

Agenda Item	6.6
Report No	PLS/071/19

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 17 September 2019

Report Title: 19/00452/FUL: Tulloch Homes Ltd
Land 100m SE of Barrington, Inshes, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of 3 houses with garages

Ward: 19 – Inverness South

Development category: Local Development

Reason referred to Committee: Representations received from 6 households.

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** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is to site a row of 3 detached houses, with detached garages, off a new access driveway which will run along the frontage with, and parallel to, the public road. A footpath link will be formed from the driveway to the public road to facilitate non-vehicular access between the two. A 2.5m wide strip along the site frontage will be reserved to enable the provision of a roadside footway in the future if desired.
- 1.2 Each house has been designed to be similar but different. They are all 1 ½ storey in height, with dormer windows and projecting feature gables. They are all generously proportioned 'executive' houses.
- 1.3 The centrally positioned house (Plot 2) will have 5 bedrooms and a study (potential 6th bedroom) and orientated with principle elevation facing the public road. The most northerly house (Plot 3) will also have 5 bedrooms and a study and is orientated with principle elevation towards the south east (facing the central plot). The most southerly house (Plot 1) will have 4 bedrooms and a study, and a separate family room and lounge, and is orientated with its principle elevation towards the north west.
- 1.4 Each house will have a detached triple garage, with an internal stairway and dormer windows in the attic to form a games room.
- 1.5 A 20m strip has been reserved alongside the A9 to enable the formation of a bund and the planting of a landscape buffer strip. The area between this bund and the rear garden boundaries will be used as a paddock, as will the strip of field remaining between the boundary of Plot 1 and the field boundary to the south east.
- 1.6 A water main runs between Plot 1 and the field boundary, within the area which will be retained as a paddock. There is currently an agricultural field access gate into this area, which will remain to facilitate access to the paddock.
- 1.7 Pre Application Consultation: informal discussions took place with the Development Plans team.
- 1.8 Supporting Information: supporting statement; drainage impact assessment; habitat survey; road traffic noise assessment; Scottish Water letter.
- 1.9 Variations: amended layout, access and house designs. Landscaping added.

2. SITE DESCRIPTION

- 2.1 The site is currently a field of improved grassland for grazing livestock, running between the A9 trunk road and the B9177 Drumossie Brae public road. It slopes up gently to the south (side), and also has a slight slope up to the rear (west). There are two mature roadside trees near the boundary with Barrington House (to the north) and a further mature roadside tree near the south east corner of the site.

- 2.2 The area alongside the Drumossie public road is rural in nature, with fields largely used for grazing livestock interspersed with scattered housing and trees. The houses are all individual in size and design, and of varying ages and styles.
- 2.3 The A9 trunk road is in a cutting below the level of the site at this point, and thus out of sight. A strip of field alongside the A9 has been omitted from the house plots to act as a buffer, through the formation of a 20m wide planted bund. A further strip along the south east site boundary has been omitted from the house plots due to the location of a water main.

3. PLANNING HISTORY

- 3.1 None

4. PUBLIC PARTICIPATION

- 4.1 Advertised: No known neighbour (14 days)

Date Advertised: 22.02. 2019

Representation deadline: 08.03.2019 and 27.06.2019

Representations: Representations received from 6 different households.

- 4.2 Material considerations raised are summarised as follows:

- a) Application form not completed accurately
- b) Roadside ditch/culvert proposed for surface water drainage is inadequately maintained, frequently overflows flooding the road, and unsuitable for additional drainage from the site.
- c) Site becomes waterlogged in winter – should undertake infiltration tests.
- d) Water runs off site and into neighbouring land, increasing flood risk to neighbouring property
- e) Existing sewer to connect into is insufficiently proportioned to accommodate the level of additional waste generated by this scale of development
- f) B9177 is used as a 'rat run' due to congestion on the Culloden Road (B9006)
- g) Traffic on B9177 frequently exceeds the speed limit
- h) Insufficient infrastructure to support additional development – no footpath, no street lighting, no public transport links, no cycle path
- i) No provision for safe pedestrian and cycle access
- j) Objects to footpath link
- k) Inadequate visibility where the access joins the B9177
- l) Insufficient provision made for visitor parking
- m) Inadequate broadband available, will be made worse by more users
- n) Poor telecommunications
- o) Existing S75 agreement in place prevents further development
- p) Hinterland allocation
- q) Inappropriate urbanisation and linear development out of character with rural area and contrary to Policy
- r) Land slopes up away from the B9177, so houses will be elevated and prominent.

- s) How will proposed houses be heated to avoid emissions?
- t) Potential overlooking of neighbouring houses from windows
- u) Houses should have a downstairs bedroom and bathroom suitable for a person with impaired mobility.
- v) Proposed shelter belt / tree screen along the boundary with the A9 will block views from neighbouring property and result in loss of amenity
- w) Noise assessment flawed – unacceptably high outdoor traffic noise from A9
- x) Contrary Policies 28, 29, 34, 56 Highland-wide Local Development Plan
- y) Precedent set by refusal of 19/00622/FUL for a wall and garage since it was not sensitive to the local character and natural environment

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

- 5.1 **Development Plans Team:** The proposal is within the Settlement Development Area of Inverness. Policies 28, 29, 34, and 56 are relevant. The proposal stands to be assessed against the extent to which it is compatible with public service provision (footways) and being accessible by public transport, cycling and walking. In addition, it should be considered in terms of being sensitively sited, in keeping with the local character. Given the lack of safe active travel routes, consideration should be given to how this site could better connect to the city to offer an alternative to car-based travel.
- 5.2 **Transport Planning Team:** SBD2 service bay and visibility splays of 2.4m x 215m are required. Bin collection area must be adjacent to the service bay but outwith the visibility splays. 3 parking spaces per house plus one shared visitor parking space and space to manoeuvre to enable vehicles to enter and exit in a forward gear are required. A condition is recommended to address how surface water will be dealt with at the access; 2.5m strip along the boundary with the B9177 reserved to allow for a footway to be built at a later date. It is not considered that the traffic generation from 3 houses will have a detrimental impact upon the B9006 / B9177 junction.
- 5.3 **Historic Environment Team (Archaeology):** The area is considered to have archaeological potential. Condition requested.
- 5.4 **Forestry Officer:** No objections subject to conditions
- 5.5 **Environmental Health:** No objection. The elevated noise levels could result in an adverse effect on the amenity of future occupants. Potentially, external amenity areas could be protected by landscaping and additional walls or fencing etc., but it appears that satisfactory internal levels can only be achieved by keeping windows closed and the provision of alternative ventilation. Building Standards would advise on the specification for such a system. Calculations for the ventilation system must assume that the windows are fixed shut. Condition recommended requiring the submission of the proposed alternative house ventilation system prior to construction commencing.

- 5.6 **Scottish Water:** No objection. There is currently capacity in the water and waste water treatment works, but capacity cannot be reserved. The proposal impacts upon Scottish Water assets (water main); restrictions on proximity of construction may apply.
- 5.7 **Transport Scotland** does not propose to advise against the granting of permission.
- 5.8 **NATS Safeguarding:** No safeguarding objection.

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
- 31 – Developer Contributions
- 34 – Settlement Development Areas
- 51 – Trees and Development
- 56 – Travel
- 58 – Protected Species
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage

6.2 Inner Moray Firth Local Development Plan 2015

Within Inverness Settlement Development Area. No site specific policies apply.

6.5 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Developer Contributions (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy 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.

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) siting and design
 - c) access / road safety / active travel
 - d) flooding / drainage
 - e) traffic noise
 - f) protected species
 - g) archaeology
 - h) other material considerations

Development plan/other planning policy

- 8.4 The site lies within the Settlement Development Area of Inverness where Policy 34 of the Highland wide Local Development Plan applies. Within the SDA development will be supported where it conforms to the existing pattern of development, is compatible with adjacent land uses and where there are no significant impacts on any natural, built and cultural heritage features and subject to meeting the requirements of Policy 28: Sustainable Design.
- 8.5 Policy 28 requires that development demonstrates sensitive siting and high quality design in keeping with the local character and the historic and natural environment, is compatible with public service provision and has no significant detrimental impact on individual and community residential amenity.
- 8.6 Subject to proposals meeting with the requirements of Policy 28, and all other relevant policies of the Plan, the development would comply with the development plan.

Siting and design

- 8.7 The area alongside the B9177 Drumossie public road is a farmed hillside, where fields used for grazing livestock are interspersed with trees and scattered housing. The houses are all individual in nature, and of assorted size, design, siting and orientation within their respective plots, reflecting the sporadic nature in which development has occurred over the years.

- 8.8 Although the houses along the B9177 essentially have a dispersed nature, and the area is primarily rural farmland, there are instances where there are 2 or 3 houses adjacent to each other. Mature landscaping and trees within many of the gardens results in them largely being seen as individual houses or hidden from view. The piecemeal nature of development in the area does lead to a lack of uniformity in the built form.
- 8.9 The application has been amended to 3 different house types, with assorted orientations and positions within their plots. Although all the houses have similar ridge heights, their location on a sloping hillside will result in them being seen at different heights. They are also interspersed with the detached garages, which again adds variety to the overall heights experienced.
- 8.10 Although each of the houses is individually designed, they have a 'similar but different' feel since they all incorporate similar design elements. This lends itself to the development being viewed as a whole rather than as a series of houses which has evolved.
- 8.11 However, the assorted orientations and positions with the plots help introduce variety and better reflects the rural nature of the surrounding piecemeal development. A strip of field is also preserved between Plot 1 and the trees within the curtilage of Mid Meldrum, the house to the south east. This breaks up the built form and helps guard against inappropriate suburbanisation.
- 8.12 The proposal has also been amended to include substantial planting between plots, and between the B9177 and the houses on Plots 1 and 3. A beech hedge is also proposed along the roadside boundary and along all plot boundaries. Although it will take some time for the proposed landscaping to mature, it will in time further break up the views of the houses from the B9177 and mitigate any perception of a row of 3 houses.
- 8.13 On balance, the variety introduced into this low density development integrates into the character of the surrounding area in a satisfactory manner.
- 8.14 The height of the proposed houses and design with dormer windows and feature gables takes account of other nearby houses along the B9177, and is appropriate. Although materials have not been specified, the elevational drawings imply slate roof, and white harl with feature cladding and stone panels. These reflect the materials found on existing houses locally, and again are appropriate. This could be controlled by condition.
- 8.15 The houses are designed and sited to avoid windows looking directly into neighbouring houses and their garden grounds, and will thus preserve the privacy currently enjoyed. Similarly, they are sufficiently spaced to avoid materially impacting upon daylighting / sunlight and they will not materially impact on individual or community residential amenity.

Access / Road Safety / Active Travel

- 8.16 The proposal is accessed via the B9177, which is a rural road within the national speed limit (60mph), and traffic is typically travelling in the region of this limit. Local residents are concerned that traffic often exceeds the speed limit, and that traffic levels are high since this route is used as a 'rat run'.
- 8.17 The access has been designed to comply with Council guideline access SDB2 (a rural access for up to 4 houses), with a 2.4m x 215m visibility splay, which is appropriate for an access onto a road with traffic travelling at 60mph. An area for the storage of bins adjacent to the service bay but outwith the visibility splays is included. One roadside tree towards the south of the site will need to be felled to accommodate the necessary visibility splay. The two existing roadside trees towards the north of the site lie outwith the visibility splay and will be retained. The proposed access arrangements are appropriate.
- 8.18 The impact upon the wider road network also needs to be considered, since the B9177 links into the B9006 which is well known for congestion. The Transport Planning Team advise that they do not consider that the traffic generation from 3 houses will have a detrimental impact on the B9006/B9177 junction.
- 8.19 Similarly, the additional traffic generated by 3 houses will not impact significantly on the existing volumes of traffic already experienced along the B9177.
- 8.20 Policy 28 encourages development (amongst other factors) to take account of the extent to which it is accessible by public transport, cycling and walking as well as car, and Policy 56, Travel, requires development to consider any likely on and off site transport implications. It also encourages development to be well served by the most sustainable modes of travel available in the locality, and to have regard to key travel desire lines. Opportunities for walking and cycling should be maximised, and developments should be designed to provide for the safety and convenience of all potential users. Appropriate mitigation should be sought where necessary. An appropriate level of car parking provision should be provided, having regard to the travel modes and services, and key travel desire lines, and maximum car parking standards.
- 8.21 The site does not lie on a route served by public transport, and there is no footway provision or cycleway alongside the road. As noted by neighbouring residents, the road is well used and traffic speeds are high, and the safety of pedestrian and cycle users must therefore be questioned.
- 8.22 There are currently no plans to extend the Inverness Active Travel Network along the B9177. It is not considered appropriate to build a footway along the frontage of the site at the moment, since it will not link into any existing footway provision, but will exit onto the carriageway at both ends. There is also limited scope to provide a continuous footway in the future in view of the number of existing houses and the proximity to the A9 in places. It is therefore considered unlikely that there will be proposals in the future to deliver a footway/cycle track along the B9177. However, a 2.5m wide strip along the boundary of the site adjacent to the B9177 is reserved to allow for a footway to be built at a later date, should it be considered appropriate.

