

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
21 February 2017**

Agenda Item	7.1
Report No	PLN/012/17

**15/03033/FUL: Paterson Estates
Land 90m NW of Greenside Farmhouse Courthill Road Rosemarkie**

Report by Area Planning Manager

SUMMARY

Description : Erection of 50 residential units including access road, associated parking areas and amenity space.

Recommendation - GRANT

Ward : 10 - Black Isle

Development category : Major Development

Pre-determination hearing : Hearing not required

Reason referred to Committee: Major application.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for a residential development of 50 units on land which includes a 1.9 hectare allocation at Greenside Farm Rosemarkie. The development consists of a mix of different house types and sizes. These range from single bedroom flats to 4 bedroom detached villas. The types include bungalows, 1.5 and 2 storey terraces and semi-detached and 2 storey detached units. Twenty five per cent of the units are designated for affordable housing. These include 4 wheelchair accessible flats, 4 upper level flats, a fully accessible bungalow and 4 terraced houses. The site layout is arranged around a centrally positioned green space with a hierarchy of streets; a clear main street linking the site entrance and the two halves of the site and then a series of less formal courtyards and lanes. Shared surfaces are used throughout with a mix of different surface finishes and texture to delineate different areas and zones.
- 1.2 A Proposal of Application Notice for the development was submitted on 18 May 2015 in which it was intimated that a mandatory pre application consultation (PAC) involving a public event would be carried out in the Gordon Memorial Hall on 11 June 2015. Flyers were issued on 29 May 2015 to the local community for display in local shops and notice boards inviting attendance to the consultation event. The event was publicised on 3rd/5th June 2015 in the Press AND Journal and Ross-Shire Journal. In addition invitations to the event were issued to all notifiable

neighbours. Feedback forms were provided. The PAC report states that the public event was well attended and a number of comments were also received by email. It was clear that there is substantial public interest in the project. There was substantial and vociferous opposition to the development which raised a number of issues. A number of positive comments were also received. There was a clear demonstration of demand in some of these for new housing and development in the area. Generally the house types were well thought of.

- 1.3 The key issues and concerns raised in response to the pre –application public consultation were as follows: The allocation - some appeared to object to the allocation for housing, suggesting that the site should remain agricultural with no development at all. Others took issue with the number of dwellings allocated and in particular the increase from the 30 units in the now superseded Ross and Cromarty East Local Plan to the 50 in the Inner Moray Firth Local Development Plan (IMFLDP). Some comments suggested this would result in too high a density. The allocation boundary - a number of comments correctly point out that the site boundary differs in shape from that allocated as FR1 in the IMFLDP. Local infrastructure - a variety of issues were raised concerning the perceived impact of the development on local services and facilities including desires for a new primary school or a bypass road to alleviate traffic issues. Water pressure concerns and substantial concerns were raised about Courthill Road in particular and traffic in general.
- 1.4 The application site includes the existing road junction between Courthill Road and the A832. It is proposed to re-align and upgrade this substandard junction. Connections are to be made to the public water supply and sewer. Surface water drainage will be dealt with and treated on site. The adoptable housing roads will be constructed with traditional trapped gullies which will outlet to a below ground gravity sewer. Roof water will be collected by traditional gutters and downpipes and, where adjacent to the adoptable roads, will discharge to the below ground gravity sewer. The sewer will discharge to a cellular soakaway via a grassed swale. Final discharge will be by infiltration. Areas of private parking and access courts will be constructed of permeable block paving. Where houses are adjacent to the courts, discharge from roof water down pipes will be to the sub base of the permeable paving. Parking is to be provided at a level commensurate with the number and type of residential units proposed. Communal areas of parking will be provided in areas where the units are flats and/or terraced properties. In curtilage parking will be provided for the detached properties.
- 1.5 The following documents were submitted in support of the application:
- Design and Assess statement including visualisations,
 - Response to the feedback from the public consultation event,
 - Transport statement
 - Drainage impact assessment.
 - Landscaping plans.

The transport statement, drainage impact assessment, the site layout and landscaping plans have been the subject of several revisions required to address issues raised through the consultation process.

- 1.6 **Variations:** Drainage Impact Assessment Issue 4 July 2016 - Report and Appendix A-F and G-H. Revised site layout plans and landscape plans received 30-01-2017. Addendum to Transport statement dated January 2017. Revised layout and landscaping plans submitted July 2016.

2. **SITE DESCRIPTION**

- 2.1 The site is an area of land on the south western edge of Rosemarkie. It is bordered on three sides by open fields and to the east by Courthill Road. The site wraps around the two properties; Greenside Farmhouse and Steading and also shares a boundary with a third residential property located at the north eastern corner of the site. The land was formerly part of Greenside Farm. The ground level of the site is in general consistent with the level of Courthill Road and the neighbouring houses. There is an area in the western portion of the site which sits at a slightly lower ground level where the ground conditions indicate the presence of poorly draining soils. Beyond the northern boundary of the site the land slopes up to a line of trees on the ridge.

3. **PLANNING HISTORY**

- 3.1 14/03821/PREAPP - 50 no. residential dwellings.
15/01941/PAN- 50 no. residential dwellings.
15/01273/SCRE – 50 no. residential dwellings (Screening request under EIA Scotland Regulations 2011)

4. **PUBLIC PARTICIPATION**

- 4.1 Advertised : Departure/Potential Departure from Development Plan and Schedule 3 Development
Representation deadline : 11.09.2015
- | | |
|-------------------------------|---------------------------------|
| Representations
Objecting: | Total number of addresses - 267 |
| Representations
Supporting | Total number of addresses - 71 |
- 4.2 The community council provided a pro-forma response which has been used by the majority of those who lodged objections to the application. The pro-forma listed the following seven grounds of objection:
1. It will aggravate the already unsatisfactory traffic conditions in Fortrose and Rosemarkie reducing the safety of pedestrians and other road users.
 2. Increased traffic from the development will "reduce viability and vitality" of Fortrose town centre, contrary to the Policy objectives of Inner Moray Firth Local Development Plan.
 3. The applicant has not provided required adequate assessment in respect of traffic flowing through in the villages of the A832 corridor.
 4. SEPA. objected on 24 August to this application.
 5. The required consultation for major developments of "fifty houses or more" has not taken place.

6. There are no provisions for preventing increased use of the eastern end of Courthill Road in a manner contrary to the Road Traffic Act; this is already the subject of investigation by Police Scotland under reference P046829
7. The application requires more land than allocated in the local structure plan.

In addition the following is a summary of other concerns raised by those lodging objections to the development.

- Development of greenfield site not included within allocated site in the Inner Moray Firth Local Development Plan.
- Site is not suitable for development due to poor ground conditions as a section of the site floods.
- Site is divorced from the rest of the village.
- Development will lead to the coalescence of Rosemarkie and Fortrose.
- Number of housing units is too great for the site.
- Unacceptable visual impact on development at the entrance to Rosemarkie
- Loss of residential amenity to properties on Courthill Road
- Increase usage of Courthill Road by vehicles and pedestrians.
- Increase pressure on the Munloch /A9 junction.
- Development will stifle future proposals for a by-pass for Rosemarkie
- Public water and drainage system lack capacity for additional development.
- Insufficient space within primary and secondary schools to accommodate additional children.
- Additional development will put strain on postal and GP services.

Material considerations raised by those supporting the development are summarised as follows:

- Site is allocated in the development plan.
- Will address the lack of affordable housing in the area.
- Well considered house designs and layout.
- Further development will support the local economy and schools.
- Impact of additional traffic using Fortrose High Street will be minimal.

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 **Development Plan Team**, incorporating comments in respect of Developer contributions: No objection

- The Inner Moray Firth Local Development Plan Reporters' Report discussion of this area of land, wider village expansion options and objections to site FR1's allocation for housing, is pertinent in that this area was confirmed as

appropriate, in principle, for housing development for 50 units. Accordingly, the determination of the application should turn on matters of detail and not the principle of development.

Two responses received in relation to developer contributions.

Initial response received 24-08-2015

- Confirmation affordable housing contribution required.
- Indication contribution required in relation to secondary school education.

