

THE HIGHLAND COUNCIL

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

Agenda Item	3.9
Report No	37/09

07/00285/FULCA – Erection of house, installation of septic tank with soakaway,  
installation of oil tank at land to the south of Braehead, Ulbster

Report by Area Planning and Building Standards Manager

**SUMMARY**

The application is in detail for a single house to the south of 'Braehead' at Ulbster. It has been the subject of considerable discussion with the Trunk Road Network Manager as it involves the further development of an existing residential access onto the A99(T).

It was advertised as a departure from the development plan policy for a 21 day period. No representations have been received.

The application is reported to Committee as it constitutes a departure from the provisions of the development plan.

**The Recommendation is to GRANT planning permission.**

Ward Number 4 – Landward Caithness

Applicant – Mr A M O'Brien

**1. PROPOSAL**

1.1 The application is in detail for a single house to the east side of the A99(T) at Ulbster. The site is a grassed field with open aspects in all directions.

**2. PLANNING HISTORY**

2.1 There are no previous planning applications for the site.

**3. PUBLIC PARTICIPATION**

3.1 The application was advertised for a 21 day period as a departure from the provisions of the Caithness Local Plan. The advert expired on 6 July 2007.

3.2 No representations have been received from third parties.

## 4. CONSULTATIONS

### 4.1 Internal Consultees

**Contaminated Land Unit** – A small former quarry lies 50m west of the site, on the opposite side of the road. This may have resulted in land contamination if waste disposal and infilling took place, resulting in possible production of ground gases. It is recommended that the applicant provide a summary of the historic and recent uses of the nearby quarry site so as this may be confirmed.

**Archaeology** – No archaeological condition requested.

### 4.2 External Consultees

**Trunk Road Network Manager** – 22 May 2009 – Following discussion with the applicant and the supply of additional information showing that there would be no change to the existing turning movements, Transport Scotland is now willing to recommend acceptance of this development whereby the new house will use the same access as 'Braehead'.

**Scottish Water** – No objections.

**SEPA** – No objections. CAR authorisation will be required.

## 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

### Caithness Local Plan

PP3 - The Council will presume against development, particularly where there is significant damage to heritage, amenity or public health.

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
- 6.3 The proposal is in detail for the erection of a single house on the east side of the A99(T) to the south of Ulbster. The ground is currently used for grazing and is open in aspect with a fall to the east towards the sea. The nearest house is 'Braehead' to the north. The general pattern of housing in the area is scattered. The proposed site is assessed as generally fitting in with this existing pattern.
- 6.4 The proposed house is single storey with a grey Redland Renown roof tile and Saxon brown drydash wall finish, with quoin detailing to the gable corners. The wall finish is considered to be acceptable, but I would suggest to Members that they may wish to consider a flat profile roof tile rather than the ripple of that proposed. The building design accords with the guidance set out in the Highland Structure Plan policy H3 Housing in the Countryside. Foul drainage is by means of a new septic tank and land soakaway.
- 6.5 Members will note that no representations have been received from third parties.
- 6.6 There have been lengthy discussions between the applicant and the Trunk Road Network Manager (TRNM) regarding the proposed vehicle access to the site. The TRNM originally indicated that the proposal was not acceptable due to inadequate access arrangements and in particular due to inadequate visibility splays. This was on the basis of a shared access with 'Braehead'. The applicant subsequently indicated that this access is used for his own haulage business and that some improvements could be made to this. The TRNM has now advised that following the provision of this additional information he is willing to accept the proposed access arrangements – namely, the new house using the same access as 'Braehead'. This resolution of the vehicular access to the site resolves the only issue raised by consultees to the proposal.
- 6.7 The applicant has indicated that there is an agricultural need for a house on the site in order to manage the adjoining agricultural land. A letter of support has been provided on behalf of the applicant by Jim MacMillan (Farm & Crofting Consultancy Land Agents) which indicates that the applicant has a substantial crofting enterprise (totalling 194 ha) and that a house is now required to manage the land.

- 6.8 The application is being reported to Committee as it has been advertised as a departure from policy. It lies within an area at Ulbster where there is a general presumption against development, particularly where there is significant damage to heritage, amenity or public health. In my assessment, I would advise Members that the proposal is not considered to result in significant damage to heritage, amenity or public health.
- 6.9 Furthermore, the proposal is considered to accord with the servicing requirements of Highland Structure Plan Policy G2 Design for Sustainability, and will not have a significantly detrimental impact on either individual or community residential amenity.
- 6.10 The proposal is therefore assessed as not being a departure from development plan policy.

## **7. CONCLUSION**

- 7.1 The proposal is considered to accord with development plan policy. Members will note that the technical issues which resulted in the application taking some time to be reported to Committee have now been satisfactorily addressed. There are no other material considerations to consider and I would recommend that the application is supported.

