDONALD
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Proposed House at Gesto
 Isle of Skye for
 Katie Beaton

ACCESS PLAN

Drg No. AMD 1318 02 Scale 1:500 (A1)

Date: March 2022 Drawn: BW / AMD



Specification and Conditions

- * This soakaway system has been designed in accordance with the Building Regulations (Scotland) 2001, Part M (M3.6) and BS EN 752-4: 1998
- * This soakaway system has been designed on the assumption that the septic must be desludged at least once a year or in accordance with the septic tanks' manufacturers instructions and recommendations.
- * Septic tank and soakaway must be located at least 5m from any dwelling house or site boundary.
- * Septic tank and soakaway must be located at least 50m from any spring, well or bore hole used as a drinking water supply.
- * Septic tank and soakaway must be located at least 10m from any watercourse, open drain, road or railway line.
- * All pipes within soakaway to be rigid perforated slotted pipes with smooth internal surface.
- * All pipes within soakaway to be laid level.
- * Flexible perforated pipes are strictly prohibited in construction of the soakaway.
- * A waterproof barrier material must be laid above gravel soakaway.
- * Soakaway area to be constructed using 150mm - 300mm of 20mm - 50mm of clean gravel or broken stone.

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	Stratheyre, Skeabost Bridge, Isle of Skye IV51 9PD TEL / FAX 01470 532 735

Proposed House at Gesto
Isle of Skye for
Katie Beaton

Soakaway Details M3.6 [b]

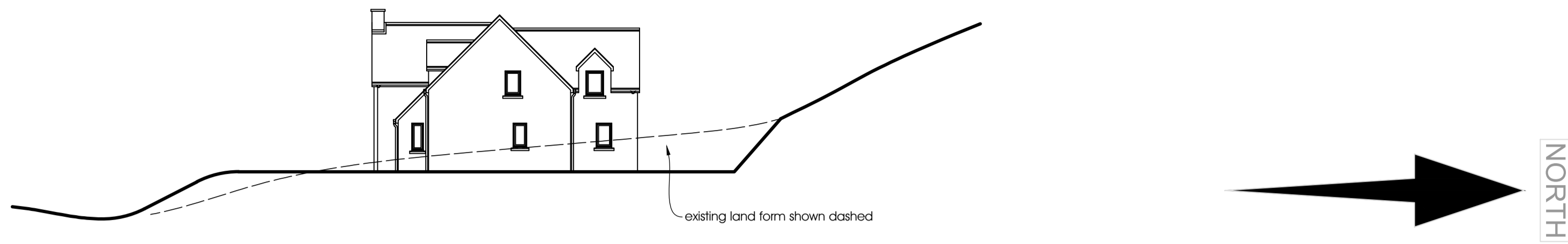
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Scale 1:20

Date. 2022

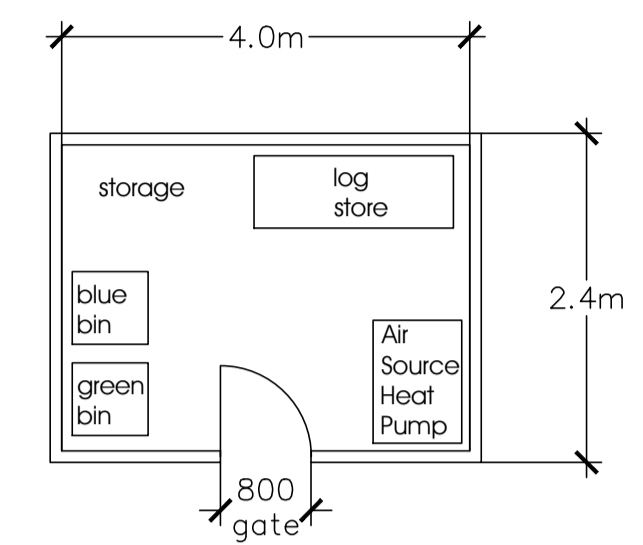
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Site Section 1:200



