

Agenda Item	6.4
Report No	PLN/018/20

HIGHLAND COUNCIL

Committee : North Planning Applications Committee

Date: 09.06.2020

19/01443/PIP: Lochalsh Estates Ltd, Land adjacent to Auchtertyre Primary School, Auchtertyre, Balmacara

Report Title: Masterplan for residential development of 38 (amended from 44) houses with associated open space, school play area, Suds scheme and the formation of new access onto A87(T)

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Masterplan for residential development of 38 (amended from 44) houses with associated open space, school play area, Suds scheme and the formation of new access onto A87(T)

1.2 **Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

Development category: Major

Under the previous Scheme of Delegation this application would have been reported to Committee for the following reasons: Major Category of 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.

2. Recommendations

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

3. PROPOSED DEVELOPMENT

3.1 Planning permission in principle is sought for the erection of 38 houses and associated infrastructure. Since the application was originally submitted in April 2019 the number of residential units has been reduced from an initial figure of 44. Accompanying the application is a masterplan which indicates the general layout of the housing development, the means of access to the site, the location of the Suds scheme and the location of a replacement school play area, playing field, bus drop off and turning area and vehicular entrance into the school car park.

3.2 There is no existing infrastructure serving the area of the site proposed for housing. The application site includes the existing vehicular and pedestrian access into Auchtertyre Primary School.

3.3 Pre-Application Consultation: The application was not subject to a Major Pre – Application consultation.

The statutory pre-application consultation requirements associated with a major application were undertaken. A public event was held on Tuesday 15 January 2019 and a Pre-Application Consultation (PAC) Report was submitted with the application.

Following the alterations and improvements to the masterplan layout, secured during the assessment of the planning application, the applicant agreed to hold a further public meeting. However, due to the Covid 19 outbreak, which prevented public gatherings from 23 March 2020, the applicant was unable to undertake the public meeting. They therefore provided by post a written update to members of the public who had participated in the previous January 2019 public event as well as neighbouring properties and the elected Members of the Ward within which the development is located.

3.4 Supporting Information: The following documents accompanied the application in April 2019

- Pre-application consultation report
- Landscape and Visual Impact Assessment
- Ecological Impact Assessment
- Masterplan layout plan
- A87(T) junction design plan, visibility splay plan, set of internal roads with drainage plans.
- Planning Statement

The following documents were submitted during the processing of the application.

- Drainage Impact Assessment
- Bridge Assessment for the single span masonry bridge at Auchtertyre Primary School.
- Planning Statement Addendum (November 2019)
- Updated Planning Statement (May 2020)
- Updated internal road layout plan

- 3.5 Variations: Masterplan layout amended September, October and November 2019, January and February 2020 to take account of Education Services requirements and consultation comments from Transport Planning Team and Flood Risk Management Team.

4. SITE DESCRIPTION

- 4.1 The site extends to 5 hectares and is open pasture used for grazing purposes. The landform is a natural plateau with ground levels which rise gently across the site from the southern boundary adjacent to the A87(T) to the northern boundary where the site bounds a water course and the ground levels rise steeply to the hills behind. The application site encompasses the playing fields of the Primary School and wraps round the southern, western and northern boundaries of the school campus. Between the carriageway of the A87(T) and the southern site boundary is the historic route of the public road. This is now overgrown with trees and bushes and is used as an outdoor classroom by the primary school. A disused Scottish Water asset is situated in the south eastern corner of the playing fields. The site boundaries are defined by a stock proof fencing.

5. PLANNING HISTORY

- None
Land to the north and north east of Primary School
- 5.1 97/00215/OUTSL – Erection of 30 houses (Outline Planning Permission) – Refused November 1998. Appeal dismissed.

PUBLIC PARTICIPATION

- 6.
- 6.1 Advertised for: Unknown Neighbour
Date Advertised: 15.04.2019
Deadline following first round of publicity and Neighbour notification: 04.05.2019
Deadline for second round of Neighbour notification: 05.11.2019
Deadline for third round of Neighbour Notification: 12.04.2020
- Timeous representations: 39 representations from 23 households
Auchtertyre Primary school letter from Head Teacher, pupil letter sent on behalf of P3/4/5 class, letter from P7 pupil and 16 submission for early years pupils.
Dornie and District Community Council
- Late representations: None
- 6.2 Material considerations raised following the initial publicity, first and second round (required due to a minor change to the application site boundary) of neighbour notification are summarised as follows:

- a) Development is out of scale with the existing village and will create a 'them and 'us' situation. The layout does not connect with the existing houses and is a poor response to the rural setting of the village.
- b) The number of houses proposed exceeds the capacity shown in the local plan.
- c) No demand for housing of the scale proposed in this area, as there are no employment opportunities. There needs to be a range of housing types.
- d) Housing layout is unimaginative and fails to adhere with National and Local planning policy regarding placemaking and master planning.
- e) The masterplan fails to include a children's play area, facilities for elderly and shops.
- f) Public housing should be designed in the same manner as private. Elderly housing should not be located close to school due to noise nuisance from children.
- g) Access to the primary school will be significantly compromised and the proposed road layout is a risk to school pupils, parents and carers.
- h) The proposed road alignment will divorce the school from the playing field and forestry.
- i) Substitute playing field is not a suitable replacement in terms of size or location, for the loss of the existing playing field.
- j) Increase usage of the bridge will result in a bottleneck of both vehicles and pedestrians and traffic movement in front of Crossroads Cottage.
- k) Closure of one of the existing junctions from the A87(T) will increase traffic through the village increasing the risk to pedestrian and other road users.
- l) The development would increase the school role beyond its current capacity.
- m) Auchtertyre Farm, Barn and Steading are listed Category C(S) buildings and will be affected by the proposed development.
- n) The road bridge may have protective status, as part of the original Telford road.
- o) Road layout does not accommodate pupil drop off and pick up.
- p) New junction poses a risk to road safety on the Trunk road due to 60mph speed limit.
- q) Ecological desktop assessment is insufficient to determine the presence of protected species.
- r) Poor ground conditions and limitations of the foul drainage facilities limit development.
- s) Loss of open space due to road construction.
- t) Consultation required to determine if SUDS scheme is acceptable and that the development will not increase flood risk elsewhere.
- u) Existing public drainage system is at or near capacity.
- v) Land contamination issues given the previous use of the site being used by animals.
- w) Insufficient capacity within the school and nursery to accommodate additional pupils. Impact of staffing resources.
- x) Previous application in the 1990's was refused by the Planning Authority and Scottish Executive
- y) Noise and distribution during construction period.
- z) Concerns expressed by residents at the public consultation event have been ignored by the applicant.

A third round of neighbour notification was carried out following the submission of the revised master plan layout 25th March 2020. Comments which relate to the revised layout can be summarised as follows.

- a) Submission of revised plan during the Covid outbreak is ill considered and determination of the application should be deferred.
- b) Correspondence from applicant's agent is misleading suggesting that further comment cannot be made on the planning application.
- c) Number of units continues to exceed 30, as per the local plan allocation.
- d) The house design as set out in the design statement would result in a development that does not reflect the character of the existing village.
- e) The 6m buffer zone on the river embankment is likely to pose an additional flood risk to neighbouring properties.
- f) There is a suggestion on plan for further development to the east from the bus turning circle.
- g) Concern about closure of western junction with A87(T) and the ability of the refuse lorry to turn.

6.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

7. CONSULTATIONS

7.1 Lochalsh Community Council – **Object for the following reasons**

- The disproportionate size/scale of the development in relation to the size of the village.
- No identification of community benefits as discussed in the pre-application stages.
- No provision in the scheme for the effect on the primary school of possible increased numbers of pupils and no identified new play area to compensate for loss of land.
- The ratio of private to public and elderly housing needs to be addressed to make better provision for local needs.
- The proposed road layout needs rethinking to alleviate traffic in the village.