- 8.23 The nearest walkable destination is the Drumossie Hotel. It is probable that Cradelhall Primary School, Inshes Retail Park, UHI, Simpsons Garden Centre would be local destinations for future residents.
- 8.24 A potential pedestrian link has been identified between the B9177 and the Birchwood estate, which could provide a link to public transport provision and to Cradlehall Primary School. This would utilise an existing farm track opposite the site, and desire routes through the adjacent privately owned woodland which lead to the Birchwood estate. These, however, are currently just desire routes, and thus unlit, unsurfaced, uneven, narrow, unsigned, with projecting tree roots and rocks, making it unsuitable for use without considerable improvement. Furthermore, the land owner has written to object to encouraging any increased use of this track and desire routes through the woodland. It is therefore not feasible to explore this further.
- 8.25 A recently approved application, 18/05593/PIP, granted permission in principle for 90 houses with associated roads and infrastructure services on a site at the junction of the B9177 and the B9006. This included the provision of a footpath within the site, running roughly parallel to the B9177, and off site improvements to connect in to the bus stop and pedestrian crossing on the B9006. There is, however, no link shown to this path off the B9177 at the south end of the site. It is also still approximately 600m from the application site boundary, and thus of limited use in providing a safe pedestrian / cycle option. Furthermore, the permission is in principle only, and there is no guarantee that this will be implemented.
- 8.26 The site therefore fails to offer any active travel options. The scale of work required to provide active travel links is substantial, whereas the scale of the development (3 houses) is relatively small and the trip generation from this site will have a minimal impact. The provision of active travel links, whilst highly desirable, is not in this instance commensurate to the scale of the development (3 houses). Policy 56 requires that the transport implications are assessed, and active travel is provided where-ever possible. Although opportunities for walking and cycling should be maximised, in this instance the constraints are such that such opportunities do not present themselves. It is therefore unreasonable to refuse the application due to their absence.
- 8.27 The level of within site parking and visitor parking is appropriate for the proposal, and complies with the Transport Planning Team requirements.

Flooding / drainage

- 8.28 The site is not within an area included on SEPA's indicative flood maps as potentially at risk of flooding. Neighbouring residents are, however, concerned that surface water will run off the site resulting in flooding issues elsewhere.
- 8.29 A Drainage Impact Assessment has been undertaken in support of this application. This identifies that surface water will require proper attenuation to prevent the post development peak discharge increasing in rate and occurring earlier in the storm event, which could result in increased run-off onto neighbouring land.

- 8.30 The proposed solution is to construct the access and driveways with permeable block paving. Run off will pass through the block paving and filter layers and will be attenuated within the granular sub base. Roof water will be discharged to the granular sub base. A controlled outlet from the sub base will be directed to the existing road side ditch. Calculations have been undertaken to ensure that the discharge following development matches that currently experienced, for all storms up to the 1 in 200 year event, plus 30% climate change. The amount of water running from the site onto neighbouring land will therefore not increase as a result of the proposed development.
- 8.31 Photos have been submitted by neighbouring residents to show the roadside drainage ditch, into which the surface water will discharge, overflowing during periods of heavy rain. Understandably, there are concerns that this ditch is unable to cope with any additional water. However, the use of on site storage of surface water and its discharge via a controlled outlet is designed to ensure that the water leaving the site following development does not increase as a result of the development, ensuring that there will be no increase in the amount of water running into this ditch from the site.
- 8.32 An existing Scottish Water combined sewer runs along the site boundary with the B9177, into which each of the houses will connect. Scottish Water has been consulted, and has no objections. It confirms that there is currently capacity in its water and waste water treatment works, but that capacity can not be reserved and further investigations will sometimes be required.
- 8.33 The applicant has also provided a copy of a letter from Scottish Water to confirm that "there are no issues currently identified within our water and wastewater network that would adversely affect the demands of your development".

Traffic Noise

- 8.34 The site backs onto the A9 trunk road, and there is potential for noise nuisance to arise from the heavy volumes of traffic it experiences. There is also noise from occasional cars passing along the B9177, and intermittent bird song and aircraft. Accordingly, a noise assessment has been undertaken. This concludes that predicted daytime external noise levels, at 1.5m above the ground (representative of amenity areas close to the houses) are all below the target 55dBLA. This is assessed as 'no adverse impact' and the subsequent level of significance is 'neutral'.
- 8.35 The predicted daytime and night time internal noise levels at upper storey (4m in height) exceed the target criteria, resulting in a 'major adverse' or a 'large/very large' impact at receptors. Mitigation is therefore proposed in the form of closed windows, which achieves 'no adverse impact' and 'neutral' significance' throughout the development.
- 8.36 In addition, the proposed layout includes a 20m wide planted bund alongside the A9. This, too, will provide some mitigation, over and above that recommended by the Noise Assessment.

- 8.37 Neighbouring residents have expressed concern that the noise levels used in the noise assessment were not taken during rush hour, when the noise levels are at their highest, and that the prevailing wind at the time was from the north east, whereas the typical wind direction is from the south west. They consider that the noise assessment is therefore flawed.
- 8.38 Environmental Health has been consulted. It comments that the noise assessment was undertaken in accordance with the shortened method of the Calculation of Road Traffic Noise guidance, and it is satisfied that the appropriate methodology has been used. No night time monitoring has been carried out. The World Health Organisation has recommended levels for continuous noise such as traffic. The WHO guidelines recommend 30dB LAeq for continuous noise and 45 dB LAmax for single sound events for bedrooms; and 55dB LAeq in outdoor living areas to protect against serious annoyance during the daytime and 50dB LAeq to protect the majority of people from being moderately annoyed.
- 8.39 The predicted external daytime levels exceed the external 50dB limit but meet the 55dB level. Internal levels will exceed the recommended 35dB limit for daytime and 30dB limit for night time. The elevated noise levels could result in an adverse effect on the amenity of future occupants. Therefore, windows should be kept closed and alternative ventilation provided. Since this will be covered by Building Standards, and is not enforceable through Planning, it is not reasonable to use a condition, but instead ensure that this is controlled by Building Standards. An informative can be added to ensure that the applicant is aware of this requirement.

Protected Species

- 8.40 A habitat survey has been undertaken to assess any potential protected species which may be present in the vicinity. One of the roadside trees which will be retained was identified as a potential bat roost. A potential badger sett was identified within existing woodland outwith the application site boundary. The site itself was found to be of little ecological value, but could provide a foraging resource for badgers in the wider area. Similarly, existing scrub to the boundaries could support nesting birds.
- 8.41 The survey concluded that any vegetation clearance work takes place outwith the breeding bird season (March – August). If any of the trees identified as a potential bat roost are felled, a climbed inspection to identify whether there are any roosts should first take place, and a protected species licence from SNH obtained if necessary. Similarly, if any works take place in close proximity to the potential badger sett, further survey works should be undertaken.
- 8.42 A condition could be used to limit clearance works to outwith the breeding bird season. The roadside tree to be felled as part of these proposals was not identified as having bat roost potential. No building works are proposed in the vicinity of the potential badger sett.

Archaeology

- 8.43 The site lies within an area which is considered to have archaeological potential. A condition can be attached to any future permission to require a further evaluation to establish the archaeological content and potential. The Historic Environment Team (Archaeology) has no objection subject to a condition to this effect.

Other material considerations

- 8.44 The permission for the erection of Barrington House (IN/1998/295) included a S75 Legal Agreement, which restricts residential development over the remainder of the field. It is the remainder of this field which is currently the subject of this application. Since the S75 is a legal burden, before any permission for residential development is implemented, a separate application for its discharge will be required. If this is not approved, the S75 will stand and will prevent any residential development from being implemented.
- 8.45 An updated planning application form has been submitted to address inaccuracies on the original form as highlighted by neighbouring residents.
- 8.46 There are no other material considerations.

Non-material considerations

- 8.47 Third parties make reference to another development, planning application 19/00622/FUL, which was a retrospective application for the erection of a garage and a gabion basket retaining wall, for a house to the south east of the application site ('High View'). This was refused due to the absence of a flood risk assessment to demonstrate that there will be no adverse impact from flooding on the application property or any other down stream property; and due to the location of the garage and gabion baskets within the 6m wide riparian buffer strip of the adjacent burn leading to uncertainty as to how the gabion wall and made up ground with its associated garage will affect the watercourse and how it may impact residential properties in the area and down stream.
- 8.48 Each planning application must be assessed on its own merits. There are substantial differences between application 19/00622/FUL and this current proposal. It is not considered that the reasons for refusal apply to this site/development that is located on the opposite side of the road and outwith the area at risk of potential flooding from the burn which flows alongside 'High View.' The application site does not encroach on the riparian buffer zone alongside the watercourse, nor alter the course of the watercourse.
- 8.49 Other non-material matters raised are:
- Views from existing houses adversely impacted by tree screen planting
 - Heating of houses
 - Internal layout of houses
 - Broadband access

Developer Contributions

8.50 Policy 31 requires all developments to make fair and reasonable contributions towards improved public services as required. The following is what would be required for this proposed development:

8.51

Summary of Developer Contributions		
Infrastructure / Service Type	Select Answer	Contribution Rate Per Home (a small scale housing discount has already been applied)
Number of Homes Proposed	3	
Schools – Primary		
Build Costs	2 classroom extension	£614
Major Extension / New School - Land Costs	None - No land costs required	£0
Primary Total		£614
Schools – Secondary		
Build Costs	Major extension / new school	£1,048
Major Extension / New School - Land Costs	Culloden Academy, new school at Inverness East	£27
Secondary Total		£1,075
Affordable Housing		
CNPA	No	£0
Cumulative Transport		
Development Brief / Agreement Area	Inverness East	£813
<i>Breakdown</i>	<i>East Link and Inshes Corridor</i>	£813
	<i>N/A</i>	<i>N/A</i>
	<i>N/A</i>	<i>N/A</i>
Total Per Home		£2,502
Total for Development		£7,506
All costs are subject to indexation (BCIS All-In TPI) and have been indexed to the appropriate quarter.		

Matters to be secured by Section 75 Agreement

8.52 None. The applicants have confirmed that they are willing to pay the relevant developer contributions up front.

9. CONCLUSION

- 9.1 The proposed houses are well designed and proportioned to incorporate elements found in the design and scale of nearby development. The variety in house type, spacing, and orientation, along with substantial planting, helps this development to integrate in a satisfactory manner with the rural character and piecemeal nature of surrounding development.
- 9.2 The absence of any active travel links to nearby destinations is regrettable, but the substantial works required to achieve these is not commensurate with the scale of the proposed development. The additional traffic generated by 3 houses is not significant given the current high volume of traffic travelling along the B9177.
- 9.3 Drainage has been designed to ensure that water run-off onto neighbouring land / roadside ditch is not increased over and above the current levels. The existing situation will therefore not be exacerbated by the proposal.
- 9.4 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	
Notification to Scottish Ministers	N	
Conclusion of Section 75 Obligation	N	Upfront payment of developer contributions
Revocation of previous permission	N	

Subject to the above, it is recommended that planning permission is **GRANTED**, subject to the following:

Conditions and Reasons

1. No other development shall commence until the site access has been constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines with:
 - i. the junction formed to comply with drawing ref. SDB2; and
 - ii. visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

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

2. Prior to the first occupation of each of the dwellinghouses hereby approved, the car parking and access arrangements detailed on approved plan ref. 4488/02/005 rev A and 4488/02/004 rev C shall be provided within the associated curtilage and made available for use. Thereafter, all car parking spaces shall be maintained for this use in perpetuity.

