

Agenda item	5.2
Report no	PLN/012/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6 March 2018

Report Title: 17/04250/FUL: Land 75M SE of Shamba, 151 Skinnet, Talmine, Tongue

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Applicant: Mr Magnus Beveridge

Description of development: Installation of 4 bothies, upgrade of access and installation of septic tank and soakaway

Recommendation: **REFUSE**

Ward: 1 - North, West and Central Sutherland

Category: Local

Reasons Referred to Committee: Member Request

2. Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the installation of 4 bothies, upgrading of an existing agricultural access and the installation of private drainage arrangements. The proposed bothies are larch clad cabin style structures with a roof covering of grey profile sheeting. Their dimensions are given as 6m x 5m with a height to around 4.4m. Decking areas are also proposed. There is an existing access into the site which is currently used for agricultural use only; this would require significant upgrading and extension in order to allow access into a proposed car parking and turning area; a gravel footpath is then proposed to allow access into the proposed bothies. A septic tank and soakaway are proposed in terms of foul drainage.
- 1.2 As noted above, there is an existing agricultural access however no other infrastructure exists on site at present.
- 1.3 Pre Application Consultation: Pre-application advice was provided through the Council's formalised service for local developments. This indicated that the proposed development is not considered to be in accordance with the development plan as it conflicts with the pattern of development and would have an adverse impact on local amenity by encroaching into an area left free from development to maintain views across the Bay of Tongue. As such it was concluded that the Planning Authority would not be in a position to support any application.
- 1.4 **Supporting Information:** A Design Statement, which is mandatory for all applications within a National Scenic Area, has been provided.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site lies on the sea-ward side of the public road where attractive views over the Bay of Tongue are available, and the land slopes relatively significantly away from the road. There are a number of residential properties located on the opposite, landward, side of the public road. The site is within Kyle of Tongue National Scenic Area.

3. PLANNING HISTORY

17/01755/PREAPP – response as stated at para 1.3 above

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour

Date Advertised: 05.01.2018

Representation deadline: 19.01.2018

Timeous representations: 3 from 3 households

4.2 Material considerations raised are summarised as follows:

- a) In order to achieve the vision of the development plan, a balance needs to be struck between sensitive tourist development and the preservation of the natural landscape which is fundamental to the promotion of tourism.
- b) Siting and design is not compatible with the traditional linear settlement pattern of development which is solely on the westward side of Melness Road - no new permanent structures have been permitted on the south/east side of the coastal road running through Melness, Skinnet and Talmine since the introduction of the categorisation of NSAs in 1997.
- c) Adverse impact on the National Scenic Area
- d) The development will set a precedent for further development potentially weakening the tourist appeal of the area and its outstanding scenic value to visitors
- e) Access concerns
- f) Insufficient detail in the application regarding levels and infill - difficult to see how the proposed siting can be achieved without substantially raising the levels
- g) Inconsistencies with the submitted information
- h) No need for septic tank and soakaway as the development could be serviced by the Melness Waste Water Treatment Works
- i) Other more appropriate sites should be developed
- j) Design concerns regarding the proposed bothies
- k) Concerns regarding contamination of the beach due to private drainage

4.3 All letters of representation are available for inspection via the Council's e-planning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Transport Planning:** Unable to comment due to insufficient roads related supporting information. Further information requested.

5.2 **Scottish Natural Heritage:** We do not intend to offer formal comment on this proposal as it does not meet our criteria for consultation.

5.3 **Scottish Water:** No objections. There is currently sufficient capacity in the Loch Calder Water Treatment Works however unable to confirm capacity at Melness Waste Water Treatment Works.

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 & Place-making
- 36 - Development in the Wider Countryside
- 43 - Tourism
- 44 - Tourist Accommodation
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage

- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments

6.2 Sutherland Local Plan 2010 (as continued in force, 2012)

No site specific policies (outwith Melness Settlement Development Area). The general policies which applied previously in respect of the site have been superseded by the provisions of the Highland-wide Local Development Plan.

6.3 Caithness and Sutherland Local Development Plan (Modified Proposed Plan, 2016)

No site specific policies.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Managing Waste in New Developments (March 2013)
- Sustainable Design Guide (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June 2014)

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.

Determining Issues

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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan
 - b) any other material considerations.

Development plan

- 8.4 The site lies adjacent to, but outwith the Melness Settlement Development Area boundary of the Sutherland Local Plan. The boundary has been drawn so as to encourage development to take place to the landward side of the public road and applies a strong presumption against development taking place to the seaward side of the road within Midtown, Skinnet and Talmine which are the townships that comprise the SDA. This is due to a strong linear pattern of development within these settlements whereby all development has been concentrated on the landward side of the road, in recognition of the desire to maintain the attractive open and uninterrupted views over the Kyle of Tongue. This position is recognised by the Local Plan which states that such views should be protected. Outwith the SDA boundary, proposals require to be assessed in terms of Policy 36 of the Highland-wide Local Development Plan. This states that any proposed development should be assessed against the extent to which it fits with the existing pattern of development. The proposed development would represent the introduction of the first development to be located to the seaward side of the public road at Skinnet. This is significantly contrary to the well established pattern of development which is concentrated on the landward side of the road. As such the proposal is quite clearly at odds with Policy 36 of the Highland-wide Local Development Plan and the Sutherland Local Plan which aims to protect these areas from development. The importance of the need to maintain the pattern the development is magnified by the site's location within the Kyle of Tongue National Scenic Area; a landscape designation of national importance. The need to protect such natural heritage features is outlined in Policy 57 of the Highland-wide Local Development Plan.
- 8.5 Policy 44 which deals with proposals for new tourist accommodation is also applicable to the assessment of the application. The policy outlines that accommodation within the open countryside will be supported where it can be demonstrated that a demand exists for this type of accommodation; that it can be achieved without adversely affecting the landscape character or the Natural, Built or Cultural Heritage features of the area and it is consistent with the other guidance on siting and design set out in Policy 36: Wider Countryside. In this instance, the Design Statement notes that the success of the North Coast 500 has increased the number of visitors requiring accommodation within the area. Based on this, and the Planning Authority's own knowledge, it is considered to be a reasonable assumption that there is a demand for accommodation within the Melness area. However regrettably, for the reasons referred to above, the proposal does not fully comply with Policy 44 by virtue of its siting and adverse impact on the setting of the National Scenic Area.

