

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
29 JANUARY 2008

Agenda Item	4.7
Report No	07/08

**07/00630/FULCA: ERECTION OF TWO SEMI DETACHED HOUSES, AND
INSTALLATION OF OIL TANKS AT LAND TO NORTH OF
TRAQUAIR, SINCLAIR LANE, HALKIRK, CAITHNESS**

Report by Area Planning and Building Standards Manager

SUMMARY

This application is in retrospect as the erection of the two semi-detached houses applied for has already commenced and Members will recall that another application for this development was refused by the Planning Applications and Review Committee at its meeting of 4 December 2007. As is required the reasons for refusing planning permission had to be specified and stated in the Council decision notice. The applicant has now submitted this application which seeks to overcome the reasons given for refusing the previous application. It is for the Committee to decide whether it considers that these amended proposals now overcome its previously stated concerns.

The recommendation is to GRANT planning permission.

Ward Number 4 – Landward Caithness

Applicant: Caithness Homes, Miller House, 55 Macrae Street, Wick, KW1 5QW

1. PROPOSAL

1.1 Application is made in detail to erect two four apartment semi-detached bungalows on a vacant flat site on the west side of Sinclair Lane, Halkirk. Access to each of the houses from the public road is by way of sharing an existing vehicular access from the public road which provides access to a house constructed in 2005 to the west of the site.

2. PLANNING HISTORY

2.1 Outline consent exists to erect one house on the site – 07/00040/OUTCA granted 11 April 2007. A refusal of planning permission in detail for the erection of two semi detached houses on this application site also exists under reference 07/00483/FULCA dated 19 December 2007.

3. PUBLIC PARTICIPATION

- 3.1 A total of four letters of objection have been received, this total including one from Halkirk Community Council. The Community Council seem to be somewhat confused by the description of the development being the erection of two semi-detached houses and instead have interpreted this description as being the erection of 2 blocks of semi-detached houses ie four dwellings. This is obviously an incorrect interpretation of the description of the proposal.
- 3.2 The Community Council go on to say “We as a Community Council feel that should the applicant be found to be in breach of planning regulations that an example should be made and the building razed to the ground”.
- 3.3 The grounds of objection contained in the other three letters of objection can be summarised as follows:
- (a) The erection of semi-detached bungalows is not in keeping with the character of the surrounding area.
 - (b) The front windows of the proposed dwellinghouses are too close to the existing house to the south and could cause a privacy problem.
 - (c) The proposal would be liable to exacerbate an existing surface water flooding problem in the area.
 - (d) The garden space attached to each of the houses would be inadequate.

4. CONSULTATIONS

- 4.1 No new consultations were required as none of the relevant consultees objected to the previous application – 07/00483/FULCA.

5. POLICY

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

Highland Structure Plan (2001)

- G2 Design for Sustainability
- H3 Housing in the Countryside

Caithness Local Plan

The site is subject to Policy 3 of the Halkirk Chapter of the Plan and it allocates the site for housing with an indicative capacity of one house. All houses which are built subject to Policy 3 must make a financial contribution to the Halkirk Fund.

- 5.2 The proposal also requires to be assessed against relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN). In this instance in particular:
- SPP1 – The Planning System.
 - SPP3 – Planning for Housing.

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 With regard to the Local Plan the site is allocated for housing development albeit that in the Local Plan the site is shown as having an indicative capacity of one and that one house has already been built. That said, I would have to say that, in my view, the site can easily accommodate two detached houses, and I am now of the opinion that this application demonstrates that the site can adequately accommodate the two semi-detached houses applied for.
- 6.4 None of the Consultees has any objections.
- 6.5 With regard to the comments of the Community Council outlined in paragraph 3.2 above, I would confirm that I have advised the Secretary by telephone that the application is only for one block of two semi-detached houses and I have thus clarified this with her. With regard to the further comments made by the Community Council, it would not be appropriate for the Planning Committee to make an example of anyone. It is for this Committee to now decide whether it considers the proposals to be acceptable on planning grounds and not to consider the order in which matters have progressed.
- 6.6 Notwithstanding the above, however, I have received a letter from the applicants relating to the previous application and justifying the current application. The letter also makes reference to the consideration of the previous application by the Planning Applications and Review Committee and to comments made by Members as reported by the press. I believe this letter to be for the perusal and consumption of this Committee rather than for me which is why I append a copy of that letter to this report.
- 6.7.1 With regards to the grounds of objection summarised at paragraph 3.3 above I would respond to them in turn as follows:-
- (a) The area is residential in character and typically the houses therein tend to be single storey. The erection of residential bungalows in the area seems to be entirely in keeping with its character.

