

Agenda Item	7.14
Report No	PLN/039/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 April 2022

Report Title: 21/05603/FUL: Mr and Mrs McGlinn
Braetongue Croft
40 Brae Tongue
Tongue

Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Erection of new house and two holiday lodges, retrospective upgrading of access and installation of drainage system

Ward: 01 – North, West and Central Sutherland

Development category: Local

Reason referred to Committee: Application ‘called in’ by Ward Members.

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 It is proposed to erect a dwelling and two lodges for holiday letting purposes with associated accesses and infrastructure across an extensive site measuring just under 2 hectares. The proposed dwelling would have a footprint of 11 x 17 metres, with a total height of approximately 5 metres (excluding a black flue exceeding the roof ridge by approximately 0.7 metres). Externally, each gable end would be clad with horizontal natural larch timber, with side walls finished with vertical dark grey larch timber cladding. Aluminium dark grey rainwater goods would complement anthracite grey uPVC doors and windows. Roofing would be of Spanish slate heavy-gauge tiles, with several rooflights and solar PV panels in addition.
- 1.2 Two identical lodges for short-term commercial holiday let use are proposed. Each would contain an open-plan kitchen/living/dining area with adjoining external deck, cupboard and bedroom with en-suite shower room. Their footprints would measure approximately 7.75 x 8.25 metres, with a roof ridge height of under 5 metres (excluding a black flue exceeding the roof ridge by under 0.7 metres). Their external materials would copy those of the main house.
- 1.3 It is proposed to have two access points into the site, the A836 to the east and the C1086 to the west with a new road having been formed which traverses the site through its centre. There was an existing access to the west which has been upgraded, however the access to the east and the road itself were formed without planning permission.
- 1.4 The site comprises a registered croft. An existing agricultural building stands in the site's western portion, with planning permission for an additional agricultural building sited adjacent to it.
- 1.5 Pre-Application Consultation: None.
- 1.6 Supporting Information: Design Statement; Photomontage; Private Access Checklist; evidence of demand for tourist accommodation submitted via email.
- 1.7 Variations:
 - 25 March 2022: PL03 REV B; Proposed Site Layout Plan – garden ground outlined, existing tree included, proposed screen planting augmented.
 - 25 March 2022: PL04 REV A; Proposed Drainage Layout Plan – garden ground outlined, existing tree included.

2. SITE DESCRIPTION

- 2.1 The application site is located almost immediately east of the village of Tongue and is located within Kyle of Tongue National Scenic Area and comprises a registered croft. The site measures an extensive 1.94 hectares in area and has a broadly rectangular boundary, orientated on an approximate east-west axis. It is bound to its east by the A836 road and to its west the C1086 road; Tongue Village Hall abuts its western boundary. Core Path SU24.08, which connects Tongue Village Hall and Tongue Medical Practice, lies to the application site's west. Two residential properties are located directly east of the application site, with 'Lupin Cottage' a short distance to its south. Several trees are located along the application site's southern boundary; most notable are two individual trees located at the site's centre, in proximity to the proposed dwelling. The application site is subject to a steep gradient, rising steeply and steadily towards its eastern edge.

2.2 The site has however been cleared and a winding access track with swales has been laid along the length of the application site. A small building towards the application site's western entrance is the subject of 06/00259/AGRSU. The clearing of the site for residential purposes and the formation of access tracks are both unauthorised and represent a breach in planning control. The visual impact of these unauthorised works is discussed in the planning assessment.

3. PLANNING HISTORY

13.08.2021	20/05119/FUL erection of house, formation of access tracks	Application Withdrawn
28.05.2021	21/01976/PNO erection of agricultural building	Prior Approval Not Required
20.07.2006	06/00259/AGRSU erection of wooden building for agricultural purposes	Prior Approval Not Required
05.05.2006	06/00121/REMSU erection of dwelling house. Installation of domestic wind turbine. Formation of new access onto Brae Kirkiboll public road	Application Permitted
25.11.2005	05/00328/OUTSU erection of dwelling house. Formation of new access onto Brae Kirkiboll public road	Application Permitted

4. PUBLIC PARTICIPATION

4.1 Advertised: Northern Times – 'Unknown Neighbour' (14 Days)

Date Advertised: 14.01.2022

Representation deadline: 28.01.2022

Timeous representations: None.

Late representations: None.

4.2 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 Access Officer: no response received.

5.2 Transport Planning Team: objection lodged.

The Transport Planning Team objects to this application on road safety grounds as the access from the C1086 is substandard.

The proposed site layout drawing (no.PL03 Rev -) shows two accesses to the site with a new through road connecting the C1086 and the A836. The applicant has not provided any justification as to why two access points into the site are required.

The existing access from the C1086 has extremely poor visibility and is substandard. The site layout drawing states that the Y distances from the access are 215 metres but the actual splays are approximately 40 metres in both directions. This is well below the 90 metres required for a 30mph road.

To the north, a 90-metr splay is unachievable as the existing hall is within the splay as well as walls and hedges. To the south the required splay is also unachievable due to the vertical geometry of the road.

As this access onto the C1806 has such poor visibility, the Transport Planning Team will not support any intensification of use here and therefore object to this application. In addition, due to the steeply sloping site, it will be extremely difficult for the applicant to provide any effective drainage provision to prevent surface water flowing onto the public road, causing further road safety issues, especially during the winter months.

The applicant has created a new access from the A836. Colleagues in the local area roads team have confirmed that no permission was sought for the creation of the new access taken from an existing passing place.

