

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE
17th September 2013

Agenda Item	6.2
Report No	PLN/083/13

11/03478/PIP: Mr W MacInnes
Land to South West Of 22 Garafad, Staffin, Portree

Report by Area Planning Manager

SUMMARY

Description: Housing Development, revised scheme incorporating 7 dwellings (previously 9) together with associated arrangements for access and shared drainage

Recommendation - GRANT

Ward : 11 Eilean a Cheo

Development category : Local

Pre-determination hearing : Not required

Reason referred to Committee: Statutory Consultee – Objection.

1. PROPOSED DEVELOPMENT

- 1.1 This is an application in principle for seven house sites, three of which deliver an affordable housing allocation in the Local Plan, with the remaining four units to be developed as separate market-value plots. The sites are located to the north of the Clachan 'loop' and towards the southern end of the wider settlement of Staffin.
- 1.2 Informal pre-application discussions were held with the agent and advice given on layout and on details to be submitted with application.
- 1.3 There is no existing site infrastructure
- 1.4 A Design Statement was submitted with the original scheme and an amended version with the revised layout. Both provide an explanation of how the schemes were designed to take account of the local settlement pattern and visual impact upon the NSA.
- 1.5 **Variations:** Amended location and site plan, amended number of units and an amended design statement.

2. SITE DESCRIPTION

- 2.1 The site is located immediately to the north of the loop road that serves the township of Clachan, with the croft forming part of the Garafad township that extends further to the north east from the main A855 road. The single track township road forms the southern boundary, with a well established private road to the west and the two lane A855 forming the eastern boundary.

The land form generally slopes down from south to north and then levels out towards the centre of Staffin. The main road at this point is partially embanked and this has resulted in the first 75 metres of the township road also being partially embanked. In turn, this results in the land level in the site where the township road joins the main road, being lower by some 6 metres. The township road then grades downwards some 75 metres back from the junction to meet the adjacent ground levels. There are a number of small watercourses in the south east corner of the site with the remainder of the land set to close cropped grazing.

3. PLANNING HISTORY

- 3.1 04/00435/OUTSL – Erection of house – Grant – 27.01.2005

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour

Representation deadline : 14/06/2013

Timeous representations : 1 letter of representation received

Late representations : 1 letter of representation received

- 4.2 Material considerations raised are summarised as follows:

- Has recently bought house at No 23 needs to ensure that the septic tank will not be affected
- Public view will be spoiled
- The number of houses is too much
- Will create overlooking
- Loss of crofting land
- Staffin is a scattered rural community and that is its attraction and it should remain so.

- 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. Access to computers can be made available via Planning and Development Service offices.

- 4.4 Staffin Community Trust

Make the following comments in support;

- A decline in the local population is as a result of new housing development
- Both the Lochalsh and Skye Housing Association and the Highland Council are sympathetic but the financial climate precludes any financial support

- Any housing development will be of help
- Community Trust is aware of the social housing provision by developers and would encourage that this is done as it allows young people from within the community to stay, find work and contribute to public services within Staffin including the school.
- Community Trust is to carry out a housing needs survey in conjunction with Rural Small Communities Housing Trust to determine local needs.

5. CONSULTATIONS

5.1 **Scottish Natural Heritage:** Object

Original response to 9 house scheme

- Proposal will have significant adverse impacts on the crofting landscape of An Clachan and the special qualities of the Trotternish NSA. Even with mitigation these impacts are unavoidable and raise natural heritage issues of national interest.
- A similar objection was made to a similar proposal at the Draft West Highland and Islands Local Plan. The Reporter as part of the local plan examination in 2010 endorsed this same view.
- The deposit draft West Highland and Islands Local Plan showed two allocations on the same area of land, H1 for 4 units of housing and AH1 for 4 affordable units.
- H1 was deleted and AH1 be allocated for two 1½ storey blocks for elderly persons.
- An Clachan retains a traditional crofting character low density housing and its relationship with inbye land.
- A higher density of housing would be at odds with the character of An Clachan and the NSA.

Revised 7 house scheme;

- The revision does not significantly change the impacts of this proposal.
- Advice remains that it will have significant adverse impacts of the crofting landscape of An Clachan and the special qualities of the NSA
- Key aspect of the township and site is that it is prominent in the foreground of key views from the A855 looking towards the ridge
- Proposed development will produce high density housing in conflict with the existing settlement pattern and adversely affect the landscape character
- Cumulative impacts are relevant, a number of new houses have been erected over recent years and that is continuing on an adjacent croft with a pair of semi-detached houses.
- The cumulative impact of new development has already increased housing density and makes it even more difficult to accommodate the proposed number of houses in this location.
- The history of the case suggests that it is unlikely that the applicant will reduce house numbers consistent with both the local plan and acceptable to SNH.

5.2 **Crofters Commission:** Original response to 9 house scheme

Have concerns regarding the quality and extent of the land involved and the fact that it is currently used as grazing

Comment;

- 60% of land is good quality arable, remainder is rough grazing
- Although small, could be very productive and is one of the better crofts in the area
- No other land is affected in terms of access – proposal uses the whole croft
- Will be removal of whole croft from productive use
- Land has been used for silage and currently for grazing sheep
- Original croft house and a house site were de-crofted in 2007 but both were separated from this site by the main A855
- Applicant inherited site in 1990, but has not used or lived on the unit, it has been sub-let since 2006, with the croft purchased in 2009.

Following revised plans for 7 house scheme give a general policy response.

- That the siting of development does not unreasonably restrict the flexibility to cultivate and move stock on the remaining land
- Development does not restrict access
- Development avoids better quality soils
- Does not impact on land availability and therefore agricultural viability
- In de-crofting the Commission will have regard for crofting; the crofting community; the landscape; the environment and the effect of the proposal on the social and cultural benefits associated with crofting.
- In addition, where the purpose relates to a development of the croft for which planning permission has been obtained, the Commission may, notwithstanding the existence of planning permission, take into account the effect the proposed development would have on the croft; the estate; and the crofting community in the locality of the croft .

5.3 **Building Standards** : No objection

Comment;

- Assessment of site conditions required for foundation design
- Measures for groundwater levels and water control at the embankment cut
- Further details of shared sewage system are required
- Confirmation of accessibility and water supply for fire service
- Sustainability measures will require to be considered

5.4 **TECS(Roads)** : Object to details as submitted

Given that the scale of this application does not conform to the adopted Local Plan or TEC's previous guidance in respect to the Deposit Local Plan TEC's recommendation is for Refusal as submitted.

- Concerns that proposed development access arrangement does not accord with advice given at Draft Deposit plan;

- Connection with A855 does not accord with TEC's desire for improvements to the Clachan township road junction with the A855 in terms of culverting; widening, strengthening and footway provision;
- Flood risk will be enhanced by the groundworks for sites 1-4;
- The proliferation of access points along the frontage;
- Seek the increase of the township road width to 5.5 metres;

5.5 Housing & Property: Advise that;

- Any grant of permission should include a Section 75 to secure the affordable element.

5.6 Development Plans Team

The entire site is located within the Settlement Development Area for An Clachan with the eastern part of the site allocated for 4 affordable housing units within the 2010 Adopted West Highland and Islands Local.

The site and surrounding land was subject to written submissions objection and Reporter judgement during the Plan's examination process.

The Council originally favoured the development of a wider area similar to the current application boundary for a mixture of housing types but this was rejected by the Reporter largely on the grounds of landscape impact.

The Plan's adopted wording states: "Housing suitable for the elderly, exceptional design quality, building form and layout to comprise two 1.5 storey semi-detached buildings fronting the side road, improved connection with A855 including footway provision, croft land access safeguard. Requirement to retain and integrate watercourses as natural features within the development."

Given the size and scale of the proposal, despite the Community support and the involvement of a quality architectural practice, it may be difficult to justify the larger site than that as allocated.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 34	Settlement Development Areas
Policy 28	Sustainable Design
Policy 29	Design Quality & Place-making
Policy 47	Safeguarding Inbye/Appportioned Croftland
Policy 57	Natural, Built & Cultural Heritage
Policy 61	Landscape
Policy 65	Waste Water Treatment

Policy 66 Surface Water Drainage

6.2 **West Highland and Islands Local Plan**

(As continuing in force)

Policy 2 Land Allocations - Developer Objectives and Developer Requirements

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Flood risk and Drainage Impact Assessment (Adopted 2013)

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

Sustainable Design Guide (Adopted 2013)

7.3 **Scottish Government Planning Policy and Guidance**

PAN 72 – Housing in the Countryside

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.

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.

8.3 **Development Plan Policy Assessment**

The boundaries of the SDA are extensive and encompass not only the built form of settlement but also the fields which compose such an important component within this landscape.

The entire site is located within the identified Settlement Development Area for An Clachan with the eastern part of the site allocated for affordable housing with an indicative capacity of 4 units. Although now covered by the policies of the Highland-wide Local Development Plan, the Settlement Development Areas and other land-use allocations were adopted under the West Highland and Islands Local Plan in 2010.

The history of this site in the context of the deliberations over it during the West Highland and Islands Local Plan examination in public is crucial in understanding SNH's objection to this proposal and officer's recommendation for approval.

The Deposit Draft for the Local Plan showed the land subject to this application divided into two land allocations;

- i. AH1 – the eastern half of the site for affordable housing
- ii. H1 – the western half of the site for market housing

The indicative design for this proposal consisted of a single T-shaped access off the side road serving a pair of semi-detached buildings in the AH1 site and a further pair of semi-detached buildings in the H1 area – 8 dwellings in total.

During the Local Plan examination process, the AH1 and H1 allocations were subject to a written submissions objection by SNH on the grounds of, *“...landscape impact on crofting landscape that is integral to Trotternish NSA...the adverse impact on the key view from the A855 to the Trotternish Ridge...”*

The Reporter’s conclusions were that he shared *“...SNH’s concerns that the scale and density of houses proposed (two blocks of semi-detached houses on each site, eight houses in total) would not be compatible with the sporadic nature of housing in this part of the township...which is an important element of the character of the NSA...Deletion of site H1 and retention of the site within the SDA would allow scope for some housing in accordance with Policy 1 of the local plan...”*

By deleting site H1 from the land allocations, the Reporter did not preclude development of the remainder of the site outwith the affordable housing allocation and retained the entire site area within the SDA. Further, reference was made to scope for some housing opportunities within the SDA. The SDA is the Council’s preferred location for development, provided that it accords generally with the stated development objectives.

Key, among the policies of the development plan in this regard is Policy 57 which identifies the Council’s approach to assets such as the NSA. Developments will be allowed, it states, so long as they can be shown not to compromise the NSA. “Compromise” is further defined as “significant adverse effects”.

