

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE –
2 August 2016**

Agenda Item	6.2
Report No	PLN/040/16

**16/02206/FUL: Ms Lucy Norval
Tighnaneun, Rogart, IV28 3XB**

Report by Area Planning Manager

SUMMARY

Description : Erection of house on croft land

Recommendation - APPROVE

Ward : 05 – East Sutherland and Edderton

Development category : Local Development

Pre-determination hearing : n/a

Reason referred to Committee : Community Council Objection.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for the erection of an eco-house located on a large croft to the east of Pittentrail village. The house is accessed via an existing private access track to the croft and a recently constructed track which winds up to a previous approval for a house (14/00156/FUL) for which ground works are currently under way. A Council owned playing field is located adjacent to the site to the west.
- 1.2 No Pre Application Advice was sought in respect of this proposal.
- 1.3 Supporting information submitted with the application:
 - Percolation Test Results
 - Supporting Statement
- 1.4 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is located to the east of Pittentrail village on croftland owned by the applicant. Approximately 45m to the north there is an existing house which is located downslope from the site, partially hidden by the topography and trees. To the east of the site are agricultural fields and the hillside has scattered woodland. The western boundary of the site is a post and wire fence; beyond this there is a rough area of grass/rushes where the land rises slightly. This separates the site

from Corry Meadow playing field. There are properties at Corry View / Gordon Place adjacent to the playing field; two of which face directly onto the playing field (separated by planting); a further two are located across the public road and down a bank at a lower level than the playing field.

3. PLANNING HISTORY

- 3.1
- 04/00307/OUTSU, 07/00479/OUTSU, 11/03829/PIP - - Erection of house etc. Approved 26.11.2004, 18.08.2008, 02.12.2011. Site located approximately 350m south-southeast of 16/02206/FUL and 20m southwest of 14/00156/FUL. Permissions lapsed.
 - 14/00156/FUL – Erection of croft house – Permitted 27.02.2014. Site located approximately 350m southeast of 16/02206/FUL. Permission extant.
 - 14/03848/FUL - Erection a farm office/store. Installation of a temporary static caravan and construction of composting toilet (in retrospect) – Approved 02.02.2015. Site located approximately 200m southeast of 16/02206/FUL

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 11.07.2016

Timeous representations : 1

Late representations : 0

4.2 Correspondence was received from Rogart Community Council in which they raised an objection. The following material considerations were raised which are summarised as follows:

- Proposed development may result in conflict with the community as utilisation of the pitch increases
- Potential for requests for noise limitation
- Location of septic tank and soakaway to south of proposed structure may cause risk of contamination to playing field which already has drainage problems due to surface and spring water from the applicants land
- Visual amenity of the playing field would be affected by the proposed house
- There is an existing planning permission for a house on the croft, question how many houses can be built on the croft.

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 **Access Officer** (Comments summarised): The track to the north is a core path, this shall remain open at all times during construction and operation of the development and be unobstructed from material at all times. This will be conditioned to secure.
- 5.2 **Transport Planning** (Comments summarised): While the access is considered acceptable it should be noted that where the private access meets the public road it is made up of unbound, loose material, spilling onto the public road, causing a road safety hazard. As such a condition is suggested which will be placed on any permission.
- 5.3 **Crofting Commission** (Comments summarised): from a crofting perspective the positioning of the house site is considered acceptable, with access already in existence resulting in no significant effect on the workings of the whole croft. With regard decrofting policy, land to be decrofted to amenity land would not normally be approved where it exceeds 0.15ha in total. The proposed site is 0.1487ha. The Crofting Commission are content with the proposal.
- 5.4 **Scottish Water** : No response

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
36	Development in the Wider Countryside
57	Natural, Built and Cultural Heritage
65	Waste Water Treatment
66	Surface Water Drainage

6.2 Sutherland Local Development Plan (as continued in force)(2010):

No relevant site specific policies, refer to HwLDP

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Proposed Caithness and Sutherland Local Development Plan (2016)

7.2 **Highland Council Supplementary Planning Policy Guidance**

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

Flood Risk and Drainage Impact Assessment (Jan 2013)

Housing in the Countryside and Siting and Design (March 2013)

Sustainable Design Guide (Jan 2013)

7.3 **Scottish Government Planning Policy and Guidance**

Not applicable

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**

8.3.1 The proposed site is located outwith any Settlement Development Area as defined in the HwLDP. Therefore Policy 36 – Development in the Wider Countryside of the Highland Wide Local Development Plan applies in the consideration of this application. The policy assesses proposals for the extent to which they are acceptable in terms of siting and design and whether they are sympathetic to the existing patterns of development in the area. This is also covered under Policy 28 – Sustainable Design which lists a number of criteria against which all developments are assessed. Of particular relevance to this proposal is the impact upon individual and community residential amenity; and, demonstration of sensitive siting and high quality design which is in keeping with local character and historic and natural environment and in making use of appropriate materials.

8.3.2 Policies 65 and 66 require appropriate provision to be made for foul and surface water drainage, with Sustainable Drainage Systems (SUDs) being a requirement in relation to surface water.

Siting

8.3.3 The settlement pattern in the surrounding area has been assessed when considering whether the proposed house is appropriately sited. Pittentrail Village is located to the west, with Gordon Place and playing field forming the edge of the defined Settlement Development Area. Outwith the village toward Rhemusaig and the east of the site croft houses are scattered with no clearly defined settlement pattern or spacing between houses. It is considered that the siting of a house at this location accords with this random pattern of development.

- 8.3.4 The site is also located within a small corner of the croft, which is cut off from the rest of the land by the formed access track; the Crofting Commission are content with the proposal. The siting at this location is also considered to comply with Policy 47 - Safeguarding Inbye/Apporioned Croftland which outlines that proposals should avoid sitng on the better part of a croft in terms of its agricultural value. As outlined this pocket of land is likely to have little agricultural value as it is cut-off from the rest of the croft by the access track to the approved house where the site is currently being prepared.
- 8.3.5 The playing field is located immediately adjacent to the site to the western boundary and is separated from it by a post and wire fence and a recently planted hedge to the site boundary where the land appears to fall and rise to the level playing field. A rough area is covered in grass and rushes and separates the defined playing field and boundary fencing. Policy 28 gives consideration to the impact on individual and community residential amenity. It is noted in the Community Council's objection to the proposal that there is potential for conflict with the residential use adjacent to the playing field. Whilst this is possible, the building is located approximately 20m from the boundary of the playing field (where it becomes a flatter surface); there are houses on the opposite side of the field which are located within approximately 10m from the playing field, this does not appear to cause issue, or have a detrimental impact upon those properties. The applicant, by selecting this site, is aware that the property is adjacent to a playing field and is likely to be accepting that there is potential for some noise emitting as a result of sports etc from time to time. Any future occupants of the property would also be aware of this upon purchasing it. As such, it is considered that the siting of a house here is unlikely to have an impact upon individual or community residential amenity. The siting of a house here is considered to comply with the provisions of policies 28 and 36 of the Development Plan, and the adopted Housing in the Countryside Supplementary Guidance.

Design

- 8.3.6 Policy 28 and the Housing in the Countryside and Siting and Design Supplementary Guidance sets out a preferred design solution for houses which are reminiscent of the traditional Highland vernacular and rural character. The Guidance outlines that houses of single or one and a half storey are supported in rural areas, which are of rectangular form with square gable ends and 40 - 45° pitched roofs. Proposals should incorporate traditional materials such as wet dash renders, stone, timber, slate and profile sheeting; fenestration should have a predominantly vertical emphasis.
- 8.3.7 The proposed design for this site is single storey, with an L-shaped footprint which is supported. It has traditional rectangular proportions which are joined together by a glazed link which is to be a green house incorporated into the development. This also aids in breaking up the mass of the footprint as the sections of the building are relatively long, each wing measuring approximately 16.3m in length, with a narrow plan of 6.1m. The L-shape forms a courtyard type space to the front of the property which will form the defined curtilage/garden area. The two component wings are to be constructed off-site. The side of the property, facing onto the playing field, has windows and patio doors with a vertical emphasis and

vertical, naturally finished Douglas Fir cladding which is supported. The rear of the property, overlooking the croft has smaller windows, these have a horizontal emphasis, however have been justified as being carefully placed in order to maximise natural light, while reducing heat loss during winter. The timber cladding to the rear helps to provide this elevation with a vertical emphasis which is lacking from the windows. This side of the house is only visible from within the croft. The justification is considered appropriate.

- 8.3.8 The roof is mono-pitch covered in grey profile sheeting, the roof pitch has been chosen in order to collect rain water, and to reflect the character of rural buildings in the area. There is a recently approved house at Rhemusaig, which is similar in design to the proposed house, as such this design, with its eco-friendly and sustainable design principles is supported and accepted within the locality.

Access and Servicing

- 8.3.9 There is an existing access to the croft from the A839 public road. This is considered appropriate for the siting of an additional house. A recently constructed access track within the croft by-passes the site to another house which is currently under construction. The proposed house utilises this track where a hardstanding driveway and two formal parking spaces will be formed. This complies with Council Roads Guidelines and is supported.
- 8.3.10 With regard to servicing, a private drainage solution is proposed. This will include septic tank and soakaway, located to the south of the property. Percolation Test results were submitted in support of the application and demonstrate that there is sufficient drainage on site for this solution. The size of the soakaway is informed by such test results, and is further scrutinised at the Building Warrant stage of the development. The soakaway should not cause additional surface water elsewhere on site or surrounding, which is a concern of the Community Council. Further detail on surface water drainage will be required prior to commencement of development in order to demonstrate that it will not impact upon the playing field. This will be conditioned to secure.
- 8.3.11 Solar panels are proposed within the curtilage of the property. The specification of these is unknown at present, as such further detail will be required prior to commencement of development. This will be conditioned.

