

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
11 NOVEMBER 2014**

Agenda Item	7.3
Report No	PLN/080/14

14/02901/PIP : Katherine Grant, Croft 16, Lower Milovaig, Glendale

SUMMARY

Description : Erection of a house

Recommendation - REFUSE

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Local Member Referral

1. PROPOSED DEVELOPMENT

- 1.1 The applicant seeks planning in principle for the erection of a new dwelling with the formation of access to be taken from the main public road along with the installation of septic tank and soakaway system.
- 1.2 The proposal access will be taken from the existing settlement road.
- 1.3 Pre application advice was provided in June 2014 which sought advice on the erection of two houses on two plots (this one and another to the south of the settlement road – see 14/02501/PIP) within Croft 16 of Lower Milovaig. The advice was more positive about the southern plot within the croft. Concerns were raised about the other plot, the subject of this application, where it was stated “...*that a property built in this location would appear detached, isolated and out of place in respect of surrounding development and is it is recommended that a position as far to the south as land control will allow is chosen as an alternative.*”
- 1.4 Supporting information was provided in the form of:
Access and Design Statement
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is located to the north of the Settlement Road at Lower Milovaig; the seaward side of the road.

There is a small grass covered croft access track from the road slopes down directly to the site in a straight line. The site itself is relatively flat and is covered in grass.

The closest neighbouring dwellinghouse is some 45m south east of the site which is a single storey clad dwelling. There is also a 1½ storey traditional style dwelling house some 55m to the south west of the proposed dwellinghouse site.

The site itself partly sits outwith the Settlement Development Area. If a line was drawn to show the existing settlement pattern then the site would fall some 25-30m out with this line.

3. PLANNING HISTORY

3.1 14/01444/PREAPP. Erection of a single dwelling house on either or both plots of land. 04.06.2014.

14/02501/PIP. Proposed Single dwelling. Granted 15.09.2014 (other site covered by Pre-app above – same applicant) under our scheme of delegation.

07/00469/REMSL. Erection of house. Granted 02.10.2008 (also Croft 16 – see below – neighbouring timbered house which is built)

05/00446/OUTSL. Erection of House (Outline). Granted 14.12.2005 (same applicant)

4. PUBLIC PARTICIPATION

4.1 Advertised: 14 day Unknown Neighbour.

Representation deadline : 13 September 2014

Timeous representations : 8 objections from different households

Late representations : None

4.2 Material considerations raised are summarised as follows:

- The proposed house is outwith the local settlement plan line.
- Not consistent with the historic settlement pattern and pushes the building line north.
- Not contained with the landform and will be highly visible from the settlement road.
- Wild area of sea and moor views need protected from the building of properties in inappropriate places.
- Does not respect the residential amenity of neighbouring buildings – light pollution from house and cars, loss of privacy and domesticity (suburbanise the precious natural strip).
- Proposed access doesn't seem viable – safety concerns over straight access tracks – no bends to compensate for the gradient.
- The access does not match the landscape.
- Fails to safeguard the character and appearance of an Area of Special Landscape Value.
- Overdevelopment within Lower Milovaig, in particular between 14 and 17 Lower Milovaig.
- Tourism will be affected if development is allowed to go ahead in front of the natural building line.

5. CONSULTATIONS

- 5.1 Building Standards – A building warrant is required to be obtained for the erection of a dwellinghouse and associated drainage works
- 5.2 TECS Roads – Views awaited
- 5.3 SNH – No Objection
- 5.4 Scottish Water – Views awaited

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland-Wide Local Development Plan 2012

- Policy 28 Sustainable Design
- Policy 29 Design Quality and Place-making
- Policy 34 Settlement Development Areas
- Policy 36 Development in the Wider Countryside
- Policy 57 Natural, Built and Cultural Heritage
- Policy 61 Landscape
- Policy 65 Water Waste Treatment
- Policy 66 Surface Water Drainage

6.2 West Highland and Island Local Plan 2010

- 1 Settlement Development Areas
- 2 Development Objectives and Development Requirements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (adopted Jan 2013)

Housing in the Countryside Siting and Design (adopted Mar 2013)

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

Part of the site falls within the Settlement Development Area for Lower Milovaig therefore policy 34 of the Highland-wide Local development plan is applicable. Policy 34 supports proposals within the Settlement Development Areas as long as they fulfil the design requirements of Policy 28: Sustainable Design along with all other relevant policies within the plan. Policy 28 encourages the support of development which contributes positively towards the social, economic and environmental wellbeing and sustainable growth of the community. 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. The West Highlands & Islands Local Plan Policy 1 also has a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, and how they conform with existing and approved adjacent land uses.

