

THE HIGHLAND COUNCIL

CAITHNESS SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 21 December 2010

Agenda Item	3.4
Report No	PLC/055/10

**10/04149/PIP, 10/04159/PIP, 10/04161/PIP : Ben Loyal Estate
3No. House sites to south of Tongue village**

Report by Area Planning and Building Standards Manager

SUMMARY

Description :

- 1. 10/04149/PIP Erection of a single dwelling house (Plot 2) at Land 70m south of Fir Chlis, Tongue – middle site**
- 2. 10/04159/PIP Erection of a single dwelling house (Plot 3) at Land 125m north east of Aquila Cottage, Tongue – northern site**
- 3. 10/04161/PIP Erection of a single dwelling house (Plot 1) at Land 150m south of Fir Chlis, Tongue – southern site**

Recommendation - GRANT

Ward : 01 - North, West and Central Sutherland

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : More than 5 representations as per Scheme of Delegation.

1. PROPOSED DEVELOPMENT

- 1.1** The report covers three separate planning applications which seek to establish the principle of developing a single house on each site. The sites lie within the Kyle of Tongue National Scenic Area.
- 1.2** Brief informal pre-application discussions were undertaken with the agent in June 2010 confirming that the main housing policies in the area (Highland Structure Plan policy H3 Housing in the Countryside and the Sutherland Local Plan policies 3 and 16) were generally supportive of new housing proposals.
- 1.3** No existing infrastructure on the sites.

- 1.4 No supporting documents submitted.
- 1.5 No variations have been made to the applications.

2. SITE DESCRIPTION

- 2.1 The applications are being reported to Committee together as they are located close to each other along the single track U1631 along the eastern side of the Kyle of Tongue to the south end of the village and have similar characteristics, technical considerations and representations.

The sites are relatively flat and open and covered in poorer quality grazing. The land rises to the west of all the sites and is partly bounded by gorse to the public road.

There are two existing houses, Fir Chlis and Aquila Cottage, close to the proposed sites.

3. PLANNING HISTORY

- 3.1 There are no previous applications on any of the three sites.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbours. Expiry 5 November 2010

Representation deadline : 5 November 2010

Timeous representations : 10/04161/PIP : 7 representations – none in support
10/04149/PIP : 7 representations – none in support
10/04159/PIP : 8 representations – none in support
Late representations : 10/04161/PIP : 1 representations – none in support
10/04149/PIP : 2 representations – none in support
10/04159/PIP : 1 representations – none in support

- 4.2 Material considerations raised are summarised as follows:

- Amenity
- Noise and disruption
- Privacy
- Lack of screening
- Development of holiday homes – don't support local services
- Impact on livelihood
- Pattern of development
- Neighbour notification procedure
- Design of housing
- Development of agricultural land

4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **TEC Services** : No objections. A combined bellmouth and service bay, finished in bituminous macadam with a visibility splay of 90m, is required for each site.

5.2 **Scottish Water** : No objections

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2 Design for Sustainability

H3 Housing in the Countryside

6.2 Sutherland Local Plan

3 Wider Countryside

16 Housing in the Countryside

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Housing in the Countryside

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

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 proposals are for individual house plots. The sites all lie within an area of land to the south of Tongue village where Local Plan policy 16 and Structure Plan policy H3 Housing in the Countryside apply. These generally support the development of housing in the area where it is of an appropriate location, scale, design and materials, particularly where it supports communities experiencing difficulty in maintaining population and services. The policy also notes that new housing must demonstrate appropriate siting and take into account locally important croft land.

Policy G2 Design for Sustainability also judges new housing on whether it demonstrates sensitive siting in keeping with local character; its impact on individual and community residential amenity; and its compatibility with water, sewerage and road servicing provision.

- 8.4 In my assessment, the development of all three sites for housing would accord with the policy elements set out in section 8.3. The sites reflect the generally scattered pattern of built development in the area, with occasional houses along the roadside.
- 8.5 The three proposed houses would in my judgement be acceptable in terms of both landscape and visual amenity. They demonstrate sensitive siting in accordance with policy G2, marrying in with the general dispersed pattern of housing found in the area.
- 8.6 Notwithstanding this, I would advise Members that any further residential development over and above the existing housing plus that proposed would not be acceptable as it is considered that this would then lead to a change in the balance of agricultural/open land use to housing development land in the immediate area. Such additional housing over and above what it proposed here would in my assessment lead to a significantly detrimental impact on the area and therefore not accord with policy G2.
- 8.7 There are no technical difficulties with the applications. TEC Services have confirmed that all three sites can be serviced with visibility splays being achievable (90m on each site).

