

Agenda item	7.11
Report no	PLN/080/18

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 27 November 2018

Report Title: 17/05598/FUL Memorial Field Station Road Avoch

Report By: Area Planning Manager – North

1. Purpose/Executive Summary

1.1 Applicant: Cairn Housing Association

Proposal: Erection of housing development (34 units) and associated infrastructure (Phase 1)

Ward 09: - Black Isle

Category: Local Development

Reasons Referred to Committee: More than five letters of representation from five different addresses.

(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.)

2. Recommendation

2.2 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

- 3.1 The residential development proposed consists of a total of 34 units comprised of 18 three bedroomed 1½ storey houses, two 4 bedroomed 1½ storey houses, six 2 bedroomed bungalows and 8 one bedroomed flats contained within two blocks. The application also includes the roads and services required along with improved pedestrian provision with the village centre and bus service.
- The plans also include details of the refurbishment of the village recycling area. These works are permitted development which can be carried out by the Planning Authority without formal scrutiny through the planning application process.
- The current proposals represent phase one of the development at Memorial Field it is anticipated that a second phase of 12 x 3 bedroomed 1½ storey houses will follow in due course. This has been detailed on the submitted layout plan but does not form part of this current application.
- 3.2 Informal pre application advice provided in April 2017.
- 3.3 The site is currently served by a field entrance which takes access from the recycling area. Surface water run off is currently collected in existing field drains within and above the development site boundary. These field drains are understood to discharge to the Old Manse Burn, located to the west of the site.
- 3.4 The supporting information consists of design and access statement, transportation statement, flood risk assessment and a tree survey and landscaping plans. Revised statements and plans were received during the processing of the application in relation to flood risk and drainage, off site provision of footpaths and the bus stops and landscaping proposals.
- 3.5 **Variations:** Amended plan were received between the application being registered in December 2017 and October 2018. The amendments responded to the consultation comments made by the Flood Risk Management Team, Transport Planning Team and Forestry Officer.

4. SITE DESCRIPTION

- 4.1 The site is situated on the western edge of Avoch. The land is bounded to the north by the recycling facility, A832 and is opposite the primary school. There is agricultural land to the south, the east and west boundaries are shared with residential properties. The site is relatively steep and rises from the north to the south. A narrow strip of mixed broadleaves are present along the frontage of the site with the A832. The canopies of individual trees located in the garden ground of the neighbouring properties overhang parts of the western and eastern boundaries.

5. PLANNING HISTORY

- 5.1 09/00090/FULRC: Formation of twenty two house plots and eight affordable house plots and associates services. The application was considered by the Ross and, Skye and Lochaber Planning Application Committee in October 2009. Approval was agreed subject to the prior conclusion of a Section 75 Planning Obligation for affordable housing and permission was issued 09.09.2014.

6. PUBLIC PARTICIPATION

6.1 Advertised : Unknown Neighbour

Representation deadline : 12.01.2018

representations : 16 Representations from 9 separate addresses and Fortrose and Rosemarkie Community Council.

6.2 Material considerations raised are summarised as follows:

- Number of houses and layout does not respect rural character of Avoch.
- Concerns on the capacity of the primary and secondary schools in Avoch and Fortrose to accommodate pupils from the development.
- Capacity of public sewer to accommodate the development.
- Capacity of public roads to accommodate additional traffic.
- Capacity of the A9 Munlochy Junction to accommodate additional traffic associated with households.
- Capacity of Fortrose High Street to accommodate additional traffic associated with households.
- Treatment of surface water run off, as current situation causes flooding.
- Loss of privacy to neighbouring houses.
- Additional traffic management required to allow safe pedestrian crossing of the A832, including an extension of the 20mph.

6.3 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.

7. CONSULTATIONS

7.1 **Development Plans Team** : No objection. Proposed development is in overall conformity with the Council's development plan although there are several, minor, deviations from the precise requirements of the plan. The site benefits from a long standing housing allocation (currently referenced as site AV2 - Memorial Field within the Inner Moray Firth Local Development Plan Adopted July 2015), is within the built envelope of a relatively large settlement and close to its primary school. The applicant is proposing to provide an affordable housing development which will help meet Highland and Scottish Government policy priorities. The application complies with the AV2 site developer requirements in terms of the provision of a pedestrian crossing of the A832 and footpath connectivity improvements. The increased density, with an ultimately intended capacity of 46 units, combined with the site's relatively steep slope has eliminated the possibility of creating useable public open space and a tree planting belt to provide a visual backdrop to the development. However, the layout could offer an acceptable compromise if some planting is progressed within the communal areas. Previous advice has also referenced the need for developer contributions towards public art and real time public transport information at the bus stops. Education developer contribution will be required.

7.2 **Access Officer:** No objections. Welcome installation of safe pedestrian crossing point for the A832. It would be desirable to leave sufficient space in the south west corner of the site to allow a footpath link from the internal road as there is a long standing desire to identify a non-motorised route between Munloch and Avoch. One option for the route could be through this site and thereafter following a track past Muiralehouse Cottages, although a number of obstacles remain. Where possible desire lines within the development should be surfaced.

7.3 **Flood Risk Management Team:** Four consultation responses received. Initial response dated 22.01.2018.

- Object to the application until further information provided in relation to the catchment area of the Old Manse Burn and associated flood risk of the upper reach of the Burn. Further information required in relation to measures proposed to deal with pluvial flood risk.
- Further information required in relation to drainage proposals particularly with respect to the proposed points of discharge into existing watercourses, volume of discharge and the on site attenuation storage proposals.

Second response dated 14.03.2018.

- Maintain objection due to the impact on flood risk. Applicant requires to provide a feasible drainage solution based on site investigation and supported by calculations demonstrating that there would be no flooding to the site or increase in flood risk elsewhere.

Third response dated 12.07.2018.

- Maintain objection due to the impact on flood risk. Additional information required in relation to the cut off ditch showing location of the ditch in relation to the property boundaries and details of the piped sections and details of access arrangements for maintenance of the cut off trenches
- Additional information still required in relation to survey of the culverted section of the Old Manse Burn and on site attenuation storage proposals.

Final Response dated 22.10.2018

- Withdrawn objections and recommend conditions attached to any planning permission granted. Condition required to ensure that there is long term maintenance of the cut off ditch which is included to intercept overland flow and divert waters to the west into the Old Manse Burn.
- Condition required to ensure review and approval of the final drainage design by the Flood Risk Management Team.

7.4 **Transport Planning Team :** Three consultation responses received. Initial response dated 16.01.2018.

- TIA submitted as requested. Concur with the findings that the development will not impact on the wider road network. Welcome the provision of pedestrian crossing point of A832. The precise design and delivery of the crossing will require to be agreed with the Principal Traffic Officer.
- Further information required in relation to the provision of bus bays and real time enabled shelters. In a westerly direction the shelter can be delivered at or near the bus stop adjacent to the Council recycling facility. In an easterly direction, the shelter should be provided within the school bus drop off/pick up facility.

- Internal road layout acceptable in principle although further clarity required regarding parking bays, verge width, bio retention measures and the possible effect on adjacent footway and carriageway construction.
- Factoring arrangements will be required for all communal landscaped verges.
- Cycle parking/storage information required.
- Details of storage and collection of waste required.
- Construction Management Plan required.

Second Response 12.07.2018

- Proposed location of eastbound bus shelter as shown on plan No 016 B is unacceptable. It requires to be located within the existing school bus drop off/pick up point.
- Remedial works required to existing northern footway east of the proposed crossing.
- Information required with respect to factoring agreement, cycle storage and waste collection.

Final Response 14.11.2018

- Details shown on plan 017 revision D for school bus drop off /pick up point acceptable.

7.5 **Forestry Officer:** Initial comment submitted 28.05.2018 offering holding objection pending the submission of a Tree Protection Plan and Arboricultural Method Statement. Recommendation made in relation to compensatory planting

Second Response dated 14.11.2018.

- All landscaping should be completed following completion of the road layout and prior to commencement of development on any house.
- All traffic calming verges should be grassed and most planted with trees.
- To compensate for the loss of roadside trees, additional specimen trees should be planted among the proposed hedges.
- All landscaping must be contained within communal areas and details of a factoring arrangement provided.
- The landscape maintenance schedule must include an item for hedge trimming twice per year.

7.6 **Avoch Community Council:** Object.

- The proposal for two blocks of flats next to the A832 is out of character within the village and will have an undesirable visual impact due to their over all height which will be exacerbated by the ground level on which they are to be constructed and their close proximity to the road.
- Approval of tall buildings will set a precedent for additional tall buildings within the second phase of development and elsewhere in the village.
- Additional compensatory planting required along northern roadside boundary and the boundaries of existing neighbouring properties.
- Concerns about impact on Avoch primary school, local GP practice and the A9/B9161 road junction.
- Developer contributions should be paid to the community and not absorbed into the wider Highland budget.

7.7 **Transport Scotland:** Two consultation responses received. Initial response dated 28.12.2017

- No objections subject to a condition being attached requiring a developer contribution towards the cost of the installation of vehicle queue detectors and signage at the A9/B9161 Munloch junction.

Second Response dated 17.07.2018

- No objection response supersedes previous one dated 28.12.2017 , revised wording of condition to take account of the installation of the vehicle queue detectors and signage.

7.8 **Scottish Water:** No objections. Sufficient capacity with Assynt Water Treatment Works and Avoch Waste Water Treatment Works.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 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 64	Flood Risk
Policy 66	Surface water Drainage
Policy 75	Open space

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

Policy 2	Delivering Development
AV2	Memorial Field

9. OTHER MATERIAL CONSIDERATIONS

9.1 Draft Development Plan

Not applicable

9.2 Highland Council Supplementary Planning Policy Guidance

- Developer Contributions
- Flood Risk and Drainage Impact Assessment

9.3 **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

10. **PLANNING APPRAISAL**

10.1 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.

10.2 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.

10.3 **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.

The application site consists of the majority of the land identified as site AV2 Memorial Field in the Inner Moray Firth Local Development Plan. The allocated land extends to 2.4 hectares. The application site for phase one extends to 1.94 hectares, the areas of the allocation that are excluded from the application are two parcels of land on either side of the internal loop road identified as phase two of the development and the triangular area of land to south. This parcel of land was included within the previously planning permission ref 09/0090/FULRC and was identified as a proposed planted woodland and landscape area.

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.

The principal of developing this land for housing is clearly established through its allocation in the Development Plan.

10.4 **Material Considerations**

10.5 **Site density, layout and Design**

10.6 Reference is made in the policy statement in the IMFLDP to the previous planning permission 09/00090/FULRC which proposed the erection of 30 houses. The housing capacity for the whole allocated site reflects this earlier permission. Whilst reference to this earlier permission was relevant at the time the development plan was under consideration and newly adopted, given that planning permission 09/0090/FULRC lapsed prior to the current application being submitted as this has now lapsed only limited weight can be attributed to it. It is acknowledged that the development now proposed and also anticipated through a second phase of

development will result in a density greater than 30 units. A clear statement is made in the IMFLDP at paragraph 2.12 Site Capacities that a different capacity than that specified for each allocated site identified through the IMFLDP may be acceptable subject to detailed design that demonstrates efficient use of land and a satisfactory site layout.

- 10.7 The design and layout of the site has been influenced by a desire to deliver affordable housing which responds to local demands and meets the aspirations of the Local Authority and other affordable housing providers. It has also been influenced by the physical characteristics of the site. Given that it is relatively steep rising from the north to the south the layout has been designed around a loop road to allow the housing to be on accessible level platforms running on the east –west axis which is connected with steeper, linking sections of road. The majority of the housing units are designed as a series of semi-detached properties. Their design is a contemporary version of a traditional property where the upper floor is contained within the roof space and whilst there is a general unity in the design of the semi - detached blocks, the six designs provide subtle differences in the external finish and thereby enhance the overall visual appearance of the development. It is considered that the density and layout of the site provides each unit with an acceptable level of amenity with respect to daylight, sunlight and privacy and represent an efficient use of land.

The previously layout approved under planning permission 09/00090/FUL included a wider range of house types and was more generous with respect to the plots sizes particularly with regards to the anticipated detached properties. This fresh proposal needs to be considered on its own merits and requires to be considered and have regard to the landscape and site parameters. In this regard the proposal is considered to be acceptable in scale and density and acceptable in this location.

- 10.8 The Community Council and other contributors have commented that the layout, density and design of the development are not appropriate for a site at the entrance to the village. Reference is made particularly in relation to the two blocks of flats. It is acknowledged that this allocated site, by virtue of its location and topography, is visually prominent and that its development will bring change into the area. In response to the concerns expressed in relation to the two blocks of flats revised proposals were submitted in January 2018 which include additional ground engineering works which will significantly reduce the amount of exposed underbuilding on the north elevation of these units which face onto the A832. These units will be prominent given their road side location. However it is considered appropriate to site the taller blocks on the lowest part of the site. The flats are comparable in scale and massing to existing flats on Toll Road located 800m, or thereby east of the site.

10.9 **Flood Risk, and Surface water Drainage**

- 10.10 The historical flooding issues associated with this area of the village which surface water run off from this site significantly contributes towards, were recognised by the applicant. Unfortunately the initial information submitted failed to properly address flood risk and the management of surface water. Following the submission of a number of revised documents and plans, an acceptable solution has now been achieved. Surface water above the development will be directed to the Old Manse

Burn to the west of the site via a new cut off ditch. Within the development, surface water will be directed to an underground attenuation tank which will discharge to the Avoch Burn via new and existing culverts. The drainage proposals have been the subject of detailed assessment by the flood risk management team. They have confirmed in their final consultation response dated 22 October 2018 that they have no objections, subject to conditions being attached to any planning permission granted which ensure that there is long term maintenance of the cut off ditch and allow review and approval by the Flood Risk Management Team of the final drainage design.

10.11 Road and Transportation Matters

10.12 A number of contributors, including Fortrose and Rosemarkie Community Council, and Avoch Community Council have raised concerns about the capacity of the wider road network to accommodate the additional traffic generated by the development. However all assessments of trip generation has been based on current guidance used for all housing developments. In line with current protocol Transport Scotland were consulted with respect to the A9/B9163 Junction. In response they confirmed that a financial contribution towards the vehicle queue detectors and signage at the junction should be sought from the developer. Their initial consultation response received in December 2017 was updated and replaced by a revised response in July 2018. The revised response updated the wording of the condition and reason they request are attached to any permission granted. The revised wording reflects the fact that the vehicles queue detectors and signage have been installed.

10.13 With regard to the impact on Fortrose High Street the Transport Planning Team consider that the traffic increase on Fortrose High Street, as a result of the development proposed, is likely to be limited and can, therefore, be accommodated with minimal impact. Within the Transport Statement submitted in support of the application vehicle trip generation for the new development was estimated using the industry standard TRICS (Trip Rate Information Computer System) database. The following trip rates and trip generation were derived for the morning and evening peak traffic periods.

46 Residential Units	Morning Peak (8.00 – 9.00)		Evening Peak (17.00 – 18.00)	
	Arrivals	Departures	Arrivals	Departures
Trip Rate	0.388	0.504	0.434	0.326
Trip Generation	18	23	20	15

Traffic distribution from the development site was not considered in the TS as it was assumed the vast majority of trips generated by the development would be to and from the population centres to the west.

