

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
13 SEPTEMBER 2016**

|             |            |
|-------------|------------|
| Agenda Item | 6.1        |
| Report No   | PLN/046/16 |

**15/04305/FUL: Tulloch Homes Ltd  
Ness Gap Site, Ness Road, Fortrose**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Erection of 19 houses and associated works

**Recommendation - GRANT**

**Ward :** 10 - Black Isle

**Development category :** Local Development

**Pre-determination hearing :** Not required

**Reason referred to Committee :** More than five objections received as well as an objection from the Community Council.

**1. PROPOSED DEVELOPMENT**

1.1 Planning permission is sought for the erection of 19 houses and associated works these include access roads, communal landscaping areas and suds proposals.

The house types proposals are as follows:

3 units - Affric- 3 bedroom detached villa (2 storey)

3 units - Calder - 3 bedroom detached villa (2 storey)

3 units - Etive- 4 bedroom detached villa (2 storey)

2 units- Lochalsh- 4 bedroom detached villa

2 units- Lochy- 3 bedroom detached bungalow

1 unit- Tarvie- 4 bedroom detached villa (2 storey)

2 units- Torrin-3 bedroom semi-detached villa (2 storey)

3 units - Tweed- 4 bedroom detached villa(2 storey)

TOTAL 19

1.2 **Variations:** Revised site layout to include pedestrian link to Easter Greengates.

## **2. SITE DESCRIPTION**

- 2.1 The site is undeveloped land within the Ness Gap development site. The nearest occupied houses are those to the north and east on Ross Crescent and Cornwell Crescent. Construction is on-going on the other houses in phases E and F, approved under planning permission 13/01211/MSC and 15/04331/FUL which approved the change of house types on (Plots 112 and 122-127) and erection of three additional houses (Plots 128-130) respectively.

## **3. PLANNING HISTORY**

- 3.1 09/00471/OUTRC - Master Plan for the erection of houses, formation of access and parking and provision of amenity/open space - outline consent - 08.06.2010.  
09/00472/FULRC - Erection of 16 affordable houses and 16 affordable flats-completed.  
Adjoining land: 13/01211/MSC- Erection of 31 houses – under construction.  
15/04331/FUL which approved the change of house types on (Plots 112 and 122-127) (Planning Permission 13/01211/MSC) and erection of three additional houses (Plots 128-130)- Determined by NPA Committee April 2016.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown Neighbour  
Representation deadline : 22.01.2016  
Timeous representations : 11 from a total of 10 households  
Late representations :
- 4.2 Material considerations raised are summarised as follows:
- Number of houses is in excess of that originally proposed.
  - Density of development is greater than previous phases of development
  - Increase in traffic using A832 from the A9 Munloch junction through Fortrose High Street resulting in congestion and danger to pedestrians.
  - Lack of capacity within Avoch primary school for additional pupils.
  - Conditions required to control dust/vibrations/number of construction vehicles.
- Other considerations – not material
- Site should be developed for a care home.
  - GP provision is unable to cope with demands.
  - Deterioration of Salmon Fishermens' Path.
- 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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

- 5.1 **Housing Development Manger:** Affordable housing contribution required in accordance with Councils supplementary guidance for Developer contributions. Provider most likely to be Albyn Housing Association.
- 5.2 **Access Officer:** No objection. Recommend that a pedestrian link to Easter Greengates (Core Path (RC18.05) and Public Right of Way (HR6)) is formed at the end of the site road.
- 5.3 **Transport Planning Team:** Two consultation responses received. Initial response dated 26-04-2016
- The whole site was covered by permission Ref:09/00471/OUTRC. The number of units in this application is in excess of that previously consented and so it is considered in full. However, it is acknowledged that the area has previously been approved for housing and therefore the matter under consideration is the principle of the overall increase in housing numbers and hence traffic and with matters of detail relating to the layout that were not covered in the previous permission.
  - A Transport Statement is requested.
  - A transport assessment was submitted for the original site. The council identified concerns of capacity and safety along the A832 and A9161; developer contributions were provided as part of ref: 09/00471/OUTRC for traffic management improvements at Mu nloch, Avoch and Fortrose which have been completed. The local plan identifies developer requirements for the site including traffic management measures for Fortrose High Street, a revised transport assessment and possible additional mitigation. Due to the sensitivity of the A832 ( particularly at the High Street) and concerns about the B9161 a transport statement is requested to assess the impact of the additional traffic on this constrained route and the requirement for any possible additional mitigation as noted in the local plan. The key impact to assess is on the capacity of Fortrose High Street. It will be necessary to establish baseline conditions on this section of the route in terms of capacity and delays and queuing at peak times. The road functions as a single track over the most constrained section due to village centre parking. There are concerns that the volume of traffic may be approaching the theoretical capacity estimated for this type of carriageway.
  - Road Layout, Parking and Turning – no objections. Road Construction Consent Required.
  - Active Travel – no objections. Pedestrian link from end to Easter Greengates acceptable. Main pedestrian route will be via remote footpath network to west of site, as per previously approval: ref 13/01211/MS.
  - Surface Water and Roads Drainage- no objections. The principle of the surface water road drainage from this element of the site was approved in the planning permission in principle and the same solution is proposed as has been used for earlier.

Second response received 01-09-2016. No objections. Conditions requested with respect to the provision of a cut off drain and parking requirements at each property. A summary of the comments offered on the transport statement and the addendum received are as follows:

- Result of traffic count indicates that additional traffic at peak times is anticipated to be 2% of current weekday flows. This is not significant.
- The traffic count did not pick up excessive queues or delays.
- No history of accidents on Fortrose High Street involving pedestrians.

#### 5.4 **Fortrose and Rosemarkie Community Council: Object.**

Three letters of representation submitted 07.01.2016, 06.06.2016 and 21.06.2016  
Reasons for objection are summarised as follows

- Increase in the number and density of development approved under the masterplan planning permission Ref: 09/00471/OUTRC.
- Lack of capacity within local road network.
- Lack of suitable pavements within Fortrose High Street and the conflict that arises from pedestrians spilling onto the busy road.
- Lack of affordable homes included as part of development.
- Failure to timeously provide play area within Ness Gap
- Condition required that an all –weather durable path required over Easter Greengates.

#### 5.5 **Transport Scotland: No objection**

Recommend that the following condition be attached to any planning permission granted.

- Prior to the occupation of any of the consented development the arrangements for a Section 48 Agreement (Roads (Scotland) Act 1984) between the applicant and the Trunk Road Authority, Transport Scotland for an agreed proportionate contribution to the cost of vehicle queue detectors and signage at the A9/ 89161 Munloch junction must be concluded.

5.6 **Estate Strategy Manager, Care and Learning:** Developer contributions sought towards primary education provision. No requirement in relation to secondary education.

## 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 Development          |
| Policy 29 | Design Quality and Place –Making |
| Policy 31 | Developer contributions          |
| Policy 34 | Settlement Development Area      |

### 6.2 **Inner Moray Firth Local Development Plan 2015**

FR2 Ness Gap - 7.5ha - Mixed Use - 80 homes with 1.6ha for Community, Business, Office, Tourism or Retail.

## **7. OTHER MATERIAL CONSIDERATIONS**

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

Paragraphs 109-134 - A Successful, Sustainable Place - Enabling Delivery of New Homes.

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

Developer Contributions

## **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 This is the second application that involves development at Ness Gap since the adoption of the Inner Moray Firth Local Development Plan in July 2015. Members will recall that committee approved application Ref: 15/04331/FUL which related to the Change of house types (Plots 112 and 122-127) (Planning Permission 13/01211/MS) and erection of three additional houses (Plots 128-130), in April 2016.

8.4 The interpretation of the policy of the Inner Moray Firth Local Development Plan relevant to Ness Gap was accepted by Committee as set out in the handling report for application Ref: 15/04331/FUL. It is set out again in the following section.

### **8.5 Development Plan Policy Assessment**

Policy FR2 for Ness Gap in the Inner Moray Firth Local Development Plan (IMFLDP) is the primary policy under which the application has to be assessed. This policy allocates 7.5 hectares of land for mixed use development. Reference is made in the policy statement that the allocation is for 80 houses, with 1.6 hectares for community, business, office tourism or retail uses. The original planning permission in principle for the Ness Gap development site is also referenced ref 09/00471/OUTRC in the wording of Policy FR2. Planning permission ref 09/00471/OUTRC approved a masterplan for the Ness Gap development site, which extended to 12 hectares, or thereby. It also conditioned the total number of houses to 100 units within the development. For clarity, 32 affordable homes, which consisted of 16 houses and 16 flats were approved under a separate application at the same time ref 09/00472/FULRC and were additional to the 100 units referred to under ref 09/00471/OUTRC.

8.6 The masterplan approved under the permission in principle ref 09/00472/FULRC sets out the areas of the Ness Gap development site that were identified for housing, open space and the community uses; the community use area was originally identified in the masterplan for a primary school. The Inner Moray Firth Local Development Plan offers a degree of flexibility with respect to the use of this

site should the Sustainable Schools Estates Review conclude that the site is surplus to educational needs. In such circumstances the site is considered suitable for business, office tourism or retail uses.

8.7 To date the following approvals have been issued and the majority of houses are either built and occupied, or are under construction.

10/02332/FUL - Erection of 6 houses (Area G)

11/01270/MSC - Erection of 39 houses (Area A and B)

12/04641/MSC - Erection of 24 houses and formation of play area (Area D)

13/01211/MSC - Erection of 31 houses (Areas E and F)

15/04331/FUL - change of house types on (Plots 112 and 122-127) (Planning Permission 13/01211/MSC) and erection of three additional houses (Plots 128-130).

Total to date 103

The 32 affordable housing units referred to above have also been built and are occupied. As stated above these houses were granted permission under a separate planning permission (09/00472/FULRC) and fall outwith the area identified for the 100 units under (ref 09/00471/OUTRC).

8.8 The current proposal for the erection of 19 houses accords with the masterplan in that the development is within an area of the Ness Gap site already identified for housing. It is acknowledged that as 103 houses have been approved to date, the development now proposed cannot accord with the condition regarding the total number of houses attached to planning permission ref 09/00471/OUTRC.

8.9 The current application is for full planning permission and not a Matters Specified in Conditions application. It cannot follow on from the original planning permission in principle which limited development to 100 units. The application therefore has to be considered on its own merits.

8.10 It is recognised that there is ambiguity in the wording of the statement in the Inner Moray Firth Local Development Plan as well as a tension with the housing figures. On the one hand the development plan acknowledges that as a result of a higher density of development, part of the Ness Gap site identified for housing in the master plan is still available for development, nonetheless the development plan also makes reference to development of the site according with the planning permission in principle ref 09/00471/OUTRC. As 103 units have already been approved, the latter of these two statements cannot be achieved.

8.11 Clarity has been provided by the Development Plans Team regarding this matter. They have confirmed that the reference in the IMFLDP to the planning permission in principle ref 09/00471/OUTRC is in relation to compliance with the principles established, i.e. the masterplan, and not the number of total units allowed. Where reference is made to 80 units in the Inner Moray Firth Local Development Plan, this was an estimate of the undeveloped capacity of site FR2 at the end of 2013.

- 8.12 It is important to take into account that the DPEA Reporter stated in his report in relation to the Inner Moray Firth Local Development Plan that a density of 18 dwellings per hectare was acceptable for the FR2 site at Ness Gap, after thorough scrutiny during the review of the Plan.
- 8.13 The comments of the Community Council and those opposed to the development on the basis that it fails to comply with the original planning permission are acknowledged and understood. The above appraisal sets out the current position regarding this previous planning permission and the weight that should be given to it and the current development plan.

Based on the above interpretation the current proposals for the erection of 19 houses on an area identified for housing in the masterplan for Ness Gap and at a density comparable to previous phases within Ness Gap is considered to accord with the broad terms of Policy FR2 of the IMFLDP.

#### 8.14 **Developer contributions**

- 8.15 The supplementary guidance on developer contributions applies to this development. In relation to meeting the requirement for affordable housing, the Housing Manager has confirmed that a Planning Obligation/Section 75 Agreement should be sought in the absence of any other agreement. It is understood that Albyn Housing Association will purchase 4 units within this phase of development. This will secure the required 25% affordable housing provision over the whole FR2 site. To date there has been a total of 35 affordable units built at Ness Gap.
- 8.16 As regards contributions towards education. It has been confirmed by the Estate Strategy Manager for Education, Culture and Sport Service that there is sufficient capacity within the secondary school estate at Fortrose Academy. The capacity at Avoch Primary School will be breached and therefore in accordance the adopted supplementary guidance a developer contribution towards additional accommodation should be sought. This financial contribution will require to be the subject of a Section 75 Planning Obligation or other agreed mechanism.
- 8.17 A developer contribution towards infrastructure is not required. The impact of the development on the road network is dealt with in the following section of the report. For clarity a contribution towards infrastructure requirements was taken at the time the planning permission in principal ref 09/00471/OUTRC was determined. The contribution was collected through a Section 75 Agreement and included the following elements; financial contribution for signage at the B9161/A9 junction, monies towards the implementation of traffic calming measures on the A832 from the A9 and a financial contribution towards public transport.
- 8.18 The monies for signage have been passed to Transport Scotland. The traffic calming measures are complete.

