The Highland Council

Skye, Ross and Cromarty Area Committee – 28 October 2013

| Agenda Item | 14 |
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| Report | SRC |
| No | 10/13 |

Lamington Policy Assessment and Capacity Study

Report by Director of Planning and Development

Summary

This report considers the outcomes of work undertaken to assess remaining capacity for housing development within the Lamington area, and feedback from Kilmuir and Logie Easter Community Council and local residents at a meeting to discuss the draft study on the 9th October 2013. Informed by these discussions the finalised Lamington Policy Assessment and Capacity Study is intended to provide more detailed policy guidance to assist in the determination of planning applications within the area defined in the study.

1. Background

- 1.1 At its meeting on 27 November 2012, the North Planning Applications Committee asked that a capacity study of development potential for housing in the Lamington area be undertaken by TEC Services (Transport) and the Planning and Development Service (Development Plans). This work was undertaken and subsequent discussions on the draft technical capacity study took place with Kilmuir and Logie Easter Community Council, and two Lamington residents (who also submitted a written statement). The finalised Lamington Policy Assessment and Capacity Study has been informed by these discussions and the written statement.
- 1.2 Key issues arising from the meetings with the community representatives are highlighted in section 3 of this report. However **Appendix 1** contains a full summary of the issues raised and the proposed response to them. Members are asked to approve the finalised Lamington Policy Assessment and Capacity Study Planning Guidance Note as non-statutory guidance so that it can be used to assist in the determination of planning applications within this area.

2. Outcomes of the study

- 2.1 In order to provide clarity on existing policy a study has been undertaken for the Lamington area. The study utilised a combination of desk-based analysis of existing and approved housing developments using the Council's geographic information system (GIS) and UNIFORM, the Council's planning and building standards case management system, and was supplemented with a site visit to the Lamington area.
- 2.2 The study analyses the extent of existing housing development (and houses

with the benefit of planning permission) with regard to their fit with current planning policies and potential for further development, and also analyses this in the context of the emerging Inner Moray Firth Local Development Plan and Housing in the Countryside Siting and Design Supplementary Guidance which relate to the delivery of housing in rural areas.

2.3 In summary the study finds that there are limited opportunities for some infill and rounding off as shown but that any such proposals would require proportionate road and access improvements. The capacity study also identifies three less developed sections where it is considered that further development should be resisted. This approach is intended to prevent these areas merging into a single, densely developed linear housing group for reasons of landscape, settlement character and settlement pattern. It is also aimed at making the built up areas more clearly defined to road users to ensure they are travelling at an appropriate speed.

3. Key Issues raised on the draft Lamington Policy Assessment and Capacity Study

- Appendix 1 provides a summary of the issues raised by community representatives along with a proposed response to these issues. Members are asked to agree these responses in order that the Lamington Policy Assessment and Capacity study can be finalised and used as a material consideration in the determination of planning applications. The key issues raised are as follows:
 - 1. Concern that the study is titled Scotsburn and Lamington
 - 2. Concern about the baseline used for the study and how this affects the findings
 - Concern expressed about the amount of houses given planning permission since adoption of Ross & Cromarty East Local Plan in February 2007
 - 4. Concern about the Settlement boundary indicated in the RACE
 - 5. Concerns about drainage issues in the area
 - 6. Concern that there is no definition of a group
 - 7. Concern about the implications for crofting of loss of inbye land
 - 8. Significance of Scotsburn road for recreation and its importance to tourism
 - 9. Concerns about the road network
 - 10. Agree with the guidance on Housing design and Boundary Treatment
 - 11. Archaeology
 - 12. Preapplication advice

4. Implications

4.1 There are no direct resource implications arising from this report. There are also no direct Equality, Climate Change, or Legal implications arising from this report.

5. Conclusion

5.1 The study provides appropriate guidance on the remaining capacity in the Lamington area. The local consultation has also identified some suitable refinements to the finalised Lamington Policy Assessment and Capacity Study contained in **Appendix 2**.

