

Agenda Item	6.1
Report No	PLN/003/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 January 2021

17/03202/FUL: Mr John Nightingale

Report Title: Daffodil Field, Miller Road, Cromarty

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Erection of three houses (amended from four houses) and garage/boathouse for Plot Three.

Ward: 09- Black Isle

1.2 **Development category:** Local

Reason referred to Committee: Number of objections and a Community Council objection

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 is sought for the erection of three detached houses and a garage/boathouse in association with Plot 3. Plot one consists of a one and half storey property with the upper floor contained within the roof space. Plots two and three are also one and half storey properties; their design includes upper floor dormer windows on both the principal and rear elevations. The layout includes a visitor parking space as well as dedicated parking within each of the three plots for two cars. Plot three also includes an outbuilding the scale of a double garage. This outbuilding will be clad in timber with a rolled profiled metal roof. The three houses are all proposed to have natural slate roofs and lime rendered walls with timber clad walls to the rear wing of the house proposed for Plot two. The development has been designed with a cul de sac layout with Plots one and two on the western side of the private access driveway and plot three occupying the eastern side of the driveway. All properties will have fenced gardens to the rear. The landscaping for the whole development site includes the setting out of an apple tree orchard to the east of plot three, as well as specimen trees at the driveway entrance and end in addition to Escallonia hedging along the coastal boundary and between the orchard and Plot three. The large Ash tree which is located on the western boundary to the rear of Plots one and two will remain. The proposals include alterations and rebuilding of the boundary wall with Miller Road to form the access junction and refuse collection point.
- 3.2 At the point of registration in July 2017 the proposals involved the erection of four houses each with an attached double garage. Between July 2017 and July 2020 the applicant was addressing matters arising through the consultation process. In July/August 2020 the applicant submitted a further set of amended plans which reduced the number of houses proposed from four to three and amended the proposals to include the outbuilding for Plot 3, all as described above.
- 3.3 There is no existing infrastructure on site.
- 3.4 Pre-Application Consultation: None
- 3.5 Supporting Information: Design Statement submitted with original scheme for four houses. Drainage Statement (as amended 30.09.2020)
- 3.6 Variations: Revised plans and additional documentation submitted 13.11.2020, 28.10.2020, 30.09.2020, 28.09.2020, 18.09.2020, 03.08.2020, 21.07.2020, 19.07.2019, 18.07.2019, 14.11.2018, 28.08.2018, 07.06.2018, 07.06.2018, and 05.10.2017

4. SITE DESCRIPTION

- 4.1 The site consists of an area of privately-owned vacant and neglected land known locally as the 'Daffodil Field'. It extends to 0.2 hectares and is situated on the seaward side of Miller Road, Cromarty. The site lies between the properties Burnside Cottage and Clunes House both of which are B listed buildings. The site is currently not maintained and is overgrown. There is a large specimen Ash tree located on the western boundary with Burnside Cottage. The boundary with Miller Road is defined by a random rubble wall of varying height up to but no greater than 1.5m in height. In many places it is concealed by vegetation which has grown

through and over the wall. The seaward side of the site is open with the coastline being defined by a grassy embankment and in places large boulders which protect the land from erosion. There is a very slight ground level change across the site from the road to the sea ward boundary. The whole of the site lies 5.61m AOD. A core footpath runs between the eastern boundary of the site and Clunes House.

5. PLANNING HISTORY

5.1 None

6. PUBLIC PARTICIPATION

6.1 Advertised: Development affecting the Conservation Area and Schedule three Development

Date Advertised: 14.08.2020, 02.08.2019, 07.09.2018 and 28.07.2017

Representation deadline: with respect to the most recent publicity/neighbour notification: 04.09.2020

Timeous representations: 48 in total - 26 received in relation to plans advertised in August 2020.

Late representations: None

6.2 Material considerations raised during the processing of the application, from the original submission through to the revised plans submitted in August 2020, are summarised as follows:

a) Impact on character and appearance of conservation area

- loss of boundary wall, which may be a listed structure.
- design and layout of development not consistent with surrounding area and would look out of place.
- Use of shed is unclear.
- Site acts as a break between two distinct parts of the village.

b) Land is not allocated in the Development Plan.

c) Impact on the amenity of the neighbouring properties.

d) Road and pedestrian safety hazard

- historic nature of the infrastructure, pedestrians walk on the road in direct conflict with vehicles.
- inadequate access, no turning area of service vehicles.
- additional traffic as a result of development.
- will exacerbate existing parking problems, and
- construction traffic and risk from vibrations, heavy plant manoeuvring affecting the stability of the walled garden boundary wall on Miller Road.

e) Site is at risk of flooding and coastal erosion - development will increase risk of flooding to adjacent properties

f) Stability of land.

g) No ecological study undertaken.

- h) Potential that site is of archaeological interest.
- i) Site should be considered public open space.
- j) Potential for houses to be converted into multiple occupancy units in the future.
- k) Risk to Cromarty Firth habitat.

Other matters – Not material planning considerations

- Request for a site visit and a hearing.
- No demand for additional housing, permission approved across the road in the Walled Garden. Houses will not be affordable.
- Insurance of properties would be unlikely, due to coastal setting.
- Council requires to deal with potholes before granting planning permission

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 The following comments are in response to the revised plans submitted in August 2020 which revise the description of development to the Erection of three houses and shed and which also amend the layout of the site.

Transport Planning: No objection subject to suspensive conditions and informatives being attached as follows:

- Prior to any other development on site - provision of a service layby and the new access as shown on standard detail SDB2 including surfacing (and included on drawing SP004 Rev C). A minimum verge width of 1m shall be provided behind the layby before any boundary feature. Layby is required for road safety reasons; to allow vehicles to pass and to pass pedestrians during both occupation and construction phase.
- prior to any other development on site - provision of visibility splays in both directions of 2.4m x 25m. This is required for road safety reasons during both occupation and construction phase.
- Applicant will be required to apply for a Minor Works Permit, from the Council's Roads Operation Manager under Section 56 of the Roads (Scotland) Act 1984 prior to any work commencing on or adjacent to the public road network.
- Applicant should note that the layby will form part of the public road and may be used for vehicles using Miller road to pass.
- No surface water shall discharge from the site onto the public road and the level and surface water drainage design of the development shall reflect this requirement of the Roads Scotland Act.

Additional comments

- Lengths of the existing wall will need to be removed to provide the appropriate visibility.
- Miller Road is single track and has no footways. It is a shared use road for pedestrians and vehicles within a village setting and with a 20mph speed limit. Vehicles are required to drive with caution throughout the village, the layout of Cromarty naturally restricts

speeds in accordance with designing streets principles; the service bay constructed for the development will give an additional opportunity for cars to pass and for cars to pass pedestrians. The level of vehicular and pedestrian traffic generated by three additional houses is not judged to be significant therefore do not consider that this development will have a detrimental impact on road safety. However, any development generating further additional traffic along this route will need to consider the cumulative impact including the traffic from the current development. Improvements to the roadside verges to enable pedestrians and vehicles to pass more easily may be required for future developments.

- Bins are to be collected adjacent to the proposed service layby; this is acceptable.
- Two parking spaces per house are provided for residents with an additional space shared between the three for a visitor. This meets council guidelines.
- Larger vehicles will be able to reverse into the access and turn in that way if required. Site is within a 20mph village area – this is acceptable.
- Shared private system proposed on drawing is acceptable for this small private development. Factoring arrangement is advised for its maintenance in perpetuity.
- As part of the additional permit granted by the Council as Roads Authority drainage details at the access such as the levels may need to be confirmed to ensure this requirement is met.

7.2 Flood Risk Management Team: No objections.

Satisfied with the surface water drainage system proposed. No concerns in relation to localised sources of flooding as the site lies above 5m AOD.

7.3 Forestry Officer: No objections subject to the following conditions:

- Prior to first occupation the approved Landscape Plan (Drg No.SP005) must be implemented in full and maintained thereafter until successfully established to the satisfaction of the planning authority. Any trees or hedge plants which fail shall be replaced to the original specification in the next available planting season.
- No development shall commence, including tree felling, site excavation or demolition, until the tree protection measures detailed on the Landscape Plan (SP005) have been implemented in full to the satisfaction of the planning authority.

7.4 Historic Environment Team – Archaeology: No objections subject to a condition as the site is located in an area of archaeological potential. (condition 4)

7.5 Historic Environment Team – Conservation: No objections:

Design of the buildings is well specified and acceptable in conservation terms utilising high-quality materials and is clearly very good but it currently reads as a pastiche and is not sufficiently distinguished as a modern introduction into the conservation area. Both the development itself and the wider conservation area would benefit more from a high quality, contemporary development that delivers a contemporary interpretation of the local vernacular style. This approach would

both enhance and compliment the traditional character of the conservation area, rather than recreating and mimicking the predominant building style. The proposed result, when considered in the wider context of the conservation area, results in a development that is backward looking and is both architecturally and historically confusing.

The orchard area to the east must be retained as open ground with no prospect of or potential for future development to ensure visual and spatial separation between fishertown and the eastern part of Cromarty.

7.6 **Cromarty and District Community Council:**

No response received in relation to the consultation issued following the submission of plans in August 2020 which revise the description of development to the Erection of three houses and shed and which also amend the layout of the site

7.7 The following is a summary of the comments received to the initial consultation and a follow up consultation on the original description of development for the Erection of four houses

- Site is not allocated for development in the Inner Moray Firth Local Development Plan
- A large part of the site is identified as being at high risk of coastal flooding
- There is overwhelming opposition within the community. Having engaged with residents a total of 58 residents responded. 55 objected for the following reasons; road safety, environmental, not needed/other general objection, not appropriate for location, flood risk, not in local plan, and no more second home owners.

7.8 **Scottish Water:** No objections.

There is sufficient capacity in the Assynt Water Treatment Works and Cromarty Sutors Waste Water Treatment Works to service the development.

7.8 **Scottish Environmental Protection Agency (SEPA):** No objections:

Subject to condition that no development take place on ground that is below 3.97m AOD and the minimum Finished Floor Level set no lower than 4.22 AOD.

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
- 34 - Settlement Development Areas
- 49 - Coastal Development
- 51 - Trees and Development
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 59 - Other important Species
- 64 - Flood Risk

65 - Waste Water Treatment
66 - Surface Water Drainage
75 - Open Space
77 - Public Access

8.2 **Inner Moray Firth Local Development Plan 2015**

No site specific policies apply. The site lies within the settlement development area for Cromarty and also within the conservation area boundary.

8.5 **Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (March 2013)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Open Space in New Residential Developments (Jan 2013)
Physical Constraints (March 2013)
Standards for Archaeological Work (March 2012)
Trees, Woodlands and Development (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 Scottish Planning Policy (The Scottish Government, June 2014)

Scottish Environmental Scotland Policy Statement

Historic Environment Circular 1

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.

Sections 14, 64 and 59 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 and preserving and enhancing the character or appearance of the conservation area.

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.

Planning Considerations

10.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) impact on conservation area, siting and design
- c) setting of listed buildings
- d) access and parking
- e) drainage and flood risk

- f) neighbour residential amenity
- g) developer contributions
- h) any other material considerations.