Landscaping

- 8.3.12 While there is a level of landscaping identified on the site plan, which includes hedging along the boundary of the site to the playing field, details are limited. This includes exact site levels in respect of how the house is to sit in the landscape. Further detail will be required in this regard prior to commencement of development, which will be conditioned. Appropriate landscaping should minimise potential noise and enhance privacy, as such protecting the amenity of both residents of the property, and, users of the playing field.

8.4 **Material Considerations**

- Proposed development may result in conflict with the community as utilisation of the pitch increases

Planning Comment – There are existing houses within close proximity to the playing field; one use does not appear to conflict with the other.

- Potential for requests for noise limitation

Planning Comment – Given the applicant has chosen this position, it is likely that proximity to the playing field and the potential low-level of noise which may emit has been accepted. This is a speculative observation and not considered to be significant in the consideration of this application.

- Location of septic tank and soakaway to south of proposed structure may cause risk of contamination to playing field which already has drainage problems due to surface and spring water from the applicants land.

Planning Comment – The soakaway is informed by the percolation test results which suggest sufficient drainage on site, this should not create additional surface water. This will be fully addressed under the Building Warrant. In addition to this, the landform between the site and playing field is undulating, the soakaway location appears to slope down towards the access track. It is not considered that this will give rise to any issue of contamination. If any such issues arose this would be dealt with by SEPA under their own legislation.

- There is an existing planning permission for a house on the croft, question how many houses can be built on the croft.

Planning Comment – Given the extent of the croft, it is not considered that two houses constitutes overdevelopment. The Crofting Commission also recognise that the applicant is the landlord and the tenant is the daughter of the applicant with the croft being run jointly. They have no adverse comment to make in relation to this proposal. In regard to future permissions, this is a speculative observation which cannot be addressed at this time; should any applications be submitted on the croft in future then these would be assessed based on the site and policy context at that time.

8.5 **Other Considerations – not material**

- Visual amenity of the playing field would be affected by the proposed house

Planning Comment – The right to a view is not a material planning consideration. Users of the playing field will still benefit from uninterrupted views to the north and west and trees to the south; the hills beyond to the east will still be visible, albeit with the property and future landscaping to the boundary.

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

n/a

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.

10. RECOMMENDATION

Action required before decision N issued

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 **Approved** subject to the following conditions and reasons:

1. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

2. No development or work shall commence until the developer has provided details of cross sections through the site showing the existing and proposed ground levels and proposed finished floor levels of the house relative to an existing and easily defined datum point. For the avoidance of doubt, the development shall thereafter be undertaken in accordance with the approved details.

Reason : For the avoidance of doubt and in the interests of visual amenity.

3. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

4. Prior to the first occupation of the development hereby approved, the first 6 metres of the access, as measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: For the avoidance of doubt and in the interests of Road Safety.

5. No development shall commence until full details of a communal wheelie/kerbside recycling bin storage area, capable of accommodating bins for up to two properties, located outwith any visibility splays, have been submitted to, and approved in writing by, the Planning Authority. The communal storage area shall be constructed in accordance with these approved details prior to the first occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure that waste on the site is managed in a sustainable manner.

6. Prior to installation of any solar panels hereby approved, a detailed specification of the panels shall be submitted and approved in writing by the Planning Authority.

Reason : To allow the Planning Authority to assess the matter in further detail and in the interest of visual amenity.

7. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Planning Authority as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason : In order to safeguard public access both during and after the construction phase of the development.

8. The proposed flue, hereby approved shall be finished in a matt black coating.

Reason : To reduce glare and in the interests amenity.

