

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

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

ISSUE 25: Housing in Cromarty

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by Wilfred Taylor [CD30/26] on the Deposit Draft of the above Local Plan in respect of housing development in general and the land between High Street and the Kirkie Brae (site 13). Mr Taylor wishes to appear at the Inquiry.
- 1.2 Objections lodged by Cromarty & District CC [CD30/147] and Kenneth W Dupar [CD30/47] in respect of certain housing provisions of the Deposit Draft Local Plan for Cromarty are to be dealt with on the basis of further written submissions. Mr DJ Mackenzie [CD30/147], who lodged an objection to the Expansion area (site 13) to south and rear of High Street, rests on his original submission.
- 1.3 Objections lodged by Scapa Productions Ltd. on behalf of WG Campbell & Sons [CD30/67], seeking expansion across the raised beach area to the west of the settlement for housing, has either been sustained on the basis of the original submissions lodged in respect of the Deposit Draft Local Plan or not withdrawn. The Council's response is contained in the 25 January 2005 Area Planning Committee report on Objections and Representations on the Deposit Draft Local Plan [CD27].
- 1.4 THC will call Alan Ogilvie, Principal Planner as planning witness.
- 1.5 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD 1]. Quotes from productions are shown as follows, "extract".

[CD1] The Highland Structure Plan: Approved Plan: The Highland Council: March 2001

[CD2] Black Isle Local Plan: Adopted Plan: Highland Regional Council: September 1985

[CD5] Black Isle Local Plan: Alteration No.2: Housing: Highland Regional Council: September 1996

[CD7] Black Isle Local Plan: Alteration No.2: Housing: Public Inquiry Report into Objections: Scottish Office Inquiry Reporters: March 1994

[CD8] Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: 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: The Highland Council: October 2003
- [CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): The Highland Council: February 2005
- [CD15] SPP3: Planning for Housing: Scottish Executive: February 2003
- [CD19] NPPG18: Planning and the Historic Environment: Scottish Executive: May 2001
- [CD20] PAN38: Housing Land: Scottish Executive: 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
- [CD32] East Ross Settlement Landscape Capacity Study: A Technical Report prepared on behalf of the Highland Council and Scottish Natural Heritage by the Turnbull Jeffrey Partnership and Michael Wood: April 2001 (unpublished)
- [THC25/1] Planning Advice Note 67: Housing Quality: The Scottish Executive: February 2003
- [THC25/2] Cromarty Housing Needs Survey: Cromarty & District Community Council & the Highland Small Communities Housing Trust: Spring 2003
- [THC25/3] Proposed Modification to Cromarty Inset Map of the Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: May 2005
- [THC25/4] Proposed Modification to Development Framework Plan in Cromarty Statement of the Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: May 2005

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: -

6 Stresses the importance of achieving quality in the location, layout and design of new housing developments and the early consideration of sustainable development principles in the planning and design process. Planning authorities are also advised to “*consult with housing providers and other interested parties, in particular infrastructure providers and local communities, throughout the development process.*”

8 refers to the greater emphasis given to design matters in other Scottish Executive guidance and advice, notably in Designing Places, SPP1 and PAN67: Housing Quality. The last named was prepared in association with Homes for Scotland and Communities Scotland, aimed at raising the standard of new housing.

21 & 22 provide guidance on density with reference to good design allowing high density development to be achieved without overcrowding, congestion or loss of residential amenity, often in the most central and accessible locations.

24 refers to the encouragement of “*more diverse, attractive, mixed residential*

communities, both in terms of tenure and land use.” This requires “a range of housing types, providing for the needs of all in the community, and all segments of the market, from affordable housing and starter homes to executive housing, and including homes for families, older people, and people with special housing needs.”

39 advises that *“the potential impact of housing land allocations on archaeological sites and landscapes of historic importance must also be fully considered.”*

45 advises that in the planning of extensions to settlements there is a need to respect the landscape setting of existing towns and villages, and for building types, designs and materials to respect local architectural styles. The impact of development on the wider landscape needs to be considered and to ensure that the scale of new development in smaller towns and villages is appropriate.

60 requires development plans to *“take an informed long-term view on the requirement for new housing”*, looking forward over a minimum of 10 years and preferably up to 20 years in respect of the structure plan. Local plans should convert this into effective site-specific allocations.

64 states: *“Local plans must conform to the structure plan and provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. Local plans should also identify further sites to meet requirements in the medium term.”*

74 to 83 refer to the delivery of affordable housing and in particular at **77** the need for development plans to allocate sufficient land to ensure land is available to meet requirements including affordable housing needs.

2.2 Planning Advice Note 38: Housing Land [**CD20**] provides advice on good practice in the assessment of housing land requirements. Attention is drawn to the following paragraphs: -

15 indicates that forecasts of housing land requirements take account of a range of variables, including both private sector demand and social needs.

18 advises that in addition to demographic trends, the assessment of housing land requirements should account for demand (the willingness and ability of individual households to pay to meet their housing aspirations) and the scope for growth, where appropriate.

23 refers to the requirement of the Housing (Scotland) Act 2001 to *“undertake an assessment of housing needs and conditions in their areas and produce a local housing strategy covering 5 years. This should view the housing market as a whole, covering all tenures and including any need for affordable housing.” This should be prepared in partnership with registered social landlords, other housing providers and the local community to determine housing needs that “should be reflected in the overall housing land requirements.”*

34 refers to “windfall” housing site opportunities, i.e. those that arise unexpectedly and may not be apparent when preparing a local plan. Usually this involves the reuse and

redevelopment of previously developed sites, which are built into the element of flexibility (25% in the Black Isle).

2.3 National Planning Policy Guideline 18: Planning and the Historic Environment [**CD19**]:

- *“outlines national policy on the historic environment which local authorities should consider in formulating and assessing development proposals;*
- *explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development;*
- *identifies a range of planning action designed to achieve conservation objectives, including implications for development plans and development control.”*

Attention is drawn to the following paragraphs: -

16 refers to the Inventory of Historic Gardens and Designed Landscapes in Scotland, the effect of proposed development in such areas as a material consideration in the determination of a planning application and the requirement for planning authorities to consult with the Scottish Executive (Historic Scotland) and Scottish Natural Heritage on any proposed development that may affect a site contained in the Inventory.

37 indicates the role of local plans in the protection, conservation and enhancement of the historic environment and its setting.

53 encourages the preparation of *“development briefs and design guides for key development opportunities within the historic environment in order to facilitate and promote high quality and well designed new development.”*

2.4 Planning Advice Note (PAN) 67 Housing Quality [**THC25/1**] sets out the Scottish Executives aspirations for Scotland's housing. It states: *“Designing Places, published November 2001, sets out the Scottish Executive's aspirations for design and the role of the planning system in delivering them.”* PAN 67 explains how Designing Places should be applied to new housing.

