

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 13 September 2011

Agenda Item	3.5
Report No	PLC/042/11

**11/01098/FUL : Mr Allan & Mrs Kathy Wares
Land west of Bighouse Farm, Melvich**

Report by Area Planning Manager

SUMMARY

Description : Erection of house (as amended)

Recommendation - GRANT

Ward : 01 - North, West And Central Sutherland

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : More than 5 representations have been received.

1. PROPOSED DEVELOPMENT

- 1.1 The application is in detail for the erection of a house and the provision of a private foul drainage system on land to the west of and downhill from Bighouse Farm. The roof is to be finished in natural slate with white wet dash external materials.
- 1.2 Various pre-applications discussions have taken place as a result of the now withdrawn previous applications on the site since 2009 (see 3.1).
- 1.3 There is no existing infrastructure on the site.
- 1.4 No supporting documents submitted.
- 1.5 Building position has shifted slightly to the north within the application site.

2. SITE DESCRIPTION

- 2.1 The site is around 270m to the north-east of Bighouse and 50m to the west of the existing steading buildings at Bighouse Farm. The ground is used for grazing and is accessed from the end of the public road via an existing agricultural access between the steading building and Kennel Cottage. There is a significant slope across the site which generally runs from east to west. There is an open outlook to the River Halladale and Melvich to the west and northwest. The nearest properties are Kennel Cottage and Bighouse Farm which are approximately 55m and 135m to the southeast. The site is set within a dip/hollow.

3. PLANNING HISTORY

- 3.1
- 10/02682/FUL Erection of a house. Withdrawn 21.03.2011.
 - 09/00427/PIPSU Erection of a house and installation of septic tank and soakaway (Planning Permission in Principle). Withdrawn 10.11.2009.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbours, Affecting Setting of Listed Building. Expiry 13.05.2011, 26.08.2011

Representation deadline : 13.05.2011, 26.08.2011

Timeous representations : 15

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Impact on Landscape, (Listed) Bighouse Lodge, Wall and Garden
- Inappropriate design and scale of building
- Core Path network and Right of Way
- Access
- Contrary to Development Plan Policy
 - Surface water drainage

- 4.3 All letters of representation can be viewed online at 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 **Melvich Community Council** : No response received.

- 5.2 **Area Roads and Community Works Manager** : This appears to be the 3rd house off the end of our adopted road. No objections.

- 5.3 **Access Officer** : The approved core path, 819.012, runs through the site (marked as the access road on the site plan) and can be seen on the ground. It is used modestly but regularly enough to be clearly defined. The comments below should be attached to any approved application in order that the path can be used safely and freely by the public.

- There is currently a gate to the site (at grid ref 289380 964940) and this should not be locked to non-motorised users during the development, or upon completion of the proposal, unless a side gate or gap is provided with a minimum width of 1.5m.
- The above should also apply to any further access gates on the access route to the site.

- Other than for access to the site/delivery of materials, the line of the path should not be used for moving or storing building materials.
- The south-eastern boundary of the proposal is shown as undefined, it is currently open for the public to cross when using the route. Any additional fencing or similar to define the garden ground of the dwelling should be approved in writing by the planning authority.

While it is not on our records, it is likely the route has been used for the prescriptive period and conditions to be considered a right of way.

5.4 Contaminated Land Unit : No objections

5.5 Conservation Officer: The principle of development in this location gives rise to a number of significant material considerations.

There is some concern in relation to the surrounding listed buildings and their interrelationship with each other and the historic landscape setting. It is considered that the current revised submission does not address or remove the concerns previously raised.

It should also be noted that this application must be considered against a desirability to preserve and protect the open landscape of north Sutherland. The historic natural landscape is a key element of the wider historic environment and makes a valuable contribution to the wider setting of historic environment assets. The Council has a number of historic environment assets recorded in the immediately surrounding area incorporating a number of significant archaeological finds/features as well as the more visually obvious listed buildings.

Scottish Planning policies on the historic environment which seek to preserve the setting of listed buildings, archaeology, gardens and designed landscapes and other Historic Environment assets are all applicable to this development proposal.