Siting and Design

- 8.6 The proposed pods are to be sited in a linear pattern, orientated to take advantages of views over the Kyle. However the site slopes considerably away from the public road and there is no site level or cross sectional information to demonstrate how the pods would sit on the site. Based on the site layout plan, as highlighted by objectors, it would appear that the pods would at least be partially sited on the most level part of the sit. However, on this basis, the remainder of the

ground levels to accommodate the pods would require to be uplifted. There is concern that this would result in the development appearing overly prominent, intruding into views currently obtained over the Kyle of Tongue. Whilst the right to a 'private' view is not a material consideration, in this instance, the public views over the Kyle provide more of a 'community' asset and greatly enhance the tourist experience in this area.

The design of the proposed structures themselves do not raise any significant concerns in terms of the development plan however the use of uPVC windows and doors is not considered appropriate for development within the National Scenic Area.

Access and Parking

- 8.7 It is proposed to remove the existing gate into the site and upgrade the access which is currently only in use for agricultural purposes albeit the land does not appear to be actively worked at present. The proposed point of access is located opposite an existing junction which forks to serve houses in the area. As a general rule, a minimum junction spacing of 20m is required between developments, which does not appear to have been achieved in this instance. Transport Planning have highlighted that currently the application is not supported by a sufficient level of information to demonstrate that it complies with the Access to Single Houses and Small Housing Developments document. In particular, information is lacking with regards visibility splays and how the access can be achieved in relation to the topography across the site. In light of the lack of information in this regard, the proposal fails to demonstrate compliance with Policies 36 (Development in the Wider Countryside) and Policies 56 (Travel). Further information was requested from the applicant on 20th December 2107, however no response has been received.

Drainage

- 8.8 It is proposed to install a septic tank and soakaway to accommodate foul drainage. Percolation test results have been submitted with the application demonstrating that ground conditions are suitable. It is noted by objectors that the proposal can be serviced by Melness Waste Water Treatment Works however this position is not confirmed by Scottish Water in its consultation response. There is an existing surface water drain which is to be used for surface water drainage of the site.

9. CONCLUSION

- 9.1 The Planning Authority recognises the need to increase tourist accommodation in the Highland area and in particular in areas close to the North Coast 500 route. However in planning terms there is also a competing need to ensure proposals respect and tie in with existing patterns of development and do not conflict or adversely affect important natural heritage features. As such, it is not considered that the proposed development is in accordance with the development plan. The Planning Authority would be happy to discuss alternative sites with the applicant.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