Recommendation

The Committee is asked to:

- i. note the summary of issues raised by the Tain and Easter Ross Community Council, and local residents and the Council's proposed response as set out in the committee report and **Appendix 1**;
- ii. agree the Lamington Policy Assessment and Capacity Study: Planning Guidance Note as set out in **Appendix 2** as non-statutory guidance; and
- iii. acknowledge that, as the settled view of the Council, the Lamington Policy Assessment and Capacity Study: Planning Guidance Note as approved will be treated as a material planning consideration for development management purposes as of 28 October 2013.

Designation: Director of Planning and Development

Date: 16/10/2013

Author: Katie Briggs, Planner (01463 702271)

Background Papers:

Appendix 1: Summary of Issues raised at meeting with Chair of Tain and Easter

Ross Community Council and local residents

Appendix 2: Lamington Policy Assessment and Capacity Study October 2013

Appendix 1

Summary of Issues raised at meeting with Chair of Kilmuir and Logie Easter Community Council and local residents Mr and Mrs Currie

(1) Concern that the study is titled Scotsburn and Lamington

It is suggested that the whole study area is Lamington as this is how it is known locally.

Proposed response: The Highland Council's Corporate Address Gazetteer identifies properties to that the western extent of the study area as being within Scotsburn. The title of the study did reflect the postal addresses in the study area. However since the 'Scotsburn' postal address is not used locally this has been removed from the title and it is now named the "Lamington Policy Assessment and Capacity Study".

(2) Concern about the baseline used for the study and how this affects the findings

There is concern that the base maps in the study are not up to date, and do not show houses that have been built, as well as a request that extant planning permissions are shown. There is also some concern that existing planning permissions that are not built yet are being used to describe the settlement pattern and that many of the permissions secured have been speculative and that planning permissions are being re-applied for rather than built. It is considered that established pattern is what the study should refer to, and that this should not include planning permissions. There is concern that the settlement pattern and the character of Lamington has been eroded by the planning permissions but that this is still relatively intact when considering built development. It is also noted that there are currently no houses facing each other across the road but there are planning permissions in place that could change this.

Proposed response: An additional map, (Map 1 in Appendix 2) has been provided with a map base which more clearly shows the existing housing and also shows the extant planning permissions for further context. However the existing maps (Maps 2+3) have retained their map base because this map allows the constraints and findings on these maps to be more clearly viewed.

This study provides an opportunity to consider what is an appropriate interpretation of existing planning policies, having regard to all material planning considerations, which includes the site history and any extant planning permissions. It is considered that the findings of this capacity study provide clarity on the interpretation of the Development Plan.

It is however considered that without a holistic overview of the remaining opportunities for development in the wider Lamington area there could be potential for unacceptable impacts to the rural character of Lamington. The capacity study

findings seek to restrict the remaining potential within Lamington by identifying three less developed sections where it is considered that further development should be resisted to prevent the area from becoming one more densely developed linear housing group for reasons of landscape, settlement character and pattern. It is also aimed at making the built up areas more clearly defined to road users to ensure they are travelling at an appropriate speed.

(3) <u>Concern expressed about the amount of houses given planning permission since</u> adoption of Ross & Cromarty East Local Plan in February 2007

Whilst there is concern that Lamington does not have sufficient facilities/services to support this level of development, it is considered that the housing capacity identified in the Ross and Cromarty East (RACE) Local Plan of 12 homes is not "random". There were 48 existing homes in Lamington at the time of the RACE Local Plan adoption and it contained guidance that total building during a ten year period should be less than 25% of the total existing housing stock.

Proposed response: There was a 25% policy in the RACE Local Plan GSP 7 - Settlement Expansion which has now been superseded by the Highland-wide Local Development Plan (HwLDP). However GSP7 did not apply to small settlements contained in chapter 6 of the plan including Scotsburn (Lamington). It is acknowledged however that there has been development pressure in Lamington and the study seeks to provide explicit and clear guidance as to where any remaining opportunities lie and what mitigation needs to be secured.