8.4 **Material Considerations**

Design, Appearance and Landscape impact

From the above it can be seen that this application attempts to respond to the Reporter’s conclusions as well as the guidance and parameters set by the policies of the development plan.

Most importantly, in integrating the affordable housing land allocation with a proposal for market housing, this application not only brings forward the affordable units but also a ‘delivery mechanism’ in which the developer has an incentive to provide these affordable units which is otherwise lacking.

The key issues in the consideration of this site are the form and density of the development, how this relates to the existing settlement pattern and how these elements will affect landscape character and the NSA.

The southern end of Staffin comprises the township of Clachan and of Garafad. This settlement occupies a prominent location on the lower foreground of northward views across to the Trotternish Ridge which is an area of outstanding landscape value reflected in its designation as a National Scenic Area. Intrinsic to this setting is the physical relationship between the crofting communities along the

eastern flank in and around Staffin and its landscape. Here the dispersed settlement pattern towards Clachan extends around the field network of the crofting communities which serve to reinforce the relationship between the management of the land through crofting and the dramatic natural setting of the Trotternish ridge which rises to the west.

The key characteristic of the settlement pattern here which has evolved along the road network, is the dispersed nature of the housing, its traditional form and proportion and the physical relationship to the land. At Clachan this has manifested itself in an angular loop road around the field network with dog legs at either end with houses scattered along the roadside edge. At Garafad it has resulted in an extended dog leg which runs parallel with the A855 with houses set in a denser, linear manner. Whilst north of the Clachan loop road and the Garafad junction, the settlement is more pronounced and denser in and around the shop and towards the school.

Design Analysis of Proposal - The proposal can be considered as consisting of three areas of development and is thus very different to the proposal placed before the Reporter during the Local Plan examination;

- the eastern affordable housing allocation of 3 units orientated parallel with the main A855
- the centre element of two units orientated parallel with the township road
- and a west element of two units (one orientated parallel with the township road and the other orientated parallel with a private road).

Between the eastern and middle elements there is a visual break formed by the access serving the proposed 3 affordable units. Similarly there is a physical separation between the centre element and the western element, which is further strengthened by the difference in orientation of the units. In visual terms there is no single block or form of development across the site area and this, it is considered, is reflective of the emerging pattern of development at An Clachan.

Affordable Housing Element - The identified Developer Requirements for the allocated site as drawn from the Reporter's comments, express a preference that the affordable housing units should be sited along the frontage of the township road. As submitted, the proposed 3 units (1 semi-detached and a single) are orientated parallel to and close to the base of the embankment of the A855 main road.

Although this departs from the Developer Requirements, this arrangement is considered to be more in keeping with the existing established linear settlement pattern along the main road to the south and east on the approach leading into Staffin. Given the importance of public views from the A855 across An Clachan towards the Trotternish ridge, to have these units set down and seen in 'gable end' view significantly diminishes their potential for an adverse visual impact. An additional advantage of this layout is that it reduces the need for significant groundworks to give suitable access and house levels along the frontage with the township road. These groundworks have in the past been identified by the Lochalsh & Skye Housing Association as a significant cost constraint on the development of the site.

Although the indicative capacity of the AH1 site is identified to be four units, it is considered that the three unit scheme proposed has a much reduced visual impact from one incorporating a further dwelling which would have inevitably required at least one unit to face the An Clachan road in a more prominent position.

Density - The Reporter, in taking into account the objection made by SNH, considered that 8 units in four blocks within this total area of land would not be acceptable. However, in accepting the affordable housing allocation, he recognised that up to four houses within $\frac{1}{3}$ of the total site area was a satisfactory form of development. This was despite it being of a relatively high density in comparison with that in the immediate vicinity.

By retaining the western $\frac{2}{3}$ of the site within the extensive Settlement Development Area, the Reporter gave no further guidance of how this could or would be developed other than that as set out in the Developer Objectives for An Clachan, the relevant policy (Policy 1, now policy 34) and in the context of the affordable housing development.

The key issue is how any further development of the croft apart from the affordable housing allocation is viewed in terms of the existing settlement pattern, the visual impact on the landscape and the special qualities of the NSA.

Defining the Settlement Pattern - The local settlement pattern for An Clachan is of linear development associated with the road frontages coupled with small spur roads leading off that have spread development into some small clusters of houses.

Within the submitted Design and Access Statement there is a diagrammatic representation of an analysis of the An Clachan settlement pattern which is considered to describe the situation very clearly – a copy is enclosed. The An Clachan settlement development area can be seen to largely consist of open and undeveloped croft land which has evolved around the road network along the field margins. This is the resource which SNH wish to preserve as an important element of the landscape quality of the NSA. A core component to the intrinsic quality of this part of Clachan is the physical relationship between the dispersed settlement pattern which has evolved along the road network and is separated by the established field network whose boundaries it follows.

Planning officers are absolutely in agreement with SNH over this approach. However, they do not accept that this development undermines such a position in any way. In fact, officers take the view that the proposal is completely compatible with the existing and evolving settlement pattern and contributes to, rather than threatens, the NSA landscape resource.

