

Lochcarron: Kirkton



Chapter No:

36

6	-	Mr Kenneth Cameron [Written Submissions]
7	-	Mr D Castle [Written Submissions]
13	-	Mr and Mrs R Dunley [Written Submissions]
20	-	Mrs Mavis Harrop [Written Submissions]
21	-	Ms V Hodgkinson [Written Submissions]
25	-	Mr Ralph Lewis
36	-	Mr A G Matthews [Written Submissions]
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42	-	Mr David N Rowley [Written Submissions]
46	-	Mr and Mrs D Shields [Written Submissions]
47	-	Mr William Skidmore

BACKGROUND

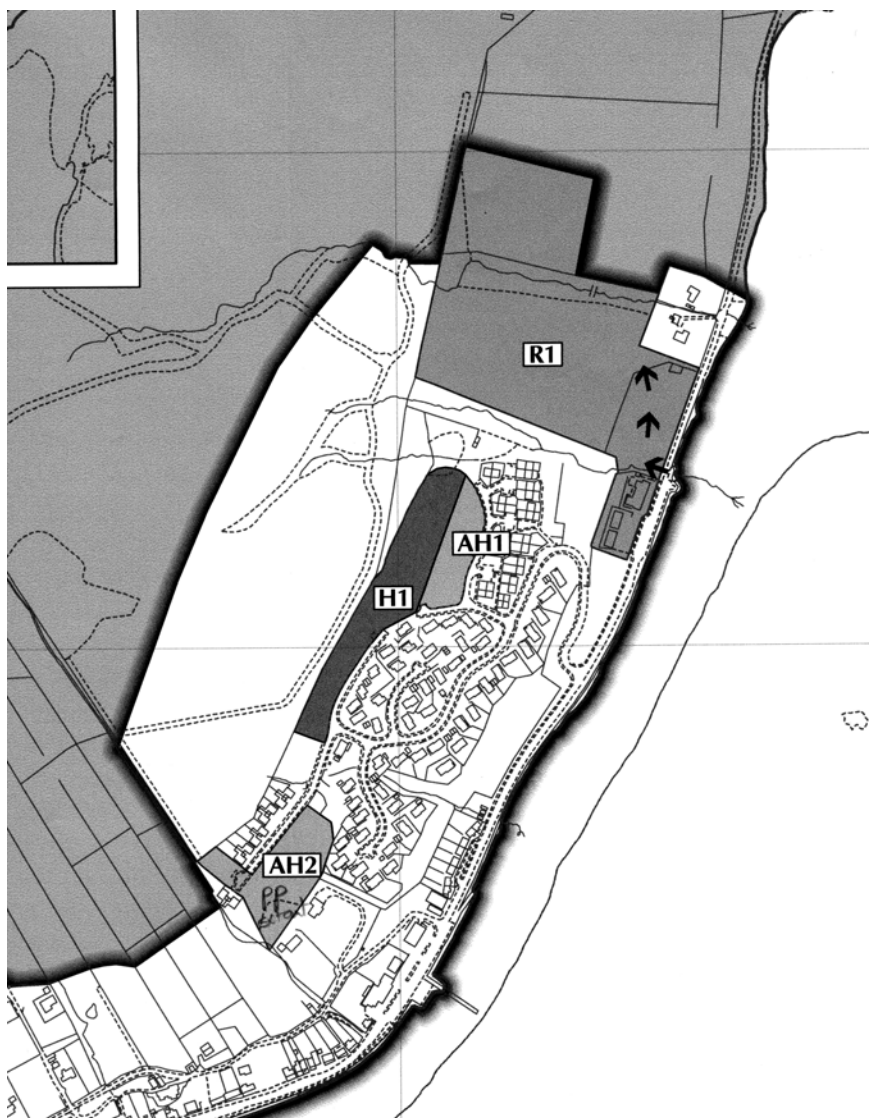
1. The objection site comprises the Kirkton area of Lochcarron, which is situated at the north end of the village to the rear of the Lochcarron Primary School. The land rises steeply from the A896 Strathcarron road and the cul-de-sac which serves the development forms a tight curve to allow access to the A896 at right angles.

