

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
9 June 2015**

Agenda Item	7.3
Report No	PLN/034/15

**15/00327/FUL : Mr Tim Kirk  
Land to North East of Tower View, Fearn**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of house with integral garage

**Recommendation - REFUSE**

**Ward :** 08 - Tain And Easter Ross

**Development category :** Local Development

**Pre-determination hearing :** None

**Reason referred to Committee :** Referred by Ward Members.

**1. PROPOSED DEVELOPMENT**

1.1 The application is in detail for the erection of a single, two storey house with double integrated garage, plus private foul drainage system.

**1.2 Pre-application advice**

1. 14/03695/PREAPP Erection of a single, detached family home with integral garage

The elevation plan submitted as part of this enquiry was very similar to that submitted with the current planning application. The formal advice provided to the enquiry was clear and identified that the design of any building for the site should follow the details agreed in principle (12/03695/PIP) given the prominence and elevation of the site in this landscape, in that :

1. The house is single or 1½ storeys in height.
2. Predominantly rectangular in shape with gable ends.
3. The house walls should be finished with pointed stone work, wet or dry dash render and be sympathetic to the existing properties in the area.
4. The building should incorporate a roof pitch of 40 to 45 degrees. The roof should be covered by natural slate or interlocking smooth grey tiles with matching dry ridge and verge.
5. Windows with a strong vertical emphasis

The pre-application advice confirmed that a two storey property would be unlikely to gain support. Other aspects which were highlighted included that any application includes full cross sections and levels of the existing site; and full cross sections and levels of the proposed site with the house set out on it. Levels need to be referenced to a fixed and easily identifiable datum point. The submission should also include full plan details of all hard and soft landscaping.

1.3 There is a mains sewer crossing the site and it is understood that this lies towards the B9166.

1.4 The applicant has provided **supporting information** with the application:

- Applicants note identifying other 2 storey houses in the area
- Applicants 'visualisations' of site
- Letters of support from (1) playworker/pupil support assistant (2) David Ferguson
- Balintore and Hilton Community Council

1.5 **Variations:** Plans have been updated since application submitted

## 2. SITE DESCRIPTION

2.1 The site is located to the southwest of the B9166 from Hill of Fearn to the Seaboard villages of Hilton, Balintore and Shandwick. The landscape of the wider area is predominantly flat open agricultural land. During the Second World War due to the flat nature of the landscape it was a good location for an airfield during the Second World War (HMS Owl). There is a small airstrip to the southern edge of the old airstrip, around 850m to the southwest of the application site. The remnants of buildings associated with the airfield have developed into Fearn Drome Industrial Estate, with a range of local businesses and trades. The nearest house is a single storey property around 75m to the southwest of the site.

2.2 The flat landscape in the area is intersected by a locally significant ridge which runs northeast to southwest towards the former airfield. The B9166 runs over the ridge and the house site is located on top of this. This location results in the plot being elevated and prominent and being far more visually significant to the immediate area; the ridge would increase the visual prominence of any house on the site.

2.3 The boundary of the site towards the road is covered with low gorse and the house site is grassed, with a slight fall to the south and southwest. Due to the elevation of the ridge, the site has an outlook over a wide arc; and this produces a greater degree of visible prominence to the site.

## 3. PLANNING HISTORY

3.1

- 13/02556/PIP Formation of house plot (in principle). Approved 08.10.2013 - single or 1½ storeys. Site lies to the north of the current proposal site.
- 12/03695/PIP Erection of house. Approved 11.06.2013 - single or 1½ storeys. Site similar to the current proposal site. Site is same as the current application site.
- 10/00069/PIPSU Provision of house plot. Installation of sewage treatment plant and mounded infiltration system. Formation of new access. Approved 14.07.2010, single or 1½ storeys. Site lies to the north of the current proposal site (as 13/02556/PIP).

- 08/00310/OUTRC Erection of house (Outline) (Resubmission). Approved 12.06.2008, single or 1½ storeys. Site is same as the current application site.

#### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Unknown neighbours. Expiry 06.03.2015  
Representation deadline : 06.03.2015

Timeous representations : 0

Late representations : 0

4.2 Material considerations raised are summarised as follows:

#### **5. CONSULTATIONS – None undertaken**

#### **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

34 Settlement Development Areas

66 Surface Water Drainage

##### **6.2 Ross and Cromarty East Local Plan (As continued in force, April 2012)**

41 *“...Fearn Industrial Site SDA – allocated for business and general industrial uses, subject to servicing. The Council will expect well designed buildings and appropriate landscape works, together with footprath/cycle path connections to the Seaboard villages. Foul drainage should be connected to the Balintore sewage works, which may require upgrading. The Council will also seek to safeguard the character and historical interest of the airfield...”*

#### **7. OTHER MATERIAL CONSIDERATIONS**

##### **7.1 Highland Council Supplementary Planning Policy Guidance**

Housing in the Countryside and Siting and Design

##### **7.2 Scottish Government Planning Policy and Guidance**

SPP

## 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 site is located on the northern part of land allocated by Policy 41/Settlement Development Area (SDA) of the Ross and Cromarty East Local Plan for Fearn Industrial Estate.

8.3.1 Regard also has to be had to the Policy 34 of the Highland Wide Local Development Plan (HWLDP), which provides general support for proposals within the SDA, provided the proposal meets the requirements of Policy 28 of the HWLDP.

8.3.2 Policy 34 also notes that proposals will be judged in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved land uses and the effect on any natural, built and cultural heritage feature.

8.3.3 Developments which are judged to be significantly detrimental in terms of these criteria will not be supported unless there are clear material considerations which would justify permission being granted.

8.3.4 Planning permission has previously been granted in principle (12/03695/PIP) for a house on the site, with a judgement having been taken on the acceptability of a house in this green field location, which is physically distant from the main part of the Fearn Industrial Estate. Whilst it is part of the overall allocated site, the physical distance separation from the business units and the change in topography actually provides a significant degree of spatial and use separation between business uses and residential use. Furthermore, the adjacent single storey house to the west, which is closer to the existing businesses than the proposed house site, provides a degree of justification and foundation for an additional house.

8.3.5 It is therefore considered that the policy basis of support for the principle of a house on the site has therefore been established. This support was qualified on the basis of conditions to ensure its scale, design and massing was appropriate for this prominent landscape setting.

### 8.4 Material Considerations

#### 8.4.1 Unauthorised Development

A site inspection identified that **various unauthorised works have already been undertaken on the site**. It is unclear whether the applicant has undertaken these operations. The works include the scraping and levelling of the site and the installation of types 1 and 2 sub-base, formation of an access road and installation

of services. The area covered is approximately 60m x 45m. Members will note that there is no detailed planning permission for any of these works. It is considered that these are premature and presumptuous of planning permission being granted. Their undertaking makes it far more difficult to provide for significant hard and soft landscaping of the original site; furthermore, the careful positioning of a house into the original natural form of the ridge is now very hard, if not impossible, to achieve due to these very extensive civil engineering works.

These very significant and unauthorised ground works is extremely unwelcome.

- 8.4.2 The **proposal** is in detail for a house on the site. The proposed house is two storeys, with an L-shaped plan form, with the open part of the 'L' shape facing due south. A double garage is located to the eastern arm of the footprint, closest to the public road.
- 8.4.3 The house has 5No. bedrooms. The proposed external finishes are 'off-white dry dash' to the walls, Cembrit 'Moorland' roof tiles and white uPVC windows. The building footprint has a maximum size of 20.6m x 14.8m. The proposed external finishes, particularly due to the prominence of the site, are disappointing in this location, which would be a significant feature in the landscape.
- 8.4.4 The house which is located around 175m to the northeast of the site – Tullich Farm Cottage – was built as a single storey house, although now has box dormer windows to the north elevation facing towards Fearn. The size of this house provides a good scalar marker to assess the height and massing of the proposed house as it is located at around the same level on the ridge as the proposed house.
- 8.4.5 The **site** occupies a prominent and elevated location which is seen from considerable distance when approaching from both north and south. The prevailing landform is flat. In this location houses here are predominantly single or one and a half storey in scale. In recognition of this and the sensitivities associated with the site it was considered important that the scale and design of the proposed house was a key component in ensuring the proposal assimilated successfully within this landscape setting and reflected in the conditions imposed on the original permission. The assessment of the original application was aided by the house to the west with respect to the likely massing of a single or 1½ storey house. It is also helpful in providing an existing built structure on the ridge from which to scale from and therefore make an assessment of the likely size of a house on the proposed site.
- 8.4.6 The subsequent **pre-application advice** (14/03695/PREAPP) was sought on this design (14/03695/PREAPP) and it was indicated that the design differed significantly from the design conditions set out by the previous permission in principle for the site; and that the design would not be supported. It is disappointing that it appears that little regard has been taken to the pre-application advice as the submission does not differ from the pre-application advice submission.

- 8.4.7 It is considered that the **proposal does not therefore accord with Development Plan** policy 28 as the proposal does not demonstrate high quality design in keeping with local character and accordingly does not accord with Development Plan policy 34 (which generally presumes to favour development with the Fearn Drome SDA) as it fails to meet the requirements of policy 28.
- 8.4.8 **Servicing of the site** - The technical servicing arrangements for **foul drainage** on the site are not detailed – that is whether connection to a private foul drainage system, or the public system is proposed. If a private system is proposed then this needs to be fully detailed as part of the planning application, so that the Planning Authority can have confidence that the site can be adequately serviced, as required by Development Plan Policy 28. The lack of information has been queried with the applicant but no response has been provided.
- 8.4.9 A **private access** is proposed to the house site from the existing private road network within the Fearn Drome Industrial Estate. This private access road is not included within the Planning Application site.
- 8.4.10 The **applicant has provided supporting information** with the application:
- Applicants note identifying other 2 storey houses in the area - *Planning Comment* – the references cited do not provide for direct comparison as they relate on the whole to established farm houses which form part of a cluster of buildings in a different landscape context to the application site.
  - Applicants ‘visualisations’ of site – *Planning comment* – the methodology, viewpoints and conclusions reached in this are not considered to accurately depict the actual visual impact of the proposal and little weight can be attributed to this.

## 8.5 **Other Considerations – not material**

- Letters of support from (1) playworker/pupil support assistant (2) David Ferguson
- Balintore and Hilton Community Council – letter supporting application

*Planning comment* – These letters relate to medical conditions. They provide background information into the need for particular rooms sizes and separation. The Planning Service is sympathetic to these particular circumstances; however this does not preclude a revised scheme which could meet these requirements and address concerns over the design, scale and massing of the proposed house, which could be supported.

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

None

## 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.

The Planning Service is sympathetic to the applicant's family circumstances, however the space requirements sought can be achieved in a house design whose scale and design accords with the requirements of the permission in principle. The scale, design and finish of the proposed house is not considered acceptable and the applicant is encouraged to give further consideration to a revised design for which support could be offered.

**It is recommended that permission be refused.**

## 10. RECOMMENDATION

### Action required before decision issued

Notification to Scottish Ministers	n
Notification to Historic Scotland	n
Conclusion of Section 75 Agreement	n
Revocation of previous permission	n

**Subject to the above**, it is recommended the application be **REFUSED** for the following reasons:

1. The proposal 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 and therefore would be out of keeping with the surrounding built form by virtue of its two storey scale, massing and design; and such impact would be exacerbated by the building's prominence on a key elevated ridge; and accordingly the proposal does not therefore demonstrate sensitive siting and design in keeping with the established local character.
2. The proposal does not accord with the Highland Wide Local Development Plan policy 34 (Settlement Development Areas) as it does not meet the requirements of policy 28 (Sustainable Design).
3. The proposal does not accord with the Highland Wide Local Development Plan policy 34 (Settlement Development Areas) as it is judged to be significantly detrimental with respect to its compatibility with the existing pattern of development in the area with regard to its scale, form and massing.

