

Agenda Item	6.3
Report No	PLN/055/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 10 August 2021
Report Title: 21/01853/FUL: Caroline Clouston
Camerons And Kyleakin Post Office, Kyleakin, Isle Of Skye,
Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Proposed dwelling house to replace existing annexe

Ward: 10 - Eilean A' Cheò

Development category: Local

Reason referred to Committee: 2 Ward Members requested application be referred to the Planning Applications Committee

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.

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks detailed planning permission for a 1½ storey detached dwelling and associated garden shed along with parking provision.
- 1.2 The site is accessed via an existing driveway serving the dwelling 'Seabank' adjacent to the east. The applicant proposes to connect into the existing public sewer and water supply network.
- 1.3 Pre-Application Consultation: Pre-application response 19/05317/PREAPP was generally supportive of a dwelling on the site.
- 1.4 Supporting Information: Design Statement, Topographical Survey, Air Source Heat Pump Specification
- 1.5 Variations: Amended floorplans and elevations – 6 May 2021, amended floorplans, site plan and elevations - 24 June 2021.

2. SITE DESCRIPTION

- 2.1 The application site is part of the extended garden ground of 'Seabank', a 1¾ storey detached traditional dwelling. A small corrugated metal shed annexe, containing a shop unit is currently present on the site, as well as three other garden sheds. The applicant has indicated that this annexe was once used as a post office counter. The site faces onto Kyleakin harbour directly to the south and slopes upward to the north. Coille Bhruach, a two-storey detached dwelling, lies directly to the east.

3. PLANNING HISTORY

- 3 None found

4. PUBLIC PARTICIPATION

- 4.1 Advertised: West Highland Free Press - Unknown Neighbour 14 Days
Date Advertised: 7 May 2021
Representation deadline: 21 May 2021
Timeous representations: 2 from 2 households
Late representations: None
- 4.2 Material considerations raised are summarised as follows:
 - a) Concerns over continuing access over the application site to maintain an adjoining property.
 - b) Concerns that the proposed development does not comply with the Council's flood risk avoidance standards.
 - c) Concerns over the drainage of surface water from the site if developed as proposed.
- 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.

5. CONSULTATIONS

5.1 **Scottish Water:** no objections, advises that there is sufficient capacity in the local water supply and sewer network to service the proposals

5.2 **SEPA: object** in principle to the proposal on flood risk grounds. SEPA consider that the development is likely to put additional people and property at risk of flooding, contrary to Scottish Planning Policy (SPP) and Policy 64 of the Highland wide Local Development Plan (HwLDP). SEPA provided the following detailed advice on flood risk:

1) The proposal does not promote flood avoidance and would be significantly at risk of flooding during a flood event: The Topographic Survey (Drawing No. 418-pl-006) confirms that the ground level at the site is ~3.5mAOD with a proposed finished floor level of 3.88mAOD. This compares with an approximate 200-year flood still level for the area of 4.07mAOD. The current recommended climate change allowance for the area is an additional 0.89m based on the UK Climate Projections 2018. This equates to a recommended level of at least 4.96mAOD which all new development should ideally be above. The development is therefore significantly below the current flood level for the area and nearly 1.5 m below the long-term flood level for the area. It has therefore been demonstrated that the development is at medium to high risk of flooding and does not accord with paragraph 255 of SPP to promote flood avoidance by “locating development away from functional flood plains and medium to high risk areas”. This is also contrary to Policy 64 of the Highland Wide Local Development Plan which states that “Development proposals should avoid areas susceptible to flooding and promote sustainable flood management”.

2) The proposal increases the risk to people and property: In line with SEPA’s Land Use Vulnerability Guidance as referenced in SPP, the proposed development would result in an increase in land use vulnerability. The site is currently considered to be a least vulnerable land use as there is no residential component to the existing building, however the proposed dwelling is considered to be a ‘highly vulnerable’ land use, thereby introducing additional people and property to an area at risk of flooding. As outlined in paragraph 263 of SPP, residential development in medium to high risk areas, such as this, may only be considered where “flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan” which is not the case at this site.

3) Adequate flood free access and egress to/from the site is not feasible: The site is effectively within an ‘island of development’ during a flood event as it is surrounded by low lying land within the coastal flood extent of the SEPA flood map. As such there is no safe flood free route for emergency access and egress to higher ground as is required to be taken into account in line with paragraph 264 of SPP.

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

31 - Developer Contributions

34 - Settlement Development Areas

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

6.2 **West Highland and Islands Local Development Plan (2019) (WestPlan):**

No site-specific policies apply

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Council Supplementary Planning Policy Guidance**

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

Developer Contributions (March 2013)

Flood Risk & Drainage Impact Assessment (Jan 2013)

Managing Waste in New Developments (March 2013)

Sustainable Design Guide (Jan 2013)

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy 2014 (as revised 2020)

Paragraphs 254 – 268 outline the planning policy context regarding development and flood risk.

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 and other planning policy
- b) any other material considerations.

Development Plan

8.4 The application site is located within the Settlement Development Area (SDA) and so Policy 34 of the Highland-wide Local Development Plan (HwLDP) applies. Policy 34 supports development proposals if they are not judged to be significantly detrimental in terms of the following matters: siting and design, pattern of development, and servicing, particularly roads. Policy 28 requires proposed developments to be compatible with public service provision, including water, sewerage, drainage, roads and electricity. Policy 29 repeats the emphasis on good design in terms of compatibility with the local landscape setting and in terms of place making. Policy 31 requires an assessment against the Developer Contributions policy. Policy 64 requires proposals to be assessed to the extent that

they are at risk of or could exacerbate flooding. Policies 65 and 66 require foul and surface water drainage to meet standards that minimise the risk of pollution and flooding.

Main material consideration

- 8.5 The application site is located in an area designated as at risk of 1 in 200-year and 1 in 1000-year coastal flooding events, as defined by the SEPA maps. As discussed in more detail in the SEPA consultation response at 5.2 above, the proposed dwelling would be at significant risk of flooding during such an event. The amended drawings propose a finished floor level of 4.07mAOD (Above Ordnance Datum). However, this is well below the climate change allowance recommended for the area of 4.96mAOD, by almost 1 metre, which would cause significant risk for the occupants were a flood event to occur.

As the proposal also represents a change of use of the immediate application site from a shop to a house, it introduces a more vulnerable land use. Given the position of the site on and surrounded by low lying land, within the extent of the SEPA coastal flood risk map, the site effectively constitutes an island of development. Thus, adequate dry access and escape routes from the proposed property would not be available during a flood event.