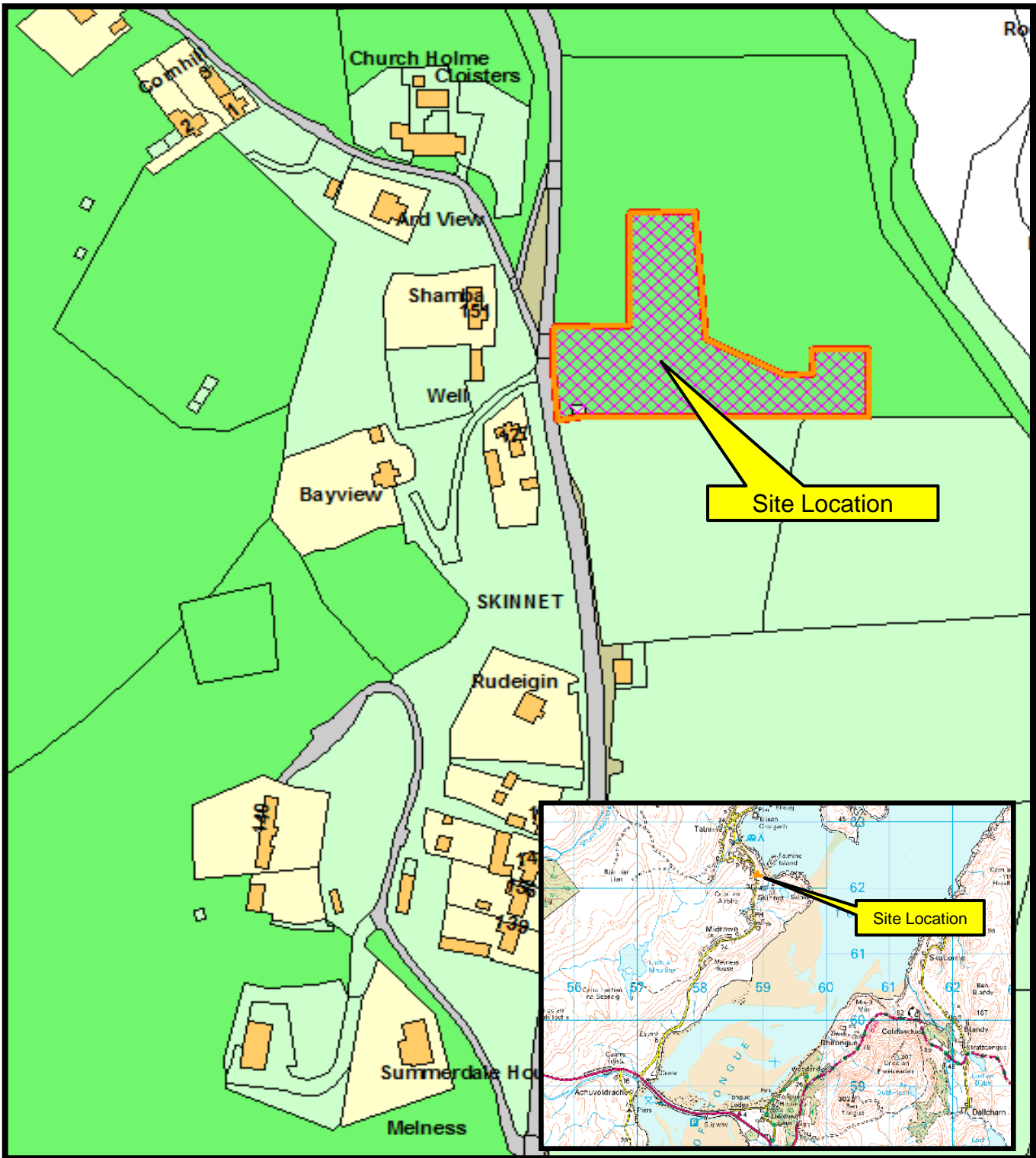
11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The proposed development is contrary to the provisions of the Highland-wide Local Development Plan Policies 36 (Development in the Wider Countryside), 44 (Tourist Accommodation) and 57 (Natural, Built and Cultural Heritage) as the siting of the bothies would conflict with the strongly established linear pattern of development within the townships of Melness (Midtown, Skinnnet and Talmine) which is located to the landward side of the public road. Furthermore the installation of four bothies in this location would intrude into attractive and open public views currently obtained over the Kyle of Tongue, a designated National Scenic Area.
2.	The proposed development is contrary to the provisions of the Highland-wide Local Development Policies 36 (Development in the Wider Countryside) and Policy 56 (Travel) as it has not been satisfactorily demonstrated that the proposed bothies can be safely accessed and that there will no detrimental impact to the road safety and amenity of the public road.

Signature: Bob Robertson
Designation: Team Leader
Author: Gillian Webster
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan 10-17
Plan 2 - Floor Plan/Elevation Plan 10-17
Plan 3 - Visibility Splay Plan 000001



