

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND AND EASTER ROSS
PLANNING APPLICATIONS COMMITTEE
13 December 2011**

Agenda Item	4.1
Report No	PLC/058/11

**11/01662/PIP : Braemara Ltd Per Agent Norscott Joinery Ltd
Land to North of Sunfield, Scarfskerry**

Report by Area Planning Manager

SUMMARY

Description : Proposed 8 house development with garages and access roads at land to north of Sunfield, Scarfskerry

Recommendation - GRANT

Ward : 04: Landward Caithness

Development category : Local Development

Pre-determination hearing : Not Applicable

Reason referred to Committee : Community Council objection and more than 5 individual objections.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought for 8 houses in Scarfskerry. An indicative layout has been submitted which shows a proposal that consists of 5No. 2 bedroom detached single storey houses and 3No. 3 bedroom one and a half storey houses on two sites 'A' and 'B'. Site 'A' is to the north east of the public road and is for 6 houses. Site 'B' is to the southwest of public road and is for 2 houses. The sites are separated by the public road entering the village from the main A836 public road.
- 1.2 Informal pre-application advice was given that was generally supportive of the proposed development.
- 1.3 Access to the plots is shown on the indicative layout plans. Access to the northern part of sites 'A' plots 4, 5 and 6 and to site 'B' plots 7 and 8 is taken from the Greenvale to Scarfskerry public road. The southern part of site 'A' is taken from the Scarfskerry to the A836 Dunnet to John O' Groats public road. Main water supply is in the vicinity. Proposed houses are to be served by individual septic tanks.
- 1.4 A supporting statement has been received from the agent that provides details of the rationale behind the proposal. The supporting statement details site selection,

design, suitable house types, sustainability and energy efficiency and the consultation process with the Council. The agent has undertaken a Drainage Impact Assessment that confirms the site is suitable for the proposal.

1.5 No changes have been made to the application since it was lodged.

2. SITE DESCRIPTION

2.1 The site is split into two parts by an existing public road. Both parts of the site comprised of rough grassland sloping down to the west and are enclosed by agricultural post and wire fencing. The site is located at the western edge of the settlement of Scarfskerry. The site is surrounded by housing to the north and a residential house "Craedun" to the west. To the east the site is bounded by a former commercial garage. To the south the site is bounded primarily by agricultural land and the residential house 'Sunfield'.

3. PLANNING HISTORY

3.1 Application 05/00071/OUTCA for the erection of dwellinghouse, installation of foul drainage treatment plant and rumbling drain and formation of vehicular access – Permission granted outline consent (planning in principle) on 07/07/2005.

3.2 Application 08/00270/REMCA was subsequently submitted for the erection of a house and garage, installation of septic tank and effluent treatment system, formation of vehicular access - Permission Granted Approval of Reserved Matters (matters specified by condition) on 28/08/2008.

3.3 Near to the site as shown on the Committee item map, is a development of 6 houses that is relevant in the consideration of this current application. Application 09/00130/OUTCA for the erection of 6 no. houses, formation of 6 no. vehicular accesses, installation of 6 no. treatment plants and mound soakaways was granted planning in principle on the 23/07/2009 at land to the West of 'Seascape' and 'Haydn House', Scarfskerry.

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour 14 day advert expired on 10/06/2011
Representation deadline : 12/06/2011

Timeous representations : 21

Late representations : 2

4.2 Material considerations raised are summarised as follows:

- The proposals are contrary to the Provisions of the Development Plan and in particular Primary Policy PP3 11 and 13 of the Landward Chapter of the Caithness Local Plan Adopted September 2002;
- Overdevelopment of the site;
- Amenity
- Privacy
- Sewage/Drainage
- Design
- Noise

- Traffic/ Car parking
- Wildlife – wild geese, swans migration/ deer, birds of prey

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

5. CONSULTATIONS

5.1 **Housing and Property Services:** No objections to the proposed development and do not require any affordable housing provision to be made as part of this development.

5.2 **Area Roads and Community Works Services:** No objections to the development subject to conditions in relation to accesses and visibility, drainage and informatives being added to any consent given.

The Drainage Impact Assessment submitted by the agent does not provide calculations to determine how the sites are to be drained or the impact on the surrounding properties and infrastructure. However sufficient detail is supplied to allow this Planning in Principle application to be determined.

5.3 **Historic Environment Team:** No objections

5.4 **Dunnet and Canisbay Community Council:** Have received numerous representations to this development and object to the proposals as submitted. The Community Council have requested that due consideration be given to the weight of public opinion which is totally adverse to the proposed development which threatens to destroy the whole nature of the rural area of Scarfskerry.

