

Agenda Item	6.3
Report No	PLN-091-22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 06 December 2022
Report Title: 21/05563/FUL: Mr Colin Smith
Land 30M SW Of Ocala, Oldwick, Wick.
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection of a block of single storey semi-detached houses
Ward: 03 – Wick And East Caithness
Development category: Local
Reason referred to Committee: referred 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.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application is for the erection of a single block of semi-detached houses, the formation of access drives and installation of associated services on agricultural land at Oldwick, Caithness.
- 1.2 The proposed single-storey block of two semi-detached houses would have a footprint of 10.3m 23m excluding rear porch / utility area, ground to eaves height of 2.7m and ground to ridge height of 6m. The external walls would be finished in render and the house roofed in slate effect tiles while the windows and doors would be of grey uPVC.
- 1.3 The applicant submitted a pre-planning application advice request (ref. 20/02022/PREAPP) in 2020 and was advised that, following the approval of existing house Kevala located opposite the current application site, the principle of the development is supportable under the Housing Group criteria of the Council's Supplementary Guidance Housing in the Countryside Siting and Design (updated by the Supplementary Guidance: Rural Housing in December 2021). Additionally, the applicant was advised that a proposal for a single block of semi-detached houses may be acceptable subject to the proposal being acceptable in all other aspects.
- 1.4 The application is supported by Percolation Test Results, and a Flood Risk Statement.
- 1.5 Variations: none.

2. SITE DESCRIPTION

- 2.1 The site occupies 0.14ha of an open agricultural field on the east side of the unadopted and single track section of Carnaby Road. The site is flat, bounded with post and wire fencing, and is within an area identified as being at risk of pluvial flooding as indicated by SEPA's online flood map. Third party information submitted to the application also indicates significant flood risk potential from the nearby Mill Lade that serves the Pulteney Town Distillery. In total, four houses currently take their access from the unadopted section of Carnaby Road ; from north to south these are Ocala, Kevala, Dillon Lea, and Harden Farm. Farrbay's access is just along from the junction with Carnaby Road. As well as from the north via Carnaby Road, the development would also be accessible from the south via the single track March Road, which is unadopted from the property Tinas. March Road has deteriorated to a very poor state over the years due to its intensified usage because of housing and agricultural business developments along parts of its length, while its junction with the A99(T) is substandard in terms of its width.
- 2.2 The site is 65m south of the Wick Settlement Development Area (SDA) boundary as identified by the Caithness and Sutherland Local Development Plan, and is therefore within the Wider Countryside designation. This development would extend the built up area of Wick southwards beyond the SDA and Farrbay and Ocala. There is a recently erected single house, Kevala, on the opposite side of Carnaby Road, which was approved by NPAC in 2018 against officer recommendation. Also 65m to the north of the proposal site is the phased Oldwick residential development currently under construction on land allocated for housing

in the Local Development Plan (WK02). The allocated land here represents the current extent of the Wick SDA. Construction at the Oldwick residential development is being undertaken in accordance with the approved masterplans ref. 98/00349/FULCA and 03/00054/FULCA. The phased development has allowed the Council to retain effective control over the development in order to ensure that infrastructure is delivered timely in accordance with Council standards and that Council services may be expediently delivered to residents. It is evident through the planning system that the rural hinterland of Wick is an area of high developmental pressure characterised by incremental and unplanned housing development on substandard roads and lack of servicing infrastructure, which is degrading the rural character of the town's wider countryside setting.

3. PLANNING HISTORY

- 3.1 None on site however the following applications for the property Kevala at site opposite the application site on Carnaby Road are pertinent to the assessment of the current application:
- 3.2 18/02975/FUL: Erection of single storey house, creation of new private access & installation of private drainage system PERMISSION GRANTED 19 December 2018
- 3.3 19/02596/FUL: Erection of house PERMISSION GRANTED 01 October 2019

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 17 December 2021
Representation deadline: 29 March 2022
- 4.2 Timeous representations: 2no general comments from 1no given address.
1no objection comment from 1no address.
- 4.3 Late representations: 1no objection
- 4.4 Material considerations raised are summarised as follows:
a) Access concerns including the condition and capacity of the unadopted Carnaby Road.
b) Concerns regarding Flood Risk and historic flooding.
- 4.6 In addition to the above, photographs of an historic flooding event were received from an anonymous source.
- 4.5 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.

5. CONSULTATIONS

- 5.1 **Flood Risk Management Team (FRM): objects** to the application on flood risk grounds and on the grounds of a lack of drainage information. FRM has had sight

of evidence of recent flooding centred on the application site most likely from the Mill Lade source. Flood risk and FRM's response are considered in detail in the report.

- 5.2 **Transport Planning Team : objects** to the application on access and road safety grounds due to the substandard condition of the shared private road along its length including the lack of passing places and lack of maintenance arrangements between residents. Transport Planning also object to the proposal on the grounds that the development will be accessible from March Road, which has a substandard junction with the A99(T) for the number of developments it serves.
- 5.3 **SEPA : objects** in principle to the application as the development is expected to put people and / or property at significant risk of flooding, which is against Scottish and Highland Council Planning Policy. SEPA's comments are considered in detail in the report below.
- 5.4 **Scottish Water** does not object and advises that the development will be supplied fresh water from the public network but that private arrangements are required for foul and surface water drainage.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012 (HwLDP)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 58 - Protected Species
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

6.2 Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

The site is located 65m outwith the Wick Settlement Development Area and is not allocated for specific usage in policy. The application therefore requires to be assessed against the general policies of the Highland wide Local Development Plan.

6.3 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Rural Housing (Dec 2021)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, June 2014)

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.

Determining Issues

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.

Planning Considerations

8.3 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

8.4 Although the site is located close to the southern boundary of the Wick Settlement Development Area (SDA), approximately 65m, it is in an area identified as Wider Countryside by the Development Plan, meaning that the proposal is principally assessed Highland-wide Local Development Plan (HwLDP) Policy 36 for Development in the Wider Countryside. The Policy recognises that there remains a need for development in the Wider Countryside and subsequently requires proposals to be assessed against the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development in the area, are compatible with landscape character and, importantly, capacity. The policy goes on to further require that developments should avoid, where possible, not only the loss of locally important croft land, but also the incremental expansion of one particular development type into a landscape, particularly a landscape whose distinct character relies on an intrinsic mix / distribution of a range of characteristics. Due to the recognised lack of infrastructure in the Wider Countryside, new developments must address drainage constraints and demonstrate that they can be adequately serviced, particularly in terms of foul drainage and water supply. It should also be demonstrated that any additional infrastructures are in keeping with the rural character of the area, and requirements for Council services as a result of the development, may be provided without involving undue public expenditure.

8.5 In addition to the above, HwLDP Policies 28 and 29 for Sustainable Design, and, Design Quality and Placemaking respectively must also carry their due weight. Policy 28 sets out sustainability criteria for the assessment of all applications. Of particular relevance to this application are criteria relating to a development's compatibility with public service provision such as water, sewerage, drainage, roads, schools and electricity. The accessibility of the development should also be assessed according to the provisions of the policy. Developments are also

expected to maximise energy efficiency and reduce waste. The proposal's impact on community and residential amenity, on any natural and built heritage resources, and landscape must also be given due consideration; developments should demonstrate sensitive and appropriate siting as well as high quality design that contributes to the visual and architectural qualities of their locale (Policy 29). In this instance, the assessment takes account of recent approvals in the area and the Council's Supplementary Guidance Rural Housing (paragraph 10.8 - 10.9 below).

- 8.6 Development Plan Policy 64 (Flood Risk) seeks to ensure that sites are not at risk of flooding by avoiding susceptible areas to promote sustainable flood management. The policy reinforces Scottish Planning Policy (SPP), which states at paragraph 255 that the planning system should promote 'a precautionary approach to flood risk from all sources...' and 'flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas'. Paragraph 256 of SPP then goes on to say: 'To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity'.
- 8.7 Additionally, development Plan Policies 65 (Waste Water Treatment) and 66 (Surface Water Drainage) require foul and surface water drainage infrastructure to meet standards that minimise the risk of pollution and flooding. Developments should ordinarily connect to the public sewer unless it can be demonstrated that there are technical or economic constraints to being connected (assessed in para. 10.23).
- 8.8 Development proposals may be supported if they are judged not to be significantly detrimental under the terms of the above policies. In this instance there are significant issues with the application including access, as evidenced by the technical objections from Transport Planning, flood risk, and site drainage arrangements, including impact arising from the development's failure to connect to the public sewer. The issues are as discussed below.

