

Agenda Item	5.2
Report No	PLN/062/23

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 12<sup>th</sup> September 2023

**Report Title:** 23/03896/PAN: Capstone Connect And Highland Council  
Land 190M East Of House Of Rosskeen, Invergordon

**Report By:** Area Planning Manager – North

### Purpose/Executive Summary

**Description:** Provision of circa 80 no dwelling houses with associated services and outdoor recreation areas

**Ward:** 06 – Cromarty Firth

### Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

## **1.0 BACKGROUND**

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 09 August 2023. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Plan 1 - Proposal of Application Notice (Application Form)
  - Plan 2 - Location Plan
- 1.4 There will be two in-person consultation events, the first will take place on Monday 14<sup>th</sup> September 2023 between 3pm and 7pm at Invergordon Rugby Club, and the second will be taking place on Tuesday 12<sup>th</sup> October 2023 between 4pm and 7pm at Invergordon Rugby Club. The first event was advertised on 1<sup>st</sup> and 8<sup>th</sup> September 2023 in the Ross-shire Journal, and the second event will be advertised on the 29<sup>th</sup> September 2023 and 6<sup>th</sup> October 2023 in the Ross-shire Journal.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Invergordon Community Council, as well as local members and a member of the Scottish Parliament. The applicant has written to Albyn Housing Society Ltd and Key Housing Association as key stakeholders.
- 1.6 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The proposal is for the erection of 80 houses with associated services and outdoor recreational areas.
- 2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in March 2017 for the development of 70 – 80 houses (THC ref. 17/01123/PREAPP). It should be noted that in the intervening period policy has changed significantly since the original pre-application advice was provided.

## **3.0 SITE DESCRIPTION**

- 3.1 The PAN boundary covers approximately of 15 hectares. The proposed permanent access track has been demonstrated as joining Castle Close Road from the south eastern corner of the site, travelling a short distance north west to the development entrance. The main site area closely borders Castle Garden's Nursing Home and playing fields to the southern boundary.

3.2 The site is located within an area identified as Ancient Woodland and is part of the long-established woodland plantations. There are no natural heritage designations within the site boundary. The site is within connectivity distance of Cromarty Firth Special Protection Area (SPA) and Cromarty Firth Sites of Special Scientific Interest (SSSI). There are 2 core paths (RC23.02 and RC23.06) that loop the woodland and part of the site. The nearest Listed Building to the proposed development site boundary is approximately 175m south east which facilitates the Category B Listed Invergordon Mains (LB15039).

#### **4.0 DEVELOPMENT PLAN**

The following policies are relevant to the assessment of the proposal:

##### **4.1 National Planning Framework 4 (2023)**

Policy 1 – Tackling the climate and nature crisis  
Policy 2 – Climate mitigation and adaptation  
Policy 3 – Biodiversity  
Policy 4 – Natural places  
Policy 5 – Soils  
Policy 6 – Forestry, Woodland and Trees  
Policy 12 – Zero Waste  
Policy 13 – Sustainable transport  
Policy 14 – Design Quality and Place  
Policy 15 – Local Living and 20 Minute Neighbourhoods  
Policy 16 – Quality Homes  
Policy 21 – Play, Recreational and Sport  
Policy 22 – Flood Risk and Water Management  
Policy 23 – Health and safety

##### **4.2 Highland Wide Local Development Plan (2012) (HwLDP)**

28 - Sustainable Design  
29 - Design Quality and Placemaking  
30 - Physical Constraints  
31 - Developer Contributions  
32 - Affordable Housing  
34 - Settlement Development Areas  
51 - Trees and Development  
52 - Principle of Development in Woodland  
55 - Peats and Soils  
56 - Travel  
57 - Natural, Built and Cultural Heritage  
58 - Protected Species  
59 - Other Important Species  
60 - Other Important Habitats  
61 - Landscape  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage

- 72 - Pollution
- 74 - Green Networks
- 76 - Playing Fields and Sports Pitches
- 77 - Public Access
- 78 – Long Distance Routes

#### 4.3 **Inner Moray Firth Local Development Plan (2015) (IMFLDP)**

The site lies within an allocated site in the Invergordon inset map as shown as IG4 – House of Rosskeen. It is allocated for housing with an indicative capacity of 30 units. Requirements listed in the plan are as follows:

Developer to prepare masterplan/development brief to be agreed with the Council who may adopt this as Supplementary Guidance. This should address:

- Housing – low/medium density within open ground;
- Potential for conservation, redevelopment and infill development at the Castle Cottages and Rosskeen House;
- Circulation – retention of and connections to Polish War Memorial Circular Core Path and improved path links to town centre;
- Natural Heritage – retention and protection of ancient woodland;
- Flood Risk Assessment including, restoration of Rosskeen Burn and other nearby minor watercourses;
- Build Heritage – retention of historic buildings and Archaeological Assessment, in particular the site of the former Invergordon Castle; and
- Transport Assessment.

#### 4.4 **Inner Moray Firth proposed Local Development Plan (IMFpLDP)**

The proposed site is no longer proposed as an allocated development site.

#### 4.5 **Highland Council Supplementary Guidance**

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Managing Waste in New Developments (Mar 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (Mar 2013)
- Public Art Strategy (March 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

#### 4.6 **Scottish Government Policy and Other Guidance**

- Historic Environment Policy for Scotland (HEPS, 2019)
- Historic Environment Policy for Scotland, HES (2019)
- PAN 1/2011 - Planning and Noise (2011)
- PAN 61 Planning for Sustainable Urban Drainage System (SuDs)
- PAN 68 Design Standards
- PAN 60 Planning for Natural Heritage (2008)
- PAN 74 Affordable Housing
- PAN 77 Designing Safer Places
- PAN 79 Water Drainage
- Circular 1/2017: Environmental Impact Assessment Regulations (2017)
- Designing Streets (2010):

This document was the first policy statement in Scotland for street design and now forms part of the Creating Places policy. It is based on the premise that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. It therefore requires a design-led approach rather than a standards-based methodology for street design, taking into account site-specific requirements. Designing Streets marked the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban development. Specific policy in Designing Streets includes:

- Street design must consider place before movement;
  - Street design guidance can be a material consideration in determining planning applications and appeals;
  - Street design should meet the six qualities of successful places, as set out in Designing Places (see above); and
  - Street design should be based on balanced decision-making and must adopt a multidisciplinary collaborative approach.
- Creating Places (2013):

The Scottish Government's policy statement on architecture and place sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy. It states that good places can have personal value to us as individuals, giving a sense of belonging, a sense of identity, a sense of community, and offer us the amenities to meet our daily needs; that good places can provide value to us as a society. They attract talent and investment and are the essential infrastructure which sustains business. Good places can be the critical factor in determining whether we choose to walk or drive, whether our lifestyles are active and healthy, and the size of our carbon footprint. As part of this policy, the Government's 3 advice on Designing Places promotes principles of context, identity and character. This points out that successful places are:

- distinctive;
- safe and pleasant;

- easy to move around;
- welcoming;
- adaptable; and
- resource efficient

## **5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Community and residential amenity;
- c) Construction impacts;
- d) Roads and transport;
- e) Design, landscape, and visual impact;
- f) Natural heritage including woodland, protected species and habitats;
- g) Water, drainage and flood Risk;
- h) Pollution;
- i) Outdoor and recreational access;
- j) Planning history: and,
- k) Any Other Material Considerations Raised within Representations.

## **6.0 CONCLUSION**

6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## **7.0 IMPLICATIONS**

7.1 Not applicable.

## **8.0 RECOMMENDATION**

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North  
 Author(s): Claire Farmer  
 Background Papers: Documents referred to in report and in case file.  
 Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)  
 Plan 2 – Location Plan

**The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019**

**Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021**

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council

**Contact Details**

Applicant	Capstone Connect and Highland Council	Agent	Bracewell Stirling Consulting
Address	11-13 Henderson Drive Inverness IV1 1TR	Address	5 Ness Bank Inverness IV2 4SF
Phone	01463 712072	Phone	01463 233760
Email	Rhona.Donnelly@capstone-construction.co.uk	Email	Amanda.macritchie@bracewell-stirling.co.uk

**Address or Location of Proposed Development**

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice

Land to East of Roskeen House, Invergordon – area of land including woodland

**Description of Development**

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m<sup>2</sup> of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

Provision of circa 80 no dwelling houses with associated services and outdoor recreation areas.

## **Pre-application Screening Notice**

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

**Yes**

**No**

If yes, please provide a copy of this Opinion.

## **Community Consultation**

State which other parties have received a copy of this Proposal of Application Notice.

### **Community Council/s**

Invergordon Community Council

### **Date Notice Served**

9th Aug 2023 – by email

### **Local Elected Members**

Ward 6

Cllr Tamala Collier

Cllr Pauline Munro

Cllr Molly Nolan

Cllr Maxine Smith

### **Date Notice Served**

9th Aug 2023 – by email

### **Members of Scottish Parliament and Members of Parliament**

Maree Todd MSP

Ariane Burgess MSP

Donald Cameron MSP

Rhoda Grant MSP

Jamie Halcrow Johnston MSP

Edward Mountain MSP

Emma Rodick MSP

Douglas Ross MSP

Jamie Stone MP

### **Date Notice Served**

9th Aug 2023 – by email

### **Names / details of other parties**

Albyn Housing Society Ltd

Key Housing Association

### **Date Notice Served**

9th -11<sup>th</sup> Aug 2023 – by email

## **Details of Proposed Consultation**

### **Proposed Public Event 1**

Drop-in session

### **Venue**

Invergordon Rugby Club

### **Date and Time**

14 Sept 2023 – 3-7pm



<b>Proposed Public Event 2</b>	<b>Venue</b>	<b>Date and Time</b>
Drop-in session	Invergordon Rugby Club	12 Oct 2023 – 4-7pm

*(at least 14 days after Public Event 1)*

**Publication of Event**

<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
Event 1	Ross-shire Journal	1 Sept and 8 Sept
Event 2	Ross-shire Journal	29 Sept and 6 Oct

**Details of any other consultation methods (date, time and with whom)**

Signed



Date **9th Aug 2023**

**Note to Designers and Contractors**

Under the CDM2015 regulations BSC has sought to eliminate or reduce risks where possible as part of the design process.

Significant residual risks, or areas of work that require special attention during construction, which have been identified by BSC, are indicated on project drawings by the following symbol ▲.

It is anticipated that other designers and contractors will co-operate to identify any potential construction hazards and to eliminate them where possible.

Measures to minimise residual hazards will be reviewed on a regular basis.



REV	DATE	DESCRIPTION	DRN

**Bracewell Stirling CONSULTING**

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

**SITE AT ROSSKEEN  
 INVERGORDON  
 CAPSTONE CONNECT**

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**LOCATION PLAN**

STATUS: **INFORMATION**

SCALE: 1 : 2500 DRAWN: GB  
 PAPER SIZE: A3 DATE: Jul 2023

DWG No. **4966-01-001** REV. -