Second response following consultation on revised masterplan dated 25 March 2020.

- Application should be refused until further public consultation can be undertaken, beyond Covid 19 outbreak.
- Previous comments and objections remain, notwithstanding the alterations to the masterplan.

7.2 **Education Service** comments on initial layout plan and following the applicant correctly serving notice on the Council as part owner of the land including the bridge and carriageway to the school – **object for the following reasons;**

- The proposed new road for the development is within land that is part of the school estate and as such the Council is not agreeable to its use as a road for the proposed development. Not only does the proposed road cut off the entire soft play area of the school site from the school building, it also crosses parts of our hard play and drop off areas. A proposed main through-road that cuts through the school grounds is not acceptable.
- The proposed new drop off area, off a main through-route, provides no benefit to the school and its purpose is not clear.

- The stopping up of the road from the A87 and the creation of a main through-road through the school grounds means nursery pupils and staff will be walking along a 'rat-run' two to four times daily, as they use the facilities at the school.
- Depending upon nursery and school role numbers, there may be a need to expand the school and/or relocate the nursery to the main school building. Additional land area would be required for this and therefore it is key that all school land is retained in order to future-proof.

Second response, following detailed discussion with applicant and agent and based on the revised masterplan dated 25th March 2020.

- No objection.
- In broad terms we are satisfied that Lochalsh Estates Limited is committed to providing compensation to offset negative impacts on the school site by providing additional areas of land, a new access road and drop-off area to the back of the school, and management of the land at the front of the school for access by the local community and continued safe access to pupils. We acknowledge that Lochalsh Estates may seek to develop a retention basin with access within the ground at the front of the school.
- We are pleased that Lochalsh Estates has committed to deliver the compensatory plan secured by legal agreement.

7.3 **Flood Risk Management Team Initial Comments Objection.** Further topographic information with respect to the watercourse running along the northern boundary of the site required. 6m buffer strip, measured from the top of the bank of the watercourse, should be kept free from all development.

- Drainage Impact Assessment required.

Second response **Objection maintained** further information required.

Third response **No objection**

Flood Risk

- Satisfied following review of Flood Risk Assessment (FRA) (Auchtertyre Housing Development, FRA, Report – P510-E1-19-001A. Gunn MacPhee. September 2019) that the flood risk to the site from the watercourse to the north is low.
- The watercourse is a man-made channel and the FRA identifies that it can convey the 1 in 200-year return period flow without overtopping. The report also identifies some locations where remedial work is required to ensure that the embankment is not required to protect the site. The identified remedial work will need to be carried out prior to any development commencing on the site and this shall be secured through a condition.
- accordance with The Highland Council's guidance a 6m buffer strip, measured from the top of the bank of the watercourse, should be kept free from all development. The masterplan drawing (Final Layout Plan for Planning Application 1144-020) shows that all of the plots on the northern edge of the development are now outwith the buffer and an access strip for maintenance purposes has been provided.

Drainage

- The latest layout drawing (Proposed Site and Road Layout. 2130:201:J) shows that the basin is to be located to the south of the school. We are satisfied that there is space to accommodate a suitably sized basin with access and a watercourse buffer in this area.
- We request a condition that the final drainage design is submitted for review and approval. This shall include calculations to demonstrate that discharge to the watercourse will be limited to the pre-development greenfield rates for storms up to and including the 200 year plus climate change event. The design shall be in accordance with Sewers for Scotland and evidence that Scottish Water are prepared to enter into a section 7 agreement to vest the network shall be provided.

Fourth response confirmation **No objection**, third response remains valid.

7.4 **Contaminated Land: No objection.** Should the redundant Scottish Water sewage plant compound be proposed for development, site investigation for potential contamination is required. It is recommended that this area remains securely fenced.

7.5 **Transport Planning Team:** Initial comments requested further information on the following matters:

- Confirmation that it is practicable to construct the standard hammerhead turning area (20m length along the head with 2m overhang all around) at the stopped-up end of the U4889 Auchtertyre Village Road to enable the refuse vehicle to turn and service the existing housing.
- Suitable proposals to manage the traffic and pedestrians at the existing narrow bridge.
- The Transport Statement needs to be amended to confirm the impact of the increase in traffic on the safety of the route to the school particularly over the bridge and to confirm any mitigation required.
- Consideration should be given to an alternative drop off solution for the school which does not require driving into the playground as this generates conflict with child pedestrians.
- It is welcomed that a drop off and turning circle is proposed for both the school and service buses for the settlement. A developer contribution for a new shelter may be required.
- A revised indicative layout to remove the reliance on cul-de-sacs and improve the pedestrian routes particularly to the school is required.
- Speed reduction should be encouraged by the road layout without added traffic calming.
- The hierarchy of the indicative layout should be confirmed.
- Clear proposals for the pedestrian link to the existing settlement are required (there is a footway on one side only over the existing bridge).
- Further information in relation to the winter groundwater table required , or an alternative drainage solution which complies with Sewers for Scotland and is suitable for vesting by Scottish Water.

Second response following the submission of revised transport statement, drainage statement and site layout. **Objection.** The additional information provided has not demonstrated that a road which is appropriate for adoption can be constructed to give access to the development and to the new trunk road junction from the village.

Further information and an alteration to the red line boundary is requested in order to establish that a suitable access road and the associated drainage required can be constructed.

Third response, following further additional information, **Objection maintained.**

Fourth response, following confirmation about ownership of the bridge and further additional information, **Objection maintained.**

Fifth response, following a further update of the masterplan. **Objection maintained.** A summary of the reasons are as follows:

- The new school junction location onto the new public road which is judged to impact on road safety and the free flow of traffic.
- Severance of the school from its grounds by the new road.
- Lack of control over the land required for the new road which would mean that it would not be possible to grant Road Construction Consent.

Sixth response, **No Objection** subject to the following conditions being attached to any planning permission issued.

1. Suspensive for provision of turning head at southern end of the Auchtertyre village road U4889 prior to occupation.

2. Suspensive to ensure any detailed layout ensures that the full length of the proposed access road for the development from the new western junction with the A87T up to and including the junction with the U4889 is constructed and/or upgraded to adoptable standards in accordance with Council's Roads and Transport Guidelines for New Development along with the national document Designing Streets. The road design shall be appropriate for a 20mph speed zone meeting the requirements of the relevant statutory guidance and including the necessary traffic calming and appropriate signage. The detailed layout shall be agreed by the Council prior to any development.

3. Suspensive for provision of a combined stage 1 and 2 Road Safety Audit covering the proposed local road prior to commencement.

4. Suspensive to ensure any detailed layout includes parking provision for residents, visitors and for cyclists in accordance with the Council's Guidelines.

5. Suspensive to ensure that the design of the surface water drainage system, including the roads drainage, is appropriate and meets the requirements for adoption by Scottish Water (wording suggested in the report).

Informatives

1. Road Construction Consent from the Council is required in addition to planning consent prior to construction of any of the proposed roads, amendments to any of the existing roads or accesses or construction of any housing.

2. It will be a condition of the Road Construction Consent that the applicant shall apply for promotion of a 20mph speed zone order and shall thereafter provide all necessary signage to enable any 20mph Order as made to be enacted (all at the applicant's expense) prior to substantial completion of the road.