Signature: Dafydd Jones

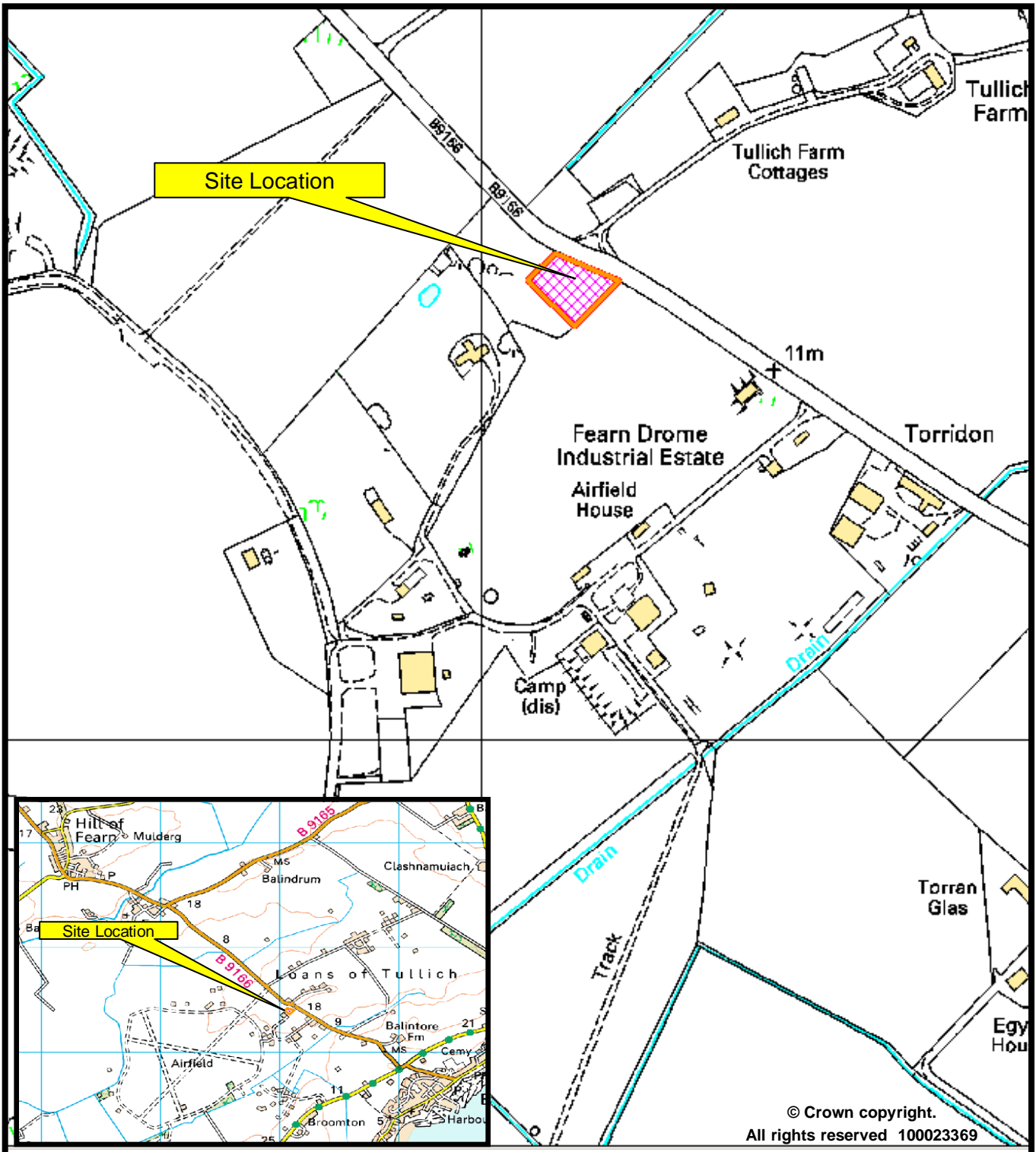
Designation: Area Planning Manager North Area

Author: Bob Robertson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Location Plan
- Elevation Plan
- Site Layout Plan Rev B



