

Agenda Item	6.5
Report No	PLN/012/20

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 3 March 2020

Report Title: 19/05996/PIP: Mr Allan Ross
Land 60M SE Of Mianree, Hartfield Road, Tain

Report By: Acting Head of Development Management – Highland

1. **Purpose/Executive Summary**

1.1 **Description:** Erection of house

Ward: 07 – Tain and Easter Ross

1.2 **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.

2. **Recommendations**

2.1 Members are asked to agree the recommendation to **Refuse** planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission in principle (PIP) for the erection of a new house including formation of a new access and installation of septic tank and soakaway. As a PIP application, no details of the proposed house are required however the site layout plan shows an indicative position centrally within the site.
- 3.2 There is no known infrastructure on site at present.
- 3.3 A pre-application advice request was submitted through the Council's formalised service however this was withdrawn before a response could be provided.
- 3.4 The application is supported by a Supporting Statement.
- 3.5 No variations have been made to the proposal since it was lodged.

4. SITE DESCRIPTION

- 4.1 The site comprises an open field bounded by overhead lines along its north eastern boundary, located adjacent to the public road which links Tain in the north with the more rural Glenadie area. The site is relatively flat with an open aspect facing east. There are five existing houses on the same side of the public road, running in a linear fashion in a southerly direction. These are a mix of traditional 2 storey houses and bungalows. There is a further house 60m north of the site, on the other side of the road.

5. PLANNING HISTORY

There is no planning history on the site.

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Unknown Neighbour

Date Advertised: 17.01.2020

Representation deadline: 31.01.2020

Timeous representations: 2 from 2 households

- 6.2 Material considerations raised are summarised as follows:

- a) The proposed house would not be in keeping with the local character at 1.5 storeys and a footprint not comparable to the adjacent house
- b) The house would add onto an existing row of 5 houses therefore would constitute linear/ribbon development
- c) Concern regarding inaccuracies in planning application regarding assessed driving speeds which it is considered are faster than those stated
- d) Access is in a poor condition due to the destruction of road surfaces and verges by cars/HGVs and farm machinery including periodic flooding
- e) Concern expressed regarding the ability of the water supply network to cope with an additional house.

- f) It is suggested that other new houses in the wider area are not of acceptable design and therefore the applicant's statement that the 'planning authority has total control over the management of all aspects of design' is not true.

6.3 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.

7. CONSULTATIONS

7.1 Scottish Water: No objections. Confirm a connection is available to the local water supply (this requires to be confirmed by the developer by means of a pre-development enquiry). No public waste water connections are 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
- 35 - Housing in the Countryside (Hinterland Areas)
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

8.2 Inner Moray Firth Local Development Plan 2015

Hinterland

8.5 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (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 hinterland area defined by the Inner Moray Firth Local Development Plan, owing to its close proximity to Tain. These are areas where pressure for commuter-based housing development is greatest and therefore a more managed approach to new housing is required to prevent the suburbanisation of the countryside. As such the proposal requires to be assessed primarily in terms of Policy 35 of the Highland-wide Local Development Plan and the related Housing in the Countryside and Siting and Design Supplementary Guidance. The policy applies a restrictive approach to further housing in the hinterland however outlines a number of exceptions. These relate largely to instances where a house is required in connection with agricultural purposes such as land management, in association with a rural business or for a retiring farmer. The policy outlines a further exception relating to acceptable expansion of a housing group; this is further detailed in the Housing in the Countryside SG.
- 10.5 In this instance, a Supporting Statement is provided with the application in which the applicant seeks to demonstrate that the house is an appropriate expansion of a housing group. It can therefore be assumed there is no agricultural or operational basis for the proposal and the only exception to the policy under which the application can be considered is whether the proposed house would constitute acceptable expansion of a housing group.
- 10.6 The Housing in the Countryside SG outlines that a housing group is defined as the following:
- At least three houses which are physically detached from each other;
 - All of the houses must have a perceptible relationship with one another and share a well-defined, cohesive character
- 10.7 In this instance the site lies immediately north of an existing row of 5 houses, which constitute a housing group by virtue of their relative close proximity to each other. Whilst there is a further house to the north, this is well separated by a distance of just under 100m and therefore does not read as part of this existing group, having no perceptible relationship to the row of 5 houses. Therefore, for the purposes of assessing the proposed house, only the houses which lie to the south of the site can be considered a housing group. The key issue is therefore whether the proposed house constitutes acceptable expansion.