The Transport Planning Team consider that even with a distribution of 20% of trips to and from Fortrose, only 8 two-way trips in the morning peak and 7 two-way trips in the evening peak would be generated. It should be noted that this trip generation relates to the full 46 no. units proposed for the site and not just the 34 no. units covered by this application.

Recent traffic survey data obtained in connection with proposed housing development at Greenside Farm, Rosemarkie (planning ref. 15/03033/FUL) recorded two-way flow on Fortrose High Street in the morning and evening peak

hours as 342 and 403 respectively. A development of 46 no. residential units at Memorial Field, Avoch would therefore result in an estimated increase in vehicular traffic on Fortrose High Street of 2 % in both the morning and evening peak periods.

The Transport Planning Team consider that an increase of this magnitude is within normal fluctuation levels in traffic flows and is not considered significant. As previously noted, the increase is based on 20% of development trips being to and from Fortrose, whereas in practice it is anticipated that the balance of trips in this direction is likely to be less.

10.14 Within the development the parking and cycle storage provision will be provided in accordance with current guideline standards. The internal road network and new junction onto the A832 will require Road Construction Consent under the Road Scotland Act. This process will deal with the technical construction aspects of the road layout and geometry.

10.15 A new pedestrian crossing point of the A832 is to be provided west of the proposed junction, in addition to the provision of two bus shelters on either side of the road. The location of the eastbound shelter has been the subject of extensive consultation and negotiation to ensure that it is located within the existing school bus drop off /pick up point and also that the necessary footpath provision from the crossing point and also west of the drop off point is delivered as part of the development. Revised plans including the above have been received and a final comment from the Transport Planning Team on 14 November 2018 confirms acceptance of these details.

10.16 **Landscaping and Open Space**

10.17 In order to facilitate the development the tree belt along the northern boundary of the site will regrettably require to be removed. The construction of the access, the provision of the required visibility splays and the provision of the underground surface water retention tank can only be secured by the removal of these trees. To compensate for the loss of trees and to enhance the quality of the development communal landscaped areas will be provided throughout the development. A new hedge will be established along the northern boundary outwith the visibility splays with specimen trees interspersed within the hedge. Occasional feature trees will be planted throughout the development, an area of native woodland planting will be introduced along the eastern boundary and shrub planting is proposed along the western boundary. There will also be formal shrub planting in beds. The Forestry Officer has offered no objections to the proposals. However on review of the amended landscaping plan and arboricultural statement, submitted August 2018, he has requested that conditions be attached to any permission granted to increase the number of specimen trees in the open areas and along the northern boundary, as well as securing the implementation of the landscaping prior to the construction of the houses in order to allow more time to become established. In addition to these matters, details of the factoring and maintenance agreement which will require to cover the landscaping, open spaces and communal drainage system will also require further approval. It is recommended that these matters are also covered by condition. It is acknowledged that the development does not include a dedicated area of open space/recreational ground. On balance the need for such has been set

aside in support of the efficient use of the land and the desire to provide affordable homes. The constraints in developing the site due to the relatively steep slope have also eliminated the possibility of creating useable public open space.

10.18 **Neighbouring Residential Impact**

10.19 The nearest residential properties lie to the west and east of the site. Given the layout of the site the land adjacent to these boundaries will form part of the landscaped boundaries to the internal road rather than garden ground to individual houses. The separation distance between the closest property on the eastern boundary Berneray and the most easterly of the flats is 26m, or thereby. Given this separation distance it is not considered that the block of flats will significantly impact on the privacy, daylight or sunlight of this property. There are no windows on the eastern gable elevation of the flats. The separation distance between the property the Old Manse situated on the western boundary and the nearest house is approximately 32m. There are no windows on the western gable elevation of this or any of the other properties. The massing and height of the houses along with the separation distance is considered sufficient to protect the amenity of the Old Manse.

10.20 **Developer Contributions**

10.21 At the time the planning application was submitted and throughout the assessment period of the development, the Developer Contributions Supplementary guidance adopted on 2 November 2018 was in draft form. Presentation of the application to the Planning Applications Committee has been delayed due to the extensive negotiations that have been undertaken to resolve the technical issues regarding flooding, surface water drainage, the bus stop provision and landscaping. Matters regarding developer contribution were established at the commencement of the assessment period. The financial contributions sought are on the in relation to primary education at the previous rate. Based on current school roll forecasts no contribution towards secondary education is required.

The development of this site is already accounted for in the published 2017/18 School Roll Forecast (SRFs) which includes a prediction of 46 house completions across the site in forecast years 2 and 3. This figure incorporates the pending application and intended second phase.

The 2017/19 SRFs indicate that the school will go over 100% capacity in 2019/20 with the school remaining over capacity for the rest of the forecast period to 2032/33. The school roll is anticipated to peak in 2023/24 at 46 pupils over the school's capacity with the roll falling slightly before increasing again in the final year of the forecast.

Given that the school is anticipated to go over capacity for 14 of the 15 years forecast, and the school is anticipated to go over capacity by over 25 pupils, but less than 50 pupils, developer contributions are required at the 2 classroom extension rate (£2,137per house and £276 per flat at Q3 2018).

Total contribution towards primary education - 26 houses x £2,137 + 8 flats x £276 = £57,770 (Q3 2018)

This assessment reflects costs at Q3 of 2018 with these being subject to inflation in line with the BCIS All-In TPI.

Comment has been made by the Community Council and other contributors of the pressure placed on the primary school estate given the current and future forecast for the school roll. The pressure on the school is acknowledged and the financial contributions sought will go towards securing additional accommodation within Avoch Primary School. It is understood that the school estate on the Black Isle remains under review by Education Services.

10.22 Public Art will be delivered as part of the development in the form of the pedestrian entrance to the development which will feature a 'zig zag path way with art panels leading into the development. Full details will require to be agreed with the Planning Service. This matter can be dealt with by way of a suspensive condition.

10.23 Real time bus time displays will be provided within both of the new bus shelters.

10.24 **Other Considerations – not material**

10.25 A number of comments have been made by third party contributors which are not material to the determination of the application. Concern is expressed about the capacity of the medical services. Demand for these services is a matter for the individual clinic/practice to address. Comment has also been made in relation to the refurbishment of the recycling area and in particular the maintenance of access to the Old Manse by service vehicles. As set out in the description of development, whilst the details of the refurbishment are shown on some of the submitted plans these proposals do not form part of the planning application. However it is anticipated that the manner in which the refurbishment is undertaken will not result in detriment to occupiers of the Old Manse.

10.26 Fortrose and Rosemarkie Community Council made reference to an investigation by the Scottish Public Services Ombudsman (SPSO) which was associated with Planning Permission 15/03033/FUL - Erection of 50 house at Greenside Farm Rosemarkie. The complaint to the SPSO covered a number of matters relating to planning application 15/03033/FUL including a suggestion that pressure was brought to bear on Transport Scotland by Highland Council to amend their initial consultation response on the proposed development 15/03033/FUL. This assertion was strongly refuted by the Planning Service in response to complaints received from members of the public as well as Fortrose and Rosemarkie Community Council. In the intervening period of time, following a thorough investigation by the SPSO none of the complaints were upheld.

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

10.28 As set out above a financial contribution towards primary school education will be required. In the event that the developer does not wish to pay the contribution up front to the Council's Developer Contribution Officer, a Section 75 Planning Obligation will be required.

The applicant will have four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be

delivered within four months, without agreement for an extension, the application will be refused under delegated powers for the reason of refusal set out at the end of the report.

11. CONCLUSION

11.1 All relevant matters have been taken into account when appraising this application. The site lies within the defined settlement development area for Avoch and comprises of allocated site AV2. It is considered that the proposals respond positively to the affordable housing policy of the HwLDP and secure the delivery of an allocated housing site. The density and layout demonstrate efficient use of land. It is recognised that the development will bring change to the area, the layout and design of the development is considered appropriate for this location. As part of the development drainage proposals will address the current problems of flooding caused by, amongst other issues, surface water run off from the site. The development will also deliver improvements to the public transport network.

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.

12. IMPLICATIONS

12.1 Resource – Not applicable

12.2 Legal –Not applicable

12.3 Community (Equality, Poverty and Rural) –Not applicable

12.4 Climate Change/Carbon Clever –Not applicable

12.5 Risk – Not applicable

12.6 Gaelic – Not applicable

13. 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. All housing within this development site shall comprise affordable housing (which meets the definition of affordable housing outlined in The Highland Council's Affordable Housing definition as set out in Supplementary Planning Guidance: Developer Contributions dated 2013 (as amended, revoked or replaced; with or without modification).

Reason : In accordance with the development for which planning permission has been submitted and to secure the provision of affordable housing in accordance with the Council's Supplementary Planning Guidance: Developer Contributions dated 2013 (as amended, revoked or replaced; with or without modification)

2. No development shall commence on site until details of the proposed location of the site compound, storage of equipment and associated facilities including staff parking have been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

Reason : In the interest of residential amenity

3. No other development shall commence on site until the cut off ditch, as shown on drainage layout drawing C2517 Rev H has been constructed in accordance with the details hereby approved.

Reason : This feature is required to protect the site from overland water flows and therefore requires to be in place prior to any other construction taking place on the site, in the interest of reducing flood risk.

4. Prior to the commencement of development the drainage design and future maintenance arrangements shall be submitted for the consideration and written approval of the Planning Authority. 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.

5. Prior to the commencement of development the final design and method of delivery of the signalised crossing of the A832 shall be agreed in writing with the Planning Authority in consultation with the Roads Authority. Thereafter the signalised crossing shall be installed and operational prior to first occupancy of any of the development .

Reason : To ensure that the signalised crossing is provided timeously and complies with the requirements of the Road Authority; in the interests of road safety.

6. Prior to the commencement of development details of the cycle parking/storage provision and the storage and collection of waste arrangements shall be submitted for the consideration and written approval of the Planning Authority. Thereafter the development shall proceed in accordance with the agreed details .

Reason: To ensure that the provision of these facilities is provided timeously and complies with the requirements of the Planning Authority supplementary planning guidance.

7. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction, or any superseding guidance

prevailing at that time). These barriers shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: The tree survey submitted identifies a number of trees on the boundaries of the site that are to be retained. These trees are important amenity assets.

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

Reason: In accordance with Highland wide Local Development Plan Policy 31 (Developer Contributions) and associated supplementary planning guidance - Developer Contributions.

9. No development or work shall commence until a detailed specification of all external finishes including roofing material/colours and colours to be applied to the timber cladding on the houses has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: In order to enable the planning authority to consider these matters in detail prior to the commencement of development; in the interests of amenity

10. Prior to first occupancy of any of the development the following works shall be completed to the satisfaction of the Planning Authority, in consultation with the Roads Authority:
- i. provision of bus bays and real time enabled shelters,
 - ii provision of footways connecting the signalised crossing point and the existing footway to the west of the school bus drop off/pick up point.
 - iii Provision of footways on the south side of the A832 on either side of the site access to the location of the westbound bus bay and to the signalised crossing point.
 - iii repairs to the footway on the north side of the A832 from the signalised crossing point to Toll Road.

Reason : To ensure that the bus bays, shelters and footpaths are provided timeously and comply with the requirements of the Road Authority; in the interests of pedestrian safety.

11. Prior to first occupancy of any of the development, details of a factoring agreement shall be submitted for the written approval of the Planning Authority to ensure the future maintenance of the communal landscaped areas, including roadside verges and remote paths and the Suds scheme 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.

12. Prior to the occupation of the development an agreement under Section 48 of the Roads (Scotland) Act 1984 between the developer and the Trunk Roads Authority, Transport Scotland for an agreed proportionate contribution to the cost of the vehicle queue detectors and signage installed at the A9/89161 Munlochy junction shall be concluded and the contribution paid.

Reason: The vehicle queue detectors and signage have been installed at the A9/B9161 Munlochy junction to secure the safety and free flow of through traffic and in recognition of the impact of additional traffic turning right from the A9, which will be exacerbated by this and other housing developments, identified in the Inner Moray Firth Local Development Plan, on the south side of the Black Isle.

13. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development rather than as stated in the approved scheme.

The following additional planting shall be included in the scheme:

- i. additional specimen trees among the hedge to be planted west of the entrance into the site.
- ii all traffic calming verges shall be grassed and planted with specimen trees or shrubs.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

14. All roads and pavements within the application site shall be formed to base course level and street lighting shall be installed and operational prior to the first occupation of any of the houses. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last house within the development, or upon the expiry of a period of three years from the date of first occupation, whichever is the sooner.

Reason: In the interest of road safety.

15. The flats shall be served by a communal satellite dishes.

Reason: In the interests of visual amenity

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

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans and Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area 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/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2

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.