Second response received 26-08-2016

- Following on from the Council, as Education Authority confirming in May 2016 at the Education, Children and Adult Services Committee the methodology for calculating school capacity.
- Revised comments seek a contribution towards primary school education. None will be sought in relation to secondary education as the roll is forecast to be stable in the short term before declining slightly from 2019-20 onwards. There is no capacity constraint at the school and therefore no contributions would be required in order to accommodate secondary school pupils generated by the proposed development.

5.2 **Community Services (Contaminated Land):** Two consultation responses received. Initial response dated 28-08-2015

- No objection. Request questionnaire completed and returned. Request that any permission be subject to a condition requiring an assessment of any potential contamination due to previous activities on site.

Second response dated 22-01-2016

- Condition previously suggested no longer required following confirmation and the information submitted that there were no diesel tanks within the area of the application site.

5.3 **Historic Environment Team:** No objection. Request that any permission be subject to a condition requiring an evaluation (trial trenching) in order to establish the archaeological content and potential. The application site is in an area where archaeological features may be present.

5.4 **Housing Development Manager:** No objections. Affordable housing requirement within Rosemarkie therefore preference is for the contribution to be provided on site. Based on the layout submitted, the affordable houses to be delivered are as follows: Phase 1; Plots 5,6,13,14,15 and 16 and Phase 2; Plots 35, 38,39,40,41,45 and 46. In the absence of any other agreement, a section 75 agreement will be required to secure the provision of 13 affordable units which must comply with council's standards, and be delivered at a cost of no more than the benchmark figure in line with the council's Supplementary Guidance: Developer Contributions.

5.5 **Transport Planning Team:** Three consultation responses received. Initial response dated 28-09-2015 and second response received 01-03-2016. Both highlighted the need for further information. Third and final response received 31-01-2017.

- Drainage: A revised Drainage Impact Assessment (DIA) was previously submitted (dated 21/06/16) in response to the previous comments from transport planning and the flood team. This has now been supplemented by

winter groundwater monitoring. The monitoring shows that the winter ground water table is more than a metre below the proposed infiltration features which is acceptable.

- Pedestrian Links: The scheme is within the 30mph zone for Rosemarkie. There is a continuous footway of an appropriate standard on the East side of the A832. Courthill Road is a shared surface, single track road with a rural appearance, traffic flows and speeds are relatively low. No upgrading of these existing links is proposed and this is considered acceptable.
- However, there is an existing unsurfaced and stepped route between Courthill Road and Manse Brae (the former Gowan Brae) which is on the desire line between the north end of the site and Rosemarkie village centre. Although there will be a significant increase in demand along this path it has not been possible to identify who owns it. Therefore it is not judged practical for the developer to upgrade the steps. The visibility at the entrance on Courthill Road should be improved for road safety reasons and a traffic management feature should be designed to bring this pedestrian access point to the attention of drivers (this could consist of road markings and signage as well as cutting back the vegetation within the road boundary.) A suspensive condition is requested to submit and agree drawings in writing prior to any development and then to construct the traffic management feature prior to occupation.
- Details of crossing points on Rosemarkie Road which have been submitted in the Transport Assessment (TA) are acceptable in principal. Some adjustment may be required to achieve the 90m visibility in both directions.
- Cycle Links: Basic consideration to cycling has been given in sections 2.3, 2.5 and 3.4.2 of the TA. There is a cycle route to Fortrose Academy along the A832 and then Ness Road and Deans Road a distance of around 1.4km. The section along the A832 has a 40mph speed limit and the footway is less than 2m wide so the route is not suitable for promotion as a safe route to school. The distance that would require widening to provide a joint cycle / pedestrian route would be around 700m. There is an alternative route which has significantly lower traffic volumes and speeds along the seafront but is considerably longer. However there is no programmed improvement scheme at present. Due to the scope of works required it is not considered proportionate or reasonable to require this development to provide mitigation to encourage cycling and walking along Rosemarkie Road (A832).
- Public transport: Given the existing level of service and the size of development no contribution relating to service provision is required. There are existing bus stops on both sides of the A832 close to the site access with a 2 bay shelter on the east side only. It is considered suitable mitigation for the developer to upgrade the existing shelter to a 3 bay one, to provide a bus stop and sign on the opposite west side and to provide real time information display at the east side. A suspensive condition is

requested for the developer to submit detailed plans and a specification for the provision of a three bay bus shelter on the east side of the A832 including the provision of real time information (in accordance with section 5.18 and Appendix 7 of the Council's 'Roads and Transport Guidelines for New Developments') and of bus stop locations and signs on both sides of the A832. These should be approved in writing by the council prior to any start on site and thereafter constructed in accordance with the approved plans. In addition a developer contribution for maintenance of the real time information infrastructure for a period of 5 years is requested.

- **Travel Generation:** The TRICS database has been used to calculate person trip information. Through early scoping discussions between Transport Planning and the developer's Transport Consultant the vehicular rates per unit were agreed at 0.642 per unit during the weekday pm peak and 5.5 daily giving a total of 32 vehicle movements during the evening peak hour and 275 daily.
- **Impact on current road network (capacity and safety) Injury Accident Data.** Section 2.7 of the TA gives an overview of the Injury Accident Data for 2010-2014 and indicates that there is no evidence of any significant accident record on the local road network. More detailed consideration was given which concluded that the development would have no impact on accident rates.
- **Junction capacity modelling:** The junction capacity of two local road junctions, Ness Road Junction and A832/B9161 Munloch junction are assessed in section 8.3 to 8.5 of the TA. These models are based on junction turning counts carried out in March 2015 and show that there is ample capacity in the Ness Road junction and so the critical one is the A832/B9161 Munloch junction. It is noted that a sensitivity factor of 1.04 has been applied to allow for the varying monthly flows along the road. Although this allows for the lower flows during the counts in March it does not reflect the seasonal peak during August. However, for the local roads this is not considered significant as the maximum ratio of flow to capacity (rfc) modelled is 0.76 at the critical local junction (the threshold value is generally taken as 0.85). The queue length is modelled to increase from 2 to 3 on the critical arm which is from the B9161 to the A832 East during the pm peak. This is considered acceptable. The increase in traffic due to additional committed development from the 19 houses consented at the Ness Gap site in Fortrose (permission 15/04305/FUL) is 12 vehicles in the afternoon peak. The total two way flow previously modelled along the A832 at the junction was 708. Therefore this increase is only 2% and is not judged to have a significant impact on the capacity of the A832/B9161 junction.
- **Courthill Road:** Courthill Road is not one way but signs prohibit vehicular traffic except for access from both the north and south ends. In addition there is a sign prohibiting south bound traffic at the old smiddy buildings (just past the hall). It is not suitable for any significant increase in traffic due

to its nature (a single track, shared surface with many substandard accesses and few passing opportunities at the north end) and the lack of visibility at the northern junction with Bridge Street. Following concerns raised by the community the developer revised the layout to remove the second junction from the northern part of the site onto Courthill Road thereby minimising the attractiveness of this route as a short cut. Although the route is likely to attract an increase in walking and cycling travel trips within Rosemarkie the qualitative reasoning in 8.1 of the TA is acceptable. Therefore it is judged that there will be no significant increase in vehicular traffic along this route and so no significant effect on the road. There are no injury accidents recorded along Courthill Road between 2010-2014.

- Fortrose High Street: This is a key impact to consider (it is also identified as such by the Community Council and objectors) and is dealt with by section 8.2 of the Transport Assessment. Residents and commuters report some difficulties negotiating the sections which require shuttle working during peak periods particularly when larger vehicles meet.
- The previous housing development at Ness Road provided contributions which the Council used to implement a traffic management scheme along the High Street (along with other measures along the route). In designing this scheme the Council considered various options including one way operation and reducing on street parking. However these options could create problems (such as increasing traffic speed and reducing the attractiveness of the existing businesses to customers due to parking restrictions). These issues were judged to be greater than the gains offered by the improvement to the traffic flow. This situation remains unchanged and there is not any straightforward mitigation that can be provided for an increase in traffic.
- The increase in traffic along the High Street at the Ness Road junction is 9% if the committed development is not included. This is less than the standard 10% threshold; however for robustness, given the existing problems reported by residents, a more detailed analysis was requested. An additional traffic count was undertaken at the High Street in June 2016. The results are discussed below.
- The weekday average flow was 4766 vehicles. The weekday evening peak hourly flow was 403 vehicles. The mean average daily speed was 18 mph with an 85 percentile speed of 22mph which shows that speeds are relatively low.
- The Council prepared a 3D micro-simulation model using the VISSIM programme to assess the proposed traffic management scheme on the High Street. Historic output from the model (dated 2011) shows that the High Street operated successfully with the now implemented traffic management scheme for the peak hour flows.

