

Agenda item	5.2
Report no	PLN/060/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 17 October 2017

Report Title: 13/00498/FUL - Land To East of Balloan Road and South of Ord Road, Marybank

Report By: Area Planning Manager - South

1. Purpose/Executive Summary

1.1 Applicant: Mr Angus MacLean

Development: Formation of 16 house plots including access, landscaping and amenity/play areas (Further application to planning permission 07/00777/FULRC)

Ward: 05 - Wester Ross, Strathpeffer and Lochalsh

Category: Local Development:

Reasons Referred to Committee: Number of Representations lodged.

(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.

2. Recommendation

2.2 Members are asked to agree the recommendation to grant as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application proposes the formation of 16 serviced house plots, on land which was previously allocated for residential development within the village of Marybank. The application includes full SUDS proposals which include an area of land to the north of the site, across the public road, below the level of all existing houses.
- 1.2 The plans have been amended following discussions and in response to representations and consultation responses received. The changes detailed are mainly internal to the site and do not necessitate re-neighbour notification.
- 1.3 A Drainage Impact Statement, Private Access Checklist, Supporting Statement and an Outstanding Drainage Issues Report have been submitted.
- 1.4 Informal pre-application discussions took place regarding the re-submission of the previously approved planning permission for 27 house plots (07/00777/FULRC)
- 1.5 The site is to be served by the public water main and public sewerage system. A new access is to be formed onto the public road to the north. The application includes SUDS proposals for the site
- 1.6 The application is supported by a Drainage Impact Statement; A Private Access Checklist; a Supporting Statement; a Tree Report and an Outstanding Drainage Issues Report.
- 1.7 **Variations:** Several amended plans received with the latest being 27.03.2017 - Site Layout Plan; Landscaping Plan and Footway Link to Village.

2. SITE DESCRIPTION

- 2.1 Access is to be taken from the A832 Marybank to Muir of Ord public road. The site rises and from the public road and is bounded by agricultural land subject to planning application 13/00499/FUL for 10 serviced house plots to the west, land subject to planning application 13/00497/Ful for a single house site to the north, and agricultural land to the south and east. Further to the south lies the Arcan public road with estate woodland beyond. There is a belt of mature trees to the north of the site, between Tir Aluin and Balloan House Hotel.

3. PLANNING HISTORY

- 3.1 06/01015/FULRC - Formation of 27 house plots, associated landscaping, services and roads (Detail) – withdrawn 19.07.07.
07/00777/FULRC - Formation of twenty seven house plots, associated landscaping, services and roads (Detail) (Resubmission) – granted 11.02.2008
12/04318/S42 - Application under Section 42 to extend time limit and vary condition 8 of planning permission 07/00777/FULRC for the erection of 27 houses – Application Returned -14.11.2012
13/00497/FUL - Formation of 1 house plot including access and access (Further application to planning permission 07/00777/FULRC) – before members for consideration
13/00499/FUL - Formation of 10 house plots including access, landscaping and amenity/play areas (Further application to planning permission 07/00777/FULRC) – before members for consideration

4. PUBLIC PARTICIPATION

4.1 Advertised : Unknown Neighbour

Representation deadline : 08.03.2013

Timeous representations : from 6 households

Late representations : 1

4.2 Material considerations raised are summarised as follows:

- Does not comply with Local Plan – south boundary of allocated land extended by 23 metres;
- Very concerned regarding flooding and general water problems in area and damage caused.
- Drainage must be adequate for sewage
- Drainage must be adequate for any extra surface water.
- We have existing surface water drainage problems on Balloan Road when there is heavy rainfall due to existing drains not being adequate for purpose.
- All the sewerage, drainage and flood relief systems must be in place before any work commences on any of the three phases.
- Only 25mm of rainfall in 24hours will cause flooding of the road
- More than 25mm of rainfall in 24 hours causes the field drain passing through my property (Clova) to exceed the capacity of the roadside drain, lift the drain cover and pour water onto the public road, across to the pub car park before discharging to the field below. The field drain is now the only unbroken pipe from the top of the field to the roadside
- Water also runs down the back of Roval, around the boundary and through this plot
- Every year my back garden floods (The Oaks) as do the houses to either side. Water runs through the garage of Tourasay. At Oakfield across the road drive had to be repaired because it was washed away by heavy rain. Shared drive with Torasay has water bubbling up all winter due to a blocked field drain. This then runs onto the A832.
- Previous planning permission (0700777/FULRC) stated no work would start until all of the drainage issues were addressed. Is this still the case re re-routing of field/surface water drain from rear of Roval, and other existing drains which pass through single house plot to west of Roval and overall drainage works for the development?
- Planning permission for Roval required a single storey house set down into site to reduce impact – rear of property therefore slopes steeply up approximately 1.5m to surrounding land. First continuous rain after completion highlighted serious surface water problems - field drains blocked and not diverted - burns flowed out of bank in several places. Developer installed drain across rear (south) boundary to collect all field drains and channel them down the west boundary. Applicant should have plans of this drain which is within the application site

- Provided plan to Agent showing that surface water discharge from Farthings and Garden Cottage runs into a retention pit in middle of site proposed for one single storey property. This needs to be addressed before any building can commence. This would tidy up overgrown site, make area look better and then there would be no objection to this single house.
- Single plot is an attempt to avoid providing flood prevention scheme
- Will all properties be single storey?
- Problem of cars speeding through the village; with extra housing this problem would increase with extra families using the road where speeding occurring. 20mph speed limit at beginning and end of school day exceeded - speed survey required. Review of signage would help – flashing sign on Ord Rd too close to school and none on approach from Moy Bridge.
- Increased traffic could cause tail backs at Moy Bridge and lead to serious accident on A835
- Reduction in privacy – even from bungalows due to rising ground and possible overshadowing of properties along Ord Road also to west boundary
- Loss of value of property due to loss of uninterrupted views
- Boundary treatment to west – privacy concerns/maintenance of hedge
- Loss of morning sun
- Will site be built by a developer or by individuals over time? Site under development over long period unattractive outlook
- Noise
- What is to happen to water supply within site
- Loss of power during winter
- Community Council only wanted development to west of School Brae
- Lack of public transport for scale of development proposed
- Question need for this development when numerous houses for sale

In support

- Possibility of more residents positive as primary school would benefit
- Request that access to Farthings and Garden Cottage is not impeded during construction without prior notification.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Development Plan Policy : No objection: comments dated 04.10.2017

Development plan comprises the Highland-wide Local Development Plan (HwLDP) adopted 2012 and the Inner Moray Firth Local Development Plan (IMFLDP) adopted 2015, together with statutorily adopted supplementary guidance documents.

Highland-wide Local Development Plan (2012)

A number of general policies contained in the Plan are relevant to the determination of this proposal. Some of the key policies are listed below:

- *Policy 28 Sustainable Design* – aims to ensure that development is sustainable and lists the criterion against which proposals shall be assessed. In relation to this application is requirement that proposals must “demonstrate sensitive siting and high quality design in keeping with local character”.
- *Policy 29 Design Quality and Placemaking*- requires new development to be designed to make a positive contribution to the architectural and visual quality of the place in which it is located and to consider the incorporation of public art as a means of creating a distinct sense of place and identity.
- *Policy 31 Developer Contributions* – explains that developer contributions may be sought when a development would result in a deficiency in public services. Contributions can be sought to address such deficiencies, for example towards transportation and infrastructure.
- *Policy 32 Affordable Housing* – requires a contribution of 25% affordable housing for all developments of four or more houses.
- *Policy 51 Trees and Development* – supports development that promotes protection to existing hedges, trees and woodland.
- *Policy 56 Travel* – relevant in terms of traffic generation, in respect of construction and operation.
- *Policy 57 Natural, Built and Cultural Heritage* – requires consideration of impacts on ‘features’, including designated sites and identified sites of value
- *Policy 58 Protected Species* – where protected species believed to be present a species survey will require to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise impacts on species.
- *Policy 61 Landscape* – Underlines that development proposals should relate to landscape characteristics of the area and cumulative effects should be taken into account.
- *Policy 64 Flood Risk* – requires a flood risk assessment for sites identified to be at risk of flooding.
- *Policy 65 Waste Water Treatment* – presumes in favour of connecting to public sewer.
- *Policy 66 Surface Water Drainage* – requires development to be drained by Sustainable Drainage Systems (SuDS).
- *Policy 75 Open Space* – requires that developments of 4 or more dwellings should provide publicly accessible open space

Inner Moray Firth Local Development Plan (2015)

Marybank is identified in a list of 'other settlements', where developments are assessed against Policy 3 which is a criteria based policy and supports development within or adjoining these settlements provided certain criteria can be met.