Siting and Policy Allocation

- 8.9 As stated, the application site is outwith, but close to, the Wick Settlement Development Area. The purpose of SDAs is to direct development towards settlement whereby there is a presumption in favour of development within SDA boundaries. This is because SDAs are identified as being the most appropriate location for development, including housing developments, because of their existing and planned infrastructure and better access to Council service provision. SDAs are drawn to reflect the agreed extent to which the town should expand in order to protect the rural landscape character of the surrounding countryside by, for example, preventing incremental and uncoordinated suburban growth. Indeed, a major Placemaking Priority for Wick, in accordance with the CaSPlan, is to consolidate the existing town, to be achieved through appropriate land-use allocations that help to round off or infill the settlement area rather than allowing Wick to expand unplanned in any one direction. Developments that are designed for the Wider Countryside are not generally considered appropriate or acceptable on the boundary of settlements because they impede the strategic future growth of

the settlement (see HCSG Rural Housing page 9) and provision of appropriate infrastructure.

- 8.10 Based on the above assessment, the application for Kevala, the single house located on the opposite side of Carnaby Road, was recommended for refusal on siting grounds (ref. 18/02975/FUL) as it was not considered to accord with Development Plan Policy 29 in relation to Place-Making, or Policy 34 (for Settlement Development Areas) in relation to consolidating the SDA, along with expected concomitant access and servicing issues (Policy 28), which are discussed below. Despite the recommendation however, the application was approved by NPAC in November 2018 therefore the current proposed 2no houses would be associated with Kevala, along with Farrbay and Ocala. Consequently, in light of the changes to the pattern of development here, the principle of residential development may be supportable at this location on siting grounds by virtue that the application site would be acceptable under the Housing Group criteria of the aforementioned Rural Housing Supplementary Guidance. It is noted here that the proposal's conformity with the prevailing settlement pattern is not assessed against housing within the SDA due to it being within a different designation in the Local Development Plan, i.e Wider Countryside. A proposal for a semi-detached development would not normally be appropriate for a Wider Countryside location, however given the proximity of the development to the SDA, the proposal can be accepted in this instance. Notwithstanding these considerations, the development is expected to exacerbate ongoing access and servicing issues in the area as highlighted in the paragraphs below.
- 8.11 In terms of layout, the site is of sufficient size to accommodate the semi-detached block and associated services and leave adequate private amenity space for two homes. The semi-detached block is positioned rationally within the site in relation to surrounding physical features including the private Carnaby Road and the field's boundary, as well as the neighbouring property Ocala. The design of the house is basic with the wide gables with shallow roof pitch contribute to a house with a suburban outlook; although it is noted that the design mirrors that of the semi-detached housing of the Oldwick residential development to the north and is therefore not considered wholly out of character for the area, which has incrementally suburbanised. Consequently, the application is not recommended for refusal on siting and design grounds.

Access

- 8.12 As mentioned, the development would be accessed from the single track Carnaby Road from the section where the road is privately owned. The road is accessible from the north from the residential development at Oldwick where Carnaby Road has recently undergone improvement works including its widening with pavements and street lighting installed. By contrast, the existing incremental and unplanned growth along the March Road, which has no formal passing places, from its junction with the A99(T) from the south, and into Carnaby Street, has had a detrimental effect on the local road infrastructure and the provision of Council services in precisely the manner that the Local Development Plan has sought to avoid. Indeed, the poor condition and lack of capacity of the road are cited in the representations, including one from the owner of the aforementioned Kevala, which was also recommended for refusal on access grounds. The representations serve to highlight that further development on unmaintained private roads, in this instance a

road with no maintenance agreement for its upkeep, leads to long term amenity and neighbour impacts. The Council's Roads Service maintains its objection and has highlighted that due to budgetary constraints there is no intention to adopt the private sections of either road or to take on their maintenance, which is the responsibility of the owners of, and residents along, private roads. Further development along the private sections of both March and Carnaby Roads would foreseeably lead to unplanned and non-budgeted service expenditure from public funds to the benefit of private interests, which is not considered to be of public good. Therefore, the proposal is contrary to the road servicing requirements of Development Plan Policies 28 and 36.

- 8.13 Indeed, a condition of the approval for Kevala, as agreed following approval by the North Planning Applications Committee, was a requirement to surface the section of private road from its junction with the adopted part of Carnaby Road up to the access to the house. The intension of the condition was to bring that part of the road up to standard in order to improve overall road safety as well as improve the amenity of the area. However, an application for non-compliance with the condition was subsequently submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). As the condition was in relation to a private unadopted road, it was necessary to amend the condition to secure a smaller part of the unadopted road from the junction with the adopted road, in order to protect the integrity of the adopted road only. On a similar line, the applicant has mooted the potential to voluntarily improve the condition of the private road, which, as the case with Kevala shows, the Council is not in a position to enforce and would therefore be reliant on the goodwill of the developer with no guarantee of any road improvements, which, even if undertaken, may turn out to be a one off gesture as an upgrade will not guarantee the road's ongoing maintenance given that it is accessible to all as it provides an option for through access between the A99 and Oldwick as well as the coast. Indeed, there is no mechanism by which the Council can retrospectively require residents along the road to put a maintenance agreement in place for the road's improvement and upkeep. Consequently if the current application is approved, the substandard and unmaintained private road would serve an additional two houses whereby the occupiers are further contributing to the deterioration of the shared road for which there is no agreement to bring up to standard or for its continued maintenance, and, seemingly no will amongst the residents to do so.
- 8.14 The applicant also mooted the idea to construct a shared private access driveway through the field to the rear of Farrbay and Ocala to avoid the properties being accessed from the private road. However, such a solution would only superficially 'fix' the issue as it would not stop the occupiers using the private road to access the A99(T) to the south (see paragraph 10.13 below). A new private access installed in this manner would be excessive additional infrastructure that would adversely impact the amenity of Farrbay and Ocala as these properties would be wedged between accesses, would further deteriorate the rural setting, and would impede the planned future expansion of the town in a manner considered counter to the placemaking objectives of the council.
- 8.15 Further to the above, Transport Planning maintains its objection on the basis that the junction of March Road with the A99 trunk road is not sufficient to accommodate any new development safely until such times as upgrading works are undertaken to this junction. Both national and local planning policies require developments to

demonstrate safe access and transport, and as such a refusal of a previous application to erect a house on March Road, ref. 16/03571/FUL, was upheld by the Public Review Body for the same reasons. As a result of this decision, Transport Planning's and the Local Roads Office position remains that there is no capacity for new development along the length of March Road and the private section of Carnaby Road without substantial upgrading works. The current planning application must be assessed against current policy and guidance and accordingly the Planning Service is not in a position to support the application on the grounds that the access infrastructure is substandard.

Flood Risk

- 8.16 SEPA's online strategic flood mapping shows that the site lies within an indicated area of pluvial flooding, which itself is adjacent to a bigger area of pluvial flooding during a 1 in 200-year return period storm event, suggesting that the flood risk from pluvial sources may be medium to high. Furthermore, third party representations submitted to the application include photographs that show flooding centred at the application site however it is not verified whether the floodwater in the photographs is as a result of overland flow from the Mill Lade that serves the Pulteney Town Distillery, or whether it is surface water ponding, or snowmelt.
- 8.17 Ground level information submitted with the application however, demonstrates that the application site is below the level of the Mill Lade, and that the embankment channelling the water through the Mill Lade in this area is constructed on the application side of the lade. The photographs indicate that there are leaks within the embankment, which allow water to flow down towards the site while flow pathways across the field can be seen in the photographs provided. Additionally, the applicant has advised that the water shown in that flood event was from the Mill Lade, which is confirmed by the landowner who has advised that the specific cause of the breach in the embankment was livestock. Consequently, both the Council's FRM Team and SEPA are of the opinion that there is a significant fluvial flood risk to the site from the Mill Lade, which has not previously been captured by the SEPA Flood Map.
- 8.18 The applicant has discussed flooding issues and this flooding event with the Council's FRM Team, and has provided a brief Flood Risk Statement, written by the applicant's agent rather than a qualified engineer, along with the site sectional drawings that show the application site ground levels below those of the Mill Lade. The information also includes a letter from the landowner committing to prevent a recurrence of the breach of the embankment. While the commitment is welcomed, it must be acknowledged that the lade is over 200 years old while the embankment does not form part of a formal flood prevention scheme, it is not constructed to a verified design standard, and is not maintained on an ongoing basis by a statutory authority. The embankment's structural integrity, therefore, is not guaranteed at this present time nor into the future despite the landowners stated commitment, which itself cannot be guaranteed. In addition, the infrastructure's upkeep is outwith the control of the applicant.
- 8.19 SEPA's response, while acknowledging that in 1:200 year flood event the flow would stay within the channel if the lade remains structurally sound, highlights that the embankment is an informal flood defence and that development situated behind and 'protected by' it is vulnerable to its potential failure and/or overtopping. Indeed,

SEPA maintains that areas behind the embankment are at greater risk than would have otherwise been without the informal flood protection because in the event of failure, sudden and rapid inundation can occur with extremely high velocities and forces, which poses a significant risk to people and property. As the surface water flood extent and photographs of flooding show, the site is at a low point in the local topography where overland flow collects. As such, it has been demonstrated that because of the site's vulnerability to flooding, it is not suitable for development. Furthermore, neither the Council's FRM Team nor SEPA would support mitigation proposals such as land raising or raising finished floor levels as any development at the site would remove its flood plain capacity and storage, which would displace flood water and increase the flood risk to neighbouring properties.

