

Agenda item	<b>7.5</b>
Report no	<b>PLN/041/17</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 13 June 2017

**Report Title:** 17/00530/FUL: Peggy Campbell  
Kinloch, Dunvegan, Isle Of Skye, IV55 8WQ

**Report By:** Area Planning Manager North

### 1. **Purpose/Executive Summary**

**1.1 Description of development** - Erection of dwelling house, new access, septic tank and soakaway and installation of ground mounted solar PV panels.

**Ward 10** - Eilean A' Cheò ( formerly 11)

**Category** Local Development

**Reasons Referred to Committee** Member referral

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.

### 2. **Recommendations**

**2.2** Members are asked to agree the recommendation to refuse as set out in section 11 of the report

### **3. PROPOSED DEVELOPMENT**

3.1 This application seeks full planning permission for the erection of a single storey two bed dwelling house. The core of the house will measure 13m x 6.75m, 2.5m to the eaves and 5.5m to the ridge. In addition, there will be a small single storey front projection (1.6m x 3.5m), side projection (3.4m x 5.3m, 4.4m to the ridge) and rear projection (5.8m x 5.8m and 4.9m to the ridge), the latter of which is to be used as a garage. The proposed external materials will be white painted render on the elevations with a natural stone facing to the lower parts of the front and side extensions and a natural slate roof. The dwelling will be located on the south-eastern side of the public road with its ridgeline running parallel with the road.

In addition, the application proposes a new SDB1 access onto the public road, parking and turning area for two cars, the installation of a septic tank and land soakaway system and ground mounted solar panels at the rear of the site.

3.2 **13/02828/PREAPP:** Erection of four houses: Formal pre-application advice was issued November 2015.

3.3 Access to the site will be via a new access from the single track which runs from Dunvegan to Skinidin. There are no public sewers within close proximity of the site, so a private foul drainage system is proposed. A public water supply maybe available to serve the development.

3.4 No supporting information was submitted with the application.

3.5 **Variations:** None.

### **4. SITE DESCRIPTION**

4.1 The site is an area of open rough grazing land which sits in an elevated position on the south-eastern side of the single track road which runs from Dunvegan to Skinidin past the southern end of Loch Dunvegan. On the other side of the road, to the north, is the long-established Kinloch campsite which occupies the land between the public road and the shore.

### **5. PLANNING HISTORY**

5.1 13/02828/PREAPP: Erection of four houses: Informal pre-application advice was issued in November 2015 indicating that development was unlikely to receive officer support due to visual impact and incompatibility with established pattern of development.

### **6. PUBLIC PARTICIPATION**

6.1 Advertised : Unknown Neighbour 14 Days  
Representation deadline : 10 March 2017

Timeous representations : None

Late representations : None

### **7. CONSULTATIONS**

7.1 Scottish Water: No objection

7.2 Crofting Commission: Response awaited

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 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 47	Safeguarding Inbye/AppORTioned Croftland
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage

### **8.2 West Highland and Islands Local Plan ( 2012) ( as remains in force )**

No specific policies apply.

## **9. OTHER MATERIAL CONSIDERATIONS**

### **9.1 Draft Development Plan**

West Highland and Islands Development Local Plan(2017) ( Proposed Plan).

### **9.2 Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside, Siting and Design.

### **9.3 Scottish Government Planning Policy**

Para 202 Valuing the Natural Environment

## **10. PLANNING APPRAISAL**

10.1 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.

10.2 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.

### **10.3 Development Plan Policy Assessment**

The site is located outwith of any defined Settlement Development Area, and therefore falls to be considered under Policy 36 which states that development proposals in the wider countryside will be assessed on the extent to which they:

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development;

- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- would 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.

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

Policy 28 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 repeats this emphasis on good design in terms of compatibility with the local settlement pattern and landscape character.

Policy 47 requires developments to minimise the loss of in-bye/apportioned croft land. Housing proposals should be for single houses taking account of the cumulative impact of previous approvals. Proposals should where possible avoid siting on the better quality agricultural land of the croft and should not result in the use of the remaining land being impeded by the new development.

Policies 65 and 66 require developments to deal with foul and surface water drainage in a manner which minimises the risk of pollution and flooding.

#### 10.4 **Material Considerations**

**Siting, Design and Landscape Impact:** As stated above, a key principle of policy 36 is to ensure that the siting of any new development relates to and is sympathetic with the existing landscape character and development pattern of the area. All of the existing development in the vicinity is located on the lochward side of the public road. The core of this existing development is concentrated around the existing Kinloch campsite which is set down from the road, with several other houses being well spaced and irregularly scattered along the road.

The proposed house is located on the open and exposed rough grazing land which is situated on the landward and elevated side of the public road. Due to its elevated nature the site will be visually prominent from the road and this prominence is only exacerbated by its remote and isolated siting within the applicant's extensive landholding. Although the proposed design for the house is single storey and relatively traditional in its scale and appearance, its proposed siting would still result in the development skylining (particularly when viewed from the south) and is unable to benefit from any existing landscape screening (trees or landform) which would mitigate its visual impact.

Consequentially, the proposal will have little or no relationship with the existing development in the vicinity and will appear as an incongruous addition when viewed from the public road. This is considered to be contrary to the specified principles contained within the relevant policies of the adopted Development Plan.

These concerns were raised by the Planning Authority during the formal pre-application stage, and were again reiterated during the course of the determination of this planning application. The applicant was encouraged on both occasions to amend the siting of the proposed house in order that these concerns could be mitigated to an acceptable level and the application supported.

An alternative and acceptable option suggested was for a modest house (similar to the current submitted design) to be positioned further north on the landward side of the road, set back from it and tucked in to the existing line of trees to the north of the wider landholding. Due to these existing mature trees and the land topography such a siting would result in views of the house in this location being largely obscured from the road to the north.

