

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND AND EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 26 April 2011**

Agenda Item	4.4
Report No	PLC/018/11

**11/00482/FUL : Mr John Scott
Land to North of Monks Walk, Hill of Fearn**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Erection of 6 No. Houses at land to north of Monks Walk, Hill of Fearn

Recommendation - GRANT

Ward : 08 – Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : Not Applicable

Reason referred to Committee : Five or more individual objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal consists of the erection of 4 no. detached single storey houses and 2 no. semi-detached 1½ storey houses. Each house will be accompanied by off-street parking for 2 cars. Landscaping is to be provided as per the design brief attached to a previous consent. The proposed development would be part of the phased development of a Local Plan allocation which was granted outline planning consent in 2006.
- 1.2 No pre-application consultation was required under the Town and Country Planning (Development Management) (Scotland) Regulations 2008. No voluntary pre-application consultation was undertaken.
- 1.3 An access to the edge of the site is in existence and will directly serve plots 10, 15 and 13. The site is to connect to the public water and waste water systems which are in place and serve the completed sites at Monks Walk.
- 1.4 No supporting documentation has been submitted.
- 1.5 Since validation of the application, a revised site layout has been submitted removing the proposed Air Source Heat Pumps (as they were no longer to be used) and making amendments to the type and scale of the fences in response to concerns.

2. SITE DESCRIPTION

- 2.1 The site lies to the north of the existing Monks Walk development. To the west, sat at a lower level, lies existing housing on Rhyne Road. The site is currently greenfield although through the construction of earlier phases of the Monks Walk development it has been used as a storage area for building materials.

3. PLANNING HISTORY

- 3.1 10/05089/FUL – Erection of 6 no. houses – application withdrawn 10/02/2011
- 3.2 05/00320/FULRC – Formation of Roads, Services and Associated Works serving housing development – Permission Granted 21/07/2006
- 3.3 05/00319/OUTRC – Formation of 39 House Plots – Permission Granted 21/07/2006

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Application Not Advertised

Representation deadline : 06/03/2011

Timeous representations : 7

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Overdevelopment of the site;
- Privacy;
- Flood risk;
- Amenity;
- Access;
- Landscaping;
- Non-conformity with design brief.

- 4.3 All letters of representation can be viewed online www.highland.gov.uk, at the Area Planning Office and for Councillors, will be available for inspection immediately prior to the Committee Meeting.

5. CONSULTATIONS

- 5.1 **TEC Services (Roads)** : No objections. Response notes that the extended carriageway will not be adopted by the Council.

- 5.2 **TEC Services (Contaminated Land)** : No objections. Response notes that previous uses indicate some contamination. A condition should be attached to any planning permission granted to establish the suitability of the land for housing.

- 5.3 **Housing and Property Service** : No response has been received.

- 5.4 **Fearn Community Council** : No response has been received.

5.5 **Scottish Water** : No response has been received.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G1 Conformity with Strategy

G2 Sustainable Design

6.2 Ross and Cromarty East Local Plan 2007

GSP1 Design and Sustainable Construction

GSP2 Waste Water Treatment

GSP3 Surface Water Drainage

GSP9 Housing Site Capacities

Chapter 20, Expansion – Rhynie Road
Policy 4

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland wide Local Development Plan – Proposed Plan

Policy 29 – Sustainable Design

Policy 30 – Design Quality and Place-Making

Policy 35 – Settlement Development Areas

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

Policy 75 – Green Networks

7.2 Highland Council Supplementary Planning Policy Guidance

Designing for Sustainability in the Highlands (2006)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

Designing Places

Designing Streets

8. PLANNING APPRAISAL

8.1 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.

8.2 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.

8.3 Development Plan Policy Assessment

The proposed site is allocated for long term expansion in the Ross and Cromarty East Local Plan. The proposal accords with the general policies contained within the Ross and Cromarty East Local Plan. The proposal accords with the policies contained within both the Highland Structure Plan and the Highland wide Local Development Plan – Proposed Plan.

8.4 Material Considerations

Layout – The layout of the proposed development centres around the existing turning head. The plots are orientated to take advantage of solar gain, with the layout avoiding any overshadowing between the new houses. In line with the design brief the proposed houses are all more than 9m from any rear boundary and 2m from any lateral boundary. There is sufficient space within each plot for parking 2 cars.

Design – There are 3 proposed house types on this site. House type A1 is to be used on Plots 10 and 12. This is a single storey 3 bedroom detached house to be finished in white/off-white render, concrete interlocking tiles to the 35° pitch roof and an area of timber cladding to the front elevation to add interest. House type A2 is to be used on Plots 14 and 16. This is a single storey detached 3 bedroom house of a similar external design as house type A1, albeit with a different internal layout. House type B1 is to be used on Plots 15 and 13. This is a pair of one and a half storey 3 bedroom semi-detached houses to be finished in white/off-white render with concrete interlocking tiles to the 45° pitch roof. The design of these houses is appropriate for their setting and accords with the design brief.

Trees and landscaping – The design brief for the site requires in plot tree planting and this has been shown on the site layout. To ensure that the tree planting is carried forward, a condition should be attached to any planning permission which may be granted to ensure the proposed development sufficiently addresses the landscaping requirements of the design brief. A condition of the original permission (05/0319/OUTSU) for the formation of these plots required a full scheme of landscaping (and subsequent maintenance) to be submitted to the Council for approval. This landscaping scheme has since been submitted on 30 August 2007 and approved by the Planning Authority. Some planting has been undertaken to the bank between the existing houses on Rhyne Road and the western boundary of this proposed development. This planting has been completed recently and at present the trees are very young and it will take some time for them to mature.

