

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE

18 SEPTEMBER 2013

Agenda Item	3
Report No	PED 53/13

NOTICE OF AMENDMENT – 11/04355/FUL: Scotia Homes Ltd, Barratt North East Scotland & Robertson Homes on land at Cawdor Road, Nairn South, Nairn

Report by Director of Planning and Development

SUMMARY

This report relates to a Notice of Amendment received in respect of a decision taken at the South Planning Applications Committee, following a site visit, at its Meeting on 20 August 2013 on the development of 319 houses and associated infrastructure on land at Cawdor Road, Nairn.

1. Introduction

- 1.1 At its Meeting of 20 August 2013, Members of the South Planning Applications Committee (SPAC), following a site visit, considered an application for 319 houses and associated infrastructure on land at Cawdor Road, Nairn.
- 1.2 In his presentation to the Committee, the Head of Planning and Building Standards alerted Members to changes required in respect of the Report. These changes related to some minor spelling and grammatical errors, the need to add a further condition (Condition 6) to the recommendation, a change in the timescale for concluding the legal agreement from 3 months to 4 months to reflect the recent decision of this Committee and to clarify the number of representations received. An updated Appendix and Recommendation was circulated. The updated Report, which incorporates the changes, is contained within **Appendix 1**.
- 1.3 The Notice of Amendment was submitted after it became clear that comments made by Nairn Suburban Community Council were incorrectly ascribed to Nairn River Community Council. Nairn River Community Council, in a letter dated 30 March 2011, did in fact formally object to the planning application, and this should have been clearly stated in the report. On reviewing the report further, it is clear that the position of the Community Councils in Nairn should have been set out more clearly. The Director of Planning & Development subsequently wrote to all of the Community Councils in Nairn and to the applicant to apologise for this omission.

2. Community Council representation on planning application

- 2.1 All four community councils within Nairn were consulted on the original planning application submitted for Nairn South reference (11/00686/FUL). This application was subsequently withdrawn by the developer and replaced

with the planning application being considered at Committee as part of this agenda (11/04355/FUL). These Community Councils are Nairn River Community Council, Nairn West Community Council, Nairn Suburban Community Council, and Cawdor and West Nairnshire Community Council.

- 2.2 All four commented on the earlier withdrawn application 11/00686/FUL. Although consulted again on application 11/04355/FUL no further responses were received during the statutory consultation period. Instead, the understanding was that the comments made to the original planning application would be rolled over into the new application.
- 2.3 Regardless, the report considered on 20 August 2013 only refers to consultation responses from 3 of the four of the community councils; Nairn River Community Council, Nairn West Community Council, and Cawdor and West Nairnshire Community Council. The comments attributed to Nairn River however, are actually the original comments submitted by Nairn Suburban Community Council. A full copy of all of the representations referred to above are attached in **Appendix 2** for reference.
- 2.4 The response from Nairn River was omitted from the report presented to the South Planning Applications Committee on 20 August. The Community Council objected to the proposal on the basis of: *loss of prime agricultural land; incompatibility with the 250 house allocation within the HwLDP, density of the proposal, over-provision of housing development in Nairn (need not justified); potential effect on the continued operation/expansion of sawmill; concerns about the capacity of water and waste water facilities; concerns regarding the local road network and that a by-pass should be in place prior to this development; concerns over the Enquiry by Design approach used and consultation with SNH on protected species.*
- 2.5 Members should note that paragraph 5.1 in the Report (Appendix 1) is a summary response for the original formal representation made by Nairn Suburban Community Council to the planning application. This Community Council's position changed in its submission to the Strategic Masterplan for Nairn South (as set out in paragraph 3.3 below). The updated position can therefore be summarised as follows:

Nairn Suburban Community Council: *Object to the proposal on the grounds of design, housing numbers, lack of capacity on local roads network (including prematurity of this proposal ahead of a Nairn by-pass), impact on John Gordon and Son's Sawmill, lack of other infrastructure including sewerage provision.*

3. Community Council response to the Strategic Masterplan

- 3.1 Following the adoption of the Highland wide Local Development Plan, a Strategic Masterplan was prepared to guide the detailed development of the Nairn South allocation which had been supported in the Plan, following independent Examination. A draft Strategic Masterplan was reported to the Planning Environment and Development Committee on 16 January 2013, setting out the key issues and outcomes of the work to that point. The

committee agreed that further discussion should take place with local Members, Community Councils and the developers/landowners in the area prior to the masterplan being finalised.

- 3.2 All of the Community Councils in Nairn submitted representations to the Nairn South Strategic Masterplan and a public meeting was held with them on 23 January 2013. All of the responses made to the Strategic Masterplan were reported to the PED Committee on 15 May 2013 and the masterplan was approved as a material consideration for development management purposes with immediate effect. A full copy of that report to PED Committee, and a copy of the finalised masterplan is attached at **Appendix 3**.
- 3.3 It is important to note that Nairn Suburban Community Council, in its response to the Strategic Masterplan dated 12 February 2013, state that it is a response to the “strategic masterplan for phases 1 and 2 of Nairn South – Draft and the submissions by the two Applicants for Planning Permission.” It is accepted that Nairn Suburban Community Council’s position in respect of this development is as set out in their response to the Nairn South Strategic Masterplan. A full copy of that response is attached as **Appendix 4**.

4. Issues Raised by Nairn Community Councils

- 4.1 The key issue for Members to consider is whether there are any issues that have been raised, which were not covered in the report to the South Planning Applications Committee on 20 August (or indeed at the Planning Environment and Development Committee on 15 May 2013, when the Strategic Masterplan was approved). Whilst the strong feelings of the community are appreciated and understood, having reviewed all of the responses referred to in this report, it is not considered that they raise any new material issues that have not been dealt with through the preparation of the Highland wide Local Development Plan, the preparation of the Strategic Masterplan, the detailed assessment of the proposal as set out in Appendix 1 and the mitigation proposed in the suggested conditions and legal agreement.

5. Implications

- 5.1 There are no Resource, Legal, Equalities, Climate Change/Carbon Clever or Risk implications arising directly as a result of this report.

Recommendation

That Committee:

- A. Notes the content of this Report and takes this into consideration on its decision on the planning application; and
- B. **GRANT** planning permission subject to the recommendation within the Report in Appendix 1.

Signature:

Designation: Director of Planning & Development

Date: 26/08/2013

Author: Malcolm MacLeod/David Mudie

Background Papers: