

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
11 NOVEMBER 2014**

Agenda Item	7.2
Report No	PLN/079/14

**14/02773/PIP: Cromartie Estate
Land at Nutwood Strathpeffer**

Report by Area Planning Manager

SUMMARY

Description : Erection of 15 houses (Planning Permission in Principle)

Recommendation - GRANT

Ward : 06 - Wester Ross, Strathpeffer And Lochalsh

Development category : Major

Pre-determination hearing : Not required

Reason referred to Committee: Major Development.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principal is sought for the erection of 15 houses. The site is identified as a housing allocation for 15 houses in the adopted Ross and Cromarty East Local Plan.
- 1.2 The proposals have been the subject of the statutory pre-application consultation process for major developments which required a proposal of application notice to be submitted to the Planning Service 12 weeks before the submission of an application and the prospective applicant to hold a community engagement event. This event was held at Strathpeffer Community Centre on Friday, 28 March 2014.
- 1.3 The application is supported by a design statement and two indicative layouts which show options for the development of the site. Both layouts indicate a combination of detached and semi- detached houses set in large plots with a 20m set back of the plot boundaries from the application site boundary. On one of the layouts the provision of affordable housing is shown as being delivered on the site. The second layout requires the affordable housing to be provided off site.
- 1.4 The application also includes detailed drawings for alterations to the existing driveway and junction with the public road. A detailed tree report which includes a condition survey of the existing trees which surround the development site, bound the public road and those located on either side of the driveway leading up to the site has been submitted.

1.5 **Variations:** None

2. **SITE DESCRIPTION**

2.1 The site lies on the northern edge of Strathpeffer village. The closest residential properties are three existing houses at Nutwood and further houses which back onto the southern boundary of the site and which lie east of Golf Course Road. The properties at Nutwood lie immediately to the east of the site.

2.2 To the north, west and east the development site is surrounded by long established woodland. To the south of the access driveway lies the 'Eagle Stone'.

2.3 The site is under grass. From the point on the driveway where a new section of access road is proposed, the land rises gently to reach a natural plateau on which the housing development would be undertaken.

3. **PLANNING HISTORY**

3.1 14/00554/PAN - Planning in principle for the erection of 15 houses – Received 07.02.14.

4. **PUBLIC PARTICIPATION**

4.1 Advertised : Development Affecting Setting of Listed Building and (Potential) Departure from Development Plan

Representation deadline : 22.08.2014

Timeous representations : 7 individual addresses

Late representations : None

4.2 Material considerations raised are summarised as follows:

- Site not allocated in Inner Moray Firth proposed Local Development Plan
- No 30mph speed limited in place, therefore proposals for visibility splays are premature. Previous 'Mid Ross Local Plan' required access to be designed to avoid excessive loss of trees and hedgerows
- Loss of trees, beech hedge and wall in order to achieve visibility splays at the driveway entrance.
- Proximity of access road and footpath to the Eagle Stone
- 4 plots only identified as affordable units.
- Site not integrated with the existing village.
- High voltage cable crosses the site.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. **CONSULTATIONS**

5.1 **Transport Planning Team:** No objection. Comments summarised as follows:

- Some concerns remain about the effectiveness of the extension of the 30mph in reducing vehicle speeds going out of the village, however, on balance, Transport Planning have no objection in principle.
- Due to the reduced 'x' distance of 2.4m any further increase in traffic on this access would be likely to raise an objection on road safety grounds.
- Prior to the commencement of development the 30mph zone will require to be extended beyond the access junction and traffic calming measures will be required to support the extension to the 30mph zone along with street lighting
- Housing development will require street lighting.
- A shared surface would be acceptable given the low numbers of pedestrians and the presence of an alternative route via the footpath link.
- Suds will be required for both curtilage and roads surface water drainage.
- A basic construction traffic management plan will be required including the proposed routes, estimates of types and numbers of heavy goods vehicle movements. Access to the existing properties should be maintained during construction.
- Footpath link is welcomed but will not be adopted due to the associated maintenance costs.

