

THE HIGHLAND COUNCIL

**North Area PLANNING APPLICATIONS COMMITTEE –
15 December 2015**

Agenda Item	6.2
Report No	PLN/068/15

**15/03445/FUL : Mr and Mrs S Bryson
Creac An Fheilidh, 1 Ellishadder, Culnacnock, Skye**

Report by Area Planning Manager

SUMMARY

Description : Proposed alterations and extension to existing dwelling house to form art gallery, cafe and self contained letting unit

Recommendation - GRANT

Ward : 11 - Eilean A' Cheò

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Number of Objections.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for a full height extension on the eastern gable of an existing one and three quarter storey, four bedroom dwelling house. This extension and alterations to the existing building would provide an art gallery on the ground floor of the extension and a café on part of the existing building's ground floor. The remainder of the existing building's ground floor would become part of the owner's accommodation, with the rest provided on the first floor of the original house. The first floor of the extension would accommodate a two bedroom letting unit.
- 1.2 No pre-application discussions occurred.
- 1.3 The site lies to the west of the A855, and is accessed from a single track which forms the site's northern boundary.
- 1.4 The application is supported by a Design Statement, which explains the rationale behind the proposed extension and alterations, as well as a diagram which shows how vehicles would be able to utilise the proposed 19 space car park.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site comprises an existing dwelling house and its associated curtilage. The site extends to some 1,500 sq m. The garden of the existing house is mostly laid to grass, although there are some small trees and bushes, mostly around the perimeter. The nearest neighbouring building – which lies to the north of the single track road referred to above is a former black house which now operates as a museum.

3. PLANNING HISTORY

- 3.1 15/02537/FUL. Proposed alterations and extension to existing house to form art gallery with cafe and self contained unit. Withdrawn 04.09.2015. This application proposed a larger side extension than the current proposal, as well as a substantial extension to the front of the existing building. The application was withdrawn following officer advice that the proposed enlargement of the existing building was considered too large.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Unknown Neighbour 14 Days, expiry 02.10.2015
Representation deadline : 12.10.2015

Timeous representations : 66 representations have been received, of which 42 are objections (including a petition with 148 names) and 24 are in support.

- 4.2 Material considerations raised are summarised as follows:

- Description misleading in that does not mention of café
- Application form inaccurate in terms of site area, effect on trees and extent of non-residential floorspace
- No indication of foul or surface water drainage or refuse arrangements
- Design Statement, Drainage Impact Assessment and Drainage/SUDS Layout not supplied
- Drawings inaccurate and lacking detail
- Parking spaces too small and insufficient in number
- Possible danger due to increasing traffic on A855 and proximity of site access to A855 and for people using the bus stop nearby
- Extension and parking would take up majority of existing small garden area
- Existing building would become over-bearing and out of scale with neighbouring houses
- Adverse effect on view over Loch Mealt from A855 towards Ellishadder
- Over development and loss of garden ground
- Plot ratio at odds with existing settlement pattern and National Scenic Area
- No provision for disabled access
- Adverse effect on existing local businesses

- The proposal would involve the loss of trees
- Adverse effect on setting of Staffin Museum

Letters in support advised

- Proposal would enhance tourist provision
- Design fits into the local landscape
- Pleased that consideration has been given to disabled access
- Access and parking provision are satisfactory

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.

5. CONSULTATIONS

5.1 **Transport Planning** : No objection, comment that site access, parking provision and vehicle turning spaces are all considered satisfactory.

5.2 **Building Standards** : No objection, some comments on the internal layout which can be addressed by the Building Warrant process.

5.3 **Environmental Health** : No objection, but comment that a toilet next to a food preparation area would need to be moved, and that suitable ventilation/extraction would be required.

5.4 **Scottish Water** : No response

5.5 **Crofting Commission** : No objection, site has been de-crofted

5.6 **Skye and Lochalsh Access Panel** : No objection, some detailed comments which would be dealt with by the Building Warrant process.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-making
34	Settlement Development Areas
43	Tourism
57	Natural, Built and Cultural Heritage
61	Landscape
65	Waste Water Treatment

6.2 **West Highlands and Islands Local Plan (2012, as continued in force)**

1 Settlement Development Areas

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

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

Highland Historic Environment Strategy (Jan 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Paras 74 to 83 and para 212

Historic Scotland – Managing Change in the Historic Environment, Guidance Notes on Setting, October 2010

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**

The application site falls within the Ellishadder Settlement Development Area, so Policy 1 of the West Highlands and Islands Local Plan and Policy 34 of the Highland Wide Local Development Plan apply. These policies support development proposals within Settlement Development Areas if they meet the Design for Sustainability requirements of the Highland Wide Local Development Plan Policy 28. The West Highlands and 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. 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.

Policy 43 of the Highland wide Local Development Plan states that proposals for tourist facilities will be assessed as to whether the scale is appropriate to the local settlement/location, whether the site is within a settlement boundary, its likely contribution to increasing visitor stay/spending/spread, and its effect on natural, built and cultural heritage features.

The site is within the Trotternish National Scenic Area and therefore requires to be assessed in terms of Policy 57 of the adopted Highland wide Local Development Plan. This policy states that for this feature of national importance the Council will support developments that can be shown not to compromise the natural environment, amenity and heritage resource involved. The site lies to the south of a Category 'B' listed building – namely the museum building referred to above. This is categorised as a feature of local/regional importance in respect of which Policy 57 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.

Policies 65 and 66 of the Highland wide Local development Plan state that the Council's preference for private foul drainage – where a connection to the public sewer is not available - is for discharge to land rather than to water, and that surface water drainage should follow sustainable principles.

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

8.4 **Material Considerations**

Design of the Extension

The proposed extension would appear as a logical addition to the existing building. Some objectors comment that the drawings are not scaled. However, the full sized drawings submitted with the application can be scaled. A Design Statement was submitted on 18 November and there is sufficient information to allow the application to be assessed. The existing building is "T" shaped with a frontage of some 16.4m, a gable span of 9m and a height of 7.7m. The single storey rear projection is some 5.9m x 6.2m. The proposed extension would be smaller than the existing building - adding some 106 sq m to the existing 184 sq m footprint, and the overall width of the property would be increased by some 50%. Accordingly, the new element would be subsidiary to the existing house, in accordance with the Council's guidance on residential extensions. Some of the windows on the front elevation of the existing building would be replaced to tie in with the floor to ceiling windows on the extension, giving a balanced and contemporary look to the proposal which improves the appearance of the existing frontage. The extension would be set slightly forward of the existing frontage, and would be the same height as the existing structure. However, it would not be over-bearing in its appearance, and would not dominate the original structure.

Cladding materials have not been specified on the submitted drawings, but can be made the subject of a condition which requires that they match the existing white harl and natural slate finishes.

The extended building and car parking would occupy just under 50% of the plot, leaving some 754 sq m as curtilage/amenity space. This is in accordance with the Council's guidance which recommends that not more than 50% of a plot be taken up with building and parking.

The previous proposal which was the subject of withdrawn application 15/02537/FUL involved a gable extension some 25% larger as well as an additional extension to the front elevation. This was considered too large in terms of its relationship to the existing building and its reduction in available curtilage. The current scheme represents a significant improvement which has resulted in reduction in the scale and massing of the building to allow officer support.

Impact on the Local Settlement Pattern and Landscape Setting

The extended building would appear large in relation to the other, mostly traditional, buildings in the Ellishadder settlement. However, it is not considered that this difference in size is so significant that it would appear at odds with the local pattern of development or the landscape setting. The site is relatively prominent within the settlement, but is close to other built development rather than in an isolated countryside location, and sits against a backdrop of rising land. As such, the proposal is not considered to compromise the environmental and amenity qualities of the National Scenic Area.