The majority of the proposed development falls outwith the Settlement Development Areas; therefore Policy 36 of the Highland-wide Local Development Plan is applicable. Policy 36 will support development proposals that are not significantly detrimental in terms of their siting and design, sympathetic to existing patterns of development and are compatible with the landscape character. Proposals will also be supported that address drainage constraints and can be adequately serviced, particularly in terms of road access, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

Policy 28 and 29 requires sensitive siting and high quality design which is in keeping with the local character and historic and natural environments; whilst also making the use of appropriate materials. Policy 61 further emphasises the need for development to respect the landscape character of their surroundings.

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 and an area of Protected Views Over Open Water 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 identified protected amenity and heritage resource.

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

8.4 Material Considerations

Key issues for assessment of this application relate to its siting in reference to the existing settlement pattern and the new proposed access.

8.5 Siting, Design and Landscape Impact

The Council is supportive of development which is sensitive to the natural and built environment. When considering a new development it is important that the proposal does not have a detrimental impact on the landscape and existing development.

The proposal includes an indicative house plan with elevations which is a single storey two bedroom dwellinghouse which is considered to be a suitable scale of building for the proposed site as it does not dominate the site.

The indicative material finishes of the proposal are to be wet dash render finished in white along with elements of Scottish larch with the roof in a natural slate. The material finishes are considered to be suitable as they link in with the surrounding dwellinghouse and natural landscape.

However, in terms of siting, the proposal is not considered to be acceptable. The neighbouring dwellinghouses from croft 14 to 17 to the north of the settlement road form a clear linear settlement pattern running along the foot of the sloping landform falling away from the settlement road. A corresponding linear pattern exists on the opposite side of the road. The proposed siting for the house is some 25m-30m to the north of this line of development. This linear settlement pattern line has been recently accentuated by the construction of the neighbouring house to the west (see 09/00073/FULSL) and the timbered house to the east (see 07/00469/REMSL). Both of these houses were considered to accord with the settlement pattern without detriment to the wider landscape and supported accordingly

The clear pattern of development is clearly seen when looking down from the public road and the visual impact of a single house sitting much closer to the coast than its neighbours is considered to be unacceptable. Although the proposed dwellinghouse is as far south as current land ownership boundaries appear to allow, it is considered that a dwelling in this location would appear detached, isolated and out of place in respect to the clear surrounding development pattern and its contribution to the landscape character of this part of Milovaig. It would mark the establishment of a second tier of development on the coastal plain and set an unwelcome precedent for future neighbouring development.

These concerns have been echoed in the majority of the public representations received as detailed in section 4.2 of the report.

It is noted that the planning permission recently granted to the south of the settlement road (14/02501/PIP) for the same applicant did not raise these same concerns.

8.6 Access

The proposed access cuts through the croft in a straight line downhill to the dwellinghouse location from the Settlement Road - which it joins immediately adjacent to the access to the timbered house to the east. This is considered to be an unsatisfactory arrangement in road safety terms which fails to take advantage of the potential of a shared access solution.

Furthermore, the combined visual impact of these two adjacent access tracks (the neighbouring one winds down the hill) is considered to be detrimental to the visual amenity of the locality and fails to take the land form into consideration in terms of design. This is considered to have a negative visual impact on the landscape and draws further attention to the sites location outwith the settlement pattern.

8.7 **Supporting Information/Discussions with Agent and Applicant**

The agent was advised of concerns initially regarding the access and the potential of a shared access solution. The agent was to look into this further but no plans have been submitted to support this.

Further discussions were held with the agent concerning the location of the dwellinghouse and its position too far from the existing settlement pattern. Unfortunately the applicant is restricted by land ownership and unable to move the dwelling any further south as recommended in the Council's pre-application response.

The agent and applicant have requested that the application be determined in its current form.

8.8 **Other Considerations – not material**

The following non-material issues were raised by objectors:

- Loss of views from property.

Private views can not be protected; therefore this is not a material consideration.

- Loss of an area of rare flora that is grazed by farmed livestock.

The site is not croft land; therefore Policy 47 is not applicable to the site.

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

Not applicable

9. **CONCLUSION**

9.1 The proposal is considered to be inappropriate and detrimental to the visual amenity by virtue of its siting outwith the settlement pattern. Unfortunately the proposed location for a dwellinghouse is restricted by the land ownership as it is considered that a dwellinghouse further south would be acceptable in terms of siting.

9.2 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.

It is recommended that permission be refused.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal by virtue of its position to the north of neighbouring development does not conform with the existing east-west linear settlement pattern of this part of Lower Milovaig and consequently fails to demonstrate sensitive siting with respect to the character of the surrounding natural and built landscape and appears alien, isolated and inappropriate from public view points. The design and visual impact of the access track and its failure to realise the potential for a shared access solution with the property to the east, only serves to accentuate the incongruous location of the proposed dwelling. As a result, the proposal is contrary to the requirements of Policies 28, 29, 34, 36, 57 and 61 of the Highland-wide Local Development Plan.

Signature: Dafydd Jones

Designation: Area Planning Manager North

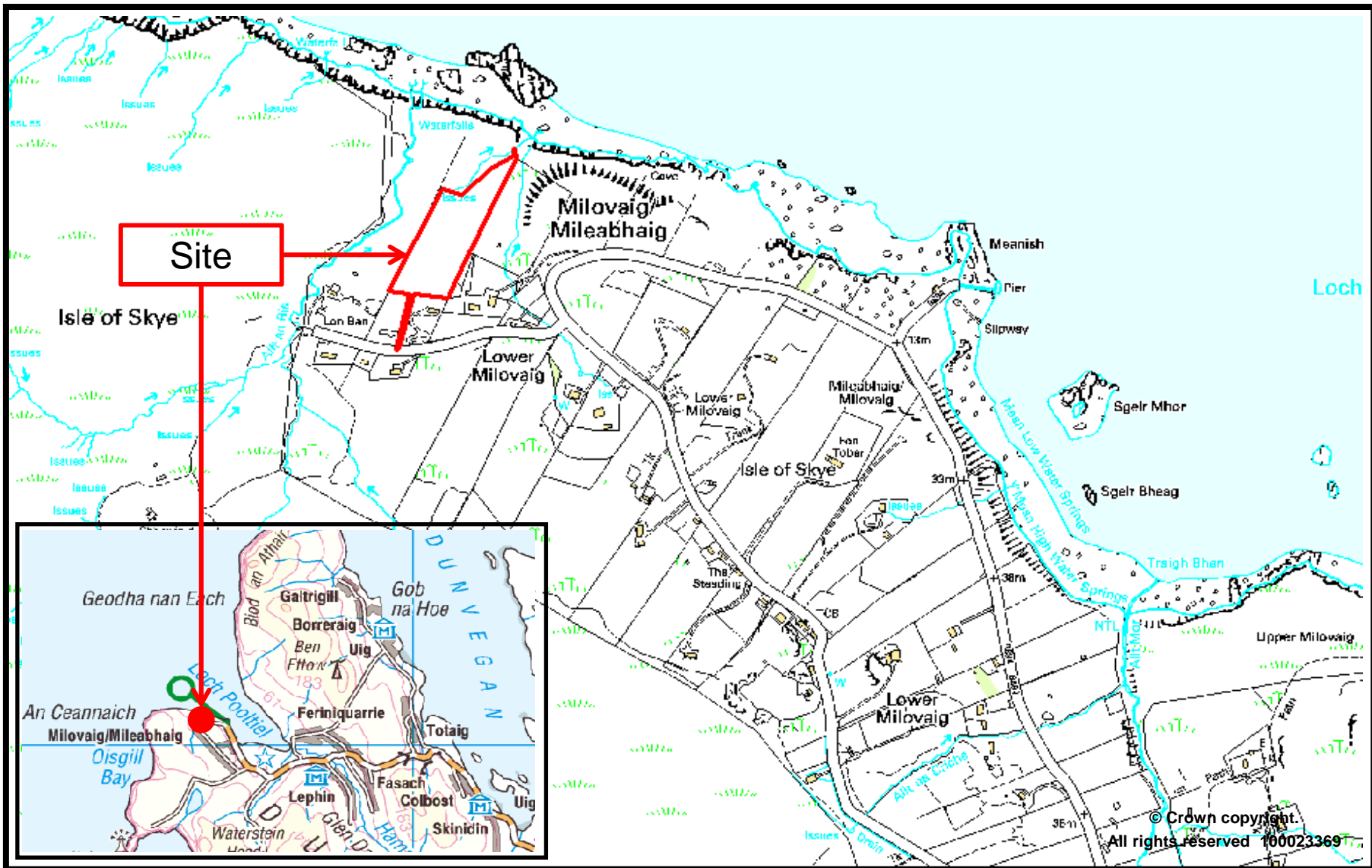
Author: Whitney Lindsay

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

Relevant Plans: Plan 1 - Location Plan

Plan 2 – 14-09-MRH-10 – Site Layout Plan

Plan 3 – 14-09-MRH-10 – General Plan



Planning and
Development Service

Plan1
14/02901/PIP
Erection of a house

14/11/2014

Scale:



Issues

plot boundary based on title deed provided by client



Existing Boundary

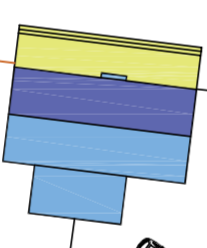
'GRAF Klaro E' on reservoir sewage treatment system (suitable for maximum of 8 persons) or equal & approved (minimum 5m from building ensure no further than 30m from access road for de-sludging/maintenance purposes)

Extents of foul water soakaway to be a minimum 50m from any spring or borehole and a minimum of 10m from any watercourse or public road
Designed by engineer



stone filled soakaway for house roof water disposal only & surface water to run along edge of access track

Indicative House design & Location



Parking & turning

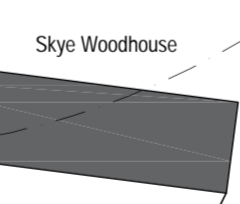


Existing Boundary

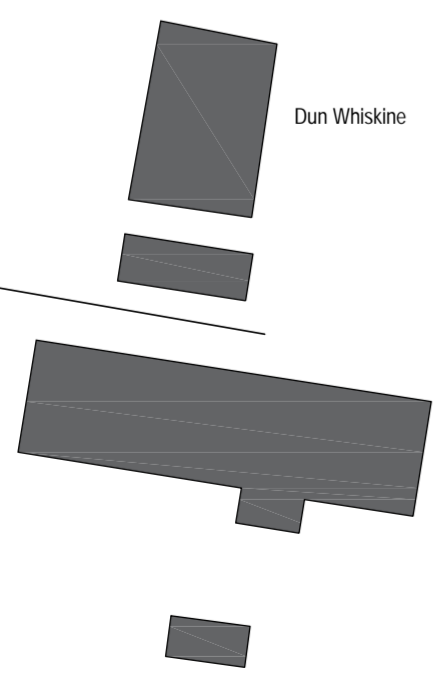


Proposed New access

Sun Path



Dun Whiskine



Existing Access

Block Plan
PLOT 2 SITE OPTION
Area 16600 sqm 4.1 Acres

SCALE 1:200

Existing Access to be upgraded to accommodate 500kg type Access with Hard Surfacing