Reason: To ensure that sufficient space is provided within the application site for the parking and turning of cars, so they do not have to park within or reverse onto the public road.

3. Prior to the first occupation of any one of the dwellinghouses hereby approved, the shared access driveway, pedestrian path, and visitor car parking spaces detailed on approved plan ref. 4488/02/004 rev C and 4488/02/005 rev A shall be provided and made available for use. Thereafter, the visitor parking spaces shall be maintained for this use in perpetuity.

Reason: In order to ensure that the level of off-street parking is adequate, in the interests of road safety.

4. No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

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

5. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. 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
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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 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.

6. No development, site excavation or groundwork shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, or any superseding guidance prevailing at that time). These barriers shall remain in place throughout the construction period and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

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

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

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

8. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

9. The windows in each of the houses shall be fixed and non-opening, in accordance with the mitigation proposed in Section 8 of the Road Noise Traffic Assessment undertaken by 'New Acoustics' dated 21st December 2018.

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

10. No site clearance works shall be undertaken within the breeding birds season (March – August inclusive), unless the site is first surveyed for the presence of breeding birds. Thereafter, development and work shall progress in accordance with any mitigation measures identified within the breeding bird survey, and any timescales contained therein.

Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of breeding birds.

11. All surface water drainage provision within the application site shall be implemented in accordance with the approved Drainage Impact Assessment undertaken by HGA Consulting Engineers. The drainage shall be completed within the curtilage of each house prior to its first occupation and the drainage of all communal areas shall be implemented in full prior to the first occupation of any one of the dwellinghouses hereby approved.

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 to not exacerbate flood risk elsewhere.

12. No development shall commence until full details of the proposed drainage of surface water where the access joins the public road has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, surface water shall not be allowed to flow from the site onto the public road, and any culvert shall be designed to accommodate a 1 in 200 year flood event.

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 to not exacerbate flood risk elsewhere.

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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.

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

Noise

You are advised that windows in the houses must be kept fixed and alternative ventilation provided, in order to mitigate elevated noise levels from traffic. Details of the proposed alternative house ventilation system, along with any calculations to determine the specification of such a system, must be submitted as part of any Building Warrant application.

Flood Risk

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

Scottish Water

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Damage to the Public Road

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

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).

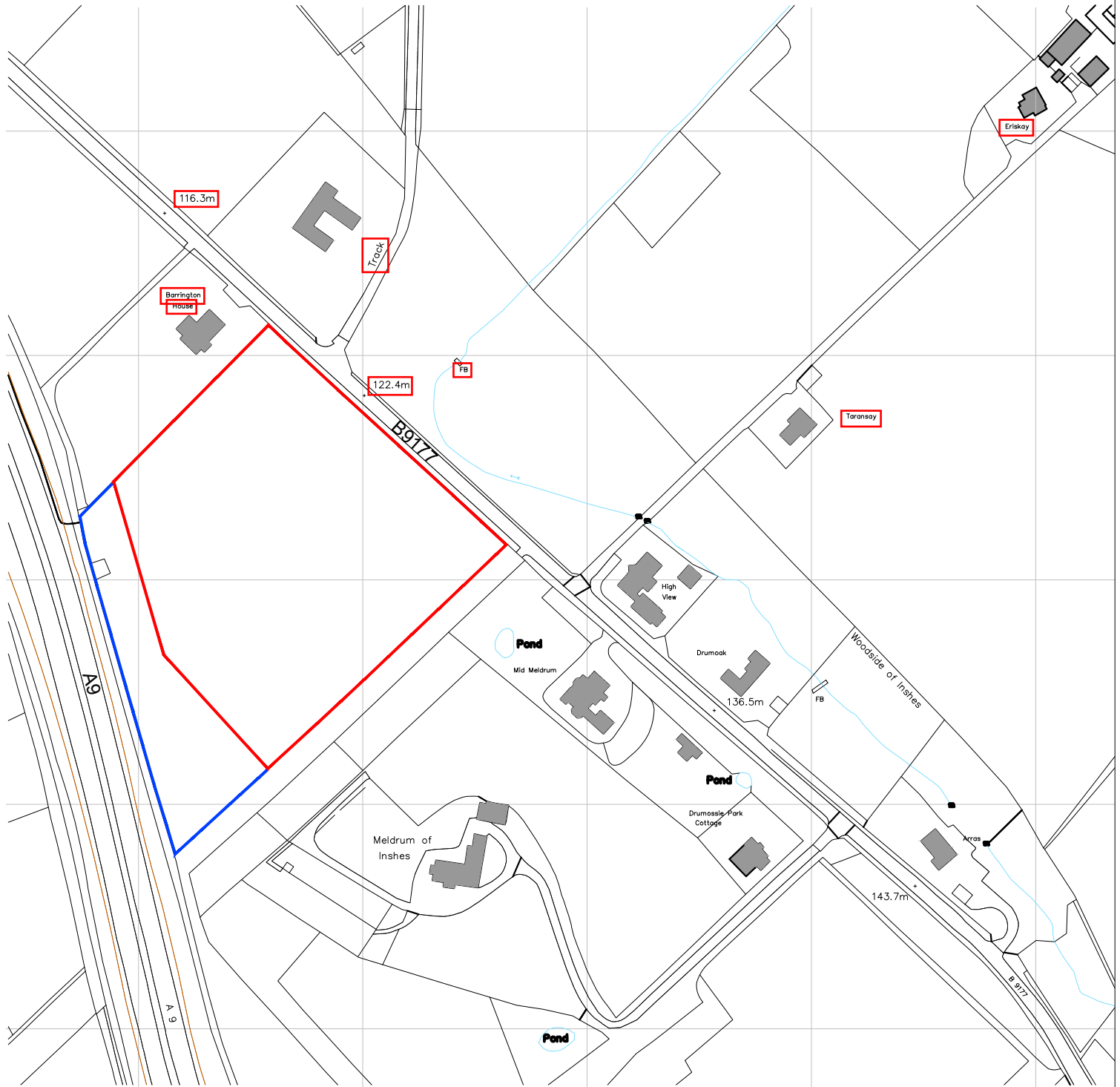
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

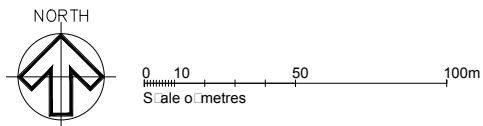
Protected Species – Halting of Work

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.

Designation: Area Planning Manager – South
Author: Susan Hadfield
Background Papers: Documents referred to in report and in case file.
Relevant Plans:
Plan 1 - location plan
Plan 2 - 4488/02/004 rev C - site layout plan
Plan 3 - 4488/02/004 rev A - access layout plan
Plan 4 - 4488/01/200 rev A - floor / elevation plan
Plan 5 - 4488/01/300 rev B - floor / elevation plan
Plan 6 - 4488/01/100 rev B - floor / elevation plan
Plan 7 - 4488/01/100 - garage plans
Plan 8 - 4488/02/006 rev C - Streetscape
Plan 9 - 3451-203 rev B Site layout plan levels



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- 5 NESS BANK, INVERNESS, IV2 4SF ○

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 TEL: 01463 233760 FAX: 01463 233785

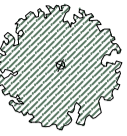


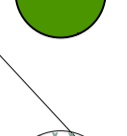
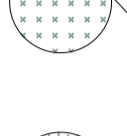
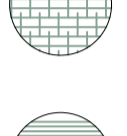
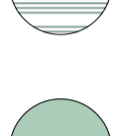
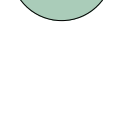
LOWER MUCKOVIE

LOCATION PLAN

SCALE	1:2500	DATE	No 02/2018	BY	SAS
			Planning		DWG SIZE
					A4

DWG NO	4488 02 001	REV
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Legend:

-  Existing trees
-  Proposed trees
-  Proposed Beehive Edge
-  Proposed mounding and woodland planting
-  Proposed grass sward
-  Indicative planting beds
-  Front lawn turf
-  Rear gardens to be soiled, stone bedded and cultivated



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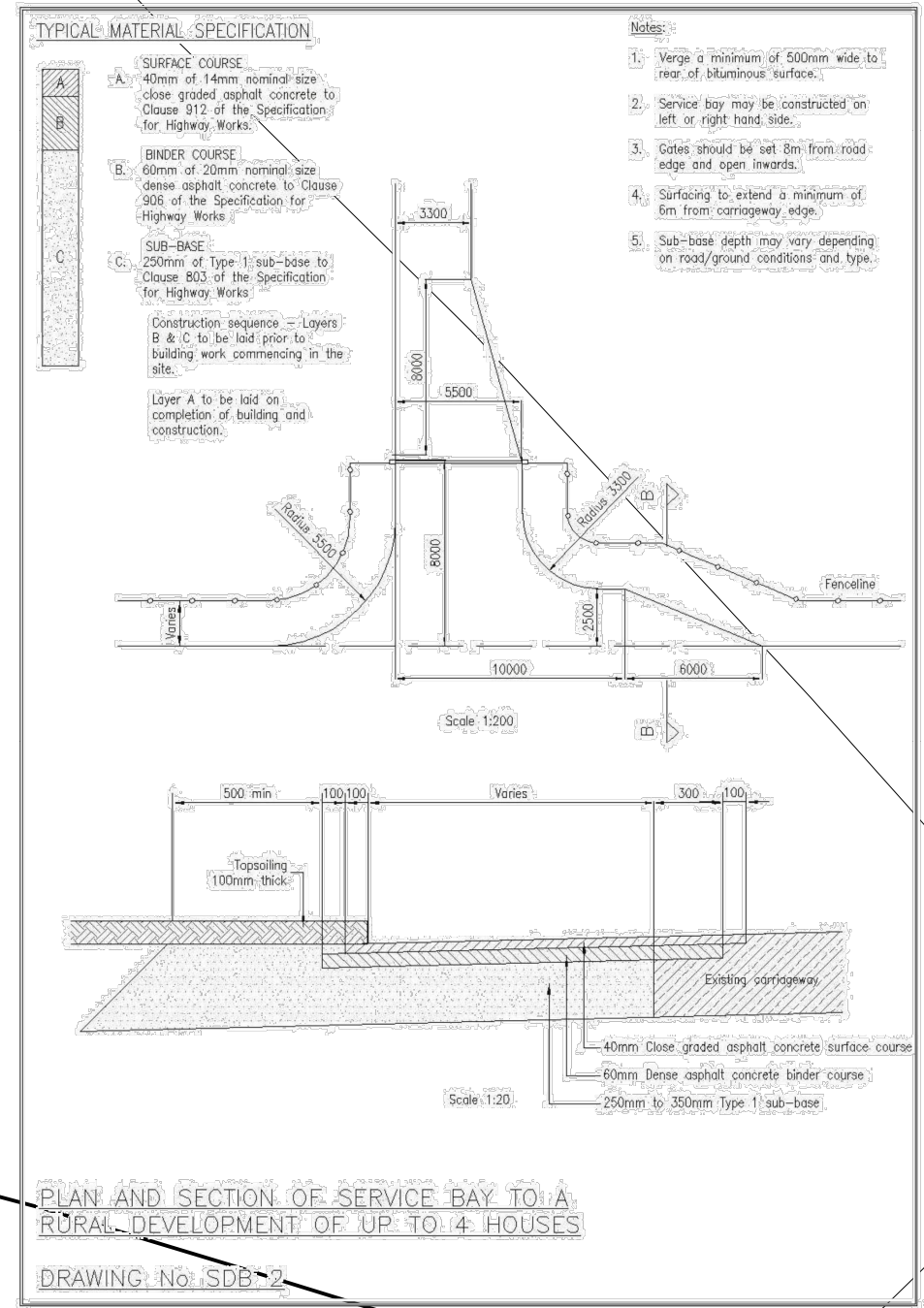
38 WALKER TERRACE, TILlicOUlTRY, FK13 6EF
 TEL: 01259 750301 FA: 01259 752365

