

Agenda item	<b>6.9</b>
Report no	<b>PLN/023/19</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 5 March 2019

**Report Title:** 18/05061/FUL - Land 50M West of Windygates, Newton Row Wick

**Report By:** Acting Head of Development Management – Highland

### **1. Purpose/Executive Summary**

**1.1** Applicant: Mr Clair and Miss Helen Harper

Description of development: Erection of house.

Ward: Wick and East Caithness

Category: Local

Reasons Referred to Committee: Local Member Request

(All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.)

### **2. Recommendation**

**2.2** Members are asked to agree the recommendation to refuse as set out in section 11 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 The application seeks consent for the erection of a house, installation of private drainage and formation of a new vehicular access. The proposed house would be a bungalow with an integral garage and a bay window on its main elevation, which faces north east. The proposed materials comprise white roughcast and Caithness stone external walls with grey concrete roof tiles. PV panels are also included on the south elevation.
- 3.2 There is no infrastructure on site currently.
- 3.3 Pre Application Consultation: No pre-application advice was sought prior to the submission of the application.
- 3.4 Supporting Information: Percolation Test Results
- 3.5 Variations: None

### **4. SITE DESCRIPTION**

- 4.1 The site comprises grazing land to the western side of the public road at Newton Row, north of Wick. It is a large site at 0.5 hectares, and the land slopes up away from the road, continuing to rise to the north. There are a number of other houses in a linear fashion to the other side of the public road and a further single house in a more isolated location some distance north of the site. The site is accessed from the unclassified public road at Newton Row which is in a poor condition, with limited passing provision.

### **5. PLANNING HISTORY**

No planning history.

### **6. PUBLIC PARTICIPATION**

- 6.1 Advertised: No Advert Required. Neighbour Notification – 12.12.2018  
Representation deadline: 04.01.2019

Timeous representations: 0

Late representations: 0

### **7. CONSULTATIONS**

- 7.1 **Transport Planning:** No objection however the following concerns and conditions are outlined:

The U1241 is an adopted single track rural road with limited passing place provision. There has been significant cumulative development on the east side totalling around 14 units from the junction with Newton Road (U3618). As a Roads Authority we have concerns about the limited passing place provision and the strength of the road particularly near the junction. We would also have concerns that this is the first development on the west side of the road and consider that a

development sharing the access with Gilvoan and associated with that development would be strongly preferred. However Transport Planning do not consider that the transportation and roads issues are sufficient on their own to support an objection.

Therefore if the Planning Authority wishes to grant permission Transport Planning would not object but would look for amended plans / or suspensive conditions to agree amended plans showing;

1. An extended layby at the proposed access to provide both a service layby and a passing place / or an additional passing place on the plot frontage in addition to the service bay.

2. The plot boundary should be set back to permit widening of the carriageway to 5.5m and a 2m verge if there is future cumulative development along the west side of the U1241. (The current plan also shows no verge behind the service layby – a 2m verge should be provided).

3. Upgrading of the existing passing place opposite the track adjacent to Fearn's to give a standard passing place in accordance with section 5.3.6.2 and figure 5.1 of our guidelines (12m lead in splay / 12m passing place at 5.5m wide / 12m exit splay – total length 36m).

7.2 **Scottish Environmental Protection Agency (SEPA):** Object. The site lies within a Waste Water Drainage Consultation Area. The applicant has submitted a percolation test but, in accordance building regulations, we would expect a full ground investigation to be undertaken. The percolation test was carried out in September and therefore is unlikely that the groundwater level would represent the maximum height of the water table which usually occurs in the winter month. SEPA therefore object until a full ground investigation is submitted to demonstrate that the proposed septic tank to standard soakaway is environmentally acceptable or the proposal is modified to a treatment plant discharging to a mound soakaway. In addition it is likely that the public sewerage will become available in this area therefore a condition is requested which will require ultimate connection to public sewer.

7.3 **Scottish Water:** No objections however note that no public waste water infrastructure is available.

## 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 8.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 31 - Developer Contributions
- 32 - Affordable Housing
- 33 - Houses in Multiple Occupation
- 34 - Settlement Development Areas
- 35 - Housing in the Countryside (Hinterland Areas)
- 36 - Development in the Wider Countryside
- 56 – Travel

65 - Waste Water Treatment  
66 - Surface Water Drainage

## 8.2 **Caithness and Sutherland Local Plan 2018**

No site specific policies apply.

## 9. **OTHER MATERIAL CONSIDERATIONS**

### 9.1 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Developer Contributions (November 2018)  
Housing in the Countryside and Siting and Design (March 2013)  
Managing Waste in New Developments (March 2013)  
Sustainable Design Guide (Jan 2013)

### 9.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June 2014)

## 10. **PLANNING APPRAISAL**

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

10.3 The key considerations in this case are:

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

### **Development plan/other planning policy**

10.4 The site lies within the wider countryside area therefore the application requires to be assessed principally against Policy 36 of the Highland-wide Local Development Plan, and the associated Housing in the Countryside and Siting and Design Supplementary Guidance (SG). Policy 36 outlines a range of criteria against which proposals will be assessed; including the extent to which they conform with any established pattern of development and can be readily serviced (i.e. in terms of drainage and access). These matters are considered in the following sections.

## Siting and Design

- 10.5 The aforementioned SG outlines that applicants should apply a sequential approach to the identification of new housing sites in countryside locations. This includes, for example, examining opportunities for redevelopment of brownfield sites in the first instance and thereafter identifying any potential infilling or rounding off of existing housing groups. In this instance, there is a clear and coherent pattern of linear development at Newton Row which is concentrated on the eastern side of the public road. The proposed house site would introduce new development on the western side in an area which has traditionally been left open. As such the proposal would conflict with this established pattern of development, appearing as an isolated house which does not relate to, infill, or round off any existing groupings. In terms of specific siting, it is proposed for the house to face north east, perpendicular to the road resulting in its gable end facing the public road in contrast to the existing housing to the other side of the road where properties are sited in a parallel fashion. This unusual siting would further magnify the site's conflict with the existing pattern of development. As such it is concluded that the proposals fails to accord with Policy 36 of the Highland-wide Local Development and associated SG in this regard.
- 10.6 Determination of the application has been hampered by confusion around the extent of the applicant's landownership and following a lengthy delay, a revised plan was submitted on 7<sup>th</sup> January 2019 which provides an accurate site ownership boundary. This indicates that much of the surrounding land is within the control of the applicant including the area around the existing house to the north, Gilvoan. It was suggested to the applicant that there may be scope for development of a house in this location, which would benefit from being able to share the existing access serving this property. This would firstly allow the proposed house to relate to existing development as well as reducing development pressure on the unclassified Newton hill road. The applicant has regrettably chosen not to pursue any alternate options. For the avoidance of doubt, any revised siting would require submission of a fresh application.
- 10.7 The proposed design is a bungalow with a large footprint and an appearance more akin to a suburban dwelling rather than a house in a countryside location. Whilst the houses to the east of the public road comprise of a mix of designs, the proposal does not possess the appearance of a traditional rural house however also fails to present an innovative or contemporary design. The Planning Authority has been proactively seeking to improve the quality of rural design in Caithness and it is not considered that the proposed house would benefit from some re-design in order to comply with the design criteria outlined in the Housing in the Countryside and Siting and Design SG, for example the overall mass could be broken up through use of an L or T shape footprint, windows could be altered to present more of a vertical emphasis which would allow the house to have proportions and detailing more commensurate with its rural location.

## **Access and Parking**

- 10.8 As noted by Transport Planning, the unclassified road leading to the site is in poor condition with limited passing places relative to the number of houses which it currently serves. As such, Transport Planning have outlined a number of requirements including provision of an extended layby on the plot frontage to provide a passing place in addition to a service bay, and the upgrading of an existing passing place to the east of the site. In addition the plot boundary should be set back to permit widening of the carriageway in the event further development takes place along the west side of the road. Whilst Transport Planning have not objected, the specified road improvements are required to make the proposal acceptable. The use of a shared access is given preference in the Council's Access to Single Houses and Small Housing Developments. Should an alternate site be pursued as described in Section 8.8, this would negate the need to such improvements through the shared use of an existing access.
- 10.9 It is considered that there is sufficient space within the proposed plot to accommodate the parking of at least two cars, in accordance with the Access to Single Houses and Small Housing Developments Guidance.

## **Drainage**

- 10.10 The site lies in an area with known drainage constraints and where an accumulation of private drainage systems have potential to result in environmental issues. As such mandatory consultation with SEPA is required in these instances; it has advised that although percolation tests have been submitted, the expectation would be for a full ground investigation to be carried out. To date this has not been carried out by the applicant therefore there is some uncertainty as to what the most appropriate drainage solution for the site. SEPA's comment that it is likely a connection to the public sewer system may become available in the future is noted and should consent be granted, a condition can be added to require ultimate connection.

## **Developer Contributions**

- 10.11 The application was received after the adoption of the Council's new Developer Contributions Supplementary Guidance which applies to all development, including single houses. In this instance, education contributions are required for both primary and secondary school provision (Newton Primary School and Wick High School respectively). The total amount required equates to £1,214 which would be secured by an upfront payment or legal agreement in the event that planning permission is required.

## **11. CONCLUSION**

- 11.1 It is not considered that the proposed development is consistent with the provisions of the development plan, principally Policy 36 of the Highland-wide Local Development Plan, in that development of the site would conflict with the existing pattern of development at Newton Row creating an incongruous addition into the landscape. Furthermore, the extent of the applicant's land ownership indicates that there is scope for development of a site elsewhere that would relate

to existing development and would avoid unnecessary pressure on an already limited road. In addition there is uncertainty as to whether an appropriate drainage solution can be provided.

## 12. IMPLICATIONS

- 12.1 Resource: Not applicable
- 12.2 Legal: Not applicable
- 12.3 Community (Equality, Poverty and Rural): Not applicable
- 12.4 Climate Change/Carbon Clever: Not applicable
- 12.5 Risk: Not applicable
- 12.6 Gaelic: Not applicable

## 13. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

### Reasons for Refusal

1.	The proposal is contrary to the provisions of the Highland-wide Local Development Plan Policy 36 (Development in the Wider Countryside) as the proposed house is sited contrary to the established pattern of development at Newton Row which is concentrated on the eastern side of the public road. Furthermore, the proposed siting of the house has no relationship with the public road and does not relate to, infill, or round off any existing development and would represent an incongruous addition to this currently open landscape.
2.	The proposal is contrary to the provisions of the Highland-wide Local Development Policy 36 as has not been satisfactorily demonstrated that the proposed septic tank and soakaway is sufficient to deal with foul drainage as full ground investigation has not been carried out.

Designation: Acting Head of Development Management – Highland

Author: Gillian Pearson Date: 14.02.2019

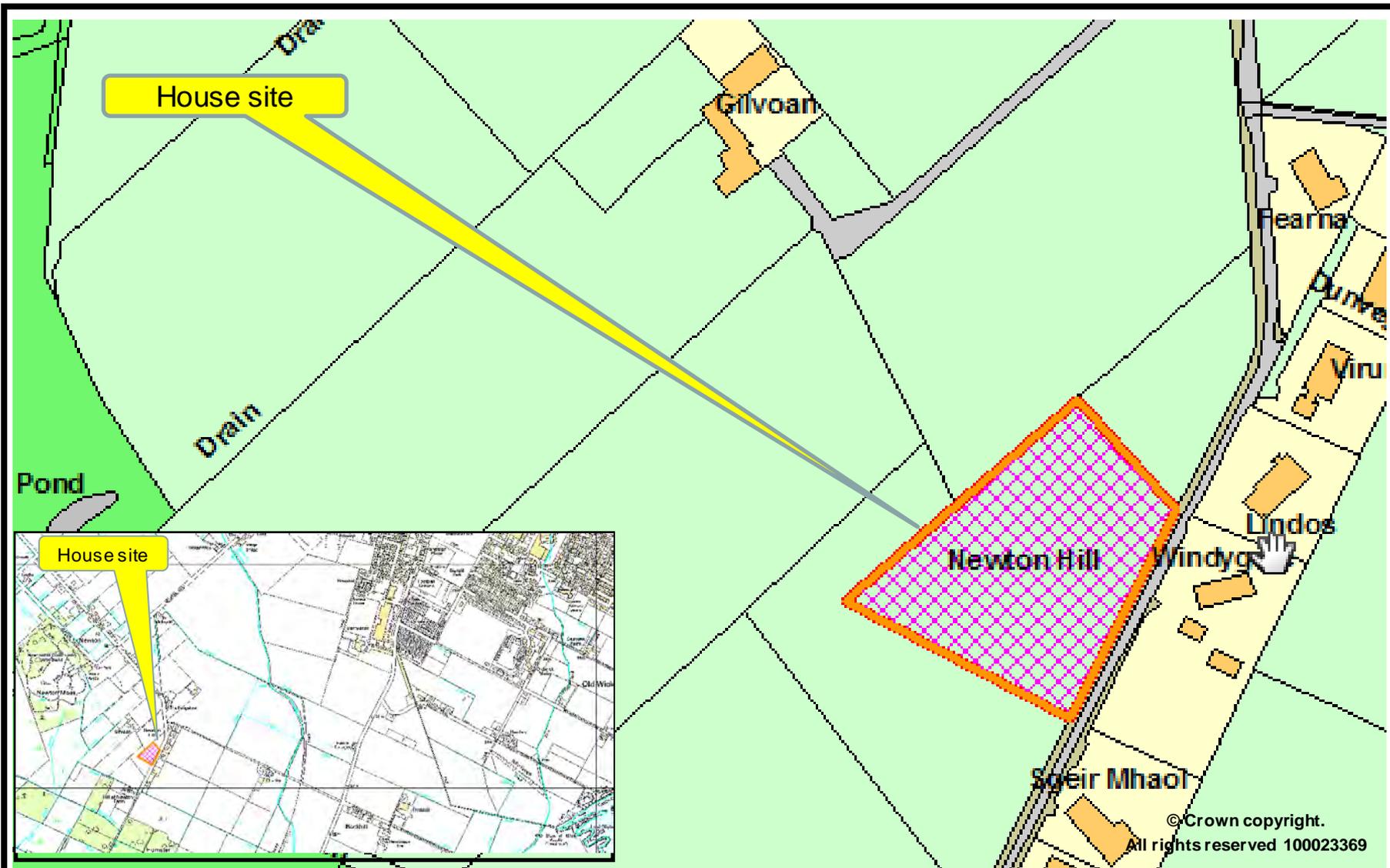
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 - Committee Location plan
- Plan 2 - Location/Site Layout Plan CH-1 Rev 1
- Plan 3 - Elevations CH-3
- Plan 4 - Floor Plan CH-2
- Plan 5 - Section Plan CH-4

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
<b>Schools - Primary</b>		
Build Costs	1 classroom extension	£516
Major Extension / New School - Land Costs		FALSE
<b>Primary Total</b>		<b>£516</b>
<b>Schools - Secondary</b>		
Build Costs	Major extension / new school	£699
Major Extension / New School - Land Costs		FALSE
<b>Secondary Total</b>		<b>£699</b>
<b>Affordable Housing</b>		
CNPA		FALSE
<b>Cumulative Transport</b>		
Development Brief / Agreement Area		£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
<b>Total Per Home</b>		<b>£1,214</b>
<b>Total for Development</b>		<b>£1,214</b>

All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.

