

## THE HIGHLAND COUNCIL

### CAITHNESS, SUTHERLAND AND EASTER ROSS PLANNING APPLICATIONS COMMITTEE 9 NOVEMBER 2010

Agenda Item	4.9
Report No	PLC/049/10

10/02217/PIP - BKB Property  
Knockbreck Farm and Burgage Farm, Tain

Report by Head of Planning and Building Standards

#### SUMMARY

<b>Description</b>	This application for planning permission in principle is for a mixed use development (housing, business, retail, tourism, leisure and community uses) on approximately 21 hectares at Knockbreck and Burgage Farm, Tain.
<b>Recommendation</b>	<b>GRANT</b> planning permission with conditions following the conclusion of a Section 75 legal agreement.
<b>Ward</b>	8 Tain and Easter Ross
<b>Development category</b>	Major development
<b>Hearing</b>	Not Required
<b>Reason referred to Committee</b>	More than 5 objections

#### 1.0 PROPOSALS

1.1 This planning application in principle is for the development of 21 hectares of land at Knockbreck and Burgage Farm, Tain as shown on the attached Location and Site Plans. The site also includes land owned by Albyn Housing at Seaforth Road. The development is for the following mixture of uses: -

- 250 residential units - houses / flats (mixed density & height – max 3 storey's)
- 350 sq m of Class 2 Uses – Office units
- 650 sq m of Class 3 Uses - restaurant / café
- 1,000 sq m of Class 4 Uses – Office / Light Industry
- 900 sq m of Class 7 Uses - Hotels and Hostels
- 1,200 sq m of Class 11 Uses - Assembly and Leisure

1.2 The development indicates associated services including roads, footpaths, parking provisions, water and waste water drainage services including the use of Sustainable Urban Drainages (SUDs) schemes. Three access points have been identified including a roundabout on Knockbreck Road consistent with an earlier retail application, new accesses off Seaforth Road and Hartfield Road. The

development will include on site landscaping and open space provision including land for allotments.

- 1.3 Development is expected to come forward in three phases at intervals of 5 years. The application notes another planning application for Class 1 retail (supermarket) at Knockbreck which the Council is minded to grant planning permission.
- 1.4 The application is supported by a pre-application consultation report, a design and access statement, ecological surveys, a landscape and visual appraisal, a site serving report, a transport assessment and a waste management strategy. The submission was informed by a pre-application discussion with the Planning Service which set out the requirements of the Council and other statutory consultees in terms of infrastructure and policy requirements.

## **2.0 SITE DESCRIPTION**

- 2.1 The land comprises gently sloping agricultural land. It is divided into two distinct areas by Knockbreck Road, the main access into Tain off the A9 from the south east.
- 2.2 The **western** area lies on the north side of the A9 trunk road. It falls in an easterly direction from 51.5 metres (m) Above Ordnance Datum (AOD) in the most westerly corner to 36.5m AOD in the north eastern corner and 35.5m AOD in the south eastern corner on Knockbreck Road, forming a gradient of less than 1 in 25. The land cover is principally rough grass with a beech hedge along part of the eastern boundary, an immature shelterbelt along the southern boundary to the A9. Beyond the north eastern boundary and along Knockbreck Road are some woodland / mature trees. An area of mixed woodland provides shelter to the main open space area for the housing estate served by Seaforth Road. An overhead power line runs through the south eastern portion of the site. An old dry-stone wall runs almost the whole length of the boundary with Knockbreck Road.
- 2.3 The **eastern** part of the site lies to the north east of Knockbreck Road from where it falls in a north easterly direction from 36.5m AOD to around 29m AOD at the top of the raised beach/escarpment. These slopes are around 1 in 19 at steepest. The land cover is arable having been cropped in recent years. There are mature beech trees along the boundary with Knockbreck Road, some field boundary trees to the north west edge and some scrub vegetation on the north eastern boundary at the top of the raised beach. An overhead power line runs through the eastern portion of the site and an old dry-stone wall/bank runs along part of the boundary with Knockbreck Road. The application site includes the tennis courts, club house and car park. To the south and east lies the wooded policies of Knockbreck House which do not form part of the application site. Further to the south east the site comprises an open agricultural field which runs parallel with the A9 trunk road.

## **3.0 PLANNING HISTORY**

- 3.1 **13 February 2001** - Erection of House (Outline) Knockbreck Farm – Refused planning permission. (02/00112/OUTRC).  
**22 August 2008** - Development of Class 1 (Retail) store, petrol filling station,

access, car parking, landscaping and ancillary works - Application Withdrawn – (06/00665/FULRC).

**17 December 2009** - Class 1 Retail development including petrol filling station, access, car parking area, landscaping and servicing. **Decision Pending** (09/00537/PIPSU).

#### **4.0 PUBLIC PARTICIPATION**

4.1 The Planning Application Notification (PAN) was submitted in October 2009. The application was advertised on 10 June 2010 allowing 14 days for public viewing and comment. 20 letters of representation including 12 objections were received. In addition 5 letters of support were received and 3 who provided some commentary. Annex A lists those who submitted representations.