The spatial analysis in the Design Statement identifies the minority of the settlement development area which has been developed as falling into four pattern types;

- a) Corridor – linear development spread out alongside the main A.855 road

- b) Cluster – grouped development particularly associated with road junctions around the local shop and more modern housing development to the north of this site, but also including development either side and opposite the An Clachan road junction. The indicative affordable housing element of this scheme is suggested as forming a part of this cluster
- c) Linear – regularly spaced development on one or both sides of several of the side roads of the settlement development area. This scheme is suggested as forming a compatible addition to the linear pattern either side of the An Clachan road which extends all the way to the western boundary of the settlement development area.
- d) Perpendicular – development associated with a couple of minor tracks running a right angles to the linear pattern side roads.

It is considered that this analysis illustrates very clearly why and how the proposed development fits comfortably into the evolving settlement pattern of An Clachan, without appearing as the overly dense and incongruous housing scheme which SNH fear will have a significantly adverse impact upon the NSA and upon views from the A.855 over the site to the Quiraing crags in particular. In this regard it is considered there exists the opportunity for development to be accommodated so long as it reflects the dispersed settlement pattern of the area.

It should be noted that the An Clachan road marks the boundary between crofts running east-west (like the application site) and those to the south of the road which are shorter and run north-south. By the nature of the strip form of croft land, road-fronting development on these 'short' crofts south of the site already has a more dense character of development.

Over recent years, there have been a number of developments on these crofts and SNH refer to this in their objection. It is considered that these new developments have had a cumulative impact upon the character of the settlement and mean that the current situation, in settlement pattern terms, has evolved from that facing the Reporter some four years ago.

In 2009/10 the site was relatively open and free of surrounding development. If assessing the situation at the current time, the Reporter would have to take into account at least four built, partially built and extant housing permissions on land immediately surrounding the site. These permissions are part of the naturally evolving pattern of development expected within a settlement development area in accordance with Policy 34 of the development plan.

In terms of the western part of the site, the indicative siting of two units orientated parallel with the township road follows the linear frontage form of development and this is also achieved by the remaining two plots – one orientated parallel with a short private spur road and the other occupying the corner position between this and the public road.

To reiterate, this layout is not what was considered by the Reporter and it is considered that single units with spacing between them is much less intrusive on public views and more in keeping with the settlement pattern than the two semi-detached blocks sited on the frontage of the side road presented to the Reporter

during the Local Plan examination. However, it is also considered that this indicative layout is almost certainly the maximum that can be accommodated without detrimental visual impacts on the local area and the NSA.

This Design Statement indicates that this application has been drawn up indicatively using the 'R house' design units. Whilst this is a high quality design that can give flexibility in the size, design and use of materials to reflect the variety of other houses in the locality, it has to be appreciated that the impact on the landscape of other less 'considered' house designs might not be acceptable.

A core component to the intrinsic quality of this area is the physical relationship the dispersed settlement pattern and the design, scale and form of the houses which are largely modest and traditional. In this regard it is necessary for this pattern to be maintained and the form and proportion of the houses requires to be traditional in nature. This does not preclude innovative design but requires such an approach to have regard to the core characteristics of the area. In addition to help safeguard the separation distances from inappropriate development a condition is proposed relative to the footprint of the proposed houses along with the removal of the permitted development rights.

The boundaries of the SDA are extensive and encompass not only the built form of settlement but also the fields which compose such an important component within this landscape. Supporting this development within this area does not represent an endorsement for development throughout the entire SDA but a reflection of the capacity of this location to absorb appropriately sited development subject to conditions. Any development proposal must be carefully considered in its context. The previous scheme for 9 houses could not be supported as it was felt to have an adverse impact on the landscape and at odds with the dispersed settlement pattern. The granting of this permission does not prejudice the intrinsic qualities of this settlement and the fragile relationship between this landscape setting and the crofting community. Most importantly, the proposed seven house scheme is not considered to have a "significantly adverse impact" upon the NSA that would justify its refusal on these grounds.

Affordable Housing

The Council's Housing service has confirmed that a Section 75 will be required to secure the affordable housing provision.

Clearly, the delivery of the affordable housing allocation is an aspect of the application the Council will take a positive view of. This planning application brings the prospect of that provision a step closer. However, it is also clear that there is no particular incentive for the landowner to take the affordable housing forward in isolation. It was, perhaps, an unforeseen consequence of the deletion of land allocation H1 that it left the AH1 allocation in a position where it was much less likely to be delivered. In blunt terms, as a stand alone scheme there is almost no prospect of it providing a worthwhile yield for the landowner that will also satisfy the requirements of a housing association or registered social landlord.

The chances of these affordable units actually being built is considered to be greatly enhanced by tying their delivery to the construction of the four open-market plots through the provisions of an s.75 agreement.

Flooding

TEC's have commented regarding the potential for flooding on the allocated site, this relates to the presence of the outfall of a culverted watercourse under the A855 and several smaller local watercourses. Given that this is an application in principle the issues are considered to not be insurmountable and may be dealt by means of condition.

Drainage

The proposal shows a shared self contained system for the 3 affordable units plus a separate shared system for the 4 units to the west. Building Standards comments relate to the need for further details, but do not object to the proposed scheme.

Roads/Access

The response from TECs (Roads) is based on discussions held as part of the scheme presented at the Local Plan examination. As already made clear, the proposals that were under consideration at that time were materially different to those included in this application.

In particular the junction with the A855 was to be significantly improved with road widening for a significant length of the side road and the creation of a service road jointly servicing the affordable housing and the private housing. However, this approach, which would have included curbing and pavements either side of the widened road, is considered to be overly urban in character and at odds with the rural setting. As such these road works would have been considered as having a significant and detrimental visual impact running counter to the rural character of the area and the NSA.

