

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 24: Contin - Housing General

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by G H Johnston on behalf of J P Clark [CD30/142] in respect of the non-inclusion of housing land at Contin and also Martyn Hill for Contin Community Council [CD30/222] in respect of housing.
- 1.2 It is understood that G H Johnston on behalf of J P Clark [CD30/142] and Martyn Hill for Contin Community Council [CD30/222] wish to appear at the Inquiry.
- 1.3 Objection received from R Finnie [CD30/61] in respect of housing land has been unconditionally withdrawn in relation to THC's response contained in the 25 January 2005 Area Planning Committee report [CD27].
- 1.4 THC will call Brian MacKenzie, Planning and Development Service and Councillor Douglas Briggs as planning witness.
- 1.5 THC wishes to submit the following productions: -
 - [CD1] The Highland Structure Plan: Approved Plan: THC: March 2001
 - [CD3] Mid Ross Local Plan: Adopted Plan: HRC: October 1990
 - [CD8] Ross & Cromarty East Local Plan: Consultative Draft: THC May 2002
 - [CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
 - [CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: THC October 2003
 - [CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): THC February 2005
 - [CD13] SPP1: The Planning System: Scottish Executive: November 2002
 - [CD15] SPP3: Planning for Housing: Scottish Executive: February 2003
 - [CD17] SPP15: Rural Development: Scottish Executive: February 2005
 - [CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
 - [CD26] Planning Development Europe & Tourism Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 1 October 2003

[CD27] Ross & Cromarty Area Planning Committee Item: Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 January 2005

[CD30] Letters of objection and representation to the Deposit Draft Local Plan

[CD31] Objections to the Proposed Changes to the Deposit Draft Local Plan

[THC24/1] TRM meeting schedule: THC & The Scottish Executive TRNMD, para 6: 29 July 2004

[THC24/2] Statement by Councillor Douglas Briggs in regard to housing land at Contin.

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 3: Planning for Housing [CD15] sets out the Scottish Executive's planning policies on housing. The following paragraphs are relevant: -

16 refers to the need to consider landscape design and layout from the outset of the development process and for developers to consider advance structural planting.

45 states that care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate, and that consideration should be given to the cumulative impact of a succession of developments over time.

46 requires development plans to "*specify how the character and setting of a settlement is to be protected, guide new development to suitable sites.....*"

- 2.2 Scottish Planning Policy 1: The Planning System following para is relevant :-

40 "*Promoting a wider sense of ownership of the local plan is essential. Local communities must have the opportunity to express their views on local needs and priorities. These views should be taken into account when formulating policies*"

- 2.3 Scottish Planning Policy 15: Planning for Rural Development [CD16] was published in February 2005 following an earlier consultation draft and supersedes NPPG15. The following paragraph is relevant: -

8 states that the "*aim is not to see small settlements increase in size to the extent that they lose their identity, nor to suburbanise the Scottish countryside or to erode the high quality of its environment*"

Highland Structure Plan

- 2.4 The Highland Structure Plan [CD1] was approved in March 2001. Paragraph 1.7.1 refers to the emergence from the sustainability objectives and the strategic themes the development of a number of general policies demonstrating the expectations of The Council with regard to any proposal for development. They cover a range of

issues relating to sustainable development and are considered vital to the implementation of the Plan's strategic themes. More specifically, Policy G2 Design for sustainability indicates that *“Proposed developments will be assessed on the extent to which they:*

- are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*
- impact on individual and community residential amenity;.....*
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials*
- contribute to the economic and social development of the community...;”*

Adopted Local Plan

- 2.5 The Mid Ross Local Plan [CD3] was adopted in October 1990. Housing allocations for the village consisted of relatively small sites to provide for the housing needs throughout the Plan period, a longer term allocation was made to the east of West Lodge.