4.2 Objections have focused on the following matters: -

Generally: -

- The application conflicts with the provisions of the adopted Local Plan which allocates the area primarily for housing use.
- The proposals presents ideas which are speculative, undefined with elements which are unfunded.
- Maintenance of landscaped / shrub woodland areas is unclear.
- The proposals constitute over development that will impact adversely on existing housing and current amenities in the area.

More specifically in the Seaforth Road & Hartfield Road Areas: -

- Seaforth Road is already congested being heavily used for vehicle parking.
- The plans do not adequately promote improvements to the local road network to accommodate the scale of development being brought forward.
- All development should take its access from off the new roundabout on Knockbreck Road in the interests of the safety of local children accessing local playing fields and Tain Royal Academy.
- Loss of existing woodland by Seaforth Road would adversely affect local wildlife (birds).
- The layout of housing off Hartfield Road is not the same as was consulted upon by the applicant. Eight houses now shown where previously there were four.
- The access serving 8 houses from Hartfield Gardens is not suitable, with the existing corner having a history of traffic accidents. Previous development proposals in this location were scrapped.
- Hartfield Gardens should be retained as a quiet cul de sac. It is not suited for additional traffic. It is an historic route well used by visitor and residents for walking. The tree on Hartfield Gardens should be retained.
- No information on the size of houses is given. Housing of 1 or 1.5 storey would be in keeping with other properties in this area.

4.3 All letters of representation can be viewed on line using the Council's web site (e-planning). Access to computers can be made available via all Planning and

Development Service offices during normal office hours.

## **5.0 CONSULTATIONS**

- 5.1 Tain Community Council is supportive of the application.
- 5.2 Archaeology Unit has no objection to the application. A planning condition is necessary to secure appropriate archaeological evaluation and investigation prior to the commencement of any development.
- 5.3 Education Culture and Sport (ECS) Service has no objection. The development will place additional demands on Knockbreck Primary School. A legal agreement should be put in place to secure a developer contribution for additional class room space at Knockbreck Primary School in line with the phased commencement of residential developments.
- 5.4 Housing and Property Service has no objection to the proposed development noting in particular 18 affordable units on land owned by Albyn Housing Society south of Seaforth Road. This approach does not fully reflect the affordable housing policy which seeks units integrated within the overall development. Detailed discussion in connection with any full application will be required to agree the detail of the affordable provision taking into account the 25% minimum requirement will apply to all owners interests; that final locations / types of affordable housing have to be agreed with the Council; and given that the land within this application is identified within the Local Plan as an area which will be primarily reserved to meet housing requirements an affordable contribution in relation to any non housing uses, consistent with the retail development at the same location.
- 5.5 TEC Services (Environmental Health) has no objections to the proposed development. Planning conditions will be required to manage construction activities on matters of noise, air quality, dust and waste management. Given the phasing of development, including non residential uses, it will be important to consider existing noise sensitive properties as well as the potential impact on future residents.
- 5.6 TEC Services (Roads) has no objections in principle to the development, but hold a number of concerns with the masterplan which would need to be addressed through the use of planning conditions and even perhaps a legal agreement. There is a need to address numerous detailed aspects including the integration with existing neighbourhoods, road layout, road linkages, road design, remote footpaths, open space provisions, play areas, phasing, plot layout and uses, building layout, access and parking arrangements, lighting, public transport and surface water drainage.
- 5.7 Trunk Roads Network Management Division has no objection to the proposals subject to conditions being attached to any decision to approve the development.
- 5.8 Scottish Water has no objection to the development.
- 5.9 Scottish Environment Protection Agency has no objection subject to conditions being attached to any decision to approve the application. The supporting Site Servicing report identifies that all surface water will be direct by sewers to dry

detention basins. The principle of this is acceptable for the residential elements of the development, however the commercial and tourist element of the development should be provided with two levels of SUDS treatment.

5.10 Scottish Natural Heritage has no objection to the proposed development.

## **6.0 POLICY**

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

### Highland Council Structure Plan (March 2001)

- 6.2 Policy G1 Conformity with Strategy
- Policy G2 Designed for Sustainability
- Policy G3 Impact Assessments
- Policy G4 Community Benefit and Commitment
- Policy H4 Affordable Housing
- Policy H5 Affordable Housing
- Policy B3 Local Industrial Land Supply
- Policy T2 Tourism Developments

### Highland Wide Local Development Plan

6.3 The emerging Highland Wide Local Development Plan is out for public consultation from 24 September 2010. Relevant Policies include: -

- Policy 29 Sustainable Design
- Policy 30 Design Quality and Place Making
- Policy 32 Developer Contributions
- Policy 33 Affordable Housing
- Policy 35 Settlement Development Areas
- Policy 76 Open Space