From the south the house would be tucked into the landscape rather than being perched on the elevated land (as with the current proposal) and would be set against a mature bank of vegetation. This would limit the development's sky-lining potential and its overall visual prominence from the public road. As a consequence, although its siting would still be on the landward side of the road, it is considered that the land levels and existing vegetation would be visually strong mitigation measures which would outweigh the policy concerns and would allow the development to be supported.

Unfortunately, the applicant has declined this option and it is necessary to assess the application as submitted. For the reasons set out above the submitted proposal does not meet the policy requirements of the Council's adopted Development Plan and cannot be supported in its current form.

**Neighbour Amenity:** The proposed house will be located over 140m from the nearest residential dwelling of Kinloch and over 150m from the consented house site granted under planning reference 16/03801/FUL. Both of these properties are located within the existing Kinloch Campsite complex. In addition, the proposed house is located approx. 150m from Taigh na Cairidh which is located to the south-west and on the opposite side of the public road to the application site.

The separation distances between the proposed house and the existing dwellings and consented scheme is considered to be acceptable and will avoid the development having any overbearing impact upon neighbours or result in any overlooking of rooms. As such this detailed element of the application does not raise any concerns.

**Access and Parking:** The application proposes a new SDB1 compliant access onto the single track public road. The prevailing safe speeds on this section of road are considered to be 30mph. The required visibility splays of 90m can be achieved with some cut back and re-grading of the embankment and the alteration to a fence line to the south-west. In terms of parking the application proposes 2 car parking spaces which is in line with the Council's guidance for a two bed house.

The proposed access and parking arrangements are considered to be acceptable and as such this detailed element of the application does not raise any concerns.

**Croft Land:** The site forms part of a larger croft. Access to the remaining part of the croft will not be impeded by this application. The Crofting Commission have been consulted on the application and have made no representations on the scheme.

**Water Supply and Foul Drainage:** The application proposes to connect to the public water supply, Scottish Water have no objection to the application, but have advised that there maybe some capacity constraints in servicing this development. As Scottish Water have not formally objected to the proposal it is not considered that the Planning Authority can reasonably substantiate a reason for refusing this application.

The foul drainage system will be via a septic tank and land soakaway, this is considered to be acceptable in principle and the technical details would be controlled by the Building Standards Legislation.

**10.5 Other Considerations – not material**

None

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

Not applicable

**11. CONCLUSION**

11.1 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 considered that there are alternative sites within the applicants' extensive landholding on both the landward and loch side of the public road which would be able to accommodate the proposed development without having a harmful visual impact upon the area. However, the applicant has declined to amend the application and respond positively to the Planning Authority's concerns. As such it is recommended that permission be refused.

**12. IMPLICATIONS**

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

### 13. RECOMMENDATION

**Action required before decision issued** N

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

1. The proposed development, by virtue of its isolated siting on open and elevated land in relation to the public road will result in a prominent and incongruous form of development which is contrary to the existing development pattern and visual character of the area. As a result the building will fail to make a positive visual contribution to its surroundings and is contrary to the aims and objectives of Policies 28, 29 and 36 of the Highland wide Local Development Plan.

