

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

Agenda Item	3.3
Report No	58/08

06/00033/FULCA: Erection of One Dwellinghouse and 2 No. Chalets For Holiday Letting, Installation Of Sewage Treatment Plant and Soakaway, Upgrade Vehicular Access at Marquel, Ulbster, Caithness

Report by Area Planning and Building Standards Manager

SUMMARY

Application is made for the erection of a house and 2 no. chalets for holiday letting, installation of sewage treatment plant and soakaway, upgrade vehicular access at Marquel, Ulbster, Caithness.

The proposals have attracted objections from ten parties, and a petition containing 29 signatures.

While the development complies in principle with the development plan, insufficient information has been provided to confirm that the proposal can meet the requirements of the Scottish Environment Protection Agency in relation to drainage.

The Recommendation is to REFUSE planning permission.

Ward Number 4: Caithness Landward

Applicant: Mr Rodger Green (Per Agent)

Agent: Woodco Scotland Ltd, Tofts of Tain, Castletown, Caithness, KW14 8TB

1. PROPOSAL

- 1.1 Application is made in detail for the erection of a single storey house and amended proposal for two single storey chalets, to be finished in light brown horizontal timber cladding with grey-looking slate roofs. The site is set back 165 metres from the A99 (T) trunk road.

- 1.2 The site comprises grassland sloping down towards Loch Watenan to the west with distinctive ruinous dwellings and the access sloping down to the A99 (T) trunk road to the east. There are changes in level across the site.

2. PLANNING HISTORY

- 2.1 None

3. PUBLIC PARTICIPATION

- 3.1 Letters of objection have been received from ten local residents and interested parties. A petition with 29 signatories has also been received.

The grounds of objection can be summarised as follows:

- The proposal will have a significant detrimental impact upon local biodiversity at Loch Watenan and the Council should have regard to the 2004 Nature Conservation (Scotland) Act.
- The proposal will have a significant impact upon a wide variety of native species including otters, lapwings and oystercatchers, mallards, tufted ducks, teal ducks, common sandpipers and herons
- The proposal will be an eyesore on the landscape
- Loss of value to properties in the area
- Loss of view

- 3.2 Two letters have been received from John Thurso, MP who requested information regarding the status of the application as submitted following queries received from his constituents.

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

4. CONSULTATIONS

- 4.1 **Tannach & District Community Council:** Requested to be kept informed of developments with the application.

4.2 Internal Consultees

Archaeology: (Revised Comments) No objections subject to an ARC 1 archaeological investigation condition being attached to any consent given.

Area Roads and Community Works Manager: No comments as the application site access is off the A99 (T) trunk road.

Highland Biodiversity Officer: (Revised Comments) No objections and agrees with the professional opinion of the surveyor that the local Otter population will be minimally affected by the proposed development, provided that care is taken not to obstruct the Otter run and lie-up. It should be noted that the Highland Biodiversity Officer has not visited the site and any comments made relate solely to the findings of the Otter survey.

4.2 External Consultees

RSPB (Scotland): No objections subject to the following condition:

- Any site preparation works ought to be undertaken outwith the nesting period, April to July inclusive, in order to prevent disturbance to breeding birds.

Scottish Natural Heritage (Revised Comments): would not object to the proposals as submitted if the Council were mindful to impose the following conditions:

- The track and mini sewage treatment works should be moved so that they are at least 30 metres away from the otter resting place.
- Before work starts a protection zone of at least 30 m radius should be clearly marked around the otter resting place to keep people, but not otters, out.
- Any temporarily exposed open pipe systems should be capped in such a way as to prevent otters gaining access when contractors are not working on the site.

Scottish Environment Protection Agency (Revised Comments) Indicate that they are mindful to withdraw their objection to the nature conservation aspect of the application and the issues at Loch Watenan if the conditions requested by SNH to protect otters are placed on any consent given.

However, SEPA still object to the proposed development submitted until acceptable information is provided on foul drainage and have advised that, subject to soil investigations being acceptable, the proposals should be amended to incorporate mound soakaways.

SEPA note that Loch Watenan has been classified as an 'impacted mesotrophic loch' habitat for which a UK Biodiversity Action Plan exists. For this reason SEPA are unlikely to authorise a discharge to the Loch as it could potentially further impact on the delicate nutrient balance. It is therefore necessary to ensure that proposals for soakaway are achievable on site. In the first instance SEPA requires that percolation tests are carried out to determine whether a soakaway is achievable on site at the precise location where the soakaway is proposed. Information on the depth to the winter water table should also be supplied. The percolation test results should then be used to demonstrate that the site has the space to accommodate an appropriately designed joint soakaway, or individual soakaways, and meet Building Regulations.

Scottish Water: No objections subject to the applicant meeting all Scottish Water requirements.

Transport Scotland: (Revised Comments) No objections subject to the following conditions:

- Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centre line of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.
- The improved access shall join the Trunk Road at a new junction which shall be constructed by the applicant to a standard as described in the DMRB Volume 6 section 2 part 7 TD 41/95 (Junctions and Accesses) complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted and approved by the planning authority, after consultation with roads authority before any development is commenced.
- The gradient of the access road shall not exceed 1 in 5 for a distance of 10 metres from the nearside edge of the Trunk Road carriageway, and the first 6 metres shall be surfaced in a bituminous surface. Measures shall be adopted to ensure that no drainage from the site access discharges onto the Trunk Road.
- There shall be no drainage connections to the Trunk Road drainage system.

5. POLICY

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

Highland Structure Plan

- Policy H3 Housing in the Countryside
- Policy G2 Design for Sustainability

Caithness Local Plan

- Primary Policy PP2

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 both 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 The development complies in principle with Primary Policy PP2 of the Caithness Local Plan which presumes in favour of new housing development unless material considerations indicate otherwise. However, despite requests, insufficient investigation has been carried out to determine whether a discharge from the proposed foul treatment plant to soakaway would be achievable. It has not therefore been demonstrated that the development can meet SEPA's requirements for foul drainage arrangements.
- 6.4 Members will note that there are no technical objections to this proposed development. Matters of detail relating to access to the Trunk Road, the protection of the identified otter population and other wildlife, and the need to minimise disturbance to breeding birds, are all issues that can be addressed by condition to the satisfaction of the relevant technical agencies.
- 6.5 However, there remain issues relating to the design of the proposed house and chalets. The design as presently proposed is very simplistic in form, with all buildings being finished in horizontal timber cladding and a slate roof. Attempts have been made to encourage the applicant to provide a better design solution which, in my opinion, such an outstanding location warrants. Indeed, there is surely the opportunity to create a much more innovative and exciting solution appropriate to this loch-side setting. Whilst some amendments have been made to the proposed design, these are of a minor nature only, although possibly, on balance, acceptable.
- 6.6 Finally, I would remind Members that matters relating to loss of view and perceived reductions in property values, as raised in letters of representation, are not material planning considerations.

7. CONCLUSION

- 7.1 I do not consider that the information provided by the agent is sufficient to both determine the application as submitted and meet the requirements of the Scottish Environment Protection Agency. The application is therefore recommended for refusal.

RECOMMENDATION

Refuse planning permission for the following reasons:

- 1 There is insufficient information to determine whether the proposed development would have an adverse impact on the existing local area as no soil investigation has been carried out to demonstrate whether a discharge from the proposed foul treatment plant to soakaway would be achievable and it has therefore not been shown that the development can meet SEPA's requirements for foul drainage arrangements in this sensitive location, contrary to the provisions of Policy G2 Design for sustainability of the Highland Structure Plan.