Listed Building Impact

Historic Scotland's Managing Change in the Historic Environment, Guidance Notes on Setting document states that:

"Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. Planning authorities must take into account the setting of historic assets or places when considering various types of environmental and design assessments/statements and in determining planning applications."

The proposed extension would be some 60m to the south of the 'B' listed museum building, on the opposite side of the Ellishadder township road, and is at a lower elevation relative to the museum. It is considered that this degree of separation, allied to the fact that the museum building has an extensive area of car parking between it and this road, mean that the proposal would not adversely affect the setting of this listed building.

Neighbour Amenity

The nearest existing dwelling house lies some 75m to the north east of the proposed extension, on the opposite side of the A855. Accordingly, no adverse issues of neighbour amenity arise.

Access and Parking

Some objectors claim that the site access is too close to the junction of the township road with the A855, that the 19 parking spaces are insufficient and lack sufficient turning space. However, Transport Planning's consultation response

states that the proposed access arrangement is considered acceptable, and that the parking and turning provision is satisfactory. Accordingly these aspects of the development can be conditioned accordingly.

Tourism

The proposal is considered to accord with HwLDP Policy 43 by virtue of its location within the Elishadder Settlement Development Area, and the likely positive effect on visitor spending and spread arising from the addition to the range of tourism facilities on Skye.

Drainage

Some objectors complain about the lack of detail in respect of foul and surface water drainage. These are matters which would require to be addressed by the Building Warrant process however, and it is noted that the consultation response from Building Standards does not raise any concerns in respect of either issue.

Use of the New Residential Accommodation

The amenity the two bedroom flat in the first floor of the extension would not be of a level to be expected for a dwelling house in this rural location given its proximity to an art gallery and café. Accordingly A condition which limits the use of this unit to holiday letting accommodation is considered necessary.

8.5 Other Considerations – not material

A recurring issue in a large number of representations received is that the proposal would adversely affect existing local businesses. Whilst this may be an area of concern, commercial competition is not a material planning consideration.

Comment has been made that the address of the property is confusing.

It is alleged in some of the submitted representations that “the owners of the property have been assured that their latest amendments will allow their proposal to be passed”. This is not the case. The application form states in the Pre-application section as submitted by the agent that the “Planning Officer advised that amended proposals are likely to receive support.” Any advice offered would always be qualified in that officer support would only be forthcoming should the original planning concerns be addressed. Whilst the revised submission has allowed officer support, under our scheme of delegation the decision to determine the application lies with the planning committee.

8.6 Matters to be secured by Section 75 Agreement

Not applicable

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.

This proposal represents a significant improvement over the previous (withdrawn) scheme on the basis that it has addressed concerns over its design, scale and massing through the removal of the inappropriate front extension and reduced the gable extension by some 25%. It is considered that these amendments have resulted in a proposal which can be supported.

10. RECOMMENDATION

Action required before decision issued N

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

1. The external finish materials used in the development shall match those of the original building.

Reason : In the interests of amenity

2. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 01.12.2015), with the junction formed to comply drawing ref. SDB2.

Reason : To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

3. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 300 shall be completed in full and made available for use. Thereafter, all car parking and turning spaces shall be maintained as such in perpetuity.

Reason : In order to ensure that the level of off-street parking is adequate.

4. The two bedroom first floor flat shall be used for holiday letting purposes only and shall not be used as a principal private residence or be occupied by any family, group or individual for more than three months (cumulative) in any one calendar year.

Reason : To ensure that this element of the development does not become used for permanent residential occupation in accordance with the use applied for.

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

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

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 and 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.

Septic Tanks and 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>

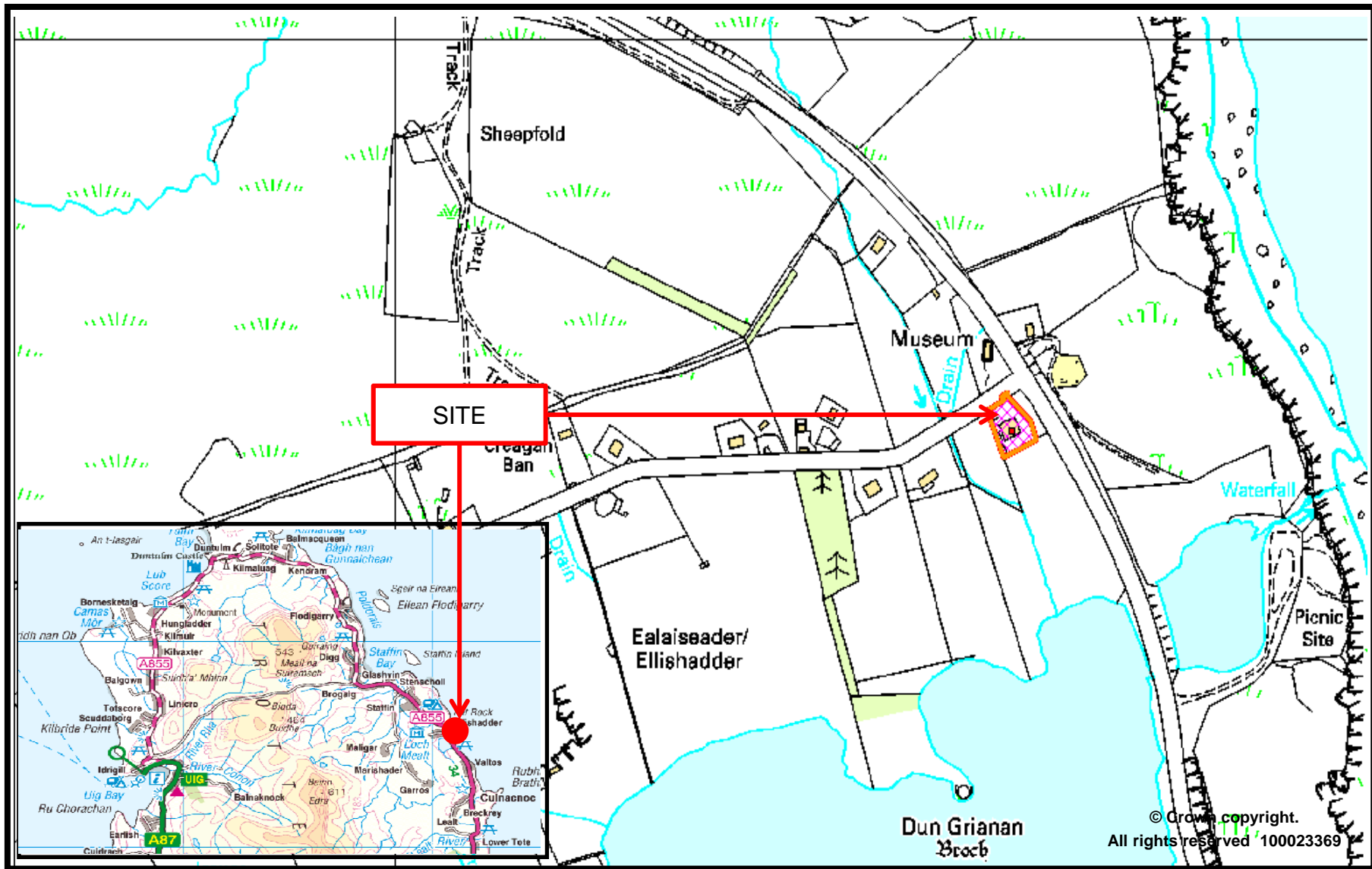
Mud and Debris on Road

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.

Food Hygiene Regulations

The areas within the development where food will be prepared and served must comply with the Food Hygiene Regulations. The internal layout will also need to comply with these regulations.

