

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

| | |
|-------------|-------|
| Agenda Item | 3.7 |
| Report No | 62/08 |

08/00513/OUTRC Erection of house
at Plot 2, Land at Drove Stance, Ardross

Report by Area Planning and Building Standards Manager

SUMMARY

The application is in outline for the erection of a single house on land at Drove Stance, to the east of the B9176 at Stittenham, approximately 3 kilometres north of Ardross crossroads.

The application was advertised as a potential departure from policy and under Section 34 of the Act for a 21 day period, with the advertisement expiring on 26 September 2008. Ardross Community Council has objected to the proposal.

The Recommendation is to GRANT outline planning permission.

Ward Number 7 – Cromarty Firth

Applicant – Simon Allison

1. PROPOSAL

1.1 The application is in outline for the erection of a single house on land to the east of the B9176 public road at Stittenham to the north of Ardross. The site lies on gently sloping land within a forestry plantation, approximately 200m south of a new house site approved to the same applicant in 2005. Vehicular access is proposed from the adjacent forestry track which serves the applicant's private forestry plantation, the Forestry Commission's extensive land holding to the east and the recently completed house to the north.

2. PLANNING HISTORY

2.1 None on application site.

Same applicant received Outline Planning Permission for Plot 1 Drove Stance in May 2005 (04/00398/OUTRC). The site was then sold and a subsequent detailed planning permission was granted in July 2007 (07/00301/FULRC). This house has recently been completed.

3. PUBLIC PARTICIPATION

3.1 No third party letters of representation have been received.

4. CONSULTATIONS

4.1 **Ardross Community Council** – Objects to the application on the following grounds:

- further development is not appropriate given the designation of a Natural Heritage Zone.
- further development would lead to suburbanisation and the development proposed does not respect the 'traditional spacing' as required. Planners should be insisting on far larger plot sizes and not the sizes seen here of a suburban garden.
- by allowing this development then further infill along the track will be difficult to resist, leading to further suburbanisation.
- by granting permission for the current application this may allow the Section 75 covering the ground to the west to be successfully challenged.

4.2 Internal Consultees

TEC Services – It is pointed out that the same applicant has not complied with the conditions of the previous outline permission (04/00398/OUTRC) specifically the requirement that no ground or surface water flows onto the public road from the site. There is evidence that material is being washed down the access road onto the B9176. No construction work should commence on site until the developer undertakes the necessary work.

Parking and turning for two cars required within the curtilage of the site; and a hardstanding area for storage of bins required.

Archaeology Unit – The application site lies within an area that a previous archaeological survey revealed upstanding medieval remains. The wider area is rich in prehistoric settlement and burial remains. An archaeological watching brief should be carried out on site clearance and excavation works.

In response to the applicant questioning the need for such condition, the application appears to be impacting on one of the sites identified by the archaeologist's report carried out in 1999 prior to the area being planted with trees. There is considered to be a possibility of associated archaeological remains surviving below ground in the development area which would not have been detected during a walkover survey.

4.3 External Consultees

Scottish Water – No objections.

5. POLICY

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

Highland Structure Plan

- G2 Design for Sustainability
- H3 Housing in the Countryside

Ross and Cromarty East Local Plan (2007)

The site lies within the Heritage/Natural Zone which advises that suitably designed new houses may be acceptable if they are consistent with General and Housing Policies in the Structure Plan; are broadly located within the existing limits of the settlement; can be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with rural character; and avoid hazards, significant earthworks, prominent siting or conflict with natural and cultural heritage interests. Policy BP3 also applies to the site.

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 the previous planning history of this area set out at 2.1, which is material to the consideration of this planning application. Outline planning permission was granted to the same applicant for a single house served off the same forest access track in May 2005. This site was sold on and detailed planning permission was granted for a single storey house which has now been constructed. This current application site lies approximately 200m further up the same track on an open piece of land between areas planted with trees as part of a Woodland Grant Scheme.

6.4 **Policy** - The application requires to be considered against Structure Plan Policy H3 and the adopted Local Plan policy relating to the Natural/Heritage Zone. In this

respect, it is important to assess whether the proposed site respects the established development pattern. Specifically this relates to the existing loose scatter of houses on the east side of the B9176 which has developed over the past ten years. With a separation distance of 200m from the nearest house and the location within an emerging forest which will provide increasing screening of the house from the public road, it is considered that the siting complies with the main thrust of those policies. Furthermore, use of an existing track will minimise the overall impact of any development.

6.5 **Servicing and infrastructure** - No technical difficulties have been highlighted by consultees. TECS (Transport) advise that there are outstanding drainage works to be completed at the existing junction of the track with the public road and a condition should be attached to ensure such works are completed prior to any work commencing on site.

6.6 **Community Council Objection** – No third party representations have been received however an objection is made by Ardross Community Council and relates to the following matters:

- Further development is not appropriate given the designation of a Natural Heritage Zone.

Comment – The policy guidelines relating to the Natural/Heritage Zone clearly allow for appropriate development within this area subject to specified criteria including to siting, servicing and relationship with existing development.

- Further development would lead to suburbanisation and the development proposed does not respect the ‘traditional spacing’ as required. Planners should be insisting on far larger plot sizes and not the sizes seen here of a suburban garden.

Comment – It is considered that a single house situated 200m distant from the only house presently served off this access and over 100m distant from the nearest other house plot approved does respect traditional spacing and does not constitute suburbanisation. The plot measures approximately 20m x 70m which suggests a site generally larger than a typical suburban garden. In addition, as it is surrounded by established woodland this will provide significant undeveloped space around the site minimising the impact of any house on the landscape.

- By allowing this development then further infill along the track will be difficult to resist, leading to further suburbanisation.

Comment - Any further applications would be considered on their own merits against Council policy. There is no substance to the argument that granting of permission in this instance would prejudice consideration of any future application.

- By granting permission for the current application this may allow the Section 75 covering the ground to the west to be successfully challenged.

Comment - The section 75 referred to covers land in separate ownership between the applicant's landholding and the public road. It was drawn up in 2006 in conjunction with planning permission granted for two plots close by the public road. Again, there is no substance to the argument that the granting of permission in this case, for a site in separate ownership over 100m away, would allow such agreement to be successfully challenged.

7. CONCLUSION

- 7.1 From assessment of the above issues, it is not considered that the proposal constitutes a departure from policy. The proposal is therefore considered to be acceptable subject to a number of conditions including those recommended by the Archaeology Unit and TECS (Transport) together with those covering details of siting, design and finish.

RECOMMENDATION

Grant outline planning permission subject to the following conditions:

1. That a further application shall be submitted to the local Planning Authority, together with the requisite detailed plans to include:-
 - a) Plans, sections and elevations of the proposed building, and colour and type of materials to be used externally on walls and roof;
 - b) Detailed layout of the site as a whole, site levels existing and proposed, including provision for car parking, details of accesses and details of all fences, walls and hedges;
 - c) Landscaping proposals including existing trees to be maintained and proposed tree and shrub planting to be carried out.

These are RESERVED MATTERS to this Outline Application and no work on the site shall commence until the written approval of the Highland Council, as Planning Authority has been given.

Reason: Permission is hereby granted in outline only.

2. Prior to the commencement of development, arrangements for an archaeological watching brief to be carried out on site clearance and excavation works, in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. No site clearance or excavation works shall take place until that approval has been given and all such works shall thereafter be implemented in accordance with the approved arrangements.

Reason: To protect the archaeological interest of the site.

3. Notwithstanding design and external appearance are reserved matters under condition 1 above, the house shall be single or one-and-a-half storeys only, and shall reflect building styles and use of materials traditional within the area.

Reason: In the interests of safeguarding established rural amenity.

4. The application for approval of reserved matters as referred to at Condition 1 above shall be accompanied by cross sections and levels showing the finished floor level in relation to an agreed and fixed datum. For the avoidance of doubt, the house shall be set as low in the site as practically possible.

Reason: In the interests of safeguarding established rural amenity.

5. The application for approval of reserved matters as referred to at Condition 1 above shall include a fully detailed scheme of landscaping for the site, including a scheme of maintenance. All planting thereafter approved shall be undertaken in the first planting season following the completion of the house.

Reason: In the interests of safeguarding established rural amenity.

6. Prior to any work commencing on site the developer shall improve the access onto the public road by carrying out drainage works to ensure no water flows off the private access track onto the public road. Such works will require to be completed to the satisfaction of the Planning Authority after consultation with the Roads Authority prior to commencement of any work on site.

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

7. The application for approval of reserved matters as referred to at Condition 1 above shall include provision for the parking and turning of two vehicles within the site and for a hardstanding area for the storage of bins adjacent to the access point onto the public road outwith the visibility splays of 2.5m x 180m which require to be maintained in perpetuity.