This application has not been submitted with any detail about road improvements but does make provision for a widening of the An Clachan road for the first 75m or so from the A855 junction. Further details can be made the subject of a condition to be agreed before any detailed applications are made. It is likely that the junction with the A855 can be much improved with the inclusion of additional width and geometry. This widening, together with a pedestrian footway linking with that existing alongside the A855 and to be continued through to the junction with the affordable housing access, will greatly enhance road and pedestrian safety.

Roads have raised concerns regarding the proliferation of new accesses (as opposed to the single access as advocated by the 'examination' scheme). No significant road safety concern has been raised against the use of single accesses other than their proliferation. However, not only are they a recognised characteristic of the area in visual terms, but their service bays will offer improved passing-bay opportunities for other road users. In respect of limiting the effective number of accesses, a condition is recommended requiring the designs of plots 4 and 5 to incorporate parallel accesses. Overall, this approach to access is considered to represent a proportionate improvement.

Crofting

The original response made by the Crofting Commission with regard to the 9 house scheme was clearly unsupportive of the removal of the balance of this particular croft from productive use.

However the subsequent comments in response to the 7 house scheme are more moderated and the loss of the land associated with the amended scheme is not considered so negatively. However, the standard response gives the clear indication that de-crofting may not be granted regardless of planning permissions.

Conclusion

It is considered that this development will result in an area of housing density that is compatible with those other parts of the An Clachan settlement development area which are also associated with road frontages. However it is the degree to which that density creates a visual impact great enough to have a “significantly adverse impact” upon the protected resource of the NSA which is the critical material consideration. It is concluded that no such significantly adverse impact will result.

The revised submission with the reduction in the number of plots from 9 to 7 is significant in that it replicates the dispersed settlement pattern and allows support to be offered subject to appropriate conditions. The original scheme could not be supported but the revised layout reflects and has regard to this setting and subject to appropriate conditions can be supported without detriment to the wider landscape setting whilst retaining the character and place of the existing settlement pattern. The views of SNH in objecting to this proposal are appreciated, however their comments in drawing on the Reporter’s decision are neither considered to take into account the material differences between this proposal and that placed in front of the Reporter nor the development that has taken place around this land during the intervening four years.

The Council has a clear interest in seeing the affordable housing allocation actually come forward as a built scheme as soon as possible. At present, this seems a remote prospect, but its inclusion (through a s75 agreement) in a scheme such as this greatly enhances those prospects and this is a weighty material consideration for the Council in determining this application.

8.5 Other Considerations – not material

N/A

8.6 Matters to be secured by Section 75 Agreement

The provision of 3 units of affordable housing

8.7 Procedural Note

In view of the fact that the recommendation is to approve this application when there is a formal objection from SNH it is necessary for the application to be referred to Scottish Ministers before the decision can issued.

9. CONCLUSION

9.1 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.

The objection from SNH is understood in respect of their involvement with the site during the Local Plan examination in public, but is considered to fail to take into account subsequent development and planning permissions surrounding the site and the very different form of development being indicatively offered in this application compared to that offered during the Local Plan examination.

Furthermore, the delivery of the affordable housing allocation is an important policy goal and material consideration for the Council and the prospects for this are considered to be greatly enhanced by this proposal. Should the Section 75 Agreement not be concluded within a 4 month period, the application shall be refused under delegated powers.

10. RECOMMENDATION

Action required before decision issued Yes

Notification to Scottish Ministers Yes

Conclusion of Section 75 Agreement Yes

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence, until all of the matters specified below, have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply, foul and surface drainage arrangements.

2. Any details pursuant to Condition 1 above shall show houses of a traditional form and proportion which contain the following elements:
 - i. walls finished predominantly in a white/off-white wet-dash render;
 - ii. a roof covering of natural slate;
 - iii. single or one and a half storey;
 - iv. windows with a strong vertical emphasis;
 - v. a roof symmetrically pitched of not less than 35° and not greater than 45°;
 - vi. predominantly rectangular in shape with traditional gable ends.
 - vii. a footprint no greater than 110 m²
 - viii. a span no greater than 7 metres

Reason : In the interests of the visual amenity of the locality which lies within the Trotternish Ridge National Scenic Area, to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

3. Notwithstanding the provisions of Article 3 and 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 extensions or outbuildings are permitted within the curtilage of the houses 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 locality and the wider National Scenic Area.

4. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

5. No development shall commence until a sustainability statement detailing commitments to reducing energy consumption and waste disposal has been submitted to, and approved in writing by, the Planning Authority. Matters to be considered within the statement shall include:

- i. the use of "grey water" recycling for toilet flushing, vehicle washing and similar uses;
- ii. the use of renewable energy technologies and wood fuel where possible;
- iii. heat recycling and ventilation;
- iv. measures for energy efficiency; and
- v. materials minimisation, composting and recycling.

Thereafter, the development shall incorporate the approved sustainability commitments and these shall be implemented prior to the first occupation of the development.

Reason : To ensure that the development utilises sustainable building, infrastructure and services methodologies and reflects the principles of the Council's designing for sustainability guidance.

6. Any details pursuant to condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

Reason : To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

7. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

Reason : To ensure that all flood mitigation infrastructure, required in order to reduce the risk of flooding occurring both within and outwith the application site, is provided timeously.