Policy Appraisal

The first test of policy 3 is met as the sites represent consolidation of the settlement by adjoining parts of its eastern and southern boundaries. With regard to the other criteria listed in Policy 3:

- The site lies within active travel range of (400m) of Marybank Primary School and Fairburn Memorial Hall. The school is under capacity, with the forecast average capacity around 42% during the 14 year forecasting period. The development would help to sustain the school roll and the village hall.
- In terms of development pattern there are a number of more modern detached bungalows set in fairly large plots. The spacing, scale and density of the proposal appear to be similar to the more recently developed areas of Maybank. Furthermore, although now superseded, the Ross and Cromarty Local Plan allocated the site for up to 25 houses. It was therefore seen as a logical expansion site to the village and the density of development determined to be reasonable.
- In terms of the character and social balance of the community there are approximately 98 existing houses within Marybank. The six houses permitted in the north west of the settlement (14/04798/PIP) plus the 27 proposed by these applications represents an approximately 34% expansion of the settlement. It is likely that new development in the settlement will be built out at a fairly slow rate dictated by market forces, this will allow time for the social balance of the community to adjust and accommodate new development.
- In terms of infrastructure it is understood Scottish Water recently constructed a new waste water treatment works to serve Marybank designed with additional capacity to support planned development. Road upgrades may also be required.
- The development is unlikely to have any impact on amenity/recreation area or adverse impact on any locally important heritage feature.

Based on the above assessment the proposal appears to be generally consistent with the criteria listed in IMFLDP Policy 3.

Important HwLDP policies to highlight are open space and flood risk.

Developer Contributions

Affordable Housing

Policy 31: Affordable Housing of the HwLDP and the Developer Contributions Supplementary Guidance states that all developments of 4 or more dwellings will be required to contribute 25% equivalent of affordable housing.

Education

There is capacity within Marybank Primary School and Dingwall Academy. The development would generate 8 primary and 4 secondary school pupils. Developer contributions towards school provision therefore unlikely to be required.

Open Space

Open space provision is required in line with the Council's Open Space in Residential Development Supplementary Guidance.

Public Art

Preference is for Public Art to be an integral part of the design of a development in the fixtures and fittings in the public realm to promote neighbourhood identity and a distinctive sense of place. This can be secured by condition.

Highland-wide Local Development Plan Policy 75: Open Space requires new residential developments of 4 or more dwellings to provide publically accessible open space in line with the quantity, quality and accessibility requirements set out in adopted Open Space in New Residential Development: Supplementary Guidance. It requires 40m² open space per person to be provided in a variety of different forms. The combination of the applications (27 units) equates to a total requirement of 0.17 hectares of on-site open space provision. This should take the form of an equipped area, natural green space and space for active and passive recreation.

Amenity area shown on the site layout plan is annotated to show an area of 0.06 hectares, and there is a further small landscaped area which measures approximately 0.05 hectares proposed directly south of the access road adjacent to plot 18. This gives a total provision of 0.11 hectares of open space, 0.06 hectares short of the area required by the Supplementary Guidance. The areas proposed to be landscaped at the boundaries of the site cannot count as open space provision as they are not usable areas of open space. The location of the amenity area, rather than being overlooked, appears to back onto the proposed houses. You may therefore request that the applicant considers amending the site layout to provide the required area of open space and a more appropriate location of the amenity area.

Concerned regarding the layout of the site; the creation of two cul-de-sacs is not consistent with the principles of the Scottish Government's policy document Designing Streets (2010). The layout of the site appears to have been dictated by the road layout, resulting in an impermeable and unconnected development.

Although not identified as being at risk from flooding on the SEPA Indicative River and Coastal Flood Map, Marybank has been subject to flooding several times in the recent past during periods of heavy rainfall. Anticipate that flood prevention measures will be required for the application to be consistent with Policy 64 Flood Risk of the Highland-wide Local Development Plan.

5.2 **Flood Risk Management Team** : (03.06.2016) **Withdraw objection** subject to conditions being applied

Comments relate to all three planning applications based upon requirements in Scottish Planning Policy for Flooding and Drainage and guidance outlined by The Council in Supplementary Guidance: Flood risk and Drainage Impact Assessment.

i). The latest DIA (Outstanding Planning Issues (Drainage), Land South of Ord Road, Marybank. PR055-EN070368-16-01. IDM Fraser. 18 April 2016) sets out the drainage strategy for the site.

ii). We accept that the cut off ditch that protects the site from surface water runoff has been appropriately sized and will direct overland flows around the site and ultimately to the River Conon. We request a condition that the final detailed design of this feature is submitted for review and approval prior to any works commencing on site. This shall include detailed design of the culvert that is fully compliant with CIRIA C689 Culvert Design and Operation Guide and include analysis of blockage scenarios and any proposed mitigation measures required. The section north of Balloan Road and the SuDS basins, which runs through fields to the ditch to the north, should be open and not culverted as currently shown.

5.3 **Transport Planning: (16.08.2017) Withdraw objections:**

Visibility and proposed access

The development takes access onto the A832 within the 30mph speed limit via an existing access currently used by a single house. This is to be upgraded to form a road. Applicant initially indicated visibility splays of 4.5 x 90m would be provided but this did not appear achievable due to the avenue of mature trees to west. It is undesirable to fell the mature trees; given limited number of houses proposed in this instance a reduced set back distance of 2.4m is acceptable to the west. Provision of the splays will require setting back the boundary feature between the wall and the site to the east and providing alternative poles for the street sign to the west.

It is recommended that a dropped footway crossing be considered to form the access to Farthings. Ideally the access should be 15m from the main road junction.

Layout of new road

Road Construction Consent will be required. A looped access in accordance with designing streets would be preferred to the three cul-de-sacs shown. However it is acknowledged that the layout shown has previously been accepted and so there is no objection in principle.

Public Transport

There is a bus shelter and stop opposite the school on the A832. Service is limited to school times. Given the location of the development within a rural village centre and its small size it is not considered proportionate to require any contribution towards public transport.

Overland Flow – Cut off / Land drainage system

The site suffers from flooding due to overland flow from above the site. This report relates to the impact on the public road. A separate cut off system is proposed to intercept the overland flow which discharges to a new culvert beneath the garden of the single house proposed under 13/00497/FUL and then under the A832 which will discharge to a drainage ditch/small watercourse running along the north field boundary on the north side of the A832 (on the opposite side of the main road to the development). On grounds of good practice it is recommended that where the system runs through the field it should be an open ditch rather than a piped system. The proposal for the separate cut off / land drainage system is acceptable to the

roads authority in principle but the detail will require approval by the Roads Authority and a written permit is required prior to any work on the new culvert which passes beneath the road. The detail shall include the inlet and manhole details.

The Council as Roads Authority will require a way leave legal agreement giving right of access to the culvert inlet and outlet and no permission to carry out the works on the land drainage system will be given until this agreement is in place. However the maintenance of the system will remain private.

To ensure appropriate maintenance of the new cut off / land drainage system in perpetuity further information is sought which should include details of who will be responsible for maintaining the system, if this will alter once more than one house is constructed (ie. Is factoring proposed and how will this be arranged). A maintenance schedule is also required.

This system will be required to be in place for the single house plot. Further information on the phasing is therefore required; a suspensive condition will be required.

