

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS AND REVIEW COMMITTEE – 23 JUNE 2009

Agenda Item	3.2
Report No	30/09

Report by Area Planning and Building Standards Manager

SUMMARY

The report summarises four separate planning applications for housing at Scotsburn / Lamington to the southwest of Tain:

1. 08/00244/FULSU – Erection of 5 houses and formation of separate access roads onto the Scotsburn road. Installation of septic tank and soakaway system (As Amended to 3 houses, a single access point onto the Scotsburn road and individual septic tank and soakaway systems) at land to west of Evelix Cottage, Scotsburn, Lamington – Advertised twice, following amendment, under s34 of the Act, expiring on 5 September 2008, 15 May 2009. Applicant – Galliford Try Construction.
2. 08/00218/FULSU – Erection of 2 houses with sewage treatment systems and detached garages. Formation of new shared access onto Scotsburn / Tain public road (As amended site) at land to west of Torvaig, Lamington. Advertised twice, following amendment, as a potential departure, expiring on 12 September 2009, 12 June 2009. Applicant – CLC (Highland) Ltd.
3. 08/00258/OUTSU – Erection of 2 semi-detached houses (In Outline). Installation of septic tank and soakaway at land east of Kanerva, Lamington. Advertised as a potential departure, expiring on 10 October 2008. Applicant – Mr Clement R Munro & Partners.
4. 08/00424/OUTSU – Erection of house. Installation of septic tank and soakaway system. Formation of new access onto Scotsburn / Tain public road (In Outline) at land to east of Torvaig, Lamington. Advertised as a potential departure, expiring on 5 December 2008. Applicant – Mr B Logue.

The Recommendation is to GRANT planning permission to applications 1, 2 and 4, and to REFUSE planning permission for application 3.

Ward Number 8 – Tain and Easter Ross

1. PROPOSAL

- 1.1 This report deals with four separate planning applications. The composition of the applications is two in detail and two in outline comprising a total of 8 houses – 5 in detail, 3 in outline.

The applications are the subject of a joint report due to:

1. their proximity to each other along a 300 metre section of single track road in a rural setting
2. the potential implications for the immediate area in terms of servicing and good long- term planning
3. planning policy

2. PLANNING HISTORY

- 2.1 There has been relatively little development in this immediate part of the Scotsburn / Lamington area in recent years.
- 2.2 Members may recall consideration of a single house application (06/00259/OUTSU) on land to the east of 'Torvaig'. The application was refused on 18 June 2008 as the application site partly fell outside the settlement boundary as identified in the adopted Local Plan. Application 08/00424/OUTSU (No.4 above) is a re-application on this previously refused site.
- 2.3 In addition, Committee will note the approval of a single house (06/00958/OUTRC) to the north side of the Scotsburn Road at 'Torvaig' (approved 16 April 2008).
- 2.4 Members should be aware that during discussions with one of the applicants, a further application 08/00228/OUTSU (single house in outline approximately halfway between 'Kanerva' and 'Torvaig') was withdrawn.

3. PUBLIC PARTICIPATION

- 3.1 All four of the applications have been advertised, and in some cases re-advertised following amendment, either as Potential Departures from policy or under s34 of the Act (as set out in the Summary above). Representations have been received in respect of each of the applications.
- 3.2 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.
- 3.3 The representations relate variously to the following matters:
 - Proposals not in accordance with the Local Plan for Scotsburn
 - Over-development of the area; change in the character of the area
 - Impact on views from road and existing housing towards the south
 - Impact on existing amenity and privacy
 - Road not able to cope with additional traffic – single track road
 - Poor land drainage in the area
 - Re-routing of overhead electricity cables
 - Design of houses not appropriate to the area
 - Loss of crofting ground

4. CONSULTATIONS

4.1 **Kilmuir and Easter Logie Community Council** – No response on any of the applications.

4.2 **Consultees**

Application 1

Area Roads and Community Works Manager – No objections. Sightlines of 120m are required along with a combined bellmouth and service bay, surfaced in bituminous macadam.

Archaeology – No archaeological condition requested.

SEPA – CAR authorisation required.

Scottish Water – No objections.

Application 2

Area Roads and Community Works Manager – Objects due to lack of visibility. A splay of 150m is required and only approximately 100m can be achieved.

Scottish Water – No objections.

Application 3

Area Roads and Community Works Manager - Objects due to lack of visibility. A splay of 150m is required and only approximately 100m can be achieved.

Scottish Water – No objections.

Contaminated Land Unit – No objections.

Application 4

Area Roads and Community Works Manager – No objections. Sightlines of 150m are required along with a combined bellmouth and service bay, surfaced in bituminous macadam.

Scottish Water – No objections.

5. POLICY

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

Highland Structure Plan

- G2 Design for Sustainability
- H3 Housing in the Countryside

Ross and Cromarty East Local Plan

- Housing in Small Rural Settlements

Developments may be acceptable within the defined boundaries of the small rural settlements, such as Scotsburn (No.29). Suitably designed proposals will be supported if they:

- Are consistent with Structure Plan policies
- Are consistent with the established settlement/development pattern
- Can be drained to the satisfaction of the drainage authority and where other servicing does not involve undue public expenditure or infrastructure out of keeping with the rural character.

Furthermore, a strong presumption against development will also be maintained on land immediately outwith the defined settlement boundaries.

Scotsburn – has seen substantial housing development over the last decade and there are now significant servicing problems especially in relation to waste disposal. The majority of development has been contained to the southern side of the road where the best views are to be found. Potential for further infill development is subject to satisfactory drainage arrangements and where feasible the use of shared access points.

5.2 The proposal requires to be assessed against the following relevant Scottish Planning Policies (SPP's), National Planning Policy Guidance (NPPGs) and Planning Advice Notes (PANs):

- Scottish Planning Policy

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 Policy – Settlement Boundary

Members will note that three of the sites fall partly outwith the defined settlement boundary of Scotsburn as identified by the Ross and Cromarty East Local Plan. Accordingly, they have been advertised as potential departures from policy. The area around the settlement envelope has the restrictive Highland Structure Plan Policy H3 Housing in the Countryside in operation.

Application 2 (08/00218/FULSU) – The lower (southern) part of this site lies to the south and therefore outside of the defined settlement boundary. The boundary runs from the south-western corner of the site to the point where it joins the south-western corner of the neighbouring house curtilage of ‘Torvaig’.

Application 3 (08/00258/OUTSU) – As with Application 2, the southern part of the site lies outwith the defined settlement boundary.

Application 4 (08/00424/OUTSU) has the proposed drainage system lying to the south and outwith the settlement envelope, although the indicative building position and access do lie within the settlement envelope.

6.4 Siting

Application 1 is a grass field sitting above the road. The site gently slopes from the forestry plantation to the north towards the road.

Application 2 is a grassed field which sits below the road and slopes away from it. It is screened by existing roadside vegetation and hedging. Following the withdrawal of outline planning application (08/00228/OUTSU) for a house, the application site has been extended to the west to incorporate this area.

Application 3 is a continuation of the site of Application 2.

Application 4 lies on a steeper site to the east of ‘Torvaig’. It is also an open field, set further below the road due to the slope.

6.5 Design

The detailed planning applications (Application 1, 2) are for modern houses which are generally considered to be acceptable in design terms.

The two house types proposed for the three houses for Application 1 are large 1.75 storeys, with concrete roof tiles and wet harl wall finishes. The western and eastern houses would be ‘handed’ either side of the second house type. Individual septic tanks and land soakaways are proposed to the front of each house, with a single shared access opposite the existing house, ‘Kanerva’, to the south side of the road. The proposed designs have significant elements of glass on their southern roadside elevations.

The house type for Application 2 is single storey with a slate roof and a white/off white wet harl wall finish with detached garages. A single shared access is also proposed for both houses, opposite 'Guithsach'.

Applications 3 and 4 are in outline and consequently no detailed design is submitted for consideration.