- (b) This was a potential problem noted in the processing of the previous planning application. In order to overcome this, the applicant is prepared to erect a 1.8 metre high fence along the southern boundary of the proposed plots. This can be controlled by condition in perpetuity and should remove any privacy or overlooking issues and implications for the house to the south called Traquair.
- (c) As part of the application, the applicant proposes to connect surface water from this site into an existing Scottish Water drain. Currently the site is not drained and relies on permeability and run off. The existing flooding problems in the area are caused somewhat by there being no roadside drains. However, water which falls on this site now will not be able to enter the road and therefore, if anything, the proposal could result in an improvement in the situation.
- (d) In the previous application two completely new driveways from Sinclair Lane were proposed. This used up much of the garden space allocated to each of the houses. However the applicant has now secured an arrangement whereby the existing driveway from Sinclair Lane to the new house which has already been constructed to the west of this application site will also be used on a shared basis to access each of the two new houses. This greatly reduces the amount of land taken up by driveways and frees up much more of each plot as garden space and, as such, garden space for each of the houses is now acceptable.

7. CONCLUSION

- 7.1 In conclusion I consider that on balance the proposals are now acceptable and can be granted planning permission. However, prior to the issue of any permission, the contributions to the Halkirk Fund would have to be submitted by the developer.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Prior to first occupation of either house, a close-boarded 1.8 metre high timber screen fence shall be erected along the southern boundary of the site as indicated in orange on the approved plans and shall thereafter be maintained in perpetuity.

Reason: In the interest of the residential amenity of the occupants of the dwellinghouse to the south of the site.

2. All surface water drainage from the application site shall be connected into the Scottish Water drain and no surface water shall be allowed to shed from the site onto the adjacent public road.

Reason: In order to prevent the exacerbation of existing flooding issues.

3. Prior to the commencement of development, details of materials, finishes and colours of the building, including samples where required, shall be submitted to and require the approval in writing of the Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of amenity.

