

Agenda Item	6.4
Report No	PLN/018/19

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5 March 2019

Report Title: 18/03570/PIP : Dr W Fraser
Land 105M SW of 1 Matheson Drive Fortrose

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of twelve houses (Planning Permission in Principal)

Ward: 09 - Black Isle

Development category: Local

Reason referred to Committee: 5 or more 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.

Recommendation

Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principal is sought for the erection of 12 houses which will take access from the existing road, Dolphin Drive which lies to the west of the site. An indicative site layout plan and a supporting statement have been submitted. The plan suggests a street layout of eight detached houses and four semi detached houses with development on either side of a central east-west access road. A 10m wide safeguarding corridor along the trunk sewer is indicated through the middle of the site. The plots range in size from 250m² to 450m².
- 1.2 The site is currently served from the south by a field gate onto the core footpath East Greengates and from Greengates Place to the east via the extended garden ground of the property Comerscroft. There is no other infrastructure on the site
- 1.3 Pre Application Consultation: 17/03260/PREAPP - response provided 27.09.2017 relating to two options
- i. development of 1-4 plots served from unadopted access from Greengates Place
 - ii development of 4-8 plots served from a new adopted access from Greengates Place.
- Transport Planning Team indicated preference for access to be taken from and integrated with the neighbouring Ness Gap development. A minimum of 25% affordable housing required.
- 1.4 Supporting Information: Transport Statement, Drainage Statement, Preliminary Drainage Layout , Sketch Road Layout.
- 1.5 Variations: Amended site layout plans - 18.10.2018

2. SITE DESCRIPTION

- 2.1 The site is a rectangular area of grassland extending to 0.7ha. enclosed by post and wire fencing. It forms part of the Ness Gap allocated development site which is identified for mixed uses in the Inner Moray Firth Local Development Plan. The profile of the site is generally flat; there are no trees or other natural landscape features. The site is bounded on three sides by residential properties. Dolphin Drive/ Matheson Drive and Barclay Drive lie to the north and west and form part of the Ness Gap development site. The property Comerscroft, 1 Wester Greengates lies to the East. To the southern boundary lies the core footpath, Easter Greengates with 6 detached properties beyond at Lumsden Gardens, which comprises of Phase G of Ness Gap

3. PLANNING HISTORY

- 3.1 10.06.2010 09/00471/OUTRC Masterplan for the erection of houses, formation of access and parking and provision of amenity/open space Approved

3.2	16.04.2010	09/00472/FULRC Erection of 16 affordable houses and 16 affordable flats (Phase 1a and 1b) (Detail)	Approved
3.4	08.11.2010	10/02332/FUL Erection of 6 houses (Area G)	Approved
3.5	19.10.2011	11/01270/MSC Erection of 39 houses (Area A and B)	Approved
3.6	01.09.2014	12/04641/MSC Erection of 24 houses and formation of play area (Plots 73 to 96 - Area D)	Approved
3.7	01.09.2014	13/01211/MSC Erection of 31 houses (Plots 97-127 Areas E and F)	Approved
3.8	03.05.2016	15/04331/FUL Change of house types (Plots 112 and 122-127) (Planning Permission 13/01211/MSC) and erection of three additional houses (Plots 128-130)	Approved
3.9	19.12.2016	15/04305/FUL Erection of 19 houses and associated works	Approved

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 10.08.2018

Representation deadline: 26.08.2018

Timeous representations: Eight letters of representation from eight separate addresses.

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Over development of Ness Gap site.
- b) Two storey houses are out of character for the area.
- c) Negative impact on the visual quality of this area of Fortrose village.
- d) Increase in vehicles using Matheson Drive and Dolphin Place to the detriment of the occupiers of the houses and pedestrians, the latter of which walk on the road as there are no footpaths.
- e) Loss of privacy and daylight to neighbouring properties.
- f) Impact on wider road network due to increase in vehicles.
- g) Flood risk.
- h) Impact of public foul drainage system.
- i) Loss of green space/ agricultural land.
- j) East Greengates footpath not designed for the increase in pedestrian traffic which will result from this development.
- k) Noise and dust pollution due to construction traffic and works.

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.

5. CONSULTATIONS

5.1 **Fortrose and Rosemarkie Community Council - Object** on the following grounds:

- Over development of the Ness Gap site.
- Developing the site for housing will prevent any future opportunity for other uses such as Community, business, office tourism or retail.
- Application is premature as traffic management measures for Fortrose High Street have neither been proposed nor implemented, nor has the impact on the trunk road junction been considered in detail.

5.2 **Development Plans Team:** The site is allocated (reference FR2) for development within the approved development plan (Inner Moray Firth Local Development Plan) and the wider site benefits from several planning permissions for phases of housing development. The proposed capacity at a density of 17 dwellings per hectare is compatible with that adjacent. The land was envisaged as a later phase of the adjoining scheme but a difference in ownership has slowed its release. The proposed layout provides good integration with the adjacent housing scheme in terms of building frontages, road connection and footpath links.

Developer Contributions: The application was registered prior to the current development guidance being approved in November 2018 and therefore the previous guidance has been used to evaluate the contributions that are sought.

Education Developer Contributions

Avoch Primary has a capacity of 282 pupils and current (2017/18) roll of 265 pupils with the school operating at 94% capacity. The 2017/18 School Roll Forecasts (SRFs) anticipates this will increase to 2023/24 peaking at 328 pupils (116%) and then plateau (112-114%) to 2032/33. The development of 12 homes at this site has been added in year 4 of the forecasting period of the SRFs. With this additional input, the maximum breach of 46 pupils (116%) occurs sooner (2021/22) but plateaus out at a similar breach level (40 pupils, 114%). Therefore the SRFs indicate that the school will remain over 90% capacity for the entirety of the forecast period and over its 100% threshold for 14 of the 15 forecast years. The scale of breach is greater than 25 pupils for 13 of the 15 forecast years. As per the methodologies set out in both sets of guidance being applied, contributions towards a 2 classroom extension are required to accommodate pupils.

Fortrose Academy has a capacity of 785 pupils and a current roll of 642 pupils with the school operating at 82% capacity. The 2017/18 School Roll Forecasts (SRFs) predicts the school roll will be stable throughout the forecast period, peaking at 678 pupils (86%) in 2024/25. The development of 12 homes at this site has been added in year 4 of the forecasting period of the SRFs. With this additional input, the school roll is still stable and below the 90% capacity threshold. The peak occurs in 2024/25 with 680 pupils (87%). As the school's 90% or 100% capacity threshold will not be breached for 5 or more years forecast and as per the methodologies set

out in both sets of guidance being applied, developer contributions towards secondary school provision are not currently required as there is existing capacity within the school to accommodate pupils arising from this development.