There is a mix of existing house types in the immediate area, with both older smaller cottages and traditional houses, such as 'Torvaig', and modern houses such as 'Kanerva'. Many of the older properties also have substantial modern extensions thus making it more difficult to clearly define an existing built character. The balance of existing housing development along this 500 metre stretch of road is along the northern side of the road. Aside from Application 1 (3 houses), the remaining 3 applications fill in a large gap along the south side of the road.

6.6 Representations

Representations have been received on the applications and these relate to the following issues:

- Not in accordance with the Local Plan – see section 6.3. Application 1 does fall within the area allocated for residential use in the Local Plan. Otherwise, the other three applications do not fall completely within the allocated area.
- Over-development/change in character – see section 6.7.
- Impact on existing amenity and privacy – see section 6.7.
- Poor access, road not able to cope with additional traffic – TEC Services have assessed the individual applications (see section 4.2). Visibility splays of 150m would normally be expected on this type of road, although a reduction to 120m may be acceptable given specific road geometry.
- Poor land drainage – Individual drainage solutions have been identified for each application site which meet the requirements of the Drainage Authority (Building Standards Authority). Notwithstanding this, the Local Plan does highlight known drainage difficulties in the area.
- Overhead electricity cables – The relocation of overhead lines is the responsibility of the applicant in conjunction with Scottish Hydro Electric.
- Inappropriate house design – The design of houses (for Applications 1 and 2) is recognised as being modern, yet with some traditional elements. Applications 3 and 4 are in outline, so any detailed submissions would include architectural plans which would be subject to further individual assessment.
- Loss of crofting ground – The sites are allocated for residential use by the Local Plan, so the principle of losing some croft ground is already established through this.
- Impact on views – This is not a material planning consideration.

6.7 The development plan policy makes provision for further housing within the settlement development area. The applications would give a total of 8 additional houses – more than doubling the number of existing houses along this short stretch of road. This is a significant increase in the number of houses proposed for the area and would lead to a significant change in its character. The proposals will have an impact on both local and community residential amenity as set out by Policy G2 Design for Sustainability of the Highland Structure Plan.

There is a significant risk that on a cumulative basis, the proposals would result in over-development and change the character of the area. This is despite the general, rather than the specific siting of the proposals, according with the favourable local housing policy identified within the Scotsburn settlement boundary – insofar as they generally follow the existing linear pattern of housing found along the roadside.

- 6.8 In the consideration of the four applications, Members must also have regard to the existing approval for a house to the north of 'Torvaig'.
- 6.9 The balance between recommending approval and refusal in this instance is difficult. On the one hand the development plan policy is generally favourable for housing within the settlement boundary – which all of the sites very generally fall within. Against this, three of the applications have elements of their sites outwith the allocated settlement boundary and therefore are strictly speaking contrary to policy. Furthermore, the existing landscape and topography must also be considered, as three of the applications (all those which are strictly contrary to policy) lie below and to the south of the road. The resultant changes in level may help to reduce the impact of building when viewed from the road, although this has to be balanced with the visual interference which could be caused in the outlook towards the Cromarty Firth as a result of Applications 2 and 3 in particular.
- 6.10 Members should be aware that whilst the applications have been reported together in order to provide an overview of all the proposals in the area, each has to be assessed and determined on its own individual merits. Furthermore, where there is a single application for more than one house (Applications 1 and 2), then part approval or refusal is not possible. The application must be approved or refused in its entirety. A further option would be for Application 1 and/or 2 to be withdrawn with a new application invited by Committee for a revised, reduced proposal if that is considered appropriate.

7. CONCLUSION

- 7.1 In my final assessment of the four applications, I consider that Committee should:

Approve Application 1 (08/00244/FULSU) – 3 houses, subject to the roof finishes being adjusted to a slate or slate type concrete roof tile.

Approve Application 2 (08/00218/FULSU) – 2 houses, subject to the applicant demonstrating that the required sightlines of 150m can be achieved to the satisfaction of the Planning Authority in consultation with TEC Services.