Highland Structure Plan

2.5 The Highland Structure Plan [**CD1**] was approved in March 2001. The following are relevant to the objections: -

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);*
- *make use of brownfield sites, existing buildings and recycled materials;*
- *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;*
- *accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and*

- *contribute to the economic and social development of the community. Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.*

Policy G6 seeks the conservation and promotion of the Highland heritage “*identified as being of a high quality in terms of nature conservation, landscape, archaeological or built environment.*”

Para. 2.2.3 indicates the Council’s obligations in terms of national guidance on housing land and needs, including provision “*for a choice of sites and to take account of unmet housing demand at the start of the Plan period.....*” including an allowance “*for ineffective stock (vacant and second/holiday homes) and for flexibility.....*”

Policy H5 on affordable housing indicates the requirement to “*identify areas in Local Plans and through Local Housing Development Fora where there is a demonstrable need for affordable housing.*”

Policy H7 refers to encouragement of “*the provision of a range of house types,.....*” and for Local Plans to “*identify suitable sites to meet the requirement for specific housing needs and, where there is a clearly demonstrated need, to secure a proportion of suitable housing through negotiation, Section 75 agreements or other appropriate mechanisms.*”

Policy BC4 indicates that The Council will seek to preserve historic gardens and designed landscapes and for Local Plans to contain policies for their protection.

Policy BC5 is the policy for Listed buildings and Conservation Areas, which includes the need to identify opportunities in Local Plans to promote productive and appropriate use of buildings at risk from neglect.

Adopted Local Plan

- 2.6 The Black Isle Local Plan [CD2] was adopted in September 1985. The following provisions are relevant to the objection issues: -

7.3 allocated 1 ha. of land at Rosenberg Field for 8 private feus (since developed for 4 large houses).

7.4 allocated the Daffodil Field for longer term housing, subject to drainage.

7.4(a) allocated the Walled Garden for 7 houses, with reference to high quality low density development, the requirement to reinstate the Wall and safeguard trees and access arrangements.

7.5 referred to the proposal by Ross and Cromarty District Council to convert the largest proportion of the former Rope or Hemp Works to meet local housing needs.

7.6 allocated a gap site at Barkly Street for high density housing, possibly for sheltered

accommodation.

7.23 referred to the safeguarding of the Victoria Hall and adjoining playing fields for integrated leisure and recreational use.

7.25 safeguarded 1 ha. of land between High Street and Chapel Brae for a replacement primary school with access from High Street.

7.28 covers the provisions for the Outstanding Conservation Area including the intention to apply an article 4 Direction and reference to design guidance.

- 2.7 Black Isle Local Plan Alteration No. 2: Housing **[CD5]** was adopted in September 1996. The following provisions are relevant to the objection issues: -

Table 2 on Page 2 indicates housing requirements over the period 1992 to 2001. Particular concerns are also highlighted on that page over the ability to meet local needs in the face of limited resources and rising waiting lists. However, if resources could have been identified to meet the local needs element, a requirement for just over 50 dwellings is indicated for the Cromarty Settlement Zone area.

Chapter 7 covers the Cromarty and District area with policies for housing in the open countryside, small rural settlements and small groups to complement the provisions within Cromarty Town itself. Reference is made on page 51 to the additional need for approximately 20 dwellings over and above existing allocations.

Policy 7.8.1 allocates sites in Cromarty for housing development in Table 26, including those covered the current objections, notably the 20 houses on 1 ha. behind High Street. These allocations were confirmed following a lengthy Local Plan Inquiry held late in 1993.

Previous Local Plan Inquiry

- 2.8 The Inquiry into objections to the Black Isle Local Plan Alteration No. 2: Housing was held during October, November and December 1993. This included consideration of objections to the allocation of land at the Daffodil Field, the Walled Garden and behind High Street. **Paragraphs 9.6.1 to 9.6.6 and 9.9.1 to 9.9.14** of the Report refer to these issues **[CD7]**. Attention is also drawn to paragraphs 9.5.1 to 9.5.3 in respect of the potential for expansion to the south above the raised beach.

Consultative Draft Plan

- 2.9 The Consultative Draft **[CD8]** of the Ross and Cromarty East Local Plan was published in May 2002. At that time the anticipated requirement for all types of houses over the next 15 years to 2017 was for 30 new dwellings with the expectation that this could be met from a number of vacant gap or infill sites within or adjacent to the existing built up area. Specific provisions for housing in were indicated in a table of 5 sites at Barkly Street, the Daffodil Field, the Walled Garden, Rosenberg Field and Nicol Terrace (paras. 2 to 5) with potential for 21 houses. The prospects for meeting the requirement in full and providing

a medium to longer term land supply in accordance with national planning guidance would depend upon the prospect of the comprehensive development of a site allocated for a mix of uses to the south and rear of High Street (para. 13), guided by a design/development brief. Three options for developing this land were included for comment.

2.10 The following representations were made: -

Wilfred Taylor [CD10/78] was concerned that the latest Local Plan threatens the character and charm as did its predecessor. He mentioned the previous Public Inquiry, and the opposition to development of several gap sites with houses, which are retained in the new Plan.

The Royal Fine Art Commission for Scotland [CD10/246] and the **Cromarty Public Meeting [CD10/398]** raised concerns about the allocation of the Daffodil Field (site 3) for housing preferring its to remain as an open amenity space.

At the **Cromarty Public Meeting [CD10/398]** concerns were expressed about the housing allocation for the Walled Garden (site 4).

In respect of the Expansion area (para. 13) a number of concerns were expressed in relation to three potential options for development as follows: -

- **Cromarty Public Meeting [CD10/398]**: opposition to the backland area being developed for housing; there is a lack of open space; sought clarification on affordable housing provision; and land could be made available outwith the village for development.
- **Mr D J MacKenzie [CD10/198]** opposed development for housing and sought its retention as an open green field area.
- **Wilfred Taylor [CD10/78]** opposed any development on the grounds of loss of amenity for adjoining residents and the wider community, who opposed development suggested in the last Plan. As Cromarty's sole remaining open area of any size within its built up area it is viewed by many long-term residents as sacrosanct. The worst Option (3) suggested building houses in Victoria Park, an area purchased by men returning from World War II from the laird and bequeathed to the community.
- **Rachel Robertson [CD10/185]** objected to any housing development.
- **The Cromarty Arts Trust [CD10/120]**: any development should be subject to the restoration of Townlands barn, one of the most important buildings in Cromarty; any development should seek to preserve as much as possible of the open views of across the playing field of old garden walls and roofscapes at the back of Church Street and High Street; the need for another car park has not been demonstrated; parking restrictions in the streets would detract from the quality of Cromarty's conservation area; reduction of street parking likely to undermine calming and speed reduction to the danger of pedestrians who tend to have priority over cars within Cromarty; seek to replicate Cromarty's tight-knit grid of streets and avoid the cul de sac suburban low rise architecture of elsewhere; a courtyard of terraced housing using traditional designs and materials should be considered; advocated an amended version of Option 1 with public open space extended to include the car park; a comprehensive design brief is needed; strongly objected to Options 2 and 3 for the reasons outlined above.
- **The Royal Fine Art Commission for Scotland [CD10/246]**: Option 1 – the open

approach to the town would be preserved but the location of the car park is awkward and inaccessible; Option 2 – the housing layout appears to be squeezed and there would be restrictions on the use of the public space; Option 3 – the public space would be hidden and the car parking too prominent; a master plan could complement a comprehensive Design Brief to illustrate how the site might be redeveloped successfully.

- **Director Of Housing [CD10/155]:** in Options 2 and 3 omit the term “retired persons”.
- **Cromarty & District Community Council [CD10/no ref.]:** referred to a meeting with the Small Communities Housing Trust to discuss the future housing options; owner of the Townlands Barn to be contacted to ascertain his willingness to sell and if so the Trust were to commission and fund a feasibility study for a courtyard development of affordable housing for people starting out and older folk moving down from larger houses.

2.11 THC’s response and reasoning in respect of these comments is set out in **CD10** and **CD25**. Changes were agreed as follows: -

- Site 3, Daffodil Field: In the "Requirements" column of the table ADD "*Owners should enhance as amenity area, should it not be made available for housing*".
- In relation to representations on site 13, Expansion area, INSERT new statement "*10. The Council encourages proposals for the restoration of the Townlands Barn. A feasibility study for this important Listed building will help determine appropriate uses and restoration details. The central location of the property within the town suggests a range of uses would be appropriate, including residential and small scale community, tourist business and/or orientation centre, business, office or arts and crafts workspace. Proposals should be co-ordinated with the restoration of the adjacent Victoria Hall (see 9 above) and the development of the land to the rear (see 13 below).*".
- In relation to representations on site 13, Expansion area, MODIFY the statement to read as follows: -
"Land to the south and rear of High Street is allocated for a planned expansion of the town. The Council considers that the land is suitable for a mix of uses comprising housing, community/health, small business, office, arts and crafts workspace, public parking and open space. Proposals should comply with the draft Framework Plan below and development is subject to a commitment to restoration of the adjoining Townlands Barn in the same ownership (see 10 above). A design brief supported by an overall master or detailed layout plan should be agreed to guide comprehensive development and ensure a development sympathetic to the townscape character, scale, the tight-knit grid of street layout, materials and features of the historic core of Cromarty. Sketch elevations should be provided to illustrate proposals. Given the importance of Cromarty in conservation terms and the need for a high quality development, it would be desirable for the design brief/master plan to be the subject of an architectural design competition. Development proposals should:
 - *provide for 20 to 30 dwellings, including a proportion of affordable housing to meet local needs;*
 - *indicate phasing and basic requirements for servicing, including adequate measures for disposal of surface water;*

- *account for full safeguarding of wider public amenity in terms of footpaths, setback of buildings from existing open space at Chapel Brae and planting;*
 - *include new paths linking the development with visitor attractions in Church Street;*
 - *be co-ordinated with restoration of the Townlands Barn and the Victoria Hall, particularly in relation to access and parking;*
 - *be the subject of a prior archaeological assessment.”*
 - The three options deleted and a single Development Framework plan inserted below the relevant part of the Written Statement reflecting the provisions of the policy.
 - On the Inset Map label for site 13, DELETE the word "OPTIONS" and INSERT "PLAN".
 - On the Inset Map, DELETE the access notation to site 13 from Denny Road across the southern edge of the playing field.
- 2.12 In addition to the above, the housing requirements for the settlement were revised to account for the revised projections based on the 2001 Census and the results of the Local Housing Needs survey undertaken by the Community Council. This changed from up to 30 dwellings in 15 years to 30 to 40 over the same period.

Deposit Draft Local Plan

- 2.13 The Deposit Draft [CD9] of the Local Plan was published in November 2003. This drew objections as follows: -
- **Wilfred Taylor [CD30/26]** in respect of housing development in general and the land between High Street and the Kirkie Brae (site 13).
 - **Cromarty & District CC [CD30/147]** in respect of the requirement for housing, the need to utilise small gap sites and concerns over the allocation and development of land between High Street and the Kirkie Brae (site 13).
 - **Kenneth W Dupar [CD30/47]** in respect of the allocation of Cromarty House Walled Garden (site 4) for housing.
 - **Mr DJ Mackenzie [CD30/147]** in respect of the Expansion area (site 13) to south and rear of High Street.

Deposit Draft with Modifications (Proposed Changes)

- 2.14 In part response to the objections, the following Proposed Changes to the Deposit Draft [CD11] were approved in January 2005: -

Housing - Site 4 - Walled Garden:

MODIFY the comments/constraints column by ADDING “*have regard for the Inventory of Gardens and Designed Landscape designation relative to Cromarty House*”.

Expansion – Site 13 - South and Rear of High Street:

- At the end of the main paragraph ADD “*Provision should be made to involve the community in the design process*”.

- After the fifth bulleted point ADD "*and including clarification of the need for a public car park*".
- On the Development Framework Plan:
 - DELETE the label 'public car park area'
 - INSERT new label "*potential public car parking area – clarify requirement*"
 - ADD new label to access road "*Calmed 'Home Zone' access*".

2.15 No further objections were received to the Proposed Changes.

3. The Council's Observations

The Objections

3.1 The objections on the Deposit Draft Local Plan are as follows: -

Wilfred Taylor [CD30/26]

The statement in paragraph 14 that "Cromarty possesses significant open spaces and woodland that provide recreation opportunities" is, even now, only partially true. In truth, a preponderance of them are outwith the actual village. Considering its position crowded on a limited area of raised beach, what the village specifically requires are as many open spaces within its boundaries as possible. If proposals contained in the Plan are carried out, though, remaining open spaces will be swallowed up. For example, in spite of former objections, the sites known as Barkly Street, the Daffodil Field, the Walled Garden and Nicol Terrace still linger on as sites suitable for housing.

