

**THE HIGHLAND COUNCIL**

**NORTH AREA PLANNING APPLICATIONS COMMITTEE  
5 August 2014**

Agenda Item	6.3
Report No	PLN/051/13

**14/01119/FUL : Pat Munro (Ainess) Ltd.  
Newfield North Ainess**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of 70 houses and associated roads, infrastructure and open space

**Recommendation - GRANT**

**Ward :** 7 – Cromarty Firth

**Development category :** Major Development

**Pre-determination hearing :** Hearing not required

**Reason referred to Committee :** Major Application

**1. PROPOSED DEVELOPMENT**

- 1.1 The proposed development comprises a total of 70 houses and associated access roads, infrastructure and open space. The application covers proposed phases 3, 4 and 5 of the wider development at Newfield North where 8 houses are complete (Phase 1) and occupied and a further 12 are approved and under construction (Phase 2). The houses are a mix of single and two storey dwellings and are predominantly semi-detached with 14 detached units. The properties are of a simple relatively traditional design to match the houses on Phase 1 adjacent with dark grey roof tiles and white/off-white render. All windows on principal elevations are strongly vertically orientated with contrasting coloured pre-cast margins. The application also proposes the establishment of a large area of parkland within the site to the north of the proposed built development. The proposal is to create a public park with a network of paths, landscaped areas and play areas. A separate toddlers' play area is proposed in the north-east segment of the development on the edge of the proposed parkland.
- 1.2 Non statutory pre-application advice was sought from the Council's Major Applications Advice Team with a meeting held on 30 October 2013 involving consultees and an advice pack issued on 27 November 2013. Mandatory pre-application community consultation was carried out and a Proposal of Application Notice was received by the Council on 11 September 2013 (13/03389/PAN). A

public drop in session was held in Alness Heritage Centre on 6 November 2013. The proposal has also been screened against the Environmental Impact Assessment Regulations (14/00146/SCRE) and the Council's Screening Opinion was issued on 6 February 2014 advising that Environmental Impact Assessment is not required for the proposed development as described.

- 1.3 The development is proposed to be served by a new access road onto Mossfield Road which has been partially formed to access Phase 2 which is currently under construction. Connection to public water and waste water networks is proposed.
- 1.4 Supporting Information submitted with the application includes: Draft Construction Environmental Management Document; Archaeological Evaluation; Design and Access Statement; Sustainable Design Statement; Habitat Survey; Noise Assessment; Drainage Statement; Transport Assessment and Pre-application Consultation Report.
- 1.5 **Variations:** Revisions were made to the layout to address roads and landscaping issues. Revised landscape plan and associated details received 01.07.2014. Revised layout plan, phasing plan and site sections received 02.07.2014.

## **2. SITE DESCRIPTION**

- 2.1 The site comprises an area of over 5ha of former agricultural land situated on the northern edge of Alness, to the north of Old Milnafua Road and Mossfield Road and to the immediate east of Caplich Quarry. A first phase of eight houses has been completed with frontage onto Old Milnafua Road and a second phase of twelve houses is under construction to the immediate west of a new access road which joins Mossfield Road at the bend to the west of Obsdale Primary School. The land is relatively level however undulates and slopes very gradually away from the public road towards the north. The northern part of the site contains trees and ponds formed as part of previous restoration measures to Caplich Quarry.

## **3. PLANNING HISTORY**

- 3.1 09/00254/FULRC Erection of ten residential units (six semi-detached and four flats) – Planning Permission granted 11.11.2009. (Phase 1)  
12/02385/FUL Change of house design of two semi-detached houses – Planning Permission granted 24.07.2012 (Phase 1)  
13/02286/FUL Amendment to permission to change four flats to two semi-detached houses – Planning Permission granted 21.08.2013 (Phase 1)  
12/04810/FUL Erection of twelve houses – Planning Permission granted 18.10.2013 (Phase 2)  
13/02356/FUL Erection of 24 houses – Withdrawn 20.03.2014 (Phase 3)  
13/03389/PAN Proposal of Application Notification received 11.09.2013  
14/00146/SCRE EIA Screening Opinion (EIA Not required) issued 06.02.2014

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Schedule 3 and Unknown Neighbour  
Representation deadline : 25.04.2014  
Timeous representations : One
- 4.2 Material considerations raised are summarised as follows:

- Object to proposed two storey houses on part of site adjacent to East Newfield Park as this will overlook and impinge on privacy of established houses. Suggest single storey properties would be better in this location.

4.3 The letter of representation is available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Development Plans:** No objections. The development plan is the Highland-wide Local Development Plan (2012) (HwLDP), the Ross and Cromarty East Local Plan 2007 (as continued in force) (RACE LP) and relevant Supplementary Guidance. Following approval of the Inner Moray Firth Proposed Local Development Plan (IMFPLDP) at the Council's Planning, Environment and Development Committee on 18th September 2013 it is now a material consideration in the determination of planning applications.

The site lies within site reference 32 as shown on the Alness inset map in the RACE LP. The plan explains that site reference 32 Whitehills is a long term expansion site with capacity for 120-140 units and that a masterplan must be provided. The IMFPLDP continues to allocate the wider Whitehills site for housing. Through the local development plan it is the Council's intention that a development brief should be brought forward for the site that should address the following issues: integration of built form, circulation, green space and landscaping. It also requires Old Milnafua Road to be upgraded and footways provided, and a transport assessment and flood risk assessment to accompany any future planning application.

The Development Plans team provided input to the Pre-application Advice Pack for this development in November 2013. Whilst content that the proposals were generally consistent with the development plan, concerns were raised regarding the following aspects of the proposals:

- Extent of masterplan area
- Lack of consistency with Designing Streets – in particular lack of frontage access
- Quantity, location and timing of open space and equipped play areas

In terms of the extent of the masterplan area it would be the Council's preference for a masterplan to be provided for the entire Whitehills shown as site reference 32 in the RACE LP. However it is accepted that there is a partially implemented planning permission for the eastern part of the site. Furthermore the layout of the site has been amended in comparison to the layout presented at pre-application stage to provide a pedestrian and vehicular connection to the eastern part of the allocation. It is therefore considered that the extent of the masterplan area is acceptable as it allows for connections to the eastern part of the site.

The current layout shows that dwellings along Mossfield Road now have frontage access rather than 'turning their back' to the road. This is supported in line with the principles of the Scottish Government 'Designing Streets' policy statement.

In common with other consultees however, concerns remain regarding the location and timing of open space provision, in particular the equipped play areas. Whilst the play park has been relocated in comparison to the previous site layout it remains peripheral to site layout. A more central location and delivery as part of an earlier phase of the development should be considered.

- 5.2 **Planning Gain Negotiator:** No objections. This assessment is made against the Highland-wide Local Development Plan Policy 31: Developer Contributions and relevant Supplementary Guidance: "Developer Contribution Supplementary Guidance".

Planning Obligations are sought to mitigate the impact of any development which cannot be mitigated through the planning process or through the use of planning conditions.

#### **Affordable Housing**

The provision of at least 25% of the number of units are to be affordable as defined by the policy.

#### **Education and Community Facilities**

##### Primary

Obsdale Primary has sufficient capacity to accommodate the additional pupils (calculated to be approximately 18) generated by this development therefore no contributions would be sought.

##### Secondary

Alness Academy has sufficient capacity to accommodate the additional pupils (calculated to be approximately 9) generated by this development therefore no contributions would be sought.

#### **Community Facilities**

It is not considered that this development would have an impact on local community facilities that would require mitigation.