Residential amenity/impact on neighbours – A number of respondents have raised issues regarding the effect on the amenity of the area arising from this development. The majority of these comments are concerned with the current use of the site as a “waste ground”, however other comments are related to noise, dirt, and the affect of car headlights and outside lighting affecting the existing houses. In relation to noise a condition should be attached to any planning permission granted which will seek to limit hours of construction. The effect of lighting would be addressed through the provision of a 1.8m close board fence to the western boundary.

Privacy – The majority of objections to the planning application are related to privacy. This is due to the development sitting considerably higher than the existing houses on Rhynie Road and the original drawing only showing a 0.9m post and wire fence to the rear of plots 10, 12 and 14. Following discussion with the agent this fence is now to be a 1.8m close board timber fence, which will ensure that the impact on privacy is limited. A tree screen has recently been planted and over time this will mature giving further screening.

Car parking, access and servicing – Each plot has parking space for 2 cars. This is appropriate for this location. Access to the site utilises the existing Monks Walk and a shared surface access is proposed from the existing turning head to provide access to plots 12, 14 and 16. This shared surface is appropriate as it is sufficiently wide and provides turning for utility and emergency vehicles.

Public Safety – Concern has been raised by an objector regarding the lack of turning space for cars within Plot 10 given its proximity to the pedestrian and cycle path to the further phases of the development, including a new play area. While the occupants of Plot 10 may have to reverse out of their property they equally may reverse into their property, eliminating this situation. In any case, the proposed pedestrian and cycle path to the future phases of development emerges onto a footpath which is raised from the public road, therefore providing separation between road users.

Flood Risk – Some respondents have raised concerns over increased surface water run off which may lead to water gathering in the gardens of the properties on Rhynie Road. Sustainable drainage systems are to be included in each plot to ensure that this is not the case.

Infrastructure – The development will be served by the public water and waste water systems. As previously discussed in this report surface water drainage is to be addressed by Sustainable Drainage Systems on each plot.

Overdevelopment – A number of representations consider this application to represent an over development of the site. The original consent for the wider site sought the formation of a total of 39 house plots in outline. The original application was accompanied by a site layout which indicated seven plots as part of the first phase of this development. To date a total of 4 of these plots have been completed. All the houses which have been built are on generous plots.

The remaining 3 plots in phase 1 have been consolidated and form this application. The application site is approximately 0.3ha. This allows for each plot on average to have a plot size of 500m². This is consistent with and in many cases greater than the average plot size within Fearn. Each plot has sufficient garden ground and space for parking therefore this proposal does not represent an over development of the site.

Planning History – Previous consents have been issued for the formation of 39 plots (in outline) and for the formation of roads, services and associated works (full). The application for the formation of house plots was subject to a number of conditions. While this is a separate application for detailed planning permission the conditions of the original application have been a key consideration. Condition 7 required submission of a design brief and any future development on the site to adhere to this.

An application for this scale of development was previously submitted in 2010. As it was not considered that the application met the requirements of the development brief the applicant was asked to withdraw the application and to submit an application which met the requirements of the design brief. This application meets the mandatory design parameters of the design brief and all of the advisory design parameters.

8.5 Other Considerations – not material

None.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 The proposal is consistent with the provisions of the development plan. While a number of representations have been submitted, the issues raised have been dealt with by modifications to the site layout (already undertaken) or can be dealt with through condition.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

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

1. No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this planning permission/approval of matters has been submitted to and acknowledged by the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

Reason : In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

3. All access arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority, prior to the occupation of the first house.

Reason : In the interests of road safety.

4. All drainage arrangements shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency, the Drainage Authority, and the Building Standards Authority.

Reason: In the interests of amenity and public health.

5. No development on the site shall take place before a fully detailed scheme of landscaping for the site has been submitted to and approved in writing by the Planning Authority. The scheme shall detail in plot tree planting and additional planting between the western boundary of the site and the rear fences of houses on Rhynie Road. All planting thereby approved shall be undertaken in the first planting season following the occupation of the first house .

Reason : In the interests of amenity.

6. Prior to the occupation of houses on plots 10, 12 and 14, a 1.8m close boarded timber fence shall be erected at the western boundary in line with the approved drawing (1015/PL02.a) and maintained thereafter in perpetuity.

Reason : In the interests of amenity.

7. Hours of construction in relation to any works audible at the site boundary shall be limited to 8.00am - 6.00pm Monday - Friday, 8.00am - 1.00pm Saturday, and not at all on Sunday.

Reason : In order to safeguard the established residential amenity of adjoining properties.

8. No development on the site shall take place before details of the materials, finishes and colours of the buildings, including samples where required, have been submitted to and approved in writing by the Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

9. Prior to the commencement of development, evidence that the site is suitable for its proposed use, by way of an assessment of potential contamination, shall be submitted to and agreed in writing by the Planning Authority. The assessment shall be consistent with the approach to land contamination contained in Planning Advice Note 33, and the British Standard for investigation of potentially contaminated sites (BS10175:2001). In the event that contamination is found, details of the measures required to treat/remove contamination (remedial strategy) to ensure that the site is fit for the uses proposed shall be submitted to and agreed in writing by the Planning Authority. The agreed remedial strategy shall be implemented to the satisfaction of the Planning Authority prior to the commencement of development.

Reason : In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

INFORMATIVE NOTE REGARDING THE TIME 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.

Other Informatives

1. **Please note:** Your attention is drawn to the conditions attached to this permission. 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 meet these conditions may invalidate your permission or result in formal enforcement action.
2. **Scottish Water:** You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.
3. **Flood Risk:** It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy 7: Planning & Flooding, planning permission does not remove the liability position of developers or owners in relation to flood risk.
4. **Road Openings Permit / Road Construction Consent:** you may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Under the New Roads & Street Works Act (1991) s109, a Road Opening Permit is required to be obtained by the applicant from the Roads Authority for the installation of the access across the verge.

