

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE
16 DECEMBER 2014**

Agenda Item	6.4
Report No	PLN/088/14

**14/01944/PIP, 14/01945/PIP, 14/01121/PIP: Bayfield Proprietors
Land East of Lower Bayfield Nigg Tain**

Report by Area Planning Manager

SUMMARY

Description : Erection of 3 houses and formation of vehicular access (planning in principle 14/01121, 14/01944 and 14/1945/PIP)

Recommendation - REFUSE

Ward : Ward 8 - Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Community Council objection.

1. PROPOSED DEVELOPMENT

- 1.1 The applications are for the erection of individual houses and the formation of a vehicle access from the B9175 (Arabella to Nigg road). An additional single house (14/01943/PIP) on land to the north has been recommended for approval.
- 1.2 Pre-application advice was sought for the erection of three houses (12/02817/PREAPP) and it was considered that a single house *may* be acceptable (application 14/01943/PIP – recommended for delegated approval).
- 1.3 There is an overhead electricity line in the southwestern part of the area – generally within application site 14/01944/PIP.
- 1.4 The **agent has submitted a supporting statement** – a ‘Sustainable Design Statement’ to accompany the application. This indicates that:

The original intention was to lodge a single application for four plots, but due to the generous size of individual sites, the planning fee was judged to be uneconomic and accordingly four individual applications were submitted. It is suggested that each application is considered in its own right but within the context of the wider project for four houses. Each site can be viewed on its individual merits in relation to the Development Plan but also in conjunction with what is in effect an overall Masterplan. No intention to look towards developing this site in the future due to the constraint of requiring to upgrade the vehicle access to adoptable standards.

Initial discussions in April 2011 were in relation to one house at the top of the brae, with access taken from the wartime ramped vehicular access. Ongoing discussion led to the concept of a 3 house group. A pre-application response (12/02817/PREAPP) advised that one house, appropriately designed and set back from the escarpment edge, may be acceptable, more than one house at this point would be considered a potential overdevelopment.

A further follow up investigated the potential for principle of three new houses being developed in an extension to this woodland residential setting and making use of an otherwise awkward field corner.

As the principle of one house at the top of the access road was considered a reasonable development in its own right, it was decided to keep this i.e. 1 house plus 3 houses. The applicant is committed to 1 and/or 1½ storey houses with slate finish, with traditional shape and form.

Mature tree at the top of the embankment will be retained and protected. Other species such as Beech, Rowan and Birch proposed for initial screening with strategic hardwood planting including Oak, Beech, Rowan and Birch.

The scale of plot has been designed to replicate that of the existing houses. This part of the field is significantly lower than the houses near Bayfield House and the distance away from there and the Nigg to Pitcalnie road ensures visibility from these will be virtually nil and will be completely invisible from the Nigg to Arabella road.

The individual plots sizes are sufficiently large enough to accommodate private SuDS and foul drainage arrangements for each house. This is a free draining area and no soakaway problems are anticipated.

Planning Policy - As acknowledged in the pre-application response, the general existing pattern of houses in the area is of smaller groupings and clusters and occasional individual houses in a scattered pattern. The single house proposed at the top of the embankment would share an access with the others, but would present itself as a separate entity, not forming part of the grouping.

1.5 **Variations:** No variations made to the application since lodging.

2. SITE DESCRIPTION

2.1 The land uses in the area are agricultural with occasional individual houses or small groupings of houses associated with the agricultural use. The largest concentration of houses is at Nigg village which is around 650m to the south.

The sites are located to the west of the minor single track road from Nigg village to Pitcalnie and to the north of the grouping of houses at Pitcalnie Holdings and Redburn House. The sites are located in the south and southwestern part of a large agricultural field which slopes from east to west from the U1466. A fourth site (14/01943/FUL) is to the western edge of the field. The field is elevated above the dual track B9175 (Arabella to Nigg road) to the west and the houses of Lower Bayfield and Lower Pitcalnie.

The change in levels in the field results in the main outlook from the sites being to the west and southwest over Nigg Bay and the Cromarty Firth.