#### **Public Transport**

The nearest bus service serves Obsdale Road, therefore for a bus to serve this development a new service would have to be provided. The cost of this would be £180,000 per annum for peak and off peak services – a cost which does not relate to the size of the development. Previous phases have not contributed to extending the bus service so there are no funds to be drawn on. In this instance it is considered no contributions are required but this will result in the nearest bus service being on Obsdale Road.

### **Green Infrastructure/Outdoor Access/Play provision**

The plans show a public amenity area which is welcome however this should also provide a more formal play space with play equipment and both be provided early on in the development given no provision has been made in earlier phases of development. This could be secured through condition or legal agreement if considered necessary.

### **Public Art**

Public Art should be provided on site – it can take many forms and if it is deemed appropriate, a contribution of up to 1% of the capital cost of the project would be sought towards the provision of public art within Alness, alternatively it would be provided on site and secured by condition.

- 5.3 **Landscape Officer:** No objections. With regard to the initial submission, it is noted that the applicants have responded to a number of the comments made at the pre-application stage, however there are still areas for concern in the landscape elements presented with this application.

The recommendation at pre-application stage was that the applicants should apply the Scottish Government Principles for Successful Spaces; namely, Distinctive, Safe and Pleasant, Navigable, Welcoming, Adaptable and Resource Efficient. Of these, Navigability and Safety both require more attention. The pedestrian links from the housing to the pond area are both narrow and constrained, tending to emerge into the housing area at points where vehicles will be manoeuvring and where the path itself has no visual emphasis to remind drivers that pedestrians may emerge. The path access points may also be easily obscured by planting within gardens.

As previously noted the drawings give a planting schedule with no indication of how these species listed are intended to be arranged on the site. The planting symbols indicated on the plan can only be generally indicative as the numbers do not accord with the schedule.

The same notation is used on the masterplan for planting to the entrance splay and to the boundary between housing and the pond area. It seems unlikely that the same character of planting will be appropriate for both locations.

The plan creates a number of small slivers of 'new landscaping', e.g. adjacent to plots 40-42 and 82 which are not accessible for any public use and depending on the use of the adjacent site may be difficult to access for maintenance. The areas appear to be left over from designing the plot layout rather than having been actively identified for aesthetic or other reasons.

The Drainage layout indicates a swale in the area adjacent to plots 62 and 63 while the masterplan indicates tree and shrub planting. This is contrary to the Highland Council Supplementary Guidance on Open Space in Residential Development. It is recommended that the applicant should look for a solution where these slivers of

land are incorporated into adjacent plots and a proposal made for the general landscape treatment of the boundary including the design of plot boundary structures.

No detail is given of the nature of paths to be constructed in the pond area or what the 'landscaping' in that area will consist of.

Gateway Features flank the side roads and help to create a separation between the access road and the shared use surface areas which most houses face onto. This is likely to emphasise the neighbourhood feel of the areas, but does raise the question of whether the areas of parking intended for non-residents to use when accessing the pond area should be related to the more 'public' access road area rather than within one of the semi-private realm areas. Detail of the design of the Gateway Features should also be submitted.

Levels- Section C-C shows a short steep slope at the end of some gardens. This is not appropriate, proposed new levels should be blended in with existing.

It would be beneficial to see East-West sections as well as the North-South ones to confirm that there is nothing unexpected happening on those boundaries.

Overall, the landscape proposals lack sufficient detail to be approved as they stand. There is a general assumption that more planting is good, without an accompanying consideration of design and what the planting contributes. Landscaping of the swales may 'give character' but there should be an understanding demonstrated of what character that is, and whether it is appropriate.

Recommendations:

There remain areas within the site layout where refinement of the design would be beneficial. This relates specifically to:

1. Infill planting areas
2. Interaction of planting with SUDS requirements
3. Safe design of path links to pond area.
4. Linking of proposed new site levels with existing

There is no effective Landscape Plan submitted and this should be required.

Particular attention should be paid in the plan to the interaction of any planting with other site functions such as drainage and pedestrian movement.

The plan must give detail on:

1. the nature and location of planting;
2. the planting medium, where recycled building materials have been used as upfill, what amelioration will be carried out to ensure that there is a medium suitable for healthy plant growth;
3. maintenance to establish the planting in good health;
4. ongoing maintenance and management of the landscaped areas;
5. construction detail for paths in the pond and amenity areas.

No further comments have been provided with regard to the amended details submitted.

5.4 **Forestry Officer:** Holding objection lodged in relation to initial submission:

Internal landscaping within the residential space is limited and could be extended to create a more cohesive link with the woodland area.

The planning application currently only provides a concept landscape plan for these two areas.

As stated in the pre-application advice pack, the following detail is required in support of this application:

- A detailed landscape and maintenance plan is required for all communal areas within the housing development, to be prepared by a qualified landscape architect.
- A detailed woodland management plan (including all associated work such as footpaths, seating areas and pond work) is required for the communal area to the north, to be prepared by a qualified forestry consultant.
- A clearly defined timescale is required for the implementation of all initial woodland/landscape works, which needs to be front loaded. All woodland work to the north, including footpath links, should be completed prior to first occupation of Phase 3 (26 units). Internal landscaping should be completed prior to first occupation of each associated Phase. All work must be supervised by a qualified landscape/woodland consultant.
- A detailed factoring agreement is required for the future maintenance/management all communal areas. All communal areas must be clearly defined and must not be subsequently sold off as part of any plot.

In response to the additional supporting information submitted by the applicant on 1 July, 2014, the holding objection has been withdrawn on the basis of conditions which are recommended with regard to strict adherence to the landscaping

drawing, landscape statement, woodland management plan, and five year woodland management and soft landscaping plans, as noted in the recommendation below.

- 5.5 **Access Officer:** No objections. The inclusion and adaptation of the plan regarding some of the comments made during the pre-application stage is welcomed.

The path network in the pond/amenity area is clearer although construction details of these paths would be required. They are marked as informal path which suggest unsurfaced path but these should ideally be of a type 1 & whindust construction, 1.5m wide, to be suitable for pushchairs and wheelchairs.

Construction details of the 'formal paths' would also be required, a bitmac surface being usually most appropriate, and built to the adopted standards (section 10) within Cycling By Design (Transport Scotland, 2010).

Visibility of path entrances and parking needs to be considered as mentioned by my landscape colleague.

- 5.6 **Housing Development Officer:** No objections in principle however concerns expressed with regard to provision of affordable housing. In line with Council policy there is a requirement for 25% affordable housing. The application proposes only seven units out of the 70 proposed as affordable and therefore at face value does not comply with policy. It is noted that the applicant wishes to consider off-site provision which is something which may be considered.

Although the application relates only to phases 3, 4 and 5, it is more appropriate to consider the provision of affordable housing in relation to the whole development of 90 houses (Phases 1 – 5). Aware that the developer is in discussion with the Highlands Small Communities Housing Trust and discussions are well advanced with regard to the provision of four units within Phase 2 with advice from the Trust that those properties should be complete by October 2014. Also aware that the developer has been involved in discussions with a housing association with regard to development of another site in Alness which could be considered as off-setting from the Newfield North development. However this alternative is dependent on gaining planning approval and being subject to a legal contract between the developer and a social landlord.

It is therefore recommended that the provision of 25% affordable housing over Phases 1 – 5 (notionally 23 units) be the subject of a Section 75 legal obligation requiring provision within the development site, unless an alternative location is agreed, and that any identification of plots as affordable is indicative only and dependent on the result of discussions over possible off-site provision or agreement over delivery within a later phase.

- 5.7 **Historic Environment Team:** An archaeological evaluation was carried out at pre-application stage. The evaluation did not identify any significant archaeological issues and there is no requirement for further work or mitigation in this case.