The proposals are thus contrary to HwLDP Policy 64 in that they fail to avoid areas susceptible to flooding and promote sustainable flood management. They are also considered contrary to the direction on flood risk contained in Scottish Planning Policy 2014 (as revised 2020). As outlined in paragraph 263, residential development in medium to high risk areas, such as this, may only be considered where “flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan”. There are currently no such measures proposed for the area surrounding this site.

As a result of the surrounding topography, the proposals cannot provide safe dry access to higher ground in a flood event, contrary to paragraph 264 of the relevant considerations in Scottish Planning Policy 2014 (as revised 2020).

Other Material Considerations

- 8.6 Due to the siting, design and orientation of the proposed dwelling, no loss of sunlight or daylight concerns are raised regarding the surrounding properties, with any overshadowing likely to fall mainly within the application site, to the north.

The house design and proposed materials are considered otherwise appropriate within the setting of the village harbour front.

No direct window to window loss of privacy issues are raised by the proposal and the rooflights incorporated in the first floor are considered suitable to allow for light while avoiding harmful overlooking of the remaining private rear garden ground of ‘Seabank’ and ‘Coille Bhurich’, the immediate neighbours.

The proposals allow for some 220m² of private rear garden ground, which is considered adequate for a property of this size. The applicant has shown how vehicle turning space and two standard parking spaces as well as a further

accessible space can be provided within the site, which is an adequate level of provision for the three-bedroom property proposed. Suitable space is available within the application site for storage of refuse bins, in accordance with the Managing Waste in New Developments guidance.

The applicant proposes surface water drainage to connect into the public sewer network: should the proposal be otherwise approved, this will be a matter for the applicant to gain the requisite approval from Scottish Water, otherwise, an on-site soakaway will be required.

Non-material Considerations

- 8.7 The representation comments raised the issue of disruption to local business during the construction phase of the proposed development. The issue of construction hours and noise generating activities mentioned in the representation comments would otherwise be regulated by the Council's Environmental Health Service under the Control of Pollution Act 1974 which proscribes restrictions to both matters.

Developer Contributions

- 8.8 Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements. The proposal is within the school catchment area of Plockton High School and Kyleakin Primary. As neither school currently has identified capacity constraints, developer contributions are not required.

Referral to the Scottish Ministers

- 8.9 Should planning approval otherwise be granted, this application will require to be notified to the Scottish Ministers, under Category 2 of Planning Circular 3 2009, pursuant to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009. This is due to the objection of SEPA to the proposals, in its role as a national government agency.

Elected Member Interest

- 8.10 The applicant has confirmed that their partner is a Highland Council Elected Member.

9. CONCLUSION

- 9.1 The proposals fail to demonstrate that the proposed development can be satisfactorily accommodated on the application site. Specifically, the proposed dwelling is contrary to Highland-wide Local Development Plan (HwLDP) Policy 64 as it fails to avoid areas susceptible to flooding and promote sustainable flood management, being located below the appropriate flood level, with climate change component for the area, of 4.96mAOD. The proposals are also contrary to the direction on flood risk contained in Scottish Planning Policy 2014 (as revised 2020) as there are no operational, consented or planned flood protection measures in the area and no safe, dry access can be maintained in the event of a flood emergency.

The SEPA objection has been discussed in detail with the agent. The planning service has advised the agent of the option of progressing the additional accommodation sought as an extension to the existing property 'Seabank', rather

than as a separate dwelling. The reason for this advice is that under the SEPA/Highland Council Joint Working Procedure and Standing Advice on Flood Risk, such an extension would not be regarded as generating greater risk to life from flooding than the existing situation. It would not introduce a greater number of residents into the flood risk zone in the way that a new stand-alone house would. Consequently, an application based upon an extension would not require formal consultation with SEPA. The applicant has the current application be determined as submitted .

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

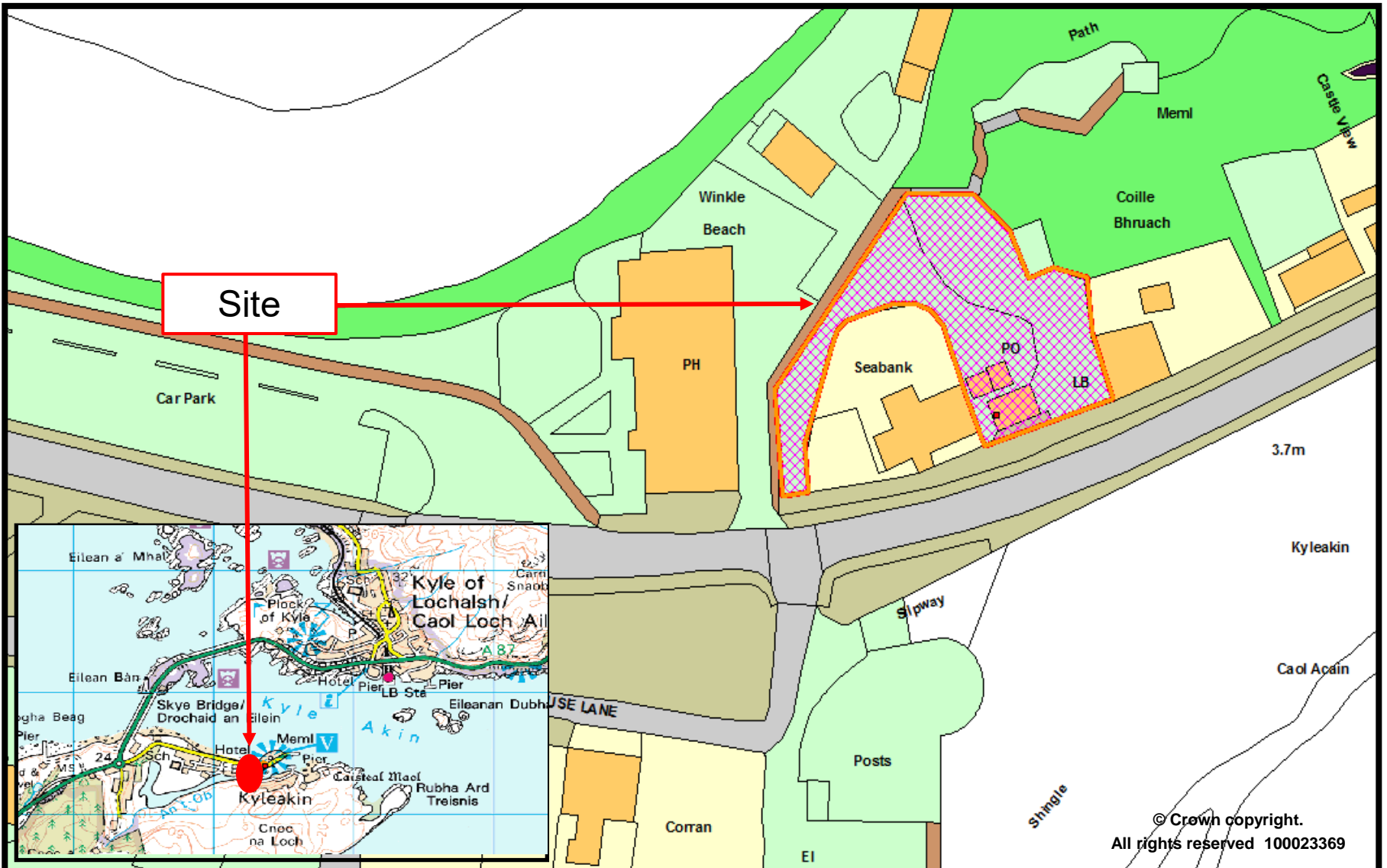
The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