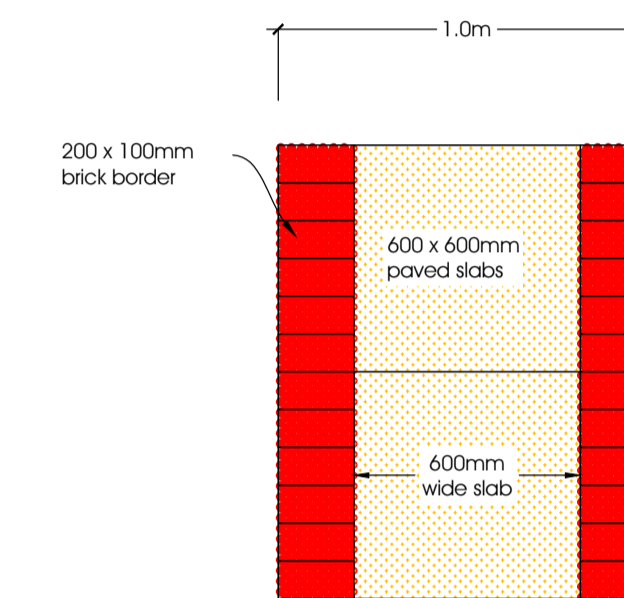
Siteplan (1:200)

- LEGEND :-
- svp - Soil Vent Pipe
 - wc - Water Closet
 - whb - Wash Hand Basin
 - bth - Bath
 - rwdp - Rain Water Down Pipe
 - l.g - Trapped Gully
 - ic - Inspection chamber (450mm Ø)
 - r.e - Rodding Eye
 - m.b - Meter Box
 - st - Strainer
 - b - Boiler
 - Proposed areas mixed planting (trees and shrubs)
 - Bin storage



Timber Compound (NTS)