5.8 **Roads Officer:** No objections. Concerns were expressed in respect of initial submission:

Concerns over the access to the parking areas for the houses that front on to Mossfield Road. There may be problems entering or leaving these parking areas when there are cars parked on the opposite side of the road.

When parents are dropping off and picking up children from the school, there are frequently large numbers of cars parked along the road.

It is therefore requested that the applicant addresses such concerns before approval of this development.

The other points which should be conditioned as part of the formal approval are:

- A minimum of 2 parking spaces to be provided within the curtilage of each house and retained for that purpose in perpetuity.
- The loop road shall have 2 metres wide footways on both sides and shall not be a shared surface.
- A new 2 metre wide footway shall be provided along the north side of Mossfield road for the full extent of the development site.
- A crossing point with double dropped kerbs, tactile paving and pedestrian barriers on both sides of Mossfield road shall be provided, details to be agreed with the Roads Authority as part of the Road Construction Consent.
- An equipped play area of a minimum 400 square metres shall be provided. Recommend this be expanded to 1500 square metres to accommodate to accommodate future phases in accordance with the Council's guidance for Open Spaces.
- A public transport improvement contribution of £8000, to provide 2 bus shelters with Real Time Information on the Obsdale distributor road.

A Road Construction Consent agreement will also be required before construction of the roads and footways commences.

Further to discussions, meeting and amended layout drawings submitted, the following comments are made:

No objections subject to the previous recommendations (except for the requirement for a standard road surface with two metre wide footpaths) and subject to details of the dimensions of each of the access points and the parking bays onto Mossfield Road being agreed in detail at pre-commencement and RCC stage to ensure that there is room for manoeuvring in and out if cars were parked on the opposite side of the road.

5.9 **Contaminated Land Officer:** No objections. Records show that the site has a historic use associated with mineral extraction which may have resulted in land contamination, and as such a condition is required requiring a scheme to be prepared to identify and mitigate any such contamination to ensure that the site is suitable for the proposed residential use.

A further response has now been received advising that clarification has been received from the applicant and the previous recommendation for a suspensive condition in respect of potential land contamination can be withdrawn.

5.10 **Alness Community Council:** No response.

5.11 **SEPA:** No objections subject to a condition being attached requiring the submission and approval of a site specific Construction Environmental Management Plan (CEMP) prior to any works commencing on site. It is also brought to the applicant's attention that as the site lies around 200m east of an existing licenced waste transfer station (in the same ownership as the application site) that this may lead to SEPA imposing more stringent conditions on such licence to reduce the risk of nuisance to the proposed housing. It is also noted that

the site lies close by a former landfill site which is not currently active but has a licence. It is recommended that the applicant works towards surrendering the licence and fully restoring the former landfill site.

The applicant subsequently submitted a CEMP to SEPA on 7 July 2014 and SEPA has reviewed this information and provided the following further advice:

It is not considered that the submitted information adequately addresses SEPA's interests and the condition previously requested remains appropriate. SEPA has provided the applicant with a detailed list of the matters which require to be addressed in a revised CEMP to be submitted for approval.

5.11 **Scottish Water:** No response

5.12 **SSE :** No objections. Records indicate that a high voltage line runs close to the rear of the site. All works in proximity to overhead lines must be carried out in accordance with the Health and Safety Guidance.

## 6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### 6.1 **Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 30	Physical Constraints
Policy 31	Developer Contributions
Policy 32	Affordable Housing
Policy 34	Settlement Development Areas
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage

Policy 58	Protected Species
Policy 59	Other Species
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Treatment
Policy 70	Waste Management Facilities
Policy 74	Green Networks
Policy 75	Open Space

## 6.2 **Ross and Cromarty East Local Plan (as continued in force)**

Within Alness Settlement Development Area – Part of larger site (32) allocated for longer term housing development.

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Draft Development Plan**

Inner Moray Firth Local Proposed Development Plan (Sept 2013) – Part of wider site (AL2 Whitehills) allocated for housing.

### 7.2 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2013)

Sustainable Design Guide (March 2013)

Open Space (January 2013)

Managing Waste in New Developments (March 2013)

Flood Risk and Drainage Impact Assessment (January 2013)

Green Networks (January 2013)

Physical Constraints (March 2013)

Trees Woodland and Development (January 2013)

Public Art Strategy (March 2013)

### 7.3 **Scottish Government Planning Policy and Guidance**

SPP (June 2014)

## **8. PLANNING APPRAISAL**

8.1 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.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **8.3 Development Plan Policy Assessment**

There are no over-riding policy issues. The site comprises the third, fourth and fifth phases of a larger area allocated for housing in the adopted Ross & Cromarty East Local Plan and Proposed Inner Moray Firth Local Development Plan. As both adopted and emerging policy documents require a master-planned approach to development of this area, it was expected that the Master Plan now submitted would be lodged formally prior to consideration of the previous two phases. However the Development and Infrastructure Service previously agreed that given the economic position at the time, the applications for a total of twenty houses within phases one and two could be considered without requiring approval of a separate Master Plan application for the wider site, but with such Master Plan submitted as supporting information. Phase 1 (8 houses) is complete and occupied and Phase 2 (12 houses) is currently under construction. The current application for a further 70 houses is a logical extension to this development within allocated land close by Obsdale Primary School. The application has been shaped by pre-application advice and further modified during consideration to ensure adherence with the development plan and associated supplementary guidance.

### **8.4 Material Considerations**

### **8.5 Servicing**

The Roads Officer raised a number of issues in relation to the original submission; however further to substantial correspondence, discussions and meetings, has now confirmed no objection to the amended site layout submitted subject to conditions. The proposed road network will require to be subject to Road Construction Consent. Initial concerns over the finished design of the road network have been resolved further to meetings with the applicant. Roads officers now confirm their content for the large 'loop' road within this development to be constructed using a shared surface detail as per the current proposal. Roads officers' main concern with the use of this detail on this road is that the number of houses on the road is greater than would normally be permitted for a shared surface. A maximum of 20 houses is normally permitted on shared surface roads of this type. The reason for this restriction is due to the volume of traffic generated and the increased risk of conflict between pedestrians and vehicles. Also, in line with Designing Streets, Roads officers had asked for a link to be provided allowing access to the future development site to the east of the current site. This link increases the likelihood of the shared surface section of road being used as a through route by drivers. However, based on discussions, Roads officers have now indicated that they are content that the concerns are not insurmountable at this particular location for the following reasons:

- The traffic from the new houses will be effectively split in half between the two parts of the loop road;
- The proposed gateway feature is particularly effective in reducing vehicle speeds as compared to gateway details used on other such shared surface areas;
- The road layout of the future development site to the east of the current site can be designed to ensure there is minimal use of the shared surface loop road as a through route. For example, a main access into the next site can be provided close to the boundary between the two sites, giving a more direct route onto Mossfield Road for all residents. Also, another gateway feature can be provided at the eastern end of the link road between the two sites as part of the future development, again discouraging through traffic;
- The provision of the link road to the next site has the potential to reduce traffic volumes on some sections of the shared surface, as residents close to the east end of the development may choose to use that link road rather than travel along the full length of the shared surface road to get out to Mossfield Road;
- The option of alternative means to restrict through traffic between the two sites will remain – e.g. further traffic calming features or even a removable bollard, although in line with Designing Streets principles this would not be the preferred option.

There are no outstanding objections with regard to the proposed road layout subject to conditions being attached requiring engineering details of access points and car parking bays being agreed prior to commencement of work on site.

- 8.6 Scottish Water has not responded however response on previous applications and at pre-application stage has confirmed that there are existing water and waste water networks which may be able to accommodate the new development.