5. **Adoption of the road:** For avoidance of doubt, the extension of the carriage way will not be adopted by the Council and, as such, any surface water will not be allowed to use the existing public road drainage system.
6. **Adoption of the footpath:** The remote footpath linking through to the proposed future development to the north will be adopted. The applicant will require to contact the Council's Street Lighting Department to discuss lighting for the footpath.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout
Plan 3 – Elevations (House Type A1)
Plan 4 – Elevations (House Type A2)
Plan 5 – Elevations (House Type B1)

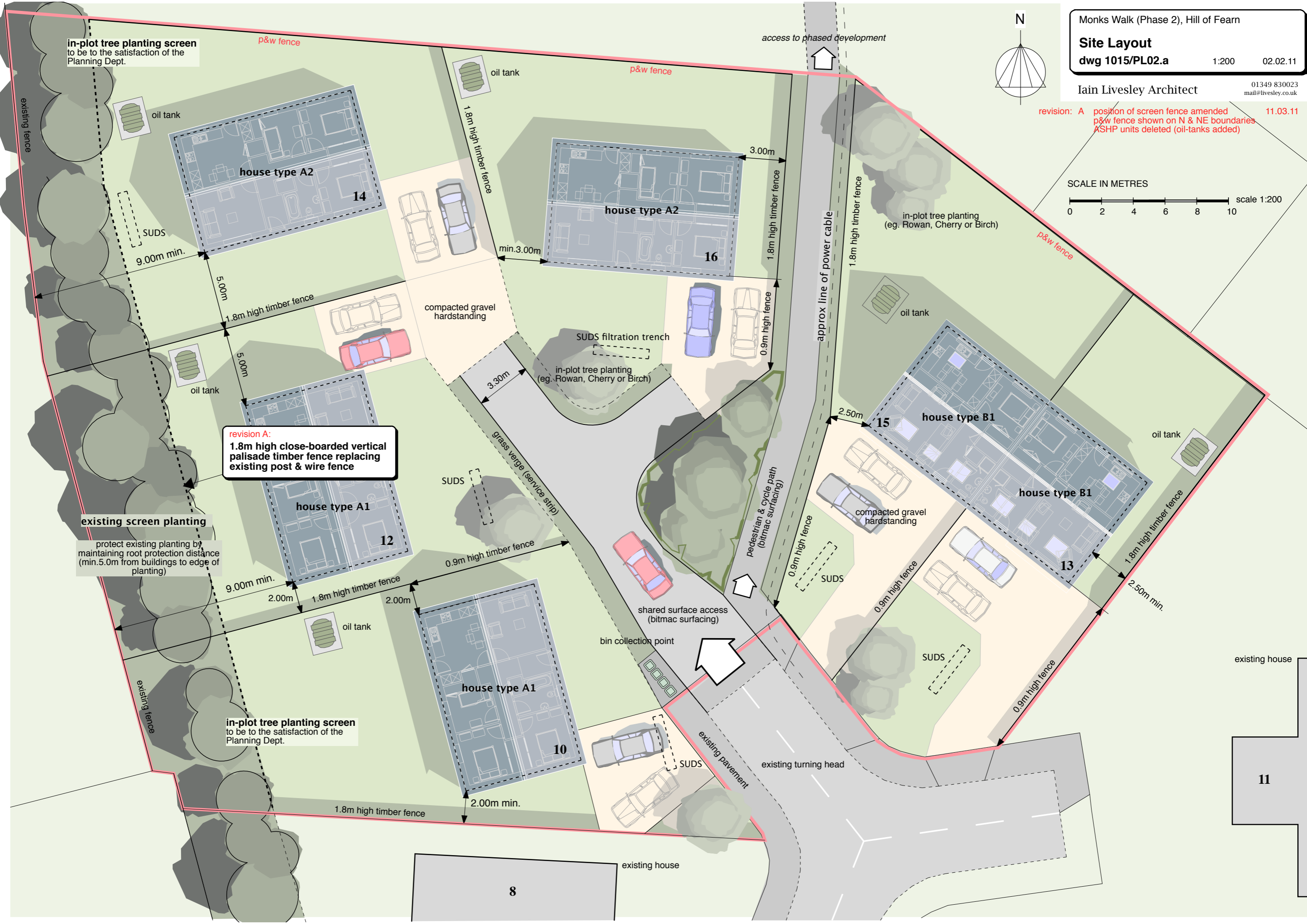
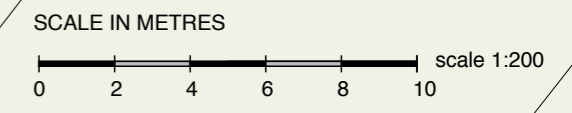
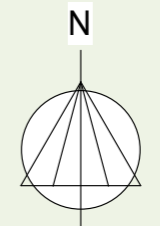


11/00482/FUL
 Erection of 6 no. Houses at
 Land to North of Monk's Walk, Hill of Fearn

Mr J Scott
 per Iain Livesley Architect
 Concas
 Balconie
 Evanton

Iain Livesley Architect 01349 830023
 mail@livesley.co.uk

revision: A position of screen fence amended
 p&w fence shown on N & NE boundaries
 ASHP units deleted (oil-tanks added) 11.03.11



in-plot tree planting screen
 to be to the satisfaction of the
 Planning Dept.

