

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE - 10 August 2010

Agenda Item	
Report No	

10/01760/FUL, 10/01762/FUL, 10/01770/FUL : Mr & Mrs Currier

Tulloch House, Lairg Road, Bonar Bridge

Report by Area Planning and Building Standards Manager

SUMMARY

Description :

1. 10/01760/FUL Erection of new house, installation of septic tank and soakaway at land 150m SE of Tulloch House
2. 10/01762/FUL Erection of new house, installation of septic tank and soakaway at land 145m SE of Tulloch House
3. 10/01770/FUL Erection of new house, installation of septic tank and soakaway at land 105m SE of Tulloch House

Recommendation - REFUSE

Ward : 01 - North, West And Central Sutherland

Development category : Local

Pre-determination hearing : None

Reason referred to Committee : Requested that delegated refusal be referred to Committee by Ward Members.

1. PROPOSED DEVELOPMENT

- 1.1 The three applications are in detail and share a common access from the public road which also serves the existing new house. The houses have individual foul drainage systems.

The designs of the houses are as follows:

1. 10/01760/FUL – 1.5 storey, with the first floor within the 45° pitch roof. Vertical timber clad walls with concrete roof tiles, with glazed gable facing the Kyle of Sutherland. Cat-slide type dormer to the west elevation. Gables have projecting overhangs. Site is closest to the Kyle of Sutherland.

2. 10/01762/FUL – Design as 10/01760/FUL. Site is most northerly of the three units.
3. 10/01770/FUL – 1.5 storey, with first floor bedroom wing within the 47.5° pitch roof to the south elevation towards the Kyle of Sutherland. This part of the house has a rounded appearance taking advantage of the outlook to the south. The building has an overall I or H type plan form. Grey concrete roof tiles with off white wet dash render to the walls.

The three building designs and orientations are such as to provide an outlook over the Kyle of Sutherland and to the south. The designs are modern and have a degree of reference to the sites. The levels on the ground suggest that there is an overall fall from 47.5m to 39m down the slope between the sites.

- 1.2 No pre-application consultation.
- 1.3 There is an existing access from the single track public road serving the adjacent single house.
- 1.4 The agent has submitted a **design statement** with the applications. The statement notes the potential use of solar panels and ground source heat pumps, but there are no details on the submitted plans. Furthermore, a mains water connection is suggested; however, Scottish Water have long confirmed that there are difficulties with the public water supply in the area. The statement advises that the initial intention is to provide one unit for a permanent house and the other two for “tourist dwellings”.
- 1.5 No variations have been made to the applications since lodging.

2. **SITE DESCRIPTION**

- 2.1 The sites are located to the north west of Bonar Bridge to the east side of and above the road to Lairg, with the land facing westwards and sloping down towards the road. Access to the site is from the Drumliah Road to the north. The ground is agricultural and used for grazing. The sites are around 170m to 220m at their closest points from the nearest houses in the village.

The sites lie outwith the Settlement Development Area of the village detailed at policy 1 in the Sutherland Local Plan. The land is open and of better agricultural quality, facing towards the Kyle. There is a new single house, to the southeast of the application sites, which was finally approved (04/00094/FULSU) following the conclusion of a legal agreement to limit further housing in the immediate area. This legal agreement has now expired. Its purpose was to restrict the development of the land until the new Sutherland Local Plan was brought forward.

3. **PLANNING HISTORY**

- 3.1
 1. **04/00094/FULSU** Erection of dwelling house and garage. Installation of septic tank and soakaway at Plot 1 200m South of Burnside 219 Tulloch Bonar Bridge. Approved 19.06.2006. House built 2009-2010. Site was subject to s75 restricting further housing. Same applicant as the current three applications.
 2. **09/00316/OUTSU** Erection of house and upgrade/improvement of access at Plot to the north east of Tulloch Road, Bonar Bridge. Approved by Committee on 9 March 2010 following recommendation to Refuse. This site lies on open ground to the rear and uphill of the existing housing at Tulloch

Road in Bonar Bridge around 230m to the SE of the application sites.

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbours, 18 June 2010.

Representation deadline : 18 June 2010

Timeous representations : 3 objections, 1 observation

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Designs of all the houses are out of character with the area
- Road is single track, with access from blind corner
- Mini housing estate outwith Bonar Bridge
- Speculative applications outwith local building zone
- Loss of land
- Proposal will not benefit community

4.3 All letters of representation can be viewed at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

5.1 **Creich Community Council** (18 June 2010) : The three planning applications noted above were the subject of much discussion at the recent meeting of Creich Community Council. Several local residents have raised concerns regarding the proposed new houses at these sites. The main objections refer to the use of prime agricultural land for housing; building in an area not in the village and so not designated for housing in the Local Plan; and that this may well be speculative development rather than actually providing homes for people to live and work in the area. This development would be ribbon development along the Lairg Road and as such outwith the village itself. Historically the Community Council has been opposed to ribbon development preferring to see housing erected within the village boundaries.

However, we do appreciate the need for new housing which should be beneficial to the area if indeed it allows people to live and work here. In light of the fact that one house has already been built at this location, we question whether the addition of a further three would trigger the requirement for affordable housing to be built in conjunction with this development?

The matter is a contentious issue locally which led to the Community Council taking an official vote, resulting in approval in principle of the applications with the conditions that these three houses would be the last to be built at this location, not the beginning of further development, and that affordable housing within Creich is also secured if the trigger has been reached.

5.2 **Development Plans** : The three current applications fall within the settlement setting of Bonar Bridge which is a local / regional feature in General Policy 4 of the Sutherland Local Plan. Settlement settings are there to protect the intrinsic setting of a settlement and General Policy 3 Wider Countryside states that we will only

support developments if they do not harm settlement setting.

In the examination of the Draft Local Plan the Reporter supported the idea of settlement setting at that end of Bonar Bridge. Therefore in policy terms three additional houses would harm the settlement setting, especially when considered alongside development already permitted in the vicinity. Permission for these three houses could set the precedent for more housing encroaching on the north end of Bonar Bridge and eroding the settlement setting which we are trying to protect.

In terms of landscape the three applications would have an undesirable impact on the view coming from Ardgay and would give the impression of 'sprawl' on the north side of the village. Furthermore, the site is unallocated and there is a large allocated site in the village at Cherry Grove (Members should note that this area is currently being developed and will provide for further planned housing growth and demand in the village.)

- 5.3 **TEC Services** : No objections. A combined service bay and bellmouth onto the public road is required, together with a passing place between this point and the junction with the A836.
- 5.4 **Archaeology** : The application lies within an area where prehistoric activity, including burials, is recorded. This is an area where there is believed to be potential for associated archaeological features or finds to be affected by the development. While the risk is not such as to warrant a full archaeological excavation, it is important that the full nature and extent of any archaeological features should be identified and recorded before destruction. An ARC 4 condition is required (watching brief).
- 5.5 **Scottish Water** : Bonar Bridge Water Treatment Works has limited capacity available for new demand. The developer should discuss their development directly with Scottish Water.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- G2 Design for Sustainability
- H3 Housing in the Countryside

6.2 Sutherland Local Plan (June 2010)

- Policy 1 Settlement Development Areas
- Policy 3 Wider Countryside
- Policy 4 Natural, Built and Cultural Heritage
- Policy 16 Housing in the Countryside
- Policy 18 Design Quality and Place-Making

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Interim Supplementary Guidance on Housing in the Countryside

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

8. PLANNING APPRAISAL

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

The Development Plan team have been consulted on the applications. They have advised that the provision of three additional houses *would harm the settlement setting, especially when considered alongside development already permitted in the vicinity. Permission for these three houses could set the precedent for more housing encroaching on the north end of Bonar Bridge and eroding the settlement setting which the Council are trying to protect. In terms of landscape the three applications would have an undesirable impact on the view coming from Ardgay and would give the impression of 'sprawl' on the north side of the village. It is also an unallocated site and there is a large allocated site in the village. Due to its location outside the settlement boundary the land was never taken forward as an allocation in the Local Plan preparation process. The Development Plan consultation has indicated that the three current applications fall within the settlement setting of Bonar Bridge which is a local/regional feature in General Policy 4. Settlement settings are there to protect the intrinsic setting of a settlement and General Policy 3 Wider Countryside states that the Council will only support development if it does not harm settlement setting. In the examination of the Local Plan, the Reporter supported the idea of settlement setting in that end of Bonar Bridge - highlighted by 09/00316/OUTSU (see above) at Tulloch Road.*

The new **Sutherland Local Plan** notes at Policy 3 Wider Countryside that *"Development can have a significant impact upon the character of the landscape....The Caithness & Sutherland Landscape Character Assessment (1997) broadly classifies the types of landscape character present and provides advice about assessing proposals....Where necessary it will be referred to as a material consideration when examining proposals. Landscape impact is a consideration throughout the Plan area but is particularly important outside*

Settlement Development Areas where sites are not allocated for specific uses.....

For some existing settlements the Plan identifies particular importance of or sensitivity with their settings. In those areas of the wider countryside, development will only be supported if it does not harm the settlement setting”.

The site falls within the settlement setting for Bonar Bridge which is of local/regional importance in Policy 4 Natural, Built and Cultural Heritage of the Sutherland Local Plan. The policy allows developments if they would not have an unacceptable impact on the amenity and heritage resource. In this instance, the development is considered to have an unacceptable impact upon the amenity of the area and therefore the proposal is contrary to policy. Additionally, Policy 3 Wider Countryside states that we will only support developments if they do not harm settlement setting. I consider that the proposals do not accord with this policy, as they do not respect the character or setting of the village.

Highland Structure Plan Policies G2 and H3 apply to the sites. Policy G2 assesses proposals on the extent to which they:

- Impact on individual and community residential amenity
- Impact on landscape and scenic resource
- Demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment.

Policy H3 is augmented by the **Interim Supplementary Guidance on Housing in the Countryside**. This highlights (at section 4) that in areas of Highland outwith the hinterlands of towns, development of new housing of an appropriate location, scale, design and materials may be acceptable, particularly where it supports communities experiencing difficulty in maintaining population and services. In these areas, the settlements identified within the relevant Local Plans are the preferred locations for most development.

So, in policy terms, the proposed houses lie outwith the Settlement Development Area of the village. The policy highlights that new housing should generally be within the village boundaries as highlighted by the Local Plan – where a large allocated mixed use site (Cherry Grove) is currently being developed. It is considered that the development of three additional houses would harm the settlement setting of the village, and would not be in keeping with the existing open, undeveloped landscape character of the land on the northern Kyle side of Bonar Bridge. The proposals do not accord with Policy G2 as they would impact on the existing community amenity of the area. The development of the three sites would not retain the local character of the area, which is identified by occasional houses primarily found to the northwest of Drumliah Road in more enclosed delineated plots, rather than on open agricultural ground.

The proposals are therefore not considered to demonstrate sensitive siting and are out of keeping with the existing pattern of development in the area, as set out by Policy G2. Furthermore, Policy 4 only allows developments if they would not have any unacceptable impact on the amenity and heritage resource. In this instance, the development is considered to have an unacceptable impact upon the

established amenity and landscape character of the area.

8.4 **Material Considerations**

Representations relate to the following matters:

- Designs of all the houses are out of character with the area – The designs are not considered to be acceptable (see below).
- Road is single track, with access from blind corner – TEC Services have no objection to the proposals, subject to the provision of a passing place on the public road and also a combined service bay and passing place at the access onto the public road.
- Mini housing estate outwith Bonar Bridge – against the Council requirement to limit housing in the countryside – The location and number of houses is considered to have a detrimental impact on the existing character of the area and would, if approved, set a precedent which would potentially lead to further unplanned development on the edge of the village.
- Speculative applications outwith local building zone – I would agree with the representation. There is a substantial allocation of land at Cherry Grove within the village which is allocated for residential use.
- Loss of agricultural land to housing – The land is agricultural and its loss to housing would be very unfortunate.

In relation to the consultation comments from **Creich Community Council** (section 5.1) that they support the development subject to “these three houses would be the last to be built at this location, not the beginning of further development”, I would advise Members that unless a legal agreement (a s75 or similar) is put in place, there would be nothing to prevent further applications for housing being submitted and potentially approved for the area, contrary to the wishes of the Community Council. In addition, I would confirm to Members that the proposals do not require the provision of any affordable housing as queried by the Community Council.

Supporting information – A **design statement** has been submitted with the applications. This statement notes the potential use of solar panels and ground source heat pumps, but there are no details on the submitted plans. Furthermore, a mains water connection is suggested; however, Scottish Water have long confirmed that there are difficulties with the public water supply in the area. The statement advises that the initial intention is to provide one unit for a permanent house and the other two for “tourist dwellings”.

The proposed building designs are modern with some traditional design features and details. However, I do not consider that they are exemplary for the site and in design terms it is considered that a much better design / layout solution could be achieved here. The sites are spread out over the hill giving a degree of separation. This then means that they are not closely grouped together and start to sprawl. Accordingly, they do not form a close cluster or grouping of buildings and do not relate particularly well to each other or to the established character and built form to the north of Drumliah Road.

8.5 Other Considerations – not material

Proposal will not benefit community.

8.6 Matters to be secured by Section 75 Agreement

If Members are minded to approve the proposals then they may wish to consider whether a s75 agreement is necessary to:

- Restrict the use of two of the units for “tourist dwellings” as highlighted in the Design Statement submitted in support of the application; and
- Restrict the further development of land for housing by the applicant in the area

9. CONCLUSION

9.1 There is clearly a degree of unease within the community over the development of the land as proposed as can be seen from the comments from both the Community Council and the representations. This degree of uncertainty would suggest to me that a **cautious approach** should be taken here, particularly given the visual prominence of the site on the key and principal northern exit from the village.

In policy terms, I would advise Members that the **proposals are contrary to the recently adopted Sutherland Local Plan** as set out in sections 5.2 and 8.3 above. I consider that the development of the land as proposed would have an unacceptable impact upon the long established amenity of the area, and on the landscape character and setting of the village. Furthermore, the building designs and their micro-siting and relationship to each other are not considered to be exemplary for the site.

The sites are spread out over the hill giving a degree of separation. They do not relate particularly well to each other, or to the established character and built form to the north of Drumliah Road.

Accordingly the proposals are considered to be contrary to policy and refusal is recommended.

10. RECOMMENDATION

Action required before decision issued	n	
Notification to Scottish Ministers	n	
Notification to Historic Scotland	n	
Conclusion of Section 75 Agreement	y	See Report
Revocation of previous permission	n	

Subject to the above, it is recommended that each of the applications (01760/FUL, 10/01762/FUL, 10/01770/FUL) be **Refused** for the following reasons:

1. The proposal does not accord with Structure Plan Policy G2 Design for Sustainability as it would have a significantly detrimental and unacceptable impact on the existing community amenity and local character of the area due to its position outwith the established settlement development area of Bonar Bridge. Furthermore, the proposal does not demonstrate sensitive siting in keeping with local character.
2. The proposal would harm the landscape and scenic resource of the village and would therefore have a significantly detrimental impact on the setting of the village, and would not be in keeping with the existing open, undeveloped landscape character of the land on the northern side of Bonar Bridge. In addition, the proposal would be inconsistent with the settlement pattern of the area and would not therefore accord with Structure Plan Policy G2 Design for Sustainability.
3. The proposal does not accord with the Sutherland Local Plan Policy 4 Natural, Built and Cultural Heritage, as the proposal is considered to have an unacceptable impact upon the amenity of the area.
4. The proposal does not accord with the Sutherland Local Plan Policy 3 Wider Countryside as it would harm the setting of Bonar Bridge.
5. Land is allocated within the Bonar Bridge Settlement Development Area at policy 1 and MU1 of the Sutherland Local Plan for housing, which is the preferred area for housing development. Accordingly, the proposal is contrary to Policies 1, MU1 and Policy H3 Housing in the Countryside of the Highland Structure Plan as it would result in the unplanned development of land outside the village and consequently would have a detrimental impact on the landscape character and amenity resource of the site and wider area.
6. Approval of the proposal would set an undesirable precedent making it difficult to refuse similar applications which depart from approved policy, as it would erode the setting and landscape character of the village.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland & Easter Ross
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

10/01760/FUL: Location Plan 001, Site Plan 46/09/D, Site Plan 46/09/D(2), Plans & Section 46/09/B, Elevations 46/09/C

10/01762/FUL: Location Plan 001, Site Plan 46/09/D(1), Plans & Section 46/09/B, Elevations 46/09/C

10/01770/FUL: Location Plan 002, Site Plan 46/09/D, Plans & Section 46/09/A, Elevations 46/09

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Gavin Ryder	Tulloch House, Lairg Road, Bonar Bridge	14.06.10	A
C & R Hambidge	Lark Rise, Bonar Bridge	16.06.10	A
Mr K Ross	1 Tulloch Brae, Bonar Bridge	17.06.10	A
Sandy Chalmers	Representation received by email	03.06.2010	Observation



10/01760/FUL - Erection of new house, installation of septic tank and soakaway.
10/01762/FUL - Erection of new house, installation of septic tank and soakaway.
10/01770/FUL - Erection of new house, installation of septic tank and soakaway.
Land South East of Tulloch House, Lairg Road, Bonar Bridge.

Mr & Mrs Currier
per Colvin Designs
Rosslyn Street
Brora.