8.8 **Material Considerations**

Representations have been received on all the applications and relate to the same issues:

- Amenity, Noise and Disruption – Fir Chlis is run as an Ecumenical House of Prayer and Healing and the owners have concerns that the development of housing in the area would disrupt the peace and tranquillity of the area. Members will note that whilst there would be an element of disruption during any construction work, this would be for a limited period only. Following any period of construction works anticipated noise from any of the houses would be of a normal domestic nature.
- Privacy and lack of screening – It is considered that given the relative approximate distances between properties – that is,

90m from the edge of Plot 3 to Aquila Cottage

160m from Aquila Cottage to Fir Chlis

70m from Fir Chlis to the edge of Plot 2

45m from the edge of Plot 2 to the edge of Plot 1

there is adequate spacing to retain and maintain amenity provision and prevent overlooking and intervisibility between existing and proposed houses.

- Pattern of development – There is a scattered pattern of development in the area to the south of Tongue village, with occasional houses and small clusters. The pattern which the development of these plots would result in is considered to be acceptable within the wider landscape context.
- Neighbour notification procedure – I would advise Members that the correct procedures have been carried out.
- Design of housing – As the applications are in principle only, no details of the designs of house are available. This is a matter which can be controlled by conditions and would be assessed following the submission of a detailed planning application.
- Development of agricultural land – It is not considered that the developments will have any significant impact on the availability of agricultural land in the area.

8.9 **Other Considerations – not material**

- Impact on livelihood
- Development of holiday homes does not support local services

8.10 **Matters to be secured by Section 75 Agreement**

None

9. **CONCLUSION**

9.1 The three separate applications are considered to demonstrate sensitive siting in keeping with local character; and are acceptable with regard to their impact on individual and community residential amenity and their compatibility with water, sewerage and road servicing provision. Accordingly, the proposals accord with Development Plan policy and are recommended for approval, subject to conditions.

10. **RECOMMENDATION**

Action required before decision issued n

Notification to Scottish Ministers n

Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	n
Revocation of previous permission	n

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

Conditions for each application - 10/04149/PIP, 10/04159/PIP, 10/04161/PIP

(1.) This planning permission in principle shall lapse THREE YEARS from the date of this permission should no subsequent application for the approval of matters specified in conditions be submitted within this time. In any case, the development to which this permission relates must commence no later than THREE YEARS from the date of this permission, or TWO YEARS from the date of approval of any matter(s) specified in conditions, whichever is the later.

Reason In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(2.) A further application, or applications, for the approval of matters specified in this condition must be made within THREE YEARS of the date of this decision notice. The application shall be in the form of a detailed layout of the site (including landscaping and car parking), and detailed plans, sections and elevations of the building/s. The MATTERS specified in this condition are the siting, design and external appearance of any building(s), the means of access and landscaping.

Reason In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(3.) Notwithstanding design and external appearance are matters specified in condition 1 the design of any house on the plot shall incorporate the following principles:

- a) The roof shall be finished in natural slate, or a slate type roof tile with at least a 40 degree roof pitch. There shall be a vertical emphasis to window openings and it shall be single or one and a half storeys in height.
- b) External house wall and roof materials: The use of natural stone and/or wet harling is encouraged, but innovative designs incorporating glass and timber are also acceptable.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2 and H3 and the Council's Design Guidance.

(4.) The position of the house shall be pegged out on site for the prior approval of the Planning Authority, in writing, and any application for matters specified in conditions shall be accompanied by cross sections and levels showing the finished floor level in relation to an agreed and fixed datum.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2 and H3 and the Council's Design Guidance.

(5.) A fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority as part of a detailed planning application. All planting thereby approved shall be undertaken in the first planting season following the completion of the house.

Reason: In the interests of amenity and for the avoidance of doubt.

