

Agenda Item	6.6
Report No	PLN/036/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 16th April 2024
Report Title: 23/04345/PIP: Tain Initiative Group
Land 40M SE Of Grian-Noc, 19 Knockbreck Avenue, Tain
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection of 3no. houses and formation of access
Ward: 7 – Tain and Easter Ross
Development category: Local
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 The application seeks planning permission in principle for the erection of 3 houses with the site layout plan showing these would be indicatively laid out in a linear fashion. An existing field access into the site from Knockbreck Avenue would be upgraded with a new 3.7m wide road formed to serve each plot. A SUDS basin would be formed with controlled surface water discharging to an existing drainage ditch.
- 1.2 There is no existing infrastructure within the site.
- 1.3 No pre-application advice was sought prior to the submission of the application.
- 1.4 The application is supported by a Supporting Statement and Drainage Impact Assessment.
- 1.5 A revised site layout plan was submitted on 13th March 2024 showing the proposed access from Knockbreck Avenue to be designed as a private access (rather than one which could be adopted).

2. SITE DESCRIPTION

- 2.1 The site lies on the south-eastern fringes of Tain and comprises a largely flat field with an existing field access from Knockbreck Avenue. The area is characterised predominantly by housing; Tain Tennis Club lies to the south west with the Asda supermarket further south, to the other side of Knockbreck Road. There are no natural, built or cultural heritage designations covering the site.

3. PLANNING HISTORY

- 3.1 19.01.2010 09/01585/PAN: Masterplan for expansion of PAN Submitted Tain comprising land for housing, associated community uses and open space and business/tourist related uses.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Unknown Neighbour
Date Advertised: 29th September 2023
Representation deadline: 13th October 2023

Timeous representations: 11 from 11 households

Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
 - a) Concerns regarding suitability of access to site via Knockbreck Avenue
 - b) Contrary to planning policy
 - c) Concerns regarding capability of drainage network and site being prone to flooding
 - d) Potential disturbance to trees and wildlife

e) Loss of a community amenity space

- 4.3 In terms of other issues raised in representations which would not be considered material, it is referenced that the previous owner of the land and wider field who gifted this area to the applicant did not want houses to be built and had resisted many attempts to sell it. A lack of consultation with neighbours and the wider community by the applicant is also noted (this cannot be considered material as the application falls below the threshold of mandatory pre-application consultation).
- 4.4 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 **Transport Planning Team** have no objection to the application. The final response notes that the updated site layout plan shows a vehicular access from the U3933 Knockbreck Avenue by proposing a ramped access arrangement onto a shared private gravel driveway. The first 6m of that ramped access will be surfaced with a bound bituminous material which is welcomed as it should help to avoid gravel from the shared private driveway being brought onto the existing local public road.
- 5.1.1 The new access arrangements also include a surfaced bin stance where wheelie bins from the new properties can be left for the refuse teams to empty on collection days. This is located directly adjacent to the existing U3933 Knockbreck Avenue, which should be suitable in terms of drag distances.
- 5.1.2 To ensure that the construction design details for the proposed access and bin stance arrangement are acceptable in terms of how they integrate into the existing U3933 Knockbreck Avenue, we recommend that any permission issued includes a suitably worded Condition requiring those construction design details be submitted to and accepted by the Planning Authority and subsequently implemented prior to any works commencing on the proposed development.
- 5.1.3 Our previous response recommended that further consideration be given to an alternative means of vehicular access direct from the B9174 Knockbreck Road. This was reflecting that the number of properties already being accessed directly from the existing U3933 Knockbreck Avenue slightly exceeded the recommended maximum for cul-de-sacs as set out in Table 4.1 from our published Roads and Transport Guidelines for New Developments. It also reflected that the previous designs suggested that the new access could be upgraded to an adoptable standard at some point in the future to serve additional new development. The latest proposals make no reference to this future possibility, which is welcomed.
- 5.1.4 Whilst the proposed 3No. houses will add ongoing additional traffic to the existing U3933 Knockbreck Avenue, the quantum of such trips is unlikely to materially change the ability to use that existing cul-de-sac. The levels of existing on-street parking would have more of an influence, which this development should not be adding to. However, given the form and status of the existing U3933, including the on-street parking issues flagged by local residents, we stress that no further development beyond the 3No. houses proposed in this application will be supported as having

access from the U3933 Knockbreck Avenue. Any future development should be accessed from suitable new connection(s) through to the B9174 Knockbreck Road.

