

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS AND REVIEW COMMITTEE – 9 December 2008

Agenda Item	3.1
Report No	56/08

07/00598/FULCA - Change of use of agricultural land to residential and formation of roads and site services for a housing development at land to south of Smithy Cottage, Reay, Caithness.

Report by Area Planning and Building Standards Manager

SUMMARY

Application is made to change the use of land currently in agricultural use to residential and for detailed consent to form the roads and site services for such a housing development. The land lies to the south of Smithy Cottage in Reay.

The proposal is contrary to the provisions of the Caithness Local Plan in that the site is subject to Policy PP3 of the plan which presumes against housing development. The matter is made somewhat more complicated by the fact that the applicant has land which is allocated for housing development within the settlement of Reay adjacent to the application site. However it has now been shown that that site would be liable to flood as it is in low lying land adjacent to a burn.

This application is also subject to 6 letters of objection.

The Recommendation is to GRANT planning permission, subject to the prior conclusion of a section 75 agreement.

Ward Number 4 – Landward Caithness.

Applicant: C. Sutherland and Son, The Schoolhouse, Achreamie, Thurso. KW14 7YB

As the proposal is contrary to the Local Plan the objectors have been asked if they wish to have a formal hearing. One objector has indicated that she would wish to attend a hearing and therefore this application will be subject to the hearings procedure.

1. PROPOSAL

1.1 Application is made for the change of use of existing agricultural land to residential and for detailed consent to form roads and site services to facilitate the housing development. The application plans show that it is proposed to form two roads onto the A836 to the north of the site, each of these roads servicing 4 individual houses. The application site is laid to grass and is virtually flat although it does slope eastwards towards the eastern edge of the site.

2. PLANNING HISTORY

- 2.1 I am not aware of there having been any previous planning applications relating to this site.

3. PUBLIC PARTICIPATION

- 3.1 The application was advertised for as a departure from the provisions of the development plan and as development affecting the setting of a listed building, the advert period expiring on 11 January 2008. Six letters of representation have been received relating to the following matters:

- a. The proposal is contrary to the provisions of the Caithness Local Plan.
- b. The proposal would adversely affect the setting of the Listed Building called Smithy Cottage which sits to the north of the application site.
- c. The proposal will cause traffic problems.
- d. There are already sufficient building plots elsewhere within the village.
- e. There is a specific policy in the Local Plan, Policy H4 of the Reay Chapter, which states that the Council will maintain a strong presumption against housing development on land outwith the village boundary and more specifically on land between the parts of the settlement.
- f. The planned development will obstruct countryside views from an adjacent house at Hawthornlea.

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

4. CONSULTATIONS

- 4.1 **West Caithness Community Council:** Objects to the proposals because

- a. The site is not allocated for housing development in the Local Plan.
- b. There are concerns about vehicular access.
- c. There is a flood concern as the site is close to boggy ground.
- d. The area is crofting ground and is not decrofted.

- 4.2 **Internal Consultees**

Archaeology Section: They have a concern that one of the accesses will divide Smithy Cottage away from the adjacent steading range and as such may adversely affect the character of this grouping. The Conservation Architect shares the same concerns as the Archaeology Section.

Area Roads and Community Works Manager: No objections subject to several conditions and also reassurance from the applicant with regard to flooding issues.

- 4.3 **External Consultees**

Scottish Water: No objections

SSE Power Distribution: No objections provided appropriate conditions are attached.

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

- Principal Policy PP3 which has a presumption against housing development.
- Policy 4 of the Reay Chapter of the Local Plan which states that the Council will maintain a strong presumption against housing development on land immediately outwith the village boundary.

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).

- SPP3 Planning for housing
- SPP7 Planning and flooding
- SPP15 Planning for rural development

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 objectors

6.3 This application came about because the applicant wished to develop land for housing and in the Caithness Local Plan Reay Chapter there is a site in the applicant's ownership which has been allocated for the development of housing – site 2(b) in the Local Plan. However, that site is very low lying and adjacent to a burn and as can be seen from the attached Scottish Environment Protection Agency flood risk map the site is projected to be prone to flooding. It is also not an easy site to access and is certainly not an attractive site to develop.

