

**THE HIGHLAND COUNCIL**  
**CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING**  
**APPLICATIONS COMMITTEE**  
**1 July 2008**

Agenda Item	3.3
Report No	26/08

**ERECTION OF 66 HOUSES AND FLATS**  
**MORANGIE ROAD TAIN**  
**(07/01267/FULRC)**

**Report by Head of Planning and Building Standards Manager**

**SUMMARY**

This report considers an application for 66 houses on land north west of the Morangie House Hotel, Morangie Road Tain. The applicant is Robertson Homes Ltd. The development will also result in the provision of a new roundabout on Morangie Road, giving access to land to the north and south, including the recently developed Lidl supermarket. 16 affordable housing units are to be provided within the overall total of 66.

Seven representations have been made against the application none of which have been withdrawn following amendments to the initial layout. There are no objections from statutory consultees. The application is considered to be a minor departure from the recently adopted Ross and Cromarty Local Plan.

It is recommended that planning permission be **granted** subject to conditions.

**Ward 8** Tain and Easter Ross

**1.0 PROPOSAL**

- 1.1 The application, as amended, proposes the development of 4.4ha of land at the west end of Tain for 66 houses, including detached, semi detached and flatted accommodation with associated road and footpath infrastructure. The site also incorporates landscaping, open space provision, a sustainable urban drainage system (SUDS) and underground LPG gas tanks. In addition the application includes provision of a roundabout on Morangie Road to allow for access to land north and south, with the temporary access to the adjacent Lidl store being closed off and that store's permanent access route provided.
- 1.4 The site forms a triangular shaped plot of agricultural land bounded to the west by the Inverness to Wick A9 Trunk Road. To the east the site is bound by the Morangie House Hotel and existing residential properties off Springfield Gardens. The northern boundary of the site is delineated by Morangie Road which links Tain town centre, which lies 1km to the east, with the A9 trunk Road. The site slopes north eastwards from the 45m contour to 27m AOD with views out across the Dornoch Firth and Sutherland beyond.

## 2.0 PLANNING HISTORY

- 2.1 **06/00477/FULRC** – Lidl's retail store granted and now built on Morangie Road.  
**07/00555/FULRC** – Temporary access granted to Lidl Store.  
**06/01170/OUTRC** – Robertson Group Ltd, Retail Store and Petrol Filling Station (outline). Appealed against non determination. PLI scheduled for September 2008.

## 3.0 PUBLIC PARTICIPATION

- 3.1 The application was advertised in April 2008 under Section 34 of the Town and Country Planning (Scotland) Act 1997 – bringing change into the area and as a potential departure to the adopted local plan, allowing **21 days** for representations to be made. Seven letters objecting to the application were received. Amended plans were re advertised and objectors were advised of the changes. No additional or amended objections were received. Annex 1 provides details of the objectors.

- 3.2 Objections have focused upon the following matters: -

- Contrary to Local Plan Allocations – amenity areas / housing density.
- Health and Safety - LPG tanks in close proximity of existing houses.
- Sustainability – a more sustainable heating fuel should be used.
- Amenity - detrimental upon adjacent properties at Springfield Gardens.
- Economic Impact - negative impact on the existing hotel business through reduced amenity, construction noise / disruption.
- Visual Impact / Buffer - Hedging along A9 should not be deciduous.

- 3.3 All letters of representation are available for inspection in the Planning and Development Service at Headquarters, Glenurquhart Road, Inverness and will be available at the committee.

## 4.0 CONSULTATIONS

- 4.1 Tain Community Council no response received following consultation on 25 January 2008.

- 4.2 Housing and Property Service has no objections.

- 4.3 TECS Services (Roads) no objections received. Discussions with TEC Services on this and related applications have established specific requirements for improvements on Morangie Road, closure of the Lidl Supermarket's temporary access, public transport improvements infrastructure and developer contribution, design of roads within residential areas. Conditions accordingly will be required to be attached to any approval.

- 4.4 Trunk Road Network Management Division no objections subject to conditions controlling access, lighting and advertisement impact on the A9 being attached.

