

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
29 January 2008

Agenda Item	4.2
Report No	02/08

07/00862/FULRC – Erection of three houses and four flats (Detail)
at land to south of 3 Redspur Gardens Fearn

Report by Area Planning and Building Standards Manager

SUMMARY

The application is in detail for the erection of three houses and four flats on open amenity land to the rear of the existing Council housing at Redspur Gardens. The application is by Albyn Housing Society Ltd and is for affordable housing.

The proposal has been advertised as a Potential Departure from policy and has received two letters of representation from residents of Redspur Gardens. Furthermore, the application is also being reported to Committee as the Highland Council are part owners of the site.

The Recommendation is to GRANT planning permission.

Ward Number 8 – Tain and Easter Ross

The Hearings procedure is applicable to this application but it was not known at the time of writing the report whether a Hearing would be required.

1. PROPOSAL

1.1 The application is in detail for the erection of three houses and four flats:

- 4No. 3 person 2 bedroom flats
- 2No. 4 person 2 bedroom houses
- 1No. 5 person 3 bedroom house

1.2 The buildings are 1¾ storey with a white harl wall finish and grey concrete roof tiles and are of a similar size and form to the surrounding housing at Redspur Gardens. Parking spaces for 11 cars are provided both within the curtilage of the houses and also on street parking bays. Access is from the hammerhead area near to 12 Redspur Gardens and is formed by a new 5.5m wide road to adoptable standards running to the rear of No.1-3 Redspur Gardens.

1.3 The site is currently an open grassed amenity space, with some small occasional trees. There are two mature Oak trees and a Sycamore within the grounds of

'Culkein' and 'Gairs' to the south of the site, and a row of semi-mature spruce and pine along the boundary fence. To the east of the amenity area the proposed access road is partly formed from the adjacent farmland.

2. PLANNING HISTORY

2.1 None known for site.

3. PUBLIC PARTICIPATION

3.1 The application was advertised as a Potential Departure from the Development Plan on 14 September 2007. The expiry date for the publicity period was 5 October 2007. Two letters of representation have been received.

3.2 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.

4. CONSULTATIONS

4.1 **Fearn Community Council** – No comments received.

4.2 **Internal Consultees**

Property and Housing Service – Are content with the mix of affordable housing on the site.

Area Roads and Community Works Manager – No objections, subject to the road being constructed under a Road Construction Consent agreement with the Roads Authority.

Forestry Officer – There is a group of trees to the eastern boundary of the site in relatively poor condition due to vandalism and these will be removed to accommodate Unit 4. There are two mature Oak trees and a Sycamore within the grounds of 'Culkein' and 'Gairs' to the south of the site, and a row of semi-mature spruce and pine along the boundary fence. A separation of 18m between the mature trees and Unit 3 has been achieved which is acceptable and will reduce any future concerns over restricted light and safety. A separation of 12m has been achieved between the row of spruce and pine and Unit 4. These trees have been planted at a high density and are unlikely to reach their full height potential. Ideally these trees would be removed and replaced with species more compatible with housing. The neighbours are not prepared to have the trees felled. Although restricted light and possible safety concerns may arise in the future, given that it is the gable ends of Units 3 and 4 which face this boundary providing greater protection and less demand for light, the 12m separation is acceptable. Suggest tree protection conditions for any site works.

4.3 External Consultees

SEPA – No objections as it is proposed to connect the foul drainage from the development to the public sewer.

Scottish Water – Assynt Water Treatment Works currently has sufficient capacity to service the development. There may be issues with the water network. Balintore Waste Water Treatment Works currently has sufficient capacity to service the development. There may be issues within the waste water treatment network.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for Sustainability
- H8 Access arrangements for new and existing housing

Ross and Cromarty East Local Plan

- Housing Policy 1 – The Council will favour further small scale infill housing development
- BP3 – The Council will only approve development if there are no significant adverse effects on heritage, amenity, public health and safety issues.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG) and Planning Advice Notes (PAN).