- Table 1 below compares the peak hour traffic flows from the VISSIM model at High Street with those calculated for the average seasonally adjusted flows in table 3.6 of the additional information detailed in the additional report provided by the applicant in January 2017 which allows for the additional committed traffic from the additional 19 houses at Ness Gap approved under planning permission 15/04305/FUL.

- Council model: AM peak 457 PM peak 416

Existing (5 day average flow not seasonally adjusted)

AM peak 342 PM peak 403

Existing + additional development (15/04305/FUL) (5 day average flow not seasonally adjusted)

AM peak 352 PM peak 415

Existing + proposed development + additional development (15/04305/FUL) permitted (5 day average flow not seasonally adjusted)

AM peak 378 PM peak 448

- This comparison shows that the Council model had assumed a greater flow in the morning than in the evening which is not the case now. The total flow for the existing, the additional development (15/04305/FUL) and this development exceeds the model value for the afternoon peak. However the maximum flow predicted remains lower than that checked for the morning peak (a two way flow of 457 vehicles).
- The site observations show that the delay is actually lower during the peak times than that outside these times. Delays are greater when opposing flow is higher. The addendum report submitted January 2017 indicates that the maximum queue observed was 5 vehicles which is not considered significant.
- The assessment of the traffic capacity of single track roads is not straightforward. A recent initial investigation into the capacity of single track rural lanes (2012 by Richard Sweet of Somerset County Council) suggested that it was somewhere between 100-300veh/hr. During the Ross and Cromarty East Local Plan Enquiry the Head of Transport and Infrastructure indicated a capacity of 1,000 to 2,000 vehicles per day. It can be seen that the existing flow is much higher than these estimated hourly and daily flows.
- However, the capacity at this location is greater than a rural single track road as it is generally two lane with shorter sections of one lane working rather than vice versa. There is no record of any injury accidents for 2010-2014. The capacity problems appear to be sporadic and of a relatively short period. If the road was nearing capacity then more frequent and severe delays and queueing would be experienced.

- It is acknowledged that there is some pressure on the historic infrastructure which is not to modern standards and an impact on amenity due to the traffic volumes on the High Street.
- The findings contained in the Addendum Report dated January 2017 which indicated that the increase in traffic due to this development is not likely to have a significant impact on the operation of the road network. On balance this judgement is supported by the Transport Planning Team.
- Parking and turning: A temporary turning head has been shown for the first phase of construction. This will not be required for the second phase as a loop road is to be provided for servicing vehicles. 6 units have 2 in curtilage spaces. There are 65 shared spaces, 5 disabled persons spaces and 16 in curtilage spaces giving a total of 86 spaces (not including the residents parking for the 6 units as noted above). Allowing for 15 visitors in the shared spacing this gives 71 spaces for residents from the remaining 44 plots which equates to 1.6 residential spaces per unit and is acceptable.
- Access Junction and Visibility: At the main junction with the A832 the standard visibility splay of 4.5 x 90m is required. A condition is requested to provide and maintain this visibility splay.
- The proposed site access junction with the A832 is sub-standard as the second junction into Courthill Road is too close to the main junction with the A832. A swept path showing the Council's refuse vehicle has been submitted which shows that a large rigid vehicle needing access for servicing can wait to turn right into Courthill Road without impinging into the A832. However the swept path does show the vehicle pulling out into opposing traffic to make the turn from the A832 and also it swings into the boundary of plot 23. There are options for minor revisions to the junction layout to resolve these issues for example by removing the verge shown beyond the footway and providing an 8m radius. It is proposed that this level of detailed adjustment be agreed as part of the Road Construction Process.
- No access should be taken to the construction site except via the new junction. The new junction (including a safe pedestrian route) needs to be constructed prior to any other development works to provide safe access for the existing residents of Courthill Road and the development. A suspensive condition is therefore requested.
- Road Layout: Road Construction Consent (RCC) and street lighting is required for this development and will form part of the RCC.

- **Traffic Management During Construction:** A construction phase traffic management plan is required to be submitted and approved in writing prior to any start on site and a suspensive condition is requested.

5.6 **Flood Team:** Three consultation responses received. Initial response dated 26-08-2015 and second response received 08-02-2016. Both highlighted the need for further information. Third and final response received 30-01-2017.

- The results of the site groundwater monitoring and the report on the existing ditch provided by the applicant have been reviewed. Objection to this development withdrawn subject to the following conditions being applied.
- **Drainage culvert:** In order to ensure that the water from the existing ditch above the site, which flows in a south-westerly direction into the low lying pond area continues to do so, the final landscaping design must retain the current drainage routing to the Southwest.
- Parts of the drainage culvert running under the site will need to be diverted to accommodate the new development. The diversion shall be of the same dimension as the existing culvert and tied into the existing culvert which should be retained in its present state. This should be secured through a condition.
- **Surface water drainage and suds:** The results of the groundwater monitoring carried out from August 2016 to January 2017 have been reviewed at the location of the three proposed cellular storage areas. At two of the locations no groundwater was encountered and at the third the shallowest recorded level was at 25.03m AOD. The invert of the proposed phase 1 soakaway would be at least 1.8m above the recorded groundwater table. We are therefore satisfied that the cellular storage/soakaways would not be affected by groundwater ingress and that the site is suitable for their use. The results also show that there is some scope for variation in the design, if for instance the cellular storage were to be positioned at a slightly deeper level.
- Request a condition that the final drainage design is provided for review and approval prior to any work commencing on site. This shall be accompanied by percolation tests carried out at the location and depth of the proposed soakaways. The results of the percolation tests shall be used to inform the final drainage design.
- The cut-off ditch and berm along the elevated northwest boundary of the site and associated drainage infrastructure will need to be constructed during the first phase of works on site and fully completed before any of the houses are occupied. We request that this is secured through a condition.
- The SuDS and cut-off ditch/berm will remain in private hands and be maintained by a factor appointed by the developer. This will require a formal maintenance agreement. We request a condition that the name and contact details for the party responsible for the drainage infrastructure be provided

to the Planning Authority. Thereafter, the named party will be solely responsible for the drainage infrastructure. If the party responsible for drainage infrastructure changes, the Planning Authority must be notified within 28 days of the change in responsibility.

5.7 **Community Council:** Object. Several letters of representation have been submitted the contents of which are summarised below:

Letter received 10-09-15:

- Development fails to satisfy the policies of the Inner Moray Firth Development Plan, loss of vitality of Fortrose High Street due to traffic, insufficient capacity within local road network to cope with additional traffic.
- Insufficient information provided to adequately address surface water drainage matters.
- Insufficient information to provided to adequately assess the impact on the road network including Courthill Road.
- Site is larger than the land allocated for development.
- House designs do not comply with council guidelines and will not meet the needs of the community.

Letter received 19-01-2016: Comments relate to the initial Transport Statement submitted.

- Assessment is misleading with respect to capacity of Fortrose High Street to cope with additional traffic as data collected is at junction of A832/Ness Road junction.
- Lack of awareness of Courthill Road being used as a rat-run.
- A9/B9161 junction is dangerous, as acknowledged by Transport Scotland consultation response dated 9 October 2015.
- Concerns about the deterioration of the footpath and steps which link Courthill Road and Rosemarkie High Street.

Letter received 04-02-2016: Comments relate to the revised response from Transport Scotland.

- Change of position by Transport Scotland appears to be based on the Transport Statement which the community council considers to be flawed.
- Development should not proceed until the A9/B9161 junction has been improved.
- Question the manner in which Transport Scotland reviewed the information.

Letter received 06-02-2016: Comments relate to the further response from SEPA dated 12-01-2016.

- Question whether Council Flood Risk Management Team has been consulted in respect of surface water drainage proposals.

Letter dated 14-04-2016: comments relate to the manner in which the Planning Service dealt with the consultation response from Transport Scotland.

- Maintain the position that the A9/B9161 junction is dangerous and that the application should not be approved until junction is improved.

Letter dated 11-10-2016: Comments can be summarised as follows

- Repeat concerns about the impact on the viability of Fortrose town centre.

