

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE –
17 February 2015

Agenda Item	6.2
Report No	PLN/003/15

14/02843/FUL: Mr Ronnie & Laura MacLean
Land 120M South Of Mairicroft, 3 Mary Street, Bundalloch, Dornie

SUMMARY

Description : Erection of dwelling house, garage and associated works

Recommendation - REFUSE

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Local Development

Pre-determination hearing : N/A

Reason referred to Committee : Request by Ward Members

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for a 5-bed dwellinghouse, timber double garage, access track and soakaway foul drainage system.
- 1.2 The design approach has been to break the overall accommodation down into three distinct elements which combine to form an irregular C-shaped layout. The general impression is of a set of joined single storey elements although the largest of the three buildings, to the rear, houses bedrooms 4 and 5 in the roof-space.
- 1.3 The front (north-west) element of the design has the proportions of a traditional stone built cottage. It is linked to the rear component by a similarly proportioned link. The largest rear building also has traditional proportions but is elongated to some 19m in length. The detached garage building reads as a large timber shed to the north-east of the dwelling.
- 1.4 The revised site access proposes an SDB1 design to enter the public road to the north of the existing croft access, facilitated by the demolition and re-positioning of an existing stone building. The new access then re-joins the existing route of the croft track further to the south-east before rising to the elevated level of the house site via a long uphill curve to the south and south-east. The access construction features the use of Netpave cells to allow grasses and other plants to re-colonise it and so reduce its visual impact.
- 1.5 **Variations:** Revised drawings of the access were submitted to respond to the comments of the transport team. Further drainage information was also submitted

to respond to the flood risk management teams concerns.

2. SITE DESCRIPTION

- 2.1 The site is positioned outwith the settlement development area (SDA) of Dornie which, at this point, consists of a relatively narrow corridor responding to the linear settlement pattern of a line of dwellings immediately to the south-east and fronting a straight section of the township road (Mary Street) and the 50m or so of land to the rear of them. This rear boundary of the SDA is positioned at the foot of an area of rising improved grassland which in turn meets a much steeper mountainside backdrop. The other side of the road fronts Loch Long.
- 2.2 The proposed house site is positioned about halfway up this improved grassland in an elevated position on a small level platform some 130m to the south-east of the settlement road and to the southern side of the overall croft.
- 2.3 The higher land of the croft has been planted with trees and there is a further area of woodland on the croft to the north. The landscape is more open to the south of the site although mature trees are much in evidence in the rear gardens of the linear pattern of roadside dwellings.

3. PLANNING HISTORY

- 3.1 07/00900/FULRC - Erection of house (Detail) and formation of access – Refused 03.12.2007 (delegated decision) (land immediately to the south at 14 Mary Street)

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour
Representation deadline : 16 October 2014
Timeous representations : 15 from 11 households
Late representations : 4 from 3 households
- 4.2 Material considerations raised are summarised as follows:
 - The original and revised proposed access designs do not meet the Council's visibility standards and are dangerous
 - Proposed house is outside the settlement development area and would affect the character of the township due to its location and large size
 - Settlement pattern is linear and this proposal does not conform being high up on the hillside where there are no other houses and would be detrimental to landscape quality
 - Design of the house is not representative of the vernacular and is out of scale
 - Would set a precedent for further development in a similar location
 - There was flooding from this land during a 2005 event
 - Supporting information is inaccurate – the property will be more visible and less well screened by trees than suggested
 - Applicant may not control all the land shown
 - Site has previously been refused planning permission

- The development could damage the attractiveness of the township for tourism
- Application site is located on land owned by the Inverinate Estate. Part is croft land, part is not. Agreement between the estate and the applicant still needs to be reached
- Local Plan Reporter stated *“I consider that any housing behind the existing houses along the road frontage at Bundalloch would be incompatible with the existing pattern of development within this part of Dornie, a requirement of policy 1 of the local plan. Furthermore, any housing would be inconsistent with the objectives for Dornie, ie to take account of the high quality of in-bye croft land & the limited capacity of the spine access road.”*
- Community would benefit from a young family moving in
- Road concerns are exaggerated. Local Plan Reporter allowed new housing on in-bye land in Dornie

5. CONSULTATIONS

- 5.1 **Transport Planning Team** : Revised drawings overcome objection to access design and visibility
- 5.2 **Building Standards** : Response awaited
- 5.3 **Flood Risk Management Team** : Further information submitted which overcomes original concerns
- 5.4 **SEPA** : No objection – local flood risk team responsibility
- 5.5 **Scottish Water** : Response 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 36	Development in the Wider Countryside
Policy 57	Natural, Built & Cultural Heritage
Policy 61	Landscape
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage

6.2 **West Highland and Islands Local Plan** (As continued in force, April 2012)

Policies 1 & 2 in respect of settlement development area and land allocation boundaries

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)

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

Flood Risk & Drainage Impact Assessment (Jan 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**

The application falls within an area identified as wider countryside by the adopted Highland-wide Local Development Plan. Policy 36 of this document requires proposals to be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoid, where possible, the loss of locally important croft land; and
- would address drainage constraints and can otherwise be adequately serviced.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.

Policy 28 of the Highland-wide Local Development Plan requires sensitive siting and high quality design in keeping with local character and historic and natural environments, and the use of appropriate materials. This Policy also requires proposed developments to be assessed on the extent to which they are compatible with service provision, as well as their impact on individual and community residential amenity. Policy 29 of the Highland-wide Local Development Plan

repeats this emphasis on good design in terms of compatibility with the local settlement pattern.

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 of the Highland-wide Local Development Plan. The site falls partially within a protected area in respect of which Policy 57.1 states that developments are suitable where they can be demonstrated not to have an unacceptable impact on the protected amenity and heritage resource.

Policy 61 of the Highland-wide Local Development Plan states that new developments should be designed to reflect the landscape characteristics and special qualities of the area in which they are proposed. Consideration should be given to scale, form, pattern and construction materials.

Policy 64 of the Highland-wide Local Development Plan states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Policies 65 and 66 of the Highland-wide Local Development Plan require developments to be served by acceptable foul and surface water drainage systems that meet the requirements of SEPA and are SuDS compliant.

For the reasons laid out below, the proposal is considered to fail to comply with some of these policy requirements and to be unacceptable.

8.4 **Material Considerations**

The main material considerations are considered to be;

- Planning History
- Design, Appearance and Landscape Impact
- Neighbour Amenity
- Access and Parking
- Drainage

8.5 **Planning History**

It is noted that a previous planning application to develop a house on the land to the south-west of this site (similar landform but less elevated) - 07/00900/FULRC – was refused with one of the reasons for refusal stating that;

“The application fails to accord with Policy 1 of the emerging West Highlands & Islands Local Plan which, while supporting development within Settlement Development Areas in principle, requires all proposals to nonetheless accord with the general character and pattern of existing development. The existing pattern of development is one of strong linear, road-side development with croft land on the rising slopes to the rear, whereas the application seeks to erect a house in a significantly more elevated position, divorced from the existing development, on the hillside above Bundalloch; thus it is considered incongruous with, and detrimental to the integrity of, the existing pattern of development and is therefore contrary to Policy 1.”

Although made seven years ago, this decision and its reasons for refusal are considered relevant to this application because of the link with the then emergent West Highland and Islands Local Plan (WHILP) which set the settlement

development area boundaries. The policies of the WHILP are also closely compatible with those subsequently adopted in the current Highland-wide Local Development Plan (HwLDP).

It is noted that the issue was also discussed at the examination stage of the WHILP with the Reporter concluding that housing development behind the existing houses on the Bundaloch road frontage would be incompatible with the existing settlement pattern, the protection of in-bye croft land and the limited capacity of the spine access road. This house is more elevated and more pronounced than that previously refused and would give rise to even greater concerns.

8.6 Design, Appearance and Landscape Impact

It is clear from the form and design of this proposal that the applicant and agent were aware that this elevated site was a visually prominent one and well outside the strongly defined linear settlement pattern of the locality. Consequently, they have responded with a siting, design, scale and massing which are aimed at minimising its visual impact.

Breaking the overall accommodation down into an inter-linked set of single and one and a half storey elements and utilising a range of external materials has avoided the visual impact of what might otherwise have been a large two-storey house perched on a hillside. It has also made best use of the platform of land available, allowing these lower buildings to sit more comfortably into the landscape form.

The use of Netpave cells in the construction of the access track in its long rise up to the house will also help minimise its visual impact and retain a more non-domestic croft-track appearance.

However, even with the benefit of these siting and design advantages the proposal is still considered to have a significant and unacceptable visual and landscape impact.

For acceptable development outside settlement development areas, Policy 36 of the HwLDP and its supporting policies 28, 29 and 61, all require that the proposal maintains a compatibility with existing settlement patterns – where they exist. In this particular part of the Dornie/Bundaloch township the settlement pattern is particularly clear and defined – a linear arrangement of houses along the landward edge of the public road. There are no other dwellings set back from the road on the rising land surrounding the proposal. Consequently, any development in this location will draw the eye and appear incongruous, out of place and unrelated, spatially, to its nearest neighbours. It will also undermine the integrity of the simple form of the Bundaloch settlement pattern at this point, to the detriment of the wider landscape qualities which this historic distribution of houses contributes to.

Furthermore, despite the commendable attempt to minimise the visual impact of the new house through careful design, it is still a large piece of development with a strong visual impact when seen from the township road to the south-west (the more substantial side view of the proposal) and from across the other side of Loch Long where, with the whole settlement pattern in view, the non-conformity of the proposal will be very apparent.

These are essentially the same reasons for refusal raised against the neighbouring development in 2007 and, given the evolutionary nature of successive development plans in defining settlement patterns and protecting their integrity, this

consistency is considered to strengthen the conclusion that this proposal cannot be supported. The concerns raised by the Planning Service are echoed by the large number of local representations which are largely opposed to the development.

8.7 Neighbour Amenity

Although the proposal sits in an elevated position to the rear of the nearest neighbouring dwellings, the separation distances involved – in excess of 100m – are considered to be more than sufficient to avoid any harmful loss of neighbour amenity occurring.

The domestic use of the access track is not considered to raise any neighbour amenity issues – particularly in view of its more northerly position relative to the existing croft access.

8.8 Access and Parking

The originally submitted scheme for the access with the public road did not meet with the approval of the transport planning team of the grounds of design, geometry or the visibility achieved.

However the revised scheme which includes a movement of the access to the north and the re-location of an existing stone garage has met the approval of the senior engineer.

A number of third party objections raised road safety as an issue. In concluding that adequate visibility could be achieved, the senior engineer and the case officer have taken into account a safe speed for traffic approaching the new junction given the width of the road, its numerous existing sub-standard accesses, its busy tourist use during the summer and the very tight corner some 50m to the north of the new access. All of these were considered to be moderating influences on safe traffic speeds along this stretch of the road.

8.9 Drainage

A number of third party objections also raised the issue of flood risk from the land citing a flooding incident in 2005.

The agent addressed this issue directly with the flood risk management team identifying drainage infrastructure already installed and how the proposal would integrate with it.

Consequently the team were able to respond that they had no objection to the proposal.

8.10 Other Considerations – not material

The question of land ownership and whether permission from the land owner has been achieved or not is not a material consideration for this planning permission. If such permission is not forthcoming an approved scheme could not be built and would lapse after 3 years.

8.11 Matters to be secured by Section 75 Agreement

Not applicable

9. CONCLUSION

The proposal by virtue of its siting in a prominent elevated position more than 100m to the east of the established linear settlement pattern of Bundalloch and its scale and massing when seen from the south-west, is considered to represent an incongruous addition within the landscape, which will appear alien within the context of the existing settlement pattern and will damage the visual integrity of the historic form of this part of township.

- 9.1 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

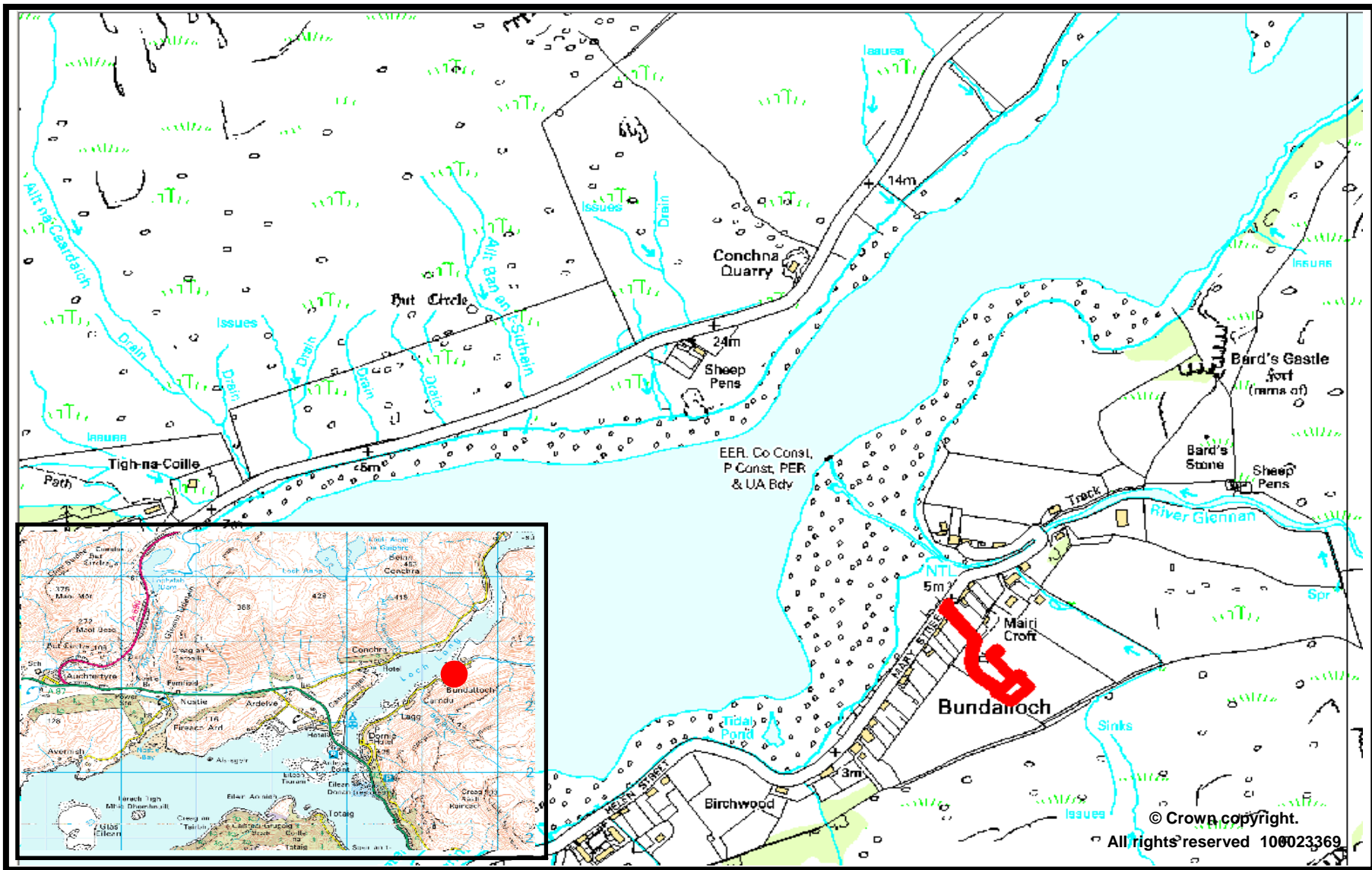
Subject to the above, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal, by virtue of its siting in a prominent elevated position more than 100m to the east of the established linear settlement pattern of Bundalloch and its large scale and massing when seen from the south-west, is considered to represent an incongruous addition within the landscape, which will appear alien within the context of the existing settlement pattern and will damage the visual integrity of the historic form of this part of township. As such the proposal is considered to be contrary to the aims and requirements of policies 28, 29, 36 and 61 of the Highland-wide Local Development Plan 2012.

