

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
9 December 2008

Agenda Item	3.6
Report No	61/08

**08/00226/FULSU Subdivision of land into nine serviced house plots and upgrade
and improve existing access at Land North West of Park Street Balintore**

Report by Area Planning and Building Standards Manager

SUMMARY

The application is in detail for the formation of nine serviced house plots and the upgrading and improvement of the existing access track serving the site. The site is to the rear of Park Street and is allocated in the Ross and Cromarty East Local Plan for residential use.

The application is reported to Committee as sixteen letters of representation have been received against the proposed development. The application has been advertised on two occasions with the advert periods expiring on 1 August and 21 November 2008.

The Recommendation is to GRANT planning permission.

Ward Number 8 - Tain and Easter Ross

Applicant – A & J Stephen (Builders Ltd)

1. PROPOSAL

- 1.1 The proposal is in detail to form nine serviced house plots and to upgrade the existing access track to the open ground to the rear of Park Street. No detailed house designs have been submitted and these would form part of further planning applications.
- 1.2 The site slopes from the higher farmland to the west down towards Park Street to the east. The western side of the site comprises a raised beach, with much of the central part of the site being relatively flat. There is an existing access track into the site from Balintore Park / Park Street, with informal pedestrian links through the site. The housing on Park Street comprises a mix of modernised and extended fishermen's cottages with more modern infill housing. Generally, the houses are small and single to 1½ -1¾ storeys in height. Larger, more modern houses, are located at Balintore Park to the south of the site, whilst timber clad terraced properties lie to the north adjacent to the United Free Church Manse. The area is residential in character.

2. PLANNING HISTORY

- 2.1 Planning permission was granted for the layout and servicing of 8 house plots in 1982. The southern-most plot (No.5 Balintore Park) has been developed. The approved plan also included a footpath along the boundary at the rear of Park Street which has not been constructed. A subsequent application in 1985 for 12 individual serviced plots was refused at Appeal.

3. PUBLIC PARTICIPATION

- 3.1 Representation have been received (16 in total) and relate to the following matters:

- Loss of access to rear of houses at Park Street
- Loss of light
- Impact on privacy due to changes in level
- Impede view
- Proximity of pedestrian footpath to Park Street properties
- Impact on character of area
- Natural resource of field
- Over development of site
- Archaeological interest
- Sewerage capacity
- Restrict height of houses adjacent to Park Street to single storey
- Restrict permitted development rights
- Design brief for site
- Construction of access road over land owned by other party

- 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 **Balintore and Hilton Community Council** (received 21 July 2008) – Chairman does not envisage any objection to this proposal from Community Council members in view of the previous planning permission granted for eight plots on this land 26 years ago.

4.2 Internal Consultees

TEC Services (4 August) – The development requires to be constructed under a Roads Construction Consent agreement with the Roads Authority. A 0.5m wide verge (hard landscaped) is required on the south side of the 5.5m wide access road from Park Street (adjacent No.3 Balintore Park) to the footway within the proposed development. The footway indicated requires to be extended all the way around the

hammerhead, which also needs to be extended. The link footway from the hammerhead to Park Street requires to be formed to adoptable standards and must be 2.4m wide with lockable bollards, with dropped kerbs at the hammerhead and at Park Street (for maintenance access). Measures must be put in place to stop direct pedestrian access onto Park Street.

Archaeology – The application site lies in a wider area where significant archaeological remains, including burials and Pictish remains, are recorded and the site covers an area where there is potential for the survival of buried archaeological remains to be impacted. ARC 1 condition required.

4.3 External Consultees

Scottish Water – Assynt Water Treatment Works may have capacity to service the development. The waste water network that serves the proposed development may be able to accommodate the new demand.

5. POLICY

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

Highland Structure Plan

- G2 Design for Sustainability

Ross and Cromarty East Local Plan (2007)

- H1 – The 0.9ha site lies within the village settlement boundary and is allocated for Housing, with a capacity of 10 units (single plots).