Committee is advised that 14 homes have been given planning permission since the adoption of the RACE Local Plan in February 2007, and these are now shown on an additional map, (see Map 1 in **Appendix 2**). It is considered that the capacity of 12 houses identified in the RACE Local Plan was indicative and that it is the detailed assessment of any planning application against the provisions of the RACE Local Plan and the HwLDP that determines whether a planning application accords with the Development Plan. This study therefore considers how key development provisions for landscape, settlement character, settlement pattern and the local road network factors affect any remaining potential for development, and provides spatial guidance on this and identifies areas where further development should be resisted. This capacity study does not identify opportunity for substantial numbers of new houses beyond those already given planning permission and its provisions ensure that undesirable impacts on the landscape, settlement pattern, and road network will be avoided.

(4) Concern about the Settlement boundary indicated in the RACE

The settlement boundary identified in the RACE Local Plan is not considered appropriate, particularly in terms of inclusion of croft land. It is considered that residents were unaware of the effect that the RACE Local Plan would have on

Lamington as they had heard that Scotsburn was to be covered and believed Lamington would be unaffected by the RACE Local Plan.

Proposed response: See response for (7) regarding croft land inclusion within the settlement boundary. The settlement boundary for Lamington remains part of the Development Plan until the RACE Local Plan is replaced by the emerging Inner Moray Firth Local Development Plan (IMFLDP). The latest version of the IMFLDP, the Proposed Plan, does not include a settlement boundary for Lamington and this approach would mean that (when the RACE Local Plan is replaced) development proposals are instead assessed against the criteria set out in the Housing in the Countryside Siting and Design Supplementary Guidance. At that stage, the Supplementary Guidance would enable the delivery of new homes only where they are adjacent to a recognised housing group, which is defined as 3 or more houses.

The area between Dalrannich House and Mill Croft lies within the current settlement boundary but does not fulfil the criteria for a housing group within the Supplementary Guidance. This study recognises that this parcel of land has capacity for development. However, if there is no housing group in this area before the adoption of the IMFLDP then any proposal will be assessed against the criteria in the Supplementary Guidance. In light of the above, the study has been amended to acknowledge the possible implications of the emerging change in policy context.

(5) Concerns about drainage issues in the area

There is concern about the inclusion of text that refers to the Council's preference for private systems to discharge waste water to land rather than water. A recent planning application highlighted the issue identifying that the underlying glacial till and limited topsoil ruled out satisfactory treatment of water from septic tank outflows by soakaways in most of West Lamington. It is considered that recent permissions that allow for septic tank outflow are causing environmental concerns.

Proposed response: The draft study did state there was a preference for waste water to discharge to land. The study has now been amended to remove the preference of discharge to land but retains the text which requires the applicant to submit evidence to Building Standards or the Scottish Environment Protection Agency that their proposal complies with the relevant legislation and will not result in or add to significant environmental or health problems.

(6) Concern that there is no definition of a housing group

Concern that there should be a definition of what a housing group is and it should be clear that the Denser Development groups on map 2 are still subject to the provisions of the Development Plan.

Proposed response: When the IMFLDP becomes part of the Development Plan it is intended that the definition of a housing group (provided by the Housing in the Countryside Siting and Design Supplementary Guidance) will apply to Lamington.

The study does say the provisions of the Development Plan should be applied within the green Denser Development Groups where there is some scope for additional housing development. This is clear when you read the general constraints section; however, for reinforcement and clarity a similar statement is now also made under the findings section of the study.