8. Any details pursuant to Condition 1 above shall show public road improvements featuring the following elements:

- i. widening of the public road from its junction with the A855 through to plot 4 ;
- ii. the provision of a footway link on the north side of the township road from the access serving Plots 1-3 through to the existing footway alongside the A855 ;
- iii. improvements to the layout, kerbing, pedestrian dropped kerbs, carriageway surfacing levels, drainage and geometry of the junction of the township road junction with the A855;

Reason : In order to ensure the safety and free flow of traffic on the public road, facilitate servicing outwith the carriageway and maintain the integrity of the public road carriageway.

9. Any details pursuant to condition 1 above shall show details of access, suitable for accommodating agricultural traffic, provided through the application site to the adjacent croftland. Prior to the first occupation of the houses the access shall be formed in accordance with the details approved by the Planning Authority and thereafter shall be maintained in perpetuity.

Reason: To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, another part of the croft or other croftland.

10. Any details pursuant to condition 1 above shall show details of accesses from the public road to plots 4 and 5 which incorporate a parallel access design

Reason: To reduce the number of separate openings onto the public road in the interests of highway safety

11. Any details pursuant to condition 1 above shall show a layout which accords with the approved plan titled "164/001c".

Reason: To ensure the development achieves a layout that is reflective of and sympathetic to the settlement pattern of the area and in the interests of protecting the landscape character of this National Scenic Area.

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiration of THREE YEARS from the date on this decision notice;
- ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle 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.

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.
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 & 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 & 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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is 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.

Section 75 Obligation

You are advised that this planning permission has been granted subject to a Section 75 Obligation. The terms of the obligation must be read in conjunction with the planning permission hereby approved. The terms of the obligation may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

FURTHER RECOMMENDATION IN RESPECT OF APPLICATION 13/02479/FUL

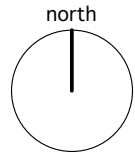
Should the Section 75 Agreement referred to in this report not be concluded within a period of 4 months without good reason, it is recommended that the application be refused under delegated powers for the following reason:

1. The proposal is judged to be contrary to the provisions of the development plan as the developer has failed to provide the requisite affordable housing units as required by land allocation AH1 and Policy 32 (Affordable Housing) of the Highland-wide Local Development Plan.

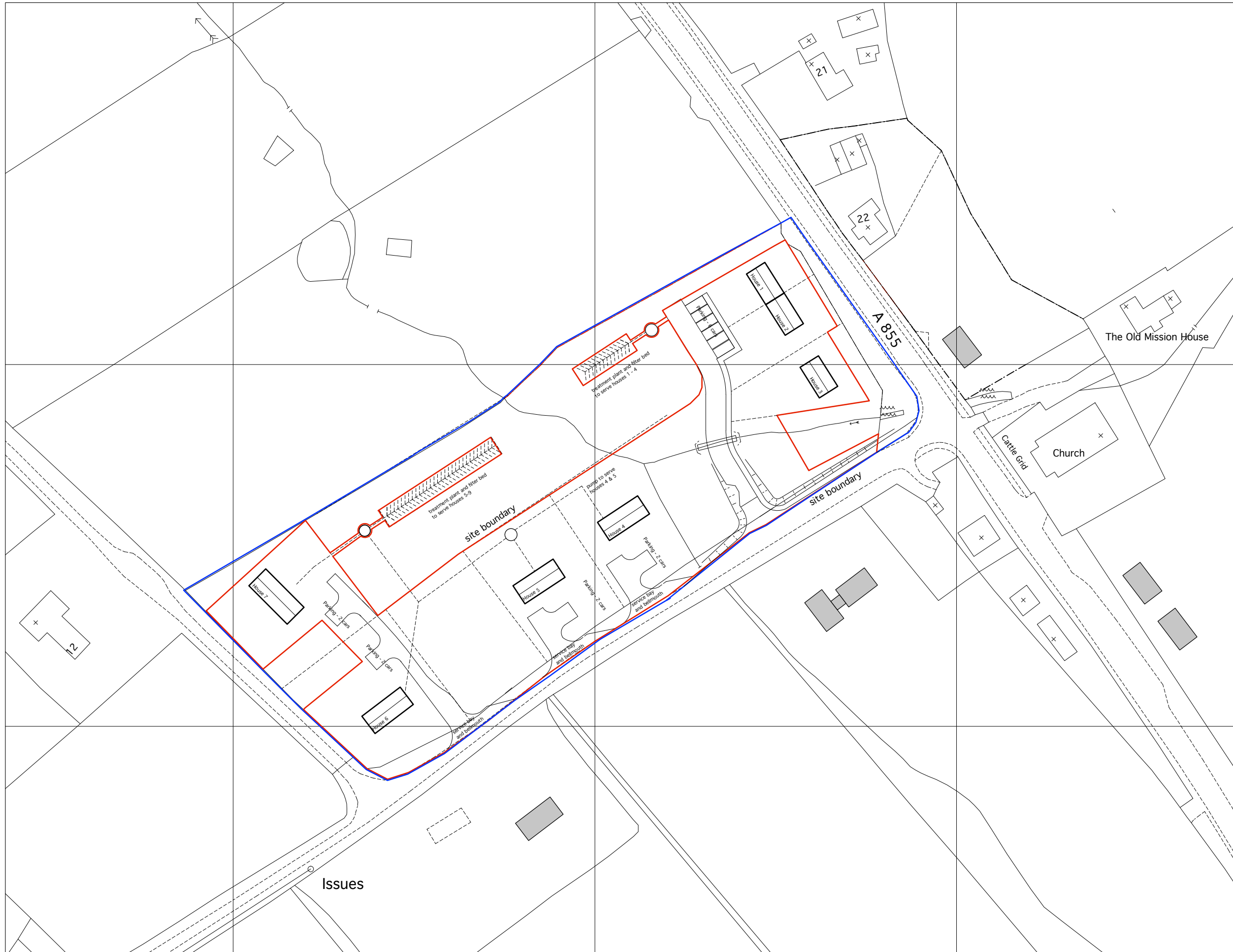
Signature:	Dafydd Jones
Designation:	Area Planning Manager (North)
Author:	Mark Harvey
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Amended Site Layout – 7 Houses Plan 2 – Superseded Site Layout – 9 Houses Plan 3 - SDA boundary plan from page 2 of the Design Statement Plan 4 – Development Density and typologies plan from page 4 of the Design Statement Plan 5 - Planning Permissions granted since Jan 2008

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Calum Nicolson	Flat 0/2 38 Dudley Drive, Glasgow	23/05/2013	Neutral
Miss Marion Ross	Agaidh na greine, Clachan, Staffin, IV51 9HY	26/10/2013	Against



Proposed Plan - Scale 1.500



do not scale drawing, if in doubt seek clarification from architect

revisions & notes

- A - Planning Boundary Amended
- B - Dwelling removed, layout amended
- C - Dwelling removed, layout amended

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 www.ruraldesign.co.uk studio@ruraldesign.net

RURAL DESIGN ARCHITECTS

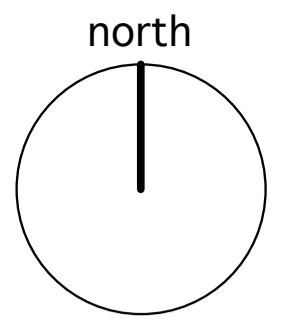
Client
 Mr W MacInnes

Drng No.
164/001c

Status
P

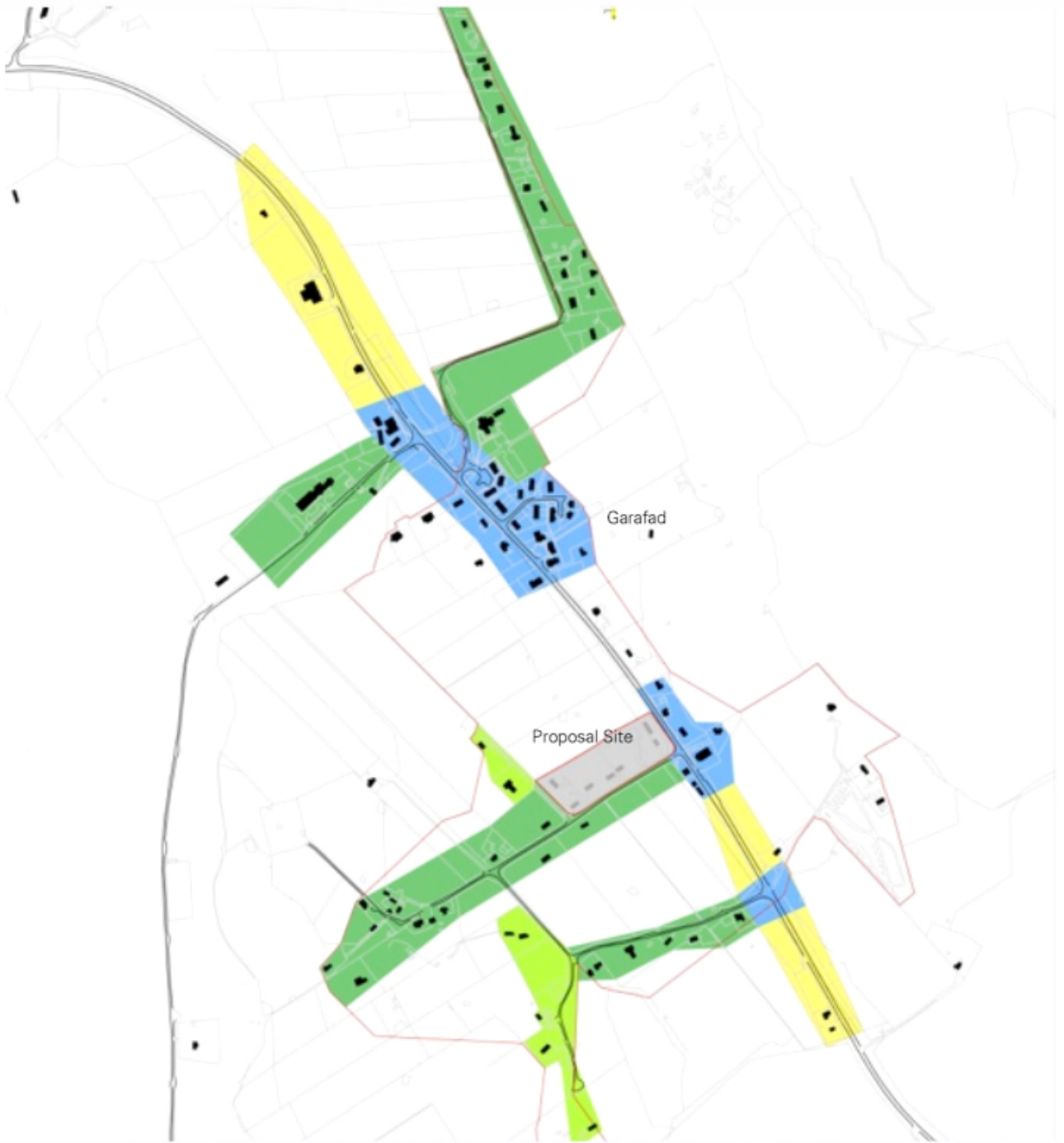
Project
 Proposed Housing Development at 22 Garafad, Staffin