The Highland Council
Comhairle na Gàidhealtachd

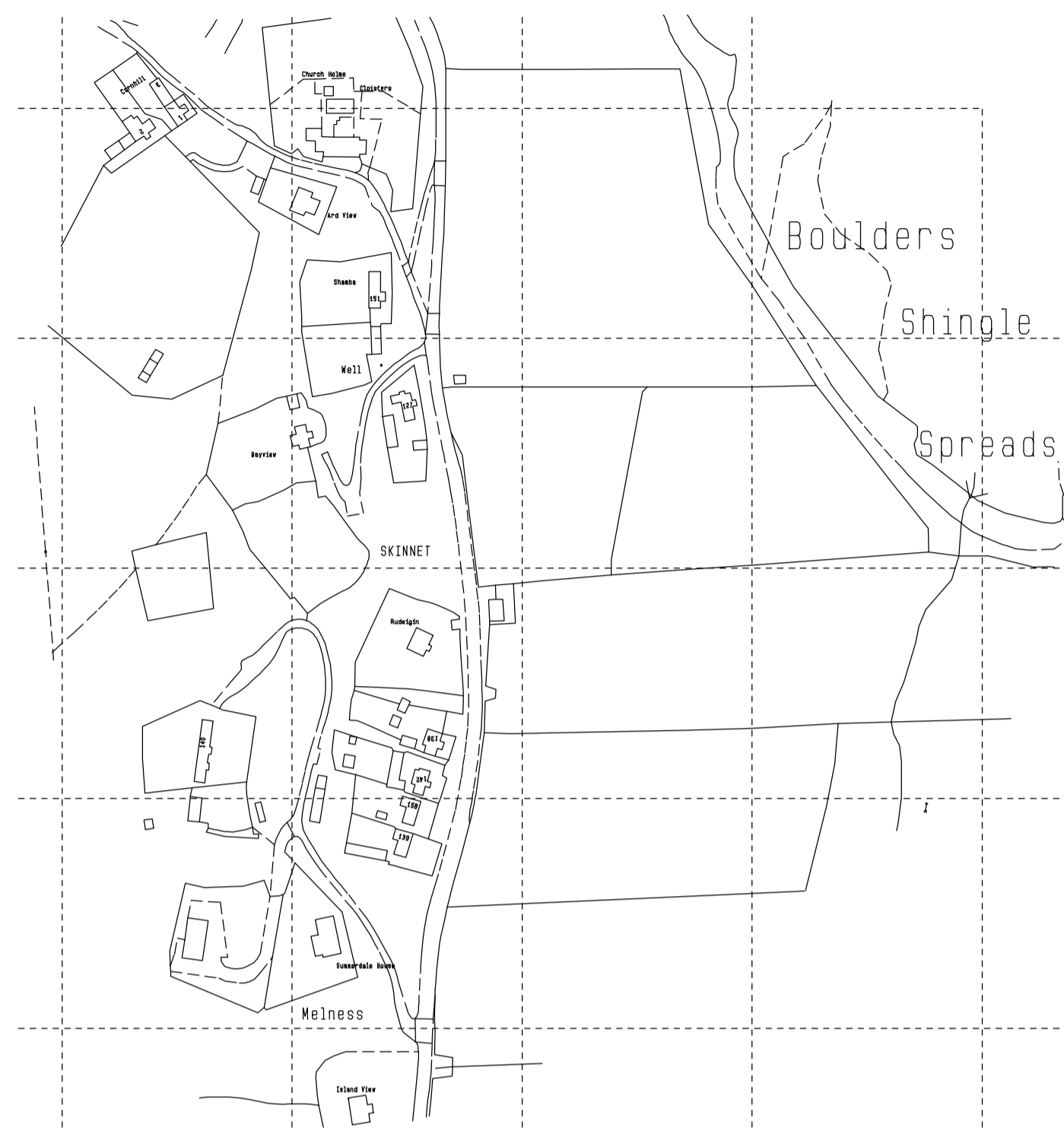
Development & Infrastructure Service

17/04250/FUL

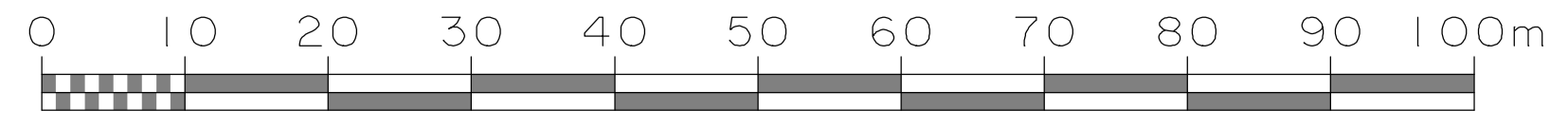
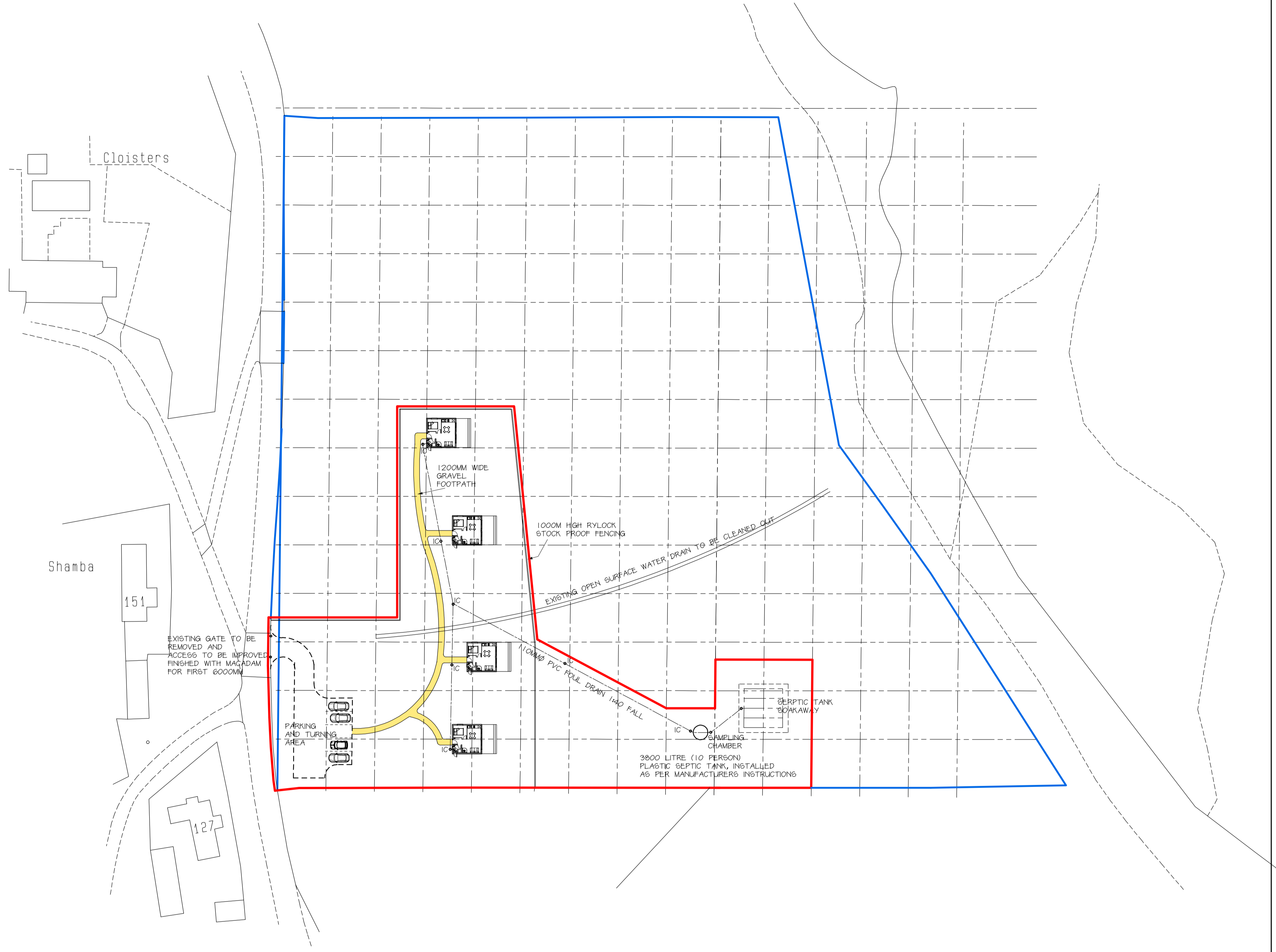
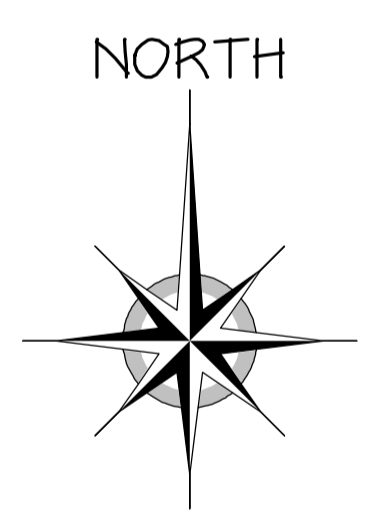
Installation of 4 bothies, upgrade of access and installation of septic tank and soakaway at Land 75m SE of Shamba, 151 Skinnnet.