The drawing states that visibility splays of X to be 2.4 metres and Y to be 215 metres are achievable from this access, but the full extent of the visibility splays has not been shown. However, given the nature of the A836 in this location i.e., a flat, straight road, visibility from the new access is considered to be acceptable and therefore the Transport Planning Team would not object to this access being formally upgraded to provide access into the site. The drawing states that this access would be upgraded to an SDB2 service layby which is acceptable.

For the holiday lodges, one car parking space per bedroom will be required. Sufficient turning areas are required to ensure that vehicles can access and egress the site in forward gear.

Should planning permission be granted, the applicant will need to apply for a retrospective Road Opening Permit to formalise the access that has been created without permission and to form the SDB2 service bay.

5.3 The Crofting Commission has been consulted and its views are awaited.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan (2012) Policies:

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 43 - Tourism
- 44 - Tourist Accommodation
- 47 - Safeguarding Inbye/Apportioned Croftland
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 77 - Public Access

6.2 Caithness and Sutherland Local Development Plan (CaSPlan) (2018) Policies:

The site lies outwith the Tongue Settlement Development Area.

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)

Physical Constraints (March 2013)

Roads and Transport Guidelines for New Developments (May 2013)

Rural Housing (December 2021)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (2014)

National Development Plan for Crofting (Scottish Government, 2021)

'The Special Qualities of the National Scenic Areas', Commissioned Report No. 374 (NatureScot (formerly SNH), 2010)

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) Siting and Design
- c) Road Safety; Access; Parking
- d) Flood Risk and Drainage
- e) Trees

Development plan/other planning policy

8.4 The application requires to be assessed primarily against Policies 36 and 44 of the Highland-wide Local Development Plan pertaining to new housing and tourist accommodation respectively. Owing to the site's location within the Kyle of Tongue National Scenic Area, Policy 57 is also pertinent to the assessment. For features of national importance the Policy notes that the Council will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. Finally Policy 47 regarding Croft Land is also notable in the assessment.

- 8.5 Whilst the site is outwith the Settlement Development Area for Tongue, the placemaking priorities for its future development note that future development should reinforce and complement the existing village setting, which is formed in a north-south oriented linear pattern across the hillside facing the Kyle.

The application is considered in terms of the above policy context below:

Siting and Design

- 8.6 The proposed development's siting is orientated on an approximate east-west axis which discords with Tongue's existing north-south linear settlement pattern therefore it does not complement Tongue's settlement pattern by virtue of its siting. As such the proposed development would dilute Tongue's linear character to an extent, eroding one of its National Scenic Area's special qualities and it therefore conflicts with Policies 36 and 57 of the Highland-wide Local Development Plan.
- 8.7 It is proposed to site a dwelling centrally within the application site, with two lodges located towards the site's southern boundary, in excess of 45 metres' distance south-west from the dwelling. Lodges would be sited at least 35 metres' distance from an existing storage building and adjacent site of a permitted (21/01976/PNO) but as yet unbuilt agricultural building. Cumulatively, buildings would appear dispersed throughout the application site – only its eastern section would remain undeveloped (discounting the presence of an access track which carves its way through the entirety of the site in an undulating manner). This is unable to be supported as it represents neither a best use of croft land, nor would it be respectful of Tongue's settlement pattern. The proposed development therefore conflicts with Policy 36. The proposed layout has been justified by the applicant by referring to nearby 'Lupin Cottage'. This house is a traditional house which is vacant and is the only example of such an arrangement between the A836 and the A838/ C1806, (Ordnance Survey maps c. 1900 depict a building in this location), an outlier in its designated landscape rather than a pattern to be followed by the proposed development.
- 8.8 The proposed development's design is not of inadequate quality, but it is considered that its adoption of 'agricultural' forms for both the house and lodges is misconceived in a National Scenic Area. The proposed development's 22.5° roof pitches and wide rectangular footprints reference agricultural buildings although such buildings are not overly common in the immediate area (none are apparent within a 500-metres radius of the proposed dwelling's location). Agricultural buildings are furthermore considered to be both functional and ubiquitous, therefore not the most obvious means by which a development could contribute to its National Scenic Area's sense of place. Furthermore the presence of large glazed sections on the south east elevation of the proposed house would create an additional lighting impact appearing incongruous in the area. A more modest development in greater sympathy with the local vernacular of traditional croft dwellings (featuring narrower rectangular footprints, 45° roof pitches, natural stone or whitewashed exterior walls, etc) might have been more acceptable in terms of visual appearance and had it been more appropriately sited within the site for example behind the village hall (as was originally consented in 2006 - 06/00121/REMSU)
- 8.9 The above concerns are further exacerbated by the slope across the site and the need for engineering works to accommodate the proposed house and associated cut and fill. The scale and significant of such works within a National Scenic Area is considered to be contrary to the terms of the development plan.

- 8.10 In addition to the above the proposed access arrangements which are already installed are considered to present visual concerns. The site measures just under two hectares in size with the access cutting through the site for the entirety of its width and across a steep sloping area of ground. As such the length of the access is significant, entirely disproportionate to the current and proposed development of the site and at odds with the ethos of planning policy in areas of important scenic qualities.
- 8.11 It is considered that there may have been scope for a modestly sized development sited towards either the eastern or western boundaries of the site, subject to ensuring satisfactory visibility splays however the manner in which the applicant has proceeded with carving out an access track through the entirety of the road, creating both visual and road safety concerns, is extremely disappointing. The possibility of re-siting the development was suggested to the agent however not progressed and the application therefore requires to be assessed as it stands. Should the recommendation to refuse be accepted by Members, a formal enforcement case will be created with regards the unauthorised development in order to secure restoration of the site.

