

Agenda Item	6.8
Report No	PLN/072/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 10 September 2019

19/02601/FUL: Mr Alistair Sutherland

Report Title: Land 100M South Of Free Church, Teangue

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

- 1.1 **Description:** Erection of house
- Ward:** 10 - Eilean A' Cheò
- 1.2 **Development category:** Local Development

Reason referred to Committee: Number of Objections

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.

2. Recommendations

- 2.1 Members are asked to agree the recommendation to grant planning permission 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 one and a half storey, two bedroom dwelling house with an undeveloped upper floor and an integrated single storey garage.
- 3.2 Some drainage and access works were carried out on the site some years ago, and the access from the public road has recently been re-formed to a shared access standard as a result of the adjacent site to the north being developed (application 18/00067/FUL which was approved by Committee on 17 April 2018).
- 3.3 No pre-application discussions or consultation took place.
- 3.4 No supporting documents or information have been submitted.
- 3.5 Variations: The Location Plan and Floor/Elevation plans have been amended to increase the separation between the proposed house and that being built under approval 18/00067/FUL from 16 to 22m, drawing nos. 747-2-001 Rev. C and 747-2-002 Rev. C received 22 August 2019.

4. SITE DESCRIPTION

- 4.1 The site is located on open land which slopes downhill in a south easterly direction from the Upper Teangue/Sasaig township road which provides the site's westerly boundary. The A851 lies some 150m to the south, with existing dwellings scattered around the site.

5. PLANNING HISTORY

- | | | | |
|-----|--|------------|------------------------------------|
| 5.1 | 04/00464/OUTSL. Erection of Residential Development (Outline). | Withdrawn. | 08.06.2005 |
| 5.2 | 05/00488/OUTSL. Erection of 4 Houses. | Permitted. | 07.02.2006
(Committee Decision) |
| 5.3 | 18/00067/FUL. Erection of new dwelling.
This site lies just to the north of the subject site. | Permitted. | 17.04.2018
(Committee Decision) |

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour 14 Days
Date Advertised: 17.06.2019
Representation deadline: 05.07.2019

Timeous representations: 5 from 5 households

Late representations: 1 from 1 household
- 6.2 Material considerations raised are summarised as follows:
- Proximity of development to existing houses is too intensive.

- Drainage will be problematic due to topography of site and foul drainage may contaminate adjacent, lower-lying land.
- Screening to shield development from existing neighbours should be provided.
- Proposed building is of the same design as that being built on adjacent site
- Building should be cut into the hillside to lessen visual impact – despite a condition limiting the amount of underbuilding the adjacent house has been elevated on piled foundations.
- Proposal would increase pressure on public water supply and public road from Broadford.

6.3 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.

7. CONSULTATIONS

7.1 Scottish Water. No objection, confirm that there is sufficient capacity in the Teangue Water Treatment works, but that a private foul drainage system would be required.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
 29 - Design Quality and Place-making
 31 - Developer Contributions
 34 - Settlement Development Areas
 65 - Waste Water Treatment
 66 - Surface Water Drainage

8.2 West Highlands and Islands Local Plan 2010 (as continued in force 2012)

The site lies within the Ferrindonald/Teangue Settlement Development Area, and forms part of a housing allocation (site H2) which has an indicative capacity for 4 units.

8.3 Proposed West Highlands & Islands Local Development Plan 2017

The site lies within the Main Settlement Area of Sleat.

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Not applicable

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.

Determining Issues

- 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.

Planning Considerations

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

Development plan/other planning policy

- 10.4 In this case the Development Plan is comprised solely of the Highland-wide Local Development Plan, the relevant policies of which are considered below.
- 10.5 The application site falls within the Ferrindonald/Teangue Settlement Development Area (SDA), so Policy 34 applies. This policy supports development proposals within SDA's if they meet the Design for Sustainability requirements of Policy 28 which seeks 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.
- 10.6 Policy 31 sets out that for development proposals which create a need for new or improved public services the Council will seek a fair and reasonable contribution toward these additional costs.
- 10.7 Finally, Policies 65 and 66 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.