- 5.1.5 We do however continue to have concerns about how any construction access proposing to use the existing U3933 Knockbreck Avenue will safely interact with existing usage, including on-street parking and more vulnerable road users such as pedestrians, cyclists and children. Ideally, we'd expect such construction access to not use this quiet residential cul-de-sac and take its access direct from the B9174 Knockbreck Road.
- 5.1.6 We recommend that any permission issued includes a suitably worded Condition requiring the proposed means of construction access to this development site be submitted to and accepted by the Planning Authority prior to any works commencing on site. This should include any proposed measures to mitigate the likely impacts of those construction access needs on the local public roads impacted and the current users of those roads. Ideally, such construction access should avoid impacting on the existing U3933 Knockbreck Avenue. Where this cannot be avoided, the proposals should set out what measures will be taken to mitigate the impacts of such construction access on the existing users of Knockbreck Avenue.
- 5.2 **Flood Risk Management Team** have no objection to the application subject to condition. SEPA's Flood Map indicates an area of potential medium risk surface water flooding within the application site. We anticipate that pluvial flood risk to the site will be low and can be managed through an appropriate surface water drainage system. The proposal is to create a new access into the site and to erect 3 houses with car parking areas. It is proposed to manage foul water from the new development by linking into the existing foul drainage infrastructure, pending agreement from Scottish Water. It is proposed that surface water from roofs and hardstanding will be managed by a new surface water sewer and SUDS basin before being discharged into a drainage ditch running along the northeastern site boundary.
- 5.2.1 We have no objection in principle to the proposals outlined above, but we request a condition is imposed that the final drainage layout is submitted for our review and approval. We note that the Applicant also owns the larger area of land around the application site. If it is the intention to expand into this wider area in future phases of development, we strongly recommend that the SUDS basin and drainage infrastructure are designed and located in such a way that they can be easily adapted to accommodate these phases as they come forward.
- 5.3 **Access Officer** has no objection. The wider field of this proposed development is currently land which recreational access rights as provided by the Land Reform (Scotland) Act 2003 may be exercisable. Public use of the area is low but desire lines can be seen on the ground and on the aerial imagery. Public access to the wider field should be considered upon the completion of any access improvements from Knockbreck Avenue. A basic access management statement will be required to ensure there is public access during the construction (as detailed above) and during the occupation of the development
- 5.4 **Forestry Officer** has no objection. The proposed site is located in a grass field to the west of Knockbreck Avenue. The northern boundary is defined by a steep wooded bank (known locally as Woody Braes) which drops down to Ankerville Street.

The section of Woody Braes to the west has suffered from subsidence, with numerous land slips spilling onto Ankerville Street. The trees on this section were felled a number of years ago due to Dutch Elm Disease and this has since been replanted. The area to the north of this site appears contains predominantly mature Scots pine and appears generally to be more stable ground. It is, however, important to ensure that any development does not impact on the future stability of these trees. While there may be some impact on the two trees either side of the proposed site access, there appears to be sufficient separation from the woodland to the north. While there may be some pressure for trees to be removed in order to open up the view to the north, these trees are mainly outwith the applicant's ownership, belonging to Tain Common Good. I have therefore have no objections to the proposed development and would recommend the following condition.

