

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING
APPLICATIONS COMMITTEE – 3 NOVEMBER 2009**

Agenda Item	3.5
Report No	50/09

**08/00426/OUTCA :Erection of 3 houses (In Outline)
Land to east of Morven, Duncanshill, Weydale, Thurso**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of three houses (Outline)

Recommendation : **REFUSE outline planning permission**

Ward : 04 - Landward Caithness

Development category : Local

Pre-determination hearing : Not applicable

Reason not delegated : Application has received more than 5 representations.

1. PROPOSAL

1.1 The application is in outline and seeks to establish the principle of developing the site for 3 houses.

1.2 No pre-application advice was sought by the agent.

1.3 There is a nearby public sewer.

1.4 No supporting documents have been submitted with the application. An adjusted plan showing how various TECS' requirements can be provided has been received.

A letter from the agent received on 16 October 2009 suggests the following:

- Shortage of building sites in the hinterland around Thurso – proposal will help to alleviate this.
- Only area in hinterland with modern sewage system.
- Permission has already been granted for a single house.
- Scale and siting of development will respect the character and amenity of the group.
- TEC Services have no objection if the access road is widened and aligned. Applicant obtained permission from owner of field to make road adjustments. TEC Services have no concerns about the increase in traffic on Weydale road.
- New guidelines from Council on housing policy in the area allow a more

flexible approach to 'rounding off' an existing housing group.

2. SITE DESCRIPTION

- 2.1 The site is approximately 1.3km to the south east of the Thurso town boundary and covers approximately 0.33ha. The ground is relatively flat and open and covered in poor quality vegetation. It is located to the east side and end of the single track road which currently serves 3 houses. There are other houses in the surrounding area, primarily to the west and south east strung out along the main road from Thurso.

3. PLANNING HISTORY

- 3.1 07/00033/OUTCA – Erection of 2no. houses and formation of vehicular access. Refused by Committee 20 April 2007. Subsequent Appeal to Scottish Ministers dismissed 27 September 2007. Site overlaps current application site.
- 08/00081/FULCA – Erection of house and formation of vehicular access (Re-application superseding 05/00305/FULCA). Approved 18 March 2008. Site lies to the north of the current application site.
- 05/00305/FULCA – Erection of dwellinghouse. Approved 18 November 2005. Site lies to the north of the current application site.
- 04/00473/OUTCA – Erection of dwellinghouse, formation of vehicular access. Approved by Committee on 11 January 2005 following recommendation to refuse. Site lies to the north of the current application site.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Departure from the Development Plan
Representation deadline : 7 November 2008

Timeous representations :	For - 0	Against - 8	Neutral - 0
Late representations :	For - 0	Against - 0	Neutral - 0

- 4.2 Timeous points raised are summarised as follows:

- Contrary to Policy H3 of Highland Structure Plan – Does not meet the exceptions to the policy.
- Contrary to Policy PP3 of Caithness Local Plan – presumes against housing. Site lies outside settlement boundary as defined by the Local Plan.
- Sewage treatment – No means of connection to sewer within the site boundary. Private sewage treatment may not be possible due to flooding of the site during the year.
- Access – Single track road to Thurso cannot cope with extra traffic.

- Potential availability of services should not be considered as a justification for more houses.
- Currently houses available in the area to buy. No local demand for more houses.
- Development is speculative.
- Setting of a precedent for further housing.
- Original applications 08/00081/FULCA and 05/00305/FULCA should not have been passed and a time limit should be set on its completion.
- Previous application (07/00033/OUTCA for 2 houses) was refused by Committee and subsequent Appeal dismissed by Scottish Ministers. Now application made for 3 houses.

4.3 All letters of representation can be viewed at the Area Planning Office.

5. CONSULTATIONS

5.1 **Area Roads and Community Works Manager:** 3 July 2009 – The Duncanshill Road is not suitable for further development without improvements. These are required to allow the safe passage of pedestrians and vehicles especially service vehicles such as for refuse collection and snow clearing. There is no turning head or suitable passing place on the access road. An unclassified single track rural road should be 3.3m wide with 2m verges – the current road is variable in width but typically 2.4m wide with verges.

