

Agenda Item	6.3
Report No	PLN/074/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 1 November 2023
Report Title: 23/01034/PIP: Dr W Fraser
Land 105M SW Of
1 Matheson Drive
Fortrose
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Erection of 12no dwellings (Renewal of 18/03570/PIP)
Ward: 09 - Black Isle

Development category: Local development

Reason referred to Committee: Number of objections

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

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principle is sought for the erection of 12 houses which will take access from Dolphin Drive, located along the northwestern site boundary. An indicative site layout plan and a supporting statement have been submitted. The plan suggests a street layout of eight detached houses and four semidetached houses with development on either side of a central east-west access road. A 10m wide safeguarding corridor along a trunk sewer is indicated through the middle of the site. The plots range in size from 250m² to 450m².
- 1.2 The site is currently served from the south by a field gate onto the core footpath East Greengates and from Greengates Place to the east, via the extended garden ground of the property Comerscroft. There is no other infrastructure on the site.
- 1.3 Pre-Application Consultation: 17/03260/PREAPP - response provided 27.09.2017 relating to two options
- i. development of 1-4 plots served from unadopted access from Greengates Place
 - ii. development of 4-8 plots served from a new adopted access from Greengates Place.

The Transport Planning Team indicated preference for access to be taken from and integrated with the neighbouring Ness Gap development.

- 1.4 Supporting Information: Supporting Statement
- 1.5 Variations:
- Amended site red line boundary – 22 August 2023

SITE DESCRIPTION

2.

- 2.1 The site is a rectangular area of grassland extending to 0.7ha, enclosed by post and wire fencing. It forms part of the Ness Gap allocated development site which is identified for mixed uses in the Inner Moray Firth Local Development Plan, further to the masterplan approved under the permission in principle 09/00471/OUTRC. The profile of the site is generally flat; there are no trees or other natural landscape features. The site is bounded on three sides by residential properties. Dolphin Drive/ Matheson Drive and Barclay Drive lie to the north and west and form part of the Ness Gap development site. The property Comerscroft, 1 Wester Greengates lies to the East. A narrow strip of land connects the site to Greengates Place, a residential cul de sac. To the southern boundary lies Core Path RC18.05, Easter Greengates with 6 detached properties beyond at Lumsden Gardens, which comprises of Phase G of Ness Gap

5. CONSULTATIONS

- 5.1 **Fortrose and Rosemarkie Community Council** object to the proposals on the basis of the impact on the safety and capacity of the local road network in addition to the safety and amenity of the core path.
- 5.2 **The Access Officer** initially raised concerns with regard to the amended access arrangements as first submitted by the applicant, with respect to the impact of further vehicle movements on Greengates Place. They also reiterated previous concerns regarding fencing along the Easter Greengates track, which forms part of Core Path RC.18.05.
- 5.3 **The Historic Environment Team (Archaeology)** raised no objections to the proposals and recommended a condition to secure an archaeological investigation in advance of development commencing.
- 5.4 **The Transport Planning Team** initially objected to the application over the proposed changes to the access arrangements permitted under 18/03570/PIP. Following the change in the red line boundary and access proposals back to those previously permitted, this objection was withdrawn subject to the original conditions attached to 18/03570/PIP being carried forward to any further permission.
- 5.5 **Scottish Water** confirms no objections, advising that there is sufficient capacity in the local water supply network to service the proposals and that there is no public wastewater infrastructure available. They advised that the development may impact upon existing Scottish Water assets and that the applicant should contact Scottish Water directly to ensure that any potential conflict can be identified.
- 5.6 **Transport Scotland** confirms no objections, subject to a condition to secure an agreement for a developer contribution for signage and traffic management equipment at the A9/B9161 Munloch Junction.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework (NPF) 4

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 13 - Sustainable Transport
- 14 - Design, quality and place
- 15 - Local living and 20-minute neighbourhoods
- 16 - Quality homes

6.2 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 34 - Settlement Development Areas

51 - Trees and Development
61 - Landscape
65 - Waste Water Treatment
66 - Surface Water Drainage
77 - Public Access

6.3 Inner Moray Firth Local Development Plan (2015)

Allocated site FR2 Ness Gap

6.4 Inner Moray Firth Proposed Local Development Plan (2022)

Allocated site FR02 Ness Gap

6.5 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2018)
Managing Waste in New Developments (March 2013)
Open Space in New Residential Developments (Jan 2013)
Roads and Transport Guidelines for New Developments (May 2013)
Special Landscape Area Citations (June 2011)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets
Creating Places

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting, design and layout
- c) access, servicing and parking
- d) Impact on infrastructure and services and proposed mitigation (developer contributions)

e) any other material considerations.