(7) Concern about the implications for crofting of loss of inbye land

Consider that there should be a definitive map of crofting tenure and that the list of relevant policies should mention the Highland-wide Local Development Plan policy on safeguarding inbye croft land. There is concern about the inclusion of two fields at Mackays croft within the denser development group. It is also suggested that the area south of Micklejohn's croft south should be included within the less developed section. There is support for the identification of Less Developed Sections 1+2.

Proposed response: Unfortunately at the moment there is no definitive map of crofting tenure available from the Crofting Commission. The concern expressed about loss of good crofting land is appreciated and it is agreed that this policy should be added to the list of general policies section of the study. The HwLDP general policy 47 Safeguarding Inbye/Apportioned Croftland in summary seeks to minimise the loss of croftland, seeks to avoid the better part of the croft, and to avoid impeding use of the remaining croft land by virtue of its location. Therefore there is some measure of policy protection for inbye croft land, but it does not mean that any houses proposed on croft land will be inappropriate. It is therefore recommended that the suggested amendments to presume against any development on Mackay's croft west of Evelix cottage and land south of Meiklejohn's croft should be resisted but that reference to the HwLDP policy 47 should be made.

(8) Significance of Scotsburn road for recreation and its importance to tourism

It is considered that Scotsburn road is used by large numbers of walkers and cyclists and that views towards the Sutors are an outstanding feature. It is also noted that Scotways are in early discussions over core path connections into the area joining up from routes connecting Ullapool to Alness point.

Proposed response: Noted, and any implications of this work to connect core paths should be considered through any planning application in Lamington. To highlight this, a reference to Policy 78 Long Distance Routes has been added to the study within the current policy context section.

(9) Concerns about the road network

It is considered that the number of houses on this length of road meet the criteria in Scottish Government guidance for it to be made a 30 mph zone. Also sought is: replacement of removed signage identifying that this road is single track with passing places; improved Sustrans signage; and provision of roadside kerbs between passing places where edge over-run is particularly bad.

Proposed response: The study does address capacity issues on the road network and it is considered that the developer contribution requirement for provision of a passing place per house is likely to be the best solution to address the edge overrun issue. The study does however keep options for other mitigation open by stating that it will consider "alternative equivalent improvements depending on location and scale of new development". It should be noted that the scale of the investment involved in the measures suggested to add signage or make the whole road a 30 mph are ones that can be considered without necessarily requiring contribution from the developer.

(10) Agree with the guidance on Housing design and Boundary Treatment

Particularly in terms of breaking down the mass of larger houses.

Proposed response: Noted.

(11) Archaeology

There are significant archaeological interests in the locality and they have never been investigated.

Proposed response: Noted, and there is advice within the study requiring consultation with the Historic Environment Team where Historic Environment Records (shown on Map 2) could be affected. The study also refers to Policy 57 of the HwLDP which relates to protection of the natural, built and cultural heritage.

(12) Pre-Application advice

There is concern about the pre-application advice given in the past to developers however it is suggested that pre application advice is fine provided that it is even handed and objective.

Proposed response: Noted, and it is recommended that the reference to preapplication advice should be retained.

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| PLANNING AND DEVELOPMENT SERVICE | |
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| LAMINGTON POLICY ASSESSMENT AND CAPACITY STUDY | |
| SEPTEMBER 2013 | |

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1 BACKGROUND

Introduction

Given the recent development pressure in this area, it was decided that the Lamington area could benefit from some analysis as to the remaining potential for housing development that can still accord with the Development Plan provisions. The principal concern for the Development Plan within this study area is to ensure that the capacity of the landscape, and its character, settlement pattern and local road network is not adversely affected by development. In consultation comments on an application within the area (ref 12/03368/FUL) both TECs and Policy had highlighted the need for a capacity study to be undertaken in advance of any further development proposals within the area. The North Planning Applications Committee endorsed this approach at its at its meeting on 27 November 2012 and asked that a capacity study be undertaken by TECs (Transport) and Planning and Development (Development Plans) within 12 months of the Committee date.