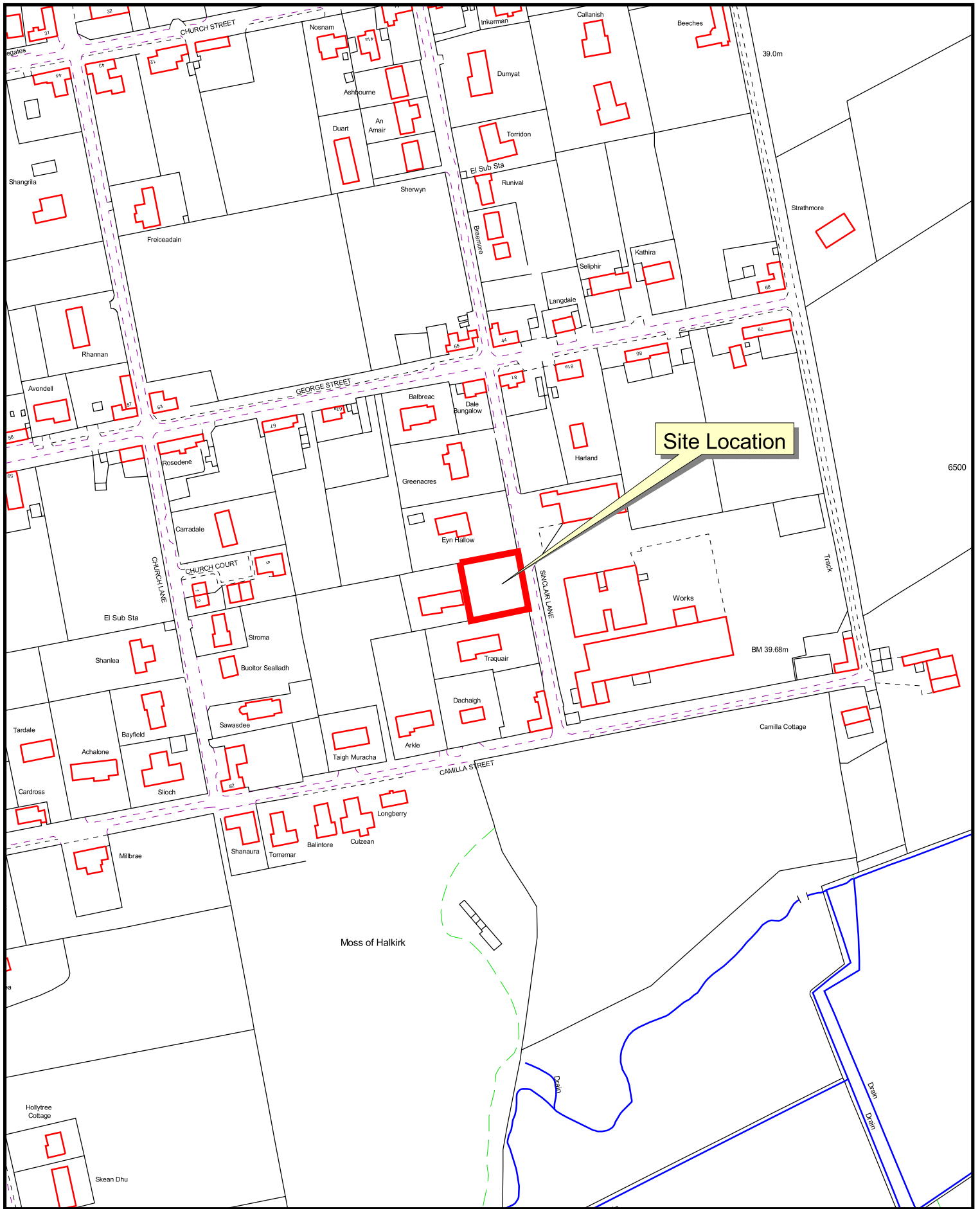
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above and case files 07/00483/FULCA and 07/00040/OUTCA.

Date: 16 January 2008



07/00630/FULCA
 Erection of two semi-detached houses, formation of vehicular access
 and installation of oil tanks at Land to North of Traquair, Sinclair Lane, Halkirk.