Additional Comments based on the latest Transport Statement and plans submitted Transport Statement

The traffic generation used within the submitted statement does not meet the Council's guidelines and is not accepted however accurate generation figures are not required for the local road network at this stage. It can be seen by inspection that the proposed road between the existing settlement and the new trunk road junction will serve over 50 dwellings (including the school) but less than 200 and is therefore classified as a main residential road. The remaining roads servicing the proposed development will be minor residential roads. There are no capacity issues for the council road network in the vicinity.

New Junction onto the Trunk Road

The development requires formation of a new junction onto the trunk road as the existing junction is significantly substandard. The layout and visibility splays for the new junction are shown on drawing 2130:203 Rev B. Transport Scotland rather than the Council are the roads authority for the Trunk Road. They have been consulted and have no objections to the formation of the proposed new junction subject to conditions including closing the existing junction of the U4889 Auchtertyre Village road with the A87 trunk road prior to occupation of the development. The new junction will therefore become the northern access point onto the trunk road for the settlement. Transport Planning defer to Transport Scotland who are the Relevant Roads Authority for construction of the main new junction onto the A87.

Turning Head required at end of the closed off section of the U8449

A turning head of an appropriate standard to enable the refuse vehicle to turn is required as there will no longer be through access to the A87T but the existing housing will require servicing. Details have been shown on drawing 2130:207 which are acceptable in outline but as it is a non-standard detail a swept path confirming it is appropriate for the large refuse vehicle will be required and minor amendments may be needed. Transport Planning therefore request they are consulted prior to agreement of the Planning Authority in consultation with the Trunk Road Authority to the detailed layout at the existing junction. For the avoidance of doubt a condition is requested for provision of a turning head at the southern end of the U8849 to enable the Council's 10.5m long 26 tonne rigid refuse vehicle without rear steering to safely turn prior to closing off of the junction.

Requirement to upgrade the full length of the access route between the school and the Auchtertyre Village Road and to apply for Road Construction Consent

The existing private access between the school and the U4889 Auchtertyre Village Road is maintained by the Council as Education Authority as a private access to the school only. It is not a road under the definition of the Roads (Scotland) Act 1984.

Therefore, the full length of the proposed access road for the development from the new western junction with the A87T up to and including the junction with the U8449 requires to be constructed and / or upgraded to adoptable standards in accordance with Council's Roads and Transport Guidelines for New Development along with the national document Designing Streets. A condition to this effect is requested. A road rather than a private access is required; this should be made clear in any planning consent. A suitable condition or informative is requested and the applicant

should be aware that Road Construction Consent will be required to be given by the Council as well as Planning Consent. The layout indicated on drawings 2130:201 Rev J is acceptable as an outline design only and a condition requiring Council approval of detailed design is requested.

The detailed design of the proposed roads shall be in accordance with the Council's Roads and Transport Guidelines for New Development along with the national document Designing Streets and shall address the following issues;

- The detail design shall include all arms of the junction between the new road and the U4889 and shall provide appropriate visibility splays. It shall include swept path analysis to ensure there is no detriment to the servicing of all existing properties.
- At least one continuous footway of preferred width 2.0m and minimum width of 1.8m will be required (and is shown) between the U8449 and the pedestrian access to the school.
- A bus stop and drop off area including appropriate turning for 12m coaches shall be provided to service both the school and the village.
- A reasonably direct and accessible route shall be provided between the village and the bus stop location (this may require construction of a remote footpath at the boundary of the school site if this is acceptable to the school operation).
- The detail design shall demonstrate suitable capacity to safely meet the existing demand for drop off and pick up of children at the school from private vehicles.
- The road design shall be appropriate for a 20mph speed zone including traffic calming and appropriate signage meeting the requirements of; The Traffic Signs Regulations and General Directions 2016, Local Transport Note LTN 1/07 and The Roads (Traffic Calming)(Scotland) Regulations 1994

As noted above alterations will be required to the cross-roads junction of the U4889 / U4888 and the new access. Once the junction of the U4889 and the A87 is stopped up the traffic will re-route at this cross road and rather than taking the bend it will continue along the new road past the school. There is a build out on the north west corner which may no longer be appropriate. Other amendments may be required to ensure that the refuse vehicle can service existing properties. Appropriate visibility (based on designing streets and a 20mph speed limit) is required to be demonstrated at the cross roads due to the changed priority route.

The transport statement proposed that the link road have a 7.3m carriageway width with 2m footways on both sides. Given the existing village road widths of 3.5 to 5.5m either a 5.5 or a 6m width would be preferred (curve widening may be required to allow coaches to access but this can be resolved at detailed design stage). The route to the bus drop-off and turning area will require swept path analysis for a 12m coach to be submitted as part of the detailed design.

The gradients of the roads and any remote footpaths shall be provided as part of any detailed design and shall meet the requirements of the Council's Guidelines.

The layout shall consider the pedestrian desire lines and shall show a clear and direct route from the development to the village, school and to the A87. It shall also show direct routes from the school to any playground or outdoor area used by the school such as the forest school area. It shall clearly identify where pedestrians are required to cross the road and ensure that visibilities are appropriate and that dropped crossings are provided at these locations. The current layout plan

2130/201 Rev J shows a flat-topped hump at the proposed route between the school and the forest play area shows continuous 2m wide footways and a flat-topped hump at the crossing point of the new road and is considered appropriate at this stage. The preferred minimum width for the pedestrian route is 2m. The routes shall be accessible in accordance with Transport Scotland's Roads for All and the Council's Roads and Transport Guidelines for New Developments.

The minor residential roads are proposed to have a carriageway width of 5.5m which is appropriate however it should be noted that even where shared use is appropriate the standard requirement is for two 2m wide service strips on each side of the carriageway. The two 0.6m 'over-run' areas stated in the statement will not be accepted. A looped layout is shown which is in accordance with Designing Streets and will allow larger vehicles to enter and leave the site in a forward gear without reversing.

Road Safety Audit

Since the new road gives access directly to the trunk road and is adjacent to the village school a condition is requested requiring a joint Stage 1 and 2 Road Safety Audit (in accordance with the Design Manual for Roads and Bridges current at the time of design) to be submitted and agreed in writing by the Council prior to commencement. The Audit shall cover the full length of proposed local road. Transport Scotland will deal with any requirements regarding the Trunk Road.

The existing bridge

The existing bridge is understood to be currently in Highland Council ownership; however, it is not adopted by the Council as Roads Authority. A bridge assessment has been carried out by the applicant and a bridge assessment certificate has been provided by the Structures Team of the Highland Council confirming the results are acceptable and that the structure is suitable for current Highways loading. If there are any changes or deterioration to the bridge prior to issuing of Road Construction Consent, then a further bridge inspection or load assessment may be required.

Prior to the issuing of any road construction consent the legal ownership of the bridge would need to be confirmed. If the structure was not owned by the Council, then a Bridge agreement under Roads Scotland Act with costs to be paid to the Council to take on the bridge – ref Section 79 of the Act.

Parking (including Disabled Persons and Cycle parking)

A condition is requested to ensure that any detailed layout includes appropriate parking in accordance with the Council's Roads and Transport Guidelines for New Developments.

Utilities, Street Lighting and street furniture

Street lighting will be required. Indicative provision for utilities shall be demonstrated on the road layout drawings as they are developed and the detail design issues will be resolved at the Road Construction Consent Stage so no condition is required.

Earthworks and Land Drainage

The extent of any cut and fill required on the site together with the proposed height and gradient of any embankments or cuts shall be shown on plans submitted with any detailed design. The position and dimensions of any retaining structures or any

land drainage together with proposals for ownership and maintenance in perpetuity of these features shall also be shown on the detailed design. Land drainage shall not discharge to the surface water drainage system.