Croft Land

- 8.12 The entire croft is identified by Scotland's Land Capability for Agriculture Map as Class 4.2, which encompasses land capable of producing a narrow range of crops, primarily on grassland with short arable breaks of forage crops. The proposed development is however considered to impede use of the croft to large extent, by locating a dwelling and two lodges centrally within the application site rather than at one end, which would release most of the croft for working use. Policy 47 stipulates that where the above criteria cannot be met, development proposals would only be supported where they could be considered acceptable in terms of other policy considerations, such as accordance with settlement pattern or impact on a natural, built or cultural heritage feature. The proposed development is not considered to accord with Tongue's settlement pattern as set out below, thereby conflicting with Policy 47.

Road Safety, Access and Parking

- 8.13 The Transport Planning Team's objection on road safety grounds has been taken into consideration. No justification has been offered for the introduction of a second access point onto the A836 or the access which now traverses the site; this is considered to be excessive for a National Scenic Area croft of under two hectares' area meaning the unauthorised work undertaken to date of is significant concern.
- 8.14 Western access via the C1086 road, a single-track road existed previously for agricultural purposes. As such the proposal would represent intensification of this access and it is of substandard quality and is hampered by extremely poor visibility to its east. The Transport Planning Team will not accept any intensification of this access point and also express reservations about road drainage in this area and the proposed gradient across the site. In addition the position of the site access may also present road safety issues lying 120 metres from a primary school. Eastern access via the A863 road is however considered to be acceptable, subject to upgrading to SDB2 standard as proposed – had this application been recommended for approval, this could have been resolved through an attached condition. No visibility splay drawings have been received, although a Private Access Checklist has been submitted. It describes visibility to 215 metres in either direction, which is acceptable and complies with adopted standards for a road subject to the National Speed Limit. Overall however the development fails to

accord with the Highland-wide Local Development Plan and associated roads guidance on road safety grounds.

- 8.15 The proposed dwelling would be served by two parking spaces, which complies with current adopted standards for a two-bedroomed dwelling. Each lodge would be served by a single parking space each. This provision is acceptable for single-bedroomed lodges and complies with the guidance offered by the Transport Planning Team in its consultation response.

Flood Risk and Drainage

- 8.16 SEPA's Flood Risk Management Map does not identify the application site to be at any risk of flooding.
- 8.17 Excess surface water is proposed to discharge into existing drainage ditches, possibly constructed around the same time as the access track. The proposed dwelling would have its own SUDS soakaway and outfall to an engineer's detailed design, again eventually discharging into an on-site ditch.
- 8.18 Foul drainage is proposed to be addressed by connecting to a public sewer. The two proposed lodges would share a connection, while the proposed dwelling would benefit from its own separate connection, both located within the application site's red-line site boundary. This is considered to be acceptable, as The Highland Council's Sustainable Design Guide states that in all cases, the preferred foul drainage solution should be via a connection to the public sewer.

Trees

- 8.19 A tree to the dwelling's south-west was not marked on originally-submitted plans, but this has since been amended as it is proposed to retain both this tree alongside a tree of a similar size and type sited to the proposed dwelling's east. These trees are considered to enhance the application site's character and would serve to frame the proposed dwelling; their proposed retention is therefore supported. The proposed dwelling's footprint has been cleared without prior authorisation, with the cleared area ending in uncomfortable proximity of each tree. It would have been highly desirable for root protection areas for each tree to have been marked out in advance of any works taking place. The proximity of a proposed SUDS drainage solution approximately three metres from the south-west tree's trunk is also noted with concern.

Developer Contributions

- 8.20 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. As there are no capacity constraints at either Tongue Primary School or Farr High School, no developer contributions would be required in accordance with Policy 31.

9. CONCLUSION

- 9.1 The proposed development would significantly conflict with Tongue's existing linear settlement development pattern, which is identified as one of its National Scenic Area's special qualities and therefore should be protected from inappropriate development. The design of the proposed development is not considered to be appropriate in a National Scenic Area, referencing generic agricultural structures rather than local vernacular buildings which would enhance their environment's sense of place, and exacerbated by its position within the site result in the need for

significant engineering works. The Transport Planning Team’s objection comment has been taken into account, it is considered that two access points serving the same large croft is excessive and unnecessary; the western access point furthermore raises road safety concerns. The proposed development would lastly impact the root protection areas of existing characterful trees to some degree, potentially compromising the site’s amenity. The situation has been compounded by the unauthorised formation of the eastern access and formation of the road between the A836 and C1086 and the resultant engineering works across the site. Both this approach and the unwillingness of the applicant to consider an alternative location to site the house and lodges which could have perhaps been supported is particularly disappointing and will serve to significantly and detrimentally erode for the character and setting of this National Scenic Area. The Planning Authority considers that there may be scope for the development of a house with some related tourist accommodation element at the western portion of the site which could conceivably be developed without adverse impact either to the setting of the village, or the visual impact within a National Scenic Area.