Designation: Area Planning Manager - North

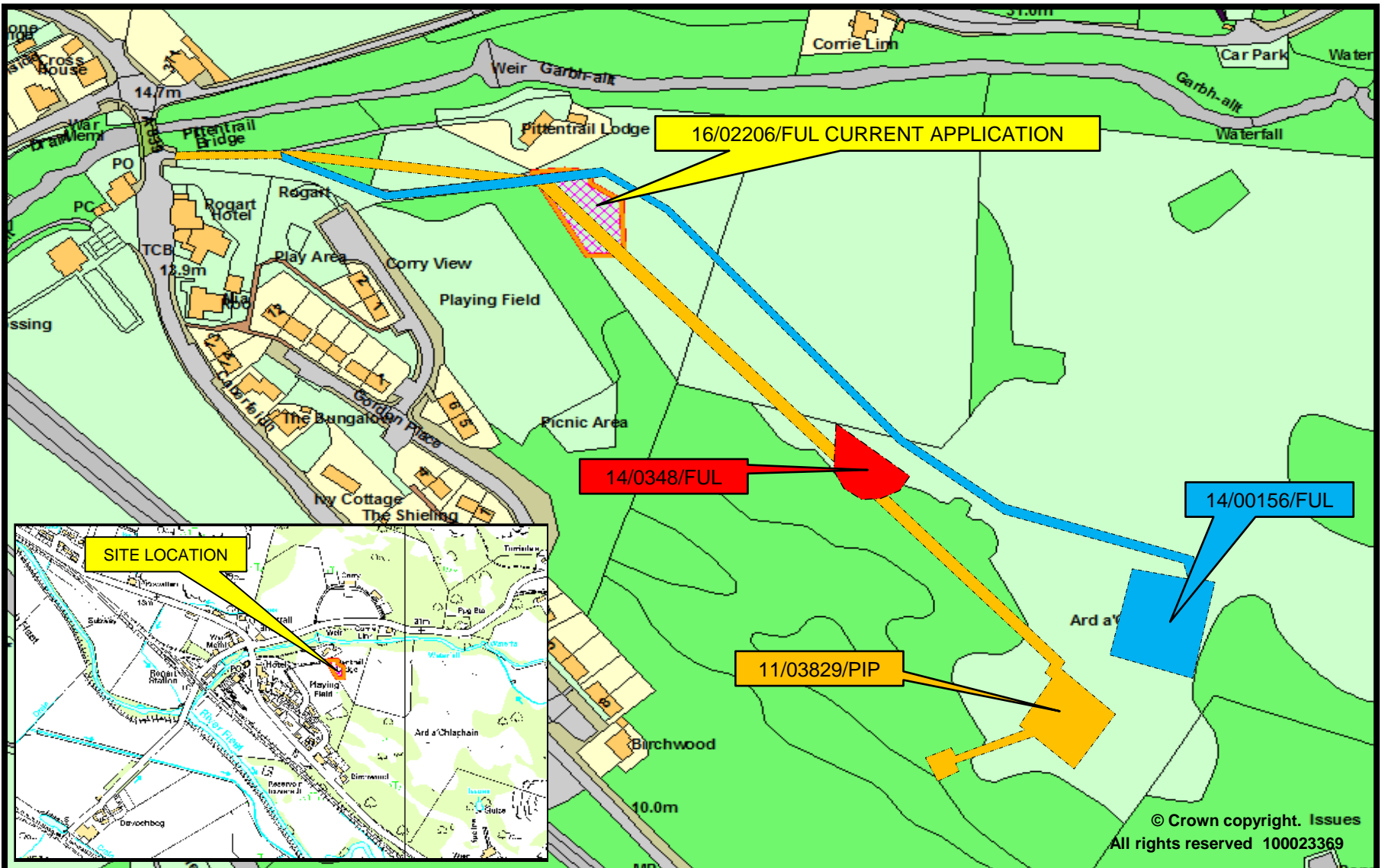
Author: Laura Stewart

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

Relevant Plans: Plan 1 – Comitee location Plan

Plan 2 - PL(90)001 A – Site and Location Plan

Plan 2 – PL(04)001 A – Elevations and Sections



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The Highland Council
Comhairle na Gàidhealtachd

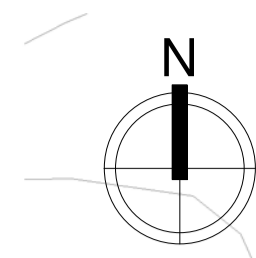
Development & Infrastructure
Service

16/02206/FUL
Build a new eco working dwelling on croft land at Tighnaneun, Rogart.