### **Design and Layout**

- 8.7 The application plan shows a layout served by a single access point onto Mossfield Road close by the access to Obsdale Primary School. The application is supported by a Design and Access Statement and Design Sustainability Statement. Further to consultation responses received and correspondence with the applicant, a detailed Landscape Plan has now also been received. The proposed development includes an area of parkland and trees to the north, included as a result of advice at pre-application stage. It is proposed that this area will be landscaped and managed as open space associated with the wider housing development at Newfield North, with formal and informal footpaths and formal play equipment to comply with the Council's policies and supplementary guidance on open space.

- 8.8 The house design, scale, mix and layout draws on adjoining established development adjacent to the south. Most development runs with the contours and therefore has north and south facing aspects with linking roads and footpaths running predominantly south-north from Mossfield Road to the parkland to the north, providing channels and vistas downhill towards the open space.

8.9 The street layout has been designed using the principles of 'Designing Streets' in an effort to reduce vehicle speeds and give priority to pedestrians. The use of shared surfaces, gateway features and changes in road finish at junctions have been proposed to help achieve those goals.

8.10 **Trees, Landscaping and Open Space**

As noted above, the application boundary extends to incorporate the woodland area to the north, which will provide a valuable environmental and recreational amenity for the future residents. This area of naturally regenerating birch, willow and rowan includes two inter-linked ponds with established aquatic and pond side vegetation which provide valuable wildlife habitats. This space is proposed to be extended and linked to the proposed housing area. Footpath links and play areas for toddlers and older children are to be provided. Additional planting of trees and shrubs are proposed within the parkland to the north and in other communal open space areas throughout the site. A landscape plan and associated landscape statement have now been provided by a Landscape Consultant and the detail and principles contained within those documents have been endorsed by the Council's Landscape and Forestry officers.

8.11 **Developer Contributions**

The application has been assessed against the HwLDP Policy 31 and the supplementary guidance on Developer Contributions. Three specific requirements have been highlighted by consultees. There is a requirement for 25% affordable housing to be provided timeously within each phase as the development proceeds. A Section 75 Legal Obligation is required to secure this provision. The applicant has asked that consideration be given to off-setting the affordable requirement on-site with some provision off-site. This is allowed for within the Council's policy and supplementary guidance however at present no application has been lodged for any such development and the S75 is required to ensure that the sequential approach to provision is followed. The thrust of this policy requires affordable provision to be initially considered on-site. In cases where on-site provision is not possible or achievable within a required timeframe then the Council may be willing to accept the provision of such housing off-site, subject to consideration of a number of factors relating to this proposed alternative. The final option of a commuted sum may be acceptable only as a last resort if there are no acceptable sites brought forward following the sequential tests above or there are restrictions to the availability of public subsidy. It is essential under the terms of the policy that the affordable housing is brought forward at the same time as the private housing.

8.12 The second element of developer contribution required to be covered within the S75 is a payment towards the provision of bus shelters and real-time information at bus stops on Obsdale Road. This has been calculated at £8,000 and is to be paid within 28 days of commencement of works on site. The cost of the provision of an additional bus service to serve the development at Newfield North would be £180,000 per annum for peak and off peak services – a cost which does not relate to the size of the development - and therefore it was considered unreasonable to request such sum for the current development. The developer has nonetheless been advised that in considering future development of the extensive additional allocated

land at Whitehills, which is more distant from existing bus-stops on Obsdale Road, consideration must be given to designing and incorporating a new or extended bus service into such development proposals.

8.13 The third requirement highlighted by the Council's Planning Gain Officer is public art. This has been acknowledged by the developer and can be conditioned as being provided on site, most likely within the large area of open space/parkland to the north.

8.14 **Representations**

Only one third party objection has been received. The householder at East Newfield Park adjacent to the south, does not object to the principle of the development but has concerns that the proposed two storey houses along the Mossfield Road frontage of the site will overlook the properties at East Newfield Park thus impacting on established standards of amenity and privacy. In response, the applicant has provided a section across the proposed development extending to East Newfield Park. This demonstrates that the nearest proposed house will be approximately 20m distant from the established properties on East Newfield Park on the opposite side of Mossfield Road. Furthermore the orientation of the properties does not create any direct line of sight between opposing windows. There will be a limited degree of overlooking however this is not considered significant and must be expected within such a built up area.

8.15 **Matters to be secured by Section 75 Agreement**

1. The provision of 25% Affordable Housing.
2. A contribution of £8,000 towards the provision of bus shelters and real time information on Obsdale Road.

**9. CONCLUSION**

9.1 The proposed development of 70 houses over phases 3 – 5 of Newfield North will provide a total of 90 dwellings within this development to the north of Mossfield Road, together with associated roads, infrastructure and open space. The detailed proposal reflects the terms of the adopted and emerging local development plans on allocated land and the design and layout is respectful of the established development pattern adjacent. Various issues raised by the Development and Infrastructure Service and statutory consultees have been satisfactorily addressed within the submission as amended and/or can be addressed by condition and legal obligation.

9.2 Accordingly it is considered that all relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

9.3 **Note: If the Section 75 Legal Obligation is not concluded within a period of four months, or an extended period as may be agreed in writing with the Planning Authority, then the application is recommended for Refusal for the reason set out below.**

## 10. RECOMMENDATION

### Action required before decision issued Y

Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement Y

Revocation of previous permission N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant :

1. A suitably qualified landscape consultant shall be employed at the applicant's expense to ensure that all landscaping, woodland management and future maintenance are implemented in accordance with the supporting documents listed below and to the satisfaction of the planning authority. Stages requiring supervision shall be agreed with the Planning Authority and certificates of compliance for each stage are to be submitted for approval.

- Landscaping drawing HLD K156.14/SL-01
- Landscape statement
- Woodland Management Plan HLD K156.14 SL02
- 5 Year Woodland Management Plan
- 5 Year Soft Landscaping Plan

**Reason** : In order to secure high-quality open spaces and a high quality of landscaping in compliance with Council's Supplementary Planning Guidelines and to secure a high standard of amenity for existing and future householders.

2. No development shall commence until details of a factoring agreement have been submitted and subsequently approved in writing by the Planning Authority to secure the future maintenance of the communal landscaped areas (including existing trees and woodland). The factoring agreement shall thereafter be implemented as approved.

**Reason** : To secure ongoing maintenance and management of communal areas.

3. Unless otherwise agreed in writing by the Planning Authority, all woodland and associated landscaping, play area and footpath work identified on the Landscaping drawing (HLD K156.14/SL-01) and Woodland Management Plan (HLD K156.14 SL02) shall be completed prior to first occupation of any of the houses in Phase 3 (26 units). All internal landscaping shall be completed prior to first occupation of each associated Phase.

**Reason** : To secure early establishment of amenity and play areas.

4. No development shall commence until a Site Specific Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. Thereafter, the approved CEMP shall be adhered to throughout the construction period.



**Reason :** In the interests of safeguarding the environment and pollution prevention.

5. The development shall be carried out sequentially in phases in accordance with the approved Phasing Plan Drawing 333/MP04 I and associated details approved as part of this planning permission, or as may be agreed in writing with the planning authority. For the avoidance of doubt, the senior play area, visitor car parking area and associated linking footpaths shall be installed to the satisfaction of the Planning Authority prior to first occupation of any of the houses within Phase 3.

**Reason :** To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure until required improvements have been put in place; and to ensure commensurate timely provision of affordable housing and open space in accordance with Council policy.

6. Within a period of 28 days following the completion of each phase of the development, a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) must be submitted in writing to the Planning Authority.

**Reason :** In order to accord with the statutory requirements of Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).

7. The access serving the application site shall be a road over which the public has a right of access, as defined in Section 151 of the Roads (Scotland) Act 1984 (as amended). No development shall commence until evidence has been submitted to, and approved in writing by, the Planning Authority that demonstrates that all necessary consents and bonds are in place for the road.