5.2 The proposal also requires to be assessed against Scottish Planning Policy (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 Members will note that the site is allocated in the Ross and Cromarty East Local Plan for housing, with a capacity of 10 units. Furthermore, the Policy identifies a requirement for single plots. Accordingly, it is considered that the principle of developing the site for housing is not in question.
- 6.4 The proposal is for a total of 9 serviced plots with a single access road being formed from the existing track serving Nos. 3, 4 and 5 Balintore Park to the south of the site. If approved, the developer would be able to construct the road (following the granting of Roads Construction Consent) and then would have to make further planning applications for the actual houses on each plot. The road would run from south to north in the site, with a hammerhead at Plot 6. Plots 4 and 5 would have a shared private access from the hammerhead. The access road is to be 5.5m wide with a 1.8m wide footpath on either side.
- 6.5 Four plots lie to the west of the road, with five to the east. The eastern plots are separated from the existing terraced housing of Park Street by a 2.4m wide public access footpath. The western plots, particularly Plot 1, have a considerable slope from west to east due to the raised beach. The plots vary in size from 0.084 to 0.104ha (Plots 1-4), to 0.064ha to 0.076ha (Plots 5-9). The plots measure approximately 20-27m along the frontage of the new road and 27-37m deep. It is considered that the plots are of a reasonable and regular size to provide for housing.
- 6.6 Foul drainage is proposed by a connection to the public sewer. A new pumping station is to be provided to the western side of Plot 9. Surface water drainage would be by a soakaway within the curtilage of each plot.
- 6.7 No technical difficulties have been identified by consultees. TEC Services have indicated that the proposal is acceptable in principle, although considerable work is required to address various technical issues.
- 6.8 Representations have been received and relate to the following:
- Loss of access to rear of houses at Park Street – The developer proposes to formalise the access to the rear of the houses by forming a 2.4m wide public access footpath along the rear of Plots 5-9.
 - Proximity of pedestrian footpath to Park Street properties – The footpath link is close to the rear of the existing houses. However, there is an existing informal path along the rear which is in approximately the same location as the formalised path now proposed.
 - Loss of light – This is not a material planning consideration
 - Impact on privacy due to changes in level – It is difficult to gauge the potential impact on the amenity of individual properties at this point due to the lack of specific topographic detail, and the lack of building elevations for any proposed houses. This detail should be provided as part of detailed planning applications for individual houses on any of the Plots.
 - Impede view – There is no right to a view.
 - Impact on character of area – The area of ground to the east of the site is characterised by the terrace of Fishermen's cottages (many of which have been altered and extended far from their original form), whilst to the south are more

modern houses. It is considered that the development of the site for individual plots will relate better to these more recent houses to the south. In order to reduce any potential impact on amenity caused by changes in level, the houses at Plots 5-9 could be restricted to single storey only, or with an upper floor contained within the roof space, with only roof lights towards the properties in Park Street.

- Natural resource of field – The field has a local amenity value. However, there is other open amenity space around the village which is also available for recreational purposes.
- Over-development of site – The number / density of plots is considered to be acceptable and accords with the Local Plan policy for the site.
- Archaeological interest – The Council’s Archaeologist has indicated that the proposal is acceptable subject to condition.
- Sewerage capacity – Scottish Water have advised that they do not object to the proposal. The developer will have to undertake a separate Drainage Impact Assessment with Scottish Water.
- Restrict height of houses adjacent to Park Street to single storey – Conditions can be used to control the size of houses.
- Restrict permitted development rights – Conditions can be used to control future extensions or the erection of sheds, greenhouses etc.
- Design brief for site – This can be controlled by condition.
- Construction of access road over land owned by other party – This is a private legal matter for resolution between parties and is not a matter for the Planning Authority.

6.9 The proposal is considered to accord with Development Plan policy. Whilst there is a long planning history for the site, the most recent applications were around 25 years ago. The Planning Policy for the village has recently been updated, and the site is allocated for Housing. The density of housing proposed is 9 houses, with the Local Plan suggesting scope for 10 houses. On this basis, it is considered that the proposal is acceptable.

7. CONCLUSION

7.1 The proposal is for 9 serviced house plots on an allocated housing site within the village. There are no technical difficulties with the proposal. Whilst representations have been received, many can be addressed by conditions which would be followed up as part of future detailed planning applications.

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 docketed 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. All drainage arrangements shall be provided to the satisfaction of the Planning Authority in consultation with the Building Standards Authority and Scottish Water. For the avoidance of doubt the developer shall provide written and plan details of the proposed pumping station for the approval in writing of the Planning Authority prior to the commencement of development on site.

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

3. All access arrangements shall be provided to the satisfaction of the Planning Authority in consultation with TEC Services prior to the occupation of any single house. For the avoidance of doubt, the access road, pavements and street lighting shall be subject to a separate Roads Construction Consent agreement with the Roads Authority and shall be built to adoptable standards. The developer shall provide a footpath link from the turning head to the existing footpath to the northeast of the site prior to any house being constructed on any plot.

Reason: In the interests of road safety.

4. Prior to the submission of any detailed planning application for houses on the site, the developer shall submit and have approved by the Planning Authority a detailed Design Brief for the site. The Brief shall include details of:
 - external finishes for each house
 - boundary treatments and landscaping of front gardens and public areas

All houses on Plots 5-9 shall be single storey only, or any first floor shall be located within the roof space and shall be lit by roof lights only. The houses on Plots 1-4 shall be single or 1½ storey only. The roofs of the houses shall have at least a 40° roof pitch with square gables and shall be finished in slate, or a slate type concrete roof tile. The number of external wall finishes shall be kept to a minimum. Limited panels of vertical timber cladding or stone are acceptable.