February 2018





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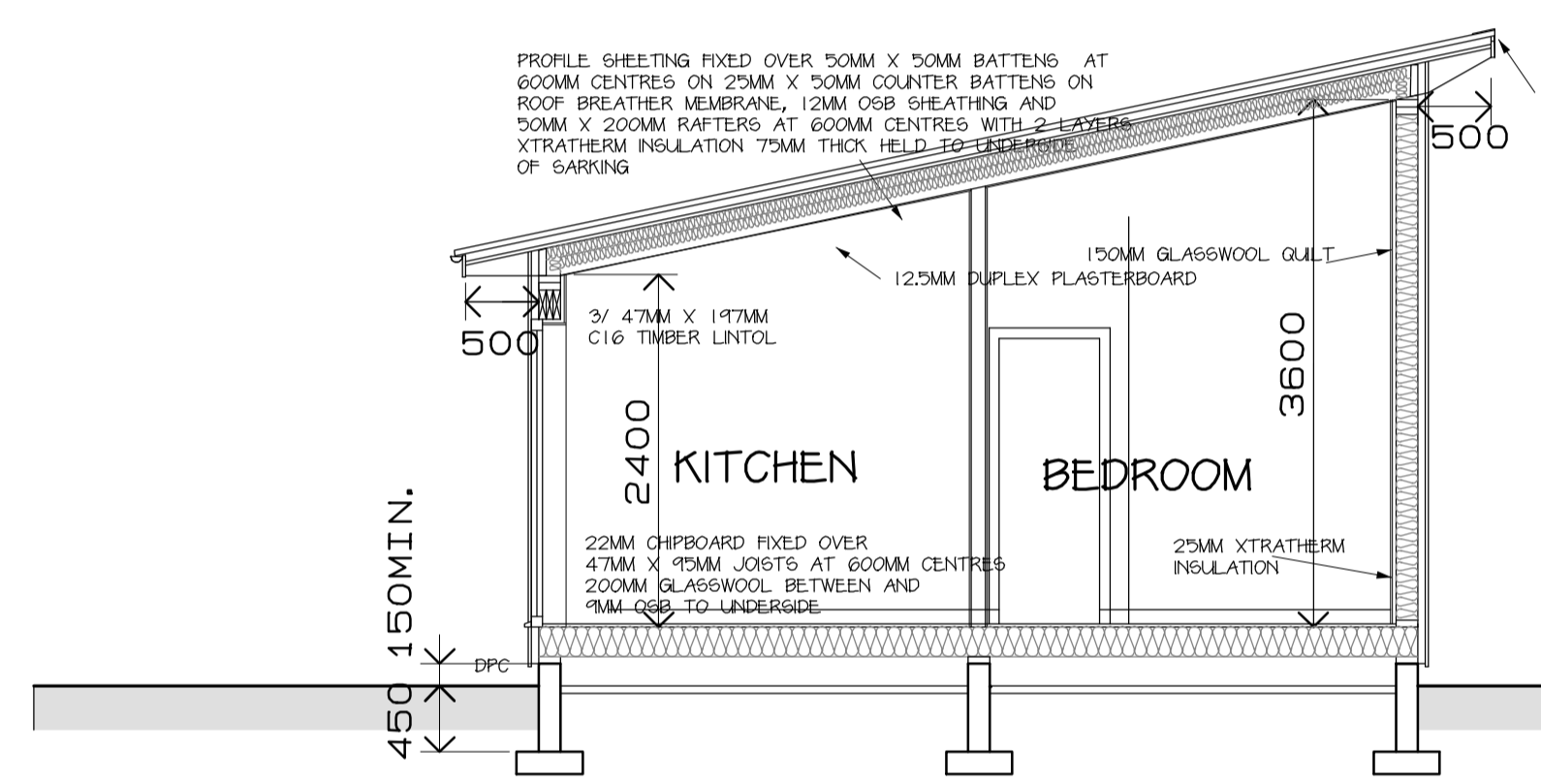


