

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE –
23 September 2008**

Agenda Item	5.3
Report No	51/08

08/00171/OUTCA – Formation of site for house, installation of foul drainage treatment system and mound soakaway and formation of vehicular access 160 metres north of Bonn Na Cnoc, Sarclet, Thrumster, Wick.

08/00172/OUTCA – Erection of house, installation of foul drainage treatment system and mound soakaway and formation of vehicular access at Corbie Road, Sarclet, Thrumster, Wick.

08/00210/FULCA – Erection of house and integral garage, installation of sewage treatment plant and soakaway and formation of vehicular access to north west of Bonn Na Cnoc, Sarclet, Thrumster, Wick.

08/00211/FULCA – erection of house and integral garage, installation of treatment plant and soakaway 120m south east of Spendrift, Sarclet, Thrumster, Wick.

Report by Area Planning and Building Standards Manager

SUMMARY

This report deals with four planning applications all for individual houses on the outskirts of Thrumster. Each application, in essence, complies with the Local Plan insofar as any one of them could be granted on its own. However, the Local Plan requires a spacing of 100m between dwellings at this locus and these four proposals together do not achieve the spacing criterion. Determination of these applications, therefore, comes down to timescales as to when the applications were submitted and, taking this line, it means that two of the applications i.e. 08/00172/OUTCA and 08/00171/OUTCA can be granted consent but the other two which were received later can not be approved if policy is to be respected.

The Recommendation is to GRANT outline planning permission for applications 08/00171/OUTCA and 08/00172/OUTCA and to REFUSE planning permission for applications 08/00210/FULCA and 08/00211/FULCA.

Ward Number 4 – Caithness Landward

Applicants –

08/00171/OUTCA and 08/00172/OUTCA - Mr. R. More, Sarclet, Thrumster, Wick.

08/00210/FULCA and 08/00211/FULCA – Messrs Harold and George Groat, C/o D. A. Renwick Associates, Chartered Architects, 5 Langley Park, Wick.

1. BACKGROUND

- 1.1 On 26 April 2004 two applications were received by the planning office. Both were submitted in the name of Mrs. A. Flett, per D. A. Renwick Associates, Chartered Architects, 5 Langley Park, Wick. The first application 04/00161/OUTCA sought outline planning permission for the erection of a house at Sarclet, Thrumster and the second application 04/00162/OUTCA sought outline planning permission for the erection of two houses at an adjacent site at Sarclet, Thrumster.
- 1.2 Both applications were subject to Policy 4(j) of the Caithness Local Plan which favours new housing development subject to there being a minimum spacing requirement of 100m between dwellings. As the three proposed houses could respect that spacing requirement outline planning permission was granted for all three. The decision notices granting outline planning permission were issued on 28 May 2004 and 23 June 2004 respectively.
- 1.3 As Members will be aware, subsequent applications for the Approval of Reserved Matters must be submitted within 3 years of the date of the outline planning permission. In the case of the outline consent for the two houses one such application was received within the three year period being submitted on 26 March 2007 and given the reference 07/00136/REMCA. That application was approved on 7 June 2007. Applications for the approval of reserved matters of the other two houses were not however submitted within the required time period and therefore the two previously granted outline consents expired. Applications for planning permission for those two houses were received on 1 May 2008 and are the subject of applications 08/00210/FULCA and 08/00211/FULCA which are part of the subject of this report. In themselves they would comply with Policy as they still maintain the 100m spacing between dwellings. However, prior to the submission of those two applications two other applications i.e. 08/00171/OUTCA and 08/00172/OUTCA which are also the subject of this report were submitted on 8 April 2008, prior to those other two having been received.
- 1.4 It is in the light of this background that all four of these applications must be determined.

2. PROPOSALS

- 2.1 Each of the applications seeks consent to erect a detached house with associated foul drainage system and access etc. The two applications which are in detail i.e. 08/00210/FULCA and 08/00211/FULCA propose a five apartment bungalow with integral garage and a four apartment 1½ storey house with integral garage respectively. The designs of these houses are acceptable. There are no proposals for the design of the houses for the other two applications which are in outline.

3. PUBLIC PARTICIPATION

- 3.1 A letter of objection has been received in respect of applications 08/00171/OUTCA and 08/00172/OUTCA on the basis that outline planning permission has already been granted for the other two houses for which detailed applications have been made and that these houses would thus breach the 100m spacing requirement.

3.2 A letter of objection has also been received in relation to application 08/00211/FULCA on the basis that the soakaway could cause pollution to land which the objector owns adjacent to the site. He is concerned about a possible unacceptable increase in volume of traffic on the road. He has plans to build in the area in the future and feels that this application could prejudice his intentions.

3.3 The names of those making representations are listed in an annex to this report.

4. CONSULTATIONS

4.1 **Area Roads and Community Works Manager** - No objections to any of these applications.

4.2 **Scottish Water** - Consulted on 08/00171/OUTCA and 08/00172/OUTCA: no objections. No need to consult for the other two applications as that had already been done with the previous outline planning applications.

4.3 **Scottish Hydro Electric** - No objections to the others but raises concerns that they think that an electric overhead line runs through the site which is subject application 08/00210/FULCA. However having checked the situation on site it would appear that this is not the case and that possibly the plans had been mis-read.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposals :-

Highland Structure Plan

- G2 Design for Sustainability
- H3 Housing in the Countryside

Caithness Local Plan

- Policy PP1 4(j) of the Landward Chapter of the Caithness Local Plan which supports housing development in this area but requires a 100 – 150m spacing between dwellings.

5.2 The proposals also require to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN):

- SPP3 Housing
- PAN 72 Housing in the Countryside
- PAN 67 Housing Quality.

6. PLANNING APPRAISAL

6.1 **Determining issues** – 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.

6.2 The proposals requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposals require detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by objectors

- 6.3 With regard to the grounds of objection raised in paragraph 3.1 above it must be considered that these objections are irrelevant given that the outline consents referred to expired over a year ago. With regard to the grounds of objection outlined in paragraph 3.2, I would respond that the applications contain successful infiltration test results and that the Area Roads and Community Works Manager has no objections to the proposals from a traffic volume perspective. The last ground of objection can not be supported as the proposals ostensibly comply with the Local Plan.
- 6.4 Whilst all of the four proposed houses in themselves comply with the Local Plan not all four can be approved and comply with the Local Plan. In that circumstance it must therefore come down to a “who came first” stand point. In that respect, the two applications which were submitted earliest are 08/00171/OUTCA and 0/00172/OUTCA and those two applications can be approved in compliance with the Local Plan. The other two applications, however, would involve those houses being located too close – in terms of the spacing criterion – to the house granted under reference 08/00172/OUTCA, thus making them contrary to the Local Plan.
- 6.5 This situation is quite undesirable and in many ways iniquitous. It was probably not envisaged that this kind of problem would occur when the Local Plan was devised and these spacing requirements specified. However that is the situation and therefore the recommendation must be to approve applications 08/00171/OUTCA and 08/00172/OUTCA and to refuse applications 08/00210/FULCA and 08/00211/FULCA on the basis that they would then be contrary to the Local Plan.

RECOMMENDATION

Grant planning permission for application numbers 08/00171/OUTCA and 08/00172/OUTCA subject to the following conditions:

- 1 A further application shall be made to the planning authority within three years of the date of this permission for the Approval of Reserved Matters and no works shall be commenced on any part of the site until the permission of the planning authority has been granted in writing for such proposals. Reserved Matters shall include the siting, design and external appearance of all buildings, the means of access thereto and proposals for landscaping including the design and appearance of boundary enclosures of the site.

Reason: The application is in outline only and no such details have been submitted with the application.

- 2 Prior to the occupation of the house hereby approved visibility splays of 2.5 m x 180m in both directions shall be provided and thereafter maintained free of any obstruction above adjacent carriageway levels

Reason: In the interests of road safety.

- 3 Notwithstanding the submitted details the access drive shall have a minimum width of 3.3 metres.

Reason: In the interests of road safety.

Refuse planning permission for application numbers 08/00210/FULCA and 08/00211/FULCA for the following reason:

1. The proposed house would be contrary to Policy PP1 4(j) of the Caithness Local Plan insofar as the house can not achieve the required minimum spacing of 100 metres between dwellings because permission exists for the erection of a house within 100 metres of the house applied for.

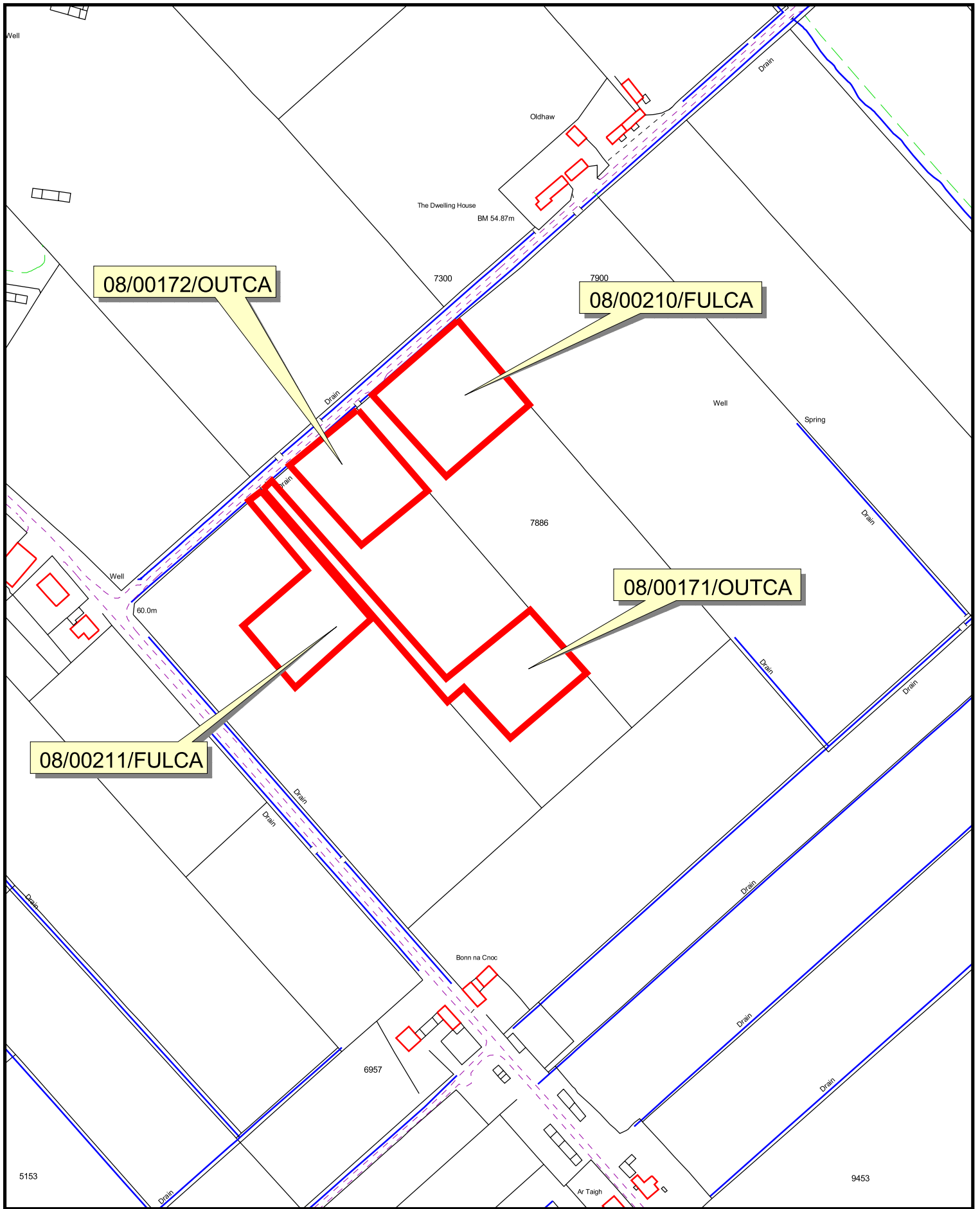
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Iain Ewart 01955 607751

Background Papers: As referred to in the report above and case file reference numbers 04/00161/OUTCA, 04/00162/OUTCA and 07/00136/REMCA.

Date: 15 September 2008



08/00171/OUTCA - Formation of site for house, installation of foul drainage treatment system and mound soakaway, formation of vehicular access at Land 160M North Of Bonn-Na-Cnoc, Sarclet, Thrumster
08/00172/OUTCA - Erection of house, installation of foul drainage treatment system and mound soakaway, formation of vehicular access at Land South West Of The Dwelling House, Sarclet, Thrumster
 Applicant: Mr R More per Mr J Gunn, Ralph Ogg And Partners
 Chartered Quantity Surveyors, 2 King James Place
 Perth, PH2 8AE

08/00210/FULCA - Erection of house and integral garage, installation of sewage treatment plant and soakaway, formation of vehicular access at Land To North West Of Bonn-Na-Cnoc, Sarclet, Thrumster
08/00211/FULCA - Erection of house and integral garage, formation of vehicular access, installation of treatment plant and soakaway at Land 120M South East Of Spendrift, Sarclet, Thrumster
 Applicants: Messrs H & G Groat per D A Renwick Associates, 5 Langley Park, Wick

Date: 16 Sept 2008

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