- SPP1: The Planning System

6. PLANNING APPRAISAL

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

6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues raised by the objectors

- 6.3 **Policy** - The proposal is being reported to Committee as it is a Departure from Policy. The proposed access from Redspur Gardens and approximately half of Unit 4 (the block of 4No. flats) encroaches into the farmland to the east of the village. This farmland does not lie within the area that is allocated for further housing development by the Ross and Cromarty East Local Plan. The main part of the site does lie within land allocated by the Local Plan for housing. I consider that the use of the farmland to the east of the allocated area is an acceptable minor departure from policy and does not set a dangerous precedent for the future.
- 6.4 The principle of the development is assessed as being acceptable meeting the requirements of the Ross and Cromarty East Local Plan.
- 6.5 Representations relate to the following –
- Road access along Muldearg Place is narrow and congested with parked cars. New housing will make this worse – Members will note that TEC Services have indicated that the proposal is acceptable. Parked cars are often a good form of traffic calming helping to lower vehicle speeds.
 - Potential access from the B9165 – TEC Services indicated that due to the below standard sight lines this would not be acceptable.
 - Separation between the existing and proposed houses, amenity and overlooking – The proposed houses 2 and 3 along the west boundary of the site adjacent to Redspur Gardens look towards the gable walls of No.3 and 4 Redspur Gardens. The proposed house 1 looks obliquely towards No.3 Redspur Gardens and there is a minimum separation of at least 10m between the proposed and existing houses. I consider that due to the oblique offset of the proposed houses 1-3 to the existing houses, there is no significantly detrimental impact on the existing or future amenity. A 1.8m high timber fencing is proposed to provide amenity screening between the rear gardens of existing and proposed buildings. There is a proposed amenity strip with a footpath between the houses to the west side of the development and the existing housing at Redspur Gardens. These are considered to minimise the impact on individual and community residential amenity as required by Policy G2.
 - Loss of light – This is not considered to be a significant factor in this instance.
- 6.6 The site is compatible with the servicing requirements of the Highland Structure Plan Policy G2 in relation to water and sewerage. Members will note that the road has to be constructed under a Road Construction Consent agreement with the Roads Authority and will therefore accord with the access requirements of Policies G2 and H8.
- 6.7 The design and layout proposed are considered to integrate well with the scale, massing, form and layout of the existing housing in this part of the village. The proposed houses and flats are a mix of sizes spread along both sides of the extended dog-legged 'T'-shaped road. The site slopes from northeast to southwest and accordingly the buildings are stepped to take account of the changes in level. The houses to the west side of the road are also staggered back from the road, thus opening out the road towards the turning head at the south end. The design and layout demonstrates sensitive siting and high quality design as required by Policy

G2 and is not considered to have a significantly detrimental impact on either individual or community residential amenity.

7. CONCLUSION

- 7.1 In my assessment, the proposal will bring forward much needed affordable housing to the village. The development is considered to broadly accord with policy, with only the eastern side of the site departing from it. Overall, the proposal is judged to be a minor and acceptable departure from the area allocated for residential development by the Ross and Cromarty East Local Plan.
- 7.2 Members should note that if they are minded to approve the proposal, the application must be referred to Scottish Ministers to allow them the opportunity to call in the application as the Highland Council is part owner of the site. Parties making representations will have a further opportunity for comment, and therefore there is a possibility the application may come back to the Committee.

RECOMMENDATION

Grant planning permission subject to conditions:

- 1 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 hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.

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

- 2 Prior to the commencement of development the developer shall provide full written details of the materials, finishes and colours of the individual houses for the approval in writing of the Planning Authority.

Reason: In the interests of residential amenity, as no details have been provided and for the avoidance of doubt.

- 3 Prior to the commencement of construction of the buildings, detailed arrangements for the on-going maintenance, in perpetuity, of all landscaped areas, public open space, and play space shall be submitted to and require the approval in writing of the Planning Authority.

Note: It is the general preference of the Planning Authority that the developer should negotiate a maintenance agreement with the Highland Council in this regard.

Reason: In the interests of amenity.

- 4 Prior to the commencement of development, details of the lighting system designed for the development shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority in order to limit urban

sky glow and light spillage onto surrounding areas. The approved details shall thereafter be implemented prior to any part of the development being brought into use.

Reason: In the interests of residential amenity, in order to avoid light pollution and for the avoidance of doubt.

- 5 Prior to any site excavation, all retained trees are to be protected against construction damage using Herras fencing secure to posts and located beyond the Root Protection Area (in accordance with BS5837:2005 Trees in Relation to Construction). Fencing is to be inspected and approved in writing by the Planning Authority prior to the commencement of ground works.