Any detailed application shall require the following information to be submitted and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction):

- Tree Protection Plan
- Arboricultural Method Statement
- Details of Site Supervision and Compliance Monitoring
- Landscape Plan (including 5 year Maintenance Schedule)
- Details of Factoring Arrangement

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

5.5 **Scottish Water** have no objection and confirm the development can be supplied by both its water and waste water supply.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

National Planning Framework 4 2023

- 6.1 Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 13 - Sustainable Transport
Policy 14 - Design Quality and Place
Policy 15 - Local Living and 20 Minute Neighbourhoods
Policy 16 - Quality Homes
Policy 22 - Flood Risk and Water Management

Highland Wide Local Development Plan 2012

- 6.2 28 - Sustainable Design

- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 56 - Travel
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage

Inner Moray Firth Local Development Plan 2015

- 6.3 Mixed Use Allocation TN05

Inner Moray Firth Local Development Plan 2 2024 (Intention to Adopt Versions)

- 6.4 Mixed Use Allocation TN06

Highland Council Supplementary Planning Policy Guidance

- 6.5 Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Designing Streets

Creating Places

Planning 1/2011 – Planning and Noise (Mar 2011)

PAN 61 – Sustainable Drainage Systems (Jul 2001)

PAN 68 – Design Statements (Aug 2003)

PAN 75 – Planning for Transport (Aug 2005)

PAN 77 – Designing for Safer Places (Mar 2006)

PAN 83 – Master Planning (Sept 2008)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting and design including amenity impact
 - c) access and parking
 - d) drainage
 - e) forestry
 - f) impact on infrastructure and services and proposed mitigation (developer contributions)
 - g) any other material considerations

Development plan/other planning policy

- 8.4 The application requires to be considered against National Planning Framework 4 which was adopted in February 2023 and forms part of the development plan alongside the Highland-wide Local Development Plan and in this instance, the Inner Moray Firth Local Development Plan.
- 8.5 The site lies within an area identified as a Mixed Use Allocation in the adopted Inner Moray Firth Local Development Plan. This is due to be superseded later this Spring by the Inner Moray Firth Local Development 2 which has recently been through an Examination process whereby the findings of the Reporter are legally binding. As part of this IMFLDP review it was originally intended for the site allocation at Knockbreck to be removed however following the examination process, it has remained an allocated site for mixed uses including housing. The full allocation extends to 23 hectares spanning both sides of Knockbreck Road and extending back to the A9. Whilst noting the concerns of objectors as to whether housing will benefit the community as a whole, it is nevertheless a use consistent with the development plan allocation with the proposal therefore requiring to be assessed against the extent to which it addresses the developer requirements contained within IMFLDP and all other applicable material considerations which are reflected in the general policies of the Highland-wide LDP.
- 8.6 The site is within the Tain Settlement Development Area (SDA) defined by the adopted Inner Moray Firth Local Development Plan, therefore the principal general policies against which the application requires to be assessed are Highland-wide Local Development Plan Policies 34 for Settlement Development Areas, 28 for Sustainable Design, and 29 for Design Quality and Placemaking.
- 8.7 These Policies set out the Council's support for development within SDAs that promote and enhance the social, economic, and environmental wellbeing of the people of Highland. As such, the design for sustainability criteria of Policy 28 for the assessment of all applications are key determining issues. Of particular relevance to

this application are criteria relating to sensitive siting and high-quality design in keeping with local character while conforming with existing and approved adjacent land uses; impacts on community and residential amenity; impacts on community and residential amenity; compatibility with public service provision; accessibility; maximise energy efficiency; and, reduce waste. These considerations are reinforced through Policy 29, which emphasises good design by requiring developments to be judged according to their contribution to the visual and architectural quality of the place they are located, as well as to Council place-making objectives by being an integral part of the settlement while housing developments within SDAs should focus on pedestrian movements.

In addition to the above, HwLDP Policy 56 for Travel requires proposals that are likely to generate increased travel activity at the location should include sufficient information in order that the impact of this, both on- and off- site, may be assessed. Key considerations include, availability of public transport modes, opportunities for walking and cycling, safety and convenience of potential users, access, and parking.

