THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE 17 FEBRUARY 2015

Agenda 16.4

Report No PLN/005/15

14/03817/PIP: Mrs Anthea Whitehead (Per Agent) Land to North of The Cairns, Culbokie

Report by Area Planning Manager

SUMMARY

Description: Formation of residential development (30 units) (Planning

permission in principle)

Recommendation - GRANT

Ward: 10 - Black Isle

Development category: MAJOR

Pre-determination hearing: Not required

Reason referred to Committee : Major Development

1. PROPOSED DEVELOPMENT

- 1.1 Planning permission in principal is sought for the erection of 30 houses. The site is identified as a housing allocation with an indicative capacity for 20-30 houses in the adopted Ross and Cromarty East Local Plan.
- 1.2 The proposals have been the subject of the statutory pr e-application consultation process for major developments which requ ired a proposal of application notice to be submitted to the Planning Service 12 weeks before the submission of the application and the prospective applicant held a community engagement event. This event was held at Findon Hall Culb okie on Monday, 25 August 2014. Ref 14/02533/PAN.
- 1.3 The application is supported by a site plan which hindicates the access being located in the northern corner of the site with a junction onto the Glascairn Road.
- 1.4 **Variations**: Amended site plan submitted 27 Novem ber 2014. Revision made to application site boundary to exclude 0.5 hectares of land which was the subject of a separate planning application ref 14/03805/ PIP Special/community uses (as defined in Ross & Cromarty East Local Plan 2007).

2. SITE DESCRIPTION

2.1 The site is located adjacent to the sout h of the Post Office/sho p in the centre of Culbokie village. Detached houses of mi xed scale and design are located to the south, east and west of the site. The Glascairn Road lies immediately to the north

east of the site and the B9169 lies to the north west. The application site relates to the majority of an area of vacant ground enclosed by post and wire fencing. The site excludes 0.5 hec tares of land locate dat the junction of the B916 9 and the Glascairn Road. This land benefits from planning permission in principle for Special/community uses (as defined in Ross & Cromarty East Local Plan 2007).Ref:14/03805/PIP which was granted on 27.01.2015. Both development sites include the same point of access onto the Glascairn Road.

3. PLANNING HISTORY

3.1 02/00779/OUTRC- Housing Developmen t (Outline) –Approved -27.08.2007 . Committee Decision.

11/00972/FUL - Application under Section 42 to vary Condition 1(a) & (b) of Planning Permission 02/00779/OUTRC- Gr anted 19.07.2011. Lapsed 19.07.14. Application dealt with under delegated powers.

14/02533/PAN - Proposed major residential developm ent comprising of 30 units-received 25.06.14

Adjacent site: 14/03805/PIP - Special/ community uses (as defined in Ross & Cromarty East Local Plan 2007) - Granted - 27.01.2015

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline: 21.11.2014

Timeous representations: Three

Late representations: None

- 4.2 Material considerations raised are summarised as follows:
 - Concerns about surface water run off from the site.
 - Additional traffic at the junction of B9169 and Glascairn road.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made avai lable via Plan ning and Development Service offices.

5. CONSULTATIONS

- Development Plan Team: No objection. The application accords with the approved development plan in terms of boundary, use and indicative housing capacity. There are pending objections to the allocation of this site-CU1 of the Inner Moray Firth proposed Local Deve lopment Plan however these are prodevelopment representations from the respective landowners seeking less onerous developer requirements and subdivision of the allocation.
- 5.2 **Planning Gains Officer**: No objection. Comments summarised as follows:
 - 25% affordable housing required in accordance with the Affordable housing policy.
 - Local schools (Primary and Sec ondary) have capacity for additional pupils therefore no contributions will be sought.