- Off-peak congestion is the focus of the community council concerns. The survey undertaken indicates that that average midday weekend flow is almost as high as the weekday peak evening flow. Side streets are used as rat runs.
- The current survey is based on 2 persons per vehicle, it is considered that a figure of 1.2 person per vehicles should be used.
- The developer should provide an estimate for the additional road maintenance required as a result of proposed development
- Request for updated Traffic Assessment to take account of the above issues as well as the additional development at Ness Gap and the dangers to pedestrians, cyclists and mobility scooters.

Letter dated 16-01-2017: Comments can be summarised as follows

- Repeat previous comments with respect to the capacity of Fortrose High Street and the associated dangers to pedestrians and other road users, that the development will preclude any prospect of a future Rosemarkie by pass and that the surveys have focused on the peak time flow of traffic.
- Buildings on High Street have required structural works due almost certainly to the volume of heavy vehicles using the road.

Letter dated 09-02-2017: Comments can be summarised as follows

- General disagreement with the comments of Transport Planning Team in their consultation response of 31-01-2017 with respect to the capacity of Fortrose High Street.
- Repeat previous comments that the danger to pedestrians on Fortrose High Street is not addressed adequately.
- Number of vehicles queuing outwith peak flow periods not properly represented
- The illegal use of Courthill Road and the impact of additional traffic from the development has not been adequately addressed.
- The views of residents are being ignored.

5.8 **SEPA** : Two consultation responses received. Initial response dated 24-08-2016

- Object on the grounds of lack of information for surface water drainage. Drainage Impact Assessment required.

Second response dated 12-01-2016

- Remove objection based on the information contained within Drainage Impact Assessment submitted January 2016 noting access roads and parking areas will be provided with treatment by way of permeable block paving system. Roof water will discharge into the sub-base of this system.

5.9 **Historic Environment Scotland**: Consultation carried out with respect to proximity of the development to The Fairy Glen Designed Landscape which is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance.

- No objection- do not consider proposals raise issues of national significance.

5.10 **Transport Scotland**: Three consultation responses received. Initial response dated 09-10-2016.

- Recommend refusal as the proposal would result in an increase in waiting and turning manoeuvres on a rural section of trunk road, which would be to the detriment of the safety and free flow of traffic on this length of trunk road

where vehicle speeds are high and vehicles waiting to turn right may be stopped in the fast lane of the trunk road.

Second response dated 20-01-2016

- Following submission of a Transport Assessment, and consideration of a report which is currently being undertaken by our operating company, Transport Scotland has been able to revise our response and have withdrawn our objection. Transport Scotland would advise that future developments which will impact on this junction will need to be assessed against the completed report from our operating company, and may need to comply with any recommendations which arise from the report.

Third response dated: 08-04-2016

- 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 Roads 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.

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 Placemaking
Policy 31	Developer Contributions
Policy 32	Affordable Housing
Policy 56	Travel
Policy 61	Landscape
Policy 64	Flood risk
Policy 66	Surface Water Drainage
Policy 75	Open Space

6.2 Inner Moray Firth Local Development Plan (IMFLDP): Adopted July 2015

Policy 2	Delivering Development
FR1	Greenside Farm

7.2 **Highland Council Supplementary Planning Policy Guidance**

- Developer Contributions
- Open Space
- Flood Risk and Drainage Impact Assessment

7.3 **Scottish Government Planning Policy and Guidance**

SPP published June 2014

- Policy Principles: paragraphs 28-29,
- Development Planning paragraph 30,
- Placemaking – paragraphs 38-46,
- Development Planning paragraphs 48, 52 and 55,
- Enabling delivery of new homes paragraphs 110 -122.
- Affordable housing paragraphs 126-131.
- Managing Flood Risk and Drainage paragraph 258

Designing Streets published March 2010

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 **Pre-application consultation**

8.4 Third party objectors and the Community Council claim that there was insufficient pre-application consultation carried out with the local community. As set out above in paragraph 1.2 and 1.3 the applicant undertook the statutory requirements for pre-application consultation for a major development by holding a public meeting and thereafter preparing and submitting a report with the planning application. The correct process and procedures were followed.

8.5 **Development Plan Policy Assessment**

The statutory development plan for the site comprises the Highland-wide Local Development Plan adopted in April 2012 and the Inner Moray Firth Local Development Plan adopted in July 2015.

8.6 The application site consists of all of the land identified as site FR1-Greenside Farm in the Inner Moray Firth Local Development Plan. In addition to this allocation which extends to 1.9 hectares, the application site includes a further 0.6 hectares of land to the west.

- 8.7 Scottish Planning Policy states as one of the key policy principals for placemaking that the planning process should direct the right development to the right place. The identification of allocated sites through the local plan process provides for this. A consistent objection to the planning application has been the general principal of development.
- 8.8 It is a requirement of the planning system that development plans identify and maintain at least a 5-year supply of effective housing land at all times, which will contribute to the creation of successful and sustainable places. The allocation of land at Greenside Farm (site FR1) was scrutinised through the consideration and adoption of the Inner Moray Firth Local Development Plan. In reaching their conclusion to accept the Council inclusion of the site in the development plan the Scottish Government Reporters Report stated that Greenside Farm (FR1) represents probably the best and most flexible option for meeting housing demand. They noted that the site is allocated for 50 houses, a significant increase on the previous allocation in the Ross AND Cromarty East Local Plan, but at 25 houses/hectare the Reporter did not consider this to be excessively high commenting that the intended density appears to be higher than that of the immediate surrounding houses but not out of character with the rest of the village, particularly the historic Conservation Area. The Report also states that the site would occupy prime agricultural land but within such a topographically confined village meeting the housing demand requirement is very likely to utilise such land. The Reporters Report stated that the defined developed area of the village is otherwise very tightly drawn around the existing built up area. Whilst it is undoubtedly an extension to the existing development area there is no convincing evidence of any adverse effect on any designated landscapes or habitats. Similarly there is no convincing evidence that development of the site would have a negative effect on tourism and the issue of the availability of local employment was a consideration in reaching the housing land supply requirements of the Highland wide Local Development Plan. The Reporters Report acknowledged that matters such as traffic generation and water treatment works capacity are details which can be considered at the detailed planning stage of development.
- 8.9 The principal of developing this land for housing is therefore clearly established through its allocation in the Development Plan.
- 8.10 As regards the extension of the development site into land beyond the allocation, the applicant has set out the merits for choosing to work with a larger site in the development brief which supports the planning application. They consider it allows better and more useful amenity space in the heart of the development which will be more overlooked and more easily accessible to both the new and existing houses. The larger site allows a best practice approach to car parking and streetscape to be taken. The revised site boundary allows the creation of a stronger and more defined edge to the settlement.
- 8.11 It is acknowledged that the planning application site covers a greater amount of land to the west than that identified in the land allocation in the Inner Moray Firth Local Development Plan. The proposed site layout results in the landscaping along the western edge, part of the internal road, a detached house, a pair of semi detached properties and a terrace of four units and their associated gardens and

parking areas in addition to part of two other terraced blocks lying beyond the allocation boundary. However the weight that should be given to this extension is not considered sufficient to dismiss consideration of the development as a whole. Likewise comments that the site is divorced from the village centre and will lead to the coalescence of Rosemarkie and Fortrose are noted but little weight can be given to these matters as the majority of the site has been allocated for development as part of the preparation of the Inner Moray Firth Local Development Plan. This Plan has defined the settlement boundaries in a manner that protects and will maintain the distinct identities of Fortrose and Rosemarkie.

- 8.12 The preparation of the Development Plan also provides the opportunity to identify and define important and significant road schemes. Suggestions by third parties and the Community Council that development of the site would prejudice the potential to deliver a by-pass for Rosemarkie appear to be based on historical discussions at the time of consideration of a much earlier and now superseded development plan. There is no detailed design for such a scheme and there is no commitment for its provision in the capital programme. This matter is therefore not a material consideration in the determination of the application.
- 8.13 The written statement of the Inner Moray Firth Local Development Plan set out a number of matters specific to the development of the site which require to be addressed through the submission of the detailed planning application for the site. These matters cover details such as the phasing of development, the detailed layout, design and access into the site, the need for structural planting to the south and west and the need for a transport impact assessment. The application has been accompanied by individual statements covering design and access, transport and drainage. In addition to landscaping plans, site layout plans and design proposals for the re-configuration of the junction between Courthill Road and the A832. It is considered that these submissions, which have had to be revised during the processing of the application, address the broad requirements of the Inner Moray Firth Local Development Plan allocation for FR1 Greenside Farm. It must be noted that the initial transport and drainage assessments, which attracted criticism from the community council and third parties have been revised following in depth discussions between the applicant, the Planning Service and consultees. The revised documents provided in July 2016 and January 2017, are based on further survey work, covering traffic counts and further ground investigations, the latter in relation to the design solution for surface water drainage.
- 8.14 Set against the backdrop of the site allocation in the Inner Moray Firth Local Development Plan the development of the site for the number of houses proposed is considered to be clearly acceptable in principle. The remaining determining factors in assessing this application are whether the detailed proposals are acceptable in relation to the above Highland wide Local Development Plan policies, particularly in terms of place making, design and layout, impact on residential and community amenity, service and road infrastructure provision and flood risk.

8.15 **Developer contributions**

8.16 In relation to the policy and supplementary guidance on developer contributions the applicant has confirmed that they are in detailed discussion with the Housing Manager with respect to the delivery of affordable housing. In line with policy 31 provision has been made for 25% affordable housing on the site. These units are 'pepper-potted' through the layout and will be designed and finished in the same manner as the rest of the houses. Unit types A/B, C AND D, as shown on the attached plans are the social units and comprise of a total of 4 x 2 bed/terraced houses, 8 x 1/2 bed flats and a 2 bed bungalow. The size and type of units to be provided has been determined by the Council's Housing Needs Assessment and the Highland Housing Register. It is noted that those third parties who submitted comments in support of the development unanimously welcomed the provision of affordable housing, commenting that it would go some way towards addressing the lack of such accommodation in the locality.

8.17 With regards to education provision it has been confirmed that the development is likely to lead to the capacity of the primary school at Avoch being breached. The comments made by those opposed to the development regarding this matter are acknowledged. The Estate Strategy Manager for Education: Culture AND Sport Service has not objected to the application requesting that in line with the provision of policy 31 a contribution towards additional accommodation should be sought. The Estate Strategy Manager: Education, Culture AND Sport Service has confirmed that there is sufficient capacity within the secondary school estate at Fortrose Academy. The supplementary guidance on developer contributions sets out the manner in which the financial contribution will be calculated. With respect to infrastructure contributions the Transport Planning Team have recommended that a financial contribution is made towards the provision and maintenance of real time information displays on the bus shelter on the east side of the A832. The delivery of the affordable housing units and the submission of any financial contribution will be the subject of a Planning Obligation which will require to be concluded prior to the issuing of any planning permission.

8.18 **Material Considerations**

8.19 **Layout and design**

8.20 Policy 29 emphasises that all new development should be designed to make a positive contribution and that the design and layout of new residential development should focus on the quality of place addressing the six qualities of successful places referred to in Scottish Planning Policy. These qualities are distinctive, safe and pleasant, easy to get around, welcoming, adaptable and resource efficient. New development on a greenfield site will have a visual impact by virtue of the fact that it will introduce new development to an area. The assessment is whether the development responds to the landscape character of the location, in an acceptable manner.

8.21 **Layout**

8.22 It is considered that the philosophy behind the layout of the development and the design of the houses is appropriate for this greenfield site. The site layout adopts the principles of shared surfaces and pedestrian friendly streetscapes supported by Scottish Government policy: Designing Streets. The site layout is arranged around a centrally located and accessible green space. The road layout is simple with shared surfaces being used. The density of development is consistent with the capacity attached to the allocated site in the Inner Moray Firth Local Development Plan. It is accepted that the allocated site boundary has been breached in order to allow the development to proceed in the manner envisaged and the comments regarding this matter submitted by third parties and the community council are acknowledged and understood. However the desire to provide a development that has a green heart at its centre and which seeks to provide a unique sense of place and of an acceptable density is fully supported. The boundaries to the development now respond to the physical features on the ground in that they extend to the existing fences on the west and north west. The layout will provide a strong landscaped edge to the development and the village. The houses fronting Courthill Road will contribute to the streetscene and provide an enhanced sense of cohesion. The boundary of the land allocation in the Development Plan is rather arbitrary in that it does not follow any existing physical features. It is considered that any development of the allocated site would also require land outwith the allocation to be included in order to secure the structural planting and landscaping that is a requirement of the Development Plan. .

8.23 **Design**

8.24 Comment has been made that two storey properties are not appropriate for this location. It is considered that the mix of house types is one of the qualities of the development which give the development a distinctive character. The design statement set out how the special qualities, style and form of the historic core of Rosemarkie have influenced the design.

8.25 The design and external appearance of the house types is clearly based on local vernacular precedents. The approach taken is welcomed. A deliberate attempt has been made to design a scheme which has a strong sense of place with a distinctive vernacular form and finish. Simple pitched roof forms are used successfully with an emphasis on narrow gables and well- proportioned fenestration. The main material used is textured render with smooth render surrounds to openings. A mix of render colours is used in a palette similar to that present elsewhere in Rosemarkie. Roofs will be in a dark grey flat roof tile with slate and leadwork details to dormers and bay windows.

8.26 It is considered that the design of the houses will make a positive contribution to the housing stock in the area and that it responds well to the landscape setting of the site. The development has a clear sense of identity and in due course, as the site is completed and occupied the development will make a positive contribution to the village.

8.27 Residential amenity of houses on Courthill Road and Crawford Avenue

8.28 The nearest properties to the development are the existing houses on the opposite side of Courthill Road and the properties which share boundaries with the site on the west side of Courthill Road. In considering the impact on residential amenity the material considerations are potential overshadowing/loss of light, dominance and loss of privacy. The houses on the west side of Courthill Road are known as Greenside Farmhouse, Byre Cottage, Stable Cottage and Greenside House. With respect to Greenside Farmhouse this property will share a boundary with one of the proposed detached houses which will front onto Courthill Road and the extended curtilage of one of the semi detached units which comprises of four flats. In both instances the gable elevations face towards Greenside Farmhouse. These elevations include windows which serve the internal stair and in the case of the flats, a bedroom at ground floor level. Whilst the garden ground of Greenside Farmhouse will be overlooked it is not considered that there will be a significant loss of privacy to any of the habitable rooms. Byre and Stable Cottages are residential properties contained within the steading building which was previously associated with Greenside Farmhouse. The properties will share a boundary with the open space at the centre of the development as well as two of the proposed houses. The house which will front onto Courthill Road has no windows to habitable rooms that face towards the gable elevation of Stable Cottage. The proposed house at the rear of the cottages is single storey and therefore the boundary treatment between the properties will ensure no direct overlooking. The treatment to the boundary between the development, Greenside Farmhouse and these properties will be secured through condition. Greenside House will share a boundary with a proposed detached house which will front onto Courthill Road. A garage for this property will be located between the house and Greenside House, as with the other properties the boundary treatment to the development at the rear of Greenside house will be secured through condition. It is considered that the layout and design of the development adequately addresses the need to protect the residential amenity of these properties.

With respect to the three houses on the opposite side of the road, it is acknowledged and understood that the front gardens of these properties will be overlooked. These frontage areas of garden ground are currently open to public views from Courthill Road. The distance between habitable rooms of these houses and those proposed is no less than 18m, as the proposed houses are to be positioned on the same building line as the existing properties on the west side of Courthill Road. This is considered to be acceptable. The proposed properties are comparable in height to Greenside Farmhouse, it is considered that the proposed houses will not be overly dominant or cause a significant loss of light/overshadowing to these neighbouring properties.

8.29 The houses on Crawford Avenue are separated from the development by Rosemarkie Road. The distance between the houses on Crawford Avenue that front onto Rosemarkie Road and the boundary of the application site is 25m, or thereby. It is considered that there is sufficient separation between these houses and the development to protect their amenity. It is acknowledged that the outlook from these houses will be altered by the development.