## **RECOMMENDATION**

### **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 docketed 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 roof of the house shall be finished in a flat profile slate coloured tile. For the avoidance of doubt, the developer shall submit full details of the proposed tile for approval in writing of the Planning Authority prior to the commencement of development.

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

3. The external walls of the house shall be finished in Saxon brown drydash 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 shall be by means of a septic tank 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 Trunk Roads Authority prior to the first occupation of the house. For the avoidance of doubt, the access to the house shall use the existing access to 'Braehead'.

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

6. Any residential caravan placed on the site pursuant to the issue of this consent shall be connected into the foul sewage system of the house, shall be occupied by a person who is actually constructing the house, shall only exist on the site whilst the house is under construction and, notwithstanding progress in the construction of the house, shall not be present on the site for more than one calendar year.

Reason: In the interests of amenity and in order to retain effective control.

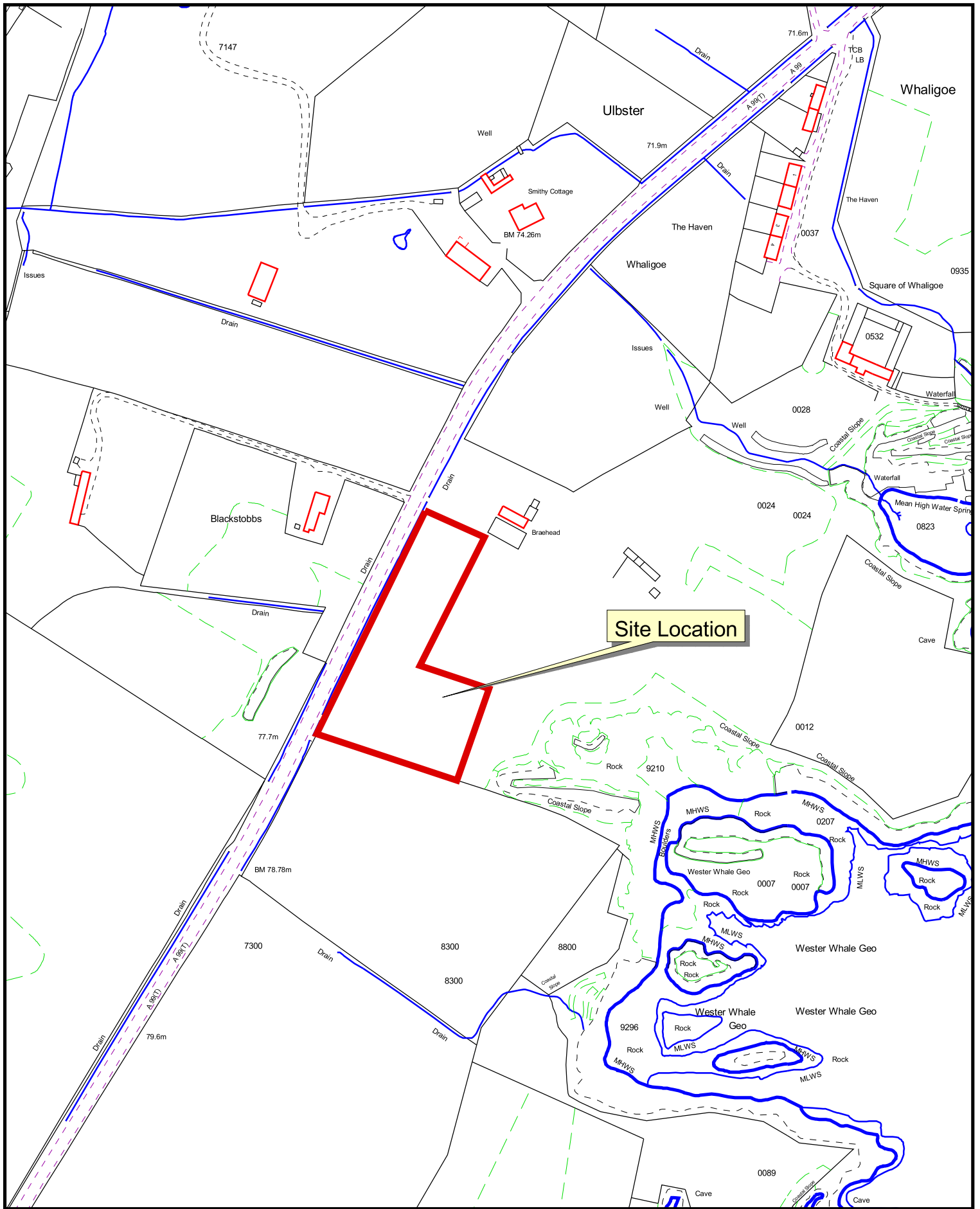
Signature: Allan J Todd

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 07/00285/FULCA

Date: 10 June 2009



07/00285/FULCA  
 Erection of house, installation of septic tank with soakaway.  
 Installation of oil tank and formation of vehicular access at Land south of Braehead  
 Ulbster, Lybster.

