

Agenda Item	7.4
Report No	<b>PLN/051/19</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 04 June 2019

**Report Title:** 18/05808/FUL: Tulloch Homes Ltd  
Land 130M North of The Cairns, Culbokie

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Erection of 33 houses, road widening, public footpaths, formation of public open space and installation of access for adjacent site (18/05806/PIP)

**Ward:** 09 - Black Isle

**Development category:** Major

**Reason referred to Committee:** Major Development

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 The application is for planning permission for a total of 33 residential units, open space (including village green), supporting roads and drainage infrastructure for this and formation of an access into the adjacent site (application ref: 18/05806/PIP). The residential units comprise:

- 12 x 2 Bedroom Houses
- 21 x 3 Bedroom Houses

Each house within the application site is single storey and finished in a combination of render, weather board and concrete roof tiles.

1.2 The proposal provides access to, and delivers the supporting infrastructure for, the development proposed by Planning Application 18/05806/PIP for the erection of 6 houses, a community building and business units, and the formation of open space.

1.3 The Pre-Application Consultation process (PAC) addressed both this site and the adjacent site (ref: 18/05806/PIP). Public consultation included informal discussions with the Culbokie Community Trust and the wider community ahead of formal consultation. An exhibition and drop in session was undertaken in Findon Hall on 17 July 2018.

1.4 The applicant sought pre-application advice through the Council's Pre-Application Advice Service for Major Developments where advice was given on the principle of development and procedure. Further the applicant sought detailed advice on drainage, street layout and road design through the Council's Street Engineering Review process.

1.5 The application is supported by the following information:

- Archaeological Trial Trench Evaluation
- Archaeology – List of Illustrations
- Design Statement
- Drainage Impact Assessment
- Ecological Survey Report
- Infiltration and Ground Water Report
- Infiltration Test Results
- Landscape Management and Maintenance Report
- Pre-Application Consultation Report
- Site Investigation Report

1.6 Variations: Since the validation of the application a number of changes have been made to the scheme to address comments from consultees and the case officer. These include:

- Changes to elevations on particular house types and changes to layouts on particular plots to avoid impacts on amenity and improve character of new streets;
- Changes to the road design to incorporate visitor parking spaces;
- Changes to location and design of footpaths within the development.

## 2. SITE DESCRIPTION

- 2.1 The wider site comprises an area of land in the centre of Culbokie adjacent to the B9169. The site is bounded to the north east by the Glascairn Road and to the south west and south east by housing. The site is predominantly level with a gentle slope from north to south.
- 2.2 Access to the site is from Glascairn Road which connects with the B9169 which runs through the middle of Culbokie. Access to the site will be shared with the proposed community development which is under consideration by the Planning Authority (ref: 18/05806/PIP).
- 2.3 There are no natural, built or cultural heritage designations within the development site. Carn Mor Dun Scheduled Ancient Monument lies approx. 230m to the south of the site and the Cromarty Firth Special Protection Area (SPA)/Ramsar site, Cromarty Firth Special Area of Conservation (SAC) and Cromarty Firth Site of Special Scientific Interest (SSSI) all lie approx. 1.3km to the north west of the site.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. It lies within the Open Farmed Slopes Landscape Character Type (LCT) as identified by Scottish Natural Heritage.

## 3. PLANNING HISTORY

- |     |            |   |                    |
|-----|------------|---|--------------------|
| 3.1 | 27.04.2018 | 18/01724/PAN – Proposal of Application Notice for Residential and Community/Business Development  | Case Closed        |
| 3.2 | 14.08.2015 | 14/03817/PIP – Residential Development (30 Units)   | Permission Granted |
| 3.3 | 27.01.2015 | 14/03805/PIP – Community Uses   | Permission Granted |
| 3.4 | 31.10.2014 | 14/03808/SCRE – Screening Opinion for Residential Development (30 Units)  | EIA Not Required   |
| 3.5 | 15.07.2014 | 14/02533/PAN – Proposal of Application Notice for Residential Development (30 Units)  | Case Closed        |
| 3.6 | 19.07.2011 | 11/00972/FUL – Section 42 Application to Extend Time of Permission 02/00779/OUTRC for Residential Development (30 Units)                                    | Permission Granted |
| 3.7 | 21.03.2011 | 10/04980/PAN – Proposal of Application Notice for Section 42 Application to Extend Time of Permission 02/00779/OUTRC for Residential Development (30 Units) | Case Closed        |

3.8	08.10.2010	10/03426/FUL – Section 42 Application to Extend Time of Permission 02/00780/OUTRC for Community Development	Permission Granted
3.9	02.09.2010	10/03219/FUL - Section 42 Application to Extend Time of Permission 02/00779/OUTRC for Residential Development (30 Units)	Withdrawn
3.10	10.12.2010	10/02595/PAN - Proposal of Application Notice for Renewal of Permission 02/00779/OUTRC for Residential Development (30 Units)	Case Closed
3.11	27.08.2007	02/00779/OUTRC – Residential Development (30 Units)	Permission Granted
3.12	27.08.2007	02/00780/OUTRC – Community Development	Permission Granted

#### 4. PUBLIC PARTICIPATION

##### 4.1 Advertised: Unknown Neighbour, Schedule 3 Development

Date Advertised: 11.01.2019

Representation deadline: 27.01.2019

Timeous representations: 5 (4 Objections, 1 Support)

Late representations: 1

##### 4.2 Material considerations raised are summarised as follows:

- a) Traffic Impacts (pedestrian safety, direct access to Glascairn Road, existing width of Glascairn Road, and speed of vehicles on Glascairn Road)
- b) Conflict with capacity of site identified in the Local Development Plan
- c) Lack of adequate parking provision
- d) Concerns over safety of SUDS pond
- e) Concern over equitable play park provision with other developments in Culbokie;
- f) Concern over impact of footpath provision and alignment;
- g) Impact on residential amenity
- h) Support for the delivery of joint infrastructure.

##### 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

#### 5. CONSULTATIONS

##### 5.1 **Ferintosh Community Council:** Raise concerns over road safety issues relating to increased traffic on Glascairn Road, the potential for on-street parking on Glascairn Road and the junction with Glascairn Road and the B9109.

- 5.2 **THC Access Officer:** No objection. Provides comment on the connectivity between the site and the rest of the village, the design of paths within the development and the alignment of the remote footpath. Directional signage sought for the core path.
- 5.3 **THC Development Plans Team:** No objection. Set out that the application is on an allocated site within the development plan and that the principle defining factors in the plan for an increase in unit numbers on site have been met. Highlight that developer contributions are sought toward community facilities.
- 5.4 **THC Flood Risk Management Team:** No objection. Note a preference for each property to have individual soakaways. Conditions requested to secure full details of proposed surface water drainage system and of management and maintenance of the drainage.
- 5.5 **THC Transport Planning Team:** No objection. Generally content with layout and design of the scheme. Following submission of information on the following issues content with the proposed development: access arrangements; junction design; parking layouts; and visibility splays
- Seek conditions to secure: details of the junction improvement between Glascairn road and the B9169; details of the pedestrian crossing between the development and the existing shop; completion of widening of Glascairn Road prior to commencement of house building; submission of a landscape plan which includes visibility splays; details of the raised crossing and gateway feature into the proposed site via Glascairn Road; waste management plan detailing all movements of the refuse vehicle; provision of bus stop improvements; construction traffic management plan; and surface water drainage details.
- A developer contribution is sought to protect and enhance the bus service between Culbokie and Inverness.
- 5.6 **Transport Scotland** No objection.

## 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
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape

63 - Water Environment  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
72 - Pollution  
74 - Green Networks  
75 - Open Space  
77 - Public Access

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

Policy 2 Delivering Development

Allocation CU1 – South of Village Store (30 Houses)

Allocation CU5 South of Village Store (Mixed Use)

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

Construction Environmental Management Process for Large Scale Projects (August 2010)

Developer Contributions (November 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Managing Waste in New Developments (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL CONSIDERATIONS**

- 7.1
- Scottish Government Planning Policy and Guidance
  - Scottish Planning Policy (The Scottish Government, June 2014)
  - National Planning Framework 3 (The Scottish Government, June 2014)
  - Creating Places (The Scottish Government, June 2013)
  - Designing Streets (The Scottish Government, 2010)
  - PAN 61 - Sustainable Drainage Systems
  - PAN 68 - Design Statements
  - PAN 75 - Planning for Transport
  - PAN 77 - Designing for Safer Places
  - PAN 1/2011 Planning and Noise

## **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) masterplanning, design and layout;
  - c) roads, access and parking;
  - d) impact on the water environment (including flood risk and drainage);
  - e) Impact on infrastructure provision;
  - f) Impact on the natural environment (including protected and other important species); and
  - g) any other material considerations.

## **Development plan/other planning policy**

- 8.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily adopted supplementary guidance. The site is within the settlement development area where there is general support for development. The site is within site allocation IMFLDP CU1 which is allocated for 30 houses and CU5 which is allocated for mixed-use (community and retail, business and office uses). Through this and the associated application (18/05906/PIP) the applicant has reapportioned the uses between the sites to allow for the provision of joint surface water drainage systems.
- 8.5 The IMFLDP is supportive of the principle of development on the site. The allocations require a number of developer requirements to be addressed. This includes: road improvements; joint access to both sites; phasing; and masterplanning between the two allocated sites. Each of the aforementioned developer requirements are addressed later in the report.
- 8.6 The allocations in the IMFLDP suggest an indicative capacity of 30 homes, community, retail business and office uses. The applications brought forward present a mix of community use (village green and community facilities) and a total of 39 houses across the two applications with 33 houses being presented in this application. The IMFLDP is clear applications should be generally consistent with the indicative capacities. It sets out that a different capacity may be acceptable subject to design that demonstrates efficient use of land and a satisfactory layout. It is considered that the proposal is consistent with the criteria set out in the IMFLDP in relation to increase in levels of development on a site. This is by virtue of efficient

use of land and the matter of a satisfactory site layout is addressed later in this report. It is however acknowledged that the number of units proposed is more than that presented in the IMFLDP.

- 8.7 The Development Plan contains a number of further policy tests that must be taken into account in determining this application, in particular matters related to layout, design, place-making and infrastructure provision. If there are no significant impacts arising from these matters then the application could be supported.

### **Masterplanning, design and layout**

- 8.8 The allocations in the IMFLDP require that both sites CU1 and CU5 are brought forward in a manner which delivers joint access arrangements and integration between the developments. The applicants for the two applications in this area have addressed the developer requirements to bring forward an integrated development. In doing so the housing development will facilitate the delivery of the community site including the delivery of the serviced access and village green. Surface water infrastructure will be shared across the two sites which will allow further integration. The masterplan approach to the site is welcomed as it will lead to a more cohesive development which better addresses the needs of the community.
- 8.9 In bringing forward the masterplan the land uses envisaged to be delivered through the mixed use allocation (CU5) have been proposed within part of the housing allocation (CU1). This is predominantly due to the technical requirements of the surface water drainage solution. However, this application still delivers community uses within the CU5 site in the form of a village green. This will be delivered by the applicant on behalf of the community and can be secured by condition.
- 8.10 The site layout generally follows the principles set out in Designing Streets where street design must consider place over movement. On entering the site from the new vehicular access from Glascairn Road, there is a legible road layout which presents a series of gateways and focal points. The primary road through the development would deliver an access to the community uses proposed in planning application 18/05806/PIP. The layout of the site ensures that movement will be in the forward gear with no need for turning heads for residents or service vehicles.
- 8.11 There is good active travel connectivity via the designed in linkages to the B9169 and to the core path network. The Access Officer has sought additional signage for the connections to the core path network to the south of the application site RC-12.02 – Glascairn Wood. This can be secured by condition.
- 8.12 The layout of the development has ensured that there are active frontages onto all streets within the development and Glascairn Road. There is one small area within the site where there is no through vehicular route. This forms a design feature within the development and would not be an adopted road.



- 8.13 Negotiations were held with the applicant through the pre-application advice services offered by the Council on street layout and design to ensure the properties within the site have a positive relationship with the streets within and outwith the development. All properties enjoy a reasonable level of amenity space. It is not considered that the density of the development represents overdevelopment.
- 8.14 The houses within the development comprise single storey buildings with traditional gables and finished in white render and dark grey roof tiles. The design of the properties is considered to be appropriate in scale to the layout and the position of the development. The materials to be used on the properties will provide a clean and crisp finish to the development. Boundary treatments are a mix of timber fencing styles and the use of 1.8m high fences has been avoided where the properties are adjacent to main streets. This is an acceptable approach.
- 8.15 Some concern has been raised by residents of adjacent properties over the location of houses and the impact on amenity. The proposed houses are located on ground which is approximately between 0.55m and 2.2m lower than those accessed via a private road to the south of the development. The proposed properties are all no less than 20m away from the rear of existing houses on the private road to the south. It is not considered the location or scale of the properties will have an adverse affect on amenity of existing properties either in terms of daylight or privacy. There are no properties which would be considered to be in too close proximity or have directly opposing windows of existing properties. Further there is a landscaped buffer between some of the existing properties and those within the proposed development.
- 8.16 Representations have sought detail of the boundary treatment due to concerns over the safety of users of the path between the existing properties and the proposed development. The landscaping plans show part of the boundary being beech hedging. This will require modification following the inclusion of a path along this edge to address the concerns of the Access Officer. The detail of the boundary treatment will be secured by condition, however the use of a high fence in this location would not be appropriate.
- 8.17 The Open Space in New Residential Developments: Supplementary Guidance, places a focus on quality rather than quantity. There are three open spaces within the development: the green space running north east to south west; the green space at the south eastern boundary; and the village green. The open space will be overlooked ensuring that it will feel safe for users and provide an appropriate setting for the development. The village green itself will provide a wider community benefit to the village but also makes a contribution to the open space requirement for this site. The location and size of the open spaces are generally acceptable. It is however considered that there should be some further design work on the landscaping to ensure that the open space is designed for play with low level interventions to facilitate imaginative play.
- 8.18 The applicant is working with the community on the design and layout of the village green. Discussions are ongoing with further consultation planned with the community regarding the types of landscaping and facilities included. The final detail of the landscaping and open space, including timescales for delivery, can be

secured by condition. This condition will set out that the open space shall be delivered prior to occupation of any houses that face onto it and the village green shall be completed by the applicant prior to occupation of any houses within the development.

### **Road, Access and Parking**

- 8.19 The site will be accessed from a new junction onto Glascairn Road. Transport Planning has not raised concerns regarding the ability of the local road network to accommodate the development. Further Transport Scotland has not objected to the application.
- 8.20 The existing access to Glascairn Road from the B9169 requires to be upgraded and Glascairn Road requires to be widened for the entire frontage of the development site. This is to ensure the safety and free flow of traffic on the road. A total of 8 properties will be accessed direct from the widened Glascairn Road. While representations have raised concerns regarding this, the widened road means that this arrangement is acceptable. This is within the 30 mph speed limit which commences further out along Glascairn Road and will reinforce the impression of being within a built up area and therefore help lead to a reduction in traffic speeds. A footpath is required along the frontage with the B9169. This is shown on the site plan and the indicative plan for the adjoining development and will be secured by condition.
- 8.21 Pedestrian connectivity to existing routes is being provided and a new pedestrian crossing is being provided across the junction of Glascairn Road and the B9169. A pedestrian crossing of the access into the site will also be provided. The style of crossing will likely be a raised table to facilitate a reduction in traffic speeds on Glascairn Road.
- 8.23 There is sufficient car parking (for both residents and visitors) within the development. Cycle parking is provided within private gardens. Sufficient visibility from driveways is achievable. However, this visibility will require to be maintained. A condition can be attached to the planning permission to achieve this. Further the applicant is providing additional parking for the village shop, delivering an aspiration of the wider community.
- 8.24 Representations have queried whether the proposed additional parking is in addition to or to replace the parking provided in the small car park adjacent to the site. While the applicant is not in control of the land adjacent to the village shop, the proposed widening of Glascairn Road would not have an adverse impact on the level of parking provided adjacent to the shop.
- 8.25 The applicant has identified areas for bin storage within each plot and bin collection would be at the kerbside. The layout has designated bin collection and storage points. Neither the householder nor the waste operatives will have to take a bin further than the recommended distances to the bin collection points. Due to the design of the proposed development no reversing manoeuvres are required by the waste collection vehicle. It is envisaged that these and all other manoeuvres can be

achieved within the road boundary. However, a final waste management strategy will be required by condition. This will detail waste vehicle collection routes, swept path drawings and finalised provision of bin collection points and stores.

- 8.26 There are some matters of detailed road construction and design which are outstanding. These matters, primarily relate to road/path finishes and final details of traffic calming features. These are controlled by the Road Construction Consent process. There are no outstanding matters which will require any significant changes to the layout or design of the development. The approval of the layout included in the planning drawings will not prejudice the determination of the Road Construction Consent or any other technical approvals which may be required.
- 8.27 Working in partnership, Transport Planning and Development Management have secured improvements to the road layout within the scheme in the interests of both road and pedestrian safety. This has included: the delivery of the pedestrian crossing at the junction onto Glascairn Road; provision of appropriately located footpaths within the development to promote active travel and pedestrian safety; and provision of remote paths to provide active travel linkages to the wider village and recreation opportunities.
- 8.28 A safe route to school plan will be required. This will show all footpaths outwith the development to Culbokie Primary School and routes to bus stops to ensure a safe route for those travelling by bus to Fortrose Academy. The plan and any mitigation required will be brought forward by condition and will require to be in place prior to occupation of the first house on the site.
- 8.29 The bus stop in the village requires to be upgraded to deliver real time information. A developer contribution is also sought to safeguard and enhance the bus service provided between Culbokie and Inverness. This contribution would introduce a commuter service on a Saturday.
- 8.30 An Access Management Plan will be required to ensure that access to and through the site is maintained during the construction and following completion of the development. This will also secure the final construction details for the proposed footpaths which are to be provided to connect to the village and Glascairn Wood. Further this will detail how access to the woods and existing properties will not be restricted during construction.

#### **Impact on the water environment (including flood risk and drainage)**

- 8.31 There are no areas identified as being at risk of fluvial or coastal flooding on the SEPA indicative flood risk mapping. There is a small area identified at risk of pluvial flooding on the south east corner of the site adjacent to Glascairn Road.
- 8.32 The Drainage Impact Assessment considers the potential for flooding which is a low risk and can be managed via the surface water network proposed within the site. The roads drainage within this site and the adjacent site proposed for community use is to be treated via an infiltration basin and there is an in principal agreement for a publically vested surface water drainage system.

- 8.33 To address surface water from within the proposed properties, individual soakaways within each plot are required. This is an acceptable solution to the Flood Risk Management Team and the full details of these can be secured by condition.
- 8.34 Members of the public are concerned that the infiltration basin within the site would present a hazard due to water potentially sitting within the basin. The basin is designed as an infiltration feature, therefore water would flow out of the basin and not sit in it, except in severe weather events. Further there are emergency outflows designed for the basin so that if water increased over a certain level the water would flow into a road-side ditch.
- 8.35 The management and maintenance of the sustainable drainage system will be required to remain the responsibility of the developer until such time as it is vested by a responsible drainage authority. In this instance it will be Scottish Water. Details of the management and maintenance of the system will however be required by the Council prior to commencement of development. For the avoidance of doubt, the Council will not be wholly liable for the maintenance of the surface water drainage system within this development. A Section 7 Agreement under the Sewerage (Scotland) Act 1968 (As Amended) will be required between the Council and Scottish Water. Full details of the basin and its proposed maintenance will require to be submitted via the Road Construction Consent Process and also secured by condition.

#### **Impact on infrastructure provision**

- 8.36 The development is located within Culbokie Primary School and Fortrose Academy Catchment Areas.
- 8.37 Based on the recently published School Roll Forecasts (SRFs) for 2018/19, Culbokie Primary has a capacity of 125 pupils and current roll of 107 pupils with the school, operating at 86% capacity. Having rerun the SRF to include the proposed development, the school roll is predicted to fluctuate between 61% and 78% of capacity throughout the forecasting period. The school's roll is not predicted to be over 90% capacity at any time in the forecasting period. Therefore a developer contribution to enhance primary education capacity is not required.
- 8.38 Based on the recently published 2018/19 SRFs, Fortrose Academy has a capacity of 784 pupils and a current roll of 622 pupils, operating at 79% capacity. Having rerun the SRF to include the proposed development, the school roll is predicted to fluctuate between 71% and 81% of capacity throughout the forecasting period. The school's roll is not predicted to be over 90% capacity at any time in the forecasting period. Therefore a developer contribution to enhance secondary education capacity is not required.
- 8.39 The Inner Moray Firth Local Development Plan Delivery Programme identifies that all development within the Fortrose Academy catchment area should make contributions towards enhancement of capacity at the Black Isle Leisure Centre. This would involve an extension to the gym and provision of a new dance studio. The application itself is also delivering a community facility in the form of a village

green and a serviced access to the site of a new community facility. The cost of delivery of this can be balanced against the developer contributions required toward community facilities.

- 8.40 It is understood that there are some concerns over the condition of Findon Hall in Culbokie and the need for repairs to the facility. There may be cases where improvements to community facilities would meet with the criteria against which we assess the requirements for development contributions. However, there must be a direct link to the enhancement of capacity of the facility. General repairs to a facility cannot be funded via developer contributions.

**Impact on the natural environment (including protected and other important species)**

- 8.41 The application site has been subject to an Ecological Survey. This considered protected habitats, European protected species, other protected species and non-native invasive species. This identified scrub; scattered trees; and neutral semi-improved grassland habitats were present on the site. No European protected species were found to be present on the site.
- 8.42 The survey went on to identify that there is potential for nesting birds within the site and recommended further survey work in advance of any development if works are to be undertaken during the bird breeding season.
- 8.43 General mitigation measures including requirements for any pits being covered, no mesh being left on site and hazardous materials being kept in secure cabinets to ensure that protected mammals are not harmed during construction. These mitigation measures can be secured by condition.

**Other material considerations**

- 8.44 The area has archaeological potential therefore a further programme for archaeological investigation and recording is required. This can be secured by condition.
- 8.45 A development of this scale is likely to have adverse impacts on residential amenity and the road network during the construction process. As such it is appropriate to attach conditions to secure construction environmental management and construction traffic management plans.
- 8.46 The allocation in the Local Development Plan sets out that the development must be phased with no more than 10 houses to be built per year. The development plan goes on to set out that if less than 10 houses are built in one year, the balance may be built in the following year. A phasing plan which shall include the provisions of the Local Development Plan will be required by condition.

- 8.47 Planning conditions are not used to control construction noise as powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. However, as there is a potential to cause disturbance, as raised in representations, it is considered appropriate to secure a noise and vibration assessment as part of the Construction Environment Management Plan.
- 8.48 To facilitate a move toward a low carbon economy it is considered appropriate to facilitate the transition towards the phasing out of diesel and petrol cars. This would include the provision of electric car charging points. The details of the design and scale of this infrastructure can be secured by condition.
- 8.49 Should the development be granted permission, a Community Liaison Group should be set up to ensure that the community council and other stakeholders are kept up to date and consulted before and during the construction period.

#### **Developer Contributions to be secured**

- 8.50
- a) Contributions to the delivery of enhanced community facilities within the Fortrose Academy Catchment Area; in the first instance to enhancements at Black Isle Leisure Centre and thereafter to enhancements to capacity of community facilities within Culbokie Settlement Development Area (£617.39 per house or £20,373.87 total) based on Q1 2019;
  - b) Contributions to the provision of public transport for the route between Culbokie and Inverness delivering a commuter service on a Saturday (£153.85 per house or £5077.05 total) based on Q1 2019;
  - c) Contribution to the provision of a real time information service in the bus stop adjacent to the site (£61.77 per house or £2038.41 total); and
  - d) 25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.
- 8.51 The above developer contributions address the impacts of the development and are based upon the provisions of the recently adopted Developer Contributions Supplementary Guidance. The contribution toward community facilities takes into consideration the partial cost of delivery of the village green within the site which is an in-kind contribution of approximately £25,000.

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

- 8.52
- a) 25% Affordable housing contribution, as per the relevant adopted development guidance.
  - b) Developer contribution of £27,489.33 unless up front payment is made.
- 8.53 The above developer contributions as set out under para 8.50 a-d, with the exception of affordable housing which will be secured by a legal agreement, will be paid prior to any planning permission being issued. They have four months from the date of determination of the application to pay the Council the required level of contributions and enter a legal agreement to secure affordable housing. Should payment not be made within four months or the legal agreement not completed and registered, the application shall be refused under delegated powers. A draft reason for refusal is set out in Appendix 1 at the end of this report.

## 9. CONCLUSION

- 9.1 Culbokie is a settlement identified for modest growth within the Council's spatial strategy. The application provides an opportunity to deliver development on an allocated site within the development plan and provide wider community benefits through the delivery of a village green and access to land for a new community facility. The design of the development is in accordance with the principles of Designing Streets and has addressed all other infrastructure constraints on the site.
- 9.2 Subject to the application of conditions to manage the development, provision of improvements to the road network, agreement on the final details of the surface water drainage on site and an appropriate level of developer contributions in line with the recommendations in paragraph 8.50 of this report, the development can be supported.
- 9.3 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 Developer Contribution Y

Conclusion of a Section 75 obligation Y

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following conditions, payment of developer contributions and completion of a legal agreement in accordance with paragraph 8.52 of this report:

### Conditions and Reasons

1. No development shall commence until a detailed phasing plan for the development has been submitted to, and approved in writing by, the

Planning Authority. Thereafter, the approved scheme shall be implemented in full.

For the avoidance of doubt the scheme shall detail timescales for delivery of the development in accordance with the following:

- No more than 10 residential units shall be completed within any one 12 month period starting at the commencement of development which shall be notified to the Planning Authority. If less than 10 residential units are delivered in a 12 month period the balance can be carried forward to the next 12 month period. Plots 13-15 and Plots 18-20 shall not be occupied until the open space at the south eastern boundary of the site, inclusive of tree planting and elements introduced to design the space for play, has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme.

**Reason:** To ensure that the development proceeds in an appropriate manner and in accordance with the phasing provisions of the Inner Moray Firth Local Development Plan.

2. No development shall commence until a detailed scheme for the completion of all open spaces and landscaping within the site, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full.

For the avoidance of doubt the scheme shall detail timescales for implementation in accordance with the following:

- Plots 13-15 and Plots 18-20 shall not be occupied until the open space at the south eastern boundary of the site, inclusive of tree planting and elements introduced to design the space for play, has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme;
- Plots 6-7 and Plots 12-13 shall not be occupied until the landscaped area between the aforementioned plots, inclusive of all planting, hard and soft landscaping, has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme;
- No house shall be occupied until the village green area between the houses within the development and the B9169, inclusive of all planting, hard and soft landscaping, has been delivered to the satisfaction of the Planning Authority in accordance with the approved scheme.

**Reason:** To ensure that the open space within the site is delivered timeously and to ensure sufficient play and open space provision exists within the application site to serve future residents' needs.

3. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:



- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed boundary treatments inclusive of hedges, walls, fences and gates. No rear or side garden boundary treatment that is adjacent to a road shall be higher than 1.5m;
- iv. A scheme for the layout, design and construction of all green spaces shown on the approved site layout, including the provision of natural and play opportunities (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of equipment or furniture at 1:20 scale.
- v. A scheme for the layout, design and construction of all hard landscaped spaces shown on the approved site layout, including the details of all street furniture (including specifications of any equipment, protection measures and boundary treatments). The submitted plans shall show any individual pieces of street furniture at 1:20 scale.
- vi. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- vii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme and the provisions of Condition 2 of this planning permission.

All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

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

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

4. No development shall commence until a detailed Access Management Plan for public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- i. All existing access points, paths, core paths, tracks, rights of way and other routes, and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
- ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
- iii. All new paths, tracks and other routes for use by non motorised users and any other relevant outdoor access improvements inclusive of any connections outwith the boundary of the development. This should include construction specifications, any measures for deterring use by motorised vehicles, signage, information leaflets, proposals for ongoing maintenance etc.). These paths shall be delivered and provided without impediment to any existing access.
- iv. Safeguarding measures ensuring that the private road located to the south of development remains open at all times;
- v. Any diversion of paths, tracks or other routes, temporary or permanent, proposed as part of the development including details of mitigation measures, diversion works, duration and signage);
- vi. Full routing and construction details of footpaths and delivery of signage, inclusive of long sections and cross sections, delivered up to the connections with the existing adopted footpaths prior to first occupation of any house within the development.

Thereafter the approved Access Management Plan and associated mitigation shall be implemented at the start of development on site.

**Reason:** To safeguard, maximise and enhance the opportunities for continued public access in and around the development site in accordance with Policy 77 of the Highland wide Local Development Plan.

5. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, 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.

6. No development shall commence until a scheme for the delivery of the following mitigation, in line with timescales for delivery set out in this condition, and detailed designed to the specifications and standards set out by The Highland Council, of the mitigation has been submitted to and approved in writing by the Planning Authority:

- a) a scheme for the location, design and installation of the widening of Glascairn Road between the junction of Glascairn Road and the B9169 and the south eastern most point of the site boundary. Thereafter, the scheme shall be implemented prior to any other development commencing on site;
- b) a scheme for the location, design and installation of the uncontrolled, at grade pedestrian crossing at the junction between Glascairn Road and the B9169. Thereafter, the scheme shall be implemented prior to any other development commencing on site;
- c) a scheme for the location, design and installation of the uncontrolled, at grade pedestrian crossing at the junction between Glascairn Road and site access. Thereafter, the scheme shall be implemented prior to any house being occupied within the development site;
- d) a scheme for the location, design and installation of the visitor car parking adjacent to Glascairn Road. Thereafter, the scheme shall be implemented prior to any other development commencing on site;
- e) a scheme for the location, design and installation of the new footpath along the frontage of the site adjacent to the B9169 and bus stop on the B9169. Thereafter, the scheme shall be implemented prior to any other development commencing on site;
- f) a scheme for the design and implementation of safe routes to school to Culbokie Primary School and the bus stops which serve Fortrose Academy within the site connecting to existing safe routes to school outwith the site. The agreed scheme shall be implemented prior to any house being occupied within the development.

**Reason:** To ensure that the consequences for the local road network and pedestrian safety as a result of traffic from the proposed development are addressed.

- 7. No residential dwelling shall be occupied until Traffic Regulation Order(s), limiting the speed of traffic on all roads within the development to no more than 20mph have been submitted to and approved in writing by the Roads Authority, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt any Traffic Regulation Order(s) and any required signage and road markings shall be delivered by the developer.

**Reason:** In the interests of safety of all road users in the residential development.

- 8. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted;

with or without modification), has been submitted to, and approved in writing by, the Planning Authority. The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:

i. A Schedule of Mitigation (SM) drawing together all mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);

ii. Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;

iii Construction Environmental Management Plans (CEMPs) for the construction phase, covering:

a. Pre-commencement habitat and species surveys;

b. Habitat and Species Protection;

c. Pollution Prevention and Control (inclusive of waterbodies);

d. Dust Management;

e. Construction Noise Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

f. Construction Vibration Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites - Part 1: Noise;

g. Site Waste Management;

h. Surface and Ground Water Management;

i. Drainage and sediment management measures from all construction areas; and

ii. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.

j. Emergency Response Plans;

k. A scheme to safely remove any and all non-native invasive species from the site;

l. Other relevant environmental management as may be relevant to the development.

iv. Special Study Area plans for:

- a. Any other specific issue identified within the Schedule of Mitigation and/or conditions attached to this permission;
- v. Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- vi. A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- vii. Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

**Reason:** To ensure that the construction of the development is carried out appropriately and does not have an adverse effect on the environment.

9. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Planning Authority. The CTMP, which shall be implemented as approved during all periods of construction, shall include:
  - i. The CTMP shall make provision for all construction access being taken via the proposed site access as shown on the approved site layout.
  - ii. A description of all measures to be implemented by the developer, including the delivery of a 20mph speed limit on Glascairn Road adjoining the development site, in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
  - iii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction related traffic including the formation of the junction leading from the site to the public road to the satisfaction of The Highland Council, including;
    - An initial route assessment report for construction traffic, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigation measures as necessary;
  - iv. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during construction periods.

v. A detailed protocol for the delivery of loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of larger load movements in the local media. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.

vi. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.

vii. Wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;

viii. Appropriate reinstatement works shall be carried out, as identified by Highland Council, at the end of the construction of the development.

ix. Measures to ensure that construction traffic adheres to agreed routes.

x. Provision of a roads 'Wear and Tear Agreement' under Section 84 of the Roads (Scotland) Act.

xi. No use of reversing alarms, which are audible at the site boundary, in order to protect residential amenity.