5.2 **Forestry Officer** : No objection. Comments summarised as follows:

- The detailed tree survey provided by the applicant has been checked.
- It demonstrates that the majority of the trees identified for removal are of a lower value (Category C), which is a reflection of poorer quality or condition.
- The better quality trees have been identified and considerable effort appears to have been made to adjust the road layout in order to accommodate these higher value trees.
- It is noted that there are some discrepancies between the tree constraints plan and the tree survey which will need to be reviewed. As the application is for planning permission in principle there will be a need for detailed information to be submitted and this will allow the inconsistencies to be removed.
- The matters that will require the submission of further information and should be covered by condition are;
 - i. Landscaping proposals for communal areas within the development site
 - ii. creation of a tree avenue between the new road junction and the site
 - iii. landscaping which will enhance the setting of the Eagle Stone monument and the footpath link including the planting of specimen trees within the field between the monument and the site
 - iv. reinstatement of the line of roadside trees and the beech hedge outwith the visibility slays, and

- v. securing a factoring agreement for the maintenance and management of all communal areas and road side planting.

5.3 **Planning Gains Officer:** No objection. Comments summarised as follows:

- 25% affordable housing required.
- Local schools (Primary and Secondary) have capacity for additional pupils therefore no contributions will be sought.
- Play space will be required, either by on site provision or a financial contribution to the upgrading of a local play/open space facility.
- Improved links to Eagle Stone path should be provided.
- No impact on local bus network therefore no contributions should be sought.
- Public art should be provided and equate to 1% of the project cost. Can be incorporated into the development and its design.

5.4 **Historic Environment Team:** No objection. Comments summarised as follows:

- Development is located in an area of archaeological potential. Standard condition required to allow for evaluation, preservation and recording of any archaeological and historic features.

5.5 **Access Officer:** No objection. Comments summarised as follows:

- Recommend that an improved link for non-vehicular use is made to the Eagle Stone path and the village.
- No impact on existing path network in and around Strathpeffer.

5.6 **Development Plan Team:** No objection. Comments summarised as follows:

- The principle of the application is consistent with the current development plan whereby the site is allocated in the RACE Local Plan for housing use with a capacity of 15 units. Access is also proposed broadly in the location indicated on the Strathpeffer inset map.
- Scottish Government Circular 3/2013 Development Management Procedures require applications for planning permission in principle to show the location of the access point to the development from a road along with any other information the planning authority considers necessary to determine the application and therefore to be consistent with the adopted local plan the requirements listed in the RACE Local Plan regarding access, impact on trees, all abilities access and the setting on the conservation area and scheduled monument should be addressed.
- The site at Nutwood is not contained in the proposed plan. The submission of the Inner Moray Firth proposed Local Development Plan to Scottish Ministers in June 2014 explains that the site was excluded from the plan for a number of reasons, in particular due to applicants submission **at that time** which showed the proposed access road passing through ancient woodland on the northern boundary of the site and also due to limited opportunities for integration with the existing village.

- 5.7 **Strathpeffer Community Council** : Object for the following reasons:
- No demand for housing.
 - Application coming forward under 'old' development plan as it is removed from the Inner Moray Firth proposed Local Development Plan.
 - Impact on character and visual appearance of the conservation area.
 - Loss of trees at the access point.
 - Will encourage commuter attitude, as development is not within village.
 - Approval would lead to site being developed at higher density.

5.8 **SEPA**: No objections. Standing advice applies for this type of development.

5.9 **Scottish Water**: Response to consultation awaited. Reminder issued 27.10.14.

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 31	Developer Contributions
Policy 32	Affordable housing
Policy 51	Trees and Woodland
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 51	Trees and Development
Policy 66	Surface Water Drainage
Policy 75	Open Space

6.2 **Ross and Cromarty East Local Plan (adopted 2007)**

Ref 4 The Strathpeffer inset map in the RACE Local Plan identifies the application site for housing (4- Nutwood House) and indicates an access point to the site at Nutwood House/Cottage. This allocates 3.0Ha for housing with a capacity of 15 units. The following requirements are listed:

- Developers to prepare a master plan in consultation with the Council's Planning and Development Service; Archaeologist; Forestry Officer; Conservation Architect and Roads Engineer to agree access, plot layout and design principles. Developers will be expected to continue the theme of generous separation, good design and quality finishes, compatible with the scale and character of buildings within the Outstanding Conservation Area boundary. Developers will also have regard to: The Eaglestone Scheduled Monument and Castle Leod historic Garden and Designed Landscape settings. Trees and other landscape features surrounding the site will also be safeguarded.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Proposed Local Development Plan (November 2013) (IMFLDP) – site not contained within the development plan.