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

5. Notwithstanding the provisions of Classes 1-3 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, or any Order revoking and re-enacting that Order, with or without modification, any extensions to the houses, or the erection of sheds, greenhouses, garages or other structures or buildings ancillary to the enjoyment of the houses, shall be subject to the express approval of the Planning Authority.

Reason: In the interests of community residential amenity and in order to allow the Planning Authority to retain effective control over the development.

6. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the

proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

Reason: In order to preserve the archaeological and historical interest of the site.

7. Prior to the commencement of any development on the site, the developer shall submit and have approved in writing by the Planning Authority a revised site plan showing an adjusted turning head, pavements, link footpaths, SuDS details and landscaping measures.

Reason: In order to clarify the terms of the permission.

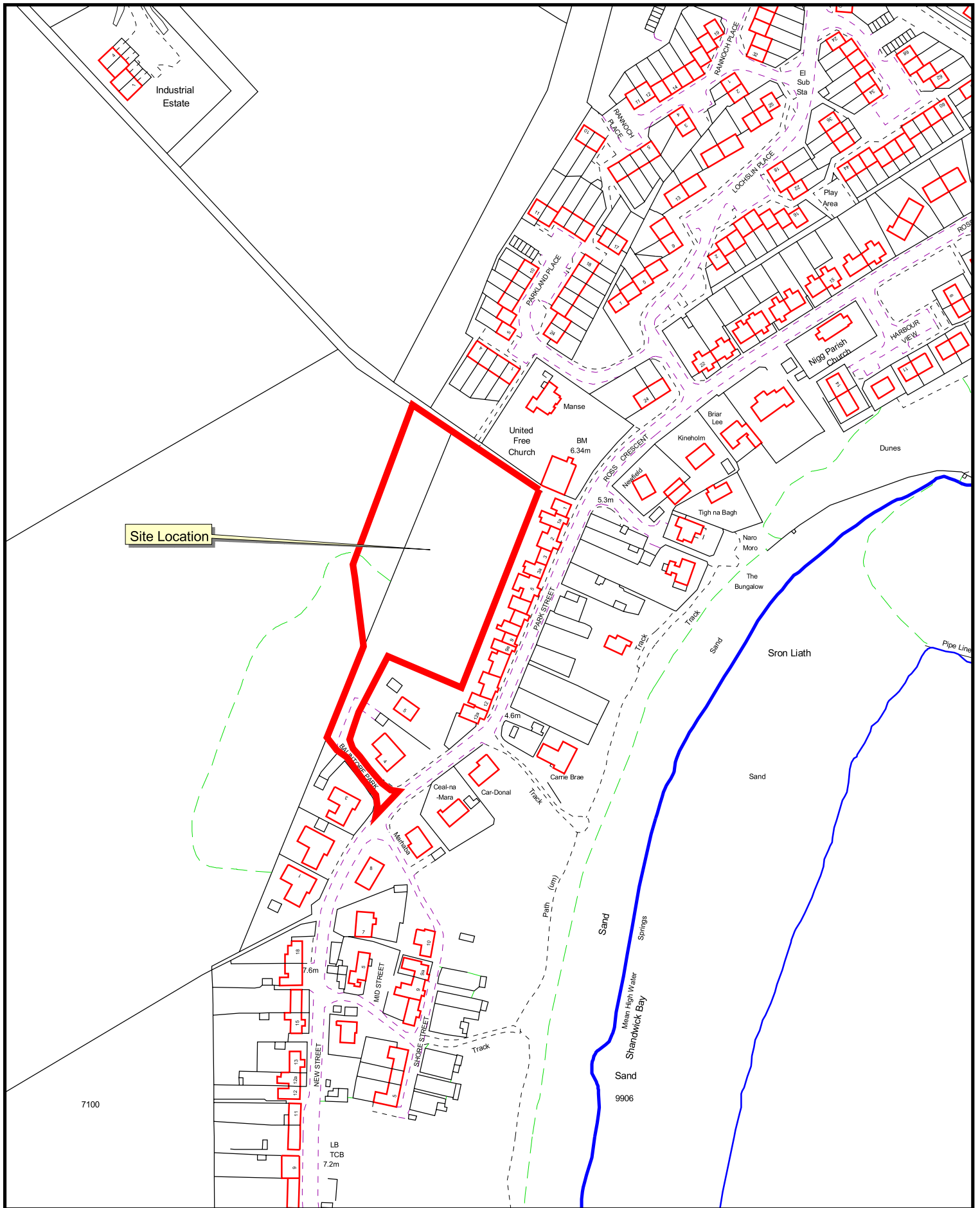
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00226/FULSU

Date: 27 November 2008



08/00226/FULSU
 Subdivision of land into nine serviced house plots and
 upgrade and improve existing access at Land NW of
 Park Street, Balintore.