Development plan / other planning policy

- 8.4 Planning permission for the proposed development has been established through 18/03570/PIP, which concluded that, based on detailed assessment of previous permissions, the erection of 12 houses on an area identified for housing in the masterplan for Ness Gap and at a density comparable to previous phases within the wider development, was in accordance with the broad terms of the wider surrounding IMFLDP policy designation FR2.
- 8.5 Under the Inner Moray Firth Proposed Local Development Plan (2022) the site allocation is carried forward. It states that development in accordance with Planning Permission 18/03570/PIP including archaeological survey and recording will be required. A Transport Statement and mitigation including, retention of amenity and convenience of adjoining core path and justification and mitigation for any road access not from Dolphin Drive is required.
- 8.6 Several of the representation comments raised concerns over the wording of the application submission. The previous planning permission in principle 18/03570/PIP would have expired on 12 September 2022, however, the date was extended to 31 March 2023, as result of that paragraph 10 of Schedule 7 of the Coronavirus (Scotland) 2020 Act (as amended), which states that planning permissions that would have expired between 7 April 2020 and 30 September 2022 (inclusive), would not expire until 31 March 2023.
- 8.7 The current application was received by the Council on 28 February 2023. However, the site red line boundary and access layout had been changed from that approved under 18/03570/PIP, the applicant noting that this was due to a 'ransom strip' issue with land between the site and Dolphin Drive. In this form, the proposals received and objection from the Transport Planning Team, regarding the design and capacity of the proposed access onto Wester Greengates. The applicant now notes that they have resolved the ransom strip issues and the red line boundary and site layout have been amended to reflect the previous permission.
- 8.8 All development requires to be assessed against Policy 1 of NPF 4 - Tackling the climate and nature crises, this states that when considering development proposals significant weight will be given to global and climate nature crises with the intent of the policy being to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The intended policy impacts include promoting local living and compact urban growth.
- 8.9 Policy 3 – Biodiversity of NPF 4 applies to all development proposals. This seeks to protect biodiversity. Reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. For local developments such as this one Policy 3c states that proposals for local development will include measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

- 8.10 Policy 5 – Soils, aims to protect carbon rich soils and prime agricultural land. of which the application site is designated, as defined through the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute). Under Policy 5 in isolation, development proposals will only be supported on prime agricultural land where they relate to essential infrastructure, renewable energy development or development associated with agricultural or processing of agricultural produce. In this instance, the land, due to the surrounding development, forms what is in effect and island of this resource, within established housing. It would be difficult to bring forward agricultural operations on the site due this situation, and without a significant impact on the adjacent Easter Greengates Core Path to the south. As such, on balance, the loss of prime agricultural land is acceptable in this instance.
- 8.11 Policy 13 – Sustainable Transport requires development to encourage, promote and facilitate walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. These are also requirements of Policy 56 – Travel of the HwLDP
- 8.12 Policy 15 of NPF 4 – Local Living and 20-minute neighbourhoods requires proposals to contribute to local living and give consideration to the existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area.

Siting, design, layout and residential amenity

- 8.13 As this is an application for planning permission in principle there are no details for the proposed house designs, however, an indicative site layout with house type footprints has been submitted. The general layout which involves houses on either side of a central shared surface road which terminates in a turning head at the eastern end of the site is comparable to the housing layout within the wider Ness Gap development and is considered acceptable. A mix of house styles ranging from single storey to two storey has successfully been used throughout the wider Ness Gap site including the development in the immediate vicinity of the site. This mix has been based on the location of each plot and market demand. In the context of this site, and in line with the Access Officer's concerns, it is considered that it would be desirable to secure single storey units and a high quality boundary treatment along the southern edge, backing onto Easter Greengates Core Path and a condition is attached to this effect.
- 8.14 The layout of the site will be dictated by the presence of a trunk sewer that crosses the site diagonally from northeast to southwest and which will require a 10m wider safeguarding corridor. The density of development at 17 dwellings per hectare is comparable with that of the adjacent development and is considered acceptable.