7.2 Highland Council Supplementary Planning Policy Guidance

- Developer contributions
- Affordable housing
- Open space
- Trees, woodland and development
- Highland Historic Environment Strategy

7.3 Scottish Government Planning Policy and Guidance

Section 143: 'Proposals for development...outwith conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.'

Section 145: 'Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the in integrity of its setting, permission should only be granted where there are exceptional circumstances.'

Section 214: 'The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence.'

Section 216: '...other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development.'

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 The determining issues with respect to this application are whether the proposals meet the terms of the adopted development plan and if the proposals do comply with the development plan are there any material considerations that indicate that consent should not be granted.
- 8.4 The emerging development plan, the Inner Moray Firth proposed Local Development Plan, is a material consideration. It does not however take precedent over the current adopted development plan.
- 8.5 In determining the application it must be acknowledged that the application is for planning permission in principal. This form of application only seeks to establish the acceptability of a proposal in principle and does not set out the full details of a development.
- 8.6 The material considerations raised by the third party representations are dealt with in the following assessment.
- 8.7 **Development Plan Policy Assessment**
- 8.8 The Ross and Cromarty East Local Plan (RACE Local Plan) specifically allocates the land at Nutwood as a housing site suitable for development of 15 houses.
- 8.9 The allocation indicates a number of requirements that need to be met in order for a proposal on the site to be considered to fully accord with the development plan. These requirements are:
- Developers to prepare a master plan in consultation with the Council's Planning and Development Service; Archaeologist; Forestry Officer; Conservation Architect and Roads Engineer to agree access, plot layout and design principles.
 - Developers will be expected to continue the theme of generous separation, good design and quality finishes, compatible with the scale and character of buildings within the Outstanding Conservation Area boundary.
 - Developers will also have regard to: The Eaglestone Scheduled Monument and Castle Leod historic Garden and Designed Landscape settings. Trees and other landscape features surrounding the site will also be safeguarded.

- 8.10 The application for planning permission in principle was accompanied by a design statement which clearly sets out that the site can be developed in the manner sought by the above requirements; indicative plans show alternative plots layouts. The statement indicates that the houses would be of high quality design and finish appropriate for development adjacent to the conservation area.
- 8.11 It should be acknowledged that as the application seeks planning permission in principle only, approval of house design and the exact layout of the site would follow on through the submission of application(s) for the Matters Specified in Conditions.
- 8.12 As regards the layouts submitted, although these are indicative only, it is considered that the setting out of the site in the manner proposed responds sensitively to the characteristics of the site. The number of plots is consistent with the allocation in the RACE Local Plan. The size of the 15 plots are comparable to many of those within the historical part of the village and will allow for a high quality development with good separation and landscaping between the houses. The setting of the houses within the site respects the long established woodland that surrounds most of the site thus protecting the amenity of the adjacent properties, the soft edge to the village and the adjacent conservation area.
- 8.13 To address the requirements of the 'master plan' in relation to access and trees the application was accompanied by detailed plans for alterations to the driveway and entrance from the public road and also a detailed tree survey.
- 8.14 These submissions acknowledge the need to clarify and have regard to the impact that securing improvements to the access would have on the visual appearance and character of both; the entrance into Nutwood and also the approach to the village of Strathpeffer.
- 8.15 Although there have been no formal applications lodged for the development of this allocated site there have, over the years, been discussions between the Council and representatives of the land owner about how an acceptable solution to the above issues can be achieved.
- 8.16 In response to the Inner Moray Firth Local Development Plan consultation process, the landowners' representatives submitted a plan which indicated an alternative point of access to the north of the Nutwood access, that then linked to the development site at its northern boundary. A further plan also provided an indicative site layout which illustrated a site capacity of 40-50 units. That proposal would require part of the access to be formed through the stands of ancient woodland that bound the site.
- 8.17 This submission coupled with the fact that no proposals for the site had been brought forward since it was initially allocated resulted in the proposed removal of the site from the Inner Moray Firth Local Plan. The outcome of the current examination into the Inner Moray Firth Proposed Local Plan by the Scottish Government appointed Reporter is anticipated in Spring 2015.

