THE HIGHLAND COUNCIL	Agenda Item	4.1
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING APPLICATIONS COMMITTEE – 15 March 2011	Report No	PLC/005/11

10/03006/FUL : Galliford Try Construction Land West Of Evelix Cottage, Scotsburn, Lamington

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of 3 houses and associated access and services

Recommendation: GRANT

Ward: 08 - Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : No Hearing required

Reason referred to Committee : More than 5 unresolved representations as per Scheme of Delegation.

1. PROPOSED DEVELOPMENT

1.1 The application is in detail for 3 detached houses with garages, individual private foul drainage systems and a single access to the public road.

The 3 houses are individual designs:

- 1. Plot 1 western site the house is a 1.75 storey T-plan, with the 'foot' of the Tplan projecting towards the road, with an overall floor area of approximately 149sqm.
- 2. Plot 2 middle site the house is a 1.5 storey T-plan, with the 'foot' of the Tplan projecting towards the forestry to the north, with an overall floor area of approximately 165sqm.
- 3. Plot 3 eastern site the house is a 1.75 storey T-plan, with the 'foot' of the Tplan projecting towards the road, with an overall floor area of approximately 186sqm.
- 1.2 Landscaping measures are shown on the site layout plan and comprise a variety of trees around the edges of the site and between the individual houses.
- 1.3 The detached garages are all offset to the rear of each of the houses. The foul drainage systems are to the front of each house and comprise a septic tank and land soakaway.

- 1.4 The access to the site is from a single shared access which lies at the western end of the site. This access point has been changed following discussions between TEC Services and the agent to maximise the visibility splays from the site onto the public road.
- 1.5 Pre-application discussions have taken place with the agent on the proposed building design and the general application process.
- 1.6 There is no existing infrastructure on the site.
- 1.7 The agent has provided a supporting statement with the application (15.10.2010). This sets out the planning history to the site, including analysis of the previous Appeal decision.
- 1.8 Following assessment of the initial proposal by TEC Services, the applicant has submitted an amended location/site plan with an adjusted access onto the main road.

2. SITE DESCRIPTION

- 2.1 The site which comprises a grassed field lies to the north side of and slopes down towards the single track public road and is approximately 0.5ha in area. To the rear of the site lies an area of commercial forestry, with houses to the west, east and south. The site frontage onto the public road is approximately 105m, with a variable depth of between 30m and 50m.
- 2.2 The neighbouring houses are a mix of sizes, with single and 1.5 storeys to the south, 1.5 storeys to the west and single storey to the east, and comprise more modern houses to the south, with older extended and altered houses to the west and east. The nearest houses are those to the west and east sides of the site 'Fern Hollow' and 'Evelix Cottage' whilst 'Ponderosa' and 'Kanerva' to the south are further away from the site and separated from it by the public road.

3. PLANNING HISTORY

3.1 Members will recollect consideration of a proposal for housing on the site at Committee on 23 June 2009 and 18 August 2009:

08/00244/FULSU – Erection of 5 houses and formation of separate access roads onto the Scotsburn road. Installation of septic tank and soakaway system (As Amended to 3 houses, a single access point onto the Scotsburn road and individual septic tank and soakaway systems) – Refused by Committee. A subsequent Appeal to Scottish Ministers (P/PPA/270/2018) was dismissed by the Reporter on 2 March 2010.

The Reporter noted the following in his assessment:

1. Levels etc - Pronounced cross-fall from back to front, and east to west. Crosssections through each footprint using surveyed levels are essential.

Number of houses - The principle of 3 new houses is not at odds with the development plan. However, I am not satisfied that the development would be sufficiently in character with its surroundings. I accept that servicing and landscaping details could be adequately covered by planning conditions. I also accept that the locality has experienced a remarkable amount of ribbon development under previous policy regimes. However, this relatively open and elevated site demands more careful consideration. I consider the likely visual

impact unacceptable. This is a detailed application.

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbour Notification (20 August and 29 October amended location plan)

Representation deadline : 12 November 2010

Timeous representations : 15 representations

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:
 - Over-development
 - Impact on amenity and privacy
 - Access, visibility splays, road unable to cope with traffic
 - Reporter's decision
 - Design, size of proposed houses not appropriate to area
 - Loss of agricultural land
 - Poor land drainage for private foul drainage systems
 - Inadequate water infrastructure in area
- 4.3 All letters of representation can be viewed online <u>www.highland.gov.uk</u>, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

- 5.1 **Archaeology** : No recommendations regarding the application.
- 5.2 **Scottish Water** : No objection.
- 5.3 **TEC Services** : No objection. A visibility splay of 120m from a 2.5m setback from the edge of the public road is required in both directions. This access point shall be formed by a combined bellmouth and service bay surfaced in bituminous macadam with a culvert pipe being provided.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

- G2 Design for Sustainability
- H3 Housing in the Countryside

6.2 Ross and Cromarty East Local Plan

Housing in Small Rural Settlements

Developments may be acceptable within the defined boundaries of the small rural settlements, such as Scotsburn (No.29). Suitably designed proposals will be supported if they:

- Are consistent with Structure Plan policies
- Are consistent with the established settlement/development pattern
- Can be drained to the satisfaction of the drainage authority and where other servicing does not involve undue public expenditure or infrastructure out of keeping with the rural character.

Furthermore, a strong presumption against development will also be maintained on land immediately outwith the defined settlement boundaries.

Scotsburn – has seen substantial housing development over the last decade and there are now significant servicing problems especially in relation to waste disposal. The majority of development has been contained to the southern side of the road where the best views are to be found. Potential for further infill development is subject to satisfactory drainage arrangements and where feasible the use of shared access points.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Wide Local Development Plan – Proposed Plan (September 2010) – Policies

29 Sustainable Design

35 Settlement Development Areas

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

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.
- 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.

8.3 **Development Plan Policy Assessment**

The application was assessed on initial receipt as being sufficiently different in the proposed designs of houses to that previously subject of Appeal to be considered by the Planning Authority without invoking the power to 'decline to determine the application' under s39 of the Act.

In order to address the issues highlighted by the Reporter, the agent has submitted the current application. This includes a supporting statement which notes:

- Agree that the concerns of the Reporter in his Appeal Decision (Appeal Ref No P/PPA/270/2018) are a strong material consideration.
- Appeal Decision states that the site is large enough for three houses; each (of the three) would have a large enough plot for serious landscaping; and that the principle of three houses is not at odds with the Development Plan.
- The proposed ground levels minimise under-building requirements to typical quantities and the revised house types significantly reduce the massing, glazed areas and ridge heights in comparison to the previous application. The separation from the houses opposite, commented upon by the Reporter, remains significant and it is felt that these measures address the Reporter's comments with regard to the 'perception of overlooking'.
- The application comprises house styles specifically selected for their suitability to rural locations. Specifically, the revised house types have been selected in direct response to the findings of the previous Appeal Decision. The levels, scale, massing and proximity to neighbouring properties have all been given careful consideration.
- A further landscaping proposal is enclosed which expands on details already submitted and will assist in establishing the development within its setting as referred to by the Reporter.
- The proposed access to the site has been moved to a position that provides the maximum visibility to West and East of the site. Visibility splay in excess of 2.5m x 120m is easily available to the West, however, visibility splays are restricted to 2.5m x 105m on the East side. This is due to the position of shrubs (possibly leylandii) within the front western corner of the garden to Evelix Cottage. Given the rural location of the site and the limited usage of this particular road, we are of the opinion that the visibility splays available are sufficient to allow safe egress from the site and request a minor relaxation of the full requirement.
- 8.4 The Ross and Cromarty East Local Plan allocates the site within the Settlement Development Area at Scotsburn (section 6.2 above). Accordingly, the principle of housing in this location is accepted by the Development Plan.
- 8.5 During the assessment of the previous planning application by Committee, Members indicated that two houses may be acceptable on the site, but that they considered that given the character and pattern of housing found in the immediate area the provision of three houses would result in overdevelopment of the plot; and that two houses would relate better to the existing built form and spacing found in the area. Following this, the Reporter noted in his appraisal of the Appeal that in principle the site is large enough for three houses (no more); and that the principle of three new houses is not at odds with the development plan. However, he noted that he was not satisfied that the development would be sufficiently in character with its surroundings.
- 8.6 The agent has submitted an application for three houses based on the comments

of the Reporter. Members will note that the previous planning application (08/00244/FULSU) was recommended for approval. Given the comments of the Reporter, I would have to recommend to Members that the three houses proposed would also be acceptable. However, given the previous view of Committee, Members may wish to consider whether two houses spread out over the entire site would provide a better layout and overall design solution, more in keeping with the existing plot layouts and densities found in the area. A lower density of development would require the submission of a new planning application.

- 8.7 The designs of the houses are generally considered to be acceptable for a rural location when taken on an individual basis. Members will note that the external finishes include a natural slate roof and wet dash wall render. These finishes are acceptable and the designs would accord with policies G2 and H3 of the Structure Plan and policy 29 of the Highland Wide Local Development Plan Proposed Plan (September 2010).
- 8.8 The location of the proposed house on Plot 3 (the eastern plot adjacent to Evelix Cottage) could be considerably improved by moving it to the western side of Plot 3 and moving the proposed garage to the eastern side of the Plot. This would reduce the amenity and potential overlooking/intervisibility impact of the proposed house on Evelix Cottage. The access to the proposed garage could still be taken to the west side of the house and then along the rear of the house, again reducing the impact on Evelix Cottage. This micrositing of the house and garage on Plot 3 could be controlled by condition.
- 8.9 The access to the three houses from the public road has been consolidated from three individual access points to a single joint access to the western end of the site. This point of access to the public road can achieve the required visibility splays of 120m. There are no other technical difficulties with the proposal.

8.10 Material Considerations

Representations have been received and these relate to the following:

- Over-development It is considered that the site is physically able to accommodate three houses.
- Impact on amenity and privacy The houses are not considered to have an undue and significantly detrimental impact on either individual or community residential amenity when assessing their proximity and outlook relative to existing houses. Notwithstanding this, I would advise Members that the specific micrositing of House Type 3 on Plot 3 should be re-examined, with it being moved to the west as detailed above.
- Access, visibility splays, road unable to cope with traffic TEC Services have indicated that provided the applicant meets the minimum technical standards (see section 5.3) then the proposal would be acceptable. Following a site assessment by TEC Services, I can confirm that the 120m splays can be achieved.
- Design, size of proposed houses not appropriate to area The designs and external materials of the proposed houses are considered to be acceptable

and accord with policies G2 and H3 of the Highland Structure Plan.

- Loss of agricultural land The sites are allocated for residential use by the Local Plan, so the principle of losing some croft ground is already established through this.
- Poor land drainage for private foul drainage systems The applicants have indicated that private drainage arrangements are proposed for the sites comprising septic tanks and land soakaways. Notwithstanding this, the Local Plan does highlight known drainage difficulties in the area. Accordingly, a secondary treatment plant is recommended. Members will note that this can be controlled by condition.
- Inadequate water infrastructure in area Scottish Water have not objected to the application or made specific comment in relation to water infrastructure in the area. Members will note that the Local Plan does highlight known drainage difficulties in the area.
- Reporter's decision The reporter noted that in principle the site is large enough for three houses (no more) and that the principle of three new houses is not at odds with the development plan.

8.11 **Other Considerations – not material**

None

8.12 Matters to be secured by Section 75 Agreement

None

9. CONCLUSION

- 9.1 The development of this site for housing has previously been considered at length by Committee and a Reporter, with both having accepted that the site is suitable for the development of housing in principle. Furthermore, Members will note that the site is allocated within the Settlement Development Area at Scotsburn (section 6.2 above) which presumes in favour of residential use.
- 9.2 The issues here are whether the numbers proposed (3 detached houses) and the associated design, material finishes and layout of the houses as the application is in detail, are, or are not, acceptable; and whether the proposed houses will have a significantly detrimental impact (the test of policy G2 Design for Sustainability) on the individual and community residential amenity of the area.
- 9.3 In my assessment, the current proposal offers a better design and layout solution from that previous submitted (08/00244/FULSU) and recommended for approval. Notwithstanding this, the proposal is for three large detached houses with ancillary garages and the Reporter's view that the site is large enough for three houses (no more) should not be dismissed, with a degree of weight being given to this in any assessment of the site.
- 9.4 I consider that the judgement in this instance is a fine one between the acceptability of the current three house proposal and a future hypothetical

alternative of less than three houses. A development of two houses would in my view undoubtedly sit more comfortably on the site.

9.5 However, the application for three houses must be assessed on its merits – the proposal accords with the pro-development stance of the Local Plan Settlement Development Area; the designs accord with Development Plan policy; and the various technical matters raised in representations can be addressed, including access, water and drainage issues.

Accordingly, approval is recommended, subject to conditions.

10. **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

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

(1.) The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(2.) No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission/approval of matters has been submitted to and acknowledged by the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(3.) Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason: In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

(4.) Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information submitted with the application and docquetted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

(5.) All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and SEPA. For the avoidance of doubt, each house shall be served by its own individual private foul drainage system which shall consists of a secondary treatment tank and land soakaway, or as may otherwise be agreed in writing with the Planning Authority, prior to the commencement of development on any individual house.

Reason: In the interests of amenity and for the avoidance of doubt.

(6.) Surface water drainage from the roof of each individual house and garage shall be directed to surface water soakaways which adopt the best practice of SuDS. The soakaways shall be within the individual Plot curtilages. The surface water drainage solution shall be in place prior to the first occupation of any individual house.

Reason: In order to ensure that the sites are adequately drained and for the avoidance of doubt.

(7.) All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Roads Authority prior to the commencement of work on any other aspects of the development and in accordance with the attached Schedule. For the avoidance of doubt, there shall be a single point of access onto the public road to serve all three plots. This access point shall have a minimum visibility splay of not less than 2.5 x 120m in each direction and shall be formed by means of a combined bellmouth and service bay, finished in dark bitmac with a suitable culvert for the existing roadside ditch being provided. All access works, including surfacing of the combined bellmouth and service bay and the culverting works shall be undertaken by the developer and at their expense.

Reason: In the interest of road safety and for the avoidance of doubt.

(8.) The positioning of the individual houses, garages, and driveways to each house and the bellmouth and service bay shall be pegged out on site by the developer prior to the commencement of development for the inspection by and approval of the Planning Authority prior to the commencement of any works on site. The development shall thereafter be implemented in accordance with the agreed pegging. The micrositing of the house and garage on Plot 3 shall include the house being moved to the western side of Plot 3 and the proposed garage to the eastern side of the Plot.

Reason: In the interests of amenity and for the avoidance of doubt.

(9.) The external finishes of the houses shall be a slate roof and wet dash wall finish. For the avoidance of doubt, the developer shall provide details for the approval in writing of the Planning Authority prior to the commencement of development of the wet dash wall finish. The development shall thereafter be

carried out in accordance with the approved finishes.

Reason: In the interests of amenity and for the avoidance of doubt.

(10.) Prior to the commencement of development, the developer shall provide a detailed landscaping plan of the site, including a planting schedule, for the approval in writing of the Planning Authority. The landscaping plan shall be based on the amended site layout plan drawing no 200 C. All planting thereby approved shall be undertaken in the first planting season following completion of any individual house and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the completion of any individual house die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species by the developer to the satisfaction of the Planning Authority.

Reason: In the interests of amenity and in order to ensure that the development is adequately screened.

(11.) Unless otherwise approved in writing by the Planning Authority, construction activity on the site shall be restricted to Monday to Friday 0800-1800, Saturdays 0800-1230, with no Sunday working.

Reason: In the interests of residential amenity and in order to avoid disturbance and nuisance.

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 10/03006/FUL

Please note: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

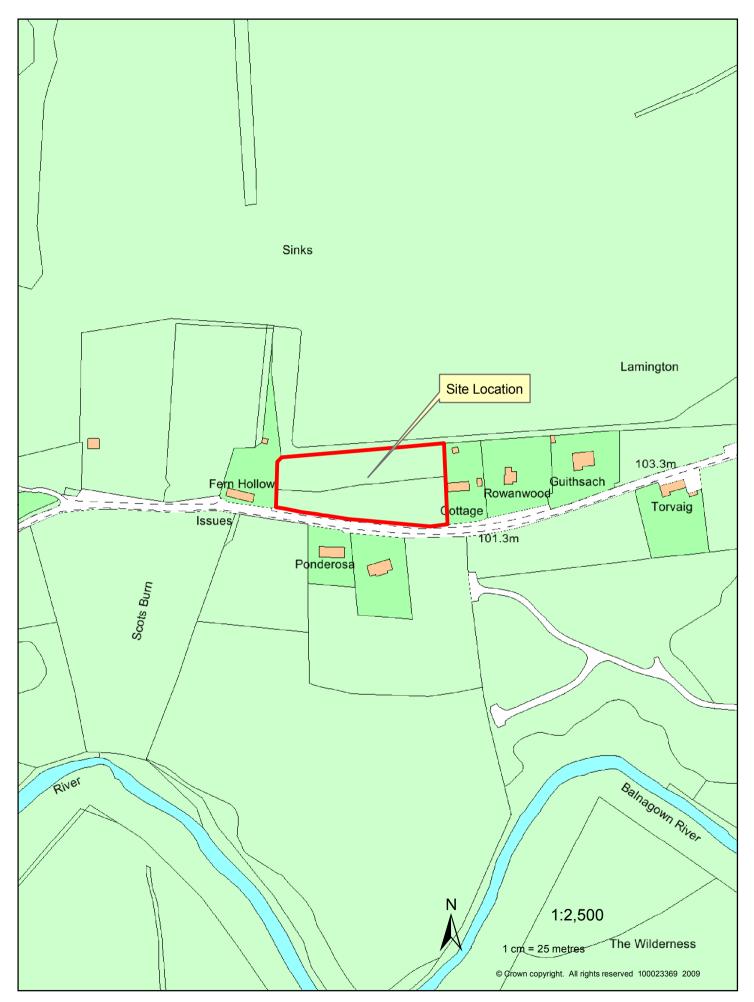
Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage

connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

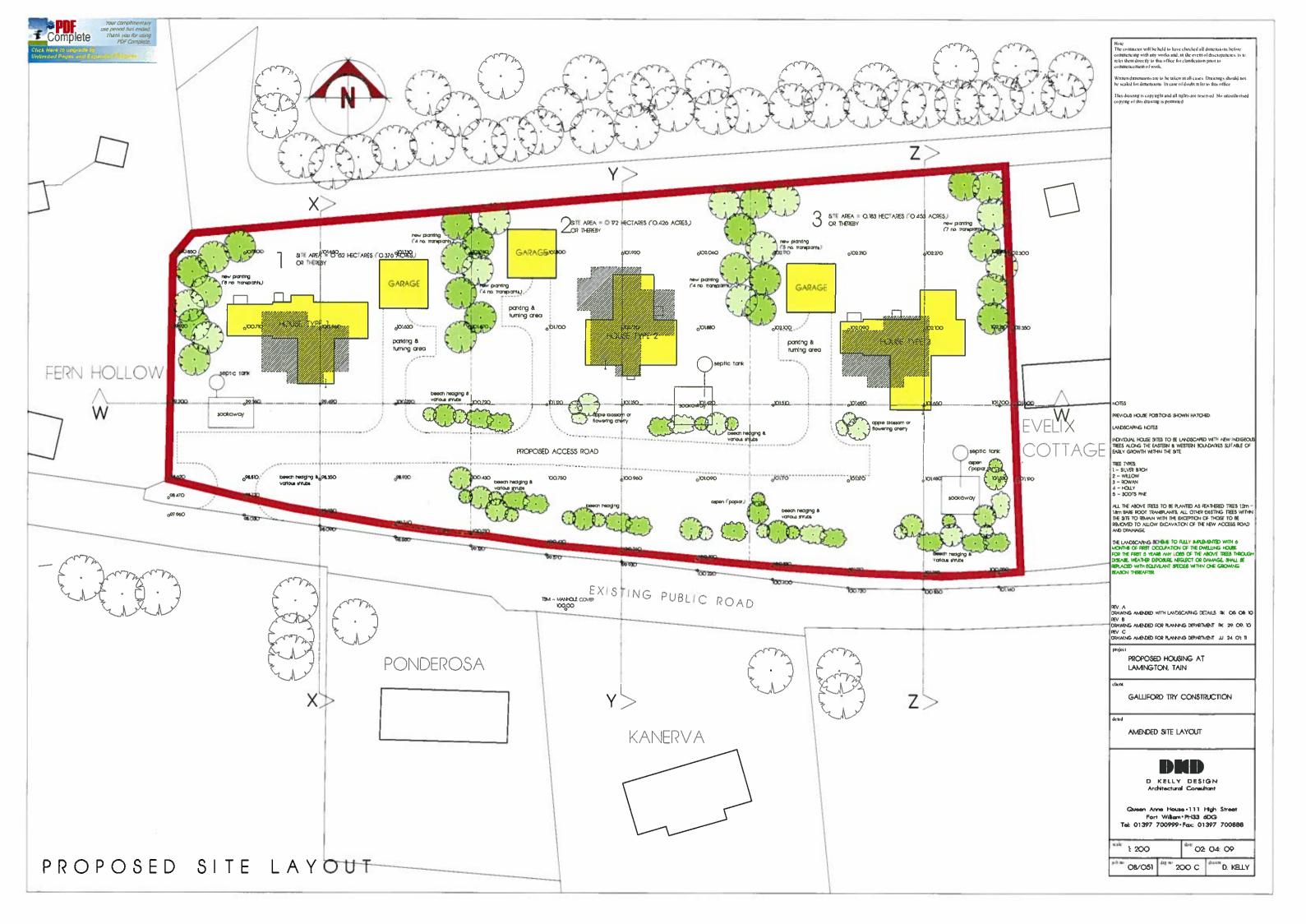
Signature:	Allan J Todd		
Designation:	Area Planning & Building Standards Manager		
	Caithness, Sutherland and Easter Ross		
Author:	Bob Robertson		
Background Papers:	Documents referred to in report and in case file.		
Relevant Plans:	Plan 000001 LOCATION/SITE PLAN A4 Plan 000002 FLOOR PLAN A3 Plan Coloured Perspective Plan 08/051 200 C SITE LAYOUT (A1) Plan D2010-009-001 GENERAL PLAN (A1) Plan D2010-009-003 GENERAL PLAN (A1) Plan D2010-009-005 A GENERAL PLAN (A1) Plan 200 B SITE LAYOUT (A1) Plan VISBILITY SPLAY Plan VISBILITY SPLAY 10-118-200		

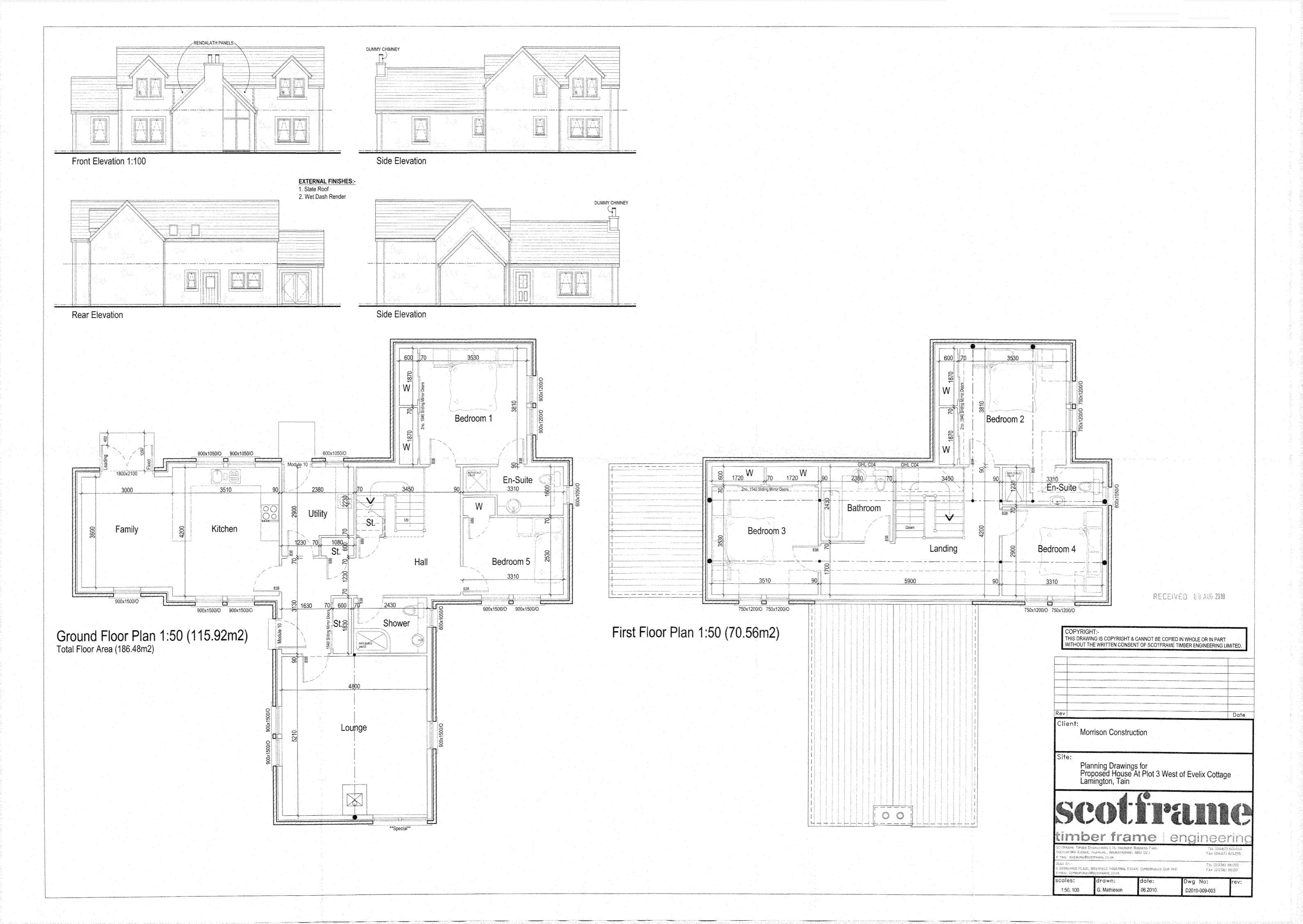


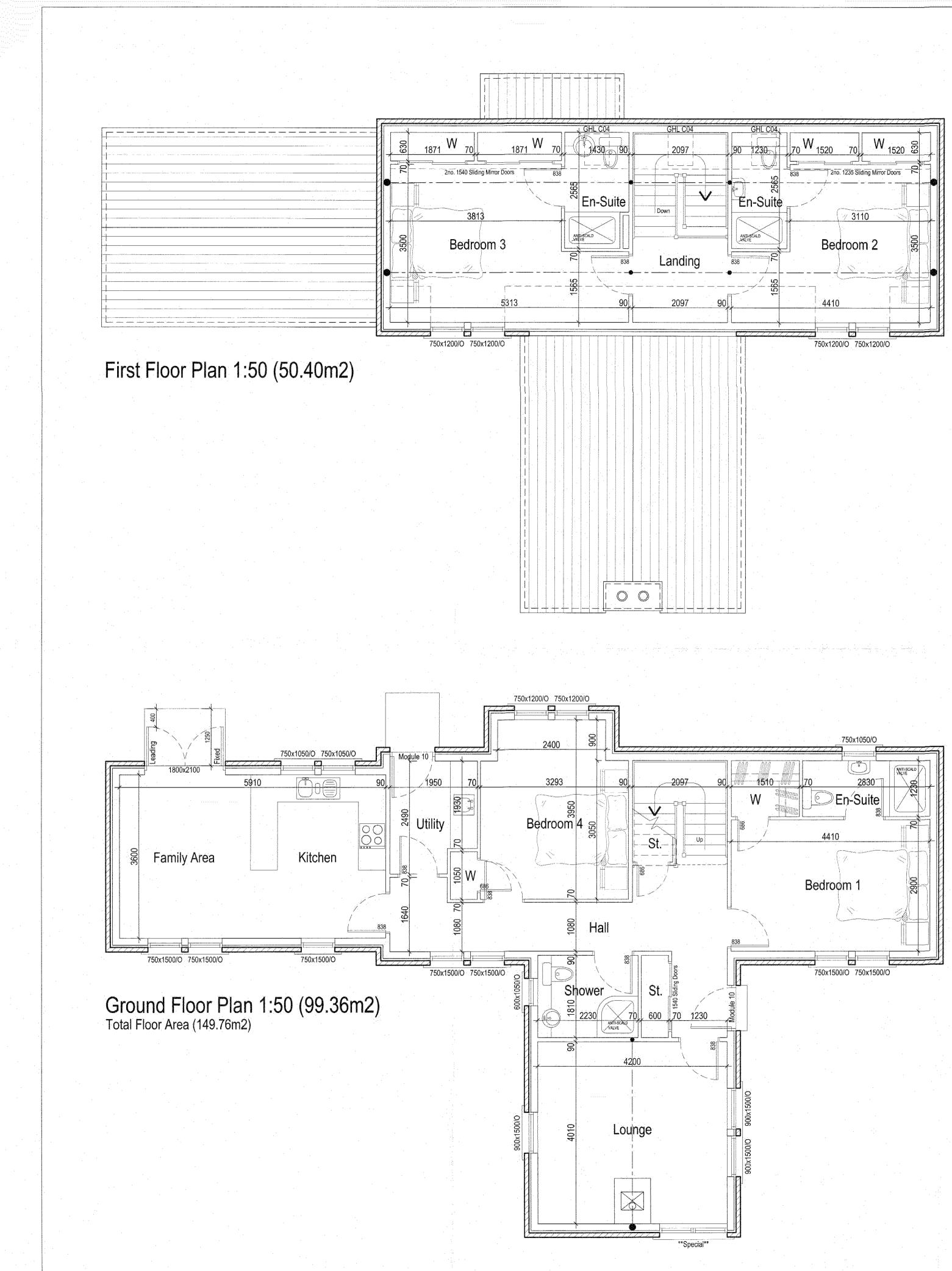
10/03006/FUL Erection of 3no houses and a

Erection of 3no houses and associated access and services at Land west of Evelix Cottage, Scotsburn, Lamington, Tain.

Mr P Allison per D Kelly Design Queen Anne House 111 High Street Fort William PH33 6DG

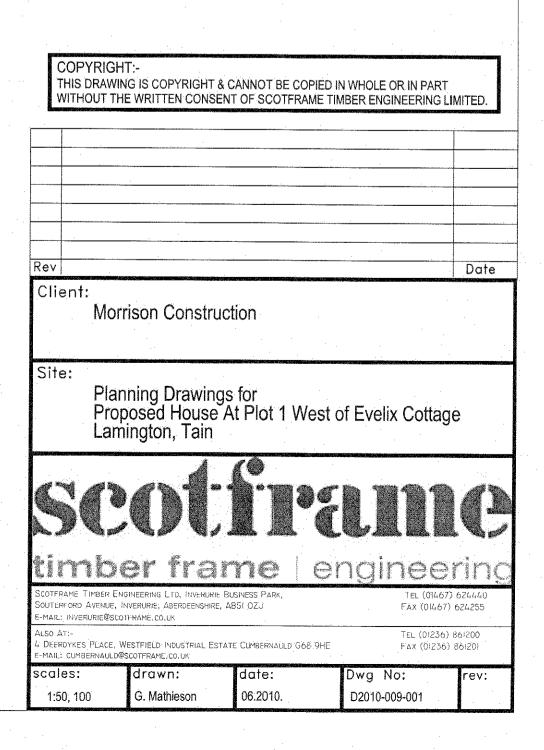














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