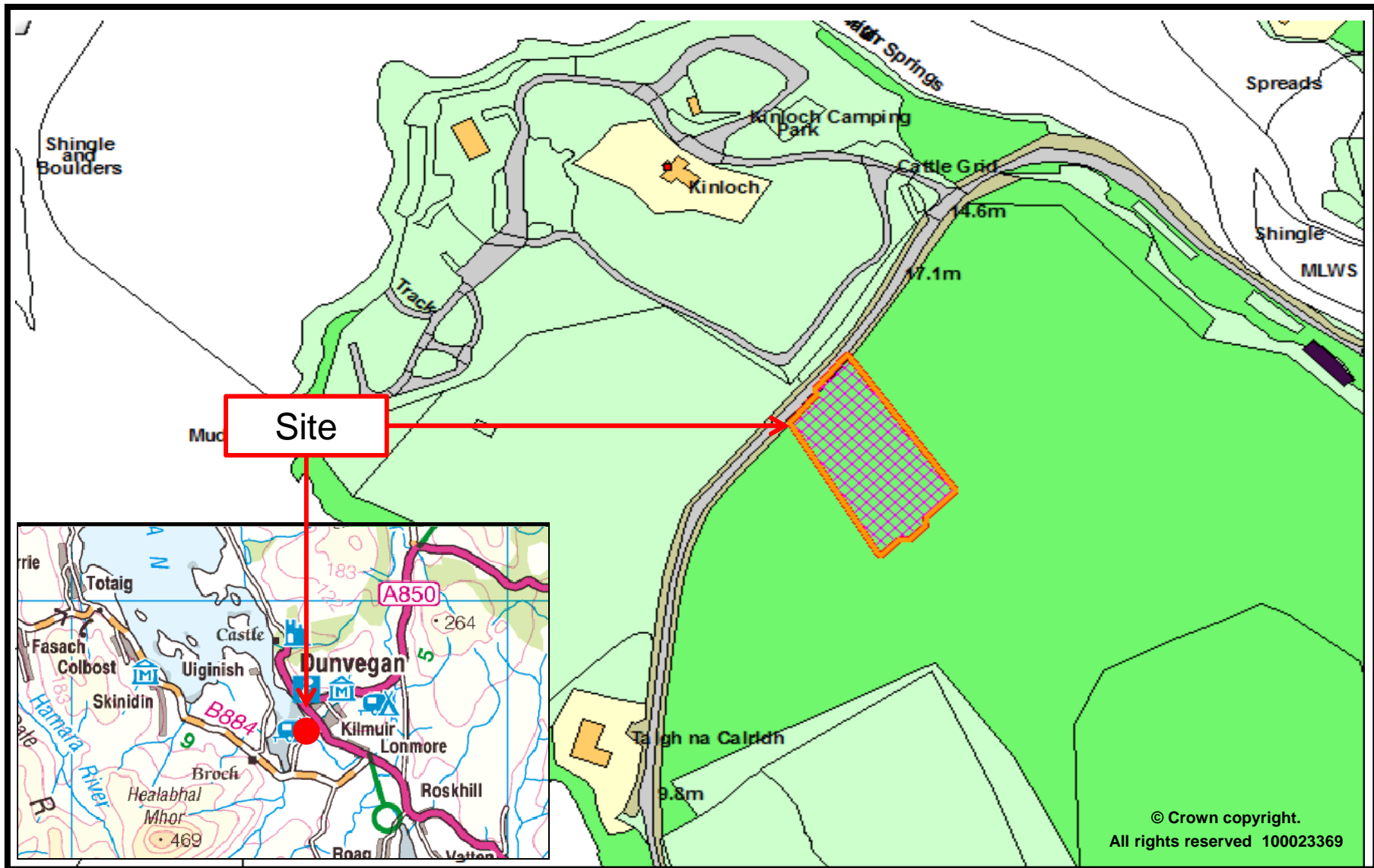
Signature: Dafydd Jones

Designation: Area Planning Manager - North

Author: Alison Harvey

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

Relevant Plans: Plan 1 –Location Plan  
Plan 2 –Site layout Plan  
Plan 3 –Proposed Elevations  
Plan 4 –Proposed Floor Plan  
Plan 5 –Proposed Section



The Highland Council  
Comhairle na Gàidhealtachd  
Planning and  
Development Service

Location Plan  
17/00530/FUL  
Erection of dwelling house, new access, septic tank and soakaway and installation  
of ground mounted solar PV panels.

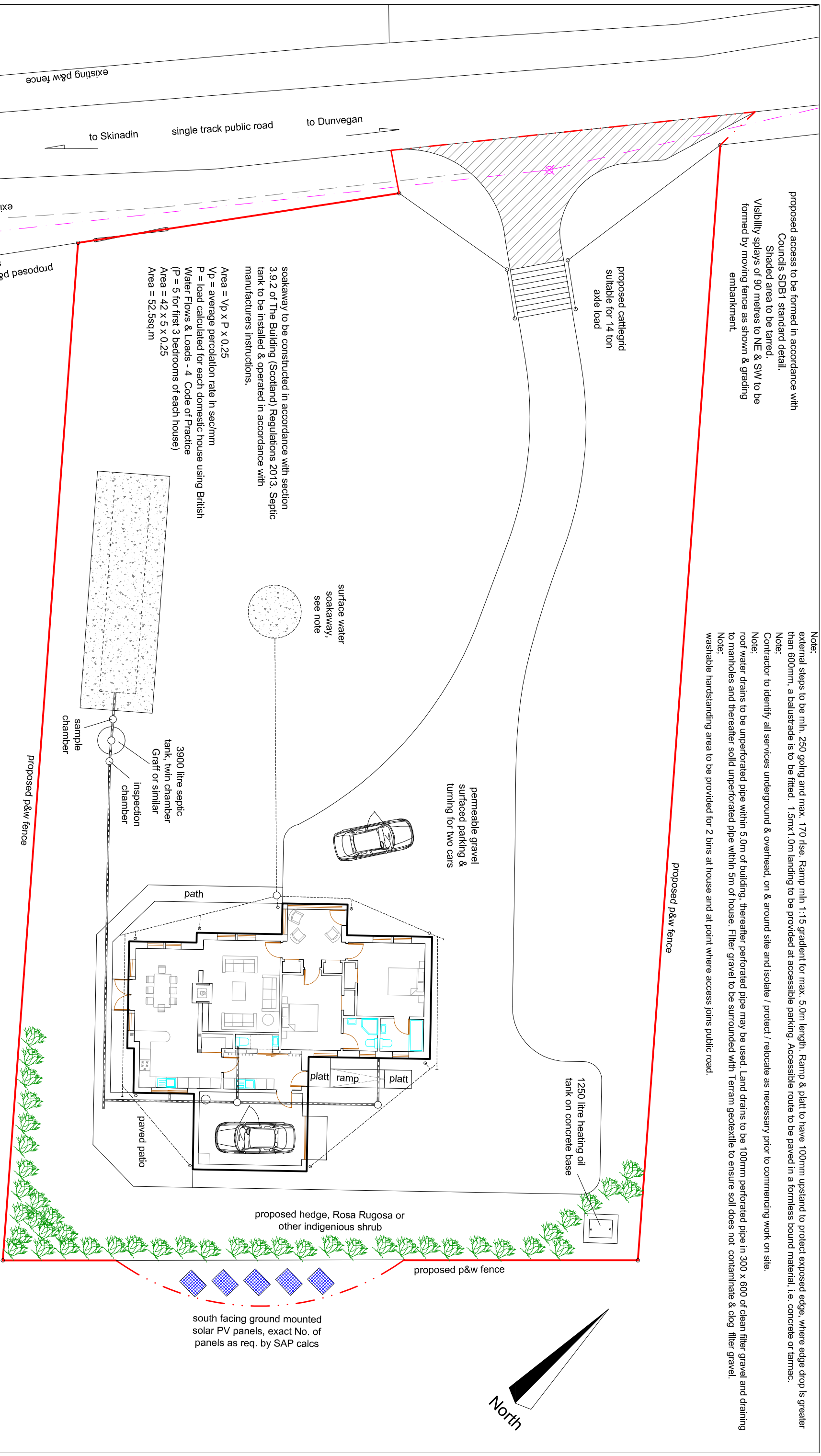
June 2017

Scale:



proposed access to be formed in accordance with Councils SDB1 standard detail.  
 Shaded area to be tarred.  
 Visibility splay of 90 metres to NE & SW to be formed by moving fence as shown & grading embankment.