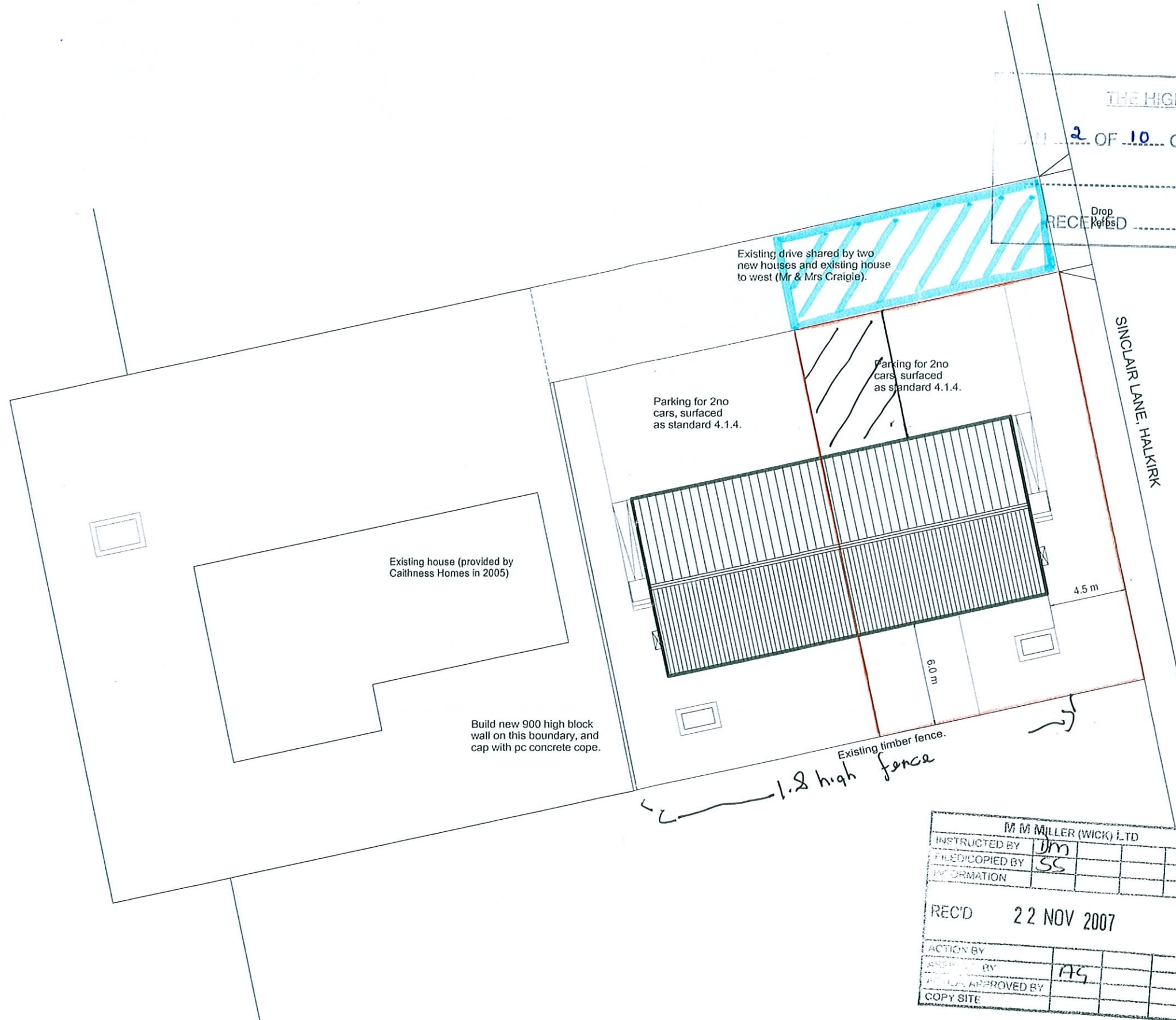
Caithness Homes
 Miller House
 55 Macrae Street
 Wick

Date: 17 January 2007

SUPPLIED BY THE HIGHLAND COUNCIL

N
 Scale
1:2500

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THE HIGHLAND COUNCIL

2 OF 10 OF APPLICATION REFERENCE

07/630

RECEIVED 2/12/07

- Each house provided with 1200 litre oil tank on p.c. slabs on sand/cement bed on level inert base. Slabs to project 300 beyond tank all round. Tank minimum 900 from boundaries and 1800 from house.
- Each house provided with external oil fired combi-boiler (with protective grill).
- Each house provided with 900 wide ramp with 1.2 x 1.2 platt at head, all in accordance with standard 4.3.11 - 4.3.13. Erect 1.1 high balustrade (max. gap 95mm) to open sides of platt.
- Each house provided with rotary clothes drier in accordance with standard 3.11.6.

M M MILLER (WICK) LTD			
INSTRUCTED BY	DM		
FILED/COPIED BY	SS		
FOR INFORMATION			
REC'D	22 NOV 2007		
ACTION BY			
APPROVED BY	AS		
COPY SITE			

Revision A: 19/11/07 - access arrangements & oil tank positions revised.