- 6.4 The applicant pointed out that he had land on the other side of the burn which is at a higher level and could be much more easily developed and would not be subject to these flooding issues. Accordingly he has submitted this application on the basis that if planning permission is granted for this proposal then he is willing to enter a Section 75 agreement to ensure that the other site which he owns and which is allocated for housing development will not be developed.
- 6.5 With regard to the grounds of objection listed at paragraph 3.1 above I would comment on them as follows.
- a. I agree that the proposal is contrary to the Local Plan but it is for Committee to decide whether or not it considers that there are material issues which would suggest a departure from the Plan is justifiable.
 - b. This is an issue which has been raised by the objectors and also by the Council's Conservation Architect and Archaeology Section. However, from the submitted layout plan the nearest building to Smithy Cottage would be at least 22 metres away from it. I do not consider that this would be unduly crowding this Listed Building whose principal elevation is to the main road to the north. With regard to the issue of splitting up the way that the cottages and the adjacent steading read, I do not feel that development should cause much of an issue because there already is a wide access in between these two buildings and this proposal will not materially change that.
 - c. The Area Roads and Community Works Manager does not have concerns in this regard.
 - d. This proposal has been put forward because the applicant has noted that the site which he owns and is allocated for housing development would not wisely be developed. This site is in effect replacing that allocation.
 - e. This is indeed correct but again it is for Committee to decide whether or not material considerations would indicate that that Policy should not be strictly applied in this instance.
 - f. This objector does not have the right to a view.
- 6.6 With regard to potential flooding issues, this matter has been raised with the applicant's Engineer and he has pointed out that the lowest lying of any of the proposed houses would have a floor level of 17 metres Above Ordnance Datum. Other adjacent buildings which currently exist at that level in the vicinity show no signs of water damage and indeed, during the severe storm of 26th October 2006, the water did not approach this height. It would therefore be extremely unlikely for any of these proposed houses to suffer from any flooding.
- 6.7 It is for Members of this Committee to decide whether this "replacement" site for the existing allocated site is a justifiable departure from the Local Plan. In my view, on balance, I think it probably is which is why I am recommending approval. However, if Members are minded to granted this consent it should not be issued until a Section 75 agreement has been entered into by the applicant with the Council such that the site which is already allocated for housing development will not be developed for housing. The planning permission would not be issued until after this has been recorded.

RECOMMENDATION

Grant planning permission subject to the following conditions and subject to the prior conclusion of a Section 75 agreement to “surrender” the site allocated for housing in the Local Plan:

1. This detailed consent relates to the formation of the roads and site services and does not grant detailed consent for any houses which will require to be the subject of a further application or applications.

Reason: In order to clarify this consent.

2. Each of the accesses onto the A836 shall be a minimum of 5.5 metres in width for the first 10 metres back from the highway, tapering down to a width of 3.5 metres. The first 6 metres of these accesses shall be hard surfaced back from the public road. Each of the vehicular accesses shall have visibility splays of 2.5m x 90 metres provided and thereafter maintained in both directions.

Reason: In the interest of road safety.

3. Before development commences on the construction of any of the roads, all overhead power lines which run alongside or cross the site shall be diverted to the requirements of SSE Power Distribution entirely at the expense of the developer.

Reason: In the interest of public safety.

4. Prior to the commencement of development, details of a Sustainable Urban Drainage scheme for the development shall be submitted for the prior written approval of the Planning Authority. The approved scheme shall be implemented thereafter prior to the first occupation of any house on the site.

Reason: In order to ensure that the site is properly drained.

5. Prior to the commencement of development, a detailed scheme of landscaping shall be submitted for the prior written approval of the Planning Authority. All planting subsequently approved shall be undertaken in the first planting season following occupation of each house.

Reason: In the interest of visual amenity.