Policy and Material Considerations

10.8 Siting

The siting of the building would be consistent with the scattered pattern of development within the existing township, where houses are positioned relatively close to the road. It is important to note that the building would be seen against a backdrop of rising land, and would therefore not be visible against the skyline – as such there is no need for it to be artificially cut into the hillside. The site is large, and the building would not represent an overdevelopment of this plot.

10.9 Design and Landscape Impact

The design of the proposed dwelling house is considered to respect the local vernacular in terms of its proportions but with a contemporary design. It has a narrow gable, relatively low roof height of 5.9m, windows with a largely vertical emphasis and good quality external materials of natural slate on the roof and white render on the walls. The choice of materials – in particular the slate roof - is

a significant and important consideration in the integration of this house within this landscape setting. The garage also uses appropriate external materials of natural larch boarding on its walls and grey metal sheeting on its roof.

While it is acknowledged that the design is similar to that of the house being built on the adjacent plot to the north it is considered that the opposing orientations of the two structures as well as the fact that the building would be clad in natural larch boarding rather than the white render of the adjacent house provides sufficient visual differentiation for the application to be supported in design terms. As with the adjacent plot, the sloping nature of the site requires a condition which limits the amount of underbuilding. In relation to the point made by objectors about the adjacent dwelling the Agent has advised that ground conditions on one part of this site has required part of the foundations to be built on piles, but that this foundation method has not affected the approved levels in any way.

10.10 **Neighbour Amenity**

As noted above, the proposed building has been moved so that the closest window to window distance with its nearest neighbour (the house being built on the adjacent plot to the north) is now 22m. This distance is in excess of the Council's 18m yardstick minimum window to window distance, so the privacy and amenity of this dwelling is not considered to be adversely affected. It is noted that there are parts of the settlement where other buildings are in similar proximity (for example to the south east of the site), so it is not considered that there would be any adverse implications in terms of settlement pattern. The next nearest neighbouring houses would be some 90m to the south west and the south east.

10.11 **Access and Parking**

The site would be connected to the township road by means of the junction approved and delivered by application 18/00067/FUL, and which is acceptable in terms of its geometry and visibility splays. The submitted site plan shows that the necessary car parking and turning spaces can be accommodated, and a condition which controls the delivery of these spaces can therefore be applied.

10.12 **Developer Contributions**

The site lies within the catchment area of Sleat Primary School which is nearing capacity and where the need for a new Classroom has been identified:

<https://highland.maps.arcgis.com/apps/MapSeries/index.html?appid=d085a07c26164e8aa03f9786ce62d8bf#>

The proposed development is required to contribute the sum of £526 towards the cost of this new classroom.

The applicant has agreed to pay this sum as an upfront cost following the issue of an invoice from the Developer Contributions team.

10.13 **Drainage**

It was previously accepted in relation to application 08/00278/REMSL that both surface water and foul drainage could be satisfactorily dealt with. The developer would need to obtain the consents of both Building Standards and SEPA for the proposed foul drainage arrangements. It is considered that there is no reason to expect that such permissions would not be forthcoming, given that a solution was

shown to be achievable in respect of the previous application. A condition can be applied requiring full details of the drainage solution to be submitted for approval before development commences.

Other material considerations

10.14 There are no other material considerations.

Non-material considerations

10.15 Not applicable

Matters to be secured by Section 75 Agreement

10.16 None

11. CONCLUSION

11.1 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.

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 Y

Payment off Developer Contribution Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. Prior to the first occupation of the development hereby approved, the car parking and turning arrangements detailed on approved plan ref. 747-2-001 REV C 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: To ensure that sufficient space is provided within the application site for the parking (and, where necessary, turning) of cars, so they do not have to park within or reverse onto the public road.

2. Within the application site, no building or structure shall feature underbuilding exceeding 300mm in height above ground level. For the purposes of this condition, height is a reference to height when measured from ground level, and ground level means the level of the surface of the ground immediately adjacent to the building or structure or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Reason: To ensure that underbuilding is kept to a minimum, in the interests of visual and residential amenity.

3. The external finish materials used in the development shall be as stated on the approved elevational drawing nos. 747-2-002 REV C and 747-2-003A.

Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

4. No development shall commence until full details of all foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

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 road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

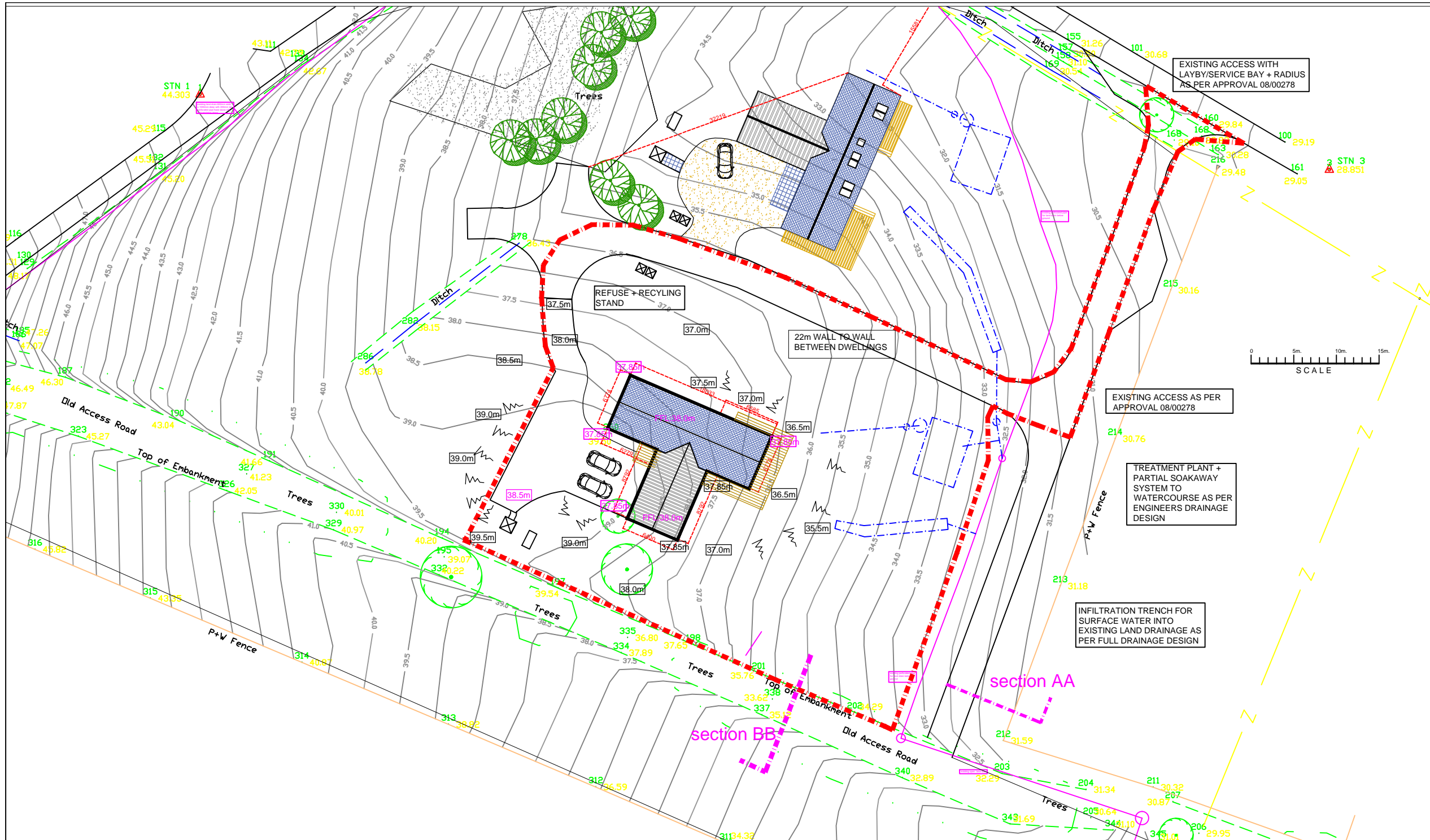
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