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

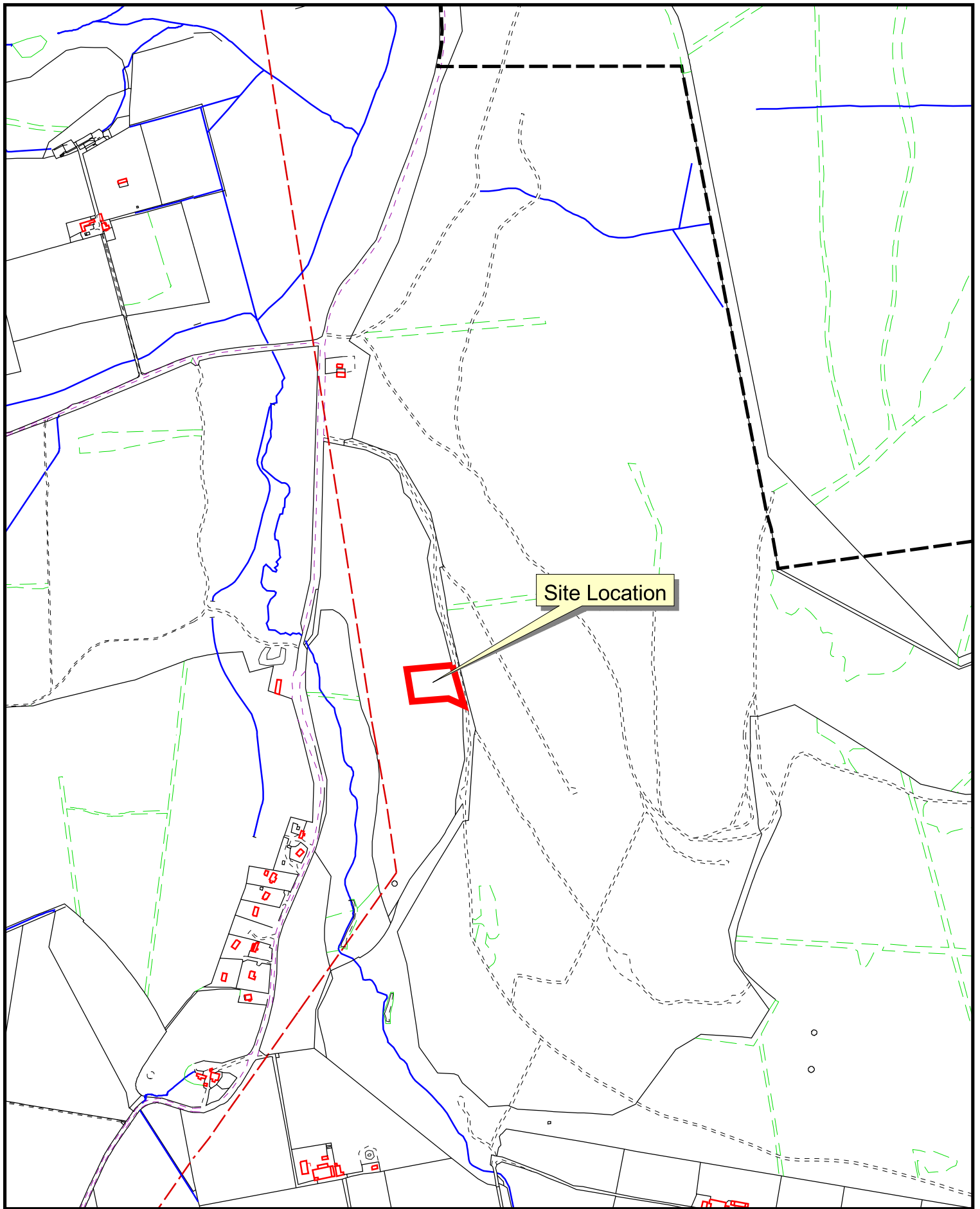
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Dorothy Stott 01349 868426

Background Papers: As referred to in the report above and case file reference number 08/00513/FULRC

Date: 26 November 2008



08/00513/OUTRC
 Erection of house (Outline) at
 Plot 2, Land At Drovers Stance, Ardross

Mr Simon Allison
 Stittenham Farm
 Ardross
 AIness
 Ross-shire
 IV17 0YD



Date: 26 November 2008

SUPPLIED BY THE HIGHLAND COUNCIL

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. The Highland Council LA09036L.