- 8.18 By submitting an application for planning permission which indicates the means of access as identified in the adopted RACE Local Plan there is an opportunity to formally assess and determine the acceptability, or otherwise, of upgrading the existing access at Nutwood.
- 8.19 The applicant carried out a speed survey to inform the manner in which a safe access should be provided along with a tree survey. The plans for the access and the information submitted regarding the trees indicated that the following works would be required. The entrance gateway will require to be widened, along with the reconstruction of the existing driveway. These works will require construction consent and will allow for the road to be adopted. The works are based on the 30mph zone being extended to a point beyond the driveway entrance.
- 8.20 A remote footpath link will be provided from the end of the new section of road through the field within which the Eagle Stone sits to the point where it will link into the public footpath on the A834. The new footpath will replace the existing rough track to the Eagle Stone. The proposals also require the upgrade of a small section of the existing footpath link that runs between the public footpath on the A834 and the start of the Eagle Stone path.
- 8.21 In response to a consultation on the application the Transport Planning Team have confirmed that it would be, on balance, acceptable to move the 30mph speed limit to a position east of the Nutwood access and that the improvements to the existing road could take the form of a shared surface, given that a remote footpath link is proposed. It is recommended that the footpath be surfaced for ease of maintenance.
- 8.22 The visibility splays required for an access which lies within a 30mph speed limit are 2.4m x 90m. Within the 90m visibility splay to the south the existing beech hedge will need to be removed, a number of the trees will require their canopies to be raised and a limited number, possibly 1 or 2 trees, on the village side of the access will require to be felled. The hedging and trees are to be replaced and any damage to the retaining stone wall is to be repaired. The 2.4m set back to the south has been accepted due to the limited number of houses to be served.
- 8.23 Visibility splays of 4.5 x 215 m would be necessary if the 30mph zone was not extended. This would require all of the trees on the village side of the access as well as the beech hedge to be removed. It should be noted that a visibility splay of 4.5m x 215m is achievable to the north of the access by trimming back the hedge.
- 8.24 The tree survey results indicate that of the trees to be removed to accommodate the improvements to the junction; the clearance of the visibility splays (2.4m x 90m on the south side of the junction), the upgrade of the driveway, and the formation of the new section of road, the majority of the trees are Category C which signifies their poorer quality or condition. Although it is within the landowners control to remove those trees that are considered in poor condition at any time there would be no obligation for replanting to occur. Securing replanting and additional planting is possible through the planning process. Given the condition of the trees a survey for protected species will require to be undertaken before any felling work could commence with appropriate mitigation measures introduced as required.

- 8.25 It is considered that the development as proposed demonstrates compliance with the adopted local plan as agreement has been reached regarding the access arrangements and these arrangements allow for the retention of as many of the mature trees which are in good health as possible.
- 8.26 It should be acknowledged that by identifying the existing Nutwood driveway as the means of access to the development site in the RACE Local Plan, alterations to the existing junction and driveway were always going to be required; as there is no capacity within the existing arrangements to accommodate the additional development envisaged by the housing allocation.
- 8.27 Whilst the loss of the beech hedge and the identified trees will initially change the visual appearance of the area it is not considered that the impact on the general character of the area will be significant, particularly as many of the trees will be retained and there will be an opportunity to secure new tree and hedge planting which will in due course contribute to the visual quality of the area.
- 8.28 By securing a footpath which links into the village connectivity between the site and village will be enhanced and the opportunity can be taken to improve access and the visitor experience at the Eagle Stone. The exact route and construction of the footpath does not require to be established as the application for planning permission in principle only seeks to secure the acceptability in principle of a remote footpath. The details will be subject of further application(s) for matters specified in conditions.
- 8.29 The extension to the 30mph zone will require to be the subject of a separate statutory process; the making of a Traffic Order can only be undertaken by the Roads Authority. Given that the design of the access junction and the visibility splay requirements are based on an extension to the 30mph zone it will be essential that this matter is dealt with prior to any development taking place. The Roads Authority will expect a financial contribution from the developer to promote the Order as well as to fund the necessary signage, traffic calming scheme and street lighting. This matter can be dealt by way of a suspensive condition.
- 8.30 In relation to this application, other than the allocation for housing development, the general policies of the RACE local plan have been superseded by the adoption of the Highland wide Local Development Plan (HwLDP). Of particular relevance to the determination of the current application is securing the provision of affordable housing. The aims of other HwLDP policy requirements are either covered by the requirements of the RACE Local Plan for this site, as discussed above, or are detailed matters which will be considered through the submission of further application(s) for matters specified in conditions.
- 8.31 Securing the provision of affordable units on site or a financial contribution to the provision of four affordable units elsewhere in the Ward through a Section 75 Agreement has been formally agreed with the landowner and can be concluded swiftly following determination of the application.