Signature:	Dafydd Jones
Designation:	Area Planning Manager North
Author:	Graham Sharp
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan Drg No 000001 Plan 2 – Site Layout Plan Drg No 300 Plan 3 – Existing Floor Plans Drg No 101 Plan 4 – Existing Elevations Drg No 103 Plan 5 – Proposed Ground Floor Plan Drg No 301 Plan 6 – Proposed First Floor Plan Drg No 302 Plan 7 – Section Plan Drg No 305 Plan 8 – Proposed Elevations Drg No 303 Plan 9 – Proposed Elevations Drg No 304 Plan 10 – Previous scheme, Proposed GF Plan Drg No 103A Plan 11 - Previous scheme, Proposed Elevations Drg No 105A Plan 12 – Previous scheme - Proposed Elevations Drg No 106 Plan 13 – Previous scheme – Proposed Site Layout Drg No. 101A



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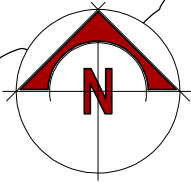
Planning and Development Service

Location Plan
15/03445/FUL

Proposed alterations & extension to existing dwelling house to form art gallery, cafe & self contained letting unit

15th December 2015

Scale:



LOCATION PLAN
SCALE - 1 : 2500



TOTAL AREA OF SITE OUTLINED IN RED =
 0.164 HECTARES OR THEREBY
 TOTAL AREA OF ACCESS ROAD, CAR PARKING
 AND BUILDINGS FOOT PRINT = 0.067 HECTARES
 OR THEREBY = 41%

Note
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 PROPOSED EXTENSION TO HOUSE AT STAFFIN, ISLE OF SKYE

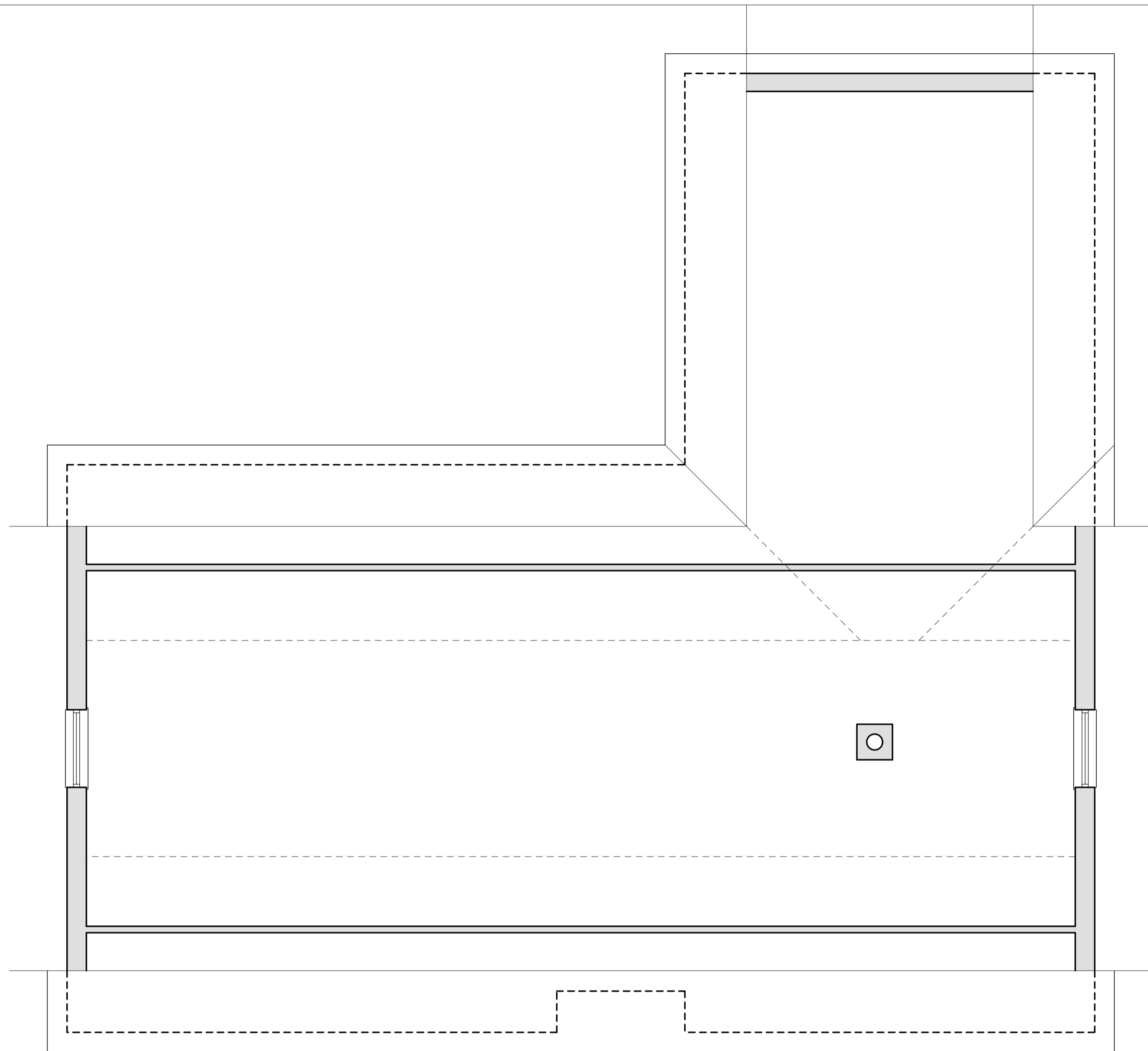
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detail
 PROPOSED SITE PLAN 2

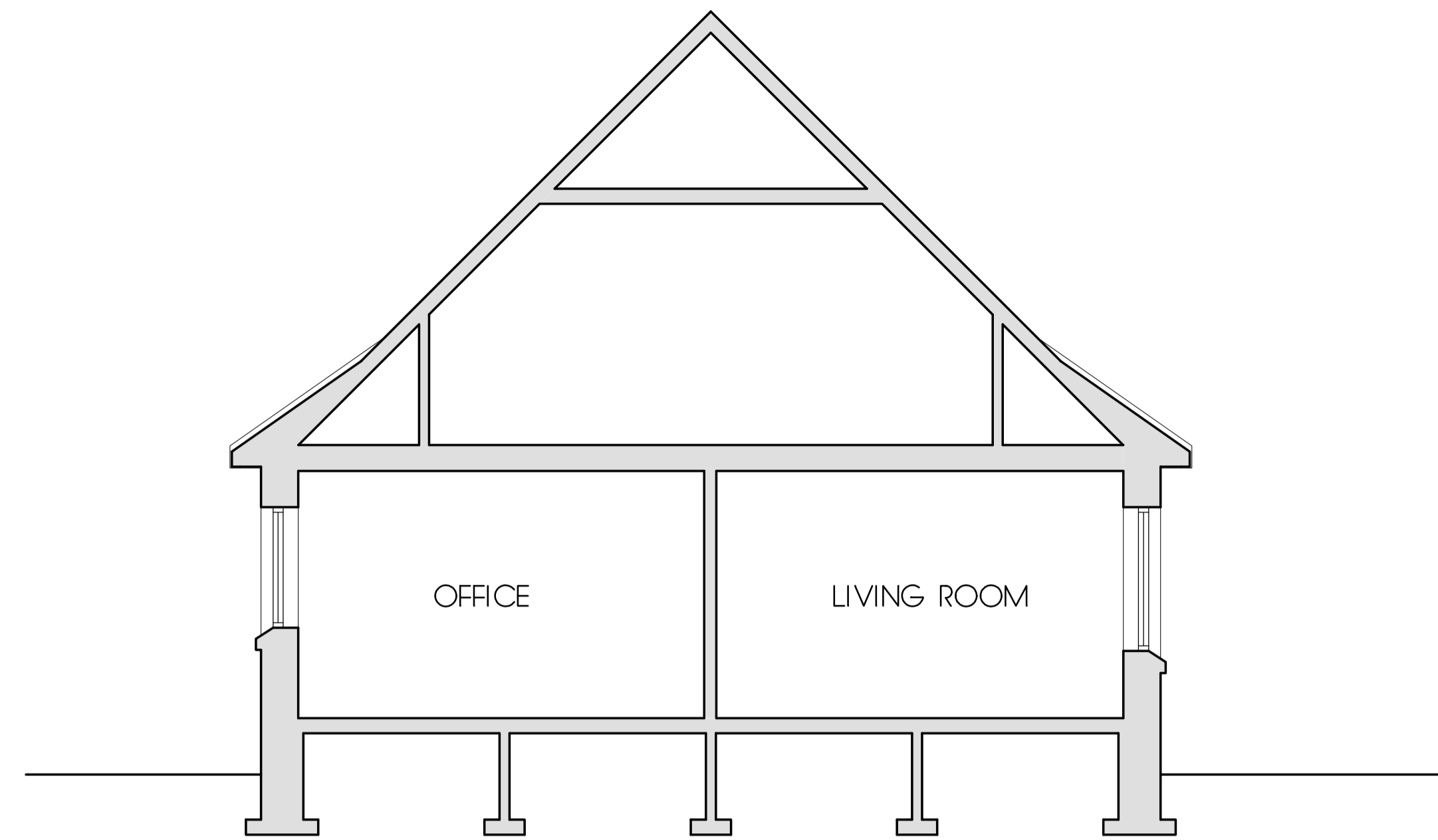
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		drawn	D. KELLY