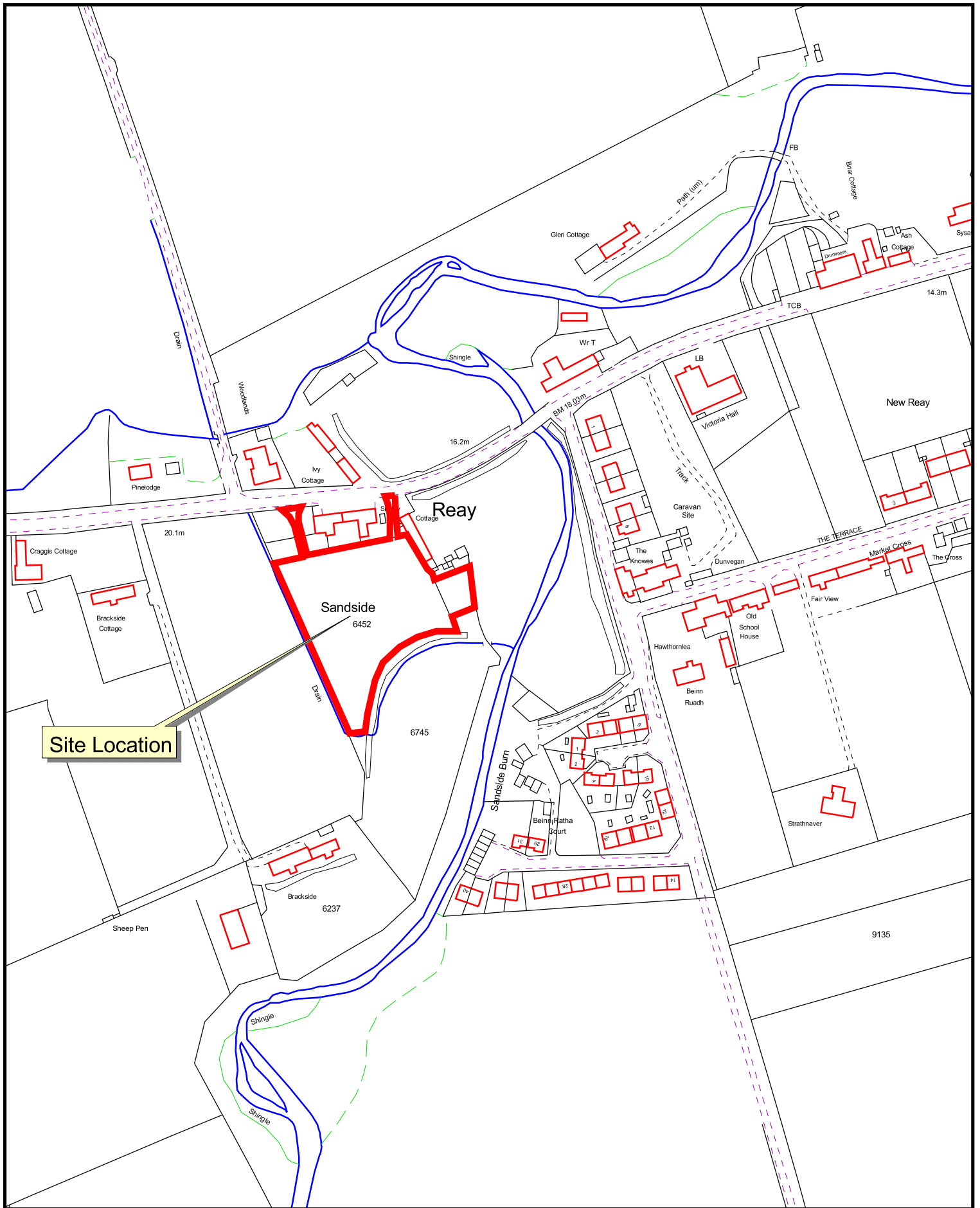
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above.

Date: 1st December, 2008



07/00598/FULCA
 Roads and site services layout for housing
 development at, land to South of Smiddy Cottage
 Reay, Thurso

