

Agenda Item	6.3
Report No	PLN/010/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 3 March 2020

Report Title: 19/04769/PIP: Mrs Julie Lewis
Land 125M NW Of Catreff, Newton Row, Wick

Report By: Acting Head of Development Management – Highland

1. **Purpose/Executive Summary**

1.1 **Description:** Erection of house

Ward: 03 – Wick and East Caithness

1.2 **Development category:** Local

Reason referred to Committee: referred to Committee by local 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. **Recommendations**

2.1 Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application is for planning permission in principle to erect a single house at Newton Row, Wick, on land as described in para. 4.1 below.
- 3.2 There is no existing infrastructure on site excepting post and wire fencing and adjacent field drainage.
- 3.3 Pre-Application Consultation: Formal pre-application advice was provided to the applicant. This concluded that the Planning Authority would not support the further expansion of the Newton Row linear development northward into the open countryside and an application at this location would not be encouraged (ref: 19/03098/PREAPP)
- 3.4 Supporting Information: Infiltration Test Results; Private Access Checklist; Supporting Statement (the points raised in the Supporting Statement have been addressed in this Report).
- 3.5 Variations: None.

4. SITE DESCRIPTION

- 4.1 The proposal site is within an elevated, open and flat agricultural field on the north east side of the publicly adopted Newton Row (U1245), approximately 80 metres from its junction with Newton Road (U1237), also adopted. Both roads are single track. There are two recent housing developments between the proposal site and the junction representing the northern extent of development along Newton Row, while the opposite, southwest, side of Newton Row remains free of development at this location (on the corresponding side of the junction). The site lies approximately 800m in a straight line from the Wick SDA boundary and approximately 1.3km by road.
- 4.2 Recent residential developments along Newton Row have resulted in a linear housing group stretching over 1.3km in length. However, there remains several gap sites between existing houses with potential for residential development to consolidate the informal settlement through rounding off and infilling existing sites.

5. PLANNING HISTORY

- 5.1 None on site however the following applications for the surrounding area relevant to the assessment of this proposal:
- 17/03335/PIP was approved (07 November 2017) for the erection of a single house on the adjacent plot (to the south-east) following pre-application advice (17/01957/PREAPP) that stated the 'marginal acceptability' of the proposal for a single house at that location. The pre-application proposal site included parts of the adjacent site to the current application and extended up to the junction with Newton Road. Given the relatively positive pre-application advice for the adjacent site, it was deemed unreasonable not to accept the principle of its development although with the caveat that it would not be desirable to continue this unplanned ribbon development along the public Newton Row in the future. Subsequently, two houses have been approved and are under construction between the current application site and the junction of Newton Row and Newton Road; the land having

been deemed acceptable for two houses under siting and design considerations, given that the principle of the land's development had already been accepted (18/00217/FUL granted 14 February 2018 and 18/00726/FUL granted 21 March 2018).

6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 08 November 2019

Representation deadline: 22 November 2019

Timeous representations: 0

Late representations: 0

6.2 Material considerations raised are summarised as follows:

N/A

6.3 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.

7. CONSULTATIONS

7.1 **HC Development Plans Team:** object to the proposal. Its response highlights the following concerns:

7.1.1 **Local Development Plan**

The application site is not allocated for development and lies outwith the Wick settlement development Area (SDA) as identified in the Caithness and Sutherland Local Development Plan (CaSPlan) and therefore, the principle of the development on the site has not been established. This proposal is not considered to accord with the Council's general policies as set out in HwLDP relating to Settlement Development Areas (Policy 34), Sustainable Design, Design Quality and Placemaking and Development in the Wider Countryside (Policies 28, 29 and 36) as well as the associated supplementary guidance for Housing in the Countryside Siting and Design (2013). This is because the development is counter to the Placemaking Priorities of Wick's Settlement Development Area (Policy 34), which states that development should consolidate the town through rounding off and infilling existing sites rather than expanding it in any one direction. The proposal is contrary to the Placemaking Priority as it would lead to further unnecessary expansion of uncoordinated linear development on the outskirts of the town. Furthermore, the proposal does not conform to Sustainable Design criteria as it is located along a narrow single-track road, detached from Wick, which already serves many houses. As such there is limited active travel opportunity due to lack of pavements in the area, while there is already a proliferation of private waste water treatment plants with potential detrimental environmental and health impacts. While single housing development has been permitted at Newton Row in the past, it is not a pattern of development that should be perpetuated because it will not only detract from the landscape and rural character of the area but also exacerbate the pressure on the limited infrastructure and services that exists at present.