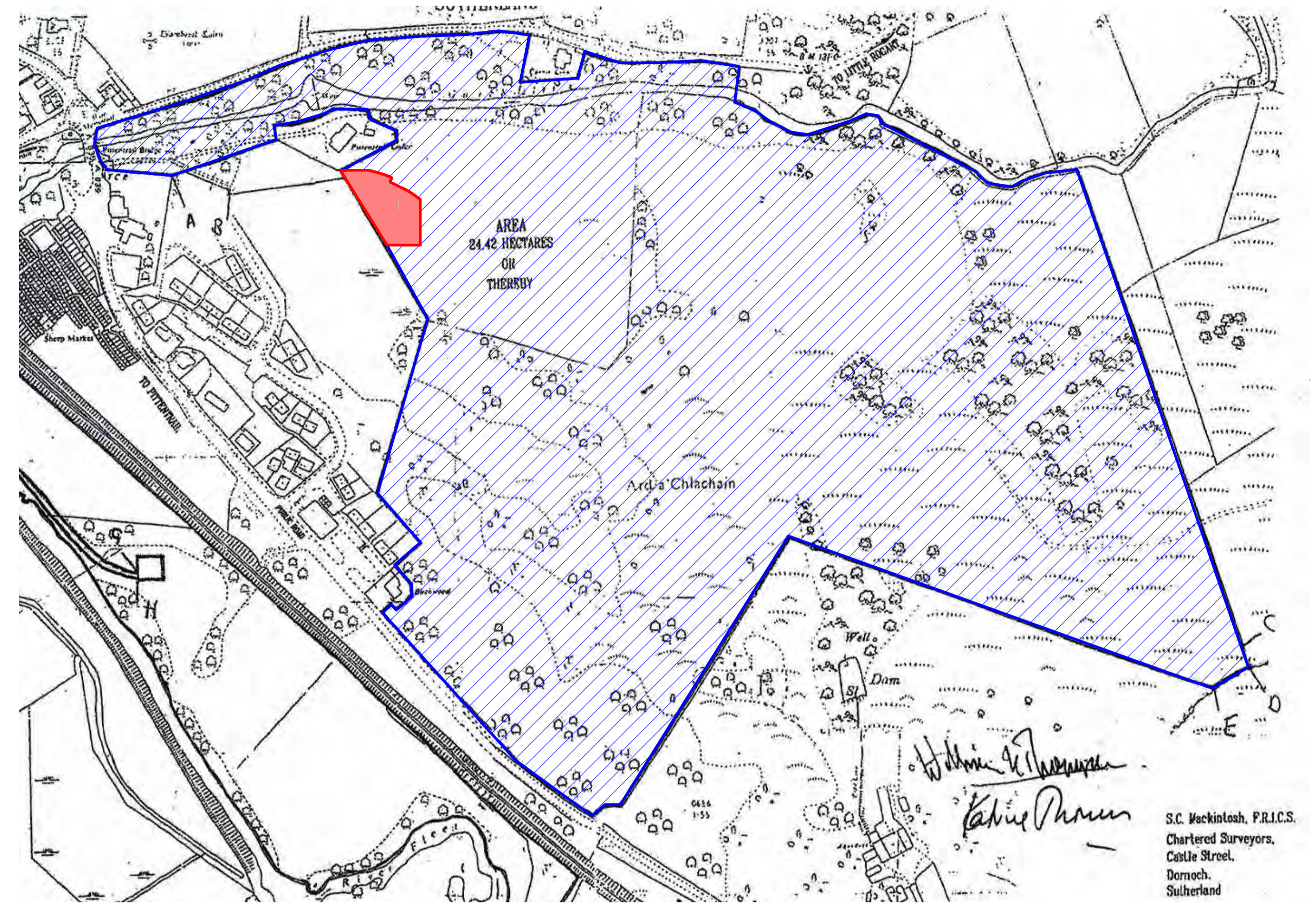
Date: 20/07/2016



Scale:



Site Plan - Planning
Scale - 1 : 200



Location Plan - Planning
Scale - 1 : 2500



Photo 01 - Ariel View
Not to scale

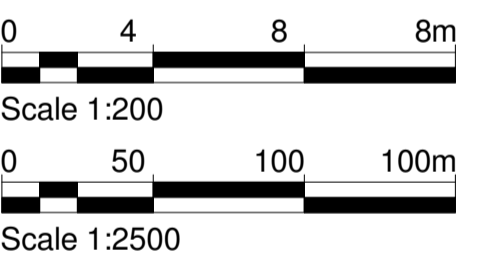


Photo 02 - Proposed Site
Not to scale

Rev	Description	Drn/Chkd	Date
A	Original - First Issue		

Client
Lucy Norval
Tighnaneun, Rogart
Sutherland, IV28 3XB

Project
New Build Dwelling

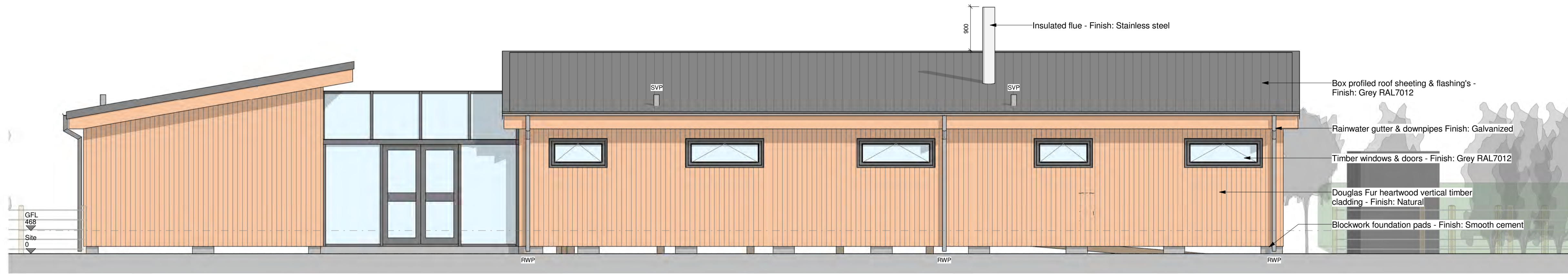
Drawing
Site & Location Plan

Project No.
16-005

Drawing No. Rev.
PL(90)001 A

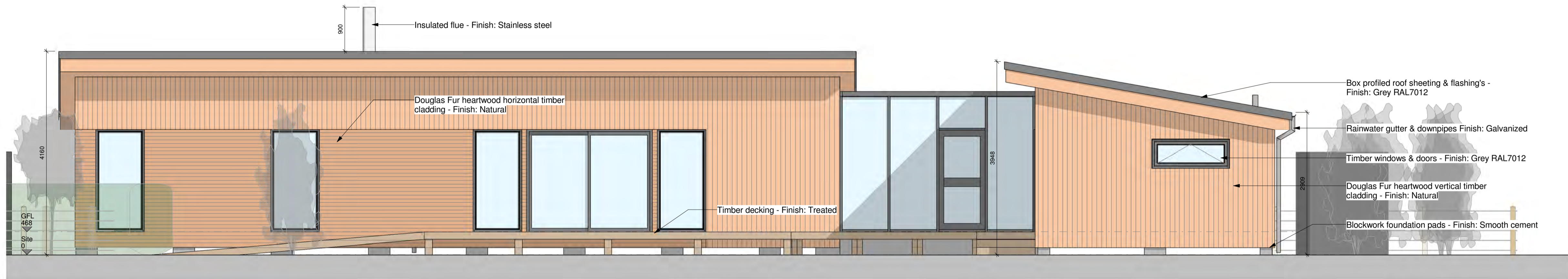
State
PLANNING

Created - Checked -
Date - Scale As indicated @ A1



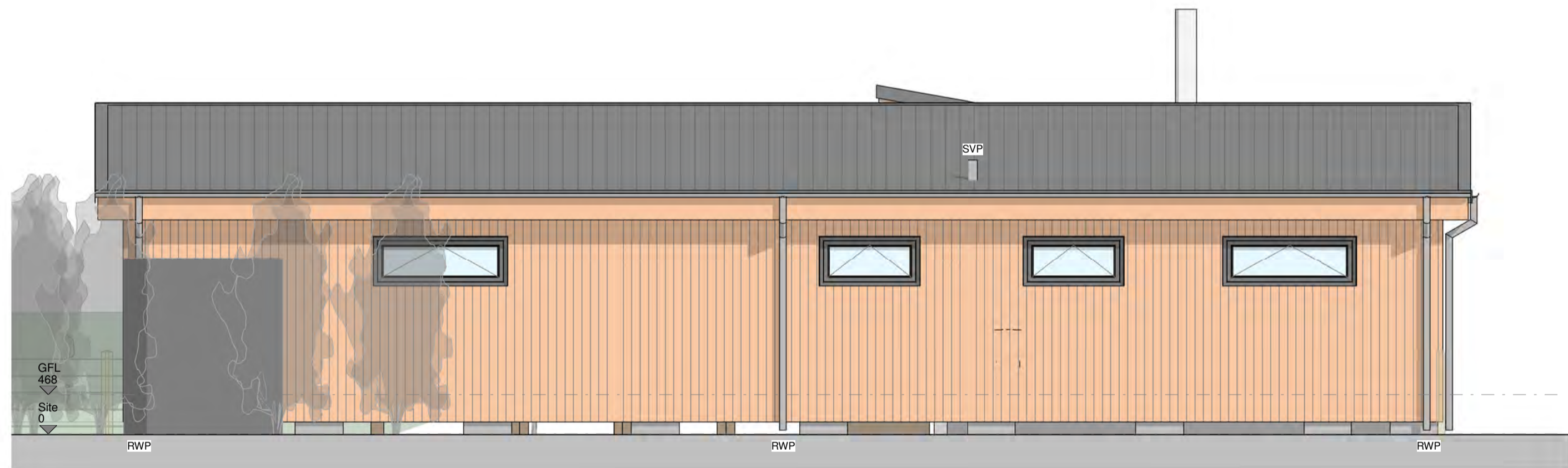
Elevation A - Planning