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

Access, parking and servicing

- 8.16 The site will be accessed from Dolphin Drive which lies to the west of the site. This shared surface road leads off the wider road network that serves the Ness Gap development site. Representations have highlighted that Dolphin Drive is frequently used by pedestrians who access the footpath Easter Greengates and that they considered that additional traffic generated by the development will be a danger in this respect. The Transport Planning team have been consulted on the current proposals and have no further concerns, subject to carrying forward the previous conditions related to roads and access matters. During the assessment of the previous permission, it was acknowledged that Dolphin Drive has been designed as a shared surface road without footways on either side; however traffic speeds are considered to be slow, given the character of the cul de sac. It is not considered that the number of vehicles that will be generated by a 12-house development will significantly increase the risk to pedestrians or the safety of other road users.
- 8.17 During the assessment of permission 18/03570/PIP, following the initial consultation response from the Transport Planning Team the applicant was requested to provide information or appropriate mitigation with respect to the cumulative impact of traffic from this development and other permitted schemes on Fortrose High Street. The Transport Planning Team requested this additional information in recognition of the terms of the written statement that supports the Ness Gap (FR2) allocation in the Inner Moray Firth Local Development Plan and also the comments received from the Community Council and third parties regarding traffic using Fortrose High Street.

- 8.18 It is noted that residents and road users report difficulties negotiating Fortrose High Street, which requires shuttle working along sections reduced to a single lane due to parking demand. This is reported to be particularly problematic when meeting larger vehicles. The community has also raised safety concerns regarding emergency vehicle access, pedestrian and vehicle conflict due to the narrow footways and concerns about the impact of increased traffic on the fabric of historic buildings.
- 8.19 During the assessment of permission 18/03570/PIP, the applicant submitted a Transport Statement prepared by a suitably qualified consultant. Following a review of the information the Transport Planning Team lodged a further consultation response. The conclusion of their assessment is that the traffic that will be generated by this development will represent a 1% increase in traffic movement at the evening peak (4 vehicles). The figures used to inform the traffic movement on the High Street were based on Council modelling carried out in 2011, which included the design of the traffic management scheme which is now in place, and a review of road traffic collision and speed data undertaken for application 15/03033/FUL, Greenside Farm Rosemarkie. These figures have informed the advice and comment provided by the Transport Planning Team in relation to the Greenside Farm development as well as two previous applications for Ness Gap, 15/04305/FUL and 15/04331/FUL. Based on these figures the 1% increase in traffic movement was not considered significant and it was concluded that there is currently sufficient capacity within Fortrose High Street to accommodate the development.
- 8.20 During the planning assessment of the previous permission, based on the development of allocated sites in Fortrose and Rosemarkie, the length of time that had elapsed since traffic modelling was carried out in the area and recognising concerns voiced by the community about the volume of traffic along Fortrose High Street; Transport Planning consider that a robust evaluation of the impact from any future developments would be required. Any further development, beyond these current proposals, generating traffic in excess of that of a residential development of 4 houses or the equivalent, which will utilise Fortrose High Street, will be required to demonstrate that the vehicular traffic generated will not have a detrimental impact on the operation of the High Street. Without such an assessment to accompany anything other than small developments Transport Planning would have no option but to object to the proposals due to a lack of information to enable the impact on the road network to be determined. The Inner Moray Firth Proposed Local Development Plan also recognises the constraints on the local road network and as such, does not allocate any further residential sites beyond those that have already been permitted at present.
- 8.21 As this application is for planning permission in principle, the detailed foul and surface water drainage arrangements will require to be confirmed at the Matters Specified in Conditions stage. There is no history of flooding on this site, and surface water drainage will require to accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland guidance. This matter will be dealt with via condition, although the applicant has submitted an outline drainage strategy with a SUDS infiltration basin provided centrally within the site. Scottish Water has confirmed

that there is capacity in the local water supply and public sewer network to service the proposals.

Natural heritage

- 8.22 While the concerns raised in the representations regarding the impact on the natural heritage of the site and the loss of greenspace are acknowledged, the site is part of a wider development plan allocation in the IMFLDP, site FR2. Due to the lack of trees or other natural features on site, a pre commencement species survey is not considered to be necessary via condition.
- 8.23 Under NPF 4 Policy 3, proposals for local development are expected to include measures to conserve, restore and enhance biodiversity. A landscaping plan for the wider development will be secured via condition and the proposals include two sizeable areas of open space on top of a wayleave for the trunk sewer running beneath the site. It is considered that a scheme of suitable supplementary landscape planting can be secured via the landscaping condition, including native species and that the future property owners may also undertake further planting within their garden ground.