Consultative Draft Plan

- 2.6 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan, was published in May 2002. The Plan reaffirmed the inclusion of land to the east of West Lodge now allocated as Woodlands Park with an area of expansion land included to the east. The adopted plan site had been the subject of limited development over several years. Further small allocations of land were made in respect of infill and redevelopment opportunities. A larger housing allocation at H1 Smithy Croft for 15 houses, potential was also identified for further long term expansion on amenity land to the south.
- 2.7 Consultation was made in respect of the Draft Plan for a period of ten weeks from 31 May 2002. The representations made and the changes made by THC in response are detailed in [CD10]. Representation was made for by THC, Director of Housing [CD25/155] inclusion of a small area for housing at Tor View, the existing allocation in this area was deleted in light of other comments received at the public exhibition at Contin [CD25/155] and the Council's site introduced to the Plan. Concerns were also raised at the exhibition in regard to lack of development at Woodland Park, during the course of the preparation of the responses to representations building activity resumed on the site.
- 2.8 A late submission was submitted by Neil Sutherland in respect of the inclusion of an area of 3 ha at the entrance to Contin between the A835 and the A834 Strathpeffer Road. The proposal was to have a mixed use development, primarily housing but incorporating other uses. Production of a design brief was suggested as a way of progressing the proposal with a main tenet of the brief being emphasis on upholding and enhancing Structure Plan Policy G2, Design for Sustainability and Local Plan supporting policy 1, Design and Sustainable Construction. The proposal was rejected at this stage on the grounds that the late submission had allowed no

opportunity for consideration by the local community or wider public.

Deposit Draft Local Plan

- 2.9 The Deposit Draft [CD9] of the Local Plan was published in October 2003. Objection in relation to the inclusion of housing land was received from R Finnie [CD30/61] in respect of the inclusion of land currently used as a caravan park which was no longer viable and was situated in the centre of the village offering potential for limited housing development. Objection was received from J P Clark[CD30/142], the objection related to the inclusion of an area of land extending to some 3 ha to the east of the village. The use of the site was suggested as being of mixed use, mainly housing with potential for 30 dwellings, but incorporating commercial, craft workspace and tourist related development. The mixed use was intended to offer potential for employment opportunities, housing and offer overall benefit for the community. Integrating various uses would give potential for the reduction in commuter travel to the employment centres of Dingwall and Inverness. The proposal offered to consolidate the eastern boundary though sympathetic landscaping, energy efficient design and construction and use of sustainable principles. The production of a Planning Brief would seek to address the communities concerns in relation to the potential social and visual impact of a significant development. Contin Community Council[CD30/222] submitted a representation to the Plan in respect of discussion they had held with JP Clarks representative in regard to their proposal for housing development, their concerns related to the level of development proposed given that the existing allocations, including the potential for expansion to the south of Smithy Croft met the projected demand figure for the village. The visual impact of the development was also considered to be a major consideration with the site occupying a prominent location to the east of the village. The slow progress on housing land at Woodland Park raised concerns about having a large building site in a visually prominent position for a number of years.
- 2.10 The recommendation to Committee at this date was that both the sites be included. In respect of the site proposed by J P Clark[CD30/142] that the site be included and that consultation on the proposed changes to the Deposit Draft would provide a forum for the further discussion of the relative merits of the proposal. THC's response and reasoning is set out in [CD24].
- 2.11 The view of the Committee view was that the level of development proposed in the site would, along with sites already allocated within the Plan, have a significant impact in terms of pressure on existing facilities in the village and bring it into conflict with General Supporting Policy 7 – Settlement Expansion. In addition the prominence of the site was thought to be significant in terms of its impact on the visual amenity of the village as a whole. As such the decision of the Committee was to reject the inclusion of the site on these grounds.

Deposit Draft with Modifications (Proposed Changes)

- 2.12 Proposed Changes to the Deposit Draft [CD11] were approved in January 2005.

A change was made in respect of the inclusion of the caravan park for development of 5 housing units(H6). No further objections were lodged, but G H Johnston on behalf of J P Clark [CD30/142] sustained their objections to the Deposit Draft Plan.

3. The Council's Observations

The Objections

3.1 G H Johnston on behalf of J P Clark [CD30/142]

Our clients J P Clark Ltd. Own and control a substantial area of land to the east of Contin village. They are presently carrying out a wide-ranging review of land-use covering future options for agricultural and non-agricultural land. Principal considerations in this review include the continuation of agricultural production, improvements to environmental quality and access together with identifying areas for development.