7.1.2 **Allocated Housing Land**

The recently adopted CaSPlan allocates more than sufficient land to satisfy the demand for housing development in Wick and East Caithness over the coming years. This assessment is based on the statutory Housing Need and Demand Assessment (HNDA), which shows that there are relatively low levels of demand for more housing in Caithness. Through the HNDA process, the Council has identified enough housing land to meet the housing supply target including an additional 10% to allow for choice and flexibility. The total indicative housing capacity from all allocations in Wick is 260, with extant planning consent for around 165 housing units. Individual plots may be purchased for self-build development in in gap sites within the settlement. The granting of consents for single house developments on the outskirts of Wick may also undermine the larger scale consented housing developments because of the low levels of housing demand in the area. Where appropriate houses will be supported in locations which reflect the prevailing pattern of development. It should also be noted that the developers of the larger schemes have typically invested significantly in the necessary infrastructure to access and service the site as well such things as substantial tree planting to help integrate development into the landscape together with greenspace provision and a circulation network. Ensuring that the expansion of the town is properly planned and managed is essential to ensure that suitable infrastructure is in place at the right time. For example, developers may be required to provide street lighting, pavements, turning circles, play space, water connections and sewerage systems. These requirements also ensure that the financial burden on the Council for services arising from housing development, such as school buses and refuse collection, is reduced.

7.2 **HC Transport Planning:** no objection however Transport Planning have concerns about the continued development of single houses in this area and the cumulative impact on the local road network which is single track and is not constructed to current standards, however this single development of itself does not raise significant road safety issues.

7.2.1 In addition to standard access and parking conditions to be applied to any permission to develop the site, TP would require a condition to secure a larger than standard service bay of 14m to provide a passing place on the public road, which should also incorporate a 2m verge behind the surfaced bay. TP also note that the Private Access Checklist appears to be incorrect on the achievable visibility splay looking right when leaving the site, which should be 2.4m x 90m. The visibility splay looking left should be 2.4m x 60m.

7.3 **Scottish Environment Protection Agency:** no objection subject to a condition requiring the development to connect to a public sewer as soon as one becomes available. SEPA note that the ground conditions are poor at 'Newton Moss', which is a Waste Water Drainage Consultation Area and a Waste Water Development Hotspot.

7.4 **Scottish Water:** no objections. Confirmation that there is sufficient capacity in the Loch Calder Water Treatment Works, while private arrangements are necessary for foul and surface water drainage.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012 (HwLDP)

Policy 28 - Sustainable Design

Policy 29 - Design Quality and Place-making

Policy 31 - Developer Contributions

Policy 36 - Development in the Wider Countryside

Policy 58 - Protected Species

Policy 61 - Landscape

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

8.2 Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

No site-specific policies refer to HwLDP general policies.

8.3 Highland Council Supplementary Planning Policy Guidance

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

Developer Contributions (March 2013)

Highland's Statutorily Protected Species (March 2013)

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

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 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.

Determining Issues

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.

Planning Considerations

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) any other material considerations.