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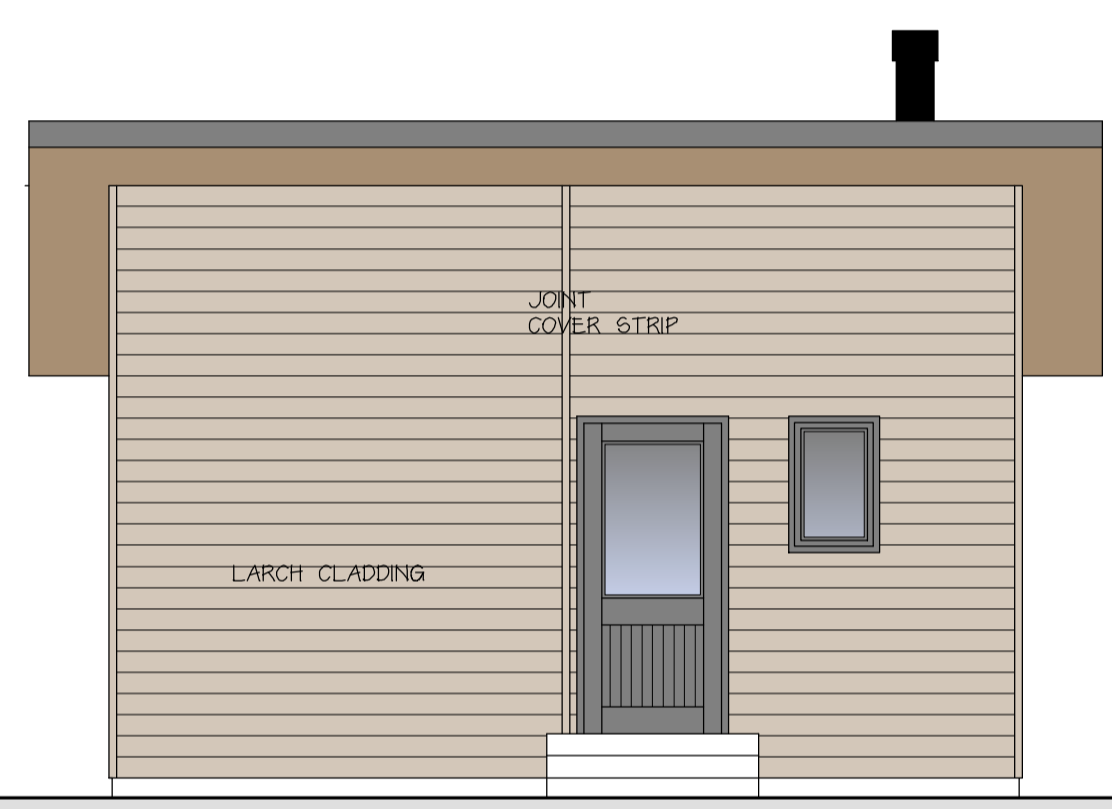
Project
 PROPOSED HOLIDAY ACCOMMODATION AT SKINNET, MELNESS