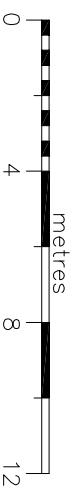
Note:  
 external steps to be min. 250 going and max. 170 rise. Ramp min 1:15 gradient for max. 5.0m length. Ramp & platt to have 100mm upstand to protect exposed edge, where edge drop is greater than 600mm, a balustrade is to be fitted. 1.5m x 1.0m landing to be provided at accessible parking. Accessible route to be paved in a formless bound material, i.e. concrete or tarmac.  
 Note:  
 Contractor to identify all services underground & overhead, on & around site and isolate / protect / relocate as necessary prior to commencing work on site.  
 Note:  
 roof water drains to be unperforated pipe within 5.0m of building, thereafter perforated pipe may be used. Land drains to be 100mm perforated pipe in 300 x 600 of clean filter gravel and draining to manholes and thereafter solid unperforated pipe within 5m of house. Filter gravel to be surrounded with Terram geotextile to ensure soil does not contaminate & clog filter gravel.  
 Note:  
 washable handstanding area to be provided for 2 bins at house and at point where access joins public road.



soakaway to be constructed in accordance with section 3.9.2 of The Building (Scotland) Regulations 2013. Septic tank to be installed & operated in accordance with manufacturers instructions.  
 Area =  $V_p \times P \times 0.25$   
 $V_p$  = average percolation rate in sec/mm  
 $P$  = load calculated for each domestic house using British Water Flows & Loads - 4 Code of Practice ( $P = 5$  for first 3 bedrooms of each house)  
 Area =  $42 \times 5 \times 0.25$   
 Area = 52.5sq.m