5 NESS BANK, INVERNESS, IV2 4SF
 TEL: 01463 233760 FA: 01463 233785

LOWER MUCKOVIE

PROPOSED LAYOUT

SCALE 1:500	A1	DATE No: 2018	BY SAS
DWG NO 4488	02	004	REV C



Extract from Highland Council: Access to Single Houses and Small Housing Developments Drawing SDB2

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 ○ 5 NESS BANK, INVERNESS, IV2 4SF ○
 TEL: 01463 233760 FA: 01463 233785

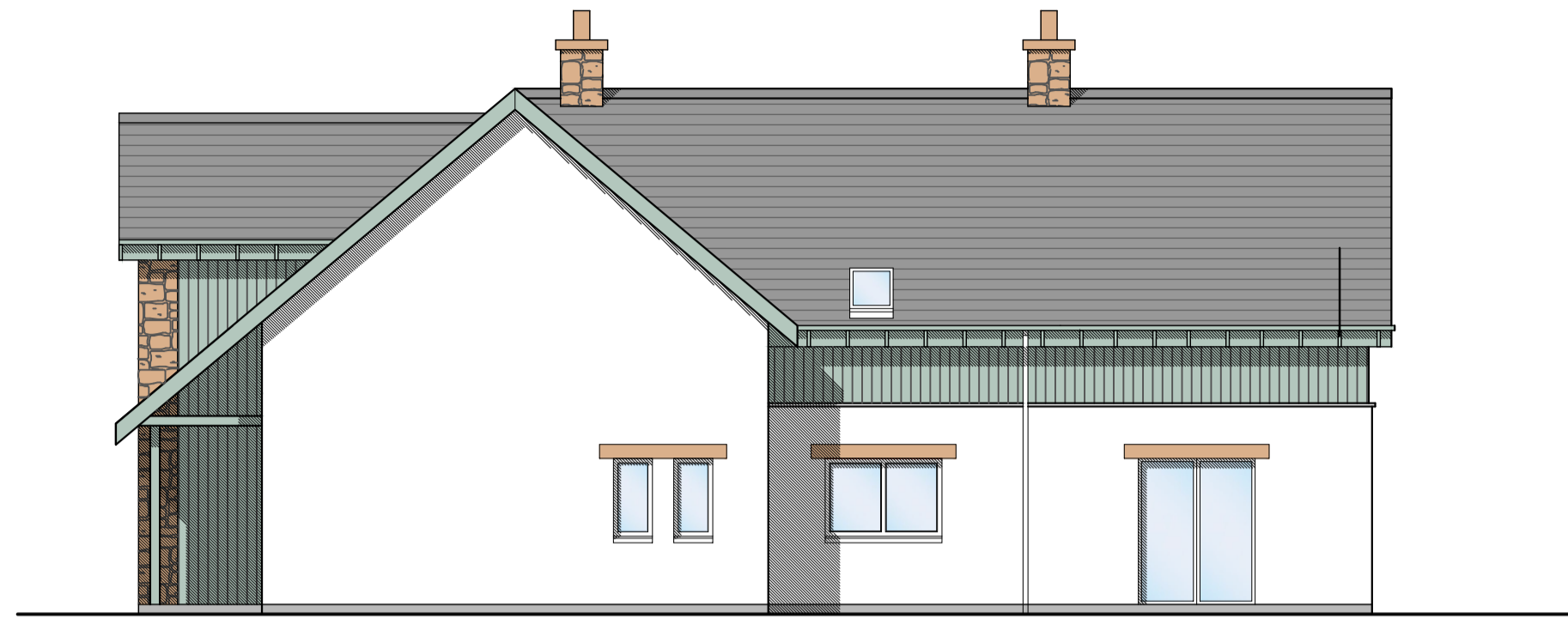
LOWER MUCKOVIE

ACCESS DETAILS

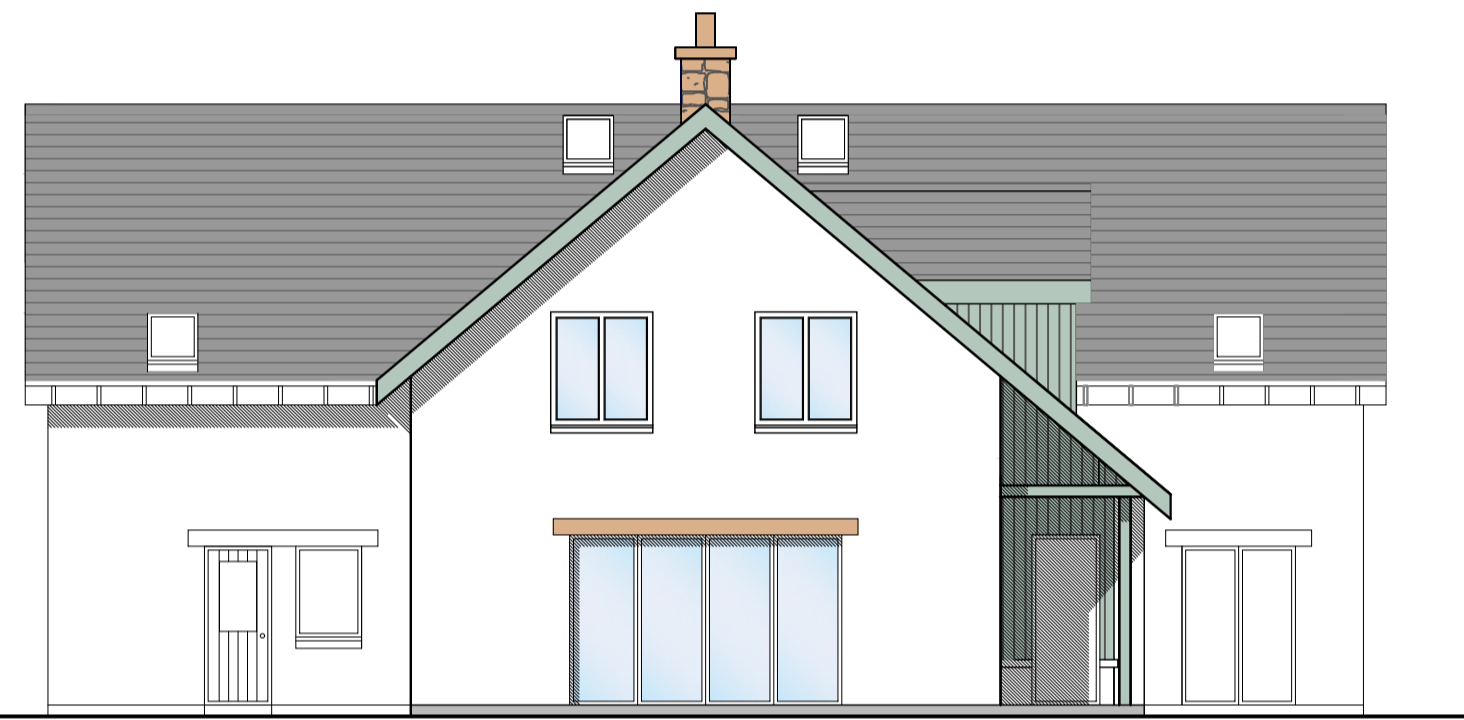
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	Planning	DWG SIZE A3
DWG NO 4488 02 005	REV A	