FIRST FLOOR PLAN



SECTION



GROUND FLOOR PLAN

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 AS EXISTING FLOOR PLANS

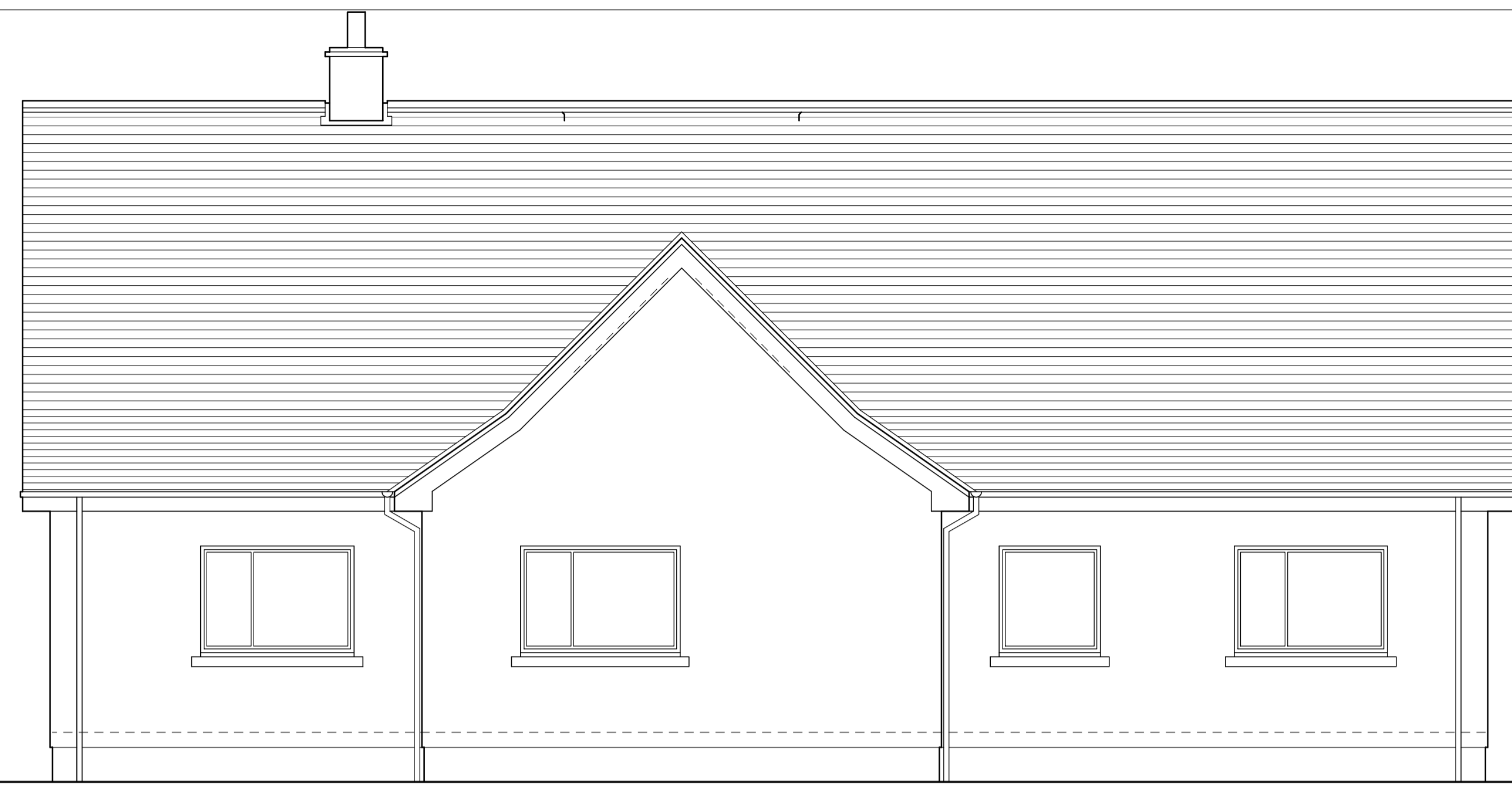


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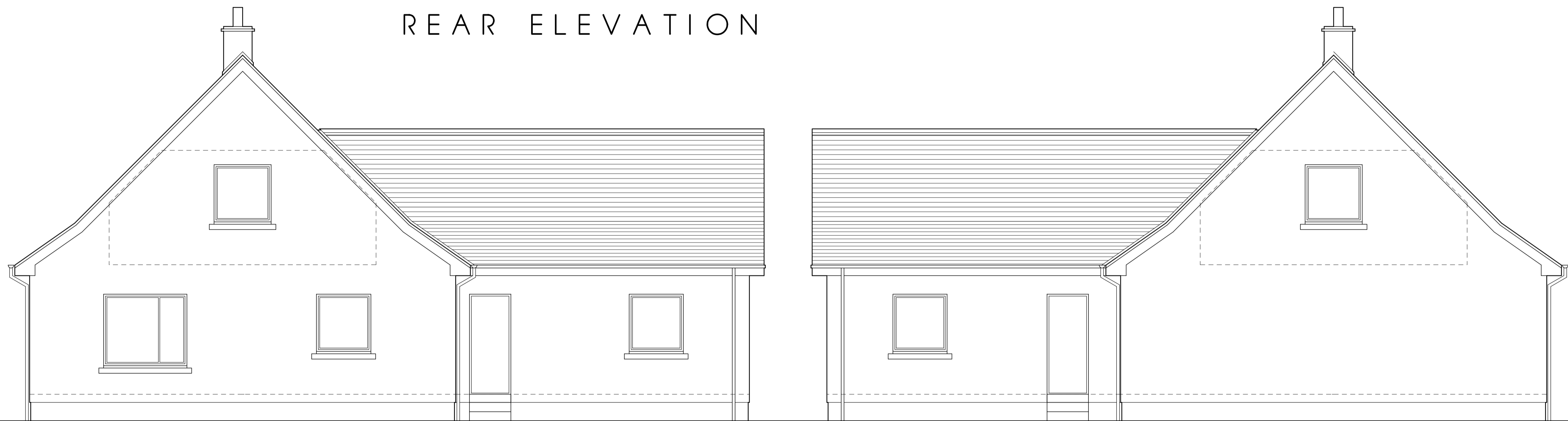