The Landscape Character Appraisal for Caithness and Sutherland classifies this area of Sutherland as a combination of Sweeping Moorland and long sandy beaches. Both of these character types consist of open landscapes which afford far reaching views. The Appraisal identifies the beaches of the north Sutherland and Caithness coasts and recognises that they have a “magical” quality to them.

It must be accepted that to allow new development to encroach into this historic landscape will inevitably have some impact on the intrinsic value and the setting contribution of the landscape to the existing dwellings and settlements of the area. Scottish Planning Policy advises that landscapes and the natural heritage are sensitive to inappropriate development and planning authorities should ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications.

It is considered that the current proposal has the potential for negative impact on the listed buildings, their setting and the wider historic landscape in which they are located. As such it is considered that the proposed development does not meet the requirements of local and national policy in relation to landscape character and the historic environment. Therefore it is not possible to support the development proposal.

5.6 **Archaeology** : There are no sensitive historic environment issues and no mitigation is required.

5.7 **Historic Scotland** : The application under consideration is for the erection of a single-storey dwelling house on land adjacent to Bighouse Mains Steading. This consultation request concerns the setting of the A-listed Bighouse Walled Garden & Pavilion (Bighouse itself is listed at category B) located approximately 200m to the west of the development site.

In considering the application, in terms of potential impact on the walled garden, we do not object to this development. The setting of a walled garden is often characterised by its position in relation to the house it serves. In this instance, the garden and house are immediately adjacent to one another, and the development proposed is of a sufficient distance not to raise any issue of national significance.

As part of our assessment, we recognise the development does have potential implications for the wider landscape. It would appear that this rural landscape, including the listed structures within, has developed over time with each subsequent development supporting the requirements of Bighouse. This development will depart from this tradition, introducing a modern domestic building in the landscape, and your Council will need to consider if this development will preserve the setting of the listed buildings in the existing landscape.

Highland Council should proceed to determine the application without further reference to Historic Scotland.

5.8 **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
BC5	Listed Buildings and Conservation Areas

6.2 Sutherland Local Plan

3	Wider Countryside
6	Design for Sustainability
16	Housing in the Countryside

6.3 Highland Wide Local Development Plan

29	Sustainable Design
37	Wider Countryside

7. OTHER MATERIAL CONSIDERATIONS

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance: Housing in the Countryside and Siting and Design (August 2011)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy; Scottish Historic Environment 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that the Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and that a planning authority shall have regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings.

8.4 Development Plan Policy Assessment

The main development plan policies which affect the site are policies H3, 16, 29 and 37; and the Interim Supplementary Guidance: Housing in the Countryside and Siting and Design. The proposed development accords with these policies with regards to siting and design.

8.5 The applicant has submitted a topographical survey of the site in support of the application. This shows that the existing ground levels at the house site are around 24m relative to a 30m datum point at the foot of the gate post adjacent to Kennel Cottage. The proposed house is 6.2m to its ridge. Accordingly, the ridge height of the proposed house would be below the adjacent Kennel Cottage and would not impede the outlook from it. Therefore, the proposal is not considered to have a significantly detrimental impact on individual or community residential amenity as set out by policies G2 and 29. Members will note that an existing property is not entitled to a view but does have a reasonable expectation of amenity. In my assessment the overall amenity level will decrease, but not in a significantly detrimental way in the test of the policy.

8.6 The steading building to the east and above the house site is Category C Listed. Approximately 200m to the west at Bighouse, there are Category A and B Listed Buildings. Members will note that these are listed due to their architectural and historic importance and their setting within the landscape.

Whilst it is recognised that the site does have an historic and scenic quality, it is not considered that this will be significantly adversely affected by the development of a single house on this site. Furthermore, the proposal is not considered to conflict with Scottish Planning Policy in relation to its potential impact on the landscape, natural heritage or built environment qualities.

