

THE HIGHLAND COUNCIL

CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 23 JUNE 2009

Agenda Item	3.7
Report No	35/09

- i) 08/00297/OUTSU – Erection of two semi-detached houses and detached garages and improvement of existing access (Outline) at Plot 1 land north of Tigh Ard Mosshill Brora
- ii) 08/00298/OUTSU – Erection of house and detached garage and improvement of existing access (Outline) at Plot 2 land west of Morven Mosshill Brora

Report by Area Planning and Building Standards Manager

SUMMARY

The applications are in outline for a total of 3 houses on land at Mosshill, Brora.

They were advertised as potential departures from the development plan.

The applications are being reported to Committee as Brora Community Council has objected.

The Recommendation is to GRANT outline planning permission to both applications.

Ward Number 5 – East Sutherland and Edderton

Applicant – Mr J Gibbard

1. PROPOSAL

1.1 The applications are in outline and seek to establish the principle of developing the two sites for housing:

i) 08/00297/OUTSU – Erection of two semi-detached houses and detached garages and improvement of existing access

ii) 08/00298/OUTSU – Erection of house and detached garage and improvement of existing access

2. PLANNING HISTORY

2.1 There have not been any recent planning applications on the sites. However, there has been a history of the sites being used as a scrap yard. Immediately to the north of the sites is the Council's former landfill site at Ardachu.

3. PUBLIC PARTICIPATION

- 3.1 The applications were advertised as potential departures from the development plan with the advert expiring on 26.09.2008.

A single letter of representation has been received from a neighbouring householder. This raises the following issues:

- Does the proposal accord with the separation standards set out in the South and East Sutherland Local Plan for the area (70m)?
- Does the public sewer have the necessary capacity to service the proposed houses?
- Separation distance from the former landfill site

- 3.2 The letter of representation is available in the Area Office and will be available at the Committee meeting. The name of the party making representation is listed at the end of this report.

4. CONSULTATIONS

- 4.1 **Brora Community Council** – Objects. Unanimous in opposition to the applications due to:

- Ardachu property spacing requirement is 70m – these properties are within 45m of the nearest adjacent property.
- The proposals fall within the landfill zone.
- Proposals are outwith the Sutherland Local Plan.

4.2 Internal Consultees

Area Roads and Community Works Manager – No objections. A visibility splay of 90m is required, with a combined bellmouth and service bay surfaced in bituminous macadam. A bin storage area will also be required adjacent to the public road.

Contaminated Land Unit – The site lies adjacent to the former Clynelish Quarry. Following the receipt of information from the agent and based on information received for previous applications in the vicinity, there is no comment regarding the planning application concerning the sites.

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

South and East Sutherland Local Plan

- ENV 2, ENV 3

Deposit Draft Sutherland Local Plan policies 3, 4.1, 16

- 5.2 The proposal requires to be assessed against the following relevant Scottish Planning Policies (SPP's), National Planning Policy Guidance (NPPGs) and Planning Advice Notes (PANs).
- Scottish Planning Policy

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 objector
- 6.3 The proposal is in outline for the erection of two semi-detached houses (08/00297/OUTSU) and one detached house (08/00298/OUTSU) (a total of 3 houses) on land at Mosshill, Brora. The site is currently used as a scrapyards and is untidy with a mix of old vehicles and scrap. The area immediately to the north of the application sites has also been used as a scrapyards by private individuals, and further to the north of this is the now closed Council landfill site. The local Brora recycling and waste transfer depot is still operational on the site of the Council landfill.
- 6.4 The land to the west and south-west is agricultural in nature. However, there has been residential development in the area to the south and south-east of the site in the last decade. Recent housing approvals include a single house to the south of the proposed semi-detached houses (approximately 45m – Tigh Ardachu); and to the east and southeast of the proposed single house (approximately 25m – Morven; new build at 50m), with the result that this area has now changed in character from crofting to a grouping of houses, becoming a built up area of Mosshill.
- 6.5 The site slopes to the south with an outlook over the Doll and towards the Moray Firth. There is some limited vegetation cover to the eastern end of the sites.

