

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
15 JULY 2008**

Agenda Item	2.3
Report No	35/08

**08/00045/OUTCA: ERECTION OF HOUSE, UPGRADE VEHICULAR ACCESS,
INSTALLATION OF SEPTIC TANK AND SOAKWAY WITH SUBSEQUENT
CONNECTION TO THE PUBLIC SEWER WHEN AVAILABLE, AT LAND TO EAST OF
CATREFF, NEWTON ROW (NEWTONHILL), WICK**

Report by Area Planning and Building Standards Manager

SUMMARY

This application has been brought to Committee for determination as it is contrary to the Development Plan. The site falls within Primary Policy PP3 13 of the Landward Chapter of the Caithness Local Plan whereby the Council will presume against new housing developments until connection can be made into the Wick system and the necessary road improvements have been made. This presumption against development was put forward by the Scottish Environment Protection Agency (SEPA) when the Caithness Local Plan was being prepared. Although the outstanding public sewer issue has not yet been resolved, no indication has been provided by Scottish Water that/when a public sewer will be provided in the Newtonhill area.

SEPA object to the proposal as submitted unless key defined objectives can be met including requirements for Scottish Water to back investment to remove the public sewer constraints on development in the Newtonhill area and also adopt the proposed foul drainage system. As Scottish Water are unable to give assurance that any public sewer would be laid in the area, SEPA's objection to the development remains. However, SEPA have indicated in written comments to another applicant who is subject to the same constraints that they would not object in principle to a discharge from a septic tank into a soakaway provided that a percolation test was undertaken and that a result of between 15 -100 secs/mm could be met. A percolation test was submitted with this planning application that meets those requirements. A condition could be imposed on any consent to ensure that connection would be made to a public sewer if the public sewer system was extended in the future to Newtonhill.

The recommendation is to GRANT outline planning permission.

Ward Number 4 – Landward Caithness

Applicant: Graeme Ronaldson and Hayley Gray, 14 Fraser Drive, Wick, KW1 4PJ

1. PROPOSAL

- 1.1 Application is made in outline for the erection of a house and the upgrading of a vehicular access at land to the east of Catreff, Newton Row, Wick. The proposal would involve, initially, a septic tank and soakaway discharge and then if a public sewer became available a connection to the public sewer.

2. PLANNING HISTORY

- 2.1 None but reference should be made to application reference 08/00093/FULCA on this agenda for the erection of a house within the same Primary Policy PP3 13 envelope.

3. PUBLIC PARTICIPATION

- 3.1 The application was advertised as a potential departure from the provisions of the development plan (21 days). No objections have been received.

4. CONSULTATIONS

- 4.1 **Area Roads and Community Works Manager:** No objections.
- 4.2 **Access Officer:** Provision should be allowed for a continuous roadside footway serving Newton Row.
- 4.3 **Scottish Water:** No objections.
- 4.4 **Scottish Environment Protection Agency:** SEPA notes that under Primary Policy PP3 (13) of the Caithness Local Plan there is a presumption against housing development in the Newtonhill area until the drainage deficiency is removed. It is SEPA's understanding that Scottish Water are undertaking a feasibility study into the provision of first time sewers in the area. Taking into account these site specific characteristics and the nature of the settlement, SEPA in accordance with its policy on waste water drainage objects to this application unless:
- a) Scottish Water confirms that investment to remove this constraint is specifically allocated within its investment programme; and
 - b) the foul drainage system is designed and built to a standard which will allow adoption by Scottish Water and evidence is provided that Scottish Water has confirmed it will adopt the system; and
 - c) the system is designed such that it can be easily be connected to the public sewer in the future (typically this will mean providing a drainage line up to an appropriate point of connection); and
 - d) a planning condition is imposed requiring connection to public sewer when the planned upgrade has been implemented and a connection can be made.

5. POLICY

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

Highland Structure Plan:

- G2 Design for Sustainability

Caithness Local Plan (Adopted September 2002):

- The site is shown to lie within an area which is subject to Primary Policy PP3 13 of the Landward Chapter of the Caithness Local Plan which presumes against housing development until connection can be made into the Wick system and the necessary road improvements have been made.