## 8.19 **Other Material Considerations**

## 8.20 **Layout and Design**

8.21 The proposed layout of the development is consistent with that of the existing phases of development. The house types have been used elsewhere in the development and are a mix of single storey and two storey properties. The position of the houses on the individual plots is such that there is sufficient separation to ensure an acceptable level of amenity with respect to daylight, sunlight and privacy.

## 8.22 **Impact on Road Network**

8.23 At the time of considering application Ref: 15/04331/FUL in April 2016, Members will recall that the Community Council, and others raised objections on the grounds that Transport Scotland had objected to and recommended refusal for reasons of road safety at the B9161/A9 junction for a separate application for 50 houses at Greenside Farm in Rosemarkie Ref: 15/03033/FUL. The comments made by the Community Council and those opposed to the current application reiterate the same concerns about the wider road network as well as the capacity of Fortrose High Street.

8.24 The planning application for 50 houses at Greenside Farm is still under consideration. Transport Scotland has submitted revised comments in relation to that application, removing their objection, following a report from their operating company. They also requested to be formally consulted on a number of applications currently under consideration, including this application.

8.25 In their consultation response Transport Scotland advise that a condition be attached to any planning permission that may be granted to require a developer contribution towards the cost of vehicle queue detectors and signage at the A9/B9161 Munlochy junction. They state that the proposed scheme is to mitigate against intermittent queuing of vehicles turning right from the A9, which will be exacerbated by this and other housing developments, identified in the Inner Moray Firth Local Development Plan, on the south side of the Black Isle.

8.26 With respect to the capacity of Fortrose High Street, the initial consultation response from the Transport Planning Team highlighted the need for a further transport survey to be carried out, given the concerns that the volume of traffic may be approaching the theoretical capacity estimated for the roadway. The capacity of the roadway was established through survey work carried out as part of the assessment of the planning permission in principal ref 09/00471/OUTRC for Ness Gap. The traffic calming measures that have been introduced to Fortrose High Street, as well as Munlochy and Avoch are directly related to the increase in traffic volume.

8.27 Detailed traffic count, using number plate recognition, which measured the number of vehicles and their speed, were taken for the two week period from Thursday 16th to Wednesday 22nd June 2016. These show average weekday flows and peak hourly flows. The survey results conclude that that an additional 7 vehicles will occur during the evening peak period. This represents a 2% increase



generated by the development. This is not considered to be significant. The survey also did not pick up excessive queues or delays along the High Street at these peak times. It is concluded therefore that the capacity of Fortrose High Street will not be breached by the additional traffic generated by this development.

8.28 The Community Council also make reference to the safety of pedestrian on Fortrose High Street due to the narrowness of the pavements. The concerns of the Community Council are acknowledged and understood. The width of the pavements are part of the historic fabric of the street and there is little opportunity to improve them without significantly altering the width of the carriageway, which would lead to further congestion. It is up to individual drivers to adhere to the speed limit and pay due care and attention to pedestrian movements. Given the historic nature of the street and also the traffic calming measures that are in place traffic speeds are low and there has been no record of accidents involving pedestrians and cars. A 20mph speed limit is now in force.

### 8.29 **Open space/footpath and cycleway provision**

8.30 The masterplan for Ness Gap identified an area of some 2.5 hectares, or thereby as open space, across which a footpath/ cycleway will be provided linking the development with the town centre and school. In addition a children's play area was included within planning permission ref 12/04641/MS. To date and largely due to the location of the site compound, these elements have still to be delivered. The Planning Service is however in negotiation with the developer to ensure that the terms of the planning permission are met. As part of the current application the layout of the site has been amended to provide a footpath link onto Easter Greengates. This is a positive step towards linking the development into the town and school.

8.31 The Community Council has suggested that Easter Greengates should be surfaced by the developer. At the time of determining the planning permission in principal ref 09/00471OUTRC there was public opposition to any physical change to this green way. In addition the land is Common Good land and therefore any change could only take place with the agreement of the Common Good Trustees. Therefore this is not a matter that can be dealt with by a planning condition. As stated above the main pedestrian route will be via the remote footpath network. This will cross Easter Greengates at the point opposite the car park at Fortrose Academy. This short link could be surfaced as part of the provision of the footpath link, this has been the subject of further discussions, as it is anticipated that the footpath network will be the subject of Road Construction Consent.

### 8.32 **Other Considerations – not material**

8.33 A number of comments have been made which are not material to the determination of the application. There is a desire for a care home to be delivered on the site, in place of the proposed houses particularly as a recent application for a care home was refused on the ground that the site was not allocated for development. It is acknowledged that there is an opportunity where land is allocated for housing to provide a care home and that there is also a desire for a care home to be provided within Fortrose. Comment has been made that pressure will be placed on the local medical services. Demand for these services is a matter

for the individual clinic/practise to address. With respect to the concerns regarding the condition of the Salmon Fishermen's' Path the Planning Service worked with the developer and local community to reach a satisfactory conclusion to this matter in the Spring of 2016. The path has now been surfaced.

#### 8.34 **Matters to be secured by Section 75 Agreement**

8.35 In the absence of any other appropriate agreement the following matters will require to be the subject of a Section 75 Agreement; Affordable housing contribution/Contribution towards primary school education accommodation.

### 9. **CONCLUSION**

9.1 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.

### 10. **RECOMMENDATION**

**Action required before decision issued** Y

Conclusion of Section 75 Agreement Y

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

1. No development shall commence on site unless details of the proposed location of the site compound, storage of equipment and associated facilities has been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason** : In the interest of residential amenity

2. No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by , the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete.

**Reason** : In order to reduce the risk of dust-related nuisance; in the interests of residential amenity

3. No development shall commence until details of the landscaping scheme proposed for the landscaping areas has been submitted to and approved in writing by the Planning Authority. Thereafter all landscaping works shall be carried out in accordance with the scheme and plans agreed. All planting, seeding or turfing 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 a high standard of landscaping is achieved, appropriate to the location of the site.

4. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and landscaped areas or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas, the common entrances to flat developments and 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.

5. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment

6. No development or work shall commence until a detailed specification for the boundary treatment on the south and west boundaries of the application site have been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In order to ensure that a high standard of boundary treatment is achieved, appropriate to the location of the site.

7. Prior to the occupation of any of the development vehicle queue detectors and signage shall be installed at the A9/B9161 Munloch junction to the satisfaction of the Planning Authority in consultation with Transport Scotland. If the works referred to above are to be implemented by Transport Scotland, then an agreement under Section 48 of the Roads (Scotland) Act 1984 between the developer and Transport Scotland for an agreed proportionate contribution to the cost of the works must be concluded before construction commences on any of the development.

**Reason:** To mitigate against intermittent queuing of vehicles turning right from the A9, which will be exacerbated by this and other housing developments, identified in the Inner Moray Firth Local Development Plan, on the south side of the Black Isle.

8. Prior to the first occupation of each of the dwellinghouses, parking spaces for a minimum of two cars shall be provided within the associated curtilage as detailed on the approved plans and shall be maintained for this use in perpetuity.

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

9. Notwithstanding the details shown on the approved plans the use of red roof tiles does not form part of this planning permission.

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

10. The footpath link to Easter Greengates, as shown on plan 4082-02-002 Rev C shall be provided prior to occupation of the last house on plots 141-149, or as otherwise agreed in writing with the Planning Authority.

**Reason:** To ensure the timeous provision of the link.

### **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 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 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.

### **Accordance with Approved Plans and 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. 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.

### **Mud and 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.

### **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).

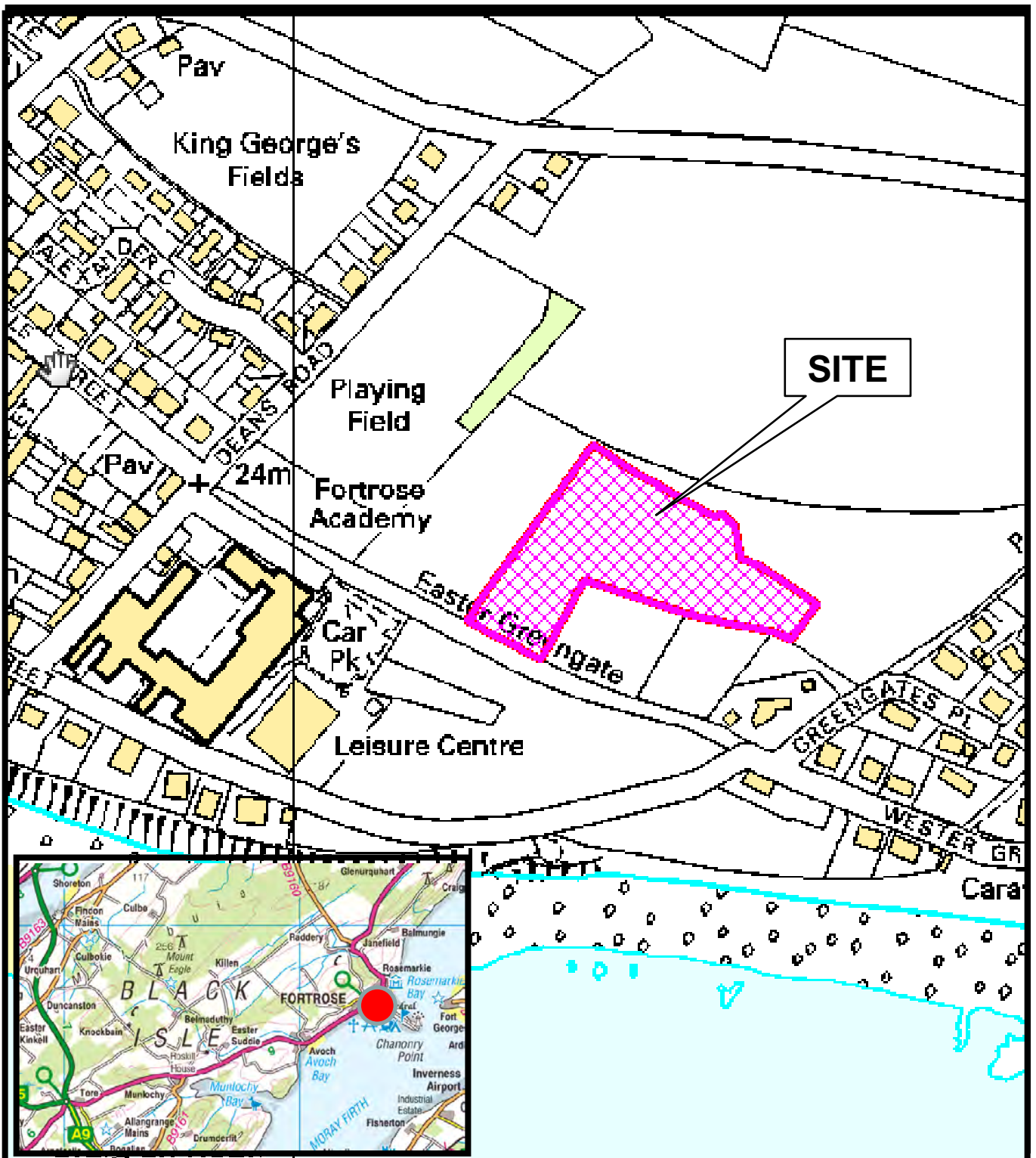
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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 – SITE LAYOUT PLAN  
Plan 3 – HOUSE TYPE - Affric  
Plan 4 – HOUSE TYPE - Calder  
Plan 5 – HOUSE TYPE – Etive  
Plan 6 – HOUSE TYPE - Lochalsh  
Plan 7 – HOUSE TYPE – Lochy  
Plan 8 – HOUSE TYPE – Tarvie  
Plan 9 – HOUSE TYPE – Torrin  
Plan 10 – HOUSE TYPE - Tweed



Planning & Development  
Service

**15/04305/FUL**

Erection of 19 houses and  
Associated works at  
Ness Gap Site, Ness Road, Fortrose

13 September 2016



# NESS ROAD HOUSING DEVELOPMENT, FORTROSE



**LEGEND**

- 100mm Vertical screen fence (pole & rear)
- 750mm Timber Rail Fence
- Indicative Visitor parking

