

Agenda Item	6.8
Report No	PLN/044/25

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 11 June 2025

**Report Title:** 24/00865/PIP: Cairngorm Properties Ltd  
Land At Knockbreck Farm And Burgage Farm  
Knockbreck Road  
Tain

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

### Purpose/Executive Summary

**Description:** Erection of up to 250 houses, associated community uses, open space and business/tourist related uses.

**Ward:** 07 - Tain And Easter Ross

**Development category:** Major development

**Reason referred to Committee:** Major development

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 It is proposed that the development will be constructed in 6 phases over approximately 11 years, progressing gradually in a westward direction. The early phases will make use of the infrastructure already in place, notably the access roundabout system from Knockbreck Road and foul drainage connection. This provides opportunities for development immediately to the north east, north and west of the ASDA store for both residential non-residential development uses. There is also some flexibility between phases to account for changing market circumstances and infrastructure availability. It also allows advanced structure planting to mature with the development providing screening and integration. However, the assessment as a whole has been judged upon the development at final completion i.e. 11 years from Phase 1.
- 1.2 The proposal consists of approx. 250 buildings and be a mix of single and 1.5 storey houses, 2 storey houses, and 3 storey flats with a grading of density from high to low (central areas to outer areas). Areas of higher density (>25 dwellings per hectare/10 per acre) including taller 3 storey buildings will be concentrated in an area north of the ASDA development. Lower densities (approx. 4 dwellings per acre) will be located towards and western and north-eastern boundaries reflecting existing nearby housing densities. Areas of mixed-use including tourism / commerce and business / office will supplement the overall pattern of housing at focal areas. The detailed distribution of different house types and building usage will not be confirmed until a subsequent detailed Planning stage.
- 1.3 A proposed phasing plan would introduce the following uses:
  - Phase 1 (east of B9174 road): residential plus some leisure/tourism/residential/community care home;
  - Phase 2 (two small parcels either side of B9174 road, also a third parcel east of A9 junction): commercial / tourism / community;
  - Phase 3 (directly north of ASDA fuel station roundabout): higher-density residential;
  - Phase 4 (immediately west and south of ASDA Superstore): open space / non-residential (small business or office units) / specialised residential or youth café/indoor play centre;
  - Phase 5 (at western edges of Phases 3 and 4): residential;
  - Phase 6 (east of Hartfield Gardens): residential.
- 1.4 Pre Application Consultation: pre-application advice was provided in 2009 (09/01427/PREAPP).
- 1.5 Supporting Information:
  - Ecological Surveys (March 2010)
  - Breeding Bird Report
  - Ecological Impact Assessment (EclA)
  - Landscape and Visual Appraisal
  - Landscape Strategy

Planning Design and Access Statement  
Public Consultation Statement  
Site Servicing Report  
Transport Assessment  
Waste Management Strategy  
Drainage Impact Assessment (Revisions 1.1 and 1.2)  
Biodiversity Net Gain Calculations Report  
Biodiversity Net Gain Report  
Preliminary Ecological Appraisal Report

- 1.6 Variations: several minor amendments made during the determination of this application.

## **2. SITE DESCRIPTION**

- 2.1 The site is located on the south-eastern fringe of Tain, 800 to 900 metres from its centre and lies either side of the B9174 leading into Tain off the A9. Most of the land comprises gently sloping agricultural land forming a large part of Knockbreck and Burgage Farms on the north side of the A9 trunk road, between it and the existing mainly 1970s residential built-up area of the town at Hartfield Gardens to the west, Seaforth Road/Burgage Drive to the north and Knockbreck Road/Avenue to the north-west. The site is divided into two distinct areas (west and east) by Knockbreck Road, the main access into Tain off the A9 from the south-east. The Western area lies to the immediate north of the A9 trunk road. It falls in an easterly direction from 51.5 metres (m) Above Ordnance Datum (AOD) in the most westerly corner to 36.5m AOD in the north-eastern corner and 35.5m in the south-eastern corner. These slopes are relatively gentle being around 1 in 25 at steepest. Principal views are in a south easterly direction along the A9 towards the countryside and distant hills.

The land cover is limited to rough grass with a beech hedge along part of the eastern boundary, a shelterbelt along the southern boundary to the A9. Beyond the north-eastern boundary and along Knockbreck Road are some scrub woodland trees on the edge of an adjoining land holding opposite the Tennis Club. Separating the land from the large housing estate to the north is an area of mixed woodland, which affords shelter to the main open space for that development south of Seaforth Road. The site is criss-crossed by a number of worn footpaths. An overhead power line runs through the south-eastern portion of the site. An old dry-stone wall runs almost the whole length of the boundary with Knockbreck Road.

The Eastern part of the site lies to the immediate north-east of Knockbreck Road from where it falls in a north easterly direction from 36.5m AOD to around 29m AOD at the top of the raised beach/escarpment. These slopes are also relatively gentle being around 1 in 19 at steepest. Principal views are in a north-easterly direction towards the coast and East Sutherland beyond. The land cover is arable having been cropped in the past. There are two mature beech trees along the boundary with Knockbreck Road, some field boundary trees to the north-west edge with the adjoining holding and scrub vegetation on the north-eastern boundary at the top of the raised beach. An

overhead power line runs through the eastern portion of the site and an old dry-stone wall/bank runs along part of the boundary with Knockbreck Road from the Tennis Club access to the roundabout. To the south and east lies the distinctive wooded policies of Knockbreck House (Category B-listed), which will visually contain development on this edge of the settlement.

### 3. PLANNING HISTORY

3.1	26.04.011	00/00931/FULRC   Provision of 34 Serviced House Plots (Detail)	Permission Granted
3.2	22.10.13	10/02217/PIP   Masterplan for proposed mixed use development [entirety of current application site]	Permission Granted
3.3	17.03.17	16/03969/PIP   Masterplan for proposed mixed use development on expansion area (189 market units expected)  [entirety of current application site, but omitting south-eastern panhandle]	Permission Granted
3.4	17.06.22	22/01716/PAN   Mixed use development comprising up to 250 residential units, community uses, business/tourism uses, open space and ancillary infrastructure  [entirety of current application site]	Case Closed

### 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Ross-shire Journal, 'Unknown Neighbour' – 14 days  
Date Advertised: 12.04.2024  
Representation deadline: 26.04.2024

Timeous representations: 2 general comments from 2 households;  
2 objection comments from 2 households

Late representations: 1 general comment from 1 commercial party

- 4.2 Material considerations raised are summarised as follows:

- Dwellings proposed in relative proximity to ASDA Superstore – Agent of Change principle applies in relation to mitigation of any noise issues.
- Tain Tennis Club requests to be included in any future developer contributions negotiations, to achieve mutual benefits.
- Objection to access via Hartfield Gardens, for safety and noise reasons.

- Objection to access via Seaforth Road, for parking and pedestrian safety reasons.
- Biodiversity loss concerns – potential tree removal and impact on species reliant on tree habitat.
- Red-line site boundary's inclusion of Hartfield Gardens road queried.

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](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 Access Officer: no objection. The area proposed for this large development is well used by the public for recreation and also active travel to the existing community and business premises. There are a large number of paths proposed within the scheme, both adjacent to and remote from the roads, which is welcome. Open space is also shown in the layout which again is welcome. No purpose built play area is detailed; is it proposed to upgrade an existing (nearby) play facility, commute a sum to build/maintain elsewhere or is none required for this scale of development?

It is assumed that roads proposed to access this development will all be adopted by the roads authority and hence footways associated with these roads will also be adopted? Two types of footway are marked on the layout plan, are two standards of footway proposed to be built?

The remote paths for this development should be built to adoptive standard and ideally then adopted by the roads authority but if not then there should be a clear agreement on how the remote paths and any open space will be maintained.

Consideration should be given to dedicated covered bicycle parking for the higher density housing.

The phasing of the development may lead to a long period of construction to build out the proposed site. A prolonged construction period will impact more on the loss of the existing recreation resource with any new paths potentially not being available for public use during the construction period. A Recreational Access Management Plan (RAMP) will be required for this PIP to be approved before any full planning is submitted/approved, the RAMP shall detail how each phase of the development will give consideration to any public access routes lost for that phase, with alternative routes made available or potentially the construction of remote paths first to be enable them to be used during the construction of future phases of the scheme.

5.2 Contaminated Land Officer: no objection. Having checked its database, historical Ordnance Survey maps and aerial photos, there does not appear to be a potential source of contamination onsite. The geotechnical site investigation from 2009 reviewed, which did not encounter any significant made ground beneath topsoil deposits. Therefore, further information is not required to support the application.

- 5.3 Corporate Address Gazetteer: no objection. The Council's Corporate Address Gazetteer Team would like to make you and your client aware of the Street Naming and Numbering Process (SNN) which can be found on The Highland Council's website at:

[https://www.highland.gov.uk/info/180/planning - applications warrants and certificates/172/street names and house numbers](https://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/172/street_names_and_house_numbers)

When an SNN request is received and a new street name is required, the details are passed onto the Community Council who will consult with Local Members and Ward Managers, to decide on a street name/s, this can take 2-3 months.

We would encourage the applicant/agent to submit a request for the naming and/or numbering of a street in the event that planning permission and/or Construction Consent has been granted.

