

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE – North
18th February**

Agenda Item	6.1
Report No	PLN/010/14

**13/01962/FUL : Albyn Housing Society Ltd
Land opposite 11-14 Ross Crescent and 12-14 Drovers Way, Milton**

Report by Area Planning Manager

SUMMARY

Description : Change of use of communal areas of ground to provide private garden ground/car parking for 11-14 Ross Crescent and 12 & 14 Drovers Way

Recommendation - GRANT

Ward : 8 – Tain and East Ross

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 objections received.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks detailed consent for the change of use of two separate communal areas of ground in front of 11-14 Ross Crescent and 12-14 Drovers Way, Milton. The application proposes to change these areas into private parking/garden ground for the adjacent properties. The application proposes 8 parking spaces in total, which are to be hard surfaced. The areas are to be delineated by a 900mm high timber slatted fence.
- 1.2 The application was amended to show a reduced site area in front of 12-14 Drovers Way and to limit the areas of hard surface to the minimum practically required. The purpose of these amendments was to retain as much of the green openness of the sites as possible.
The application was re-advertised following these amendments.
- 1.3 The amended submission was accompanied by a statement from the applicant, which responded to points raised in the representations.

2. SITE DESCRIPTION

- 2.1 The sites are relatively flat, open areas of grass situated between the properties and the road. The site in front of 12-14 Drovers Way contains a shrub, the stumps of previously felled trees and a birch tree, which shall have to be removed to

accommodate the proposed parking. The two sites in front of 11-14 Ross Crescent consist of grass with a footpath cutting between them.

3. PUBLIC PARTICIPATION

3.1 Advertised : Unknown neighbour
Representation deadline : 20.09.2013

Re-advertised : Unknown neighbour
Representation deadline : 10.01.2014

Timeous representations : 10

3.2 Material considerations raised **in objection** to the application are summarised as follows:

- Car parking is already provided at the rear of the properties, therefore, there is no need to create additional spaces at the front.
- Car parking between 12 & 14 Drovers Way is on a sweeping bend of the road and the applications may obscure visibility. Cars shall also have to reverse out onto the main road through Milton.
- The application will result in the loss of further trees at the front of Drovers Way.
- There are two Scottish Water drains at Drovers Way, which shall still have to be accessed.
- Parking shall cause a noise nuisance and impact upon the general amenity of neighbouring properties.
- The communal areas are used for playing.
- Approval will result in the loss of further areas of communal ground.
- The application will have a detrimental impact upon the character of the village.
- The proposal conflicts with the principles contained within the “Designing Streets” document.
- The application does not eliminate the wider issue of people parking on the road.

Material considerations raised **in support** of the application are summarised as follows:

- On-street parking is currently causing a road safety issue. The application will keep the road free of cars.
- The applications were a result of prior consultation with TECS and the Police.
- Existing car parks in Milton are full.
- There is ample open space in and around Milton, the loss of these areas shall not be significant.
- Buses couldn't come into Milton last winter due to on-street parking.
- Parking at the rear was explored as an option, however, this was dismissed as an option as access is often blocked by parking in turning areas.

- These amenity areas are not used for play.
- The application will not alleviate all parking concerns in Milton, but will be beneficial for this particular part of the village.

3.3 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. Access to computers can be made available via Planning and Development Service offices.

4. CONSULTATIONS

4.1 **TECS Roads** : Not objecting – The proposal should improve visibility on the bend as cars shall be removed from the road. In a 30mph zone, reversing onto the road is acceptable.

4.2 **Forestry Officer** : Not objecting – The proposed parking opposite number 12 will require the removal of a single birch tree. This is not a particularly good specimen and I would have no objections to its removal.

4.3 **Kilmuir and Logie Easter Community Council** : Comment on application below:

- We have spoken to the three emergency services and they all say that poor parking on the access roads in Milton is a safety issue. In the main they would like to see all cars parked in either designated parking spaces or off street. The bus company has an issue with on street parking during in snow and icy conditions and they will not enter the village during severe weather, although delivery vehicles still continue to drive into the village during these periods.
- Albyn Housing confirm that 32 of their houses have already had extended gardens added to their property so this is not a new phenomenon. Although we understand that tenants will be responsible for the construction of any parking areas and that the areas will be fenced we see no evidence of how this will be done or of any conditions under which this will be controlled.
- We understand that the areas to be “annexed” are communal areas but belong to Albyn Housing, we also understand that similar options have also been offered to the adjoining, privately owned properties but have been turned down.
- The Community Council feels that there is a need to examine car parking in the village as a whole perhaps alongside a more holistic view of the built environment in the village but we recognise this is an issue for another day. We recognise that when the housing scheme was first built car ownership was quite different to what it is in 2013 and that the architects did not see the proliferation of car ownership. Something which modern planning and development methods do control as part of any design process.
- On the subject of the application we feel that it is not clear about what is being proposed, there is no explanation of what an extended garden is – for example: is it private? Is the car parking being proposed private (as in the case of other off street parking in this scheme)? The drawings do not show any clear elevations so it is impossible to ascertain if there is any loss of visual amenity for other residents.
- What are the exact parking patterns in the community? Are there some periods when usage is at its highest/lowest?