Refuse Application 3 (08/00258/OUTSU) – single house – as the extent of the proposed plot is a significant departure from the settlement boundary detailed by the Local Plan, and as the required sightlines (150m) cannot be achieved.

Approve Application 4 (08/00424/OUTSU) – single house – as the substantial part of the site lies within the Scotsburn settlement boundary.

- 7.2 Members may wish to consider whether any further housing development within this part of the Scotsburn settlement boundary should be given favourable consideration during the lifetime of the current Ross and Cromarty East Local Plan. This would allow the above approvals to be enacted, together with the already approved single house to the north of 'Torvaig'. **In my view further housing within this part of the Scotsburn settlement boundary should be resisted for the foreseeable future.**
- 7.3 Whilst there is scope within the wider Scotsburn settlement boundary for considerably more housing, Members may wish to consider whether a more detailed evaluation of the housing capacity of the area should be prepared before the consideration of any more planning applications within the settlement boundary. This would allow a more joined up, planned and properly managed assessment to be made of development capacity, rather than dealing with applications on an *ad hoc* and piecemeal basis as at present.

RECOMMENDATION

- **Application 1 (08/00244/FULSU)**

Grant planning permission subject to conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docketted as relative hereto 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. The roofs of the houses shall be finished in a natural slate or an alternative of similar size, texture, colour, thickness and profile, or as may otherwise be agreed in writing with the Planning Authority. For the avoidance of doubt, suitable alternative non-slate tiles are:

- Marley 'Monarch', 'Clansman', 'Marquis', 'Melbourn', 'Birkdale', Edgemere'
- Redland 'Richmond', 'Lakeland', 'Cambrian', 'Saxon'

Reason: In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

3. The external walls of the houses shall be finished in a white or off-white wet harl or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of amenity and for the avoidance of doubt.

4. All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and Scottish Water. For the avoidance of doubt, foul drainage for each house shall be by means of an individual sewage treatment plant and land soakaway, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of amenity and for the avoidance of doubt.

5. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of any individual house. For the avoidance of doubt, the 3 houses shall use a single access to the public road, and this access shall incorporate a combined bellmouth and service bay finished in bituminous macadam as detailed in the attached schedule. The combined bellmouth and service bay shall be located to the western side of the plot and shall provide minimum visibility splay of 120m in both directions.

Reason: In the interests of road safety and for the avoidance of doubt.

- **Application 2 (08/00218/FULSU)**

Subject to the applicant demonstrating that the required sightlines of 150m can be achieved to the satisfaction of the Planning Authority in consultation with TEC Services, grant planning permission subject to conditions:

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto 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. The roofs of the houses shall be finished in a natural slate or an alternative of similar size, texture, colour, thickness and profile, or as may otherwise be agreed in writing with the Planning Authority. For the avoidance of doubt, suitable alternative non-slate tiles are:

- Marley 'Monarch', 'Clansman', 'Marquis', 'Melbourn', 'Birkdale', 'Edgemere'
- Redland 'Richmond', 'Lakeland', 'Cambrian', 'Saxon'

Reason: In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

3. The external walls of the houses shall be finished in a white or off-white wet harl or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of amenity and for the avoidance of doubt.

4. All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and Scottish Water. For the avoidance of doubt, foul drainage for each house shall be by means of an individual sewage treatment plant and land soakaway, or as may otherwise be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of amenity and for the avoidance of doubt.

5. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the first occupation of either house. For the avoidance of doubt, the 2 houses shall use a single access to the public road, and this access shall incorporate a combined bellmouth and service bay finished in bituminous macadam as detailed in the attached schedule. The combined bellmouth and service bay shall be located to the western side of the plot and shall provide minimum visibility splay of 150m in both directions.

Reason: In the interests of road safety and for the avoidance of doubt.