REASON FOR DECISION

The proposal does not accord with the provisions of the Development Plan and there are no other material considerations which would warrant approval of the application.

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 – Location Plan 14/07/06
Plan 2 – General Plan 14/07/03 Rev E
Plan 2 – Floor/Elevation Plan 14/07/04
Plan 4 – Access Layout 14/07/07 Rev A



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Location Plan
14/02843/FUL

Erection of dwelling house, garage and associated works

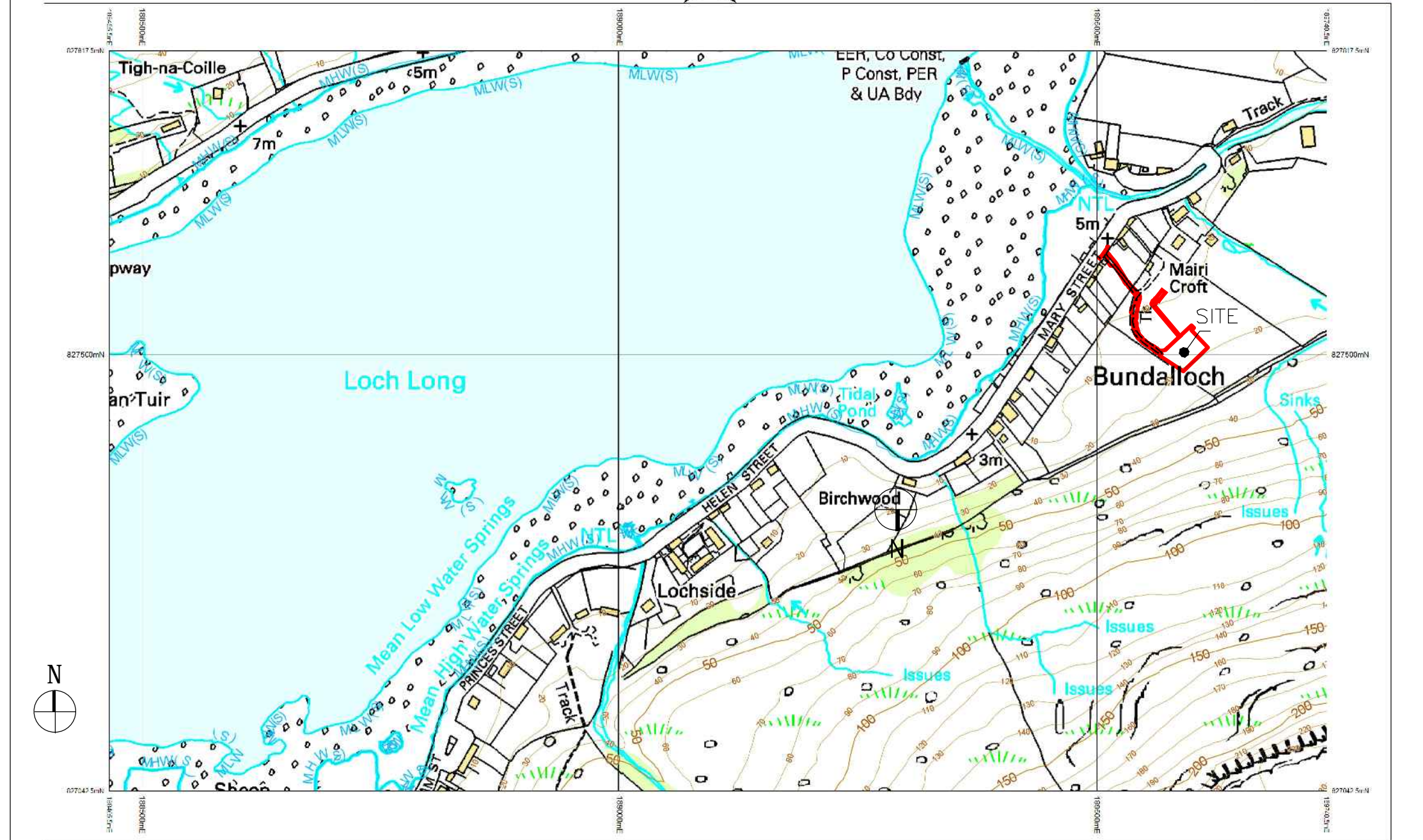
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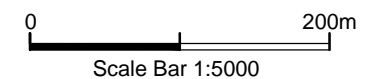
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SITE LOCATION PLAN 1:5000