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

- 6 Prior to the commencement of development, the developer shall submit a detailed landscaping plan specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted together with an indication of how they integrate with the proposal in the long term. A maintenance programme must be submitted for approval specifying weed control; adjustment / replacement of shelters, stakes and ties; formative pruning; and replacement of failures. Planting shall be carried out during the first year following practical completion of the development. All trees are to be retained in perpetuity and any failures are to be replaced within the next planting season to the satisfaction of the Planning Authority.

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

- 7 All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with Scottish Environment Protection Agency, the Water Authority and Building Standards Authority. Prior to the commencement of development, detailed proposals for the disposal of surface water from the site, which shall require to meet the Best Management Practice Guidelines of the Scottish Environment Protection Agency, shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Roads Authority and SEPA. All proposals thereby approved shall be implemented prior to occupation of the houses. For the avoidance of doubt, foul drainage shall be by means of a connection to the public sewer.

Reason: In order to ensure that the site is properly drained, and for the avoidance of doubt.

- 8 All access arrangements shall be provided to the satisfaction of the Planning Authority in accordance with the Roads Authority. For the avoidance of doubt, all roads and footpaths shall be constructed to the adoptive standards of the Roads Authority and no buildings shall be constructed until such time as Road Construction Consent has been granted for the site access roads.

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

9 Unless otherwise approved in writing by the Planning Authority, hours of operation on the site shall be restricted to 7.30am to 7.00pm Monday to Friday, 7.30am to 1pm on Saturdays, with no Sunday working.

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

Informative

The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network at the appropriate time. It is important to note that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must contact Scottish Water Operations Technical Support Team to ascertain what measures are to be taken to protect this apparatus. A connection to the public sewer network system is dependent on the spare capacity at the time of application for a sewer connection. A supply from the public water network is dependent on spare capacity at the time of application for a water connection.

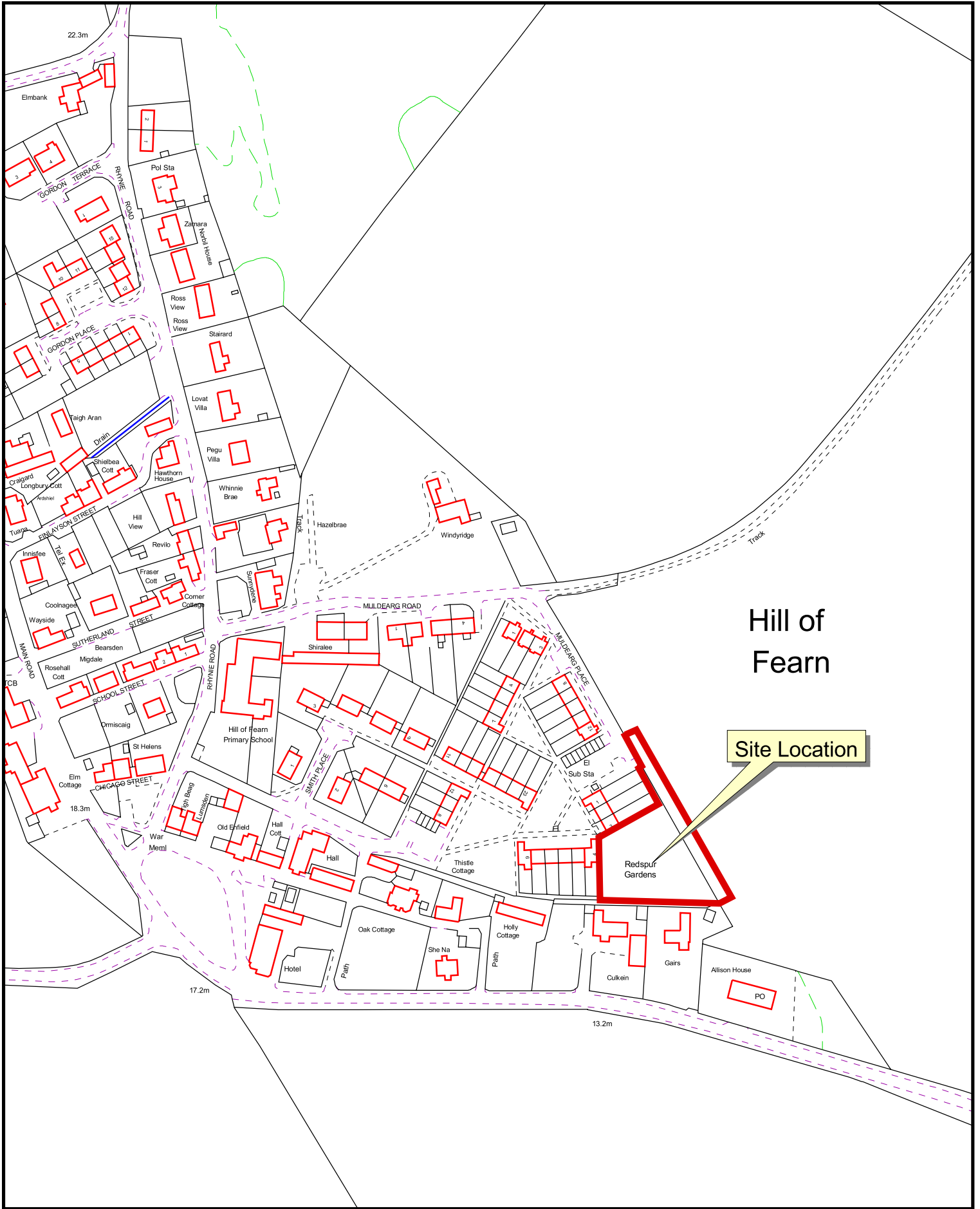
Signature: Allan J Todd

Designation: Area Planning and Building Standards Manager

Author: Bob Robertson 01862 812044

Background Papers: As referred to in the report above and case file reference number 07/00862/FULRC

Date: 15 January 2008



Hill of Fearn

Site Location



07/00862/FULRC
Erection of three houses and four flats (Detail)
at Land To South of 3 Redspur Gardens, Fearn.

Albyn Housing Society Ltd
per Matheson Mackenzie Ross Architects
Royal Bank Buildings
High Street
Dingwall

Date: 16 January 2008

SUPPLIED BY THE HIGHLAND COUNCIL



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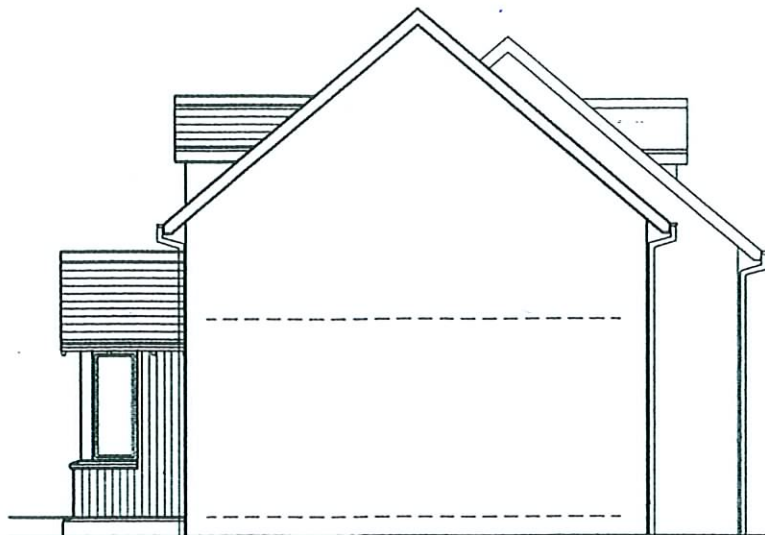
ARCHITECTS

matheson mackenzie
ARCHITECTS

FEARN
Proposed housing development
Redeveloped for Alton
Housing Society

17.08.06

- NOTES
1. WRITTEN SIZES TAKE PREFERENCE OVER SCALED SIZES
 2. LARGE SCALE DETAILS TAKE PREFERENCE OVER SMALL SCALE
 3. ALL DIMENSIONS TO BE CHECKED ON SITE
 4. ANY DISCREPANCIES IN DRAWINGS TO BE REFERRED TO THIS OFFICE FOR DECISION