- 8.20 It is noted here that the Applicant has highlighted that both SEPA and FRM removed their objections on flood risk grounds to the application for the aforementioned property Kevala, which received planning permission against officer recommendation in 2018 and is now constructed (18/02975/FUL). At the time, SEPA removed its objection to that application due to 'uncertainties' in its own strategic Flood Mapping, which, SEPA has advised is due to survey work being limited to assessing ground levels in order to incorporate topographic information into the Flood Mapping, and not including a structural assessment of the embankment of the Mill Lade. Given that FRM had no evidence of historic flooding or any other site information to suggest the presence of an unacceptable flood risk to counter the reason for SEPA withdrawing its objection, the FRM Team also removed its objection to that application. Unfortunately however, the photographic information submitted in representation to the current application shows historic flooding that had that evidence been available at the time would have resulted in FRM and SEPA maintaining their objections to that application.
- 8.21 As set out in paragraph 10.6 above, Scottish and Highland Council Planning Policy promote a precautionary approach when considering flood risk to development from all sources, favouring the avoidance of susceptible areas to promote sustainable flood management by, safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas. To that end, the piecemeal reduction of the functional floodplain should be also avoided given the cumulative effects of reducing storage capacity, while development that would have a significant risk of flooding and / or causing flooding elsewhere should not be approved. Consequently, the proposal is recommended for refusal on the grounds of unacceptable flood risk. In the event that the recommendation is not upheld and the planning authority proposes to grant planning permission contrary to SEPA's advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides that the application would require to be referred to the Scottish Ministers for determination.

Drainage

- 8.22 In terms of overall surface water drainage conditions, the applicant has provided infiltration test results showing a good infiltration rate though with a shallow water table of only 1.2m below ground level. Given the shallow water table and aforementioned flood risks, the applicant was requested to provide a short Drainage Impact Assessment to demonstrate that surface water generated from new impervious areas associated with the development (for example, roofing spaces, drive- and walk- ways) will not increase the flood risk at adjacent and

nearby properties. Unfortunately, in this instance, the applicant has advised that they feel they have exhausted their resources in providing flood risk information and information re the ownership and maintenance regime of the Mill Lade, and so have declined to pursue providing a Drainage Impact Assessment at this stage.

8.23 In terms of foul drainage, a new sewer has been installed as part of the coordinated delivery of public infrastructure at the Oldwick residential development. However, Scottish Water has confirmed that only parts of this system have been adopted so far with the remaining parts of the system to be adopted at a later date. This sewer infrastructure does not extend south of the Oldwick Development or SDA boundary. It should be noted that a condition of the Committee approval of Kevala was that it connect to the public sewer from first occupation. The applicant was able to demonstrate that it was uneconomical for the house to connect to the sewer prior to occupation due to the relative distance to the infrastructure and so a private foul treatment system has had to subsequently be approved, albeit on a temporary basis. Consequently, foul drainage for these houses is proposed via a bio disk treatment tank discharging to 2no reed beds for each property, each designed for a property of six people. This arrangement may be acceptable on condition that the private drainage arrangements are dismantled as soon as a connection to the public sewer becomes available given the proximity to the SDA boundary and potential for Wick to expand southwards. However, the proliferation of private drainage systems on the boundary of a major settlements, and/or in close proximity to an existing or proposed public sewer system, is generally considered unacceptable for environmental, public health, and amenity reasons. This is because the accumulation of increasing numbers of private foul drainage systems in areas of high developmental pressure can both jeopardise the coordinated development of the public sewer, and, increase the risk of pollution events due to, by example, poor maintenance, which was highlighted by SEPA in their response for Kevala. In this instance, a representation has highlighted a potential risk of contamination to the water environment should flood water interact with the reed beds, given that these form part of the private foul treatment system.

8.24 In the absence of a Drainage Impact Assessment however, the full impact of the private surface water and foul drainage arrangements, in particular with regard how they would interact with and potentially exacerbate flooding, are unknown and the application cannot therefore be supported on these grounds.

Developer Contributions

8.25 Following the adoption of the updated Developer Contributions Supplementary Guidance in November 2018, the Planning Authority is required to assess all new residential developments, from single houses or flats of 1Bed upwards, for potential developer contributions. The Developer Contribution required for the current application is £3,093 towards a major extension of Wick High School, a 75% small scale housing development (2 houses) has been applied to the contribution rate, which is set out in the table below. ⁰⁹³

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount)

Number of Homes Proposed	2	has already been applied)
Newton Park Primary School		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£0
Wick High School		
Build Costs	Major extension / new school	£1,055
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£1,055
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
<i>Breakdown</i>	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£1,055
Total for Development		£2,110
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

- 8.26 The applicant has 28 days from the date that the Council send the invoice for developer contributions to be paid to make a payment of the developer contributions set out in this report. Should a payment not be made with 28 days, the application shall be refused under delegated powers unless there is written agreement for an extension.

Other material considerations

- 8.27 The applicant is statutorily obliged to submit the correct Land Ownership Certificate with a planning application and to certify if there are any owners or agricultural tenants. In this instance, the landownership declaration asserts that the land that the application relates to is wholly within the applicant's ownership however the Council is aware that the access to the development would be via a private road(s) that is not in the applicant's ownership. Subsequently the applicant has been invited to amend the Landownership Certificate and confirm that notice has been served on the owner of the private road in order to ensure that the application has been assessed following due process, which includes ensuring that all parties with an interest in the application have been notified. Regrettably, the certificate has not been updated nor has the Council been informed that the road owner has been notified of the proposal, despite having been invited to do so by the Council.

Non-material considerations

- 8.28 The following issues were raised in representations but are not material planning considerations:
- preference for the Council to adopt a private road.

Matters to be secured by Section 75 Agreement

- 8.29 a) None.

9. CONCLUSION

- 9.1 The application site is outwith, but close to, the Wick Settlement Development Area and is therefore within the Wider Countryside designation of the Highland area. As set out in the report, the purpose of the SDA is to direct development with a presumption in favour of development within the SDA boundary by virtue of existing and planned infrastructure to service development. Following the committee approval of Kaval in 2018 against the officer recommendation however, the principle of siting the proposed development at the application site may be supported under the Housing Group criteria of the Council's Supplementary Guidance for Rural Housing, while the proposal for a single block of semi-detached houses may be acceptable for the site given the proximity to the Settlement Development Area. Notwithstanding the above, the proliferation of Wider Countryside developments on the boundary of settlements impedes both the strategic future growth of the settlement and the provision of appropriate infrastructure while eroding the rural landscape character of the Wider Countryside through incremental and uncoordinated suburban growth, issues Members will be acutely aware of.
- 9.2 In this instance, the development of two houses would be accessed from both the north and south via poorly maintained private single track roads in substandard condition and from a substandard junction between March Road and the A99(T). Consequently Transport Planning and the Local Roads office maintain that there is no capacity for new development along the length of March Road and the private section of Carnaby Road without substantial upgrading works. This position is reinforced by representations made to the application, which serve to highlight that further development along unmaintained private roads leads to long term amenity and neighbour impacts.
- 9.3 Furthermore, the report has set out that the site is at risk of flooding and that the Mill Lade is a potential source of fluvial flood risk. The lade is a manmade feature over 200 years old, the embankment of which is not constructed to a verified design standard, does not form part of a formal flood prevention scheme, and is not maintained on an ongoing basis by a statutory authority. Therefore, the structural integrity of the Mill Lade and its embankment in this area are not guaranteed at this present time nor into the future despite the landowners stated commitment, which itself cannot be guaranteed and is out with the gift of the applicant to ensure. Consequently, the application site is considered at an unacceptable risk of flooding whereby a flood event may result in significant risk to people and property due to existing infrastructure and topography. Should the development, if approved, flood,

it is also considered highly likely to exacerbate the flood risk to neighbouring properties, contrary to Scottish and Highland Council planning policy for flood risk. Similarly, and in the context of this flood risk, it has not been sufficiently demonstrated that the development will be appropriately drained for surface and foul drainage through a Drainage Impact Assessment.

9.3 All relevant matters have been taken into account when appraising this application. For the reasons set out above, 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.