- 8.8 Finally, Policies 64 (Flood Risk), 65 (Waste Water Treatment), and 66 (Surface Water Drainage) seek to ensure that sites are not at risk of flooding or causing flooding elsewhere by avoiding areas of known flood risk in the first instance and including appropriate mitigation where required. Developments must meet standards to minimise the risks of flooding and pollution by being properly drained either through connection to the public sewer and / or being drained through appropriate SUDS arrangements.
- 8.9 All development also now requires to be assessed against Policies 1, 2, 3 and 5 of NPF4 which aim to ensure proposals address the global nature and climate emergencies, enhance biodiversity and safeguard prime agricultural land. Measures should be proportionate to the nature and scale of development.
- 8.10 The national approach to housing development is set out through Policy 14 which supports development that is consistent with the six qualities of successful places as well as Policy 15 which supports development that is consistent with the principles of local living and 20-minute neighbourhoods. Additionally, Policy 16 supports the delivery of high quality, sustainable homes that meet the needs of people throughout their lives. In particular, it supports proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. The proposal is considered against the above matters below:

Siting and Design including amenity impact

- 8.11 As an application for planning permission in principle only, nominal details are presented at this stage. The site layout plan shows three detached houses sited linearly and matching the building line established at Knockbreck Avenue to the north west and of similar or larger plot ratios ranging from 850m² to 1010m². In lieu of any specific design guidance for new housing with settlement areas, a condition is attached to require the submission of a Design Statement as part of subsequent applications which should explain and illustrate the design principles and concept of the future housing's proposed layout; landscape; scale; form and proportion; as well as the material finishes with the aim of illustrating how these will help to achieve the

qualities in Scottish Government's Designing Places and to address with the principal character of the area. This allows some flexibility with the future designs of the plots on the proviso the general plot ratios and house proportions accord with nearby housing. The house immediately next to Plot 1 has a blank gable meaning its amenity can be protected through appropriate design of any future house.

- 8.12 NPF4 prescribes a national approach to the assessment of applications which seeks to maximise housing development on allocated sites where possible, ensuring development reduces reliance on private car use and contributes to local living. In this instance the site is able to compliment the 20 minute neighbourhood concept detailed in Policy 15, lying within a 20 minute walk of facilities such as Tain Royal Academy, Asda Superstore and Tain's town centre. As such the principle of housing is considered to address this policy context as well as acknowledging the requirements of Policy 16 to improve affordability and choice of new homes to reflect changing needs and addressing gaps in provision.
- 8.13 In terms of wider amenity impact it is evident that the site and the wider field in which it lies do provide an asset with respect to recreation and in particular walking/dog walking. The site layout as submitted would not preclude recreational access being taken into the wider field at the end of the proposed private access track with the remainder of the field remaining available for public access albeit one which may be subject to future development given the IMFLDP2 allocation. In the short term, retention of public access can be further reinforced through the submission of concise access management plans with subsequent applications which is secured by condition.
- 8.14 In terms of construction impact, developers must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels, amongst other factors, which is enforceable via Environmental Health, whereby working hours would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Bank Holiday working. Developers and contractors are expected to employ the best practicable means to reduce the impact of noise from construction activities at all times.

Access and Parking

- 8.15 The application proposes that the development would be accessed through the creation of a new private road from Knockbreck Avenue, which is a cul de sac already serving a large number of houses. Given the site forms part of a much larger allocation the possibility of a new access from Knockbreck Road (a main B road) was raised with the applicant however this was noted as being economically unviable and therefore has not progressed. In considering whether a new access from Knockbreck Avenue is acceptable, Transport Planning have noted that whilst three additional houses will add ongoing additional traffic, the 'quantum' of such trips is unlikely to 'materially change the ability to use that existing cul-de-sac' therefore accepting three additional houses can be accommodated. Taking account of the wider designation, the comments from objectors and Transport Planning, it is evident that no further development beyond this proposal could or should be supported as having access from Knockbreck Avenue. This can highlighted to the applicant through an

informative and a condition is added to ensure future applications for each of the plots demonstrate how the private access can be designed as well as to ensure it is physically closed off; such that no future development in the wider field or area could take access from Knockbreck Avenue.

- 8.16 There is sufficient space within the proposed 3 plots to accommodate car parking and as result, the development will not exacerbate any existing parking concerns on Knockbreck Avenue. It is noted in some comments that the existing field access serves as a turning area which may the case informally however there is a formal turning head at the end of the cul de sac and which would be unaffected by the development and/or future development.
- 8.17 The impact of construction traffic must however be considered in terms of the local road network to ensure minimum impact on existing residents. A condition is attached to require the submission of a Construction Traffic Management Plan as part of subsequent applications. This should detail the routes to site and what mitigation can be employed to address amenity (such as avoiding peak times). The Plan should also include details of where any construction compound would be sited.

Drainage and flood risk

- 8.18 SEPA's Flood Map indicates a small area of potential medium risk surface water flooding within the application site with a larger area outwith the site itself. This can be managed through an appropriate surface water drainage system. A Drainage Impact Assessment has been undertaken for the development which proposes that surface water from roofs and hardstanding will be managed by a new surface water sewer and SUDS basin before being discharged into a drainage ditch running along the northeastern site boundary to which the Council's FRM Team have no objection to subject to a condition to agree with the finalised drainage layout which they note should ideally be designed to accommodate future phases of development should they transpire.
- 8.19 The development will connect to the public sewer to address foul drainage. Whilst objection comments are noted in regard to existing issues at Knockbreck Avenue; Scottish Water indicate that capacity exists for a connection to service the development. Nevertheless the application will require to confirm this through the pre-development enquiry process directly with Scottish Water. This will ensure the developer is liable for any upgrades to the network which may be required in order to accommodate the development.

Forestry Impact

- 8.20 The northern boundary of the site is defined by a steep wooded bank (known locally as Woody Braes) which drops down to Ankerville Street which has suffered from subsistence previously; this area is within the ownership of Tain Common Good with such issues having been resolved with replanting recently carried out. The area immediately north of the site however appears to contain predominantly mature Scots pine and appears generally to be more stable ground. It is, however, important to ensure that any development does not impact on the future stability of these trees which are outwith the ownership of the applicant. While there may be some impact on the two trees either side of the proposed site access, there appears to be sufficient

separation from the woodland to the north. The additional information requested by the Forestry Officer is therefore secured via condition in order to ensure the protection of the existing trees. Their removal to facilitate an improved view northwards, which has been raised as a concern in objections, cannot be undertaken by the applicant or any future developers of the plot as the trees lie outwith their ownership.

Climate change and biodiversity

- 8.21 The proposed plots are generously sized and present a blank canvas to ensure the general policies of NPF4 can be addressed with respect to enhancing biodiversity and ensuring the houses incorporate renewable energy technologies to reduce reliance on oil and emission levels. It would be expected that any future submissions are accompanied by landscaping plans setting out intended measures to provide biodiversity corridors which can be achieved through boundary treatments such as hedging or stone walls. Similarly any house designs would be expected to include an air source heat pump and/or solar panels both of which are generally now required in order to gain a Building Warrant.

Impact on infrastructure services and proposed mitigation (developer contributions)

- 8.22 A development of three houses is required to contribute towards educational infrastructure where capacity is already exceeded or will be exceeded according to school roll forecasting. The site lies within the catchments of the Tain Royal Academy and Knockbreck Primary School with the latter noted as being over capacity. Whilst a new Tain Campus is under construction, the Council's Developer Contributions SG indicates that capacity figures will be used to determine whether contributions require to be sought. In this instance, applying a 3 house discount rate, contributions of £3,275 are required equating to £9,825 payable either as an upfront payment prior to any decision being issued or secured through Section 75 agreement which would see staggered payments linked to housing completions. The applicant has yet to confirm which method of payment will be taken forward.

Other material considerations

- 8.23 There are no other material considerations.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.24 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) Developer contributions towards education infrastructure (£9,825) as per 8.22 above and attached appendix.
- 8.25 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement or other appropriate mechanism to secure mitigation for the impacts of the development agreed by the Planning Service, to deliver to the Council a signed legal agreement. Should an agreement or other appropriate mechanism to secure the mitigation agreed by the Planning Service not be delivered within four months, the application

may be refused under delegated powers for the following reason: The proposed application has failed to conclude a legal agreement required to secure reasonable and proportionate contributions to secure mitigation for the impacts of the proposed development. As such the application is contrary to the provisions of Policy 31 of the Highland-wide Local Development Plan and Policy 2 (Delivering Development) of the Inner Moray Forth Local Development Plan.