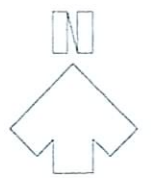
Proposed Semi-Detached Bungalows, Halkirk, Caithness
for CAITHNESS HOMES

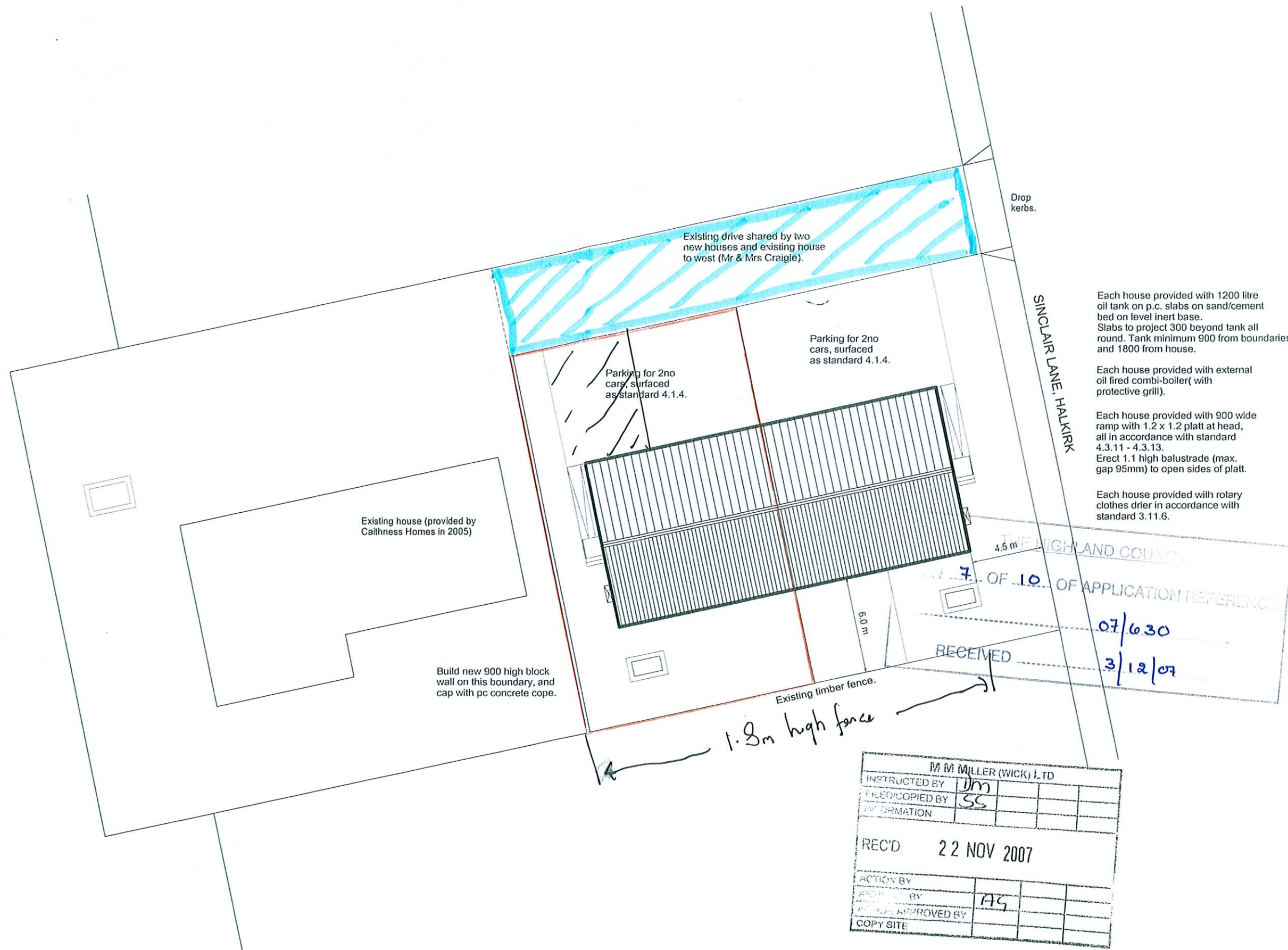
SITE PLAN
1:250

D.A. Renwick Limited,
Chartered Architects,
5 Langley Park, Wick, KW1 5LD.

Phone & Fax: 01955 604942
e-mail: D.A.Renwick@btinternet.com

M731/site/A
August, 2007





Revision A: 19/11/07 - access arrangements & oil tank positions revised.