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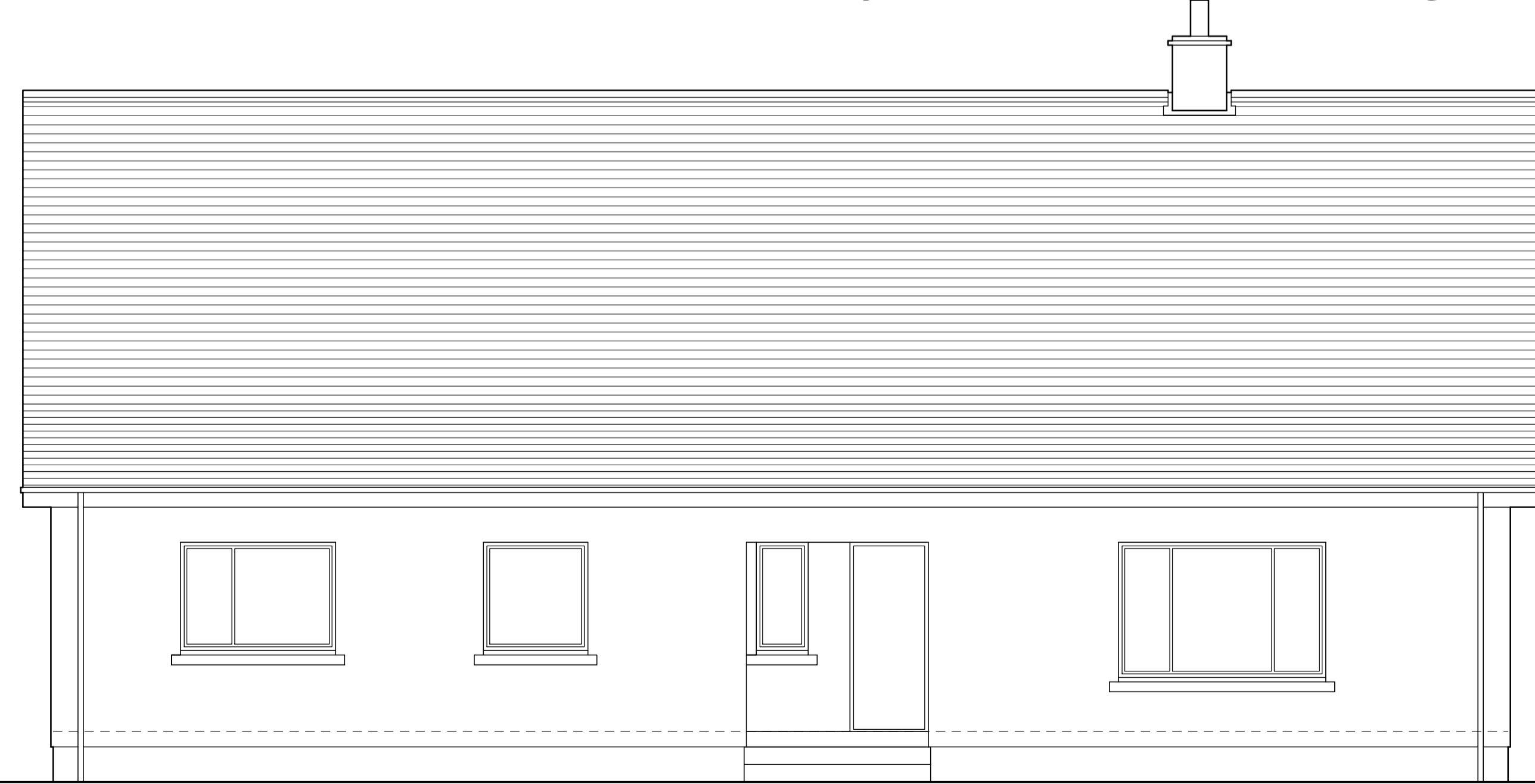


REAR ELEVATION



SIDE ELEVATION

SIDE ELEVATION



FRONT ELEVATION

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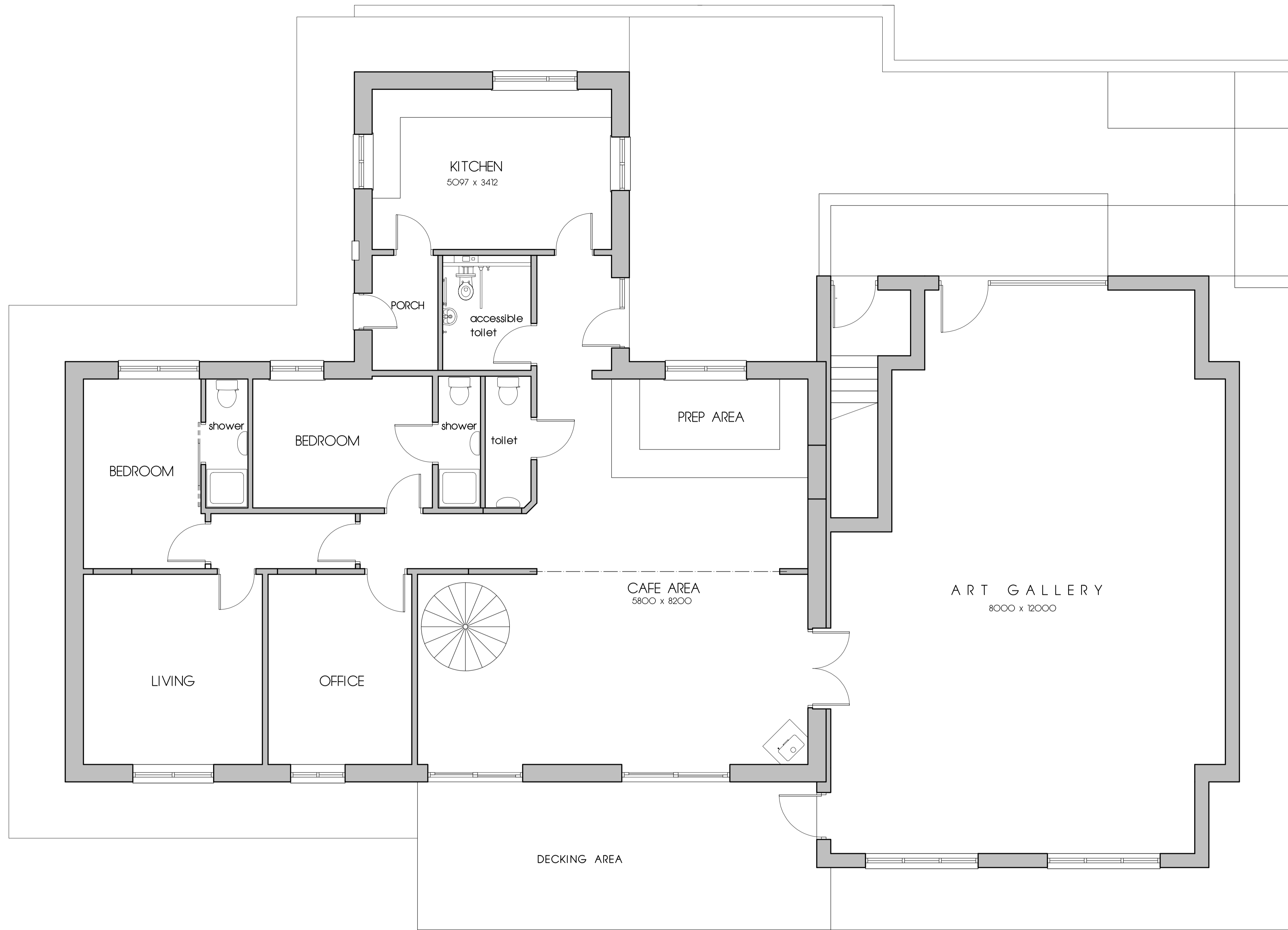
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STAFFIN, ISLE OF SYKE