2. The development of this section of the village commenced in the early 1970s, when planning permission was granted for the development of 55 single-storey wooden chalet houses (known as 'Finlogs') on the objection site over a number of phases. The purpose was to accommodate the managers and staff of the oil rig construction yard at nearby Kishorn. When the yard closed in 1985, the chalets were vacated and subsequently sold off individually. As a result, a few now serve as holiday homes, but the remainder are owner occupied.

3. Since then, further limited development has been permitted at each end of the development: at the uppermost level of the west end of the development, and separated from adjacent houses by some 50m, ten semi-detached stone-built houses with tiled roofs have been erected, eight of them facing east across Kirkton Gardens onto rough ground where woodland has been cleared. Also, at an intermediate level of the east end of the development, behind the primary school, a further 22 semi-detached, one-and-a-half storey, stone-built houses with tiled roofs have been constructed at Sage Terrace. The ground to the rear of the Kirkton area has been cleared and is now covered with rough grass, self-seeded trees and broom. Beyond, is the dense plantation of a Forestry Commission estate.

4. In the deposit draft Wester Ross Local Plan Proposals Map Lochcarron Inset (see extract below), the objection site accommodates four residential allocations:

“Ref	Location	Indicative Capacity	Requirements (where relevant to objections)
H1	Upper Kirkton Gardens	8	Existing consent for 3 houses on part of the site.
AH1	Sage Terrace	8	Affordable housing development on land owned by council.
AH2	Kirkton Gardens (south end)	13	Part of existing consent (for 23 houses, 10 constructed) Development should be a maximum of one-and-a-half storeys in height
R1	North Kirkton	20	A mixed development should be designed for this area to include a primary school, leisure centre (for which outline consent on part of this site was granted in February 2002), shinty pitch and housing. A master plan should be prepared in advance of any application. Access off the A896 may require improvements to the A896 towards the village centre depending on the precise location. Development should allow for longer term access provision to the north and west. An alternative access could be from the north, subject to upgrading of a larger length of the A896 towards the village centre.”