5.5 **Scottish Water:** No objections to the proposed development. However Scottish Water no longer makes guarantees that a connection to their infrastructure would be successful. In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. If any issues such as flooding, low pressure arise, Scottish Water will require the developer to fund works to mitigate the effect of the development on existing customers. Scottish Water require developer's to contact them directly.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- | | |
|----|----------------------------|
| G1 | Conformity with Strategy |
| G2 | Sustainable Design |
| H3 | Housing in the Countryside |

6.2 **Caithness Local Plan Adopted September 2002**

PP 13 Scarfskerry - Drainage Constraint

PP 11 'b' 100 – 150 metre spacing and drainage

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Wide Local Development Plan – Proposed Plan**

Policy 29 – Sustainable Design

Policy 30 – Design Quality and Place-Making

Policy 35 – Settlement Development Areas

Policy 37 – Wider Countryside

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

Policy 75 – Green Networks

7.2 **Highland Council Supplementary Planning Policy Guidance**

Interim Guidance Housing in the Countryside and Siting and Design (August 2011)

7.3 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy

Designing Places

Designing Streets

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 majority of the site referred to as site 'A' lies under Primary Policy PP3 11'b' continued in the Caithness Local Plan, this designates the site for housing subject to 100-150m spacing between dwellings. The remaining two dwellings on the smaller portion of the site, site 'B' lie under PP3 '13' where there is a presumption against development until the water supply constraints have been removed. This water constraint no longer applies to this site as Scottish Water no longer makes guarantees that a connection to their infrastructure would be successful. Scottish Water requires developers to contact them directly.

This development must also be considered in relation to the terms of the Interim

Supplementary Guidance: Housing in the Countryside and Siting and Design particularly for new housing within an existing settlement. In relation to this Interim Supplementary Guidance, this proposal is considered to be within the existing settlement of Scarfskerry and would provide acceptable infill housing that will help to round off the existing settlement. The proposal generally reflects the character, cohesiveness, spacing and amenity of the existing settlement.

The proposal is considered a linear extension of the existing housing group at Scarfskerry with 3 additional houses to the south and south east. One of the proposed 3No. 3 bed-roomed houses was granted planning in principle by Committee under reference 05/00071/OUTCA. If the proposals were submitted as separate individual applications rather than one larger application these individual applications would be considered acceptable and approved. Consequently this proposal is not considered as an inappropriate development. This development does not result in the coalescence of the housing group with a nearby settlement as the entire site area is within the settlement of Scarfskerry. The site is not considered an unplanned extension of a defined settlement as this development is an infill extension into the existing housing group. A similar type of infill development was granted for 6 new houses and accesses under application 09/00130/OUTCA on the 23 July 2009 at land to the West of Seascope and Haydn House, Scarfskerry.

8.4 **Material Considerations**

Design – At planning in principle stage, the detailed design of each house is not being considered. However, the agent's supporting statement does provide some details on what the developer is intending to provide on site through an indicative layout.

It is considered that a future Matters Specified in Condition application should include a detailed design brief for the entire site setting out key design parameters thereby ensuring a degree of homogeneity. This can be controlled by condition. The design brief would cover the following:

- Single or one and a half storeys
- Traditional gable form
- External building finishes including slate or slate type concrete tile roof, wall materials
- Boundary treatments – fences, dykes
- Foul and surface water drainage
- Planting and landscaping plan
- Access details
- Topographic survey of the site showing the existing and proposed ground levels and finished floor levels relative to an easily identified datum

Overdevelopment – As shown on the indicative layout each plot has sufficient garden ground and space for parking therefore this proposal does not represent an over development of the site.

Residential amenity/impact on neighbours - The layout and spacing of the development are such that the residential amenity impact on neighbours should not be adversely affected. The provision of a 0.9m close boarded fence around the boundary of each of the two sites would further help to provide a physical sense of place to the development without affecting the visibility from each access.

Noise/Traffic - In relation to noise a condition should be attached to this permission to limit hours of construction to protect adjoining residential amenity.

Privacy – This development provides sufficient spacing between existing or proposed properties to safeguard privacy.

Sewage/Drainage – The agent has undertaken a Drainage Impact Assessment of the site that confirms that it is suitable for the proposed development. As there is no public sewer available, each house would need to be connected either individually or via a communal septic tank and soakaway and details would need to be submitted for approval as part of a Matters Specified by Condition application.