The field boundary to the west is formed by the edge of the old cliff line; it is down through this that the proposed access to the site is taken onto the B9175. This has been used as an agricultural access in the past, but is currently overgrown with vegetation. The point of access onto the B9175 has good visibility.

The southern boundary of the field is formed by vegetation and a burn running from east to west.

There is an overhead electricity line in the southwestern corner of the site.

The change in level from the B9175 and the following cliff line, and the slope of the field means that the sites would be hidden from the B9175 and would only be visible from distance to the west side of Nigg Bay. The bottom of the field is difficult to clearly identify from the U1466 due to the changing levels. It is considered that it is unlikely that the development of the ground would be visible from the U1466; however the access track from the B9175 would be clearly apparent from the public road.

3. PLANNING HISTORY

- 3.1
- No previous planning applications for the land.
 - Pre-application enquiry 12/02817/PREAPP Erection of three houses 23.08.2012. This advised that a single house would be acceptable, but that any more than one house would be an overdevelopment of the site.
 - 14/01943/PIP - Erection of house, formation of vehicular access (planning in principle) – site lies to north which is before members for consideration with a recommendation to approve.

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 Unknown neighbour. Expiry 13.06.2014

Representation deadline : Expiry 13.06.2014

Timeous representations : 2

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Access and increased traffic
- Noise
- Drainage
- Impact on view
- Loss of privacy
- Reduction in property prices
- Effective doubling in number of houses completely alters the character of the area
- Planting of additional trees leading to overshadowing
- Flooding risk to the site

5. CONSULTATIONS

- 5.1 **Transport Planning - Concerned about further house development** along the B9175 leading to a proliferation of accesses. This is a high speed (60mph) road with a high volume of traffic and the number of access junctions, and particularly houses with direct frontage onto the road, should be kept to a minimum. However, this development will have one access serving up to 4 houses which will be located some distance from the road. Also, the number of existing accesses on this section of road is limited. Therefore **in this instance we do not propose to object to this development subject to conditions:**
- 5.2 **Forestry Officer (03.02.2014)** : The proposed sites lie along the western boundary of a field, overlooking the Cromarty Firth, which is designated as a SSSI & SPA. There is car park opposite the proposed access with a core path which leads down to the RSPB bird hide at Nigg Bay Nature Reserve. The proposed access is to be taken along what appears to be an old farm track which cuts across a gorse bank into the field. There are a number of mature trees lining the old track and these must be retained and protected as part of any improvement to this access. There may also be an opportunity to enhance this feature with additional planting. The two plots to the south back on to mature woodland surrounding Redburn House. This woodland is locally important providing a setting for Redburn House and a valuable wildlife corridor along the burn. Any detailed application will require adequate separation between houses and these trees to avoid future conflict due to issues such as restricted light, views and safety concerns. Indicative areas of tree planting are shown on the Masterplan. Tree planting should be concentrated along the eastern boundary of the sites to help provide screening from the road and properties above, as well as defining the extent of the development. All structural tree planting should fall within a clearly defined communal area which is then managed under a factoring agreement. **Conditions are recommended for any approval.**
- 5.3 **Historic Environment Team** – No sensitive historic environment issues with the proposed development.
- 5.4 **Housing Development Manager** – There are a total of 4 houses proposed (including 14/01943PIP) and accordingly the Council's Development Plan policy 31 – Developer Contributions – applies to the development.
- 5.5 **Nigg and Shandwick Community Council - Object** to the applications (04.06.2014) - Nigg and Shandwick Community Council have a number of concerns regarding the above developments:
- The applications are each for individual houses all served by the one new road. They are all adjoining properties and therefore constitute a development and should be treated as such and come under section 42 of the Planning Act - – *Planning Comment – This section of the Act does not*

relate the development of more than one site. Whilst the applications have been submitted as individual proposals, they are being assessed at the same time due to their cumulative impact and association to each other.