Construction Transport Management Plan

A transport management plan will be required and should identify the volume of heavy traffic generated during construction and the route for these vehicles avoiding the weight limited Moy bridge on the A832. It should detail appropriate mitigation such as measures to keep the public road free of mud and dust, temporary signage, advisory speed limits, and restrictions on the timing of deliveries to avoid the school opening and closing times. It should also detail measures for ensuring the plan is complied with.

Drainage

SUDS and surface water from the site itself

The Outstanding Planning Issues (Drainage) report dated 18 April 2016 by IDM Fraser states in section 1 ii) that Scottish Water will not accept surface water. This is not the case; Sewers for Scotland 3rd edition section 1.2 Statutory duties states ' The Sewerage (Scotland) Act 1968 requires Scottish Water to effectively drain its area of domestic sewage, surface water runoff from roofs and paved areas within the curtilage of premises and trade effluent. Scottish Water is not obliged to do any of the above which is not practicable at reasonable cost.'

This misunderstanding has led to a duplicated SUDS system with two pipes running along the A832 (in addition to the proposed land drainage system which has to remain separate and an existing sewer). This is not desirable; The Council would adopt any elements dealing with road water only but where appropriate elements taking curtilage drainage should be proposed for vesting with Scottish Water.

The applicant still appears to be proposing a two pipe surface water drainage system with two separate detention basins. A combined roads and curtilage SUDS is in line with best practice procedures. To reduce the overall cost of the development and impact on Ord Road a redesign of the overall drainage strategy and design is recommended.

Construction Traffic Management Plan

Requested Construction Traffic Management Plan has not been provided, condition recommended

Ord Road Footway – Footpath link to the school

The existing footway along the west side of the A832 is not continuous – there is a section in front of the old garage where there is no footway and continuous access to end on parking. Such a link will be required to encourage active travel in accordance with Scottish Planning Policy and as mitigation for the scheme due to the increase in child pedestrians using the route.

The Ord Road footway works as now detailed on Footway link to Village drawing no. CTCH-J1632-002 Rev A are satisfactory.

We recommend that the footway be constructed and completed to our satisfaction prior to occupation of the first house built in Phase B planning application reference no 13/00498/FUL or Phase C planning application 13/00499/FUL, whichever phase comes first.

Informative – Roads Authority Permissions

The applicant will be required to apply for Road Construction Consent from the Highland Council, as the Roads Authority. Please note that no works should commence until official permission has been obtained.

5.4 Forestry Officer: No objection.

Mature oak trees along A832 Ord Road are covered by Marybank Tree Preservation Order (HC87). I have concerns over the potential impact caused by the 4.5m X 90m visibility splay required by TECS on the protected oak trees. No assessment appears to be made. This must be provided in support of this application so an informed decision can be made.

Proposed drainage trench leading to SUDS area in the field to the north will require removal of one protected oak tree in the grounds of Tir Aluin. Fortunately, this is a poorer specimen and its removal will not have a significant impact on the integrity of the wider TPO. A Tree Protection Plan and Arboricultural Method Statement will be required to identify the least damaging route for the drainage trench, along with any protection measures to be put in place.

Recommend a condition be imposed:

5.6 Marybank, Scatwell and Strathconon Community Council: Concerns expressed:

- Concerned regarding lack of capacity in waste water sewage system and where a replacement system with additional capacity may be sited in the village

Concerned regarding measures proposed to provide flood prevention both to the site and also run off affecting other properties below the site. Understand Council was satisfied with previous proposals for flood prevention but the area above the site has proved to be vulnerable to flash flooding. Ask that the advice of the Flood Risk

Management Team is sought to determine whether the site/s are still able to withstand the types of flash flooding which have become prevalent in the last 4 years.

5.7 SEPA: (17.05.2016) Withdraw objection.

Flood risk

Content report by IDM Faser entitled "Outstanding Planning Issues Drainage): Land South of Ord Road, Marybank" reference PR055-EN070368-16-01 addresses our outstanding issues. However the following is highlighted:

- With regards to the hydrological modelling results, we support the inclusion of more than one method of estimating flow, as outlined in our Technical Flood Risk Guidance for Stakeholders document. We note that the peak flow estimate has been reduced slightly to take into account the lesser contribution of base flow into the direct run off. The Highland Council may wish to consider the higher peak flow values as part of any drainage design as a more conservative approach.
- With regard to the Southern cut-off ditch report states it is estimated to have sufficient capacity to cope with the predicted peak run off. We note however that a bund, although not needed, is proposed along the ditch to provide additional protection for the properties to the North. We would highlight that this bund is not a formal flood defence, and should not be relied on to protect the development. As the report states that the ditch has capacity to contain the peak flow then we have no further comments regarding the bund.
- We recommend that finished floor levels be agreed with your Flood Risk Management team colleagues.

Please note list of documents referred to on page 2 have not been reviewed.

5.8 Scottish Water : No Objection. Limited capacity available in public water supply and in Marybank Sewage Treatment Works. Developer should discuss proposals with SW.

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 and Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 32 Affordable Housing
- 51 Trees and Development
- 58 Protected Species
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 67 Open Space

6.2 Inner Moray Firth Local Development Plan 2015

3 Other Settlements

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not Applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Open Space in New Residential Developments (Jan 2013)

Physical Constraints (March 2013)

Sustainable Design Guidelines (2013)

Public Art Strategy (March 2013)

Trees, Woodlands and Development (Jan 2013) Trees, Woodlands and Development (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 2014)

8. PLANNING APPRAISAL

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

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.

8.3 Development Plan Policy Assessment

The key policies in relation to the assessment of this application and the adjoining applications (sites 13/00497/FUL and 13/00499/FUL) are policy 3 – Other Settlements – of the Inner Moray Firth Local Development Plan (2015) and policies 28 - Sustainable Design; 29 - Design Quality and Place-making and 64 - Flood Risk of the Highland wide Local Development Plan (2012). The Development Plan policy section have stated in their consultation response (para 5.1) that the proposal is considered to comply with the terms of policy 3 as a suitable consolidation of the settlement by adjoining parts of its eastern and southern boundaries. Furthermore the development is within walking distance of both the village primary school (where there is spare capacity) and the village hall. It will support both these local facilities and complements the development pattern of the more recent houses built in the vicinity. It will also be able to utilise the capacity recently provided within the new village waste water treatment works and as the rate of build is likely to be relatively slow the social balance of Marybank will have time to adjust.

8.3.1 The representation which refers to the application not complying with the Local Plan relates to the previously adopted Ross and Cromarty East Local Plan (2007) which is now superseded by the Inner Moray Firth Local Development Plan (2015) adopted during the processing of the application. By way of background the site boundary for the two larger sites exceeds the area shown on the previous allocation plan but did not exceed the area referred to in the written report which takes precedent over the map. In addition the development was previously approved for the three applications now under consideration. As stated above it is considered that the development complies with policy 3 of the adopted Local Development Plan.

8.4 **Material Considerations**

8.4.1 The consideration of this application and those on adjoining sites (13/00497/FUL and 13/00499/FUL) have been significantly delayed. This has been due to protracted discussions and the submission of additional information to address the serious and significant concerns of SEPA, the Council's Flood Risk Management Team and Transport Planning in relation to flood risk to both the proposed houses and existing houses in the vicinity of the sites and in relation to transport issues. All three consultees are now satisfied with the drainage information submitted in relation to the management of flood risk, subject to conditions being imposed to approve final details. A cut off drain is to be provided to the south of this and the land covered by application 13/00499/FUL. This will then drain along the eastern boundary where it will pass through plot 1 (13/00497/FUL) and feed into a culvert under the road. This will discharge to a ditch below the road. An earth bund is proposed on the downward side of the cut off drain along the southern boundary. It is important to note that the developer is only required to ensure that the development discharges surface water at the same rate as pre-development and is not required to resolve existing drainage problems. However it is anticipated that the interception of the surface water from above the site and its discharge to a ditch to the north of the road will reduce the level of surface water reaching existing houses and the public road in this case. The provision of the drainage infrastructure to the north of Ord Road will require the removal of a poorer specimen tree within the Tree Preservation Order. The Forestry Officer has no objection to the removal of this tree but requests that all works are suitably supervised. This can be secured by condition.

