

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING  
APPLICATIONS AND REVIEW COMMITTEE – 20 January 2009

Agenda Item	4.2
Report No	04/09

**08/00330/FULSU Erection of new dwelling house, alteration and improvement of existing access, installation of a septic tank, Puraflo system and soakaway at land 40m north-west of Rosebank Cottage, Culrain, Ardgay**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

The application seeks detailed consent for the erection of a house, alteration and improvement of existing access, installation of a septic tank, Puraflo system and soakaway on land 40m north-west of Rosebank Cottage, Culrain, Ardgay.

Eleven letters of representation have been received.

**The Recommendation is to GRANT planning permission subject to conditions**

Ward Number 1 – North West & Central Sutherland

Applicant – Mr G & Mrs I Munro

**1. PROPOSAL**

- 1.1 The detailed proposal comprises the erection of a new dwelling house, alteration of existing access and the installation of a septic tank, Puraflo system and soakaway on land 40 metres north-west of Rosebank, Culrain, Ardgay.
- 1.2 The site is an area of rough grazing lying to the rear of Rosebank Cottage and above Carbisdale Farm on the western periphery of Culrain. To the northern boundary the ground rises gently to mixed woodland, to the west there is a dry stone wall and woodland beyond. The site falls to the east towards Carbisdale Farm and to the south lies Rosebank Cottage. The site has an outlook towards the Kyle of Sutherland. There are a number of mature trees along the south-western boundary of the plot.
- 1.3 The one and a half storey house is a mix of contemporary and traditional design and is situated in the northern portion of the site. Access would be taken from the existing public road to the south of the site. The drive leading to the property runs along the western boundary at a length of approx 110 metres and forms a parking and turning area at the north-west corner of the plot.

## **2. PLANNING HISTORY**

- 2.1 **05/00134/OUTSU** – Erection of new dwelling house, improvement/upgrade of existing access, installation of sewage treatment plant and mounded infiltration system.
- 2.2 The above application was approved following a Committee hearing and site visit. The application attracted a number of objections, including several from the Clan Graham Society expressing concern that the site may have lain within the site of the Battle of Carbisdale and thus be of archaeological interest. An archaeological evaluation of the site was carried out and no evidence relating to the Battle was found. The Council's Archaeology Unit and Historic Scotland had no objection to the development.

## **3. PUBLIC PARTICIPATION**

- 3.1 11 letters of representation have been received relating to the following matters:
- The application will damage the largely untouched site of the Battle of Carbisdale.
  - The planned house is overly large, imposing and of an inappropriate design which is not in keeping with the local area.
  - The plan to build a septic tank with a soakaway to local burn is not only environmentally untenable, but in actual fact no such burn exists.
  - The site is on a slope that is largely waterlogged and which currently drains through the grounds of adjacent properties. Any malfunction of the drainage system will leak sewage into these properties and have a detrimental impact on existing local wildlife.
  - Damage to trees along the boundary.
  - There is no justification for this intrusive and potentially damaging development which is contrary to the provisions of the statutory development plan.
  - The new access and increased traffic will inevitably lead to increased danger on the narrow road from Culrain.
  - The original application was only approved with considerable modifications after a public meeting and a site meeting by the elected Councillors. Their principal action was that the house siting should be moved to the south-west of the site to minimise the impact on Carbisdale Farm House.
  - These past few weeks the road has been a river of black ice exacerbated by the total neglect of the road side drains. Further water from the drainage system can only make a bad job worse.
  - The road is badly degraded and TEC Services have no plans to improve it. Access is below a blind bend with only 20 metre sightlines.
  - The sloping grassland on which a dwelling is proposed is of particular importance for foraging Woodcock. Black Grouse have nested nearby and tawny owl, long eared owl, crossbills and buzzard are present in the general area. This area is also an important example of moorland edge habitat, which has been lost over much of Scotland to agriculture, forestry and housing developments.

- The proposal, situated as it is on a hillside site, will intrude upon the privacy of Carbisdale Farm House.