- The overall four applications site takes an area out of the existing agricultural and grazing land which is contrary to the Inner Moray Firth Local Development Plan. It is also contrary to 'Rural Development' page 19 paras 92 to 96 inclusive and also para 97 'Prime Quality Agricultural Land' page 20 of the Scottish Planning Policy - February 2010. – *Planning Comment* – see *section 8.3 in relation to policy appraisal*
- Proposed access road from the B9175 which has already had multiple fatalities and many injuries from a considerable number of traffic accidents. Even if only one development was approved it would mean that the road would have to be constructed. There is also concern that as the road is on the edge of a deep slope there could be a danger of land slippage. It is anticipated that the Shore Road (B9175) will become busier as the Nigg Yard expands. – *Planning Comment – Transport Planning have indicated that the proposed access arrangements are acceptable subject to compliance with the minimum technical standards, particularly relating to visibility splays. The proposed access point is on a relatively straight section of national speed limit road (60mph). The construction of the access and the land stability are engineering matters for the developers to fully detail during the consideration of a detailed application(s).*
- Development of housing will impinge on the ambience of the area and continue the gradual process in turning this area of outstanding beauty from a rural farming/agricultural area into an urban area – *Planning Comment – applications are considered on their merits against the development plan policies in operation at any point in time. A balance has to be continually struck between permitting acceptable or preventing unacceptable development.*
- Surface and foul water drainage – *Planning Comment – It is for a detailed planning application to develop suitable foul and surface water drainage solutions. The Agent has indicated that the existing drainage on the site is considered, from an agricultural perspective, to be good.*

Nigg and Shandwick Community Council would therefore request that all four of the proposed developments be rejected.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland-Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
31	Developer Contributions
32	Affordable Housing

36	Development in the Wider Countryside
51	Trees and Development
52	Principle of Development in a Woodland
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage

6.2 **Ross and Cromarty East Local Plan (as continued in force April 2012)**

Refer to the Highland Wide Local Development Plan

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland Council Supplementary Planning Policy Guidance - Interim Supplementary Guidance on Housing in the Countryside and Housing and Design**

7.2 **Scottish Government Planning Policy and Guidance**
Control of Woodland Removal (2009)

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.

8.3.1 **Development Plan Policy Assessment**

The proposal has to be assessed against the policies contained in the Highland Wide Local Development Plan, in particular to policies 28, 29, 36, 51, 52 and 66 as set out in section 6.1 and the relevant related Interim Supplementary Guidance.

8.3.2 The **proposals are in principle for a total of 3 houses** set out through three individual house applications; there are total of four houses. A fourth house to the north (**14/01943PIP**) is before Members for consideration with a recommendation to approve. Each application is shown as having a single access point from the B9175; this point of access and the resultant access track up the cliff line and into the agricultural field is the same on each application site, with the alignment only differing when it reaches the field.

8.3.3 It is considered that the **development as submitted would bring a very considerable change** to the built form of development currently found in the area. This is generally characterised by a scatter of occasional single houses, with looser groupings of several houses. There are also groups of cottages associated with farms and steading complexes.

8.3.4 The **initial pre-application enquiry** and subsequent response related to the principle of development of a single house; this enquiry area now forms application 14/01943/PIP. This concluded that a single house of traditional form and materials set back from the western edge of the site would be acceptable in principle, subject to design and the use of traditional material finishes.

8.3.5 The **current applications** are clearly separate individual houses with replicated individual access points to the B9175. However, the three to the southern and southwestern parts of the field subject of this report (14/01944/PIP, 14/01945/PIP, 14/01121/PIP) have a clear spatial relationship and linkage to each other and their approval would mark a significant development within the field. Due to the topography, the vegetation and the watercourses at this location, this area is clear and distinct from the existing grouping of houses at Pitcalnie Holdings and Redburn House; and from Lower Bayfield and Lower Pitcalnie. The 3-dimensional spatial relationship to the existing housing is very different to the apparent close proximity on a 2-dimensional plan due to the changes in levels.