**SCHEDULE OF ACCOMMODATION PHASE H**

|              |   |           |
|--------------|---|-----------|
|              | Affric<br>3 bedroom detached villa<br>(2 storey)          | 3         |
|              | Calder<br>3 bedroom detached villa<br>(2 storey)          | 3         |
|              | Etive<br>4 bedroom detached villa<br>(2 storey)           | 3         |
|              | Lochalsh<br>4 bedroom detached villa                      | 2         |
|              | Lochy<br>3 bedroom detached bungalow<br>30B117 (1 storey) | 2         |
|              | Tarvie<br>4 bedroom detached villa<br>4D126 (2 storey)    | 1         |
|              | Torrin<br>3 bedroom semi-detached villa<br>(2 storey)     | 2         |
|              | Tweed<br>4 bedroom detached villa<br>(2 storey)           | 3         |
| <b>TOTAL</b> |   | <b>19</b> |



**Bracewell Stirling CONSULTING**

- 5 NESS BANK, INVERNESS, IV2 4SF  
TEL: 01463 233760
- 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF  
TEL: 01259 750301

PHASE H  
NESS ROAD, FORTROSE  
TULLOCH HOMES LTD

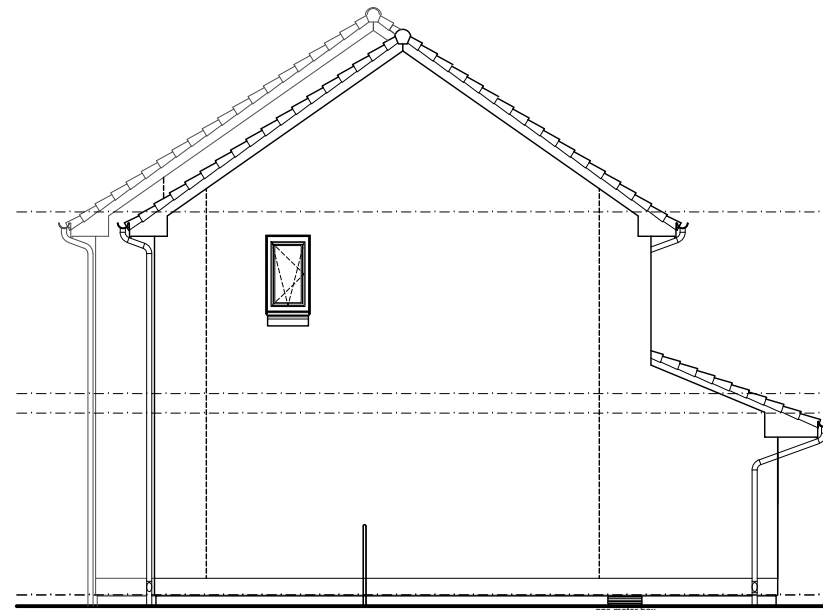
TITLE  
SITE LAYOUT PLAN  
1 TO 500

| SCALE       | DATE     | PURPOSE | PAPER | REV |
|-------------|----------|---------|-------|-----|
| 1:500       | 4/4/2016 |         | A1    |     |
| 4082-02-002 |          |         |       | C   |

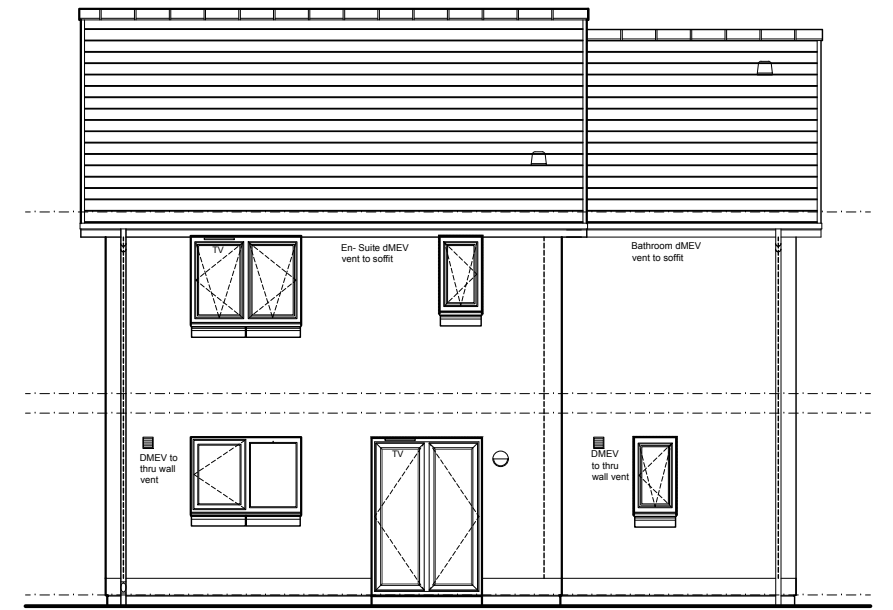




Front Elevation



Gable Elevation



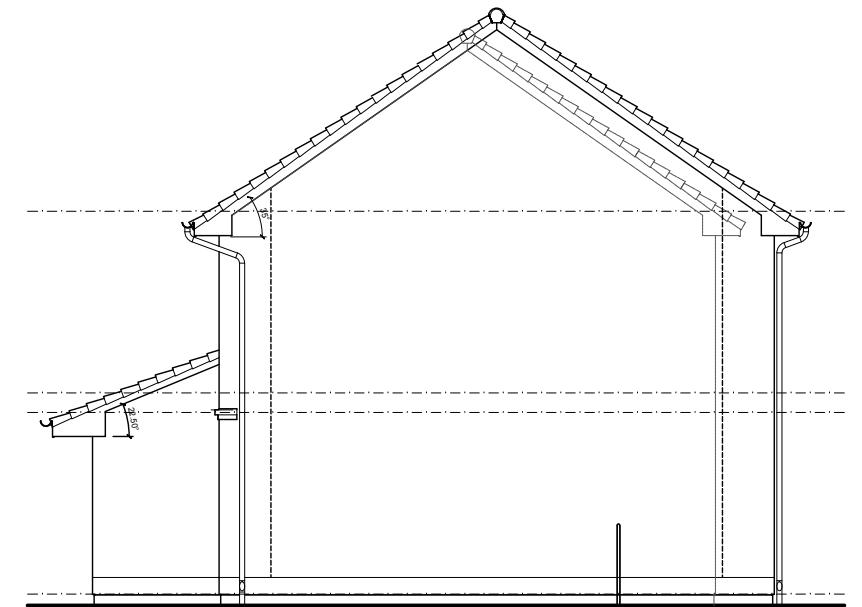
Rear Elevation

General Materials & Finishes

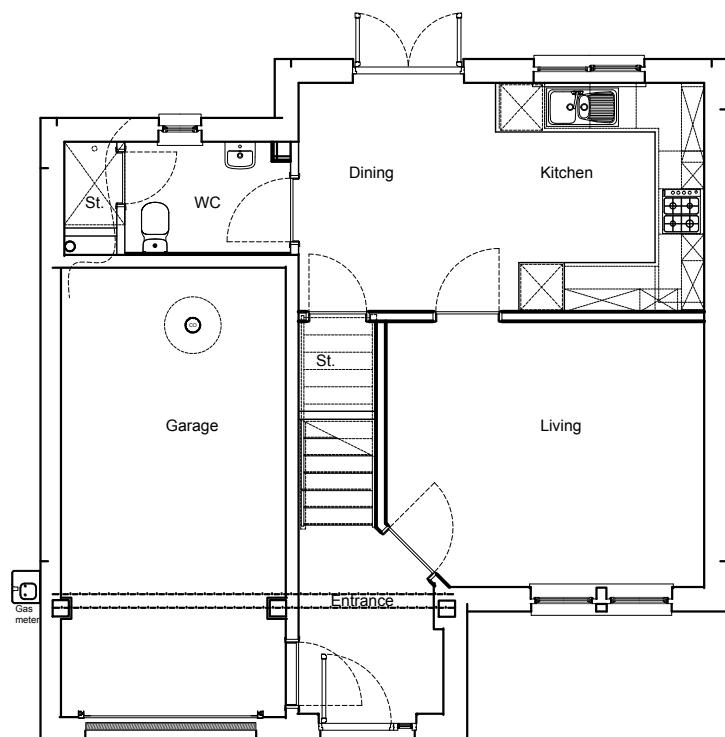
- Roof - Red or Dark grey concrete tile
- Soffits & fascia - White uPvc
- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
- Base course - Pre-cast stone through coloured buff
- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

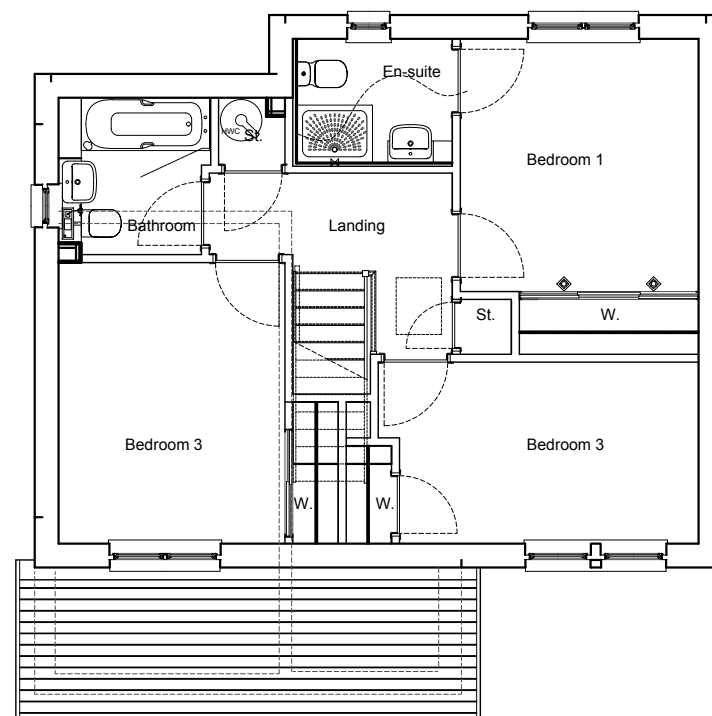
Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



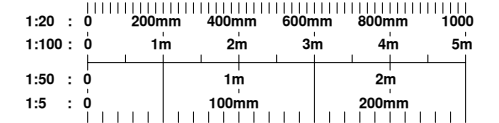
Gable Elevation



Ground Floor Plan



Upper Floor Plan



**Tulloch Homes**

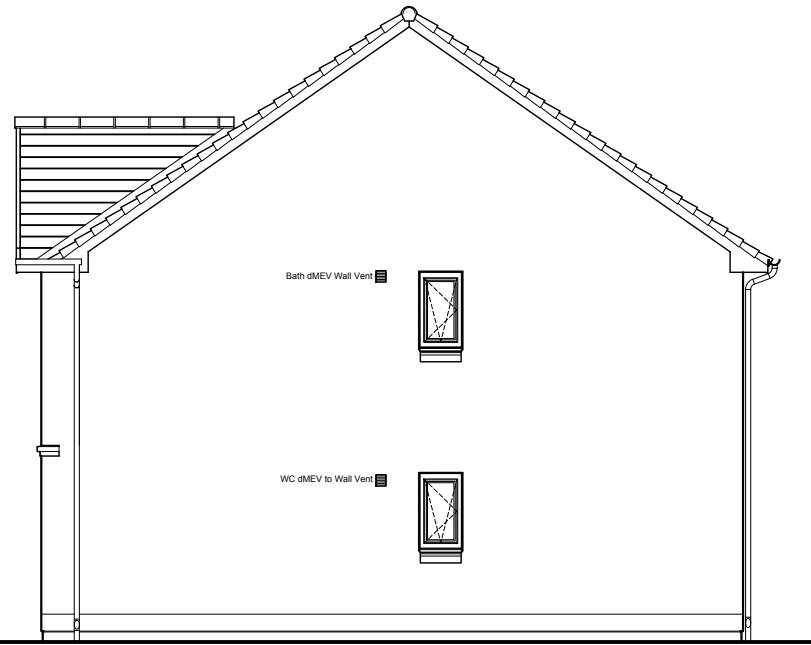
**Bracewell Stirling CONSULTING**

○ 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF ○  
TEL: 01259 750301 FAX: 01259 752365  
● 5 NESS BANK, INVERNESS, IV2 4SF ●  
TEL: 01463 233760 FAX: 01463 233785