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

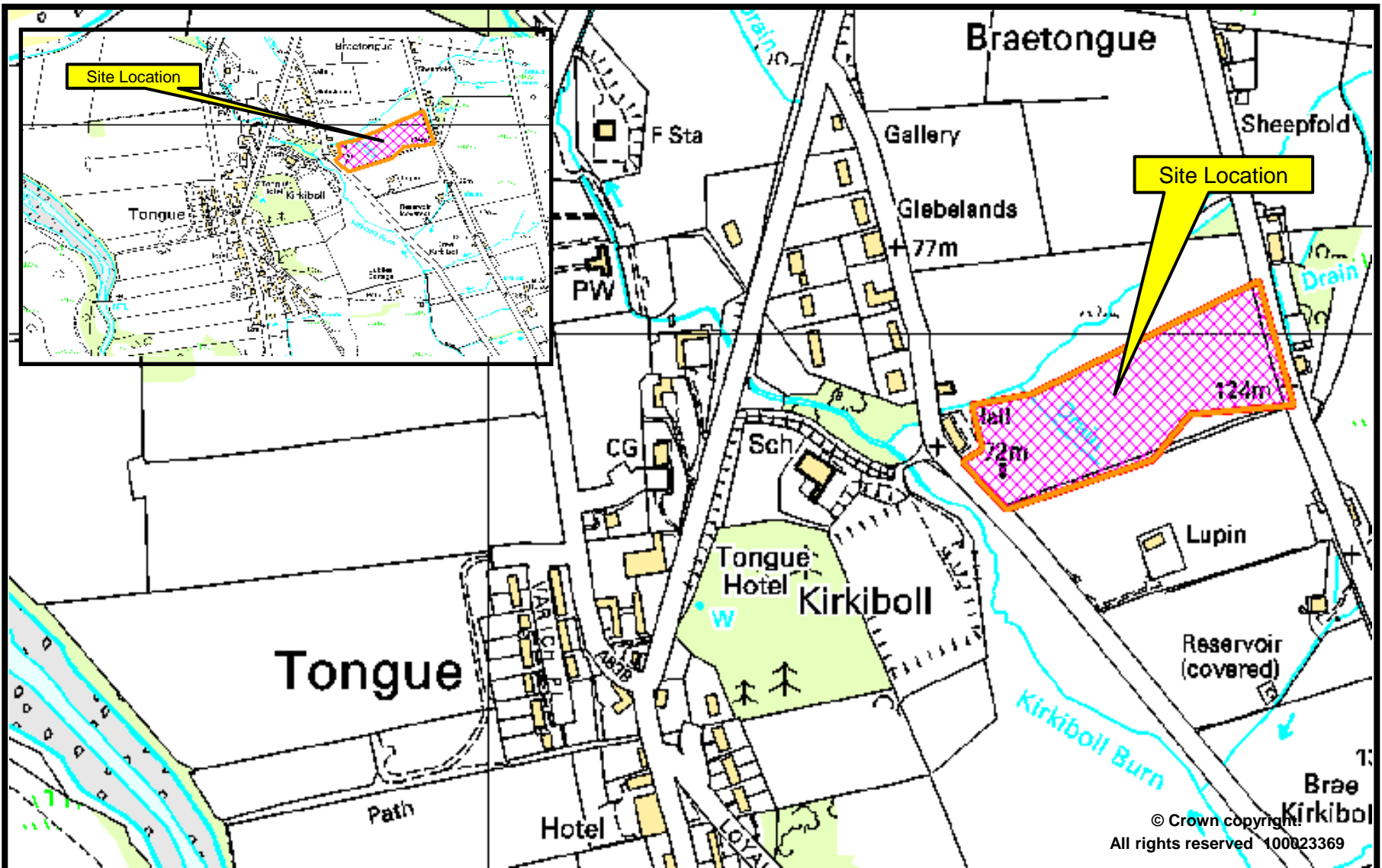
11. RECOMMENDATION

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

Reasons for Refusal

1.	The proposal is contrary to the provisions of the Highland-wide Local Development Plan Policy 28 (Sustainable Design), Policy 29 (Design Quality & Place-making), Policy 36 (Development in the Wider Countryside) and Policy 57, as its extension of development to the east of Tongue would not respect its existing north-south orientated linear settlement pattern and the development is of a scale and siting that would result in a significantly detrimental and adverse visual impact within the Kyle of Tongue National Scenic Area
3.	The proposal is contrary to Policy 28 (Sustainable Design), Policy 36 (Development in the Wider Countryside) and the Access to Single Houses and Small Housing Developments as it would result in an intensification of a substandard access onto the C1086 public road. Furthermore no justification has been provided for the formation of a second access point onto the A836.

Signature: Dafydd Jones
Designation: Acting Head of Development Management
Author: Craig Simms
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - PL01: Location Plan
Plan 2 - PL03 REV B: Proposed Site Layout Plan
Plan 3 - PL04 REV A: Proposed Drainage Layout Plan
Plan 4 - PL10: Proposed Dwelling Floor Plan
Plan 5 - PL11: Proposed Dwelling Elevations
Plan 6 - PL12: Proposed Lodges Floor Plan
Plan 7 - PL13: Proposed Lodges Elevations



Development &
Infrastructure Service

21/05603/FUL

Erection of new house and two holiday lodges, retrospective upgrading of access and installation of drainage system at Braetongue Croft, Tongue