Drawing Title	Scale	Date	Drawn
Site Layout and Location	1.500	9/11	AD





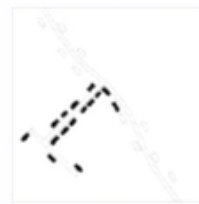
Site Plan showing Local Plan Boundary



Corridor Development



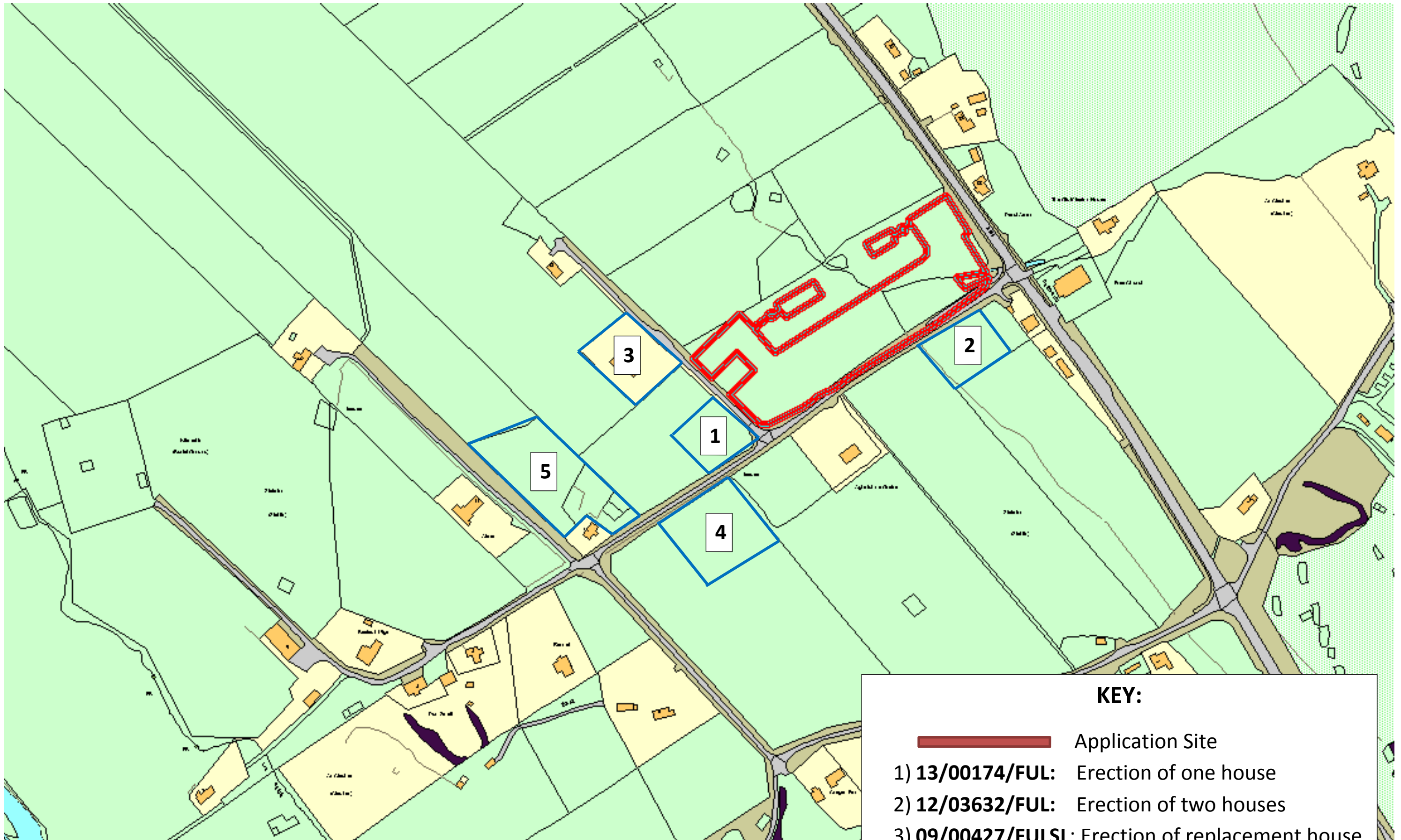
Cluster Development




Linear Perpendicular



Development Density and typologies



KEY:

-  Application Site
- 1) **13/00174/FUL:** Erection of one house
- 2) **12/03632/FUL:** Erection of two houses
- 3) **09/00427/FULSL:** Erection of replacement house
- 4) **08/00338/FULSL:** Erection of one house (outline consent 08/00216/OUTLSL)
- 5) **08/00339/FULSL:** Erection of one house

PLANNING PERMISSIONS GRANTED FOR HOUSES SINCE 2008