4.5 SEPA have no objections. Generally content with revised details on treatment for surface water run off.

4.6 Scottish Water has no objections.

## **5.0 POLICY**

5.1 The following development plan policies are relevant to the assessment of the proposals: -

### Highland Council Structure Plan (March 2001)

Policy G1      Conformity with Strategy  
Policy G2      Designed for Sustainability  
Policy H7      Housing for varying needs.

### Ross and Cromarty East Local Plan (Feb 2007)

Strategic Themes    1 – 7.  
Background Policy   BP 3 Recreation area / playing field / open space  
General Supporting Policy - GSP 8 Affordable Housing  
General Supporting Policy - GSP 9 Housing Site Capacities.  
General Supporting Policy - GSP 16 Transport  
Policy 18              Morangie Road West  
Policy 26              Amenity

5.2 The proposals also require to be assessed against the following relevant Scottish Planning Policies (SPP); NPPG, and Planning Advice Notes (PAN).

SPP 1              The Planning System  
SPP 3              Planning for Housing  
SPP 17             Planning for Transport  
PAN 75             Planning for Transport  
PAN 76             New Residential Street  
PAN 77             Designing Safer Places  
PAN 78             Inclusive Design

## **6.0 PLANNING APPRAISAL**

### Determining Issues

6.1 Section 25 of the Town and Country Planning (Scotland) act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 The determining issues are whether:

- The proposal accords with the development plan?
- If they do accord, are there compelling material considerations for not

- approving them?
- If they do not accord, are there any compelling material considerations for approving them?

### Assessment

- 6.3 To address the determining issues, the Committee must consider following issues: -
- a) Development Plan Policy
  - b) Services (transport infrastructure, local accessibility, drainage services)
  - c) Layout and Design
  - d) Amenity
  - e) Other material matters raised by objectors.

### Development Plan Policy

- 6.4 The site is allocated in the recently adopted Ross and Cromarty East Local Plan in part for housing and in part for amenity / landscape use. The housing allocation however was intended for lower density housing (15 – 20 houses), subject to suitable access and road improvements, significant structural planting to the boundary with the A9 trunk road and enhancement of western entrance to Tain. Indicative housing site capacities as shown within the Local Plan are generally for guidance purposes only, based on the anticipated rates of development at the time when the Local Plan was being prepared. Although the housing application indicates much higher density the Council needs to be open to higher density layouts on grounds of sustainability. The Council's Housing Service is supportive of the application given the commitment to affordable housing units in line with Council Policy.
- 6.5 The application has interpreted the amenity requirements of the local plan, through the provision, albeit on a reduced scale, of a landscape buffer running the length of the north-western side of the site. This also includes within the landscaped area the provision for the SUDs pond and additional amenity features such as stone walls, retaining residential set back from the A9 junction and incorporation of the new roundabout within Morangie Road. Underground LPG gas storage tanks with an access track have also been set within this area. Whilst these proposals represent less than might have been expected through Policy 26 of the Local Plan, the proposals would still establish a high amenity, landscaped collar to the community with development set back from the principal northern entrance to the community.
- 6.6 In summary the application is seen as generally in line with the allocations of the adopted Local Plan. The increasing housing area and consequential reduced amenity / landscape provision offered by the development represents a departure from the Local Plan. However the application is not regarded as a significant departure to the policies of the Council's Development Plan that would merit notification to Scottish Government.

## Services

- 6.7 There are no objections to the three applications from service authorities although TEC Services, Trunk Roads Network Management Division, Scottish Water and SEPA have requirements which the applicant would require to comply with should consent be granted. The applicants have submitted further information to SEPA and TEC Services on their proposals which for the most part have addressed principal concerns.
- 6.8 LPG gas is to be installed for the use of residents on this estate. Gas storage tanks are to be installed below ground west of the SUDS, on the north-western corner of the site. Relocating the tanks here, as opposed to the initial location adjacent properties on Springfield Gardens, responds to the majority of the letters of objection to this development. SEPA have requested a condition requiring the LPG tanks to be double skinned. TEC Services are content that tanks should present no concerns in respect of public safety.
- 6.9 The revised plans have incorporated the development of a principal roundabout on Morangie Road to the design specifications of TEC Services. This requires a road construction consent and final road safety audit to ensure what is provided is fully acceptable. The development will make substantial improvements to the road frontage particularly on the south side of Morangie Road with the welcome provision of an off set bus stop and footpaths with early links into the proposed housing development. In line with all emerging development in Tain the Council has requested a contribution of £400 per house to assist with the enhancement of public transport services in this locality.
- 6.10 The applicant amended the initial road layout to incorporate a more efficient design, with traffic calming elements, more consistent with a “home zone” design with porous boundaries to allow pedestrian linkages with adjacent developments. Final details remain to be confirmed with TEC Services addressing driveways and surface water drainage which can be managed through conditions.