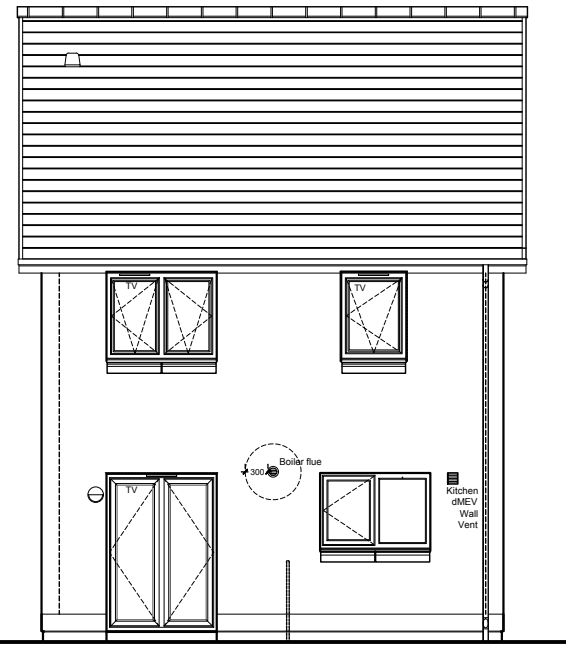
|                      |                     |          |          |
|----------------------|---------------------|----------|----------|
| PHASE H              |                     |          |          |
| NESS ROAD - FORTROSE |                     |          |          |
| TULLOCH HOMES LTD.   |                     |          |          |
| TYPE                 | 3DV98 - AFFRIC      |          |          |
| VERSION              | 13 / 1 -            |          |          |
| TITLE                | GENERAL DETAILS     |          |          |
| SCALE                | 1:100               | DATE     | AUG. '14 |
|                      |                     | DWG SIZE | A3       |
| DWG NO               | 4082-3DV98(13-1)-90 | REV      | L        |



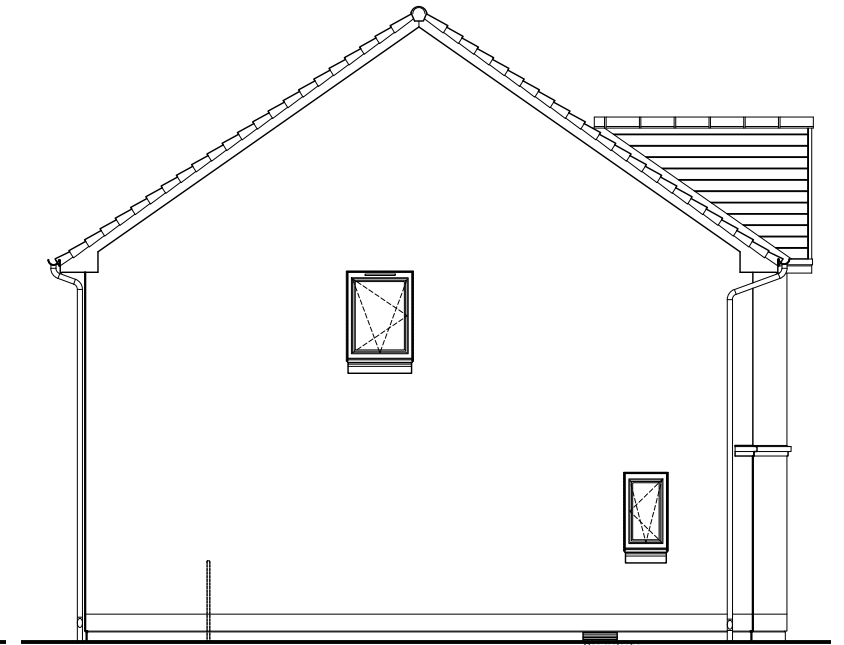
Front Elevation



Gable Elevation



Rear Elevation



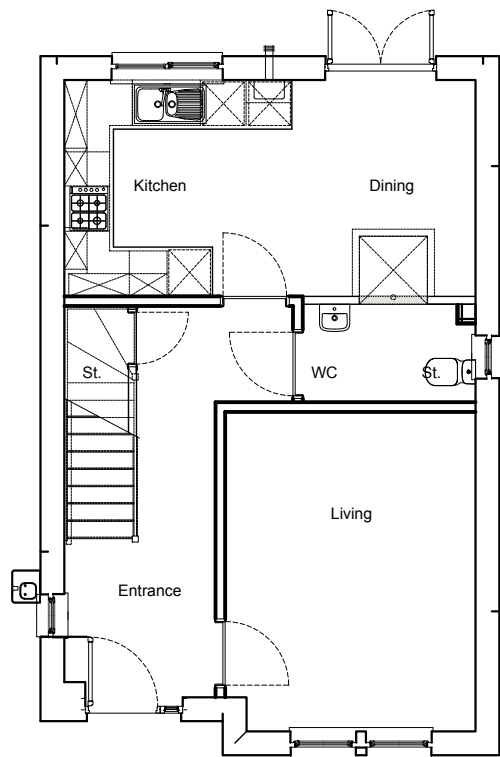
Gable Elevation

General Materials & Finishes

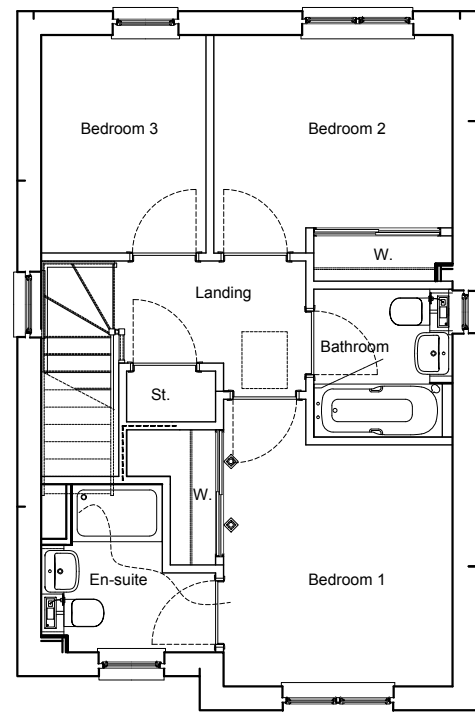
- Roof - Red or Dark grey concrete tile
- Soffits & fascia - White uPvc
- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
- Base course - Pre-cast stone through coloured buff
- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

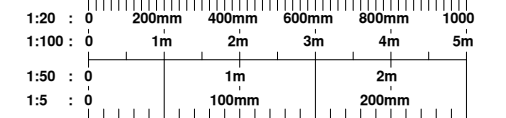
Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



Ground Floor Plan



Upper Floor Plan



**Tulloch Homes**

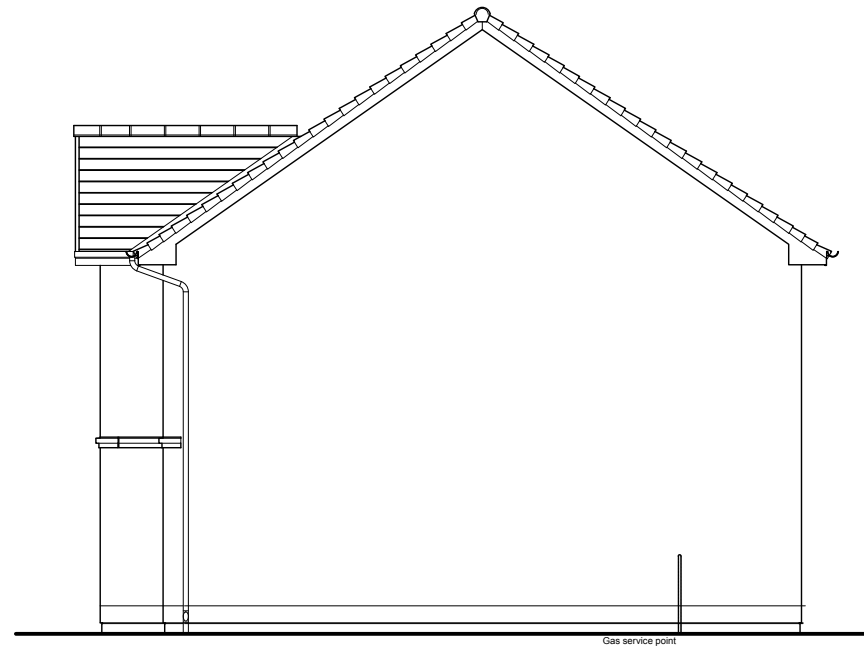
**Bracewell Stirling CONSULTING**

- 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF  
TEL: 01259 750301 FAX: 01259 752365
- 5 NESS BANK, INVERNESS, IV2 4SF  
TEL: 01463 233760 FAX: 01463 233785

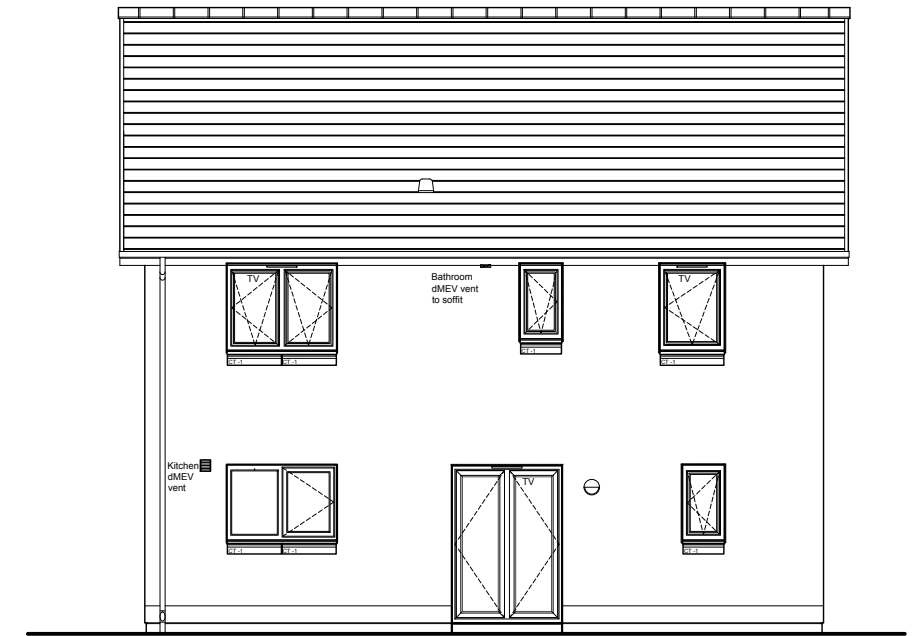
|                      |                     |          |          |
|----------------------|---------------------|----------|----------|
| PHASE H              |                     |          |          |
| NESS ROAD - FORTROSE |                     |          |          |
| TULLOCH HOMES LTD.   |                     |          |          |
| TYPE                 | 3DV91 - CALDER      |          |          |
| VERSION              | 13 / 1 -            |          |          |
| TITLE                | GENERAL DETAILS     |          |          |
| SCALE                | 1:100               | DATE     | June '14 |
|                      |                     | DWG SIZE | A3       |
| DWG NO               | 4082-3DV91(13-1)-90 | REV      | L        |



Front Elevation



Gable Elevation



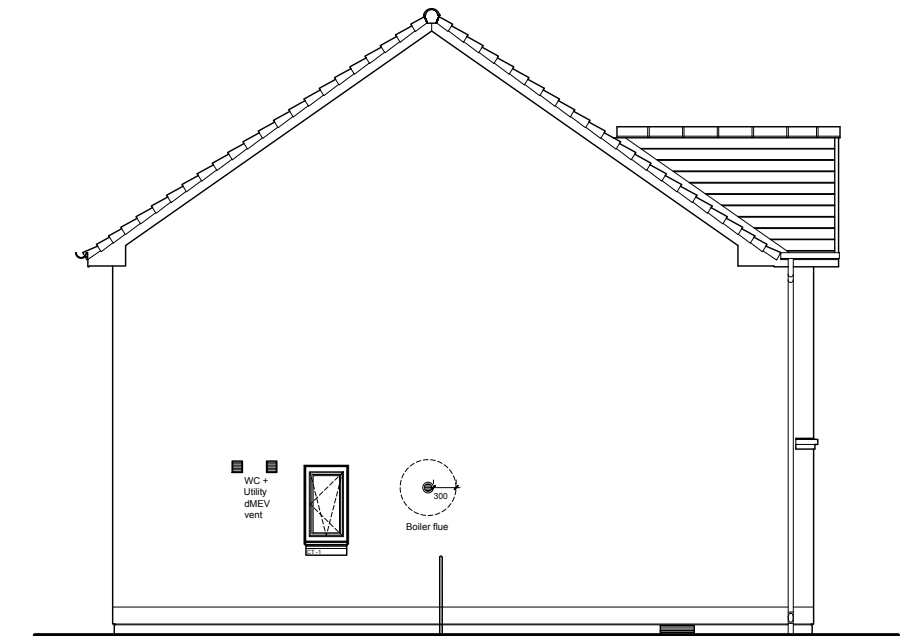
Rear Elevation

General Materials & Finishes

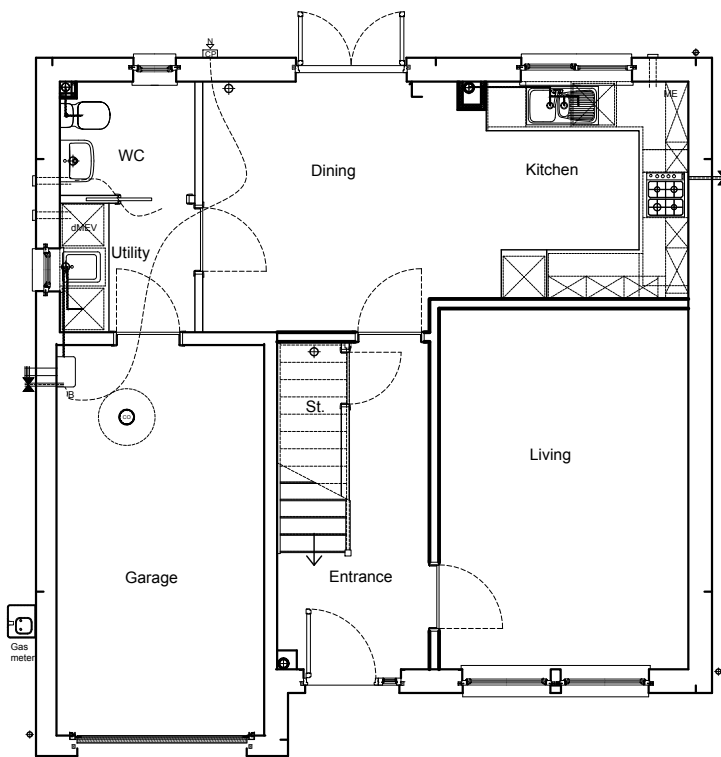
- Roof - Red or Dark grey concrete tile
- Soffits & fascia - White uPvc
- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
- Base course - Pre-cast stone through coloured buff
- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

