

THE HIGHLAND COUNCIL

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

Agenda Item	4.5
Report No	PLC/019/11

**11/00535/PIP : Gilgarran Estates Ltd
Land to North Of Rossal Place, Bettyhill**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Formation of two house sites and improvement of access.

Recommendation - GRANT

Ward : 01 - North, West And Central Sutherland

Development category : Local Development

Pre-determination hearing : None

Reason referred to Committee : Objection from Bettyhill, Strathnaver and Altnaharra Community Council.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks to establish the principle of providing two house sites and improving access.
- 1.2 No pre-application discussions.
- 1.3 No existing infrastructure known on the site.
- 1.4 Supporting letters from agent (see 8.5 below).
- 1.5 No variations have been made to the application since lodging.

2. SITE DESCRIPTION

- 2.1 The site is located within the centre of Bettyhill to the north of the existing single storey houses at Rossal Place and to the north-east of the village hall. The telecentre is to the west across the main road. There is housing to the west and north of the site. The ground generally slopes from west to east, is grassed and has an outlook towards the east and north-east towards Swordly and Farr Bay. There is a meeting of five roads to the west of the site, including Rossal Place. The surrounding houses are typically 7m – 11m from the edge of the application site.

3. PLANNING HISTORY

3.1 07/00270/OUTSU - Provision of two house sites. Improvement/upgrade of access. Approved 07.08.2007

00/00302/OUTSU - Erection of dwellinghouse (In Outline). Approved 29.01.2001 by Sutherland County Committee

00/00301/OUTSU - Erection of dwellinghouse (In Outline). Approved 29.01.2001 by Sutherland County Committee

4. PUBLIC PARTICIPATION

4.1 Advertised : Neighbours. Expiry 11 March 2011

Representation deadline : 11 March 2011

Timeous representations : 4

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Accuracy of plans
- Accord with previous planning conditions eg widening of Rossal Place
- Re-positioning of the overhead electricity line and telephone lines crossing the site
- Connection to mains sewer
- Houses should not face towards Rossal Place
- Positioning of proposed houses on site to avoid over- or inter- visibility with neighbouring houses
- Interference with drain/burn could lead to flooding of nearby land and housing
- Developer should be aware that the east half of the site has spoil taken from the Bettyhill swimming pool development and that the ground is not stable

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 **Bettyhill, Strathnaver and Altnaharra Community Council** : Object to the proposal on the following grounds:

1 The road by the village hall and opposite this land has three junctions, two with access to Farr Primary and High Schools all of which are busy and the erection of these properties would create more traffic.

2. The plan to create a parking area at the end of Rossal Place is considered inadequate - this would create more of a traffic problem in Rossal Place which is a single track road. The previous planning application which expired in August 2010 had the design to widen the road in Rossal Place.

3. Three years ago it was stated that no new build houses were to be built in Bettyhill until the sewerage system was upgraded - this has not been upgraded to date.

4. It is considered that this area of land is unstable for building as it is filled with landfill from when the Bettyhill Swimming Pool was built.

5.2 **Area Roads and Community Works Manager** : Roads and Community Works would require the original condition (07/00270/OUTSU) – *‘Rossal Place shall have been constructed to full adoptive standards, including widening the road to 5.5m with a 1.5m verge and full specification turning head to the satisfaction of the Planning Authority, in consultation with the Roads Authority, prior to the occupation of any house’* – to still fully apply. A Road Construction Consent and road bond would have to be in place before any building work commences. Please note that a road gully, street lighting and a telegraph pole are situated in the verge to be widened and would need to be repositioned.

5.3 **Scottish Water** : No objections. At present there is limited capacity at the Bettyhill Septic Tank to serve this development. The developer should contact Scottish Water for further clarification.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Structure Plan 2001

G2 Design for Sustainability

6.2 Sutherland Local Plan

1 Settlement Development Area

6 Design for Sustainability

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Highland Wide Local Development Plan – Proposed Plan (September 2010)

Policies:

29 Sustainable Design

30 Design Quality and Place Making

35 Settlement Development Areas

7.2 **Highland Council Supplementary Planning Policy Guidance**

Not applicable

7.3 **Scottish Government Planning Policy and Guidance**

SPP

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 development is considered to accord with the Local Plan policy which allocates the site (Policy 1) within the village where the policy supports housing development.

The proposal seeks to establish the principle of building two houses on the site. The planning history of the site (section 3.1 above) details similar applications over the last decade. These were also applications in principle. Whilst the Development Plan has changed over this time, the general thrust of policy has remained the same within the centre of the village. Furthermore, there have been no changes in the surrounding land uses during this period, which are mainly residential.

8.4 **Material Considerations**

There are no technical difficulties with the proposal. TEC Services have advised that they have no objections, but have indicated that works are required to Rossal Place, including widening of the road with turning head. The full details of this would be subject to a Road Construction Consent and Members are advised that this technical detail would be the subject of discussion with the developer before works start on site. In addition, this would only be possible once a detailed planning permission was issued.

Representations relate to the following matters:

- Accuracy of plans – The agent has confirmed the accuracy of the submitted plans. Members will note that the plans show the indicative positions of two houses and garages on the application site. These are illustrative only and would be for a detailed application to establish.
- Accord with previous planning conditions eg widening of Rossal Place – TEC Services have indicated that this would be required as part of any planning permission.
- Connection to mains sewer – A mains connection is intended.

- Positioning of proposed houses – Members will note that the details of the siting, design, external materials, means of access and landscaping are not set out in the current application and would be matters for consideration and assessment as part of a detailed application.
- Interference with drain/burn could lead to flooding of nearby land and housing – TEC Services have not highlighted any drainage issues. Notwithstanding this, it would be for a detailed planning application to bring forward a fully designed land drainage proposal for the development.
- Ground stability – This is a matter for the developer to address at a detailed planning application stage.
- Creation of traffic – TEC Services have not indicated that there are any traffic difficulties with the proposal.

8.5 The **agent has responded to the representations** advising that, in his view:

- The development of two houses does not represent a huge increase in traffic. The provision of a turning space at the hammerhead means that vehicles will be able to exit Rossal Place in a forward direction, much safer than reversing out onto the junction. Service vehicles already access Rossal Place and the provision of two more houses will not increase their number. The turning head would be provided in accordance with Roads Departments guide lines and is not intended as a parking area, and the road is also to be widened to 5.5m with a service margin.
- Aware that some areas of the site do contain a portion of landfill of a site stripping/demolition nature, it will be up to the structural engineer to examine this and work out suitable foundations for the houses at a detailed application stage.
- Building design and orientation – the application is in principle only, so this would be for a further application to determine. However, consider that these will be small modest houses, single storey with attic rooms and that the main views will be to the east.

8.6 **Other Considerations – not material**

- Re-positioning of the overhead electricity line and telephone lines crossing the site – This is a matter for discussion and negotiation between the developer and the service providers.
- Decrease value of property

8.7 **Matters to be secured by Section 75 Agreement**

None

9. CONCLUSION

- 9.1 The proposal is considered to accord with the Development Plan policies for the area. The representations can be addressed by the use of conditions and are matters which would be fully set out in a further detailed planning application.

Approval of the proposal is recommended.

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.

1. An application, or applications, for the approval of all matters specified in conditions attached to this planning permission in principle must be made to the Planning Authority prior to the commencement of development and, in addition to the requirements of any matters specified in subsequent conditions below, must address the following SPECIFIED MATTERS:

- a) a detailed layout of the site of the proposed development (including site levels as existing and proposed);
- b) the design and external appearance of the proposed development;
- c) landscaping proposals for the site of the proposed development;
- d) details of access and parking arrangements; and
- e) details of the proposed water supply and drainage arrangements.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. Notwithstanding design and external appearance are matters specified in condition 1 the design of any house on each site shall incorporate the following principles:

- a) The roof shall be finished in natural slate, or a slate type roof tile with at least a 40 degree roof pitch. There shall be a vertical emphasis to window openings and the house shall be single or one and a half storeys in height.

b) External house wall and roof materials: The use of natural stone and/or wet harling is encouraged, but innovative designs incorporating glass and timber are also acceptable.

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 Policy G2 and policy 6 of the Sutherland Local Plan.

3. The position of each house shall be pegged out on site for the prior approval of the Planning Authority, in writing, and any application for matters specified in conditions shall be accompanied by cross sections and levels showing the finished floor levels in relation to an agreed and fixed datum. For the avoidance of doubt, the position of each house shall be shown relative to the other house hereby approved. The houses shall be positioned on site and relative to each other and the existing houses surrounding the site so as to minimise any inter-visibility or overlooking.

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 Policy G2 and Sutherland Local Plan policy 6.

4. 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 as part of any application for matters specified in conditions. All planting thereby approved shall be undertaken in the first planting season following the completion of the first house.

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

5. No development shall commence on either house site until the access from the public road into the sites from Rossal Place has been constructed to base course level to the satisfaction of the Planning Authority in consultation with the Roads Authority and in accordance with the attached Schedule. The access shall be fully completed in accordance with the Specification prior to occupation of the first house. For the avoidance of doubt, Rossal Place shall have been constructed to full adoptive standards by the developer, including widening the road to 5.5m with a 1.5m verge and full specification turning head, to the satisfaction of the Planning Authority, in consultation with the Roads Authority, prior to the occupation of either house.

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

6. All drainage arrangements shall be provided to the satisfaction of the Planning Authority, in consultation with the Building Standards Authority. For the avoidance of doubt, foul drainage for each house shall be by means of a connection to the public sewer. Surface water drainage shall be provided by adopting the best practice of SuDS.

Reason: In the interests of amenity.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. THREE YEARS from the date on this decision notice;
- ii. SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT RELATIVE TO APPLICATION 11/00535/PIP

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.

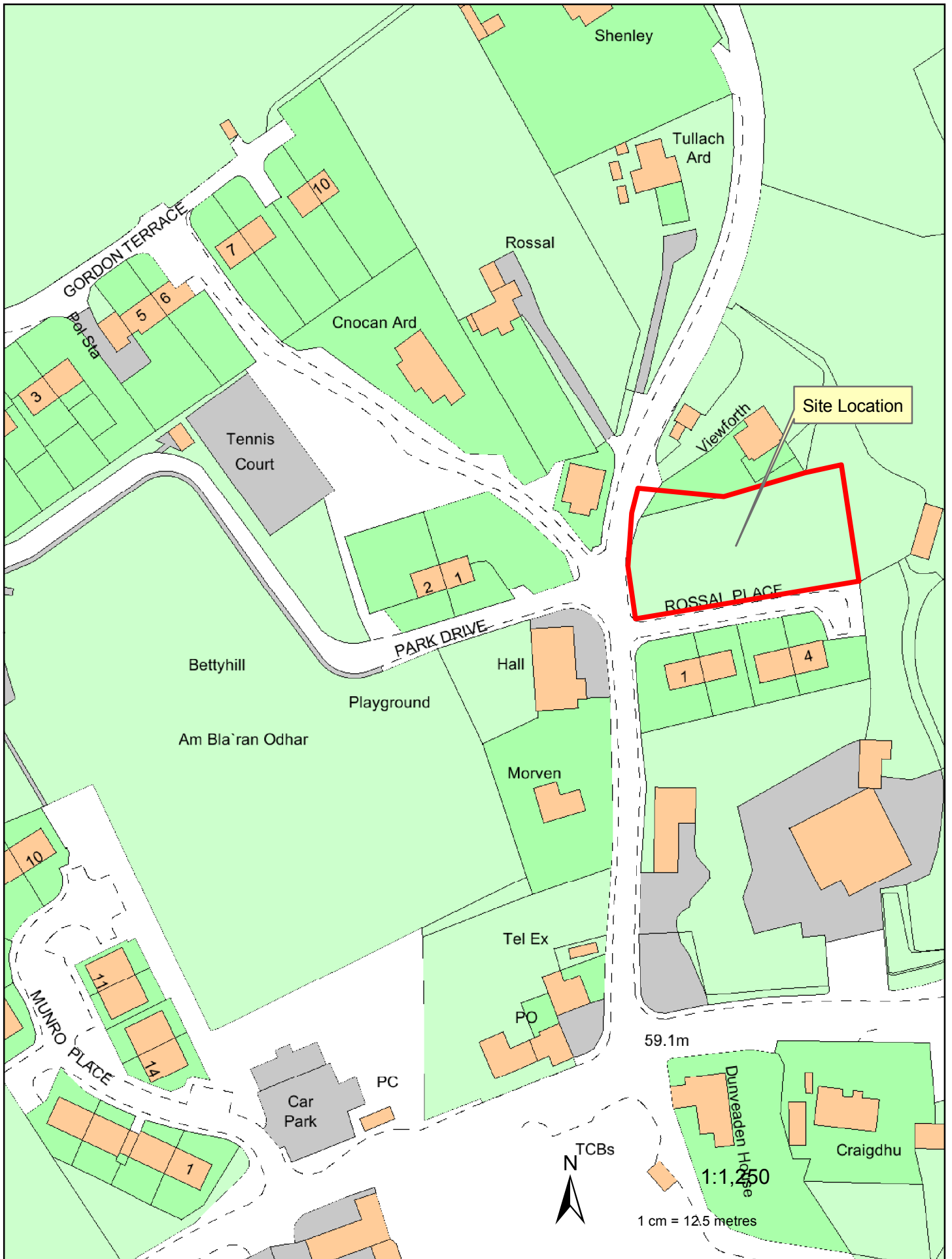
Road Openings Permit / Road Construction Consent: You may require consent from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

The Council reserves the right to recover all costs for repairing any damage to the public road which can be attributed to construction works for this development, over what is a fragile section of Council road infrastructure.

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.

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.

Signature: Allan J Todd
Designation: Area Planning & Building Standards Manager
Caithness, Sutherland and Easter Ross
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location / Site Plan 464/20
Plan 2 – Site Layout 464/21
Plan 3 – Road Layout 464/22



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 Land to North of Rossal Place, Bettyhill

Gilgarran Estates Ltd
 per Alastair C Foggo / Design Associates
 The Studio
 Dunnet
 Caithness