Construction Hours and Noise-Generating Activities

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

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

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

and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

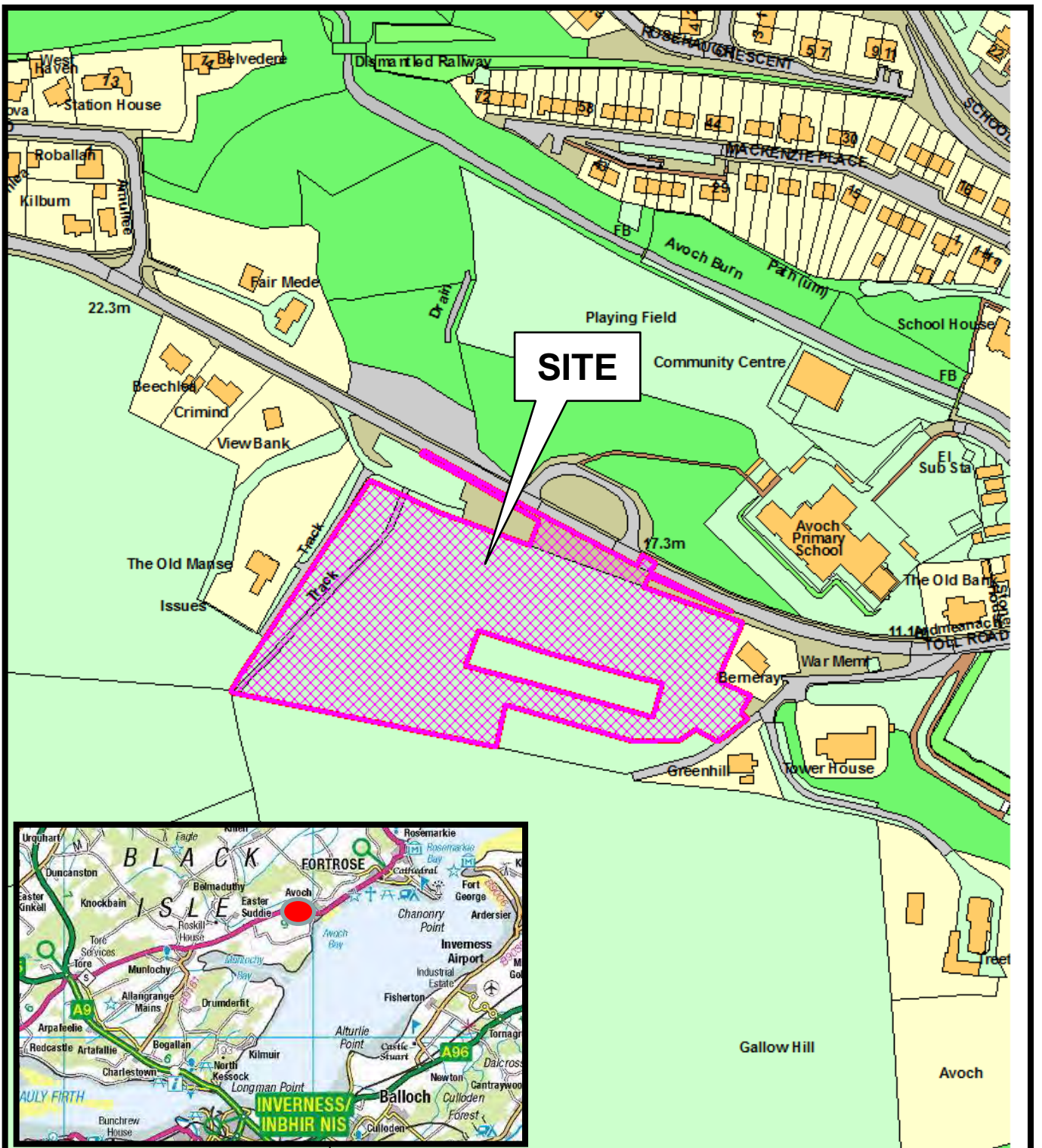
Protected Species – Halting of Work

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

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

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

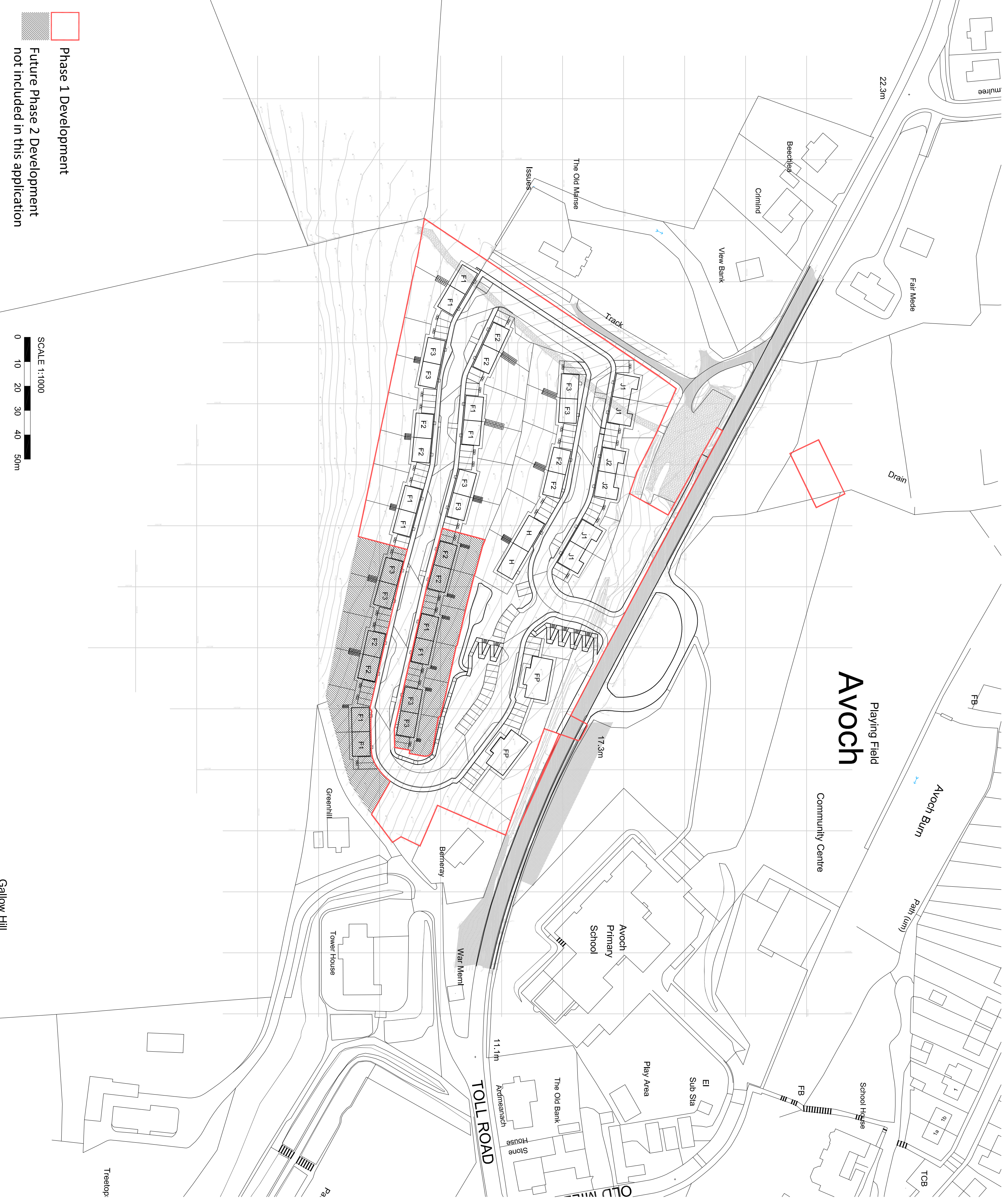
Designation: Acting Head of Development Management – Highland
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Plan
Plan 3 – Street elevation
Plan 4 – TYPE F1 GROUND FLOOR
Plan 5– TYPE F FIRST FLOOR PLAN
Plan 6 – TYPE F1 ELEVATION PLAN
Plan 7– TYPE F2 GROUND FLOOR PLAN
Plan 8– TYPE F2 ELEVATION PLAN
Plan 9 – TYPE F3 ELEVATION PLAN
Plan 10– TYPE F3 GROUND FLOOR PLAN
Plan 11 – TYPE H GROUND FLOOR
Plan 12 – TYPE H FIRST FLOOR
Plan 13 – TYPE H ELEVATION PLAN
Plan 14 – TYPE J1GROUND FLOOR PLAN
Plan 15 – TYPE J1 ELEVATION PLAN
Plan 16 – TYPE J2 ELEVATION PLAN
Plan 17 – TYPE J2 GROUND FLOOR PLAN
Plan 18 - FOUR PLEX GROUDNFLOOR PLAN
Plan 19 - FOURPLEX FIRST FLOOR PLAN
Plan 20 – FOURPLEX ELEVATIONS
Plan 21 – CONTROLLED CROSSING AND BUS SHELTERS
Plan 22 - WESTBOUND BUS STOP



NOTES

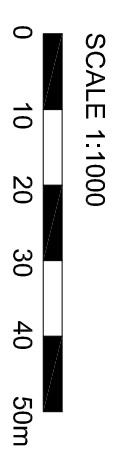
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REVISION
 A 05-12-17 Issued for Planning JR
 B 12-12-17 Boundary amended. Re-issued to PL JR



Phase 1 Development

Future Phase 2 Development
 not included in this application



Gallow Hill

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1:1000	05-12-17	JR	MPE

PROJECT
Residential Development
 Memorial Field, Avoch

DRAWING
Block Plan
 Phase 1

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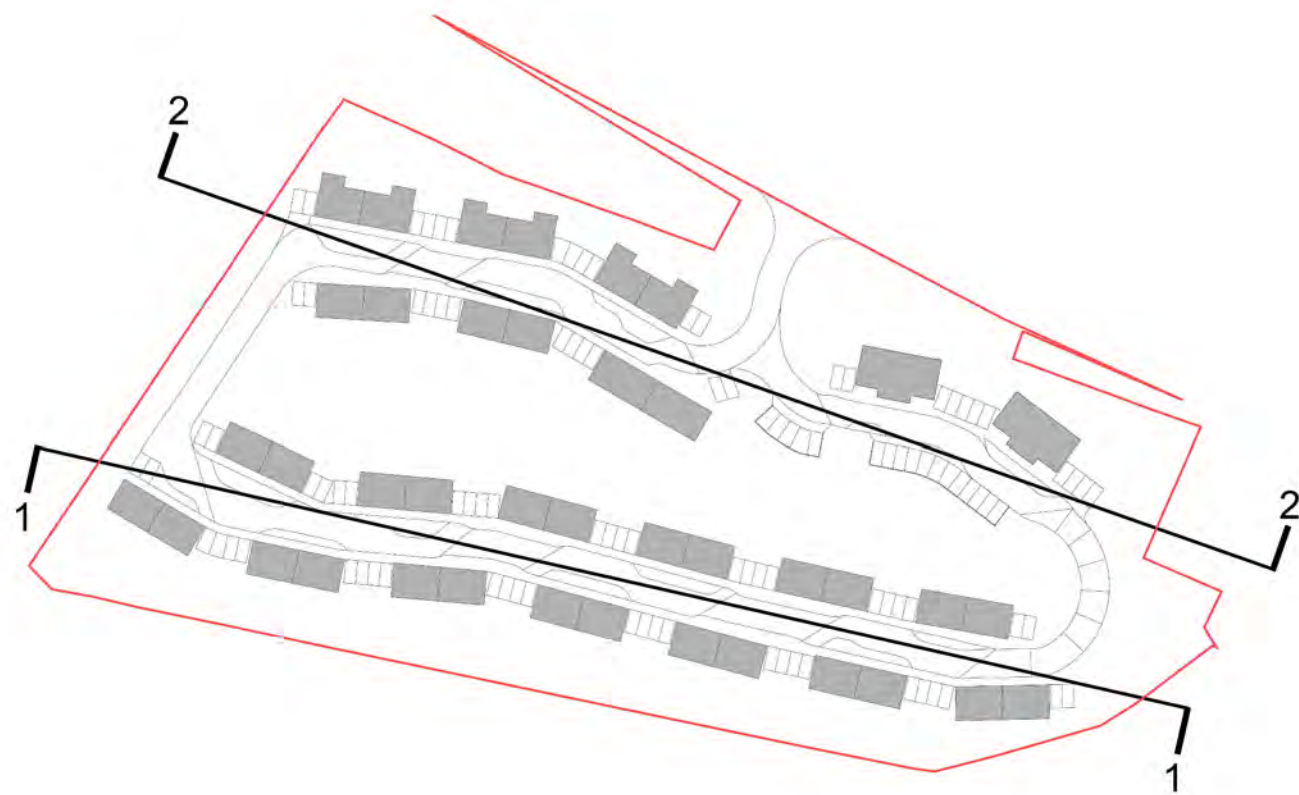
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 A 23-11-17 Issued for Planning JR



Street Elevation 1



Street Elevation 2



Key Plan

SCALE	DATE	DRAWN	CHECKED
500	23-11-17	JR	MPE

PROJECT
 Residential Development
 Memorial Field, Avoch

DRAWING
 Street Elevations

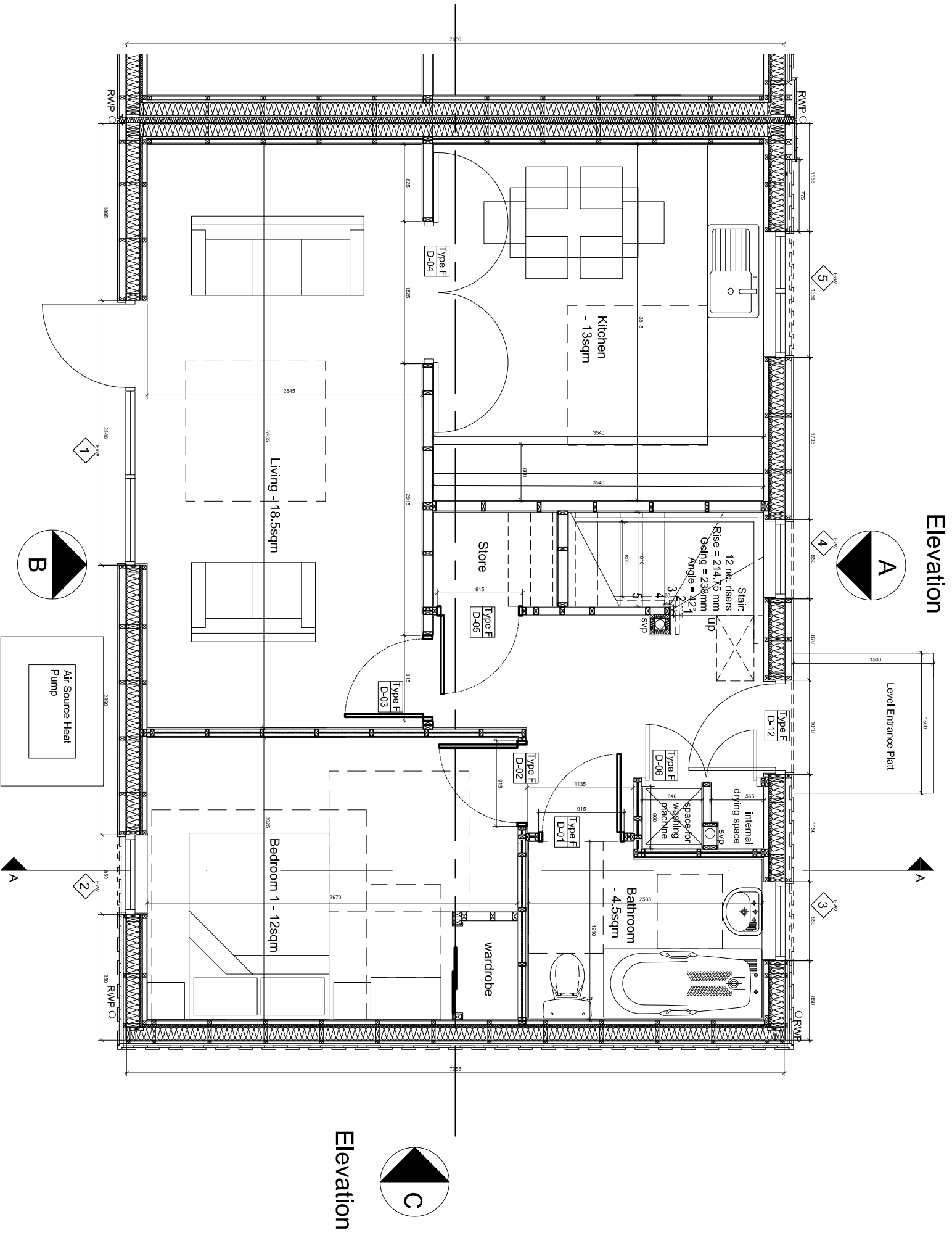
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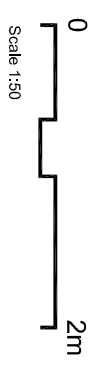
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Ground Floor Plan - Type F1

