

REPORT OF HANDLING

Ref No:	16/00241/PPP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect 4 no dwellinghouses on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
Date:	11/04/16	Typist Initials:	LRM

RECOMMENDATION

Approve, without or with condition(s) listed below	N	
Refuse, subject to reason(s) listed below	Y	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Cairngorm National Parks Authority	22/02/16	No call in
Developer Obligations Unit		Contribution sought
Environmental Health Manager	31/03/16	No objections
Contaminated Land	24/03/16	No objections
Transportation Manager	07/04/16	No objections
Scottish Water		No response received

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 1: New Housing Development (All)	Y	
Policy 3: Sustainable Design (All)	Y	
Policy 10: Resources (All)	N	
Policy 11: Developer Contributions (All)	N	

REPRESENTATIONS

Representations Received	YES
Total number of representations received	4
Names/Addresses of parties submitting representations	
Name and address details of parties submitting representations withheld in accordance with the Data Protection Act.	

Summary and Assessment of main issues raised by representations
<p>Issue: Increased risk of flooding of existing neighbouring properties as a result of the erection of the houses.</p> <p>Comments (PO): If being recommended for approval a condition could be attached to the consent to ensure surface water runoff from the site is managed to ensure post development run off does not exceed pre development runoff.</p>
<p>Issue: Lack of information on the plans relating to water supply and foul sewerage.</p> <p>Comments (PO): The developers would have to contact Scottish Water, to agree a connection to the public water and sewerage systems. At this stage Scottish Water would assess the capacity of the existing network and if required the developers would need to upgrade the system to accommodate the development.</p>
<p>Issue: Houses should be built on other sites in the village instead or not at all as new houses are not needed due to lack of demand.</p> <p>Comments (PO): Local Development Plan policies support the erection of houses in infill sites within settlements, where the presence or otherwise of other available land is not a policy consideration on determining such applications. This application must be considered on the basis on which it has been submitted.</p>
<p>Issue: Will the hedging be retained.</p> <p>Comments (PO): If the application were being approved then conditions could be placed on the consent for the developers to either retain the hedging or replace it with privacy fencing which would ensure an acceptable level of privacy is maintained.</p>
<p>Issue: Concerns regarding the four units looking down on neighbouring properties.</p> <p>Comments (PO): This application is being refused on the basis that the erection of four units within the site would result in overdevelopment of the site and an overbearing impact on the neighbouring properties.</p>

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Proposal

This application seeks planning permission in principle for the erection of 4 dwellinghouses on a site to the rear of Heatherlea, Main Street, Tomintoul.

Indicative plans have been submitted in support of the application, which show a potential design and layout of the site. These comprise 4 semi-detached units with rectangular footprint and pitched roof design.

Site

The site is bounded to the north, west and east by existing two and one and a half storey residential properties and by public open green space to the south.

Planning permission in principle was granted in July 2014 (14/01037/APP) for the erection of a single dwellinghouse on this site.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Cairngorms National Park Local Development Plan 2015 unless material considerations indicate otherwise. The main planning issues are considered below.

Siting & Design (Policies 1 & 3)

Policies 1 and 3 outline amongst other things, that new development within settlements will be supported where they reinforce and enhance the character of the settlement, maximise opportunities for infill, conversion, small scale development, use of derelict or underused land or the redevelopment of land.

In this case the applicants have submitted indicative designs which show 4 semi-detached, 2 storey, pitched roof houses with rectangular footprints. The houses are orientated with gable facing onto the public road in front of the site and measure 9.5m from ground to ridge.

The units have a considerably larger footprint than the surrounding houses and will fill almost the whole width of the site, with the exception of pathways round the buildings. In order to achieve 4 units within this relatively small site the indicative designs show buildings which would be notably higher than the neighbouring properties (minimum 1m higher).

Although it is accepted that the proposed designs are only indicative, it is felt that this illustrates the issues with trying to accommodate 4 houses on this site. The indicative units would result in a cramped development, with east west facing windows looking directly into blank walls or boundary fencing. To achieve adequate floorspace, the units would have to be of a scale and height which would result in an unacceptable dominant effect on the surrounding streetscape and neighbouring amenity and it is on this basis this application is recommended for refusal.

In addition to the above the Transportation service has recommended refusal of the application on the basis that the indicative plans show a shortfall of two car parking spaces, in that the plans show 4 spaces and the Council's car parking standards require 6. Due to the issues in relation to the principle of the development this matter was not raised with the applicants and although it represents a further reason for refusal it is one which could potentially be overcome, with the provision of further car parking on the frontage of the site, which is a characteristic of the surrounding street layout.

Developer contributions (policy 11)

The applicants have confirmed that they are agreeable to providing the development contribution which has been identified in relation to this proposal. On this basis the proposal is considered compliant with policy 11 and had the application been approved, this would have been either secured up front prior to the release of the consent or via a Section 75 legal agreement.

Drainage, water supply & contaminated land (policy 10)

The applicants have identified that the site would connect to the public foul sewer and dispose of surface water via Suds, which is considered sufficient for the determination of this application for planning permission in principle.

A public water supply is proposed, and although Scottish Water have not responded, they have their own powers to ensure any new development does not adversely affect existing users and as such the proposed use of a public supply is considered acceptable.

There are no objections to the proposal in terms of contaminated land.

Recommendation

Refuse for the reasons identified above.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
16/00240/PPP	Erect 2no dwellinghouses on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision		Date Of Decision
15/01995/PE	Proposed dwellinghouses on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision	ID/PE Answered	Date Of Decision 08/01/16
14/01037/APP	Extend planning consent 11/01033/APP (original ref 03/00368/OUT) for erection of one dwellinghouse and garage on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision	Permitted	Date Of Decision 14/07/14
11/01033/APP	Renewal of outline planning consent 03/00368/OUT for erection of one dwellinghouse and garage on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision	Permitted	Date Of Decision 10/08/11
08/01878/FUL	Renewal of outline planning consent 03/00368/OUT for erection of one dwellinghouse and garage on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision	Permitted	Date Of Decision 16/09/08
05/02485/FUL	Renewal of outline planning consent for erection of one dwellinghouse and garage on Site To Rear Of Heatherlea Main Street Tomintoul Moray		
	Decision	Permitted	Date Of Decision 17/11/05
03/00368/OUT	Outline for erection of one dwellinghouse and garage on Site To Rear Of Heatherlea Main Street Tomintoul Ballindalloch		
	Decision	Permitted	Date Of Decision 20/03/03

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	17/03/16
PINS	No Premises	17/03/16

DEVELOPER CONTRIBUTIONS (PGU)	
Status	Contribution sought

DOCUMENTS, ASSESSMENTS etc. *
 * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design statement	
Main Issues:	Identifies the concept behind the proposed design and outlines the proposals compliance with development Plan policy.	

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			