- 6.6 The planning policy for the area is currently being updated. The current South and East Sutherland Local Plan does indicate that new housing should maintain an indicative separation of at least 70m. The proposals do not meet this indicative criterion as detailed at 6.4 above. This is noted in the representations received from both Brora Community Council and those of a neighbouring householder.
- 6.7 However, the Deposit Draft Sutherland Local Plan is material to the consideration of the proposals and Members will note that it does not have any spacing requirements, unlike the current South and East Sutherland Local Plan. The Deposit Draft's policies generally favour development of the site
- 6.8 I consider that the proposals are to be welcomed as they will help to facilitate the clean up of a currently unkempt area of poor amenity due to the current scrapyard activities which are not considered to be appropriate or acceptable in a crofting and residential area. Development of the site for housing will help to rid the site of this use and will provide a significant improvement to the general amenity of the area.
- 6.9 Thus, whilst the proposals do not meet the minimum separation standards set out in the adopted Local Plan, Members will note that there are strong material considerations applying to both applications:
- Policies in the emerging Deposit Draft Sutherland Local Plan (where no indicative separation standards apply) generally favour development of the site.
 - The opportunity to have the site tidied up and improved through the removal of the scrap materials is considered to be a general benefit to individual and community residential amenity of the area as set out by policy G2 Design for Sustainability.
- 6.10 Members will note that there are no technical difficulties with the proposal. The Contaminated Land Unit have noted that the site lies adjacent to the former Clynelish Quarry. Following the receipt of information from the agent and based on information received for previous applications in the vicinity, they have advised that they have no comment regarding the proposal. Notwithstanding this, I consider that appropriate conditions are required relating to the decontamination and tidying up of the site, given its past use.
- 6.11 The proposals are considered to be acceptable and accord with the emerging policies of the Deposit Draft Sutherland Local Plan.

7. CONCLUSION

- 7.1 The proposals are considered to be a significant improvement to the general amenity of the area and will help to improve a very untidy and undesirable scrapyard area. In this instance, the material environmental benefit as a result of the removal of the existing use is seen to over-ride any representations raised in relation to the indicative separation standards set down by the adopted Local Plan. In any case, those standards have effectively been superseded by the policies in the Deposit Draft Sutherland Local Plan. Notwithstanding this, Members should note that any Reserved Matters application must be of a high design quality, reflecting the minimum design standards for housing in the countryside.

RECOMMENDATION

Grant outline planning permission to both applications subject to conditions:

08/00297/OUTSU

- 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 Notwithstanding design and external appearance are reserved matters under condition 1 above, the houses 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 amenity.

- 3 Notwithstanding design and external appearance are reserved matters under condition 1 above, the roof shall have a minimum pitch of 40°.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2 and H3 and the Council's Design Guidance.

- 4 Notwithstanding external appearance is a reserved matter under condition 1 above, the roof of the houses shall be finished with natural slate, or an alternative of similar size, colour, texture, profile and thickness, or as otherwise may be agreed in writing with the Planning Authority. For the avoidance of doubt suitable alternative non slate tiles are:

- Marley 'Monarch', 'Clansman', 'Marquis', 'Melbourn', 'Birkdale', 'Edgemere'
- Redland 'Richmond', 'Lakeland', 'Cambrian', 'Saxon'

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2 and H3 and the Council's Design Guidance.

- 5 Notwithstanding exact siting is a reserved matter under condition 1 above, the position of the houses shall be pegged out on site for the prior approval of the Planning Authority, in writing, and any application for approval of reserved matters shall be accompanied by cross sections and levels showing the finished floor level in relation to an agreed and fixed datum.

Reason: In order to ensure that the development harmonises with the appearance and character of other properties and in order to conform with Structure Plan Policies G2 and H3 and the Council's Design Guidance.

- 6 Notwithstanding landscaping is a reserved matter under condition 1 above, a fully detailed scheme of landscaping for the site, including a scheme of maintenance, shall be submitted to and require the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first planting season following the completion of the houses.

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

- 7 Notwithstanding access is a reserved matter under condition 1 above, prior to the commencement of any other aspects of the approved development, the access from the public road to the site shall be constructed to base course level in accordance with the attached Standard Access Specification. The access shall be fully completed in accordance with the Specification prior to the first occupation of any houses using the access. For the avoidance of doubt the access shall serve the houses hereby approved and also the neighbouring single house (08/00298/OUTSU) and shall include a combined service bay and bellmouth surfaced in bituminous tarmac.

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

- 8 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. For the avoidance of doubt, foul drainage shall be by means of a connection to the public sewer.

Reason: In the interests of amenity.

9. The size and orientation of the houses as shown on plan 1 docquetted hereto is indicative only and is not hereby approved.

Reason: As the permission is in outline and for the avoidance of doubt.

10. Prior to any development commencing on site, a scheme to deal with potential contamination on site shall be submitted to and require the approval in writing of the Planning Authority in consultation with the Council's Contaminated Land Unit, and the approved scheme shall be implemented thereafter in full to the satisfaction of the Planning Authority in consultation with the Council's Contaminated Land Unit.

The scheme, which may be undertaken on a phased and progressive basis, shall contain details of proposals to deal with potential contamination and shall include:-

- (a) An assessment of the nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk. The scope and method of this assessment shall be agreed in advance with the Planning Authority in consultation with the Council's Contaminated Land Unit and shall be undertaken in accordance with PAN 33(2000) and BS10175:2001.
- (b) A Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for the use(s) proposed. This shall include a method statement, programme of works, proposed verification plan and proposals for the ongoing monitoring of the condition of the site.
- (c) A Validation Report (should remedial action be required) by a competent person who will validate and verify the completion of works to a satisfactory standard as agreed with the Planning Authority in consultation with the Council's Contaminated Land Unit.

Written confirmation from the Planning Authority in consultation with the Council's Contaminated Land Unit that the approved scheme has been satisfactorily implemented and completed, and that, if appropriate, monitoring measures are satisfactorily in place, shall be required by the developer before any development commences on site.

Reason: In order to ensure that contamination within the site is adequately assessed and remediated such that the site is fit for purpose.