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

6.4 Strategic Themes 1 – 7.

#### Expansion Policy

- Policy 24 Knockbreck Road
- Policy 25 Land adjacent to Tennis Courts
- Policy 26 Amenity
- GSP1 Design and Sustainable Construction
- GSP2 Waste Water Treatment
- GSP 3 Surface Water Drainage
- GSP7 Settlement Expansion
- GSP8 Affordable Housing
- GSP9 Housing Site Capacities
- GSP16 Transport

### National Planning Policy

6.5 Scottish Planning Policy (SPP) published in February 2010 contains policies relevant to this proposed development including: -

- Sustainable Development
- Housing
- Historic Environment
- Landscape and Natural Heritage
- Open Space and Physical Activity
- Transport
- Flooding and Drainage

6.6 Circulars also provide statements of the Scottish Government's policy. Statements of Scottish Government policy in the SPP, NPF and Circulars may be material considerations which should be taken into account in development management decisions. The following Planning Advice Notes (PANs) provide advice and information on technical planning matters which need to be taken into account in the assessment of proposals: -

PAN 42	Archaeology
PAN 44	Fitting New Housing into the Landscape
PAN 56	Planning for Noise
PAN 61	Planning for Sustainable Urban Drainage Systems (SUDS)
PAN 67	Housing Quality
PAN 68	Design Standards
PAN 74	Affordable Housing
PAN 75	Planning for Transport
PAN 76	New Residential Streets
PAN 77	Designing Safer Places
PAN 79	Water and Drainage

## **7.0 PLANNING APPRAISAL**

### Determining Issues

7.1 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.

7.2 The determining issues are:

- Does the proposal accord with the Development Plan?
- If it does, are there compelling reasons for not approving the proposed development?
- If it does not accord, are there any compelling material considerations for approving the proposed development?

## Assessment

- 7.3 To address the determining issues, the Committee must consider the following:-
- a) Policy - Development Plan & Supplementary Planning Guidance
  - b) Services (transport infrastructure, local accessibility, drainage services)
  - c) Layout and Design
  - d) Amenity
  - e) Archaeology
  - f) Ecology
  - g) Other Material Considerations

## Policy – Development Plan & Supplementary Planning Guidance

- 7.4 For the most part the site of this application is highlighted within the Ross and Cromarty East Local Plan for future expansion principally but not exclusively for residential use. Other complementary uses including retail, business, hotel, leisure, public house may also be acceptable. Small scale development of complementary uses within the identified expansion areas were expected to be justified in accordance with a masterplan, which would ensure appropriate consideration of “built form, circulation, green space and landscape requirements” of the area as a whole. Further policy allocations were identified for amenity landscaping / green space at both the entrance to the settlement and along the A9(T) bypass. This application in principle is thereby consistent with the adopted Ross and Cromarty East Local Plan.
- 7.5 The Council’s Affordable Housing Policy applies to land identified for future expansion. New residential development must comply with Council’s guidance on open space and deliver a range of on site provisions, accessible to the new residents. Furthermore, new housing development is expected to bring forward developer contributions to assist with the expansion of education facilities required to service the needs of future residents. This development will increase the need for additional class room spaces at Knockbreck Primary School. Contributions in line with these Council policies, secured by legal agreement are required. These have been agreed with the applicant.
- 7.6 Whilst not part of this application proposals for a new supermarket at Knockbreck Road have presented an opportunity to plan the development of land at Knockbreck and Burgage Farms, where collectively a range of proposals could overcome initial start-up costs. The supporting Design and Access Statement to the current application suggests the first period of development over an initial 5 year period might provide for three residential sites providing 72 houses, community uses including perhaps pub / restaurant / health care units, a travel hotel or indoor sports facilities and a café / tourist information centre. (Fig 15 and Fig 16)
- 7.7 Given the Council’s support for retail development at Knockbreck, the consideration of development, in a master planning framework, within the current application is creditable. It leaves open the phasing of development, which the Planning Authority can manage with regard to the rate of development on other principal land

allocations for residential and others uses in Tain. Such an approach would be consistent with the settlement strategy and policies set out in the Development Plan, including the Highland Structure Plan, the emerging Highland Wide Local Plan and Ross and Cromarty East Local Plan.