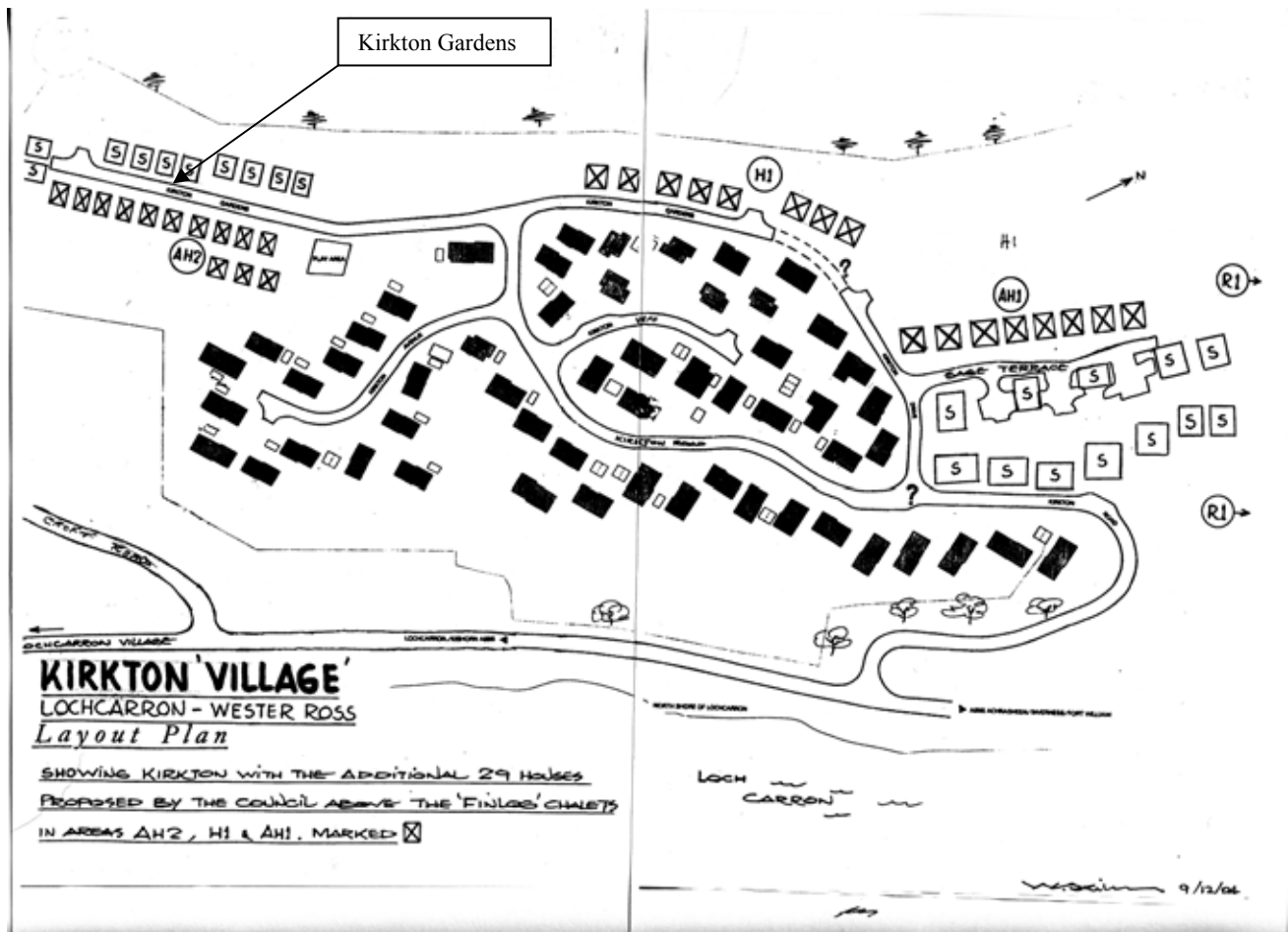


SUMMARY OF THE OBJECTIONS

5. One of the objectors was speaking on behalf of 51 other residents of the objection site, which was referred to by them as “Kirkton Village”. It was described as a very agreeable wooden village built into the hillside in an overall area of outstanding natural beauty. Kirkton Village was unique, and would be almost idyllic were it not for the structural problems of the chalets themselves. However, their appearance, colour and low profile meant that they were barely visible from across the loch, which was evidently the intention from the start.

← Extract from Proposals Map of the deposit draft local plan Lochcarron Inset, showing the Kirkton area of the village.

6. There was no objection to housing being required in the deposit draft local plan; the objection was strongly against the designation of the sites proposed above the chalets. It was wholly inappropriate to surround the chalets with new building on three sides of them, and to create it in the form of skyline development. What was proposed by the council was illustrated by the objectors and produced (see copy below).



Copy of plan produced by objectors (north point as shown). Existing chalets shown black.
Existing stone dwelling houses shown 'S' and proposed new housing shown with 'X'.

7. So many additional houses concentrated on one part of Lochcarron would create social problems and add to crime levels and the existing shortage of medical facilities. No provision was made for the youth of the area and, apart from the leisure centre, none was proposed; the situation was the same for younger children with limited play park facilities.

8. For whom the new houses had been designed was also questioned, as it was considered that Lochcarron already had more affordable housing than any place of comparable size, anywhere; these were the Kirkton chalets, which changed hands at affordable prices. In any case, with the oil rig construction yard now closed, and fish farms disappearing, only tourism was left as the main employer. That, too, would disappear if overdevelopment made the village unattractive to tourists. There were no other employment opportunities for young people in the area. They were therefore moving to the cities. The village would not grow from local people but from incomers who did not require affordable houses.

9. With an average of three people per house, one objector calculated that it would lead to an increase of 87 in the population of Kirkton. While it was accepted that some of the land was already owned by the council, and some was subject to an earlier planning permission, this did not

mean that houses had to be built on such sites. This was no basis for a planning decision, when the impact that so many houses would have on the Kirkton Village was so great.

10. When the houses in Kirkton Gardens were built (shown top left in plan above), their prospective purchasers had asked the council whether the land in front of the houses and down the hill would be built over. They had received the reply that there were no plans to build on that site, and that in any case, the land did not belong to the council. On that basis they had each bought their house – all the residents of Kirkton Gardens having done so within the last 12 years, and none of their solicitors discovering that a planning permission existed for the land. If the council did own the land, the residents would find it more acceptable if it were to be sold with a proviso that only single storey houses could be built on it, instead of the one-and-a-half storey houses proposed, and for the affordable houses to be built at Keilburn Crescent, adjacent to the A896.

11. The Forestry Commission was proposing to sell off Kirkton Wood and the residents were hoping to purchase a part of it. If successful, then either the contractors could buy some of this land off the residents, or an exchange could be arranged so that some, or most of the affordable houses could be situated there. This would have a lesser impact on the Kirkton Village and would be more acceptable to its residents. A possible alternative would be the development of the woods, but this would eliminate the forest backdrop, referred to by the council.

12. Another proposal promoted by the objectors was to relocate all the houses in H1, AH1 and AH2 (or land for a total of 29 houses) on the site designated for future development and shown as R1. The site was already identified for development purposes and only needed to be brought forward earlier. Lochcarron was essentially a linear development and it would be sensible planning to continue its linear form.

13. Alternatively, some development should be accommodated in Strathcarron, which had a railway station, a shop and a post office. It was considered to be a small village which would benefit from some development.

14. Before any further development was contemplated at Kirkton however, the existing inadequate infrastructure had to be addressed and rectified. The roads were narrow and windy, and service vehicles had difficulty reaching the ends of the estate and then were unable to turn around. Specific junctions (which were inspected at the accompanied site visit) were dangerous. Kirkton Road was overloaded and over-parked, resulting in a virtual single-track road. The A896 Strathcarron Road was highly unsuitable for additional traffic as large, heavy duty vehicles dominated the road. There were also problems of sewage disposal, as confirmed by Scottish Water at a public meeting. Road drainage overflowed during periods of heavy rain and additional dwellings would exacerbate the situation, as would the construction period with its additional heavy duty vehicles which would be required to enter the estate. One resident had been refused planning permission for three houses on the grounds that the additional drainage burden on the existing system would be unacceptable.

SUMMARY OF THE COUNCIL'S RESPONSE

15. The council referred to Scottish Planning Policy 3: Planning for Housing and the consultation draft of Scottish Planning Policy 15: Planning for Rural Development*. The extant

* - Scottish Planning Policy 15: Planning for Rural Development was published on 7 February 2005 after the close of the inquiry (see paragraph 5 of Foreword to this report).

local plan, adopted in 1985, included two specific allocations for housing in the Kirkton area of Lochcarron, one at Kirkton Gardens and the other at Sage Terrace, on land owned by the council (the relevant extract from the Proposals Map of that plan is shown on the following page). The council published the initial draft Wester Ross Local Plan and following representations, minor changes were made to the allocation boundaries to reflect land ownership, and the boundary of the 1976 planning permission. Changes were also made to the development requirements for each of the sites in response to concerns raised.



Extract from extant Applecross, Gairloch and Lochcarron Local plan 1985, showing the Kirkton area

16. Site H1 (North Kirkton) Had been considerably reduced in size and, in response to concern expressed about the anticipated level of housing demand which the plan was seeking to accommodate over the next 15 years, it was re-allocated as a redevelopment site, although the figures were subsequently revised to look ahead just 10 years. Accordingly, with a need to identify less land in Lochcarron, the R1 designation would allow for its planned and co-ordinated development in a manner which would make the best use of the site and associated infrastructure investment and would incorporate a new school and new sports complex.

17. The council agreed that the Kirkton area of Lochcarron was quite distinct from the rest of the village, in that it already had a relatively high density pattern. It therefore considered that the allocation of further land for housing would be appropriate and would not undermine its existing character. Although attractive in terms of its landscape setting, it was not covered by any national or even local designation. Nevertheless, the council was concerned that any development taking

place on the allocated sites would be of an appropriate quality and design. Scottish Natural Heritage had been consulted and had supported the housing allocations, making no objection to them in terms of landscape or natural heritage.

18. In response to the objectors' concerns regarding employment (see paragraph 8 above), the council referred to both the Highland Structure Plan and government policy which stressed the importance of housing to the support of economic development. While the local plan was unable to generate employment, employment opportunities and housing availability were closely related. The allocation of an adequate supply of land for housing was fundamental to the creation of the right conditions for economic growth and the availability of housing was a resource that encouraged economic development and therefore the long-term sustainability of the village. In other words, housing was required in order to generate employment, schools, etc.