April 2022



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PLANNING APPLICATION

REVISIONS

Rev.	Description	Drawn	Date

Client
Mr & Mrs McGlinn

Project
Proposed Development at 40 Braetongue Tongue, Sutherland

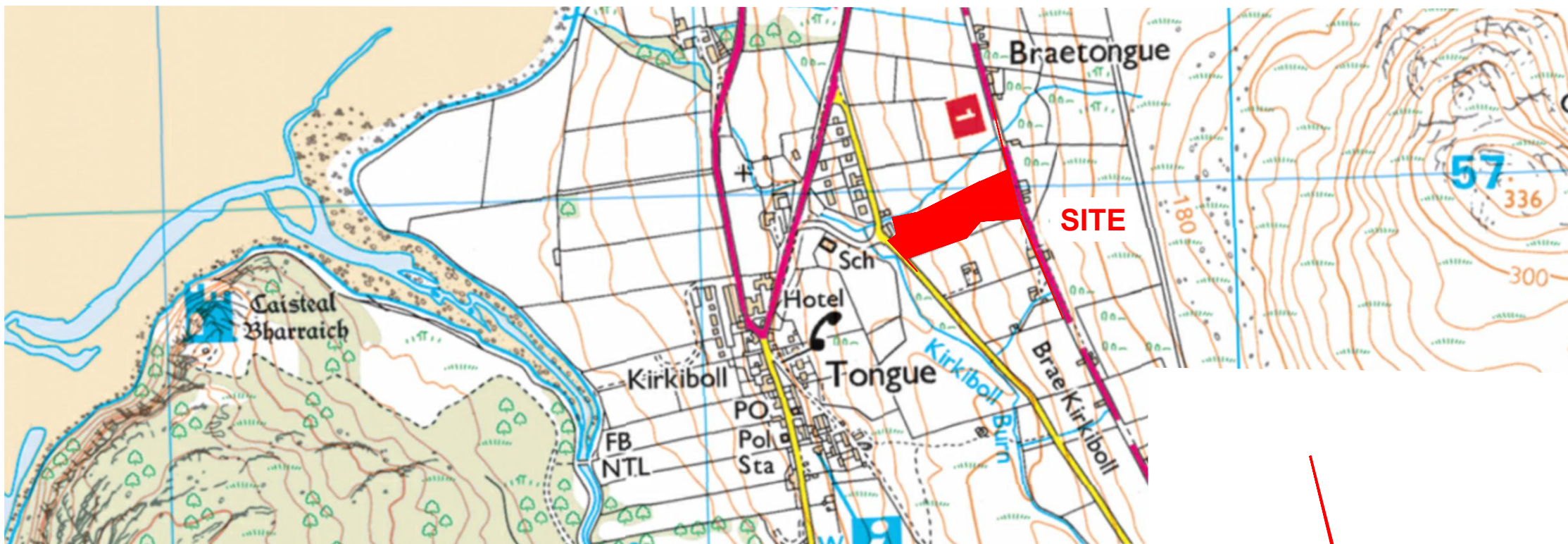
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Location Plan

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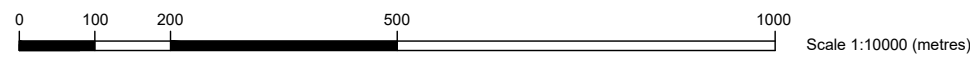
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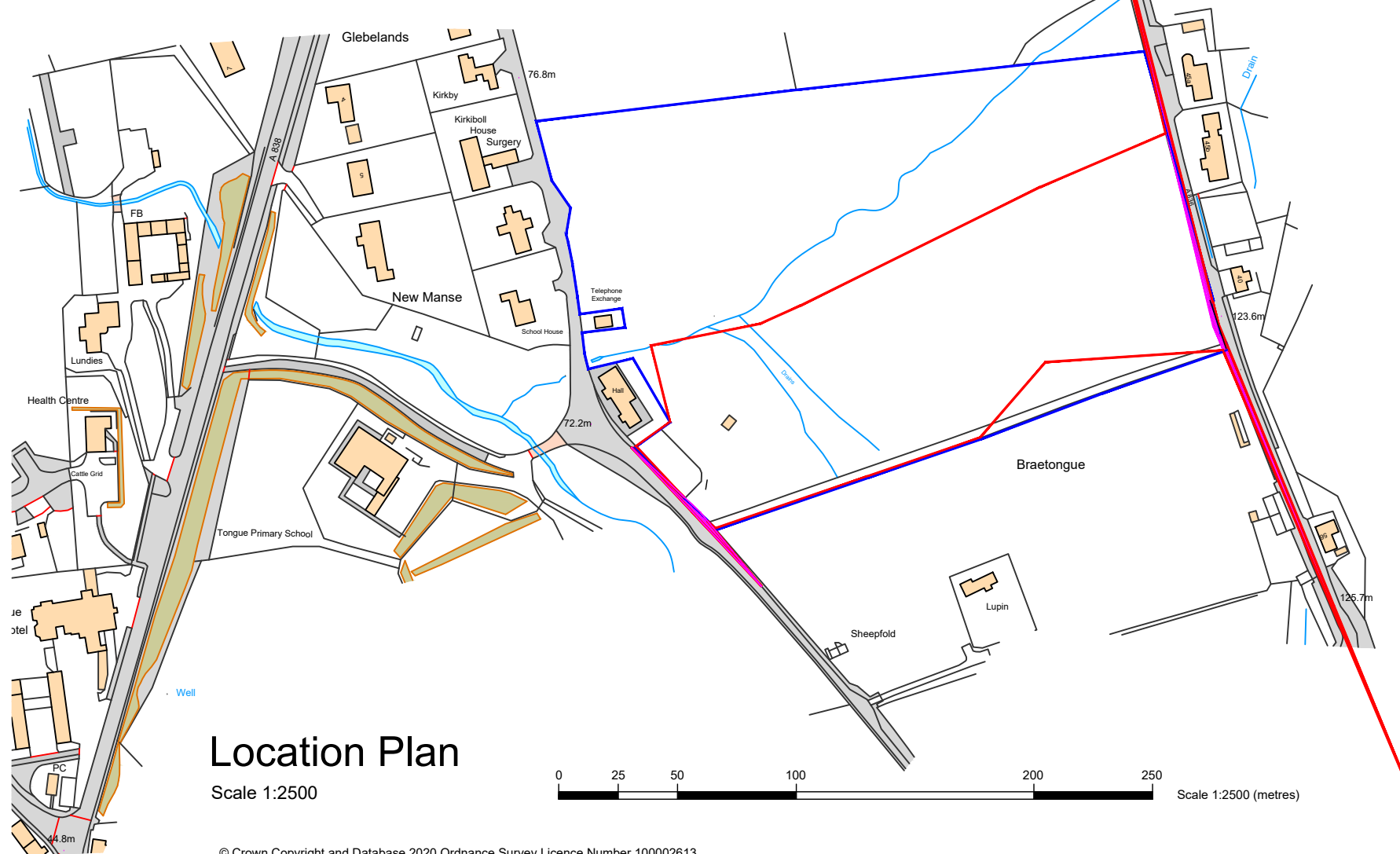
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Location Plan Scale 1:10000