8.3.6 **Development Plan Policy**

The Planning Authority has to assess the proposals against the Development Plan policies and associated Supplementary Guidance. In this instance, the main policies are the Highland Wide Local Development Plan policies 28, 29 and 36 and the Interim Supplementary Guidance on Housing in the Countryside and Housing and Design.

The policies General Considerations (s5.2) include that proposals:

- demonstrate a consideration of siting principles and layout, building design and residential amenity in line with the Siting and Design guidance
- are compatible with existing servicing infrastructure

8.3.7 At s7.1 of the Supplementary Guidance to the policy, it notes that in areas 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. Furthermore, development proposals need to demonstrate appropriate siting complying with the Siting and Design guidance in the document.

8.3.8 Furthermore at s7.3, it notes that the emphasis for housing in the wider countryside will be on supporting opportunities where a fit with the siting and design guidance is demonstrated. Proposals for development should consider Section 6, paras 6.4 to 6.33 of the Interim Supplementary Guidance as a *sequential approach* to the identification of development opportunities within the wider countryside. Development of sites within open countryside should demonstrate the consideration of alternatives as part of a submission for planning permission along with siting and design considerations.

8.3.9 The Interim Supplementary Guidance also notes that in relation to Housing Groups, there may be **opportunities for “rounding-off” an existing housing group**, for instance the addition of a house(s) to an existing group. In order for a group of houses to be classed as a 'housing group' for the purposes of this guidance, the following criteria must apply:

1. *there must be at least three houses that are physically detached from one another;*
2. *all of the houses must have a perceptible relationship with one another and share a well-defined, cohesive character; and*
3. *the houses must not comprise part of a 'small settlement' as may be defined in the applicable Local Development Plan.*

8.3.10 The proposals are spread out over a significant area and it is considered difficult to make out the tight cohesiveness of a grouping of houses in this instance. The proposed houses share a separate access to the existing houses – they would be accessed from the B9175 Nigg Ferry road, rather than the Nigg to Pitcalnie road – and therefore they would lack a significant spatial relationship in terms of access with the rest of the housing. In addition, due to the change in levels as set out above, the development of 3No. large house plots is not considered to relate well to the existing built form to the south or southeast. The concept of “rounding-off” the existing grouping of houses centred at Pitcalnie Holdings and Redburn House (and the other houses Rumah Baru, Roebuck House, Bayfield Cottage, Burnside) by the addition of three large plots is therefore in my view very difficult to found. It is not considered that the form, character, spacing and cohesiveness of the existing group is maintained. The proposals would also intrude into the previously undeveloped agricultural field (point 5 below).

8.3.11 The suitability for **growth within a housing group** requires compliance with all of the 6 factors listed below (as set out in the Interim Supplementary Guidance):

1. *constitute acceptable small-scale in-fill or round-off;*
2. *reflect and respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group;*
3. *not constitute ribbon/linear development along a public road, result in the coalescence of the housing group with a nearby settlement/another housing group or constitute the unplanned extension of a defined settlement; existing groups, however, may be extended in a linear fashion, but only where there is a clearly defined boundary or natural feature that will conclude the extension (e.g. watercourse, woodland, field boundary, road), bearing in mind the context of that group.*
4. *do not impact detrimentally on existing trees and/or woodland*
5. *not create an inappropriate intrusion into a previously undeveloped field or open land or overwhelm their landscape setting;*
6. *meet with criteria outlined in the general development considerations*

8.3.12 As indicated above, it is **not considered that the proposals are an opportunity for rounding-off an existing housing group**. Development of the sites would **not therefore reflect and respect the character, cohesiveness, spacing and amenity of the existing group and the individual houses within the group**.

The development of the land **would create an inappropriate intrusion into a previously undeveloped field**. Accordingly, the development would not accord with the Development Plan policy and its associated Supplementary Planning Guidance.