Worse, much worse than this, are the quite unbelievable measures suggested for Cromarty's main internal open space, namely the land south of High Street and below the Kirky Brae. The Plan says that this land "is allocated for a planned expansion of the town, considering it suitable for a mix of uses comprising housing (20 to 30 houses), community/health, small business, office, arts and crafts workspace, public parking and open space". Open space? Could any still exist?

Many previous complaints have been voiced against the over-development of this site. Currently the Cromarty Arts Trust makes-a powerful statement about any development here, pointing out the "first beguiling view which visitors entering Cromarty on the A832 gain...across the present green fields to the closely packed and exciting townscape" etc. "Anything which detracts from it will detract from Cromarty's ability to win the admiration of visitors." In fact it would destroy a great deal of Cromarty's unique character.

The same case was made by Michael Nightingale of Cromarty, as Chairman of The Cromarty Arts Trust in a letter to your predecessor, Richard Cameron, in August 1992. His paragraph 5 embodies a particularly powerful argument. Currently, too, the Cromarty & District Community Council is pursuing a scheme to restore as much as is reasonable of the outstanding views that formerly existed from the Kirky Brae above the

site. This scheme would be largely nullified if residents and visitors were forced to look down onto a sea of roofs.

Finally to return to the statement in Paragraph 14 of the plan concerning 'significant open spaces', the Council claims that it will "only support works that enhance the appearance or enjoyment of these areas." On reading the Deposit Draft closely, it appears to me that the Council aims to demolish the character of the ancient village of Cromarty by, in effect, filling up all remaining open sites.

One wonders how planners would view their largely unacceptable proposals if they actually lived in the village? They might think differently.

Further Written Submission of Wilfred Taylor

It becomes increasingly clear that the Community Council's contention that a small number of dwellings only would be acceptable, or even necessary, for this site. At the present time a considerable number of dwellings are being or have been constructed in Cromarty.

- (1) 8 new dwellings have been constructed in the northern wing of the former Hempworks.*
- (2) Planning permission has been obtained for a courtyard development of, at least, 8 houses adjacent to Cromarty Mains.*
- (3) Barkly House, burnt out many years ago, is being renovated on behalf of people at present occupying St Ann's, a large merchant's house in Church Street. This would become available.*
- (4) The former salmon bothy on The Links is being converted into a dwelling.*
- (5) A former bakery in Church Street is being converted into a dwelling.*
- (6) Planning permission for two houses in Barkly Street exists, I believe. It is being sought for the construction of two houses on Denny Road and is likely to be sought for the conversion of a further building in Church Street.*

If all this comes to fruition, 24 new dwellings come into existence. The Community Council also recognises that one or two derelict sites in Fishertown would be useful for small houses. The statement in the 'response' to my earlier submission that the inclusion of small sites is also supported in principle, should not be construed as regarding the so-called Daffodil Field, Walled Garden etc. In any case, it is extremely doubtful, if the owner of the Daffodil Field (Major Phipps) would ever agree to building on this site.

As regards the site behind High Street, I fully agree with what Michael Nightingale said in a letter to Richard Cameron, the then Director of Planning, in August 1992, that too much building on this site could do irreparable harm to the impression visitors entering on the A832 would receive of Cromarty.

I also agree, as would the Community Council itself, that 'a pedestrian courtyard of development confined to the site of the existing modern dairy buildings might be acceptable'. There may arise, also, the need of a new Medical Centre built in this area. No other use, except for a likely new school, has been suggested for this area. That

scheme has now been abandoned. The plethora of uses envisaged by the Highland Council would be a disastrous development.

Again I maintain that a certain number of open sites are essential within the conservation area, the majority of the site behind High Street being one of them.

Some years back the character of our High Street was destroyed by the former Regional Council and great traffic problems created at the same time, where none existed before. The character of this fine conservation area is well worth retaining.

An American writer called Bill Bryson, in one of his books about Britain, complains that 'the country is being nibbled to death'. We do not wish to see Cromarty nibbled to death by injudicious planning.

Cromarty & District CC [CD30/147]

Background - Para. 2

1. Cromarty does not need twenty to thirty new houses: a more realistic requirement would be ten to fifteen. We agree that there is a need for affordable housing within the town. This accommodation would be intended for people setting up their first home, older folk downsizing from larger properties and a provision for the chronically disabled.

2. It would be more meaningful to residents and beneficial to the town's appearance to fulfil the current housing needs by utilising existing gap sites and any empty or derelict properties. Thereby protecting the very few and essential open spaces left, which are part of Cromarty's unique character and charm.

Expansion - Para. 13 - South and rear of High Street

(a) The size and nature of the proposed development below Kirkie Brae As above could have a catastrophic effect on Cromarty's appearance and its appeal as an historic and architecturally very significant town.

(b) Any work on this site should be subject to the restoration of one of the most important buildings in Cromarty, Townlands Barn.

(c) A development here would have to be extremely sympathetic to Cromarty's unique characteristics; with particular attention given to the type of materials used, scale of development and the existing townscape. Commercial units and a municipal car park are not required, however, there may be a future need for a medical centre.

(d) In Cromarty we are continually reminded, by well meaning external agencies, how important it is to preserve our historical and architectural heritage. We are very aware of our responsibilities and would ask that the Highland Council, always a strong supporter of our progress, deliberate carefully the considerable and irreversible impact the proposed development could have.

In conclusion, we feel that much more discussion and interaction is required, with the Highland Council and the community, in order to find the best way forward for Cromarty.

Further Written Submission of Cromarty & District CC

1. Land at Rear of High Street and Townlands Barn

(a) We maintain the view that the land, at the rear of the High Street, should be zoned for not more than 10 - 15 houses, of which at least 75% should be low cost/affordable /sheltered housing.

(b) Although the Local Housing Needs Assessment gave rise to a figure of 27 persons in need of a house, this is no longer accurate. There have been other new houses made available which should have lowered the figure (e.g. the provision of eight new dwellings, in the old Ropeworks building at Marine Terrace), and there are planning applications pending which will also have an effect on local housing needs. In any case, we understand that allocation of housing is done on a "points" system, and priority is not given to local residents. This would mean that the effect on local housing needs could be slight, no matter how many houses are built.

(c) The Community Council would wish to be closely involved with the design and layout of any development, which should be sympathetic to the unique character of the built environment of the town.

(d) It is also hoped that some land could be retained for community use, for example for use as allotments.

(e) It should be a strict condition that any development of the site would include the restoration of Townlands Barn, one of our most important historic buildings.

(f) It is generally recognised that access to the site is problematic, and that both of the potential access points are far from ideal. Every effort should be made to resolve this issue in consultation with the Community Council.

(g) We believe that provision of a car park would only be necessary if the proposed Health Centre were to become a reality.

(h) We assume that it will be necessary to carry out an archaeological assessment of the site before any building work would commence.

2. Walled Garden

The Community Council recognises that this is also a sensitive site, which nevertheless has potential for well-designed housing. Perhaps any granting of permission for development of this site should be dependant on restoration to part of the old orchard.

3. Gap Sites

The Community Council favours the use of gap sites in the town, in particular at Nicol Terrace in Church Street, Barkly Street, Ferro Cottage and the site of the former Petrol Station in Bank Street, and the restoration of derelict buildings for housing.

4. Development Sites at Reeds Park (beyond Bowling Green) and Glebelands

The Community Council does not favour either of these sites for housing development, the former being part of an area of high amenity value to the town, and the latter being too far from established boundaries to integrate successfully with the existing settlement.

5. The Daffodil Field

The Community Council would prefer to see the Daffodil Field brought into recreational use, rather than for housing.

Kenneth W Dupar [CD30/47]

Plans to build seven houses within the walls of the Old Orchard fail to take into account this historical enclosure. The A-category listed surrounding wall defines an historical orchard that pre-dates the wall (1770s) by at least a century, the southern part of the Old Orchard was an ornamental Victorian garden, but a large portion of the orchard remained and has been partially restored in the grounds of the Gardener's House (Old Manse). Modern homes within the enclosure of this historical wall are both incongruous with the A-category listed wall itself and detrimental to the historical orchard and garden site which is listed in An Inventory of Gardens and Designed Landscapes, Supplementary Volume 2, Highlands and Islands, Edinburgh: Historic Scotland, 2003.

Alternatively, the site could be restored into an amenity area with a productive orchard. There is potential to replant this orchard as part of Cromarty's historical heritage by referring to tags on the wall, which date from the late 19th century and identify apple, pear, plum, apricot, cherry and peach trees. Restoration similar to the mid-19th century orchard plan (1871 Ordinance Survey Map) would bring employment in the planting, maintenance and marketing of produce, and attract tourists to an historic Scottish orchard. Such a living, growing historical feature and future earning asset should not be lost on housing.

Further Written Submission of Kenneth W Dupar

1. Council's Recommendation. There is a history of the principle of developing this site since 1983 and that the PLI Reporter recommends its development on the grounds that the Council explicitly recognises the "sensitivity of the site".

Further submission. My main objection is that the "sensitivity of the site" requires that it be an amenity area not a housing area. Previous considerations had not taken into account the classification of the area under An Inventory of Gardens and Designed

Landscapes, Supplementary Vol. 2, 2003, pp. 23f. Any construction of houses on the site will deface it as an historic garden site capable of restoration.

2. Council's Recommendation. *If the Walled Garden is an "Amenity Area" and not designated for housing, it will be difficult to find an alternative site.*

Further submission. *The Council should consider other alternative sites in the town's hinterland. (Policy H3, see item 5 below) Filling Cromarty's open land with houses where no houses have been before detracts from the town's historic charm that attracts tourism.*

3. Council's Recommendation. *Some house development may be necessary to fund the restoration of the garden.*

Further submission. *This compromise between a housing and an amenities area does not fulfil the proposal for seven houses and fails to give the area its full potential as a garden development.*

4. Council Modification. *"Have regard for the Inventory of Gardens and Designed Landscape designation relative to Cromarty House".*

Further submission. *I welcome this modification. The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 requires planning authorities to consult Historic Scotland and SNH in respect of any development that may affect a historic garden or designed landscape identified in the Inventory. Planning authorities are expected to have regard to the views of Historic Scotland and SNH when considering the merits of planning applications affecting sites in the Inventory.*

5. Part II - Additional Submission. *As an alternative site to the Walled Garden, I propose the Glebe lands to the west of Cromarty for the following reasons.*

(1) The Cromarty Parish Church of Scotland's Session is agreeable to housing on the Glebe. The Walled Garden site under consideration has not been developed in the last twenty two years.

(2) The Glebe is bounded by the A832 which is in 400 mtr and of bus route standard. New westward traffic to and from the houses would not increase traffic congestion through the old town (see travel to work patterns from Census). In contrast, the Walled Garden development will add to commuter traffic congestion particularly along Shore Street.

(3) The water mains in the southwest corner of the site. Scottish Water rents from the Church of Scotland a small portion of the Glebe for Cromarty's water storage. According to Scottish Water, an approximate 500 mtr sewage line would have to be made along the A832 or 400 mtr northward where Glebe is near to the White Dykes Industrial Park, Cromarty.

(4) Electricity and telephone lines run west to east across the centre of the Glebe lands

for easy access.

(5) The Glebe is presently being rented for farming (without security of tenure) and has no historical sites on it, whereas the Walled Garden encloses the site of a designated garden. Although the Glebe is prime agricultural land so is the Walled Garden site.

(6) There is sufficient land (approx. 8.525+ acres) for a development of at least seven houses towards the northern end of the Glebe that affords views over the Cromarty Firth without obstruction to the landscape. This could address the need for affordable housing (Policy H5) or mixed housing with appropriate ratio that takes into account "public open space" (Policy Guidelines P11). In contrast, The Walled Garden is in a conservation area where Plans (1996 and current Draft Plan) have specified a "high standard of design in keeping with Outstanding Conservation Area" (cf "Policy H3, Housing in the Countryside") that does not address the pressure, for affordable housing.

(7) Above the cliff, the Glebe has good drainage and is not vulnerable to flooding and coastal erosion and rising sea levels which may eventually threaten the lower areas along the shore of Cromarty.

(8) The Glebe is immediately to the west of Cromarty and within the Parliamentary Boundaries so that residents would be a part of the Cromarty community and use its amenities such as a school, post office etc. It would be easily accessible for the "efficient use of existing infrastructure and services, including refuse collection and fire services." (Guidelines, p. 3)

Practical considerations. Besides policy guidelines, the Council should consider the problem of seven new houses enclosed by an A-listed wall. As noted in the Inventory, p. 24, the Walled Garden required restoration (cf. Inventory, map p. 20, attached). The responsibility of restoring and maintaining the Garden Wall between seven new landowners would be taxing and a potential problem. Also, the new land owners would be subject to a feu superior under the new legislation's 100 mtr. Rule from the Brewery (Abolition of Feudal Tenure etc [Scotland] Act, Section 18[7]{a}). Access through the Garden Wall to Miller Road will require "reinstatement of the A-listed wall (see previous Plans). Furthermore, heavy construction transport along Shore Street, and within the Walled Garden site would endanger the listed houses on Shore Street and Causeway, and also the Garden Wall itself, which do not have foundations.

In summary the Glebe is a viable alternative for a mix of new homes in Cromarty that are not endangering Cromarty's historical heritage.