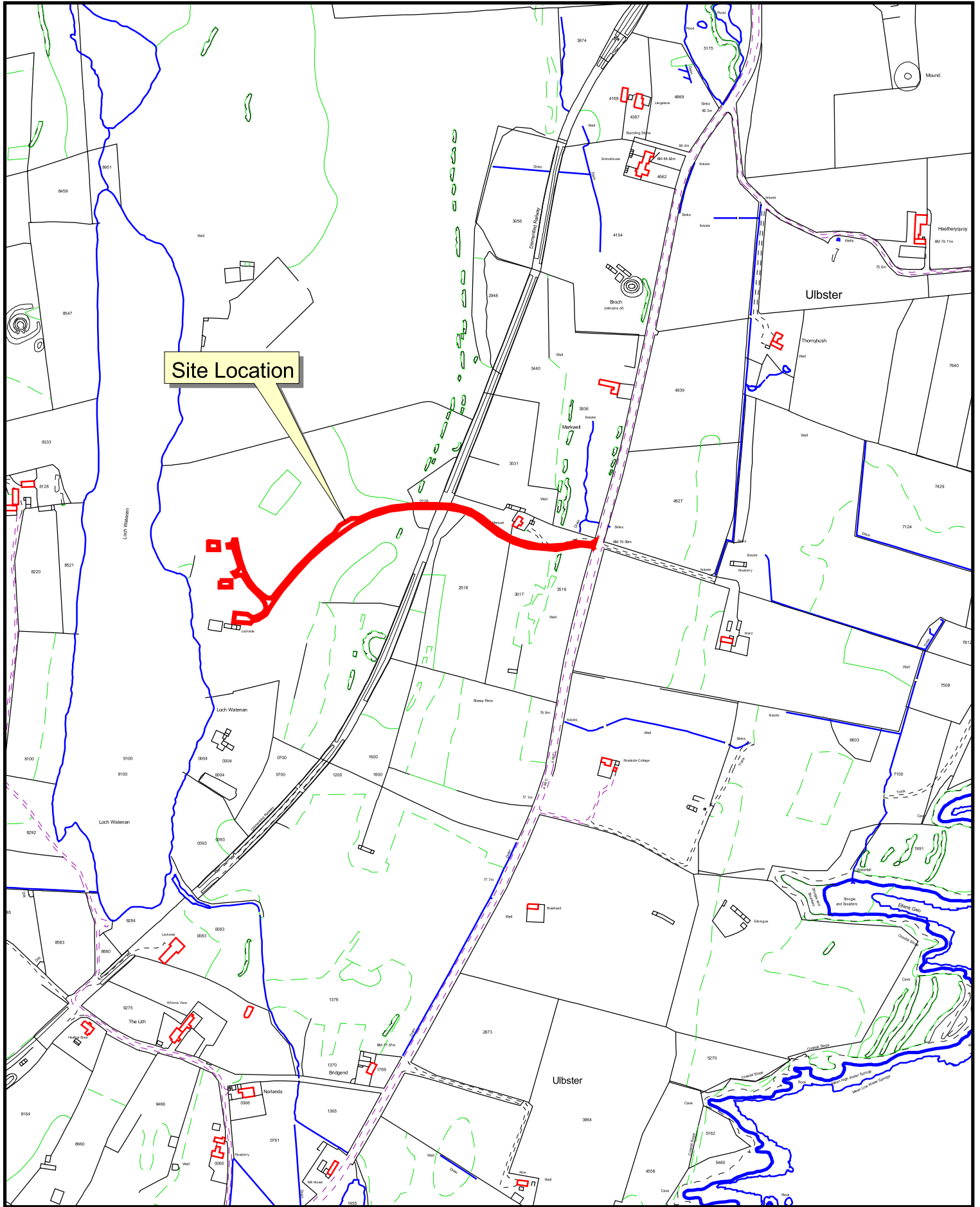
Signature: Allan J Todd

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 06/00033/FULCA

Date: 26 November 2008



Site Location



06/00033/FULCA
 Erection of dwellinghouse and 2 no. chalets for holiday letting,