Affordable housing

25% affordable housing is required. Section 75 Planning Obligation required.

Public Art

On site provision in the form of an attractive boundary treatment with Easter Greengates footpath recommended.

5.3 Transport Planning Team:

Initial response 01.10.2018: **Object** due to lack of information or appropriate mitigation provided regarding the cumulative impact of traffic from this development and other permitted schemes on Fortrose High Street. The information given regarding the drainage proposals does not demonstrate an acceptable solution.

Final Response 23.01.2019: **No objections** provided that the following design elements are dealt with by way of conditions attached to any planning permission issued.

- Junction layout and visibility splays of 2.4 x 25m onto existing public road.
- Provision and maintenance of visitor and residents parking in accordance with the Roads and Transport Guidelines for New Development (Table 6.1).
- Detailed road layout including provision of turning for servicing vehicles and external individual plot layouts including driveways.
- Design and detailed layout of surface water drainage system in accordance with CIRIA Suds manual and including proposals for long term maintenance including the identification of the bodies responsible for that maintenance.
- Plan showing the proposed levels and gradients of the proposed road and driveways and detailing the extent of any earthworks or retaining works required.
- Submission of a Construction Phase Traffic Management Plan.

Assessment of traffic impact on Fortrose High Street

It is noted that residents and road users report difficulties negotiating Fortrose High Street which requires shuttle working along sections reduced to a single lane due to parking demand. This is reported to be particularly problematic when meeting larger vehicles. The community has also raised safety concerns regarding emergency vehicle access, pedestrian and vehicle conflict due to the narrow footways and concerns about the impact of increased traffic on the fabric of historic buildings.

In accordance with the Development Plan requirements the initial housing development at Ness Road provided a TA and developer contributions to the Council in order to provide a traffic management scheme along the High Street along with traffic calming at Munloch and Avoch.

In section 4.64 of the IMFLDP it states that there is a need to consider the implications of further development on the local road network and if necessary secure appropriate mitigation. The developer requirements for this site (FR2) include traffic management measures for the High Street, revised Transport Assessment and possible additional mitigation.

The Council modelled the High Street including the Traffic Management Scheme which is now in place. The output from this VISSIM microsimulation model (dated 2011) shows the High Street operating effectively with a peak hour two way flow of 457 vehicles. This value was used as a quantitative value to assist in the consideration of the TA submitted for Greenside Farm Rosemarkie (15/03033/FUL) and the Transport Statement for 19 houses at Ness Gap (15/04305/FUL).

The applicant has submitted a Transport Statement dated November 2018. Using the traffic generation figures and the trip distribution submitted for application 15/04305/FUL 4 vehicle trip movements are generated along Fortrose High Street in the critical evening peak period. Using the traffic distribution figures for the vehicles generated from the permitted application 15/04305/FUL this gives a maximum peak during the evening along Fortrose High Street of;

$403 + 7 + 32 + 8 + 4 = 454$ vehicles

(base flow June 2016 + committed vehicles from 15/04305/FUL + committed vehicles from 15/03033/FUL + committed vehicles from 17/02523/FUL (40 bed care home) + current application.)

The total flow of 454 is just below the maximum of 457 previously satisfactorily modelled by the Council (2011). The predicted increase in traffic of 4 vehicles during the evening peak gives an increase of only 1 % during the evening peak. A review of road traffic collision and speed data was undertaken for application 15/03033/FUL and did not identify any detrimental effect on road safety due to the application. Therefore, Transport Planning do not object to the current application.

However due to the steady cumulative traffic increase which has resulted from the development at Ness Gap and other allocated sites in Fortrose and Rosemarkie, the length of time that has elapsed since the traffic modelling was carried out and recognising the concerns that have been raised by the Community about the volume of traffic along Fortrose High Street; Transport Planning consider that a robust evaluation of the impact from future development will be required. Any further development generating traffic in excess of that of a residential development of 4 houses or the equivalent which will utilise Fortrose High Street should be required to demonstrate that the vehicular traffic generated will not have a detrimental impact on the operation of the High Street. The assessment must be based on observed traffic flows and committed development current when any application for planning permission is submitted and on suitable traffic modelling of the High Street as complex evaluation of issues such as queues, delays and road safety will be required. Any scheme of mitigation on the High Street which might be necessary to reduce the impact would also require a suitable model to demonstrate its acceptability. Without this robust assessment to accompany anything other than small developments Transport Planning will have no option but to object to the proposals due to a lack of information to enable the impact on the road network to be determined.

- 5.4 **Historic Environment Team: No objection** - subject to standard condition requiring a programme of work for the evaluation, preservation and recording of any archaeological and historic features is submitted to and approved by the Planning Authority. The proposed development is located in an area of archaeological potential. Significant archaeological features, including prehistoric human remains, were identified during development at an adjacent site.
- 5.5 **Access Officer: No objection** - it is desirable that the development links with the core path RC18.05. The most advantageous position for this link for the use of future residents, would be along the eastern boundary for access to the Chanonry Point walks.
- 5.6 **Transport Scotland: No objection** subject to a condition being attached to any planning permission that may be granted requiring a financial contribution toward the cost of the installation of the vehicle queue detectors and signage installed at the A9/B9161 Munlochy junction. The Trunk Roads Authority have no current plans to carry out any further improvements to this junction.
- 5.7 **Scottish Water:** No response

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas.

6.2 Inner Moray Firth Local development Plan 2015

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

6.4 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013) - this document was current at the time the application was registered with the Planning Authority and is therefore relevant to the determination of the application.

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

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

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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Siting , design and layout
 - c) Means of access and parking
 - d) Neighbouring residential amenity
 - e) Impact on local road network
 - f) Impact on Trunk road network
 - g) any other material considerations.