The Drainage Impact Assessment submitted indicates that all surface water is to be infiltrated into the ground. As no outfall to existing drainage or watercourse is provided TEC Services advise that an infiltration and attenuation devices is required capable of accepting a 1:30 year rainfall event. They have advised that the roadside drainage system was unlikely to have been designed to carry the surface water from an annual rainfall event let alone a 1:30 year return period. Consequently Sites A & B drainage should be independent of the roadside drain for all but exceptional events.

Rainfall events between 1:30 and 1:200 year return periods are to be managed using attenuation and controlled overland flow to a suitable outfall without adding to or causing flooding. No connection to the roadside drainage system is permitted by TEC Services, either directly or indirectly, by pipe, ditch or overland flow, for rainfall events up to a 1:30 year return period.

TEC Services have indicated that they would require each plot's planning application to be supplied with calculations proving that a 1:30 year rainfall event can be attenuated and infiltrated into the ground. Clay subsoil is widespread across Caithness which severely restricts the effectiveness of infiltration devices.

Careful attention to landscaping, ground and solum levels will be required to provide flood resilience to houses and to control overland flow in extreme rainfall. Solum levels should be above any attenuation devices and should take into account the landscaping. Full details will be required for each site's planning application.

Wildlife – Reference has been made to the proximity of the development to Loch Mey and its possible impact on wild swans and geese. According to the Scottish Natural Heritage base map for Sites of Special Scientific interest (SSSI), the site is not within the designated area and is clear of the main feeding grounds and resultant flight paths.

8.5 Other Considerations – not material

Loss of value to property – This is not a material planning consideration.

Other Derelict Properties available – The application as submitted is what has to be determined. This development does not include the redevelopment of derelict properties.

8.6 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 The proposal accords with the Highland Council's Interim Supplementary Guidance: Housing in the Countryside and Siting and Design (August 2011) and is considered to be within an existing housing settlement at Scarfiskerry that would provide acceptable small scale infill and rounding off to the existing housing group. The proposal reflects the character, cohesiveness, spacing and amenity of the existing housing group.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** following conditions and reasons:

1. An application, or applications, for the approval of all matters specified in conditions attached to this planning permission in principle must be made to the Planning Authority prior to the commencement of development and, in addition to the requirements of any matters specified in subsequent conditions below, must address the following SPECIFIED MATTERS:
 - a) a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - b) a phased plan for the development shall be submitted to ensure that construction on site is implemented in a manner that is acceptable to the Planning Authority and to ensure that the site is completed in an orderly manner.
 - c) the design and external appearance of the proposed development;
 - d) landscaping proposals for the site of the proposed development;
 - e) details of access and parking
 - f) details of the proposed water supply and drainage arrangements.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Development within each of the plots shall be designed in accordance with a

Design Brief to be submitted for the express approval of the Planning Authority as part of a Matters Specified in Condition application prior to the commencement of any works on any individual house plot. The design brief shall ensure that all houses reflect a traditional form and proportions and shall incorporate the following traditional design, access and drainage elements:

- i. One or one and a half storeys
- ii. Vertical emphasis to the windows
- iii. Roof pitch of no less than 40 degrees
- iv. Roof shall be finished with natural slate or a slate substitute. For the avoidance of doubt, a slate substitute does not include a concrete tile.
- v. External walls shall be finished with a wet dash harl white, cream or off white in colour.
- vi. Provision for the parking and turning of two cars within each plot
- vii. Stone, post and wire boundary treatments
- viii. Planting and landscaping plan
- ix. Topographic survey of the site showing the existing and proposed ground levels and finished floor levels relative to an easily identified datum
- x. There shall be no intervisibility between existing house windows and proposed house windows and there shall be at least 18m of separation between principle windows on the existing neighbouring properties and the proposed houses, and between principle windows on any proposed houses.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

3. Notwithstanding surface water drainage arrangements are a matter specified in condition 1 above, each plot shall:

- provide attenuation and infiltration for a rainfall events up to 1:30 return period. Each plot's planning application is to be supplied with calculations proving that a 1:30 year rainfall event can be attenuated and infiltrated into the ground.
- provide flood resilience measures for rainfall events exceeding 1:30 and up to 1:200 year return periods.
- not have any connections, either piped, ditched or by overland flow, to the roadside drainage system for events up to 1:30 year return period; and
- any existing field drains within Sites A & B outfalling to the roadside drainage system shall be diverted to the proposed infiltration devices
- No ground or surface water shall flow onto the public road from the site. All drainage arrangements shall be provided to accord with the Best Management Practice Guidelines of SuDS.

Reason: In the interests of amenity and to ensure that the site is adequately drained.

4. Notwithstanding foul water drainage arrangements are a matter specified in condition 1 above, foul water drainage shall be by means of individual secondary treatment plants and land soakaways, all within their curtilage; or shall be by means of a single communal system capable of adoption by Scottish Water to the satisfaction of the Planning Authority. The foul drainage arrangements shall thereafter be maintained in perpetuity by the applicant and/or the owner(s) of the property served; or Scottish Water if the system is adopted.

Reason: In the interests of amenity and to ensure that the site is adequately drained.

5. Notwithstanding access arrangements are a matter specified in condition 1 above, 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 house on each plot and shall accord with Highland Council's Access to Single Houses and Small Housing Developments Guidelines. For the avoidance of doubt, the developer shall provide a surfaced service lay-by and refuse bin storage area clear of the public road and visibility splays for those access formed onto the public road. Individual access points onto the public road for plots No.4-8 shall be formed; with a single joint access to plots No.1-3; and that these accesses shall be provided by means of combined service bays and bellmouths, surfaced in bituminous macadam to the satisfaction of the Planning Authority prior to the occupation of a house on each individual plot.

During construction operations the developer shall, where reasonable practicable, ensure vehicular traffic on the road and the pedestrian movements on the public pavement are not impeded by either construction activities or the delivery of material to the site.

Reason: In the interest of road and public safety

6. During the construction of the development hereby approved and the houses thereafter constructed, measures shall be taken to avoid depositing debris on the public road during construction and dust suppression measures shall be applied to the site to avoid airborne dust contamination of adjacent properties.

Reason: In the interests of road safety

7. Construction work associated with the development hereby approved and the houses thereafter constructed, for which noise is audible at the boundary of the site shall only be carried out between 0800 hours and 1900 hours Monday to Friday, between 0800 hours and 1300 hours on Saturday and at no time on Sundays or public holidays.

Reason: In the interests of residential amenity of neighbouring properties.

8. A fully detailed scheme of hard and soft landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority. The design of this scheme shall consider the use of suitable tree species to provide both screening and shelter to each of the proposed houses. All planting hereby approved shall be undertaken in the first planting

season following completion of the first house and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from commencement 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. As part of hard landscaping around the site, a boundary wall of a maximum height of 0.9m shall be erected around the public roadside boundaries of the development.

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

9. The house types, house footprints, means of site access, foul and surface water, all as shown on the approved plans are indicative only and are hereby not approved.

Reason: As the application is in Principle only and for the avoidance of doubt.

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 11/01662/PIP

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. THREE YEARS from the date on this decision notice;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

The Council reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development,

over what is a fragile section of Council road infrastructure.

Under the New Roads & Street Works Act (1991) s109, a Road Opening Permit is required to be obtained by the applicant from the Roads Authority for the installation of the access across the verge.

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Andrew Parker
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Plan 1 – Location/Site Plan A3 N11/09/01 REV A
Site A APP1 – Topography Plan Site A A3

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Donald K Calder	Dunrea, Scarfskerry, Thurso, Caithness, KW14 8XW	01/06/2011	Against
Mr B D Calder	Seawinds, Scarfskerry, Thurso, Caithness, KW14 8XW	02/06/2011	Against
J W Mosdel	Hillview, Scarfskerry, Thurso, Caithness	02/06/2011	Against
Mr & Mrs Dixon	Starbank, Scarfskerry, Thurso, Caithness, KW14 8XW	02/06/2011	Against
Mr & Mrs Noir	Roadside, Scarfskerry, Thurso, Caithness, KW14 8XW	02/06/2011	Against
Mr Montgomery	Rainbow's End, Scarfskerry, Thurso, Caithness, KW14 8XW	03/06/2011	Against
Mr J Critchley	Mayview, Burn Road, Scarfskerry, Thurso, Caithness, KW14 8XW	03/06/2011	Against
Mr & Mrs Sharp	Curlews, Burn Road, Scarfskerry, Thurso, Caithness, KW14 8XW	06/06/2011	Against
Marion Jack	Sunfield, Scarfskerry, Thurso, Caithness, KW14 8XW	06/06/2011	Against
Mrs Christine Cormack	Gairloch, Scarfskerry, Thurso, Caithness, KW14 8XW	06/06/2011	Against
Mrs Holland	The Shore, Scarfskerry, Thurso, Caithness, KW14 8XW	06/06/2011	Against
Phyllis Thornton	Lochside, Scarfskerry, Thurso, Caithness, KW14 8XN	06/06/2011	Against
Christine Cormack	Tigh Bahn, Burn Road, Scarfskerry, Thurso, Caithness, KW14 8XW	07/06/2011	Against
Dr Matthew Thomas	Sunnybank, Burn Road, Scarfskerry, Thurso, Caithness, KW14 8XW	07/06/2011	Against
J Booth	Windygates, Scarfskerry, Thurso, Caithness, KW14 8XW	07/06/2011	Against
Mr C Aub-Robinson	The Old Boatyard, Scarfskerry, Thurso, Caithness, KW14 8XW	07/06/2011	Against
Mr & Mrs Hutchinson	Stor View/Ness Cottage, Scarfskerry, Thurso, Caithness, KW14 8XW	08/06/2011	Against

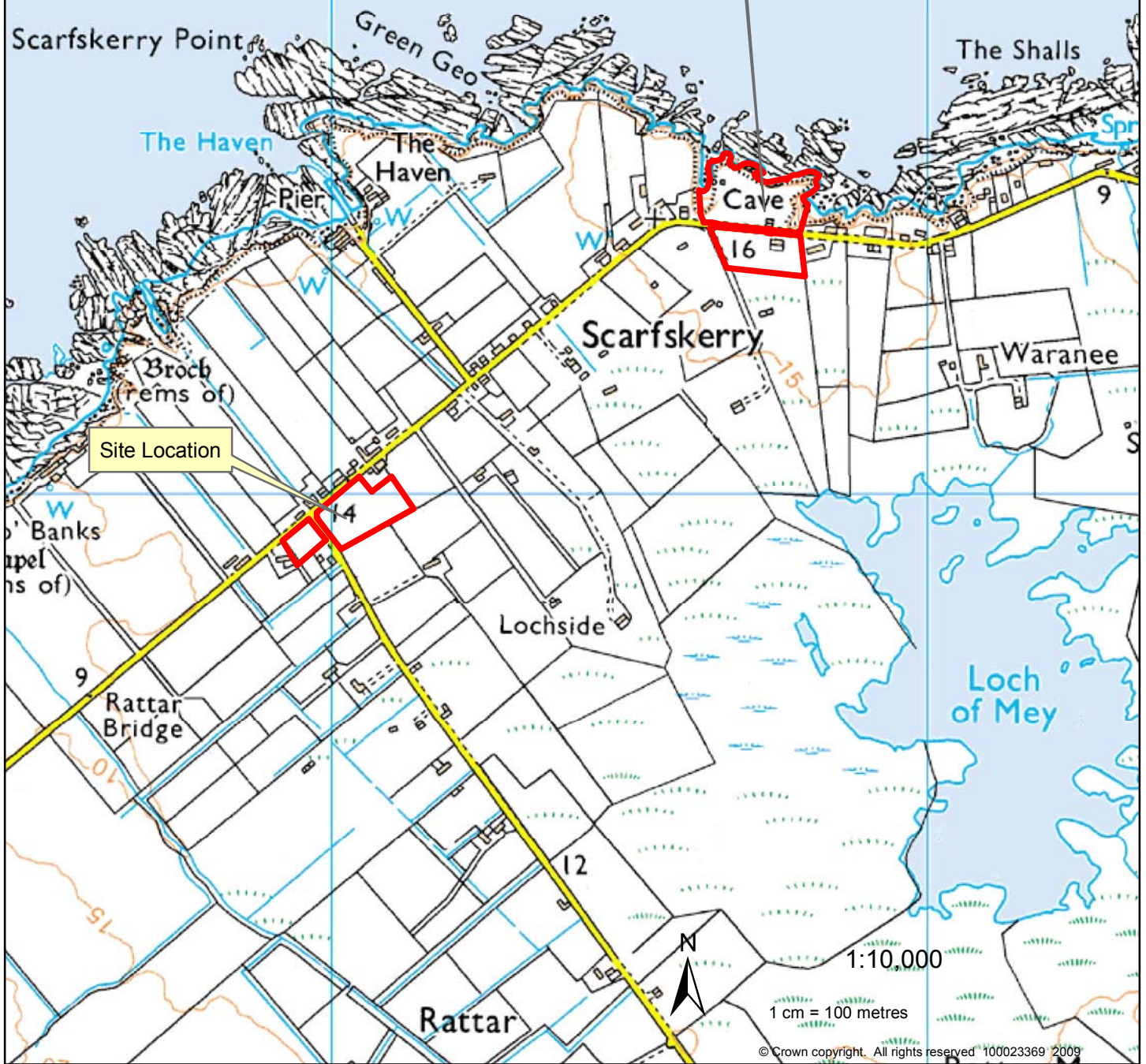
Mr & Mrs Cameron	Achnamara, Scarfskerry, Thurso, Caithness, KW14 8XW	08/06/2011	Against
Mr H Clarke	Rocketlea, Scarfskerry, Thurso, Caithness, KW14 8XW	08/06/2011	Against
Mr & Mrs Webster	Barnskerry Cottage, Scarfskerry, Thurso, Caithness, KW14 8XW	12/06/2011	Against
Mr John Campbell	Landaura, Burn Road, Scarfskerry, Thurso, Caithness, KW14 8XW	13/06/2011	Against
F J Mehlert	St Clair Cottage, Scarfskerry, Thurso, Caithness, KW14 8XW	29/07/2011	Against



11/01662/PIP
 Proposed 8 house development with garages and access roads
 at Land 80nm NE of Sunfield, Skarfskerry.

Braemara Ltd
 per Mr P Winthorpe
 Norscot Joinery Ltd
 Bower Workshops
 Bower
 Caithness
 KW1 4TL

09/00130/OUTCA (Mr J S Macleod)
Erection of 6 no. houses, formation of 6 no. vehicular accesses,
installation of 6 no. treatment plants and mound soakaways. (outline)
Permitted 17/07/2009.

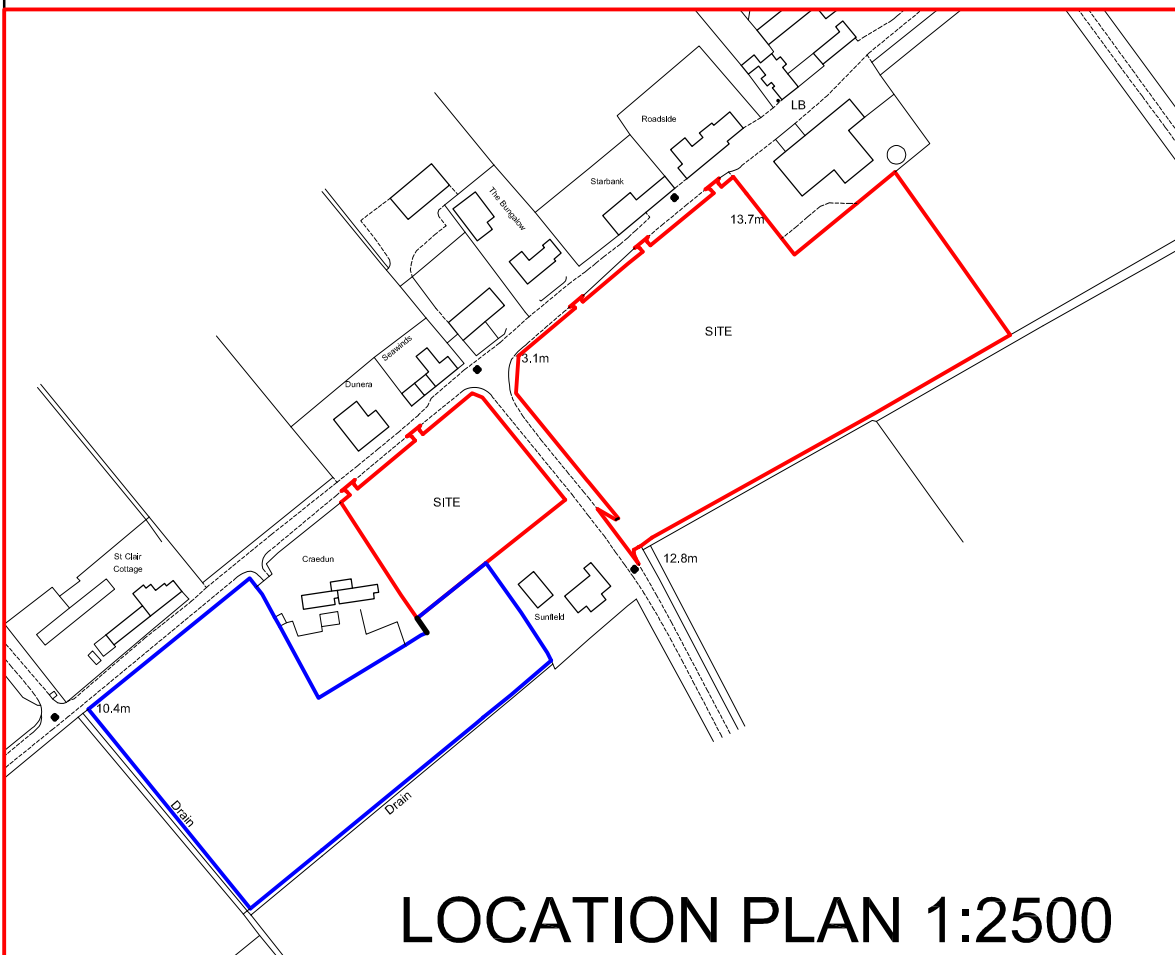


11/01662/PIP
Proposed 8 house development with garages and access roads
at Land 80nm NE of Sunfield, Scarfskerry.

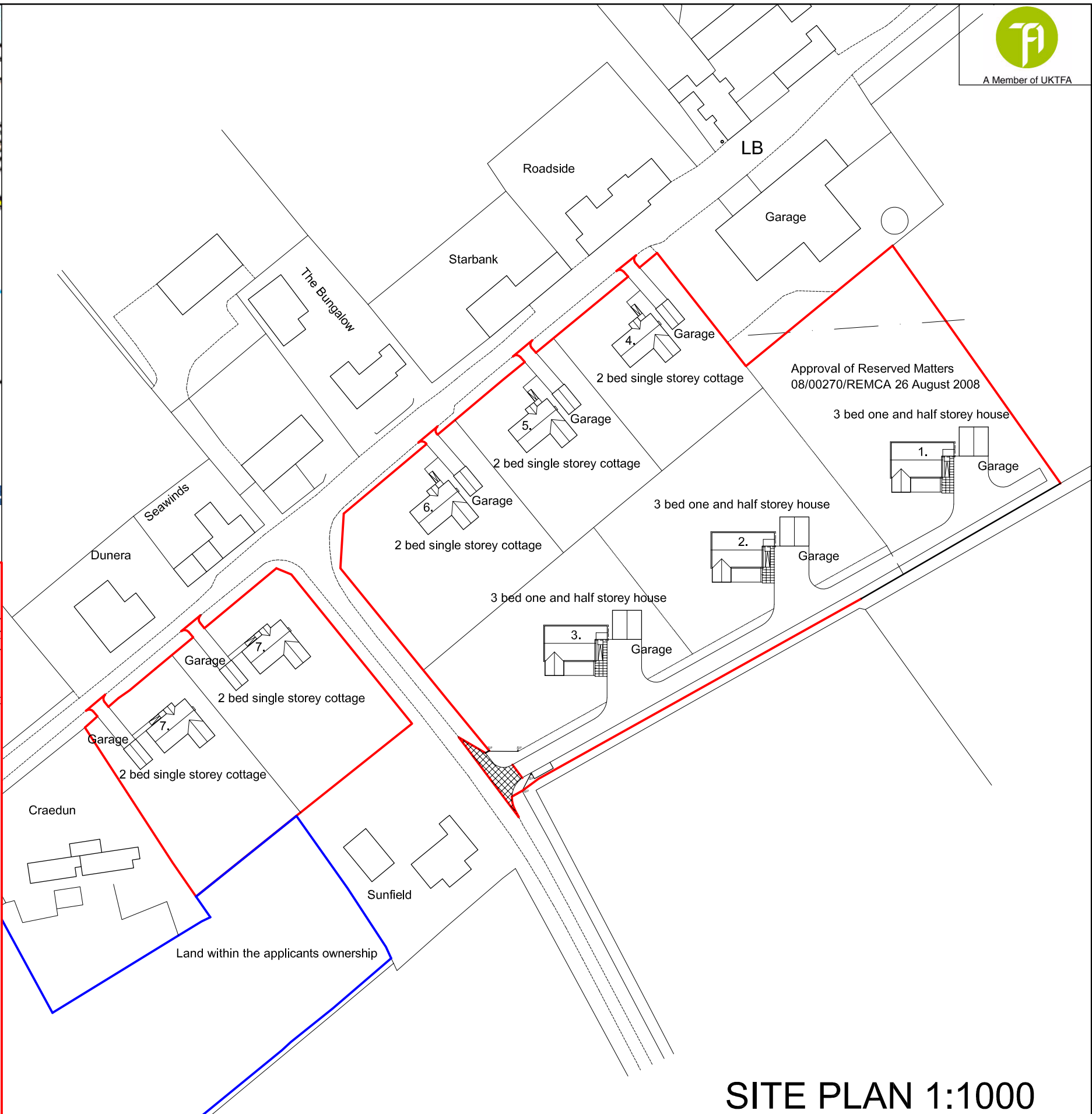
Braemara Ltd
per Mr P Winthorpe
Norscot Joinery Ltd
Bower Workshops
Bower
Caithness
KW1 4TL



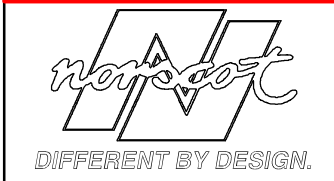
MAP



LOCATION PLAN 1:2500



SITE PLAN 1:1000



Customer:
Braemara Ltd.