 installation of sewage treatment plant and soakaway, upgrade
 vehicular access at Marquel, Lybster

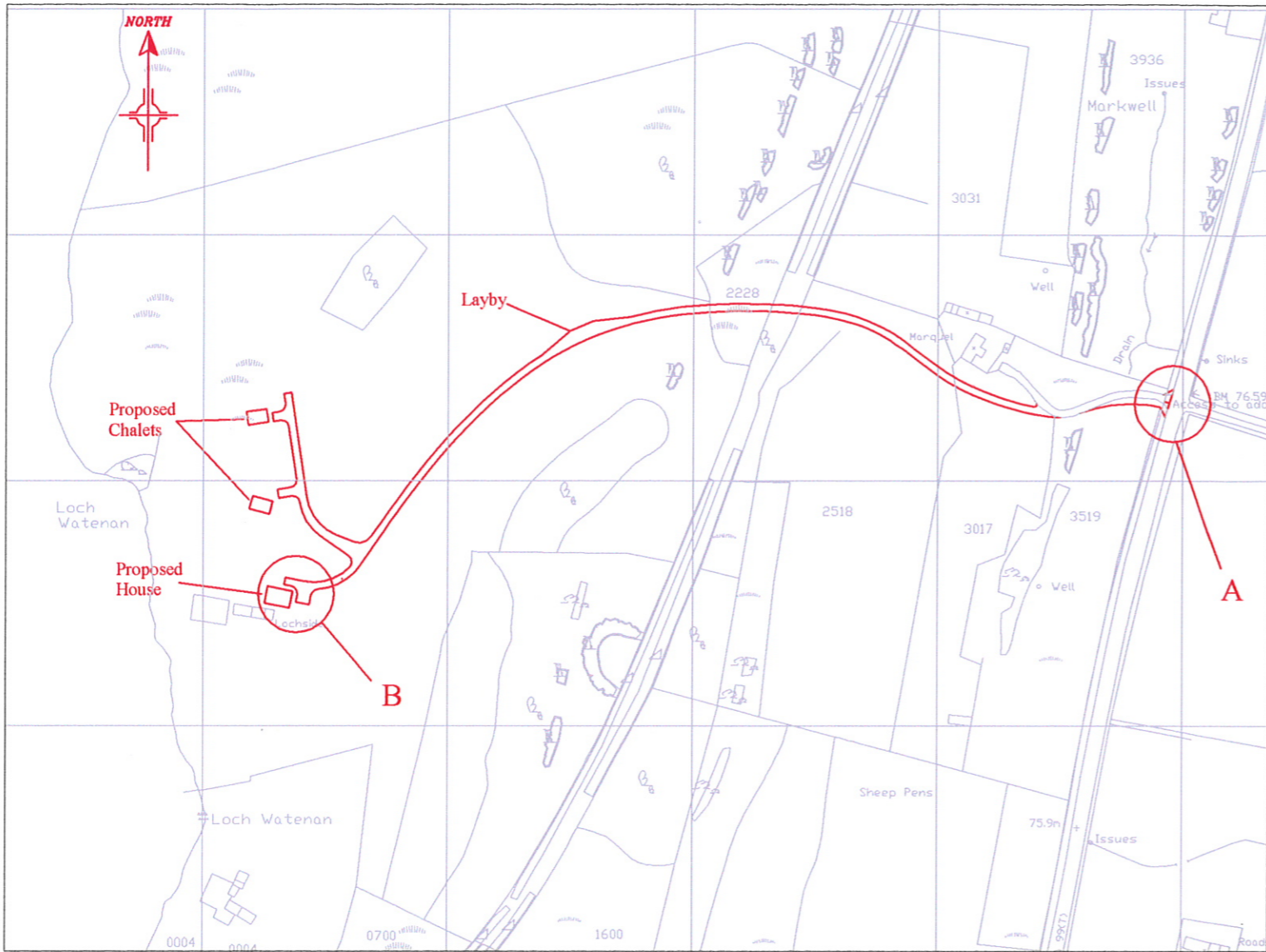
Mr. Roger Green
 per Woodco Scotland Ltd
 Tofts Of Tain,
 CASTLETOWN,
 Caithness,
 KW14 8TB