- We understand that there are no conditions in any Albyn or Highland Council tenancy agreements which refer to parking, nor are there any such conditions attached to any right to buy house sales. We also believe that, even if there were, they would be expensive to implement and very difficult to police. This places an onus on Milton residents to self-regulate their parking needs in the interests of their neighbours and the wider community.
- Perhaps the best way forward for this application is for the applicant (Albyn Housing Association) and other agencies to attempt to answer some of the questions raised by those opposed to the application and those commenting on the application before it progresses any further. We understand that time scales for this application allow for some degree of flexibility in reaching a determination. There are a number of quite genuine questions about this application which remain unanswered and which may have quite simple and reasonable answers, others may require more extensive pieces of work on behalf of the agencies and communities involved. We ask that the planning committee report notes these comments and that the Planning Committee considers them when determining the application.

Further comments were received following the re-advertisement of the application:

- Since the application was advertised yet another vehicle has been damaged whilst parked in the lay by in front of numbers 11 to 14 Ross Crescent. This incident was attended by Police Scotland. Our concerns about parking in this area remain unresolved. Our wider concerns about the authorities' approach to parked vehicles in the wider housing scheme also remain unanswered. Whether or not this application is granted we feel that Highland Council, the emergency services and any other services using these roads need to consider how they deal with these issues and how they involve the community in achieving a resolution to these issues.

5. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

5.1 Highland Wide Local Development Plan 2012

28 Sustainable Design

34 Settlement Development Areas

5.2 Ross & Cromarty East Local Plan (2007) (as continued in force)

Within settlement Boundary and existing housing area.

6. OTHER MATERIAL CONSIDERATIONS

6.1 Inner Moray Firth Proposed Local Development Plan

6.2 Highland Council Supplementary Planning Policy Guidance

None applicable

6.3 **Scottish Government Planning Policy and Guidance**

SPP

Designing Safer Places

7. **PLANNING APPRAISAL**

7.1 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.

7.2 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.

7.3 **Development Plan Policy Assessment**

Policy 28 (Sustainable Design) of the HWLDP aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they “impact on individual and community residential amenity” and “demonstrate sensitive siting and high quality design in keeping with local character’.

Policy 34 (Settlement Development Areas) states that “we will support proposals within Settlement Development Areas if they meet the requirements of policy 28” and that we will judge proposals in terms of how compatible they are with the existing pattern of development and adjacent land uses.

The development does not raise any technical issues or neighbour amenity issues. Furthermore, the development shall not have any detrimental impact upon the character of the area. The proposal accords with Development Plan Policy. Below gives a more detailed assessment of the proposal against the aforementioned policies.

7.4 **Material Considerations**

7.4.1 A number of points material to the assessment of the application were raised in the representations. Each of these points is addressed below.

7.4.2 The proposal does not present any road safety issues. TECS Roads have confirmed that the parking spaces shall not obscure visibility on this section of the road and that the proposals shall actually improve visibility as parked cars are removed from the road. As the sites are located within a 30MPH zone and on a stretch of road with good visibility, TECS Roads have also confirmed that exiting the spaces in reverse gear is acceptable.

7.4.3 A birch tree shall have to be removed to accommodate the parking space opposite 12 Drovers Way. The Forestry Officer has stated that this tree is a poor specimen and that there is no objection to its removal. Although trees should be protected and retained whenever possible, in this instance, it is not reasonable to refuse permission on the basis of retaining this one poor specimen.