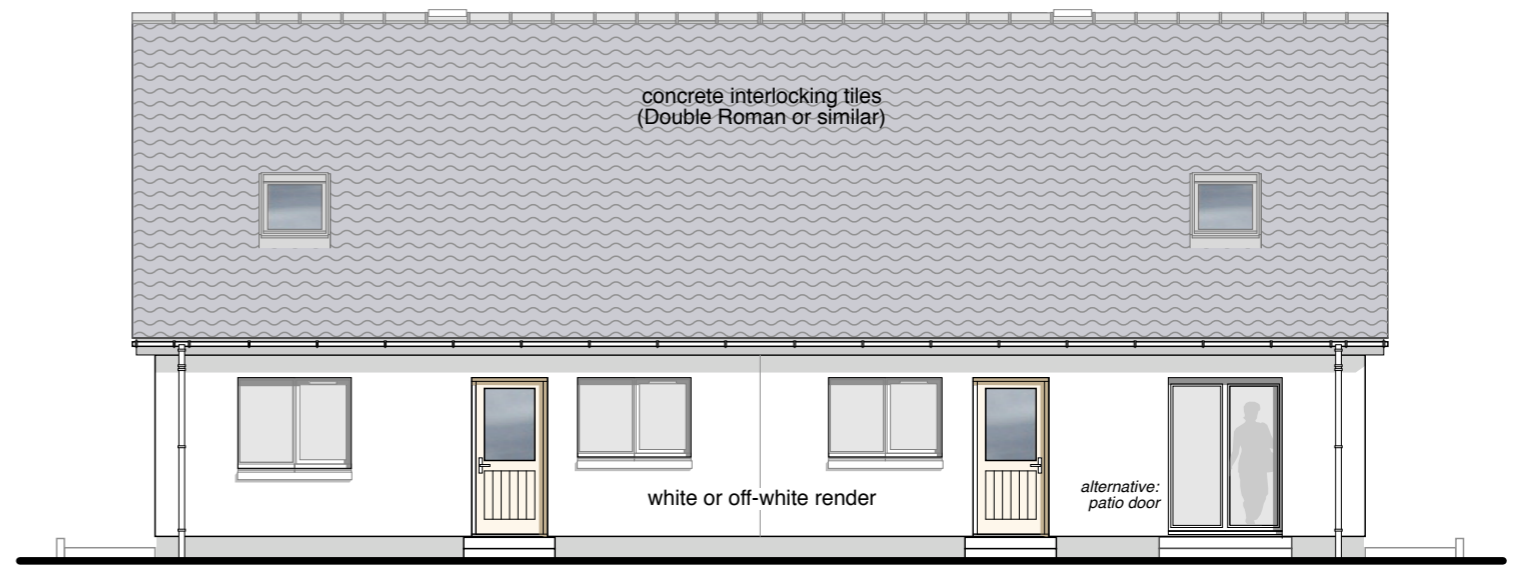
revision A:
 1.8m high close-boarded vertical
 palisade timber fence replacing
 existing post & wire fence

existing screen planting
 protect existing planting by
 maintaining root protection distance
 (min.5.0m from buildings to edge of
 planting)

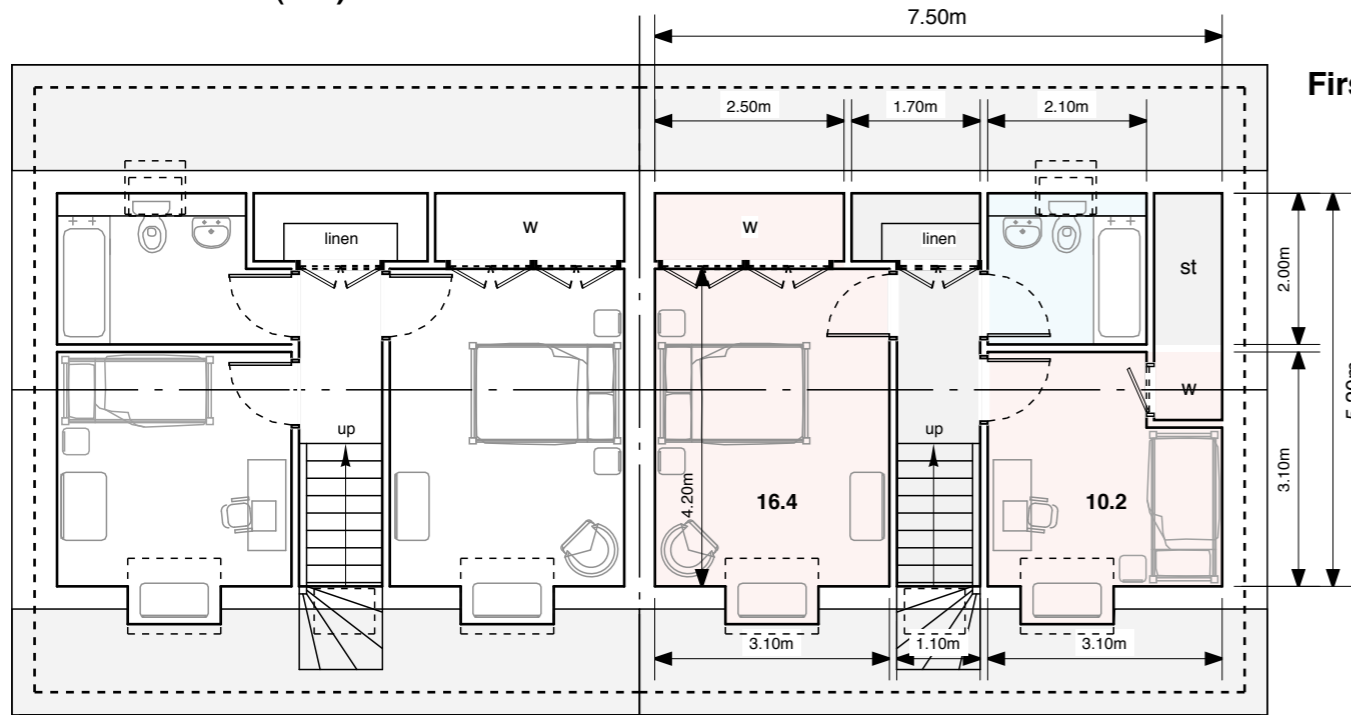
in-plot tree planting screen
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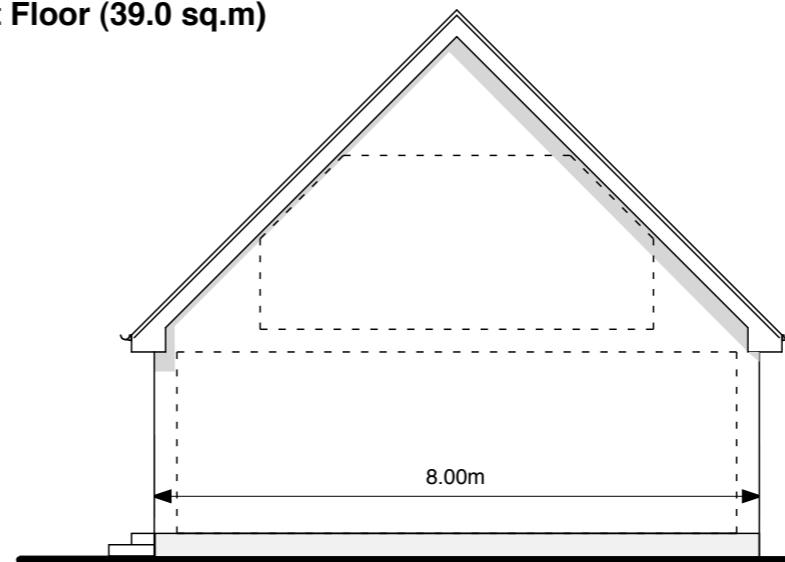
Front Elevation (SW)