Thereafter the approved Construction Traffic Management Plan shall be implemented in full, unless otherwise approved in writing by the Planning Authority.

**Reason:** To maintain safety for road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the road network.

10. Prior to construction of the first house a scheme for the maintenance, in perpetuity, of all on-site green spaces and any other spaces, facilities, features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as communal parking areas and estate lighting), shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

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

11. No development, site excavation or groundwork shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape

Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:

- i. Ensuring that the Landscaping Plans to be approved under Condition 3 are implemented to the agreed standard; and
- ii. The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to the commencement of development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

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

12. No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland 4, or any superseding guidance prevailing at the time, be suitable for public adoption and / or vesting, be in accordance with any Scottish Water waiver in place at the time of submission and include details of the surface water drainage for the site) have been submitted to, and approved in writing by, the Planning Authority. The submission shall be supported by a revised Drainage Impact Assessment and Flood Risk Assessment (inclusive of any revised modelling) to ensure the final design does not have an adverse impact on flood risk and drainage with all discharge rates not exceeding greenfield run off rates. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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

13. The development shall not be occupied until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority. Should this change prior to vesting by a responsible authority, this shall be notified in writing to the planning authority. For the avoidance of doubt any part of the surface water drainage system not vested by Scottish Water shall remain the responsibility of the developer and be maintained in line with the scheme to be approved under Condition 11 above.

**Reason:** To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

14. Prior to the first occupation of each house within the development car parking spaces shall be provided in line with the standards contained within The Highland Council's Road and Transportation Guidelines. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

**Reason:** To ensure that appropriate levels of car parking are available for each plot.

15. No development shall commence until the principles for the siting and design of all on street above ground infrastructure (including electrical substations, junction boxes and broadband cabinets) within the development have been submitted to and approved in writing by the Planning Authority. Thereafter the delivery of above ground infrastructure shall be delivered in accordance with the approved principles.

**Reason:** In the interests of visual amenity and to ensure that these matters can be considered in detail to ensure the character and identity of the development is maintained

16. No development shall commence until a scheme has been submitted detailing the provision of electric car charging points for each individual property with private driveways. This shall include the location and design of each charging point and a timescale for implementation. The approved scheme shall be implemented in line with the approved timescales.

**Reason:** To facilitate the move toward the reduction in reliance on petrol and diesel cars.

17. No development shall commence until a Waste Management Strategy has been submitted to and approved in writing by the Planning Authority. This shall detail an approach to sustainable waste management in the operation of all aspects of development; identify the location of bin collection points, and identify the route for waste collection vehicles including details of swept path for the route. Thereafter the strategy shall be implemented in line with the timescales contained therein.

**Reason:** In the interests of amenity, to manage waste and prevent pollution.

18. No development shall commence until a community liaison group is established by the developer, in collaboration with The Highland Council and Ferintosh Community Council unless otherwise agreed in writing by the Planning Authority. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to



keep under review the timing and type of development. The liaison group shall be maintained until the development has been completed and is occupied.

**Reason:** To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures throughout the construction period

19. No development shall commence until a plan showing visibility splays of 2.4m x 10m at each driveway has been submitted to and approved in writing by the Planning Authority. Thereafter, at no time shall anything obscure the approved visibility splays between a driver's eye height of 1.05m positioned at the centre point of the driveway.

**Reason:** In the interests of road safety.

## **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 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 (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](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](mailto: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](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

#### **Factoring of the Development**

Shared elements of the development are to be factored. The applicant is advised that it is their responsibility to ensure compliance with the provisions of the Property Factors (Scotland) Act 2011.

#### **Land Ownership/Planning Permission**

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

#### **Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not

commence work until one has been applied for and issued. For more information, please contact Building Standards at [BuildingStandards@highland.gov.uk](mailto:BuildingStandards@highland.gov.uk) or on 01349 886608.

**REASON FOR REFUSAL (If the developer contributions are not paid or the legal agreement is not registered within agreed period)**

The development is contrary to policies 28, 31 and 32 of the Highland wide Local Development Plan as the applicants have failed to make payment for the agreed level of developer contributions and / or registered a legal agreement to secure the delivery of affordable housing required to mitigate the impacts of the development including towards community facilities, public transport provision and public transport infrastructure.

Designation: Acting Head of Development Management – Highland  
Author: Simon Hindson  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Inner Moray Firth Local Development Plan extract  
Plan 3 - Location Plan (4311-02-002)  
Plan 4 - Site Layout Plan (4311-02-200 REV D)  
Plan 5 - Elevations Lochy House Type (4311-01-011)  
Plan 6 - Elevations Birch House Type (4311-01-013)  
Plan 7 - Elevations Kinglass House Type (4311-01-015)  
Plan 8 - Elevations Cedar Detatched House Type (4311-01-017)  
Plan 9 - Elevations Cedar Semi House Type (4311-01-019)  
Plan 10 - Elevations 2B3P Bungalow (4311-01-100 Rev A)  
Plan 11 - Elevations 3B5PWC Bungalow (4311-200 Rev A)  
Plan 12 - Elevations 3B5P Bungalow (4311-01-300 Rev A)  
Plan 13 - Elevations 3B5P Bungalow (4311-01-301 Rev A)  
Plan 14 - Elevations WC Bungalow (4311-01.201)

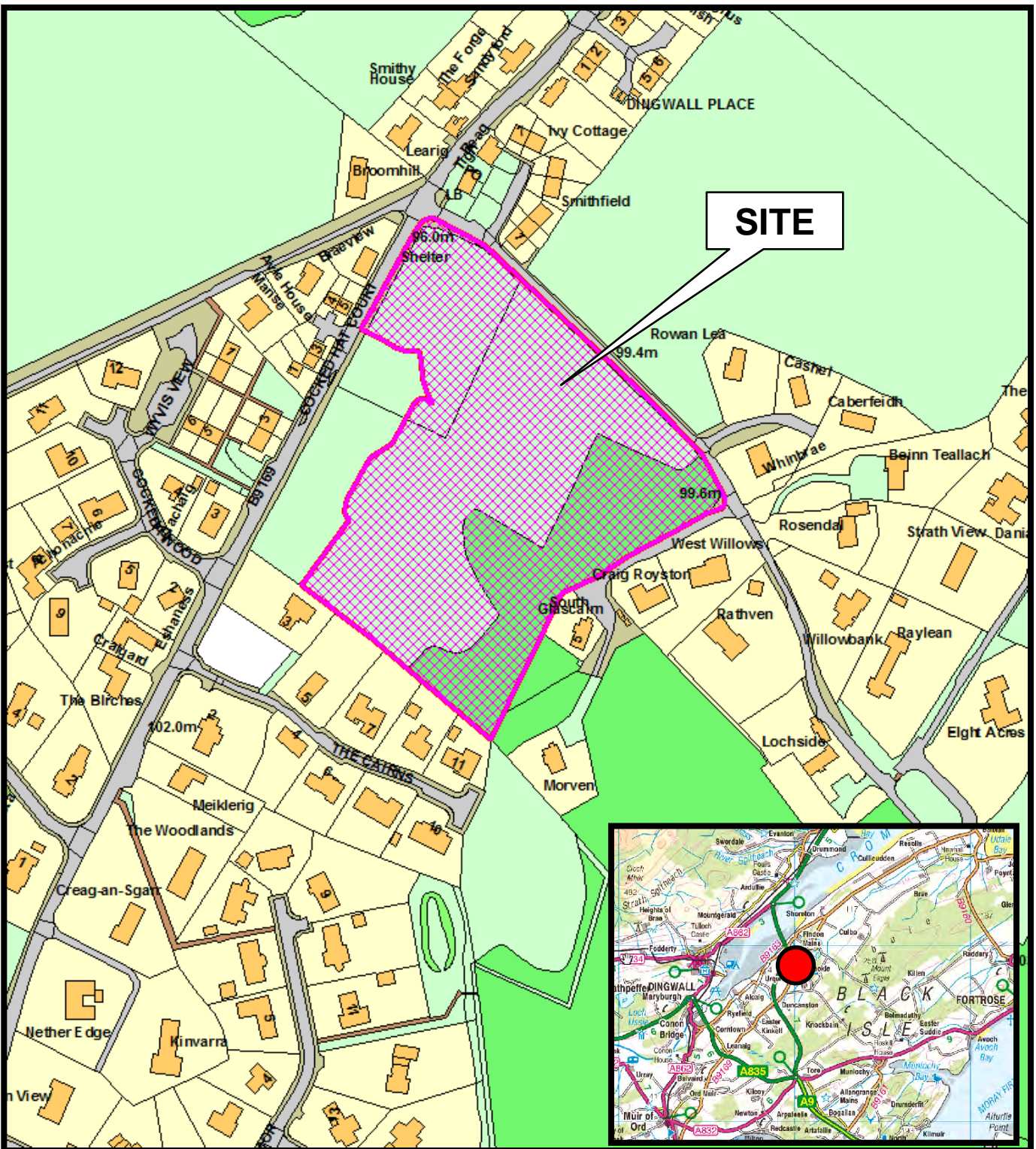
**Appendix 1 – REASON FOR REFUSAL (If the developer contributions are not paid or the legal agreement is not registered within agreed period)**

The development is contrary to policies 28, 31 and 32 of the Highland wide Local Development Plan as the applicants have failed to make payment for the agreed level of developer contributions and / or registered a legal agreement to secure the delivery of affordable housing required to mitigate the impacts of the development including towards community facilities, public transport provision and public transport infrastructure.

Appendix – Details for Section 75 Agreement or Up Front Payment

**Developer Contributions**

Type	Contribution	Rate (per house)	Rate (per flat)	Total Amount* <sup>1</sup>	Index Linked	Base Date* <sup>2</sup>	Payment Trigger* <sup>3</sup>	Accounting Dates* <sup>4</sup>	Clawback Period* <sup>5</sup>
<b>Community Facilities</b>	delivery of enhanced community facilities within the Fortrose Academy Catchment Area, in the first instance to enhancements at Black Isle Leisure Centre and thereafter to enhancements to capacity of community facilities within Culbokie Settlement Development Area	£617.39	£617.39	£20,373.87	BCIS	Q1 2019	CC		15
<b>Affordable Housing</b>									
On-site provision	25% affordable housing to be delivered on-site at a scheme to be agreed prior to commencement of development.				No			Apr/Oct	
<b>Transport</b>									
Bus Stop	provision of public transport for the route between the Culbokie and Inverness delivering a commuter service on a Saturday	£153.85	£153.85	£5077.05	BCIS	Q1 2019	CC		15
Public Transport	provision of real time information services in the bus stops adjacent to the site	£61.77	£61.77	£2038.41	BCIS	Q1 2019	CC		15



Planning & Development  
Service

**18/05808/FUL**

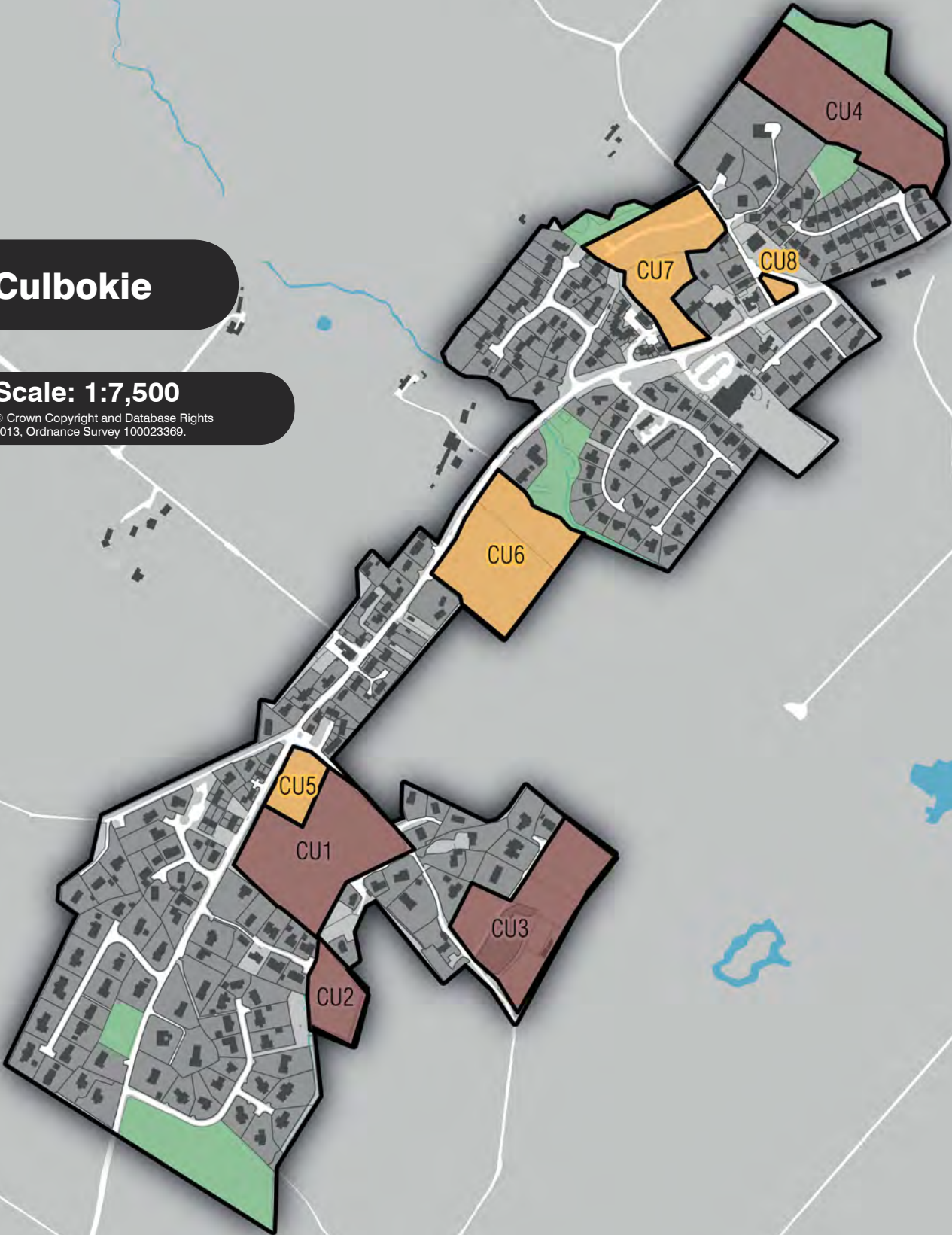
Erection of 33 houses, road widening, public footpaths, formation of public open space and installation of access for adjacent site (18/05806/PIP) at Land to North of The Cairns, Culbokie