Development plan/other planning policy

- 10.4 As stated in para. 4.1 above, the proposal site lies approximately 800 metres in a straight line from the Wick Settlement Development Area (SDA) boundary and approximately 1.3km from the boundary by road. The purpose of Settlement Development Areas, which come under the provisions of Policy 34 of the Highland-wide Local Development Plan (HwLDP), is to guide development; with areas within the SDA generally having a presumption in favour of development providing proposals satisfy the design for sustainability requirements of Policy 28, as well as any other relevant policies. This is because SDAs are identified as being the most appropriate location for development, including housing developments, due to their existing and planned infrastructure and better access to Council service provision. More specifically, Wick's SDA was set to reflect the extent to which the town should expand and to prevent incremental and uncoordinated growth. In support of this objective, the first Placemaking Priority for Wick, as identified in the CaSPlan, sets out the Council's aim of consolidating the town by rounding off and infilling existing sites rather than expanding in any one direction. As such, areas within the SDA boundary, remain the Council's preferred locations for further development.
- 10.4 Where development is proposed in a location outwith the SDA boundary, the proposal requires to be assessed in terms of the Wider Countryside, and therefore under the provisions of Policy 36 of the HwLDP. This outlines a range of criteria against which proposals will be assessed, including the extent to which they are acceptable in terms of siting and design; are sympathetic to existing patterns of development; are compatible with landscape character and capacity; avoid, where possible, the loss of locally important croft land; and, would address drainage constraints and can be adequately serviced. The policy is supplemented by the associated Housing in the Countryside, Siting and Design Supplementary Guidance (SG), which forms an integral part of the Development Plan. The SG states that applicants should adopt a sequential approach when identifying housing sites within the wider countryside. This approach includes examining opportunities for redevelopment of brownfield sites in the first instance and thereafter identifying any potential infilling or rounding off opportunities of existing housing groups. Under this policy assessment, the application is deemed incompatible with the surrounding landscape character and capacity by virtue of contributing to the suburbanisation of the wider countryside setting. As such, the proposal is considered likely to result in detrimental landscape and visual amenity impacts, as well as exerting added pressure on existing infrastructure and servicing constraints. All of the preceding issues are given further consideration below.

Siting and Design

- 10.5 The development site is at the northern periphery of the Newton Hill informal settlement. This linear settlement sweeps north-eastwards from the Hill of Newton Farm along Newton Row before turning north and north-westwards up to the boundary of the current application site, encroaching towards the tall silos of the Gas Distribution Station to the north; a total distance of some 1.3km. The settlement is prominent due to its elevated position close to but separated by agricultural fields from Wick. Despite this separation, the settlement is conspicuous within the setting of Wick's traditional townscape with the area's individual, some larger-scale, recent housing being visible for some distance from the town's southern, northern and

western approaches. Section 9.2 of the SG states that, “*Linear development becomes a problem when these small groups are extended along the road, with the result that the rural character is lost with development dominating otherwise rural views.*” In this instance, the aforementioned elevated position, the sheer length and sweeping nature of the Newton Hill linear development, along with the prominence of the larger-scale housing, ensure that the informal linear settlement is already dominant within the landscape. Further encroachment of development into the elevated open countryside along Newton Row will increase the prominence of the settlement and is considered to erode the wider rural setting of Wick’s traditional townscape, to its detriment.

- 10.6 The SG goes on to state that “*continuous linear development leads to suburbanisation and a loss of rural character. Unplanned development along a roadside with no natural finish point and unrelated to land use or to a traditional township pattern will not be supported.*” While it has been acknowledged that the approval of the adjacent plots has taken the linear settlement beyond its natural rounding off at the junction of Newton Row with Newton Road, this does not provide the justification for its continued expansion into open countryside. Not only, therefore, would continued expansion increase the dominance of the settlement in the landscape (para. 10.50), it would further suburbanise the rural character of the area to its detriment. In any case, there remains opportunity for the settlement to be rounded off on the opposite side of Newtown Row to the adjacent houses currently under construction, the principle of which would now be supported by the above Highland Council Policies and SG. Moreover, there are additional infill opportunities along Newton Row and Newton Road. As such, there is no round-off or infill justification for developing the current application site and accordingly the application site is considered unacceptable under the provisions of Policies 28 (Sustainable Design), 29 (Design Quality and Placemaking) and 36 (Development in the Wider Countryside). As an application for planning in principle the house’s design would be a matter for a future detailed application.

Sustainable Design

- 10.8 As Development Plans have correctly highlighted in para 7.11, the area’s separation from the Wick Settlement Development Area, along with its lack of connectivity and inadequate unpaved roads, ensure that the settlement has an over-reliance on private cars to make routine journeys. Such limited active travel opportunities are of particular concern for young people attending local schools and are potentially isolating for elderly people and others without access to a private car. Other Sustainable Design criteria are discussed in para. 10.8 below.