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

#### **4. VIEWS OF APPLICANT**

4.1 The applicant has given the following response to the above representations:

- The principle of residential development in this location has already been approved by the Council under planning permission ref 05/00134/OUTSU which remains a live consent.
- There has been no objections from statutory and technical consultees in respect of the current proposals.
- The alleged history of the vicinity was considered in great detail when the outline planning application 05/00134/OUTSU was approved following a hearing. At the time there were no objections arising from Historic Scotland or the Council's Archaeologist.
- The proposed house has been specifically designed to overcome issues raised at outline. None of the windows of habitable rooms overlook adjoining property.
- The Council has accepted that neighbour notification has been carried out properly.

#### **5. CONSULTATION**

##### **5.1 Internal Consultees**

**Forestry** – The current proposal identifies access improvements and two trees for removal (Oak & Cherry). Given the inconspicuous location and indifferent quality of the two trees proposed for felling, I would have no objections to their removal. The proposed access track is approx 4 metres from the boundary fence which gives an adequate Root Protection Area for the adjacent trees. I would however recommend that the soakaway outlet is relocated to the north of the proposed access track to avoid any root damage occurring along this boundary. A detailed landscape plan and maintenance programme must be submitted for approval.

**Roads** - No objections subject to the applicant meeting standard conditions.

##### **5.2 External Consultees**

**SEPA** - No objections

## 6. POLICY

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

### **Highland Structure Plan:**

- G2 Design for Sustainability
- H3 Housing in the Countryside

### **South and East Sutherland Local Plan**

- Policy Env 3 – The Council will presume against development, particularly where there is significant damage to heritage, amenity or public health.

### **Deposit Draft Sutherland Local Plan**

- Policy 3 – Wider Countryside

6.2 The proposal also requires to be assessed against Scottish Planning Policy 23 Planning and the Historic Environment (SPP23).

## 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 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

7.3 The application is in detail and seeks consent for the erection of a one and a half storey house, alterations to an existing access and the installation of a septic tank, Puraflo system and soakaway. The house is located on the northern part of the plot which is in an elevated position with an outlook towards and over the Kyle of Sutherland. The existing access to Rosebank Cottage is to be improved/alterd to create the access for the new dwelling. The drive leading to the property runs along the western boundary at a length of approx 110 metres and forms a parking and turning area at the north-west corner of the plot.

- 7.4 An outline application (05/00134/OUTSU) for a house on this site was approved in November 2006 at a special meeting of the Sutherland County Committee held at Culrain Village Hall. The outline application attracted numerous representations which included many of the objections listed in paragraph 3.1 for this application. As highlighted in the letters of representation, the outline consent differs from the current detailed application. During the consideration of the outline application the access to the plot was relocated to the north east to remove the threat to the trees along the south-western boundary. It was also agreed at the Committee hearing that the outline permission should include a condition stating that the house should be located at the south western corner of the plot to address overlooking concerns to Carbisdale Farm. The current detailed application under consideration utilises the existing access to Rosebank Cottage and positions the house in the northern portion of the site.
- 7.5 Since the application was first lodged there have been some amendments to the plans including alterations to the red line site boundary to include the proposed works to the access, and the relocation of the soakaway to meet the Senior Building Standards Surveyor's approval and to provide an adequate Root Protection Area for the trees along the western boundary of the site.
- 7.6 One of the principal objections from third parties is that the plot lies within the site of the Battle of Carbisdale which was fought in 1650 between the Royalist forces led by the Marquis of Montrose and a detachment of the army of the Covenanting Committee of Estate led by Colonel Strachan. It is claimed that this is an extremely important historical site, as significant as Culloden, which should be protected.
- 7.7 The above point was considered in depth during the determination of the outline application for the site in 2005/2006. An archaeological evaluation of the site was carried out in 2006 at the request of the Council's Archaeological Unit. No historic features or artefacts relating to the Battle of Carbisdale were discovered on the site. The Archaeology Unit had no objection to the application being granted on the grounds that
- There were no physical remains within the area of the proposed development to suggest that this was the location of the Battle.
  - Whilst no remains exist in the development area the evaluation represents only a small portion of that which might be seen as the battlefield.
  - The location of the battlefield cannot be accurately traced from the documentary evidence, which is at times contradictory.
  - The work that would be required to establish the location of the battlefield on the ground is beyond the scope of what might reasonably be required under NPPG5 and NPPG18 (These documents have now been superseded by Scottish Planning Policy 23 - Planning and the Historic Environment).