8.4.2 The access details have now been resolved with acceptable visibility splays being identified which retain the mature roadside trees covered by the Tree Preservation Order. The attractive roadside stone dyke to the north of the single site (13/00497/FUL) will require to be set back to provide the splays. A suitable design has been submitted for a dropped pavement footpath detail to be provided where the route to school passes the commercial garage to the west which currently has a wide access with vehicles driving in straight off Ord Road. The comment made in representations regarding vehicles speeding through the village is a matter for the police to enforce. The 30mph speed limit is located well to the east of the site. In the previous approval traffic calming was required at the entrance to the village to the east. This will be required by condition. Transport Planning have not required any adjustments to the safer routes to school signage within the village designed by the Road Safety Team. They have not raised any concerns regarding potential tail

backs onto the trunk road junction. The lack of public transport referred to in representations has not been raised by Transport Planning who noted the bus service which runs at school times.

- 8.4.3 Planning permission was previously granted in 2008 (07/00777/FULRC) for the overall development which is the subject of the current three applications. The layout now submitted is an updated version of that application. Whilst the layout does not meet the guidance contained within Scottish Government's Designing Streets document, given that the layout was previously approved and the consent was live when the current applications were submitted there is no justification to resist the development of this current application as submitted, provided this does not prejudice the proper development of the adjoining sites to the west and delivering the drainage requirements in particular. The information submitted has established that the necessary safeguards remain available and can be secured by condition. The field drain from the rear of the neighbouring development to the east referred to in representations currently passes through the single house site. The route of this drain is to be utilised to provide the drain which will carry the run off from the cut off drain to be constructed to the south and therefore this drain will need to be provided through the single plot (13/00497/FUL) before any other development commences. A 4m wide maintenance strip is shown along this route within the single site in addition to a similar strip to the north of this site.
- 8.4.4 A number of the representations raise issues relating to loss of privacy, boundary treatments and loss of morning sun but these concerns relate to application 13/00499/FUL which adjoins the existing houses to the north and west of the overall site. In response to the remaining issues raised in representations the site could be developed by a single developer or by individuals. This is not known at this time. Standard conditions and informatives will be imposed to reduce disturbance to existing and future residents but it has to be accepted that development will bring about change to the area and there will be a level of disturbance during the construction period. The rate of development will depend upon market forces. The existing water main located within the adjoining site to the west is to be diverted through the proposed development (13/00499/FUL). The Community Council has not objected to the proposals. The need for additional houses within the village is supported by adopted Local Development Plan Policy as it will round off the village and support local facilities. Loss of power during winter is an occurrence that can affect many communities during extreme weather but Marybank is not known have any particular susceptibility to this.
- 8.4.5 This application is for permission for the installation of servicing and infrastructure for a prospective house plot. If granted separate applications would be required for the detailed design and layout of the proposed house. The house plot is sufficiently proportioned to facilitate the development of a house which would be in keeping with existing development in the vicinity.

8.5 **Other Considerations – not material**

Loss of views and associated reduction in property values are not a planning consideration.

8.6 Matters to be secured by Section 75 Agreement

The provision of affordable housing at a rate of at least 25% will be secured through a section 75 agreement

The applicant will have four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months the application will be refused under delegated powers.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

10.1 Resource – Not applicable

10.2 Legal –Not applicable

10.3 Community (Equality, Poverty and Rural) –Not applicable

10.4 Climate Change/Carbon Clever –Not applicable

10.5 Risk – Not applicable

10.6 Gaelic – Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Agreement Y

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

1. No development shall commence on site until the final detailed design of the cut off ditch that protects this and the adjoining sites (13/00497 and 13/00499/FUL) from surface water runoff and a timescale for implementation and completion has been submitted to and approved in writing by the planning authority, in consultation with the Flood Risk Management Team and this shall accord with the principles contained within The DIA (Outstanding Planning Issues (Drainage), Land South of Ord Road, Marybank. PR055-EN070368-16-01. IDM Fraser. 18 April 2016) hereby approved. This shall also include detailed design of the culvert to demonstrate that this is fully compliant with CIRIA C689 Culvert Design and Operation Guide and analysis of blockage scenarios and any proposed mitigation measures required. The section

north of Balloan Road and the SuDS basins, which runs through fields to the ditch to the north, shall be open and not culverted as currently shown. Thereafter the drain shall be completed in accordance with the approved timescale.

Reason : To reduce the risk of flooding to the proposed and existing properties.

2. No development shall commence until a private maintenance agreement in perpetuity for the cut off ditch that protects the site from surface water runoff, the drain along the eastern boundary of plot 1 (13/00497/FUL), the culvert below the road and the drain discharging from this to the existing ditch leading to the river Conon to the north of Ord Road has been submitted to and approved in writing by the planning authority in consultation with the Flood Risk Management Team. Thereafter the drainage infrastructure shall be maintained in accordance with the approved private maintenance agreement in perpetuity.

Reason : To reduce the risk of flooding to the proposed and existing properties by ensuring that the drainage infrastructure is adequately maintained.

3. A maintenance strip shall be provided and maintained in perpetuity for the drain along the northern boundary of the site, all in accordance with plan no PL200 Rev E hereby approved.

Reason : To reduce the risk of flooding to the proposed and existing properties by ensuring that the drain scheme can be accessed for maintenance purposes.

4. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standard outlined in Sewers for Scotland Third Edition, or any superseding guidance prevailing at the time) including a timescale for implementation and completion have been submitted to and approved in writing by the planning authority in consultation with the Flood Risk Management Team. This shall include but not be limited to:

- Full details of the earthworks and any proposed linings for the SUDS basin
- The drainage network shall be modelled to demonstrate that it can convey the 1 in 200 year plus 20% climate change return period event without flooding. It shall be demonstrated that the discharge rate from the system will be limited to the greenfield run off rate (as detailed in the Drainage Impact Assessment) and the method used to achieve this.
- The discharge point from the SUDS basin shall be to an open ditch with a suitably designed outfall.
- Suitable access routes to the SUDS basin for maintenance vehicles shall be provided and clearly marked on the plans.

Thereafter only the approved details shall be implemented and all surface water drainage provision shall be provided in accordance with the approved design and timescale.

Reason: To ensure that adequate drainage is provided timeously and to reduce the risk of flooding.

5. No development shall commence until the name and contact details of the party responsible for the maintenance of the drainage infrastructure has been provided to the planning authority and Flood Risk Management Team. Thereafter the named party shall be responsible for the maintenance of the drainage infrastructure once installed until such time as it is adopted or a factor or other third party is appointed to this role. If/when the party changes the planning authority shall be notified in writing within 28 days of the change.

Reason : To reduce the risk of flooding to the proposed and existing properties by ensuring that the drainage infrastructure is adequately maintained.

6. The finished floor level of any house shall be at least 300mm above surrounding proposed ground levels.

Reason: To reduce the risk of flooding to the proposed property.

7. No development shall commence on site until a Transport Management Plan has been submitted to and approved in writing by the planning authority, in consultation with Transport Planning. This plan shall identify the volume of heavy traffic generated during construction and the route for these vehicles avoiding the weight limited Moy bridge on the A832. It shall detail appropriate mitigation such as measures to keep the public road free of mud and dust, temporary signage, advisory speed limits, and restrictions on the timing of deliveries to avoid the school opening and closing times. It shall also detail measures for ensuring the plan is complied with. Thereafter the development shall be undertaken in accordance with the approved details.

Reason : In the interests of road safety.

8. No development shall commence until the existing access to the site is upgraded and constructed in accordance with the Council's Guideline standards and the approved details shown on plan no PL100 Rev D under planning permission 13/00497/FUL with visibility splays of 4.5m x 90 m to the east and 2.5m x 90m to the west provided before any other construction work commences on site. A dropped footway crossing shall be provided to 'Fathings'. This will require the setting back of the stone dyke to the east and providing alternative poles for the street sign to the west.

Reason : In the interests of road safety.

9. No development shall commence on site until road construction consent has been granted. The internal access road shall be provided to the Guideline Standards of the Roads Authority, incorporating full sized turning areas; it shall be 5.5m wide and kerbed and two parking spaces shall be provided per property with all driveways being hard surfaced for at least the first 6 metres from the edge of the road and five visitor spaces provided. Footpaths shall be provided either side of the main internal access road up to the A832 with suitable dropped kerb crossing points across the junction. No surface or ground water shall be permitted to enter the public road from the site.

Reason: In the interests of road safety.

10. The Ord Road footway works as detailed on Footway Link to Village drawing no CTCH-J1632-002 Rev A shall be constructed and completed to the satisfaction of the planning authority before development commences on any of the house plots hereby granted planning permission or planning application 13/00499/FUL is occupied.

Reason: In the interests of road traffic and pedestrian safety.

11. No development shall commence until a traffic calming scheme on the A832 on the eastern approach into the village, including countdown signs, has been submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved details and timescales and before the first site is occupied.

Reason: In the interests of road safety.

12. No development shall commence until a Tree Protection Plan and Arboricultural Method Statement has been submitted to and subsequently approved in writing by the planning authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction). A suitably qualified Arboricultural consultant shall be employed at the applicant's expense to ensure that the Tree Protection Plan and Arboricultural Method Statement are implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval.

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

13. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

14. A factoring agreement for the future maintenance of all communal spaces shall be submitted for the written approval of the planning authority. Thereafter the communal open spaces shall be maintained in accordance with the approved maintenance schedule and details.

Reason : In order to ensure that the landscaping is maintained to a standard appropriate to the location of the site.

15. The Design Brief shall be amended and submitted to and approved in writing by the planning authority and thereafter all development shall comply with the terms of the approved Design Brief.

Reason: In the interests of amenity

16. No development shall commence until details of a feature of Public Art to be provided on site, in accordance with the Council's Public Art Strategy Supplementary Guidance; and proposals for its installation and maintenance; have been submitted to and approved in writing by the planning authority. The Public Art feature shall thereafter be installed and maintained in accordance with the approved details and timescale for provision.

Reason: In accordance with Highland wide Local Development Plan policy 31 (Developer Contributions) and associated supplementary guidelines on Developer Contributions, Open Space and Public Art Strategy.

REASON FOR DECISION

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

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

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.

Indicative Layout and Future Applications

For the avoidance of doubt permission is granted solely for the servicing and infrastructure as shown and subject to the relevant conditions attached to the decision notice. The size, orientation and location of the houses as shown on the approved plans is indicative only and does not have the benefit of permission. The detailed siting, design, scale and finish of the house will require to be the subject of a separate planning application/s to the Planning Authority. For the avoidance of doubt plot 2 is only considered suitable for a single storey property.

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Local Roads Authority Consent

The applicant will be required to apply for Road Construction Consent from the Highland Council, as the Roads Authority. Please note that no works should commence until official permission has been obtained.

The Council as Roads Authority will require a way leave legal agreement giving right of access to the culvert inlet and outlet and no permission to carry out the works on the land drainage system will be given until this agreement is in place. However the maintenance of the system will remain private.

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_or_working_on_public_roads/2

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

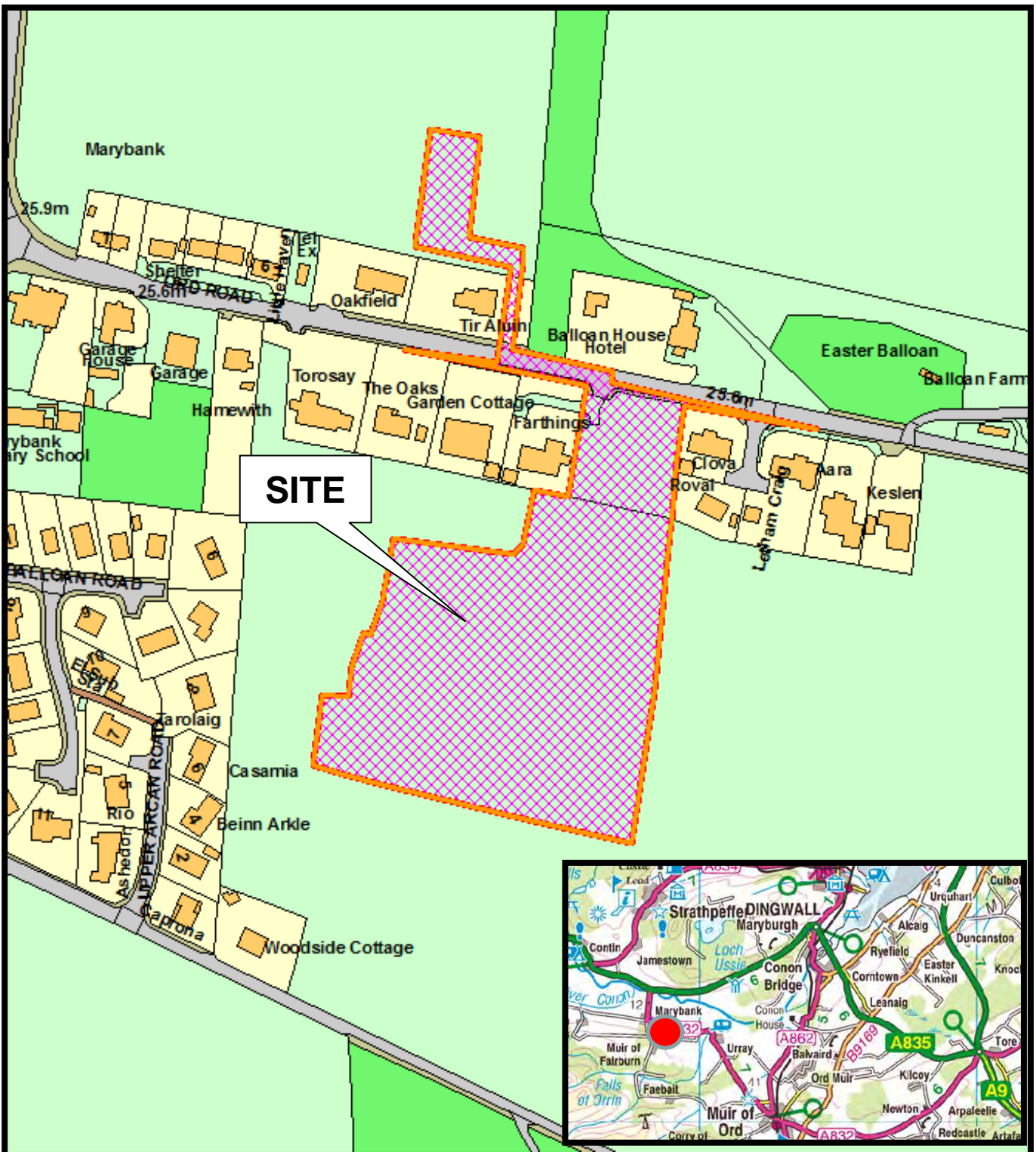
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage 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 SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