Access and Parking

- 10.9 In addition to the above, Transport Planning have raised concerns about the continued development of single houses in this area and their cumulative impact on the local road network, which is single track and is not constructed to current standards. Nevertheless, provided a larger service bay is installed that would provide passing provision on the public road, TP have no specific road safety concerns regarding the current application. The application site is of sufficient size to accommodate the house and associated services with enough remaining amenity space and ground for adequate car parking and turning provision.

Drainage and Servicing Constraints

- 10.10 The sporadic and incremental accumulation of private drainage arrangements close to but outwith the SDA is considered unacceptable not only because it potentially jeopardises the development of the public sewer as part of the coordinated expansion of the town, but also for environmental, public health and amenity reasons. SEPA's response, for example, emphasises the increased risk of inadequately maintained private treatment plants in areas with high development pressure. The issue is exacerbated at Newton Hill because of poor ground conditions, which have led to the area's designation as a Waste Water Drainage Consultation Area and a Waste Water Development Hotspot. While SEPA have advised that the proposed mound soakaway should suffice for the development, these drainage constraints should be considered alongside the existing opportunities for infill and round-off at Newton Hill, which has potential for several new single houses along Newtown Row and Newton Road. Further encroachment of the settlement in to open countryside therefore only increases the risk to the environment, to public health and private residential amenity as the future availability of the public sewer system remains an unknown.

Developer Contributions

- 10.9 The application is required to be assessed against the Council's updated Developer Contributions Supplementary Guidance, which was adopted in November. In this instance, education contributions are required for both primary and secondary school provision (Newton Primary School and Wick High School respectively) (see Appendix B below). The total amount required equates to £1,164, which would be secured by an upfront payment or legal agreement in the event that planning permission is required.

Other material considerations

- 10.10 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 10.11 a) none

11. CONCLUSION

- 11.1 The proposal is considered contrary to the provisions of the Local Development Plan, including the Supplementary Guidance for Housing in the Countryside: Siting and Design, because the proposal would unnecessarily and unjustifiably perpetuate uncoordinated linear development at Newton Row into the surrounding open countryside. The site's location does not follow a sequential approach to development and therefore the proposed development would neither round-off nor infill the informal settlement at Newton Hill, which has potential for several new single houses along Newtown Row and Newton Road given the existing round-off and infill opportunities. Rather, the proposal would lead to the unplanned and incremental growth of the informal settlement, increasing the settlement's dominance on the landscape and further eroding the rural character of the wider

area through suburbanisation. Subsequently, the proposal would have a negative impact on the landscape and visual amenity to the detriment of the setting of Wick's traditional townscape. Moreover, the poor accessibility of the area in terms of active travel opportunities, along with drainage and servicing constraints means that the proposal does not align with the Council's Sustainable Design requirements.

- 11.2 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 significant.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **REFUSED** for the following reasons:

Reasons for Refusal

1. The proposal is contrary to the provisions of the Highland-wide Local Development Plan Policy 36 (Development in the Wider Countryside) and the Placemaking Priorities for Wick (CaSPlan) because the site's location would neither round-off nor infill the informal settlement at Newton Hill but instead would increase the settlement's dominance in the landscape and erode the rural character of the area through suburbanisation, to the detriment of the rural setting of Wick's traditional townscape. As such, the proposal is also contrary to the Council's Place-making objectives of Policy 29 (Design Quality and Place-making).

2. The proposal is contrary to Policy 28 (Sustainable Design) of the Highland Wide Local Development Plan because of the area's over-reliance on private cars to make routine journeys and the lack of active travel opportunities. Additionally, the lack of servicing of the site will perpetuate the sporadic and incremental accumulation of private drainage arrangements at Newton Hill, potentially jeopardising the development of the public sewer in the area and having negative environmental, public health and amenity impacts.

REASON FOR DECISION

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.