**Reason:** In the interests of road safety to ensure a standard of access commensurate with the scale of development.

8. No development shall commence until full details of the location, form, programme for delivery and maintenance proposals for two fully equipped play areas (for toddlers and for older children) within the application site have been submitted and approved in writing by the Planning Authority. Thereafter the play areas shall be installed and maintained in accordance with the approved details.

**Reason:** In order to comply with the requirements of the Council's Open Space in new Residential Development Supplementary planning guidance and to ensure that sufficient play equipment exists within the application site to serve future residents' needs.

9. Prior to the first occupation of any house within the development hereby approved, parking spaces (excluding garages) for a minimum of two cars shall be provided within the curtilage of such property in accordance with The Highland Council's Roads Guidelines for New Developments, and shall thereafter be maintained for this use in perpetuity.

**Reason:** In order to ensure that the level of off-street parking is adequate.

10. No development shall commence until full engineering details and dimensions of each of the access points and the parking bays onto Mossfield Road have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority to ensure that there is room for manoeuvring in and out if cars were parked on the opposite side of the public road.

**Reason:** In order to ensure that the level of off-street parking is adequate and can be accessed safely at all times.

11. As part of the development hereby approved and prior to occupation of any of the houses within the development, or as otherwise may be agreed with the Roads Authority, a new 2 metre wide footway shall be provided along the north side of Mossfield Road for the full extent of the development site, details to be agreed with the Roads Authority as part of the Road Construction Consent.

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

12. As part of the development approved and prior to first occupation of any of the houses within the development, or as otherwise may be agreed with the Roads Authority, a crossing point with double dropped kerbs, tactile paving and pedestrian barriers on both sides of Mossfield Road shall be provided at the developer's expense, details to be agreed with the Roads Authority as part of the Road Construction Consent.

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

13. For clarification relative to compliance with Condition 3 above, all paths within the Open Space/Public Amenity Area to the north of the housing development, as shown on approved Landscape Drawing HLD K156.14/SL-01, shall be of type 1 & whindust construction, 1.5m wide, to be suitable for pushchairs and wheelchairs.

**Reason:** To ensure suitable and timely provision of all-abilities access.

14. For the avoidance of doubt, the path linking the open space with the housing area (to the east of plot 37); and the path linking the housing development with the new crossing on Mossfield Road (to the east of plot 80) shall be constructed with a bitmac surface or alternative hard surface finish and built to the adopted standards (section 10) within Cycling By Design (Transport Scotland, 2010) prior to first occupation of any of the houses in the relevant phases of development.

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

15. No development shall commence until details of the proposed gateway features and associated railings have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed on the basis of the approved details.

**Reason:** As no details of those features have been submitted with the application.

16. No development shall commence until details of a feature of Public Art to be provided on site in compliance with the Council's Public Art Strategy supplementary guidance; and proposals for its installation and maintenance; have been submitted to and approved in writing by the Planning Authority. The Public Art feature shall thereafter be installed and maintained in accordance with such details.

**Reason:** In accordance with Highland wide Local Development Plan Policy 31 (Developer Contributions) and associated supplementary planning guidelines on Developer Contributions, Open Space and Public Art Strategy.

17. No development or work shall commence until a detailed specification for all proposed external wall materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.

#### **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

#### **REASON FOR REFUSAL (If the S 75 is not concluded within agreed period)**

1. The development is contrary to policies 28, 31, 32 and 56 of the Highland wide Local Development Plan as the applicants have failed to conclude a Section 75 Legal Obligation to cover affordable housing provision and have failed to provide security over developer contributions necessary towards the installation of bus shelters and real bus time information on Obsdale Road.

#### **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

#### **FOOTNOTE TO APPLICANT**

##### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of each phase of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. Planning Permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from your local Roads office prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Damage to the Public Road**

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

### **Reversing Alarms**

The use of high frequency audible reversing alarms on mobile plant is often a cause for complaint and use of such alarms should be avoided at this development.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision

taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Street Names**

In line with the Council's Gaelic Language Plan and Policies, you are encouraged to consider the adoption of Gaelic or Gaelic-influenced street names in this development. For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

### **SSE**

Please be aware that a high voltage overhead line runs to the rear of the site. All works in proximity to overhead lines must be carried out in accordance with the Health and Safety Guidance Note GS6. Please ensure that the high voltage line is undergrounded or diverted to avoid houses if required as per GS6. A map showing the approximate location of the line is attached for your information. Any enquiries please contact the Engineering and Connections Team on 0800 048 3515.