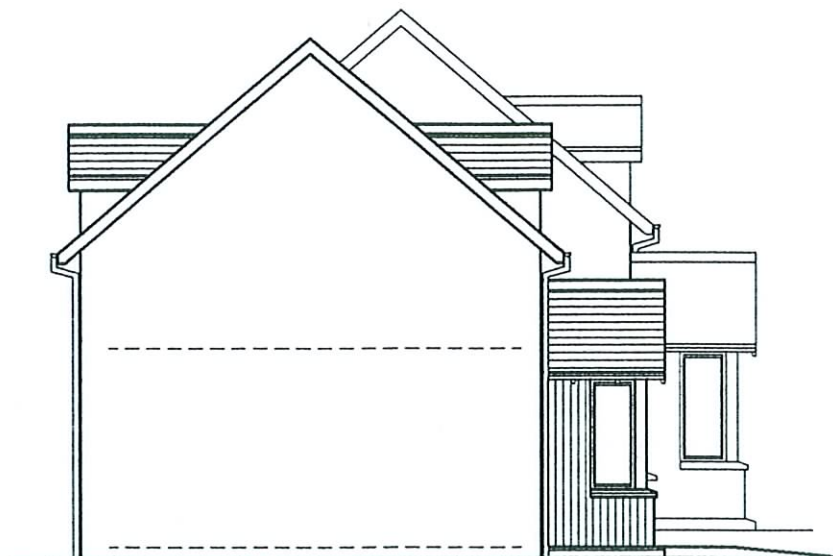


North East Elevation



Unit 1
North West Elevation

Unit 2



South West Elevation



South East Elevation

Unit 2

Unit 1

REVISIONS			
rev	date	Initial	detail
A	14.8.07	NHR	Velux rooflights to rear of Unit 1

matheson mackenzie ross
ARCHITECTS

ROYAL BANK BUILDINGS
HIGH STREET DINGWALL
ROSS & CROMARTY
IV15 9HA
TEL 01349 863352 FAX 01349 866748

Hugh M. Ross, DipArch, RIBA, FRIAS, MA.P.S.
Neil H Ross, DipArch, RIBA, ARIAS.
www.mmross.co.uk

project

FEARN
Proposed development at
Redspur Gardens for Albyn
Housing Society.

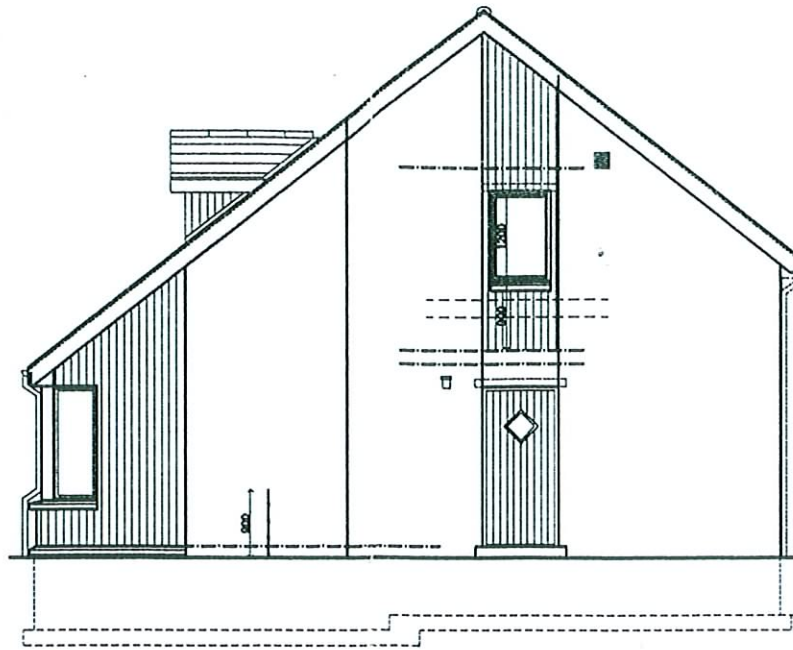
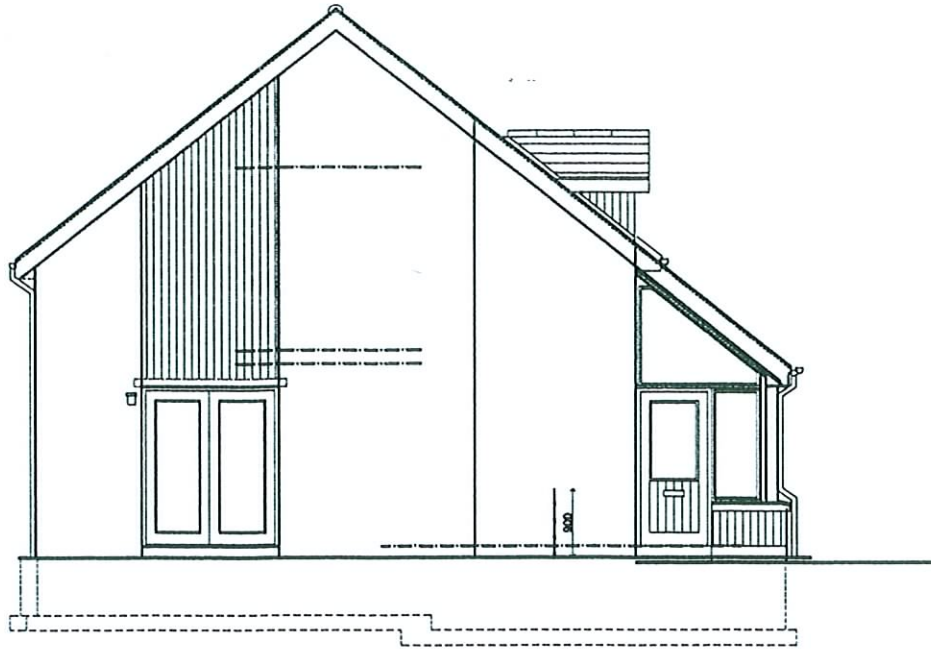
drawing 4 Person House Elevations