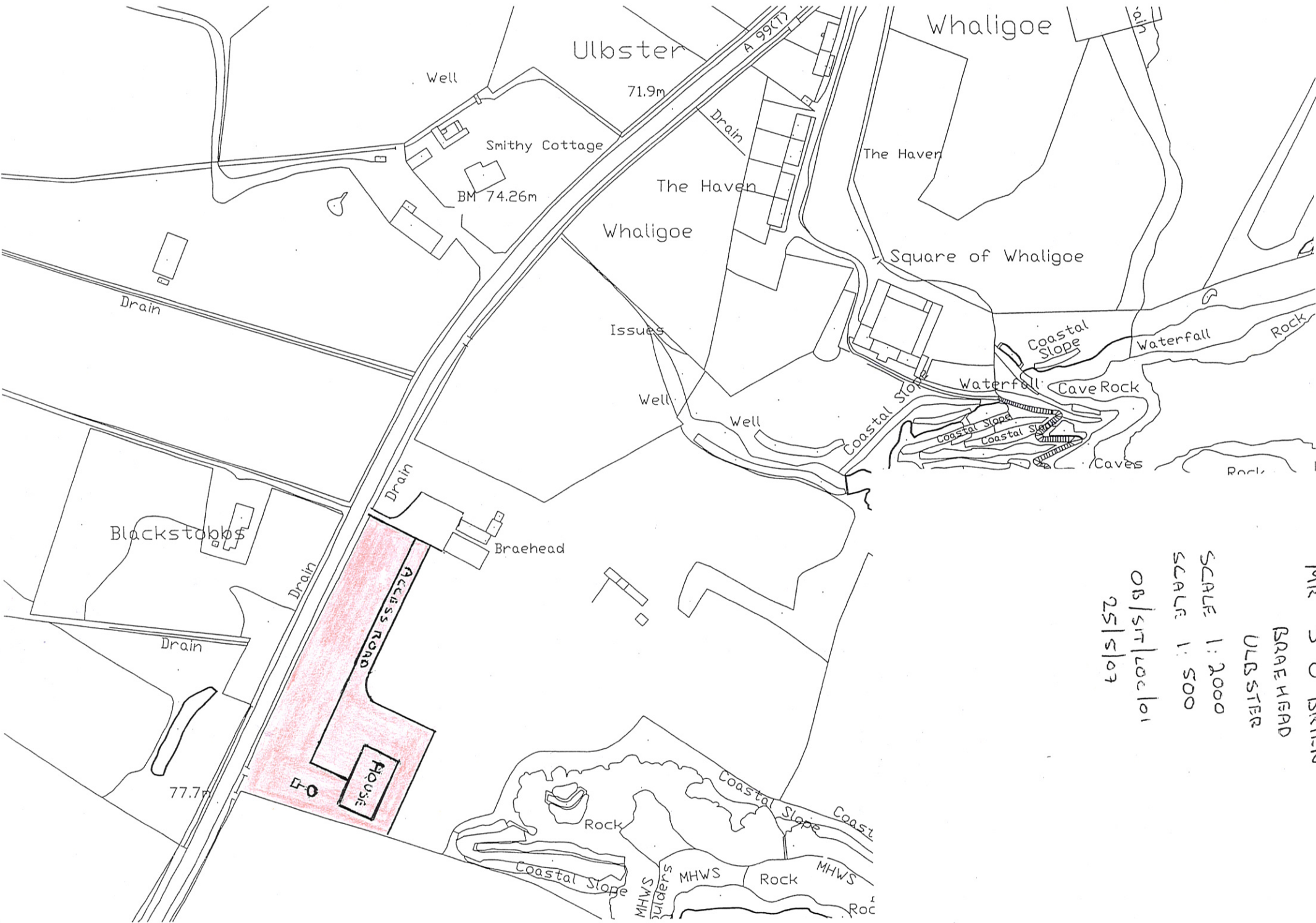
Mr A M O'Brien  
 per Mr A Gow  
 8 Laurie Terrace  
 Thurso.

Date: 11 June 2009

SUPPLIED BY THE HIGHLAND COUNCIL



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MR S O BRIEN  
 BRAEHEAD  
 ULSTER  
 SCALE 1:2000  
 SCALE 1:500  
 OB/SIT/LOC/01  
 25/5/07