1.	The amended scheme fails to demonstrate that the proposed development can be satisfactorily accommodated on the application site and will increase the risk to people and property. Specifically, the proposed dwelling is contrary to Highland wide Local Development Plan (HwLDP) Policy 64 as it fails to avoid areas susceptible to flooding and promote sustainable flood management, being located below the appropriate flood level, with climate change component for the area, of 4.96mAOD. The proposals are also contrary to the direction on flood risk contained in Scottish Planning Policy 2014 (as revised 2020) as there are no operational, consented or planned flood protection measures in the area and no safe, dry access can be maintained in the event of a flood emergency.
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Designation: Acting Head of Development Management – Highland
 Author: Michael Kordas
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans:

- Plan 1 418-PL-002A PROPOSED SITE LAYOUT PLAN
- Plan 2 418-PL-102 PROPOSED FIRST FLOOR PLAN
- Plan 3 418-PL-101A PROPOSED GROUND FLOOR PLAN
- Plan 4 - 418-PL-121 PROPOSED SECTION PLAN
- Plan 5 - 418-PL-201 PROPOSED SHED FLOOR/ELEVATION PLAN
- Plan 6 - 418-PL-111A PROPOSED ELEVATION PLAN
- Plan 7 - 418-PL-004A PROPOSED ELEVATION PLAN



The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

Location Plan
21/01853/FUL

Proposed dwelling house to replace existing annexe

August 2021



Scale:

NOTES:
 1. Do not scale from drawings, if in doubt seek clarification from architect.

General Notes

Access Track
 100mm compacted gravel/whin dust or marble topping on 200mm compacted sub-base comprising locally found material where possible

Parking Bay
 40mm gravel on 200mm compacted sub-base comprising locally found material where possible

Water Supply
 25mm supply pipe laid at a depth of 750-1350mm to connect to public water supply.

Electricity Supply
 16kva single phase underground connection to network subject to SSE quote

Foul Drainage
 To be connected to mains drainage network via disconnection chamber

Rainwater
 To be connected to mains drainage network via disconnection chamber

Fire Access
 - Minimum width of road between kerbs 3.7m
 - Minimum width of gateways 3.5m
 - Minimum clearance height 4.0m
 - Minimum turning circle between kerbs 26.0m
 - Minimum turning circle between walls 29.0m
 - Minimum axle loading 14 tonnes

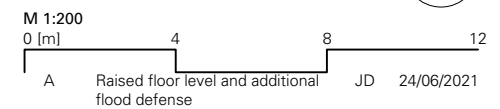
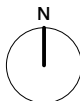
Vehicle access route provided to within 45m of the entrance door.

In order to allow unobstructed access to a building for fire and rescue service personnel, a paved (or equivalent) footpath at least 900mm wide should be provided to the principal entrance, or entrances, of a building.

Every elevation which is provided with vehicle or pedestrian access for fire and rescue service personnel, should have a door giving access to the interior of the building.

Flood defence
 Waterproof render onto Blockwork wave action defence wall to a height of 4.96m, constructed along length of front boundary. Gated sliding barriers to be installed at all wall openings.

- KEY**
- proposed boundary for new dwelling
 - client ownership boundary
 - - - proposed new boundary for existing dwelling



REV	DESCRIPTION	BY	DATE
A	Raised floor level and additional flood defense	JD	24/06/2021

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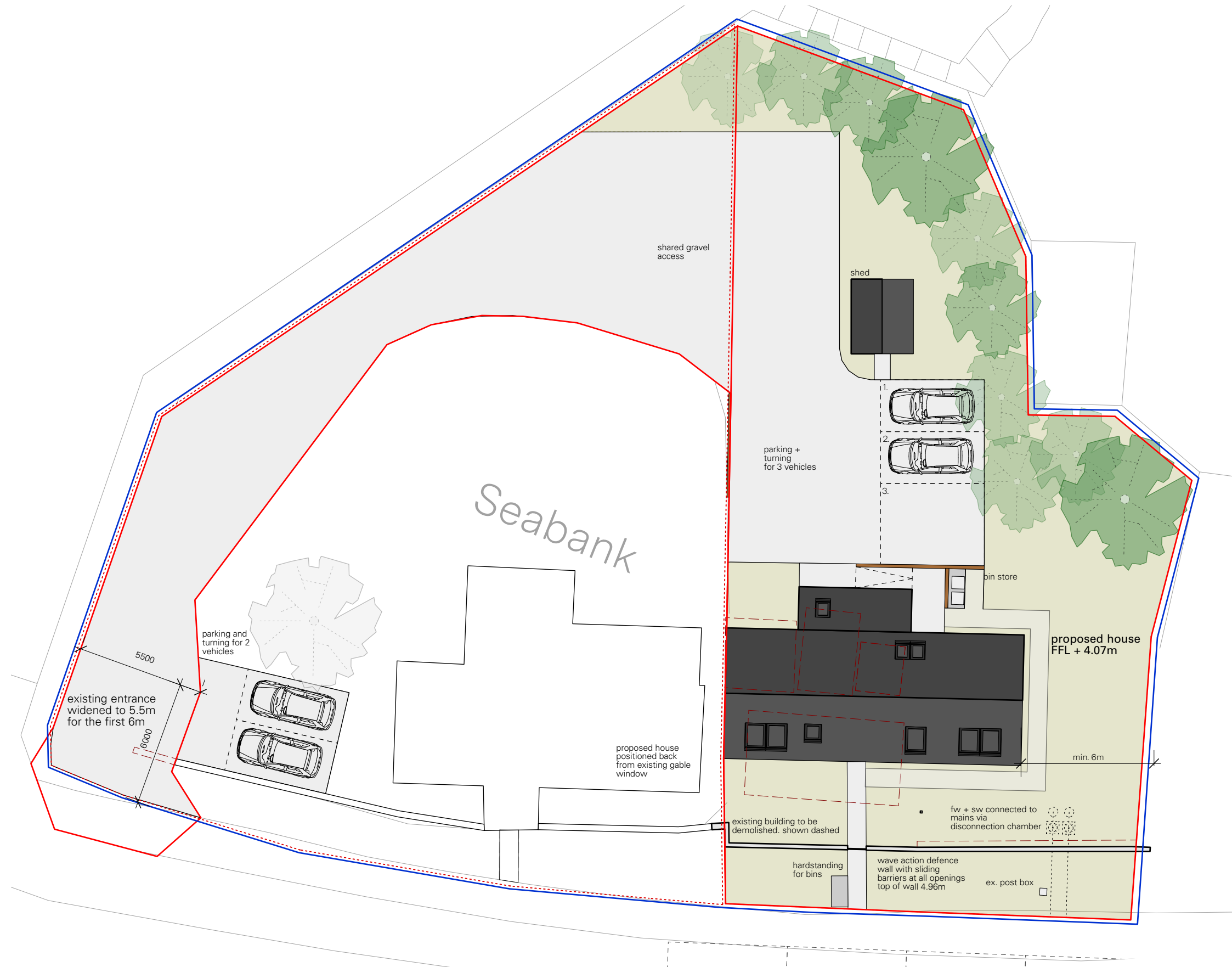
Project: Proposed Replacement Building, Kyleakin

Client: Caroline Clouston

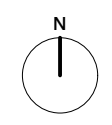
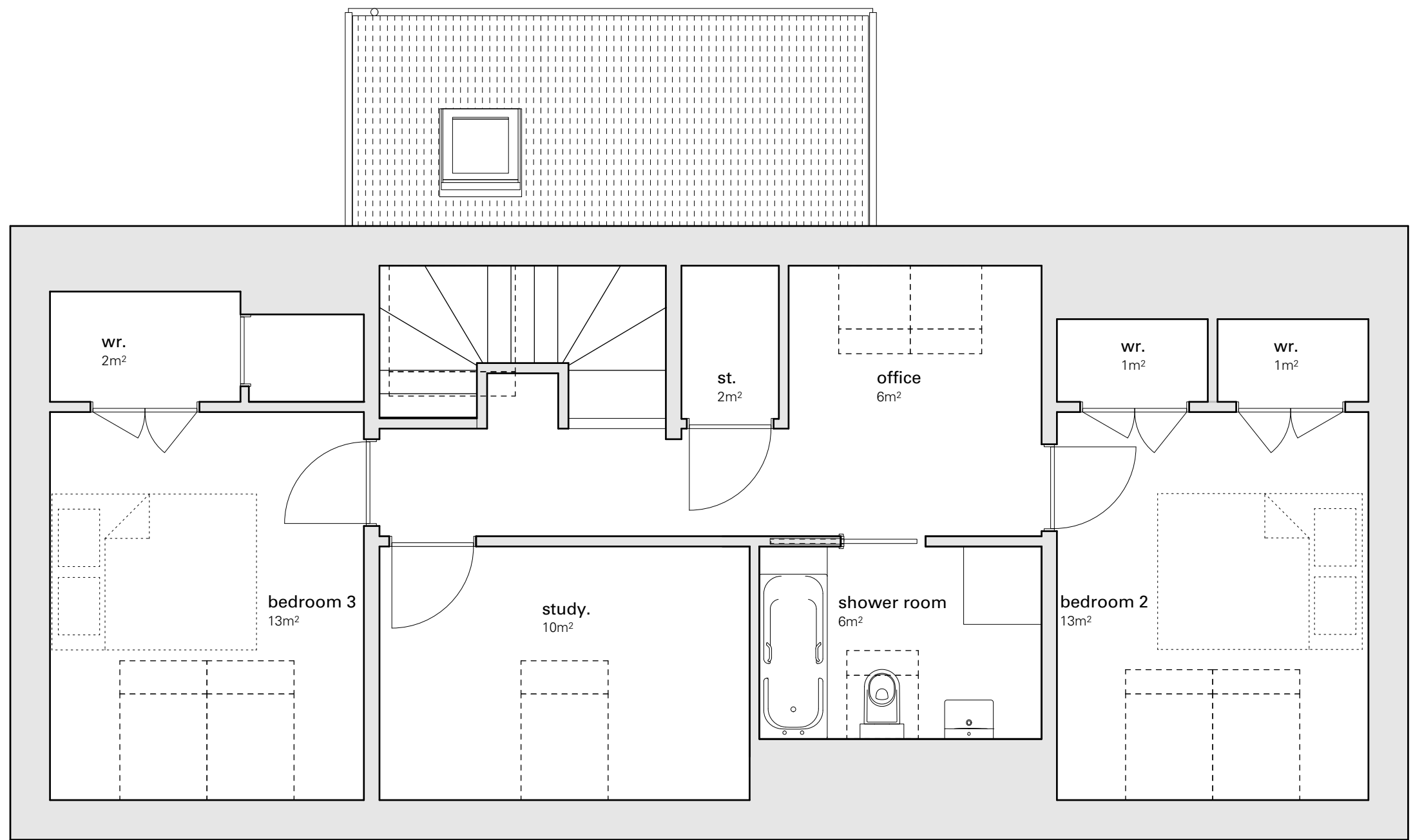
Drawing: Proposed site plan

Scale: 1:200	Drawn: JD	Checked: AD
Status: Planning	Date: Mar.2021	REV: A

Drawing No: **418-pl-002A**



NOTES:
 1. Do not scale from drawings, if in doubt seek clarification from architect.