Development plan/other planning policy

- 8.4 This is the third application that involves development at Ness Gap since the adoption of the Inner Moray Firth Local Development Plan in July 2015. Application Ref: 15/04331/FUL which related to the Change of house types (Plots 112 and 122-127) (Planning Permission 13/01211/MSC) and erection of three additional houses (Plots 128-130), was approved by Committee in April 2016. Application Ref: 15/04305/FUL which related to the erection of 19 houses was approved by Committee in September 2016. The development associated with these applications has been completed.
- 8.5 The interpretation of the policy of the Inner Moray Firth Local Development Plan relevant to Ness Gap was accepted by Committee as set out in the handling reports for the above applications and is set out below.
- 8.6 Policy FR2. for Ness Gap in the Inner Moray Firth Local Development Plan (IMFLDP) is the primary policy under which the application has to be assessed. This policy allocates 7.5 hectares of land for mixed use development. Reference is made in the policy statement that the allocation is for 80 houses, with 1.6 hectares for community, business, office tourism or retail uses. The original planning permission in principal for the Ness Gap development site is also referred to 09/00471/0UTRC in the wording of Policy FR2. Planning permission 09/00471/0UTRC approved a masterplan for the Ness Gap development site, which extended to 12 hectares, or thereby. It also conditioned the total number of houses to 100 units within the development. For clarity, 32 affordable homes, which

consisted of 16 houses and 16 flats were approved under a separate application at the same time (09/00472/FULRC) and were additional to the 100 units referred to under ref 09/00471/OUTRC.

- 8.7 The masterplan approved under the permission in principle 09/00471/OUTRC sets out the areas of the Ness Gap development site that were identified for housing, open space and the community uses; the community use area was originally identified in the masterplan for a primary school. The Inner Moray Firth Local Development Plan offers a degree of flexibility with respect to the use of this site should the Sustainable Schools Estates Review conclude that the site is surplus to educational needs. In such circumstances the site is considered suitable for business, office tourism or retail uses.
- 8.8 To date the following approvals have been issued and all of the houses are either built or occupied.
- 10/02332/FUL - Erection of 6 houses (Area G)
 - 11/01270/MSC - Erection of 39 houses (Area A and B)
 - 12/04641/MSC - Erection of 24 houses and formation of play area (Area D)
 - 13/01211/MSC - Erection of 31 houses (Areas E and F)
 - 15/04331/FUL - Change of house types on (Plots 112 and 122-127) (Planning Permission 13/01211/MSC) and erection of three additional houses (Plots 128-130).
 - 15/04305/FUL Erection of 19 houses Area F
- Total to date 122
- The 32 affordable housing units granted permission under a separate planning permission (09/00472/FULRC) have also been built and are occupied. As stated above these houses fall outwith the area identified for the 100 units under (ref 09/00471/OUTRC).
- 8.9 The current application is for planning permission in principal for the erection of 12 houses. It cannot follow on from the original planning permission in principal which limited development to 100 units. The application therefore has to be considered on its own merits.
- 8.10 It is recognised that there is ambiguity in the wording of the statement in the Inner Moray Firth Local Development Plan as well as a tension with the housing figures. On the one hand the development plan acknowledges that as a result of a higher density of development, part of the Ness Gap site identified for housing in the master plan is still available for development, nonetheless the development plan also makes reference to development of the site according with the planning permission in principal ref 09/00471/OUTRC. As 122 units have already been approved, the latter of these two statements cannot be achieved.
- 8.11 Clarity was provided by the Development Plans Team regarding this matter in 2016 when planning applications 15/015/04305/FUL and 15/04331/FUL were under consideration. They confirmed that the reference in the IMFLDP to the planning

permission in principle ref 09/00471/0UTRC is in relation to compliance with the principles established, ie. the masterplan, and not the number of total units allowed. Where reference is made to 80 units in the Inner Moray Firth Local Development Plan, this was an estimate of the undeveloped capacity of site FR2 at the end of 2013.

- 8.12 It is also important to note and take into account that the DPEA Reporter stated in his report in relation to the Inner Moray Firth Local Development Plan that a density of 18 dwellings per hectare was acceptable for the FR2 site at Ness Gap, after thorough scrutiny during the review of the Plan.
- 8.13 The comments of the Community Council and other contributors opposed to the development on the basis that it is over development of the Ness Gap site and fails to comply with the original planning permission are acknowledged and understood. The above appraisal sets out the current status of the original planning permission for the site and the weight that should be given to it, the development of the allocated site thus far and the current development plan.
- 8.14 Based on the above interpretation the current proposals for the erection of 12 houses on an area identified for housing in the masterplan for Ness Gap and at a density comparable to previous phases within Ness Gap is considered to accord with the broad terms of Policy FR2 of the IMFLDP.

Siting, design and layout

- 8.15 As this is an application for planning permission in principal there are no details for the proposed house designs, however, an indicative site layout with house type footprints has been submitted. The general layout which involves houses on either side of a central shared surface road which terminates in a turning head at the eastern end of the site is comparable to the housing layout within the wider Ness Gap development and is considered acceptable. The layout of the site will be dictated by the presence of a trunk sewer that crosses the site diagonally from north east to south west and which will require a 10m wider safeguarding corridor. The density of development at 17 dwellings per hectare is comparable with that of the adjacent development and is considered acceptable.
- 8.16 A number of the contributors have made comment regarding the proposal to construct two storey properties, suggesting that the houses on this site should be limited to single storey given the location of the site and the general needs of the community. Individual house designs are not required at this stage as this is an application for planning permission in principal. Limiting all of the houses to single storey by a planning condition is considered unduly restrictive. A mix of house styles ranging from single storey to two storey has successfully been used throughout the wider Ness Gap site including the development in the immediate vicinity of the site. This mix has been based on the location of each plot and market demand. In the context of this site it is considered that it would be desirable to secure single storey units along the southern edge backing onto Easter Greengates Core Path. The design of houses will be fully assessed at the time of dealing with subsequent application/s for the approval of matters specified in conditions. This further approval mechanism allows the Planning Authority to secure designs for the plots that are appropriate for each site and acceptable in the

context of the wider area. These applications will be subject to statutory neighbour notification and publicity procedures and therefore there will be an opportunity for third parties to fully consider and comment on future proposals.

Means of access and parking

- 8.17 The site will be accessed from Dolphin Drive which lies to the west of the site. This shared surface road leads off the wider road network that serves the Ness Gap development site. The Transport Planning Team has offered no objection to this proposal. At the time of the pre application enquiry their views were sought with respect to the proposals which at that time suggested that access to the development site would be taken from Greengates Place, which lies to the south east. In response the Transport Planning Team recommended that Dolphin Drive be used as the means of access to the site. The junction of Greengates Place and Wester Greengates has limited scope for improvement and is not considered of suitable design to accommodate the additional development proposed in the pre application enquiry. A number of contributors have highlighted that Dolphin Drive is frequently used by pedestrians who access the footpath Easter Greengates and that they considered that additional traffic generated by the development will be a danger to pedestrians. The Transport Planning Team has not raised any concerns regarding this matter. It is acknowledged that Dolphin Drive has been designed as a shared surface road without footways on either side; however traffic speeds are considered to be slow, given the character of the cul de sac. It is not considered that the number of vehicles that will be generated by a 12 house development will significantly increase the risk to pedestrians or the safety of other road users.

Neighbouring Amenity

- 8.18 As the application seeks planning permission in principal no details of the house designs and the detailed layout of each individual plot has been provided. Concerns have been expressed by neighbouring properties that there will be a loss of privacy, due to overlooking and a loss of light due to the proximity of the development to the surrounding houses. Whilst it is accepted that the development will bring change into the area, it is considered that the development of the plots can be achieved in a manner which will provide a similar level of amenity between the neighbouring houses and the proposed houses as the existing houses enjoy with each other. The houses on Dolphin Drive lie to the west side of the road, which provides a separation distance from these properties to the boundary of the application site of no less than 18 metres. The houses to the north on Matheson Drive will share a rear boundary with the development site. The indicative layout indicates that no less than 18 metres can also be achieved between the rear elevation of these properties and the position of houses on the proposed plots. As and when the further application/s for the approval of matters specified in conditions come forward the relevant neighbours will receive notification which will provide them with an opportunity to consider and comment on any future proposals in detail.

Impact on local road network

- 8.19 Following the initial consultation response from the Transport Planning Team the applicant was requested to provide information or appropriate mitigation with respect to the cumulative impact of traffic from this development and other permitted schemes on Fortrose High Street. The Transport Planning team requested this additional information in recognition of the terms of the written statement that supports the Ness Gap (FR2) allocation in the Inner Moray Firth Local Development Plan and also the comments received from the Community Council and third parties in relation to this application and previous application which have or will lead to increase traffic using Fortrose High Street. It is noted that residents and road users report difficulties negotiating Fortrose High Street which requires shuttle working along sections reduced to a single lane due to parking demand. This is reported to be particularly problematic when meeting larger vehicles. The community has also raised safety concerns regarding emergency vehicle access, pedestrian and vehicle conflict due to the narrow footways and concerns about the impact of increased traffic on the fabric of historic buildings.
- 8.20 The applicant submitted a Transport Statement prepared by a suitably qualified consultant. Following a review of the information the Transport Planning Team lodged a further consultation response, as set out in paragraph 5.3 above. The conclusion of their assessment is that the traffic that will be generated by this development will represent a 1% increase in traffic movement at the evening peak (4 vehicles). The figures used to inform the traffic movement on the High Street were based on Council modelling carried out in 2011 which included the design of the traffic management scheme which is now in place, and a review of road traffic collision and speed data undertaken for application REF 15/03033/FUL Greenside Farm Rosemarkie. These figures have informed the advice and comment provided by the Transport Planning Team in relation to the Greenside Farm development as well as the two previous applications for Ness Gap 15/04305/FUL and 15/04331/FUL. Based on these figures the 1% increase in traffic movement is not considered significant and it is concluded that there is currently sufficient capacity within Fortrose High Street to accommodate this development.
- 8.21 Members attention is drawn to the additional comments provided by the Transport Planning Team set out above at paragraph 5.3 where it is confirmed that due to the steady cumulative traffic increase which has resulted from the development at Ness Gap and other allocated sites in Fortrose and Rosemarkie, the length of time that has elapsed since the traffic modelling was carried out and recognising the concerns that have been raised by the Community about the volume of traffic along Fortrose High Street; Transport Planning consider that a robust evaluation of the impact from future development will be required. Any further development generating traffic in excess of that of a residential development of 4 houses or the equivalent which will utilise Fortrose High Street should be required to demonstrate that the vehicular traffic generated will not have a detrimental impact on the operation of the High Street. The assessment must be based on observed traffic flows and committed development current when any application for planning permission is submitted and on suitable traffic modelling of the High Street as complex evaluation of issues such as queues, delays and road safety will be

required. Any scheme of mitigation on the High Street which might be necessary to reduce the impact would also require a suitable model to demonstrate its acceptability. Without this robust assessment to accompany anything other than small developments Transport Planning will have no option but to object to the proposals due to a lack of information to enable the impact on the road network to be determined.

Impact on Trunk Road Network

- 8.22 A consultation was issued to Transport Scotland in accordance with the protocol established between the trunk road authority and the planning authority at the time of dealing with the planning application 15/03033/FUL for Greenside Farm Rosemarkie. In their consultation response Transport Scotland advise that a condition be attached to any planning permission that may be granted requiring a financial contribution toward the cost of the installation of the vehicle queue detectors and signage that has been installed at the A9/B9161 Munloch junction. The Trunk Roads Authority have no current plans to carry out any further works at this junction.

Other material considerations

Developer Contributions

- 8.23 The Council's guidance on developer contributions applies to this development. As the application was registered with the Planning Authority prior to the adoption of the latest guidance in November 2018, the development has been assessed against the previously adopted guidance dated 2013. As required by the guidance a minimum of 25% of the houses will require to meet the definition of affordable housing. In the absence of any information from the applicant regarding how the affordable housing contribution will be delivered a Section 75 Planning Obligation will require to be concluded prior to the issuing of any planning permission. The applicant has provided their legal representatives details confirming that they are agreeable to this.
- 8.24 With respect to the provision of open space and public art, it is considered that there is sufficient open space provision within the wider Ness Gap site, including a play area to support the proposed 12 additional houses. As regards public art, in the interest of wider landscape and visual amenity it is considered appropriate to secure through the use of appropriate conditions a well designed and high quality boundary finish between the development and the core path at Easter Greengates.
- 8.25 No other infrastructure provisions will be required.
- 8.26 With regard to contributions towards education, as set out in paragraph 5.2 above there is sufficient capacity within Fortrose Academy. The School Roll Forecast for Avoch Primary School indicates that the school will remain over 90% capacity for the entirety of the forecast period and over its 100% threshold for 14 of the 15 forecast years. The scale of breach of capacity is greater than 25 pupils for 13 of the 15 forecast years. As per the methodologies set out in both sets of guidance contributions towards a 2 classroom extension are required to accommodate pupils. The financial contribution is set at £2,041 per dwellinghouse, subject to

indexation. As the conclusion of a Planning Obligation will be required prior to the issuing of any planning permission, at the applicants request, this financial contribution will be included in the terms of the Obligation.

- 8.27 Representations have been lodged regarding flood risk. There is no history of flooding on this site, and surface water drainage will require to accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland guidance. This matter will be dealt with by way of a condition.
- 8.28 Noise and dust pollution due to construction traffic and works has been highlighted by a number of third parties. It is acknowledged that development of the site will result in construction noise including the movement of heavy vehicles and dust. It is current practice to cover such issues by conditions and informatives. The latter is used with specific reference to construction noise as this matter is controlled under separate legislation. It is noted that the Transport Planning Team has requested a condition which requires a construction traffic management plan to be submitted and approved which will restrict HGV movements during the school start and finish times together with a condition survey of the local road network.
- 8.29 Comment has been made by contributors regarding the capacity of the public drainage system. Scottish Water has not responded to the consultation issued. Connection to the public system will be a matter for the applicant to resolve through the submission of a separate application to Scottish Water.
- 8.30 Contributors have offered comment questioning the ability of Easter Greengates to accommodate the additional pedestrian traffic generated by this development. This historic informal core path remains in the wide, grassed condition that it was in prior to the first development at Ness Gap. Unless agreement can be reached with the local community there is no intention to upgrade the wearing surface. Whilst the proposed houses will result in additional pedestrian movements, the volume of pedestrian traffic is not considered significant over and above that already using the route.

Non-material considerations

- 8.31 The issue of land ownership highlighted by a number contributors is not a material planning consideration. It will be up to the applicant to secure agreement with the neighbouring landowner in order to provide the proposed means of access into the site. Comment has been made that pressure will be placed on the local medical services. Demand for these services is a matter for the individual clinic/practice to address. A suggestion has been made that the community purchase the site and form a public park. It would be up to the community and the landowner to progress this matter further. The desire to provide a park is not a material consideration in the determination of this application. Comment has been made that the application was lodged before all of the neighbouring houses were complete/occupied. The Planning Authority has no control over the timing of the submission of a planning application. The notification process was carried out in accordance with the statutory requirements, including an advertisement in the local press. Finally comment has been made that the pre application advice provided by the Planning Service was not in the public domain. The application falls within the category of

local development and is therefore not subject to the statutory pre application consultation required for a 'major' development. In this instance the applicant chose to include the pre application advice in the supporting statement submitted with the application.

Matters to be secured by Section 75 Agreement

- 8.32 a) 25% Affordable housing contribution, as per the relevant adopted development guidance.
- b) Education contribution of £2,041, subject to indexation, per dwellinghouse towards a 2 classroom extension at Avoch Primary school.
- 8.33 The applicant has 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, the application shall be refused under delegated powers.

Summary of Developer Contributions – Based on previously adopted DCSG			
Infrastructure / Service Type	Answer	Contribution Rate (per house)	Contribution Rate (per flat)
Schools - Primary - Build Costs	2 Classroom Extension	£2,041	n/a
Schools - Secondary - Build Costs	No Capacity Constraints	-	-
Community Facilities	N/A	-	-
Sub-Total Per Home		£2,041	n/a
Development Sub-Total	12 Houses	£24,492	n/a
Affordable Housing	25% On-site Provision (subject to Housing Team's advice on acceptability of off-site provision commuted payment)	-	-
Standard Transport Requirements	Seek Advice From Transport Planning	-	-
Green Infrastructure	On-site Provision	-	-
Water and Waste	No flooding issues	-	-
Public Art	On-Site Provision	-	-
Development Total		£24,492	
Total Per Home		£2,041	
<i>All costs are subject to indexation and reflect Q2 2018</i>			

9. CONCLUSION

- 9.1 The site forms part of the Ness Gap development site as designated in the Inner Moray Firth Local Development Plan. The application provides an opportunity to deliver development on an allocated site. The site will facilitate the delivery of houses at a density which is compatible with the surrounding development and will provide a further opportunity to secure affordable housing within Fortrose, the delivery of which is a priority for the Council. Subject to the application of conditions which will seek to conserve the amenity of neighbouring properties,

appropriate design and finishes to the houses, a level of parking which is commensurate with guidelines standards, and the developer contributions set out above at paragraph 8.22, the development can be supported.

- 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. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED**

subject to the following: **Conditions and Reasons**

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the residential units (including site levels as existing and proposed);
 - ii. the design and external appearance of the residential units ;
 - iii. landscaping proposals for the residential units and all communal areas (including boundary treatments);
 - iv. details of access and parking arrangements for the residential units; and
 - v. details of the proposed water supply and drainage arrangements.

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

2. Any details pursuant to Condition One above shall show a development featuring a mix of single storey, one and half and two storey houses with the units along the southern edge backing onto core footpath RC18.05 Easter Greengates, being single storey in height. No residential units shall be more than two storey in height.

Reason: to enable the Planning Authority to control the development in the interests of amenity of the development and of the wider environment.

3. The size, orientation and location of the residential units as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

Reason: In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

4. Any details pursuant to Condition One above shall show the residential units featuring;

- i. walls finished predominantly in a white/off-white render/smooth coursed cement render/natural stone;
- ii. a roof covering of natural slate or a grey slate substitute.

Reason: To enable the Planning Authority to control the development in the interests of amenity of the development and of the wider environment.

5. Any details pursuant to Condition One above shall show a feature boundary wall with a pedestrian gate with the core footpath RC18.05 Easter Greengates, which is of the same scale, design and finish as that of the existing boundary wall at the rear of the properties on Lumsden Place.

Thereafter the wall with the inclusion of a pedestrian gate for public use shall be constructed along the full length of the boundary with the core footpath RC18.05 Easter Greengates prior to occupation of the first residential unit.

Reason: In the interest of visual amenity given the prominent location of the site and to comply with the Council's statutory duty to uphold access rights and to ensure conductivity between the site and other pedestrians routes to the south east.

6. Any details pursuant to Condition One above shall show in curtilage residential and visitor parking provided at a rate as set out in the Highland Council Roads and Transport Guidelines for New Development (Table 6.1)

Reason: In the interest of road safety.

7. Any details pursuant to Condition One above, shall show the access road designed in accordance with Highland Council Roads and Transport guidelines for New Development in relation to junction and road layout, construction and design, footways and footpaths and ,street lighting.

Reason: In the interest of road safety.

8. All roads and pavements within the application site shall be formed to base course level prior to the first occupation of any of the residential units. Thereafter, the final wearing surface shall be applied concurrently with the construction of the last residential unit within the development, or upon the expiry of a period of three years from the date of first occupation, 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.

9. Any details pursuant to Condition One above, shall show the access road designed in accordance with Highland Council Roads and Transport guidelines for New Development with visibility splays of 2.4 x 25m with Dolphin Drive.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: in the interests of road safety and amenity.

10. No development, site excavation or groundwork shall commence until a Construction Phase Traffic Management Plan has been submitted to and agreed in writing by the Planning Authority. Thereafter the traffic management shall be undertaken in accordance with the approved details. Details within the plan shall address the following matters:

- staff parking
- site compound,
- number and frequency of heavy goods vehicles movements; including those required for any earthworks and the proposed access routes to and from the site.
- measures to control the movement of heavy goods vehicles to avoid all nearby school opening and finishing times.
- A photographic survey of the local road network before and after construction will be required to determine any abnormal wear and tear.
- Measures to control dust on the public road including an agreed dry threshold when spraying will be considered.

Reason: To ensure good traffic management in the interests of public safety and with sensitivity to the established amenity of the area. To ensure that there is no parking on the public road.

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

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

- 12 Any details pursuant to condition One above shall include a detailed Landscape Plan and Maintenance Programme for each of the residential units and communal open space. This shall include hedge planting along the full length of the southern boundary fronting onto core footpath RC18.05 Easter Greengates, beyond the wall required under condition Five above. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, 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.

13. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site green spaces and landscaped areas or parts of the development that are not the exclusive property of any identifiable individual home owner and those elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

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

14. 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.

15. No topsoil shall be stripped from any individual plot of the development hereby approved (as defined on the approved plans):

i. which does not benefit from the approval of matters specified in conditions specific to that plot ; and

ii. until a Notice of Initiation of Development, under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), has been submitted to, and acknowledged in writing by, the Planning Authority.

Furthermore, any undeveloped plots shall be maintained in a tidy order with weed control measures and grass cutting carried out at least two times per year.

Reason: To ensure that topsoil is not removed from future phases of the proposed development until it is absolutely necessary and that undeveloped phases are properly maintained; in the interests of visual amenity and the prevention of dust-related pollution.

16. Any details pursuant to condition One above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

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

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPAL

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

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

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

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 (paragraph 259), 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_for_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.

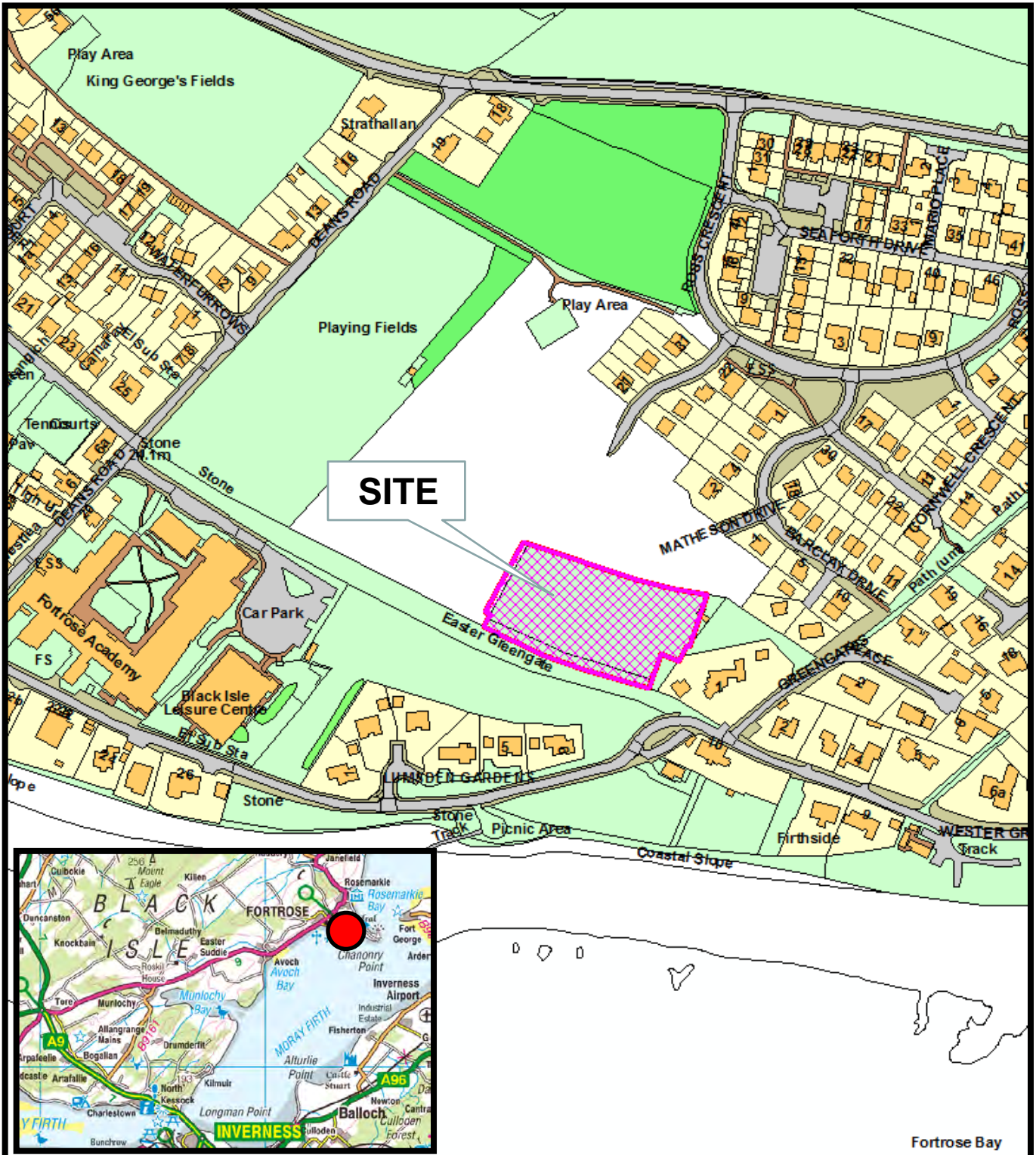
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits.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

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Indicative site layout plan
Plan 3 - Indicative junction design and layout plan
Plan 4 - Indicative drainage layout plan



The Highland Council
Comhairle na Gàidhealtachd

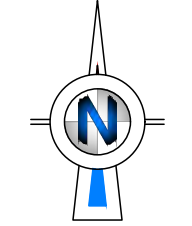
Planning & Development Service

18/03570/PIP

Erection of twelve houses at Land to South West of Matheson Drive, Fortrose



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd



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Planning Submission

REVISIONS		
rev.	description	date
A	Minor alts re Planning comments	10.18

Client
 Dr W Fraser

Project
 Development of 12 Houses at Comerscroft Fortrose

Drawing
 Site Plan : Indicative Layout

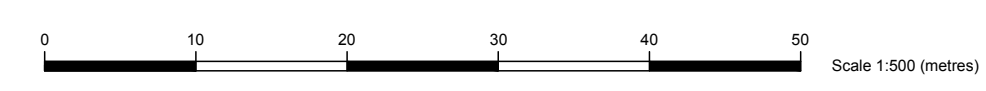
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Project no 2437	Dwg no PL002	Rev A

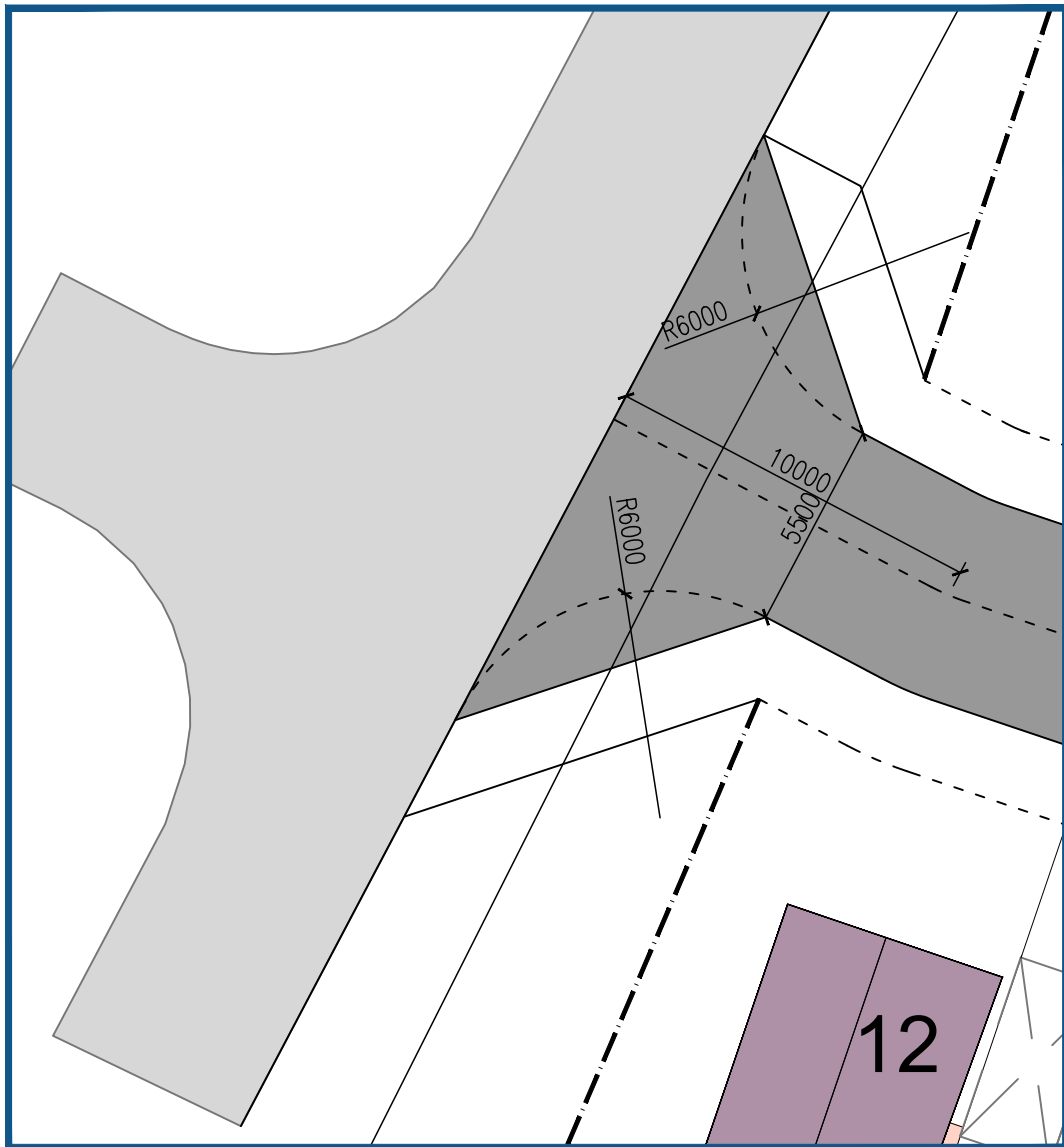
G.H.JOHNSTON
 BUILDING CONSULTANTS LTD
 WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.co.uk
 TEL (01463) 237229

- BOUNDARY**
 site boundary
 area : 6512 sqm
 landownership
 visibility splay
 North 4.5 x 25m
 South 4.5 x 21m

- SERVICES**
 houses (12)
 parking (private)
 shared surface access
 soft verge / service strip (2m)
 mains service safeguard
 SUD's (inc maintenance strip)
 footpath

- LANDSCAPING**
 open space
 tree planting

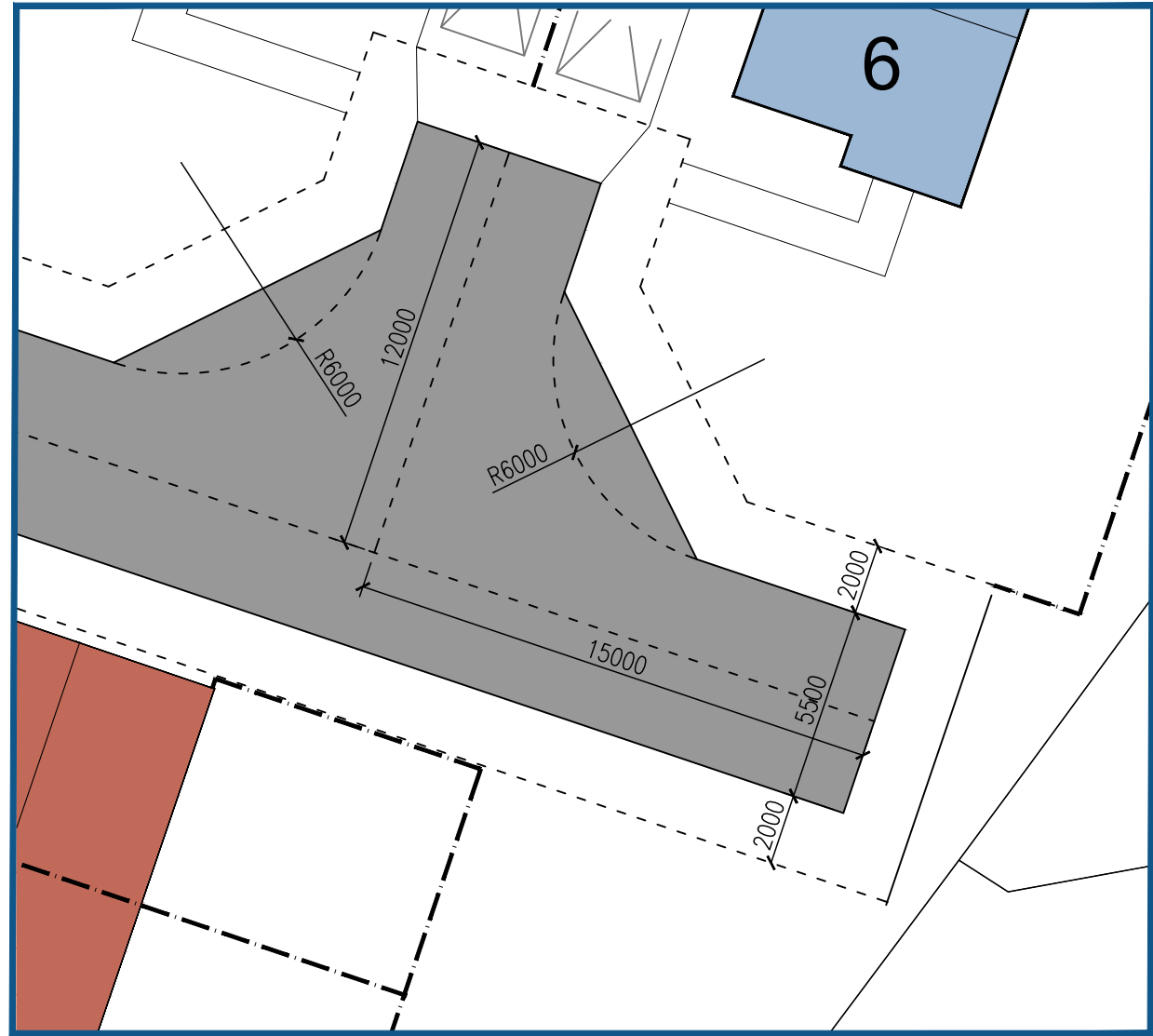
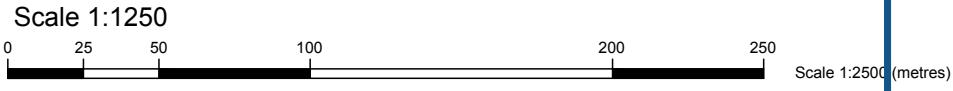




ROAD JUNCTION



ROAD LAYOUT



TURNING HEAD

DO NOT SCALE, IF IN DOUBT PLEASE ASK
All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd

Sketch
Proposal

REVISIONS		
rev.	description	date

Client
Dr W Fraser

Project
Development of 12 Houses at
Comerscroft
Fortrose

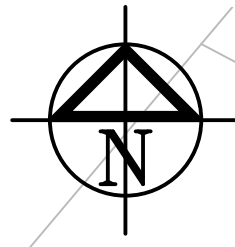
Drawing
Road Dimensions

Scale 1:200@A3	Date 10.2018	Drawn by ca
Project no 2437	Dwg no PL003	Rev

G.H. JOHNSTON
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This drawing should not be scaled. Dimensions to be verified on site. Any discrepancies should be referred to the Engineer prior to work being put in hand.

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GENERAL NOTES

- DO NOT SCALE THIS DRAWING. ANY DISCREPANCY IS TO BE REPORTED TO THE ENGINEER IMMEDIATELY.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ENGINEERS, ARCHITECTS OR OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARING ANY WORKING DRAWINGS OR COMMENCING ON SITE.
- THE CONTRACTOR MUST ENSURE AND WILL BE HELD RESPONSIBLE FOR THE OVERALL STABILITY OF THE BUILDING/STRUCTURE/EXCAVATION AT ALL STAGES OF THE WORK.
- ALL WORK BY THE CONTRACTOR MUST BE CARRIED OUT IN SUCH A WAY THAT ALL REQUIREMENTS UNDER THE HEALTH AND SAFETY AT WORK ACT ARE SATISFIED.
- ALL WORK IS TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES AND REGULATIONS.

LEGEND:

- PROPOSED FOUL MANHOLE
- PROPOSED SURFACE WATER MANHOLE
- PROPOSED FOUL WATER PIPE
- PROPOSED SURFACE WATER PIPE
- PROPOSED GULLY
- PROPOSED INSPECTION CHAMBER
- PROPOSED RODDING EYE
- PROPOSED PERMEABLE PAVING

NOTE:

- TO BE READ IN CONJUNCTION WITH THE FOLLOWING DRAWINGS:
- ARCHITECTS DRAWING PACKAGE
 - GULLY POSITIONS ARE INDICATIVE & ONLY TO BE POSITIONED AT LOW POINTS

Rev	Date	Description	Drn	Chd
02	18.10.18	UPDATED TO REFLECT COMMENTS RECEIVED FROM PLANNING	SM	JD
01	06.07.18	AMENDED IN LINE WITH C.A. COMMENTS ON 06.07.18.	TMM	SMB
00	05.07.18	PRELIMINARY	TMM	SMB

Amendments

Project **COMERSCROFT, FORTROSE RESIDENTIAL ACCESS & SERVICING**

Title **PROPOSED DRAINAGE LAYOUT**

Client **DR W. FRASER**



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PRELIMINARY

Drawn by	TMCW	Date	06/2018	Designed by	TMCW	Checked by	SMCE
Scale @ A1	work to signal dimensions only		1:250	Project No.	INV0511		
Drawing No.	INV0511_100_0002		Rev	02			