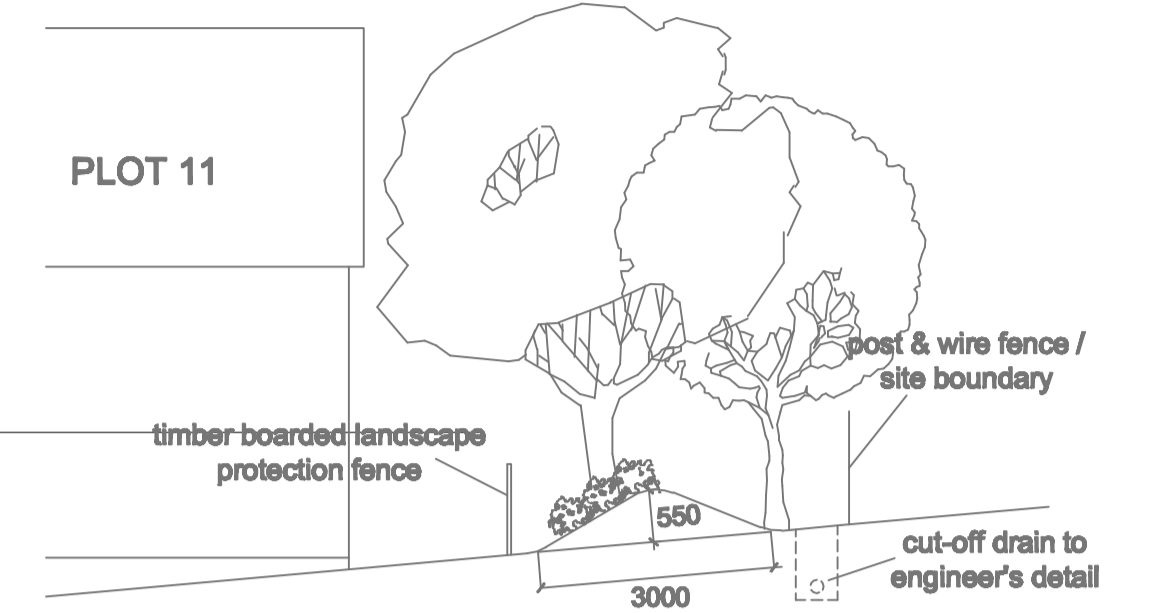
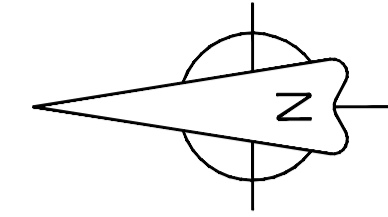
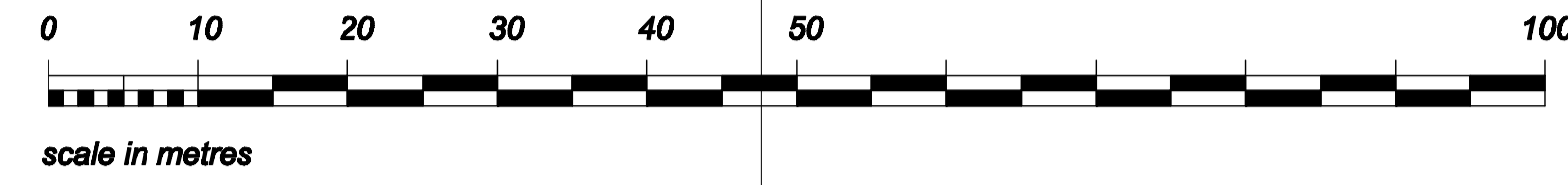
Signature: Nicola Drummond
Designation: Area Planning Manager - South
Author: Julie Ferguson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – PL200 Rev E – Site Layout
Plan 3 – PL202 Rev C – Landscaping
Plan 4 - CTCH-J1632-002 Rev A - Footway Link to Village



DO NOT SCALE, IF IN DOUBT PLEASE ASK
 All setting out must be checked on site prior to commencement. Any discrepancy must be reported to G. H. JOHNSTON Building Consultants Ltd

SITE AREA
 RED BOUNDARY: 18019 square metres (4.453 acres)
 1.802 hectare

NOTE:
 Finished floor levels are indicative only and subject to individual house design and layout



Typical Section A-A

- KEY**
- Existing trees close outwith site boundary
 - Proposed close mown grass
 - Proposed area for Landscaping (see GHJ dwg PL 009)
 - Wayleave to be hand excavated
 - Land owned by Mr. Macleod
 - Coloured road surface finish; coloured to be agreed with Planning Department

PLANNING SUBMISSION
Phase B

rev.	description	date
A	Typical Bund Detail Added	Oct'14
B	Boundary drainage / bund clarified.	nov'14
C	Finished floor levels added.	(ca) 08.15
D	Transport Issues	(ca) 06.16
E	Visitor parking moved and altered turning head	01.17

Client
Mr Angus MacLean

Project
16no House Plots
Ord Road, Marybank
MUIR OF ORD

Drawing
Site Plan as proposed
PHASE B

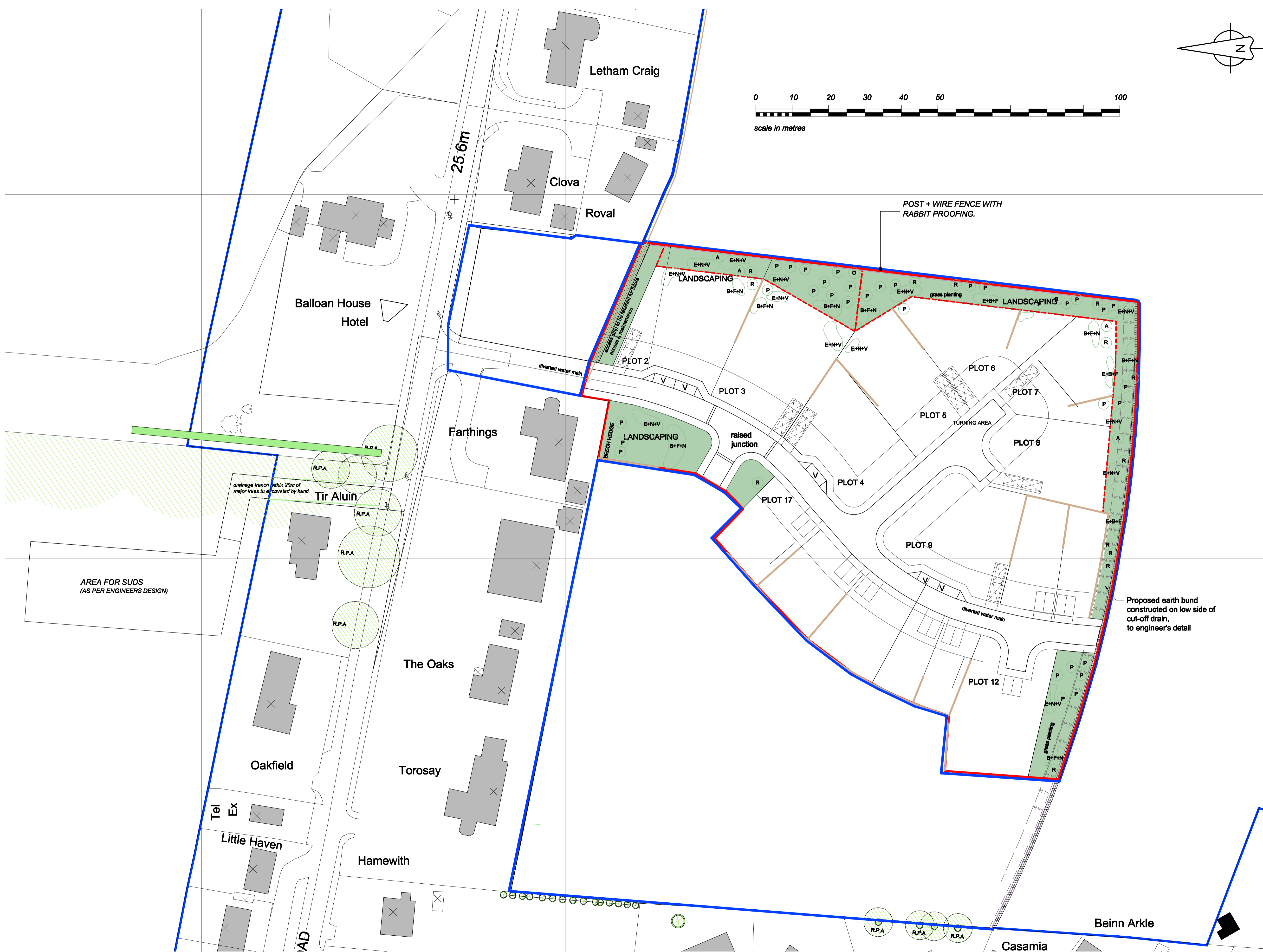
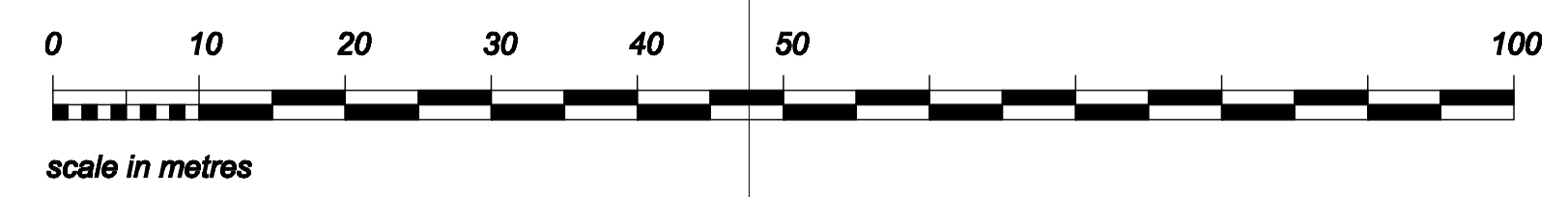
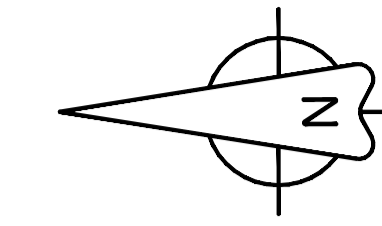
Scale	Date	Drawn by
1:500@A1	jan'13	bof
Project no	Dwg no	Rev
2164	PL200	E