REV	DESCRIPTION	BY	DATE
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Project: Proposed R3E at Kyleakin

Client: Caroline Clouston

Drawing: Proposed first floor plan

Scale: 1:50 @A3	Drawn: JD	Checked: AD
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Status: Planning	Date: Mar.2021	REV:
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Drawing No: **418-pl-102**

NOTES:
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General Notes

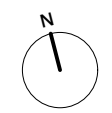
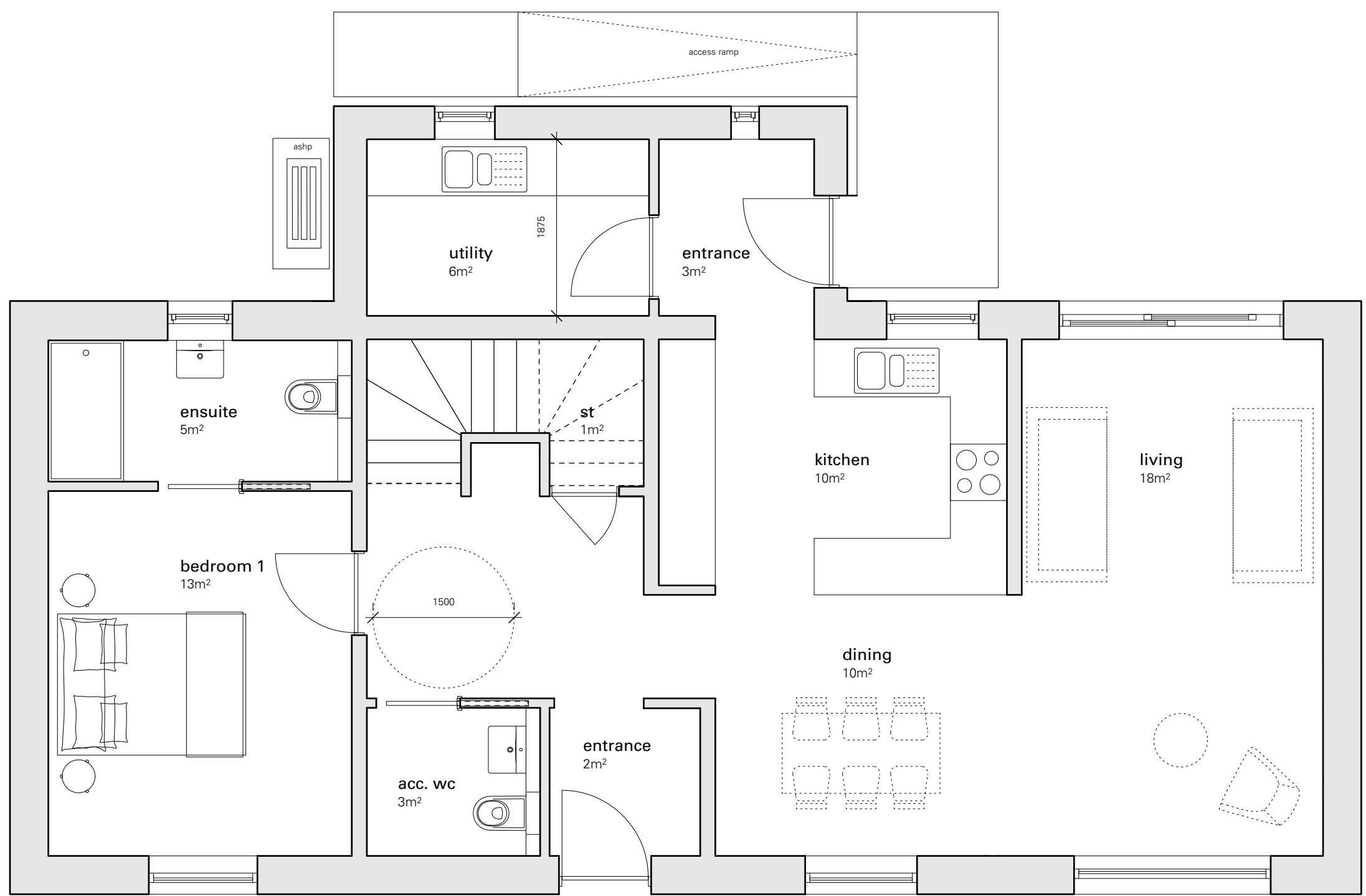
Flood Defence
 Waterproof render onto Blockwork wave action defence wall to a height of 4.96m, constructed along length of front boundary. Gated sliding barriers to be installed at all wall openings.

Sliding metal flood defence barriers to be installed at all ground floor openings, up to a height of 4.96m.

Interior
 Ground floor to be tiled throughout.

All electrical services to be installed from above and positioned at high level. Service penetration through the ground floor slab to be waterproofed and sealed.

Moisture resistant plasterboard to be used throughout the ground floor.



A	Additional flood defence measures	JD	24/06/2021
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REV	DESCRIPTION	BY	DATE
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Project: Proposed R3E at Kyleakin