- **Application 4 (08/00424/OUTSU)**

Grant outline planning permission subject to conditions:

- 1 That a further application shall be submitted to the local Planning Authority, together with the requisite detailed plans to include:-
 - a) Plans, sections and elevations of the proposed building, and colour and type of materials to be used externally on walls and roof;
 - b) Detailed layout of the site as a whole, site levels existing and proposed, including provision for car parking, details of accesses and details of all fences, walls and hedges;
 - c) Landscaping proposals including existing trees to be maintained and proposed tree and shrub planting to be carried out.

These are RESERVED MATTERS to this Outline Application and no work on the site shall commence until the written approval of the Highland Council, as Planning Authority has been given.

Reason: Permission is hereby granted in outline only.

- 2 Notwithstanding design and external appearance are reserved matters under condition 1 above, the house shall be single or one-and-a-half storeys only, and shall reflect building styles and use of materials traditional within the area.

Reason: In the interests of amenity.

- 3 Notwithstanding design and external appearance are reserved matters under condition 1 above, the roof shall have a minimum pitch of 40°.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policy G2.

- 4 Notwithstanding external appearance is a reserved matter under condition 1 above, the roof of the house shall be finished with natural slate, or an alternative of similar size, colour, texture, profile and thickness, or as otherwise may be agreed in writing with the Planning Authority. For the avoidance of doubt suitable alternative non slate tiles are:
- Marley 'Monarch', 'Clansman', 'Marquis', 'Melbourn', 'Birkdale', 'Edgemere'
 - Redland 'Richmond', 'Lakeland', 'Cambrian', 'Saxon'

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policy G2.

- 5 Notwithstanding exact siting is a reserved matter under condition 1 above, the position of the house shall be pegged out on site for the prior approval of the Planning Authority, in writing, and any application for approval of reserved matters shall be accompanied by cross sections and levels showing the finished floor level in relation to an agreed and fixed datum.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2.

- 6 Notwithstanding landscaping is a reserved matter under condition 1 above, a fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following the completion of the house.

Reason: In the interests of amenity and for the avoidance of doubt.

- 7 Notwithstanding access is a reserved matter under condition 1 above, prior to the commencement of any other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be fully completed in accordance with the Specification prior to occupation of the development.

Reason: In the interests of road safety and for the avoidance of doubt.

- 8 All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with Scottish Environment Protection Agency, the Water Authority and Building Standards Authority.

Reason: In the interests of amenity.

- **Application 3 (08/00258/OUTSU)**

Refuse outline planning permission for the following reasons:

1. The proposal does not accord with Highland Structure Plan Policy G2 Design for Sustainability in that it is not considered to be compatible with road servicing provision as the required sightlines of 150m cannot be achieved.
2. The proposal does not accord with the Ross and Cromarty East Local Plan as it lies substantially outwith the Scotsburn settlement development envelope.
3. Approval of the proposal would set a dangerous and unwelcome precedent making it difficult to refuse applications of a similar nature in the future.