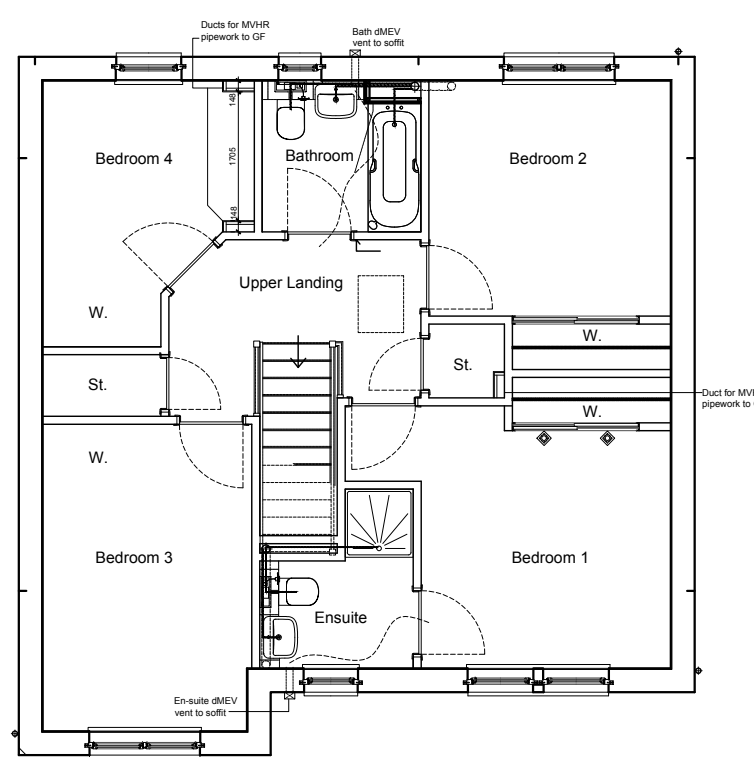
Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



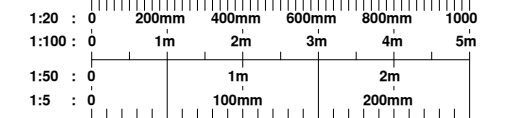
Gable Elevation



Ground Floor Plan



Upper Floor Plan



**Tulloch Homes**

**Bracewell Stirling CONSULTING**

- 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF TEL: 01259 750301 FAX: 01259 752365
- 5 NESS BANK, INVERNESS, IV2 4SF TEL: 01463 233760 FAX: 01463 233765

PHASE H  
NESS ROAD - FORTROSE  
TULLOCH HOMES LTD.

TYPE 4DV 118 - ETIVE

VERSION 13 / 1 -

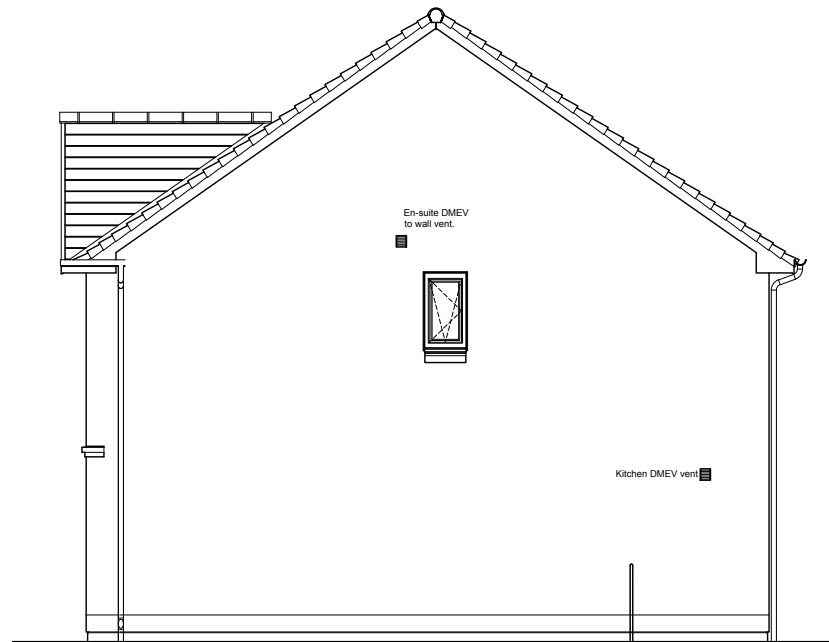
TITLE GENERAL DETAILS

|        |                      |          |        |     |    |
|--------|----------------------|----------|--------|-----|----|
| SCALE  | 1:100                | DATE     | NOV 09 | BY  | KB |
| DWG NO | 4082-4DV118(13-1)-90 | DWG SIZE | A3     | REV | K  |

DWG NO 4082-4DV118(13-1)-90 REV K



Front Elevation



Gable Elevation



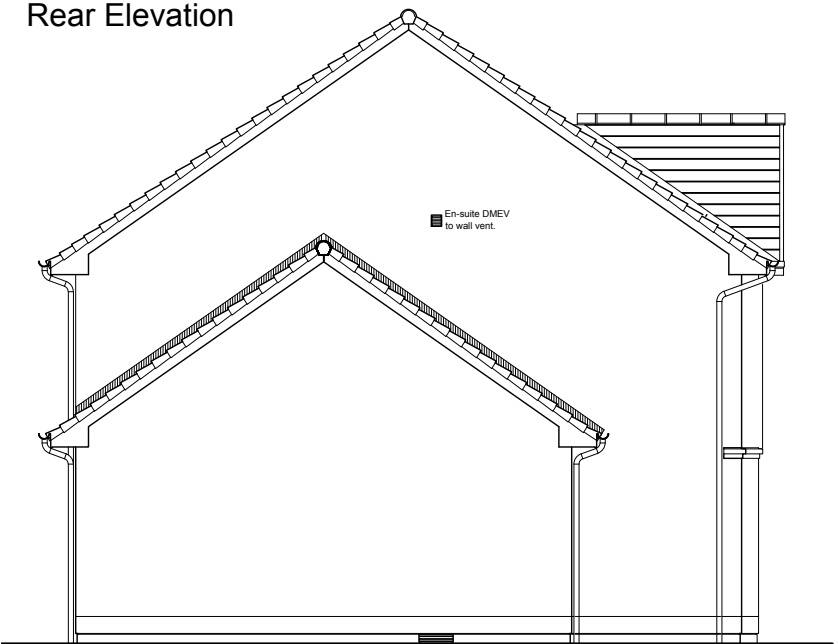
Rear Elevation

General Materials & Finishes

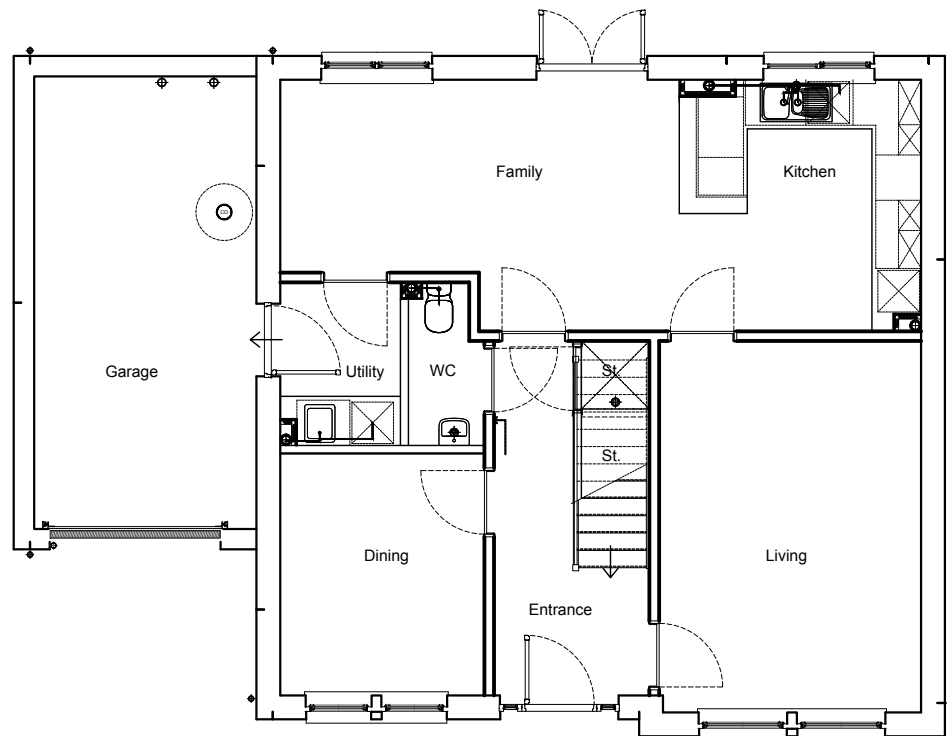
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- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

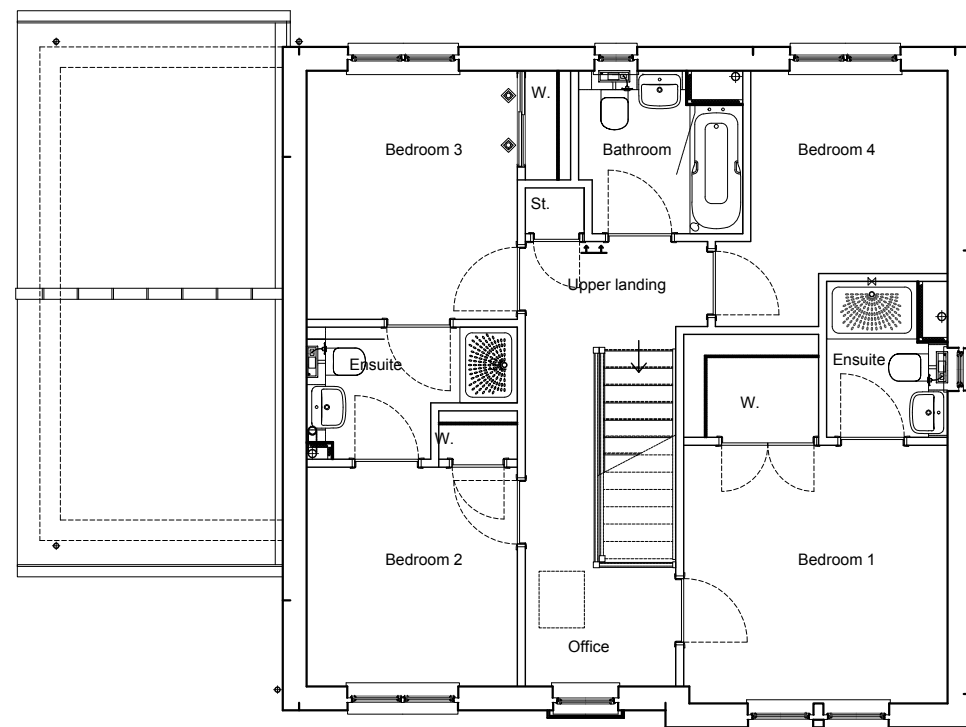
Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



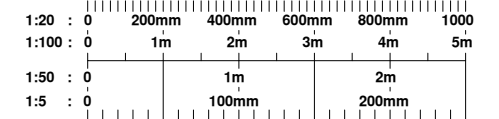
Gable Elevation



Ground Floor Plan



Ground Floor Plan



**Tulloch Homes**

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PHASE H  
 NESS ROAD - FORTROSE  
 TULLOCH HOMES LTD.