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 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 the applicant

6.3 The applicants have requested that a letter of support be provided to Members. This can be viewed as a background paper to this item. However, the main points are summarised below:

1. Their development site is within the Newtonhill settlement and no objections have been received from either Scottish Water or the Area Roads and Community Works Manager.

2. The existing road constraints can be overcome by imposing conditions. SEPA's objection on drainage grounds should also be able to be resolved by condition.

3. SEPA do not raise any concerns with regards to the applicants' drainage arrangements provided that the applicants connect into the public sewer.

4. The percolation test already carried out meets the requirements for a septic tank to soakaway discharge.

5. The applicants refer to Policy 31 (l) of the Landward Chapter of the Caithness Local Plan where the applicants note that the waste water treatment improvements at Newtonhill were to be made in 2001/2003. This has not occurred resulting in the applicants already waiting four years before applying for planning permission.

6. The proposal will involve the removal of a derelict ruinous building and would also be in support of the applicants' family run farm at Lower Milton.

6.4 This proposal is located within the settlement boundary of Newtonhill within which there is a service constraint. In this particular case, it is considered that the Local Plan site drainage constraint for Newtonhill does not accurately convey what is taking place on the ground. Scottish Water are unable to give the assurance requested by SEPA that a public sewer would be laid in the area - therefore SEPA's objection to the development remains. However, SEPA have indicated in written comments to another applicant who is subject to the same constraints that they would not object in principle to a discharge from a septic tank into a soakaway provided that a percolation test was undertaken and that a result of between 15 - 100 secs/mm could be met. A percolation test was submitted with this planning application that meets SEPA's requirements.

6.5 I would therefore consider that the application should be granted, despite being contrary to the provisions of the Caithness Local Plan, and subject to conditions requiring the house to be connected to the public sewer if the Wick sewage system is upgraded to include the Newtonhill area, and that the applicant provide detailed plans to indicate how this would be done to meet the requirements of both SEPA and Scottish Water.

7. CONCLUSION

7.1 Under Section 25 of the Act planning applications must be determined in accordance with the terms of the Development Plan unless material considerations indicate otherwise. This proposal is considered to be a justifiable exceptional addition to the existing settlement.

RECOMMENDATION

Grant outline planning permission subject to the following conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto, including the footpath and road widening, 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.

2. Prior to the commencement of development the access shall:-

- a) 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) be surfaced for 6 metres back from the edge of the public road;
- c) have a minimum access width of 3.3 metres;
- d) incorporate a roadside service bay;
- e) incorporate a footway along the length of the site frontage; and
- f) the ditch beneath the proposed access and service bay shall be piped (minimum dia 450mm) and backfilled, with concrete head walls constructed at both ends; and
- g) drop kerbing shall be provided across the driveway access; and
- h) provision shall be made for 2 cars to park and turn within the site; and
- i) any gates shall not open outwards onto the carriageway.

Reason: In the interests of road safety.

3. All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with SEPA, the Water Authority and the Building Standards Authority. For the avoidance of doubt the house shall be connected to the public sewer. However, in the event that such connection is not available, the house shall be drained by a temporary sewage treatment plant and land soakaway. Within 6 months of the capacity of the public sewerage system being increased to allow the house to be connected, the house shall have been connected to the existing public sewerage system, and the temporary sewage treatment plant and land soakaway shall have been decommissioned and removed from the site, and the land and soakaway reinstated to the satisfaction of the Planning Authority.

Reason: Such drainage by sewage treatment plants and land soakaways are acceptable as an interim measure only ahead of availability of a connection into the improved public sewerage system and in the interests of amenity and public health

4. Notwithstanding the submitted details, satisfactory proposals shall be submitted for approval of the proposed foul drainage system that should be designed to a standard which will allow adoption by Scottish Water and shall be provided as part of a detailed reserved matters application.

Reason: In order to comply with the requirements of the Scottish Environmental Protection Agency and Scottish Water.

5. 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.

6. Prior to the commencement of development hereby approved, all buildings to be removed from the site shall be demolished and the demolished materials re-used on site or removed from the site.

Reason: In the interests of visual amenity and to ensure that the development is implemented in a manner that is acceptable to the Planning Authority.