### Services

- 7.8 No technical objections to the proposals have been received. Issues raised can be addressed through planning conditions and / or legal agreement, consistent with best practice when considering the development of a large site to be progressed in phases over a number of years.
- 7.9 Principal access to the development is via Knockbreck Road which is to be improved by provision of a roundabout, footpath improvements on its northern side and a pedestrian crossing. These measures are proposed for the retail store at Knockbreck. The construction of the footways, public transport facilities and amenity areas within the development will need to be considered carefully against the programming of the construction of housing / commercial units to ensure suitable access is provided at all times between new development areas and local facilities including the proposed supermarket and existing facilities in Tain. The issue of cumulative impact arising from the current application and the supermarket application at Knockbreck have a bearing on the timing of the necessary roads mitigation particularly to the junction of Knockbreck Road and the A9(T) road. Access to some properties is proposed direct to the local road network at Seaforth Road and Hartfield Road.
- 7.10 TEC Services is content to accept that there is capacity within the existing road network to allow some housing development to take access onto Seaforth Road and to a more limited extent Hartfield Road. This view however is made in the full recognition that the indicative detailed layout design is not acceptable and would require more consideration at a later stage in the planning process. The initial phases of development with access onto Hartfield Road and Seaforth Road require to facilitate, within any approved layout, an indirect road link to Knockbreck Road and for the construction traffic associated with these early (western) phases of development to utilise from the start a temporary haul road from Knockbreck Road.
- 7.11 Following the assessment of the indicative masterplan layout the following list of issues have been noted for future attention:-
- Roads and access points – need detailed consideration recognising the roles and limitations of existing roads, including on street parking, pedestrian routes, cycle routes, etc.
  - phasing of development in line with the provision of new infrastructure.
  - road safety issues / speed restrictions / safer routes to school guidance against current and future traffic flows.
  - Parking requirements – including the need to address current local shortcomings.
  - Building layout – fronts of buildings should be public, the rear should be private.
  - Road Verges / Footways/ Lighting – design needs to recognise the role of each footpath against Council design standards, lighting and maintenance



requirements.

- Public Transport Contribution – with current services being expanded including in particular the local dial a ride service (£400 per each house/flat or as agreed for other non residential uses).

- 7.12 The development proposes expansive green areas (grass and woodland), long lengths of remote footpath and play areas. As detailed plans are prepared for this site it will be essential for the development to demonstrate provision of greenspace, sport and recreation facilities in accordance with Council's standards. The location and number of these play areas may need amendment from that shown on the indicative layout to ensure suitable, safe access and a level of provision for all residents. The maintenance responsibility for each of these areas will need to be clarified to ensure no undue additional maintenance burden will be placed on the Council. The density of woodland on either side of footpaths will need to be designed to ensure security for pedestrians and cyclists passing through.
- 7.13 Development is to connect to local water and waste water services including a site specific sustainable urban drainage system (SUDs) scheme. Consultees are content with this approach with the expectation that the SUDs scheme is adopted by Scottish Water. For the SUDs to be considered for adoption requires compliance with the Scottish Water "Sewers for Scotland 2" standards. Non-residential elements of the proposal will require two levels of SUDs treatment. This can be controlled through planning conditions.

#### Layout and Design Issues

- 7.14 The application is supported by a design and access statement and masterplan that highlights the potential development of the site in 3 distinct phases, with sub-phases of development opportunity within each phase. Whilst the information outlines a plausible development arrangement it is important to recognise that many of the details are indicative only and on which the Planning Authority are not being asked to make a decision. The indicative drawings are useful to demonstrate how the development of this land can take into account the wider development interests of the Knockbreck area and within the site itself how development could emerge in line with current policy and other planning guidance.
- 7.15 The application overlaps with the site of the retail proposal at Knockbreck, which is an "in principle" application; the indicative design elements for which have not been submitted for approval of the Council. That said the indicative drawings within both applications especially in and around Knockbreck Road including improvements to public road; the provision of a roundabout and widened footpaths and new accesses into initial development sites have the support TEC Services (Roads). One shortcoming is the detailed arrangements for footpath provision on the south side of Knockbreck Road opposite the tennis courts and also the north side of the same road adjacent to Knockbreck House. The solution to these localised shortcomings however can be addressed in the short term with temporary arrangements including pedestrian crossings on Knockbreck Road.
- 7.16 Another area of design overlap with the retail development extends over land inside the north-western corner of the T junction of Knockbreck Road with the A9(T) Road.

Both the supermarket application and the current mixed use planning application have differing design ideas for the layout of a valued amenity area, as allocated in the Ross and Cromarty East Local Plan. Whilst both developments intend to set out the area for amenity use incorporating a SUDs, the scale of the drainage arrangements in the current application reduce the potential to achieve extensive bunding and planting offered as part of the retail development. Alternative arrangements for the design and location of the required SUDs basin could be accommodated on land tentatively earmarked for allotments, south of Knockbreck House, thereby freeing more of the land allocated for amenity purposes for landscape works at this south entrance to Tain, in line with community expectation as set out in the Development Plan.

7.17 The indicative plans do offer proposals which could successfully integrate with existing development. A few uncertainties exist for example on land held under other ownerships between the site and the existing line of built development. However, the indicative layout does not jeopardise the potential future development of these areas, but it will be important to ensure that where appropriate public roads and or footpaths are provided to boundary edges to avoid “ransom strip” conflicts. Existing infrastructural shortcomings could potentially also be addressed for example on and off street parking and where the existing remote footpath could be replaced with improved shared arrangements and landscaping to: -

- rear of 42 – 64 Burgage Road,
- west of 10 – 24 Burgage Court
- east of 2- 26 Seaforth Road

7.18 The indicative masterplan presents proposals for a phased development incorporating different building types. A mixture of housing densities, scale, styles and housing tenures is welcomed provided that the amenity of existing housing is protected. This is an issue reflected in a number of representations received against this application. New housing units adjacent to existing 1 / 1.5 / 2 storey houses on Hartfield Road, Seaforth Road and Burgage Road should reflect a high degree of compatibility, with the introduction different house styles including 3 storey units (flats) emerging more within the centre of the development. The applicant’s indicative plans promote this approach, but this should be secured by planning condition with the final designs details being left to the detailed applications.