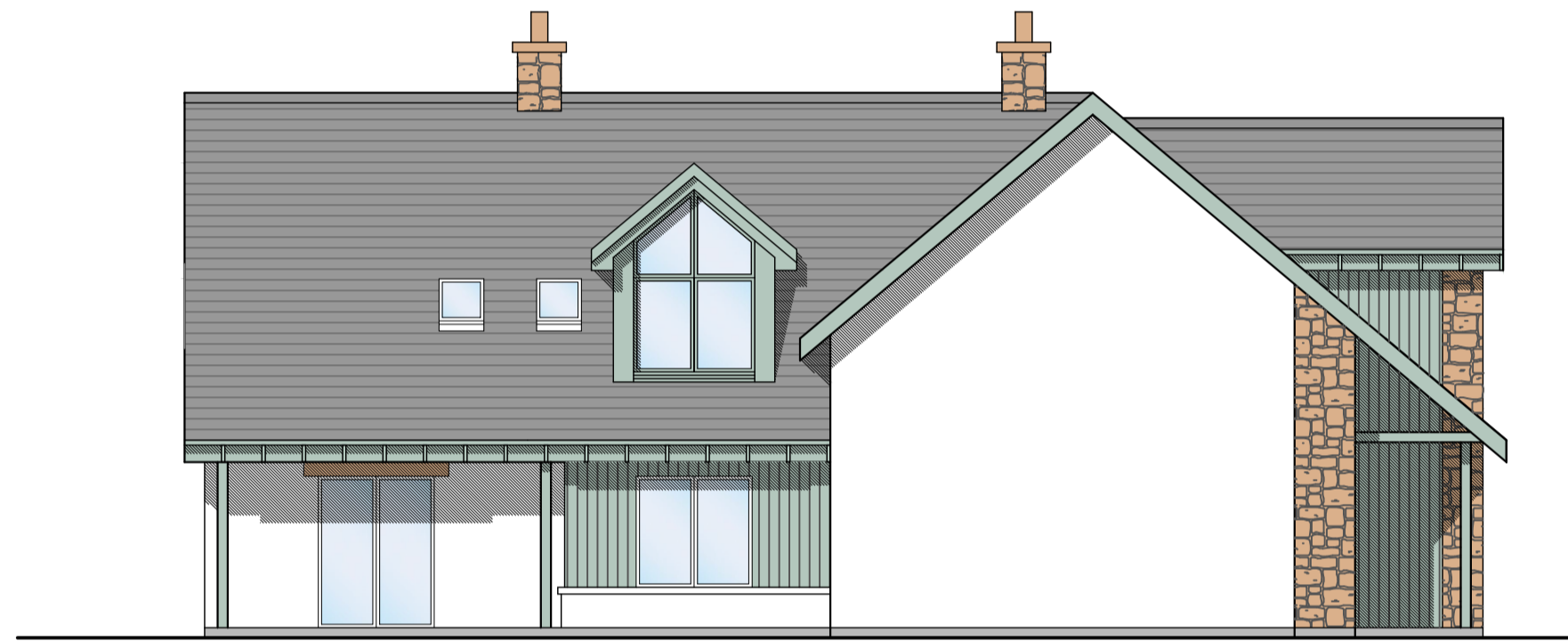
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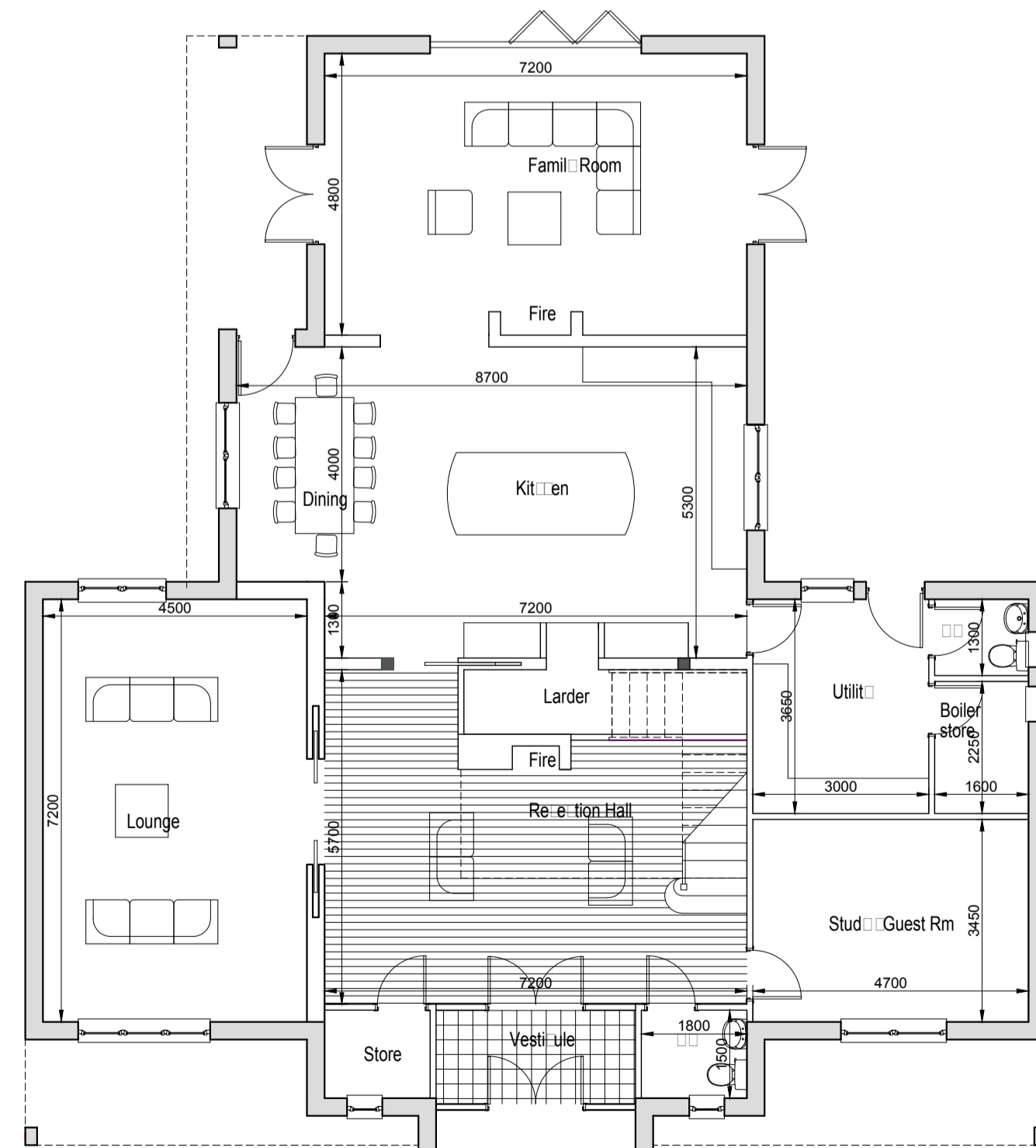
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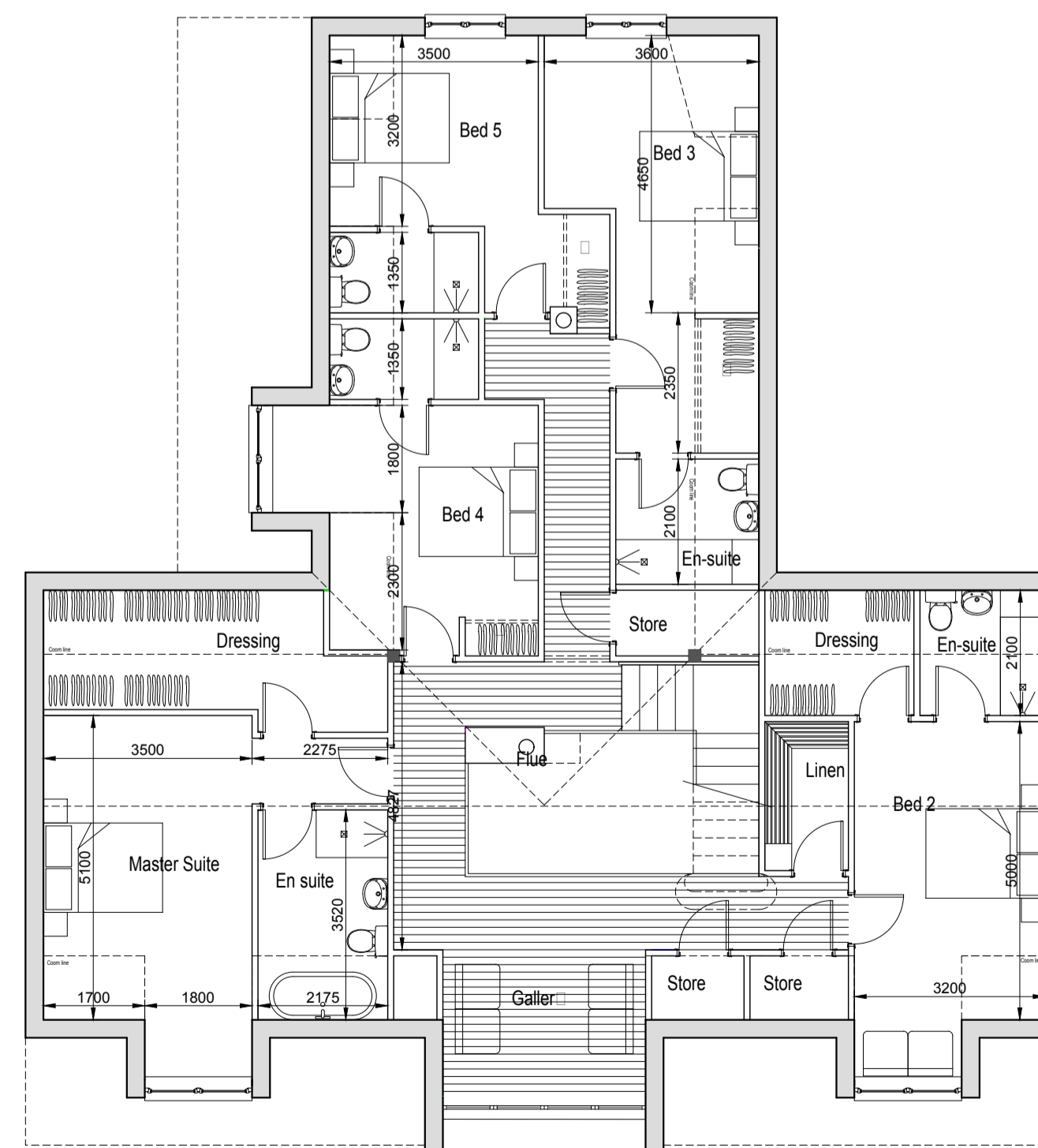
SOUTH WEST ELEVATION



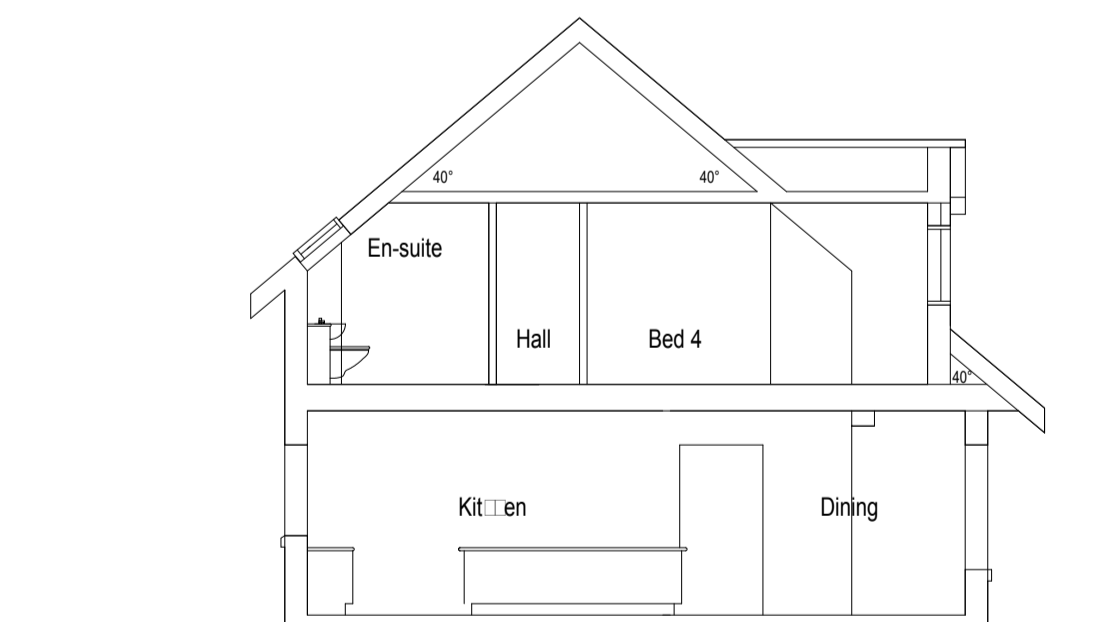
GSOUTH EAST ELEVATION



Ground Floor
Area 203s.m



FirstFloor
Area 178s.m



Section

REV	DATE	DESCRIPTION	DRN

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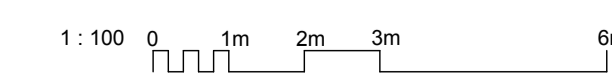
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 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
 15 LOCHSIDE STREET, OBAN, PA34 4HP 01631 359054

LOWER MUCKOVIE
 DRUMMOSIE BRAE
 TULLOCH HOMES LTD

HOUSETYPE 02

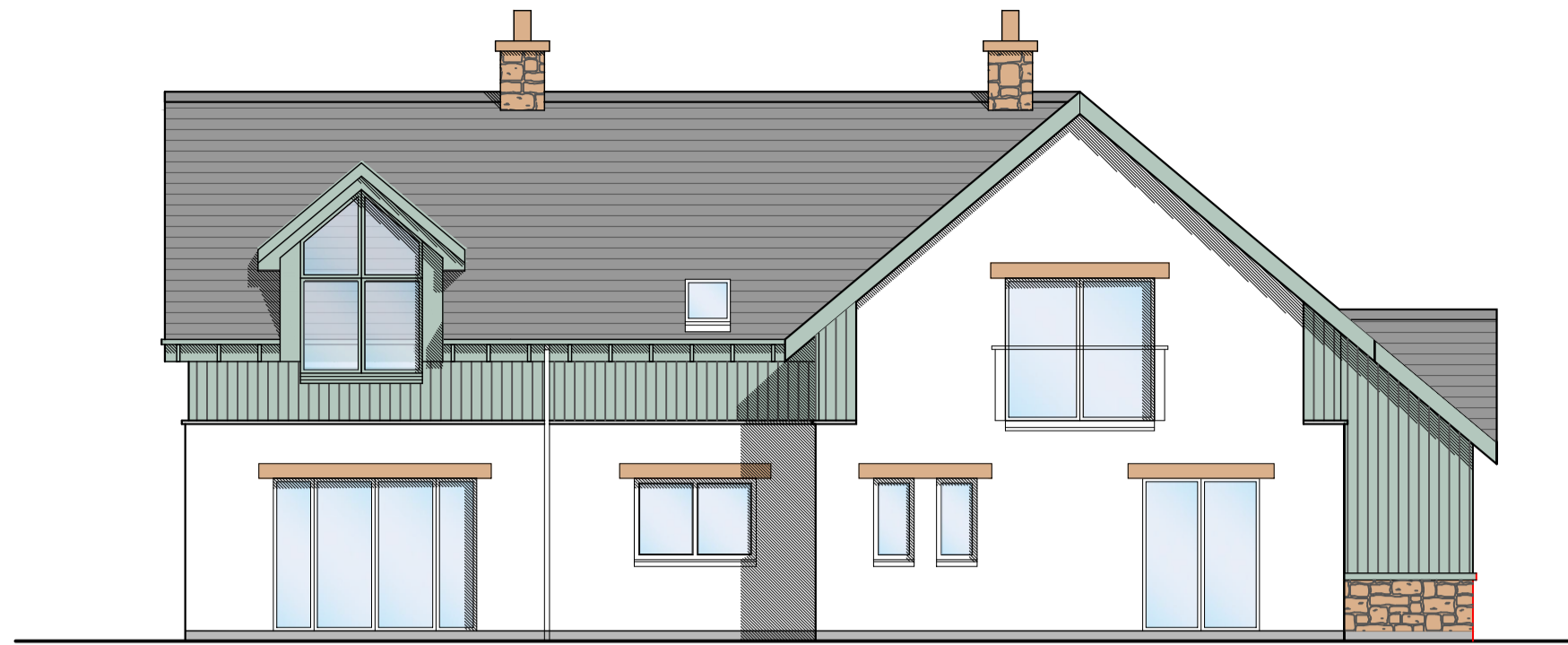
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DWG No. 4488-01-200	REV. A