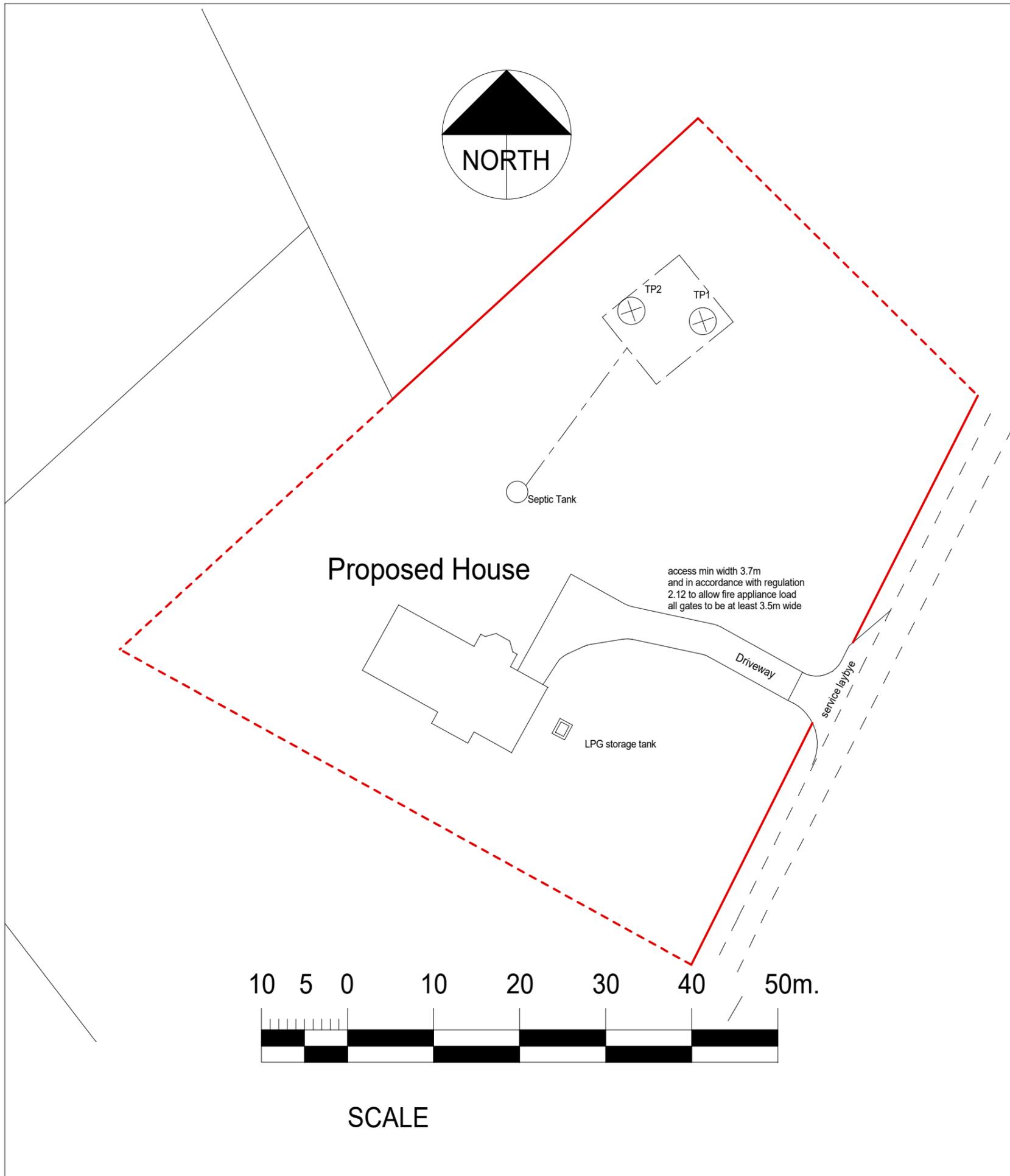


The Highland Council  
Comhairle na Gàidhealtachd

Planning and Development Service

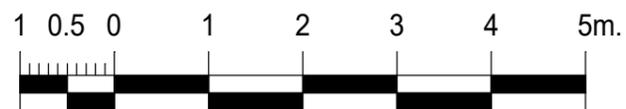
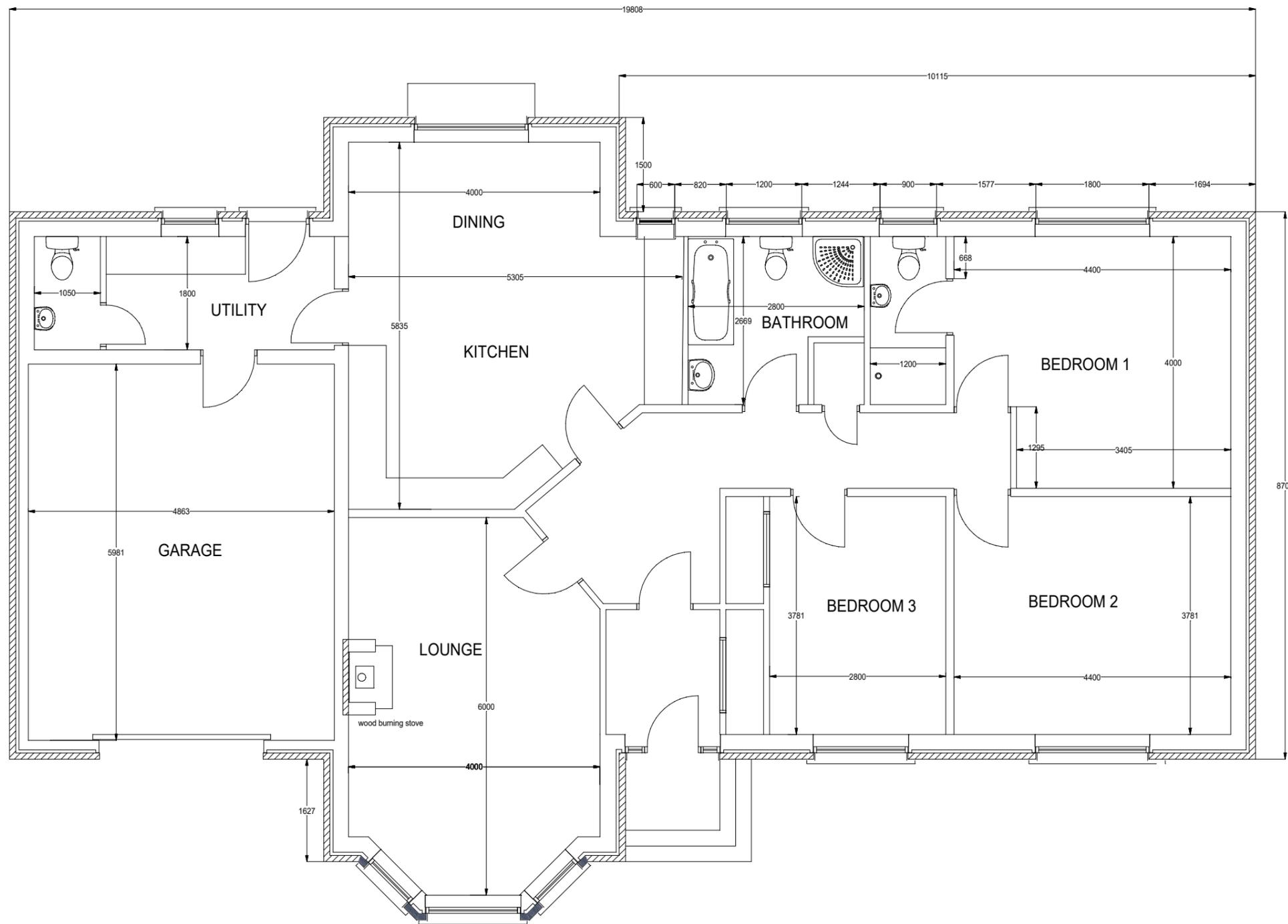
18/05061/FUL  
Erection of house





# LOCATION PLAN

DRAWN	DATE	SCALE	
	Oct 2018	1/500	
<b>Mr &amp; Mrs Harper Langley House 35 Thurso Road Wick, KW1 5LE</b>			
TITLE Erection of house at Land Newtonhill Wick Site Plan			
REV.	DATE		DRW.NO.
1	7/1/19		CH-1
Removal of Gilvoan from ownership			

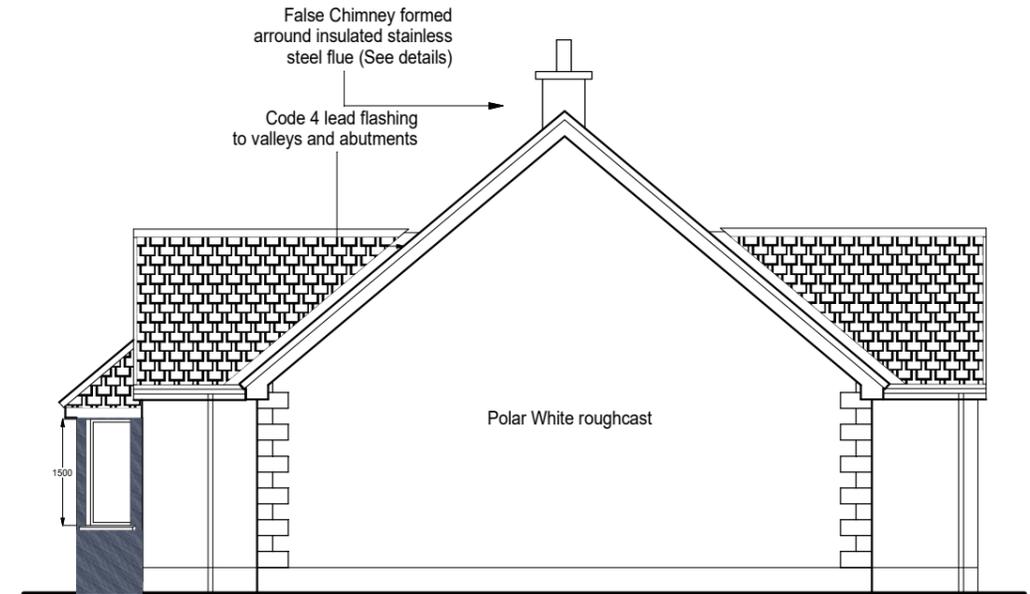


SCALE

DRAWN	DATE	SCALE	
	Oct 2018	1/75	
<b>Mr &amp; Mrs Harper</b> <b>Langley House</b> <b>35 Thurso Road</b> <b>Wick, KW1 5LE</b>			
TITLE		Erection of house at Land Newtonhill Wick Floor Plan	
REV.		DRW.NO.	CH/2
DATE			



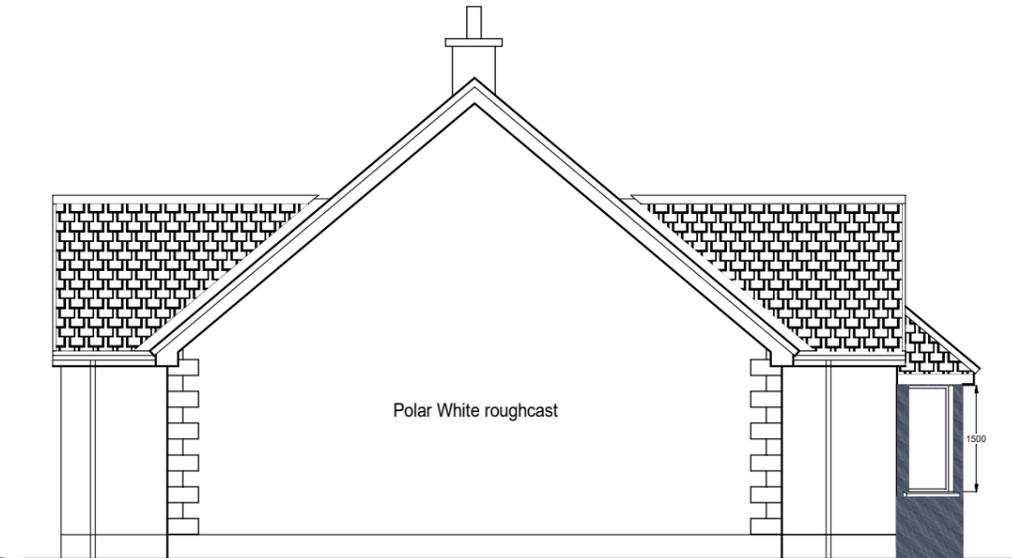
**NORTH ELEVATION**



**WEST ELEVATION**



**SOUTH ELEVATION**



**EAST ELEVATION**

Anthracite UPVC Windows double glazed  
 1.2 max U Value  
 all windows to be fitted with  
 trickle vents with area of 11000mm<sup>2</sup>  
 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  
 fixing of all doorset or windows should be in accordance with  
 the recommendations given in section 8 of BS 8213-4: 2007

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



SCALE

DRAWN	DATE	SCALE	
	Oct 2018	1/100	
<b>Mr &amp; Mrs Harper Langley House 35 Thurso Road Wick, KW1 5LE</b>			
TITLE Erection of house at Land Newtonhill Wick Elevations			
REV.		DRW.NO.	CH/3
DATE			

**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)**

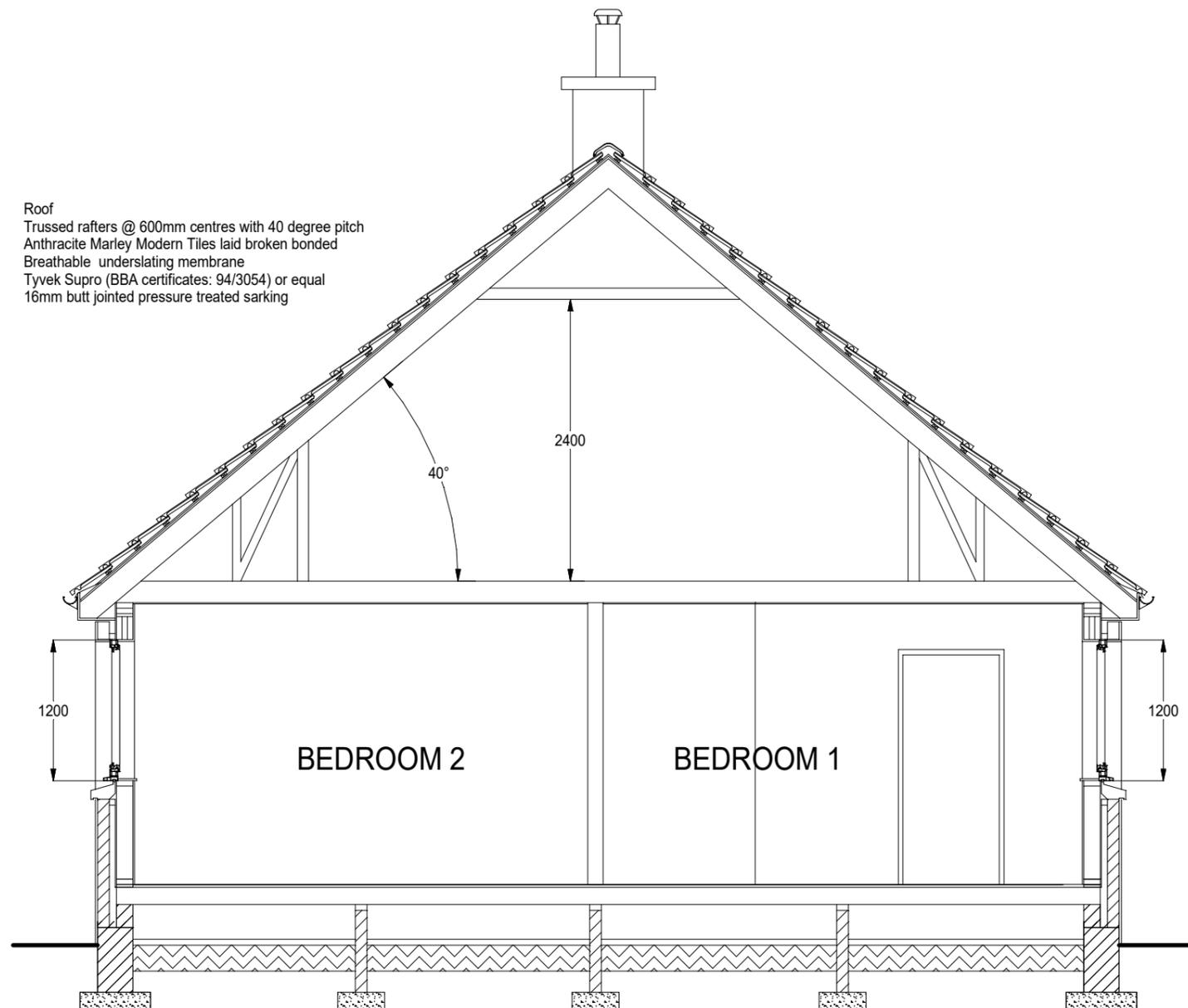
**Structural External Panels**  
 47 x 147mm softwood framing at 600mm centres (135 x 220mm lintols to door and window openings. Ends supported on cripple studs. Longer spans to have fitch plate inserted as specified by engineer  
 9mm O.S.B. (sterling board) cladding.  
 Cill Plates 22 x 147mm - random 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 Frame Therm 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/mm<sup>2</sup>) 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.

**Roof**  
 Trussed rafters @ 600mm centres with 40 degree pitch  
 Anthracite Marley Modern Tiles laid broken bonded  
 Breathable underslating membrane  
 Tyvek Supro (BBA certificates: 94/3054) or equal  
 16mm butt jointed pressure treated sarking



# SECTION

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/mm<sup>2</sup> with min cement content to be 300Kg/m<sup>3</sup>  
 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 Loftrill 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



SCALE

DRAWN	DATE	SCALE	
	Oct 2018	1/50	
<b>Mr &amp; Mrs Harper</b> <b>Langley House</b> <b>35 Thurso Road</b> <b>Wick, KW1 5LE</b>			
TITLE Erection of house at Land Newtonhill Wick Section			
REV.		DRW.NO.	CH/4
DATE			