- 8.3.13 The statement submitted in support of the applications is acknowledged as being helpful in setting out the background to the applications. However, it does not really demonstrate how the proposals do meet the various tests of the policy.
- 8.3.14 In pre-application advice we indicated that there may be an opportunity for a single house – on the site of the northern application (14/01943/PIP). What is being proposed is for a total of four houses developed by a significant and **inappropriate intrusion into a previously undeveloped field**, with an overgrown old field access being significantly upgraded to provide access to such. It is considered that there is a lack of linkage and cohesion between the existing established housing and that now proposed. The applications do not round-off the group, nor do they reflect its existing character, and spacing. Whilst there is policy support for limited development within the rural development area, this is required to be appropriate to the surrounding character and level of existing development.
- 8.3.15 It should be noted that the pre-application advice indicated that a single house would be supportable in the location of the current application 14/01943/PIP. A house at this location would be read as an individual single house set on its own, unrelated to the existing grouping. This proposal has been recommended for approval. However, the addition of 3 further and significantly sized plots to the south of this (those to which this report relates - 14/01944/PIP, 14/01945/PIP, 14/01121/PIP) would change the **pattern of development in the immediate area to its detriment**.
- 8.3.16 Accordingly, the overall cumulative level of development which would result through the approval of all four applications is not considered to accord with development plan policy and associated interim supplementary guidance and is not found to be acceptable. However, as the applications have to be considered on their own merits, the single house site 14/01943/PIP (the northern site) on its own is assessed as according with the development plan policies and associated interim supplementary guidance and has been recommended for approval. However, **the applications to which this report relates (14/01944/PIP, 14/01945/PIP, 14/01121/PIP) are recommended for refusal**.
- 8.3.17 It should be noted that as there are a total of 4 houses being proposed, the Council's Development Plan policy 31 - Developer Contributions – applies to the development. If a single house (14/01943/FUL) is approved then no Developer Contribution would be required.

8.5 **Other Considerations – not material**

- Reduction in property prices

8.6 **Matters to be secured by Section 75 Agreement**

Not Applicable

9. **CONCLUSION**

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

It is recommended that permission be refused.

10. **RECOMMENDATION**

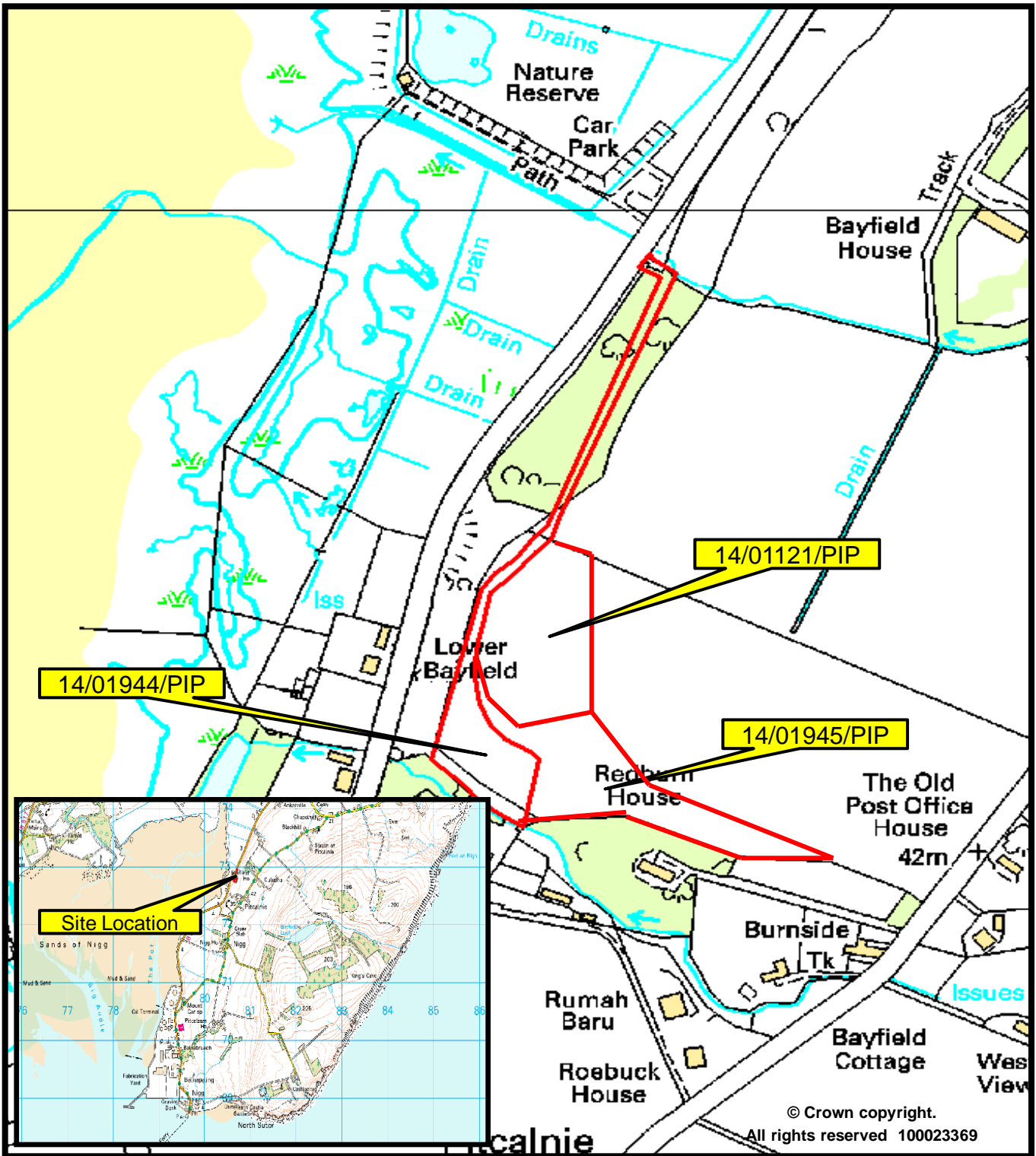
Action required before decision issued **N**