Drawing
 SITE AND LOCATION PLAN

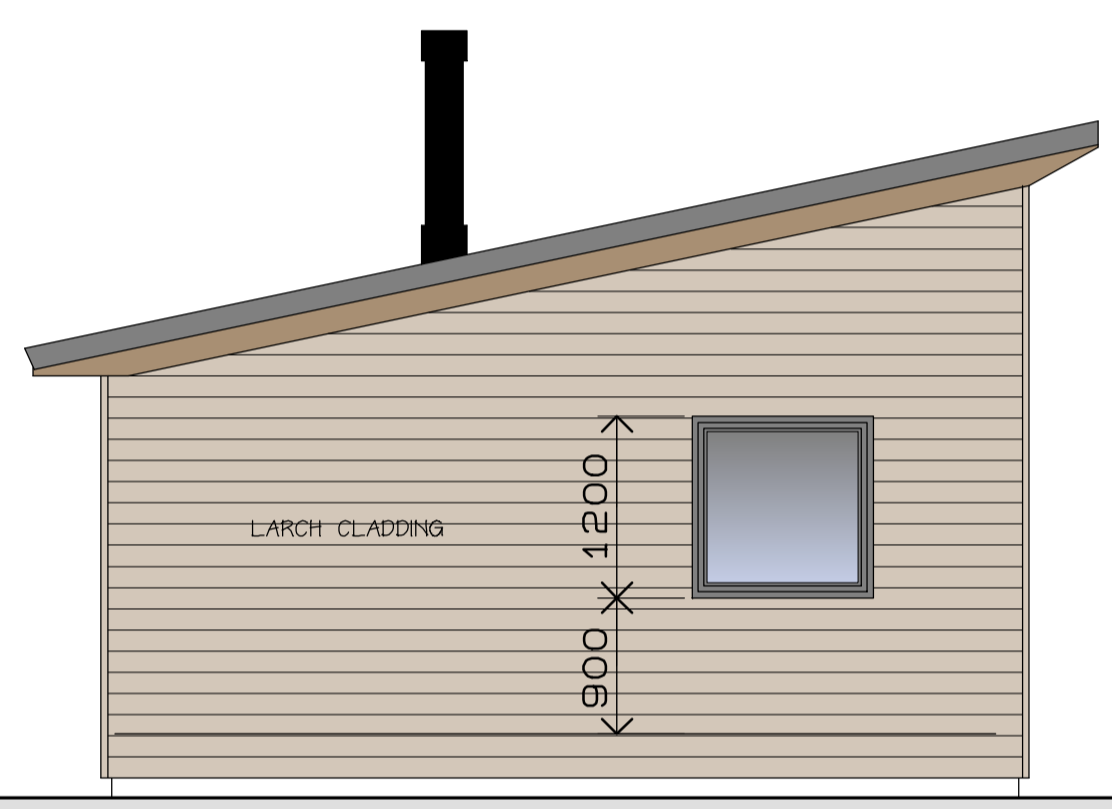
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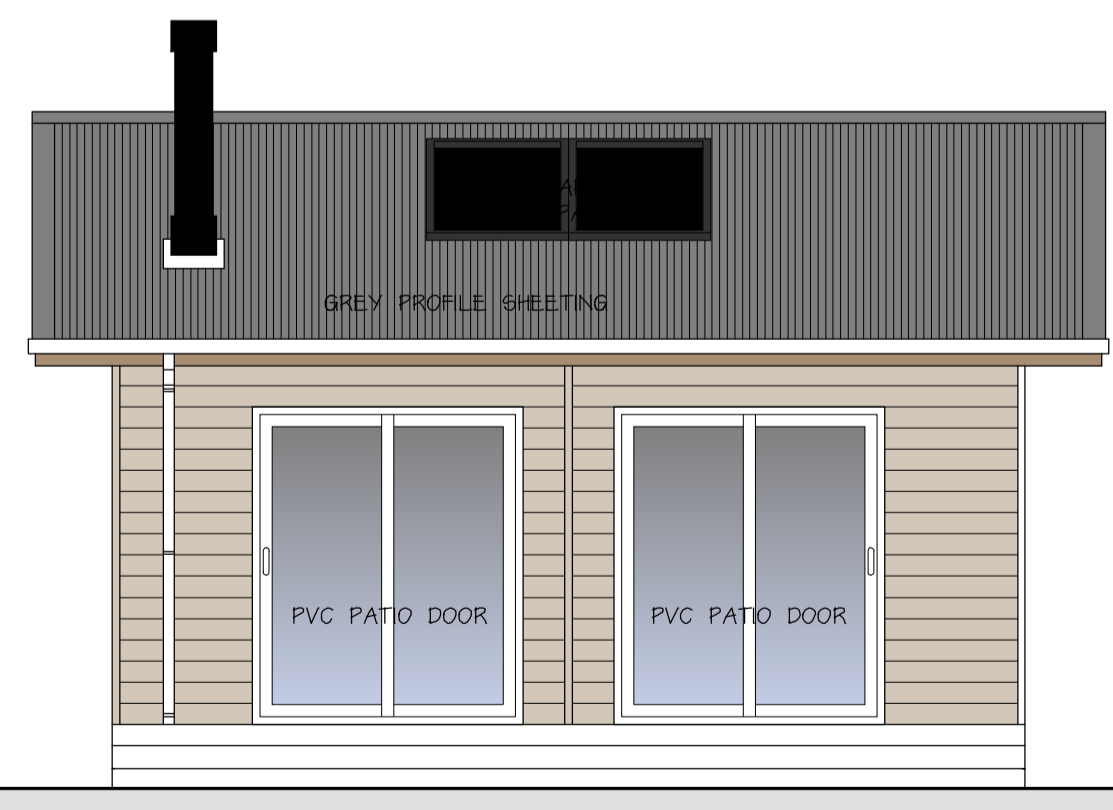
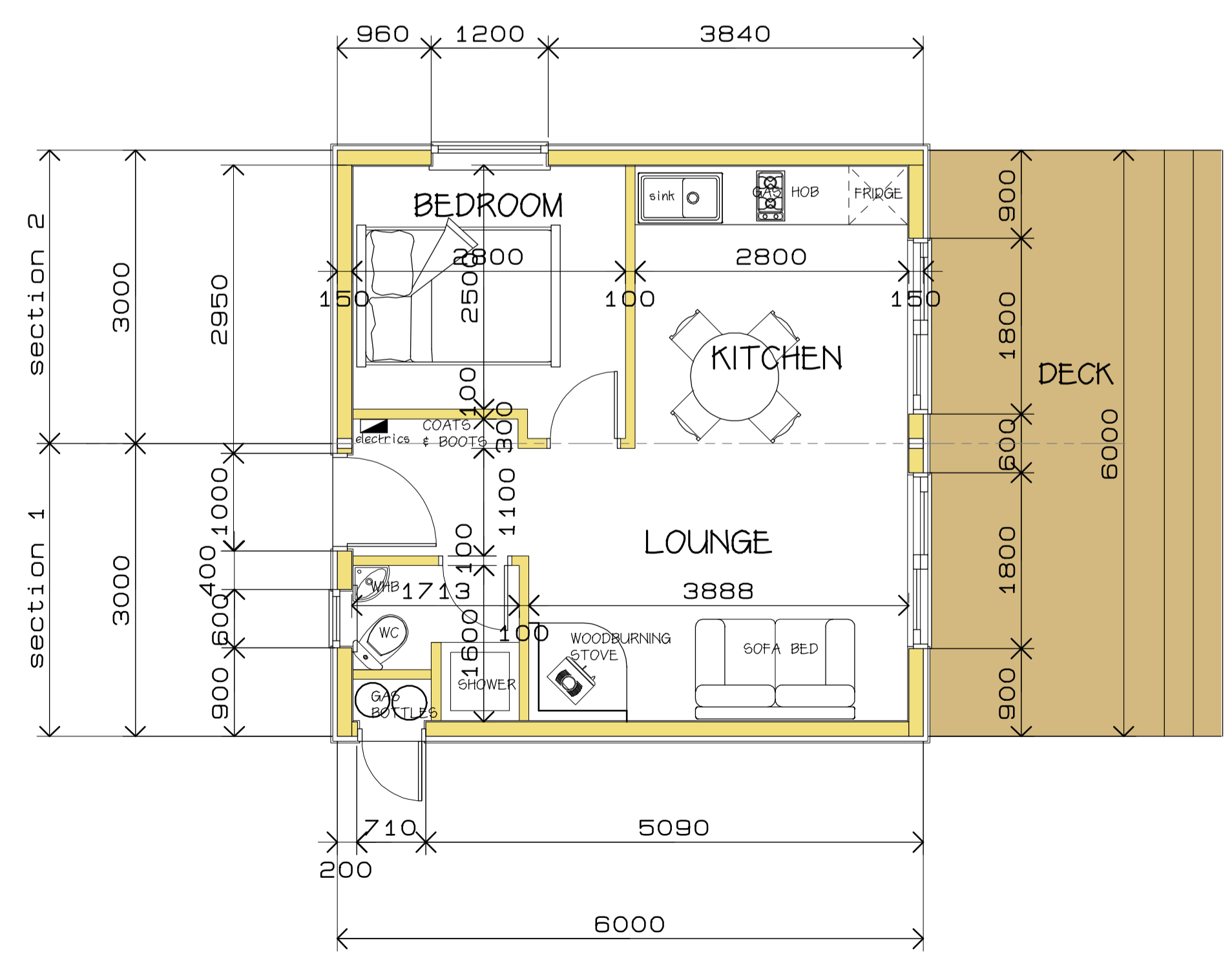
SECTION