7.19 The application offers a mixture of housing from single storey detached housing to three storey flats, mixed with larger commercial and community buildings. The proposed scale and density are generally acceptable. The applicant should be encouraged to bring forward designs and with building materials that continue the architect heritage that prevails in Tain as well as embracing the current agenda for sustainable design. These aspects are advanced within the design and access statement but final plans remain to be presented for approval.

7.20 The application seeks approval of a number of non residential uses at a scale that is more than just at a complimentary level commensurate to the needs of 250 emerging households and other nearby housing. Given however that the Council is content to support a large supermarket development in this location, the scale of the additional uses set out in this application are not of immediate concern. With the exception of

the proposed community / tourism use unit adjacent to the proposed allotments, on the south eastern ends of the scheme, the proposed non residential uses are well located in anticipation of the propose supermarket. The details of each plot remain to be agreed ensuring compliance with Council access and parking standards as well as promoting satisfactory building design, plot layout, landscaping and boundary treatment. Development of land adjacent to the proposed allotments will require the improvement of pedestrian links that connect with the adopted pedestrian network on Knockbreck Road. This will require the applicant to bring forward design solutions, including off site works, prior to the commencement of development in this area.

7.21 It is likely that portions of the site will be sold to other parties. This could allow different portions of the site to emerge simultaneously as noted within the applicant's phasing plan. Essential to this process is the need to have an over-arching management of the development process which ensures that the sub-division of the site does not erode or remove the ability of all parties involved with development to provide for the timely delivery of: -

- affordable housing units
- additional classroom accommodation
- the above noted open space requirements, including range of facilities
- on site and off access improvements for construction and future occupants.
- drainage infrastructure

Amenity

7.22 The indicative plans, highlight in some detail, how the site might evolve in built form including the provision of some structural landscaping and open space provision, in line with Council Policy / Standards. Concept is consistent with the policies of the Ross and Cromarty East Local Plan, which recognised that development: -

- Would form an important south-eastern edge to the community of Tain.
- Sit within an open setting and rural landscape.
- Require some buffering / landscape treatment adjacent to the A9(T) road.
- Should enhance the entrance to this historic settlement.

7.23 The application advises that the development could provide open space provisions, in line with Council policy, on site, including: -

Allotments	598m <sup>2</sup>
Amenity Greenspace	4780m <sup>2</sup>
Equipped play / teenage areas	1,195m <sup>2</sup>
Natural Green Space	5,378m <sup>2</sup>
Outdoor sports facilities	7,170m <sup>2</sup>
Public parks and gardens	4,780m <sup>2</sup>
<b>Total</b>	<b>23,900m<sup>2</sup></b>

7.24 Many of the existing trees and some open space areas within the site will be retained to meet some of the above requirements. This will go some way to addressing concerns from objectors about the potential adverse impact on local

wildlife, which over time will be enhanced. Retention of some existing trees on site, together with additional provision, will require development setback to ensure that existing root systems are protected and that concerns of future occupiers are minimised as existing and proposed trees grow. These can be managed through planning conditions.

#### Archaeology

- 7.25 The site has the potential to contain buried archaeological remains. This necessitates that in advance of any development, an appropriate level of investigation is undertaken to ensure that potential finds are not lost and that they can be recorded. This can be secured by conditions.

#### Ecology

- 7.26 Trees within the site and on ground adjacent have the potential to accommodate bats. Any felling operations will require an assessment of each tree for the presence of bats before works are commenced. This can be secured through conditions. As three of the trees to be removed on Knockbreck Road have high value for potential for roosting bats, the applicant should be requested to support the provision of three bat boxes in the area.

#### Other Material Considerations

- 7.27 Economic and Social Factors: - The application has the potential to offer local economic benefits particularly through the creation of local construction (temporary) jobs, bring new businesses and residents to the community. This is consistent with the Development Plan for the settlement plan, but most importantly can offer greater confidence and opportunity to the existing community seeking to expand current services, such as the Tennis Club.
- 7.28 Speculative: – This matter was raised by objectors and is not a material planning consideration. That said all applications carry a degree of speculative risk. However this proposal is well founded upon community expectation as set out in the Development Plan.
- 7.29 There are no other material considerations including matters raised by third party representations that have not otherwise been addressed within this report.

### **8.0 CONCLUSION**

- 8.1 The application is a significant development for the future expansion of Tain. It will provide much needed housing for the community, along with other mixed business, commercial and community uses in phases over a 15 year period.
- 8.2 Twelve objections have been made against the proposals. These primarily relate to issues that would affect the local environment adjacent to their own properties. Local site specific concerns can be addressed through detailed attention to design, layout and access issues including the provision of new services that will help to address local shortcoming in traffic circulation, pedestrian safety and on street

parking.