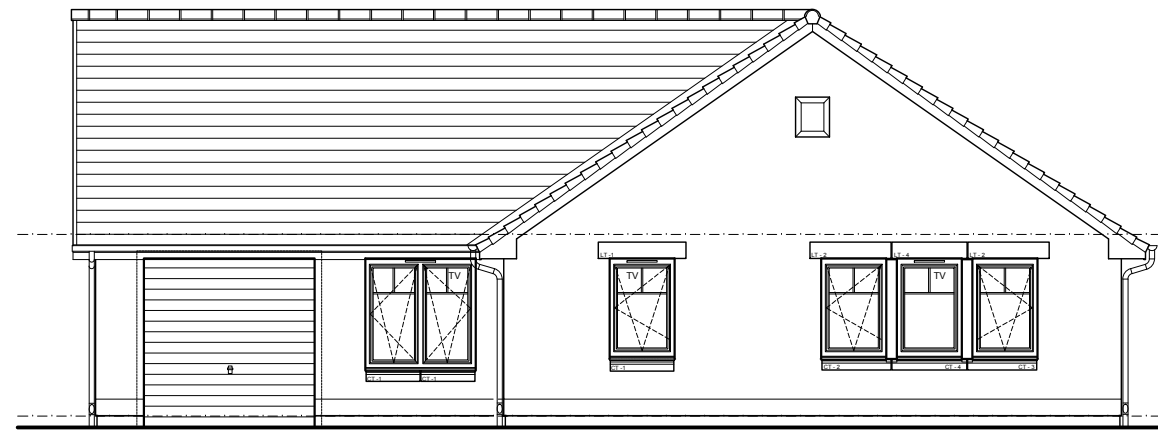
TYPE 4DV139 - LOCHALSH

VERSION 13 / 1 -

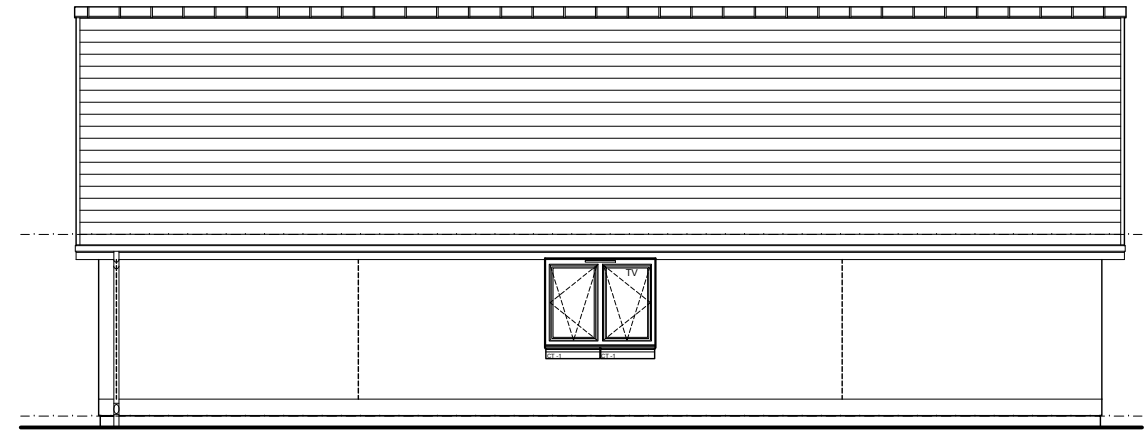
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SCALE 1:100 DATE JUNE '14 BY DL  
 DWG SIZE A3

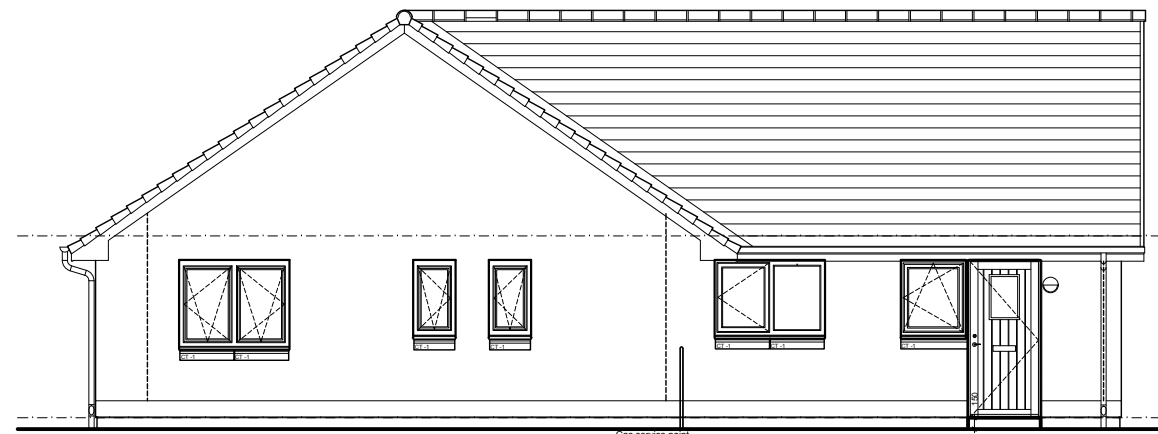
DWG NO 4082-4DV139(13-1)-90 REV K



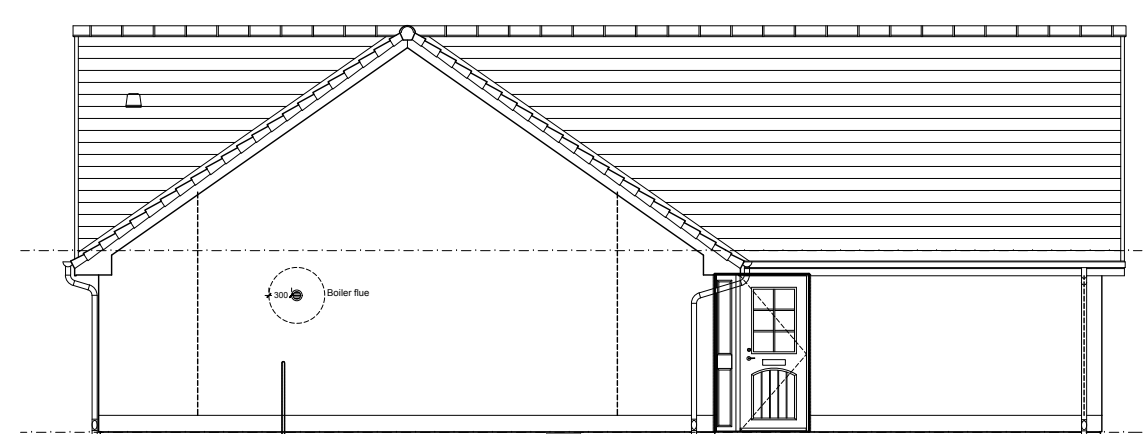
Front Elevation



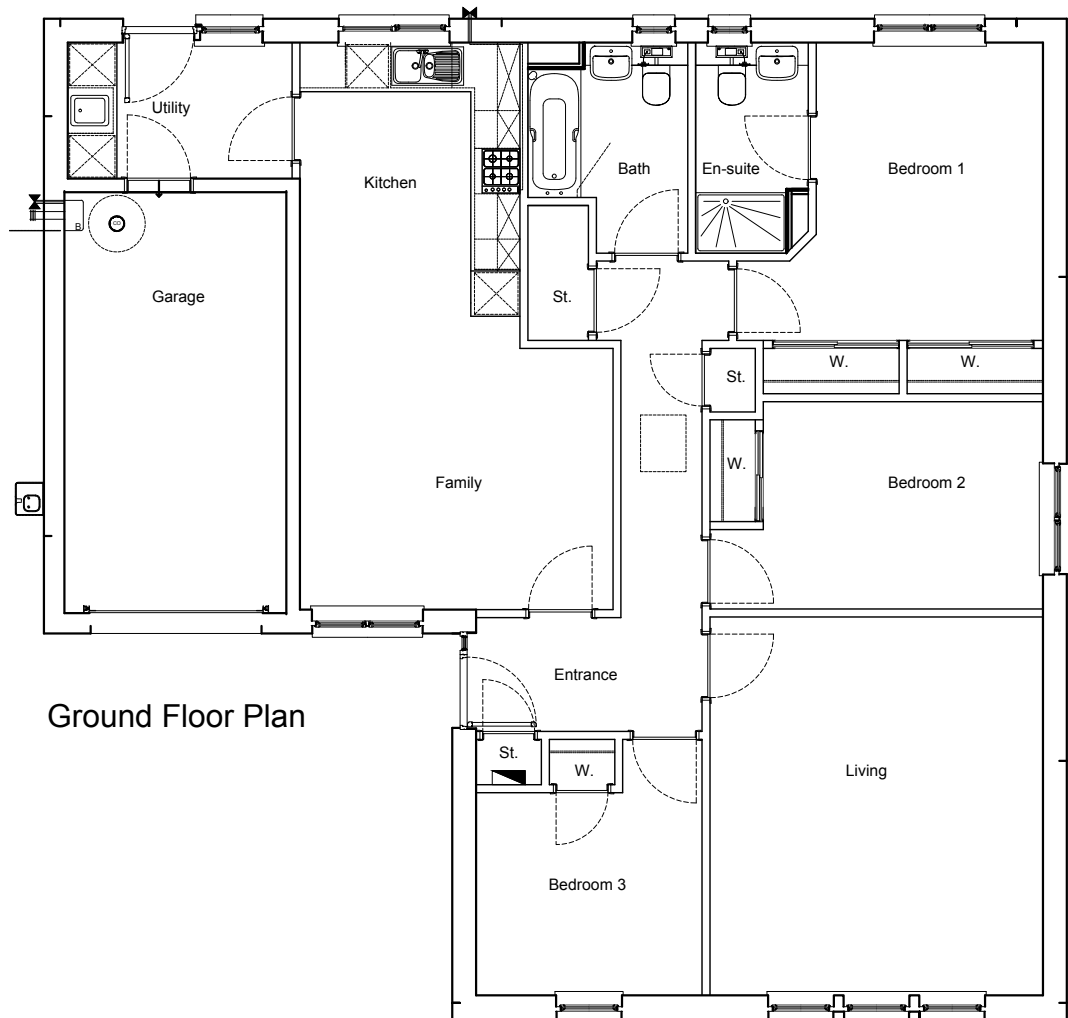
Gable Elevation



Rear Elevation



Gable Elevation



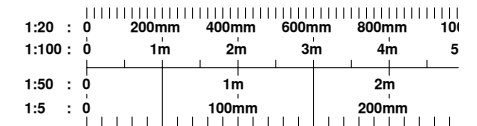
Ground Floor Plan

General Materials & Finishes

- Roof - Red or Dark grey concrete tile
- Soffits & fascia - White uPvc
- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
- Base course - Pre-cast stone through coloured buff
- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



**Tulloch Homes**

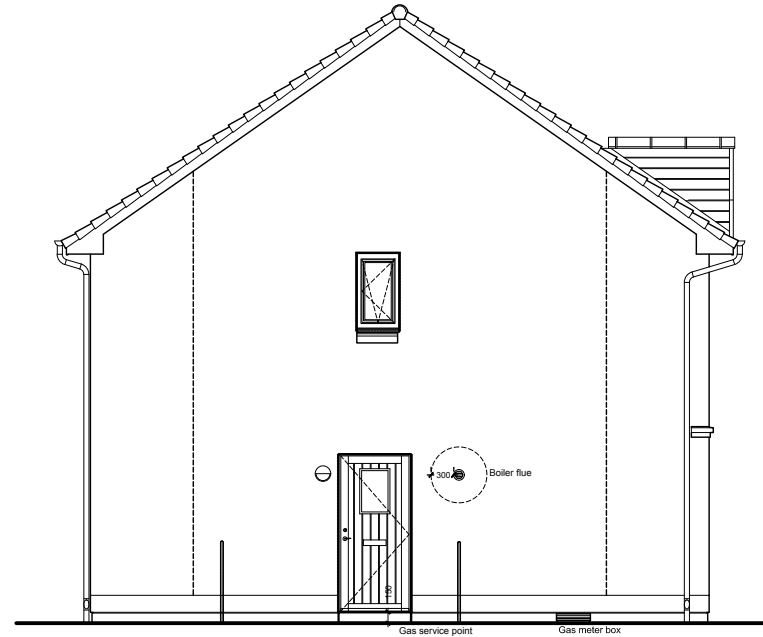
**Bracewell Stirling CONSULTING**

○ 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF ○  
TEL: 01259 750301 FAX: 01259 752365  
● 5 NESS BANK, INVERNESS, IV2 4SF ●  
TEL: 01463 233760 FAX: 01463 233785

|                      |                      |              |        |
|----------------------|----------------------|--------------|--------|
| PHASE H              |                      |              |        |
| NESS ROAD - FORTROSE |                      |              |        |
| TULLOCH HOMES LTD.   |                      |              |        |
| TYPE                 | 3DB 117 - LOCHY      |              |        |
| VERSION              | 13 / 1 -             |              |        |
| TITLE                | GENERAL DETAILS      |              |        |
| SCALE                | 1:100                | DATE NOV '14 | BY DGL |
|                      |                      | DWG SIZE A3  |        |
| DWG NO               | 4082-3DB117(13-1)-90 |              | REV K  |