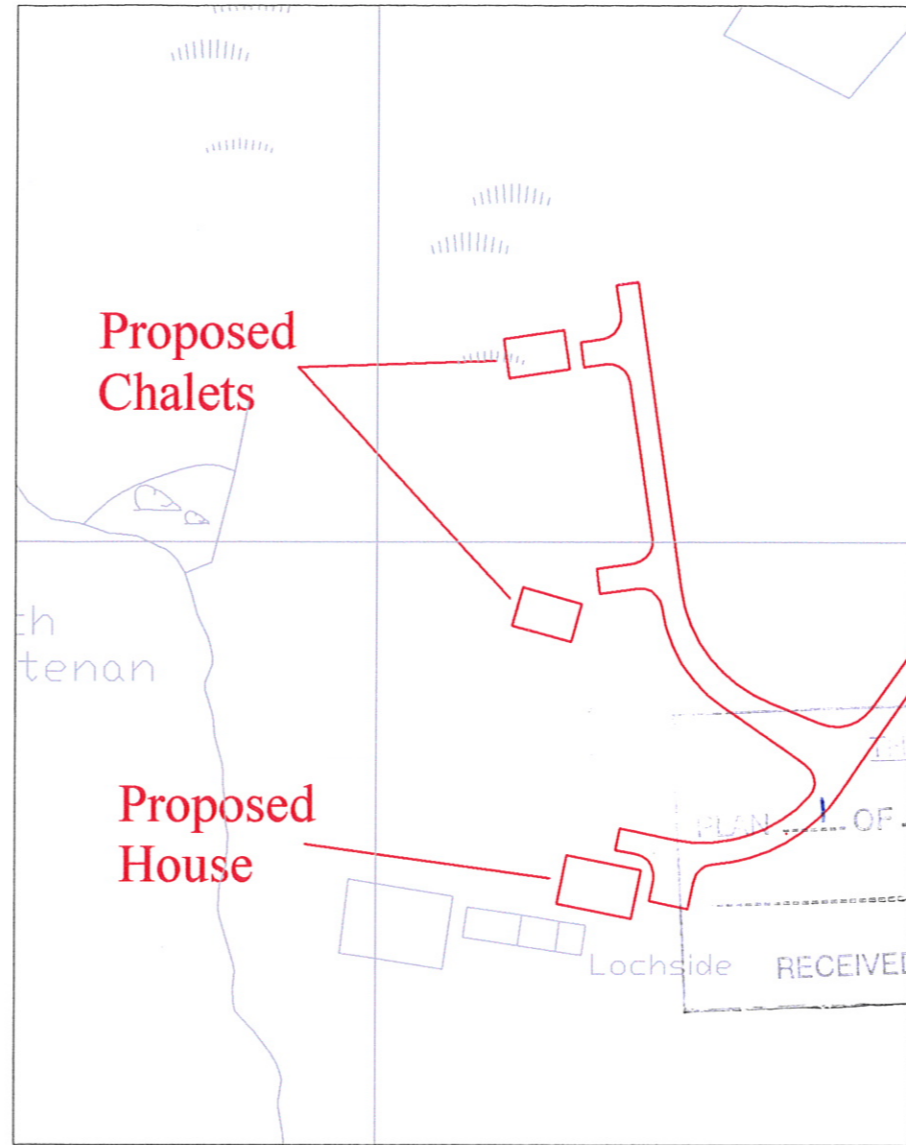
Date: 28 November 2008

SUPPLIED BY THE HIGHLAND COUNCIL

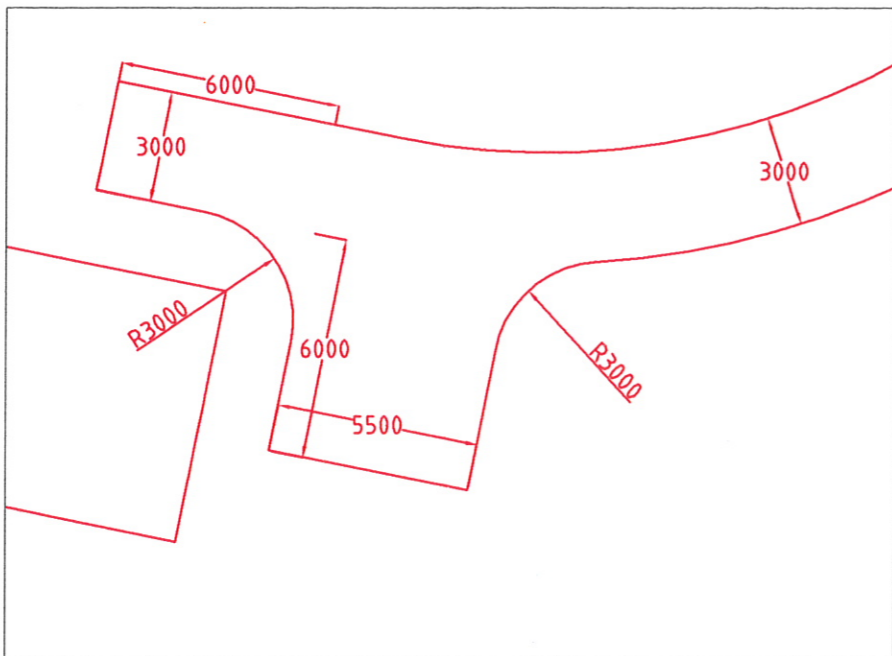
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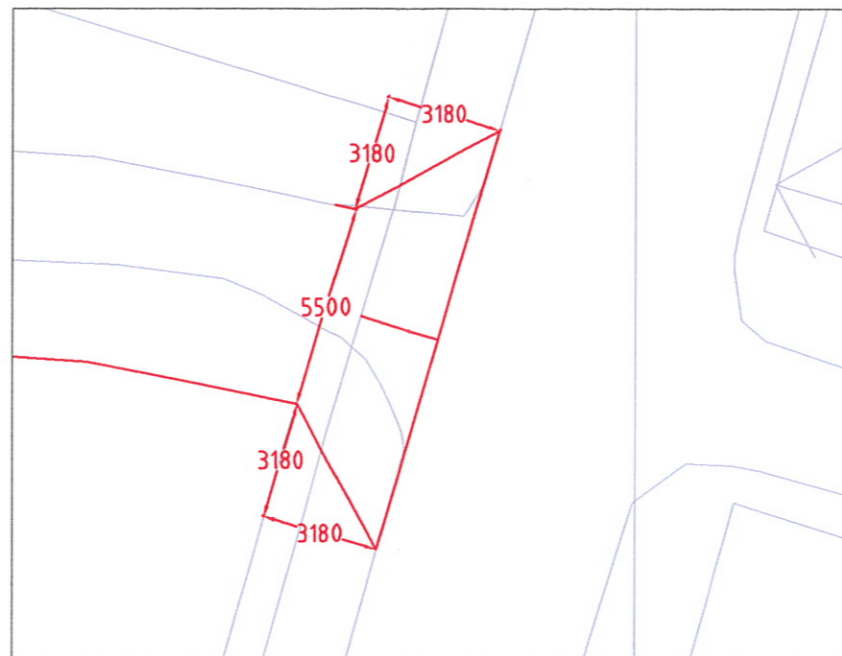
SITE PLAN (1:1250)



BLOCK PLAN (1:500)



DETAIL B (1:100)



DETAIL A (1:100)

DO NOT SCALE

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Contractor to check all dimensions on site prior to starting work
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REVISION NOTES		
Rev	Description	Date
A	Layout amended	27.09.05
B	Access road amended	13.12.05
C	Block plan added	14.12.05
D	Access ramps added	11.01.06
E	Site plan amended	8.02.06
F	1 Chalet removed	7.12.07

HIGHLAND COUNCIL
PLAN 1 OF 9 OF APPLICATION REFERENCE
06/033
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CLIENT: GREEN

WOODCO SCOTLAND LTD
TOFTS OF TAIN, CASTLETOWN,
CAITHNESS KW14 8TB
TEL: 01847 821418

PROPOSED SITE PLAN
AND BLOCK PLAN

SCALE AS SHOWN	DATE 27.09.05	DRAWN AG	CHECKED
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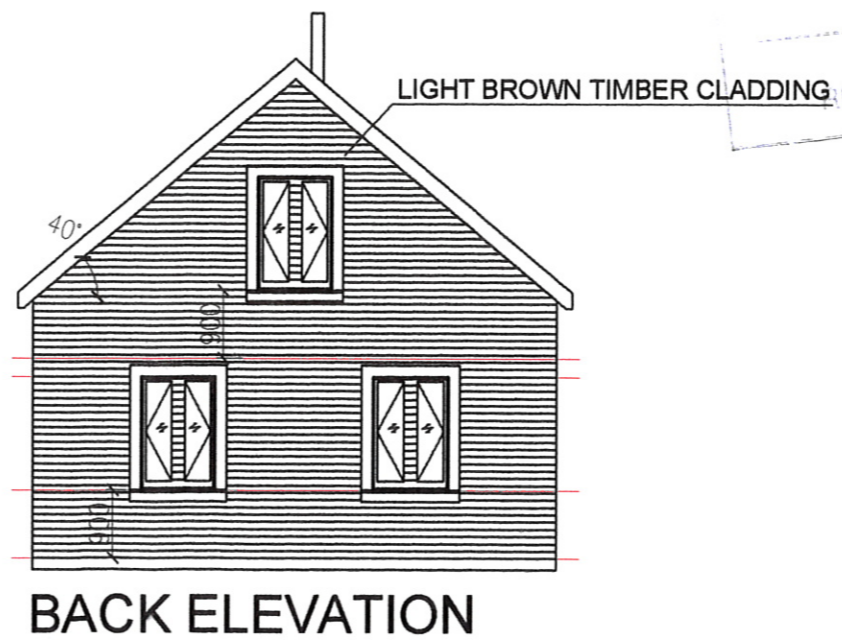
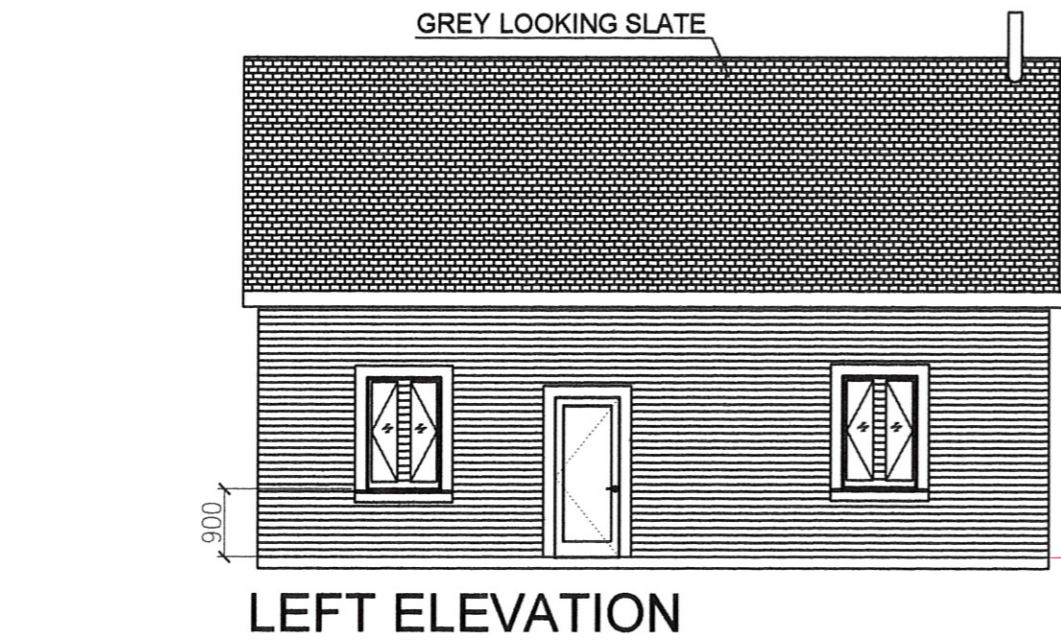
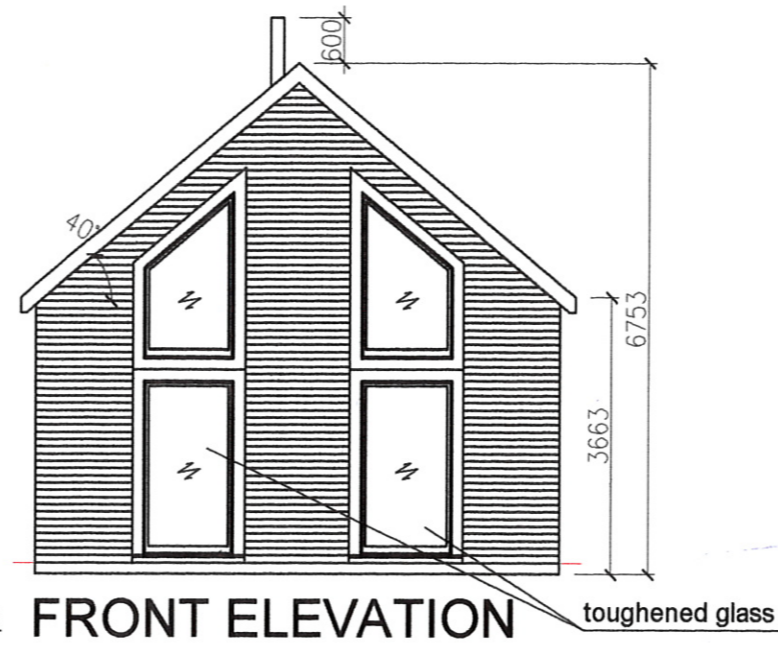
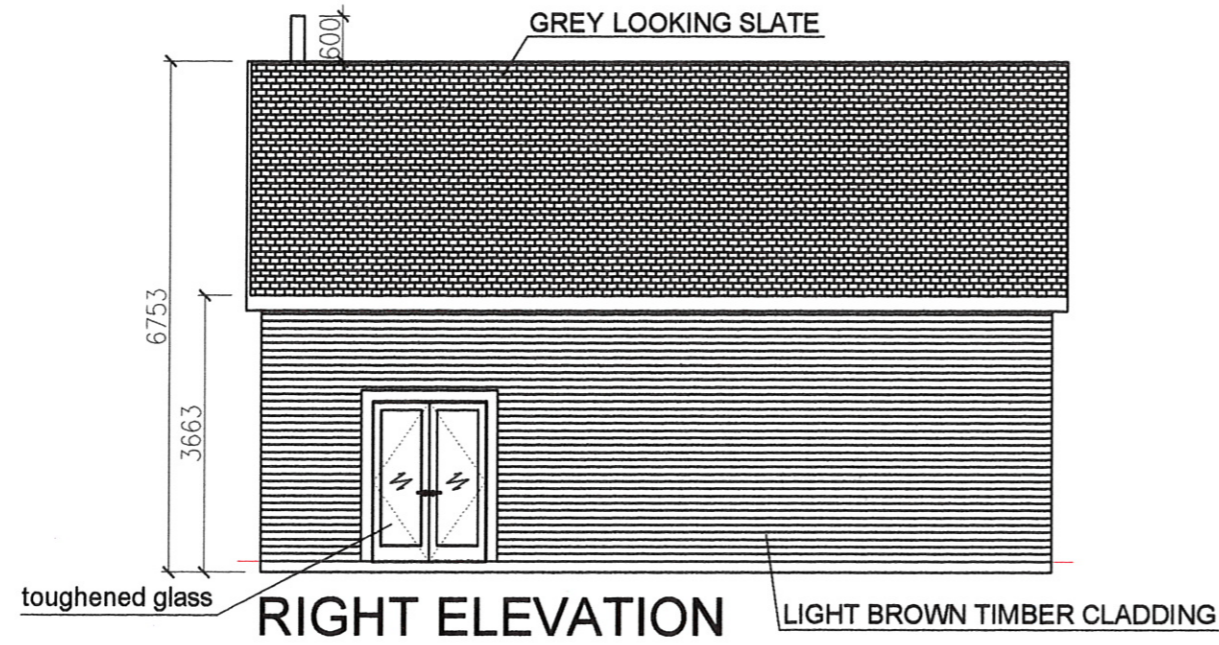
DRAWING NUMBER	GREEN 01
REVISION	A B C D E F