- 5.4 Development Plans Team: no objection. The proposal will be in overall conformity with the approved development plan if suitable mitigation can be secured in terms of adverse effects and net biodiversity enhancement. The previous permissions stated a maximum floorspace for each non-housing land use class and it would be sensible to control this again by a similar condition on any future permission. Otherwise, adverse town centre impacts may occur and the overall car km travelled may increase further because larger commercial facilities would have a wider catchment draw.
- 5.5 Historic Environment Team – Archaeology: no objection. The application lies within an area of archaeological potential. Written Scheme of Investigation (WSI) required by condition, which requires that the development area is the subject of an evaluation in the first instance in order to establish the archaeological content and potential. Dependent on the results of this work, further study may be required in advance of, and during, construction works to record any identified remains. The evaluation will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The applicant will need to engage the services of a professional archaeological contractor.
- 5.6 Historic Environment Team – Conservation: no objection. Of the three listed heritage assets at Knockbreck, there is unlikely to be any direct impacts upon the house or entrance gate-piers. The walled garden is the closest to the site, and already appears to have a landscape buffer; we would request that consideration be given to a more meaningful buffer zone of (non-deciduous) trees to better shield the listed structure from the proposed housing scheme. This will better protect its setting, as required by NPF4 Policy 7(c).
- 5.7 Environmental Health Officer: no objection. Comments offered in relation to construction noise, dust, operational noise (a Noise Impact Assessment may be required, depending on proposed uses and their proximity to housing) and existing noise in relation to the adjacent ASDA superstore.
- 5.8 Flood Risk Management Team: objection withdrawn.

The site is not shown to be at risk of fluvial flooding on SEPA's indicative future flood maps and we are not aware of any watercourses within the site. There is a small watercourse parallel to the north-east boundary, but the site topography indicates that this is at a much lower level than the site. We are therefore content that the flood risk

to the site is low.

The flood maps show small pockets of potential surface water flooding within the boundary and we are content that this can be managed through a well-designed surface water drainage system.

We have reviewed the Drainage Impact Assessment (DIA) provided (DIA. Knockbreck Road, Tain. Rev 1.2. Cameron Ross. November 2024). This sets out the proposed Drainage Strategy for the site. It is proposed that drainage network will be designed in accordance with Sewers for Scotland and put forward for vesting by Scottish Water and The Highland Council. We are content with this approach.

The site will be split into two drainage catchments. The SuDS basin serving the western catchment will discharge to a watercourse that runs along the eastern boundary of the site. The basin serving the eastern catchment will discharge to a watercourse to the south. The pre-development areas of the site that currently discharging into the two watercourses have been determined and used to calculate the greenfield rates into each watercourse.

Drainage network simulations have been provided to demonstrate that each basin has been sized to limit discharge rates to the equivalent pre-development greenfield rates for 2, 30 and 200 year return period storms events with an allowance for climate change. We are content with this approach and withdraw our objection to the application. We request a condition that the final design is submitted for review and approval.

It is noted that the DIA states (Figure 7.1) that a route from the eastern catchment basin to the watercourse that is under the client's control is available. The case officer should note that the route is not within the site boundary.

- 5.9 Transport Planning Team (TPT): TPT has no objection to the principle of this application but recommend a number of transport-related conditions are attached to any planning permission granted.

The TPT is supportive of vehicle connections to Hartfield Gardens and Seaforth Road as this makes the development more permeable and also provides secondary accesses for all vehicles. The suggested bus gate is not considered appropriate in this instance. However, we are cognisant of the comments from objectors and are seeking to find a solution that will be safe, acceptable to existing residents and reduce the impact on existing trees.

The location and design of an access solution at Hartfield Gardens / Seaforth Road is a key consideration to enable the development of phases 5 and 6 and the site overall, however no further information has been received to address this issue which will now be addressed by condition and if necessary, via a fresh application at a future date.

The proposed site layout is broadly acceptable, however there remain issues with the location of street trees, design of roundabouts and remote footways. National Planning and transport guidance has shifted dramatically since an identical layout was last approved in 2016 and therefore the TPT regards it as indicative only.

As previously discussed, the existing access road into the site is not adopted although appears to be built to an adoptable standard. The access road will need to be put forward for adoption at the same time as the rest of the site through the Road

Construction Consent process.

As the development will not have a detrimental impact on the capacity of the existing road network, the TPT have no objection to the principle of this application. However, the increase in traffic will be detrimental to vulnerable road users. Therefore, the TPT recommend that planning conditions to improve the quality of infrastructure for walkers, wheelers and cyclists and ensure their safety are attached to any planning permission the Council may give. This is especially pertinent as the footways on the B9174 towards the town centre of Tain are of a substandard width.

The TPT are aware of comments provided by Transport Scotland regarding the proximity of the junction to the A9 into the east side of the development for Phases 2/3. It is therefore recommended that a condition is attached to any permission the Council may grant for the location and design of new junctions into the development from the existing public road to be approved by the Highland Council and Transport Scotland before any works commence on site.

- 5.10 Ecology Officer: objection originally lodged due to insufficient biodiversity net gain measures and an absent EclA; objection later withdrawn on submission of updated information.

We welcome the inclusion of a Preliminary Ecological Appraisal and a Biodiversity Net Gain (BNG) Report, with the application. However, the proposal fails to deliver positive effects for biodiversity, as per policy 3 of NPF4. The Highland Council Biodiversity Planning Guidance should be followed, and the application needs to demonstrate a minimum 10% of biodiversity net gain and include the details of any specific on-site and off-site habitat enhancements, as part of an Outline Habitat Management Plan (OHMP). We recommend that the proposed biodiversity enhancements such as inclusion of bird and bat boxes, planting of native scrub and hedgerows, and wildflower meadows, are included in the OHMP. Other measures could include hedgehog highways, swift boxes, pine marten den boxes, the design of wildlife ponds, or creation of habitat for birds of conservation interest (e.g. yellowhammer, starling, or spotted flycatcher). The measures should also consider the creation or strengthening of existing nature corridors and ecological networks.

For a development of this size, an Ecological Impact Assessment (EclA) needs to be provided as part of the application. The recommendations outlined in the Preliminary Ecological Appraisal (pages iii-iv) should be followed, including all identified further surveys (e.g. Bats Preliminary Roost Assessment and Otter Survey). An Otter Survey needs to be carried out along the watercourse, as surveyors were unable to do this during the walkover survey, due to existing dense vegetation. As Schedule 1 bird species have been identified on site, a Breeding Bird Survey should be carried out. The Highland Raptor Study Group should be contacted for information regarding red kite breeding sites. Finally, any trees marked for removal should be clearly identified. It is important that bat friendly lighting is installed in this housing development, and this must follow the Bat Conservation Trusts Bats and artificial lighting at night guidance note - <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-noteupdate-released>

Biodiversity net gain of 11.99% is now able to be demonstrated, which exceeds the minimum requirement set out Biodiversity Enhancement Planning Guidance.

We remove our objection on provision of the following conditions being implemented:

- HMP provided with detailed Landscape plan and final metric. This should include monitoring and management measures for a minimum of 30 years
- Bat species protection plan- this must include additional surveys of all trees identified as PRF-M within 30m of works and mitigation and compensation measures
- Breeding bird and otter species protection plans
- CEMP
- Preconstruction survey not more than 3 months prior to works commencing
- ECoW – should undertake regular site visits to ensure compliance with CEMP, SPPs etc

- 5.11 Ministry of Defence Safeguarding: no objection. Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of those large and/or flocking bird species hazardous to aviation safety close to a training range.

The principal safeguarding concern of the MOD in relation to the construction of buildings and associated landscaping and drainage in the vicinity of RAF Tain Range relates to the potential increase in bird strike risk to aircraft operations. Elements of the proposed scheme that may form environments attractive to those large and/or flocking bird species hazardous to aviation safety would be of particular concern.

- 5.12 NatureScot: no objection. It is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required. The eastern part of the proposed development site is bounded by drainage which runs into the River Tain, which flows into the SPA and SAC. The Local Development Plan for similar developments indicates a requirement for public sewerage connection and SUDS which safeguards water quality and other pollution reaching the Firth. We would expect similar embedded mitigation to be in place for this proposed development site. The Design and Access statement highlights that the development will be connected to the public sewerage a few metres north of the overall development. It also states that surface water drainage will be collected within separate surface water sewers, then stored via detention basins (providing both treatment and storage) and discharged to the burn to the south-east of the site. With these standard best practice measures in place we consider that water quality will be protected within the SPA and SAC.

- 5.13 SEPA: no objection. This application falls below the thresholds at which SEPA provides site specific advice.

- 5.14 Scottish Water: no objection. This proposed development will be fed from Assynt Water Treatment Works. This proposed development will be serviced by Tain Waste Water Treatment Works. Scottish Water records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets.

- 5.15 Transport Scotland: no objections subject to conditions including : closure of exiting access from phase 2 onto the B9174, securing full details of the proposed access to the eastern half of Phase 2, keeping land free of development within phase 2 adjacent

to the B9174 to facilitate future upgrades of the junction with the A9 etc.

- 5.16 Safer Routes to School: no response received.
- 5.17 Landscape Officer: no response received.
- 5.18 Forestry Officer: no response received.
- 5.19 Tain Community Council: no response received.
- 5.20 Housing Development Manager: no response received.

## **6. DEVELOPMENT PLAN POLICY**

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

### **6.1 Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 32 - Affordable Housing
- 34 - Settlement Development Areas
- 51 - Trees and Development
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 74 - Green Networks
- 75 - Open Space
- 76 - Playing Fields and Sports Pitches
- 77 - Public Access

### **6.2 Inner Moray Firth Local Development Plan 2 (2024)**

Site is located within Tain's Settlement Development Area.

Site pertains to allocation TN06, 'Knockbreck Road', allocated for housing, business, Area: 23.1 ha commercial, community and greenspace uses. Indicative capacity: 210 units.

Developer requirements: Exact developable areas to be determined through a master planning process with input from and early engagement with the council, key agencies and other stakeholders. Developer masterplan to address the following: Protect the features of the Dornoch Firth SSSI; Demonstration of no adverse effect on the integrity

of the Dornoch Firth and Morrich More SAC by public sewer connection and comprehensive sustainable urban drainage system which safeguards water quality and avoids sedimentation and other pollution reaching the Firth (Habitats Regulations Appraisal required); Retain and protect shelterbelt to north and allow adequate separation of development from all boundary trees/hedges; Protect setting of B and Category C listed Knockbreck House and walled garden; Sensitive siting and design and landscaping, including enrichment planting along A9; Improve active travel infrastructure between development and town centre; Consultation with Transport Scotland regarding any potential impact on the A9 trunk road and junction.