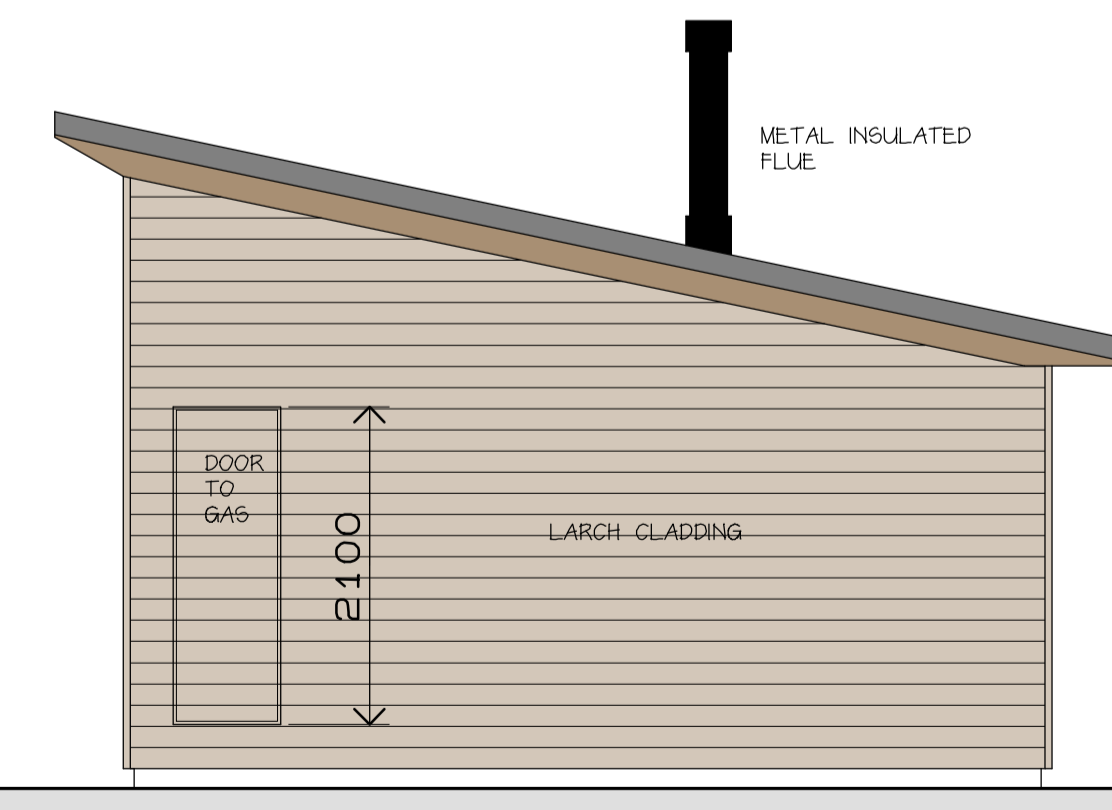
WEST ELEVATION (TO ROAD)



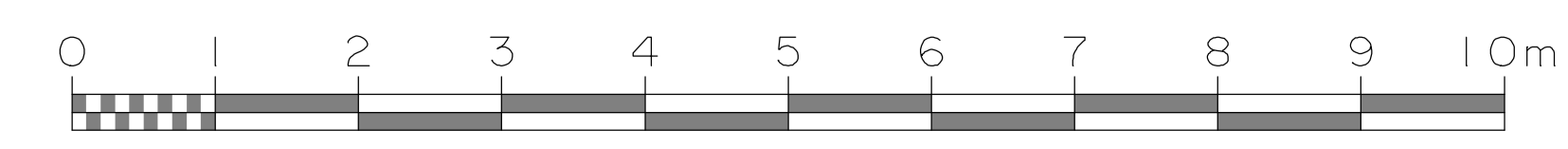
NORTH ELEVATION



EAST ELEVATION (TO SEA)



SOUTH ELEVATION



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Project
 PROPOSED HOLIDAY ACCOMMODATION AT SKINNET, MELNESS

Drawing
 PLAN AND ELEVATIONS

Scale 1:50	Drawn by A.M.C
Date MARCH 2017	Number 10/17

CLEAR LINE VIEW OF VISION @ 1050mm P 600mm HIGH
LEFT 210 METERS RIGHT 142 METERS