Elevation

Elevation



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1:50	15-09-17	JR	MPE

PROJECT
 Residential development
 Memorial Field, Avoch

DRAWING
 Type F1
 Ground Floor Plan

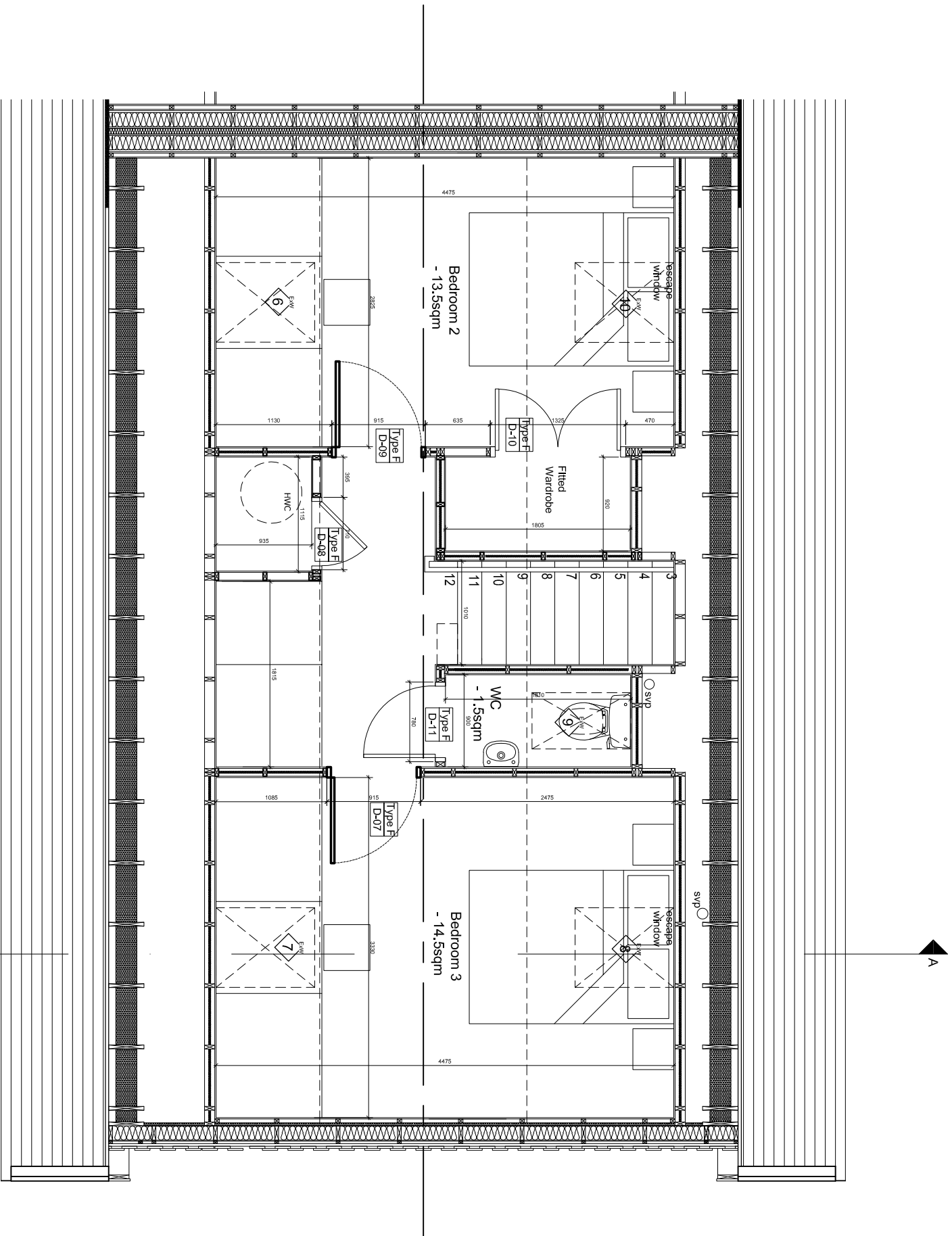
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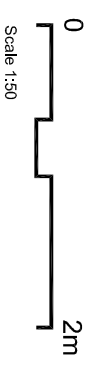
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First Floor Plan - Typical Type F



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1:50	15-09-17	JR	MPE

PROJECT
 Residential development
 Memorial Field, Avoch

DRAWING
 Typical Type F
 First Floor Plan



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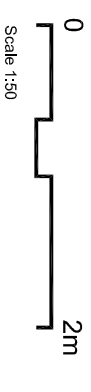
REVISION

A 20-11-17 Issued for Planning JR

Type F1 Front Elevation



Type F1 Rear Elevation



Scale 1:50

SCALE	DATE	DRAWN	CHECKED
1.100	16-10-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type F1
Block Elevations



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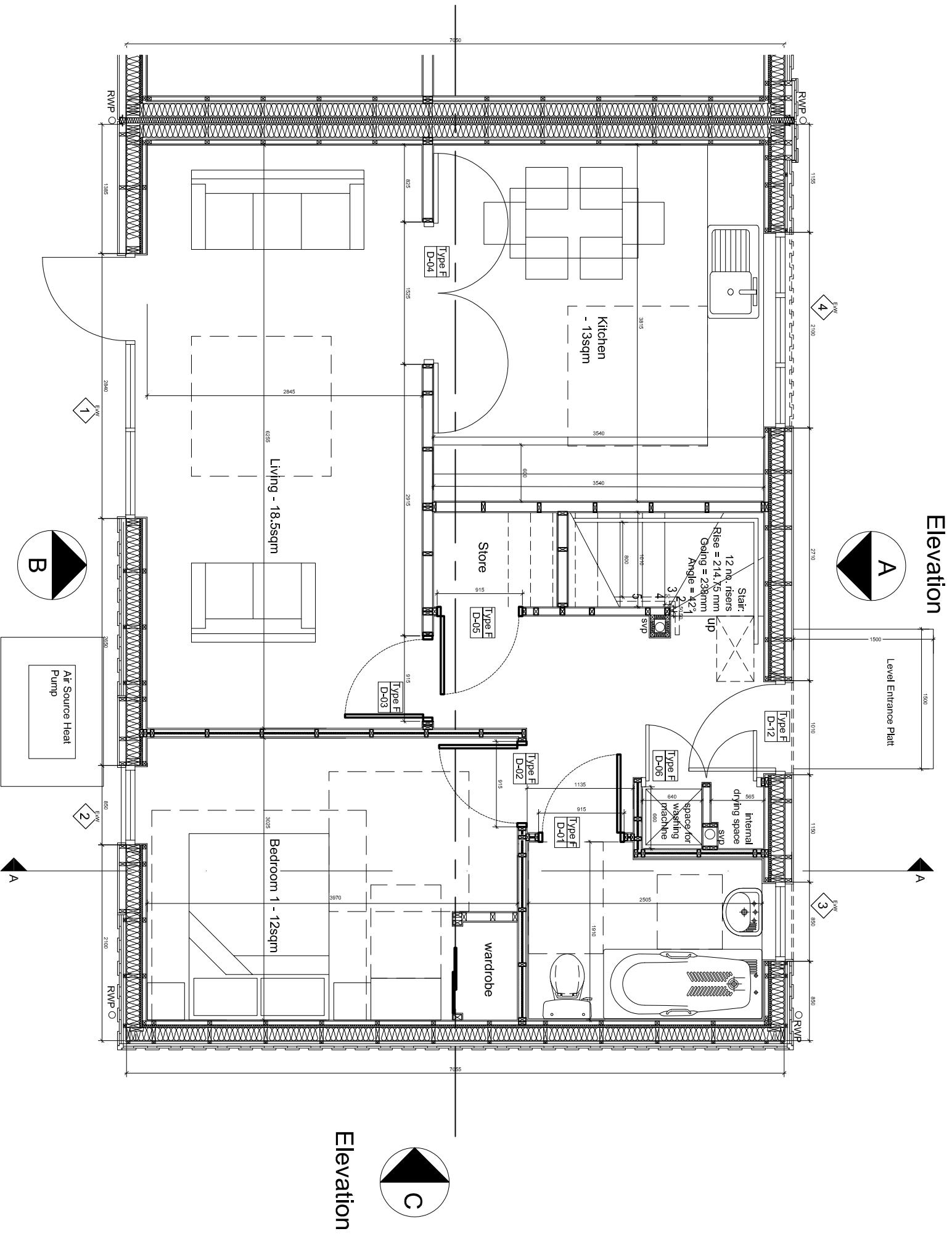
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Ground Floor Plan - Type F2

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PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type F2
Ground Floor Plan

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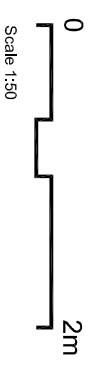
REVISION

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Type F2 Front Elevation



Type F2 Rear Elevation



Scale 1:50

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PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type F2
Block Elevations



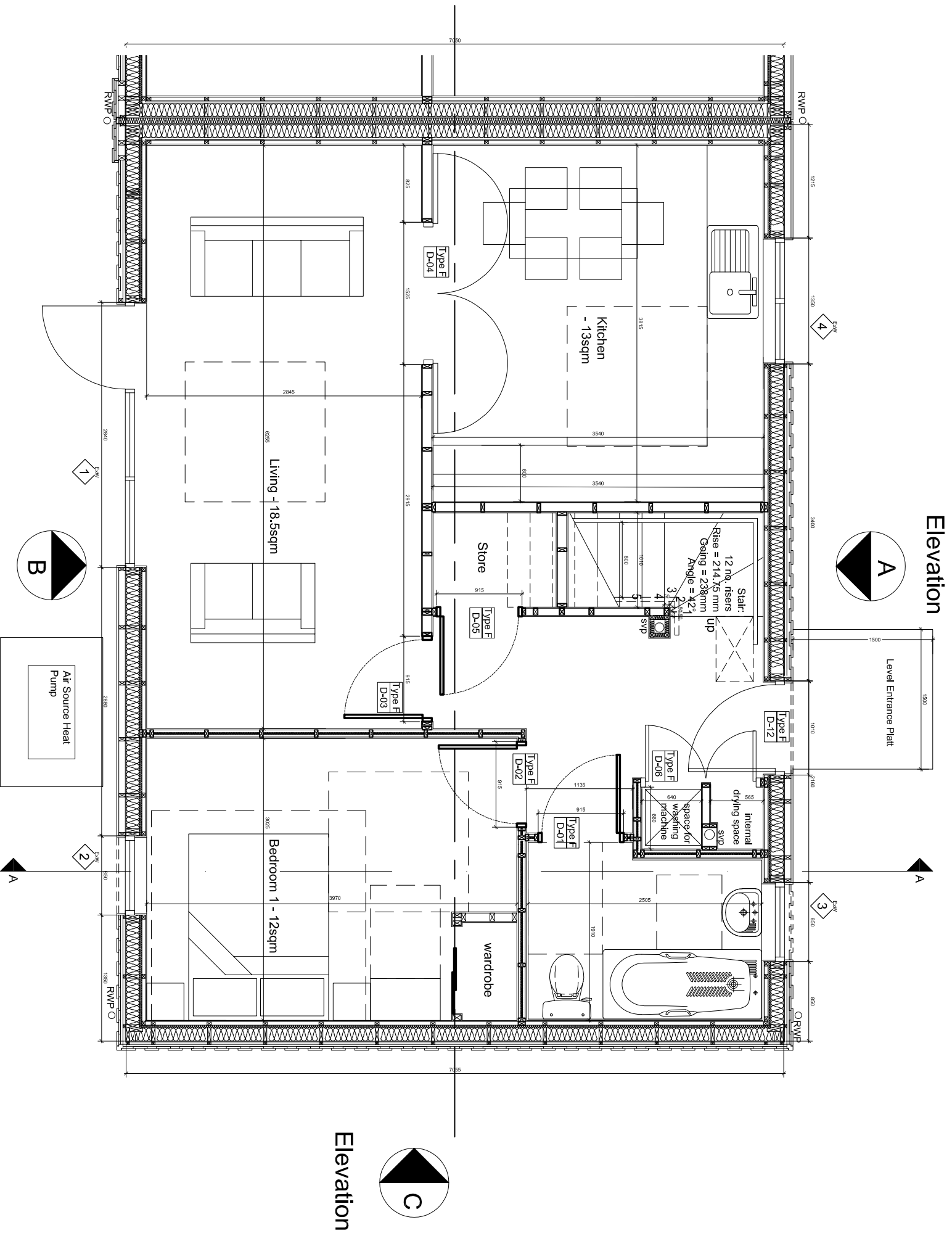
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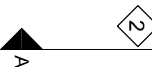
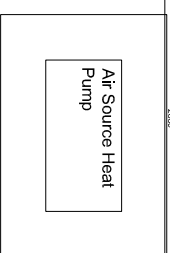
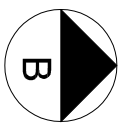
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REVISION	DATE	ISSUED FOR	BY
A	20-11-17	Issued for Review	JR
B	24-11-17	Issued for Planning	JR



Ground Floor Plan - Type F3

Elevation

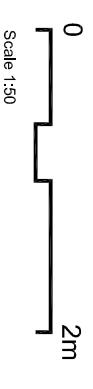


Elevation



PROJECT
 Residential development
 Memorial Field, Avoch

SCALE	DATE	DRAWN	CHECKED
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DRAWING
 Type F3
 Ground Floor Plan



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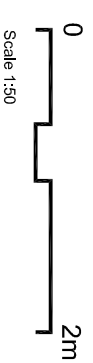
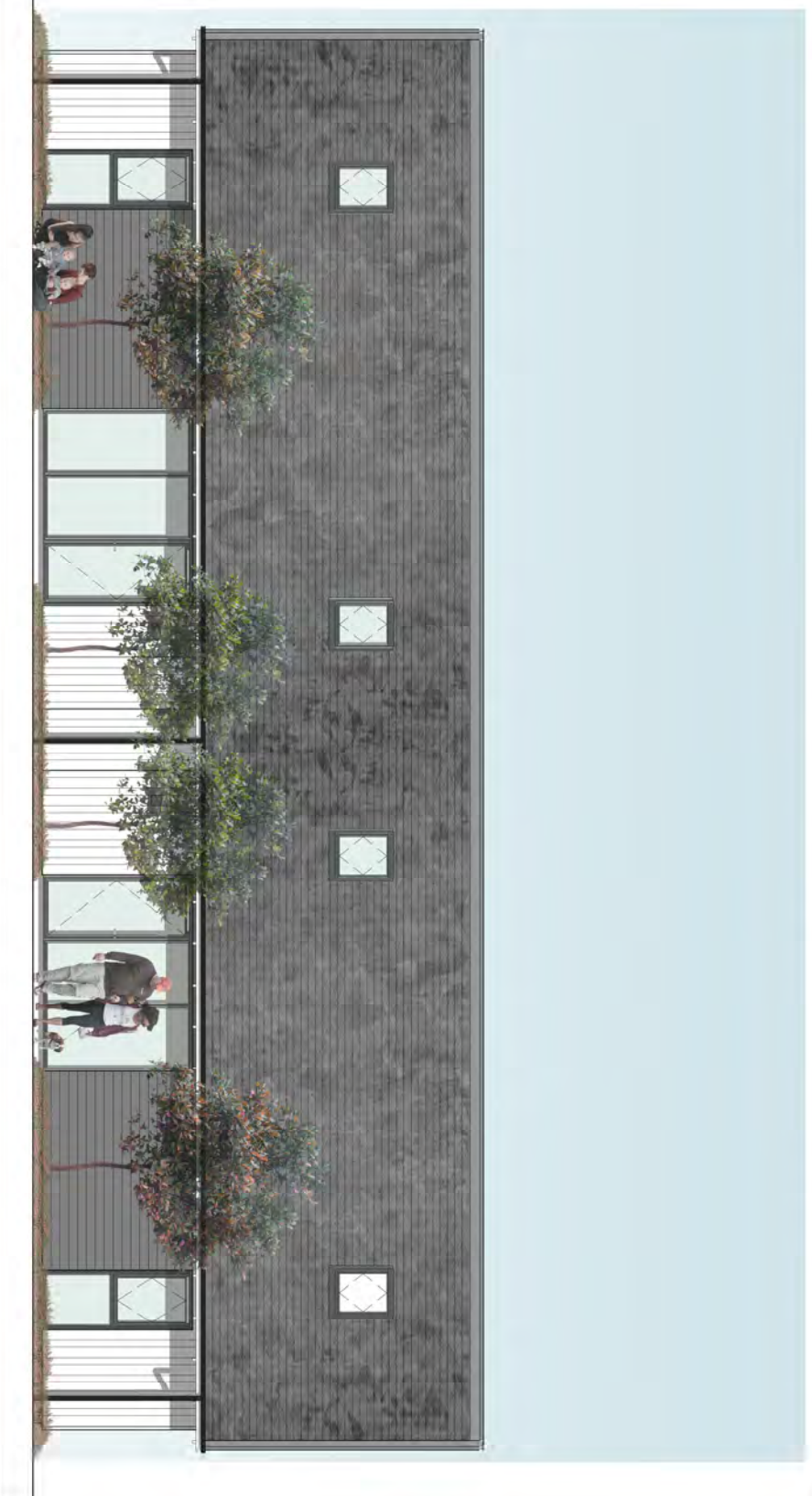
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A	20-11-17	Issued for Review	JR
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Type F3 Front Elevation