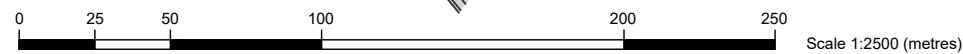
LEGEND

-  Site Boundary
Area : 1.94 ha
-  Land Ownership

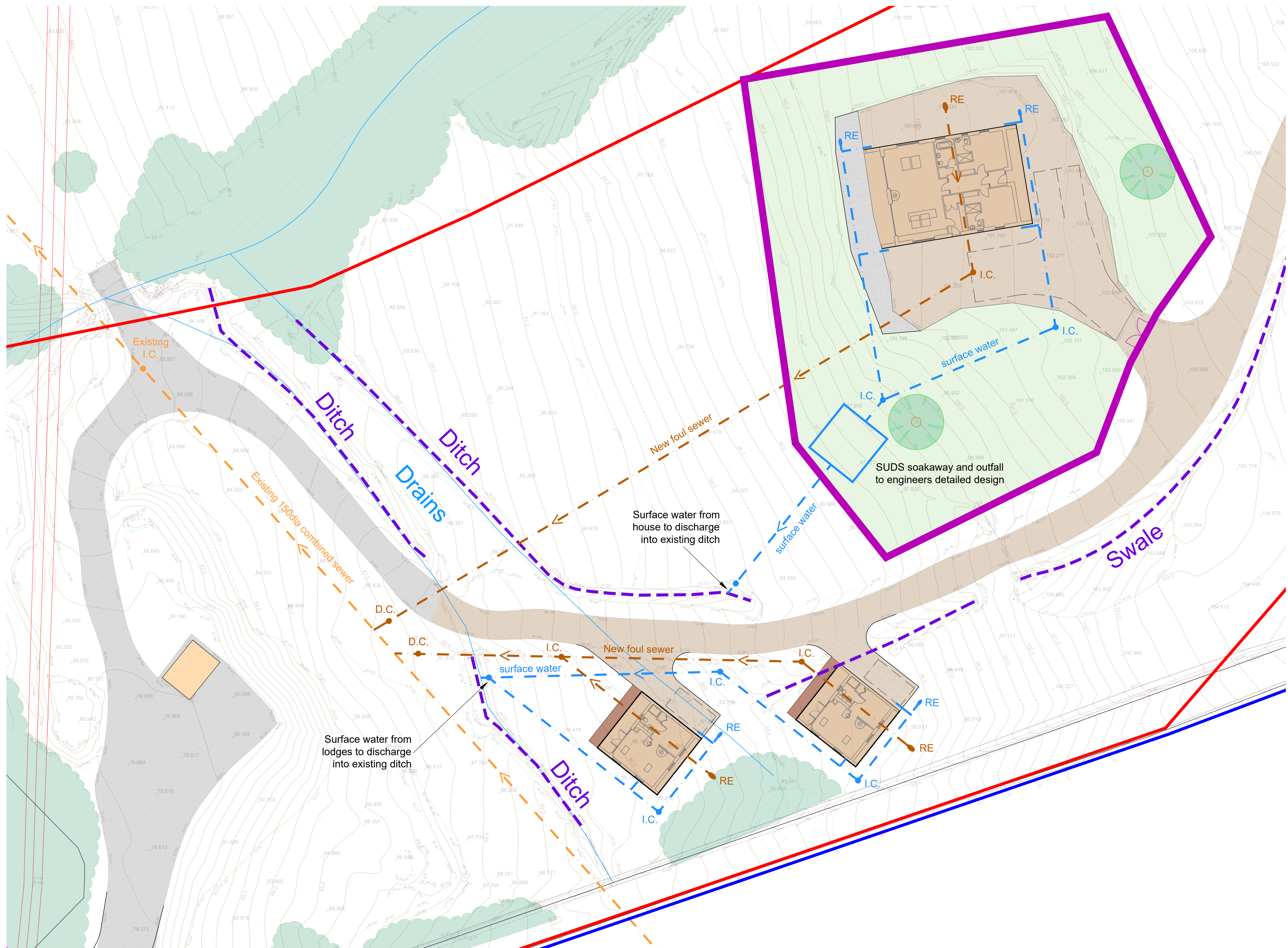
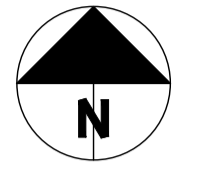


Location Plan

Scale 1:2500



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PLANNING APPLICATION

REVISIONS			
Rev.	Description	Drawn	Date
A	existing tree added to plan	NJM	25.03.22