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detail
AS PROPOSED GROUND FLOOR PLAN 2

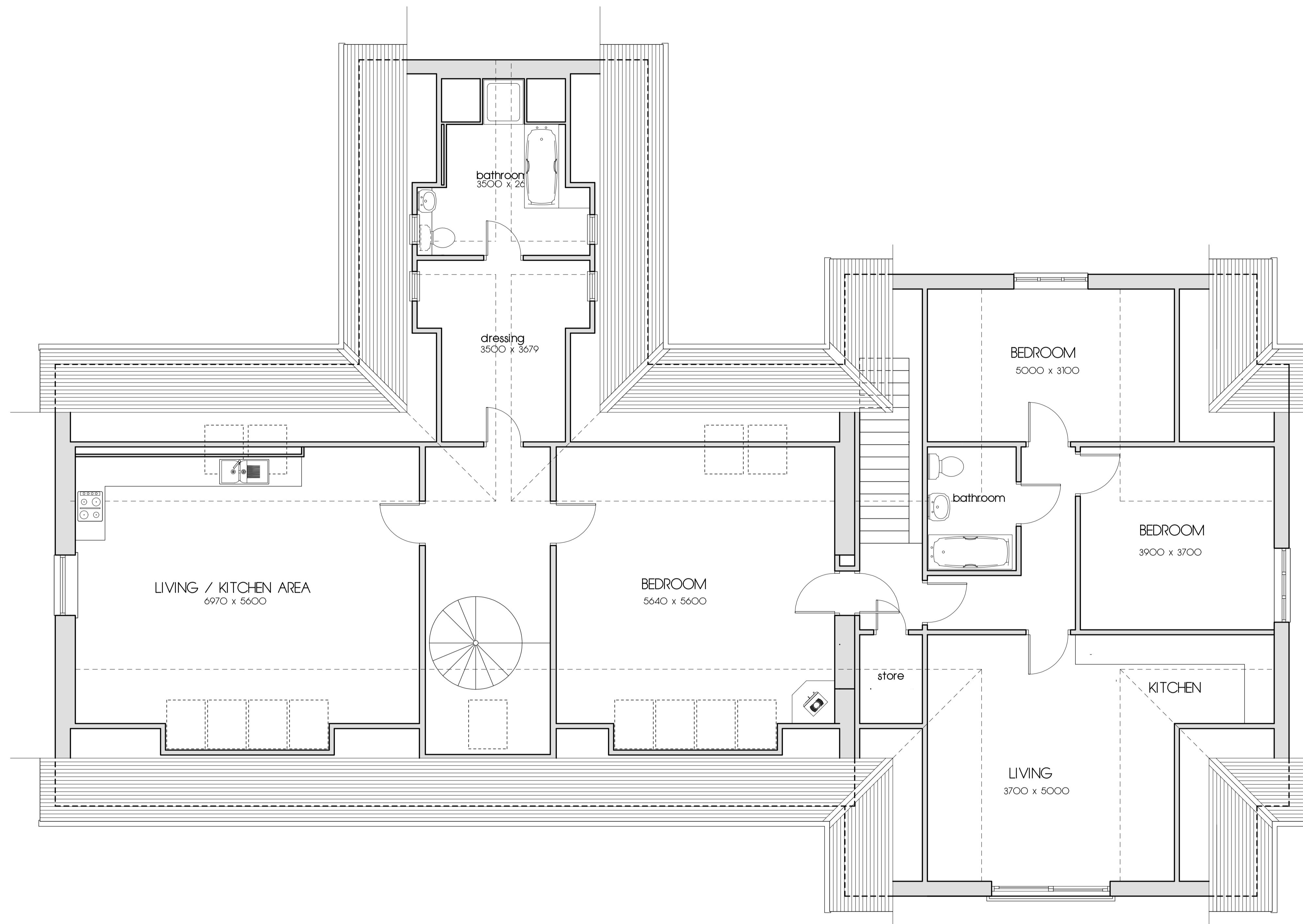
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FIRST FLOOR PLAN

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 AS PROPOSED FIRST FLOOR PLAN 2



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SECTION

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AS PROPOSED SECTION 2



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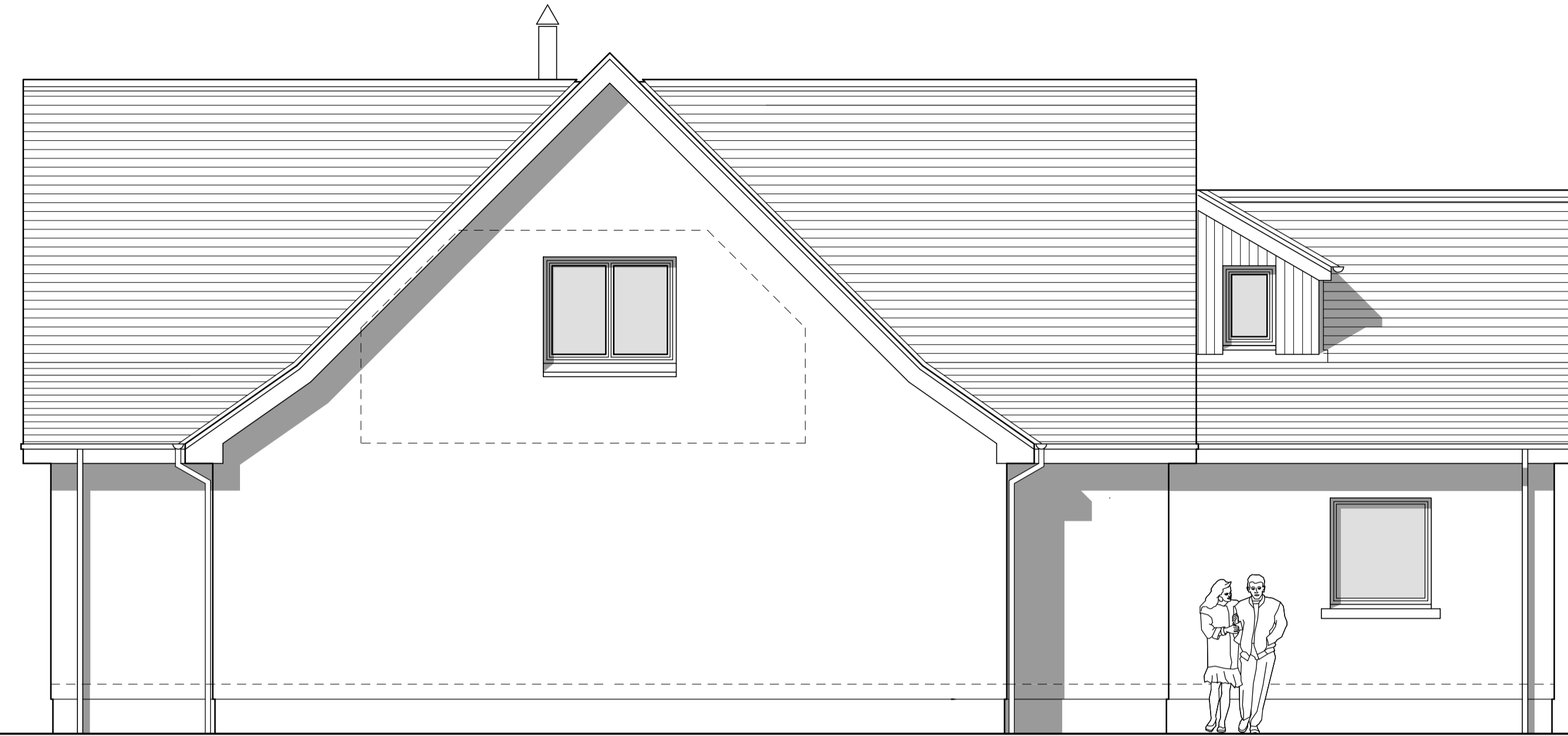
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SIDE ELEVATION