Author: Mark Fitzpatrick

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

Relevant Plans: Plan 1 - Location Plan
Plan 2 - 001 REV AA Location/Site Layout Plan

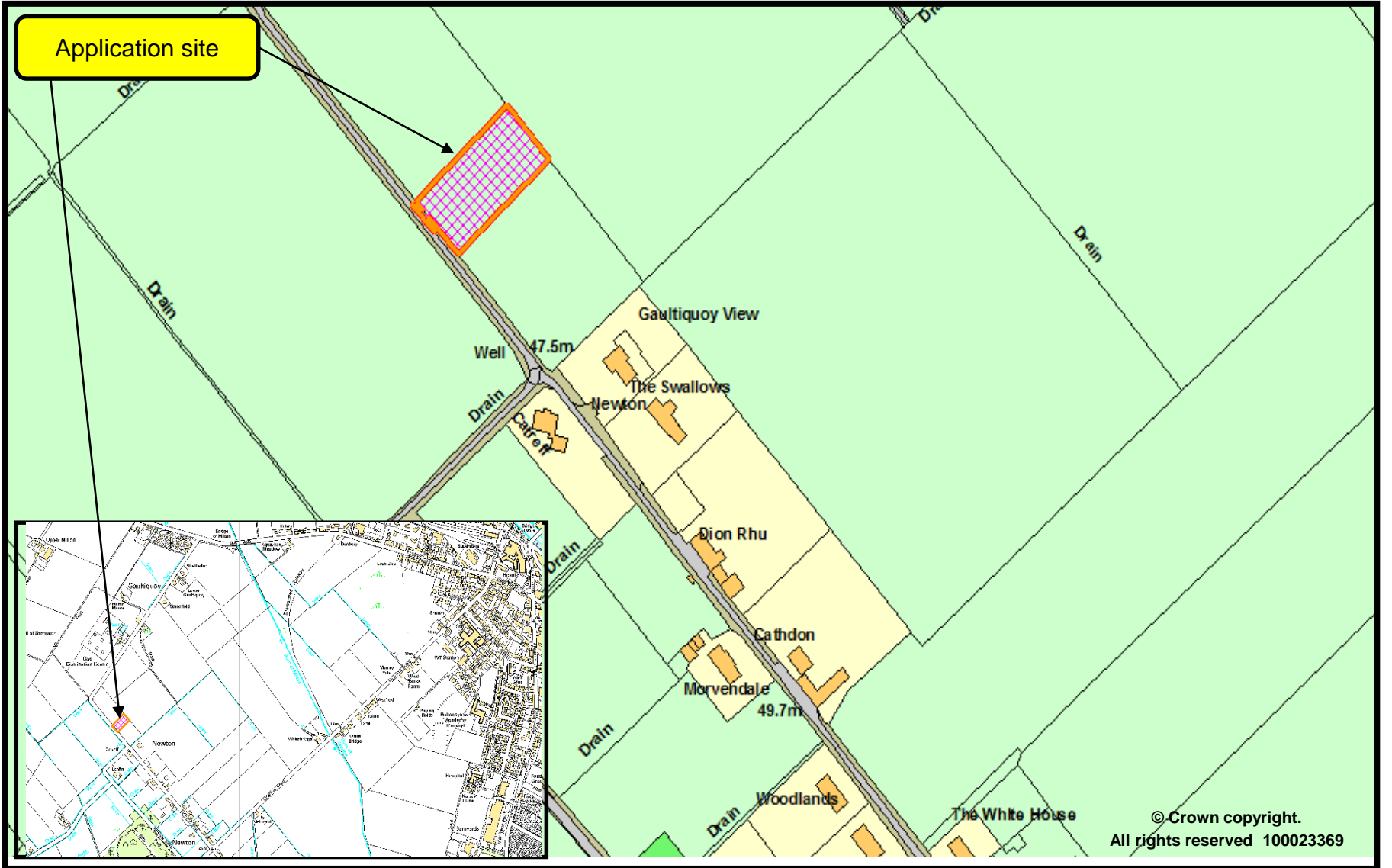
Appendix A – Letters of Representation

None

Appendix B – Summary of Developer Contributions

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Schools - Newton Park Primary School		
Build Costs	2 classroom extension	£430
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£430
Schools - Wick High School		
Build Costs	Major extension / new school	£734
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£734
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£1,164
Total for Development		£1,164
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

Application site



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The Highland Council
Comhairle na Gàidhealtachd

Planning and Development Service

19/04769/PIP
Erection of house

Land 125m nw of Catreff, Newton Row, Wick

Scale: