

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS
PLANNING APPLICATIONS COMMITTEE – 7 June 2011**

Agenda Item	3.4
Report No	PLC/025/11

**11/00898/PIP : Peninsula Hospitality
Land to the North of Balintore Hotel, Balintore**

Report by Area Planning and Building Standards Manager

SUMMARY

Description : Housing development for 3 units, car parking, siteworks and services.
Demolition of existing chalet type development.

Recommendation - GRANT

Ward : 08 – Tain and Easter Ross

Development category : Local Development

Pre-determination hearing : Not required

Reason referred to Committee : Community Council objection & 5 or more third party objections that cannot be resolved by condition.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission in principle for 3 houses (2 semi-detached and 1 detached) and associated infrastructure
- 1.2 Pre-application discussion took place between the Planning Authority and the applicant's agent related to the principle and scale of housing development on the site taking into consideration previous applications and appeal decision.
- 1.3 An access from East Street is already in place and serves the Balintore Hotel.
- 1.4 A supporting statement and a Preliminary Engineering Report have been submitted.
- 1.5 No variations have been made to the application since submission.

2. SITE DESCRIPTION

- 2.1 The site is located to the rear of the Balintore Hotel, East Street, Balintore. There is a walled beer garden located adjacent to the hotel. The existing access to the rear of the hotel runs between the beer garden and the hotel. At present there is a single storey chalet type building and sheds located to the rear of the beer garden and hotel building. The land between the site and the cemetery to the north is covered by a dense blanket of gorse, ferns and some native tree species.

3. PLANNING HISTORY

- 3.1 Planning Application 10/00054/PIPSU – Formation of site for the erection of housing at land to the north of Balintore Hotel. This application was withdrawn due to concerns over impact upon the amenity of the neighbouring properties. The application sought permission for a larger site area and a higher number of dwellings (10 units were proposed – 3 detached, 3 terraced and 4 semi-detached).
- 3.2 Planning Application 10/02996/PIP – Construction of housing (4 detached units). The application was refused by the Caithness, Sutherland and Easter Ross Planning Applications Committee at its meeting on 28 September 2010. The application was refused on the following grounds:

- The application does not accord with Policy 1, Chapter 31 of the RACE Local Plan (2007) which allocates land for housing, as the proposed development is considered to be overdevelopment in that the 4 units proposed do not have a level of garden ground consistent with the pattern of the immediate area.
- The application involved overdevelopment of the site in a form that represents poor layout at variance with local character and the prevailing settlement pattern and would create unacceptable residential amenity standards for the proposed houses and immediate neighbouring houses relative to the existing high amenity standards in the area surround the site, contrary to Highland Structure Plan policy G2

In reaching its decision, Committee indicated that a lower density of houses may be looked on more favourably.

- 3.3 Planning Appeal PPA-270-2042 – The refusal of planning application 10/02996/PIP was appealed. The Reporter dismissed the appeal and concluded that “...I find that the proposal for four houses on this relatively restricted and steep site does not adequately reflect the pattern of development in the immediately surrounding area, contrary to policy 1 of chapter 31 of the adopted local plan.”

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Neighbour Notification

Representation deadline : 08/04/2011

Timeous representations : 10

Late representations : 0

- 4.2 Material considerations raised are summarised as follows:

- Capacity of water network
- Character
- Contamination
- Contrary to policy
- Density of development
- Drainage
- Economic impact on hotel/Loss of beer garden
- Effect on cemetery

- Lack of information
- Noise pollution
- Overlooking/privacy
- Parking
- Reporter's decision
- Stability of ground
- Street lighting
- Surplus housing land in Seaboard area
- Trees on site

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 (Contaminated Land):** No objection. Records indicate that there may have been a use (fuel storage and distribution) on the site which may have resulted in contamination. Condition should be attached to any planning permission which may be granted to ensure the site is suitable for the development proposed.

5.2 **TEC Services (Roads):** No objection. TEC Services indicate that no vehicular access must be allowed to the proposed properties from the public road.

5.3 **Historic Environment Team:** No objection. As the application, if approved, would have an impact on a building which is depicted on the 1st edition Ordnance Survey mapping, a photographic record should be made of the remains of old buildings/features affected by the proposed development.

5.4 **Balintore and Hilton Community Council:** The Community Council have objected on the following grounds:

- Loss of privacy;
- Loss of community facility (beer garden);
- Drainage and increased flood risk;
- Stability of ground;
- Parking;
- Development is out of character;
- Reporter's decision on previous application.

5.5 **Scottish Water:** No objection. Scottish Water indicate that Assynt Water Treatment Works has limited capacity to serve the proposed development and the developers should discuss their proposal directly with Scottish Water. Balintore Waste Water Treatment Works may have the capacity to serve the proposed development.

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

Chapter 31, H: Housing
Policy H1

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Highland wide Local Development Plan – Proposed Plan (2010)**

Policy 29 – Sustainable Design

Policy 30 – Design Quality and Place-Making

Policy 35 – Settlement Development Areas

Policy 31 – Physical Constraints

Policy 64 – Water Environment

Policy 66 – Waste Water Treatment

Policy 67 – Surface Water Drainage

Policy 75 – Green Networks

7.2 **Highland Council Supplementary Planning Policy Guidance**

Managing Waste in New Developments: Interim Supplementary Guidance

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 proposal accords with the adopted development plan. Chapter 31, Policy H1 of the Ross and Cromarty East Local Plan (2007) states that 'Proposals for further infill development must take account of the character of the pattern and design of the existing "Fishertown" houses.' The exact design, style and positioning of the houses is not a matter to be determined through this application however the indicative layout submitted with this application demonstrates that there would be adequate amenity space and the density of development would be in keeping with the existing development in Balintore.

8.4 **Material Considerations**

Capacity of water network – Scottish Water have indicated that there is limited capacity in the Water Treatment Works to serve the proposal and there may be capacity in the Waste Water Treatment Works. Scottish Water do not provide a more definitive response than this until the time when connection to the network is sought.

Character – The exact design and location of this development is not to be determined by this application, but will be a key consideration of any matters specified in conditions application. The indicative layout shows two semi-detached houses of single storey and one detached house of one and three-quarter storey. It is not considered that the one and three-quarter storey house is appropriate in this location given the scale of the surrounding houses. Any planning permission granted should give guidance on the size, scale and finishes of the proposed houses. The scale of development proposed is in keeping with the requirements of Chapter 31, Policy H1 of the Ross and Cromarty East Local Plan.

Contamination – Respondents have raised the issue of the site previously being used for fuel distribution. TEC Services - Contaminated Land are satisfied that this issue can be dealt with through condition.

Contrary to policy – The proposal accords with the provisions of the adopted Development Plan as discussed in Section 8.3 of this report. One respondent indicated that the proposal would be contrary to Background Policy 3 of the Ross and Cromarty East Local Plan (2007) however this policy only applies when one of the features identified in Appendix 1 of the written statement of the Local Plan is within or in some cases close to the site. This is not the case with this application.

Density of Development – A total of three houses are proposed on this site. It is recognised that to the rear there is a steep slope where no housing development could take place but garden ground could be accommodated. A development of three houses in this location would not be considered over development given the density of the development in the surrounding area and the density of the traditional "Fishertown" houses within the area.

Drainage – Any housing development on this site would be required to provide a Sustainable Drainage System in accordance with Policy GSP3 of the Ross and Cromarty East Local Plan (2007) and Policy 67 of the Highland wide Local Development Plan – Proposed Plan (2010).

Economic impact on hotel/Loss of beer garden - It is not considered reasonable for the Planning Authority to judge the benefit of this facility to the wider community or judge the application unacceptable on the basis of loss of the beer garden or adverse economic impact on the hotel, particularly as there are no specific policy grounds that require the protection of this type of facility.

Effect on cemetery – The cemetery is at the top of the bank behind this development. The proposed development will not be seen from the cemetery. On a previous application in close proximity to the cemetery a 25m development exclusion zone around the cemetery was applied. Neither the Planning Authority nor consultees advised the developer that there must be a 25m buffer zone around the cemetery - it was the decision of the developer to create this area of separation. Therefore, there is no justification for applying the same exclusion zone to this application.

Lack of information – Respondents believe further information should be submitted in the form of cross-sections, engineering reports and sustainable drainage system plan. The information which would be contained in this report should form the basis for the detailed design of a housing proposal on this site and is not required to determine a planning application for planning permission in principle.

Noise pollution – It is not anticipated the proposed development would have an adverse affect on the established amenity of the area in terms of noise. During the construction period there may be some disturbance, therefore it would be appropriate to restrict hours of construction by planning condition.

Overlooking/privacy – The exact siting of the proposed houses is not to be determined by this application. However, the indicative location of the proposed houses (as shown on Drawing No. P77.10.02A) shows the proposed semi-detached units to the rear of the hotel. These would not over look any residential property, only the rear of the Balintore Hotel. The house which is indicatively shown within the beer garden is in close proximity to “Rowchoish, however through appropriate design of a house this would not be an issue.

Parking – The site is of a sufficient size for parking. The indicative layout indicates that parking would be located on the seaward side of East Street, and this would make use of some of the spaces which are currently available for use by patrons of the Balintore Hotel. The use of this area for parking is already established and therefore would not be a material change in the use of the land. By having car parking in this area a better site layout of the houses can be proposed with adequate amenity ground. Parking in this area would also lead to improved road safety as the current access to the site does not meet standards for visibility from a junction.

Reporter's decision - The Reporter who determined the appeal took into consideration the indicative layout, scale and density of the previous application on the site and determined that the site could not accommodate four houses and reflect the pattern of development in the immediately surrounding area. The current planning application has taken on board the comments of the Reporter to provide only three houses with adequate amenity space and sufficient space to provide infrastructure.

Stability of ground – A preliminary engineer's report has been submitted which indicates that engineering works can be carried out to ensure that the stability of the ground would be safeguarded when this proposal is brought forward, thus avoiding risk of landslip and safeguarding the cemetery. Any planning application for matters specified in conditions should be accompanied by a full engineer's report setting out these measures.

Street lighting – As the development would be accessed from an un-adopted road street lighting may not be required. However, there is the possibility that street lighting may be desirable for security purposes. If this is the case then any planning application for matters specified in conditions should be accompanied by a lighting scheme, which will require to be approved in writing by the Council and work carried out in accordance with the approved scheme.

Surplus housing land in Seaboard area – It is recognised that there are a number of sites which are allocated for development within the Seaboard villages which have extant planning permissions but have not been brought forward. Scottish Government guidance recommends a flexible and realistic approach is taken and the deliverability of sites is considered. To deliver housing in a community such as Seaboard during the current economic climate it is appropriate to support smaller scale development such as this in order to maintain an effective housing land supply.

Trees on site – There are a number of mature trees present on the site, both within the beer garden and in the north eastern corner of the site. No tree on the site is covered by a tree preservation order. It would be appropriate that given the nature of the site a landscaping plan should accompany any matters specified in conditions application and this should include compensatory planting.

8.5 **Other Considerations – not material**

- Devalue property.

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

Not Applicable

9. **CONCLUSION**

- 9.1 The proposal is in accordance with the adopted development plan. The application will provide suitable density of infill development and any matters specified in conditions application will consider detailed issues including, but not limited to, design, layout, landscaping, access and drainage.

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 commence until all of the matters specified below have been approved on application to the Planning Authority:

- i. a detailed layout of the site of the proposed development (including cross sections showing site levels as existing and proposed position of houses);
- ii. the design and external appearance of the proposed development;
- iii. landscaping proposals for the site of the proposed development;
- iv. details of access and parking arrangements; and
- v. 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. Any details pursuant to Condition 1 above shall depict a development featuring the following elements:-

- i. walls finished predominantly in a white/off-white wet dash render;
- ii. a roof covering of natural slate or suitable slate substitute;
- iii. single storey houses to the north of Balintore Hotel and single storey or 1½ storeys in height to the west of the Balintore Hotel;
- iv. windows with a strong vertical emphasis;
- v. a roof symmetrically pitched of not less than 40° and not greater than 45°;
- vi. predominantly rectangular in shape with traditional gable ends.

Reason : In order to respect the vernacular building traditions of the area and integrate the proposal into its setting; in the interests of visual amenity

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

Reason : In the interests of road safety.

4. Following occupation of the third house in the development, no vehicular access shall be permitted into the development.

Reason : In the interests of road safety.

5. All drainage arrangements shall be provided 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.

6. No development shall commence on site until a Sustainable Drainage Scheme is submitted by the developer for the consideration and written approval of the planning authority. All work shall thereafter be carried out in accordance with the approved scheme.

Reason : To ensure adequate protection of the water environment from surface water run-off and in the interests of road safety.

7. No development shall commence on site until a fully detailed scheme of landscaping for the site, including compensatory tree planting and terracing of garden ground where appropriate, is submitted by the developer for the written approval of the Planning Authority. All landscaping thereby approved shall be undertaken in the first planting season following the completion of the development and maintained for a period of 5 years thereafter.

Reason : In the interests of amenity.

8. No development shall commence on site until a scheme to deal with potential contamination on site has been submitted by the developer and agreed in writing by the Planning Authority. The scheme shall include:

- a) the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Planning Authority, and undertaken in accordance with Planning Advice Note 33 and British Standard 10175:2001;
- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action is required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No development shall commence on site until written confirmation has been given that the scheme has been implemented, completed and, if required, monitoring measurements are in place, to the satisfaction of the Planning Authority.

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

9. No development shall commence on site until the developer submits full details of the proposed groundworks, accompanied by a Chartered Engineer's Report, certifying their adequacy and that they do not threaten the stability of the land to the north of the Balintore Hotel, for the consideration and written approval of the Planning Authority. The development for which planning permission is hereby granted shall not be occupied unless the groundworks undertaken on site have been completed to the satisfaction of the Planning Authority and thereafter so maintained in perpetuity.

Reason : In the interests of amenity and to ensure the site is suitable for the development proposed.

10. All car and cycle parking provision to serve the proposed development shall be made in accordance with National Standards as set out in Scottish Planning Policy and in accordance with Highland Council standards where national standards are not applicable unless otherwise agreed in writing with the Planning Authority.

Reason : To ensure adequate car and cycle parking in accordance with Scottish Planning Policy.

11. No development shall commence on site until a photographic record is made of the remains of old buildings and / or other features affected by the proposed development by the developer, in accordance with the attached specification, and shall thereafter be submitted to the Planning Authority. No site clearance work shall take place until confirmation in writing has been received from the Planning Authority that the record made has been lodged and is satisfactory.

Reason : To protect the historic interest of the site.

12. Hours of construction in relation to any works audible at the site boundary shall be limited to 8.00am to 6.00pm Monday to Friday, 9.00am to 1.00 pm Saturday, and not at all on Sunday.

Reason : In the interests of amenity and in order to avoid disturbance and nuisance

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.

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.

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/Location Plan
Plan 3 – Site Layout

Appendix – Letters of Representation

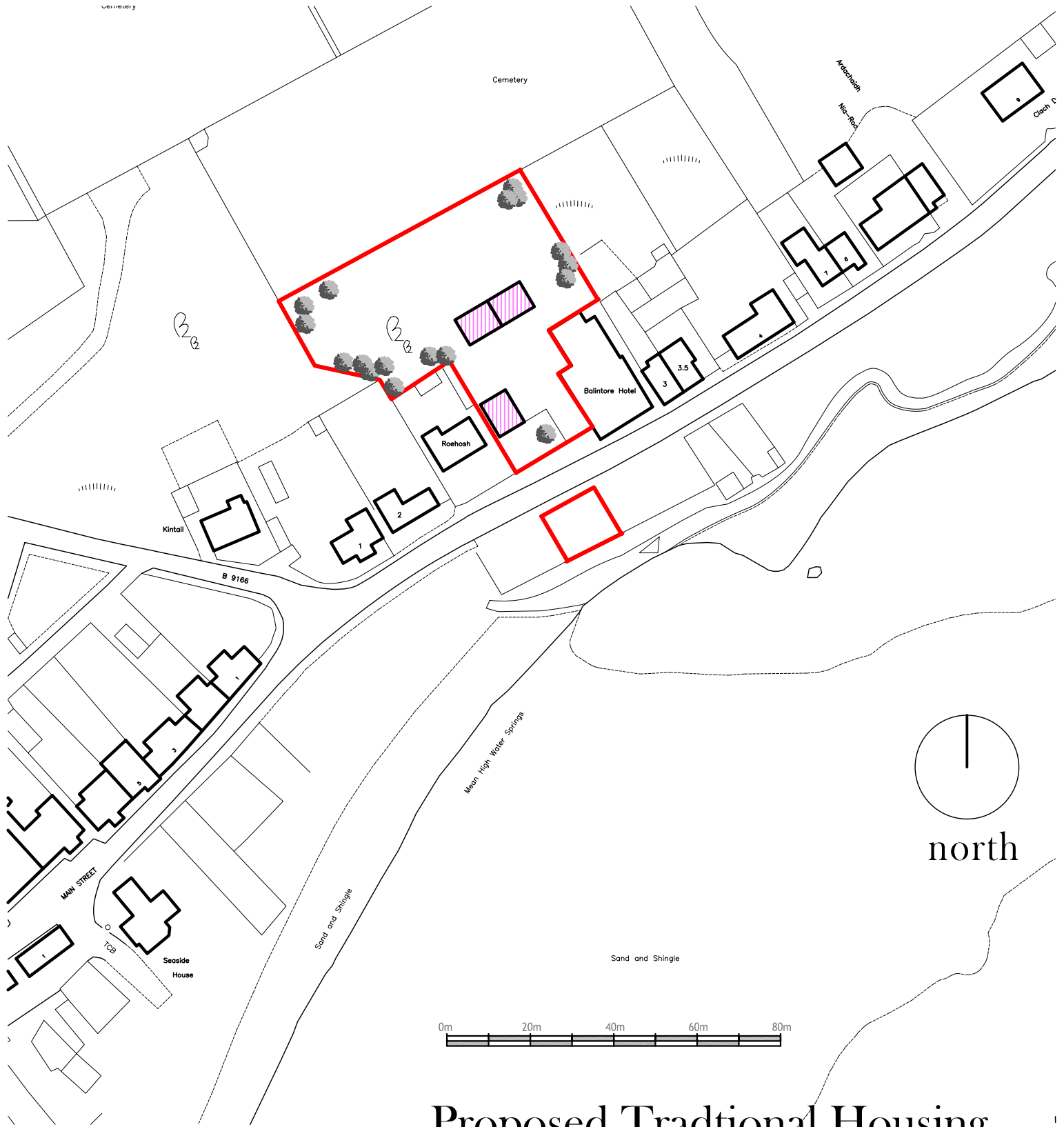
Name	Address	Date Received	For/Against
Alfred Gunn	Eastlyn, 3 1/2 East Street, Balintore, Tain, IV20 1UA	05/04/2011	Against
Evelyn Gunn	Barrogill, Northcote Street, Wick, Caithness, KW1 5QP	05/04/2011	Against
Graeme D.J. Gunn	5 Swanson Drive, Wick, Caithness, KW1 5TF	06/04/2011	Against
Mr & Mrs Elliott	7 East Street, Balintore, Tain, IV20 1UA	06/04/2011	Against
Mr & Mrs Maurice & Christine Jones	Alder Cottage, 4 East Street, Balintore, Tain, IV20 1UA	06/04/2011	Against
Mr Aidan Jones	28 Nethersole Street, Polesworth, Tamworth, B78 1EE	05/04/2011	Against
Ms Carole Stewart	22 Forrester Street, Redding, Falkirk, FK2 9FE	06/04/2011	Against
Ms Danielle Jones	Plaza Viudas, 1,3A, Cadiz, 11003	05/04/2011	Against
Ms Jane Mackenzie	3 East Street, Balintore, Tain, IV20 1UA,	06/04/2011	Against
Rory H. Gunn	1 Craig Dhu Court, Laggan Road, Newtonmore, PH20 1DG	07/04/2011	Against



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11/00898/PIP
 Erection of 3 houses and provision of car parking. Demolition of chalet at
 Land to the North of Balintore Hotel, East Street, Balintore.

Peninsula Hospitality
 per Highland Architecture
 Ross-shire Business Centre
 1 Castle Street
 Dingwall
 IV15 9HU



Proposed Traditional Housing East Street, Balintore, Ross-shire

highland architecture
www.highland-architecture.co.uk

Ross-shire Business Centre
1 Castle Street Dingwall, IV15 9HU
T: 01349 866999 M: 07526 127468

project
Proposed Housing Development East Street
Balintore for Peninsula Hospitality

drawing Location Plan
scale 1:1250 date March 2011
status Planning

drawn L Boyd
drg no P77.10.01
rev

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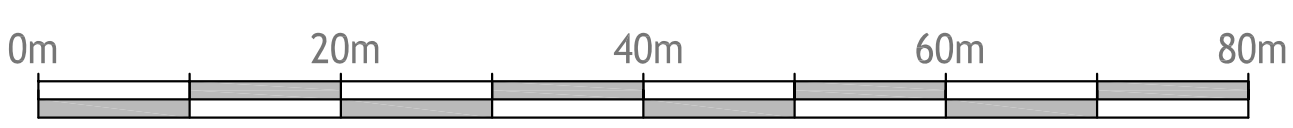
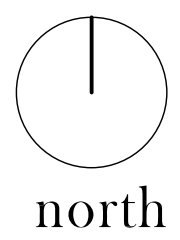
Site Area - 2786 Sq metres
 CAr PArking Area - 181 Sq Metres
 Nominal footprint of houses - 63 sq metres per house (252sq m total)
 Ratio of building to development site - 8.6%



- (A) 2 No traditional single storey cottages
- (B) 1 No 1 3/4 Storey houses
- (C) Pedestrian Area
- (D) Existing access
- (E) 6 car parking spaces for new housing
- (F) car parking reserved for hotel
- (G) Additional ground owned by applicant
- (H) New 2 m high boundary fence
- (J) Private garden ground

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Proposed Tradtional Housing
East Street, Balintore, Ross-shire
3 No houses



Ross-shire Business Centre
 1 Castle Street Dingwall, IV15 9HU
 T: 01349 866999 M: 07526 127468

project
**Proposed Housing Development East Street
 Balintore for Peninsula Hospitality**

drawing Site Plan
 scale 1:500 date 14 Feb 2011
 status Planning Application

drawn L Boyd
 drg no P77.10.02A
 rev A-24/2/2011

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