Developer contributions

- 8.24 The site was originally subject to a Section 75 agreement that may be amended in line with the current application if permission is granted, which secures onsite provision of 25% affordable housing, or a minimum of 3 of the proposed units. The applicant has indicated four semi-detached affordable houses on site. While the representation comments regarding the housing mix in the Fortrose area are acknowledged, this is in line with the standard in the adopted in the Council's Developer Contributions Supplementary Planning Guidance. Similarly, the Section 75 agreement secured contribution toward a two-classroom extension of facilities at Avoch Primary School.
- 8.25 With respect to the provision of open space and public art, it is still considered that there is sufficient open space provision within the wider Ness Gap site, including a play area to support the proposed 12 additional houses. As regards public art, in the interest of wider landscape and visual amenity a condition is attached to secure a quality boundary finish between the development and the core path at Easter Greengates.

Other material considerations

- 8.26 Noise and dust pollution due to construction traffic and works has been highlighted through some of the representation comments. It is acknowledged that development of the site will result in construction noise including the movement of heavy vehicles and dust. It is current practice to cover such issues by conditions and general informative notes. The latter is used with specific reference to construction noise as this matter is controlled under separate legislation. It is noted that the Transport Planning Team has requested a condition which requires a construction traffic management plan to be submitted and approved which will restrict HGV movements during the school start and finish times together with a condition survey of the local road network.

Non-material considerations

- 8.27 The representation comments also raised concerns over the land ownership within the site boundary and over the upkeep of the open spaces on land outwith the application site. These are private legal matters between the various owning parties at this stage and not material considerations within the scope of the planning system.

9. CONCLUSION

- 9.1 The principle of development has previously been established as set out under Section 3 above. This proposal does not represent an increase in the scale of development and raises no new issues. The site forms part of the Ness Gap development site as designated in the Inner Moray Firth Local Development Plan. The application provides an opportunity to deliver development on an allocated site. The site will facilitate the delivery of houses at a density which is compatible with the surrounding development and will provide a further opportunity to secure affordable housing within Fortrose, the delivery of which is a priority for the Council. Subject to the application of conditions which will seek to conserve the amenity of neighbouring properties, appropriate design and finishes to the houses and a level of parking which is commensurate with guidelines standards. the development can be supported, in accordance with the relevant NPF 4 and HwLPD Policies.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

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

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Y
Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:
 - i. The expiration of THREE YEARS from the date on this decision notice;
 - ii. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
 - iii. The expiration of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

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

Reason: Reason: In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

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

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

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

4. Any details pursuant to Condition 2 above shall show the residential units featuring;
- i. walls finished predominantly in a white/off-white render/smooth coursed cement render/natural stone;
 - ii. a roof covering of natural slate or a grey slate substitute.

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

5. Any details pursuant to Condition 2 above shall show a feature boundary wall with a pedestrian gate with the core footpath RC18.05 Easter Greengates, which is of the same scale, design and finish as that of the existing boundary wall at the rear of the properties on Lumsden Place. Thereafter the wall with the inclusion of a pedestrian gate for public use shall be constructed along the full length of the boundary with the core footpath RC18.05 Easter Greengates prior to occupation of the first residential unit.

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

6. Any details pursuant to Condition 2 above shall show in curtilage residential and visitor parking provided at a rate as set out in the Highland Council Roads and Transport Guidelines for New Development (Table 6.1)

Reason: In the interests of road safety

7. Any details pursuant to Condition 2 above, shall show the access road designed in accordance with Highland Council Roads and Transport guidelines for New Development in relation to junction and road layout, construction and design, footways and footpaths and street lighting.

Reason: In the interest of road safety.

8. Any details pursuant to Condition 2 above shall show surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

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

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

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

10. Any details pursuant to Condition 2 above, shall show the access road designed in accordance with Highland Council Roads and Transport guidelines for New Development with visibility splays of 2.4 x 25m with Dolphin Drive. Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In the interests of road safety and amenity.

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

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

Reason: To ensure good traffic management in the interests of public safety and with sensitivity to the established amenity of the area.

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

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

13. Any details pursuant to Condition 2 above shall include a detailed Landscape Plan and Maintenance Programme for each of the residential units and communal open space. This shall include hedge planting along the full length of the southern boundary fronting onto core footpath RC18.05 Easter Greengates. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species

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

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

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

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

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

16. No topsoil shall be stripped from any individual plot of the development hereby approved (as defined on the approved plans):
- i. which does not benefit from the approval of matters specified in conditions specific to that plot ; and
 - ii. until a Notice of Initiation of Development, under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), has been submitted to, and acknowledged in writing by, the Planning Authority.