- 7.4.4 The use of the areas in front of Drovers Way and Ross Crescent for 8 parking spaces shall not cause a significant noise nuisance to the neighbouring properties. Cars are parked along the roadside at present and the noise generally generated from the parking of cars is not constant, relatively unobtrusive and is an accepted feature of a residential area.
- 7.4.5 The letters of representation query why residents cannot use the existing communal parking at the rear of the properties. The parking spaces at the rear are at a distance to the properties and there is no direct accessible path between the house entrances and the parking. Residents are concerned that cars cannot be viewed from the houses and the associated risk of crime. For these reasons residents presently choose to park on the road, at the front of their properties, where their cars are visible. Although the housing estate was designed with car parking situated at the rear, it is accepted that the practicalities of this arrangement are causing on-street parking. It would be preferable to remove the cars from the road in the interests of road safety.
- 7.4.6 It has been suggested in the representations that the communal areas are used for play. Open spaces and play spaces are important components of housing developments, however, the application sites are not ideal for play as they are located immediately adjacent to the main road into the village. There are other open spaces at close proximity within the village, which are suitable for informal recreation such as the large amenity space situated between the B817 and the built up area. There are also other more formal areas specifically for play such as the playground and playing field.
- 7.4.7 Representations note that Scottish Water drains are located on the land opposite Drover's Way. It is the responsibility of the applicant to ensure that access to Scottish Water infrastructure is maintained and is not damaged.
- 7.4.8 The open spaces in and around Milton form an important part of its character. In order to retain as much of the green openness of the sites as possible, the applications have been amended to limit the area of hard standing solely to the area actually required for parking and access. Furthermore, the area in front of 12-14 Drovers Way has been reduced to the reasonable minimum needed for parking and turning space, thus preserving some open space between the site and the road. The loss of these communal amenity spaces shall not have a significant impact upon the character of the area. Approval of the application shall not set a precedent for the erosion of further open spaces in Milton as each application is treated on its own merits and will be subject to an assessment of the impact the development has on the character and appearance of the settlement.
- 7.4.9 Representations make reference to a wider parking problem in Milton and the fact that this application only alleviates the parking issue in one small area. This application must be considered upon its own merits as submitted. It is not within the bounds of this application to tackle the wider problem. It would be unreasonable to refuse permission for this application due to unsolved parking issues in other parts of the village.

8. CONCLUSION

- 8.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

9. RECOMMENDATION

Action required before decision issued N

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

1. The areas of hard surfacing for the parking spaces and access shall be limited to the areas shown on approved plans C301A and C302A.

Reason : To limit the area of had surface and to maintain the character and appearance of the area.

2. The boundary fence shall be stained timber, slatted and shall not exceed 900mm in height. No development shall commence until the colour of stain is agreed in writing by the Planning Authority. Thereafter development shall proceed in accordance with the agreed details.

Reason : To avoid obscuring driver visibility when exiting the parking spaces and to protect the character and appearance of the area.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Rebecca Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – C301A Site Plan
Plan 3 – C302A Site Plan

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Gladys Corbett	8 Drovers Way, Milton	17.09.13	Against
Mr & Mrs Anderson	13 Drovers Way, Milton	17.09.13 23.12.13	Against
Donald and Marion Macleod	11 Drovers Way, Milton	18.09.13 24.12.13	Against
Mr Cooper	Millers Cottage, Milton	19.09.13	Against
Mr Taylor	44 Drovers Way, Milton	18.09.13	Against
Melanie Newdick	46 Drovers Way, Milton	20.09.13	Against
Stephen Martin	Burnside Cottage, Milton	10.12.13	Against
Karen Campbell	18 Drovers Way, Milton	09.01.13	Against
Isabella Mclaughlan	7 Ross Crescent, Milton	26.09.13 08.01.14	For
John Rodewald	8 Cromarty Drive, Milton	03.10.13 08.01.14	For



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The Highland Council
Comhairle na Gàidhealtachd