Surface Water and Suds

A shared piped system dealing with both roads and curtilage water is proposed discharging to a Suds basin with an outfall to an adjacent watercourse and this is acceptable. The necessary buffer strip to protect the adjacent watercourses has been provided and the Council's Flood Risk Management Team have requested suitable conditions which Transport Planning support. Since the surface water drainage includes the road drainage a condition is requested that; no development shall commence until full details of the final drainage design for the site have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the design and specification of the surface water drainage system shall be in accordance with Sewers for Scotland 4 (or any superseding guidance prevailing at the time) or any subsequent waiver approved by Scottish Water. Thereafter all surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

- 7.6 **Transport Scotland:** Initial comments requested an extension to the consultation period to allow the applicant to provide further clarification and indicates that Transport Scotland intend to respond recommending conditions be attached to any planning permission issued.

Second Consultation response **No objection.** The following conditions require to be attached to any planning permission issued.

1. Prior to the commencement of any development, the new access on the A87, as generally illustrated by Wallace Stone Drawing No. 202 Rev A, shall be constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
2. Prior to the commencement of any development, visibility splays, as generally illustrated by Wallace Stone Drawing No. 203 Rev A, shall be provided and maintained at the new access on the A87 to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
3. Prior to the occupation of any development, the existing access on the A87, as generally illustrated by Wallace Stone Drawing No. 201 Rev B, shall be closed off and the footway and verge reinstated to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
4. There shall be no drainage connections to the trunk road drainage system.

- 7.7 **Scottish Water: No objection.** The applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water-This proposed development will be fed from Kyle of Lochalsh Water. Scottish Water is unable to confirm capacity at this time.

Foul- There is currently sufficient capacity in the Auchtertyre Septic Waste Water Treatment Works. However, please note that further investigations may be required to be carried out Treatment Works.

Infrastructure within boundary- According to records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with these.

7.8 **SEPA: No objection.** Request that the following matters are covered by conditions attached to any planning permission granted.

- The development shall be connected to the public foul drainage network.
- A finalised SUDS scheme, which meets the treatment requirements of the CIRIA SUDS Manual, to be agreed with the planning authority, in consultation with SEPA.

7.9 Sports Scotland: Initial response request for addition information. Final response awaited. Members to be updated verbally.

8. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 31 - Developer Contributions
- 32 - Affordable Housing
- 36 - Development in the Wider Countryside
- 37 - Accommodation for an Ageing Population
- 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
- 75 - Open Space
- 76 - Playing Fields and Sports Pitches

8.2 **West Highland and Islands Local Development Plan November 2019**

Auchtertyre has been categorised as a Growing Settlement and therefore does not have an associated Settlement Development Area (SDA) boundary or allocations. Within Growing Settlements, future development proposals will be assessed against the general criteria of Policy 3 for determining how these places can grow, together with the settlement issues and placemaking priorities listed.

Policy 3 Growing Settlements

Development proposals that are contained within, round off or consolidate the Growing Settlements (listed) will be assessed against the extent to which they

- take account of the issues and placemaking priorities identified for the individual

Growing Settlements;

- are likely to help sustain, enhance or add to facilities with proposals being located within active travel distance of any facility present;
- are compatible in terms of use, spacing, character and density with development within that settlement and demonstrate high quality design;
- can utilise spare capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) or new/improved infrastructure can be provided in a cost-efficient manner, taking into account the Council's requirement for connection to the public sewer other than in exceptional circumstances;
- avoid a net loss of amenity or recreational areas significant to the local community; and
- would not result in adverse impact on any other locally important natural or cultural heritage feature, important public viewpoint/vista or open space.

Auchtertyre Placemaking Priorities

- To make the most of Auchtertyre's locational advantages and to mitigate its constraints.
- To rationalise the village junctions with the A87 most sensibly by creating a new junction with better visibility at the western edge of the settlement.
- To support housing development close to the primary school subject to adequate servicing.
- To be more flexible in land use terms to attract new enterprises and jobs to the business park and adjoining land including the possibility of tourism related enterprises.
- To safeguard local natural heritage interests including woodlands.

8.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

A Successful, Sustainable Place - Enabling Delivery of New Homes

10. PLANNING APPRAISAL

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities to have special regard to the desirability of preserving the setting of listed buildings.

Determining Issues

10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Principal of Development

- 10.3 Auchtertyre has competitive locational advantages over other settlements within Lochalsh. It has trunk and A road commercial visibility and connectivity, it has a relatively new primary school and business park both with spare capacity and has relatively flat land which is free of ownership and crofting restrictions. For these reasons it is identified in the Westplan as a Growing Settlement with specific placemaking properties, see paragraph 8.2 above. One of the key priorities is to support housing development close to the Primary school, subject to adequate servicing. This priority for the settlement follows on from the previous policies and allocations for Auchtertyre contained within the West Highland and Island Local Plan 2012, as remained in force, which specifically included the majority of the land that is the subject of this application as a housing site with a capacity of 30 units and was the adopted plan when the planning application was received. The developer requirements listed in association with the allocation required a masterplan which addressed: new trunk road access at "old road"; closure of existing village junction(s); phasing; net betterment of run-off; safe routes to school; provision of turning head(s); connection to village road network; and replacement school parking, bus turning and access. Sensitive siting and design. Justification required for any new junction onto trunk road. Connection to the public sewer.
- 10.4 At the time the planning application was registered in March 2019, the WestPlan was the settled view of the Council. It became the adopted Development Plan in November 2019. The placemaking priorities for Auchtertyre recognise the opportunity for housing on the land west of the Primary school. The submission of a planning permission in principle is an opportunity for the applicant to find out if the principle of development of the land serviced in the manner proposed is generally acceptable. Matters relating to the detailed layout, siting and design of the housing development will be dealt with through a further application for the approval of matters specified in conditions, should planning permission in principle be granted. An application for approval of matters specified in conditions would be subject to statutory publicity and neighbour notification procedures thereby affording individuals and the wider community a further opportunity to comment on, amongst other matters, the detailed siting, design and layout, landscaping, housing mix and open space provision which has been referred to in many of the letters of representation received, see paragraph 6.2 above. It is the principle of development and the manner in which the site will be accessed and serviced, that are the key planning matters to be considered at this planning in principle stage.

Planning procedures

- 10.4 Following the final round of neighbour notification and consultation in March 2020 a number of further comments were received, including a second consultation response from Lochalsh community council, which requested that the application be put on hold due to the Covid 19 outbreak. A letter issued by the Chief Planner for the Scottish Government on 3 April 2020 set out the crucial role that Planning plays within and beyond the emergency and clearly established that the Planning process must continue with planning applications moving through the system. The Scottish Government has approved a revised scheme of delegation for the determination of applications by the Council during the emergency period under which the application will be determined.

Landownership of application site

10.5 A significant part of the application site, the land to the south of the Primary school in addition to the existing bridge leading to the school is owned by the Council (Care and Learning). At the point of submission, the applicant did not serve notice on the Council as land owner and questioned the status and ownership of the access to the school over the bridge. Through an investigation of the title deeds, requested by Care and Learning, the ownership of the bridge and its status has been clarified. It is under the ownership of the Council but does not form part of the adopted road network. At the request of the Planning Service a revised landownership certificate was submitted in November 2019 and notice was served on the council, thereby ensuring that the application complied with the statutory requirements. The adopted road network terminates on the east side of the bridge at the junction of the two roads adjacent to Crossroads Cottage. Rectifying these procedural matters has added to the time it has taken to determine the application.

The applicant has also been required to undertake extensive discussion with Care and Learning following the submission of the application. The initial consultation response from Care and Learning sets out a clear objection to the development given the desire of the applicant to utilise land that is outwith their control, to secure a means of access into the main body of the site from the village. The latest consultation response from Care and Learning confirms that they are content to accept in principle the revised layout which has been progressed following a number of face to face meetings between the applicant, Care and Learning, Transport Planning and the Planning Service.