8.7 **Material Considerations**

The proposed house is considered to have a traditional form, being single storey on an elongated T-plan. The house has an overall length of 21.3m, and depth of 17.7m. Notwithstanding this, the building would sit well on the site as a modern interpretation of a traditional form. The windows are however considered to be over-fussy in their detailing and a simpler form is suggested.

8.8 The massing of the house is broken up by the use of stepping, with the lounge, master bedroom and bedroom 2 on three small 'wings' to the main house. The house is single storey with a slate roof and white wet harl wall finish. Whilst the proposed external materials are considered to be generally acceptable, the use of a darkened stone or buff colour to the external would help to reduce its visual impact, particularly from the west side of Strath Halladale – the Melvich side – and would relate better to Kennel Cottage.

8.9 Members will note that details relating to external wall finish and windows can be controlled by conditions.

8.10 The agent has indicated that due to the variation in existing ground levels across the site, the actual house position has moved to allow a build to take place without very significant ground engineering works taking place. It would be appropriate for the final positioning of the house to be pegged out both before the commencement of development (that is before ground works are commenced) and also before the digging out of any trenches required for the preparation of foundations. This would confirm the exact position of the house.

8.11 **Representations** on the application highlight the following issues:

- Impact on Landscape, (Listed) Bighouse Lodge, Wall and Garden - Whilst the proposal will have an impact on the landscape, this is considered to be relatively small and therefore acceptable in terms of Planning policy. It is not considered that the proposal will have any direct or indirect impact on Listed Buildings or their setting.
- Inappropriate design and scale of building – The design and scale of the proposed house are considered to be appropriate and accord with policy.
- Core Path network and Right of Way – The Access Officer has confirmed that Approved Core Path 819.012 runs through the site. The line of the path should not be used for moving or storing materials.
- Access from the end of the public road at a turning head / Increased level of traffic – TEC Services have indicated that the proposal is acceptable.

- Contrary to Development Plan Policy - The proposal is considered to accord with policy.
- Surface water drainage – The drainage of the site will be undertaken in accordance with SuDS best practice.

8.12 Other Considerations – not material

- Neighbour notification procedure – Members will note that the procedure has been correctly followed. In addition, the application has been advertised on two separate occasions.
- Accuracy of the Ordnance Survey plans and naming of properties on them.
- Loss of business
- Water and Electricity connection – These are matters for discussions with the suppliers and landowner
- Right of access to site – Any right of access to the site over private land in the ownership of a third party is a matter for discussion with the other owner.

8.13 Matters to be secured by Section 75 Agreement - None

9. CONCLUSION

9.1 The proposal is considered to accord with development plan policy and approval is recommended, 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 application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development shall commence on site until the developer has submitted and had approved in writing details of the colour of the external wet harl render finish to the walls, with test panels being provide on the building as necessary. For the avoidance of doubt, the walls shall be a dark stone or buff colour. The walls shall thereafter be finished in accordance with such approved details.

Reason : In the interests of amenity.

2. No development shall commence on site until the developer has submitted and had approved in writing full written and plan details of the proposed windows and doors for the house. For the avoidance of doubt, the windows shall have a single, double or 4 pane glazing pattern.

Reason : Reason: In the interests of amenity.

3. No development shall commence on site until the developer has pegged out the position of the house and access route from the public road for the inspection by and agreement in writing of the Planning Authority.

Reason : In the interests of amenity and in order to ascertain the position of the house.

4. No construction works – pouring of foundations, erection of blockwork, erection of a timber kit, installation of foul or surface water drainage, or formation of the access track - shall take place until the developer has submitted to and had agreed in writing by the Planning Authority the finalised position of the house on the cleared prepared site. Such final positioning shall be confirmed by means of pegging the house position. The development shall thereafter be undertaken in accordance with the approved pegging of the house.

Reason : In the interests of amenity and in order to ascertain the position of the house.

5. Foul drainage shall be by means of a septic tank and land soakaway, or as may otherwise be agreed in writing by the Planning Authority. All proposals thereby approved shall be implemented by the developer prior to the first occupation of the house.

Reason : In the interests of amenity.

6. Surface water drainage shall be by means of the Best Management Practice Guidelines of the Scottish Environment Protection Agency using the principles of SuDS. All proposals thereby approved shall be implemented by the developer prior to the first occupation of the house.

Reason : In order to ensure that the site is properly drained.

7. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of the house. For the avoidance of doubt, no construction materials or machinery shall be stored on or block off the Approved Core Path 819.012 which runs through the site, or the turning head on the adopted public road. The existing access gate to the site (at grid ref 289380 964940) and access track shall not be locked or blocked up to non-motorised users during, or upon completion of the development, unless a side gate or gap is provided with a minimum width of 1.5m to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

8. The roof of the house shall be finished in natural slate.

Reason: In the interests of amenity.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority. Copies of the notices referred-to are attached to this consent for your convenience.

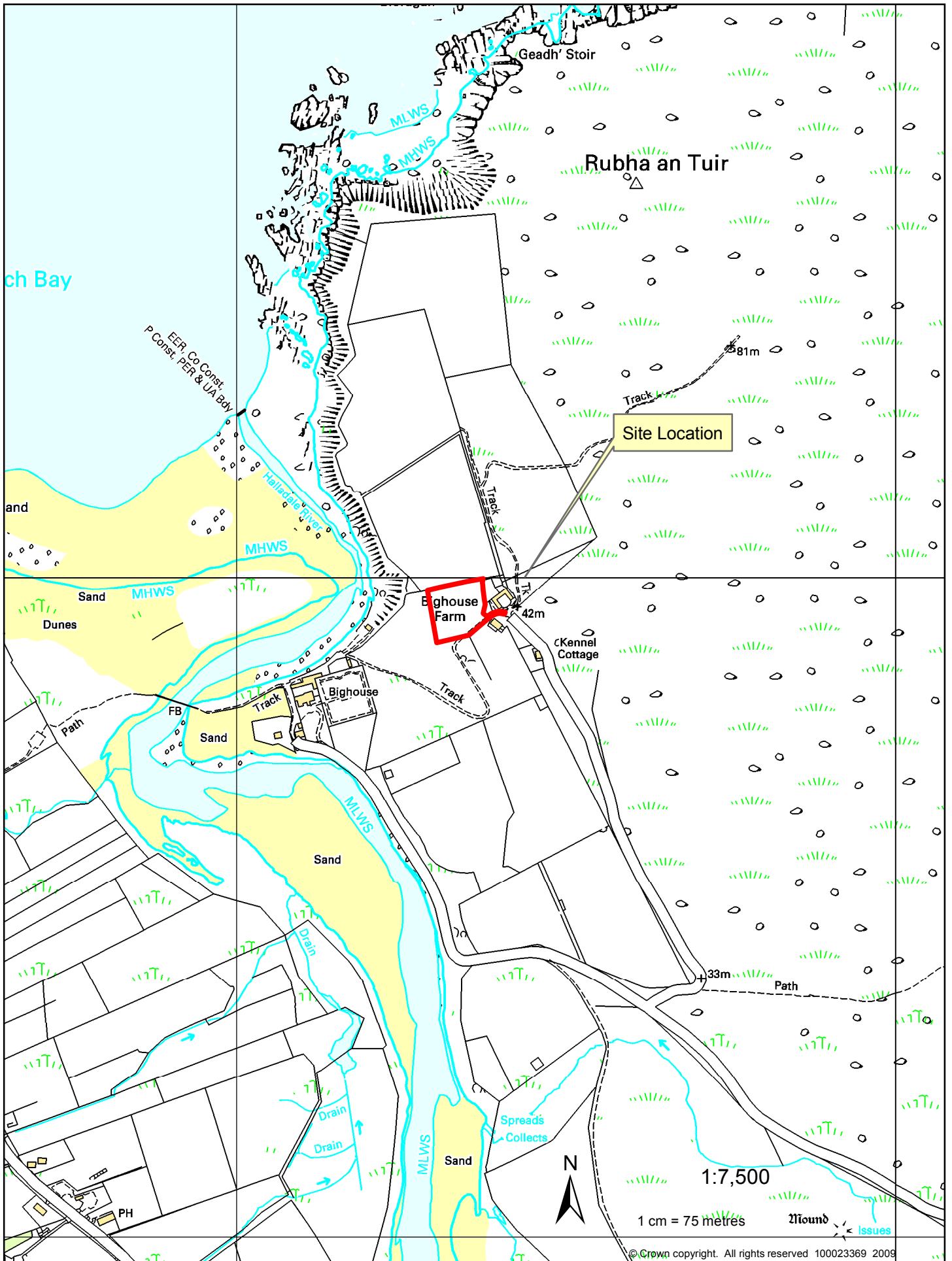
Access: The south-eastern boundary of the proposal is shown as undefined, it is currently open for the public to cross when using the route. Any additional fencing or similar to define the garden ground of the dwelling should be approved in writing by the planning authority.