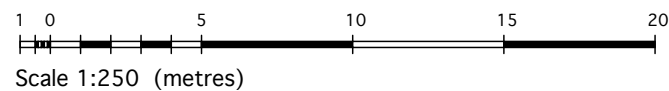
Planning & Development Service

13/01962 /FUL

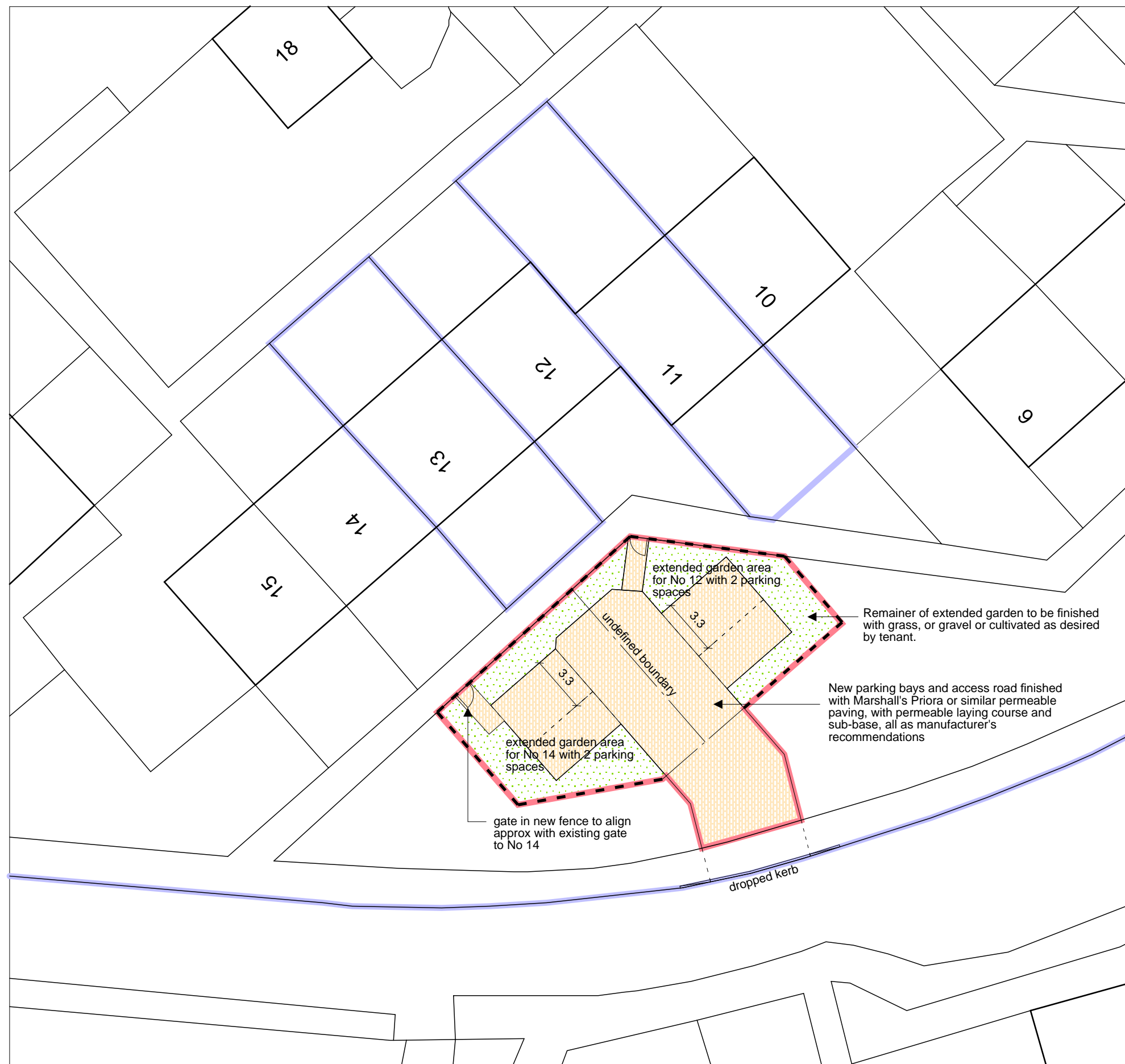
Change of use of communal areas of ground to provide private garden ground/car parking for 11-14 Ross Crescent and 12 & 14 Drover's Way, Milton.