19. The Chairman of the community council had said that Lochcarron was widely regarded as one of the black spots for affordable housing, that housing was a huge issue up and down the west coast, and,

“There is a crying need for housing in Lochcarron which must be resolved if the area is to have any hope of staying on its feet. No affordable houses have been built here for at least a generation and no community can sustain that kind of loss indefinitely.”

Business associations had been consulted specifically as part of the local plan process and the feedback from the Lochcarron and District Business Association had stated that the view that there was no point in building houses if there were no jobs available, if taken to its logical conclusion,

“would condemn Lochcarron to decay and ultimately destroy the very ambience that attracted the incomers ...

We completely agree with your point that employment opportunities and housing availability are closely inter-related.”

20. Through a housing needs analysis Lochcarron had been identified as an area experiencing housing stress, where the council wished to invest in creating more affordable housing to meet the needs of the community. Lochcarron was also identified in the council’s Local Housing Strategy 2003 as a priority area for the provision of affordable housing and Scottish Planning Policy 3 required that this be addressed through the local plan. Currently, there were only 40 council houses in the Lochcarron area, 12 of which were sheltered accommodation for the elderly. With 23 households on the council’s waiting list who had indicated that they required a house in Lochcarron as their first priority, only two did not have a direct connection with Lochcarron. Waiting lists tended to underestimate the total demand in an area, as many did not put their name forward on the basis that there were no opportunities; however, once a new housing development was undertaken, the hidden demand materialised, significantly increasing the waiting list for an area. If no new affordable houses were built in Lochcarron, the average wait for a home in the settlement would be seven years.

21. The council did not accept that the Finlog houses contributed significantly to meeting the need for affordable housing, and the average price for those sold over the past two years was over £61,000, compared with a medium monthly total income in the area of £900.

22. In regard to the objections to individual sites, Site H1 had an existing outline consent for three houses granted in 2000. While no longer live, the council considered nevertheless that the principle of development had recently been confirmed through the granting of this permission; Scottish Natural Heritage had supported it; and the site was already designated in the extant local plan (see extract from Proposals Map at paragraph 16 above).

23. The council owned the AH2 site at Kirkton Gardens and an existing planning permission for 23 houses granted in 1976 remained extant. The site was also identified in the extant, adopted local plan. It had therefore been in the public domain for a considerable period of time. The existing consent was for one-and-a-half storey houses of the same style and layout as those currently on the site. While it was accepted that this might have some impact on the views currently enjoyed by residents, the courts did not recognise as part of the right to the comfortable enjoyment of property, a right to a view or a right to privacy, although the loss of either might have an adverse effect on value. The council referred to case law on this. Nevertheless, the local plan has allowed for the houses to be set down the slope in order to maintain views as far as possible.

24. As to site R1, if it were to accommodate a significant proportion of Lohcarron's future housing, it was important that it should be developed in a planned and co-ordinated way to make best use of the site and associated infrastructure, particularly its roads access. It would be unrealistic to expect the provision of a new school and a new community sports complex in the short term, as such developments required substantial financial investment. R1 was not currently effective in terms of Scottish Planning Policy 3. It was necessary therefore for the council to identify an adequate supply for the shorter term (ie over the next five years) and R1 did not meet this requirement. The council also set out the options for access to the R1 site, the preferred solution at this stage probably remaining dependent upon the development opportunities arising over the plan period.

25. The council was aware of the other alternative sites being promoted by the objectors and of the discussions with the Forestry Commission regarding the potential purchase of the Kirkton Wood. The boundary of the Settlement Development Area had been drawn to allow for the consideration of any proposals arising from these discussions. However, the council considered it to be too soon to make any firm commitment to the allocation of this land for housing, as the purchase had still to be agreed. The land at Keilburn Crescent on the A896 was constrained by the steep slope adjacent to the road. While it might be possible to accommodate a limited number of houses there, the area was included within the Settlement Development Area and was able to accommodate small windfall sites such as this would be.

26. The issues raised in relation to infrastructure were also answered by the council in some detail, but would be subject to an engineering appraisal. In principle however, the allocated sites could all be served from the existing cul-de-sac, which was a two-track road providing a capacity of around 2,000 vehicles per hour, more than adequate in terms of capacity for the houses proposed. Nevertheless, it was accepted that bends on the access road were tight and visibility poor, not helped by the existing level of parking on the carriageway. Asked about the number of houses being served by the single access road and the effect on emergency vehicles if that road were blocked, the council's witness confirmed that, as the access was a two-way road of 5.5m minimum width, this was not a matter raising any concern.

27. Although the council was satisfied that technically, parking restrictions and priority narrowing measures would improve safety, the local member was concerned that there should be an attempt to establish economic justification for the provision of an alternative road access to service the future housing development, the proposed community leisure facility, the community woodland project and also to relieve some pressure on the existing road network.

28. Scottish Water had admitted to problems caused by the ingress of sea water to its sewer system, but the capacity of the works to serve existing housing, or to the level of new housing proposed in the plan remained unaffected. The problem had been operational and on completion of current operations, it was not anticipated that development would be constrained by the performance of the treatment works. Account had also been taken of the planned increase in population arising from the proposed development.

29. The council dealt individually with the many other objections raised in connection with this section of the plan.

CONCLUSIONS

30. I can understand the residents' concerns over the new residential allocations at

Kirkton, as, with its visual and physical separation from the remainder of the village, its narrow and winding access and its backdrop of structural tree plantation, it appears for all purposes as an exclusive residential enclave. In these terms, they obviously resent outside interference. However, I noted how there were neat one-and-a-half storey houses, each with a tidy garden and well tended grass on one side of the road; and rough grass, shrubs and trees on the other. Visiting it as an outsider therefore, it appeared to me as an unfinished residential development – this may be because an incomplete residential development is precisely what it is.

31. The council claims this of the H1 allocation, but, as it is aware, this is technically incorrect. The outline consent granted on 26 June 2000 expired in 2003 and, although the council would have it that it confirmed the principle of development through the granting of this permission, there is no obligation or requirement to renew it some five years later if things can be shown to have moved on since that time. I consider this to be incidental to the present position however, as the consent was limited to just three houses (on four plots) at the south end of the H1 identification for eight houses.

32. Nevertheless, the situation at Kirkton Gardens (site AH2) appears to be rather different, although from the documents produced, the picture is not wholly clear. Full planning permission was certainly granted for the erection of 23 houses in March 1976. There is a docketed plan which shows the site to be an area to include the present Kirkton Gardens; and a further plan which does not bear any formal association to the planning consent, but shows a layout of 23 houses on the same site. In these circumstances, it is necessary for me to work on the assumption that the council is attributing the correct plan to the consent. Accordingly, houses 12, 13 and 16 to 23, ten houses in all, appear to have been built on the west side of the road, thereby commencing – and indeed half-completing – the consent granted. This leaves nos 1 to 11, and 14 and 15, a total of thirteen houses outstanding, and able to be built (to match in all respects the original consent granted) at any time.

33. I am aware that the residents are unhappy with this situation, but it seems to me to be the actual position, always assuming that the drawings are correctly attributed to the consent, as already stated. If the professional advice they received told them otherwise, then it seems to me that either it cannot have been based upon the full information available; or, as the council suggested to the objectors at the inquiry, the searches carried out excluded possible adverse effects on the properties concerned relating to proposals for adjoining or neighbouring land.

34. It seems however that the intention is not to complete the original development, but to substitute alternative house types, suitable as affordable housing, and to keep them as far down the slope as the site ownership will allow. The council has gone to some lengths to set out the legal position in relation to the views enjoyed by the residents of the houses which were built in the first phase. While I recognise that the courts have held that there is no right to a view or to privacy but that the loss of either might have an adverse effect on value, I consider that the situation goes further than this. I consider that the amenity of a property which enjoys a view will be affected when that view is subsequently lost; clearly, the extent of the effect on that amenity is relative, and will depend upon the quality of the view and the extent to which it is lost to the property; while the effect on the householder of that loss may be disproportionate to the actual amenity lost.

35. Be that as it may, the situation at Kirkton Gardens (site AH2) is therefore that there is an extant consent for the completion of the development with the erection of the 13 outstanding houses. At site H1, the council evidently remains willing to renew consent for additional housing; and I found there to be a visual appearance of incompleteness in site AH1 at Sage Terrace, as well as

in the area of the other two designations. In these terms, it does appear to me that this part of Lochcarron is a suitable contender for accommodating the housing allocation for the village.

36. The objectors raised a great many issues in their opposition to the allocations being found at Kirkton, but none challenged the housing figures passed down from the structure plan, nor to Appendix 3 of the local plan which allocated a requirement to find land for 50 houses to Lochcarron; indeed, many objectors accepted the necessity for additional housing for local people, although some queried the employment position for their occupants.

37. I am not satisfied that there will be employment for the occupants of the proposed houses at Lochcarron and there is no evidence that such employment will materialise. However, the council has stressed that the allocation of an adequate supply of housing is necessary in order to create the conditions for economic growth, a view shared by a number of experts in this area. In these terms, there seems to be no reason to oppose the number of houses to be made available; rather the reverse, as I accept the council's contention that development of favourable conditions for employment generation includes the provision of an effective housing land supply.

38. Next, there is opposition to housing at Kirkton on the grounds of infrastructural problems. It appears that sewage is not an obstacle to additional housing, and it was the council's evidence that the access road was not either; however, I do not share this optimism. It seems to me that if visibility, traffic flows and service vehicles are affected, or even obstructed by cars parked along its length, particularly at its bends, then there must remain concerns over access for emergency vehicles. I do not consider it satisfactory to dismiss such concerns on the grounds that the road in question is 5.5m wide with foot pavements, when it is already causing problems to service vehicles, which are generally of a similar size. The problems of a cul-de-sac serving too many houses are well known and Kirkton Road already serves more than 80 houses. The council's study, which was produced, refers to the access road simply as a "General Access Road" and omits the fact that it is a single, very long cul de sac which feeds the other cul de sacs.

39. As to the question of whether this is of sufficient concern as to prevent the building of still more houses off the same cul-de-sac, the advice given to the inquiry was that there was no such concern. Existing problems would be resolved by traffic calming and parking prohibition measures. In the circumstances therefore, I must accept the evidence of the expert witness, especially when it was not seriously challenged, and conclude that the cul-de-sac access road is a satisfactory means of serving all the existing houses as well as the additional houses proposed for it.

40. The alternative sites proposed by the objectors appear to involve difficulties that are insuperable, at least at this stage of the plan. The redevelopment site at R1 has access problems, to the extent that they currently prevent it from being considered effective in terms of government policy, and only effective land can be considered to contribute to the housing land supply. I consider the objectors' suggestion that the land at Keilburn Crescent would constitute a good alternative site to be correct, but the council estimates that, apart from the steep slope involved, it would only accommodate two or three houses, an inadequate substitute for the allocated sites. Strathcarron already has a Settlement Development Area of its own, which has the usual policy presumption in favour of additional houses, should there be a demand.

41. I consider the proposed land swap of land identified in the plan for that owned by the community in order to preserve the former from development to be a sound premise. However, I cannot consider it as a realistic means of progression at this stage, when, not only has there been no conclusion to the community's purchase of land, but no negotiations can therefore have taken place

over any possible exchange. Once again therefore, the proposal is not sufficiently realistic or yet at a stage which would enable me to recommend to the council to take it forward in terms of this plan.

42. A number of social issues were also raised, such as the effect on medical facilities, crime levels, children's play areas, educational facilities, etc and, while I have great sympathy with such arguments, they are matters which can be, and usually are, adjusted according to population levels, but which will always be seen by some – rightly or wrongly – as in a state of shortage. I have considered these submissions and the council's responses to them and find that these have dealt fully and fairly with each of the submissions made.

43. I have also taken into account all the other matters which were raised in connection with these objections but do not find that they affect my conclusion that the Kirkton area of Lochcarron is a suitable location for the accommodation of the additional housing allocations for the village, as set out in the local plan as drafted, and I recommend accordingly.

RECOMMENDATION

44. I therefore recommend that in respect of these objections, there be no adjustment made to the deposit draft of the Wester Ross Local Plan prior to its adoption.

45. The council proposes that an engineering assessment of roads issues be carried out and that any recommendations arising from the appraisal be added to the allocations table on the proposals map inset "in due course"; I consider that, because of the potential problems which may be encountered, the appraisal be undertaken as a matter of urgency, so that the recommendations referred to can be incorporated into the plan prior to its adoption.