Location:
Proposed new housing,
Scarfskerry,
Caithness.

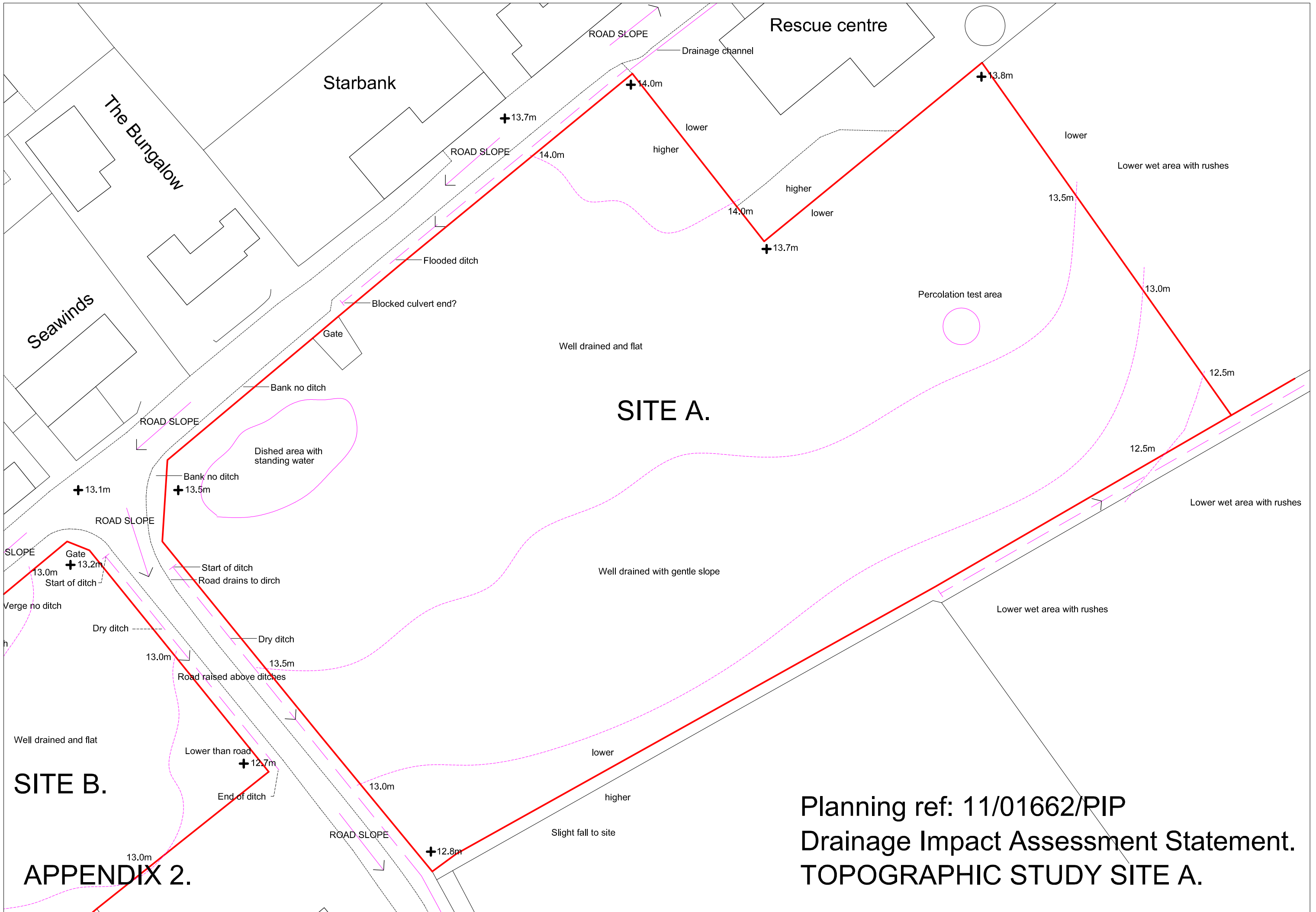
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Checked By:

Scale: 1:400
Date: 09/03/11

Drawing No: N11/09/01
Revision: A
Rev 'A' Amended following consultation 14/04/11 PW

Norscot Joinery Limited
Bower Workshops, Caithness, KW1 4TL
Telephone: 01955 641303
Fax: 01955 641207
Web site: www.norscot.co.uk
E-mail: info@norscot.co.uk





Planning ref: 11/01662/RIP
 Drainage Impact Assessment Statement.
 TOPOGRAPHIC STUDY SITE A.

APPENDIX 2.