Client: Caroline Clouston

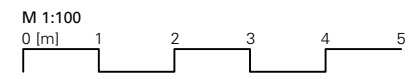
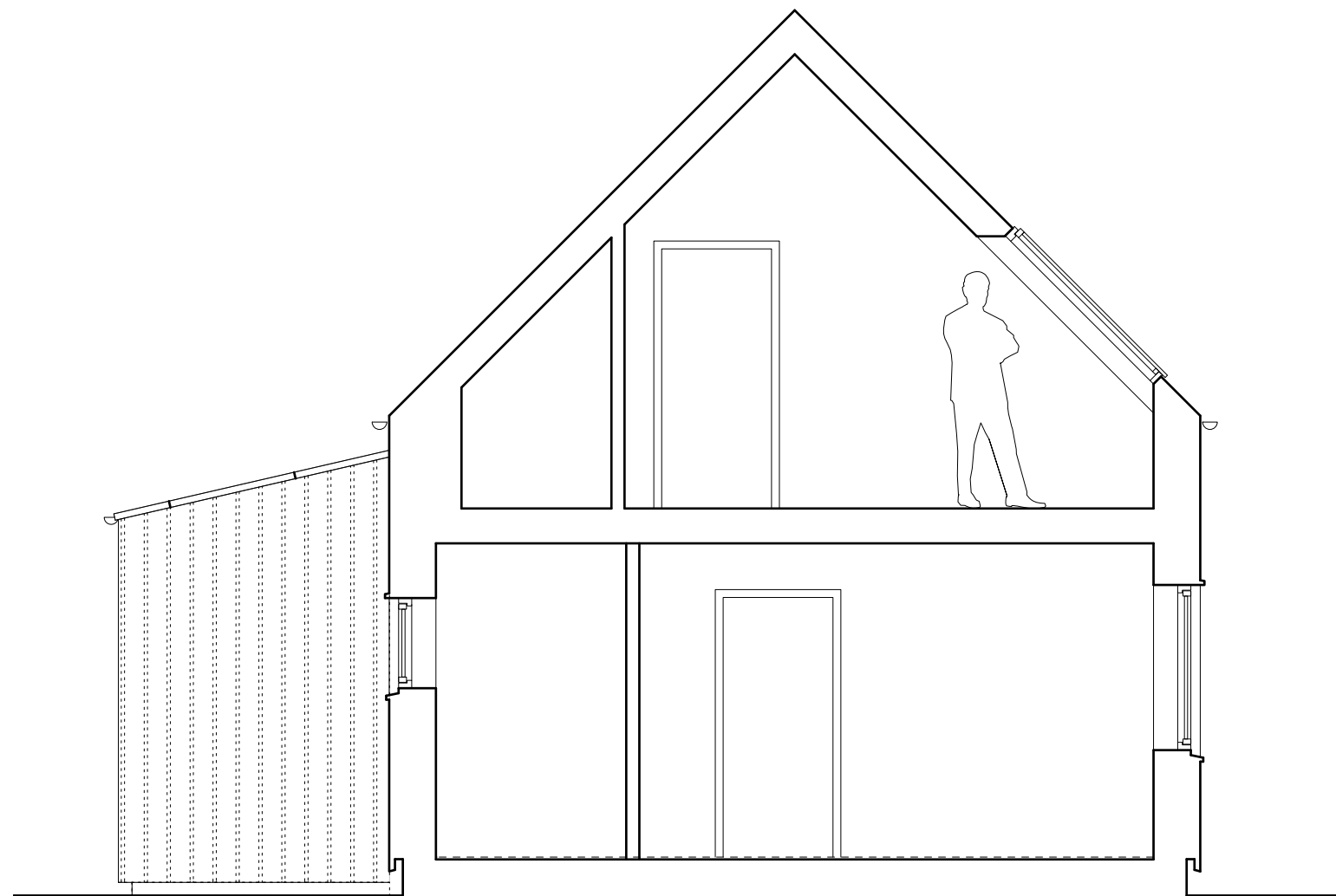
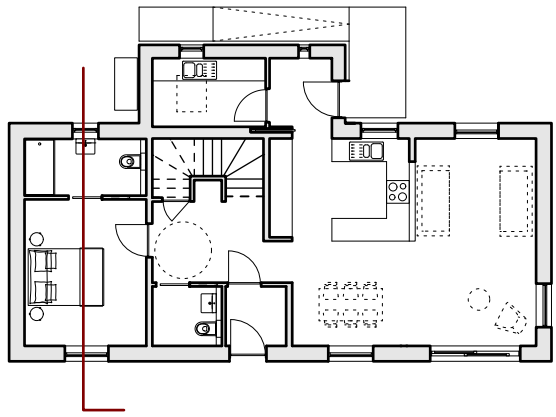
Drawing: Proposed ground floor plan

Scale: 1:50 @A3	Drawn: JD	Checked: AD
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Status: Planning	Date: Nov.20	REV: A
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Drawing No: **418-pl-101A**

NOTES:
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REV	DESCRIPTION	BY	DATE
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Project: Proposed R3E at Kyleakin

Client: Caroline Clouston

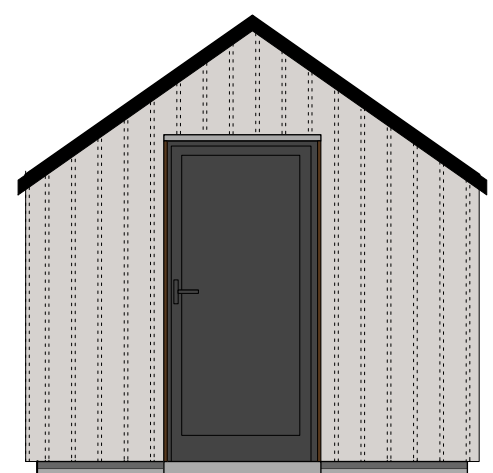
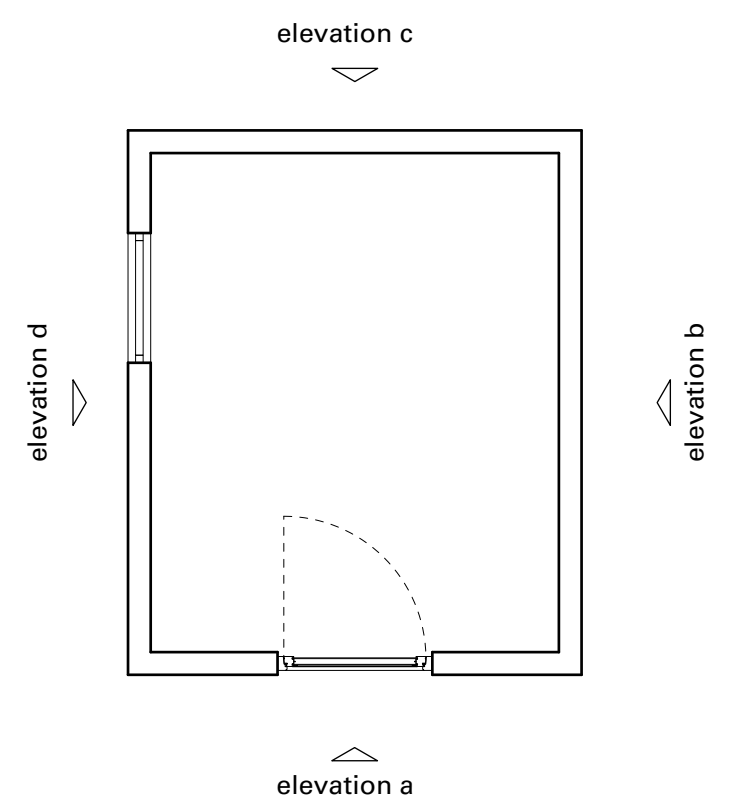
Drawing: Proposed Section