MRH ARCHITECTURAL TECHNOLOGICAL

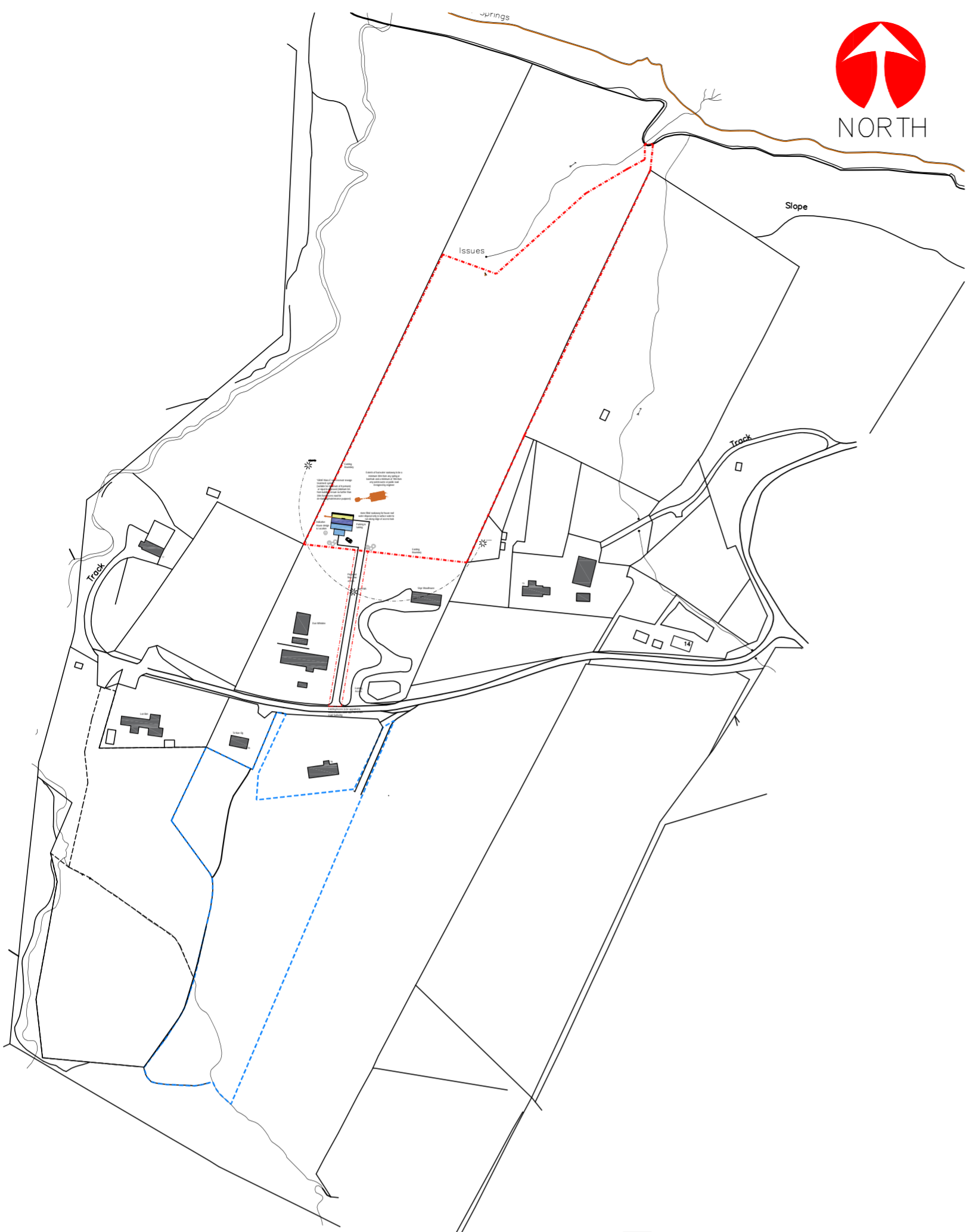
MRH desi
ARCHITECTURAL TECHNOLOGICAL

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Client KATHERINE GRANT	
Project PLOT 16 LOWER MILOVAIG	
Description OUTLINE PLANNING PLOT 2	
Scale 1:100 @ A1	Project No.
Date June 2014	Drawing No. 14-09-1
Drawn By M.R.H.	
rev.	
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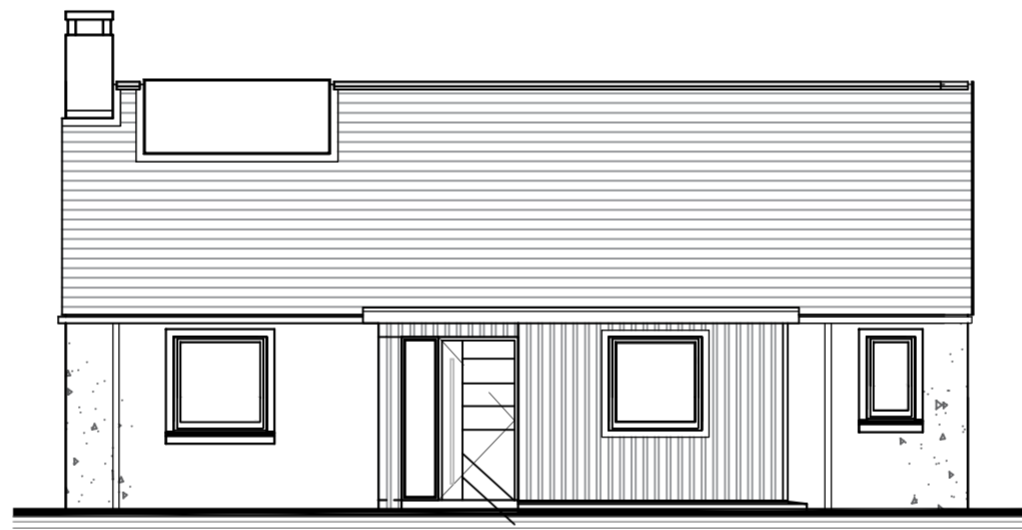


