

THE HIGHLAND COUNCIL

PLANNING APPLICATIONS COMMITTEE – 26 APRIL 2016

Agenda Item	6.3
Report No	PLN/024/16

**16/00621/PIP: Miss Augusta Hutt
Land 150M West of Castlehill Croft, Dunbeath.**

Report by Area Planning Manager

SUMMARY

Description : Erection of house, installation of septic tank and soakaway (planning in principle)

Recommendation - REFUSE

Ward: 04 - Landward Caithness

Development category: Local Development

Pre-determination hearing: N/A

Reason referred to Committee: Local Member request

1. PROPOSED DEVELOPMENT

- 1.1 As this is a Planning in Principle application, only a site location plot has been indicated, measuring 40mx50m, the southern edge of which is adjacent to the access track. The application is a re-submission of planning application ref 15/00835/PIP which was refused in May 2015; a Notice of Review was subsequently dismissed in October 2015.
- 1.2 No pre-application advice was sought.
- 1.3 Road access to the plot is to utilise the existing access, which serves the track up to the Applicant's farm/house 'Grianan' which sits above the site.
- 1.4 Percolation test results have been submitted in support of the application.
- 1.5 **Variations:** None

2. SITE DESCRIPTION

- 2.1 The site is part of an agricultural field, used for grazing, sloping down to the SE.

3. PLANNING HISTORY

- 3.1 15/00835/PIP: Erection of house, installation of septic tank and soakaway (planning in principle) – Application Refused 14.05.2015
15/0030/RBREF – Review Dismissed 08.10.2015

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour – 18.03.2016

Representation deadline : 01.04.2016

Timeous representations : 0

Late representations : 0

5. CONSULTATIONS

5.1 **Transport Scotland:** Objection. The proposed development would result in increasing the number and type of vehicles entering and leaving (accelerating, turning and decelerating within) the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 Highland-Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality & Place-making

Policy 36 Development in the Wider Countryside

Policy 56 Travel

6.2 Caithness Local Plan 2002 (as continued in force):

NB: This local plan is relevant only insofar as it continues in force post-adoption of the Highland-wide Local Development Plan.
More information at:
<http://www.legislation.gov.uk/ssi/2012/90/made>

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)

Housing in the Countryside and Siting and Design (March 2013)

7.2 Scottish Government Planning Policy and Guidance

PAN 66 Best Practice in Handling Planning Applications Affecting Trunk Roads

PAN 75 Planning for Transport

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

As noted during assessment of the previous application, the general principle of developing a single house plot on this site would not be problematic in itself, as the location and positioning would be consistent with the established pattern of development in the area. Access onto the wider site is directly from the A9 Trunk Road, which has again raised an objection from Transport Scotland (Section 5.1), relative to increasing traffic usage and resultant safety impacts to A9 traffic. Policy 56 Roads requires that developments should be designed for the safety and convenience of all potential users, which this proposal fails to comply with. Policy 36 Development in the Wider Countryside requires that developments be adequately serviced by road access, which this proposal would not achieve. Policy 28 Sustainable Design requires that developments are compatible with public service provision (roads) which this proposal will not be able to adequately achieve.

8.4 Material Considerations

8.4.1 As with the previous application the issue of road safety, relative to the intensification of the access onto the A9, is the key issue in this case. This issue led to the refusal of the application and its subsequent dismissal at the Planning review Body. The planning history for the site is a material consideration and it is evident that Transport Scotland's concerns regarding intensification of the access in this location remain outstanding.

8.4.2 On measuring the visibility splays from the existing access onto the A9 Trunk Road, that to the SW was approximately 240m and that to the NE was 120m; the latter fails against the minimum criteria specified in the Council's Access to Single Houses and Small Housing Developments document for a 60mph road whereby a minimum of 215m visibility is required. The available sightlines are almost half the required standard on a section of road where the national 60 mph speed limit is applicable. Unfortunately in this instance, while the applicant has indicated a willingness to widen the access, there are no options available to improve upon this visibility as the restricted visibility arises from the bend in the road to the North East. Accordingly, and largely based on the objection from Transport Scotland, the road safety aspects arising from this proposal render it un-supportable.

8.4.3 Since Transport Scotland's consultation response had been received, further clarification was sought on whether there may be any alternate options available to the applicant that would allow the TS objection to be removed. Two options have been suggested by TS, which are:

1. Re-location of the proposed access further south by around 60m-80 – *unfortunately this lies outwith the land owned by the applicant*

2. Close the existing access onto the Trunk Road and take access from the local road network to the South, joining the Trunk Road at the junction at Bual (this access point onto the trunk road is around 660m south west of the current access)

8.4.4 It is noted that the Case Officer handling the previous application met the applicant on site to discuss the Transport Scotland objection, and to assess options for accessing her land-holding – this included the section option suggested by Transport Scotland. It was concluded that the existing access point is the only one feasible, as no other roads bound her property and there is not an adequate length of site to achieve the desired visibility splay in both directions.

8.5 **Other Considerations – not material**

None.

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

Not applicable.

9. **CONCLUSION**

9.1 The principle of a house in this location is acceptable however the primary concern here is one of road safety due to the inadequate nature of the sightlines to the north. These are only half of what is required on this stretch of the A9 trunk road and as the restricted visibility arises due to the geometry of the road, there are no upgrading works which could resolve this concerns. As such the application cannot be supported. 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 application be **REFUSED** for the following reasons:

1. The proposal is contrary to Policies 28 (Sustainable Design), 36 (Development in the Wider Countryside) and 56 (Travel) as the increased use of the existing access onto the A9(T) would compromise vehicular safety for site traffic as well as for general users of the trunk road, due to restricted visibility. The visibility splay to the north-east is clear for only 120m, failing considerably to comply with the 215m that is required for a 60mph trunk road.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Gillian Webster

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

Relevant Plans: Plan 1 – Block Plan 00001

Plan 2 – Location Plan 00002

CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	15/00835/PIP
Decision Date	12.05.2015
Decision	Refusal
Decision Type	Delegated

Date signed by AM/TL or Committee date

Do Not Issue Decision	<i>Tick if relevant</i>	Action (tick)	Date sent
Notification to Scottish Ministers			
Notification to Historic Scotland			
Refer to Ward Members			
Section 75 Obligation			
Revocation			

<i>Issue Decision</i>		Tick	<u>Standard Conditions/Notes to include</u>				
Tick	<i>Dev/Decision Type</i>	Time Scale*	Initiation	Completion	Display Notice	1A & 2A	1B & 2B
			Only use if FUL/AMSC & Granted				
	National	✓	✓	✓	✓		✓
	Major	✓	✓	✓	✓		✓
	Local – Sch.3 - Committee	✓	✓	✓	✓		✓
	Local – Sch.3 – Delegated	✓	✓	✓	✓	✓	
	Local – Committee	✓	✓	✓			✓
	Local – Delegated	✓	✓	✓		✓	
	LBC/Advertisement Consent	✓					✓

*standard time limit note/direction/condition not required if application retrospective.

Include with Decision Notice	
Terms of Section 75	
Summary of Variations made	
Notification of Initiation Form	
Notification of Completion Form	
Roads Schedule	
Contaminated Land Form	
Private Water Supply Form	
Archaeology Notes (Photographic Record)	
Archaeology Notes (Extensive Ph. Record)	
Site Notice (Schedule 3)	
Site Notice (Major)	
Other:	

Notify of Decision	
Objectors/Contributors	
Community Council	
TECS Roads	
Transport Scotland	
Scottish Water	
SEPA	
HQ Planning (Copy of Notice)	
Separate Letter	
Ongoing Monitoring	
Other:	

Total residential units FP3			
Houses		Sheltered	
Flats		Affordable	

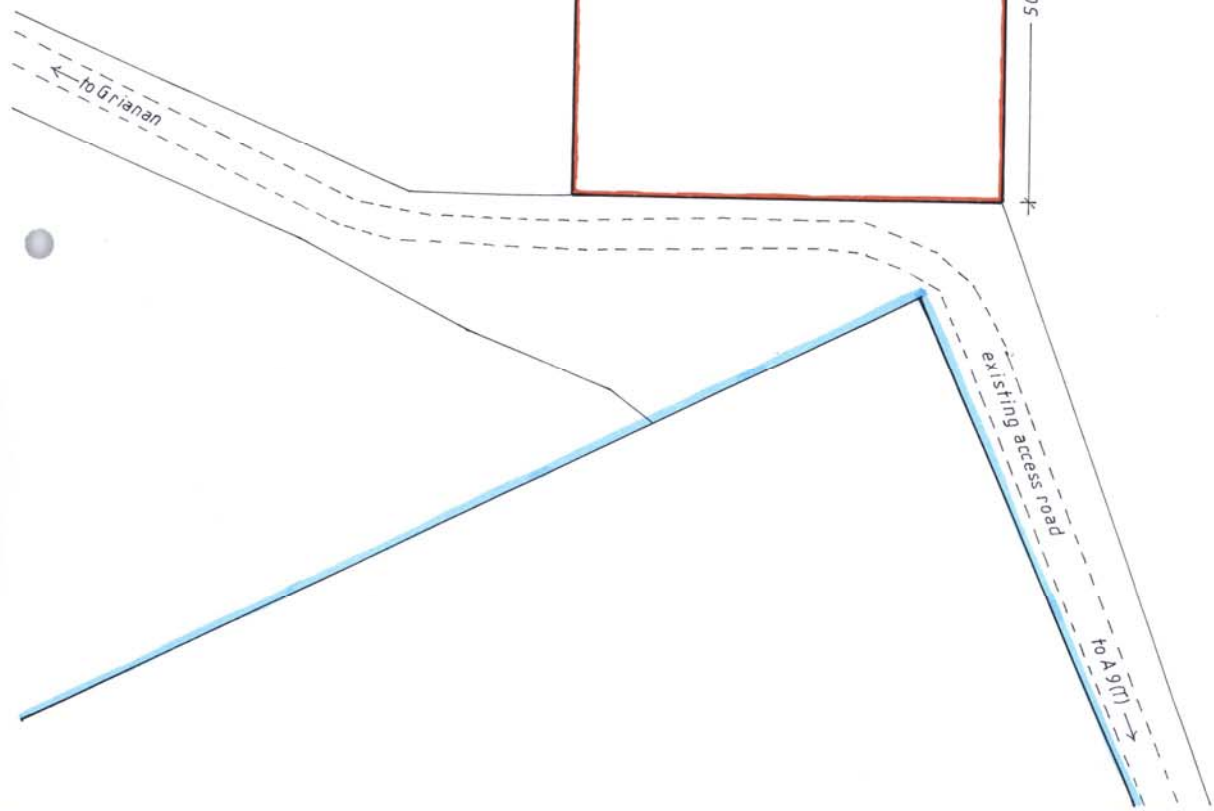
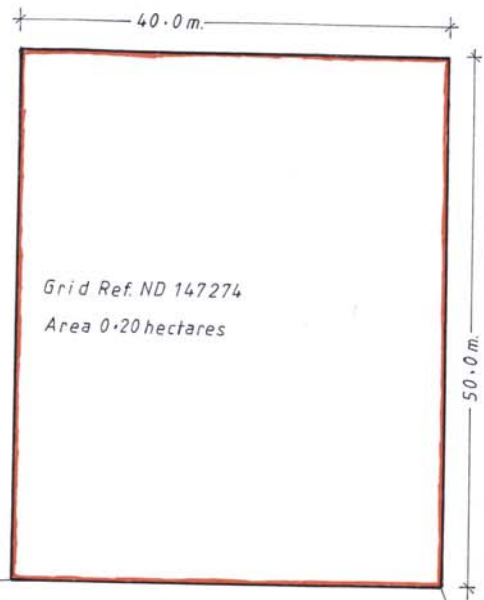


Scale 1:2500
0 20 40 60 80 100m.

Proposed Site for One Dwellinghouse
at
Grianan, Ramsraigs, Dunbeath, Caithness
for
Miss A. Hutt

February 2015
Location Plan

Scale 1:2500
Sheet 2 of 2



Drainage to discharge to septic tank with outfall to soakaway constructed to comply with B.S. Code of Practice and results of percolation tests.

Vehicular access to comply with Bldg. Reg. E9.1, 3.7m. min. width, 3.1m. min. width at gates, 12.5 tonnes min. carrying capacity, all to Highland Council Roads Engineer's requirements.

Electric mains power connection to Scottish & Southern requirements.

Water main connection to Scottish Water requirements.

Scale 1:500

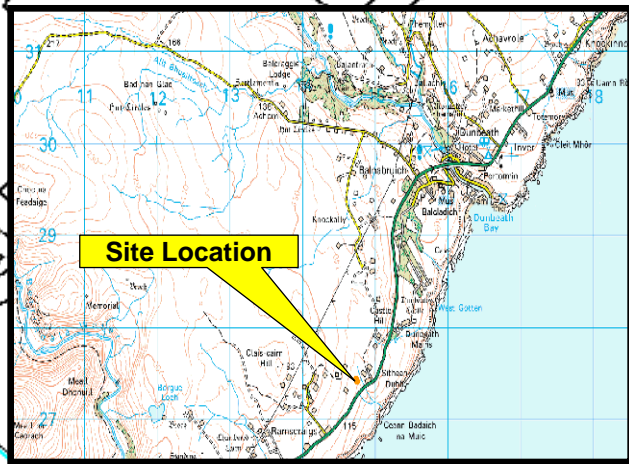
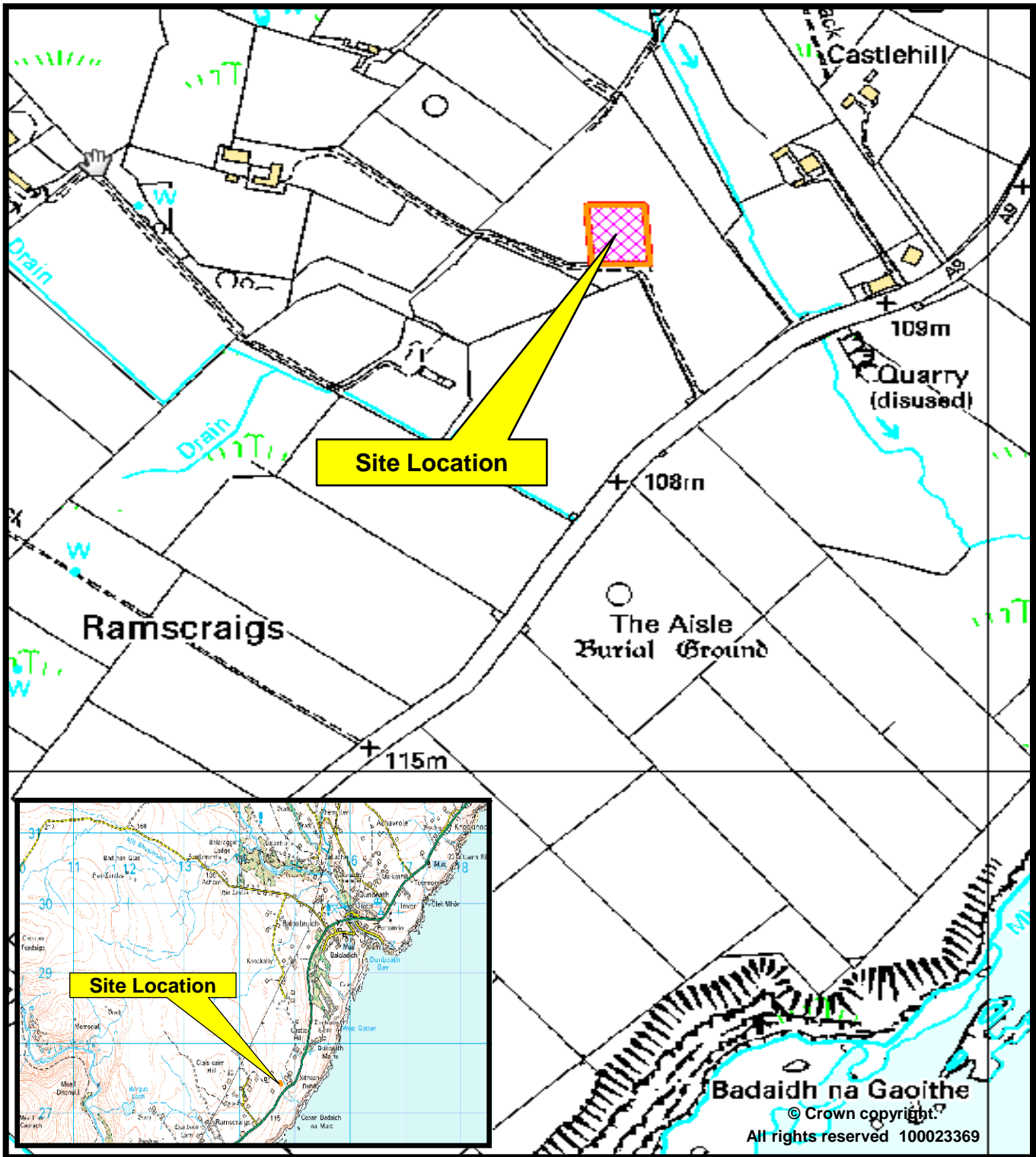
Proposed Site for One Dwellinghouse

at

Grianan, Rams Craigs, Dunbeath, Caithness

for

Miss A. Hutt



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

16/00621/PIP

Erection of house, installation of septic tank and soakaway, upgrade existing vehicular access (planning in principle) at land 150m West of Castlehill Croft, Dunbeath.

Date: 18/04/2016