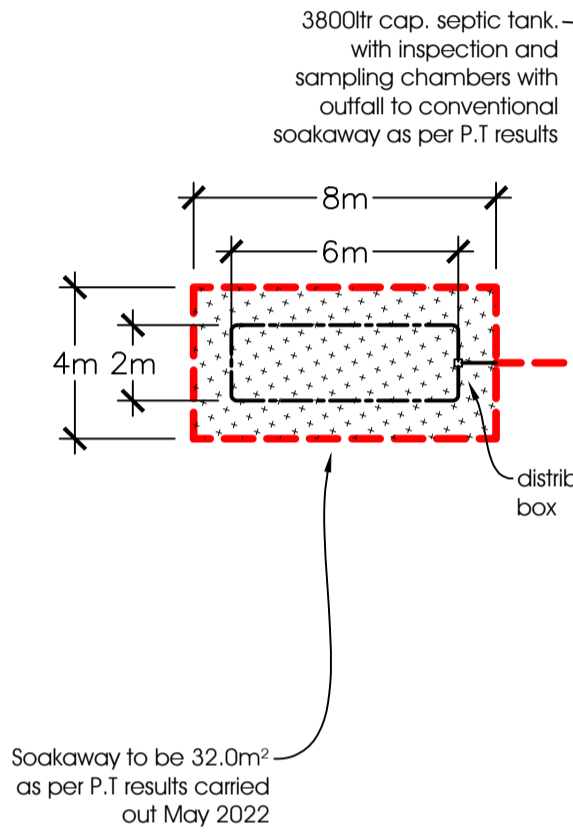
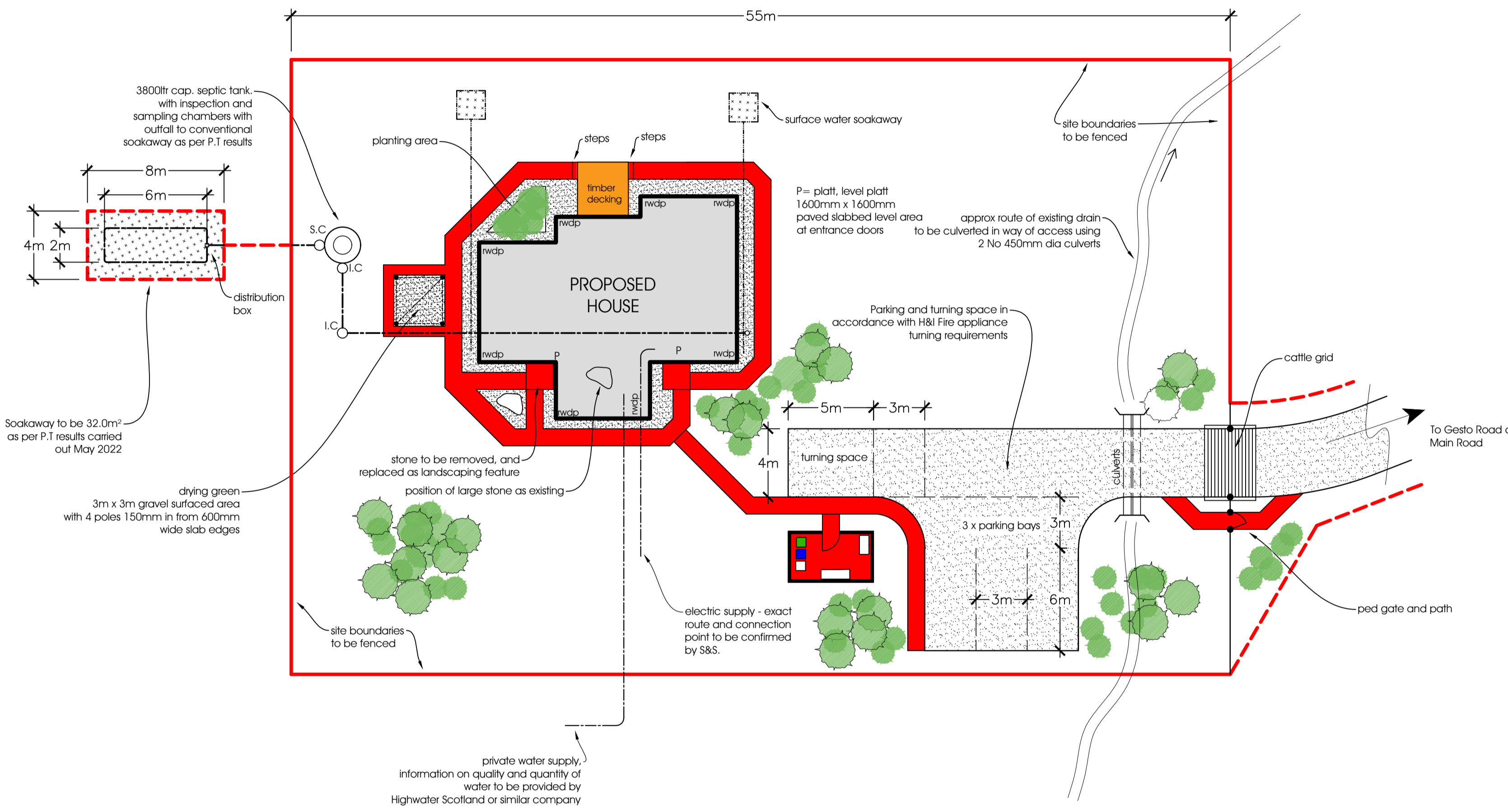
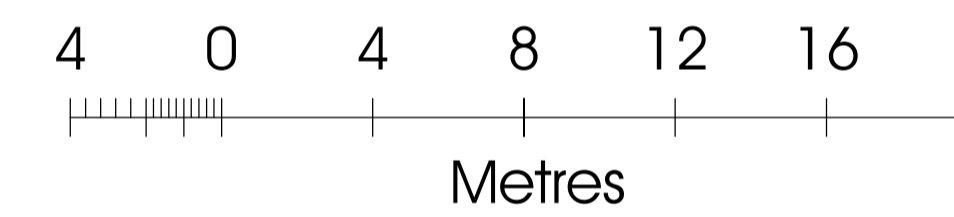
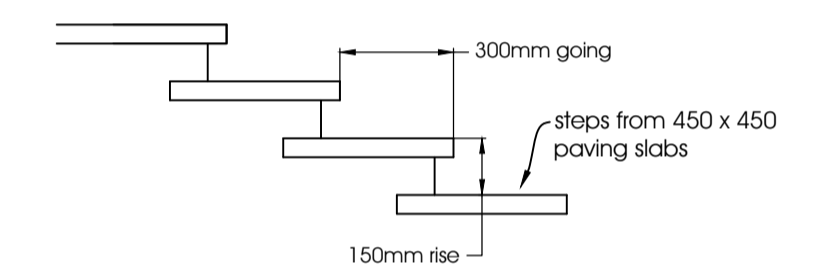
Ramp & Path Detail (1:20)



*Ramp:
One of the following standards should be adopted for the access ramp depending on the site layout.
1:12 - max flight length of 2.0m with 166mm rise
1:15 - max flight length 5.0m with 333mm rise.