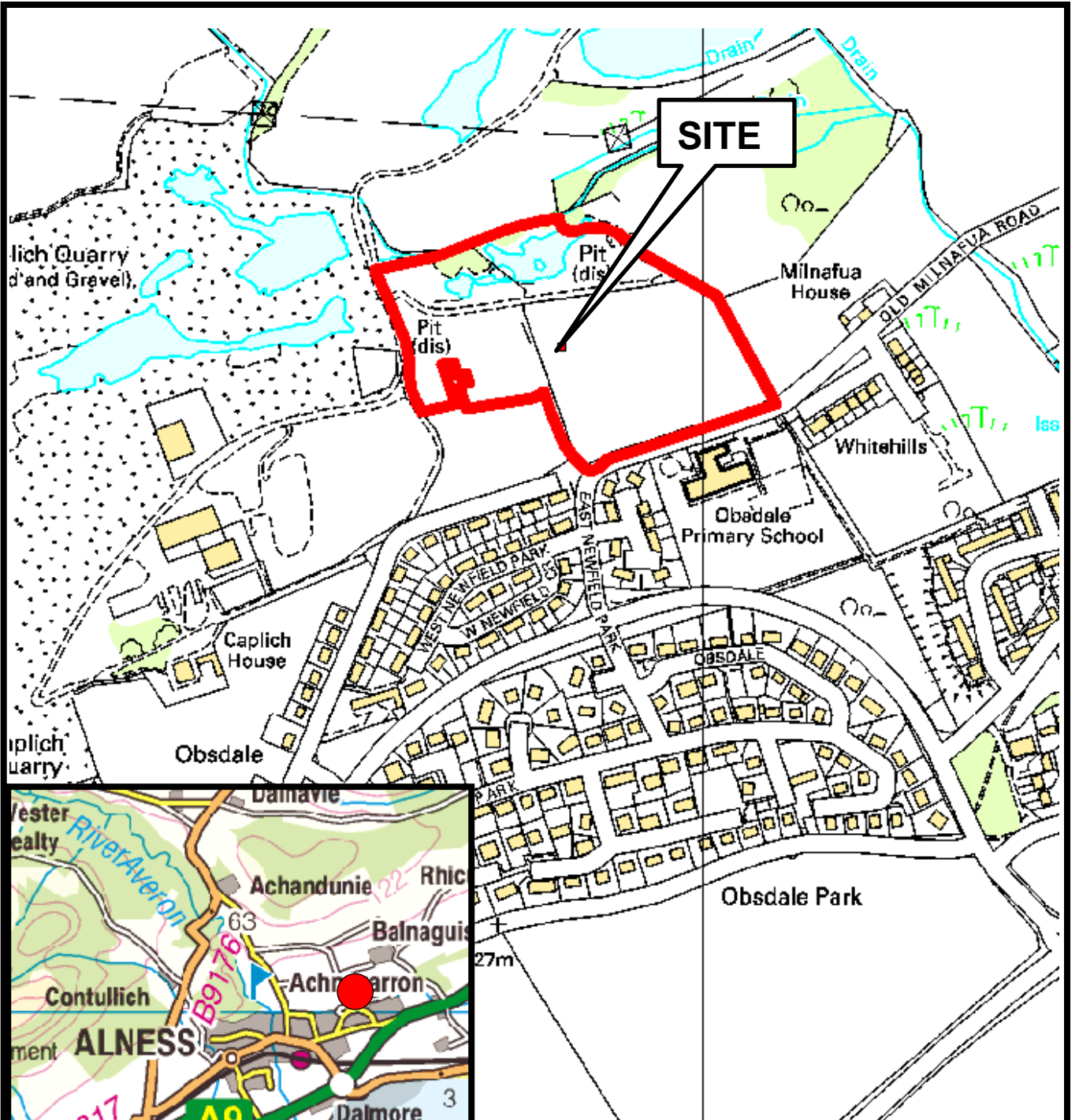
### Section 75 Obligation

You are advised that this planning permission has been granted subject to a Section 75 Obligation. The terms of the obligation must be read in conjunction with the planning permission hereby approved. The terms of the obligation may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Dorothy Stott  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Layout Plan  
Plan 3 – Phasing Plan  
Plan 4 – House Type – Assynt  
Plan 5 – House Type – Wyvis  
Plan 6 – House Type – Sunart  
Plan 7 – House Type - Gairich

### Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Kenneth Kelt	11 East Newfield Park Alness	17.04.2014	A



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 **The Highland Council**  
Comhairle na Gàidhealtachd  
Planning & Development Service

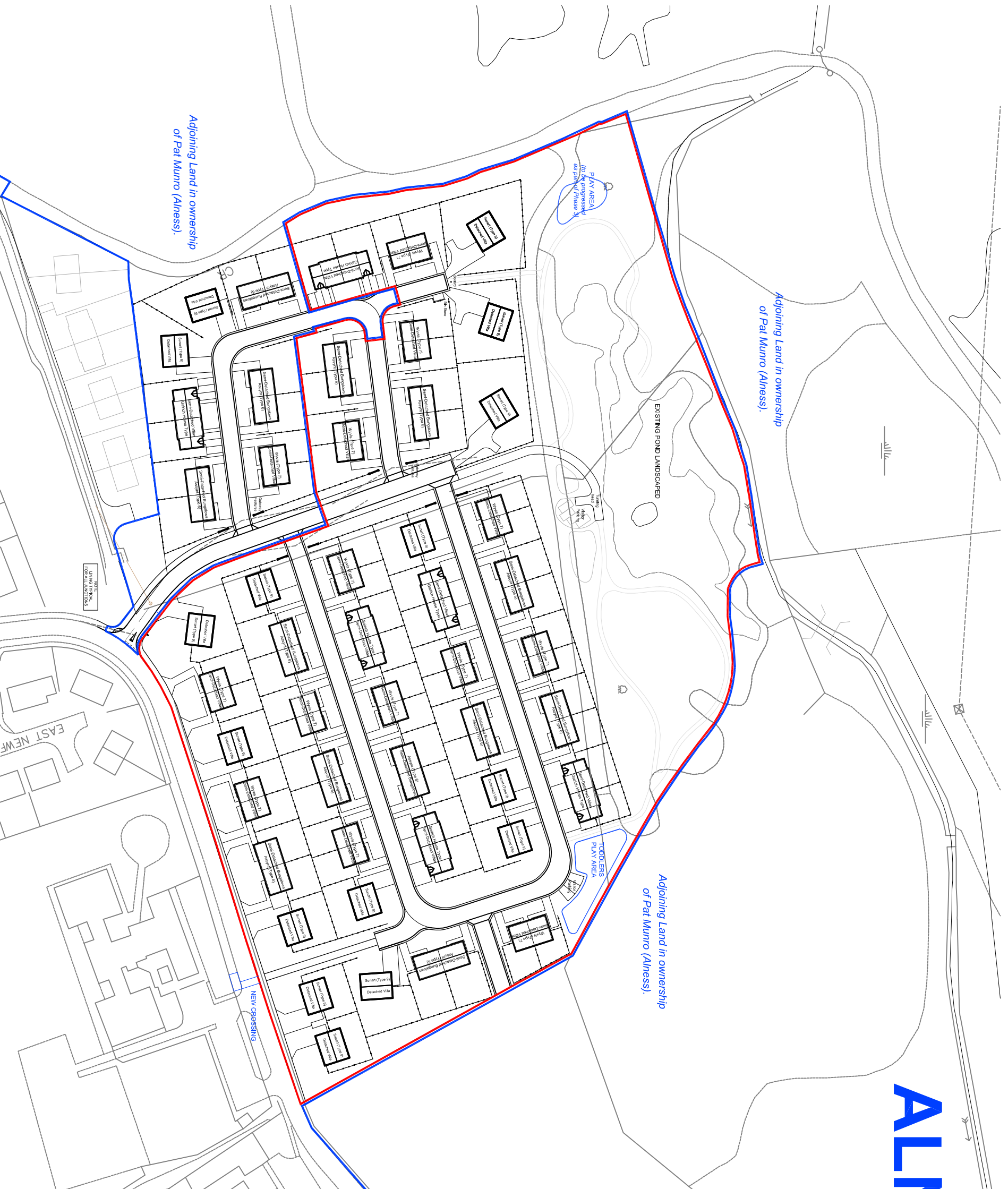
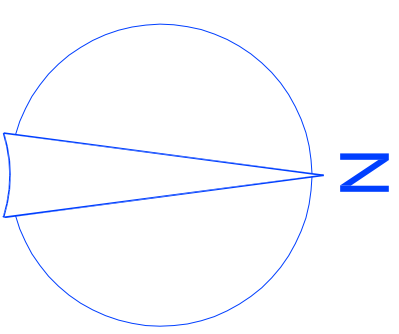
Plan 1  
14/01119/FUL

Erection of 70 No residential properties, consisting of semi-detached & detached, single & two storey properties  
5 August 2014





# ALNESS



Masterplan Boundary Drawing (1:1000)

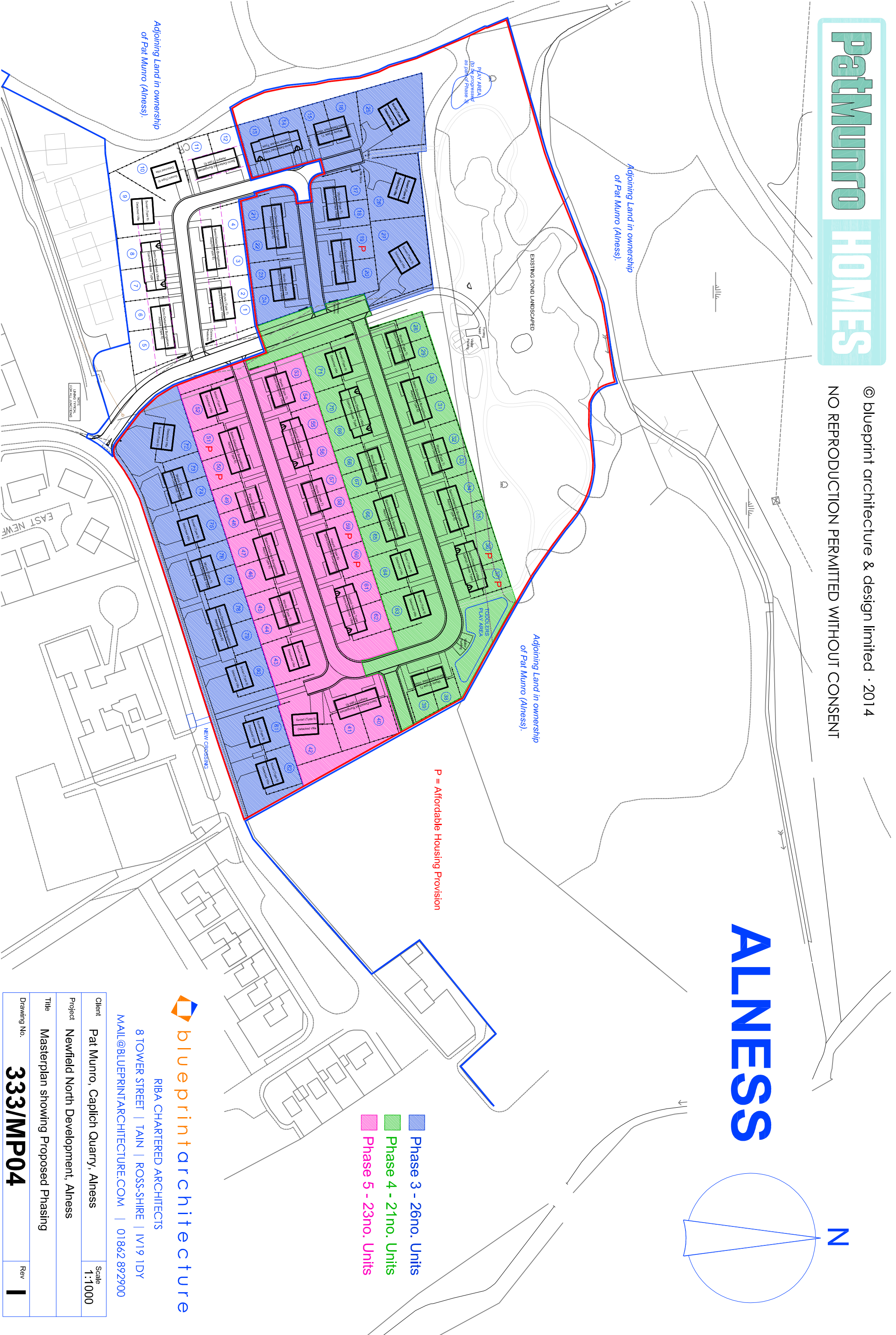
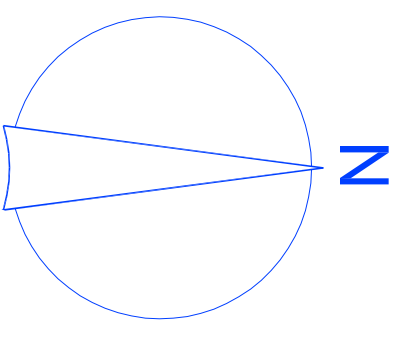


RIBA CHARTERED ARCHITECTS  
 8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
 MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Pat Munro, Caplich Quarry, Alness	Scale	1:1000
Project	Newfield North Development, Alness		
Title	Masterplan boundary drawing		
Drawing No.	<b>333/MP05</b>	Rev	<b>E</b>



# ALNESS



- Phase 3 - 26no. Units
- Phase 4 - 21no. Units
- Phase 5 - 23no. Units

P = Affordable Housing Provision

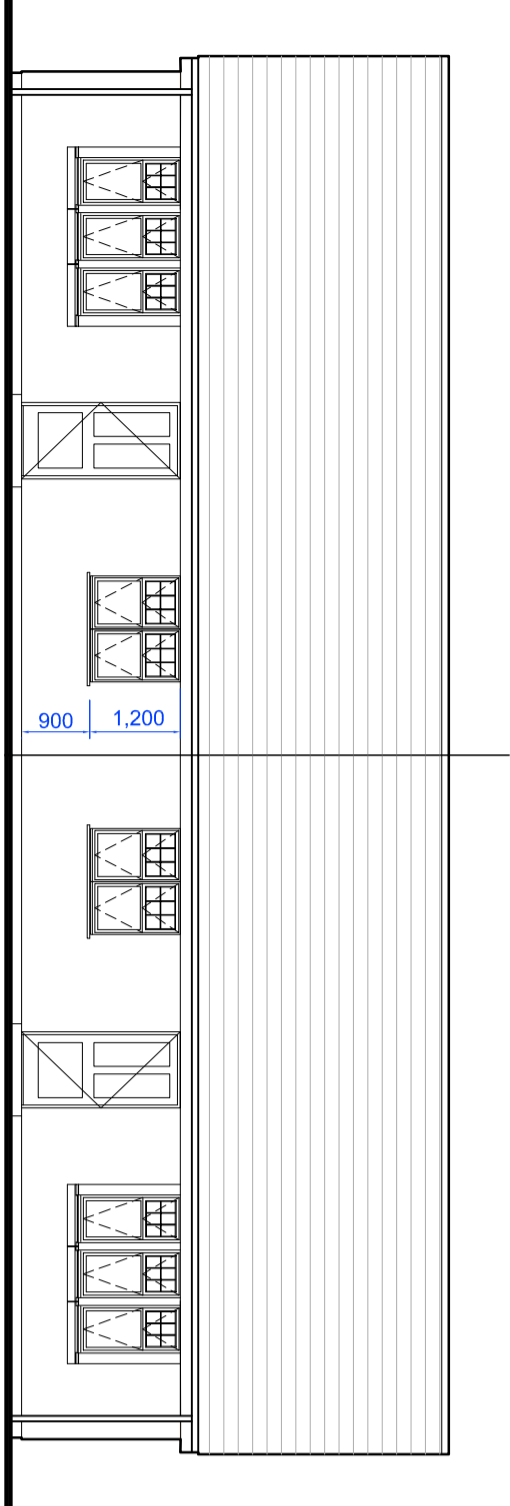
**blueprint architecture**

RIBA CHARTERED ARCHITECTS  
 8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
 MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

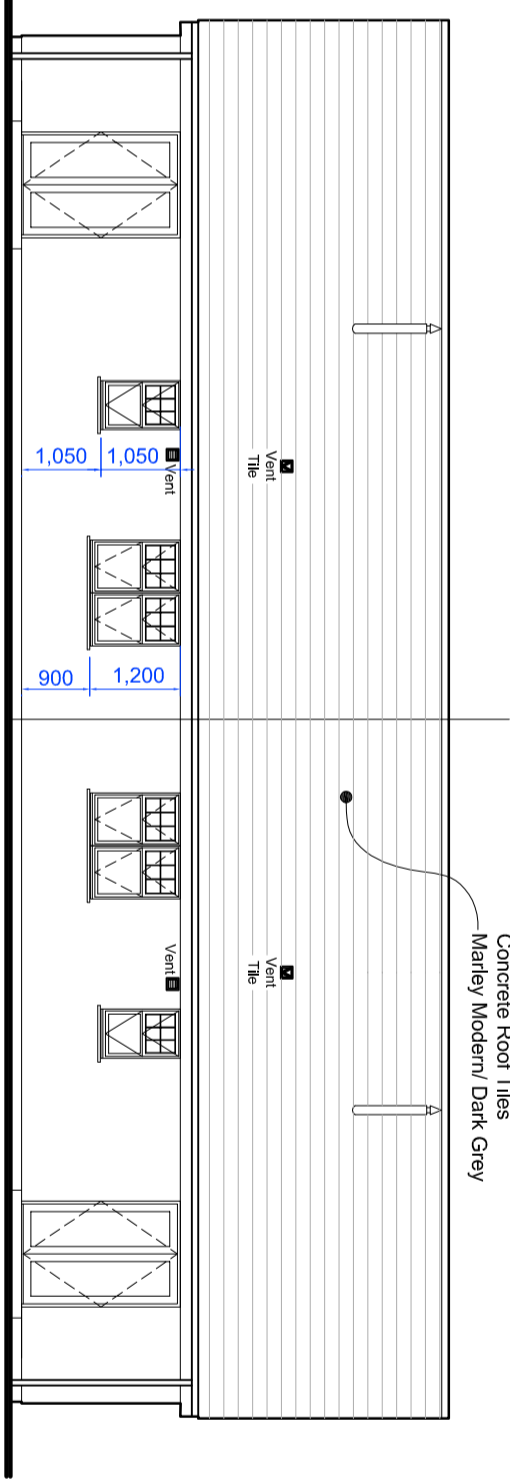
Client	Pat Munro, Caplich Quarry, Alness	Scale	1:1000
Project	Newfield North Development, Alness		
Title	Masterplan showing Proposed Phasing		
Drawing No.	<b>333/MP04</b>	Rev	<b>1</b>