Care and Learning have confirmed in their final consultation response that they are satisfied with the principle of development and the general layout as shown on the latest masterplan, March 2020. This details land to the west and north east of the school being set aside for the formation of a new playing field and play area, bus drop off and turning area and vehicular access into the school. There will require to be a legal agreement between the applicant and the Council as landowner to secure the transfer in ownership of the land to the west of the school. The applicant has indicated a willingness to deal with the land transaction through the Section 75 Planning Obligation mechanism. However, following advice from Legal Services it is concluded that the land transaction lies outwith the scope of a planning obligation because it is securing compensation between two landowners and therefore this matter should be dealt with independently of the planning process. A section 75 Planning Obligation will be required, should planning permission be forthcoming, to cover developer contributions (see paragraph 10.14-18, below).

Siting Layout and Design

10.6 As this is an application for planning permission in principle only an indicative site layout has been provided. The detailed design and layout of the houses and other associated development does not require to be submitted at this stage of the planning process. The siting of the development adjacent to the Primary school is considered to accord with the general placemaking priorities for Auchtertyre as set out in the WestPlan. It is acknowledged that in developing a final housing layout and ensuring its phased development further detailed negotiations will be necessary. Such matters can be secured by way of conditions. The applicant indicates that there is a desire to provide a mixed range of housing, including

housing for the elderly. In common with all housing applications in the Highlands the developer will be required to provide a minimum of 25% affordable housing, 15% of which must be wheelchair liveable. Through this mechanism a range of accommodation can be secured on site, which is considered appropriate for the location. At this time the applicant has not confirmed or indicated whether they are in discussions with a local social housing provider. In line with the adopted developer contributions guidance affordable housing will be secured through a Section 75 Planning Obligation. Further details of the developer contributions and the matters that require to be secured are set out in paragraph 10.14-10.18, below.

- 10.7 The indicative site layout has been amended during the processing of the application to take account of the consultation responses from the key consultees; Care and Learning, Transport Planning and the Flood Risk Management Team. The statutory requirements for planning permission in principle applications stipulate that the application site is identified by a red line boundary and that the means of access to the site from the public road is clearly identified. Given the current landlocked nature of the main housing site securing an acceptable means of access is key to the potential development of the site and the assessment of this application for planning permission in principle.

Means of Access, Road and pedestrian safety

- 10.8 The masterplan and the supporting documentation provided with the application detail that a new junction will be formed on the A87(T). Transport Scotland have offered no objection to this proposal subject to a number of conditions being attached to any planning permission granted. The matters to be secured by conditions are; the closure of the most westerly of the existing junctions into the village and the provision of the new junction with visibility splays of 4.5m x 215m prior to any development commencing. The proposal to stop up the existing junction has been considered in detail by the Transport Planning Team, as the majority of the junction forms part of the local road network. Their final consultation response confirms that such a proposal is acceptable provided that works are undertaken to construct a turning head prior to occupation of any of the proposed houses. Transport Planning are satisfied that sufficient land is available to accommodate the turning head. The provision of a new junction to serve the housing site accords with the developer requirements set out in the West Highland and Islands Local Plan, which was the adopted Development Plan at the time the application was submitted. It also responds to the servicing requirements referred to in the placemaking priorities for Auchtertyre in the now adopted WestPlan.
- 10.9 The provision of a new junction onto the A87(T) and the closure of the existing westerly junction carries with it the responsibility for the developer to provide a means of vehicular access from the new junction to the existing village. The proposed route of this new road and the knock-on effects for the Primary school estate is considered to be a key element of the proposed development. The impact on the existing school playing field/ground, car park, public including pupil and staff safety and the wider impact of additional traffic generated by the development have all been raised by third parties as well as the consultees and the Planning Service. Without the agreement of Care and Learning, as landowner, the prospect of the development being progressed would have been significantly hampered given the absence of a suitable alternative route between the new junction and the village.

- 10.10 With respect to the general increase in traffic travelling through the village, the Transport Planning Team confirm that there are no capacity issues in the road network. They have set out the need that the new road, for its full length from the new junction with the A87(T) up to and including the junction with the existing village road, requires to be constructed and/ or upgraded to adoptable standards in accordance with Road and Transport Guidelines for New Development. These standards are achievable and can be secured through planning conditions, as is the provision of an acceptable crossing point to allow access to the existing forest area south west of the school. An assessment of the existing bridge has been carried out by the applicant and a bridge assessment certificate has been provided by the Structures Team of the Highland Council confirming the results are acceptable and that the structure is suitable for current Highways loading. The negotiations with the applicant, which have involved Care and Learning, Transport Planning and the Planning Service have resulted in a revised layout, March 2020. It is considered that the latest plan demonstrates that the conflict between pedestrian and vehicles can be removed and that a bus drop-off/pick-up point can be provided. The exact design, geometry and construction of the road, including bus drop-off point, turning heads and access into the rear of the school will require to be the subject of separate approval under the Road Construction Consent, requirements of the Road Scotland Act. The applicant would also need to secure approval for these details through the submission of a further planning application for approval of matters specified in conditions.

Flooding and surface water drainage

- 10.11 As well as securing an acceptable means of access into the site and addressing the matters around road safety on the A87(T), the placemaking priorities associated with developing land next to the primary school, as set out in the WestPlan require the applicant to demonstrate that suitable arrangements can be put in place which will ensure that the construction of the development proposed will not be at risk of flooding and will not cause flooding elsewhere and that the post development surface water runoff is not greater than pre-development conditions. As the application seeks planning permission in principle only, although the detailed design of the drainage system is not required at this stage the applicant was requested to submit a Drainage Impact Assessment which sets out the broad principles of how flood risk and surface water drainage would be tackled. The wet ground conditions across the site and historical events which have caused flooding to the school car park and neighbour properties gardens have been referred to in many of the third-party representations received.
- 10.12 The Flood Risk Assessment (FRA) and Drainage Statement has been reviewed and amended following input from the Flood Risk Management Team. The final proposals as set out in the update FRA September 2019 and the latest layout plan, March 2020 are considered acceptable. With regards to flood risk, it is accepted that flood risk to the site from the water course to the north is low. The watercourse is a man-made channel and the FRA identifies that it can convey the 1 in 200-year return period flow without overtopping. The FRA identifies some locations where remedial work is required to ensure that the embankment is not required to protect the site. The identified remedial work would need to be carried out prior to any development commencing on the site. This matter can be secured by a planning condition. The latest layout plan also indicates that a 6m buffer strip, as measure

from the top of the watercourse bank will be kept free from all development. This buffer strip is a recommendation, in the adopted development guidance on Flood Risk and Drainage Impact Assessment, to allow access to the watercourse for the purposes of watercourse assessment and maintenance, to aid water and ecological quality and to ensure bank stability.

- 10.13 As regards surface water drainage, the SUDS basin is shown on the latest plans as being located to the south of school where there is considered to be sufficient space to accommodate a suitably sized basin and a watercourse buffer. As requested by the Flood Risk Management Team, a drainage design which includes calculations that demonstrate that discharge to the watercourse from the basin will be limited to the pre-development greenfield rates for storms up to and including the 200 year plus climate change event will be required. This matter can also be dealt with by condition. The SUDS basin is located on council land. Delivering the SUDS scheme can be secured by condition. Agreement of the council, as landowner will need to be separately negotiated in a similar manner as the transfer of land to the west of the school.