Subject to the above, it is recommended the applications **14/01944/PIP, 14/01945/PIP, 14/01121/PIP** be **REFUSED** for the following reasons:

1. The development does not accord with the Highland Wide Local Development Plan policy 28 Sustainable Design as it would have a significantly detrimental impact on individual and community residential amenity due to its overall scale, position and relationship to the existing pattern of built development in the area.
2. The development does not accord with the Highland Wide Local Development Plan policy 28 Sustainable Design as it does not demonstrate sensitive siting in keeping with local character and historic and natural environment due to its overall scale, position and relationship to the existing pattern of built development in the area.
3. The development does not accord with the Highland Wide Local Development Plan policy 29 Design Quality and Place Making as it does not demonstrate that it has regard to the historic pattern of development and the landscape in the locality.
4. The development does not accord with the Highland Wide Local Development Plan policy 36 Development in the Wider Countryside as it is not acceptable in terms of its siting and design, nor is sympathetic to the existing pattern of the development in the area and it is considered to be significantly detrimental to the existing character and built development quality of the area.

5. The development does not accord with the Highland Wide Local Development Plan policy 52 Principle of Development in Woodland, as the developer has not successfully demonstrated the required mitigation for the removal of the existing woodland.

Signature: Dafydd Jones
Designation: Area Planning Manager (North)
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan (for each application)