08/00298/OUTSU

- 1 That a further application shall be submitted to the local Planning Authority, together with the requisite detailed plans to include:-
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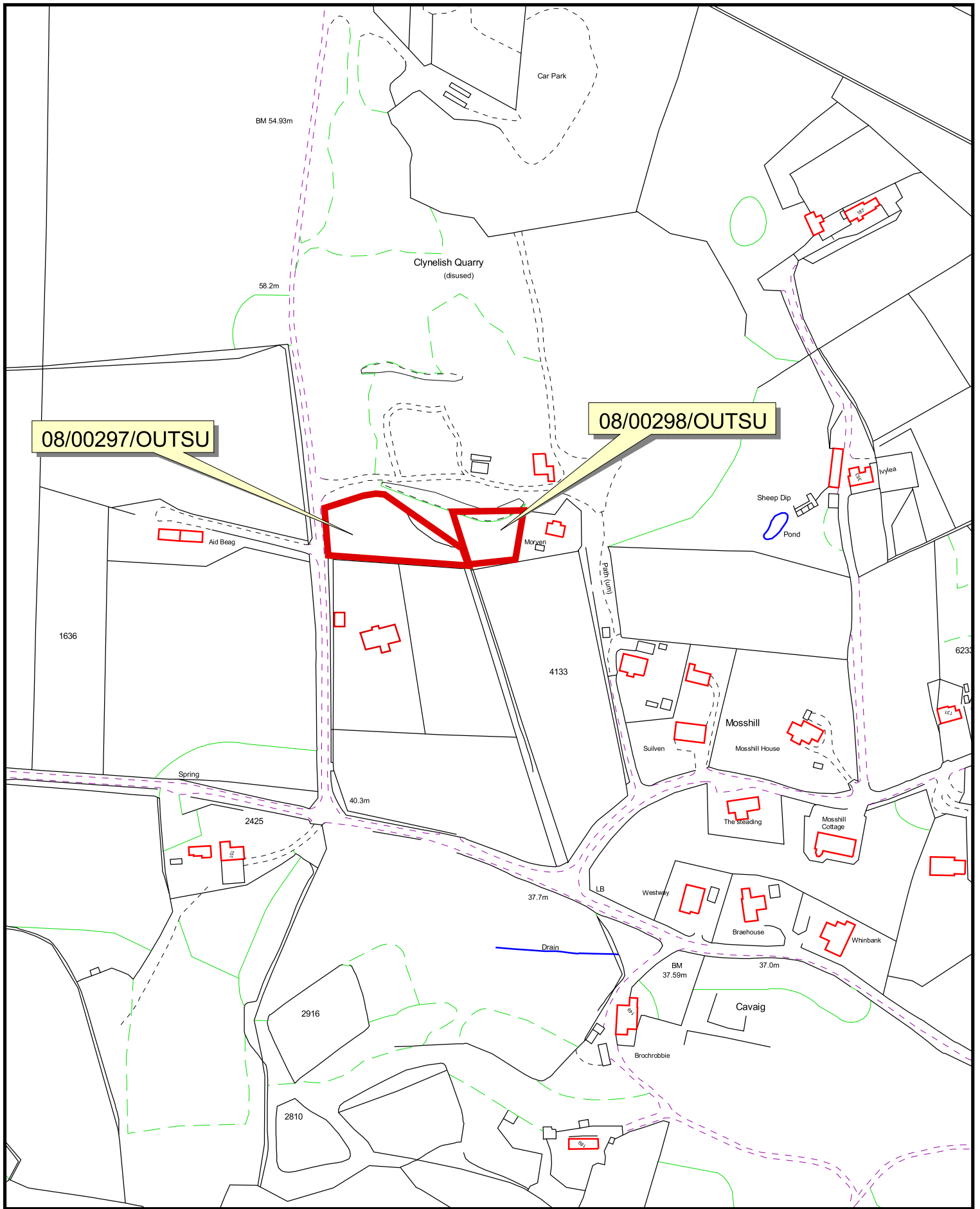
Signature: Allan J Todd

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 08/00297/OUTSU & 08/00298/OUTSU

Date: 25 May 2009



08/00297/OUTSU

08/00298/OUTSU



08/00297/OUTSU - Erection of two semi-detached houses and detached garages and improvement of existing access (Outline) at (Plot 1) Land North of Tigh Ardachu, Mosshill, Brora.
 08/00298/OUTSU - Erection of house and detached garage and improvement of existing access (Outline) at (Plot 2) Land to West of Morven, Mosshill, Brora.

Mr J Gibbard
 Per Colvin Designs
 Rosslyn Street
 Brora

Date: 12 June 2009

SUPPLIED BY THE HIGHLAND COUNCIL

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 Scale
 1:2500

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UP ROSS

HIGHLAND WASTE SERVICES LAND

UPIERS OF
BEG

10000

5500

MACADAM FINISH
FOR THE FIRST
6000MM

UP ROSS

REV & MRS MACREE

MR D. MORRISONS LAND

MR & MRS C. ROSS'S LAND

Tigh Ardachu

4133

NEW 150MMØ UPVC

NEW 75MM HPPE WATER MAIN

FORMER
TRACK

+
40.3m

SITE PLAN scale 1:500