Historic Scotland likewise had no objection to the application given the conclusions of the Archaeological evaluation.

- 7.8 It is not considered reasonable to refuse the application on the grounds that this site may have formed part of the Battle of Carbisdale. In depth consideration was given to this point during the determination of the outline application and the principle of developing this site was agreed.
- 7.9 The representations also raise issues with the access and the state of repair of the public road leading to the site. The proposed access is to be shared with Rosebank Cottage, with a separate drive leading up to the plot. TEC Services have no objection to the application which improves an existing access. The standard conditions imposed on the formation of the new access, to include a service bay, would require that the access is designed in such a way that no surface water would be allowed to flow from the site on to the public road. Whilst this would not improve the existing state of the road referred to by objectors, it should not contribute to further deterioration. Furthermore, the additional traffic generated by development of a single dwelling is not considered significant enough to be detrimental to the area.
- 7.10 The Council's Forestry Officer has no objection to the felling of the trees due to their inconspicuous location and indifferent quality. In his consultation response he states that the soakaway should be relocated to provide an adequate Root Protection Area (BS5837:2005 Trees in Relation to Construction) for the adjacent trees. The application has now been amended and the soakaway repositioned approx 3.7 metres from the western boundary. This is considered adequate enough to prevent any damage to the trees.
- 7.11 The letters of representation raise concerns over the proposed drainage arrangements for the site. A drainage and ground assessment report was submitted with the planning application. The proposed foul drainage treatment includes a septic tank and two module Puraflo system discharging to the watercourse that runs along the south western boundary of the site. Surface water is to be piped to the same watercourse. SEPA have no objection to the drainage proposals. Furthermore, the drainage proposals have been discussed with the Senior Building Standards Surveyor who is satisfied that the drainage scheme is acceptable.
- 7.12 There is not considered to be any significant impact upon the amenity of the surrounding properties. The north east elevation of the proposed house faces towards Carbisdale Farm House which is located approximately 70 metres from the proposed house. The design of the north-east elevation takes this relationship into consideration as the only windows are a ground floor high level kitchen window and two rooflights serving the upstairs hall/lounge area. The amenity of Carbisdale Farm and the other surrounding properties is not considered to be compromised as a result of the development due to sufficient separation and screening that exists between them.

- 7.13 As noted in the representations, one of the conditions attached to the outline permission for the site stated that the house should be located in the south west corner of the site to avoid overlooking. As mentioned above the design of the house addresses this concern by minimising the glazing on the north east elevation and thus reducing the potential for overlooking. Locating the house in the northern portion of the site allows the applicant to take advantage of the outlook towards the Kyle of Sutherland. It is considered unreasonable to force the applicant to re-position the house as there is not considered to be any significant impact as a result of locating the house in the northern portion of the site.
- 7.14 In relation to the representations relating to nature conservation interests, the site lies outwith any statutory designations.
- 7.15 The design is considered to comply with the Council's guidance on housing in the countryside. The fenestration design creates a steading like appearance which is reinforced by the use of narrow gables and 45 degree roof pitches. The T-shaped house includes a projecting element on the south east elevation with large feature windows. The proposed roof is finished in natural slate, with a wet dash finish to the walls with hit and miss exposed stones. The design is a suitable mix of contemporary and traditional and is not considered to be detrimental to the character and appearance of the area.
- 7.16 The proposed development is considered to comply with policy G2 of the structure plan which requires that developments will be assessed on the extent to which they, amongst other factors:
- are compatible with service provision;
  - impact on individual and community residential amenity;
  - impact on habitats, species, landscape and cultural heritage particularly within designated areas; and
  - demonstrate sensitive siting and high quality design in keeping with the local character and historic and natural environment and in making use of appropriate materials.

The development is not judged to be significantly detrimental in terms of the above criteria and therefore accords with policy G2 of the Structure Plan.

- 7.17 Policy H3 Housing in the Countryside explains that housing development will generally be within existing and planned new settlements. Elsewhere housing in the countryside of an appropriate location, scale, design and materials may be acceptable, particularly where it supports communities experiencing difficulty in maintaining population and services. The design of the proposal is considered sympathetic to its rural setting and traditional materials such as wet harl and slate have been incorporated into the design. The house provides an additional home in the area and is not considered to be a detriment to the character and appearance of the area. The proposal is therefore not considered contrary to policy H3 of the plan.

- 7.18 The proposal is considered to accord with policy 3 Wider Countryside of the Deposit Draft Sutherland Local Plan as it is consistent with the Structure Plan, respects the existing settlement pattern and landscape character and offers an acceptable drainage solution.

## **8. CONCLUSION**

- 8.1 The proposal is considered to accord with both Structure Plan and Local Plan policy. The principle of building a house on this site has already been established through the granting of the outline application. Furthermore, the claim that the site formed part of an historic battle site was considered at length during the determination of the outline application. Locating the proposed house in the northern part of the site is not considered to be detrimental to the amenity of the surrounding properties. SEPA and the Senior Building Standards Surveyor find the drainage proposal to be acceptable. The access improvements, although not in line with the outline application, are considered acceptable and the Roads Authority have no objections.

## **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 natural slate.

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 house shall be finished in cream wet dash with random stone detailing and timber cladding.

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

4. All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority and the Building Standards Authority. For the avoidance of doubt, foul drainage shall be by means of a septic tank, Puraflo system and soakaway.

Reason: In the interests of amenity and public health.



5. Prior to the commencement of development, 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 completion of the development and shall thereafter be maintained in accordance with the approved 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 and in order to ensure that the development is adequately screened.

6. All access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, and in accordance with the Schedule attaching to this permission, prior to occupation of the house.

Reason: In the interests of road safety.

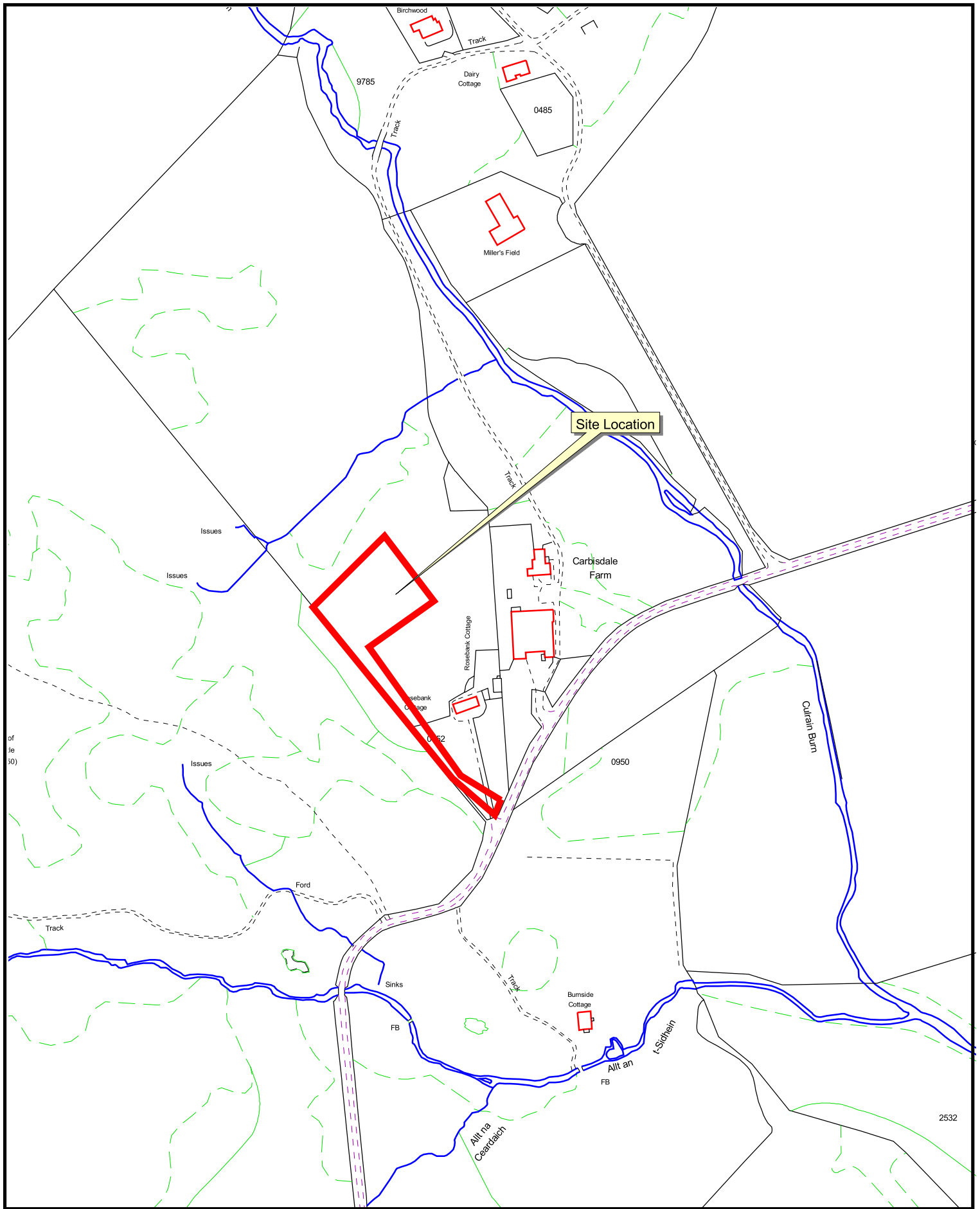
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Rebecca Scott (01408) 635372