Front Elevation



Gable Elevation



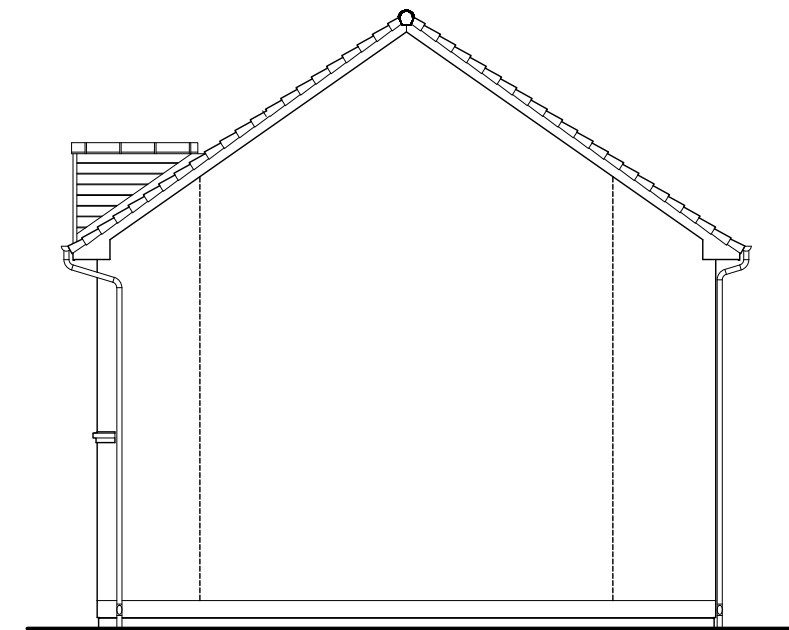
Rear Elevation

General Materials & Finishes

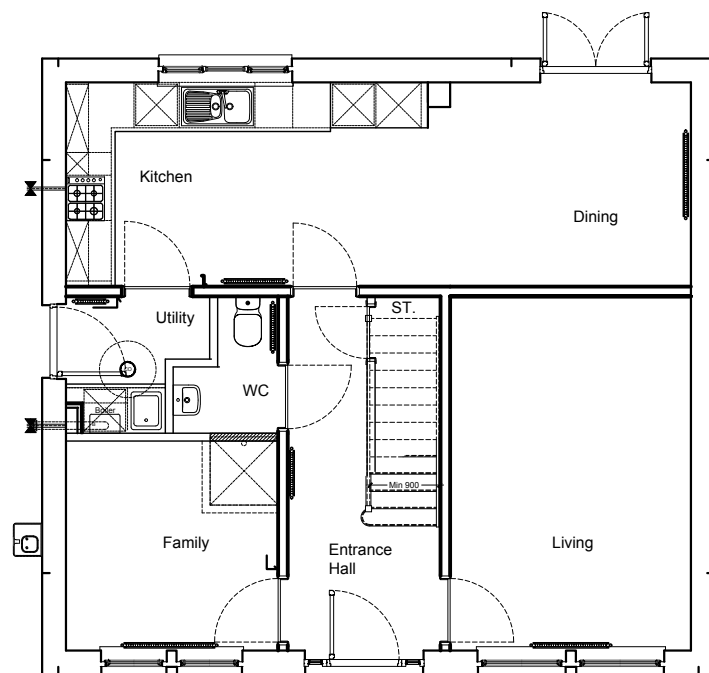
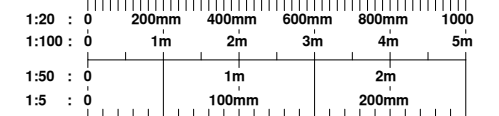
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- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
- Base course - Pre-cast stone through coloured buff
- Lintels, Cills etc - Pre-cast stone through coloured buff
- Windows & doors - White uPvc

Notes

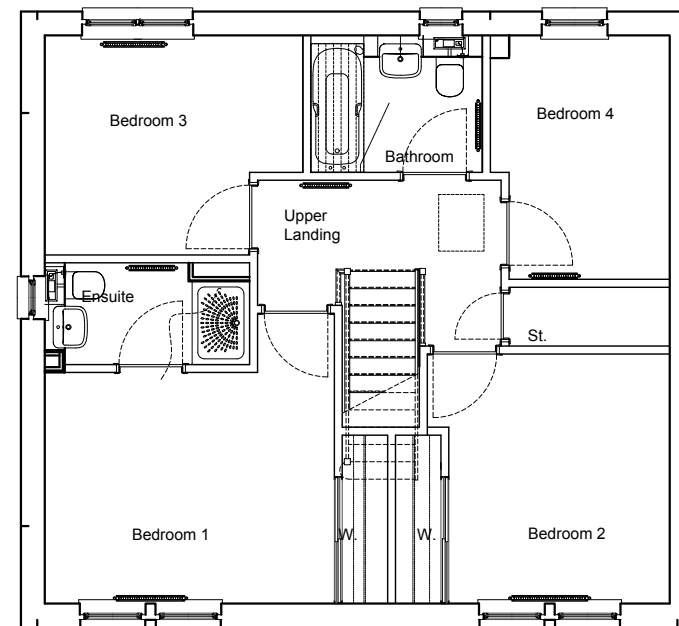
Stone lintels to rear and gable elevations on a plot specific basis only.  
In all circumstances refer to site finishes schedule



Gable Elevation



Ground Floor Plan



Upper Floor Plan

**Tulloch Homes**

**Bracewell Stirling CONSULTING**

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● 5 NESS BANK, INVERNESS, IV2 4SF ●  
TEL: 01463 233760 FAX: 01463 233785

PHASE H  
NESS ROAD - FORTROSE  
TULLOCH HOMES LTD.

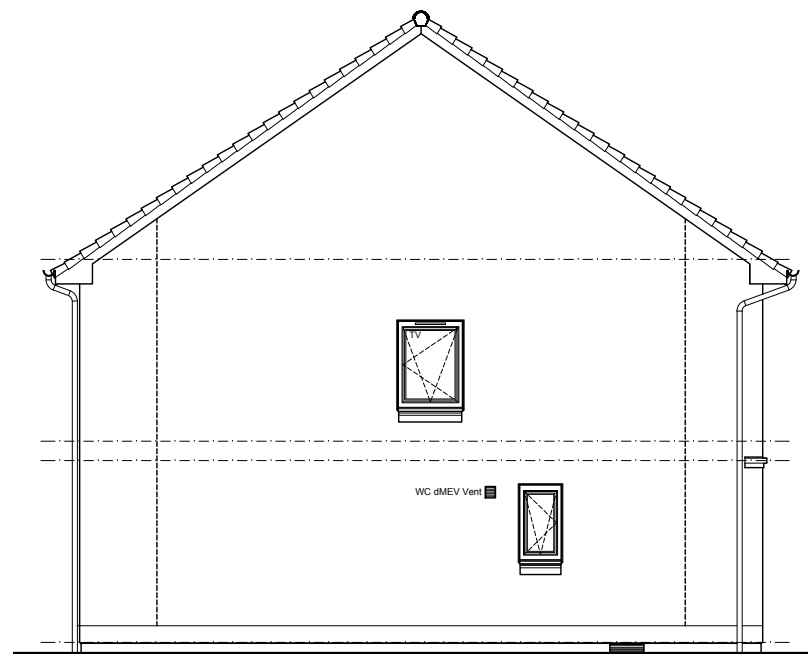
TYPE 4DV124 - TARVIE  
VERSION 13 / 1 -  
TITLE TITLE & REVISION NOTES

|          |       |      |        |    |    |
|----------|-------|------|--------|----|----|
| SCALE    | 1:100 | DATE | DEC 09 | BY | KB |
| DWG SIZE | A3    |      |        |    |    |

|        |                      |     |   |
|--------|----------------------|-----|---|
| DWG NO | 4082-4DV124(13-1)-90 | REV | K |
|--------|----------------------|-----|---|