FRONT ELEVATION

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SIDE ELEVATION



REAR ELEVATION

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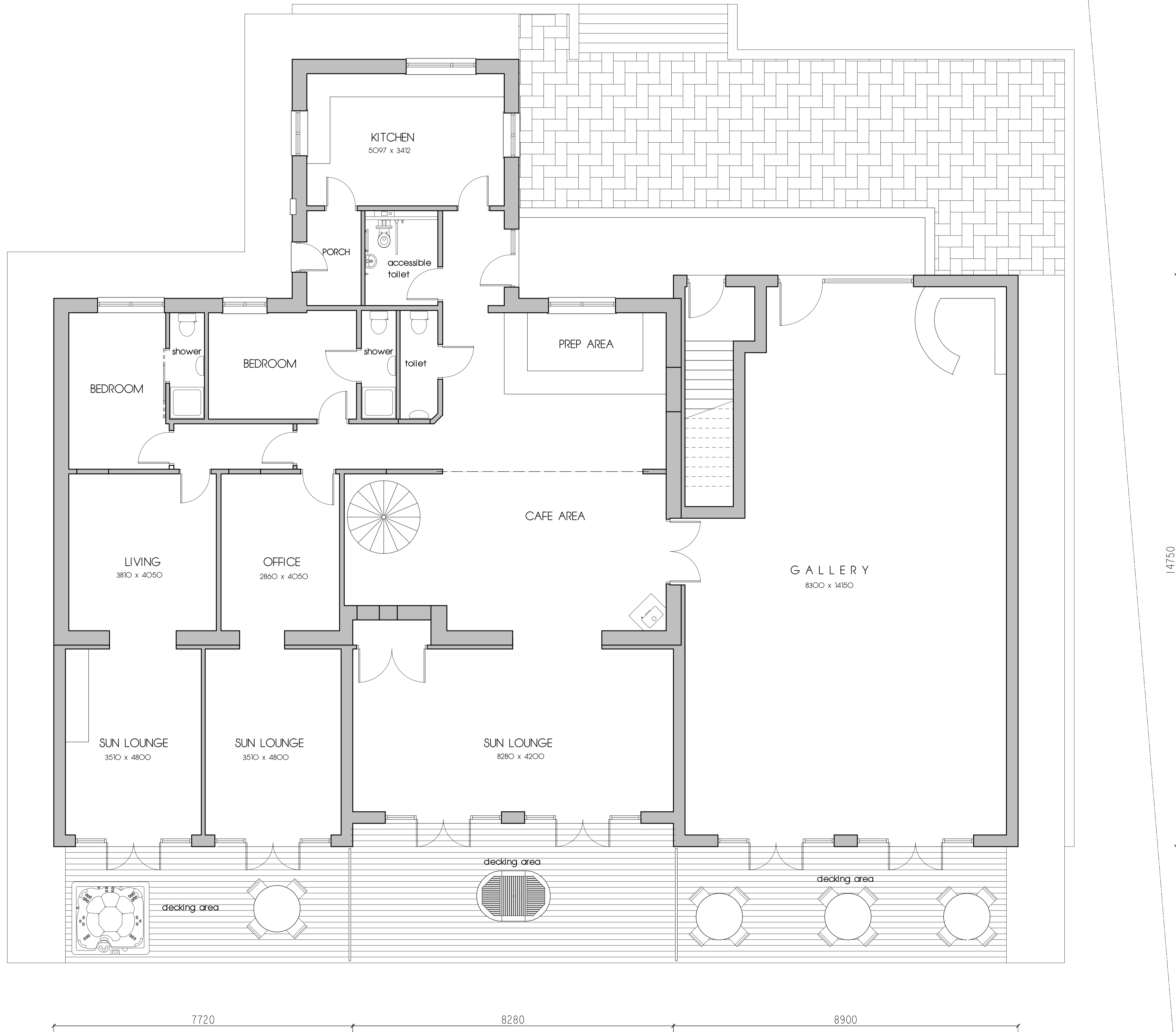
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project
PROPOSED EXTENSION TO HOUSE,
STAFFIN, ISLE OF SYKE

client
MR. & MRS. BRYSON

detail
AS PROPOSED GROUND FLOOR PLAN

DKD
D KELLY DESIGN
Architectural Consultant

Queen Anne House • 111 High Street
Fort William • PH33 6DG
Tel: 01397 700999 • Fax: 01397 700888

scale 1 : 50 date 23 : 10 : 14

job no. 14/082 drg no. 103A drawn D. KELLY

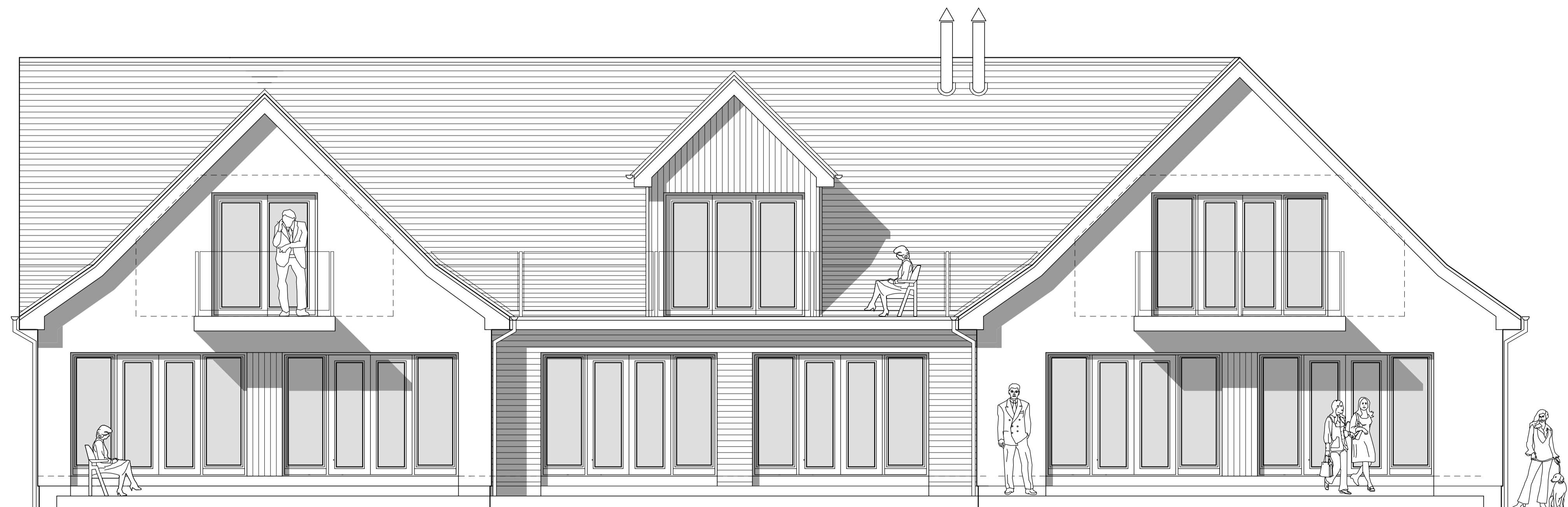
Note
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

