

**THE HIGHLAND COUNCIL**  
**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING**  
**APPLICATIONS AND REVIEW COMMITTEE**  
**15 APRIL 2008**

Agenda Item	3.3
Report No	15/08

**08/00099/OUTCA: ERECTION OF TWO HOUSES AND INSTALLATION OF A TREATMENT PLANT AND MOUND SOAKAWAY AT LAND 150M SOUTH EAST OF VICTORIA COTTAGE, LYBSTER, CAITHNESS (RE-APPLICATION).**

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

**SUMMARY**

Application is made for outline consent for the creation of two house plots on land to the south east of Victoria Cottage, Lybster. Outline Planning Permission for the same proposal was already granted under reference 07/00350/OUTCA on 24 September, 2007. Thereafter it emerged that one of the neighbours with a notifiable interest had not been neighbour notified hence this current application. Whereas the original application attracted no objections this application has attracted five objections. The grounds of objection, however, do not merit refusal of the application.

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

Ward Number 4 – Landward Caithness

Applicant: Mr. David Wild, Victoria Cottage, Newton, Swiney, Lybster, KW3 6BT

**1. PROPOSAL**

1.1 Application is made in outline to create two house plots on existing rough grazing land to the south east of Victoria Cottage, Lybster. A treatment plant and mound soakaway is part of the proposal.

**2. PLANNING HISTORY**

2.1 Outline consent for this proposal was originally granted on 24 September, 2007 under reference no. 07/00350/OUTCA. However it later emerged that one of the neighbours with a notifiable interest had not been notified hence this current application.

### **3. PUBLIC PARTICIPATION**

3.1 A total of five letters of objection have been received from members of the public.

3.2 The grounds of objection can be summarised as follows:

- (a) Increased risk of flooding to adjacent properties.
- (b) Risk of flooding to proposed houses.
- (c) Increase risk of road traffic accidents.
- (d) Increased impact from traffic noise.
- (e) Lack of a footway and street lighting making the existing road unsuitable for further development.
- (f) Unacceptable impact on the rural character of the area by the addition of these houses.
- (g) Fears that the proposal will increase the number of caravans in the area.

### **4. CONSULTATIONS**

4.1 **Scottish Environment Protection Agency:** No objections.

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

### **5. POLICY**

5.1 The following policies are relevant to the assessment of the proposals:

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

G2 Design for Sustainability

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

Landward chapter Policy 11(e). West of Lybster. Requires water supply and drainage issues to be satisfied and, if so, there is a spacing requirement of 75m – 150m between dwellings.

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

- SPP 1 The Planning System.
- SPP 3 Planning for Housing
- SPP 7 Planning and Flooding

### **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 criteria specified in the Local Plan, when previously consulted Scottish Water had no objections and did not raise any potential water supply problems. The Scottish Environment Protection Agency do not raise any concerns with regard to the drainage arrangements proposed. With regard to the spacing requirement, the applicant has demonstrated on the submitted plans that a house can be built on each of these plots to be at least 75m apart and at least 75m from any existing house. As such, therefore, the proposal complies with the policy in the Local Plan.
- 6.4 With respect to the grounds of objection summarised in paragraph 3.2 above I have further consulted with the Area Roads and Community Works Manager in relation to points (a) – (e) and, taking the points of objection in turn, I would comment as follows:
- (a) The Area Roads and Community Works Manager advises that given the scale of the impermeable roofs and tracks relative to the size of the natural ground in the catchment area, any increase in risk is considered insignificant.
  - (b) The Area Roads and Community Works Manager notes that the application sites are relatively close to a burn and that in an extreme rainfall event the burn would be liable to overtop. However the burn is in a 'V' Shaped valley and there is a noticeable fall to the burn. In a storm event the flood water would rise up the 'V' shaped valley but with little to restrict the flow it would be highly unlikely to reach the houses or create standing water. As a precaution, however, a condition to raise the floor levels of the houses is recommended.
  - (c) The Area Roads and Community Works Manager does not consider 2 additional houses will create unacceptable traffic conditions likely to significantly increase the risk of a road traffic accident.
  - (d) Similarly he does not consider the additional traffic noise generated by two extra houses to be of sufficient impact to warrant refusal of the application.
  - (e) He also concludes that given the low traffic flows and rural location it would be inappropriate to refuse the application because there is no existing footway or street lighting.
  - (f) The proposed houses should not have an unacceptable impact on the rural amenity of the area and indeed, the proposals comply with the Local Plan.
  - (g) It may be that a caravan could be placed on each site during the construction phase but the time on each site would be a maximum of one year and would not therefore have any lasting impact.
- 6.5 In conclusion I do not consider any of the grounds of objection to merit refusal of the application and as the proposals comply with the Local Plan I recommend approval.

## RECOMMENDATION

### Approve outline planning permission subject to the following additional conditions:

1. Prior to the occupation of the developments hereby approved:-
  - a) Each access shall incorporate visibility splays of X=2.5 metres by Y=90 metres in both directions and thereafter be maintained free of any obstruction above adjacent carriageway levels.
  - b) Each access shall be surfaced for 6 metres back from the edge of the public road and shall incorporate dropped and transition kerbing.
  - c) Each access shall have a minimum access width of 3.3 metres from the edge of the public road.
  - d) Each site shall have car parking for at least 2 vehicles and a suitable turning area.

Reason: In the interests of road safety.

2. Notwithstanding the submitted details, any gates shall not open outwards onto the carriageway.

Reason: In the interest of road safety.

3. No development shall take place until there has been submitted and approved by, the Planning Authority a comprehensive scheme of landscaping and tree planting on the west boundary of the site. All planting comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development. Any trees which become seriously damaged or diseased within the first five years from the occupation of the development shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

4. The planning permission hereby granted is in outline only and no caravan or other structure shall be placed or erected on the site pursuant to the issue of this consent.

Reason: In order to clarify the terms of the planning permission hereby granted.

5. Notwithstanding the submitted details, plans shall be provided as part of a detailed reserved matters application to indicate a minimum 75 metre spacing between dwellings.

Reason: In order to comply with the spacing criteria of Policy PP3 11(e) of the Caithness Local Plan Adopted Plan September, 2002.

6. The floor level of each of the houses shall be a minimum of 750mm above the existing adjacent ground level.

Reason: In order to protect each of the houses from potential flooding.

7. Reserved matters applications for each of the houses shall incorporate Sustainable Drainage Systems (SuDS) in order to attenuate surface water drainage discharges from the sites into the existing adjacent burn.

Reason: In order mitigate against potential flooding in the area.

8. No dwellinghouse or other building within its curtilage shall be constructed within 9m of any overhead electricity line.

Reason: In the interests of safety.

Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart, Team Leader (01955 607751)

Background Papers: As referred to in the report above and case file reference number 07/00350/OUTCA.

Date: 4 April 2008