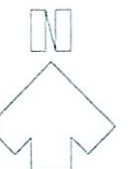
Proposed Semi-Detached Bungalows, Halkirk, Caithness
for CAITHNESS HOMES

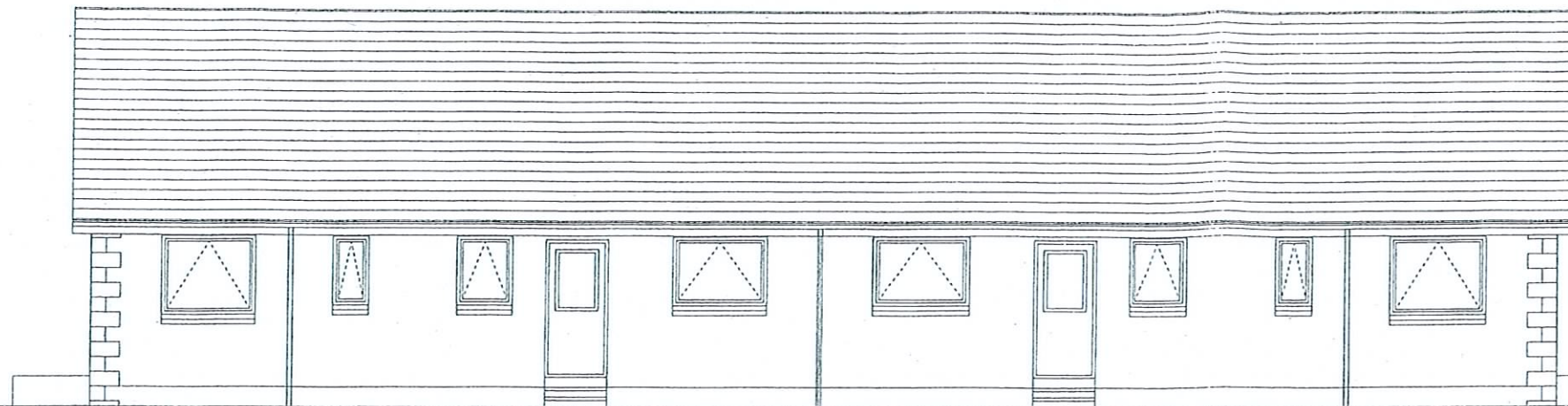
SITE PLAN
1:250

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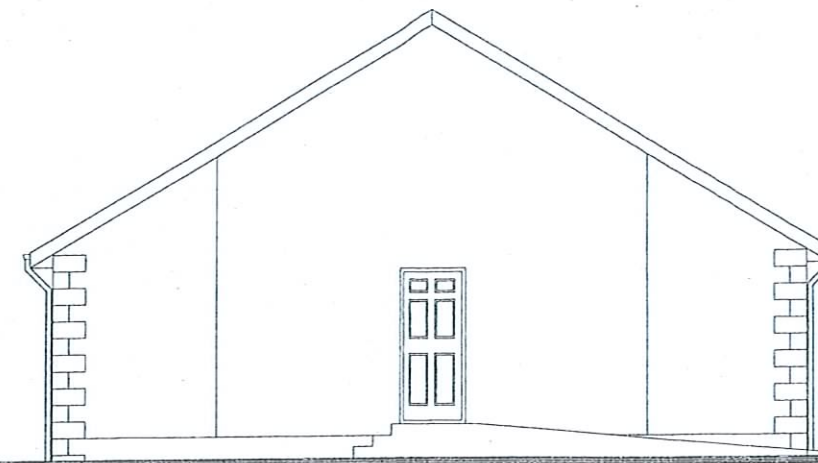
Phone & Fax: 01955 604942
e-mail: D.A.Renwick@btinternet.com