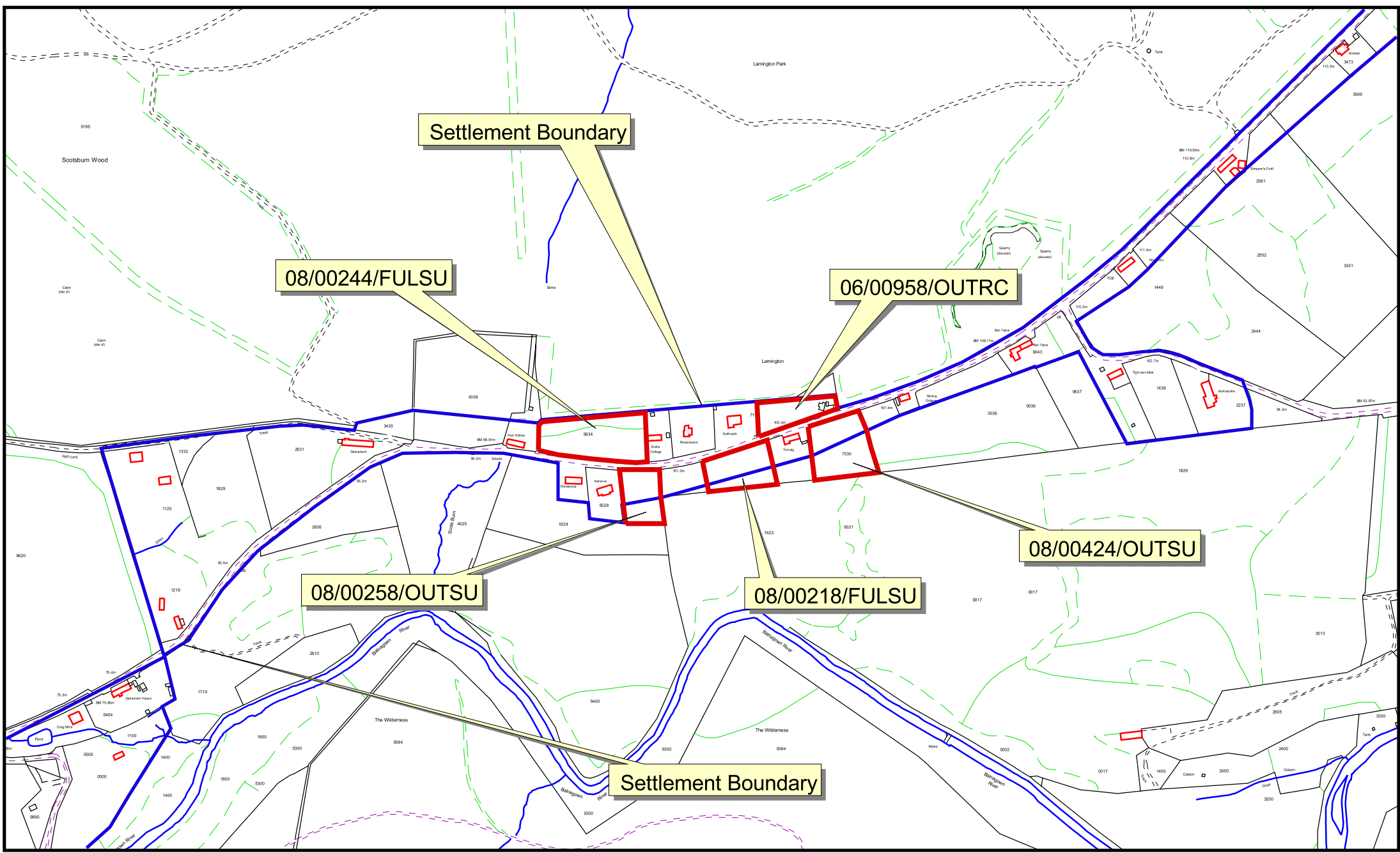
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00244/FULSU, 08/00218/FULSU, 08/00258/OUTSU, 08/00424/OUTSU

Date: 10 June 2009



Date: 11 June 2009

06/00958/OUTRC - Erection of House (Outline) Permitted 16/04/2008.
 08/00218/FULSU - Erection of two houses with sewage treatment systems and detached garages. Formation of new shared access onto Scotsburn / Tain public road. Installation of individual septic tank and soakaway systems (as amended to 3 houses) at land to West of Evelix Cottage Lamington. Galliford Try Construction per. D Kelly Design, 111 High Street, Fort William.
 08/00244/FULSU - Erection of 5 houses and formation of single access road on to the Scotsburn to Tain public road. Installation of individual septic tank and soakaway systems (as amended to 3 houses) at land to West of Evelix Cottage Lamington. Galliford Try Construction per. D Kelly Design, 111 High Street, Fort William.
 08/00258/OUTSU - Erection of 2 semi-detached houses (Outline). Installation of septic tank and soakaway at land to East of Kanerva, Lamington. Mr C Munro & Partners, Lower Dalnacloch, Lamington.
 08/00424/OUTSU - Erection of house. Installation of septic tank and soakaway system. Formation of new access onto Scotsburn / Tain public road (In Outline) at land to East of Torvaig, Lamington. Mr B Logue per. Torrance Partnership 165 High Street, Invergordon.