## Layout and Design Issues

- 6.11 The development of this site will greatly assist with the provision of modern roadside services on Morangie Road, including a roundabout, footpaths, with early (eastern) links into the proposed housing scheme and a valuable off set bus stop that will also serve the commercial businesses within this locality. The stone walls to the northern front of the estate are to be welcomed and should provide a valued feature, generally consistent with the existing natural stone walls on Morangie Road. Development will however result in the loss of a small line of about 10 trees on Morangie Road which were slowly maturing into an attractive landscape feature. The benefit of an off set bus stop, with stronger planting elsewhere, is regarded as acceptable.
- 6.12 The housing layout is fairly standard and provides for a range of house types of mixed sizes, mainly two storey properties, with many getting the advantage of open views to the north and others the solar advantage of both having both eastern and western aspects. All roofs are to be concrete interlocking roof tiles, with walls

comprising a mixture of dry dash, facing brick and feature stone. Gardens are principally open plan to the front with 1.8m high timber fences to the side and rear. It will be important that the colour palette and style of all materials and fencing is carefully selected, consistent with local styles of this historic town. Dark grey slate colour tiles, white walls and buff coloured materials are preferred.

### Amenity

- 6.13 The development is situated close to residential properties and an existing hotel business and number of objectors from these adjacent properties have raised matters regarding the impact on residential amenity / amenity of the hotel. Whilst the development will introduce change, it is not considered that the proposed development will be detrimental to these established uses. Existing users would have been aware of the potential for development on account of the provisions of the Local Plan. To address local concerns the applicant has re drawn the proposed amenity area by Springfield Gardens and repositioned the LPG tanks to the north west of the site. Furthermore a small landscaped buffer on the eastern boundary of the site is provided to assist with some separation of the proposed housing and activities of the Morangie House Hotel.
- 6.14 The application, as amended, sets out a range of formal and informal amenity areas providing an open space play area at the southern end of the site that connect to similar open space at Springfield Gardens. The maintenance provision for these areas will be by private factoring arrangements, which future residents would manage. The eastern and western landscape buffers should not be accessible except for maintenance.
- 6.15 Notwithstanding the need to limit over-shade upon the back gardens of adjacent new houses, to maintain a more effective visual buffer and noise shield particularly adjacent the A9, additional planting over that currently proposed is needed. In addition it would be useful to ensure some additional earth mounding (2m high) to strengthen this buffer, consistent with other sections of the bypass around the settlement.
- 6.16 To enhance the entrance to Tain, early in the construction timetable, heavy standard trees, rather than standard specimens, should be required through condition. More specific landscape provision to sustain planting within and around the proposed SUDs would also be desirable. A landscape plan for the new roundabout will also be required, as will details to the northern side of this new roads layout, which should see the existing natural stone wall replaced on the new alignment, including extension of the wall part way (25m) along either side of the northern leg of the new roundabout. All these details should ensure that the western entrance to Tain remains functional, attractive and hopefully welcoming.

### Other Material Considerations

- 6.17 Whilst representations have raised concerns in respect of the sustainability of LPG being used as the heating fuel and the potential impact of construction on the existing hotel business these are not matters that should be given significant weight in the determination of this housing application. In line with all responsibilities

beholden upon a developer / contractor is a general responsibility to ensure neighbouring activities can continue to operate. Planning conditions will be deployed to restrict construction hours and activities generally to help minimise impact on neighbouring uses.

