

**THE HIGHLAND COUNCIL**  
**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING**  
**APPLICATIONS AND REVIEW COMMITTEE**  
**23 OCTOBER 2007**

Agenda Item	4.2
Report No	25/07

**07/00308/OUTCA: ERECTION OF HOUSE AND GARAGE (OUTLINE), FORMATION OF  
VEHICULAR ACCESS AT WESTSIDE, DUNNET**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

This application has been brought to Committee due to a letter of objection having been received from the Dunnet and Canisbay Community Council on access grounds. There are a further two letters of objection from local residents. None of the consultees including the Area Roads and Community Works Manager and RSPB Scotland have objected to the proposal as submitted. The site lies within a policy envelope area that is subject to Primary Policy PP2 6(q) of the Caithness Local Plan that supports housing in principle subject to a 100 metre spacing between dwellings. The application complies with the 100 metre spacing criterion of this policy envelope and is therefore recommended for approval.

**The recommendation is to GRANT outline planning permission.**

Ward Number 4 – Landward Caithness

Applicant: Mr & Mrs Broddell (Per Agent)

**1. PROPOSAL**

1.1 Application is made in outline for the erection of a house in an agricultural field sloping down to the west. The site is accessed by the formation of a new 260 metre vehicular access off the public road. There is an over-head line in the vicinity of the site.

**2. PLANNING HISTORY**

2.1 None

**3. PUBLIC PARTICIPATION**

3.1 Two letters of objection have been received from local residents, the grounds of which can be summarised as follows:-

- The proposed vehicular access would act as a 'field drain' that would channel run off water to the present drainage system and put other properties in danger of flooding. If the access goes ahead then extra drainage facilities, for example road gullies, kerbing and sewers, would be required.
- The proposal would have a detrimental impact upon nearby nesting birds including Lark, Curlew, Oyster-catcher and Corncrake.

3.2 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report

#### 4. CONSULTATIONS

4.1 **Dunnet and Canisbay Community Council:** Objects to the proposal as submitted as the access would add to the number of accesses off Dunnet Road which is already congested at the best of times. The submitted plans show the two fields outlined in blue. The Community Council suggests that if this is owned by two separate persons within the same family, it may be possible to enter the site from the road upgraded by the family constructing the house to the north of the site.

4.2 **Area Roads and Community Works Manager:** No objections

4.3 **Scottish Water:** No objections

4.4 **RSPB Scotland:** No objections subject to a condition preventing any site works being undertaken within the nesting period, April to July inclusive, in order to prevent disturbance to breeding birds. In addition they have suggested that if possible any existing crop rotation surrounding the area of the site is continued. [Note - this matter is not enforceable by condition]

#### 5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

##### **Highland Structure Plan:**

- G2 Design for Sustainability
- H3 Housing in the Countryside

##### **Caithness Local Plan (adopted September 2002):**

Primary Policy PP2 6(q) of the Caithness Local Plan supports the principle of housing but requires a 100 metre spacing between dwellings.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN):

- SPP 3 Housing

- PAN 72 Housing in the Countryside
- PAN 67 Housing Quality

## **6. PLANNING APPRAISAL**

- 6.1 **Determining issues** – 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.
- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
  - whether the layout of development is appropriate
  - the impact on the amenity of the area and residents
  - other material issues raised by objectors
- 6.3 The application complies with the 100 metre spacing criterion within the policy envelope of Primary Policy PP2 6(q) of the Caithness Local Plan. The agent has provided a plan to confirm that this separation distance can be achieved.
- 6.4 In terms of the objections received from both the Dunnet and Canisbay Community Council and the third party objector regarding access and road safety issues, the Area Roads and Community Works Manager has not objected to the proposed development as submitted. Instead, he has recommended that conditions be imposed on any consent given. One of these conditions requires the roadside ditch to be piped with a minimum diameter pipe of 450mm and backfilled with the construction of concrete head walls at both ends. This should ensure that drainage is controlled and that any risk of flooding is minimised.
- 6.5 In relation to the objection received regarding nearby nesting birds, RSPB Scotland have not objected to the proposed development subject to a condition preventing any works being undertaken between the bird breeding season of April to July inclusive.

## **7. CONCLUSION**

- 7.1 This application accords with the provisions of Policy PP2 6(q) of the Caithness Local Plan. There are no material planning considerations to indicate otherwise and the application is therefore recommended for approval.

## RECOMMENDATION

### Grant outline planning permission subject to conditions:

1. Standard reserved matters condition.
2. Except as otherwise provided by the terms of this permission, the developer shall construct the development in accordance with the plans and supporting information with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason:- In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

3. Prior to the commencement of development :-
  - a) the access shall be surfaced for 6 metres back from the edge of the adopted public road
  - b) the access shall incorporate a turning area within the site and shall incorporate car parking for at least two vehicles
  - c) the access shall have a minimum width of 3.3 metres
  - d) the access shall incorporate a passing place at the access entrance of a minimum width of 5.5 metres for a distance of 10 metres
  - e) the ditch beneath the proposed access and any lay-by shall be piped (minimum diameter of 450 mm) and backfilled with concrete head walls at both ends.
  - f) any gates shall not open outwards onto the carriageway

Reason: In the interests of road safety.

4. Any residential caravan placed on site pursuant to the issue of this consent shall be connected into the foul sewage system of the dwellinghouse, shall be occupied by a person who is actually constructing the house, shall only exist on the site whilst the house is under construction and notwithstanding progress in the construction of the house, shall not be present on the site for more than one calendar year.

Reason: In the interests of amenity and in order to retain effective control.

5. Notwithstanding the submitted details, plans shall be provided as part of the reserved matters application to demonstrate a 100 metre spacing between dwellings.

Reason: In order to comply with the spacing criteria of Policy PP2 6(q) of the Caithness Local Plan (adopted September 2002)

6. No development preparation or construction works shall be undertaken within the bird nesting period, April to July inclusive.

Reason: In order to prevent disturbance to breeding birds.

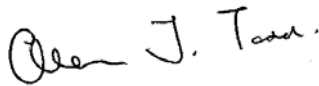
7. The developer shall ensure that no building shall be sited within 9 metres of any overhead power line. Any existing overhead power line shall be diverted at least 9 metres from any building to the specification of Scottish & Southern Energy plc at the entire expense of the developer.

Reason: In order to comply with the requirements of the power supplier and in the interests of public safety.

### Informatives

It is important to note that the granting of planning consent does not necessarily guarantee a connection to Scottish Water's assets. Please contact Scottish Water on Tel: 0845 601 8855 to discuss the issue.

The applicant should be aware that from 1 April 2006 under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 all discharges to land and water require authorisation from SEPA (either registration or licensing).



Signature:

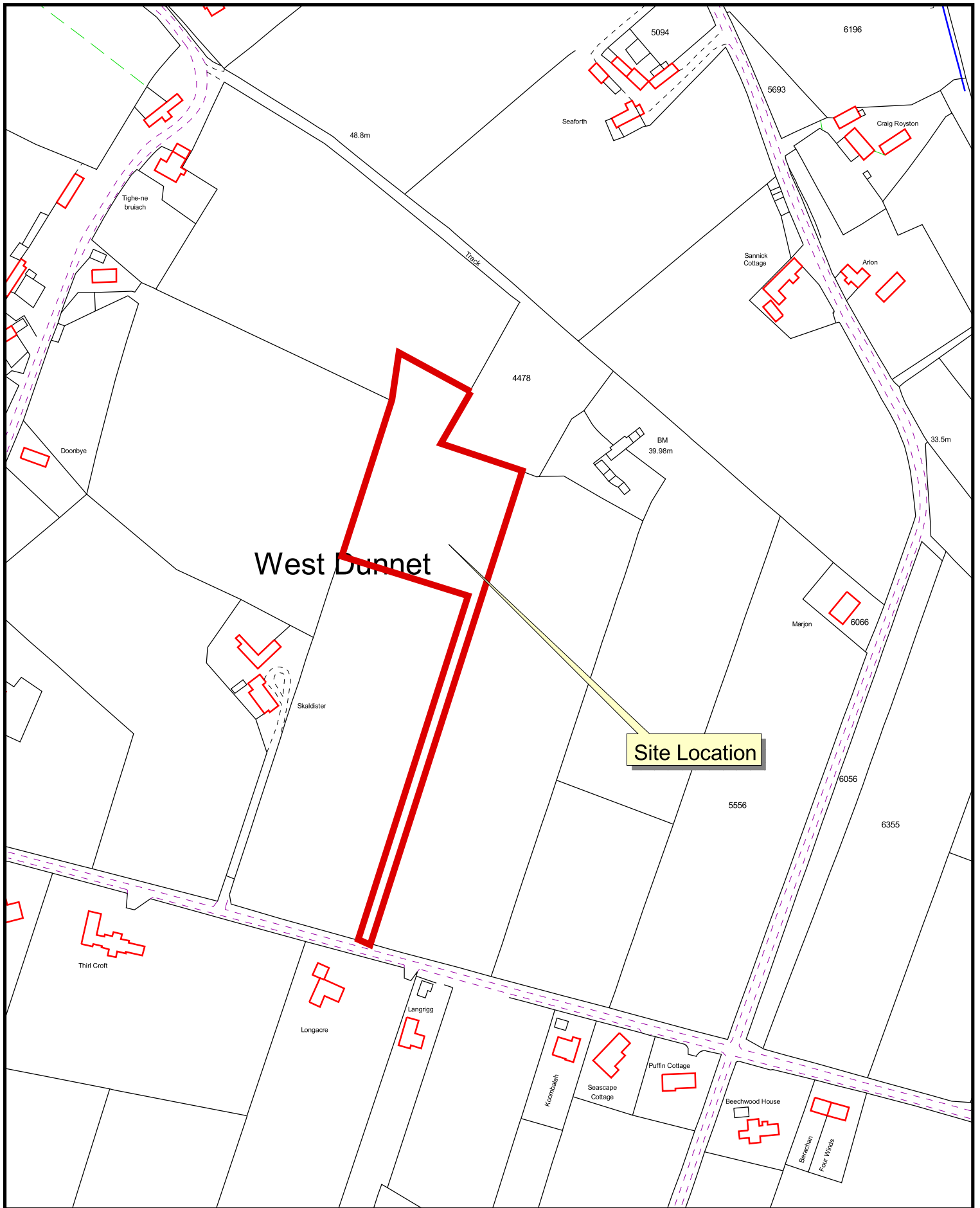


Designation: Area Planning & Building Standards Manager

Author: Andrew Parker 01955 607754

Background Papers: As referred to in the report above and case file reference number 07/00308/OUTCA

Date: 10 October 2007



07/00308/OUTCA  
 Erection of house and garage, formation of vehicular access at  
 Land To East of Skaldister, Dunnet.

Mr & Mrs Broddell  
 per Hugh MacKay  
 28 Grove Lane  
 THURSO  
 Caithness  
 KW14 8AE

Date: 08 October 2007

SUPPLIED BY THE HIGHLAND COUNCIL



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