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| Agenda item | 6.11 |
| Report no | PLN/041/18 |

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 June 2018

Report Title: 18/01039/PIP Land 65M North of Meadowbank, Janetstown, Wick

Report By: Area Planning Manager – North/South

1. Purpose/Executive Summary

1.1 **Applicant:** Mr Andy Harrold

Description of development: Erection of house, formation of access

Ward: 03 – Wick and East Caithness

Category: Local

Reasons Referred to Committee: Referred to Committee by Members.

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.

2. Recommendation

2.2 Members are asked to agree the recommendation to Refuse as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought in principle for the erection of a house and formation for a new access.
- 3.2 It is understood that no infrastructure is existing on site at present however it is anticipated that a connection to the public water and waste water networks would be made.
- 3.3 Pre Application Consultation: Formal pre-application advice was provided in November 2017. This indicated that a development of this nature could not be supported at this time as it would constitute unacceptable residential backland development within an area outwith the town Settlement Development Boundary (SDA).
- 3.4 Supporting Information:
- Additional Supporting Information
 - Private Access Checklist
 - Supporting Statement
- 3.5 **Variations:** Amended Location Plan Drawing Number CDS17-27-01 REV. The plan shows an amended site access in order to improve the visibility splay looking left (east into Wick).

4. SITE DESCRIPTION

- 4.1 The site is located to the west side of Wick at Janetstown, and to the north side of the A882 road to Thurso. It comprises of agricultural land to the north of the existing houses and is reached via an existing agricultural field access set between the existing houses. The adjacent house sites form a liner pattern along the A882 and are set back between 2.5 metres and 15 metres from the road, with their principle elevations fronting the road. The site is positioned around 44 metres to the north and rear boundary of 'Meadowbank', and around 50 metres to the northwest rear boundary of 'Killara', although separated from these houses by agricultural land. The proposed site access is located between these two houses and is around 76 metres from the public road, cutting across the agricultural field. The site generally falls from east to west.

5. PLANNING HISTORY

- 5.1 16/05723/FUL: Erection of single storey farmhouse for agricultural use – Application withdrawn.
- 5.2 17/04465/PREAPP: Erection of 1 ½ storey house and detached garage, connection to mains sewage system and formation of access – Response issued advising that development could not be supported on this site.

6. PUBLIC PARTICIPATION

6.1 Advertised : Unknown Neighbour Advert

Representation deadline : 6 April 2018

Timeous representations : 1

Late representations : 0

6.2 Material considerations raised are summarised as follows:

Support Comment from the land owner

- The limited use of the land does nothing to enhance the visual impression of the town and does not benefit anyone.
- The site is accessible which with controlled and sensitive development would undoubtedly enhance the outlook of the town area.
- The site was submitted for inclusion in the new town plan but was excluded as was deemed a non-preferred site by the council.

6.3 Non- Material considerations raised are summarised as follows:

Support Comment from the land owner

- a) The land is largely surplus to requirements for the ongoing concerns of the farm business. The land has been underutilised and merely maintained and cut for hay.

Since the beginning of 2018 the owner has had 3 separate enquiries about the availability of land in Janetstown. The site has never been advertised and therefore shows that this is a desirable site.

6.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

7. CONSULTATIONS

7.1 **Development Plans Team**

Development Plans Team have provided a detailed Policy response on the proposal. This has highlighted strong concerns relating to various matters:

The HwLDP sets out the general policies which all planning applications will be assessed against. The policies listed below are particularly relevant to this proposal; however a number of other general policies and Supplementary Guidance will apply.

- a) *Policy 28 Sustainable Design* aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. Of particular note to this proposal is the requirement to, amongst other factors, demonstrate sensitive siting and high quality design in-keeping

with the local character. *Policy 29 Design Quality and Placemaking* also requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. The proposal is located at the rear of existing housing along Thurso Road and represents backland development, and is particularly visible from the approach into Wick from the West. This is exacerbated by the site being located in the northwest corner of the field and is approximately 43 metres north to the nearest house on Thurso Road leading to it being disconnected from the nearest housing. Consequently, it would be contrary to existing settlement pattern and results in an adverse visual impact when approaching Wick from the west.

- b) Policy 34 Settlement Development Areas (SDAs) supports development proposals within SDAs if they meet the requirements set out in Policy 28 and other relevant policies. Except for part of the access road, the proposed site lies outwith the SDA for Wick in both the existing Caithness Local Plan (2002, as continued in force 2012) and the Caithness and Sutherland Local Development Plan (currently at the Examination stage). The SDA boundaries have been set around the existing housing to reflect the extent to which the town should expand and to prevent incremental and uncoordinated growth. The proposal therefore is contrary to this policy.

Policy 36 Development in the Wider Countryside applies to development proposals outwith Hinterland areas and that are not located within main settlements. It sets out a series of criteria which a proposal will be assessed against, including whether it is acceptable in terms of siting and design, sympathetic to the settlement pattern, and supports the viability of a rural community. The siting, layout and design of the house should also be considered against the Council's [Housing in the Countryside and Siting and Design Supplementary Guidance \(2013\)](#) which provides more detail on the appropriateness of housing development in countryside environments. It sets guidelines of what is acceptable in terms of how development sits within the landscape, whether it reflects the local settlement pattern, design and material traditions. It also sets out an approach for applicants to follow in regard to assessing the site and developing siting proposals. The proposal is contrary to this policy and supplementary guidance as it would not fit with the existing settlement pattern in the area which is single houses fronting Thurso Road. It is also not considered as infill development or rounding-off and the pattern of development in this area would not be classified as dispersed. Backland development at Langley Park was permitted as it was brownfield land (former auction mart) and considered to be infill as it was contained between the industrial works to the west and housing to the east.

The **Caithness Local Plan (2002, as continued in force 2012)** identifies settlement boundaries to focus growth within existing settlements and to protect the settlement character. It also helps to avoid inappropriate sprawl of built development on the fringes of settlements. The principle of this approach has been carried forward into the HwLDP under Policy 34 Settlement Development Areas (SDA). The proposed site lies immediately outside the boundary of Wick and does not accord with this policy. The development of this site may also set a precedent for further backland development in this area which would exacerbate the issues identified above.

Area Local Development Plan

The Modified Proposed Caithness and Sutherland Local Development Plan (CaSPlan) was approved as the 'settled view' of the Council in August 2016. As a result it is now a material consideration for the determination of planning applications. In April 2017 the Council submitted the Modified Proposed Plan to the Scottish Government for Examination and the DPEA expect to deliver the Examination Report in April 2018.

CaSPlan allocates more than sufficient land to satisfy the demand for housing development in Wick and the surrounding area over the coming years. The total indicative housing capacity from all proposed allocations in Wick is 260, with planning consent already approved for 167 housing units. It is also understood that individual plots can be purchased for self build development on at least two of these allocations.

As stated above, the house site lies approximately 50 metres outwith the proposed Wick SDA boundary, which has been set to accommodate future development. The Placemaking Priorities for Wick also highlight the Council's aim of consolidating the town by rounding off and infilling existing sites rather than expanding in any one direction.

The proposed site forms part of land which was submitted to the Council for consideration during the Call for Sites stage. As a result it was assessed as part of the Strategic Environmental Assessment. This led to it subsequently being shown as a 'non preferred' site in the Main Issues Report as it was identified as having potentially adverse visual impact and was not considered to round off the settlement or to be an infill site. This is reflected in the non-inclusion in the Modified Proposed Plan.

Overall Development Plan conformity

In general, the Council aims to direct housing development to SDAs and suitable allocations in order to reduce the proliferation of unnecessary housing in the countryside. **Consequently, this proposal does not accord with the general policies as set out in HwLDP or the strategy for Wick as set out in the Caithness Local Plan (2002, as continued in force 2012) or the Modified Proposed CaSPlan (2016).** The site does not reflect the settlement pattern, would have an adverse visual impact and could lead to a precedent being set for further ad-hoc backland development in the area. It has also been shown that there is sufficient land available for house building elsewhere in Wick.

7.2 Transport Planning

Transport Planning have objected on the following grounds:

- a) Access layout not meeting with guidelines – The proposed access to this site does not meet the appropriate (road access) guidelines due to the 3 other junctions in the close vicinity. The layout should meet the following requirements:

- Be constructed to the dimensions of the Minimum Spacing as stated in our guidance, [Access to Single Houses and Developments](#). In section 4.1.4 it states;

“In the interests of road safety the Council wishes to encourage the use of shared access where possible. Any new private access should not normally be situated within 90m of a road junction or within 30m of existing property access. These distances are appropriate for most minor rural roads but on higher speed Class A and B rural roads, a greater separation distance between accesses may be required where an increase in the number of accesses could affect traffic safety and speed.” With this in mind we would prefer the access to this property be a shared access with one of the existing house access in the vicinity.

Waste Collection not shown to be provided – a suitable collection point of at least 2m x 1m shall be provided outwith the required visibility splays and close to the public road A882, this does not appear on any of the drawings supplied therefor this will need to be shown to be accommodated on any new Site Drawings.

7.3 **Scottish Water**

No objection, however the applicant should be aware that this does not confirm that the proposed development can be serviced and the applicant should make a formal application. :

8. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

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|----|--------------------------------------|
| 28 | Sustainable Design |
| 29 | Design Quality and Place-making |
| 34 | Settlement Development Areas |
| 36 | Development in the Wider Countryside |
| 65 | Waste Water Treatment |
| 66 | Surface Water Drainage |

8.2 **Caithness Local Plan 2002 (as continued in force 2012)**

| | |
|----|------|
| 14 | Wick |
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9. OTHER MATERIAL CONSIDERATIONS

9.1 Caithness and Sutherland Local Development Plan (Proposed Plan, 2016)

Settlement Development Areas: Wick

9.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide

9.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (June, 2014)

10. PLANNING APPRAISAL

10.1 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.

10.2 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.

10.3 Development Plan Policy Assessment

The access to the site lies within the Settlement Development Area of Wick, however the majority of the site lies within the wider countryside and outside of the Settlement Development Area. The existing pattern of housing development in the area is of linear form, set back from the road with their principle elevations fronting the public road.

The site will therefore be considered against Policies 34 Settlement Development Areas and 36 Development in the Wider Countryside of the Highland-wide Local Development Plan.

Policy 34 assesses proposals for the extent to which they;

- Meet the requirements of Policy 28: Sustainable Design and all other relevant policies;
- Are compatible with the existing pattern of development and landscape character.

Policy 36 assesses proposals for the extent to which they:

- Area acceptable in terms of sitting and design;
- Are sympathetic to the existing patterns of development in the area;
- Are compatible with the landscape character and capacity;
- Would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.

The proposal is also assessed against Policy 28 – Sustainable Design which lists a number of criteria against which all developments are assessed including the impact upon individual and community residential amenity; and, demonstration of sensitive and high quality design which is in keeping with the local vernacular, making use of appropriate materials; compatibility with public service provision such as water sewerage, drainage, access and electricity. Policy 29 of the Highland Wide Local Development Plan reinforces this emphasis on good design in terms of compatibility with the local settlement pattern, with focus on creating quality environments.

Policy 65 Waste Water Treatment and Policy 66 Surface Water Drainage require appropriate provisions to be made for foul and surface water drainage, with Sustainable Drainage System (SUDs) being a requirement in relation to surface water; this is appropriate to all development proposals.

10.4 **Material Considerations**

The key considerations in this case are:

- a) Compliance with the development plan and other planning policy
- b) Failed to demonstrate that the access layout meets the appropriate standards any other material considerations.

10.5 The site lies on the western approach to Wick along the A882 from Thurso. On entering from the west the area is characterised by single tier roadside development. The density increases at Riverside Drive. The development of this site some 44 metres back from the rear curtilage of the house known as Meadowbank on the western most approach to Wick is at odds with the prevailing settlement pattern. Whilst the site could physically accommodate a building, it is not considered that within the established context of the pattern, character, and relationship between the houses along the A882, that the development of the site for a single house would be appropriate, in land use terms.

10.6 The submitted location plan shows an indicative site layout plan of a 'T' shaped house that is positioned diagonally across the site facing south west. The plan also shows a separate garage to the south east corner of the site, also positioned diagonally across the site.

10.7 The proposed arrangement of development behind the existing houses is considered to be backland development – the proposed house not having a roadside frontage of its own and using a shared agricultural access - located to the north of the existing housing and disconnected from them by agricultural land. It is considered to be out of keeping with the established pattern of development in the immediate area which is predominantly characterised by linear development fronting the public road. The proposal does not represent either infill or rounding-off development. The site does not reflect the prevailing settlement development pattern and would have an adverse visual impact on this western gateway point to the town, being seen as visually disjointed from the established housing.

10.8 The approval of a house in an un-planned manner at this location could lead to a precedent being set for further backland development in the area. This concern is heightened given the landowner had put forward the site for residential development as part of the Development Plan review. The site however was not considered suitable given the availability of other undeveloped land in and around Wick and not identified as a preferred site which was endorsed by the Area Committee in September 2014. The aim of the Development Strategy is to consolidate the existing town for infill, rounding off and allow for the development of brownfield sites within Wick. It is not considered that this situation has changed to warrant a different conclusion. The granting of permission for this isolated and detached site coupled with the length of road leading to it would place further pressure for inappropriate development.

10.9 The applicant provided supporting statements, giving some justification for development on this site stating that they could not find a suitable alternative location; that the Local Development Plan directs development to undesirable areas within Wick that are not available for self-build; and that prices are inflated. Whilst these observations are noted it is considered that these conclusions are not supported by a considered assessment of the available evidence.

10.10 **Access Layout**

The existing agricultural site access onto the A882 is proposed to be used. Transport Planning have objected on the basis of the proximity of 3 other junctions closeby and the lack of details regarding refuse provision. The site lies just within the 30 mph speed limit on the western edge of Wick. Initially the required sightlines of 160m could not be achieved to the east. However, the agent subsequently submitted an amended plan showing the site access moved to the western edge of the existing agricultural access would secure this. As the site lies within the 30 mph where street lights start and achieves the minimum sightlines that the proposed access arrangements are acceptable. The concerns regarding refuse provision could be addressed by condition.

10.11 **Other Considerations – not material**

- land being surplus to the land owner's requirements
- land owner being approached on three different occasions for the availability of land in Janetstown
- this is a desirable site

11. **CONCLUSION**

11.1 Whilst the site is capable of accommodating a building, it is not considered that the plot is in an appropriate location for development as it does not reflect the characteristics of the existing well established settlement pattern already found in the area, as it would result in the establishment of disconnected and unplanned backland development. Furthermore, it would significantly impact the wider appearance of what is currently an attractive residential street with general uniformity of house siting at the western gateway to Wick.

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.

12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. RECOMMENDATION

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| Action required before decision issued | N |
| 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** subject to the following reasons:

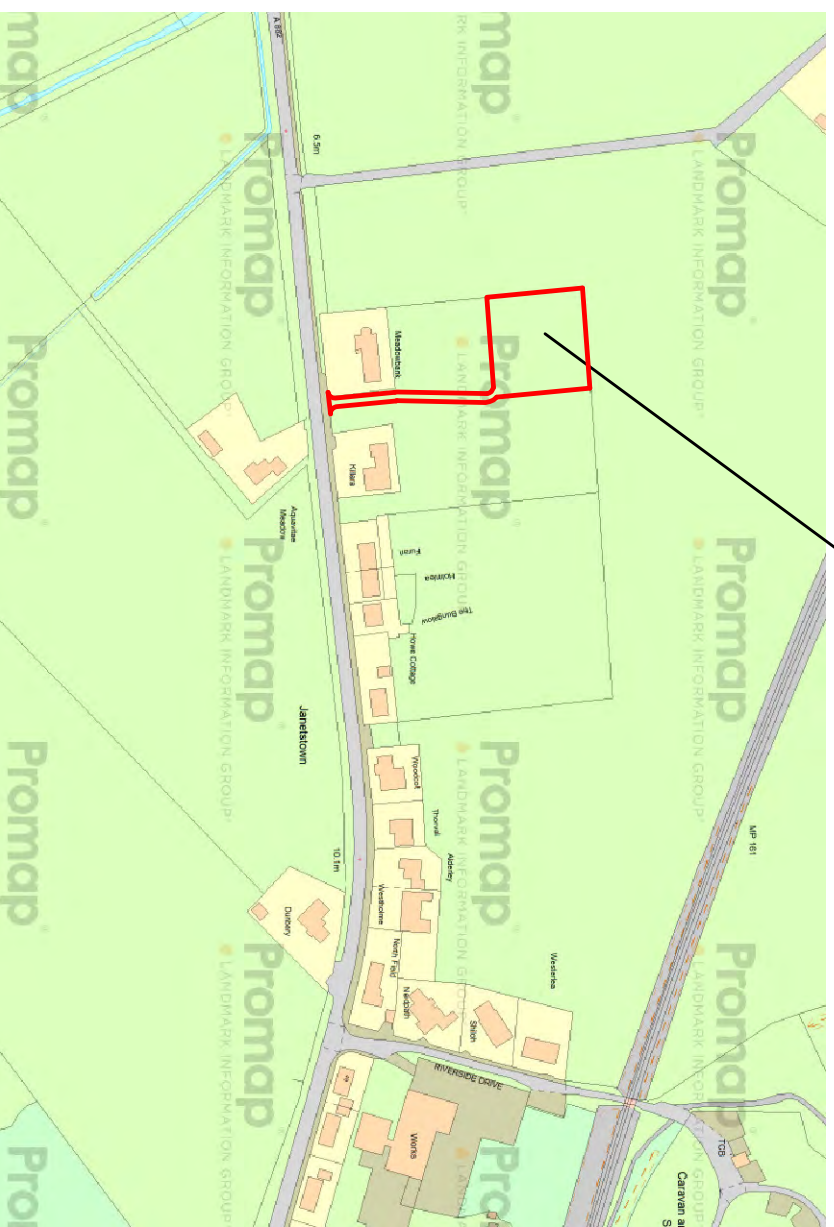
1. The proposed plot layout is not considered to be acceptable in terms of its siting, nor is it sympathetic to the existing and well established pattern of development at this western gateway to Wick, having a disjointed backland appearance, unrelated to the existing housing pattern, which would be discordant and fails to demonstrate sensitive siting that is in keeping with the established local character, as required by the Highland Wide Local Development Plan policy 28 Sustainable Design.

Designation: Area Planning Manager - North
Author: Claire Farmer
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Committee Location Plan
Plan 2 - Location Plan CDS17-27-01

VISIBILITY SPLAYS

1. The achievable visibility splay to the East is 2.4m x 160m+.
2. The achievable visibility splay to the West is 2.4m x 160m+.
3. These figures are currently available on site without any works required.

Proposed House Site:
 1 1/2 Storey Design
 Detached Garage
 Mains Drainage Connection



Location Plan

Site Plan 1:750

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|--|---------------|-----------|--|
| | | Client: | M. A. Harold |
| | | Location: | Plot @ Land 75m North of Meadowbank, Turso Road Janetstown Wick, Caithness |
| Dwg No: | CDS/17/27/01A | Scale: | As Shown |
| Date: | 19/09/17 | Drawn By: | JNM |
| Revisions: Rev '1' - Access oriented and vis. splays shown, 20/04/18 JNM7 | | | |
| Caithness Design Services Tel: 07738 208 825 www.caithnessdesignservices.co.uk | | | |