6.18 There are no other relevant material considerations raised by the applicant or objectors.

## 7.0 CONCLUSION

7.1 It is clear that the application does not provide development exactly as described within the adopted Local Plan, specifically a small low density housing development with wider amenity areas adjacent to the A9 Trunk Road.

7.2 That said the application does bring forward a welcome investment in housing development in Tain aligned to the principles as set out in the development plan. It will assist with the provision of some affordable housing units in line with Council policy. Furthermore there are substantive infrastructural provisions including improvements to Morangie Road, with roundabout access to north and south, a local SUDS scheme which should improve current flooding problems, new open space and landscaped areas.

7.3 It is considered that the application does bring forward proposals that are highlighted within the Local Plan and there are a number of additional material considerations that weigh in favour of granting planning consent, subject to conditions. The application is not regarded as a significant departure to the policies of the Council's Development Plan to merit notification to Scottish Government.

## RECOMMENDATION

That the Council **grant** planning permission for 66 houses with associated road-works, service provisions and amenity areas on land at Morangie Road Tain with conditions as set out below: -

1. The development hereby permitted shall be commenced within 5 years from the date of this permission.

**Reason:** Statutory requirement.

2. Prior to the commencement of development all principal materials to be used for roofing, elevations, fencing and stone walls shall be submitted for the approval of the Council.

**Reason:** - To enhance the local amenity through new built development consistent with the traditional features of this historic town.

3. Prior to the commencement of development, a detailed landscape plan, including information of all hard surface treatments and planting, and a management scheme for the future maintenance of all landscaped areas shall be submitted to and

approved in writing by the Council. Proposals should include: -

- provision of heavy standard trees at the northwestern corner of the housing site to secure immediate impact at the western entrance to Tain.
- Appropriate mounding (2m height) for new landscaping within the buffer adjacent the A9 Trunk Road, together with some additional amenity trees.
- Landscape provision within the proposed new roundabout.
- Natural stone walls to both sides of Morangie Road and along the northern leg of the new roundabout for at least the first 25m.

**Reason:** In order to enable the Council to consider these matters in detail and to benefit the local amenity.

4. The approved landscaping scheme shall be fully implemented at the earliest appropriate opportunity and certainly within the first planting season following the commencement of development, and thereafter shall be maintained in perpetuity by the applicants and / or their successors to the standard indicated in the approved management scheme. Maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

**Reason:** In order that a high standard of landscaping is achieved, appropriate to the site.

5. Prior to commencement of development all technical details regarding the SUDs must be resolved to the satisfaction of the Council in consultation with the Roads Authority. Thereafter the approved plans shall be implemented. Surface water drainage needs to be designed for a 1 in 30 year storm and the 1 in 200 year storm will need to be assessed to check that its consequences are acceptable. For the avoidance of doubt, all surface water is to be collected via filter drains and treated within each house plot, prior to discharging to the local SUDs.

**Reason:** - In the interests of the proper management of surface water in this locality.

6. Prior to commencement of development all technical details regarding access, footpaths, street lighting, parking and turning areas have to be resolved to the satisfaction of the Council. Thereafter the approved plans shall be implemented in a phased manner to be agreed with the Council.

**Reason:** - In the interests of road safety and general accessibility.

7. Unless otherwise agreed with the Council all driveways into plots shall be hard surfaced for at least the first 5 metres and shall not exceed a gradient of 1:16. Drainage provisions for each plot and driveway is to be design to avoid surface water being discharged onto the public road.

**Reason:** In the interests of road safety.

8. The final design of the new roundabout access junction, together with all external improvements shall be submitted for Road Safety Audit, with the developer thereafter implement all recommendations of the subsequent RSA reports, unless otherwise agreed with the Council.



**Reason:** - In the interests of road safety.

9. There shall be no occupation of any of the houses hereby approved until a payment of £400 per house towards the provision of public transport links in Tain has been made to the Highland Council.

**Reason:** In order to improve public transport links within Tain, in the interests of sustainability and in order to ensure compliance with Policy GSP16 (transport) of the Ross and Cromarty East Local Plan.