- 8.3 Some concerns have highlighted that the proposals are premature, given that the Development Plan allocated this area for future expansion but only after other allocated other sites within the community are developed. Clearly policies as set out in the Development Plan have presented an alternative sequence of development uptake in Tain. However, for what ever reasons a whole number of sites in Tain have not advanced to the development stage with most housing completions in recent times occurring beyond the bypass. The Council has supported development at Knockbreck following determination of a significant retail application on land at Knockbreck.
- 8.4 Responses from statutory consultees are supportive of the development subject to conditions to ensure that development is undertaken in a logical manner, conforming to policy requirements and good practice guidance in which public agencies and the community generally can have confidence. In particular the community can be satisfied that the development will invest in the expansion of community services enhancing local services to ensure no additional cost burden or service detriment to existing users.
- 8.5 Factors such as design, access and accessibility, surface water disposal; landscape impact; ecology; etc. have been full assessed at this planning in principle stage. The application is consistent with specific policies, design features and sustainable design provisions set out in the Ross and Cromarty East Local Plan. The one small exception to this is the timing of development which will be in advance of other allocated sites in Tain. There are no material considerations to indicate that consent should be withheld.

## RECOMMENDATION

That the Council **grant** planning permission in principle subject to conditions (see below) following conclusion of a Section 75 Legal Agreement addressing Council requirements for:-

- Affordable Housing - in line with Council Policy
- Classroom Developments at Knockbreck Primary School -in line with Council Policy
- Structural Landscaping / Open Space Provision in line with Council Policy
- A Public Transport Contribution (£400 per residential unit and a commensurate sum for each commercial / business use).

### Conditions:

- 1) For the avoidance of doubt, planning permission in principle is hereby granted for a maximum of: -
  - a) 250 residential units - (Houses / Flats)
  - b) 350 sq m of Class 2 Uses - (Office / Professional Services)
  - c) 650 sq m of Class 3 Uses - (Restaurant / Café)
  - d) 1,000 sq m of Class 4 Uses - (Business / Light Industry)
  - e) 900 sq m of Class 7 Uses - (Hotels and Hostels)
  - f) 1,200 sq m of Class 11 Uses - (Assembly and Leisure)
  - g) Generally consistent with the Master Plan (Fig 13 as amended October 2010) and Figure 10 as amended October 2010 Building Height and Massing.

**Reason:** In order to clarify the terms of the permission and to ensure that the overall layout and design is satisfactory for the site.

- 2) The development shall be undertaken in three phases in accordance with the approved Phasing Plan (including Figures 15, 16 and 17 as amended October 2010). Partial development of each phase, which is consistent with the elements shown within Fig 18a, is acceptable subject to full compliance with the agreed Section 75 legal agreement. The following sequence of submissions should arise including: -
  - i) An application for approval of Matters Specified in Conditions for Phase 1 Site A, B or C as highlighted with Figure 18a shall be submitted within 3 years from the date of this Planning Permission in Principle.
  - ii) The development of Phase 1 shall commence within 2 years of the date of approval failing which Planning Permission in Principle shall lapse.
  - iii) In respect of Phase 2 and Phase 3, an application for approval of Matters Specified in Conditions shall be submitted within 4 years from the date of commencement of the previous Phase.
  - iv) The development in each subsequent Phase shall commence within 2 years of the date of approval failing which Planning Permission in Principle shall lapse.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- 3) No development in connection with each phase of the planning permission hereby granted shall take place until a further application or applications shall be submitted to

the Council in respect of the following matters: -

- a) the siting, design and external appearance of all building(s) and other structures,
- b) levels and cross sections showing finished ground and floor levels relative to existing ground levels;
- c) access arrangements for each development unit and associated car / cycle parking,
- d) the layout and details of all roads, footpaths and cycleways including all external roadworks identified in Condition 6 below;
- e) street lighting and furniture;
- f) water supply and foul drainage infrastructure including any required augmentation;
- g) surface water drainage including provision for SUDS;
- h) details of existing trees, shrubs and existing walls and fences to be retained;
- i) details on the provision of public open space, including allotments in accordance with the Council's supplementary guidance on the provision of open space in residential development;
- j) details of all hard and soft landscaping including boundary enclosures, earth works, and a schedule of plants to comprise species, sizes and proposed numbers / density and the timetable for the implementation of these elements.
- k) details of management and maintenance arrangements of the areas identified in h), i) and j) above;
- l) the means of dealing with domestic and commercial waste including the provision for recycling facilities.

**Reason:** In order to clarify the terms of the permission and to ensure that the overall layout and design is satisfactory for the site, that it delivers structural landscaping maintained in perpetuity for the community which is fully integrated with adjoining land uses.

