

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING
APPLICATIONS COMMITTEE – 3 NOVEMBER 2009**

Agenda Item	3.4
Report No	49/09

**09/00334/MSCCA: Mr Mark Teale
Land to north of Langlands House, Janetstown**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of house, installation of a septic tank and soakaway, installation of an oil tank, upgrade of existing access and alterations to an existing building.

Recommendation : **APPROVE subject to conditions**

Ward : Ward 4 - Landward Caithness

Development category : Local

Pre-determination hearing : None

Reason not delegated : Letters of objection have been received from more than five members of the public

1. PROPOSAL

- 1.1 This application seeks detailed permission for a house, septic tank and soakaway, upgrade of an existing access and alterations to an existing building. The proposed house is an L-shaped single storey building with a chimney on the south eastern elevation. It will have smooth painted render walls and Redland Saxon roof tiles. The existing access at the eastern corner of the north western boundary will be upgraded to service the development but the house will be orientated to face the south west. The house will occupy the northern part of the site while the septic tank, soakaway and oil tank will be sited in the southern half. A disused building that forms part of the south eastern boundary is to be altered with the doors and windows blocked up, the roof removed and the north western wall taken down. The applicants also intend to site a static caravan in the south west of the site on a temporary basis.

2. SITE DESCRIPTION

- 2.1 The site is flat open ground that sits at a crossroads between the main road serving Hill of Forss and a single track road that leads to several more houses. The disused building on the south eastern boundary is part of an L shaped building that sits just off the boundary of the application site. The rest of this building appears to be used as an outbuilding for the house on the other side of the boundary. There are two other close neighbours, 'Daibhidh' and 'Eibhilin' which are immediately across the road from the application site to the south west. At the closest point these houses would be 37 and 39 metres respectively from the proposed house.

3. PLANNING HISTORY

- 3.1 **07/00659/OUTCA** - Change of use of house to workshop/store, erection of house, installation of septic tank and soakaway and upgrading of vehicular access.

Approved 05/02/08.

09/00252/REMCA - Erection of house and garage, installation of septic tank and soakaway, formation of vehicular access, removal of roof and north wall of existing house. Approved 23/07/09. **This permission was declared unsafe because the applicant could not prove that Neighbour Notification procedures were properly carried out.** The applicant was therefore advised to submit a new application.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Neighbour Notification published 11/09/09 and expired 25/09/09

Representation deadline : 01/10/09

Timeous representations :	For - 0	Against - 7	Neutral - 0
Late representations :	For - 0	Against - 0	Neutral - 0

- 4.2 Timeous points raised are summarised as follows:

- Discrepancies between the current proposals and the plans approved at Outline stage
- Conflict with the spacing requirement in the Caithness Local Plan
- Loss of privacy for existing residents
- Overdevelopment changing the character of the area
- The historic use of the cottage
- The ability of the road to cope with increased traffic
- The possibility that the level of development will lead to street lights and the widening of the road

- Flood risk
- Impact on water pressure
- The availability of other plots near Thurso

4.3 All letters of representation can be viewed at the Area Planning Office.

5. CONSULTATIONS

5.1 **Area Roads and Community Works Manager** : No objections subject to conditions

5.2 **Scottish Water**: No objections

6. POLICY

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

Highland Structure Plan 2001

G2 Design for Sustainability

H3 Housing in the Countryside

Caithness Local Plan 2002

PP3 (11a) Primary Policy 3 – Dispersed Townships

Housing in the Countryside: Interim Supplementary Guidance 2009

6.2 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):

- Scottish Planning Policy

7. PLANNING APPRAISAL

7.1 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.

7.2 Proposals require 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. Proposals require detailed assessment of the following fundamental issues, where relevant:

- 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

7.3 **Key issues**

The principle of development has already been established through the outline consent. The proposals are broadly in line with policy. It is the case that the siting of the house does not meet the 100 metre spacing requirement set out in Policy PP3 (11a) of the Caithness Local Plan. However, the updated Housing in the Countryside Guidance states that these spacing requirements should be taken as a guide only and are not a reason for refusing an otherwise satisfactory application. Furthermore, the new guidance requires a more flexible approach to appropriate development opportunities in the dispersed townships such as Hill of Forss which are identified under Landward Policy 11 of the Caithness Local Plan. The siting of the house reflects the established pattern of development and it is considered that there is adequate separation between the proposed development and existing houses.

In accordance with Structure Plan Policy G2 the house is designed to be in keeping with the local character and there is unlikely to be any significant detrimental impact on community or individual amenity as a result of this development. Drainage will be by means of a septic tank and soakway and evidence of successful percolation tests have been submitted.

7.4 **Representations**

The concerns of those making representations are summarised above. It should be noted that discrepancies between the house site shown on the approved plans for the outline application (07/00659/OUTCA) and the current proposals are explained by the fact that siting is a matter reserved for a detailed application. The position of the house shown in the approved plans for 07/00659/OUTCA is only indicative and was not part of the consideration of that application.

The question of conflict with the Local Plan has been addressed above and whilst recognising the objectors' concerns about the proximity of the proposed house to existing properties, it is considered that the proposals are acceptable. The proposed house fits in with the existing pattern of development and there is adequate separation from the adjacent houses. At its closest point, 'Daibhidh' will be within 37 metres of the development but because of the L-shape a large section of the proposed house will sit even further back. It is worth noting that there is only 10metres between the existing houses 'Daibhidh' and 'Eibhilin'.

In my assessment the house is appropriately sited and the proposed separation distances are acceptable in the context of a dispersed township. Furthermore, I would argue that the separation between the proposed house and 'Daibhidh' and 'Eibhilin' would preclude any significant loss of privacy. The proposed house is sited such that the south western gable, which is the closest to these properties, sits between the two neighbours rather than facing directly on to them. In addition the proposed house is single storey so there are no overlooking windows.

Any loss of privacy that might arise from the development would be minimal and could be mitigated by appropriate landscaping.

The issue of increased development changing the character of the area has also been raised by objectors. The area is identified as a dispersed township in the Caithness Local Plan and the new Housing in the Countryside Guidance recognises that such agglomerations have the potential to meet the demands for new housing in the countryside. It has already been noted that the proposed development is felt to accord with the established pattern of development and given this I do not consider that the development would significantly alter the character of the area.

Objectors also question the historic use of the existing building on the site. During the course of the outline application the Council's Archaeologist noted that that the building appeared on the first edition of the Ordnance Survey map as part of the Langlands Steading complex. A condition requiring that a photographic record be made of the building prior to the commencement of development was attached to the outline consent and has since been discharged. The archaeologist has advised that no further work is required.

A number of the objections relate to the ability of the road to accommodate further development and one objector suggested that the road would have to be widened and street lights installed. In response to these concerns I would point out the Roads Authority do not object to the application. The questions of road widening and street lightening would be matters for that Authority.

In terms of flooding it should be noted that a condition will be attached requiring details of a SuDS scheme to be submitted.

In response to one objector's concerns about water pressure it should be noted that Scottish Water do not object to the proposal. If the development cannot be adequately serviced from the available water pressure private pumping arrangements may have to be made. It is for the developer to discuss this with Scottish Water.

It may be the case that other sites for housing are available in the Thurso area but that does not affect the assessment of this application which must be considered on its merits.

8. CONCLUSION

- 8.1 The proposal under consideration is considered to accord with policy. The proposed house is sensitively sited and designed and the application adequately accounts for access and drainage. Notwithstanding the concerns of the objectors I do not consider that the development will have a significantly detrimental impact on neighbours, result in any undue loss of privacy or significantly detract from the amenity of the wider area. I therefore recommend that the application is approved subject to the conditions set out below.

RECOMMENDATION

Action required before decision issued	No
Notification to Scottish Ministers	No
Notification to Historic Scotland	No
Conclusion of Section 75 Agreement	No
Revocation of previous permission	No

It is recommended the application be **Approved subject to the following conditions:**

1. The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

4. 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.

5. All access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, prior to occupation of the house. For the avoidance of doubt the access arrangement shall be as follows:
 - Visibility splays 2.5m x 90 m in both directions shall be provided and maintained.

- The access shall be shaped to prevent road surface water flowing into or onto the carriageway.
- Gates shall not open outwards onto the carriageway.
- The driveway shall be a minimum of 3.3m wide with 200mm verges on either side.
- The driveway shall be hard surfaced for a minimum distance of 6m from the edge of the road carriage way.
- Car parking for at least two vehicles shall be provided.

Reason: In the interests of road safety.

6. All drainage arrangements shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority, and the Building Standards Authority.

Reason: In the interests of amenity and public health.

7. Notwithstanding the provisions of Class 16 of the Schedule to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, any caravan placed on this site shall remain on this site only whilst the house hereby approved is under construction. Notwithstanding progress in the construction of the house the caravan shall be removed from the site within one year of the date of this permission.

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

8. Prior to the commencement of development a detailed scheme of landscaping shall be submitted to and agreed in writing with the Planning Authority. All planting subsequently approved shall be undertaken in the first planting season following occupation of the dwellinghouse and shall thereafter be maintained in accordance with the approval scheme of maintenance. Any plants which, within a period of five years from the occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In the interests of amenity.

9. Prior to the commencement of development full written and plan details of the proposed arrangements for surface water drainage shall be agreed in writing with the Planning Authority. For the avoidance of doubt this system shall comply with the principles of Sustainable Drainage Systems (SuDS).

Reason: In the interests of amenity and public health and for the avoidance of doubt

Note to Applicant

Informative

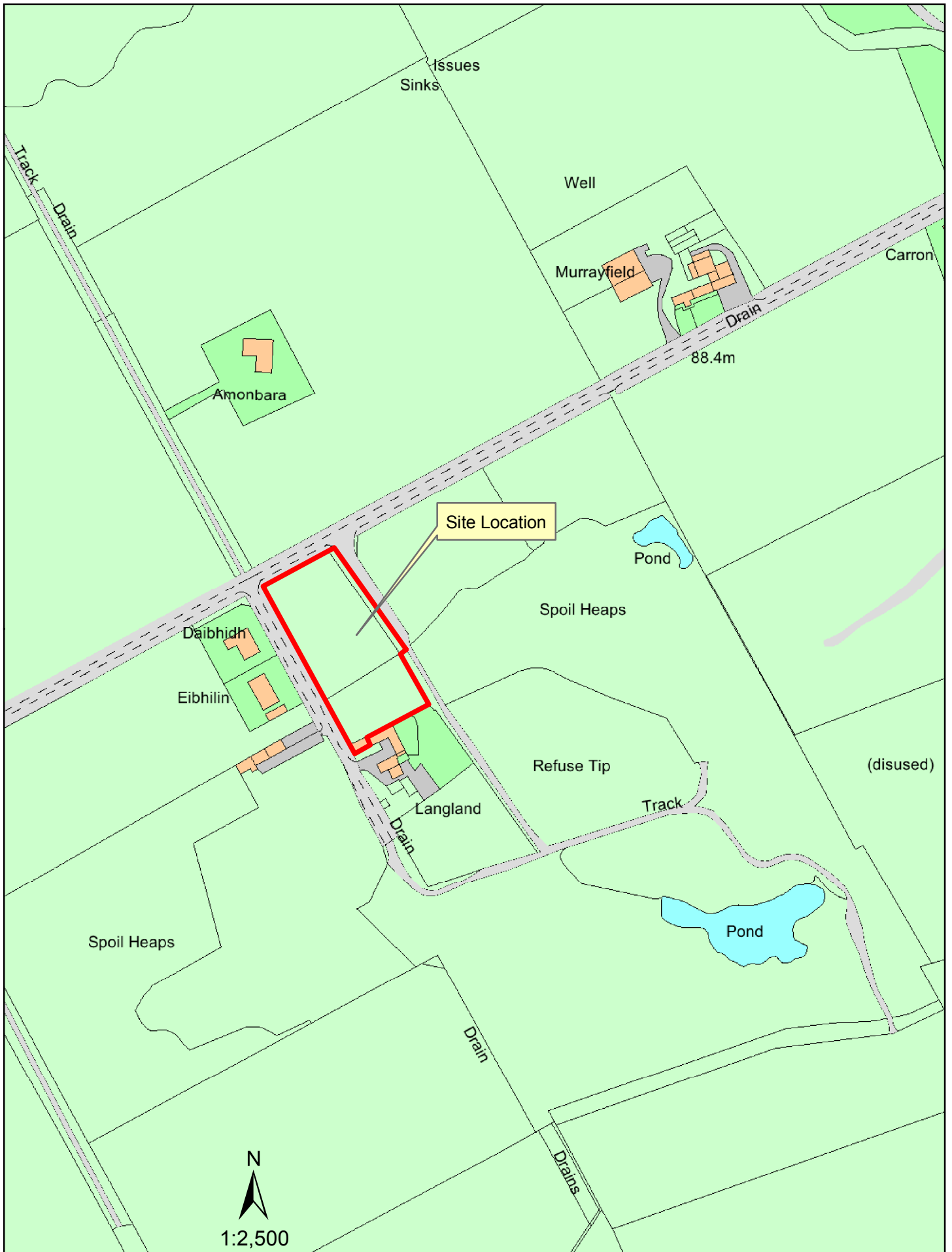
Scottish Water has advised that any property which cannot be adequately serviced from the available water pressure may require private pumping arrangements to be installed subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area they should write to the Customer Connections Department at: 419 Balmore Road, Glasgow, G22 6NU

Please note: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager (Caithness, Sutherland and Easter Ross)
Author: Lisa MacKenzie
Report Date: 22/10/09

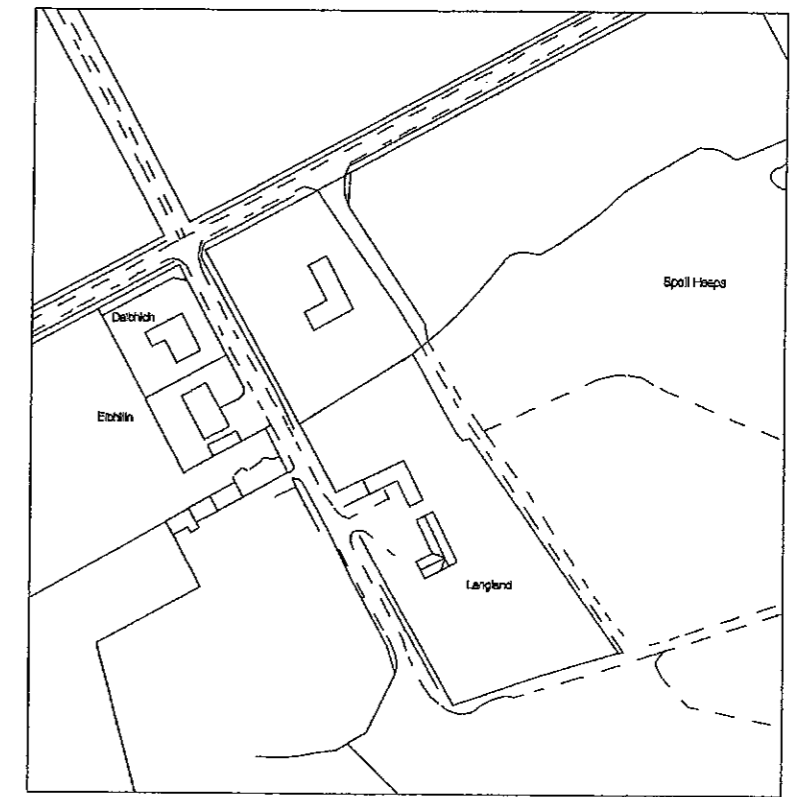
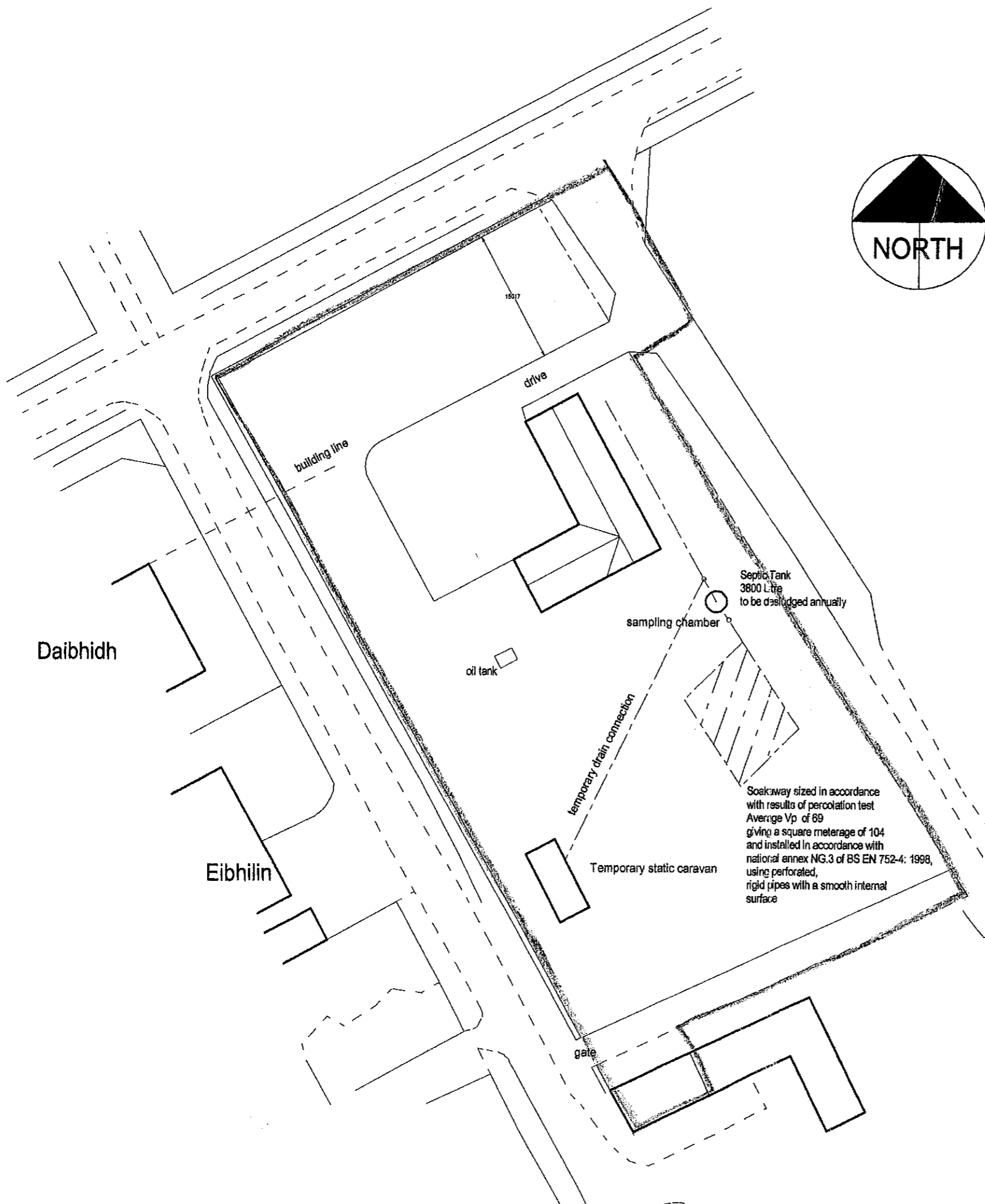
Background Papers: Highland Structure Plan (2001)
Caithness Local Plan (2002)
Housing in the Countryside: Interim Supplementary Guidance (2009)
As referred to in the report above and case file reference number
09/00334/MSCCA

Relevant Plans: Plan 1 – Plan of existing building
Plan 2 - Location Plan and Site Plan
Plan 3 - Floor Plan
Plan 4 - Sections
Plan 5 - Elevations
Plan 6 - Elevations



09/00334/MSCCA
 Erection of house at Land to North of Langlands House,
 Janetstown, Thurso.

Mr M Teale
 Per Mr D Sutherland
 15 Lindsay Drive
 Wick
 KW1 4PG



LOCATION PLAN

PLAN 2

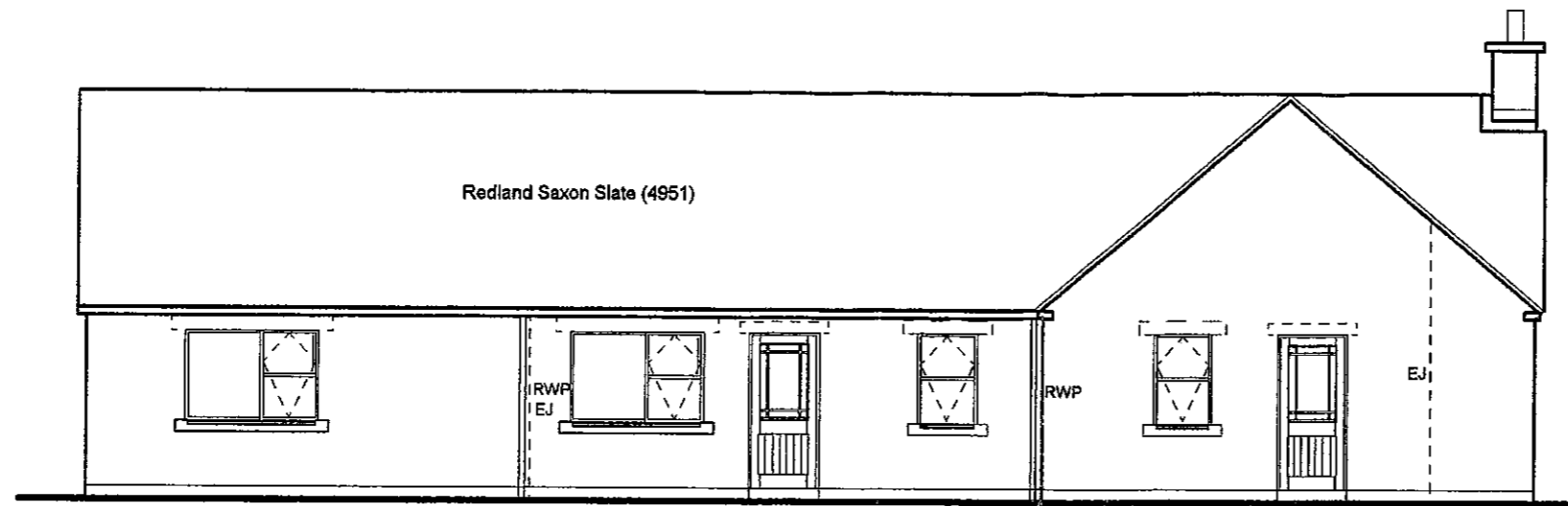
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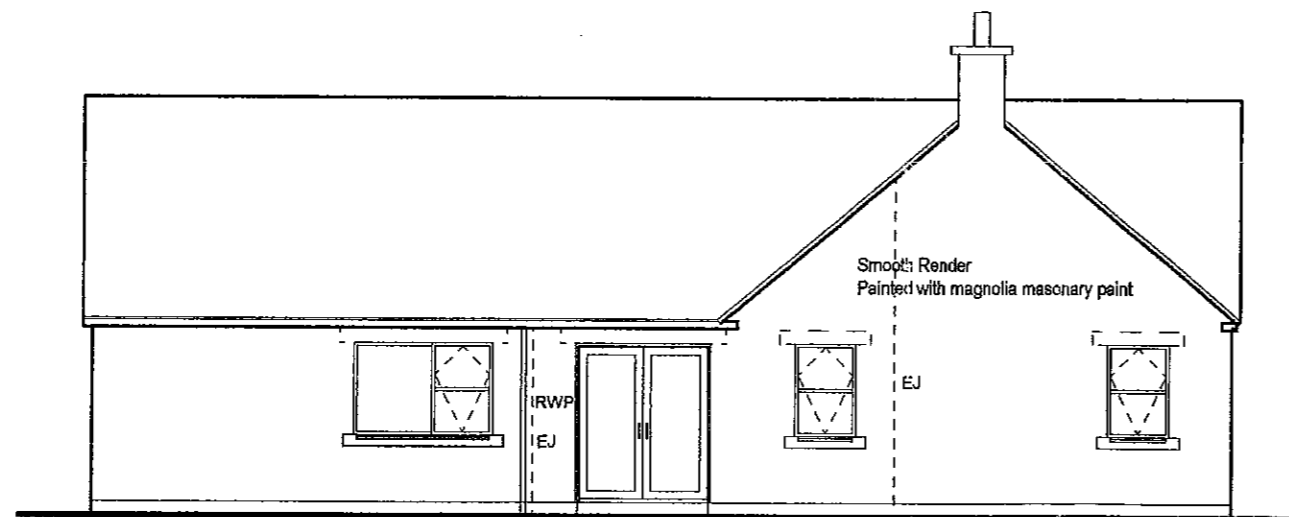
DUMFRIES AND GALLOWAY COUNCIL

DRAWN DRS	DATE July 2009	SCALE 1/500	© THIS DRWG. IS THE COPYRIGHT OF D Sutherland BSc(Hons), MSc, MCAT, MCIQB, MRICS
Mr & Mrs Mark Teale Faith Cottage, Holywood Dumfries DG2 0SE			
TITLE Proposed New House Langland Janetstown Site Plan			
REV. /	Position of house amended	DRW.NO. MT/1	
DATE /	18/7/09		

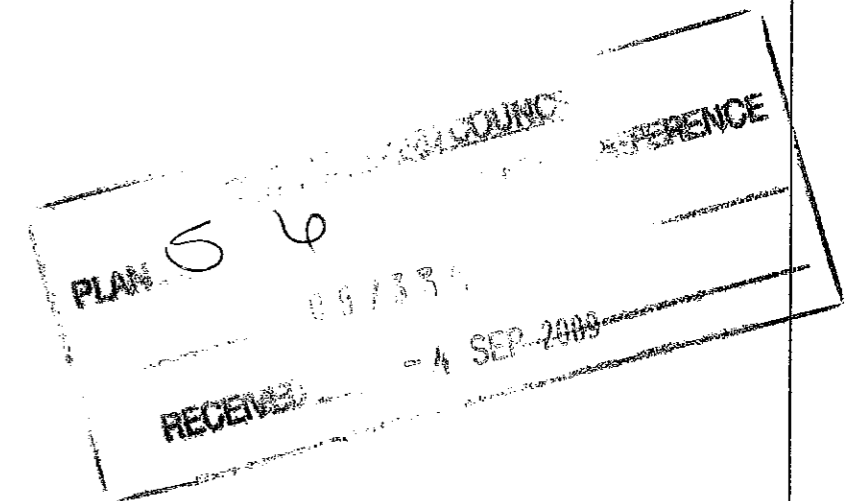


SOUTH WEST ELEVATION

Nordan Timber Windows double glazed 'H' Type
 1.5max U Value
 All windows fitted with Trimvents
 Glazing should be designed to resist human impact
 as set out in BS 6262:
 Part 4: 2005, where all, or part, of a pane is:
 within 800 mm of floor level; or
 part of a door leaf; or
 within 300 mm of a door leaf and within 1.5 m of floor level.

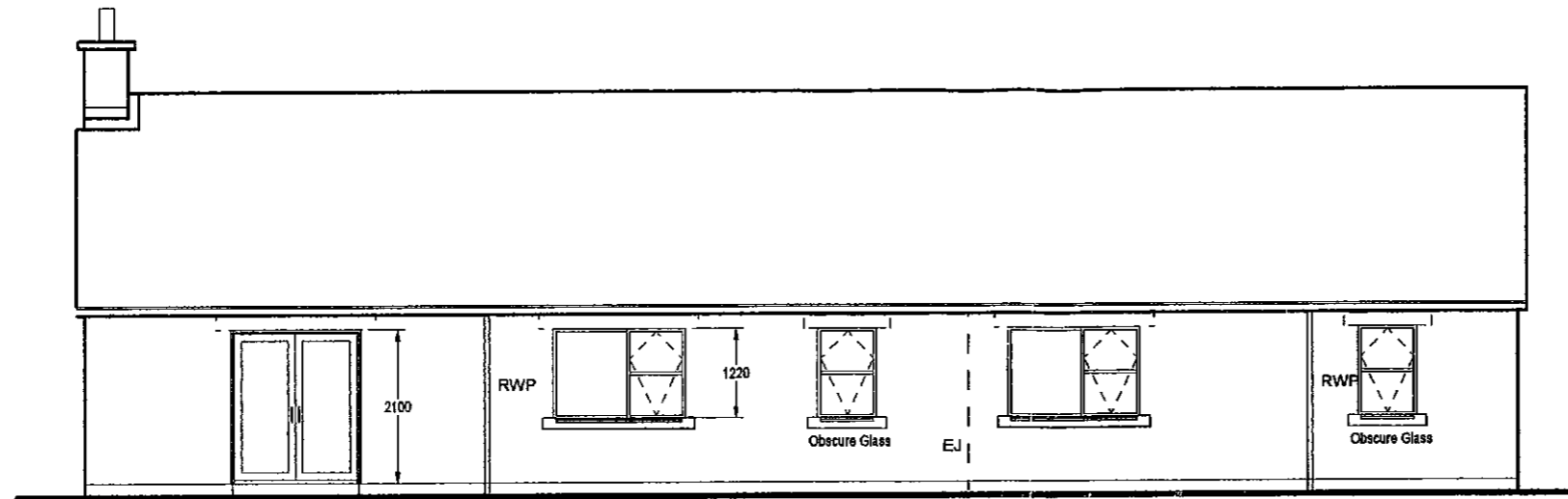


SOUTH EAST ELEVATION

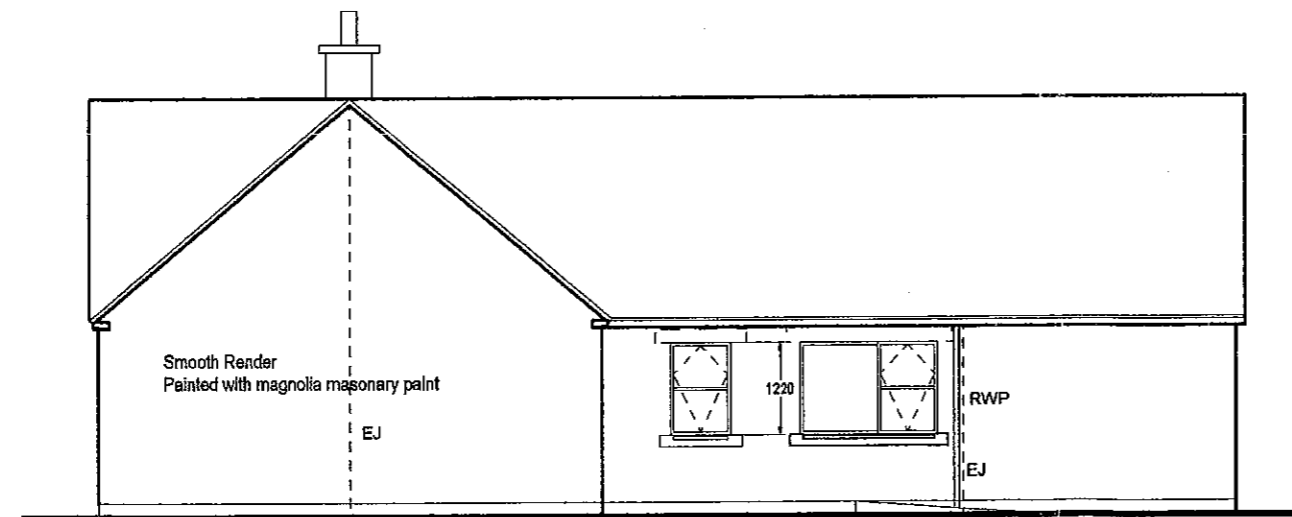


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Mr & Mrs Mark Teale Faith Cottage, Holywood Dumfries DG2 0SE			
TITLE Proposed New House Langland Janetstown Elevations 1			
REV. /		DRW.NO.	MT/4a
DATE /			

Nordan Timber Windows double glazed 'H' Type
 1.5max U Value
 All windows fitted with Trimvents
 Glazing should be designed to resist human impact
 as set out in BS 6282:
 Part 4: 2005, where all, or part, of a pane is:
 within 800 mm of floor level; or
 part of a door leaf; or
 within 300 mm of a door leaf and within 1.5 m of floor level.



NORTH EAST ELEVATION



NORTH WEST ELEVATION

1:20 ramp
 Ground made up around to avoid any
 drops and graded to suit

PLAN *lll*
 09/334
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 24 SEP 2009
 REFERENCE

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Mr & Mrs Mark Teale Faith Cottage, Holywood Dumfries DG2 0SE			
Proposed New House Langland Janetstown Elevations 2			
REV. /		DRWNO.	MT/4b
DATE /			