10. Prior to the commencement of any development a barrier of a type approved by the Council, after consultation with the Transport Scotland - Trunk Road Network Management Directorate shall be provided and maintained along the proposed boundary of the site with the trunk road.

**Reason** - To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road.

11. Details of all lighting and advertising features within the site shall be submitted to and approved in writing by the Council, after consultation with Transport Scotland Trunk Road Network Management Directorate.

**Reason** - To ensure that there is no distraction or dazzle to drivers on the trunk road network.

12. There shall be no means of direct vehicular or pedestrian access to the A9 trunk road for either the construction or operation of the development.

**Reason** - To minimise interference with the safety and free flow of traffic on the trunk road.

13. The proposed underground LPG storage tanks shall be double-skinned and the tanks shall each have an interstitial monitoring device with automatic alarms.

**Reasons** – To comply with Pollution Prevention Guideline 27 “Installation, decommissioning and removal of underground storage tanks.”

14. The construction working hours within the site shall be Monday – Friday between 0700 hours and 1800 hours and on Saturday 0800 hours and 1300 hours, with no work being carried out on Sunday or public holidays. Any work requiring to be carried out outwith these times shall only commence with the prior written approval of the Council.

**Reason:** To minimise potential disturbance to neighbouring residents.

15. Prior to commencement of development a construction method statement shall be submitted to and approved in writing by the Council in consultation with such other parties as the Council considers appropriate. The method statement shall include (but is not restricted to) the following matters:

- A detailed construction programme and timetable, including restoration of any

construction site compound.

- An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free of mud / silt.
- Measures to deal with groundwater issues that may arise during construction.
- Pollution prevention measures including contingency plans.
- A statement covering maintenance and management of the site.
- The applicant shall take all necessary measures to avoid nuisance to neighbouring residents caused by dust which arises from operations carried out in connection with this planning consent. The applicant should follow best practice and best management techniques in this regard, including a commitment to carrying out any remedial actions that may be requested by the Council.

**Reason:** To safeguard local amenity and road safety interests.

16. There shall be no burning or disposal of waste on site unless a waste management license is in force or a suitable exemption has been registered under the Waste Management Licensing Regulations 1994.

**Reason:** - In the interests of amenity.

### **Informatives**

1. Consent does not guarantee a connection to Scottish Water networks. Scottish Water has advised that they still require to assess the impact of the development on their infrastructure. (Scottish Water contact number is 0845 601 8855)
2. Road Construction Consent (RCC) will be required for all "off site" and adoptable works. Standards for the Roads Construction Consent submission are identified in Highland Council Road Guidelines Document, for further information contact Principal Engineer, THC TECS Golspie Office.
3. This consent does not carry with it the right to carry out works within the Trunk Road boundary and that the applicant must consult with Transport Scotland, Trunk Roads Network Management Directorate through its Management Operations on the terms and conditions, under roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
4. In mitigating the effects of noise the applicant, and any future contractor, is advised to follow the guidance contained within BS5228: Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.
5. Open space, amenity or verge areas will not be adopted along with public roads and would need to be transferred for public maintenance under a separate agreement, unless otherwise provided. There is a charge for adoption of these areas which is 40 times the annual maintenance charge and this is required to be paid up front. The site landscaping forming the new gateway to Tain will need to be maintained to a high amenity standard. All new trees to be planted 5m clear of road edge to avoid any long term maintenance difficulties of traffic conflicts.