Background Papers: As referred to in the report above and case file reference number 08/00330/FULSU

Date: 5<sup>th</sup> January 2009



08/00330/FULSU  
 Erection of new dwelling house and alteration of existing access.  
 Installation of sewerage treatment system, septic tank, puraflo and soakaway (Detail) at  
 Site 40M North West Of Rosebank, Cullrain, Ardgay

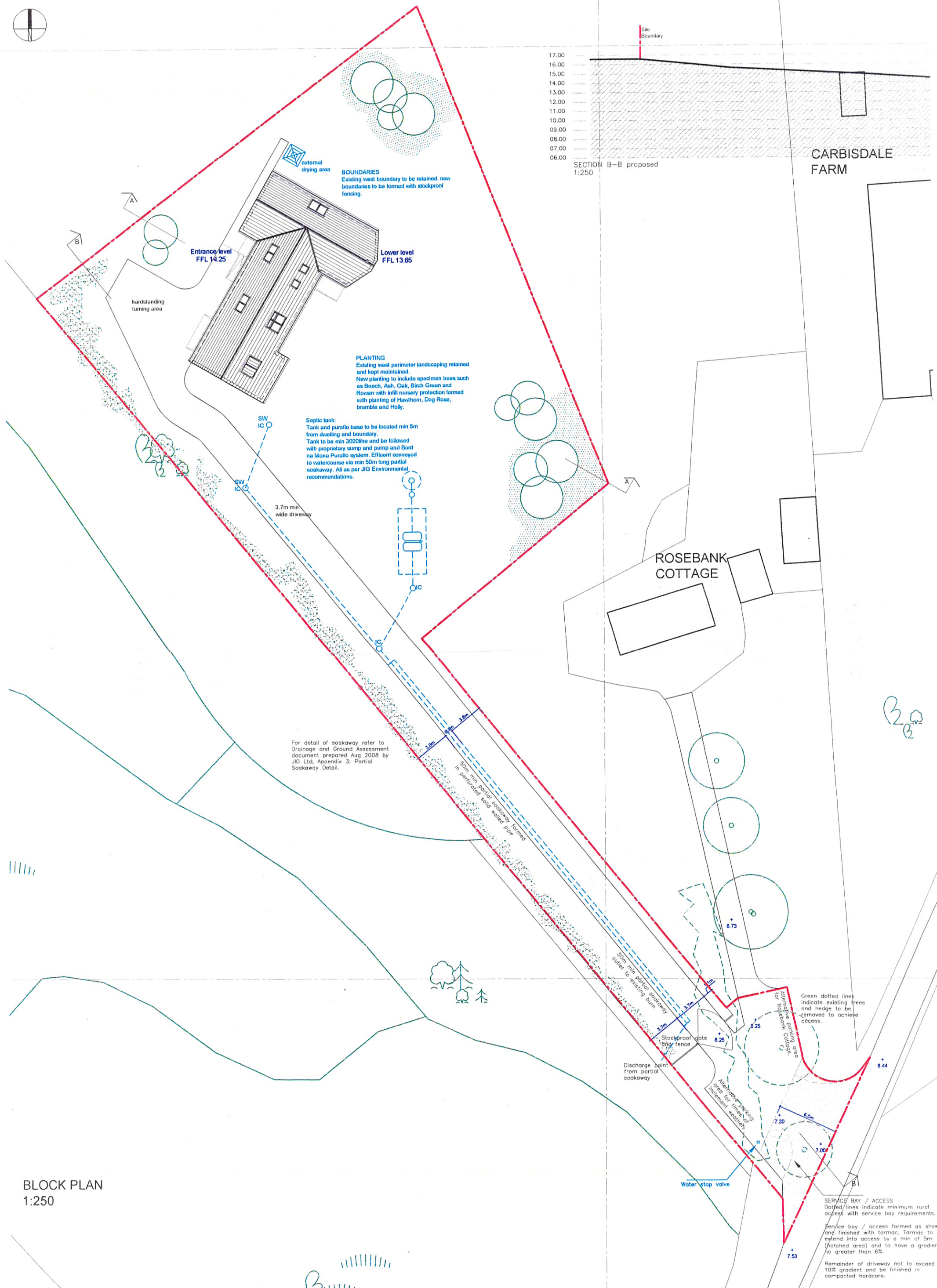
Mr I & Mrs C Munro  
 per Future Plans  
 The Redhouse Studios  
 Tower Street  
 Tain

Date: 05 January 2008

**SUPPLIED BY THE HIGHLAND COUNCIL**

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 Scale  
**1:2500**

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SECTION B-B proposed  
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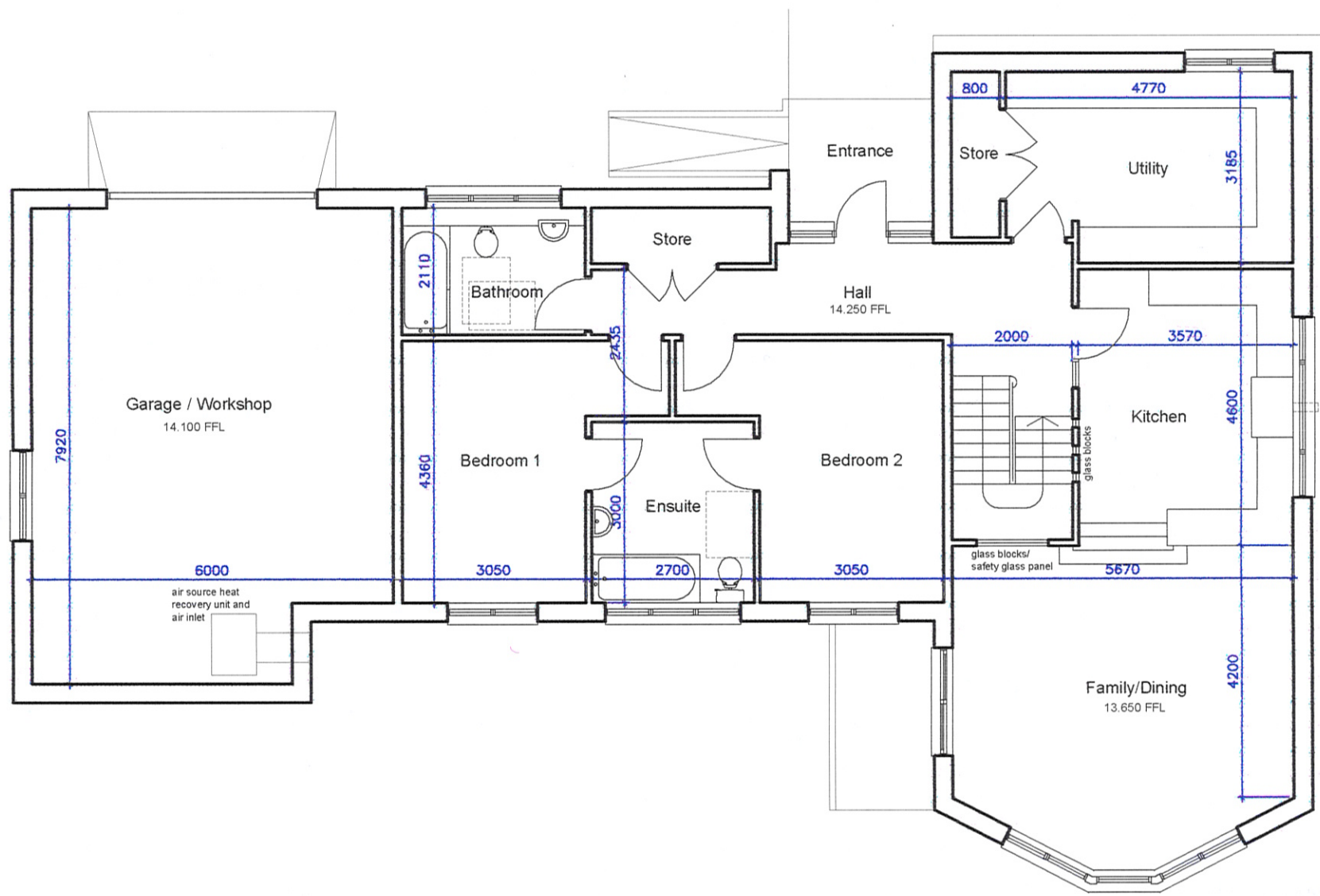
CARBISDALE FARM