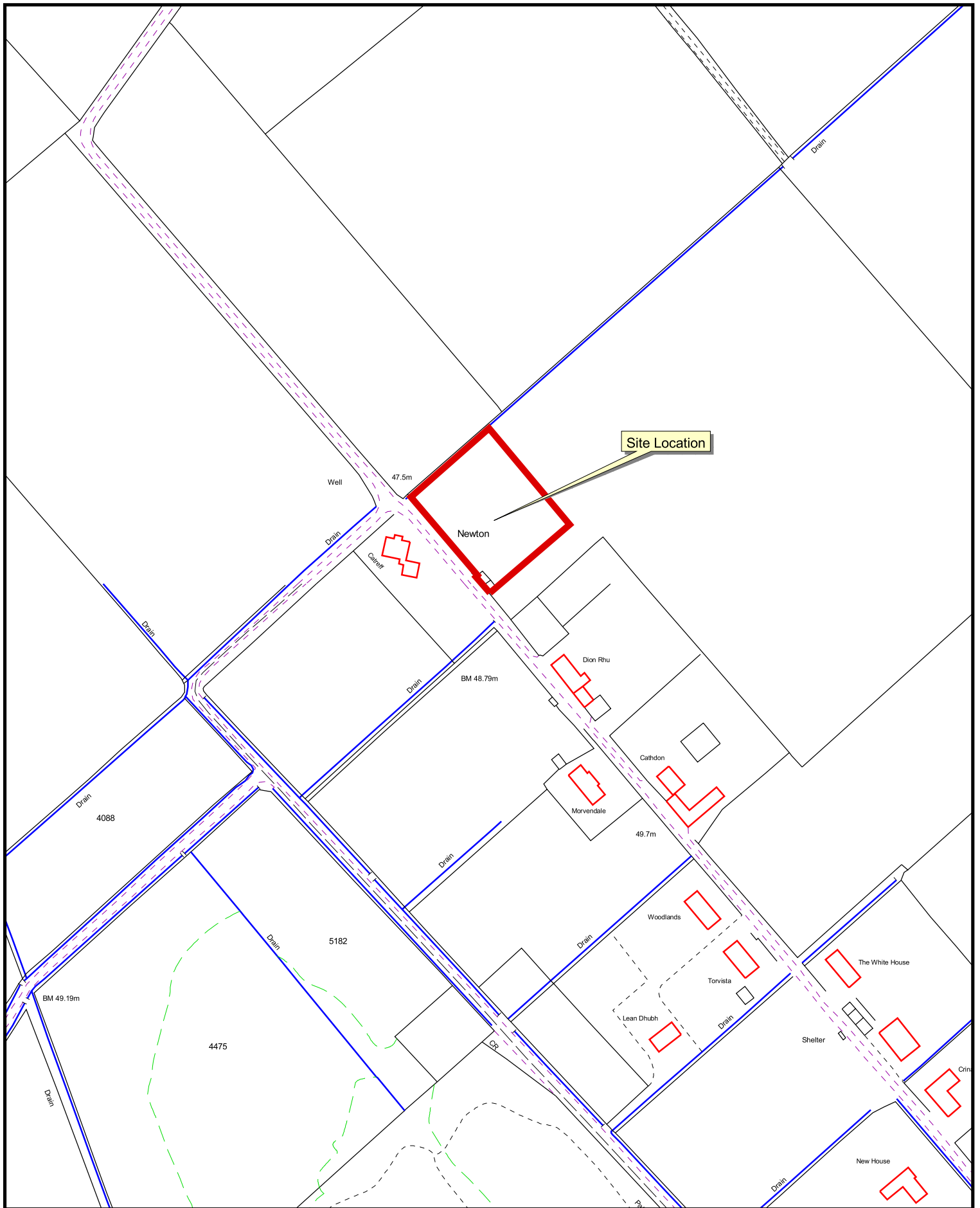
Signature: Allan J Todd

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 08/00045/OUTCA.

Date: 17 June 2008



08/00045/OUTCA
 Erection of house, upgrade vehicular access
 installation of septic tank and soakaway at
 Land to East Of Catreff, Newton Row, Wick

Graeme Ronaldson and Hayley Gray
 14 Fraser Drive
 Wick
 KW1 4PJ

Date: 07 July 2008

SUPPLIED BY THE HIGHLAND COUNCIL



Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Highland Council LA09036L.