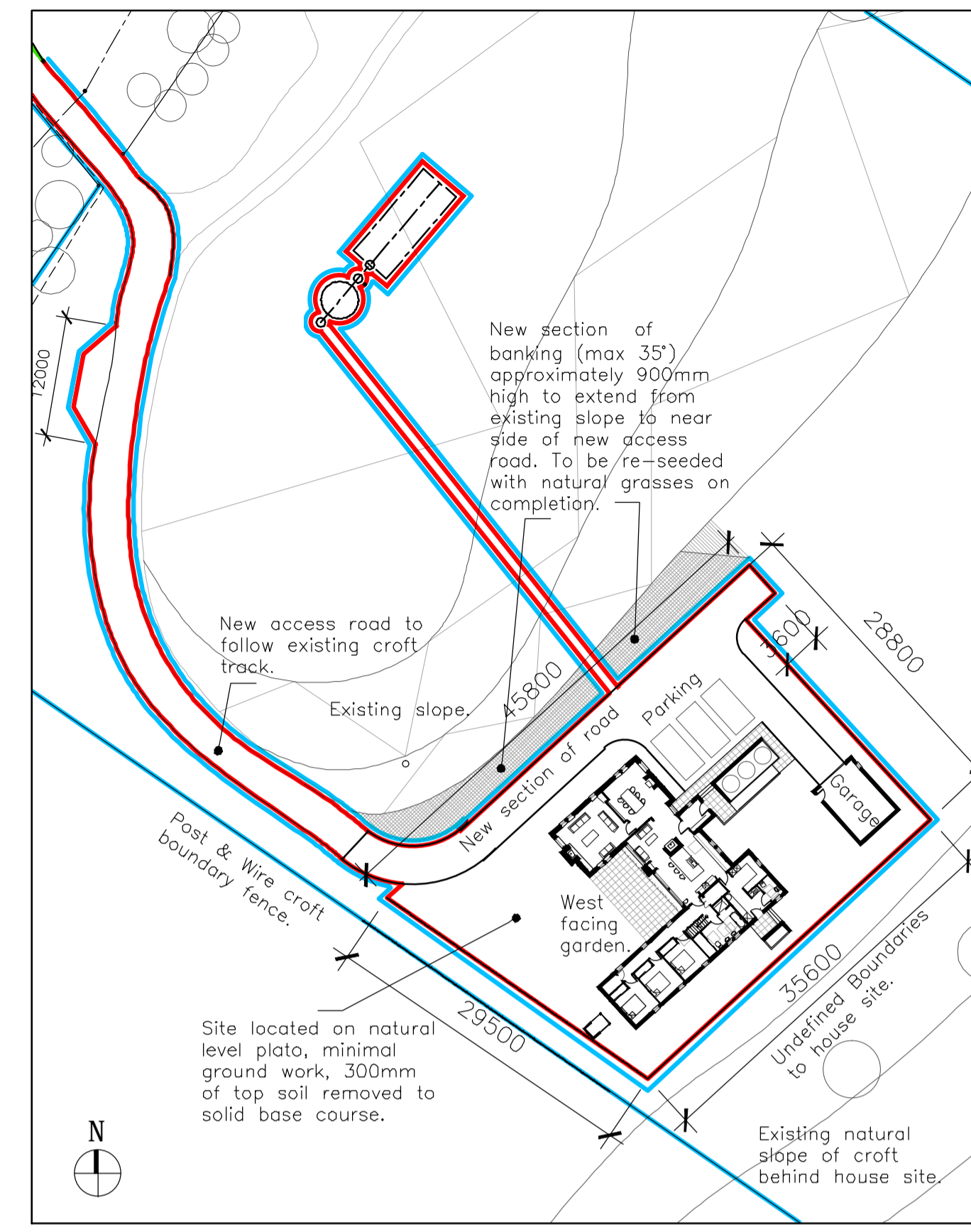
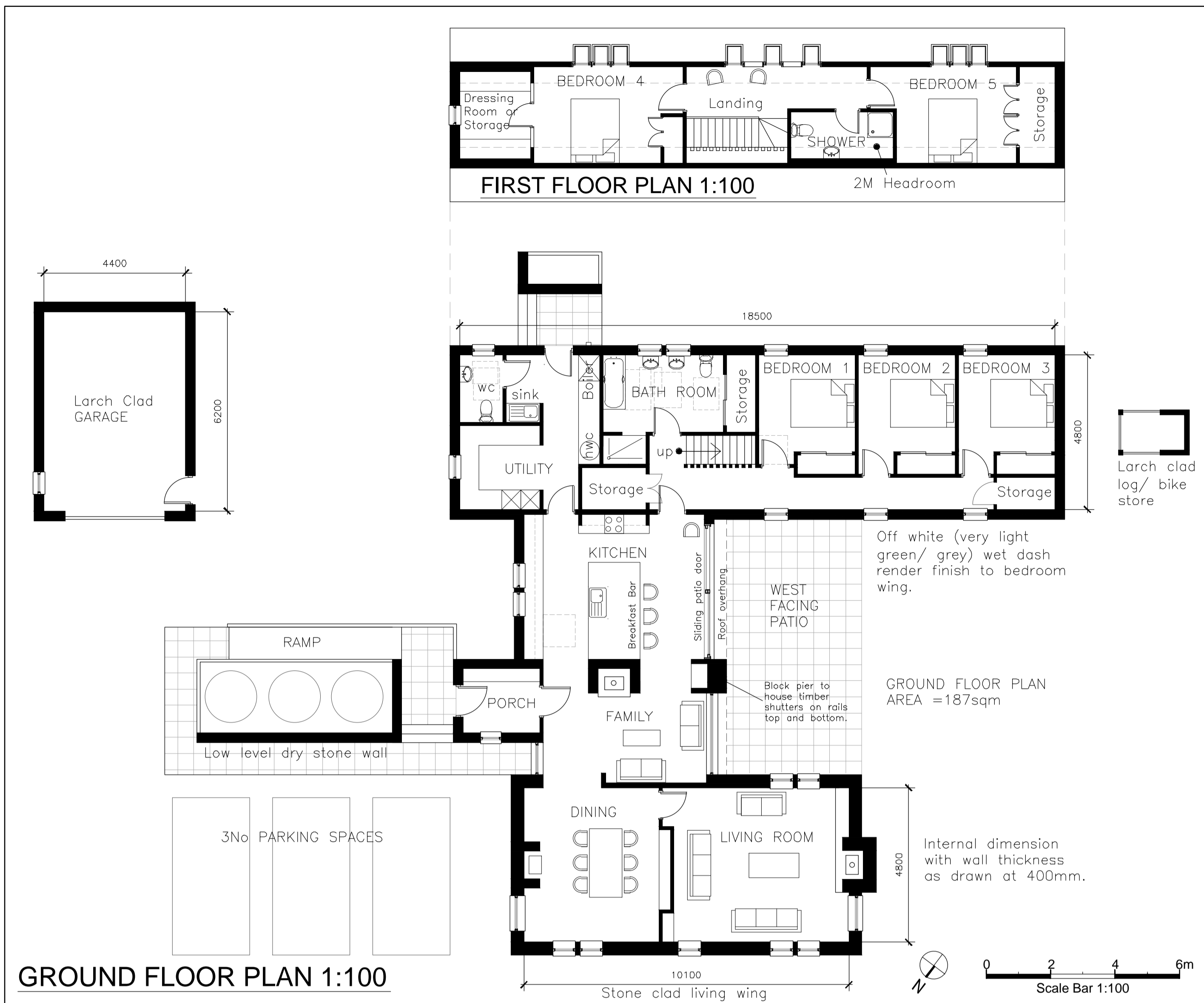
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JOB
 Proposed Dwellingt House
 At land to South of Croft No 2
 Bundaloch, Dornie, IV40 8DX
 for Ronnie & Laura MacLean