Since the adoption of the Ross and Cromarty East (RACE) Local Plan in February 2007 there have been 14 houses granted planning permission as shown on Map 1. This compares to the indicative capacity for 12 homes identified in RACE Local Plan. The capacity of 12 houses identified in RACE Local Plan was not however based on detailed analysis, and was purely indicative.

The aim of this study is therefore to assist in the determination of future planning applications in the area by providing guidance on the capacity for future development taking account of the Development Plan, particularly in relation to landscape, character, settlement pattern and the local road network.

Current Policy Context

The extent of the study area is defined by the RACE Local Plan Scotsburn settlement boundary which remains part of the current Development Plan until the Inner Moray Firth Local Development Plan (IMFLDP) is adopted. Please see the map on page 5 which indicates the area covered by the study and the key development constraints present within this area.

The following Highland-wide Local Development Plan (HwLDP) Policies are relevant, these are in particular (but not restricted to) the following

- Policy 28 Sustainable Design
- Policy 29 Design Quality and Place-making
- Policy 31 Physical Constraints
- Policy 34 Settlement Development Areas (before RACE Local Plan is superseded by IMFLDP)
- Policy 47 Safeguarding Inbye/Apportioned Croftland
- Policy 51 Trees and Development
- Policy 52 Principle of Development in Woodland
- Policy 56 Travel
- Policy 57 Natural, Built and Cultural Heritage
- Policy 61 Landscape

- Policy 65 Waste Water Treatment
- Policy 78 Long Distance Routes (discussions on providing core path connections from this area to Alness point are ongoing)

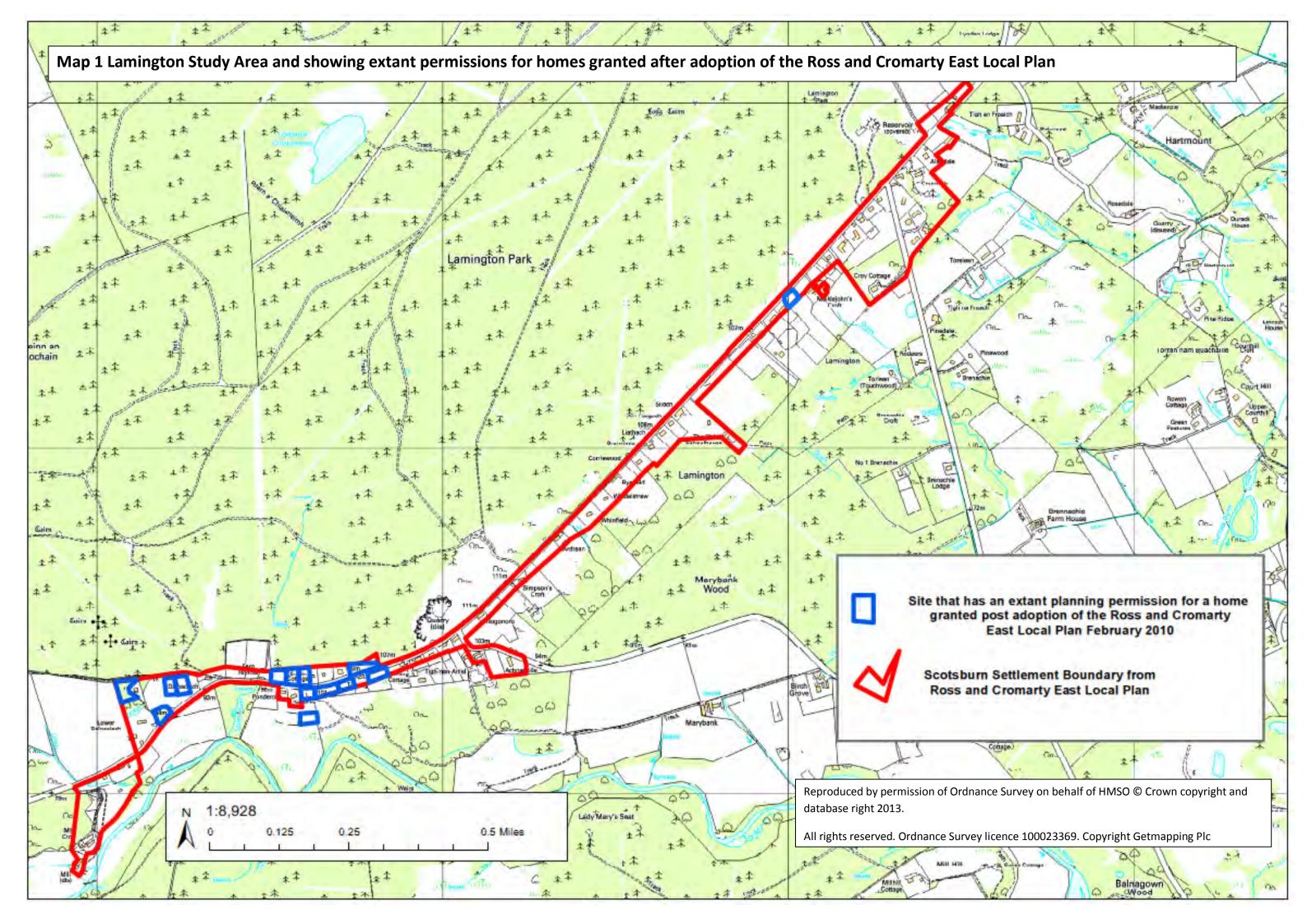
The Changing Policy Context

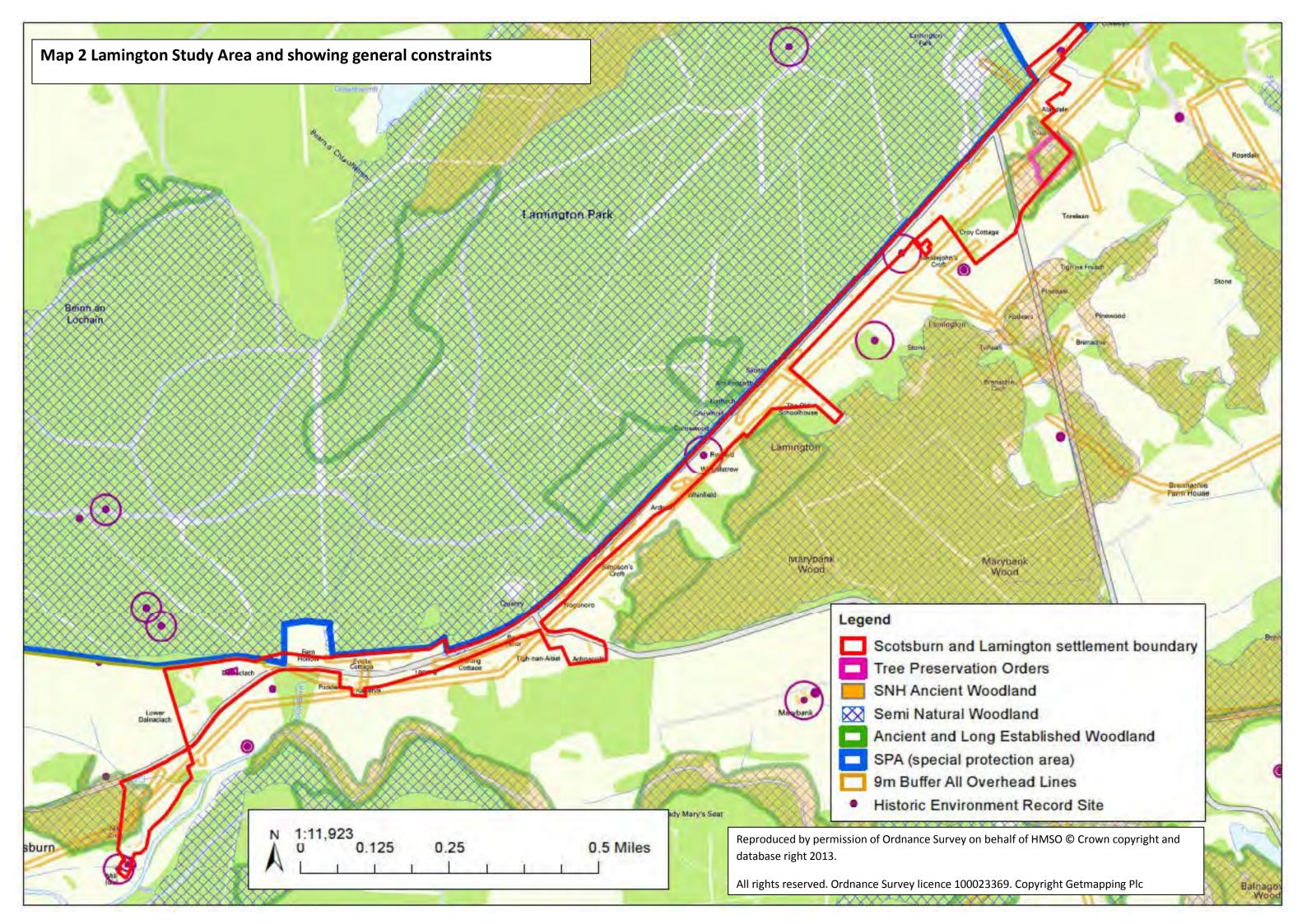
After the IMFLDP is adopted proposals will also be primarily assessed against

 Policy 35 Housing in the Countryside (Hinterland Areas) and its associated Housing in the Countryside: Siting and Design Supplementary Guidance

The scope for new development under the Housing in the Countryside: Siting and Design Supplementary Guidance relating to housing groups is restricted to infill and rounding off. When explaining the potential for infill the guidance says this must be, "within or round off an existing housing group" and should be, "respecting the character of the group and spacing of the individual houses." With regard to rounding off, the following caveat is made, "further applications on the edge of a group that has already been rounded off will be considered as an inappropriate extension to the group."

In light of the above, it is considered that the conclusions of this study should also be applied after the IMFLDP supersedes the RACE Local Plan. This is because the same principles as those identified for housing groups in the Housing in the Countryside: Siting and Design Guidance were used to define the RACE Local Plan settlement boundary for Lamington. Therefore whilst the RACE Local Plan settlement boundary will no longer be part of the Development Plan in practice the housing group guidance detailed above will mainly result in a continuation of the same spatial boundaries for Lamington. However at the western end of Lamington there is currently no established group of 3 or more houses as defined by the Housing in the Countryside and Siting and Design Guidance. If there is no housing group in this area before the adoption of the IMFLDP then any proposal will be assessed against the criteria in the Supplementary Guidance.





ANALYSIS

Methodology

This study was prepared using a combination of desk-based analyses of existing and approved housing developments using the Council's geographical information system (GIS) and the Council's planning and building standards case management system (Uniform), supplemented with a site visit.

The initial GIS based analysis examined physical constraints such as forestry and woodland interest and mapped the existing and approved housing within the area using data from uniform.

A joint site visit was then carried out by the Council's Development Plan, Development Management and TECs road colleagues. This joint site visit allowed officers to assess the remaining capacity for development from a landscape, visual, character, settlement pattern and roads perspective.

FINDINGS

Spatial Guidance

Applying the Development Plan policy provisions relating to landscape, character, settlement pattern, and local road capacity results in the following spatial guidance for new development.

Four separate distinct denser development groups: have been identified where there is potential to further infill and round off the existing groups. This recognises and responds to the character of the existing settlement pattern and allows for opportunities that will reinforce the existing settlement pattern.