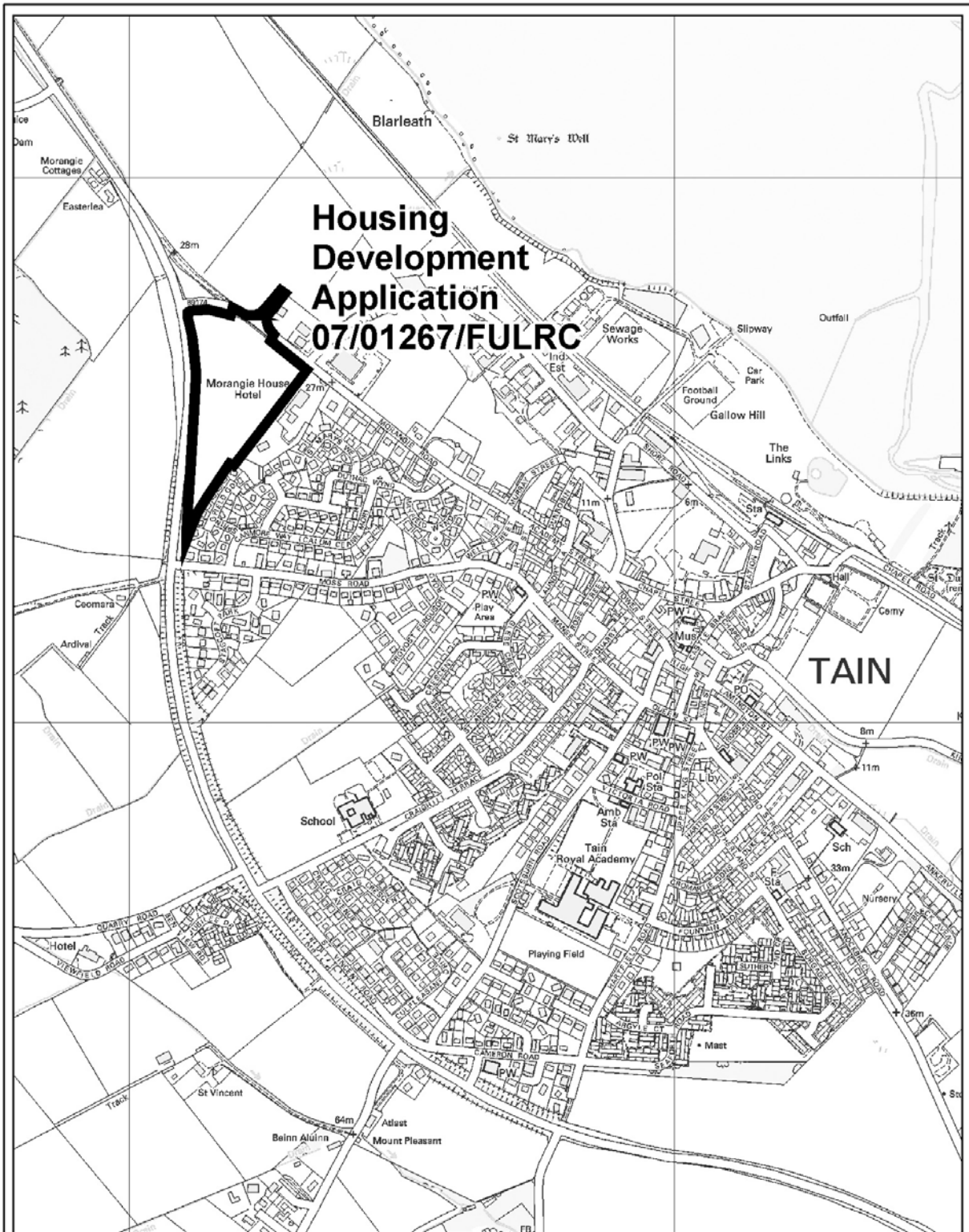
6. It is recommended that the applicant / developer of this site informs all neighbouring residents who are likely to be affected by the construction works of the proposed timescales and the intended site of operations. It is recommended that the applicant / developer appoint a person responsible for dealing with complaints and provide a contact telephone number to neighbouring residents. By keeping residents informed of progress of the works and by treating any complaints expeditiously the applicant / developer may allay any possible fears that neighbouring residents have.

Signature: Richard Hartland

Name / Designation: Richard Hartland / Head of Planning and Building Standards.