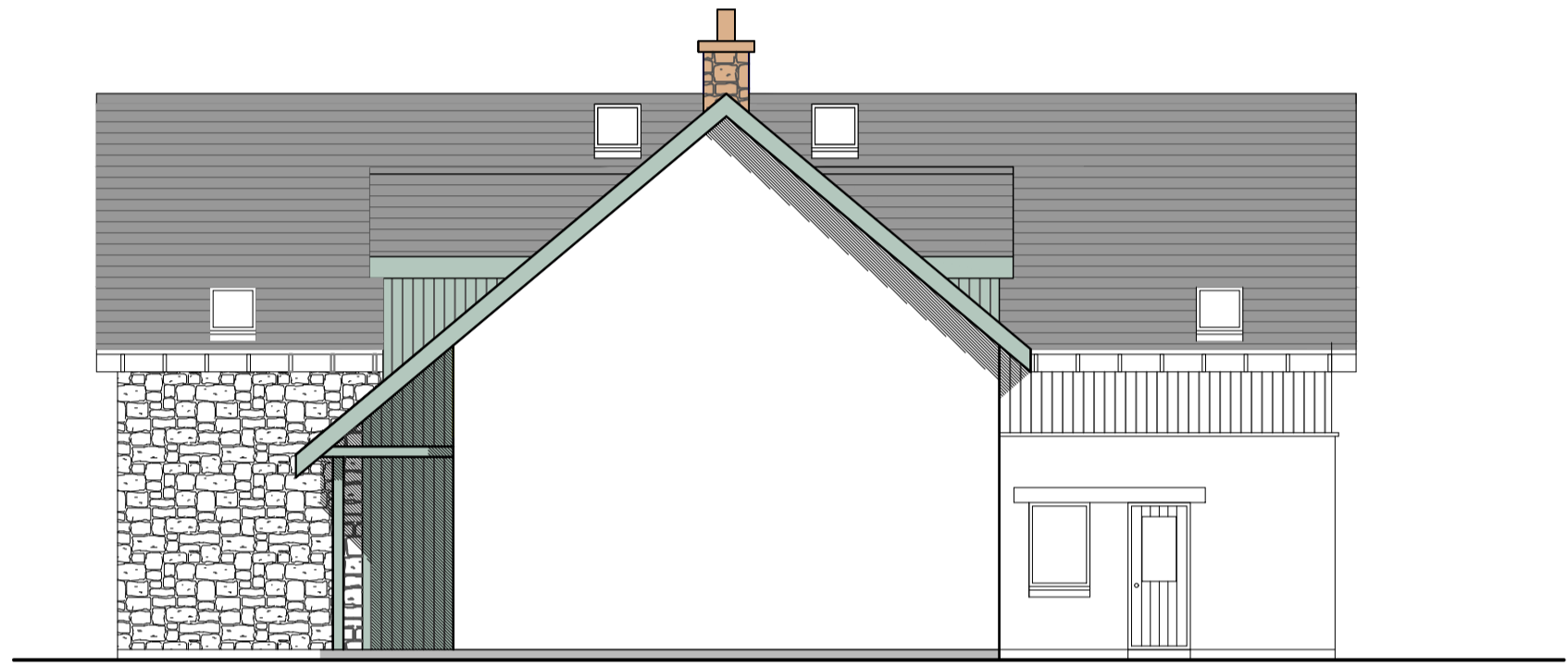




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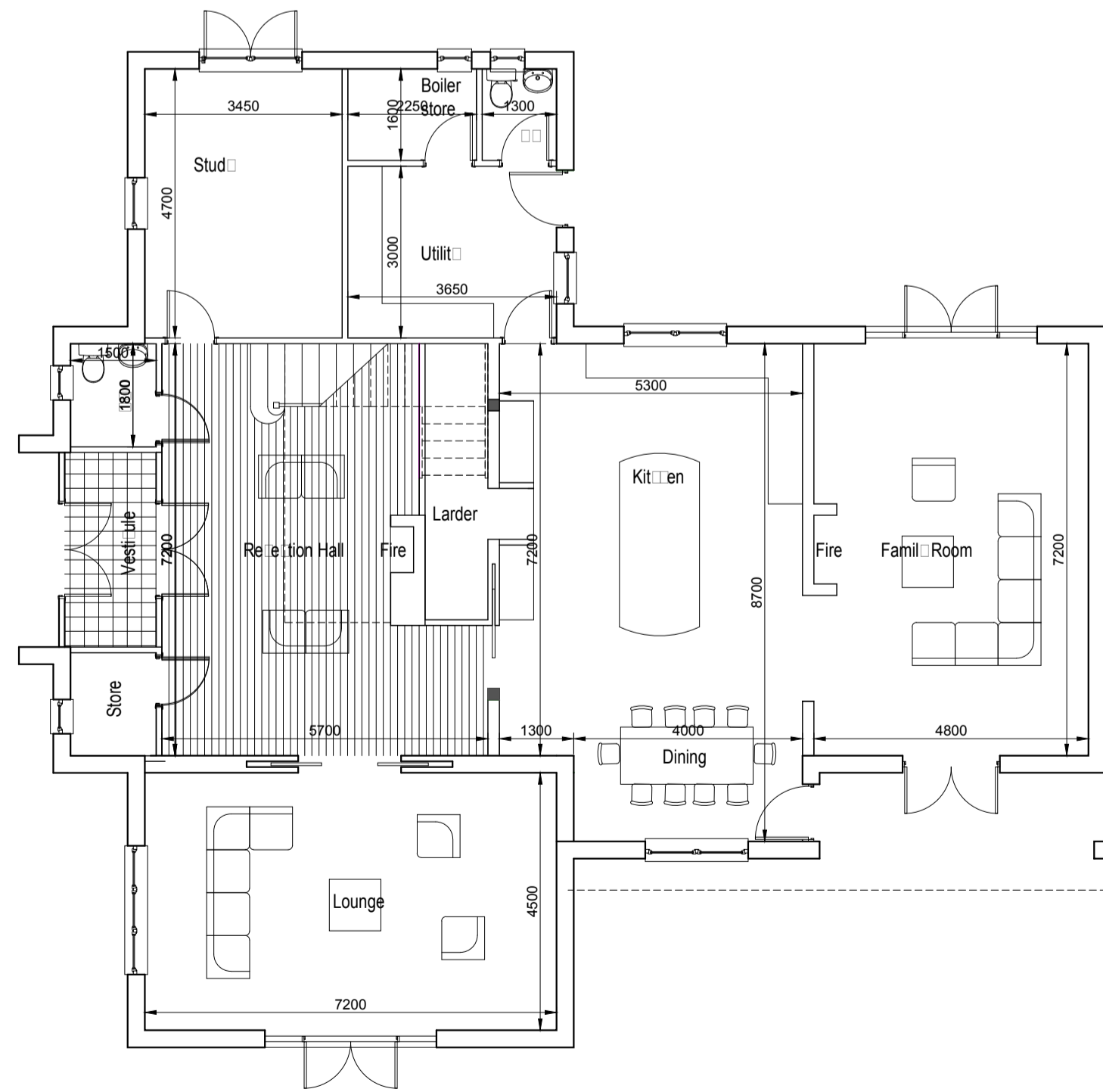
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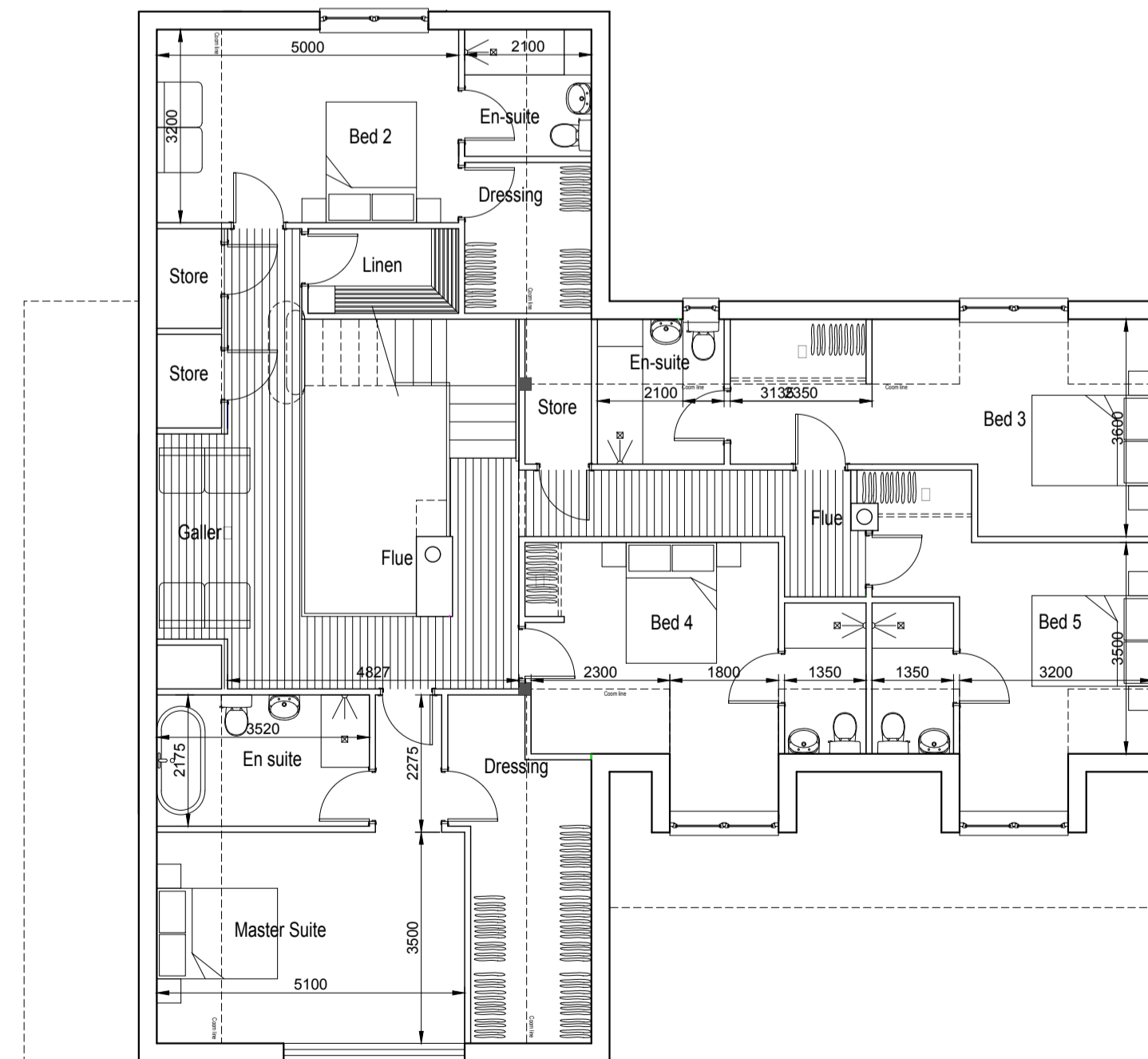
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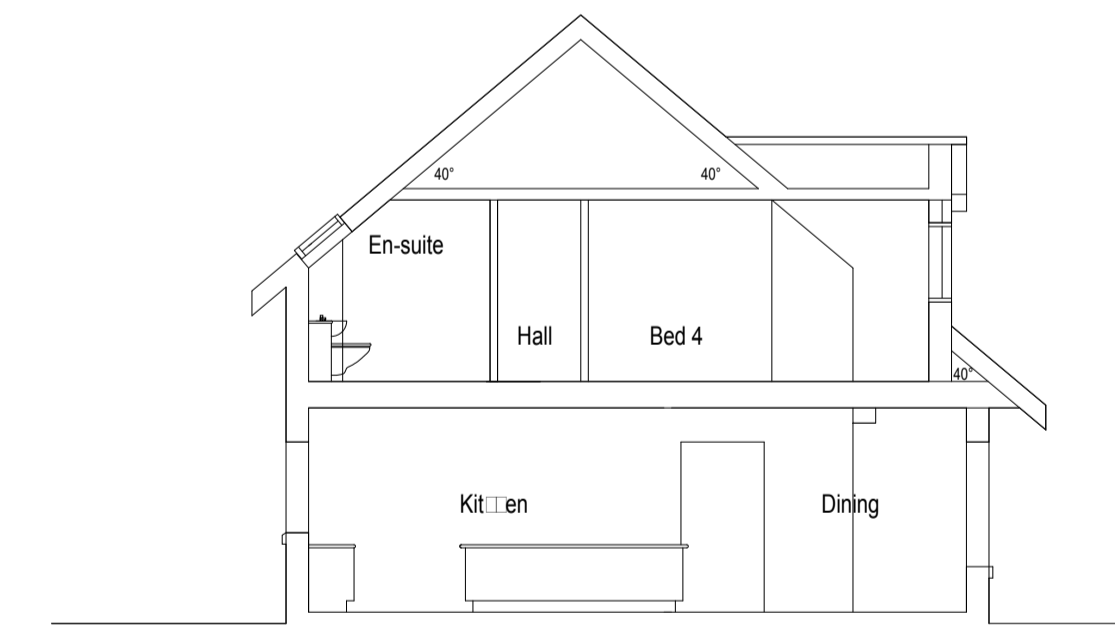
NORTH EAST ELEVATION



Ground Floor
Area: 2038 m²



First Floor
Area: 1788 m²



Section

REV	DATE	DESCRIPTION	DRN

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38 WALKER TERRACE, TILLCULTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
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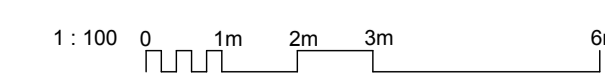
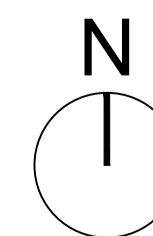
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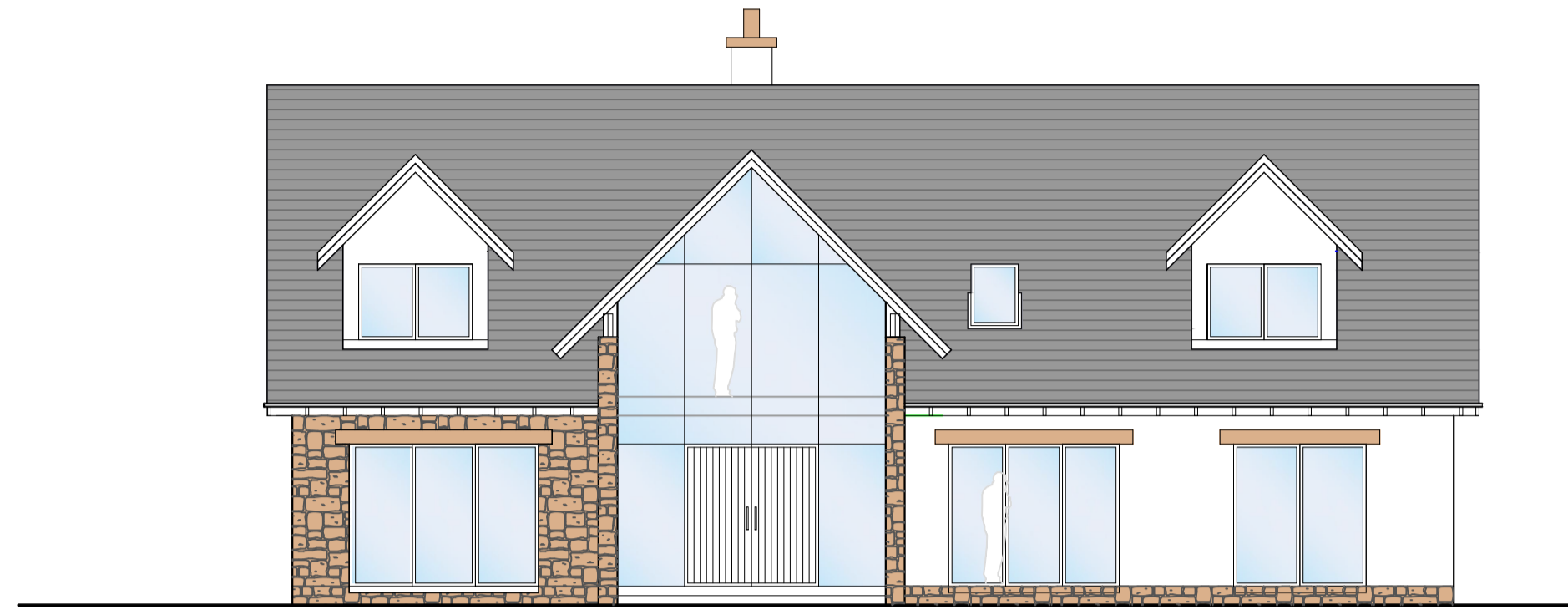
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PAPER SIZE: A1 DATE: Mar 2019

DWG No. **4488-01-300** REV. **B**





NORTH WEST ELEVATION



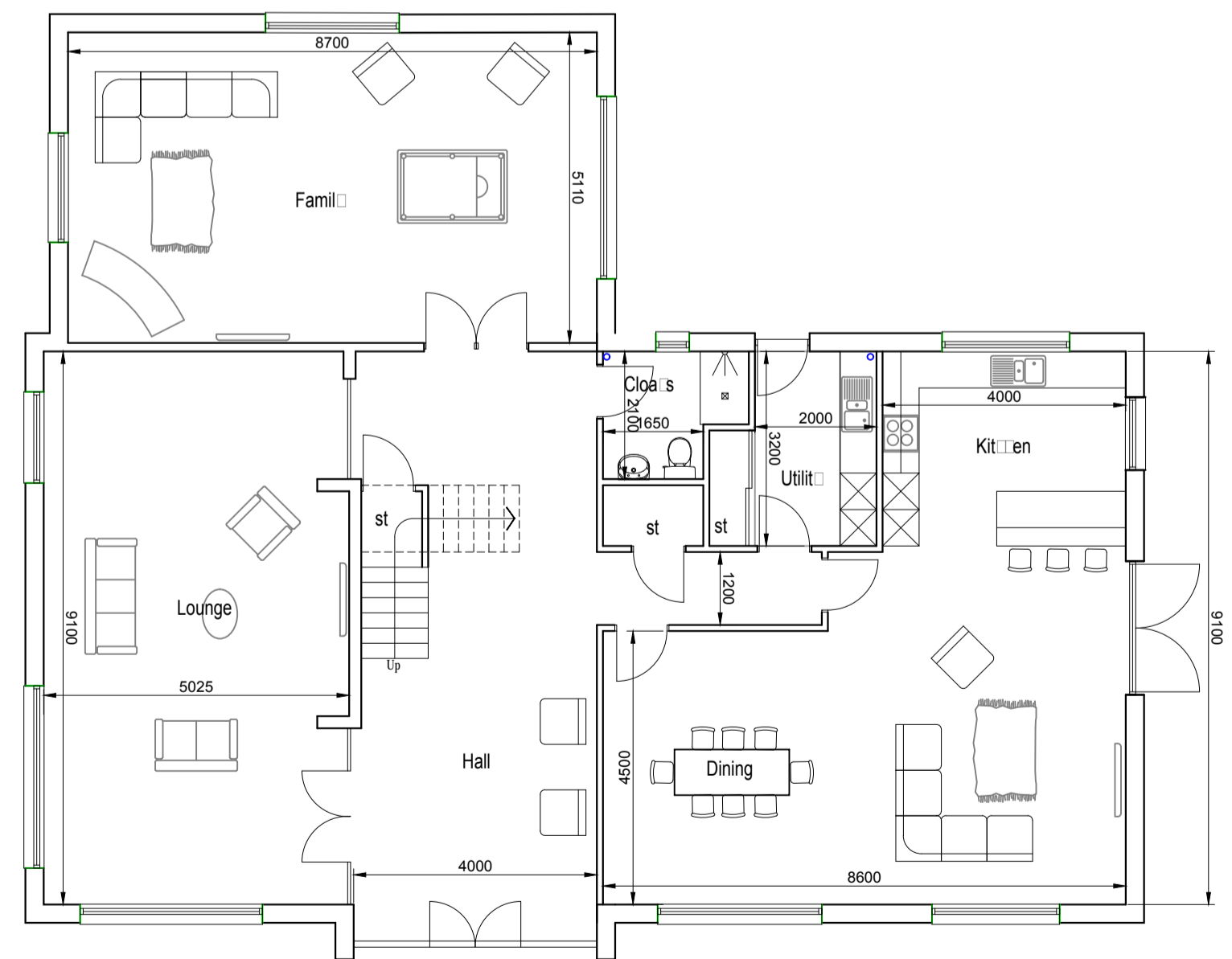
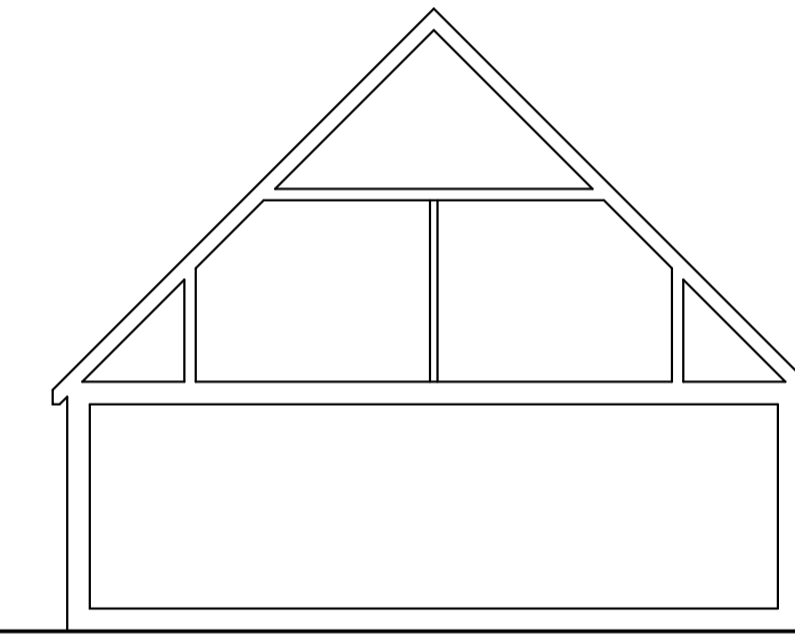
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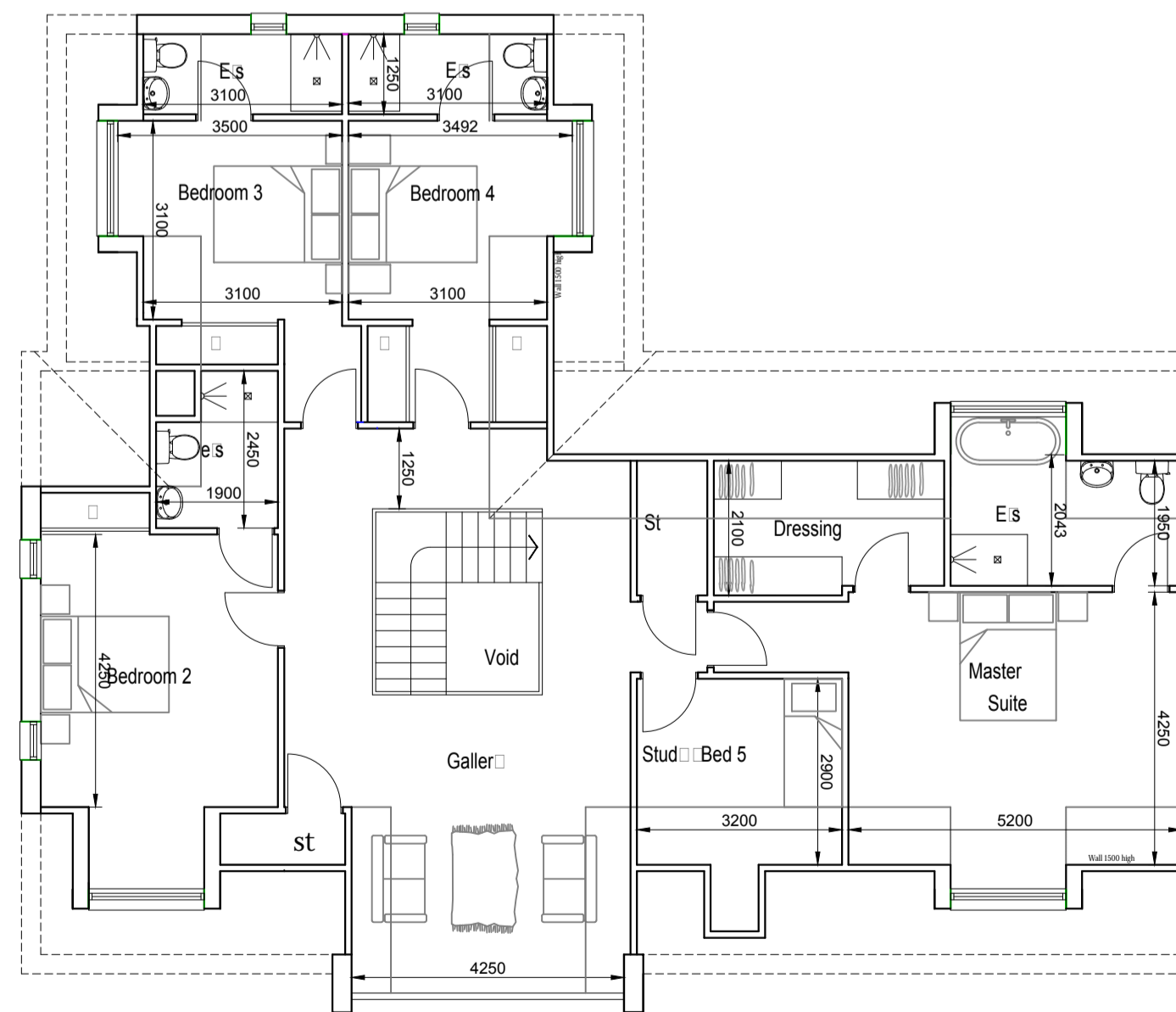
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