Three less developed sections: have been identified where there is a need to resist further development. Retaining the more open nature of the areas between the denser housing groups ensures that the overall area retains its rural character; and prevents the area from becoming one continuous densely developed linear housing group. From a local road network perspective if there is no further development in the two open sections (sections 2+3) between these denser housing groups this gives a greater chance of drivers sticking to a reasonable speed through the more built-up sections rather than having the whole 3km densely built up and expecting drivers to slow down for this entire length.

There are 2 distinct less developed sections identified (sections 2+3) that should remain less developed to retain the rural settlement pattern, and to assist from a local road network perspective. There is a further less developed section (section 1) which is identified purely from a landscape, and a rural settlement pattern perspective to maintain the rural character of the area.

The map overleaf provides the interpretation of these Development Plan provisions into spatial policy. Within these green Denser Development Groups Highland-wide Local Development Plan (HwLDP) Policies are relevant, these are in particular (but not restricted to) those identified in the Current Policy Context section. Also whilst not comprehensive the following section on General Constraints identifies some key issues that require consideration in relation to development proposals.

General constraints

Highland-wide Local Development Plan (HwLDP) Policies are relevant, these are in particular (but not restricted to) those identified in the Current Policy Context section. Also whilst not comprehensive the following are some key issues that require consideration in relation to development proposals in the green areas identified on Map 3 that have some remaining potential for development:

Access and road network: It is apparent that traffic on the public road serving and Lamington has increased to the extent that there is extensive edge overrun and the formation of informal passing places at a number of locations along the full route between Tain and Badachonacher. Whilst widening of the road to two-way is not considered necessary at this stage, the road would benefit from the provision of additional and improved passing places to address capacity concerns. Developer contributions will therefore be sought toward such with a minimum requirement of provision of a new passing place for each new house proposed or alternative equivalent improvements depending on location and scale of new development in relation to narrow sections of road, bends and distance to nearest passing place etc. This will be in addition to any service bay provided at the house access. As the road remains subject to the national speed limit, and is predominantly rural in character, the number of new individual accesses onto it should be minimised.

Trees and Woodland: There is a need to secure necessary setback from forest edge, need to minimise/avoid tree loss, secure appropriate native planting, and avoid areas of established woodland adjacent to the road serving the mill at Lamington and south of Crannach (see map 2), please refer to Trees, Woodland and Development Supplementary Guidance.

Housing design and boundary treatment: There is a requirement for houses to have traditional proportions, clean simple design, and larger houses should break down their mass, stone wall or post and wire fencing are acceptable boundary treatments. Please refer to Housing in the Countryside: Siting and Design Supplementary Guidance.

Waste Water treatment: Applicants will be required to submit evidence to Building Standards or the Scottish Environment Protection Agency that their proposal complies with the relevant legislation and will not result in or add to significant environmental or health problems.

Archaeology: Please refer to the general constraints map, and where there are Historic Environment Records consult the Council's Historic Environment Team for guidance.

Further Information

This guidance is intended to clarify and summarise the existing planning policy for the / Lamington area to help applicants, Planning Officers, Members and the local community to assess future development proposals and planning applications for new housing.

The advice provided here is by its very nature generic, and the specific issues associated with a particular proposal and its site require individual consideration based on a number of factors unique to that development.

Applicants and developers are therefore advised to seek early discussions with their local Area

Planning Office in order to ascertain how this document and its supporting planning policies/Supplementary Guidance relate to their specific proposal.

Contact details for the Highland Council's Area Planning Offices can be found here: http://www.highland.gov.uk/yourenvironment/planning/planning-and-development-contacts.htm

In order to enhance the level of service and standard of advice given to our customers, we offer <u>preapplication advice services</u>. We have done this in order to enhance the level of service and standard of advice provided to our customers, and improve speed of delivery and consistency. Other than brief verbal advice which can still be given over the phone or in person at the planning office, all preapplication advice requests must now be made using this service (electronically or via post).