- 4) No development shall start on site until the completed Notice of Initiation of Development (NID) form attached to this decision notice has been submitted to and acknowledged by the Planning Authority. Upon completion of the development the completed Notice of Completion form attached to this decision notice shall be submitted to the Planning Authority.

**Reason:** In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

- 5) The development shall be undertaken in accordance with the Council's non-statutory guideline "Designing for Sustainability in the Highlands", particularly with regard to the use of sustainable building materials, solar energy use and energy conservation generally.

**Reason:** To ensure compliance with the Council's policies on sustainable development and to achieve a high quality design.

- 6) Prior to the commencement of any development on site details of the principal access arrangements into, across and through the site, including improvements to the existing networks, shall be submitted for the approval of the Council. The agreed programme of works for each phase of development and or parts thereof shall then be implemented as approved. These are expected to include as a minimum the following elements: -

- a) The provision of a haul road or a new road network for all construction traffic involved with development on this site to utilising an agreed access from Knockbreck Road.
- b) The provision of a road link generally between Seaforth Road and Knockbreck Road, but which specifically ensures that all future residents within this application site can access by car, cycle and on foot local non-housing units including the potential supermarket at Knockbreck when these non-housing uses becomes operational.
- c) The provision of an agreed programme of improvements to Knockbreck Road including works involving the widening and extension of footpaths links, provision of a roundabout and extension of the existing 30mph speed restriction.
- d) a financial contribution to the Council on an agreed basis in line with the occupation of all units, which shall be used for providing public transport enhancements, which serve both the development and Tain.
- e) All detailed plans subjected to a Road Safety Audit through the required Road Construction Consent process. The applicant shall be responsible for all fees, construction and any future remedial actions, arising from the various RSA Stage reports.

**Reason:** - To ensure adequate public transport enhancement is provided; that adequate improvements to the surrounding road network are undertaken; to address road safety concerns and that the applicant funds all costs associated with these measures.

- 7) Prior to the commencement of any development on site proposals for the provision of either new or extended bus services serving bus stops within 400 metres of the development by walking, including details of bus stop locations, operating hours, frequency of service, route and timescale for introduction, shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland - Trunk Road Network Management Directorate. The agreed bus services must be in operation on the occupation of any part of the development

**Reason:** - To be consistent with the requirements of Scottish Planning Policy

- 8) Prior to the commencement of any development on site a detailed scheme design and specification for modifications to the A9(T) / Knockbreck Road priority junction, generally in accordance with Figure 8.1 of SIAS Transport Assessment dated 12 May 2010, shall be submitted to and approved by the Planning Authority, in consultation with Transport Scotland - Trunk Road Network Management Directorate. The approved plans shall be completed prior to the occupation of any part of the development, unless otherwise agreed with the Planning Authority in consultation with Transport Scotland

**Reason:** - To ensure that the standard of junction layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- 9) Prior to the commencement of any development on site a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

**Reason:** - In order to preserve the archaeological and historical interest of the site.



10) With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

11) Prior to the commencement of any development on site a Tree Protection Plan which must be submitted to the Planning Authority for approval, in accordance with BS5837:2005 (Trees in Relation to Construction) which includes details of appropriate protection measures for all retained trees before and for the duration of the development.

**Reason:** To ensure the protection of retained trees during construction.

12) A minimum separation of 10 metres is required between retained trees and any proposed development in order to avoid future conflict due to safety concerns and restricted light or views.

**Reason:** In order to secure a safe distance between existing trees and any new development.

13) Prior to the removal of any trees bat surveys shall be undertaken to confirm the absence of bats / bat roosts from each tree. The applicant will also confirm measures to provide three bat boxes prior to any tree felling within the Knockbreck area to compensate for the loss of 3 trees which currently have the potential to accommodate bats.

**Reason:** - Bats are a protected species.

14) The design and installation of any plant, machinery or equipment should be such that any associated noise complies with Noise Rating Curve 25 when measured and / or calculated within any nearby noise sensitive dwelling and that no structure borne vibration is perceptible within any nearby noise sensitive dwelling.

**Reason:** To minimise potential disturbance to neighbouring residents, both current and future.

15) 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 prior written approval of the Council.

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

16) Prior to commencement of development a Construction Environmental Management Document (CEMD) shall be submitted to and require approval of the Council in consultation with other parties as they consider necessary. The CEMD shall detail the following matters in particular: -

a) a detailed construction programme and timetable, including restoration of any

- construction site compound.
- b) 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.
- c) Pollution prevention measures including contingency plans.
- d) a Tree Protection Plan be submitted for approval in accordance with BS5837:2005 (Trees in relation to construction) to ensure that any trees within or immediately adjacent to the site are safeguarded against construction damage.
- e) A statement covering maintenance and management of the construction site.
- f) All necessary measures to avoid nuisance to neighbouring residents and occupied housing units 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.
- g) Site Waste Management Plans

**Reason:** To safeguard the amenity or local residents, including new residents, and road safety interests.

17) 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. Scottish Water has not objected to this application but this does not guarantee a connection to their infrastructure. The developer is encouraged to contact Scottish Water to discuss their proposals with that authority. Tel 0845 601 8855.
2. Road Construction Consent (RCC) will be required for all “off site” and adoptable works. Standards for RCC submission are identified in Highland Council Road Guidelines Document.
3. 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.
4. 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. 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.

Signature: Richard Hartland

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

Author: Ken McCorquodale / Principal Planner - (01463 702256)

Background Papers: File 10/02217/PIP

Attached Plans

Location Plan

Site Plan

Fig 13

Fig 15

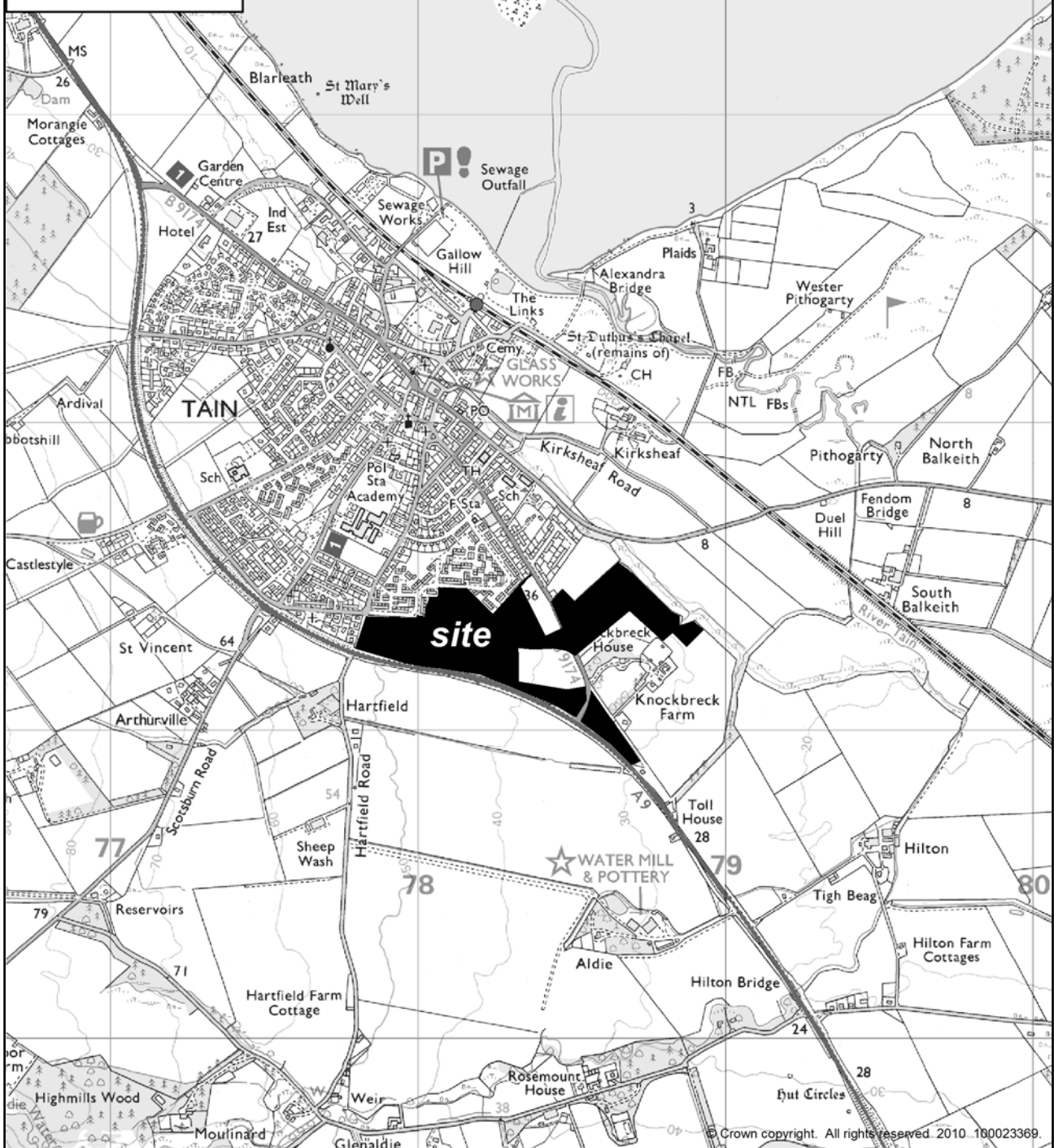
Fig 16

Fig 17

Fig 18

Fig 18 a

# Location Plan



**PLANNING & DEVELOPMENT SERVICE**

Stuart Black  
 Director of Planning & Development

**Ref: 10/02217/PIP**

**PROPOSAL:**  
**MIXED USE DEVELOPMENT**  
**BKB PROPERTY MASTER PLAN**

1 centimetre = 200 metres  
 0 250 500 750 metres

**1:20,000**



**ADDRESS:**  
**KNOCKBRECK AND**  
**BURGAGE FARM, TAIN**

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