Signature: Allan Todd
Designation: pp Area Planning Manager North
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location / Site Plan DS/10/3.J1
Plan 2 – Layout Plan DS/10/3.J2
Plan 3 – Sections DS/10/3.J3
Plan 4 Elevations SE04/01/0548/A02
Plan 5 Elevations SE04/01/0548/A03
Plan 6 Floor Plan SE04/01/0548/A01

Appendix – Letters of Representation

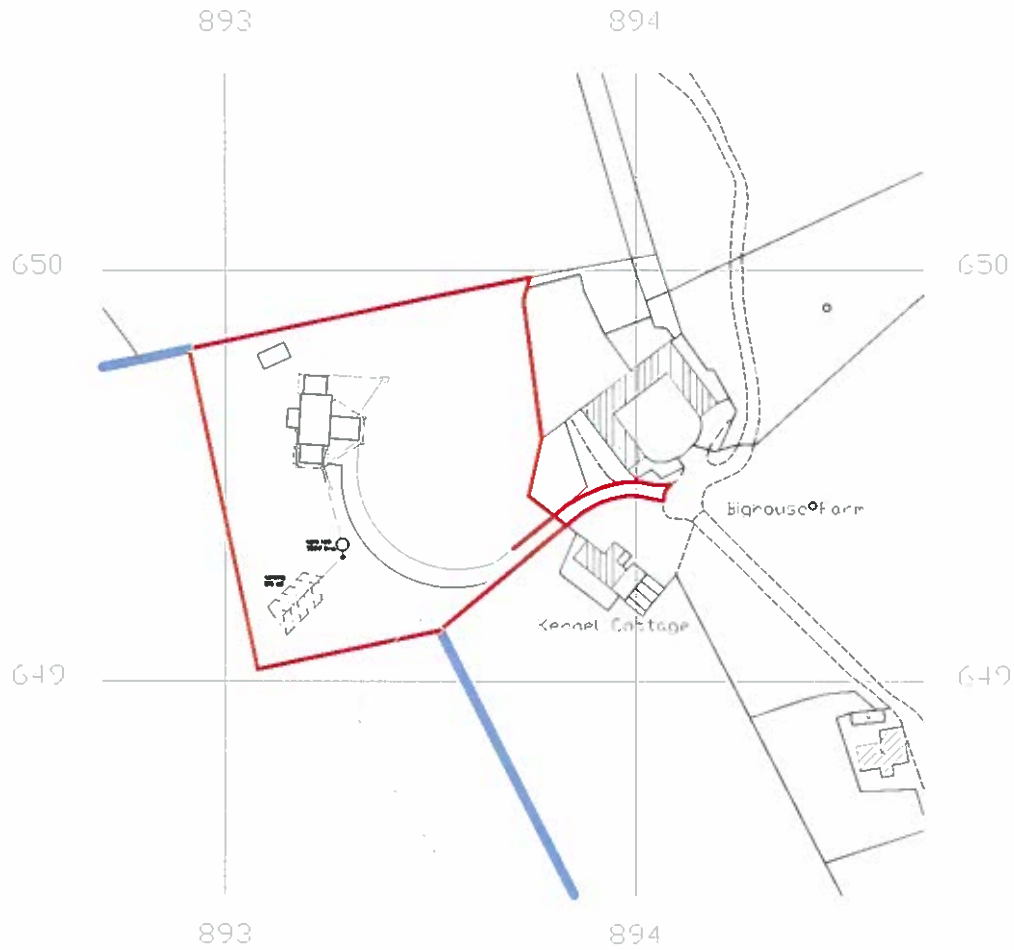
Representations – Against

1. Mrs Caroline J M Graham, Kennel Cottage, Bighouse, Melvich 17.05.2011, 17.08.2011
2. Mr Tom Walduck, Woodfield Farm, Hatfield, Hertfordshire 30.04.2011
3. Miss Shelly Hart, Hartshill Cottage, Dalhalvaig, Forsinard 30.04.2011
4. Mr PCB Pockney, Fox Hill, Inkpen, Berkshire 30.04.2011
5. Mr R.J.W Titley, Keepers Cottage, Alton Pancras, Dorset 30.04.2011
6. Mr and Richardson, The Barracks, Bighouse Lodge, Melvich 30.04.2011
7. Mr David Cargill, The Dairy House, Dunwich, Suffolk 18.04.2011
8. Mr Anthony Haslam, 78 Holly Bush Lane, Hampton, Middlesex 16.04.2011
9. S H Donald MacKay, Bighouse Farm, Melvich 13.05.211, 12.08.2011
10. Mr David Hurst-Brown, Whisketts Farm, Hastings Road, Tunbridge Wells, TN3 8JG
15.04.2011
11. Mr Miles Ward, Church Farm, East Woodhay, Newbury 25.04.2011
12. Mr John Hungerford, Bighouse Estate, Melvich 27.04.2011