Date: 04 February 2014





Proposed new fence 900mm high
 (see drg 1639-C303 for details) - - - - -



a reduce extended garden areas and show finishes trb 19.11.13

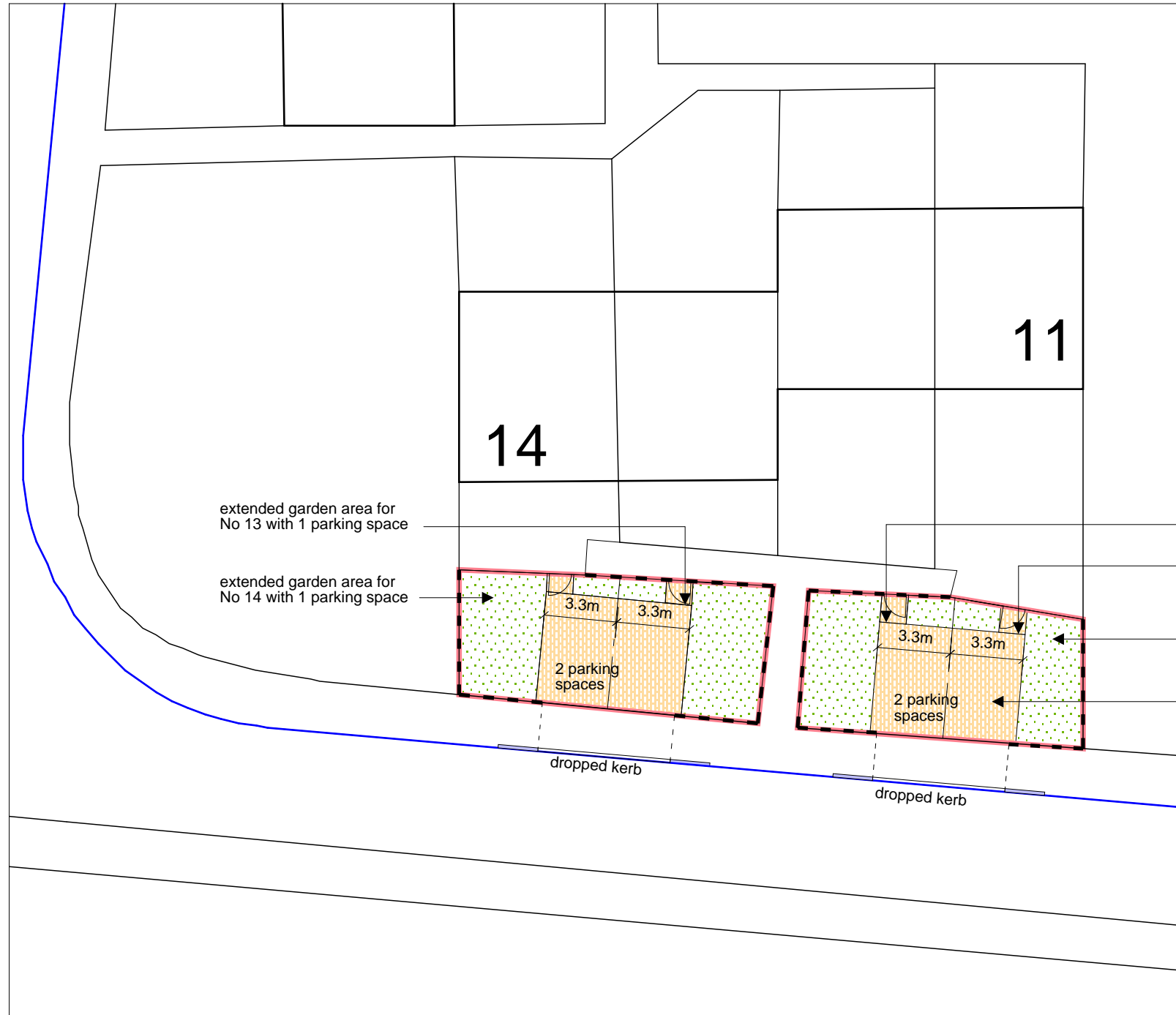
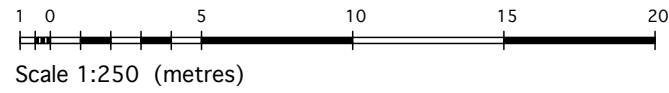
Project Proposed additional parking, at 11-14 Ross Crescent, and 12&14 Drovers Way, Milton, for Albyn Housing Society Ltd

Subject Site Plan for 12 & 14 Drovers Way

TBA TREVOR BLACK ARCHITECTS

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scale @ A3	date	drawn
1:250	july '13	trb
job no.	drawing nr.	revision
1639	C301	a



- extended garden area for No 12 with 1 parking space
- extended garden area for No 11 with 1 parking space
- Remainer of extended garden to be finished with grass, or gravel or cultivated as desired by tenant.
- New parking bays finished with Marshall's Piora or similar permeable paving, with permeable laying course and sub-base, all as manufacturer's recommendations

a note extended garden areas and show finishes trb
19.11.13

Project Proposed additional parking, at 11-14 Ross Crescent, and 12&14 Drovers Way, Milton, for Albyn Housing Society Ltd

Subject Site Plan for 11-14 Ross Crescent

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Proposed new fence 900mm high (see drg 1639-C303 for details)
undefined boundary

scale @ A3	date	drawn
1:250	july '13	trb
job no.	drawing nr.	revision
1639	C302	a