9. CONCLUSION

- 9.1 The application proposes a small development of three new houses within a long standing development allocation in Tain and provides an opportunity for additional housing within active travel of all amenities. The concerns of objectors are noted however it is considered that the existing road network can adequately accommodate the traffic likely to be generated by three additional houses however on the proviso that no further development within the allocated site will be approved without a new access being created from Knockbreck Road.
- 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
Notification to Scottish Ministers	N	
Conclusion of Section 75 Obligation	Tbc	
Revocation of previous permission		

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

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

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

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

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

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

3. Any details pursuant to Condition 2 above shall include a detailed Design Statement which shall explain and illustrate the design principles and design concept of the proposed layout; landscape; scale; form and proportion of each house; alongside material finishes. It shall illustrate how these will help to achieve the qualities in Designing Places to accord with the principal character of Knockbreck Avenue defined by low density housing with mature gardens.

Reason: In order to respect the vernacular building traditions of the area and integrate the proposal into its landscape setting; in the interests of visual amenity.

4. Any details pursuant to Condition 2 shall include full construction design of the proposed access. Thereafter the development shall progress in accordance with the

approved details with the access completed in full prior to the first occupation of any of the houses to the satisfaction of the Roads Authority. For the avoidance of doubt the proposed access to the three plots shall be shown as private rather than publicly adopted. Any application shall detail physical measures to ensure that future development in the field beyond the three houses hereby approved in principle cannot take access from Knockbreck Avenue. Such measures shall be implemented prior to the first occupation of any of the three houses and maintained in perpetuity thereafter.

Reason: To ensure an adequate level of access in the interest of road safety.

5. Any details pursuant to condition 2 above shall include full details of a communal wheelie/kerbside recycling bin storage area capable of accommodating bins for up to 3 properties located outwith any visibility splays. The storage area shall be constructed in accordance with the details approved by the Planning Authority prior to the first occupation 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.

6. Any details pursuant to Condition 2 shall include details of the proposed means of construction access to the site and an associated Construction Traffic Management Plan. This shall include details of the location of any construction compound and any proposed measures to mitigate the likely impacts of those construction access needs on the local public roads impacted and the current users of those road including U3933 Knockbreck Avenue. Where this cannot be avoided, the proposals should set out what measures will be taken to mitigate the impacts of such construction access on the existing users of Knockbreck Avenue. The approved details shall thereafter remain in place throughout the construction phase.

Reason: To mitigate the impact of the construction phase on the local road network.

7. Any details pursuant to condition 2 above shall include the detailed design of surface water drainage provision within the application site which accords with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time). The system shall also be designed such that it can be adapted to include future development of the wider site, should it arise. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

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

8. Any details pursuant to condition 2 above shall show car parking spaces provided within the curtilage of each of the dwellinghouses and formed in accordance with The Highland Council's Access to Single Houses and Small Developments prior to first occupation of the dwellinghouse to which it relates, thereafter being maintained for this use in perpetuity. Provision, which shall exclude garages, shall be as follows:

- i. Two spaces per 1 to 3 bedrooms;

- ii. Three spaces per 4 to 5 bedrooms; and
- iii. Four spaces per 6 or more bedrooms.

Reason: In order to ensure that the level of off-street parking is adequate.

9. Any details pursuant to condition 2 above shall include a detailed Landscape Plan and Maintenance Programme which shall include measures to enhance biodiversity within each plot. Such measures shall include hedging or addition of stone walls in order to encourage safe movement of species. The Landscape Plan shall be implemented in full during the first planting season following commencement of development, with maintenance thereafter being carried out in accordance with the Maintenance Programme. For the avoidance of doubt, any trees, plants or hedging which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping that also enhances biodiversity is achieved, appropriate to the location of the site and in accordance with National Planning Framework 4 Policy 3.

10. Any details pursuant to condition 2 above shall include the following, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction):
- Tree Protection Plan
 - Arboricultural Method Statement
 - Details of Site Supervision and Compliance Monitoring

The development shall thereafter progress in accordance with the approved details.

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

11. Any details pursuant to Condition 2 above shall include a basic access management statement. The statement shall outline measures to ensure there is public access during the construction phase and during the occupation of the development. The development shall thereafter progress in accordance with measures approved in perpetuity.

Reason: To ensure public access to the wider field, a recreational asset, is maintained through construction and occupation of the development.

12. No development shall commence until a scheme for the maintenance, in perpetuity, of all on-site access, drainage, landscaping and any other features or parts of the development that are not the exclusive property of any identifiable individual home owner (such as the private access road and any elements of surface water drainage regimes not maintained either by the Council or Scottish Water), have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented in full and in accordance with the timescales contained therein.

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

13. The size, orientation and location of the dwellinghouse(s) as shown on the approved plans is indicative only and no development shall commence until these matters have been approved on application to the Planning Authority.

Reason: In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

REASON FOR DECISION

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

Access

Please be aware that whilst the proposed access from Knockbreck Avenue has been considered acceptable on this occasion, any future development within the wider field will not be supported without a new access from Knockbreck Road.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and 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: Dafydd Jones
Designation: Area Planning Manager North
Author: Gillian Pearson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan PL01 Rev A
Plan 2 - Site Layout Plan PL02 Rev B

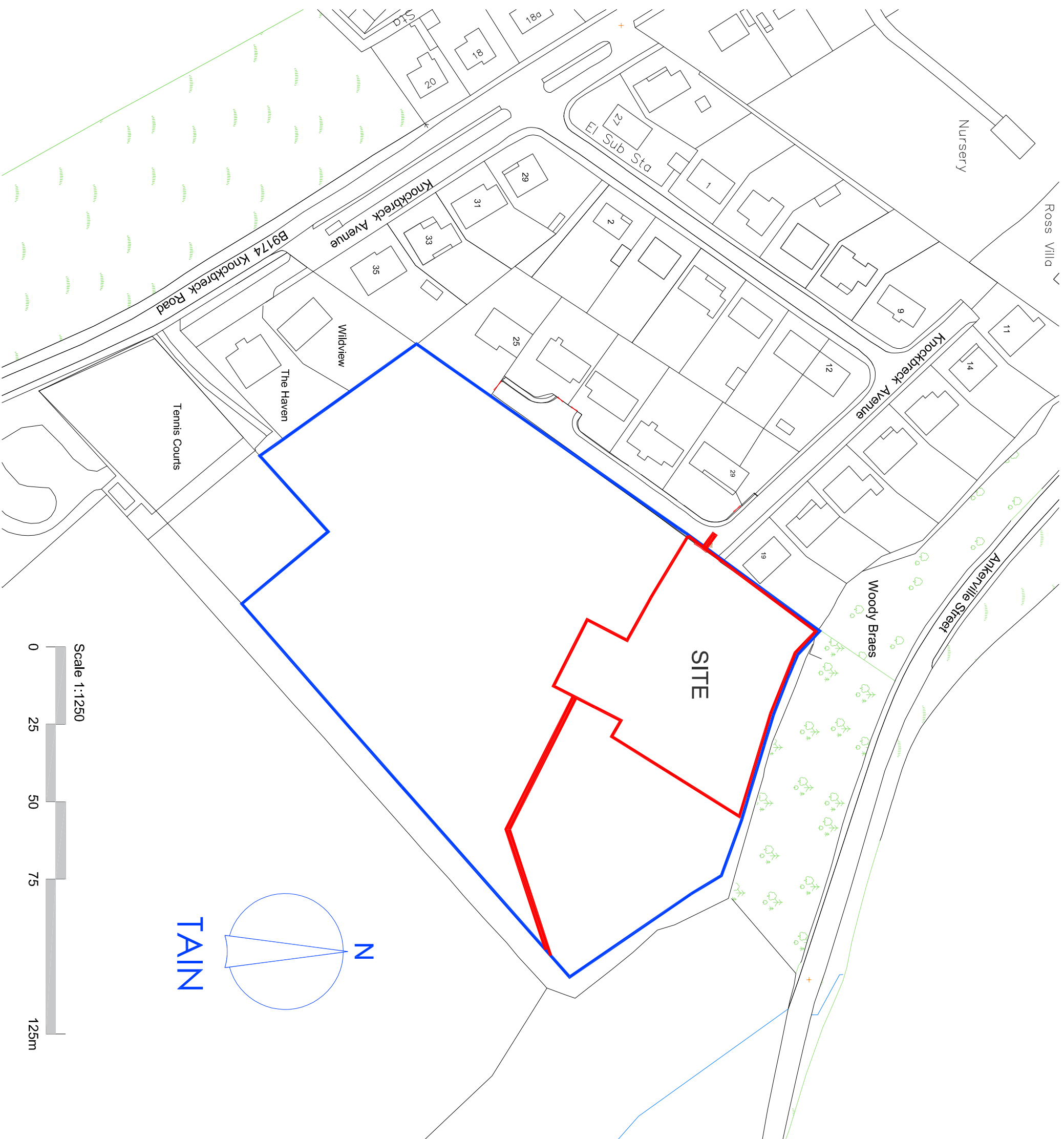
Appendix 2

Type	COMPLETE FOR LEGAL AGREEMENTS AND UPFRONT PAYMENTS				REQUIRED FOR LEGAL AGREEMENTS ONLY				
	Contribution	Rate (per house)	Rate (per flat)	Total Amount*1	Index Linked ¹	Base Date*2	Payment Trigger*3	Accounting Dates*4	Clawback Period*5
Schools²									
Primary – Build Costs	Knockbreck Primary School Extension	£3275	N/A	£9825	BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Primary – Land Costs	N/A				BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Build Costs	N/A				BCIS	Q2 2018	TOC/CC	Apr/Oct	15 or 20
Secondary – Land Costs	N/A				No		TOC/CC	Apr/Oct	15 or 20

¹ If the contribution is to be used towards infrastructure projects involving building e.g. new school, new cycle route etc BCIS ALL IN TENDER will be the index, if it doesn't involve building then another appropriate index may need to be chosen with the agreement of Team Leader

² Indicate whether or not 1 bed houses/flats are exempt

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Location Plan (1:1250)



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Client **Tain Initiative Group** Scale **1:1250**

Project **3 No. New House Plots and Access Road at Land SE of
19 Knockbreck Avenue, Tain IV19 1LY**

Title **Location Plan for Planning Application** Size **A3**

Drawing No. **T929 / PL01** Rev **A**



Knockbreck Avenue

Existing field access upgraded to form new shared access designed as a 'ramped access arrangement' to emphasise that priority remains with the existing road layout in accordance with The Highland Council 'Access To Single Houses and Small Developments'. Bituminous surface to extend a minimum of 6m from the carriageway

New foul drainage connected into existing public sewer

Shared Bin Collection Stance (Bituminous surface)

Application Site Area 3,900 sq. m

Shared Access Area and SUDs ownership to be shared between plots 1, 2 and 3 with Factoring Agreement with owners for maintenance of shared access and shared drainage systems.

New 3.7m wide access gravel track to Current Standards for a shared private access

All house footprints shown are purely indicative

Controlled surface water drainage into existing drainage ditch to Cairntech Engineers Design

Area for SUDs to engineer's design

PLOT 1 850m²

PLOT 2 925m²

PLOT 3 1010m²

Indicative line of weed trees TBC

Boundary Fence

Fence

Fence

Fence

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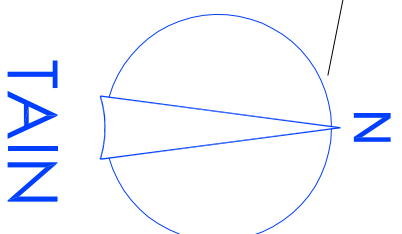
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Wildview

The Haven

Scale 1:500



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Client Tain Initiative Group Scale 1:500

Project 3 No. New House Plots and Access Road at Land SE of 19 Knockbreck Avenue, Tain IV19 1LY

Title Site Layout for Planning Application Size **A2**

Drawing No. **T929 / PLO2** Rev **B**