### **6.3 Highland Council Supplementary Planning Policy Guidance**

Access to Single Houses and Small Housing Developments (May 2011)  
Biodiversity Enhancement Planning Guidance (May 2024)  
Construction Environmental Management Process for Large Scale Projects (August 2010)  
Developer Contributions (March 2018)  
Flood Risk and 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 (March 2013)  
Open Space in New Residential Developments (Jan 2013)  
Physical Constraints (March 2013)  
Public Art Strategy (March 2013)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Designing Streets: A Policy Statement for Scotland (2010)  
Creating Places: A Policy Statement on Architecture and Place for Scotland (2013)

## **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: Development plan/other planning policy**

- 8.3 The Development Plan comprises National Planning Framework 4 (NPF4), the

adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2 (IMFLDP2), and all statutorily adopted supplementary guidance.

- 8.4 National Planning Framework 4 (NPF4) Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while proposals for major developments must conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3(b).
- 8.5 Policy 3 – Biodiversity of NPF4 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 (albeit on a wider development site) Policy 3c states that proposals for local development will include measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 8.6 Complimenting the above policies is NPF4 Policy 4, which sets out the developer and officer requirements for ensuring that protected species are given adequate consideration prior to an application's determination. Also relating to the overarching principle of creating sustainable places are relevant Policies relating to Soils, whereby Policy 5 (b) supports development on quality agricultural land in limited circumstances; The application site comprises Carbon and Peatland Class 0 land, meaning any peat presence is highly unlikely. It also comprises almost exclusively Class 3.1 agricultural soil, meaning that Prime Agricultural Land would be affected – while the proposed development does therefore does not accord with Policy 5 which supports development of Prime Agricultural Land only in strictly limited circumstances, this is considered to be acceptable on balance having regard to all other considerations as set out under NPF 4 and in light of the application site having been identified by the LDP for development. Additionally, Policy 7 seeks to protect and ensure that woodland and trees on development sites are sustainably managed, while historic assets and places are protected and enhanced. Finally, Policy 13 for sustainable transport considers that active travel nodes and public transport use should be promoted and facilitated by all developments.
- 8.7 Key NPF4 policies to the consideration of this application relate to the overarching principle of supporting development that achieves liveable places. Principally, Policy 14 for design, quality and place, Policy 15 for local living and 20-minute neighbourhoods, and Policy 16 for quality homes. These policies seek to promote and facilitate well designed developments that make successful places by taking a designed approach and applying the Place Principle consistent with the six qualities of successful places. To that end, new residential neighbourhoods should seek to be compact and connected to facilities that allow residents to meet the majority of their daily needs within a reasonable distance of their home, while facilitating the delivery of affordable, sustainable, and high quality homes across a mix of tenures.

- 8.8 NPF4 Policy 16(a) states that “development proposals for new homes on land allocated for housing in LDPs will be supported”. NPF4 Policy 26(a) furthermore states that “development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported”.
- 8.9 NPF4 Policies 18, 20, and 22 relate to the development’s infrastructure requirements, whereby Policy 18 encourages an Infrastructure First approach to land use planning and placemaking and provides support for proposals that contribute to Local Development Plans Infrastructure Delivery Programmes. Policy 20, in relation to blue and green infrastructure, seeks to protect and enhance blue and green infrastructure networks and supports in principle proposals that do not result in the loss of integrity of blue and green infrastructure. Policy 22 promotes avoiding, as a first principle, areas of known flood risk and sets out the criteria by which development proposals at risk of flooding or in a flood risk area will be supported.
- 8.10 IMFLDP2 allocation policy TN06: ‘Knockbreck Road’ allocates the application site for a mix of housing, business, commercial, community and greenspace uses, with an indicative housing capacity of 210 houses. The proposed development is therefore supported in principle on this basis. The allocated site is located within Tain’s Settlement Development Area.
- 8.11 The proposed development would exceed the application site’s expected allocation by around 40 units – this is supported, in the context of a declared Highland Housing Challenge with a projected demand of 24,000 additional houses required to be delivered within the next decade. Designation of the Inverness and Cromarty Firth Green Freeport also requires to be considered, with housing demand likely to increase alongside high-quality job creation. While the Green Freeport has no formal outer boundary, Tain is contained within a 22.5-kilometre radius of its general area which was outlined at its bidding stage for tax and customs purposes. The availability and servicing of the application site on the south-eastern edge of Tain is therefore well placed to meet the additional housing requirement likely to be generated by this significant economic initiative, as acknowledged in the submitted Planning Design and Access Statement.
- 8.12 The proposal also requires to be assessed against relevant HwLDP policies. HwLDP Policy 34 states that “we will support proposals within Settlement Development Areas (as defined in the existing local plans and future area local development plans) if they meet the requirements of Policy 28: Sustainable Design and all other relevant policies of the plan”.
- 8.13 Given consistent support for the application site’s development offered by successive parts of the Local Development Plan, the proposed development is recommended for approval.

### **Siting, Layout and Design**

- 8.14 The proposed development’s siting, encompassing an allocated site on the south-eastern outskirts of Tain – an historic Royal Burgh and strategic growth centre for the East Ross area – is supported. The siting of various aspects within the development is only considered to be indicative at this ‘in principle’ stage, however submitted layout

plans are considered to be acceptable. In particular, the site envelopes three sides of the ASDA Superstore site; it is considered that siting non-residential uses in closest proximity to the Superstore as proposed would best safeguard future residents' amenity. Internal layouts for residential developments of this scale should follow the principles of Designing Streets, which encourages the use of connected layouts and prioritises the needs of pedestrians and cyclists ahead of motor vehicles.

- 8.15 There are a number of constraints and requirements set out in the IMFLDP2 allocation that the eventual detailed layout must take into account, namely retention of a tree shelterbelt to the north and adequate separation of development from all boundary trees/hedges; protection of the setting of B and Category C listed Knockbreck House and walled garden, and sensitive siting and design and landscaping, including enrichment planting along A9; as well as protection and enhancement of core paths and improved active travel links, suitable internal road hierarchy, and other infrastructure requirements including flood mitigation and drainage arrangements, all of which limit the developable area of the site.
- 8.16 Internal layouts for residential developments of this scale should follow the principles of Designing Streets, which encourages the use of connected layouts and prioritises the needs of pedestrians and cyclists ahead of motor vehicles. In this instance, the indicative Site Layout Plan indicates a clear intention to provide a series of looping streets through the development to limit the need for cul-de-sacs, which is welcomed, while certain roads within the development should include a minimum of 2 metre wide footway and verge provision, which should be secured by condition. Phase 1 has effectively been proposed as a detailed layout, which is generally acceptable but will require to be the subject of a future application.
- 8.17 The application proposes a mix of ownership tenures although detail of housing types is omitted from the submission at this stage. Nevertheless, it is considered that the site can accommodate a housing mix of detached, semi-detached, terraced house types as well as flatted accommodation. It is considered reasonable to limit house heights to two storeys to match heights of more recent housing developments in the wider area, and blocks of flats to three storeys along with limiting underbuilding and raised platforms. It is acknowledged that allowances may be made for bespoke contemporary design provided designs appropriately respond to the site's context. Also given the support for self-build in IMFLDP2 (Policy 11) and NPF4 (Policy 16), it is also reasonable to secure provision for self-build residential units by condition, which should total 5% of the final housing mix. Further conditions are suggested to secure final design details including housing mix, material palettes, boundary treatments, landscaping, management of street furniture and the integration of public art. It is expected that these provisions will encourage the developer to incorporate high-quality design that contributes some distinctiveness to what is likely to be a suburban style development.
- 8.18 Proposed commercial and other non-residential uses likewise are deemed to be acceptable in terms of their siting and layout, being mainly clustered around the existing ASDA site. A condition is attached to limit the extent of any non-residential uses, in order to safeguard amenity levels and mitigate any potential adverse impact on Tain Town Centre in line with the Town Centre First principle embodied within Policy 27 of NPF4. This based on the information submitted with the application setting out the floor areas for the proposed uses as set out under section 1.3 of the report and

reinforced under condition 2. The mix of uses comprising leisure, tourism, garden centre, commerce, hotel, light industry is considered broadly compatible with surrounding area subject to appropriate mitigation.

- 8.19 The final internal site layout and design will be given further consideration in subsequent submission(s) for matters specified in conditions (MSC) or Full (i.e. detailed) applications. The layout will necessarily have to take account of matters discussed in this report while it is anticipated that an initial MSC will be submitted in the first instance so that the site's layout and its infrastructure can be approved prior to subsequent MSC applications for the separate phases and components of the development. However, the submission indicates that the site can accommodate the proposal including supporting infrastructure while addressing the constraints and requirements set out above and achieve a layout that accords with Designing Streets.