G.H.JOHNSTON
 BUILDING CONSULTANTS LTD
 WILLOW HOUSE
 STONEYFIELD BUSINESS PARK
 INVERNESS IV2 7PA
 Email: technical@ghjohnston.com
 TEL (01463) 237229
 FAX (01463) 243258



SITE PLAN as proposed
SCALE 1:500

INDICATIVE LAYOUT



- 450 - 600mm
 - V guelder rose (*Viburnum opulus*)
 - 450 - 600mm
- All shrubs to be planted in mixed groups as shown on the plan, at a density of 4 per square metre.
- BOUNDARY FINISHES**
- 1.5m high close board screen fence
 - 0.4m high post & wire 1 strand fence
 - 1.5m post + wire fence 5 strand with rabbit proofing to 0.3m

Phase B PLANNING ISSUE

REVISIONS		
rev.	description	date
A	Bund added along planting at south boundary clarified.	nov'14
B	Updated landscaping layout	07.16
C	Visitor parking moved and altered turning head	01.17

Client
Mr Angus MacLean

Project
16no House Plots
Ord Road, Marybank
MUIR OF ORD

Drawing
landscaping
PHASE B

Scale	Date	Drawn by
1:500@A1	jan'13	bof

Project no	Dwg no	Rev
2164	PL202	C

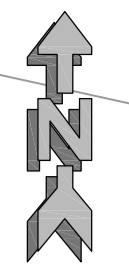
G.H.JOHNSTON
BUILDING CONSULTANTS LTD

WILLOW HOUSE
STONEFIELD BUSINESS PARK
INVERNESS IV2 7PA
Email: technical@ghjohnston.com

TEL (01463) 237229
FAX (01463) 243256

LANDSCAPING PLAN as proposed
SCALE 1:500

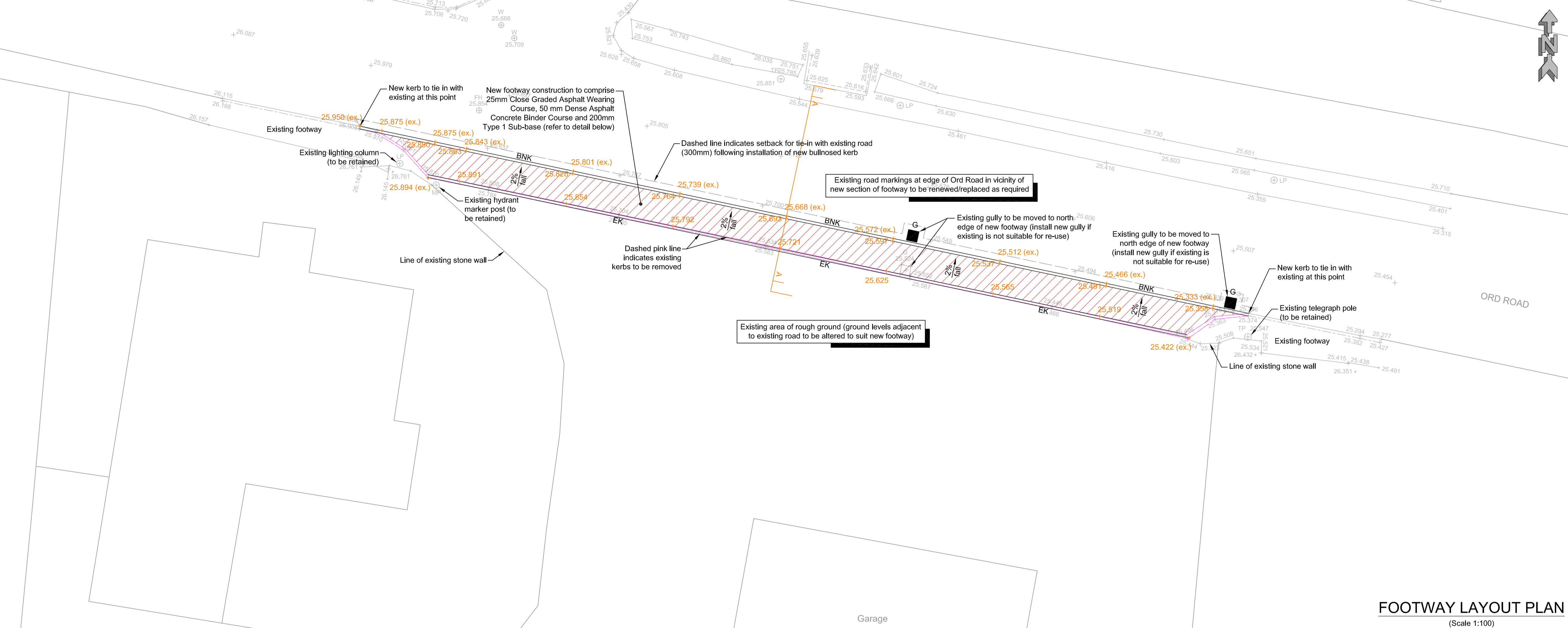
INDICATIVE LAYOUT



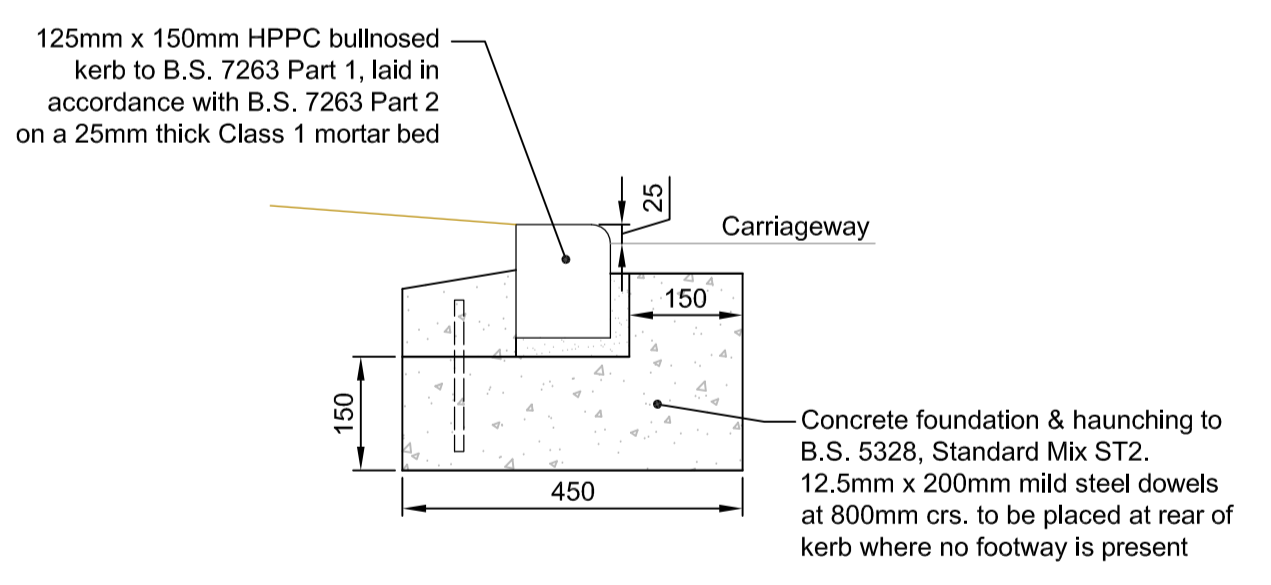
- NOTES:-**
1. Refer to Caintech drawing J1632-001 for the topographical survey.
 2. Position of any existing services must be accurately located on site prior to construction work commencing.
 3. All levels shown are relative to Ordnance Datum.