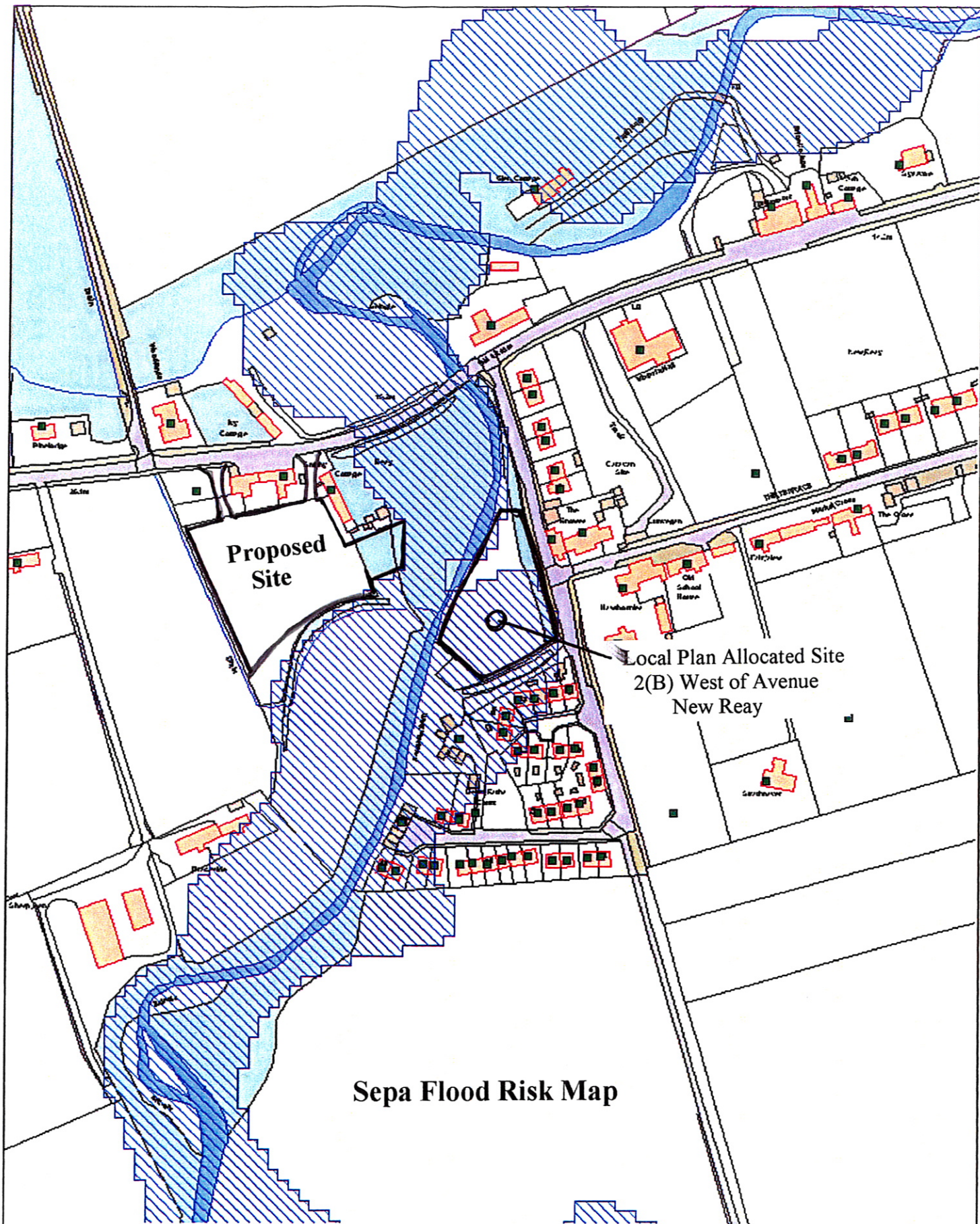
C Sutherland And Son
 per Mr C Shepherd
 Quoys Farm
 Canisbay
 KW1 4YH

Date: 28 November 2008

SUPPLIED BY THE HIGHLAND COUNCIL



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Not Set

Not Set

Scale : 1:2500

Date : 17/10/2008

Ivy Cottage

c.l. 17.480
i.l. 13.880

16.842

Existing SW drain

17.802

9.7 17.413

18.857

c.l. 18.395
i.l. 17.055

18.25

f.l. 17.805

c.l. 17.480
i.l. 15.24

f.l. 18.250

6.00

4.8

3.5

18.800

c.l. 18.400
i.l. 16.89

18.400

18.200

c.l. 17.600
i.l. 15.84

Nc

3 SECTION OF OVERHEAD LINE WOULD
LIKE THE DEVELOPER AND BUILDER
EMPLY WITH HJE GUIDELINES G-36

c.l. 18.300
i.l. 16.56

c.l. 18.100
i.l. 16.81

A2

A1 Slope

OVERHEAD LINE WOULD NEED TO BE DEVIATED BEFORE WORK COULD BE
CARRIED OUT AT THIS PLOT AND ACCESS ROAD.

LOW VOLTAGE
CABLE

SCALE 1:250