DRAWING
 Site Location Plan

Scale □ As Shown Date □ 18/07/14

Dwg. No. 14/07/06

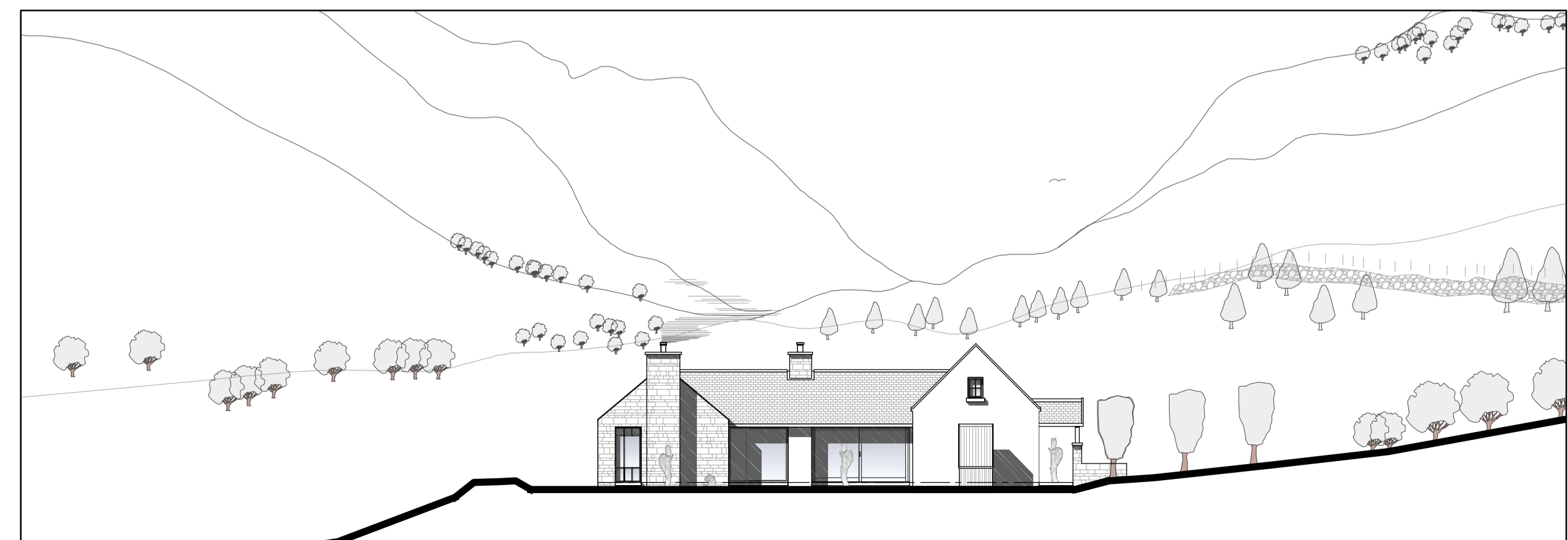
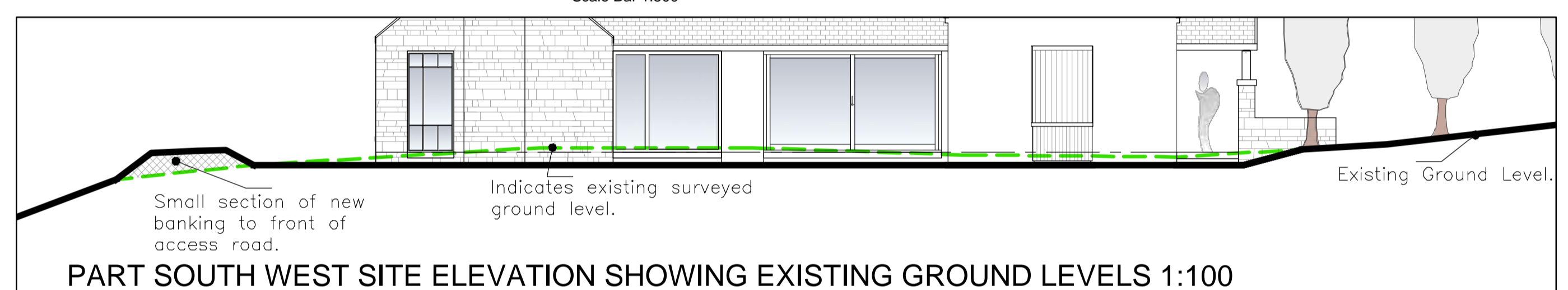
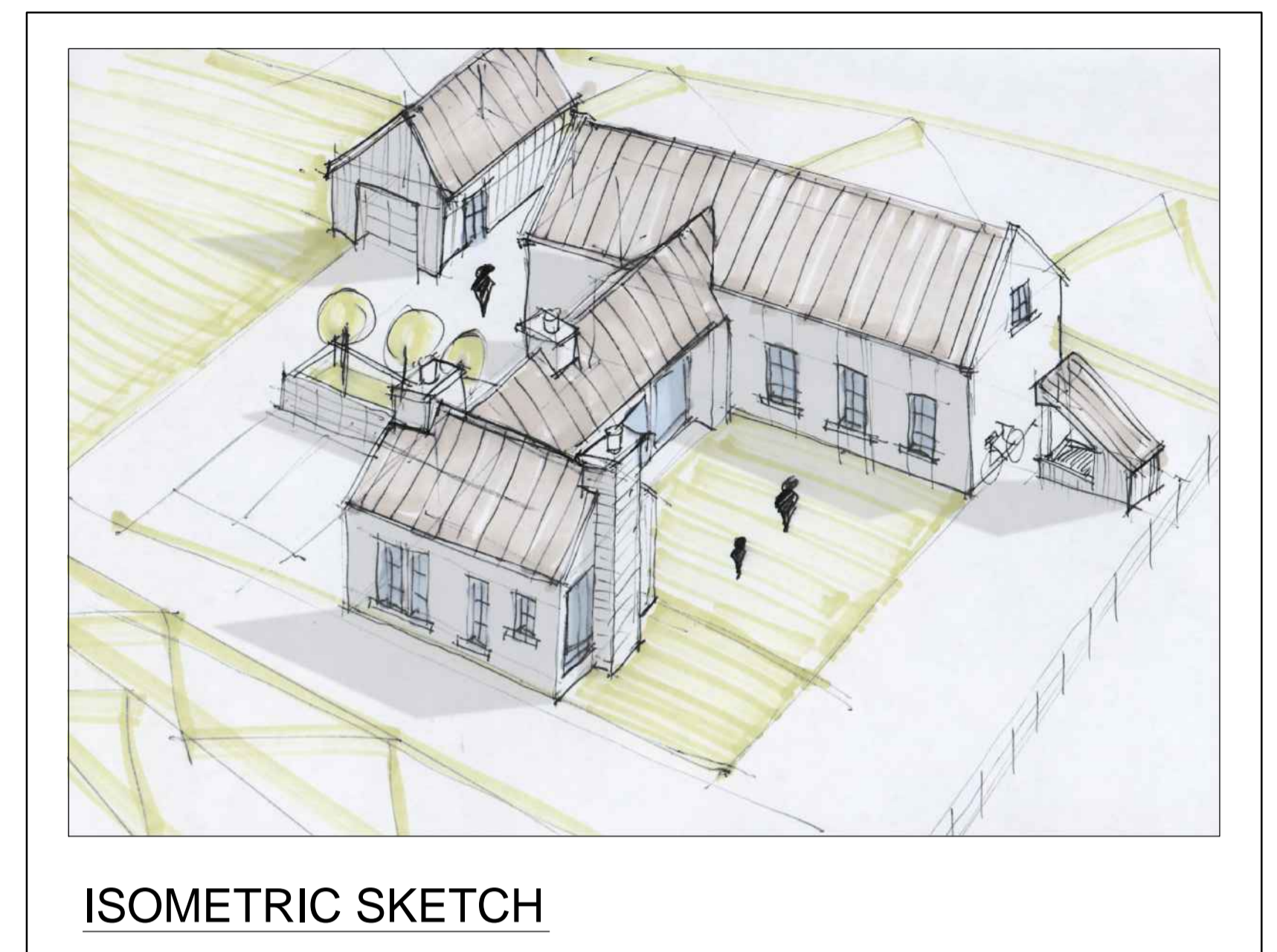