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REAR ELEVATION



FRONT ELEVATION

project
 PROPOSED EXTENSION TO HOUSE,
 STAFFIN, ISLE OF SYKE

client
 MR. & MRS. BRYSON

detail
 AS PROPOSED ELEVATIONS 1

DKD
 D KELLY DESIGN
 Architectural Consultant

Queen Anne House • 111 High Street
 Fort William • PH33 6DG
 Tel: 01397 700999 • Fax: 01397 700888

scale 1 : 50 date 23 : 10 : 14

job no. 14/082 drg no. 105A drawn D. KELLY

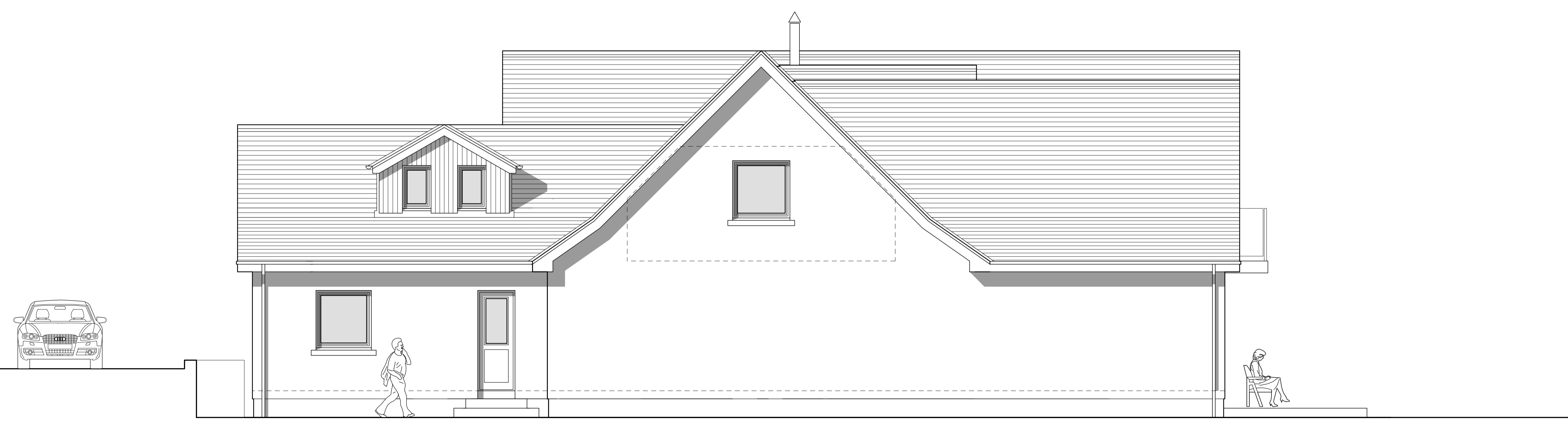
Note
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

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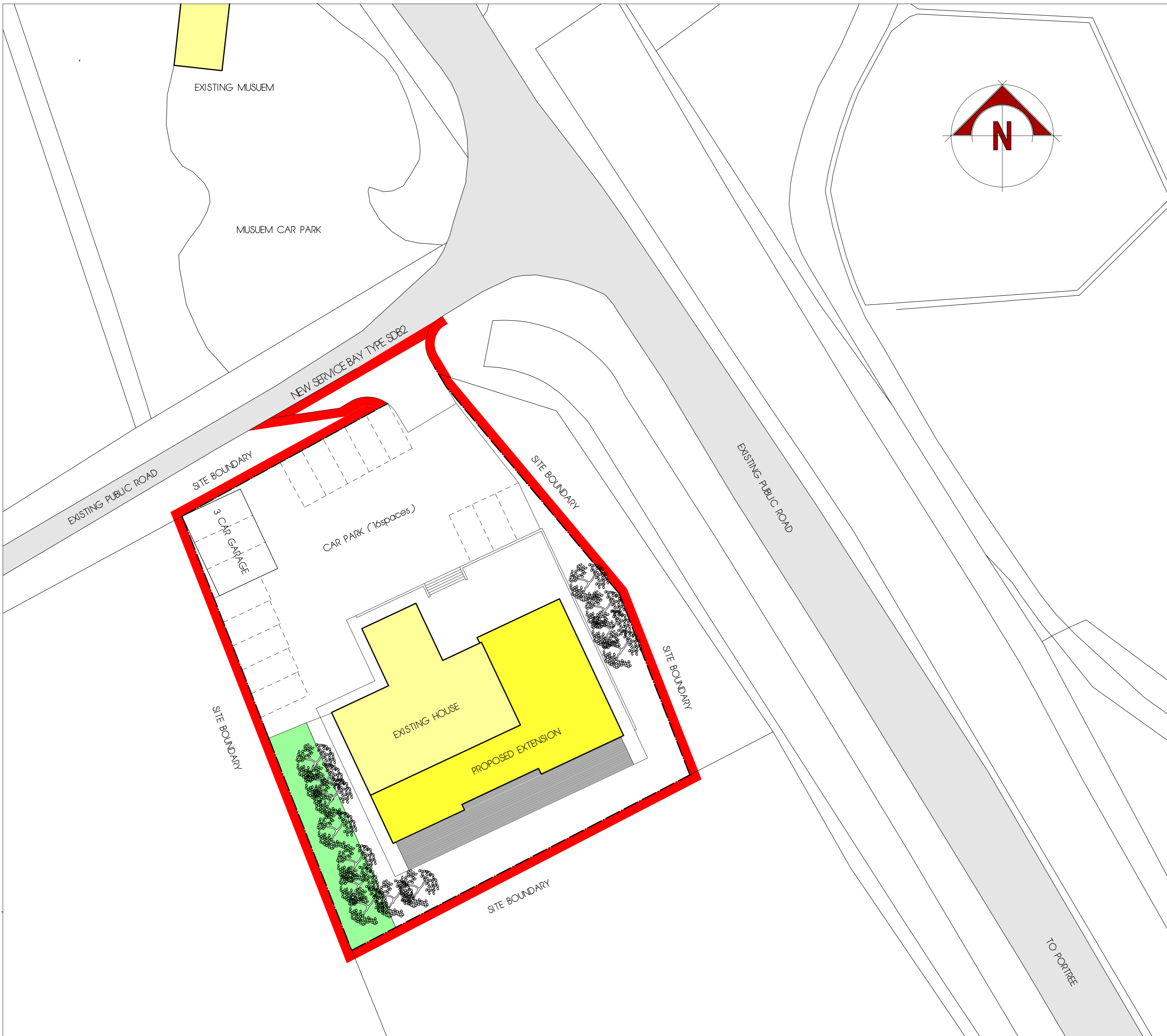


SIDE ELEVATION



SIDE ELEVATION

project	
PROPOSED EXTENSION TO HOUSE, STAFFIN, ISLE OF SYKE	
client	
MR. & MRS. BRYSON	
detail	
AS PROPOSED ELEVATIONS 2	
 DKD D KELLY DESIGN Architectural Consultant	
Queen Anne House • 111 High Street Fort William • PH33 6DG Tel: 01397 700999 • Fax: 01397 700888	
scale 1 : 50	date 23 : 10 : 14
job no. 14/082	drg no. 106
	drawn D. KELLY



Note
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REV A. SERVICE BAY ADDED 31.07.15 DK

project	PROPOSED EXTENSION TO HOUSE AT STAFFIN, ISLE OF SKYE
client	MR. & MRS. BRYSON
detail	PROPOSED SITE PLAN

DKD
 D KELLY DESIGN
 Architectural Consultant

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scale	1: 250	date	12. 11. 14
job no.	14/082	drg no.	101A
		drawn	D. KELLY