LEGEND:-

	New bullnosed kerb
	New edging kerb (laid flush)
25.590 +	Indicates proposed level
25.590 (ex.) +	Indicates existing level (to be retained)
	Indicates proposed road gully with class D400 Ductile Iron cover (in accordance with BS EN 124)

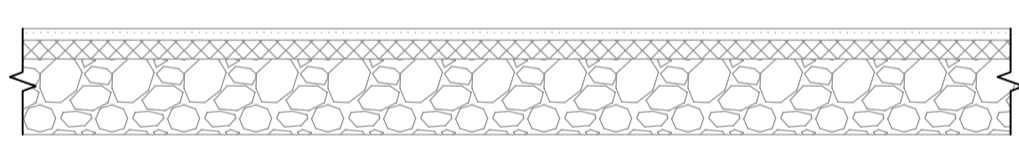


FOOTWAY LAYOUT PLAN
(Scale 1:100)

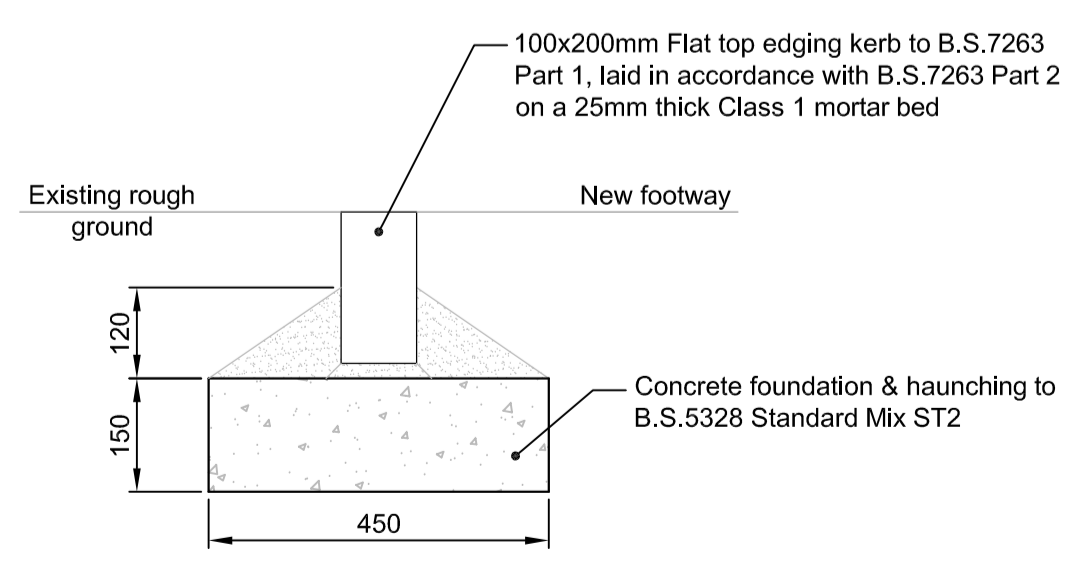


TYPICAL BULLNOSED KERB DETAIL
(Scale 1:10)

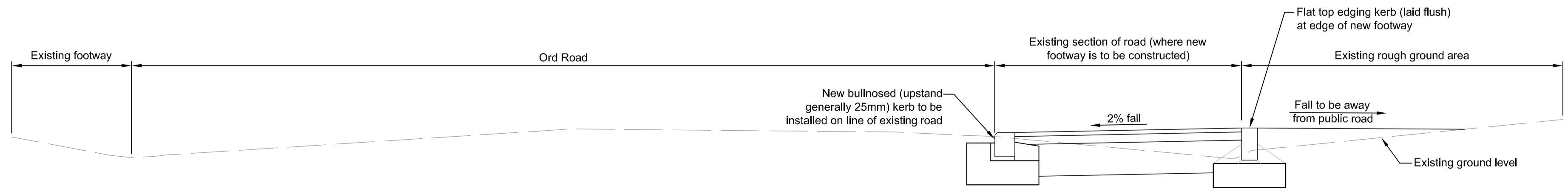
VEHICULAR FOOTWAY CROSSING CONSTRUCTION
25mm Close Graded Asphalt Concrete Surface Course to Cl. 912
50mm Dense Asphalt Concrete Binder Course to Cl. 906
200mm Type 1 Sub-base to Cl. 803
Approved Granular Fill Down to Suitable Formation



TYPICAL FOOTWAY CONSTRUCTION (TO ALLOW FOR VEHICULAR CROSSING)
(Scale 1:20)



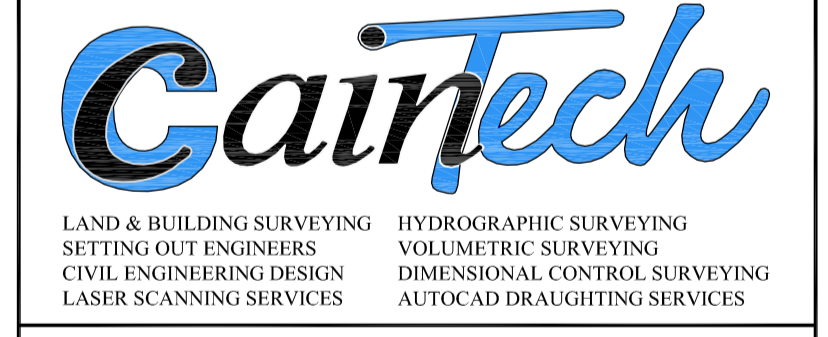
EDGING KERB DETAIL
(Scale 1:10)



SECTION A-A
(Scale 1:20)

A	24/1/17	Half battered kerb changed to bullnosed kerb and maximum upstand reduced to 25mm following comments received from THC.	KGT	GCN
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Site Layout:
Housing Development at Marybank
Footway link to Village



TORRE OFFICE FOINAVEN TORE MUR OF ORD ROSS SHIRE IV6 7SD Tel: 01463 811400	INVERNESS OFFICE FIRST FLOOR 348 LONGMAN DRIVE INVERNESS IV1 1SU Tel: 01463 719623	ADDITIONAL CONTACT INFO: E-mail: client@caitechtd.com Mob: 07740 686509 WEBSITE: http://www.caiotechtd.com
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Client:
Mrs MacLean

Drawn By: KGT	Checked By: GCN	Surveyed By: JDS	Surveyed Date: 16/08/2016
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Drawing Status: <input checked="" type="checkbox"/> PLANNING <input type="checkbox"/> FOR APPROVAL <input type="checkbox"/> WARRANT <input type="checkbox"/> CONSTRUCTION	Drawing Date: 24/08/2016 Drawing Scale: As Noted @ A1 Drawing No: CTCH-J1632-002
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Levels are in metres and are to Ordnance Datum. Co-ordinates are to National Grid. (GPS Network)	Our Job Ref: J1632	Rev: A
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