Amended Plan 1 of 9 received 4/8/08

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REVISION NOTES

Rev	Description	Date
A	Window detail amended	22/08



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 4/8/08

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PROPOSED ELEVATIONS

SCALE 1:50	DATE 06.08.07	DRAWN ACZ	CHECKED
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DRAWING NUMBER	GREEN HOUSE ELEVATIONS				
REVISION	A				

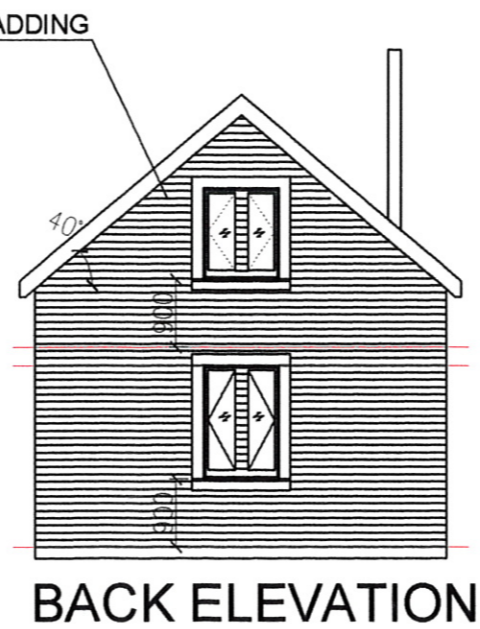
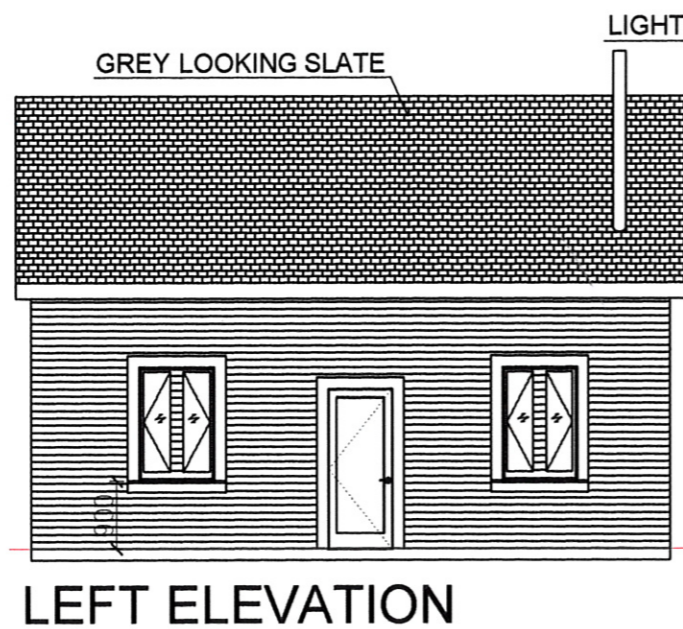
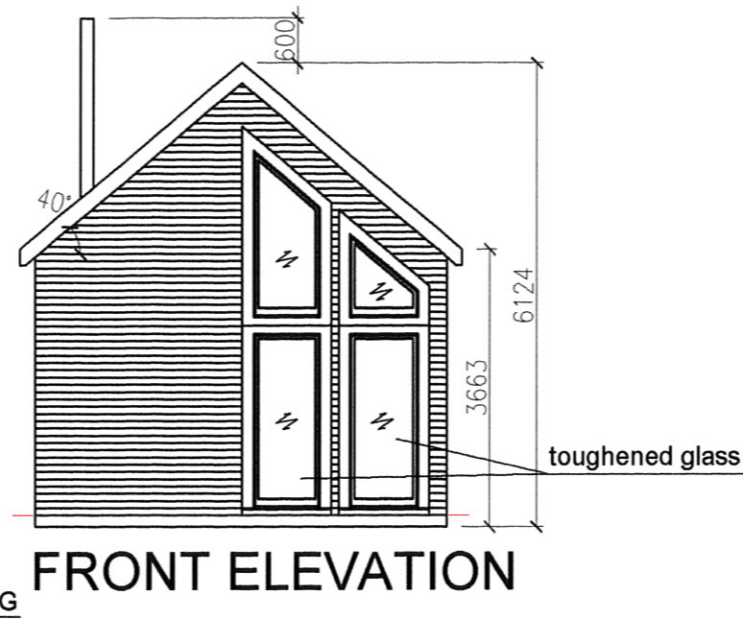
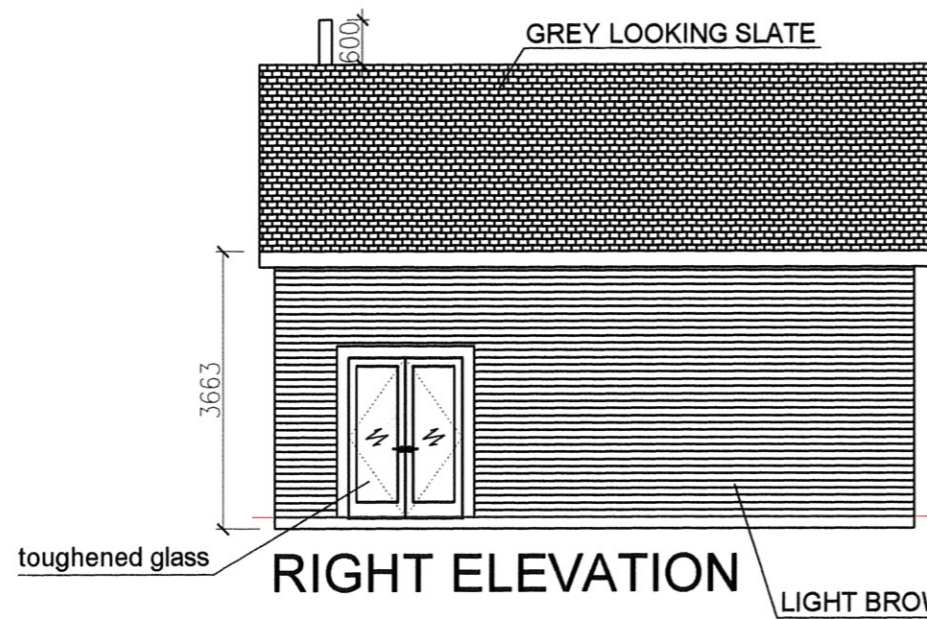
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Amended Plan 2 of 9 received 04/08/2008

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REVISION NOTES

Rev	Description	Date
A	Roof profile amended	22/08



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 FILE 5 OF 9 OF APPLICATION REFERENCE
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PROPOSED
 ELEVATIONS

SCALE 1:50	DATE 06.08.07	DRAWN ACZ	CHECKED
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DRAWING NUMBER	GREEN CHALET ELEVATIONS				
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Amended Plan 5 of 9 received 04/08/2008