Author: Ken McCorquodale (01463 702256)

Background Papers: File Reference 07/01267/FULRC



**Housing  
Development  
Application  
07/01267/FULRC**

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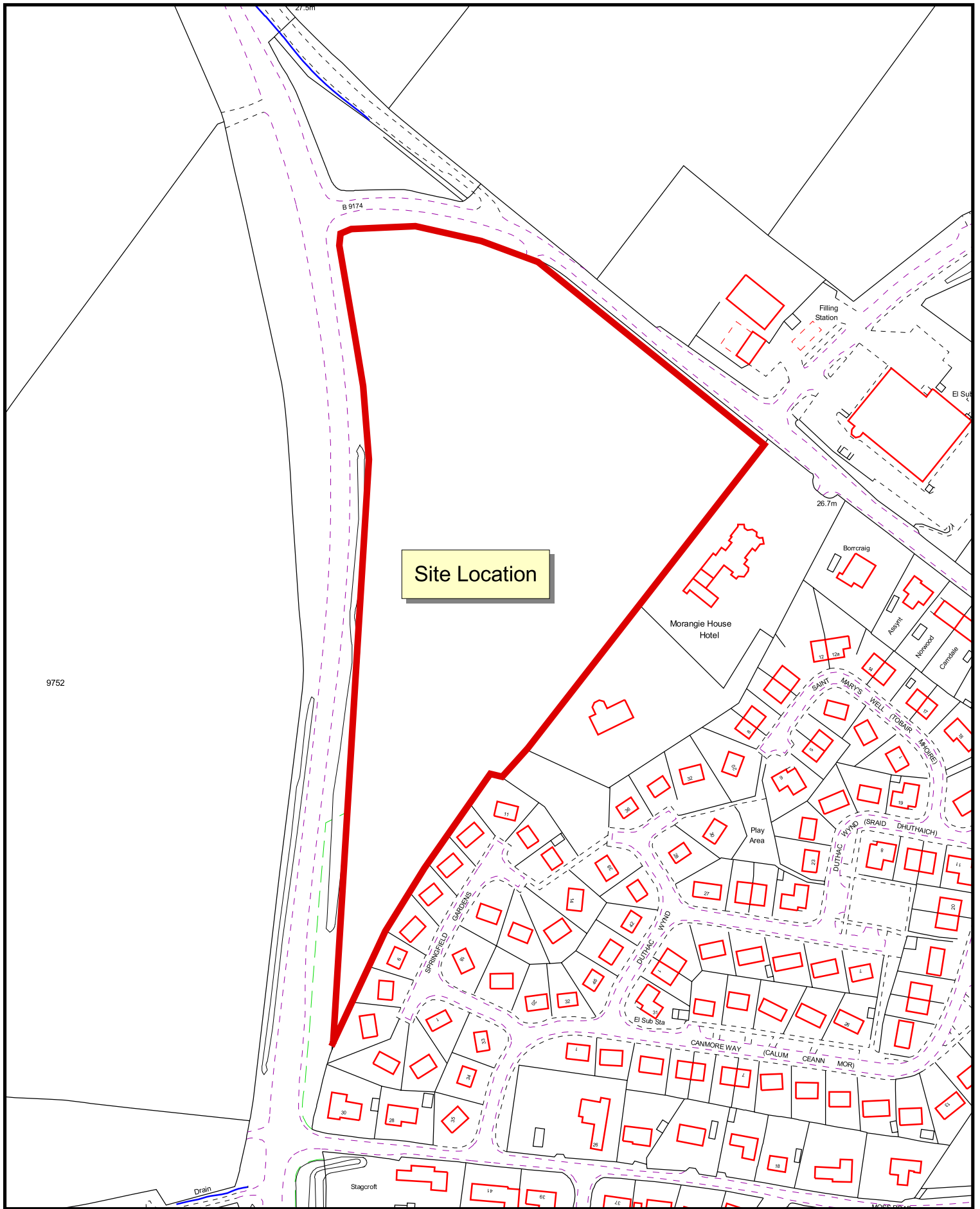
**Planning Application at  
Morangie Road, Tain**



**The Highland Council**  
Comhairle na Gaidhealtachd

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07/01267/FULRC  
 Erection of 66 detached and semi detached houses and flats with associated roads, parking, landscaping and amenity areas. Installation of underground LPG tanks for gas supply. Formation of new roundabout (As Amended) at Land To North West Of Morangie House Hotel, Morangie Road, Tain

Robertson Homes Ltd  
 10 Perimeter Road  
 Pinefield  
 Elgin  
 IV30 6AE

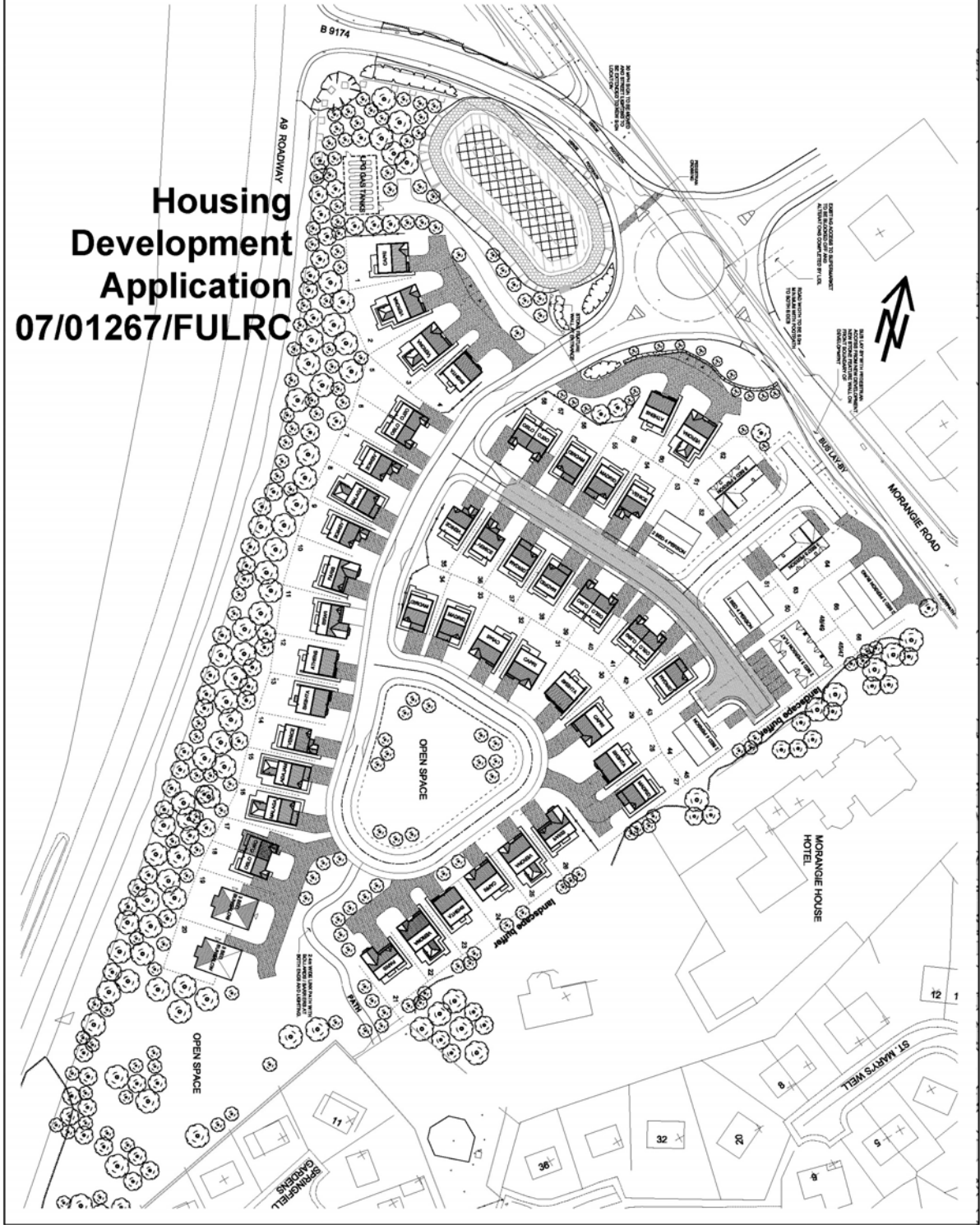
Date: 20 June 2008

**SUPPLIED BY THE HIGHLAND COUNCIL**



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**Housing  
Development  
Application  
07/01267/FULRC**



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