8.30 **Impact on Road Network**

- 8.31 The impact that the development will have on the local and wider road network has been the subject of extensive and detailed discussions involving the key stakeholders; Transport Scotland in relation to the A9/B9161 junction and the Council's Transport Planning Team in relation to the junction of Courthill Road and the capacity of the local road network.
- 8.32 The number and content of the comments submitted in relation to the application and also the comments offered by the Community Council indicates that there is a substantial body of opinion that considers that the existing road network through Fortrose High Street and the villages of Avoch and Munlochy do not have the capacity to absorb additional traffic which would be generated by the development. In addition they consider that the A9/B9161 junction is not safe, in that vehicles traveling north and turning right into the B9161 are required to queue at peak times in the fast lane of the trunk road. Further housing development will, in the opinion of the Community Council and individual third parties, cause additional traffic to use what is perceived to be an unsafe junction.
- 8.33 Transport Scotland is a statutory consultee in relation to this planning application because it was considered that the development was likely to result in a material increase in the volume and the character of traffic entering and leaving the A9 Trunk Road at the B9161 junction and at Tore. This position was reached following an initial consideration by the Transport Planning Team of the Transport Statement document that was tabled as part of pre-application discussions. A Transport Statement is generally not required for a development of this size. However in this case the need for a Transport Statement is one of the requirements set out in the Inner Moray Firth Local Development Plan for site FR1 at Greenside Farm.
- 8.34 In their consultation response Transport Scotland initially recommended refusal. Referring to the A9/B9161 as being the site of an accident cluster with lengthy queues northbound at the evening peak. They advised that all developments which increased the usage of this junction would be resisted. A report into the conditions at the junction had yet to be completed and this would then be used to determine suitable mitigation.
- 8.35 In January 2016 Transport Scotland superseded their original response indicating that they advise a condition which requires a Section 48 Agreement (Roads (Scotland) Act 1984) between the applicant and the Trunk Roads Authority, Transport Scotland for an agreed proportionate contribution to the cost of vehicle queue detectors and signage at the A9/B9161 junction, be attached to any planning permission granted. This requirement will be covered by a suspensive condition.
- 8.36 The community council has criticised the manner in which the Planning Service engaged with Transport Scotland following receipt of the initial consultation response. This is not a material consideration in the determination of the application and is covered elsewhere in this report under the heading of other considerations - not material paragraph 8.57.

- 8.37 With respect to the local road network, this is a matter for the Council as Roads Authority to consider. There has been considerable dialogue with the applicant regarding the junction improvements at Courthill Road as well as an assessment of the capacity of the High Street in Fortrose and the remainder of the road network leading to the A9.
- 8.38 There has been a criticism levelled at the Council by third parties and the community council regarding the existing parking layout and yellow lines on Fortrose High Street. These works formed part of a package of measures installed to address the increase in volume of traffic generated by housing development at Ness Gap, Fortrose. Works were carried out in three locations; Fortrose, Avoch and Munlochy. With respect to Fortrose these measures were implemented to regulate traffic flows through the High Street. The Transport Planning Team have confirmed that in designing this scheme the Council considered various options including one way operation and reducing on street parking along Fortrose High Street. However it was recognised that these options could create problems such as increasing traffic speed and reducing the attractiveness of the existing businesses to customers due to parking restrictions. These issues were judged to be greater than the gains offered by the improvement to the traffic flow. This is still considered the case. Comment has been made by third parties and the community council about the speed at which vehicles travel through the villages of Fortrose, Avoch and Munlochy. It is the responsibility of individual drivers to adhere to speed limits and for the Police to enforce. These measures were introduced following a public consultation process and given that a significant amount of the traffic is local to the area it is disappointing that some drivers do not recognise the importance and need to drive appropriately to the conditions and within the legal speed limits.
- 8.39 At the time of developing the traffic management scheme on the High Street the council prepared a 3D micro-simulation model. The output from this model indicated that the High Street would operate successfully with the now implemented traffic management scheme for a two way peak flow of 457 vehicles per hour at peak am and 416 vehicles per hour at peak pm. The applicants transport statement has, with the agreement of the Council's Transport Planning Team, used these figures as the basis for assessing the impact of the additional traffic generation anticipated as a result of this development.
- 8.40 The Transport Planning Team considers that that there is not a significant capacity issue with current traffic volumes although there is some pressure on the historic infrastructure. The historical character of Fortrose High Street has narrow pavements and is clearly not to modern standards. There is therefore an impact on amenity due to the traffic volumes. However the applicant was requested to demonstrate the impact the additional volume of traffic is likely to have on the flow of traffic through the narrow section of Fortrose High Street.
- 8.41 Traffic counts were undertaken by the applicant in March 2016, at an agreed position on Fortrose High Street and for an agreed time, so that a comparison could be undertaken of current traffic flows, plus those that are anticipated to be generated by the development. Following on from the approval of the development of 19 houses at Ness Gap, Fortrose (15/04305/FUL) which also required an analysis of the impact of that development on the flow of traffic, the applicant was

requested to produce a further analysis of traffic flow through the narrow part of Fortrose High Street taking account of the committed additional 19 houses. An addendum to the Transport Assessment was submitted in January 2017. An analysis of the additional information informed the consultation response and recommendation of the Transport Planning Team, details of which are comprehensively set out above in paragraph 5.5.

- 8.42 The findings of the addendum report indicate that peak pm flows, as a result of the existing, permitted and proposed development, are likely to marginally breach the 3D model values. The model indicated a PM two way peak flow of 416 vehicles. The data collected now indicates that the PM two way peak flow is anticipated to be 448 vehicles. This comparison shows that the council's model had assumed a greater flow in the morning than the evening which is not the case now. However the maximum flow predicted remains lower than that checked for the morning peak (a two way flow of 457 vehicles.) The addendum report also highlights that delays are actually lower during the peak times than those outside these times. This is the view that has been strongly expressed by the Community Council, who clearly consider that the off peak traffic is the cause of the greatest concerns as they consider that it conflicts with other road users such as mobility scooter users as well as pedestrians.
- 8.43 The findings in the addendum report are that the maximum queue observed through the narrow part of Fortrose High Street outwith peak times was 5 vehicles. This figure is disputed by the Community Council in their letter of 09-02-2017. The Transport Planning Team conclude that the impact of the development on the operation of the road network is not likely to be significant. The capacity problems appear to be sporadic and of a relatively short duration. If the road was nearing capacity then more frequent and severe delays and queueing would be experienced.
- 8.44 It is evident from the information and data gathered in association with this planning application that traffic flow through the centre of Fortrose will continue to be one of the critical determining factor in identifying future development potential in and around the settlement through both the development plan and development management processes. As regards the current proposals, it is considered that based on the findings and detailed analysis of the survey work and the comments of the Transport Planning Team that there would be insufficient justification to withhold planning permission due to traffic flow through Fortrose High Street. The measures that are currently in place along Fortrose High Street are considered to be the most appropriate to protect the safety of all road users and pedestrians. It is for all individual members of the public to ensure that they adhere to the 20 mph speed limit and recognise the physical constraints of the High Street when journeying on foot or car.
- 8.45 The Transport Statement also considered the junction capacity of two local road junctions; Ness Road junction and A832/B9161 junction at the east end of Munloch. The models within the transport statement indicate that there is ample capacity in the Ness Road junction and that as a result of the development the queue length at the junction of the A832/9161 would increase from 2 to 3 vehicles at peak times. The Transport Planning Team has confirmed that this is acceptable.

8.46 **Courthill Road**

- 8.47 The existing junction of Courthill Road and the A832 forms part of the application site. The deficiencies of the junction, which have been highlighted by third party objectors is recognised and accepted by the applicants. Following discussion at the pre-application stage the applicant purchased land at the junction to allow works to be undertaken to re-configure the junction and provide visibility splays appropriate to the location and increased usage of the junction. The junction re-design will be the subject of separate and detailed consideration through the Road Construction Consent process. For the purposes of consideration of this application, in view of the comments received from Transport Planning, the proposed junction is considered acceptable. Works to the junction require to be carried out prior to any development on the houses or internal road this matter will be covered by a condition. A traffic management plan will also be require to set out how access to the existing properties on Courthill Road will be maintained from the junction during the construction period. The submission and approval of the management plan will also be the subject of a condition.
- 8.48 It is noted that the improvements include the provision of footways and crossing points on Rosemarkie Road before the Courthill Road junction to provide safe pedestrian access to the bus stops on either side of the A832.
- 8.49 Objectors to the development have emphasised the risk associated with any increase in vehicles using Courthill Road as a means to avoid traveling through Rosemarkie High Street and the lack of footpath. It is accepted that Courthill Road is not suitable for any significant increase in traffic due to its nature; it is a single track, shared surface road with many substandard accesses and few passing opportunities at the north end. There is also a lack of visibility at the northern junction with Bridge Street.
- 8.50 The road layout for the development has been designed with one point of entry and egress close to the entrance to Courthill Road. This layout was developed following comments received from the community as a result of the statutory pre-application consultation event. It is considered that the layout as proposed reduces the attractiveness for vehicles other than those seeking direct access to properties to use Courthill Road. In addition it is considered that the majority of journeys generated will use the road network from the site out to the A9, rather than beyond the site towards Cromarty. It is not considered that there will be a significant increase in vehicular traffic on Courthill Road or that the level of any increase would be sufficient to justify refusal of the development.
- 8.51 It is expected that pedestrian usage of Courthill Road and the steps to Manse Road will increase, as they provide a link into the village High Street. There has been an investigation as to the ownership of these steps in order to identify if there is an opportunity to improve the under foot condition of this route. The applicant does not own the land and there is no proof that the steps are in public ownership. Given the lack of certainty regarding ownership it would be unreasonable for the Planning Authority to add a condition to any permission granted which required the steps to

be upgraded. Although it is accepted that it would be desirable to have this work undertaken as mitigation for the anticipated increase usage of the steps it is not considered essential.

8.52 Surface Water Drainage

8.53 Following on from the initial objections lodged by consultees to the lack of information on surface water drainage proposals, the applicant has been actively engaged with the Flood Risk Management Team to provide a surface water drainage solution designed in accordance with Sewers for Scotland 2nd Edition. A Drainage Impact Assessment was submitted for comment in January 2016. Following an assessment of this and a further revised report the applicant was requested to undertake ground water monitoring through the winter at locations within the site where it is proposed to located underground filtration systems which form part of the design solution for the Suds scheme. This level of investigation was necessary given the visible ground conditions across the site, which many of the third parties commented on as well as to respond to the Flood Risk Management Teams concerns. The monitoring identified the presence, or other wise of ground water below the filtration system.

8.54 The findings of the monitoring which demonstrate that the filtration systems will work effectively to allow surface water to be contained within the site are accepted by the Flood Team. In addition the information provided by the applicant has confirmed that water from an existing drainage ditch which runs along the north eastern boundary of the site, at the bottom of the hillside flows in a south-westerly direction into the low lying pond area which lies outwith the site. The Suds scheme includes a proposal to improve this ditch to ensure that water does not flow onto the site. The Flood team have confirmed that the final design must retain the current drainage routing to the south west.

8.55 It is considered that sufficient information has been submitted to demonstrate that the site can be developed in the manner proposed taking account of the ground conditions. The surface water drainage proposals are of an acceptable design to protect occupiers of the proposed houses from flooding as a result of surface water.

8.56 Promoting and Protecting Fortrose Town Centre

8.57 The pro forma submitted by third parties and the comments offered by the community council include as a ground of objection that the development will have an adverse effect on the vitality and viability of Fortrose town centre. It would appear that this statement is in reference to policy 1 of the Inner Moray Firth Local Development Plan which states that the Council will not support any proposal for development that is likely to have an adverse effect on the vitality and viability of any of the centres listed in the development plan, including Fortrose. The opposing view is put forward by those in support of the development. The issues relating to the capacity of the road network, the existing traffic management in the High Street of Fortrose and the effect of additional vehicle traffic have been dealt with elsewhere in this report; paragraph 8.30 to 8.45 and in the consultation response

from the Transport Planning Team paragraph 5.5. It is not accepted that the development will have a negative effect on the vitality and viability of Fortrose town centre, the development is most likely to increase footfall in Fortrose and Rosemarkie to the benefit of commercial businesses.

8.58 Other Considerations – not materials

8.59 A number of comments have been made by the community council in correspondence received in relation to this proposal which are not material to the determination of the application. In their letter of 7 January 2016, they questioned the omission from the eportal of a consultation response from Transport Scotland. A response to this letter was issued from the North Area Planning Manger apologising for this administrative error. A letter from the community council in April 2016 contained a statement that the community council consider that pressure was bought to bear on Transport Scotland by Highland Council to amend their original consultation response in relation to this planning application. This assertion is and was strongly refuted. A response to this letter was issued by the North Area Planning Manager. All applications require to be considered objectively by the Planning Service on their merits having regard to all relevant material planning considerations. Clarification was sought from Transport Scotland by the Planning Service when the original consultation response was received. There was a clear justification for this action as no such objection was received from Transport Scotland in their consultation response when the land at Greenside Farm, and other parcels of land were being considered for allocation in the Inner Moray Firth Local Development Plan. It was therefore essential for the Planning Service to understand the basis on which the initial consultation response from Transport Scotland was made.

8.60 Comment has also been made about the pressure that will be placed on the local postal and medical services. The Royal Mail group has a statutory universal service obligation under the Postal Services Act 2011 to deliver mail and consequently they are required to address the matter of any additional demand. With respect to medical services, demand for these services is a matter of the individual clinic/practice to address.

8.61 The Community Council in their letter of 16 January 2017 suggests that the developer should be required to determine the cost of future repairs and that recent building repair works to houses on the High Street of Fortrose are a result of heavy traffic. The latter is their opinion only. The matter of future road maintenance costs is not a material consideration in the determination of the a planning application.

8.62 Matters to be secured by Section 75 Agreement

8.63 A Planning Obligation/Section 75 Agreement will require to be concluded. The matters that are to be secured by the agreement are as follows:

- Provision of at least 25% affordable homes on the site.
- Financial contribution towards additional classroom provision at local primary school.

- Financial contribution towards the provision and maintenance (for a five year period) of real time information displays at the westbound bus shelter on the A832.

9. CONCLUSION

- 9.1 In summary, planning permission is sought for the development of a site for which the allocation has been carefully scrutinized through the development plan process. Whilst the proposal includes an area of land beyond the allocation, the increase in the site area is considered to secure a development of high quality appropriate for this greenfield location. The application has attracted considerable public interest and concern and through the assessment process it has been important to ensure that the concerns which are within the scope of the planning application process have been considered and addressed. This has resulted in a significant volume of technical information being requested from the applicant and analysed. The outcome of this process is a development that is considered to meet the requirements of the development plan by delivering a high quality residential development which will contribute towards to provision of much needed homes in the area.
- 9.2 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 **Granted** subject to the following conditions and reasons/notes to applicant:

1. 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.

2. No other development shall commence on site until the new site access is constructed onto the A832, including the improvements to the layout of the existing Courthill Road junction and a safe pedestrian route onto the A832 to the written satisfaction of the Planning Authority in consultation with the Roads Authority.

Visibility splays of 4.5m x 90m shall be provided at the junction with the A832 and thereafter maintained in perpetuity.

Reason: In the interests of road traffic and pedestrian safety.

3. No development shall commence on the construction of the houses or the internal road layout prior to the submission of detailed and dimensioned plans for improvements to Courthill Road at the location of the access of the pedestrian path along the former Gowan Brae to manage traffic along Courthill Road and provided appropriate visibility for pedestrians using the path, for the written approval of the Planning Authority in consultation with the Roads Authority. Thereafter the development shall be completed in accordance with the agreed details prior to the occupation of the first house.

Reason : In the interests of pedestrian safety.

4. No development shall commence on site until a traffic management plan and specification including measures to accommodate pedestrians at the junction of the pedestrian steps on the former Gowan Brae and Courthill Road, during the construction period has been submitted to and approved in writing by the Planning Authority.

The plan shall include;

- (a) Details of how the new junction will be constructed whilst allowing access to Courthill Road at all times.
- (b) Details of how safe pedestrian movements will be accommodated together with the site access.
- (c) Timing of HGV movements to avoid primary school travel times.
- (d) Details of how the requirement to prevent any construction vehicle access from Courthill Road will be enforced.
- (e) Details of any temporary road signage required for the works.
- (f) Details of adequate temporary parking, site offices and materials storage areas and turning all within the site (for all phases).
- (g) Details of the provision of a vacuum road sweeper (and in addition if necessary wheel wash facilities within the site) to prevent mud on the road.
- (h) The provision of a photographic dilapidation survey agreed by the Council, as Roads Authority, prior to the start of any works on the access onto the A832 and of the frontage areas onto Courthill Road. This shall be repeated at the end of each phase of the development (any damage to the public road caused by the development shall be made good to the satisfaction of the Council).
- (i) A regular inspection regime for the junction with the A832 and the section of Courthill Road adjacent to the site and a commitment to promptly notify the Council of any problems.
- (j) A strategy for keeping residents and the Community Council informed and a procedure for dealing with any complaints.

Reason : In the interest of road and pedestrian safety.

5. No development shall commence until plans are submitted to illustrate that ground levels at the south west corner of the site in the vicinity of the existing culvert inlet are not altered so as to maintain existing flow routes for the consideration and written approval of the Planning Authority in consultation with the Flood Risk Management Team.

Reason: To reduce the risk of flooding.

6. Notwithstanding the details shown on the submitted house type drawings prior to work commencing on the construction of the houses a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason : To ensure that all external finishes are suitable for, and sensitive to, the location.

7. Prior to commencement of development, other than the junction improvements referred to in condition 3 above, percolation tests shall be carried out at the location and depth of the proposed soakaways, thereafter the test results and the final drainage design and specification for the drainage design shall be submitted for the consideration and written approval of the Planning Authority in consultation with the Flood Risk Management Team. Thereafter the development shall be carried out in accordance with the agreed details.

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

8. Prior to commencement of development, details of a factoring agreement shall be submitted for the written approval of the Planning Authority in consultation with Forestry Officer and the Flood Risk Management Team to ensure the future maintenance of the communal landscaped areas and the Suds scheme including the cut-off ditch/berm is secured. The development shall thereafter be managed in accordance with such approved factoring agreement in perpetuity. Until such time as the factor is appointed the maintenance of these features shall remain the responsibility of the developer unless otherwise formally agreed in writing.

Reason: To ensure that all communal spaces and elements of the drainage scheme which will remain in private ownership within the application site are subject to an ongoing maintenance agreement to ensure proper management/maintenance of those areas; in the interests of amenity and to reduce the risk of flooding.

9. All landscaping works illustrated on the approved Landscape Plans ref. 822/GF/P/01A, 822/GF/P/02A, and 822/GF/LP/03A shall be carried out in accordance with this scheme to the satisfaction of the Planning Authority to a timescale to be agreed in advance with the Planning Authority. In the absence of such agreed timetable all planting, seeding or turfing as comprised in the approved details shall be carried out in the first planting and seeding season following the commencement of the associated phase of development. 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, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping, in line with the applicant's submitted Landscape Plans.

10. Prior to works commencing details of the boundary treatments for Greenside Farmhouse, Greenside House, Byre and Stable Cottages shall be submitted for the consideration and written approval of the Planning Authority. Thereafter the development will be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and privacy.

11. No development shall commence on the construction of the houses or the internal road layout prior to the submission of detailed plans and a specification for the provision of two bus stops on either side of the A832, and a three bay bus shelter with a real time bus information display at the bus stop to the south east of Rosemarkie Road, the location of which shall not impact on the visibility splays for vehicles and pedestrians at the junction of the A832 and Courthill Road and at the proposed pedestrian crossing point. Thereafter the bus stops, real time bus information display and bus shelter shall be constructed in accordance with the agreed details prior to occupation of the first house.

Reason: To secure the provision of public transport infrastructure in accordance with Policy 29 of the Highland wide Local Development Plan.

12. All roads and pavements within the application site as they relate to a particular phase shall be formed to base course level prior to the first occupation of any of the houses within that phase. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last house within the phase in question, or upon the expiry of a period of three years from the date of first occupation within that phase, whichever is the sooner.

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

13. All driveways and within curtilage parking areas, as detailed on the approved plans, shall be constructed in full and maintained for this purpose in perpetuity prior to the first occupation of the related houses. The first six metres of each driveway shall be surfaced in a cohesive material to the satisfaction of the Roads Authority.

Reason : To ensure that adequate parking provision is provided and that driveways are constructed timeously; in order to ensure that cars do not park on the public road, and in the interests of road safety

14. All diverted sections of the existing drainage culvert which runs under the site required to accommodate the development shall be replaced with new culverting of the same dimension as the existing culvert and tied into the remainder of the existing culvert which shall be retained in its present condition.

Reason: To reduce the risk of flooding.

15. Prior to occupation of the first house, the cut-off ditch and berm along the northwest boundary of the site and the associated drainage infrastructure shall be completed to the written satisfaction of the Planning Authority in consultation with the Flood Risk Management Team. .

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

16. Prior to the occupation of any of the consented 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 shall be concluded prior to the commencement of development.

Reason : To ensure that vehicles using the A9/B9161 Munloch junction can undertake the manoeuvre safely and to mitigate against issues for left turning vehicles from the B9161 to 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. The proposed scheme will improve visibility and alter existing signing to make it passively safe.

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 LIMITS

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.

Major Development Site Notice

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

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.

SuDS and cut-off ditch/berm maintenance

The name and contact details for the party responsible for the drainage infrastructure shall be provided to the Planning Authority and Flood Risk Management Team. Thereafter, the named party will be solely responsible for the drainage infrastructure. If the party responsible for drainage infrastructure changes, the Planning Authority and Flood Risk Management Team must be notified within 28 days of the change in responsibility.

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.

Transport Scotland Contact Details:

Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 OHF

Telephone Number: 0141272 7387

e-mail: development_management@transportscotland.gsi.gov.uk

Local Roads Authority Consent

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

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

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

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

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

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

Mud 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.

Protected Species - Halting of Work

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

Section 75 Obligation

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

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: 12124IA(PL)001A Location Plan
12124IA(PL)010I Site Plan Phase 1
12124IA(PL)011J Site Plan Phase 2
12124IA(PL)013G Site Plan

12124IA(PL)100B House Type AANDB Ground Floor Plan
12124IA(PL)101B House Type AANDB First Floor Plan
12124IA(PL)102A House Type AANDB Roof Plan
12124IA(PL)103C House Type AANDB Elevations

12124IA(PL)110B House Type C Ground Floor Plan
12124IA(PL)111B House Type C First Floor Plan
12124IA(PL)112A House Type C Roof Plan
12124IA(PL)113C House Type C Elevations

12124IA(PL)120B House Type D Ground Floor Plan
12124IA(PL)122A House Type D Roof Plan
12124IA(PL)123D House Type D Elevations

12124IA(PL)130D House Type W Ground Floor Plan
12124IA(PL)131D House Type W First Floor Plan
12124IA(PL)132A House Type W Roof Plan
12124IA(PL)133C House Type W Elevations

12124IA(PL)140C House Type X1 Ground Floor Plan
12124IA(PL)141C House Type X1 First Floor Plan
12124IA(PL)142A House Type X1 Roof Plan
12124IA(PL)143C House Type X1 Elevations

12124IA(PL)150C House Type X2 Ground Floor Plan
12124IA(PL)151C House Type X2 First Floor Plan
12124IA(PL)152A House Type X2 Roof Plan
12124IA(PL)153C House Type X2 Elevations

12124IA(PL)170D House Type Y Ground Floor Plan
12124IA(PL)171D House Type Y First Floor Plan
12124IA(PL)172A House Type Y Roof Plan
12124IA(PL)173B House Type Y Elevations

12124IA(PL)180D House Type Z Ground Floor Plan
12124IA(PL)181D House Type Z First Floor Plan
12124IA(PL)182A House Type Z Roof Plan
12124IA(PL)183C House Type Z Elevations

12124IA(PL)190A House Type X3 Ground Floor Plan
12124IA(PL)191A House Type X3 First Floor Plan
12124IA(PL)192 House Type X3 Roof Plan
12124IA(PL)193A House Type X3 Elevations

12124IA(PL)200A House Type X4 Ground Floor Plan
12124IA(PL)201A House Type X4 First Floor Plan
12124IA(PL)202 House Type X4 Roof Plan
12124IA(PL)203B House Type X4 Elevations

2616:101/01B Road Layout Sheet 1
2616:101/02B Road Layout Sheet 1
2616:105/01F Drainage Layout Sheet 1
2616:105/02F Drainage Layout Sheet 2
2616:105/03F Drainage Layout Sheet 3
2616:180 Swale Details

822/GF/P/02A Landscape Proposals Two
822/GF/P/01A Landscape Proposals One
822/GF/LP/03A Landscape Proposals Three