A & J Stephen (Builders Ltd)
 per Bidwells
 5 Atholl Place
 Perth

Date: 19 November 2008

SUPPLIED BY THE HIGHLAND COUNCIL

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 Scale
1:2500

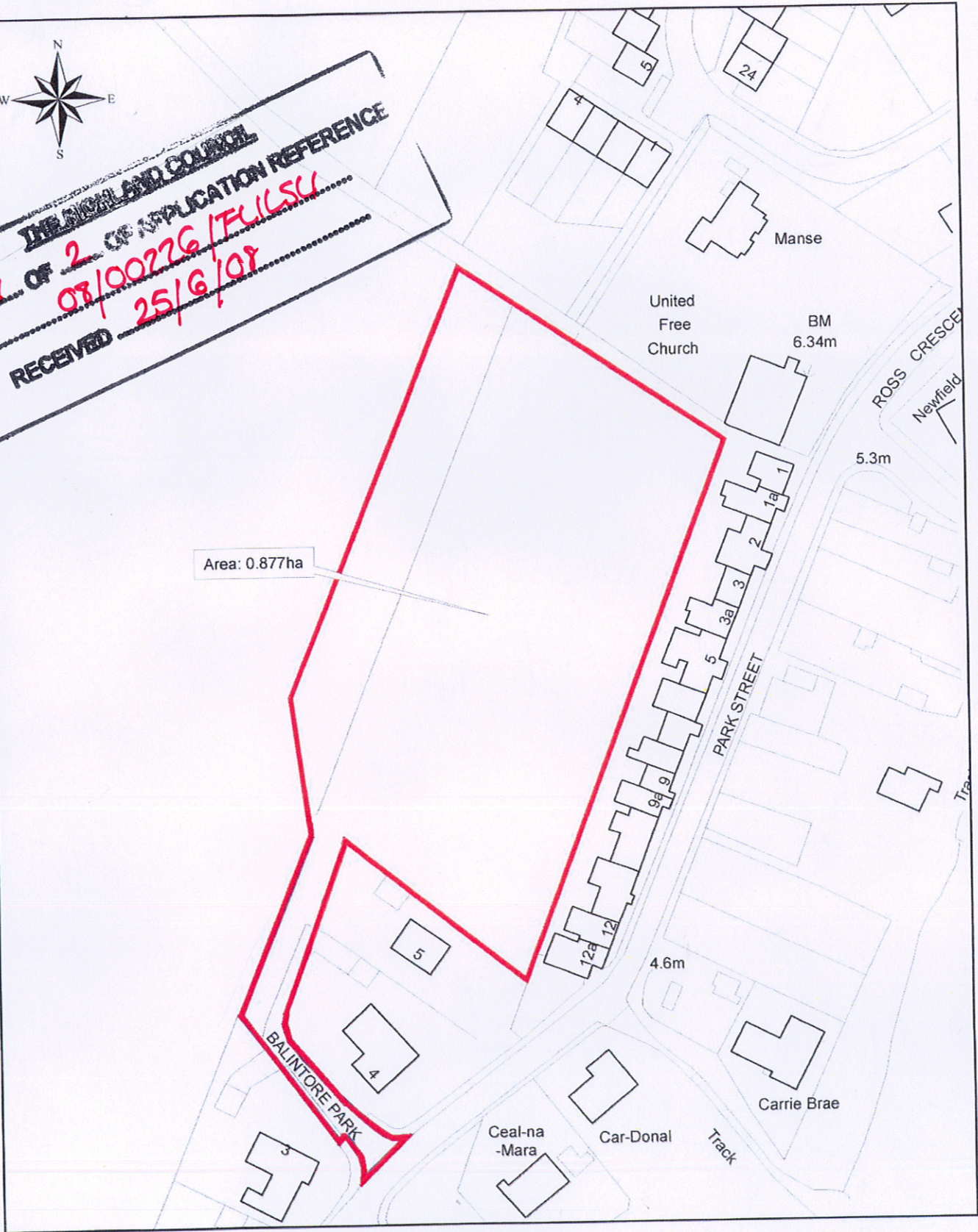
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Land at Park Street, Balintore



THE HIGHLAND COUNCIL
PLAN 1 OF 2 OF APPLICATION REFERENCE
08/00276/FL/LSU
RECEIVED 25/6/08

Area: 0.877ha



BIDWELLS

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Scale: 1:1,250 O.S. Ref: NH8575 Drawing No: A.34,371 Date: 25/6/2008