Type F3 Rear Elevation



SCALE	DATE	DRAWN	CHECKED
1:100	16-10-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type F3
Block Elevations



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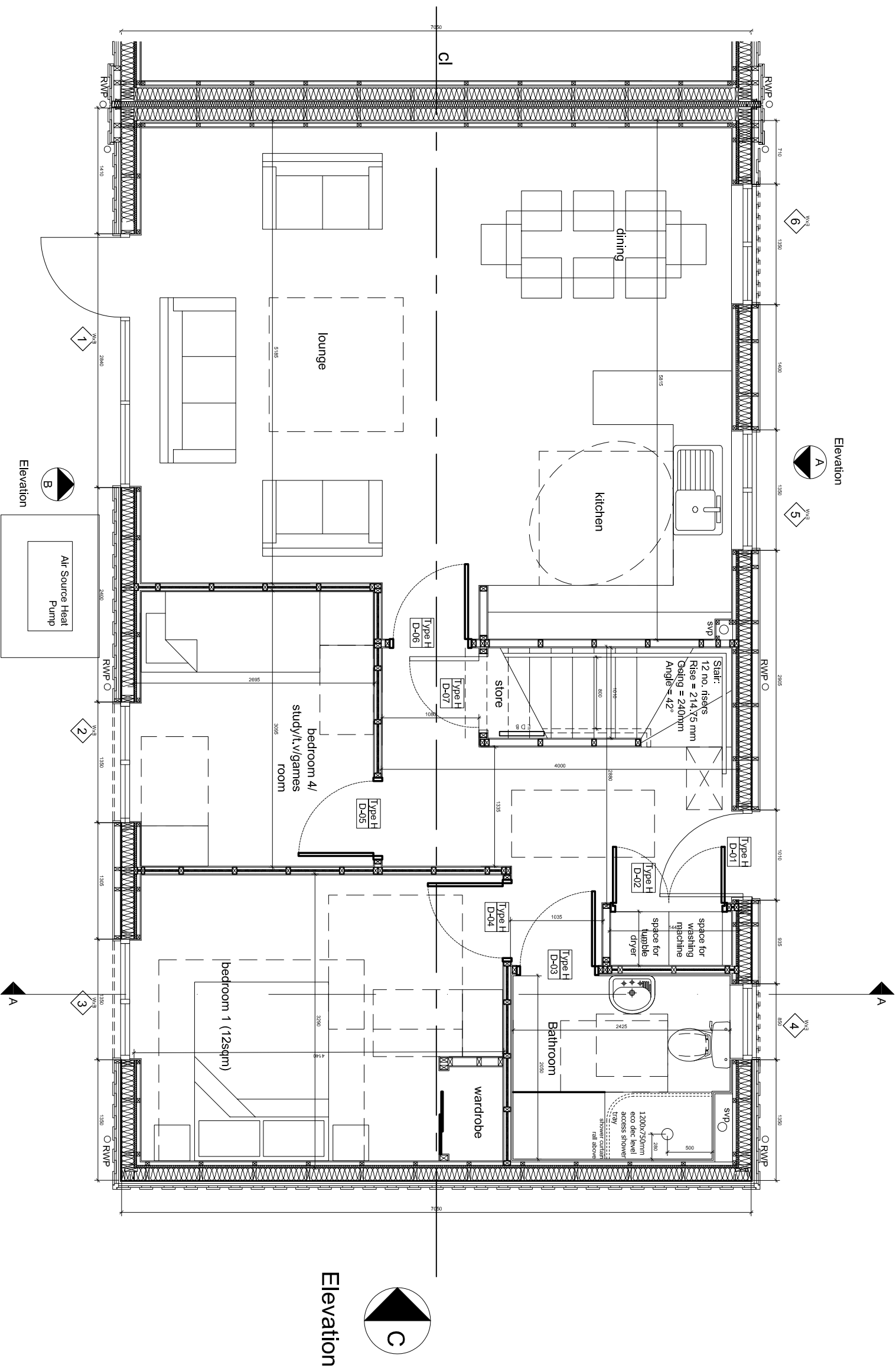
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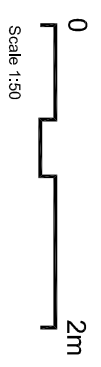
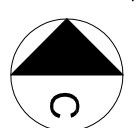
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Ground Floor Plan - Type H

Elevation



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1:50	15-09-17	JR	MPE

PROJECT
 Residential development
 Memorial Field, Avoch

DRAWING
 Type H
 Ground Floor Plan

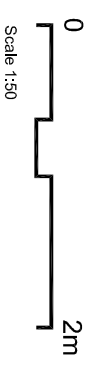
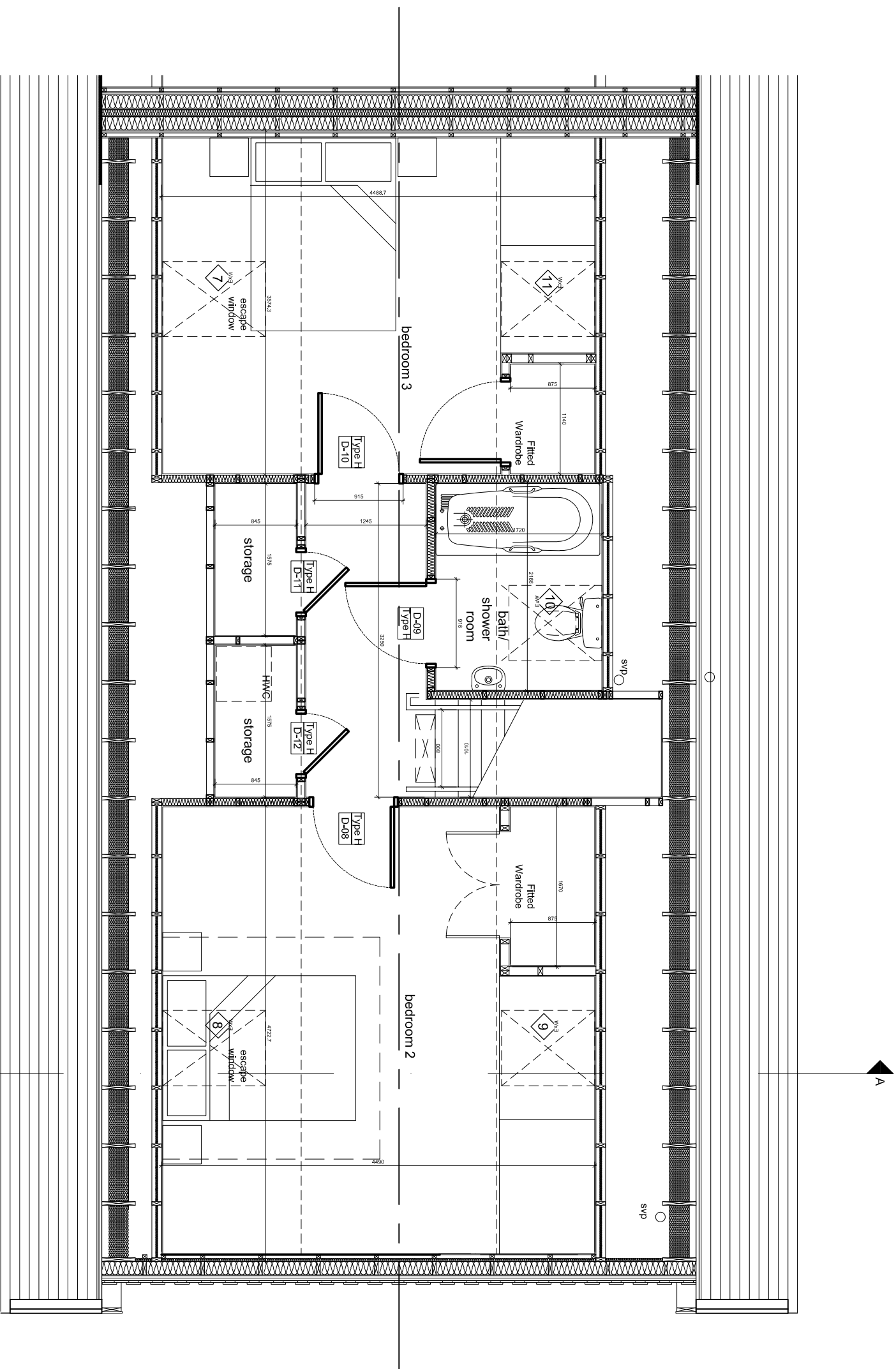
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PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type H
First Floor Plan



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First Floor Plan - Type H

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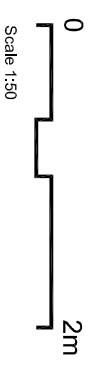
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Type H Front Elevation



Type H Rear Elevation



Scale 1:50

SCALE	DATE	DRAWN	CHECKED
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PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type H
Block Elevations



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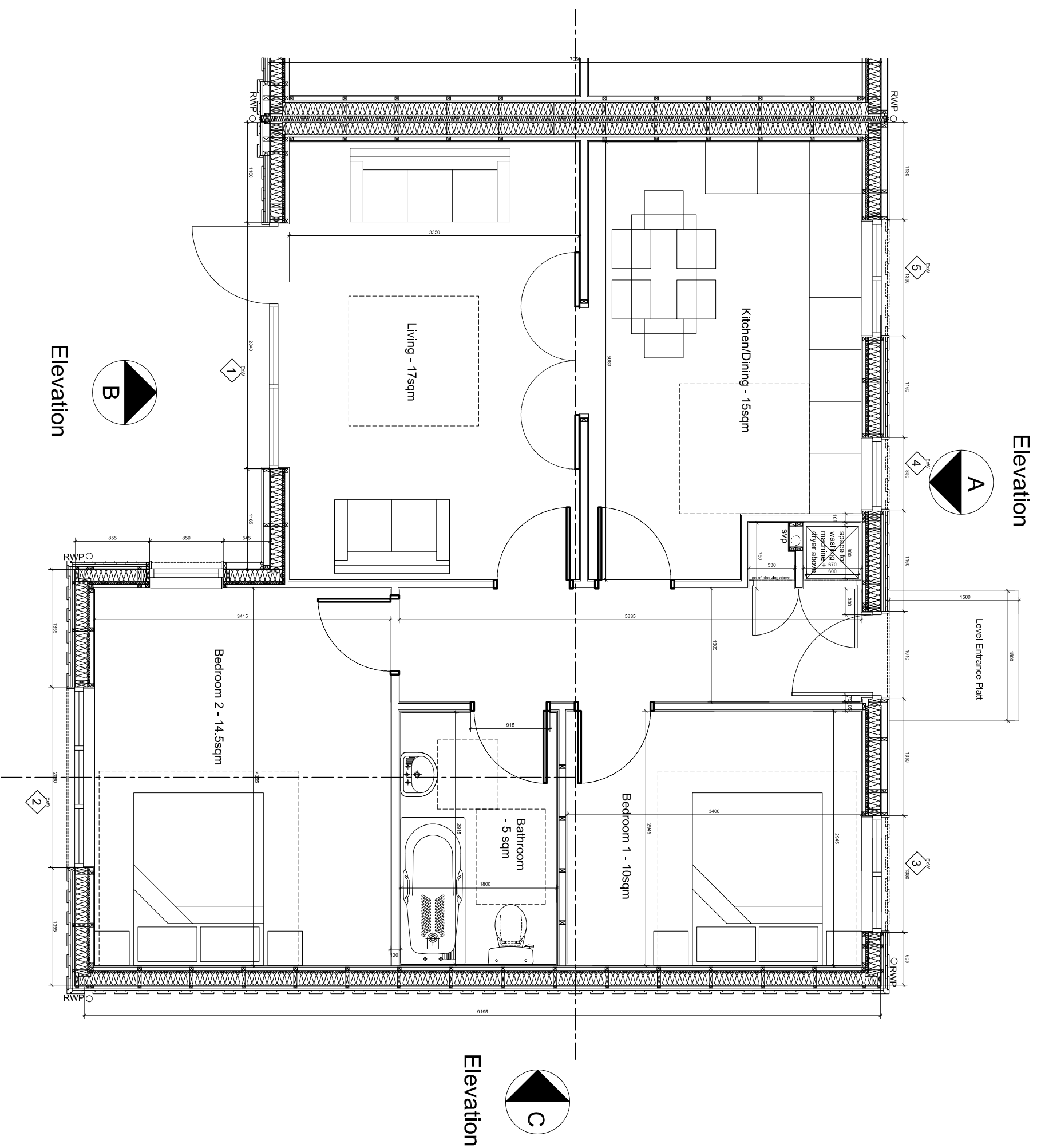
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JR



Ground Floor Plan - Type J1

SCALE DATE DRAWN CHECKED
1.50 15-09-17 JR MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type J1
Ground Floor Plan

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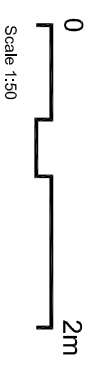
REVISION

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Type J1 Front Elevation



Type J1 Rear Elevation



Scale 1:50

SCALE	DATE	DRAWN	CHECKED
1.100	16-10-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type J1
Block Elevations



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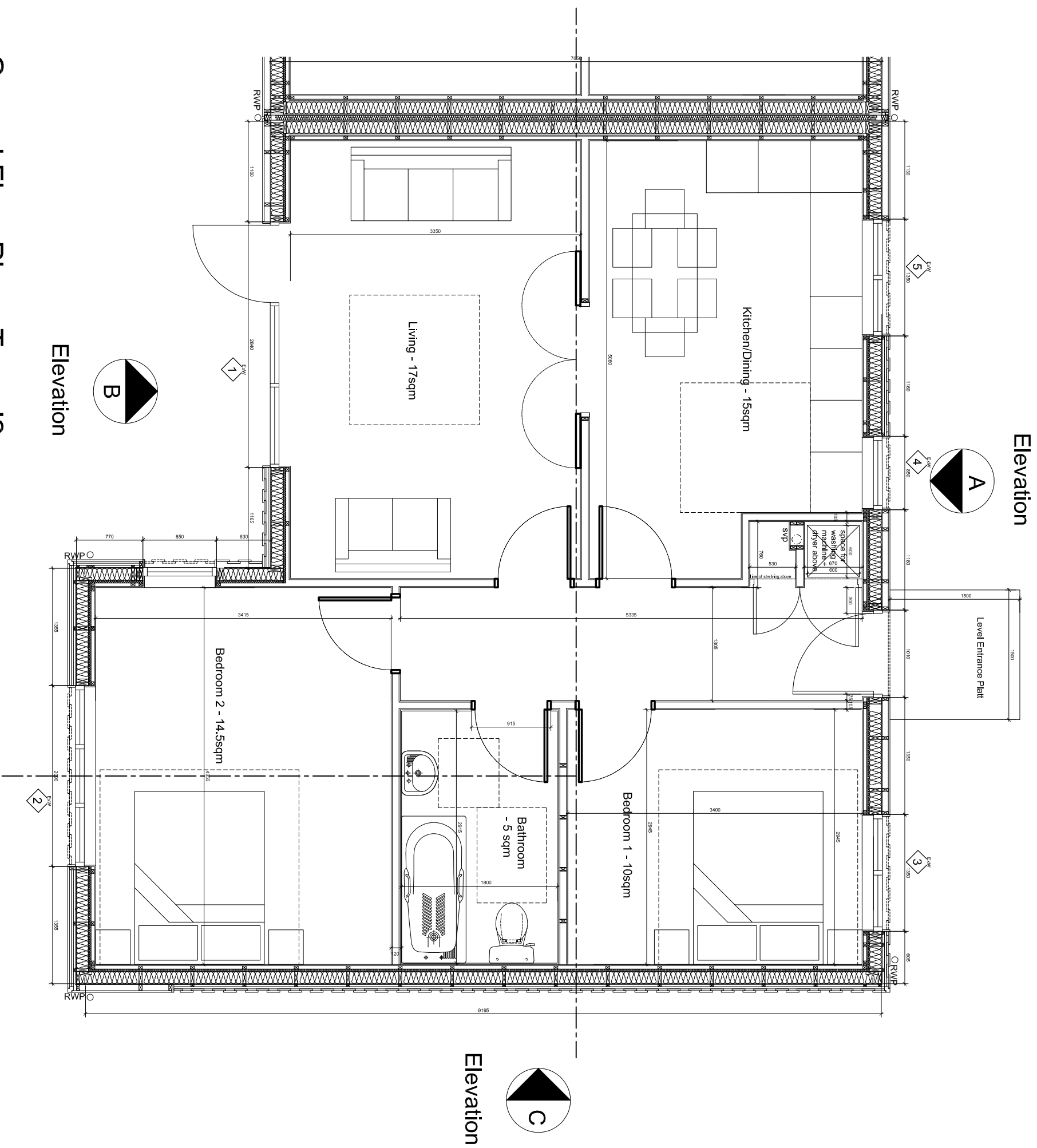
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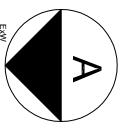
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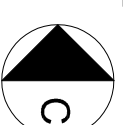
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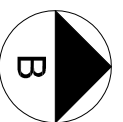
Elevation



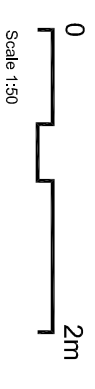
Elevation



Elevation



Ground Floor Plan - Type J2



SCALE	DATE	DRAWN	CHECKED
1:50	15-09-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type J2
Ground Floor Plan

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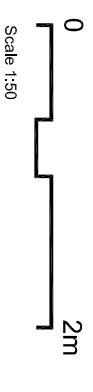
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Type J2 Front Elevation



Type J2 Rear Elevation



Scale 1:50

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PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Type J2
Block Elevations



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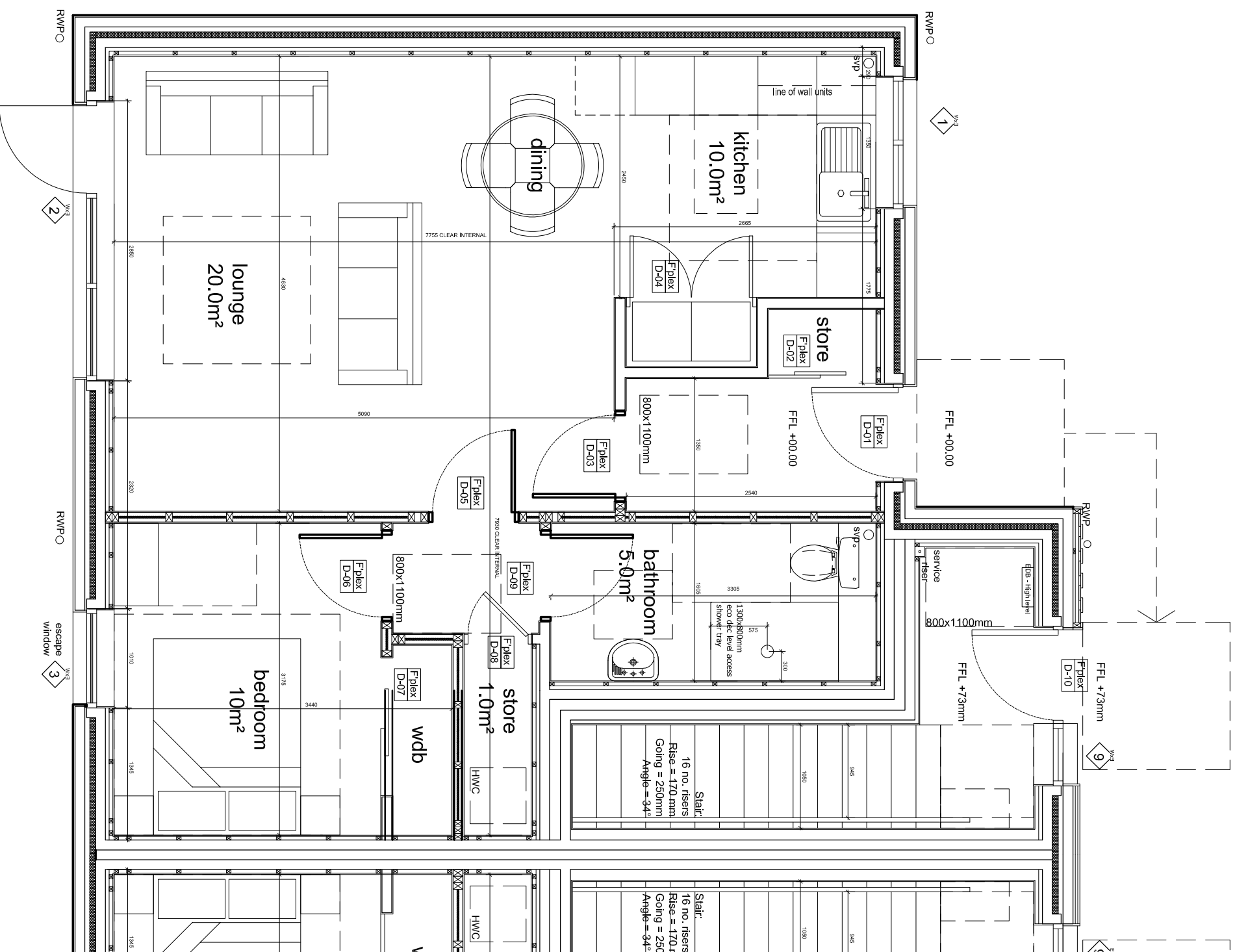
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REVISION

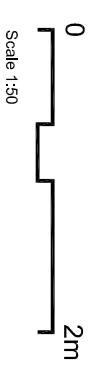
A 20-11-17 Issued for Planning

JR



Ground Floor Flat Area = 56sqm
First Floor Flat Area = 65sqm

Ground Floor Flat - Fourplex



SCALE	DATE	DRAWN	CHECKED
1:50	15-09-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Fourplex
Ground Floor Flat



12 CARPENTER STREET
PERTH
PH1 5LZ
01738 230360
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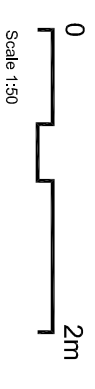
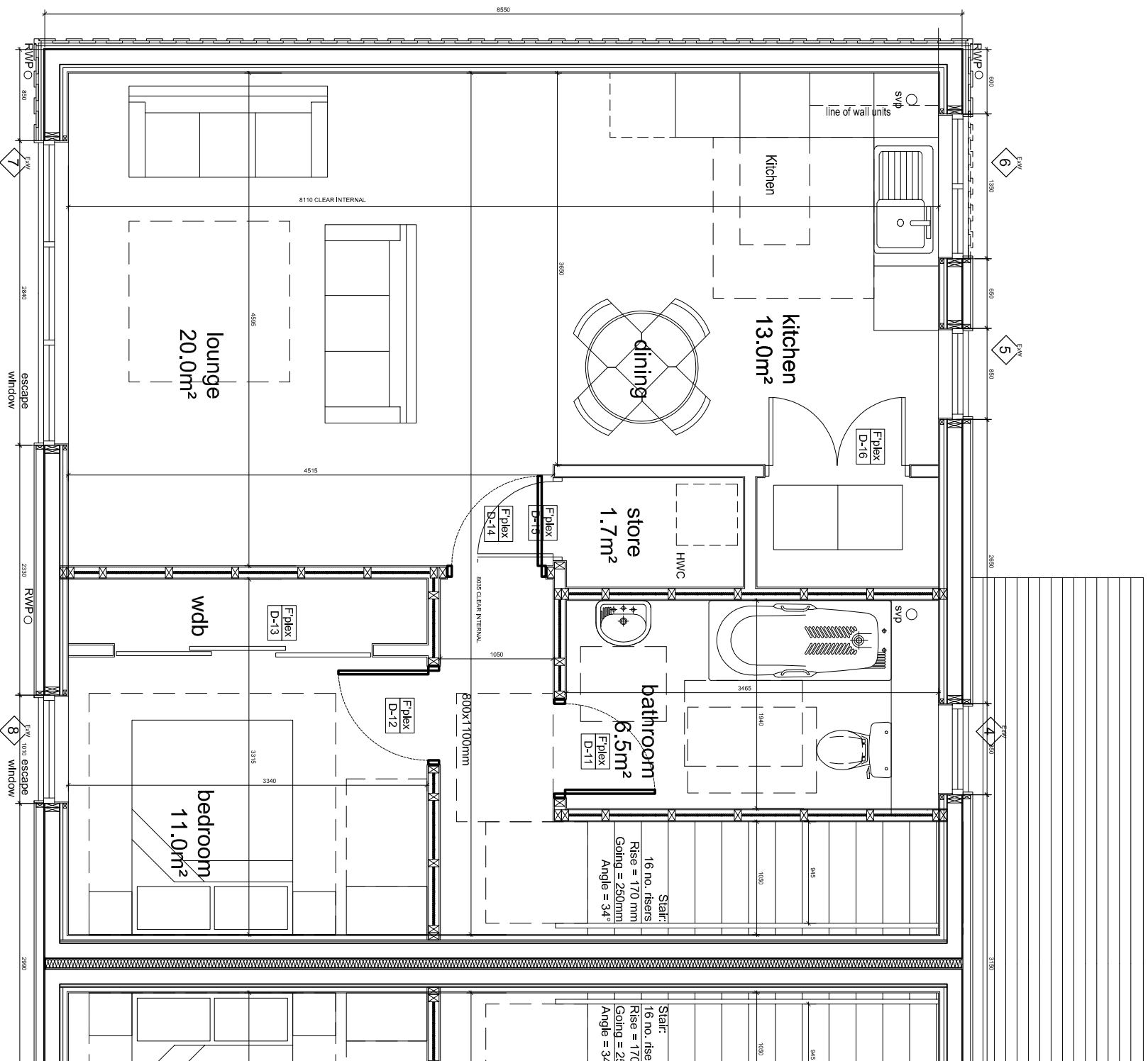
16114PA-20-218_A

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REVISION

A 20-11-17 Issued for Planning

JR



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1:50	15-09-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