# Site Plan 1:200

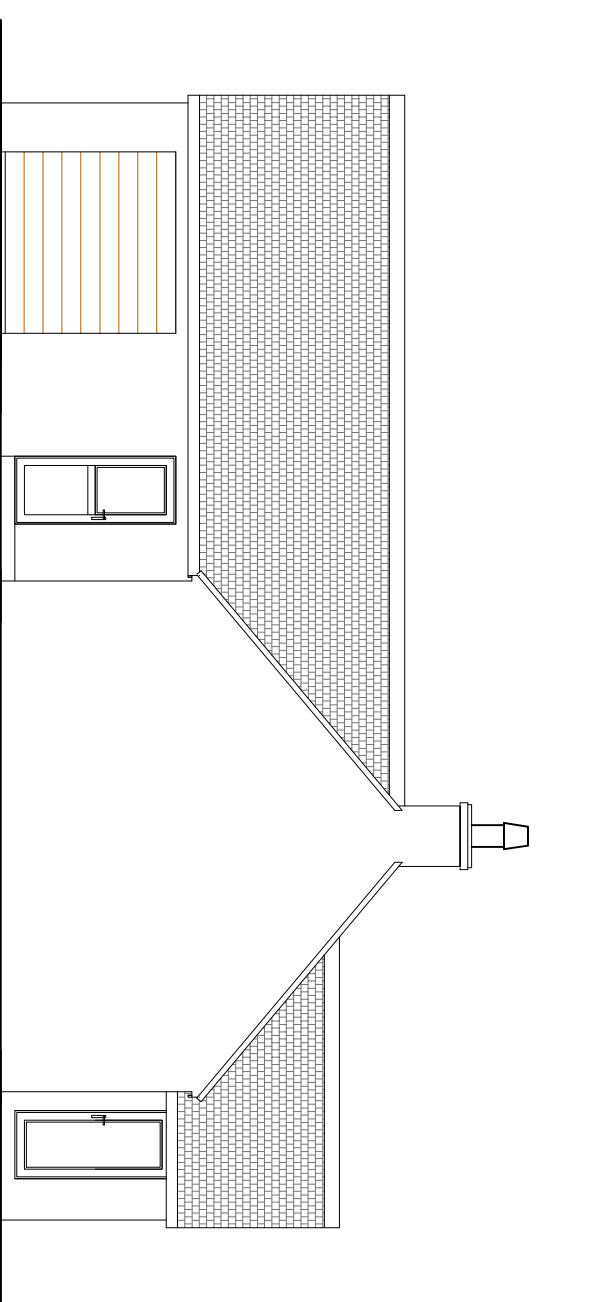
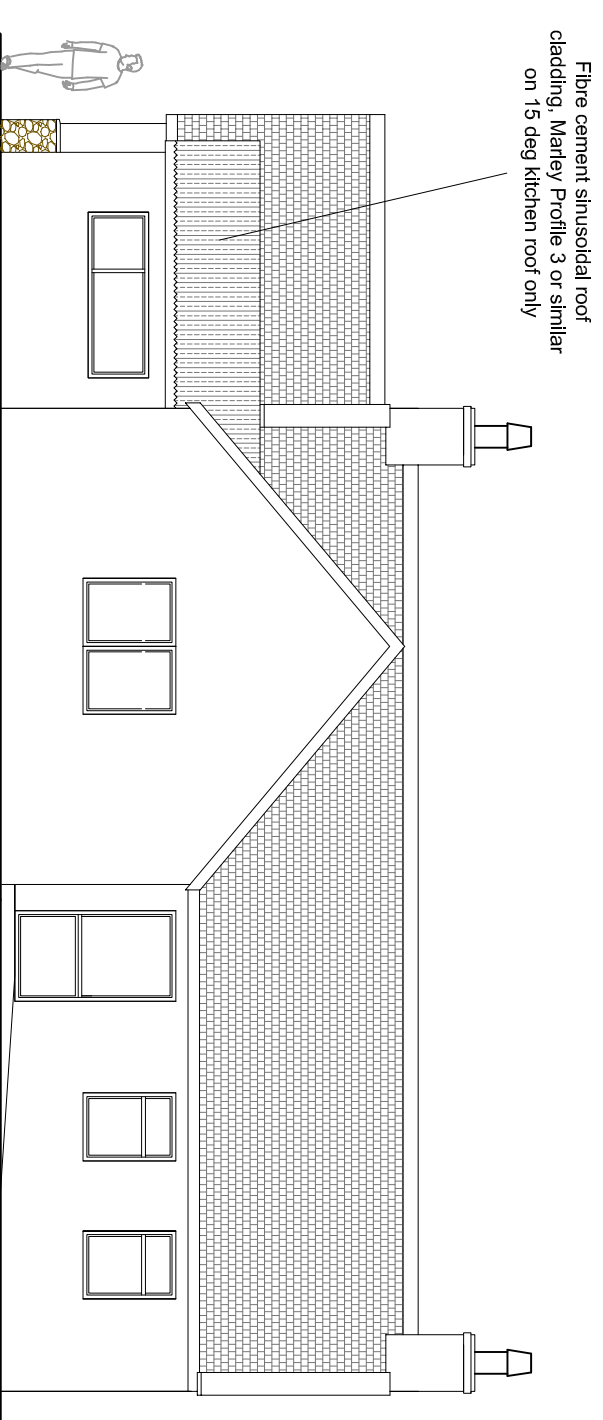
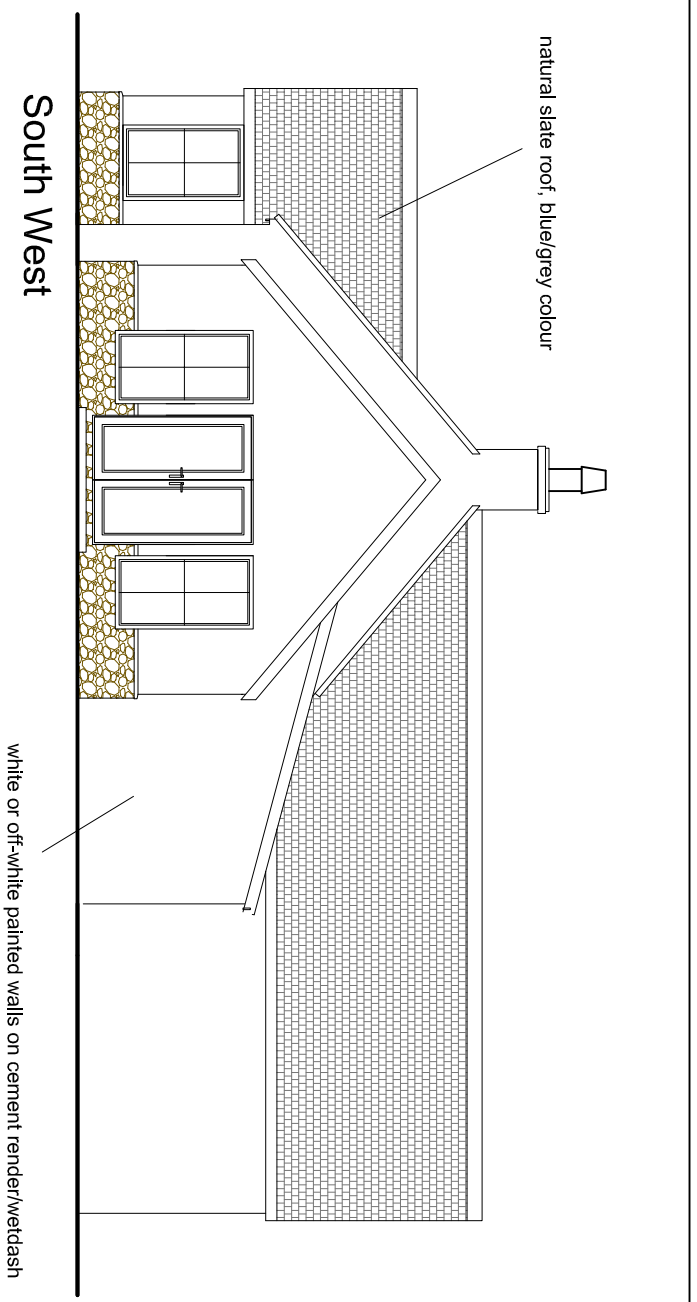
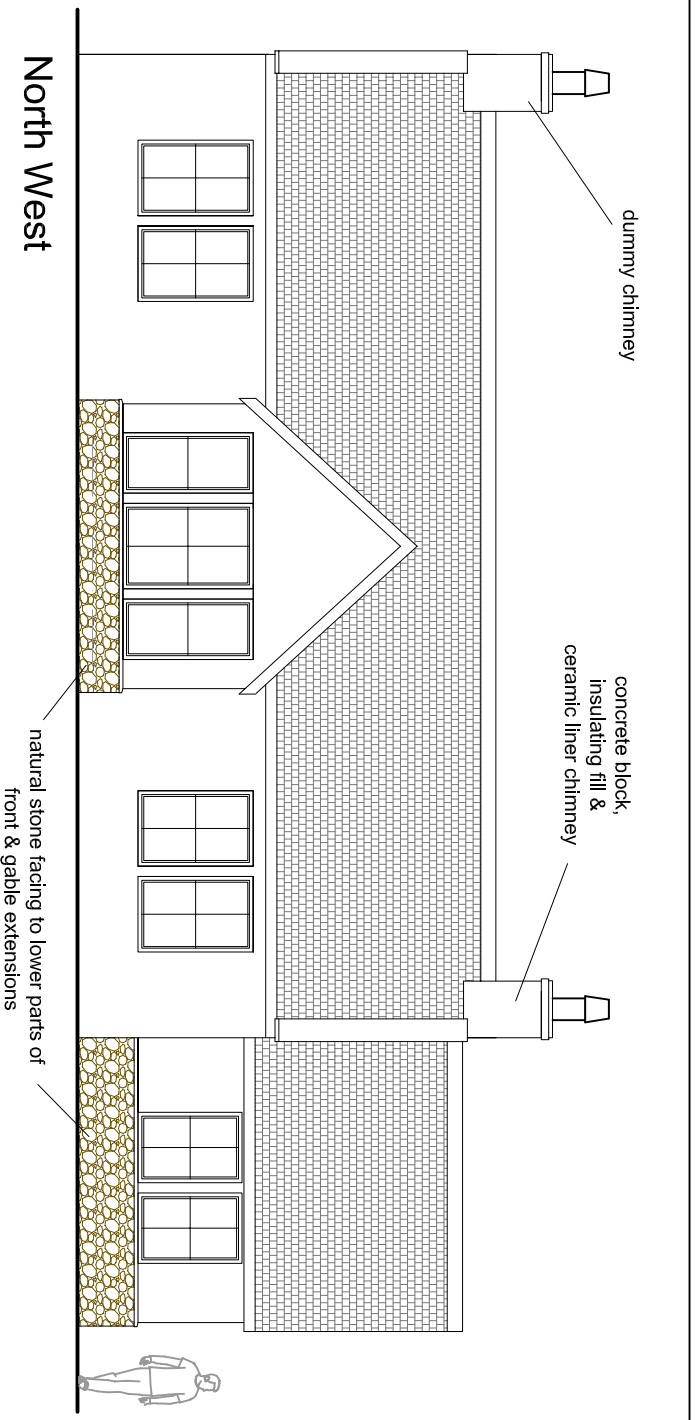
Red line indicates extent of planning development area = 2132 sq.m  
 Proposed garden curtilage & proposed decrefted area = 2060 sq.m