- Contribution towards local bus network to ensure sufficient capacity which could take the form of bus stops/shelters.
- Play space will be required, either by on site provision or a financial contribution to the upgrading of a local play/open space facility.
- No impact on local bus network therefore no contributions should be sought.
- Public art should be provided ideally on site.
- 5.3 **Transport Planning Team**: No objection. The transport matters which will require to be specified by conditions are summarised as follows:
 - Junction improvement of Glascairn Road and the B9169 in cluding visibility splays.
 - The widening and provision of footpaths on the Glascairn Road.
 - The internal access layout for the development of the site and access into the adjacent 'special uses site' all complying with Designing Streets and the councils' Road and Transport Guidelines for New Developments.
 - Developer contribution towards real time bus stop information and the provision of bus shelters.
 - A construction Transport Management Plan.
 - Details of the surface water drainage strategy for the site, taking into account the pluvial flood risk.
- 5.4 **Housing Team:** No Objection. 25% affordable housing required in accordance with the Affordable housing policy to be secured by a Planning Obligation.
- 5.5 **Historic Environment Team:** No objection. The site is located in an area of archaeological potential therefore a condition which requires a watching brief to be undertaken during development should be attached to the consent.
- 5.5 **SEPA:** No objection provided that a condition is attached to the consent requiring the submission of a detailed SUDs scheme.
- 5.6 **Scottish Water:** No objection. Comments can be summarised as follows:
 - Assynt Water Treatment Works has limited capacity available for new demand.
 - Culbokie Wastewater Treatment Works at present has limited capacity to serve this new demand.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

| Policy 28 | Sustainable Design |
|-----------|--------------------------------------|
| Policy 29 | Design Quality and Place-Making |
| Policy 31 | Developer Contributions |
| Policy 57 | Natural, Built and Cultural Heritage |
| Policy 66 | Surface Water Drainage |

6.2 Ross and Cromarty East Local Plan (adopted 2007)

Ref 8

The Culbokie inset map in the Race Local Plan identifies the application site for housing (8 – South of Glascairn Road) and indicates an access point to the site off the Glascairn road. The allocation is for 2.5 Ha with an indicative capacity of 20-30 units. The following requirements are listed.

 Junction improvements with B9169. Widen Glascairn Road along frontage and provide footpath. Joint access with site for community uses.

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Inner Moray Firth Proposed Local Development Plan (November 2013)
Site forms part of housing allocation CU1 - south of village store- area 3.2 (ha)
Housing capacity:40

Junction improvements and wide ning of the Glascairn Road required together with a joint access with the adjacent community uses site. Phasing - not more than 10 houses per year unless less than 10 houses are completed the year before.

7.2 Highland Council Supplementary Planning Policy Guidance

- Developer contributions
- Highland Historic Environment Strategy

7.3 Scottish Planning Policy & Other Guidance:

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be det ermined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be asse ssed 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.
- 8.3 The determining issues with respect to this application are whether the proposals meet the terms of the adopted development plan and if the proposals do comply with the development plan are there any materi al considerations that indicate that consent should not be granted.
- 8.4 The emerging development plan, the Inner Moray Firth proposed Local Development Plan, is a material consideration.
- 8.5 In determining the applic ation it must be acknowledged that the application is for planning permission in principal. This form of application only seeks to establish the acceptability of a proposal in principle and does not set out the full details of a development.

8.6 **Development Plan Policy Assessment**

The adopted Ross and Cromarty East Local PI an specifically allocates the land covered by the application as a housing si te suitable for development of between 20-30 housing units.

- 8.7 There is no requirement for detailed pl ans and drawings of the development to be submitted with an applicati on for planning permission in principle. The statutory requirements where permission in principle is sought, is for the submission of a location plan of the site and a description of the location of the access point to the development from a road. The content of the application satisfies these requirements.
- 8.8 The previous permission 02/00779/OUTRC limited the number of units to 30 by way of a condition attached to the consent.
- 8.9 The site extends to 2.6 Hectares, developed at a density which will accommodate 30 units at a density comparable to the houses on the north side of the B9169 and those built in proximity to the primary school. It is ack nowledged therefore that the character of the housing development would be complementary to the detached houses that immediately bound the application site to the south and east. In order to ensure that the character of the development is acceptable for the location of the site, it is considered that it would be appropriate I to have a design brief prepared for the site. This matter can be dealt with as part of the matters specified in conditions.
- 8.10 The development plan allocation indic ates a number of requirements that need to be met in order for the proposal on the site to be considered to fully accord with the development plan. These requirements are:
 - indication that access will be taken from the Glascairn Road.
 - improvement to the junction with theB9169.
 - Widening of the Glascairn Road al ong the frontage and provision of a footpath.
 - A joint access with the adjacent site allocated for Special/community uses.
- 8.11 The application illustrates access being taken from the Glascairn Road and as the application is for planning permission in preinciple the other requirement is of the development plan do not have ento be submitted for the application to be valid. However these can believe attached as conditions to the planning permission in principle and will be the subject of detailed scrutin y through the assessment and determination of application(s) for the Matters Specified in Conditions.
- 8.12 It should be noted that the need to upgr ade the junction and widen the Glascairn Road is also a requirement in the devel opment of the adjacent Special/community uses site which has recently been the subject of an applic ation for planning permission in principle ref: 14/03805/PIP. The same conditions have been attached to the consent for that site as are recommended for this application.