### **Landscaping, open space provision and heritage**

- 8.20 In addition, the finalised layout must include an overall quantity and quality of open space provision that accords with the provisions of the Highland Council's Open Space in New Residential Development Supplementary Guidance. In applying the guidance, 40sqm of usable open space is required per person, equating to a requirement for 23,900sqm of open space for the development. The applicant claims 42,160sqm of provision but a large element of this is peripheral rather than integral to the layout. Most of it is shown because it has very limited development potential (it provides a buffer to the A9, to ASDA Superstore or to the landslide risk of the raised beach escarpment). Accordingly, it offers limited recreational amenity to adjoining householders. The proposed site layout is expected to be revised within a subsequent detailed application to provide higher quality recreational greenspace that is central to the residential areas.
- 8.21 Landscaping will be an integral part of the proposal. The applicant has produced a Landscape Strategy that seeks to incorporate and integrate the shelterbelt into the development while enhancing wildlife habitats. Final details of Open Space can be secured by condition to ensure it is provided on site with meaningful connections to surrounding green networks and that there are adequate facilities for play and recreation, as well as biodiversity. The condition should ensure the landscaping designs for each phase are integrated and follow best practice principles to secure private and shared greenspaces that are designed to be a focus of the development and provide attractive settings for housing as well as flexible spaces that provide areas for growing, recreation, and play for users; to provide a high-quality streetscape; improved tree cover; that the proposal avoids creating unused areas beyond and between garden and avoids private maintenance and potential antisocial problems; that boundary treatments are carefully considered with hedges and low boundary walls as good alternatives to garden fences for the front of properties.
- 8.22 Proposed additional access via Seaforth Road would be likely to necessitate removal of several existing Horse Chestnut / Rowan / Beech trees – a condition is attached to secure tree retention during construction. As an issue which would require to be addressed during delivery of Phase 6, it is not considered to require immediate detailed resolution. Further information would in any event be required before this could be authorised. However, future removal of a strictly limited number of trees (the minimum number necessary) is considered to be acceptable in the interests of forming

an access. Biodiversity compensation would however be required; an off-site traditional orchard is therefore proposed by way of mitigation.

8.23 NPF4 Policy 3(b) only supports major development proposals which conserve, restore and enhance biodiversity and meet the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

Recently-adopted Biodiversity Enhancement Planning Guidance (section 4.24) quantifies “significant biodiversity enhancements”, requiring a minimum 10% biodiversity enhancement, preferably on-site. It is the developer’s responsibility to demonstrate to the satisfaction of the Authority that this threshold has been achieved. Submitted metric information states a proposed biodiversity net gain of 11.99% for area-based habitats, supported by the metric habitat assessment. However, it is noted that the off-site area has not yet been legally secured. This is nevertheless considered to be acceptable and can be secured by legal agreement.

The Conservation Officer has mentioned the presence of three listed buildings to the south-east of the development site, all relating to Knockbreck House: a walled garden (Category C); Knockbreck House itself and its associated gate piers (both Category B). The separation distance between these heritage assets and the proposed development is considered to be sufficient as to ensure no adverse impact on their setting. The Conservation Officer has suggested additional tree planting which is secured by condition – land is set aside for this purpose, albeit outside the site’s red-line boundary. It however remains within the owner’s blue-line land and therefore is appropriate to be conditioned for this purpose.

### **Access, Roads, and Parking**

8.24 Successive phasing parcels have been identified above in section 1.3. The application site would make use of the existing access from the A9 trunk road, via the B9174 road. It is noted that two roundabouts directly north of ASDA fuel station have already been delivered. Internally, the indicative layout demonstrates the applicant’s intention to implement a street hierarchy in accordance with Designing Streets, and that the

development can accommodate vehicular parking, which should include parking for all abilities, and bicycle parking for visitors and staff at each unit in line with the Council's Roads and Transport Guidelines for New Developments and Cycling by Design Guidance. Land has also been set aside to accommodate any future widening of the B9174 / A9(T) road junction.

- 8.25 Traffic calming measures have been indicatively drawn on submitted plans. The TPT has discouraged inclusion of a bus gate in the application site's north-western corner and are seeking a secondary access point for all vehicles. Build-outs with priority 'give way' signs, for example, would both be acceptable and viable to deliver and avoid the need for a bus gate whilst discouraging this becoming a future "rat run". The Road Safety Team, having been consulted by the TPT, is satisfied that given the increase in vehicle flows and the substandard width of the footways, the proposed traffic calming measures would be commensurate with the size of the development.

The location and design of an access solution at Hartfield Gardens/Seaforth Road is required prior to Phases 5 and 6 being implemented. The suggested location will require to be the subject of more detailed consideration ahead of any works commencing on Phases 5 or 6. Should any solution require land outwith the current red-line site boundary it would require to be the subject of a separate full application. A condition is attached to secure appropriate access arrangements from Hartfield Gardens/Seaforth Road, which would be a matter to be considered prior to development of Phases 5 and 6.

- 8.26 An Access Management Plan (AMP), which requires to detail access management during the construction and occupation phases of development with particular regard to Core Paths and the wider network can be secured by condition. Off-site impacts, for example site users accessing local walking routes elsewhere by car, could be considered. To accord with Council guidelines, paths require to be 3m in width which must be detailed within the AMP. Measures stated within the attached condition are considered appropriate for the application for planning permission in principle and to adequately address the concerns of the Access Officer and TPT.
- 8.27 The Public Transport Team has confirmed that there is no scheduled bus service that uses the service road to ASDA, although an on-demand Dial-A-Bus is available. The nearest active bus stops are located at ASDA Car Park and Tain Tennis Club (serving ASDA). It is not considered that the suggested layout is suitable for a scheduled bus service through the new development. Developer contributions would be required to extend the existing Dial-A-Bus vehicle/driver to serve the phases as they are built out. The cost to extend the current service would be £85 per day and for a six-day service this would equate to £2000 per month, or £24,000 per year over a three year period for phase 1. As and when phases 5 commences, another three year financial commitment would be triggered, which would be index linked and apply at the time of occupation of the first house within phases 1 and 5.
- 8.28 Vehicular parking must be provided in accordance with the Council's Roads and Transport Guidelines for New Developments including parking for: minimum provision within single houses, and additional visitor parking provision within the road layout, and parking at the business and community development; as well as accommodate the accessible parking and EV charging facilities as required by Building Standards, in particular at flatted developments. Conditions are suggested to ensure parking

provision complies with standards. Similarly, conditions can be used to ensure that final designs include adequate cycle parking provision, including at the business and community development, and with cycle parking facilities ideally provided on the ground floor within the building of flatted accommodations.

- 8.29 A condition is also proposed to secure a Construction Traffic Management Plan prior to works on each phase commencing on site to manage impacts from construction traffic.
- 8.30 In May 2024 the Highland Delivery Programme was adopted and now requires £1000 per house towards active travel. This element will be secured though as Section 75. Conditions

can be used to ensure that final designs include adequate cycle parking provision, including at the business and community development, and with cycle parking facilities ideally provided on the ground floor within the building of flatted accommodations.

### **Traffic Impact**

- 8.31 The submission includes a Transport Assessment (TA) which analyses the impacts of the likely vehicular trips generated by a mixed-use development that includes business and community uses and 250 residential units at the location. The assessment was based on the proposed mix of uses and houses as set out under condition 2. A people trip assessment of the development proposals has been undertaken for all modes of travel which confirms that the walking, cycling and public transport provision in the area is sufficient to accommodate the expected future demand from the site with improvements. The assessment of the local road network supports the site access proposals and concludes that the minor increase in traffic associated with the development will result in a negligible impact on the operation of surrounding junctions in the study area. As a result, it is considered that the additional traffic can be safely accommodated on the road network with no detriment to existing road users or requirement for any additional physical mitigation.

### **Privacy and Amenity**

- 8.32 The proposal is not considered to be detrimental to the established residential amenity of properties in the wider Tain locality in terms of overlooking, loss of privacy, and overshadowing, by virtue of separation distances and existing structure planting. Proposed dwellings in the southern area of Phase 3 would be sited in proximity to a mix of non-residential uses (as yet unspecified), however this is not considered to exert an unacceptable impact – Informatives and conditions are attached to control both initial construction and normal operation noise levels. Some disruption is expected during the construction phase of development however the Environmental Health Officer has no objections on that regard. It is expected that the developer's contractors will employ the best practicable means to reduce the impact of noise from construction activities in accordance with BS 5228. An attached Informative restricts construction activities to take place only within sociable hours. A Noise Impact Assessment is required by condition, however the Agent of Change principle as enshrined in NPF4 Policy 23(e) would place the onus of installing adequate noise mitigation on the applicant/developer introducing new noise-sensitive receptors to the area, rather than on existing businesses to reduce their noise-emitting activities. It is

noted that the submitted indicative site layout plan minimises the number of residential units located in proximity to ASDA Superstore, with mixed non-residential uses mainly clustered adjacent to the existing Superstore site – this is supported.

- 8.33 In terms of the amenity of future residents of the application site, there is potential for those properties sited closer to the A9(T) to be detrimentally impacted by traffic noise emanating from the trunk road. A Noise Impact Assessment, required by an attached condition, would provide further information at a subsequent detailed application stage. This is also required to assess any noise impacts exerted by ASDA Superstore which would require to be mitigated through design by the applicant/developer within any subsequent detailed application, in accordance with the 'Agent of Change' principle. If relying on closed windows to meet the acceptable noise levels, the houses must then be designed to include an appropriate alternative ventilation measure that does not compromise heat or noise insulation requirements. In such circumstances the recommendation is that such ventilation meets the requirements of Building Standards on the basis that the windows are to be considered permanently shut regardless of whether or not they can actually be opened.
- 8.34 Nevertheless, Environmental Health have not objected to the development on the grounds of negative impacts on some properties closer to the A9(T) from traffic noise. A detailed application will be required to provide sufficient clarification as to how acceptable internal noise levels will be achieved at vulnerable properties. The applicant will also be required to provide details of the proposed means of ventilation for those properties where internal noise limits can only be met with windows closed (which should be agreed in conjunction with the Building Standards Authority).

### **Flood Risk and Drainage**

- 8.35 SEPA's Flood Risk Map (inc. future flood mapping) does not identify the application site to be at any risk of flooding. 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. Runoff from roofs and parking areas would drain via private disconnecting chambers into the surface water sewer network. Surface water drainage would be addressed by means of SUDS basins, which is acceptable. Basin outflow to existing watercourses south and east of the application site would be limited to pre-development greenfield runoff rates via a hydro-brake, orifice plate and weir wall. A route from the eastern catchment basin to the watercourse that is under the client's control is available – this would be further controlled at a subsequent CAR stage. Foul drainage would be addressed by public infrastructure, being directed to an existing foul sewer north of Burgage Drive. Private connections from each unit would meet new gravity foul sewer infrastructure (to be adopted by Scottish Water), to mitigate the application site's natural drainage from west to east. This is acceptable. Further conditions control these matters in detail. It is noted that the DIA states that a route from the eastern catchment basin to the watercourse that is under the client's control is available whilst this is outwith the site edged red it is within the ownership of

the landowner and runs along the public road.

### Other material considerations

- 8.36 Construction traffic issues are afforded some weight – submission of a Construction Traffic Management Plan is required by condition.

Eligibility for developer contributions is based on by the council's guidance.

### Non-material considerations

- 8.37
- Any 'ransom strip' risks are not a material planning consideration.
  - Potential loss of views is not a material planning consideration.

### Matters to be secured by Section 75 Agreement

Summary of Developer Contributions – <u>Adopted DCSG</u>			
Infrastructure / Service Type	Answer	Contribution Rate (per house)	Contribution Rate (per flat)
Education	Knockbreck Primary – contribution required	£10,517	£5,961
	Tain Royal Academy – no contribution required	n/a	n/a
Community Facilities	Contribution to expansion of facilities at Tain Community Complex	250 x £1,588 = <b>£397,000</b>	
Affordable Housing	25% of total number of units	At least 63 units required	
Transport Requirements	Transport Planning	250 x £1,000 per house = <b>£250,000</b>	
	Dial a bus	£24,000 pa over 6 years/split over two phases = <b>£144,000</b>	
All costs are subject to indexation from Q4 2023 to the point of determination of the application or agreement of Heads of Terms except education contributions which should only be inflated from Q4 2024.The dial a bus contribution will based on the applicable indexation at the time phase 1 or 5 are triggered.			

- 8.38 In order to mitigate the impact of the development on infrastructure and services the matters as discussed above require to be secured prior to planning permission being issued.

- 8.39 Although there was a S75 in place for the previously approved development (ref

16/036969/PIP) this permission has lapsed. A new S75 is required in this instance given the changes in circumstances.

- 8.40 Committee approval is also sought to allow officers delegated powers to agree the terms of the Section 75 agreement. 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.

## **9. CONCLUSION**

- 9.1 The Planning Authority has accepted the principle of development at the application site, given its long-standing allocation and granting of successive permissions. Development of this site will make a contribution to the delivery of additional housing locally. In this regard the applicant has taken forward a master planning approach to deliver a mix of tenure and types of new homes on the site whilst enhancing recreational uses and biodiversity. The layout, siting, design and infrastructure arrangements and impacts to amenity and the natural environment have been considered and mitigated through the design of the proposals. The application is for planning permission in principle, while the technical details of the development will be considered through subsequent applications for Matters Specified in Conditions or other detailed Full applications, which are suggested within this report. It is considered that the applicant has considered the constraints across the site and has shown that they can be overcome. Nature and biodiversity enhancements are secured as is required by NPF4. Consequently, it is considered that the application site can accommodate the development as proposed and can therefore be supported.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

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

## **11. RECOMMENDATION**

### Action required before decision issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	YES
Revocation of previous permission	N

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

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

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

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

2. Planning permission in principle is hereby granted for a maximum of:-
  - a) 250 residential units - (Houses / Flats)
  - b) 350 sq m of Class 1A Uses - (Office/ Professional Services)
  - c) 650 sq m of Class 3 Uses - (Restaurant/Café)
  - d) 1,000 sq m of Class 4 Uses - (Business /Light Industry)
  - e) 900 sq m of Class 7 Uses - (Hotels and

- Hostels)
- f) 1,200 sq m of Class 11 Uses - (Assembly and Leisure)
- g) Generally consistent with the approved Site Layout Plan 312821 - PL004 REV C.

Reason: In order to clarify the terms of the permission and to ensure that the overall layout and design is satisfactory for the site.

3. No development shall commence within each phase, or sub-phase, until an application, or applications, as they relate to or are relied upon by that phase or sub-phase, has been submitted to, and approved in writing by, the Planning Authority in respect of the following matters, insofar as they relate to the details of the proposed development taking full account of indicative Site Layout Plan (Drwg No: 312821 - PL004 REV C), Creating Places and Designing Streets and other relevant national and local policy and guidance related to the matters set out below:
  - a) Siting, design, and external appearance of all buildings and other structures, with:
    - i. A separation of 20 metres between existing tree stems and all commercial, community, and residential units (or as may be determined by a tree survey);
    - ii. No single residential properties of more than 2 storeys in height;
    - iii. No flatted accommodation of more than 3 storeys in height;
  - b) Siting and layout of all self-build plots, which shall be a minimum of 5% of total number of homes on site, with these to be made available for sale as serviced plots and be sold off individually to self-builders with the size of the plots to remain in accordance with the average plot size as shown on the indicative Site Layout Plan (Drwg No: 312821 - PL004 REV C);
  - c) Details of sustainable design considerations inclusive of an energy strategy;
  - d) Details of site access;
  - e) Layout of the site, in accordance with Designing Streets principles;
  - f) Road layout including:
    - i. The road hierarchy;
    - ii. Junction layouts and design;
    - iv. Junction and forward visibility requirements;
    - v. Junction spacing;
    - vi. Vehicle tracking at junctions and standard radii;
    - vii. Details of provision for cyclists and pedestrians, with junctions and crossing designed to facilitate active travel;
    - viii. Details of safer routes to school, in particular a safe route to/from Tain Community Campus; and,
    - ix. Details of the location and type of service strips within the intended adoptable road boundary;
  - g) Provision of car parking inclusive of disabled parking including in curtilage parking, communal parking areas, parking courts and on-

- street parking with no driveways being located in positions where they may conflict with traffic movements at junctions;
- h) Provision of covered communal cycle parking for residents within buildings containing flats and external secure, covered visitor cycle parking at flats, with their design and number of spaces to comply with specifications set out in 'Roads and Transport Guidelines for New Developments';
  - i) Public open space provision, including a timetable for delivery, in accordance with the Open Space in New Residential Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
  - j) Public art provision in accordance with the Highland Council's Public Art Strategy Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
  - k) Hard and soft landscaping, including a timetable for delivery;
  - l) All boundary treatments within the site;
  - m) Management and maintenance arrangements for (g) through to (l) above;
  - n) Provision for service vehicles following occupation of the development;
  - o) Provision of surface water drainage systems, including access or maintenance, across the Phase or sub-Phase, how it relates to the surface water drainage strategy for the site as a whole and management and maintenance arrangements thereof;
  - p) Water and waste water connections, with connections to the public water and waste water networks;
  - q) Means of dealing with domestic waste in accordance with the Highland Council's Managing Waste in New Developments Supplementary Guidance (or any superseding guidance prevailing at the time of submission);
  - r) Details of existing trees, shrubs, and hedgerows to be retained and removed;
  - s) Details of existing and proposed site levels with fall arrows;
  - t) Details of finished floor levels; and,
  - u) Details of all external lighting ensuring that safety and security are addressed with no lighting directed skyward or towards habitat corridors.

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing within each phase or sub-phase.

4.
  - A. Planning Permission in Principle is hereby granted for residential development of up to 250 homes with 25% being made available for affordable housing, along with associated engineering works, landscaping, open space, parking, drainage and servicing and new accesses to be installed.
  - B. No development shall commence on each phase or sub-phase until a phasing plan, setting out the proposed number of units within each phase or subphase including the number of units being made

available for affordable housing with each phase, has been submitted to and approved in writing by the Planning Authority.

- C. The residential unit buildout rates shall not exceed 30 homes per annum, excluding one-bedroom homes, unless otherwise agreed in writing by the Planning Authority in consultation with the Highland Council's Education Services following review of year-on-year School Role Forecasts

Thereafter the development shall be undertaken in accordance with the agreed Phasing Plan or in Sub-Phases as may be approved in writing by the Planning Authority.

A Sub-Phase means any part of any Phase of Development the subject of an Approval of Matters Specified in Conditions issued by the Council following an application in that behalf, or otherwise subject of any equivalent planning approval following an application in that behalf.

Reason: To define the extent and terms of the development consent. To ensure that the development proceeds in an appropriate manner and that the necessary elements of the development are provided at the appropriate stages, and to ensure that the local primary school can operate within its operational capacity.

5. Any details pursuant to Condition 3 above for each phase or sub phase shall identify the principal access arrangements into, across and through the site, including improvements to the existing networks, to the satisfaction of the Planning Authority. The agreed programme of works for each phase of development and/or parts thereof shall then be implemented as approved.

All detailed plans proposing significant changes to the existing road network shall be accompanied by a Road Safety Audit. The applicant shall be responsible for all fees, construction and any future remedial actions, arising from the various RSA Stage reports.

Reason: To ensure that adequate improvements to the surrounding road network are undertaken; to address road safety concerns and that the applicant funds all costs associated with these measures.

6. No development shall commence within each phase or sub-Phase until details of the material palette for all buildings' external finishes, including roofs, walls, doors, windows, rainwater goods, micro renewables (with reference to RAL numbers and manufacturer specifications), has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: To promote a sense of individuality and sense of place within the development, in the interests of visual amenity.

7. Any details pursuant to Condition 3 above shall be informed by and include a Construction Environmental Management Plan (CEMP) and no development shall commence within each Phase, or sub-Phase, until the CEMP has been submitted to and approved in writing by the Planning Authority. The document shall specify and include:
- a) A Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions;
  - b) Processes to control / action changes from the agreed Schedule of Mitigation;
  - c) The following specific plans:
    - i. Ecological Impact Assessment (which must consider priority habitats and priority species listed within the Highland Nature Biodiversity Action Plan and the development's impact on soils);
    - ii. Habitat Management Plan (HMP), to include the following:
      - Proposed biodiversity enhancement measures of the site detailing the creation and management of the biodiversity enhancements. The HMP shall include a detailed landscaping plan of the biodiversity enhancements and show a finalised minimum biodiversity net gain (BNG) of 10% using the Defra BNG Metric, or any other justified and appropriate metric available at the time;
      - The HMP shall include provision for the regular monitoring and review of the HMP's objectives and include measure for securing amendments or additions in the event that the HMP's objectives are not being met – monitoring and management measures shall be kept in place for a minimum of 30 years from the date of this permission;
      - Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with the written approval of the Planning Authority) shall be implemented in full;
    - iii. Species Protection Plans including for, but not limited to, Badger, Otter, Red Squirrel, Pine Marten and breeding birds protection plans;
  - d) Pollution prevention plan, including water management by way of SUDS;
  - e) Dust management plan, including from construction traffic;
  - f) Construction Noise, Vibration and Assessment and Mitigation Plan in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise, with:
    - i. A description of the most significant noise sources in terms of equipment; processes or phases of construction;
    - ii. The proposed operating hours and the estimated

- duration of the works for each phase;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required);
- iv. A description of noise mitigation methods that will be put in place including the proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified;
- g) Site waste management plan, including details of a materials handling plan with details of existing and proposed site levels, with the plan to specify the removal of inert waste and re-worked material from the top 1m of the site;
- h) Measures to protect private water supplies; including an emergency response plan;
- i) Details of existing site boundary walls and fences to be retained, repaired or enhanced, and details of construction site access and means of enclosure;
- j) Details of the location and extent of all construction compound and laydown areas, as well as timescales for their removal with ground restoration / re-instatement;
- k) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities, including regular site visits to ensure compliance;
- l) Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, Planning Authority and other relevant parties; and,
- m) Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

Thereafter, the development shall proceed in accordance with the approved CEMP.

Reason: To protect the environment and amenity from the construction and operation of the development.

8. No development shall commence within each phase or sub-phase until pre-commencement surveys to locate the presence or absence of protected species have been undertaken at least three months prior to the commencement of works and copies submitted to the Planning Authority. This shall include additional bat, badger, and pine marten surveys with Species Protection Plans to be followed.

The submitted Bat Species Protection Plan shall include additional surveys of all trees identified as PRF-M within 30 metres of works, as well as mitigation and compensation measures.

Prior to the removal of any trees, bat surveys shall be undertaken to confirm the absence of bats / bat roosts from each tree. Prior to

any tree felling within the Knockbreck area, the applicant/developer will also confirm measures to provide one new bat box per felled tree to compensate for the loss of any trees which currently have the potential to accommodate bats.

Should any protected species be found within or adjacent to an area likely to be affected by construction activities, appropriate mitigation measures shall be put in place by the developer prior to development commencing and be maintained for the duration of development, details of which shall first be submitted to, and approved in writing by, the Planning Authority.

Reason: To protect and enhance nature conservation from construction activities.

9. Any details pursuant to Condition 3 above specific for Phases 2, 3 and 4 shall include a Noise Impact Assessment (NIA) demonstrating how the following noise limits will be met in relation to traffic noise:

Internal Levels

- 35 dB LAeq(16hr) 0700-2300 and 30 dB LAeq(8hr) 2300-0700 in habitable rooms;
- 45 dB L<sub>Amax</sub> in bedrooms 2300-0700.

External Levels

- <55 dB daytime in all external amenity areas (gardens).

The NIA shall include clarification as to how these levels will be achieved. For the avoidance of doubt, the developer must satisfy itself that where internal limit can only be met with windows closed, the proposed means of ventilation for these properties will satisfy Building Standards.

Prior to the development commencing, the applicant shall submit, for the written approval of the planning authority, a Noise Impact Assessment carried out by a suitably qualified and competent person in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. The assessment should demonstrate that existing noise sensitive properties and new ones created by this development will not be adversely impacted by noise from existing commercial or industrial sources.

\*Prior to the development commencing, the applicant shall submit, for the written approval of the planning authority, a Noise Impact Assessment carried out by a suitably qualified and competent person in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. The assessment should demonstrate that existing noise sensitive properties and new ones created by this development will not be adversely impacted by noise from new commercial or industrial sources associated with the development. This should be considered cumulatively with noise from existing commercial or industrial sources. Monitoring locations must be agreed beforehand with the Council's Environmental Health Officer. Thereafter the development shall progress in accordance with the approved Noise

## Impact Assessment.

Reason: In order to protect the amenity of the occupants of the development.

10. Any details pursuant to Condition 3 above for each phase or sub phase shall be supported by a Construction Traffic Management Plan (CTMP) which includes:
- a) Specification that no other development shall commence until access junctions for each Phase within 50 metres of the B9174 road are installed to the satisfaction of the Roads Authority;
  - b) Identification of the routes to site for construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
  - c) Scheduling and timing of movements, avoiding school pick up and drop off times for nearby schools e.g. Knockbreck Primary School and Tain Royal Academy;
  - d) Traffic management measures on the routes to site for construction traffic such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort;
  - e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
  - f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
  - g) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;
  - h) Provisions for emergency vehicle access;
  - i) A timetable for implementation of the measures detailed in the CTMP;
  - j) Clarification of construction access points, which are designed to Council standards in terms of geometry, visibility and surfacing;
  - k) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the local Community Council informed and dealing with queries and any complaints regarding construction traffic; and
  - l) Identification of welfare facilities and areas of parking, materials storage and plant which are adequately sized to ensure no overspill onto public roads.

The Construction Traffic Management Plan shall be implemented as approved prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety, to limit the impacts on the local road network and to limit the amenity impacts of the construction phase of the development on local residents.

- 11, All roads intended to link with any future phases of development, or to other adjoining sites, shall be taken to the edge of the application site boundary with no impediments.

Reason: To ensure that future roads and routes can be provided without impediment.

12. Any details pursuant to Condition 3 above for each phase or sub phase shall show car parking spaces provided and formed in accordance with The Highland Council's Roads and Transport Guidelines for New Developments prior to first occupation of the element of the development to which it relates, thereafter being maintained for this use in perpetuity.

Reason: To ensure adequate provision of car parking.

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

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

14. No development shall commence within each phase or sub phase until the applicant has submitted for the written approval of the Planning Authority, details of a dust mitigation scheme designed to protect neighbouring properties from dust arising from this development.

Thereafter the development shall progress in accordance with the approved dust suppression scheme and all approved mitigation measures shall be in place prior to the commencement of operations or as otherwise may be agreed in writing by the Planning Authority.

Reason: In the interest of amenity.

15. No development shall commence on the area of land to the south-east of the B9174 Knockbreck Road adjacent to the trunk road boundary, until such times as the proposed details of the access to this area has been submitted to and agreed by the Planning Authority, in consultation with Transport Scotland. Thereafter, the proposed means of access shall be constructed in accordance with the approved design.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

16. Unless otherwise agreed with the Planning Authority, in consultation with Transport Scotland, the area indicated on the BEAR Drawing "A9-NW-202-2024 Highland 24/00865/PIP A9(T) / Knockbreck Road Junction Reserve Land" shall be left free of development.

Reason: To facilitate future junction upgrades to be undertaken by others.

17. No development shall commence until a timetable for the stopping up of the existing field access on the north side of the A9(T), west of the A9(T) / B9174 Knockbreck Road priority junction has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter this shall be stopped up and the verge reinstated to the satisfaction of the Planning Authority, after consultation with Transport Scotland prior to the commencement of development in any phase or sub phase.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

18. There shall be no means of direct access to the trunk road either pedestrian or vehicular.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

19. Any details pursuant to condition 3 for each phase or sub phase shall include details of the lighting within the site related to that phase or sub phase shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland. Thereafter, lighting shall be installed and maintained in accordance with the approved details.

Reason: To ensure that there will be no distraction or dazzle to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

20. Prior to commencement of the development within each phase or sub phase, details of the landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be

located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the Trunk Road and that the safety of the traffic on the Trunk Road will not be diminished.

21. Prior to commencement of the development in each phase or sub phase, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

22. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

23. No part of the development hereby approved shall be occupied until sewer connections and potable water storage infrastructure, as required, have been completed.

Reason: In the interests of environmental protection and to safeguard human health.

24. Any details pursuant to Condition 3 above for each phase or sub phase shall include full details of surface water drainage provision within the relevant Phase or sub-Phase and how that relates to the surface water drainage approach for the site as a whole, which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition (or any superseding guidance prevailing at the time) and The SUDS Manual Ciria C753. The finalised drainage design shall include updated runoff rate calculations based on the final site layout. Network simulations shall include the pipe network and demonstrate that storms up to and including the 1 in 200 year plus climate change storm event are managed within the site boundary. Designs shall be in accordance with Sewers for Scotland to allow vesting by Scottish Water and The Highland Council. Thereafter, only the approved details shall be implemented and all surface water drainage provision, as it relates to, or is relied upon by, an individual phase, shall be completed prior to the first occupation of any of the development within that phase.

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

25. No development shall commence within each phase or sub-phase until details of the relevant person or party responsible for the maintenance of the on-site surface water drainage system have been provided to the Planning Authority and approved in writing. Any part of the surface water drainage system not vested by Scottish Water or another responsible authority shall remain the responsibility of the developer and maintained in line with the scheme to be approved.

Reason: To ensure that the surface water drainage system is maintained by an appropriate party and that the party responsible for maintenance can be easily identified should any issue arise.

26. Any details pursuant to Condition 3 for each phase or sub phase above shall include details of surface water runoff from greenspace areas (i.e. those areas not drained through the SUDS) and originating from higher ground within the development, with the provision of measures to protect existing and new properties from surface water/overland flow.

Reason: In the interests of amenity and drainage of the development.

27. Any details pursuant to Condition 3 for each phase or sub phase above shall be informed by and include a Waste Management Strategy for each phase or sub-phase. This shall detail the approach to sustainable waste management in the operational of all aspects of development with identification of bin stores, bin collection points, and refuse vehicle collection routes in each phase or sub-phase. Thereafter this shall be implemented in accordance with the approved details.

Reason: In the interests of amenity, to manage waste and prevent pollution.

28. With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

29. Any details pursuant to condition 3 for each phase or sub phase shall include a Tree Protection Plan in accordance with BS5837:2005 (Trees in Relation to Construction) which includes details of appropriate protection measures for all retained trees before and for the duration of the development. Thereafter this shall be implemented in accordance with the approved details.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

30. Any details pursuant to Condition 3 for each phase or sub phase above shall include and specify:

- a) An identified setback from all existing trees to be retained (informed by tree reports) and all proposed commercial, community, and residential units;
- b) Tree Survey Report, Tree Schedule, Tree Constraints Plan and Tree Protection Plan in accordance with BS 5837:2012;
- c) An Arboricultural Method Statement;
- d) Details of the appointment of a suitably qualified Arboricultural consultant to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement and certificates of compliance for each stage are to be submitted for approval of the Planning Authority.

Thereafter, development shall progress in line with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, both during construction and thereafter.

31. phase above shall include details, including full specifications, for the layout, design and construction of open space and recreation facilities that comply with the Highland Council's adopted standards contained within Open Space in New residential Development for that Phase shall be submitted to and agreed in writing by the Planning Authority. The details shall include:

Any details pursuant to Condition 3 for each phase or sub

- a) A minimum of 23,900sqm of usable quality open space across the development; and,
- b) All landscape and habitat corridors to remain in communal ownership for the purposes of factoring and future maintenance, with no areas to be incorporated within any adjacent residential plots.

The agreed scheme shall be implemented thereafter to the satisfaction of the Planning Authority.

Reason: In the interests of amenity, to ensure that open space and recreational facilities are in accordance with Council standards and in the interest of protected species.

32. No development shall commence on each Phase, or sub-Phase until a scheme for the maintenance in perpetuity of all on-site green spaces,

including trees and woodland, for all parts of the development that are not the exclusive property of any identifiable individual house owner such as communal parking areas, the common entrances to flatted developments and estate lighting, and those elements of surface water drainage regimes not maintained either by the Highland Council or Scottish Water for that Phase of sub-Phase, has been submitted to and agreed in writing by the Planning Authority.

The agreed scheme, which shall accord with the Highland Council's adopted standards contained within Open Space in Residential Development, shall be implemented thereafter.

Reason: In the interests of amenity and to ensure that communal infrastructure on the site is maintained in accordance with the Council's standards.

33. Any details pursuant to Condition 3 for each phase or sub phase above shall include details of a scheme of hard and soft landscaping works related to that Phase or sub-Phase of the development. Details of the scheme shall include:

- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- b) A plan showing existing landscaping features and vegetation to be retained;
- c) The location and design, including materials, of any proposed walls, fences, gates, seating and other landscaping features, within each open space, including 1:20 scale plans showing the detail of each feature; with all boundary means of enclosure being defined in terms of its future maintenance responsibilities;
- d) The location, type and design, including materials product name and specification, of any proposed play equipment and associated safety features (if required), including 1:100 scale plans, within each open space;
- e) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- f) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Attention shall also be paid to provision of a buffer zone of (non-deciduous) trees to better shield nearby listed buildings to the south-east of the development hereby approved.

Proposed landscaping works shall be considered by the Planning Authority in consultation with the Ministry of Defence, in order that birdstrike safeguarding assessments can be completed.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding

seasons following the commencement of that phase of development to which the scheme relates.

Any trees or plants which within a period of five years from the completion of the phase of development to which they relate, die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site; in the interest of biodiversity net gain.

34. No development or any works within each phase or sub phase shall commence until a suitably qualified Landscape Consultant has been appointed by the developer. Their appointment and remit shall first be approved in writing by the Planning Authority. For the avoidance of doubt, the Landscape Consultant shall be appointed as a minimum for the period from the commencement of the development until the completion of the approved landscaping work. Their remit shall, in addition to any functions approved in writing by the Planning Authority, include: a) Ensuring that the approved Landscape Plans are implemented to the agreed standard; b) Ensuring compliance with the Construction Environmental Management Plan and specifically the site waste and materials handling plan; and The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate.

Reason: In order to ensure that the approved landscaping works are undertaken on site.

35. Any details pursuant to Condition 3 within each phase or sub phase above shall include a scheme for the inclusion of public art within the development. The scheme shall include:

- a) Detailed design and location of public art provision;
- b) The management and maintenance of any and all public art provision; and
- c) A timetable for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained in perpetuity.

Reason: To ensure the delivery of a development with a unique identity which facilitates the creation of place.

36. Any details pursuant to Condition 3 above for each phase or sub phase shall be informed by and include an Access Management Plan (including details of footpaths and cycle ways and lighting (existing, during

construction and upon completion and information on temporary or permanent diversion or closure)) shall be submitted for the written approval of the Planning Authority for each Phase or sub-Phase of the development. The plan shall show:

- a) All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance, or curtilage in relation to proposed buildings or structures;
- c) All paths and tracks proposed to be constructed for use by walkers, riders, cyclists, all-abilities users etc., at 3 metres wide, and how these will integrate with existing or proposed networks. Details shall include but not be limited to:
  - i. Pedestrian access to any and all core paths and rights of way;
  - ii. Construction details of all paths, inclusive of material finishes, which shall be kerbed (not wooden edged) and bitmac, and drainage details; with all remote routes through woodland to detail a no dig solution within any root protection areas and elsewhere all paths and watercourse crossings shall be to Lowland Path Construction Guide standards;
  - iii. Any diversion of paths, temporary or permanent proposed for the purposes of the development;
  - iv. Maintain the existing active travel route from Burgage Drive to the supermarket with an improved crossing point on the supermarket access road;
  - v. Provide new road drop kerb type crossing opportunities within the application site;
  - vi. An appropriately phased traffic calming scheme along the B9174 road between Knockbreck Avenue and the Hartfield Street/Geanie Street junction to be agreed and approved by the Transport Planning Team before the commencement of work and then installed before the commencement of occupation;

The Access Management Plan shall be implemented as approved and in accordance with the timetables outlined therein, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development is adequately connected with existing and proposed pedestrian and cycle routes and to accord with the Land Reform (Scotland) Act 2003, in the interest of active travel, safety, amenity and tree root protection.

37. Any details pursuant to Condition 3 above shall include full details of the location, form and programme for delivery of a minimum of three fully-equipped play areas within the application site. Thereafter, the play areas shall be installed by, and at the expense of, the developer in line with these approved details and their on-going upkeep shall be included in a factoring agreement (or similar).

Reason: In order to secure high-quality open spaces in compliance with Council Supplementary Planning Guidelines.

38. Any details pursuant to Condition 3 above for Phases 5 and 6 shall include full details of the location and design of a secondary access point(s) at Hartfield Gardens and/or Seaforth Road to be finalised to the satisfaction of the Planning Authority, in consultation with the Transport Planning Team and Roads Authority. Development shall progress in accordance with these finalised approved details prior to the first occupation of any residential unit within phases 5 and 6. The development hereby approved.

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

39. Any details pursuant to Condition 3 above shall include a detailed assessment of walking routes to bus stops and proposals for improvements to bus stop facilities (i.e. real-time info, timetables, new shelters, etc.) for each relevant phase or sub-phase, which sets out options for residents for reducing dependency on the private car, to be approved in writing by the Planning Authority.

Reason: To facilitate the reduction in the use of private cars and increase use of sustainable and active travel.

## **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**

### **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. The granting of planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

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

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

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

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

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

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

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is

audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

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

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

### **Corporate Address Gazetteer**

The Council's Corporate Address Gazetteer Team would like to make you and your client aware of the Street Naming and Numbering Process (SNN) which can be found on The Highland Council's website at:

[https://www.highland.gov.uk/info/180/planning\\_-\\_applications\\_warrants\\_and\\_certificates/172/street\\_names\\_and\\_house\\_numbers](https://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/172/street_names_and_house_numbers)

When an SNN request is received and a new street name is required, the details are passed onto the Community Council who will consult with Local Members and Ward Managers, to decide on a street name/s, this can take 2-3 months.

We would encourage the applicant/agent to submit a request for the naming and/or numbering of a street in the event that planning permission and/or Construction Consent has been granted.

### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority

(irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

### **Section 75 Agreement**

You are advised that this planning permission has been granted subject to a Section 75 Agreement. The terms of the agreement must be read in conjunction with the planning permission hereby approved. The terms of the agreement may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

### **Street Names/Bilingual Signage**

In line with the Council's Gaelic Language Plan and policies, you are encouraged to consider the use of both Gaelic and English on signage within in this development (both internal and external signs). For further guidance, you may wish to contact the Council's Gaelic Development Manager (01463 724287) or Comunn na Gàidhlig (01463 234138).

### **Air Source Heat Pumps**

Any domestic air source heat pumps must be installed in accordance with the Microgeneration Scheme guidance: - MCS 020 MCS Planning Standards For Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises.

Signature: Dafydd Jones

Designation: Area Planning Manager – North

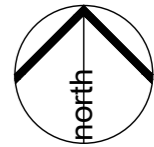
Author: Craig Simms

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

Relevant Plans:

<b>Document Type</b>	<b>Document No.</b>	<b>Version No.</b>	<b>Date Received</b>
LOCATION PLAN	10154 - PL001		07/03/2024
SITE LAYOUT (PHASING) PLAN	312821 - PL002	REV C	15/05/2025
SITE LAYOUT PLAN - LAND USE	10154 - PL003		07/03/2024
SITE LAYOUT PLAN	312821 - PL004	REV C	15/05/2025
SITE LAYOUT PLAN - FRONTAGES	312821 - PL005	REV A	03/12/2024

DO NOT SCALE FROM THIS DRAWING, IF IN DOUBT PLEASE ASK.  
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.  
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site area : 17.115 ha

— site boundary

Rev.	Description	Drawn	Date
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Client  
**Cairngorm Properties Ltd**

Project  
**Proposed Mixed Use Development  
atf Knockbreck & Burgage Farm,  
Tain**

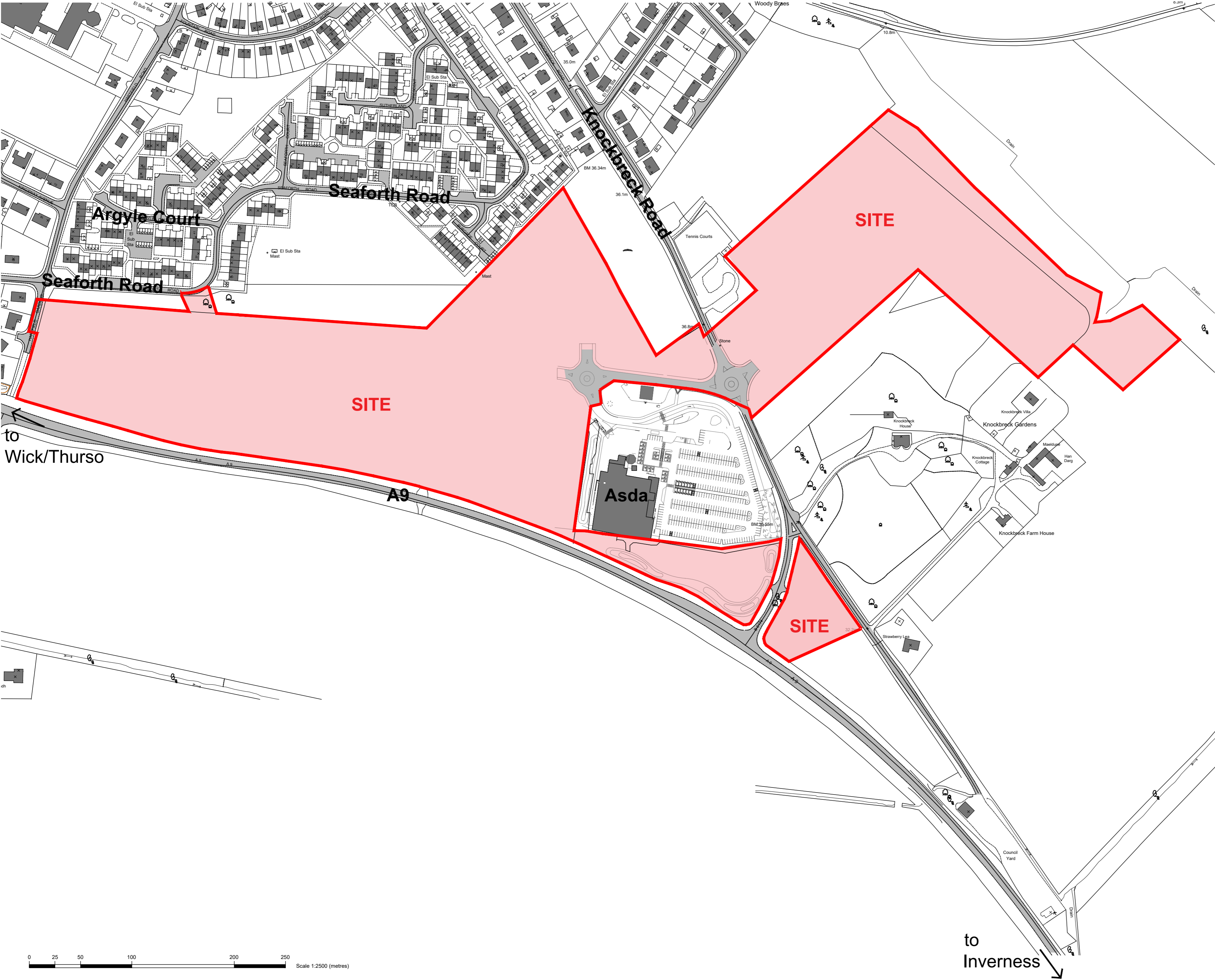
Drawing  
**Location Plan**

Status  
**Planning Submission**

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Drawn	CL	Check	AO	Date	03.04.23
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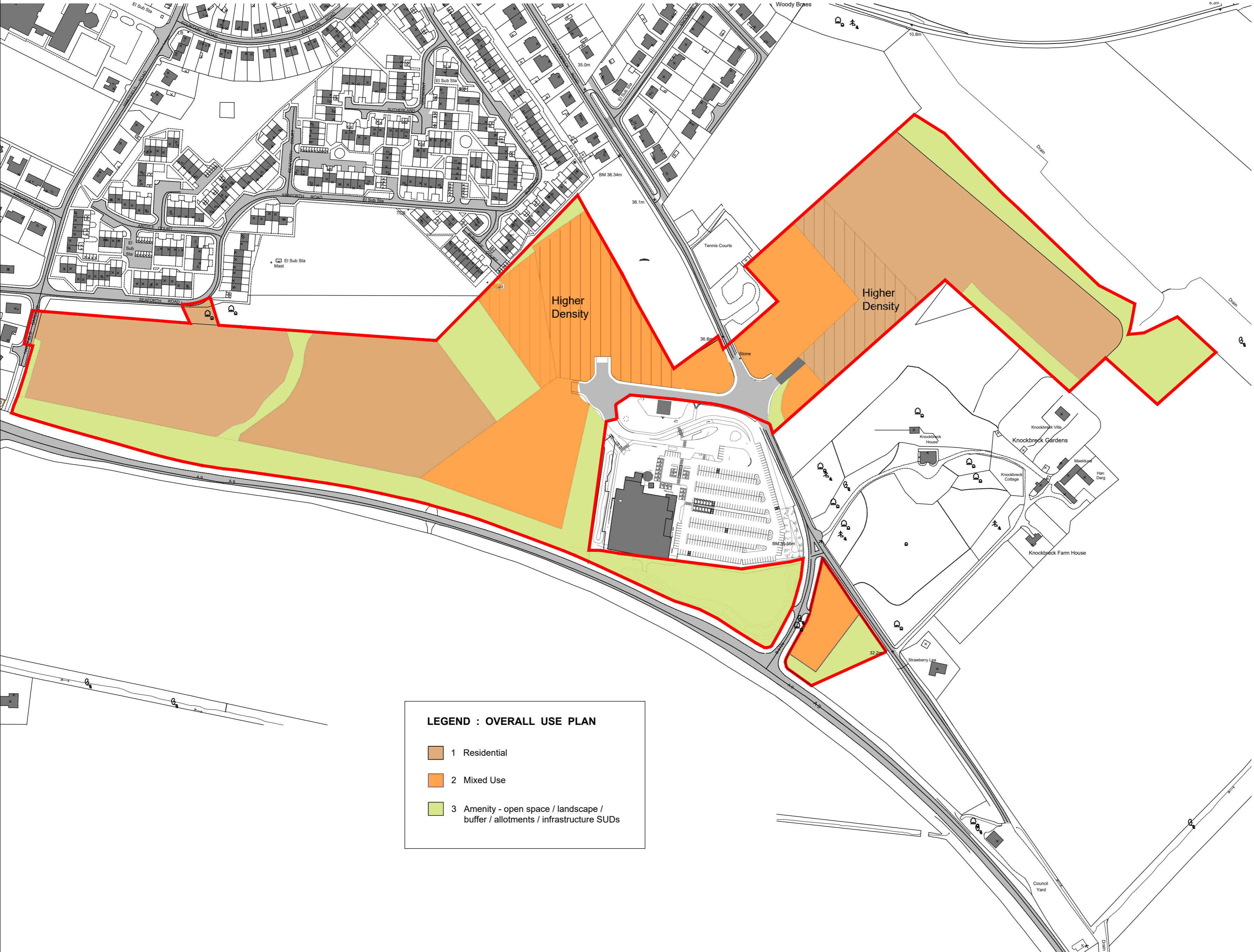
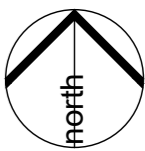


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Scale 1:2500 (metres)

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ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT.  
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**LEGEND : OVERALL USE PLAN**

- 1 Residential
- 2 Mixed Use
- 3 Amenity - open space / landscape /  
buffer / allotments / infrastructure SUDs

Rev.	Description	Drawn	Date
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Client  
**Cairngorm Properties Ltd**

Project  
**Proposed Mixed Used Development  
at Knockbreck & Burgage Farm,  
Tain**

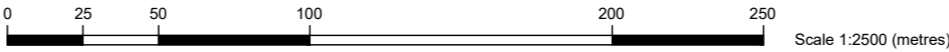
Drawing  
**Propoosed Land Uses**

Status  
**Planning Submission**

Scale 1:2500 Sheet A2






Drawn CL Check AO Date 03.04.23

Drawing No: 10154 PL003 Rev -












### LEGEND

-  Site boundary
-  Road adopted
-  Road private
-  Car parking
-  Pavement & paths

### GREENSPACE

-  Public / communal
-  Private garden
-  Additional land for biodiversity enhancement
-  Play parks
-  Outfall

### TRANSPORT

-  Emergency access
-  Proposed entrance to Plant/food grain commercial area

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Project  
Proposal of Application Notice  
Knockbreck & Burgage Farm,  
Tain

Status  
Planning Submission

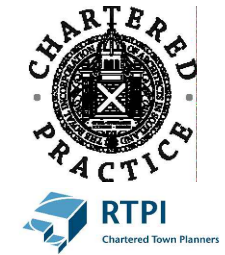
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Date	31/10/24		
Drawing No:	Rev		
312821	PL004	C	



A	Revised Layout	CL	02/12/24
Rev.	Description	Drawn	Date

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Client  
**Cairngorm Properties Ltd**

Project  
**Proposal of Application Notice  
Knockbreck & Burgage Farm,  
Tain**

Drawing  
**Frontages**

Status  
**Planning Submission**

Scale 1:2500 Sheet A2

Drawn CL Check AO Date 31/10/24

Drawing No: 312821 PL005 Rev A