The copyright of this drawing belongs to Jock Gordon Design & Planning

**Jock Gordon BA (Hons)**  
**Design & Planning**  
 18 Garfield Street  
 01470 562 328 07799 210 799  
 jockgordon30@btinternet.com

Drg. No. JG3118	Rev: 01	Date: 31.1.2017	Drawn JG	Chkd
Status: Pre Planning – do not use for construction				
Title: Proposed Site Plan				
Project: New house at Kinloch, Dunvegan, Isle of Skye				
Client: Peggy Campbell				
Scale: 1:200				
Planning ref:				



# Proposed Elevations

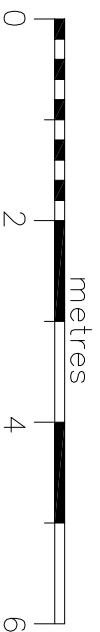
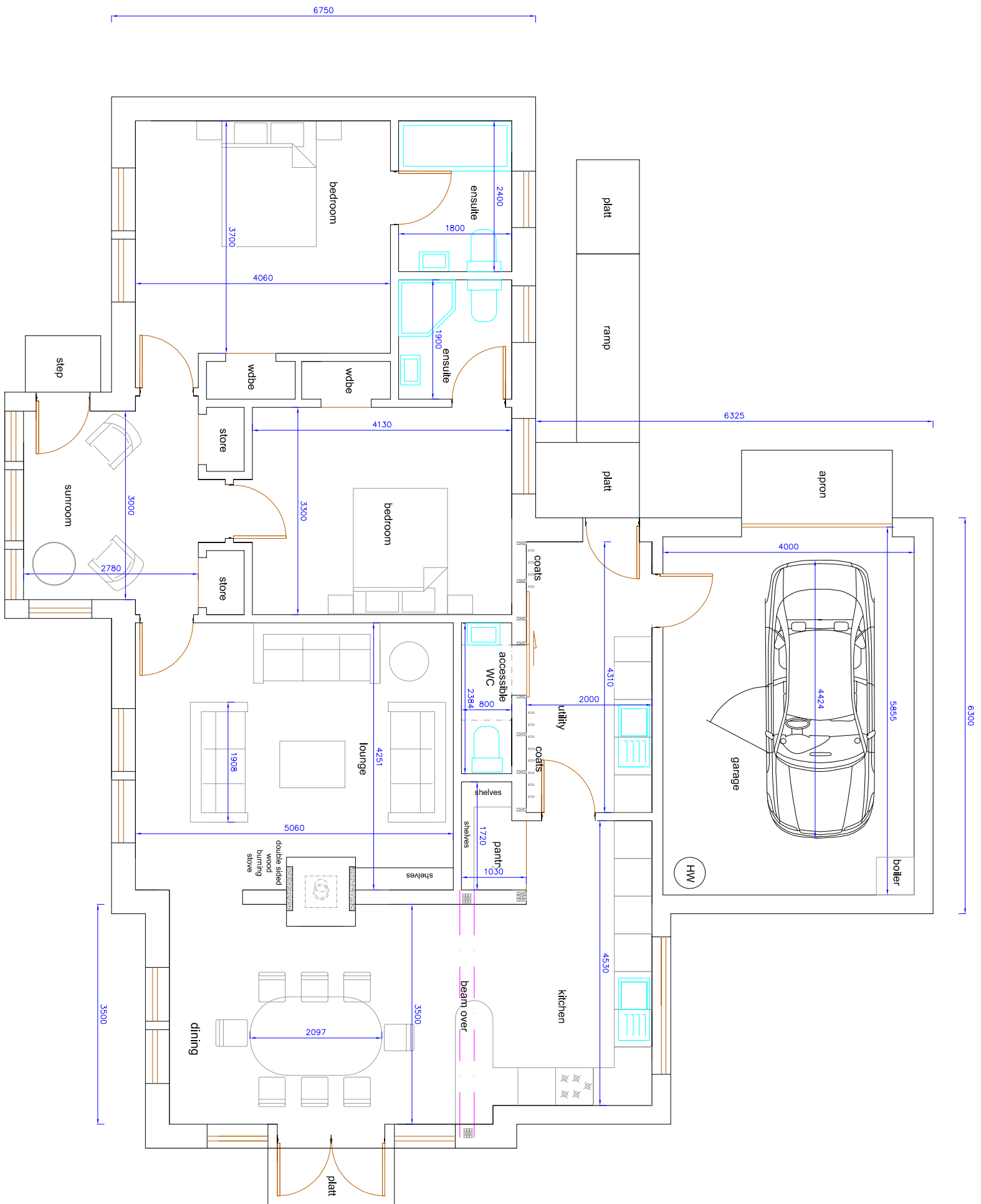
## 1:100



The copyright of this drawing belongs to Jock Gordon Design & Planning

**Jock Gordon BA (Hons)**  
**Design & Planning**  
 18 Garafad Staffin  
 01470 562 328 07799 210 799  
 jockgordon30@btinternet.com