**Planning & Development Service**

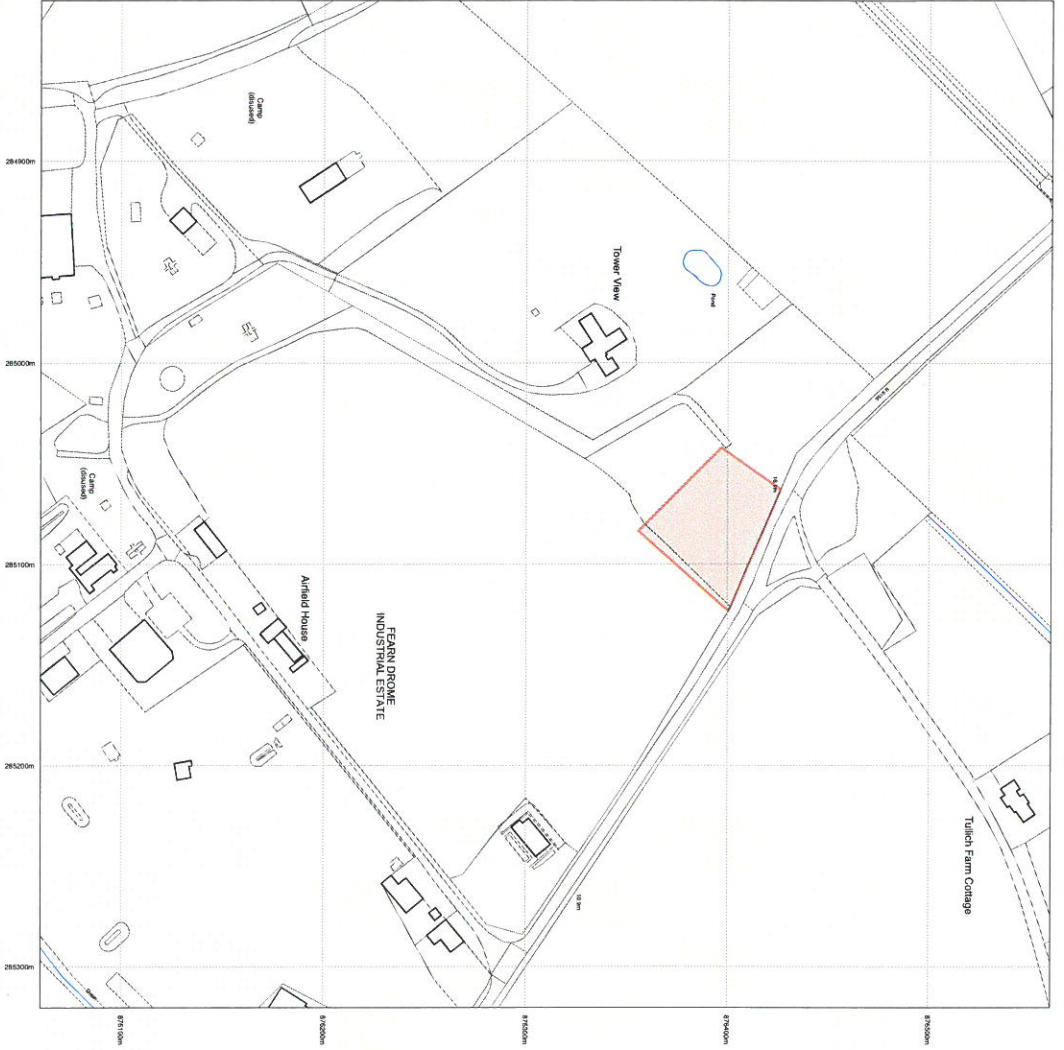
**Case No: 15/00327/FUL**

**Erection of house with integral garage at Land to NE of Tower View, Fearn**

**Date: 22<sup>nd</sup> May 2015**

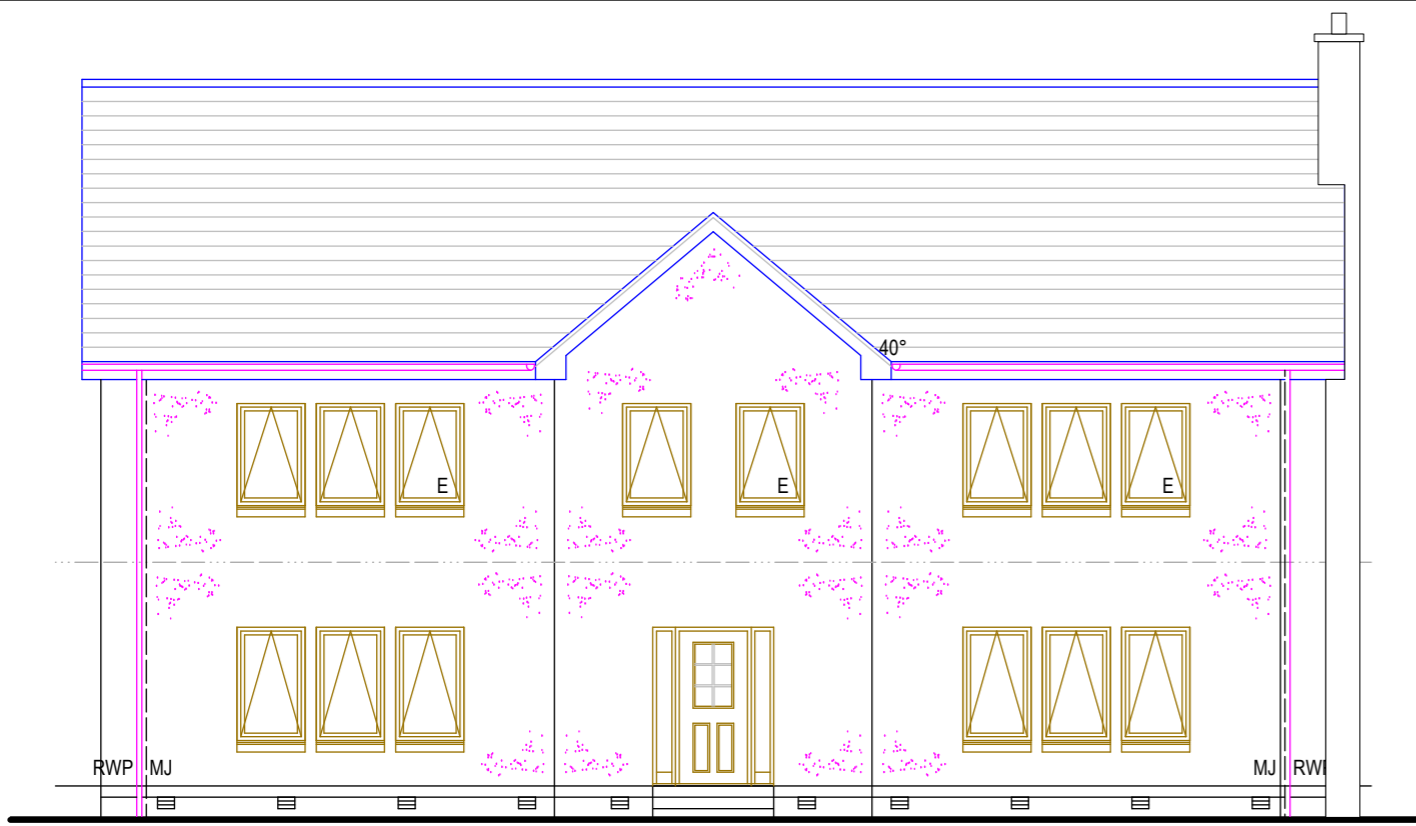




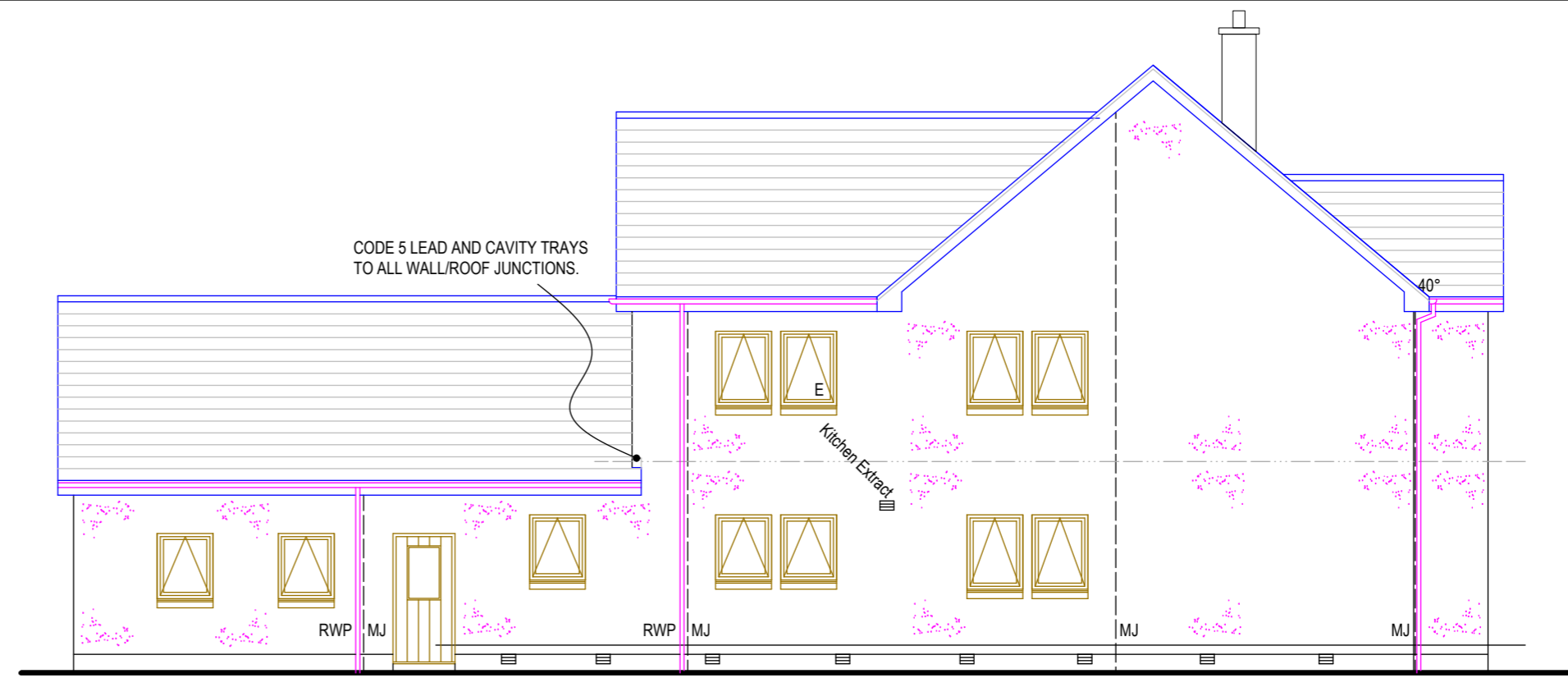


EXTERNAL FINISHES:

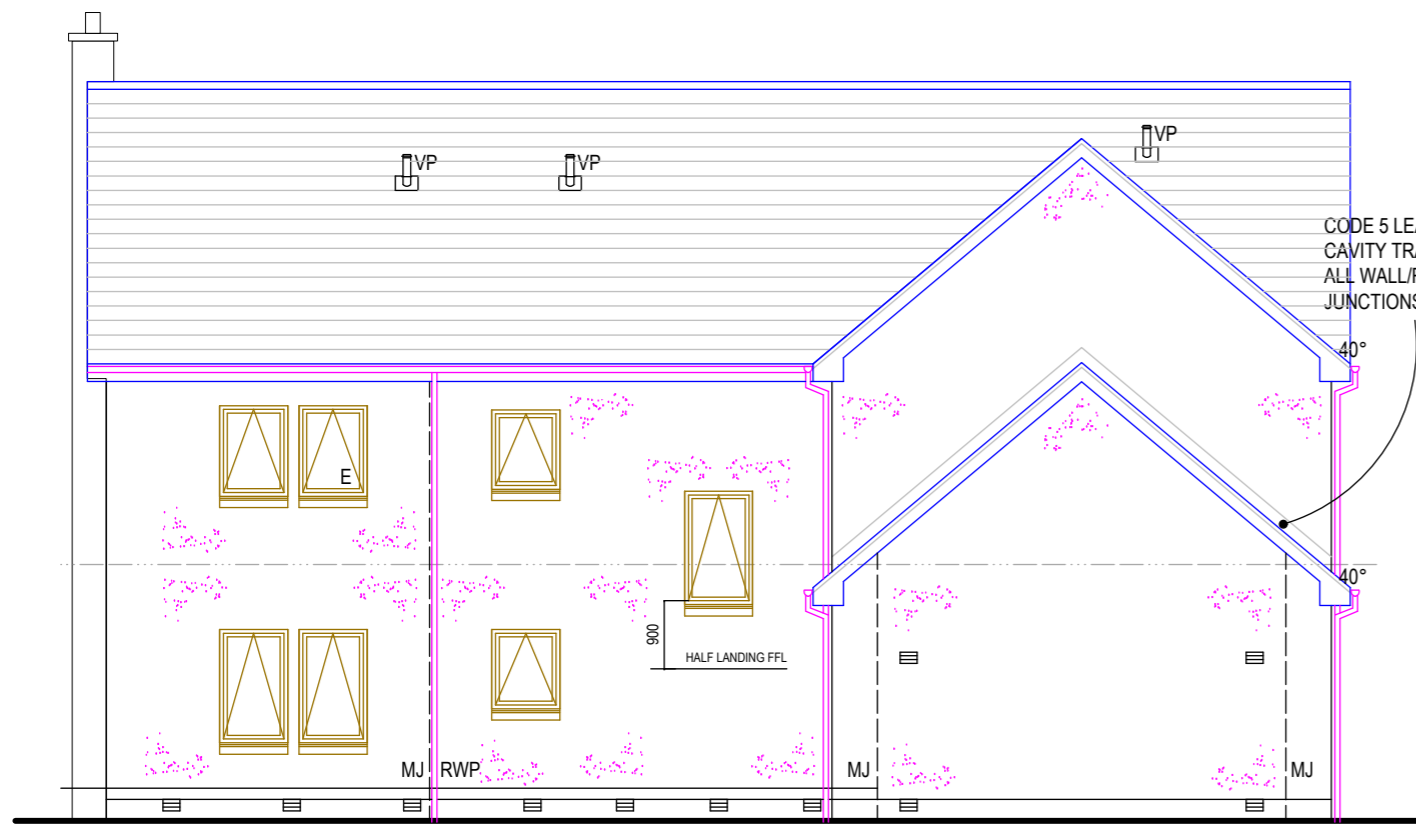
Walls -	off white, dry dash
	buff coloured sills
Roof -	Cembrit "Moorland" Roof Tile
Windows -	White uPVC
Roofline -	White uPVC
Rainwater Goods -	White uPVC



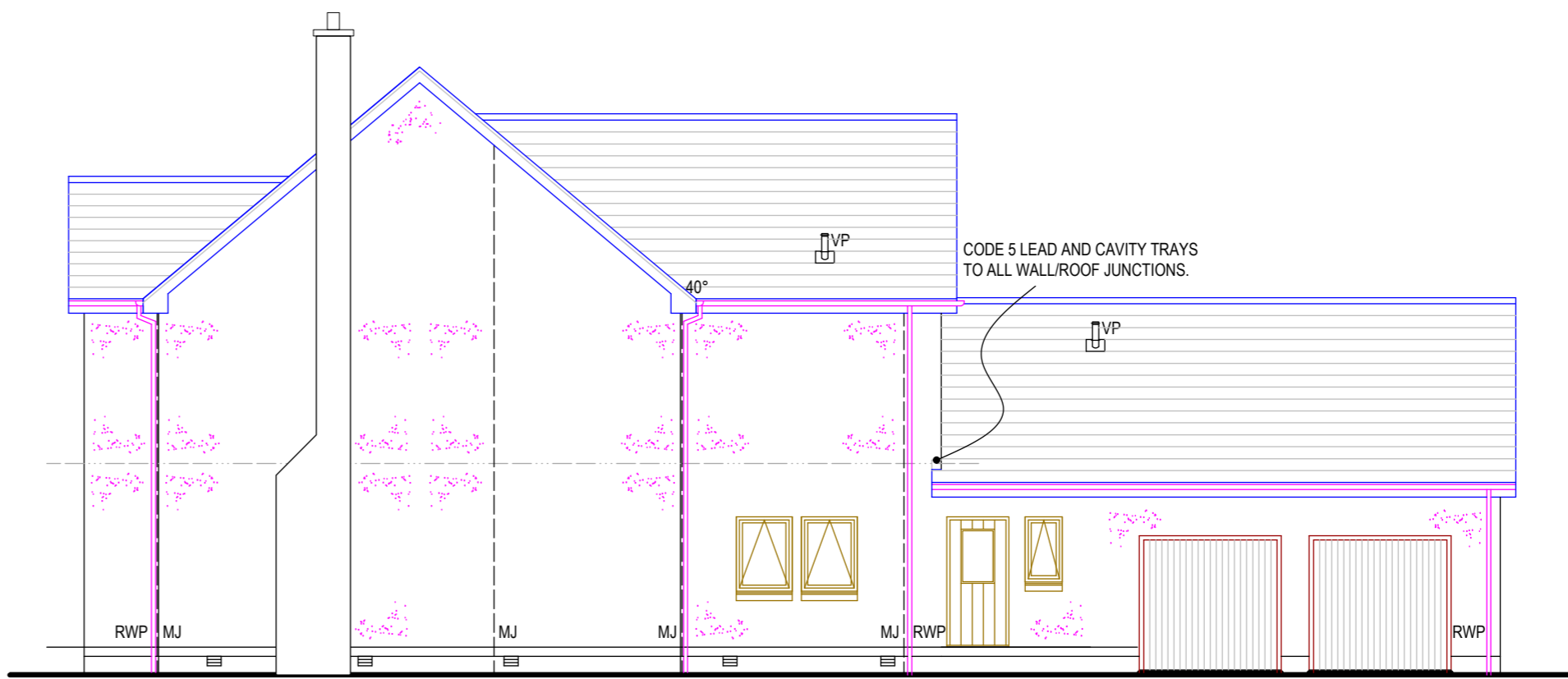
Front Elevation (1:100)



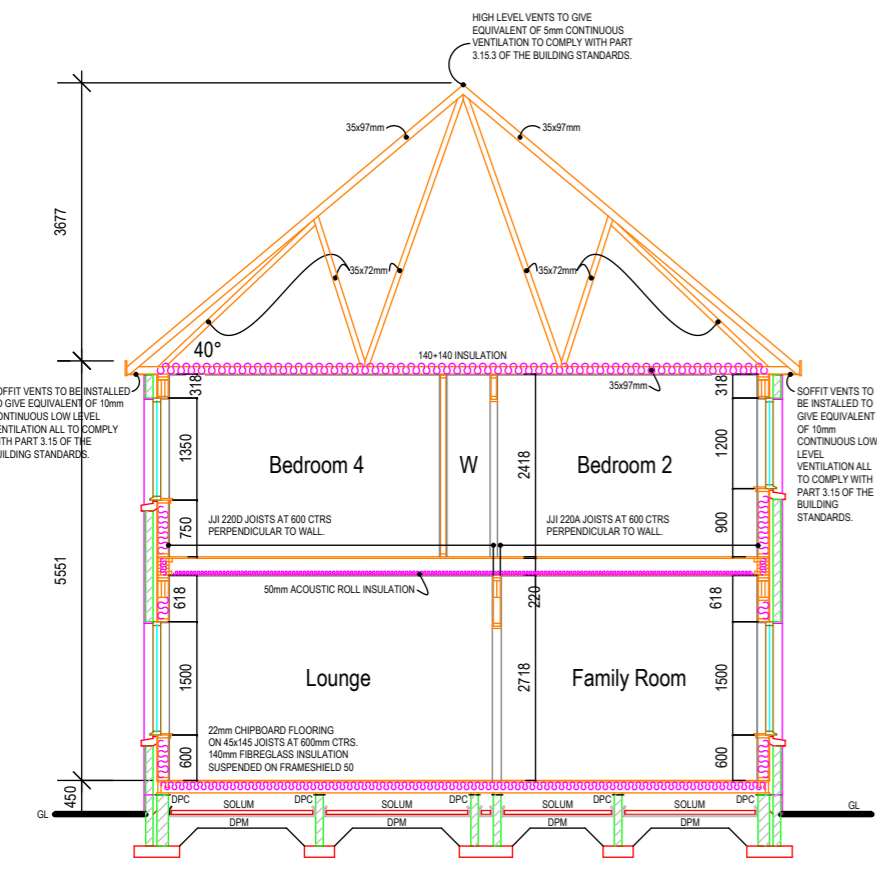
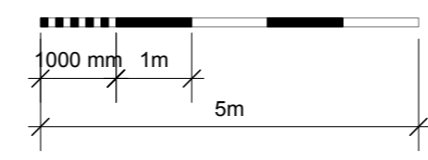
Side Elevation (1:100)



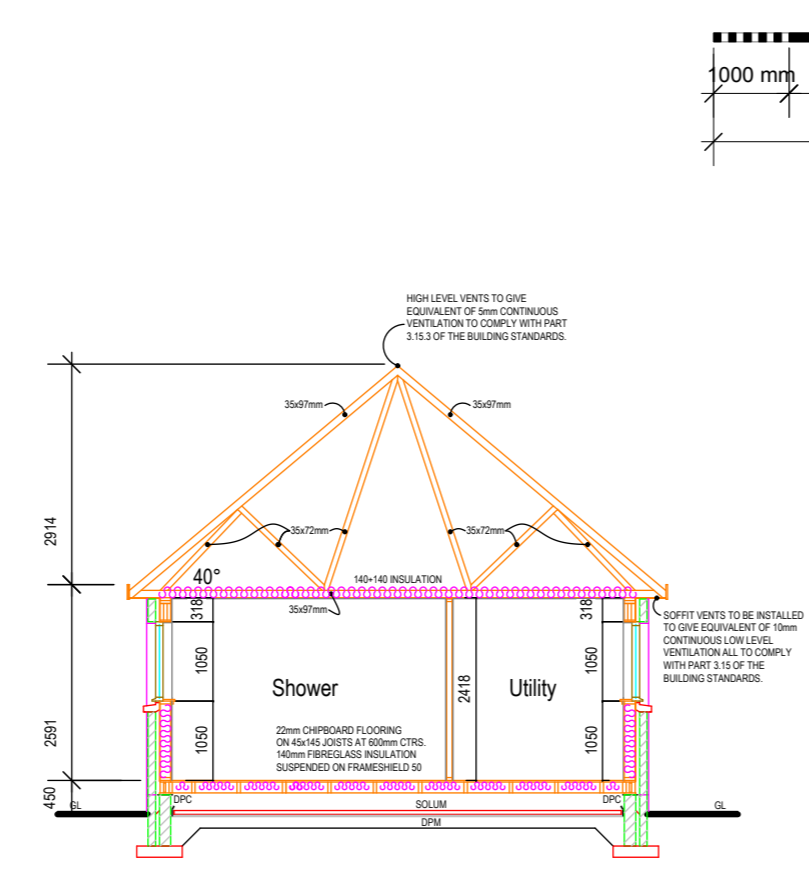
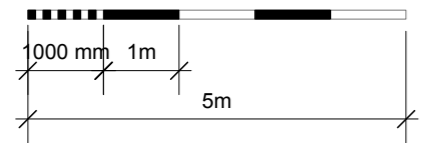
Rear Elevation (1:100)



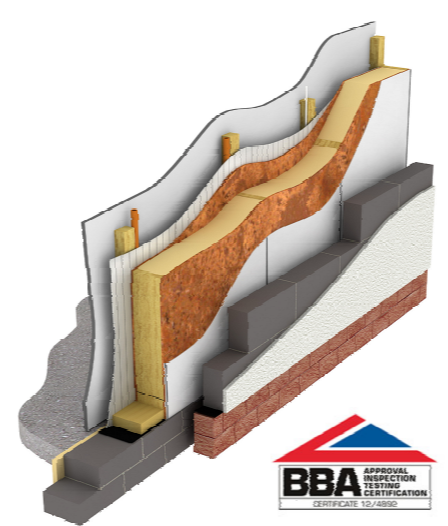
Side Elevation (1:100)



Section (1:100)



Section (1:100)



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Client: **Tim Kirk & Karen Henderson**