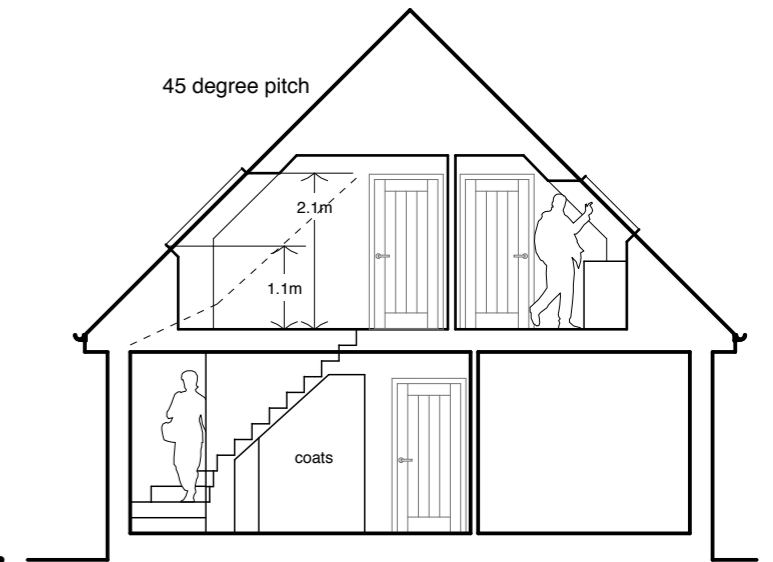
Rear Elevation (NE)



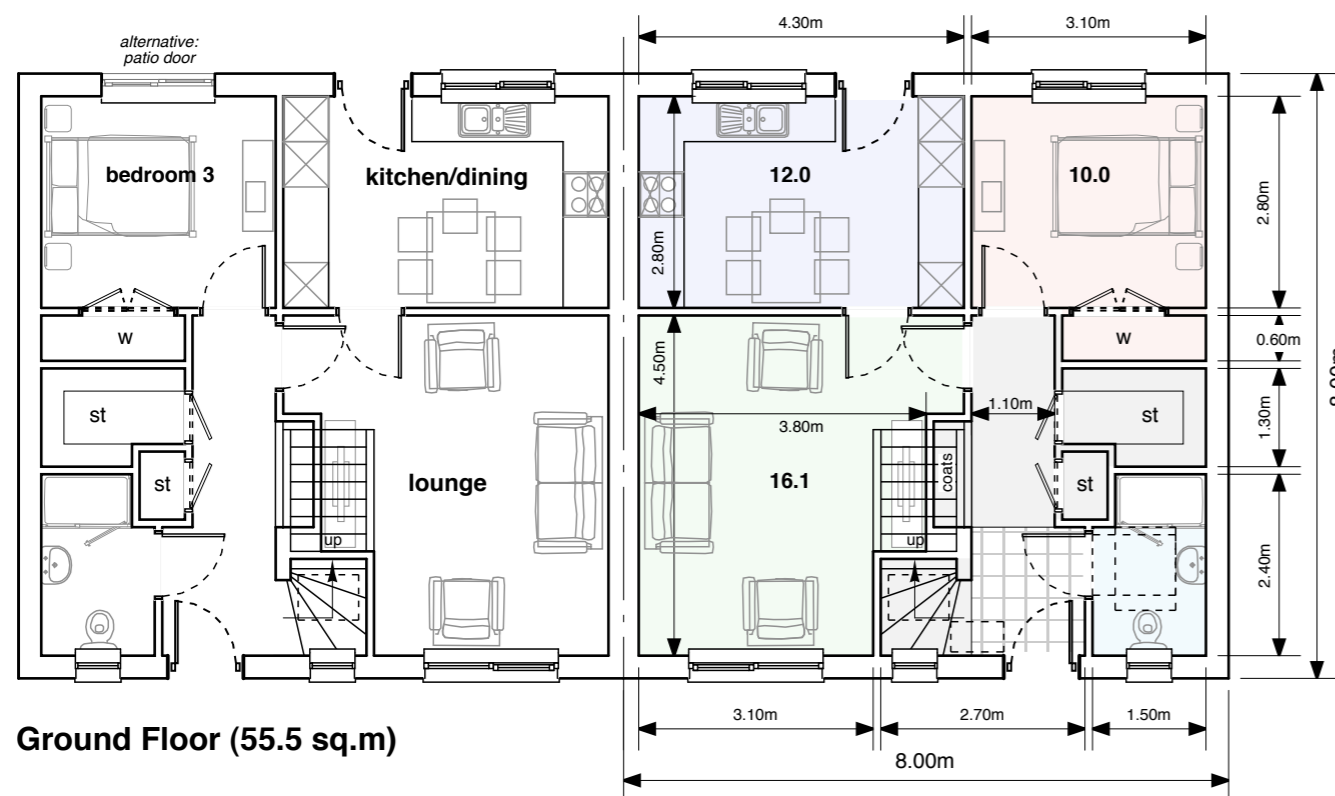
First Floor (39.0 sq.m)



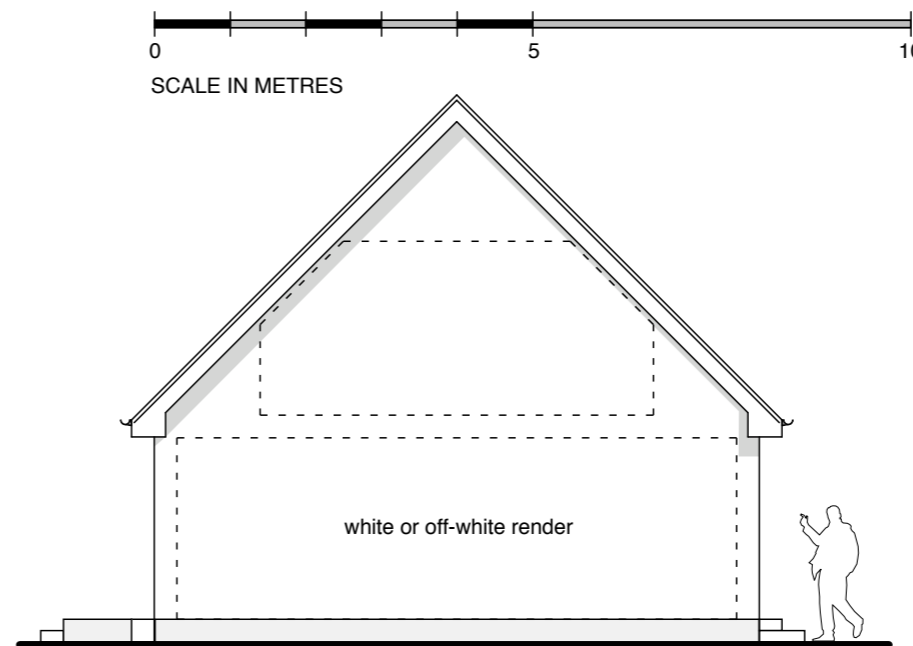
North-west Elevation



Cross Section

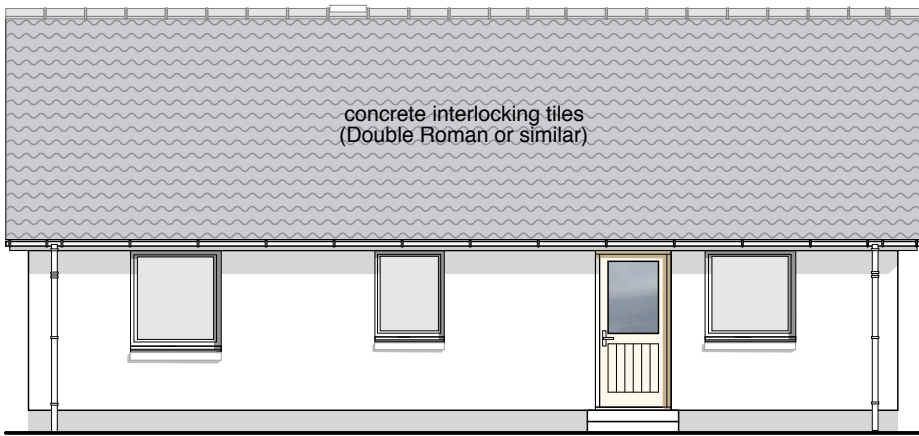


Ground Floor (55.5 sq.m)



South-east Elevation

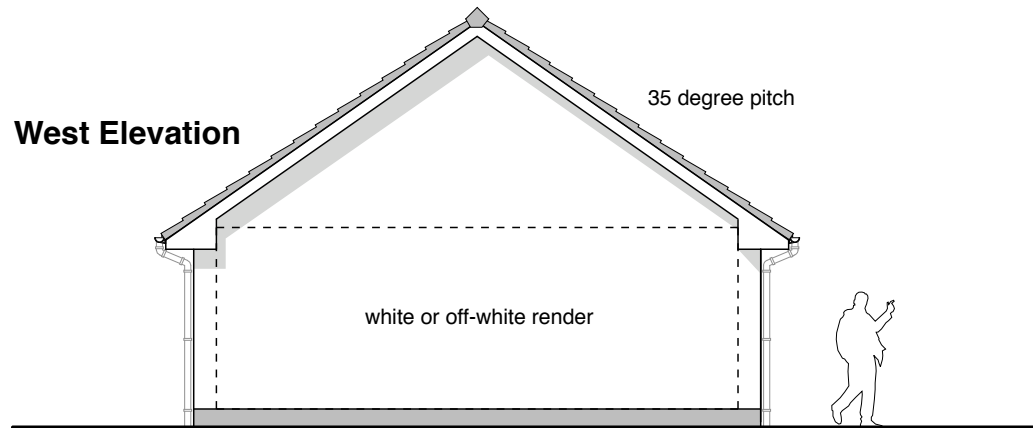
Monks Walk (Phase 2), Hill of Fearn
House Type B1
 dwg 1020/PL05 1:100 02.02.11



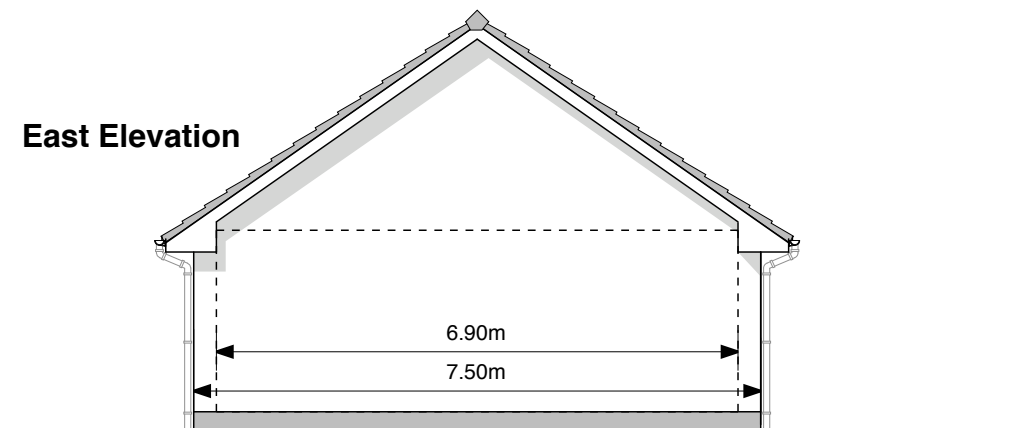
North Elevation



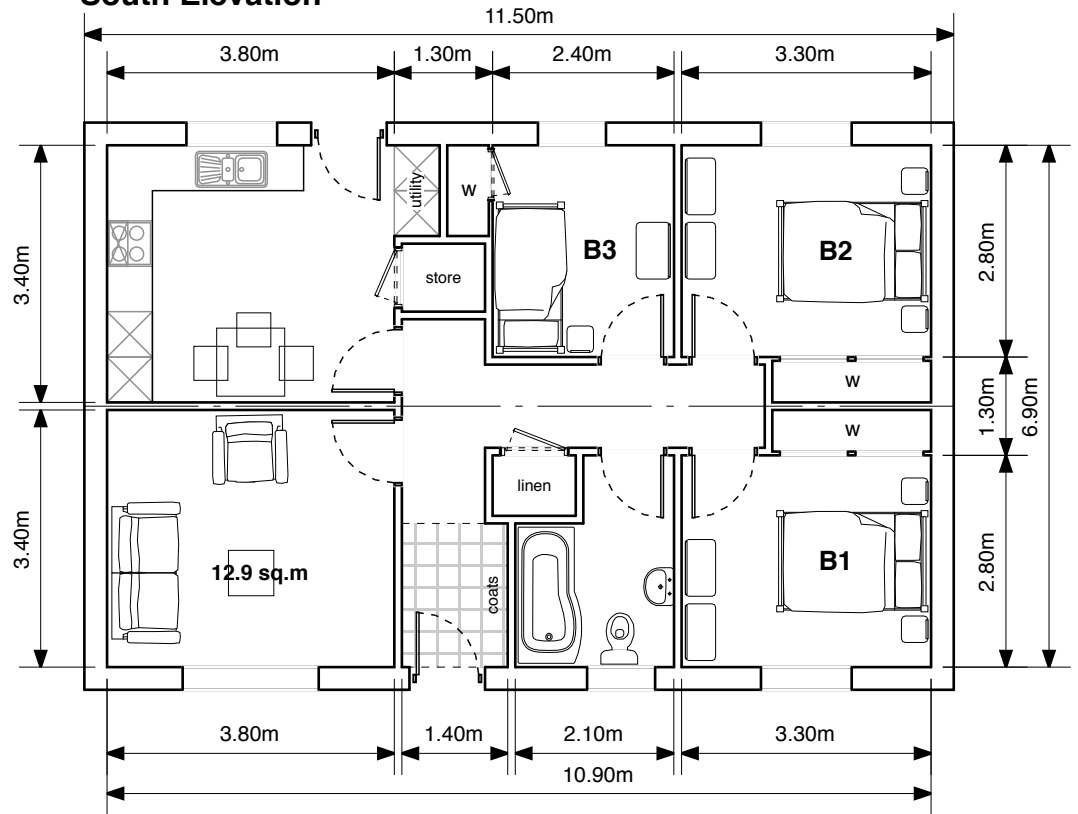
South Elevation



West Elevation



East Elevation



Floor Area 75.2 sq.m

Monks Walk (Phase 2), Hill of Fearn

House Type A2

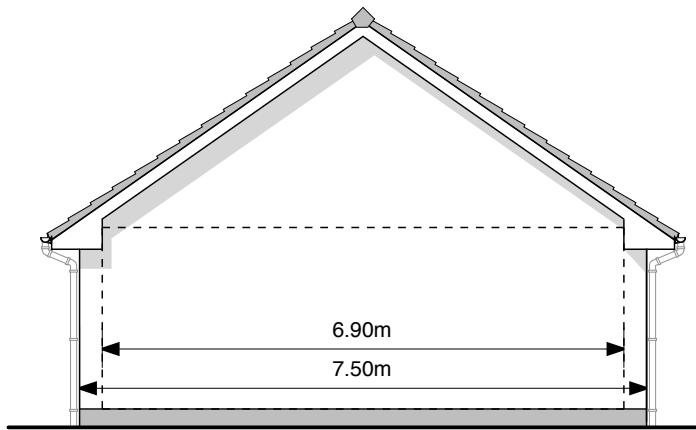
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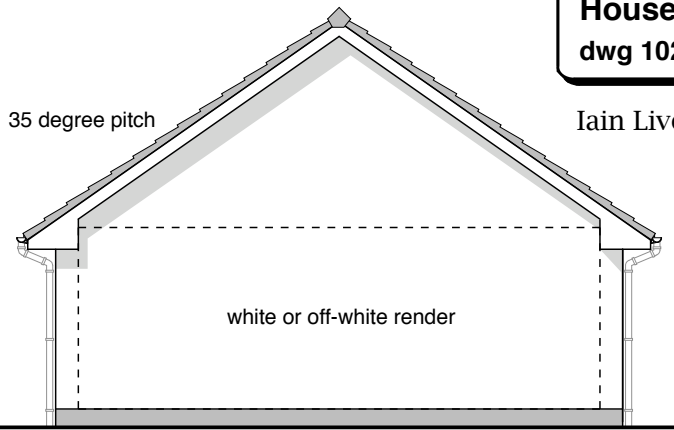
02.02.11