M731/site/A
August, 2007

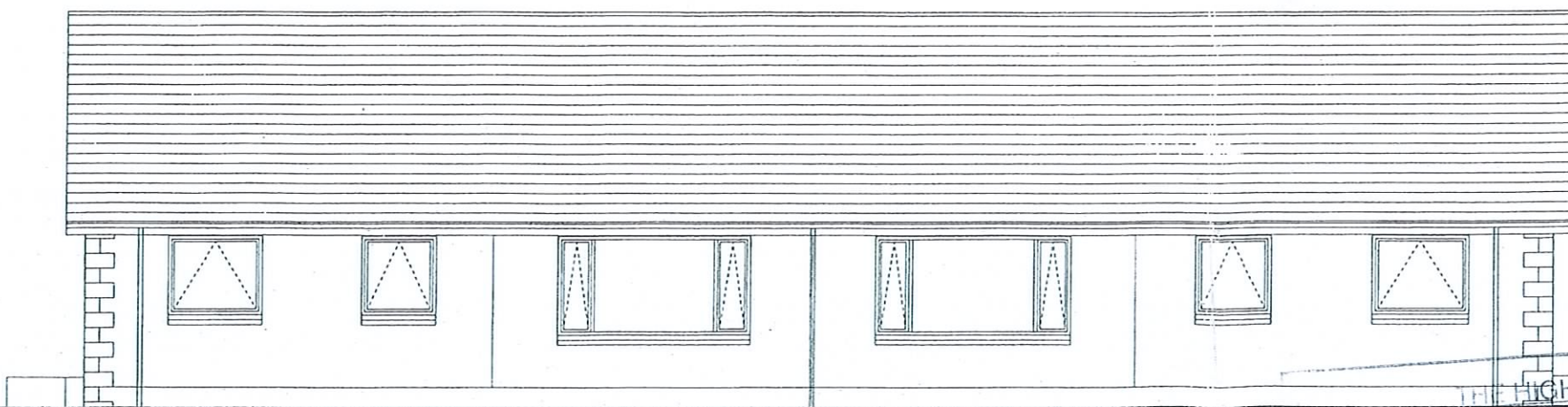




REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



THE HIGHLAND COUNCIL

PLAN 4 OF 10 OF APPLICATION REFERENCE

CONTRACT

External Finishes:

- Main Walls - Skye marble drydash render
- Quoins - buff Fyfestone
- Baseband - granite grey drydash render
- Roof - brown Redland Renown concrete tiles
- Fascias/Bargeboards - dressed redwood linings
- Rainwater goods - brown rectilinear pvc
- Windows and Doors - double glazed and timber framed.

M. M. Miller (Wick) Ltd

Received:- 24 AUG 2006

Instructed by	IM		
Filed/Copied by	CT		
Action by			
Assisted by	AG		
Action Approved by			
Information			

RECEIVED 07/030
3/12/07

A CHANGED TO M622 & M623 : canopies out.		23/08/06
Client :	Caithness Homes	
Site :	Semi-detached Bungalow	
CAITHNESS HOMES		
MILLER HOUSE, 55 MACRAE STREET, WICK, CAITHNESS, KW1 5QW TELEPHONE (01955) 802746		
Scale:	Dwg. No.:	Rev.:
1:100	23201502	A



MM Miller (Wick) Ltd

Building & Civil Engineering Contractors

Miller House,
55 Macrae Street, Wick
Caithness KW1 5QW

Telephone: 01955 602746
Facsimile: 01955 605927

Email: sales@mm-miller.com
Website: www.mm-miller.com

Our Ref: B204/DM/SS/01

11th January 2008

The Highland Council
Planning & Building Control
Market Square
Wick

Dear Sirs

Planning Application Ref:- 07/00630/FULCA/IAEW/JAGR

With reference to the above planning application and previous Planning Application Ref:- 07/00483/FULCA/ANPA/JAGR M M. Miller (Wick) Ltd wishes to take this opportunity to clarify our companies position regarding comments that have been quoted in the press and objections that have been made to date.