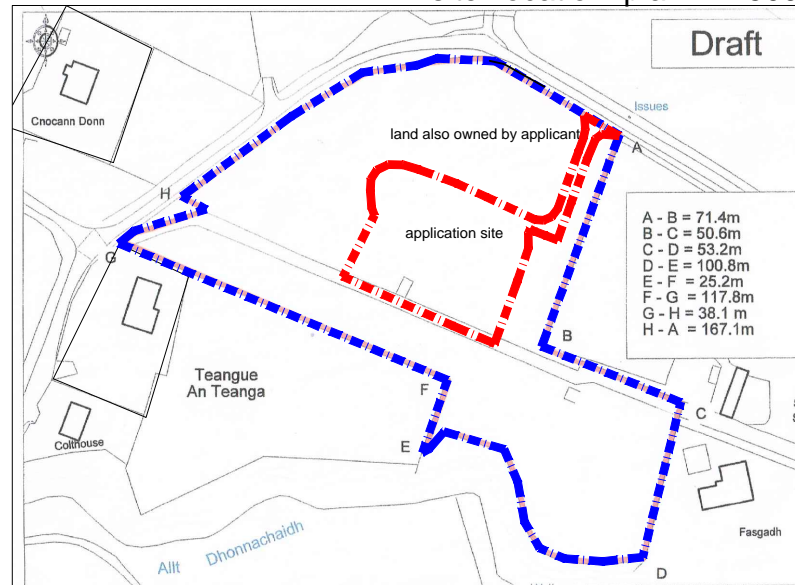
Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

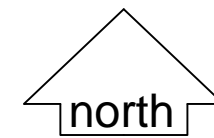
Designation: Acting Head of Development Management – Highland
Author: Graham Sharp
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Committee Location Plan
Plan 2 - Site Layout/Location Plan 747-2-001 REV C
Plan 3 - Floor Plan 747-2-002 REV C
Plan 4 - Elevations 747-2-003 REV A



site location plan 1-2500



site layout 1-500



proposed development : teangue : sleat

chartered architect
 isle of skye + aberdeenshire
<http://www.grigor-taylorassociates.co.uk>
 tansygd@btinternet.com : 07720059219