Developer Contributions

- 10.14 The adopted supplementary guidance on developer contributions sets out that contributions are sought to mitigate the impacts of development on services and infrastructure and therefore seeks fair and realistic developer contributions towards the delivery of such facilities.
- 10.15 Schools - Primary: Auchtertyre Primary School has a capacity of 75 pupils and the schools roll forecasts (SRFs) indicate that the school roll is currently at 64 pupils. The SRFs have been re-run to include the proposed development. Given the scale of the proposed development in comparison to the existing settlement both high and low build rate scenarios have been factored in. The school is currently at 85% capacity with the roll forecast to rise above 90% capacity for more than five years of the period using either the low or high build rate scenarios. Neither scenario results in more than 10 pupils over the 90% capacity threshold. A contribution towards a One Classroom Extension is therefore required. The current contribution per house is based on a figure of £2,571. This requires to be adjusted to the most up to date BCIS indices which is Q4 2019 bringing the contribution per unit to £2,676.43.
- 10.16 Schools - Secondary: Plockton High School has a capacity of 550 pupils and the SRFs indicate that the school roll is currently at 276 pupils. The SRFs have been rerun to include the proposed development. Given the scale of the proposed development in comparison to the existing settlement both high and low build rate scenarios have been factored in. The school is currently at 50% capacity with the roll forecast fluctuate between 43% and 49% of the period using either the low or high build rate scenarios. As the school is forecast to remain under 90% of its capacity no contributions would be required.
- 10.17 Affordable Housing: Policy 31: Affordable Housing of the HwLDP and our Developer Contributions Supplementary Guidance states that all developments of 4 or more dwellings will be required to contribute 25% equivalent of affordable housing in areas of need. The applicant has indicated a desire to provide homes for the elderly, although they have not stated a mechanism for the delivery of these and have been unable to confirm if they have been activity engaged with a social housing provider. As such the delivery of affordable housing and the financial

contributions towards primary school accommodation will be secured through a Section 75 Planning Obligation in accordance with the requirements of the adopted guidance.

- 10.18 Other contributions regarding the provision of open space, waste, water and public art can be accommodated for within the final layout of the development and will be secured through conditions.

Other material considerations

10.19 **Playing field**

- 10.20 The proposal to route the means of access across the existing playing field and the southern edge of the school car park and the resulted impact that this will have on the use of and access to the playing field has attracted negative comments from all of the representees as well as an initial objection from Care and Learning. An early more collaborative approach by the applicant to engage with Care and Learning prior to the submission of the applicant could have perhaps overcome many of the concerns first raised and a layout, which adequately compensated for the loss of the playing fields, could have been prepared. Reaching an acceptable layout, in principle, which addresses future school needs and fully compensates the council, as owner and Education Authority, for the loss of the playing field to the south of the school has been negotiated through the assessment of the planning application. The masterplan now indicates a substantial area of land to the west of the existing school buildings which can be developed as a playing field and hard play area. Care and Learning are satisfied with the level of compensatory/replacement playing area accommodation shown on the masterplan. It is considered that the replacement playing field is comparable to that which it will replace and therefore the proposals accord with Policy 76 of the Highland wide Local Development Plan. Delivery of these elements will be secured through conditions. The transfer of land from the applicant to the council will require to be secured through a separate legal process.

Landscape and Visual Impact

- 10.21 Auchtertyre and the surrounding area, including the application site lie out with any designated landscapes. Kintail National Scenic Area lies around 4.5km to the northwest of the site and the boundary to the Kyle-Plockton Special Landscape Area is approximately 7km to the west and 6 km to the north of the proposed site. As such the development of the site is not considered to have an impact on any designated landscapes. It is acknowledged that the development of this land will bring a visual change to the area, with public views of the site available from the A87(T). The original layout plan was supported by an indicative landscaping plan which indicated areas of tree planting around the boundaries of the site and at the new junction onto the A87(T) where some existing trees will be removed as part of the construction works. There is a need for a comprehensive and detailed landscaping scheme to be developed for the site, which reflects the phasing of the development and which also details the provision and maintenance of communal landscaped areas and the area of open space to the south of the primary school, which the latest layout plan indicates will be maintained by the applicant/developer. Such matters can be dealt with by way of condition given that this application seeks planning permission in principle, only.

Protected Species

- 10.22 The site does not contain any sites of special scientific interest and a search on the National Biodiversity Network Atlas for Scotland has no confirmed cases of protect species being recorded within the application site boundaries. The findings of the ecological impact assessment submitted by the applicant that the site is of low local value for otter, common lizard and slowworm is accepted. The comments submitted by third parties that refer to the presence of wildlife in the area are acknowledged and understood, given the likely presence of many species in the surrounding countryside. There will be a need for further detailed survey work, with possible mitigation measures to be brought forward as part of any future detailed proposals for the site particularly with regards to the presence of bats in the trees that are affected by the junction construction works. This matter can be dealt with by way of condition.

Setting of listed buildings

- 10.23 Auchtertyre Farm, Barn and Steading which are located to the west of the site are designated category C listed buildings. The Barn is an example of an early 19th cruck framed building and the steading has a u-plan footprint is single storey and constructed of harled rubble. The buildings are in agricultural use. The buildings sit within a working yard area which maintains a separation distance of no less 12 metres from the common field boundary with the application site. It is not considered that the development of the adjacent field will undermine the setting of these buildings. The layout of the development can be progressed in such a manner that there will be no buildings on the western site boundary thereby maintaining the sense of openness at the rear of the buildings.
- 10.24 Representations have been submitted which suggest that the stone bridge, which provides access to the primary school is a listed structure. An examination of the Historic Environment Records database confirms that it is not included in the list of listed buildings for Highland. The structural condition of the bridge has been investigated by the applicant and a bridge assessment certificate has been issued by the Structures team, see paragraph 10.10 above.

Contaminated Land

- 10.25 Comment has been received that the present agricultural use of the site will cause land contamination. In response to a consultation on the application the Contaminated Land Section of Community Service have raised no objections to the development commenting only on the presence of the disused Scottish Water sewage plant compound in the southern corner of the existing playing field and the need for it to continue to be securely fenced.

Future Development in adjacent land

- 10.26 Concerns have been raised by third party in response to the latest site layout plan because the proposed turning circle at the rear of the school building has been designed to include a potential link into the fields to the east. These fields do not form part of the current application site and any future proposals for this land would be assessed through the formal planning application process.

Non-material considerations

Previous Application

- 10.27 Amongst the matters raised by third parties is reference to a previous proposal for the erection of 30 houses ref 97/00215/OUTSL which was refused by The Highland Council and the Scottish Executive in the late 1990's. This application was lodged by the same applicant and referred to land to the north east and east of the primary school. The reasons for refusal related to the inadequacy of the existing westerly direct access from the village onto the A87(T) and as well as direct access arrangements into the site and matters surrounding surface water drainage proposals. It did not include the current application site, the proposal for a new junction on the A87(T) and closure of the exiting junction or the drainage solution presented in the Drainage Impact Assessment submitted with the current application. This previous decision carries no weight in the determination of this planning application.

Other Non-material considerations

- 10.28 Comment is made regarding the speculative nature of the application suggesting that the intentions of the applicant are based on increasing the land value. It is accepted that information from the applicant regarding the phasing of the development and their commitment to delivering development on the ground has not been forthcoming, nonetheless these matters are not material to the determination of the application which must focus on the principle of development, the means of access and other servicing matters highlighted in the placemaking properties of Auchtertyre of the WestPlan, as well as the other material considerations set out above.
- 10.29 Reference is also made to a planning permission in principle granted for land under the same ownership for a development of 8 houses to the east of Auchtertyre village. Determination of each application requires to be considered on its own merits. This permission carries no weight in the determination of this current application.
- 10.30 Concerns have been expressed about the manner in which the development will take place and how the needs of the residents of the village will be accommodated during the construction phase. It is accepted that construction work in general can be disruptive however as part of the general requirements governing construction sites, such as environmental health (noise), safety at work requirements and legislation dealing with development affecting the public road, under the Roads Scotland Act suitable mechanisms are in place to ensure that the development can be undertaken with the minimal disruption to the residents.
- 10.31 Comment has been made that that the tenant farmers who occupying the fields have been obliged by the landowners to vacate the land in order for the proposed

development to go ahead. Legal agreements between the landowner and their tenants are outwith the scope of the planning authority.