8.32 **Other Considerations – not material**

8.33 A number of other matters have been raised in representations and by the Community Council that are not materials to this application. The first is the perceived lack of demand for housing in Strathpeffer and the number of houses that are currently for sale. They also refer to a concern that occupiers of the houses will be ‘commuters’ due to the edge of village location and finally by granting planning permission there will be further applications to develop the site at a higher density.

8.34 The lack of demand for housing and who occupies the houses is outwith the remit of the Planning Authority. Demand for housing is dependent on a number of economic factors. The applicants’ agent has indicated that there is interest from a number of developers to bring the site forward. The footpath link will improve linkages between the site and the village whilst the site is located immediately adjacent to existing housing to the south.

8.35 As regards the approval of this application leading to further applications for a greater number of houses, any such is unlikely to be successful, although it is always possible for an application to be lodged. The RACE Local Plan specifically identified the site for 15 houses and the access arrangements, as proposed and agreed through this application are only suitable for a development of no more than 15 houses, in addition to the three existing properties. It is also likely that with the adoption of the Inner Moray Firth Local Development Plan the site will be removed as a housing allocation and therefore any presumption in favour of development will have been removed.

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

The provision of affordable housing will be secured by a Section 75 Agreement which will allow for the alternative of either delivery of the provision on site or the Council securing an equivalent financial contribution which would allow the provision to be provided elsewhere in the Ward.

9. CONCLUSION

9.1 The land is an allocated site in the adopted development plan for which planning permission in principle is sought. Planning permission in principle seeks to establish the acceptability of the principle of development and not the exact details of how the site will be developed.

9.2 The requirements of the masterplan as referred to in the RACE Local Plan have been met, as far as could be considered necessary for an application for planning permission in principle. The key issues which required to be addressed namely the manner in which the access will be formed and the impact that this will have on the trees have been dealt with satisfactorily in the submission. It is considered that all relevant matters have been taken into account when appraising this application.

9.3 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

9.4 **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

Conclusion of Section 75 Agreement Y

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

1. No development shall commence until a Traffic Order has been made which will extend the 30mph speed limit north east of the proposed access junction. The traffic calming scheme and street lighting along the A834 associated with the extension of the 30mph zone, including signage of the new limit shall be provided at the expense of the developer.

Reason: The development would not be acceptable without the extension of the 30mph speed limit as there would be a danger to road traffic as a result of the intensification of use due to the development.

2. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
- i. a detailed layout of the site which includes the 15 house plots and communal areas.
 - ii. detailed layout and design of the reconstruction works to the existing driveway along with the details and design of the new road to service the houses, access to each plot and parking arrangements.
 - iii. Detailed layout and design of a footpath from the start of the new road to the footpath on the A835.
 - iv the design and external appearance of the 15 houses and any domestic outbuildings.
 - v. landscaping proposals for the whole site.
 - vi. details of the proposed water supply and drainage arrangements.
 - vii. details of a public art installation.

Reason : Planning permission is granted in principle only and these specified matters must be approved prior to development commencing

3. Any details pursuant to Condition 2 (i) above shall show a development featuring the following elements:

- full details of the location, form and programme for delivery of a fully-equipped play area within the application site. Thereafter, the play area shall be installed by, and at the expense of, the developer in line with these approved details and their on-going upkeep shall be included in a factoring agreement (or similar).
- a 20m green buffer between the boundaries of the plots and the red line boundary of the development site.

Reason: In order to ensure that there is suitable on site provision of open space. and that the development takes cognisance of the setting of the site.

4 Any details pursuant to Condition 2 (ii) above shall show a development featuring the following elements:

- a road designed to adoptable standards which comply with 'Designing Streets' and the Councils 'Roads and Transport Guidelines for New Developments' with visibility splays of 4.5m x 215m to the north and 2.4 x 90m to the south from the centre line of the junction with the A835.
- car parking spaces provided within the curtilage of each of the dwellinghouses and formed in accordance with the Council's 'Road and Transport Guidelines for New Developments', prior to first occupation of the dwellinghouse to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity and in order to ensure that the level of off-street parking is adequate.