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

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

17. No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

18. Prior to the first occupation of the development hereby approved, an agreement under Section 48 of the Roads (Scotland) Act 1984 between the developer and the Trunk Roads Authority, Transport Scotland for an agreed proportionate contribution to the cost of the vehicle queue detectors and signage installed at the A9/B9161 Munloch junction shall be concluded and the contribution paid.

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

19. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or deterrent shall cover only the smallest area practicable and for the shortest duration possible, with waymarked diversions provided as necessary.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development.

REASON FOR DECISION

The principle of development has previously been established. This proposal does not represent an increase in the scale of development and raises no new issues. The site forms part of the Ness Gap development site as designated in the Inner Moray Firth Local Development Plan. The application provides an opportunity to deliver development on an allocated site. The site will facilitate the delivery of houses at a density which is compatible with the surrounding development and will provide a further opportunity to secure affordable housing within Fortrose, the delivery of which is a priority for the Council. Subject to the application of conditions which will seek to conserve the amenity of neighbouring properties, appropriate design and finishes to the houses and a level of parking which is commensurate with guidelines standards. the development can be supported, in accordance with the relevant NPF 4 and HwLPD Policies.

INFORMATIVES

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.

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 & 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 & 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 NatureScot 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 NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

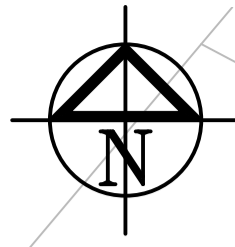
Designation: Area Planning Manager - North

Author: Michael Kordas

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	10196_PL001 REV A	REV A	22 August 2023
Site Layout Plan	10196_PL002	REV A	22 August 2023
Road Layout Plan	10196 - PL003	REV X	22 August 2023
Drainage layout Plan	INV0511_100_0002	REV 02	22 August 2023



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

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GENERAL NOTES

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- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL ENGINEERS, ARCHITECTS OR OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.
- ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE BY THE CONTRACTOR PRIOR TO PREPARING ANY WORKING DRAWINGS OR COMMENCING ON SITE.
- THE CONTRACTOR MUST ENSURE AND WILL BE HELD RESPONSIBLE FOR THE OVERALL STABILITY OF THE BUILDING/STRUCTURE/EXCAVATION AT ALL STAGES OF THE WORK.
- ALL WORK BY THE CONTRACTOR MUST BE CARRIED OUT IN SUCH A WAY THAT ALL REQUIREMENTS UNDER THE HEALTH AND SAFETY AT WORK ACT ARE SATISFIED.
- ALL WORK IS TO BE CARRIED OUT IN COMPLIANCE WITH THE REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITIES AND REGULATIONS.

LEGEND:

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

NOTE:

TO BE READ IN CONJUNCTION WITH THE FOLLOWING DRAWINGS:

- ARCHITECTS DRAWING PACKAGE
- GULLY POSITIONS ARE INDICATIVE & ONLY TO BE POSITIONED AT LOW POINTS

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

Amendments

Project
COMERSCROFT, FORTROSE
RESIDENTIAL ACCESS & SERVICING

Title
PROPOSED DRAINAGE LAYOUT

Client
DR W. FRASER



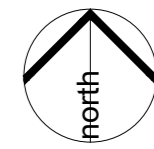
Stuart Burke Associates
Local Engineering for Local Clients
Pavilion 5
Fairways Business Park
Inverness
IV2 6AA
t: 0330 223 0929
e: enquiries@stuartburke.com
www.stuartburke.com

PRELIMINARY

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

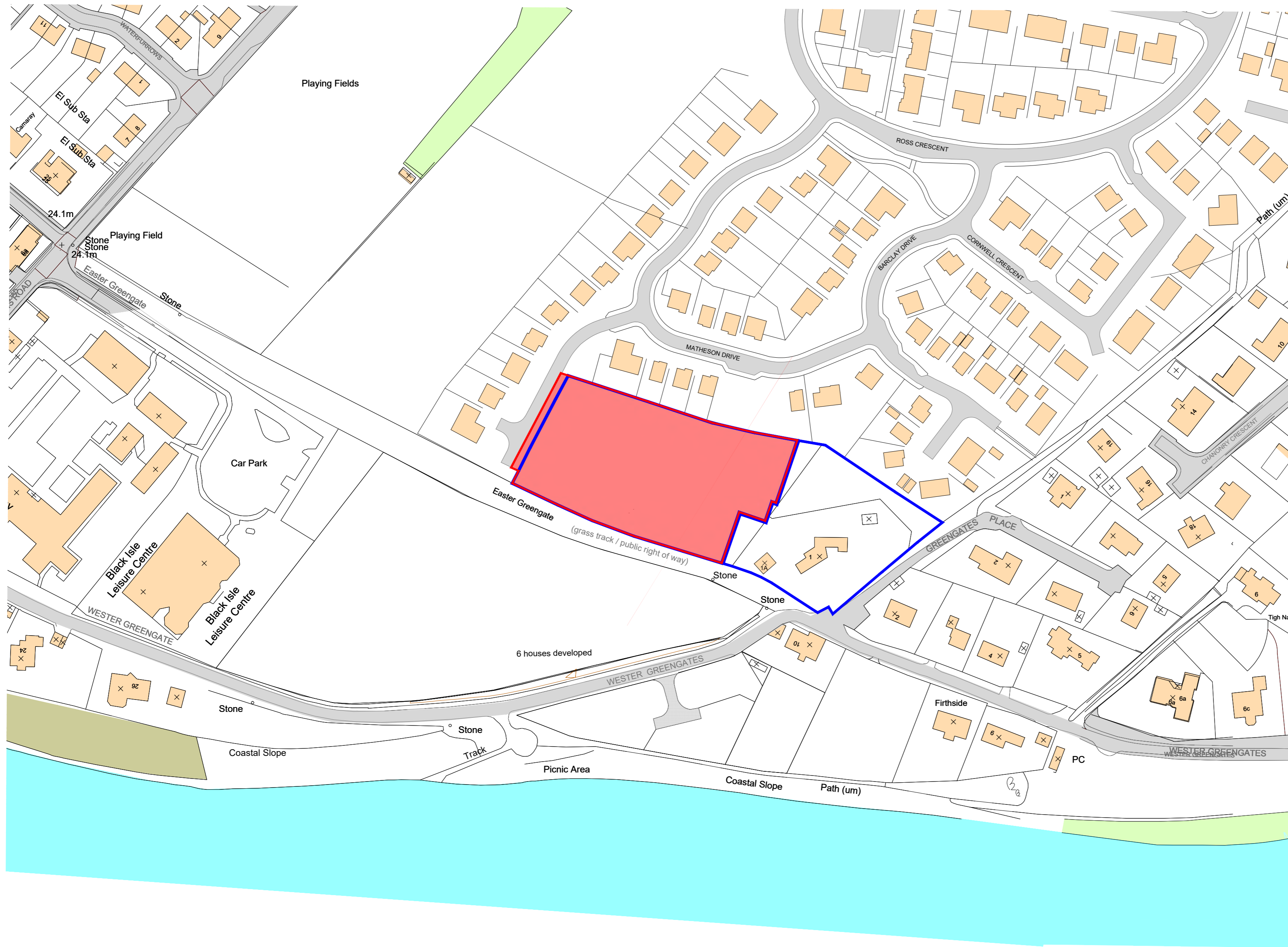


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BOUNDARY

- site boundary
area : 6512 sqm (0.65 ha)
- landownership



Rev.	Description	YP	22.08.23
A	Amended Access Location	Drawn	Date

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Client
Dr W Fraser

Project
**Development of 12 Houses at
 Comerscroft
 Fortrose**

Drawing
Location Plan

Status
Planning Application

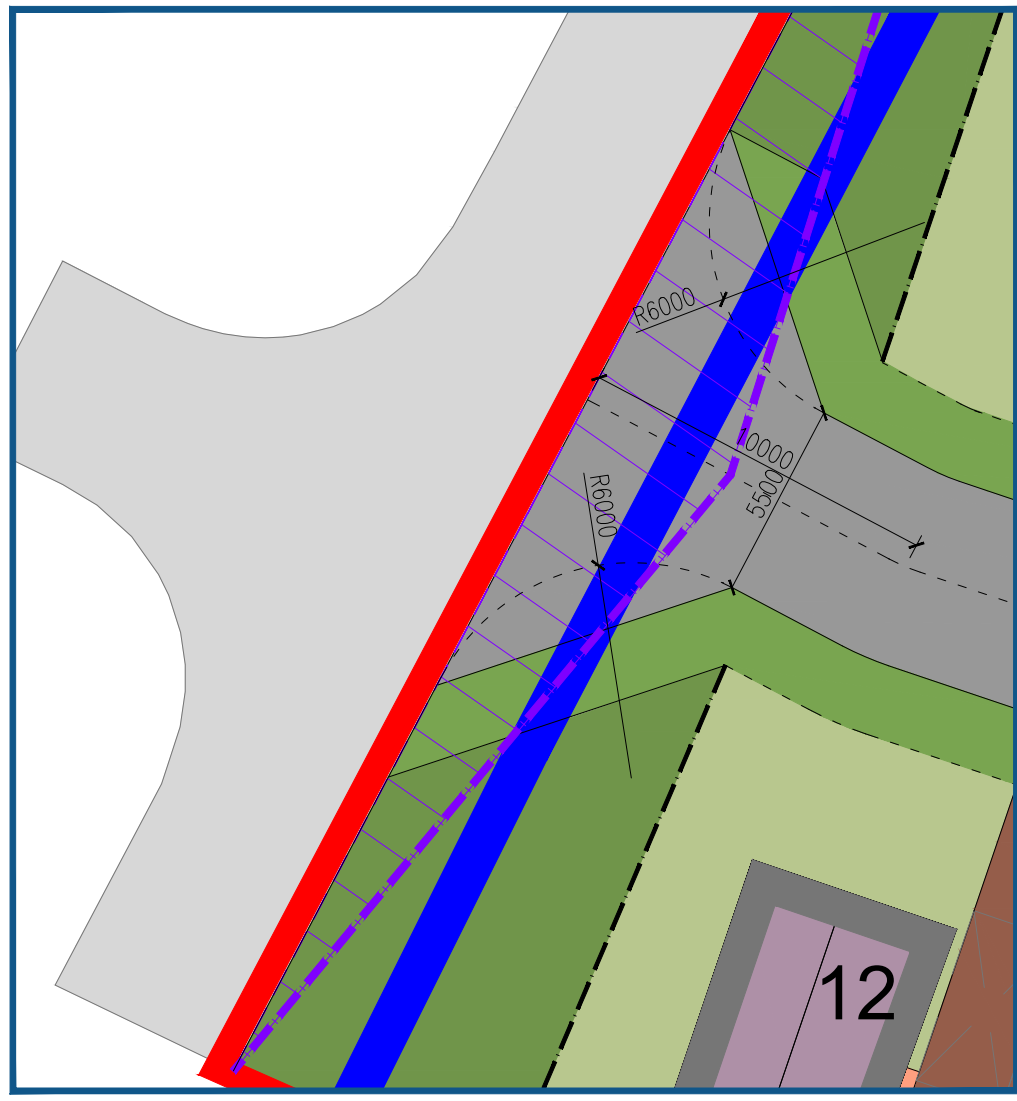
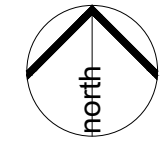
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Drawn CL Check RG Date 07/03/23

Drawing No: 10196 PL001 Rev A



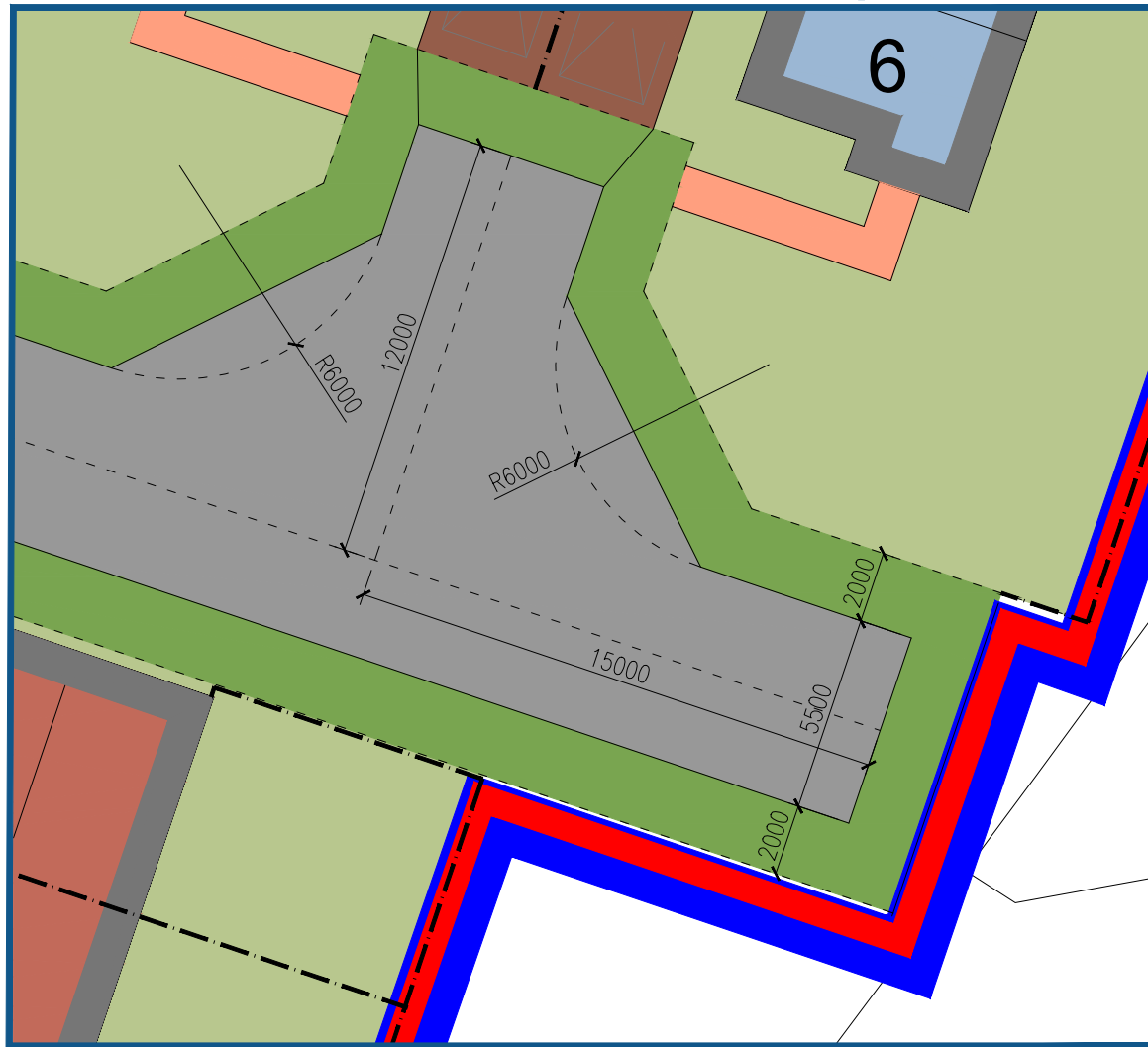
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ROAD JUNCTION



ROAD LAYOUT
 Scale 1:1250



TURNING HEAD



Rev.	Description	Drawn	Date
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Client
Dr W Fraser

Project
**Development of 12 Houses at
 Comerscroft
 Fortrose**

Drawing
Junction Layout

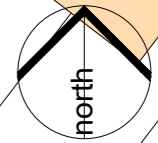
Status
Planning Application

Scale 1:200 Sheet A3

Drawn CL Check SR Date 22.08.23

Drawing No: 10196 PL003 Rev X

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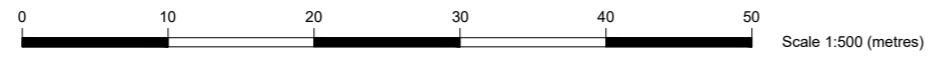


open space
(owned by
Tulloch
Homes Ltd)

existing trunk
sewer

shared surface access
road with 2m wide
"running strip"

- BOUNDARY**
- site boundary
area : 6512 sqm (0.65 ha)
 - landownership
 - visibility splay
4.5 x 25m
4.5 x 68m
- SERVICES**
- private houses (8)
 - semi detached affordable houses (4) [plots 7/8 & 9/10]
 - parking (private)
 - shared surface access - adopted
 - shared surface access - private
 - soft verge / service strip (2m)
 - existing underground services (sewer)
 - 10m mains service safeguard (Scottish Water)
 - SUD's (inc maintenance strip)
 - footpath
- LANDSCAPING**
- open space
 - tree planting



Rev.	Description	YP	Date
A	Amended Access Location	YP	22.08.23

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Client
Dr W Fraser

Project
**Development of 12 Houses at
Comerscroft
Fortrose**

Drawing
Site Plan : Indicative Layout

Status
Planning Application

Scale 1:500 Sheet A2

Drawn CL Check RG Date 07/03/23

Drawing No: 10196 PL002 Rev A

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