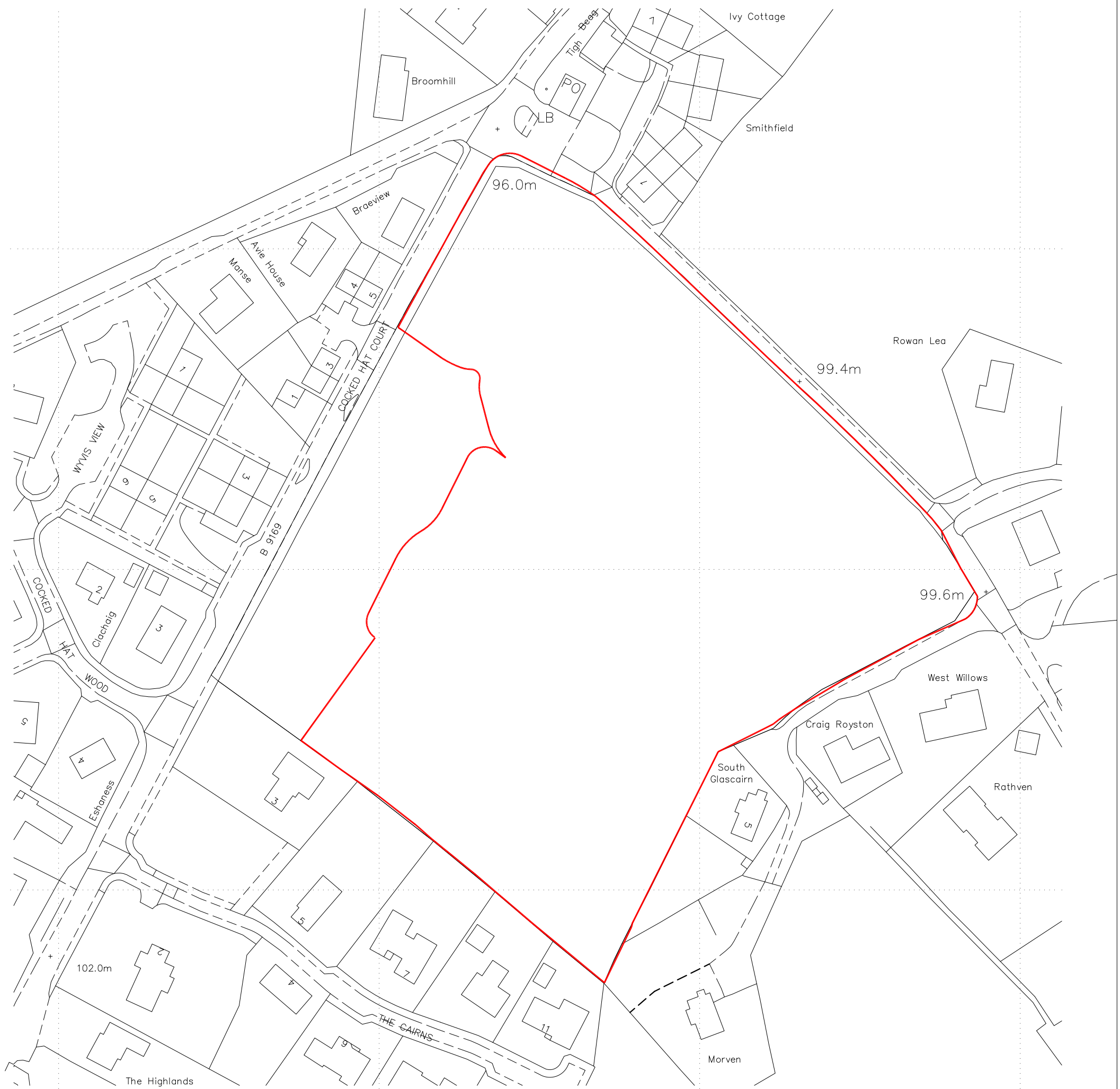
# Culbokie

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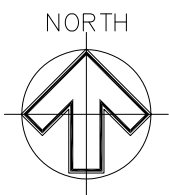
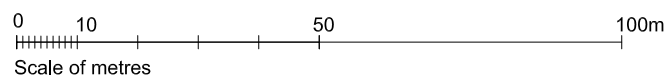
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**Bracewell Stirling CONSULTING**

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**GLASCAIRN ROAD  
 CULBOKIE  
 Tulloch Homes Ltd**

**LOCATION PLAN**

SCALE	1:1250	DATE	11.04.2018	BY	PLANNING	DWG SIZE	A3
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DWG NO	4311 / 02 / 002	REV	A
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1. Junction of B9169 and Glascairn Road with demarcated crossing zone installed to facilitate access to local shop.
2. Glascairn Road to be widened with 2m footpath added to the southern edge. New parking layby to be added.
3. Development access with demarcated crossing point.
4. Link footpath facilitating access through amenity space to the village green and community facilities.
5. SUDS basin area with grasscrete or similar maintenance access.
6. Village Green formed within community site.
7. Indicative future community facilities building.
8. Indicative community housing units fronting the B9169.
9. Indicative footpath providing access to site from B9169 linking through to Village Green and wider development.
10. Landscaped corridor with link footpath to the boundary adjacent to the Culbokie Wood core path.
11. Central amenity space at connection point of link paths with seating area and landscaping feature.
12. Landscaped amenity space
13. Boundary planting to help screen existing properties from new development.
14. Line of existing Scottish Water sewer wayleave.

Note: Detailed landscaping proposals to be prepared by the consultant Landscape Architect

APPLICATION AREA: 2.66Ha

**HOUSING MIX**

KINGGLASS	5
LOCHY	6
BIRCH	8
CEDAR	6
3B5P BUNGALOW	3
2B3P BUNGALOW	4
3B5P WCH BUNGALOW	1
<b>TOTAL UNITS:</b>	<b>33</b>

D	10.05.19	UPDATED PLOTS 38 & 29; REVISED PLOT 23-29 POSITIONS	GB
C	15.04.19	FOOTPATH AT PLOTS 36-22 REVISED.	KM
B	06.03.19	PATH AT PLOTS 14-15 REVISED.	KM
A	22.02.19	VISITOR PARKING SPACES INDICATED; PATH 10 REVISED AND NEW PATH SHOWN TO CONNECT PATH 10 WITH GLASCAIRN ROAD.	KM
REV	DATE	DESCRIPTION	DRN

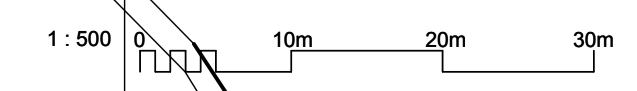
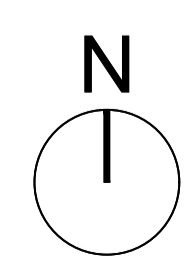
**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOULTRY, FK13 6EP 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

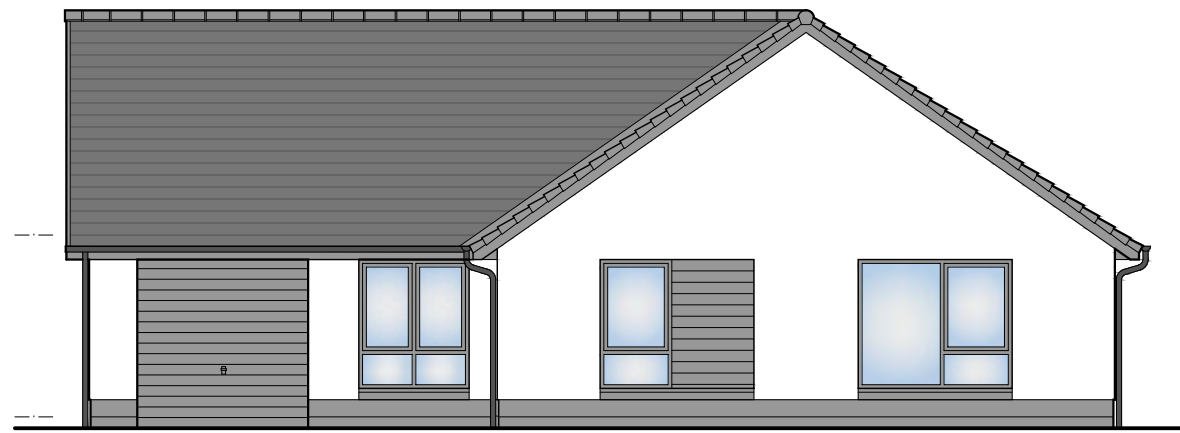
NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

SITE LAYOUT

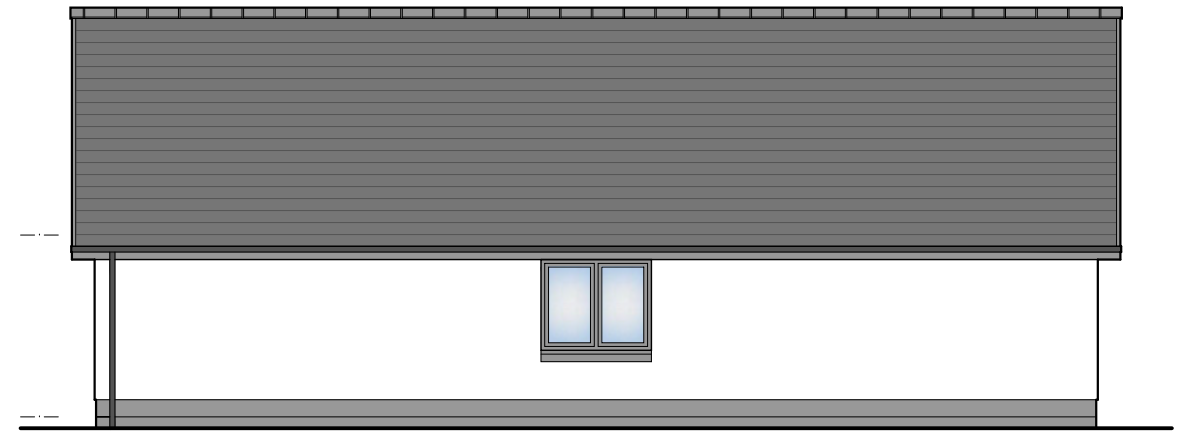
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DWG No.	4311-02-200	REV.	D



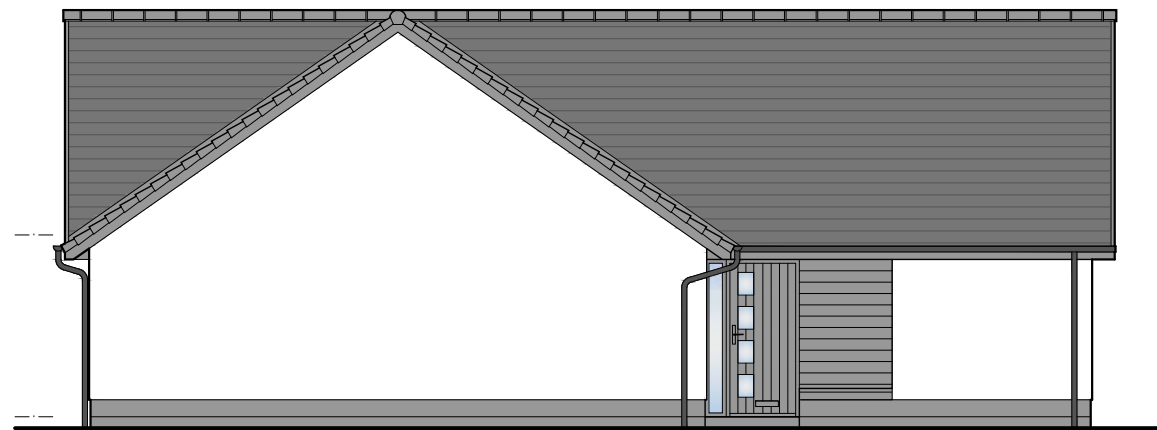
102.0m



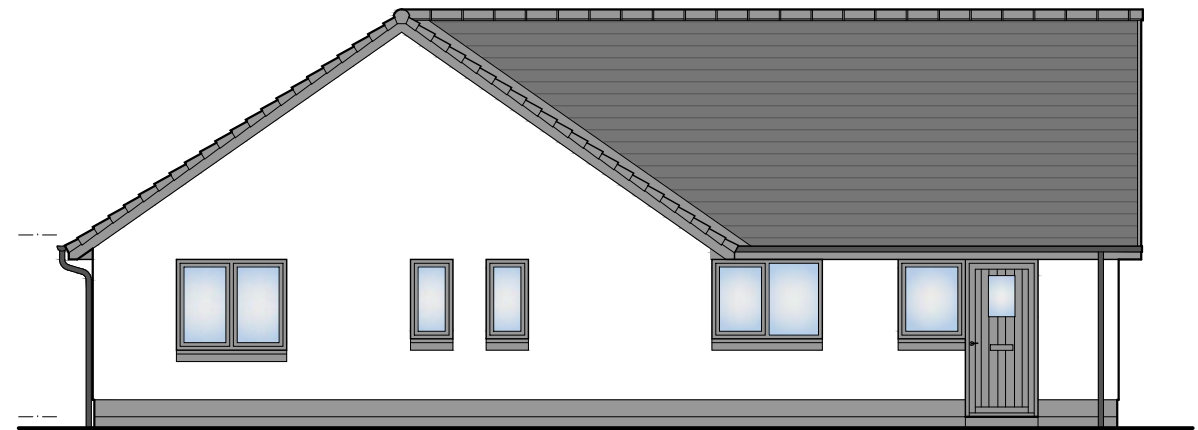
FRONT ELEVATION



SIDE ELEVATION



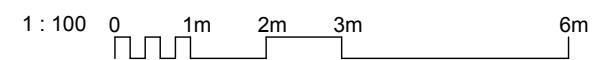
SIDE ELEVATION



REAR ELEVATION



PLOTS 6, 7, 12, 15, 21 & 22



REV	DATE	DESCRIPTION	DRN
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**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

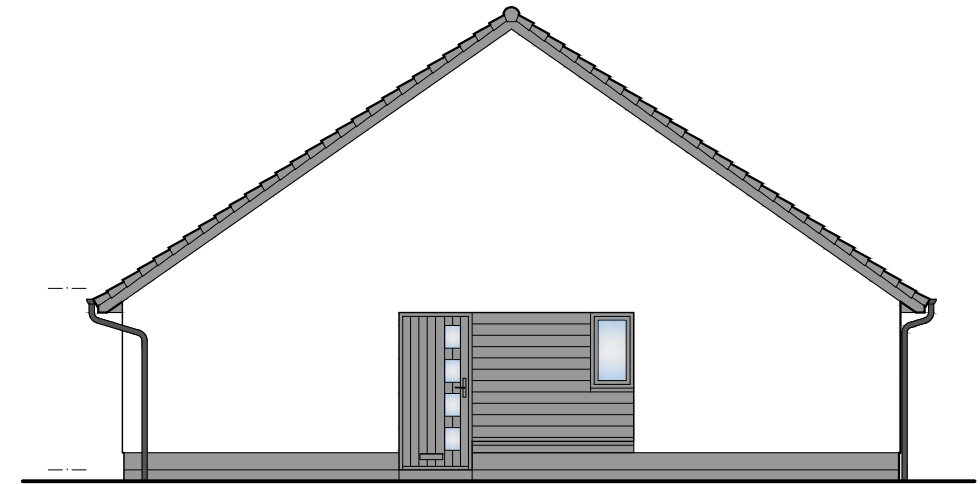
NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

ELEVATIONS - LOCHY

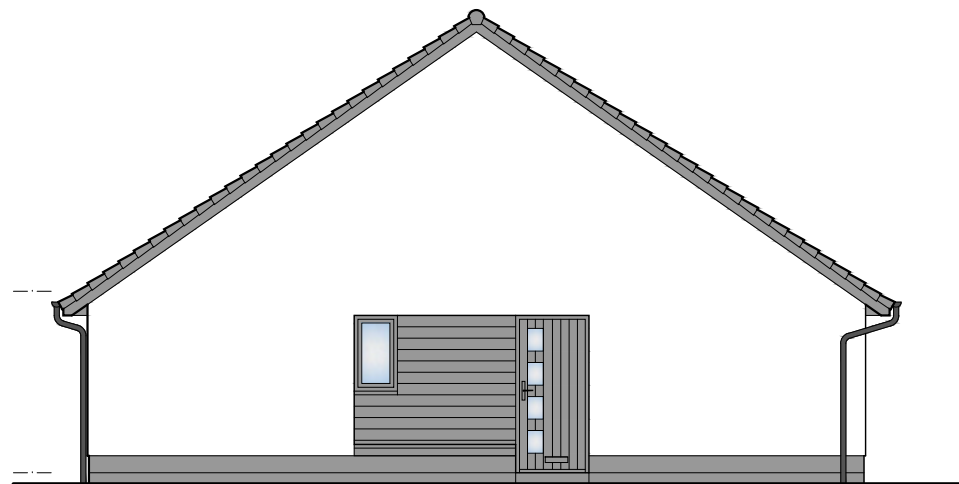
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PAPER SIZE:	A3	DATE:	Feb 2019
DWG No.	4311-01-011		REV.