- 10.32 Comments refer to the current situation and what are perceived as being current issues from on street parking in the village caused by the level of individual car ownership numbers, BandB establishments and staff associated with the nursery school. In addition, the general condition of the junctions onto the A87 and the speed of traffic on the Trunk road are raised. Proposals for the closure of the westerly junction and its replacement by a new junction that will serve the development and the rest of the village have been dealt with at para10.8 above. The other matters are the responsibility of the roads authorities to investigate and address as they consider appropriate.
- 10.33 Reference is made to other development in the area where it is considered that the views of the village have not been taken into account these include, the deforestation of mature woodland, the erection of a mast in the business park and planting of commercial woodland on the hillside behind the village. Each one of these matters is governed under separate legislation and other than the erection of the mast is out with the planning process.

Matters to be secured by Section 75 Agreement

- 10.34 a) Affordable housing
b) Education Contribution
- 10.35 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

11. CONCLUSION

- 11.1 This application seeks to determine if the principle of development for a housing - led development of 38 houses is suitable in this location. Before any development could take place on site a second stage, the approval of matters specified in condition, which would consider the detailed development proposals would also require to be secured. As an applicant for planning permission in principle the level of detail that requires to be submitted relates primarily to the means of access. This matter has been considered in detail during the processing of the application, with alterations being made to the access route from the local road network within the village to overcome valid concerns expressed by third parties, Care and Learning and the Transport Planning Team. It is concluded that the latest site layout plan responds to these concerns and demonstrates that an acceptable means of access can be achieved .
- 11.2 The Westplan identifies Auchtertyre as a growing settlement, one of the second-tier settlements within the plan area which it is considered development, including housing should be directed towards. Policy 3 which relates to growing settlements points towards the specific placemaking priorities for each growing settlement. In this regard the placemaking properties for Auchtertyre include the development of housing adjacent to the primary school. It is considered that the servicing

requirements for the site can be achieved. All objections from statutory and other consultees have been removed.

11.3 The opportunity of securing a well-designed development which responds to the edge of village setting, the current and future needs of the primary school and which connects with the existing village thereby satisfying the other aims of Policy 3 of the West Plan can be achieved through the conditions set out below.

11.4 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.

12. IMPLICATIONS

12.1 Resource: Not applicable.

12.2 Legal: Not applicable.

12.3 Community (Equality, Poverty and Rural): Not applicable.

12.4 Climate Change/Carbon Clever: Not significant

12.5 Risk: Not applicable.

12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision Y issued

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **Granted**, subject to the following:

Conditions and Reasons

1. No development shall commence until an application, or applications, has been submitted to and formally approved by the Planning Authority in respect of the following matters:
 - a. the layout of the site including a hard-surfaced play area and playing field and new vehicular access for Auchtertyre Primary School.
 - b. the siting, design and external appearance of all buildings and other structures.
 - c. the layout of the site, in accordance with Designing Streets principles.
 - c. details of existing and proposed site levels.
 - d. details of all boundary treatments within the development.

- e. details of finished floor levels
- f. the means of access to the site from the A87(T) and the U4889
- g. road layout including; the road hierarchy; designed for a 20mph speed zone and including the following measures:
 - I. The detail design shall include all arms of the junction between the new road and the U4889 and shall provide appropriate visibility splays. It shall include swept path analysis to ensure there is no detriment to the servicing of all existing properties.
 - II. At least one continuous footway of preferred width 2.0m and minimum width of 1.8m will be required between the U4889 and the pedestrian access to the school.
 - III. A bus stop and drop off area including appropriate turning for 12m coaches shall be provided to service both the school and the village
 - IV. A reasonably direct and accessible route shall be provided between the village and the bus stop location.
 - V. The detail design shall demonstrate suitable capacity to safely meet the existing demand for drop off and pick up of children at the school from private vehicles.
- h. details of provision for cyclists and pedestrians including carriageway crossings and pedestrian linkages to the U4889 and the area of open space south of Auchtertyre primary school.
- i. details of car parking provision for residents, visitors and for cyclists.
- j. details of the stopping up of the existing westerly junction from the U4889 and the A87(T)
- k. details of all street lighting
- l. details of a scheme of hard and soft landscaping of the site
- M. details of the proposed water supply and drainage arrangements.
- N. details of a combined stage 1 and 2 Road Safety Audit covering the proposed local road.
- O. details of onsite public art provision

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

- 2 Any details pursuant to condition 1 above shall show a development of no more than 38 residential units. Before any development commences a phasing plan, identifying all phases of development shall be submitted for the consideration and

written approval of the Planning Authority. Thereafter, the development shall be implemented in accordance with the agreed phasing plan.

Reason: In accordance with the description of the development applied for and to ensure that the development proceeds in an appropriate manner.

3. Any details pursuant to condition 1 above shall show houses no greater than one and three quarter storeys in height and shall be of traditional form and proportion incorporating the following elements:

- Roof pitch of no less than 40° with overhanging eaves,
- Roof shall be finished with natural slate or a slate substitute. For the avoidance of doubt, a slate substitute does not include a 'concrete tile',
- External walls finished in natural stone, wet dash render or timber, and
- Vertical emphasis to the windows, on principal elevations.

Reason: To ensure a high quality and continuity of design throughout the development in the interest of visual amenity.

4. Any details pursuant to condition 1 above shall show a new hard surfaced play area and a playing field as generally illustrated on drawing 201 REV H. No development shall begin on site until these facilities have been provided to the satisfaction of the Planning Authority, after consultation with the Education Authority.

Reason: To ensure the timely provision of these facilities to mitigate the loss of those existing.

5. Any details pursuant to condition 1 above shall show a new access onto the A87, as generally illustrated by Wallace Stone Drawing No. 202 Rev A. Thereafter the development shall proceed in accordance with the details approved. No other development shall begin on site, other than that described in condition 3 above, until the new access onto the A87 has been constructed to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

6. Any details pursuant to condition 1 above shall show visibility splays at the new access onto the A87 of 2.4m x 215m as generally illustrated by Wallace Stone Drawing No. 203 Rev A. No other development shall begin on site, other than that described in condition 3 above, until these visibility splays have been provided to the satisfaction of the Planning Authority, after consultation with Transport Scotland. Thereafter they shall be maintained in perpetuity to the satisfaction of the Road Authority.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To ensure that vehicles entering or exiting the access can undertake the manoeuvre

safely and with minimum interference to the safety and free flow of traffic on the trunk road.

7. Any details pursuant to condition 1 above shall show the existing access on the A87, as generally illustrated by Wallace Stone Drawing No. 201 Rev B closed off and the footway and verge reinstated.

Reason: To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

8. Prior to the occupation of any of the houses hereby approved the existing access on to the A87, as generally illustrated by Wallace Stone Drawing No. 201 Rev B shall be closed off and the footway and verge reinstated, all to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to and interference with the free flow of traffic on the trunk road.

9. Any details pursuant to condition 1 above shall show a new vehicular access into the school car park as generally illustrated on drawing 201 REV H. No housing development shall begin on site until these facilities have been provided to the satisfaction of the Planning Authority, after consultation with the Education Authority.

Reason: To ensure the timeous provision of a new vehicular access into the school car park.

10. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the road boundary.

11. No development shall commence until protective specie pre-commencement surveys has been undertaken and a report of these has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an area included within the visibility splay of the new junction and the water course which lies to the north and east of the site along the site boundaries. The report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein

Reason: To ensure that the site and its environs are surveyed, and the development does not have an adverse impact on protected species or habitat.

12. Any details pursuant to condition 1 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in

Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time.

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

13. All surface water drainage provision within the application site shall be implemented in accordance with the approved plans and shall be completed prior to the first occupation of the development.

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

14. Any details pursuant to condition 1 above shall show a 6 m riparian buffer zone of the watercourses that bound the application site.

Reason: To ensure that the buffers strips are remain free of development quired a) for the maintenance of watercourses within the application site, b) to account for natural watercourse migration, and c) in order to safeguard property from flood risk.

15. Any details pursuant to condition 1 above shall show car parking spaces provided within the curtilage of each of the dwelling houses and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation of the dwellinghouse to which it relates, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;
- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms.

Reason: To ensure that sufficient space is provided within the application site for the parking of cars, so they do not have to park within the public road.

16. Any details pursuant to Condition 1 above shall include and be informed by a scheme detailing the provision of electric vehicle charging points. The scheme shall include

i. the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow charging of electric vehicles within the curtilage of each house in each phase or sub phase, where the house has in-curtilage car parking provision;and

ii. a timescale for implementation for infrastructure within each phase or sub phase.

The approved scheme(s) shall be implemented in line with the approved timescales.

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

17. Any details pursuant to Condition 1 above shall include full details of the location, form and programme for delivery of an equipped play area within the application site. Thereafter, the play area shall be installed by, and at the expense of, the developer in line with these approved details and their on-going upkeep shall be included in a factoring agreement (or similar).

Reason: To ensure the provision of adequate play facilities within the site in accordance with the requirements of the adopted supplementary guidance on open space.

18. 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

19. No element of the development 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 delivered by the developer.

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

20. 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 period of construction.

The CTMP shall include as a minimum the following information:

- An estimate of the number and type of vehicle movements that will be generated during the construction period;
- Proposed measures to mitigate the impact of construction traffic on the routes to the site following assessment of the affected roads;
- Measures to avoid conflict with school opening/closing times and any planned local events;
- Details of the site compound, including arrangements for the storage of plant and materials;
- Details of parking arrangements for the workforce and visitors;
- Details of any temporary parking and drop off/pick up arrangements for school staff and parents;
- Details of appropriate traffic management measures to be established and maintained for the duration of the construction period; and

- Measures to ensure that all affected public roads are kept free of mud and debris arising from construction traffic.

Reason: In the interest of pedestrian safety

21. Prior to occupation of the penultimate house, or as otherwise agreed in writing the public art feature shall be installed and thereafter maintained to the satisfaction of the Planning Authority.

Reason: In accordance with adopted Developer Contribution Supplementary Guidance.

REASON FOR DECISION

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.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

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

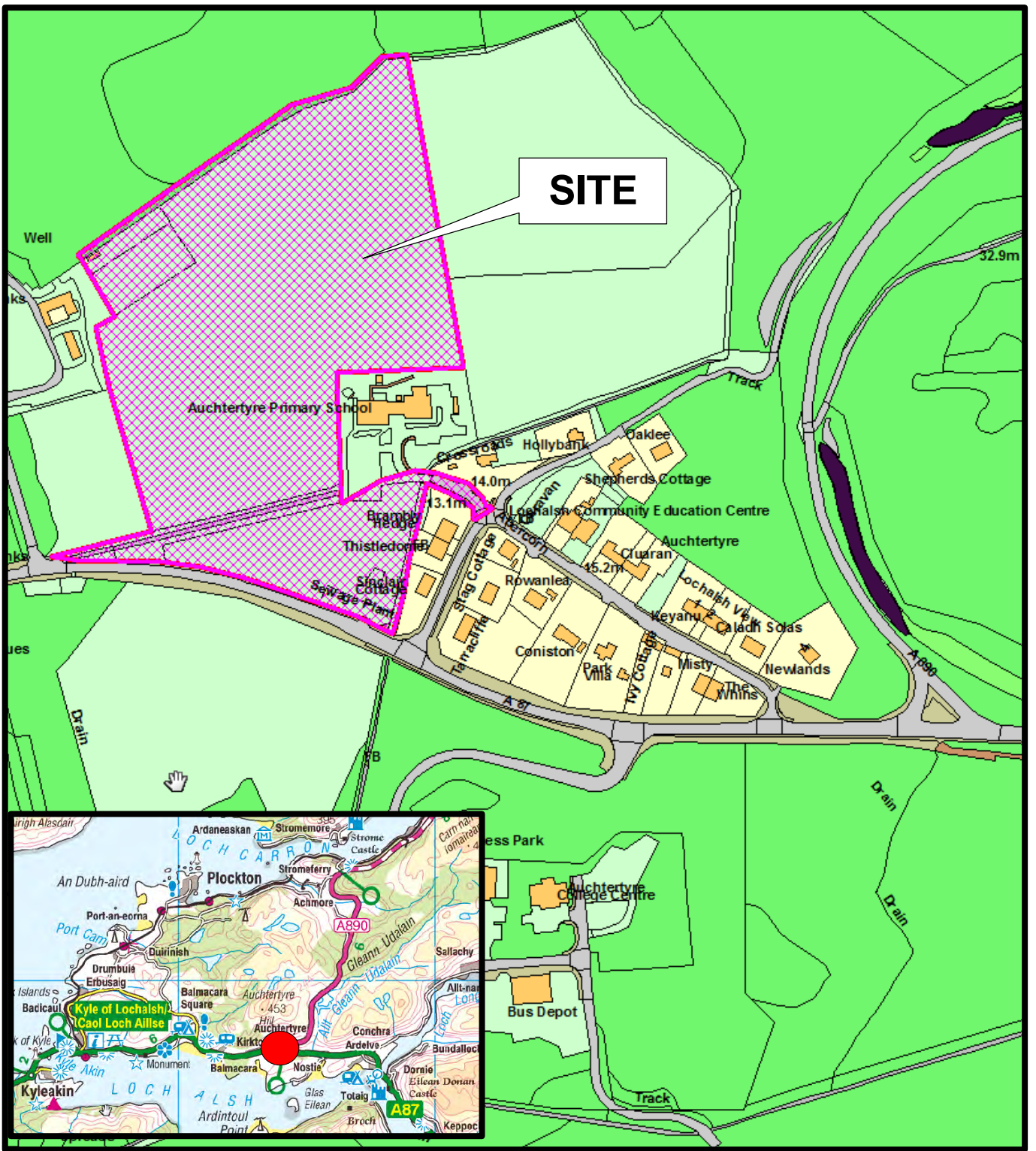
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Designation: Acting Head of Development Management – Highland
Author: Erica McArthur
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Layout Plan

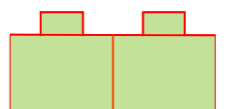
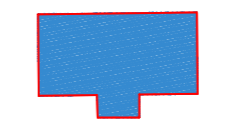



Planning & Development Service

19/01443/PIP

Masterplan for residential development of 38 houses with associated open space, school play area, SUDS scheme and formation of access onto A87(T) at land adjacent to Aughtertyre Primary School, Aughtertyre Balmacara



-  12 no. Public Housing 3/4 bedroom
-  14 no. Private Housing 3/4 bedroom
-  12 no. Elderly person Housing 2 bedroom

Auchtertyre Primary School