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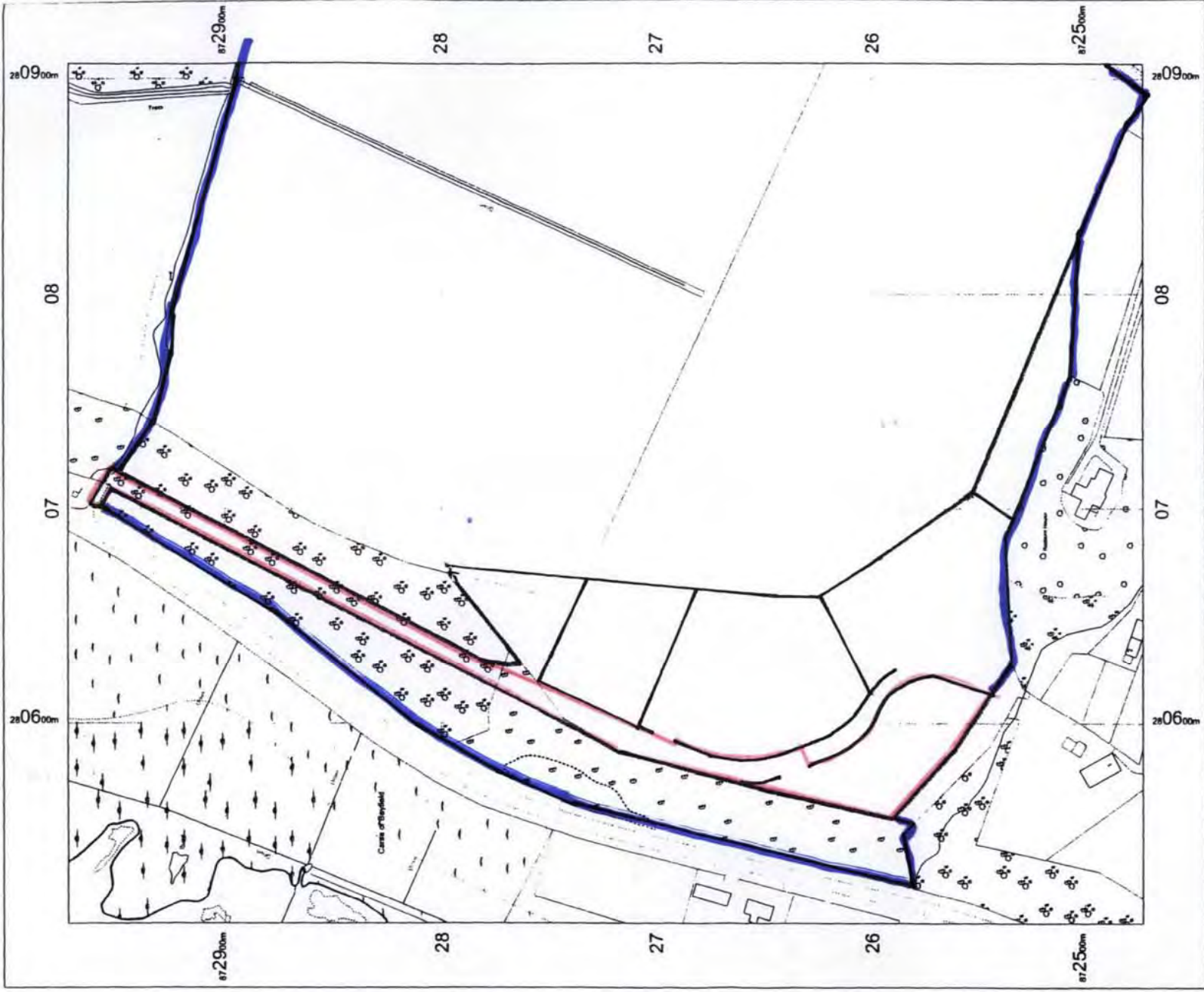


Planning & Development
Service

14/01944/PIP, 14/01945/PIP, 14/01121/PIP
Erection of house, formation of vehicular access
(planning in principle) at Land 350m SW of
Bayfield House, Nigg, Tain.

Date: 01/12/2014

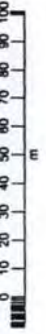




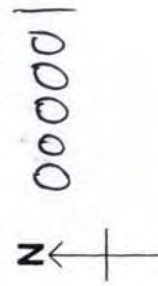
ERECTION of HOUSE
Bayfield Proprietors
Land SW of Bayfield
LOCATION PLAN

OS Mastermap
 30 May 2013, ID: BLJT-00232890
www.planningapplicationmaps.co.uk

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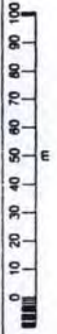