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drawn	NHR		checked	

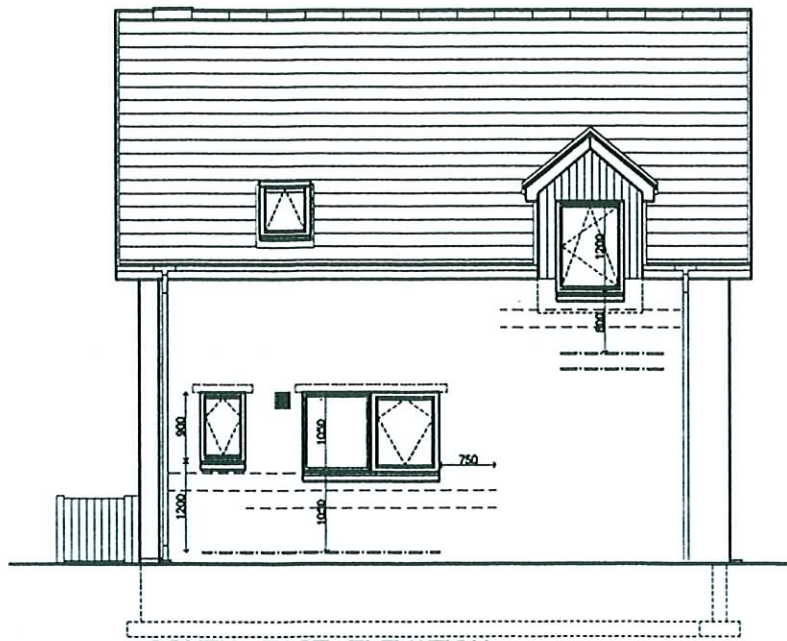
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THE HIGHLAND COUNCIL
PLAN 4 OF 7 SUBMITTED WITH
PLANNING APPLICATION NO: 07/00862/FULRC
DATE OF RECEIPT: 17th August 2007

- NOTES
1. WRITTEN SIZES TAKE PREFERENCE OVER SCALED SIZES
 2. LARGE SCALE DETAILS TAKE PREFERENCE OVER SMALL SCALE
 3. ALL DIMENSIONS TO BE CHECKED ON SITE
 4. ANY DISCREPANCIES IN DRAWINGS TO BE REFERRED TO THIS OFFICE FOR DECISION



SOUTH-WEST ELEVATION



SOUTH-EAST ELEVATION



NORTH ELEVATION

REVISIONS			
rev	date	initial	detail

matheson mackenzie ross
ARCHITECTS

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project
FEARN
Proposed development at
Redspur Gardens for Albyn
Housing Society.