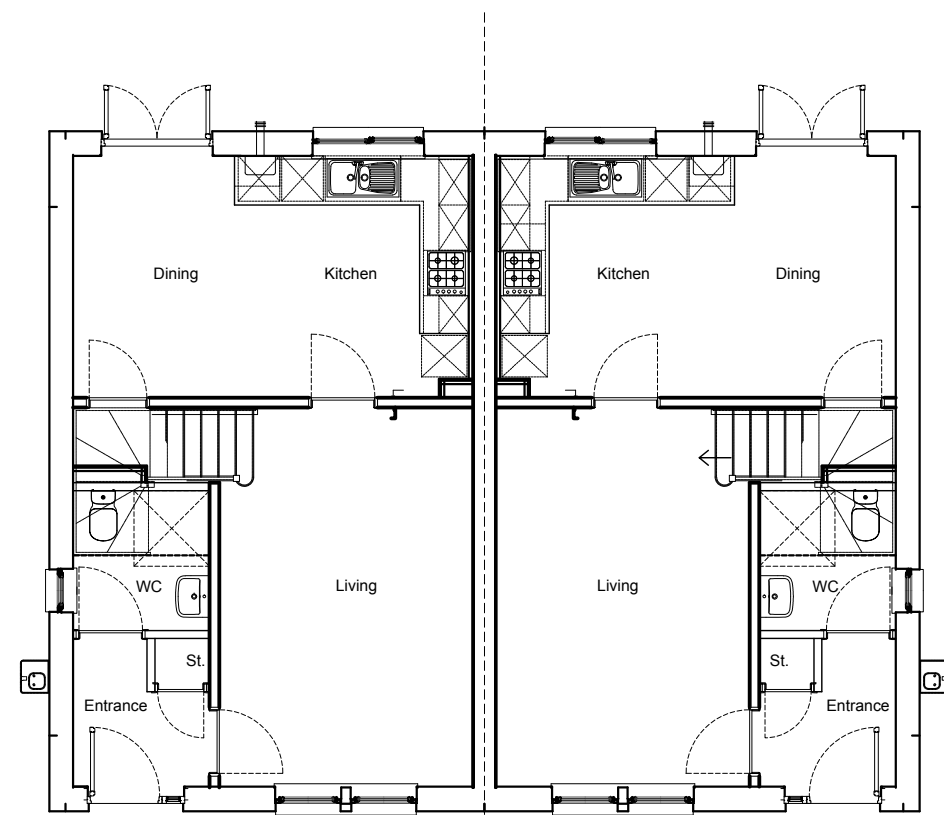
Front Elevation



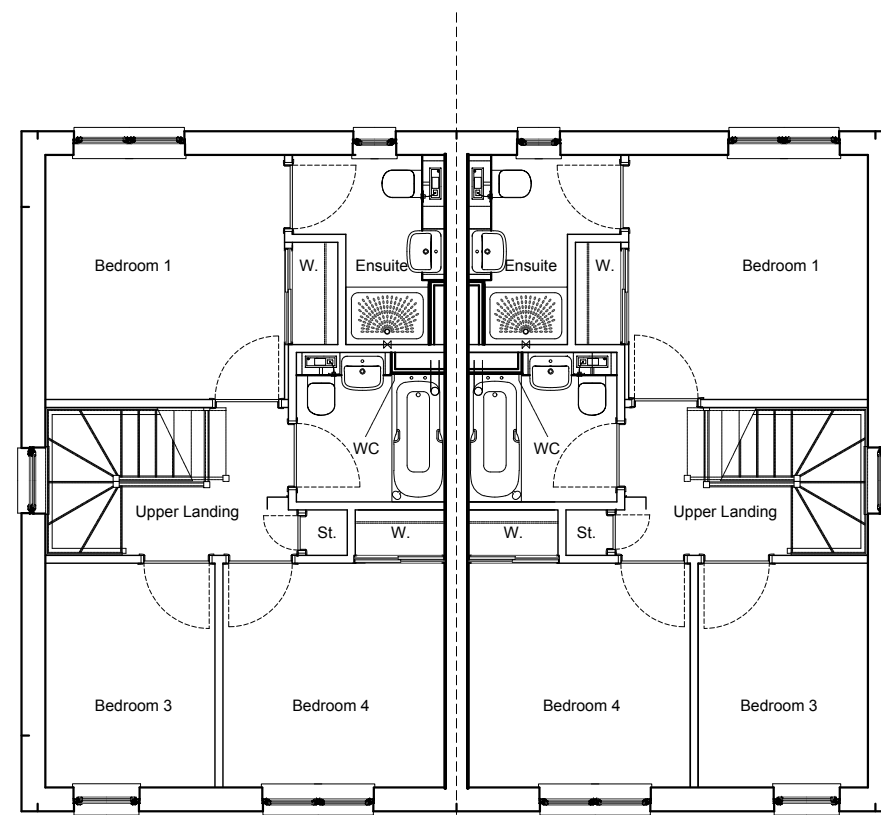
Gable Elevation



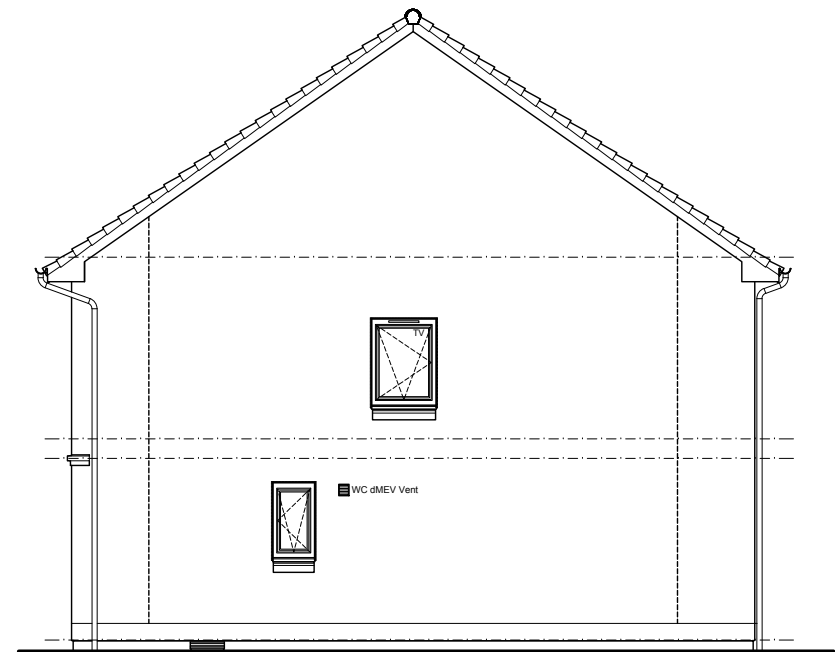
Rear Elevation



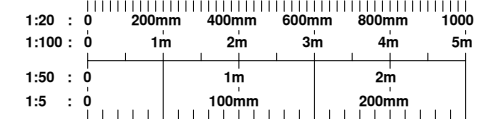
Ground Floor Plan



Upper Floor Plan



Gable Elevation



**General Materials & Finishes**

- Roof - Red or Dark grey concrete tile
- Soffits & fascia - White uPvc
- Rainwater goods - Black uPvc
- Walls - Dry dash render (colour tbc)
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- Windows & doors - White uPvc

**Notes**

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 In all circumstances refer to site finishes schedule



**Bracewell Stirling CONSULTING**

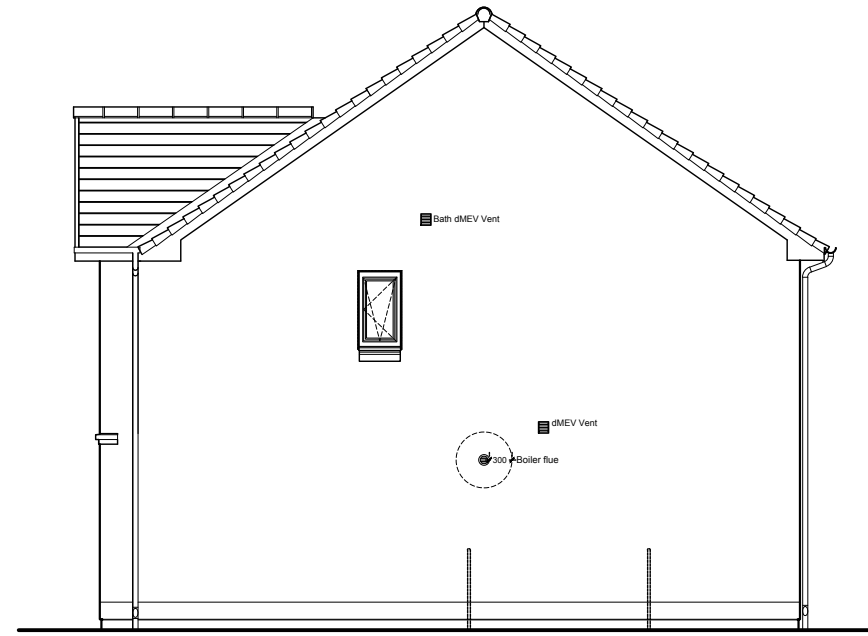
- 38 WALKER TERRACE, TILLCOUNTRY, FK13 6EF TEL: 01259 750301 FAX: 01259 752365
- 5 NESS BANK, INVERNESS, IV2 4SF TEL: 01463 233760 FAX: 01463 233785

PHASE H  
 NESS ROAD - FORTROSE  
 TULLOCH HOMES LTD.

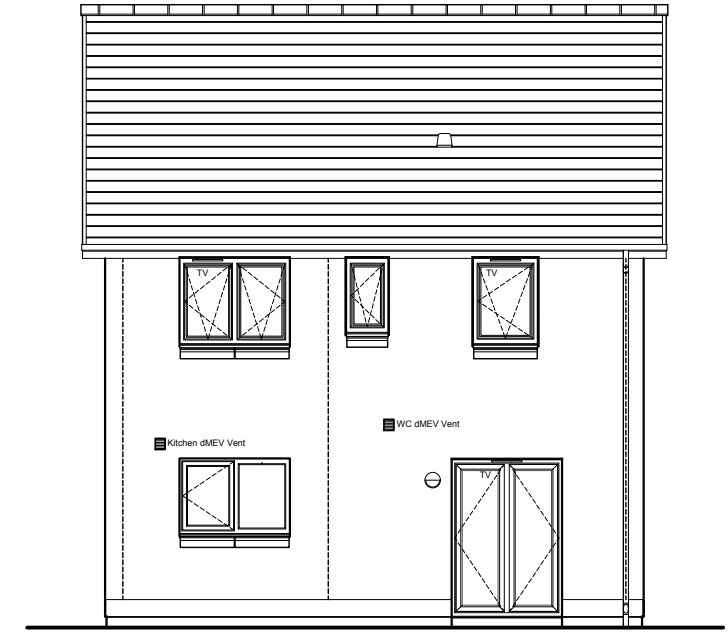
|          |                     |      |        |
|----------|---------------------|------|--------|
| TYPE     | 3SV 88 - TORRIN     |      |        |
| VERSION  | 13 / 1 -            |      |        |
| TITLE    | GENERAL DETAILS     |      |        |
| SCALE    | 1:00                | DATE | NOV 14 |
| DWG SIZE | A3                  | BY   | DGL    |
| DWG NO   | 4082-3SV88(13-1)-90 | REV  | K      |



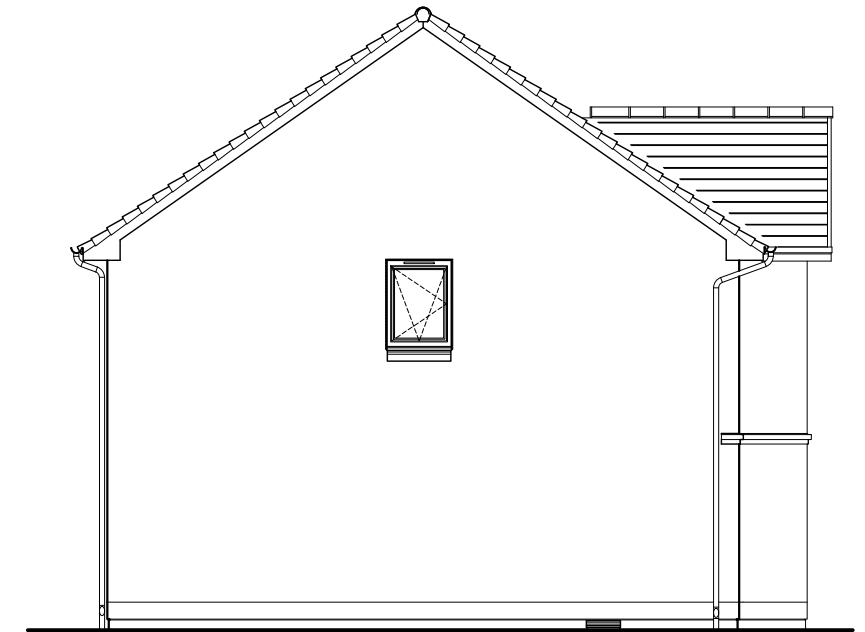
Front Elevation



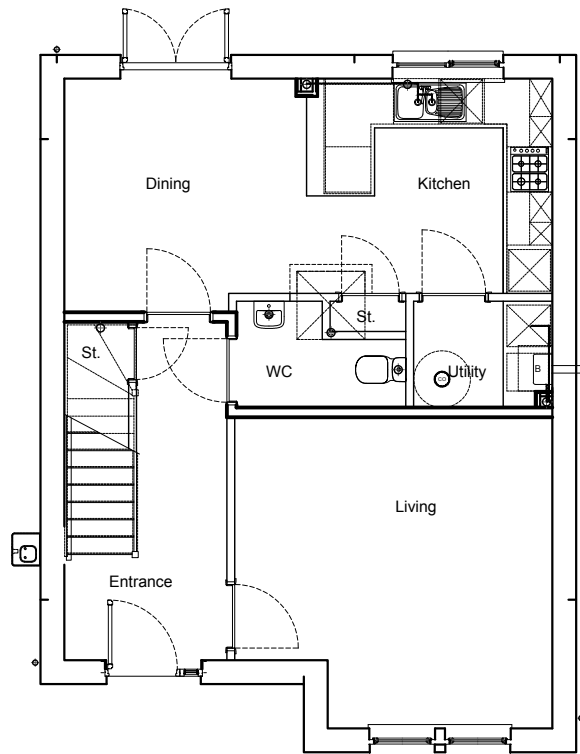
Gable Elevation



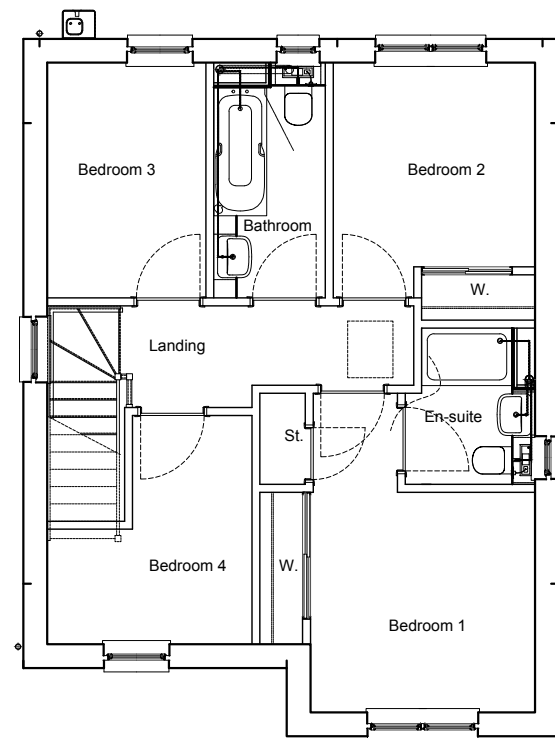
Rear Elevation



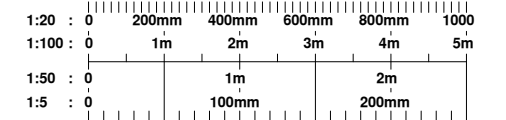
Gable Elevation



Ground Floor Plan



Upper Floor Plan



**Tulloch Homes**

**Bracewell Stirling CONSULTING**

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 ● 5 NESS BANK, INVERNESS, IV2 4SF ●  
 TEL: 01463 233760 FAX: 01463 233785

PHASE H  
 NESS ROAD - FORTROSE  
 TULLOCH HOMES LTD.

|         |                      |              |        |
|---------|----------------------|--------------|--------|
| TYPE    | 4DV105 - TWEED       |              |        |
| VERSION | 13 / 1 -             |              |        |
| TITLE   | GENERAL DETAILS      |              |        |
| SCALE   | 1:100                | DATE Nov '14 | BY DGL |
|         |                      | DWG SIZE A3  |        |
| DWG NO  | 4082-4DV105(13-1)-90 |              | REV K  |