8.13 Material Considerations

- 8.14 The material cons iderations highlighted by the third party representations wit h regards to traffic generation are noted. The need to improve the road junction and widen Glascairn road as stipulated in the development plan acknowledge that the existing road network requires to be upgreaded and improved for this site to be developed. Transport Planning have rais ed no objections to the application, subject to conditions being imposed.
- 8.15 With respect to the concerns that dev elopment of the site will lead to incr eased surface water run off there will be a require ment for the developer of this site to address this issue through the preparation of the SUDs scheme. The submission of the SUDs scheme can be dealt with by way of a condition and will be the subject of detailed scrutiny through the as sessment and determination of ap plication(s) for the Matters Specified in Conditions and through the assessment of the Road Construction Consent which will also be required.

8.16 Other Considerations – not material

- 8.17 A number of other matters have been raised in representations that are not materials to this application. Firstly, there is a concern that images on the front cover of the supporting statement and the original site plan are out of date and therefore misleading. The comments refer to the omission of a number of houses at the Cairns, which lies to the south of the site, which have been built since the plan was prepared and the photo taken. The revised plan submitted in November 2014 includes these additional houses. The use of the photograph, as a front cover of the supporting statement, has no bear ing on the assessment of the planning application. The Planning Service is fully aware of all adjacent development and this has been taken into account in the assessment of the proposal.
- 8.18 Secondly, comment is made that the is application is link ed to application 14/03805/PIP for the adjacent si te and that both applications should indicate the same access. The applications were submetited separately for the two parcels of adjoining land and each application has to be considered on its own merits. The need for a shared access is acknowledged and has been taken into account in the content of both applications. The review sed plan submitted in November 2014 indicates the same point of access as that shown on the approved plan for planning permission 14/03805/PIP.
- 8.19 Reference is also m ade to an applicat ion to develop a s ingle plot beyond the application site, on Glascairn Road. Planning permission was granted in November 2012 for the formation of a house plot and access and the provision of a footpath at land west of Eight Acres Culbokie (Ref no 12/02770/F UL). A suspensive condition of the permission requirres improvements to the GI ascairn road including the provision of a section of footpath from the site down to the north eastern corner of the current applie ation site. The Planning Service is c urrently dealing with an application to vary the terms of the condition (14/04026/S42) regarding the footpath provision. The variation relates to the design of the road improvements and footpath. Comment has been made that the development of the footpath provision for the current application site should be linked and co-ordinated with the development of the footpath associated with the single house plot. The

developments cannot be linked in such a manner as this would be an unreasonable restriction upon the developer of the single plot which would not meet the tests for planning conditions. However it should be noted that the through the conditions attached to these planning permissions improvements will be secured to the Glascairn road and in time there will be footpath provision into the village from the eastern edge of the settlement. The design of these improvements will be co-ordinated to achieve an acceptable solution.

8.20 Matters to be secured by Section 75 Agreement

8.21 The provision of affordable hous ing will be secured by a Section 75 Agreement which will allo w for the alter native of either deliv ery of provision on s ite or the Council securing an equivalent financial contribution which would allow the provision to be provided else where in the Ward. A contribution will also be sought towards the installation of bus shelters and real time bus timetable information.

9. CONCLUSION

- 9.1 The land is an alloc ated site in the adopted developm ent plan. It has previously benefited from planning permission in principle. The current application seeks to establish the acceptability of the principle of development and not the detail of how the site will be developed. The requirements of the Ross and Cromarty East Local Plan have been met, as far as can be cons idered necessary for an application for planning permission in principle.
- 9.2 It is considered that the proposal accords with the principles and policies contained within the Development Plan and is accept able in terms of all other applicable material considerations
- 9.3 Note: If the Section 75 Legal Obligation is not concluded within a period of four months, or an extended period as may be agreed in writing with the Planning Authority, then the application is recommended for Refusal for the reason set out below.

10. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Agreement Y

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

- 1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the 30 house plots and communal areas (including site levels as existing and proposed);
 - ii. the design and exter nal appearance of the 30 hous es and any domestic outbuildings.
 - iii. landscaping proposals for the whole site of the proposed de velopment (including boundary treatments);
 - iv. details of access and parking arrangements;

- v. details of the proposed water supply and drainage arrangements;
- vi. details of the surface water drainage arrangements;
- vii details of a public art installation.

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

- Any details pursuant to Condition 1 above shall be submitted in accordance with an approved design brief for the site. The des ign brief shall be submitted for the consideration and written approval of the Planning Aut hority prior to any work commencing on site. The design brief shall be prepared in accordance with the policies of the Development Plan and adopted supplementary planning guidance and shall include amongst other matters:
 - Masterplan layout for 30 units
 - Building heights
 - External materials palette
 - Roof pitches
 - Plot ratio

Reason: To ensure that the manner in which the site is developed is of appropriate character for the setting site .

3. Any details pursuant to Condition 1 above shall s how the access from the Glascairn Road (U2626) located in the position shown on drawing GB 10255 02 Rev C and designed in acc ordance with The Highland Co uncil's Roads and Transportation Guidelines for New Develo pments. The access s hall be provided prior to any other development on the site and at the same time as the works required by condition 4, or as otherwise agreed in writing by the Planning Authority.

Reason: Planning permission is granted in principle only and these spec ified matters must be approved prior to development commencing and in the interests of road safety. In order to comply with the requirements of the adopted Ross and Cromarty East Local Plan.

- 4. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - a road designed to adoptable standards which comply with 'Designing Streets' and the Councils 'Roads and Transport Guidelines for New Developments'
 - car parking spaces provided within t he curtilage of each of the dwelling houses and formed in accordance with the Council's 'Road and Transport Guidelines for New Developments', pr ior to first occupation of the dwelling house to which it relates, thereafter being maintained for this use in perpetuity

Reason: Planning permission is granted in principle only and these spec ified matters must be approved prior to development commencing and in the interests of road safety. To ensure that an adequate level of access is timeously provid ed for the development; in the interests of road safety and amenity and in order to ensure

that the level of off-street parking is adequate.

5. Any details pursuant to Condition 1 above shall show road improvements at the junction of the B9169 and the Glascair n Road (U2626) designed in accordance with The Highland Counc il's Roads and Tr ansportation Guidelines for New Developments, or as otherwise agreed with the Planning Authority in writing. The junction improvements shall be provided prior to any other development on the site and at the same time as the works required by condition 2, or as otherwise agreed in writing by the Planning Authority.

Reason: Planning permission is granted in principle only and these spec ified matters must be approved prior to development commencing and in the interests of road safety. In order to comply with the requirements of the adopted Ross and Cromarty East Local Plan

6. Any details pursuant to Condition 1 above shall show footpath provision along the total length of site boundaries with the Glascairn Road (U2626) and the B9196 designed in accordance with T he Highland Council's Roads and Transpor tation Guidelines for New Developments, or as otherwise agreed with the Planning Authority. The footpaths shall be provided prior to occupation of the first house.

Reason: Planning permission is granted in principle only and these spec ified matters must be approved prior to development commencing and in the interests of road safety. In order to comply with the requirements of the adopted Ross and Cromarty East Local Plan

7. Any details pursuant to Condition 1 above shall show widening of the Glascairn Road (U2626) along the total length of the site boundary with the Glascairn Road designed in accordance with T he Highland Council's Roads and Transportation Guidelines for New Developments, or as otherwise agreed with the Planning Authority. The works required in connection with the widening shall be provided prior to any other development on the site and at the same time as the works required by conditions 2 and 4 or as otherwise agreed in writing by the Planning Authority.

Reason: Planning permission is granted in principle only and these spec ified matters must be approved prior to development commencing and in the interests of road safety. In order to comply with the requirements of the adopted Ross and Cromarty East Local Plan

- 8. Any details pursuant to Condition 1 above shall show a development featuring the following elements:
 - full details of the location, form and programme for delivery of a fullyequipped play area within the application site. Thereafter, the play area shall be installed by, and at the expense of, the de veloper in line with these approved details and their on-going upkeep shall be included in a factoring agreement (or similar).

Reason: In order to ensure that there is suitable on site provision of open space.

Any details pursuant to Condition 1 abov e shall s how surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Syst ems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time). Thereafter all surface water drainage provis ion within the application site shall be implemented in acc ordance with the approved details and shall be completed prior to the first occupation of the development.

Reason: To ensure adequate protection of the water environment from surface water run-off.

10. Prior to the commencement of devel opment, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Au thority. The agreed propos als shall be implemented in accordance with the agreed timetable for investigation.

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

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

- I. The expiration of THREE YEARS from the date on this decision notice;
- II. The expiration of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- III. The expiration of SIX MONTHS fr om 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.

FOOTNOTE TO APPLICANT

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unc onditional absence of flood ris k relating to (or emanating from) the application site. As per Scottish Pl anning 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 connecti on to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of pl anning permission does not guar antee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Please note Scottish Water have advised that in this case Assynt Water Treatment Works has limited capacity av ailable for new demand. Culbokie Was tewater Treatment Works at present has limited capacity to serve this new demand.

Local Roads Authority Consent

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

Failure to comply with access, parking an d 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 c an be downloaded from:

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm

REASON FOR REFUSAL (If the S 75 is not concluded within agreed period)

1. The development is contrary to policies 28, 31 and 32 of the Highland wide Local Development Plan as the applicant s have failed to conclude a Section 75 Legal Obligation to ensure provision of affordable housing provision in accordance with Council Policy and deliver contributions towards bus shelter and real time bus timetable information.

Signature: Dafydd Jones

Designation: Area Planning Manager North

Author: Erica McArthur

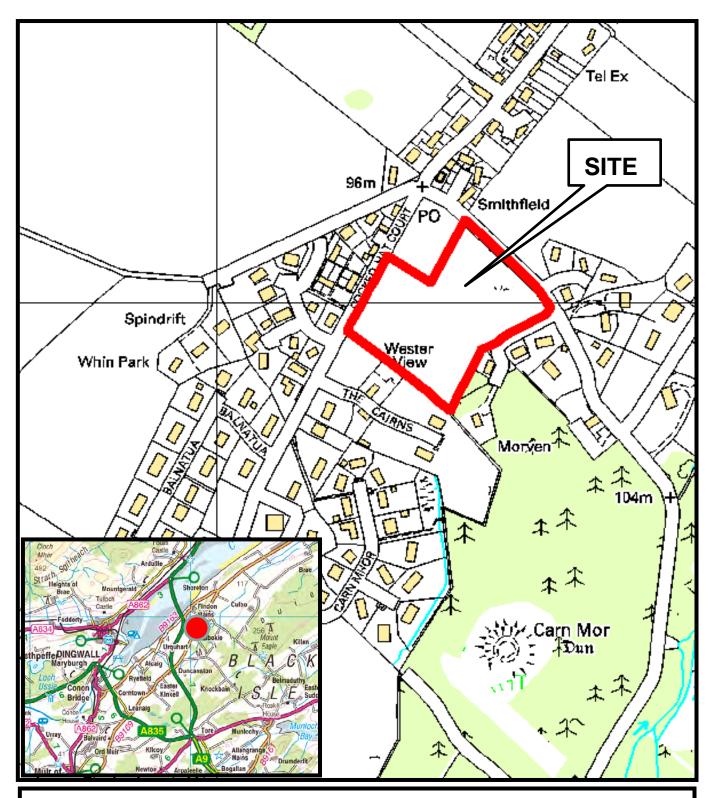
Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 –Location Plan Plan 2 – Site Plan scale 1:1000

Plan 3 – Ross & Cromarty East Local Plan extract.

Plan 4 – Inner Moray Firth Proposed Local Plan extract

Plan 5 - Approved Plan 14/03805/PIP





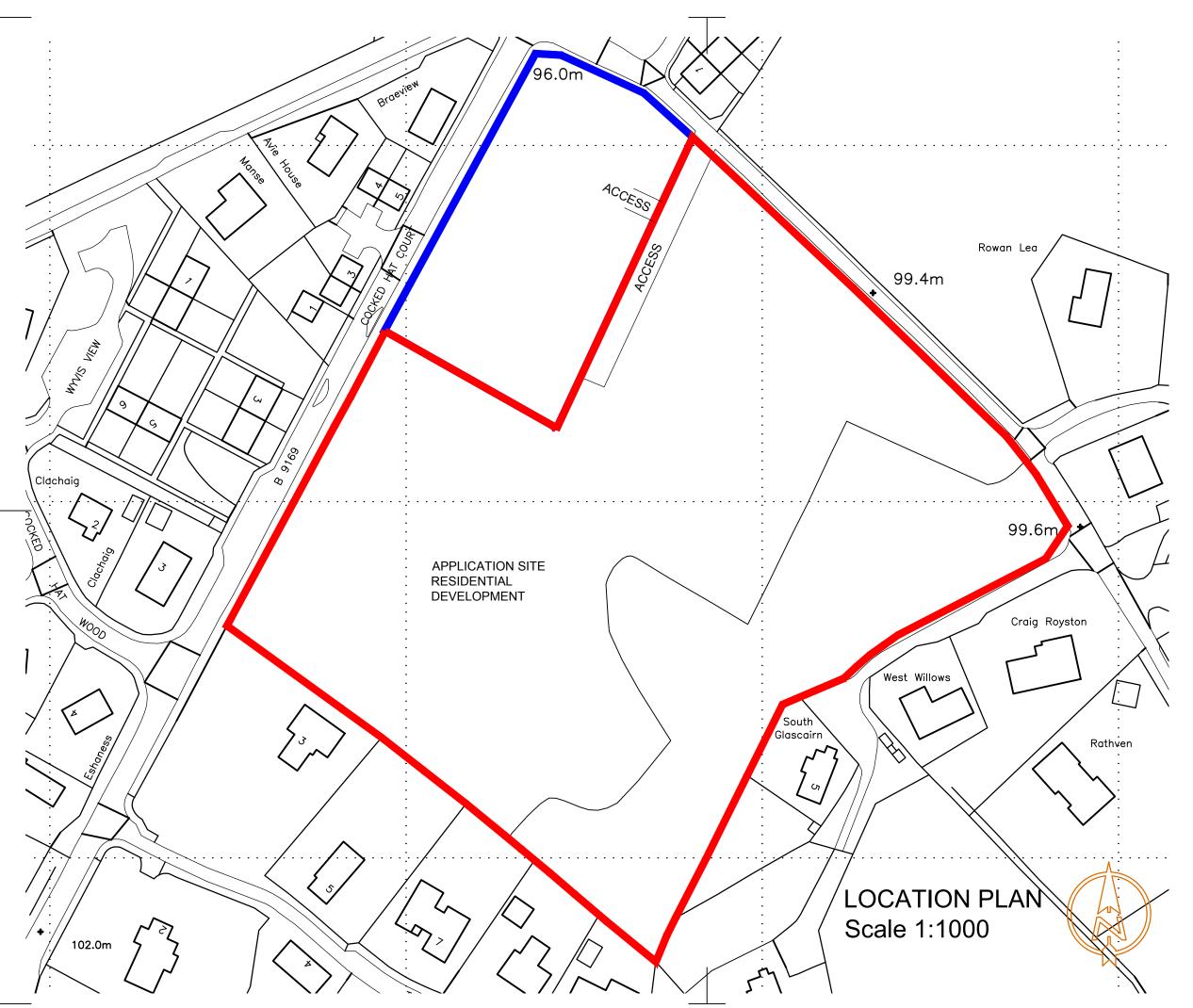
Planning & Development Service

14/03817/PIP

Formation of residential development (30 Units) at Land to North of The Cairns, Culbokie

17 February 2015





+Graham +Sibbald

Client ANTHEA WHITEHEAD

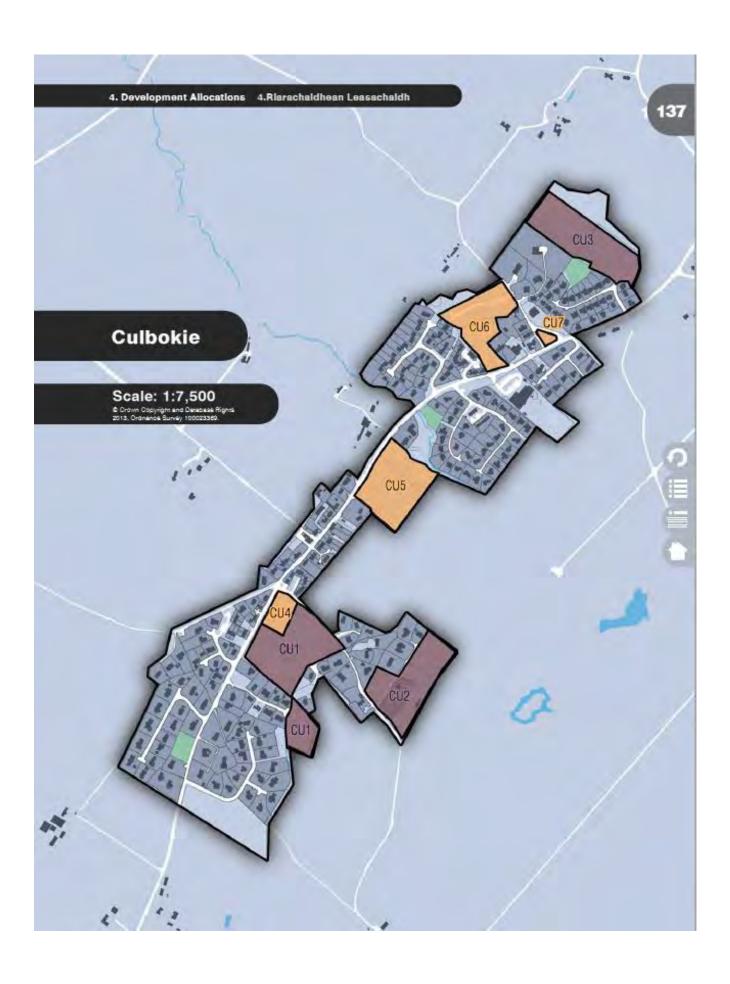
Project PROPOSED RESIDENTIAL DEVELOPMENT

Address LAND AT NORTH OF GLASCAIRN ROAD, CULBOKIE

Drawing Title LOCATION PLAN

| Department No. GB 10255 | Drg No. 02 | Revision C | Sheet Size A3 @ 1:1000 | |
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Main Settlements & Crommaty East Local (In



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NOT

FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.

Revision: c Date: 20/11/2014 Description: a
Revision: b Date: 19/11/2014 Description: A
Revision: a Date: 28/10/2014 Description: A
Graham
Sibbald

• Architecture & Building St

18 Newton Place, Glasgom G3 7
Telephone 1141 322 19/8 Faz O41 3
Website: www.g-a.co.uk Emait: cad@c
Offices at Aberdeen Dundee Edinburgh Fax O41 3
Membris: William Communication of the Com

Address LAND AT NORTH OF GLASCAIRN ROAD, CULBOKIE

Drawing Title LOCATION PLAN

| Department No. GB 10255 | Drg No. 01 | Revision C | Sheet Size A3 @ 1:1000 | |
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| Aims. No. 2014\10\0215 | | Drawing Status Planning In Principle Application | | |
| Drawn By APD | CHECKED B | ΙΥ | DATE 27/10/2014 | |