drawing 5 Person House Elevations

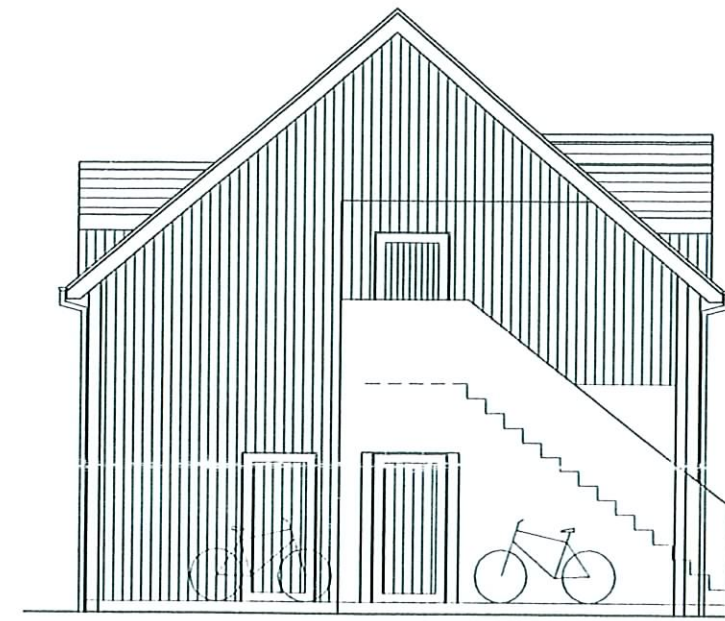
scale	1:100	A3	date	June 2007
drawn	NHR		checked	

no	rev
F1.06.10	

THE HIGHLAND COUNCIL
PLAN 6 OF 7 SUBMITTED WITH
PLANNING APPLICATION NO: 07/00862/FULRC
DATE OF RECEIPT: 17th August 2007



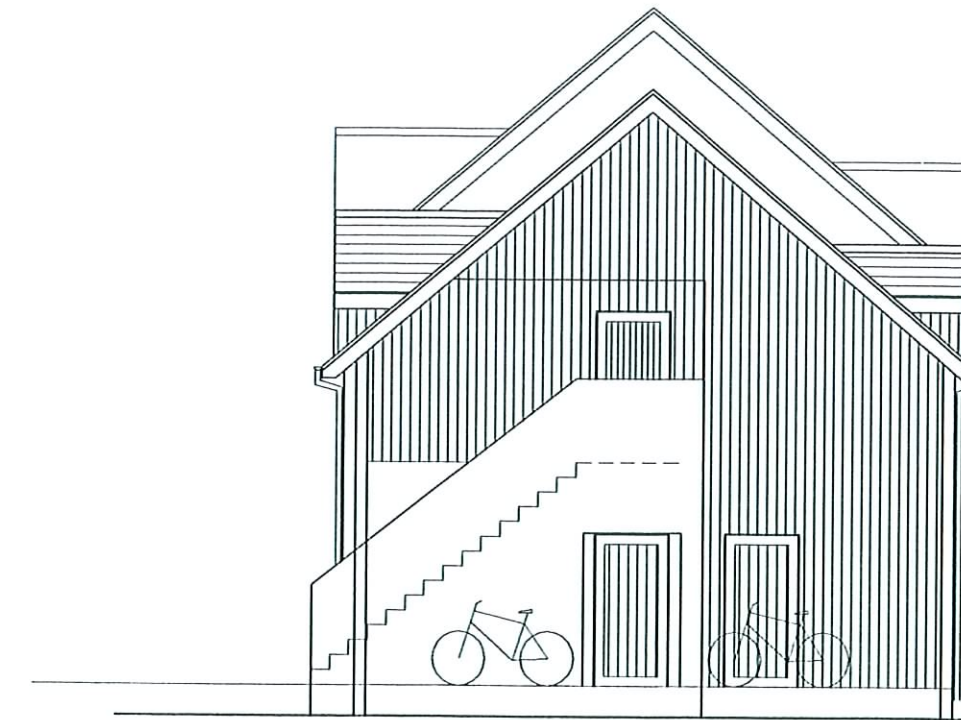
North East Elevation



North West Elevation



South West Elevation



South East Elevation