13. Mr Colin Ian Liddell, Castlebridge, Mere, Warminster 15.04.2011
14. Hamish Watson, Riverside House, Axford, Marlborough, Wiltshire 27.04.2011
15. Chris Devlin, Shepherd And Wedderburn, (On Behalf Of Bighouse Estate Partnership),
1 Exchange Crescent, Conference Square, Edinburgh 28.04.2011

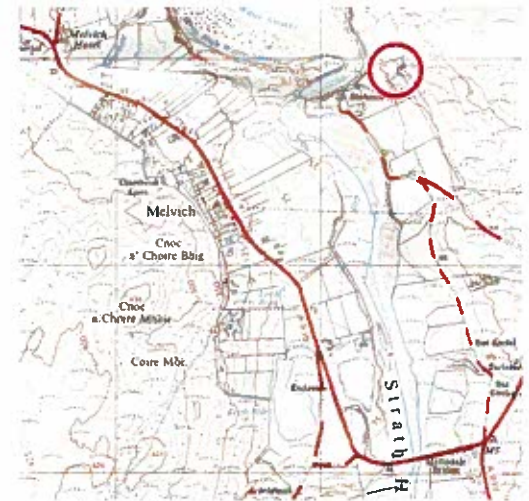


11/01098/FUL
 Erection of house (as amended) at
 Land West of Bighouse Farm, Melvich.

Mr A & Mrs K Wares
 Ardnabraich
 Portserra
 Melvich
 Thurso
 KW14 7YL



location plan 1:1250



Drawing number	DS/10/3.J1		
Title	Proposed House Bighouse Park Melvich location plan		
Scale	1:1250	Drawn	hm
Checked	Date	july 2011	

drafting services
 28 grove lane
 thurso
 KW14 8AE
 tel:01847 896253
 e-mail: hughmackay110@btinternet.com

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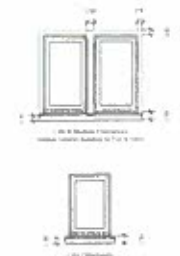
FRONT ELEVATION



REAR ELEVATION

External Appearance

- Roof:**
Natural Slate.
- Walls:**
Wet Dash Finished to Walls,
Plastered White,
Drydash Smooth Render Render to
Capped Windows,
Drydash Finish to Gills & Wallfins.
- Windows & Doors:**
High Performance UPVC Windows,
Colour White,
Patio Doors Slab & Oak.
- Main Waller Grounds:**
Block of PVC.
- Skylight & Landsc:**
Timber Slatted Block.