Planning Application ref :- 07/00483/FULCA/ANPA/JAGR

1. With reference to the quote that M. M. Miller were “**playing games with the planning officials**”. I would like to take this opportunity to make it quite clear that nobody employed within this company has the time or the inclination to play games with the planning officials or anyone else for that matter. It is a full time occupation running 2 construction companies that employ 90 local people without finding time to play games. M. M. Miller have had a good working relationship with the local planning authority for the past 40 years.
2. Whilst the company admits it was wrong to start work on site without the appropriate planning approval, this work was undertaken in order to try and keep a number of our employees in continuous work. The houses in question are being built by the company on a speculative basis without having any potential customers. We have found ourselves having to engage ever more in what could be classed as self generated work in order to keep the number of operatives we employ in full time work. From a financial point of view it would not have made any difference to the company if the house building did not begin until planning approval was obtained.



INVESTORS IN PEOPLE



constructionline



LICENSED TO TRADE



ISO 9001:2000

UKAS



Chas Accredited

Company Reg. No: SC183516

Directors: David Miller, Callum Miller, Mrs. Anne Miller

3. Regarding the references made in the press “**I think this is a case where they have carried on regardless and I don’t think that is right. We must make that clear**”. We would like to clarify that all work was stopped on site when we were notified by the planning department that they had received letters of objection and complaints from councillors. The only work that was undertaken after this date was to make safe the existing works. This work was only undertaken after notifying the planning department of our intentions as it was agreed that it would be detrimental to health and safety to leave a part erected building unsafe and a danger to the public.

Planning Application Ref:- 07/00630/FULCA/IAEW/JAGR

Further to the objections received on the original planning application a new application was submitted to alleviate the relevant objections. These objections have been remedied as follows.

Relevant objections raised by the Area Planning & Building Standards Manager

Objection 1

The construction of a further driveway to the north of the proposed units alongside the existing driveway to the house to the west of the site would be an incongruous arrangement.

Although the original application received no adverse comments from the Area Roads & Community Works Manager regarding the proposed driveways. We have taken on board the AP&BSM’s comments and revised the driveway arrangement to his satisfaction.

Objection 2

Neither of the two proposed houses would have any meaningful garden space.

Although the original application had a garden area to house area equal to other developments that have been granted planning approval. We have taken on board the AP&BSM’s comments and revised the layout to increase the garden area to his satisfaction.

Objection 3

The front windows of the western most semi-detached house are too close to and directly face the rear windows and garden of the house to the south – Traquair – thus unacceptably compromising the privacy of the occupants of that property

This objection has now been addressed by incorporating a timber screen fence that I now believe satisfies the AP&BSM.

The two letters of objection received

The only relevant issues of objection contained within these letters I believe have been resolved within revisions undertaken to satisfy the AP&BSM's objections.

Regarding the comments relating to the development being an "eyesore" or "hideous" I cannot agree with these statements as this design has evolved over time as a direct result of providing and amending the designs of houses to satisfy the majority of potential customers. If there was no demand for this type of house design it would not make commercial sense for this company to be building it on a speculative basis.

Regarding the comments about adjacent properties value decreasing subject to this application being approved I would suggest that this is more a social stigma that infers that semi detached houses lower the demand/value of surrounding properties. Furthermore it is apparent in our business that there is a demand for what would be classed as "lower cost" housing (certainly lower cost than 1 house with a larger garden). The easiest solution to providing affordable housing is to maximise the return on the land costs. If this type of property was to be constructed as 1 detached house rather than 2 in a semi detached construction, the additional cost for the land alone would be in the region of £15k. There would also be additional construction costs contributed through higher overhead recovery and design requirements in the region of £6k. The total of these additional costs being somewhere in the region of £21k not only place the required purchase price out with a large proportion of potential customers budget, it does not represent value for having a larger garden. This aspect is proved beyond doubt when Surveyors undertaking a valuation in order for the customer to obtain a mortgage cannot justify the additional cost the larger garden has incurred. This scenario has been encountered previously in our own personal experience making it impossible for customers obtaining a mortgage who are reliant on raising a large proportion of the necessary funding. Unfortunately being involved in the commercial market place does not allow us the indulgence of providing what we would personally prefer, only to provide what there is greatest demand for.

Whilst none of the above paragraph is in any way relevant to this planning application, hopefully it will help dispel the misconstrued conception that this is a means of developers & builders of generating greater profits.

Yours faithfully

David Miller
Director

Cc: Alan Todd, Area Planning & Building Standards Manager