Ground Floor Plan as Proposed
210 s.m



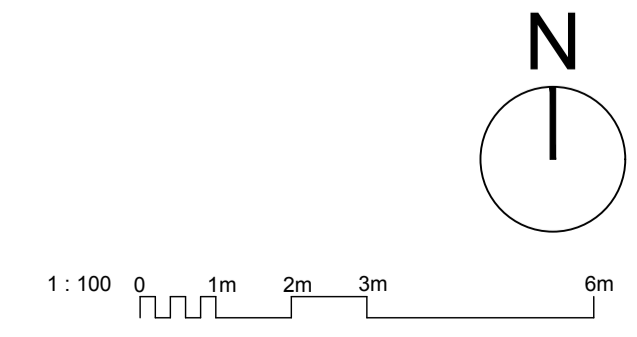
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165 s.m

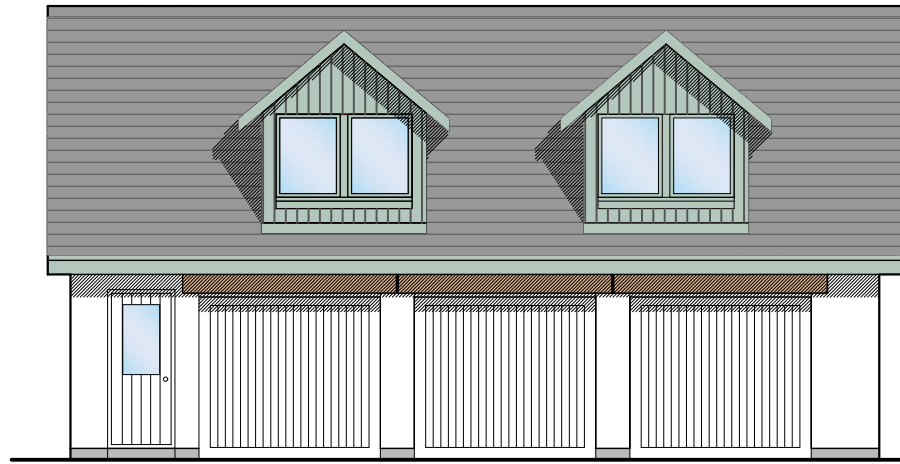
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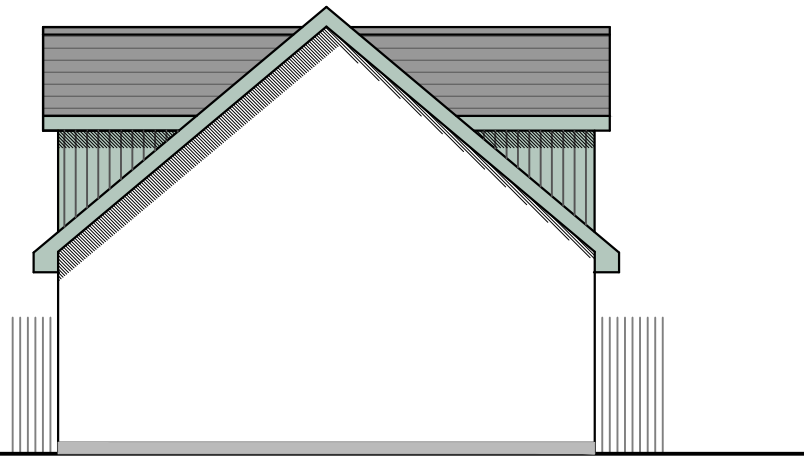
LOWER MUCKOVIE
 DRUMMOSIE BRAE
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 HOUSETYPE 01

STATUS:	IN MA		
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PAPER SIZE:	A1	DATE:	Ma: 2019
DWG No.	4488-01-100	REV.	B





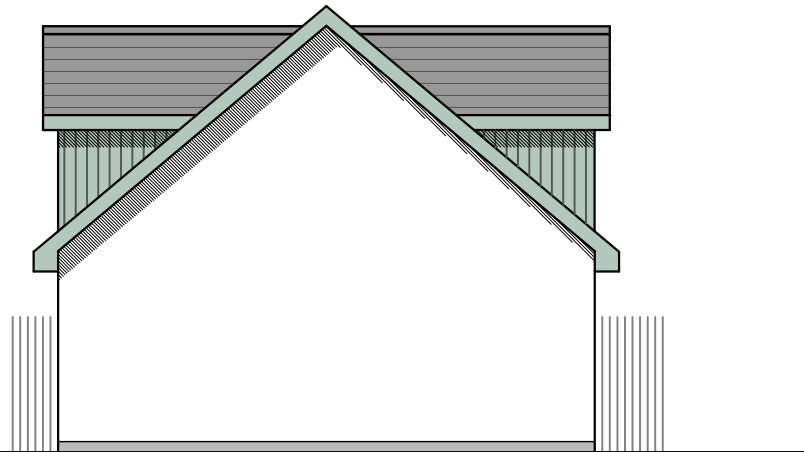
FRONT ELEVATION



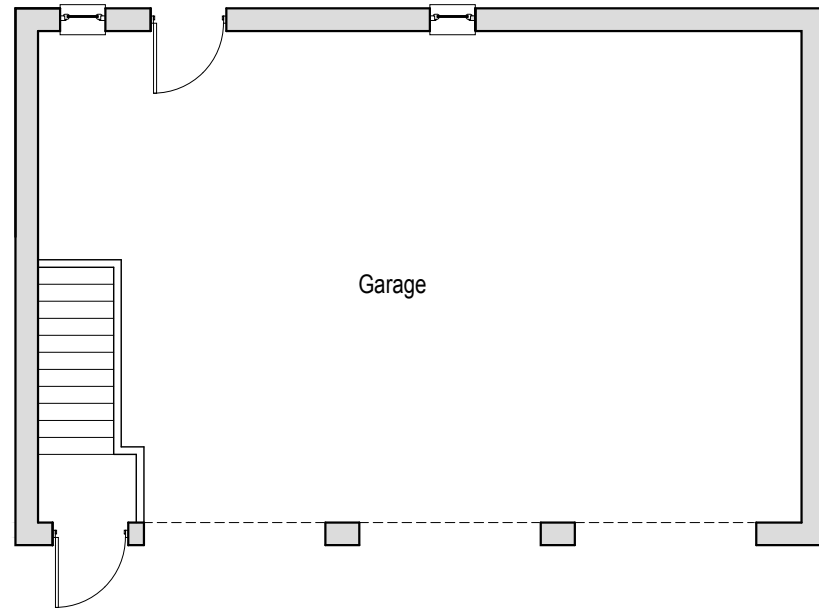
GABLE ELEVATION



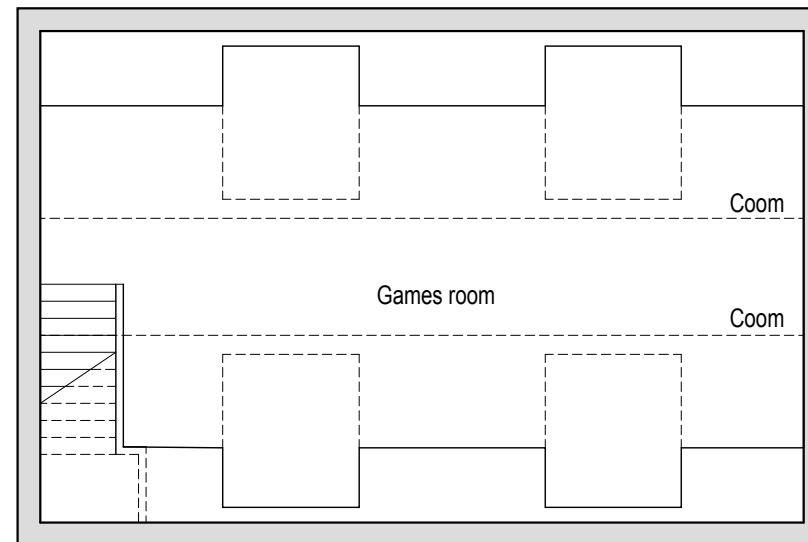
REAR ELEVATION



GABLE ELEVATION



Ground Floor



First Floor

REV	DATE	DESCRIPTION	DRN

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38 WALKER TERRACE, TILlicOUNTRY, FK13 6EF 01259 750301
 5 NESS BANK, INVERNESS, IV2 4SF 01463 233760
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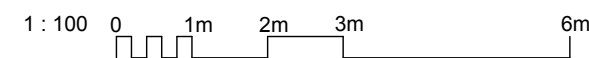
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GARAGE

STATUS: **PLANNING**

SCALE:	1 : 100	DRAWN:	--
PAPER SIZE:	A3	DATE:	Jan 2019

DWG No.	4488-01-100	REV.	-
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LOWER MUCKOVIE

STREETSCAPE

SCALE 1:200 A1	DATE MAY 2019	BY SAS
	Planning	DWG SIZE A1

DWG NO 4488 02 006	REV C
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Barrington

House

LEGEND

+123.35 DENOTES PROPOSED FINISHED GROUND LEVEL



A LEVELS ADDED	16.05.09	IW
B PATH AT PLOT 3 REVISED	17.05.19	IW
Revisions	Date	Drn.

APPROVAL
DRAWING

TULLOCH HOMES LTD

LOWER MUCKOVIE
INVERNESS

SITE LAYOUT

Drawn: JM	Ckd:	Scale: 1:500 (A3)
Date: JAN 2019	Date:	DO NOT SCALE

consulting engineers
hga

HGA(UK) Ltd
Darach House
Stoneyfield Business Park
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email: hga@hgagroup.co.uk

Drawing No. 3451:203	Revision B
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