5. Any details pursuant to Condition 2 (iii) above shall show a development featuring the following elements:

- Full details of the route and construction specification of a surfaced all abilities footpath. Thereafter, the footpath shall be installed by, and at the expense of, the developer in line with these approved details and the on-going upkeep shall be included in a factoring agreement (or similar).
- Full details of the improvement to the section of existing core footpath RC45.10 Eagle Stone Path from the field boundary to the A835 to an all abilities surfaced footpath.

Reason: In order to improve access to the Eagle Stone and between the development site and the village of Strathpeffer.

6. Any details pursuant to Condition 2 (iv) above shall show a development featuring the following elements:

- the design and external appearance of the houses shall comply with the design statement, as approved.

Reason: In recognition of the requirements of the RACE Local Plan and the location of the site adjacent to the conservation area.

7. Any details pursuant to Condition 2 (v) above shall show a development featuring the following elements:

- Proposals for all communal areas
- An avenue of trees from the junction with the A834 and the entrance to the housing development.
- The layout of specimen trees within the field which lies to the west of the Eagle Stone.
- Landscaping proposals for the footpath link
- Boundary treatments for the 15 house plots and the communal areas
- A line of beech hedging and a row of trees on the south side of the access junction.
- Repairs to the existing retaining wall on the south side of the access.

All planting, seeding or turfing and repairs as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason : In order to ensure that the site is suitably landscaped and to mitigate the loss of trees that will take places as a result of the formation of the new road and the reconstruction of the existing driveway.

8. Any details pursuant to Condition 2 (vi) above shall show a development featuring the following elements:

- Detailed surface water drainage proposals including identified outfalls and volumes, type size and location of Suds features, appropriate test results and the proposals for maintenance of the infrastructure all designed in accordance with Sewers for Scotland 2, the Suds Manual (CIRIA-C697) and Suds for Roads (SCOTS) as appropriate for the identified maintenance regime

Reason: In order to ensure that an acceptable Suds scheme for the site is provided .

9. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

A suitably qualified Arboricultural consultant must be employed at the applicant's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

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.

10. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and woodland and the play area and the footpath link from the new section of road to the A834 and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, estate lighting, and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

Reason : To ensure that all communal spaces, facilities and landscaping areas are properly managed and maintained.

11. No development shall commence until a management scheme for construction traffic has been submitted for the consideration and approval of the planning authority. The scheme shall include the number of HGV's, together with the route and strategy for maintaining access to the existing properties. Thereafter the approved scheme shall be implemented.

Reason: In the interest of traffic and pedestrian safety.

12. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

13. No development shall commence until a bat pre-commencement survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover all of the trees identified for removal and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: To ensure that the trees that are affected by the development are surveyed and the development does not have an adverse impact on protected species or habitat

14. Prior to commencement of development on any of the house plots hereby approved the visibility splays of 4.5m x 215m to the north and 2.4m x 90m to the south shall be provided and thereafter maintained in perpetuity to the satisfaction of the Planning Authority.

Reason : In the interest of road safety during and after construction.

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.

TIME LIMIT DIRECTION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended), an application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Requirement for promotion of 30mph speed limit order and implementation prior to any development commencing

It is important to note that an extension of the 30mph limit will be subject to a Statutory Process requiring public consultation and allowing objection. The outcome cannot therefore be pre-determined. The applicant will be expected to provide a financial contribution toward the promotion of the Traffic Order.

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. As per Scottish Planning Policy (p.198), 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.

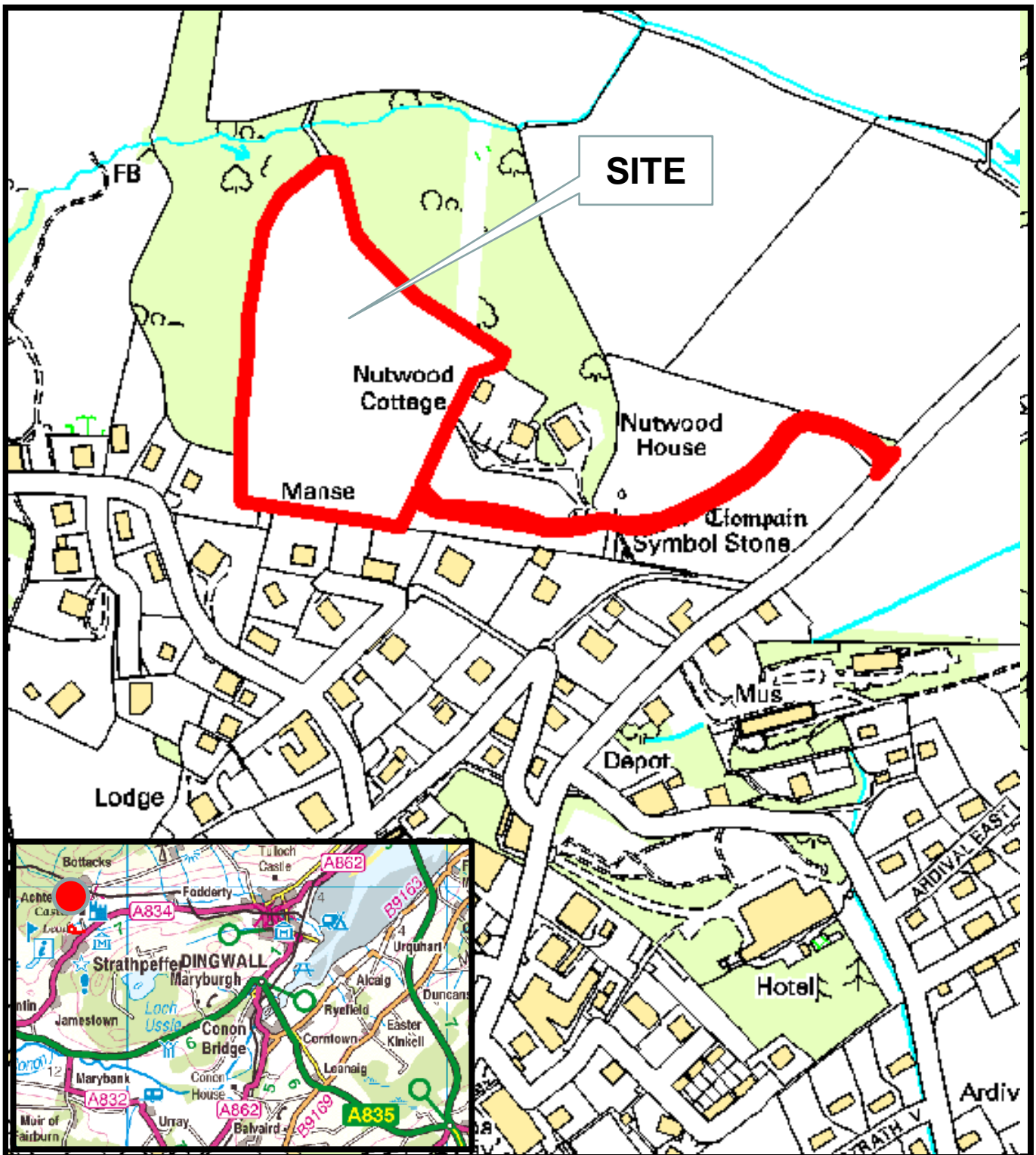
Local Roads Authority Consent

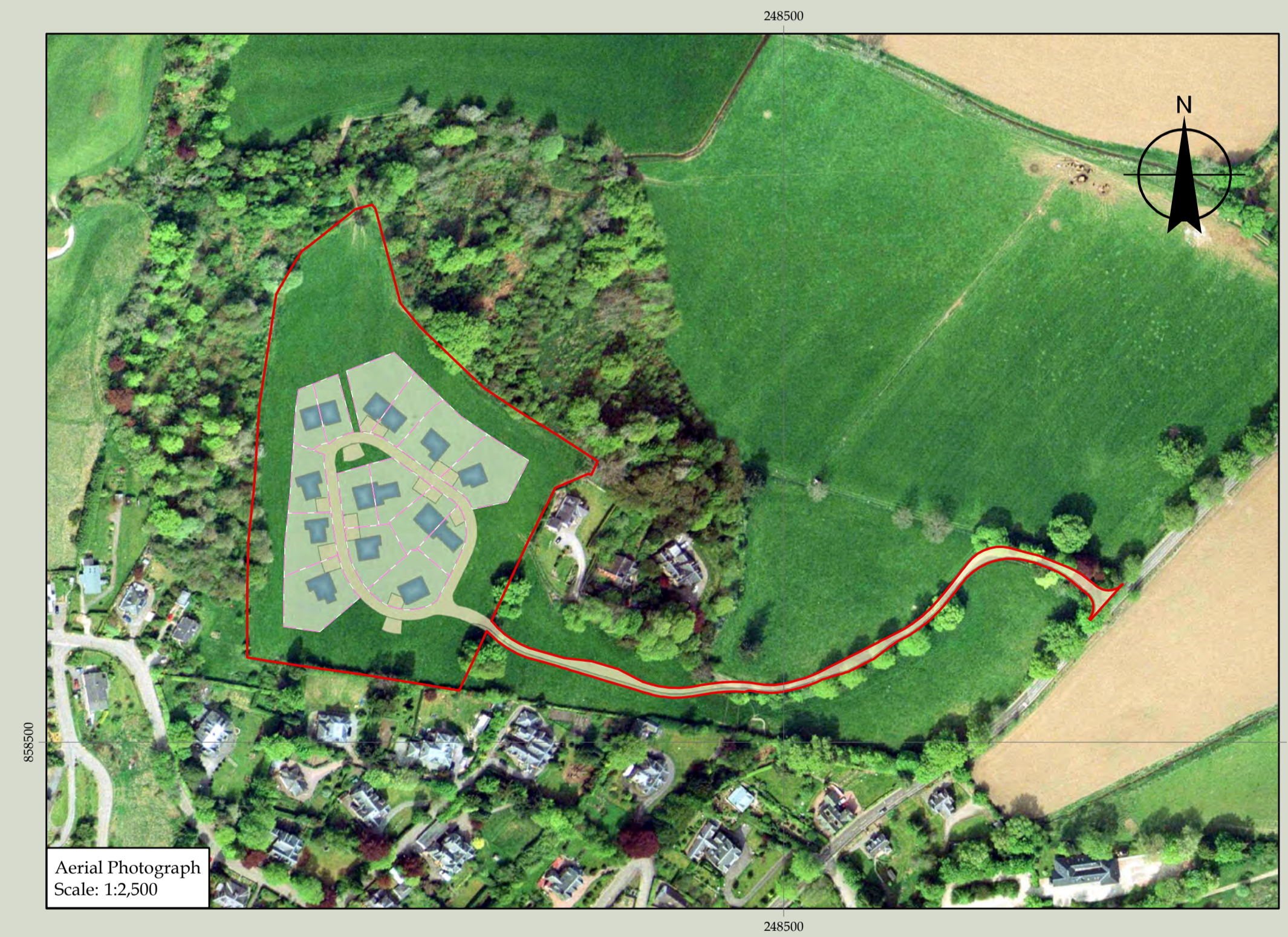
The proposed road must comply with 'Designing Streets' and the Councils 'Roads and transport guidelines for new developments' including underground service provision. The layout should include full details of the junction including radii; footway and/or verge provision, traffic calming details, passing places, turning details and the swept paths for emergency and refuse vehicles will be required.

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


1. The development is contrary to policies 28, 31, 32 of the Highland wide Local Development Plan as the applicants have failed to conclude a Section 75 Legal Obligation to cover affordable housing provision.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan.
Plan 2 – Indicative layout with Affordable housing Plots.
Plan 3– Indicative layout.





LAND AT NUTWOOD

Rev:			
Client:	Cromartie Estate		
			
<small>Burnhill, Plascadden, by Elgin, Moray IV30 8TZ Tel: (01343) 894849 : Fax: (01343) 890222 Also at Southfield of Raigmore, Inverness IV14 3PA Tel: (01463) 235753 : Fax: (01463) 235858 email: email@bowlts.com : www.bowlts.com</small>			
Title:	Land at Nutwood Strathpeffer AS PROPOSED - Indicative Design		
Drawn:	CEC	Scale:	as noted
Check:	SL	Date:	25th June 2014
Dwg No:	2154 - GIS - 02A		