I propose that The Ross and Cromarty East Local Plan Deposit Draft designate (1) the Walled Garden as an amenity area for horticultural purposes; and (2) the Glebe of Cromarty Parish Church of Scotland for at least seven houses.

The Council's Response

- 3.1 THC as Planning Authority wishes to respond to the objections set out in paras. 3.2 to 4.2 below. These are in the Annex to the Committee report of 25 January 2005 and

expanded as necessary.

General: Meeting Housing Requirements

- 3.2 The current Draft Plan states a requirement for housing in Cromarty town of 30 to 40 houses over the next 15 years is the, accounting for a range of factors. These include needs arising from projected population and household change, the percentage of second/holiday/vacant properties, housing market information, historic building rates and the views of affordable housing providers. The figure also includes a 25% allowance for flexibility and choice of locations and a requirement for a minimum of 25% of dwellings for low cost/affordable needs. This approach follows Scottish Executive guidance, notably Planning Advice Note 38 [CD20] and relevant provisions of the Highland Structure Plan [CD1].
- 3.3 The assessment of housing requirements was supplemented by a very detailed local housing needs survey undertaken in 2003 [THC25/2] to clarify the aspirations of local residents in terms of rented, low cost home ownership and open market housing. This provided a considerable insight into the housing problems and issues facing existing residents and helped to clarify that a requirement largely based on trend building rates is not a true picture for Cromarty. Out of a total of 123 responses, 27 indicated housing needs, either to rent, build/buy with a Rural Home Ownership Grant or through shared ownership. A further 23 respondents indicated that they would be interested in purchasing an existing or building a new house without grant assistance.
- 3.4 A total of 57 respondents indicated their requirement for new housing in Cromarty. This was a combination of all unmet needs and demand at 2003 so it does not take account of population change and projected household growth over the subsequent period to 2017. It should also be noted that this survey did not account for potential needs or demand from persons living outwith the Community Council area. Given the high quality environment and the higher than Highland average level of holiday and second homes in the Cromarty area, it is anticipated that such demand will place significant additional pressure on the local housing market. All of these factors therefore suggest that the housing requirement for the period 2002 to 2017 is significantly higher than the 30 to 40 dwellings indicated.
- 3.5 Sites allocated in the Draft Plan could deliver 38 to 48 dwellings: 18 in the gap sites at Barkly Street (5), Daffodil Field (4), Walled Garden (7) and Nicol Terrace (2); and 20 to 30 to the rear of High Street. However, there remains a doubt about the immediate availability of sites at Barkly Street and the Daffodil Field. The Walled Garden is available but THC is not aware of more immediate plans by the owners to develop it. The Ross and Cromarty Local Housing Development Forum is in the process of clarifying priorities and preparing a 5 year investment programme for affordable housing. On the basis of the local housing needs survey, Forum partners have recently taken steps towards progressing proposals for the land to the rear of High Street. One of the partners intends to purchase the land and develop a high proportion of affordable housing (two thirds) with a mix of special needs, rented, shared ownership and grant assisted private building. However, the unresolved objections to the Draft Local Plan preclude the Forum

from proceeding with the purchase or commissioning a feasibility study and design brief. The latter will be prepared in consultation with the local community.

Wilfred Taylor

- 3.6 The various small gap sites and the larger area at High Street were the subject of rigorous examination through a previous Local Plan exercise, including a PLI, and accepted. The Community Council also supports the inclusion of the small sites in principle. The area between High Street and the Kirkie Brae is generally open but it still contains the former dairy buildings linked to its previous use as farm land. It has never been a public open space and has for more than 30 years been earmarked for development, initially for a new primary school. It is not one of the 'open spaces' referred to in paragraph 14. The Reporter to the 1993 Inquiry clarified this in his 'Findings of Fact' (p71 of PLI Report) [CD7].

Further Written Submission of Wilfred Taylor

- 3.7 In respect of other dwellings under construction or completed in Cromarty.
- (1) The 8 in the northern wing of the former Hempworks are a 'windfall' development opportunity and will help address the overall requirement (2002 – 2017) now thought to be nearer 50 dwellings in Cromarty.
 - (2) The 8 houses adjacent to Cromarty Mains are well outwith the boundary of the settlement and do not count towards meeting the requirement within the town and certainly not the affordable needs. These are not "*under construction or completed.*" See also statement for Issue 10.
 - (3) The renovation of Barkly House for one large dwelling may reduce the potential for up to 4 more dwellings on the remainder of this allocated site, and thus would nullify the availability of St Ann's (see 3.5 above).
 - (4) & (5) The salmon bothy and bakery are welcomed "windfall" developments.
 - (6) The two houses in Barkly Street are part of the allocated land and not under construction or completed. While the two houses on Denny Road have not yet been approved and together with the building in Church Street with are not "*under construction or completed*".
- 3.8 The Council acknowledges that "windfall" housing site opportunities that may not be apparent when preparing a local plan can come forward [CD20]. Such opportunities are built into flexibility element of housing requirements. However, approximately half of the 24 dwellings potential described is already accounted for. See also 3.5 above and 3.17 and 3.19 below in respect of the Daffodil Field, Walled Garden and Nicol Terrace.
- 3.9 The principle of building houses on the land behind High Street was established following the previous Local Plan Inquiry [CD7] in 1993 (see response to Cromarty and District CC at paras. 3.13 & 3.14 below). The land is now very overgrown and this together with the erection of boundary enclosures not in keeping with the Outstanding

Conservation Area detract from the brief view across the playing field from passing vehicles on the A832.

- 3.10 The East Ross Landscape Capacity Study [CD32] advises that the development of this site would not have a significant impact upon the wider setting of Cromarty and would not require advance intervention planting. It also advises that the site would be suitable for a courtyard arrangement of mixed types of dwellings and accommodating high density flatted development. The study also points to the potential to reinforce and extend the woodland of the 'Kirkie Brae' to bring vegetation further into town. However, THC would prefer to see an open gap to remain between development and the woodland to help safeguard the trees and avoid shading problems for dwellings.
- 3.11 In addition, development of the area is promoted in line with national planning guidance and advice, particularly at paragraphs 6, 8, 21, 22, 24, 39 and 45 of SPP3 [CD15] paragraph 53 of NPPG18 [CD19] and the whole of PAN 67 [THC25/1]. It is envisaged that this offers potential for a courtyard and/or 'mews' style of development reflecting the established pattern of buildings in High Street and Church Street. However, confining this to the area of the former dairy buildings would prove too restrictive and not come close to meeting the need for housing. There is also now a strong interest in the development of a new medical centre, but for the present the detailed arrangements for delivery of this remain confidential. The "*plethora of uses envisaged*" would be only be considered if there was not any interest in the housing and medical centre development. These had been considered to complement the upgrading proposals for the adjacent Victoria Hall. An element of public parking may still be required but its function and location needs to be examined further as part of the detailed investigation or feasibility study for the land.