LOCATION PLAN

SCALE 1:1250

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M.R.H Architectural Design & Planning
LICENCE No : 100020449 DATE : feb 2014



North West Elevation

SCALE 1:100



South West Elevation

SCALE 1:100



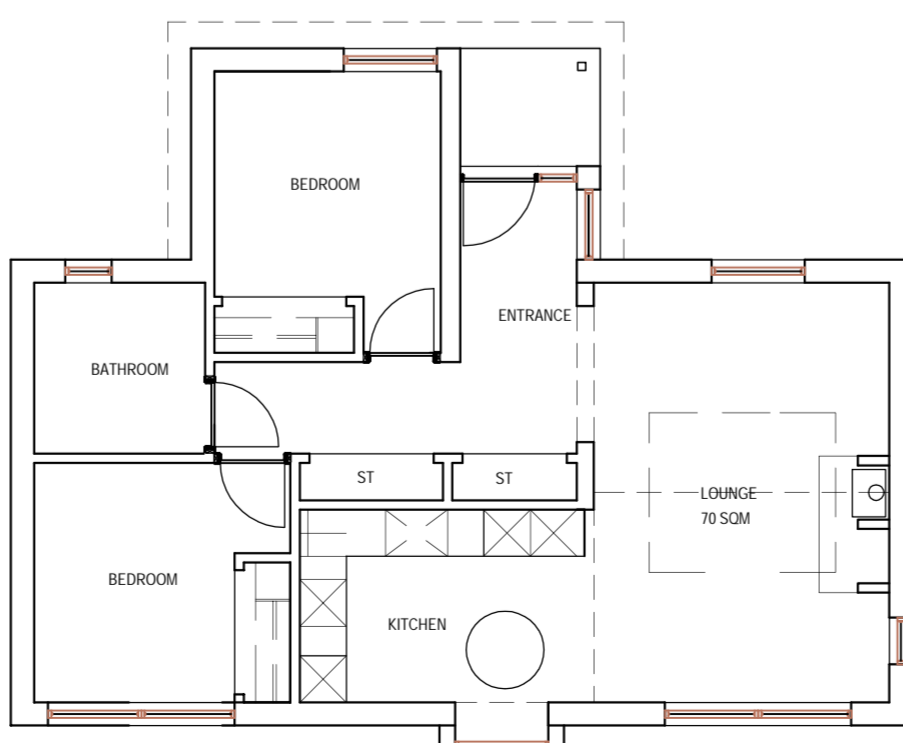
South East Elevation

SCALE 1:100



North East Elevation

SCALE 1:100



GROUND FLOOR PLAN

SCALE 1:50

WALL CONSTRUCTION
EXTERIOR WALL COMPRISING WET DASH RENDER OR EQUAL WHITE ELEMENTS OF SCOTTISH LARCH

ROOF:
ROOF TO NATURAL SLATE

WINDOWS
ALL WINDOWS AND DOORS TO BE HIGH PERFORMANCE ALI CLAD IN GREY

MRH design
ARCHITECTURAL TECHNOLOGY

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All settings out must be checked on site prior to commencement. Any discrepancy must be reported to client

Client
KATHERINE GRANT

Project
PLOT 16 LOWER MILOVAIG

Description
OUTLINE PLANNING PLOT 2

Scale 1:100 @ A1 Project No. 2014-09

Date June 2014 Drawing No 14-09-MRH-10

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