The Plan relating to Contin identifies a number of areas for future housing, mainly on small- restricted sites within the village. We wish to propose an additional development area as indicated on an amended version of the inset map enclosed. With the addition of this area, the village footprint would be enlarged in a natural manner and the gateway to the village itself would be enhanced. The area extends to around 3.0 hectares. Its use need not necessarily be restricted to housing. For reasons of Rural Development and the avoidance of commuter miles, a mixed development including commercial, craft workspace and tourist related accommodation could be integrated along with a range of housing types. Vehicle servicing of the site would appear straight forward with vehicular access taken off the A834 avoiding interference with the trunk road (A835).

The area identified will require a comprehensive and sensitive design approach involving appropriate density, a high level of individual building design and landscaping. We suggest an appropriate way forward would be the production of a Planning Brief for the site, produced by the developer in co-operation with The Highland Council Planning Service. This Design Brief would put particular emphasis on upholding and enhancing Structure Plan Policy G2, Design for Sustainability, and General Supporting Policy 1, Design and Sustainable Construction.

The main Design Criteria informing the development process will embrace the following Principles:

*Energy; minimalisation of energy use in construction and use -
Solar Design; incorporation of Passive and Active Solar construction principles
Ecological Value of the site; enhancement of amenity. Conservation and bio-diversity
Structural Landscaping; the early implementation of a comprehensive and generous landscaping plan based predominantly on native trees, shrubs and plants
Sustainably Sourced Materials; the use of low embodied energy natural materials sourced from the region*

Regional Economy; construction approaches which are supportive of local businesses and add value to appropriate local resources
Waste & Pollution; minimise the effects resulting directly and indirectly from the construction of buildings and the overall development of the site
Water Efficiency; conservation, recycling and site specific water treatment measures
Health & Well-being of Residents & Commercial Occupiers; increased natural daylight levels, avoidance of toxicity in materials and issues of private and common Space
Transport Systems; car free and environmentally responsible options
Sustainable Communities; positive influence on Rural Development in the local Area

We wish to Object to the non zoning of the land presently in agricultural use for housing and commercial development on the following grounds:

An opportunity exists for an innovative sustainable development which provides both local housing, employment and rural development opportunities;

This development would with high standards of design, consolidate the eastern entrance to the village on the A835 and would improve the townscape of the village together with the surrounding natural environment;

The proposal provides an opportunity for a development of sufficient scale to act as a significant sustainable design demonstration scheme with relevance to other parts of Ross and Cromarty, and, indeed, the Highlands generally;

Our proposal will offer additional choice in options for housing development adjacent to the existing settlement. With a comprehensive Feasibility Study now underway, this site aims to offer the advantages of deliverability over other development sites indicated in the Plan.

Further Information Material to the Objection

In considering this Objection we would like you to take into account the fact that a feasibility study has been initiated which aims to test the viability of such a sustainable development on this site. The feasibility study is supported by the Enterprise Network and is partly funded by the site owner. The study's guiding green philosophy can be summed up as:

The Study will aim to investigate a regional response to the challenges of sustainable living in the Ross and Cromarty area. Wide ranging issues affecting a successful outcome will include; reducing commuter miles, local material use in particular timber; energy minimisation in construction and use and the enhancement of the environmental quality of the site for householders and the wider community. The high environmental standards set by the development will be relevant and potentially replicable in other parts of the Highlands and beyond.

The topics being covered in the study include:

Analysis

Mapping of the site;

Consideration of the site's relationship ,to the rest of Contin;

Site investigations (e.g.. Soil surveys);

Review of current service infrastructure (capacities, etc);

Review of local materials sourcing options;

Community consultation (e.g.. With the local Community Council).

Market Assessment

Investigation and review of the potential housing and business use markets;

Development of an initial marketing strategy (including house pricing strategies);

Assessment of the scope and scale of the project (e.g.. No. of houses, no. of workshop units, etc).

Assessment of Planning Considerations

Relationship to the Local Plan (the recently published Deposit Draft);

Highland Council- Affordable Housing Strategy (consideration of implications for the development);

Community consultation on planning-related issues;

Consideration of the development's planning gains for the local community;

Consideration of traffic issues and road design;

Sustainable construction assessment;

Development of a masterplan of the proposed development with a site model.

Design Strategy

Review of site organisation options;

Detailed review of sustainable construction methods (e.g.. Use of local materials, toxicity levels, energy utilisation, etc);

Basic house and commercial buildings layout design (and determination of the number and size of houses to be built -this would be linked to the market assessment);

Basic layout of commercial buildings;

Development of Structural Landscaping and servicing strategy;

Review and evaluation of energy (including renewables) options;

Indicative Cost Plan (i.e. capital costs) of project development itemising all of the main project elements.

Development Mechanisms

Evaluation of development options (including the potential role of developers, housing associations, self builders)

Review of funding sources and mechanisms for the different elements of the proposed development.

Economic, Environmental and Social Benefits

Development of a programme to review and evaluate the environmental "performance" of the buildings constructed;

Review of the potential economic and social benefits of the development to Ross and Cromarty.

An early indication of density would suggest that the site could accommodate approximately thirty house units of varying size together with additional

commercial accommodation. This density is significantly lower than would be expected by a commercial house builder.

The feasibility study is timetabled for completion in April 2004. This study would provide important material to feed into a Planning Brief for the site.

Community Consultation

As part of the feasibility study an initial meeting was held with members of Contin Community Council to explain both an outline of the proposed housing and associated developments; and the scope of the feasibility study now underway. At the initial meeting Community Council members said that they had an open mind about the proposed development; at this stage they were neither for nor against the proposal, but they would welcome the opportunity to review and discuss the feasibility study's findings. The Community Council will be kept informed of the study's progress and the draft findings of the feasibility study will be discussed with them before a final study report is produced.

The Council's Response

- 3.2 The development site is located on a prominent area of land on the south-east approaches to the village. The proposal is for a development for some 30 dwellings on a greenfield site located outwith the existing settlement envelope.
- 3.3 The Deposit Draft Local Plan states that a need for some 50 houses is required within Contin for the next 15 year period. Allocations within the Plan already identify land for 46 houses for the period.
- 3.4 The proposal seeks a level of development that would have a significant impact in terms of pressure on the existing facilities available in the village. An allocation of this size would mean overall housing land provision would exceed 50% of the existing housing stock and may bring it into conflict with General Supporting Policy 7 - Settlement Expansion, which seeks to limit settlement expansion to 25% within any 10 year period. Development at the existing Woodlands Park site has recently recommenced after a period of inactivity reflecting the slow demand for housing in the village, the justification for allocating a large additional allocation has not been shown.
- 3.5 The prominence of the site is of concern being highly visible from all approaches, both entering and exiting the village. Although the development proposes the early implementation of structural landscaping of the site the visual impact of the development will still be significant, especially in terms of the outlook from the village itself(para 2.1 above).
- 3.6 The proposal seeks to incorporate both commercial accommodation and craft workspace as well as home working capability , with a view to providing on-site employment, however, there is no supporting evidence to show demand to support a development of this size.

- 3.7 The access indicated to the A834 would remove direct access to the A835 Trunk Road. Advice, however, from the Scottish Executive Trunk Road Division indicates that a development of this size would require the benefit of an assessment of impact on the junction with the A835 trunk road, improvements may be required to accommodate increased levels of traffic at this point([THC24/1], para 6).
- 3.8 The sustainable principles of the development are well stated and meet with the objectives of the plan, however concerns exist of the impact of this scale of development on a small settlement such as Contin, development of this type and size would be better suited to a larger community(para 2.3 above).
- 3.9 In relation to the allocation of the site it is considered that the scale and location of the development would be of detriment to the community. The community have expressed concerns in regard to the scale and location for the development and this view has helped frame the thoughts of The Council in not including the allocation within the Plan(para 2.2 above).

4. Conclusion

- 4.1 Councillor Douglas Briggs will respond in respect of conclusions to the Councils statement.
- 4.2 **Accordingly, The Council would ask that the Reporter recommends no change to the content of the Deposit Draft with Modifications.**