5.2 **Development Plans:** The new guidance accompanying the Structure Plan Housing in the Countryside policy notes that small housing groups can offer potential to meet the demands for housing in the countryside. In Caithness, where economic and social regeneration remains a priority, the flexible approach will apply to the dispersed townships, housing groups and settlements identified in policies 11, 12 and 13 of the Landward section of the adopted Caithness Local plan.

5.3 The proposal falls under this new approach. It is therefore important that the proposal is assessed against paragraph 3.11 of the guidance to determine whether it is suitable for further growth. In my view, the proposal broadly meets the requirements of the guidance, albeit that there do remain elements such as the upgrading of the road and the final layout and number of houses which may require further assessment on the ground.

5.4 **Scottish Water :** There is a nearby sewer but we have not been able to verify that a physical connection to the sewer can be made.

6. POLICY

6.1 The following policies are relevant to the assessment of the proposal :

Highland Structure Plan 2001

G2	Design for Sustainability
H3	Housing in the Countryside
Caithness Local Plan 2002	PP3 (13) – Settlement identified as being service deficient with further development constrained until road widening and footpath provision undertaken.

Housing in the Countryside: Interim Supplementary Guidance 2009

- 6.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), National Planning Policy Guidelines (NPPG), and Planning Advice Notes (PAN):
- Scottish Planning Policy

7. PLANNING APPRAISAL

- 7.1 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.
- 7.2 Proposals require 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. Proposals require detailed assessment of the following fundamental issues, where relevant:
- 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 the objectors

7.3 Key issues

The key issues relating to this application are the planning policies (section 7.4), servicing (section 7.10), representations (section 7.12).

7.4 Policy

In August 2009, the Council amended the development plan policy guidelines accompanying the Structure Plan Housing in the Countryside Policy H3. This change allows for the development of housing where a housing group is identified, subject to other planning criteria in relation to siting, design, etc being met. The existence of a housing group will be determined by there being at least three houses in close proximity to one another.

- 7.5 Members will note that the new guidelines for Policy H3 are a clear and up to date indication of how housing development should be dealt with. These guidelines allow for a more flexible approach to ensure that appropriate opportunities for

further small scale development or “rounding off” of housing groups is enabled and supported. The change in the guidance is particularly notable in the Hinterland areas around towns, such as Thurso, where it is designed to allow further limited housing development of existing housing groups.

7.6 I would advise Members that the change in the guidance would, in principle, allow for some limited development in the area.

7.7 The Local Plan details a settlement boundary around the existing housing and the proposed site does lie outside of this boundary, thereby making the proposal contrary to the adopted Caithness Local Plan policy. However, Members should note that greater emphasis must now be placed on the amended guidelines associated with Policy H3 than on the older Local Plan policy and therefore the balance of assessment on policy grounds has in this instance moved from the Local Plan Policy PP3 to the Structure Plan Policy H3..

7.8 Furthermore, the guidance to Policy H3 notes that to be an acceptable form of development, proposals for new housing in housing groups should address the following:

- The scale and siting of new development should reflect and respect the character and amenity of the existing housing group and the individual houses within the group;
- Any new build should be located within a reasonable distance of the existing properties within the housing group. The distance between existing properties and proposed new build should be guided by the spacing between the existing properties within the group;
- Proposals must not be visually intrusive in the landscape, or detrimental to landscape characteristics, scenic quality or attributes of the group;

7.9 Proposals must be able to be accommodated by the local road network and relevant junctions. The development of existing housing groups may require the upgrading of existing services, infrastructure and access

7.10 **Servicing**

Members will note that TEC Services have indicated that the access road to the site is not currently suitable for further development without various improvements being made by the applicant and at her expense. These include the widening of the road to at least 3.4m with a 1m verge, the relocation of the existing boundary fence, and the provision of a re-aligned/passing place to the east of ‘Sithean’. Following a site meeting, the applicant has provided a plan showing these enabling works which she would intend undertaking. These are matters which could be secured and controlled by appropriate conditions.

7.11 The applicant has also indicated that she intends connecting to the existing public sewer which lies to the south of the site, running along the public road to Thurso. Scottish Water have advised that there is a nearby sewer but have not been able to verify that a physical connection to the sewer can be made.

7.12 **Representations**

The representations have been summarised at section 4.2. In response to these, I would advise Members as follows :

- Contrary to Policy H3 – The proposal does now generally meet the requirements of the new guidance to the policy in principle.
- Contrary to Policy PP3 of Caithness Local Plan – Whilst the site lies outside of the settlement boundary and therefore does not accord with Policy PP3, greater emphasis is now placed on the amended guidelines associated with Policy H3 than on the older Local Plan Policy PP3.
- Sewage treatment – A mains sewerage connection is proposed. Scottish Water have advised that whilst there is a nearby sewer they have not been able to verify that a physical connection to the sewer can be made. Any approval should be on the basis of a connection to the public sewer, which can be covered by condition.
- Access – single track road cannot cope with traffic – TEC Services have advised that the road is acceptable. However, any further housing development requires that the road is improved in accordance with TECS' advice. Any approval should be on the basis of appropriate conditions to ensure that this does take place and at the developer's expense prior to the commencement of any construction of any single house.
- Potential availability of services should not be considered as a justification for more houses – I would advise Members that I would agree with this.
- Currently houses available in the area to buy. No local demand for more houses. Speculative development. – These are not material planning considerations relevant to determination of this application.
- Setting precedent for further housing – Applications are assessed on their individual merits in accordance with policy. However, inappropriate and poorly designed housing which does not fit with the existing character, density and pattern of development does make it more difficult to resist further inappropriate development.

7.13 **Assessment of the Proposal**

It is considered that there is some scope at Duncanshill for further housing development in accordance with the new guidance associated with Policy H3. Notwithstanding this guidance, Members must take account of other relevant policies, representations and any other material considerations.

Applications have to be assessed on the extent to which they are compatible with:

- service provision such as sewerage and road access
- impact on individual and community residential amenity

- demonstrate sensitive siting in keeping with local character

Proposals which are judged to be significantly detrimental in terms of these criteria would not accord with the Development Plan.

- 7.14 General compliance with Policy H3 in principle – insofar as it encourages some further limited development of an existing housing group (as is the case here) – does not mean that the detail of the proposal is acceptable as it may not accord with all of the development plan policies, including Policy G2. Members should note that the proposal should not be assessed against Policy H3 in isolation of other policies.
- 7.15 In this instance the main consideration in my view is whether the numbers and indicative locations of houses proposed off this single track road is acceptable in terms of these policies, or not. Regard must be had to the recent planning history of the site as detailed at section 3.1 as it is a very material consideration. There has recently been a dismissed appeal for 2 houses on the site (07/00033/OUTCA). Furthermore, there is a detailed permission for a single house (08/00081/FULCA) to the north of the site. The applicant now wishes 3 houses on the site in addition to this single house. So, if planning permission was granted for the proposal, there would be permission, both in detail and in principle, for a total of four houses to the northern end of the single track Duncanshill Road, in addition to the existing 3 houses served from the road – arguably 4 houses if ‘Sithean’ is included.
- 7.16 This would be a very significant increase in the number of houses in a relatively limited area at the northern end of the Duncanshill Road. This increase would have a considerable impact on the existing built character of the area, and the form and pattern of development. Furthermore, it is considered that the development of 3 further houses would have a significant impact on both individual and community residential amenity. Accordingly, the proposal for 3 houses does not meet the requirements of Policy G2.
- 7.17 Members will note that the new guidance associated with Policy H3 (set out at section 7.4) requires that the scale and siting of new development should reflect and respect the character and amenity of the existing housing group and the individual houses within the group. In my assessment, the development of 3 houses as submitted does not reflect or respect the character and amenity of the existing housing group, or the individual houses. I also consider that the spacing between the proposed houses does not reflect the existing and established spacing of housing at Duncanshill. The development of 3 houses here would also be visually intrusive in the landscape and would be or detrimental to landscape detrimental to the characteristics, scenic quality and attributes of the established group of houses.
- 7.18 The applicant has indicated that they will undertake various works to the existing road to enable the proposed development, as required by the new guidance associated with Policy H3.
- 7.19 Notwithstanding this, I am of the view that a single house on the site would be more appropriate and would better reflect the existing pattern of development

found in the immediate area. The pattern of development is of single houses off the single track Duncanshill Road – it is considered that this form of development would be far more appropriate than the current proposal. It is conceivable that up to 3 houses could be developed at a far lower density along the east side of the Duncanshill Road down to the main road into Thurso, thereby replicating the existing pattern on the west side of the road. This of course would need to be subject to a further application. This option has been explored with the applicant during a site meeting but without success. Members will note that TEC Services have advised that the road improvements detailed at section 5.1 are required for further housing development off the Duncanshill Road, whether a single, or 3 houses.

8. CONCLUSION

8.1 I would advise Members that the development of housing here is acceptable in principle and meets the general thrust of the new guidance in that it would constitute the development of the existing housing group. However, the indicative layout and numbers of houses is not considered to meet the requirements of the development plan policies and would result in an overdevelopment of the land in a form and structure unrelated to the existing pattern of housing in the immediate area.

Accordingly I would recommend that the proposal is refused.

Members may wish to consider whether a further application for housing relating better to the existing pattern of development (with a maximum of 3 houses in a linear form) at Duncanshill Road would be considered more favourably.

RECOMMENDATION

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

It is recommended that the application be **Refused** for the following reasons:

1. The proposal does not accord with Highland Structure Plan Policy G2 Design for Sustainability as it would result in the overdevelopment of the site in a form and structure unrelated to the existing pattern of housing.

2. The proposal does not accord with Highland Structure Plan Policy G2 Design for Sustainability as it would have a significantly detrimental impact on both individual and community residential amenity by virtue of its scale and lack of relationship to the existing built form and established character of the area.
3. The development of three houses does not reflect or respect the character and amenity of the existing housing group, or the individual houses and therefore does not accord with Highland Structure Plan Policy H3 Housing in the Countryside.
4. The spacing between the proposed houses does not reflect the existing and established spacing pattern of housing at Duncanshill and therefore does not accord with Highland Structure Plan Policy H3 Housing in the Countryside.
5. The development of three houses would be visually intrusive in the landscape and would be detrimental to the characteristics, scenic quality and attributes of the established group of houses and therefore does not accord with Highland Structure Plan Policy H3 Housing in the Countryside.
6. Approval of the proposal would set an undesirable precedent making it difficult to refuse applications of a similar nature in the future.

Note to Applicant : None

Signature: Allan J Todd

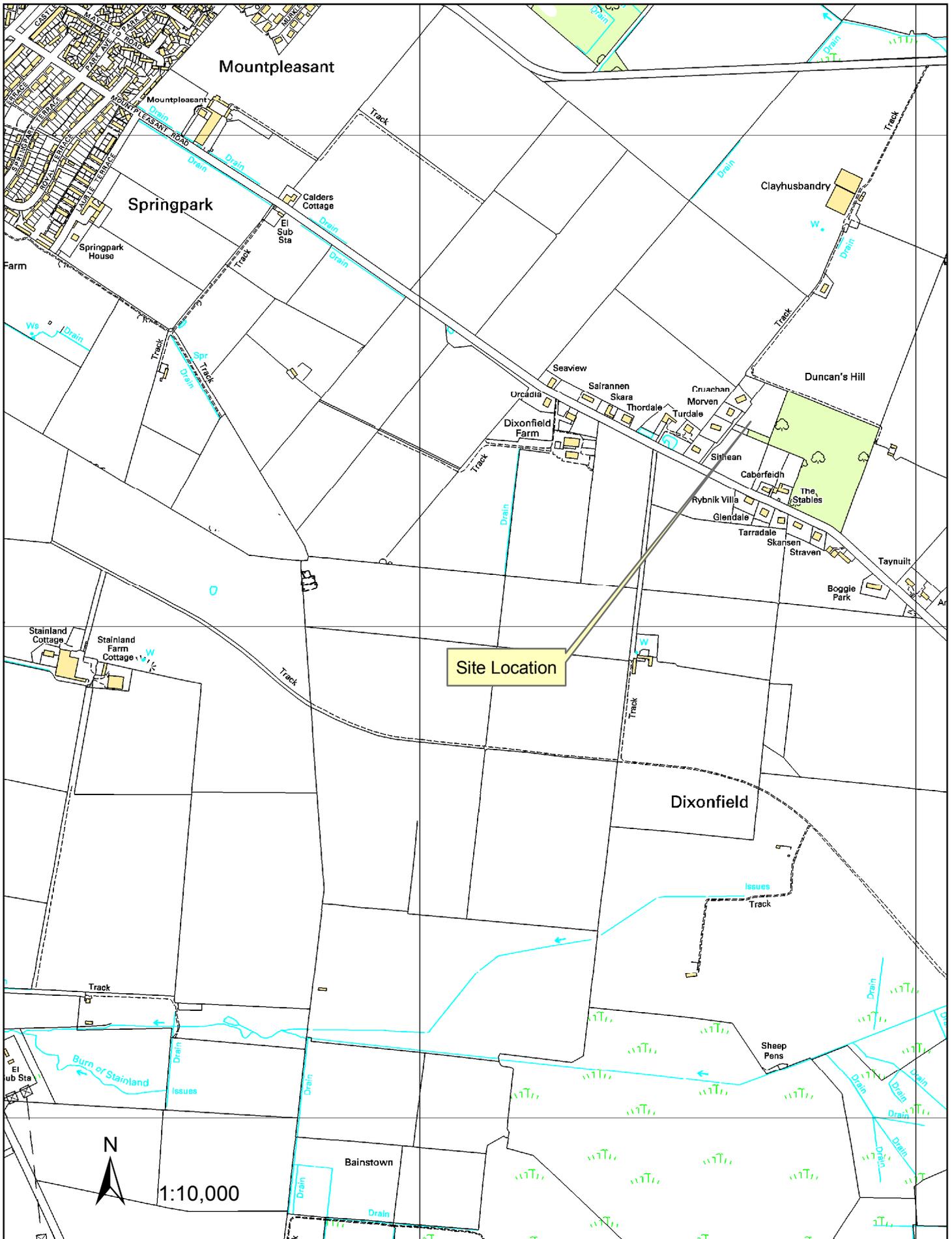
Designation: Area Planning & Building Standards Manager (Caithness, Sutherland and Easter Ross)

Author: Bob Robertson

Report Date: 20 October 2009

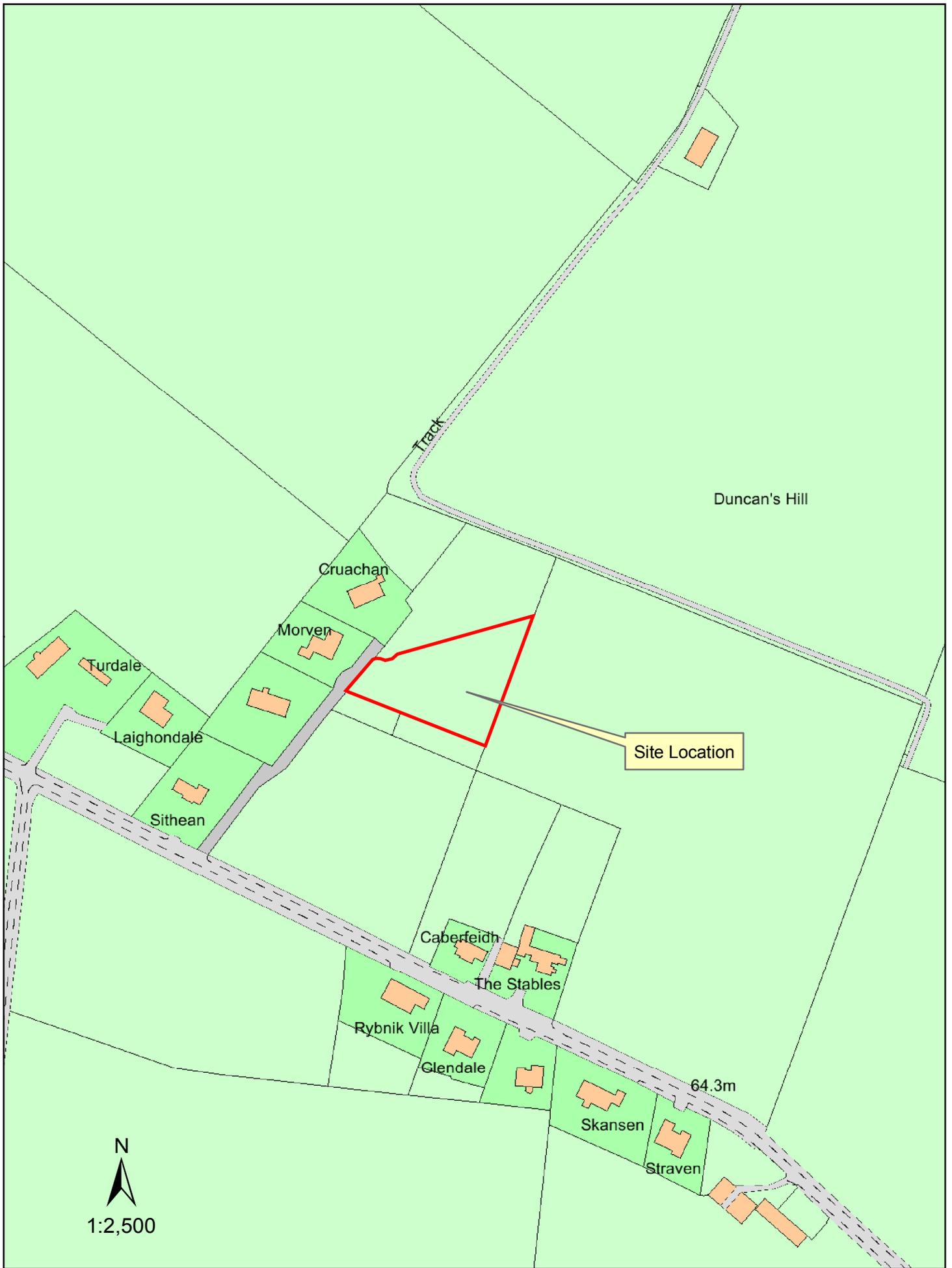
Background Papers: Highland Structure Plan (2001)
Caithness Local Plan (2002)
Housing in the Countryside: Interim Supplementary Guidance 2009
As referred to in the report above and case file reference number
08/00426/OUTCA

Relevant Plans: Plan 1 – Location / Site Plan
Additional Plan 1 – Proposed road improvements



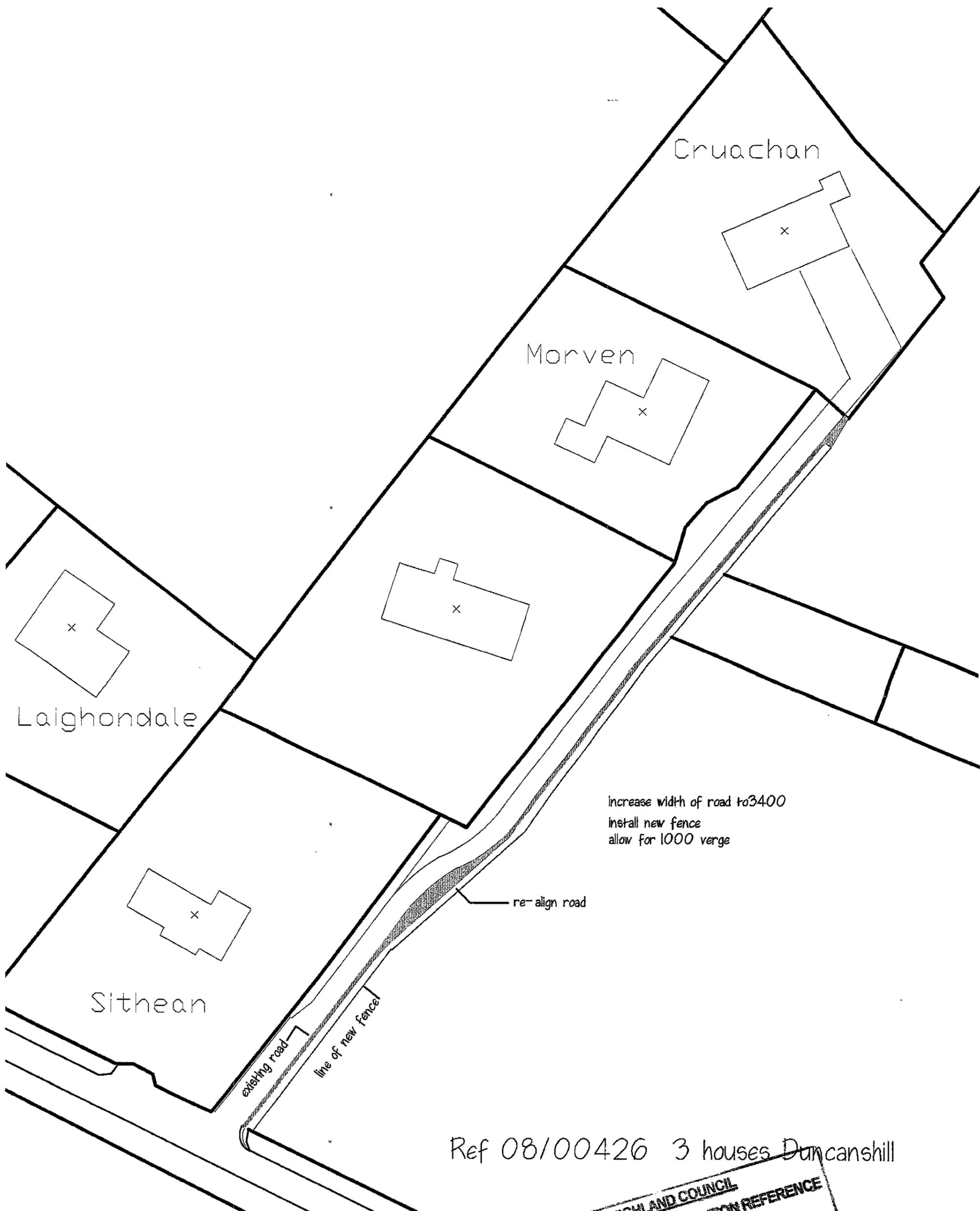
08/00426/OUTCA
 Erection of three houses (outline) at
 Land to East of Morven, Duncanshill, Weydale, Thurso.

Mrs Fitzgerald
 per Mr H Mackay
 28 Grove Lane
 Thurso
 KW14 8AE



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Ref 08/00426 3 houses Duncanshill

Additional THE HIGHLAND COUNCIL
PLAN 1 OF OF APPLICATION REFERENCE
08/00426/OUTCA
RECEIVED 14/10/09