<b>Drq. No.:</b> JG3119	<b>Rev.:</b> 01	<b>Date:</b> 31.1.2017	<b>Drawn:</b> JG	<b>Chkd:</b>
<b>Status:</b> Pre Planning – do not use for construction				
<b>Title:</b> Proposed Elevations				
Project New house at Kinloch, Dunvegan, Isle of Skye				
Client: Peggy Campbell				
Scale: 1:100				
Planning ref:				



# Proposed Floorplan 1:75

Drq. No. JG3120	Rev. 01	Date: 31.1.2017	Drawn JG	Chk'd
-----------------	---------	-----------------	----------	-------

Status: Pre Planning – do not use for construction

Title: Proposed Floorplan

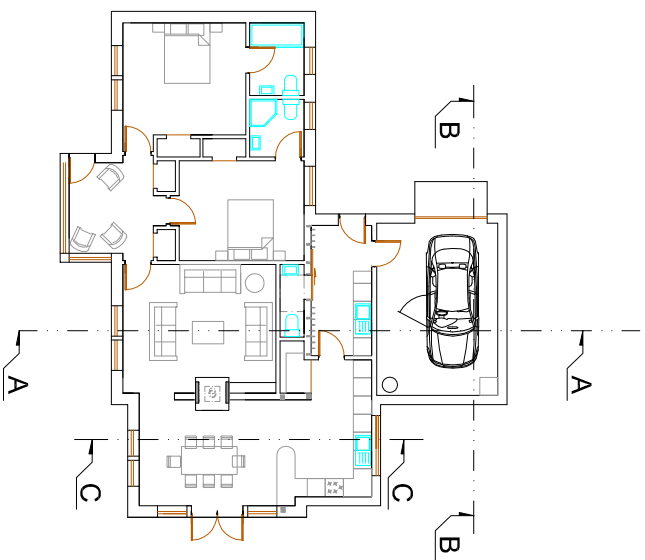
Project: New house at Kinloch, Dunvegan, Isle of Skye

Client: Peggy Campbell

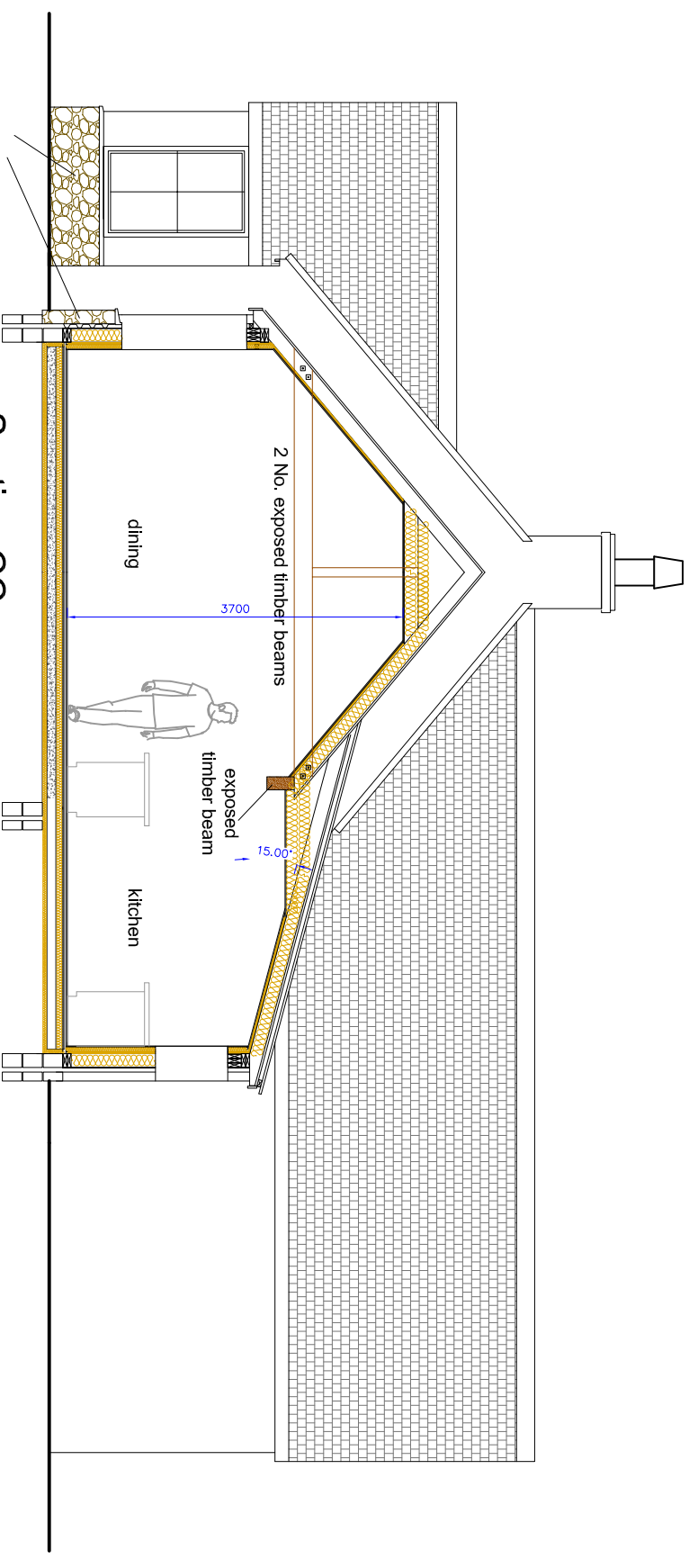
Scale: 1:75

The copyright of this drawing belongs to Jock Gordon Design & Planning

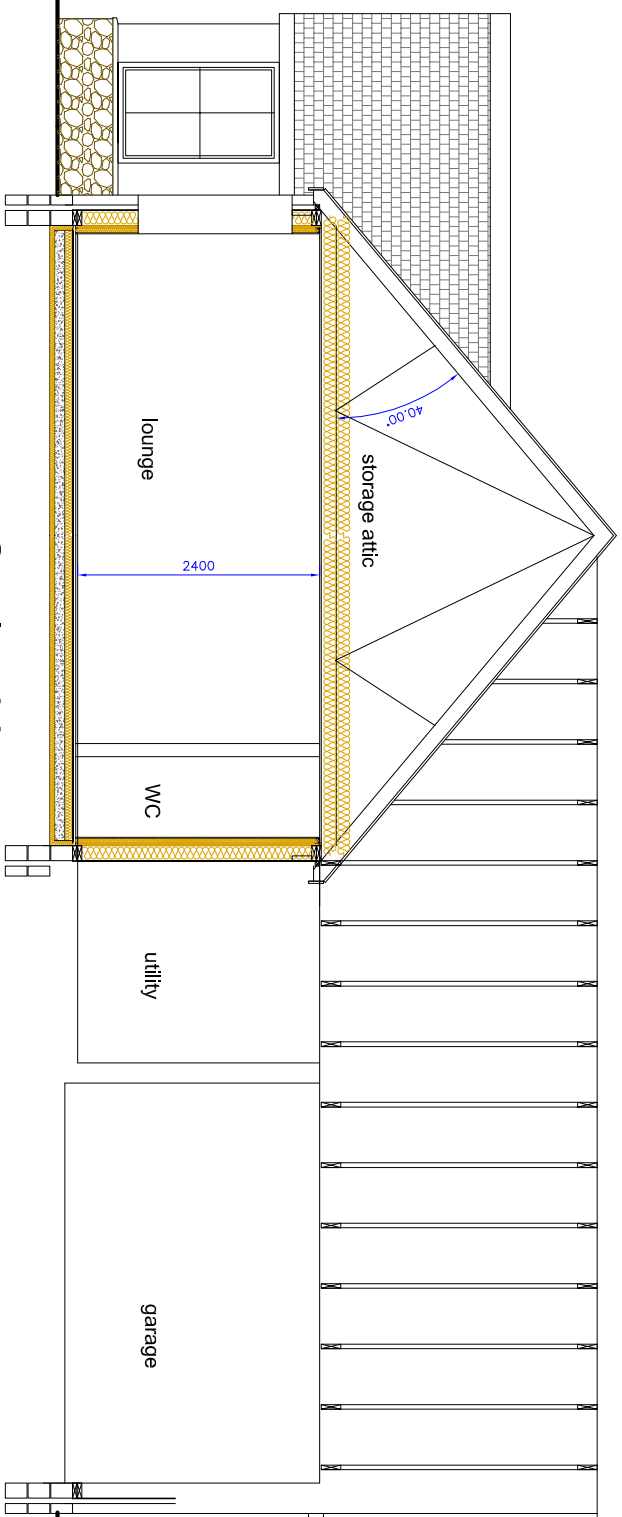
**Jock Gordon BA (Hons)**  
**Design & Planning**  
 18 Garafad Staffin  
 01470 562 328 07799 210 799  
 jockgordon30@btinternet.com



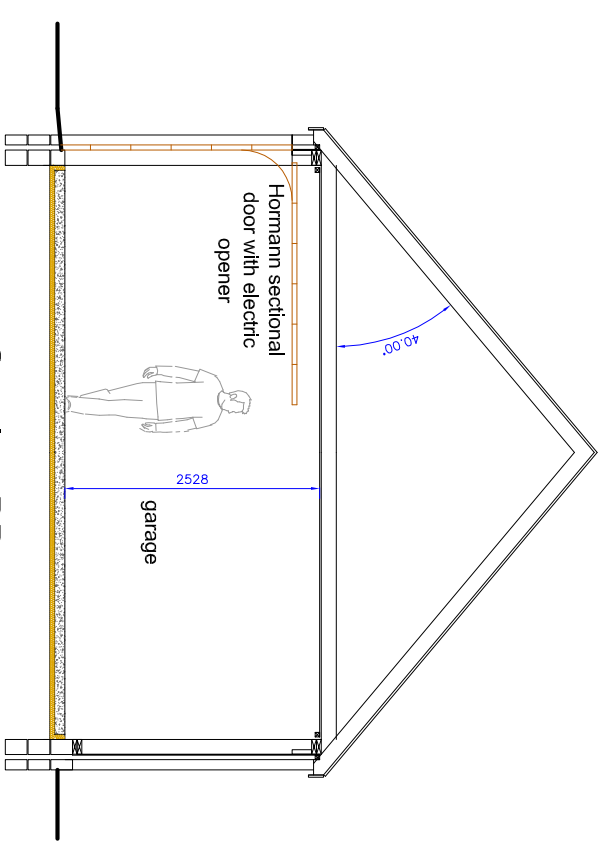
150 thk stone facing iwo of front porch & gable extension. Stone facing to replace dense concrete block and to be capped with concrete Robslee S1 sill or similar. Surecav plastic 'eggbox' barrier to be fitted between stone facing & timber frame.



Section CC



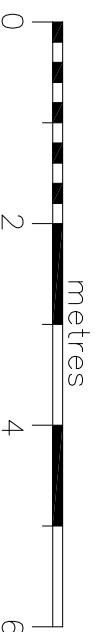
Section AA



Section BB

# Proposed Sections

## 1:75



The copyright of this drawing belongs to Jock Gordon Design & Planning

**Jock Gordon BA (Hons)**  
**Design & Planning**  
 18 Garafad Staffin  
 01470 562 328 07799 210 799  
 jockgordon30@btinternet.com

Dwg. No. JG3121	Rev. 01	Date: 31.1.2017	Drawn JG	Chk'd
Status: Pre Planning – do not use for construction				

Title: Proposed Sections	
Project: New house at Kinloch, Dunvegan, Isle of Skye	
Client: Peggy Campbell	
Scale: 1:75	Planning ref: