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| Agenda Item | 6.1 |
| Report No | PLN/21/23 |

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 7 March 2023
Report Title: 22/01452/FUL: Dornoch Community Council
Land 85m SW of Tullochard, Elizabeth Crescent, Dornoch
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Roads and site services for 6.No plots

Ward: 04 – East Sutherland and Edderton

Development category: Local Development

Reason referred to Committee: More than 5 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 is sought for the formation of 6 house plots on land to the north side of Elizabeth Crescent and in the Bishopsfield area within the northern extents of Dornoch. It is proposed that the site will be divided into 6 serviced self-build plots to be laid out in a linear fashion. Permission is applied solely to form the plots, access points, drainage and make service connections to ready the site for the houses themselves. Subsequent planning applications will include details on the specific house design which will require to comply with the Design Brief submitted with the application, this sets out the specific parameters against which any house will have to be designed including details such as the materials to be used, maximum ridge heights and landscaping to be provided within the site. Subsequent applications will also be expected to show the houses in the same position within the plots as denoted on plan as the Design Brief specifies the distances to the boundaries which would have to be complied with.
- 1.2 There is no existing infrastructure on site
- 1.3 Pre-Application Consultation: No formal pre application advice was sought
- 1.4 Supporting Information:
- Design Brief
 - Drainage Impact Assessment
 - Supporting Statement
 - Tree Schedule
- 1.5 Variations: 4325-02-020 REV J – Revised Site Layout Plan (amended red line boundaries)
1. Relocation of visitor parking spaces
 2. Provision of level access path to sports court
 3. Addition of indicative trees and species to be planted

2. SITE DESCRIPTION

- 2.1 The site currently comprises a rough grass covered area of land with trees situated to the north side of Elizabeth Crescent. The site is located to the north of the recent Highland Council Bishopsfield development (Croft Pedde) and is bound on the north by treed land which slopes steeply up to Earls Cross Road, to the east by the property known as Tullochard and to the west the site shares a boundary with a sports court. A stone footway runs through the southern portion of the site providing access and joining into a new footway which connects with the sports court. A car parking lay-by area is located in front of the site.

3. PLANNING HISTORY

- 3.1 02 July 2020 19/05139/FUL - Erection of 22no dwellings, Permission formation of 12no plots and associated roads, granted SUDS and other infrastructure

3.2 22/04650/FUL – Erection of 12 dwellings with associated parking and services Pending consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 6 May 2022 and 24 June 2022

Representation deadline: 29 January 2023 (due to re-neighbour notification)

Timeous representations: 9

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Proposal does not take into account transitional location to open character of the street scene
- b) Proposal does not respect established building line of street
- c) Site overdeveloped
- d) Potential for overlooking and loss of privacy
- e) Loss of trees and impacts to wildlife
- f) Increased traffic adjacent to playpark
- g) Access to mains sewers should be retained
- h) Construction noise impacts
- i) Height of surrounding houses restricted to 1 ½ storey
- j) Site address incorrect and advert incorrect
- k) Loss of path within the site
- l) Amenity of residents of the plot adjacent to the play area
- m) Issues with parking on Elizabeth Crescent
- n) Footpath link to Stafford Road and play area inaccessible for wheelchair users
- o) Visitor parking location will impact visibility and views
- p) Overpopulation of the area
- q) Loss of green space

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.

5. CONSULTATIONS

5.1 **Development Plans** commented regarding developer contribution requirements noting that no contributions are currently due for Dornoch Primary School or Dornoch Academy. 40sqm of open space is required for developments of 4 or more houses. The site falls out with any identified contribution zone or development brief area. A contribution is due toward the development of a multi-purpose sports and community centre, this is £1019 to be index linked).

5.2 **Flood Risk Management Team** initially objected pending further information including a Drainage Impact Assessment. It is noted that level raising on Plot 1 would reduce the likelihood of any pluvial flooding which might form on the adjacent leisure

ground. However, the raising of levels could increase the flood risk to the adjacent plat area/structure and the applicant should consider this in the drainage proposals.

Given the proposed levels, the proposed freeboard of 250mm between the finished floor levels and ground levels is acceptable. No objections on flood risk grounds.

With regard to drainage, planning conditions are recommended to secure details of an arrangement to ensure that any storm water that would have been stored in plot 1 prior to the development does not adversely impact the adjacent leisure ground. The applicant is also required to provide a finalised Drainage Impact Assessment.

- 5.3 **Forestry** has no objections subject to conditions. A detailed Arboricultural Impact Assessment (AIA) has helped to inform the most appropriate location for the rear boundary of the proposed house plots by removing the lower quality trees, while ensuring protection of the wooded embankment.

The Tree Protection Plan (TPP) identifies the Root Protection Area (RPA) of the retained trees and the position of the tree protection barrier. Once construction is completed and the protective barriers are removed, a fence will be installed along the rear of the plots which will help define the woodland boundary.

A separation distance of less than 17 metres has been established between the two largest Category A beech trees and the proposed houses which will reduce future concerns over safety. The wooded embankment is orientated to the north of the site, so there should be limited shading except in the evenings.

No landscaping proposals have been submitted, although the wooded backdrop may be sufficient to provide a mature setting for the development. There is scope for landscaping along the road frontage and if this is considered appropriate, then further details will be required. I would recommend that this is excluded from plot boundaries and then managed as communal landscaped areas under a factoring agreement. Communal landscape proposals for the road frontage (excluded from plot boundaries), along with a maintenance schedule and details of a factoring arrangement.

- 5.4 **Transport Planning** initially objected to the proposals pending more detailed drawings of driveways, crossings, surface water arrangements, visitor car parking spaces and due to the public footpath to the play area crossing a private driveway.

Following submission of additional detail further comments were providing confirming there is sufficient space within each plot to allow vehicles to manoeuvre into and out of the driveways. The location of car parking spaces was considered to be acceptable.

A condition is recommended to demonstrate that no surface water from the visitor spaces will discharge to the public road.

A further condition is recommended to secure the design detail of the step free path to the sports court.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

National Planning Framework 4 (Adopted 13 February 2023):

- 6.1 1 – Tackling the climate and nature crises
3 - Biodiversity
7 - Historic assets and places
13 - Sustainable Transport
14 – Design, quality and place
15 – Local living and 20-minute neighbourhoods
16 – Quality homes
21 – Play, recreation and sport
22 – Flood risk and water management

Highland Wide Local Development Plan (2012):

- 28 - Sustainable Design
29 - Design Quality and Place-making
31 - Developer Contributions
32 - Affordable Housing
34 - Settlement Development Areas
51 - Trees and Development
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
77 - Public Access

6.2 **Caithness and Sutherland Local Development Plan (2018):**

Located within Dornoch Settlement Development Area on allocated site DN02: Bishopsfield (housing)

6.3 **Highland Council Supplementary Planning Policy Guidance**

- Access to Single Houses and Small Housing Developments (May 2011)
Developer Contributions (November 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Open Space in New Residential Developments (Jan 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)
Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 **Scottish Government Planning Policy and Guidance**

- Creating Places (The Scottish Government, June 2013)
- Designing Streets (The Scottish Government, 2010)
- PAN 61 – Sustainable Drainage Systems
- PAN 68 – Design Statements

- PAN 75 – Planning for Transport
- PAN 77 – Designing for Safer Places
- PAN 1/2011 Planning and Noise

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) design and layout
- c) drainage
- d) impact on the natural environment (including protected species and trees)
- e) amenity impacts
- f) developer contributions
- g) archaeology
- h) any other material considerations

Development plan/other planning policy

8.4 National Planning Framework 4 was adopted on 13 February 2023, all proposals therefore now have to be assessed against the policies of NPF 4 alongside the Highland-wide Local Development Plan and Caithness and Sutherland Local Development Plan. The site is part of a wider site allocated for housing (Bishopsfield) in the adopted CASPlan therefore the principle of development is accepted. As the plots are self-build there is no design at this time, these matters will require to be secured through a subsequent planning application(s). The main considerations therefore are ensuring that the layout, roads and drainage associated with the proposed development are appropriate.

8.5 The site is within Dornoch settlement development area as well as it being defined in the adopted Caithness and Sutherland LDP and on an allocated site SN02 (Bishopsfield).

8.6 There is a presumption in favour of such development under Policy 16 – Quality homes of NPF 4 which seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right location.

- 8.7 Policy 34 – Settlement Development Areas of the HwLDP provides a presumption in favour of development where all other policies of the development plan are complied with. Policy 14 of NPF 4 (Design, quality and place) requires all development to be designed to improve the quality of an area, and that proposals will be supported where they are consistent with the six qualities of successful places which are:
- Healthy
 - Pleasant
 - Connected
 - Distinctive
 - Sustainable
 - Adaptable
- 8.8 Policy 28 of the HwLDP lists a number of criteria against which all developments are assessed. This includes the extent to which a proposal would impact on individual and community residential amenity and that proposals demonstrate sensitive siting and a high quality design which is in keeping with local character and historic and natural environment, this is further reinforced in Policy 29 – Design Quality and Placemaking.
- 8.9 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.
- 8.10 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.
- 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 Part of the site is identified as being at risk of surface water flooding, particularly the western corner of the site (plot 1) with the sports court and an area west of this also being within the surface water flood risk area. Consideration has to be given to Policy 22 – Flood risk and water management with particular reference to policy 22c) which requires rain and surface water to be dealt with via sustainable urban drainage systems with a presumption against any connections into the combined sewer. 21d) states that development proposals will be supported if they can be connected to the public water mains, this aligns with policies 65 – Waste Water Treatment, 66 – Surface Water Drainage of the HwLDP and Policy 3 – Water and Waste Water Infrastructure Impacts of the Proposed IMFLDP. As highlighted in the Flood Risk Management Team response to the proposals it is likely that any further exacerbation of surface water flood risk can be mitigated and a revised Drainage Impact

Assessment is required in order to ensure appropriate means of drainage, finished floor and ground levels.

- 8.13 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. This largely ties in with the HwLDP tree policies with Policy 51 in particular which states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development.
- 8.14 Policy 51 also states that The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

Planning History

- 8.15 Planning permission was granted under 19/05139/FUL on 2 July 2020 for the erection of 22 houses, formation of 12. No house plots and infrastructure. The application site currently being considered under this application was approved under that consent as an 'area for future community development' with no specific use proposed at that time. At the time of determination of this application this land was zoned for housing under the allocated site DN02 Bishopsfield which has an indicative housing capacity of 40 units as defined in CasPlan Although the principle of community land was accepted this aspect was not progressed. This application seeks to revert this element back to housing and provide 6.No self build plots on the site. It is submitted that this is to raise funds toward a community centre, however, it should be noted that this is not a material consideration in the assessment of the application. The Council also have an application which is pending consideration at the time of writing to erect 12.No affordable housing units to the rear of existing houses on Elizabeth Crescent under 22/04650/FUL. The original wider consent previously denoting this part of the site as self-build plots.

Design and Layout

- 8.16 The specific design is not yet finalised with the application being for the provision of self-build plots, the future owners would advance the design to be considered in future planning applications. The layout comprises 6.No plots with in curtilage parking spaces. Concern is noted in representations that the site would comprise overdevelopment. It is acknowledged that older houses on the street are of a lower density with generous curtilages however, when compared to the recent affordable housing, the density of development and plot size to indicative house footprint ratios are considered to be a transition between the two densities. In addition, national planning policy sets out a presumption towards maximising housing on allocated

sites wherever possible. As such it is not considered that the development of the site is overdevelopment nor that the density is overdevelopment in this context.

- 8.17 In terms of the scale of development, the houses are to be two storey with the exception of Plots 5 and 6 which shall be restricted to 1 ½ storey, or 7.5m to the ridge as defined within the Design Brief submitted with the application. This is in order to transition between two storey and single storey and is considered to be acceptable. Further the separation distance and boundary treatments between plots 5 and 6 and the neighbouring single storey house to the east are adequate enough that the proposed development will not jar with existing development.
- 8.18 The application is supported by a Design Brief. This details the accepted mandatory design parameters which housing elsewhere on the development site requires to comply with. When it comes to the layout the Design Brief specifies distances between houses and the boundaries, plot ratio sizes, boundary treatments and distance of housing from trees. The layout as submitted meets with the approved Design Brief, it is therefore considered to be acceptable for this part of the wider Bishopsfield development. It is intended that the design will differ across the plots which will bring about further variety to the streetscape.
- 8.19 The Design Brief also provides other specific design guidance to ensure that design elements such as materials, roof pitches, ridge heights and landscaping are appropriate. The Forestry Officer recommended (if appropriate) that landscaping could be provided at the front of the site and maintained through a factoring agreement. This is however at odds with the Design Brief which states that there shall be no hedging to the front of the plots as this would be at odds with the wider development and could ultimately lead to maintenance issues to the detriment of amenity, it is therefore not considered appropriate to deliver hedging to the frontage which would be a maintenance burden, but would also be out of character with the wider development which has been approved on the basis that there are open frontages, in compliance with the parameters of the approved Design Brief.
- 8.20 The site is allocated and has never been defined as Open Space therefore the development of the site does not result in the loss of any defined open space/ 'greenspace' as noted within the representations. There is provision within the development for areas of planting, coupled with the neighbouring sports court and woodland behind the site will still remain for dog walking etc as noted within objections to proposals. It is considered that there is adequate open space to accommodate the development and an increase to such facilities in this context is not considered to be proportionate to the level of development.

Road, access and parking

- 8.21 5.No accesses are proposed from Elizabeth Crescent with plots 1 and 2 sharing an access point. The layout has been designed in order to ensure the lay-by which is in front of the site remains unaffected. There are no specific issues with the access and parking arrangements and no objections to these arrangements have been raised by Transport Planning. It is noted that there are issues with parking on Elizabeth Crescent, on visiting the site on a number of occasions parking has never appeared to be an issue with most houses having off street parking. Provision has been made for 2 vehicles within each plot, there is an existing lay-by and a further

two car parking spaces will be made available for visitors. It is not considered that the development will exacerbate any issues highlighted to such an extent that it would have detrimental impact on existing and future residents.

- 8.22 Two visitor car parking spaces are required for the development. There have been revisions to the plans in order to accommodate this. As raised in representations the car parking area would have affected a link path to the adjacent sports court. These were relocated to the east, which resulted in concern being raised around access visibility from Tullochard. The spaces are now located opposite Plot 6 on land which is owned by Highland Council. It is understood that there is agreement between the applicant and landowner for the spaces to be delivered here and this is a civil legal matter for the parties to resolve between themselves. A condition is recommended to secure the spaces prior to first occupation of any of the plots and also for detail on visitor signage to be installed as requested by Transport Planning.
- 8.23 Representations also highlight that there will be an increase in traffic to the sports court/play area. It is noted that this could be more well used with new residents in the area however the development itself is not considered to result in an increase in any traffic other than pedestrian given the close proximity. This is not considered to be an issue and further use of the play park by residents is encouraged in terms of health and wellbeing policies. All issues raised around access and parking are considered to have been satisfactorily addressed.
- 8.24 Concern is raised in representations around the loss of the remote footpath link to the play area. This currently runs alongside the new path which has been formed to the front of the site and connects to a recently constructed path which has steps. Concern has specifically been raised due to the lack of a level path for accessibility for all. The plans have been revised to include an additional footpath on land to the south of the play area. This connects into the street and a pedestrian crossing area. This issue is therefore considered to be resolved however the specific finalised design of this should be secured by condition as recommended by Transport Planning.
- 8.25 No specific detail has been provided around waste on site, although as per existing arrangements in the area it is assumed bins will be collected on the street. A condition is recommended to secure detail on bin storage within the plots to ensure that waste is managed sustainably and to ensure that bin storage does not impact on visual amenity or visibility splays within the plots.

Flooding and Drainage

- 8.26 The application is supported by a Drainage Impact Assessment which clarifies that level raising within Plot 1 should reduce the likelihood of any pluvial flooding to the adjacent play area, the Flood Risk Management Team confirmed that given the proposed levels and proposed freeboard of 250mm between finished flood and ground levels that flood risk was considered to be resolved and no further objection was received in this regard.
- 8.27 A condition is recommended to secure a finalised Drainage Impact Assessment. This would require further details of arrangements to ensure storm water that would have been stored on plot 1 prior to development does not then adversely impact the

adjacent play area following development of this part of the site. With mitigation in place, it is considered that the proposal complies with Policy 22 – Flood risk and water management of NPF 4; 64 – Flood Risk of the HwLDP and policies 65 and 66 of the HwLDP.

Impact on natural environment (including species and trees)

- 8.28 A Protected Species Survey has previously been provided in respect of the site this found that there were limited opportunities for protected species due to vegetation being young and a high level of disturbance having previously been noted. This was in respect of the wider site. It was noted however that there was potential for nesting birds in the site and that vegetation works should be completed between September to February to avoid impacts. It was also concluded that the presence or absence of reptiles be established with a survey in the summer season to dictate whether mitigation is required. It was also noted that there is capacity to provide environmental enhancement through the retention of the mature trees and to plant vegetation within the site. The survey concluded that should works begin more than 18 months after the survey then it should be done again. Works have already commenced on the wider site however it is recommended that a pre-commencement survey is secured by condition in order to demonstrate that there will be no impact on any species within the site and to provide mitigation to ensure that any impact to biodiversity on the site is mitigated.
- 8.29 There are trees to the rear of the site which form a wooded area between the proposed plots and Earls Cross Road which will remain unaffected due to separation distances (17m) between the rear building line of the houses and the Category A trees. A Tree Protection Plan shall require barriers to be installed in order to ensure trees and their associated root protection areas are safeguarded. It is noted in the Forestry Officer response that only lower quality trees are to be affected by the proposed development and this has been accepted. Since the adoption of NPF 4 the applicant has been asked to demonstrate that there will be a biodiversity gain and what mitigation will be provided on site to ensure that there is no net loss of biodiversity.
- 8.30 It is submitted that as above the area will be re-surveyed for protected species and mitigation provided to safeguard species should any be found on site. It is also noted that the woodland buffer to the rear of the site retains a wildlife corridor. The 26. No unprotected sycamore trees to be removed shall now be replaced by 20. No broadleaf feathered trees it is submitted that these provide improved feeding opportunities than sycamore. In order to address policy 3 of NPF 4 it is now recommended that a tree planting plan is secured. The Design Brief has also been updated to secure detail of landscaping in the plots within future planning applications for the site and gives examples of species which can be planted and species which they would attract to gardens. This is accepted and can be further considered in a detailed planning application.
- 8.31 The proposal is therefore considered to comply with Policy 4 – Natural Places of NPF 4 and Policy 58 – Protected Species of the HwLDP.
- 8.32 With regards to policy 1 – Tackling the climate and nature crises and policy 2 - Climate mitigation and adaptation of NPF 4 it is submitted that houses will require to

generate zero carbon emissions by utilising renewable energy sources and A rated building materials. These are matters which have been reflected in a revised Design Statement and can be considered in further detail through specific details submitted with a subsequent detailed planning application in respect of individual plots.

Amenity Impacts

- 8.33 Concern has been raised around impact to neighbouring amenity through the construction phase of the development. Construction inevitably results in disturbance, vibration, noise, and dust which can adversely impact upon the amenity of nearby residents. Appropriate hours of construction are prescribed by the Environmental Health Authority, and it is recommended these are included as an informative note to any decision. Should noise become an issue out with these hours it will be a matter for Environmental Health to deal with and is not material to determining the application.
- 8.34 Concern has also been raised around overlooking and impacts to privacy to neighbours. The main properties which can potentially be affected are Tullochard to the east and the house immediately to the rear of Plot 6. Due to the orientation of the houses, separation distances between houses and screening which includes trees and planting it is not considered that the development of the site would give rise to significant overlooking issues to any neighbours over and above what would be expected within what is an urban area. Further consideration will require to be given to window placement on houses and internal floor plan layout when a subsequent application in detail for the plots is submitted at which point this matter can be considered further.
- 8.35 Concern was also raised with regard to amenity to residents residing on plot 1 and noise from the play area adjacent. The future purchaser of the plot will be aware of the presence of the play area when purchasing the plot, this is not considered to be an issue which would preclude supporting the application and play areas are an accepted part of residential developments which are generally always overlooked and in close vicinity to residential properties.
- 8.36 The proposal is therefore considered to comply with policy 14 – Design Quality and Place and 16 Quality homes of NPF 4 and policies 28 and 29 of the HwLDP and it is not considered that the development would result in a significant impact to amenity within its context.

Developer Contributions

- 8.37 All housing development within Dornoch requires to provide a contribution toward the development of a multipurpose sports and community centre. The base line contribution rate is £1,019 per unit (however this will be index linked). The applicant has opted to provide this via an upfront payment. There are currently no known capacity constraints at schools within the catchment area. The Housing Service advised that the applicant would not be liable to deliver an affordable housing contribution (either on site or by way of a commuted sum) as 21 affordable units have already been delivered on the adjacent site.

Other material considerations

8.38 There are no other material considerations.

Non-material considerations

8.39 a) Profit from sale of plots cannot be taken into account in assessing the proposal

Matters to be secured by Upfront Payment

8.40 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

- a) Dornoch multipurpose sports and community centre (£7,136 based on current rates)

9. CONCLUSION

9.1 The principle of development is supported as the site is located on an allocated site (Bishopsfield) as defined in CasPlan. Policies 14 – Design quality and place, 15 – Local Living and 20 minute neighbourhoods and 16 – Quality Homes of NPF 4 largely supports residential development within existing settlements which aligns with policy 34 – Settlement Development Areas of the HwLDP, subject to compliance with all other relevant policies of NPF 4, the HwLDP and CasPlan. It is considered that all material planning issues raised by consultees and in objections to the proposals have been addressed. The application is therefore recommended for approval subject to conditions and further consideration can be given to a specific design solution for the site when the houses are applied for in detail.

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 Y Developer Contributions due

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|-------------------------------------|---|
| Notification to Scottish Ministers | N |
| Conclusion of Section 75 Obligation | N |
| 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. 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.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The development hereby approved is for the provision of serviced house plots as set out in the approved Site Layout Plan 4325-02-020 Rev J .

Reason: In accordance with the use applied for and to allow the Council to control any subsequent development on site in the interest of amenity.

3. No development shall commence until an updated Drainage Impact Assessment has been submitted to and approved in writing by the Planning Authority in consultation with the Flood Risk Management. For the avoidance of doubt this shall include:

- a) details of arrangements to deal with storm water which would previously have been stored on the area denoted as Plot 1;
- b) detail how surface water from the visitor car parking spaces will be dealt with
- c) finalised detail on finished floor levels and ground levels for plots to mitigate against surface water flooding

Reason: To ensure that surface water drainage is dealt with appropriately and the drainage strategy for the site complies with the principles of SUDS; in order to protect the water environment.

4. No development shall commence until full details on the design of the access path to the sports court adjacent to plot 1 has been submitted to and approved in writing by the Planning Authority in consultation with Transport Planning. For the avoidance of doubt the path shall

- a) have a gradient of less than 1 in 20,
- b) a minimum width of 2m and
- c) be surfaced in bound bituminous materials.

Thereafter the path shall be completed prior to first occupation of any of the dwellings hereby approved.

Reason: In order to ensure that an accessible footpath link to the sports court is retained.

5. No development shall commence until signage details for the visitor car parking spaces is submitted to and approved in writing by the Planning Authority. Thereafter, the agreed details shall be provided and displayed prior to first occupation of the any of the units hereby approved.

Reason: In order to clarify that the spaces are visitor parking associated with plots 1 – 6 and are not used by the general public.

6. All car parking spaces shall be provided as detailed on the plans hereby approved, prior to first occupation of the development and thereafter maintained for this use in perpetuity.

Reason: To ensure adequate provision for car parking.

7. No development shall commence until a scheme detailing electric vehicle charging points, has been submitted to and approved in writing by the planning authority. This shall include the provision of infrastructure, defined as the provision of cabling from the consumer unit within the property to an external point, to allow the charging of electric vehicles within the curtilage of each house.

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

8. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

Reason: In order to ensure that trees which will be lost through the development will be replanted and maintained.

9. A suitably qualified arboricultural consultant must be employed at the applicant's expense to ensure that the approved Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed with the Planning Authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation of the approved tree protection measures.

10. A suitably qualified landscape consultant must be employed at the applicant's expense to ensure that the approved Landscape Plan is implemented to the

agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until a work instruction has been issued to the landscape consultant to enable them to undertake the necessary supervision unhindered for the duration of the project.

Reason: To secure the successful implementation of the approved landscape works.

11. No residential unit shall be occupied until connection has been made for that residential property to the public water and waste water network.

Reason: In order to ensure that the water and sewerage infrastructure is provided timeously, in the interests of public health and environmental protection, and in order to comply with the policy requirements.

12. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins

13. No development shall commence until a pre-commencement protected species survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and the wooded area up to Earls Cross Road at the rear (north) of the application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

REASON FOR DECISION

The principle of development is supported as the site is located on an allocated site (Bishopsfield) as defined in CasPlan. Policies 14 – Design quality and place, 15 – Local Living and 20 minute neighbourhoods and 16 – Quality Homes of NPF 4 largely supports residential development within existing settlements which aligns with policy 34 – Settlement Development Areas of the HwLDP, subject to compliance with all other relevant policies of NPF 4, the HwLDP and CasPlan. It is considered that all material planning issues raised by consultees and in objections to the proposals have been addressed. The application is therefore recommended for approval subject to

conditions and further consideration can be given to a specific design solution for the site when the houses are applied for in detail.

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.

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 and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does

not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development

Design Brief

You are advised that this planning permission does not give consent for the erection of any houses on the site, this shall require to be subject to subsequent detailed planning applications for each plot which shall be designed in accordance with the approved Design Brief.

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>

Signature:

Designation: Area Planning Manager North

Author: Laura Stewart

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

Relevant Plans: Plan 1 - 4325-02-001 REV F - Location Plan
Plan 2 - 4325-02-020 Rev J- Site Layout Plan
Plan 3 - 3818:101 - REV D – Road Layout Plan
Plan 4 - 3818:201 REV B – Drainage Plan

Appendix 2

| | COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS | | | |
|-----------------------------|---|-------------------------|------------------------|-----------------------|
| Type | Contribution | Rate (per house) | Rate (per flat) | Total Amount*1 |
| Schools¹ | | | | |
| Primary – Build Costs | n/a | | | |
| Primary – Land Costs | n/a | | | |
| Secondary – Build Costs | n/a | | | |
| Secondary – Land Costs | n/a | | | |
| | | | | |
| Community Facilities | Dornoch multipurpose sports and community centre | £1,189 | n/a | £7,136 |
| | | | | |
| Affordable Housing | n/a | | | |

Design Brief

for

Elizabeth Crescent, Dornoch



Bracewell Stirling CONSULTING

August 2020

DESIGN PARAMETERS (Mandatory)

1. The houses should not be closer than 9 metres to the rear boundary.
2. The houses should not be closer than 2 metres to any lateral boundary.
3. The front building line of the houses should not be closer than 4 metres from the heel kerb at the road frontage and no fencing, hedging or similar barriers will be permitted forward of the front building line.
4. The houses should not exceed 20% footprint of the plot area.
5. Directly opposing clear windows will not be acceptable closer than 18 metres.
6. Gable and rear elevations which face onto public areas such as roads or open space should be 'active elevations' ie have windows and detailing to address these areas.
7. Rear garden boundary fences shall not exceed 1500mm high.
8. Houses will not be built within 15 metres of any mature existing trees both on and adjacent to the site.
9. All applications will require sections through the site showing existing and proposed levels. Houses should be set down in plots where appropriate and exposed under build should be minimised.
10. Detailed applications for houses adjacent to houses under construction or already built should show the precise position of these existing structures and their openings.
11. Pitched roofs of min 35° will be required.
12. Building heights should not exceed 1 ½ storey in height on Plots 5-6 with a max ridge height of 7.5m. Building heights should not exceed 2 storey in height on Plots 1-4 with a max ridge height of 8.5m.
13. External materials and finishes will be agreed with the Planning dept. prior to any detailed application being submitted and these shall be in keeping with previous phases of the development.
14. Retaining walls should be avoided but if required should be shown on site plans with sections showing any graded ground to either side and their position in relation to mutual boundaries. Any retaining walls required on a mutual boundary are joint responsibility. During the course of building, if any additional retaining walls are required which exceed 1m high, these will require Planning consent and the appropriate consent should be obtained.
15. Roofing shall be preferably dark grey concrete roof tiles or profiled metal sheeting. Samples may be requested.
16. Within curtilage parking and (where appropriate) turning, should be provided in accordance with Highland Council Roads guideline standard requirements.

17. Designs shall take into account privacy and amenity of other existing or as yet unbuilt houses.
18. Applications should include details of landscaping and planting within the plot. To demonstrate compliance with NPF Policy 3 the proposals should incorporate plants which are wildlife friendly with some examples below.

| Bees | Butterflies | Birds |
|--|--|---|
| <ul style="list-style-type: none"> • Campanula. • Comfrey. • Delphinium. • Foxglove. • Hardy geranium. • Honesty. • Hollyhock. • Potentilla. | <ul style="list-style-type: none"> • Buddleia • Verbena bonariensis • Lavender • Perennial Wallflower (Bowles Mauve) • Marjoram (Oregano) | <ul style="list-style-type: none"> • Holly. • Ivy • Hawthorn. • Rowan • Teasel • Cotoneaster • Sunflower • Shrub rose |

19. Sustainable design methods should be incorporated to demonstrate compliance with NPF Policy 1 and 2. Heating systems should be zero generation of carbon emissions at source for example, heat pump or other high efficiency electric system supplemented with PV panels.

IMPORTANT INFORMATION

Development of future phases or building plots within a larger masterplanned layout can extend into several years. Therefore it should be accepted that building sites and activity may be disruptive as long as areas of the site remain vacant.

The above requirements are for your information and protection as they require to be upheld by all parties developing houses with the main site area. Although restrictive at least you know what you may expect in adjoining sites.

If there are undeveloped plots within areas where topsoil has been stripped, these are to be maintained by grass cutting and weed removal when required to a tidy state by the developer-please see your contract to ensure this is done. This condition is for your amenity. Likewise therefore please refrain from dumping garden rubbish or building material outside your garden/site. All excess building materials must be correctly disposed of. Garden rubbish should be composted or use the wheelie bin.

It should be noted there are certain developments within the garden area of a house which do not require permission. These may include small extensions to the complete house, garden sheds, greenhouses, kennel or aviary etc. The height of trees, hedges etc are not always specifically controlled by local authorities. It should be noted that views cannot be protected. In these matters the resolution of issues is simply down to neighbourliness.



| REV | DATE | DESCRIPTION | DRN |
|-----|----------|---|-----|
| F | 04.01.23 | RED LINE BOUNDARY AMENDED TO SUIT NEW PATH AND PARKING ARRANGEMENT. | AJM |
| E | 24.03.22 | 6NO DADCA UNITS SHOWN | MD |
| D | 07.05.21 | RED LINE BOUNDARY FOR PLOTS 18-19 ADDED. | AM |
| C | 02.06.20 | RED LINE ADJUSTED. | AM |
| B | 03.04.20 | RED LINE ADJUSTED. | AM |
| A | 13.12.19 | BLUE LINE BOUNDARY AMENDED | GB |

Bracewell Stirling CONSULTING

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

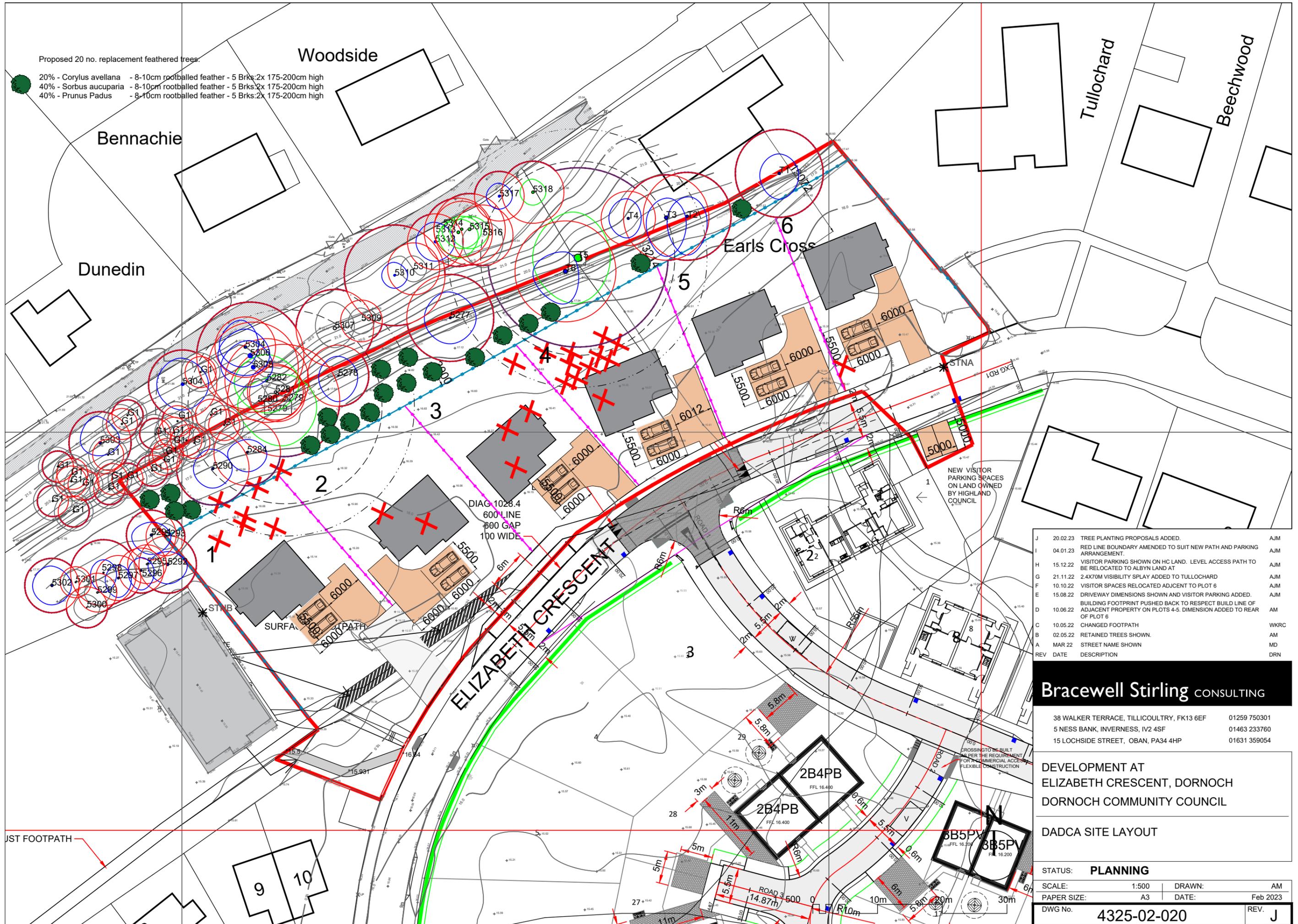
DEVELOPMENT AT
 ELIZABETH CRESCENT, DORNOCH
 DORNOCH COMMUNITY COUNCIL

LOCATION PLAN

| | | | |
|-------------|--------------------|--------|----------|
| STATUS: | PLANNING | | |
| SCALE: | 1 : 1250 | DRAWN: | AMacR |
| PAPER SIZE: | A3 | DATE: | Jan 2023 |
| DWG No. | 4325-02-001 | REV. | F |

Proposed 20 no. replacement feathered trees:

- 20% - Corylus avellana - 8-10cm rootballed feather - 5 Brks:2x 175-200cm high
- 40% - Sorbus aucuparia - 8-10cm rootballed feather - 5 Brks:2x 175-200cm high
- 40% - Prunus Padus - 8-10cm rootballed feather - 5 Brks:2x 175-200cm high



| REV | DATE | DESCRIPTION | DRN |
|-----|----------|---|------|
| J | 20.02.23 | TREE PLANTING PROPOSALS ADDED. | AJM |
| I | 04.01.23 | RED LINE BOUNDARY AMENDED TO SUIT NEW PATH AND PARKING ARRANGEMENT. | AJM |
| H | 15.12.22 | VISITOR PARKING SHOWN ON HC LAND. LEVEL ACCESS PATH TO BE RELOCATED TO ALBYN LAND AT | AJM |
| G | 21.11.22 | 2.4X70M VISIBILITY SPLAY ADDED TO TULLOCHARD | AJM |
| F | 10.10.22 | VISITOR SPACES RELOCATED ADJCENT TO PLOT 6 | AJM |
| E | 15.08.22 | DRIVEWAY DIMENSIONS SHOWN AND VISITOR PARKING ADDED. | AJM |
| D | 10.06.22 | BUILDING FOOTPRINT PUSHED BACK TO RESPECT BUILD LINE OF ADJACENT PROPERTY ON PLOTS 4-5. DIMENSION ADDED TO REAR OF PLOT 6 | AM |
| C | 10.05.22 | CHANGED FOOTPATH | WKRC |
| B | 02.05.22 | RETAINED TREES SHOWN. | AM |
| A | MAR 22 | STREET NAME SHOWN | MD |
| REV | DATE | DESCRIPTION | DRN |

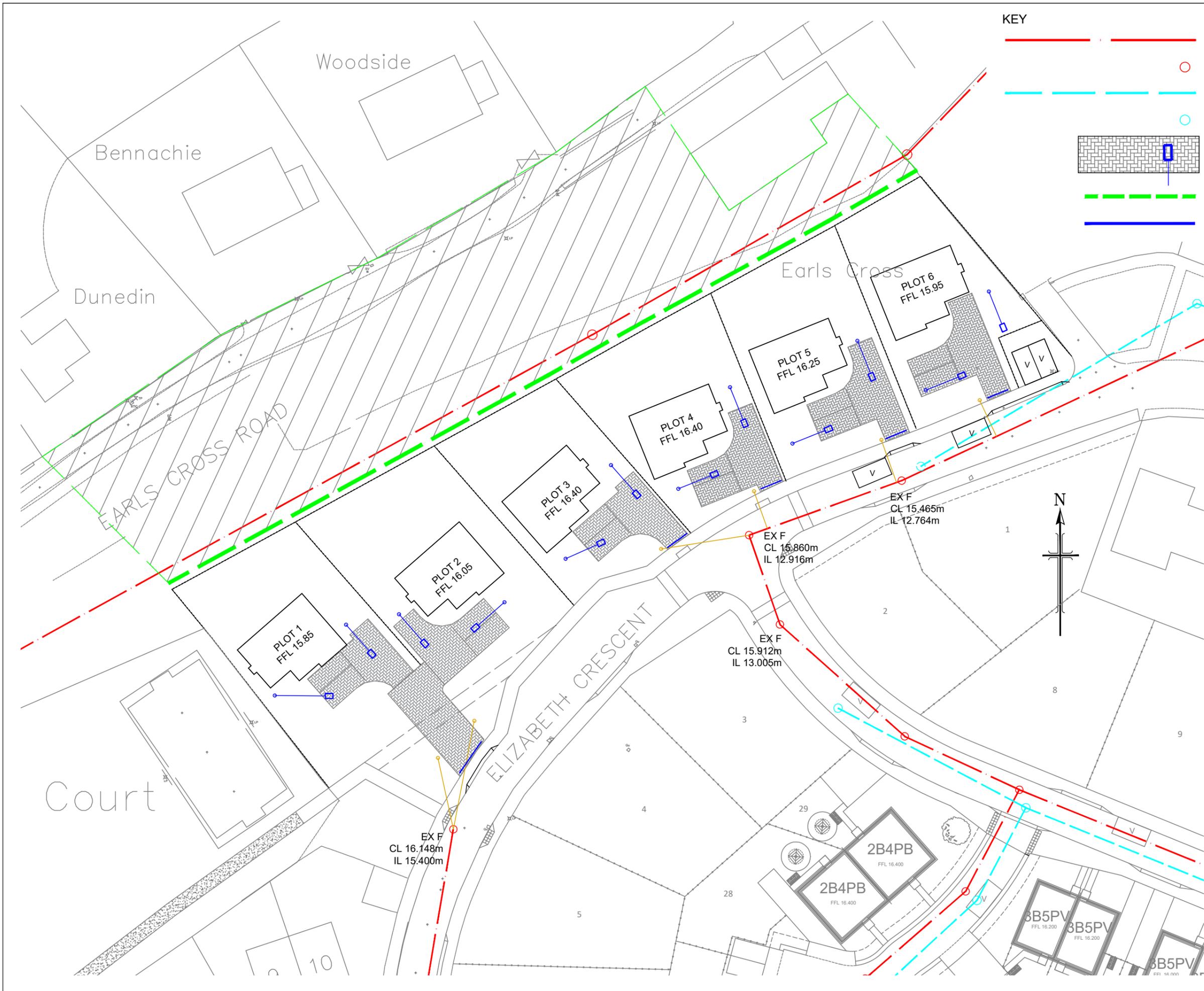
Bracewell Stirling CONSULTING

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

DEVELOPMENT AT
 ELIZABETH CRESCENT, DORNOCH
 DORNOCH COMMUNITY COUNCIL

DADCA SITE LAYOUT

| | |
|-------------|-----------------|
| STATUS: | PLANNING |
| SCALE: | 1:500 |
| PAPER SIZE: | A3 |
| DWG No. | 4325-02-020 |
| DATE: | Feb 2023 |
| DRAWN: | AM |
| DATE: | Feb 2023 |
| REV. | J |



KEY

- · — · — · EXISTING FOUL SEWER
- EXISTING FOUL MANHOLE
- - - - - EXISTING STORM SEWER
- EXISTING STORM MANHOLE
- PROPOSED PERMEABLE BLOCK PAVING WITH ROOF OUTLET
- - - - - PROPOSED CUT OFF DRAIN
- — — — — LINEAR CUT OFF DRAIN TO SUB-BASE

| | | |
|---|----------|------|
| A CUT OFF AREA ADDED. PROPOSED FLOOR AND GROUND LEVELS ADDED. | 09.05.22 | IW |
| B LAYOUT UPDATED | 05.10.22 | IM |
| Revisions | Date | Drn. |

**APPROVAL
DRAWING**

DADCA

**ELIZABETH CRESCENT
DORNOCH**

DRAINAGE SCHEMATIC

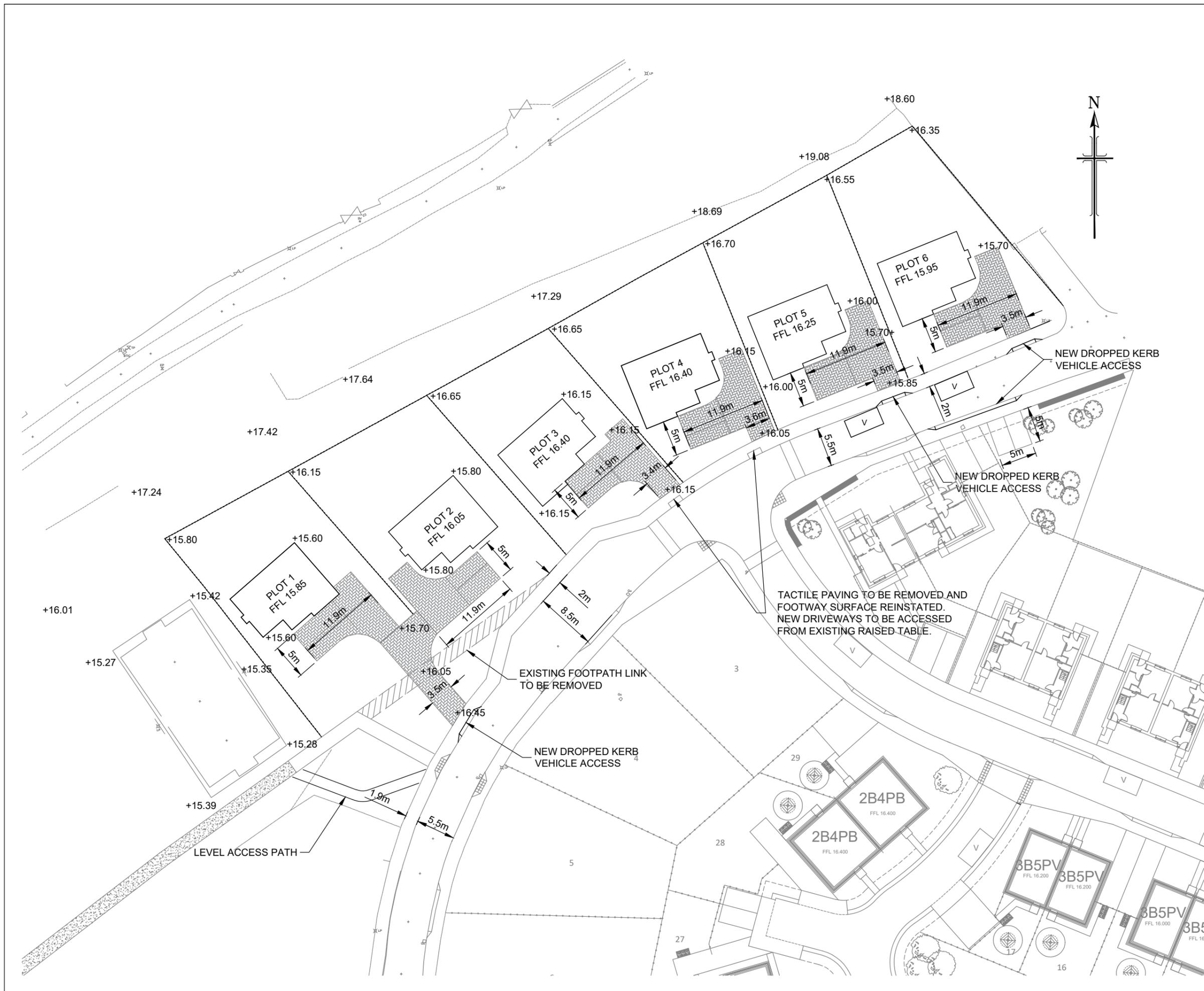
| | | |
|--------------|-------|-------------------|
| Drawn: IAW | Ckd: | Scale: 1:500 (A3) |
| Date: MAR 22 | Date: | DO NOT SCALE |

consulting engineers

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Stoneyfield Business Park
Inverness IV2 7PA
T: 01463 221717
F: 01463 224275
email: hga@hgagroup.co.uk

| | |
|--------------------------------|----------------------|
| Drawing No. 3818:201 | Revision B |
|--------------------------------|----------------------|



| | | |
|------------------|----------|------|
| A LAYOUT UPDATED | 14.09.22 | IM |
| B LAYOUT UPDATED | 05.10.22 | IM |
| C LAYOUT UPDATED | 14.12.22 | IM |
| D LAYOUT UPDATED | 18.01.23 | IM |
| Revisions | Date | Drn. |

**APPROVAL
DRAWING**

DADCA

**ELIZABETH CRESCENT
DORNOCH**

ROAD LAYOUT

| | | |
|--------------|-------|-------------------|
| Drawn: IAW | Ckd: | Scale: 1:500 (A3) |
| Date: MAY 22 | Date: | DO NOT SCALE |

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| | |
|--------------------------------|----------------------|
| Drawing No. 3818:101 | Revision D |
|--------------------------------|----------------------|