DRAWING
Fourplex
First Floor Flat

TRAIL
ARCHITECTS

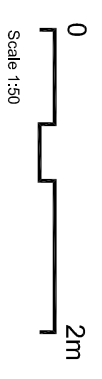
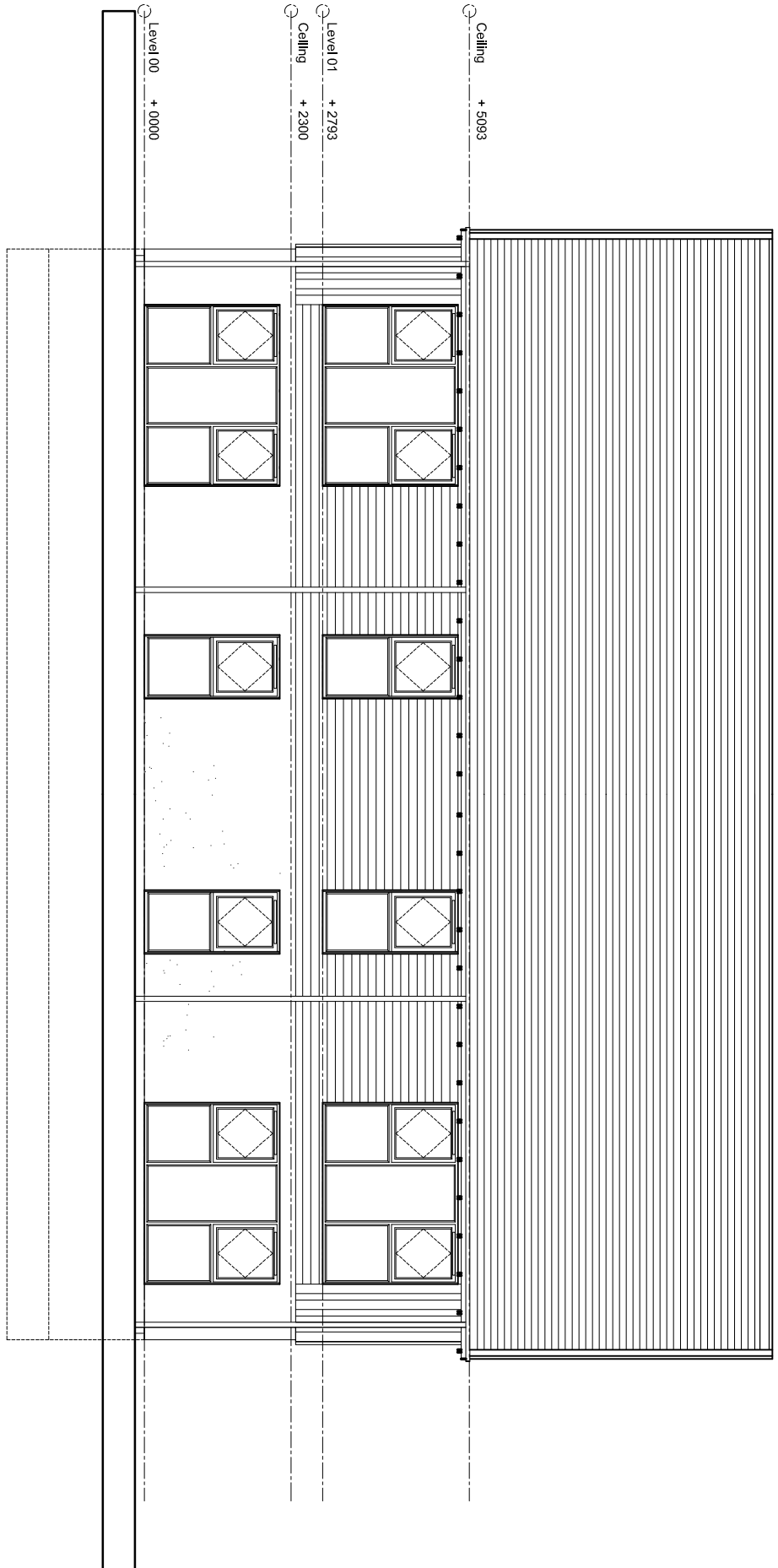
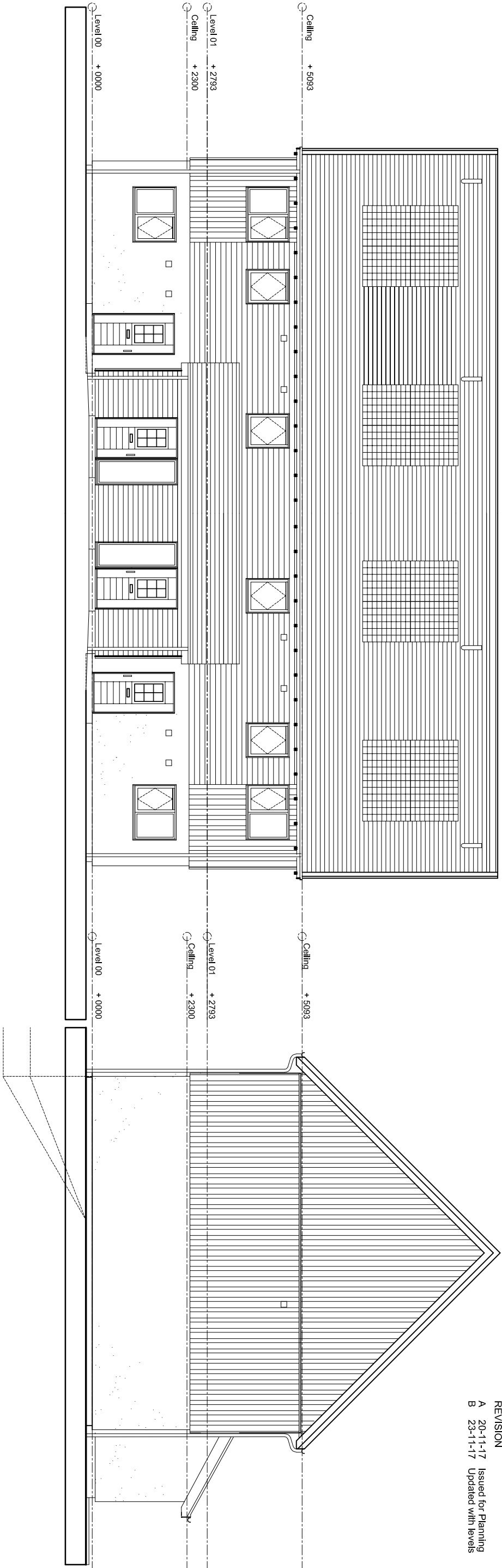
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DRAWING No.

16114PA-20-219_A

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REVISION	DATE	ISSUED FOR	BY
A	20-11-17	Issued for Planning	JR
B	23-11-17	Updated with levels	JR



SCALE	DATE	DRAWN	CHECKED
1:100	15-09-17	JR	MPE

PROJECT
Residential development
Memorial Field, Avoch

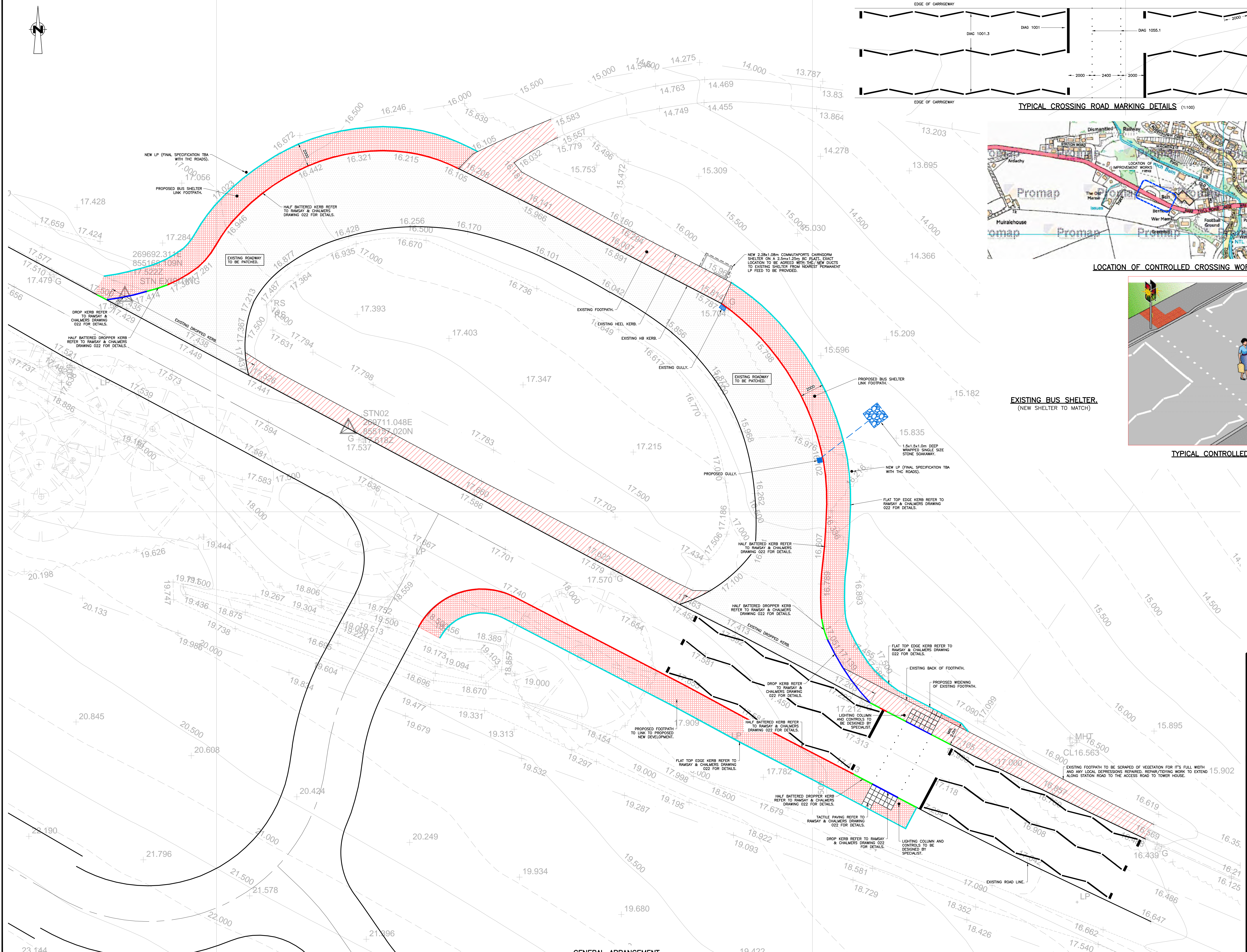
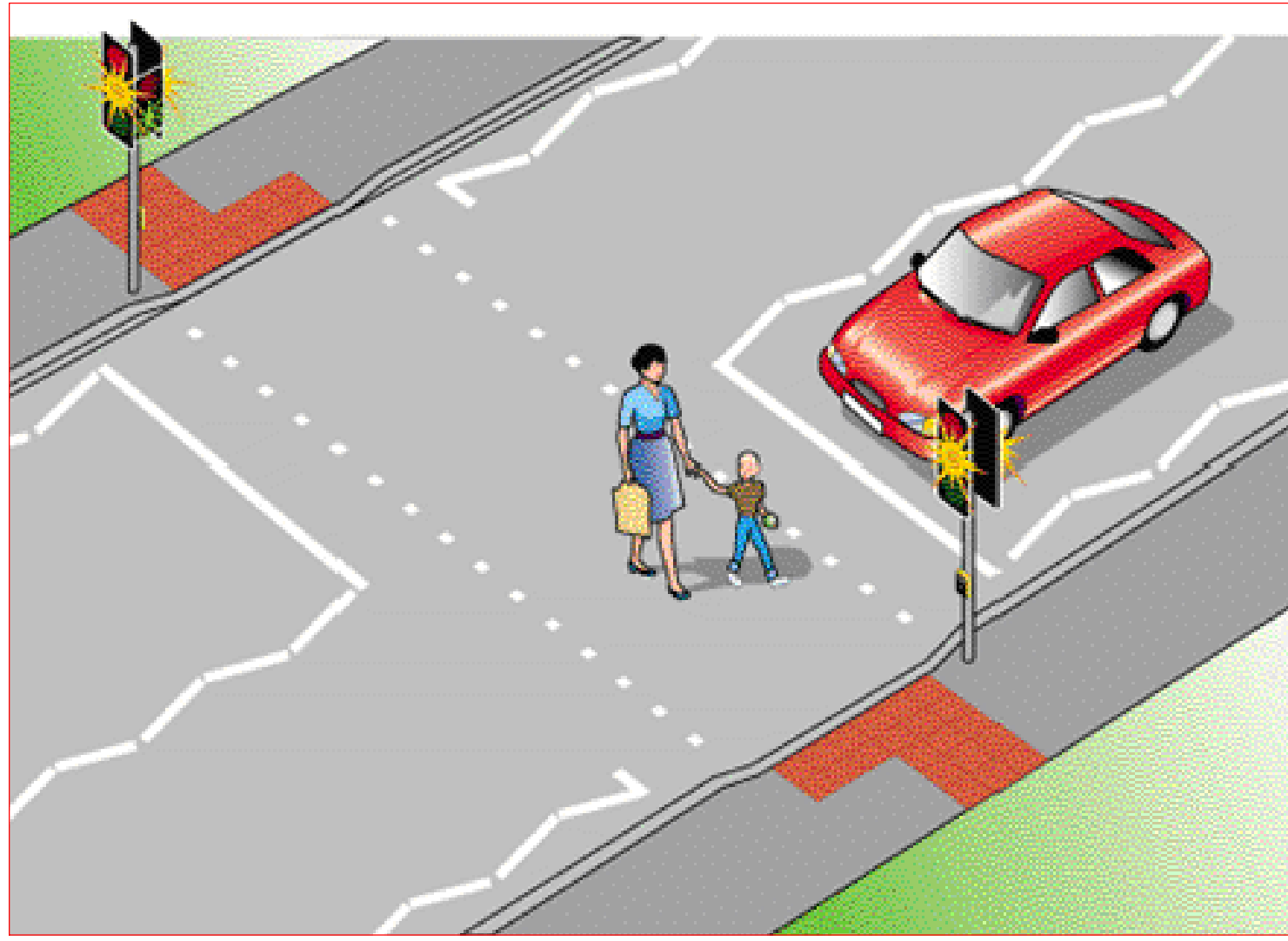
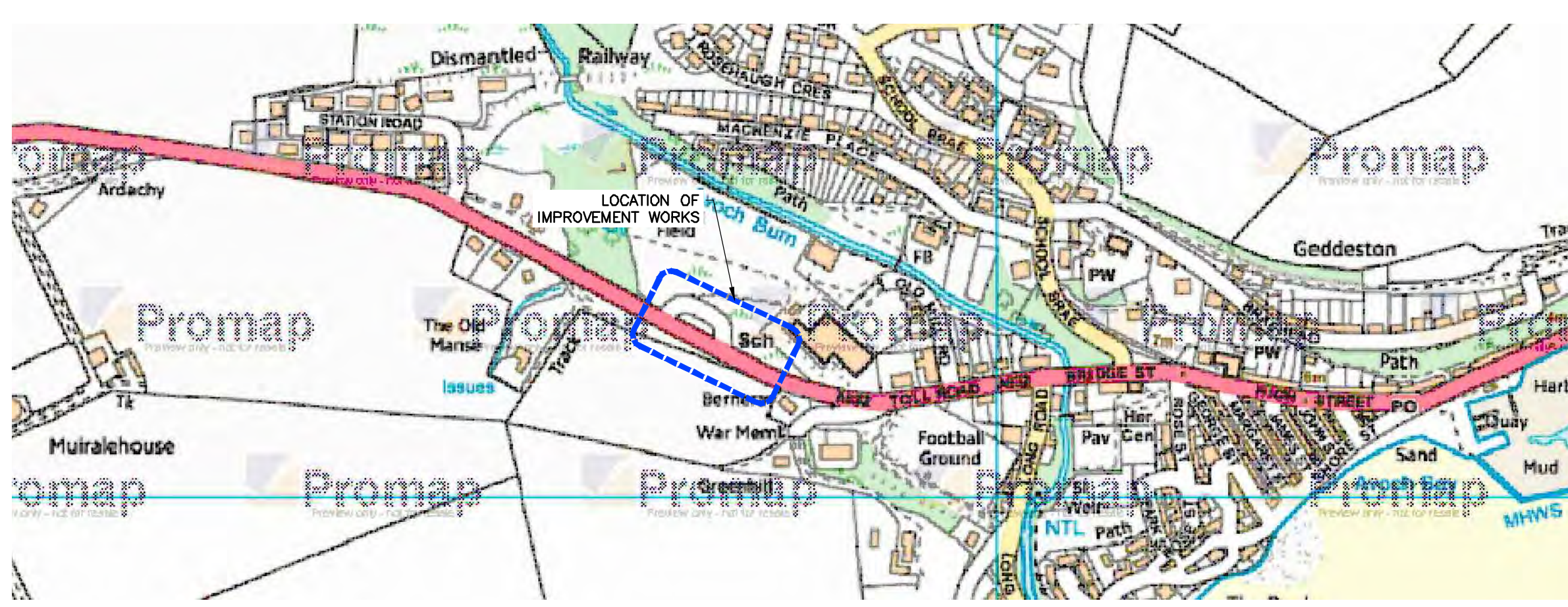
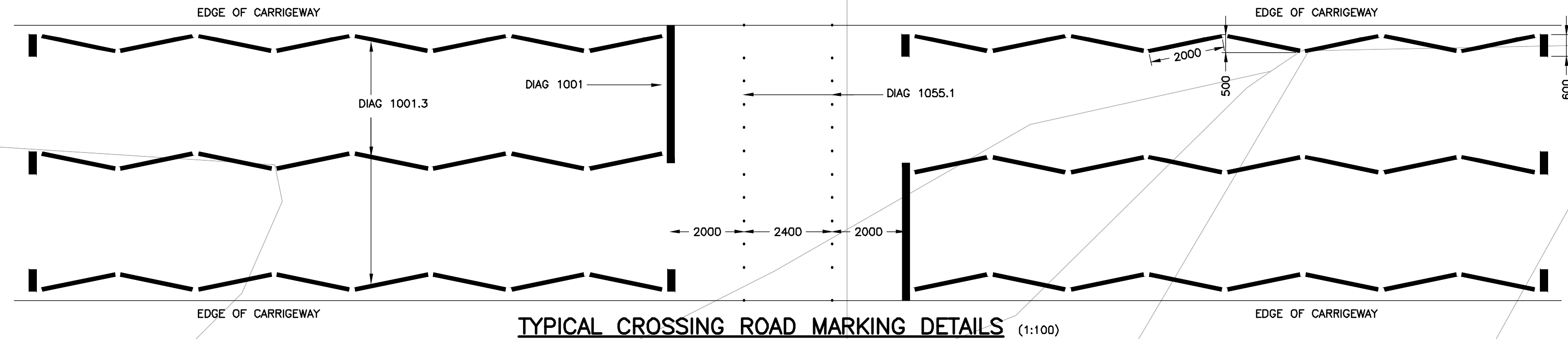
DRAWING
Fourplex
Typical Elevations



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DRAWING No.
16114PA-20-221_B

Typical Elevations - Fourplex



NOT FOR CONSTRUCTION

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2) EXISTING BUILDINGS VARY ON SITE.
3) DIMENSIONS OR LEVELS SHOWN ARE CHANGED BY ANYONE ON SITE.
4) COMPLETE OR PARTIALLY COMPLETE STRUCTURES ARE TO BE SUBJECT TO CONSTRUCTION LOADING OR AFFECTED BY TEMPORARY WORKS.
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THE CONTRACTOR WILL BE RESPONSIBLE FOR ALL COSTS INVOLVED IN CHANGES OF MODIFICATIONS REQUESTED AND APPROVED, TO SUIT HIS PREFERRED WORK METHOD.
ALL NECESSARY METHOD STATEMENTS MUST BE PROVIDED PRIOR TO COMMENCEMENT OF ASSOCIATED SITE OPERATIONS.
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Rev	By	Description	Date
1	NJH	FOOTPATH LINK ADDED	14/11/17
2	EFS	FAST ROAD BUS SHELTER ADDED	20/12/17
3	EFS	NORTH FOOTPATH WEEDING EXTENDED	24/06/18
4	EFS	WORKING LOCATION CHANGED	22/07/17

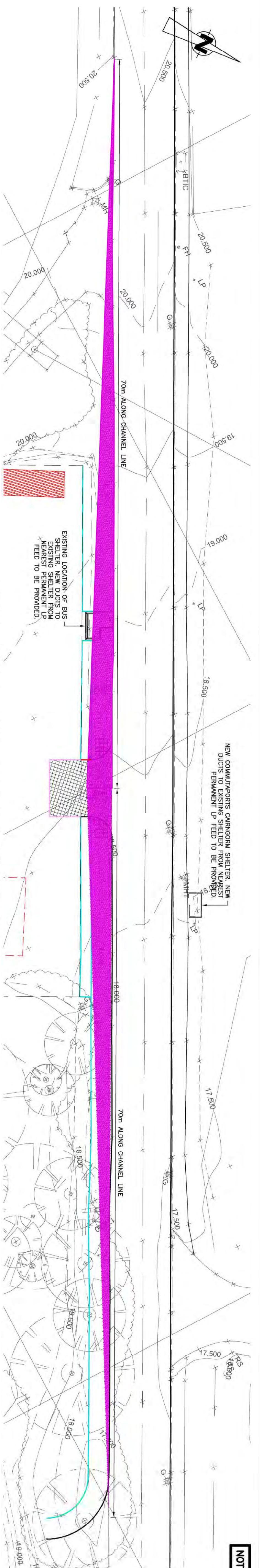
Project
PROPOSED RESIDENTIAL DEVELOPMENT AT MEMORIAL FIELD, AVOCH.

Drawing Title
CONTROLLED CROSSING AND BUS SHELTER.

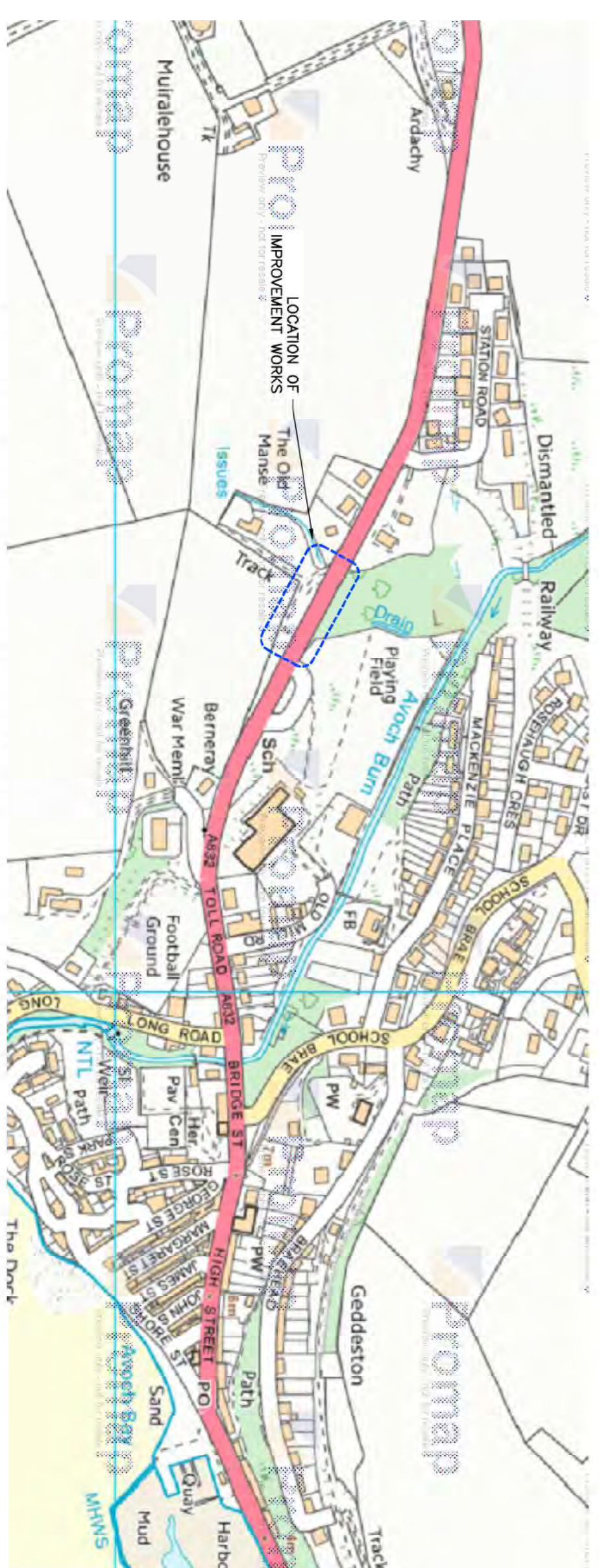
Architect
TRAIL ARCHITECTS

Drawn By	Scale	Issue Status	Job No.
NJH	1:100-A1 1:200-A3	FOR PLANNING	C2517
Date	Revision	Approved by	Drawing No.
15/11/17	D	EFS	017

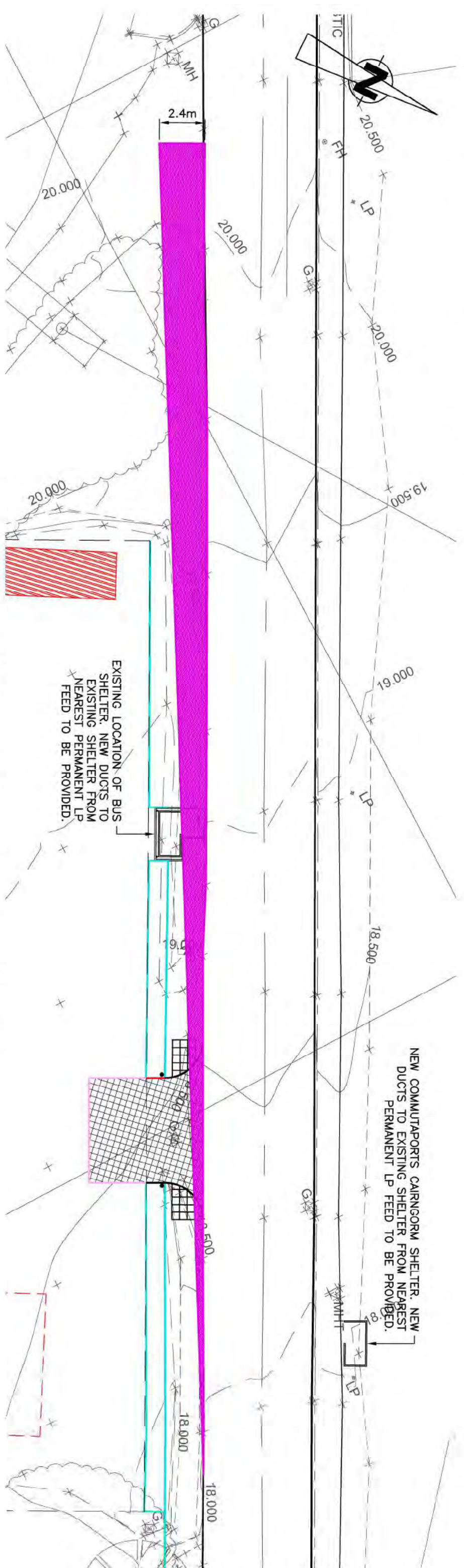
Ramsay & Chalmers
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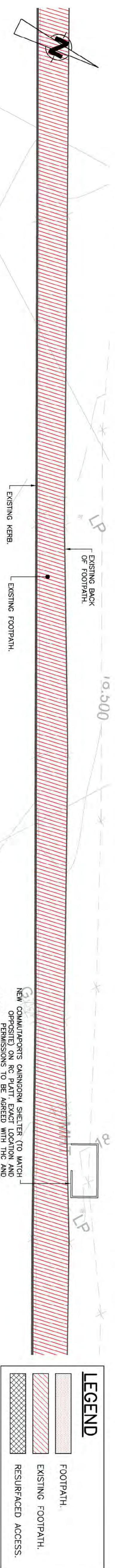
2.4x70 VISIBILITY SPLAYS FROM RECYCLING AREA ACCESS (1:1200)



PROPOSED LOCATION OF RECYCLING CENTRE IMPROVEMENT WORKS

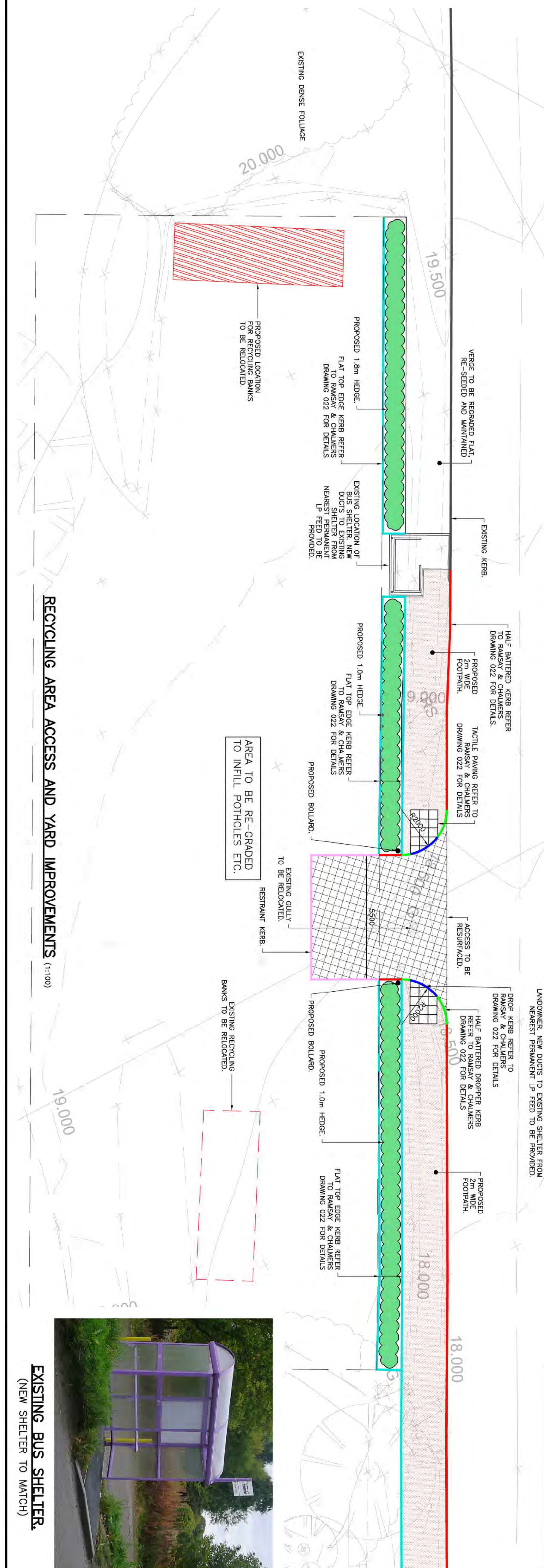


2.4x70 VISIBILITY SPLAYS EAST FROM DRIVEWAY (1:200)



LEGEND

- FOOTPATH.
- EXISTING FOOTPATH.
- RESURFACED ACCESS.



EXISTING BUS SHELTER.
(NEW SHELTER TO MATCH)

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<p>PROPOSED RESIDENTIAL DEVELOPMENT AT MEMORIAL FIELD, AVOCH, BLACK ISLE, INVERNESS.</p> <p>RECYCLING AREA IMPROVEMENTS AND NEW BUS STOP SHELTER LOCATION</p> <p>TRAIL ARCHITECTS</p>		
<p>Drawn By: NHJ Scale: 1:200-A1 Date: 15/11/17</p>	<p>Issue Status: FOR PLANNING Revision: C Approved By: EF5</p>	<p>Job No.: C2517 Drawing No.: 016</p>
<p>Ramsay & Chalmers Consulting Structural & Civil Engineers 13 Church Street Aberdeen AB10 6BD Email: info@ramsaychalmers.co.uk Website: www.ramsaychalmers.co.uk</p>		
<p>Tel: (01224) 566 700 Fax: (01224) 560 701</p>		