Scale - 1 : 50



Elevation C - Planning

Scale - 1 : 50



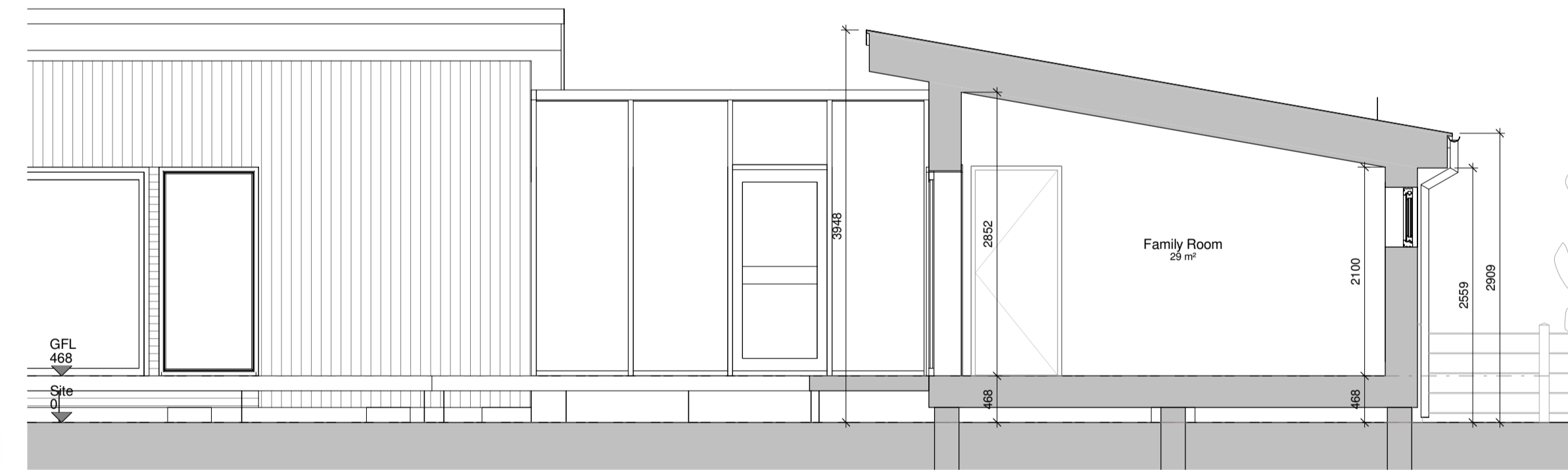
Elevation B - Planning

Scale - 1 : 50



Elevation D - Planning

Scale - 1 : 50



Section A - Planning1

Scale - 1 : 50



Section A - Planning

Scale - 1 : 50



Rev	Description	Drw/Chkd	Date
A	Original - First Issue		

Client
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Project
New Build Dwelling

Drawing
Elevations & Sections

Project No.
16-005

Drawing No. Rev.
PL(04)001 A

Stage
PLANNING

Created - Checked -
 Date - Date

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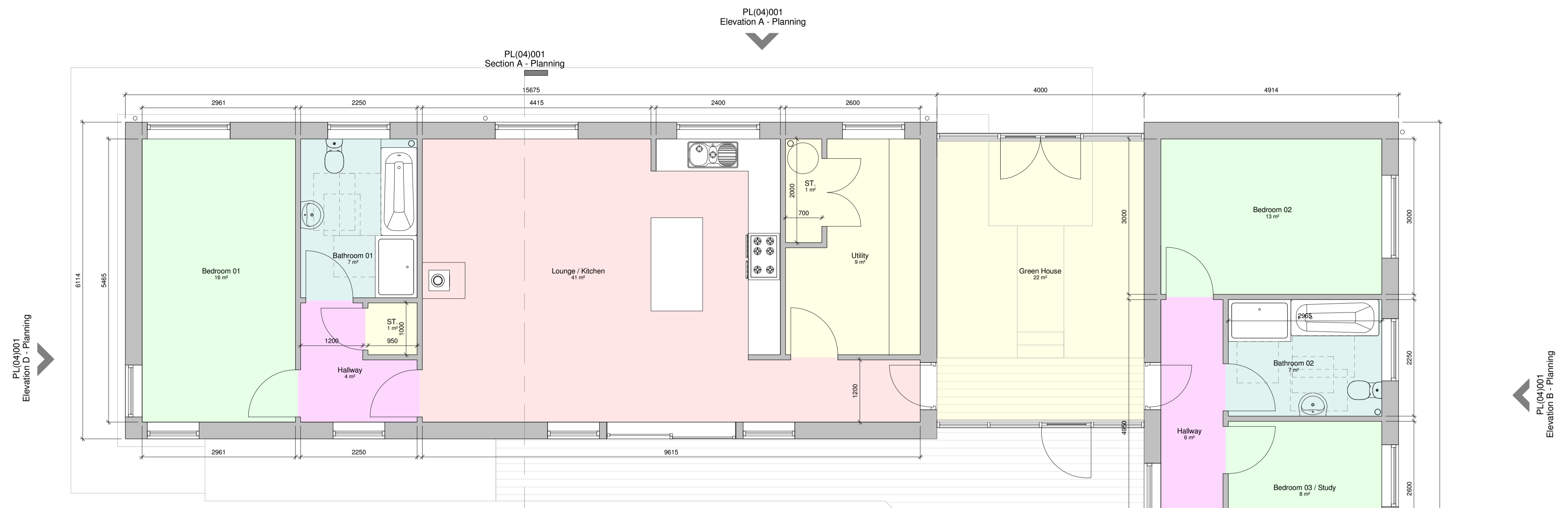
Room Function

- Bathroom
- Bedroom
- Circulation
- Living Area
- Utility / Storage

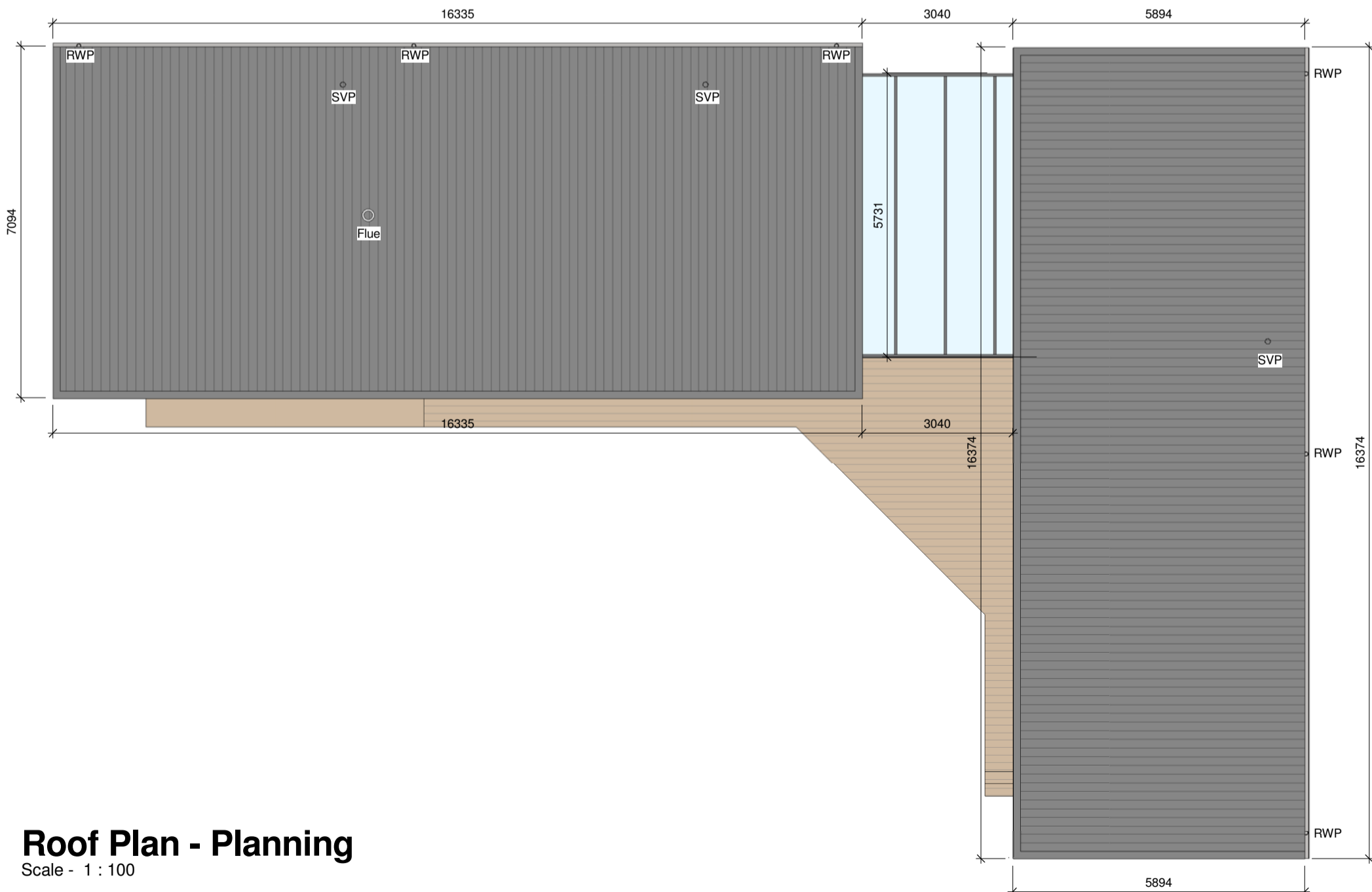
Room Function Areas	
Department	Area
Bathroom	14 m ²
Bedroom	37 m ²
Circulation	10 m ²
Living Area	70 m ²
Utility / Storage	34 m ²
Total	164 m²

Room Schedule	
Name	Area
Bathroom 01	7 m ²
Bathroom 02	7 m ²
Bedroom 01	16 m ²
Bedroom 02	13 m ²
Bedroom 03 / Study	8 m ²
Family Room	29 m ²
Green House	22 m ²
Hallway	4 m ²
Hallway	6 m ²
Lounge / Kitchen	41 m ²
ST	1 m ²
ST	1 m ²
Utility	9 m ²
Total	164 m²

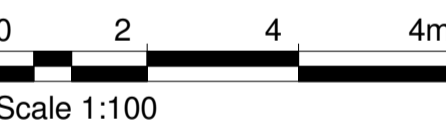
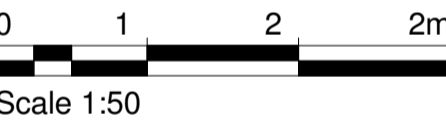
GIFA = 171.78m²



Ground Floor Plan - Planning
Scale - 1 : 50



Roof Plan - Planning
Scale - 1 : 100



Rev	Description	Drn/Chkd	Date
A	Original - First Issue		

Client
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Sutherland, IV28 3XB

Project
New Build Dwelling

Drawing
Ground Floor Plan & Roof Plan

Project No.
16-005

Drawing No. Rev.
PL(20)001 A

Status
PLANNING

Created - Checked -
Date - Scale As indicated @ A1