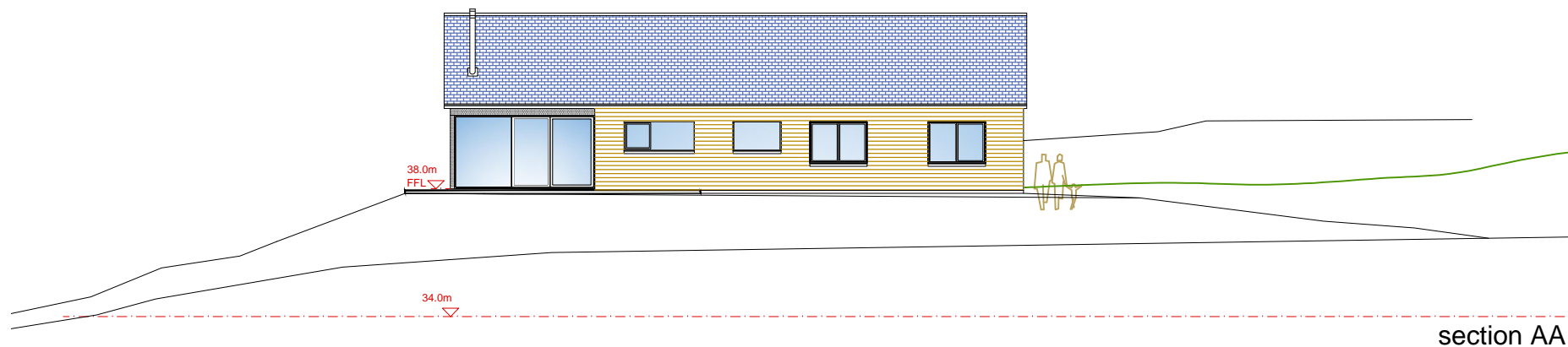
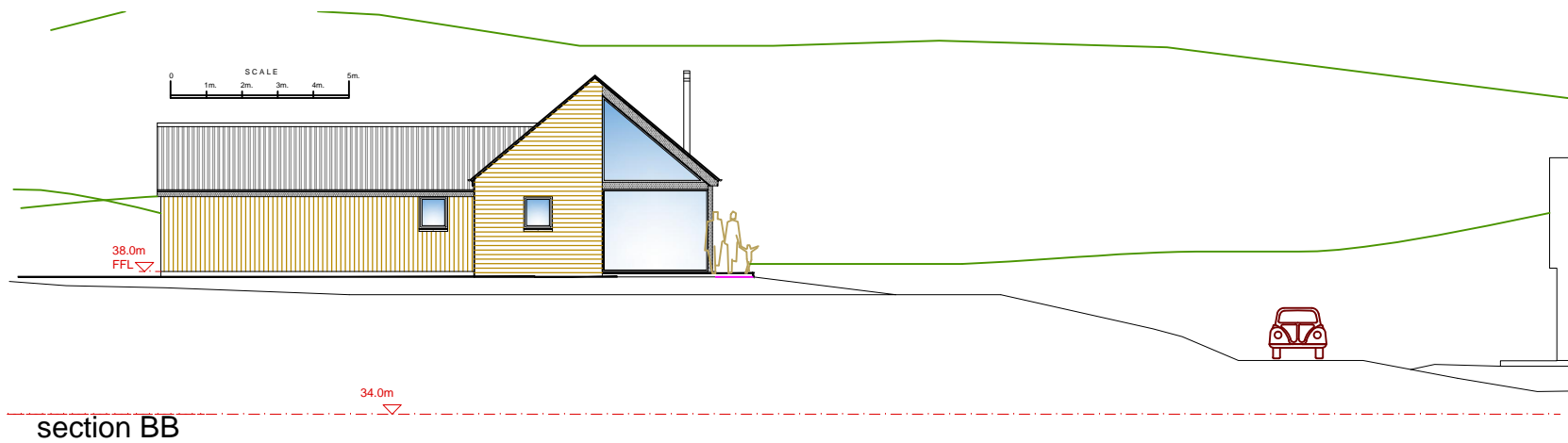
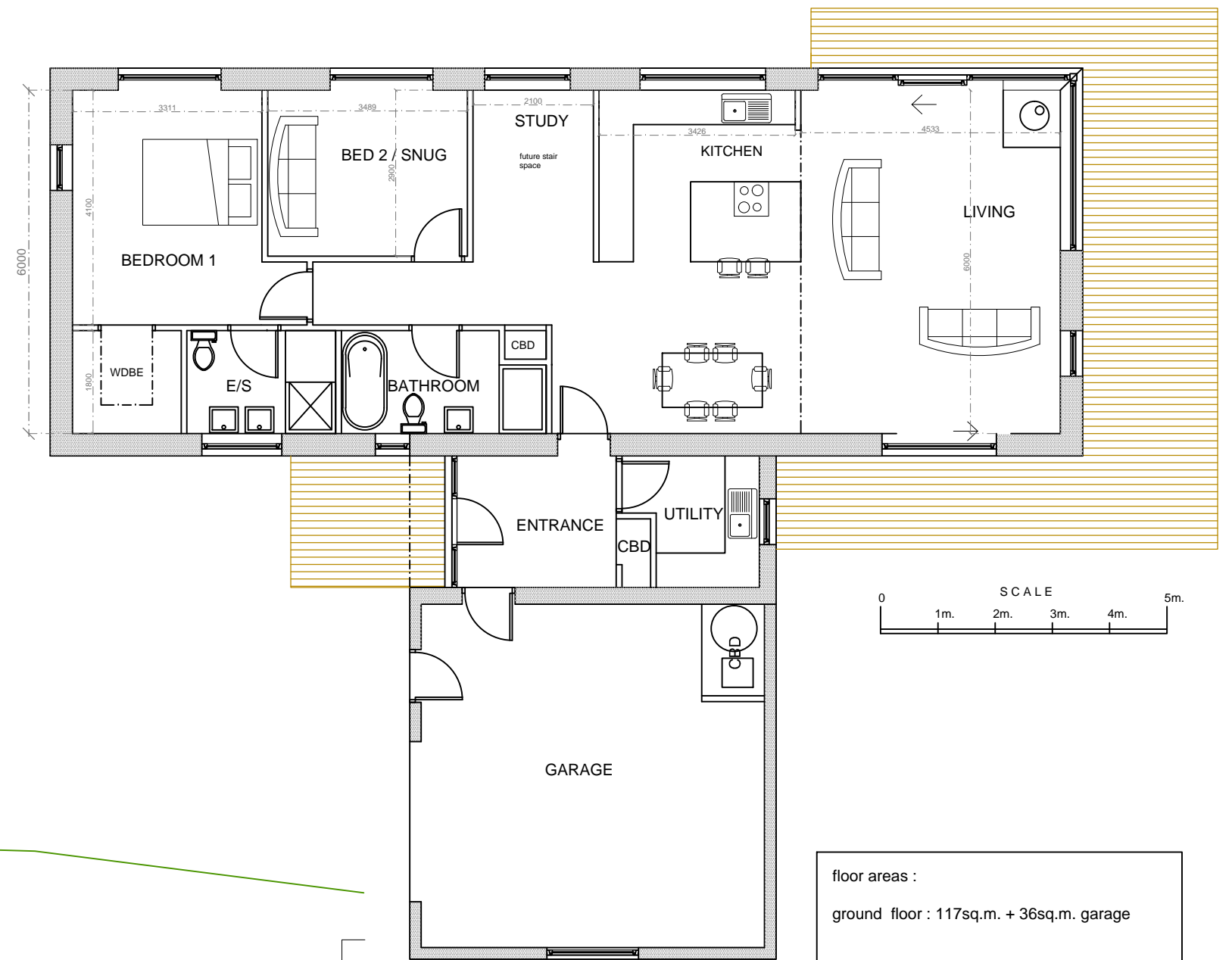
proposed development : teangue : sleat
 for ali sutherland
 scale 1-500@a3
 dwg no. 747-2-001c