Cromarty & District CC

3.12 *Background - Para. 2:*

(1) The Local Housing Needs Assessment [THC25/2] undertaken by the Community Council in conjunction with the Highland Small Communities Housing Trust gave rise to a figure of 27 persons/households in need of a house. If more general market demand and second or holiday home allowances are added, as advised in National Planning Guidance, the requirement is significantly more.

(2) It is good planning and sustainable development practice to encourage the use of existing gap, vacant and derelict properties. However, the availability of such properties in the town is so limited that a more significant supply of land is required to match the figure of 30 to 40 dwellings.

- 3.13 *Expansion - Para. 13 - South and rear of High Street:* The findings and conclusions of the 1993 Public Local Inquiry case are still relevant. The Reporter clarified at para. 9.9.12(2) that this is not an open space, but referred to the need for a sensitive design that should not harm or hide attractive features such as stone boundary walls or near gables of adjacent properties (para.9.9.12(4)). Reference is also made to the suitability of the area "*for a small high density residential development which could be a fitting neighbour to*

the tightly built historic streets, and would be consistent with the general historic pattern of backland development of thriving burghs on confined sites” (9.9.12(6)). Its suitability for specialist and affordable housing was also acknowledged (9.9.12(7)).

- 3.14 The Council's design objectives for this area are largely unchanged and the Plan continues to support a carefully crafted mixed use development. A low key 'home zone' type of access to the site would be consistent with achieving a layout for a compact housing and community use development in the heart of the town. The intention is also to reduce the impact upon but compliment the development of the adjacent Townlands Barn and Victoria Hall. The future intended uses for these buildings may require a degree of public car parking. As such, this use should not be ruled out until a full detailed assessment of parking needs is carried out in the course of preparing the overall design proposals. It is also important that the community is closely involved in the design process and an architectural design competition may be an appropriate way of achieving this. THC agreed proposed Modifications to clarify these intentions (see para. 2.15 above)

Further Written Submission of Cromarty & District CC

3.15 *Land at Rear of High Street and Townlands Barn*

(a) See paras. 3.3 to 3.5 above. The previous Inquiry in 1993 established the potential for 20 houses on this land. The current consideration being given to acquisition of the land for housing is likely to be on the basis of two thirds for low cost/affordable housing.

(b) The Needs Assessment [THC25/2] also revealed that an additional 23 persons wished to purchase or build a house in Cromarty without public subsidy. PAN 38 at paras. 15 and 18 [CD20] requires planning authorities to account for demand as well as needs in assessing the requirement for housing land. As indicated at paras. 3.4 and 3.7 above, the former Hempworks and other sites are 'windfall' development opportunities that will help address the overall requirement of 50 dwellings in Cromarty. While it is not for the planning authority to comment on the way in which properties are let, it is understood that the normal practice of housing associations is to rent to persons that either live or work locally.

(c) The close involvement of the Community Council with the design and layout of development is a key requirement, as is the need for it to be sympathetic to the unique character of the built environment of the town.

(d) Retention of land for community and recreation use is envisaged. The use of the 'open space' between the housing and the Kirkie Brae for allotments could be considered as part of a detailed feasibility study.

(e) Provision is already made in the Written Statement of the Draft Plan that a condition of any development of the site should be the restoration of Townlands Barn as follows: -

- At para. 10 – *“Proposals should be co-ordinated with the restoration of the adjacent Victoria Hall (see 9 above) and the development of the land to the rear (see 13 below).”*

- At para. 13 – “..... development is subject to a commitment to restoration of the adjoining Townlands Barn in the same ownership (see 10 above).” The Highland Buildings Preservation Trust has also recently completed a feasibility study for that property and is now seeking to progress detailed proposals in consultation with the Community Council.

(f) In recognition of concerns about the access, THC officials met on site with Community Council representatives and agreed that the potential main access from Denny Road, to the south of the playing field should be re-introduced to the Local Plan. However, THC feels that the access from High Street should still be considered as a pedestrian priority low key access perhaps for emergency vehicles or one way entry only to the land. In any case a calmed or low speed ‘Home Zone’ design should prevail. **THC now tables Modifications to the Cromarty Inset Map and Framework Plan to reflect the revised access arrangements and land uses related to the access from Denny Road [THC25/3&4].**

(g) As indicated above, the need for a car park for wider public uses should be considered in detail and possibly could have a dual role in serving a health centre.

(h) As stated in the Draft Plan policy, the need for a “*prior archaeological assessment*” is a development requirement, before any building work commences.

- 3.16 *Walled Garden*: THC welcomes the support of the Community Council for this site. The initial response to Kenneth W Duper (see 3.22 below) states: “*If the restoration of the orchard and the rest of the site proves feasible and that is the wish of the owner, then an alternative to meeting future house building requirements may not be so easy to ‘identify’. Perhaps some development may be necessary to fund the restoration of the orchard.*” The land is available for housing, but this matter is referred to the Reporter to consider in light of the other objector’s views.
- 3.17 *Gap Sites*: All of the named sites are identified in the Draft Plan and a key sustainability objective of THC is the restoration of derelict buildings for housing.
- 3.18 *Development Sites at Reeds Park (beyond Bowling Green) and Glebelands*: The first named site was suggested during recent site discussions at High Street as a potential alternative to the development of the Walled Garden and further expansion at Cromarty Mains (see Issue 10). However, THC does not wish to pursue such an allocation, despite a favourable view given in the Landscape Capacity Study [CD32] in terms of landscape impact. THC also agrees that the latter site is somewhat removed from established boundaries to be integrated successfully with the existing settlement. The previous Inquiry Report [CD7 – 9.5.1 to 9.5.3] also rejected reference being made to development to the south, outwith the town boundaries, above the raised beach.
- 3.19 *The Daffodil Field*: This is a long-established allocation contained in successive Plans at least since 1985. The 1993 Reporter concluded that the allocation was well justified [CD7 – 9.6.5]. THC has also agreed to allude to its potential for recreational use in the Draft Plan whereby “*Owners should enhance as amenity area, should it not be made available for housing.*”