10. IMPLICATIONS

10.1 Resource: Not applicable.

10.2 Legal: Not applicable.

10.3 Community (Equality, Poverty and Rural): Not applicable.

10.4 Climate Change/Carbon Clever: Not applicable.

10.5 Risk: Not applicable.

10.6 Gaelic: Not applicable.

11. RECOMMENDATION

Action required before decision N issued

Notification to Scottish Ministers	Yes if recommendation is not upheld
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 Policy 28 (Sustainable Design) of the Highland Wide Local Development Plan as it does not demonstrate that it is compatible with public road access servicing provision, as the access roads for journeys to and from the south, Carnaby Road and March Road (U2465), at its junction with the A9(T) is substandard and is insufficient in its current form to accommodate any additional development without significant upgrading, all to the detriment of public road safety. Furthermore, there are no formal passing places on March Road; the Council's Roads Guidelines for New Development state that passing places should be inter-visible and at a maximum distance of 150m apart.
2. The proposal is considered to be contrary to Policies 28 (Sustainable Design), 36 (Development in the Wider Countryside), 64 (Flood Risk), and 66 (Surface Water

Drainage), of the Highland Wide Local Development Plan and Scottish Planning Policy because it has been demonstrated that the application site is at unacceptable risk of flooding from the Mill Lade source, the structural integrity and maintenance of which is not guaranteed. The site is located within the lade's functional flood plain and therefore its development would increase the risk of flooding to neighbouring properties in the event of a flood event. Nor has it been sufficiently demonstrated through a Drainage Impact Assessment that the development will be appropriately drained for surface and foul drainage, which would exacerbate the flood risk to neighbouring properties.

REASON FOR DECISION

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.

Designation: Acting Head of Development Management – Highland
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - CS-1 LOCATION PLAN
Plan 2 - CS-2 SITE LAYOUT PLAN
Plan 3 - CS-3 FLOOR PLAN
Plan 4 - CS-4 ELEVATIONS
Plan 5 - CS-5 SECTION PLAN
Plan 6 - CS-2A SECTION PLAN - SITE LEVEL CROSS SECTION
Plan 7 - CS-2B SECTION PLAN - CROSS SECTION THROUGH LADE

ES: CHECK SHEET FOR PREPARING AND ISSUING DECISION

Application Number	
Decision Date	
Decision	
Decision Type	Committee

Committee date

In accordance with recommendation- Y/N

Do Not Issue Decision	Tick if relevant	Action Required (✓)	Date Actioned
Notification to Scottish Ministers			
Section 75 Obligation/Modification or Discharge of Section 75			
Revocation/Modification of Previous Permission			

Issue Decision		Tick if relevant	Standard Notes, Directions and Other Information to Include				
Tick	Dev/Decision Type	Time Scale*	Initiation Notice	Completion Notice	Display Notice	Review Notes	Appeal Notes
			Only use if FUL/AMSC & Granted				
	National	✓	✓	✓	✓		✓
	Major	✓	✓	✓	✓		✓
	Local – Sch.3 - Committee	✓	✓	✓	✓		✓
	Local – Sch.3 – Delegated	✓	✓	✓	✓	✓	
	Local – Committee	✓	✓	✓			✓
	Local – Delegated	✓	✓	✓		✓	
	Listed Building Consent	✓					✓
	Advertisement Consent	✓					✓
	Hazardous Substances Consent						✓
	Prior Notification/Approval						✓

*NB. Standard time limit note/direction not required if application retrospective.

Include with Decision Notice	(✓)
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:	

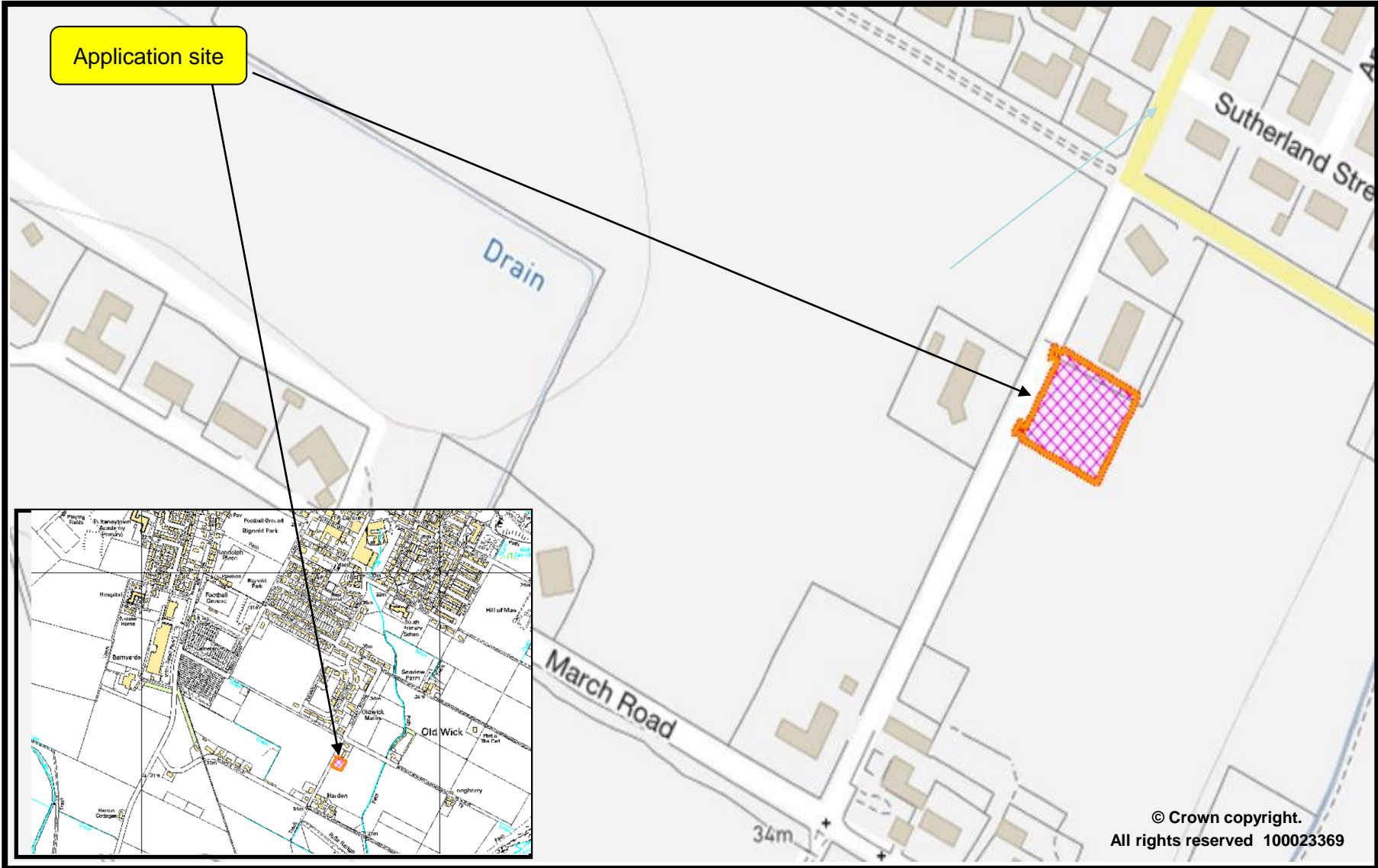
Notify of Decision	(✓)
Objectors/Contributors	
Community Council	
Transport Scotland	
Scottish Water	
SEPA	
Scottish Natural Heritage	
Health & Safety Executive (HSE)	
Transport Planning	
HQ Enforcement Team	
Monitoring Officer	
Other:	

Total Residential Units (FP3)			
Houses		Sheltered	
Flats		Affordable	

Affordable Housing Data Recording (✓)			
Required		Not Required	
UNiform screen: Functions / Case User Defined Screens / Houses and Affordable Housing			

Committee Report from web saved onto idox - public		✓			
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List of Contributors & checklist saved onto idox - sensitive	<input checked="" type="checkbox"/>			
EIA post decision advert – Y/N?	<input type="checkbox"/>			



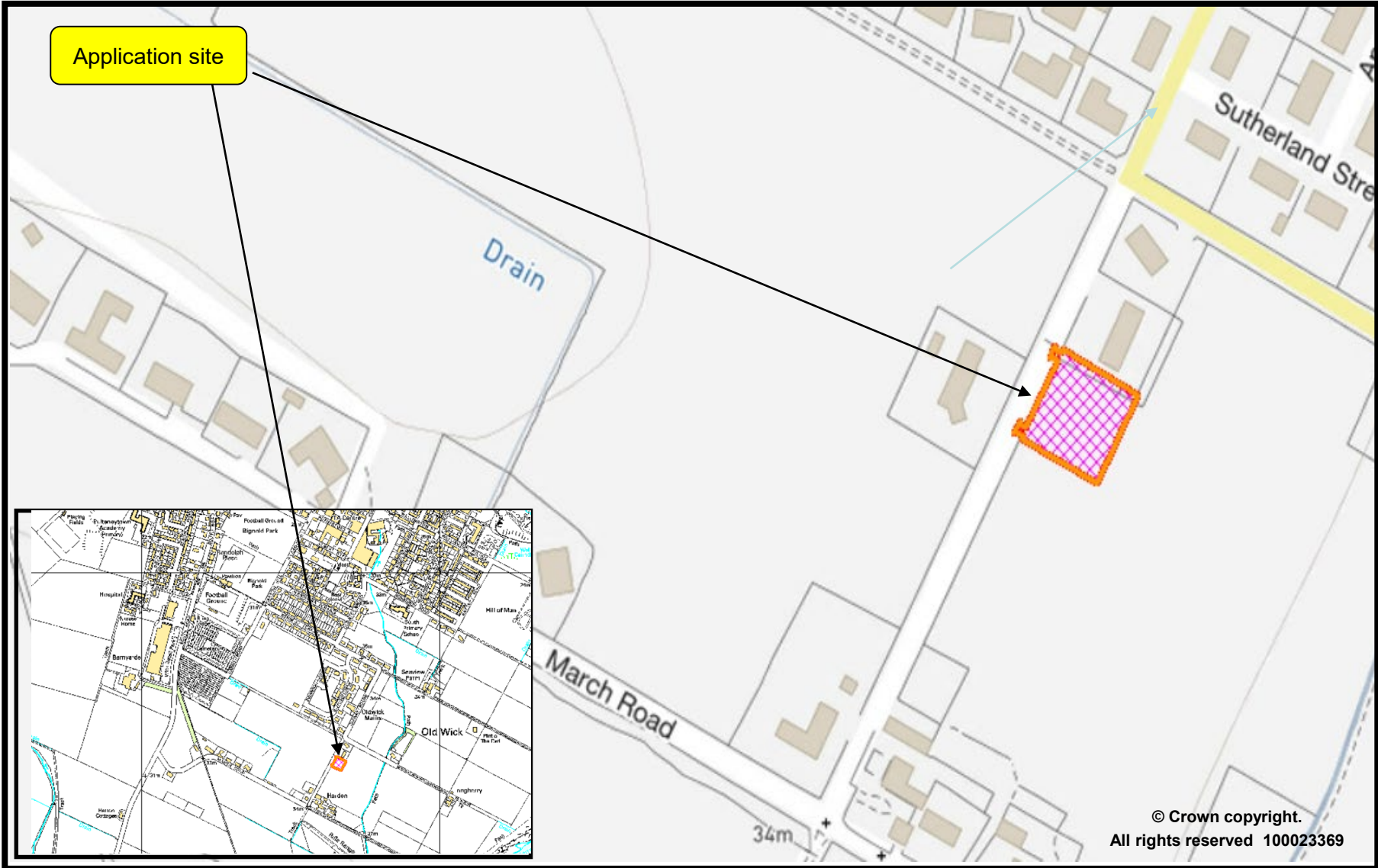
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Planning and Development Service

21/05563/FUL
Land 30m SW of Ocala, Oldwick, Wick
Erection of a block of single storey semi-detached houses

Scale:



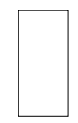
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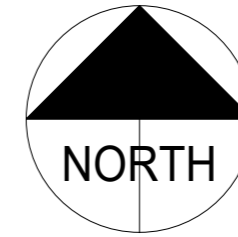
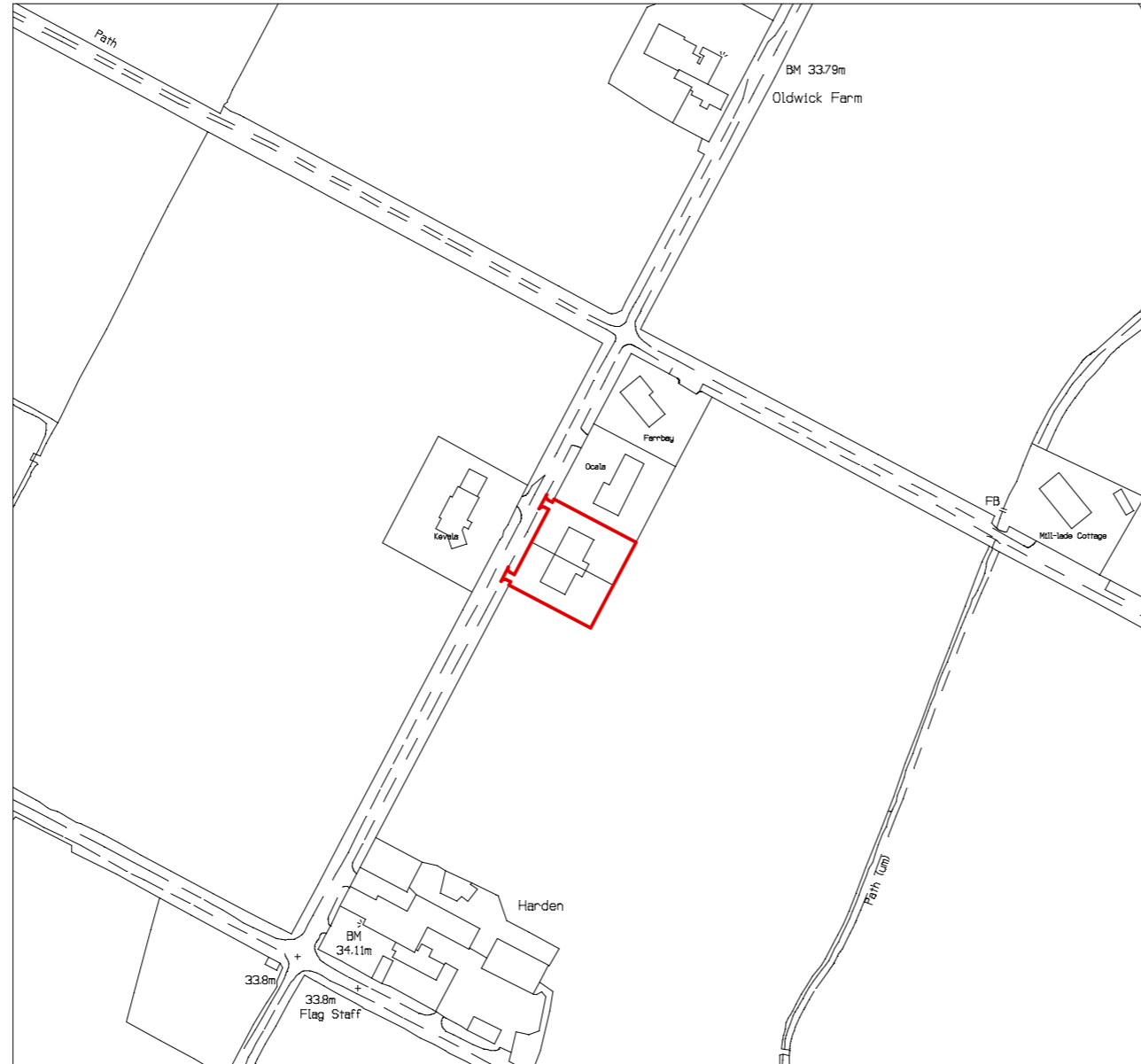
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Planning and Development Service

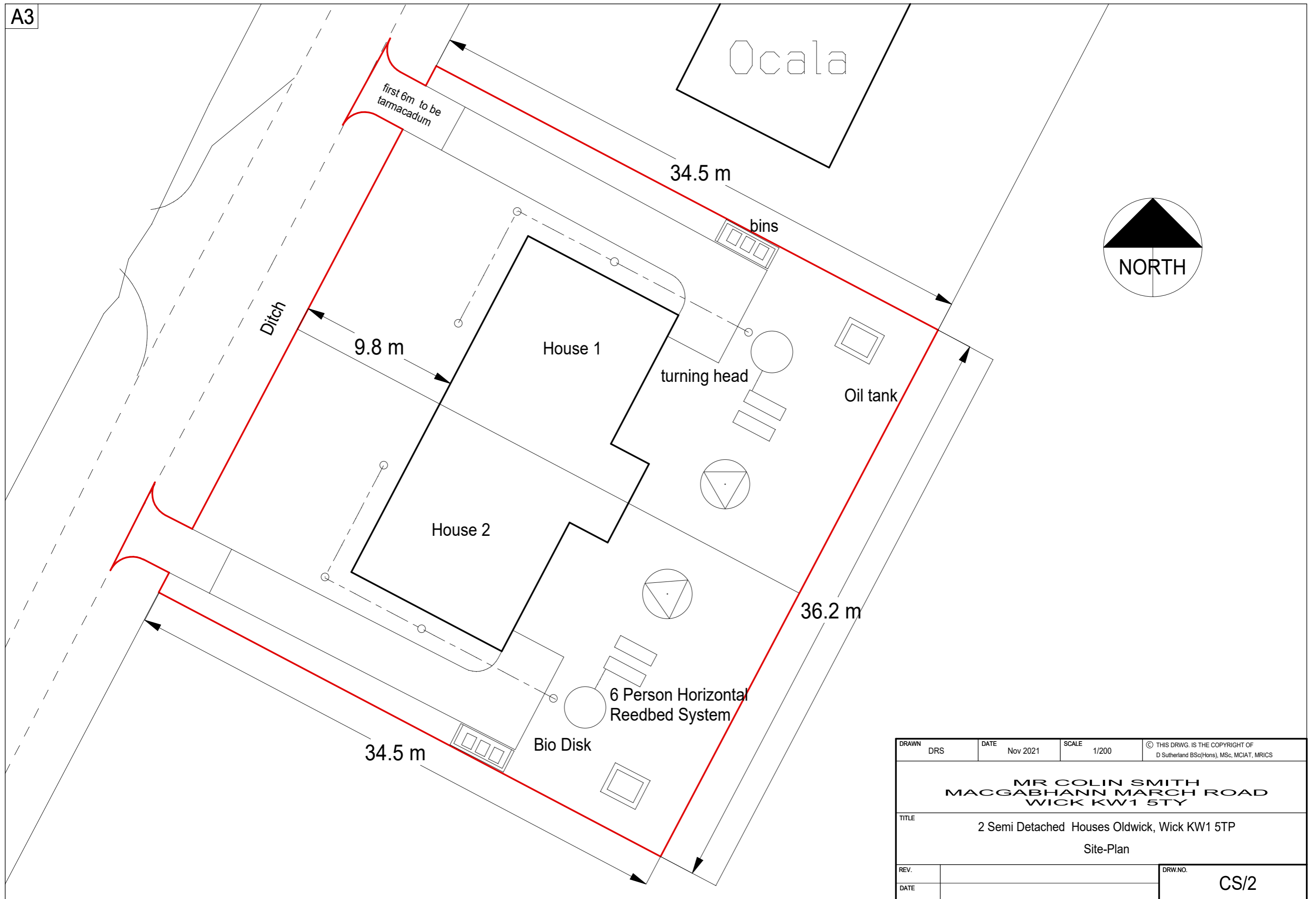
21/05563/FUL
Land 30m SW of Ocala, Oldwick, Wick
Erection of a block of single storey semi-detached houses



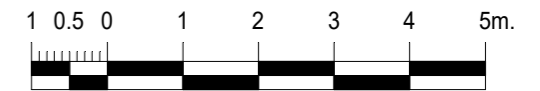
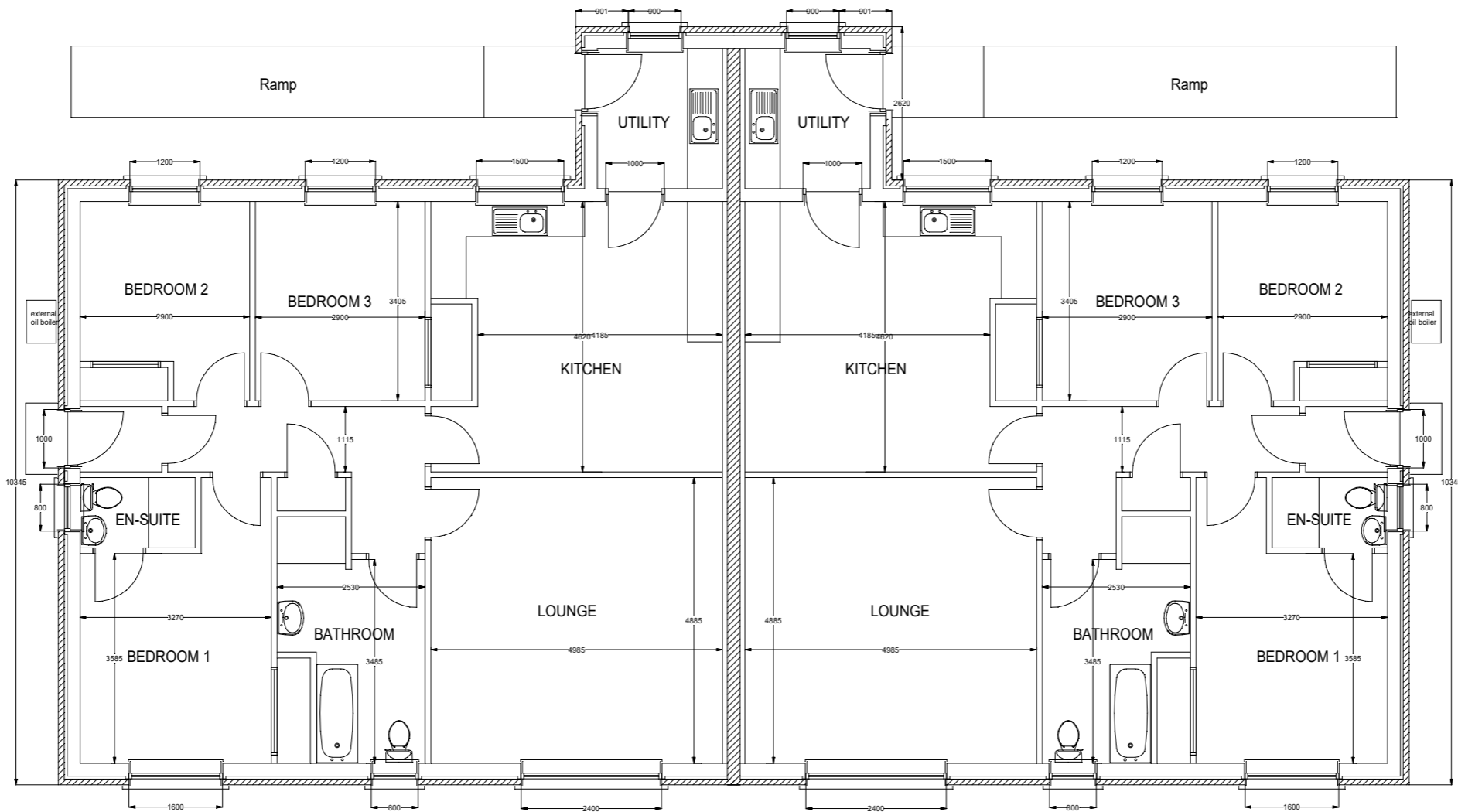
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MR COLIN SMITH MACGABHANN MARCH ROAD WICK KW1 5TY			
TITLE 2 Semi Detached Houses Oldwick, Wick KW1 5TP Location-Plan			
REV.		DRW.NO. CS/1	
DATE			

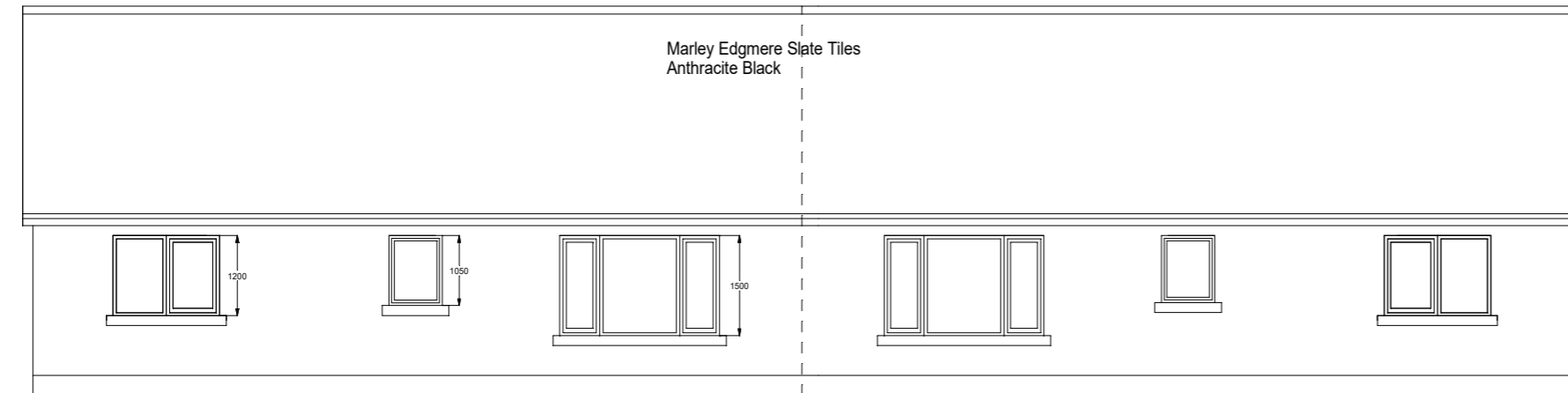


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REV.		DRW.NO.	CS/2
DATE			

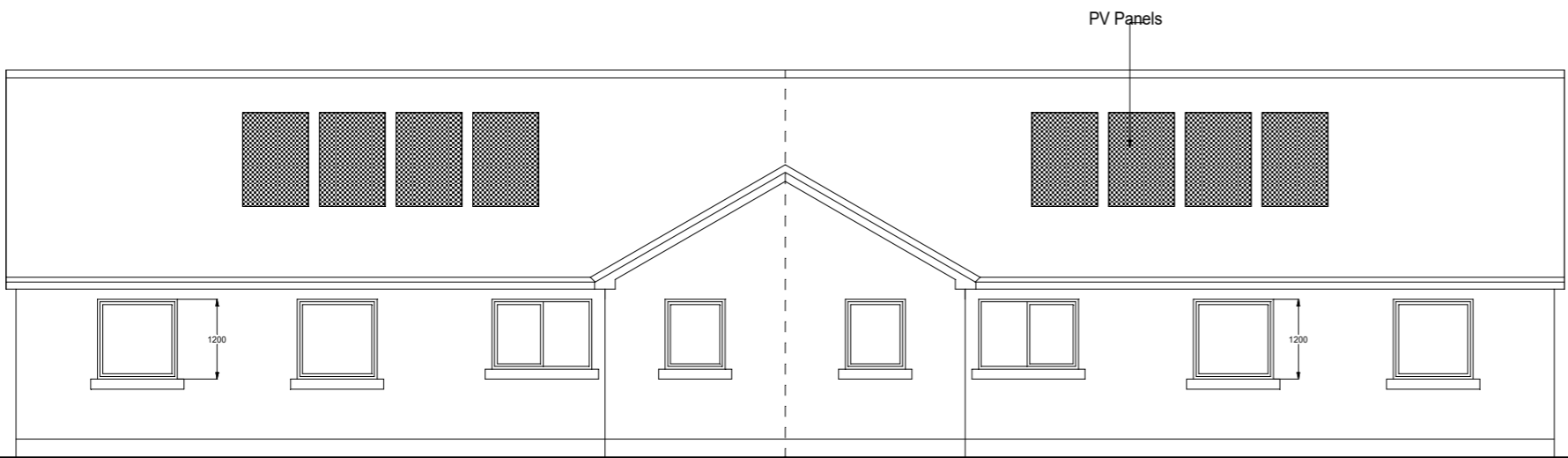


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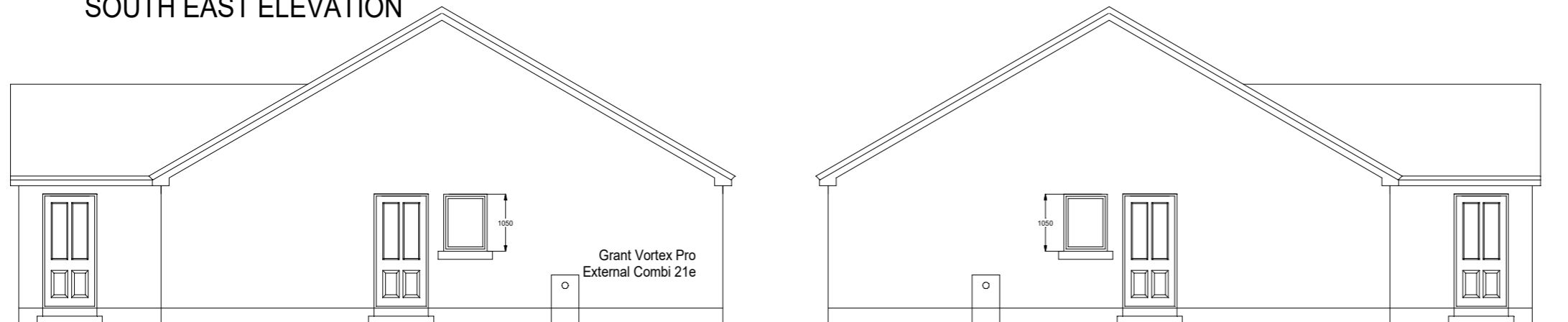
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TITLE 2 Semi Detached Houses Oldwick, Wick KW1 5TP Floor Plans			
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DATE /			



NORTH WEST ELEVATION



SOUTH EAST ELEVATION



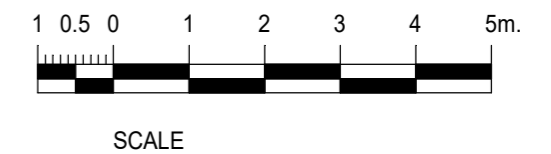
NORTH EAST ELEVATION

SOUTH WEST ELEVATION

Anthracite UPVC Windows double glazed
1.4 max U Value
all windows to be fitted with
trickle vents with area of 11000mm²
per apartment at least 1.75m above ffl

All window glazing below 800mm above
FFL to be toughened
All other Glazing below 1500mm above
FFL to be toughened
Doors and Windows to comply with
BS PAS 24: 2007 for doorsets
or BS 7950: 1997 for windows and in addition
material used should meet product standard
of BS 7412: 2007, for PVCu units
Windows fitted with restricted to prevent collision
max 100mm into areas of circulation
All doors and windows secured by design
A Manual controls to windows to be no higher than
1.7m above FFL
All windows and doors secured by design

Anthracite UPVC Windows soffits
and verges.
Rainwater goods black UPVC
All rainwater good to be constructed and installed
in accordance with BS-EN-12056-3:2000



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TITLE 2 Semi Detached Houses Oldwick, Wick KW1 5TP Semi detached Elevations			
REV. /		DRW.NO.	CS/4
DATE /			

Roof
 Attic Trussed rafters @ 600mm centres with 30 degree pitch
 Anthracite Marley Edgemere laid broken bonded
 Breathable underslating membrane
 Tyvek Supro (BBA certificates: 94/3054) or equal
 16mm butt jointed pressure treated sarking

Timber Frame Specification
 Kit manufacture and erection to follow recommendations of TRADA publication Timber Frame Construction (2nd Ed'n)

Structural timber
 All structural timber to be pressure impregnated against rot and fungal attack. All permanent exterior timber to be pre treated prior to delivery.

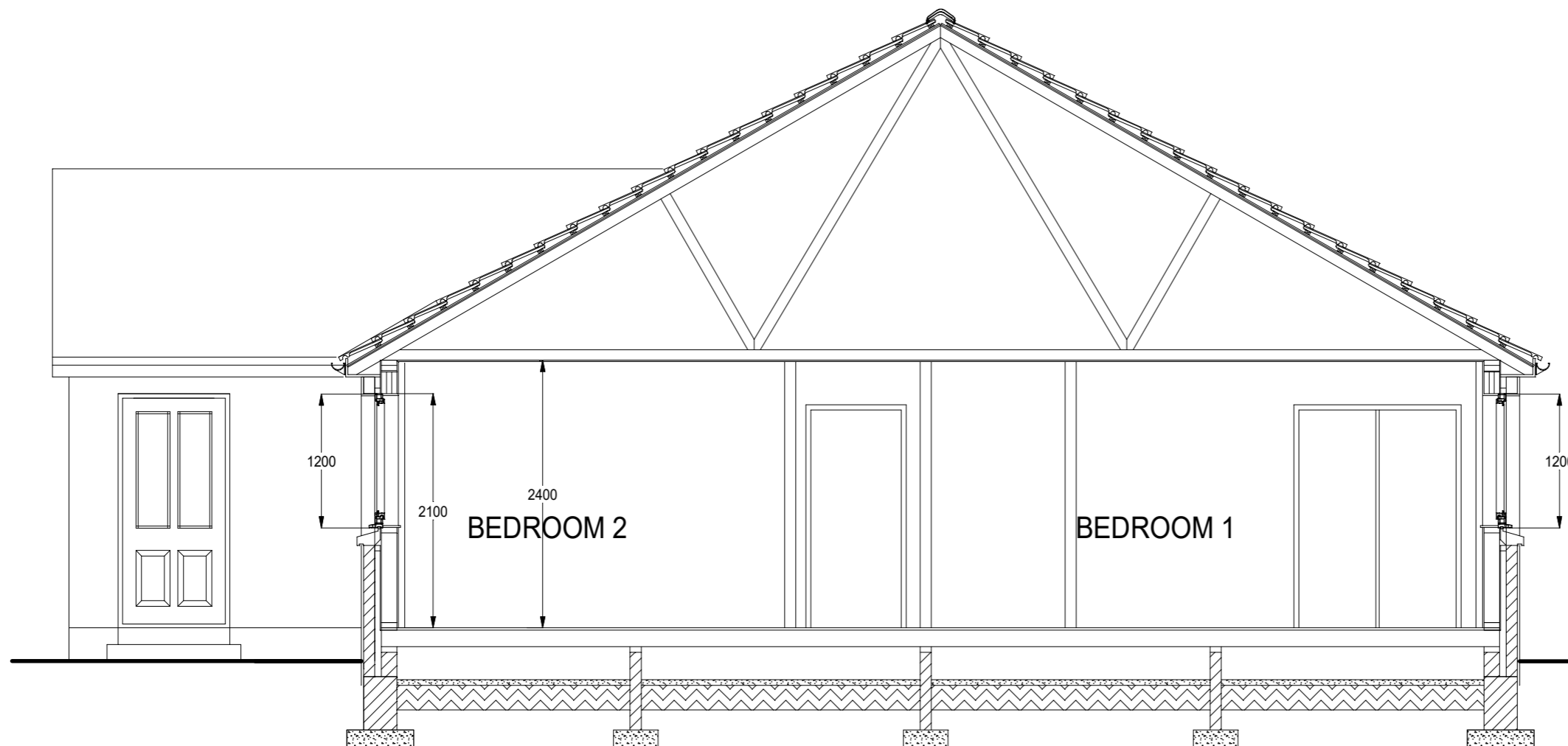
External Wall Panels (Timber Frame)

Structural External Panels
 47 x 147mm softwood framing at 600mm centres (135 x 220mm lintols to door and window openings. Ends supported on cripple studs. Longer spans to have fitch plate inserted as specified by engineer
 9mm O.S.B. (sterling board) cladding.
 Cill Plates 22 x 147mm - random lengths
 Head Binder 47 x 147mm - random lengths
 Reflectashield TF breather membrane should be fixed to frames with austentic stainless steel nails or staples at centres not more than 500mm. On areas where sheets are required to be lapped, the following dimensions must be adhered to:
 Vertical Laps - not less than 150mm
 Horizontal laps - not less than 100mm
 Ensure integrity of Reflectashield TF by overlapping upper layers over lower layers and staggering vertical joints. Protect timber at wall plate level and mark stud positions for wall tie fixings.

Fire Stops/Cavity Closers 38 x 47mm - random lengths at all doors windows, corners at max of 8m close cavity at wall head all stops fitted over breather paper paper with DPC fixed on outer face against blockwork Insulation: 140mm Crown FrameTherm Slab 32 12.5mm foil backed plasterboard over 50mm Quintherm Insulation

Timber wall panels held down with proprietary galv. m.s. holding down straps (1200 x 30 x 2.5) at 1200 c/c fixed to studs.

100mm concrete blockwork (7N/mm2) outer leaf tied to timber frame with stainless steel wall ties at 450 vertical c/c's and 600 horizontal c/c's., and every course at sides of openings.

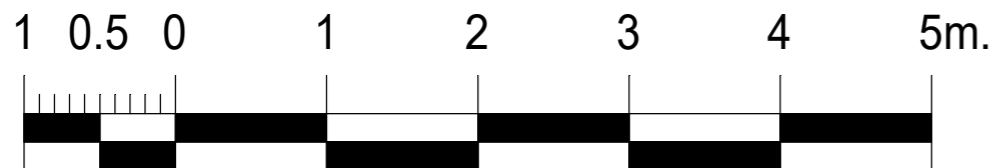


GROUND FLOOR

Foundations to be excavated to min 600mm below ground level or to the hard which ever is the greater.
 150mm deep concrete grade 30/N/mm2 with min cement content to be 300Kg/m3
 Foundations reinforced with one layer A252 mesh with 75mm cover from the bottom and 400mm between laps
 Width of strips to be as shown on foundation drawing

Excavate to reduced levels approx 420mm below FFL
 Hardcore: 220mm Granular material free from harmful matter and excessive dust or clay well graded. Thoroughly compacted
 Blinding to Hardcore: sand or fine gravel or other approved material to provide close smooth surface
 Visqueen Membrane The product should be installed on a blinded or smooth surface allowing adequate overlap for jointing between the sheets and avoiding bridging (i.e. areas of unsupported membrane). In order to provide a continuous barrier the membrane must be joined to the Visqueen Zedex CPT High Performance DPC.

Joists: 147 x 47mm tanalised joists strength class C16 @ 600centres
 Insulation: 150mm Loftroll 40 held with netlon
 Flooring: 22mm V313 T & G chipboard flooring. Joints to be glued and 10mm expansion joint left at all perimeters or junctions with walls.
 Hatches left at appropriate locations for plumbing services

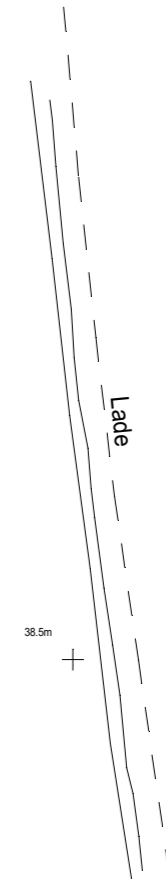
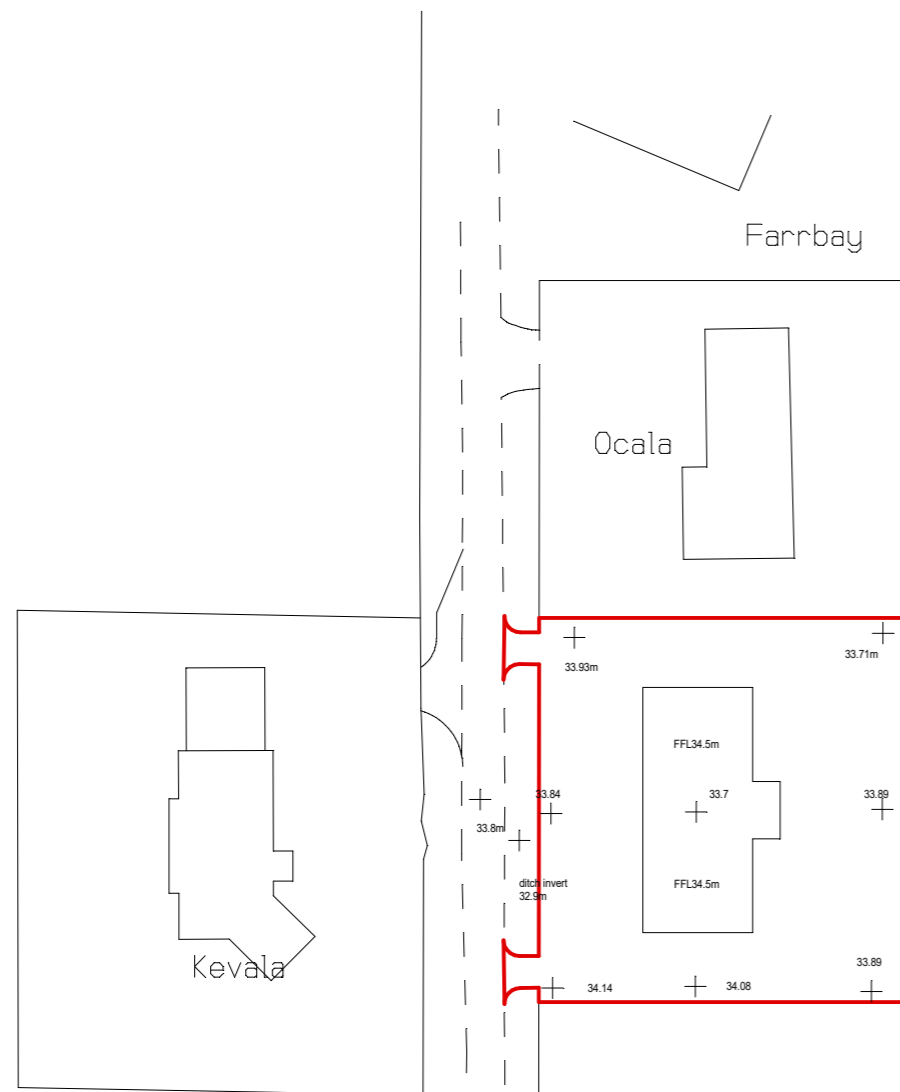


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Section			DRW.NO. CS/5
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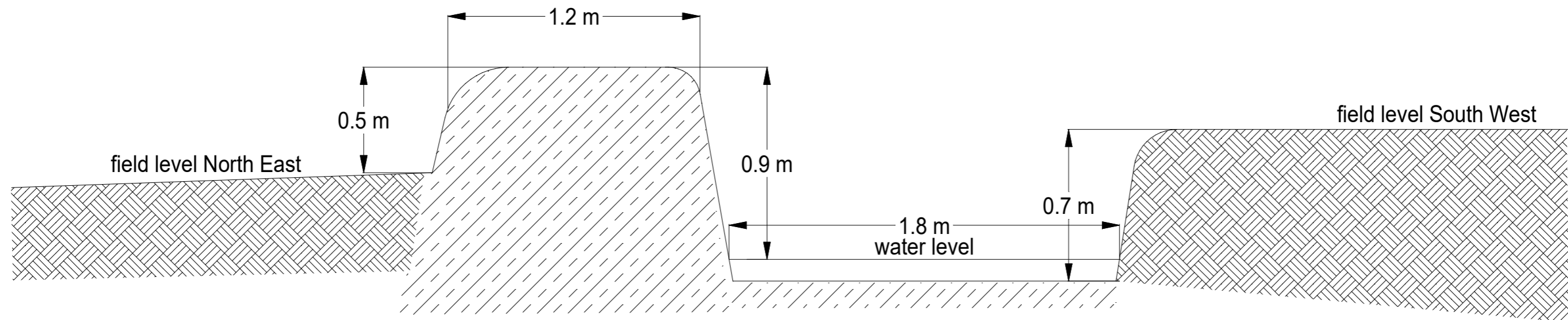


Cross section



SCALE

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TITLE New House Wick Site-Levels-Cross-Section			
REV.		DRW. NO.	CS/2a
DATE			



Cross Section Through Lade stone bund



Photo of Lade Bund Above Site



Photo of site from Lade

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TITLE New House Wick Cross Section Through Lade			
REV.		DRW.NO.	CS/2b
DATE			