- 10.8 The SG goes onto outline that expansion of a housing group would be acceptable where an additional house would either infill or round off the group. As correctly highlighted in the representations received, the addition of a further house onto an existing row of 5 properties which extend in a linear development would be considered ribbon development. Such inappropriate development is specifically referred to in the SG which states that proposals which constitute ribbon/linear development along a public road will not be considered acceptable. The proposal seeks to develop an area of open agricultural land separating an established group of 5 houses and a single house, to the other side of the public road, around 100m distant. This is, in effect, extending linear development and neither infills or rounds off the housing group.
- 10.9 Furthermore, Glenaldie House, which is the house immediately south of the site, has a band of tall mature trees to its northern boundary – this provides containment to the existing group bringing it to a clear end. Further development in the area to the north, where the site is located, would extend linear development past this natural boundary and into an open undeveloped field with no natural features to provide any further containment. As such it is not considered that the proposed development complies with Policy 35 or the related SG.

Access and Parking

- 10.10 The proposal involves formation of a new access onto the public road. This is a single track road with relatively limited passing place provision. As noted in one of the representations received, there has been deterioration of the road verges. Although the notional speed limit is 60mph, it is likely that actual speeds are considerably less. The supporting information specifies that assessed traffic speeds are in the region of 30mph however the representations received both state that it is considered they are more likely to be 40mph. Taking the worst case scenario of 40mph, visibility splays of 120m in each direction would be required. The indicative site layout plan notes that 90m can be achieved when looking right. This would only be commensurate with a road speed of 30mph. Looking left is more restricted and the layout plan does not give any indication of the splay which can be achieved. It is unlikely that a 120m visibility splay could be achievable looking in this direction therefore there is some ambiguity as to whether the development could achieve the requirements of the Access to Single Houses and Small Scale Housing Developments document.
- 10.11 There is sufficient space within the site to accommodate the parking and turning of 3 cars.

Drainage and Water Supply

- 10.12 The application proposes installation of a septic tank and soakaway. No percolation tests have been provided to indicate that the ground conditions are suitable for this arrangement or that the required size of soakaway can be accommodated within the site boundary. Drainage is a material planning consideration noted in Scottish Planning Policy; in this instance it is not considered that sufficient information has been provided to demonstrate that the waste water can be adequately dealt within the site of application. In terms of water supply concern is noted in the representation regarding the ability of the water treatment works to accommodate the proposed house without detriment to the existing houses in the area in terms of

water pressure due to the age and poor condition of the pipes serving the area. These concerns are understood; it would be normal practice for an applicant to submit a 'pre-development enquiry' to Scottish Water to examine whether any upgrades to infrastructure would be required. This would be a matter for the applicant to progress with Scottish Water.

Developer Contributions

- 10.13 The application also needs to be assessed against the adopted Developer Contributions SG which applies to single houses. The site lies within the catchment areas of Knockbreck Primary School and Tain Royal Academy. No upgrade requirements are identified for the Academy however developer contributions are currently required towards a 2 classroom extension at Knockbreck Primary, as per the below calculation. Should the consent be granted, payment of the developer contribution would be required prior to the issuing of the decision.

Infrastructure / Service Type	Select Answer	Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	1	
Primary		
Build Costs	2 classroom extension	£425
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£425
Secondary		
Build Costs	None - No capacity constraints	£0
Major Extension / New School - Land Costs	None - No land costs required	£0
Secondary Total		£0
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	None - No cumulative transport costs required	£0
Breakdown	N/A	N/A
	N/A	N/A
	N/A	N/A
Total Per Home		£425

11. CONCLUSION

- 11.1 As noted in the planning assessment, the site lies in an area where further housing is restricted in order to prevent suburbanisation of the countryside in areas of commuter pressure. There are exceptions to the policy including where a house is considered acceptable expansion of a house group however in this instance, the addition of a house in this location would continue an existing linear pattern of development along a public road, neither infilling or rounding off this existing group.

This would also erode the containment of the existing group which exists at present by virtue of the mature trees along the northern boundary of Glenaldie House which is currently the northernmost house of the grouping. As such the proposal fails to comply with Policy 35 of the Highland-wide Local Development Plan and its associated SG.

- 11.2 In addition, there is some ambiguity as to whether the site can be safely accessed without detriment to other road users, in terms of visibility splays, and whether the site is capable of accommodating adequate drainage measures.
- 11.3 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.

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 significant
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision N issued

Subject to the above, it is recommended that planning permission be **REFUSED** subject to the following:

Reasons for Refusal

1. The site lies within the boundaries of the hinterland as identified through the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. Within the hinterland the Council operates a restrictive policy where there is a presumption against new housing in the open countryside. Adopted supplementary planning guidance allows for a relaxation of the policy when the development is considered to consolidate/round-off a housing group in a suitable manner or fall within one of the exceptions identified in the supplementary guidance. The site does not form part of a housing group as defined within the supplementary guidance and none of the other exceptions apply. The development of the site represents a continuation of linear/ribbon development into a previously undeveloped field, eroding the containment of the existing group which exists currently. The principle of constructing a house on the site is therefore considered

contrary to Policy 35 of the Highland-wide Local Development Plan, the Inner Moray Firth Local Development Plan and the Supplementary Guidance; Housing in the Countryside and Siting and Design.

2. The application is contrary to the provisions of the Highland-wide Local Development Plan Policy 28 (Sustainable Design) and the Council's 'Access to Single Houses and Small Housing Developments' as it has not been sufficiently demonstrated that the development can achieve visibility splays commensurate with road speeds.
3. The application is contrary to the provisions of the Highland-wide Local Development Plan Policy 28 (Sustainable Design), Policy 65 (Waste Water Treatment) and Scottish Planning Policy as it is has not been satisfactorily demonstrated that the site can adequately accommodate private drainage arrangements without detriment to the environment.

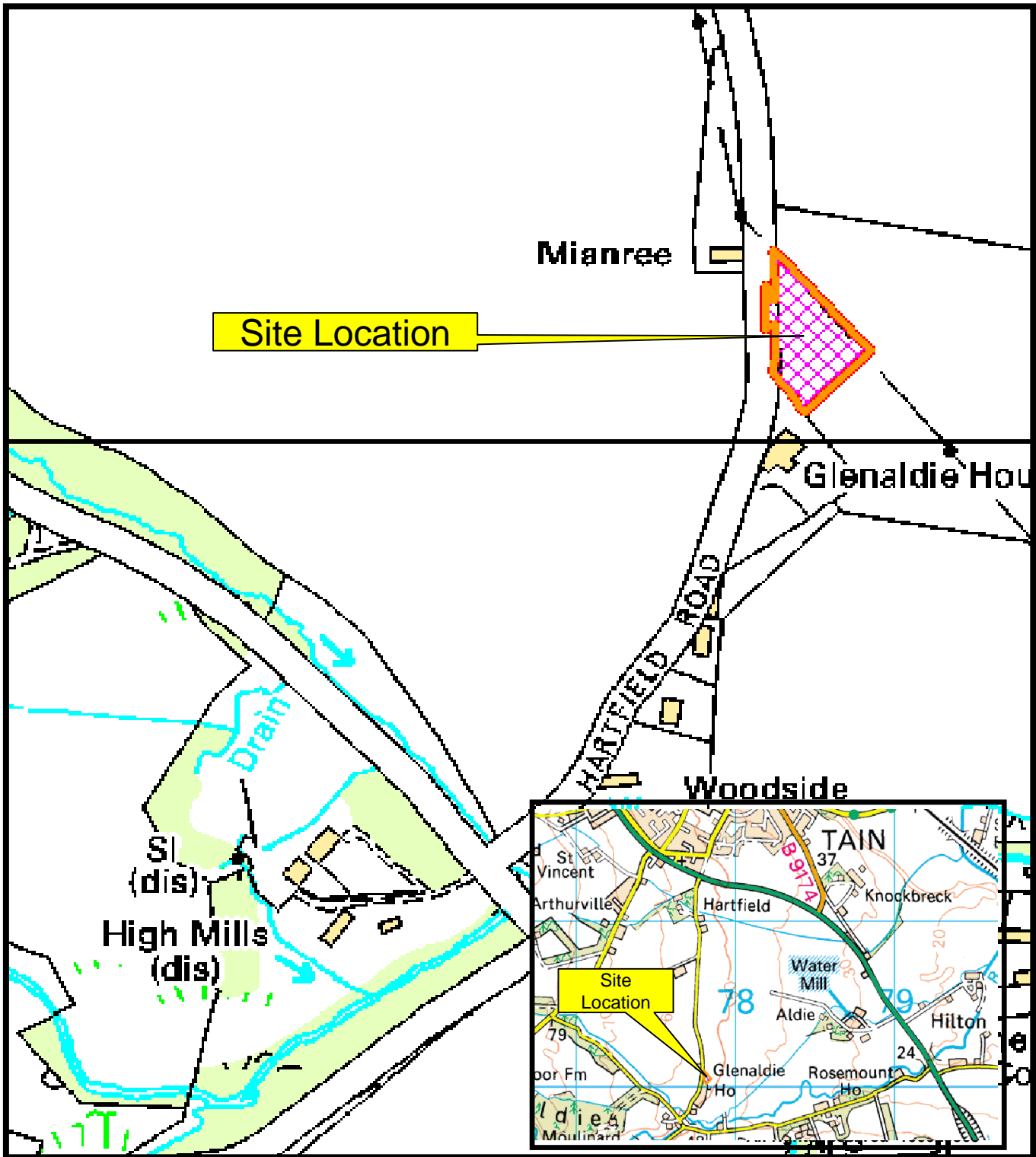
Designation: Acting Head of Development Management – Highland


Author: Gillian Pearson

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

Relevant Plans: Plan 1 - PPA-001 Rev A Location Plan

Plan 2 - PPA-002 Rev A Indicative Layout




The Highland Council
 Comhairle na Gàidhealtachd









19/05596/PIP
Erection of house at Land 60m South East of Mianree, Hartfield Road, Tain.

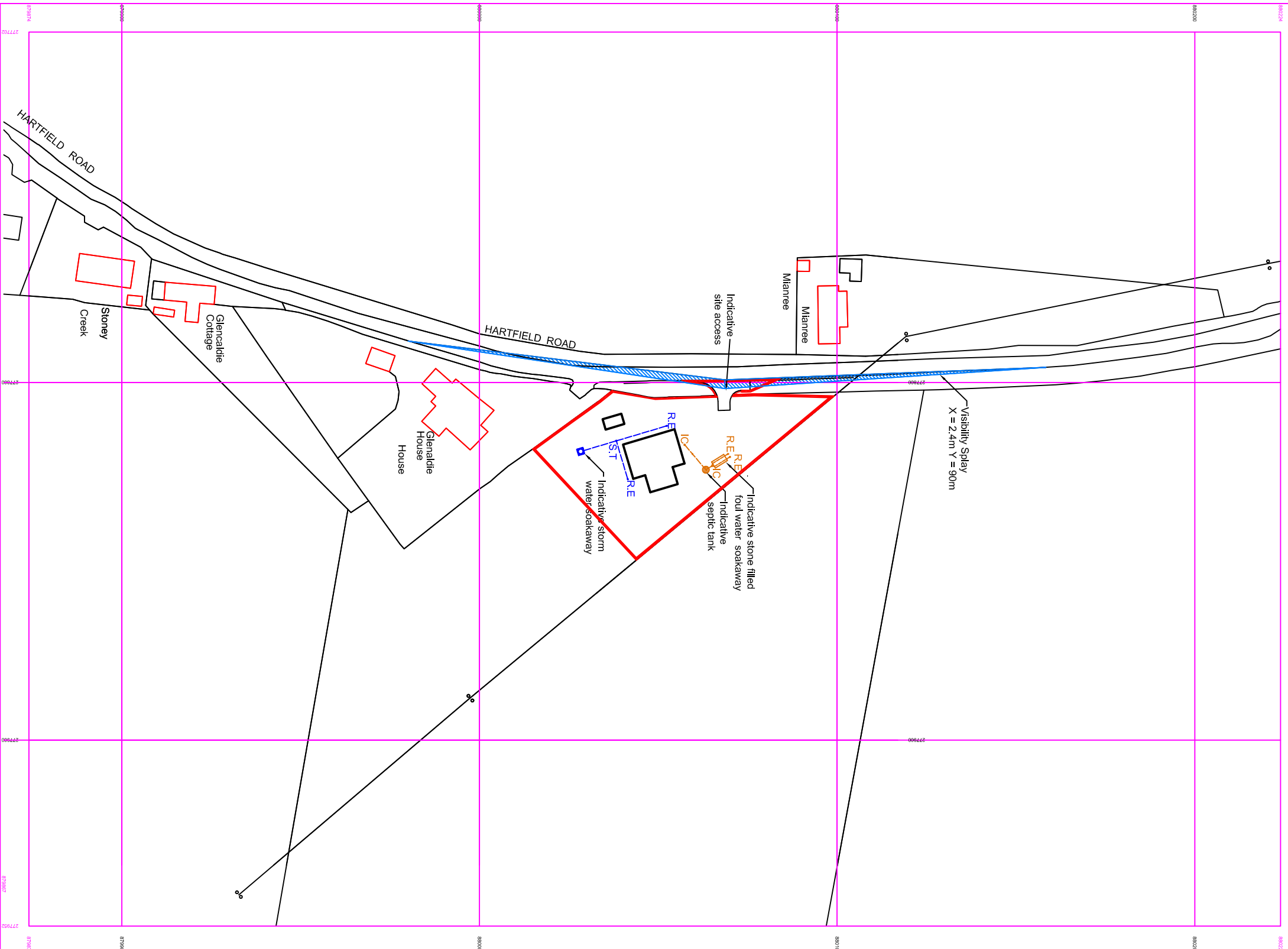
February 2020

Development & Infrastructure
 Service

- Notes:
1. Layout is indicative and is for planning purposes only.
 2. Proposed service bay adopted from The Highland Council drawing SDB 1.
 3. Estimated traffic speed in the area is 30mph.
 4. Refer to drawing PPA - 002 Indicative Layout.
 5. Site access has been positioned to comply with both 90m x 2.4m and 120m x 2.4m visibility splay requirement.

Key:

-  Surface Water Drainage
-  Foul Water Drainage
-  R.E R.E
-  Surface/foul water rodding eye
-  I.C I.C
-  Surface/foul water Inspection Chamber
-  Indicative Plot Boundary
-  Visibility Splay



Client:
 Mr & Mrs Ross
 21 Culduthel Mains Circle Inverness
 IV2 6RH

Drawing Title:
 Location Plan
 Project Name:
 Planning Application Hartfield Road Tain

Drawing Number:
 PPA - 001

Drawing Date: 28/11/2019	
Drawing Scale: 1:1250	
FOR CONSTRUCTION	Drawn By: LB
FOR PROCUREMENT	Checked By: LB
FOR ISSUE	
FOR PLANNING	
FOR BW	
DRAFT STATUS	
Revision A	

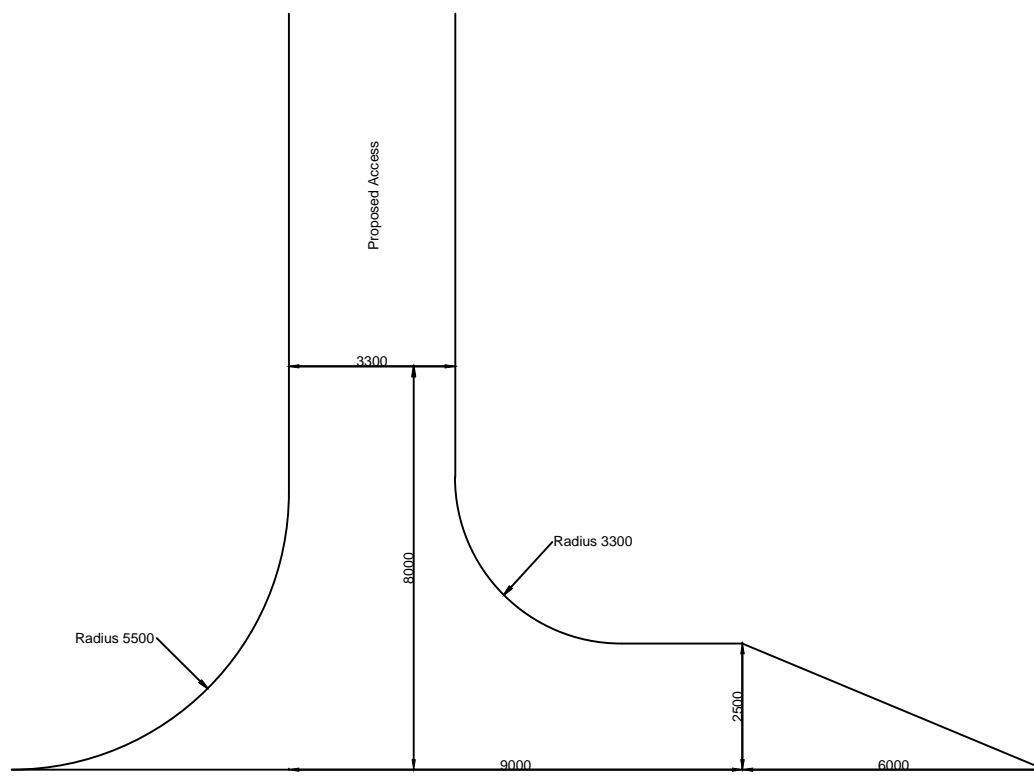
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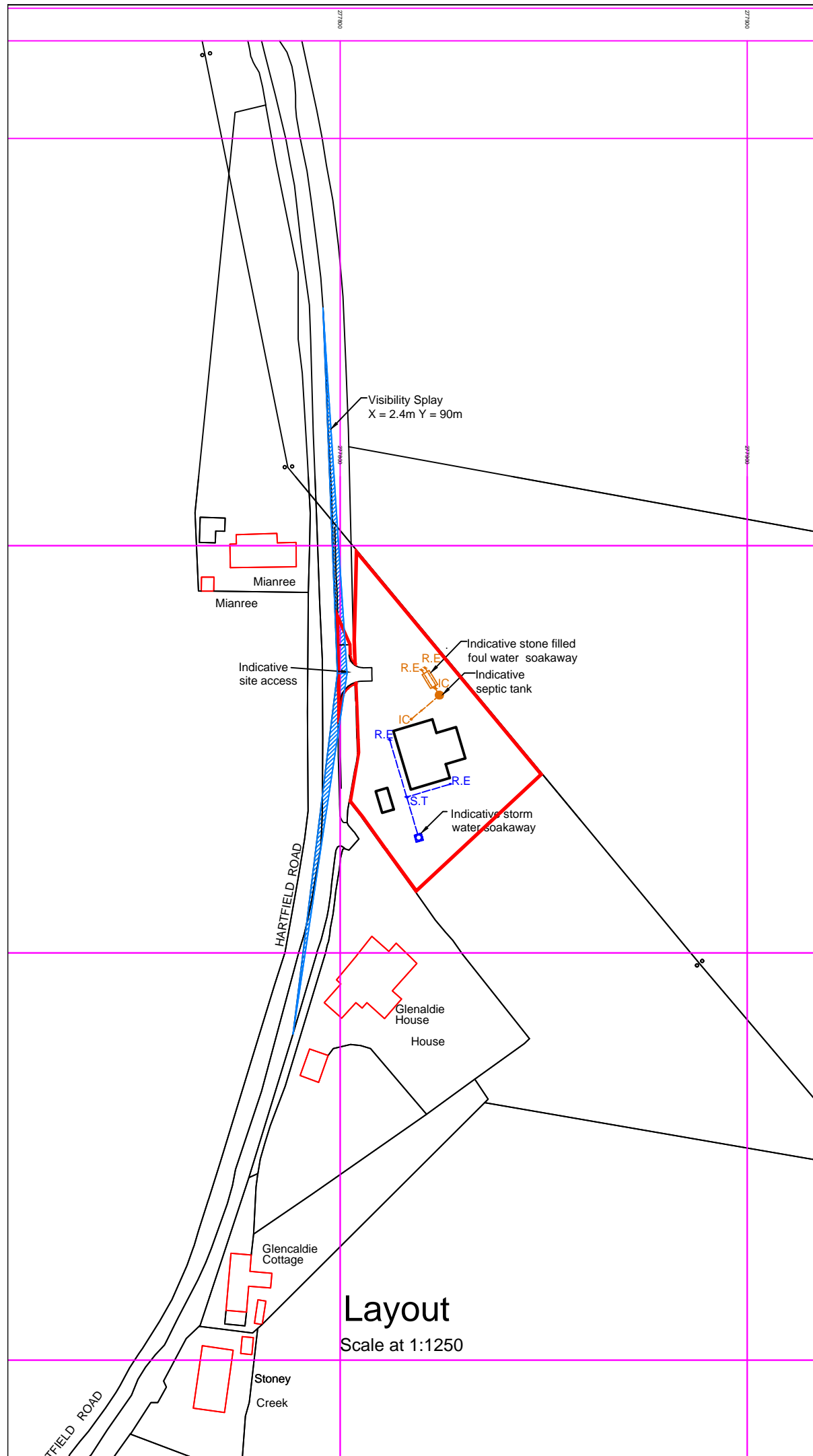
- Surface Water Drainage
- Foul Water Drainage
- R.E R.E Surface/foul water rodding eye
- I.C I.C Surface/foul water Inspection Chamber
- Indicative Plot Boundary
- Visibility Splay



Towards Glenaldie House (Refer to written dimensions) Towards A9 (Refer to written dimensions)



Service Bay
Scale at 1:150



Layout
Scale at 1:1250

Client:
Mr & Mrs Ross
21 Culduthel Mains Circle Inverness
IV2 6RH

Drawing Title:
Indicative Layout

Project Name:
Planning Application Hartfield Rd Tain

Drawing Number:
PPA - 002

Drawing Date:
02/12/2019

Drawing Scale:
As Shown

Drawn By: LB Checked By: LB

FOR CONSTRUCTION
FOR PROCUREMENT
FOR ISSUE
FOR PLANNING
FOR BW
DRAFT STATUS

Revision A