ROSEBANK COTTAGE

BLOCK PLAN  
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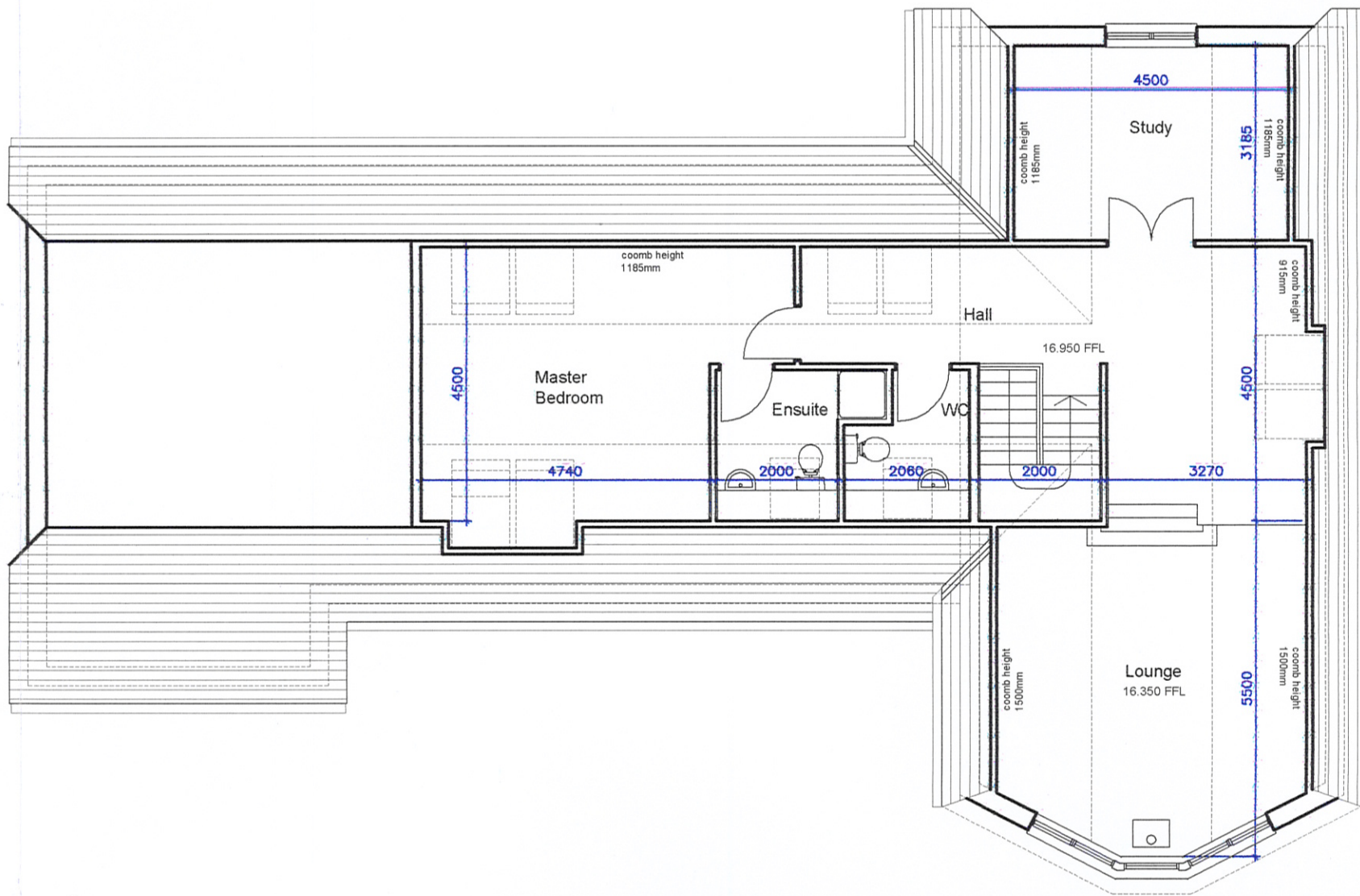
B