** NOTE**
Level of car parking area to be level with paved/ramped path.

Step Detail



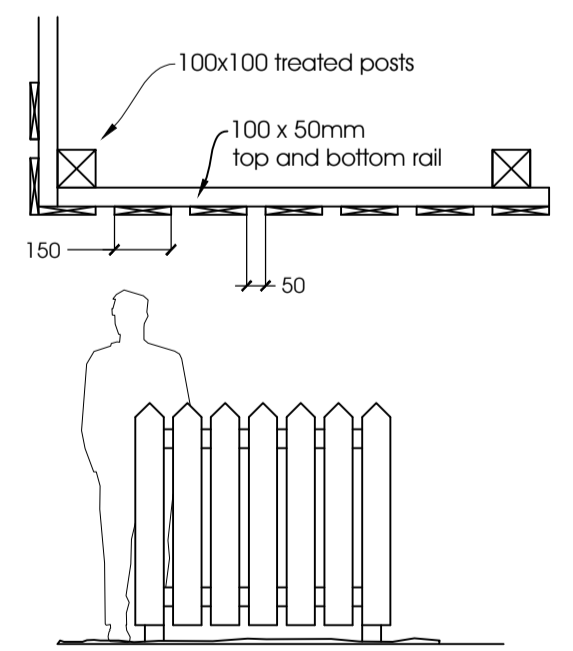
Soakaway to be 32.0m² as per P.T results carried out May 2022

drying green 3m x 3m gravel surfaced area with 4 poles 150mm in from 600mm wide slab edges

stone to be removed, and replaced as landscaping feature position of large stone as existing

electric supply - exact route and connection point to be confirmed by S&S.

private water supply information on quality and quantity of water to be provided by Highwater Scotland or similar company



Timber Fencing Detail

150mm wide sarking boards on 50 x 100 treated timber top and bottom rails
50mm spacing between boards
Rails fixed to 100 x 100 treated posts
All fencing painted to client requirements

SITE BOUNDARIES

ALL SITE BOUNDARIES (RED) ARE UNDEFINED UNLESS OTHERWISE STATED

THIS PLAN MUST NOT BE USED FOR THE PURPOSES OF DECROFTING OR USED AS A TITLE DEED PLAN. THE APPLICANT SHOULD CONTACT ARCHIE MACDONALD DESIGN AND DRAWING SERVICES TO INSTRUCT THE PREPARATION OF A TITLE DEED PLAN SHOULD THIS BE REQUIRED. THE RED LINES ARE PURELY TO IDENTIFY THE CURTILAGE OF THE PLANNING PERMISSION PERMITTED DEVELOPMENT AREA.

Levels

1. ALL CONTOURS ARE EXISTING AND ARE IN METRES ABOVE AN ARBITRARY DATUM.
2. CUTTING AND FILLING IS APPROXIMATELY ONLY.
3. PROPOSED LEVELS OF ROAD AND SITING OF HOUSE ASSUME MINIMAL EXCAVATION. DEPTH OF TOPSOIL AND ROCK MAY VARY.

NOTE

Main contractor / site machine operator / client must ensure that Machine operator has all the necessary road opening permits and or permits to work within 3.0m of side of road, prior to any works starting. Permits to be obtained from Highland Council TECS services and or Trunk Roads Scotland

Client must ensure that any machine operator has a scale rule within the operational area of the machine along with the approved site plans prior to any start on site

Client must ensure that they have notified the agent, Archie Macdonald, Design and Drawing Services to confirm that 'Start of work' on site notification has been lodged with the Planning Department and the Building Control Department

ARCHIE MACDONALD
DESIGN & DRAWING SERVICES
Bank of Scotland Building,
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IV15 9EH
TEL / FAX 01478 612 555

Proposed House at Gesto
Isle of Skye for
Katie Beaton

PROPOSED SITE PLAN

Drng No. AMD 1318 03 Scale 1:200 (A1)

Date: March 2022 Drawn: BW / AMD