Iain Livesley Architect

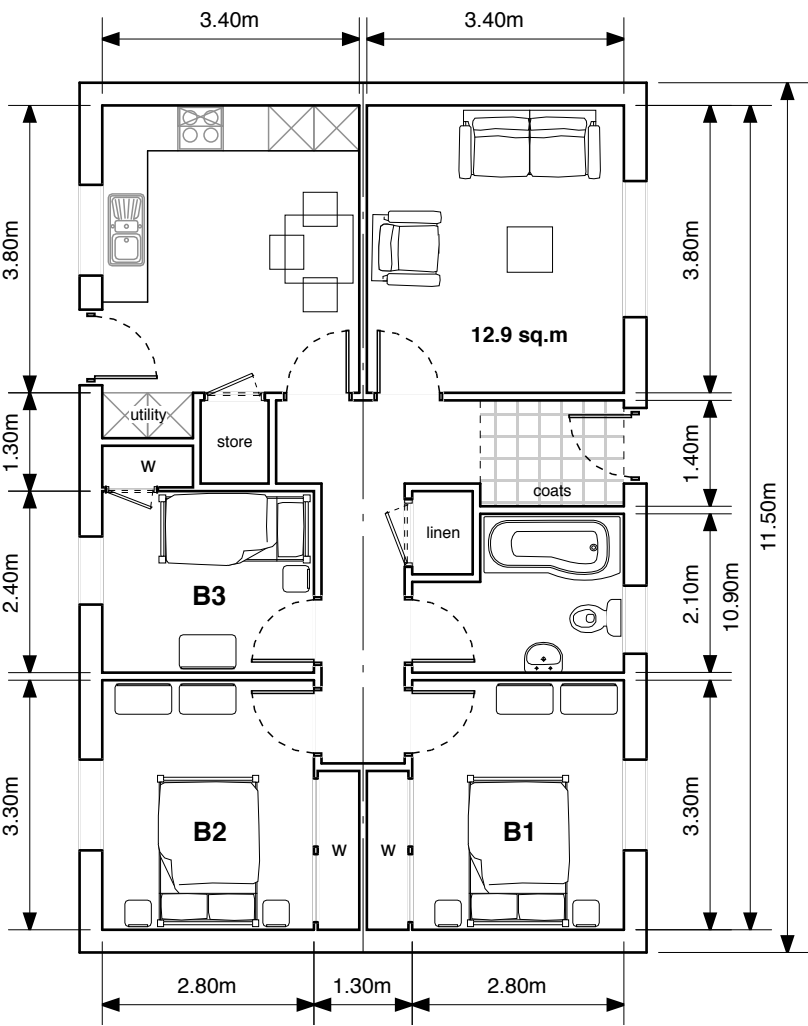
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mail@livesley.co.uk



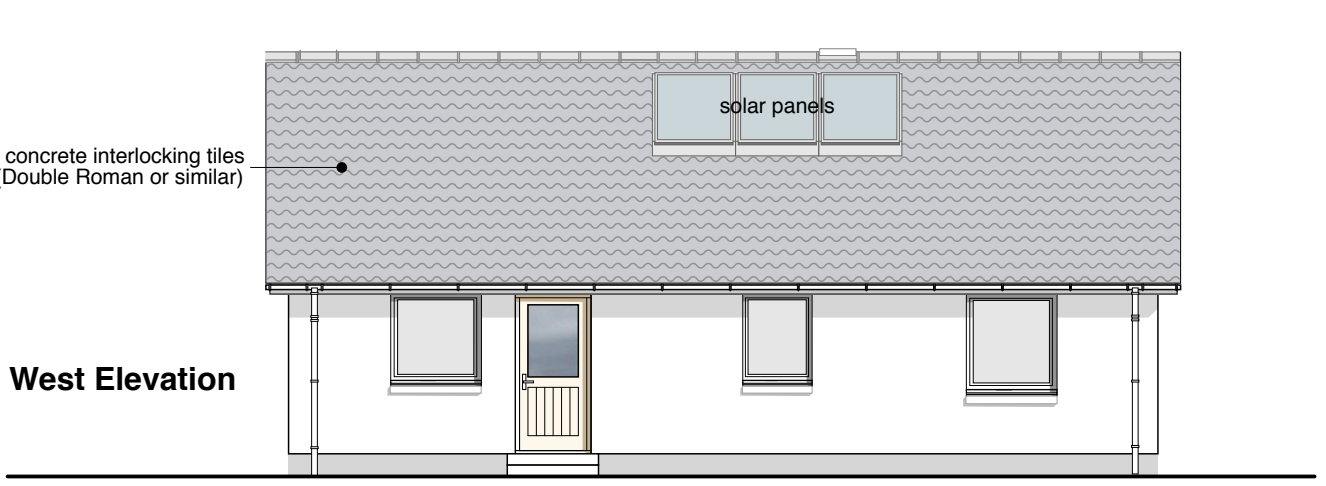
South Elevation



North Elevation



East Elevation



West Elevation

Floor Area 75.2 sq.m