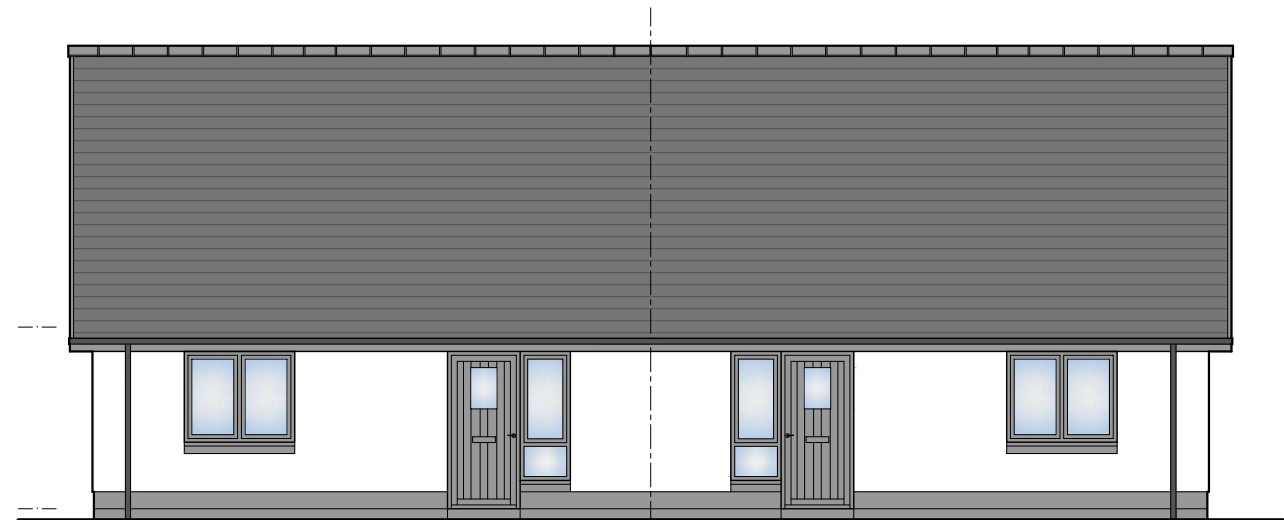
FRONT ELEVATION



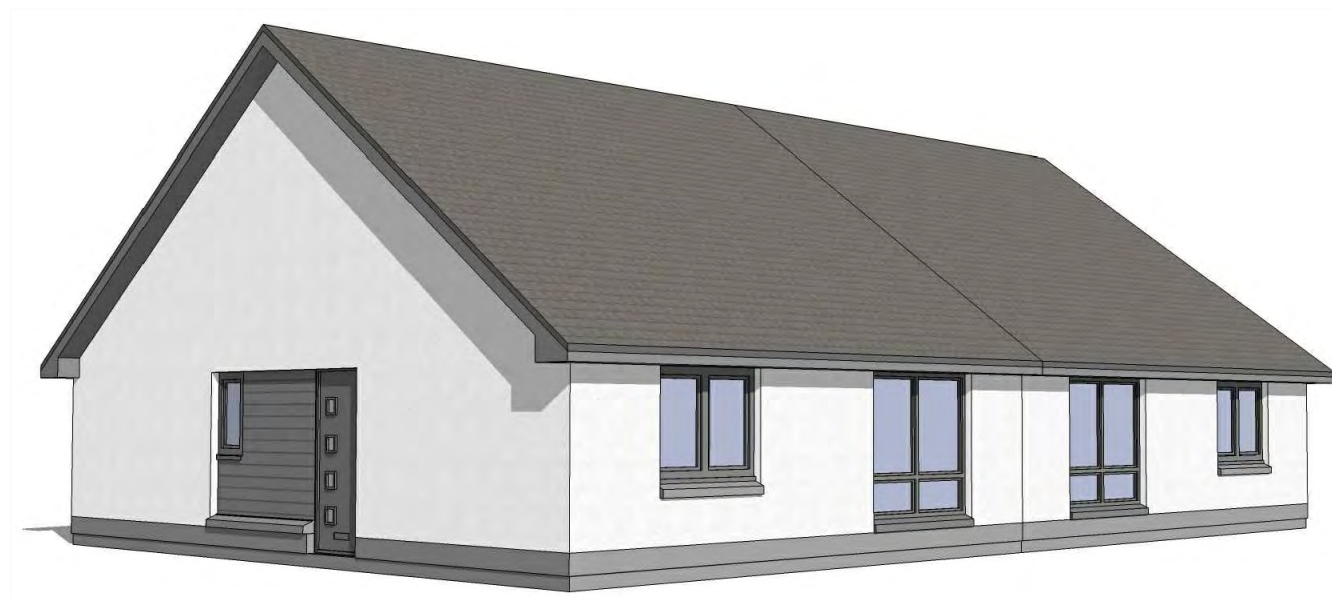
GABLE ELEVATION



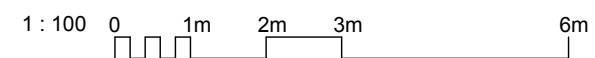
GABLE ELEVATION



REAR ELEVATION



PLOTS 4, 5, 9, 10, 16, 17, 24 & 25



REV	DATE	DESCRIPTION	DRN
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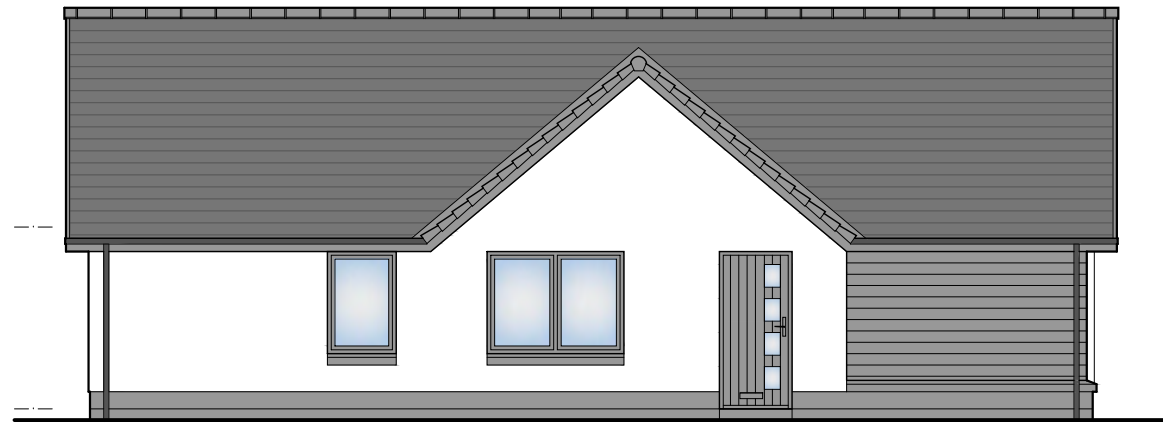
**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

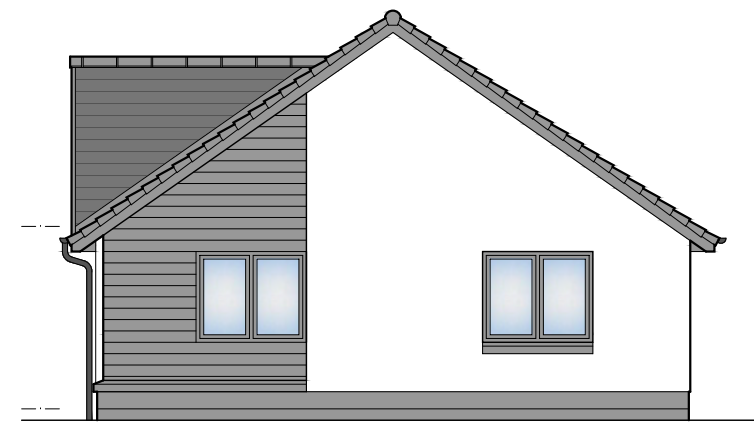
NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

ELEVATIONS - BIRCH

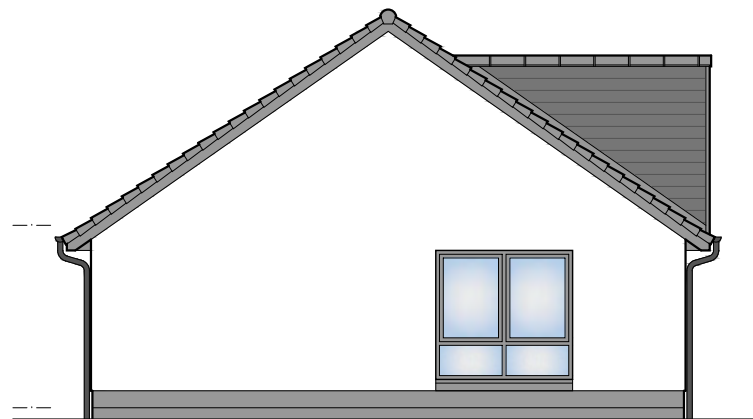
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DWG No.	4311-01-013		REV.



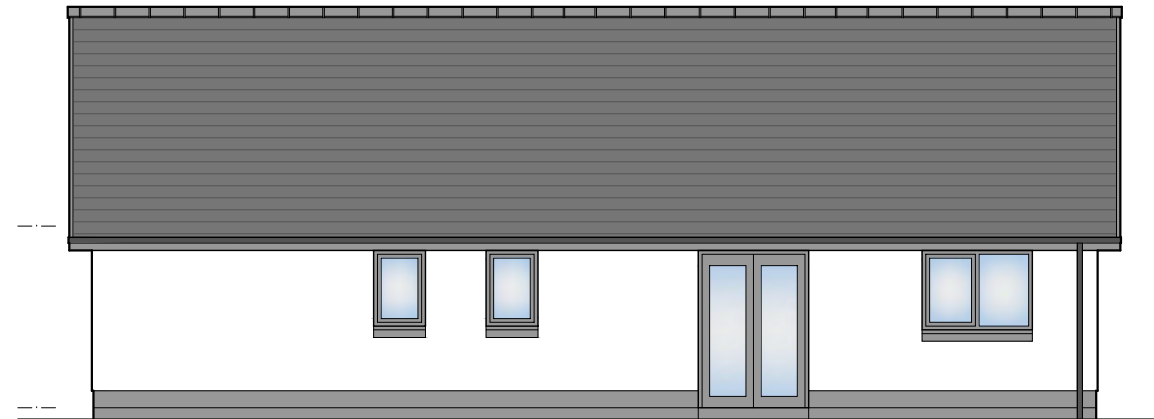
SIDE ELEVATION (ENTRANCE)



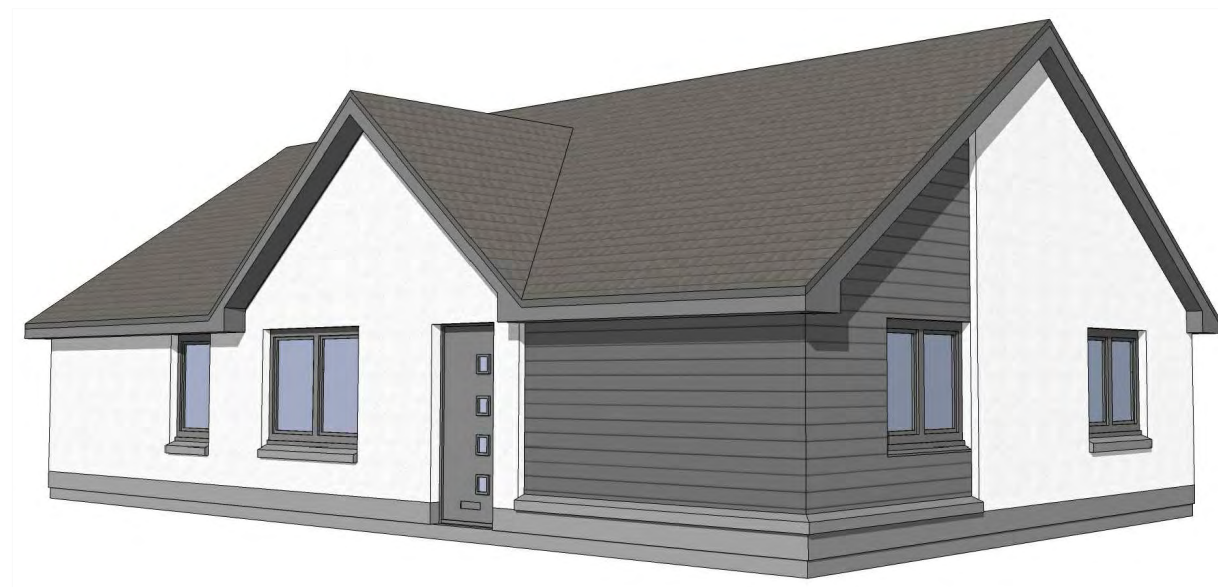
FRONT ELEVATION



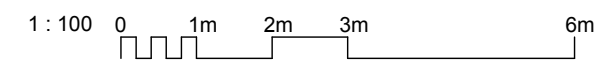
REAR ELEVATION



SIDE ELEVATION



PLOTS 1, 8, 13, 18 & 20



REV	DATE	DESCRIPTION	DRN
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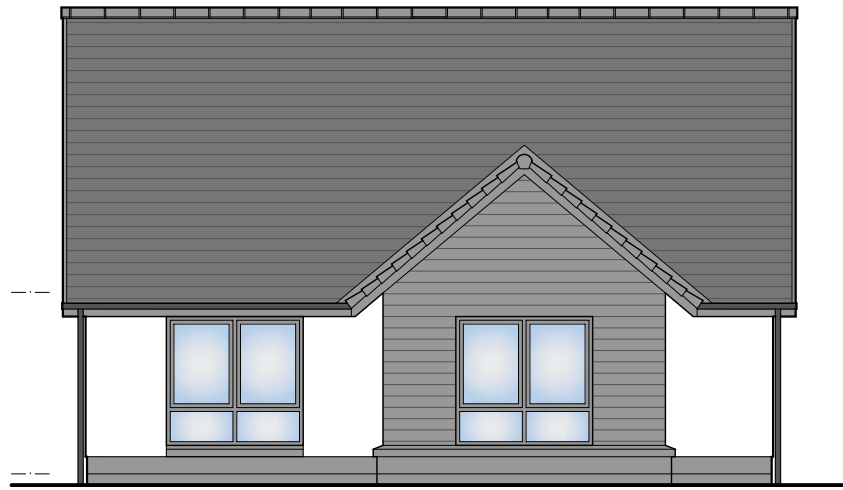
**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

ELEVATIONS - KINGGLASS

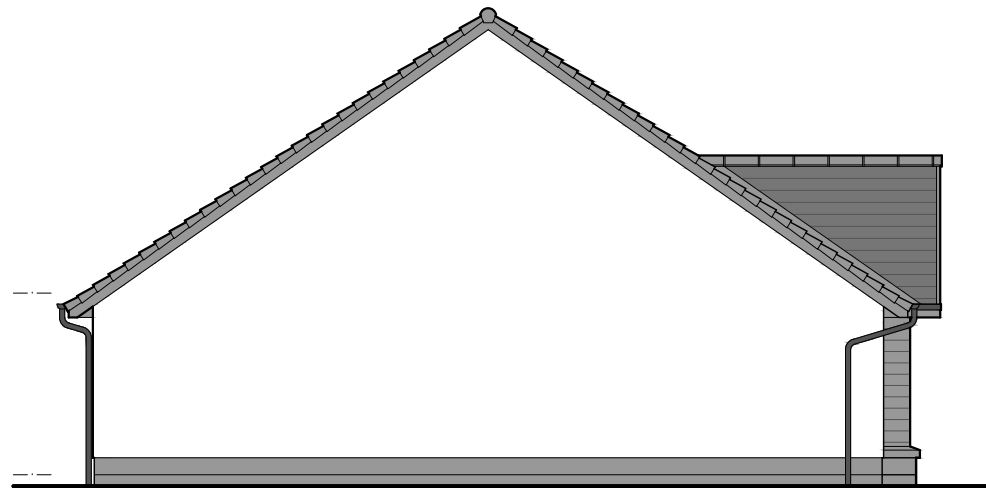
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DWG No.	4311-01-015		REV.



FRONT ELEVATION



GABLE ELEVATION



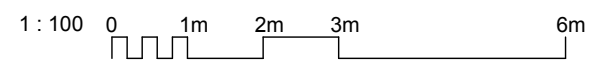
GABLE ELEVATION



REAR ELEVATION



PLOTS 11, 14, 19, & 23



REV	DATE	DESCRIPTION	DRN
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**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

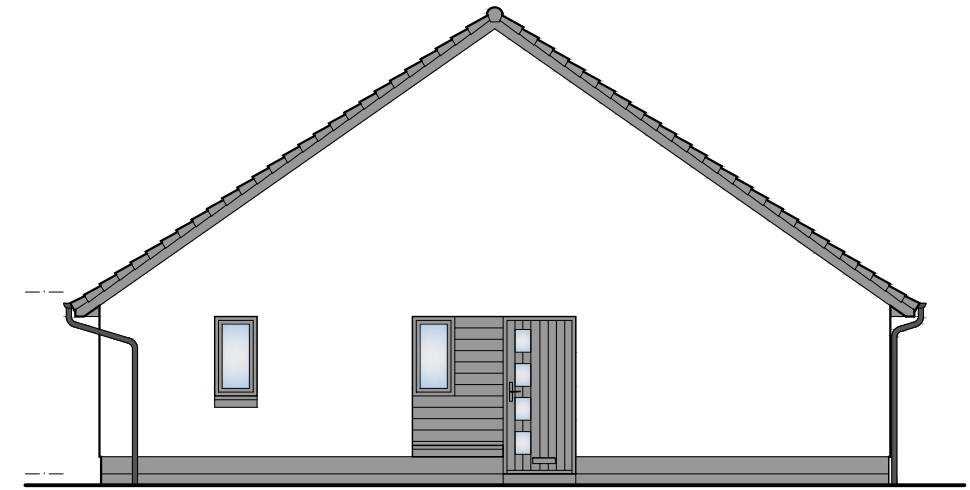
NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

ELEVATIONS - CEDAR DETACHED

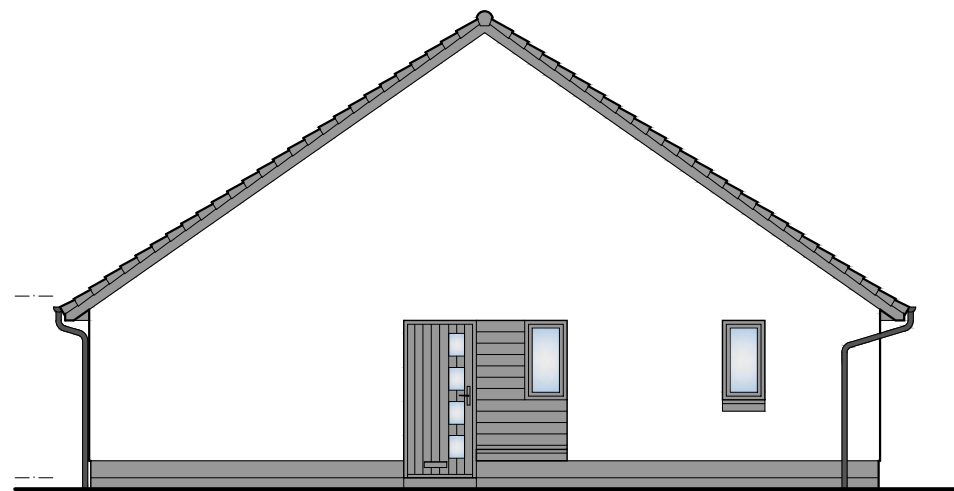
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DWG No.	4311-01-017		REV.



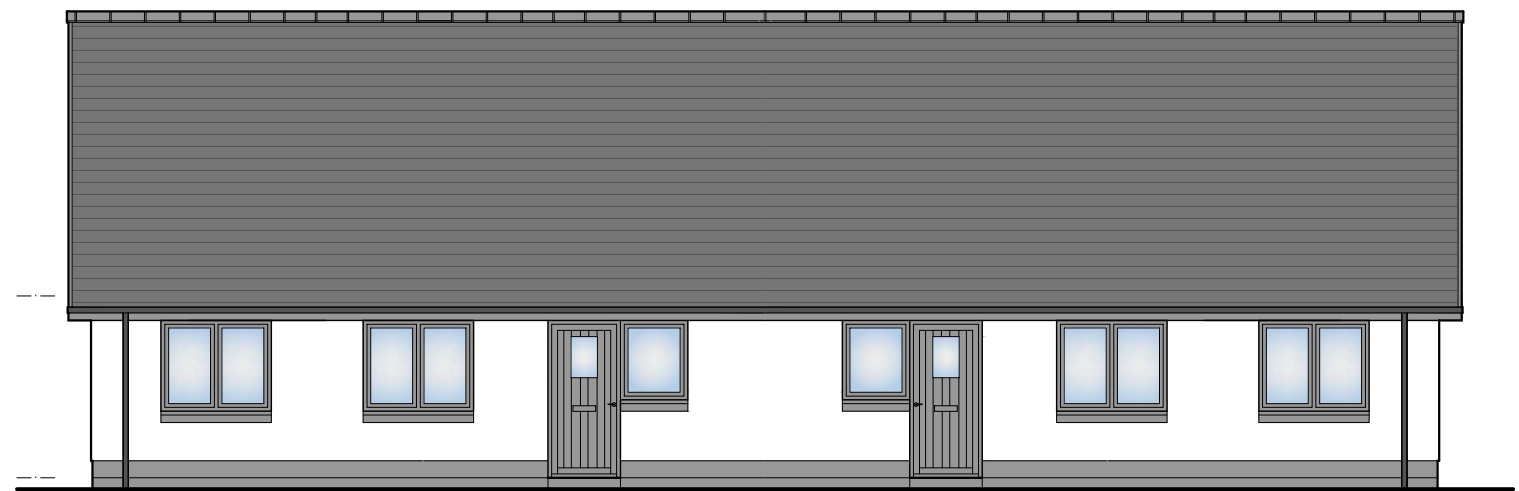
FRONT ELEVATION



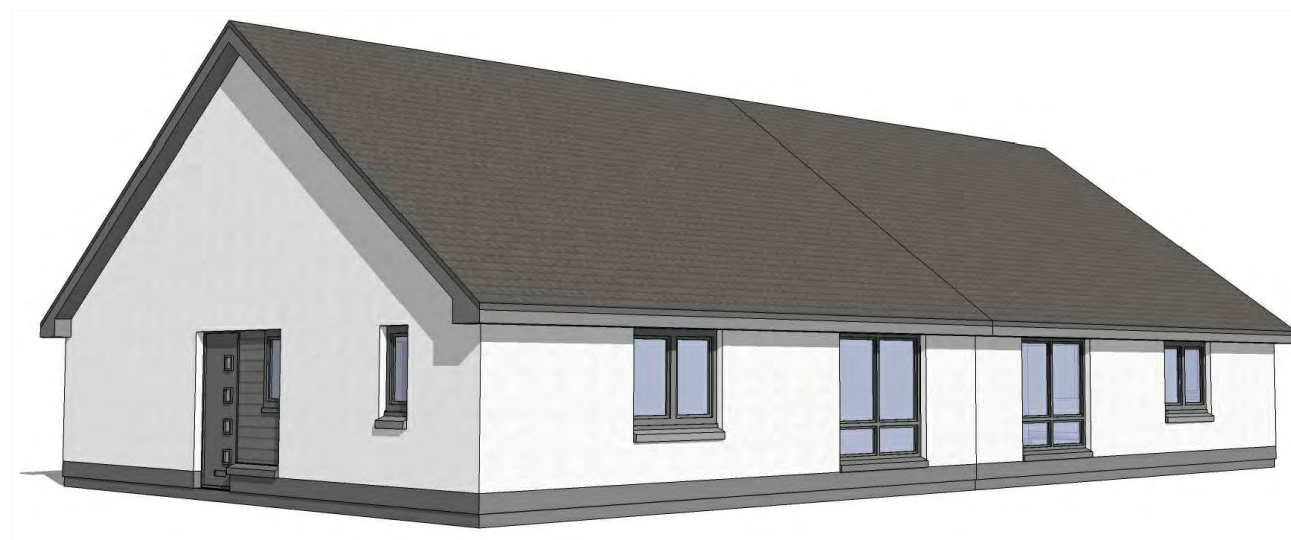
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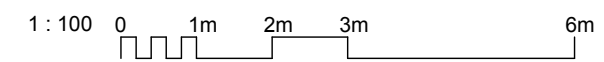
GABLE ELEVATION



REAR ELEVATION



PLOTS 2 & 3



REV	DATE	DESCRIPTION	DRN
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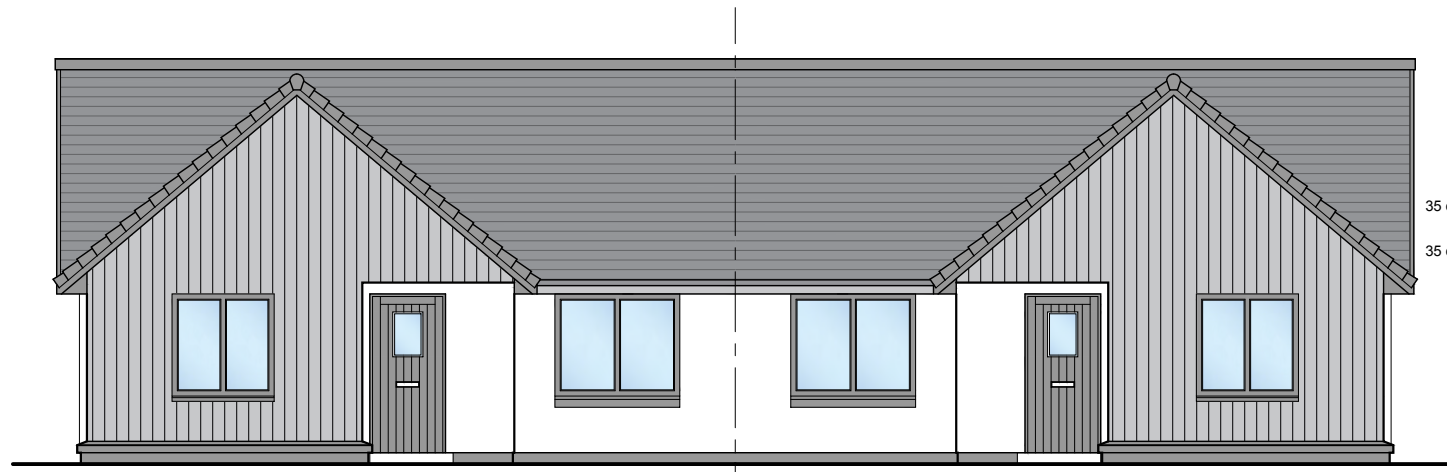
**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

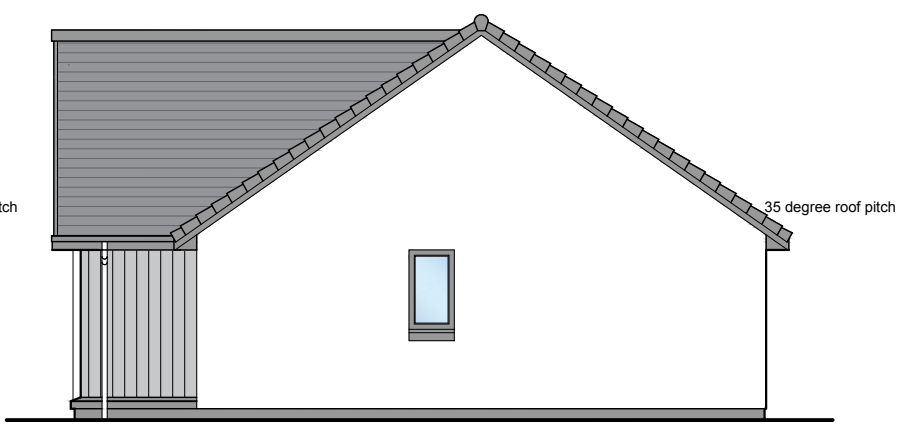
ELEVATIONS - CEDAR SEMI

SCALE:	1 : 100	DRAWN:	PL
PAPER SIZE:	A3	DATE:	Feb 2019
DWG No.	4311-01-019		REV.



FRONT ELEVATION

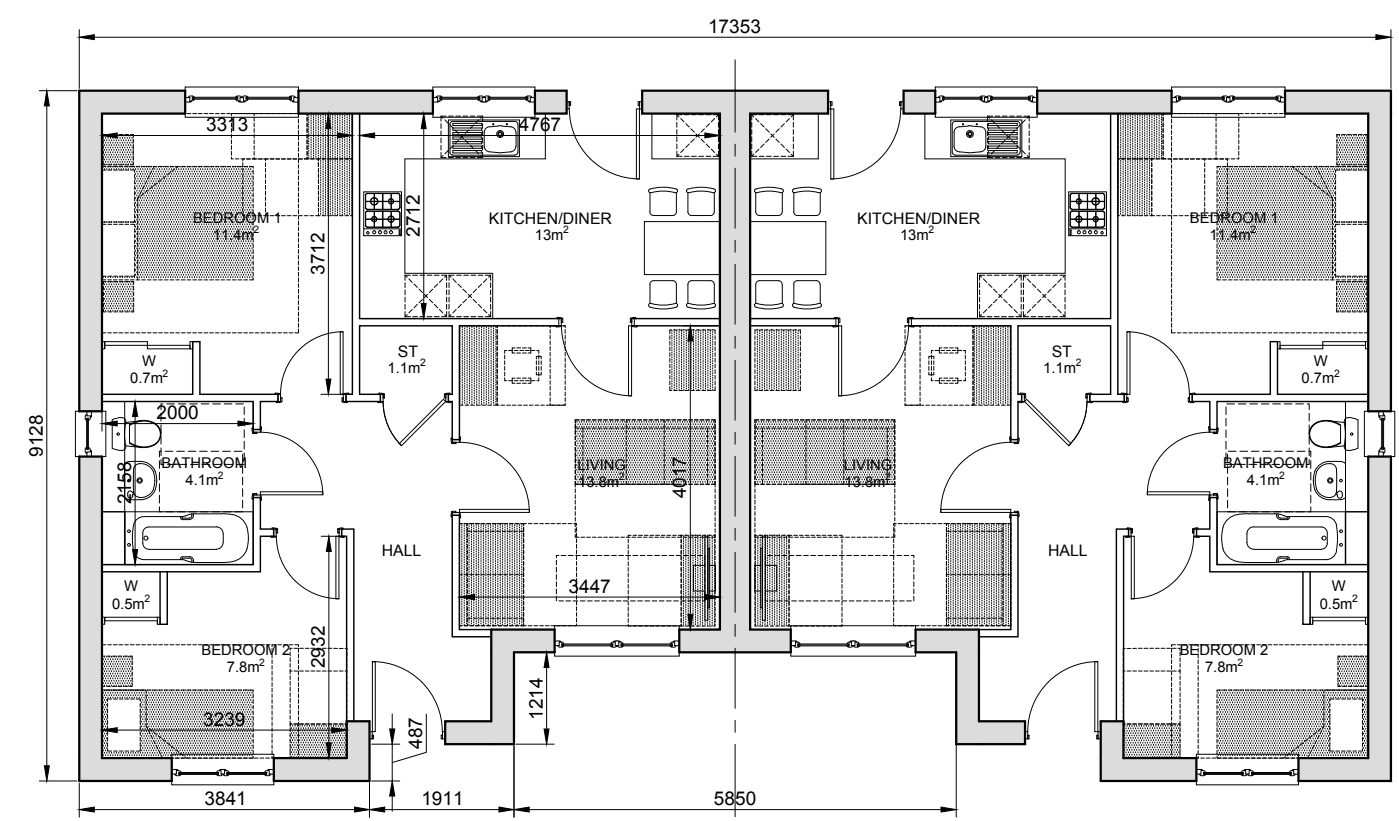
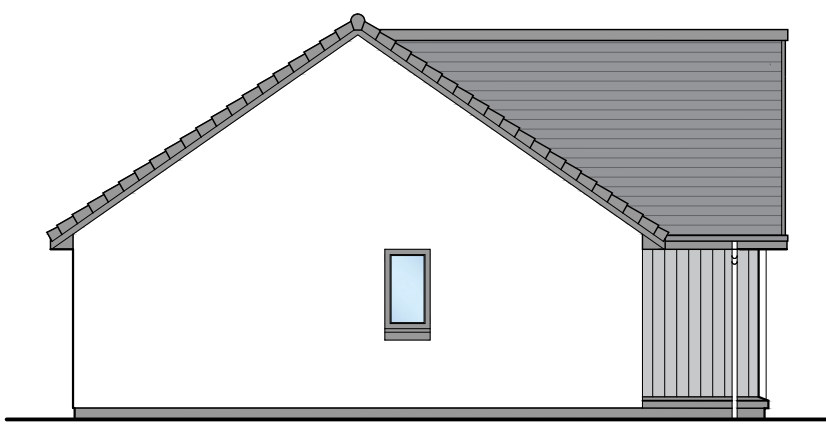
35 degree main roof pitch  
35 degree gable element roof pitch



GABLE ELEVATION



REAR ELEVATION

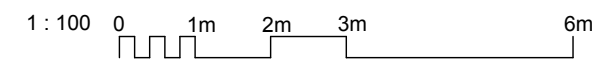


**GROUND FLOOR**  
TWO BED THREE PERSON BUNGALOW  
GIA: 63.6m<sup>2</sup>



PLOTS 26, 27, 31 & 32

REV	DATE	DESCRIPTION	DAK	DRN
A	FEB'19	ELEVATIONS AMENDED		



**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

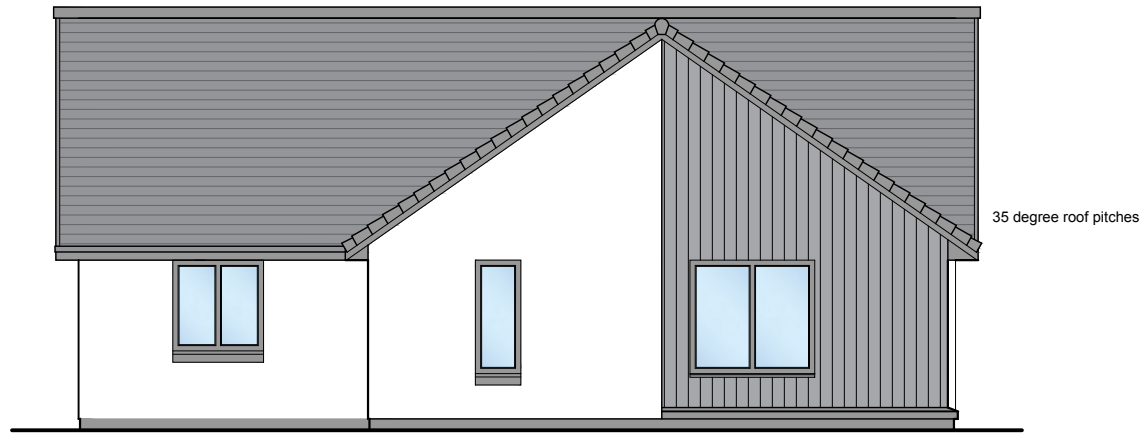
**NEW HOUSING PROJECT**  
GLASCAIRN ROAD, CULBOKIE  
TULLOCH HOMES LTD

**2B3P BUNGALOW - PROPOSED PLANS & ELEVATIONS**

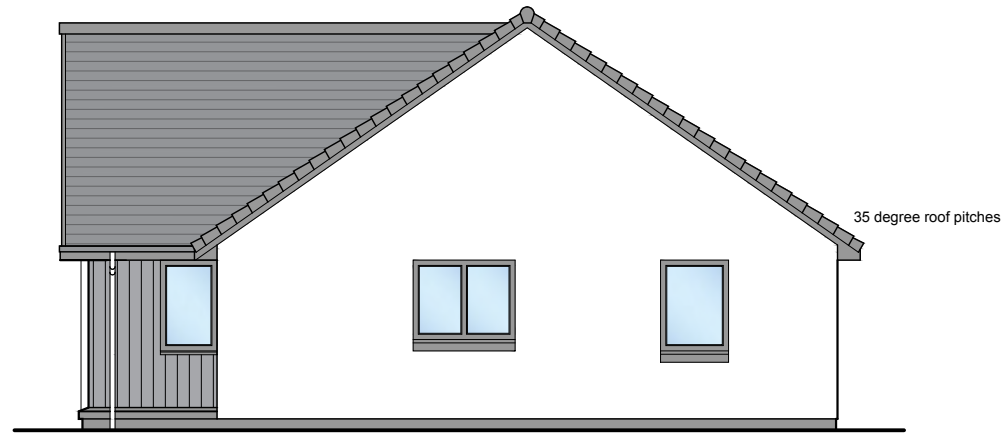
STATUS: **INFORMATION**

SCALE:	1 : 100	DRAWN:	--
PAPER SIZE:	A3	DATE:	Feb 2019
DWG No.	4311-01-100		REV. <b>A</b>

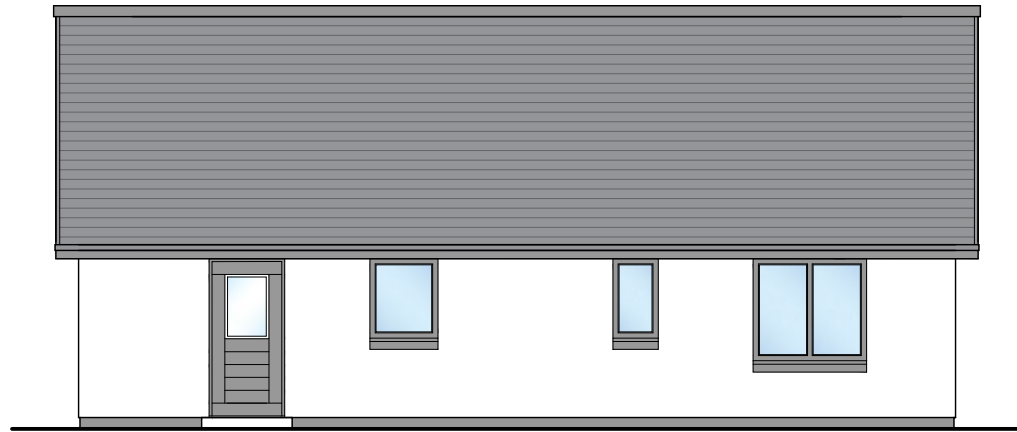




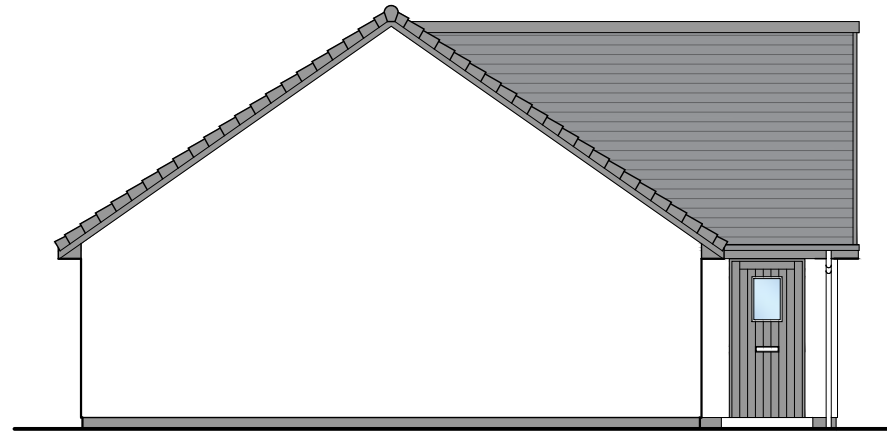
FRONT ELEVATION



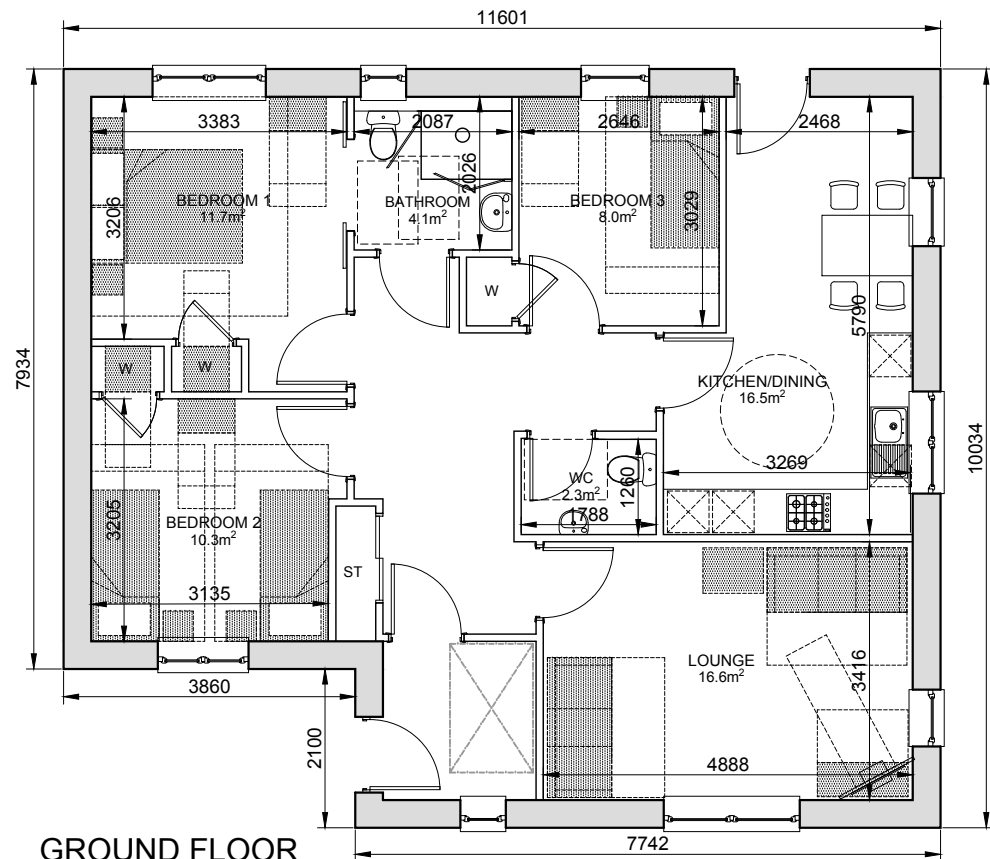
GABLE ELEVATION



REAR ELEVATION

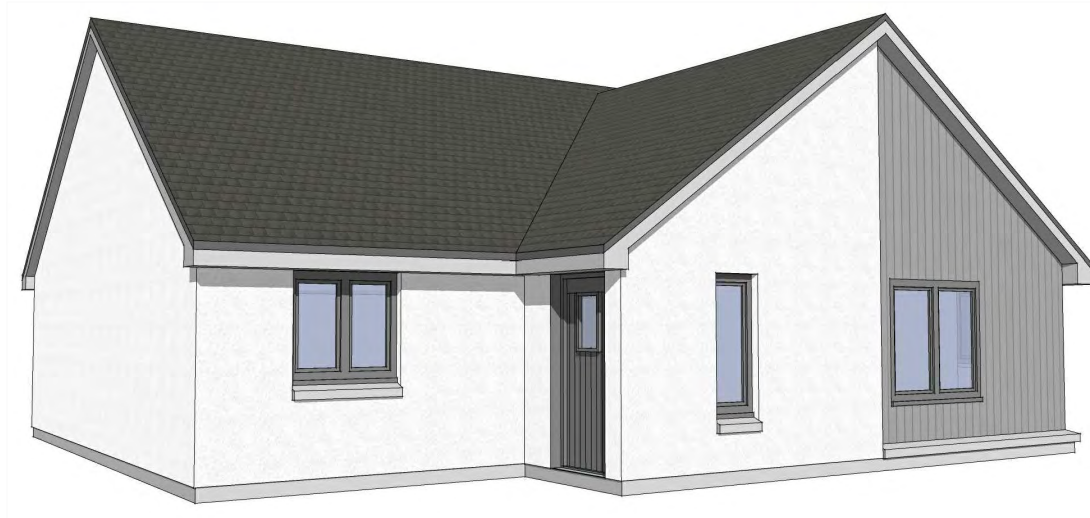


GABLE ELEVATION

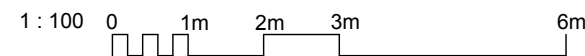


GROUND FLOOR

THREE BED FIVE PERSON BUNGALOW - WCH  
GIA: 93.0m<sup>2</sup>



PLOT 28



A	FEB'19	ELEVATIONS AMENDED	DAK
REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicouLTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

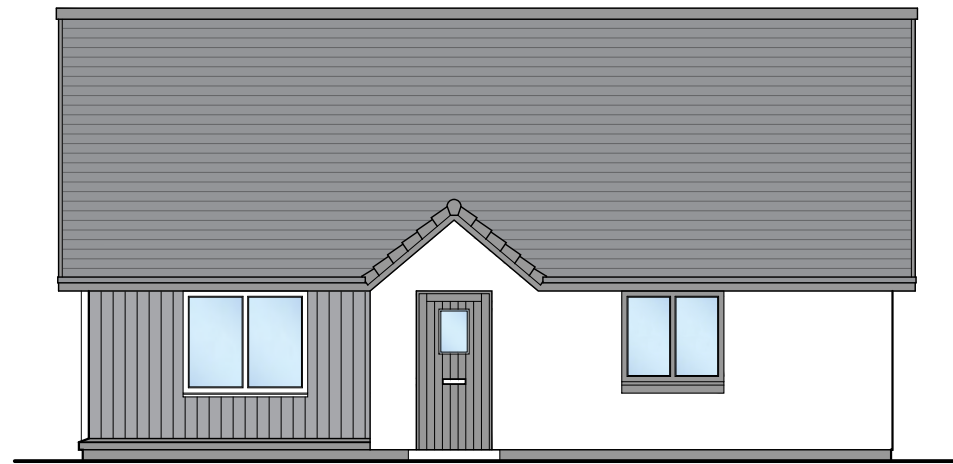
NEW HOUSING PROJECT  
GLASCAIRN ROAD, CULBOKIE  
TULLOCH HOMES LTD

3B5P WC BUNGALOW - PROPOSED PLANS  
& ELEVATIONS

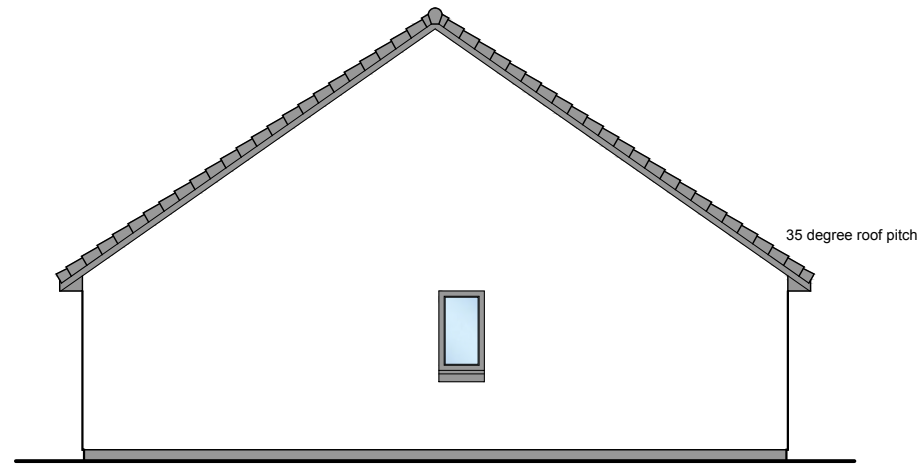
STATUS: **INFORMATION**

SCALE:	1 : 100	DRAWN:	--
PAPER SIZE:	A3	DATE:	Feb 2019

DWG No.	4311-01-200	REV.	A
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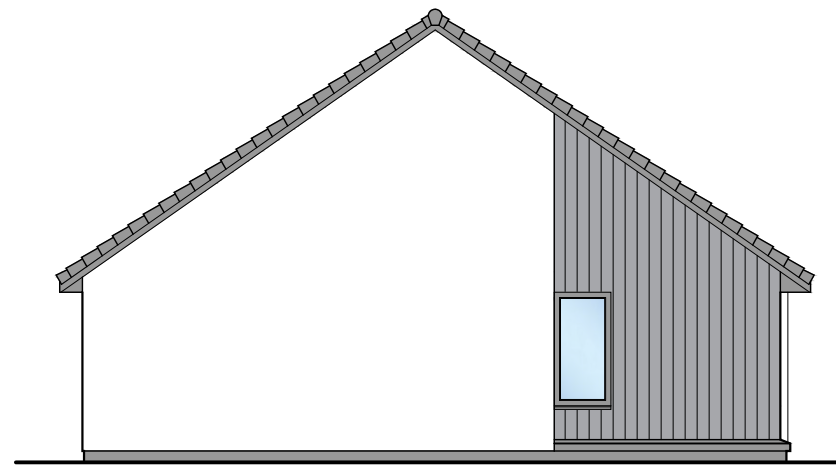
FRONT ELEVATION



GABLE ELEVATION



REAR ELEVATION



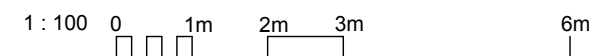
GABLE ELEVATION



GROUND FLOOR  
THREE BED FIVE PERSON BUNGALOW  
GIA: 85.4m<sup>2</sup>



PLOT 33



A	FEB'19	ELEVATIONS AMENDED	DAK
REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING PROJECT  
GLASCAIRN ROAD, CULBOKIE  
TULLOCH HOMES LTD

3B5P BUNGALOW - PROPOSED PLANS & ELEVATIONS

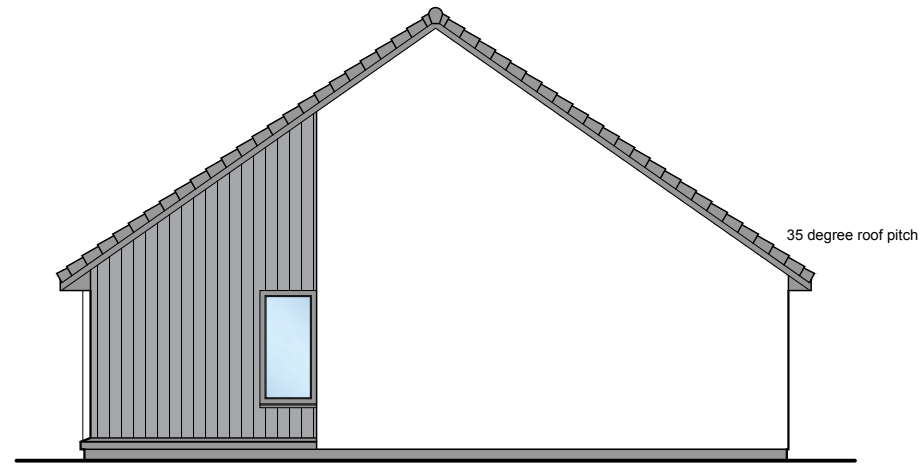
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SCALE:	1 : 100	DRAWN:	--
PAPER SIZE:	A3	DATE:	Feb 2019

DWG No.	4311-01-300	REV.	A
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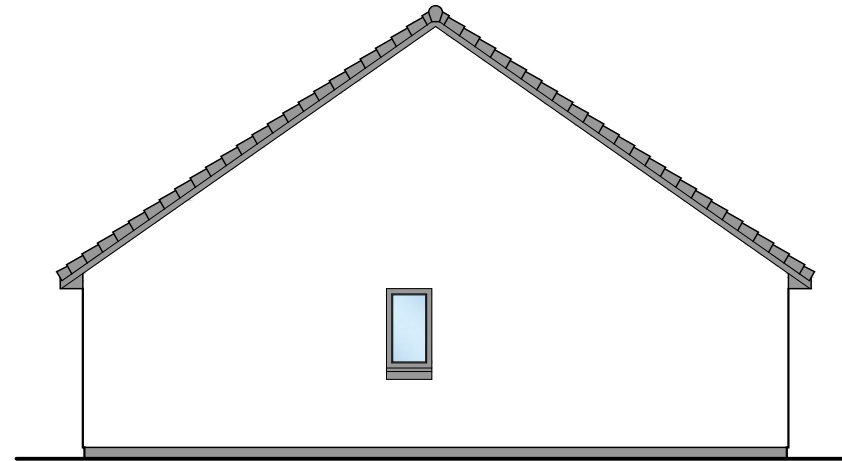
FRONT ELEVATION



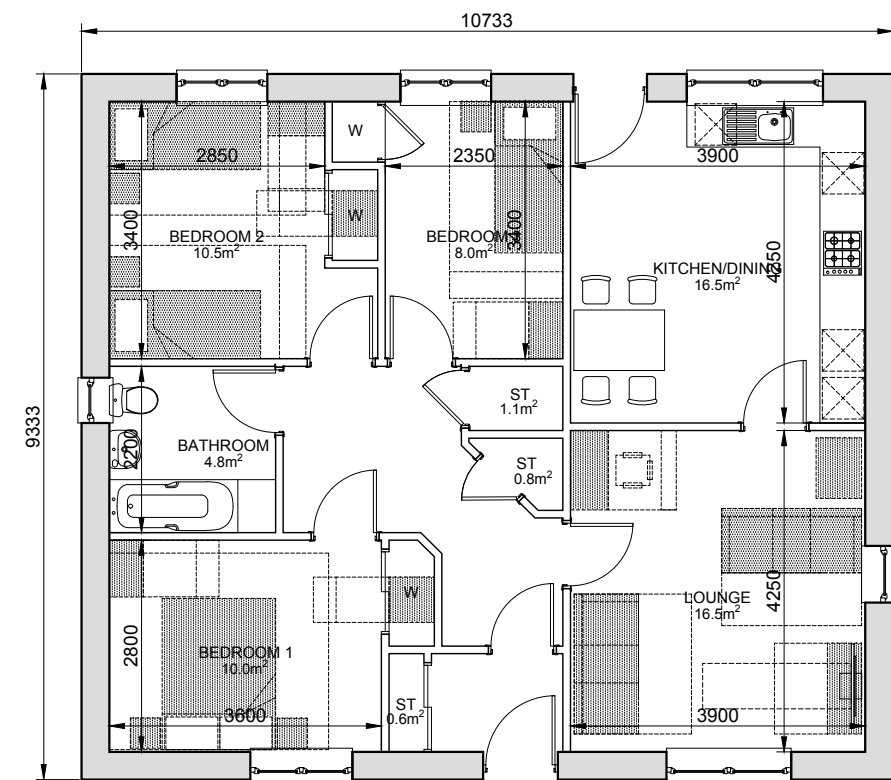
GABLE ELEVATION



REAR ELEVATION



GABLE ELEVATION



GROUND FLOOR  
THREE BED FIVE PERSON BUNGALOW  
GIA: 86.0m<sup>2</sup>



PLOTS 29 & 30

REV	DATE	DESCRIPTION	DRN
A	FEB'19	ELEVATIONS AMENDED	DAK

**Bracewell Stirling CONSULTING**

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

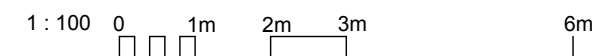
NEW HOUSING PROJECT  
 GLASCAIRN ROAD, CULBOKIE  
 TULLOCH HOMES LTD

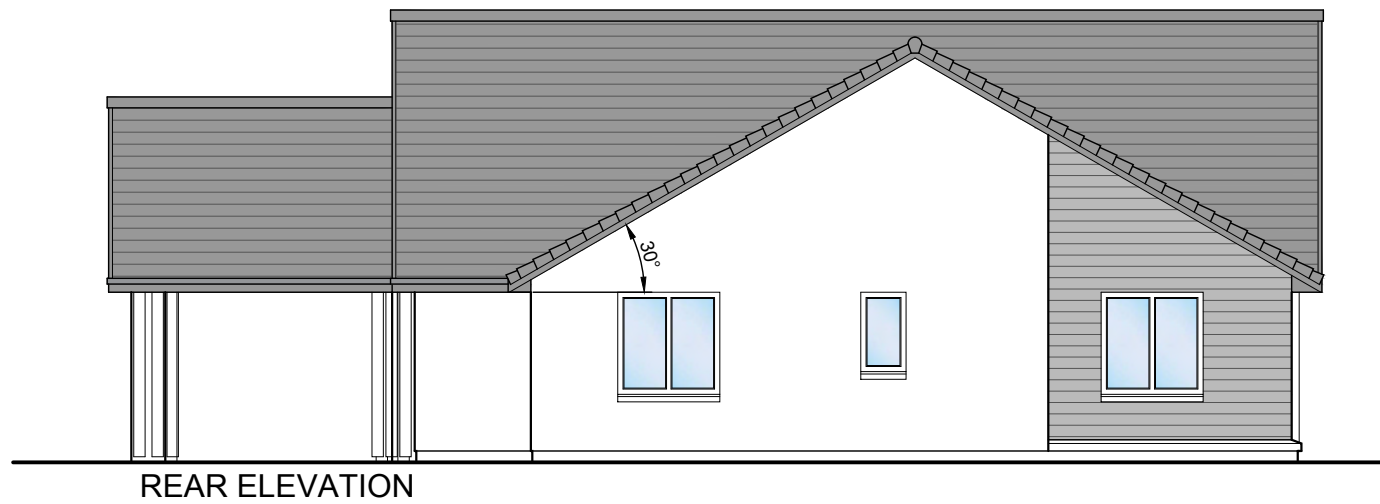
3B5P BUNGALOW - PROPOSED PLANS & ELEVATIONS

STATUS: **INFORMATION**

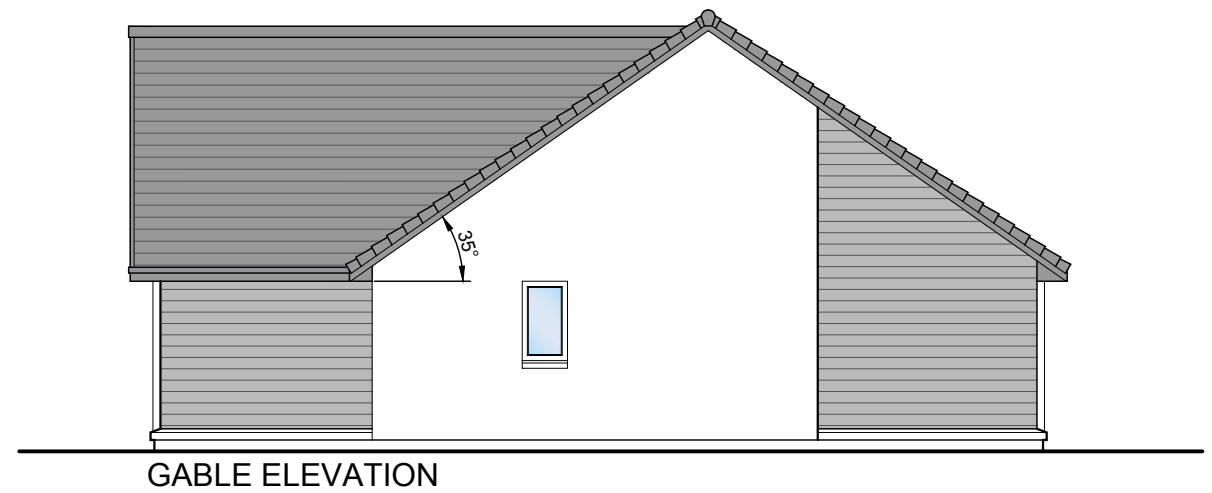
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PAPER SIZE:	A3	DATE:	Feb 2019

DWG No.	4311-01-301	REV.	A
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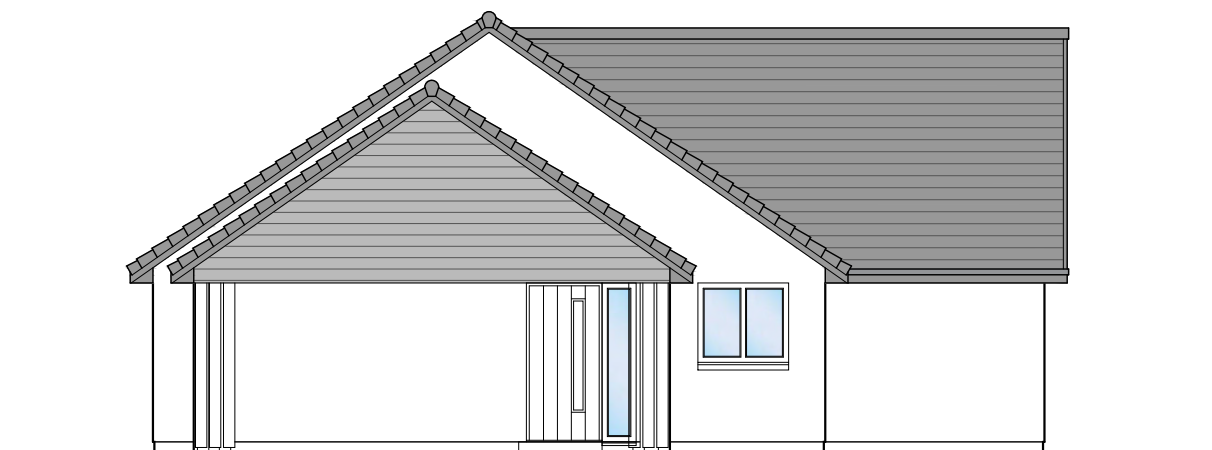
REAR ELEVATION



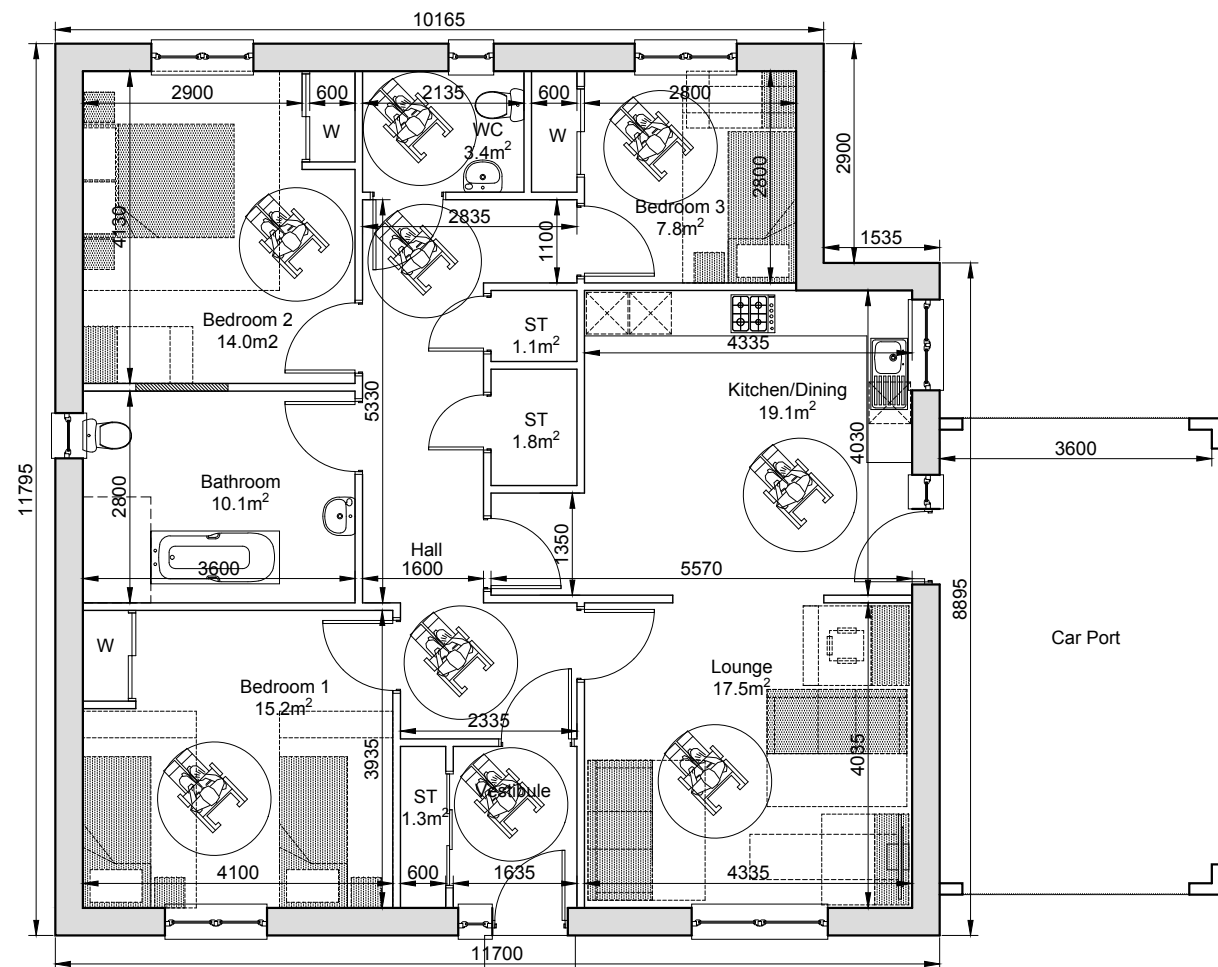
GABLE ELEVATION



FRONT ELEVATION



GABLE ELEVATION



GROUND FLOOR

THREE BED FIVE PERSON BUNGALOW - WCH  
GIA: 116.9m<sup>2</sup>



REV	DATE	DESCRIPTION	DRN

## Bracewell Stirling CONSULTING

38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301  
5 NESS BANK, INVERNESS, IV2 4SF 01463 233760  
15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

NEW HOUSING PROJECT  
GLASCAIRN ROAD, CULBOKIE  
TULLOCH HOMES LTD

3B5P WC BUNGALOW

STATUS: **INFORMATION**

SCALE:	1 : 100	DRAWN:	--
PAPER SIZE:	A3	DATE:	Apr 2019

DWG No.	4311-01-201	REV.	-
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