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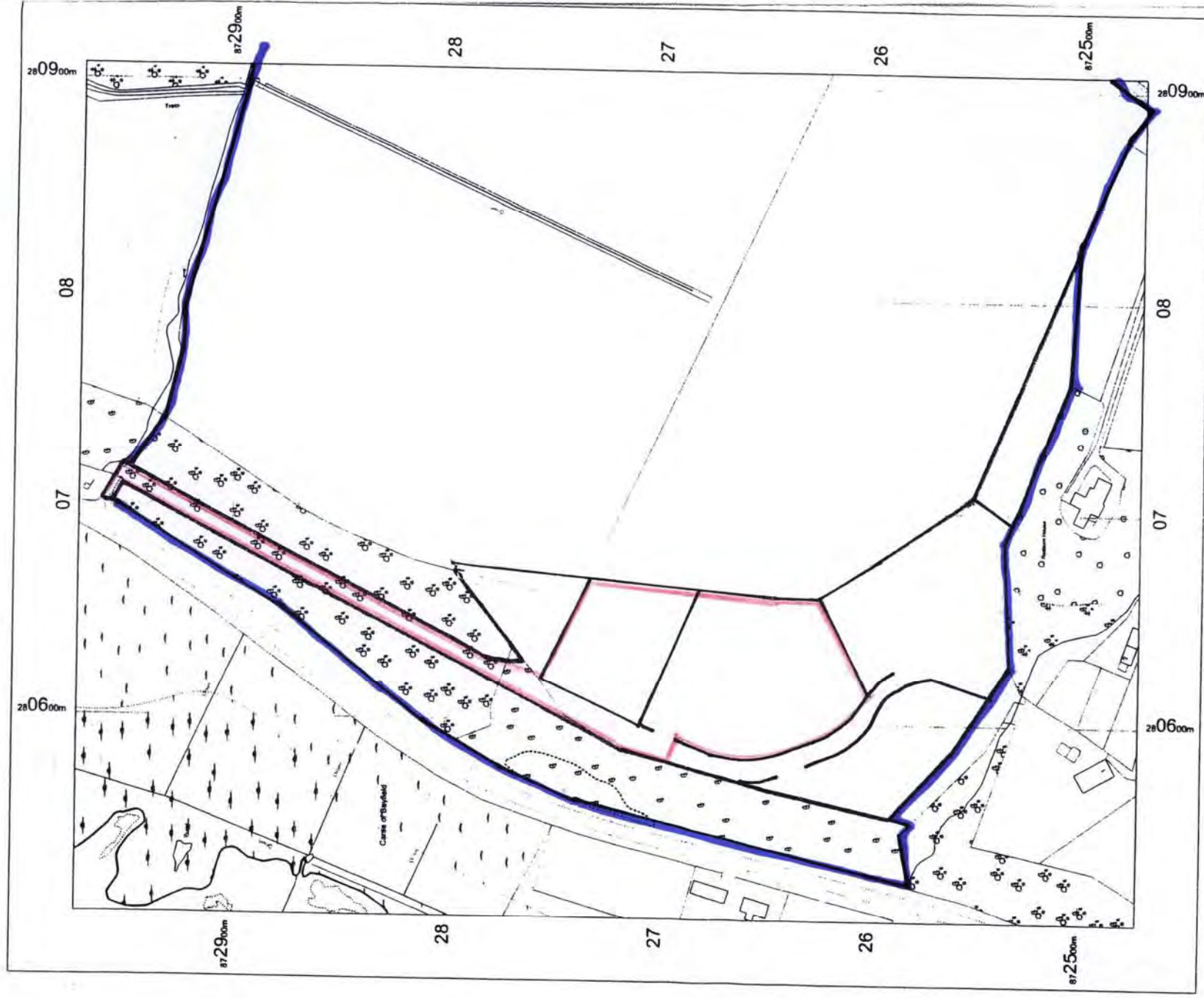


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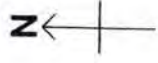
ERECTION of HOUSE
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 Land SW of Bayfield
LOCATION PLAN

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ERECTION of HOUSE
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