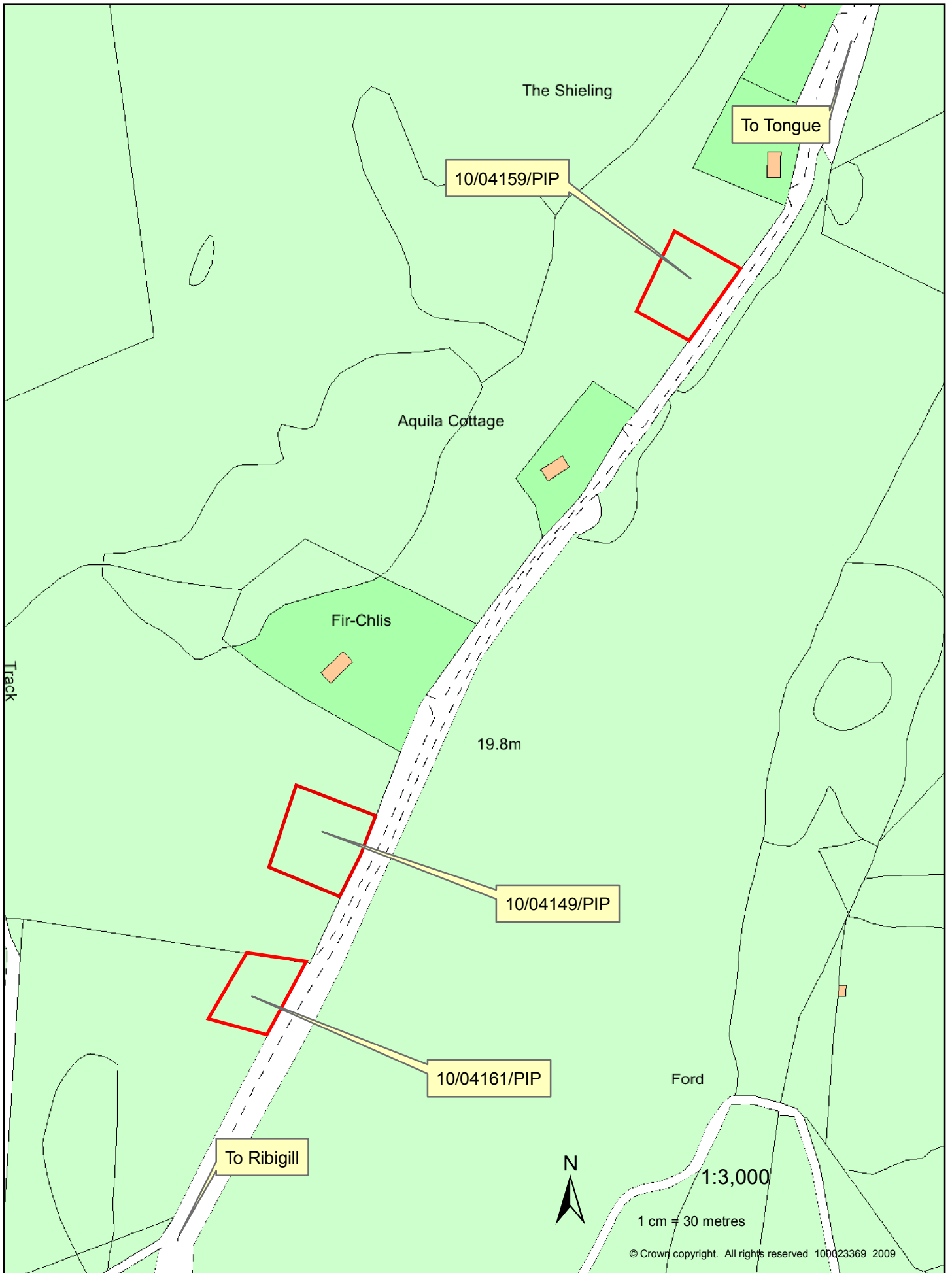
(6.) Prior to the commencement of any other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be fully completed in accordance with the Specification prior to occupation of the house. For the avoidance of doubt, a combined bellmouth and service bay, finished in bituminous macadam with a visibility splay of 90m shall be provided.

Reason: In the interests of road safety and for the avoidance of doubt.

(7.) All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Building Standards Authority. For the avoidance of doubt, foul drainage shall be by means of a secondary treatment plant and discharge to land soakaway or as may otherwise be agreed in writing with the Planning Authority in consultation with SEPA.

Reason: In the interests of amenity.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Location Plans



10/04149/PIP, 10/04159/PIP, 10/04161/PIP
 Erection of single houses, installation of sewage treatment systems and formation
 of new accesses onto Ribigill to Tongue public road at
 Land 150m South of Fir Chlis, Tongue (Plot 1),
 Land 70m South of Fir Chlis, Tongue (Plot 2)
 & Land 120m North East of Aquila Cottage, Tongue (Plot 3).

Ben Loyal Estate
 per Bell Ingram Design
 22 Market Brae
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 per Mr M Fleming.