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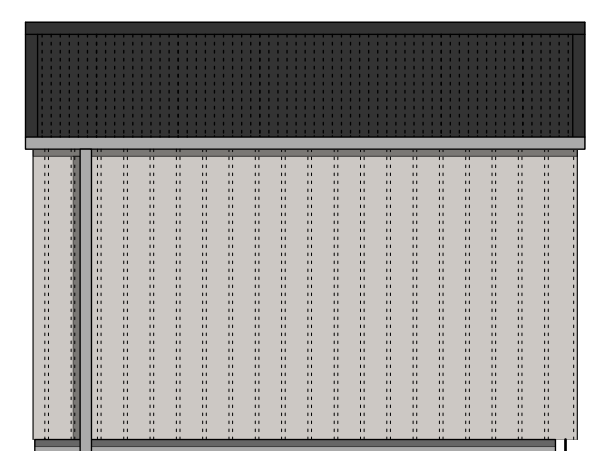
Status: Planning	Date: Mar.2021	REV:
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Drawing No: **418-pl-121**

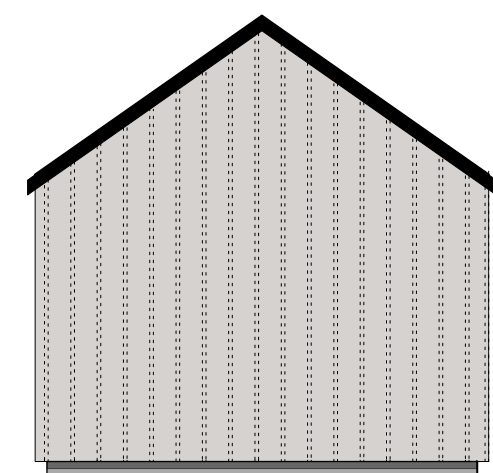
NOTES:
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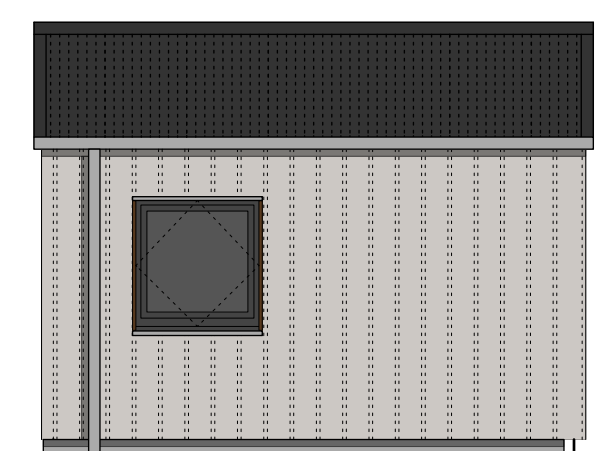
Elevation a



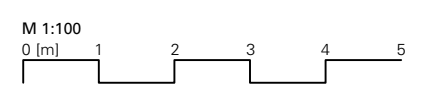
Elevation b



Elevation c



Elevation d



REV	DESCRIPTION	BY	DATE

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Project: Proposed R3E at Kyleakin

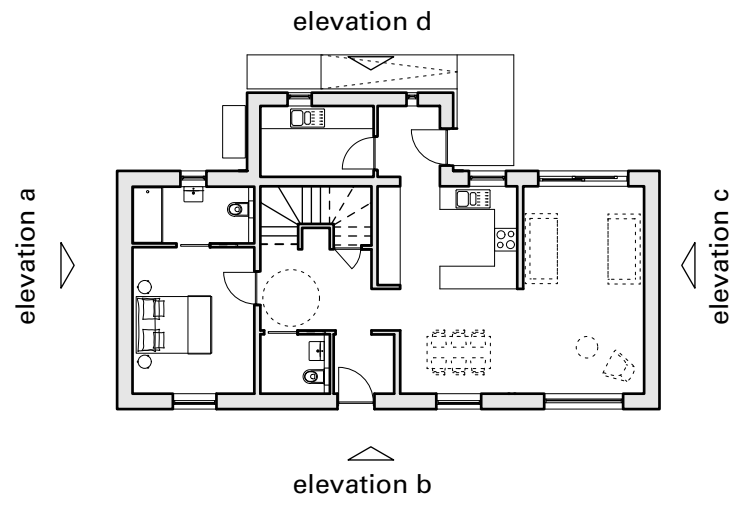
Client: Caroline Clouston

Drawing: Proposed Shed

Scale: 1:100 @A3	Drawn: JD	Checked: AD
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Status: Planning	Date: Apr.21	REV:
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Drawing No: **418-pl-201**



NOTES:
 1. Do not scale from drawings, if in doubt seek clarification from architect.

General Notes

Flood Defence
 Waterproof render onto Blockwork wave action defence wall to a height of 4.96m, constructed along length of front boundary. Gated sliding barriers to be installed at all wall openings.

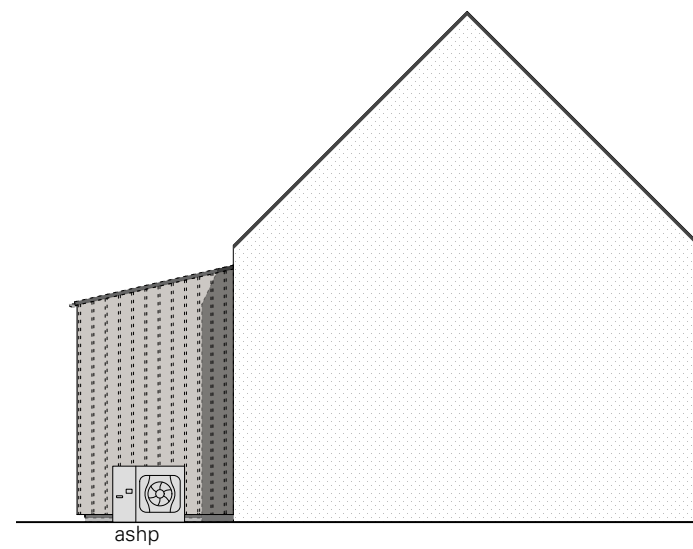
Sliding metal flood defence barriers to be installed at all ground floor openings, up to a height of 4.96m.

Interior

Ground floor to be tiled throughout.