Development plan/other planning policy

- 10.4 The application site lies within the Cromarty settlement development area and is not safeguarded from development by any greenspace notation on the Cromarty settlement map of the Inner Moray Firth Local Development Plan (IMFLDP). As such the principle of development is considered acceptable, subject to an assessment against the policies of the Highland wide Local Development Plan (HwLDP). Policies 28, 29, 34 and 57 support development proposals within settlement development areas if they are considered compatible in terms of their layout, siting and design and with public service provisions and individual and community residential amenity. Policy 57 requires special regard to be given to the preservation and enhancement of the conservation area as well as the setting of listed buildings.

Impact on Conservation Area, Siting and Design

- 10.5 The conservation area designation which covers the majority of Cromarty does not prohibit new development within its boundaries. The matters under consideration are whether the proposals will preserve and enhance the conservation area and are appropriate in terms of their siting and design
- 10.6 The conservation area in the vicinity of the site is characterised by the boundary wall of Cromarty House walled garden and the cluster of houses, including Clunes House and outbuildings at the corner of Miller Road and Causeway to the east of the site and the single property Burnside Cottage to the west of the site. The application site represents a break in built development on the seaward side of Miller Road. It is considered that this 'sense of place' will be preserved given the layout of the site, which retains a large area of greenspace in the form of the apple orchard to the east of the development and secures the retention of the prominent mature Ash tree on the western boundary. Whilst it is accepted that development of the site will bring about change to the area, the variation in the scale and design of the three properties will provide visual variety and character to the development. All of the houses will be finished in a traditional lime harling with slate roofs, with particular features such as the front porches and the rear extension to the house on plot 2 finished in complementary larch cladding. Rainwater goods will be galvanised steel. The shed proposed will be finished in larch cladding and will read as an outbuilding to the house on plot three. This design solution has drawn some comment from the Historic Environment Team (HET) for being backward looking. They suggest that the site would benefit from a contemporary style of design which demonstrates how the conservation area is evolving. However, notwithstanding these comments the HET recognise the quality of the design within its own terms. Given the setting of the site and the importance of preserving the character of the conservation area only the highest quality of the design and finish can be accepted. It is the high quality of the design and the finishes of the proposed houses as set out in this application which are considered to achieve a development appropriate for the conservation area. The formation of the access and the provision of visibility splays will require sections of the boundary wall with Miller Road to be dismantled and rebuilt. This wall is not

a listed structure. The neglected nature of the site means that what is an attractive feature is currently hidden from view by overgrown vegetation. As a result of the development the wall will be visible once again and with careful rebuilding will preserve the character of the conservation area. It is recommended that the manner in which the wall will be dismantled and rebuilt is controlled by condition. The extent of bitumen will be limited to the junction and the first 6m of the driveway as measured from the edge of the public road. Behind the junction the driveway and parking areas adjacent to the houses and shed will have a permeable surface, such as gravel, the details of which shall also be controlled by condition.

- 10.7 In conservation terms the Historic Environment Team have no objections, and whilst the concerns about the impact on the conservation area raised by third parties are acknowledged and understood, it is considered that the development will not harm the character or appearance of the conservation area and therefore the development is considered to meet the test of Policy 57 of the HwLDP and accord with Section 64 of Planning (Listed buildings and Conservation Areas) (Scotland) Act 1997.

Setting of listed buildings

- 10.8 Clunes House which lies to the east and Burnside Cottage that lies to the west of the development site are both category B listed buildings. The boundary wall of Cromarty House garden on the opposite side of Miller Road is a curtilage listed structure. Burnside Cottage is set in a mature garden with mature trees to the east towards the site boundary. From the west, on Shore Street, Burnside Cottage is seen in the same visual envelope at the Old Brewery Building on the opposite side of the road. When viewed from the east from Miller Road, Burnside Cottage is set amongst mature trees, including the large Ash tree within the development site which is to be retained. It is not considered that the development of the site will impact on the setting of Burnside Cottage. Clunes House is part of a cluster of inter-related buildings at the corner of Miller Road and Causeway. It is also set in mature gardens which define its setting. Principle views of the property are gained from Causeway. Although the gable elevation of the property and the wall of Cromarty House will be seen in the same visual envelope as the proposed development when viewed from the west on Miller Road, given the separation distances and the intervening proposed orchard it is not considered that the setting of Clunes House will be significantly undermined or degraded as a result of the development. It is recommended however that maintenance in perpetuity of the greenspace, the apple orchard, is controlled by condition to ensure the setting of Clunes House is maintained and the visual break between the fishertown and the eastern part of the village is retained. The boundary wall of Cromarty House and its setting will not be affected by the development.

Access and Parking

- 10.9 The access onto the public road has been designed to current guideline standards, which accommodates two vehicles passing at the entrance with visibility splays of 2.4m x 25m provided in both directions along Miller Road which are commensurate with the 20phm speed limit in force. This design ensures that there is no need for a vehicle entering the site to wait on the public road should a car be leaving at

the same time and vehicles leaving site can see and be seen. The provision of a service bay will accommodate service vehicles and also provide a passing place and a pedestrian refuge.

- 10.10 Cromarty attracts large numbers of visitors throughout the year and many enjoy walking along Miller Road to take in views of the town and Firth as well as to access the footpath to and from the South Sutor. In addition, Miller Road is the access for vehicles to the Cromarty Arts Trust venue in the Stables as well as the houses and car park on the South Sutor. Concerns have been raised by third parties regarding the conflict between pedestrians and traffic and that the proposed development will exacerbate an already poor situation as pedestrians require to walk on the road. The Transport Planning Team have been consulted throughout the processing of the application. Initial concerns about the design of the junction were resolved and the plans submitted in August 2020, which amend the development to three houses and the erection of a shed, reflect the Transport Planning Teams requirements, although it is noted that the visibility splays have not been drawn correctly. However, as the boundary wall will require to be altered to facilitate the construction of the access, the alterations will ensure that the visibility splays are achieved. A separate consent will be required from Community Services (Roads) under the Roads Scotland Act to form the access.
- 10.11 With respect to road safety, the Transport Planning Team comment that Miller Road is single track and has no footways. It is a shared use road for pedestrians and vehicles within a village setting with a 20mph speed limit. Vehicles are required to drive with caution throughout the village, the layout of Cromarty naturally restricts speed in accordance with designing streets principles; the service bay constructed for the development will give an additional opportunity for cars to pass and for cars to pass pedestrians. It is the opinion of the Transport Planning Team that the level of vehicular and pedestrian traffic generated by three additional houses is not judged to be significant and therefore they do not consider that this development will have a detrimental impact on road safety. The historic layout of Cromarty results in many of the streets operating as shared surfaces, including Miller Road. Shared surfaces are seen to encourage users of vehicles not to assume that they have priority. The conclusion reached by the Transport Planning Team, that the traffic generation associated with three houses will not have a detrimental impact on road safety, is accepted.
- 10.12 The site layout includes parking for two vehicles for each of the properties as well as an additional shared visitor space. The level of parking therefore meets council guidelines and will not lead to on street parking.

Drainage and Flood Risk

- 10.13 The plans submitted in August 2020 which amended the application to the erection of three houses and a shed for the house on plot three were accompanied by revised drainage plans and statement which have been reviewed by the Flood Risk Management Team and SEPA.
- 10.14 SEPA have requested a condition is attached to any planning permission issued which requires that no development takes place on ground that is below 3.97m AOD and the minimum finished floor level is set no lower than 4.22m AOD. The topographical information submitted with the application along with the drainage statement and plans indicate that the finished floor levels of the houses will be no

lower than 5.5m AOD and the shed finished floor level will be 5.45m AOD. The site survey plans indicate that the existing ground level across the part of the site to be developed for housing, is between 5.0m and 5.5m AOD. The proposed houses are therefore not at risk of flooding and do not involve development on the flood plain.

- 10.15 The drainage proposal for the site indicates that surface water drainage will be taken to the coast. In principle this is considered acceptable although the quality of discharge will require to be accord with the principles of Suds and designed to current guideline standards. There is considered to be sufficient land available to accommodate a compliant surface water drainage system and therefore it is recommended that this matter is dealt with by way of a condition. The Flood Risk Management Team are satisfied that the surface water drainage solution will not exacerbate flooding on Miller Road. Drainage to guideline standards will also be required for the access junction to ensure that surface water from the site does not discharge onto the road. This matter shall also be secured by condition.

Neighbouring Residential Amenity

- 10.16 The site lies between Burnside Cottage to the west and Clunes House to the east. Impact on the amenity of these properties is considered to be minimal. The houses on plots one and two are set back from the boundary with Burnside Cottage by 9.5m, or thereby and 16.5m, thereby respectively. Burnside Cottage sits 23m, or thereby from its eastern boundary, providing an overall separation distance of 32.5m, or thereby between this property and the house on plot one and 39.5m, or thereby between Burnside Cottage and the house proposed for plot two. The orientation of each of the proposed houses on these plots and Burnside Cottage in addition to the mature trees that lie between them and Burnside Cottage means that there will be no intervisibility between windows. The houses on plot one and two will not cause a loss of daylight or result in overshadowing of this property. Clunes House will be separated from the house and shed on plot three by the apple orchard which forms part of the landscaping proposals. The orchard will occupy all of the eastern end of the site extending to approximately 885m² in total. The separation distance between the house on plot three and Clunes House is in excess of 50 metres. The separation distance along with the intervening greenspace is considered sufficient to protect the privacy and amenity of Clunes House.

Developer contributions

- 10.17 No developer contributions towards secondary education at Fortrose Academy or primary education at Cromarty Primary are required, as there is sufficient capacity at present. Applications for 1-3 houses do not trigger the requirement for an affordable housing contribution or a community facilities contribution as outlined in the Developer Contributions Supplementary Guidance.

Other material considerations

- 10.18 The following matters were raised by third parties
- Construction traffic vibration
 - Soil stability and coastal erosion
 - Ecological survey
 - Archaeological interest of site

- Cromarty Firth habitat
- Use of shed
- Multiple occupancy of houses

Construction traffic vibration

- 10.19 Concern has been expressed regarding the impact of vibrations from construction traffic. No concerns regarding this matter have been raised by the Transport Planning Team nor the Historic Environment Team in relation to the boundary wall of Cromarty House. Noise associated with construction sites is dealt with under separate legislation which is overseen by Environmental Health and a standard informative will be attached to any planning permission issued.

Soil stability and coastal erosion

- 10.20 There is no evidence to suggest that the land is not stable and capable of being developed. No works will be required to the banking other than the outfall for the surface water drainage. No objections have been received from statutory consultees in relation to coastal erosion.

Ecological survey

- 10.21 The site is not covered by a statutory designation in relation to protective species. An examination of the National Biodiversity Network Atlas for Scotland fails to identify any species within the site. It is however recognised that the surrounding mature trees have the potential to house roosting bats. The trees will not be affected by the development and therefore any potential roost will be unaffected.

Archaeological interest of site

- 10.22 The archaeological potential of the site is recognised and understood. As recommended by the Historic Environment Team, a condition requiring a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable is recommended for any planning permission granted.

Cromarty Firth habitat

- 10.23 None of the protective areas of the Cromarty Firth lie in close proximity to the site, the shellfish protection area is contained within Udale Bay to the east of the village within Cromarty Bay. The nearest designated Bathing Waters are at Rosemarkie Beach.

Use of shed

- 10.24 The applicant has confirmed that the shed will form a domestic outbuilding which will be sited within the curtilage of plot three. To ensure that it is used for purposes incidental to the dwellinghouse it is recommended that a condition is attached to any planning permission granted that its construction is coordinated with the development of this plot.

Multiple occupancy of houses

- 10.25 Third party comment has been made regarding the potential to change the use of the houses to houses of multiply occupancy, such a proposal is likely to require planning permission at which time representations could be made. Until such an application is received the comment is speculative

Other matters not material considerations

- 10.26 Matters that were raised in the third party representations but are not material to the determination of the application relate to there being no demand for housing and the applicants ownership of a site within the walled garden of Cromarty House which has planning permission for three houses and should be implemented before any further development is considered. The development for which planning permission has been made must be considered on its own merits. Although the applicant may have secured planning permission for other development elsewhere in Cromarty, this is not material to the determination of this application. It is for the applicant to consider how and when to bring forward development that has planning permission and to judge whether there is a market for the proposed houses. The original proposal for 4 houses would have attracted a developer contribution towards affordable housing. Such a requirement is no longer applicable following the amendment to the application made in August 2020 when the description of development changed to the erection of three houses and a shed for plot three. The proposal for three houses has been assessed against the supplementary guidance on developer contributions. As set out in paragraph 10.17 above no contributions are required.
- 10.27 The ability of the houses to secure insurance due to their coastal location was highlighted through the third-party representations. This is a matter for the future developer/owner/occupier of the properties to resolve and is not a material consideration in the determination of the application. Flood risk associated with the proposals has been addressed in paragraph 10.14 – 10.15 above. The existing ground level and finished floor levels of the proposed houses are above the flood risk level identified by SEPA. No objections have been received from SPEA or the Flood Risk Management Team.
- 10.28 Comments have been received regarding the condition of the roads and the need for potholes to be repaired before planning permission is granted. Members of the public can report potholes as well as many other road and pavement issues through the Council's website which alerts community services (Roads) to problems. In some instances, a wear and tear agreement to cover the construction period for large sites may be sought by the council as Roads Authority. No such requirement has been requested by the Transport Planning Team in this instance.

Matters to be secured by Section 75 Agreement

- 10.29 None

11. CONCLUSION

- 11.1 Planning permission was originally submitted for a development comprising of 4 houses with attached double garages. Several consultees submitted objections to the original plans, due to lack of information or non-compliance with current

standards. The proposals also attracted an objection from the Community Council as well as representations from 48 individuals. Revised plans and additional information were submitted, albeit over many months, by the applicant for the 4 house scheme with further rounds of consultations, publicity and neighbouring notification being carried out. In August 2020 the applicant prepared a revised scheme for three houses and the erection of a shed. The revised proposals have been subject to further consultations and publicity. The proposals for three houses and a shed have attracted comments from 26 addresses who had previously commented on the original proposals. No further comments were received from the Community Council. The concerns expressed by those opposed to the development as now presented reiterate the original objections. The matters raised by the objectors and the Community Council have been addressed in the body of the report. All consultees are content with the revised plans, subject to the conditions set out below, being attached to any planning permission granted. It is considered that the proposals are acceptable in conservation terms and service provision as well as neighbouring residential amenity and consequently show conformity with the development plan.

- 11.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

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 N issued

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

Conditions and Reasons

1. No other development shall commence until the site access has been constructed in accordance with the attached Access Schedule (dated 26.01.2021), with:
 - i. the junction formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 25m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction;

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

Reason: In the interests of road and pedestrian safety. The layby is required to allow vehicles to pass and to pass pedestrians during both occupation and the construction phase.

2. Prior to the commencement of development, a method statement for the dismantling and reconstruction of the boundary wall, including the reinstatement of coping stones, on Miller Road shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the agreed works shall be carried out prior to any other development commencing on site, other than the works required in connection with condition one.

Reason: In order to ensure the boundary wall does not lie within the visibility splays in the interests of road and pedestrian safety and to ensure that it is rebuilt in an appropriate manner to preserve the character of the conservation area.

3. No development or work shall commence until a detailed specification for all proposed external materials and finishes for the buildings, bin stores, parking areas and driveways (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To allow the Planning Authority to consider these matters in detail and to preserve the character of the conservation area.

4. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the archaeological and historic interest of the site.

5. No development shall commence, including tree felling, site excavation or demolition, until the tree protection measures detailed on the Site Layout and Landscaping Plan drawing SP005 have been implemented in full to the satisfaction of the planning authority.

Reason: To ensure the protection of retained trees during construction and thereafter.

6. Construction of the shed shall only commence when the house on plot three is wind and watertight, or constructed to a stage that is considered satisfactory to the Planning Authority.

Reason: In the interests of visual amenity and to preserve the character of the conservation area. The shed is an ancillary building to the house on plot three. Its scale and massing would appear out of place without the parent house having been substantially completed.

7. All surface water drainage provision within the application site shall accord with the principles of Sustainable Urban Drainage Systems (SUDs) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time. All surface water drainage provision shall be completed prior to the first occupation of any of the development.

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

8. All development shall take place at the levels set out in the Drainage Strategy Rev E hereby approved, with no development taking place on ground that is below 3.97m AOD and Finished Floor Levels set no lower than 4.22 AOD.

Reason: To ensure that there is no risk to the occupants from flooding.

9. All external flues shall have a matt black finish.

Reason: In the interest of visual amenity and to preserve the character of the conservation area.

10. Details of a factoring agreement for all communal open space and the landscaping, as approved on Site Layout and Landscaping Plan Drg No. SP005, shall be submitted before work commences on the first house to, and be approved in writing by the Planning Authority. Thereafter the approved factoring agreement shall be implemented prior to first occupation of any part of the development and be retained in perpetuity.

Reason: To ensure the longterm maintenance of the communal areas and landscaping in the interests of visual amenity and to preserve the character of the conservation area.

11. Prior to first occupation of any part of the development the landscaping as approved on Site Layout and Landscaping Plan Drg No. SP005 shall be implemented in full and maintained thereafter until successfully established to the satisfaction of the Planning Authority. Any trees or hedge plants which fail shall be replaced to the original specification in the next available planting season.

Reason: To ensure the timeous implementation of the landscaping scheme in the interests of visual amenity and to preserve the character of the conservation area.

12. The landscaped area identified as the Orchard on Site Layout and Landscaping Plan Drg No SP005 shall be retained as green space and precluded from any development in perpetuity.

Reason: To ensure that there is no built development on this area of ground to protect the setting of Clunes House and to preserve and enhance the conservation area.

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.

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

The applicant should note that the layby will form part of the public road and may be used for vehicles using Miller road to pass.

No surface water shall discharge from the site onto the public road and the level and surface water drainage design of the development shall reflect this requirement of the Roads Scotland Act.

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).

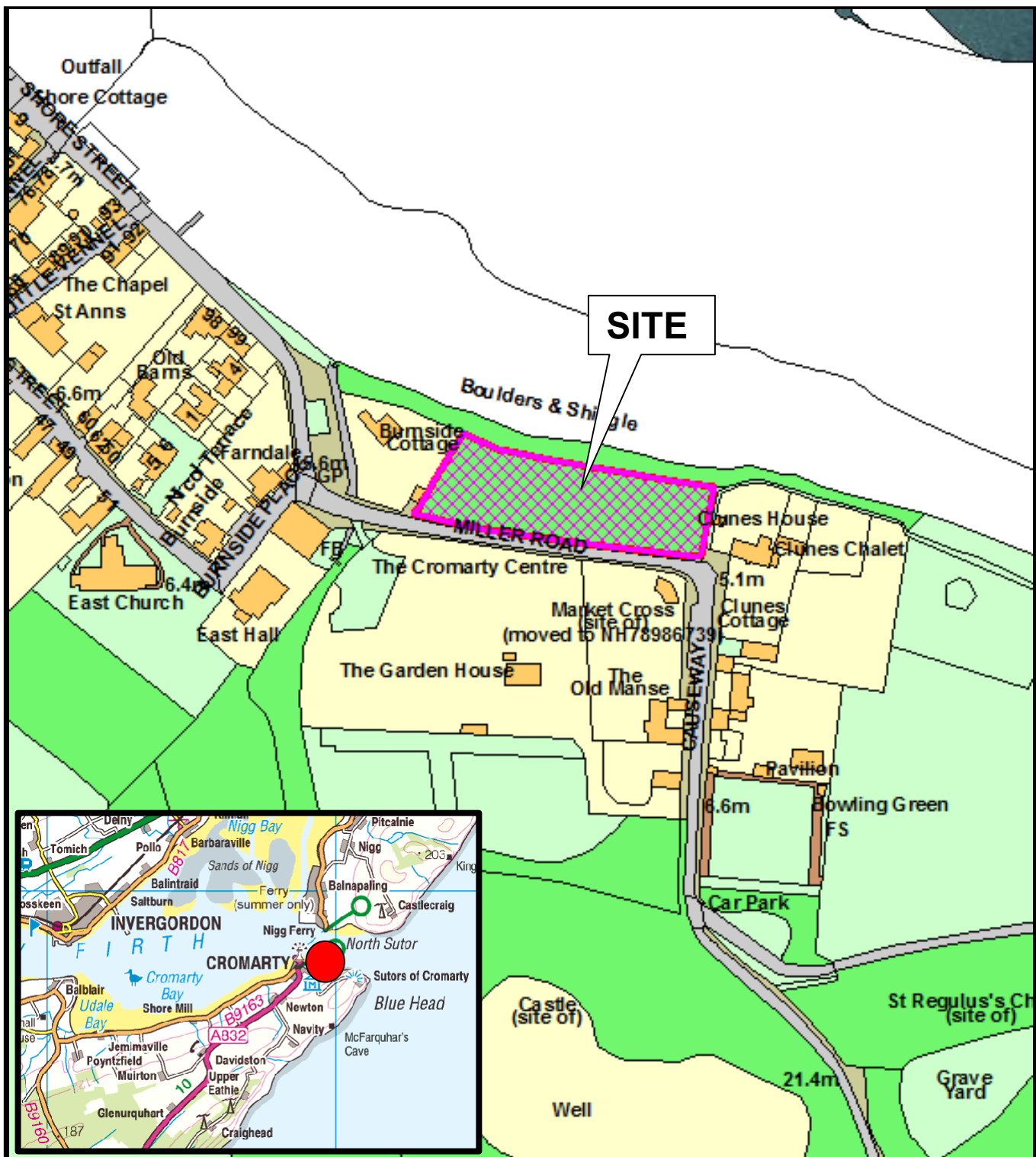
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to 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 - Highland Council location Plan Plan 2 - P01 - Location Plan Plan 3 - 100 - Ground Floor Plan Plot one Plan 4 - 101- First Floor Plan Plot one Plan 5 - 102- Ground Floor Plan Plot two Plan 6 - 103 – First Floor Plan Plot two Plan 7 - 104 - Ground floor Plan Plot three Plan 8 - 105 - First Floor Plan Plot Three Plan 9 - 210 Rev D – Elevations Plan Plan 10 - SP005 – Site layout and Landscaping Plan Plan 11 - SP006- Drainage Plan



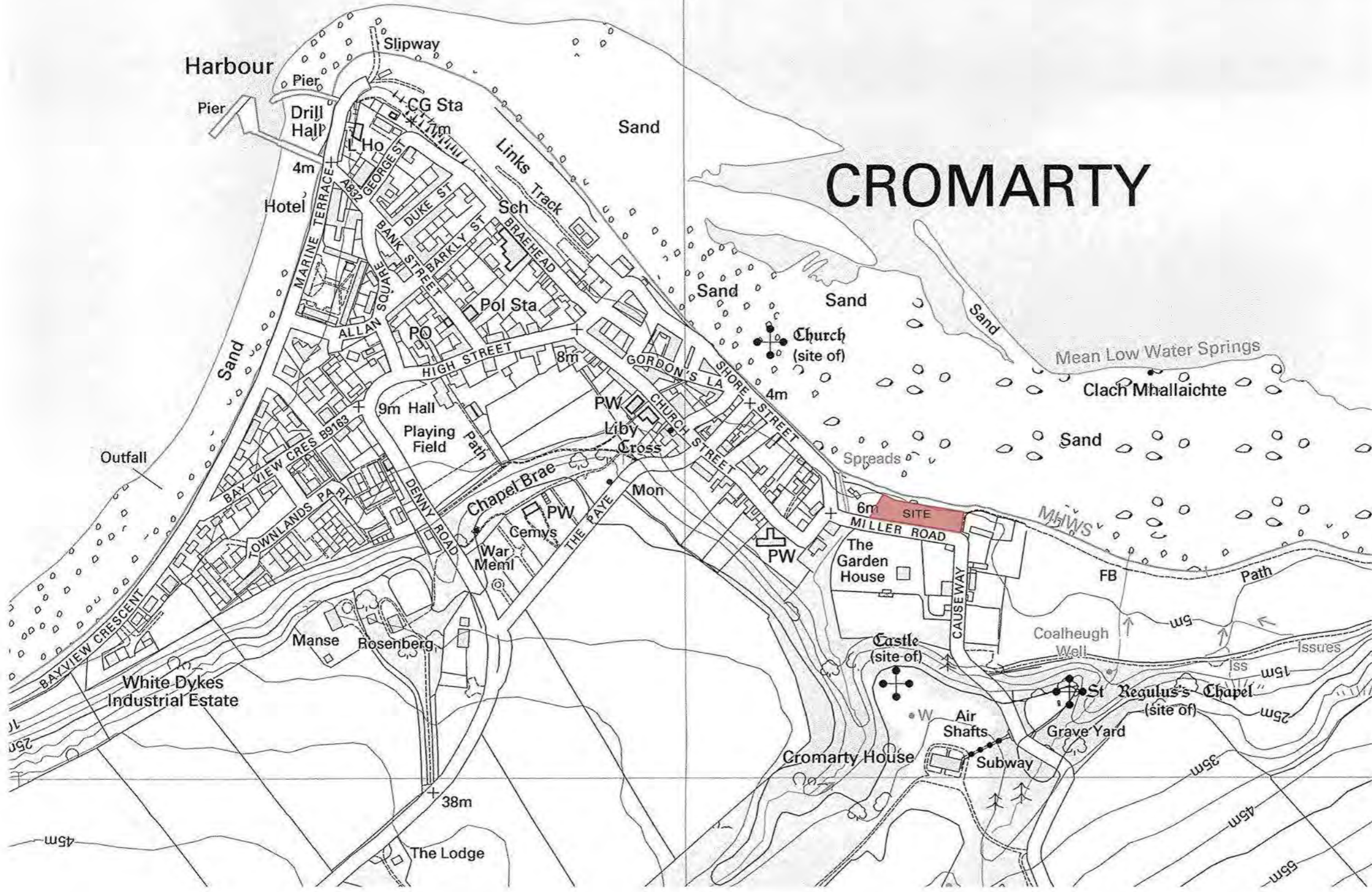
Planning & Development
Service

17/03202/FUL

**Erection of three houses (amended from four houses)
and erection of garage/boathouse for Plot 3
at Daffodil Field, Miller Road, Cromarty**

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CROMARTY



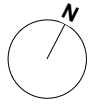
SITE AREA 2940 SQM



REV	Date	Description

LACHLAN STEWART STUDIO LLP
 Loans of Tulloch Farm Tain IV20 1XXV
 01862 850100
 architecture@lssstudio.uk

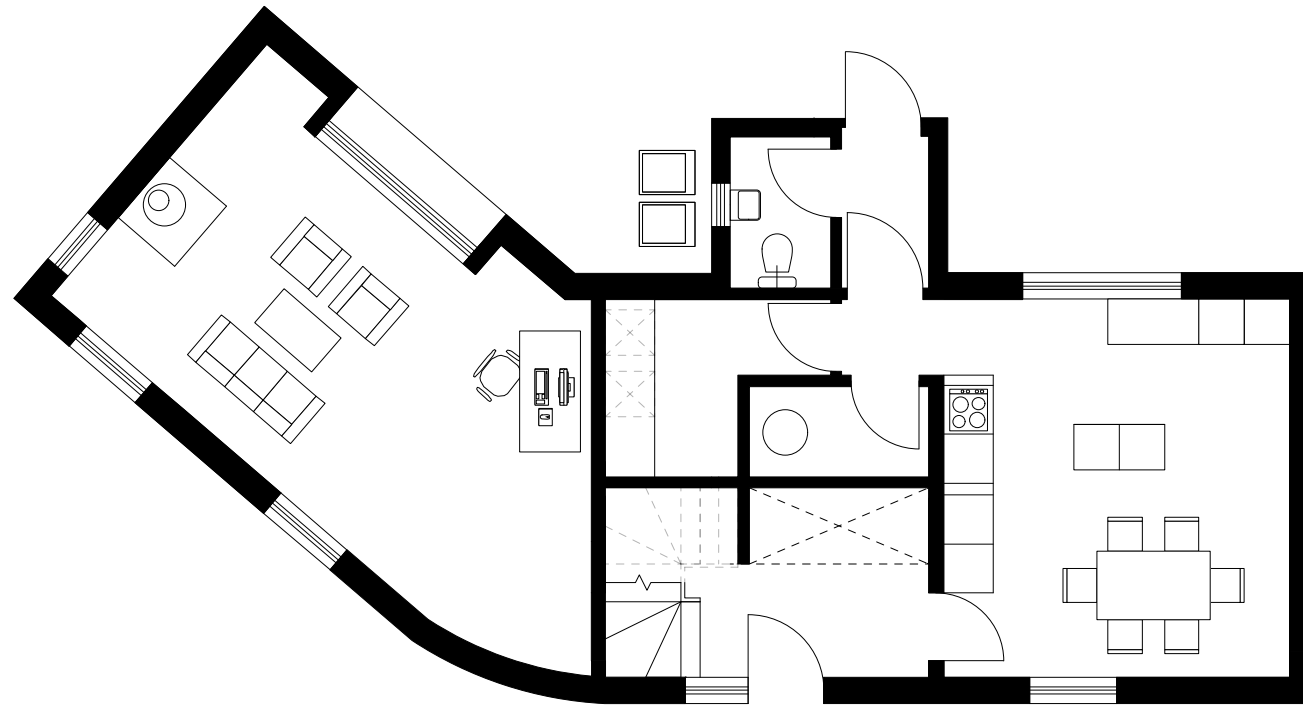
Project	Daffodil Field, Cromarty
Client	
Date	24.11.16
Title	Location Plan
Drawn	JM
Scale	1:5000 @ A3
Project No.	16-660
Drawing No.	P 01
Rev	



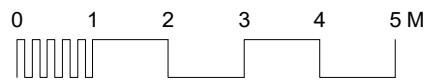
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All dimensions to be checked on site
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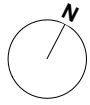
ANTA
DESIGN



UNIT 1
Ground Floor Plan
Scale 1:100@A3



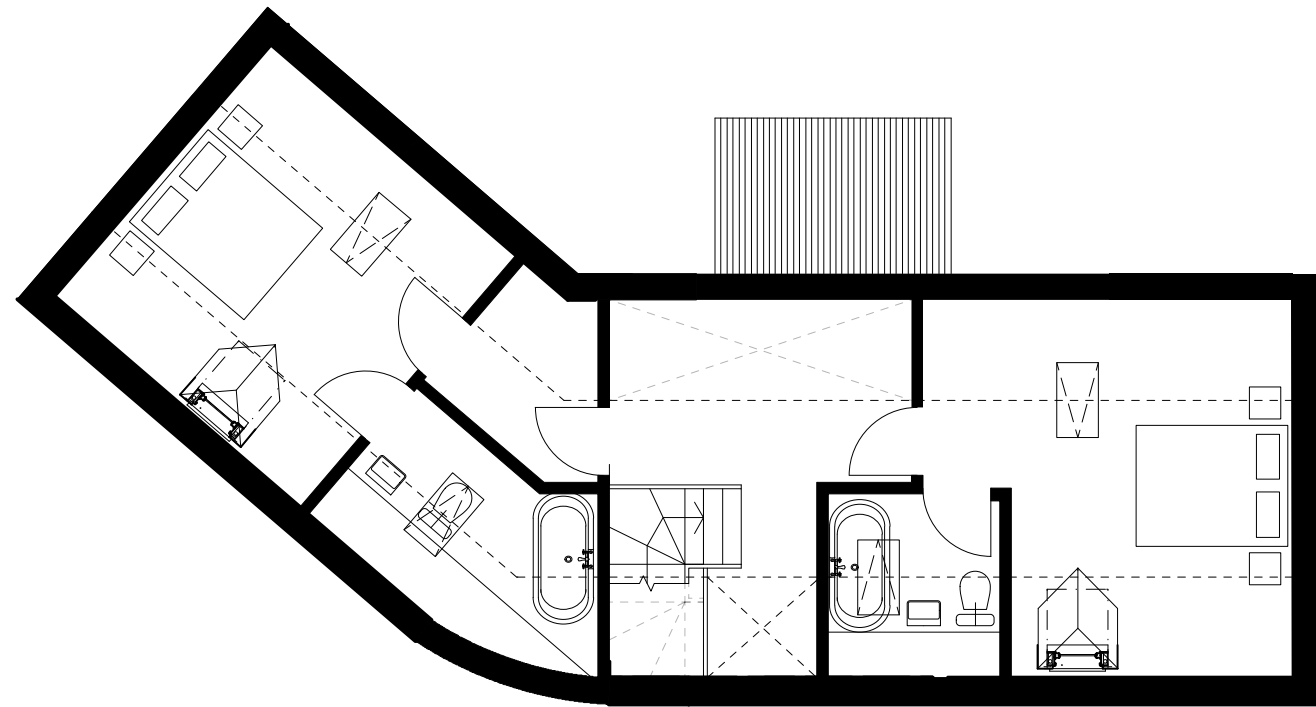
REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 1 Ground Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.	Drawing No.	Rev.
16-660	100	



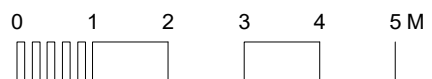
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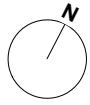
ANTA
DESIGN



UNIT 1
First Floor Plan
Scale 1:100@A3



REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 1 First Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.		
Drawing No.		
Rev.		
16-660	101	

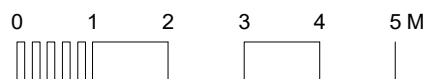
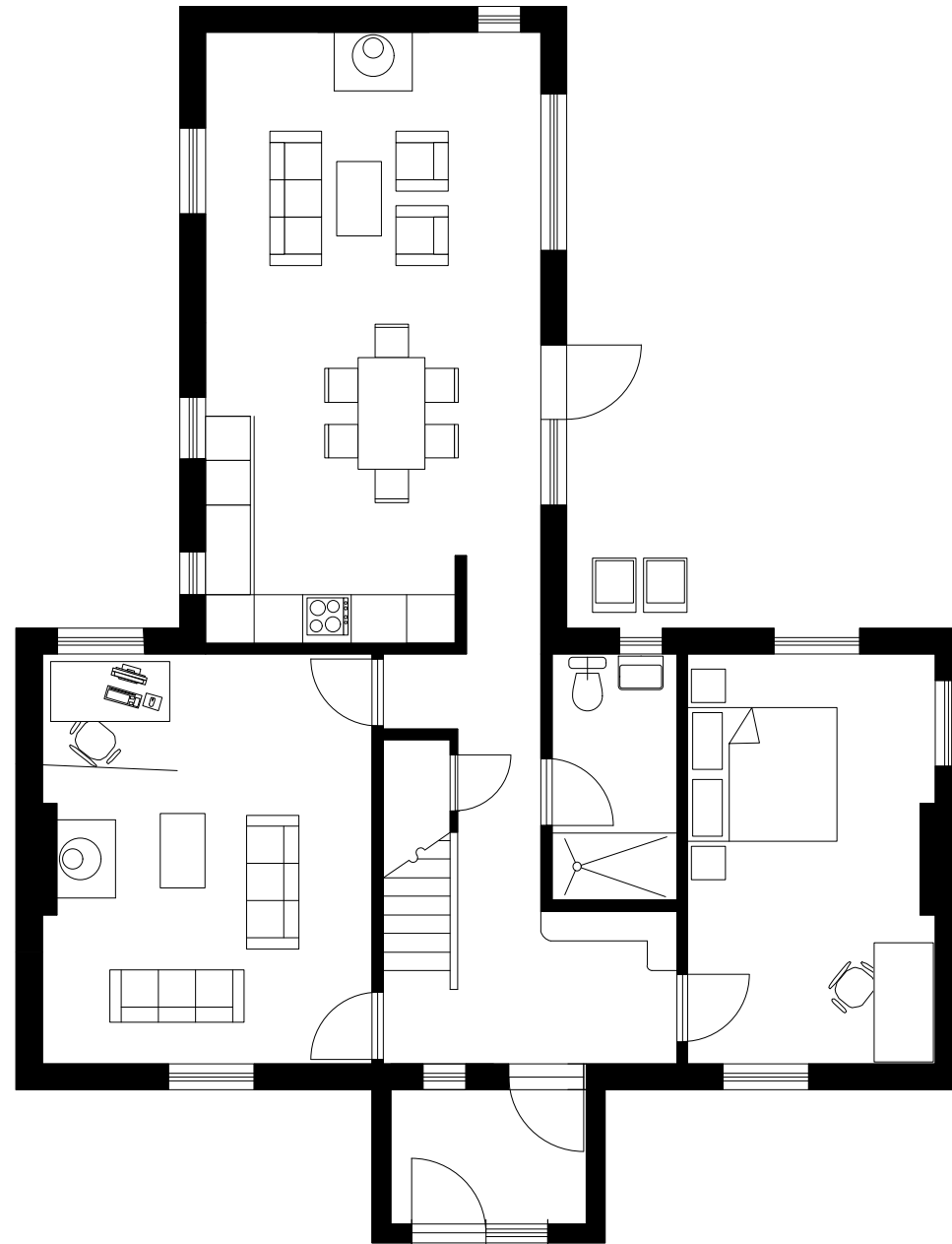


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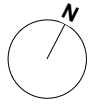
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ANTA

D E S I G N



REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 2 Ground Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.		
Drawing No.		
Rev.		
16-660		102

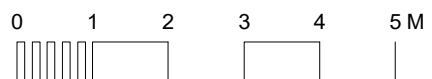
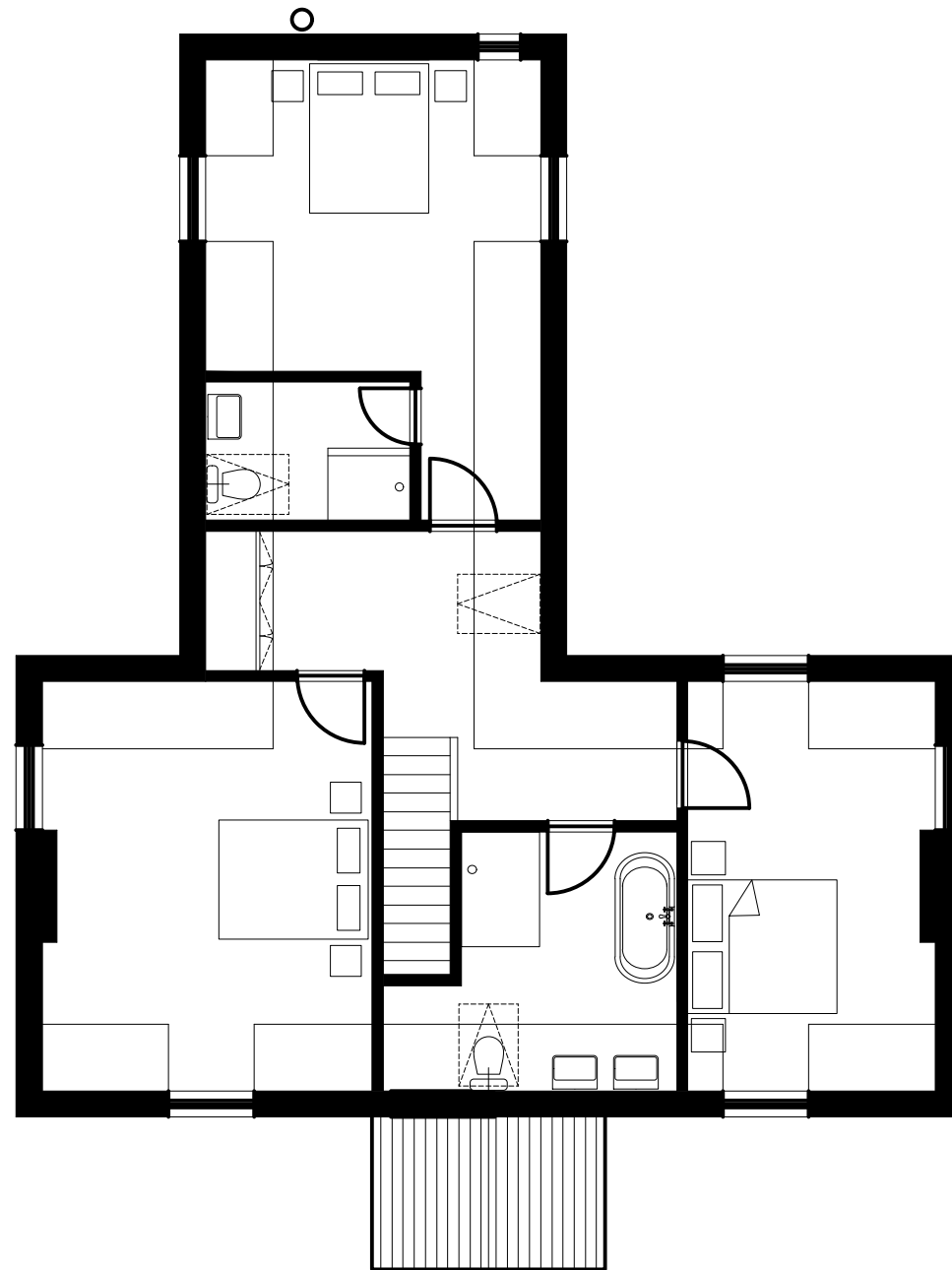


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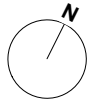
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ANTA

D E S I G N



REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 2 First Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.		
Drawing No.		
Rev.		
16-660	103	

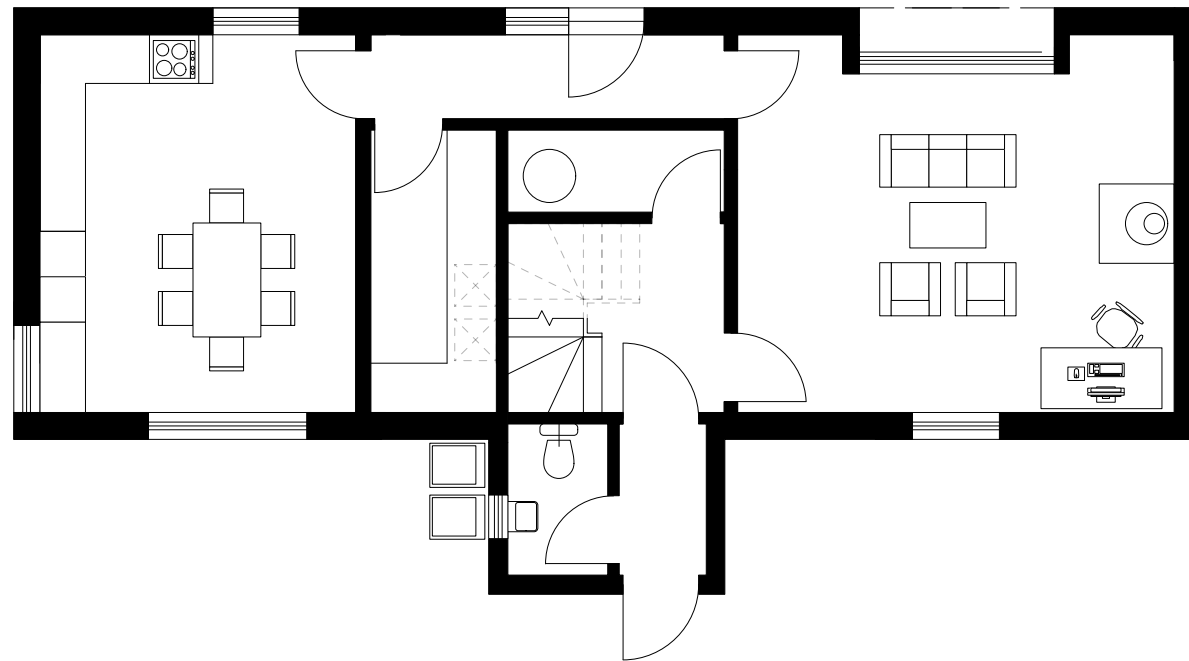


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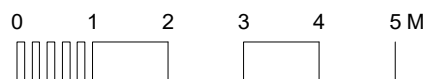
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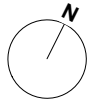
D E S I G N



Unit 4 Shed
 FFL 5.450
 Shed owned by Unit 3, to be used as a
 Garage, Boat Shed.



REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 3 Ground Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.	Drawing No.	Rev.
16-660	104	

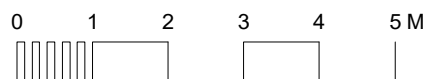
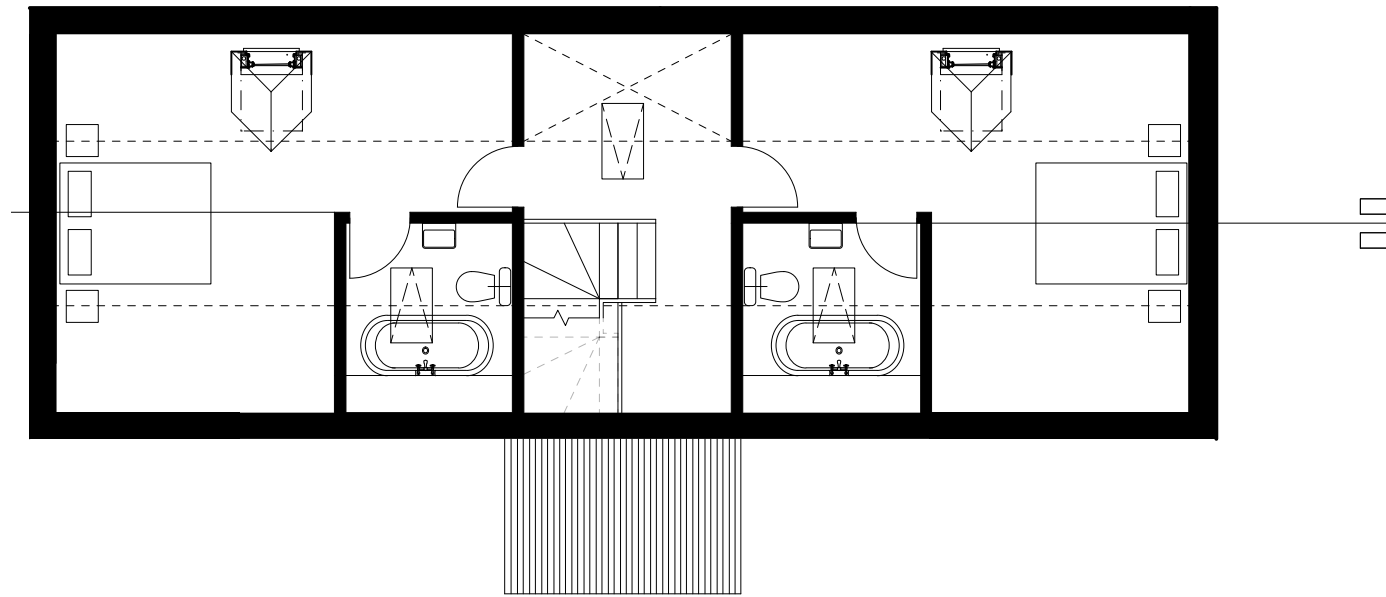


Notes _____

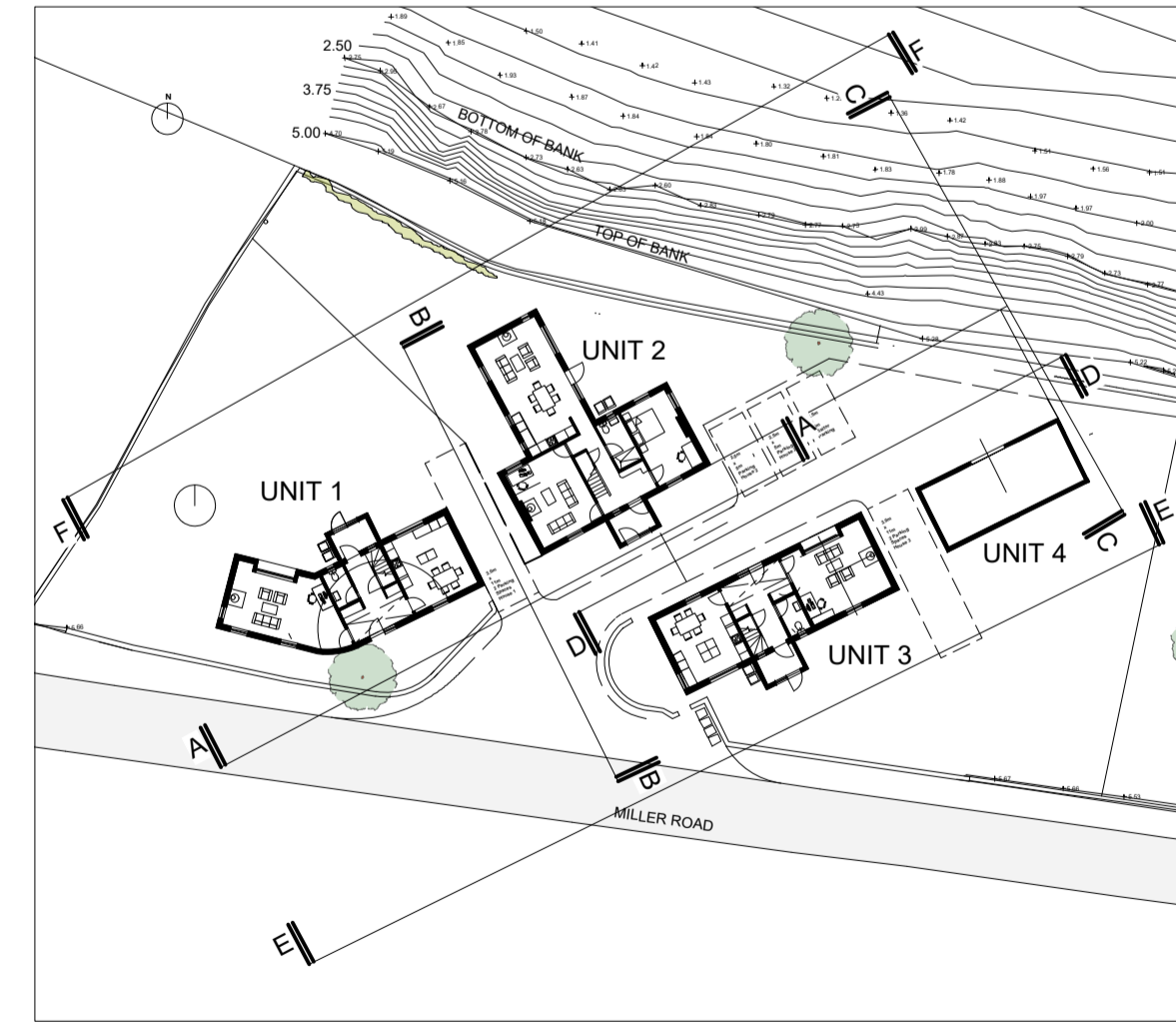
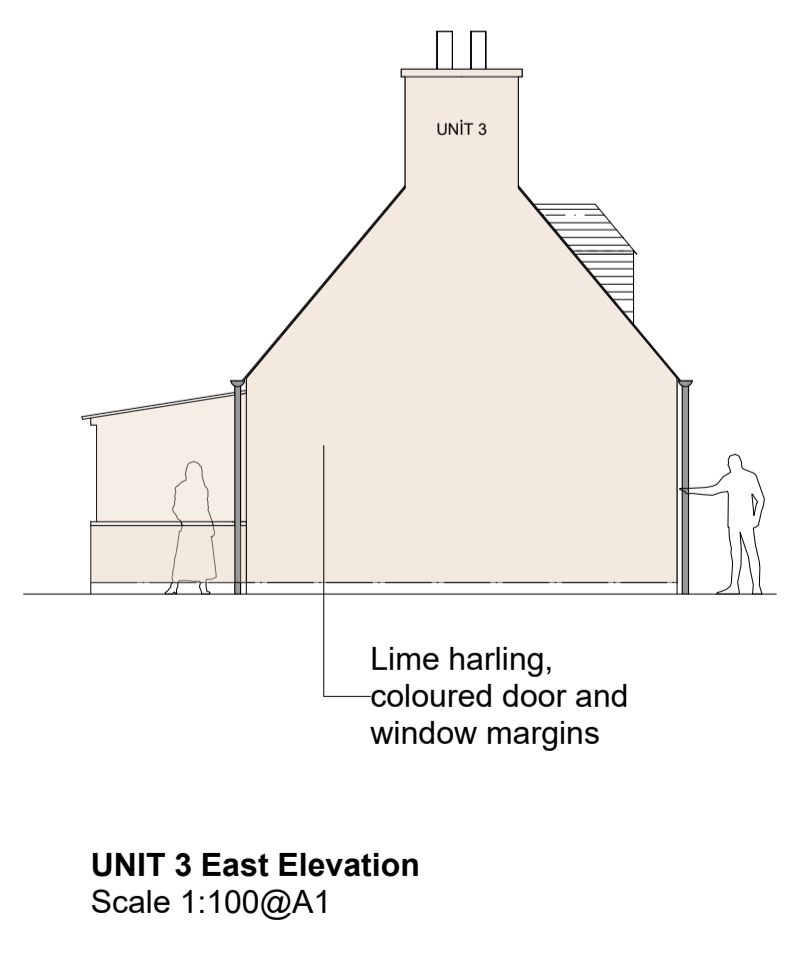
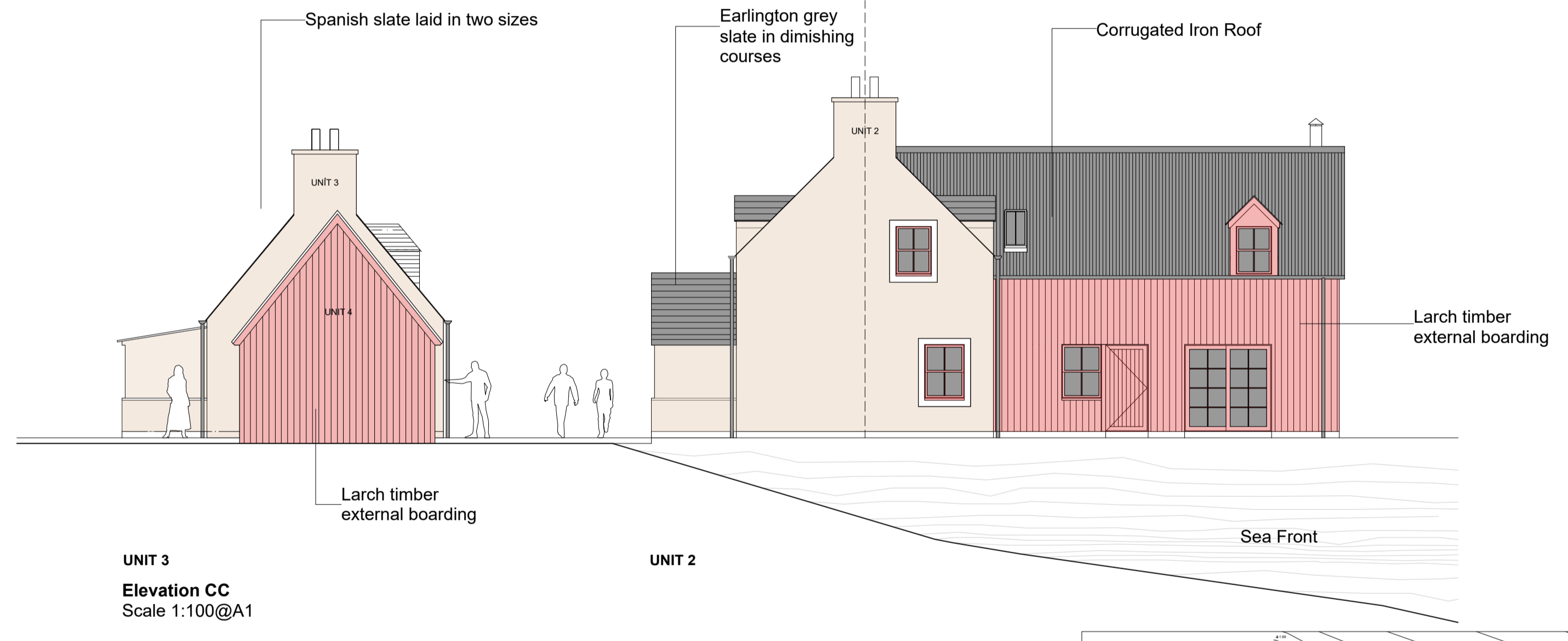
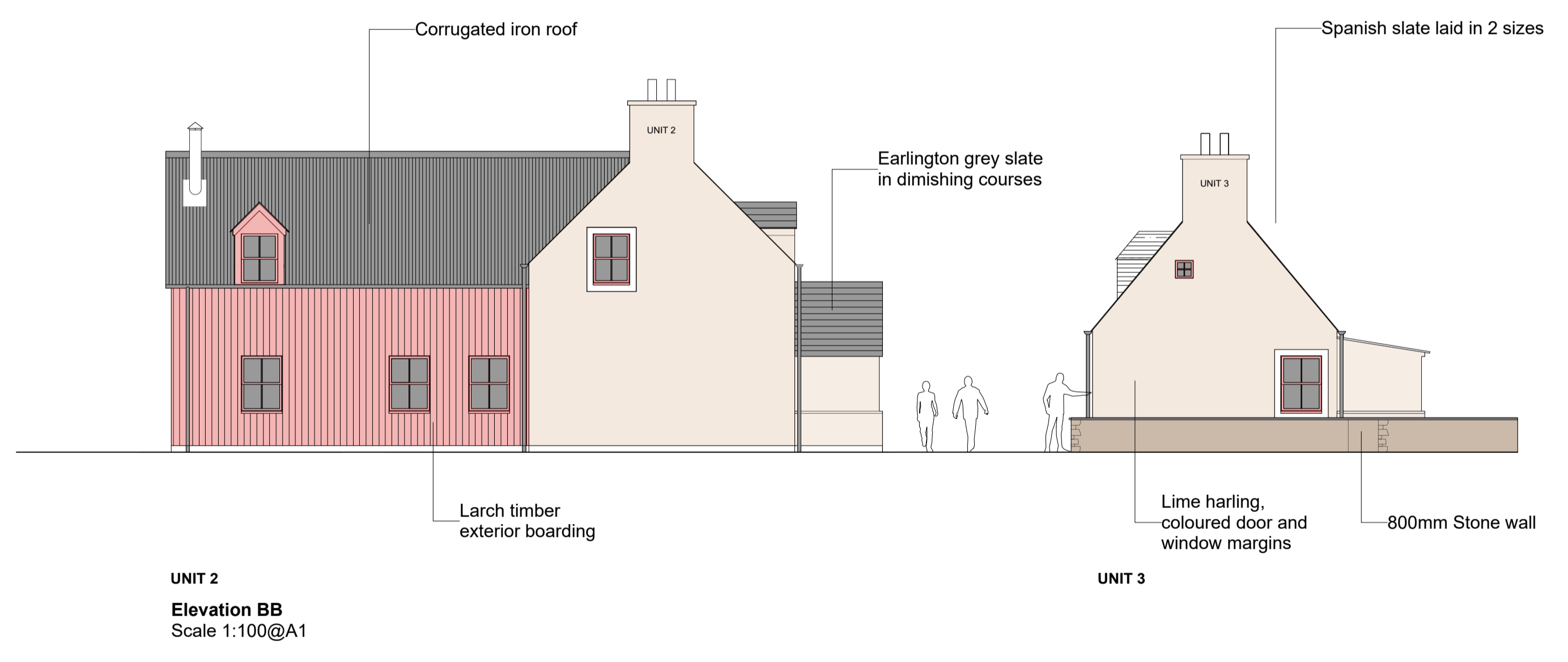
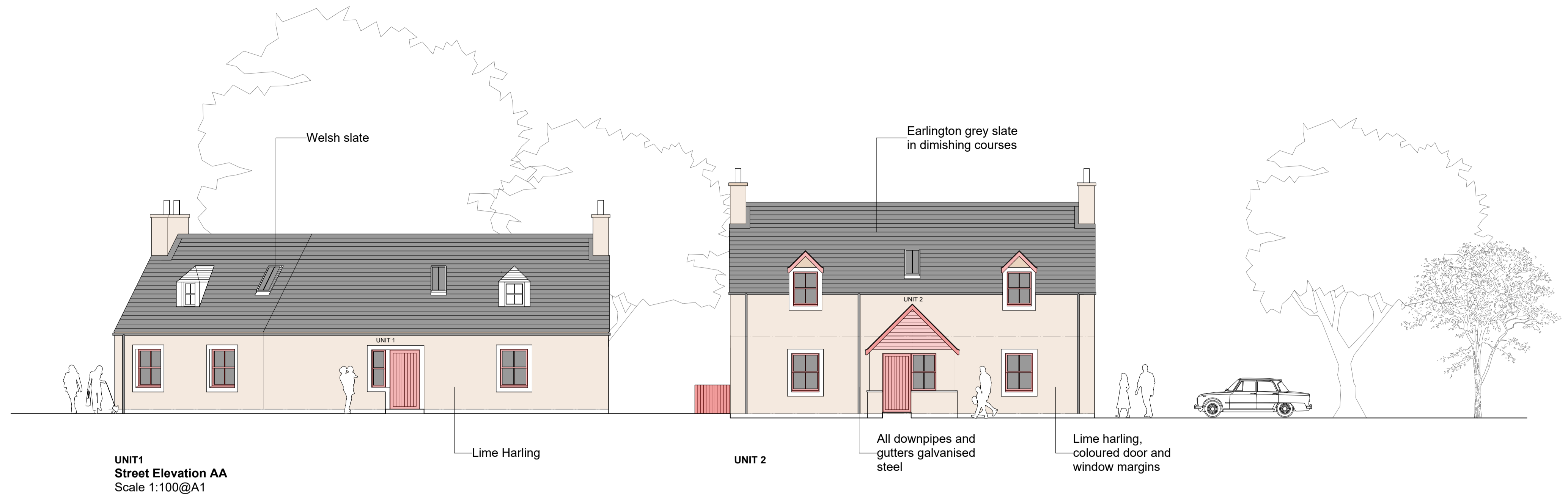
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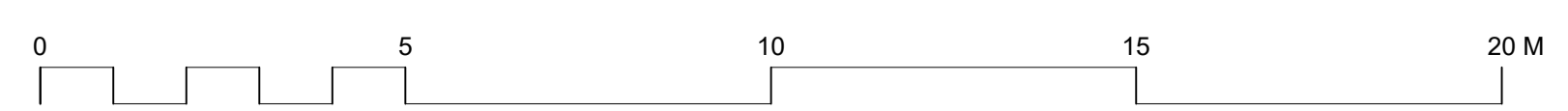
D E S I G N



REV	Date	Description
Project		
Daffodil Field, Cromarty		
Client		
Mr J Nightingale		
Date		
12.11.20		
Title		
Proposed Unit 3 First Floor Plan		
Drawn		
Scale		
1:100@ A3		
Project No.	Drawing No.	Rev.
16-660	105	



NOTE
All window framing timber painted finish, door & window margins coloured



Project	
Client	
Date	22.06.17
Scale	1:100@A1
Type	Elevations
Drawn	
Status	Scheme
Project No.	17.683
Drawing No.	210
Rev.	D

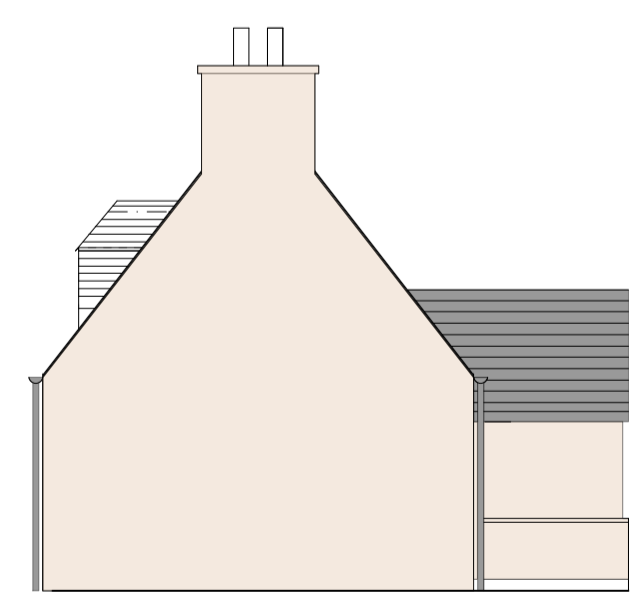


Elevation EE
 Scale 1:100@A1

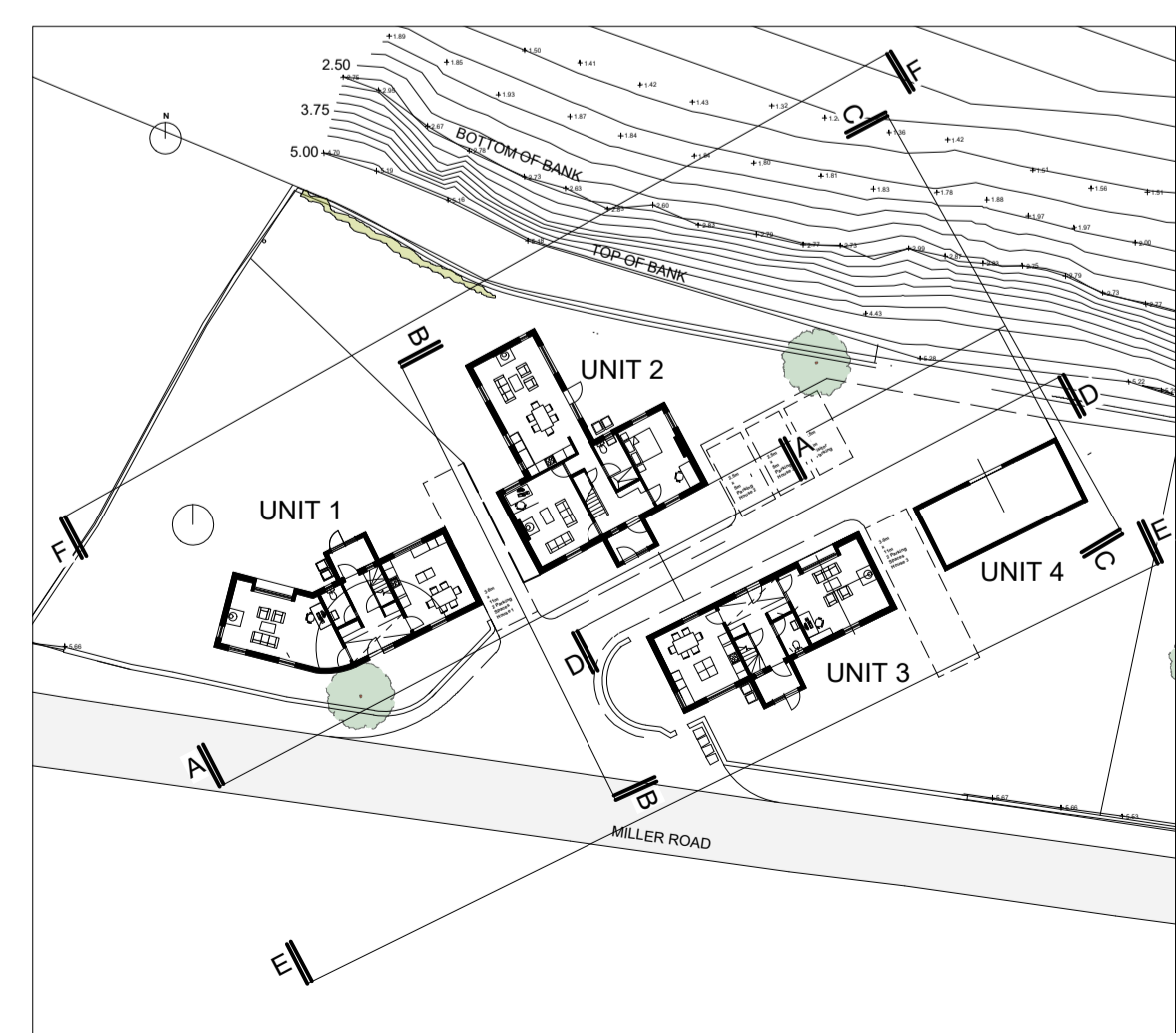
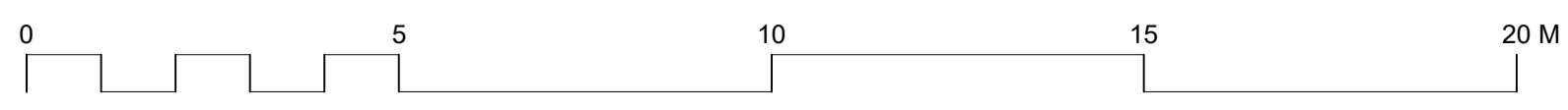


Elevation FF
 Scale 1:100@A1

UNIT 1 West Elevation
 Scale 1:100@A1

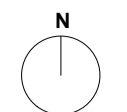


UNIT 1 East Elevation
 Scale 1:100@A1



NOTE
 Additional information
 regarding property
 boundaries to follow

Project	
Client	
Date	22.06.17 Scale: 1:100@A1
Title	Proposed Elevations
Drawn	
Status	Scheme
Project No.	17.683
Drawing No.	210
Rev.	D



0.00

1.25

2.50

3.75

5.00

BOTTOM OF BANK

TOP OF BANK

BOTTOM OF BANK

TOP OF BANK

Tree 701
Ash
10m RPA

Unit 2
GARDEN

Tree No. 2
NEW
FRUIT
TREE

Shed
FFL 5.450

Unit 1
GARDEN

Unit 2
FFL 5.500

Unit 3
FFL 5.750

Orchard

Unit 1
FFL 5.650

Unit 3
GARDEN

Tree No. 3

Tree No. 9

Tree No. 13

Tree No. 4

Tree No. 10

Tree No. 14

Tree No. 5

Tree No. 7

Tree No. 11

Tree No. 6

Tree No. 8

Tree No. 12

Escallonia hedge, Planted
as per Landscape Spec:
Donald Seedling 2 litre
Pot Grown 20-40cm
Planted at 5 per linear
metre.
To be planted in a double
staggered row in a
prepared soil trench
700mm wide and 600mm
deep.

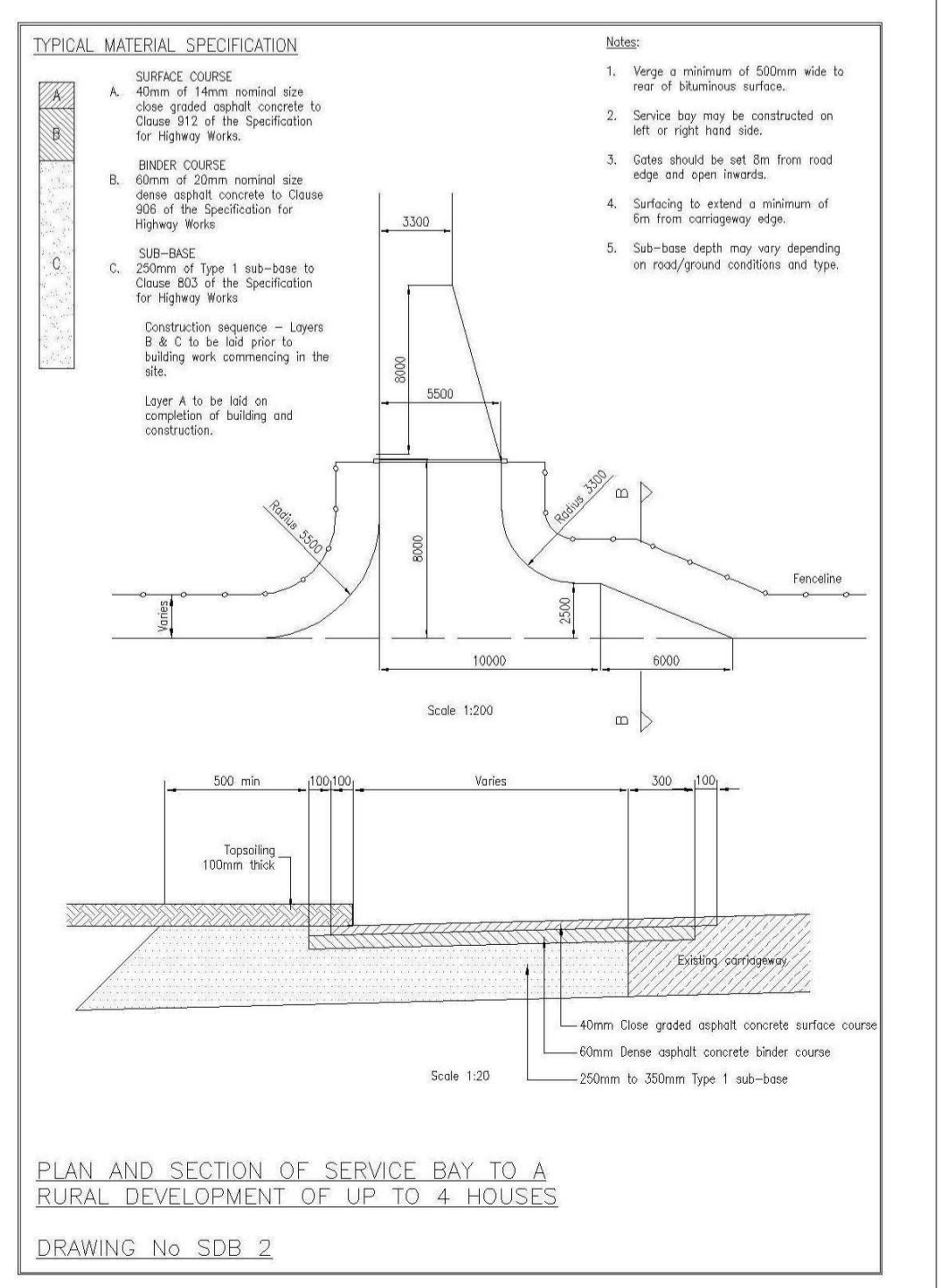
50093

MILLER ROAD

30000

8430

64988

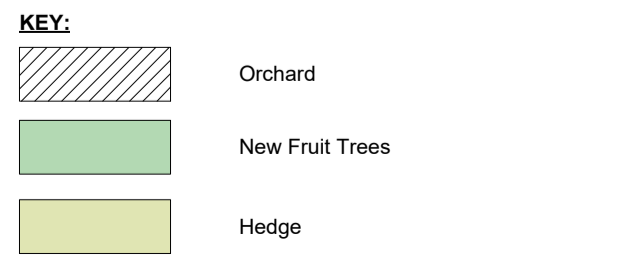


FACTORING AGREEMENT:

The following maintenance will be carried out by the Cromarty Estate to the orchard marked by hatched area on the plan.

- 75mm composted bark around base of hedge plants & fruit trees
- Appropriate grass cutting from mid July to Autumn after flowering bulbs have finished on average 3-4 cuts per year
- Trim hedge plants every year
- Check fruit tree ties and guards annually
- Pruning: after 3-4 years pruning to encourage fruit yields

Note:
Signage on front gate to prohibit vehicles larger than a car from entering the site. Delivery vehicles to park at site entrance at refuse collection area.



LANDSCAPE PROPOSALS AND MAINTENANCE SCHEDULES:

The proposals are shown on the landscape Drawing and summarised in the notes below. The plant schedule is given and the landscape maintenance is set out. The detailed Specifications for landscape including maintenance operations are as per NBS sections Q30 and 31.

- The Landscape proposals set out details for protecting the Ash Tree 701 on the western boundary.
- There is a proposal to provide an Escallonia hedge along certain boundaries as indicated on the plan.
- A part of the site is to be set aside as an orchard with Scottish and heritage apple trees. This orchard sown to grass and pheasant eye Narcissi will be planted in drifts. There will be separate pedestrian access for the orchard and a bench seat included.
- The House garden will be carefully cultivated and sown to lawn.

ORCHARD TREE SCHEDULE:

Name:	Tree No.	Size	Number
Beaty of Moray	1,2	1/2year on semi dwarfing root stock	2
Bloody Ploughman	3,4	1/2year on semi dwarfing root stock	2
Coul Blush	5,6,7,8	1/2year on semi dwarfing root stock	4
James Grieve	9,10	1/2year on semi dwarfing root stock	2
Arthur Turner	11,12	1/2year on semi dwarfing root stock	2
Ellisons Orange	13,14	1/2year on semi dwarfing root stock	2

[Available from www.scottishfruittrees.com]

HEDGING:

Escallonia 'Donald Seedling' 600 number 2 Litre pot Grown 20-40cm Planted at 5 per linear Metre. To be planted in a double staggered row in a prepared soiled trench 700mm wide and 600mm deep.

BULBS:

Narcissus 'Pheasant Eye' 500 Bulbs
[Available from 50 bulb packs from GEE-TEE.co.uk]

GRASS SEED:

Geminal Amenity.com A22 mix sown at 35 gms/sq.m

EXISTING TREE PROTECTION (TREE 701 ASH):

The root and Branch systems of the existing Ash Tree on the western site boundary will be carefully protected during the entire construction phase and subject to protective measures under the long term maintenance.

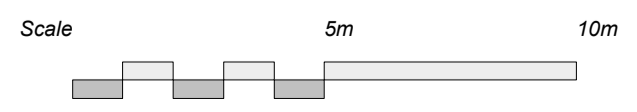
Prior to any site works a 1200mm high temporary chesepale fence will be erected at 15 meter radius from the tree trunk to ensure a protected zone. The fence will be erected on 1500mm high 75mm dia. peeled larch posts and two 6mm galvanised steel wires. Surface cultivations and preparation for grass seeding within this protected area will be reserved for post building phase including the erection of any garden fencing. The design layout avoids the need for any excavation for services with in this zone.

LANDSCAPE MAINTENANCE:

The maintenance of the landscape proposals fall into contract maintenance detailed in NBS sections Q 30 and 31. and a longer term 5 year maintenance regime. The latter is to include 6 grass cuts of the orchard grass from mid July after the Daffodil/Narissi foliage has been allowed to grow. Orchard tree ties to be checked yearly and a 500mm diameter around the trees to be kept weed

and grass free. Bark mulch to be topped up as required around the orchard trees and the hedge. Any tree or shrub losses to be replaced during the following dormant season.

OSBM
Ground level currently
5.61m AOD, 0.56m below OSBM



REV	Date	Description
1		Daffodil Field, Cromarty
2		Mr J Nightingale
3	31.10.18	Revised May 2020
Proposed Landscape Plan		
Scale	1:150@ A1	Drawing No.
16-660		SP 005