HOUSE MATERIALS

WALLS: - LIVING WING to be clad in locally sourced stone. Constructed as a cladding skin with mortar beds and tied back to internal block leaf. SLEEPING WING to be finished in off white (very light grey/green tint) wet dash render finish. GARAGE - to be clad in vertical v-groove larch cladding with light coloured grey/ green stain finish.

Roof:-Traditional slate roof finish on sarking boards.

WINDOWS:- Aluminium Clad timber windows with powder coated matte finish to RAL 7033. Sash style with plant on astragals to outside and inside panes.



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No.	Distribution & Revision	Date
1	CLIENT	

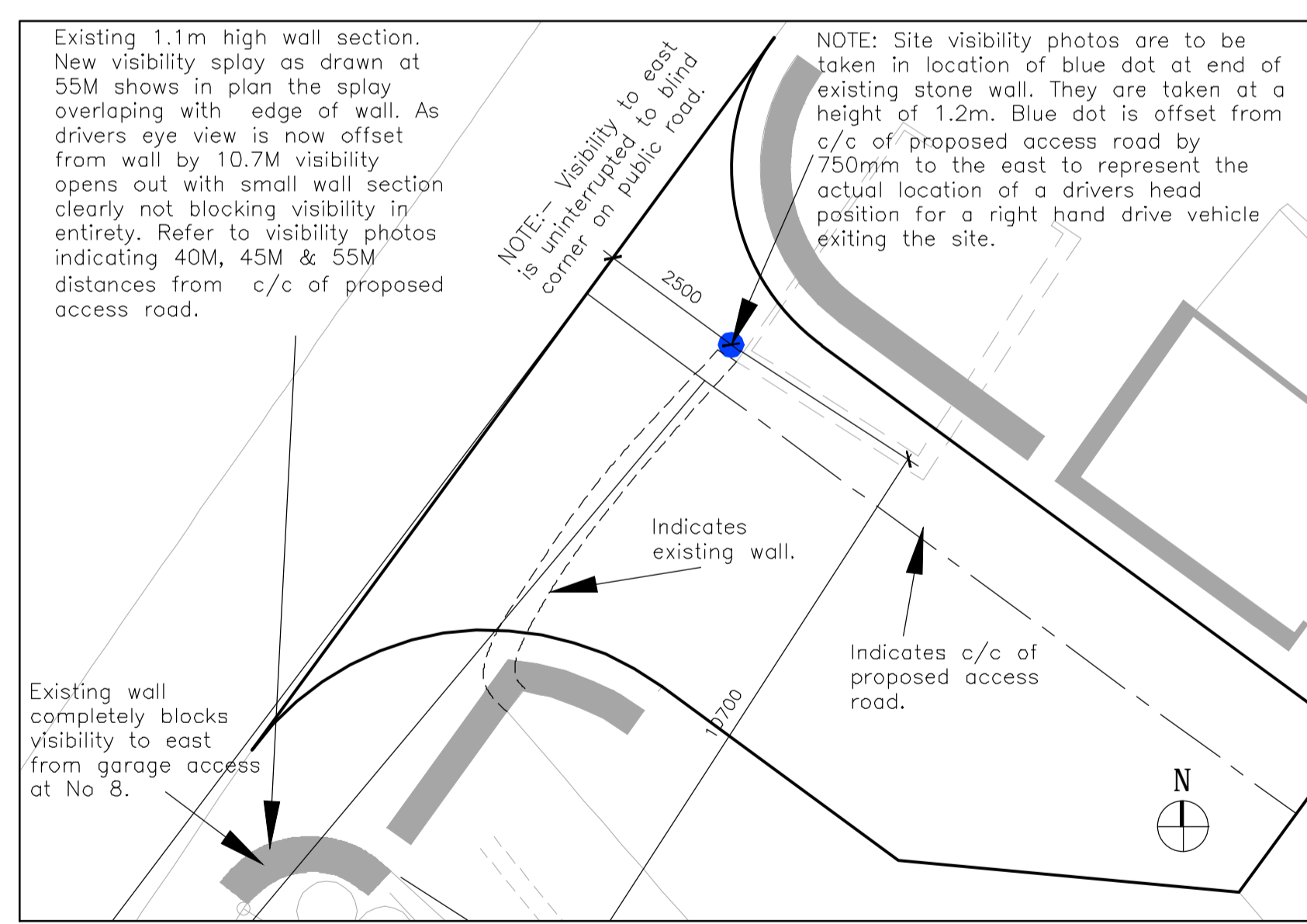
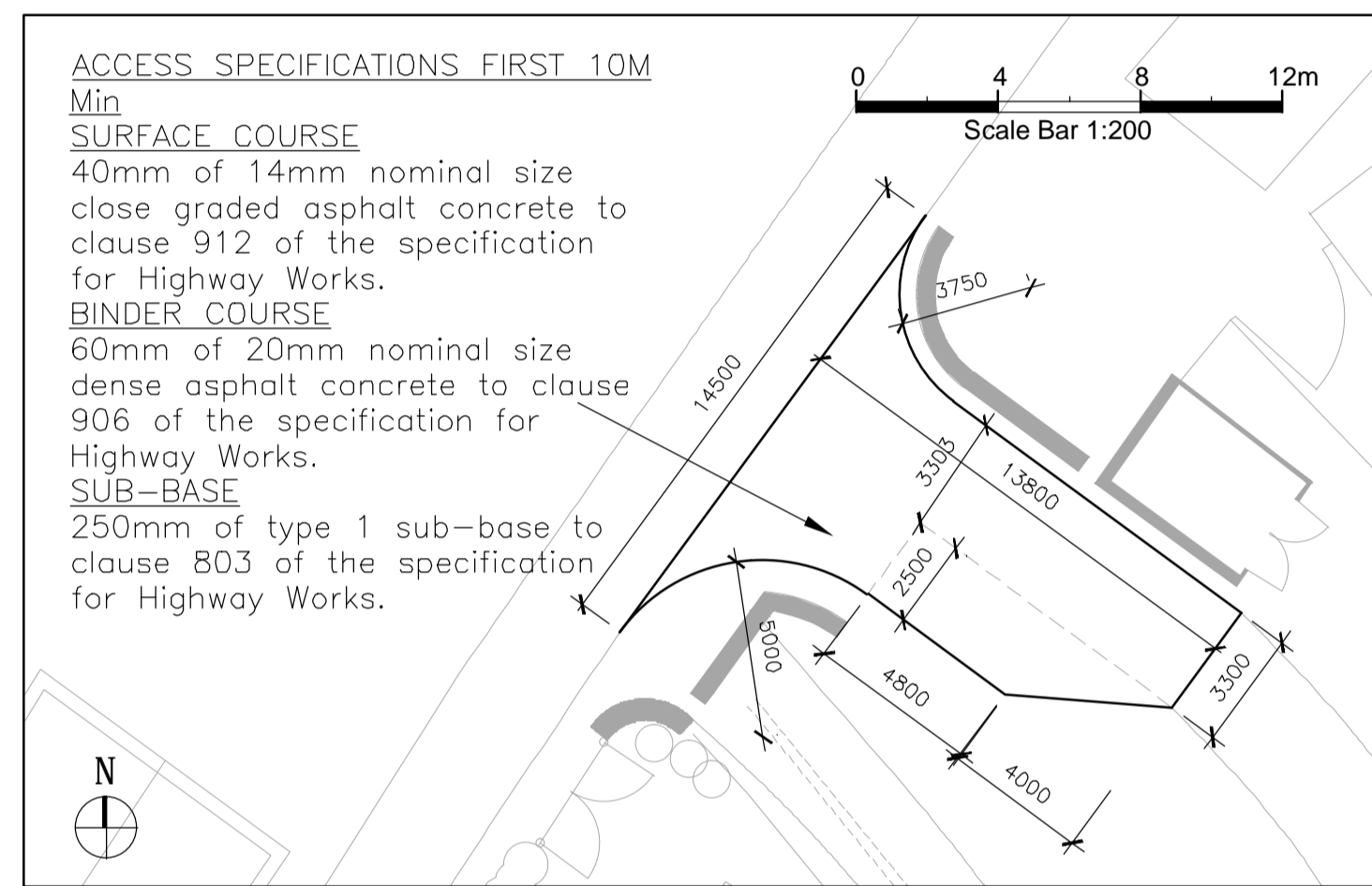
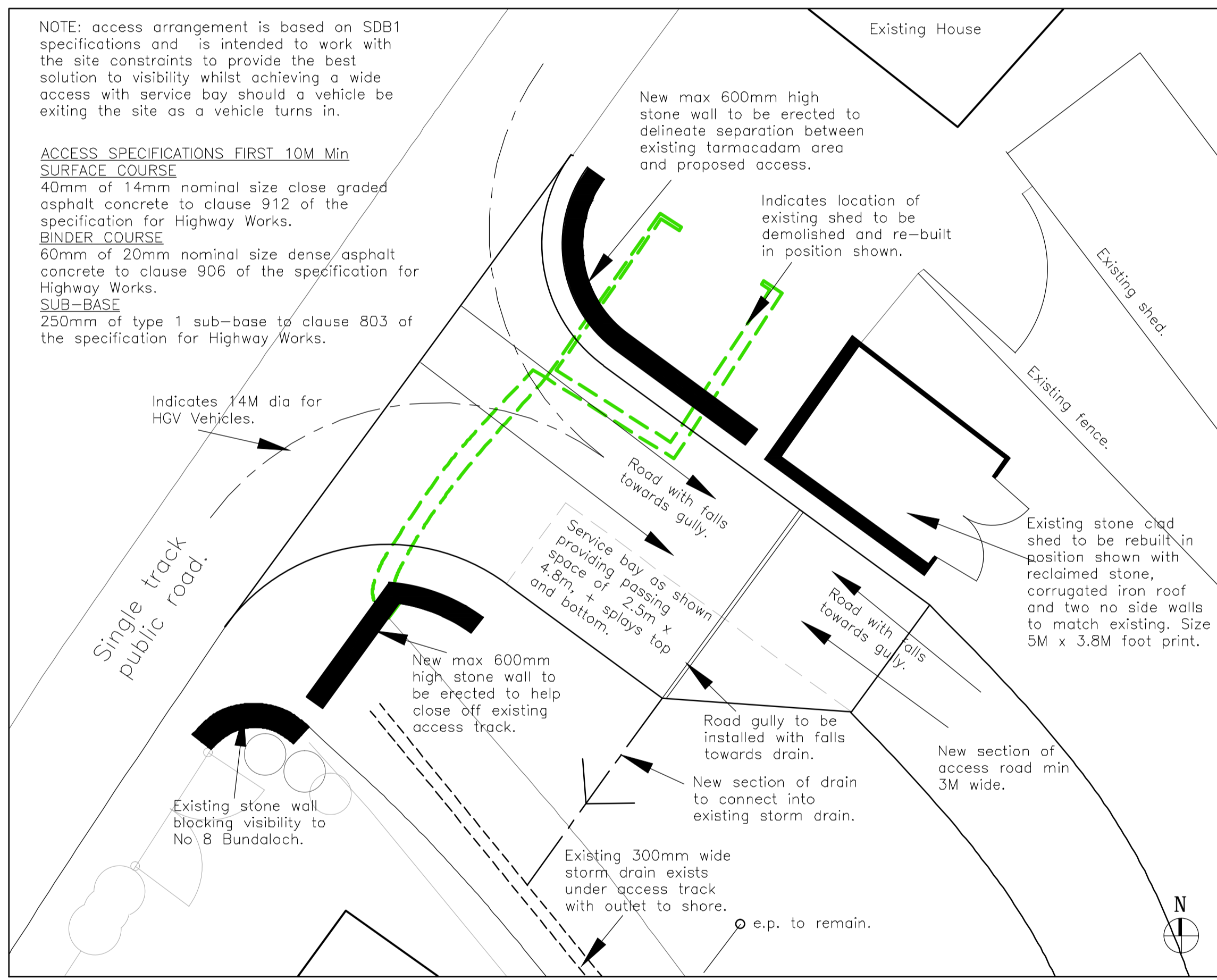
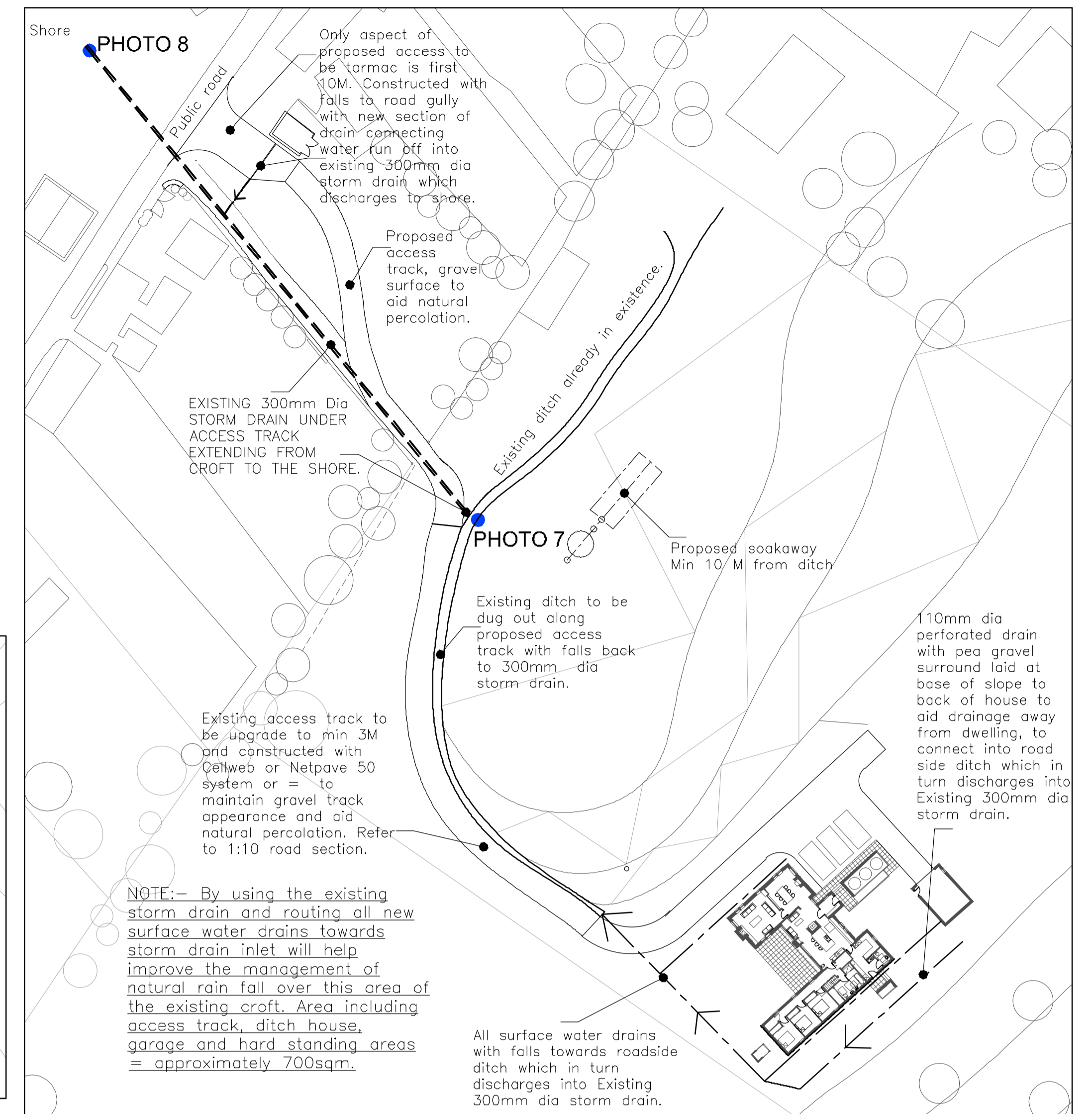
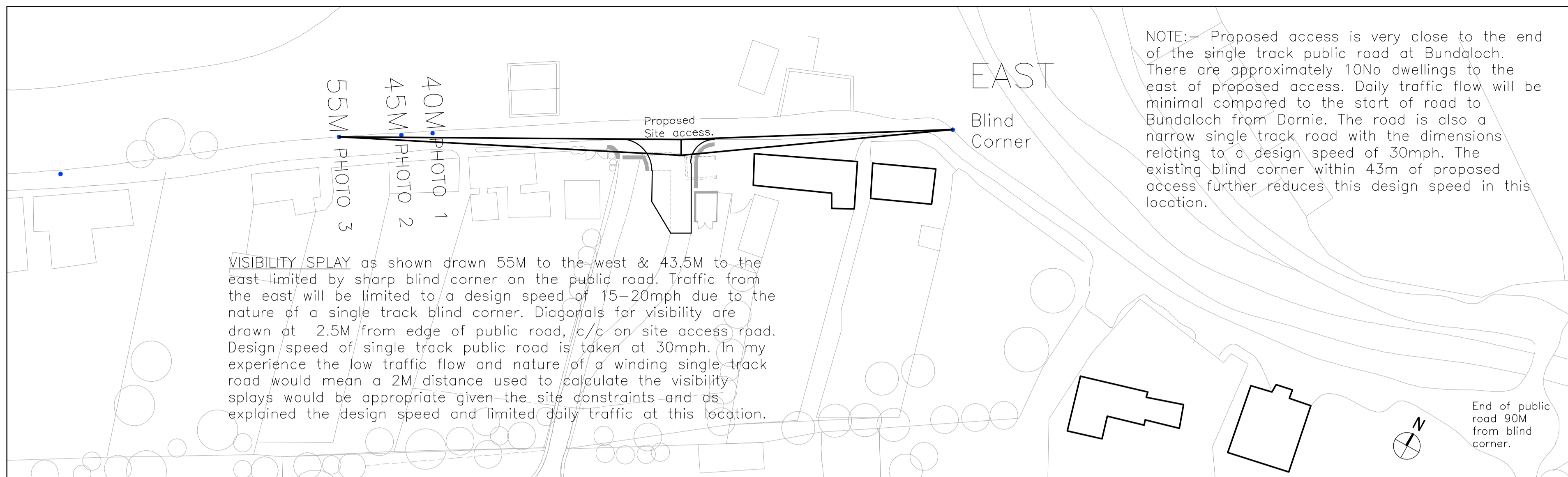
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JOB
 Proposed Dwelling House
 at Land to South of Croft No2
 Bundaloch, Dornie
 for Ronnie & Laura Maclean