gta



grigor-taylor associates
 chartered architect

FLOOR PLAN + SITE SECTIONS



proposed development : teangue : sleat

chartered architect
isle of skye + aberdeenshire
<http://www.grigor-taylorassociates.co.uk>
tansygd@btinternet.com : 07720059219

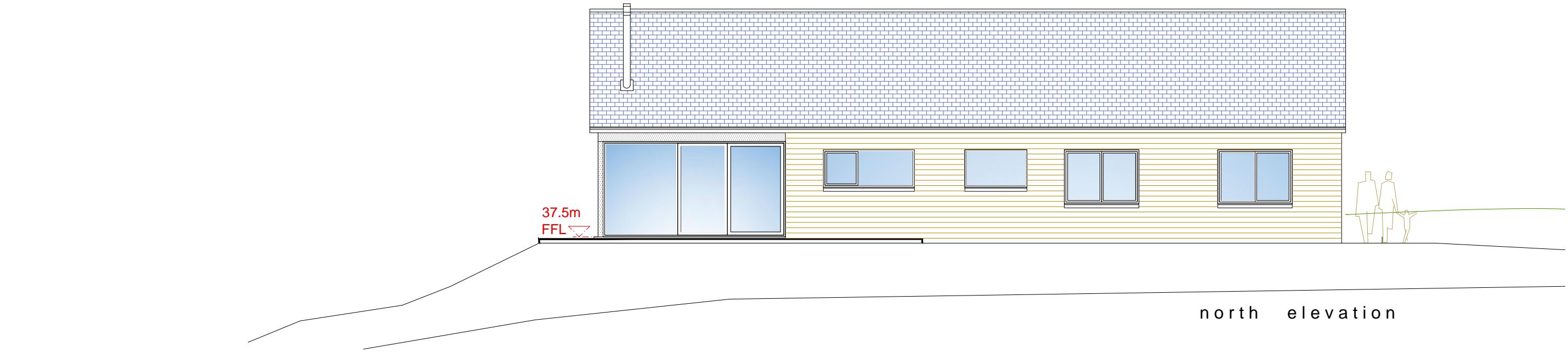
proposed development : teangue : sleat
for ali sutherland
scale 1-100/200@a3
dwg no. 747-2-002c