Kenneth W Dupar

- 3.20 *Housing - Para. 4 - Walled Garden:* The principle of developing this site was first accepted in 1983, when outline consent was granted subject to rigorous design and other planning criteria. Subsequently it was included in the Black Isle Local Plan (adopted in 1985) and re-affirmed after the Public Local Inquiry in 1993 [CD7 – 9.6.1 to 9.6.6] for inclusion in the Black Isle Alteration No2: Housing.
- 3.21 At the time of the Inquiry, reference was made to the restoration of the Old Manse by the Scottish Historic Buildings Trust (9.6.2). This was done with a preference not to allocate the walled garden for development but a necessary requirement on potential developers to justify the need and put forward proposals of sufficient merit to justify setting aside a presumption against building on the site. However, the PLI Reporter concluded that the allocation was well justified, particularly as the Council explicitly recognised the sensitivity of the site and the willingness to fully consult with relevant bodies concerned with townscape and urban conservation, on any proposals which may come forward (9.6.5).
- 3.22 If the restoration of the orchard and the rest of the site proves feasible and that is the wish of the owner, then an alternative to meeting future house building requirements may not be so easy to 'identify'. Perhaps some development may be necessary to fund the restoration of the orchard. It is considered that the allocation should be retained. However, there is also a need to indicate the regard for the location of the site in the Inventory of Gardens and Designed Landscape. Accordingly a Proposed Modification was agreed.

Further Written Submission of Kenneth W Dupar

- 3.23 The designation of Cromarty House and its environs in the Inventory of Historic Gardens and Designed Landscapes in Scotland does not necessarily preclude well-designed development that is sensitive to the designation and setting of the main features. Indeed the area already contains a number of properties. NPPG18 at paragraph 16 [CD19] advises that the effect of proposed development in such areas as a material consideration in the determination of a planning application and the requirement for planning authorities to consult with the Scottish Executive (Historic Scotland) and Scottish Natural Heritage on any proposed development that may affect a site contained in the Inventory. THC notes the support of the objector for including reference to this designation in the Draft Plan.
- 3.24 The policy presumption in the Hinterland countryside area is against further housing that is not contained within a recognised settlement or group or can demonstrate an exceptional need [CD1]. There are limited opportunities of this nature in the Cromarty area and as already demonstrated at Cromarty Mains (Issue 10) can lead to unacceptable unsustainable development. There is at least one residential property in the Walled Garden, including that of the objector.
- 3.25 The matter of some more limited housing development to fund the restoration of the garden is for the land owner and potential developer to consider. As THC lacks the

necessary information about the cost and feasibility of the restoration of the garden in part or in whole, it does not offer a relevant Modification to the Draft Plan.

3.26 *Part II - Additional Submission: the Glebe lands to the west of Cromarty.*

(1) The fact that the Cromarty Parish Church of Scotland's Session is agreeable to housing on the Glebe does not necessarily mean that it is a suitable site for development. If development to the rear of High Street is allowed to progress in the short term, there would be no immediate requirement for the Walled Garden to be developed. The development of the Walled Garden site is supported by the owners and the Community Council. As the main owner is The Cromarty Arts Trust, THC has every confidence that when the owner decides the time is right for development, a well-designed scheme will come forward that respects all the sensitivities of the site.

(2) This statement is made on the basis that the objector expects all future occupiers of houses in Cromarty to commute to work elsewhere. While such activity does occur at present, there has been renewed interest in home-working activities and the setting up of small businesses in Cromarty. In commenting on the Consultative Draft Plan [CD10], Ross and Cromarty Enterprise stated: *"With a cluster of technology related companies, combined with the presence of Aberdeen and Robert Gordon's University in the town, there may be opportunities for small scale office provision, either through refurbishment or new build, perhaps as part of the potential development of the land to the south and rear of the High Street. Since refurbishment several years ago, Cromarty Stables has been relatively under utilised but it has the potential to provide accommodation for arts related or other suitable uses."* In response THC agreed to Modify the introductory section of the Cromarty statement to include reference to *"A cluster of technology related companies and the introduction of satellite broadband, combined with a University presence, may generate further small business opportunities and the demand for small scale office provision, either through refurbishment or new build."* Indeed the Walled Garden area may be ideally suited to bespoke development that includes an element of home-working business and/or tied in with partial horticultural use of the ground. While the road network is narrow as befits a historic Fishertown area, Shore Street could hardly be described as suffering from *"commuter traffic congestion"*.

(3) & (4) While water mains and other services may exist, the cost of providing approximately 400-500 metres of sewer to connect to the public system in Cromarty and through land in a different ownership, suggests it may be cost prohibitive for development, particularly if only for 7 houses.

(5) The Glebe would equally require a prior archaeological investigation due its association with Cromarty. The Walled Garden does not fall under the Macaulay Land Use Classification of Prime agricultural land. That can only apply to the best land in agricultural production. Land within the built up areas of town is also excluded in this respect.

(6) Expansion beyond Cromarty's existing boundaries, particularly above the raised beach feature, has been considered in the past. In preparation of the 1996 Housing Alteration [CD5], consideration was given to developing the area south of the cemetery.

However, this drew objections and the land was deleted from the Plan together with any reference to potential expansion to the south [CD7 – 9.5.1.to 9.53]. The Community Council objected then and does not support the development of the Glebe. Apart from expansion above the raised beach, this latest proposal would stretch the settlement west and beyond the policy woodland that currently provides a natural south western edge to the settlement. The site would also be prominent of this approach to Cromarty. THC also considers that the various references to Structure Plan policies and supplementary guidance are made out of context.

(7) The Glebe may well have good drainage and not be vulnerable to coastal flooding and erosion, but there are other reasons why it should not be allocated for housing. Sea defences currently protect the lower areas along the shore of Cromarty.

(8) The Glebe is located outwith the Local Plan settlement boundary in an area of countryside.

The matter of restoration of the listed wall has always been for owners/developers to consider regardless of development proposals. However, it is more likely that the cost of this could be set against housing development than horticultural use.

The matter of feu superiority is not a planning issue and certainly not for the Local Plan.

The matter of the threat posed by heavy construction transport along Shore Street would be controlled by road Construction and Planning Consent conditions.

4. Conclusions

- 4.1 The provisions of the Plan in dispute are long established land allocations that are in keeping with the scale and setting of the town and the Outstanding Conservation Area. Their development will help meet future housing requirements and, more specifically, detailed needs identified in 2003. The Draft Local Plan clearly expresses a requirement for all sites to be developed to a high standard of design in keeping with the Conservation Area, national planning guidance and advice and THC's own policy guidance. THC also specifies that the local community should be involved in the process of drafting detailed proposals for the development of the land to the rear of High Street based upon the findings of a feasibility study and development/design brief.
- 4.2 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications indicated at paragraph 2.15 above together with the further Modifications recommended at 3.15 above and in the attached productions THC25/3 & 4.**