Masterplan showing Proposed Phasing (1:1000)

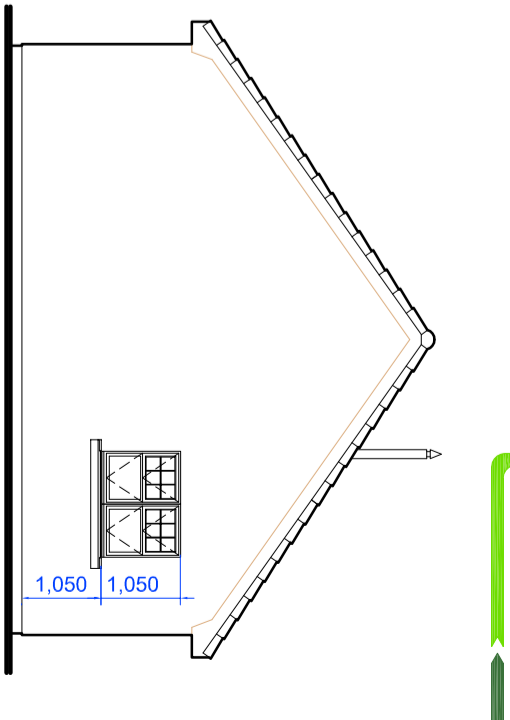




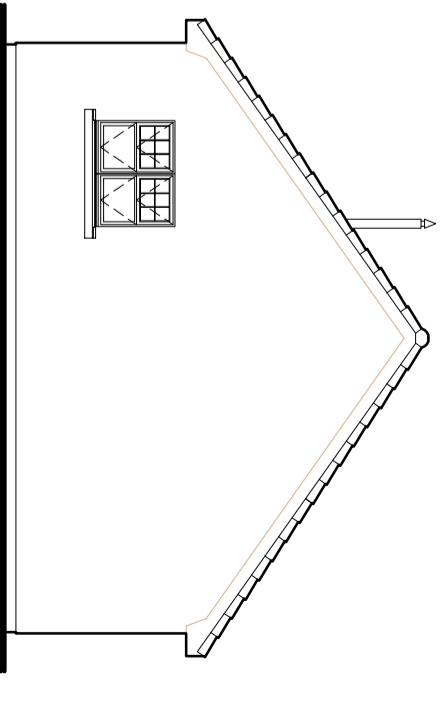
Front Elevation (1:100 scale)



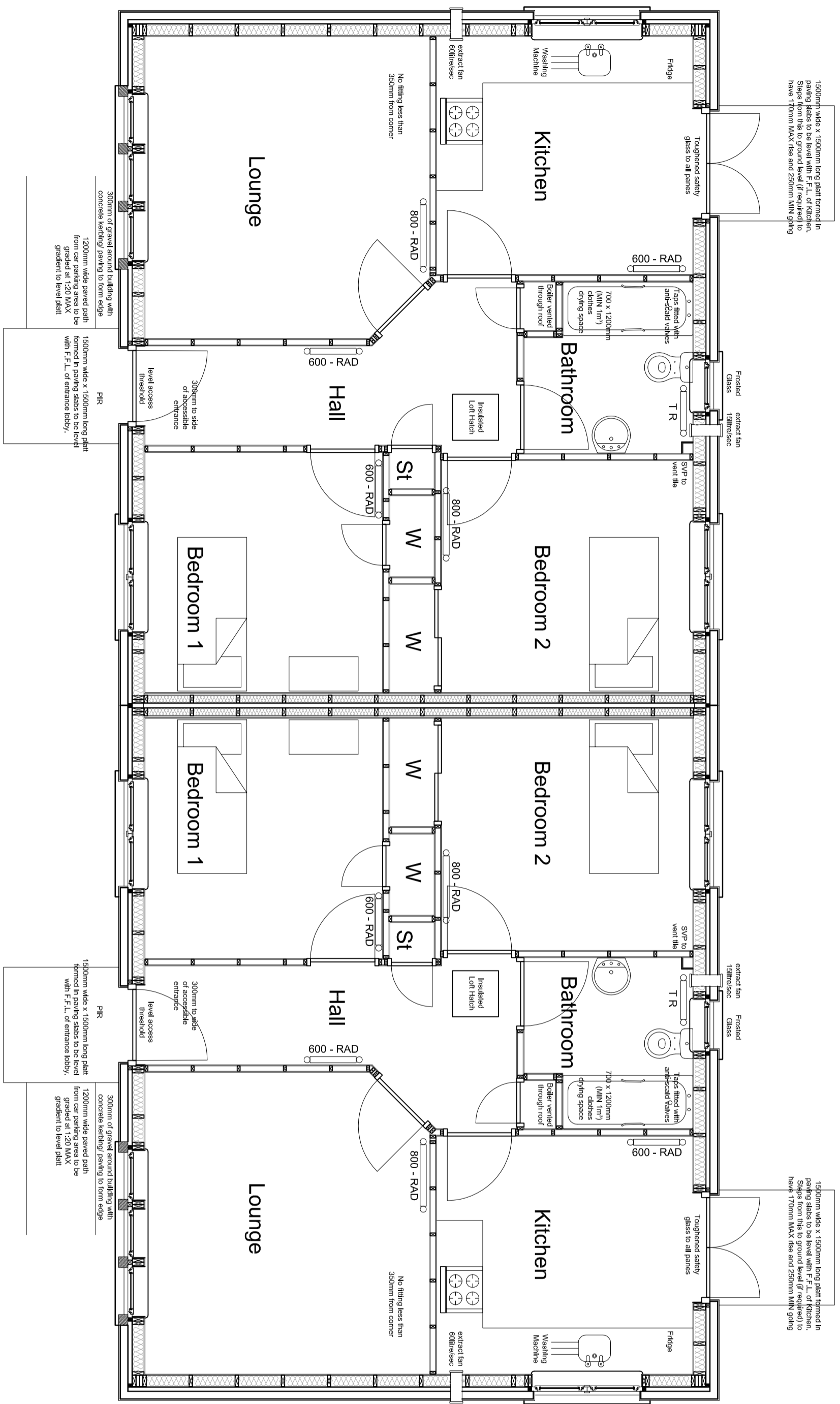
Rear Elevation (North)



West Elevation



East Elevation



Ground Floor Plan (1:50 scale)

# 'ASSYNT II' HOUSE TYPE

**PLANNING APPLICATION ISSUE DRAWING**

**blueprint architecture**  
RIBA CHARTERED ARCHITECTS

8 TOWER STREET | TAIN | ROSS-SHIRE | IV19 1DY  
MAIL@BLUEPRINTARCHITECTURE.COM | 01862 892900

Client	Pat Murnro, Capilch Quarry, Alness	Scale	Noted
Project	Newfield North Development, Alness - Phase III		
Title	Plan & Elevations of 'Assynt II' - (2 Bed / Bungalow)		
Drawing No.	<b>333/PL03</b>	Rev	<b>A</b>

Refer to written dimensions only - DO NOT SCALE - if in doubt ask.