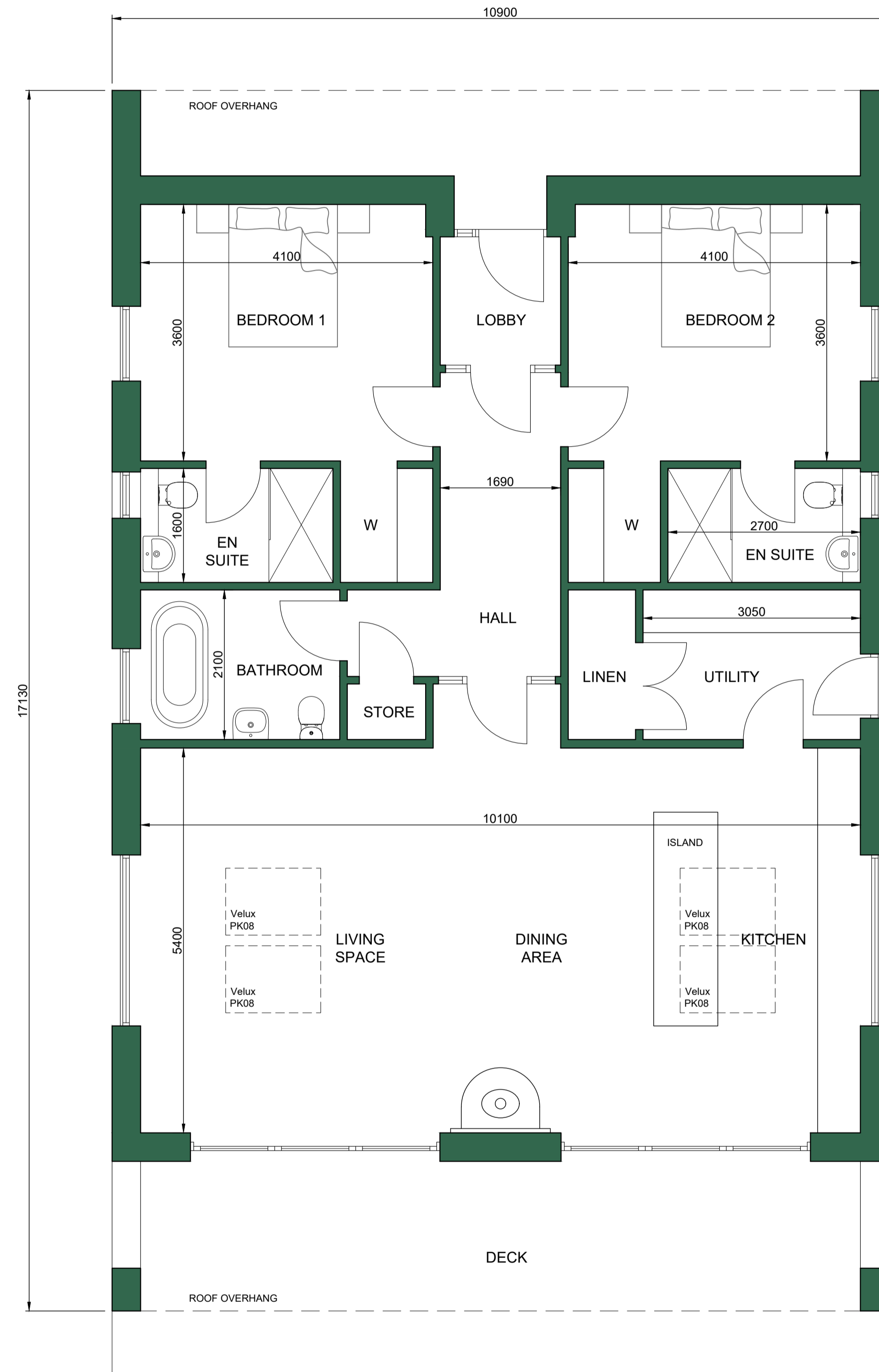
Client
Mr & Mrs McGlinn

Project
Proposed Development at 40 Braetongue Tongue, Sutherland

Drawing
Proposed Drainage Layout

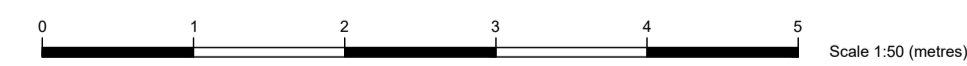
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GROUND FLOOR PLAN - 130.6m²

1:50



PLANNING APPLICATION

REVISIONS

Rev.	Description	Date

Client
 Mrs & Mrs McGlinn

Project
 Proposed Development at
 40 Braetongue
 Sutherland

Drawing
 Floor Plan - House

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Project no 2658	Dwg no PL10	Rev
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External Finishes Materials

Walls
 Gable - Horizontal larch timber cladding
 colour natural gold
 Side - Vertical larch timber cladding
 colour dark Grey

Windows and Doors
 uPVC double glazed frames
 colour Anthracite Grey RAL 7016

Rainwater Goods:
 Aluminium gutters and downpipes
 colour dark Grey

Roof
 Cupa Heavy 3 natural slate
 colour Blue / Black



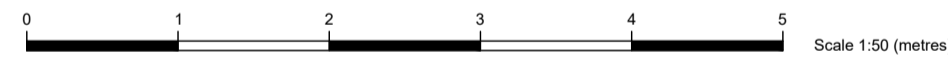
SOUTH WEST ELEVATION
 1:50



SOUTH EAST ELEVATION
 1:50



NORTH EAST ELEVATION
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NORTH WEST ELEVATION
 1:50



VISUALISATION - FRONT
 NTS



VISUALISATION - REAR
 NTS

PLANNING APPLICATION

REVISIONS

Rev.	Description	Date

Client
 Mrs & Mrs McGlinn

Project
 Proposed Development at
 40 Braetongue
 Sutherland

Drawing
 Elevations - House

Scale
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Date
 Nov 2021

Drawn by
 NJM

Project no
 2658

Dwg no
 PL11

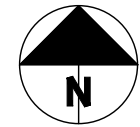
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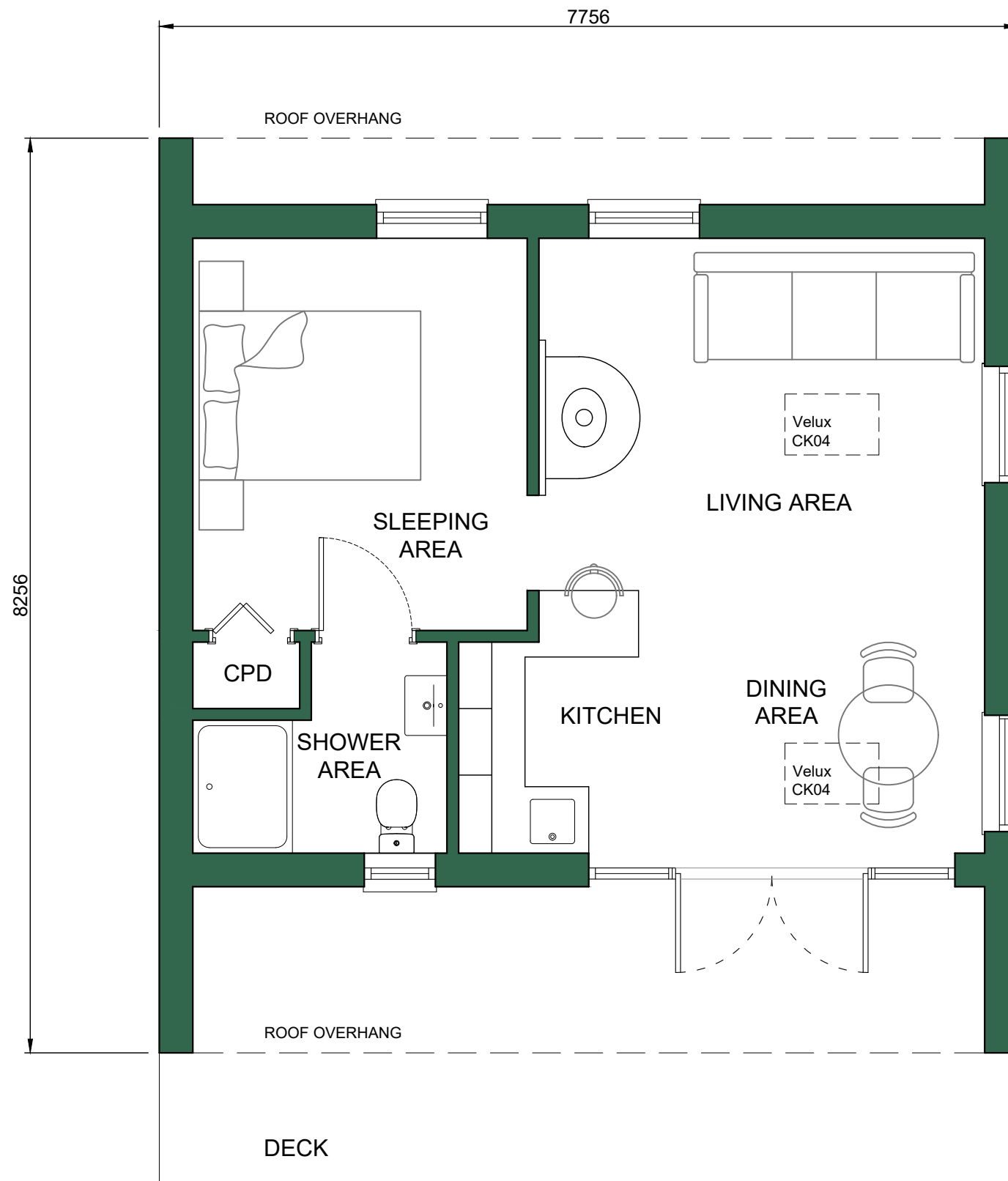
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PLANNING APPLICATION



REVISIONS

Rev.	Description	Drawn	Date
-	-	-	-

Client
Mrs & Mrs McGlinn

Project
**Proposed Development at
 40 Braetongue
 Sutherland**

Drawing
Floor Plan - Lodge

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Project no 2658	Dwg no PL12	Rev
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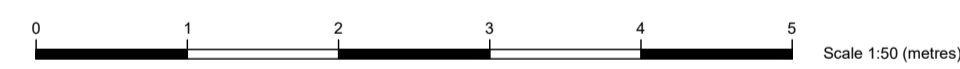
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NORTH WEST ELEVATION
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VISUALISATION - FRONT
NTS



VISUALISATION - REAR
NTS

External Finishes Materials

Walls
 Gable - Horizontal larch timber cladding
 colour natural gold
 Side - Vertical larch timber cladding
 colour dark Grey

Windows and Doors
 uPVC double glazed frames
 colour Anthracite Grey RAL 7016

Rainwater Goods:
 Aluminium gutters and downpipes
 colour dark Grey

Roof
 Cupa Heavy 3 natural slate
 colour Blue / Black

PLANNING APPLICATION

REVISIONS

Rev.	Description	Date

Client
Mrs & Mrs McGlinn

Project
**Proposed Development at
 40 Braetongue
 Sutherland**

Drawing
Elevations - Lodge

Scale 1:50@A1	Date Nov 2021	Drawn by NJM
Project no 2658	Dwg no PL13	Rev

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