gta

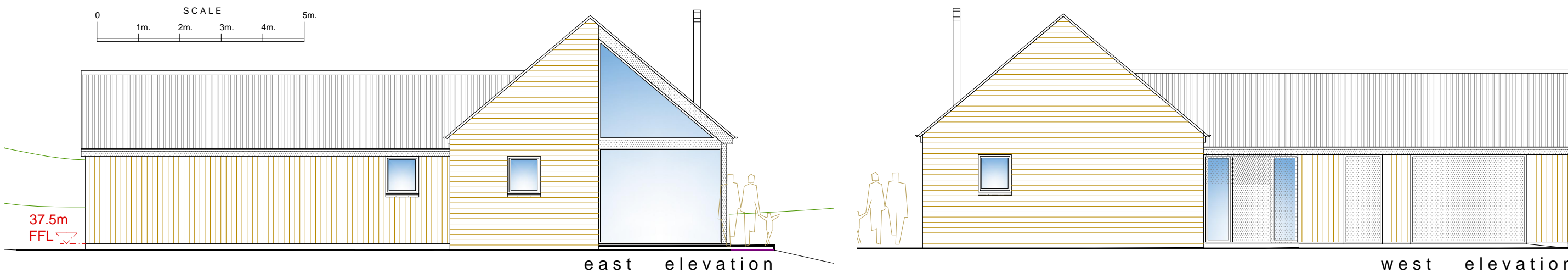


grigor-taylor associates
chartered architect

ELEVATIONS

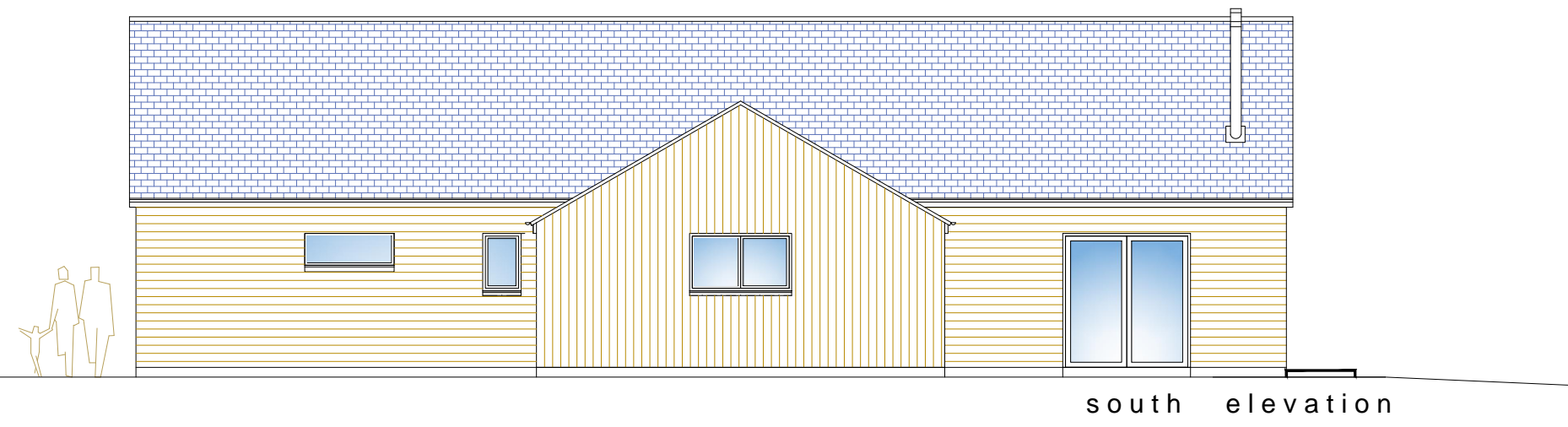


north elevation



east elevation

west elevation



south elevation

proposed development : teangue : sleat

proposed finishes :
 roof - slates / mill finish aluminium sheet
 walls - larchprofiled
 windows - grey timber units

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 tansygd@btinternet.com : 07720059219

proposed development : teangue : sleat
 for ali sutherland
 scale 1-100@a3
 dwg no. 747-2-003a