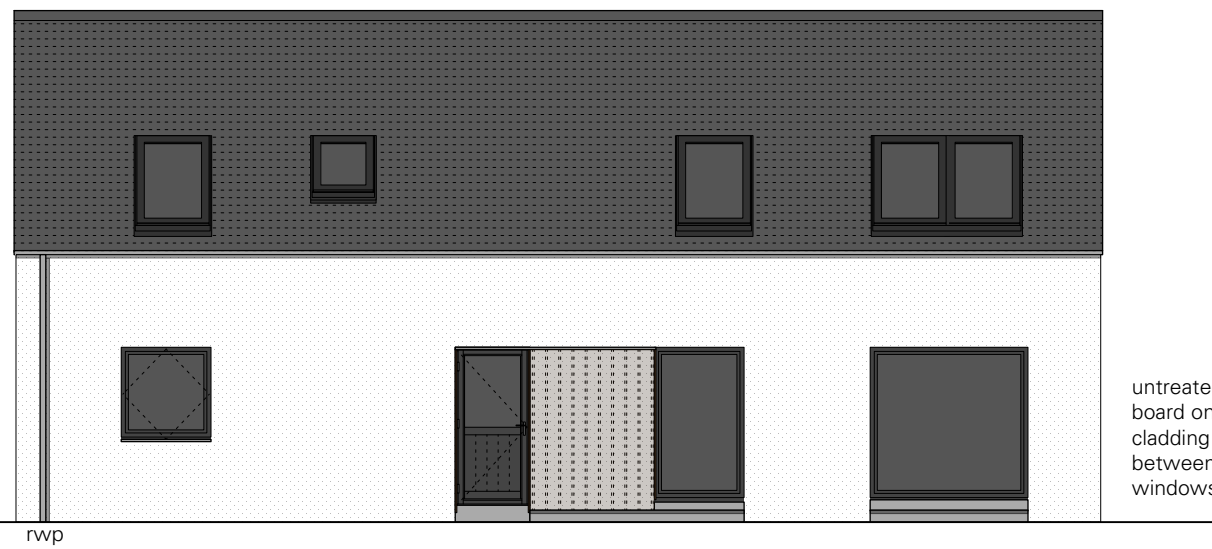
All electrical services to be installed from above and positioned at high level. Service penetration through the ground floor slab to be waterproofed and sealed.

Moisture resistant plasterboard to be used throughout the ground floor.

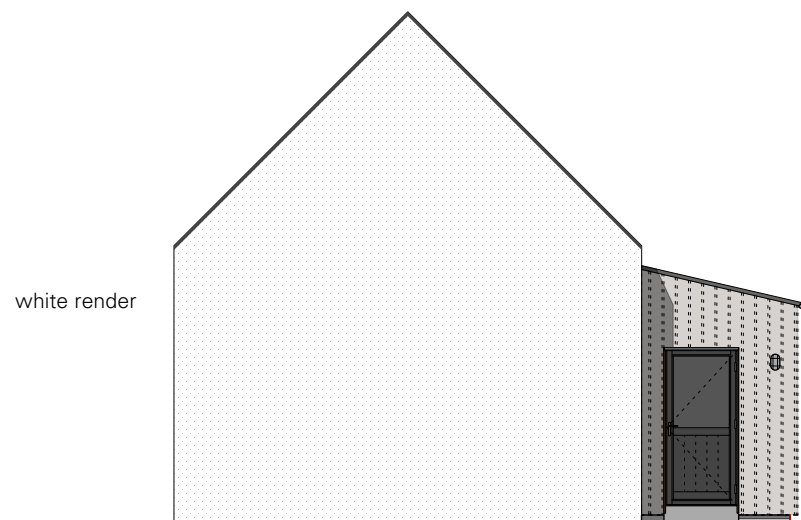


Elevation a

natural slate
 lindab rainline rainwater goods
 white render
 aluminium clad windows and doors

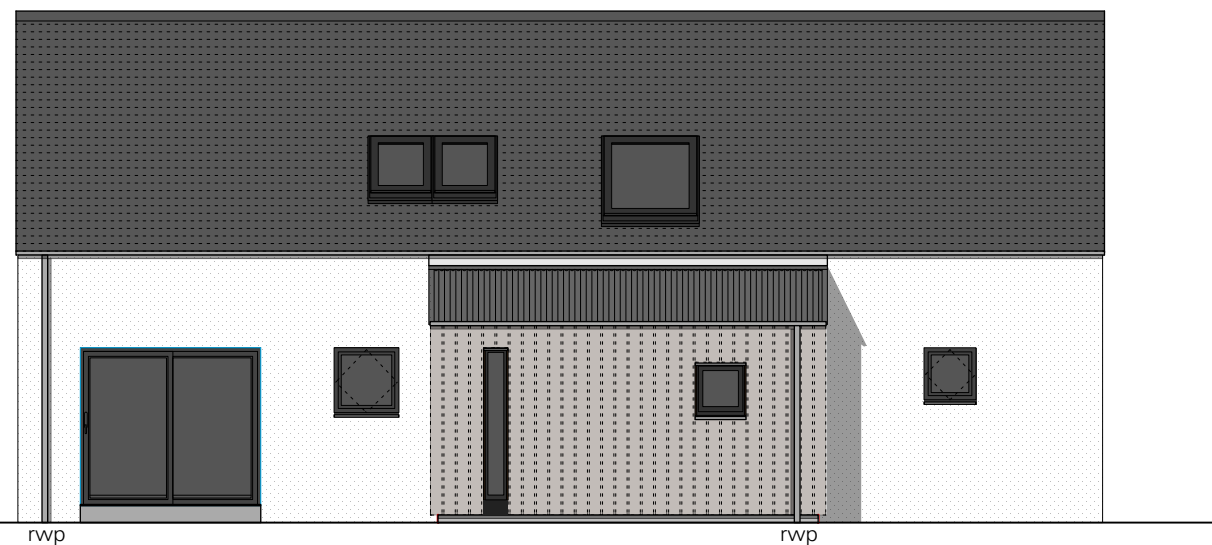


Elevation b



Elevation c

natural slate
 lindab rainline rainwater goods
 untreated larch board on board cladding between windows



Elevation d

M 1:100
 0 [m] 1 2 3 4 5

A	Additional flood defence measures	JD	24/06/2021
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REV	DESCRIPTION	BY	DATE
A	Additional flood defence measures	JD	24/06/2021

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Project: Proposed R3E at Kyleakin

Client: Caroline Clouston

Drawing: Proposed Elevations

Scale: 1:100 @A3	Drawn: JD	Checked: AD
Status: Planning	Date: Nov.20	REV: A

Drawing No: **418-pl-111A**

NOTES:
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existing street elevation



proposed street elevation



A	Additional flood defence measures	JD	24/06/2021
REV	DESCRIPTION	BY	DATE

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Project: Proposed Replacement Building, Kyleakin

Client: Caroline Clouston

Drawing: Proposed street elevation

Scale: 1:200	Drawn: JD	Checked: AD
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Status: Planning	Date: Mar.2021	REV: A
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Drawing No: **418-pl-004A**