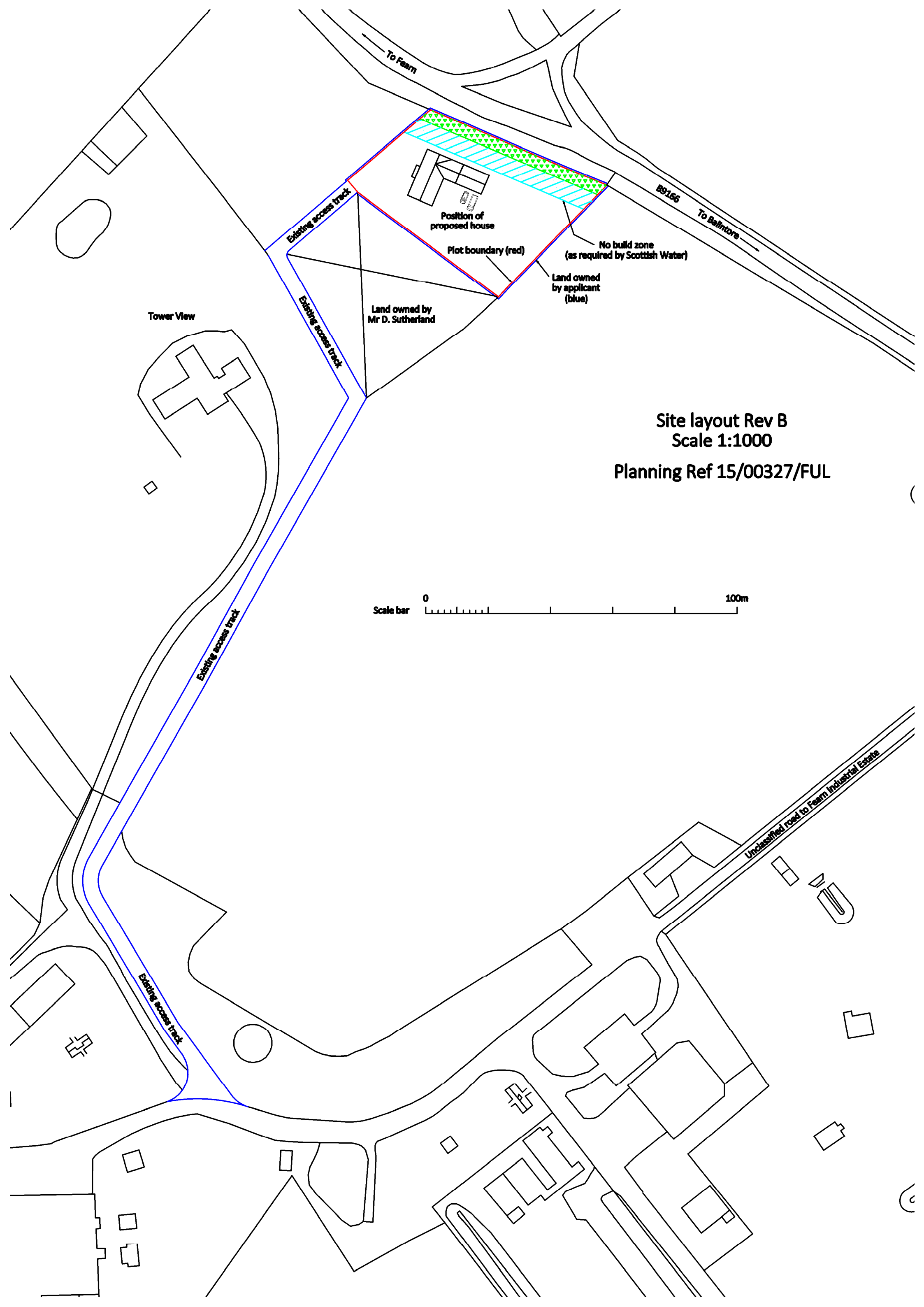
Site: **Proposed New House, Scotframe "Yew" House Type (amended), adj. to Tower View, Fearn, Tain**



**House Proposals**

**Section & Elevations**

scales: 1:100 @ A2	drawn: A Smillie	date: Feb '15	Dwg No: SF22774.PL.1.2	rev:
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To Fearn

B9166

To Ballinore

Position of proposed house

Plot boundary (red)

No build zone (as required by Scottish Water)

Land owned by applicant (blue)

Land owned by Mr D. Sutherland

Existing access track

Existing access track

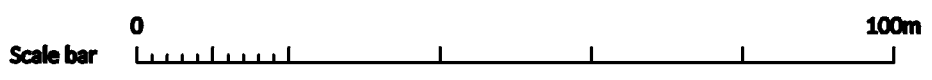
Tower View

Existing access track

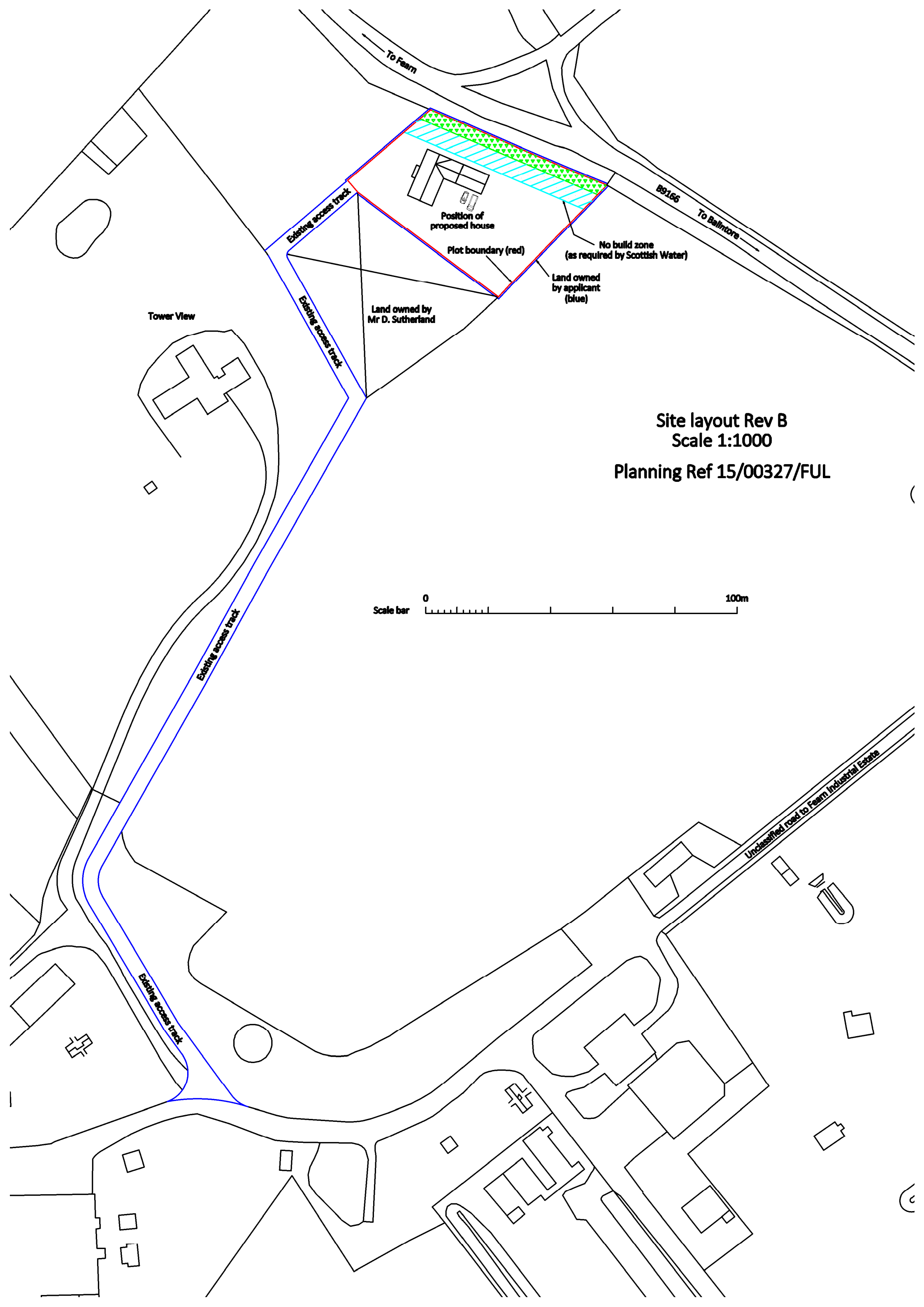
Existing access track

Site layout Rev B  
Scale 1:1000

Planning Ref 15/00327/FUL



Unclassified road to Fearn Industrial Estate



To Fearn

B9166

To Ballinore

Position of proposed house

Plot boundary (red)

No build zone (as required by Scottish Water)

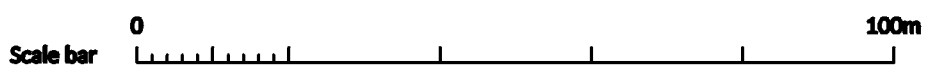
Land owned by applicant (blue)

Land owned by Mr D. Sutherland

Tower View

Site layout Rev B  
Scale 1:1000

Planning Ref 15/00327/FUL



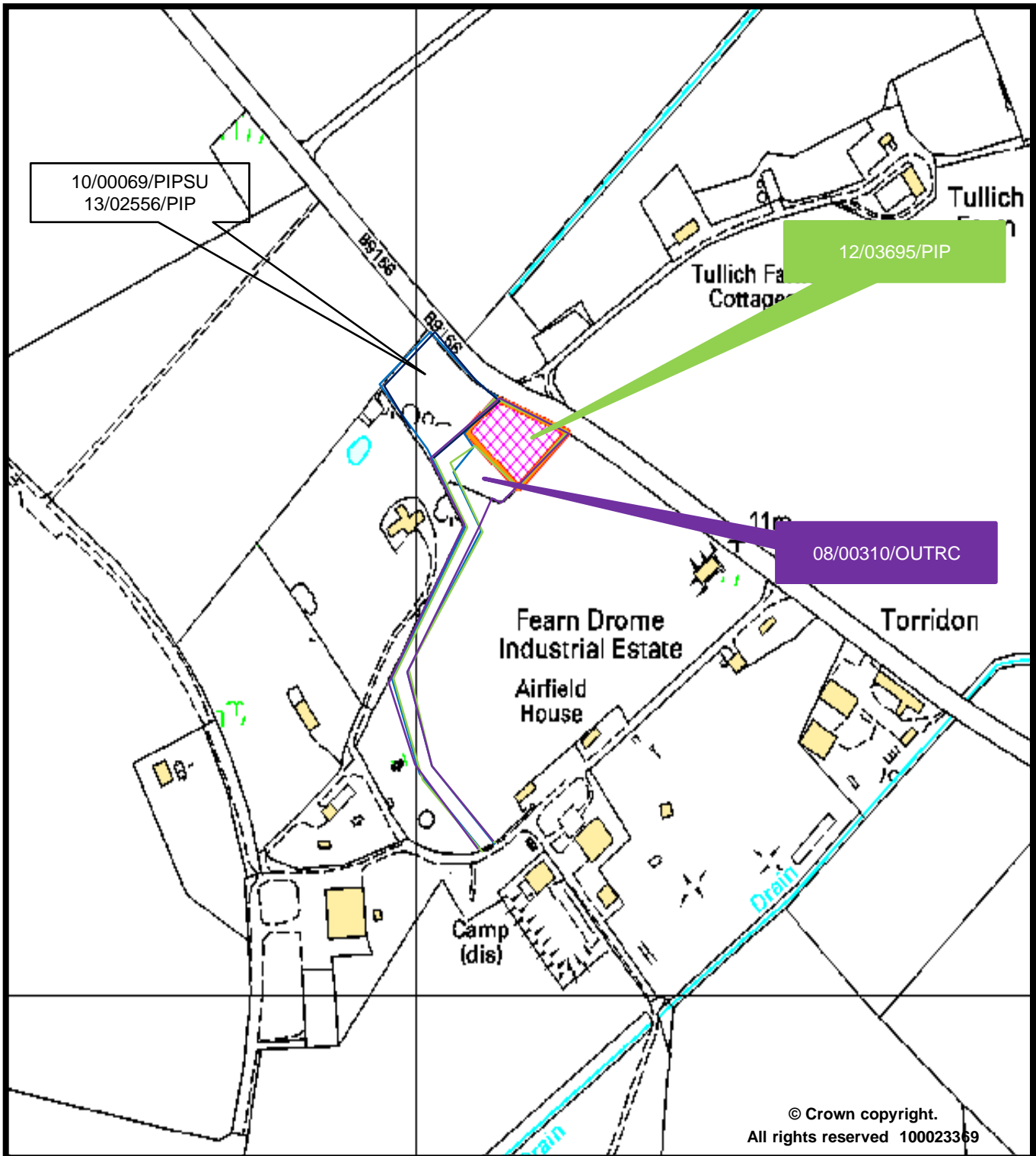
Existing access track

Existing access track

Existing access track

Existing access track

Unclassified road to Fearn Industrial Estate



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### 15/00327/FUL

PREVIOUS APPLICATIONS AT OR ADJACENT TO THE ABOVE PROPOSED DEVELOPMENT SITE

- 08/00310/OUTRC - Erection of house (Outline) (resubmission)
- 10/00069/PIPSU - Provision of house plot. Installation of sewage treatment plant and mounded infiltration system. Formation of new access
- 12/03695/PIP - Erection of house
- 13/02556/PIP - Formation of house plot (in principle)