SOUTH EAST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION

Roof finish:  
45 deg roof with slate finish, timber stained fascia, soffit and bargeboards.  
Valleys to be Code 5 lead. Rainwater goods black upvc.

Wall finishes:  
Wet dash finish with hit and miss exposed stones, colour cream.  
Cast stone cills and lintels where shown.  
Timber cladding panels where shown, stained to match fascias.

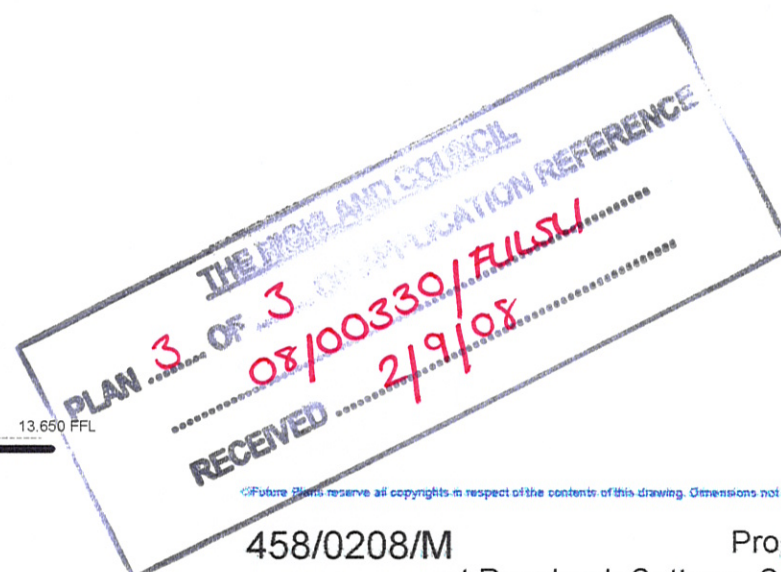
Windows and doors:  
Double glazed hardwood windows and doors.

Flue:  
Stainless steel flue from woodburning stove.

Levels shown are relative to Rosebank Cottage 10.00 FFL datum.



SOUTH WEST ELEVATION



**futureplans**  
architects & planners

The Barnyard Studios  
Garnmouth, Moray  
01343 870007

The Redhouse Studios  
Tain, Ross-shire  
01862 894894

Scale: 1:100 (A2)  
Date: 28/08/08

Proposed plans  
and elevations

Drg No: 05  
Rev:

458/0208/M

Proposed new house  
at Rosebank Cottage, Culrain, Sutherland  
for Mr & Mrs I. Munro

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