FOR EXTERNAL APPEARANCE SEE SKETCHES & DETAILS
SCALE 1:50

DRAWINGS NOT FOR CONSTRUCTION.
CONSTRUCTION SHOULD ONLY TAKE PLACE IN ACCORDANCE WITH BUILDING REGULATIONS & APPROVED PLANS.

REVISED	DATE	DESCRIPTION
1	14th Jan 2010	Planning (Average floor)
2	14th Jan 2010	Final Planning (Average floor)
3	14th Jan 2010	Final Planning (Average floor)
4	20th Jan 2010	Final Planning (Average floor)

DRAWING STATUS
Planning

CLIENT: Allan & Kathy Ware

PROJECT: Design of Elm/Bang House
Melvick,
Strickland

DRAWING: Front & Rear Elevations

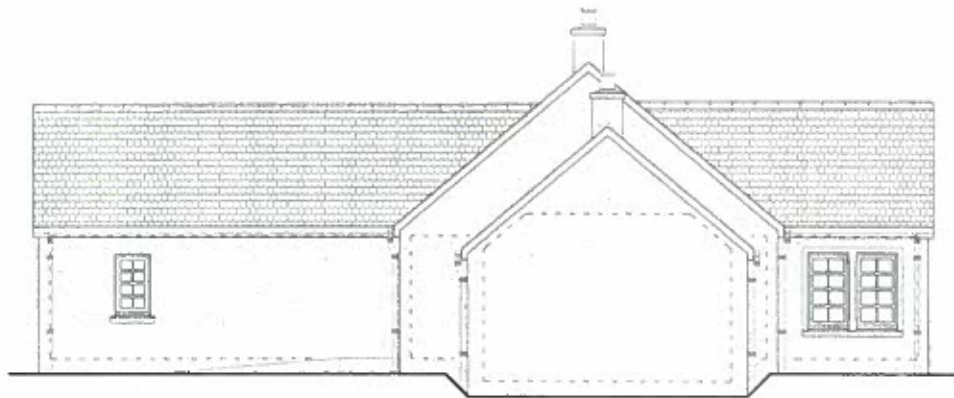
SCALE: 1:50 DRAWN BY: NS
DRAWING No: 10/08/01/0148/012

SKYEHOMES
Sustainable Homes designed for modern living
10th Rank House, 10th Rank Square
Tarradale, Isle of Skye, HI 1L 9JH
Telephone: 01876 811111 Fax: 01876 811112
E-mail: sales@skyehomes.co.uk
www.skyehomes.co.uk

RECEIVED 11/08/2010



SIDE ELEVATION



SIDE ELEVATION

FOR CLARIFICATION OF THE DRAWINGS, PLEASE REFER TO THE DRAWING INDEX.

DRAWINGS NOT FOR CONSTRUCTION.
 CONSULT YOUR ARCHITECT FOR A COMPLETE SET OF DRAWINGS AND FOR ANY CHANGES TO THE APPROVALS.

NO.	DATE	DESCRIPTION
1	15th Jan 2010	Planning Drawing Issue 1
2	16th Feb 2010	Final Planning Drawing Issue 2
3	16th Feb 2010	Final Planning Drawing Issue 3
4	23rd Jun 2010	Final Planning Drawing Issue 4

DRAWING TITLE: **Planning**

DRAWN BY: Alan & Katie Ware

PROJECT: Proposed Planning Application
 M121414
 10/10/10

DRAWING: Side Elevation

SCALE: 1:50 DRAWN BY: AN

DWG. NO.: SKYHOMES/010/010/010

SKYEHOMES
 Make and buy - designed for modern living

100 Bank House - 100 Bank Street
 Glasgow, Midlothian, EH10 1JH
 Telephone: 01700 441 711 Fax: 01700 441 712
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