DRAWING
 Plans
 Elevations

Scale *
 Date * 14/07/14

Dwg. No. 14/07/04



ACCESS VISIBILITY PHOTO NOTES 1:100



STORM DRAIN PHOTOS

REVISION A

09/09/14 - New site drainage plan, access road dimensions, visibility photos.

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No.	Distribution & Revision	Date
1	Client	18/08/14

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JOB
 Proposed Dwelling House at Land to South of Croft No2 Bundaloch, Dornie IV40 8DX for Ronnie & Laura Maclean

DRAWING
 ACCESS PLANS
 ACCESS PHOTOS

Scale *
 Date * 17/08/14

Dwg. No. 14/07/07- Rev A

SITE VISIBILITY TO WEST



Camera Position for Photo 1,2 & 3 was taken at 2.5m from edge of public road and at a height of 1.2m. Note wide angle lense distorts perspective, in reality car is much bigger.



Camera Position for Photo 4 was taken 2m from edge of public road and at a height of 1.2m.



Photo 5 was taken from the public road at a distance of 65M from the proposed entrance. The blue jacket represents the position a drivers head would be at upon exiting the proposed access.



Photo 6 was taken from the public road at a distance of 45M from the proposed entrance. The blue jacket represents the position a drivers head would be at upon exiting the proposed access.